

**STATEMENT OF SUE MASICA, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS OF THE COMMITTEE ON RESOURCES, CONCERNING H.R. 1436, TO REMOVE CERTAIN USE RESTRICTIONS ON PROPERTY LOCATED IN NAVAJO COUNTY, ARIZONA.**

**SEPTEMBER 29, 2005**

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Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 1436, a bill to remove certain restrictions on property located in Navajo County, Arizona.

The Department opposes H.R. 1436 because the property that is the subject of the bill was developed for use as a public recreational facility, using a grant from the state side portion of the Land and Water Conservation Fund (LWCF), the terms and conditions of which already provide a remedy for changing the use from public recreation as proposed by the city of Winslow. We are concerned about the precedent that H.R. 1436 could set for the more than 40,000 other similar grants that have been issued since 1965 that incorporate the same terms and conditions and that have been funded out of the state side portion of the LWCF.

H.R. 1436 would exempt approximately 123 acres of land located in the City of Winslow, Navajo County, Arizona, known as the Winslow Hospitality Park, from the provisions of Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965. This would allow the City of Winslow to dispose of the land or to use it for purposes other than public recreation.

The LWCF was established in 1965 to conserve, develop, and utilize outdoor recreation resources for the benefit and enjoyment of the American people. Section 6(f)(3) of the LWCF

Act prohibits the conversion of lands acquired or developed with the assistance of LWCF to other uses without the concurrence of the Secretary of the Interior (Secretary) and replacement of the land to be converted with land of at least equal fair market and recreational value.

Among other criteria, requests for conversion of land must show that all practical alternatives to the proposed conversion have been evaluated, fair market value of the property has been established and the property proposed for substitution is of at least equal fair market value based upon an appraisal prepared in accordance with the uniform federal appraisal standards. The property proposed for replacement also must be of reasonably equivalent usefulness and location to the land being converted. In FY 2005, more than 50 such conversions were reviewed and approved by the National Park Service (NPS) resulting in a win-win situation by balancing the needs of recreation for present and future generations with changing community needs.

During the last 40 years, the LWCF has provided more than \$14.4 billion to acquire new federal recreation lands and to provide grants to State and local governments. The more than 40,000 grant agreements that have been executed through the state side portion of LWCF have all incorporated the provisions of Section 6(f)(3) either specifically or by reference. The provisions of Section 6(f)(3) cannot be administratively waived.

Winslow's Hospitality Park was developed with the assistance of the LWCF. In 1979, the city received a 50 percent federal matching grant of \$299,915 for development of a nine-hole golf course and related parking and access. In 2001, the golf course was closed by the city due to

poor turf conditions and, since 2003, the city has expressed interest in conveying the park to private interests for commercial development purposes.

Grant agreements for projects funded under LWCF are between the NPS and the appropriate state agency that administers the grant program, in this case, the Arizona Outdoor Recreation Coordinating Committee (AORCC). In an April 2003 letter to AORCC, City of Winslow officials expressed their belief that they would not be subject to LWCF compliance responsibilities after 25 years. They also asked what needed to be done to terminate the agreement. NPS advised AORCC that the LWCF compliance requirements are perpetual. AORCC conveyed this to the City of Winslow and further explained that the only remedy available for conversion of the land is by replacement of the land with land of equal or greater fair market value.

The City of Winslow proposed a replacement property, and appraisals were completed in November and December 2004. The appraised fair market value of the Winslow Hospitality Park is considerably higher than that of the proposed replacement property. We understand that there has been correspondence back and forth between Winslow and the AORCC to reach agreement on a resolution to this issue, but it has not been successful. We look forward to working with the Committee, Winslow Hospitality Park, and AORCC to find a resolution that would meet the requirements for conversion set forth in LWCF.

While we can understand the desire of the City of Winslow to find an economically viable use for the Winslow Hospitality Park, the conditions for conversion of the property are clear. The

NPS receives several similar inquiries each year from grant recipients across the country and granting an exception to the City of Winslow could establish a precedent for many of the other 40,000 properties that received grants subject to the same conditions.

That concludes my prepared remarks. I would be pleased to answer any questions you or other members of the subcommittee may have.