

ADDITIONS TO ABSAROKA AND GALLATIN NATIONAL FORESTS AND YELLOWSTONE NATIONAL PARK

APRIL 14, 1926.—Committed to the Committee of the Whole House on the state
of the Union and ordered to be printed

Mr. LEAVITT, from the Committee on the Public Lands, submitted
the following

REPORT

[To accompany H. R. 10733]

The Committee on Public Lands, to whom was referred H. R. 10733, a bill to make additions to the Absaroka and Gallatin National Forests, and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes, reports favorably thereon with recommendation that the bill do pass with the following amendments:

Page 2, line 10, after the word "act," strike out all down to and including the word "character" in line 22.

Page 4, line 17, after the word "Montana," insert the following:
"and any lands acquired under the provisions of this act."

Page 4, line 18, strike out "Absarokee" and insert "Absaroka."

Page 4, line 21, strike out "Absarokee" and insert "Absaroka."

Page 5, line 3, after the word "Montana," insert the following:
"and any lands acquired under the provisions of this act."

Page 6, line 2, strike out the words "unreserved and."

Page 6, line 14, add the following:

And provided further, That the lands of the United States within the area described in section 1 of this act shall not be subject to location and entry under the mining laws of the United States nor the act of June 11, 1906, authorizing homestead entries in national forests.

The purpose of this bill is well set forth in the letters of the Secretary of the Interior under date of April 6, 1926, and the Secretary of Agriculture under date of April 13, 1926, which are attached hereto and made a part of this report.

The amendments suggested by the Secretary of the Interior and the Secretary of Agriculture have been accepted by the committee. The passage of this bill and its enactment into law will greatly assist

in solving a number of difficult problems in connection with the proper protection of game within and in the vicinity of the Yellowstone Park, and will also greatly assist in the development of the park from the standpoint of access at the northern entrance. It is agreed to and desired by the people of that locality very generally. As amended, it carries no appropriation, but allows the acceptance of donations of funds for the acquiring of private lands within the area involved for use in connection with the protection of the game, and also the donation of such lands or such exchanges within the national forest areas as will consolidate these lands into Government ownership for proper administration. The proposed legislation is the result of a study of the situation from a national standpoint. That it has also the support of the people of the locality indicates the fairness with which both national and local interests have been safeguarded.

The reports of the Secretary of the Interior and Secretary of Agriculture are attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 6, 1926.

Hon. N. J. SINNOTT,
*Chairman Committee on Public Lands,
House of Representatives.*

MY DEAR MR. SINNOTT: Reference is made to your letter of March 27 requesting a report on H. R. 10733, entitled "A bill to make additions to the Absarokee and Gallatin National Forests, and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes."

From the standpoint of science, education, and recreation, the game animals of the Yellowstone National Park and the adjoining national forests rank in public importance and usefulness almost on a parity with the natural phenomena which the park contains. Particularly is this true of the elk and antelope herds, which represent almost the last considerable groups of these animals surviving under natural conditions in the United States. It has been found from previous experience and by study of the situation that the continued existence of the northern park herds of elk and antelope depends upon a free use of the winter range which lies immediately north of the park. A considerable part of this area is privately owned, as some of it forms part of the land grant to the Northern Pacific Railway, and some had been appropriated under the public land laws. In the interest of preserving this area as a Federal game refuge I am informed that a total of approximately \$100,000 of private funds will be made available which is to be supplemented by donations or bequests of lands within the area. The support of the Federal Government to this public-spirited movement by the passage of legislation such as proposed in H. R. 10733 appears to me to be most timely and commendable.

Paragraph c of section 1 of the proposed bill, which provides for exchange of equal values of unappropriated, unreserved public land in the State of Montana for privately owned land within the area, however, is objectionable to this department and it is, therefore, suggested that this paragraph be deleted.

A further deletion of the words "unreserved and," which appear in section 6, page 6, line 2, of the bill should be made, as part of the area previously described in that section as a possible addition to the Yellowstone National Park is within a present forest reserve.

At the instance of interested bureaus of the Departments of Agriculture and the Interior, notably the Biological Survey, the Forest Service, and the National Park Service, a draft of similar proposed legislation has been heretofore submitted by me to the Director of the Bureau of the Budget for advice as to whether the proposed measure was in accord with the financial program of the President. Under date of March 22, 1926, I was advised by General Lord that the proposed legislation would not be in conflict with the financial program of the President

if the provision for authorizing appropriations from the Federal Treasury for acquiring lands were eliminated.

With the changes as indicated above made in H. R. 10733, and the omission of the authorization for an appropriation, the proposed legislation will meet with the favor of this department.

Very truly yours,

HUBERT WORK.

APRIL 13, 1926.

Hon. N. J. SINNOTT,

Chairman Committee on Public Lands, House of Representatives.

DEAR MR. SINNOTT: Receipt is acknowledged of your letter of March 27, inclosing copy of H. R. 10733, a bill "To make additions to the Absarokee and Gallatin National Forests and the Yellowstone National Park; and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent land, and for other purposes," with the request that your committee be given the views of this department on the measure.

The bill seeks to make suitable and permanent provision for the herds of elk and antelope within the Yellowstone Park which, during severe winters, are accustomed to leave the park in search of forage. The subject has been considered for a number of years by officers of the Forest Service and the Biological Survey of this department, the National Park Service of the Department of the Interior, and local organizations and persons interested in the protection of these game animals. Formerly the animals ranged down the Yellowstone Valley as far as Livingston and beyond, but the settlement of a part of the valley has made it impossible for this practice to continue. There is a comparatively narrow strip along the Yellowstone River, lying just to the north of the park and partly within the Gallatin and Absaroka National Forests which this legislation is intended to cover and make available for the winter use of these animals.

The bill would authorize the Secretary of the Interior to accept donations of funds which might be used to purchase private or State lands within the areas in question; he would also be authorized to accept donations of such lands. The bill would further allow the exchange of national-forest land in Montana, surveyed and nonmineral in character, or timber from the national forests of that State, for privately owned lands within the proposed winter range. The national-forest timber given in exchange must not exceed in value the lands acquired. The values are to be determined jointly by the Secretaries of the Interior and Agriculture. Land exchanges are to be made in accordance with the general conditions provided by the exchange act of March 20, 1922 (42 Stat. 465).

The public lands within the area which are not already within the boundaries of the adjacent national forests may be added to those forests. These do not exceed approximately 12,000 acres in area. The bill would further authorize the President of the United States by proclamation to add to the Yellowstone National Park certain lands within the area immediately adjoining the Yellowstone Park on its present north boundary. Finally, the bill authorizes to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$150,000, provided that the expenditures from such appropriation shall not exceed the combined total sums contributed by private or other agencies and the appraised value of lands donated.

The department wishes to emphasize that the forest value of the lands which will be affected by this proposed legislation is not high and that the primary purpose of the legislation is to provide a winter range for the elk and antelope herds of the Yellowstone National Park. It is believed that the providing of this winter range for these animals would be in the public interest and that the cost of administering them by the Forest Service in connection with adjacent lands would be practically negligible.

There are a few minor changes in the bill which this department wishes to suggest: (1) The word "Absaroka" is spelled "Absarokee" in the title and again in two places on page 4. This, of course, should be corrected. (2) Undoubtedly it is the intention that any lands acquired under this bill shall become subject to the laws and regulations relating to the national forests. It is suggested, therefore, on page 4, line 17, after the word "Montana," that the following words be inserted: "and any lands acquired under the provisions of this act." The same language should be inserted after the word "Montana" in line 3, page 5, of the bill. (3) It is the evident intent, under the proviso in paragraph (b), page 2, that the publicly owned lands within this elk and antelope range shall not be

subject to entry under the mineral or homestead laws. It is suggested, in order to make that clear, that the proviso be stricken out and that a new paragraph be added after section 6 of the bill to read as follows:

"That the lands of the United States within the area described in section 1 of this act shall not be subject to location and entry under the mining laws of the United States nor the act of June 11, 1906, authorizing homestead entries in national forests."

The department is advised informally by the Department of the Interior that the Director of the Budget has stated that the proposed legislation would not be in conflict with the financial policy of the administration if the authorization of the appropriation of \$150,000 were eliminated therefrom. With the understanding that section 7 of the bill which contains that item be stricken out, this department recommends that the bill be favorably considered by your committee.

Sincerely yours,

R. W. DUNLAP,
Acting Secretary of Agriculture.

The foregoing was referred to the Bureau of the Budget, as provided by Circular 49 of that bureau, and on this date the department is advised that the proposed legislation would not be in conflict with the President's financial program if the provision authorizing an appropriation from the Federal Treasury for the acquisition of lands were eliminated.