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DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

Jul 18 1924

MEMORANDUM FOR THE FIRST ASSISTANT SECRETARY:

Reference is made to the following item contained in the Interior Department appropriation bill for the current fiscal year, approved June 5, 1924 (Public No. 199);

"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, Arizona, 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."

In this connection I quote the following excerpt from a letter dated May 31, 1924, from Superintendent Eakin of Grand Canyon National Park to the Director of this Service, in regard to this legislation -

"It is noted that this amendment authorizes the Secretary of the Interior to purchase the Bright Angel Toll Road and Trail under such terms and conditions as he may deem proper. I suggest the advisability of conferring with the Secretary at your earliest convenience in order that the Service may know what terms and conditions he may deem proper. I make this suggestion for the reason that it is possible it may take considerable time to complete the purchase and it is absolutely imperative that the control be acquired by the Government as soon as possible."

I quote further the following excerpt from letter dated July 16, 1923, to the Secretary of the Interior from R. E. Taylor and John Loy, Members of the Board of Supervisors of Coconino County, Arizona:

"It is the desire of the Board to carry out our tentative agreement to the letter, and our only question is the proper method to follow. We hereby, formally propose to convey to the United States all right, title

and interest of the County of Coconino to the Bright Angel Trail in accordance with the letter dictated by Government officials and others while in conference, with the understanding that the property first be offered for sale at public auction, in accordance with statutes above mentioned, and with the distinct understanding that, at the time of said sale a bid be made by a representative of your office of at least \$100,000 to be expended by the County of Coconino or under its direction, upon the construction of a road between Maine and the South Boundary of the Grand Canyon National Park. It is understood that said bid shall be conditional upon an appropriation by Congress of such sum as may be offered for said trail, not to be less, however, than the sum of \$100,000."

The appropriation of the necessary funds for the purchase of the Bright Angel toll road and trail having now been made by Congress, it is strongly recommended that a culmination of the negotiations for its purchase by the Government be authorized substantially on the basis outlined in the Department's letter of August 2, 1923, to the Board of Supervisors, Coconino County, Arizona, copy attached. In this letter it is stated "that the deed from the county shall not be a mere quit claim, but shall convey a good and complete title in the trail and vest a fee simple title in said trail to the United States". As it is now understood by the Service that the fee to the land over which the road and trail runs has never been divested from the United States and that the title of the County is merely that of an easement, or right of way, it is thought advisable to negotiate the purchase on the basis that the County shall convey a good and complete title to the road and trail to the United States by a deed which shall be satisfactory to the Secretary of the Interior.

In this connection attention is called to the attached copy of letter dated July 9, 1924, from Hon. Carl Hayden, U. S. House of Representatives, to the Director of this Service, containing the suggestion that the following estimate for the fiscal year ending June 30, 1926, be submitted to the Director of the Budget:

"For commencing the construction of an approach road from the National Old Trails Highway to the south boundary of the Grand Canyon National Park, Arizona, \$200,000;: PROVIDED, That no part of said \$200,000. shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the County of Coconino, Arizona, satisfactory guarantees of the payment by said county of \$100,000. to be expended in the construction of said road."

In the tentative estimates submitted by the Service on July 9, 1924, as called for by the Department in letter dated June 18, 1924, an item of \$100,000 for the construction of an approach road has been included in the following language - " * * not exceeding \$100,000 for the continued construction of the approach road from the National Old Trails Highway to the south boundary of said park".

As it appears, as suggested by Mr. Hayden, that an estimate of \$200,000 restricted by the language of the proviso, instead of the estimate of \$100,000 tentatively submitted, will expedite the sale of the Bright Angel Toll Road and Trail by Coconino County and, at the same time, carry out the letter and spirit of the provision contained in the Interior Department appropriation Act on this subject, it is also recommended that the estimate for this item be changed accordingly.

Respectfully,

(Sgd.) A. E. DEMARAY

Acting Director.

Inc. No. 22441.

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DEPARTMENT OF THE INTERIOR
Washington, D.C.

APPROVED for \$100,000 and returned to the Director of the National Park Service for compliance with the foregoing.

(Sgd) E. C. FINNEY

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR
WASHINGTON

AUG 2 1923

Board of Supervisors,
Coconino County,
Flagstaff, Arizona.

Gentlemen:

I have before me your letter of July 16 signed by R. E. Taylor and John Loy as members of the Board, to which is attached for reasons stated an unsigned letter of the same date addressed to the Secretary of the Interior to the effect that if Congress shall appropriate not less than the sum of \$100,000 to be expended upon the construction of a road between Maine, Arizona, and the south boundary of the Grand Canyon National Park, the County of Coconino will execute and deliver to the United States Government a good and sufficient deed to the Bright Angel Toll Road and Trail conveying all its right, title, and interest therein to the United States of America. In the first of the above-mentioned letters attention is called to the requirements of the existing Civil Code of the State of Arizona, page 848, requiring the sale at public auction to the highest bidder for cash of real or personal property belonging to the county, the proceeds to be turned into the county treasury for the use of the county. This provision you advise will have to be recognized in connection with the proposed transaction of the sale of the road and trail to the United States.

Under the circumstances the Department will be willing to submit and support an estimate for an appropriation by Congress of \$100,000 for the acquisition of all right, title, and interest in this trail, which are assumed to be in the County of Coconino, with such wording as will permit the construction of the new road between Maine and the south boundary of the park from the amount appropriated when available, this to be expended under the direction of the County of Coconino, but the actual construction to be done by the National Park Service of the Interior Department.

As I understand the situation then, the procedure would be for this appropriation to be made by Congress, which as soon as available will enable the county to comply with the statutes and put the Bright Angel Road and Trail up for sale to the highest bidder, and a representative of the Department will at this sale put in the formal bid of the United States authorized by Congress. The sum agreed upon has been reached after conference between members of your board and various members of Congress and officials of the National Park Service, the money to be spent on this leading highway from the south into the park, and while the work is to be done under the direction of the county actual construction shall be done by the National Park Service

of the Interior Department and payment made from the \$100,000 paid to the county and deposited for this particular purpose. It should be understood, of course, that the deed from the county shall not be a mere quit claim, but shall convey a good and complete title in the trail and vest a fee simple title in said trail to the United States. Instructions have been given to the National Park Service to include this \$100,000 in their next estimates.

Very truly yours,

(Sgd.) E C Finney

Acting Secretary

ABC/MCR

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CARL HAYDEN
ARIZONA

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON D. C.

July 9, 1924.

Hon. Stephen T. Mather,
Director, National Park Service,
Washington, D. C.

My dear Mr. Mather:

In connection with the item in the last Interior Department Appropriation Act appropriating \$100,000, for the Bright Angel trail within the Grand Canyon National Park and authorizing the construction of an approach road to the park, permit me to suggest that the following estimate for the fiscal year be submitted to the Director of the Budget:

"For commencing the construction of an approach road from the National Old Trails Highway to the south boundary of the Grand Canyon National Park, Arizona, \$200,000/; Provided, that no part of said \$200,000. shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the County of Coconino, Arizona, satisfactory guarantees of the payment by said county of \$100,000 to be expended in the construction of said road".

I offer this suggestion in the belief that it will expedite the sale of the Bright Angel Trail by Coconino County and, at the same time, carry out the letter and spirit of the provision contained in the Interior Department Appropriation Act on that subject.

Yours very sincerely,

CARL HAYDEN (sgd)