

105TH CONGRESS
Report
HOUSE OF REPRESENTATIVES

1st Session

105-179

SHACKLEFORD BANKS WILD HORSES PROTECTION ACT

July 14, 1997- Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources, submitted the following

REPORT

[To accompany H.R. 765]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 765) to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 765 is to ensure the maintenance of a herd of wild horses in Cape Lookout National Seashore, North Carolina.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 765 amends the establishing legislation for the Cape Lookout National Seashore (CALO) to direct the Secretary of the Interior to permit 100 to 110 wild horses to remain on CALO and be managed cooperatively between the National Park Service (NPS) and the non-profit foundation, the Foundation for Shackleford Horses.

Horses have inhabited the Core Banks of North Carolina, including CALO, for over 300 years. When CALO was established in 1966 there were approximately 100 wild horses roaming the island, along with cattle, sheep, and goats. In 1978, a NPS survey recorded 108 horses, 89 cattle, 144 sheep, and 121 goats at CALO. In 1981, a NPS funded ecological resources study concluded that removal of the feral cattle, sheep, and goats would restore native vegetation on the island. Subsequently, in 1986, all other livestock was removed from CALO, leaving a herd of 90-100 wild horses. In 1995, the NPS initiated an environmental assessment at CALO to determine management alternatives for the wild horse herd. In February 1996, the NPS selected an alternative that required the round-up of all the wild horses, elimination of all horses carrying the equine infectious anemia (EIA), and maintenance of a 50-60 horse herd. This decision resulted in the November 1996 round-up of 185 wild horses, and the destruction of 76 carrying the EIA virus. Following a second NPS round-up in March 1997, several more horses were destroyed. At the present time, there are 103 healthy wild horses in the herd at CALO.

Wild horses have become an emotional national issue since the passage of the Free Roaming Wild Horse and Burro Act of 1971. Feral horse management within the NPS has been inconsistent. At Assateague Island National Seashore, Maryland, and at Cumberland Island National Seashore, Georgia, the NPS actively manages wild horse herds of more than 100 animals. In 1996, Congress prohibited the NPS from removing all feral horses from the Ozark National Scenic Riverways, Missouri. Currently, the management policy of the NPS requires removal of all exotic (non-native) animals from NPS administered areas if environmental assessments conclude vegetation is impacted. There is no consideration for the cultural resource value of wild horse herds. Because of this existing NPS policy, and the previously documented inconsistency in which it is administered, the only way to assure protection and survival of a viable wild horse herd at CALO is to mandate that the 100-110 animal herd, which has historically roamed the island, be maintained.

COMMITTEE ACTION

H.R. 765 was introduced on February 13, 1997, by Congressman Walter B. Jones, Jr. (R-NC). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On April 10, 1997, the Subcommittee held a hearing on H.R. 765. On May 8, 1997, the Subcommittee met to mark up H.R. 765. No amendments were offered and the bill was ordered favorably reported to the Full Committee by voice vote. On June 25, 1997, the Full Resources Committee met to consider H.R. 765. No amendments were offered, and H.R. 765 was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article IV, section 3 and Article I, section 8 of the Constitution of the United States grant Congress the authority to enact H.R. 765.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 765. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 765 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.
2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 765.
3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 765 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. Congress,

Congressional Budget Office,

Washington, DC, July 8, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 765, the Shackleford Banks Wild Horses Protection Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, DIRECTOR.

Enclosure.

H.R. 765--Shackleford Banks Wild Horses Protection Act

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 765 would increase federal costs by about \$50,000 annually. H.R. 765 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 and would have no impact on the budgets of state, local, or tribal governments.

H.R. 765 would require the National Park Service (NPS) to maintain an existing herd of wild horses at Cape Lookout National Seashore, North Carolina. In addition, the bill would direct the NPS to:

Maintain the herd at a population of between 100 and 110 animals (which is between 35 and 50 more animals than the agency would likely keep under current policies),
Monitor the herd annually to assess the population structure and health of the horses (and make its findings available to the public), and
Enter into an agreement with the Founder for Shackleford Horses, a local nonprofit group, that would provide for cost-effective management of the herd and would allow the foundation to adopt any horses that may be removed from the seashore.

Finally, the bill would prohibit the NPS from removing (or allowing the removal of) any horses from the seashore unless (1) the population of the herd exceeds 110, (2) the results of monitoring indicate reasons to be concerned about the viability of the herd, or (3) there is an emergency or threat to public health and safety.

Based on information obtained from the NPS, it appears that most of the activities mandated by this legislation are already underway or would occur in the near future under existing law. The Shackelford Foundation is now the process of reviewing an NPS-drafted Memorandum of Understanding under which the local group would assist in managing and monitoring the herd (although less intensively than under the bill) and would adopt any horses that must be removed from the seashore. Because H.R. 765 would require the NPS to maintain a larger herd and perform more comprehensive monitoring and assessment than current plans call for, CBO estimates that implementing the bill would cost about twice as much as the \$50,000 that the agency would need under any agreement that it would execute under existing authority.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 765 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

SECTION 5 OF THE ACT OF MARCH 10, 1966

AN ACT To provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes

* * * * *

SEC. 5. (a) The Secretary shall administer the Cape Lookout National Seashore for the general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment. In the administration of the seashore and the administrative site, the Secretary may utilize such statutory authorities relating to areas administrated and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(b)(1) The Secretary, in accordance with this subsection, shall allow a herd of free roaming horses in the seashore.

(2) Within 180 days after enactment of this subsection, the Secretary shall enter into an agreement with the Foundation for Shackleford Horses (a nonprofit corporation established under the laws of the State of North Carolina) to provide for management of free roaming horses in the seashore. The agreement shall--

*(A) provide for cost-effective management of the horses; and
(B) allow the Foundation to adopt any of those horses that the Secretary removes from the seashore*

(3)(A) The Secretary shall accommodate this historic population level of the free roaming horse herd in the seashore, which shall be considered to be not less than 100 horses and not more than 110 horses.

(B) The Secretary may not remove, or assist in or permit the removal of, any free roaming horses from Federal lands within the boundaries of the seashore unless--

*(i) the number of free roaming horses in the seashore exceeds 110;
(ii) there is an emergency or a need to protect public health and safety, as defined in the agreement under paragraph (2); or
(iii) there is concern for the persistence and viability of the horse population that is cited in the most recent findings of annual monitoring of the horses under paragraph (4).*

(4) The Secretary shall annually monitor, assess, and make available to the public findings regarding the population structure and health of the free roaming horses in the national seashore.

(5) Nothing in this subsection shall be construed as creating liability for the United States for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore.

