Attachment 1
3/1/2017
RS25530

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

February 22, 2017

The Honorable Jeff Siddoway
Idaho State Senate
Hand Delivered

Re: RS25530 Craters of the Moon National Monument

Dear Senator Siddoway:

You asked the Attorney General's Office to provide legal guidance relating to the following questions:

1. If the original, 54,000 acre Craters of the Moon National Monument were re-designated as a national park, with inclusion of the provisions set forth in RS25330, would Idaho be in an improved or disadvantaged position regarding its ability to influence management of the public lands within both the re-designated park and the greater monument and preserve?

2. Would the Idaho highway system be better off in its regulatory capabilities to protect the citizens of Idaho in maintaining the Department of Transportation's management of the road going through the area if it was re-designated as a national park?

The answer to both your questions is that the re-designation of the original national monument as a national park would do little, if anything, to impact the State's ability to influence public lands management and its authority over those portions of Highway 20/26 that traverse the monument. Congress, in the National Park Service General Authorities Act of 1970, consolidated all national parks and monuments "into one national park system as cumulative expressions of a single national heritage." 54 U.S.C. § 100101. In effect, the Act requires that all units of the National Park System be managed on an equal basis, regardless of whether they are designated as national monuments or national parks. Thus, planning, study, resource management and transportation management provisions are identical for both national parks and national monuments. 54 U.S.C. §§ 100501-100503; 100701-100755; 101501-101531. Likewise, federal regulations governing rights-of-way through national park system units are identical for parks and monuments. 36 C.F.R. §§ 14.1 through 14.96.

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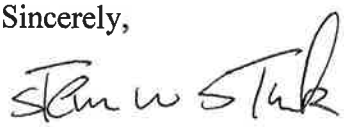
In short, nothing in the general laws addressing management of national parks and national monuments suggests that re-designation would affect state interests in management of the lands within the national monument or the State's interests in Highway 20/26. There is, of course, the possibility that the specific provisions of any future congressional act re-designating the Monument as a national park may affect the State's interests, but without specific legislation to review the impacts of such legislation on the State cannot be determined.

Sincerely,



STEVEN W. STRACK
Deputy Attorney General