

Testimony Before the House Natural Resources, Recreation and Public Lands Subcommittee

on

H. R. 4103

Martin's Cove Land Transfer Act

Submitted by

Barbara Dobos

Mr. Chairman and members of the Committee:

Thank you for the opportunity to address the House Subcommittee on National Parks, Recreation and Public Lands.

I believe I am qualified to comment on H.R. 4103. I am a former Wyoming Legislator with a life-long interest in public policy. I have been a resident of Wyoming for 51 years. I hold a degree in anthropology and history from the University of Colorado and a teaching certificate from the University of Wyoming. I taught social studies in the public schools for 23 years and have served on numerous community, state and regional boards.

I am opposed to H.R. 4103, cited as the ³Martin's Cove Land Transfer Act.²

Overview:

Legislation that would give the Mormon Church a preferential and exclusive right to purchase public lands in a National Historic area near Devil's Gate and Independence Rock in Natrona County, Wyoming, has been introduced in Congress. The bill is sponsored by Representative Jim Hansen and cosponsored by Mr. Matheson, Mr. Cannon, Mr. Faleomavaega, Mr. Doolittle, Mr. Herger and Mr. Flake.

H.R. 4103 would set a bad precedent. It would allow special interest groups to acquire national historic sites through political means and weaken the federal process for land management. The bill circumvents the National Environmental Protection Act (NEPA), the Federal Land Policy Management Act (FLPMA) and other safeguards this nation has relied on to insure the protection of our national historic and cultural treasures.

Those who maintain that this legislation would not be precedent-setting need to ask why native Americans are saying the bill might be a good idea and that they too are thinking of public land areas they'd like to have.

If the BLM is forced to transfer title of this federal land it would be selling off the National Register site at Martin's Cove and the Tom Sun National Historic Landmark near the Devil's Gate and Independence Rock historic sites along the world renown historic pioneer trails corridor.

Proposed Legislation:

"Martin's Cove Land Transfer Act" (H.R. 4103), instructs the Secretary of Interior to sell Martin's Cove and 1,640 acres of surrounding public lands to the Mormon Church.

The bill not only would circumvent established national policy meant to protect public lands, but would also open the door to other special interest groups wishing to claim historic sites.

No BLM-administered National Register of Historic Places site has ever been sold before to a private entity. At the present time, the public land at Martin's Cove is managed by a cooperative agreement between the Bureau of Land Management and the LDS Church Farm Management Company. Good relations exist between both parties. Many Wyoming citizens believe the privatization of our public land at Martin's Cove would run counter to the interest of the American public and federal policy.

Appraisal:

This special interest legislation stipulates that the land will be appraised on the basis of fair market value compared to recent exchanges and purchases of other historic property in Wyoming. Not only is there a lack of comparable sales in the area that meet such criteria, but also it is impossible to appraise intangible property with cultural and historic value. In the past few years the public has become aware of the tendency of the government to get the short end of the stick in appraisals of public land.

Hypothetically, if the land were appraised as grazing land the market value might be as low as \$50 to \$75 an acre. Even at \$100 per acre, the proceeds of the sale would net only \$164,000 for this parcel < for the sacrifice of an enrolled National Register historic site of national significance! Citizens are being asked to comment and support the bill when neither the selling price nor disposal of the sale proceeds are being disclosed.

In the earlier draft legislation proposed by Representative Barbara Cubin the proceeds of the sale of Martin's Cove were to go to help finance the National Historic Trails Interpretive Center in Casper. Selling off the original land to help fund a museum to memorialize it makes no sense at all.

History of Martin's Cove:

Martin's Cove overlooks the historical routes of the Oregon, California, Mormon and Pony Express National Historic Trails. The entire area, including Martin's Cove, is replete with legendary landmarks of prehistoric Native Americans, Mountain Men and the U.S. Westward movement. Martin's Cove is but the site of a single tragic event in the vast history of Wyoming and the nation.

The trails corridor, which includes the Mormon Trail and the other three national historic trails on the same alignment, was used by perhaps as many as 500,000 immigrants over a 50-year period. According to Dr. David Love, former chief geologist for the U.S. Geological Service, from the 1840s through the early 1860s, some 50,000 people and 200,000 animals each year passed along the trails corridor. Love goes on to say that a 400-mile long swath, and in some places as much as 20 miles wide, cut across what is now the state of Wyoming.

Environmental Considerations:

Jere Krakow of the Long Distance Trails Office of the National Park Service said, "We can be assured that the continued impacts to all the trails will be considerable. Heavy visitation threatens not only the dunes at

Martin's Cove, but the inscriptions near Devil's Gate. In addition, traffic (vehicular and foot), will temper the experience visitors have."

Krakow believes visitation levels could introduce an element of "loving it to death" without careful management. Additional impacts on the area include increased water and sanitation needs and more and more campgrounds in a fragile environment. These are serious problems that need to be addressed by the collaborative efforts of federal and private stakeholders.

Historic Interpretations:

The church has a collection of historic sites, visitors center, museums and annual pageants used to educate those unfamiliar with the faith's past and present teachings. Should they obtain Martin's Cove, there is no reason to believe that this practice will not continue. This kind of ownership fosters a single interpretation of history and allows for restricting public access during religious events.

According to eminent trail historians Aubrey Haines and Paul Henderson, the actual "rescue" of the Martin Company did not occur at the present Church-designated location at Martin's Cove. Contemporary historic researcher Lyndia Carter of Springville, Utah concurs with their analysis.

Trail historian and author Gregory Franzwa said, "I don't know if this is a sacred site any more than the thousands of other Mormon burials along the line." He questions, "Are they all sacred and all going to be owned by the church?"

There is a real danger that if the church is successful in obtaining 1,640 public land acres, vastly more than the existing trails system into Martin's Cove; they could designate any place they wanted as sacred ground. The BLM and the state have no jurisdiction over archaeological and cultural materials on private property, so research and interpretation would be the purview of the property owner.

From the Mormon owned Willie's handcart site on Rock Creek one might extrapolate what Martin's Cove could become under church ownership. It is a nearly textbook illustration of helter-skelter development. A crowning example is the placement of amphitheater benches across the historic trails. The trail ruts coming into the creek valley from the east and the ruts ascending the valley to the west are clearly visible on either side of the benches.

The church is currently building a structure they say is a replica of Seminoe's Fort a trading post built along the trails corridor in 1852 by Charles ³Seminoe² Lajueness.

The building is being constructed of huge cedar supports and 12" sawn cedar siding from Canada. There isn't much pretense of historical accuracy. In 1855, when the fort was in use, the means they would have had was a typical wagon they could take to the Ferris Mountains. They would have cut poles and small logs and hauled them back to Devil's Gate. There were no sawmills.

BLM has spent over \$200,000 in taxpayer dollars designing, developing and constructing the Martin's Cove foot trail on federal and private land. The Cove is situated on a fragile sand dune. Prior to the design and construction of this foot trail, automobiles and two track roads did considerable ecological damage. Because of BLM management, the area today is protected by strict federal regulations that could be ignored if the area were sold into private hands.

Conclusion:

The Federal Land Policy Management Act of 1976 clearly states that any parcel of federal land with important public values generally will not be offered for direct sale, lease or exchange. This policy was enacted to assure long-term goals for the National Historic Trails to protect them, interpret them, make them accessible to the public where possible, and see to it that they are available for the public to study, use and enjoy for generations to come.

Adhering to these objectives offers a better solution for preserving our national historical sites than selling them to special interest groups. H.R. 4103 legislation is not in the public interest. American history belongs to all Americans, not the special interest of a few.

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