

May 6, 2002

The Honorable George Radanovich
Chairman, Subcommittee on National Parks,
Recreation, and Public Lands
House Committee on Resources
1333 Longworth House Office Building
Washington, DC 20515

Dear Chairman Radanovich:

As president of the Society for American Archaeology, I would like to submit the following remarks for the record of the subcommittee's May 4 hearing on "The Martin's Cove Land Transfer Act" (H.R. 4103). The SAA respectfully opposes this bill because, although the site in question is sacred to the Church, other national cultural heritage resources would be affected by the sale; the Church already has sufficient access to the site and currently manages an interpretive trail there; and it would establish a precedent for the purchase of public lands considered sacred by private groups and individuals with the potential loss of public access to and research of important national cultural resources, both known and yet to be discovered.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research, interpretation, and protection of the archaeological heritage of the Americas. With more than 6500 members, the Society represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. The SAA has members in all 50 states as well as many other nations around the world.

H.R. 4103 would provide for the sale of a National Register site, Martin's Cove (48NA210), located on Bureau of Land Management property in central Wyoming, to the Church of Jesus Christ of Latter-Day Saints. Although historians disagree on the exact location, Martin's Cove is regarded as a sacred site by the Church. For the past several years, the Church has sought to acquire the land, but has not been able to arrive at a settlement that the BLM finds satisfactory. Recently, the Church has sought to mandate the sale of the property through congressional action.

The SAA has serious concerns about how cultural resources at and near Martin's Cove would be affected by transfer to private ownership. Several prehistoric Native American sites are known to exist on the property; since the property has not been completely inventoried, additional sites can be expected. The sale would endanger access to those sites for future investigation and research. In addition, the impact of the sale of Martin's Cove on the condition of, and access to, other sites and resources such as Seminoe's Fort and the Devil's Gate are unknown and potentially harmful. For example, the Sun Ranch, a National Historic Landmark owned by the Church and that encircles Martin's Cove has experienced severe strain on those attributes that gave it its National Historic Landmark status from developments built to serve bus and tour groups visiting the Cove.

The Church's present and future access to the site is not in question. For the past five years, the

BLM and the Church have participated in a cooperative agreement for the purpose of constructing an interpretive trail and other improvements to ensure protection, management and development of cultural resources in the Martin's Cove area.

Additionally, there is some question as to whether the bill complies with the National Historic Preservation Act. If this land sale is permitted, and we urge that it not be, it is imperative that several covenants be placed on the sale and that these be specifically included in the proposed legislation:

1. A complete archaeological survey must be conducted in compliance with section 106 of the NHPA. The land has not been completely surveyed for cultural properties; a previous survey located several National Register-eligible sites along the current interpretive trail right-of-way and it is expected that there will be others along this piece of river bottomland;
2. Other activities required by Section 106 of the NHPA will have to be undertaken, including consultation with Native American tribes;
3. In addition, the BLM should require that any further interpretive trails meet with BLM approval to ensure a complete and unbiased presentation of the trails' varied histories.

Most troubling is a potential precedent that could be set by enactment of this bill. The SAA is greatly concerned that the sale of public land, especially land containing a National Register site, to a private group on the basis of the land's religious importance will encourage religious and other groups to petition the government to sell lands and sites considered important to their faiths and cultural identities. Even if enactment of H.R. 4103 does not create binding court precedent, the possibility exists that future Congresses could be placed under heavy political pressure to pass similar measures. Such a situation could result in the loss of public access to numerous areas that hold or could hold archaeological and cultural resources important to the discovery, interpretation, and preservation of the Nation's heritage.

The SAA urges the rejection of H.R. 4103. Since the Church has publicly expressed concern that BLM might change its rules or attitude toward the Church's current use of the property, as an alternative, we urge Congressman Hansen to bring the Church and BLM together to negotiate a new, longer-term agreement that meets the concerns of the church while retaining this National Historic site in public ownership.

I appreciate this opportunity to present SAA's views

Sincerely,

Robert L. Kelly
President