

Congressional Record

SIXTY-EIGHTH CONGRESS, FIRST SESSION

Grand Canyon National Park

SPEECH

HON. CARL HAYDEN
OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1924

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I offer a motion, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan offers a motion, which the Clerk will report.

The Clerk read as follows:

That the House recede from its disagreement to the Senate amendment No. 47, and concur therein with an amendment as follows:

In lieu of the matter proposed to be stricken out by said amendment insert: "For the construction of trails within the Grand Canyon National Park, \$100,000, to be immediately available and to remain available until expended: *Provided*, That said sum may be used by the Secretary of the Interior for the purchase from the County of Coconino, Ariz., of the Bright Angel toll road and trail within said park, under such terms and conditions as he may deem proper, and the Secretary of the Interior is authorized to construct an approach road from the National Old Trails Highway to the south boundary of said park."

Mr. CRAMTON. Mr. Speaker, with reference to that amendment, I will only take time at this time to state that the effect of the language is to broaden the scope of the item, but continuing the same amount.

Tuesday, March 18, 1924

ROADS, TRAILS, AND BRIDGES IN NATIONAL PARKS.

The next business on the Consent Calendar was the bill (H. R. 3682) authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, in his administration of the National Park Service, is hereby authorized to construct, reconstruct, and improve roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior.

SEC. 2. That for such purposes, including the making of necessary surveys and plans, there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the following sums, to be available until expended: The sum of \$2,500,000 for the fiscal years ending June 30, 1924, and June 30, 1925; the sum of \$2,500,000 for the fiscal year ending June 30, 1926; and the sum of \$2,500,000 for the fiscal year ending June 30, 1927.

SEC. 3. That the Secretary of Agriculture is authorized to reserve from distribution to the several States, in addition to the 10 per cent authorized by section 5 of the act of November 10, 1921 (42 Stat. L., p. 213), not exceeding 5 per cent of the material, equipment, and supplies hereafter received from the Secretary of War, and to transfer said material, equipment, and supplies to the Secretary of the Interior for use in constructing, reconstructing, improving, and maintaining roads and trails in the national parks and monuments: *Provided*, That no charge shall be made for such transfer except such sums as may be agreed upon as being reasonable charges for freight, handling, and conditioning for efficient use.

Mr. HAYDEN. Mr. Speaker, the purpose of this bill is to authorize a program of road and trail construction, including bridges, within the national parks and national monuments extending over a period of three years, ending June 30, 1927, and involving a total expenditure of \$7,500,000. This work is necessary in order to make these natural wonders accessible to the American people. The demand for it is demonstrated by the fact that the total number of visitors to the parks under

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the jurisdiction of the National Park Service has increased from 356,097 in 1916, the year after that service was created, to 1,280,866 in 1923. No record of visitors to the national monuments was kept prior to 1919, but that year there were 54,337 as compared to 221,826 last year.

A large part of this increase is due to the automobile. The latest estimate is that there are now about 13,250,000 passenger-carrying automobiles in the United States, an increase of over 1,000 per cent in less than 15 years. It is safe to say that there is not a single person in America who owns an automobile who has not somewhere in the back of his head the idea that he would like to take a trip and see the country. And every American will agree that the national parks provide the highest form of outdoor enjoyment. When it is made known that good roads have been provided so that the automobile tourist can go and return with comfort, increasing thousands will take advantage of the opportunities to visit the national parks.

THE NATIONAL PARK ACT

As a member of the Committee on the Public Lands, I assisted in drafting the act to create the National Park Service. The wisdom of that law has been fully justified. Franklin K. Lane, the greatest Secretary of the Interior this country has had in a generation, was fortunate in securing the services of a man of vision and ability as the first director of the park service. The present administration is to be congratulated for retaining Stephen T. Mather in that office. He has sensed and carried out the almost universal desire that the national parks shall be not only preserved from desecration but actually made to serve the purpose to which they are dedicated, the enjoyment of the American people.

I can speak advisedly on this question because within the State of Arizona is to be found the most stupendous natural wonder in the world, a portion of which has been set aside as the Grand Canyon National Park. The people of my State want this park opened up by roads and trails so that all others may share its beauties and its glories with them. The Nation having reserved the Grand Canyon Park from exploitation is in duty bound to take the next step and make it accessible. From the funds authorized for expenditure by this bill \$800,000 will be devoted to that purpose.

ROAD PROJECTS WITHIN THE GRAND CANYON NATIONAL PARK

The details of the road projects within the Grand Canyon National Park, as stated in the hearings before the Committee on the Public Lands on this bill, are as follows:

Name or designation of project and nature of improvements.	Amounts and costs of proposed improvements.			Totals for projects.	
	Miles to be done.	Average cost per mile.	Total cost.	Miles improved.	Cost.
Grand Canyon to main entrance with branches to Yaki and Yavapai points.....				11	\$110,000
New construction.....	4	\$2,000	\$8,000		
Reconstruction.....	7	2,000	14,000		
Surfacing.....	11	8,000	88,000		
Main entrance to Desert View.....				28	280,000
Reconstruction.....	28	2,000	56,000		
Surfacing.....	28	8,000	224,000		
North entrance.....				3	15,000
Reconstruction.....	3	2,000	6,000		
Surfacing.....	3	3,000	9,000		
Cape Royal.....				20	56,000
New construction.....	20	2,000	40,000		
Surfacing.....	20	800	16,000		
Service roads.....				4	26,000
New construction.....	2	4,000	8,000		
Reconstruction.....	2	3,000	6,000		
Surfacing.....	4	3,000	12,000		
Havasupai.....				50	308,000
New construction.....	16	15,000	240,000		
Reconstruction.....	34	2,000	68,000		
Bass Camp.....				8	5,000
Reconstruction.....	8	625	5,000		
Total.....				124	800,000
New construction.....	42	7,048	296,000		
Reconstruction.....	82	1,890	155,000		
Surfacing.....	66	5,288	349,000		

I also aided in securing the enactment of the law creating the Grand Canyon National Park, a carefully prepared measure, which not only had the approval of the State and local authorities but of the people of Arizona generally. At the time the act was passed every vested right within the park was protected. That was particularly true of the Bright Angel Trail belonging to Coconino County. It was fully realized, however, that no matter how excellent the intentions of all parties concerned might be there was sure to be some friction between the Park Service and county authorities so long as the title to that trail remained in the county. The prime object of the law was to see that the public is properly served and, knowing that divided authority could not attain that end, the act authorized the Secretary of the Interior to negotiate for the purchase of the Bright Angel Trail.

COOPERATION BY COCONINO COUNTY

I am happy to say that the solution of the difficulty over the Bright Angel Trail has been greatly advanced during the past year. The people of Coconino County fully realize the immense advantages that will follow from the construction of roads and trails to open the Grand Canyon National Park to the world. I venture to say that no citizen of that county, or of the entire State of Arizona, can be found who would seriously oppose appropriations by Congress for that purpose. Furthermore, I am sure that on reflection the vast majority of them will be more than willing for the county of Coconino to part with its title to the Bright Angel Trail as an aid to bringing about such development. They can be depended upon to meet the Federal Government in a spirit of fairness in this and all other matters.

It has been urged that the county of Coconino is without legal authority to sell the Bright Angel Trail. Anyone who will read the following provision of section 2418 of the Revised Statutes of Arizona can not fail to reach the conclusion that such an assertion is erroneous. The board of supervisors have jurisdiction and power—

To sell at public auction at the courthouse door, after 30 days' previous notice given by publication in a newspaper of the county, and convey to the highest bidder for cash any property, real or personal, belonging to the county, paying the proceeds into the county treasury for the use of the county.

Under the terms of that law of the State of Arizona the board of supervisors of Coconino County can make known its desire to sell by proper advertisement and the Secretary of the Interior can purchase the trail if he is the highest bidder for cash.

I am sure that no one will dispute the right of the board of supervisors to enter into contracts for the construction of roads within the county and to pay for the same with money from the county treasury. Therefore the board of supervisors can agree that the \$100,000 paid into the county treasury by the United States for the Bright Angel Trail shall be expended in cooperation with the Secretary of the Interior on the approach road from the National Old Trails Highway to the Grand Canyon National Park. It may be that some one will be unwise enough to take this question into court, but the case will not stay in court very long because no judge will deny to the members of the board of supervisors the right to exercise the usual and customary powers which have long been conferred upon them by law.

The facts regarding the status of the Bright Angel Trail, the desirability of purchasing it by the Federal Government, rates being charged for trips over the trail, administration of the park, and similar data are not hard to obtain. The Interior Department publishes a booklet on the Grand Canyon National Park, describes its natural features, tells people how to reach it, and quotes rates for accommodations in the park. I have here the rates that were in effect in 1923, and these rates, so far as I know, are in effect to-day. They are practically the same as they were when the park was created five years ago. There have been some slight increases due to advanced cost of operations, higher wages, higher food costs, perhaps higher taxes, because the State of Arizona and Coconino County can and do assess and collect taxes on property in the park. But these increases have been few in number and small in amount.

The Bright Angel Trail is not the approach to the rim of the Grand Canyon. It is the trail that leads from the south rim near the end of the railroad and the El Tovar Hotel down into the canyon to the Colorado River. The approach to the rim is by railroad, a branch of the Santa Fe system from Williams, a station on the main line of the Santa Fe, or by automobile road from the National Old Trails Highway, as it is usually called. This automobile-road approach is about 60

miles long. However, the county has no funds with which to build such a road.

SECOND LARGEST COUNTY IN UNITED STATES

The county of Coconino is the second largest county in the United States, having an area of 18,433 square miles, less than 11 per cent of which is taxable, the remainder belonging to the United States. The following are the percentages of Government-owned lands divided as to types of reservations:

	Per cent.
Indian reservations.....	35.3
Forest reserves.....	31.2
Unreserved public lands.....	17.4
National park.....	5.0
Total Federal lands.....	89.9

The people of Coconino County feel that the United States, in view of its ownership of so much of the county, should build more of the roads that are needed and maintain more of the highways across the public domain. This was brought to the attention of visiting members of the Appropriations Committee of the House last spring at the Grand Canyon. In a conference with the county officials a plan was approved to submit to Congress the proposal that if Congress would appropriate the sum of \$100,000 and the county would sell the Bright Angel Trail to the Government for that amount, this fund would be used in the construction of an approach road which the county can not build because of lack of funds.

It was well understood that this fund of \$100,000 would not complete this road and that other funds would have to be made available later. Perhaps \$400,000 or more will be needed to make the approach road what it should be, and the amended provision that is now before the Senate contains unmistakable language to the effect that the United States is to take over and construct such a road to the park. The Federal Government will not only take it over and rebuild it as a good automobile highway but it will have the duty to subsequently maintain it as it does certain approach roads to the Yellowstone Park which the United States built at a cost of \$517,000 and which it still maintains through the National Park Service.

NATIONAL PARK GREAT ECONOMIC ASSET

No better thing could be done for the county than to authorize the construction of this approach road to the Grand Canyon National Park by the United States Government, because the park is a great economic asset to the county and to the State in that it attracts heavy travel from all sections of the country. Many tourists are potential settlers and investors, and we want more of them in Arizona. The people of Arizona want this approach road built. The county of Coconino and its citizens have, through commercial and social organizations, approved the plan to sell the Bright Angel Trail in order to obtain Federal cooperation on the road plan that is so vital to the welfare of the county. The county only receives a net income of \$4,000 to \$5,000 per year from the operation of the trail, not enough to maintain properly one-third of the approach road to the Grand Canyon National Park.

The Bright Angel Trail is owned by Coconino County. There can be no doubt of this ownership, and the county can give a good title to the trail. The case of *Duffield v. Ashurst* (100 Pac. Rep., p. 821) established this ownership. In the following provision in the organic act creating the Grand Canyon National Park (40 Stat. 1175) the rights of the county were recognized and protected:

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land, and nothing herein contained shall affect, diminish, or impair the right and authority of the county of Coconino, in the State of Arizona, to levy and collect tolls for the passage of livestock over and upon the Bright Angel Toll Road and Trail, and the Secretary of the Interior is hereby authorized to negotiate with the said county of Coconino for the purchase of said Bright Angel Toll Road and Trail and all rights therein, and report to Congress at as early a date as possible the terms upon which the property can be procured.

The Secretary of the Interior, therefore, in endeavoring to acquire this trail has been acting under the directions of Congress as expressed in the law creating the park. Congress did not want this trail to continue in county ownership. This was a proper view to take, as it is the only toll trail in the entire national park system. The Bright Angel Trail should be in national ownership, but the county should be adequately compensated therefor.

In my opinion the proposition covered by the amendment placed in the Interior Department appropriation bill on the

floor of the House would adequately compensate the county for its rights in the trail. The provision as amended in the House on March 11, and as it is now before the Senate, is even more advantageous to the county, in that it specifically authorizes the United States Government to build the road from the National Old Trails Highway to the south boundary of the park, and if accepted by the Senate will authorize the Secretary of the Interior to submit to the Budget Bureau each year until finished estimates for appropriations to construct this important highway.

THE PRESENT ARRANGEMENT

As the situation now stands the county owns the Bright Angel Trail and can collect tolls for its use. It can not fix rates to be charged for use of saddle horses. It can collect as much as it thinks reasonable per horse for every animal taken over the trail, but it can not say to the owner of the horse what he shall charge a tourist to use the horse on the trail. The rates for the use of horses by visitors are fixed by the Secretary of the Interior, and are published by him for the information of the traveling public.

The county has preferred to collect its tolls through the owner of the horses, Fred Harvey, so the average visitor to the park does not know that he is paying toll to the county, but, nevertheless, every visitor that uses the trail indirectly pays to the county \$1. Therefore, if the United States should acquire the trail the rate per horse would be \$1 less for the Bright Angel Trail trip than it is to-day. It would be \$5 per day, including guide, instead of \$6 per day. The county is not keeping the rates for this trip down. The rates could be raised now with the ownership of the trail still in the county if the Secretary of the Interior deemed a raise in these rates to be reasonable.

The concessionaire in the park which has the right to rent saddle horses for use on the Bright Angel Trail is Fred Harvey, the operator of the dining cars on the Santa Fe Railroad System and the eating houses along the route. This concern had saddle horses in the Grand Canyon region and on the Bright Angel Trail long before the national park was created. It now has the privilege of conducting saddle-horse parties on the park trails under a franchise which it obtained by virtue of being the "best and most responsible bidder," as provided in section 2 of the act creating the Grand Canyon National Park, which reads as follows:

SEC. 2. That the administration, protection, and promotion of said Grand Canyon National Park shall be exercised, under the direction of the Secretary of the Interior, by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes": *Provided*, That all concessions for hotels, camps, transportation, and other privileges of every kind and nature for the accommodation or entertainment of visitors shall be let at public bidding to the best and most responsible bidder.

After the park was created the National Park Service advertised for bids for concessions under the above provision, and as a result of public bidding Fred Harvey received a franchise to operate hotels, transportation lines, saddle horses, and certain other services. The Babbitt Trading Co., of Flagstaff, a very well known firm, has received through such bidding the right to establish and operate a general store in the park, and other franchises along these general lines were granted under the authority of Congress as contained in the act establishing the park.

The National Park Service act mentioned in section 2 of the Grand Canyon Park act gives the Secretary of the Interior authority to grant such privileges for a period not exceeding 20 years.

This is the language used:

SEC. 3 (act of August 25, 1916, 39 Stat. 535) * * *. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding 20 years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public.

The Secretary of the Interior, and his representative, the Director of the National Park Service, have been operating the Grand Canyon National Park under these provisions of law since 1919. The services provided for under franchise, regularly granted after advertisement and public bidding, have been adequate, and the rates have been reasonable considering the cost of bringing in materials and supplies which at the Grand Canyon include water for drinking and all other purposes. These rates are available to every visitor, and for parties of one or a hundred.

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ADVANTAGES TO COCONINO COUNTY

The enactment of the bill that is before the House to-day will ultimately make available for expenditure within the Grand Canyon National Park, in Coconino County, Ariz., the sum of \$800,000 for roads and trails. The provision contained in the Interior Department Appropriation bill makes available \$100,000 which Coconino County can use for the construction of an approach road to the park, or a total from the Federal Treasury of \$900,000. In addition to that sum, such further expenditures as may be necessary to complete the approach road are authorized to be made by the Secretary of the Interior.

In exchange for these benefits the county is asked to transfer its title to the Bright Angel Trail to the United States. For the loss of an income from the trail of \$4,000 or \$5,000 a year the county obtains all these advantages and yet it is said that Congress is trying to "browbeat" Coconino County. I am confident that the citizens of that county will be delighted to submit to the same kind of considerate coercion for many years to come.

The bill that is now under consideration by the House should be promptly passed. I have every confidence that it will be enacted into law in ample time to allow the necessary estimates for the construction program beginning with the next fiscal year to be submitted to Congress next December by the Budget Bureau. The sum of \$7,500,000 is a reasonable amount to authorize for this purpose.

Mr. HUDSPETH. Will the gentleman from Arizona yield?

Mr. HAYDEN. I yield to the gentleman from Texas.

Mr. HUDSPETH. Does the gentleman think this sum will be sufficient for this purpose?

Mr. HAYDEN. I think the plan of road and trail construction as outlined by the National Park Service will make most of the parks and monuments accessible to the public. Of course, considering the tremendous increase in the number of automobiles in this country, the national park road system must be expanded from time to time, and the limitation in this bill does not necessarily mean that there will never be another dollar asked for this purpose.

Mr. HUDSPETH. Would the gentleman have any objection to my offering an amendment to increase the amount to \$15,000,000?

Mr. HAYDEN. The amount carried in this bill is all that the National Park Service has asked for and all that can be wisely used under the program as outlined by that service. When that program is completed I have not the slightest doubt but that Congress can and will make whatever additional appropriations may be required.

Mr. HUDSPETH. Would the gentleman have any objection to my offering such an amendment?

Mr. HAYDEN. Frequently I have been accused of securing appropriations of money out of the Treasury, but on this occasion I can see no necessity of making the authorization in excess of the amount asked for by the Park Service, which has the duty of expending the funds when made available by Congress.

The SPEAKER. The time of the gentleman from Arizona has expired.

Tuesday, June 3, 1924

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 47 to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the amendment of the House to the amendment of the Senate numbered 47, and agree to the amendment of the House to the amendment of the Senate numbered 47.

REED SMOOT,
CHARLES CURTIS,
WM. J. HARRIS,
Managers on the part of the Senate.

LOUIS C. CRAMTON,
FRANK MURPHY,
C. D. CARTER,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Thursday, June 5, 1924

Mr. HAYDEN. Mr. Speaker, under the permission to extend my remarks in the Record I include the following telegram which I sent on May 29, 1924, to the Coconino Sun, of Flagstaff, Ariz., and the Williams News, of Williams, Ariz., relative to an item in the Interior Department appropriation bill, which is now a law.

House and Senate conferees have to-day unanimously agreed upon following provision in the Interior Department appropriation bill:

"For the construction of trails within the Grand Canyon National Park, \$100,000, to be immediately available and to remain available until expended: *Provided*, That said sum may be used by the Secretary of the Interior for the purchase from the county of Coconino, Ariz., of the Bright Angel Toll Road and Trail within said park under such terms and conditions as he may deem proper, and the Secretary of the Interior is authorized to construct an approach road from the National Old Trails Highway to the south boundary of said park."

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Under this provision the Secretary of the Interior can purchase the Bright Angel Trail for \$100,000, paying cash into the county treasury, or make any other agreement with the county for its purchase that is mutually satisfactory. The Secretary is authorized to construct an approach road from anywhere on the National Old Trails Highway to the Grand Canyon National Park, and whatever money is necessary to build the road is authorized to be appropriated. The Secretary would probably ask Coconino County to cooperate in the construction of this road on the route to be agreed upon to the extent of the money received from the sale of the Bright Angel Trail, the remainder of the cost to be paid by the United States. I am assured by the Director of the National Park Service that he will submit estimates for additional funds to construct the road from the Old Trails Highway to the Grand Canyon in cooperation with Coconino County, and am confident that Congress will make the necessary appropriation at the next session. I am further assured by the Interior Department and the House Appropriations Committee that the chief desire is to work out all these matters in the most satisfactory way possible, with due regards to the rights and welfare of the county as well as the Nation.

CARL HAYDEN.