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APPROVED
DEC 23 1975

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: December 31

December 22, 1975

*Posted in
Colorado 12/23
to archive
12/24*

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *[Signature]*

SUBJECT:

Enrolled Bill S. 313 - Land Exchange --
Guadalupe Mountains National Park, Texas

Attached for your consideration is S. 313, sponsored by Senator Bentsen, which would authorize the Secretary of the Interior to make an exchange of lands at the Guadalupe Mountains National Park to facilitate the construction of an entrance road into the area.

A discussion of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 313 at Tab B.



A



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 22 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 313 - Land exchange -- Guadalupe
Mountains National Park, Texas
Sponsor - Sen. Bentsen (D) Texas

Last Day for Action

December 31, 1975

Purpose

Authorizes the Secretary of the Interior to make an exchange of lands at the Guadalupe Mountains National Park to facilitate the construction of an entrance road into the area.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

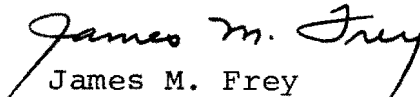
When the Guadalupe Mountains National Park was established in 1966, it was assumed that access to the area could be achieved by constructing a road through a tract which had been donated for that purpose. However, subsequent engineering studies have determined that this approach is not feasible because of rugged terrain and an area subject to severe flash flooding. Access to the Park is presently accomplished by using a primitive ranch road made available by the landowner's verbal agreement. However, this arrangement is undesirable because the landowner has severely restricted the number of cars allowed each day and complete road closures are occasionally necessary.

S. 313 would provide the necessary statutory authority to resolve the problem described above. Specifically, the enrolled bill would authorize the Secretary of the Interior to make an exchange of certain lands in the area

of the Guadalupe Mountains National Park to facilitate the construction of an entrance road into the Park. In making the exchange, the Secretary may accept or pay cash in order to equalize the values of the properties exchanged.

In reporting to the Senate Interior Committee, the Department of the Interior explained the existing access problem and concluded that:

"Enactment of S. 313 would alleviate this problem with minimal cost to the Government. The owner of an adjacent, more suitable tract has executed a formal agreement to exchange 102.75 acres for 208 acres of the present right-of-way. The properties are approximately equal in value, and the discrepancy in acreage to be exchanged lies in the rugged terrain of the present Federal land which makes it of less value than the proposed acquisition. Costs associated with this transaction amount to approximately \$3,750, for administrative, technical and incidental expenses. The proposal has no effect on staffing needs of the park. We estimate the cost of constructing an all-weather public use road on these lands to be approximately \$3,040,000. A study of the environmental impact of such construction has been completed."


James M. Frey
Assistant Director for
Legislative Reference

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 13 1975

Dear Mr. Lynn:

This responds to your request for our views on the enrolled bill S. 313, "To authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Texas, and for other purposes."

We recommend that the President approve the enrolled bill.

Enrolled bill S. 313 would provide for the acquisition of a private right-of-way outside the boundary of the park for the purpose of constructing an access road into the McKittrick Canyon section of the park. The 1966 law which established the park does not permit a revision of the boundary for acquisition of such right-of-way. Title to or an interest in the land is necessary to support the expenditure of appropriated funds on the road.

McKittrick Canyon is one of the most spectacular features of the Guadalupe Mountains. Unfortunately, public access to the Canyon, a distance of approximately five miles, is currently over a privately owned ranch road. Although the original Canyon area donation also included a 500 foot wide strip of land for an access route, engineering surveys have determined that the corridor is not a feasible route to construct an all-weather public use road. Rugged terrain and a wide wash subject to flash flooding would have to be crossed over the donated right-of-way.

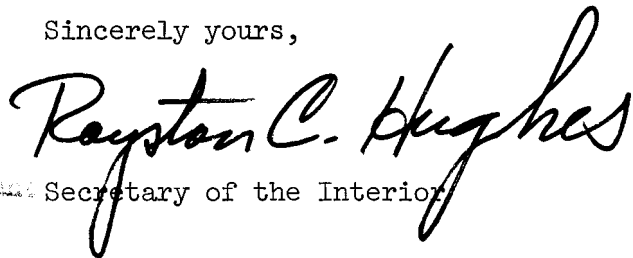
Because of this problem, public and administrative vehicle travel is now conducted over a primitive, private ranch road, through verbal agreement. In addition, the ranger residence in this portion of the park is reached via this private road. The landowner presently restricts public travel to 4 cars per day on weekdays and 10 cars per day on weekends. Complete closures occur on some days because of interference with ranch operations and for other reasons. Thus, the present temporary arrangement is not satisfactory to the landowner, the National Park Service or to the park visitor.

As enrolled, S. 313 would alleviate this problem with minimal cost to the Government. The owner of an adjacent, more suitable tract has executed a formal agreement to exchange 102.75 acres for 208 acres of the present right-of-way. The properties are approximately



equal in value, and the discrepancy in acreage to be exchanged lies in the rugged terrain of the present Federal land which makes it of less value than the proposed acquisition. Costs associated with this transaction amount to approximately \$3,750, for administrative, technical and incidental expenses. The proposal has no effect on staffing needs of the park. We estimate the cost of constructing an all-weather public use road on these lands to be approximately \$3,040,000. A study of the environmental impact of such construction has been completed.

Sincerely yours,

A handwritten signature in black ink that reads "Rayston C. Hughes". The signature is written in a cursive style with a large, prominent initial "R".

Assistant Secretary of the Interior

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 22 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 313 - Land exchange -- Guadalupe
Mountains National Park, Texas
Sponsor - Sen. Bentsen (D) Texas

Last Day for Action

December 31, 1975

Purpose

Authorizes the Secretary of the Interior to make an exchange of lands at the Guadalupe Mountains National Park to facilitate the construction of an entrance road into the area.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

When the Guadalupe Mountains National Park was established in 1966, it was assumed that access to the area could be achieved by constructing a road through a tract which had been donated for that purpose. However, subsequent engineering studies have determined that this approach is not feasible because of rugged terrain and an area subject to severe flash flooding. Access to the Park is presently accomplished by using a primitive ranch road made available by the landowner's verbal agreement. However, this arrangement is undesirable because the landowner has severely restricted the number of cars allowed each day and complete road closures are occasionally necessary.

S. 313 would provide the necessary statutory authority to resolve the problem described above. Specifically, the enrolled bill would authorize the Secretary of the Interior to make an exchange of certain lands in the area

AUTHORIZING AN EXCHANGE OF LANDS FOR AN ENTRANCE ROAD AT GUADALUPE MOUNTAINS NA- TIONAL PARK, TEXAS, AND FOR OTHER PURPOSES

JUNE 2, 1975.—Ordered to be printed

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

REPORT

[To accompany S. 313]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 313) to authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Texas, and for other purposes having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 313 is to authorize the exchange of certain lands within the park for other lands which will provide an improved access road to the McKittrick Canyon portion of the park.

BACKGROUND AND NEED

Public access from U.S. 62-180 to the McKittrick Canyon portion of Guadalupe Mountains National Park, a distance of approximately five miles, is currently over a privately owned ranch road. When the McKittrick Canyon area was donated to the Government by Wallace Pratt, he also donated a 500 ft. wide strips of land from U.S. 62-180 to McKittrick Canyon. Such donation totals approximately 225 acres.

Engineering surveys have determined that the corridor of land granted is not a feasible route to construct an all weather public use road to permit visitor access to McKittrick Canyon, one of the major features of the new park. Rugged terrain and a wide wash subject

to severe flash flooding would have to be crossed for a road over the granted right-of-way.

Because of this problem, public and administrative vehicle travel is now conducted over the primitive private ranch road of Mrs. Fletcher Pratt through verbal agreement. In addition, the ranger residence in this portion of the Park is reached via this private ranch road. The present temporary arrangement is not satisfactory to the landowner, the National Park Service, or the park visitor.

Authorization is requested to negotiated with the landowner for an exchange of the present strip of land granted to the government, for a new corridor generally along the alignment of the present ranch road to McKittrick Canyon and to the National Park Service ranger residence. This would provide a feasible route for an all-weather visitor use road and would eliminate the need for two parallel roads to the same destination. Such negotiations would envision providing the landowner with full right of entry to her property via the National Park Service road and provision for cattle crossings under the road corridor which would necessarily split the ranch. The landowner has signed an exchange agreement subject to enactment of legislation authorizing such an exchange.

In order for the public to enjoy and derive benefits from Guadalupe Mountains National Park, they must have a convenient, dependable route to reach the park boundary and particularly the spectacular McKittrick Canyon. Additionally, National Park Service personnel must have an easily accessible route to McKittrick Canyon area of the park for resource protection, law enforcement, fire protection, and other emergencies, as well as administration of the area.

The proposed land exchange would clear the way for an all-weather road to be constructed to the park boundary at these locations as soon as funds are appropriated.

COST

No additional costs are contemplated by the legislation. Administrative costs for accomplishing the exchange are estimated at \$3,750. Construction of the road is estimated at \$3,040,000. These costs are covered by the existing authorization ceiling.

COMMITTEE RECOMMENDATION

The full Committee on Interior and Insular Affairs met in open mark-up session on May 21, 1975, and a quorum being present, unanimously ordered S. 313 reported favorably to the Senate.

DEPARTMENTAL REPORT

The favorable reports of the Department of the Interior and the Office of Management and Budget to the Chairman of the Senate Committee on Interior and Insular Affairs, Hon. Henry M. Jackson, are set forth in full as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 8, 1975.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: There is pending before your Committee S. 313, a bill "To authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Texas, and for other purposes."

We recommend enactment of the legislation.

S. 313 would provide for the acquisition of a private right-of-way outside the boundary of the park for the purpose of constructing an access road into the McKittrick Canyon section of the park. The 1966 law which established the park does not permit a revision of the boundary for acquisition of such right-of-way. Title to or an interest in the land is necessary to support the expenditure of appropriated funds on the road.

McKittrick Canyon is one of the most spectacular features of the Guadalupe Mountains. Unfortunately, public access to the Canyon, a distance of approximately five miles, is currently over a privately owned ranch road. Although the original Canyon area donation also included a 500 foot wide strip of land for an access route, engineering surveys have determined that the corridor is not a feasible route to construct an all-weather public use road. Rugged terrain and a wide wash subject to flash flooding would have to be crossed over the donated right-of-way.

Because of this problem, public and administrative vehicle travel is now conducted over a primitive, private ranch road, through verbal agreement. In addition, the ranger residence in this portion of the park is reached via this private road. The landowner presently restricts public travel to 4 cars per day on weekdays and 10 cars per day on weekends. Complete closures occur on some days because of interference with ranch operations and for other reasons. Thus, the present temporary arrangement is not satisfactory to the landowner, the National Park Service, or to the park visitor.

Enactment of S. 313 would alleviate this problem with minimal cost to the Government. The owner of an adjacent, more suitable tract has executed a formal agreement to exchange 102.75 acres for 208 acres of the present right-of-way. The properties are approximately equal in value, and the discrepancy in acreage to be exchanged lies in the rugged terrain of the present Federal land which makes it of less value than the proposed acquisition. Costs associated with this transaction amount to approximately \$3,750, for administrative, technical and incidental expenses. The proposal has no effect on staffing needs of the park. We estimate the cost of constructing an all-weather public use road on these lands to be approximately \$3,040,000. A study of the environmental impact of such construction has been completed.

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,

NATHANIEL P. REED,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 19, 1975.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of April 7, 1975, for the views of the Office of Management and Budget on S. 313, a bill "To authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Texas, and for other purposes."

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on S. 313, and accordingly recommends enactment of the bill.

Sincerely,

JAMES M. FREY,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 313, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF OCTOBER 15, 1966 (80 STAT. 920; 16 U.S.C. 283)

* * * * *

SEC. 2(a) * * *

* * * * *

(b) In order to facilitate the acquisition of privately owned lands in the park by exchange and avoid the payment of severance costs, the Secretary of the Interior may acquire approximately 4,667 acres of land or interests in land which lie adjacent to or in the vicinity of the park. Land so acquired outside the park boundary may be exchanged by the Secretary on an equal-value basis, subject to such terms, conditions, and reservations as he may deem necessary, for privately owned land located within the park. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged. *In order to provide for an adequate entrance road into the McKittrick Canyon area of the park, the Sec-*

retary may accept title to and interests in lands comprising a right-of-way for a road or roads outside of the boundary of the park from United States highway numbered 62 and 180 to the park boundary, and in exchange therefore he may convey title to and interests in lands comprising a right-of-way from said boundary which have been donated to the United States. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged. Lands and interests in lands comprising the right-of-way acquired pursuant to this subsection shall be administered as part of the park.

AUTHORIZING AN EXCHANGE OF LANDS FOR AN
ENTRANCE ROAD AT GUADALUPE MOUNTAINS NA-
TIONAL PARK, TEX., AND FOR OTHER PURPOSES

NOVEMBER 25, 1975.—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

[To accompany H.R. 1747]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 1747) to authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Tex., and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 1747, introduced by Representative Richard C. White, authorizes the Secretary of the Interior to make an exchange of property in Guadalupe Mountains National Park, to facilitate the construction of an entrance road into the area.

BACKGROUND AND NEED FOR LEGISLATION

Guadalupe Mountains National Park, authorized in 1966 by Public Law 89-667, preserves unique geological and biological features along the Texas-New Mexico border.

One of the most notable features in the park is the rugged McKittrick Canyon area. The boundary established by the original enabling legislation included a corridor from the nearest highway to permit the development of an access road for park visitors. More recent engineering surveys have concluded that construction of the needed access road through the corridor is not feasible due to terrain problems. The current situation is that the only access for visitors to McKittrick Canyon is over a private ranch road.

H.R. 1747 would permit a land transfer which would allow acquisition of the strip containing the existing privately owned road in exchange for the currently authorized access corridor. As the land-

owner and the National Park Service have already agreed on an equal value exchange, there would be only minor administrative costs resulting from the land transfer.

SECTION-BY-SECTION ANALYSIS

The sole in the bill section amends the Act establishing the Guadalupe Mountains National Park, to permit the Secretary of the Interior to accept title to a right-of-way for a road from Highway 62 and 180 to the McKittrick Canyon area and in exchange therefor, to convey title to an existing right-of-way previously donated to the United States. The Secretary is authorized to equalize the values of the lands to be exchanged by the acceptance or payment of cash, if necessary. Lands acquired through this procedure are to be administered as part of the park.

COST

H.R. 1747 does not authorize any additional funds for the acquisition or development of Guadalupe Mountains National Park. The Department of the Interior estimates that there will be some \$3,750 in administrative expenses associated with the exchange. The effect of the exchange will be to permit the construction of an access road over less difficult terrain, and therefore may eventually result in a savings to the Federal Government.

BUDGET ACT COMPLIANCE

Enactment of H.R. 1747 will permit an administrative action having no budgetary impact.

INFLATIONARY IMPACT

No substantial impact will result from enactment of H.R. 1747, although the more suitable terrain acquired for road construction may eventually result in a reduction in the construction costs anticipated for the area.

OVERSIGHT STATEMENT

A brief review of the visitor use made of Guadalupe Mountains National Park was conducted as part of the hearings held on H.R. 1747. No recommendations were submitted to the Committee pursuant to Rule X, Clause 2(b) (2).

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, meeting in open session on November 20, 1975, reported H.R. 1747 by voice vote and recommends that the bill be approved without amendment.

DEPARTMENTAL REPORT

The favorable report of the Department of the Interior, dated May 16, 1975, follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 16, 1975.

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

DEAR MR. CHAIRMAN: There is pending before your Committee H.R. 1747, a bill "To authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Texas, and for other purpose."

We recommend enactment of the legislation.

H.R. 1747 would provide for the acquisition of a private right-of-way outside the boundary of the park for the purpose of constructing an access road into the McKittrick Canyon section of the park. The 1966 law which established the park does not permit a revision of the boundary for acquisition of such right-of-way. Title to or an interest in the land is necessary to support the expenditure of appropriated funds on the road.

McKittrick Canyon is one of the most spectacular features of the Guadalupe Mountains. Unfortunately, public access to the Canyon, a distance of approximately five miles, is currently over a privately owned ranch road. Although the original Canyon area donation also included a 500 foot wide strip of land for an access route, engineering surveys have determined that the corridor is not a feasible route to construct an all-weather public use road. Rugged terrain and a wide wash subject to flash flooding would have to be crossed over the donated right-of-way.

Because of this problem, public and administrative vehicle travel is now conducted over a primitive, private ranch road, through verbal agreement. In addition, the ranger residence in this portion of the park is reached via this private road. The landowner presently restricts public travel to 4 cars per day on weekdays and 10 cars per day on weekends. Complete closures occur on some days because of interference with ranch operations and for other reasons. Thus, the present temporary arrangement is not satisfactory to the landowner, the National Park Service, or to the park visitor.

Enactment of H.R. 1747 would alleviate this problem with minimal cost to the Government. The owner of an adjacent, more suitable tract has executed a formal agreement to exchange 102.75 acres for 208 acres of the present right-of-way. The properties are approximately equal in value, and the discrepancy in acreage to be exchanged lies in the rugged terrain of the present Federal land which makes it of less value than the proposed acquisition. Costs associated with this transaction amount to approximately \$3,750, for administrative, technical and incidental expenses. The proposal has no effect on staffing needs of the park. We estimate the cost of constructing an all-weather public use road on these lands to be approximately \$3,040,000. A study of the environmental impact of such construction has been completed.

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,

NATHANIEL P. REED,
Assistant Secretary of the Interior.

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 *italic*, existing law in which no change is proposed is shown in roman) :

ACT OF OCTOBER 15, 1966 (80 STAT. 920)

* * * * * * *

Sec. 2. (a) Within the boundaries of the Guadalupe Mountains National Park, the Secretary of the Interior may acquire land or interests therein by donation, purchase with donated or appropriated funds, exchange, or in such other manner as he deems to be in the public interest. Any property, or interest therein, owned by the State of Texas, or any political subdivision thereof, may be acquired only with the concurrence of such owner.

(b) In order to facilitate the acquisition of privately owned lands in the park by exchange and avoid the payment of severance costs, the Secretary of the Interior may acquire approximately 4,667 acres of land or interests in land which lie adjacent to or in the vicinity of the park. Land so acquired outside the park boundary may be exchanged by the Secretary on an equal-value basis, subject to such terms, conditions, and reservations as he may deem necessary, for privately owned land located within the park. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged. *In order to provide for an adequate entrance road into the McKittrick Canyon area of the park, the Secretary may accept title to and interests in lands comprising a right-of-way for a road or roads outside of the boundary of the park from United States Highway numbered 62 and 180 to the park boundary, and in exchange therefor he may convey title to and interests in lands comprising a right-of-way from said highway to the boundary which have been donated to the United States. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged. Lands and interests in lands comprising the right-of-way acquired pursuant to this subsection shall be administered as part of the park.*

* * * * * * *



Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Texas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 2 of the Act approved October 15, 1966 (80 Stat. 920), providing for the establishment of the Guadalupe Mountains National Park in the State of Texas, is amended by adding the following after the third sentence: "In order to provide for an adequate entrance road into the McKittrick Canyon area of the park, the Secretary may accept title to and interests in lands comprising a right-of-way for a road or roads outside of the boundary of the park from United States Highway numbered 62 and 180 to the park boundary, and in exchange therefor he may convey title to and interests in lands comprising a right-of-way from said highway to the boundary which have been donated to the United States. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged. Lands and interests in lands comprising the right-of-way acquired pursuant to this subsection shall be administered as part of the park."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 19, 1975

Dear Mr. Director:

The following bills were received at the White House on December 19th:

✓ S. 313 ✓
✓ S. 1281 ✓
✓ S. 2350

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.