

HEARING ON H.R. 351, H.R. 1714, H.R. 2136,
AND H.R. 2283

HEARING
BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC
LANDS
OF THE
COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTH CONGRESS
FIRST SESSION
ON

H.R. 351, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO MAKE APPROPRIATE IMPROVEMENTS TO A COUNTY ROAD LOCATED IN THE PICTURED ROCKS NATIONAL LAKESHORE, AND TO PROHIBIT CONSTRUCTION OF A SCENIC SHORELINE DRIVE IN THE NATIONAL LAKESHORE. H.R. 1714, TO PROVIDE FOR THE ACQUISITION OF THE PLAINS RAILROAD DEPOT AT THE JIMMY CARTER NATIONAL HISTORIC SITE. H.R. 2136, TO DIRECT THE SECRETARY OF THE INTERIOR TO CONVEY, AT FAIR MARKET VALUE, CERTAIN PROPERTIES IN CLARK COUNTY, NEVADA, TO PERSONS WHO PURCHASED ADJACENT PROPERTIES IN GOOD FAITH RELIANCE ON LAND SURVEYS THAT WERE SUBSEQUENTLY DETERMINED TO BE INACCURATE. H.R. 2283, TO EXPAND THE BOUNDARIES OF ARCHES NATIONAL PARK IN THE STATE OF THE UTAH TO INCLUDE PORTIONS OF THE FOLLOWING DRAINAGES, SALT WASH, LOST SPRING CANYON, FISH SHEEP DRAW, CLOVER CANYON, CORDOVA CANYON, MINE DRAW, AND COTTONWOOD WASH, WHICH ARE CURRENTLY UNDER THE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT, AND TO INCLUDE A PORTION OF FISH SHEEP DRAW, WHICH IS CURRENTLY OWNED BY THE STATE OF UTAH.

SEPTEMBER 16, 1997, WASHINGTON, DC.

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TUESDAY, SEPTEMBER 16, 1997

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, COMMITTEE ON RESOURCES, *Washington, DC.*

The Subcommittee met, pursuant to notice, at 10:02 a.m. in Room 1324, Longworth House Office Building, Hon. James V. Hansen (chairman of the Subcommittee) presiding.

STATEMENT OF JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. HANSEN. Good morning. The Subcommittee on National Parks and Public Lands will come to order. Today the Subcommittee will receive testimony on the following bills: H.R. 351, H.R. 1714, H.R. 2136, and H.R. 2283.

[Text of bills H.R. 351, H.R. 1714, H.R. 2136, and H.R. 2283 may be found at end of hearing.]

Mr. HANSEN. The first bill we will hear is H.R. 351 introduced by Congressman Bart Stupak of Michigan, which authorizes the Secretary of the Interior to make appropriate improvements to a

country road located in the Pictured Rocks National Lakeshore, and to prohibit the construction of a scenic shoreline drive in that national lakeshore.

The second bill we will hear is H.R. 1714, introduced by Congressman Sanford Bishop, Jr. of Georgia, which provides for the acquisition land underlying the Plains Railroad Depot at the Jimmy Carter National Historic Site.

The third bill we will hear is H.R. 2136, introduced by Congressman John Ensign of Nevada, which directs the Secretary of the Interior to convey, a fair market value, certain properties in Clark County, Nevada, to persons who purchased adjacent properties in good faith reliance on land surveys that were subsequently determined to be inaccurate.

And finally, we will hear testimony on H.R. 2283, introduced by Congressman Chris Cannon of Utah, which expands the boundaries of Arches National Park in the State of Utah to include an additional 3,100 acres, including Lost Spring Canyon and other lands currently managed by the Bureau of Land Management.

The Subcommittee had previously scheduled H.R. 2186 to be heard today, but at the request of its sponsor, Congresswoman Barbara Cubin of Wyoming, the bill has been postponed until a later date.

We look forward to the testimony from our colleagues this morning.

[The prepared statement of Mr. Hansen follows:]

STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF UTAH

Good Morning. The Subcommittee on National Parks and Public Lands will come to order.

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The second bill we will hear is H.R. 1714, introduced by Congressman Sanford Bishop, Jr. of Georgia, which provides for the acquisition of the land underlying the Plains Railroad Depot at the Jimmy Carter National Historic Site.

The third bill we will hear is H.R. 2136, introduced by Congressman John Ensign of Nevada, which directs the Secretary of the Interior to convey, at fair market value, certain properties in Clark County, Nevada, to persons who purchased adjacent properties in good faith reliance on land surveys that were subsequently determined to be inaccurate.

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We look forward to the testimony from our colleagues this morning. I will recognize each of you for the explanations of your bills following the opening statements or remarks from Subcommittee Members.

I recognize my distinguished colleague, Mr. Faleomavaega of American Samoa, the Ranking Member of the Subcommittee.

Mr. HANSEN. I will recognize each of you for the explanation of your bills following the opening statements or remarks from Subcommittee Members.

I would recognize my distinguished Ranking Member from American Samoa, but I do not see him sitting here, so maybe we will just pass on that for right now, and I will go to the distinguished Gentleman from Nevada, Mr. Jim Gibbons.

Mr. GIBBONS. Well, thank you, Mr. Chairman, but let me just ask a procedural question. Are we dealing with H.R. 2136 at this time? Is that your intent?

Mr. HANSEN. Pardon me? Excuse me, again, please?

Mr. GIBBONS. Which bill are we dealing with at this time?

Mr. HANSEN. We will take all four of these pieces of legislation. We will start out with our colleagues at the table after the opening remarks, and I guess anyone after that on Panel II and Panel III can speak to any one of these bills.

Mr. GIBBONS. All right, I do not have any opening statement at this time, Mr. Chairman.

Mr. HANSEN. The gentleman from Utah, Mr. Cannon.

Mr. CANNON. I have no opening statement.

Mr. HANSEN. Fine, we will move right along then. We welcome our two colleagues. We appreciate your being with us. Bart, we will start with you, and then Sanford following. Is that all right?

Mr. STUPAK. Fine.

Mr. HANSEN. The time is yours.

**STATEMENT OF THE HON. BART STUPAK, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MICHIGAN**

Mr. STUPAK. Thank you, Mr. Chairman, and thank for the opportunity to testify today. You adequately outlined my bill, H.R. 351, which basically says back in 1966, when Congress created the national Pictured Rocks National Lakeshore, they said that there would be built a scenic roadway along Lake Superior.

The cost to make this road today is \$13.4 million. Since 1966, the Park Service has relied on H-58, which is a county road. County Road H-58 has not been upgraded. It has been in use for a long time. That has always been the access road for the Pictured Rocks National Lakeshore. So the cost to build a new road is \$13.4 million. The cost to upgrade and maintain H-58 is \$9 million. We save the taxpayers over \$4 million without destroying and putting in a brand new road along Pictured Rocks National Lakeshore.

This proposal that has been around for a Congress or two now has the support of U.S. Fish and Wildlife because of the negative impact upon the environment. It has the support of the Taxpayers for Common Sense, National Parks and Conservation Association, the Wilderness Society, Michigan Land Use Institute, and all of our local officials.

Basically what happens here, H-58 runs 45 miles along the lake in Alger County, approximately 18 miles wide within the park. What we are asking this Committee to do is to approve my bill which says, "All right, we are not going to build this scenic roadway. Instead let us put our resources and upgrade H-58, which has served us well for 31 years. So let us just use the money, \$9 million, and upgrade it."

Now I know there are issues on jurisdiction because you are taking part of a county road which goes through the national park. The other part lies clearly within the jurisdiction of the county offi-

cials, and I must say, Mr. Chairman, that we have been working on this since I have introduced this legislation probably a year, almost 2 years, ago, with local officials in trying to urge some resolution and to get this matter resolved, and as always with everything here we come up with, "Well, we cannot do this because of jurisdictional lines," or "we cannot do that," and, of course, there is always the issue of money, but we are at the point now where H-58 is so bad and so badly deteriorated the County Road Commission is ready to close it, and if we close it no one is going to have access to this park.

There have been times when this Committee, and with the help of Transportation, we have had emergency moneys to fix up a mile of the road which was washed away by Lake Superior. We have to address this issue. We had a good meeting yesterday with the park officials. I would ask that you move my bill so we can keep the pressure on so we can get to some resolution here. This has to get done. We cannot continue to come up with reasons why we cannot.

There are creative ways. If we have good people on both sides of the issue working this, there is no reason why. I would ask that you move my bill so we can keep this process moving that would allow them to take the money in the park and put it in H-58, and upgrade it, and not build this new scenic highway or roadway along Pictured Rocks Lakeshore.

And with that, Mr. Chairman, I would yield to any questions you may have.

[The statement of Mr. Stupak follows:]

STATEMENT OF HON. BART STUPAK, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF MICHIGAN

Mr. Chairman, I appreciate the opportunity to testify before your committee today on H.R. 351, my legislation to allow for improvements to H-58, a county road in Pictured Rocks National Lakeshore. My bill would save the government money and save precious environmental resources.

In my district, Pictured Rocks National Lakeshore attracts thousands of tourists each year for its scenic beauty overlooking Lake Superior. When the Pictured Rocks National Lakeshore was created in 1966, Congress adopted a provision requiring the National Park Service to build a new scenic road along the lake. Such a road would destroy acres of beautiful forest while costing an estimated \$13.4 million. H.R. 351 would delete the mandate for the Park Service to build this new road and, instead, would allow the Park Service to upgrade an existing county road, H-58. This road, which runs through the park and provides adequate access to visitors, has served as the access to the Lakeshore for the past thirty years.

The cost of upgrading the existing county road is estimated at roughly \$9 million, with \$5.6 million of the work lying within park boundaries. Compared to the \$13.4 million required for building a new road, the Federal Government will save millions of dollars by passing H.R. 351. My proposal has the support of the U.S. Fish and Wildlife Service because of the proposed road's clearly negative impact on the environment. In addition to the Fish and Wildlife Service, this measure is supported by Taxpayers for Common Sense, National Parks and Conservation Association, the Wilderness Society, the Michigan Land Use Institute, local officials and residents of the area.

The most important purpose of transportation in national parks is to provide a means of public access that protects park resources. My legislation will ensure that the public has reliable access to Pictured Rocks National Lakeshore, as well as protect and preserve precious natural resources and save the Federal Government money. I urge the Subcommittee to take up H.R. 351 as soon as possible.

Thank you, Mr. Chairman, and the Subcommittee, for your time and consideration of this common sense proposal.

Mr. HANSEN. Thank you very much, appreciate it. The gentleman from Georgia, Mr. Bishop.

STATEMENT OF THE HON. SANFORD D. BISHOP, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. BISHOP. Thank you very much, Mr. Chairman, and my good friend, the Ranking Member, Mr. Faleomavaega, for holding the hearing today, and you also adequately outlined the mission or the purpose of my bill, which is H.R. 1714, which provides a legal fix that is needed by the Jimmy Carter National Historic Site in Plains, Georgia. Plains is located within my Congressional district, yet H.R. 1714 enjoys bipartisan support, the support of my colleague and fellow Georgian, Saxby Chambliss.

Public Law 100-206, which created the Jimmy Carter National Historic Site and Preservation District, provided that the Plains Railroad Depot was to be included as a part of the site. The enabling legislation included authorization to acquire the Plains Railroad Depot "by donation" only. However, since Congress passed the law, we discovered that the Seaboard Coast Line Railroad, now CSX, does not have the legal authority to donate the approximate two-tenths of an acre under the depot. Simply put, while the Park Service owns the depot building structure, the Park Service does not own the land under the depot and the small surrounding tract.

The railroad depot was the site of the former President Carter's campaign headquarters during the 1976 Presidential campaign, and it was built about 1890, and it was built on land that was deeded to the railroad in 1888 by a citizen of the town by the name of M.L. Hudson. The deed stipulated that should the railroad no longer require the land, that the lot upon which the depot is located would be returned to the heirs of the Hudson family.

From the time of the establishment of the Historic Site in 1987, the National Park Service has attempted to identify the Hudson heirs. A number of heirs have been identified, and those that were located support the inclusion of the depot within the historic site, but the Park Service does not believe that all the heirs who would have a potential claim have, in fact, been located in spite of many years of effort. This legislation would allow completion of the acquisition through a "friendly condemnation" proceeding.

Because of the confusion over identification of the Hudson heirs, the depot has not been developed to its full potential as an element of the historic site, which is a very, very impressive and very moving site to visit. For example, the small parking lot is muddy during wet weather and it is dusty during dry weather. The depot is served by a sub-standard septic tank because hook up with the town sewer system has not been possible without a clear title. As a result, the depot is boarded up and it is unavailable for visitation, despite the fact that close to 40,000 school children visited the depot in 1990.

If this legislation is passed and signed into law, then the land could be acquired by purchase, and it would be effected by the Park Service depositing the appraised value into a court escrow account, so that if any heirs ever surface they could receive just compensation. This change is supported by the National Park Service, and the Park Service will testify today as to the need for the change, including the need to acquire the adjacent land to provide for handicapped access. The fiscal year 1998 budgetary impact of the

\$20,000 cost of this change has been deemed negligible, as reported by the Congressional Budget Office.

It is my hope the Committee will act favorably on it and it will agree that once the title is clear, that the plans for the completion of the site are a true testament to the value of community volunteers. What was once a \$512,000 plan using contractors has been reduced to less than a \$50,000 investment, or one-tenth of that cost, through the use of local volunteers and a group of American history enthusiasts, the Carter Political Items Collectors.

The Senate has already acted favorably by unanimous consent on the companion bill to H.R. 1714, so I hope that swift action by the Resources Committee and the full House can help this change become law before the end of the year.

I would like to thank you, Mr. Chairman and Ranking Member, and I will be happy to entertain any questions that you might have, but basically this is a legal fix to clear up a questionable title to make sure that should any heirs who might want to make a claim potentially should surface in the future, that that would be a trust fund available to give them compensation based on the appraised value, which would be deposited in a court escrow account.

[The prepared statement of Mr. Bishop follows:]

STATEMENT OF HON. SANFORD D. BISHOP, JR. A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF GEORGIA

Thank you Chairman Hansen and my good friend Ranking Member Faleomavaega for holding this hearing today.

H.R. 1714 would provide a legal fix needed by the Jimmy Carter National Historical Site in Plains, Georgia. Plains is located within my Congressional district, yet H.R. 1714 enjoys the bipartisan support of my colleague and fellow Georgian Saxby Chambliss.

Public Law 100-206 which created the Jimmy Carter National Historic Site and Presentation District provided that the Plains Railroad Depot was to be included in the site. The enabling legislation included authorization to acquire the Plains Railroad Depot "by donation" only. However, since Congress passed that law, it has been discovered that the Seaboard Coast Line Railroad does not have the legal capacity to donate the approximate two tenths of an acre plot of land under and adjacent to the depot. Simply put, while the Park Service owns the depot building structure itself, the Park Service does not own the land under the depot and the small surrounding tract.

The Plains, Georgia railroad depot was the site of former President Carter's campaign headquarters during the 1976 Presidential campaign. The depot, built about 1890, was built on land deeded to the railroad in 1888 by a citizen of the town named M.L. Hudson. The deed stipulated that should the railroad no longer require the land, the lot upon which the depot is located would be returned to the heirs of the Hudson family.

From the time of the establishment of the Historical Site in 1987, the National Park Service has attempted to identify the Hudson heirs. A number of heirs have been located and the agency reports that to date, those located support inclusion of the depot within the historical site. The National Park Service does not believe that all the heirs with a potential claim have been located in spite of years of effort. This legislation would allow completion of the acquisition through a "friendly condemnation" proceeding.

Because of the confusion over identification of the Hudson heirs, the depot has not been developed to its full potential as an element of the historic site. For example, the small parking lot is muddy during wet weather and dusty during dry weather. The depot is currently served by a sub-standard septic tank because hook-up with the town sewer system has not been possible without clear title. As a result, the depot has been boarded up and unavailable for visitation, despite the fact that in 1990, close to 40,000 school children visited the depot.

If H.R. 1714 is passed and signed into law, the land under the depot could be acquired by purchase. This would be effected by the Park Service depositing the appraised value into a court escrow account, so that if any heirs ever surface, they

would receive just compensation. This change is supported by the National Park Service, and the Park Service will testify today as to the need for this change, including the need to acquire the adjacent land to provide for handicapped access. The fiscal year 1998 budgetary impact of the \$20,000 cost of this change is negligible, as reported by the Congressional Budget Office.

It is my hope the Committee will act favorably on H.R. 1714 and agree that once the title is clear, the plans for the completion of the site are a true testament to the value of community volunteers: What once was a \$512,000 plan using contractors has been reduced to less than \$50,000, or one-tenth of that cost through the use of local volunteers and a group of American political history enthusiasts, the Carter Political Items Collectors.

The Senate has acted favorably by unanimous consent on the companion bill to H.R. 1714, so I feel confident that swift action by the Resources Committee and the full House can help this change become law before the end of the year.

Thank you, Chairman Hansen, and I will entertain any questions the Committee might have.

Mr. HANSEN. Thank you very much. We will now turn to the Ranking Member, Mr. Faleomavaega, and then we will go to Mr. Gibbons for any opening comment he has on H.R. 2136, to Mr. Cannon on opening statements on H.R. 2283. The gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Chairman, in the interest of time, I would like to request that my statement be made part of the record.

Mr. HANSEN. Without objection.

[The prepared statement of Mr. Faleomavaega follows:]

Mr. FALEOMAVAEGA. And with that, also I would like to thank both of our colleagues for being here this morning, the gentleman from Michigan and the gentleman from Georgia, for their testimonies, and I look forward to working with them as well as with you, Mr. Chairman, to see what we can do to move these pieces of legislation forward. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. Mr. Gibbons.

STATEMENT OF THE HON. JAMES A. GIBBONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

Mr. GIBBONS. Thank you, Mr. Chairman. Thank you for giving us the opportunity to hear testimony on H.R. 2136, if that is your determination at this point in time.

H.R. 2136 is a bill that directs the Secretary of the Interior to convey a fair market value to certain properties, on which were determined to be inaccurate surveys in Clark County, Nevada, to the city of Las Vegas, Nevada. The property consists of about 68.6 acres to be conveyed to the City at fair market value. The City will then convey to the property owners who were subject to the inaccurate land surveys.

This bill would settle a longstanding property dispute between the city of Las Vegas, Nevada, and the Bureau of Land Management. The property dispute centers on the Decatur Boulevard alignment at the border of the cities of Las Vegas, Nevada, and North Las Vegas, Nevada. By way of background, this land was originally surveyed in the 1800's and there is evidence that proper protocol was not followed in setting survey monuments.

Instead of stones, the early surveyors allegedly used small mesquite stakes to set the monument. The stakes disintegrated over time so that when the area was first privately surveyed in 1953, the original corner monuments could not be established. For the

next 20 years, various private surveys were conducted in the area and property corners were set; however, these different surveys varied by as much as 250 feet in an east-west direction.

The Decatur Boulevard, by way of example, runs north-south, so 250 feet east-west is a substantial deviation along that property line.

Nonetheless, property owners built homes and developed their land in good faith by relying on the private surveys, which at the time were the best available. A lawsuit was then filed on behalf of the property owners in order to quiet title to the individual properties. In October 1989 a district court issued a judgment which decreed quiet title to the property in question and established ownership at lines of current occupation.

This legislation, Mr. Chairman, settles the dispute by conveying the land to the city of Las Vegas at fair market value established on an appraisal as of December 1, 1982. This appraisal has been approved by the Secretary of the Interior, and there is no opposition on this bill from the Administration.

Mr. Chairman, at this time I would like to ask for a unanimous consent to enter the written statement of myself along with the Honorable John Ensign, as well as a written statement from the city of Las Vegas from Rita Lumos, Public Land Service for the city of Las Vegas.

Mr. HANSEN. Without objection. So ordered.

[The statement of Mr. Gibbons follows:]

STATEMENT OF HON. JAMES A. GIBBONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

Mr. Chairman,

I would like to thank you for giving us the opportunity to hear testimony on H.R. 2136. This bill has been a long time in coming for the people of Las Vegas, and I would like to thank my colleague from Nevada, Mr. Ensign, for taking the lead on this needed legislation.

Las Vegas has become the boom town of the West, and with such explosions in growth comes the difficult task of people pursuing their right to own property. One such problem has arisen along Decatur Boulevard where in 1881 the first government surveys were completed.

It is my understanding that no one had purchased any of the property along Decatur Boulevard until sometime in the early 1950's. These new land owners purchased the property using private surveys, since the original 1881 government survey was impossible to distinguish.

From 1950 until 1990 the owners of this property occupied their land in good faith of title. However, in 1990 the Bureau of Land Management performed a resurvey of the land and found the boundaries to be very different from the private surveys. The new property lines rested on BLM land, private land and even through the middle of one house.

That is why, Mr. Chairman, we need to markup and pass H.R. 2136. Personally, I would find it troubling to discover that I did not own all the property I had purchased in good faith, and that in fact the Federal Government owned part of it. As an issue of fairness, it is necessary to direct the Secretary of the Interior to allow these land owners the opportunity to purchase, at fair market value, what was once truly believed to be theirs.

Thank you Mr. Chairman, I look forward to the testimony today and again appreciate the opportunity you have given me and the people of Nevada.

[The prepared statement of Mr. Ensign follows:]

STATEMENT OF HON. JOHN E. ENSIGN, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF NEVADA

Thank you Mr. Chairman. I would like to express my support for H.R. 2136, a bill that would provide a legislative fix to a problem that the Cities of Las Vegas and North Las Vegas have been trying to remedy for over 8 years. H.R. 2136 provides for a boundary modification for certain lands in Clark County, Nevada. This legislation would resolve the title problems that have existed on this land for so long.

The land that H.R. 2136 refers to has had a long history. The original government land surveys were performed in the early 1880's. In the early 1950's private settlement and development began. Because the original survey lines could not be ascertained, it was necessary that alternative surveys be conducted to determine property lines. This process lasted over 30 years and the resulting surveys varied considerably. The private property owners, unknown to these variances, developed their properties based on the private surveys.

As development increased in Las Vegas, several disputes erupted which caused the city of Las Vegas to commission another survey to finalize the boundary questions. In 1989, a District Court Judge set the centerlines of a major thoroughfare, Decatur Boulevard, and adjoining property lines at the lines of occupation, what he believed was the most equitable solution.

The Bureau of Land Management objected to the court decision and performed a Dependent Resurvey using its Federal authority. The BLM's resurvey changed the property lines to the point that the boundary actually passes through a privately owned home and the BLM maintained that the property owners who occupy the land in question were actually in trespass of Federal property.

After extensive negotiations, an agreement has been reached where the city of Las Vegas will purchase the land in question for a fair market value based on a December 1982 survey. This date has been selected as the first point when all parties became aware of the dispute. H.R. 2136 would allow the city of Las Vegas to purchase this land. It would then be conveyed to the respectful owners. Both the Cities of Las Vegas and North Las Vegas, and the entire Nevada delegation support this legislation.

I understand the Bureau of Land Management has some outstanding concerns relating to the legislation. I am happy to work with the BLM as H.R. 2136 moves through the legislative process. One point I would like to make is in regards to the parcel we recently added to the legislation. As the bill was introduced, we included the entire parcel of roughly 39 acres. We are currently waiting for the BLM to complete its final survey work on this parcel to determine the exact encroachment boundary. When the BLM completes that survey, I am willing to amend the legislation to reflect those changes.

Mr. Chairman, I hope the Committee can act swiftly on this legislation to resolve this longstanding problem and I look forward to working with you to accomplish this goal. In addition, I have a written statement from Rita Lumos, the city of Las Vegas surveyor, that I would like to include in the record with my statement.

[The prepared statement of Ms. Lumos may be found at end of hearing.]

Mr. GIBBONS. Mr. Chairman, thank you, and I look forward to testimony again later on after this, and the opportunity that you have given us and to the people of the State of Nevada for consideration.

Mr. HANSEN. Thank you. Mr. Cannon.

**STATEMENT BY THE HON. CHRIS CANNON, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. CANNON. Thank you, Mr. Chairman. I represent Utah's Third Congressional District, where I am privileged to represent three national parks: Bryce Canyon, Canyonlands, and Arches.

I am pleased to be here today to discuss H.R. 2283, the Arches National Park Expansion Act of 1997. Arches National Park is world renowned as the home of hundreds of spectacular redrock sandstone arches, created over millions of years by wind and water

erosion. This poster, which you can see down here, is of Delicate Arch, which is also depicted on Utah license plates.

When Arches National Park was created, the Park boundaries were drawn here in Washington, where policymakers followed predominantly straight lines imposed by section maps without understanding the geography. However, Mr. Chairman, Mother Nature's creations are not linear, and the Park boundaries adopted decades ago sliced Lost Springs Canyon in half. My bill places Lost Springs and some other ancillary areas within the Park where they naturally belong. The proposed expansion in the Northeast corner of the Arches would be an almost seamless addition of hundred-foot canyon walls, gentle grass valleys, and delicate sandstone arches.

Not only does this expansion make sense aesthetically, but it makes sense from a management standpoint as well. The bill is a simple measure that would expand Arches National Park by about 3,140 acres. The new boundaries would follow the natural geographic line of the canyon rim, making management of the area much easier.

I must admit I was a little skeptical when first approached with the idea of expanding Arches National Park. With Arches Supervisor Walt Dabney, I went out to see Lost Springs Canyon for myself and came to a quick understanding that this land, logically and aesthetically, should be part of Arches.

But even a logical idea such as this has complications, which is why I have sought the input of all affected parties. In April I traveled to Moab, the nearest major community to Arches, and held a town hall meeting on the proposed expansion. I heard from the ranchers, recreationalists, miners, environmentalists, and a host of local residents.

Based on those comments, we put together a bill and circulated a draft copy to every group expressing interest. We received all kinds of suggestions and adopted many of them. The final product is, I think, pretty solid. It strikes a good balance between the need to protect the environment and the needs of those who have to live with the consequences.

Now let me address a few of the key provisions.

Part of the proposed addition includes a section of school trust land owned by Utah's schools. As that section really should be part of Arches, we sat down with the Utah School Trust and the Bureau of Land Management to find a section on Federal land that could be traded equitably. Eight sections were proposed as trades and the BLM struck seven, leaving the section in the bill. With both sides working together to negotiate a trade, we were able to insure that Utah's schools do not pay the price for a Federal land management decision. This bill proves that it is possible to resolve school trust land disputes.

Currently, Lost Springs Canyon is a multiple use area which includes cattle grazing rights and an existing natural gas pipeline. We have tried to balance the expansion with existing rights in a manner that will protect the current users. It is a tough balance, but I believe we have a reasonable approach.

I am proud of the process we have followed in putting this bill together. I am also pleased to announce that H.R. 2283 has drawn the public support from several newspapers in Utah and two

prominent environmental groups, the Grand Canyon Trust and the National Parks and Conservation Association. I have also been joined by 48 of my colleagues, including the Chairman.

In summary, this is a bill which demonstrates that public land decisions in the West can be made in a thoughtful, open manner. I encourage the Subcommittee to look closely at the measure and would appreciate your support.

Thank you.

[The prepared statement of Mr. Cannon follows:]

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When Arches National Park was created, the Park boundaries were drawn here in Washington, where policy makers followed predominately straight lines imposed by section maps, without understanding the geography. However, Mr. Chairman, Mother Nature's creations are not linear, and the Park boundaries adopted decades ago sliced Lost Springs Canyon in half. My bill places Lost Springs and some other ancillary areas within the Park where they naturally belong. The proposed expansion in the Northeast corner of Arches would be an almost seamless addition of hundred-foot canyon walls, gentle grass valleys, and delicate sandstone arches.

Not only does this expansion make sense aesthetically, but it makes sense from a management standpoint as well. This bill is a simple measure that would expand Arches National Park by about three thousand one hundred and forty acres. The new boundaries would follow the natural geographic line of the canyon rim, making management of the area far easier.

I must admit I was a little skeptical when first approached with the idea of expanding Arches National Park. With Arches Supervisor Walt Dabney, I went out to see Lost Springs Canyon for myself—and came to a quick understanding that this land, logically and aesthetically, should be a part of Arches.

But, even a logical idea such as this has complications, which is why I have sought the input of all effected parties. In April I traveled to Moab—the nearest major community to Arches—and held a town hall meeting on the proposed expansion. I heard from ranchers, recreationalists, miners, environmentalists and a host of local residents.

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In summary, this is a small bill which demonstrates that public land decisions in the West can be made in a thoughtful, open manner. I encourage the Subcommittee to look closely at the measure and would appreciate your support.
Thank you.

Mr. HANSEN. Thank you very much. We will now entertain questions for Mr. Stupak on H.R. 351, Mr. Bishop on 1714, Mr. Gibbons on 2136, and Mr. Cannon on 2283. The Gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Chairman, I do not have any questions for the sponsors of the legislation, our colleagues, but I do look forward to hearing from our friend of the National Park Service's position of the Administration at this point in time. Thank you.

Mr. HANSEN. Mr. Gibbons.

Mr. GIBBONS. I have no questions.

Mr. HANSEN. The gentlelady from the Virgin Islands, Ms. Christian—Green.

Ms. CHRISTIAN-GREEN. Thank you, Mr. Chairman, I have no questions either. I am just pleased to be here to participate in this hearing on the four bills, and of particular interest to me are bill 351, which is sponsored by my friend and colleague, Representative Stupak, and which I understand is nearing agreement with the National Park Service, and also of interest H.R. 1714, the Plains Railroad Depot Bill, which is sponsored by another friend and colleague, Representative Sanford Bishop. I would like to welcome them here this morning and commend them for introducing these bills, and you, Mr. Chairman, for your willingness to move them forward. Thank you.

Mr. HANSEN. Thank you. Mr. Cannon.

Mr. CANNON. Thank you, Mr. Chairman, I have no questions at this time.

Mr. HANSEN. Well, surely I will not be disappointed by my friend, Bruce Vento.

Mr. VENTO. Mr. Chairman, I have read the background material and I understand the bills and the objectives of the sponsors but I think I will reserve my questions for the Administration and other witnesses, Mr. Chairman.

Mr. HANSEN. Well, thank you very much. We welcome our two colleagues to join us on the dais. Thank you for your excellent testimony.

We will start with our next panel, Mat Millenbach, Deputy Director of the Bureau of Land Management, and Denis Galvin, Deputy Director of the National Park Service. If you gentlemen would come forward.

It is always good to see you, gentlemen. It is a regular occurrence up here. We ought to charge you office space you spend so much time here. At our request, however. Can you both do it in 5 minutes?

Mr. MILLENBACH. I can do mine in 5 minutes.

Mr. GALVIN. I can do mine in 5 minutes.

Mr. HANSEN. All right, you know the rules. On go the lights.

Mr. MILLENBACH. OK.

Mr. HANSEN. Mat, we will turn to you.

**STATEMENT OF MAT MILLENBACH, DEPUTY DIRECTOR,
BUREAU OF LAND MANAGEMENT**

Mr. MILLENBACH. Thank you, Mr. Chairman. Thank you for the opportunity to testify on H.R. 2136, a bill which provides for conveyance of certain lands along Decatur Boulevard in Las Vegas, Nevada. I testified before this Committee in May 1996 on the first version of this bill. At that time, several suggestions were made which would make the bill one that the Administration could support. I am happy to report that most of those concerns have been resolved in this bill. Like Congressmen Ensign and Gibbons, we believe that the problems related to erroneous private surveys of land along Decatur Boulevard in Las Vegas need to be resolved. We support resolving this long-standing boundary dispute and believe it can be done in a rational and fair manner. If amended to reflect our remaining concerns, we would support the bill.

H.R. 2136 seeks to eliminate encroachments on approximately 69 acres of public land which parallel Decatur Boulevard near downtown Las Vegas, Nevada. The private land adjacent to the public land was erroneously surveyed by private surveys over a 20-year period, in differing locations, as much as 500 feet apart. In the early 1980's, the survey errors along Decatur Boulevard were brought to the BLM's attention, and in 1990 the BLM conducted a resurvey to restore the original survey corners on the ground.

H.R. 2136 requires payment of market value to the United States based on an appraised value of the lands as of December 1, 1982. Since the United States is not responsible for the survey errors which led to the encroachment, payment of market value is appropriate. Since these survey issues surfaced and resolution efforts were initiated in the early 1980's, this date of valuation seems equitable to both the claimants and the taxpayers.

We have several concerns with H.R. 2136. Section 1(5) contains some confusing wording, which is described in more detail of my written testimony, so I will submit that for the record.

Section 2(b)(3) provides for the conveyance of lot 1, in section 24, containing 39 acres. This is considerably more acreage than what is actually encroached upon. All the other lands described in Section 2(b) contain only the lands encroached upon, and in order to avoid conveying several dozen acres at a 1982 value that have not been encroached upon, we recommend conveying only those lands actually encumbered, and we have consulted the Las Vegas City Surveyor, Rita Lumos, on that and she concurs with us on this.

Because of this size modification, Section 2(b) would also be amended to change the acreage from 68.60 acres to 37.36 acres.

Finally, section 2(c)(1) should be modified to assure that all valid existing rights are protected, and we have included suggested wording to that effect in my written testimony.

This concludes my statement. I will be glad to answer any questions you may have.

[The prepared statement of Mr. Millenbach follows:]

STATEMENT OF MAT MILLENBACH, DEPUTY DIRECTOR, BUREAU OF LAND
MANAGEMENT

Thank you for the opportunity to testify on H.R. 2136, a bill which provides for conveyance of certain lands along Decatur Boulevard in Las Vegas, Nevada. I testi-

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H.R. 2136 seeks to eliminate encroachments on approximately 69 acres of public land which parallel Decatur Boulevard near downtown Las Vegas, Nevada. The private land adjacent to the public land was erroneously located by private surveys, over a 20 year period, in differing locations, as much as 500 feet apart. In the early 1980's, the survey errors along Decatur Boulevard were brought to the BLM's attention. In 1990, the BLM conducted a resurvey to restore the original survey corners on the ground.

H.R. 2136 requires payment of market value to the United States based on an appraised value of the lands on December 1, 1982. Since the United States is not responsible for the survey errors which led to the encroachments, payment of market value is appropriate. Since these survey issues surfaced and resolution efforts were initiated in the early 1980's, this date of valuation seems equitable to both the claimants and the taxpayers.

We have several concerns with H.R. 2136. Section 1 (5) of the bill states that the "Secretary should sell, at fair market value, the properties described in section 2 (b)." This language should be modified so it does not conflict with section 2 (c), which states that the value will be "based on an appraisal of the fair market value as of December 1, 1982."

Section 2 (b) (3) provides for the conveyance of lot 1, section 24, Township 19 South, Range 60 East, containing 39.24 acres. This is considerably more acreage than what is actually encroached upon. All the other lands described in section 2 (b) contain only the lands encroached upon. In order to avoid conveying several dozen acres at a 1982 value that have not been encroached upon, we recommend conveying only those lands actually encumbered. This will require a survey in order to legally describe the property involved. Since this bill was introduced in July, our Nevada State Office has been working with the Las Vegas City Surveyor, Rita Lumos, to partition lot 1 to resolve this concern. A survey identifying a specific lot containing only the encroached upon lands in lot 1, Section 24 will be completed this winter. We would ask that section 2 (b) (3) of the bill be modified to describe only the lands encroached upon in lot 1, section 24, Township 19 South, Range 60 East, Mount Diablo Meridian, containing approximately 8 acres. Because of this size modification, Section 2 (b) should also be amended to change the acreage from "68.60 acres" to "37.36 acres."

Section 2 (c) (1) should be modified to assure that all valid existing rights are protected. We would suggest adding "subject to valid existing rights" after the words "the Secretary shall convey." We would be glad to work with the Subcommittee to resolve these final issues to H.R. 2136.

This concludes my statement. I will be glad to answer any questions you may have.

Mr. HANSEN. Thank you very much. Denis Galvin, the time is yours, sir.

STATEMENT OF DENIS GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE

Mr. GALVIN. Mr. Chairman, I have the Administration position on three bills before the Committee today.

H.R. 2283, as Congressman Cannon outlined, is a bill to expand the boundaries of Arches National Park. It would expand what is now a 73,000-acre park by 3,000 acres of contiguous canyon lands that drain into the park. Existing grazing practices would be protected under the bill.

We have a few amendments suggested to the bill, Mr. Chairman. We support the bill. BLM has provided comments that suggest a new section be added to the bill but states that the National Park Service will manage the portion of the acquired lands currently

within the Lost Spring Canyon Wilderness Study Area to protect its wilderness values. We have no objection to that.

They also have requested that Section 2(c) be reworded to state that the National Park Service will amend—administer the portion of the grazing permit transferred to the park. I might say of the grazing provisions in the bill, Mr. Chairman, they allow for the continuation of grazing unless the grazing permits are bought. There is a good prospect that a private donation will actually buy out the grazing interests in the addition.

We have a few technical corrections to the bill as well.

Congressman Bishop certainly adequately outlined the situation at Jimmy Carter. The land underneath the railroad depot, which has been donated to the National Park Service by CSX, does not belong to the Park Service because the owners cannot be found. When the depot ceased to be used for railroad purposes, the original conveyance of land to the railroad allowed for that land to go back to its owners, so this bill authorizes a quiet title action and would put money in an escrow account to secure title to the property, and thus finish the development of this important historic building, one of the four buildings mentioned in the original legislation authorizing Jimmy Carter National Historic Site.

Finally, Mr. Chairman, I would like to state our position on H.R. 351 to make appropriate improvements to a county road located in Pictured Rocks National Lakeshore. As Congressman—and to prohibit construction of a scenic shoreline drive.

As Congressman Stupak outlined, the original bill authorizing for Pictured Rocks called for the construction of a scenic shoreline drive, and subsequently in the history of the park that shoreline drive which was originally intended to be over 40 miles long was brought down to 13 miles.

The Park Service did an environmental impact statement some years back on the construction of the road finding that it was feasible but expensive, \$13 million. Furthermore, 97 percent of the public comments on that EIS opposed construction of the scenic drive, so the solution suggested here by H.R. 351, that we use the existing country road in lieu of the scenic shoreline drive, is acceptable to the National Park Service.

Our suggested amendments in my prepared testimony are intended to clarify that the Park Service position is that the Park Service responsibility would be restricted to the some 17-plus miles within the boundaries of the park as opposed to the sum total of 43 miles outside the park.

As Congressman Stupak indicated, the cost of upgrading the road inside the park is \$5.6 million. An additional \$2.8 million is required to improve the road outside the park.

So our position is basically we are willing to take the interest in the county road inside the park boundaries and to seek funds to improve that as the major access to Pictured Rocks National Lakeshore.

That concludes my testimony, Mr. Chairman.

[The prepared statements of Mr. Galvin follow:]

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR CONCERNING H.R. 2283, "THE ARCHES NATIONAL PARK EXPANSION ACT OF 1997"

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you to address H.R. 2283, a bill to expand the boundaries of Arches National Park by adding an area known as the Lost Spring Canyon Addition. We support the bill if it is amended to address our concerns as outlined below, and appreciate Congressman Cannon's efforts on behalf of the park.

Arches National Monument was designated by Presidential proclamation in 1929, enlarged by proclamation three more times, and established by Congress as Arches National Park in 1971. The park's purpose is to protect one of the largest concentrations of natural stone arches in the world. The arches and numerous extraordinary geologic features, such as spires, pinnacles, pedestals and balanced rocks, are highlighted in striking foreground and background views created by contrasting colors, landforms and textures. The park encompasses 73,379 acres, of which 63,581.45 acres are recommended for wilderness designation.

If enacted, H.R. 2283 would expand the boundaries of Arches National Park, located in Grand County, Utah by approximately 3,140 acres. With the exception of a 32-acre parcel of Utah School and Institutional Trust Lands, all the land is owned by the Bureau of Land Management (BLM). An exchange agreement will need to be reached between the State of Utah and the BLM to transfer the State School section now located within the addition. The state would receive another BLM section of approximate equal value located elsewhere in the county. With this completed, all of the land within the addition would be in Federal ownership, and those BLM lands could then be transferred to the National Park Service.

Where permits currently exist, existing grazing practices would be protected within the addition for the lifetime of the permittees and their direct descendants. However, the bill provides for grazing permits in the addition to be purchased and retired prior to expiration and we hope that a conservation buyer will be located to complete this transaction after the bill becomes law. The operation and management of the natural gas pipeline within the addition would not be affected and would continue uninterrupted under National Park Service guidelines.

The area known as the Lost Spring Canyon Addition has been discussed periodically since the 1980's. The National Park Service completed a resource assessment for the area in 1984 as part of a statewide BLM wilderness study. The area contains the upstream sections of the canyon system known as Upper Salt Wash, its tributary Lost Spring Canyon and several side canyons. The lower portion of the canyon system is already within present park boundaries. The proposed addition is a logical extension of the park since the upper and lower canyons are of the same outstanding quality and comprise an obvious geographic unit. It is an intricately eroded system of multicolored Entrada sandstone canyons with high walls, arches, domes, alcoves, and amphitheaters. It contains seven documented arches, including Covert Arch. There are nearly vertical, narrow slickrock canyon walls, several hundred feet high. Some of the canyon bottoms contain lush riparian areas. Freshwater springs and seeps are also present.

The Lost Spring Canyon Addition is contiguous with the park's northeast corner, and shares a common boundary with the park. The proposed boundary, identified in the legislation, would follow canyon rims and natural forms instead of section lines and other man-made features. This geographic boundary is a natural extension of the park and encompasses most of the incised canyon system. Using canyon rims as boundaries will make it easier for park visitors and public land-users to determine their location, and will provide a logical separation between park activities and values and adjacent multiple-use activities.

The Lost Spring Canyon Addition is accessible by foot from existing park trailheads and parking areas. Many visitors to this area already access it from National Park Service facilities. Much of the canyon system is visible from several high-use areas of the park, including the Delicate Arch Trail, Devils Garden Campground and the Park Road. The proximity of the Lost Spring Canyon Addition to the park allows for cost-effective management. Park staff and facilities are already in place.

Remote and unroaded, the Lost Spring Canyon Addition will provide a backcountry experience currently uncommon in Arches National Park. Most of the proposed addition is managed by the BLM as a Wilderness Study Area (WSA). The National Park Service intends to protect the area's wilderness values, and actions such as road or campground construction will not occur. Most of the addition, with the exception of the pipeline corridor, would be incorporated into the wilderness recommendations for Arches National Park. We do not plan, nor do we anticipate the

need for, road construction in the addition. It is expected that additional trails may be necessary to access the area.

Congressman Cannon has held a public meeting, site visit and press conference on this legislation. Representatives of the community and local government support the proposal, as have editorials in several local and state newspapers. With the provision for the State School Lands exchange, the State of Utah has also expressed its support.

The additions of these lands to Arches National Park would enhance the experiences of visitors and provide expanded protection of these unique geologic resources that tell the powerful story of the forces and impact of time and weather on the face of the earth.

In reviewing the legislation, the BLM has provided comments to us on sections of the bill which require clarification or correction. They have requested that a new section be added to the bill that states that the National Park Service will manage the portion of the acquired lands that are currently within the Lost Spring Canyon Wilderness Study Area to protect its wilderness values, and that this protection will remain in place unless the area is released from the requirements of Section 603(c) of the Federal Land Policy and Management Act of 1976 by an Act of Congress. They have also requested that section 2(c) be reworded to state that the National Park Service will administer the portion of the grazing permit transferred to the park, and that section 8(a) of the bill be revised to clarify whether the title transfer of State lands occurs when the Secretary accepts the State's offer, or if the title transfer occurs at the time of conveyance of Federal lands to the State after all administrative actions have been completed.

Therefore three technical corrections will need to be made in the bill: Section 8(b)(1) is inconsistent with section 8(d) in reference to the deadline for the completion of the exchange; and the legal description of the Federal parcel to be conveyed to the state in section 8(b)(2) is incorrect and should be rewritten; and where the bill states "Fish Sheep Draw", it should state "Fish Seep Draw."

We would be pleased to work with the Subcommittee to provide specific language to address all of these issues. That completes my remarks Mr. Chairman. I would be happy to answer any questions that you may have.

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR, CONCERNING H.R. 1714

Mr. Chairman, thank you for the opportunity to offer the Department of the Interior's views on H.R. 1714, a bill to amend the Act of December 23, 1987 (Public Law 100-206), that established the Jimmy Carter National Historic Site and Preservation District to authorize the acquisition of the Plains Railroad Depot by donation, purchase with donated or appropriated funds, exchange, or other means.

We strongly support this legislation, and we recommend its enactment.

The Plains Railroad Depot, which was built in 1888, served as the headquarters for Jimmy Carter's successful 1976 Presidential campaign. The depot is cited in the Act that established the Jimmy Carter National Historic Site and Preservation District as one of four cultural resources that has significant historical association with the 39th President of the United States. The railroad depot is an integral part of the Jimmy Carter National Historic Site and Preservation District, which also includes the boyhood home of Jimmy Carter, the Plains High School, and the Carter compound. The Jimmy Carter National Historic Site tends to have especially heavy visitation from school groups and in 1990, the depot alone had 34,822 visitors.

During the 1976 Presidential campaign, the depot figured prominently in media coverage and became closely associated with Jimmy Carter, the candidate. The campaign itself was remarkable in that it succeeded in bringing a largely unknown contender to the attention of the entire country.

Although the Plains Historic Preservation Trust donated the depot structure to the National Park Service in 1988, the 0.19 acre tract on which the depot stands remains in private ownership. M.L. Hudson conveyed an easement for railroad purposes to the railroad company, which is now CSX. No conveyance of the underlying fee title took place. The city of Plains and the National Park Service have sought for several years to resolve the question of property ownership, but we have been unable to determine the heirs of the original landowner.

Under current law the Secretary is authorized to acquire the land on which the depot stands only through donation. This restriction prevents the National Park Service from acquiring the property; and because the National Park Service does not own the property on which the depot stands, we are unable to connect the facility to the city sewer system or to provide visitor parking, sidewalks or access to the

building for the disabled. H.R. 1714 would release the donation restriction on the acquisition of the property and would allow the National Park Service to clear title to the property by other means of acquisition including a quiet title action, and to compensate the owners should they be located.

Despite the constraints imposed by the fact that the land is not in Federal ownership, we have been able to move forward with the development of the depot structure into a museum. This progress is due, in large part, to a partnership between the National Park Service and an organization of collectors of political memorabilia. This 80-member organization, called the Carter Political Items Collectors (CPIC), is a subchapter of a much larger group, the American Political Items Collectors, who is interested in American political history.

The partnership began 2 years ago when President Carter suggested that the CPIC assist the National Park Service with the project of converting the railroad depot into a museum. Efforts are well underway to establish in the depot fourteen exhibits and two audiovisual programs focusing on key events in President Carter's journey through the national primaries, caucuses, Democratic convention and the general election. We will also highlight the major role the small railroad depot played in the 1976 Presidential campaign.

Because of the success of the partnership with CPIC, this project will be completed at a cost of approximately \$50,000 instead of \$512,000 which was the cost estimate included in the General Management Plan for the site. We expect to host the opening of the depot museum on September 27th of this year.

Mr. Chairman, this concludes my prepared remarks. I will be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR, ON H.R. 351

Mr. Chairman, thank you for the opportunity to appear before your Committee to present the views of the Department on H.R. 351, a bill to authorize the Secretary of the Interior to make appropriate improvements to a county road located in the Pictured Rocks National Lakeshore, and to prohibit construction of a scenic shoreline drive in that national lakeshore.

We support H.R. 351 if amended according to our testimony. We commend the intent of this bill in eliminating the requirement in the park's enabling legislation (Public Law 89-668) to construct a scenic shoreline drive within Pictured Rocks National Lakeshore. We believe that the repair of County Road H-58 is an equitable alternative to the construction of the scenic drive.

We support making appropriate improvements to Alger County Road H-58 instead of the construction of a scenic shoreline drive. However, it is our belief that this Federal commitment can be more fully and effectively met by acquisition of that segment of H-58 situated within the boundary of the national lakeshore. With title vested in the United States, the responsibility for improvement and maintenance of this portion of H-58 would rest clearly with the National Park Service (NPS). The Board of Road Commissioners of Alger County could then devote its improvement and maintenance attention to the remainder of County Road H-58 that is located outside the park boundary. We recommend H.R. 351 be amended as follows:

- On page 2, strike lines 3-6 and insert "(1) in subsection (b)(1) by striking 'including a scenic shoreline drive'".
- On page 2, by striking lines 9 and 10 and inserting:

" '(c) The Secretary shall, upon request of the Board of Road Commissioners of Alger County (Michigan), accept title to those portions of Alger County Road H-58 located within the legislated boundary of the Pictured Rocks National Lakeshore for the purpose of providing for its maintenance and improvement consistent with subsections 8(a) and 8(c) of this Act. The Secretary may, upon request of the owners of record, accept title to other roads located within the national lakeshore boundary for the purpose of providing for their maintenance and improvement.' "

The amendments we offer retain the intent of H.R. 351 in eliminating the scenic shoreline drive, and they give the NPS the ability to more efficiently maintain and improve that segment of County Road H-58 located within the boundary of the park.

Construction of the scenic shoreline drive was a focal point for development of the national lakeshore as planned in 1966 and was rejected in Master Plans for development of the park prepared by the UPS in the late 1960's and early 1970's. However, subsequent environmental impact analysis resulted in the elimination from construction consideration of all but 13 miles of the originally envisioned 43-mile long roadway.

Construction of this remaining 13-mile segment of roadway is reflected in the current General Management Plan (GMP) for the park, completed in September 1981. The GMP notes that the 13 mile segment of new construction, in combination with existing portions (30.4 miles) of Alger County Road H-58, would comprise the revised scenic shoreline drive alignment.

In 1988, the NPS initiated preparation of an environmental impact statement (EIS) focused on identification of a *specific* alignment for the 13-mile segment of proposed new construction. This proposed roadway is referred to as the Beaver Basin Rim Road. Preparation of the EIS came as a result of local governments petitioning the NPS and Members of Congress to proceed with construction in compliance with Public Law 89-668, which states, "the Secretary shall provide . . . a scenic shoreline drive." The EIS Record of Decision, issued in July 1996, indicated that construction of the proposed segment of road would result in a minimal and acceptable level of environmental impact. Estimated cost of construction is \$13 million.

While it was the finding of the EIS that from an environmental impact standpoint the construction could proceed, 97 percent of the public commenting on the EIS indicated opposition. In addition, local governments have revised their position regarding construction of the Beaver Basin Rim Road and have withdrawn their support for construction of the 13-mile segment. In lieu of the new construction, local governments request that funds that would have been allocated for the 13-mile segment be utilized instead to improve H-58.

The NPS recognizes that Alger County Road H-58—notably the segment situated within the boundary of the park—serves as the principal motorized access and circulation route for users of the national lakeshore. Other segments of H-28 principally serve private property owners and lands comprising the Lake Superior State Forest. Elimination of the 43-mile scenic shoreline drive places the full impact of visitor motorized access and circulation to lakeshore attractions and facilities upon County Road H-58.

The NPS feels strongly that the best means to cooperatively maintain and improve Alger County Road H-58 is to accept title to the 17-mile segment of road situated between the eastern boundary of the national lakeshore at Grand Marais and the intersection of the Hurricane River truck trail located north of the State of Michigan's Kingston Lake State Forest Campground. This acquisition can be accomplished under the provisions of subsections 8(a) and (c) of Public Law 89-668. Upon acquisition of the 17-mile segment located within the boundary of the lakeshore, NPS would assume responsibility for its maintenance and long-term improvement. Our amendment directs the Secretary to accept this road for the express purpose of providing for its care and improvement. This could include contractual services to others for some of the work performed. We also included language directing consideration of acceptance of title to other non-federally owned roads situated within the boundaries of the national lakeshore that serve the needs of park users.

The NPS estimates that the cost of annual maintenance and essential improvements to sustain the current level of vehicle use of the 17-mile segment of roadway in its present sand and gravel condition would be \$190,000 per annum. If upgraded to a two-lane, paved surface, the road's annual maintenance costs would be \$23,310. This new funding would come from the NPS operations account and amounts available would be added as a recurring increase to the operating base of Pictured Rocks National Lakeshore. The total cost for upgrading the 17-mile segment to a two-lane, paved surface designed for a posted speed of 35 mph is estimated to be \$5,650,000. This figure includes engineering and environmental compliance costs.

If H.R. 351 is enacted with the NPS amendments and funds are available, NPS would undertake the maintenance and improvement of this segment of H-58. However, if NPS does not receive title to the 17-mile segment, it is our intent to distribute available funds to the Board of Commissioners of Alger County for their use in undertaking improvements to H-58.

If the NPS received title to the 17-mile segment, the NPS could seek funds to undertake major improvements to the roadway, such as realignments, placement and improvement of road base, and paving, through the Federal Lands Highway Program (FLHP) for park roads, subject to budget constraints and Administration priorities. This is the type of project that could more readily be addressed if the Congress were to provide the Administration's request for FLHP funding of the park roads (\$161 million) during reauthorization of the Intermodal Surface Transportation Efficiency Act.

Mr. Chairman, this concludes my remarks. I would be pleased to answer any questions you may have.

Mr. HANSEN. Thank you. Questions for our witnesses? The gentleman from American Samoa.

Mr. FALEOMAVAEGA. We will take the easy one first. I would like to ask Mr. Galvin on the H.R. 1714 by our friend from Georgia, Mr. Bishop, my understanding is that this legislation has already passed the Senate?

Mr. GALVIN. That is correct.

Mr. FALEOMAVAEGA. And the Administration has no objection to the provisions to the proposal?

Mr. GALVIN. That is right.

Mr. FALEOMAVAEGA. OK. Now concerning our friend from Michigan, Mr. Millenbach, I think your—oh, no, Mr. Galvin still. You say that the total assessed value of the cost of the construction of this road is about \$7 million both inside and outside the park?

Mr. GALVIN. That is—yes, it is between seven and eight. My understanding is it is \$5.6 million inside the park and \$2.8 million outside the park. Some improvements have already been done on the county portions outside the park.

Mr. FALEOMAVAEGA. The Administration or the National Park Service is committed to construction of the road within the park system.

Mr. GALVIN. That is correct.

Mr. FALEOMAVAEGA. Now outside the park system, has it been the practice in the past as well as the present that the park can—the National Park Service has also constructed road systems outside of the park system?

Mr. GALVIN. Very rarely. It requires the specific authorization of Congress and in talking about this bill yesterday, I cannot think of a precedent where the Park Service has, with the possible exception of Bear Tooth Highway adjacent to Yellowstone National Park. Generally our authorities only extend to roads inside the park.

Mr. FALEOMAVAEGA. Now you say they very rarely—you have cited the rare occasions that we can do this outside the park?

Mr. GALVIN. Sure, if we are authorized to do it, it is possible. Absolutely, yes.

Mr. FALEOMAVAEGA. All right. A question concerning the H.R. 2136, you indicated earlier that there was some problems or errors in the surveying process?

Mr. GALVIN. Yes, sir.

Mr. FALEOMAVAEGA. These errors were, of course, accidental or oversight? They were not intentional in any way?

Mr. GALVIN. That is my understanding, yes, sir.

Mr. FALEOMAVAEGA. Now your feeling is that we should maybe make the alignments better or is it—there are problems with that, or do you think that perhaps the State of Nevada could make these corrections?

Mr. GALVIN. No, sir, the survey errors are private survey errors. The Federal survey—the Federal lands were resurveyed and the original survey corners were reestablished. What these are is that because of the inability to find the original corners, perhaps, the private surveyors were—when they surveyed the property lines for these private citizens, the lines were off from the original surveys. So this does not really change on the ground. What it does, is it allows us to sell those lands that were erroneously surveyed to the city of Las Vegas, who will in turn convey them to the individuals.

Mr. FALEOMAVAEGA. I am going to rely on Mr. Gibbons for further questioning of this, but on H.R. 2283 did I hear correctly that the Administration has no objection to the provisions of the proposed bill? I mean, there were some recommendations or adjustments, am I correct on this? This was on the Arches——

Mr. GALVIN. That is correct.

Mr. FALEOMAVAEGA. [continuing] National Park.

Mr. GALVIN. That is correct. The additions that the Administration suggests are either technical in character or they amplify the management roles in the park, but we support this bill, yes.

Mr. FALEOMAVAEGA. Could I strongly admonish the Administration to work closely with my good friend from Utah to see if we can iron out some of these differences?

Mr. GALVIN. Actually, I do not believe we have any significant differences. I think we are in agreement, that the amendments are strictly technical in nature or emphasize a management role on passage.

Mr. FALEOMAVAEGA. All right. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. The gentleman from Nevada, Mr. Gibbons.

Mr. GIBBONS. Thank you, Mr. Chairman. I have no problem with the technical amendments with regard to the actual description of these properties that are going to be conveyed. When do you expect, Mr. Millenbach, to have the final surveys completed?

Mr. MILLENBACH. I do not have a date, Congressman. It is—we have been working with the Las Vegas City Surveyor, Rita Lumos, to get those set up. She has been talking to our office and I do not have the actual date that has been set to do that but it will be done very quickly.

Mr. GIBBONS. And the fair market value will be based on the actual property conveyed, not broad, general categories that were outlined in this description here in this bill, is that correct?

Mr. MILLENBACH. Yes, sir. The values will be based on an appraisal that was done as of the date in 1982.

Mr. GIBBONS. Right. Could you briefly describe for the Committee the current status of that property? Could you give a description of Decatur Boulevard? I know it is a four-lane divided boulevard through there. Is the property on either side commercially developed, or privately developed, or which?

Mr. MILLENBACH. You probably have a better handle on that than I do, Congressman. It is a long, narrow piece of property, a mile and a half long, and up to, at the widest point, 500 feet wide. There is an additional lot that has been added on the southern end, which is encroached upon by houses, and, you know, the adjoining properties, on two sides, and so it is a kind of an odd shape. It looks like a golf club.

Mr. GIBBONS. Right. Now, just for clarification, could you just give us a brief analysis of why the 1982 date was selected for the fair market value on the property?

Mr. MILLENBACH. Yes, sir. That was the date—when I testified last year on this bill, there was a concern about whether the people should pay for the property and we were trying to reach an equitable agreement between the property owners and the Federal Government, and the 1982 date was selected as the date when it be-

came apparent to us that there were some problems on this property, and that was the time when people were sitting—had sat down and tried to figure out what we do to resolve this. So we felt like that was an equitable date to set the appraisals at.

Mr. GIBBONS. Thank you. Mr. Chairman, with those final descriptions of the property, I have no problem with making any technical amendments to the bill in that regard.

Mr. HANSEN. The gentleman from Minnesota, Mr. Vento.

Mr. VENTO. Thank you, Mr. Chairman. I welcome the Deputy Director, Mr. Galvin and Mr. Millenbach.

Mr. Galvin, with regards to the Michigan park, how many miles is the road that is being suggested for maintenance by the Park Service? How long is—I know 17 miles is the segment that—

Mr. GALVIN. Seventeen miles inside—it is 17-plus miles inside the boundaries of the park. It is all country road. Its total length is about 48 miles.

Mr. VENTO. Forty-eight miles, and so what is—this legislation, I understand, right, that you are suggesting that you have the 17 miles, the rights to that 17 miles, conveyed to the Park Service?

Mr. GALVIN. That is right. It is currently a county road.

Mr. VENTO. And that the remaining 31 miles be maintained by the county, is that correct?

Mr. GALVIN. That is right, that is the—

Mr. VENTO. The funding, the legislation, provides for the entire 48 miles, is that it?

Mr. GALVIN. No, we do not believe so. We believe that the way the legislation is written as amending the original Act, the title and the section in the original Act, Section VI, talks about Pictured Rocks National Lakeshore. So when you add the amendments to that we believe that the legislation as written would limit the National Park Service's jurisdiction to the road inside the park.

Now, if the intent is different, we do not think the legislation will pass.

Mr. VENTO. This, also, you are suggesting that since the legislation refers to a scenic drive, apparently, in a different route, which you think the legislation should be rewritten, or written, to, in fact, exclude the possibility of that, is that right, even though there is no intention at this time because of, apparently, other problems to road that area?

Mr. GALVIN. Yes, that is right. The original legislation says that the Secretary "shall build" a scenic drive in Pictured Rocks National Lakeshore, and this legislation and the Administration position essentially removes that requirement from Pictured Rocks.

Mr. VENTO. So that is in the legislation, right?

Mr. GALVIN. That is in the legislation, yes.

Mr. VENTO. So that is sort of the tradeoff, the quid pro quo. Well, I do not know what the intention of my colleague is. I yield to him, Mr. Chairman, with your permission at this time to see if this interpretation, if just the 17 miles is what he intended.

Mr. STUPAK. With permission of the Chair, and I thank the gentleman for yielding, the intent of the legislation is to have the Park Service take over the full 48 miles because what we are striking, where it says "shall include a scenic lakeshore," meaning they

should do that, we are putting in there "including the appropriate improvements to Alger County Road H-58."

Mr. VENTO. OK.

Mr. STUPAK. So that would include all of that road.

Mr. VENTO. I—let me—I know that these are tough questions but I think we need to understand them so that—so it is the full 48 miles that is intended.

Do you have any cost figures or estimates, Mr. Galvin? I notice that you point out that it is about \$5.6 million for the construction of the 17-mile segment. Is that accurate or am I—did I read that?

Mr. GALVIN. No, that is right. That is the current estimate for inside, for the 17 miles.

Mr. VENTO. Seventeen.

Mr. GALVIN. Um-hum.

Mr. VENTO. So I guess if you extrapolate it out you would get an idea of what—

Mr. GALVIN. You cannot do that in this instance because on the balance of the mileage improvements have already been made using other funds, so that the portion, the existing improvements that are required outside the park, total about \$2.8 million, as I understand it.

Mr. VENTO. OK.

Mr. GALVIN. These are estimates, incidentally, given to us by the county.

Mr. VENTO. Yes, this, of course, comes out of—the road money that the Park Service uses—is out of the Highway Trust Fund? We get a special allocation, is that correct? So that this would not be in conflict with other resources of the Park Service other than within the highway account, is that right?

Mr. GALVIN. The Federal Lands Highway Program, which is within the trust fund, gives us currently \$82 million a year. The Administration position in the reauthorization is that we should get \$161 million.

Mr. VENTO. Well, yes, I—

Mr. GALVIN. That is normally limited to what is called park roads. It is limited to park roads.

Mr. VENTO. So it would come out of that allocation.

Mr. GALVIN. That is right.

Mr. VENTO. I mean, so there is no other draw other than taking it from these but it is a smaller amount. Well, I think it is—that is really the question the Committee has. It is unusual but obviously it solves the problem within the park in terms of not constructing—and everyone agrees that should not be constructed within the park—the—

Mr. GALVIN. That is right. We are—

Mr. VENTO. Other than using the current roadbed.

Mr. GALVIN. Yes, we are certainly in synch with the intent of this bill, not to build the scenic drive—

Mr. VENTO. Right.

Mr. GALVIN. [continuing] and to use the county road in place of it. The only question is to what extent to pay for the improvements.

Mr. VENTO. Well, Mr. Chairman, there is just one other question. This grazing issue in the Arches bill, this legislation attempts to deal with that concern in terms of that grazing privilege by, in fact,

providing for lifetime—you know, the life of the person that holds the permit.

Mr. GALVIN. And their heirs.

Mr. VENTO. And their heirs?

Mr. GALVIN. Yes.

Mr. VENTO. Well, that—I mean, we would be—in other words, this would practically mean an annual payment, would it not, for a pretty long time?

Mr. GALVIN. We would manage the grazing very much the way BLM has been managing. This is a small corner of a larger grazing plot.

Mr. VENTO. How many AUMs are we talking about?

Mr. GALVIN. Pardon me?

Mr. VENTO. How many AUMs are we talking about?

Mr. GALVIN. I do not know that. I would have to supply that for the record.

[The information referred to may be found at end of hearing.]

Mr. GALVIN. But it is not a grazing allotment on its own. It is part of a larger allotment.

Mr. VENTO. Well, I understand that but, I mean, I guess I am wondering how important this is in terms of the precedent that would be set here. You have other situations like this, where you have the current permittee and their heirs, pardon me?

Mr. GALVIN. Well, Great Basin comes to mind. I am not sure. Certainly the existing grazing in Great Basin was allowed by law, and whether or not the heirs were allowed, I do not know. There is a good prospect that this, that the value of this permit, will be purchased with donated funds in the near future. Negotiations are under way.

Mr. VENTO. You cannot under the law, the staff advises me, that you cannot sell or transfer, so there are limits under the law in terms of that type of initiative. Of course, we are making law here, so I guess we need to clarify under the Taylor Grazing Act if you could, that this would be definite.

Mr. GALVIN. If that is the case, we do, yes.

Mr. VENTO. Well, anyway, I think it is interesting. I expect the AUMs—I mean, this is a desert area, is it not?

Mr. GALVIN. Yes, this is not a big deal, I think. The overall allotment may be big but—

Mr. VENTO. Well, I do not think it is a big deal either in terms of, probably, the amounts of money and so forth, but I think the problem is that it sets up a procedure which may be of concern. So I would expect that you might want to look at that a little closer and try to resolve that issue.

Mr. GALVIN. We can work with Committee staff to clarify that.

Mr. VENTO. Thank you, Mr. Chairman.

Mr. HANSEN. The time for the gentleman is expired. The gentleman from Utah, Mr. Cannon.

Mr. CANNON. Thank you, Mr. Chairman. I want to just thank our witnesses from the Federal Government. I appreciate your comments and I have no further questions.

Mr. HANSEN. The gentleman from North Carolina, Mr. Jones. No questions. The gentleman from Michigan, Mr. Stupak.

Mr. STUPAK. Thank you, Mr. Chairman, and thank you for allowing me to sit up and ask a few questions here today up on the dais here.

Mr. Galvin, on the road H-58 there, if the Park Service was to receive the 17-mile portion from the Alger County Road Commission—that is the portion that lies within the park—it is my understanding that there would not need to be any legislation; that could merely be deeded over to the Park Service, is that correct?

Mr. GALVIN. Just the portion inside the park, that is correct. We could take the road, if the county offered it, we could take it without legislation for that portion inside the park.

Mr. STUPAK. If that was to occur and you received it, and you mentioned the IST authorization, I believe, in your testimony. You said if you were able to get \$161 million out of the IST reauthorization, then, of course, you would look to upgrade to the tune of \$5.6 million. So anything you would do if it was deeded to you would depend on IST authorization?

Mr. GALVIN. Well, there are actually three sources of funds we would look to. One is we would need a certain amount of funds which are outlined in the testimony simply for the annual operation of the road, and some minor improvements would be possible through that. In addition, we have maintenance funds, cyclic maintenance and repair/rehabilitation money, available to us that would allow us to make certain improvements to the road up to about \$250,000 a year; but the major improvements to the road with those Highway Trust Fund moneys, probably in a phased fashion over a couple of years, yes, and that critically depends on the reauthorization of the bill, I might say.

Mr. STUPAK. So where we are at is basically whether or not the appropriations come through and where this would fall on the Park Service priority list.

Mr. GALVIN. Yes, with respect to the Trust Fund money, it is really more the latter than the former because once IST is reauthorized, no further appropriation is required. We simply have a set of priorities for the system as a whole and repair and rehabilitate roads against that priority.

That is why the amount is so critical. At \$82 million, obviously, we are going to do about half as much work as at \$161.

Mr. STUPAK. Well, is it the Park Service's intent, then, to leave this at sand and gravel, which costs about \$190,000 a year, or is it your intent to pave it, which would only cost you about \$23,000 a year to maintain?

Mr. GALVIN. It is our intent to upgrade the road. If the road comes to us, it is clearly our intent to upgrade it and from that point on it is just a matter of how quickly the money comes through the various sources available to us.

Mr. STUPAK. And would you agree with me that if we do not take care of the rest of H-58, especially the parts over by Kingston Lake and some of other parts which lie outside the Park Service, that people could not even access the Park Service unless we do something with the rest of this road? Because the part by Kingston Lake is the part where the Alger County Road Commission says it is in such bad shape, "we are just going to close it."

If we close it, no one is going to have access, then, correct?

Mr. GALVIN. That is right. Certainly not from the west side, but clearly there is a relationship between the condition of the rest of the road and the access to the park. I would have to grant you that. The question here is whether or not the county commissioners, through other Federal programs or through state programs, as they have with other parts of the road, are able to improve the road using other sources of funds.

Mr. STUPAK. You would agree with me that to have access to certain parts of this park the only way you could get there is H-58.

Mr. GALVIN. That is right, um-hum.

Mr. STUPAK. And the Park Service certainly has used H-58 for the last 30-something years without any compensation to the Alger County Road Commission.

Mr. GALVIN. That is right.

Mr. STUPAK. OK. And you would also agree with me that—and I think you said in your verbal testimony—that in the past we have used Park Service funds to upgrade and fix roads outside the Park Service so there would be access to it, and I think you mentioned Yellowstone, but was there not one on the East Coast, too, that we did the same thing?

Mr. GALVIN. There have been a couple of authorizations in Indiana Dunes and Cuyahoga, but I do not think they have ever worked, actually. I am not entirely familiar with the history of them. It is relatively rare for us to work on roads outside parks but there are at least a couple of precedents.

We maintain the Bear Tooth Highway, which is outside of Yellowstone but largely on Forest Service property, so the title to the road is probably in the United States at any rate. I would not say there are no precedents but it is rare for us to work on roads outside of park boundaries.

Mr. STUPAK. But what if we—and just curiosity here—but what if we just said, “Let us deed all of the 48 miles of H-58 to the Park Service”? Then you would be required to take care of it, right?

Mr. GALVIN. That is right. If you—I mean, if it was authorized that way, that is correct.

Mr. STUPAK. And then we would not need legislative approval, would we?

Mr. GALVIN. Oh, no, no. No. You mean, if the——

Mr. STUPAK. I almost had you.

Mr. GALVIN. Well, if it were done by the county, we could only accept the roads inside the park.

Mr. STUPAK. Correct. Without legislative approval, correct.

Mr. GALVIN. Yes, yes.

Mr. STUPAK. I thought I would just try you, that is all. Thank you.

Mr. HANSEN. Thank you. The gentleman from Georgia, Mr. Bishop.

Mr. BISHOP. Thank you. Let me just express my appreciation to the Committee for allowing me to sit on the dais. I do not have any questions. I think that our position is pretty much set forth on H.R. 1714 and I just request the Committee's indulgence and your assistance in getting this expeditiously accomplished.

Mr. HANSEN. Well, thank you for joining us today. As I look at this map on Arches, I understand that the BLM would be urging the Park Service to manage this as a wilderness area, is that right?

Mr. GALVIN. That is correct. Wilderness study area, actually, Mr. Chairman.

Mr. HANSEN. A wilderness study area.

Mr. GALVIN. This is——

Mr. HANSEN. Well, yes, we are going to get around to someday doing the park wilderness, which you folks in the Park did a very good job on in 1976, as I recall.

Mr. GALVIN. None of this is legislated wilderness, I do not believe. Not in Arches and not——

Mr. HANSEN. No, it is not. Is this a WSA that we are looking at?

Mr. GALVIN. Yes, um-hum.

Mr. HANSEN. How do people come into this WSA if they are coming in through BLM ground? Mat, how do they do that?

Mr. MILLENBACH. They would have to come in through the top but my understanding is that the primary access to this property, this canyon, is through the national park.

Mr. HANSEN. So the park is the easy access if you want to get into this area.

Mr. MILLENBACH. Yes, sir.

Mr. HANSEN. If you did not come in through the park, what do you do? Come from Moab?

Mr. MILLENBACH. I am not sure how you get around there. You go through that rough country up on the top.

Mr. HANSEN. You make one heck of a drive on dirt roads if you were to come into that area. So the proposal basically is if we add this area, that there would be—you would manage it as a wilderness area, or WSA, excuse me——

Mr. GALVIN. Um-hum.

Mr. HANSEN. [continuing] and there would be trails. As I understand there are presently trails into this area that the Park Service has managed in that manner, is that correct?

Mr. GALVIN. That is correct.

Mr. HANSEN. So if you——

Mr. GALVIN. And as Mat said, the principal access to this area right now is through the park, and one of your next witnesses, Mr. Ed Norton, just spent a day hiking in there, so he can——

Mr. HANSEN. What is in there that is distinguishing? You know, the thing that bothers me about a lot of these things is we—what is a distinguishing feature that is worth doing this for? For example, everybody knows Rainbow Bridge is a national monument and has a distinguishing feature. Everybody knows that Jensen is dinosaurs, and everybody knows that the Golden Spike is a railroad; but nobody knows what the National Escalante Staircase is made for because we have a poll now across America saying, "Can anyone give us a distinguishing feature?"

I admit, having been very familiar with that ground, that Fifty-Mile Mountain is somewhat distinguishing, but probably you can find areas in Arizona, Nevada, and New Mexico, and West Virginia that has as much as that.

What is distinguishing in Mr. Cannon's bill that is worth doing this for?

Mr. GALVIN. Well, first, and I think as Mr. Cannon pointed out in his opening remarks, the current boundary is artificial in that it was drawn arbitrarily and divides canyons in half, basically. The upper end of these drainages all wind up in Arches.

In addition, the lower portion of the canyon system is already within park boundaries. The addition is a logical extension since the upper and lower canyons are of the same outstanding quality. It is an intricately eroded system of multicolored and—sandstone canyons with high walls, arches, domes, alcoves, and amphitheaters. It contains seven documented arches, including Covered Arch. There are nearly vertical, narrow, slick rock canyon walls several hundred feet high.

So the quality of the features inside this addition is virtually the same as what is in Arches right now, and it is in the same canyons.

Mr. HANSEN. So the Administration feels that this is worth doing, that there is very fine features that people would enjoy seeing, and all that type of thing, is that right?

Mr. GALVIN. Absolutely.

Mr. HANSEN. How far is it? If I wanted to hike into that area, how far is the hike?

Mr. GALVIN. I would have to provide that. I would be making it up if I told you. It does provide a kind of hiking experience that is not available in Arches right now.

As you know, most of Arches is relatively close to a road system. This provides a new kind of visitor experience for Arches, I believe.

Mr. HANSEN. How do we keep it from being messed up, like the monument is now being messed up? Do you know what they call a monument in Escalante? They call it "Toilet Paper City," and that is just basically, excuse me for being crude, but that is what it is has turned into, that. How do you keep this one from being messed up?

Mr. GALVIN. Well, we do not propose to develop this portion, this addition, of the park. This will be entirely accessed through trail systems and we will police them the way we do in the national park right now.

Mr. HANSEN. Any further questions for this panel regarding any of the bills that we are talking about?

Mr. VENTO. Mr. Chairman, I just wanted to comment on the section 8 of the Arches bill. It is my understanding that, is there a land that is already selected there? Is there a single parcel in terms of a school section, 600 and—apparently it is 639 acres, it is identified here as, but it is a single section, is that right, that is within the addition to Arches, Mr. Millenbach?

I know you are not here to testify about that, but.

Mr. GALVIN. There are 32 acres of a school section in the proposed exchange, in the proposed addition, and I will let Mat talk about the exchange.

Mr. VENTO. Well, I do not know. I was under the—it said "a parcel of state school trust lands." It is only 32 acres?

Mr. MILLENBACH. I believe so. Well, the addition to the park would encompass 32 acres. What this provision would do, it would allow the direct trade of one section of state trust lands for one section of BLM lands.

Mr. VENTO. So there are no appraisals that have been done on the lands being exchanged yet the bill says that they are of equal value.

Mr. MILLENBACH. They are approximately equal, yes, sir.

Mr. VENTO. There are no appraisals so how do we—are you just judging from the—how did you arrive at that particular conclusion?

Mr. MILLENBACH. Well, we have taken a look at a number of parcels, and this is a piece of property, the Federal property, is a piece of property that our staff in the field felt was as close to this as they could find. If you were to go out and do an appraisal, you know, you probably would find some differences. What the term “approximately equal” means is that we think that it is fairly close based on our initial estimates.

Mr. VENTO. And so this is—you obviously have concerns about the 180-day provision in here, is that correct? Mr. Galvin spoke of that.

Mr. GALVIN. The provision of the exchange is, I believe, to provide an incentive to make the exchange to get the addition done. I think that is—

Mr. VENTO. I assume that the issue here is that the appraisals would cost the additional delay, and be costly, and apparently the Department, or the agencies, are saying it is not necessary, is that right?

Mr. GALVIN. That is correct.

Mr. VENTO. I mean, so that is the issue, that the appraisals are not necessary, Mr. Millenbach, is that correct?

Mr. MILLENBACH. Yes, sir. That is correct.

Mr. VENTO. I mean, that is the issue. So, I mean, I just wanted to raise that. But, in other words, you are taking 32 acres from within the addition and, you know, 600 acres or 610 acres from outside the addition in order to make a section change, a complete section change.

Mr. MILLENBACH. Yes. That is right.

Mr. VENTO. So would you like additional authority to deal with Escalante Grand Staircase in this legislation? Take care of those school sections there that are denying the children of Utah their educational opportunities.

Mr. GALVIN. We are not here to testify.

Mr. HANSEN. I do not think we want to get into that today; however, if you would like to open that subject up I am more than happy to discuss it with anybody. I am willing to debate anybody in the United States on that issue.

Mr. VENTO. Thank you, Mr. Chairman—

Mr. HANSEN. I thank the two panel members. We appreciate you always coming up and your great testimony. Thank you so very much.

The last panel is basically on H.R. 2283, the expansion of Arches. One panelist is Mr. Ed Norton, Vice President—Law and Public Policy of the National Trust for Historic Preservation; and Mr. Groene, the able spokesman and Director of the Southern Utah Wilderness Alliance.

If those two gentlemen would like to come up, we appreciate your being with us, Mr. Norton and Mr. Groene. You get 5 minutes each. Please stay within your time. If something is burning in your

bosom and you have to go over a little bit, I am more than happy to let you do that. Do not go too far over, however.

Mr. Norton, we will turn to you, sir.

STATEMENT OF ED NORTON, VICE PRESIDENT—LAW AND PUBLIC POLICY, NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. NORTON. Thank you very much, Chairman Hansen, and thank you for the opportunity to testify here today on H.R. 2283.

I am testifying as a member of the Board of Trustees of the Grand Canyon Trust, a regional organization headquartered Flagstaff, Arizona, with offices in St. George and in Moab.

I would like to begin my testimony by saying that I had a wonderful opportunity to spend an entire day with the National Park Service and with Bill Heddon, who also works for the Grand Canyon Trust and is a former Grand County Commissioner, hiking all through Lost Spring Canyon. It is a wonderful experience, absolutely spectacular area, qualifying in every sense as an addition to our national park system; beautiful alcoves, arches, walls, and what really impressed me, although this was the middle of August on a very hot day, was the riparian areas and the springs and seeps that are within Lost Spring Canyon.

So we are here to testify in support of H.R. 2283 and the addition of Lost Spring Canyon to Arches National Park, and I am testifying also on behalf of the National Parks and Conservation Association, which also supports the proposal.

As you may know, Lost Spring Canyon was actually recommended for addition to Arches National Park in NPCAA's park boundaries, where to draw the line, which 10 years ago was, I think, a very definitive study of additions and adjustments to the national park boundaries. Just let me summarize the testimony very quickly.

We are in favor of this proposal because, as Denis Galvin just testified, it really rationalizes and establishes boundaries for where Arches National Park that conform to natural systems and to ecosystem management.

Secondly, it does provide a mechanism for the retirement of the grazing permits. I am sorry Mr. Vento left because I would like to announce today that we actually have a definitive agreement with the grazing permittee to retire that portion of the grazing allotment that would be within the national park, and I do not actually know of any legal prohibition that once it becomes a national park, that that grazing permit cannot be permanently retired. We will certainly be glad to work with the Subcommittee staff to look into that, but I am told by the people in Moab that we have a definitive agreement to retire those permits.

I think the subject of the land exchange has been very adequately covered by the two witnesses from the Administration.

I think that the principal reason for doing this is that it does rationalize the management; it would eliminate the primary impact in the area, or at least right now, which is grazing; and I think that it would provide a system for managing the recreational use.

I spent this day in Lost Spring Canyon and then another day in Arches, and then another day in Canyonlands National Park. I

think the way the Park Service manages these areas for recreation and a wide variety of visitor impacts is commendable, to say the least. I certainly saw no evidence of "toilet paper" in either Arches or the 6 days I spent in Canyonlands, and I think that generally the Park Service management of these areas is really fantastic and deserves our commendation and support.

I recognize the fact that there are larger issues involved here. I think that the—certainly we would support the recommendation for wilderness management for this area by the Park Service. I think that this is a case of an addition to the National Park Service that is good, and that we should not let the perfect—there are larger land issues in Utah that need to be resolved but we should not let the perfect be the enemy of a very good proposal. Thank you very much.

[The, prepared statement of Mr. Norton follows:]

STATEMENT OF EDWARD NORTON, BOARD OF TRUSTEES, GRAND CANYON TRUST

Mr. Chairman and members of the committee, I appreciate this opportunity to speak in favor of the proposal to expand Arches National Park by adding the system of canyons collectively referred to as Lost Spring Canyon. The Grand Canyon Trust, a regional conservation group with offices in Flagstaff, Arizona, and Moab and St. George, Utah, believes that this legislation (H.R. 2283) will significantly enhance Arches by adding 3,140 acres of biologically rich and scenically spectacular canyons that should always have been part of the park.

The National Parks and Conservation Association also endorses this testimony. NPCA recommended inclusion of Lost Spring Canyon into National Park in the 1988 report **Park Boundaries: Where to Draw the Line**.

We consider several provisions of the bill to be noteworthy conservation gains. First, experience at national parks throughout the system has demonstrated difficult, unforeseen problems that arise when administrative boundaries do not coincide with natural ones. This bill redraws the Arches boundary around all of the canyons draining into the park from the northeast, and establishes a boundary based on the ecosystem rather than an artificial grid. Long term management of these canyons and riparian areas will be much more coherent as a result.

Second, the legislation provides a mechanism to retire livestock grazing from these fragile desert wetlands and riparian areas. The Grand Canyon Trust has been negotiating with the grazing permittee, and we are pleased to announce that we have reached an agreement to remove permanently cattle from the canyons upon passage of the bill. Benefits to rare riparian habitats and marshes will be profound as the area heals from decades of heavy grazing.

Third, a section of State Trust Land lying within a BLM Wilderness Study Area at the head of Fish Seep Draw will be exchanged for a parcel of BLM land in a known oil and gas area northwest of Moab. In this arrangement, an unusable asset of the School Trust, on which any development poses a threat to wild lands, will be converted to a potentially valuable asset in an already developed area. Moreover, the exchange establishes a positive and constructive precedent for the exchange of state and Federal land in Utah.

Some organizations oppose H.R. 2283 and expansion of Arches National Park, preferring to see these canyons and the uplands of Winter Camp Ridge and Dome Plateau designated as BLM Wilderness Area. We agree that such wilderness protection is highly desirable for the uplands of this unit. However, in well-known canyons pressed against a national park and listed in every guide book—canyons that can be reached by a short hike from the Delicate Arch parking lot with its half million annual visitors—BLM Wilderness designation is not necessarily the best management regime. Clearly, the largest current impact to the area is from grazing, which the park expansion proposal in H.R. 2283 addresses and which Wilderness designation does not address. The largest future impact (park expansion notwithstanding) will be from human recreational use, which the National Park Service is specially organized to manage.

Opponents of H.R. 2283 who argue that it is bad policy and precedent to break a single proposed wilderness unit into pieces with different legal mandates have lost sight of the fact that much of the canyon system is already part of Arches, and is most easily accessed from the park. In contrast, access for Bureau of Land Manage-

ment personnel requires a 55 mile one way trip from Moab, half on dirt roads, at the end of which one is still atop the vertical canyon rim, hundreds of feet above the canyon floor. The sensible way to consolidate management is to add all the canyons to the park, as this bill proposes to do, and leave the uplands in BLM management.

Mr. HANSEN. Thank you, Mr. Norton. Mr. Groene.

**STATEMENT OF SCOTT GROENE, ISSUES DIRECTOR,
SOUTHERN WILDERNESS ALLIANCE**

Mr. GROENE. First, Representative Hansen, I would like to thank you for promoting me to Director, but I think I had better correct that in case the word gets back to our real director in Salt Lake City.

Mr. HANSEN. Mr. Groene, all I can do is read what they put in front of me here.

Mr. GROENE. No, no, I appreciate it, thank you. I am just afraid I had better not accept it.

Mr. HANSEN. That is all right. If I had the power to promote you, I would be happy to do it.

Mr. GROENE. Thank you. My name is Scott Groene. I am the Issues Director with the Southern Wilderness Alliance. Today I am also testifying on behalf of the Sierra Club, the Wilderness Society, and the Western Ancient Forest Campaign.

We all agree that this is a spectacular area. It is a grand chunk of land, but there is another issue here which this Committee is intimately familiar with, which is the wilderness debate on BLM land in Utah. As we are all aware, there are proposals out there from 0 to 16 million acres; legislation has been introduced in the House—at least two forms. The groups I testify on behalf of today support H.R. 1500, which would protect 5.7 million acres.

There are 16,000 acres that are proposed for wilderness in the land that would be affected by this proposal for the Lost Spring Canyon unit. We are concerned that this is a step toward breaking the wilderness debate into small pieces, and we think the way to resolve the wilderness issue in Utah will be in a comprehensive fashion rather than addressing individual units, and that this bill would be a mistake to the extent that it would only protect about 3,000 acres of a much larger area.

This is one of our primary concerns and the reason we oppose the legislation. The other reason is a difficult issue. Perhaps 10 years ago we might have felt differently about this bill, but we have learned a lot from history and it is a problem that faces the public land managers in Southern Utah, which is simply the explosion of recreational growth. No place has become a focus of that more than the area of Moab, which, of course, includes Arches National Park.

Arches is a place that Ed Abbey described as a lonely place 30 years ago in "Desert Solitaire." It is no more. It is now a mecca for recreation. It has international and national visitation.

The Park Service has struggled to keep up with the visitation of this area. They have closed the Fiery Furnace. You cannot hike there any more without a National Park Service ranger. There is not enough parking in the park. They have gone out to do studies to try to determine whether the level of use is too much for people to enjoy the area any more. You cannot find a campground there many days. It is a front-country park. It does not have designated

back-country trails or campsites. I called last week to say, "If I wanted to go backpacking in Arches, can I go somewhere?" And the person said, "You ought to go down to Canyonlands instead."

Now, the Lost Spring Canyon area, on the other hand, is simply a quiet place that up until now only Moab residents knew about it, and we simply think that given the history of use that we need to take a different approach with this. We are concerned that if we add this little piece to Arches, that when someone walks in the door, like me, and says, "I want to go to the back country," they will send me to this canyon system that would not see this use otherwise. It is simply a problem of taking a pretty lonely place and sticking it onto a very heavily used park that does not have a back-country area right now. What we are liable to do is end up creating probably the biggest problems this area may face, which is too much recreation, and it is just sort of an inescapable problem.

I do not know how much use it would generate. But this area is mostly now in a wilderness study area, this is perhaps the greatest threat it faces, just simply too many people. By adding it to the park we may create that problem.

We think the bill should be amended so that if the area is transferred to the Park Service that the area grazing should be terminated. The language could be clarified on the pipeline just to ensure that the Park Service does have the discretion to protect the area from undue and unnecessary degradation while recognizing the rights of the pipeline company.

Another question is whether the WSA would remain in effect when it comes into Park Service jurisdiction. We think it would, that under FLPMA WSAs remain in place unless Congress determines otherwise. We do not see WSA release language in the bill so it is our understanding that is the intent of the bill not to extinguish the WSA.

Thank you for your time. I appreciate the chance to be here today.

[The statement of Mr. Groene follows:]

STATEMENT OF SCOTT GROENE, SOUTHERN UTAH WILDERNESS ALLIANCE

My name is Scott Groene, I'm a staff attorney and issues director for the Southern Utah Wilderness Alliance, a 25,000 member organization dedicated to the protection of the wilderness and natural environment of southern Utah, including that which would be affected by this bill. Today I'm testifying on behalf of SUWA, The Wilderness Society, and the Western Ancient Forest Campaign.

We oppose H.R. 2283 for the following reasons.

H.R. 2283 would increase the size of Arches National Park by adding Bureau of Land Management lands that have been proposed for wilderness protection. The bill would add 3,140 acres in the Lost Springs area to Arches, a significant portion of which is currently protected as a Wilderness Study Area.

As this subcommittee is aware, there are numerous proposals for protecting Utah BLM wilderness, ranging from approximately 2 million acres to 16 million acres. The organizations I speak for today support H.R. 1500, which would protect 5.7 million acres of public land wilderness, including 16,900 acres as the Lost Spring wilderness.

If lands are added to the Park, they should be added under legislative protection as wilderness. It is unclear from the bill language, but we believe the existing Wilderness Study Areas (WSA) should remain in effect on transfer of these lands to the NPS under the language of FLPMA.

This bill would cut the proposed Lost Spring Canyon wilderness into pieces, leaving some under National Park jurisdiction without WSA protection, and apparently some under Park jurisdiction with WSA protection. S. 2283 would also leave some under BLM jurisdiction with WSA protection, and some proposed as wilderness, but

without WSA protection and still under BLM jurisdiction. This area deserves consistent management, not a mixture of mandates under different agencies.

The proposed boundaries are better than the illogical and invisible on the ground section line boundaries that currently exist. But they can be made better. The proposal is drawn, from the maps we have seen, to run from the existing park boundaries to near the edge of cliffs, as to exclude the mesas above. We believe this wilderness should be protected by including these mesas and all the areas that qualify, and by drawing boundaries at the edge of disturbance, for example at the edge of a road.

This proposal might have appeared to be more appropriate only a decade ago. But much has changed since then, and we should learn something from this recent history. The Moab area, which includes Arches National Park, has become a recreational mecca. One of the greatest threats to the natural environment there is simply the threat of the lands being "loved to death." Perhaps nowhere is this problem greater than at Arches National Park. What was described as a lonely place by Edward Abbey in *Desert Solitaire* thirty years ago is now a national and international destination. At times, for example, there is not enough parking in the National Park. The National Park Service has tried to determine with photo studies the extent to which overcrowding has despoiled visitors experience. Many who have long loved this Park no longer visit during the tourist season simply because of the crowding. The Fiery Furnace, a popular hiking location has been closed to all visitation, unless a NPS guide is present, simply because of the resource damage caused by too much visitation. For much of the year, a visitor arriving after early morning will not find a campsite that night.

Arches is generally a "front country" Park. There are no designated backcountry trails or campsites, and very little of the Park is open to overnight camping. Last week I called to ask about opportunities for backpacking, and I was told by the NPS that opportunities were limited in Arches and it might be better to go to Canyonlands National Park instead.

Until recently, the Lost Spring Canyon drainage was little known beyond residents of Moab. It was a quiet place, and in visits there over the past several years, I never saw another person, unless it was someone traveling with me. If this canyon system is added to Arches National Park, then it will create a backcountry use area that is currently missing from the Park. It means every time a visitor walks in and asks if there is a place to go backpacking, they will likely end up in this small canyon system. The effect of this bill may be that it brings recreational crowding, and all of the problems attendant to that crowding, to an area that would never faced this problem otherwise.

We are also concerned that the transfer to the National Park Service may result in additional development in the area. NPS officials have told the media the NPS may want to develop a four-wheel drive campground at the edge of the area if the transfer occurs. If so, then the area would be better protected under existing BLM management.

The bill should be amended so the grazing permit would be terminated for that portion of the allotment placed under National Park Service management. As written, the bill would allow this use to potentially continue for several more decades.

The bill language should be clarified as to make clear that the NPS could regulate the use of the pipeline as to protect the Park from undue and unnecessary degradation.

Thank you for your time.

Mr. HANSEN. Thank you, Mr. Groene. The gentleman from American Samoa.

Mr. FALEOMAVAEGA. Thank you. I appreciate the gentlemen's testimony this morning. I just have a couple of questions.

Quite obviously there is a division here even among the community-minded environmentalists in the State of Utah, some for it and others against it.

Why just 3,100 acres? Why not 10,000 acres added to the park? Are there just as much beautiful areas in the Yellowcat Wash, and the Yellowcat Flat, and the Molly Hogans, or some of those areas that could also be designated as part of the park system?

Mr. Norton, maybe.

Mr. NORTON. Well, I think that the primary reason for the focus on this particular 3,100 acres, Congressman, is that there is a na-

tional logic to the fact that Arches is primarily a system of these canyon systems, and that this is one of the major canyons leading into the Arches from the Northeast, and there is a natural logic to this. That is not to say that other areas might not qualify for, also, for addition to Arches, but, again, I would not let the perfect be the enemy of the very good.

This is a good proposal, and Congressman Cannon has proposed it, and I think we should go ahead and do it.

Mr. FALEOMAVAEGA. Mr. Groene?

Mr. GROENE. It would be beneficial to take the boundaries and move them back to the edge of disturbance in this area, which is generally dirt roads and some uranium mining, and protect all of the wilderness in the area.

The boundaries now are drawn to the edge of the cliffs. There are a couple of the canyons that would be cutoff midway with a line just running across the center of the canyon. We say drop it back to the edge of the disturbance to protect all the canyons in that area.

Mr. FALEOMAVAEGA. I sense from your statement, Mr. Groene, that the concern now on behalf of your organization is that there are too many people visiting the park. Is that—

Mr. GROENE. I would guess that the Park Service would probably agree. It is an ongoing challenge to try to deal with the heavy use of the area.

Mr. FALEOMAVAEGA. Mr. Norton?

Mr. NORTON. I am not quite sure that I understand the logic of that, and I respectfully disagree. If the problem at Arches is sort of too many people and lack of a back-country experience, this proposal would give people a back-country experience, and as in every other unit of the national park system, that level of use can be managed through a back-country permit system, and the fact that the area is added, and is, in fact, managed as wilderness, does not mean that inexorably that there is going to be overuse.

The Park Service manages back country and back-country wilderness in many, many other units of the national park system. I just spent the weekend hiking down in Shenandoah National Park and I could not get a, you know, a back-country permit. The fact is, I had to get a permit just to hike up Old Rag. You can manage the level of use without, you know, adversely affecting the area.

Mr. FALEOMAVAEGA. My impression from Mr. Groene's statement is that backpackers are not having a fun time visiting the national parks. Is this my understanding of my concerns, Mr. Groene?

Mr. GROENE. Well, right now Arches is a small, front-country park that is just not used—

Mr. FALEOMAVAEGA. What is the total acreage of the national park involved?

Mr. GROENE. Seventy thousand acres, approximately.

Mr. FALEOMAVAEGA. Seventy thousand acres?

Mr. GROENE. And most of the use is different than other parks. Representative Cannon mentioned Canyonlands National Park, which sees a lot of day hiking and back country. Arches tends to be a front-country park. People see it through the windshield or through short hikes on hardened trails.

Mr. FALEOMAVAEGA. At this point, outside of the national park boundaries, you can do backpacking to the Cottonwood Wash and to the Lost Spring Canyon as backpackers? You do this right now?

Mr. GROENE. Yes.

Mr. FALEOMAVAEGA. Around how many backpackers do this each year?

Mr. GROENE. I do not know the numbers but I would guess it is very little. The times I have been in this area I have never seen anyone else there.

Mr. FALEOMAVAEGA. And you want to maintain that status of being very little in terms of the number of people that should backpack in the wilderness area.

Mr. GROENE. Our position is simply that the agencies in this area are struggling to deal with high recreational use. Adding this piece to the park may increase that problem.

Mr. FALEOMAVAEGA. Well, I am a little confused here. Mr. Chairman, thank you.

Mr. HANSEN. Thank you. The gentleman from Nevada, Mr. Gibbons.

Mr. GIBBONS. I have no questions, Mr. Chairman.

Mr. HANSEN. The gentleman from Michigan.

Mr. KILDEE. I have no questions, Mr. Chairman, thank you.

Mr. HANSEN. The gentleman from Utah, the sponsor of the bill, Mr. Cannon.

Mr. CANNON. Thank you, Mr. Chairman. I would like to thank our witnesses. I appreciate your support, Mr. Norton. The issues raised by Mr. Groene are issues of serious concern and we have tried to balance those.

I would just like to say in response to one item that I believe that this is a unique situation, that there are not many other Arches National Parks which are missing pieces that would affect the wilderness debate, and we have approached the debate as a unique piece rather than a concerted, broad-based plan.

But I appreciate your testimony. Thank you very much. Thank you, Mr. Chairman.

Mr. HANSEN. I am having a hard time with figuring out the logic on this thing. On the one hand it is now managed by BLM as a WSA. It will then be managed by the Park, but it is the same land, just different managers, is that right?

Mr. GROENE. My understanding.

Mr. HANSEN. Why would it create more interest just because we now put it into managed by the Park? We are not putting road in the middle of it, we are not putting a visitors' center, we are not putting a fly over provision. We are just saying that it now comes under the National Park Service, and they will probably have interpretive things that go along with that but I cannot understand why there would be more people now just because it is a park.

I do see the difference of when BLM is turned into a park or turned into a monument. People come to see it, find out what this is that they want to see, but I cannot understand that. What am I missing here?

Mr. GROENE. It is a mysterious thing why, when it is in a national park, people go to see it, when if it is just the same gorgeous land on the other side of the line they do not. As I think many of

us know in Utah if you just step on the other side of that line, you will not see people. Part of the effect is a large number of people that come to the state want to see the national parks do not realize the adjacent BLM can be just as gorgeous. There is also the effect of when someone calls Arches or walks through the front door and says, "I want a back-country hike," because the park does not have that opportunity now those people would be directed to this area by the staff.

Mr. HANSEN. Well, I guess I have not quite caught that, but I do appreciate both of you coming. You have been very kind. Your testimony was fine. I would assume that this bill will move forward; however, it just seems that I cannot see any really strong objection to your bill, Mr. Cannon.

But it is up to you folks. If you want to rally and do your best, by all means have at it.

This will conclude this hearing on these four pieces of legislation and we will now look for mark-up on these bills, if that is the wishes of the Congress and the sponsors of the bill.

Thank you to everyone for being here.

[Whereupon, at 11:14 a.m. the Subcommittee was adjourned.]

105TH CONGRESS
1ST SESSION

H. R. 351

To authorize the Secretary of the Interior to make appropriate improvements to a county road located in the Pictured Rocks National Lakeshore, and to prohibit construction of a scenic shoreline drive in that national lakeshore.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. STUPAK (for himself and Mr. EHLERS) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To authorize the Secretary of the Interior to make appropriate improvements to a county road located in the Pictured Rocks National Lakeshore, and to prohibit construction of a scenic shoreline drive in that national lakeshore.

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. PROVISION FOR ROADS IN PICTURED ROCKS**

4 **NATIONAL LAKESHORE.**

5 Section 6 of the Act of October 15, 1966, entitled

6 “An Act to establish in the State of Michigan the Pictured

1 Rocks National Lakeshore, and for other purposes” (16
2 U.S.C. 460s-5), is amended—

3 (1) in subsection (b)(1) by striking “including
4 a scenic shoreline drive” and inserting “including
5 appropriate improvements to Alger County Road H--
6 58”; and

7 (2) by adding at the end the following new sub-
8 section:

9 “(c) A scenic shoreline drive may not be constructed
10 in the Pictured Rocks National Lakeshore.”.

105TH CONGRESS
1ST SESSION

H. R. 1714

To provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1997

Mr. BISHOP introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

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. ACQUISITION OF PLAINS RAILROAD DEPOT.**

4 Section 1(c)(2) of the Act entitled "An Act to estab-
5 lish the Jimmy Carter National Historic Site and Preser-
6 vation District in the State of Georgia, and for other pur-
7 poses", approved December 23, 1987 (16 U.S.C. 461 note;
8 101 Stat. 1435), is amended by striking "the Plains
9 Railroad Depot (described in subsection (b)(2)(B)),".

Briefing Paper on H. R. 1714
To provide for the acquisition of the Plains Railroad Depot
at the Jimmy Carter National Historic Site

SUMMARY

H. R. 1714 was introduced by Congressman Sanford D. Bishop, Jr. (D-GA) on May 22, 1997. The bill amends the establishment act (PL. 100-206) for the Jimmy Carter National Historic Site (NHS) to authorize the acquisition of the Plains Railroad Depot, by means other than donation, for inclusion in the Jimmy Carter NHS in Plains, Georgia. The NHS is within Mr. Bishop's Congressional District.

BACKGROUND

The Plains, Georgia Railroad Depot (depot) was the site of former President Carter's campaign headquarters during the 1976 presidential campaign. The depot, built about 1890, was constructed on land deeded to the railroad in 1888 by a citizen of the town named M.L. Hudson. The deed stipulated that should the railroad no longer require the land, the lot upon which the depot is located would be returned to the heirs of the Hudson family.

The establishment act for the Jimmy Carter NHS specifically provided that the acquisition of the depot could be by donation only (described in subsection (b)(2)(B)). Although the depot structure itself was donated to the National Park Service (NPS) by the Plains Historic Preservation Trust in 1988, the 0.19 acre tract on which the depot stands remains in private ownership. Because of the deed restrictions contained in the easement conveyed for railroad purposes, CSX Corporation is unable to clear title on the property for purposes of donating it to the NPS. From the time of the establishment of the Jimmy Carter NHS in 1987, the NPS has diligently attempted to identify the Hudson family heirs. Although a number of the heirs have been located, and support the donation of the property for inclusion into the NHS, the NPS does not believe that all the heirs with a potential claim to the depot land have been located. Thus, this legislation, H. R. 1714, has been introduced to allow the completion of the acquisition of the depot land through a "friendly condemnation" proceeding to clear title to the land.

Because of the inability to identify the Hudson Family heirs, the depot has not been developed to its full potential as an element of the NHS. For example, the small parking lot is muddy during wet weather and dusty during dry weather. The depot is serviced by a sub-standard septic system because the hook-up to the town sewer system has not been possible without clear title to the land. As a result, the depot has been boarded up and is unavailable for visitation.

According to the NHS General Management Plan, the depot will be converted into a museum. The theme of the museum will be highlighted by converting it to its appearance during the 1976 presidential campaign. Exhibits and interpretive displays will be constructed using local volunteers, and NPS labor and design. The NPS superintendent for the NHS estimates that by using this local resources approach to construction, the costs will be approximately \$50,000, one tenth of the originally projected cost of \$512,000 for contracting out the proposal.

ANALYSIS OF THE BILL

The bill simply amends Section 1(c)(2) of the Act entitled "an Act to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes," approved December 23, 1987 (16 U. S. C. 461 note; 101 Stat. 1435), by striking, "the Plains Railroad Depot (described in subsection (b)(2)(B))." This amendment allows the Secretary to acquire the real property by donation, purchase with donated or appropriated funds, exchange, or otherwise, all lands and interests in lands within the boundaries of the historic site. There is an excellent opportunity for donated funds to be used to purchase the land once the title is cleared.

ADMINISTRATION POSITION

The Administration strongly supports the passage of H. R. 1714. The NPS testimony on H. R. 1714 presents a compelling case for the passage of H. R. 1714. The Senate passed S. 669, the companion legislation to H. R. 1714, by unanimous consent, on July 11, 1997.

Staff Contact: Dan Smith 226-7736

105TH CONGRESS
1ST SESSION

H.R. 2136

To direct the Secretary of the Interior to convey, at fair market value, certain properties in Clark County, Nevada, to persons who purchased adjacent properties in good faith reliance on land surveys that were subsequently determined to be inaccurate.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 1997

Mr. ENSIGN (for himself and Mr. GIBBONS) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To direct the Secretary of the Interior to convey, at fair market value, certain properties in Clark County, Nevada, to persons who purchased adjacent properties in good faith reliance on land surveys that were subsequently determined to be inaccurate.

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. FINDINGS.**

4 Congress finds that—

5 (1) certain landowners who own property adja-
6 cent to land managed by the Bureau of Land Man-
7 agement in the North Decatur Boulevard area of

1 Las Vegas, Nevada, bordering on North Las Vegas,
2 have been adversely affected by certain erroneous
3 private land surveys that the landowners believed
4 were accurate;

5 (2) the landowners have occupied or improved
6 their property in good faith reliance on the erro-
7 neous surveys of the properties;

8 (3) the landowners believed that their entitle-
9 ment to occupancy was finally adjudicated by a
10 Judgment and Decree entered by the Eighth Judi-
11 cial District Court of Nevada on October 26, 1989;

12 (4) errors in the private surveys were discovered
13 in connection with a dependent resurvey and section
14 subdivision conducted by the Bureau of Land Man-
15 agement in 1990, which established accurate bound-
16 aries between certain Federally owned properties
17 and private properties; and

18 (5) the Secretary has authority to sell, and it
19 is appropriate that the Secretary should sell, at fair
20 market value, the properties described in section
21 2(b) to the adversely affected landowners.

22 **SEC. 2. CONVEYANCE OF PROPERTIES.**

23 (a) PURCHASE OFFERS.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of this Act, the city of Las

1 Vegas, Nevada, on behalf of the owners of real prop-
2 erty located adjacent to the properties described in
3 subsection (b), may submit to the Secretary of the
4 Interior, acting through the Director of the Bureau
5 of Land Management (referred to in this Act as the
6 “Secretary”), a written offer to purchase the prop-
7 erties.

8 (2) INFORMATION TO ACCOMPANY OFFER.—An
9 offer under paragraph (1) shall be accompanied
10 by—

11 (A) a description of each property offered
12 to be purchased;

13 (B) information relating to the claim of
14 ownership of the property based on an erro-
15 neous land survey; and

16 (C) such other information as the Sec-
17 retary may require.

18 (b) DESCRIPTION OF PROPERTIES.—The properties
19 described in this subsection, containing 68.60 acres, more
20 or less, are—

21 (1) Government lots 22, 23, 26, and 27 in sec.
22 18, T. 19 S., R 61 E., Mount Diablo Meridian;

23 (2) Government lots 20, 21, and 24 in sec. 19,
24 T. 19 S., R. 61 E., Mount Diablo Meridian; and

1 (3) Government lot 1 in sec. 24, T. 19 S., R.
2 60 E., Mount Diablo Meridian.

3 (c) CONVEYANCE.—

4 (1) IN GENERAL.—Subject to the condition
5 stated in paragraph (2), the Secretary shall convey
6 to the city of Las Vegas, Nevada, all right, title, and
7 interest of the United States in and to the properties
8 offered to be purchased under subsection (a) on pay-
9 ment by the city of the fair market value of the
10 properties, based on an appraisal of the fair market
11 value as of December 1, 1982, approved by the Sec-
12 retary.

13 (2) CONDITION.—Properties shall be conveyed
14 under paragraph (1) subject to the condition that
15 the city convey the properties to the landowners who
16 were adversely affected by reliance on erroneous sur-
17 veys as described in section 1.

**BRIEFING PAPER ON H.R. 2136
A BILL TO DIRECT THE SECRETARY OF THE INTERIOR TO CONVEY,
AT FAIR MARKET VALUE, CERTAIN PROPERTIES ON WHICH SURVEYS
WERE DETERMINED TO BE INACCURATE IN CLARK COUNTY,
NEVADA, TO THE CITY OF LAS VEGAS, NEVADA
SEPTEMBER 16, 1997**

SUMMARY

H. R. 2136 was introduced by Congressman John Ensign of Nevada and cosponsored by Congressman Jim Gibbons of Nevada to authorize the Secretary of the Interior to convey certain properties on which surveys were found to be inaccurate in Clark County, Nevada to the City of Las Vegas, Nevada. The property (68.6 acres) will be conveyed to the City at fair market value. The City will then convey to the property owners who were subject to the inaccurate land surveys.

BACKGROUND

HR. 2136 was introduced by Cong. John Ensign and cosponsored by Cong. Jim Gibbons, both from Nevada. This bill would settle a long-standing property dispute between the City of Las Vegas, Nevada and the Bureau of Land Management (BLM). The property dispute centers on the Decatur Boulevard alignment at the border of the cities of Las Vegas, NV and North Las Vegas, NV.

This land area was originally surveyed in the early 1800s and there is evidence that proper protocol was not followed in setting survey monuments. Instead of stones, the early surveyors allegedly used small mesquite stakes to set the monuments. The stakes disintegrated over time, so that when the area was first privately surveyed in 1953, the original corner monuments could not be established. For the next twenty years various private surveys were conducted in the area and property corners set. However, these different surveys varied by as much as 250 feet in an east-west direction. Nonetheless, property owners built homes and developed their land, in good faith, by relying on the private surveys which, at the time, were the best available.

In 1989, in response to citizens' concerns, the City of Las Vegas commissioned a survey of the properties proximate to Decatur Boulevard. Afterward, suit was filed on behalf of the property owners in order to quiet title to the individual parcels. In October of 1989 a District Court issued a judgement which decreed quiet title to the property in question and established ownership lines at the lines of current occupation. The BLM objected to the decision on the grounds that it had not been properly notified and also claimed that the District Court did not have jurisdiction over the federal land in question.

In 1990, the City of North Las Vegas applied to the BLM to purchase a large block of land on the east side of Decatur Boulevard. Subsequently, the BLM conducted a Dependent Resurvey of the land, which is intended to retrace, without deviation, the original survey of 1881 regardless of occupancy. The resurvey resulted in the property boundary being set west of the adjudicated centerline of Decatur Boulevard. The BLM now maintains that the property owners on this land are in trespass of federal property. Had the land sale to the City of North Las Vegas occurred the land in dispute could have been quitclaimed to the City, then quitclaimed again to the property owners. However, the Sierra Club filed an injunction against the sale with the Interior Board of Land Appeals (IBLA). The injunction has since been lifted freeing the land to be sold. Subsequently, however, a new land appraisal was conducted and the new value placed on the land has become cost prohibitive to potential purchasers. As the land remains in federal ownership, boundary line adjustments cannot be made and the current property owners in the disputed land area cannot obtain clear title, thereby, cannot sell or refinance their homes.

This legislation settles the dispute by conveying the land to the City of Las Vegas, at fair market value established on an appraisal as of December 1, 1982. This appraisal has been approved by the Secretary of the Interior. The City then must convey the property back to the landowners who were adversely affected by the boundary dispute.

ADMINISTRATION'S POSITION

Not Opposed

STAFF CONTACT

Tod Hull - x67736

105TH CONGRESS
1ST SESSION

H. R. 2283

To expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages, Salt Wash, Lost Spring Canyon, Fish Sheep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Sheep Draw, which is currently owned by the State of Utah.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1997

Mr. CANNON (for himself, Mr. HANSEN, Mr. COOK, Mr. SALMON, Mr. SHADEGG, Mr. KOLBE, Mrs. CHENOWETH, Mrs. CUBIN, Mr. CRAPO, Mr. PASTOR, Mr. CUNNINGHAM, Mr. MCKEON, Mr. HERGER, Mr. ENSIGN, Mr. GIBBONS, Mr. ISTOOK, Mr. WATTS of Oklahoma, Mr. ENGLISH of Pennsylvania, Mr. LINDER, Mr. KIND, Mr. GOODLATTE, Ms. LOFGREN, Mr. GILCHREST, Mr. SMITH of Texas, Mr. MANZULLO, Mr. WICKER, Mr. FOX of Pennsylvania, Mr. PACKARD, Ms. DUNN, Mr. SMITH of New Jersey, Mr. SMITH of Oregon, Mr. SCHIFF, Mr. SESSIONS, Mr. HASTINGS of Washington, Mr. REDMOND, Mr. BARRETT of Nebraska, Mr. EHLERS, Mr. OXLEY, Mr. SNOWBARGER, and Mr. BONO) introduced the following bill; which was referred to the Committee on Resources

A BILL

To expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages, Salt Wash, Lost Spring Canyon, Fish Sheep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include

★

a portion of Fish Sheep Draw, which is currently owned by the State of Utah.

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 “Arches National Park
5 Expansion Act of 1997”.

6 **SEC. 2. EXPANSION OF ARCHES NATIONAL PARK, UTAH.**

7 (a) BOUNDARY EXPANSION.—Subsection (a) of the
8 first section of Public Law 92–155 (16 U.S.C. 272; 85
9 Stat. 422) is amended—

10 (1) by inserting after the first sentence the fol-
11 lowing new sentence: “Effective on the date of the
12 enactment of the Arches National Park Expansion
13 Act of 1997, the boundary of the park shall also in-
14 clude the area consisting of approximately 3,140
15 acres and known as the ‘Lost Spring Canyon Addi-
16 tion’, as depicted on the map entitled ‘Boundary
17 Map, Arches National Park, Lost Spring Canyon
18 Addition’, numbered 138/60,000–B, and dated April
19 1997.”; and

20 (2) in the last sentence, by striking “Such
21 map” and inserting “Such maps”.

22 (b) INCLUSION OF LAND IN PARK.—Section 2 of
23 Public Law 92–155 (16 U.S.C. 272a) is amended by add-
24 ing at the end the following new sentences: “As soon as

1 possible after the date of the enactment of the Arches Na-
2 tional Park Expansion Act of 1997, the Secretary of the
3 Interior shall transfer jurisdiction over the Federal lands
4 contained in the Lost Spring Canyon Addition from the
5 Bureau of Land Management to the National Park Serv-
6 ice. The lands included in the park pursuant to the Arches
7 National Park Expansion Act of 1997 shall be adminis-
8 tered in accordance with the laws and regulations applica-
9 ble to the park.”.

10 (c) PROTECTION OF EXISTING GRAZING PERMIT.—
11 Section 3 of Public Law 92–155 (16 U.S.C. 272b) is
12 amended—

13 (1) by inserting “(a)” before “Where”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(b)(1) In the case of any grazing lease, permit, or
17 license with respect to lands within the Lost Spring Can-
18 yon Addition that was issued before the date of the enact-
19 ment of the Arches National Park Expansion Act of 1997,
20 the lease, permit, or license shall continue in effect for
21 a period of time equal to the lifetime of the permittee as
22 of that date and any direct descendants of the permittee
23 born before that date. Any such grazing lease, permit, or
24 license shall be permanently retired at the end of such pe-
25 riod. Pending the expiration of such period, the permittee

1 (or a descendant of the permittee who holds the lease, per-
2 mit, or license) shall be entitled to periodically renew the
3 lease, permit, or license, subject to such limitations, condi-
4 tions, or regulations as the Secretary may prescribe.

5 “(2) Any such grazing lease, permit, or license may
6 be sold at any time during the period specified in para-
7 graph (1), except that the term of the sold lease, permit,
8 or license shall not exceed 10 years or the date on which
9 the lease, permit, or license is permanently retired under
10 paragraph (1), whichever occurs first. A subsequent pur-
11 chaser may retire the lease, permit, or license (or any por-
12 tion thereof) before the date on which the lease, permit,
13 or license would otherwise expire.”.

14 (d) WITHDRAWAL FROM MINERAL ENTRY AND
15 LEASING; PIPELINE MANAGEMENT.—on 5 of Public Law
16 92-155 (16 U.S.C. 272d) is amended by adding at the
17 end the following new subsection:

18 “(c)(1) Subject to valid existing rights, Federal lands
19 within the Lost Spring Canyon Addition are hereby appro-
20 priated and withdrawn from entry, location, selection,
21 leasing, or other disposition under the public land laws,
22 including the mineral leasing laws.

23 “(2) The inclusion of the Lost Spring Canyon Addi-
24 tion in the park shall not affect the operation or mainte-
25 nance by the Northwest Pipeline Corporation (or its suc-

1 cessors or assigns) of the natural gas pipeline that passes
2 through the Lost Spring Canyon Addition on the date of
3 the enactment of the Arches National Park Expansion Act
4 of 1997.”.

5 (e) EFFECT ON SCHOOL TRUST LANDS.—

6 (1) FINDINGS.—The Congress finds that the
7 following:

8 (A) A parcel of State school trust lands,
9 more specifically described as section 16, town-
10 ship 23 south, range 22 east, of the Salt Lake
11 base and meridian, is partially contained within
12 the Lost Spring Canyon Addition included with-
13 in the boundaries of Arches National Park by
14 the amendment by subsection (a).

15 (B) The parcel was originally granted to
16 the State of Utah for the purpose of generating
17 revenue for the public schools through the de-
18 velopment of natural and other resources lo-
19 cated on the parcel.

20 (C) It is in the interest of the State of
21 Utah and the United States for the parcel to be
22 exchanged for Federal lands of equivalent value
23 outside the Lost Spring Canyon Addition, in
24 order to permit Federal management of all
25 lands within the Lost Spring Canyon Addition.

1 (2) **LAND EXCHANGE.**—Public Law 92–155 is
2 amended by adding at the end the following new sec-
3 tion:

4 **“SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST**
5 **LANDS.**

6 “(a) **EXCHANGE REQUIREMENT.**—If, not later than
7 one year after the date of the enactment of the Arches
8 National Park Expansion Act of 1997, and in accordance
9 with this section, the State of Utah offers to transfer all
10 right, title and interest of the State in and to the parcel
11 of school trust lands described in subsection (b)(1) to the
12 United States, the Secretary of the Interior shall accept
13 the offer on behalf of the United States and, within 180
14 days after the date of such acceptance, transfer to the
15 State of Utah all right, title and interest of the United
16 States in and to the parcel of land described in subsection
17 (b)(2). The exchange of lands under this section shall be
18 subject to valid existing rights, and each party shall suc-
19 ceed to the rights and obligations of the other party with
20 respect to any lease, right-of-way, or permit encumbering
21 the exchanged lands.

22 “(b) **DESCRIPTION OF PARCELS.**—

23 “(1) **STATE CONVEYANCE.**—The parcel of
24 school trust lands to be conveyed by the State of
25 Utah under subsection (a) is section 16, township 23

1 south, range 22 east of the Salt Lake base and me-
2 ridian.

3 “(2) FEDERAL CONVEYANCE.—The parcel of
4 Federal lands to be conveyed by the Secretary of the
5 Interior consists of approximately 639 acres and is
6 identified as lots 1 through 12 located in the
7 $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}N\frac{1}{2}N\frac{1}{2}S\frac{1}{2}$ of section 1, township 25
8 south, range 18 east, Salt Lake base and meridian.

9 “(3) EQUIVALENT VALUE.—The Federal lands
10 described in paragraph (2) are of equivalent value to
11 the State school trust lands described in paragraph
12 (1).

13 “(c) MANAGEMENT BY STATE.—At least 60 days be-
14 fore undertaking or permitting any surface disturbing ac-
15 tivities to occur on the lands acquired by the State under
16 this section, the State shall consult with the Utah State
17 Office of the Bureau of Land Management concerning the
18 extent and impact of such activities on Federal lands and
19 resources and conduct, in a manner consistent with Fed-
20 eral laws, inventory, mitigation, and management activi-
21 ties in connection with any archaeological, paleontological,
22 and cultural resources located on the acquired lands. To
23 the extent consistent with applicable law governing the use
24 and disposition of State school trust lands, the State shall
25 preserve existing grazing, recreational, and wildlife uses

1 of the acquired lands. Nothing in this subsection shall be
2 construed to preclude the State from authorizing or under-
3 taking surface or mineral activities authorized by existing
4 or future land management plans for the acquired lands.

5 “(d) IMPLEMENTATION.—Administrative actions nec-
6 essary to implement the land exchange described in this
7 section shall be completed within 180 days after the date
8 of the enactment of the Arches National Park Expansion
9 Act of 1997.”.

SENT BY: CLV Survey;

9-11-97 8:37AM; 702 386 5737 =>

*submitted;
by the surveyor*

MAYOR
JAN LAVERY JONES
COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. McDONALD
GARY REESE
LARRY BROWN
CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

Statement of
Rita Lumos, PLS, City Surveyor

on behalf of the
City of Las Vegas, Nevada

to the
Subcommittee on Natural Parks and Public Lands

House Committee on Resources

regarding

H.R. 2136

September 16, 1997



CLV 2009
2019 01/15/97

400 E. STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386 9108 (TDD)

SENT BY: CLV Survey;

9-11-97 8:38AM; 702 386 5737 =>

Statement of the City of Las Vegas to the Subcommittee on Natural Parks and Public Lands - September 16, 1997
H.R. 2136 Page 2

1 Mr. Chairman and members of the committee, the City of Las Vegas appreciates the
2 opportunity to submit testimony on H.R. 2136 on behalf of the citizens of our city whose
3 property has been affected by a long standing survey problem.

4 This bill is a reintroduction of one which you approved last year, H.R. 2135 of the 104th
5 Congress. Unfortunately, the session ended prior to approval of the previous bill by the Senate.
6 It endeavors to provide a means whereby certain land owners in the city can finally have clear
7 title and enjoyment of their land.

8 The City of Las Vegas supports the bill and urges its passage.

9 The private lands adjacent to the encroachment were all patented directly from federal
10 ownership into private holdings. The original private owners and any successors in title
11 purchased the land in good faith and believed that they owned a particular size parcel. Those
12 property owners affected have been harmed by a significant loss of acreage due to the
13 adjudication of adjacent lands at the lines of occupation and the disclosure of the encroachment
14 by a subsequent survey by the Bureau of Land Management. Those property owners are the
15 focus of this bill. It is the goal of the City of Las Vegas and the Nevada Congressional
16 delegation to try to restore those owners to their rightful property, the property they believed they
17 owned.

18 The BLM has agreed to offer the land at the 1982 appraised value as a compromise. The
19 original bill introduced in 1996 requested that the land be transferred free of charge. The city
20 still feels that is the best approach, since the property owners paid for specific acreage originally,
21 and through no fault of their own or the citizens of Las Vegas, have lost part of their holdings.
22 The city will likely agree to the purchase at the lower appraisal if that is the only alternative.

SENT BY: CLV Survey;

9-11-97 8:38AM; 702 386 5737 =>

Statement of the City of Las Vegas to the Subcommittee on Natural Parks and Public Lands - September 16, 1997
H.R. 2136 Page 3

1 The land in question is a triangular shaped piece of federal land which lies between the range
2 line established by the Bureau of Land Management and the adjudicated centerline of Decatur
3 Boulevard together with a portion of a government lot west of the range line. The land is
4 correctly described in H.R. 2136, with the notation that the entire government lot 1 in Section 24,
5 Township 19 South, Range 60 East, M.D.M. is not intended for purchase. It was included in the
6 bill as a whole because the BLM has not yet had time to create the necessary subdivisions to
7 separate the encroachment area from the rest of the parcel. The BLM and the city are
8 cooperating in getting that survey accomplished.

9 Upon passage of appropriate legislation and the completion of the BLM survey it is the
10 intention of the City of Las Vegas to acquire the land, do the necessary additional surveying and
11 mapping to further divide it, and to quitclaim the resulting parcels to the affected adjacent
12 landowners. This will finally culminate an effort to quiet title in the area which was begun in
13 1988.

14 In order to better understand the nature of the problem, it is important to know something of
15 the history of the surveys in the area.

16 The original government land surveys were performed in 1881 and 1882. There is
17 considerable evidence that the surveys were only partially completed and that the monuments set
18 were not of the permanent character described in the official field notes. This was not an
19 uncommon circumstance in remote areas of the west.

20 No private settlement or development apparently took place until the early 1950's. The area
21 is near the Las Vegas Wash, an area of frequent flooding, and the original corners were likely
22 destroyed by time and weather. Over a thirty year period of time various private surveys were
23 performed and property corners set according to the best evidence available and in keeping with

SENT BY: CLV Survey;

9-11-97 8:38AM; 702 386 5737 =>

Statement of the City of Las Vegas to the Subcommittee on Natural Parks and Public Lands - September 16, 1997
H.R. 2136 Page 4

1 the relatively low land values of the time. Unfortunately, the variance between them was as
2 much as 250 feet in the east-west direction, creating gaps and overlaps. Property owners in the
3 arca built houses and developed their properties in good faith, relying on the various private
4 surveys.

5 As the years passed and development increased, it became obvious that severe discrepancies
6 existed among the property surveys. In 1988, in response to citizens' concerns, the City of Las
7 Vegas commissioned a survey of the properties under the authority set out in Nevada Revised
8 Statutes. Suit was brought in District Court on behalf of all the property owners in eight sections
9 of land, in order to quiet title to their individual parcels. On the 25th day of October, 1989, a
10 judgment and decree quieting title was issued. The judgment set the street centerlines and
11 adjoining property lines at the most equitable solution for all properties involved. This solution,
12 in effect, set the property lines at the lines of occupation. Approximately 600 parcels were the
13 subject of the adjudication.

14 The Bureau of Land Management objected to the court action, asserting that it had not been
15 properly notified, and that the District court has no jurisdiction over the federal land included in
16 the judgment. BLM had been notified at the Washington, DC address, but the local District
17 Office did not receive the notification.

18 In 1990 the Bureau of Land Management, under its sole federal authority, performed a
19 Dependent Resurvey of the land. By definition, a dependent resurvey is intended to retrace the
20 original survey (1881) without deviation, regardless of occupation. The resultant BLM survey
21 set the range line west of the adjudicated centerline of Decatur Blvd., and it in fact passes
22 through at least one house. The dependent resurvey discloses a considerable encroachment of the
23 adjacent property owners onto federal land.

SENT BY: CLV Survey;

9-11-97 8:39AM; 702 386 5737 =>

Statement of the City of Las Vegas to the Subcommittee on Natural Parks and Public Lands - September 16, 1997
H.R. 2136 Page 5

1 During this time period the City of North Las Vegas had applied to purchase a large block of
2 federal land on the east side of Decatur Blvd. When the trespass on federal land came to light,
3 the City of North Las Vegas agreed to include that land in its purchase and to quitclaim it to the
4 City of Las Vegas, who would in turn divide and quitclaim it to the adjacent owners.

5 Efforts on the part of the cities of Las Vegas and North Las Vegas to obtain the land were
6 thwarted by an injunction filed jointly by the Sierra Club and Citizen Alert with the Interior
7 Board of Land Appeals. Although the injunction has now been lifted, the land value has
8 increased by an amount sufficient to delay the purchase by North Las Vegas.

9 The City of Las Vegas has already expended approximately one-half million dollars
10 (\$500,000) in an effort to settle this problem. There are not sufficient funds available for the
11 purchase of the property at the current appraised value, which approaches another half million
12 dollars. It is our contention that the affected owners have already paid fair market value for the
13 property they purchased in good faith and developed, and that they should not have to bear the
14 expense of having to pay a premium price for land that they believed they already owned.

15 In November of 1992, the Bureau of Land Management, in a cooperative effort to resolve
16 the problem, issued supplemental plats of the two sections of land involved which created seven
17 government lots encompassing the disputed area. It is these seven lots, and a portion of the
18 eighth, which H.R. 2136 proposes to transfer to the city, who in turn will divide and release it to
19 the adjacent owners. As previously stated, lots are to be created for the encroachment areas in
20 Section 24.

21 When the BLM created the government lots covering the affected lands they created those
22 lots in conformance with the statutes which govern such divisions. The seven lots are each
23 nominally one quarter mile in length, north to south. The majority of the adjacent properties are

SENT BY: CLV Survey;

9-11-97 8:40AM; 702 386 5737 =>

Statement of the City of Las Vegas to the Subcommittee on Natural Parks and Public Lands - September 16, 1997
H.R. 2136 Page 6

1 small lots of one to five acres. The federal expense for the BLM to create individual lots for
2 transfer would be both great and unfunded. The City of Las Vegas has volunteered to complete
3 this work so that the problem can be finally resolved.

4 In summary, I would like to reiterate that the proposed legislation is urgently needed in order
5 to resolve a long standing problem which prohibits property owners in the area from selling or
6 refinancing their properties, or from obtaining clear title or title insurance. It is supported in
7 principle by both the Cities of Las Vegas and North Las Vegas. The Nevada District Office of
8 the Bureau of Land Management has also expressed their support.

9 The City of Las Vegas urges you to expedite passage of the bill. The city has labored for
10 nine years to resolve the survey and title problems encountered by the property owners in this
11 area. Passage of appropriate legislation to release the land, which has little value to the federal
12 government, and great value to the adjoiners, would be a tremendous service to those who have
13 suffered both financially and emotionally.

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