

Land Policy Review is published quarterly by the Bureau of Agricultural Economics, U. S. Department of Agriculture, with approval of the Bureau of the Budget. For sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., 10 cents a single copy, 30 cents a year

## *Private In-Holdings in National Park System*

By NEWTON B. DRURY. *The Director of the National Park Service gives to our readers a clear statement of an old problem in regard to the parks, together with his ideas as to the solution.*



THERE ARE approximately 21,000,000 acres of land within the established boundaries of our national parks, monuments and historical areas, or less than 1 percent of the total area of the United States, Alaska, and Hawaii. Of this acreage approximately 600,000 acres are "valid existing claims" in the form of State or private in-holdings. Since the owner of lands in a park or monument has exactly the same rights as a landowner anywhere, there is nothing to prevent him from despoiling his land, from a park standpoint, by establishing undesirable developments or removing his timber or using his land in such fashion as to deplete it or cause damaging erosion, the effects of which may extend beyond his own boundaries.

Often these lands are of strategic importance to the development of the area. Road and trail construc-

tion may be complicated by them; access must be provided to them; and the danger of fires spreading from them is ever present. Though these in-holdings represent only  $2\frac{3}{4}$  percent of the gross area of the System, the handicap they impose is out of all proportion to their extent, and the problem they create is one of the most serious facing the National Park Service.

The act of August 25, 1916, which created the National Park Service, states in part:

"The Service thus established shall *promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of fu-*

*ture generations."* [Italics supplied.]

The 169 areas which comprise the National Park System today, have been established individually by Congressional action, by Presidential proclamation under authority of the Antiquities Act of June 8, 1906, by order of the Secretary of the Interior under the Historic Sites Act of August 21, 1935, or by transfer from other Federal agencies. All action to establish these areas has been subject to "valid existing claims."

Private holdings within the National Park System divide into three main categories: (1) State-owned lands—150,000 acres; (2) railroad-owned lands—150,000 acres; and (3) other privately owned lands—300,000 acres. The problems created by each type of ownership and, I believe, their solution, are generally distinct and separate. I shall endeavor to picture these problems and to give my ideas for their solution in the light of present-day economic and social concepts.

### *State-Owned Lands* *150,000 Acres*

There are State-owned lands in 26 of the 169 areas in the System. The most prominent examples are in Glacier and Carlsbad Caverns National Parks and Dinosaur, Great Sand Dunes, Joshua Tree, Saguaro, and White Sands National Monuments.

The acts of Congress by which most of our public-land States were admitted to the Union reserved for common-school purposes from two to four sections in each township where surveyed, or provided for indemnity selections in surveyed land for those sections that were unsurveyed townships. Provisions were

made whereby such sections, if they happened to fall in subsequent Federal reservations, such as national parks and monuments, could be exchanged for public domain outside of the reservations.

Accordingly, many thousands of acres of the States' holdings within the National Park System have been exchanged and other exchanges are now pending. Because of previous exchanges made by the States, and other public-land utilization, the public land available for exchange has decreased until it has become more difficult to consummate exchanges. There are available for exchange, however, on a value basis, many thousands of acres under the provisions of section 8 of the Taylor Grazing Act of 1934, as amended in 1936.

Perhaps the State ownership in the System that best illustrates the problem confronting the National Park Service is the 10,000-acre stand of virgin Ponderosa pine just west of the continental divide in Glacier National Park. Montana was admitted to the Union in 1889, and by 1910, when Glacier National Park was created, had exchanged land in other reservations or accepted indemnity selections for unsurveyed sections elsewhere in the State, until it had acquired these 10,000 acres of contiguous fine timber—almost the last of the species in this vicinity. Over a period of 30 years a number of attempts have been made to exchange public land outside of the park for the State's holdings inside. All efforts so far have been unsuccessful.

Recent inflated values of lumber have increased the threat that the timber on the State's holdings will be cut. Because of this increased

threat it has been suggested by friends of conservation in general, and of the National Park Service in particular, that Congressional action be taken toward appropriating Federal funds to purchase the State's holdings. I would not favor this if the situation can be handled in any other way. While our national parks and monuments are of inestimable importance to the people and the Nation, they are also great economic and social assets to the various States. I feel, therefore, that Montana should not despoil Glacier National Park, one of its greatest assets, by cutting the timber from its State holdings within the park boundaries, but that it should cooperate in maintaining the park unimpaired for the people, as intended by the Congress.

Many of the States have recognized the great value of national parks and monuments within their boundaries and have made an all-out effort to acquire the requisite lands for donation to the United States. Many have spent large sums that they might have national parks within their borders. Virginia expended nearly \$2,000,000 of State and donated funds to acquire approximately 175,000 acres of land for Shenandoah National Park. North Carolina and Tennessee expended approximately \$8,000,000 of State and donated funds in acquiring approximately 380,000 acres for Great Smoky Mountains National Park. Kentucky expended approximately \$1,000,000 of State and donated funds to acquire approximately 32,000 acres for Mammoth Cave National Park. Only recently Texas expended over \$1,700,000 in acquiring nearly 700,000 acres for Big Bend National Park. Florida

has acquired approximately 1,200,000 acres for the proposed Everglades National Park, and Kentucky, Tennessee, and Virginia will probably spend over \$750,000 for about 15,000 acres for the proposed Cumberland Gap National Historical Park. These are just a few examples.

I believe that the solution to this problem rests chiefly with the people of the States in which our parks and monuments are located. One or more of three possible steps might be taken by the people through their elective or appointed officials: (1) review the possibility of exchange with a greater emphasis on preserving the park areas as an existing asset for posterity; (2) obtain legislative action toward donating their holdings for addition to the park or monument areas; or (3) obtain legislative action whereby the use of the State-owned land in park or monument areas would be restricted to conform to the purpose of the 1916 act, even though actual title remained in the State. The people of these States, if they took any of these steps, would make a significant contribution to the Nation as well as to themselves.

### *Railroad-Owned Land 150,000 Acres*

Under various land grant acts, several of our western railroads acquired over 132,000,000 acres of the public domain as an incentive to railroad construction. More than 500,000 acres were within the later established national parks and monuments, chiefly Grand Canyon and Yellowstone National Parks and Joshua Tree, Grand Canyon, and

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# Harmony

*For thou shalt be in league with the stones of the field; and the beasts of the field shall be at peace with thee.*

—THE BOOK OF JOB

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Wupatki National Monuments. About 350,000 acres of this latter figure were released pursuant to the Transportation Act of 1940, leaving 150,000 acres within the System today, 135,000 acres of which lie within the boundaries of Joshua Tree National Monument in California.

These lands lie in checkerboard fashion, being alternate sections throughout the western or surveyed end of the Joshua Tree area. There has been some recent activity by real estate promoters to acquire some of the railroad-owned land for desert homesites. I am happy to say, however, that the Southern Pacific Railroad has been cooperative, and that the National Park Service, by initiating action whereby the railroad-owned land may be exchanged for public land of equal value outside the monument boundaries, has forestalled, so far, the sale of most of the railroad-owned land to the real estate promoters. A measure now before Congress would diminish this problem by revising the boundaries of the monument, thus eliminating considerable acreage of mineralized land, both private and Government-owned, which is of minor scenic or scientific importance.

The national parks and monuments drew more than 21,000,000 visitors in 1941, the last year of pre-

war travel. This figure was then the largest in the history of the National Park Service. A considerable increase is indicated for 1946. Our railroads, particularly the western lines, have profited and will continue to profit from such travel. Joshua Tree National Monument, if allowed to continue "to provide for the enjoyment of future generations," will contribute increasingly to satisfaction of the desire of Americans to visit the open spaces.

It seems to me that the answer to the problem of railroad inholdings would be for the railroads to take full advantage of exchange possibilities under existing law. They stand to gain twofold—by obtaining land of equal value and by adding to long-time profit possibilities by the preservation of parks as an attraction to travel.

## *Privately Owned Lands* *300,000 Acres*

The privately owned lands in the National Park System, involving some 3,000 individual ownerships, vary from lots to subdivisions, from homesites to ranches, from cabins to resorts, from soft-drink stands to cafes and night clubs, from automobile "graveyards" to sawmills and gravel pits. All are alien

to the concepts of our national parks, monuments, and historical areas; many are eyesores and all present grave problems of administration and protection.

Perhaps the most troublesome type of private holding is the subdivision. Few people realize that there are real estate subdivisions in Glacier, Kings Canyon, Lassen Volcanic, Olympic, Rocky Mountain, and Yosemite National Parks. Buildings have been constructed on them with little regard for design, sanitation, or fire protection. Many lots have been sold and resold several times; others have been abandoned and become tax delinquent. They present a sorry picture to visitors who may easily get the impression that such areas are sponsored by the National Park Service.

There are many types of commercial establishments on privately owned land in the System. Typical of these are taverns, dance halls, and souvenir stands. Many are poorly supervised. Many of the buildings are dilapidated and constitute fire hazards. None can, by any stretch of the imagination, be considered proper from the standpoint of the purposes of the 1916 act.

There are three methods of approach in acquiring the privately owned lands in the national parks, monuments and historical areas—donation, exchange, and purchase.

### *Donation*

Many thousands of acres of land have been donated by public-spirited persons for addition to the National Park System. These include both individual tracts and thousands of acres that have been bought by

private citizens for donation to the United States. There are undoubtedly some private owners who have been wavering over the idea of giving their holdings. Such gifts would be most welcome, although we do not presume to indicate what individuals should do with their own property. The most we can do is to dissuade them, within reasonable limits, from using it adversely, pending its acquisition.

### *Exchange*

Exchange has not been used extensively in the past. Certain exchanges have been consummated, however, whereby the United States obtains title to small privately owned holdings for timber or mineral privileges on Federal land within the area. From the nature of such exchanges it can be readily understood why they have been small and will be kept so in the future.

Recently the Service has sponsored legislation to provide for exchanges of Federal lands *within* our parks or monuments for private in-holdings on a value basis. If enacted, this measure would probably not decrease the acreage of the in-holdings appreciably, but would allow the Service to acquire certain strategic parcels that are now holding up needed developments or to remove developments that are unsightly or unsanitary, or are fire hazards. The passage of this legislation would be a notable step forward in the administration and protection of the National Park System.

### *Purchase*

In spite of a certain amount of wishful thinking to the contrary,

much of the privately owned lands may have to be bought with Federal funds if they are to be acquired for public use. So far, purchases have mostly been made piecemeal. Just before the depression some lands were bought on a 50-50 basis, 50 percent being Federal and 50 percent being donated funds. During the depression some lands were bought with emergency funds and were later made a part of the System. A \$350,000 item in the 1947 appropriation bill for the Interior Department, for land acquisition to be expended anywhere in the System, was not passed by Congress. It is believed that the principle involved in the item, if once established, would be of greater advantage to the Government than the present method of

making appropriations for the purchase of specified properties.

To summarize: The most serious in-holding problems in the National Park System today are those created by the State-owned lands in Glacier National Park, the railroad lands in Joshua Tree National Monument, and the real estate subdivisions in several of our western national parks. The solution of these and all in-holding problems rests chiefly in the realization, by all of our people, that the national parks, monuments, and historical areas are vital economic and social assets to the Nation, and that the Government holdings within their boundaries should be unified and complete. There are indications that we are awakening to this realization and will translate it into action.

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*Over those parts of the earth not covered by water lies a thin crust of soil, perhaps equal by comparison to the thickness of a sheet of tissue paper wrapped around a globe six feet through. Much of this soil is inaccessible for cultivation, or it is unusable for other reasons. From the rest, the world's growing population, now more than two thousand million, must draw all their sustenance except what they get from the sea; and even the fishes, like all other living things, are fed in the final analysis out of the fertility of the land. Whether this thin layer of soil is to be a wasting asset or one maintained in perpetuity and made more fruitful for mankind will depend on how it is used and managed. Nothing more deeply concerns the well-being of men and nations. FAO is dedicated to furthering good use and good management, in all ways and by all peoples, of this most basic of man's resources.*

—From Report of UNITED NATIONS INTERIM COMMISSION  
ON FOOD AND AGRICULTURE

