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SENATE

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### GRAND TETON NATIONAL PARK GRAZING STUDY

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SEPTEMBER 2, 1997.—Ordered to be printed

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Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### REPORT

[To accompany S. 308]

The Committee on Energy and Natural Resources, to whom was referred the bill (S. 308) to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. FINDINGS.

Congress finds that—

- (1) open space near Grand Teton National Park continues to decline;
- (2) as the population continues to grow in Teton County, Wyoming, undeveloped land near the park becomes more scarce;
- (3) the loss of open space around Grand Teton National Park has negative impacts on wildlife migration routes in the area and on visitors to the park, and its repercussions can be felt throughout the entire region;
- (4) a few ranches make up Teton Valley's remaining open space, and the ranches depend on grazing in Grand Teton National Park for summer range to maintain operations;
- (5) the Act that created Grand Teton National Park allowed several permittees to continue livestock grazing in the park for the life of a designated heir in the family;
- (6) some of the last remaining heirs have died, and as a result of the possible termination of ranching, the open space around the park may likely be subdivided and developed;
- (7) in order to develop the best solution to protect open space immediately adjacent to Grand Teton National Park, the National Park Service should conduct a study of grazing in the area and its impact on open space in the region; and

(8) the study should develop workable solutions that are fiscally responsible and acceptable to the National Park Service, the public, local government, and landowners in the area.

**SEC. 2. STUDY OF GRAZING USE AND OPEN SPACE.**

(a) **IN GENERAL.**—The Secretary of the Interior (hereinafter referred to as the “Secretary”), shall conduct a study concerning grazing use and open space in Grand Teton National Park, Wyoming (hereinafter referred to as the “park”), and associated use of certain agricultural and ranch lands within and adjacent to the park, including—

(1) base land having appurtenant grazing privileges within the park, remaining after January 1, 1990, under the Act entitled “An Act to establish a new Grand Teton National Park in the State of Wyoming, and for other purposes”, approved September 14, 1950 (16 U.S.C. 406d–1 et seq.); and

(2) any ranch and agricultural land adjacent to the park, the use and disposition of which may affect accomplishment of the purposes of the park’s enabling Act.

(b) **PURPOSE.**—The study shall—

(1) assess the significance of the ranching use and pastoral character (including open vistas, wildlife habitat, and other public benefits) of the land;

(2) assess the significance of that use and character to the purposes for which the park was established, and identify any need for preservation of, and practicable means of preserving, the land that is necessary to protect that use and character; and

(3) recommend a variety of economically feasible and viable tools and techniques to retain the pastoral qualities of the area, and estimate the costs of implementing any recommendations made for the preservation of the land.

(c) **PARTICIPATION.**—In conducting the study, the Secretary shall consult with the Governor of the State of Wyoming, the Teton County Commissioners, the Secretary of Agriculture, affected landowners, and other interested members of the public.

(d) **REPORT.**—Not later than 3 years from the date funding is made available, the Secretary shall submit a report to Congress that contains the findings of the study under subsection (a) and makes recommendations to Congress regarding action that may be taken with respect to the land described in subsection (a).

**SEC. 3. EXTENSION OF GRAZING PRIVILEGES.**

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary shall reinstate and extend for the duration of the study described in section 2(a) and until such time as 6 months after the recommendations of the study are submitted, the grazing privileges described in section 2(a)(1), under the same terms and conditions as were in effect prior to the expiration of the privileges.

(b) **EFFECT OF CHANGE IN LAND USE.**—If, during the period of the study or until 6 months after the recommendations of the study are submitted, any portion of the land described in section 2(a)(1) is disposed of in a manner that would result in the land no longer being used for ranching or other agricultural purposes, the Secretary shall cancel the extension described in subsection (a).

2. Amend the title so as to read: “A bill to require the Secretary of the Interior to conduct a study concerning grazing use and open space of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.”

**PURPOSE OF THE MEASURE**

The purpose of S. 308 is to initiate a study to seek the best land management options over certain Federal lands within Grand Teton National Park and certain private lands, currently used for ranching activities.

**BACKGROUND AND NEED**

The 1950 Act authorizing the establishment of Grand Teton National Park allowed the continuation of grazing privileges within the boundaries of the new park to ranchers with lands adjacent to the park. This arrangement extended to the then-current owners of

each ranch for at least 25 years and through the lifetime of their designated heir, successor or assign.

Early range managers at the park determined that managing cattle in concentrated areas with irrigated grass was less destructive to park resources than free ranging cattle throughout the park. Accordingly, 14,000 acres of park land were set aside for grazing. These lands were fenced and irrigated for the benefit of the permit holders. These permit holders paid grazing fees at the required rate per animal management unit (AMU).

The permit holders were local ranchers who required additional summer range within the park to sustain their herds which wintered on private ranch land. Ranching practices in Jackson Hole at the time involved using winter range outside the park to grow hay in the summer for winter feeding, while cattle were moved to alternative range within the park in the summer.

As development grew around the ranches at the south end of the park, one rancher sold to developers who constructed residential subdivisions. Over the years, real estate prices in Jackson Hole escalated explosively. The lands adjacent to the park currently used for ranching have extremely high value for subdivision or resort development. Many believe that economic failure of these ranches would result in their sale for development, would destroy scenic visits, wildlife habitat and migratory routes and impair the natural character of the area. There are many in the Jackson area who believe that the historical western cattle ranching atmosphere of the area is an additional reserve worth protecting. An "economic summit" recently held by local Jackson business leaders ranked the preservation of community character the number one priority for economic sustainability in Jackson Hole.

In August 1994, one of the designated heirs died. Under terms of the 1950 law, the grazing permit within the park would be terminated. However, the remaining relatives of the ranchowner wished to continue ranching and to continue relying on park permits for summer range.

Without the grazing permit, the remaining family members would have to sell the ranch. Selling the ranch raised the prospect of massive subdivision development on what is now open-space along the park's southern boundary.

The family requested an extension of their previously-held grazing privileges to avoid having to sell the ranch. In return they committed to actively exploring options to preserve their ranchlands, including giving scenic easement to the Jackson Hole Land Trust, seeking a conservation buyer and other options.

In addition to the above-mentioned ranch, there are other ranching operations in the Jackson Hole that have a stake in this study and who utilize grazing permits within the park. Some of these family-held ranches come under the provisions of the one-heir rule in the 1950 Act and at least two do not, grazing cattle under permit in the eastern part of the park during the summer season.

In order to protect these resources, the interrelationship of grazing on Federal lands, the viability of ranching, the maintenance of open-space for wildlife habitat and scenic values need to be investigated and understood.

S. 308 directs the Secretary of the Interior to study the connection between the culture of ranching, the economic dependence of grazing on park land, the benefits of maintaining large tracts of open space as well as any impacts on resources within Grand Teton National Park.

This legislation would also extend authorization for grazing privileges within the park to existing ranchers for the life of the three-year study. At the end of the study, the Secretary of the Interior is directed to submit to Congress the results of the study and recommendations for management of the lands involved.

#### LEGISLATIVE HISTORY

S. 308 was introduced by Senator Thomas and Senator Enzi on February 12, 1997 and was referred to the Committee on Energy and Natural Resources. The Committee on Energy and Natural Resources held a hearing on the bill on June 26, 1997.

#### COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on July 30, 1997, by a unanimous vote of a quorum present, recommends that the Senate pass S. 308 with an amendment.

The rollcall vote on reporting the measure was 20 yeas, 0 nays, as follows:

<i>Yeas</i>	<i>Nays</i>
Mr. Murkowski	
Mr. Domenici	
Mr. Nickles	
Mr. Craig	
Mr. Campbell*	
Mr. Thomas	
Mr. Kyl	
Mr. Grams	
Mr. Smith	
Mr. Gorton	
Mr. Burns*	
Mr. Bumpers	
Mr. Ford	
Mr. Bingaman*	
Mr. Akaka	
Mr. Dorgan	
Mr. Graham	
Mr. Wyden	
Mr. Johnson	
Ms. Landrieu*	

\*Indicates voted by proxy.

#### COMMITTEE AMENDMENT

During consideration of S. 308, the Committee adopted an amendment in the nature of a substitute, which made several technical and conforming changes to S. 308. The amendment also added a provision to section 2(d) that initiates the three year reporting requirement by the Secretary of the Interior to Congress

only after funding is made available for the study. The amendment added a provision to section 3, which added a six-month time period to both the reinstatement and extension of grazing privileges beyond the three-year study period; and providing an additional six months to the period during which, the disposal of any of the included grazing lands to uses out of grazing or other agricultural purposes, would result in cancellation of the extension.

#### SECTION-BY-SECTION ANALYSIS

*Section (1)* contains Congressional findings.

*Section 2(a)* directs the Secretary of the Interior (the Secretary) to conduct a study concerning grazing and associated agricultural uses at Grand Teton National Park on lands within the park which are subject to park grazing permits and on ranchlands adjacent to the park which utilize park grazing permits. The study will concern ranches that maintained a grazing relationship with the park under the terms of the 1950 Tetons Enabling Act, as of January 1, 1990.

*Subsection (b)* states that the study shall determine the significance of ranching use and pastoral character of the lands; determine the relationship of that use with the purposes for which Grand Teton was established; identify any need to preserve and any practicable means of preserving that use and character; and estimate the costs of implementing the study.

*Subsection (c)* directs the Secretary to prepare the study in consultation with the State of Wyoming, Teton County, the Secretary of Agriculture, affected land-owners and interested members of the public.

*Subsection (d)* states that the Secretary is to report the findings and recommendations of the study to Congress not later than three years after funding is made available for the study.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

*S. 308—A bill to require the Secretary of the Interior to conduct a study concerning grazing use and open space of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges*

CBO estimates that enacting this bill would not have a significant impact on the federal budget. Because S. 308 would affect direct spending and offsetting receipts, pay-as-you-go procedures would apply; however, CBO estimates that such effects would net to zero. S. 308 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would have no significant impact on the budgets of state, local, or tribal governments.

S. 308 would require the Secretary of the Interior to conduct a study of grazing use and open space of certain land within and adjacent to Grand Teton National Park. The bill would require that the report be completed within three years from the date that funding is made available. Based on information from the National Park Service (NPS), CBO estimates the cost to conduct the study

would total about \$200,000, assuming appropriation of the estimated amounts.

The bill also would require the Secretary to reinstate and extend for at least three and one-half years certain grazing permits managed by NPS within Grand Teton National Park. Under current law, NPS can spend those receipts without appropriation action. We estimate that federal receipts from such grazing permits would total less than \$10,000 per year, and that the net effect on direct spending would be zero.

The CBO staff contact for this estimate is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 308. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 308, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On August 1, 1997, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 308. These reports had not been received at the time the report on S. 308 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony of the Department of the Interior at the Subcommittee hearing follows:

STATEMENT BY MICHAEL SOUKUP, ASSOCIATE DIRECTOR  
FOR NATURAL RESOURCE STEWARDSHIP AND SCIENCE,  
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you to address S. 308, a bill requiring the Secretary of the Interior to conduct a study of grazing use of land within and adjacent to Grand Teton National Park in Wyoming. We recommend enactment of this legislation if amended to address our concerns as outlined below.

If enacted, S. 308 would authorize a study which would determine the significance of the ranching use of pastoral character of lands within and adjacent to Grand Teton National Park. The study would identify any need for preserving the character of these lands, make recommendations on practicable means of preserving them, and provide cost estimates for implementing any of the preservation al-

ternatives. The bill also calls for a temporary extension of grazing privileges that were in effect through January 1, 1990, under the provisions of the park's enabling legislation for the duration of the study.

We commend the Wyoming delegation for their interest in this issue, and appreciate the efforts they have made on behalf of Grand Teton National Park. Since 1977, the price of land adjacent to Grand Teton National Park and in the Jackson Hole area has increased an average of 600%. Owners of large tracts of land, such as ranchers, have been tempted to sell their land for subdivision. The subdivision of large tracts of land has reduced the amount of open space in the valley and has resulted in the loss of wildlife habitat and the fragmentation of migration routes. It also compromises some of the most dramatic and unforgettable views of the Rocky Mountains and one of Grand Teton National Park's most spectacular resources—the views from the south entrance of the park. As a result of these changes we have seen an increasing vulnerability of ranching operations to land price increases. The bill before us today was introduced as a way to respond to these changes.

To assure a comprehensive review of the changes facing this area, we recommend three amendments to the bill. Our first amendment concerns the scope of the study. While we agree with the intent of the legislation, we recommend that the scope and purpose of the study be expanded beyond grazing. Broadening the scope of the study will allow the study team to evaluate the economic relationships to a variety of activities associated with open space, including, but not limited to, recreation and grazing. We need to understand the relationships of various options of open space preservation and their economics in order to be prepared to respond to changing conditions over time. Looking at a single solution puts us at risk of ignoring others and making recommendations based on a short-term perspective.

The National Park Service has participated in informal discussions between ranchers and community leaders on the subject of grazing and open space for the past two and one-half years. All the groups and individuals who have participated in these informal discussions thus far understand and recognize the larger problem and are committed to finding a solution. All agree that the final recommendations must incorporate the following conditions:

1. protecting the pastoral, scenic and environmental qualities of the area;
2. providing the tools and techniques to make this protection possible;
3. meeting the needs of the community as a whole;
- and
4. being economically feasible and viable.

We would be glad to work with the committee on appropriate language to broaden the scope of the study.

We propose a second amendment to expand the list of groups that participate in the study. We recommend drawing on the expertise of national and regional experts in the fields of open space and agricultural economics, regional history and regional planning, in addition to the federal, state and local representatives identified in the legislation.

Our final amendment addresses the duration of the grazing privileges. We recommend that the terms and conditions of the grazing privileges coincide not only with the completion and transmittal of recommendations to the Congress but also with sufficient time to enact recommendations if appropriate. This provision would allow grazing to continue until a solution is developed and implemented, at which time the grazing privileges would expire and would be replaced by the recommendations adopted from the study.

We believe that it will take approximately three years from the date funds are appropriated to complete and transmit the study to Congress. We estimate the cost of the study to be approximately \$200,000.

We welcome the opportunity to work with the committee and the Wyoming delegation in making the appropriate changes in order to create a study that will determine the most beneficial and acceptable strategy for protecting park and resource values while acknowledging and accommodating local community values and economic realities of the 21st century. That concludes my remarks, Mr. Chairman and members of the committee. I would be happy to respond to any questions that you may have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 308, as ordered reported.

