

**STATEMENT OF NINA HATFIELD
DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT
ON H.R. 1725
MIWALETA PARK EXPANSION ACT
BEFORE THE
HOUSE COMMITTEE ON RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS**

July 13, 1999

Thank you for the opportunity to testify on H.R. 1725, the Miwaleta Park Expansion Act. This bill provides for the conveyance of public lands to Douglas County, without consideration, which, upon passage of the bill, would be used for the construction of a campground to be used in conjunction with the existing Miwaleta Park. The park is currently a county day-use facility and boat ramp at Galesville Reservoir. While we do not support the bill as written, the Bureau of Land Management (BLM) is offering to work with the Committee on considerations that would include protection of Late Successional Reserve (LSR) values consistent with the Northwest Forest Plan (NFP).

The public lands included in the proposed transfer lie within the boundaries of the Galesville LSR, as designated in the Northwest Forest Plan. Because of this special designation, BLM is required to prepare an LSR Assessment of the condition and treatment of these lands. The LSR Assessment addresses the proposed construction of the campground by Douglas County and resulting recreation activities, and how these activities may impact threatened and endangered species in the area. Of considerable concern is a bald eagle nest within one mile of the proposed campground, and several juvenile spotted owls that have been seen in the vicinity. We believe that the center of activity for the owls is within one mile of the proposed campground. It is critical that development and management of a campground be done in a manner that provides adequate protection for these species and other LSR resources. The LSR Assessment has been approved. The BLM can now consult with the U.S. Fish & Wildlife Service on determining if the campground would have a beneficial or neutral impact on the LSR as well as possible impacts to any threatened and endangered species. At this point, it would be BLM's intent to implement a cooperative management agreement or R&PP lease with Douglas County to authorize appropriate additional recreational facilities.

BLM would prefer to accommodate the proposed expansion through existing administrative authorities rather than a legislative land transfer. Options include developing a cooperative management agreement, exchanging the land for lands owned by Douglas County along the North Umpqua River, or leasing the lands under the Recreation and Public Purposes Act (R&PP). We are examining which options would be in the public interest and would be most in keeping with the goals of the proposed project, the BLM's Resource Management Plan for the area, and the objectives for LSR's as described in the Northwest Forest Plan. All of these options could be accommodated within existing laws and authorities and provide an opportunity to develop mitigation measures to ensure that the proposed use does not adversely affect important resource values identified in the LSR Assessment.

The BLM and Douglas County have been working together in an effort to establish a designated campground adjacent to the existing day use area. It has been BLM's intent to establish a partnership for construction and maintenance of the proposed campground. The BLM has completed a site plan and has an environmental assessment for the project ready for signature pending U. S. Fish and Wildlife consultation. While we recognize that the county may have experienced some frustration regarding the length of time it has taken to complete the appropriate assessments and consultations, the nature of the resource values requires us to conduct a thorough and careful review of any impact the proposed activities will have on those resources.

In spite of delays in effecting the development of the campground, the public has been able to use and enjoy the site for several years. Galesville Reservoir is a popular spot for fishing and boating. The BLM has authorized the County to develop and operate a day use area (Miwaleta Park) on adjoining public lands. We agree with the County that there is a critical need for additional recreational facilities in the area to meet existing public demand.

If the Committee does consider a legislative solution, however, we recommend that the following changes be made to H.R. 1725:

Section 2 (a)(1) Conveyance: In addition, include language as follows: "The Secretary of the Interior (referred to in this section as the 'Secretary') shall convey, for compensation in the amount of fair market value, to Douglas County, Oregon (referred to in this section as the 'County'), all right, title, mineral rights, and interest of the United States..." This addition provides for fair market value compensation, and for conveyance of all mineral rights.

Section 2 (b)(1) In General: Include language as follows: "After conveyance of land under subsection (a), the County will manage the land for public park purposes in a manner so as not to adversely affect attainment of the objectives of the adjacent Late Successional Reserve as described in the Northwest Forest Plan, and in accordance with a management plan for the area developed in cooperation with the U.S. Fish and Wildlife Service."

Section 2 (b) (2)(A) (a)(i) Reversionary Interest (i): Include mineral rights. An additional problem with this clause is the fact that, as written, the land would revert to the United States if it is no longer used for park purposes. This leaves the United States with a residual title interest that could trigger liability under the current environmental statutes. Moreover, the land could contain facilities that would require the expenditure of public funds either to remove or repair to a condition that would meet standards for public safety.

If the reversionary clause is not eliminated, we recommend that it be changed to provide that, before title reverts to the United States, the County will be responsible for cleaning any contaminated areas and restoring the land, including any facilities, to a condition acceptable to the United States.

Section 2 (c) Survey: Specify that the survey should include the boundaries of the FERC Withdrawal.

In addition, all references to "park purposes" should be changed to "public park purposes."

In conclusion the BLM would prefer that we establish a partnership with Douglas County for development and management of the Miwaleta site and that legislation not be enacted. We have been working toward that goal for some time now, and specific management issues can be worked out through existing authorities.

This concludes my testimony. I would be glad to respond to any questions.

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