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FURTHER PROTECTING THE OUTSTANDING SCENIC, NATURAL, AND
SCIENTIFIC VALUES OF THE GRAND CANYON BY ENLARGING THE
GRAND CANYON NATIONAL PARK IN THE STATE OF ARIZONA, AND
FOR OTHER PURPOSES

SEPTEMBER 25, 1974.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

together with

DISSENTING AND ADDITIONAL VIEWS

[To accompany S. 1296]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 1296) to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 9, strike out "Navajo Bridge" and insert "the mouth of the Paria River".

Page 2, lines 13 and 14, strike out "one million two hundred and sixty-eight thousand seven hundred and thirty-nine acres," and insert in lieu thereof: "one million four hundred six thousand five hundred acres,".

Page 2, line 17, strike out "113-91,005 and dated June 1973," and insert in lieu thereof "113-20,021 and dated July 1974,".

Page 2, line 23, after the word "study" insert "(i)".

Page 3, line 1, after the word "areas" insert

, (ii) the area commonly known as the Parashaunt Allotment formerly located primarily within the Lake Mead National Recreation Area, and (iii) those lands within Kanab Canyon formerly under the jurisdiction of the Forest Service and Bureau of Land Management,.



Page 3, line 22, after "donation" insert "or exchange".

Page 6, line 22 through Page 7, line 15, strike out all of the text of Section 10 and insert in lieu thereof the following:

SEC. 10(a) For the purpose of enabling the tribe of Indians known as the Havasupai Indians of Arizona (hereinafter referred to as the "Tribe" to improve the social, cultural and economic life of its members, the lands generally depicted as the "Havasupai Reservation Addition" on the map described in Section 3 of this Act, and consisting of approximately 185,000 acres of land and any improvement thereon, are hereby declared to be held by the United States in trust for the Havasupai Tribe. Such map, which shall delineate a boundary line generally one-fourth of a mile from the rim of the outer gorge of the Grand Canyon of the Colorado River and shall traverse Havasu Creek from a point on the rim at Yumtheska Point to Beaver Falls to a point on the rim at Ukwalla Point, shall be on file and available for public inspection in the Offices of the Secretary, Department of Interior, Washington, D.C.

(b) The lands held in trust pursuant to this section shall be included in the Havasupai Reservation, and shall be administered under the laws and regulations applicable to other trust Indian lands: *Provided, That*

(1) the lands may be used for traditional purposes, including religious purposes and the gathering of, or hunting for, wild or native foods, materials for paints and medicines;

(2) the lands shall be available for use by the Havasupai Tribe for agricultural and grazing purposes, subject to the ability of such lands to sustain such use as determined by the Secretary;

(3) any areas historically used as burial grounds may continue to be so used;

(4) following a study to be done by the Secretary, he shall, in consultation with the Havasupai Tribal Council, develop and implement a plan for the use of this land by the Tribe. Such plan shall include the selection of areas which may be used for residential, educational and other community purposes;

(5) no commercial timber production, and no commercial mining or mineral production shall be permitted on such lands;

(6) nonmembers of the Tribe shall be permitted to have access across such lands at locations established by the Secretary in consultation with the Tribal Council in order to visit adjacent parklands, and may, with the consent of the Tribe, be permitted to enter and temporarily utilize lands within the reservation (or this addition thereto) for recreation purposes;

(7) except for the uses permitted in paragraphs 1 through 6 of this section, the lands hereby transferred

to the Tribe shall remain forever wild and no uses shall be permitted under the plan which detract from the existing scenic and natural values of such lands;

(c) The Secretary shall be responsible for the establishment and maintenance of conservation measures for these lands, including, without limitation, protection from fire, disease, insects or trespass and reasonable prevention or elimination of erosion, damaging land use, overgrazing or pollution. The Secretary of the Interior is authorized to contract with the Secretary of Agriculture for any services or materials deemed necessary to institute or carry out any such measures. Any authorized Federal programs available to any other Indian Tribes to enhance their social, cultural and economic well-being shall be deemed available to the Tribe on these lands so long as such programs or projects are consistent with the purposes of this Act. For these purposes, and for the purpose of managing and preserving the resources of the Grand Canyon National Park, the Secretary shall have the right of access to any lands hereby included in the Havasupai Reservation. Nothing in this Act shall be construed to prohibit access by any members of the Tribe to any sacred or religious places or burial grounds, native foods, paints, materials and medicines located on public lands not otherwise covered in this Act.

(d) The Secretary shall permit any person presently exercising grazing privileges pursuant to Federal permit or lease in that part of the Kaibab National Forest designated as the "Raintank Allotment", and which is included in the Havasupai Reservation by this section, to continue in the exercise thereof, but no permit or renewal shall be extended beyond the period ending 10 years from the date of enactment of this Act, at which time all rights of use and occupancy of the lands will be transferred to the Tribe subject to the same terms and conditions as the other lands included in the Reservation in paragraph (b) of this section.

(e) The Secretary, subject to such reasonable regulations as he may prescribe to protect the scenic, natural and wildlife values thereof, shall permit the Tribe to use lands within the Grand Canyon National Park which are designated as "Havasupai Use Lands" on the Grand Canyon National Park boundary map described in Section 3 of this Act, and consisting of approximately 95,300 acres of land, for grazing and other traditional purposes.

(f) By the enactment of this Act, the Congress recognizes and declares that all right, title and interest in any lands not otherwise declared to be held in trust for the Havasupai Tribe or otherwise covered by this Act is extinguished. Section 3 of the Act of February 26, 1919 (40 Stat. 1177; 16 U.S.C. 223), is hereby repealed.

Page 7, following line 15, insert a new Section 11 reading as follows and renumber the succeeding section accordingly:

WILDERNESS STUDY

SEC. 11. Within two years from the date of enactment of this Act the Secretary of the Interior 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 as to the suitability or unsuitability of any area within the national park for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

THE GRAND CANYON

Do nothing to mar its grandeur . . . keep it for your children, your children's children, and all who come after you, as the one great sight which every American should see.

President THEODORE ROOSEVELT, 1903.

PURPOSE

The purpose of S. 1296 and its companion measures (H.R. 5900 by Representative Morris K. Udall and H.R. 1882 by the late Representative John P. Saylor) is to assure the preservation of the Grand Canyon for all time for all people. Its enactment will convert the command, of Theodore Roosevelt—one of the great conservationists of all time—into a reality.

As recommended, the legislation will combine into one consolidated national park virtually all of the lands that comprise the area generally recognized as the Grand Canyon. Altogether, the enlarged park would total 1,406,500 acres and would include about 280 miles of one of the Nation's mightiest rivers.

BACKGROUND

As recommended, S. 1296 expands the Grand Canyon National Park from 673,575 acres to 1,406,500 acres. On its face this appears to be a massive addition to the park, but it should be recognized that nearly all of the lands are already Federally owned and administered according to the different policies applicable to national monuments, national recreation areas, national forests, the public domain and Indian reservations.

The Grand Canyon is one of the most—if not the most—awe-inspiring places on earth. Franklin Lane, then Secretary of the Interior, in recommending the creation of the park in 1918, described it as “the most stupendous natural phenomenon in the world. . . . The sides of the gorge,” he said, “are wonderfully shelved and terraced, and countless spires rise within the enormous chasm, sometimes almost to the rim's level. The walls and cliffs are carved into a million graceful and fantastic shapes, and the many-colored strata of the rocks through which the river has shaped its course have made the canyon a lure for the foremost painters of American landscapes.”

Carved by the rugged Colorado River, the Grand Canyon is an open book of earth history. It covers the first 3 eras of geologic time—2½

billion years. Nowhere else on earth, the Committee was told, because of the great length and great depth of the Grand Canyon, can such a complete picture of geologic history be found. As a scientific resource it is a mecca for geologists, geographers, and biologists throughout the world. For the layman, it is a place of tremendous natural, scenic and historic interest. And for the casual visitor, it is a place of beauty, peace, and quiet.

Even before the park was created, the Secretary of the Interior reported that as many as 106,000 tourists visited the south rim in 1915. Long before the white man discovered it, however, different parts of it had been the aboriginal homeland of various Indian tribes and it still plays an important role in the lives of the Navajo, the Hopi, the Hualapai, and the Havasupai Indians. To them, this area is more than an interesting place to visit; it is “home”—it is the place where they live, and worship, and die.

Beginning above Lees Ferry, the geographic Grand Canyon first occurs near the mouth of the Paria River in what is now a portion of the Glen Canyon National Recreation Area. Proceeding downstream, the canyon encompasses the area now included in Marble Canyon National Monument—an area adjacent to the existing national park. Below the park, the canyon continues through the Grand Canyon National Monument into the Lake Mead National Recreation Area where it ends with the Grand Wash Cliffs.

(a) *Grand Canyon National Park.*—The heart of the area is the present 673,575 acre Grand Canyon National Park. Initially created by Theodore Roosevelt as a national monument in 1908, the Congress gave it statutory protection on February 26, 1919. It is now universally recognized as one of the most outstanding natural parks in the world. In different places the canyon varies from 4 to 18 miles wide and the chasm is a mile deep. Century after century, for 9 million years, the muddy Colorado tumbled rocks and boulders against the 217 miles of canyon walls within the park and scoured them with sand in its push toward the Gulf of California. The inner gorge of the Grand Canyon National Park belongs to the most ancient geologic era—the Precambrian—but the exposed horizontal layers of the upper walls are younger deposits from ancient seas containing fossil remnants of prehistoric life.

(b) *Grand Canyon National Monument.*—Adjoining the park on the west, the present Grand Canyon National Monument is a 310-square mile area established by Presidential Proclamation in 1932. From Toroweap Point, the thread of the Colorado River can be seen 3,000 feet down the sheer rock walls of the inner gorge. Such a view is found nowhere else in the national park. The monument also features evidence of a lava dam deposited in more recent geologic times.

(c) *Lake Mead National Recreation Area.*—Located just below the Grand Canyon National Monument on the Colorado River is the Lake Mead National Recreation Area. Consisting of almost 2 million acres of land and water, it has the distinction of being the Nation's first national recreation area. The recommended legislation would transfer some land from the recreation area to the park. Part of this sometimes involves the backwaters of Lake Mead, but this area also contains the final stretch of the Colorado River and associated geological forma-

tions—the Grand Wash Cliffs—considered to be an integral park of the Grand Canyon. By including this area in the park, it is not intended to adversely affect, in any way, the normal operating criteria presently existing for Hoover Dam.

(d) *Marble Canyon National Monument*.—The Marble Canyon National Monument, which was created by Presidential Proclamation on January 20, 1969, totals 32,665 acres. It extends for 50 miles along the Colorado River between the park and the Glen Canyon National Recreation Area. Besides including some outstanding scenic areas, this portion of the Grand Canyon contains points where access to the river is relatively uncomplicated by high walls and other natural barriers to those who come to float the river.

(e) *Glen Canyon National Recreation Area*.—Beginning immediately upstream from the Marble Canyon National Monument, only a relatively small part of the Glen Canyon National Recreation Area is part of the geographic Grand Canyon—the portion between Navajo Bridge and the Mouth of the Paria River. In recommending this minor addition, the Committee believes that it will assure the complete protection of all of the major elements of the canyon and the river.

(f) *Kaibab National Forest*.—Lands of the Kaibab National Forest border several of the various above-mentioned park system units and are, in some cases considered a part of the Grand Canyon. This national forest, like many others, was created by executive order from the public domain on July 2, 1908. The legislation contemplates the transfer of certain forest lands to the enlarged park in order to assure their management in accordance with park standards.

(g) *Indian Lands*.—At various points reservation lands of the Navajo, the Hualapai, and the Havasupai are within or adjacent to the geographic Grand Canyon. While the legislation specifically provides that *no Indian lands will be taken for the park* without the consent of the tribes involved, it is hoped that the Secretary will consult with and assist the tribes in maintaining their lands in a manner consistent with the objectives of the park. The legislation specifically authorizes him to enter cooperative agreements with the tribal organizations to assure the unified administration of adjoining lands for the protection, interpretation and enjoyment of the park.

Other Public Lands.—Some public domain lands administered by the Bureau of Land Management and some State-owned lands are scattered along the Grand Canyon and will be included in order to insure the integrity of the enlarged park. While it is difficult to know exactly how much State land is involved it is not believed to be more than a few scattered sections—none of which would be taken for the park without the consent of the State.

LEGISLATIVE HISTORY OF S. 1296

The Subcommittee on National Parks and Recreation conducted public hearings on the proposals involving the Grand Canyon late in 1973. During the course of those hearings all of the issues involved were presented. The principal controversies which emerged are discussed below.

(a) *The Area Included*.—One issue which arose during the deliberations involved the area to be included within the enlarged park boun-

daries. Those supporting the legislation urged the Committee to be sure that all of the lands within the geographic Grand Canyon and some of the tributary side canyons are included in the park. They opposed any deletions from the existing park and monument areas. Grazing and timber spokesmen, on the other hand, wanted to be sure that no action adverse to their interests was taken. In resolving this controversy, the bill, as amended, would:

(1) Include several important additions to the park to assure the preservation of the Grand Canyon from the rim to the river;

(2) Require a study to be made of certain portions of the enlarged park to determine whether or not they are needed for the preservation, use and enjoyment of the park;

(3) Provide an orderly phase-out of existing grazing permits within the enlarged park;

(4) Eliminate the necessity for a "zone of influence" along the canyon rim by including certain critical areas within the park; and

(5) Require the consent of the tribes involved before any Indian reservation lands could be included in the park.

(b) *Wilderness*.—Some of the proposals before the Committee provided for the designation of certain areas as wilderness. While some areas have been fully studied for possible designation as wilderness, this legislation incorporates much new land and vastly enlarges the park. For this reason, the Committee concluded that the new areas should also be studied and a revised plan for the enlarged park presented to the Congress at a future time. The bill, as recommended, will require the study of the entire area to be completed within two years and transmitted to the Congress for its consideration.

(c) *The Hualapai Dam*.—During the mid-1960's the Congress was involved in one of the most intense conservation controversies of this century—*vis.* whether or not to authorize the construction of a hydroelectric power plant, known as the Hualapai Dam, at the Bridge Canyon site. For many years, this site has been recognized as one of the outstanding powersite locations on the Colorado River. Recognizing this fact, this project was included as one of the principal features of the original Colorado River Basin Project Act. Because the construction of this dam would have created a large reservoir stretching into the Grand Canyon National Monument—and within the "geographic Grand Canyon"—a great national outcry arose and ultimately the dam was deleted from the legislation. At that time, the Congress did not authorize the construction of a Federal power dam and it expressly prohibited the Federal Power Commission from licensing any power project on the main stem of the Colorado River between Hoover Dam and Glen Canyon Dam (Sec. 605, 82 Stat. 901).

Normally, power projects and facilities are not permitted within national parks or national monuments unless expressly authorized by Congress, but in this case unless the park is enlarged, the dam would be partially within the Hualapai Indian Reservation and partially within the Lake Mead National Recreation Area. The Act establishing the recreation area (78 Stat. 1039) expressly provided that the validity of any withdrawals made for reclamation or power purposes would not be affected by its creation in any way. For this reason, as long as no power facilities are within the park or monument, the

only real bar to the construction of the Hualapai dam is section 605 in the Colorado River Basin Project Act which prohibits such projects on this segment of the river without specific Congressional approval, unless, some portion of the reservoir would invade the Grand Canyon National Monument.

As explained to the Committee, the proposed Hualapai Dam would, if approved by the Congress, be constructed by the Arizona Power Authority under a contract with the Hualapai Tribe. One abutment and all of the appurtenant facilities for the project would be located within the Hualapai Reservation. The Committee was told that the reservoir to be created by the proposed dam—which would be a low profile dam about 400 feet above the river bed, rather than the more controversial high dam considered in the mid-60's—would flood approximately 50 miles of the Colorado River.

The Committee recognized the importance of the development of this site to the Hualapai tribe. There are about 1,000 members of the Tribe. Unemployment is high and the per capita income is low, so they view this project as a means to improve their standard of living. Because of the importance of this area to the Grand Canyon, however, the Committee again concluded that this segment of the river should not be destroyed by inundation, and that the entire Grand Canyon should be preserved for all people for all times with “nothing to mar its grandeur.”

(d) *The Havasupai Indians.*—Historically, The Havasupai Indians have lived in and around part of the Grand Canyon. Their tribe has always been relatively small—in 1776, it is said, they numbered about 320; in 1906 the size of the tribe had been reduced to 166; today they number between 400 and 500. While never a wealthy tribe, their poverty today contrasts sharply with the relative affluence enjoyed by others in our society.

The Havasupais are basically an agrarian people. More than half of them live on the 518-acre reservation established by Presidential action in the 1880's. Little use is made of the noncontiguous 2,540-acre tract added to the Havasupai Reservation by the Congress in 1944, because it is seemingly unproductive land located about 25 miles from the main reservation.

While the land base of the Havasupai Tribe is now small, at one time their ancestors ranged over approximately 2½ million acres of land. During the summer, they lived in their present homeland within Havasu Canyon, but in the winter they moved to the plateau to hunt and gather natural foods. In 1893, eleven years after the establishment of the Havasupai reservation, a forest preserve was created by President Benjamin Harrison including some of their aboriginal lands. Subsequently, in 1908, President Theodore Roosevelt proclaimed the establishment of the first Grand Canyon National Monument. Later this monument was converted to the Grand Canyon National Park by the Congress with an explicit provision that nothing in the Act “shall affect the rights of the Havasupai Tribe of Indians to the use and occupancy of the bottom lands of the Canyon of Cataract Creek.” In addition, the Congress specifically authorized the Secretary of the Interior to permit individual members of the tribe to use and occupy lands within the park for agricultural purposes.

The tribe contends that its title to the aboriginal lands was not extinguished by the creation of the reservation and it points to the language of the Grand Canyon Act and to the fact that it has held permits to use and occupy forest and park lands since about the turn of the century. Whether or not title was extinguished when the reservation was created, there is no doubt that the Congress can enlarge any Indian reservation, if it chooses to do so, by setting aside lands belonging to the United States in trust for the use of the tribe.

In its litigation before the Indian Claims Commission—an independent judicial body created by the Congress to determine just compensation for lands taken by the United States from Indian tribes without compensation—the Havasupai Tribe successfully contended that it held aboriginal title to more than 2¼ million acres of land in the Grand Canyon region for which it was entitled to compensation. Based on a stipulated agreement between the tribal counsel (with the approval of the tribe) and representatives of the United States the tribe received a judgment totaling \$1,240,000 for the lands taken. Notwithstanding this fact, the tribe retained its free permit to use about 250,000 acres of land for grazing purposes.

For decades the Tribe has sought to have its reservation enlarged. Legislation was proposed as early as 1908, and spokesmen within the Bureau of Indian Affairs have recommended its enlargement from time to time. It now seeks to have the Congress declare that the grazing lands mentioned above be held in trust for the benefit of the tribe. Of course, the Indian Claims Commission had no authority to consider revesting title to any of the lands. Its function was to determine if, in fact, lands had been taken from the Indians without compensation and, if so, to award a money judgment for the value of the lands converted as of the time of the taking.

The Havasupai situation is unique. The Indian Claims Commission allowed them compensation for their aboriginal lands without offset, even though they continued to use a rather large area for grazing to the exclusion of others. Moreover the Congress expressly sanctioned the use of lands within Grand Canyon National Park by members of the Havasupai Tribe for agricultural purposes when the park was created in 1919.

On the basis of these facts, the Committee recommends an equitable solution on behalf of the Havasupai tribe. The tribe desires trust title to all of the land which it presently uses under permit for grazing.

While the Committee is sympathetic with the needs of the tribe, it also recognizes its responsibilities to all people as trustee of the Nation's natural heritage. In order to do justice, the Committee recommends that approximately 65,000 acres of land presently within the Grand Canyon National Park and Monument and about 120,000 acres in the Kaibab National Forest be held in trust for the Havasupai tribe. The bill leaves within the park all of the lands within the outer gorge of the Grand Canyon and places the boundary one-fourth of a mile from the canyon rim. While the legislation is intended to give the tribe a greater degree of security with respect to its continued use of these lands, the language of the bill expressly limits the uses which tribe is permitted to make of them.

Unlike its other reservation lands where the tribe governs how lands may be used, these lands must be used in accordance with a land use plan developed by the Secretary in consultation with the tribe. No use is to be permitted which will detract from the existing scenic quality of the lands. As Representative Udall, sponsor of the amendment, told the Committee, "This language is designed to assure that the park and forest land that the Indians receive must be used, in perpetuity, in ways that are fully consistent with total protection of that great feature known as the Grand Canyon. The other side of the coin," he continued, "is that the land use plan will protect against the Park Service infringing upon the traditional uses of the tribe."

In short, the uses to be made of these lands by the tribe are to be the traditional uses—agricultural uses, grazing, residential use by members of the tribe, and ceremonial and religious uses. It is apparently not the wish of the tribe—and it is certainly not the intent of the Committee—to allow any construction, development, or other uses which would intrude upon natural and scenic values of the lands transferred or to interfere with the public use and enjoyment of the adjacent park and forest lands.

In addition to granting trust title to approximately 185,000 acres of land on the plateau to the Havasupai tribe of Indians, the legislation expressly allows members of the tribe to continue traditional use of about 95,000 acres of National Park land below the rim of the Grand Canyon. Since this area contains places of historic significance to the tribe, as well as burial grounds and religious shrines, the Committee agreed that access within the area should be guaranteed for tribal members.

The Committee firmly believes that the unique circumstances in this case warrant Congressional action in spite of the general rule that actions for the wrongful taking of Indian lands should be adjudicated by the Indian Claims Commission. While the Committee was unwilling to grant an unlimited trust title to these lands, it believes that its recommendation is consistent with the protection of the proposed Grand Canyon National Park and will result in a much more satisfactory arrangement with the Havasupai tribe than the present permit covering about the same area. Since this action is in the nature of a grant by the Congress, and since the uses to be permitted are limited, the legislation requires no consideration to be paid by the tribe for the benefits conferred and it finally settles the question of title to the land.

SECTION-BY-SECTION ANALYSIS OF S. 1296, AS RECOMMENDED

Section 1 designates this Act as "The Grand Canyon National Park Enlargement Act."

Section 2 recognizes the entire Grand Canyon from the mouth of Paria River to the Grand Wash Cliffs as a natural feature of national and international significance and declares that this Act will provide additional protection and interpretation of the area.

Section 3 enlarges the Grand Canyon National Park to include approximately 1,406,500 acres of land as generally depicted on a boundary map. Basically, it includes the lands within the existing Grand Canyon and Marble Canyon National Monuments, (which it abol-

ishes), the lands within the present Grand Canyon National Park, as well as certain Federal lands presently in the Glen Canyon and Lake Mead National Recreation Areas and in the Kaibab National Forest. It also directs the Secretary of the Interior to study specified areas within the enlarged park to determine if the public interest would be best served by leaving them within or removing them from the park. The Secretary is to submit his recommendations on these areas to the Congress for review within one year.

Section 4 authorizes the Secretary to acquire lands within the park by purchase, donation or exchange. It also transfers all Federal lands to him for administration.

Section 5 provides that State-owned lands may be acquired only by donation or exchange and prohibits the transfer of any interest in Indian lands except with the approval of the governing body of the tribe involved.

Section 6 encourages the Secretary to enter cooperative agreements with Federal, State and local entities and Indian tribes to assure unified administration for the protection and interpretation of the Grand Canyon National Park. Under such agreements, the Secretary may be permitted to develop and operate interpretive facilities associated with the Grand Canyon as a geographic entity.

Section 7 provides for the systematic phasing out of grazing leases within the boundaries of the enlarged park. It requires the Secretary to allow existing lessees or permittees to renew their lease, permit or license, but it limits all renewals to no more than 10 years after the date of enactment of the Act.

Section 8 authorizes the Secretary to initiate action to assure the integrity of the natural environment and the protection of park visitors from noise caused by any aircraft operating below the rims of the canyon.

Section 9 indicates that this legislation is not intended to modify or change, in any way, certain provisions of the Colorado River Basin Project Act of 1968 relating to the development and use of waters of the Colorado River. It also provides that this Act does not preclude the possible construction of a Federal reclamation project on lands formerly within the Lake Mead National Recreation Area.

Section 10 deals with the Havasupai Indian land questions. Briefly, it provides that approximately 185,000 acres of Federally owned land is to be held in trust for the use of the tribe subject to explicit restrictions on the uses permitted. It also allows the tribe to continue traditional uses on certain lands within the national park.

All of the lands to be transferred by section 10 are outside the perimeters of the main stem of the Grand Canyon; however, the boundary crosses one major tributary canyon at Beaver Falls. It is the intention of the Committee that in establishing the precise boundary for the park at this point that the Secretary should cross upstream from the falls in order to assure their protection as a part of the park. Also, to assure the complete integrity of the Grand Canyon, the legislation specifies that the boundary of the park should extend one-fourth of a mile from the outer rim of the canyon.

In granting lands to the Havasupai Indians, the Committee wants it to be perfectly clear that it is not granting permission to make

unrestricted use of the lands involved. Permissible uses under the terms of the legislation include traditional uses (hunting, gathering, and religious uses); agricultural and grazing uses to the extent that the lands can reasonably sustain such uses; continued use of lands historically used for burial grounds; and the use of limited areas which are deemed suitable for residential, educational and community facilities. The legislation, as recommended, prohibits commercial timber or mineral production.

The Committee recognizes that tourism is an important source of income for the tribe, and it does not intend to preclude the tribe from continuing its efforts to generate income from such sources, but it does not grant the tribe the right to prohibit access to persons who are not members of the tribe who wish to visit the park. To the extent that such facilities would be compatible with the plan to be developed concerning the use of these lands, some tribal facilities such as campgrounds and modest concession facilities are permitted, but the legislation does not portend to authorize any major economic, commercial or industrial development. Certainly, the language of the section does not permit anything which would have a major impact on the scenic and natural values of the lands, such as condominiums, motels, tramways, observation towers, or other artificial man-made attractions which would detract from the wild character of the area.

The Secretary has the ultimate responsibility for developing the plan, but he is required to consult with the tribal council in preparing it. Naturally, the Secretary is expected to seek the assistance of such agencies as the National Park Service and the Forest Service as he develops the plan, and it would seem advisable to allow the public to have an opportunity to comment on the plan (or any substantial revision of it) before it is finalized. In no event is it contemplated that structures will be allowed, under the plan, to sprawl across the landscape. Instead the Secretary, working with the tribal council, should select limited areas where residential, educational, and community facilities can be located so as to best serve the needs of the members of the tribe and develop so as to blend with the general character of the region.

In addition to the lands which are to be transferred to the tribe, the committee amendment provides that members of the Havasupai Tribe shall be allowed to continue using certain lands within the park for grazing and other traditional purposes. It also assures the tribe that Federal programs available to other tribes will be available for the lands added to its reservation to the extent compatible with the restricted uses.

Section 11 requires the Secretary to study the expanded park under the provisions of the Wilderness Act and to report his recommendations to the Congress within 2 years after the enactment of this Act.

Section 12 authorizes \$1,250,000 for land acquisition and \$804,000 for development within specified fiscal years. The language also permits adjustment of development costs as required by fluctuating cost indexes and it provides that the sums authorized shall be available for acquisition and development undertaken subsequent to the date of enactment.

COMMITTEE AMENDMENTS

The Committee on Interior and Insular Affairs recommends the approval of the following amendments to S. 1296:

(1) An amendment which extends the boundaries of the proposed park from the Navajo Bridge to the mouth of the Paria River—the recognized beginning of the geographic Grand Canyon.

(2) An amendment increasing the size of the proposed park from 1,268,739 acres to 1,406,500 acres.

(3) An amendment redesignating the boundaries of the park (by reference to a boundary map) in conformity with the above adjustments included in amendments numbered 1 and 2.

(4) An amendment which adds 2 areas to a list of areas to be studied to determine whether or not they should continue to be included in the park. None of the areas would be excluded except by further action of Congress.

(5) An amendment providing that the Secretary of the Interior shall hold 185,000 acres of land in trust for the Havasupai Tribe of Indians subject to restrictions to be included in a comprehensive land use plan which he is to develop in consultation with the tribe, which will assure the natural, scenic and scientific values of the area. It also provides that members of the tribe shall be permitted to continue traditional uses within approximately 95,000 acres of land which are to remain forever within the park and it finally extinguishes all claims of the tribe.

(6) An amendment requiring the Secretary to study the lands within the enlarged national park pursuant to the provisions of the Wilderness Act and report his recommendations to the Congress within two years.

COST

Most of the lands involved in this proposed legislation are already Federally owned so that land acquisition costs will be relatively nominal. The bill authorizes the appropriation of \$1,250,000 for this purpose. Since the area is to be maintained in a relatively primitive state, the development authorization ceiling is limited to \$804,000.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends the approval of S. 1296, as amended. While some roll call votes were conducted on some amendments and proposed amendments, the bill was ordered reported by a voice vote on August 14, 1974.

DEPARTMENTAL REPORTS AND STATEMENT BY THE PRESIDENT

The reports of the Department of the Interior (dated November 9, 1973) and the Department of Agriculture (dated July 25, 1973, and April 9, 1974), as well as a statement by President Richard M. Nixon (dated May 3, 1974), follow:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 9, 1973.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to the request of your Committee for the views of this Department on H.R. 5900, a bill "To further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes", and on H.R. 1882, a similar bill.

We recommend enactment of H.R. 5900, if amended as suggested in this report, or of H.R. 1882, if amended to conform with H.R. 5900 and our recommendations for that bill.

H.R. 5900 would enlarge the boundaries of Grand Canyon National Park to not exceed 1,200,000 acres by adding to the park portions of Grand Canyon National Monument, Lake Meade National Recreation Area, and Marble Canyon National Monument; portions of National Forest land now in Kaibab National Forest; as well as some public lands, state land, and Indian lands. State and Indian lands could only be acquired with the concurrence of the state or tribe. Three areas of the Grand Canyon National Monument not included in the expanded park—Slide Mountain, Tuckup Point, and Jensen Tank—would be returned to public lands status, and could be used for exchange purposes to acquire lands to be incorporated into the park under this Act. Two areas now in the Grand Canyon National Monument and Park south of the river—Tenderfoot Plateau and Topocoba—would be included in an enlarged Havasupai Indian Reservation. A narrow strip of land back from the rim along the west boundary of Marble Canyon National Monument would be incorporated in Kaibab National Forest or returned to public land status. That portion of Lake Mead National Recreation Area not included in the expanded park would remain in the recreation area.

The Secretary could acquire lands within the boundaries of the park, as enlarged by this Act, by donation, purchase or exchange, but not by condemnation. Federal lands within the boundaries of the enlarged park are transferred to the park immediately upon enactment of the bill.

H.R. 5900 also provides for a Zone of Influence, which is to be an area adjacent to, or near, the enlarged Grand Canyon National Park that the Secretary determines should be managed in a coordinated way to protect against activities which may have an adverse influence on the Grand Canyon National Park. Lands held in trust for Indian tribes or nations may not be included in the Zone of Influence without concurrence of the tribe. In this protective area, grazing, hunting and fishing would be allowed, but disturbance of vegetation would be allowed only for purposes of prescribed burning, grazing-related range improvement, and a few other enumerated uses. Road building would be restricted, granting of mineral leases would be prohibited, and the land would be withdrawn from entry under the mining laws. Inhold-

ings within national forests or public lands included in the Zone of Influence could be acquired, by purchase, donation or exchange, but not by condemnation. The Secretary is required to negotiate cooperative agreements with other public bodies, and directed to enter into such agreements with interested tribes, relative to protection of the park environs and the development of unified interpretive programs.

H.R. 5900 also establishes the Grand Canyon Wilderness. This Wilderness proposal is similar to that submitted to the 92nd Congress by the Administration, except that some lands are given to the Havasupai tribe that were included in the Administration's Wilderness proposal and except that the reclamation repealer in the Administration bill is not included.

The bill authorizes the Secretary to enter into agreements with tribes for development of Indian recreation and tourist programs; restricts development on Indian lands within one mile of the River; preserves existing grazing rights and certain existing reclamation laws; directs the Secretary to submit complaints on aircraft traffic that adversely affects the park; and conveys certain Park and National Forest lands to the Havasupai Tribe, with some limitations on their use. There are authorized such sums as may be necessary to carry out the provisions of the Act, and the bill provides that funds now available for use in Grand Canyon National Monument and Marble Canyon National Monument, and portions of Lake Mead National Recreation Area included in the Park, will remain available until expended for purposes of the expanded park. The Havasupai Tribe rights to grazing and other agricultural uses in the Grand Canyon National Park, which exist under the section 3 of the 1919 Act creating the park, would be terminated.

H.R. 5900 would approximately double the size of Grand Canyon National Park, bringing into the Park a 272.5 mile segment of the Grand Canyon from Navajo Bridge on the northeast to the Grand Wash Cliffs on the southwest, including tributary side canyons and surrounding plateaus, and comprising a total, according to our maps, of about 1,196,925 acres. The Grand Canyon National Park presently includes about 673,575 acres.

H.R. 1882 is similar to H.R. 5900; it also adds to Grand Canyon National Park areas now in Grand Canyon National Monument, Marble Canyon National Monument and in national forests, as well as some state, public, and Indian lands. In addition, H.R. 1882 includes a part of Glen Canyon National Recreation Area in the boundaries of the park. The enlarged park would include about 1,348,000 acres. A section along the southern boundary would be returned to public land status, and a narrow strip of land back from the rim along the west boundary of Marble Canyon National Monument would be either incorporated in Kaibab National Forest or returned to public land status. Otherwise the two national monuments would be incorporated in their entirety into the park.

H.R. 1882 provides that lands and interests in lands may be acquired by donation, purchase or exchange. Lands of the State or local governments may be acquired only by donation. Provision is made for transfer of national forest lands to the park along the west rim of Marble Canyon for use as overlooks.

Parts of the Hualapai and Navajo Reservations included in the park are to be administered as part of the park, subject to approval of the Tribal Councils. These include an area of the Navajo Reservation east of the existing park boundary, extending to the Little Colorado River, and an area south of the Colorado now in the Hualapai Reservation.

We support the basic concept of H.R. 5900 and H.R. 1882 of integrating the existing Park Service units in the Grand Canyon area, and adding other areas, to create an expanded park. We do, however, wish to make several amendments to the boundaries proposed in these bills. We also strongly recommend that any decision on transferring land from the National Park System, as well as other Federal land, to the Havasupai Reservation, as proposed by H.R. 5900, be deferred for a year until the Department is able carefully to review this proposition. The boundaries contained in H.R. 1882 should be revised to accommodate such a study. We do not believe, for the reasons discussed below, that the Zone of Influence concept contained in H.R. 5900 is needed to protect the park, and we suggest deleting this section from the bill. Finally we are also suggesting certain changes in the Wilderness proposal contained in H.R. 5900.

This report will discuss these changes generally, and then recommend amendments on a section-by-section basis to incorporate these and other suggested amendments.

TRANSFER OF LANDS TO AN ENLARGED HAVASUPAI RESERVATION

We do not at this time have adequate information to make a recommendation to the Congress on the provisions of H.R. 5900 that transfer portions of Grand Canyon National Monument and Park south of the Colorado River, known as Tenderfoot Plateau and Topocoba, to the Havasupai Tribe. The Department intends to begin immediately to evaluate this proposal; in cooperation with the Department of Agriculture, and expects to be able to make a recommendation within 12 months. We would have no objection to inclusion in H.R. 5900 of language directing the Secretary and the Secretary of Agriculture to carry out this planned study. We would recommend that the areas of Grand Canyon National Monument which H.R. 5900 would transfer to the Havasupai Tribe be included in the expanded park. The scheduled study could, of course, conclude, and make a recommendation that, these lands or a portion of them, subsequently be transferred to the Havasupai Tribe.

H.R. 1882 includes in the park the Long Mesa section between Tenderfoot Plateau and Topocoba, which is now part of Kaibab National Forest. This mesa will be studied for possible addition to the Havasupai Reservation and we therefore recommend its retention under National Forest Service administration. Similarly, the section of Grand Canyon National Monument being transferred to public land status by H.R. 1882 should remain in Park Service administration until this study is completed.

BOUNDARY CHANGES

We would suggest the following changes from the boundaries contained in H.R. 5900:

1. The Slide Mountain, Tuck-up Point, and Jensen Tank units, which would be deleted from the Grand Canyon National Monument by H.R. 5900 and either used for exchange purposes or returned to public land status, should be included in the expanded national park. These areas are not needed for exchange purposes. Furthermore, they are rich in archeological resources and should continue to be administered as units of the national park system. Archeologists suggest that the resources represented in the relatively unexplored archeological sites in this region depict the prehistory of the Anasazi, Mogollon, Sinagua, and Hohokam cultures.

2. The Lake Mead backwater from Colorado River mile 238.5 west should remain part of the Lake Mead National Recreation Area. The park boundary should be drawn at 300 feet above the maximum flood pool of Lake Mead, to exclude this still water from the park.

3. As discussed above, the enlarged park should include those areas south of the Colorado River, known as Tenderfoot Plateau and Topocoba, which H.R. 5900 would transfer to the Havasupai Tribe.

To conform the boundaries contained in H.R. 1882 with this proposal, the following changes would have to be made:

1. H.R. 1882 includes plateau lands north of the rim of the canyon, which are now part of Lake Mead National Recreation Area, in the expanded park. We recommend against transferring these lands to the park, since they are not part of the canyon formation and since such a transfer would close the area to hunting unnecessarily. The bill also extends the expanded park south of the river to include part of the Hualapai Indian Reservation. We recommend against extending the boundary south of the Colorado River, since we understand that the tribe opposes such an extension and would not transfer the land to the park. The western boundary along the river of the expanded park under H.R. 1882 is river mile 238.5. We recommend extending the park to Grand Wash Cliffs, in order to include the entire canyon formation in the park.

2. As discussed above, transfer of National Monument lands along the southern portion of Tenderfoot Plateau to public land status, or of National Forest lands on Long Mesa to the park, should not be authorized until study of the expanded Havasupai Reservation is completed.

3. H.R. 1882 would include in the park an area of the Navajo Indian Reservation between the existing park boundary on the east and Little Colorado River. We do not recommend including this area in the park because we understand concurrence of the tribe to its administration as part of the park could not be obtained.

4. It appears that Marble Canyon National Monument lands being added to the park by H.R. 1882 are nearly the same as those being added by H.R. 5900, and that the park will extend from the east to the west rims, provided the concurrence of the Navajo Tribe is obtained to the east rim boundary. We support these boundaries and do not believe that the provision in H.R. 1882 allowing for transfer of national forest lands to the park for use as overlooks is a necessary one.

5. H.R. 1882 includes a portion of Glen Canyon National Recreation Area, from Navajo Bridge to Lee's Ferry, in the expanded park. We

recommend retaining this area in the National Recreation Area. As you know, the Glen Canyon National Recreation Area was created only last year and we know of no reason for now transferring this area to the expanded park.

ZONE OF INFLUENCE

We believe that Section 6 of H.R. 5900, establishing a Zone of Influence in the canyon area, is not necessary and should be deleted. Since we are recommending inclusion of the Slide Mountain, Tuck-up Point and Jensen Tank sections in the Park, the Zone of Influence concept is not needed to protect them. Authority for proper land management in the Zone of Influence area currently exists with the land management agencies which have responsibility in the area—the Bureau of Land Management, the National Forest Service, and the National Park Service. These agencies are now successfully cooperating to protect the canyon area from activities on its fringes that may impair the canyon's values.

H.R. 1882 contains no similar provision.

WILDERNESS PROPOSAL

H.R. 5900 would exclude a few small areas from the wilderness proposal recommended by the President to the Congress on September 21, 1972, in the area of the Grand Canyon National Monument south of the Colorado River. Since we recommended that the Tenderfoot Plateau and Topocoba section should be included in the expanded park, at least for the present, we recommend against the exclusions from wilderness status contained in H.R. 5900 at least at this time.

We intend to apply new management controls to the Colorado River to protect it from damage resulting from motorized river running activity. By December 31, 1976, when all motor use on the river in the existing park will be phased out, 4500 additional acres will qualify for designation as wilderness. We recommend inclusion of those lands as "Potential Wilderness Additions," bringing the total potential additions acres.

We continue to believe that Section 7 of the Act of February 26, 1919 (40 Stat. 1178, 16 USC 227), permitting use of Grand Canyon National Park lands in connection with Government reclamation projects, should be repealed with respect to land now in the Park or the National Monument which is being recommended for wilderness. We have no objection to retaining Section 7 of the 1919 Act with respect to land now in the Lake Mead National Recreation Area which would be added to the Park by the Act, in order to avoid precluding the Bridge Canyon dam.

Language incorporating our revised Wilderness proposal is set out below in item 15.

SPECIFIC PROVISIONS

We recommend the following specific amendments to H.R. 5900. We further recommend that H.R. 1882 be amended to conform to H.R. 5900 and to the amendments to H.R. 5900 suggested below:

1. In Section 2, on line 9, page 1 of H.R. 5900, "Lees Ferry" should be changed to "Navajo Bridge" to conform with the map referenced in Section 3.

2. To incorporate the boundary changes recommended above, lines 13 through 17 on page 2 of H.R. 5900 should be deleted and the following inserted: "proximately one million two hundred and sixty-eight thousand seven hundred and thirty-nine acres, located within the boundaries as depicted on the drawing entitled 'Boundary Map, Grand Canyon National Park,' numbered 113-91005 and dated June 1973, a copy of which shall be"

Page 3, line 7, should be amended to read: "exceed one million three hundred thousand acres."

3. The exchange provisions contained in section 3(b) of H.R. 5900 are no longer needed if the Tuckup Point, Slide Mountain, and Jensen Tank sections are retained in the park, since all other deletions will be used for a specific purpose by a federal agency.

4. Section 4(a) of H.R. 5900 prohibits acquisition of land for the park, as enlarged, through use of condemnation. We know of no reason for so restricting the Secretary's authority to acquire land. Land may now be acquired for Lake Mead National Recreation Area through use of condemnation, and this language would unreasonably restrict this existing authority. The condemnation power has long been considered essential for rounding out national parks to permit their adequate protection and interpretation. Among its other uses, the condemnation authority can be utilized to cure little defects before the land is purchased from a willing seller. Section 4(a) should be amended to delete the phrase: "; but not by condemnation".

5. It is the Department's policy that lands be acquired for the national park system from States only by donation, not by purchase. We recommend therefore that section 5(1) of H.R. 5900 be amended to read: "Lands or interests therein owned by a State or political subdivision thereof may be acquired only by donation."

6. Indian tribal councils generally do not have authority under their constitutions to transfer tribally owned lands. The method of obtaining tribal consent should therefore be spelled out. For example page 4, line 2 could be revised to read: "of this Act except after approval by the Hualapai Tribal Council."

7. As discussed above, we believe that section 6 of H.R. 5900, dealing with a Zone of Influence, is not needed, and should be deleted.

8. In section 7 of H.R. 5900, the Secretary is authorized "and directed" to enter into cooperative agreements for protection and interpretation of the Grand Canyon. We would suggest deleting the phrase "and directed" since agreements, by their nature, cannot be concluded by one side alone.

9. Section 8(a) of H.R. 5900 authorizes the Secretary to enter agreements with Indian tribes having lands near the enlarged park relating to recreational use of their lands, and authorizes financial assistance to the tribes to promote recreational use.

We recommend that Section 8(a) be deleted because it is duplicative of the Indian Financing Act, which is now before the Congress as H.R. 6371. That Act will make available to Indians and Indian tribes loans or guarantees on a subsidized basis, as well as grants, for eco-

conomic development purposes. These loans, guarantees, and grants will be sufficient to meet the financing needs of the tribes affected by this bill, and the provisions of Section 8 are not needed.

We also recommend deletion of Section 8(b) and (c), which restrict the development which can be carried out by the Hualapai Tribe and Navajo Nation without the written approval of the Secretary. The Hualapai Tribe opposes such a provision. In any event, such a restriction on land use could be considered a taking from the tribe, and we are not prepared to purchase the tribe's development rights for them.

10. Section 9 of H.R. 5900, concerning grazing rights, could extend some grazing privileges far beyond the length they otherwise would have. We recommend the following language, which is tied not to a specific number of years, but to the length of the existing lease, permit, or license: "Sec. 9 Where any Federal lands added to the park by this Act are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges to continue in the exercise thereof during the term of the lease, permit or license, and one period of renewal thereafter."

11. Section 10 of H.R. 5900 authorizes the Secretary to submit complaints concerning aircraft operation that may adversely affect the park or visitors to the park. The Secretary can submit such complaints at the present time. We believe that what is needed is a directive to the agencies that consider such complaints to consider the complaints and take appropriate action. We would therefore suggest that line 19 on page 9 to line 2 on page 10 be deleted and replaced with the following: "and experience of the park, the Secretary shall submit to the Federal Aviation Administration, the Environmental Protection Agency, or any other responsible agency, such complaints, information, or recommendations for rules and regulations or other actions as he believes appropriate to protect the public health, welfare, and safety or the natural environment within the park. After reviewing the submission of the Secretary, the responsible agency shall consider the matter, and after consultation with the Secretary, shall take appropriate action to protect the park and the visitors."

12. We understand that section 11 of H.R. 5900 was drafted in order to avoid precluding construction of the Bridge Canyon dam, which the Hualapai tribe considers vital to its economic development. We do believe, however, as we stated above, that Section 7 of the 1919 Grand Canyon Act should be amended so that it applies only to areas of Lake Mead National Recreation Area being added to the park by this bill, and not to areas now in the park or national monuments which are being proposed for wilderness. This can be accomplished by amending lines 4 to 8 on page 10 to read: "Section 7 of the Act of February 26, 1919 (40 Stat. 1175, 1178) is amended to read 'Whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized to permit the utilization of those areas formerly within Lake Mead National Recreation Area added to the park by this Act, which may be necessary for the development and maintenance of a Government reclamation project, and Sec. —'".

We believe that the reference in Section 11 of H.R. 5900 to section 605 of the Colorado River Basin Act is confusing in that by referring only to section 605, it raises questions about the applicability of the rest of that Act to the park area. We recommend citing sections 601 to 606 of the Act, constituting Title VI of the Act ("General Provisions"), to avoid this implication.

Section 5 of H.R. 1882 provides that the provisions of the Federal Power Act shall not apply to any portion of Grand Canyon National Park, and that all existing withdrawals of the Federal Power Commission within the park are vacated. We believe that such a provision is unnecessary because section 605, discussed above, already provides that Part I of the Federal Power Act, which contains the licensing provisions of the Act, is not applicable to the Colorado River between Hoover Dam and Glen Canyon Dam without specific action by Congress permitting such licensing.

13. As discussed above, we recommend deletion of section 12 of H.R. 5900 and deferral of any enlargement of the Havasupai Reservation. Within the next 12 months, this Department and the Department of Agriculture plan to review the proposal to determine whether such a transfer should be made, what the economic and social impact of the proposal is, and what the boundaries of any enlargement should be. We would have no objection to amending section 12 to read: "The Secretary and the Secretary of Agriculture shall within one year of the date of enactment of this Act study and make recommendations to the Congress and the President concerning proposals for expansion of the Havasupai Reservation."

Because we are recommending the deletion of Section 12 in its entirety, Section 12(d), which revokes the Havasupai's agricultural use rights in the park, would also be deleted. The Havasupai therefore, until further legislative action is taken, could continue to run stock in the park as they do now.

14. The Hualapai Tribe is of the opinion that the northern boundary of their reservation is the center of the Colorado River. The map referred to in section 3 of H.R. 5900, draws the park boundary at the south bank. If the tribe's contention is correct, the tribe would be compensated for land taken between the center of the river and the south boundary. Under the terms of the Act, including the map referenced in section 3, this area could not be purchased or otherwise obtained from the tribe without its concurrence.

15. To incorporate the revised Wilderness boundaries proposed in this report, and to conform the language in section 13 of H.R. 5900 to standard language recommended by this Department for all wilderness proposals originating with it, section 13 should be revised to read as follows:

"Sec. 13. (a) In accordance with section 3(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c)), certain lands in the Grand Canyon National Park, as enlarged by this Act, which comprise about five hundred and twelve thousand eight hundred and seventy acres, designated 'Wilderness,' and which are depicted on the map entitled 'Wilderness Plan, Grand Canyon Complex,' numbered 113-20013 and dated June 1973, are hereby designated wilderness. The lands which comprise about ninety thousand six hundred and fifty-six acres, desig-

nated on such map as 'Potential Wilderness Additions,' are, effective upon publication in the *Federal Register* of a notice by the Secretary that all uses thereon prohibited by the Wilderness Act have ceased, hereby designated wilderness. The map and a description of the boundaries of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such description and map may be made.

(c) The wilderness area designated by this section shall be known as the "Grand Canyon Wilderness" and shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary.

(d) Within the wilderness area designated by this section, the Secretary may (1) pursue a program of prescribed burning, as he deems necessary, in order to preserve the area in its natural condition, and (2) undertake whatever activity he deems necessary in order to investigate, stabilize, and interpret, for the benefit of persons visiting that area, sites of archeological interest."

16. We recommend a deletion of section 14(b) of H.R. 5900 since special authority is not needed to apply any funds available for the monuments and recreation area to the expanded park.

COST ESTIMATES

Land acquisition costs for the areas added to Grand Canyon National Park by H.R. 5900, as revised by the proposal set out in this report, are expected to total \$1,250,000. This amount does not include compensation to Indian tribes for lands purchased from them for addition to the park. After an initial expenditure in the first year of \$139,000, operation and maintenance costs are expected to be about \$72,000 a year by the fifth year. Development costs over the five year period are expected to be \$804,000 for the added area, based on June 1973 prices, primarily for new quarters for staff and access roads to those quarters.

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

Sincerely yours,

JOHN H. KYL,
Assistant Secretary of the Interior.

Enclosure.

U. S. DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE—ADDITIONS TO GRAND CANYON NATIONAL PARK

	19CY	19CY 1	19CY 2	19CY 3	19CY 4
Estimated expenditures:					
Personal services.....	0	\$51,000	\$51,000	\$51,000	\$51,000
All other.....	\$1,438,000	280,000	286,000	256,000	21,000
Total.....	1,438,000	331,000	337,000	307,000	72,000
Estimated obligations:					
Land and property acquisition.....	1,250,000	0	0	0	0
Development.....	49,000	255,000	265,000	235,000	0
Operations (management) protection and maintenance.....	139,000	76,000	72,000	72,000	72,000
Total.....	1,438,000	331,000	337,000	307,000	72,000
Total, estimated man-years of civilian employment.....	0	3.5	3.5	3.5	3.5

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 25, 1973.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives.

DEAR MR. CHAIRMAN: As you asked, here is the report of the Department of Agriculture on H.R. 1882, a bill "To enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes" and on H.R. 5900, a bill "To further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes."

The Department of Agriculture recommends that either H.R. 1882 or H.R. 5900 be enacted, if amended as this Department and the Department of the Interior suggest.

The primary purpose of H.R. 1882 and H.R. 5900 is to provide further protection and interpretation of the Grand Canyon by enlarging the Grand Canyon National Park. The Park would be enlarged by adding certain lands within the Grand Canyon area possessing unique natural, scientific, and scenic values. This enlargement would be accomplished by transferring Federal lands and lands held in trust for Indian tribes to the jurisdiction of the Secretary of the Interior for National Park purposes. The transfer of Indian lands would be subject to the concurrence of the tribes.

In addition, H.R. 1882 would repeal section 7 of the Act of February 26, 1919, which authorizes use of park areas for development and maintenance of reclamation projects. H.R. 1882 would also exempt the Grand Canyon National Park from the provisions of the Federal Power Act.

H.R. 5900 would authorize the Secretary of the Interior to establish a Grand Canyon Zone of Influence on lands outside, but adjacent or near the Park boundary. Another major provision of H.R. 5900 would provide for a major enlargement of the Havasupai Indian Reserva-

tion. H.R. 5900 would also designate a portion of the lands within the boundaries of the Grand Canyon National Park as wilderness to be administered by the Secretary of the Interior. H.R. 5900 would preserve existing reclamation provisions applicable to the Grand Canyon National Park.

This Department agrees with the objective of providing for further protection and interpretation of the Grand Canyon area. We believe this protection, interpretation, and efficient administration can be accomplished through certain boundary changes. Although we support the enlargement of the Grand Canyon National Park, we strongly urge that sections 6 and 12 of H.R. 5900 which would establish a Grand Canyon Zone of Influence and an enlarged Havasupai Indian Reservation not be enacted. The enclosed supplemental statement includes our specific recommendations concerning the proposed boundary changes, other recommendations on bill provisions, and the reasons for our recommendations that sections 6 and 12 of H.R. 5900 not be enacted.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

Enclosure.

USDA SUPPLEMENTAL STATEMENT ON H.R. 1882 AND H.R. 5900

The Department of Agriculture supports the addition to the Grand Canyon National Park from the Kaibab National Forest of 640 acres on the Coconino Plateau and 36,280 acres in Lower Kanab Canyon. The Coconino Plateau addition is made up of lands adjacent to the National Park Rim Drive. These lands serve primarily as a scenic backdrop to the National Park road. The Lower Kanab Canyon addition is made up of lands located either below the north rim of Grand Canyon or in the lower portions of Kanab Creek. The primary value of these lands is for management as an integral part of the Grand Canyon.

H.R. 1882 would provide for a minor adjustment in the boundary between the Kaibab National Forest and the Grand Canyon National Park at Stina Point on the north boundary of the Park, while H.R. 5900 would not change the present boundary in this area. We prefer that this boundary not be changed. If the boundary at Stina Point is not changed then section 6(c) of H.R. 1882 pertaining to the National Forest should be deleted.

We recommend that section 6 of H.R. 5900 which would authorize the establishment of a Grand Canyon Zone of Influence not be enacted. The National Forest lands in the Grand Canyon area are currently being managed to enhance the natural and recreational features of the adjacent Park lands while also providing other needed goods and services to the public. We view the addition of another level of administration as undesirable and unnecessary to accomplish the objectives of the bill and meet overall national objectives for the area.

We also recommend that section 12 of H.R. 5900 which would establish a greatly enlarged Havasupai Indian Reservation not be enacted. A major portion of this enlargement would come from lands now administered as a part of the Kaibab National Forest. These lands have been managed as a part of the Forest Reserve and National Forest since 1893. The lands are presently under permit for livestock grazing by both Indians and others. The National Forest lands have been open to the public for hunting. The Indian Claims Commission awarded \$1,240,000 to the Havasupai Tribe in 1969 as final settlement of their claim. A detailed study of the proposed adjustment in the Reservation boundary needs to be made. This Department in cooperation with the Department of the Interior plans to conduct a study, which will include consideration of the uses and values associated with this area, and present recommendations at a later time. Consequently, we recommend that section 12 be deleted from H.R. 5900 and the map referred to in section 3 of that bill be amended to provide for the continued administration of these lands as parts of the National Park and National Forest. Since the lands in this area need further study, we also recommend that the addition to the National Park from the Kaibab National Forest of an area on Long Mesa as proposed in H.R. 1882 be deferred until the study is completed.

The provisions of H.R. 5900 pertaining to designation of the Grand Canyon Wilderness are similar to those contained in the Administration's transmittal of September 21, 1972, on the subject of "Additions to the National Wilderness Preservation System." We defer to the Department of the Interior regarding any additional comments on the provisions for a Grand Canyon Wilderness. We also defer to the Department of the Interior regarding other provisions of H.R. 1882 and H.R. 5900 which primarily affect that Department's responsibilities.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., April 9, 1974.

HON. JAMES A. HALEY,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives.*

DEAR MR. CHAIRMAN: We would like to offer our views on S. 1296 as reported to the full Committee by the Subcommittee on National Parks and Recreation. S. 1296 would provide for enlargement of the Grand Canyon National Park. We previously reported on the related bills H.R. 1882 and H.R. 5900. We will only comment on two provisions of S. 1296 that directly affect National Forest lands and that differ from provisions contained in H.R. 1882 and H.R. 5900. We defer to the Secretary of the Interior for any other comments on S. 1296 as reported by the Subcommittee.

H.R. 1882 and H.R. 5900 would provide for the addition to the Grand Canyon National Park from the Kaibab National Forest of 36,280 acres in Lower Kanab Canyon. We have no objection to this addition to the National Park. The action on S. 1296, however, expanded this enlargement by an additional 50,000 to 60,000 acres form-

ing a deep intrusion into the National Forest. These additional lands are now managed as an integral part of the adjacent National Forest. This area is primarily managed for its recreation, wildlife, and grazing values. The major recreational use is big game and upland bird hunting. The area is valuable for the wildlife habitat it provides. The area is also under term and temporary grazing permit for cattle and horses. The management of this area and other adjacent National Forest lands is being carried out in a manner that complements the National Park management while allowing the continuation of public hunting and grazing use. Although S. 1296 would provide for grazing use to continue for up to ten years, we strongly believe that both public hunting and grazing uses should be allowed to continue into the future based on the wildlife and habitat conditions. We urge that the boundary as originally proposed in H.R. 1882 and H.R. 5900 be adopted in this area. This preferred boundary is shown on the attached map.

Our second concern relates to the amended section 10 which provides that the Secretary of the Interior and the Secretary of Agriculture shall jointly formulate and implement a plan allowing the Havasupai Tribe the use of not less than 100,000 acres of Federal lands for various purposes. Although we agree that the Federal lands adjacent to Havasupai lands should be studied with full consideration given to the uses and values associated with the area, we do not agree that the Secretaries should be directed to make not less than 100,000 acres available to the Havasupai Tribe without full consideration of other public uses and values in the area. We strongly urge that we be allowed to study the area and formulate recommendations before any new land commitments are made. We recommend that the phrase "a comprehensive plan, allowing the Havasupai Tribe the use of not less than 100,000 acres of Federal lands for various purposes" be amended to read "a comprehensive plan allowing the Havasupai Tribe the use of certain Federal lands for various purposes."

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD A. ASHWORTH,
Deputy Under Secretary.



MAP.—LOWER KANAB CREEK ADDITION TO GRAND CANYON NATIONAL PARK
(Area to be added shown with hachures)

[From the Office of the White House Press Secretary, Phoenix, Ariz., May 3, 1974]

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I am pleased to announce my support of a major enlargement of the Havasupai Indian Reservation in the Grand Canyon. Ousted from lands on the canyon rim almost a century ago, the Havasupai Tribe

lives isolated on two small tracts at the bottom of the canyon. The tribe has patiently appealed for the restoration of a land base on the rim. This addition would return historic and religious sites, ancient burial grounds, and life-sustaining springs to the Havasupai. In addition to its historic and religious claims, the tribe needs this lands to relieve overcrowding on the reservation and to provide a better economic base.

The land which the tribe seeks lies within the national park and forest systems. When Senators Goldwater and Fannin introduced a bill to enlarge the reservation early in this Congress, the Departments of Interior and Agriculture took the position that a year should be devoted to studying the question. However, after consultation with Secretary Morton, Secretary Butz, Commissioner Thompson, the Arizona delegation, and receiving representations of the tribe, I have concluded that the Havasupais have waited long enough. The House Interior Committee will take up the bill early next week and Congressman Steiger will offer this plan as an amendment to the bill at that time.

Therefore, I am recommending *first* that sufficient acreage to meet the tribe's economic and cultural needs, up to 251,000 acres of national park and forest lands, be held in trust for the Havasupai Tribe; *second*, that the tribe and the National Park Service conduct a joint study of the area held in trust and develop a Master Plan for its management, and, *third*, that the Secretary of the Interior be given a right of access over the lands deleted from the Grand Canyon National Park and held in trust for the Havasupai, in order that he may continue to administer the matchless resources of that park. This plan, which would be due a year after enactment of the legislation, would preserve the area's scenic and environmental values, with special provisions for environmentally sensitive uses. During the interim, the National Park and Forest Services would administer the area so as to protect the status quo: that is, no development would be permitted, and use could not exceed present levels. What I am proposing, in short, is instant trust status for the land which the Havasupais have claimed and one year later a determination by both the tribe and the Secretary of the Interior as to how the values which originally led to the inclusion of the area in national parks and forests can be maintained under Indian ownership.

I note that the acreage to be placed in trust for the tribe does not include a corridor along the Colorado River. This corridor is under scrutiny by the Department of the Interior for possible wilderness designation, and today's recommendation would not affect the outcome of that decision-making process.

With the environmental protections built into the recommendation I am making today, I believe that transfer of park and forest lands into trust for the Havasupais would protect the integrity of the area. We must remember that the conservation record of the American Indian, stretching over the thousands of years he has inhabited this continent, is virtually unblemished.

DISSENTING VIEWS OF THE HONORABLE THOMAS S. FOLEY, JOHN F. SEIBERLING AND JOHN DELLENBACK

Section 10 of S. 1296, as recommended by the Committee on Interior and Insular Affairs, threatens to dismantle the entire national park and national forest systems if carried to its natural and logical conclusion. It, very innocently, provides that some 185,000 acres of national park and national forest land will be set aside by the United States and held in trust for the Havasupai Indians who once roamed over a large portion of the Grand Canyon region.

The importance of this issue is immediately recognized when it is realized that virtually all of the lands west of the Mississippi River, plus millions of acres east of that river have at one time or another been the aboriginal homelands of some group of American Indians. In fact, practically all of our national parks, monuments, forests, and public domain lands were used by different bands or tribes of Indians at different times.

In some cases, these lands were taken without compensation; in others the lands were taken by fraud, duress, or under conditions that were less than fair and honorable. In considering the circumstances, the Congress concluded that the Indians should be paid for any lands taken without compensation, but it never intended—and it did not authorize—the return of the lands to them, because it recognized that the ramifications would be far-reaching and unreasonable.

Just over a century ago, the national park idea was born in Yellowstone. It resulted in the growth of a system of parklands unequalled anywhere else in the world. Yellowstone, Yosemite, Grand Canyon, Rocky Mountain, Mount Rainier, Great Smoky Mountains, Everglades, Acadia, Shenandoah, Voyageurs, Mount McKinley, Canyonlands, and Redwoods are among the many natural gems in the treasure chest of our National Park System. They are for all Americans—for both present and future generations.

It would be sad indeed if the 93d Congress, by enacting legislation to enlarge one of the Nation's most famous national parks begins the process which might ultimately destroy the concept of the national park system—an American idea that has captured the imagination of conservationists around the world.

The national forest system is equally important to all Americans. It provides recreational opportunities for millions of Americans throughout the country, but it also contributes to the natural resource base—water, minerals, timber, and grazing—which is so vital to the American way of life. Congress should do nothing that might suggest that these lands should pass from public ownership for the benefit of all citizens or become available only for the use and enjoyment of a select few.

In 1946, the Congress created the Indian Claims Commission to adjudicate the claims of the Indian people against their Government. The purpose of the Commission was to hear the evidence presented on behalf of the claimants, to determine the validity of their claims, and to award compensation in dollars and not land for any claims found to be valid. Since the creation of the Commission, 611 claims have been docketed, 413 have been decided, and awards have been made in 235 totaling \$486,523,555.26. Nearly 200 remain to be decided.

The Havasupai claim has been adjudicated by the Commission. At the request of the tribal attorney, with the approval of the tribal council and of a majority of the members of the tribe, a stipulated settlement was agreed to by the Government. In entering the judgment on the agreement, the Commission indicated that this would be a "final determination" of all claims of the Havasupai against the United States.

That should have been the end of the Havasupai claim. Now, however, the Havasupai are seeking the transfer of more than 250,000 acres of national park and forest lands as an addition to their existing reservation lands. They seek this transfer primarily because they feel that the 518 acres in their principal reservation and the 2,500-plus acres in the detached unit of their reservation are inadequate to support the needs of their people—this addition of 250,000 acres would total almost 1,000 acres per reservation Indian.

Anyone who is familiar with this part of the country knows that it is carved with deep canyons from a relatively barren plateau which is barely suitable for grazing or any other productive pursuit which would enhance the economy of the Indians. One must only look at the Hualapai tribe which lives on a large reservation nearby to see that land alone will not cure their unemployment and other economic problems. If the Congress wishes to assist the Havasupai it can choose many programs more suitable than transferring national park and forest lands to the tribe. Certainly the Bureau of Indian Affairs could make a greater effort to find a solution which would enhance the well-being of these Indian citizens.

Unless the Havasupai Indians develop a thriving tourist industry by constructing major improvements to accommodate the visiting public, any new land base of this magnitude would have only a minimal impact on their economic future, if any. That is precisely the thrust of the recommendations of the recently completed HUD-financed study on the economic problems of the Havasupai. Naturally, conservationists and other users of our public lands everywhere are alarmed at the prospect—even the mere possibility—that these lands might be intensively developed.

CONCLUSION

The Members who join in this dissenting statement firmly believe—
That the enactment of section 10 of S. 1296 might lead to the dismantling of the national park system;

That the enactment of section 10 of S. 1296 might seriously jeopardize the future of virtually all of our national forest and public domain lands;

That the enactment of section 10 of S. 1296 threatens to reopen all of the claims heretofore adjudicated by the Indian Claims Commission that were thought to be finally and equitably settled; and

That even if section 10 of S. 1296 is enacted as recommended, it will not now—or for that matter in the future—solve the economic plight of the Havasupai Indians.

THOMAS S. FOLEY,
JOHN F. SEIBERLING,
JOHN DELLENBACK.

DISSENTING VIEWS—S. 1296, TO EXPAND THE BOUNDARY LINES OF THE GRAND CANYON NATIONAL PARK

Congress has had a difficult time hitting upon that delicate formula which spells orderly development and a proper regard for protection of the environment. In marching too often to the tune of the environmental extremists, short-term thinking has occasionally been coupled with long-range decisions. The outcome is grim. We have seriously hampered the nation's ability to meet head-on our shortages in minerals, power, and water—not to mention our already frustrated efforts to balance a severely dislocated economy.

A case in point is the Committee's defeat by a vote of 20 to 11, the Steiger amendment authorizing construction of the Hualapai Hydroelectric Dam on the Colorado River.

Debate before the full Committee brought out some important statistics.

The dependable generating capacity of the dam will be 1,366 megawatts of peaking power from 10 generating units, making a healthy contribution to this nation's need for pollution-free electric power. This is comparable to six million barrels of oil annually.

During the eight-year construction period, some 3,000 jobs will be provided—new income available at no cost to the government, since the dam is to be funded entirely by Arizona State Revenue Bonds.

Revenues from the dam offer an opportunity to the Hualapai Indian Tribe to become financially independent. Average per capita income is now under \$1,400.

Up for argument was the extent to which water rising along the steep canyon walls encroaches on the integrity of the Park concept. It was shown that water behind the dam would back up along 50 miles of the Colorado River, leaving nearly 200 miles of free-flowing water to be enjoyed by river runners.

Weighing the economic plusses against environmental losses, it is difficult to understand the rationale in the defeat of the Steiger amendment. The need for non-polluting new energy sources is critical, yet those who have most vehemently criticized polluting energy forms were in the forefront of the fight against the Hualapai project.

Is Congress giving lip service to the energy crisis while voting to close down the feasible options which might relieve that crisis? It begins to look that way.

Responsible environmental management is not the practice of sinking telephone poles and dumping garbage in your neighbor's backyard to protect your own. Responsible development involves weighing the management options—choosing to develop those sites where the economic benefits are greatest and the environmental losses bearable.

The House Interior Committee has not exercised this kind of judgment in denying construction of the Hualapai project. They have asked America to labor under the delusion that some miracle of modern technology will save our hides 20 years down the road when energy supplies are critically short.

Debate in this Congress and its reliance on as-yet-undeveloped power technologies has exhausted the necessary lead time we need to keep abreast of the energy needs of the future.

Yours for a free society.

STEVE SYMMS.

ADDITIONAL VIEWS OF MR. STEIGER OF ARIZONA

I deeply regret that a majority of the Interior Committee refused to include an amendment that I offered to S. 1296, the Grand Canyon National Park Enlargement Act, which would have authorized the construction of an important hydroelectric dam on the Colorado River.

The Bridge Canyon (Hualapai) Dam would have been a joint venture between the Arizona Power Authority and the Hualapai Indian Tribe, costing federal taxpayers not a single penny. Money would have been raised through the issuance of Arizona State Revenue Bonds.

I am sorry that hysteria and emotionalism generated by environmentalists got in the way of this sorely needed project. Contrary to their assertions, the water from the dam would not have been backed up into the present Grand Canyon National Park or the Grand Canyon National Monument. The presence of the dam would not have affected adversely the scenic beauty of the canyon. Water would have been backed up from the dam only 50 miles, having left nearly 200 miles of open, raging and wild river to be enjoyed by river runners. In addition to forming a beautiful blue ribbon-like lake, the dam would have made the area more accessible, opening new doors to recreation.

Perhaps most important, the project would have created an estimated 3000 jobs for the skilled construction crews necessary for the 14-year job. The Hualapai Tribe would have realized one million dollars per year in revenues and the state of Arizona over 25 million dollars per year.

But even more important than the recreation and employment which would have been created by construction of the dam is the energy which would have been provided to the people of Arizona and the nation. The entire country would have benefited from the pollution-free electric power created by the project. It has been estimated that it will take five to six million barrels of oil annually to generate the same amount of power now that this clean, renewable resource will not be used.

The dam was clearly an excellent environmental trade-off. It is unfortunate that the Committee elected not to authorize its construction.

SAM STEIGER.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

【SEC. 3. That nothing herein contained shall affect the rights of the Havasupai Tribe of Indians to the use and occupancy of the bottom lands of the Canyon of Cataract Creek as described in the Executive order of March thirty-first, eighteen hundred and eighty-two, and the Secretary of the Interior is hereby authorized, in his discretion, to permit individual members of said tribe to use and occupy other tracts of land within said park for agricultural purposes.】

SEC. 7. [That, whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized to permit the utilization of areas therein which may be necessary for the development and maintenance of a Government reclamation project.] *Whenever consistent with the primary purposes of such park, the Secretary of the Interior is authorized to permit the utilization of those areas formerly within the Lake Mead National Recreation Area immediately prior to enactment of the Grand Canyon National Park Enlargement Act, and added to the park by such Act, which may be necessary for the development and maintenance of a Government reclamation project.*

93^d CONGRESS
2^d SESSION

Union Calendar No. 660

S. 1296

[Report No. 93-1374]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 1973

Referred to the Committee on Interior and Insular Affairs

SEPTEMBER 25, 1974

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

AN ACT

To further protect the outstanding scenic, natural, and scientific
values of the Grand Canyon by enlarging the Grand Canyon
National Park in the State of Arizona, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Grand Canyon
5 National Park Enlargement Act".

6 DECLARATION OF POLICY

7 SEC. 2. It is the object of this Act to provide for the
8 recognition by Congress that the entire Grand Canyon, from
9 ~~Navajo Bridge~~ *the mouth of the Paria River* to the Grand
10 Wash Cliffs, including ~~tributary~~ side canyons and surround-

ing plateaus, is a natural feature of national and international significance. Congress therefore recognizes the need for, and in this Act provides for, the further protection and interpretation of the Grand Canyon in accordance with its true significance.

ENLARGEMENT OF GRAND CANYON NATIONAL PARK

BOUNDARIES

SEC. 3. (a) In order to add to the Grand Canyon National Park certain prime portions of the canyon area possessing unique natural, scientific, and scenic values, the Grand Canyon National Park shall comprise, subject to any valid existing rights under the Navajo Boundary Act of 1934, all those lands, waters, and interests therein, constituting approximately ~~one million two hundred and sixty-eight thousand seven hundred and thirty-nine acres~~, *one million four hundred and six thousand five hundred acres*, located within the boundaries as depicted on the drawing entitled "Boundary Map, Grand Canyon National Park," numbered ~~113-91,005 and dated June 1973~~, *113-20,021 and dated July 1974*, a copy of which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) For purposes of this Act, the Grand Canyon National Monument and the Marble Canyon National Monument are abolished.

(c) The Secretary of the Interior shall study (i) the lands within the former boundaries of the Grand Canyon National Monument commonly known as the Tuckup Point, Slide Mountain, and Jensen Tank areas, (ii) *the area commonly known as the Parashaunt Allotment formerly located primarily within the Lake Mead National Recreation Area,* and (iii) *those lands within Kanab Canyon formerly under the jurisdiction of the Forest Service and Bureau of Land Management*, to determine whether any portion of these lands might be unsuitable for park purposes and whether in his judgment the public interest might be better served if they were deleted from the Grand Canyon National Park. The Secretary shall report his findings and recommendations to the Congress no later than one year from the date of enactment of this Act.

ACQUISITION OF LANDS BY DONATION OR EXCHANGE

SEC. 4. (a) Within the boundaries of the Grand Canyon National Park, as enlarged by this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") may acquire land and interest in land by donation, purchase with donated or appropriated funds; or exchange.

(b) Federal lands within the boundaries of such park are hereby transferred to the jurisdiction of the Secretary for the purposes of this Act.

1 PROHIBITION AGAINST TAKING OF STATE OR INDIAN
2 LANDS

3 SEC. 5. Notwithstanding any other provision of this Act
4 (1) land or interest in land owned by the State of Arizona
5 or any political subdivision thereof may be acquired by the
6 Secretary under this Act only by donation or exchange and
7 (2) no land or interest in land, which is held in trust for
8 any Indian tribe or nation, may be transferred to the United
9 States under this Act or for purposes of this Act except after
10 approval by the governing body of the respective Indian
11 tribe or nation.

12 COOPERATIVE AGREEMENTS FOR UNIFIED INTERPRETA-
13 TION OF GRAND CANYON

14 SEC. 6. In the administration of the Grand Canyon Na-
15 tional Park, as enlarged by this Act, the Secretary is
16 authorized and encouraged to enter into cooperative agree-
17 ments with other Federal, State, and local public departments
18 and agencies and with interested Indian tribes providing
19 for the protection and interpretation of the Grand Canyon
20 in its entirety. Such agreements shall include, but not be
21 limited to, authority for the Secretary to develop and operate
22 interpretative facilities and programs on lands and waters
23 outside of the boundaries of such park, with the concurrence
24 of the owner or administrator thereof, to the end that there
25 will be a unified interpretation of the entire Grand Canyon.

1 PRESERVATION OF EXISTING GRAZING RIGHTS

2 SEC. 7. Where any Federal lands within the Grand Can-
3 yon National Park, as enlarged by this Act, are legally oc-
4 cupied or utilized on the effective date of this Act for grazing
5 purposes, pursuant to a Federal lease, permit, or license, the
6 Secretary shall permit the persons holding such grazing priv-
7 ileges to continue in the exercise thereof during the term of
8 the lease, permit, or license, and periods of renewal there-
9 after: *Provided*, That no such renewals shall be extended
10 beyond the period ending ten years from the date of enact-
11 ment of this Act, except that any present lease, permit, or
12 license within the boundaries of the Grand Canyon National
13 Monument as abolished by subsection 3 (b) of this Act may
14 be renewed during the life of the present holder which re-
15 newals shall terminate upon the death of the present holder.
16 Nothing in this section shall be construed to affect or modify
17 the provisions of section 3 of the Act of February 26, 1919
18 (40 Stat. 1177).

19 AIRCRAFT REGULATION

20 SEC. 8. Whenever the Secretary has reason to believe
21 that any aircraft or helicopter activity or operation may be
22 occurring or about to occur within the Grand Canyon Na-
23 tional Park, as enlarged by this Act, including the airspace
24 below the rims of the canyon, which is likely to cause an
25 injury to the health, welfare, or safety of visitors to the park

1 or to cause a significant adverse effect on the natural quiet
 2 and experience of the park, the Secretary shall submit to
 3 the Federal Aviation Agency, the Environmental Protection
 4 Agency pursuant to the Noise Control Act of 1972, or any
 5 other responsible agency or agencies such complaints, infor-
 6 mation, or recommendations for rules and regulations or other
 7 actions as he believes appropriate to protect the public health,
 8 welfare, and safety or the natural environment within the
 9 park. After reviewing the submission of the Secretary, the
 10 responsible agency shall consider the matter, and after consul-
 11 tation with the Secretary, shall take appropriate action to
 12 protect the park and visitors.

13 PRESERVATION OF EXISTING RECLAMATION PROVISIONS

14 SEC. 9. (a) Nothing in this Act shall be construed to
 15 alter, amend, repeal, modify, or be in conflict with the provi-
 16 sions of sections 601 to 606 of the Colorado River Basin
 17 Project Act, approved September 30, 1968 (82 Stat. 885,
 18 901).

19 (b) Section 7 of the Act of February 26, 1919 (40 Stat.
 20 1175, 1178), is amended to read as follows:

21 "Whenever consistent with the primary purposes of such
 22 park, the Secretary of the Interior is authorized to permit
 23 the utilization of those areas formerly within the Lake Mead
 24 National Recreation Area immediately prior to enactment of
 25 the Grand Canyon National Park Enlargement Act, and

1 added to the park by such Act, which may be necessary for
 2 the development and maintenance of a Government reclama-
 3 tion project."

4 HAVASUPAI INDIAN RESERVATION

5 SEC. 10. In recognition of the desire of the Havasupai
 6 Tribe of Indians to acquire a greater land base and improved
 7 opportunities to sustain its own social and economic life, and
 8 with a purpose of assisting the Havasupai people in imple-
 9 menting these goals, the Congress directs that the Secre-
 10 tary and the Secretary of Agriculture jointly shall, within
 11 one year of the date of enactment of this Act, conduct
 12 a comprehensive study and make detailed recommenda-
 13 tions to the Congress and the President concerning proposals
 14 for expansion of the Havasupai Reservation. Such study
 15 shall (a) be conducted in close consultation with the Tribal
 16 Council of the Havasupai Tribe, (b) include recommenda-
 17 tions concerning the development of any economic or tourist
 18 projects which should accompany the enlargement of the
 19 Havasupai Reservation, and (c) include both an evaluation
 20 of proposals for the transfer of Federal lands to the reser-
 21 vation and a determination of the feasibility and cost of
 22 acquiring any private lands which the tribe may wish to
 23 include within the enlarged reservation.

24 SEC. 10. (a) For the purpose of enabling the tribe of
 25 Indians known as the Havasupai Indians of Arizona (here-

1 inafter referred to as the "tribe") to improve the social, cul-
 2 tural, and economic life of its members, the lands generally
 3 depicted as the "Havasupai Reservation Addition" on the
 4 map described in section 3 of this Act, and consisting of
 5 approximately one hundred and eighty-five thousand acres of
 6 land and any improvements thereon, are hereby declared to
 7 be held by the United States in trust for the Havasupai
 8 Tribe. Such map, which shall delineate a boundary line gen-
 9 erally one-fourth of a mile from the rim of the outer gorge
 10 of the Grand Canyon of the Colorado River and shall
 11 traverse Havasu Creek from a point on the rim at Yumtheska
 12 Point to Beaver Falls to a point on the rim at Ukwalla Point,
 13 shall be on file and available for public inspection in the
 14 Offices of the Secretary, Department of the Interior, Wash-
 15 ington, District of Columbia.

16 (b) The lands held in trust pursuant to this section shall
 17 be included in the Havasupai Reservation, and shall be ad-
 18 ministered under the laws and regulations applicable to other
 19 trust Indian lands: Provided, That—

20 (1) the lands may be used for traditional purposes,
 21 including religious purposes and the gathering of, or
 22 hunting for, wild or native foods, materials for paints
 23 and medicines;

24 (2) the lands shall be available for use by the Hava-
 25 supai Tribe for agricultural and grazing purposes, sub-

1 ject to the ability of such lands to sustain such use as
 2 determined by the Secretary;

3 (3) any areas historically used as burial grounds
 4 may continue to be so used;

5 (4) following a study to be done by the Secretary, he
 6 shall, in consultation with the Havasupai Tribal Council,
 7 develop and implement a plan for the use of this land by
 8 the tribe. Such plan shall include the selection of areas
 9 which may be used for residential, educational, and other
 10 community purposes;

11 (5) no commercial timber production, and no com-
 12 mercial mining or mineral production shall be permitted
 13 on such lands;

14 (6) nonmembers of the tribe shall be permitted to
 15 have access across such lands at locations established by
 16 the Secretary in consultation with the Tribal Council in
 17 order to visit adjacent parklands, and may, with the con-
 18 sent of the tribe, be permitted to enter and temporarily
 19 utilize lands within the reservation (or this addition
 20 thereto) for recreation purposes;

21 (7) except for the uses permitted in paragraphs 1
 22 through 6 of this section, the lands hereby transferred to
 23 the tribe shall remain forever wild and no uses shall be
 24 permitted under the plan which detract from the existing
 25 scenic and natural values of such lands.

1 (c) The Secretary shall be responsible for the establish-
 2 ment and maintenance of conservation measures for these
 3 lands, including, without limitation, protection from fire,
 4 disease, insects, or trespass and reasonable prevention or
 5 elimination of erosion, damaging land use, overgrazing, or
 6 pollution. The Secretary of the Interior is authorized to
 7 contract with the Secretary of Agriculture for any services
 8 or materials deemed necessary to institute or carry out any
 9 such measures. Any authorized Federal programs available
 10 to any other Indian tribes to enhance their social, cultural,
 11 and economic well-being shall be deemed available to the tribe
 12 on these lands so long as such programs or projects are con-
 13 sistent with the purposes of this Act. For these purposes, and
 14 for the purpose of managing and preserving the resources of
 15 the Grand Canyon National Park, the Secretary shall have
 16 the right of access to any lands hereby included in the
 17 Havasupai Reservation. Nothing in this Act shall be con-
 18 strued to prohibit access by any members of the tribe to any
 19 sacred or religious places or burial grounds, native foods,
 20 paints, materials, and medicines located on public lands not
 21 otherwise covered in this Act.

22 (d) The Secretary shall permit any person presently
 23 exercising grazing privileges pursuant to Federal permit or
 24 lease in that part of the Kaibab National Forest designated
 25 as the "Raintank Allotment", and which is included in the

1 Havasupai Reservation by this section, to continue in the
 2 exercise thereof, but no permit or renewal shall be extended
 3 beyond the period ending ten years from the date of enactment
 4 of this Act, at which time all rights of use and occupancy
 5 of the lands will be transferred to the tribe subject to the same
 6 terms and conditions as the other lands included in the reser-
 7 vation in paragraph (b) of this section.

8 (e) The Secretary, subject to such reasonable regulations
 9 as he may prescribe to protect the scenic, natural, and wildlife
 10 values thereof, shall permit the tribe to use lands within the
 11 Grand Canyon National Park which are designated as
 12 "Havasupai Use Lands" on the Grand Canyon National
 13 Park boundary map described in section 3 of this Act, and
 14 consisting of approximately ninety-five thousand three hun-
 15 dred acres of land, for grazing and other traditional purposes.

16 (f) By the enactment of this Act, the Congress recog-
 17 nizes and declares that all right, title, and interest in any
 18 lands not otherwise declared to be held in trust for the Hava-
 19 supai Tribe or otherwise covered by this Act is extinguished.
 20 Section 3 of the Act of February 26, 1919 (40 Stat. 1177;
 21 16 U.S.C. 223), is hereby repealed.

22 WILDERNESS STUDY

23 SEC. 11. Within two years from the date of enactment
 24 of this Act the Secretary of the Interior shall report to the
 25 President, in accordance with subsections 3(c) and 3(d)

1 of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c)
2 and (d)), his recommendations as to the suitability or non-
3 suitability of any area within the national park for preserva-
4 tion as wilderness, and any designation of any such area as
5 a wilderness shall be accomplished in accordance with said
6 subsections of the Wilderness Act.

7 AUTHORIZATION OF APPROPRIATIONS

8 ~~SEC. 11.~~ SEC. 12. There are authorized to be appro-
9 priated such sums as may be necessary to carry out the pro-
10 visions of this Act, not to exceed, however, \$1,250,000, in
11 the aggregate for the period of the five fiscal years beginning
12 with the fiscal year ending June 30, 1974, for the acquisition
13 of lands and property, and not to exceed \$49,000 for the
14 fiscal year ending June 30, 1974, \$255,000 for the fiscal
15 year ending June 30, 1975, \$265,000 for the fiscal year
16 ending June 30, 1976, and \$235,000 for the fiscal year end-
17 ing June 30, 1977, for development, plus or minus such
18 amounts, if any, as may be justified by reason of ordinary
19 fluctuations in construction costs as indicated by engineering
20 cost indexes applicable to the types of construction involved
21 herein. The sums authorized in this section shall be avail-
22 able for acquisition and development undertaken subsequent
23 to the date of enactment of this Act.

Passed the Senate September 24, 1973.

Attest:

FRANCIS R. VALEO,

Secretary.

Union Calendar No. 660

93^d CONGRESS
2^d SESSION

S. 1296

[Report No. 93-1374]

AN ACT

To further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes.

SEPTEMBER 25, 1973

Referred to the Committee on Interior and Insular
Affairs

SEPTEMBER 25, 1974

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed