Calendar No. 229

105TH CONGRESS
1ST SESSION

H. R. 765

[Report No. 105–115]

AN ACT

To ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

OCTOBER 28, 1997

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

JULY 23, 1997
Received

SEPTEMBER 3, 1997
Read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 28, 1997
Reported by Mr. MURKOWSKI, with an amendment
[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To ensure maintenance of a herd of wild horses in Cape
Lookout National Seashore.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4   This Act may be cited as the "Shackleford Banks

5 Wild Horses Protection Act".

SEC. 2. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT

NATIONAL SEASHORE.

~~Section 5 of the Act entitled "An Act to provide for~~ ~~the establishment of the Cape Lookout National Seashore~~ ~~in the State of North Carolina, and for other purposes",~~ ~~approved March 10, 1966 (16 U.S.C. 459g–4), is amended~~ ~~by inserting "(a)" after "SEC. 5.", and by adding at the~~ ~~end the following new subsection:~~

~~"(b)(1) The Secretary, in accordance with this sub-~~ ~~section, shall allow a herd of free roaming horses in the~~ ~~seashore.~~

~~"(2) Within 180 days after enactment of this sub-~~ ~~section, the Secretary shall enter into an agreement with~~ ~~the Foundation for Shackleford Horses (a nonprofit cor-~~ ~~poration 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 the historic~~ ~~population level of the free roaming horse herd in the sea-~~ ~~shore, which shall be considered to be not less than 100~~ ~~horses and not more than 110 horses.~~

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1 ''(B) The Secretary may not remove, or assist in or
2 permit the removal of, any free roaming horses from Fed-
3 eral lands within the boundaries of the seashore unless—

4 ''(i) the number of free roaming horses in the
5 seashore exceeds 110;

6 ''(ii) there is an emergency or a need to protect
7 public health and safety, as defined in the agreement
8 under paragraph (2); or

9 ''(iii) there is concern for the persistence and
10 viability of the horse population that is cited in the
11 most recent findings of annual monitoring of the
12 horses under paragraph (4).

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

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

21 *SECTION 1. SHORT TITLE.*

22 *This Act may be cited as the ''Shackleford Banks Wild*
23 *Horses Protection Act''.*

1 ***SEC. 2. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT***
2   ***NATIONAL SEASHORE.***

3   *Section 5 of the Act entitled "An Act to provide for*
4 *the establishment of the Cape Lookout National Seashore*
5 *in the State of North Carolina, and for other purposes",*
6 *approved March 10, 1966 (Public Law 89–366; 16 U.S.C.*
7 *459g–4), is amended by inserting "(a)" after "Sec. 5.", and*
8 *by adding at the end the following new subsection:*

9   *"(b)(1) The Secretary, in accordance with this sub-*
10 *section, shall allow a herd of free-roaming horses in Cape*
11 *Lookout National Seashore (hereinafter referred to as the*
12 *'Seashore').*

13   *"(2) Within 180 days after enactment of this sub-*
14 *section, the Secretary shall enter into an agreement with*
15 *the Foundation for Shackleford Horses (a non-profit cor-*
16 *poration established under the laws of the State of North*
17 *Carolina), or another qualified non-profit entity, to provide*
18 *for management of free-roaming horses in the seashore. The*
19 *agreement shall—*

20   *"(A) provide for cost-effective management of the*
21 *horses while ensuring that natural resources within*
22 *the seashore are not adversely impacted; and,*

23   *"(B) allow the authorized entity to adopt any of*
24 *those horses that the Secretary removes from the sea-*
25 *shore.*

1 *"(3) The Secretary shall not remove, assist in, or per-*
2 *mit the removal of any free-roaming horses from Federal*
3 *lands within the boundaries of the seashore—*

4 *"(A) unless the entity with whom the Secretary*
5 *has entered into the agreement under paragraph (2),*
6 *following notice and a 90-day response period, fails*
7 *to meet the terms and conditions of the agreement; or*
8 *"(B) unless the number of free-roaming horses on*
9 *Federal lands within Cape Lookout National Seashore*
10 *exceeds 110; or*
11 *"(C) except in the case of an emergency, or to*
12 *protect public health and safety.*

13 *"(4) The Secretary shall annually monitor, assess, and*
14 *make available to the public findings regarding the popu-*
15 *lation structure and health of the free-roaming horses in*
16 *the national seashore.*

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

Passed the House of Representatives July 22, 1997.

Attest: ROBIN H. CARLE,
                                            Clerk.

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