

VETO—S. 1259

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT MY APPROVAL S. 1259, A BILL TO GRANT A RIGHT OF
ACCESS ACROSS A PORTION OF BUFFALO NATIONAL RIVER PARK



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To the Senate of the United States

I am returning herewith without my approval S. 1259, a bill to grant a right of access across a portion of Buffalo National River Park to a landowner whose property is adjacent to the Park. Located in northwest Arkansas, the Buffalo National River was established in 1972. Buffalo National River, with both swift-running and placid stretches, is one of the few remaining unpolluted free-flowing rivers in the lower 48 States.

Through various efforts in recent years, the landowner has sought a shortcut across Park lands for access to a public road near his land, as an alternative to the means of access across private lands that he already enjoys. The landowner claimed unsuccessfully in court that certain Park land constituted a public road on which he and other members of the public were entitled to travel. The United States District Court for the Western District of Arkansas found that he had "no right to use a part of the Buffalo River National Park lands for access to his residence." *Jones v. Gould and the Department of the Interior*, Civil No. 83-3097 (1983), 12. Upon appeal of the case, a unanimous three-judge panel of the United States Court of Appeals for the Eighth Circuit affirmed the decision of the lower court, stating that "the district court's finding that no public road existed is correct." *Jones v. Gould and the Department of the Interior*, 741 F. 2d 220 (1984), 221.

Preservation of America's natural heritage requires careful management of our parklands by the Department of the Interior. The Federal Government has a duty to preserve and protect our National Parks for the benefit and enjoyment of all Americans—both those now living and future generations. This bill permits the special roadway access for the private landowner to diminish the scenic, historic, and other values for which the Park was established, as long as it does not do so "unreasonably." The Park lands across which the landowner seeks access are partly wooded and partly old pastureland that is now returning to its natural condition as a forest. Special roadway access across this land would inhibit its return to that natural condition.

If we begin with S. 1259 to establish by private bills special roadway privileges in our National Parks for the convenience of private landowners fortunate enough to have sufficient influence to secure passage of such bills, we will have begun to squander our national treasure.

Accordingly, I cannot approve S. 1259.

RONALD REAGAN.

THE WHITE HOUSE, *October 11, 1988.*