

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING H. R. 2600 AND S. 1987, BILLS TO PROVIDE FOR THE CONVEYANCE TO THE STATE OF IOWA OF THE REVERSIONARY INTEREST HELD BY THE UNITED STATES IN AND TO CERTAIN LAND IN POTTAWATTAMIE COUNTY, IOWA, AND FOR OTHER PURPOSES.

AUGUST 15, 2018

Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to provide the Department of the Interior's views on H.R. 2600 and S. 1987, bills to provide for the conveyance to the State of Iowa of the reversionary interest held by the United States in and to certain land in Pottawattamie County, Iowa, and for other purposes.

The Department does not object to H.R. 2600 and S. 1987, but recommends amendments to ensure that public uses are preserved on the property that is the subject of this legislation.

H.R. 2600 and S. 1987 as introduced would require the relinquishment of deed restrictions imposed by the quitclaim deed dated April 13, 1998, to the State of Iowa thus allowing the property to be used for any type of use, public or private. The bills also express a sense of Congress that the State continue to provide information relating to the Lewis & Clark National Historic Trail, the California National Historic Trail, and the Mormon Pioneer National Historic Trail.

Public Law 101-191 authorized the Secretary of the Interior to provide for the development of a trails interpretive center in the City of Council Bluffs, County of Pottawattamie County, Iowa. In 1995, the National Western Trails Center, Inc., donated property to the Federal government on which the National Park Service (NPS) constructed a trails center to interpret the history of the Lewis and Clark National Historic Trail, the Mormon Pioneer National Historic Trail, and the Oregon National Historic Trail. In 1998, the Federal government then donated the trails center and surrounding property to the State Historical Society of Iowa to operate and maintain the center. When Federal ownership was transferred to the State, it was conveyed subject to a reversionary clause in the quitclaim deed, stipulating that if the trails center was no longer being used for the purposes specified in Public Law 101-191, then the property would revert back to the Federal government.

Since 1998, the State of Iowa has owned and operated the trails center. Present-day visitation at the center is very low, the hours of operation are limited, and maintenance is falling behind. The State would like to remove the trails center from its responsibility and transfer or sell the property to the City of Council Bluffs.

The NPS does not have an interest in taking over operation of the center or ownership of the land which would increase the NPS' responsibilities in asset management and deferred maintenance.

The Department understands the practical reasons for allowing the State more autonomy in how to utilize public property, and understands only too well the liability and responsibility that would come with a property reversion. However, the original intent of the National Western Trails Center, Inc., through their 1995 donation, and the intent of Public Law 101-191, enabling the center, was to ensure a public purpose in perpetuity. The deed reverter clause preserves that public purpose.

The location of the approximately 350-acre property is adjacent to the Council Bluffs Riverfront Park, south of downtown Council Bluffs, with a view across the Missouri River to the Omaha skyline in Nebraska. In 2010, the Iowa Department of Transportation purchased approximately 50 acres adjacent to the original donation for purposes of mitigation from a transportation project on the northern border of the property. The 50 acre mitigation site cost approximately \$2 million.

If legislation is not passed and the State discontinues the use of the property for the trails center, the property will revert to the NPS; were this reversion to occur, the NPS would strongly consider disposal through the General Services Administration. We would like to work with the Committee on amendments to accomplish the goal of allowing more flexibility in the use of the property, while carrying out the purpose of PL 101-191. This goal could be met through a subsequent quitclaim deed that broadens the allowable uses to include parkland, recreation, and education; a land exchange; purchase of the reversionary rights to the land by the State; or amending PL 101-191 to allow greater flexibility with the property and in the interpretation of the trails.

H.R. 2600 and S. 1987 attempt to fulfill the purpose of PL 101-191 through “Sense of Congress” language that encourages the State to continue to provide information regarding the Lewis & Clark National Historic Trail, the California National Historic Trail, and the Mormon Pioneer National Historic Trail. We note that the NPS interprets the Lewis & Clark Historic Trail at the trail headquarters and visitor center in nearby Omaha, Nebraska.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.