

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
WASHINGTON

ADDRESS REPLY TO  
THE FORESTER  
AND REFER TO:

January 10, 1918.

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Tusayan, Uses,  
Grand Canyon National Monument,  
Railroad, 3/9/08.

Hon. Carl Hayden,  
House of Representatives.

Dear Mr. Hayden:

This letter is in confirmation of our conference yesterday, regarding the proposed Canyon Copper Company Railroad and possible conflict between it and the proposed Grand Canyon National Park.

From the blue print showing the location of the right-of-way desired by Mr. Page, it is evidently impracticable to modify the lines of the proposed Park so as to exclude such right-of-way in its entirety. It will therefore be necessary for the railroad, in its plans, to take into consideration the National Park Service and its plans for the development and protection of the Park.

As I read the Bill establishing the National Park Service (39 Stat., 535) and S-390, providing for the establishment of the Grand Canyon National Park, it does



Hon. C.H.

not appear to me necessary to modify the latter in order that the Secretary of the Interior may have authority to issue a permit for the railroad. Section 3 of the Act creating the Park Service provides that

"The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the use and management of the Parks, Monuments, and Reservations under the jurisdiction of the National Park Service \* \* \* He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in various Parks, Monuments, or other Reservations herein provided for, but for periods not exceeding 20 years".

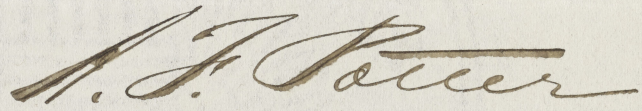
It is quite possible that Mr. Page's railroad, not being intended primarily for the accommodation or transportation of visitors to the Park, could not be construed as coming within the authority of the Secretary to issue 20-year permits, but the first clause in Section 3, authorizing the Secretary to make rules and regulations for the use and management of the Park, does, I believe, permit the Secretary to issue terminable special use permits exactly identical in character with permits for railroads issued by the Secretary of Agriculture, involving desired rights-of-way across National Forests. If, however, there should be any doubt about this, it appears to me that Section 6 of S-390, which provides for prospecting, development, and utilization of the mineral resources of the Park, must necessarily carry with it authority to allow such construction and improvement as may be necessary to carry out the provisions and purposes of that Section. If my assumption is correct, the National



Hon. C.H.

Park Service would undoubtedly have authority to issue a permit for a railroad to be constructed by Mr. Page along the line that he desires, provided S-390 should become a law, and in order to accomplish this a specific amendment appears to be unnecessary.

Very sincerely yours,

A handwritten signature in cursive script, reading "A. J. Potter". The signature is written in dark ink and is positioned above the typed name "Acting Forester.".

Acting Forester.