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C 17 r CAPITOL REEF AND ARCHES NATIONAL PARKS

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HEARING
BEFORE THE
SUBCOMMITTEE ON PARKS AND RECREATION
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

S. 531

A BILL TO ESTABLISH THE CAPITOL REEF NATIONAL PARK

S. 532

A BILL TO ESTABLISH THE ARCHES NATIONAL PARK

MAY 28, 1970



Printed for the use of the
Committee on Interior and Insular Affairs

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1. The first of the year was a very cold one, with a heavy snowfall on the 1st and 2nd. The weather was very disagreeable, and the people were much distressed. The snow was very deep, and the roads were very slippery. The people were very much distressed, and the roads were very slippery. The people were very much distressed, and the roads were very slippery.

2. The second of the year was a very cold one, with a heavy snowfall on the 1st and 2nd. The weather was very disagreeable, and the people were much distressed. The snow was very deep, and the roads were very slippery. The people were very much distressed, and the roads were very slippery.

3. The third of the year was a very cold one, with a heavy snowfall on the 1st and 2nd. The weather was very disagreeable, and the people were much distressed. The snow was very deep, and the roads were very slippery. The people were very much distressed, and the roads were very slippery.

4. The fourth of the year was a very cold one, with a heavy snowfall on the 1st and 2nd. The weather was very disagreeable, and the people were much distressed. The snow was very deep, and the roads were very slippery. The people were very much distressed, and the roads were very slippery.

5. The fifth of the year was a very cold one, with a heavy snowfall on the 1st and 2nd. The weather was very disagreeable, and the people were much distressed. The snow was very deep, and the roads were very slippery. The people were very much distressed, and the roads were very slippery.

6. The sixth of the year was a very cold one, with a heavy snowfall on the 1st and 2nd. The weather was very disagreeable, and the people were much distressed. The snow was very deep, and the roads were very slippery. The people were very much distressed, and the roads were very slippery.

7. The seventh of the year was a very cold one, with a heavy snowfall on the 1st and 2nd. The weather was very disagreeable, and the people were much distressed. The snow was very deep, and the roads were very slippery. The people were very much distressed, and the roads were very slippery.

8. The eighth of the year was a very cold one, with a heavy snowfall on the 1st and 2nd. The weather was very disagreeable, and the people were much distressed. The snow was very deep, and the roads were very slippery. The people were very much distressed, and the roads were very slippery.

9. The ninth of the year was a very cold one, with a heavy snowfall on the 1st and 2nd. The weather was very disagreeable, and the people were much distressed. The snow was very deep, and the roads were very slippery. The people were very much distressed, and the roads were very slippery.

10. The tenth of the year was a very cold one, with a heavy snowfall on the 1st and 2nd. The weather was very disagreeable, and the people were much distressed. The snow was very deep, and the roads were very slippery. The people were very much distressed, and the roads were very slippery.

CAPITOL REEF AND ARCHES NATIONAL PARKS

THURSDAY, MAY 28, 1970

U.S. SENATE,
SUBCOMMITTEE ON PARKS AND RECREATION
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 3110, New Senate Office Building, Senator Alan Bible (chairman of the subcommittee) presiding.

Present: Senators Bible, Anderson, and Moss.

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; and Bernard C. Hartung, professional staff member.

Senator BIBLE. The hearing will come to order.

The purpose of this hearing today is actually to continue and update testimony on two bills introduced by Senator Moss. I think probably it would be best for the sake of the record to handle them together. The first one is S. 531. This is a bill to establish the Capitol Reef National Park in the State of Utah.

When I say continuation, I want to emphasize that we have had hearings in the field on this proposal and have gone over the area, had a good reaction from the local citizenry and their ideas and their suggestions and their recommendations.

We have a report now from the Department of the Interior on this bill, dated May 27, 1970, signed by the Under Secretary, Fred Russell, where he recommends the enactment of amendment No. 17 to S. 531, amended as set forth herein. I do not know what that means. We will let Mr. Hartzog explain it.

You filed an amendment to the original bill, I recall.

Senator Moss. Yes, Mr. Chairman, I filed it more than a year ago.

Senator BIBLE. That was filed by you on May 1, 1969. I have it now. That will likewise be made a part of the record.

(The bill and amendments follow:)

(1)

91ST CONGRESS
1ST SESSION

S. 531

IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 10), 1969

Mr. Moss introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To establish the Capitol Reef National Park in 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 That, subject to valid existing rights, the lands in the
4 State of Utah comprising the Capitol Reef National Monu-
5 ment which was established by the President of the United
6 States by Proclamation Numbered 2246 of August 2, 1937,
7 and so enlarged by Proclamation Numbered 3249 of July 2,
8 1958, and Proclamation Numbered 3888 of January 20,
9 1969, are hereby established as the Capitol Reef National
10 Park.

11 SEC. 2. (a) The National Park Service, under the direc-

1 tion of the Secretary of the Interior, shall administer, protect,
2 and develop the park, subject to the provisions of the Act
3 entitled "An Act to establish a National Park Service, and
4 for other purposes", approved August 25, 1916 (39 Stat.
5 535).

6 (b) In order to provide for the proper development
7 and maintenance of the park, the Secretary of the Interior
8 shall construct and maintain therein such roads, trails, mark-
9 ers, buildings, and other improvements, and such facilities
10 for the care and accommodation of visitors, as he may deem
11 necessary.

91ST CONGRESS
1ST SESSION

S. 531

IN THE SENATE OF THE UNITED STATES

MAY 1, 1969

Referred to the Committee on Interior and Insular Affairs and ordered to be
printed

AMENDMENT

Intended to be proposed by Mr. MOSS to S. 531, a bill to establish the Capitol Reef National Park in the State of Utah, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

- 1 That, subject to valid existing rights, the lands and
- 2 interests in lands within the following described areas are
- 3 hereby established as the Capitol Reef National Park:

4 DESCRIPTION

5 SALT LAKE MERIDIAN, UTAH

- 6 Township 26 south, range 5 east: Sections 25 to 29,
7 inclusive, partly unsurveyed; sections 32 to 36, inclu-
8 sive, partly unsurveyed.

- 9 Township 27 south, range 5 east: Sections 1 to 5,

Amdt. No. 17

1 inclusive; sections 8 to 17, inclusive; sections 20 to 29,
2 inclusive; sections 32 to 36, inclusive.

3 Township 28 south, range 5 east: Sections 1 to 5,
4 inclusive, partly unsurveyed; sections 10 to 15, inclu-
5 sive, unsurveyed; sections 22 to 27, inclusive, partly un-
6 surveyed; sections 34 to 36, inclusive.

7 Township 29 south, range 5 east: Sections 1 and 2,
8 unsurveyed.

9 Township 26 south, range 6 east: Sections 27 to
10 34, inclusive, partly unsurveyed.

11 Township 27 south, range 6 east: Sections 3 to 5,
12 inclusive, partly unsurveyed; sections 8 to 10, inclusive,
13 unsurveyed; sections 13 to 17, inclusive, partly unsur-
14 veyed; sections 20 to 29, inclusive, unsurveyed; sec-
15 tions 32 to 36, inclusive, partly unsurveyed.

16 Township 28 south, range 6 east: All, partly un-
17 surveyed.

18 Township 29 south, range 6 east: Sections 1 to 17,
19 inclusive, partly unsurveyed; section 19, northeast quar-
20 ter, unsurveyed; sections 20 to 29, inclusive, partly un-
21 surveyed; sections 34 to 36, inclusive, partly unsurveyed.

22 Township 30 south, range 6 east: Sections 1 and 2;
23 sections 11 to 13, inclusive.

24 Township 27 south, range 7 east: Sections 18 to

- 1 20, inclusive, unsurveyed; sections 29 to 31, inclusive,
2 unsurveyed.
- 3 Township 28 south, range 7 east; Sections 6 to 8,
4 inclusive, unsurveyed; sections 16 to 21, inclusive,
5 partly unsurveyed; sections 28 to 34, inclusive, partly
6 unsurveyed.
- 7 Township 29 south, range 7 east: Sections 2 to 11,
8 inclusive, partly unsurveyed; section 14, that portion
9 north of State of Utah Route 24, unsurveyed; sections
10 15 to 22, inclusive, partly unsurveyed; sections 27 to
11 34, inclusive, partly unsurveyed.
- 12 Township 30 south, range 7 east: Sections 3 to 10,
13 inclusive, unsurveyed; sections 15 to 23, inclusive, partly
14 unsurveyed; sections 26 to 35, inclusive, partly un-
15 surveyed.
- 16 Township 31 south, range 7 east: Sections 3 to 10,
17 inclusive, partly unsurveyed; sections 15 to 22, inclu-
18 sive, partly unsurveyed; sections 27 to 33, inclusive;
19 section 34, west half.
- 20 Township 32 south, range 7 east: Sections 2 to 11,
21 inclusive; sections 14 to 18, inclusive; sections 22 to 27,
22 inclusive; sections 35 and 36.
- 23 Township 33 south, range 7 east: Sections 1 and 2;

1 sections 11 to 13, inclusive, unsurveyed; sections 24 and
2 25, unsurveyed.

3 Township 32 south, range 8 east: Section 31.

4 Township 33 south, range 8 east: Sections 6 and 7,
5 unsurveyed; sections 18 to 20, inclusive, partly unsur-
6 veysed; sections 29 to 33, inclusive, partly unsurveyed.

7 Township 34 south, range 8 east: Sections 4 to
8 10, inclusive, partly unsurveyed; sections 14 to 18, in-
9 clusive, partly unsurveyed; sections 21 to 28, inclusive,
10 partly unsurveyed; sections 33 to 36, inclusive, partly
11 unsurveyed.

12 Township 35 south, range 8 east: Sections 1 to 4,
13 inclusive, partly unsurveyed; sections 9 to 16, inclusive,
14 partly unsurveyed; sections 22 to 26, inclusive, un-
15 surveyed; section 36.

16 Township 34 south, range 9 east: Sections 30 and
17 31.

18 Township 35 south, range 9 east: Sections 6 and 7,
19 unsurveyed; sections 17 to 20, inclusive, unsurveyed;
20 sections 29 to 33, inclusive, partly unsurveyed.

21 Township 36 south, range 9 east: Sections 4 to 9,
22 inclusive, unsurveyed; sections 16 to 18, inclusive,
23 partly unsurveyed; sections 21 and 22, unsurveyed;
24 sections 26 and 27, unsurveyed; section 34, east half,
25 unsurveyed; sections 35 and 36, partly unsurveyed.

1 Township 37 south, range 9 east: Sections 1 and 2,
2 partly unsurveyed; section 11, east half, unsurveyed;
3 section 12, unsurveyed; containing 242,257 acres, more
4 or less.

5 SEC. 2. (a) The Secretary of the Interior is authorized
6 to acquire by donation, purchase with donated or appropri-
7 ated funds, condemnation, transfer from any Federal agency,
8 exchange or otherwise, the lands and interests in lands de-
9 scribed in the first section of this Act, except that lands or
10 interests therein owned by the State of Utah, or any political
11 subdivision thereof, may be acquired only with the approval
12 of such State or political subdivision.

13 (b) In exercising his authority to acquire such lands or
14 interests therein by exchange, the Secretary of the Interior
15 may accept title to any non-Federal lands located within
16 any such areas described under the first section of this Act
17 and convey to the grantor of such lands or interests any
18 federally owned lands under the jurisdiction of the Secretary
19 within the State of Utah. The lands so exchanged shall be
20 approximately equal in fair market value, but the Secre-
21 tary may accept cash from, or pay cash to, the grantor in
22 such an exchange in order to equalize the value of the land
23 exchanged.

24 SEC. 3. Where any Federal lands included within the
25 Capitol Reef National Park are legally occupied or utilized

1 on the date of approval of this Act for grazing purposes,
2 pursuant to a lease, permit, or license issued or authorized by
3 any department, establishment, or agency of the United
4 States, the Secretary of the Interior shall permit the persons
5 holding such grazing privileges on the date of approval of
6 this Act, their heirs, successors, or assigns, to renew the
7 privileges from time to time subject to such terms and
8 conditions as the Secretary may prescribe: *Provided, how-*
9 *ever,* That no such privilege shall be extended beyond the
10 period ending twenty-five years from the date of approval
11 of this Act except as specifically provided for in this section.
12 The Secretary shall permit a holder of the grazing privilege
13 to renew such privilege from time to time during the hold-
14 er's lifetime beyond the twenty-five-year period, subject to
15 such terms and conditions as the Secretary may prescribe, if
16 (1) the holder is the person who held such privilege on the
17 date of approval of this Act, or (2) the holder is the heir,
18 successor, or assign of such person and was a member of
19 that person's immediate family, as determined by the Secre-
20 tary of the Interior, on the date of approval of this Act.
21 Nothing contained in this section shall be construed as creat-
22 ing any vested right, title, interest, or estate in or to any of
23 the Federal lands. The Secretary, by regulation, may limit
24 the privileges enjoyed under this section to the extent that
25 they are appurtenant to the private lands owned by the per-

1 sons who held such privileges on the date of approval of this
2 Act, and may adjust such privileges to preserve the park land
3 and resources from destruction or unnecessary injury. Graz-
4 ing privileges appurtenant to privately owned lands located
5 within the Capitol Reef National Park established by this
6 Act shall not be withdrawn until title to lands to which
7 such privileges are appurtenant shall have vested in the
8 United States, except for failure to comply with the regula-
9 tions applicable thereto and after reasonable notice of any
10 default.

11 SEC. 4. Nothing in this Act shall be construed as af-
12 fecting in any way any rights of owners and operators of
13 cattle and sheep herds, existing on the date immediately
14 prior to the enactment of this Act, to trail their herds on
15 traditional courses used by them prior to such date of enact-
16 ment, and to water their stock, notwithstanding the fact that
17 the lands involving such trails and watering are situated
18 within the park.

19 SEC. 5. (a) The National Park Service, under the di-
20 rection of the Secretary of the Interior, shall administer,
21 protect, and develop the park, subject to the provisions of
22 the Act entitled "An Act to establish a National Park Serv-
23 ice, and for other purposes", approved August 25, 1916
24 (39 Stat. 535).

25 (b) In order to provide for the proper development and

- 1 maintenance of the park, the Secretary of the Interior shall
- 2 construct and maintain therein such roads, trails, markers,
- 3 buildings, and other improvements, and such facilities for
- 4 the care and accommodation of visitors, as he may deem
- 5 necessary.

1ST SESSION
91ST CONGRESS

S. 531

IN THE SENATE OF THE UNITED STATES

JUNE 30, 1969

Referred to the Committee on Interior and Insular Affairs and ordered to be printed

AMENDMENT

Intended to be proposed by Mr. MOSS to the amendment (No. 17) proposed by him to S. 531, a bill to establish the Capitol Reef National Park in the State of Utah, viz: On page 8, after line 5, add the following:

- 1 (c) The Secretary of the Interior shall, pursuant to regu-
- 2 lations established by him, grant easements, for public utili-
- 3 ties, over, across, and upon lands under his jurisdiction within
- 4 the area comprising the Capitol Reef National Park. Such
- 5 easements shall be granted pursuant to such conditions as the
- 6 Secretary may deem necessary.

Amdt. No. 55

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 27, 1970.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 531 (and amendment No. 17) "To establish the Capitol Reef National Park in the State of Utah." A similar bill, S. 399 (and amendment No. 6), is also pending before your Committee. This report will cover both bills.

We recommend the enactment of Amendment No. 17 to S. 531, amended as set forth herein.

S. 399 redesignates the existing Capitol Reef National Monument as Capitol Reef National Park. Amendment No. 6 to S. 399 would establish as a national park only that part of the existing monument so constituted as of January 1, 1969.

Proclamation No. 3888 of January 20, 1969, added some 215,056 acres of land to the then-existing 39,185-acre Capitol Reef National Monument. The effect of S. 399, therefore, is to create a 254,241-acre national park having the same boundaries as the existing enlarged monument; the effect of Amendment No. 6 is to create a 39,185-acre national park having boundaries the same as the national monument prior to the January 1969 proclamation.

S. 531 has the same effect as S. 399; that is, it too redesignates the existing Capitol Reef National Monument, as enlarged by the January 1969 proclamation, as a national park. Amendment No. 17 to S. 531, however, would (1) establish a different boundary for the park, by reference to public land subdivisions; (2) authorize the acquisition of land within the park by donation, purchase with donated or appropriated funds, condemnation, transfer from any Federal agency, exchange, or otherwise; (3) direct the Secretary of the Interior to allow holders of existing grazing permits to continue in the exercise thereof for up to 25 years, and beyond in the case of existing permittees or members of their immediate family; and (4) a disclaimer as to the effect of the Act on the rights of stockmen to trail their cattle and sheep in the park and to water them on lands within the park.

Capitol Reef National Monument in southeastern Utah was established by Proclamation No. 2246 of August 2, 1937, and enlarged to 39,185 acres by Proclamation No. 3249 of July 2, 1958. The addition of 215,056 acres by the January 1969 proclamation brought within the monument the entire spectacular geologic structure known as Waterpocket Fold. The monument now enables the National Park Service to present a complete geologic story of the exposed and eroded rock layers, which were laid down over more than 125 million years, and which are now standing on edge in the form of a gigantic, 100-mile-long monocline. We believe, accordingly, that with several modifications, the boundaries of this proposed park should continue to encompass the geological features within the present monument. For this reason we recommend against Amendment No. 6 to S. 399, and we recommend the enactment of Amendment No. 17 to S. 531, with the following amendments:

1. Beginning at line 1, page 1, through line 4, page 5, delete section 1, and insert in lieu thereof the following:

"That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled 'Boundary Map, Proposed Capitol Reef National Park, Utah,' numbered RPSSC-158-20, 001-D, and dated August 1969, are hereby established as the Capitol Reef National Park (hereinafter referred to as the 'park'). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the 'Secretary') in accordance with the laws applicable to the public lands of the United States."

This amendment (1) substitutes a reference to a map depicting a new boundary for the public-land subdivision description in the bill, (2) expressly abolishes the

former national monument as such, and (3) clarifies the status of former monument lands which are excluded from the park.

The major differences between the boundary described in Amendment No. 17 to S. 531 and the boundary we recommend, both in relation to the existing monument boundary, are set forth in the following table:

COMPARISON OF MAJOR DIFFERENCES

Feature	S. 531 (amendment No. 17)	NPS boundary
Cathedral Valley.....	Adds 699 acres.....	Adds 9,870 acres; deletes 1,600 acres.
North end, Waterpocket Fold.....	Adds 5,153 acres.....	Adds 4,347 acres.
The Hartnet, North Blue Flats.....	Deletes 11,560 acres.....	Deletes 9,660 acres; adds 160 acres.
Middle part, Waterpocket Fold.....	Deletes 1,920 acres.....	Deletes 640 acres.
Circle Cliffs.....	No change.....	Adds 2,072 acres.
Cedar Mesa to Grand Gulch.....	Deletes 17,092 acres.....	Deletes 10,045 acres.
Wagon Box Mesa.....	Deletes 5,105 acres.....	Deletes 798 acres.
South end, Waterpocket Fold.....	Adds 6,421 acres.....	Adds 6,421 acres.
Additions.....	12,273 acres.....	22,870 acres.
Deletions.....	35,677 acres.....	22,743 acres.
Net change.....	23,404 acres deleted.....	127 acres added.
New park.....	230,837 acres.....	254,368 acres.

The differences between the boundary set forth in Amendment No. 17 to S. 531 and that shown on the boundary map we propose are largely the result of our desire that the boundary encompass to the greatest extent possible the geological features of the area, and that the boundary follow natural lines of the terrain. The proposed boundary is the result of a thorough study conducted over a period of 12 months. We believe it represents the optimum in terms of assuring continued preservation on the unique formations within the area.

For example, in the area described above from Cedar Mesa to Grand Gulch the escarpment along the east side of this valley (Halls Creek Valley) is an integral part of the geologic structure known as Waterpocket Fold, a monocline. The valley is a textbook example of a "Strike Valley," i.e., where the valley follows the strike of the geologic strata. Amendment No. 17 to S. 531 would locate the boundary inside the valley where a county road would cross and recross the boundary. Since the valley itself is a single geologic and topographical unit, it ought to be interpreted, protected, and managed as a unit. Accordingly, our proposed boundary would follow quarter section lines on the far (east) rim of the valley. This will assure management control over areas immediately adjacent to the road, and interpretation of the entire valley as a geological unit.

The boundary we propose would add to the existing monument 22,870 acres, the ownership of which is as follows:

Federal:	Acres
Bureau of Land Management.....	17,245
Forest Service (Department of Agriculture).....	4,347
State	1,278

There are no private lands to be added under our proposed boundary. We expect to acquire the State of Utah's lands by donation or exchange. No increases in costs of development or operation are expected as a result of the change in boundary and redesignation of the monument to national park status.

2. On page 5, line 5, delete "(a)", and delete lines 13 through 23 on page 5.

This amendment deletes subsection 2(b) which authorizes acquisition by exchange specifically for Capitol Reef National Park. Section 5(b) of the Act of July 15, 1908 (82 Stat. 354, 356), authorizes acquisition by exchange applicable to any unit of the National Park System. The specific language for Capitol Reef National Park is, therefore, unnecessary.

We point out, in connection with subsection 2(a) of the printed bill, that the specific reference in line 7, page 5, to the condemnation is also not necessary. The authority to acquire by purchase with donated or appropriated funds in lines 6 and 7 has been consistently construed to include authority to acquire by condemnation.

3. On page 6, beginning at line 10, delete all that follows ending at line 10, page 7, and substitute in lieu thereof the following: "period ending ten years from the date of approval of this act."

Section 3 of the bill gives holders of existing grazing privileges a statutory right of renewal up to a period ending 25 years from the date of the Act, and it gives existing permittees or members of their immediate families the right to renewal for an indefinite period. Our amendment would require that all existing grazing permits be phased out within 10 years. We believe that continued grazing use is not compatible with optimum protection and interpretation of the park. There are approximately 60 permittees grazing several thousand animal-unit-months of cattle and sheep within the area. A major consideration in arriving at our recommended boundary was the elimination of grazing lands wherever feasible. The remaining lands are necessary for the protection and interpretation of the park, and we believe a 10-year phaseout of grazing would be appropriate.

4. On page 7, line 18, change the period to a colon and insert the following proviso: "*Provided*, That the Secretary may regulate such use and designate driveways therefor."

Section 4 of the bill provides that nothing in this Act shall be construed as affecting any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of the Act, to trail their herds on traditional courses and to water their stock on lands within the park. The January 20, 1969, proclamation expressly recognized the privilege of owners and operators to move livestock across monument lands, but "under such regulations as may be prescribed by the Secretary of the Interior and upon driveways to be specifically designated by said Secretary." The amendment adds a proviso which would make it clear that the existing authority of the Secretary to regulate use of Federal lands for trailing and watering stock and to designate driveways therefor will apply as well to the park.

5. On page 5, line 5; page 6, line 4; page 7, line 20; and page 8, line 1; change "Secretary of the Interior" to "Secretary"; and on page 5, line 25, change "Capitol Reef National Park" to "park".

These amendments conform the bill to our amendment numbered 1.

6. On page 8, after line 5, insert the following new section:

"Sec. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

The authorities in the bill to administer and develop the park imply authority to request appropriations for this purpose. This amendment expressly authorizes such appropriations. As stated earlier, the enactment of this bill will not result in any increased expenditures above those which would normally be incurred for the existing national monument.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

FRED J. RUSSELL,
Under Secretary of the Interior.

Senator BIBLE. I introduce also as part of the record the bill, S. 352, and the Department reports of May 27, 1970, recommending the enactment of amendment No. 18 to S. 352, which is the Arches National Park in the State of Utah.

(The bill and amendments follow:)

91ST CONGRESS
1ST SESSION

S. 532

IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 10), 1969

Mr. Moss introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To establish the Arches National Park in 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 That, subject to valid existing rights, the lands in the
4 State of Utah comprising the Arches National Monument
5 which was established by the President of the United
6 States by Proclamation Numbered 1875 of April 12, 1929,
7 enlarged by Proclamation Numbered 2312 of November 25,
8 1938, the boundaries of which were adjusted by Proclama-
9 tion Numbered 3360 of July 22, 1960, and enlarged by
10 Proclamation Numbered 3887 of January 20, 1969, are
11 hereby established as the Arches National Park.

1 SEC. 2. (a) The National Park Service, under the di-
2 rection of the Secretary of the Interior, shall administer,
3 protect, and develop the park, subject to the provisions of
4 the Act entitled "An Act to establish a National Park
5 Service, and for other purposes", approved August 25, 1916
6 (39 Stat. 535).

7 (b) In order to provide for the proper development and
8 maintenance of the park, the Secretary of the Interior shall
9 construct and maintain therein such roads, trails, markers,
10 buildings, and other improvements, and such facilities for
11 the care and accommodation of visitors, as he may deem
12 necessary.

91ST CONGRESS
1ST SESSION

S. 532

IN THE SENATE OF THE UNITED STATES

MAY 1, 1969

Referred to the Committee on Interior and Insular Affairs and ordered to be printed

AMENDMENT

Intended to be proposed by Mr. MOSS to S. 532, a bill to establish the Arches National Park in the State of Utah, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

1 That, subject to valid existing rights, the lands and in-
2 terests in lands within the following described areas are
3 hereby established as the Arches National Park:

4 DESCRIPTION

5 SALT LAKE MERIDIAN, UTAH

6 Township 23 south, range 20 east: Sections 2 and
7 3; section 4, north half; sections 11, 12, 13, and 14;
8 section 22, east half; sections 23, 24, 25, and 26; sec-
9 tion 27, east half; sections 35 and 36.
10 Township 24 south, range 20 east: Section 1.

Amdt. No. 18

1 Township 23 south, range 21 east: Section 7; sec-
2 tion 8, south half; section 15, south half; sections 16,
3 17, 18, 19, 20, 21, and 22; section 23, south half;
4 sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35,
5 and 36.

6 Township 24 south, range 21 east: Sections 1, 2, 3,
7 4, 5, and 6; sections 8, 9, 10, 11, 12, 13, 14, 15, 16,
8 and 17; sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and
9 29; section 30, south half; sections 31, 32, 33, 34, 35,
10 and 36.

11 Township 25 south, range 21 east: Sections 1, 2,
12 3, 4, and 5; section 6, east half; section 7, east half east
13 half and northwest quarter northeast quarter; sections
14 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17; sections 20
15 and 21—those portions lying north of United States
16 Highway 160; sections 22 and 23; sections 24 and 25—
17 those portions lying north and west of the right bank of
18 the Colorado River; section 26—that portion lying
19 north of the right bank of the Colorado River and north
20 of United States Highway 160; sections 27 and 28—
21 those portions lying north of United States Highway
22 160.

23 Township 23 south, range 22 east: Section 31;
24 section 32, northwest quarter and south half; section 33,
25 south half.

1 Township 24 south, range 22 east: Sections 4, 5,
2 6, 7, and 8; section 9, west half; section 17, west half
3 northwest quarter and southwest quarter; sections 18
4 and 19; section 20, west half and southwest quarter
5 southeast quarter; section 29, west half northeast quar-
6 ter, southeast quarter northeast quarter, west half and
7 southeast quarter; sections 30 and 31; section 32—that
8 portion lying north and west of the right bank of the
9 Colorado River.

10 Township 25 south, range 22 east: Section 5—that
11 portion lying north and west of the right bank of the
12 Colorado River; sections 6 and 7; sections 8, 9, 10,
13 15, 16, and 17—those portions adjoining the right bank
14 of the Colorado River; section 18; sections 19 and
15 20—those portions lying north of the right bank of the
16 Colorado River, containing 73,306 acres, more or less.

17 SEC. 2. (a) The Secretary of the Interior is authorized
18 to acquire by donation, purchase with donated or appropri-
19 ated funds, condemnation, transfer from any Federal agency,
20 exchange or otherwise, the lands and interests in lands
21 described in the first section of this Act, except that lands or
22 interests therein owned by the State of Utah, or any political
23 subdivision thereof, may be acquired only with the approval
24 of such State or political subdivision.

25 (b) In exercising his authority to acquire such lands or

1 interests therein by exchange, the Secretary of the Interior
2 may accept title to any non-Federal lands located within any
3 such areas described under the first section of this Act and
4 convey to the grantor of such lands or interests any federally
5 owned lands under the jurisdiction of the Secretary within
6 the State of Utah. The lands so exchanged shall be approxi-
7 mately equal in fair market value, but the Secretary may
8 accept cash from, or pay cash to, the grantor in such an
9 exchange in order to equalize the value of the land exchanged.

10 SEC. 3. Where any Federal lands included within the
11 Arches National Park are legally occupied or utilized on the
12 date of approval of this Act for grazing purposes, pursuant
13 to a lease, permit, or license issued or authorized by any de-
14 partment, establishment, or agency of the United States, the
15 Secretary of the Interior shall permit the persons holding
16 such grazing privileges on the date of approval of this Act,
17 their heirs, successors, or assigns, to renew the privileges
18 from time to time subject to such terms and conditions as
19 the Secretary may prescribe: *Provided, however,* That no
20 such privilege shall be extended beyond the period ending
21 twenty-five years from the date of approval of this Act
22 except as specifically provided for in this section. The Sec-
23 retary shall permit a holder of the grazing privilege to re-
24 new such privilege from time to time during the holder's
25 lifetime beyond the twenty-five-year period, subject to such

1 terms and conditions as the Secretary may prescribe, if (1)
2 the holder is the person who held such privilege on the date
3 of approval of this Act, or (2) the holder is the heir, suc-
4 cessor, or assign of such person and was a member of that
5 person's immediate family, as determined by the Secretary
6 of the Interior, on the date of approval of this Act. Nothing
7 contained in this section shall be construed as creating any
8 vested right, title, interest, or estate in or to any of the Fed-
9 eral lands. The Secretary, by regulation, may limit the
10 privileges enjoyed under this section to the extent that they
11 are appurtenant to the private lands owned by the persons
12 who held such privileges on the date of approval of this Act,
13 and may adjust such privileges to preserve the park land and
14 resources from destruction or unnecessary injury. Grazing
15 privileges appurtenant to privately owned lands located with-
16 in the Arches National Park established by this Act shall
17 not be withdrawn until title to lands to which such privileges
18 are appurtenant shall have vested in the United States, ex-
19 cept for failure to comply with the regulations applicable
20 thereto and after reasonable notice of any default.

21 SEC. 4. Nothing in this Act shall be construed as affect-
22 ing in any way any rights of owners and operators of cattle
23 and sheep herds, existing on the date immediately prior
24 to the enactment of this Act, to trail their herds on traditional

1 courses used by them prior to such date of enactment, and
2 to water their stock, notwithstanding the fact that the lands
3 involving such trails and watering are situated within the
4 park.

5 SEC. 5. (a) The National Park Service, under the direc-
6 tion of the Secretary of the Interior, shall administer, protect,
7 and develop the park, subject to the provisions of the Act
8 entitled "An Act to establish a National Park Service, and
9 for other purposes", approved August 25, 1916 (39 Stat.
10 535).

11 (b) In order to provide for the proper development and
12 maintenance of the park, the Secretary of the Interior shall
13 construct and maintain therein such roads, trails, markers,
14 buildings, and other improvements, and such facilities for
15 the care and accommodation of visitors, as he may deem
16 necessary.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 27, 1970.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 532 (and amendment No. 18) "To establish the Arches National Park in the State of Utah." A similar bill, S. 400 (and amendment No. 7) is also pending before your Committee. This report will cover both bills.

We recommend the enactment of Amendment No. 18 to S. 532, amended as set forth herein.

Prior to January 20, 1969, Arches National Monument consisted of 34,009.94 acres. Proclamation No. 3887 of January 20, 1969, added approximately 48,943 acres to the monument for a total acreage at present of approximately 82,953 acres.

As introduced, S. 400 would merely redesignate the existing monument (82,953 acres) as a national park. Amendment No. 7 to S. 400, however, would establish the monument as it existed on January 1, 1969, (34,009.94 acres) as a national park. S. 532, as introduced, would have the same effect as S. 400, in that it would merely redesignate the existing monument as a national park. Amendment No. 18 to S. 532, however, would (1) establish an Arches National Park with a new boundary, described by reference to public-land subdivisions; (2) authorize the acquisition of lands and interests in lands by donation, purchase with donated or appropriated funds, condemnation, transfer from any Federal agency, exchange, or otherwise; (3) provide existing holders of grazing privileges a statutory right of renewal for a period of up to 25 years, and for an indefinite period in the case of existing permittees and members of their immediate families; and (4) include a disclaimer as to the effect of the Act on any existing rights of owners and operators of cattle and sheep herds to trail and water their herds on park lands.

We have carefully reviewed the boundaries of the existing national monument, and we believe that substantial deletions could properly be made without compromising the natural features of the area. Also, a minor addition is desirable to include certain striking formations, part of which are within the existing boundary. We do not believe, however, that the monument should be reduced in size to the extent contemplated in amendment No. 7 to S. 400. Accordingly, we recommend the enactment of amendment No. 18 to S. 532, if amended as follows:

1. Beginning at line 1, page 1, through line 16, page 3, delete section 1 and insert in lieu thereof the following:

"That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled 'Boundary Map, Proposed Arches National Park, Utah,' numbered RPSSC-138-20,001-E, and dated September 1969, are hereby established as the Arches National Park (hereinafter referred to as the 'park'). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Arches National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the 'Secretary') in accordance with the laws applicable to the public lands of the United States."

This amendment (1) substitutes a reference to a map depicting a new boundary for the public-land subdivision description in the bill, (2) expressly abolishes the former national monument as such, and (3) clarifies the status of former monument lands which are excluded from the park.

A comparison of the boundary described in amendment No. 18 to S. 532 and the boundary we recommend, both in relation to the existing monument boundary, is set forth in the following table:

COMPARISON OF BOUNDARIES

[In acres]

Area	S. 532 (Amendment No. 18)	NPS Boundary
Eagle Park.....	¹ 1,662.57	¹ 1,662.57
Dry Mesa.....	² 10,862.77	² 10,862.77
T.24S.; R.21E., sec. 30.....	² 318.93	¹ 318.93
T.25S.; R.21E., secs. 7 and 18.....	² 280.00	² 200.00
Additions.....	1,662.57	1,662.57
Deletions.....	11,461.70	11,381.70
Net change.....	³ 9,799.13	³ 9,719.13
New park.....	74,154	74,234

¹ Add.² Deleted.³ Deleted.

Under the boundary we propose 665.24 acres of state land and 997.33 acres of Federal land would be added; 640 acres of state land, 10,727.40 acres of Federal land, and 14.30 acres of private land would be deleted. As mentioned above, the additions are desirable to include certain fin-shaped formations not now within the monument. The lands deleted are largely used for grazing or are known to contain potash deposits of probable commercial value. No private lands would be added to the area by this proposal.

2. On page 3, line 17, delete "(a)" and delete line 25 on page 3, through line 9 on page 4.

This amendment deletes subsection 2(b), which authorizes acquisition by exchange specifically for Arches National Park. Section 5(b) of the Act of July 15, 1968 (82 Stat. 354, 356) authorizes acquisition by exchange applicable to any unit of the National Park System. The specific language for Arches National Park is therefore unnecessary.

[We point out, in connection with subsection 2(a) of the printed bill, that the specific reference in line 19, page 3, to condemnation is also not necessary. The authority to acquire by purchase with donated or appropriated funds in lines 18 and 19 has been consistently construed to include authority to acquire by condemnation.]

3. On page 4, beginning at line 21, delete all that follows ending at line 20, page 5, and substitute in lieu thereof the following: "ten years from the date of approval of this Act."

Section 3 of the bill gives holders of existing grazing privileges a statutory right of renewal up to a period ending 25 years from the date of the Act, and it gives existing permittees or members of their immediate families the right to renewal for an indefinite period. Our amendment would require that all existing grazing permits be phased out within 10 years. We believe that continued grazing use for any longer period is not compatible with optimum protection and interpretation of a national park. With the deletions in our recommended amendment no. 1, there are 9 permittees grazing a total of 1,834 animal-unit-months within the area.

4. On page 6, line 4, change the period to a colon and insert the following proviso: "Provided, That the Secretary may regulate such use and designate driveways therefor."

Section 4 of the bill provides that nothing in this Act shall be construed as effecting any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of the Act, to trail their herds on traditional courses and to water their stock on lands within the park. The amendment adds a proviso which would make it clear that the existing authority of the Secretary to regulate the use of Federal lands for these purposes would continue to apply to the park.

5. On page 3, line 17; page 4, line 15; page 6, line 6; and page 6, line 12, change "Secretary of the Interior" to "Secretary"; and on page 4, line 11, change "Arches National Park" to "park".

These amendments conform the bill to our amendment numbered 1.

6. On page 6, after line 16, insert the following new section:

"SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

The authorities in the bill to administer and develop the park imply authority to request appropriations for this purpose. This amendment expressly authorizes such appropriations. The enactment of this bill, however, will not result in any increased expenditures above those which would normally be incurred for the existing national monument.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

FRED J. RUSSELL,
Under Secretary of the Interior.

Senator BIBLE. Now I will defer to the author of the bill, Senator Moss. I am going to be required to leave the room in about 25 minutes. I will ask Senator Anderson if he can stay on after I leave the hearing. But in the meantime, I would first defer to the author of the bill and then, of course, to Senator Anderson if he has any observations to make.

STATEMENT OF HON. FRANK E. MOSS, A U.S. SENATOR FROM THE STATE OF UTAH

Senator Moss. Thank you, Mr. Chairman. I will be very brief in an opening statement. It is really just to update what has happened between the time the hearings were held in Utah, conducted by the chairman of this subcommittee, which I attended and the hearings today.

The factual situation, very quickly, is that on January 20, 1969, President Johnson issued proclamations expanding two national monuments in southern Utah—Capitol Reef National Monument and Arches National Monument. The President recommended that these enlarged monuments be made into national parks. President Johnson's proclamation added 215,056 acres to the Capitol Reef National Monument and 48,943 acres to Arches National Monument. I was not asked to approve in advance either of the proclamations. I protested the fact that they were prepared and issued without any opportunity for the people of the area to express their views on the expansion. I felt, and still feel, very strongly about this.

In both instances—and particularly in the case of the Capitol Reef National Monument—large areas were included under the proclamation on which grazing permits have been issued, also there were areas in which there may be recoverable minerals.

There was an immediate outcry in Utah by those who were affected—and rightly so.

However, few people question that most of the area included under the Johnson expansion is of remarkable scenic and geologic quality and it should be brought under the protection of the National Park Service. For example, the waterpocket fold, the principal addition to Capitol Reef, consists of exposed and eroded rock layers laid down more than 125 million years ago and now the most spectacular and readily understood monocline in the United States. The Arches addition contains extraordinarily beautiful examples of wind-eroded sandstone formation, as well as other features of geologic, historic and scenic interest.

The Moss bills before the subcommittee today would assure protection of these priceless natural wonders within two new great national parks, but would adjust the boundaries in a way which will exclude most of the acreage now being used for grazing, or upon which there may be recoverable minerals.

The Moss bill would also add some new areas of scenic and geologic significance left out of the Johnson proclamation. But the sum total of the acreage included in the Moss bills is considerably less in both instances than that included in the Johnson proclamation for the national monuments.

Let me give you the vital statistics:

President Johnson's proclamation added 48,943 acres to Arches National Monument, for a total of 82,953 acres. The Moss Arches National Park bill, as amended, would decrease Johnson proposal by 9,799 acres, and we would thus have a park totaling approximately 73,154 acres.

President Johnson's proclamation added 215,056 acres to the Capitol Reef National Monument, for a total area of 254,242 acres. The Moss National Park bill, as amended, deletes 23,414 acres, and would establish a park of 230,287 acres.

When President Johnson expanded the two monuments he noted that the areas were of national park caliber—and I am sure that he regretted that he did not have the authority to declare them national parks rather than national monuments.

Consequently, to give the people of Utah an opportunity to comment, I introduced in the Senate the bills before us today. Later that year, just prior to hearings and after examining the terrain on the ground, I introduced the amendments in the nature of a substitute, really, for both bills prior to our hearings, which were held in May last year in Salt Lake City, Richfield and Moab. An extensive record was written as the chairman well knows, since he presided over the hearings. People of all persuasions were heard.

Since that time bills to establish a Capitol Reef National Park and an Arches National Park have been introduced in the House of Representatives by Congressman Laurence Burton of Utah, who represents the congressional district in which both national parks would be located.

There are some variations in the boundaries proposed in the House and Senate versions of the bills, but there are no problems which cannot be resolved. Both Congressman Burton and I are striving to protect these spectacular areas for the enjoyment of the citizens of Utah, and of the Nation, both those now living and the generations to come. Both of us want, I am sure, to provide the widest possible multiple use on the areas which are valuable for grazing or have mineral potential—so that those who have relied on these areas for their livelihood can continue to use them. And other citizens of Utah would profit from economic input from expanded tourist visitations.

In short, I think that we can have the best of both worlds in the enactment of these bills—preserve the best of the breathtaking scenery for the enjoyment of our citizens, allow the continued development of other lands which are best adapted to other uses and gain tourist in-

vestment. This combination will, I am sure, bring the greatest economic benefits to Utah—and particularly to the south central and southeastern areas where the proposed new parks are located.

I am therefore, hopeful that out of these hearings will come a consensus that will allow us to move ahead quickly with the establishment of these new national parks. Their establishment would make Utah even more of a tourist magnet—a recreation paradise—than it now is, and would benefit everyone concerned.

I might add, Mr. Chairman, that this does not involve large acquisition of private lands, because the areas we are talking are practically all in the public domain. There are still sections within that that must be traded off for the State, of course, on an in lieu selection basis. But the problem that we have, of acquiring different parklands without having in sight the money for them is not something we have to worry about here. Naturally, an enlarged area takes more management, but these areas have already been enlarged. Actually, we are cutting back considerably, areas that already have been put into national monuments in both these two parks.

I thank the chairman for his attention.

Senator BIBLE. I thank the Senator. I know of his long continuing interest in the Capitol Reef National Park, as well as the Arches National Park, which we will hear next. It was a pleasure to travel through his great State. I know he is the father of most of the great Utah parks. There have been three during his tenure in the U.S. Senate—Canyonlands, Capitol Reef, Arches. I congratulate him for it. The State of Utah is one of the great outdoor scenic attractions. He has taken advantage of trying to create most of those at a time when they are still in the public domain and public ownership so it avoids the very high cost of land acquisition, which we constantly run into in other park and recreation area properties. So I am very happy to have the record reflect my great respect for the work he has done in this field.

Senator Moss. I thank the chairman.

Senator BIBLE. Senator Bennett is one of our witnesses today. He cannot be here, but he does have a statement. At this point, his statement in support of the national park status for Arches and Capitol Reef, the two of them taken together in his statement, will be made a part of the record.

(The statement referred to follows:)

STATEMENT OF HON. WALLACE F. BENNETT, A U.S. SENATOR FROM THE STATE OF UTAH

Mr. Chairman: It is a pleasure for me to appear before the Subcommittee today in full support of legislation designed to give National Park status to Arches and Capitol Reef National Monuments in Utah.

I have introduced bills since 1961 advocating national park status for these monuments with their original boundaries. Unfortunately, the previous Administration failed to file reports and generally opposed these proposals. However, as this Committee is well aware, on the last day former President Johnson was in office, at former Interior Secretary Udall's urging, he withdrew 264,000 acres by Executive order as additions to the existing monuments, and recommended that they be made national parks.

The people of Utah were understandably outraged at this "land grab" which was accomplished without public hearings, without prior consultation with Congress, the landowners in the area, or state officials.

Congressman Burton, in whose district the "land grab" occurred, and I made an on-the-spot inspection of the area involved in February, 1969. We held meetings in the nearest town in each area—each with about 300 people present—and not a single local voice was raised to support what was commonly called the "land grab". If President Johnson's action is allowed to stand, the repercussions on many Utah citizens will be long and unacceptable. For instance, some 50 cattlemen will have nothing to salvage but the value of their cattle. Their ranches, without the range, will be worthless. One, and maybe two, towns probably will have to be abandoned.

Because the boundaries were drawn in haste, they would lock up forever both known and potentially valuable mineral resources. For these reasons, I strongly oppose the boundaries as fixed by the Executive order of President Johnson in January, 1969.

At least three different approaches toward a solution have been offered since that time. They include my own bills which would keep the boundaries the same as they were before the "land grab". However, as I told the people of Utah during my tour with Congressman Burton, I doubted very much that this particular approach would be the final solution since, as it were, it was at one extreme of the issue. On the other hand, there was the second approach, or the extreme, you might say, which would have confirmed by legislation the original Udall-Johnson plan, which, incidentally, has now been modified with certain minor deletions and additions.

The third approach is one which has just been offered by Congressman Burton which would not only give national park status to Capitol Reef and Arches National Monuments, but would also create a Capitol Reef National Recreation Area, which would preserve a large area in the southern end for multiple use purposes.

Mr. Chairman, I do not want to insist on my original bills pulling all the land back to where it was prior to the "land grab".

Since I realize that all legislation is essentially compromise, I feel that I can at least go half-way; and therefore, I support the Burton bills, HR. 17151 and HR. 17152, as not only in the best interest of the State of Utah but as a reasonable answer to this problem.

As I have stated, the people of Utah were outraged by the action of former President Johnson when he arbitrarily withdrew 264,000 acres—which represents an area about 40 per cent the size of Rhode Island—by Executive order. Nevertheless, the people recognize the magnificent beauty of Arches and Capitol Reef and agree that they merit national park status. However, they felt, and rightly so, that changes in the boundaries and status should be made only after field and Congressional hearings have given all interested persons an opportunity to be heard.

In Utah, Federal lands make up some 74 per cent of our total area. In conflict is the purpose for which those lands should be used. On one side are those who fight to preserve it for a single use—to be looked at—to be saved as scenery for the tourist—as a natural museum-in-place for the scholar.

On the other side are those who believe in the concept of multiple use—who believe that the earth's resources can and must be made available to supply mankind with its physical needs and that this can be done at a minimal sacrifice of scenery.

At this point, Mr. Chairman, I would like to include for the record excerpts from a very interesting letter touching on this very subject written to me by Mr. Paul Rattle, manager of the Utah Mining Association. Mr. Rattle says:

"In recent years most proposals for national parks, monuments and recreation areas involving withdrawals from the public lands have been based primarily, if not exclusively, upon studies and boundary determinations of the National Park Service. The National Park Service is an agency dedicated to the single-use administration of lands for social and aesthetic purposes.

"With our growing population and its increasing demands for resources which must come from the land, proper land use is becoming acutely important.

"Our country's perhaps belated interest in the environment and true conservation principles are adding emphasis to this point of view.

"Accordingly, before any large area is withdrawn and locked up for a single use all of the resources in the land should be surveyed and studies for current and future potential, considering both economic and social values. Only in this way can our Congress have reasonable foundation for the judgments they must make in such issues. A case in point relates to the Canyonlands-Glen Canyon-Arches-Capitol Reef complex.

"Plans, boundaries and studies relating to these areas are almost exclusively those of the National Park Service. In depth inventories of land resources such as might be undertaken by the BLM have not been conducted. The Bureau of Mines and the Geological Survey have not studied these areas. Nor have these agencies been asked to review these areas in depth. The testimony presented by the Department of the Interior on these matters is given by the Secretary's staff representing NPS interests. Other segments of Interior representing minerals, or other land uses apparently are not considered and are not heard.

"A related point concerns Glen Canyon Recreation Area which is proposed for establishment as a recreation area; but under multiple use concepts where appropriate and proper, commercial and industrial development would presumably be possible. Yet the area would be assigned for administration to the NPS, an agency dedicated to single use land management for social purposes. Would it not be reasonable to assign the Glen Canyon Recreation Area to the BLM, a multiple use agency much as the Forest Service was selected to administer the Flaming Gorge area?"

That is the end of the excerpts from Mr. Rattle's letter to me touching on this controversy.

As Mr. Rattle so well points out, the National Park Service is dedicated to the single use concept for national parks and is absolutely opposed to hunting, grazing or mineral development once an area is so designated. That is why I feel Congressman Burton's bills, which have been worked out with the Department of the Interior as well as the citizens of Utah, would be most beneficial for all Utahns.

His Capitol Reef bill, H.R. 17152, would create a national park comprising 185,559 acres, and would expand the present monument boundaries to both the north and south.

In addition, on the lower end of the Waterpocket Fold in Garfield County, the bill proposes creation of a 48,000 acre National Recreation Area which would extend to boundaries of the Glen Canyon Recreation Area.

In this particular area, there is a cattle trail which has been used for years, there are some grazing areas and possibilities for mineral and possibly oil developments. A recreation area, which permits multiple use of land, would protect rights of Utahans who use this land, while a National Park in the other area of this scenic wonderland will preserve historical antiquities as well as open up some of the most beautiful scenery in the west to all Americans.

The total acreage under the Burton bill in the Capitol Reef area would be 233,193 acres—well under the proposed lock-up of 255,193 acres under the 1969 Johnson proclamation. It would shrink the boundaries from those considered under the proclamation to include most of the accessible scenic and historic features, while excluding some of the inaccessible high mesa areas.

The Arches National Park bill would create a park of 73,234 acres, somewhat smaller than the 82,953 acre proposal of the Johnson Executive order. One major difference of the Burton proposal is the exclusion of the Dry Mesa area in the northeast corner of the area which has long been used by Utah and Colorado sheepmen for grazing.

Again, Mr. Chairman, I would like to thank you for the opportunity of commenting on this legislation. I sincerely hope that Congress will act quickly to give Arches and Capitol Reef the national park status they so richly deserve.

Senator BIBLE. Does the Senator from New Mexico have any observations?

Senator ANDERSON. No.

Senator BIBLE. Our first witness is the Director of the National Park Service, Mr. George Hartzog.

STATEMENT OF GEORGE HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY MICHAEL J. LAMBE, CHIEF, OFFICE OF LEGISLATION; BATES WILSON, SUPERINTENDENT, CANYONLANDS NATIONAL PARK; AND BERT L. SPEED, CHIEF PARK RANGER, CAPITOL REEF NATIONAL MONUMENT

Mr. HARTZOG. Thank you very much, Mr. Chairman.

With your permission, I would like to have Michael Lambe, who is our Legislative Counsel, and Mr. Bates Wilson who is General Superintendent of Canyonlands National Park, with us today.

Senator BIBLE. We have seen a lot of Mr. Wilson and know him very well.

How are things out in Utah?

Mr. WILSON. Great.

Mr. HARTZOG. Mr. Chairman, members of the committee, it is a great pleasure to appear as a departmental witness in support of the legislation to establish the Arches National Park and the Capitol Reef National Park in the State of Utah. I do have separate statements on each of these bills, but inasmuch as you have decided to join them in this hearing, I would request that both of my statements be included in full in the record and I will then try to summarize them.

Senator BIBLE. Without objection, that will be done. You may proceed.

Mr. HARTZOG. Capitol Reef National Park in the State of Utah, as amended and set before this committee, would establish a national park to preserve the numerous cliffs, pinnacles, spires, and colorful rock areas in a primary geologic feature known as the waterpocket fold. This is a doubling of the earth's crust. The area is rich in historical significance as well, having been occupied by prehistoric Indians approximately 1,200 years ago. There are many petroglyphs in the rock. It was an area of migration and penetration by pioneers who traversed this part of Utah between 1850 and 1875 and carved their names and dates of passage en route. There is much of interest there, as has been testified to by the distinguished Senator from Utah. There are no private lands to be added by our proposed boundary, no increased cost of development or operation is expected as a result of the change in boundary and redesignation to park status.

The enactment of the two bills will not result in any increased expenditures above those which would normally be incurred with the existing national monument.

(The prepared statements of Mr. Hartzog follow:)

STATEMENT OF GEORGE HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 531

Mr. Chairman, we are pleased to appear before you today to testify in favor of amendment no. 17 to S. 531, a bill "To establish the Capitol Reef National Park in the State of Utah," as amended and set forth in the Departmental report to this Committee.

Capitol Reef was established as a national monument in 1937 and enlarged by Presidential Proclamation in 1958 and again in 1969, bringing its present acreage

to 254,241. It is a spectacular area containing numerous cliffs, pinnacles, spires and brilliantly colored rock layers. Its primary geological feature is a section of the Waterpocket Fold, a great doubling up of the Earth's crust.

The area is equally rich in historical significance, for here prehistoric Indians lived approximately 1,200 years ago and left many petroglyphs carved into the smooth cliff walls. Many Indian artifacts and relics from this period are on display at the visitor center. More recent history is also recorded on the cliff walls at Capitol Reef by the pioneers who traversed this part of Utah between 1850 and 1875 and carved their names and dates of passage en route.

Present day developments at Capitol Reef include a visitor center, modern campground, and several miles of self-guiding trails. The visitor may spend many hours discovering for himself the marvels of the highly colored, eroded cliffs; the Hickman Natural Bridge whose 133-foot span is 72 feet high; Cohab Canyon; Capitol Gorge, with 1000-foot walls 16 feet apart; and many other geological wonders.

S. 531, amended as recommended in the Department's report, would include an area of 254,368 acres within the Capitol Reef National Park. As it exists today, the monument enables the National Park Service to present a complete geologic story of the exposed and eroded rock layers, which were laid down over more than 125 million years. We believe, accordingly, that with several modifications, the boundaries of this proposed park should continue to encompass the geological features within the present monument. The differences between the boundary set forth in Amendment No. 17 to S. 531 and that shown on the boundary map we propose are largely the result of our desire that the boundary encompass to the greatest extent possible the geological features of the area, and that the boundary follow natural lines of the terrain.

There are no private lands to be added under our proposed boundary.

No increases in costs of development or operation are expected as a result of the change in boundary and redesignation of the monument to national park status.

The enactment of this bill will not result in any increased expenditures above those which would normally be incurred for the existing national monument.

Mr. Chairman, I shall be happy to answer any questions you may have at this time.

Thank you.

STATEMENT OF GEORGE HARTZOG, JR. DIRECTOR NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR ON S. 532

Mr. Chairman, we are pleased to appear before you today to testify in favor of amendment no. 18 to S. 532, a bill "To establish the Arches National Park in the State of Utah," amended as set forth in the Departmental report to this Committee.

Arches National Monument was created by Presidential Proclamation on April 12, 1929, with subsequent boundary changes by proclamations in 1938, 1960 and 1969.

Arches National Monument lies in the heart of the famed red-rock country of southeastern Utah. There, sandstone towers, sweeping coves, balanced rocks, spires, pinnacles, and other spectacular forms resulting from the combined action of running water, wind, rain, frost, and sun form a setting in which the arches are a majestic culmination.

The rock in which the arches have formed was deposited as sand about 150 million years ago, during the Jurassic period. This 300-foot layer, called the Entrada Sandstone, is believed to have been laid down mainly by wind. In time it was buried by new layers, and hardened into rock.

The rock was then uplifted, twisted, and severely cracked several times. Later, after erosion had stripped away the overlying layers, the Entrada Sandstone was exposed to weathering, and the formation of arches began. Water entering cracks in the sandstone dissolved some of the cementing material, and running water and wind removed the loose sand. Cracks were widened into narrow canyons separated by fins. More rapid weathering of softer areas in some of these vertical walls resulted in undercutting. The quarrying by water and frost persisted, perforating the fins, enlarging the perforations, and smoothing their contours until large, graceful arches were formed. Some arches have been left isolated by erosion of surrounding fins. The visitor can see all states in their development and decay in the monument, where nearly 90 arches have been discovered to date.

Present developments at Arches include a visitor center and modern campground for tents and trailers in Devil's Garden. In the summer, campfire talks are given nightly at the campground amphitheater and guided trips are scheduled regularly. For the more independent visitor, there are hiking trails to some of the more spectacular spots in the monument. There is an abundance of wild-life and desert plants, as well, to delight the visitor to the 82,953-acre national monument.

Mr. Chairman, S. 532, as we recommend it be amended, would establish the national monument as a national park and provide for boundary changes which would result in an area of approximately 74,234 acres, reduced from 82,953 acres included by proclamation within the present monument boundary. The lands deleted are largely used for grazing or are known to contain potash deposits of probable commercial value. No private lands would be added to the area by this proposal.

There will be no additional costs attributable to this legislation.

Mr. Chairman, I shall be happy to answer any questions you may have at this time.

Thank you.

Senator BIBLE. Is that a correct statement?

This is the most refreshing time we have had with you. You mean this is not going to cost any money?

Mr. HARTZOG. Any more than it is going to cost you—

Senator BIBLE. Any more than we are spending now; isn't that what you said?

Mr. HARTZOG. Yes.

Senator BIBLE. I don't doubt it will cost money to operate at the present time. But we are going to create this new area and adding to it and fixing it up and giving it national park status is not going to cost you any more money than you are spending right now?

Mr. HARTZOG. No more than it is going to cost you to operate it as a national monument. It is going to cost more than it is costing now because of course, we have a development program for the national monument which, of course, is being abolished.

Senator BIBLE. You were going to develop it as a national monument. Again, I am always kind of interested in dollars. What's your development program? I would not want the record to indicate that we have gotten something for nothing, because this probably is not true.

Senator Moss. Will the Senator yield for just a minute?

Are you not saying that the President already expanded this area into a national monument by his proclamations and, therefore, you have plans for development? If it is changed over and becomes a national park, the plans are essentially the same; therefore, the money requirements do not change.

Senator BIBLE. When the President made that very unfortunate proclamation—in my own judgment; he is my close and personal friend, but I think it is something that should not have been done in that manner. When it was done by proclamation, it then created a national monument that is then going to cost more money than it would have cost before his proclamation.

Mr. HARTZOG. That is correct.

Senator BIBLE. All right, how much is it going to cost?

Mr. HARTZOG. Mr. Chairman, the developments that are in the national monument now cost \$4,360,000, involving roads and trails, buildings, and utilities consisting of a visitor center, campgrounds, and circulation roads and trails.

The additional cost for the expanded national monument totals \$1,052,700 for Capitol Reef. For Arches, the current cost—I beg your pardon. I read Arches to you the first time. The Capitol Reef cost now invested is \$1,703,000, involving a visitor center, campgrounds, roads and trails. The cost of Capitol Reef as expanded as a national monument is \$1,052,700.

Senator BIBLE. Additional?

Mr. HARTZOG. Additional.

Senator BIBLE. It is going to cost about a million dollars more for the expansion, whether you call it a national park or a monument?

Mr. HARTZOG. That is about it, \$1,052,000 in one and one million something in the other.

Senator BIBLE. That is still \$2 million. But as parks go, this is a fairly reasonable proposition, it occurs to me. I have heard figures of \$10 or \$20 or \$50 million just for land costs.

How about operation?

Mr. HARTZOG. Operation and maintenance costs?

Senator BIBLE. Expanded monument or the park.

Mr. HARTZOG. For the 1970 fiscal year, for Arches, our management and protection cost is \$54,000. Maintenance and rehabilitation is \$72,600, for a total cost of \$126,600.

Senator ANDERSON. That is all you are asking the Government for, the Appropriations Committees?

Mr. HARTZOG. That is all we got in 1970 fiscal year.

Senator BIBLE. That is what you are operating the Arches for in 1970, this fiscal year?

Mr. HARTZOG. Yes.

Senator BIBLE. How much are you asking for in the coming fiscal year?

Mr. HARTZOG. \$54,000 for management and protection, which is no increase. We are asking for \$87,700, which is about a \$15,000 increase, for a total of \$141,700.

Senator BIBLE. That is still very modest. I hope you keep that same modesty throughout all your other park projects.

Mr. HARTZOG. Thank you.

Senator BIBLE. It is refreshingly economical.

Mr. HARTZOG. Thank you very much.

Senator BIBLE. Are you feeling well this morning?

Mr. HARTZOG. Yes, sir; I am feeling great. I am most appreciative for the wonderful support we have gotten out of this committee and out of the Committee on Appropriations, too.

Senator BIBLE. You do not need to dress up the hearing, now. Stay with the facts.

Mr. HARTZOG. Well, that is a fact, I am grateful.

Senator BIBLE. I know that is a fact. But do not give us the embellishments, because we are going to keep it at this level.

Mr. HARTZOG. Well, there is a modest increase built in these, you know.

Senator BIBLE. I understand you are going to get a few increases. But this is very modest. You are not doubling or tripling, which sometimes will happen.

Mr. HARTZOG. No.

At Capitol Reef, the current Capitol Reef expenses in the 1970 fiscal year, \$70,000 management and protection, \$66,000 maintenance and rehabilitation, for a total of \$136,000. The amount that we asked for in 1971 fiscal year, now pending before the Congress, is exactly the same amount.

At the end of 5 years from now, we estimate that that would have increased to \$141,000, or nearly double, for management and protection, and \$140,000, a little more than double, for maintenance and rehabilitation to take care of this added visitation and the added million dollars capital investment.

Senator BIBLE. Very well, I understand.

Do you have anything to say on any of these other parks now? Or is this your presentation?

Mr. HARTZOG. That is my presentation, sir. I will be happy to answer any questions. We have maps—considering you were going to ask about Capitol Reef first, this is the Capitol Reef boundary.

Senator BIBLE. I think you can sketch it very quickly. Senator Anderson was not here with us during this hearing. He has a great familiarity with this western and southwestern area, but he may not be familiar with this particular region. I am familiar with it, I have flown over the area, walked over it, and driven over it. So I have some background on it.

Senator Anderson may have some questions.

Why don't you just brief it?

Mr. HARTZOG. The yellow was the previously existing boundary of Capitol Reef National Monument. The purple is the extension of Capitol Reef National Monument by Presidential proclamation.

This overlay is the bill introduced by Senator Moss and amendment 17 to S. 531. So you can see what he has done in his proposal.

This overlay shows the departures in the departmental report from the present monument boundaries and the deviations as well from Senator Moss' bill. You see, it occurs mostly along this boundary on the east side and mostly, it involves our desire to follow topographical features that include the principal values for which the area has been expanded and which is now proposed to be established as national park vis-a-vis Senator Moss' bill, which goes by section lines. That is the principal basis for the deviation.

Senator BIBLE. Well, the overlays which you use certainly dramatically tells the story. I think it will be easily understood. I think I understood what you were saying.

Why not proceed to the Arches.

Did you have any questions on this particular one, Senator Anderson?

Senator ANDERSON. No.

Senator BIBLE. Very well. Now show us the Arches. The Arches is a particularly fantastic desert formation. I commend that one for visitation to anyone who has not been in that area.

Mr. HARTZOG. Beginning again with respect to Arches, the area you see outlined in yellow is the boundaries of the previously existing national monument. The area described in purple shows the boundaries of the national monument as it existed pursuant to Presidential proclamation.

Senator BIBLE. The yellow, as I understand it, was the former national monument; the purple which you have there is the national monument as it existed in the executive proclamation of President Johnson. Is that a correct statement?

Mr. HARTZOG. That is correct.

Senator BIBLE. All right, you may proceed.

Mr. HARTZOG. The overlay in orange is the boundary as proposed in Senator Moss' bill, in which he proposes an extension here in the northwest corner and he proposes a significant deletion on the northeast side of the existing proposal, proposed park.

Senator ANDERSON. Are you in favor of that? Are you in favor of the Moss proposal, or do you have a Park Service proposal which varies some?

Mr. HARTZOG. Our Park Service proposal and Departmental report varies slightly, but it is all in here. The Department's report supports this deletion.

Senator BIBLE. Supports the deletion?

Mr. HARTZOG. Yes.

Senator BIBLE. All right. Does the little section to the northwest corner of the map, is that an add-on or is that a deletion?

Mr. HARTZOG. That is an add-on in both Senator Moss' bill and in the Department's report.

Senator BIBLE. That is an add-on. All right.

Mr. HARTZOG. There is a small deviation there. You see, Senator Moss goes to the west a quarter section, 160 acres, and we propose coming to the south a quarter section, 160 acres, just reversing these two, because we think this boundary on the ground better protects the natural feature in this area.

Senator BIBLE. I prefer the Park Service judgment on that.

Mr. HARTZOG. The same thing in these two deviations. The major point of difference between the proclamation and the legislation now before the committee, which the Department supports, is this deletion of this mesa area.

Senator BIBLE. Now, the Park-supported proposal, which is some slight modification, as I view it, from the bill introduced by Senator Moss, results in a reduction of how much from the original proclamation in acreage?

Mr. HARTZOG. It is a net reduction of about 9,500 acres, as I recall it. The present monument is 82,953 acres and the new proposal is 73,234 acres, which would be about 9,700 acres.

Senator BIBLE. How does that compare to the former national monument prior to proclamation?

Mr. HARTZOG. The former national monument was 34,010 acres and the proposed national park under the legislation now being considered would be 73,234 acres, or about $2\frac{1}{3}$ times, a little more than double.

Senator BIBLE. Very well. I am satisfied with the answers of the Director.

The Senator from New Mexico, do you have any questions?

Senator ANDERSON. I am fairly well satisfied. You cannot put all the land into national parks, though, can you?

Mr. HARTZOG. No, sir; unfortunately, Senator, we cannot.

Senator ANDERSON. You have tried hard.

Mr. HARTZOG. We have tried very hard. We would like to put most of it there, because we think we are going to need a great deal of it. And this is great country, you know. This is God's handiwork right on the face of the earth.

Senator BIBLE. Any further questions?

Senator ANDERSON. No.

Senator BIBLE. The Senator from Utah.

Senator MOSS. If I may, Mr. Chairman, follow that up with the Director's statement that it is too bad that he cannot put it all into parks and monuments. I think some of my constituents think that I hold similar views. I will have to deny publicly that I do.

But I wanted to tell an anecdote on this. I took Robert Kennedy, when he was Senator, on a helicopter flight from the airport at Moab down over the Canyonlands. As we were flying along, he was looking down at these great formations, which could be seen very readily from this little helicopter. He pointed to a massive cliff there, a beautiful face, and he said, "What's that?"

I said, "Well, I do not know, that is just part of the land out here."

He said, "Is that in the park?"

I said, "Oh, no; we have quite a way to go before we get to the park."

He said, "If we had that back east, we would make a national park out of it."

I think that illustrates the point that there is vast beauty out there and it is difficult to draw boundaries to finally say what should be in and what should be out.

That leads me to my question, since we are in pretty basic agreement on these boundaries. I do not know that I have a lot of detailed questioning, but that large area that was excluded from the Archces, both in my amendment and that the Park Service recommends, is a high sort of a mesa area, and it does have winter grazing of sheep; is that right?

Perhaps Mr. Wilson can answer that readily, since this is his home and he has been running it for a long time.

Mr. WILSON. That is right.

Senator MOSS. So although it is of great beauty and probably could go in the park, since it is used regularly for grazing of sheep, it is probably to draw the boundary to keep it out. Does the Park Service now agree with that, which was my conclusion?

Mr. HARTZOG. Well, we agree with that. We would sure love to have a caveat that when those sheep leave, it would still go in, because it is park caliber. But we think if some modification has to be made, as apparently has to be made as explained in the Department's report, this is one that can be made.

Senator MOSS. Maybe we can leave a word in the report that some Congress 10 years hence might want to take another look.

Senator BIBLE. Oh, let's not do that. Let's try to resolve this.

Senator MOSS. Strike that from the record.

Senator BIBLE. You may have the thought. It is a good idea. But let's resolve these. I do not like to leave things up in the air.

Senator Moss. I did not seriously mean that we would recommend any such thing, but in the discussion we recognize that any later Congress might do anything that is in the law.

Senator BIBLE. That is true. They might abolish all of this.

Senator Moss. I do have a couple of questions on the boundary reef.

Senator BIBLE. If the Senator would defer for just a moment, I must go. I have to go out to God's country in the West. Those of you from the East, I would recommend it to you, that you get out to visit it.

I think we have had some excellent hearings here. There is a letter here. I have not had a chance to examine it. It is from the Southern California Edison Co. I will examine it before the bill moves forward. Without objection, it will go into the record.

(The letter referred to follows:)

SOUTHERN CALIFORNIA EDISON CO.,
Washington, D.C., May 26, 1970.

HON. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, Senate Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: We are advised that the bill introduced by Senator Frank Moss, to establish the Capitol Reef National Park in the State of Utah (S. 531, as proposed to be amended), will be the subject of a hearing before the Parks and Recreation Subcommittee on May 28, 1970.

Our review of this legislation at the time it was introduced by Senator Moss indicated that no provision was made to accommodate the construction of electric or other public use facilities in the land areas which may be included within the boundaries of the proposed park. The Capitol Reef National Park would form a long corridor of land withdrawn for park purposes, and the location of facilities for utility or industrial crossings and ingress and egress could be made very difficult to obtain unless appropriate provisions are included in such legislation. Senator Moss has recognized this situation and offered an amendment (Amendment No. 55) to his bill which would address itself to this issue. Senator Moss has also indicated that Governor Calvin Rampton of Utah has agreed that there is a need for the authorization to permit the construction of such facilities over, under, or across park lands.

In Amendment No. 55, which was offered on June 30, 1969 by Senator Moss, it would be required that the Secretary of the Interior grant easements within the areas comprising the Capitol Reef National Park. However, we would respectfully suggest that the limitation of granting such easements to "public utilities" may be unduly restrictive. Therefore, we would suggest language similar to that contained in Public Law 90-543, the National Trails System Act, which recognizes the need for rights-of-way and access to lands which form long corridors and are withdrawn for park purposes. We would therefore suggest for your consideration, the following amendment:

"The Secretary of the Interior shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the Park. Any condition in regulations established by the Secretary or any conditions contained in easements and rights-of-way granted pursuant to this Act shall be related to the policy and purposes of this Act."

We respectfully request that this letter be made a part of your hearing record.

Very truly yours,

ALAN M. NEDRY.

Senator BIBLE. With that, I am going to turn it over. Senator Anderson, who has top priority on this business of handing gavels over, says it will be perfectly all right with him if I turn the gavel over to Senator Moss of Utah. So I will do that.

I have a list of witnesses which shows there are no other witnesses, although there may be some.

Senator Moss.

Senator Moss (now presiding). Thank you, Senator Bible and Senator Anderson.

I do have a question I want to ask on the Park Service recommended boundary on Capitol Reef, which varies somewhat from the boundary I have suggested in my amendment. First of all, I am concerned about this area on the west side down the fold toward the south. Is that the Cedar Mesa area?

STATEMENT OF BERT L. SPEED, CHIEF PARK RANGERS, CAPITOL REEF NATIONAL MONUMENT

Mr. SPEED. I'm Bert Speed, Chief Park Ranger, Capitol Reef. No, sir, that is the Wagon Box area.

Senator Moss. This is the area that was reported by the State geologists to have some potential for petroleum; is that correct?

Mr. SPEED. That is right.

Senator Moss. For that reason, I thought it should be excluded because if it goes into the national park, of course, it will not be available for exploration. Now, could you tell me the reason for recommending it coming back in again?

Mr. SPEED. Yes, sir, I can. To mine this oil sand, the open pit mining method will have to be used and all the spoil from this mining would be flushed right through the canyons right into Halls Creek and eventually into Lake Powell. It would ruin this end of the monument and we want to protect it from that.

Senator Moss. So because you think that if it ever were developed as a petroleum resource, the damage done to the scenic area there and the environment is unacceptable?

Mr. SPEED. Yes, sir. Some of these canyons drop as much as 3,000 feet in 3 miles and flash floods going through those canyons would ruin the whole lower end of the monument.

Senator Moss. Does this area you have recommended putting back in include all of that tar sand deposit, or is there some still outside?

Mr. SPEED. No, sir; there is another segment of deposit over in the western portion of Circle Cliffs and there are some here that are in the Escalante River watershed, which would go the other way.

Senator Moss. And so the same criticism would apply there if they mined farther away from the monument; you still would have this erosion threat that you talk about?

Mr. SPEED. Yes, sir, but it would go the other direction. It would not come through the monument.

Senator Moss. I see.

Now, the boundary on the east side, across from there, has been pushed a little farther east and taken in some additional sections. Can you tell me why the Department recommends that?

Mr. SPEED. Yes, sir. There is a high cliff line here along the east side of this valley. This is what the geologists know as a strike valley. This cliff line in the valley is as much a part of the geologic structure known as a monocline fold as the topographic high known as the waterpocket fold.

Senator Moss. This long valley does have a road in it and this is where they trail their sheep; is that right?

Mr. SPEED. Yes, sir.

Senator Moss. Do you see any conflict there of the fact that animals will be trailed through there? I know the bill refers to that, but I want to know what you think about it.

Mr. SPEED. The driveways are protected in the proclamation.

Mr. HARTZOG. As well as in the legislation.

Senator Moss. Yes; in the legislation itself, there is language that says the traditional trailing of animals shall not be inhibited at all by the creation of the national park.

So the rationale of the Department there is to move the line up on to the cliff line east of that long strike valley?

Mr. SPEED. Yes, sir.

Senator Moss. Rather than run in the valley.

Mr. SPEED. Yes, sir; this valley is the natural management unit. With the line in the valley floor, the grazing would be pushed up against the cliff in a long narrow line and access to water will be inhibited.

Senator Moss. If the line ran in the valley rather than up on the cliff line, do you think it would be necessary then for the Park Service to fence the line of the park?

Mr. SPEED. Yes, sir.

Senator Moss. Because grazing permits, you think, might then bring animals into the valley for grazing, not just for trailing?

Mr. SPEED. Well, there would be grazing permits all along the eastern side of the valley. To protect the western side, we would have to fence.

Senator Moss. What about pushing the boundary line westward until it was on the rock face? Would that destroy the utilization of that for a geologic and scenic attraction?

Mr. SPEED. Well, we would be leaving out the lower portion of the geologic structure, the monocline. We would be just chopping off a third of the structure. And it would—we would not have access into here other than over other lands, which we would have no control over.

Senator Moss. Now, going northward there, still on the east side, farther up quite a way—I am thinking up there of the sun and the moon area. Why was the Department gone out there further than my amendment up toward the northeast corner?

Mr. SPEED. We wanted to protect the scenic cliff line here and give us room for an access into the Temple of the Sun and the Temple of the Moon.

Senator Moss. The boundary in the amendment does not give you enough room?

Mr. SPEED. It cuts across this cliff line in two places.

Senator Moss. I see. That new boundary then tends to follow the cliff line?

Mr. SPEED. Yes; down in the valley it would give us enough room for an access.

Senator Moss. You have also in the northwest part there made a little incursion westward that goes beyond the amendment.

Mr. SPEED. Yes, sir.

Senator Moss. What's that?

Mr. SPEED. This is where the waterpocket fold joins Thousand Lake Mountain. This is the slick rock area here. Then of course, we have those two nice, large, well preserved petroglyph panels in this area.

Senator Moss. I understand that. I thought the amendment took in the petroglyphs, but you have gone beyond it a little bit? That is to get the juncture of the fold with Thousand Lake Mountain?

Mr. SPEED. Yes, sir.

Senator Moss. What's the difference in the acreage now recommended by the Department as against the acreage of the amendment?

Mr. SPEED. This is 126 acres more.

Senator Moss. Just 126?

Mr. SPEED. Yes, sir.

Senator Moss. I do not know where you dropped the extra part to make it come out that close. I can see two or three places where you have sheared it off there and I guess that is following the cliff line on the east side.

Mr. SPEED. Yes, sir; in here.

This (indicating) was on a give-and-take basis. There is no intent to expand the monument further, but we did want to include some of these features.

This Halls Creek, Halls Divider that was in your bill, we have looked at and it is very worthy of inclusion.

Senator Moss. Now, the Department of course has had this bill under consideration for about a year. Since the report is just dated this month—yes; a matter of just a few days ago—has the area been under active consideration and observation during this year's time that has gone by?

Mr. SPEED. You mean in the field?

Senator Moss. In the field; yes, sir.

Mr. SPEED. Yes, sir.

Senator Moss. I want to know whether you have been out there walking it and looking at it and considering it?

Mr. SPEED. Yes, sir; I initiated this (indicating).

Senator Moss. I appreciate that because I think it is clear to everybody that this expansion came just sort of from the blue and we had to go out and look at the area from the air and observe it as best we could in wheeled vehicles and have not had a real opportunity, or I have not, at least, to get right on the ground and consider it in detail. I am glad to have you respond to my question by saying that you and members of the department have been in a very detailed examination of the boundaries. We may for that reason consider this somewhat of a refinement. We may have a little difference yet on that Wagon Box Mesa. The other parts, I think your answers are quite satisfactory, at least to me, and I would hope they would be to the committee.

Mr. HARTZOG. Mr. Chairman, if I may be privileged to ask for clarification, I think that there is some confusion about the acreages and perhaps it might be a good idea to summarize at this point what these various acreages are.

Senator Moss. I think it would be a good idea. Do it for Capitol Reef first and then we can go to Arches.

Mr. HARTZOG. The acreage in the previously existing Capitol Reef National Monument was 39,185 acres. The Presidential proclamation expanded Capitol Reef National Monument by 215,056 acres, for a total of 254,241 acres.

S. 531, amendment No. 17, would establish Capitol Reef National Park with an acreage of 230,837 acres. The department's report would establish a national park of 254,368 acres.

In Arches—well, I think I testified on that a while ago, so I think that is in the record.

Senator MOSS. I believe that is in the record. And really, there is such minimal difference at Arches that it is not as noticeable as here. As you have clarified it, I believe, the fact is that the Capitol Reef acreage in the National Park proposal is essentially the same as that in the Presidential proclamation, but it has been moved around in certain places.

Mr. HARTZOG. Right.

Senator MOSS. And it is greater by about 24—

Mr. HARTZOG. About 24,000 acres.

Senator MOSS. About 24,000 acres greater than my amendment to S. 531.

Well, I think that clarifies it.

Now, will you summarize quickly the other provisions of the bill so we have this in the record? I am referring to what will be done to existing uses that are within the monument area such as grazing, and what will happen on any mineral claims that are established rights at this time?

Mr. HARTZOG. I would like Mr. Lambe, our legislative counsel, to answer that.

Senator MOSS. Very good.

Mr. Lambe?

Mr. LAMBE. Mr. Chairman, the amendment to S. 531 provides for a continuation of grazing permits now in existence, but not to exceed a period of 25 years; that is, the Secretary is directed to renew existing permits for a period of not to exceed 25 years and longer in the case where after 25 years, the persons are relatives of existing permittees. Our departmental report would amend this section to provide that the Secretary is directed to renew existing grazing permits but not for a period in excess of 10 years. This is administratively similar to the situation in Canyonlands National Park.

Senator MOSS. So the grazing period would not exceed an extension of 10 years?

Mr. LAMBE. That is correct.

Senator MOSS. Now, what about mineral claims?

Mr. LAMBE. The amendment and our amendment that we offer would establish the park subject to valid existing rights. Accordingly, any mineral rights that are perfected on the date of enactment of the act would not be affected. There is authority, however, in the bill to extinguish by payment of fair market value any outstanding rights that may exist.

Senator MOSS. Which is the standard procedure that is general on national parks?

Mr. LAMBE. Yes, sir.

Senator Moss. I have for the record a statement by Mrs. George Hatch, president of Ogden, Utah, Standard-Examiner. Without objection, that will go in.

(The statement referred to follows:)

STATEMENT OF MRS. GEORGE C. HATCH, PRESIDENT OF OGDEN STANDARD-EXAMINER

Mr. Chairman, since the hearings of your committee in Salt Lake City last year on Senate bills 531 and 532 to create Capitol Reef National Park and Arches National Park, my husband and I have continued our explorations in these areas and are more convinced than ever that they are worthy of national park status. The additions to the former Capitol Reef and Arches National Monuments by President Johnson not only added areas of unique scenic and geologic interest, but also will allow the necessary space to provide recreational facilities to accommodate the expected visitation to the areas without jeopardizing the beauty of those features which the legislation is designed to protect.

I would request the enclosed editorial from the Ogden Standard Examiner, dated May 24, 1970, be included in the record of the Senate hearings on these bills, since it expresses many of our ideas concerning these areas.

Two suggested guidelines in the editorial as they apply to Capitol Reef National Park proposed in Senate bill 531 need further amplification and would require an amendment to the legislation. We feel that in some areas it is desirable for boundary lines to follow the natural contour of the cliffs instead of legal section lines. There are precedents for this procedure in Canyonlands National Park. The particular area where I would recommend applying this concept is to the eastern boundary of the lower half of Capitol Reef—starting at R8E, T32 S (just north of Bitter Creek Divide) extending south of the Burr Trail through the Grand Gulch to the tip of the Park below Halls Creek Divide.

The second suggestion, to prohibit strip mining on public lands adjacent to national parks, would have particular application in this case to the Waterpocket Fold—Circle Cliffs—Wagon Box Mesa area of Capitol Reef. Utah Geologic Survey studies indicate an unknown quantity of oil-impregnated sandstone in this area, which is excluded from the present Monument by Senator Moss' bill for this reason. Research is proceeding on a number of techniques to recover this type of oil, I am told. However, until some of these methods prove feasible, I feel that any type of strip mining would be so destructive to areas even far removed from the mining operation, because of the nature of the terrain and the climate here, that there should be prohibition against this type of mining. When the heavy flash rainstorms characteristic of the region descend and scour the miles of slick-rock clean, pouring walls of water into every canyon—all of which drain into Lake Powell from this area—it would be inevitable for all the tailings and debris from any strip mining operation to be deposited in canyons and eventually in Lake Powell. Depending on the location of such a mine, the water would either flow into Muley Twist Canyon and other Canyons in the proposed Capitol Reef National Park on its way to Halls Creek and then to the Lake; or it would flow into canyons draining into the Escalante River and then to the Lake.

To ensure that this destructive type of mining could not occur, I would urge the committee to consider putting the area south and west of the proposed Park boundaries in a Capitol Reef Recreation Area. This would not prevent further mining exploration and development, but it would provide control against a potential danger (as described above) to a larger area of beautiful canyons both in and out of the Park and Lake Powell shoreline.

[Enclosure]

[Editorial From the Ogden Standard-Examiner, May 24, 1970]

BIPARTISAN SUPPORT SHOULD INSURE ARCHES, CAPITOL REEF NATIONAL PARKS

The Senate Interior Committee conducts hearings this week on a practical plan of creating the Arches and Capitol Reef National Parks in Southern Utah to insure their enjoyment by Americans for generations to come.

There are now national monuments protecting the unique attractions at both Capitol Reef, between Loa and Hanksville, and Arches, north of Moab.

All sources agree neither is large enough to present adequately the full features of these natural wonders.

A few hours before he left office early in 1969, President Johnson issued proclamations—subject to congressional review—that would have greatly expanded the two monuments.

Under the Johnson proposal, Capitol Reef would be increased by 215,056 acres to a total of 255,172 acres; Arches would grow by 48,943 to a new total of 83,010.

The Standard-Examiner, in a Jan. 22, 1969, editorial examined the Presidential expansion orders. Our conclusion then was that the value of the additions from a viewpoint of scenery, science and recreation was well worth the comparatively slight disruption to mining and grazing industries in the areas.

In the 16 months since that editorial was published we have not changed our basic views as we have inspected the regions in question and followed closely the public hearings conducted throughout Southern Utah.

However, we do welcome refinements in the proposed boundaries that are contained in a pair of bills introduced in the Senate by Sen. Frank E. Moss and in similar House measures authored by Rep. Laurence J. Burton.

These adjustments should eliminate most of the objections voiced by Utahns at the field hearings.

And it is particularly worthy of note that Democratic Senator Moss and Republican Representative Burton, although opponents in the senatorial campaign this year, are in virtual agreement on these vital proposals.

Members of both parties on the Senate Interior Committee, that conducts hearings Thursday on the Moss bills, and on the House Interior Committee, which takes up the Burton bills at a later date, should note this bipartisan support within the state most directly concerned.

Both congressmen would reduce Capitol Reef by 65,000 to 70,000 acres from the size suggested by President Johnson and would cut 9,000 to 10,000 acres from the acreage of Arches monument as recommended by LBJ.

Sen. Moss would put all of the expanded areas into national parks, instead of retaining them as monuments. Rep. Burton would create both an Arches and a Capitol Reef National Park, although one-third of the new Capitol Reef acreage would be placed in a contiguous recreation area to allow multiple use in that portion.

These are technical differences that we feel can easily be smoothed by congressional compromises, in consultation with technicians from federal and state agencies and interested organizations and property owners.

We agree that some of the grazing lands and potential sources of uranium and oil that would be embraced within the monuments, as proposed by President Johnson, should be excluded, as they would under both the Burton and Moss measures.

And a few sections of unique geological and scenic beauty would be added, beyond Mr. Johnson's boundaries, mostly because recent exploration of the nearly inaccessible areas has brought their value to light.

In this connection, we're thinking about the Paradise Flat area in the north-east corner of Capitol Reef, containing large and untouched panels of petroglyphs or Indian writings. Another new attraction is a section of Halls Creek along the Waterpocket Fold in the southern tip of Capitol Reef where the narrow, richly colored gorge rivals famed Zion Narrows in Zion National Park in its beauty.

It wasn't until the discussions of the expansion came up that many parties had explored the back country of either Capitol Reef or Arches. During the last year, Sen. Moss, Rep. Burton, Utah Gov. Calvin L. Rampton, and many others have been on the ground. They've been thrilled by the wonders of Eagle Park and the Marching Men in the addition to Arches. They have been excited as they've wound their way down Mulley Twist Canyon and Waterpocket Fold in Capitol Reef's addition.

Natural bridges and arches never seen before have been spotted by some of these parties.

Other Americans—and visitors from abroad—should be entitled to share these same thrills through creation of the national parks and recreation areas along the Moss-Burton lines. No one has any thought of carving the area up with superspeed freeways. All developments would be keyed to protecting the environment but still making it somewhat more accessible to the average visitor.

Residents of the crowded eastern cities, we know from experience, can't believe that there are natural wonders that make the artificial concrete canyons of their metropolises seem shallow by comparison!

This week's Senate hearings and the later House sessions would be well advised to follow these four elemental guidelines as they draft the final legislation:

—Any national recreation area that is created, such as the one Rep. Burton would have bordering Capitol Reef National Park, should be under the same National Parks Service administration as the park to which it is attached.

—Boundary lines should be established along natural contours, particularly the steep cliffs that are characteristic of the area, rather than the legal section lines of the maps. By following the contours of the country, control of livestock grazing can be accomplished effectively by simple fences at the mouths of canyons, rather than stringing ugly and expensive fences up and down mountain sides.

—Corridors for access highways, utilities and cattle trails should be established from the start.

—Provision should be made to prevent strip mining on adjacent public lands—particularly those bordering Waterpocket Fold—from being conducted in a manner that would allow waste materials to pollute water courses and eventually add unnecessarily to the silting of Lake Powell.

The Standard-Examiner believes that either Sen. Moss' Senate bills or Rep. Burton's House measures would be acceptable to the people of our state and would become a tremendous asset to the recreational potential of the entire country.

Utah would be honored by the creation of the new Arches and Capitol Reef National Parks and recreation areas at this session of Congress. Their establishment would be a worthy complement to the growing national emphasis on preservation of scenic beauties.

We commend Rep. Laurence J. Burton and Sen. Frank E. Moss for joining forces in support of the park proposals along the adjusted, realistic lines, and urge the passage of the needed legislation by both houses of Congress.

Senator Moss. Well, I think we have completed the record. As the chairman said when he opened this meeting, we held hearings in three different cities in Utah and we did compile a very considerable record out there. Although most everything here today has been favorable to the parks, the record should show there are objections from some. One reason, I think, for this pulling and hauling—maybe it is not pulling and hauling—this careful reexamination of boundaries is to try to satisfy what seemed to us to be legislative objections because of the interference with other uses, and the legislation does attempt to give at least a phaseover period of protection to those who might be affected by the enactment of the legislation.

I just want the record to be clear on that as the reason for having a further hearing and getting the Department's proposals here.

I do appreciate the work of the Department in making a detailed and careful examination of the boundary situation on this and I think now that we probably have most of the problems resolved to the point where we can proceed.

I congratulate Congressman Burton for going ahead with the bill on the House side, which is somewhat different from this, but not greatly. It is basically, I think, what we have here and as I indicated in my opening statement, I do not think there is any problem that cannot now be resolved as between the versions that exist over there and have not yet come to hearing and what we have here. I would certainly hope that we can get two bills passed and signed into law this year. It will mean a great deal, I believe, if we can get that done.

So I congratulate all the members of the Park Service who have appeared here today.

I am glad you men have come on here from Utah in order to be able to appear here and answer questions. My colleagues have very few questions. That would indicate that they are pretty well satisfied with the work that has been done.

So, unless there is some other matter to be presented, something that we have overlooked, this will conclude the hearings on the two bills. (Subsequent to the hearing, the following communications were received:)

UTAH DEPARTMENT OF HIGHWAYS,
Salt Lake City, Utah, June 1, 1970.

HON. ALAN BIBLE,
Chairman, Parks and Recreation Subcommittee, Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: Please accept my apologies for not appearing before your committee personally last week when revisions to Arches and Capitol Reef National Monument were considered. We were not made aware of these hearings. As pointed out in testimony by Mr. Clem H. Church, Chairman of the State Road Commission of Utah and me before your committee on May 5 when revisions to Canyonlands National Park and Glen Canyon National Recreation Area were considered, the State of Utah is concerned with the development of an overall road network designed to serve the national parks, monuments and many other scenic and recreational attractions in southern Utah. This applies as well to revisions now under consideration for Arches and Capitol Reef National Monuments.

It is requested that this letter be made a part of the record of your considerations on Capitol Reef and Arches National Monuments.

The State of Utah is requesting road corridors to be assigned to the state as a part of any legislation considering revisions of Capitol Reef and Arches National Monuments.

Bullfrog Basin to Boulder City.—This road provides a connection with the marina on Lake Powell at Bullfrog Basin and to Boulder City which is north and east of Escalante. It traverses parts of the Glen Canyon National Recreation Area in the enlarged boundary of Capitol Reef National Monument. Throughout its entire length the scenery provides many recreational opportunities. Both long and short range views of the Water Pocket Fold are available from this route. At one point, the Burr Trail, the road climbs the face of the Fold.

The Post to Baker Ranch.—This is a unique corridor in that no major road improvements are planned. It is felt that this corridor should be reserved for the use of 4-wheel drive vehicles. The route follows essentially the fault line east of Water Pocket Fold and in the main follows the drainage of Halls Creek, makes an excursion away from the fault line and directly into the sandstone of the Water Pocket Fold. For some strange reason this unique scenic feature was not included in the Presidential proclamation of January 1969. Four-wheel drive traffic in this route could not possibly be damaging. Escarpments on both sides preclude the random wandering of these vehicles. The runoff from periodic thunder showers wash out remaining tracks. Without the provisions for at least a modicum of access by a four-wheel drive corridor enjoyment of this great recreational potential in Halls Creek along the Water Pocket Fold is virtually precluded.

Burr Trail to U-24—Via Notom.—This connection follows the Water Pocket Fold northerly to an intersection with Utah State Route 24 near the eastern border of Capitol Reef National Monument. This road would provide similar experiences to those just listed along the Water Pocket Fold to the average American and his ordinary vehicle. With only a little effort on foot a person can examine at close hand and intimately the Water Pocket Fold and many of its short, but picturesque, and spectacular side drainages. The road essentially parallels the Oyster Reef. This formation can be traced from the Colorado River clear to the northern end of the San Rafael Swell, a distance of over 100 miles. Evidences of life in a warm shallow sea can be observed by merely stopping ones car and making a reasonably close scrutiny of the forms nearby. This road provides the few views which make the name of Capitol Reef National Monument obvious. To the west can be seen the varied and multi-colored sand domes so reminiscent of the Capitol in Washington, D.C. and of so many state houses scattered throughout the land.

Torrey to Gilcs.—Utah State Route 24 travels in a westerly to easterly direction through Capitol Reef National Monument. This was true before the enlargement by executive order of January 1969. During the post-war period, the Utah State Department of Highways, as authorized by the State Road Commission of Utah, has expended large sums of money on the construction of U-24 to provide

access to Capitol Reef National Monument. This route provides easy access not only from the west but from the east at connections to main highways—U.S. 89 and 91 to the west and on a soon to be improved Interstate 70 to the east. Agreements between the National Park Service and the Utah State Department of Highways have made it possible for construction and maintenance of this route. Relationships between the two agencies have been very good.

(This road, on sections designed both by the Bureau of Public Roads and by the Utah State Department of Highways, blends and fits with the terrain despite the fact that the road has been built essentially to secondary standards as defined by the American Association of State Highway Officials and accepted by the Bureau of Public Roads. Design speeds have been reduced deliberately in order to aid in conforming the route to the canyon of the Fremont River. Channel changes and other design features have been done very carefully with an eye towards preserving the aesthetic values. Just a few short years have given nature an opportunity to make this well planned handiwork of man virtually undetectable by all but the very experienced engineering oriented observer. Both the National Park Service and the Utah State Department of Highways have provided convenient turnouts, picnic and rest facilities. In many cases within the borders of the original monument, the Utah State Department of Highways has provided additional turnouts at the request of the National Park Service. It is noted that the revised boundary on the eastern edge of the park follows the roadway and the Fremont River. It is difficult for many of us to decide what makes one side of this road more picturesque or desirable than the other. The route provides an excellent example of road accessibility that fits the terrain in a pleasing manner. This road is certainly less of an encroachment upon the scenic heritage here than is a powerline which parallels the route in many places. We feel it essential that this corridor be recognized by any legislation revising or pertaining to the borders of Capitol Reef National Monument or what may become Capitol Reef National Park. Chimney Rock Canyon, a scenic feature of Capitol Reef National Monument is just a short distance from Utah State Route 24 yet the hardy individual capable of making a physical effort can spend several days in Chimney Rock Canyon with nothing to remind him that there is an improved, hard-surfaced all-weather route just a short distance away. Chimney Rock Canyon is in the true sense of the word a pristine wilderness. Utah State Route 24 has not damaged the wilderness values of Chimney Rock Canyon in any way.

Utah State Route 24 to Utah State Route 72.—This corridor approximates a traditional jeep and wagon trail in the northern end of the recently expanded Capitol Reef National Monument. The large addition to the former monument would remain virtually unuseable and unavailable to the average American if a reasonable road service were not provided. The progeny of hardy pioneers in Utah continue to use the many parts of the northern end of Capitol Reef National Monument and other areas within the new proclamation, for grazing essential to their continued activities. An equitable solution might be two distinct units within what we now know as Capitol Reef National Monument, parts to be administered as a national park and other parts to be administered as a national recreation area which would allow the recognition of at least some multiple use not only in terms of agricultural activities but potential mineral developments.

Valley City Reservoir to Seven Mile Canyon.—This corridor follows a traditional road through Arches National Park. Its reservation would assure a through route through the monument and better access.

It is suggested that a sub-section be included in any legislation amending the boundaries of Canyonlands National Park and the Glen Canyon National Recreation Area with these provisions:

The State of Utah through its Road Commission shall be allowed to construct and maintain a highway to secondary standards as defined by the American Association of State Highway Officials within the corridors designated approximately on the attached map.

Secondary standards pertaining to alignment, curvature, and grade need not be adhered to if such a reduction in standards reduce significantly the impact of the road upon the terrain. Nothing in these standards is meant to preclude either the Secretary of the Interior or the State Road Commission of Utah from constructing turnouts at scenic vistas.

The Secretary of the Interior has the right to construct and maintain markers and other interpretive devices typical of National Park Areas providing such markers do not violate current highway safety standards. The Secretary of the Interior also has the right to connect with such routes those park roads and trails as may be considered by him desirable.

Roads constructed within such corridors by the State Road Commission of Utah will be permanently kept open for general public travel.

The State Road Commission of Utah shall have full authority to regulate traffic and enforce the highway laws relating to highway use.

It is to be understood that the right of way will vest with the United States subject to the perpetual use of same as a public highway so long as needed for said purpose as determined by the State Road Commission of Utah.

The State Road Commission of Utah and the Utah State Department of Highways, as charged by the Congress of the United States and the state Legislature of Utah is pursuing to the best of its ability all means to construct and maintain an overall highway transportation system for the state. A part of this system requires adequate access to the recreational heritage existing in Utah. With that obligation, the Commission and the Department also recognize the obligation to construct and maintain this system in a way that will preserve the intrinsic beauty of our lands.

Your consideration on this matter is earnestly sought by the State Road Commission of Utah and the Utah State Department of Highways.

Thank you for your consideration.

Sincerely yours,

HENRY C. HELLAND,
Director of Highways.

UINTA CHAPTER, SIERRA CLUB,
Salt Lake City, Utah, June 6, 1970.

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Parks and Recreation,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BIBLE: I would like the following letter included in the hearing record on S. 531, the bill on Capitol Reef. It is testimony of the Uinta Chapter of the Sierra Club.

We commend Senator Moss for introducing legislation to establish the Park, and in general we support his boundaries. The Sierra Club favors the inclusion of all the Waterpocket Fold and associated features in the Park.

We would strongly recommend that one area, eliminated by amendment, be included in the bill; this is the valley of Hall's Creek on the east of the Waterpocket Fold. The cliffs on the east of the valley are actually part of the Fold itself. They are remnants of the older layers that were once on top of the earth's flexure. Over the years they have been eroded away until only the upended stubs or part of the original layers remain. They are part of the geologic story that is so graphically illustrated from overlooks on either side of the valley. The area includes the following sections:

T. 32 S., R. 8 E., secs. 29, 30, 32;

T. 33 S., R. 8 E., secs. 5, 8, 16, 17, 21, 28, and 34;

T. 34 S., R. 8 E., secs. 3, 11, 13;

T. 34 S., R. 9 E., sec. 19.

If it were possible for the boundary to follow geologic features instead of section lines, then we believe the boundary should follow the top of the cliff on the eastern boundary of the valley, and only parts of the above sections would need to be included.

We also strongly recommend adding one and three-quarters sections, specifically—T. 36 S., R. 8 E., sec. 1, sec. 12 the north half and southeast quarter.

These sections include a large mesa known as Deer Point and a small mesa southeast of it which are landmarks from either side of the Fold. In addition, these mesas are the focal point of a remarkable overlook established by the Bureau of Land Management. This overlook would give the windshield tourist a superb view, and offers one of the best opportunities for geological interpretation in the entire area. I feel sure that this overlook will in time come to be regarded as one of the outstanding attractions of Capitol Reef National Park.

We feel that Hall's Gorge, which at one time was recommended for inclusion in the Park and may since have been recommended instead for inclusion in Glen Canyon National Recreation Area, should really be in the Park. Walking through this gorge exposes one to scenery as spectacular as Zion Narrows. The quietness

and solitude, the remoteness from bustle, and the intimacy of maidenhair ferns, dripping springs, and straight-walled canyon must be experienced to appreciate it. Surely this four-mile stretch of canyon deserves designation and protection as wilderness. The sections involved are

T. 36 S., R. 9 E., secs. 22, 26, 27, 34 east half, 35, and 36

T. 37 S., R. 9 E., secs. 1, 2, 11 east half, 12.

Finally we would like to urge that the area roughly south of the Burr Trail, and specifically south of the corral which is south of The Post, be classified as wilderness. We urge inclusion of the following wording:

"Within two years from the date of enactment of this Act, the Secretary of the Interior shall review the area within Capitol Reef National Park which is an addition to Capitol Reef National Monument and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations to the suitability or nonsuitability of any area within the park for preservation as wilderness and any designation of any such area as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act."

Wilderness hearings under the wilderness act have already been held on the original Capitol Reef National Monument and presumably the above amendment would be necessary to this bill to complete wilderness hearings for the expanded area.

Sincerely yours,

(Mrs.) JUNE VIAVANT,
Chairman.

(Whereupon, at 10:55 a.m., the hearing was concluded.)







