

**STATEMENT OF TOM FULTON
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U.S. DEPARTMENT OF THE INTERIOR
BEFORE THE
HOUSE RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS, RECREATION, AND PUBLIC LANDS ON
H.R. 4103
A BILL TO DIRECT THE SECRETARY OF THE INTERIOR TO TRANSFER CERTAIN LANDS IN
NATRONA COUNTY, WYOMING
MAY 16, 2002**

Thank you for the opportunity to provide testimony regarding H.R. 4103, a bill to direct the Secretary of the Interior to transfer certain lands in Natrona County, Wyoming, to the Corporation of the Presiding Bishop, of the Church of Jesus Christ of Latter Day Saints ("Church"). H.R. 4103, the Martin's Cove Land Transfer Act, involves 1,640 acres of public lands managed by the Bureau of Land Management (BLM) located 60 miles southwest of Casper, in Natrona County, Wyoming. The Department supports the goals of H.R. 4103. However, the Department has some concerns with this bill and would like to work with the Subcommittee to address them.

Background

Martin's Cove was listed on the National Register of Historic Sites in 1977. It is significant because in 1856, Mormon pioneers traveling west pushing handcarts were trapped by a severe early winter snowstorm at Martin's Cove and it is estimated that between 135 and 150 of the pioneers perished. Martin's Cove is located near the confluence of four National Historic Trails, the California, Oregon, Mormon Pioneer and Pony Express trails, which all pass within a mile of the Martin's Cove site. All of these trails are administered by the National Park Service, in cooperation with the Bureau of Land Management, under the provisions of the National Trails System Act. The 1,640-acre parcel proposed for conveyance by this legislation contains portions of the Tom Sun Ranch National Historic Landmark and is contiguous to private lands. The site includes unmarked emigrant graves, as well as historic emigrant camp locations and some archeological remains of Native American prehistoric sites.

Martin's Cove is an important part of the history of the westward emigration across 19th century America, and it is particularly important for the descendants of the Mormon pioneers who traveled through it. It is a symbol of the extreme hardship suffered by many who sought a better way of life by traveling across the continent. For many, the Mormon Handcart Tragedy stands out as a single devastating event that shaped a culture that traveled along the Oregon, the Mormon Pioneer, the California, and the Pony Express National Historic Trails.

The Department recognizes the unique significance of Martin's Cove to the Church and understands and supports the intent of this proposed legislation to enable the Church to manage the site's historic resources through educational and recreational opportunities for all members of the public.

Public Access and Benefits

First, the Department believes it is important to pursue an approach that ensures continued public access and resource protection within Martin's Cove, in perpetuity. Given the existence of public trails on the site, we recommend that, before any transfer of title, a Conservation Easement be placed on the lands proposed for conveyance to protect the existing geological and historical resources in the Martin's Cove area. In addition, a perpetual public access easement should be considered as part of any conveyance that would allow for continued public access to the Martin's Cove area. The Department would also recommend inclusion of a reversionary clause to the Federal government in order to ensure the site will be protected should the Church desire to discontinue ownership or management of it in the future.

Second, the Department believes the legislation should attempt to direct revenues received from the transaction back into the resource in order to further benefit the public's appreciation and enjoyment of

the historic trails and facilities in the area. Terms such as these would allow for private ownership by the Church, provide long-term protection of resources, and retain public access to the improvements at the site.

Third, the Department is concerned that the lands conveyed represent only those that are absolutely necessary to accomplish the objectives of the Church and the public. Toward that end, we will work with the Committee to ensure that the proposed conveyance is confined to the smallest area compatible with the proper care and management of the resources sought to be protected.

Appraisal Process, Funds, and Mineral Estate

An appraisal of this unique historic property should be based on conventional appraisal standards to provide a sound basis for value. The proposed legislation includes procedures that may need clarification to allow for a smooth conveyance of the property and we would be pleased to work with the Committee on these.

Additionally, it is unclear whether the Federal government (BLM) will be reimbursed for past improvements in addition to receiving fair market value for the lands, and this should be clarified to ensure a fair reimbursement to the taxpayers. Finally, as is standard practice, the mineral estate should be reserved to the Federal Government.

Potential Precedent-Setting Issues

The Department is concerned that H.R. 4103 could be viewed as creating a precedent for conveying ownership of historic or prehistoric public sites that are deemed sacred to a particular group or culture. We are concerned and want to ensure that this legislation not establish a precedent for similar land transfers in the future, and we want to work closely with the Committee to address this concern.

Conclusion

If crafted with these elements in mind, the Department believes this legislation could provide absolute positive benefits for the public while accommodating the historical or cultural interests of a private group or foundation. Thank you for the opportunity to provide testimony on H.R. 4103. This concludes my testimony and I will be pleased to answer any questions the Subcommittee may have.