

Testimony in Support of H.R. 12772
Congressman Les AuCoin
Subcommittee on Indian Affairs and Public Lands
June 20, 1978

Mr. Chairman,

I would like to thank you and your committee for this opportunity to appear before you today to testify in support of my bill, H.R. 12772, "A Bill to Facilitate the Exchange of Certain Lands in the State of Oregon." I would like to say at the outset how much I appreciate the prompt attention your committee has given to this matter. As I shall explain, the time factor is an especially important consideration in this proposed land exchange.

In recent years, the State of Oregon has exerted considerable effort to arrange a transfer of land which would expand public ownership at Tillamook Head on the Pacific Ocean between Seaside and Cannon Beach. This is an area of sweeping beauty and historical significance, Lewis and Clark having climbed to the top of the promintory after establishing a salt cairn in what is now Seaside. Their trail still exists over Tillamook Head, and as part of the Pacific Coast Trail System, is nationally significant as a federally designated recreational trail.

The effort to obtain expanded public ownership received its impetus when an anonymous donor from Portland agreed to give the State \$1 million to acquire and develop a natural area park at the top of Tillamook Head. The trail is now included in public ownership as part of Ecola State Park, but the ownership is a thin strip of land along the crest of the headland which subjects timber in the park to severe wind-throw when adjacent private timber is harvested by clearcutting.

Much of the private land abutting the existing public ownership belongs to Crown Zellerbach. Because this land is exceptionally productive timberland, Crown Zellerbach was understandably reluctant to sell it. However, the company has been most cooperative in entertaining negotiations over a proposed land exchange.

To say the least, State officials have conducted an exhaustive search for transferrable land and have put together a series of possible transactions. Despite many obstacles and problems, the State has persisted and, after sharply reducing the size of the proposed addition to public ownership at Tillamook Head, now has a proposal that will require legislation to effect.

Specifically, State of Oregon officials are asking that an isolated parcel of land comprising 160 acres of productive timberland near Saddle Mountain State Park, acquired by

Federal patent in 1917, be exchanged with Crown Zellerbach for land and timber of equal value at Tillamook Head for public park and recreation purposes.

The 160 acre parcel of land on Humbug Mountain was granted to the State of Oregon as part of the same transaction that led to the creation of the highly popular and well-used Saddle Mountain State Park. However, due to its physical separation from the State Park, the land on Humbug Mountain has never been developed for recreational purposes. This land is surrounded by private commercial timberlands which are now being clearcut as the timber crop matures. The exchange of the isolated 160-acre tract with Crown Zellerbach has been agreed to by the Oregon Natural Area Preservation Committee assigned the responsibility for ensuring that no plant or animal life of special or unique value is endangered by land use management decisions.

The original patent granting this and other lands at Saddle Mountain to the State for recreational purposes contained a reverter provision stating that the land shall revert to the United States whenever it shall not be used for the purposes provided by the Act. The exchange of the 160-acre parcel by the State with Crown Zellerbach for the privately-owned lands adjacent to Ecola State Park at Tillamook Head would mean that the granted lands were no longer being used for purposes provided by the Act.

My bill is designed to remove the reverter provision contained in the original patent from the 160-acre tract on Humbug Mountain, thereby paving the way for the land exchange between the State of Oregon and Crown Zellerbach. I have deliberately chosen to keep the language of the legislation simple and to the point. In view of assurances that I have received from State officials that no financial gain would accrue to either party in the transaction and that the newly acquired lands at Tillamook Head would be used solely for recreational purposes, I did not consider it necessary to complicate the bill by including language to transfer the same reverter provision to the new public lands at Tillamook Head. I understand, Mr. Chairman, that you have received letters in support of this bill from various State officials, including one from the Governor of the State, the Honorable Robert Straub, in which these assurances are confirmed for the committee. If, in the course of this committee's deliberations, it was felt desirable to have additional safeguards written into the language of the bill, neither I nor the State of Oregon would have any objection.

Lastly, Mr. Chairman, I opened my remarks by saying that time considerations are important to this proposed land exchange. These constraints have been set by the anonymous donor whom

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I mentioned earlier. Her patience has worn thin through the protracted negotiations, and she has announced her intention of withdrawing the offer if some definitive plan is not consolidated soon. I understand that she has already reduced the amount from \$1 million to \$300,000 as a result of the delays. I am, therefore, most grateful to this committee for moving so quickly in arranging hearings on this bill.

In conclusion, this bill would be the key to expanding public ownership of a tremendous public resource that will be treasured in years to come. I understand, Mr. Chairman, that you have received letters in support of this bill from the Governor of the State (the Honorable Robert Straub), the Chairman of the Oregon Transportation Commission (Mr. Glenn Jackson), and the Director of the State Park's Department (Mr. David Talbot). I would like to endorse their views and commend them for their diligence and patience through these long negotiations. I join them, Mr. Chairman, in urging you and the members of this committee to pass this legislation.