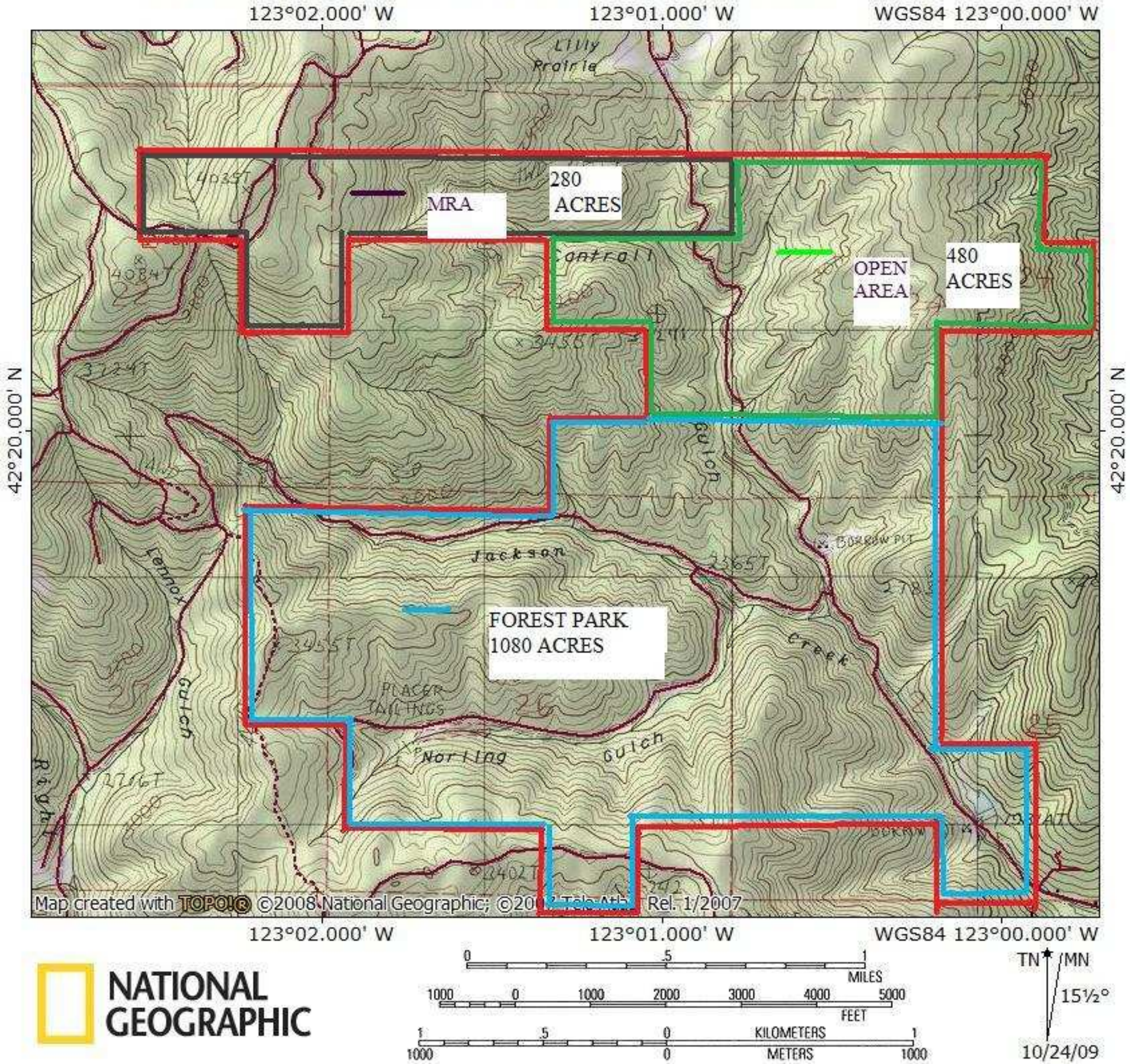
TOPO! map printed on 10/24/09 from "Forest Park Sign Locations.tpo"



NATIONAL GEOGRAPHIC

WATERSHED PLAN
&
OPERATING DOCUMENTS

CITY OF JACKSONVILLE

WATERSHED FOREST MANAGEMENT PLAN

SUMMARY

The City of Jacksonville's vision for its Jackson Creek watershed property as stated in the Watershed Forest Management Plan is " to manage the forest resources for the long - range benefit of present and future generations of people of Jacksonville and vicinity."

It has been 43 years since a wildfire in 1956 burned 67% of the City owned 1800 acres. Vegetative, aquatic and soil resources have improved considerably by mostly natural means since the fire. Vegetation in most of the watershed, typical of Southwest Oregon unmanaged forests, is extremely dense and very slow in its eventual succession to more mature coniferous forests.

To meet the City's vision for the watershed property, the Watershed Forest Management Plan provides information, recommendations, and timing of activities to accelerate the watershed's improvement. The activities are based on the following objectives:

1. Timber Production
2. Fire Protection
3. Forest Health
4. Soil Protection and Water Enhancement
5. Increase Fish Habitat
6. Provide Habitat for diverse wildlife
7. Provide recreation and educational opportunities for diverse user groups

In addition to the above objectives the plan emphasizes the need to control unauthorized use of the City's property. Activities such as garbage dumping, small arms shooting, timber trespass, resource damage by vehicles, camping and unattended fires are increasing dramatically.

Succeeding at these objectives will enhance the chance of the watershed to meet its full potential for resource development, income, the enjoyment of people and use by fish and wildlife. Success in the objectives would also promote interest in investment for the improvement of watershed resources.

Paul Kangas
773-8845

CITY OF JACKSONVILLE

FORESTRY COMMITTEE RECOMMENDATIONS FOR INITIATING MANAGEMENT CONTROL OF THE WATERSHED PROPERTY

SUMMARY PAPER FOR CONSIDERATION BY THE CITY COUNCIL

The Forestry Committee would like to initiate a process and future actions to establish management control of the watershed property. The current unmanaged public use of the property has evolved over many decades and through generations of people. Most of the past and current users do not know that the City owns the watershed property but assume that it is available for unrestricted use. There are probably only a small percentage of Jacksonville residents that are aware of the ownership. The City's 1995 Watershed Forest Management Plan was the first attempt at a formal management plan for the property. The plan addresses motorcycle use and points to the need to develop rules and regulations for that use of the property and to manage its use. Motorcycle and other Off-Highway-Vehicle use is only one of many uses of the property that are in need of management.

As a starting point, the Forestry Committee would like to obtain legal advice on several aspects of initiating management control of the watershed property. Some of the legal questions are as follows: What law or laws, if any, are applicable toward those who cause damage to the property or its natural resources? Since the watershed property has had unrestricted use by the public for decades, are there special rules that should be followed to implement the law, such as posting the property or legal notices? The county claims that the first one half mile of the major access road in the City property is a public road. Could the City control access on that portion of road or other portions that traverse the property? All of the major roads on the property have had unrestricted use in the past. Are there any laws or cautions that the City should be aware of if it develops a Permit System for public use of the property? Should users post insurance or a bond?

Based on the answers to the legal questions, the Forestry Committee would like to develop draft criteria and standards that would be applicable to public use of the watershed property. These would address such things as permitted and non-permitted uses, posting of the property, application procedures, approval process, rules for permitted uses, insurance requirements etc.

The Forestry Committee also recommends that City officials formally address the issue of law enforcement on the watershed property. At this time, the County is responsible for law enforcement but has insufficient people to do the job. Are there ways that the City could legally supplement the Counties enforcement and not substantially reduce enforcement in the City limits? For instance, the BLM has a special arrangement with Jackson County for law enforcement. Without proper enforcement, the implementation of management control of the watershed property, particularly in the initial stages, will be very difficult to accomplish.

CITY OF JACKSONVILLE
WATERSHED PROPERTY

PROTECTION AND MANAGEMENT ISSUES

HISTORY

Jacksonville's acquired most of its Jackson Creek watershed property over sixty years ago through deeds from Jackson County. It was appropriate for the City to own and manage the property since it provided the source of water for the Jackson Creek reservoir, built in 1917 and used for drinking water and fire protection. The watershed property has not been used as of drinking water for the City since the 1950's but it continues to be important as a source of clean water for Jackson Creek, provides income from forest resources and recreation for many citizens.

The County developed formal access into the Jackson Creek watershed in the 1800's for use by miners and loggers. The historic records for the road location indicate that the original road into the watershed was on a different route than the current road. It is unclear who built the current road but that portion of road to the City's property boundary is managed and maintained by Jackson County. The County claims that approximately one half mile of the main access road through City property is a public (County) road but it is not maintained by them.

MANAGED AND UNMANAGED USE OF THE PROPERTY

Managed use of the property has been for forest product harvest operations, mining and the removal of rock materials. The BLM and Boise Cascade Corp. have permanent rights for commercial use of the main roads that pass through City property to haul products from their lands.

Unmanaged use has been for various recreational purposes such as Off-Highway-Vehicles (OHV's) (motorcycles, all-terrain-vehicles and 4x4 trucks). Some of the OHV use on City land is sponsored by the Motorcycle Riders Association (MRA), who own 200 acres of adjacent land. Mountain bikers also use the property. The property has been the subject of garbage dumping, as have many public lands near population centers. It is also used regularly by people as a shooting range with targets ranging from vehicles left unattended to cans, bottles or wildlife. It is often used as a gathering area for young people for evening and weekend parties. Many of these parties use campfires even during closed fire seasons.

DAMAGES TO THE PROPERTY

The property was excavated extensively by miners in the past. Loggers also built many skid roads to harvest timber, particularly after the Timber Mountain wildfire in 1955. A good share of the old mine diggings and roads are grown over with vegetation but others remain in need of repair because they have been re-used for logging or are continuously churned by OHV's and other users.

Damage to the property has occurred as a result of all of the managed and unmanaged uses mentioned above but has been particularly extensive and intensive as a result of continued unmanaged use (vehicles, garbage dumping, shooting, tree cutting, vandalism, partying). A major concern is that the increased unmanaged use results in increased damage to the natural resources and keeps the watershed and surrounding property in a condition that promotes even more unmanaged use. Undesirable conditions in the watershed discourage diverse recreation and investment in the property that would allow it to reach its full potential. Some of the users of the property such as for parties, greatly increases the risk of wildfire.

~~Damage by over use and abuse by people is particularly apparent around the reservoir~~ area and along roads but can also be found in more remote areas.

DEVELOPING A MANAGEMENT PLAN FOR CONTROL OF THE PROPERTY

The City has never developed a plan for managing the uses that occur on the watershed property. The current unmanaged public use of the property has evolved over many decades and through generations of people. We have received letters from older people who used the property as youngsters. Most of the past and current users do not know that the City owns the property but assume that it is some kind of public land with unrestricted use. The City's 1995 Watershed Forest Management Plan was the first attempt to initiate management control over the property. The plan addresses motorcycle use and points to the need to develop rules and regulations for use of the property.

In order for the City to establish management control of the property, several issues need to be addressed and problems solved. Some of these issues are as follows:

1. Commitment: The Forestry Committee has spent considerable time discussing management issues for the watershed and are dedicated to its continued improvement. They recommend that City officials establish a firm commitment toward better management of this valuable resource. Initial steps may be to become more involved in the watershed issues, thereby providing a basis for the citizens of Jacksonville to become more knowledgeable and involved.

2. Legal Issues: The Forestry Committee would like to obtain legal advice on several aspects of initiating management control of the watershed property: Since the watershed property has been used by the public for decades, without restrictions, what law or laws, if any, are applicable toward initiating management control? Are there special rules that should be followed to implement the law, such as posting the property or legal notices? What are the laws regarding damage to property or natural resources?

3. Standards for use of the property: Based on legal issues, the Forestry Committee would like to develop draft criteria and standards that would be applicable to use of the watershed property. These would address such things as permitted and non-permitted uses, posting of the property, application procedures, approval process, rules for permitted uses, insurance requirements etc.

4. Management Issues: The Forestry Committee would like to request help from City officials to address the issue of law enforcement on the watershed property. At this time, the County is responsible for law enforcement but has insufficient people to do the job. Are there ways that the City could legally supplement the Counties enforcement and not substantially reduce enforcement in the City limits? Without proper enforcement, the implementation of management control of the watershed property, particularly in the initial stages, will be very difficult to accomplish. The County may be more willing to spend time on the watershed property if the City pursues interest in enforcement methods on its own property.
Cooperation with State, Federal and private organizations for the development of management plans for the watershed and surrounding properties should be encouraged and pursued. An example is the Johns Peak Recreation Area effort that the BLM is leading.

CITY OF JACKSONVILLE

LEGAL QUESTIONS REGARDING PROTECTION AND MANAGEMENT OF THE WATERSHED PROPERTY

FOR CONSIDERATION OF THE CITY COUNCIL AND THE CITY ATTORNEY

The City of Jacksonville's Forestry Committee would like to obtain legal advice that may lead to preventing resource damages to the watershed property caused by current unrestricted public activities. Secondly, advice is needed on legal or recommended methods for the City to initiate management control of public activities on the watershed property.

Some Legal Questions:

1. ~~What law or laws, if any, are applicable toward those who cause damage to the City's~~ watershed property or natural resources? Other than for theft of property such as timber.

2. Since the watershed property has had unrestricted use by the public for decades, are there special rules or methods that should be followed for the City to enforce the law(s) or impose legal restriction of public use? Examples: Is posting the property or legal notice of any value or detriment?

3. Could the City control the access on the roads traversing their property, other than to those having legal rights-of-way? The first one half mile of road on City property is claimed as a Public Road by the County. All of the roads have had unrestricted public use in the past.

4. Are there any laws or cautions that the City should be aware of if it develops a Permit System for public use of the property other than to those who currently have legal rights? Could the City require users to obtain liability insurance or to post bonds for damage?

5. What are the legal limits, if any, of enforcement authority for the various police agencies such as City, County and State?

6. Other legal or pertinent advice?

CITIZENS GROUP-THE THIRD OPTION
March 2010

BACKGROUND:

August 2005. Citizens present to the Jacksonville City Council 847 voter signatures opposing any sale of Watershed lands to the Motorcycle Riders Association (MRA) or other group for Off Highway Vehicle (OHV) use.

September 2005. The City Council adopts a policy of "Retain, Maintain and Manage" for the Watershed.

2010. There are two proposals to sell Watershed land to MRA. The first is from the City called the "Conceptual Agreement." That proposal would trade the 40-acre MRA parcel at the end of Reservoir Road for about 800 acres north of the Forest Park plus cash to the City of about $1.1 million. The second is from the "Stakeholders" and calls for the exchange of the 40 MRA-owned acres for 280 acres and an as-yet unspecified number of dollars (possibly $250,000). Neither proposal has been formally accepted by the City Council.

ISSUES

There are several issues that prompt the Citizens Group to offer an alternative to selling land to the MRA:

A. Selling any land to the MRA would increase OHV activity not only because of the greatly expanded areas for riding, but also because of easier access to the MRA-owned Lilly Prairie, to other lands targeted or owned by the MRA, and to BLM lands designated for OHV use. Increasing the area for riding and improving the connectivity increases the attraction and the amount of OHV activity adjacent to the Forest Park/Watershed and around Jacksonville.

B. Unfortunately, historic Jacksonville would be known as a playground for OHV activity rather than a quiet, livable city, home to Britt Festivals, gateway to the Applegate wine country and a National Historic District.

C. Further, BLM has designated our area as an OHV Emphasis Area and selling land to MRA only encourages BLM's position in that controversial issue.

D. The proposed acreage to be sold to MRA has ballooned from 160 acres to at least 280 acres or possibly 800 acres, dramatically increasing riding areas while negatively impacting the value of the remaining lands for non-motorized recreation or later development, while increasing noise, pollution and erosion of soils to the detriment of the Forest Park. OHV noise disrupts the peace of nearby properties. BLM data indicates that motorcycle factory specification of 96 decibels can be heard one mile away in quiet rural areas of a 32 decibel ambient environment. The existing MRA

activity at Lilly Prairie already impacts the northern Watershed lands, and expanding MRA ownership extends the noise impact further into the Watershed.

E. Jacksonville's past management of the Watershed has focused on prudent land and forest management, with careful attention to fuel reduction, fire suppression, and erosion control. Retaining City ownership assures the continuation of this professional environmental and safety effort.

F. The MRA ownership of the lower 40 acres near the dam is awkward and inconvenient, and it would be nice to incorporate that land into the Forest Park. But at what cost? How many acres of City land must be sold to the MRA to acquire that 40 acres?

1. Because the County road runs through the 40 acres, the public has unrestricted legal passage through it, regardless of who owns the 40 acres.
2. Jacksonville's legal ability to control OHV use in the Forest Park and Watershed does not change, regardless of who owns the 40 acres.

Therefore, the Citizens Group is not willing to support the sale of land to the MRA, doubling or quadrupling the MRA riding area.

G. While acknowledging that finding funds for the dam and spillway is important, we still do not know what measures will be required or what they are reasonably expected to cost. The appropriate course of action and costs for the dam and spillway should be determined before the City considers the sale of any valuable and irreplaceable assets, such as the Watershed. In addition, the sale of any land is not advisable in the current depressed real estate market.

PROPOSAL

For those reasons, we offer a third alternative that contains features of the other two:

1. **DO NOT SELL LAND FOR OHV USE**. In 2005, the voters of Jacksonville submitted a strong petition opposing the sale of Watershed lands for OHV use. In 2009, the City opposed expanded OHV activity in the area. With increased OHV activity, there is no reason to believe that such public opposition will be any less and would likely be greater.

If there is any question about the citizens' position, it should be put to a formal vote. We are confident that most of those who chose to live here do not find "Historic Jacksonville" compatible with encouraging more OHV use. Rather, we need to expand our history and heritage into the Watershed and not forfeit the acreage to OHV use.

2. CONSERVATION EASEMENTS AND STEWARDSHIP PLAN. The City and responsible volunteer groups must establish Conservation Easements and a comprehensive Stewardship Plan for the Watershed/Forest Park. The City needs to set the management and use rules while it owns the land and <u>before</u> it considers any sales, whether for recreation, land development or otherwise. The scope and nature of the

easements should be different for different areas of the Watershed, protecting desired future uses.

3. PARTNERSHIPS. In the past few years, the Jacksonville Park Rangers and key individuals have made significant progress in developing the Forest Park. Additional resources will extend their success. Working partnerships with others are essential to maintain, manage and finance this resource. Such groups could include the Woodlands Association, Boosters, other civic groups, user groups like hikers, equestrians, mountain bikers and schools and public, corporate and private sponsors. Such partners will provide a proactive and enlightened management of this valuable asset.

4. DETERMINE THE FATE OF THE DAM. Find the appropriate fix for the dam and spillway, determine the dollars needed and then pursue funding sources.

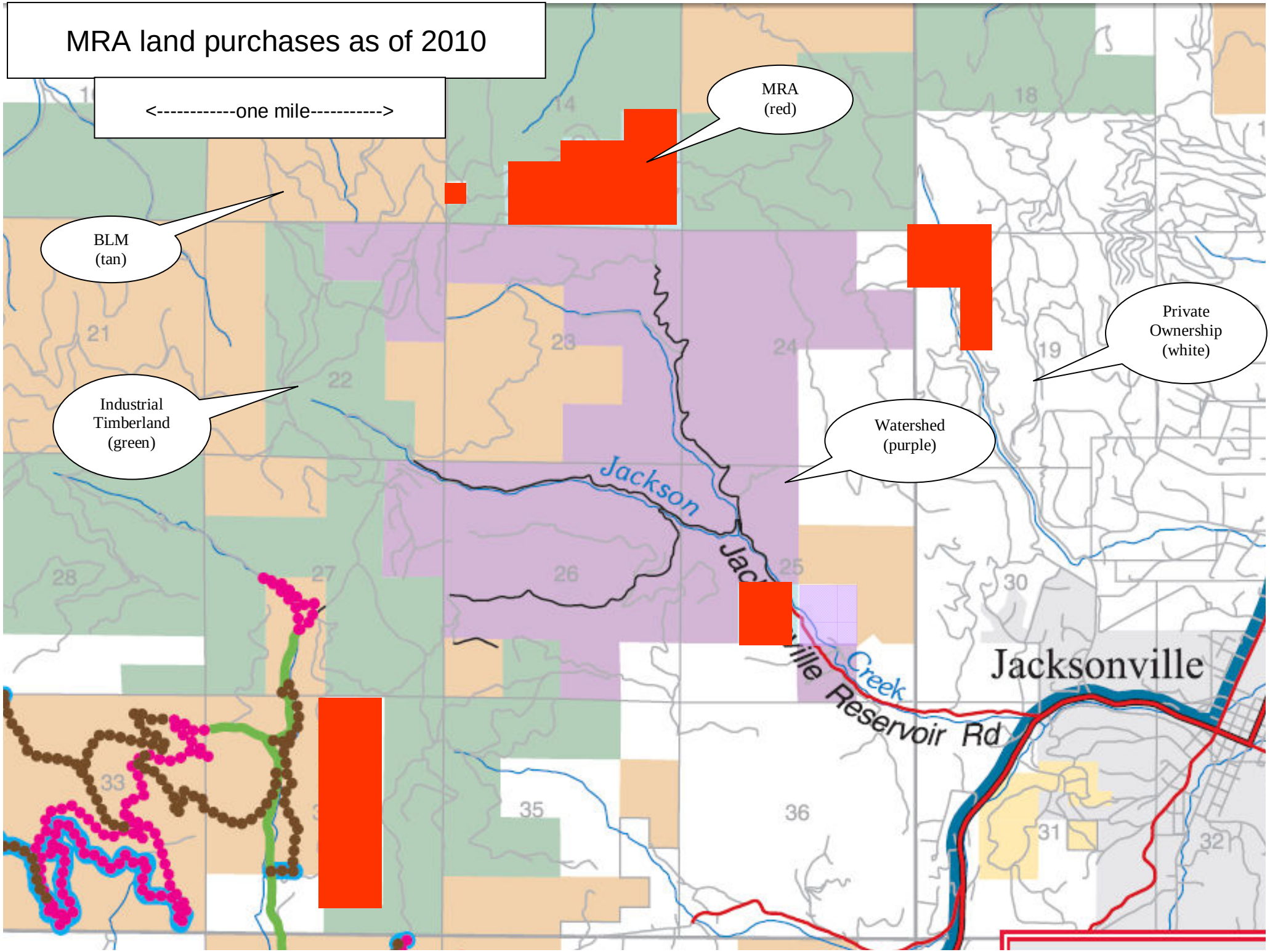
The first step is to receive and evaluate the results of the RVCOG study.

Regarding funding, there are possible grants and/or low-interest loans available from government sources, including the State and federal agencies like USDA-Rural Development. No doubt, time and effort will be needed to secure outside funding. Diligence and patience can be rewarded.

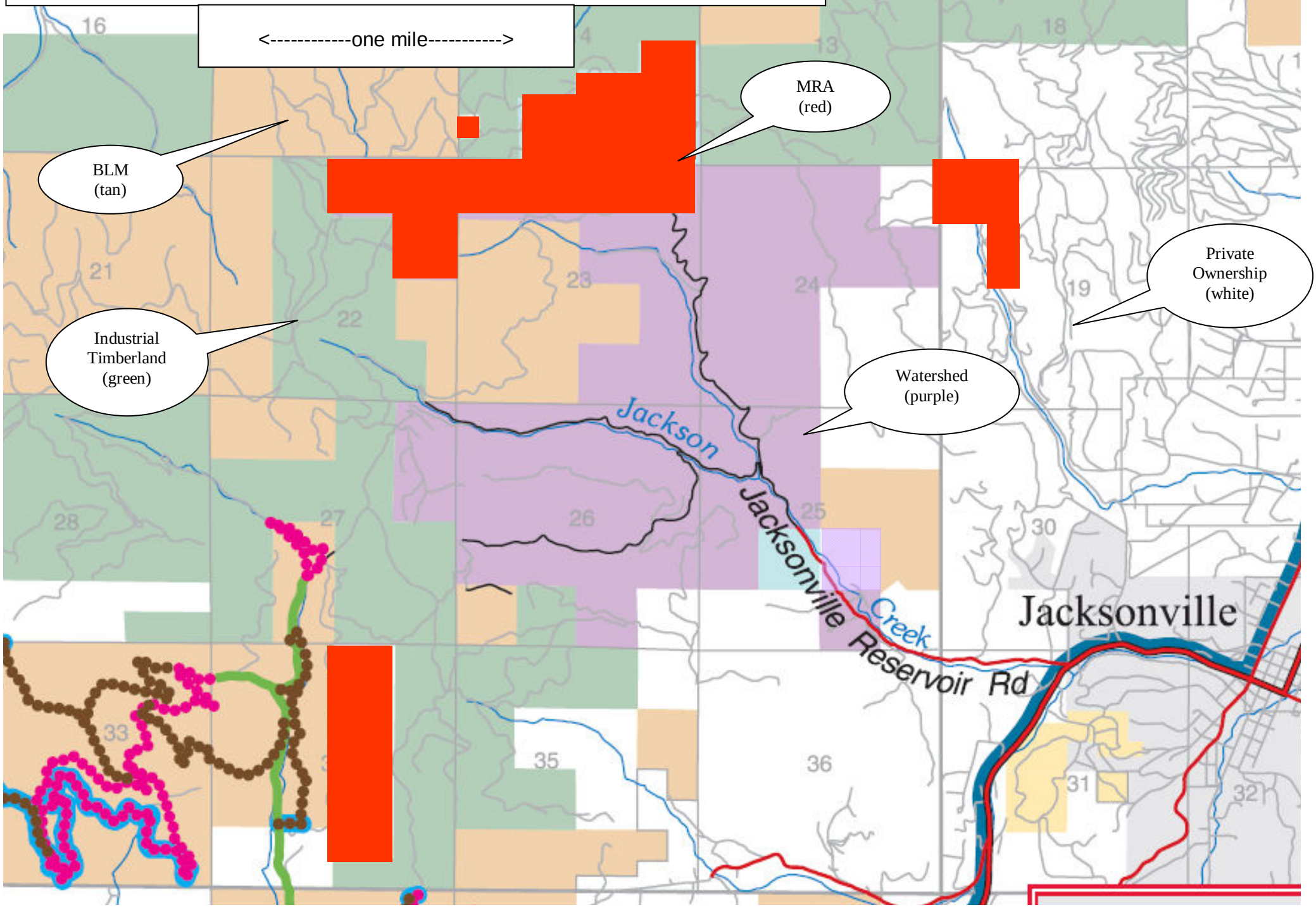
Until we know with certainty whether the dam will be repaired or removed and what the cost is expected to be, funding decisions, *especially selling irreplaceable assets*, are premature.

Presented by Bob Kingsnorth and Steve Casaleggio on behalf of the Citizens Group.
March 2010

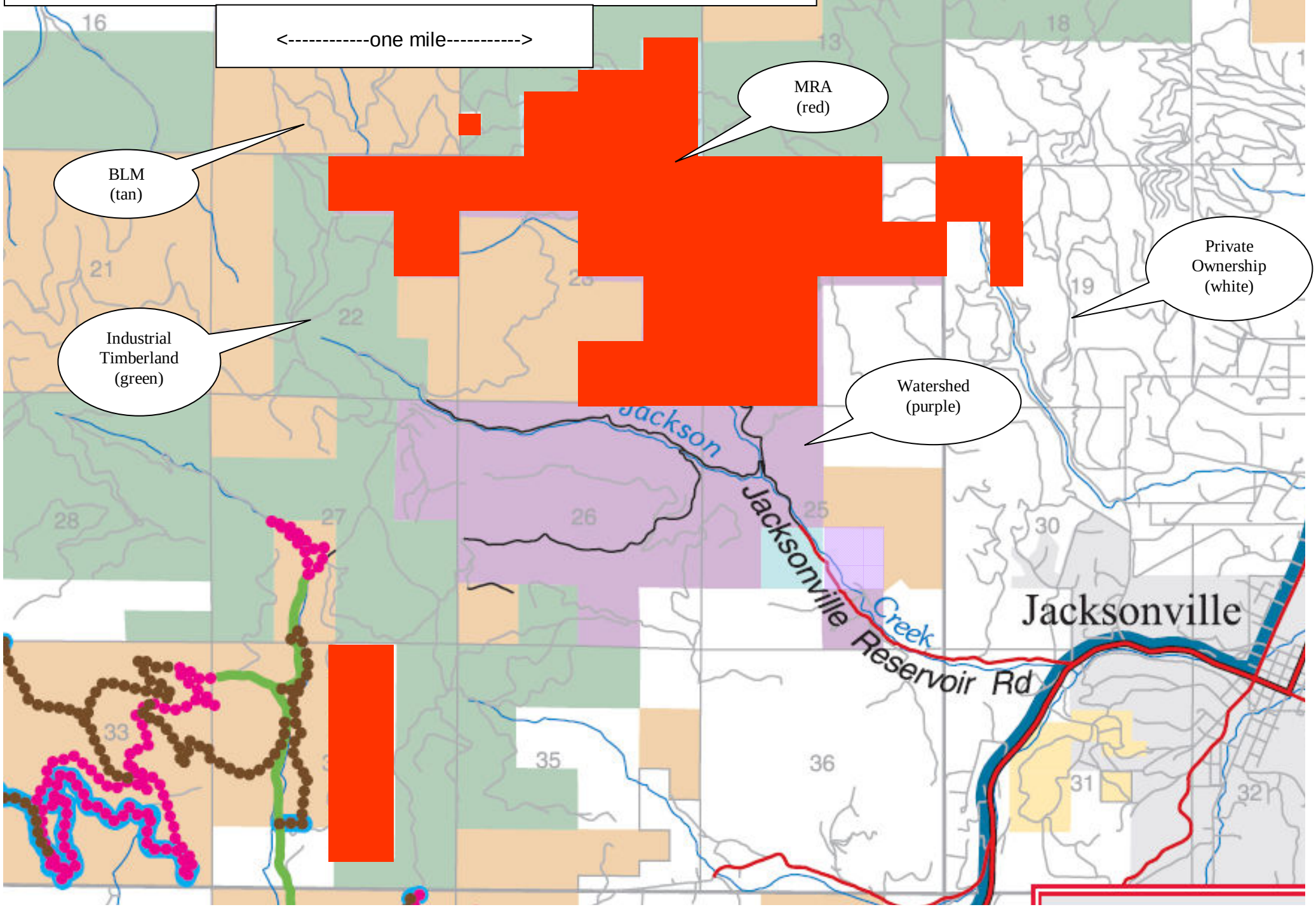
MRA land purchases as of 2010



MRA including proposed 280 acres from Jacksonville

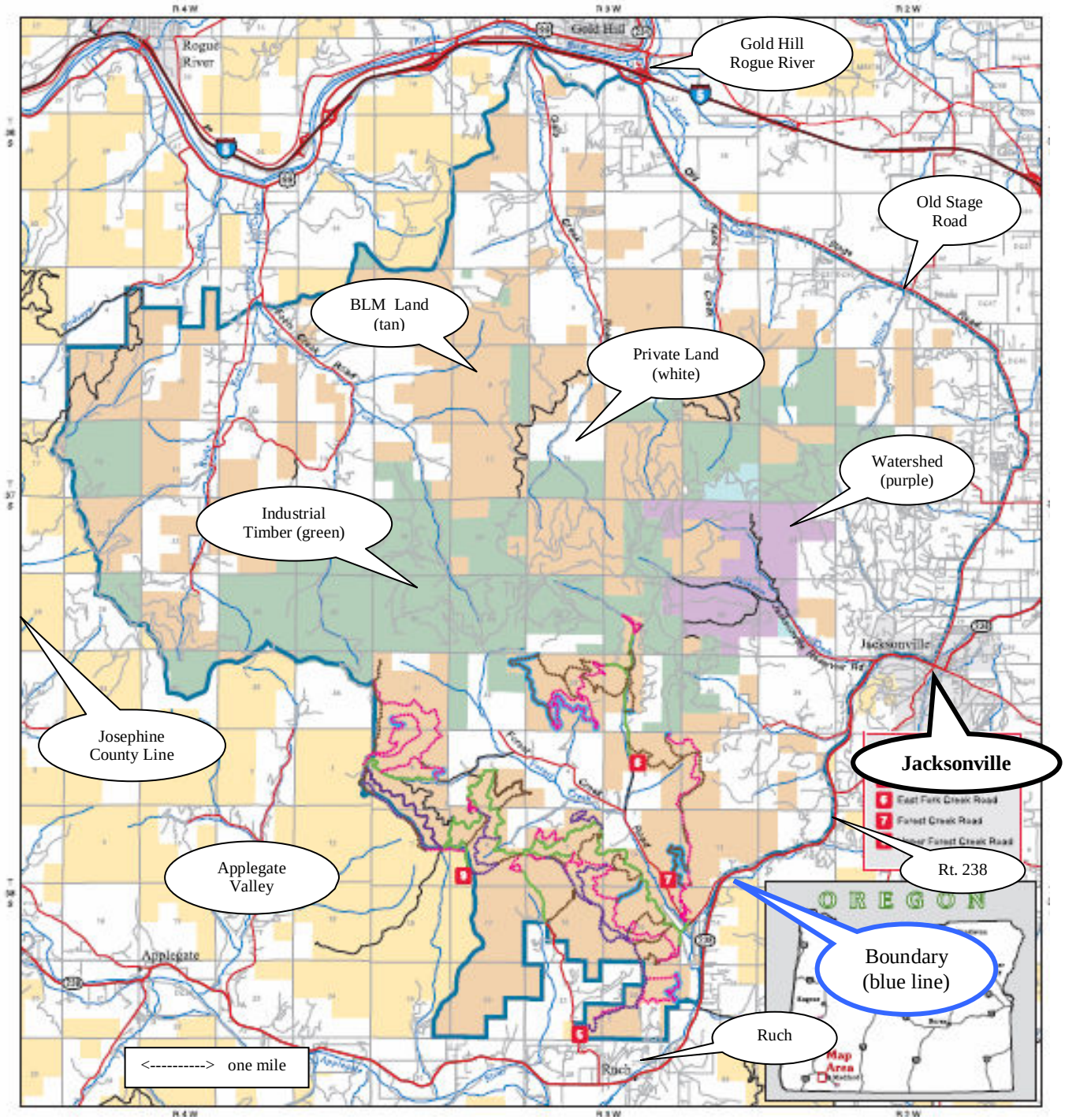


MRA including proposed 800 acres from Jacksonville



The BLM OHV (Off Highway Vehicle) Recreation Area
Timber Mountain Johns Peak

In 1995, the BLM designated Timber Mountain Johns Peak as an OHV Recreation Area. The area and boundaries are shown on the following map. The area includes 16,000 acres of BLM land intermixed with 34,000 acres of private homes and industrial timberland. The area extends from Jacksonville in the southeast, west to the Applegate Valley, and north to the Rogue River.

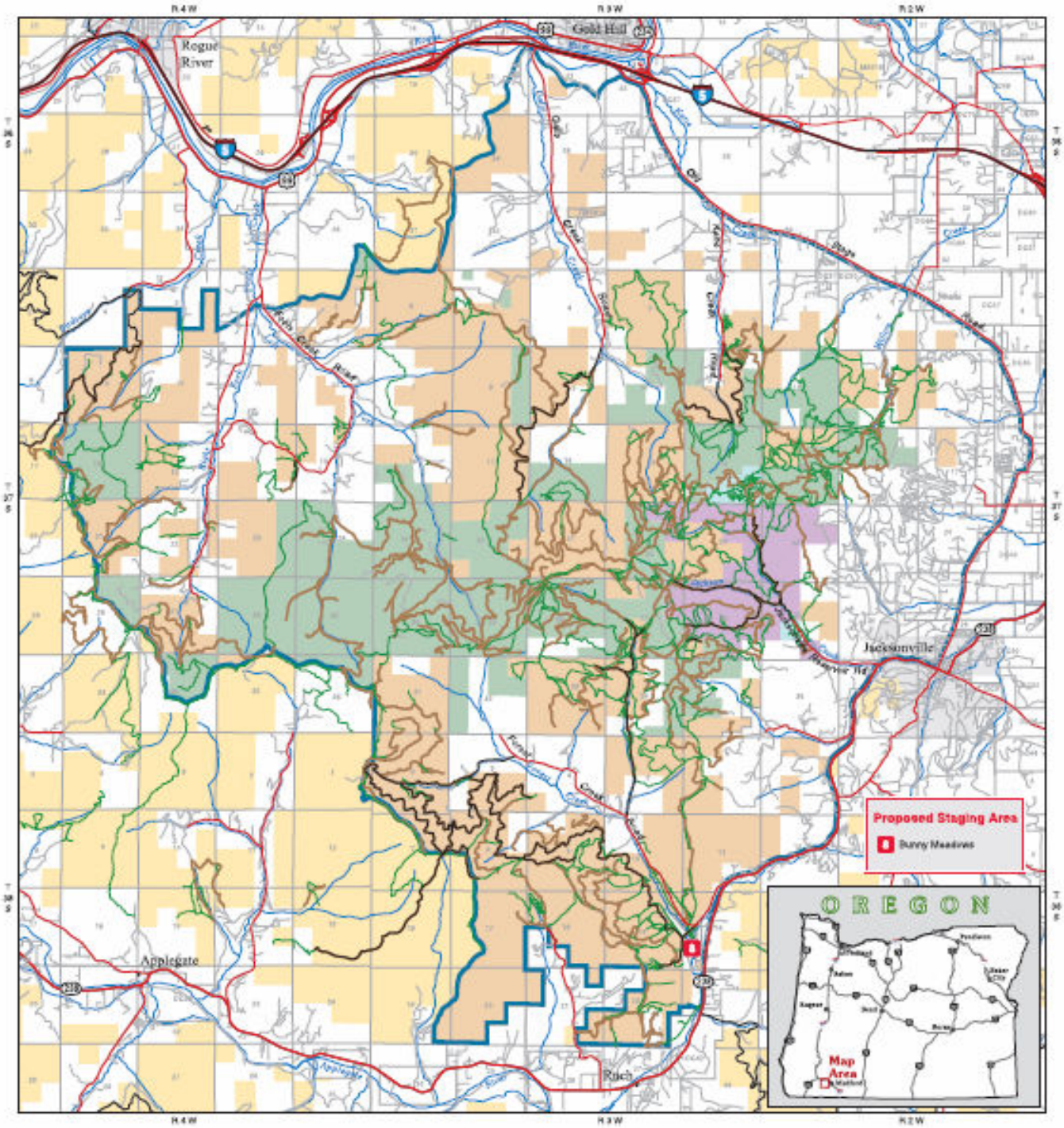


Maps are taken from the BLM 2008 Draft Timber Mountain Recreation Management Plan Environmental Impact Statement.
Overlays are by the Citizens Group.

An OHV Recreation Area is managed for OHV use. Other forms of recreation are not prohibited from using the area, but the BLM recognizes that OHV use is not compatible with hikers, picnickers, mountain bikers, equestrians, and other forms of non-motorized recreation. Those forms of recreation will choose to go elsewhere, effectively driven out of the area by OHV activity.

In 2006, 1,500 residents/landowners signed a petition to the BLM protesting the designation of their neighborhoods as an OHV area.

The brown and green lines on the map below represent existing OHV trails and roads as mapped by the BLM circa 2008. This spider web of OHV activity has developed due to a lack of management by the BLM, the County, and Jacksonville..



THE FUTURE OF JACKSONVILLE'S FOREST PARK & WATERSHED

A PROPOSED SOLUTION

BACKGROUND

Today the Jacksonville Watershed/Forest Park's 1800 acres once again stands at a crossroads, the future of which will hopefully soon be determined and the results could greatly affect our City in the future. After studies by a Citizens Advisory Committee and an AD Hoc Forest Park Committee, the ADHOC created a detailed action plan and with approval of the City Council and the Jacksonville citizens, a decision was made to Retain, Manage and Maintain the Forest Park. In March 2009, a Jackson County land use change and related recreational elements were approved for a city park development on 1,677 acres of the total City owned 1,800 acres. The current challenge the City faces is "What is the best use of the approximately 800 acres in the northern half of the Forest Park, a large part of which is in the county approved Forest Park use permitted area"? This area is being scrutinized by-various interest groups, who have strong feelings on how the future of the Watershed/Forest Park's use should be defined. Ultimately, the Jacksonville City Council in concert with the citizens will make the decision on which course of action is best for the City. The City of Jacksonville and its residents are the owners of the land and will be the most impacted by decisions, financially, culturally, and/or practically, as the historic character of the City could change. To a lesser degree, residents and land owners in the near vicinity will also be affected by the consequences of a wise or unwise decision by the City. Importantly, the decisions could have long term effects on the recreational opportunities the Forest Park offers to all of Southern Oregon.

Facts and Major Issues for Consideration:

1. Funding for the Dam and Reservoir - The Dam and reservoir have significant problems and pending detailed engineering, study and review to meet the requirements of the State, the City has to examine its financial needs.
2. Non-motorized public park - As part of the City's Parks system, the Forest Park in the lower 880 acres has been established as a non-motorized public park.
3. Scenic, Natural Beauty, Streams and Forest -The Watershed/Forest Park contains some of the most striking open and scenic land in Southern Oregon and includes the major drainage for Jackson Creek which runs through Jacksonville. Also, large areas have major stands of timber, with mixed hardwood stands, and a 100-year old historic railroad bed is being rehabilitated as a major link in an emerging trail system. The pristine area should be protected from adverse and damaging activities.

4. MRA Staging Area Property - The Motorcycle Riders Association (MRA) owns a 40-acre parking lot property in the heart of the Forest Park. This provides ATV riders the ability to go through the park with motorized recreation, impacting the desired non-motorized use of the Park. The MRA also owns and maintains a 184-acre staging area on the northern area border of Jacksonville's Watershed. The MRA has long wanted to acquire some of the northern part of the Jacksonville Watershed in order to own trails that access public lands, such as BLM and other private property owners.

PROPOSAL GOALS

1. Resolve a land ownership issue of having a 40-acre parcel owned by the MRA located in the central lower portion of the Forest Park.
2. Protect the Forest Park with a conservation easement that allows recreation uses that are sustainably designed to protect the pristine areas in the park.
3. Assist in establishing programs to provide funds for the City to repair or decommission the dam and reservoir.
4. In accordance with the Comprehensive Plan, create a volunteer organization to assist the City manage and maintain the Forest Park. Assist in raising funds and providing a volunteer work force to build and maintain the park.
5. Consolidate the MRA owned land in the northern area of the watershed to separate OHV recreation from the non-motorized uses in the Forest Park.
6. In addition to the land swap of City and MRA, maximize the amount of funds from the sale of the 280 acres.
7. Reserve a large parcel of the Watershed to be available for sale by the city in the future to meet unexpected and urgent financial needs.
8. Protect the entire watershed of Jackson, Norling, and Cantrall Creeks from degradation of the land to insure control of erosion and provide clean water in the streams.
9. Initiate Conservation Easements consistent with the planned uses of the respective portions of the City's property.
10. Establish road and trail easements that provide beneficial access to and through respective areas

The following proposal offers a solution that provides for a compromise position and proposal that brings together and satisfies the objectives of all interested parties.

PROPOSAL

1. The City of Jacksonville will trade 280 acres of city land located in the Northwest section of the watershed to the MRA for the 40-acre MRA parcel located by the reservoir. In addition, a sum of money will be provided from the MRA. The exact amount to be negotiated between the two parties. Ownership of timber in the Northwest section would transfer to the new owners. Funds from the timber will be included in the negotiation process.

2. After the combined land swap/sale is complete, a conservation easement will be placed on the lower 1,080 acres of the Watershed, which would include the present 880-acre recreation area of the 1,800-acre Forest Park. This easement would protect and conserve the natural values of the land while providing sustainable recreation uses under the current recreation plan of the Forest Park which is part of the city park system.

3. The remaining approximately 480 acres in the middle and northeast section of the watershed should be retained by the city with sufficient deed restrictions and easements (Conservation and Access) to assure future uses are compatible with the values of the Forest Park and the historic town of Jacksonville.

4. A Stewardship Management Plan to create a late succession forest including erosion control and reduction, to be written and ratified by the city for the 280 acres being acquired by the MRA.

5. Exchange of mutually agreeable trail and road easements that provide OHV travel on sustainable and maintained trails, and vehicular use only on roads, and which will provide access to city and MRA owned lands that are otherwise inaccessible to the respective owners. OHV easements to be on the fringes of the Forest Park and result in a minimal impact on the Park.

6. The City shall encourage the establishment of a non-profit organization dedicated to assist the city in managing the Forest Park and raising funds for the Forest Park. A method of providing annual funds other than city finances for maintenance, enforcement, and development of Park projects will be critical to the success of the Forest Park. The Jacksonville Woodlands Association (JWA) has agreed in principal to bring the Forest Park under its purpose and mission on an interim basis and potentially as a permanent non-profit advocacy group for the Forest Park. Therefore a Forest Park Volunteers Committee organized under the JWA Board of

Directors will be established to coordinate Forest Park projects and programs with the City.

PROPOSED BY:

Watershed Stakeholders Group

This road should also be kept open for fire protection and other management activities. Rocking the water dips may not be necessary as there is less traffic and the grade is less steep.

Road Segment E

1. Construct water dips and/or water bars at two-thirds the intervals recommended for Segment B to "put road to bed."

This road is not considered necessary for management and should be closed until needed.

Road Segments G and F

1. Divert water back into original channels where possible.
2. Water bar and close roads.
3. For Segment G, dispose of trash prior to closing road.

All future logging should be accomplished with responsible soil conservation procedures:

1. Avoid skidding down draws.
2. When crossing draws with truck roads or skid roads, always dive in and climb out.
3. Water bar all skid roads after use.
4. Skid or yard logs away from streams.
5. On steep slopes, locate roads near ridge tops to facilitate uphill cable logging.
6. Design drainage systems into all new roads.
7. Close and drain spur roads except when needed for management purposes. Closed to vehicular traffic, these roads may be ideal for recreation when incorporated into trail systems.

Streams: A considerable amount of decomposed granite has been temporarily deposited in and alongside the stream beds. This material can be expected to continue moving downstream during periods of heavy run-off for years, even after erosion is controlled. The stream beds are otherwise rocky with the potential for transportation of clean, cool water.

Riparian Zones: The riparian zone vegetation within the watershed is well-developed and provides shade for the streams and important habitat for many species of wildlife. (This is the favorite haunt of the obscure ruffed grouse.) A 25' to 65' band of alder straddles all the creeks. Associated with the alder is cottonwood, willow, big leaf maple, Oregon ash and, along the periphery, Douglas-fir and the ever-present madrone. Understory vegetation composition is horsetail, snow berry, mock orange, hazel, ocean spray and various forbs and grasses.

Immediately below the reservoir is a swampy area covering about two acres. This area supports an overstory of large alder, ash, cottonwood and big leaf maple.

Reservoir: The reservoir was constructed in the early 1920's to provide storage for the city's domestic water supply. However, it was used for the intended purpose for only 10 to 15 years.

For an unknown length of time, the reservoir has performed as a very effective settlement basin. This is now and probably will be for some time its most important function. Where the stream enters the pool, water velocity is reduced, depositing silt in an alluvial fan. This alluvial deposit, primarily granite, now covers two-thirds the original pool area. Much of the suspended fine material precipitates to the bottom, further cleaning the water.

Several potential uses for the reservoir have been explored. A potentially important function is a water source for helicopter fire fighting systems. With minor access improvements, tank trucks could refill here as well. Down-stream fisheries could possibly be enhanced by discharging impounded water to extend the flow of Jackson Creek later into the summer. The reservoir may already provide this function as the swampy area below the dam is suspected to be caused by leakage. However, an ODF&W fish biologist concluded that "warm water (from the reservoir) could be worse than no water."

Wildlife habitat could be enhanced with a little development and a reduction in human interference. The pond could provide important habitat for the western pond turtle (a "sensitive" species) as well as a nesting and resting area for some waterfowl.

The reservoir could also improve the recreational qualities of the adjacent proposed picnic area/trail head. Warm water game fish probably already inhabit the pond.

Recommendations:

1. Conduct a study during the summer months to determine the reservoir's effect on downstream water temperature and quantity.

2. Plant ponderosa pine trees where suitable and cottonwood or willow in wet areas of the alluvial fill to enhance the recreation area and provide isolation and habitat for pond wildlife.

3. Rehabilitate at least the front portion of the borrow pit by filling with three to four feet of alluvial material and planting pine trees. Aesthetics will be greatly improved when the trees obscure the view of the old excavation.

4. Improve access to facilitate the refilling of fire trucks.

5. Burn or otherwise dispose of piles of woody debris. Debris could be incorporated into borrow pit rehabilitation.

Fisheries: It was hoped that summer steelhead reproduction could be enhanced or developed in Jackson Creek. According to a Fish Biologist with Oregon Department of Fish and Wildlife, Jackson Creek is a potential summer steelhead spawning stream. Although the stream usually stops flowing in the summer, the progeny of adults which spawn in January are able to go downstream before the creeks dry up. Winter steelhead which usually spawn in March, however, must spawn in larger streams with year-round flows.

It was discovered that on or before March 2, 1995 all the water in Jackson Creek was diverted into an irrigation canal at the N.E. edge of Jacksonville. As long as this stream diversion is practiced, it will be impossible for summer steelhead to successfully reproduce in upper Jackson Creek. This is not an insurmountable problem, however, and can be solved by the ODF&W with cooperation from the Medford Irrigation District.

As recently as 1986, there was a population of small native cutthroat trout to six inches long in Jackson Creek downstream of the reservoir for about one-fourth mile. These fish were lost (or went downstream) as the creek has completely dried up the last few years. Native trout will probably reinhabit the creek when precipitation levels are more normal. Jackson Creek is known to support a trout population in the Central Point area.

WILDLIFE

The Jacksonville watershed hosts an array of birds and animals common to the region. Populations of some species, however, are relatively low and even non-existent due to the nature of the habitat.

Big Game: The blacktail deer population is very low. Although elk are known to range in the vicinity, no elk sign was found on the property. The low numbers of these important game mammals can be attributed to two factors: (1) most

of the area is overgrown with either a dense stand of manzanita brush or madrone, and (2) the intrusion of off-road vehicles into otherwise more favorable habitat disturbs deer and elk. There is evidently a healthy black bear population, particularly on the Walker Creek side. Manzanita berries are important as food for bears and are more accessible in this area where manzanita brush is less dense and mixed with other brush and tree species.

Although cougars range within the watershed, as evidenced by sightings of their tracks, these predators have been sighted closer to the city where deer and other prey are more numerous. Once the habitat and corresponding deer and elk populations are improved within the watershed, the cougar population can be expected to concentrate in that area.

Threatened Endangered Species: Although there are no known spotted owl nesting sites on the watershed property, there are several in the vicinity. When planning logging or silvicultural activities, it is important to consult the State Forestry personnel as certain activities may have to be modified or delayed according to spotted owl requirements. It may be important to maintain foraging habitat for these rare birds. In this area, spotted owls feed primarily on wood rats which are in abundance. Stands of madrone in particular are infested with wood rats. Although hardwood-control activities are prescribed, it is unlikely that all these trees will be eliminated or the rat population subsequently reduced significantly. However, it would be wise to leave some madrone in most stands for wildlife considerations.

Game Birds: Mountain quail, ruffed grouse, blue grouse, band-tailed pigeons and mourning doves are common in the area. Although wild turkeys are close by, no turkey sign is in evidence within the watershed. This area is also home to many species of raptors, woodpeckers and songbirds.

Habitat Enhance-ment: Several activities are prescribed which will improve habitat for diverse wildlife populations. Brushfield reclamation will significantly improve habitat for many species. Removal of impenetrable brushfields and replacement with grass, clover and palatable young brush species will especially benefit deer and elk. Wild turkeys should also benefit from these large openings where they can forage on insects, shoots and seeds while keeping watch for predators such as bobcats, coyotes and cougar. Connecting lanes cleared across brushy draws between the cleared areas will provide ingress and egress for big game as well as forming fire breaks. The brushy edges of the clearings are important for many species of small birds and mammals.

Forage is the limiting factor for many wildlife species in this area as the other habitat requirements, water and cover, are abundant. The quality of forage within the reclaimed brushfields will diminish as brush and planted trees grow. After approximately 15 years, these areas will provide little browse and will be more important for cover. To maintain forage areas for big game, additional clearings should be created through harvesting or brushfield/hardwood conversion at 5 to 10 year intervals. Another consideration is habitat on neighboring properties.

Further study will be required to determine the effects of noisy off-road vehicles on big game habitats. It is interesting to note that spotted owls are successfully rearing young in the vicinity in spite of noisy dirt bike activity close by during the nesting season. Perhaps wildlife is more adaptable and tolerant of humans than the biologists have concluded.

Additional wildlife habitat improvements and considerations are included in the harvesting and silviculture sections of this plan.

AGGREGATE

The possibilities of a viable aggregate (granite) operation on the watershed are considered excellent. Approximately 880 acres of the ownership is decomposed granite soil. The easternmost 40 acres joins the Walker Creek aggregate operations. The haul down Jackson Creek would be only about one mile farther than the Walker Creek/Par-A-Dice Ranch Road haul. Granite has been removed from a pit located where the Cantrall Gulch road first enters the granite soil type.

If the city desires to develop the aggregate resource and the appropriate rezoning is procured, a detailed study involving drilling and sampling would be prudent.

However, aggregate operations within the watershed is not recommended. Such activities would conflict with the management objectives of this plan. Heavy rock truck traffic and associated noise and dust would create undue hazards and unpleasantries for people recreating in the area. The opportunity for quality recreation is considered to be a very important resource which will become even more important in the years to come. Furthermore, erosion problems could persist with aggregate removal, considering the steep slopes and erodability of the soil. Finally, additional aggregate truck traffic through Jacksonville is not likely to be welcomed by the townspeople.

FOREST HEALTH

Forest health includes several related concepts. Healthy forests have a high degree of resistance and resilience to pests and disturbances and retain the capacity for sustainable resource production. Forest pests may not be the cause of poor forest health, but they are often the result.

Management objectives help determine what constitutes a healthy forest. The herein-stated objectives index a (healthy) forest which can be kept relatively free of catastrophic fires and provide a continuous supply of resources, including recreation, wildlife, timber and water. The makeup of such a forest would necessarily include such features as: (1) abundant growing stock, adequately spaced and free of excess brush and hardwood competition to maximize growth and be relatively fire safe; (2) diversity, with all age classes, native species, thickets, multilayered stands and scattered cull (rotten) trees represented to enrich the habitat for diverse wildlife populations; and (3) snags, down trees and woody debris in place for additional habitat and nutrient cycling.

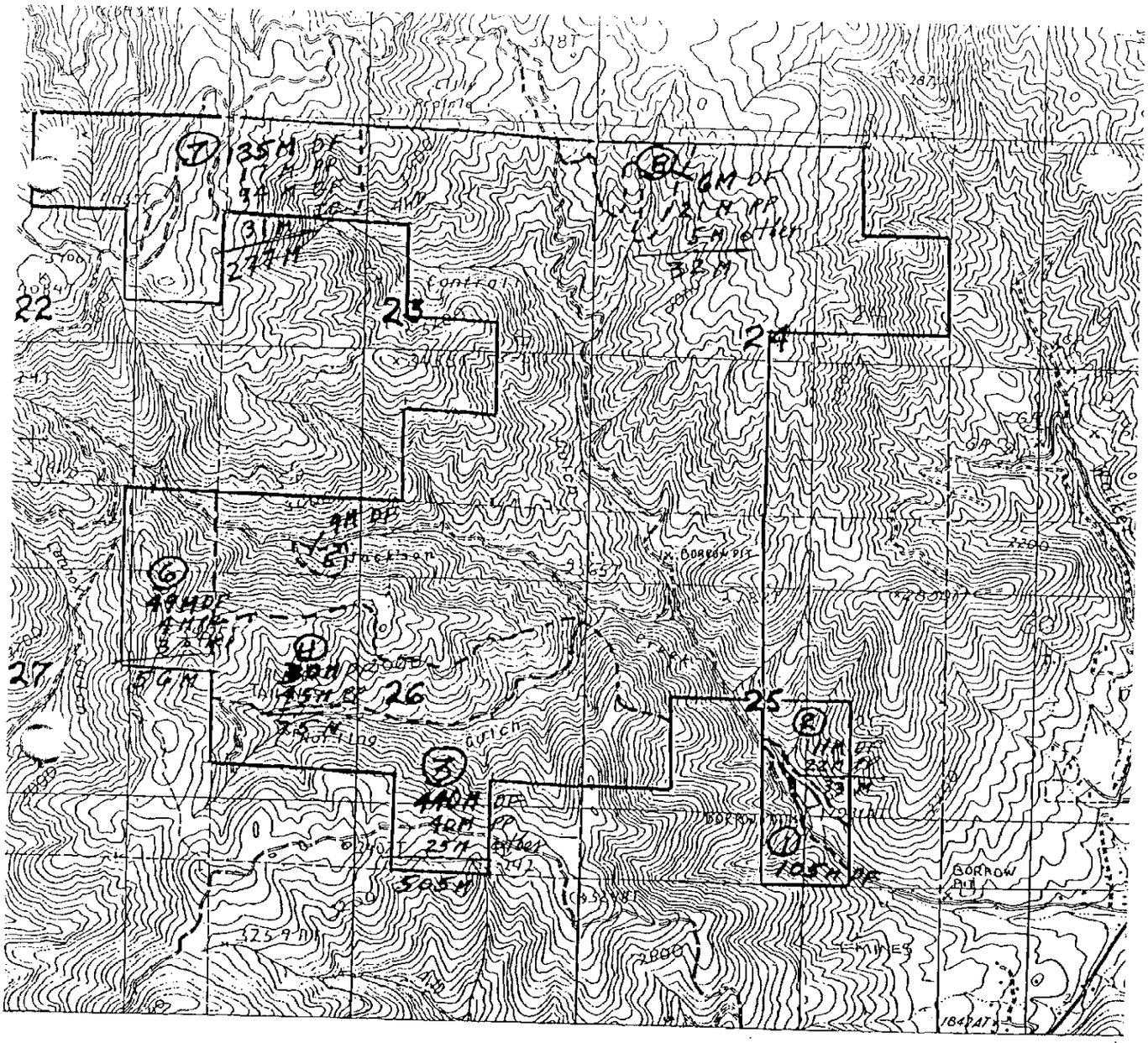
Ramifications of many forest features are conflicting. For example, thickets, multilayered stands, hardwood trees and old cull trees reduce timber production and may increase the fire hazard. These trade-offs must be considered and balanced. Keep in mind that "just because a little of something is good doesn't mean a whole lot is great."

Silvicultural and harvesting activities are prescribed which will improve forest health. Brushfield rehabilitation will reduce the likelihood of a major fire, convert a near "biological desert" to excellent wildlife habitat and increase the growing stock inventory. Precommercial thinning and hardwood control may temporarily increase the already extreme fire hazard but will in the long run improve stand health, reduce fire hazard, and greatly increase timber growth. Commercial thinning and mortality salvage will also improve stand health and reduce the fire hazard.

At the higher elevations, dwarf mistletoe in Douglas-fir and heavy grand fir mortality are serious problems. Commercial Thinning and sanitation salvage is prescribed for these stands.

MERCHANTABLE TIMBER INVENTORY

A cruise was conducted of all areas considered to have significant economically recoverable, merchantable timber volume. One-eighth-acre fixed radius sample plots were measured with a target intensity of 10% cruise for areas expected to exceed 2,000 BF per acre and 5% for areas of lesser volume densities. All merchantable conifers within the plots with a DBH of 10 inches or greater with at least a 32 foot log to a 6 inch top were measured and/or tallied. With the exception of two units, cull trees



JACKSONVILLE WATERSHED

Cruise Unit Map

Scale: 1:24,000 (1" = 2,000')
Contour Interval = 40', Supplementary Contour Interval = 10'

Legend:
Cruise Unit Boundary
Cruise Unit Number ①

were not considered. Information on hardwoods and premerchantable conifers was also gathered.

Cruise Unit #5 consists of a grouping of residual trees which survived the 1956 fire and are considered significant and recoverable. 75% of these trees, including culls, were measured and have an average net volume of 141 BF per tree. Most of these trees are fire-scarred and many are culls.

Other scattered residual trees on this north slope were not cruised as they are considered more valuable left standing at this time to benefit wildlife as well as their removal would cause excessive damage to the premerchantable stand.

Exhibits:

a. Cruise Unit Map
b. Stand Table with net volume by DBH by unit
c. Table with number of trees by DBH by unit
d. Graph depicting total number of trees by DBH
e. Table of volume by species by cruise unit

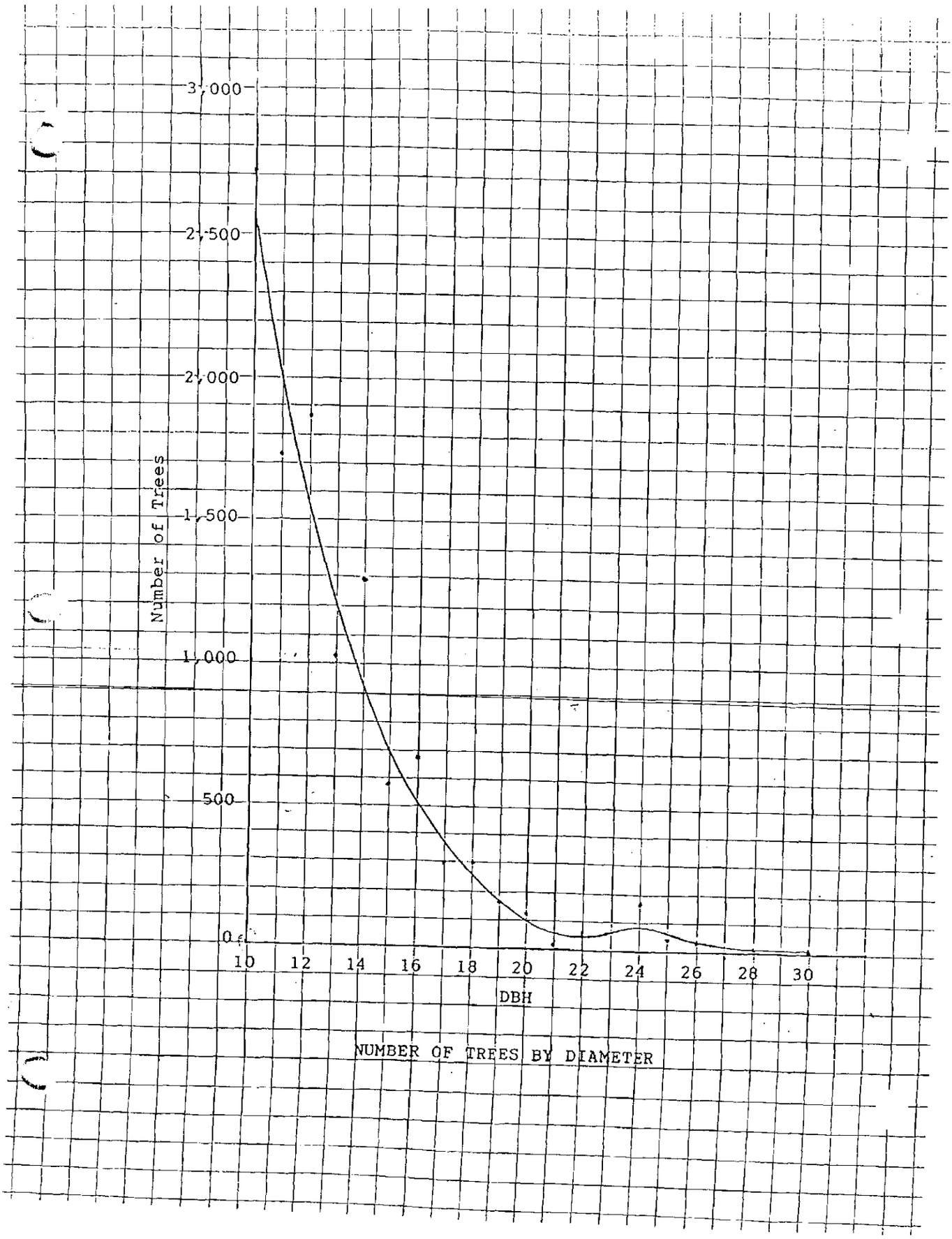
VOLUME BY SPECIES BY CRUISE UNIT

Unit	D-F	PP	GF	IC	SP
1	104,800				
2	11,300	21,900			
3	439,750	40,440	5,050	15,160	5,060
4	30,340	45,520			
5	9,280				
6	49,260	3,920		2,800	
7	134,690	17,250	94,480	31,190	
8	6,250	21,700		1,990	2,960
Totals:	785,670	150,730	99,530	51,140	8,020

Total Cruise Volume = 1,095,090 BF

Species Composition:

D-F	72%
PP	13%
GF	9%
IC	5%
SP	1%



NUMBER OF TREES BY DIAMETER

STAND TABLE

Net Volume All Species by DBH by Cruise Unit

DBH	Cruise Unit 1	2	3	4	5	6	7	8	Total
10	10,000		36,120	15,370	400	5,380	69,210	390	136,870
11	7,600	500	32,950	13,320	80	7,180	31,110	2,340	95,080
12	12,800	2,400	61,270	15,540		12,920	30,860	1,090	136,880
13	6,000		35,850	8,880	100	8,250	17,770	7,330	84,180
14	15,200	900	70,510	5,550	1,210	7,180	38,880	5,620	145,050
15	6,000	1,200	64,450		680	4,670	4,650	2,030	83,680
16	6,400		35,830	8,880	650	10,400	43,680	2,960	108,800
17	19,200	3,300	6,360		130		13,960	1,560	44,510
18	6,800		29,190	8,320	1,810		7,190	1 ,720	55,030
19		4,600	19,070		660		10,150	2,180	36,660
20			17,340		430		10,150	4,680	32,600
21					480				480
22		3,200	7,510		850				11,560
23		7,000	12,720						19,720
24	14,800	3,900	40,460		430				59,590
25			19,070						19,070
26			16,760		680				17,440
27									
28		6,200							6,200
29									
30					690			1,000	1,690
Totals:	104,800	33,200	505,460	75,860	9,280	55,980	277,610	32,900	1,095,090
DBH Median	14"	22"	14"	12"	17"	12"	12"	14"	14"

TIMBER HARVESTING

Timber harvesting and silviculture are the primary forest management tools. Logging not only generates income but, when properly managed, improves forest health and wildlife habitat. The primary objectives of timber harvesting on the Jacksonville watershed should be to cut the highest priority timber and to promote growing stock.

Cutting priorities can be grouped into three primary classifications:

1. High Priority - trees which should be cut.
2. Medium Priority - trees which could be cut.
3. Low Priority - trees which should not be cut.

High Priority:

Mortality salvage (MS) is the highest priority and should be accomplished as soon as practical. Cut all dead and dying timber.

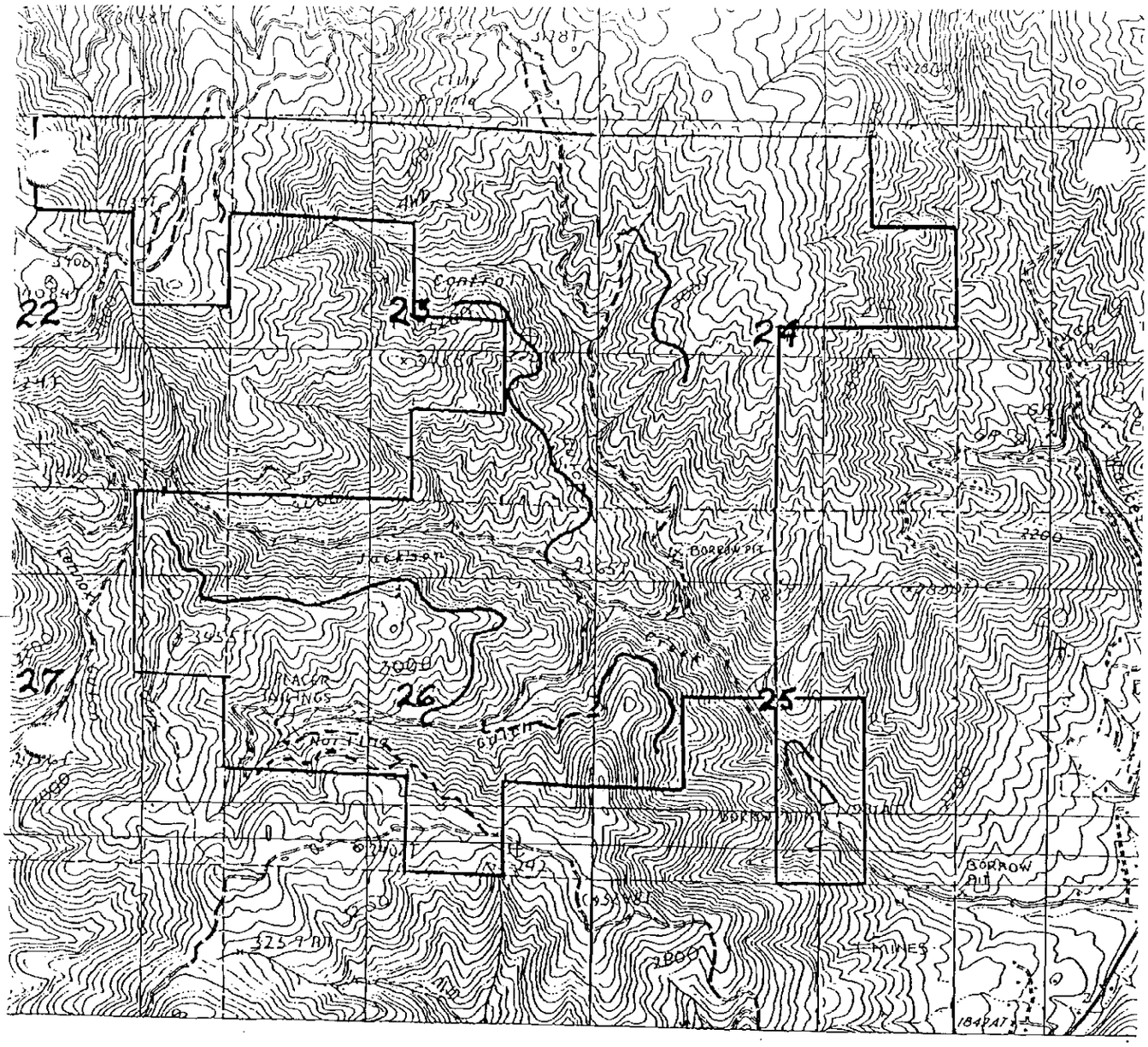
Commercial thinning (CT) is also of high (but not urgent) priority. Priority for thinning increases as the trees grow larger, competition increases, and growth rates of trees within the stand is reduced. Stands of second growth should be thinned as required to maintain diameter growth rates of four to six annual rings per inch on the dominant and co-dominant trees. Commercial thinning should be repeated at intervals of about ten years to provide additional space for the larger trees and to thin groups of trees too small at the time of the prior thinnings.

Sanitation Salvage (SS) involves the removal of defective, diseased, or mistletoe-infected trees. Sanitation salvage is also of high priority and is often accomplished in conjunction with commercial thinning and other partial cut regimens.

Overstory removal (OR) is the removal of residual trees (remnants of an older stand, usually scattered) to allow young trees to grow freely. Overstory removal should be accomplished before the reproduction becomes too large and susceptible to excessive logging damage.

Medium Priority:

Partial cut (PC) is a general term describing the harvesting of a portion of the trees on an area and is the usual harvest practice for multiple-aged stand management. Individual trees are selected for removal for various reasons, including large and surplus, thinning, mortality salvage, overstory removal, and sanitation salvage. Priority is variable and depends on the general condition of the stand. Medium priority surplus trees are those



JACKSONVILLE WATERSHED

Future Road Location

Scale: 1:24,000 (1" = 2,000')
Contour Interval = 40', Supplementary Contour Interval = 10'

Legend:
Improve Existing Road
New Road Construction

above rotation age and not considered necessary for growing stock, recreation or wildlife habitat.

Low Priority:

Growing stock includes trees which are healthy and sound with adequate spacing and the potential for relatively fast growth.

Optimum rotation age is usually considered to be about 70 years. In practice, however, rotation age is a somewhat hypothetical concept used primarily in yield and allowable cut computations. All trees are not harvested as soon as they reach a certain age.

Recommendation:

It is recommended that all harvesting be accomplished via log sales rather than timber sales. The advantage of log sales are (1) the city would be assured of getting the most money for harvested timber and (2) a better logging job can be expected due to better selection and control of the logger.

It is further recommended that a professional forester skilled in young stand management and harvesting be hired or contracted to manage logging jobs. The harvest management forester's duties would include:

1. Plan the logging, including boundaries, roads, landings, equipment, etc.
2. Locate necessary property lines and corners.
3. Mark or otherwise designate trees to be cut.
4. Show the timber to several log buyers to get the highest price and secure a purchase order.
5. Show the job to several suitable loggers to get the best logging price and prepare a logging contract.
6. Consult with, advise and/or inform the city of all pertinent matters.
7. Acquire the necessary permits and develop a harvest plan, if required.
8. Supervise the logging to see that it is done properly, with minimal damage to soils, streams, reproduction, esthetics and other resources.

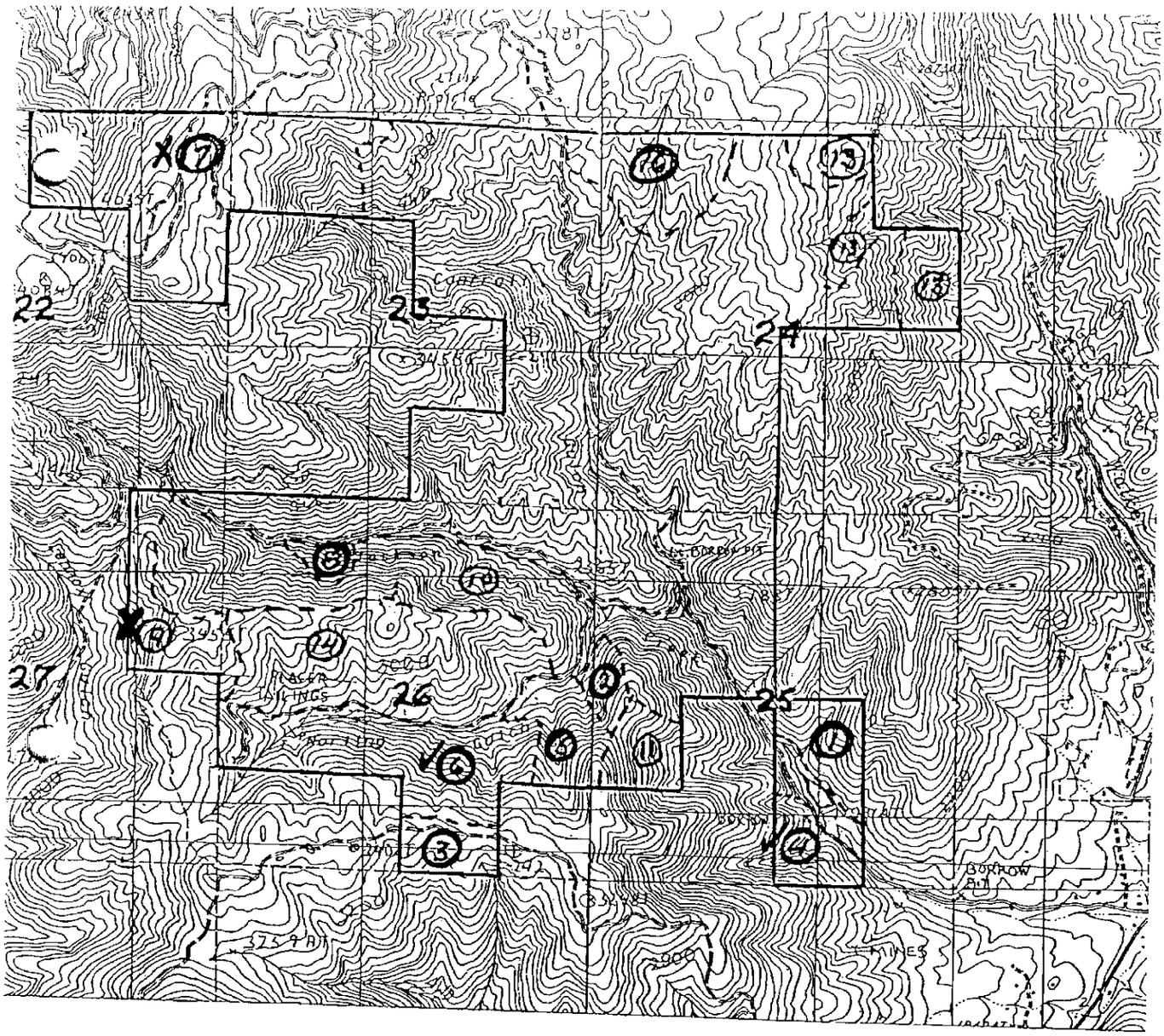
9. Ensure that the city receives scale tickets for all logs removed and that all money for the sale of the logs is properly distributed and accounted for.

Timber harvest opportunities on the Jacksonville watershed will be somewhat limited for the next 20 years because of a limited supply of growing stock.

There is a considerable amount of dead and dying timber which will be lost if it is not salvaged. The area with the greatest mortality lies northeast of the reservoir. Within the past few years, the combination of poor site, drought, and bark beetles has resulted in a mortality rate of 54% by volume on this south slope. There are other areas with high priority timber requiring mortality salvage and overstory removal as well. A harvest scenario is recommended for 1995 which would result in the sale of approximately 170 MBF of logs. The stumpage value (net value to the city) is expected to be about $450 per MBF. This amount includes professional assistance and minor road construction.

Additionally, medium priority timber is available which could be cut. It is recommended that at least some of this timber be harvested and the proceeds invested in silviculture activities to promote more growing stock. Although not targeted, some medium priority timber is included with the proposed 1995 harvest.

It is recommended that some harvesting be accomplished every five years. Such a schedule will provide for the commercial thinning of alternate units at 10-year intervals. These relatively frequent logging operations on the ownership will also facilitate any necessary mortality salvage and the accomplishment of desired cat work. A 20-year proposed harvest schedule has been prepared on that basis.



Yr.		Volume
1995	O	170 M
2000	O	140 M
2005	✓	200 M
2010	X	200 M

JACKSONVILLE WATERSHED

Harvest Unit Map

Scale: 1:24,000 (1" = 2,000')
Contour Interval = 40', Supplementary Contour Interval = 10'

Legend:
Harvest Unit Boundaries
Harvest Unit Number (3)

PROPOSED HARVEST SCHEDULE

1995

Priority	Unit	Acres	Type	Unit INV	Estimated Vol. MBF	Comments
H	1	30	MS	35	35	
H	2,5	41	MS-OR	25	25	
H	3	20	MS-OR	30	15	
H	4	20	MS-OR	50	20	
H	6	100	CT	400	75	Repeat in 2005
				Year Total	170	

2000

H	7	160	CT-SS	450	100	Repeat in 2010
M	8	4	OR	10	10	
M	16	20	OR	40	30	
				Year Total	140	

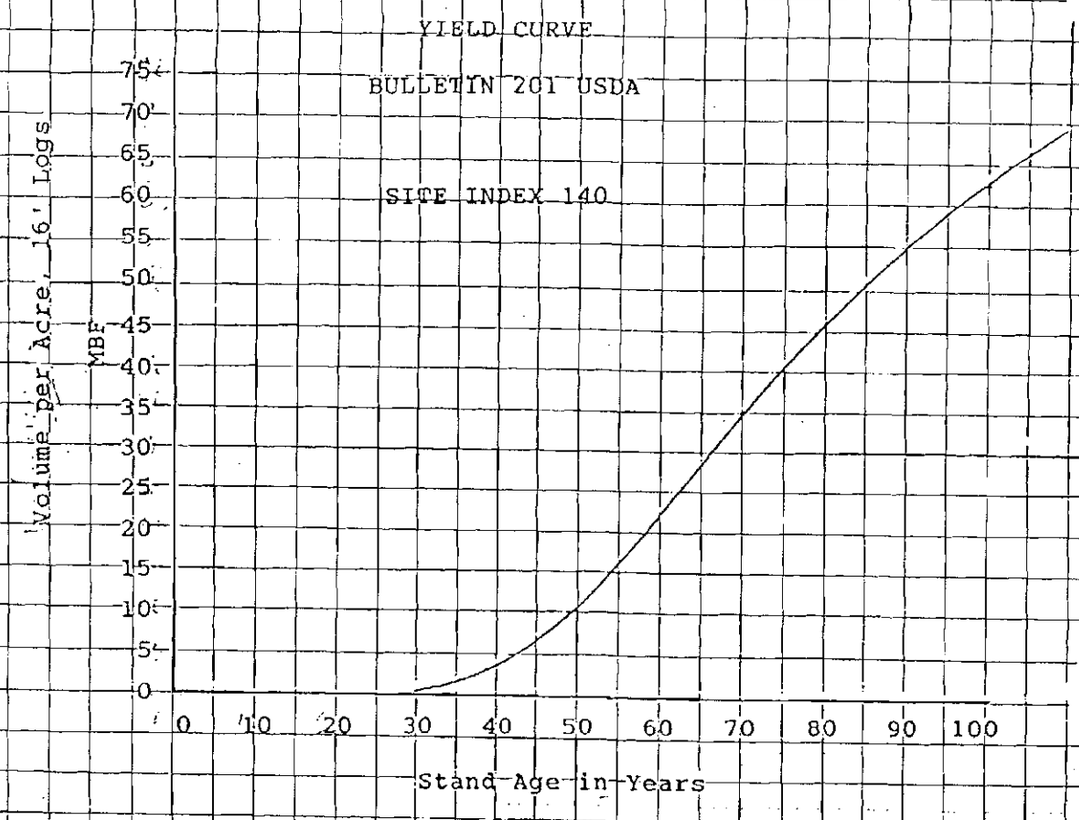
2005

H	6	100	CT	725	160	Repeat in 2015
H	4	20	OR	40	40	
				Year Total	200	

2010

H	7	160	CT	800	160
M	9	40	PC	80	40
				Year Total	200

Projected Inventory = beginning inventory plus
(estimated annual growth x years x acres)



Number of trees 12" +	37	79	118	139	148	149	145	139
10 yr. ave. ann. growth/ac.	420	790	1140	1140	1050	930	780	

Information gathered from unmanaged stands in the Pacific Northwest

2015 AND BEYOND

Areas pre-commercially thinned in 1995 through 2000 can be expected to be ready for commercial thinning in 2015. At that time, the five-year harvest is projected to be 360 MBF.

Beyond 2015, a sustained yield annual allowable cut of 190 MBF is calculated, considered only the 900 acres stocked in 1995. However, the recommended precommercial thinning and hardwood control must be accomplished to meet this projection. Reforestation of additional areas would further increase the allowable cut as well as provide associated benefits.

Allowable cut is computed as follows:

Volume of fully-stocked natural Douglas-fir at age 70, site index* 120 (high site IV) = 20,600 BF** short log scale.
Less 10% for long log scale = 18,540 BF
18,540 BF ÷ 70 years = 265 BF/acre/year
265 BF x 900 acres x 80% of normal = 190 MBF per year.

* Site index is the height in feet of the dominant and co-dominant trees at age 100.
** From Technical Bulletin 201, USDA Yield Tables for Douglas-fir.

This yield projection is considered very conservative. The yield for site index 130 is 35% higher than for site index 120 and the best north slope sites are near site index 140. The yield for site index 140 is 70% higher than for site index 120. Also, no allowance was considered for managed stands.

SILVICULTURE

Seed and Seedlings

The importance of reforesting areas only with seed collected in the local area cannot be over-emphasized. Not only is the potential for good performance assured with local stock, but maintaining the gene pool is important for future generations as well.

It is recommended that a seed inventory be collected within a 5 mile radius of the ownership. Tree seed remains viable for at least 10 years (less for some species) when properly frozen. Approximately 70 pounds of ponderosa pine and 15 pounds of Douglas-fir seed would be sufficient to reforest all the non-stocked and understocked areas on the watershed. Unfortunately, cone crops are infrequently produced. It is possible that either the State Forestry or BLM has a supply of appropriate seed which

could be purchased to initiate a reforestation program. Knobcone pine seed is available at any time up Cantrall Gulch.

The State Forestry nursery at Elkton can be contracted for growing two year old bare root seedlings. Private nurseries are also available.

Brushfield Rehabilitation

Assuming that seedlings are in their second year of growth in nursery beds, the following procedures are recommended for rehabilitating brushfields:

Step 1: During the summer months, clear brush with a cat equipped with a brush rake. Push the brush downhill and pile it in windrows for burning. Avoid displacing humus and top soil.

Step 2: Sow a grass seed-clover mixture in September. The purpose of the grass which germinates in the fall is to control erosion, inhibit the survivability and growth of spring-germinating manzanita and provide forage for wildlife.

Step 3: Prior to February, burn the brush piles and sow grass seed in their place.

Step 4: In January or February, plant ponderosa pine seedlings at the rate of 400 per acre. Douglas-fir and knobcone pine may be mixed with the ponderosa to add diversity. The knobcone also adds an element of fire insurance. The suggested mix is 20% Douglas-fir and 5% knobcone pine.

Step 5: At the end of March, apply herbicides via a backpack sprayer within a three foot radius of each planted tree to control grass and brush competition. The recommended formula is one pound Velpar and three pounds Atrazine (Conifer 90) per covered acre.

Step 6: For the enhancement of big game habitat, it is recommended that deerbrush ceanothus (*Ceanothus integerrimus*) be established in the plantations:

a. During June, prepare planting spots or strips by applying Roundup via a backpack sprayer. Caution: Avoid Roundup contact with the planted trees.

b. Plant seedlings or sow stratified deerbrush seed in the bare spots the following winter.

For erosion protection and safety considerations, avoid clearing steep ground and draws with cats. Approximately 75% of the brush covered terrain (400 acres) is considered suitable for cat operations. Draws within

the brushfields which support primarily hardwoods could be successfully planted providing the hardwoods were injected and killed.

In the likely event that all the brushfields will not be cleared at once, priorities will need to be assigned to decide where to begin. Factors to consider when determining priorities include (1) the best location for the resulting fire breaks, (2) big game habitat distribution, and (3) site quality.

The decision to either rehabilitate brushfields or control hardwoods and precommercially thin young stands may be more difficult. Considering only the financial aspect, the decision is easy. Precommercial thinning hardwood control results in a much higher return on investment due to the much shorter investment period. However, there are intrinsic values associated with reforestation which are difficult to measure in dollars.

Hardwood Control

It is recommended that madrone be controlled via the "hack and squirt" method when precommercially thinning and/or planting areas occupied by these hardwoods. This procedure is very effective and involves hacking into the sapwood with a hatchet and squirting a small dose of the herbicide Arsenal into the wound. Only one such procedure is required to kill trees up to 8 inches in diameter. The treated madrone die quickly and seldom sprout from the stump. Although this operation is effective when performed year round, growing season operations produce the best results.

North slopes burned by the 1956 fire now support stands in various mixtures. Douglas-fir stocking ranges from 0 to over 2,000 stems per acre. It is recommended that controlling madrone, planting understocked areas and precommercially thinning young Douglas-fir stands on these highly productive sites be assigned the highest priority. For optimal efficiency, first treat the hardwoods, second, plant understocked areas, and then accomplish the thinning.

Planting Under Hardwoods

Hardwood treatment can be performed immediately before or after planting conifers. Douglas-fir at the rate of 400 to the acre is recommended for planting north slopes and ponderosa pine or a mixture of pine and fir at the same rate is recommended for slopes of other aspects. The madrone overstory has shaded out and killed most of the brush species providing men freedom of access to plant trees. No herbicide treatment is considered necessary to enhance tree survival.

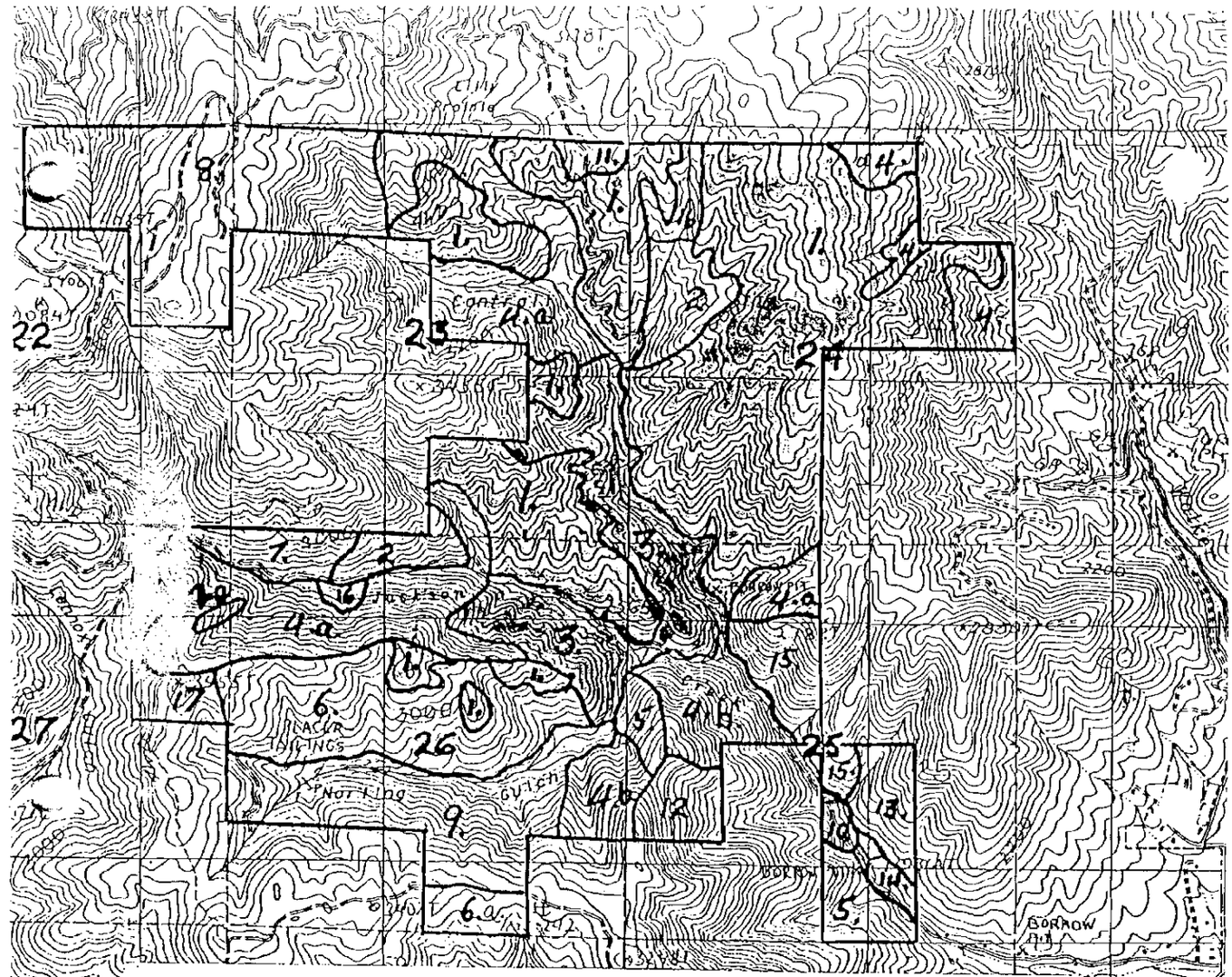
Animal Damage

No significant animal damage is expected to planted trees. The greatest potential for damage would be browsing by deer. However, since the

Jacksonville deer herd does not eat the Christmas trees growing in the area, perhaps the new plantations will be spared. The next most serious threat would probably be from jack rabbits or porcupines.

Precommercial Thinning

Young stands should be thinned via the chainsaw method to a target stocking level of 350 trees per acre. Large hardwood trees which could damage the conifers if felled should be injected while smaller ones may be felled. It is advisable to cut up (lop) the thinning slash and depress it close to ground to increase the rate of decay and reduce the fire hazard.



TYPE MAP

Unit	Description	Acres
1	Non-stocked, Manzanita brush	576
2	Non-stocked, Madrone overstory	60
3	Partially-stocked, age 20-30, Madrone overstory	127
4	Stocked, age 20-30, Madrone	346
5	Residual overstory, stocked, age 10, Madrone	40
6	Variable overstory, stocked, age 10-20, Madrone	121
7	Partially-stocked, age 5-15, Madrone, grass	27
8	D-F, GF, age 40-50 =	171
9	D-F, age 50-60 =	134
10	D-F, age 80-90 =	6
11	PP, age 70-80 =	6
12	D-F, age 60-70 =	27
13	Scattered old growth, high mortality, poor site	30
14	Riparian zone	3
15	Non-commercial forest land	40
16	Residual old growth	13
17	Variable, Poles, Reproduction	35

Summary

Stocked (75% or greater)	927 acres
Partially stocked (30% to 74%)	184
Non-stocked (29% or less)	646
Non Commercial Forest	43
Total:	1800 acres

Silviculture Cost Estimates

Seed Procurement:

70 lbs. ponderosa pine @ $45/lb.	=	$3150
15 lbs. Douglas-fir @ $79/lb.	=	1185
Total Seed:		$4335

Planting:

Seedlings (incl. seed cost) $150/M plus labor $150/M= $300/M ÷ 2.5	=	$120/acre
Brush Clearing (cat)		100/acre
Grass Seeding		40/acre
Herbicide Grass Control		25/acre
Burning Brush Piles		10/acre
Deerbrush Seeding		40/acre
Hardwood Control (HC)		40/acre
Precommercial Thinning (PCT)		100/acre

SILVICULTURE ACTIVITY SUMMARY

Type	Priority	Activity % HC	PCT	Plant	Cost/ac	Acres	Cost
4a	H	100	75	25	144	241	$ 34,704
4b	H	50	100	0	120	80	9,600
3	H	100	25	50	125	127	15,875
2	H	100	0	90	148	60	8,880
1*	H	100	0	100	148	45	6,660
7**	M	50	50	40	130	27	3,510
6	M	50	100	0	120	100	12,000
5***	M	50	100	0	120	40	4,800
						Subtotal: ~~170~~ 720	$ 96,029

$\frac{(AC. \times \%) \times cost/AC}{AC.}$ = activity cost/ac.

Brushfield Rehabilitation	$295/ac x 400	= $118,000
Total Silviculture	1154 acres	= $ 214,029
Add 5% for Professional Assistance		$224,730

* Approximately 45 acres of the 576 acres typed as "brushfield" support hardwoods and can be treated with the less expensive "hack and squirt" method. 131 acres of brushfield considered too steep for clearing

** Grass control will be required around seedlings planted in grassy areas

*** PCT and HC contingent on overstory removal.

EROSION CONTROL ACTIVITY SUMMARY

Road Segment	Activity	Rate	Miles	Cost
A	Construct dips	455	1.0	$ 455
B	Dips and rock	1045	1.7	1776
C	None required			
D	Construct dips	455	1.3	592
E	Dips and water bar	455	1.0	455
F	Water bar and close	455	.5	230
G	Water bar and close	455	.2	90
			Total Erosion Control:	$3598
			Professional Layout and Supervision:	1000
			Total Cost Estimate:	$4598

Erosion Control Cost Estimates

Construct water dips (D-6 cat @ $65/hr.)
7 hrs. per mile = $ 455/mile
Add rock to dips ($15/dip x 25 = $375)
and spread rock @ $215/mile = $ 590/mile

RECREATION AND RESERVOIR DEVELOPMENT SUMMARY

(in order of priority)

	Activity	Estimated Cost
1.	Install all-weather sign	$ 500
2.	Plant pine trees (200 @ $0.30 each)	60
3.	Plant willow and cottonwood (volunteer)	0
4.	Burn or dispose of debris piles	200
5.	Improve parking access to pond picnic area (2 hours of cat work)	130
6.	Rehabilitate borrow pit	1000

No cost estimates are made for developing a picnic area or constructing a trail system. It is hoped these activities can be accomplished via community effort. (Author volunteers to locate and assist in construction of a trail up Norling Gulch.)

Estimated Harvest Income:

1995	170 MBF @ $450/MBF	$ 76,500
2000	140 MBF @ $450/MBF	63,000
	Total 5-year Net Income Estimate:	$139,500

Additional Recommendations

1. Establish goals for the completion of prescribed activities.
2. Develop administrative procedures for the implementation of this management plan.

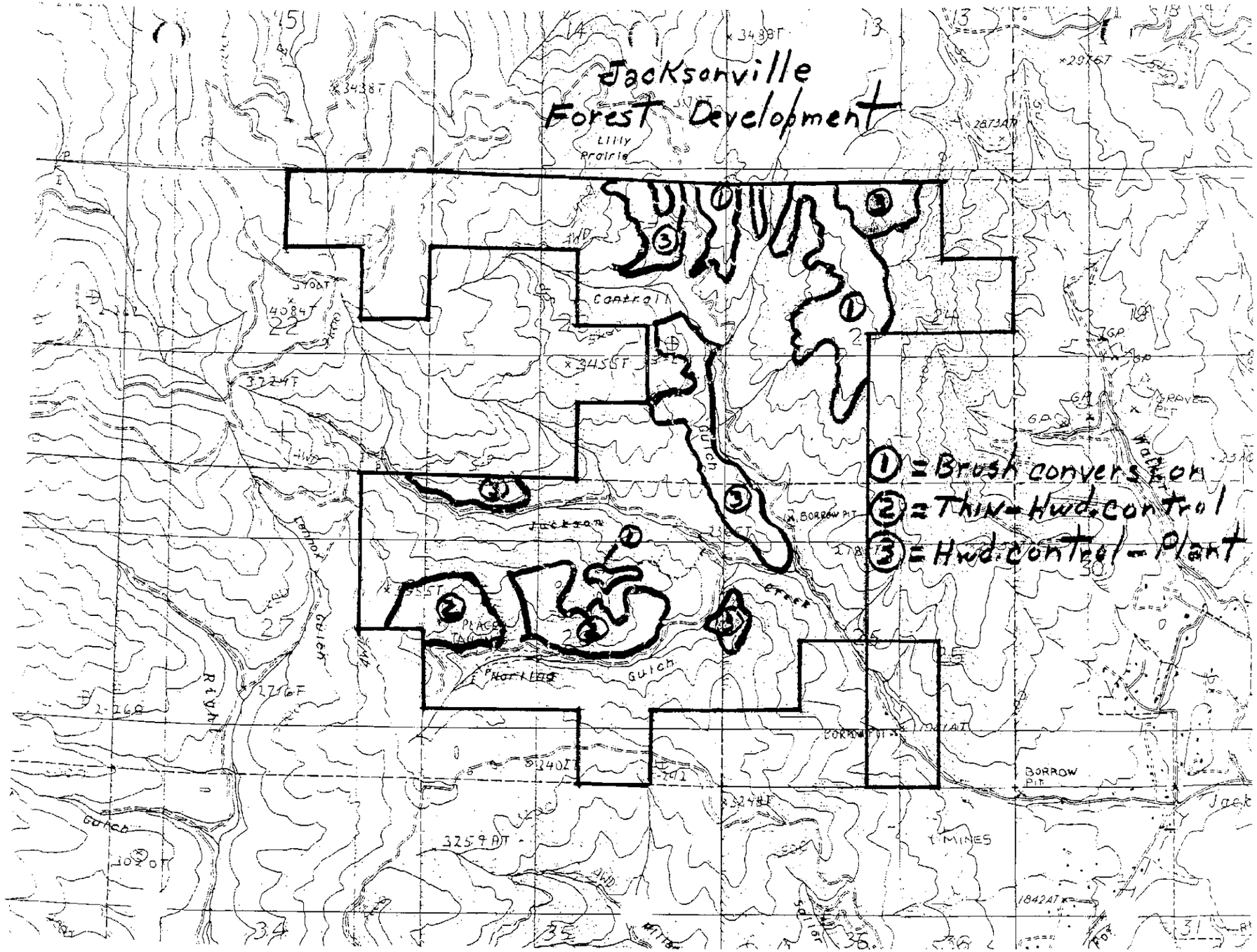
Long-Range Recommendations

1. Adopt a long-range goal of developing a "regulated" forest with nearly equal amounts of all age classes represented.
2. When planning final harvests, include small, irregular-shaped clear cuts of five acres or less. Clearings are an important component of a healthy forest ecosystem.

CITY OF JACKSONVILLE
JACKSON CREEK WATERSHED
PROJECTS SUMMARY

9/10/03

FOREST DEVELOPMENT	GRANTOR	Grant $	City $	Other $	In-Kind $	Contributor	Total $
Manzanita Clearing	U.S. Fish & Wildlife	26,000	23,278				49,278
Thinning & Hdwd Control			5,376				5,376
Manzanita Clearing			3,250				3,250
Thinning & Hdwd Control	U.S. Fish & Wildlife	11,200		3,415		NW Forest	14,615
Control Hdwd.-Conifer Plant	U.S. Fish & Wildlife	50,000	2,200	2,165		NW Forest	54,365
SUBTOTAL		**87,200**	**34,104**	**5,580**			**126,884**
ROAD IMPROVEMENT							
Road Const. E. Norling			5,825				5,825
Flood Damage Repair	FEMA	7,485					7,485
Erosion Control Projects			5,220				5,220
Norling Culvert			1,550				1,550
Road Const. Norling-Jack. Cr.			4,665				4,665
Oregon Parks Road Repair		14,802	2,000	500	960	MRA	18,262
					1,525	City	1,525
Road Const. W. Norling			7,925				7,925
Jackson Cr. Erosion Control	Title II-BLM	72,000			1,700		73,700
Jackson Cr. Rd. Improvement	Title II-BLM	81,000			1,800		82,800
SUBTOTAL		**175,287**	**27,185**	**500**	**5985**		**208,957**
FUEL REDUCTION							
Chip Thinned Slash	Nat. Fire Plan	75,000		5,000		NW Forest	80,000
Jackson Cr. Fuel Reduction	Nat. Fire Plan	180,000			10,000		190,000
Strategic Fuel Breaks	Nat. Fire Plan	250,000			10,000		260,000
Compartmentalize Slash			400				400
SUBTOTAL		**505,000**	**400**	**5,000**	**20,000**		**530,400**
DAM							
Fence Construction			3,918				3,918
Vegetation Clearing			1,800				1,800
Fee to Corps			150				150
Close Reservoir to 4x4			270				270
Excavate & Plug Dam Pipes	OWEB-SOREDI	8,107	500	1005		NW Forest	9,612
Dam Spillway Repair Design	Title II-BLM	18,000			800		18,800
SUBTOTAL		**26,107**	**6,638**	**1005**	**800**		**34,550**
OTHER							
Property Li ine Survey			500				500
SUBTOTAL			**500**				**500**
TOTALS		**793,594**	**68,827**	**12,085**	**26,785**		**901,291**


Jacksonville
Forest Development
① = Brush conversion
② = Thin-Hwd. control
③ = Hwd. control - Plant
Lilly Prairie
Control
Jackson
Gulch
Creek
Norling
BORROW PIT
MINES
Right
Gulch
Lennox
Gulch
Water
Jack
3438T
3455T
3724T
4084T
2716F
3259AT
1842AT
2873AT
2976T
3402T
3248T
3700T
2-26G
22
24
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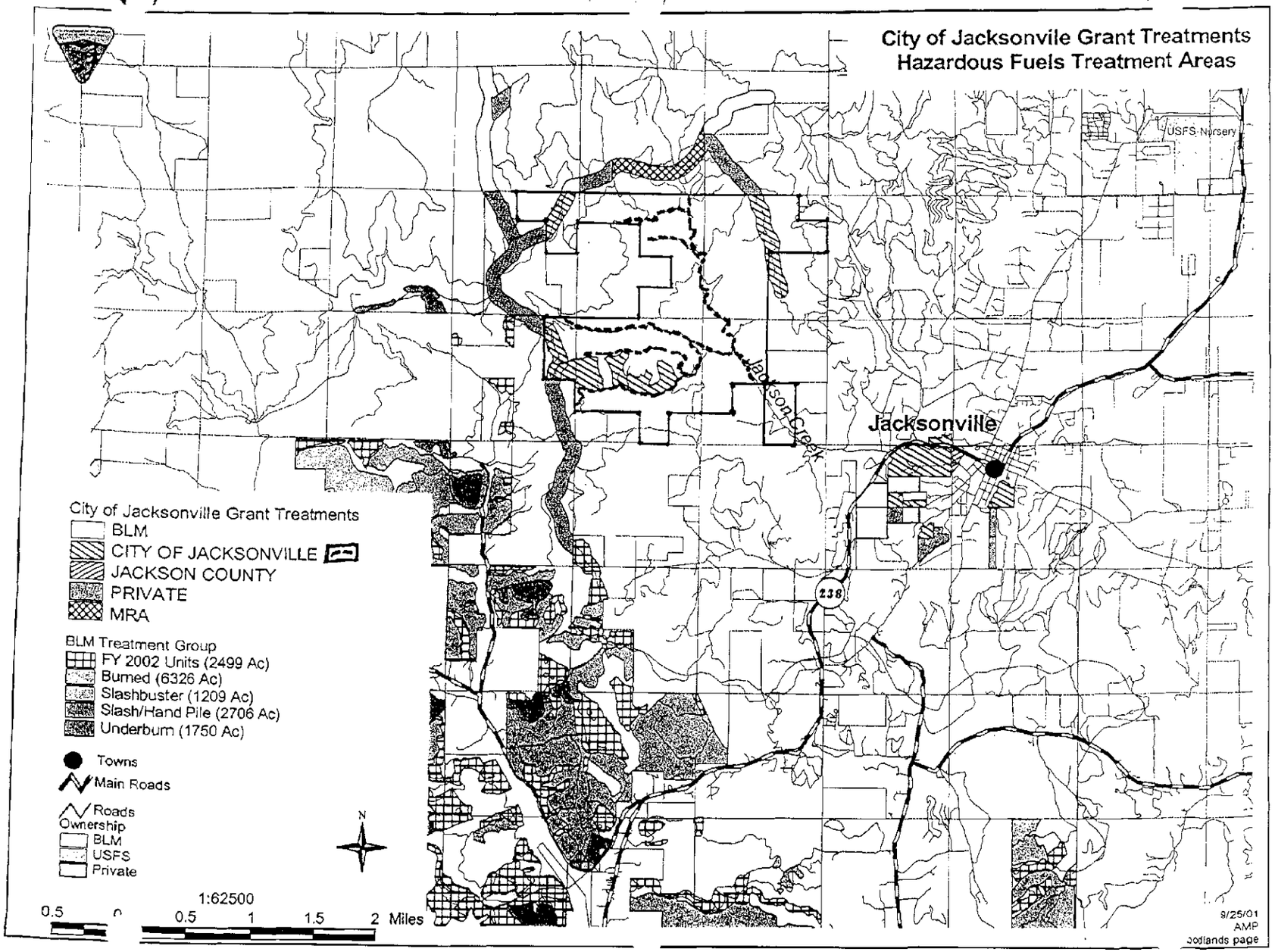
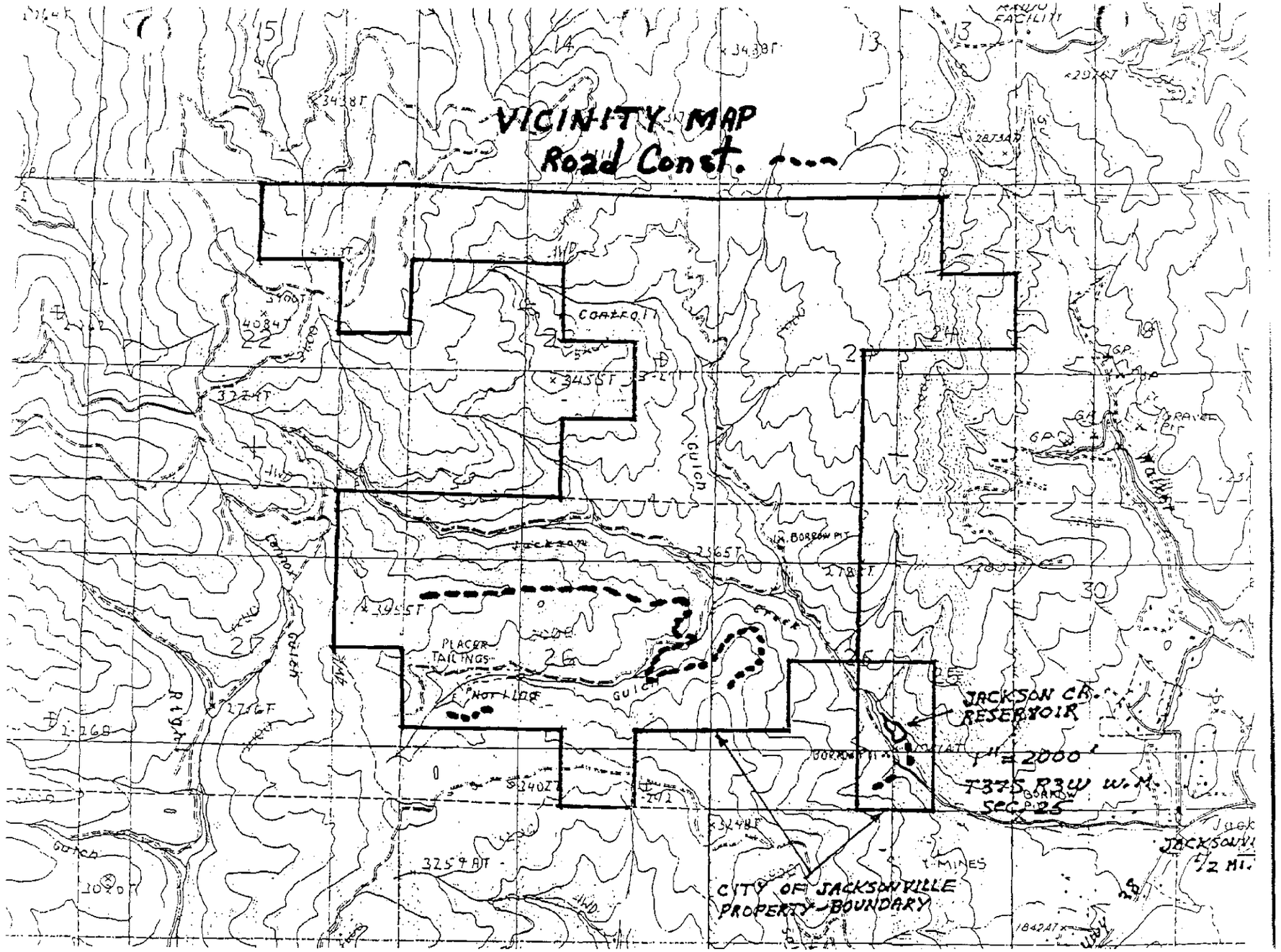

City of Jacksonvile Grant Treatments
Hazardous Fuels Treatment Areas
USFS Nursery
Jackson Creek
Jacksonville
238
City of Jacksonville Grant Treatments
BLM
CITY OF JACKSONVILLE
JACKSON COUNTY
PRIVATE
MRA
BLM Treatment Group
FY 2002 Units (2499 Ac)
Burned (6326 Ac)
Slashbuster (1209 Ac)
Slash/Hand Pile (2706 Ac)
Underburn (1750 Ac)
Towns
Main Roads
Roads
Ownership
BLM
USFS
Private
N
1:62500
0.5 0 0.5 1 1.5 2 Miles
9/25/01
AMP
Jodlands page


VICINITY MAP
Road Const.
JACKSON CR. RESERVOIR
1" = 2000'
T37S R3W W.M.
SEC. 25
CITY OF JACKSONVILLE PROPERTY BOUNDARY
PLACER TAILINGS
Gulch
Creek
Jackson
Control
BORROW PIT
GRAVEL PIT
MINES
Right
Gulch
Cannon
Gulch
Walker
Jack
JACKSONVI
1/2 MI.
FACILITY
3438T
3455T
3259AT
2365T
2785T
2716T
3240ZT
3248T
1842AT
2873AT
2976T
4084T
3224T
3900T
3020T
1-268
15
14
13
18
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23
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RESOLUTION NO. 757

A RESOLUTION FOR THE MANAGEMENT OF THE CITY OF JACKSONVILLE'S WATERSHED FUND, WHICH COVERS THE WATERSHED PROPERTY AND THE REVENUES DERIVED THEREFROM, AND REPEALING RESOLUTION #356.

WHEREAS, the City of Jacksonville owns certain real property, known as the Watershed Property, which produced revenues from the sale of resources such as timber, firewood, and mineral products, and has produced a Watershed Fund (once called the Timber Fund). The fund has been a valuable source of loan funds to supplement specific budget shortfalls or special funding opportunities, which have benefited the City in the past; and

WHEREAS, the City of Jacksonville has determined that the Watershed Property should be managed for the long term health and diversity of the resources, the enjoyment of the citizens, and the production of revenue; and

WHEREAS, the City of Jacksonville has determined that revenues from the sale of resources from the Watershed Property shall be utilized for its proper management; and

WHEREAS, the City of Jacksonville may borrow from the Watershed Fund, as resolved by the City Council, for unexpected budget shortfalls or unusual opportunities which benefit the City. Borrowed funds shall be repaid by the following budget year; and

WHEREAS, if the Watershed Fund exceeds $200,000.00, and outstanding obligations are satisfied, the excess over that amount may be utilized to fund other City programs as determined by the City Council in the annual budget process.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Jacksonville, Oregon, hereby creates these management, revenue, and funding declarations for the Watershed Property and the Watershed Fund.

Signed by me in open session in authentication of its passage this

18th day of May, 1999.

MAYOR

ATTEST:

Kathy Hall

Recorder

WATER RIGHTS
&
RESERVOIR

11. Set Hearing for Cemetery Land Sale. Council set July 2 by consensus.

12. Watershed Water Rights. Wyntergreen noted a recent letter from Gary Holliday, Oregon Water Resources Department. Mr. Holliday looked into the current status of water rights for the city. He said there were two certificates issued in November of 1910 with the first to construct a reservoir to store 75.0 acre-feet of water and a second one for 2.0 cubic feet per second from Jackson Creek for municipal purposes. These two were then transferred to irrigation use and later canceled because the applicant failed to make proof to the satisfaction of the Water Resources Director and the water right was lost on September 15, 1982. He said the city does not have existing water rights. Wyntergreen advised that the rights were transferred to Dick Hein who subsequently lost them for non-use. Forestry Committee will be asked to come back to the city with recommendations on what to do with the old reservoir.

13. Other: Walt Jay asked about the cleanup on Main Street. Paul said he had talked with Van Wey and others and things are moving along.

Schatz said the Seniors had a board meeting, that there are 76 members. June 11th is their Annual Meeting and there will be fund raising with funds going to Loaves and Fishes. She suggested councilors should buy some raffle tickets, that the merchants were generous with their donations. The Steering Committee will meet Thursday night. They are asking for members other than seniors for the Community Center.

Pfeifer asked the Mayor to appoint a committee to work on cemetery property.

Pfeifer then moved to consider as an emergency the request by Jerry Evans and put it on the agenda. Second by Dodero. All voted aye.

Wyntergreen explained that a year ago, two structures were approved for Jerry Evans property at 125 West Main Street, based on plans before HARC. Six months ago plans were stamped approved by the city. These two sets of plans were different in that skylights were not on the first plans but were on the second plans. The city made an error. It was noted that the architect is Doug Skelton who is chair of the HARC. Building permits were issued on the second set of plans. The applicant is requesting amendment to allow for the skylight (with disguise), to build the fence six feet high half-way and picket fence the rest of the way to the street, and he feels that the colors were chosen from the city's color chart for the buildings. Wyntergreen said that HARC wants removal of the skylight and repainting of the buildings to a unified color scheme. Suggestion was made to have the city bring up this appeal on its own motion. Dodero felt that it is inappropriate for the city to do so. He said he was willing to waive the fee for an appeal by the applicant and then follow the appeal process.

Note: Correction by Jay: "The city made an error in not close checking what was approved and what was stamped approved".

CITY OF JACKSONVILLE

ESTIMATE 10/24/97

JACKSON CREEK RESERVOIR

REPAIR

Equipment	Materials	Labor	Time	Cost/Unit	Totals
		Fill spillway hole and prepare culvert bed			
Excavator			50hrs.	$90.00	$4,500
Truck 10yd.			50hrs.	50.00	2,500
		Clear, remove and pile vegetation			
		Two people	64hrs.	$20.00	$1,280
Excavator			16hrs.	90.00	1,440
Truck 10yd.			16hrs.	50.00	800
		Purchase and install spillway ½ round pipe			
	$5,000				$5,000
Excavator			8hrs.	$90.00	720
		Two people	64hrs.	20.00	1,440
	200				200
		Seeding and mulching disturbed areas			
	300				$ 300
		One person	6hrs.	$20.00	180
		Administrative costs			
		One person	30hrs.	$35.00	$1,050
				TOTAL	**$20,300**

Paul R. Kangas

CITY OF JACKSONVILLE

ESTIMATE 10/27/97

JACKSON CREEK RESERVOIR

REMOVAL

Equipment	Materials	Labor	Time	Cost/Unit	Totals
		Drain reservoir			
Pumps			50hrs.	$20.00	$1,000
		One person	50hrs.	20.00	1,000
		Clear, remove and pile vegetation			
		Two people	64hrs.	$20.00	$2,560
Excavator			16hrs.	90.00	1,440
Truck 10yd.			16hrs.	50.00	800
		Remove Fill, concrete core and spillway			
Self propelled scraper			200hrs.	140.00	$28,000
Crawler tractor(D-7 or equiv.)			200hrs.	75.00	15,000
Excavator			200hrs.	90.00	18,000
Truck 10yd.			200hrs.	50.00	10,000
		One person	200hrs.	20,00	4,000
		Excavate and rip-rap new channel			
Excavator(load & spread)			60hrs.	$90.00	$5,400
Truck 10yd.			40hrs.	50.00	2,000
		One person	40hrs.	20.00	800
		Planting, seeding and mulching disturbed areas			
Trees, seed, mulch	$2,500				$2,200
Hydro-mulcher			6hrs.	$75.00	450
Planting, labor		Two people	24hrs.	$20.00	960
		Administrative costs			
Permits, contracts, inspect.		One person	100hrs.	$35.00	$3,500
Engineering & plans		Three people	40hrs.	40.00	4,800
				TOTAL	**$101,910**

Paul R. Kangas

JACKSON CREEK DAM

SUBJECT: ESTIMATED WATER LOSS THROUGH THE DAM 7/25/2000

The Jackson Creek dam has had a leakage problem for many years. At one time in the past, the City performed some maintenance on the dam to attempt to stop the flow of water through the dam structure. A trench was dug down along the concrete core wall in order to repair cracks in the wall that were allowing water to pass through. The success of past repair attempts is not known, although one account stated that the portion of the core wall that was observed was not in good condition.

I have prompted two engineering evaluations of the dam in the last couple of years: One evaluation was by John Falk, the Oregon State Dam engineer. Jim Boernge, Geotechnical Engineer with the Bureau of Reclamation, performed the other. Both of the engineering reviews noted the leakage through the dam structure as one of the major problems along with the need to repair the spillway erosion problem. The extent of the leakage was difficult to assess because of dense tree and brush cover on both slopes of the dam structure. Therefore, their recommendation was to remove the vegetation from the dam.

A crew from the Jackson County Corrections Department removed the trees and brush from the dam structure in the past few months. Some of the brush has re-sprouted since that time and needs to be re-treated. The downstream face of the dam is clear enough at this time to determine the general extent of the leakage problem.

Another of the recommendations of the engineers was to measure the volume of water exiting through the dam structure at various time during the year in order to determine if seasonal flows and dam water level effects the volume of leakage. The majority of the leakage from the dam is channeled into a single stream prior to returning to the main stream.

On 7/25/2000, I installed a simple weir across the channel of water that was produced through leaks in the dam structure. My objective was to measure the volume of water passing through the weir and equate it to water loss. The results of my study are likely to be more of a "ballpark" estimate because I lacked professional equipment and did not take a lot of time in installation of the weir or in the measurement of the flow.

The results of my estimate are as follows:

Dam Leakage flow	0.20 – 0.25 cu. ft. / second
On a twenty-four hour basis this volume equates to:	17,280 - 21,600 cu. ft. / day
	129,254 – 161,568 gal. / day

If you have any questions, call me at 541-773-8845

Paul Kangas

over

The above report was presented to the Jacksonville City Council last year.

CONTINUED MEASUREMENTS: Reported to Jim Boernge on 1/26/01

DATE	LEAK SQ. AREA	VELOCITY	CU.FT./SEC	VOLUME
7/25/00	.156 in	1.5ft./sec	.21	18,144cu. ft./day
8/25/00	.104 in	1.5	.16	13,824
9/26/00	.087 in	1.5	.13	11,232
10/25/00	.095 in	1.5	.15	12,960
11/21/00	.174 in	1.5	.26	22,460
01/02/01	.153 in	1.5	.23	19,872
01/26/01	.153 in	1.5	.23	19,872

Oregon
John A. Kitzhaber, M.D., Governor

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 13, 2002

City of Jacksonville
Paul Wyntergreen
P.O. Box 7
Jacksonville, OR 97530

REFERENCE: Application R-84655

Dear Mr. Wyntergreen:

On January 12, 2001, you submitted a reservoir application to the Department to store 7.0 Acre-feet of water from Jackson Creek in the Jackson Creek reservoir for fire protection, recreation, wildlife, pollution abatement and wetland enhancement.

Review by ODFW and the District #13 Watermaster indicated that the water right could be allowed with the condition to allow storage only when streamflow meets or exceeds ODFW's instream water right amount in Jackson Creek.

John Falk, Dam Safety Engineer with the Water Resources Department had requested in a letter dated December 8, 1997 that due to safety concerns certain actions be taken prior to going ahead with plans to apply for a reservoir permit to develop the reservoir for these uses.

Briefly, the actions required for addressing safety concerns are:

- Remove all trees, brush and garbage from the downstream slopes of the embankment. It may be possible to leave willows and under story vegetation on the upstream slope, depending on your plans for rehabilitation and repair.
- Remove all obstacles that are present in front of, or lie within, the emergency spillway channel.
- Armor the basin with rock to halt further erosion and head cutting of the remaining portions of the concrete channel.
- Rehabilitate the outlet works (both 12" and 5" diameter conduits and valves) or completely plug and abandon them.

At this time the Department has received no information to indicate whether any of these actions other than the first bulleted item have been taken. Before further processing of your application for a reservoir permit we need documentation that these conditions have been satisfied.

Since your intention is to limit the reservoir storage to less than 9.2 acre feet, we will not require that you engage the services of a licensed professional engineer to design and supervise the necessary repairs/modifications. However, please submit an area capacity curve for the reservoir, referenced to the elevation of the crest of the spillway or other permanent benchmark. You may contact John Falk at (503) 378-8455, ext. 222 if you have questions regarding the required area capacity curve and documentation of repairs.

Please submit the requested documentation by **April 15, 2002.** If you need more time to complete the work you may request a time out from processing of up to 180 days, by sending a written request, outlining your planned actions, the reason additional time is needed and the length of time you are requesting to allow compliance.

If we do not receive a response from you within the stated time, your application will be denied, no fees will be refunded, and the priority date associated with your application will be lost.

If you have any questions, please call me at (503)378-8455 extension 248.

Sincerely,

Dorothy J. Pedersen

Dorothy Pedersen
Water Right Specialist

cc: Larry Menteer, Watermaster Dist. 13
File

JACKSON CREEK DAM AND RESERVOIR

REPORT FOR ROGUE VALLEY COUNCIL OF GOVERNMENTS
COASTAL AMERICA PARTNERSHIP TOUR

1/15/2001

A. A DAM IS BUILT FOR JACKSONVILLE'S WATER SUPPLY

An article in the Jacksonville Sentinel dated August 21, 1903 (courtesy Southern Oregon Historical Society) stated: " Jacksonville is most seriously in need of a better water service, for the present city water supply is so small in quantity that it is practically no service at all so far as fire protection goes and the supplying of the town for household purposes and irrigation. With plenty of water---the danger of fire now liable to sweep the town at any time, would be very greatly lessened---reduced insurance rates---fine lawns could be had---it would be possible to sprinkle streets and do away with the clouds of dust that fill stores and offices---." At that time, fire protection was accomplished by a series of cisterns. "In cisterns, the town needs at least five more."

The Jackson Creek Dam was planned a few years later and was built about 1½ miles up the west fork of Jackson Creek and placed in service in 1912. The new Jacksonville waterworks was claimed to be one of the best in the state and comparable in quality to Portland's system. (See older photographs of dam and reservoir, courtesy SOHS). A series of photographs taken as the dam was being constructed can be seen at the Jacksonville City office or at the SOHS.

In the 1930's, Jackson County deeded a good share of the tax-foreclosed property in the Jackson Creek watershed to the City of Jacksonville. The deed transfers were probably prompted by the fact that Jacksonville already had built the dam for its waterworks. Later, the Beekman estate deeded a forty-acre tract at the reservoir site to the City. Jacksonville now manages 1,800 acres of forestland in the upper Jackson Creek watershed and additional tracts closer to town, which were acquired through the Jacksonville Woodlands Association.

B. OPERATION OF THE WATER SUPPLY OVER THE DECADES

The Jacksonville reservoir supplied water to Jacksonville for over 40 years. The system had problems associated with siltation, water quality, leakage and high maintenance expense. Many of the problems were triggered by exposed soil caused by early mining and logging activities.

Significant impacts to the watershed, dam and reservoir were caused by numerous flood events and wildfire. Of particular importance was the 1955 Timber Mountain Fire which burned 2,500 acres in the watershed. The fire was followed by a huge flood in the same year. (See historic articles regarding the Jackson Creek Reservoir)

The gate tower, (see old photos) which held the crank for opening the dam's gate valve to the drainage pipes, collapsed into the reservoir in 1951. The 1955 flood covered the outlet pipes (construction plans show a 12 inch and 5 inch) with trash. In an attempt to free the gate valve of trash, according to local historian John Black, " a dynamite charge was set off in the reservoir." The charge did not clear the trash and may have damaged the valve. The dam was officially abandoned in the 1960's when the concrete step gates were removed from the concrete spillway. The step gates allowed the reservoir level to be raised or lowered by placing a board or other barrier across the steps. With the steps removed, the reservoir could not raise above the spillway level.

over ↓

It was stated in a 1960's report that " the reservoir would be filled with sediment in a few years." . (See 1998 colored photo of reservoir—note silt loading).

The City found a temporary solution in a better quality water source from a mine to the northwest of the reservoir. A pipeline brought water past the dam and down to the large storage tank above Jacksonville in the Britt woods. The reservoir water remained as a ready source in case it was needed for fire. Jacksonville eliminated the entire Jackson Creek supply system in the mid-1950's, when it tied its water needs to the Medford water system.

The City changed its municipal water-right to an irrigation-right in the 1960's to accommodate a local rancher who wanted to irrigate pastureland. The State claimed, years later, that the proposed irrigator did not properly utilize the water-right or did not commence it in a timely manner. The State of Oregon cancelled all of the City's water-rights for the reservoir in 1981.

C. RECENT ACTIVITIES REGARDING THE DAM AND RESERVOIR

Forty years after the reservoir was to have filled in with sediment, it is about 1.6 acres in area and stores 7 acre-feet of water with a mean depth of 4.4 feet during the months that the creek is flowing. In the summer and fall months when creek-flow stops, the reservoir area reduces to about 0.8 acre and stores about 3 acre-feet. (See contour map of reservoir measurements done: 7/1998 & 9/2000).

A January 7, 2000, Jim Boernge, P.E. Geotechnical Engineer with the Bureau of Reclamation, made a review of the dam and reservoir. His report, with pictures, is attached.

The City has recently re-applied for a permit to store water in the reservoir. (See attached letter to the State of Oregon requesting a Permit to Store Water). The letter states some of the City's short term intentions for the dam and reservoir. The City has also applied for a joint permit from the Oregon State Division of Lands and the US Corps of Engineers to perform excavation work for the purpose doing engineering analysis on the dam

The City is currently working with the Rogue Valley Council of Governments and other organizations and citizens to complete the Jackson Creek Watershed Assessment. The future of the Jackson Creek dam is expected to be identified as a project in the action planning stage of the assessment.

CITY OF JACKSONVILLE
P.O. Box 7 110 East Main Street
Jacksonville, Oregon 97530
(541) 899-1231 FAX (541) 899-7882

State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310

December 19, 2000

Dear Water Resources Department:

The City of Jacksonville is requesting your help in approving the attached "Application for a Permit to Store Water" so we can move forward in seeking funds and completing engineering analyses on the historic dam structure. Information about the dam is needed as a basis for decisions as to the future of the dam and reservoir. The City feels that a water right or a permit to store water is one prerequisite to starting the process of assessing the future of the dam and reservoir. Perhaps there are other alternatives that you could suggest to us, that would lead us in a different direction.

Even though the reservoir has not been used as a water supply for the City since the 1950's it is still recognized for playing a significant role as a barrier to sediment during high water events. It is also a resource for wildlife, recreation and as a water source for fighting wildfires. Its storage capacity is about seven (7) acre-feet in winter, which is the limit of the spillway elevation. During this fall, the storage was measured to be less than three (3) acre-feet.

In the watershed analysis of Jackson Creek, currently being conducted by the Rogue Valley Council of Governments, the reservoir area has been discussed as a possible future wetland project. As a designed wetland, it may be possible to maintain the current benefits of the reservoir area and provide other enhancements as well.

Of course, as we mentioned earlier, any plans for the future of the dam and reservoir are dependent on decisions about the adequacy of the dam structure, cost of analysis and repair, environmental impacts of repair versus removal, etc.

Please contact us regarding questions about this application or for any other information that we can provide. You may call Paul Kangas at (541) 773-8845 or leave a message at the Jacksonville City office at (541) 899- 1231.

Sincerely Yours,

James Lewis
Mayor, City of Jacksonville

State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199
www.wrd.state.or.us

Application for a Permit to Store Water

Alternate Review Process (ORS 537.409)
You may use this form for any reservoir storing less than 9.2 acre-feet *or* with a dam less than 10 feet high.

Use a separate form for each reservoir.

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a."

1. APPLICANT INFORMATION

Landowner: City of Jacksonville
First Last

Authorizing Agent: Paul Wyntergreen
First Last

Mailing address: P.O. Box 7

Jacksonville, OR 97530
City State Zip

Phone: (541) 899-1231
Home Work Other

*Fax: (541) 899-7882 *E-Mail address:

**Optional information*

2. LOCATION AND SOURCE

A. Reservoir name: Jackson Creek

B. Source
Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if the source is run-off, seepage, or an unnamed spring or stream.

Source: Jackson Creek Tributary to: Bear Creek

C. Reservoir Location

township	range	section	quarter/quarter	tax lot no.
37S	3W	25	SW SE	1000

D. Dam
Maximum height of the dam: 40 feet. Considerable stored sediment behind dam.

For Department Use

App. No. Permit No. Date

How do you plan to use the stored water?

- Irrigation
- Stockwater
- Aquatic Life
- Nursery Operations
- Cranberry
- Temperature Control
- Forest and Range Management
- Industrial
- Commercial
- Fire Protection
- Mining
- Power Development
- Domestic
- Human Consumption
- Domestic Expanded
- Municipal
- Stormwater
- Quasi-municipal
- Group Domestic
- Recreation
- Wildlife
- Pollution Abatement
- Wetland Enhancement
- Multipurpose

What is an acre foot?

One acre-foot is the volume of water that would cover one acre of land to the depth of one foot. To find out how much water your pond stores, multiply the surface area (in feet) by the average depth. This will give you a rough estimate of cubic feet. One acre-foot equals 43,560 cubic feet. To be eligible for the alternate process your reservoir must store less than 400,752 cubic feet (43,560 X 9.2).

Application fee

Your application fee is based on the number of acre-feet of your proposed reservoir.

$10 per acre-foot.

Example:
5 acre-feet X $10=$65 total.

WRD on the web:
www.wrd.state.or.us

3. WATER USE

A. Quantity: Amount of water to be stored in the reservoir at maximum capacity: 7 acre feet

B. Use: Indicate the proposed use(s) of the stored water (see list to the left). Fire protection, Recreating wildlife, Pollution abatement, Wetland enhancement

Note: If you intend to use this stored water outside of the reservoir you must also file an application to use surface water.

C. Water Rights: What water rights, if any, have been issued for this reservoir? (Indicate permit or certificate number.)
Historic water right cancelled in 1981

4. ENVIRONMENTAL IMPACT

A. Channel: Is the reservoir in stream or off channel? ☒ Yes ☐ No

B. Wetland: Is the project in a wetland? ☐ Yes ☒ No Don't Know

C. Existing: Is this an existing reservoir? ☒ Yes ☐ No

If yes, how long has it been in place? 88 years

D. Fish Habitat: Is there fish habitat upstream of the proposed structure? ☐ Yes ☒ No ☐ Don't Know

If yes, how much? _____ miles

E. Partnerships: Have you been working with other agencies?

☒ Yes ☐ No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in the project.

Rogue Valley Council of Governments (541)664-4474
U.S. Bureau of Reclamation (541)389-6541
Oregon State Division of State Lands (503) 378-3805 Ext 252

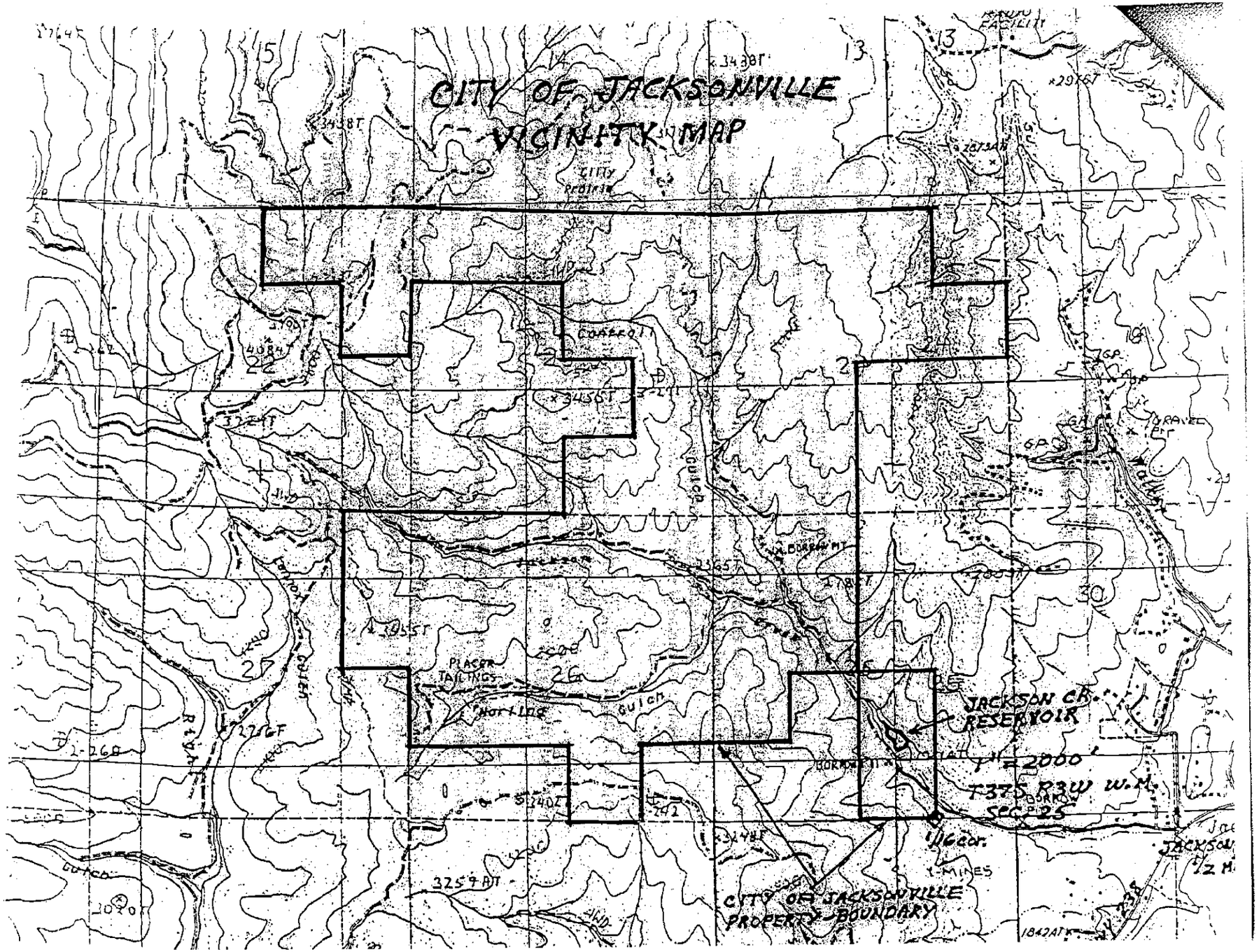
5. SIGNATURE

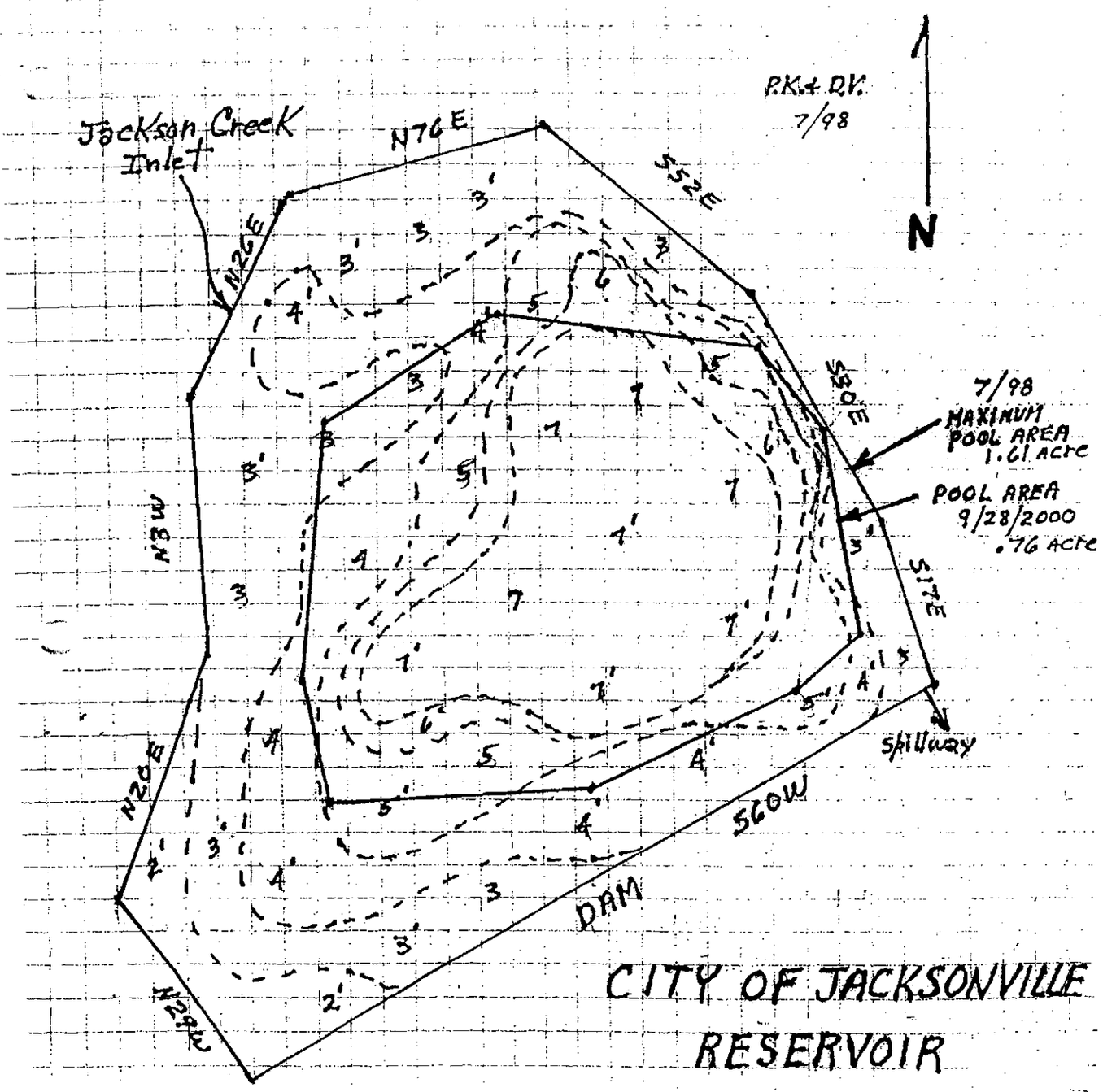
I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Landowner _____ Date 12/1/00

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

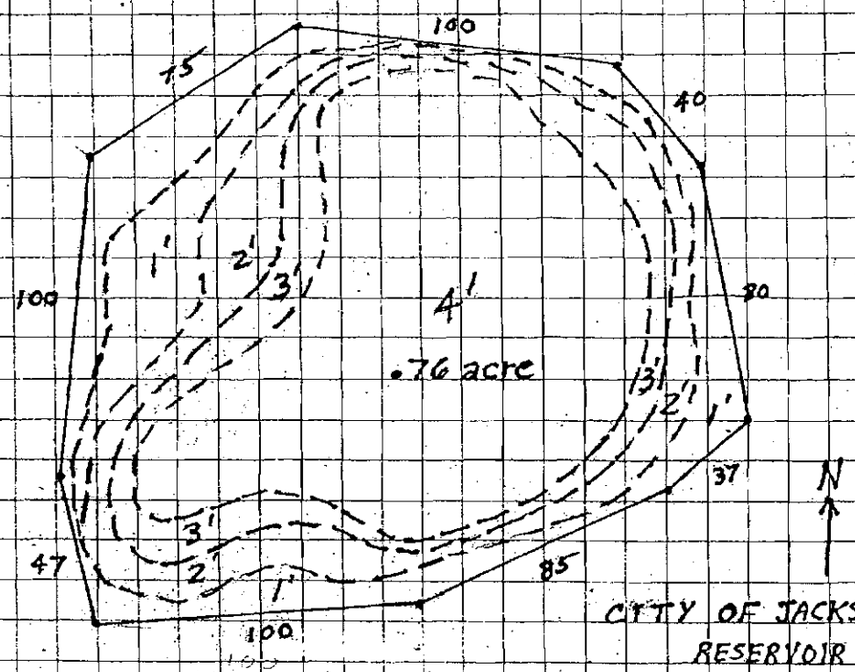

CITY OF JACKSONVILLE
VICINITY MAP
JACKSON CR.
RESERVOIR
1" = 2000'
T37S R3W W.M.
SEC. 25
1/16 cor.
CITY OF JACKSONVILLE
PROPERTY BOUNDARY
PLACER
TAILINGS
Gulch
Jackson
Corral
Cliff
Prairie
BORROW PIT
GRAVEL PIT
Y-MINES
3259 AT
3456T
3455T
2716F
2365T
1842AT



CITY OF JACKSONVILLE RESERVOIR

JACKSON CREEK
T.37S. R.3W.
SEC 25

scale $\frac{1}{4}'' = 12.5'$
$2'' = 100'$
surveyed with compass & tape
MEAN DEPTH = 4.43 ft
AREA of Pond = 1.61 ac.
Water stored = 7.13 ac. ft.



CITY OF JACKSONVILLE
RESERVOIR
T37S R3W SEC. 25
water depth
9/28/2000
mean depth 3.5'
pond area .76 acre
water stored 2.66 ac. ft.
2" = 100'

Oregon
John A. Kitzhaber, M.D., Governor

RECEIVED
APR 18 2002
CITY OF JACKSONVILLE

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

April 15, 2002

City of Jacksonville
James Lewis, Mayor
P.O. Box 7
Jacksonville, OR 97530-0007

Reference: File R-84655

Dear Mr. Lewis:

Thank you for the letter, which was received April 1, 2002, describing the progress and plans for repairs and modification of the dam and spillway for Jackson Creek reservoir. Your request for additional time to complete the work is reasonable. Therefore the Department will grant you a time-out from processing on the above referenced water right application until October 31, 2002.

I wish you well on your project. When we receive from you the area capacity curve and documentation that the planned repairs have been completed, the Department will proceed with further processing of the application.

Please feel free to call me at (503) 378-8455, ext. 248 if you have further questions.

Sincerely,

Dorothy J. Pedersen

Dorothy Pedersen
Water Right Specialist

cc: Paul Wyntergreen, City of Jacksonville
John Falk, ORWD
Larry Menteer, District 13 Watermaster

CITY OF JACKSONVILLE
P.O. Box 7 110 East Main Street
Jacksonville, Oregon 97530
(541) 899-1231 FAX (541) 899-7882

Water Resources Department
Dorothy Pedersen
Commerce Building
158 12th Street NE
Salem, OR 97301-4172

March 29, 2002

REFERENCE: Application R-84655

Dear MSS. Pedersen:

Thank you for your letter in response to our application for a water right to store water in our Jackson Creek reservoir. At this time, we would like to request a time-out until we accomplish the tasks funded by the grant described below. We expect to accomplish the tasks funded by the grant before October 31, 2002.

On March 14, 2002, we had a very informative field review of the dam and reservoir with John Falk, Dam Safety Engineer and Larry Menteer, Jackson County Watermaster. In the field review, John and Larry prescribed methods for modifying and repairing the spillway and other needed dam work. He will be forwarding his findings to us in a letter. We explained to them that we have received a grant from the State of Oregon, Economic and Community Development Department for work on the dam. The title of the grant is; "Jackson Creek Dam Pipe Location and Plugging Project". The grant of $9,500 was issued on January 28, 2002, with work to be completed by June 30, 2003. The tasks to be performed under the grant will provide information and accomplish work that we feel is a prerequisite to accomplishing the major tasks for repairing the dam such as modifying the spillway apron and armoring of the spillway overflow.

For environmental reasons, the tasks funded by the grant will be done in the fall, when the water level in the dam is at its lowest. In the interim, we will be working to accomplish the more immediate tasks described in your letter such as:

1. Developing an Area Capacity Curve.
2. Tree removal along the spillway.
3. Removal of vegetation which grew since our last removal.
4. Removal of residual logs from the dam.
5. Removal of garbage was just completed, but will be repeated when necessary.

We hope that you will grant us a time-out from the reservoir storage approval process until we can accomplish the tasks described above which is expected to be October 31, 2002.

Sincerely,

James Lewis
Mayor, City of Jacksonville

Copy: John Falk, Water Resources Department
Larry Menteer, Jackson County Watermaster

The City of Jacksonville is an equal opportunity provider.

CITY OF JACKSONVILLE
P.O. Box 7
110 E. Main Street
Jacksonville, OR 97530
(541) 899-1231 Fax (541) 899-7882

Bureau of Land Management
Rich Drehobl, Ashland Resource Manager
3040 Biddle Road
Medford, OR 97504

March 31, 2003

Dear Rich,

RE: Title II project titled; Jackson Creek Dam Spillway Repair and Reservoir Deepening.

Attached is an application for funding the spillway repair of the Jackson Creek Dam which includes a sub-project to deepen a small portion of the reservoir to make it a more viable source of water for helicopters in the initial attack of fires. The reservoir water was of critical importance in the helicopter initial attack on a lightning created fire in 2001.

As a long-range goal, the City would like the reservoir area to be developed into a designed wetland capable of promoting habitat for native plants and animals; used for educational and recreational purposes; and as a source of water for wildfire. One of the reservoir's major contributions is as a sediment trap for water borne soils.

Jacksonville's dam on Jackson Creek was identified as a high priority item for repair by the Rogue Valley Council of Governments (RVCOG) in their 2001 Jackson Creek Watershed Assessment project.

The design of the spillway repair project is being funded under a 2002 Title II grant. The objectives and desired outcomes of the repair design have been discussed with John Falk, Dam Safety Engineer of the Oregon Department of Water Resources. A contract for the design work will be issued as soon as possible in the spring of 2003.

The reservoir deepening would take place as soon as authorization for funding and permitting has been approved by State and Federal authorities in order to make the reservoir available for initial attack of fires. The approach for the reservoir deepening, from a dam safety standpoint, has also been discussed with the Dam Safety Engineer.

Thank you for considering this project under your Title II funding authority. If you have any questions regarding the project, please contact Paul Kangas at (541) 899-1231.

Sincerely,

James Lewis, Mayor, City of Jacksonville

Copy: John Falk, Dam Safety Engineer, Oregon Department of Water Resources

City of Jacksonville is an Equal Opportunity Provider

Oregon
John A. Kitzhaber, M.D., Governor

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

April 19, 2002

Paul Kangas
c/0 City of Jacksonville
P.O. Box 7
Jacksonville, OR 97530

Re: Jacksonville Dam, J-21
Application R-84655

Dear Mr. Kangas:

Thank you for meeting with me, and Larry Menteer District 13 Watermaster, for inspection of the referenced dam on March 14, 2002. The weather was mostly cloudy and the temperature was cool, with rain showers. Based on our visual observations, there does not appear to have been any significant deterioration of either the embankment or the emergency spillway in the time since our last inspection. Approximately 1.5 inches water depth in the bottom of the concrete spillway was flowing out of the reservoir through the emergency spillway, into the stilling basin, and subsequently returned to the stream channel downstream of the dam. Recent runoff had filled the reservoir to the crest of the emergency spillway resulting in permanent storage estimated to be ±8 acre-feet. As you are aware however, the City of Jacksonville does not have a valid water right for *any amount* of storage in this structure.

We made note of the progress that has been made toward removal of brush and trees growing on the dam, and are most appreciative of work that you have accomplished to date. Please continue with your efforts to remove all the downed timber, slash, and debris off the entire surface of the embankment to enable ease of access and visibility. Another improvement was the installation of a drainage culvert beneath the access road to intercept runoff from the old quarry and direct it away from the downstream face of the dam, thus helping to reduce erosion of the slope.

Concern has been expressed regarding seepage through the dam which, as you know, is visible in some locations on the downstream slope of the embankment. The design drawings indicate a concrete cutoff wall exists along the centerline axis of the dam. If constructed per the design, the wall consists of reinforced concrete founded on bedrock, and rises to within 11.5 feet below the top of the dam. At this time, we are unable to determine whether the observed damp areas on the downstream slope originate entirely from water seeping through the concrete core wall or instead, is coming over the top of the wall, or both. Regardless, due to the sediment depth and variety of grain sizes in the bottom of the reservoir, and the reduced hydraulic gradient that results from this "natural" filter, it is our opinion that seepage through the embankment has a very low probability for initiating piping conditions provided the pool level is never increased (the spillway crest is not raised) and the reservoir is never deepened by excavation and removal or dredging of accumulated sediments.

As we discussed, there remain several features pertaining to the safety of the structure that we expect to be satisfactorily addressed before recommending that a Reservoir Permit be issued for this project. The following is a brief description of those items, in order of priority based on our perception of what is necessary for the continued safety of the downstream public.

The Emergency Spillway

The rehabilitation of the emergency spillway is the single, most important task to be completed in order to ensure the continued safety of the dam. In its present condition the emergency spillway is judged to be very susceptible to total failure if subjected to a large or prolonged runoff event. Unfortunately, satisfactory completion of this task likely will be the most costly both in terms of time and money. A portion of the cost will include engaging the services of an Oregon licensed professional engineer to prepare a design for our review and approval prior to construction. We recommend:

- The concrete approach apron be restored or replaced, as appropriate,
- All trees and brush cut back 8-10 feet (one vehicle width) from both sides of the concrete training walls,
- The stilling basin be adequately repaired to effectively halt any additional erosive undercutting of the concrete channel.

The Low Level Outlet Conduit

The design drawings indicate two (2) outlet conduits pass through the bottom of the dam, consisting of a 12" and 5" diameter in parallel. At present, the upstream inlet is buried under 20-25 feet of sediment. Reportedly, the control valves are destroyed and inoperable and, for all practical purposes, never will be replaced due to the cost of excavation. Due to the depth and variety of sediment cover and the apparent low hydraulic gradient, thus low risk for any natural "piping" of sediments from the reservoir bottom through the conduits or from the embankment itself, it is our opinion that a total restoration of the upstream works for safety purposes is unwarranted. The Watermaster tentatively agreed not to require installation of a low-level outlet provided some alternate method such as a portable pump, siphon, etc. meeting his approval be proposed to pass inflow when and if senior downstream water rights must be satisfied. Of course, this exemption would be contingent upon the emergency spillway and stilling basin being repaired/ restored, as described above.

Therefore, we believe it is necessary instead to focus attention on the *downstream end* of the conduits. In order to evaluate the condition of the conduits, measure the amount of seepage, and determine whether to properly abandon or not, it is necessary that they first be brought to view. We recommend all debris and soil materials covering or otherwise obscuring visibility of the downstream ends of the pipes be removed and the pipe ends completely exposed. Only then can we decide how best to proceed with long-term monitoring or permanent abandonment of these features. The sooner this task is accomplished, the sooner we can evaluate the works and make our decision based on the conditions at hand.

Design Drawings and Area/Capacity Diagram

Although this requirement does not physically improve or directly affect the safety of the structure, please be advised that detailed drawings illustrating the dimensions of the existing dam and the proposed repair/rehabilitation of the emergency spillway and stilling basin, together with a revised area/capacity diagram or tabulation must be approved by this office prior to issuance of a Reservoir Permit.

Again, thank you for your efforts to improve the safety conditions of the dam and spillway. If you have any questions, please do not hesitate to call and we can discuss them in detail.

Very Truly Yours,

John A. Falk, P.E
Safety of Dams

c: James Lewis - Mayor
Larry Menteer - Watermaster #13
Water Rights Section

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

April 30, 2003

RECEIVED
MAY 02 2003
CITY OF JACKSONVILLE

DISTRIBUTED
cc 5/5/03
K

James Lewis, Mayor
City of Jacksonville
P.O. Box 7
110 E. Main Street
Jacksonville, OR 97530

Re: Jacksonville Dam

Dear Mr. Lewis:

Thank you for sending a copy of your letter to BLM dated 3/31/03 regarding the referenced structure. I wish to clarify for the file record our position regarding repair of the referenced project. Please be advised the existing structure is unsuitable for ***permanent storage*** of water behind the dam.

As discussed with Mr. Paul Kangus on previous occasions, repair of the emergency spillway and other maintenance items are necessary to continue using the existing dam as a detention basin to temporarily retain runoff. It is toward this goal that I have been working with Mr. Kangus. In its present condition, much of the original reservoir has been filled with sediment. Consequently, a relatively small volume of runoff is temporarily detained and gradually leaks through the base of the dam into the downstream channel. Excess runoff is passed around the dam through the emergency spillway into the downstream channel.

Enlargement of the pool (i.e. deepening the reservoir by excavating accumulated sediments) to provide increased detention or permanent storage behind the dam will not be approved by the state Dam Safety Program until/unless the dam is restored fully to original design configuration, or until/unless a licensed professional engineer has submitted a design for approval to modify the existing structure. There also may be difficulty obtaining a valid water right to permanently store water behind the dam. Please check with the District #13 Watermaster, Mr. Larry Menteer, to determine water availability for permanent storage.

Please accept my apology for any inconvenience caused you by this apparent misunderstanding.

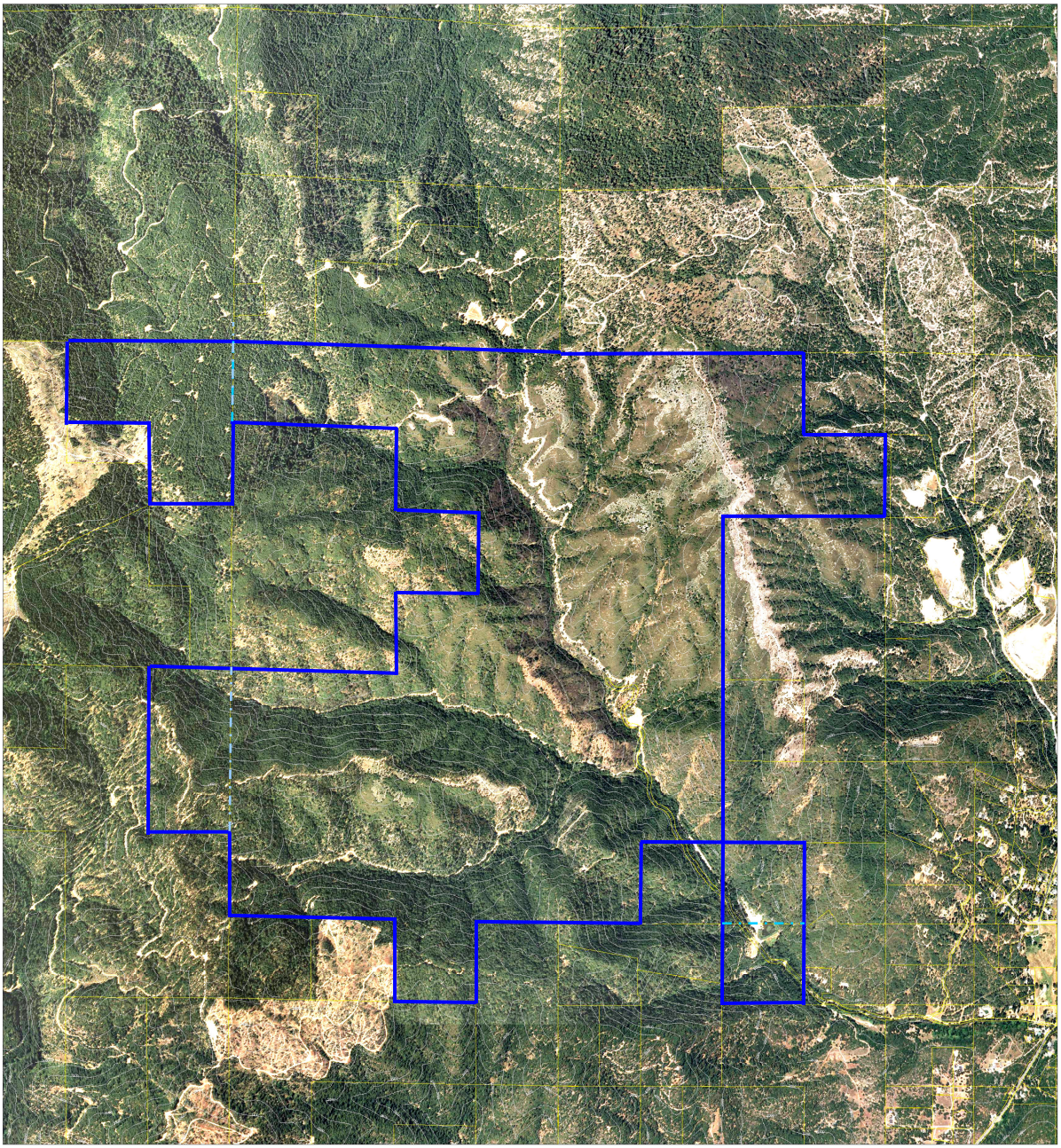
Sincerely,

John Falk, P.E.
Safety of Dams

c: Paul Kangus, P.E. - c/o City of Jacksonville
Larry Menteer - Watermaster District #13
file (J-21)

Jacksonville's Forest Park
A Fresh Look

1800 acres – Five tax lots – Two creeks – Few



Bureau Of Land Management
Medford District Office
3040 Biddle Road
Medford, Oregon 97504

Ed Reilly 02/22/2010

N W E S

0 0.15 0.3 0.6 Miles

Draft - For BLM use only

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

Roads – Reservoir

Jacksonville Forest Park Stewardship Vision

Jacksonville is an inviting city. The people of Jacksonville share their rich history with visitors from all over the world. This vision attempts to extend that invitation to include the history and countryside that grew the city, to make Jacksonville's Forest Park as interesting and inviting as the community itself.

The attached table presents some possible uses for the Forest Park. These uses are designed to be implemented over time at low or no net cost to the City. Some possible uses may provide income to the City.

Cultivating Jacksonville's Forest Park will take time, and many of the possible uses may take a decade to incorporate. Portland's Forest Park began as part of a master parks plan developed in 1903. It wasn't until 1939 that the city began acquiring land for what is now a 4,200-acre park. Jacksonville already has the land and is now considering how to utilize its inherent value.

One of the things that keeps Jacksonville so vibrant is the large number of volunteers that showcase the history and culture of the City, bringing visitors that support Jacksonville merchants. Much of the City's governance is conducted by volunteers, from the City Council to the Parks Committee. The Jacksonville Chamber of Commerce, the Citizens League, the Woodlands Association, garden clubs, civic organizations and individuals contribute thousands of hours each year to preserving the City's history and enriching its ambience. Wherever "volunteers" shows up on the table, it reflects the civic pride and spirit of community that already exist in Jacksonville.

Many things have yet to be determined (TBD). This Stewardship Vision is being developed as a volunteer service through the Master Land Steward Program presented by Oregon State University's Extension Service. Work on the Vision will continue with a goal to a more complete public presentation in late May, 2010.

Jacksonville's Forest Park Stewardship Vision

Preliminary Draft

Vision	Timeline *(from 2011)*	Key Players *(always City of Jacksonville)*	Projected Cost	Projected Benefit	Funding
Caretaker	1-2 years	SOU (SOU graduate student in Natural Resources) Park Rangers	$0 (with scholarship)	Reduction in vandalism; detailed research of Park	Scholarship
Caretaker residence	1-4 years	Volunteer labor City Forester Park Rangers	TBD – rely heavily on Park materials for log structure	Staging area for Park maintenance; Can be built to reflect history and innovative technology. House library of Park information.	Grants, material donations, volunteer labor. Costs to City should be under $50,000
Gathering Place	1-10 years	Volunteer Labor City Forester	Less than $2,000 for initial roof with first level of construction a pole structure using Park materials. Additional monies may be required as improvements are made.	Host site for group activities (e.g., weddings), catering by J'ville merchants. Develop for multiple use. Potential revenue generator for City, merchants	Donated materials to begin, and lots of volunteer labor. Improvements can be made as funding sources become available.
Picnic Sites	1-5 years	Volunteer Labor	Can be developed using Park materials.	Increased use of Park.	Local merchants for minimal hardware

Disc Golf	1-2 years	Disc Golf Association (DGA)	DGA with volunteers	Potential Revenue Increased business in town	DGA
Mining Site	1-3 years	Woodlands Assoc., historian, volunteers	Less than $5,000	Increased tourism	Grants
Native Camp	1-8 years	Native Americans, historian, volunteers	On-site materials	Increased tourism	TBD
Workshop	2-5 years	Local artists and craftspeople	$5-$10,000 using on-site materials	Increased tourism, business in town	Grants and volunteers
Native Plant Community Garden	1-5 years	Local garden club	On-site materials	Increased tourism, potential revenue generator to City	
Signage	Ongoing	Woodlands Assoc., volunteers	TBD	Increased Park use	City budget
Trails	Ongoing	Woodland Assoc., volunteers	Minimal	Increased Park use	Donated labor
Gates	1-2 years	Park Rangers Volunteers	TBD	Reduced vandalism, greater control of resources	Seek donations
Parking	1-5 years	City Forester Park Rangers Volunteers	TBD	Increased Park use	TBD
Tours	3-5 years	City Forester Park Rangers Volunteers	$10-$15,000 start-up	Revenue generator	Grants
Solar Farm	5-10 years	City Forester Park Rangers	TBD	Revenue generator	TBD
Vision	**Timeline** *(from 2011)*	**Key Players** *(always City of Jacksonville)*	**Projected Cost**	**Projected Benefit**	**Funding**

VALUE ESTIMATES TO DATE

RECEIVED
MAR 1 0 2003
CITY OF JACKSONVILLE

JACKSONVILLE WATERSHED PROPERTY

VALUE ESTIMATE

3/7/03

This report of the estimated value of the City of Jacksonville's watershed property was prompted by a presentation by the Motorcycle Riders Association (MRA) to the City Council in October, 2002, whereby the City property was proposed for purchase with funds from the Oregon Parks and Recreation Department's off-highway vehicle fund. Their proposal contained several variations of purchase with or without timber values included. No values were presented because the presentation was informal and a formal offer would require a certified appraisal.

This report does not constitute a formal appraisal but is an estimate of values based the value of the forestland with the additional value of the merchantable and immature timber. One variation is provided that proposes some of the property being sold to a land developer interested in rural tract subdivisions.

A. Estimated value of Watershed Property with highest and best use as timberland:

1. The estimated value of the land is determined separately. It is given three different values based on Forest Site Productivity Classes. Site Productivity Classes are assigned to forest tracts based on their ability to grow timber (higher classes grow timber faster). The three values are as follows: (values based on estimates and review of comparable sales data).

600 acres of Site Class 4 forestland estimated		@ $350/acre	= $210,000
600 acres of Site Class 5 forestland estimated		@ $300/acre	= $180,000
600 acres of forestland poorer than Site 5 estimated		@ $250/acre	= $150,000
1,800 acres	**Total land value**		**$540,000**

2. Current Timber volumes and values (see attached):

Gross Volume:	2,640 MBF.		Gross Value: $650/MBF	
Defect	400 MBF		Logging Cost: $250/MBF	
Net Volume:	2,240 MBF.	X	Net Value: $400/MBF	= $ 896,000
			Total net timber value	**= $ 896,000**

3. Value of immature timber is based on site classes and current age of timber (48 years old) compared to the expected value at maturity (80 yrs.). Expected value at 80 yrs is discounted back to current age and value. Expected net value at 80 yrs. for Site 4 timber is 25MBF per acre X $400/MBF = $12,000/acre. Expected net value for Site 5 timber is 20 MBF per acre X $400/MBF = $10,000/acre. Discount rate is 8%. The current value of immature stands is as follows:

$12,000 discounted for 32 yrs @ 8% = $852/acre X 300 acres Site 4 timber.	= $256,000
$ 10,000 discounted for 32 yrs @ 8% = $682/acre X 300 acres Site 5 timber.	= $205,000
$ 10,000 discounted for 74 yrs @ 8% = $2.70/acre X 100 acres Site 5 plantation.	= $ 3,000
Total value of immature stands	**$464,000**
Total Current Value as Timberland	**$1,900,000**

Note: Value of road improvements is significant but not included.

$135,000 for 40 acres
$2,500/ac

B. Estimated Value of Watershed Property if offered and sold as land capable of being subdivided into Large Tract Forest Acreages:

Jacksonville's watershed property could be offered at a higher price that may attract a land developer interested in rural tract subdivisions or the City could subdivide the property themselves and engage in tract sales. Selling to a developer would be preferable because there would be expenses incurred for road improvement and property surveys.

Large Tract Forest parcels would be 160 acres in size. There would be approximately nine (9) parcels of 160 acres each for a total of 1440 acres. In addition approximately two (2) parcels of 80 acres each would be available at the lower part of the watershed adjoining the county road for a total of 160 acres. Total land in forest parcels is 1600 acres. The remaining land, which tends to be less accessible, is 200 acres.

Based on reviews of comparable sales of forest parcels, each 160 acre tract would have an expected land value of at least $128,000 ($800/acre). Each 80 acre tract would expect to have a land value of at least $192,000 ($1,200/acre). Timber values would be in addition to these values.

1. Expected Land Value of Forest Parcels:

Nine (9) parcels	@ $ 128,000 =		$ 1,152,000
Two (2) parcels	@ $ 96,000 =		$ 192,000
Remaining land	@ $ 60,000 =		$ 60,000
		Total expected land value	**$ 1,404,000**

2. Estimated Net Timber Values:

Merchantable Timber value	@ $ 896,000 added to land value	$ 896,000
Immature Timber value	@ $ 464,000 added to land value	$ 464,000
	Total timber value	**$ 1,360,000**

Total land and timber value if offered and sold for subdivision **$ 2,764,000**

Paul Kangas
NW Forest Resources Mgm't; (541) 773-8845 or (541) 821-5315 cell

JACKSONVILLE WATERSHED

TIMBER VOLUME ESTIMATE ON CITY OF JACKSONVILLE PROPERTY

11/13/02

The following data describes the estimated timber volume in the Jackson Creek watershed, excluding property in or contiguous to the City of Jacksonville. Refer to the Jacksonville Watershed Forest Management Plan (1995), Cruise Unit Map showing numbered cruise units in the watershed.

CURRENT TIMBERVOLUMES & VALUES

UNIT NUMBER	LOCATION	EST. GROSS VOL.	EST. NET VOL.
1 & 2	80 ac. at reservoir	170 MBF	150 MBF
3	Norling Gl. South	1,500	1,200
4	Norling Gl. North	200	180
5	Jackson Cr. South	80	60
6	Jackson Cr. West	100	90
7	NW property	450	350
8	Cantrall Gl.	40	40
Other	Walker Cr.	80	50
Other	Norling Gl. East	80	70
Other	Misc. locations	50	50
	TOTALS	**2,640 MBF**	**2,240 MBF**

The timber volume for Unit 3, Norling Gl. South, is based on a 2001on-the-ground timber cruise.

Based on a timber value of $650.00 per MBF, the **estimated gross value** of the timber in the watershed would be:

2240 MBF Net Volume X $650/MBF = $1,456,000

Based on a timber value of $400.00 per MBF after logging, the **estimated net value** of the timber in the watershed would be:

2,240 MBF Net Volume X $400/MBF = $896,000

Notes: MBF is Thousand Board Feet ; DBH is Diameter Breast Height

STUDIES
&
LEGAL OPINIONS

An Update of the Oregon Off-Highway Vehicle Economic Impact Report

Jessica Leahy and Rebecca Johnson
Department of Forest Resources, Oregon State University

Introduction

Off-highway vehicle (OHV) recreation is a popular recreation activity in Oregon and is continuing to grow, in terms of the number of participants. In 1999, Oregon State University conducted a study of the 28,640 OHV recreation households in Oregon. This study, "The 1999 Oregon Off-Highway Vehicle User Survey," found that there were about $46.4 million spent on OHV trips in 1999. This created 831 jobs and $14.6 million in personal income. In 2000, the Oregon Department of Parks and Recreation began managing the OHV permit system. This led to an increase in the number of registered OHVs, because of the increased availability to purchase permits, emphasis on enforcement, and program awareness through various media. There was also an increase in the number of machines sold. By 2001, the new estimate of OHV recreation households was up to 33,813; this was an increase of about 5000 new households. In the meantime, inflation also rose between 1999 and 2001 by about 6%. These factors suggested that it was necessary to update the 1999 economic impact estimates, to reflect the more current Oregon OHV situation. The results presented in this update are for the year 2001. Methodology and updated results are presented next.

Methods

The original estimates of the economic impact of off-highway vehicles in Oregon, were from "The 1999 Oregon Off-Highway Vehicle User Survey" report. That study surveyed 1,200 OHV owners, who had vehicles currently registered with the Oregon Department of Motor Vehicles, using a mailed questionnaire. The survey gathered information on user demographics, trip characteristics, and expenditures. The economic impact estimation methodology for that study, combined visitor expenditure information with input-output models, in order to estimate the total economic impact of OHVs in Oregon. Readers should consult the 1999 report for more information about user demographics and trip characteristics. The report also contains a detailed description of state regions and the economic impact estimation process.

This update provides economic impact estimates for OHVs in Oregon, for the calendar year 2001. This was accomplished by updating two items. First, adjustments were made for the increase in number of registered OHVs. The Oregon Department of Parks and Recreation, who took over management of the OHV permits in 2000, provided this information. Second, adjustments were made for the level of inflation experienced between 1999 and 2001, by using the Consumer Price Index. A critical assumption of the update, is that the only changes in economic impact between 1999 and 2001, were the growth in OHV registrations and inflation. It assumes that all other potential influences have remained constant, such as demographics (i.e., type of household that participates in OHV recreation), trip characteristics (i.e., number of yearly trips and location of trips), and expenditure patterns (i.e., spending in particular categories).

Results

Using the updating procedures, Oregon and out-of-state households made approximately 785,500 OHV recreation days in 2001 (Table 1). In-state households accounted for 613,900 of the recreation days, while out-of-state visiting households comprised 171,600 recreation days.

Table 1.

	Estimated # of OHV Recreation Days by Households in 2001		
Region	**In-State**	**Out-of-State**	**Combined**
South Coast	159,183	97,564	256,747
Central Oregon	126,277	20,557	146,833
North Coast	89,194	14,520	103,714
Willamette Valley	88,455	14,400	102,855
Eastern Oregon	51,519	8,387	59,906
Northeastern Oregon	47,503	7,733	55,236
Southern Oregon	29,146	4,745	33,891
Central Coast	22,669	3,690	26,359
ALL REGIONS COMBINED	613,946	171,595	785,541

Average household expenditures varied widely, depending on the region (Table 2). Visitors to the South Coast spent $137 per household per day, and households in Central Oregon only spent $27 per household, per day, while participating in OHV recreation.

Table 2

	Average Trip Expenditures (Household/Day) in 2001		
Region	**In-State**	**Out-of-State**	**Combined**
South Coast	$111	$176	$137
Central Oregon	$25	$40	$27
North Coast	$45	$71	$49
Willamette Valley	$40	$63	$43
Eastern Oregon	$29	$46	$32
Northeastern Oregon	$83	$132	$91
Southern Oregon	$56	$88	$61
Central Coast	$26	$42	$29

Oregonians made $36.3 million in trip expenditures in 2001 (Table 3). Non-residents made $21.7 million in trip expenditures. Of this total amount, nearly $34.7 was spent in the South Coast region that contains the Oregon Dunes National Recreation Area.

Table 3

	Total Expenditures in 2001 ($millions) by Region		
Region	**In-State**	**Out-of-State**	**Combined**
South Coast	17.7	17.0	34.7
Central Oregon	3.2	0.8	4.0
North Coast	4.2	1.1	5.3
Willamette Valley	3.5	0.9	4.4
Eastern Oregon	1.5	0.4	1.9
Northeastern Oregon	4.0	1.0	5.0
Southern Oregon	1.6	0.4	2.0
Central Coast	0.6	0.2	0.7
ALL REGIONS COMBINED	36.3	21.7	58.1

Because the updated figures were based on survey results from the 1999 survey, it remained that about 25% of expenditures went towards accommodations (camping, hotels, etc.), and 18% each was spent on gas and oil, restaurants, and at grocery stores (Table 4).

Table 4

	Total Expenditures in 2001 ($millions) by Spending Category		
Spending Category	**In-State**	**Out-of-State**	**Combined**
Gas and Oil	7.1	3.7	10.8
Restaurants and Taverns	6.1	4.3	10.5
Groceries	6.5	3.7	10.2
Lodging	4.2	2.6	6.7
Camping/RV	4.5	3.1	7.6
Amusements	1.1	0.8	1.9
ATV Rentals	0.5	0.5	0.9
Repairs and Maintenance	3.1	1.3	4.4
Guides and Tours	0.0	0.0	0.0
First Aid	0.2	0.1	0.4
Other Retail	2.9	1.7	4.6
ALL REGIONS COMBINED	36.3	21.7	58.1

When all regions were combined, the economic impact of trip expenditures in Oregon for 2001, was 981 jobs and $18.4 million in personal income (Table 5). The most impacted region was the South Coast, with 624 jobs and $10.9 million in personal income. The least impacted region was the Central Coast region, with 11 jobs and $200,000 in personal income.

Table 5

	Total Economic Impact in 2001 ($millions) by Region			
Region	**Direct Sales**	**Total Sales**	**Employment**	**Labor Income**
South Coast	21.1	30.9	624	10.9
Central Oregon	2.0	3.1	63	1.2
North Coast	2.9	4.5	68	1.8
Willamette Valley	2.8	4.8	72	1.8
Eastern Oregon	0.9	1.3	27	0.5
Northeastern Oregon	3.0	4.3	85	1.5
Southern Oregon	1.2	1.9	31	0.7
Central Coast	0.4	0.5	11	0.2
ALL REGIONS COMBINED	34.2	51.2	981	18.4

Conclusion

The economic impact of OHV recreation in Oregon has increased, due to a growth in the number of OHV recreationists, as measured by the number of registered OHVs and inflation. In 2001, it was estimated that there were 120,600 more OHV household recreation days than in 1999. Trip expenditures also increased $11.6 million between the two years. Trip expenditures from OHV households created jobs and income for destination area residents employed in the recreation and tourism industry, and industries linked through indirect and induced spending. Employment estimates have risen by 150 jobs to 981 jobs, and personal income has increased by $3.8 million, to $18.4 million.

The updated results rely on the accuracy of registration records to define the population size, and the consistency of OHV recreationists in maintaining demographic, visitation, and spending patterns over time. For example, the registration records do not provide full information about the number of out-of-state OHV recreationists, and this is an area needing future research. Also, we can be fairly confident that visitation and spending patterns would not change significantly within a two year time span (between the year of the survey and the year of the update). However, as the 1999 survey of OHV users becomes older, it will be less reliable in future economic impact updates as a source of demographic, trip, and spending information.

ITEM 1

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September 7, 1999

RECEIVED
SEP 08 1999
CITY OF JACKSONVILLE

Paul R. Kangas
City of Jacksonville
PO Box 7
Jacksonville, OR 97530

RE: Watershed Property

Dear Paul:

Following our meeting, you requested that I respond to the questions in writing.

1. What law or laws, if any, are applicable toward those who cause damage to the city's watershed property or natural resources other than for theft of property such as timber?

   Answer: Damage to property and natural resources are potentially subject to criminal action and/or civil action. Criminal action would be a matter to be investigated by the sheriff and crimes charged as appropriate. Vandalism and trespassing come to mind. Furthermore, if there is damage to natural resources, there may be federal laws involved depending on the natural resource.

   On a more practical note, the city also can take civil action if the individual that caused the damage is known. Following our discussion, I reviewed ORS 20.080 which, in my opinion, would allow the city to recover attorney fees on all damage claims for $4,000 or less. As I advised you when we spoke, I have never used the statute with the city as a party, however, there is nothing in the reading of the statute that would seem to prohibit that application. Furthermore, if the wrongdoers were minors, Oregon law provides that parents are liable for damages intentionally or recklessly caused by a child up to $7,500. *See* ORS 30.765.

   Thus, on the civil side, so long as an individual can be identified, the city would potentially have recourse for damages caused.

2. Since the watershed property has had unrestricted use by the public for decades, are there special rules that should be followed to implement the law, such as posting the property or legal notices?

   Answer: As we discussed, there are no prescriptive rights or adverse possession issues that arise against property owned by the City of Jacksonville. Thus, the city can restrict the use to any individual or entity for any purpose that it elects so long as procedural process is followed in making that decision. I would recommend that if any significant change in the use is going to be made that the the council make that decision. The public notice to appear and comment should have a significant amount of publicity so there is an opportunity to appear and be heard.

   Assuming the procedural process in the decision to limit access is adequate, the city has no limitations on what it can prohibit or include in the use of that property.

3. Could the City control access on that portion of road or other portions that traverse the property?

   Answer: The city can control access onto the city-owned property in any manner it chooses. The county road is bordered on two sides by city property. The city can limit access onto its property by anyone driving down the county road. Thus, if the city wanted to fence its property along the county road on both sides and eliminate all access to all members of the public, it may do so.

4. Are there any laws or cautions that the City should be aware of if it develops a Permit System for public use of the property?

   Answer: I have included a copy of ORS 105.682, which limits liability to owners of land by the public for recreational purposes, woodcutting, or harvest of special forest products. Thus, if the city were to grant permits for particular purposes, the city would have to meet the reasonable investigation and maintenance standard of maintaining the land in a condition suitable for those purposes.

   The city could require users to obtain liability insurance or to post bonds for damage. The liability insurance would be for recreational-type activities to be conducted on the property, which should include a waiver of all claims against the city.

5. What are the legal limits, if any, of enforcement authority for the various police agencies such as City, County and State?

   Answer: I have not finished my legal research regarding enforcement authority of various police agencies. However, if the property is not within the city limits, county enforcement would be necessary. My preliminary review does not indicate that a city ordinance could grant authority outside the jurisdiction of the city. However, I need to do some additional research before making a firm conclusion on the issue.

I will continue my review of the one remaining matter but wanted to get you the information on the items we discussed as soon as possible.

Sincerely,

Robert E. Bluth

REB:gk
Enclosure
c: Paul Wyntergreen

O.R.S. § 105.688

1998 OREGON REVISED STATUTES
TITLE 10. PROPERTY RIGHTS AND TRANSACTIONS
CHAPTER 105. PROPERTY RIGHTS
PUBLIC USE OF LANDS

Current through End of 1997 Reg. Sess. and 1998 Cumulative Supp.

105.688. Applicability of immunities from liability for owner of land; restrictions.

(1) Except as specifically provided in ORS 105.672 to 105.696, the immunities provided by ORS 105.682 apply to:

(a) All public and private lands, including but not limited to lands adjacent or contiguous to any bodies of water, watercourses or the ocean shore as defined by ORS 390.605;

(b) All roads, bodies of water, watercourses, rights of way, buildings, fixtures and structures on the lands described in paragraph (a) of this subsection; and

(c) All machinery or equipment on the lands described in paragraph (a) of this subsection.

(2) The immunities provided by ORS 105.682 apply only if:

(a) The owner makes no charge for permission to use the land; or

(b) The owner charges no more than $20 per cord for permission to use the land for woodcutting.

(1995 c. 456 § 4)

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October 19, 1999

RECEIVED
OCT 21 1999
CITY OF JACKSONVILLE

Paul R. Kangas
City of Jacksonville
PO Box 7
Jacksonville, OR 97530

RE: Watershed Property

Dear Paul:

I apologize for the delay in responding to the final question. Enclosed is ORS 226.010, which provides that the City may utilize its police officers to police property that it owns outside of the City limits.

Also enclosed are additional statutes that provide additional information regarding police officers protecting the City's interests in this situation.

If you have any further questions, please do not hesitate to give me a call.

Sincerely,

Robert E. Bluth

REB:gk
Enclosures
c: Paul Wyntergreen

O.R.S. § 226.010

1998 OREGON REVISED STATUTES
TITLE 21. CITIES
CHAPTER 226. CITY PARKS, MEMORIALS AND CEMETERIES
GENERAL PROVISIONS

Current through End of 1997 Reg. Sess. and 1998 Cumulative Supp.

226.010. Control of municipal corporation over property outside its boundaries.

Every incorporated city or municipal corporation owning or controlling any lands without its boundaries may enact any police or penal ordinance necessary to protect the same or preserve the peace and order therein or regulate the use of such park, enforce the ordinance by penalties of fine or imprisonment and make arrests and serve process of courts therein or upon persons therein or thereon in like manner and with like effect as the same might be enacted or enforced within its corporate limits.

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O.R.S. § 810.410

1998 OREGON REVISED STATUTES
TITLE 59. OREGON VEHICLE CODE
CHAPTER 810. ROAD AUTHORITIES; COURTS; POLICE; OTHER ENFORCEMENT OFFICIALS
POLICE
(GENERAL AUTHORITY)

Current through End of 1997 Reg. Sess. and 1998 Cumulative Supp.

810.410. Arrest and citation.

(1) A police officer may arrest or issue a citation to a person for a traffic crime at any place within or outside the jurisdictional authority of the governmental unit by which the police officer is authorized to act as provided by ORS 133.235 and 133.310.

(2) A police officer may issue a citation to a person for a traffic infraction at any place within or outside the jurisdictional authority of the governmental unit by which the police officer is authorized to act:

(a) When the traffic infraction is committed in the police officer's presence; or

(b) When the police officer has probable cause to believe an offense has occurred based on a description of the vehicle or other information received from a police officer who observed the traffic infraction.

(3) A police officer:

(a) Shall not arrest a person for a traffic infraction.

(b) May stop and detain a person for a traffic infraction for the purposes of investigation reasonably related to the traffic infraction, identification and issuance of citation.

(c) May make an inquiry into circumstances arising during the course of a detention and investigation under paragraph (b) of this subsection that give rise to a reasonable suspicion of criminal activity.

(d) May make an inquiry to ensure the safety of the officer, the person stopped or other persons present, including an inquiry regarding the presence of weapons.

(e) May request consent to search in relation to the circumstances referred to in paragraph (c) of this subsection or to search for items of evidence otherwise subject to search or seizure under ORS 133.535.

(f) May use the degree of force reasonably necessary to make the stop and ensure the safety of the peace officer, the person stopped or other persons present.

(g) May make an arrest of a person as authorized by ORS 133.310 (2) if the person is stopped and detained pursuant to the authority of this section.

***65079** (4) When a police officer at the scene of a traffic accident has reasonable grounds, based upon the police officer's personal investigation, to believe that a person involved in the accident has committed a traffic offense in connection with the accident, the police officer may issue to the person a citation for that offense. The authority under this subsection is in addition to any other authority to issue a citation for a traffic offense.

(1983 c. 338 § 400; 1985 c. 16 § 212; 1991 c. 720 § 1; 1995 c. 308 § 1; 1997 c. 682 § 1; 1997 c. 866 §§ 4,5)

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NOTES, REFERENCES, AND ANNOTATIONS

810.410

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NOTES OF DECISIONS

1. Under former similar statute

Where conflicting information was given concerning defendant's identity after he was stopped for a traffic violation, taking him into custody in order to determine his identity was not unreasonable. State v. Tucker, 286 Or 485, 595 P2d 1364 (1979)

This section allows only those officials who have observed infraction or who are on scene of accident and have personally investigated cause of accident to issue citations and to detain people; where no citation can be issued detention is not authorized. State v. Painter, 296 Or 422, 676 P2d 309 (1984)

2. In general

Where evidence showed that tribal law incorporated Oregon law concerning arrest for drunken driving, allowing arrest if officer has probable cause to believe person has committed major traffic offense, tribal officer was authorized to make such arrest. United States v. Strong, 778 F2d 1393 (1985)

Where Oregon State Police Cadet observed open bottle of beer on ground beside car defendant had just left, cadet reasonably concluded that defendant had committed an "open container" infraction in cadet's presence; therefore, cadet was entitled to detain defendant for purposes of ascertaining defendant's identity and to obtain other information. State v. Horton, 86 Or App 199, 738 P2d 609 (1987)

Although officer did not know that South Dakota law required two license plates on vehicle, stop of defendant for displaying only one South Dakota license plate provided probable cause to believe traffic infraction had been committed in his presence. State v. Baer, 97 Or App 467, 776 P2d 876 (1989)

Under this section, when officer tells another officer that he has seen person commit traffic infraction, second officer may stop and detain person for purposes of investigation related to infraction, although second officer may not issue citation for infraction not committed in his presence. State v. Weigel, 99 Or App 476, 782 P2d 953 (1989), Sup Ct review denied

***65080** Where officer lawfully stopped defendant "for the purposes of investigation reasonably related to the apparent traffic infraction" of operating a vehicle without license plates, and observed temporary permit, justification for investigation reasonably related to stop was vitiated and officer had no statutory authority to make operator's license check. State v. Farley, 308 Or 91, 775 P2d 835 (1989)

Officer does not lose authority to make traffic stop under subsection (2) of this section by waiting fifteen minutes after witnessing infraction and so long as officer's actions are consistent with those of officer investigating traffic infraction, fact that officer has additional purposes for making stop does not invalidate it. State v. Olaiz, 100 Or App 380, 786 P2d 734 (1990), Sup Ct review denied

Trial court erred in denying defendant's motion to suppress evidence obtained in search during lawful stop because officer's authority to detain stopped person ends when reason for stop no longer exists. State v. Porter, 312 Or 112, 817 P2d 1306 (1991); State v. Dow, 116 Or App 542, 842 P2d 430 (1992); State v. Dominguez-Martinez, 321 Or 206, 895 P2d 306 (1995); State v. Aguilar, 139 Or App 175, 912 P2d 379 (1996), Sup Ct review denied; State v. Foster, 139 Or App 303, 912 P2d 377 (1996), Sup Ct review denied

Investigation of traffic infraction must be reasonably related to infraction, identification and issuance of citation and where arrest of driver and search of car was product of defendant's unlawful removal and handcuffing, evidence discovered during search should have been suppressed. State v. Faccio, 114 Or App 112, 834 P2d 485 (1992)

Officer who lawfully stopped car in which defendant was passenger lacked authority to ask for consent to search or to search accoutrement when request was made solely on basis of traffic infraction. State v. Bucholz, 114 Or App 624, 836 P2d 180 (1992); State v. Wright, 152 Or App 282, 954 P2d 809 (1998)

When police officer saw defendant who was stopped for speeding violation reach into glove compartment, remove rolled-up bag and tuck bag into sock, observations and police officer's knowledge and experience supported reasonable suspicion defendant possessed drugs or drug paraphernalia and allowed officer to question defendant about what officer had seen. State v. Frias, 115 Or App 149, 836 P2d 1367 (1992)

ORS 131.615 and this section provided authority for officer to open door of motor vehicle when officer observed motor vehicle oddly parked and discovered defendant slumped in driver's seat with driver's door slightly open and engine running. State v. Rhodes, 315 Or 191, 843 P2d 927 (1992)

***65081** Mere possibility defendant was in violation of statute was not probable cause allowing stopping of vehicle. State v. Rivera, 121 Or App 246, 855 P2d 188 (1993)

Reasonable basis for suspecting that infraction has occurred is sufficient to permit stop. State v. Matthews, 126 Or App 154, 868 P2d 14 (1994), aff'd 320 Or 398, 884 P2d 1224 (1994)

Reasonable suspicion that defendant has committed

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illegal acts is proper standard for permitting officer to broaden scope of investigation during traffic stop. State v. Aguilar, 139 Or App 175, 912 P2d 379 (1996), Sup Ct review denied

Where passenger commits traffic infraction, limitation on permissible scope of traffic stop applies to questioning of passenger. State v. Jones, 141 Or App 63, 918 P2d 111 (1996)

Where officer announces to individual that officer observed individual breaking law, encounter is stop. State v. Terhear/Goemmel, 142 Or App 450, 923 P2d 641 (1996)

Retention of valuable property extends duration of stop whether or not retention impairs mobility of stopped person. State v. Bailey, 143 Or App 285, 924 P2d 833 (1996)

Nervous behavior of driver is insufficient by itself to raise officer safety concerns and allow expansion of stop. State v. Peterson, 143 Or App 505, 923 P2d 1340 (1996)

Where consent to search is alleged, state must prove that request: 1) was reasonably related to basis for traffic stop; 2) pertained to independently sufficient nontraffic justification for stop or continuation; or 3) was made after traffic stop ended and real temporal break occurred between termination of stop and request. State v. Hadley, 146 Or App 166, 932 P2d 1194 (1997)

Traffic stop has ended if person stopped has been given objectively reasonable opportunity to leave. State v. Hadley, 146 Or App 166, 932 P2d 1194 (1997); State v. Elverud, 154 Or App 79, --- P2d --- (1998)

Where police officer lacked reasonable suspicion for expanding scope of traffic stop, officer leaning head into interior of vehicle while conducting stop was unreasonable search. State v. Hendricks, 151 Or App 271, 948 P2d 740 (1997)

Restriction on extension of traffic infraction stop applies to investigation of passengers in stopped vehicle. State v. Taylor, 151 Or App 687, 950 P2d 930 (1997); State v. Wright, 152 Or App 282, 954 P2d 809 (1998)

***65082** Suspicion that passenger is under influence of alcohol or controlled substances does not provide reasonable suspicion for expanding scope of stop. State v. Morton, 151 Or App 734, 951 P2d 179 (1997)

Where unlawful expansion of traffic stop does not impair free will of motorist, search resulting from expansion does not automatically violate prohibition in Oregon Constitution against unlawful search and seizure. State v. $113,871 in U.S. Currency, 152 Or App 770, 954 P2d 218 (1998), Sup Ct review denied

ATTY. GEN. OPINIONS: Arrest and incarceration of individuals for traffic infractions, (1977) Vol 38, p 960

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O.R.S. § 133.235

1998 OREGON REVISED STATUTES
TITLE 14. PROCEDURE IN CRIMINAL MATTERS GENERALLY
CHAPTER 133. ARREST AND RELATED PROCEDURES; SEARCH AND SEIZURE; EXTRADITION
ARREST

Current through End of 1997 Reg. Sess. and 1998 Cumulative Supp.

133.235. Arrest by a peace officer; procedure.

(1) A peace officer may arrest a person for an offense under ORS 133.005 to 133.045, 133.075 , 133.100 to 133.340 and 133.450 to 133.475, at any hour of any day or night.

(2) A peace officer may arrest a person for an offense, pursuant to ORS 133.310 (1), whether or not such offense was committed within the geographical area of such peace officer's employment, and the peace officer may make such arrest within the state, regardless of the situs of the offense.

(3) The officer shall inform the person to be arrested of the officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the officer encounters physical resistance, flight or other factors rendering this procedure impracticable, in which case the arresting officer shall inform the arrested person and show the warrant, if any, as soon as practicable.

(4) In order to make an arrest, a peace officer may use physical force as justifiable under ORS 161.235, 161.239 and 161.245.

(5) In order to make an arrest, a peace officer may enter premises in which the officer has probable cause to believe the person to be arrested to be present.

(6) If after giving notice of the officer's identity, authority and purpose, the officer is not admitted, the officer may enter the premises, and by a breaking, if necessary.

(1973 c. 836 § 71; 1981 c. 818 § 1)

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

133.235

See also annotations under ORS 133.240, 133.270, 133.290, 133.300, 133.320 and 133.330 in permanent edition.

*11344 NOTES OF DECISIONS

1. Under former similar statute

Requirement of announcement and refusal stems from common law. State v. Mitchell, 6 Or App 378, 487 P2d 1156 (1971), Sup Ct review denied; State v. Gassner, 6 Or App 452, 488 P2d 822 (1971)

Requirement of announcement and refusal may be dispensed with where notice would imperil officer, facilitate escape or allow destruction of evidence. State v. Mitchell, 6 Or App 378, 487 P2d 1156 (1971), Sup Ct review denied; State v. Gassner, 6 Or App 452, 488 P2d 822 (1971)

Evidence seized in violation of local statute may be suppressed; if seized in violation of United States Constitution, it must be suppressed. State v. Gassner, 6 Or App 452, 488 P2d 822 (1971)

Exigent circumstances existed which justified officer's entry without first giving notice of his authority and purpose. State v. Mitchell, 6 Or App 378, 487 P2d 1156 (1971), Sup Ct review denied; State v. Larkens, 8 Or App 162, 493 P2d 172 (1972)

Evidence secured by entry not in compliance with this section shall not be excluded. State v. Valentine, 264 Or 54, 504 P2d 84 (1972), cert. denied, 412 US 948

2. In general

Where arresting officers entered house in which victim

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believed burglar lived within 10 to 15 minutes after report of burglary, circumstances were sufficiently exigent to justify entry to make probable cause arrest. State v. Ellett, 33 Or App 447, 576 P2d 839 (1978)

Absent exigent circumstances or hot pursuit, police officers who have probable cause to arrest a person may not forcibly enter a person's home for that purpose in absence of having secured a warrant. State v. Olson, 287 Or 157, 598 P2d 670 (1979)

This section did not authorize Tigard police officer to serve summons on defendant at her Lake Oswego residence for an offense committed in Tigard. State v. Huffman, 49 Or App 823, 621 P2d 78 (1980)

Where police identified themselves but did not announce purpose before entering defendant's mother's house to arrest defendant, motion to suppress confession as fruit of illegal arrest was properly denied. State v. Bishop, 288 Or 349, 605 P2d 642 (1980)

*11345 Officers who enter premises with valid arrest warrant to make arrest under this section must meet same test for showing probable cause to believe person is on premises as is required to support issuance of search warrant under ORS 133.545. State v. Munro, 96 Or App 238, 772 P2d 1353 (1989)

This section includes apprehension of peril exception to knock and announce requirement if specific and articulable facts known at time of entry, taken together with rational inferences that may be drawn from facts, would lead reasonable person to believe that compliance would create risk to police officer's safety. State v. Ford, 310 Or 623, 801 P2d 754 (1990)

ATTY. GEN. OPINIONS: Authority of Oregon Liquor Control Commission to arrest or issue citation, (1974) Vol 36, p 1066; application to arrests by weighmaster, (1979) Vol 39, p 528

LAW REVIEW CITATIONS: 8 WLJ 107-114, 224-228 (1972); 10 WLJ 30, 66 (1973)

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O.R.S. § 133.310

1998 OREGON REVISED STATUTES
TITLE 14. PROCEDURE IN CRIMINAL MATTERS GENERALLY
CHAPTER 133. ARREST AND RELATED PROCEDURES; SEARCH AND SEIZURE; EXTRADITION
ARREST

Current through End of 1997 Reg. Sess. and 1998 Cumulative Supp.

133.310. Authority of peace officer to arrest without warrant.

(1) A peace officer may arrest a person without a warrant if the officer has probable cause to believe that the person has committed any of the following:

(a) A felony.

(b) A Class A misdemeanor.

(c) An unclassified offense for which the maximum penalty allowed by law is equal to or greater than the maximum penalty allowed for a Class A misdemeanor.

(d) Reckless driving under ORS 811.140.

(e) Driving while under the influence of intoxicants under ORS 813.010.

(f) Failure to perform the duties of a driver under ORS 811.700 or 811.705.

(g) Criminal driving while suspended or revoked under ORS 811.182.

(h) Fleeing or attempting to elude a police officer under ORS 811.540.

(i) Any other offense in the officer's presence except traffic infractions as defined in ORS 153.505 and violations as defined in ORS 161.565.

(2) A peace officer may arrest a person without a warrant when the peace officer is notified by telegraph, telephone, radio or other mode of communication by another peace officer of any state that there exists a duly issued warrant for the arrest of a person within the other peace officer's jurisdiction.

(3) A peace officer shall arrest and take into custody a person without a warrant when the peace officer has probable cause to believe that:

(a) There exists an order issued pursuant to ORS 30.866, 107.095 (1)(c) or (d), 107.716, 107.718, 124.015, 124.020, 163.738 or 419B.190 restraining the person;

*11355 (b) A true copy of the order and proof of service on the person has been filed as required in ORS 107.720, 124.030, 163.741 or 419B.190; and

(c) The person to be arrested has violated the terms of that order.

(4) A peace officer shall arrest and take into custody a person without a warrant if:

(a) The person protected by a foreign restraining order as defined by ORS 24.185 supplies a copy of the foreign restraining order to the officer and represents to the officer that the person has been located in this state for 30 days or less; and

(b) The peace officer has probable cause to believe that the person to be arrested has violated the terms of the foreign restraining order.

(5) A peace officer shall arrest and take into custody a person without a warrant if:

(a) The person protected by a foreign restraining order as defined by ORS 24.185 has

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filed a copy of the foreign restraining order with a court under the provisions of ORS 24.115; and

(b) The peace officer has probable cause to believe that the person to be arrested has violated the terms of the foreign restraining order.

(6) A peace officer shall arrest and take into custody a person without a warrant if the peace officer has probable cause to believe:

(a) The person has been charged with an offense that also constitutes domestic violence, as defined in ORS 135.230, and is presently released as to that charge under ORS 135.230 to 135.290; and

(b) The person has failed to comply with the no contact condition of the release agreement.

(Amended by 1963 c. 448 § 1; 1973 c. 836 § 72; 1974 s.s. c. 42 § 2; 1977 c. 845 § 2; 1979 c. 522 § 2; 1981 c. 780 § 8; 1981 c. 818 § 2; 1983 c. 338 § 887; 1983 c. 661 § 7; 1987 c. 730 § 4a; 1989 c. 171 § 15; 1991 c. 208 § 2; 1991 c. 222 § 2; 1993 c. 626 § 10; 1993 c. 731 § 3; 1995 c. 353 § 11; 1995 c. 666 § 24; 1997 c. 249 § 45; 1997 c. 863 § 2)

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

133.310

NOTES OF DECISIONS

1. In general

Where arresting officers entered house within 10 to 15 minutes after report of burglary where burglary victim believed defendant lived, circumstances were sufficiently exigent to justify entry to make probable cause arrest. State v. Ellett, 33 Or App 447, 576 P2d 839 (1978)

*11356 Where plaintiff delivered to police proof that her husband had been served with order restraining him from molesting family and then reported to police series of violations of order but police refused to arrest husband, court held that officers who knowingly failed to enforce judicial order issued under Abuse Prevention Act are potentially liable for resulting harm to psychic and physical health of intended beneficiaries of the order. Nearing v. Weaver, 295 Or 702, 670 P2d 137 (1983)

Warrantless arrest, not in defendant's home, if based upon probable cause does not violate Article I, Section 9 of the Oregon Constitution. State v. Mace, 67 Or App 753, 681 P2d 140 (1984), Sup Ct review denied

Where county held parolee subject to official communication that State Board of Parole had issued warrant for parolee's arrest, parolee's right to be free of unreasonable seizures was not violated; officer need not have copy of warrant or order in hand but may rely on official communication indicating that warrant exists. Waller v. Drago, 611 F Supp 405 (1985)

Where evidence showed that tribal law incorporated Oregon law concerning arrest for drunken driving, allowing arrest if officer has probable cause to believe person has committed major traffic offense, tribal officer was authorized to make such arrest. United States v. Strong, 778 F2d 1393 (1985)

Facts were sufficient to justify stop when, after receiving information of violation of restraining order, officer, shortly after notice, observed defendant driving vehicle in vicinity of violation which matched description he had been given. State v. Steinke, 88 Or App 626, 746 P2d 758 (1987)

2. Probable cause to believe commission of felony

Generally speaking reasonable cause to arrest and reasonable cause to search are synonymous. State v. Hodge, 11 Or App 525, 504 P2d 143 (1972)

Probable cause can be supplied by information from an informant if the information describes the accused's criminal activity in such detail as to be susceptible of a reasonable inference that the informant had gained his information in a reliable way. State v. Hodge, 11 Or App 525, 504 P2d 143 (1972)

Officers had probable cause to go to defendant's apartment and arrest him for illegal sale of drugs to police contact where they: (1) Observed defendant going into the apartment with what appeared to be hashish and the police contact coming out with what appeared to be a package of hashish, and; (2) recovered the hashish from the police contact. State v. Bopp, 16 Or App 604, 519 P2d 1277 (1974)

Discovery by one police officer of defendant's personal property in the same room with illegal narcotics, unknown to another officer, did not constitute probable cause for that other officer to arrest and search defendant. State v. Mickelson, 18 Or App 647, 526 P2d 583 (1974), Sup Ct review denied

*11357 Where description of suspects and series of

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actions taken matched information provided by anonymous informant, sufficient corroboration of informant information existed to create probable cause for arrest. State v. Marsden, Moore, Cassidy, 19 Or App 742, 528 P2d 1066 (1974), Sup Ct review denied

Where, in course of burglary investigation, officer knocked on defendant's motel room door, and when defendant opened door beer came into plain view, there was evidence that crime of minor in possession of liquor was being committed, and officer properly arrested defendant. State v. Bettles, 45 Or App 9, 607 P2d 216 (1980), Sup Ct review denied

Where, during valid stop of defendant, events developed which gave police officers well-warranted belief that defendant was perpetrator of bombing, defendant's arrest was proper. State v. Miller, 54 Or App 323, 634 P2d 1361 (1981), Sup Ct review denied

Where shooting victim told deputy sheriff "Dan the Jeweler shot me. He drives a truck for Safeway." and officer ordering arrest had information that defendant was known to local law enforcement officials as "Dan the Jeweler" and worked for Safeway, there was probable cause to make warrantless arrest. State v. Holterman, 69 Or App 509, 687 P2d 1097 (1984), Sup Ct review denied

Where arresting officer relied on teletype request from another jurisdiction requesting arrest of felony suspect, arrest of defendant was proper even though officer did not personally have probable cause to arrest. State v. Pratt, 309 Or 205, 785 P2d 350 (1989)

Police officers lacked probable cause to make warrantless arrest where: (1) original stop was based on fleeting observation by informer who tentatively stated that someone was "possibly" taking or putting another into car at gunpoint; (2) none of persons in car stopped by police gave any indication that crime had been committed; and (3) police officer lacked even subjective belief that defendant had committed offense, testifying that he was still investigating when defendant was arrested. State v. Morgan, 106 Or App 138, 806 P2d 713 (1991), Sup Ct review denied

Reliability of informant information is not established solely through independent corroboration, but can instead be established by facts showing informant is credible or informant's information is reliable. State v. Rasheed, 128 Or App 439, 876 P2d 859 (1994), Sup Ct review denied

3. Search and seizure

Absent exigent circumstances or hot pursuit, police officers who have probable cause to arrest a person may not forcibly enter a person's home for that purpose in absence of having secured a warrant. State v. Olson, 287 Or 157, 598 P2d 670 (1979)

*11358 Officer had probable cause to believe defendant possessed controlled substance when, after activation of patrol car's overhead lights, officer observed defendant bend down in car as if hiding something and officer observed spoon on floorboard of vehicle that had burn marks and crystalline substance on it. State v. Hayes, 99 Or App 322, 781 P2d 1251 (1989)

COMPLETED CITATIONS: State v. Patterson, (1971) 5 Or App 438, 485 P2d 429, Sup Ct review denied; State v. Frailey, (1971) 6 Or App 8, 485 P2d 1126, Sup Ct review denied; State v. Riner, (1971) 6 Or App 72, 485 P2d 1234, Sup Ct review denied

ATTY. GEN. OPINIONS: Arrest and incarceration of persons for traffic infractions, (1977) Vol 38, p 960

LAW REVIEW CITATIONS: 8 WLJ 230-234; 4 EL 455; 20 WLR 579

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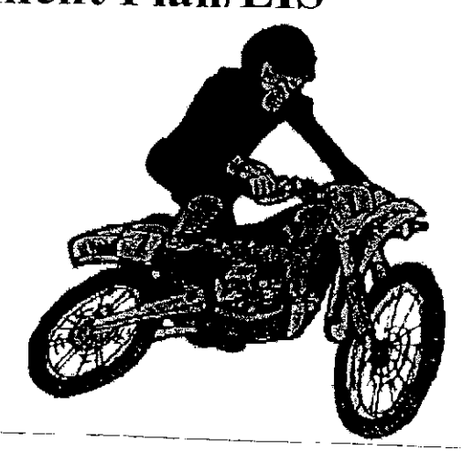
Medford District BLM
3040 Biddle Road
Medford, Oregon 97504

Request for Input & Meeting Notice

for the

Timber Mountain/Johns Peak OHV Management Plan/EIS



RECEIVED
FEB 21 2003
CITY OF JACKSONVILLE

ROGUE VALLEY
Council of Governments

155 N. First Street
P.O. Box 3275
Central Point, OR 97502

Transportation Planning

(541) 664-6674, 779-6785
474-5947, FAX 664-7927

February 20, 2003

Mayor Jim Lewis
City of Jacksonville
P.O. Box 7
Jacksonville OR 97530

Re: Watershed Lands

Dear Mayor Lewis:

This letter is in response to your request for my initial findings regarding the Jacksonville watershed. I am working under contract with the City to update the Public Facilities Element and Implementation Element of the Jacksonville Comprehensive Plan. I have had discussions with the city administrator, police chief, fire chief, city recorder, and the public works director, to learn of their concerns and plans for the future. One theme that has emerged is the difficulty of managing the City-owned watershed, an area of 1800 acres outside the city limits and urban growth boundary.

The property is not adjacent to the city's urban growth boundary, yet it is owned by the City of Jacksonville. City ownership of the watershed was an effective means of controlling uses when the area served as the city's water source. Now that water is supplied by the Medford Water Commission, preservation of a water source is no longer required. Maintenance of the property is the City's obligation and, because it is currently an off-road vehicle use area, maintenance needs are heightened. Periodic visits by the Public Works Department are required to ensure the property does not become a dumping ground, and by the city police to control other illegal activities. The fire department is also on call for fire safety. Vehicle needs are different for this property than for lands within the city limits. These factors all add to the costs borne by the City for maintenance of a property that appears to return little benefit to the community. There are also concerns about the liability to the city if users of the property were injured or if fires started on the property spread to adjacent lands.

I expect there is a perception that incompatible uses would result if the City were to give up control of the property. The area is zoned for forest use and new parcels must be a minimum of 80 acres. Based on a lack of existing homes in the area, dwellings would be possible only if the parcels were at least 160 acres, but the parcels would have to be on County-recognized roads. The cost of providing access for such a small number of homes seems prohibitive.

The off-highway vehicle use on the property is long-standing and the difficulty in stopping it would be enormous. Alternately, the benefits of its control would also be substantial. I understand that the motorcycle club is interested in purchasing the property. For the reasons stated earlier, it appears to this outsider that sale of the property would be a positive direction for the City to consider. Immediate cost savings could be realized by the departments that would no longer have to be involved in maintenance and surveillance of the property, and proceeds from sale of the land could offset costs of new facilities in the city. One possible facility is a larger city hall, providing a base for all managers, providing public meeting spaces, and generally improving service to the citizens of Jacksonville. Another would be to use the proceeds as the basis for an Endowment Fund that could provide a cash flow for the operation and maintenance of the parks within the city limits.

More detail will be provided in the plan elements, but I wanted to apprise you of my initial thoughts. Feel free to contact me if you wish to discuss any of these observations.

Sincerely,

Dick Converse

Dick Converse
RVCOG Land Use Planning Coordinator

JACKSONVILLE POLICE

David P. Towe, Chief of Police

110 E. Main Street • P.O. Box 7 • Jacksonville, Oregon 97530
541-899-7100 • 541-899-7882 fax

25 February 2003

To: Mayor Jim Lewis

From: Chief David Towe

Re: Watershed Property

Mayor Lewis,

As per your request here are my thoughts and concerns involving the watershed property.

(A) The Council has asked that the area be patrolled at least once a day. This takes the officer out of town thus detracting from service to the citizens. I feel it is not feasible for the police department to be able to provide coverage to the property. The access roads are rough at best and hard on the patrol vehicles. It can be done with the Jeep, but this requires an officer to change patrol units only for the time that they will be at the watershed.

(B) Some of the uses of that area currently ie; motorcycles and shooting, have been going on for over 40 years and we simply could not change that without a massive effort. This would require a full time patrol effort and thus would pull the on duty officer out of town leaving no coverage in town.

(C) It is my understanding that the MRA has an offer on the table to purchase the property. I feel this would be a win win situation for everyone. The city could most definitely use the money for Police, Fire and Administration services and it could possibly be enough to alleviate the need for any additional tax burden of the residents of Jacksonville. Also the MRA has proven to be a conscientious property owner with the property they currently own on the top of the hill. If they were the owner of the current city property I feel there would be no change in its use.

These are the most prevalent issues in my mind. If you should have any questions please let me know.

Sincerely,

Chief David P. Towe

MEMO

To: Mayor Jim Lewis

From: Jeff Alvis, Public Works Director

Date: February 24, 2003

re: Sale of Jacksonville Watershed

Regarding the Jacksonville watershed, the public works department feels that the watershed is more of a nuisance than it is worth. Numerous times we have had to pick-up trash, old appliances, cars, etc. since some people feel this is a good place to dispose of them now that dump fees have gotten so high and the dump is no longer in this area. There have also been numerous parties that have left cans, bottles and debris that we have had to clean up.

The watershed has become a shooting gallery as evidenced by the shell casings, and targets of old boxes and plywood left behind. We have found that any signs we have put up become good targets for them also.

The roads are rutted and eroded making travel hard on our vehicles. The wear and tear on them is significant since we have to patrol the area often. The granite pit we used to use has also become a shooting gallery and is very tough to get equipment to. Therefore we have stopped using it altogether.

The dam itself is in need of a lot of attention. The money needed to actually be able to re-utilize the watershed, repair the dam, and make it into a recreation area would be tremendous and we would still have the same problems, if not more than we are having now. The spillway itself is a 6 - 8 ft. drop and we have installed a chain link fence for safety. This fence has been vandalized and part of it was even removed and taken away so we have had to replace it again. At this time the watershed provides no water rights and the city has purchased Lost Creek water rights and will be purchasing more in the future.

According to the recommendation done by Rick Landt, our parks consultant, we need to develop and establish an endowment fund for our ever growing parks maintenance and we feel if the watershed was sold and the money utilized for this that it would be a great solution for funding this endowment as our parks budget is now inadequately funded. Disposing of the watershed would basically eliminate a problem area and would provide funding for other areas that are much more needed at this time. Please consider this and if you have any questions or concerns you wish to address please contact me. Thank you.

City of Jacksonville P.O. Box 7 Jacksonville, OR 97530
Phone: 541-899-1231 fax: 541-899-7882

CITY OF JACKSONVILLE

MEMO

To: Mayor Jim Lewis

From: Kathy Hall, Recorder/Treasurer

Date: March 4, 2003

Subject: Jacksonville Watershed Property

Pursuant to your request for background and recommendations regarding the watershed, and after reviewing the memos presented by the Police Chief and Public Works Director, I must say that I agree whole-heartedly.

The watershed used to provide a source of funding reserves that could be loaned from for city purposes. This is no longer the case. The Ending Fund Balance in fiscal year 1990/1991 was $214,610 compared to fiscal year 2001/2002 when it was $14,907. Preliminary figures show that this may be drawn down further.

I would like to add that administration of the Watershed budget has been somewhat of an extra burden given the complex nature of the federal grants that pass through this fund. The city auditing team has informed me that if $300,000 of federal funding is received or spent, a single audit would need to be performed and this would add approximately $3,000 to $5,000 to the city auditing costs. This year, between the federal Watershed and Fire Department grants, there is the potential to exceed that amount.

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cc 3/11/03
K

Memo

RECEIVED
MAR 11 2003
CITY OF JACKSONVILLE

Date: March 7, 2003

To: Paul Wyntergreen

From: Chief Shaw

Re: SB 360

I would like to offer my support in selling the Watershed Property. I feel the City has a great liability by owning the property. My reason is Oregon Forest-Interface Fire Protection Act (Senate Bill 360) that was passed by the 1997 Legislature and became law last year.

In quoting an letter received last year it states:

No area in Oregon is immune to wildland urban interface fires, but Jackson and Deschutes counties have sustained greater losses in the past decade than other areas.

The Oregon Forestland Urban Interface Fire Protection Act defines and classifies Oregon's wildland/urban interface; proposes requirements for property owners within wildland/urban interface to protect these properties from wildland fires and to prevent fires from starting and provides a way to establish adequate, integrated wildland fire-protection systems within identified wildland/urban interface areas.

The new law also empowers the state to recover fire suppression costs from land owners who fail to make fire prevention modifications within identified wild-land/urban interface areas.

The city has a great deal of this kind of property including the woodlands property. Senate Bill 360 now requires that we must maintain those properties. We have been doing this type of work with grants; however, once the grant removes the hazard it is the property owner's responcibility to maintain the fuel breaks. We do not have the manpower even to maintain the woodlands area, let alone fuel breaks and property boundaries in the Watershed.

Should you decide to keep this land you must also be aware of the expense that could take place in just one day. Ashland had a fire in the woods just north of town one year and I counted 5 drops at $5,000.00 a drop. Rogue River had a similar situation. As we struggle for funding today, let us remain aware of what could happen any summer.

Motorcycle Riders Association

Purchase Offer Study Session:

City of Jacksonville Municipal Forestlands

March 11, 2003

Area History and Historic Use:

- Mining
  Gold, Hydraulic and Placer

- Timber
  Extensive Removal of Merchantable Material
  Inadequate Reforestation

- Stand - Replacing Fire
  Summer 1956
  Followed by Extensive Rains

- Fire Area Naturally Regenerated
  No Reforestation

- Post World War II - Motorized Off-Road Recreational Use for Sport Begins
  First Users: Modified Street Motorcycles
  First Events: Hill Climbs, Trail Rides
  Use of the Area Remains Consistent for the Next 50 Years

- Decades of Drought Cycles

MRA History:

- Incorporated 1965 with Various Hill Climb and Cross Country Sporting Events Beginning

- Dedicated to Encouraging Family Oriented OHV (Off Highway Vehicle) Recreation

- Major Goal: Implement a Dedicated Multiple Use Recreation Area in Jackson County

- In the 70's Club Purchased First Land Holding in the Timber Mountain/Johns Peak Area
  The Club Coordinated Efforts with Other Multiple Use Clubs Statewide
  The Club was Instrumental in Forming the Statewide Motorcycle Dealer Group, OMDA and the Riders Group, OMRA (Oregon Motorcycle Riders Association)

- In the 80's Worked with the Applegate Ranger District in Designating Their OHV Trail System

- In the 90's Coordinated Efforts with Prospect Ranger District to Create Their OHV Trails System

- Club Efforts Focused on Consolidating OHV Management Issues in the Timber Mountain/ Johns Peak Area.

MRA Activities:

- Monthly Motorcycle and ATV Club Rides in Various Areas and Locations
- Club Holds Yearly Trail Clean Ups, Including National Trails Day in Conjunction with U.S.F.S.
- Monthly Trail Maintenance and General Area Clean Up in Timber Mountain/Johns Peak Area
- Currently in the Process of Completing a Four Plus Mile (Least Difficult) Trail Around the Lily Prairie Area for Younger Riders and Beginners
- April - Timber Mountain Hare Scrambles
  AMA (American Motorcycle Association) Sanctioned Motorcycle Race
- May Day Poker Run - A Family Event
  With Advanced Motorcycle Courses, Intermediate Motorcycle Courses, and ATV Courses run by ATVs, Mountain Bikers, and Beginning Motorcycle Riders
- June Dual Sport Event Held on the Prospect Ranger District OHV System
  Currently this Event is a Charitable Fund Raiser for Jackson & Josephine County Search and Rescue Teams
- October Ghost & Goblin Poker Run - a Family Event
  This is Our Best Attended Event... Rain, Snow or Shine!
- The Above Events Attract Riders from Eight Different Western States, Including Alaska
- Other Events Have Been Requested by Users and are in Planning Stages
- Club Holds an Annual Banquet to Recognized Individual Efforts of Club Members With Invited Guests and Guest Speakers from other Organizations

Area Suitability:

- Popularity with Users
  Demonstrated by Rider Surveys Taken in the Year 2001; $150+ Per Day Spent Locally
- Recommended by Oregon State Parks and Recreation Feasibility Study
- Prospect OHV System Trail Planning and Building Experience by MRA Club Members
- Close in Location to Oregon's Third Largest Metropolitan Area
- Over 1000 foot Elevation Change from Reservoir to Timber Mountain
  This Makes for Trails Suitable from Easy to Very Technical for Advanced Riders
- Steep Canyons and Many Drainages Tend to Keep Sound Contained
- Close to Many Towns, Restaurants, Gas Stations, Super Markets, Campgrounds and Motels
- Local Users Can Make Family Day Rides Without Having to Drive Several Hours

MRA Management Vision:

- Partner Immediately with the Jackson County Sheriff's Department to Apply for Funding to outfit a Sheriff on an OHV for Law Enforcement and Compliance Patrols
- Reroute Property Border Access Trails from Non-Participating Private Parties
- Test for Mandatory Sound Decibel Level Limits of OHVs at All MRA Events to Confirm Compliance
- Check for OHV Permits and Mandatory Spark Arrestors
- Supply Law Enforcement and Education for the Users of the Area
- No Increase in Average Trail Density
- Trails Marked and Maps Produced i.e. Prospect OHV System Maps
- Focus on Multiple-Use System Needs, Desired System Attributes, and Promoting Responsible Recreation
- More Park-Like Appearance
- Mining Museum & Interperative Center at Reservoir
- Enhanced Visitor Amenities i.e. Public Bathrooms, Trailheads, Bulletin Boards and Desig nated Camping Areas
- Accomadate Youth Participation in Family Recreation

Management Parties:

- Jacksonville OHV Park Advisory Committee -
  Motorcycle Riders Association
  City of Jacksonville
  Public Land Managers
  Other Local Interests, Including Timber and Local Land Owners
- Management Decisions Will be Discussed by The Advisory Committee Before Implementation

Resources Available Under MRA Ownership:

- An Updated Stewardship Plan for the Area after Area Management is Decided
- Club and Associated OHV Master Performer Expertise
  Off-Highway Motorcycle & ATV Trails Guidelines for Design, Construction, Maintenance and User Satisfaction (AMA)
  Park Guidelines for OHVs (National Off-Highway Vehicle Conservation Council)
- Oregon ATV Allocation Committee Funding
  Updated *Oregon Off Highway Vehicle Economic Impact Report*
- MRA Expenditures
- Sponsors and In-kind Contributors
- Oregon State Parks and Recreation ATV Allocation Committee Guidance and Funding
- Access Related Legal Expertise Available

Guarantees and Testimonials:

- Oregon State Parks and Recreation Letter Regarding Funding
- Letter from Joel King, District Ranger of the Prospect Ranger District
- Letter from Karen Wolf, Executive Assistant, Morrow County, Oregon
- The MRA is Prepared to Execute an Earnest Money Agreement in the Amount of $5,000 with the City of Jacksonville With a Written Commitment from the City to Approve a Sales Agree ment

MEMO:

City of Jacksonville, Oregon

TO: City Council

FROM: Paul Wyntergreen, Administrator

DATE: April 2, 2003

SUBJECT: Letter to BLM

At your April 15th meeting, you will be reviewing a draft letter to BLM prepared by Paul Kangas. At the Mayor's request, I'm attaching the alternatives discussed at the "JACKSONVILLE HEARING REGARDING BUREAU OF LAND MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT PROCESS AS IT RELATES TO THE CITY OF JACKSONVILLE PROPERTY". At that hearing, the following six alternatives were reviewed:

1) Do Nothing.

2) Exclude the City property from any Off-Highway Vehicle (OHV) use.

3) Not only exclude the City property from any OHV use, but also prohibit any OHV access over City property.

4) Actively manage the City property for OHV and/or other uses.

5) Sell the property to another organization for active OHV management.

6) Exclude the City property from any OHV use or access, and apply a buffer around it.

Clara Wendt also suggested that an alternative which looks at an exchange of properties be considered.

All alternatives should be analyzed for the attached set of impacts.

THE TYPES OF IMPACTS
TO BE ANALYZED FOR EACH ALTERNATIVE

Recreational Benefits
- OHV
- Hiking
- Biking
- Horseback riding
- Water activities
- Shooting

Who Benefits?
- City Residents
- Regional Residents
- Commercial Enterprises
  - (demographics of each of above)

Timber
- Economic – benefits/costs
- Environmental – benefits/costs

Historical Impacts
- Internal (mining) – benefits/costs
- External (in City) – benefits/costs

Road Impacts
- Traffic – benefits/costs
- Construction/maintenance – benefits/costs

Noise – benefits/costs

Law Enforcement/Trespass – benefits/costs

Trash/Sanitation – benefits/costs

Erosion – benefits/costs

Fire – benefits/costs

Water Quality – benefits/costs

Maintenance
- Internal (onsite) – benefits/costs
- External (in City) – benefits/costs

Liability – benefits/costs

COPY

City of Jacksonville
110 E. Main Street, P. O. Box 7
Jacksonville, OR 97530
Phone (541) 899-1231 Fax (541) 899-7882

April 17, 2003

Rich Drehobl, Ashland Resource Manager
Bureau of Land Management
3040 Biddle Road
Medford, OR 97504

Re: City of Jacksonville scoping issues for the Johns Peak OHV Environmental Impact Statement

Dear Mr. Drehobl:

The citizens and officials of the City have been considering management issues pertinent to the use of the watershed property for many years. We are currently receiving numerous comments from citizens and users as a result of the proposed OHV-EIS management plan and the MRA's purchase proposal for the watershed property.

Based on citizen comments, the City of Jacksonville would like to submit the following comments for the scoping phase of the Johns Peak OHV-EIS project:

1. The BLM should consider the possibility that the citizens of Jacksonville may not allow the watershed property to be available for general OHV use. It is also possible that OHV use may be confined to non-exclusive use of specific rights-of way or some other, yet to be described, arrangement.

2. The BLM should also study the possibility that the Jacksonville Reservoir Road, the current preferred OHV access road, may not be available as the formal access route to the OHV area.

3. Another consideration would be a variation of 1 and 2 above that would allow access through the City's watershed property but not allow OHV trails on the property.

4. BLM should consider expanding the OHV planning area to increase the proportion of federal lands. Expansion would allow for decreasing the overall density of OHV trails, thereby reducing the concentration of use on private lands and the impacts on fragile areas.

5. BLM should consider the impacts of OHV use on the decomposed granite soils on BLM lands in the planning area and on intermingled and adjoining private lands. Past and current OHV use on these soils has caused considerable damage. Could acceptable mitigating measures be developed to protect these soils and accompanying resources from permanent damage from OHV use?

6. Finally, BLM should consider some kind of property exchange or transfer that could allow for OHV use to be focused more on federal land and/or moved further away from private, residential lands.

Please consider these issues and comments in your initial OHV-EIS scoping process. We look forward to our continuing involvement in your OHV-EIS planning process.

Sincerely,

James W. Lewis
Mayor

JWL/kmh

City of Jacksonville
110 E. Main Street, P. O. Box 7
Jacksonville, OR 97530

July 21, 2003

Richard Drehobl,
Field Manager, BLM
3040 Biddle Road
Medford, OR 97530

Subject: Disposition of the Jacksonville Watershed

Dear Mr. Drehobl,

This is to inform you of the City of Jacksonville's current intentions regarding the disposition of the its Watershed, which is included in the current BLM EIS process related to OHV use in the John's Peak area.

Due to a large number of concerns, I will be appointing a Citizens' Advisory Committee in mid-August to study the Jacksonville Watershed: its history, its current uses and qualities, and its future potentials and costs. Upon the conclusion of the analysis process, this committee, made up of Jacksonville residents, will make a recommendation back to the City Council as to long-term treatments for the Watershed.

The City Council wished to make it clear that, until that recommendation is received (which is anticipated to take roughly a year), there shall be no sale of the Watershed to any party.

Please incorporate this information into your current evaluation process. Thank you.

If you have questions, please call Paul Wyntergreen at 899-8910.

Sincerely,

James W. Lewis
Mayor

cc: Will HisleBeard, President, Motorcycle Riders Association

City of Jacksonville is an Equal Opportunity Provider.

PREVIOUS ARRANGEMENTS W/ MRA

Paul

DISTRIBUTED
5/8/97 - fcl - forestry comm.

MEMO

To: City of Jacksonville Forestry Committee

From: Paul Wyntergreen pw/fcl

Date: May 8, 1997

Subject: TREATMENT OF THE JACKSONVILLE WATERSHED PROPERTY

After reviewing my notes regarding the Forestry Committee's meeting with the Motorcycle Rider's Association (MRA), I find that several concerns loom large. The first, the City was asked to give up a substantial property right in return for some physical improvements. The physical improvements such as trail hardening and bridge construction are good; however, the door to the general public, once opened, will never be reversed and essentially the watershed will become a State Park for off-highway vehicles.

I recognize that these off-highway vehicles are a source of recreation and that the City may reap some tourism benefits off from having a destination like an off-highway vehicle playground nearby; however, my concern is that the City does not have the responsibility to provide a primarily free statewide service in return for such marginal benefits.

The Motorcycle Rider's Association themselves stand to gain from this as you noted during the discussion. The State will not give them further funds until they clear up their access issues with Jacksonville. They intend to use the Reservoir Road as their primary access and will promote visiting vehicles to come that way. Basically, to a large extent, they are assuming that the City of Jacksonville properties is theirs to use at the present time through some historical, unpermitted use. They state that their Poker Runs in the past have been laid out over Jacksonville property and that Jacksonville has been named as an additional insured, however, no proof of this has ever been submitted to the Jacksonville City nor has permission ever been requested.

Please bear in mind I do not have major philosophical problems with their requested use on this property, however, I do wish to have them pay for the privilege. When I say "them" I also mean the State off-road vehicle program. Mr. Arnold Ryland's comments regarding their lack of precedent for acquiring property does not preclude their ability to do so. He did state that the State law can provide those funds for acquisition. The Johns Peak area is apparently a priority for the State and therefore they should invest

PW/fcl/050697:

their money to make it happen correctly with minimal impingement of the City's property rights.

I would recommend the following solution to this problem. The City should sell the 80 acres of the reservoir and the adjacent northerly 40 acres (tax lots 100 and 400) to the Association or the BLM for the amount of $100,000, thereby giving them the full responsibility for those sites, and in exchange, giving them a memorandum of understanding and recreational easement that would include access over portions of the remainder of the watershed.

The agreement should require sufficient law enforcement and development and maintenance of bridges, erosion control and trail hardening. This allows both parties to proceed with their management plans, gives the MRA an appropriate entrance parking area, removes the worst liabilities from the City, and preserves the primary unit of the watershed intact. The potential 500% increase in traffic affiliated with the MRA's plans raises so many concerns that I believe the City needs to be proactive now with an immediate response that they can start to analyze. Please consider this approach for a proposal to the MRA.

Motorcycle Ass.
bought 40 acres
next door
for $30,000

PW/tcl/0506871

City of Jacksonville
P. O. Box 7
Jacksonville, OR 97530

August 31, 1998

RECEIVED
SEP 4 1998
CITY OF JACKSONVILLE

Dear City Officials:

The City of Jacksonville has the opportunity to apply for a grant of approximately $15,000 from the Oregon Parks and Recreation Department- All Terrain Vehicle Account to accomplish road improvement and erosion control work on Jackson Creek watershed roads.

The Motorcycle Riders Association (MRA) recently brought the grant proposal to my attention. Their original intention was to apply for the grant funds under the MRA name and show the City of Jacksonville as a cooperator. The MRA inquired as to the availability of grant matching funds and if road rock could be used from City sources.

The City Forestry Committee met on August 24 to discuss the MRA grant proposal. The Committee agreed to recommend that the City cooperate with the MRA toward application for the grant. The Committee also agreed to recommend that $2,000 in matching funds be applied toward the grant plus the use of City rock. The Forestry Budget for 1998-1999 currently contains $3,000 for road improvement and erosion control work.

Since the Forestry Committee meeting, I received a telephone call from the Oregon Parks and Recreation Dept.- ATV Coordinator. He stated that the grant had a much better chance of being approved if the City of Jacksonville were the primary applicant and recipient of the funds because they are a public entity and have built-in accounting procedures to administer grants. The Coordinator also stated that it would be helpful to have a document describing the cooperation that would take place on the proposed project between the City and the MRA.

I believe it would be in the best interests of the City to concur in the recommendation of the Forestry Committee with the changes described in this letter, to cooperate with the MRA and apply for a grant of $15,000 from the Oregon Parks and Recreation Department- All Terrain Vehicle Account.

Sincerely,

Paul R. Kangas
City Forester

Attached: Cooperative Agreement for Grant Project; June 26,1997 letter to MRA

COOPERATIVE AGREEMENT

AUGUST 31, 1998

(1) **PARTIES TO THE AGREEMENT:** The City of Jacksonville **(City)** and the Motorcycle Riders Association **(MRA).**

(2) **PURPOSE:** The purpose of this agreement is to promote cooperation between the **City** and the **MRA** to apply for and administer a grant of approximately $15,000 from the Oregon Parks and Recreation Department- All Terrain Vehicle Account. The grant and matching funds will be used for equipment, materials and administration of work to improve the access road through **City** property that leads through a forty acre tract of **MRA** property NW of the reservoir and continues into the south portion of **MRA** property located at Lily Prairie. The soil where this access road is built is mostly decomposed granite which tends to be very erosive in rain events. The access road is often difficult to negotiate with vehicles after winter storms. The **City** and the **MRA** have done maintenance on the road for many years but a good share of the work has not provided permanent improvements. The addition of some key culverts, ditching and surfacing will provide for longer term erosion control and road stability, leading to better access for all users. The location of the work to be done including culvert locations is shown on the project photograph.

(3) **PROPERTY:**

(a) CITY: **City** owned access road on property located in sections 24 and 25. **MRA** road located section 14, all in T 37 S R 3 W. as shown on the project photograph attached to the grant application.

(4) **CONDITIONS:**

(a) The **City** would be the recipient and the administrator of the granted and matching funds. The Administration of the grant work project will be shared between **City** and **MRA**.

(b) Grant work will be accomplished with contracts developed by the **City**. Contractors will be required to show proof of: liability insurance, State operating permit and compliance with other applicable State laws.

(c) The application for or receipt of the grant or this cooperative agreement does not confer any right to the **MRA** or any other party to use or operate on any **City** property other than for ingress and egress to **MRA** property on the access road which is strictly for the purposes of administering the grant. The access road is shown on the project photograph which is part of the grant application.

(d) City will provide: $2,000 in matching funds; rock for surfacing and erosion control; contract forms; administrator for contract(s).

(e) MRA will provide: $500 in matching funds; administrator for contract(s).

(f) Modifications to this agreement may be made upon consent of both parties.

(5) TERMINATION: This agreement will terminate when the grant funds and matching funds are dispersed to the satisfaction of the City and the MRA and all reports to the granting agency and others are submitted and approved; or on December 31 1999, whichever comes first. It is expected that the work will take place in late CY1998 or early 1999.

The **City of Jacksonville** and the **Motorcycle Riders Association** hereby agree to the provisions of this **Cooperative Agreement. Dated** 9/4, **1998**

MOTORCYCLE RIDERS ASSOCIATION

Robert D. Lofgren

CITY OF JACKSONVILLE

Tyrrell Hart
Motorcycle Riders Association
3808 Andrews Rd.
Medford, OR. 97501

June, 26 1997

Dear Tyrrell and Association members:

The City of Jacksonville is embarking on projects and plans to improve the roads and waterways in the Jackson Creek watershed in order to reduce significant erosion that is occurring, improve access for fire protection and to better serve the increasing number of users.

We are writing this letter because of your interest in the road and stream systems tributary to Jackson Creek that adjoin your ownership. We would like to enter into joint review, planning and funding to correct erosion sources as much as possible. We appreciate the work and materials that the Motorcycle Association has provided over the years for roads in Jackson Creek.

One major source of erosion is along roads built long ago on decomposed granite soils. The roads were not designed as they would be today and do not contain adequate drainage structures to handle even minor storm events. A more recent source of erosion is concentrated off-highway-vehicle(OHV) use; usually on roads and trails previously built for logging.

Recently, the City of Jacksonville has redesigned some of the access roads; water dipped major access roads and closed old logging skid trails; and reconstructed a low water crossing on Cantrall Gulch Creek . After last winters storms, joint maintenance of the Cantrall Gulch road was done by Jacksonville and the Motorcycle Riders Association. Jacksonville is currently planning on armoring water dips with rock to reduce erosion.

As Jacksonville's City Forester, I will be contacting you in the near future to begin discussions about the current condition of the Jackson Creek watershed and improvements that may be accomplished. Perhaps, in the near future, major land owners and users can begin joint field reviews and discussions. Thank you for your consideration of this matter.

Sincerely,

Paul R. Kangas

cc: Bureau of Land Management, Medford, Rich Drehobl
Spaulding and Son, Inc. , Grants Pass, Bob Watson
Boise Cascade Corporation, Medford, Ken Cummings

CITY OF JACKSONVILLE

JACKSON CREEK WATERSHED PROPERTY

Discussion Topics regarding Off-Highway Vehicle Activities

The following topics and attached criteria were developed by the City of Jacksonville's Forestry Committee as items to be presented and discussed with the Motorcycle Riders Association, Bureau of Land Management, Boise Cascade Corporation, adjacent landowners and concerned citizens.

1. The City of Jacksonville would like written notice of formal events where OHV activity is intended on trails, staging areas or parking areas on property owned by the City.

    a. The written notice will be accompanied by a map showing the location of trails and other facilities on City property, intended to be used during an event.
    b. Posters, plastic flagging and any other introduced material will be removed after the event. Other modifications developed for the event will be brought to a pre-existing condition.

2. The City does not want new OHV trails or modified access to existing trails developed on their property unless on a case by case basis after approval by the City. It is the City's intention that the BLM's Johns Peak Recreation Area planning process be the basis for any future OHV development or modification on City lands.

3. See "Jackson Creek Watershed Trails Criteria" attached.

The City's Forestry Committee welcomes discussions and additional data from the MRA, BLM, Boise Cascade Corp. and others on these topics, the attached criteria and other subjects pertinent to the management of their Jackson Creek property.

Attachment: Jackson Creek Watershed Trails Criteria

CITY OF JACKSONVILLE

JACKSON CREEK WATERSHED TRAILS CRITERIA

On January 24, 2000, the City of Jacksonville's Forestry Committee developed a "Jackson Creek Watershed Trails Criteria" for evaluating existing and proposed recreational trails used by off-highway vehicle (OHV) enthusiasts, bicyclists and hikers in the City's watershed property. The criteria was developed to provide a basis for discussion with Jacksonville officials, citizens and user groups as to the acceptability of current and proposed recreational trails in the City's property. Although horse trails may fit under some of these criteria, they are not considered at this time.

The criteria is separated into A, B and C: Criteria A & B would be used for evaluating OHV and bicycle trails; Criteria C would be used for hiking trails. Although OHV and bicycle trail criteria are combined, actual trails on the ground may be separate for each recreational use. Hiking trails would probably be separate from OHV or bicycle trails.

A. OHV and bicycle trails: The following criteria are to be considered negative factors in the siting of new trails and may be grounds for the removal or modification of existing OHV and bicycle trails.

1. Trails located along existing roads where OHV's and bikes can use existing roads.
2. Trail parallels close to a stream or riparian area and impairs those resources.
3. Trail crosses important stream or water feature.
4. Trail impacts current and proposed resources at the reservoir area.
5. Trail leads to the property of a non-cooperating landowner.
6. Trail is too close to a trail used by people seeking education or solitude in their recreation.
7. Trails are redundant and too closely spaced.
8. Trails impact on resources cannot be mitigated.
9. Trail location causes excessive negative impacts (noise, visual, fire hazard etc).
10. Trail located on erosive soils.

B. OHV and Bicycle Trails: In addition to the converse of several of the criteria under A. above, the following additional criteria are to be considered positive factors in the siting of new trails and for the retention of existing OHV and bicycle trails.

1. Trail begins at an acceptable staging area and is within a managed trail system.
2. Trail leads to the property of a cooperating landowner.
3. Trail provides a unique or special kind of rider experience.
4. Trail is compatible with safety of other uses and users.

C. Hiking Trails: The following criteria that are considered positive for the siting or retention of hiking trails.

1. Trails near creek-side locations.
2. Trails along riparian zones.
3. Trails in proximity to the reservoir.
4. Trails with interesting views.
5. Trails near accessible roads.

RECEIVED
JUN 29 2000
CITY OF JACKSONVILLE

MOTORCYCLE RIDERS ASSOCIATION

6/24/2000

CITY OF JACKSONVILLE
ATTN: PAUL KANGAS, JOYCE COLEMAN, AND FORESTRY COMMITTEE MEMBERS
110 E. MAIN ST.
JACKSONVILLE, OR 97530

RE: DRAFT JACKSON CREEK WATERSHED TRAILS CRITERIA

GREETINGS,

THANK YOU FOR REQUESTING ASSISTANCE FROM THE MOTORCYCLE RIDERS ASSOCIATION (MRA) ON THE DRAFT "JACKSON CREEK WATERSHED TRAILS CRITERIA" (JCWTC) FOR THE UPPER JACKSON CREEK WATERSHED. AS A NEIGHBORING LANDOWNER WITHIN THE MULTIPLE USE JOHNS PEAK RECREATION AREA (JPRA), WE AGREE IT IS IMPORTANT TO CO-ORDINATE OUR MANAGEMENT STRATEGIES FOR THE MOST DESIRABLE AND EFFECTIVE RECREATION SYSTEM POSSIBLE. THE SUCCESSES OF EXISTING COOPERATIVE LANDOWNER AGREEMENTS OBTAINED BY THE MRA TESTIFY TO THE LONG TERM VIABILITY OF COORDINATED LAND-USE MANAGEMENT.

THE CONTENT OF THIS RESPONSE IS INTENDING TO MAINTAIN A POSITIVE DIALOGUE WITH THE CITY OF JACKSONVILLE (AFFECTED LANDOWNERS) AND TO COMMUNICATE WITH AND INCORPORATE THE PRIMARY USER GROUP INTERESTS THAT WILL BE RESPONSIBLE FOR MANAGING AND MAINTAINING THE JPRA THROUGHOUT THE INDEFINITE FUTURE. WE MUST ASSIST EACH OTHER WITH LOGICAL PROGRESSION TOWARDS THE LONG TERM DESIGN AND ENGINEERING OF OUR VERY DESIRABLE MULTIPLE-USE RECREATION AREA. DONE CORRECTLY WE WILL ALL BE PROUD THE RESULTS WILL BRING, FROM HAPPY RECREATING VISITORS AND THE TOURIST DOLLARS THEY BRING TO THE MANAGED AND MITIGATED USER IMPACT ISSUES RESOLVED IN LARGE PART BY THOSE VERY USERS AND THEIR VOLUNTEER EFFORTS AND DOLLARS.

(Continued on page 2)

P.O. BOX 1471 • MEDFORD, OR 97501

(Continued from page 1)

In this response we will detail many items outlined in the draft JCWTC that are in conflict with a coordinated long term multiple-use management strategy for the JPRA. We will also detail many items listed that are desirable and the MRA hopes will be incorporated on the master plan. The goal here is to retain an open dialogue between the user groups and the design engineers to adequately accommodate most or all of the requirements necessary for a successful long term multiple-use recreation area. This is the main goal, and our position statement.

In conflict to this end, we must point out that the draft JCWTC, if interpreted by extremists, could be used to exclude all uses from all property. We the MRA experience this back-door, no action management, regularly and attempt to forewarn about the disastrous results, and intervene with science and logic towards the progression of the recreation area position statement. We must remember that there is already existing a desirable multiple-use recreation area and accompanying trail system that needs to be managed and maintained for the benefit of our current and future user groups.

Towards the City of Jacksonville's credit the draft JCWTC shows concerned effort into the beginning of a plan towards multiple-use management of the upper Jackson Creek Municipal land parcel. By requesting input into the Draft by the MRA the city is acknowledging the need for off-highway vehicle (OHV) recreation management expertise and the necessity for its inclusion into the draft document. The practical suggestions, ideas, and guidance on effective management strategies concerning the most active user groups, mainly OHV users, will be critical for the long term effectiveness of the plan.

Incorporating this input will yield a more responsive and appropriate user management plan that will fulfill the requirements of the operating position statement. This dialogue is the trademark of a good neighbor - something we constantly aspire to be. Thank you again for helping us towards our aspirations.

Historical use has played an immense role in shaping the Johns Peak Recreation Area and the existing trail system. Indeed, it was the desirability of this multiple-use environment that prompted the MRA to first purchase land there in the early 1970's to guarantee the future of this recreation

(Continued on page 3)

AREA FOR OUR FAMILIES (AND FUTURE GENERATIONS). OUTSTANDING OFFERS TO THE CITY OF JACKSONVILLE TO PURCHASE THEIR LAND HOLDINGS TESTIFIES TO THE IMPORTANCE MRA PLACES ON THE INCLUSION OF THEIR PARCEL AND ITS TRAIL SYSTEM INTO THE COMPLETED JPRA PLAN.

THE TRAIL NETWORK HAS EVOLVED OVER TIME IN RESPONSE TO COUNTLESS INFLUENCES. A SMALL ATTEMPT TO QUANTIFY THIS WOULD START WITH RESOURCE EXTRACTION, SUCH AS TIMBER, WATER, GOLD, ROCK OR AGGREGATE. OTHER INFLUENCES WOULD INCLUDE OPPORTUNITY, THE ABILITY TO DO IT MOST EASILY OR DESIRABLY. THIS WOULD EXPLAIN RIDGELINE, LOW ELEVATION, OR CREEKSIDE TRAILS WHERE EASE OF LOCATION IS/WAS MAXIMIZED. COUNTLESS OTHER INFLUENCES SUCH AS SLOPE, VEGETATION, SOILS, SNOWLINES, TRANSPORTATION, LANDOWNERSHIP, DOLLARS, ACCESS, ETC ALSO HAVE PLAYED VARYINGLY LARGE ROLES OVERTIME. TO QUANTIFY THEIR CURRENT DESIRABILITY (OR LACK THEREOF) IS A NECESSARY ENDEAVOR.

IT IS ALSO AN ENORMOUS TASK AS THIS MUST TAKE INTO ACCOUNT ALL PAST, PRESENT, AND FUTURE USES, BOTH CURRENT AND POTENTIAL. TO BEGIN TO ADEQUATELY PREPARE AND DESIGN THE SYSTEM FOR ITS INTENDED USES AND POTENTIALS, THE DRAFT JCWTC IS A START. PLEASE ALLOW US TO FURTHER THE ATTEMPT.

SUMMARY RESPONSES BY ITEM;

SECTION A:

OHV AND BICYCLE TRAILS: THE FOLLOWING CRITERIA...ARE NEGATIVE FACTORS..GROUNDS FOR REMOVAL OR MODIFICATION...

#1"TRAILS LOCATED ALONG EXISTING ROADS WHERE OHV'S AND BIKES CAN USE EXISTING ROADS."

ONE OF THE FUNDAMENTAL PRINCIPLES OF RECREATION MANAGEMENT IS TO REDUCE OR ELIMINATE RECREATION TRAFFIC FROM PRIMARY (AND SECONDARY) VEHICLE ACCESS CORRIDORS WHERE IMPACT ACCIDENTS OCCUR. OVERPASSES AND TUNNELS ARE ENGINEERING RESPONSES TO THIS PRINCIPLE. USER SAFETY IS THE GOAL (SECTION B,#4-WE AGREE). STANDARD VEHICULAR TRAFFIC IS GENERALLY INCOMPATIBLE WITH RECREATIONAL TRAIL USE AND AS SUCH TRAILS ARE AND SHOULD BE LOCATED AND CONSTRUCTED TO ALLOW OHV AND BICYCLE USE SEPARATE FROM EXISTING ROADS. LOOK AT MUNICIPAL BICYCLE PATH CONSTRUCTION AS AN EXAMPLE.

#2 "TRAIL PARALLELS CLOSE TO A STREAM OR RIPARIAN AREA AND IMPAIRS THOSE RESOURCES."

MULTIPLE USE DESIRES STREAMSIDE TRAILS, TOO. THE KEYWORDS IN THIS GUIDELINE ARE "CLOSE" AND "IMPAIRS". LOGIC AND SCIENCE MUST DICTATE THE INTERPRETATION - NOT EXTREMISM, BIASED OPINIONS,OR POLITICS. CONSIDER ONE WELL USED TRAIL SITING CRITERIA FOR MULTIPLE USE SYSTEMS. TRAILS LOCATED IN RIPARIAN ZONES GENERALLY HAVE LESS EROSION AND CUMULATIVE IMPACTS DUE TO THE PRESENCE OF A FOREST CANOPY AND AN INTERWOVEN ROOT SYSTEM. WOULD YOU CONSIDER RELOCATING TRAIL X,Y,OR Z INTO A MORE EROSIVE HIGHER IMPACT ENVIRONMENT?

#3 "TRAIL CROSSES IMPORTANT STREAM OR WATER FEATURE:

RESPONSE TO #2 APPLIES HERE. IN ADDITION,ASK THESE QUESTIONS...DOES THE STREAM CROSSING CONTRIBUTE EROSION? IS IT SIGNIFICANT? WOULD A RE-ROUTE NEGATIVELY AFFECT TRAIL LOCATION IN A SIGNIFICANT WAY? WOULD THAT CONTRIBUTE SIGNIFICANT EROSION/IMPACTS? THERE HAS BEEN MUCH WASTE OF DOLLARS, EFFORT, AND SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS ASSOCIATED WITH "REHABILITATION" OR "PREVENTION". BRIDGE CONSTRUCTIONS CAN HAVE HIGHER NEGATIVE IMPACTS THAN CREEK CROSSINGS, ESPECIALLY IN CASES WHERE THE CROSSING CAN BE "HARDENED" WITH ROCK OR TREADBLOCK. THERE ARE OTHER TOOLS AVAILABLE THAT ARE MORE DESIRABLE AND APPROPRIATE THAN "REMOVAL AND CLOSURE".

#4 "TRAIL IMPACTS CURRENT AND PROPOSED RESOURCES AT THE RESERVOIR AREA."

THE MRA HAS ALWAYS SUPPORTED ATTEMPTS TO MITIGATE NEGATIVE RESOURCE IMPACTS, ESPECIALLY AT THE JACKSONVILLE RESERVOIR. THE RESERVOIR RECEIVES HEAVY OHV USE DUE TO ITS DESIRABILITY AND CONVENIENCE FOR THAT RECREATION AND RELATIVE UNDESIRABILITY FOR OTHER RECREATION TYPES. UNTIL THE AREA IS SIGNIFICANTLY REDESIGNED SO AS TO REDUCE ITS DESIRABILITY FOR OHV USE, WE PREDICT CONTINUED RESOURCE CONFLICTS. CONTINUED ROAD IMPROVEMENTS AND CONSTRUCTION OF AN UPPER STAGING AREA WOULD GREATLY ASSIST REDUCING THE OVERALL USE OF THE RESERVOIR AREA. ANOTHER POSSIBILITY WOULD BE TO FLOOD THE SITE UTILIZING THE EXISTING JACKSON CREEK RESERVOIR DAM - EFFECTIVELY ELIMINATING THE DESIRABILITY OF 3/4 OF THE LOCATION.

#5 "TRAIL LEADS TO THE SITE OF A NON-COOPERATING LAND OWNER."

IT IS THE BELIEF OF MRA THAT ALL LANDOWNERS MUST BE GIVEN THE OPPORTUNITY TO CO-OPERATE AS IT IS MORE ADVANTAGEOUS FOR THEM TO COOPERATE THAN NOT. FURTHER, THE TRAIL SYSTEM IS DESIGNED AND ENGINEERED AROUND NON-COOPERATING

LANDOWNERS DUE TO INABILITY TO LEGALLY USE THEIR LAND WITHOUT AUTHORIZATION. MRA GENERALLY AGREES WITH THIS CRITERIA, BUT MUST ASK, IS THE TRAIL CRITICAL FOR CONTINUITY OR SAFETY? IS THE LANDOWNER FLEXIBLE WHEN GIVEN THE OPPORTUNITY TO UNDERSTAND THEIR BENEFITS IN TERMS OF ENFORCEMENT, MAINTENANCE, FENCING, OR OTHER MITIGATION MEASURES?

#6 "TRAIL IS TOO CLOSE TO A TRAIL USED BY PEOPLE SEEKING EDUCATION OR SOLITUDE IN THEIR RECREATION."

SOLITUDE IS NOT AN IDENTIFIED PRIME ATTRIBUTE OF THIS RECREATION AREA PRIMARILY DUE TO ITS MULTIPLE-USE DESIGNATION. THIS IS PART OF THE ENJOYMENT AND EDUCATION WITHIN A MULTIPLE-USE ENVIRONMENT - NO SOLITUDE. A MULTIPLE-USE AREA DOES NOT LEND ITSELF TO AN EXCLUSIVE USE, OR VICE VERSA. THERE ARE MORE CONVENIENT, MORE NUMEROUS, MORE DESIRABLE, AND LARGER MANAGED SOLITUDE AREAS AVAILABLE ELSEWHERE IN OUR REGION. THERE ARE NOT MORE CONVENIENT, MORE NUMEROUS, MORE DESIRABLE, OR LARGER MANAGED MULTIPLE-USE AREAS ELSEWHERE IN OUR REGION. NATURES NATURAL ENGINEERING OF THE REGION ALSO ENFORCES MULTIPLE-USE. THE TIGHT AND STEEP, YET OPEN CANYONS INDIGENOUS TO THIS AREA TEND TO CONCENTRATE USE AND NOISE INTO SPECIFIC ZONES THAT ONCE ENTERED INTO BECOME INSEPARABLE WITH THE TOTAL EXPERIENCE. THIS IS A DESIRABLE ATTRIBUTE OF MULTIPLE-USE RECREATION THAT HAS MANY BENEFITS INCLUDING SOUND CONTAINMENT, RECREATOR NAVIGATION AND/OR LOCATION ASSISTANCE, AND FELLOWSHIP OPPORTUNITIES WITH OTHER SYSTEM USERS. FORCING SOLITUDE AND MULTIPLE-USE TO COEXIST IN THE SAME AREA IS A CONTRADICTION THAT BECOME MORE APPARENT WITH INCREASING POPULATIONS AND USE.

#7 "TRAILS ARE REDUNDANT AND TOO CLOSELY SPACED."

ONCE AGAIN, THE KEYS TO THIS CRITERIA ARE IN THE WORDS 'REDUNDANT' AND 'TOO CLOSELY SPACED'. USER DISPERSION VS. CONCENTRATION PER ACRE OF LAND , OR THE 'CARRYING CAPACITY' FOR A GIVEN REGION, MUST BE IDENTIFIED. THE TYPE OF RECREATOR AND HIS/HER SKILL LEVEL ENFORCES A MULTI-LEVEL 'A', 'B', OR 'C' TYPE TRAIL SYSTEM TO ACCOMMODATE DIFFERENT USER ABILITIES AND NEEDS. IT IS DESIRABLE FOR THESE TRAILS TO MEET OCCASIONALLY TO PROVIDE MEETING SPOTS, CHECKPOINTS, AND INDIVIDUAL NAVIGATIONAL OPPORTUNITIES. IT IS BETTER TO PUT 500 PEOPLE ON 20 TRAILS, AND IT YIELDS LESS SIGNIFICANT IMPACTS OVERALL, THAN CONCENTRATING THEM ONTO ONE OR TWO 'ONE SIZE FITS ALL' TRAILS.

#8 "Trail impacts on resources cannot be mitigated."

Trail impacts can always be mitigated. Who would make this determination? There are virtually no examples of this that we are aware of, certainly not in the Jackson Creek watershed.

#9 "Trail location causes excessive negative impacts (noise, visual, fire hazard, etc...)"

The key to this criteria is the definition and application of 'excessive' and negative impacts'. In a well managed and maintained recreation area these impacts are taken into consideration in the design and overall engineering of a system. The Jackson Creek watershed is naturally designed for visual and noise containment. Potential fire hazards are capably addressed with existing restrictions and current use strategies.

#10 "Trails located on erosive soils"

The questions to ask here are; How erosive? At what level of use? At what time of year? Appropriate engineering and design can place a very desirable trail through the middle of a highly erosive soil type. There are numerous local examples, all constructed and enjoyed by users because the managers kept focused on the position statement. In fact, mitigation techniques and strategies probably originated due to this exact issue. The options are extensive, proven, and effective. Please examine the enclosed document 'Off Highway Motorcycle & ATV Trails Guidelines' to familiarize yourselves with some of the techniques available to manage multiple-use trails, including those under varied soil types.

Section B:

"O.H.V. and bicycle trails: In addition to the converse of several of the criteria under A. above, the following additional criteria are to be considered positive factors in the siting of new trails and for the retention of existing O.H.V. and bicycle trails."

The MRA supports all criteria considered positive factors in siting of new trails and for retention of existing OHV and bicycle trails. We also consider Section C "Hiking Trails" criteria to be suitable perameters for multiple use trails. Again, we do not support exclusive use,but multiple use as

THAT IS THE EXPRESSION OF THE POSITION STATEMENT FOR THE JOHNS PEAK MULTIPLE USE RECREATION AREA. WE VIEW THE 5 LISTED CRITERIA AS HIGHLY DESIRABLE TO ALL RECREATORS AND NOT DESIRABLE FOR EXCLUSIVE LIMITED USE 'FOR HIKERS ONLY'.

IN SYNOPSIS, THE MRA THANKS YOU FOR REQUESTING INPUT ON THE DRAFT JACKSON CREEK WATERSHED TRAILS CRITERIA. MANY PEOPLE FIND THE MULTIPLE-USE JOHNS PEAK RECREATION AREA DESIRABLE. MANAGEMENT WILL MAKE IT EVEN MORE SO. BY FOCUSING ON THE GOAL AND THE AREA'S POSITION STATEMENT, WE CAN COOPERATIVELY WORK TOWARDS A FUTURE NATIONAL GEM WE CAN ALL CONTINUE TO BE PROUD OF. THE MRA LOOKS FORWARD TO CLOSE INTERACTION WITH THE CITY OF JACKSONVILLE THROUGHOUT THE FUTURE AS THIS PROCESS ACCELERATES AND INCORPORATES MORE LANDOWNERS, AND LARGER MORE DISPERSED AREAS.

WE ARE PLEASED TO BE AN INTEGRAL PART OF THIS PROCESS FACILITATING LOCAL EDUCATION AND UNDERSTANDING IN MULTIPLE-USE LAND MANAGEMENT.

SINCERELY,

DAVID LEXOW, JOHNS PEAK RECREATION AREA COMMITTEE
MOTORCYCLE RIDERS ASSOCIATION
P.O. BOX 1471
MEDFORD, OR 97501

(541) 773-1195

CITY OF JACKSONVILLE
P.O. Box 7 110 East Main Street
Jacksonville, Oregon 97530
(541) 899-1231 FAX (541) 899-7882

MOTORCYCLE RIDERS ASSOCIATION
P.O. BOX 1471
MEDFORD, OR 97501

August 10, 2000

Dear Association members;

Thank you for your response to our Draft Trails Criteria and for the publication about trails. Your detailed analysis and comments regarding the criteria were obviously based on considerable thought and experience and will be very useful in future discussions. Since we sent our Trails Criteria to the BLM and Boise Cascade, you may also want to send your response to them for their consideration.

We think it would be appropriate to defer further discussion of the detailed points in your response until all parties are available when the Johns Peak Recreation Area (JPRA) planning process is commenced.

The City of Jacksonville agrees with you that "many people find the multiple-use Johns Peak Recreation Area desirable". Each landowner and user of the JPRA will probably interpret the application of multiple-use in the overall JPRA with one set of objectives, whereas landowners in the JPRA will probably have different objectives and priorities for their own land.

Based on the City of Jacksonville's Watershed Forest Management Plan, timber management is high on the list of priorities for their property. Recreation is also a high priority and will no doubt become more important over time. As we have stated in the past, the City's vision of recreation on their land would be for a management plan that recognizes the individual needs of many user groups. Of course, the future management emphasis for the City's property will ultimately depend on the desires of the residents of Jacksonville.

These and other issues are the challenges that we must all meet in developing a multiple-use management plan for the JPRA that not only satisfies the management objectives for the entire JPRA but also the objectives of each landowner and user. We feel that the development and implementation of a multiple-use management plan is imperative for the well being of all resources, landowners and users of the JPRA.

Thank you again for your response to our Trails Criteria. We look forward to working with the MRA again in the future.

Sincerely Yours,

Joyce Coleman, Chair of the Forestry Committee

Copy: Rich Drehobl, Ashland Resource Area Manager
Ken Cummings, Boise Cascade Corporation

OPTIONS EXPLORED
&
DISCUSSED TO DATE

CITY OF JACKSONVILLE

WATERSHED FOREST MANAGEMENT PLAN

SUMMARY

The City of Jacksonville's vision for its Jackson Creek watershed property as stated in the Watershed Forest Management Plan is " to manage the forest resources for the long - range benefit of present and future generations of people of Jacksonville and vicinity."

It has been 43 years since a wildfire in 1956 burned 67% of the City owned 1800 acres. Vegetative, aquatic and soil resources have improved considerably by mostly natural means since the fire. Vegetation in most of the watershed, typical of Southwest Oregon unmanaged forests, is extremely dense and very slow in its eventual succession to more mature coniferous forests.

To meet the City's vision for the watershed property, the Watershed Forest Management Plan provides information, recommendations, and timing of activities to accelerate the watershed's improvement. The activities are based on the following objectives:

1. Timber Production
2. Fire Protection
3. Forest Health
4. Soil Protection and Water Enhancement
5. Increase Fish Habitat
6. Provide Habitat for diverse wildlife
7. Provide recreation and educational opportunities for diverse user groups

In addition to the above objectives the plan emphasizes the need to control unauthorized use of the City's property. Activities such as garbage dumping, small arms shooting, timber trespass, resource damage by vehicles, camping and unattended fires are increasing dramatically.

Succeeding at these objectives will enhance the chance of the watershed to meet its full potential for resource development, income, the enjoyment of people and use by fish and wildlife. Success in the objectives would also promote interest in investment for the improvement of watershed resources.

CITIZEN ADVISORY COMMITTEE
FOR
JACKSONVILLE WATERSHED EVALUATION

April 22, 2004

The seventh meeting of the CAC Jacksonville Watershed Evaluation Committee was April 22, 2004 at 7:00 pm in the Naverson Room of the Jacksonville Public Library. Committee members in attendence were: Tony Hess, Lyn Boening, John Stagg, Clara Wendt, Mike Caruso, Howard Johnson, Mac Peffley, Dennis Ramsden, Neill Smith, Paul Wyntergreen, Wally Hicks, and Arch Weatherford. Also in attendence were; Paul Kangas and Wil Hislebeard.

The guest speakers for the evening were:

Jay Deleno of the Oregon Department of Wildlife and Fisheries - Talked about Jackson Creek and the work being done to improve fish habitat.

Bill Meyers of the DEQ - Talked about water quality issues of Jackson Creek and the areas of concern relating to what effects that cleanliness.

Ted Hass of the BLM - Talked about the type of soils found the in the watershed and the erosion problems in the area.

Grants for Fishery improvement and stream renewal were discussed. It was pointed out that the projects that would use such funds would need to be independent of other projects funded with Fishery improvement money.

The subject of a possible Nature Conservency interest for the Watershed was brought up.

A sub-committee for Recreation possiblities was formed: Howard Johnson and Neill Smith volunteered to be on that committee.

A letter of resignation from Len Hebert was read to the committee. His resignation from the co-chairmanship and the committee to be immediate upon acceptance.

A letter of appointment of Clara Wendt to the committee from the Mayor of Jacksonville was read and accepted.

Next meeting to be held: May 27, 2004 in the Public Library meeting room.

RAFT

Options for W rshed Property

ADVANTAGES

	OPTION	COST	A	B	C	D	E	F	G	H
1	Repair Dam	$25,000	Reasonable Cost	Maintain Reservoir for Fire, Wildlife, Water Quality, Recreation	Least Environmental Disturbance of 1-4	Allows for Re-Application for Water Rights	Future Water Recreation			
2	Removal #1	$108,180	Return to Original Stream Bed	* Return to Streamside Vegetation	Least Maint. cost Long Run of 1-4	Possible return to Upstream Fish Use	* Reduction of OHV near Stream			
3	Removal #2	$40,810	Reasonable Cost	* Return to Streamside Vegetation	Less Maintenance cost in Long Run than #1	Possible return to Upstream Fish Use	* Some Reduction in OHV near Stream			
4	Lease 80 acres		Transfer some Responsibility to Lease	Some income for Management $2,720/yr	Could Change Image from Public to Private Property	Could Restrict use to Leasee & Design for Use				
5	Sell 80 acres		Income $118,000	Transfer Most Responsibility	Consolidate remaining Property					
6	Caretaker on Property	Shared Cost	Possible Income from Rent	Presence on Property	Less Illegal Activity: OHV, Shooting/Dumping	Possible Managed Use	Users know who owns Property	Could be used with other Options		
7	Increase Law Enforcement	Could be Significant	Income from Fines?	Word would Spread	Less Illegal Activity OHV, Shooting/Dumping	Could be Used with Other Options				
8	Do Nothing Now	Minimal	Lowest Cost	City still gets Benefits from Resources	Happy Motocyclist					
9	Lease Entire 1800 acres		Transfer some Responsibility to Leasee	Some income for Management	Could Change Image from Public to Private Property	Could Restrict use to Leasee & Design for Use				
10	Sell Entire 1800 acres		Highest Income ± $1 MM	Transfer Most Responsibility						
11	Operate 1800 acre as Intensive OHV Rec. Area		Possible Income from Rent	Possible increased income to City from users						

* depends on restricted use

Options for ershed Property

DRAFT

DISADVANTAGES

	OPTION	COST	A	B	C	D	E	F	G	H
1	Repair Dam		Continue Maintenance & Cost of Dam	Continued Sediment Load	Continued Negative Reservoir Activity	Continued Degradation of Riparian Area	No Fish Use above Reservoir	Higher Liability Retained		
2	Removal #1		High Initial Cost - Some Continued	Loss of Water for Fire, Recreation & Wildlife	Reduced Water Quality Downstream.	Large Volume of Material to Remove, Store & Stabilize	Complex Permitting & Planning	Large Environmental Impact for Project	Continued Negative Activity in Area	
3	Removal #2		Much Material Remaining for Future Erosion	Stream in New Position	* Continued Negative Activity in Area	Reduced Water Quality Downstream	Loss of Water for Fire, Wildlife, Recreation	Material needs to be Stored, Stabilized		
4	Lease 80 acres		Retain Responsibility & Liability	Administrative & Management Costs for Lease	Lease may add to Current Problems	Difficult to find Compatible Leasee				
5	Sell 80 acres		Possible Damage to Surrounding Property	Continued Liability for Dam & Reservoir after Sale?	Repair Work needed to Sell Property?	Continued High Use & Illegal Activity on Surrounding Property	Loss in Long Term Timber Income			
6	Caretaker on Property		Perception of Private Property	Cost of Housing & Maintenance?	Lack of Electricity & Potable Water	Pay Rent to Caretaker	Zoning Changes?			
7	Increase Law Enforcement		Cost of Officers	Changed Responsibility for County & City	Negative Public Perception to Users	Danger to Officers	Increased Court & Litigation Costs	Need Rules for Property Use		
8	Do Nothing Now		Reservoir & Dam Continue to Degrade	Continued Liability or Perception thereof	Use Restricted to High Impact Users	Increasing Environmental Losses	Increased Illegal Activity	Increased Garbage Dumping		
9	Lease Entire 1800 acres		Retain Responsibility & Liability	Administrative & Management Costs for Lease	Lease may add to Current Problems	Difficult to find Compatible Leasee				
10	Sell Entire 1800 acres		Possible Damage to Surrounding Property	Continued Liability for Dam & Reservoir after Sale?	Repair Work needed to Sell Property?	Continued High Use & Illegal Activity on Surrounding Property	Could Reduce Water Quality in Jackson Creek	Loss in Long Term Timber Income		
11	Operate 1800 acre as Intensive OHV Rec. Area		Reservoir & Dam Continue to Degrade	Continued Liability or Perception thereof	Use Restricted to High Impact Users	Increasing Environmental Losses	Would Reduce Water Quality in Jackson Creek			

* depend on extent of law enforcement etc.

CITY OF JACKSONVILLE

P.O. BOX 7
110 E. Main Street
JACKSONVILLE, OR 97530
(541) 899-1231 FAX (541) 899-7882

Richard Drehobl
Area Manager, Ashland Resource Area
Bureau of Land Management
3040 Biddle Road
Medford, OR. 97504

February 10, 1999

Dear Richard;

We are pleased that you are taking the leadership role in developing a recreation management plan for the Johns Peak area. We appreciate the opportunity to be included in the planning process, which is so important to local landowners, citizens, and the natural resources of the area. As time passes and our valley population increases, the need for personal and family outdoor recreation and education will be critical.

We would like to reiterate some of the points that we feel are very important which were made at the last Johns Peak planning meeting:

1. Opportunities for formal public involvement need to be initiated for all interested and affected citizens and landowners within and near the Johns Peak area.

We realize that broad based citizen involvement was solicited as part of your Resource Management Plan (RMP) which included several proposed Off Highway Vehicle (OHV) management areas in the Medford District. We do not think that the public involvement process or results were adequate or proportional to the recreational use being planned. Some of our questions to the BLM regarding the RMP public involvement process that was completed for the Johns peak OHV area are as follows:

a. In the completed RMP process, was there sufficient data available and was it adequately presented to affected stakeholders and citizens so as to attract their comments? Examples of such data are: The proposed boundaries of the Johns Peak area. The description of the recreational use of the area at the time the RMP was being completed. The expected use of the area after completion of the planning and implementation phase of the recreation plan and at future dates.

b. Were the actual comments that came from the Johns Peak RMP public involvement process, adequate and representative of affected stakeholders and citizens?

c. Is the RMP public involvement data, regarding the Johns Peak area, sufficiently current?

2. The City of Jacksonville desires development of recreational opportunities for multiple user interests commensurate with resource availability, compatibility and user enjoyment.

Jacksonville is hopeful that, properly planned, the large size of the Johns Peak area will allow more enjoyable recreation for everyone by dispersing the activities that are most impacting to the resources and separating those that are less compatible with each other. Currently, Jacksonville's property is one of the most intensively impacted by recreation and other activities.

The Johns Peak area is unique in its geographical position, bordered by fast growing urban interface and high profile rural areas and impacted by illegal and resource damaging activities such as dumping. Its proximity to higher population density makes it dissimilar to areas in the region, such as Fort Rock and Prospect, managed for similar recreational uses.

The Johns Peak area is already well known for its recreational use. Implementing a formal recreational plan could cause its use to expand by multiples of past and current levels. In order for the recreational plan to stand the test of time, it should incorporate data and analyses of anticipated future use in order to determine future impacts to the users and resources.

For these reasons, expanded public involvement opportunities for citizens, landowners and diverse recreational interests is a particularly important initial step in the planning stage and also needed in subsequent steps for the Johns Peak area.

We request that you take these matters into consideration. We regard them as critical to the Johns Peak planning process, to the acceptance of the final product by all stakeholders and the successful functioning of the area once the plan is implemented.

Sincerely,

James Lewis, Mayor
City of Jacksonville

cc: Ronald Wenker, BLM, District Manager
Ken Cummings, Boise Cascade Corp.
Motorcycle Riders Association
Cycle Analysis, Jana Jensen
Oregon Parks and Recreation, Terry Eccles
Jacksonville Woodlands Association

BUREAU OF LAND MANAGEMENT - MEDFORD DISTRICT
Ashland Resource Area

John's Peak Recreation Management Plan
Fact Sheet - April 1, 1999

Subject: The ongoing John's Peak Recreation Management Plan.

Issue Summary: Hundreds of miles of user created trails for four-wheel driving, all terrain vehicle riding, motorcycle riding, horseback riding, mountain biking, and hiking occur on Bureau of Land Management public lands and private lands in the John's Peak area northwest and southwest of the City of Jacksonville. Use in the area has been occurring for approximately 40 years. Due to the growing population in the Rogue Valley, increased use of the area is expected to continue into the future. Resource and social impacts, including uncontrolled access, soil erosion, illegal dumping, littering, human waste, spread of noxious weeds, unrestricted stream crossings, midnight parties, noise, trespassing and the potential for fire starts continues to increase in the area. Without a management plan which provides overall strategies for managing the recreational use in the area, ongoing and increasing unmanaged use could result in escalated impacts.

Background: Development of the John's Peak Recreation Management Plan is based on a decision in the 1995 Medford District Record of Decision and Resource Management Plan (RMP) which states that the agency will,

> "Manage off-highway vehicle (OHV) use on BLM-administered land to protect natural resources, provide visitor safety, and minimize conflicts among various users. Three areas will be managed specifically to provide for OHV use (page 63)."

The 1995 Medford District Record of Decision and RMP identifies three areas which will be managed specifically to provide for OHV use. The plan states that:

> "...Ferris Gulch (2,200 acres), Timber Mountain/John's Peak (16,250 acres), and Quartz Creek (7,120 acres) will be managed to provide for OHV use."

In addition to the Timber Mountain/John's Peak recreation area (now referred to as the John's Peak recreation area), uncontrolled recreation use has been occurring to the northwest and southwest of the City of Jacksonville since the 1960s.

The primary purpose of the John's Peak Recreation Management Plan is to provide management objectives, guidelines, and recommendations for reducing environmental impacts to public and private lands, to minimize conflicts between recreational uses, and to establish long term riding and hiking opportunities in the area.

Specifically, the John's Peak Recreation Management Plan would outline access, generally describe the type and amount of use for proposed trails and facilities, and address strategies for monitoring and enforcement. The planning area would be designed to target casual, family use with limited special recreation permits for noncompetitive and competitive events issued annually.

over ↓

Current Status: The John's Peak Recreation Management Plan is being developed in cooperation with adjacent landowners; the City of Jacksonville; State of Oregon; Motorcycle Riders Association (MRA); Southern Oregon Mountain Bike Association; and Boise Cascade Corporation.

The proposed planning boundary currently includes BLM managed public lands outside of the 16,250 acres designated for OHV use in the Medford District RMP. The current, proposed planning boundary is partly based on the OHV designation in the RMP and partly based on the long-term traditional use which has occurred to the northwest and southwest of the City of Jacksonville.

Within the proposed planning boundary, the city of Jacksonville owns approximately 1,800 acres around the reservoir, the MRA owns 220 acres, and Boise Cascade owns approximately 4,800 acres. The MRA has installed staging areas, parking facilities, and trailheads on their lands.

The BLM received $40,000 from the State Off-Highway Vehicle Account Allocation Committee to identify major OHV trails on BLM managed public lands in the area. This work has been completed.

The Next Step: The BLM recognizes the importance of getting early public input into the planning process. Opportunities are available for field tours and presentations. Written comment regarding issues and concerns and special use areas within the planning area is currently being requested.

The BLM and others (i.e. the City of Jacksonville, State of Oregon, MRA, and Boise Cascade Corporation) are expected to sign the plan. Once the John's Peak Recreation Management Plan is completed and signed, private landowners may apply for funds from the State Off-Highway Vehicle Account Allocation Committee to address solutions to issues and concerns on the ground.

Any decision on BLM managed public lands will be subject to the National Environmental Policy Act. This will include any proposed designation of trails, special use areas, and development of facilities. The remaining public lands within the planning area will be closed to OHV use. This means motorized equipment such as four-wheel drive vehicles, all terrain vehicles, and motorcycles would only be allowed on the designated trails and in designated special use areas but would not be allowed to drive off of the trails or outside of the designated special use areas.

Monitoring would be supported by State Off-Highway Vehicle Account dollars and enforcement would occur in partnership with the BLM, the Sheriffs Office, and volunteer patrol by the MRA and others.

Contacts: Rich Drehobl, Ashland Resource Area Manager, (541) 770-2331
Bill Yocum, Environmental Planner, (541) 770-2384
Fred Tomlins, Outdoor Recreation Planner, (541) 770-2311

CITY OF JACKSONVILLE
P.O. Box 7 110 East Main Street
Jacksonville, Oregon 97530
(541) 899-1231 FAX (541) 899-7882

Bureau of Land Management
Washington Office Correspondence WO-615
Attn.: OHV Comment Manager
1845 "C" Street NW, LSB 406-C
Washington, DC 20240

September 14, 2000

Dear BLM OHV Program Manager,

We hope that you will consider these comments and concerns even though your official comment period was closed on August 31, 2000. These issues are being made for the City of Jacksonville, owner of 1,800 acres of forest in the Jackson Creek Watershed located in Southwestern Oregon. These comments are also pertinent to private and public land ownerships that are intermingled with BLM managed land in Western Oregon.

The area that I will be discussing is referred to as the Johns Peak Recreation Area in the Medford District. The BLM recognized the Johns Peak area for its history of OHV use by designating 16,250 acres of land to be studied for OHV use in a future management plan. The designation is incorporated in their 1995 RMP under OHV (p. 66).

Following are some of the City of Jacksonville's comments and concerns with the designation and management of OHV in this area:

1) BLM managed lands are in their typical Western Oregon checkerboard pattern with many intermingled landowners who have small and large holdings. The area that is delineated as the Johns Peak Recreation Area, where OHVs are to be studied, is a least twice the size of the BLM managed lands. In contrast, typical recreation areas on U.S. Forest Service Lands, where OHVs are featured, are usually in contiguous federal ownership. This is not to say that OHVs could not be a managed use in a typical Western Oregon, BLM setting, but the coordination and cooperation of many adjacent and intermingled landowners must be attained in order to have success.

2) Once a management plan is in place, adequate funding is needed to properly develop the designated trails, maintain them and enforce the plan. Enforcement is an issue in itself. Organized OHV users are needed for a management plan to be successful, but may only be a minor percentage of the actual OHV users and other recreational users.

3) Noise created by OHVs is always an issue in intermingled ownership's. This is an issue that needs to be addressed, but seems to be one that should be solvable.

4) Recreation in many forms is increasing as much as OHV use. Other recreational and management needs must be accommodated as much as feasible; particularly where there is considerable intermingled ownership. This is even more apparent when recreation areas, such as Johns Peak, are near urban areas. Every attempt should be made to separate each form of recreation and other management requirements wherever possible. If adequate separation is not possible, the intensity of use should be reduced.

5) It appears that one of the desires of OHV users, whether in organized groups or independent users, is to have OHV "play areas". These areas would be the equivalent to the skate board parks that are being constructed in communities. Some OHV users seem to want a challenging experience for them and their machines and others like a cross-country experience. A blend of each is probably what is wanted. Management plans for OHV use should consider these uses as unique and make accommodations for each of them. The existence of "play areas" would probably ease the overall environmental impact of OHVs on resources and landscapes. Some users may be satisfied with the "play areas" and not prefer trail riding.

6) The introduction and management of invasive species also needs to be addressed.

The City of Jacksonville would be interested in information that you will be developing and meetings scheduled about the management of OHVs. Please send information to:

Paul Kangas
P.O. Box 7
Jacksonville, OR 97530

or e-mail to: pkangas@internetcds.com.

Sincerely,

Paul Wyntergreen
City Administrator

Oregon

John A. Kitzhaber, M.D., Governor

Parks and Recreation Department
Office of the Director
1115 Commercial St. NE
Salem, OR 97301-1002
(503) 378-5019
FAX (503) 378-8936

RECEIVED
OCT 15 2002
CITY OF JACKSONVILLE

October 15, 2002

The Honorable James W. Lewis, Mayor
City of Jacksonville
FAX: (541) 899-7882

Dear Mayor Lewis:

Tonight, you and the city council will entertain a proposal from the Motor Cycle Riders Association (MRA) to acquire interest in city-owned land that has been available for cycle riding for a number of years. It is my understanding that the land is a key watershed for Jacksonville and that the City has recently embarked on a forest stewardship program for the land.

I want to express my appreciation and support for the consideration you and the Council will be giving to the proposal by MRA. It is my understanding that MRA will be presenting a range of options that address the City's long-term interest in both watershed protection and forestry benefits. From what I have learned about this project, it appears to provide a unique opportunity for a partnership between the City and MRA that both meets the City's long-term needs and the need for cycle and OHV riding opportunities. It has potential to be a model of land, forest and watershed stewardship and motorized recreation.

I also want to assure you and the Council that a significant source of funding to enable the project is potentially available from the State's All-Terrain Vehicle Fund, which now carries a balance of several million dollars. ATV, OHV and off-road cyclists support the Fund by purchasing a permit required for riding on public lands. The Fund is used to support acquisition, development, maintenance and rule enforcement on public lands available for riding. MRA is eligible to receive grants from the Fund for the project to be proposed tonight. A number of grants are awarded annually from the Fund to support riding on state and federally-owned forest lands throughout Oregon.

OHV, ATV and off-road cycling are among the fastest growing outdoor recreation activities in America. The future of these recreation activities depends on partnerships between local communities and riding groups such as MRA. I thank you and the Council for considering this letter and MRA's proposal.

Sincerely,

Michael Carrier

Michael Carrier,
Director

Cc: Tyrrell Hart

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
3040 Biddle Road
Medford, Oregon 97504
email address: or110mb@or.blm.gov

JAN 0 9 2003

IN REPLY REFER TO
1792(116)
Timber Mountain/Johns Peak
OHV Management Plan/EIS
A6993(KM:jl)

The Medford District of the Bureau of Land Management (BLM) is beginning the development of an Off-highway Vehicle (OHV) Management Plan and Environmental Impact Statement (EIS) for the Timber Mountain/Johns Peak OHV area. The 1995 Medford District Record of Decision and Resource Management Plan designated the Timber Mountain/Johns Peak area specifically for OHV use.

The Timber Mountain/Johns Peak OHV Area is situated generally to the west of the City of Jacksonville in southwestern Oregon. The Timber Mountain/Johns Peak OHV area involves approximately 13,865 acres of BLM administered lands. OHV enthusiasts from the local communities and out-of-state have recreated in the Timber Mountain/Johns Peak area for over 40 years, and use has increased in recent years.

How can you help?
Preliminary work towards the development of the Timber Mountain/Johns Peak OHV Management Plan began in 1998. The following preliminary list of issues are identified to be associated with the Timber Mountain/Johns Peak OHV area: protection of sensitive soils; maintenance of water quality and riparian conditions; protection of threatened or endangered species; management of unauthorized vehicle access and trail development on public and ivate lands; and providing for public health and safety.

BLM is requesting your input concerning this list of issues. Through public scoping and specialist review, this list of issues will be further developed and significant issues will be identified. Issues determined to be significant to the planning process will be used to develop a range of alternatives for managing OHV use in the Timber Mountain/ Johns Peak OHV area.

A public meeting is scheduled for ***January 25, 2003 from 9:00 to 11:30 AM, at the Southern Oregon Research and Extension Center Auditorium located at 569 Hanley Road, Central Point, Oregon.*** The purpose of this meeting is to provide the public with information about the planning process and to receive input from those who are interested or affected.

In order for your input to be incorporated early in the planning process, written comments should be sent by February 14, 2003. Send written comments to: Richard J. Drehobl, Ashland Field Manager, Medford District Bureau of Land Management, 3040 Biddle Road, Medford Oregon, 97504, or E-mail to Kristi_Mastrofini@or.blm.gov.

For those who want to remain on the mailing list, please take a moment to fill out and mail in the interest response form (enclosed). For information about the planning process please contact Kristi Mastrofini at (541) 618-2384 or Don Ferguson at (541) 618-2292. Fax or E-mail can be sent to the attention of Kristi Mastrofini at (541) 618-2400, or Kristi_Mastrofini@or.blm.gov.

Sincerely,

Richard J. Drehobl
Field Manager, Ashland Resource Area

Why is an OHV Management Plan Needed?

In 1995, the Medford District Resource Management Plan (RMP) established land use allocations and management actions/direction for managing BLM administered lands in the Medford District, including direction for management of recreational use. Recreation objectives of the RMP call for the agency to provide a wide range of developed and dispersed recreation opportunities that contribute to meeting the projected recreation demand for the area. The RMP designated the Timber Mountain/Johns Peak area "specifically to provide for OHV use" and directs the agency to "Manage off-highway vehicle use on BLM-administered land to protect natural resources, provide visitor safety, and minimize conflicts among various users."

With increased OHV use, there has been a proliferation of new unauthorized trails on public lands. Although many existing trails are in good condition, other trails are eroding, which can lead to resource degradation. Improperly designed trails can also create safety hazards for OHV riders. Proper trail design, placement, and periodic maintenance, are needed to reduce erosion and the associated resource impacts, and to improve user safety and enjoyment. A sign plan is needed to guide access and travel throughout the designated OHV area; identifying designated trail routes should reduce unauthorized use and the associated impacts on public lands.

Example of trail erosion from inadequate water drainage

Example of trail in good condition

A growing problem for public land managers is trash dumping along forest roads and other vandalism (sign shooting, property damage, etc.). Trash dumps can be hazardous to the health of people using and recreating on public lands. While this is ***not*** associated with OHV use, it is associated with uncontrolled vehicle access to forestlands. Management of road access would help to reduce illegal trash dumping and some incidence of vandalism in the planning area while allowing for regulated OHV use.

Components of an OHV Management Plan

The Timber Mountain/Johns Peak OHV Management Plan/Environmental Impact Statement (EIS) is needed to guide activities within the designated Timber Mountain/Johns Peak OHV Area and to provide for OHV use in accordance with the Medford District RMP. The development of this plan will not revisit whether or not to allow OHV use in this area, rather it will develop and analyze alternatives for managing designated OHV use in accordance with RMP direction.

Through Development of an OHV Management Plan:

- A system of OHV use areas would be identified for management;
- Trail design features would be established for stabilizing, reconstructing, or relocating existing trails;
- A sign plan would be developed to mark designated use areas;
- Trailheads would be designated and trailhead design features would be established;
- Objectives would be established for roads in order to manage access within the OHV area

Trail heads would be designated and designed to provide for user safety and to improve the recreation experience.

Example of well a maintained and heavily used OHV trail; adequate water drainage minimizes erosion

OHV friendly gates can be used to control passenger vehicle access while allowing for OHV access.

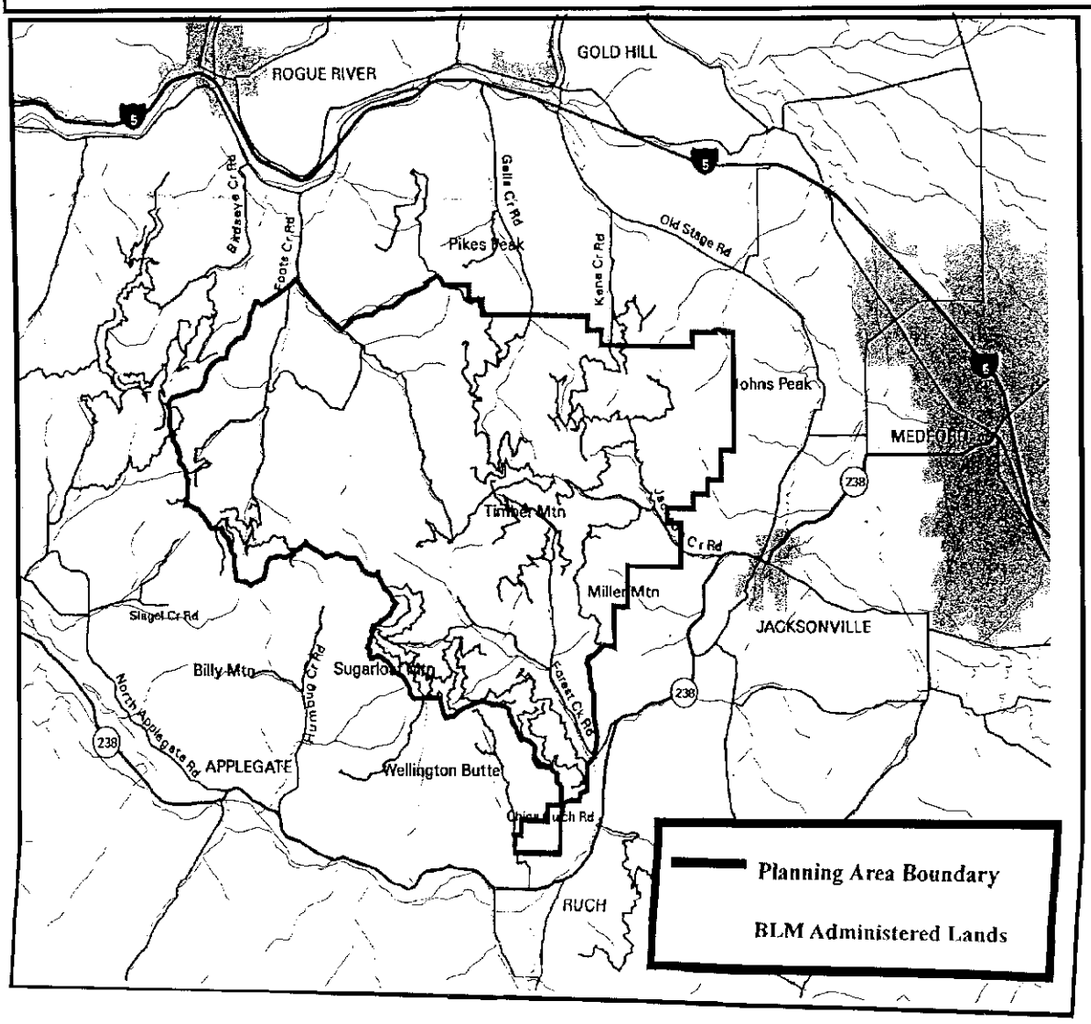
Preliminary Issues Associated with the Development of an OHV Management Plan

Scoping is conducted early in the planning process to identify issues associated with the implementation of the Proposed Action and depth of analysis needed. Preliminary work towards the development of the Timber Mountain/Johns Peak OHV Management Plan began in 1998.

The following list of issues were identified to be associated with the Timber Mountain/Johns Peak OHV area:

Sensitive Soils: Granitic soils occur in portions of the planning area. These soil types are very susceptible to erosion when the soil surface has been disturbed. OHV use on natural surface roads and trails in the area can increase soil erosion.

Vicinity Map
Timber Mountain/Johns Peak OHV Area



Water Quality And Riparian Conditions: OHV use within stream channels and riparian areas can destabilize stream banks, increase erosion and sediment delivery to stream channels, and impact riparian vegetation.

Threatened Or Endangered Plant, Animal, And Fish Species: There is a potential for impacts to species listed as threatened or endangered under the Endangered Species Act. *Fritillaria gentneri,* a plant species listed as endangered; the northern spotted owl, listed as threatened; and Southern Oregon/Northern California coho, listed as threatened, are known to exist within, adjacent to, or downstream of the planning area.

Management of Travel and Access on Public Lands: With the complex land ownership pattern of BLM lands intermingled with privately owned lands, there is a high incidence of unauthorized access onto private lands. Vegetation management that creates more open areas (timber harvest and fuel hazard reduction) can lead to OHV use in areas previously not used. With an increase of OHV use, there has been an increase of unauthorized trails built or created on public and private lands. Public education and signing are needed to reduce the occurrence of unauthorized use.

Unauthorized user-built trail in area opened up as a result of vegetation management for fire hazard reduction

Public Health And Safety: Although the Timber Mountain/Johns Peak area was designated for OHV use, a site-specific activity plan that would guide activities in the OHV area was not developed. Some poorly designed and unmanaged trails in the area create safety hazards for OHV riders and others who use or recreate on public lands in the area. Additionally, trash dumping from uncontrolled vehicle access can create health and safety hazards for the public.

Trash dump along forest road

Through additional public scoping and specialist review, this list of issues will be developed further, and significant issues will be identified. Issues determined to be significant to the planning process will be used to develop a range of alternatives for managing OHV use in the Timber Mountain/Johns Peak OHV area. The effects of implementing the various alternatives, including a no-action alternative, will be analyzed and documented in the forthcoming Environmental Impact Statement (EIS).

Ways to Get Involved

There are several ways to become an active participant in the planning process for the Timber Mountain/Johns Peak OHV Management Plan/EIS, they include (but are not limited to):

1. A public meeting is scheduled for **January 25, 2003 from 9:00 to 11:30 AM, at the Southern Oregon Research and Extension Center Auditorium located at 569 Hanley Road, Central Point, Oregon.** The purpose of this meeting is to provide the public with information about the planning process and to receive input from those who are interested or affected.

2. Upon request, the BLM will schedule additional meetings with individuals, adjacent landowners or neighborhoods, and other interested groups.

3. A field trip may be scheduled for February or March for those interested (see response form), to view areas within the Timber Mountain/Johns Peak OHV Area.

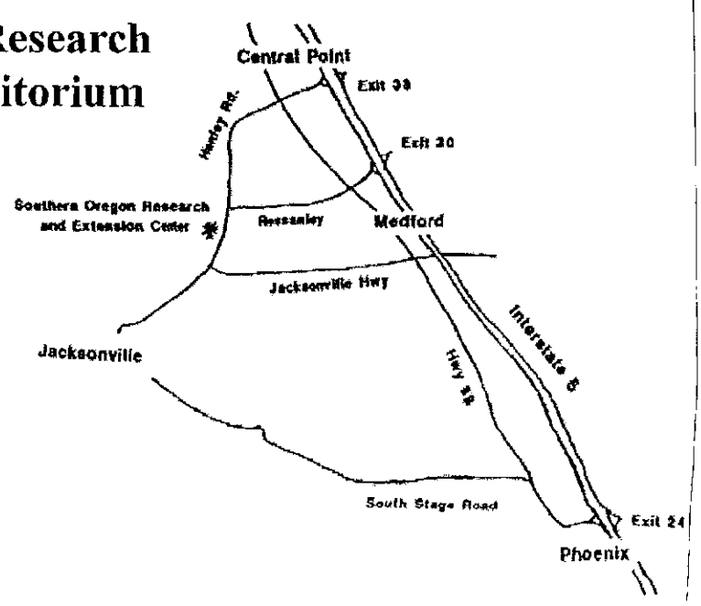
4. Send written comments to: Richard J. Drehobl, Ashland Field Manager, Medford District Bureau of Land Management, 3040 Biddle Road, Medford Oregon, 97504, or email to Kristi_Mastrofini@or.blm.gov.

5. Provide comments to the draft and final Environmental Impact Statement when they become available for public review.

Pursuant to 7 CFR Part 1, Subpart B, Section 1.27, all written submissions in response to this notice, public scoping letters, and draft and final Environmental Impact Statements will be made available for public inspection including the submitter's name and address, unless the submitter specifically requests confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, submitted on official letterheads, and from individuals identifying themselves as representatives or officials of organization or businesses, will be made available for public inspection in their entirety.

Map to Southern Oregon Research and Extension Center Auditorium

Note: Turn into driveway marked by Oregon State University sign, at 569 Hanley Road, Central Point



Tentative Project Schedule

Funding for the development of the Timber Mountain/John's Peak OHV Management Plan/EIS was requested by the BLM under Title II of the *Secure Rural Schools and Community Self Determination Act of 2000* in order to accelerate the completion of a draft environmental impact statement. Project funding was recommended for approval by the Medford District Resource Advisory Committee, and funding was approved for fiscal year 2003.

The tentative schedule for completing the planning process is as follows:

Public Scoping - January and February, 2003

Development of the Proposed Action and Alternatives – February and March 2003

Publish Draft EIS/Management Plan – July, 2003 (60-day Public Review Period)

Analysis of Public Comments and Preparation of Final EIS – Fall/Winter of 2003/2004

Publish Final EIS/Management Plan (30-day Public Review Period) – March 2004

Publish Record of Decision and Management Plan – June 2004

----------*clip, place in envelope, and mail*----------

INTEREST RESPONSE FORM
(Please Print Clearly)

BLM - Timber Mountain/Johns Peak EIS
3040 Biddle Road
Medford OR

- ☐ YES, I plan on attending the January 25, 2003 public meeting for the Timber Mountain/ Johns Peak OHV Management Plan/EIS planning process.
- ☐ YES, I would be interested in attending a field trip, if scheduled, to view areas within the Timber Mountain/Johns Peak OHV Management Area.
- ☐ YES, I would like a copy of the Timber Mountain/Johns Peak OHV Management Plan/EIS at each stage of the planning process.
- ☐ YES, I would like my name and address withheld from public review or disclosure under Freedom of Information Act request.
- ☐ YES, I wish to **remain on the mailing list** for this project.
- ☐ YES, I would like a copy of **only** the summary of Timber Mountain/Johns Peak OHV Management Plan/EIS at each stage of the planning process.

_____

Name Address City, State Zip

If you wish to remain on the mailing list, please complete and return this response form. **We are trying to save paper and conserve resources. If we do not hear from you, your name will be removed from the mailing list.**

RECEIVED
CITY OF JACKSONVILLE

Jacksonville OHV Feasibility Study

Prepared for:
Oregon State Parks and Recreation Dept.

Prepared by:
Michael Law

August 2001

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Introduction

The city of Jacksonville owns approximately 1800 acres of forested land within the Jackson Creek Watershed. It is designated as a woodland resource, but has not been managed for any specific use in mind. This land has historically been used predominately by Off-Highway Vehicles (OHV's), but is also being used for other purposes including mountain biking, horseback riding, and hiking.

This report is intended to provide information regarding the compatibility of OHV's in the Jackson Creek Watershed, located just outside of Medford, in Jacksonville, Oregon. The Motorcycle Riders Association (MRA) based out of Jacksonville, are interested in purchasing these 1800 acres and utilizing the existing OHV trails. There is also a possibility that they may want to build new trails in the land in the future. This report also outlines the process they will need to go through in order to purchase or lease these lands. In addition, the author will be making a recommendation as to what should be done with the watershed and if the MRA should buy or lease the land within the Jackson Creek Watershed.

Costs

Negotiated price

The property the MRA is interested in has not been assessed, so in order to determine the value of the land there will have to be an assessment done. A Member of the Appraisal Institute (MAI) will have to be hired and it would take approximately three months or longer to do it. Paul Wyntergreen, Administrator for the City of Jacksonville, recommended the use of local personal to do the job. David Fromme from the Appraisal Institute (541-773-7088), Evan Archard from Southern Oregon Appraisal (541-482-8856), and Rickey Richey (541-773-5533) were all recommended.

The land owned by the city of Jacksonville is governed by Jackson County, not Jacksonville, so if they city agrees to sell the land to the MRA, a conditional use permit (See appendix, form 210) will have to be completed and turned in to the county office in Medford. It is recommended that any offer to buy the land should be contingent upon approval of rezoning and the conditional use permit. Because of the limited staff and the large number of applicants needing review, it would take approximately 4-5 months to process. Once this permit is submitted, it will be reviewed and a buffer between the ownerships will be determined. There are no existing housing units within the 1800 acres; however, there are landowners next to the city owned land. A list of all landowners (adjacent and otherwise) can be found in the appendix

Legal Constraints

Easements

Easements for tax lot # 8800: The right to improve any existing roads and to construct any additional roads over the within described premises reasonably required to permit removal of the within timber and conducting of logging operations in connection therewith: subject to the condition that, during such periods as they may be using such road or roads, grantees agree to keep and maintain the same in a reasonable state and condition of repair, and, at the conclusion of such logging operations by grantees, to restore any presently existing roads to as good condition as they were when grantees entered said premises hereunder.

Grantees shall comply with all requirements of law and of regulatory agencies relating to logging methods, care of the premises, installation of facilities, prevention and suppression of fire, and disposal of debris and slash: not to obstruct existing streams on the within premises: to exercise reasonable care at all times to prevent and suppress forest fires in the cutting are and its vicinity: and to require their employees, contractors, and employees of contractors to do likewise.

Easements for tax lot #1000: This conveyance is subject to the right and privilege on the part of the said Carrie C. Beekman, in connection with the ownership of the property now owned by her in said City of Jacksonville, and formerly occupied by her and her family, to tap and make connection with the water main of the water system of the said City of Jacksonville for a three-quarter inch standard pipe at any place within the official boundaries of the said City of Jacksonville, and thereby and therethrough to divert, flow and draw the water of said water system unobstructed through said pipe to the full capacity thereof, but such tapping shall no t be in more than one place at one time, and shall be subject to and governed by all rules, regulations, restrictions and requirements of the City of Jacksonville in reference to the use of said water and water system in like manner and with like force and effect with all other water users of said system, except that sad water and the use thereof by said Carrie C. Beekman shall be free of any cost, charge, payment or other compensation.

Easements for tax lot #11000: Excepting and reserving therefrom all existing roads and/or rights of way on or over said limits.

Easements for tax lot #600: 1. The premises herein described are within and subject to the statutory powers, including the power of assessment of Bear Creek Valley Sanitary Authority.

2. Rights of the public in street, roads and highways.
3. Reservations, including the terms and provisions thereof, in deed from James S. Howards to James T. Glenn and Jacob Ish, recorded November 27, 1871, in Book 5 page 463, Deed Records. (Affects the Northwest quarter of the Southeast quarter.)

Other information regarding the easements for the city owned land can be found within the legal descriptions of each tax lot within the lands (See appendix, Legal descriptions for tax lots).

Deed Restrictions

Any deed restrictions can also be found in the legal descriptions of each tax lot.

Hazards

In 1956 there was a major fire that burned over approximately 67% of the watershed property. Because the forest was left alone to naturally recover, conifer coverage over the area is minimal and manzanita brush cover is extensive. Fire threat is highest in summer when there is little moisture, and erosion is also high due to the granite soil base. Precipitation makes the soil more stable, so use in the winter months does not necessarily mean more erosion. In addition, the main existing structure on the property is the reservoir, and to address the liability issue the city has blocked off the reservoir to vehicle use and in the future would like to block it off to OHV use as well. This closure would allow the city to make the reservoir valuable as a sediment trap and a wetland. The city also wants to relocate the play area from its current site, the reservoir, to another area more suited for OHV use.

Opportunity

Because this area has been used heavily by OHV's in the past, there are old roads, skid roads, and trails already in place that could be managed for future OHV use. Also, because of the close proximity to

Medford and Ashland, the Jackson Creek Watershed would be an ideal place for this use to occur. The property the MRA owns now is next to the Jackson Creek Watershed, and the trails between the two landowners can be connected easily and without any major improvements.

Trail types

While there are over one hundred miles of trails in the Jackson Creek Watershed and MRA owned land, very few opportunities exist for 4 wheel drives. The only trails wide enough and passable by 4 wheel drives are the old skid roads and logging roads. Four wheel drive use has not been high in the area and as a result, not much development has been done. In addition, the steep and narrow terrain is not ideal for quads or mountain bikes either. The vast majority and ideal use in the area is motorcycles because of the steep terrain and narrow width of trails. Wider trails can be made that would accommodate quad and four wheel drive use, but the limited number of those users makes it less of a management priority. While hikers can hike on the trails, the low scenic value (no scenic vistas or historical points of interest) and noise from OHVs are not what hikers enjoy the outdoors for.

Staging areas

The only developed OHV staging area is located on MRA property. It has two graveled parking areas that are open year round, but it is primarily used during motorcycle events. Developed toilets are not in place now, but the MRA rents portable toilets for their events. Some members of the MRA have expressed an interest in purchasing a developed bathroom for their staging area in the future. The MRA have also been thinking about redesigning portions of the staging area in the future.

Because of its close proximity to the main highway, many OHV users have used the reservoir as a staging area. They either park just below the reservoir or next to it. Many use the reservoir as a play area and head out on the trails from there. Just up the road from the reservoir there is another area where users park and unload. Since the city would like to make the reservoir into a wetland, the area just above the reservoir could be a viable area to develop another staging area. If the city decides relocate OHV use from the reservoir and develop a new staging area, it would be wise to install toilets that are vandal resistant along with trash containers and potable water through a pump of some type and possibly picnic tables. A kiosk should also be installed informing users of rules and regulations and other important information concerning OHV use in the area.

Skill levels

The trails located in the watershed should be classified as most difficult. These trails are for more experienced riders (intermediate and expert level riders). The only trails suitable for inexperienced or beginner level OHV riders are the ones surrounding the reservoir and the MRA staging area. In both these areas, the grade is fairly smooth and the trail is wide compared to the trails further out. If a family comes to camp out for the weekend or spend the day riding, they would have more fun sticking to the less challenging trails surrounding the staging areas. The author recommends that the development of trails that can be negotiated by less experienced riders be made near the MRA staging area as well as future staging areas.

Connection to existing trails

The network of trails on city land can easily be connected to the trails on other landowner land. The entire trail network, which includes BLM, MRA, Boise Cascade, and city of Jacksonville land, is all well established and extensive. The MRA has an agreement that allows only OHV's (no four wheel drives) on part of Boise Cascades land, and OHV's are free to operate on BLM land while utilizing existing trails as well. As long as the MRA continue to try and eliminate unwanted spur trails, cutbank riding, and other negative aspects of OHV's on Boise Cascade land, they should remain open to this use.

Terrain Opportunities

The grade of the land and the mountainous terrain does not allow for a broad spectrum of trail types. The terrain is heavily wooded, the soil is decomposed granite, and elevation ranges from 1980 feet to 4000 feet. On the watershed, there are old roads, skid roads, and trails that can continue to be used for future OHV use.

Distance from major urban areas

The watershed is located approximately 35 miles from White City and 25 miles from downtown Medford. It is also within 45 minutes of Ashland. It is about 1-1/2 miles west of downtown Jacksonville.

Site features

Many of the trails were cut into the side of a hill, and as a result, one side of the trail may have an extremely steep embankment that keeps riders from wandering off the designated trail. Other trails usually have a line or rut in the middle that helps to keep the rider on the trail. They find it is faster and easier to

negotiate a trail if they stay in preferred line. Also, if a rider decides to go off the trail, he/she has to ride through fairly dense vegetation, which they know from experience is more work than it is worth. In the MRA's staging area the presence of fun and enjoyable trails is the biggest feature that keeps riders on designated trails. If riders like the designated trails near the staging area they will have less of a need to find or make others that should not be there. However, if the only trails nearby have become extremely degraded to the point where they are only passable by expert level riders, then riders with less experience will feel the need to make trails where they may or may not be suitable.

Access

The main access to the watershed is off of highway 238, on Jacksonville Reservoir Rd. There are five other roads used by OHV riders to access the BLM's Johns Peak /Timber Mountain OHV area, which is adjacent to the watershed. Fred Tomlins of the Medford BLM has said that riders have parked their vehicles in the Johns Peak area and ridden their motorcycles over to the watershed via interconnecting trails. The five access roads into the Johns Peak area are King Creek Rd., Galls Creek Rd., Foots Creek Rd., China Gulch Rd., and Forest Creek Rd. The BLM has installed culverts on the main access road to the reservoir and the MRA staging area.

The MRA pays for a yearly maintenance on the Jackson Creek Rd. that involves grading to ensure proper drainage and a smoother ride for people driving to the MRA's staging area. They also organize yearly garbage cleanups that start from the reservoir and go up Jackson Creek Rd. The cost of this often increases due to the closing of the Rogue recycling plant. Yearly trail maintenance is also done on city owned land, and this usually involves installation of culverts, and waterbars. More detailed information about the MRA's work on access roads and trails can be found in the appendix under *MRA trail and roadwork.*

Engineering

There is currently no electric or sewer capacity in the watershed, but during the winter months there is water available in the reservoir. The closest powerline is located about 1 1/2 miles from the MRA staging area past Boise Cascade land. The MRA found solar power is a cheap and viable alternative to putting in expensive power lines. If the reservoir is shut down and an OHV staging area is developed, a boundary should be established and some leveling of the land may need to be done. A hand pump should

be installed for water needs. Also, it is suggested that a toilet facility be installed as well and a holding tank along with it. Trash containers should also be in place. This would take care of the sewage issue and would of course have to be pumped periodically.

Other Constraints

Nearby Potential

There have been complaints from landowners living just off Jackson Creek Rd. concerning several issues. One is the trash left behind at the first parking area just below the reservoir. Another is the dust from vehicles going down Jacksonville Creek Rd by houses. The biggest complaint is that OHV use in the area is unmanaged. The MRA has spoken personally to most of the individuals who have expressed concerns about OHV use in the area, and while many do not feel OHV's should be banned from riding on the watershed, they do feel there needs to be an effort by the city to manage the use. They would like to see that the use is monitored, the area is patrolled by law enforcement, and violators of city policy held accountable. In almost every case, MRA members contacted landowners and a problem was solved. In one instance, a landowner complained about the excessive dust from vehicles off the Jacksonville Creek Rd. The MRA offered to help pay for a Lignin compound to the roads lower section, and in the end Jackson County Roads, MRA, and landowners each contributed to pay for this service.

In another case Wayne and Linda Robins, adjoining watershed landowners, complained about unauthorized OHV use on their land. The MRA has contacted them and has not included their property on any MRA event courses.

Another landowner on the lower part of Jacksonville Rd. complained about excessive noise from OHV's going past his trailer on the road. The MRA spread the word to every user they could, and posted the lower section of the road as a quiet zone. The noise complaints have dwindled as a result.

Public land

If the fire level gets high enough the BLM in Medford calls the Oregon Department of Forestry (ODF) in Central Point and they take care of any fire needs. As of July 5, 2001, the watershed area was open to OHV use only during 1-8 p.m. Since then, more restricted use has gone into effect due to higher fire dangers, with OHV use limited to roads. If levels get higher, a total shutdown could occur. Call ODF

at (541) 664-3328 for information on fire dangers. OHV's must also have an ATV sticker, working spark arrestor, and a sound limit of 99db. The city of Jacksonville defaults to the state standards for these requirements. The BLM is in charge of enforcing these requirements, and the MRA also enforces them during their events. While it is open year round, OHV use during the summer months is low due to the dust and the slippery trail conditions on granite soil. Most OHV use is in the fall through spring seasons.

Potential Conflicts within Property

With other recreational user groups

The potential for conflict between recreational user groups is low. Because the terrain and existing trails is not well suited for mountain bikes, hikers, and horseback riders, OHV users are the primary users of the forest. The recreational users that would normally have conflicts with OHV use travel to other places more suitable for their enjoyment. The conflicts with OHV's from non-OHV users usually centers around the noise (they feel motorcycles are loud and produce noise that should not be heard in a forest setting), and the negative impacts OHV's can do to a trail.

With other non-recreational users

According to ODF&W wildlife biologists, OHV's disturb big game elk and deer. Boise Cascade has decided to allow OHV's on the existing designated trails on their land. After a thinning or logging operation has been completed, oftentimes new trails that branch off the designated trail are created. Boise Cascade and the MRA are working together to stop the spread of these illegal trails so that OHV's can continue to ride there. One of the solutions the MRA has thought of trying is putting down hay and logs to cover up the trail, making it a less appealing path. The MRA also wants to put up signs urging people to stay on the designated trails. Cutbanks on Boise Cascade land is also a concern, as it is unsightly and causes sediment to block drainage.

Natural and Cultural Constraints

Protected species

While it is unlikely that there are any protected species or plants that would affect OHV use, Fred Tomlins of the BLM, feels that a biological survey needs to be done that shows if there are any spotted owl or Fritillaraia Gentneri on the watershed.

Significant cultural resources

According to Fred Tomlins, the only major cultural resources on the watershed were mining, and the railroad. However, there are no longer any active mining activities, and the railroad lines are no longer in use. There may be old railroad ties present on the watershed, but he is not sure if there are and where they would be.

Wetlands

The main wetlands that affect OHV use in the watershed are along the streams and just below the reservoir. There are not any OHV trails that cross these streams, so the biggest concern is the OHV use near the reservoir. Closing the reservoir and turning it into a wetland while relocating the OHV parking will provide a suitable habitat for wildlife.

Water features

Some people have expressed concern about OHV's riding through streams and impacting fish populations. However, there don't appear to be any trails on the watershed that cross streams.

Habitat

Most of the watershed has been overgrown and is extremely dense with brush. This provides very little forage for these animals, but if the brushfields are removed, deer, elk, and wild turkey could benefit from the large openings.

Recommendations

The watershed has historically been used primarily by OHV's for many years. There is an extensive trail network that covers BLM, Boise Cascade, and MRA owned lands. The trails on the watershed can sustain future OHV use if it is managed in a way that it does not degrade the resource. By reducing or eliminating illegal trails, cutbank riding, and other negative aspects associated with the use (i.e. trash, erosion, landowner conflicts), OHV use should be able to continue on the watershed. It is within close proximity to major towns and cities, and can provide an enjoyable experience for the users. The MRA has managed their own land for OHV use well, and if they can work together with the city and the BLM, it is the author's opinion that they can succeed in managing the watershed area for responsible OHV use. The biggest challenge they face is convincing the city to sell the land. If the city agrees to sell the

land, the next hurdle the MRA will face is the cost of having the land appraised and the long waiting period to determine easements and the other constraints found in the city of Jacksonville's conditional use permit.

The next hurdle they face is the fact that the city council, while fairly balanced concerning the OHV issue right now, may not be as willing to allow OHV's on public land in the future. Every two years new city council members with different backgrounds are elected, and they may or may not like OHV use. By buying the land, the MRA would be better able to handle any pressure to close areas off to OHV use. If they cannot buy the land, leasing would still be a good idea because they would have control over the trail bed.

If the city does not agree to sell the land, there still needs to be cooperation between the city and the MRA in managing the property for OHV use. Both the MRA and the BLM have experience building and maintaining trails, and they should be the ones who develop the watershed for ATV use. If the MRA has the option of leasing the trail bed they would still have to be managed in a way that degradation to the resource is reduced or eliminated, and conflicts between adjacent landowners is reduced.

No matter who the owner of the watershed is, there are some issues that should be taken care of in the future. The city would like to close the reservoir to OHV use and make it a wetland. It was closed to vehicle parking because of dumping, partying, and shooting that was taking place there. Now the dam is deteriorating and needs to be fixed or relocated. Fred Tomlins and Paul Kangas agree that relocating the dam would not be cost effective. Fred, Paul, and I believe it should be left at its current location and fixed. The dam needs to continue to function as a sediment trap, keeping the sediment from entering sensitive species area downstream. The fish downstream cannot be directly or indirectly harmed. Since it is not and should not be used as a water source for the city, it is a good idea to preserve it as a wetland. However, if that is done the OHV use needs to be relocated to a suitable site. A developed staging area at the site just above the reservoir is recommended, though there would need to be extensive grading and leveling done to accommodate the needed facilities (bathrooms, water, parking). There also needs to be a kiosk at the staging area that tells the user what the rules and regulations are, the trails they can ride, and any closures or important information.

Other issues concerning OHV use including sound levels, conflicts with other users and neighboring landowners, the impact to the resources, and the lack of trail signage need to be addressed.

The current sound level for OHV's is 99 dB, which is standard throughout the state of Oregon for forests. should remain. Spark arrestors, and ATV stickers should also still be mandatory. The MRA has tried to speak with every landowner that has filed a complaint concerning OHV's in the area, and this communication needs to remain open. There also needs to be continued management of the area if OHV use is allowed to occur. This should include a monitoring plan and a law enforcement presence to make sure conflicts and future problems do not occur. In addition, trail signage for the trails on MRA as well as BLM and Boise Cascade should be installed. While the existing trail network is extensive and there are hundreds of miles of trails, there are no signs or maps showing how they are connected. This is a problem for users unfamiliar with the area, who could easily get lost. The MRA or BLM need to GPS these trails on the watershed and MRA land and make a map available to the public.

Tyrrell Hart
Phone (503) 772-9765

RECEIVED
CITY OF ASHEVILLE

Hi Paul,

I had the state fax this down to me and I thought it would get to you faster if I mailed it. I know the writer seemed awfully young but I think he did a very comprehensive study. I know the state was pleased with him and hired him to do several other feasibility studies across the state.

Tyrrell

CITY OF JACKSONVILLE
P.O. Box 7 110 East Main Street
Jacksonville, Oregon 97530
(541) 899-1231 FAX (541) 899-7882

United States Department of the Interior
Fish and Wildlife Service
Oregon State Office
2600 S.E. 98th Avenue, Suite 100
Portland, Oregon 97266

June 28, 2002

Attention Alan Wetzel;

Regarding Cooperative Agreement # 1448-13420-02-J217
Project Title: Development/Release of Mixed Conifer/Hardwood Forest, Jackson Creek Watershed.

Dear Alan,

As we discussed with you earlier, we have completed a survey of the project area for the endangered plant, Fritillaria gentneri. Paul Kangas, Jacksonville City Forester and Robert Stevens, Forester/ Entomologist did the surveys, during the week of April 14, when the plants were flowering in areas where they are known to exist.

Fritillaria gentneri was not found in or near the project area. Interestingly, several locations of Fritillaria recurva were found within and near to the project area. (See locations on attached map).

Fritillaria recurva was found in specific locations that consistently contained the following site characteristics:

- South or west-facing aspects with direct sunlight and warm soils.
- Openings in the vegetative cover. If trees were present, they provided little ground shade.

Several locations of F. recurva were found above road cut-slopes on south or west aspects. These sites tend to have direct sunlight and very warm soils. Soil type or quality did not seem to be a factor where F. recurva was found. Some sites were located on rocky granite soils and others on deeper loam soils. It is likely that if F. gentneri were present, it would be found in similar sites.

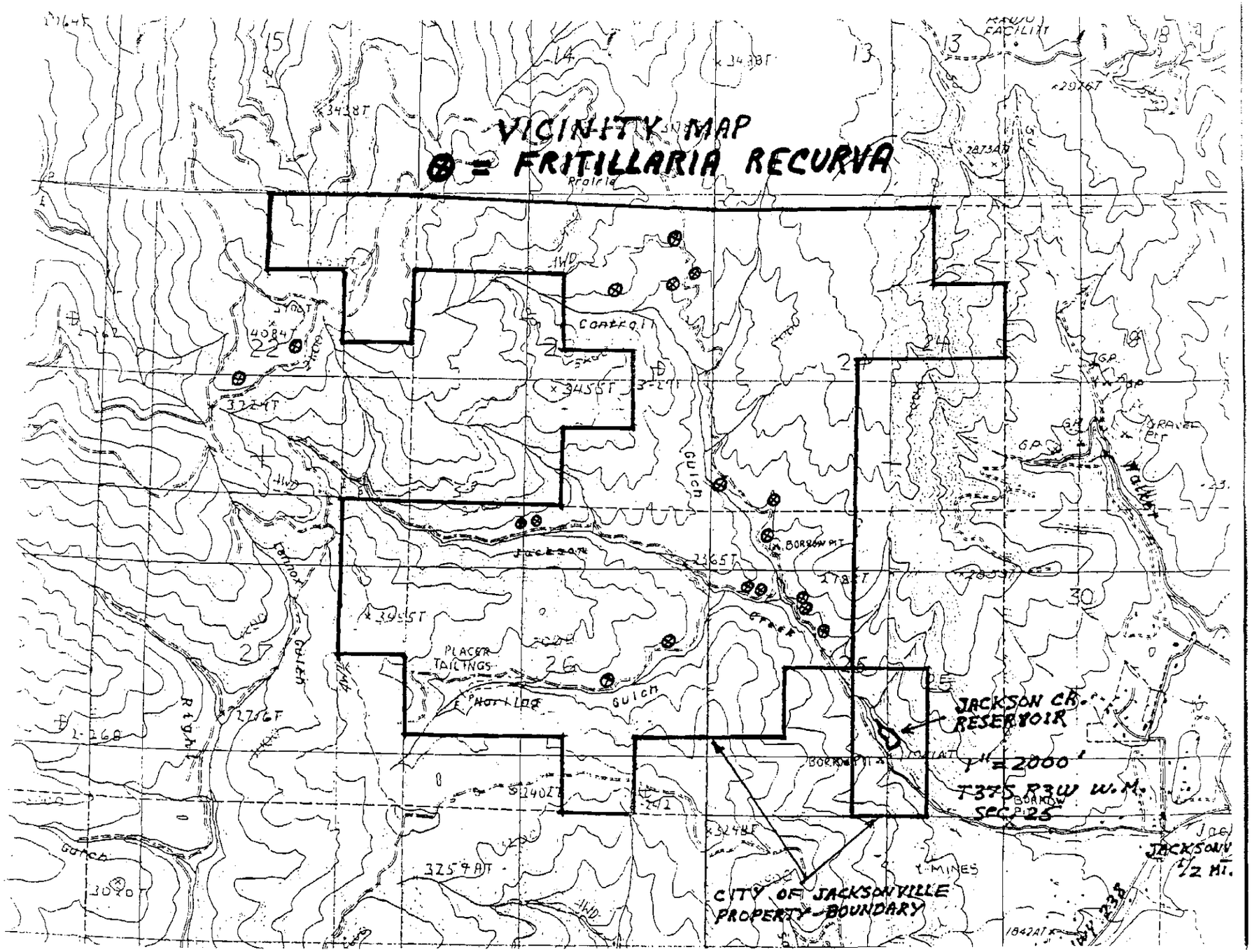
Most of the project area is covered with dense forest cover, generally Madrone, black oak and conifer species, which seems to be adverse to the presence of Fritillaria spp. Additionally, the project area is located mostly on east facing aspects, which are shaded and cooler habitats.

We look forward to working with you and your staff on this project. If you have any questions about our Fritillaria survey or other matters, please call Paul Kangas at 541-773-8845 or send a note via the City office fax at 541-899-7882.

Sincerely Yours,

Paul Wyntergreen
City Administrator

Attachment: Map of project area with F. recurva locations.


VICINITY MAP
⊗ = FRITILLARIA RECURVA
JACKSON CR. RESERVOIR
1" = 2000'
T37S R3W W.M.
SEC. 25
CITY OF JACKSONVILLE PROPERTY BOUNDARY
PLACER TAILINGS
Jackson
Gulch
Creek
Walker
Prairie
Contrail
BORROW PIT
Y MINES
JACKSONV
1/2 MI.

LOMBARD, KNUDSEN & HOLTEY, LLP
Attorneys at Law

P.O. Box 1090
Ashland, OR 97520
(541) 482-8491
fax (541) 488-3239

fax

to:	Paul Wyntergreen
fax #:	899-7882
from:	Kurt H. Knudsen
date:	October 16, 2002
subject:	*Disposal of Real Property*
pages:	3, including cover sheet
NOTES:	Paul, in answer to your question, it is much easier to transfer real property to another government agency or to a non-profit. I am attaching a copy of the statutes. Please see ORS 271.330 in particular. Please let me know if you have any questions.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

so vacated, and shall make the notation "Vacated" upon such copy of the plat, giving the book and page of the deed record in which the order or ordinance is recorded. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk.

(2) For recording in the county deed records, the county clerk shall collect the same fee as for recording a deed. For the services of the county surveyor for marking the record upon the copy of the plat, the county clerk shall collect a fee as set by ordinance of the county governing body to be paid by the county clerk to the county surveyor. [Amended by 1971 c.621 §31; 1975 c.607 §31; 1977 c.488 §2; 1979 c.833 §30; 1999 c.710 §12; 2001 c.173 §5]

TRANSFER, LEASE, DONATION OR USE OF PUBLIC LANDS

271.300 Application and administration of ORS 271.300 to 271.360; rules. (1) The power granted by ORS 271.300 to 271.360 is vested in each political subdivision of the State of Oregon. The power is self-operating, without the necessity of further legislation.

(2) In carrying ORS 271.300 to 271.360 into effect, a political subdivision shall act through its duly constituted governing body. Each political subdivision through its governing body may provide rules necessary in carrying out ORS 271.300 to 271.360. [Amended by 1981 c.787 §26; 1985 c.443 §4]

271.310 Transfer or lease of real property owned or controlled by political subdivision; procedure in case of qualified title. (1) Except as provided in subsection (2) of this section, whenever any political subdivision possesses or controls real property not needed for public use, or whenever the public interest may be furthered, a political subdivision may sell, exchange, convey or lease for any period not exceeding 99 years all or any part of their interest in the property to a governmental body or private individual or corporation. The consideration for the transfer or lease may be cash or real property, or both.

(2) If the ownership, right or title of the political subdivision to any real property set apart by deed, will or otherwise for a burial ground or cemetery, or for the purpose of interring the remains of deceased persons, is limited or qualified or the use of such real property is restricted, whether by dedication or otherwise, the political subdivision may, after the county court or governing body thereof has first declared by resolution that such real property is not needed for public use, or that the sale, exchange, conveyance or lease thereof will further the public interest, file a complaint in the circuit court for the county in which such real property is located against all persons claiming any right, title or interest in such real property, whether the interest be contingent, conditional or otherwise, for authority to sell, exchange, convey or lease all or any part of such real property. The resolution is prima facie evidence that such real property is not needed for public use, or that the sale, exchange, conveyance or lease will further the public interest. The action shall be commenced and prosecuted to final determination in the same manner as an action not triable by right to a jury. The complaint shall contain a description of such real property, a statement of the nature of the restriction, qualification or limitations, and a statement that the defendants claim some interest therein. The court shall make such judgment as it shall deem proper, taking into consideration the limitation, qualifications or restrictions, the resolution, and all other matters pertinent thereto. Neither costs nor disbursements may be recovered against any defendant.

(3) Unless the governing body of a political subdivision determines under subsection (1) of this section that the public interest may be furthered, real property needed for public use by any political subdivision owning or controlling the property shall not be sold, exchanged, leased or conveyed under the authority of ORS 271.300 to 271.360, except that it may be exchanged for property which is of equal or superior useful value for public use. Any such property not immediately needed for public use may be leased if, in the discretion of the governing body having control of the property, it will not be needed for public use within the period of the lease.

(4) The authority to lease property granted by this section includes authority to lease property not owned or controlled by the political subdivision at the time of entering into the lease. Such lease shall be conditioned upon the subsequent acquisition of the interest covered by the lease. [Amended by 1955 c.755 §1; 1961 c.136 §1; 1979 c.284 §127; 1981 c.787 §27; 1985 c.443 §5; 1999 c.559 §2]

271.320 Exchange of trust fund assets. If any property owned by a political subdivision is held as an asset of any special trust fund securing the payment of bonds, it may be exchanged, under the authority granted in ORS 271.310, for other property of equal or superior value, and property so received in exchange shall be an asset of the fund in lieu of the property previously held. [Amended by 1981 c.787 §28]

271.330 Relinquishing title of property not needed for public use. (1) Any political subdivision is granted express power to relinquish the title to any of its property not

needed for public use to any governmental body, providing such property shall be used for not less than 20 years for a public purpose by the governmental body in the State of Oregon. These transfers for public purposes may include transfers without consideration of property held by counties as a result of tax foreclosures.

(2)(a) Any political subdivision is granted express power to relinquish the title to any of its property to a qualifying nonprofit corporation or a municipal corporation for the purpose of providing any of the following:

(A) Low income housing;

(B) Social services; or

(C) Child care services.

(b) As used in this subsection:

(A) "Qualifying nonprofit corporation" means a corporation that is a public benefit corporation under ORS 65.001 (37) and that has obtained a ruling from the federal Internal Revenue Service providing that the corporation is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code.

(B) "Social services" and "child care services" include but are not limited to education, training, counseling, health and mental health services and the provision of facilities and administrative services to support social services and child care services.

(3) Any political subdivision is granted express power to convey real property to a nonprofit or municipal corporation to be used by the nonprofit or municipal corporation for the creation of open space, parks or natural areas for perpetual public use. The instrument conveying the real property shall include a restriction on the use of the property that limits the uses of the property to those uses described in this subsection. The instrument conveying the property shall also contain a provision for the reversion of the property to the political subdivision if the property is not used in conformance with the restriction. Real property conveyed under this subsection may include real property held by a political subdivision as a result of tax foreclosures.

(4) Transfers under this section may include transfers without consideration of property held by counties as a result of tax foreclosures.

(5) Before any county court or board of county commissioners may transfer, under subsection (1) of this section, any tax foreclosed lands in which the state or a political subdivision has represented delinquent and uncollected taxes, liens or assessments, it shall advertise in a newspaper of general circulation in the county for two successive weeks its intention to so transfer the property. The notice shall state when the county court will hear objections to the transfer and must specifically describe the property intended to be transferred. After the hearing set in the notice is held and objections are heard, it may, in its sound discretion, proceed with the transfer. Except in the case of a transfer for low income housing, real property shall be conveyed by deed, subject to a reversionary interest retained by the granting political subdivision in the event that the property is used for a purpose that is inconsistent with the grant. The granting political subdivision may waive the subdivision's right to a reversionary interest at the time the property is conveyed. After the transfer the interests of the state or any political subdivision in the land on account of uncollected taxes, liens or assessments are extinguished, and the county is relieved of the necessity to account for uncollected taxes, liens or assessments. [Amended by 1981 c.787 §29; 1991 c.556 §1; 1997 c.248 §1; 1997 c.752 §2; 1999 c.366 §1; 2001 c.315 §54]

271.335 Relinquishing reversionary interest held by political subdivision. Any political subdivision, by resolution adopted by the governing body of the political subdivision, may waive and relinquish any reversionary interest held by the political subdivision in property transferred under ORS 271.330 when the transfer occurred not less than 20 years prior to the date on which the resolution is adopted. [1999 c.366 §3]

271.340 Property valuation in exchange to be equal. When property is exchanged under the authority of ORS 271.310 to 271.330, the value of the real property accepted by the political subdivision in exchange for any of its property plus cash, if any, shall not be less than the value of the property relinquished. [Amended by 1981 c.787 §30]

271.350 Determining valuation of property in exchanges. The value of the respective properties proposed to be exchanged shall be determined by the governing body of the political subdivision. The governing body shall cause it to be appraised by one or more competent and experienced appraisers. The compensation, if any, of the appraisers shall be borne equally by the respective owners of the property. In case the valuation shall not be mutually satisfactory to the respective owners it shall not be binding upon them. [Amended by 1981 c.787 §31]

271.360 Lease requirements. Every lease entered into pursuant to ORS 271.310 shall be authorized by ordinance or order of the body executing the same and shall provide terms and conditions as may be fixed and determined by the governing body executing the lease. The lease may provide that

Chapter 271 — Use of Public Lands; Easements

2001 EDITION
GENERAL PROVISIONS

271.005 Definitions for ORS 271.005 to 271.540. As used in ORS 271.005 to 271.540:
(1) "Governing body" means the board or body in which the general legislative power of a political subdivision is vested.
(2) "Governmental body" means the State of Oregon, a political subdivision, the United States of America or an agency thereof.
(3) "Political subdivision" means any local government unit, including, but not limited to, a county, **city**, town, port, dock commission or district, that exists under the laws of Oregon and has power to levy and collect taxes. [1981 c.787 §2]

* * *

TRANSFER, LEASE, DONATION OR USE OF PUBLIC LANDS

271.300 Application and administration of ORS 271.300 to 271.360; rules. (1) The power granted by ORS 271.300 to 271.360 is vested in each political subdivision of the State of Oregon. The power is self-operating, without the necessity of further legislation. (2) In carrying ORS 271.300 to 271.360 into effect, a political subdivision shall act through its duly constituted governing body. **Each political subdivision through its governing body may provide rules necessary in carrying out ORS 271.300 to 271.360.** [Amended by 1981 c.787 §26; 1985 c.443 §4]

* * *

General Rule:

271.310 Transfer or lease of real property owned or controlled by political subdivision; procedure in case of qualified title. (1) Except as provided in subsection (2) of this section, whenever any political subdivision possesses or controls real property not needed for public use, or whenever the public interest may be furthered, a political subdivision may sell, exchange, convey or lease for any period not exceeding 99 years all or any part of their interest in the property to a governmental body or private individual or corporation. The consideration for the transfer or lease may be cash or real property, or both.

* * *

Exception:

271.330 Relinquishing title of property not needed for public use.

* * *

(3) Any political subdivision is granted express power to convey real property to a nonprofit or municipal corporation to be used by the nonprofit or municipal corporation for the creation of open space, parks or natural areas for perpetual public use. The instrument conveying the real property shall include a restriction on the use of the property that limits the uses of the property to those uses described in this subsection. The instrument conveying the property shall also contain a provision for the reversion of the property to the political subdivision if the property is not used in conformance with the restriction. Real property conveyed under this subsection may include real property held by a political subdivision as a result of tax foreclosures.

271.335 Relinquishing reversionary interest held by political subdivision. Any political subdivision, by resolution adopted by the governing body of the political subdivision, may waive and relinquish any reversionary interest held by the political subdivision in property transferred under ORS 271.330 when the transfer occurred not less than 20 years prior to the date on which the resolution is adopted. [1999 c.366 §3]

MEMO

CITY OF JACKSONVILLE

Date January 8, 2010

To: File

From: Jan Garcia

Subject: Jacksonville Watershed Petitions

After a review of the petitions submitted to me I determined that 17 signatures would be considered invalid based on address listed on the petition being outside the city limits of Jacksonville or only a PO Box was given so no address was listed.

After a cursory review of the 118 sheets with signatures I don't see any duplicates but without doing a formal data base for checking this is only an observation.

Jacksonville Dam Feasibility Study

Rogue Valley Council of Governments
Natural Resources Department
155 North First Street
Central Point, OR. 97501
www.rvcog.org
April 2010

In summer 2009, the Oregon Water Resources Department inspected Jacksonville Dam and noted that the dam was in poor condition due to a number of concerns including the emergency spillway being badly deteriorated, trees and woody brush on both faces of the dam, seepage from beneath the dam, a large landslide close to the right abutment, the potential for the access road to be washed out, and a mobile very close to the downstream creek that would be inundated. As a result of the inspections and concerns noted, the dam was reclassified as a high hazard dam.

A high hazard rated dam means that if the dam failed suddenly and catastrophically, there would be a probable loss of life downstream. ***The basis of hazard rating is not based on the condition of the dam, or the risk of the dam failing, but rather on the possible consequences of the dam failing.***

This study was undertaken to address the concerns of the letter and identify alternatives for reducing or eliminating the hazard risk of the dam. The goal of this feasibility study was to identify and evaluate different alternatives that could be used to bring the dam into compliance. The feasible alternatives were detailed and cost estimates provided in this report. Estimates and details were provided for removing the dam (deconstruction), breaching (notching the dam), constructing a new spillway, conducting an inundation study, and restoration of the channel behind the dam.

Task 1: Identify and Detail Alternatives

Task 1a: Identify the range of alternatives to consider in the project.

The list below summarizes preliminary alternatives for the Jacksonville Dam. The list was preliminarily refined to cost out several different alternatives (4).

Alternatives list:

1. **Remove the dam (deconstruction).** This alternative involves the complete removal of the dam and restoration of the area to a more natural condition given the existing conditions (flows, slope, etc.). This alternative could be combined with a more comprehensive restoration of the area up and downstream of the dam (# 8). ☑

2. **Notch the dam (breach).** This alternative would create a notch in the dam and excavate sediment to the level of the notch to allow water to flow through the dam. Notching the dam to the elevation of the existing spillway may reduce the pressure on the dam sufficiently to avoid overtopping of the dam during the probable maximum flood (PMF). ☑

3. **Repair spillway.** This alternative would repair the existing spillway. *RVCOG recommends eliminating this alternative due to the fact that the spillway is undersized and would be insufficient to convey the necessary flows if repaired.*

4. **Construct a new spillway.** This alternative would involve removing the existing spillway and constructing a new one while addressing the headcutting issues underneath the spillway. *The 2007 study evaluated building spillways on both sides of the dam. A new spillway is only feasible on one site of the dam where the current spillway is. Construction access and stabilizing the steep back on the side of the existing spillway are major concerns for the spillway design and construction.* ☑

5. **Replace/Reconstruct the dam.** Construct a new dam and spillway and excavate the pool. *RVCOG recommends eliminating this alternative due to the cost of the project and the loss of the water rights.*

6. **No significant action on the structure, develop an EAP, and maintain dam (maintenance)** ☑

7. **No action.** *Not a feasible option due to the hazard risk and insurance.*

8. **Channel and pool area restoration**. – Extension of # 1 or # 2. This portion would be an add-on to the dam removal and basic restoration. It would evaluate alternatives to restore the site including reconstructing and realigning the creek channel, constructing wetlands and habitat upstream once the site is regraded. Additional work may be needed to protect the slope hazard area upstream. ☑

Note: This option is also recommended for detailed analysis and be tied into #1 and # 2. The restoration can be done in addition to the alternatives and is not required to meet the objectives of this project. Tying in the benefits with the alternative costs would allow for the potential leverage of additional funding from OWEB and other funders.

9. **Close area downstream of dam**. This option would attempt to close all areas within the flood zone below the dam including restricting public access to the dam and regulating use on private lands by owners. This option was considered by the BLM for the Little Hyatt Dam, but rejected because it was not thought to be feasible and it was unknown how to achieve the compliance for private lands.

☑ Indicates four alternatives recommended for further analysis (Task 1b).

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Task 1B: Detail alternatives selected for funding analysis:

1. **Remove the dam (deconstruction).** This alternative involves the complete removal of the dam and restoration of the area to a more natural condition given the existing conditions (flows, slope, etc.). This alternative could be combined with a more comprehensive restoration of the area up and downstream of the dam (# 5). The cost estimate restores the channel to its original 5% grade based on the historical data.

2. **Notch the dam (breach).** This alternative would create a notch in the dam and excavate sediment to the level of the notch to allow water to flow through the dam. Three different breach options were evaluated. The options vary depending on the grade of the channel which impacts the amount of material that needs to be removed from the dam and if there is any downstream channel work needed (Option # 3 only).

3. **Construct a new spillway.** This alternative would involve removing the existing spillway and constructing a new one while addressing the headcutting issues underneath the spillway. *The 2007 study evaluated building spillways on both sides of the dam. A new spillway is only feasible on one site of the dam where the current spillway is. Construction access and stabilizing the steep back on the side of the existing spillway are major concerns for the spillway design and construction.*

4. **No significant action on the structure, develop an EAP, conduct a inundation study, and maintain dam (maintenance)** *This alternative is being evaluated with some emergency measures for the Dam including the use of portable siphons for high flows, excavating sediment from the pool below the dam, and allowing flows to go over the spillway. This option will also look at the cost of an EAP and inundation study and what it would take to bring the dam into compliance and eliminate the high hazard designation. If the inundation study is conducted and the flood wave does not impact homes and there is no probable loss of life, the dam would be reclassified as a significant hazard and not a high hazard.*

5. **Channel and pool area restoration**. – Extension of # 1 or # 2. This portion would be an add-on to the dam removal and basic restoration. It would evaluate alternatives to restore the site including reconstructing and realigning the creek channel, constructing wetlands and habitat upstream once the site is regraded. Additional work may be needed to protect the slope hazard area upstream. *Note: This option is also recommended for detailed analysis and be tied into #1 and #2. The restoration can be done in addition to the alternatives and is not required to meet the objectives of this project. Tying in the benefits with the alternative costs would allow for the potential leverage of additional funding from OWEB and other funders.*

Task II. Feasibility Analysis

a.) Collect detailed information on alternatives selected.

Alternatives	***Description***	***Cost***
Dam Structure - Removal	Cost of deconstruction for removal of the existing structure and regrading of the area to a natural conditions.	$850,000 to $1,700,000
Dam Structure - Breaching Option # 1	This option would place the new creek channel through the upstream sediments and through the dam structure on the original 5% channel gradient ending at the original channel at the downstream toe of the dam. Based on the assumptions used for this estimate, the total excavation required for Dam Breach Option #1 would be about 26,000 cy of dam embankment and sediment materials.	$460,000 to $920,000
Dam Structure – Breaching Option # 2	This option would place the new creek channel through the upstream sediments and through the dam structure on a steeper 10% channel gradient ending at the original channel at the downstream toe of the dam. Based on the assumptions used for this estimate, the total excavation required for Dam Breach Option #2 would be about 12,000 cy of dam embankment and sediment materials.	$190,000 to $520,000
Dam Structure – Breaching Option # 3	This option would place the new creek channel through the upstream sediments and through the dam structure on a 5% channel gradient ending on the left abutment of the dam at an elevation about 20 feet higher than the original channel at the downstream toe of the dam. The total excavation required for Dam Breach Option #3 would be about 4,600 cy of dam embankment and sediment materials. However, another 5,400 cy of cut and fill would be needed downstream of the dam to bring the new channel back to the original creek channel elevation.	$190,000 to $370,000

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Spillway	Cost to replace the existing spillway and stabilize the erosion along the bank where the existing spillway has collapsed.	$500,000.00
Restoration	Cost of a comprehensive restoration upstream of the dam. Based on a cost per mile of similar stream projects. Estimate is based on approximately ¾ mile of restored stream area.	$30,750 to $102,750
Emergency Action Plan	An **Emergency Action Plan (EAP)** is a formal document that identifies potential emergency conditions at a dam and specifies preplanned actions to be followed to minimize property damage and loss of life. The EAP specifies actions the dam owner should take to moderate or alleviate the problems at the dam. It contains procedures and information to assist the dam owner in issuing early warning and notification messages to responsible downstream emergency management authorities of the emergency situation. It also contains inundation maps to show the emergency management authorities of the critical areas for action in case of an emergency (From FEMA website).	$15,000 - $25,000
Inundation Study*	Hire a consultant to conduct an inundation study of the impact of catastrophic dam failure and resulting flood wave would be on Jackson Creek and low lying areas downstream of the dam including the City.	$10,000.00
Water Rights	Costs of working with the Water Resources Department to obtain water rights for flood control and recreation. NOTE: This element is contingent upon addressing the concerns for the site and getting the State's buy off on the viability on the structural integrity of the dam and repairing of the spillway or otherwise ensuring the safe passage of flow (e.g., breach).	$5,000.00

* Comprises a major portion of the Emergency Action Plan.

Task 3: Funding Summary

National Programs

Open Rivers Initiative (NOAA)

Funding Range: $30,000 to $1,000,000
Contact:
http://www.nmfs.noaa.gov/habitat/restoration/projects_programs/crp/partners_funding/callforprojects3.html

The NOAA Open Rivers Initiative (ORI) provides funding and technical expertise for community-driven, small dam and river barrier removals, primarily in coastal states. Projects are expected to provide an economic boost for communities, enhance public safety, and improve populations of NOAA trust resources such as striped bass, Atlantic and shortnose sturgeon, Atlantic and Pacific salmon, American eel, American shad, blueback herring, and alewife.

American Rivers

Funding Range: $25,000 to $50,000
Contact: Serena McCain
(202) 347-7550
www.americanrivers.org

American Rivers is a national non-profit conservation organization dedicated to protecting and restoring rivers nationwide and to fostering a river stewardship ethic. In addition to protecting nationally significant rivers, their programs focus on dam removal and other river-related issues. The Rivers Unplugged campaign supports the removal of dams that no longer serve a purpose or where costs outweigh the benefits. Many of these dams block migratory fish from accessing their historic spawning grounds, disrupt natural riverine functions, and create safety hazards. American Rivers staff are involved at the local, regional, and national levels doing on-the-ground restoration work and providing resource materials and expertise to groups pursuing their own restoration projects.

Coastal America
www.CoastalAmerica.gov

Coastal America was established in 1992 as a partnership of Federal agencies with statutory responsibility for coastal resources or whose operational activities affect the coastal environment. Coastal America's objective is to protect, preserve, and restore the Nation's coastal ecosystems through existing Federal programs, and by integrating Federal actions with state, local, tribal governmental and non-governmental efforts. Each year, regional Coastal America teams (comprised of senior staff from participating

federal agency regional offices) develop project selection criteria and identify priority projects. These projects are then given funding priority by each partner under its existing programs. Generally, one agency assumes a lead funding and management role in each project with other agencies providing technical and other support. In-kind assistance has been provided by members of the U.S. Armed Services on a number of Coastal America dam removal projects. For example, a group of eight Air Force Reserve teams are deconstructing East Machias Dam on the East Machias River in Maine, as part of their summer training exercises. Dam removal is expected to begin in July or August, 2000. In North Carolina, a group of Marines dismantled the Rains Mill Dam on the Little River, opening up previously blocked spawning grounds for several species of native fish.

Defense Department (Army Corps of Engineers)
Aquatic Ecosystem Restoration (Sec. 206)

Created under the Water Resources Development Act of 1996 (WRDA), the program provides design and engineering assistance to restore degraded aquatic ecosystems to a more natural condition. Requested assistance does not need to be related to an existing Army Corps project (unlike S. 1135). A local sponsor (usually a state or local government) first requests assistance from the appropriate Corps district office. The Corps district office then prepares a preliminary restoration plan, requests funding for the project based on the preliminary plan, and if approved, conducts a feasibility study (*e.g.*, plan and engineering design for dam removal and disposal, incl. social/economic considerations), and negotiates a project cooperative agreement with the local sponsor to conduct the actual work.

General Matching Grant Program (National Fish and Wildlife Foundation)

http://www.nfwf.org/guidelines.cfm

The National Fish and Wildlife Foundation operates a conservation grants program that awards matching grants to projects that: address priority actions promoting fish and wildlife conservation and the habitats on which they depend; work proactively to involve other conservation and community interests; leverage available funding; and evaluate project outcomes.

Funding Range: $10,000-$150,000, deadline in September.

State

Oregon Watershed Enhancement Board Restoration Grant Programs

Funding Range: Varies.
Contact: Mark Grenbemer
(541) 776-6062

www.oregon.gov/OWEB/

The OWEB restoration grant program funds fish passage projects which includes dam removal and restoration projects. OWEB also has additional grant programs including their technical assistance program which provides funding for smaller scale design work and other projects.

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Jacksonville Dam Feasibility Study: Supplemental Information

Rogue Valley Council of Governments
Natural Resources Department
155 North First Street
Central Point, OR. 97501
www.rvcog.org
April 2010

In summer 2009, the Oregon Water Resources Department inspected Jacksonville Dam and noted that the dam was in poor condition due to a number of concerns including the emergency spillway being badly deteriorated, trees and woody brush on both faces of the dam, seepage from beneath the dam, a large landslide close to the right abutment, the potential for the access road to be washed out, and a mobile very close to the downstream creek that would be inundated. As a result of the inspections and concerns noted, the dam was reclassified as a high hazard dam.

A high hazard rated dam means that if the dam failed suddenly and catastrophically, there would be a probable loss of life downstream. ***The basis of hazard rating is not based on the condition of the dam, or the risk of the dam failing, but rather on the possible consequences of the dam failing.***

This supplement discusses in more detail the assumptions and costs used in developing several of the alternatives. It includes drawings and specifics of what items were included in the cost estimates. It should be noted that the details are provided for reference only and not intended to be used for actual costs of completing any of the alternatives. The goal of this project was to create a general cost range for different options for what the City of Jacksonville could implement to address the concerns regarding Jacksonville Dam. Detailed costs, design drawings, and other materials would need to be completed for most options including the dam removal and breach options.

Discussion and Assumptions: Dam Removal (Deconstruction) and Breaching

Jacksonville Dam is about 45 feet high at its maximum section and is a significant structure. It contains an estimated 33,000 cubic yards (cy) of embankment materials. Most of the reservoir capacity has been lost due to deposition of decomposed granite sediments that washed into the reservoir. The storage capacity of the reservoir has been reduced from 76 acre-feet (af) to about 8 af. This equates to an accumulated sediment volume of about 110,000 cy within the reservoir area. Consideration of how to handle excavated dam embankment materials and how to treat and stabilize reservoir sediments is a major factor affecting the cost estimate.

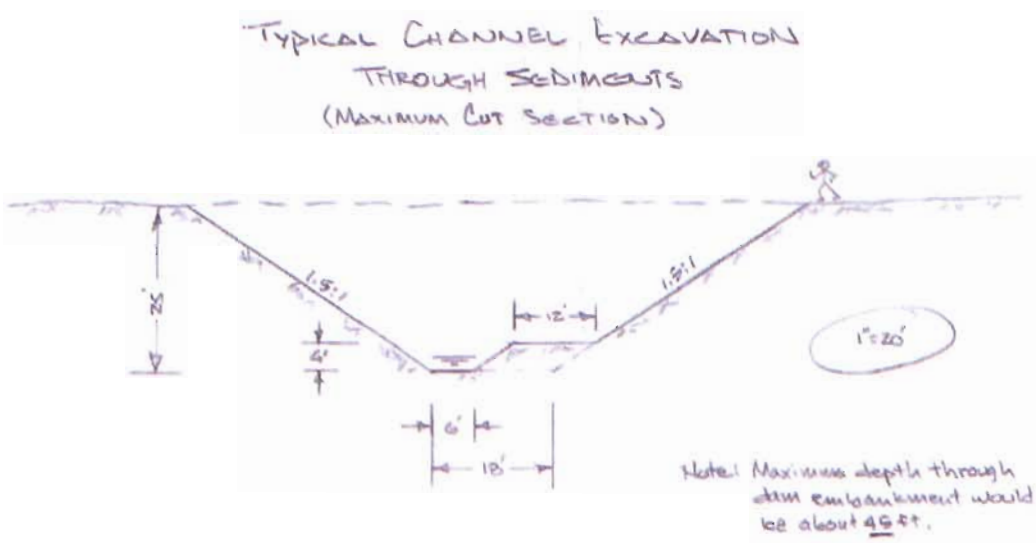
For purposes of this cost estimate, it was assumed that it would be necessary to haul nearly all excavated materials offsite. Some of the embankment materials could be reused to repair the eroded area below the spillway and to rebuild and stabilize the creek channel downstream from the dam, but most excavated materials would be loaded on trucks and hauled to one or more disposal[1] sites located within a 2 or 3-mile haul distance from the dam. The unit price for excavation of both dam embankment materials and reservoir sediments includes excavation, loading and hauling, and spreading at the disposal sites.

Estimates also assumed that it would not be feasible to remove all of the reservoir sediments and was not reasonable to allow those sediments to wash downstream in high creek flows to negatively affect downstream landowners and the city of Jacksonville. As a result, remaining reservoir sediments would need to be treated in some manner to minimize erosion and consequent deposition downstream. Each of the plans includes excavation of a stable channel through the sediments that would be large enough to handle any expected flood flows. Each plan includes costs for rock or gabion grade control structures within the newly excavated channel and includes costs for revegetation of disturbed areas.

For purposes of this cost estimate, the channel section through the sediments was assumed to have an 18 foot bottom width and 1.5:1 cut slopes. The sketch of the typical channel section (Figure 1) shows a normal flow channel with a 6 ft bottom width and 4 ft depth. Normal flows might be 2 ft deep or less in this channel. A 12 ft berm would be provided along the flow channel to allow access for maintenance of the channel through the sediments in the deeper cut sections.

[1] Another option that might be considered would be to stockpile suitable materials removed from the dam embankment for use by Jackson County, irrigation districts or others for future road or canal embankments or other projects.

Figure 1: Channel Sketch



Based on observations by others, a 25 foot depth of sediments was assumed at the upstream toe of the dam at its maximum section, and an original creek gradient of about 5% through the site. Following are brief descriptions and notes for each plan.

Complete Dam Removal

All dam embankment materials[2] would be excavated and hauled from the dam site and placed in offsite disposal areas. Reservoir sediments would be excavated and shaped to provide a stable creek channel. Most of the sediments would be hauled offsite to a disposal area. The creek channel through the sediments and through the dam footprint area would be reestablished on the original 5% gradient. Rock or gabion drop structures would be used to control creek velocities and provide a stable channel. The reservoir area and dam footprint area would be shaped and planted with native shrubs, grasses, and trees. The concrete core wall, spillway structures, and other concrete structures would be demolished and hauled to an offsite disposal area. All pipes, fences, and other appurtenant features would be removed and disposed of. Based on the assumptions used for this estimate, the total excavation required for the complete dam removal plan would be about 50,000 cy of dam embankment and sediment materials.

[2] Except for boulders and some coarse materials that would be used to rebuild the eroded spillway channel and to rebuild and stabilize the new creek channel.

Dam Breach

Each of the dam breach options is based on breaching the left side of the dam and developing a stable creek channel through the sediments and through the dam embankment area. Both options #1 and #2 would reestablish the creek channel at its natural elevation at the downstream toe of the dam. Option #3 would exit the downstream face of the dam at a higher elevation and would require extensive rechanneling downstream from the dam to bring the new channel back to normal stream elevation.

For each dam breach option, dam embankment materials would be excavated from the breach location and hauled from the dam site and placed in offsite disposal areas or stockpiled in offsite areas for possible use by others for roadway or canal embankments or other projects. Reservoir sediments would be excavated and shaped to provide a stable creek channel. Most of the excavated channel sediments would be hauled offsite to a disposal area. Rock or gabion drop structures would be used to control creek velocities and provide a stable channel. The reservoir area and remaining dam area would be shaped and planted with native shrubs, grasses, and trees. The concrete spillway structures would be demolished and removed. A portion of the concrete core wall would be demolished and removed only in the breach area. The remaining portions of the core wall and the outlet pipes and structures would be left in place. The total excavation required varies considerably for the different breach options.

Dam Breach Option #1

This option would place the new creek channel through the upstream sediments and through the dam structure on the original 5% channel gradient ending at the original channel at the downstream toe of the dam. Based on the assumptions used for this estimate, the total excavation required for Dam Breach Option #1 would be about 26,000 cy of dam embankment and sediment materials.

Dam Breach Option #2

This option would place the new creek channel through the upstream sediments and through the dam structure on a steeper 10% channel gradient ending at the original channel at the downstream toe of the dam. Based on the assumptions used for this estimate, the total excavation required for Dam Breach Option #2 would be about 12,000 cy of dam embankment and sediment materials.

Dam Breach Option #3

This option would place the new creek channel through the upstream sediments and through the dam structure on a 5% channel gradient ending on the left abutment of the dam at an elevation about 20 feet higher than the original channel at the downstream face of the dam. The total excavation required for Dam Breach Option #3 would be about 4,600 cy of dam embankment and sediment materials. However, another 5,400 cy of cut

and fill would be needed downstream of the dam to bring the new channel back to the original creek channel elevation.

Figure 2: Sketch of the channel, percent grade, and approximate location on the downstream toe of the dam.

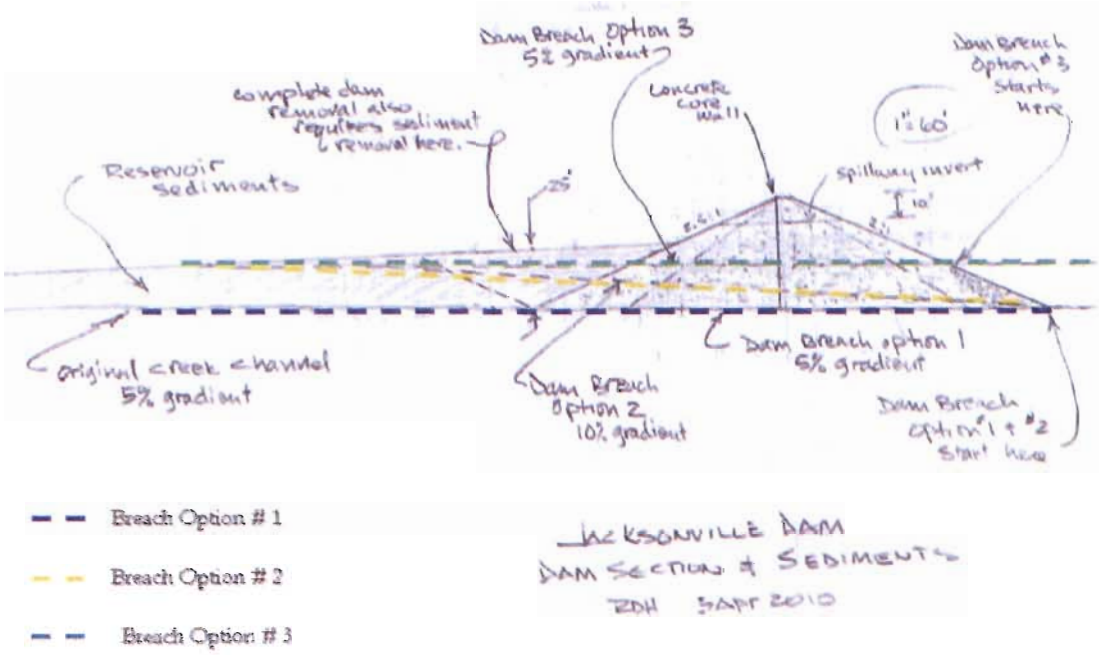
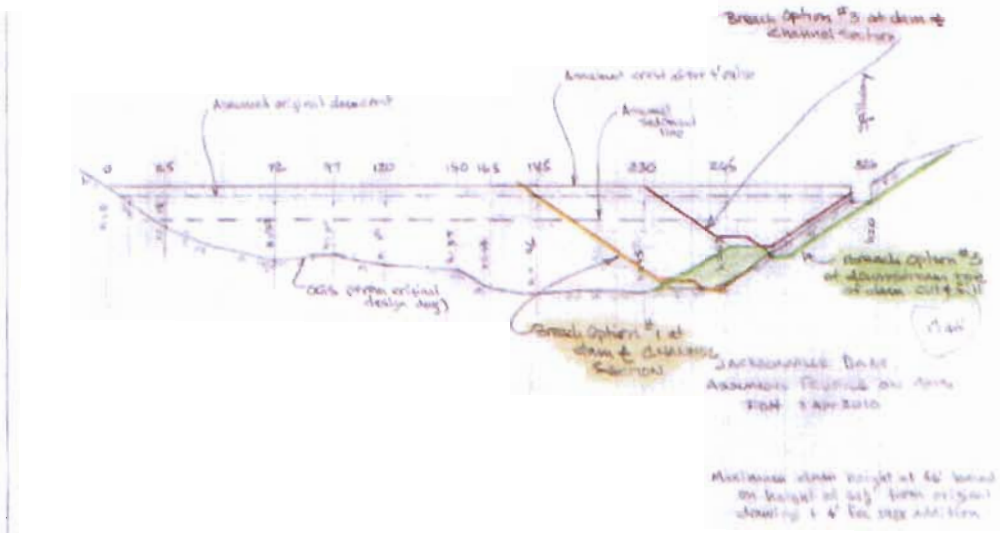


Figure 3: Sketch of the breach locations (viewed looking at the dam from downstream of the toe, spillway, and Jackson Creek.)



Cost Breakdowns:

Item	Description	Quantity	Unit	Price	Amount
	Jacksonville Dam Removal **Preliminary Appraisal Estimate** **Dam Breach Option #1 - 5% creek gradient**				
1	Mobilization & Preparation 5%	Lump Sum	ls	Lump Sum	20 000
2	Light clearing & grubbing	1	ac	5 000 00	5 000
3	Breach dam embankment & regrade creek channel through sediments, haul to disposal site and sprea	20 000	cy	12 00	240 000
4	Cut & fill to stabilize creek channel below dam using a portion of excavated dam embankment material	6 000	cy	8 00	48 000
5	Demolition of reinforced concrete core wall within breach area	170	cy	200 00	34 000
6	Demolition of reinforced concrete spillway structures	100	cy	200 00	20 000
7	Install rock or gabion grade control structures in new creek channel	30	ea	500 00	15 000
8	Place riprap at selected locations to stabilize and protect creek channel	100	cy	60 00	6 000
9	Seeding & planting of native shrubs & grasses at dam site, reservoir area, & disposal site	4	ac	2 500 00	10 000
10	Traffic control, pollution control, road repairs	Lump Sum	ls	Lump Sum	10 000
11					0
12					0
13					0
14					0
15					0
16					0
17					0
18					0
19					0
20					0
21					0
22					0
23					0
24					0
25	Allowance for unlisted items 5%	Lump Sum	ls	Lump Sum	19 000
	Contract Cost				427 000
	Contingencies (25% ±)				107 000
	Field Cost				**534,000**
	NonContract Costs (15% ±)				80 000
	Total Construction Cost				614 000

Item	Description	Quantity	Unit	Price	Amount
	Jacksonville Dam Removal **Preliminary Appraisal Estimate** **Dam Breach Option #2 - 10% creek gradient**				
1	Mobilization & Preparation 5%	Lump Sum	ls	Lump Sum	12,000
2	Light clearing & grubbing	1	ac	5,000.00	5,000
3	Breach dam embankment & regrade creek channel through sediments, haul to disposal site and sprea	6,000	cy	12.00	72,000
4	Cut & fill to stabilize creek channel below dam using a portion of excavated dam embankment material	6,000	cy	8.00	48,000
5	Demolition of reinforced concrete core wall within breach area	170	cy	200.00	34,000
6	Demolition of reinforced concrete spillway structures	100	cy	200.00	20,000
7	Install rock or gabion grade control structures in new creek channel	30	ea	500.00	15,000
8	Place riprap at selected locations to stabilize and protect creek channel	100	cy	60.00	6,000
9	Seeding & planting of native shrubs & grasses at dam site, reservoir area, & disposal site	4	ac	2,500.00	10,000
10	Traffic control, pollution control, road repairs	Lump Sum	ls	Lump Sum	10,000
11					0
12					0
13					0
14					0
15					0
16					0
17					0
18					0
19					0
20					0
21					0
22					0
23					0
24					0
25	Allowance for unlisted items 5%	Lump Sum	ls	Lump Sum	11,000
	Contract Cost				243,000
	Contingencies (25% ±)				61,000
	Field Cost				**304,000**
	NonContract Costs (15% ±)				46,000
	Total Construction Cost				350,000

Item	Description	Quantity	Unit	Price	Amount
	Jacksonville Dam Removal **Preliminary Appraisal Estimate** **Dam Breach Option #3 - 5% creek gradient**				
1	Mobilization & Preparation 5%	Lump Sum	ls	Lump Sum	8,000
2	Light clearing & grubbing	1	ac	5,000.00	5,000
3	Breach dam embankment & regrade creek channel through sediments, haul to disposal site and sprea	1,000	cy	12.00	12,000
4	Cut & fill to stabilize creek channel below dam using a portion of excavated dam embankment material	9,000	cy	8.00	72,000
5	Demolition of reinforced concrete core wall within breach area	70	cy	200.00	14,000
6	Demolition of reinforced concrete spillway structures	100	cy	200.00	20,000
7	Install rock or gabion grade control structures in new creek channel	30	ea	500.00	15,000
8	Place riprap at selected locations to stabilize and protect creek channel	100	cy	60.00	6,000
9	Seeding & planting of native shrubs & grasses at dam site, reservoir area, & disposal site	3	ac	2,500.00	7,500
10	Traffic control, pollution control, road repairs	Lump Sum	ls	Lump Sum	5,000
11					0
12					0
13					0
14					0
15					0
16					0
17					0
18					0
19					0
20					0
21					0
22					0
23					0
24					0
25	Allowance for unlisted items 5%	Lump Sum	ls	Lump Sum	8,000
	Contract Cost				172,500
	Contingencies (25% ±)				43,500
	Field Cost				**216,000**
	NonContract Costs (15% ±)				32,000
	Total Construction Cost				248,000

Discussion and Assumptions: Spillway

Detailed cost estimates were completed in 2008 from Fred Philips Engineering and were included as the estimate for the spillway.

Engineers Cost Estimate

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4/8/2008

City of Jacksonville
Jacksonville Dam & Reservoir

Project: Repair Existing Left-Bank Concrete Spillway

Bid Schedule

Item No.	Item Description	Unit of Measure	Quantity	Unit Price $	Total Price $
10	Mobilization	L.S.	ALL	10,000	10,000
20	Erosion Control	L.S.	ALL	5,000	5,000
30	Sediment Fence, Supported	L.F.	300	10	3,000
40	Removal of Existing Concrete Spillway	L.S.	ALL	17,500	17,500
50	Removal of Existing Chain Link Fencing	L.F.	300	5	1,500
60	Clearing and Grubbing	L.S.	ALL	3,000	3,000
70	Loose Riprap, Class 200	C.Y.	150	60	9,000
80	Filter Blanket, 4" 0"	S.Y.	225	25	5,625
90	Loose Riprap, Class 700	C.Y.	170	75	12,750

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4/8/2008

City of Jacksonville
Jacksonville Dam & Reservoir

Project: Repair Existing Left-Bank Concrete Spillway

Bid Schedule

Item No.	Item Description	Unit of Measure	Quantity	Unit Price $	Total Price $
100	Drainage Geotextile, Type 1	S.Y.	148	5	740
110	Drain Pipe, 4" Φ Perforated PVC	L.F.	267	10	2,670
120	Shoring, Cribbing and Cofferdams	L.S.	ALL	35,000	35,000
130	Structure Excavation	L.S.	ALL	25,000	25,000
140	Granular Structural Backfill	C.Y.	2200	35	77,000
150	Steel Reinforcement	L.S.	ALL	25,000	25,000
160	Structural Concrete, Class 4600	C.Y.	411	500	205,500
170	Aggregate Base	C.Y.	56	35	1,960
180	Chain Link Fence	L.F.	426	20	8,520

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4/8/2008

City of Jacksonville
Jacksonville Dam & Reservoir

Project: Repair Existing Left-Bank Concrete Spillway

Bid Schedule

Item No.	Item Description	Unit of Measure	Quantity	Unit Price $	Total Price $
			TOTAL BID	$ 448,765	

10% Allowance for Construction Contingence =	44,877
Total Engineers Construction Estimate =	493,645
Administrative Costs by Owner =	
Total Project Cost =	

By: Fred Phillips
Design Engineer

REGISTERED PROFESSIONAL ENGINEER
7384
OREGON
JULY 14, 1972
FREDERICK J. PHILLIPS
EXPIRES: 12-31-08

Discussion and Assumptions: Channel Restoration

Channel restoration costs vary tremendously depending on the degree and type of restoration, access, and the size of the channel. To estimate the costs of restoration, a number of similar types of restoration projects were reviewed. It was estimated that approximately three-quarters of a mile of stream would need to be restored as part of the project. Table 1 shows typical restoration costs compiled by the USFS in Washington. It provides a good summary that is representative of the projects reviewed. The table illustrates that there are a number of potential areas that can result in higher costs.

Table 1. Typical restoration costs

Item	High end (cost/river mile)	Low end (cost/river mile)	Reasonable mean (cost/river mile)
Plan, design & NEPA	$110,040	$21,833	$68,880
Materials (trees)	$64,900	$14,747	$20,566
Mobilization	$8,200	$1,333	$2,777
Equipment	$122,000	$17,333	$20,800
Labor	$17,167	$112	$5,000
Riparian planting/ maintenance	$7,646	$3,893	$5,512
Instream structure maintenance	$24,640	$4,760	$5,600
Total	**$354,593**	**$64,011**	**$129,135**

It was assumed that the costs show in Table 1 are a little higher than would be needed for the Jacksonville Dam since there should not be any outstanding issues with NEPA, remediation needed, and the size of Jackson Creek. The cost estimates were based on a range of $41,000 to $137,000 for channel rehabilitation only. It is assumed that restoration of Jackson Creek would include re-establishing sinuosity and meanders, planting of the banks and floodplain, and instream structures (check dams or root structures) to control flows and allow for deposition of decomposed granite from upstream. If a pool or ponds are incorporated or a more comprehensive restoration is used, it will increase the costs and may approach the costs reflected in Table 1.

COUNTY
ZONING &
PLANNING

CHAPTER 210—FOREST RESOURCE (FR) DISTRICT[1]

210.010 PURPOSE:

The purpose of the Forest Resource district is to conserve forest lands.

210.015 APPLICATION:

This zoning district will be applied to forest/woodland areas which are identified as forest land by the Jackson County Comprehensive Plan. Designation of these lands shall be shown on the Official Comprehensive Plan and Zoning Map(s) as Forest Resource (FR). The provisions of this Chapter also apply to the Woodland Resource (WR) district, and the Open Space Reserve (OSR) district until the adoption of appropriate regulations separating Open Space Reserve from the forest zone.

210.020 DEFINITIONS:

1) AUXILIARY: A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded. *[OAR 660-06-025(2)(d)]*

2) COMMERCIAL TREE SPECIES: Trees recognized under rules adopted under ORS 527.715 for commercial production. *[ORS 215.720(2) & OAR 660-06-027(5)(b)]*

3) FOREST LAND: Land which is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied. *[ORS 527.620(8) & 30.930(4)]*

4) FOREST PRACTICE: Any operation conducted on or pertaining to forest land, including but not limited to: reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash. *[ORS 527.620(9)]*

5) TRACT: One or more contiguous lots or parcels under the same ownership. *[ORS 215.010(2) & OAR 660-06-027(5)(a)]*

210.030 PERMITTED USES:

The following uses shall be permitted in this district:

---

1 *Adopted by Ordinance #96-50 on October 15, 1996; Effective December 16, 1996 (File #96-15-OA)*

1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash. *[OAR 660-06-025(2)(a)]*

2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation not exceeding one year in duration. *[OAR 660-06-025(2)(b)]*

3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. *[OAR 660-06-025(2)(c)]*

4) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources including, but not limited to, facilities for a fish hatchery, fish culture, game management or refuge area. *[OAR 660-06-025(3)(a)]*

5) Farm use as defined in Section 00.040. *[OAR 660-06-025(3)(b)]*

6) Temporary portable facility including barkers, chippers, portable sawmills, log scaling and weigh stations, and other accessory equipment used for the primary processing of forest products. The use shall not to exceed one year on the subject property or any contiguous property. *[OAR 660-06-025(3)(d)]*

7) Towers and fire stations for forest fire protection. *[OAR 660-06-025(3)(g)]*

8) Widening of roads within existing rights-of-way in conformance with the transportation element of the Jackson County Comprehensive Plan including the following public road and highway projects:

   A) Climbing and passing lanes within the right-of-way existing as of July 1, 1987.

   B) Reconstruction or modification of public roads and highways including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new parcels result.

   C) Temporary public road and highway detours that will be abandoned and restored to original condition or use when no longer needed.

   D) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within rights-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways. *[OAR 660-06-025(3)(h)]*

9) Water intake facilities, canals and distribution lines for farm irrigation and ponds. *[OAR 660-06-025(3)(i)]*

10) Temporary forest labor camps. *[OAR 660-06-025(3)(l)]*

11) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head. *[OAR 660-06-025(3)(m)]*

12) Exploration for mineral and aggregate resources as defined in ORS Chapter 517. *[OAR 660-06-025(3)(e)]*

13) Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups. *[OAR 660-06-025(3)(c)]*

14) Alteration, restoration or replacement of a lawfully established dwelling that has intact exterior walls and roof structure; indoor plumbing including a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; interior wiring for interior lights; and a heating system. If the dwelling is being replaced, the original dwelling must be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. *[OAR 660-06-025(3)(p)]*

15) Private hunting and fishing operations without lodging accommodations. *[OAR 660-06-025(3)(f)]*

16) Caretaker residences for public parks and fish hatcheries. *[OAR 660-06-025(3)(j)]*

17) Uninhabitable structures accessory to fish and wildlife enhancement. *[OAR 660-06-025(3)(k)]*

18) Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation. *[OAR 660-06-025(3)(o)]*

210.040 USES SUBJECT TO ADMINISTRATIVE REVIEW:

In order to establish a use permitted under this Section an application must be submitted and reviewed. Except for Subsections 4), 5), and 6), below, the following uses are subject Section 210.100 and other applicable provisions of this Ordinance as noted:

1) Ownership of Record Dwelling: A dwelling on a lot or parcel which was lawfully created and acquired by the current owner before January 1, 1985, or was acquired by devise or intestate succession from an owner who acquired the property before January 1, 1985, subject to the standards set forth in Section 210.070. *[OAR 660-06-027(1)(a) & (g) & ORS 215.705(1)]*

2) Large Tract Forest Dwelling: A dwelling on a lot or parcel of at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in Jackson County or an adjoining county, and zoned for forest use, subject to the standards set forth in Section 210.080. A quarter section tract that is crossed by a public road or waterway shall not be considered to have less than 160 acres. *[OAR 660-06-027(1)(c)(B)]*

3) Forest Capability Dwelling: A dwelling on a lot or parcel subject to the standards set forth in Section 210.090. *[OAR 660-06-027(1)(d)]*

4) Home Occupation: As subject to the standards set forth in Sections 210.095 and 280.120. *[OAR 660-06-025(4)(r)]*

5) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of hardship suffered by the existing resident or a relative of the resident, subject to the standards set forth in Section 280.020. "Relative" is defined as a grandparent, grandchild, parent, child, brother or sister of the owner of the existing dwelling or the owner's spouse. *[OAR 660-06-025(4)(s)]*

6) Accessory structures.

210.050 CONDITIONAL USES:

Conditional uses are those uses that may be suitable only in a specific location or if the site is regulated in a particular manner. The following conditional uses may be allowed subject to the review standards of Section 210.055 and the siting standards of Section 210.100, and not those in Chapter 260:

1) Permanent facility for the primary processing of forest products. *[OAR 660-06-25(4)(a)]*

2) Permanent logging equipment repair and storage. *[OAR 660-06-25(4)(b)]*

3) Permanent log scaling and weigh stations. *[OAR 660-06-25(4)(c)]*

4) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection 210.030(11) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517, also subject to the standards set forth in Chapter 272. *[OAR 660-06-25(4)(f)]*

5) Television, microwave and radio communication facilities and transmission towers. *[OAR 660-06-25(4)(g)]*

6) Fire stations for rural fire protection. *[OAR 660-06-25(4)(h)]*

7) Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4. *[OAR 660-06-25(4)(i)]*

8) Aids to navigation and aviation. *[OAR 660-06-25(4)(j)]*

9) Water intake facilities, related treatment facilities, pumping stations, and distribution lines. *[OAR 660-06-25(4)(k)]*

10) Reservoirs and water impoundments. *[OAR 660-06-25(4)(l)]*

11) Cemeteries. *[OAR 660-06-25(4)(n)]*

12) Firearms training facility. *[OAR 660-06-25(4)(m)]*

13) Parks and campgrounds. For the purpose of this Chapter, a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. *[OAR 660-06-25(4)(e)]*

14) Private seasonal accommodations for fee hunting operations subject to the fire safety standards in Section 280.100, and the following requirements:

    A) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

    B) Only minor incidental and accessory retail sales are permitted; and,

    C) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission. *[OAR 660-06-25(4)(o)]*

15) New electric transmission lines with right-of-way widths of up to 100 feet or new distribution lines (e.g., gas, oil, geothermal) with rights-of-way 50 feet or less in width. *[OAR 660-06-25(4)(p)]*

16) Temporary asphalt and concrete batch plants, not to exceed one year in their operation, as accessory uses to specific public road and highway projects. *[OAR 660-06-25(4)(q)]*

17) Expansion of existing airports. *[OAR 660-06-25(4)(t)]*

18) Public road and highway projects described as follows:

    A) Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.

    B) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

    C) Improvement of public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels. *[OAR 660-06-25(4)(u)]*

19) Private accommodations for fishing occupied on a seasonal basis, subject to the fire safety standards set forth in Section 280.100, and the following requirements:

A) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

B) Only minor incidental and accessory retail sales are permitted;

C) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and,

D) Accommodations must be located within ¼ mile of fish bearing Class I waters provided that the standards of Subsection 280.060(2) are satisfied. *[OAR 660-06-25(4)(v)]*

20) Disposal site for solid waste approved by the County and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation. *[OAR 660-06-25(4)(d)]*

21) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations. *[OAR 660-06-25(4)(w)]*

210.055 ADDITIONAL STANDARDS FOR CONDITIONAL USES IN THE FOREST RESOURCE DISTRICT:

Conditional use permits in the Forest Resource district are subject solely to the following requirements, and not those in Chapter 260.

1) A conditional use as provided for in Section 210.050 may be approved only when all of the following are met:

A) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands. *[OAR 660-06-025(5)(a)]*

B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. Further, it must be demonstrated that the proposal including all structures proposed in the application will be in compliance with the fire protection standards of Section 280.100. *[OAR 660-06-025(5)(b)]*

C) The proposed use shall meet the standards set forth in Subsection 280.110(3)(E) (Area of Special Concern - Black-tailed deer and Roosevelt elk). *[OAR 660-06-025(6)]*

D) The proposed use shall meet the standards contained within Subsection 280.110 (3)(M) (Area of Special Concern - Important Scenic Resources). *[OAR 660-06-025(6)]*

2) The following declaration shall be recorded in the manner and format provided by the County: *[OAR 660-06-025(5)(c)]*

A) Vent fans, blowers, and cyclones;

B) Refrigeration systems;

C) Motorized log and lumber handling equipment;

D) Quarry blasting;

E) Railroad switchyards and crossings;

F) Racetracks;

G) Wood products industry machinery: barkers; chippers; chain conveyors; and planers.

H) Rock crushers;

I) Large industrial complexes;

J) Steam release blasts.

Most noise source problems occurring within the county are presently on a compliance schedule established by DEQ to achieve noise attenuation to diminish their impact to acceptable levels. The compatibility of various land uses and their relationship to such existing and potential noise sources are of particular concern regarding future land use and developments. As such, all proposed developments occurring either adjacent or in close proximity to such noise problem sources, or proposed commercial/industrial developments with recognized noise generation potential, should be evaluated for their potential noise impacts, and appropriate abatement and/or mitigation measures conditioned prior to permit issuance.

3) Recreation Noises: Recreation areas, such as ballfields, outdoor swimming pools, power boating areas, school playgrounds, active parks, and other spectator facilities, are potential sources of noise. Fortunately, the activities that take place in these areas are usually confined to daytime hours and are not usually a nighttime problem. Recreational noise is usually less irritating to most people than other types of noise, and in most cases, the recreational areas of Jackson County are not a major source of noise problems.

A type of recreation noise that is a potential problem in the county is that of the Sports Park located southeast of White City off Highway 140. The County Parks and Recreation Department is well aware of the noise impact potentials of this major recreation facility and is cooperating with DEQ in noise monitoring and abatement measures. The facility itself was designed with noise a significant design variable. As such, the sound suppression berm constructed at the park is designed to suppress any noise at its point of origin and reflect any excessive noise generated away from nearby residential areas. This was accomplished by developing noise projections for a major drag race event and plotting various noise level contours to identify impacted areas, as illustrated in Figure 11. The DEQ will monitor such events at the Sports Park for their noise generation and exposure area, and work with the parks department in developing further abatement

measures as needed. A basic design tool used by the Parks and Recreation Department as a guide in reducing noise impacts around such facilities is a U.S. Department of Commerce manual entitled Noise Barrier Design Handbook. For land use and noise compatibility planning purposes, the noise contours depicted in Figure 11 for the county Sports Park facility, should be considered a maximum noise exposure event, with land use adjusted accordingly. These noise monitoring and planning activities and subsequent abatement measures/designs should be a continuing cooperative function between DEQ and the Parks and Recreation and Planning and Development Departments, with findings integrated accordingly into the Comprehensive Plan and the land use planning and development process.

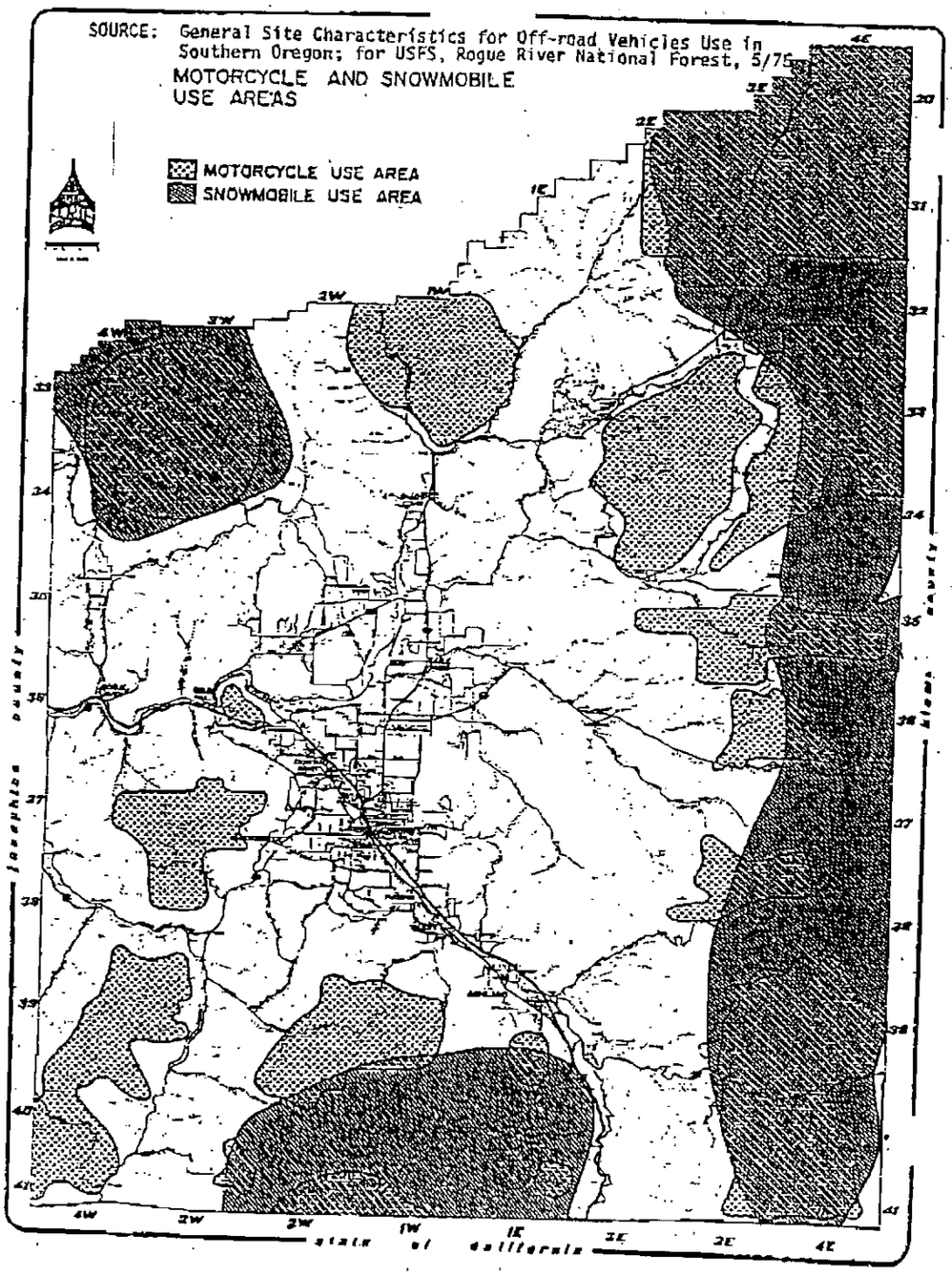
Another type of recreation related noise that is a potential problem in the county is that of off-road vehicle recreation. DEQ enforces ambient standards for off-road recreational vehicles impacting adjacent noise sensitive property under the authority of OAR 340-05-035. Additionally, the Federal Bureau of Land Management has recently instituted rules for operating 4-wheel drive vehicles, dune buggies, motorcycles, snowmobiles, and other cross-country vehicles on land it manages. The regulations provide a framework under which specific areas of federally administered lands will be designated as either open, limited, or closed to off-road vehicle use. Areas designated as open will allow vehicle operation subject to operating regulations and vehicle standards, whereas limited areas will have limitations, such as number or types of vehicles allowed and times of use permitted.

Vehicles will be prohibited in closed areas. Specific area designation will be made through BLM's continuing planning system and the development of multiple use plans for their public lands. The County should be involved in these BLM activities as they pertain to noise in order to achieve a complimentary approach to noise compatible land use planning.

Figure 12 illustrates those areas in the county identified as being popular motorcycle, snowmobile, and other off-road vehicle use areas, and thus, represent potential recreation related noise problems if they occur on or in close proximity to residentially developable lands or sensitive wildlife habitats. Because of the nature of off-road vehicle activities, such recreational areas could also potentially create erosion problems with subsequent water quality degradation from excessive sedimentation.

4) Residential Noises: Noises produced in residential areas generally include such sources as power lawn mowers and other small power tools, air conditioning and heat pump equipment units, excessively loud human voices, barking dogs, and radios, stereos and other music equipment. Walls, barriers, or other sound attenuation devices are often not the answer in these cases and would, in most instances, be detrimental to neighborhood unity. A noise ordinance could set limits on the hours of operations of certain types of equipment. However, probably the most effective way to combat the residential noise problem is through the resident's own cooperation, involving a combination of increased community pride, public awareness and concern, and consideration for the privacy and well being of neighbors. Residential neighborhoods in Jackson County are, for the most part, pleasant and quiet places with no major residential noise problems, although some noise conflicts do arise in residential areas proximate to major transportation routes or major industrial and commercial areas, and from the sources cited above and earlier.

FIGURE 12


SOURCE: General Site Characteristics for Off-road Vehicles Use in Southern Oregon; for USFS, Rogue River National Forest, 5/75
MOTORCYCLE AND SNOWMOBILE USE AREAS
MOTORCYCLE USE AREA
SNOWMOBILE USE AREA

jacks

includes private land. Map cannot be used to imply right to cross private ground

NOISE CORRIDORS

AIRPORT

SPORTS PARK

RAILROAD

INTERSTATE 5 & HWY OVER 10,000 PER DAY USE

MOTORCYCLE USE AREA

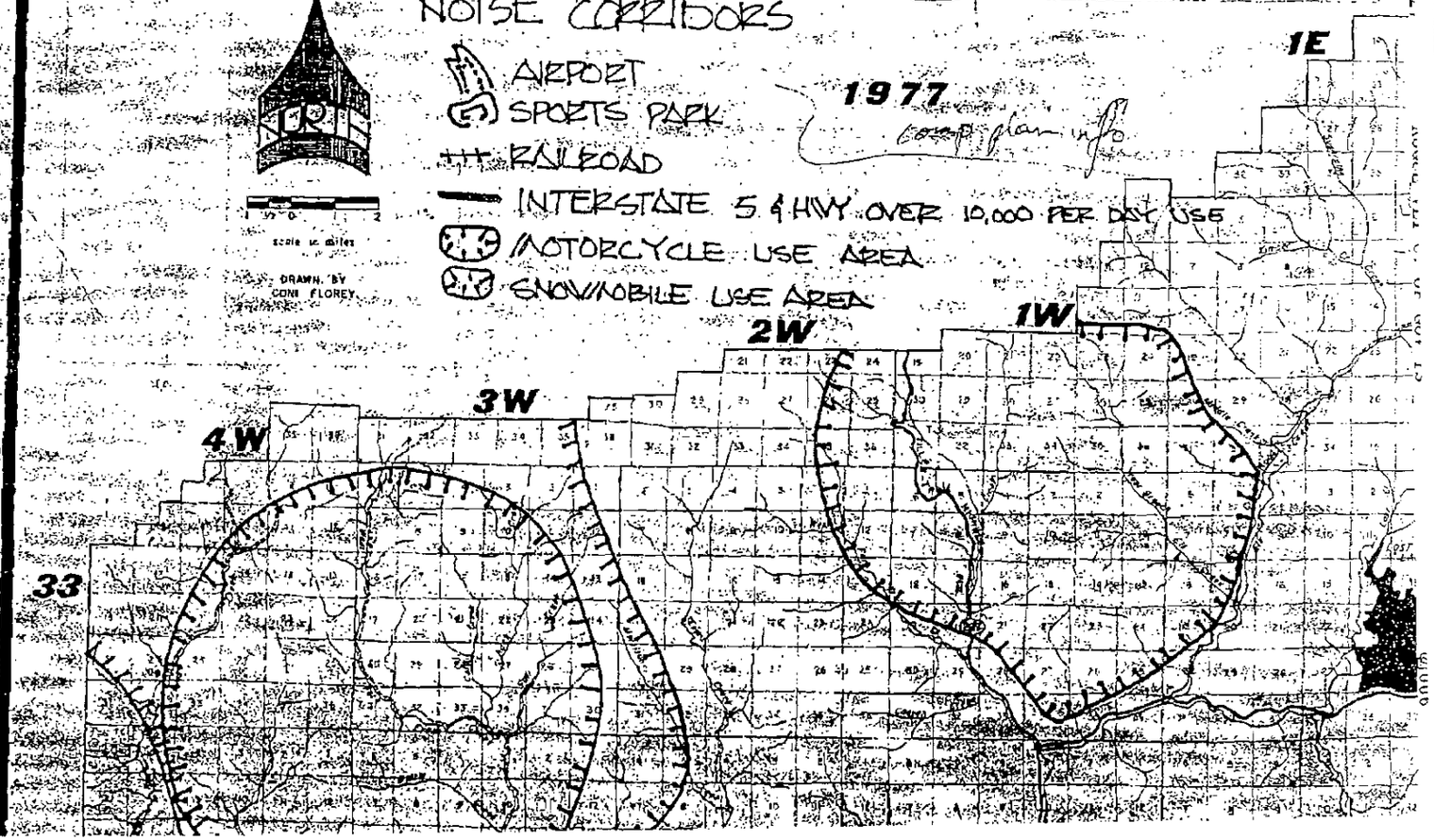
SNOWMOBILE USE AREA

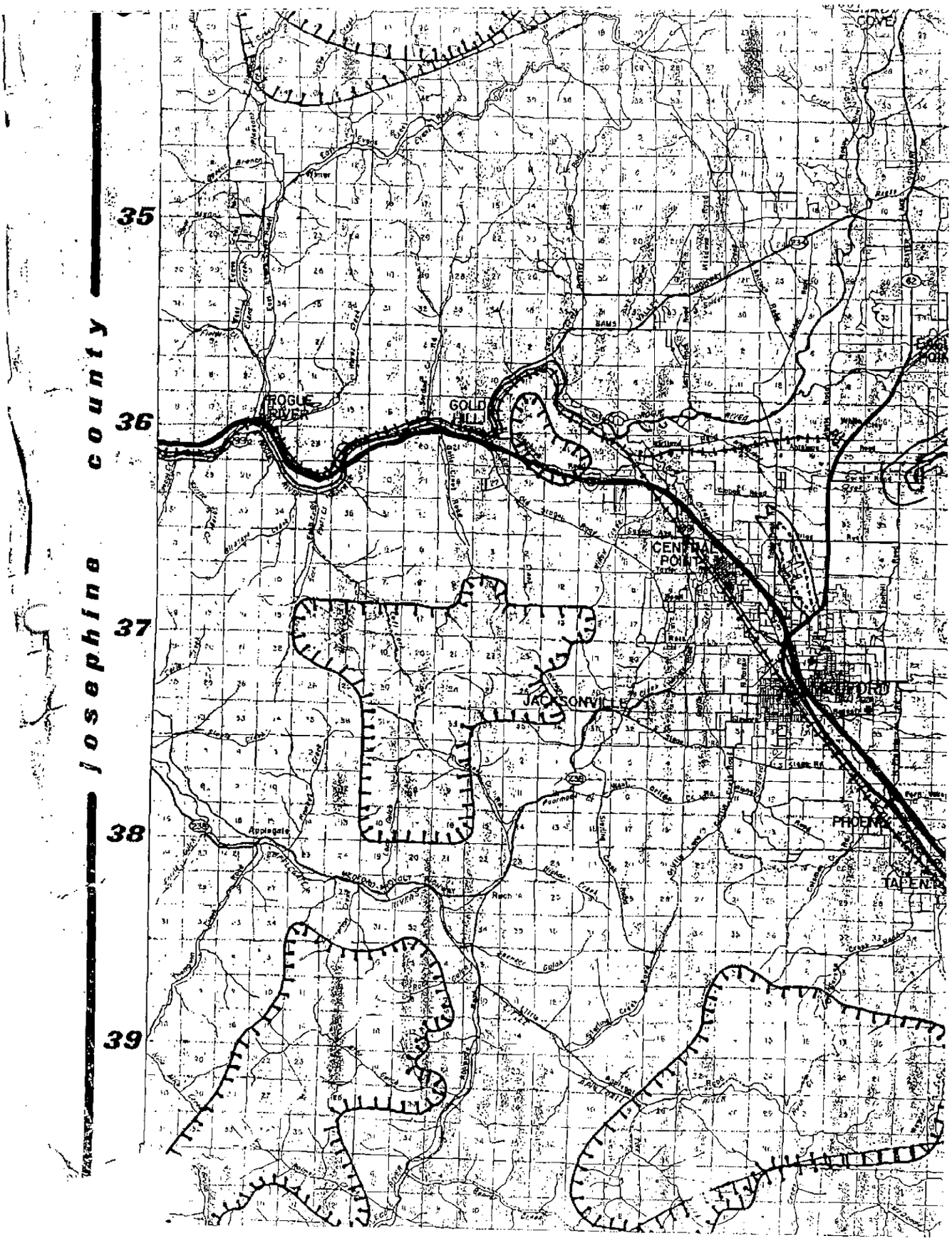
1977

comp plan info

scale in miles

DRAWN BY
CONI FLOREY




josephine county
35
36
37
38
39
ROGUE RIVER
GOLD HILL
CENTRAL POINT
JACKSONVILLE
Applegate
PHOENIX
TALENT
COVE

THE CONCEPTUAL AGREEMENTS TO DATE

Based upon a review of the two appraisals, it was agreed to accept them at face value, which would result in a trade of the two properties, plus a cash payment to the City of Jacksonville in the amount of $1,063,400.00.

- The MRA would further agree to obligate to the development (within one year of the exchange) of a Stewardship Management Plan (SMP) that must be ratified by the City prior to adoption by the MRA, and that will be actively implemented to preserve existing large trees in the exchanged property in order to develop an enclosed canopy and to ultimately create a late succession forest. This will allow for fuel reduction projects, along with replacing brush fields with newly-planted conifer trees, to promote forest health and reduce the potential for catastrophic wildland fires, but will preclude management of the timber inventory for commercial harvest. This SMP will include an erosion control and reduction component in the form of sediment catching dams, of which the MRA currently has in place and is closely monitoring, or a series of riprap filters to ensure that existing levels of erosion are significantly reduced in the ensuing five years after adoption, and will further agree to share restricted buffering of select problem areas, that will serve to filter or eliminate any drainage or erosion impacts to the City's downstream property and to separate user conflicts.
- The mineral rights on each property transfer with the property exchange.
- The City would retain the first right of refusal on the future sale of the exchanged property. The MRA agrees that the exchanged property would not be subject to further division or property line adjustment.
- Any costs necessary to bring either appraisal up to the standards required by State Parks shall be borne by the originating party.
- Both parties will provide property identification signage at the newly-created boundary on the way to Lily Prairie.
- In exchange for two north/south access easements on the remaining City land (one from the terminus of Jackson County's Reservoir Road to the new property that they receive, and another across the westernmost portion of the remaining City land on the western side of the crests of the Jackson Creek and Norling Gulch watersheds), the MRA will:

  1) pick-up all surveying and property line adjustment costs and all closing costs;
  2) ensure that the easements are field verified by a designated City representative prior to description and recording;
  3) clearly delineate and sign the easements so that the casual visitor knows that access is limited to the easement and where that easement is;
  4) ensure maintenance of such delineations and signage, along with the passable conditions of the easements, while controlling erosion, sedimentation, and pollution run-off from the easements; and
  5) provide ongoing good faith efforts to educate, nurture, and enforce a respect for those easements (which would include applying for enforcement funding when available).

- The access easements shall include an agreement for ongoing upkeep and maintenance proportionate to each entity's actual use, including visitors, (roughly equal, up to and including the old quarry commonly known as Red Rock, primarily MRA in the higher elevations above Red Rock, and exclusively MRA on the western trail easement). Maintenance shall include keeping the road surface in passable condition with adequate drainage, erosion control, and roadside trash clean-up.

- It is further understood that the roads have historically been under maintained and this agreement does not include any commitment by either party to improve the road beyond its current condition.

COMMITTEE MAKE-UP
&
MISSION STATEMENT

TO ASSURE A PRODUCTIVE MEETING

1. Plan the meeting
2. Have an Agenda
3. Start on time
4. Set time limits or fix a time to adjourn
5. At the first meeting of each year, conduct elections for Chairperson, Co-chairperson, and Secretary
6. Members should understand the meeting's purpose and pool their knowledge
7. Practice good meeting manners by arriving on time, avoiding unnecessary interruptions, observing specified time limits, refraining from distractions, and staying until the end
8. Decisions shall be made with a motion, a second, and a majority vote

Remember, your participation does make a difference. As part of a team working to reach carefully planned goals, it is up to each member to:

- Support the group's efforts
- Get involved in discussions
- Be creative
- Express your feelings/Share your thoughts
- Take a positive approach
- Take notes

Good communication is a skill worth building. Ideas can be shared more effectively if you keep these basics in mind:

When others speak:
- Listen Carefully
- Be Courteous
- Respect Opinions
- Consider Suggestions

When you speak:
- Express Yourself Clearly
- Summarize as Needed
- Include Everyone
- Offer Suggestions

When a meeting is coming to a close, no meeting should adjourn without:

- Tying up loose ends
- Recap decisions made and actions to be taken
- Designate who will follow-up on assignments
- Plan the next meeting by setting a date, time, place, and developing a preliminary agenda

JACKSON CREEK WATERSHED

Jacksonville placed its Jackson Creek Dam and reservoir into service in 1912, well before it acquired most of its 1800-acre forest watershed property from Jackson County in the 1930's. (The County had acquired the property under tax delinquency.) The City used this watershed as its municipal water source from until approximately 1950 when it switched to Medford water service.

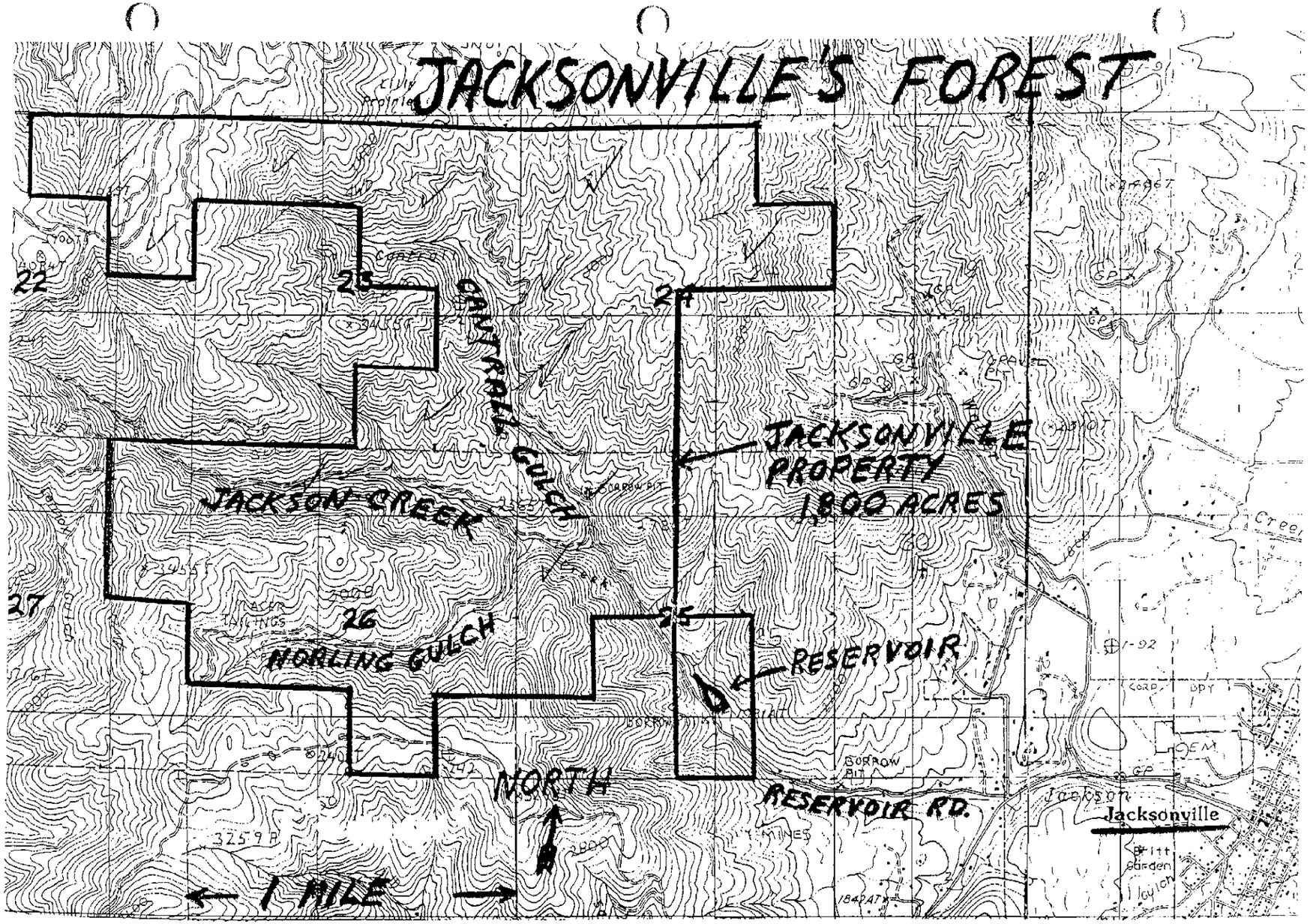
A 1955 flood was very damaging to Jackson Creek and its water system because it occurred a few months after a 2,500-acre wildfire burned a good share of the vegetation in the upper watershed, causing heavy sediment loads in the creek.

After a failed attempt to convert the reservoir water use to irrigation the City abandoned the dam and reservoir in the 1960's. All water rights were lost in the early 1960's and the watershed went into a period of neglect.

Due to heavy siltation during that period, the reservoir's original capacity of 76 acre-feet has been reduced to about 7 acre-feet. There are leaks in the dam and erosion at the exit end of the spillway. With the loss of its 1910 water rights, the reservoir can no longer impound water, but it has some value as a sediment trap, wildfire water source, and could be enhanced into a designed wetland.

Approximately 40 years ago, Off-Highway Vehicles began to use the areas around the watershed. OHVs have been an unmanaged, and largely ignored, use in the City's watershed since then, although there are organized events such as the "Poker Run" which have been established for years now. In the past, the City has cooperated with the Motorcycle Riders Association in road improvement projects.

A Watershed Forest Management Plan was approved for the City's property in 1995. It guides forest management activities such as brush conversion, tree thinning, planting and harvesting; protection of the resources from fire and intensive people use; and road improvement projects to stabilize erosion. It recognizes three basic types of recreational usage in the City's watershed: OHV use, shooting, and hiking, with some potential for enhancing the reservoir.


JACKSONVILLE'S FOREST
22
23
24
27
26
25
CANYON GULCH
JACKSON CREEK
NORLING GULCH
JACKSONVILLE PROPERTY 1,800 ACRES
RESERVOIR
NORTH
RESERVOIR RD.
1 MILE
Jacksonville

COMPREHENSIVE PLAN GOALS

CITIZEN INVOLVEMENT

TO PROVIDE OPPORTUNITY FOR THE CITIZENS OF JACKSONVILLE TO BE INVOLVED IN THE ONGOING CITY PLANNING PROCESS.

HISTORIC

TO PRESERVE THE INTEGRITY OF THE PAST, WHILE GUIDING THE EVOLUTION OF THE FUTURE.

SOCIAL

TO PROVIDE FOR THE NEEDS OF POPULATION GROWTH IN JACKSONVILLE TO THE YEAR 2015 WITHIN THE CAPACITY OF THE CITY'S PUBLIC FACILITIES AND THE CONSTRAINTS OF HISTORIC PRESERVATION, AND TO MAINTAIN A DIVERSITY OF INCOME, CULTURAL, AND AGE GROUPS IN JACKSONVILLE'S POPULATION.

HOUSING AND URBANIZATION

TO PROVIDE A VARIED RANGE OF SAFE AND SANITARY HOUSING OPPORTUNITIES THAT IS BALANCED BY THE NEED TO MAINTAIN THE HISTORICAL INTEGRITY AND UNIQUE CHARACTER OF JACKSONVILLE.

TRANSPORTATION

TO PROVIDE COMPREHENSIVE, LONG-RANGE TRANSPORTATION SYSTEMS FOR THE CITY OF JACKSONVILLE THAT INCLUDE:

PROVIDING FOR OPTIMAL PUBLIC SAFETY AND SERVICES,

PROVIDING FOR APPROPRIATE BICYCLE, PEDESTRIAN, MASS TRANSIT, AND VEHICULAR CIRCULATION,

PROVIDING FOR APPROPRIATE STREET, PATHWAY, AND SIDEWALK STANDARDS,

PRESERVING HISTORIC AND SCENIC RESOURCES AND VALUES WHILE RECOGNIZING THE ECONOMIC VALUES OF HIGHWAY 238,

PROMOTING ENERGY CONSERVATION AND EFFICIENCY, AND

PROMOTING A SENSE OF COOPERATION AND RESPECT WITHIN OUR COMMUNITY AND WITH OUR NEIGHBORS AND VISITORS.

ECONOMIC

TO PROVIDE FOR AND ENHANCE THE ECONOMIC VIABILITY AND VITALITY OF THE CITY OF JACKSONVILLE AND TO MAKE PROVISIONS FOR EXPANDING AND DIVERSIFYING IT ECONOMIC BASE IN BALANCE WITH THE COMMUNITY'S UNIQUE HISTORICAL CHARACTER AND CULTURAL ATTRACTIONS.

PARKS AND OPEN SPACE

TO PROVIDE AND MAINTAIN PARKS, RECREATION AND OPEN SPACES FOR THE CITIZENS OF JACKSONVILLE AND TO SET ASIDE AND MAINTAIN FOR PUBLIC ENJOYMENT NATURAL, SCENIC AND WILDLIFE AREAS AND RESOURCES TO ENHANCE THE URBAN ENVIRONMENT.

ENVIRONMENTAL

TO PRESERVE AND PROTECT THE NATURAL ENVIRONMENT IN AND AROUND JACKSONVILLE IN ORDER TO ASSURE PRESENT AND FUTURE RESIDENTS A LIVABLE COMMUNITY WITH A HIGH QUALITY OF LIFE, TO PROMOTE HEALTHY AND SUSTAINABLE RIPARIAN AREAS AND WETLANDS, AND TO MINIMIZE NATURAL HAZARDS.

PUBLIC FACILITIES

TO PLAN AND DEVELOP A TIMELY, ORDERLY AND EFFICIENT ARRANGEMENT OF PUBLIC FACILITIES AND SERVICES TO SERVE BOTH EXISTING AND FUTURE NEEDS OF THE RESIDENTS OF THE CITY OF JACKSONVILLE.

Citizen Advisory Committee
For Watershed Evaluation

(15 members)

Lynn Boening (899-9164)

Michael Caruso (899-4414)

Tony Hess (899-1710)

Wally Hicks (899-7193)

Howard Johnson (899-4974)

Mack Peffley (899-5708)

Dennis Ramsden (899-2823)

Donna Schatz (899-7092)

Neill Smith (899-8848)

John Stagg (899-1048)

Bill Stanton (899-5576)

Arch Weatherford (899-7405)

Clara Wendt (899-1009)

John Wilkinson (899-5708)

Paul Wyntergreen (899-8910)

Staff:

Paul Kangas, City Forester – 821-5315

Mission:

To fully analyze the benefits and costs of the Jacksonville Watershed as it relates to the municipality of Jacksonville and to make a recommendation as to its future treatment and disposition.

City of Jacksonville
110 E. Main Street, P. O. Box 7
Jacksonville, OR 97530
Phone (541) 899-1231 Fax (541) 899-7882

September 15, 2003

To the Members of the Citizens Advisory Committee for Watershed Evaluation:

Welcome to the Citizens Advisory Committee (CAC) for study of the Jackson Creek Watershed property. We hope that your membership on the committee will be informative, productive and fun. The organization and scheduling of your committee is entirely up to the committee. We will be looking forward to periodic progress reports as you work toward a final report. We have envisioned a final report within a year, although that is not mandatory.

Enclosed is an information packet for background on the watershed. Please let us know if we can provide further information.

The watershed property is a valuable asset of the city. It has a rich history in gold mining, as a water source for the city, logging, and for recreation and wildlife.

Thank you for volunteering to help the city develop a citizen's dialogue and recommendations regarding the future of the watershed property.

Sincerely,

James W. Lewis
Mayor

3rd Thursday of the month

City of Jacksonville is an Equal Opportunity Provider.

RECEIVED
NOV 17 2009
CITY OF JACKSONVILLE

John Gerritsma/MDFO/OR/BLM/DOI
04/06/2009 09:46 AM

To dick ames <councilord@gmail.com>
cc City Paul W <administrator@cityofjacksonvilleoregon.com>, Richard Shields <cemetery_parks@cityofjacksonvilleoregon.com>, Jeff Alvis
bcc Kristi Mastrofini/MDFO/OR/BLM/DOI
Subject Re: Fwd: Jacksonville Road

Dick,

The BLM and the city disagree on the intent of the easement with regards to the use by the general public. As you pointed out, an opinion by an attorney for the city is different than BLM's interpretation. I sent the most recent email to tell you that BLM is standing firm on its interpretation and that having full public access for the Jacksonville Reservior road is the official message we will be making as we finalize our EIS for Timber Mountain. I did not want the city folks to be surprised with BLM's position. Our maps are now reflecting such access, as well.

As to the road construction piece, I mentioned it not to stir things up, but to relay that such a direction is in the easement, because it explains why we have an easement for the last few tenths of a mile between the MRA property and the north end of the city's land. At the time the easement was signed, the road did not exist, but was being planned to access timber for a BLM sale. The road, built sometime around 1969, is now a part of the easement that allows the public access. We have ABSOLUTELY no plans at this time to construct additional roads across city of Jacksonville park lands. Sorry about any alarms I might have raised.

I want to restate strongly that BLM maintains an interest in working with the city to mutually resolve issues related to Jacksonville Reservior road.

****
John Gerritsma
Field Manager, Ashland Resource Area
Medford District BLM
3040 Biddle Road Medford OR 97504
(ph) 541-618-2438
(fax) 541-618-2400
****

dick ames <councilord@gmail.com>

dick ames <councilord@gmail.com>
04/05/2009 06:48 PM

To City Paul W <administrator@cityofjacksonvilleoregon.com>, Jeff Alvis <pwdirector@cityofjacksonvilleoregon.com>, Richard Shields <cemetery_parks@cityofjacksonvilleoregon.com>, Tony Hess <thess2001@charter.net>
cc "John_Gerritsma@or.blm.gov" <john_gerritsma@or.blm.gov>
Subject Fwd: Jacksonville Road

I am not sure why this came out now. While it could strengthen our position on the Title II Administrative Agreement, it could also impact it.

As I recall, John first cut at the EASEMENT from his lawyer, was disputed by our Kurt. And there seems to be a logic issue involved; whereas BLM has the right to make any roads they want on Jacksonville's property. More study is required.

Could a land swap be impacted by John's interpretation.

Please respond on dikjes@charter.net.

---------- Forwarded message ----------
From: <John_Gerritsma@or.blm.gov>
Date: Sun, Apr 5, 2009 at 4:56 PM
Subject: Jacksonville Road
To: tsfischer@kw.com, councilord@gmail.com, jvillepaul@charter.net, pd2@earthlink.net, jvsmith@clearwire.net
Cc: Kristi_Mastrofini@or.blm.gov, Dennis_Byrd@or.blm.gov, Jim_Whittington@blm.gov

All,

As I am looking back over some old emails, I came across one in August 2007 in which I stated that the BLM cannot give the general public authority to use the Jacksonville Road. At that time, I had concluded with the information at the time, that such was the case. This information is NOT correct.

BLM's easement (RE-M-649) with the city of Jacksonville clearly gives BLM authority to grant full public use of the entire Jacksonville Road. The easement also gives BLM authority to construct additional roads from the Jacksonville road across Jacksonville land.

In the last correspondence (in 2007) with the BLM, the City of Jacksonville concluded the easement is limited ONLY to BLM contractors and licensees, which BLM believes is incorrect.

If you have any further questions, please let me know. I felt this was important for BLM to reiterate as we respond to both questions and comments in the current 75-day Timber Mountain OHV Recreation Management Plan DEIS.

****

John Gerritsma
Field Manager, Ashland Resource Area
Medford District BLM
3040 Biddle Road Medford OR 97504
(ph) 541-618-2438

Kurt H. Knudsen
Attorney at Law, LLC
238 E. Main Street, Suite C
Ashland, Oregon 97520
Telephone (541) 552-9944
Fax (541) 552-9955

October 17, 2005

RECEIVED
OCT 17 2005
CITY OF JACKSONVILLE

Paul Wyntergreen
City Administrator
City of Jacksonville
P.O. Box 7
Jacksonville, OR 97530

Re: *Easement Issue Concerning MRA*

Dear Paul:

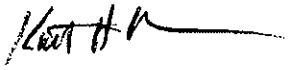
This letter summarizes the legal impact of the July 19, 2005 letter from the Bureau of Land Management to me concerning the claim of access by the Motorcycle Riders Association (the "MRA") across City property at Jackson Creek Road. As you know, the BLM letter was in response to our June 28, 2005 request for clarification by BLM of any MRA rights of access. MRA had contended that the February 13, 1968 easement across Jackson Creek Road granted by the City of Jacksonville to the United States government was broad enough to allow MRA itself a right of access to its private property via Jackson Creek Road.

The BLM letter clarifies that BLM does not believe that the easement grants any right of access to any private party to that party's property along Jackson Creek Road, including MRA. The BLM letter further clarifies that the easement does not authorize BLM to issue rights of access to parties other than "BLM licensees." Although it does not specifically state so, the letter makes it clear that BLM does not believe that the MRA can be a BLM licensee.

The BLM letter, in effect, removes BLM as a party that could potentially grant MRA a right of access to MRA property across Jackson Creek Road, leaving the City of Jacksonville as the sole party with the authority to grant such access. Of course, if the City chose to do so, it could attach conditions to any right of access it chose to grant, including maintenance obligations, limitations on time and nature of use, and other duties and restrictions.

Please let me know if you have any questions or concerns.

Sincerely,



Kurt H. Knudsen
knudsen@mind.net

via fax no. 899-7882

March 30, 2005

Paul,

This e-mail is in response to your request for an interpretation of the rights of the Motorcycle Riders Association ("MRA") to transverse the portion of the City-owned watershed described in an easement granted by The City of Jacksonville to the United States of America on February 13, 1968 (ref. no. RE-M-649, Jackson Creek Road). Unfortunately, I am not able to provide a definitive answer.

The language of the easement is ambiguous. It purports to grant "full use as a roadway" to the "Grantee," which is the United States of America, and to the Grantee's "licensees, including the right of access for the people of the United States generally to lands owned, administered or controlled by the UNITED STATES OF AMERICA for all lawful and proper purposes subject to reasonable rules and regulations of the Bureau of Land Management." This language does not represent a model of clarity.

As best I can, I will break down the rights of access created by the easement:

1. The "United States of America" has a right of access. Importantly, this right alone does not create a right of *public* access, but only enables the federal government itself to have access across the easement.

2. The "licensees" of the United States of America have a right of access. A "licensee" is a group or individual to whom a "license" has been granted. A license is a personal privilege to use the land of another for a stated purpose. It is revocable at will, and is not assignable to other parties. A license does not have to be in writing and thus can be informally created. The easement does not restrict the federal government from granting licenses to particular individuals or groups. It is not certain whether the federal government has granted a license to use the easement to the MRA or to any other party. In any event, however, no use of the easement is permissible unless a license has been requested and granted. Again, any such license is revocable at will by the federal government.

3. The easement makes it clear that a license may be granted by the federal government to "the people of the United States." This suggests that the federal government is entitled to grant access to broad groups of people, or even grant access to anyone and everyone who may be interested in using the road.

Importantly, however, the right of access under item 2 above, or perhaps items 2 and 3 (see below regarding this uncertainty), <u>are qualified</u>. Under the terms of the easement, access can be granted only:

i) "<u>to</u> lands owned, administered or controlled by the UNITED STATES OF AMERICA;

ii) for all lawful and proper purposes;

iii) subject to reasonable rules and regulations of the Bureau of Land Management."

Of course, ignoring for a moment the question raised below of whether the above restrictions apply just to item 2 above ("licensees") or both to items 2 and 3 ("licensees" and "the people of the United States"), the major restriction is that access can be granted by the federal government *only to lands owned, administered or controlled by the UNITED STATES OF AMERICA*. Thus, it is possible that the federal government has no authority to grant MRA access across the roadway to enable MRA to reach MRA property. If such is the case, permission could be granted only by the City of Jacksonville in its sole discretion. However, if this particular roadway is needed to provide access to more *distant* government property, and the MRA property just happens to be an intermediate stop along the way (i.e. an island of sorts in the public's journey along the roadway to distant government land), then this restriction may be moot. (Of course, the issue may be moot anyway if there is no practical way to control access in any event.)

As noted above, however, the easement is ambiguous. In particular, it cannot be entirely certain whether the above restrictions (items i, ii and iii) are intended to attach to *all* licensees, including "the people of the United States" (i.e. both groups 2 and 3 above) or just to any access granted to the "people of the United States" (i.e. just group 3 above). If the latter is the case, then conceivably the government could deem the MRA a "licensee" instead of a group embedded within "the people of the United States" and be free of the restrictions described above. The answer to this uncertainty depends on maxims of contract construction and perhaps the original intent of the parties. The length of the long sentence, the placement of the commas, and other factors will need to be unraveled to determine (or at least best predict) to which group or groups the restrictions apply (i.e. "licensees" alone in item 2 or both "licensees" and the "people of the United States" in items 2 and 3).

Another restriction (item iii above) is that access must be subject to the "reasonable rules and regulations" of the Bureau of Land Management. I am not aware of any such rules but will inquire. Of course, BLM could take the position that motorcycles are not allowed in the easement or it could certainly take just the opposite position. Certainly, the City of Jacksonville could seek to influence BLM's position.

The question has been raised whether or not the City of Jacksonville has the right to control traffic or limit particular types of vehicle use on the roadway such as ATVs. As the owner of the property, the City of Jacksonville certainly has such rights. In fact, the City of Jacksonville could decide to prohibit access of all kinds altogether. However, the City of Jacksonville's rights are subject to those of the federal government described above. Hence, the City's decision to limit access could be trumped by the federal government's decision to allow access under its right of easement. Of course, the government's rights themselves are limited as described above (in items i, ii and iii).

The Mayor summarized the MRA's rights of access well when he described them as "clouded" in his letter of March 2, 2005. He is correct that the rights under the easement are certainly subject to different interpretation by different parties. I will contact the BLM to see if they can shed any light on this matter. Otherwise, ultimately, the rights will continue to remain clouded.

Kurt H. Knudsen
City Attorney

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
3040 Biddle Road
Medford, Orego 97504
email address: or110mb@or.blm.gov

RECEIVED
AUG 2 0 2004
CITY OF JACKSONVILLE

IN REPLY REFER TO:
2100(OR116)
City of Jacksonville

James W. Lewis, Mayor
City of Jacksonville
P.O.Box 7
Jacksonville, Oregon 97530

AUG 2 0 2004

Dear Mayor Lewis,

This letter addresses questions posed in your letter dated July 22, 2004 regarding the road easement REM-649. This easement was granted to the Bureau of Land Management (BLM) by the City of Jacksonville on February 13, 1968. The land described in the easement is located in Sections 23, 24, 25, 26 and 27 of Township 37 South, Range 3 West, W.M., Jackson County, Oregon.

A review of REM-649 (recording number: 68-04419) indicates the following:

- REM-649 is a perpetual road easement.
- BLM acquired the right to use, maintain, and repair the existing road(s) along with the right to locate, construct, use, maintain and repair extensions to said road(s) over the land described in the easement. This includes the full use of the road by the BLM and its licensees.
- The rights acquired in this road easement include the right of access for the public "to lands owned, administered or controlled by the United States of America ..." This includes any legal use of the lands of the United States of America.

In summary, the City of Jacksonville retained control of the road(s) described in the easement. Any request regarding the issuance of access rights over the roads described in REM-649 must be directed to the City of Jacksonville.

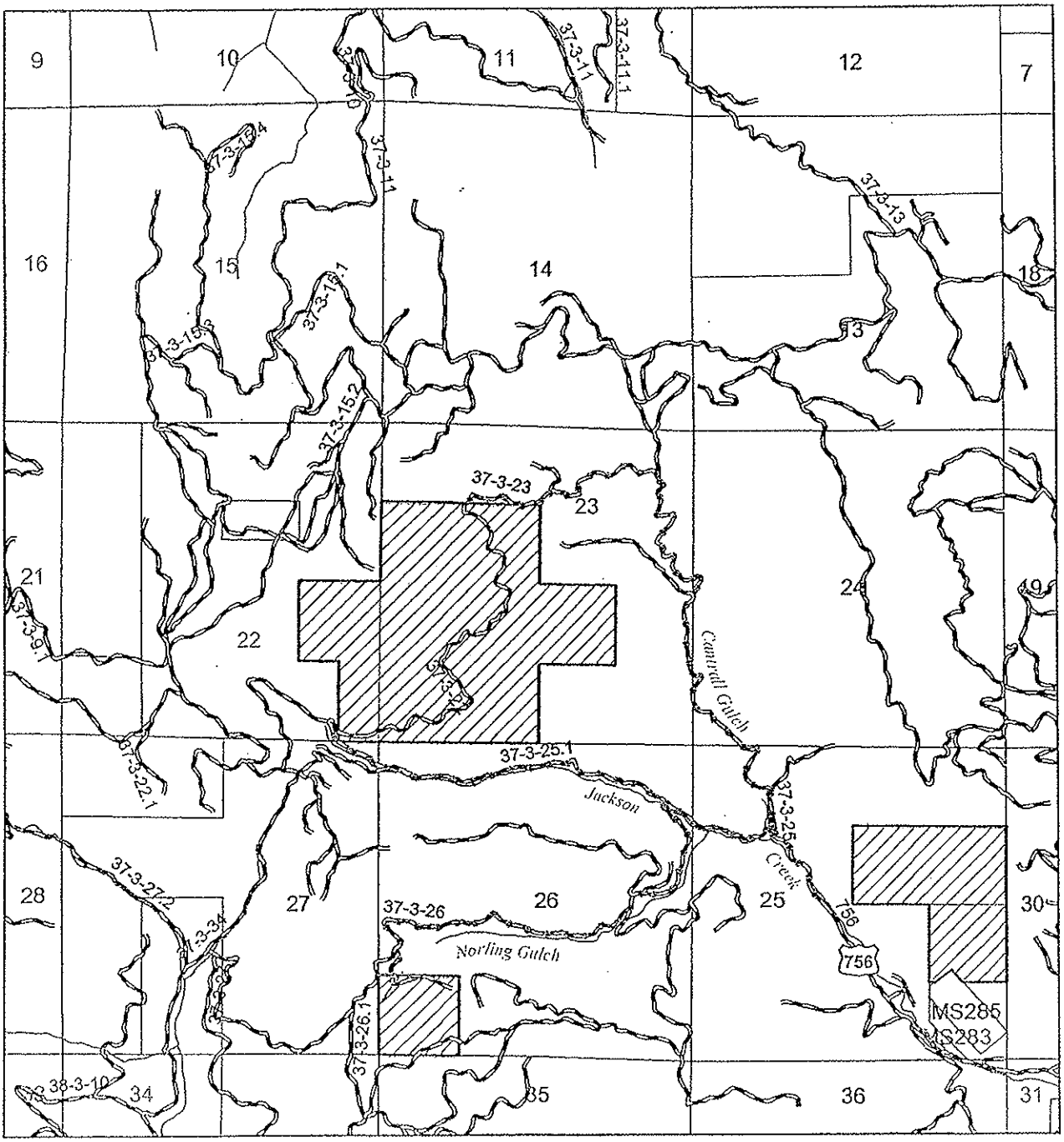
Enclosed is a map depicting BLM managed lands accessible by existing roads or future road extensions under REM-649. I hope that this information is helpful and addresses your concerns. If you have any additional questions, please feel free to contact Leslie Voelkel, Realty Specialist at 541-618-2217.

Sincerely,

Richard Drehobl
Field Manager
Ashland Resource Area

Attachment:
1- Access Map (1 pp)

BLM Managed Lands Accessible by REM-649
T. 37 S.- R. 3 W.



BLM Administered Land Accessible via REM-649
(existing roads and future extensions)

Easement

Road

Other BLM Administered Land

N

U. S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
MEDFORD DISTRICT
August 2004

0 0.5 1 2 Miles

LAW OFFICE OF
DEBBIE V. MINDER
Attorney at Law

May 25, 2004

Motorcycle Rider's Association
Attention: Tyrrell Hart
P.O. Box 1471
Medford, OR 97501

RE: Legal Access to Existing Roads for
373W Tax Lot 6800.

Dear Mr. Hart:

At your request I have researched MRA's legal access through the City of Jacksonville property described as 373W tax lot 9300. I conclude the following from my research:

1. MRA owns the property located at 373W tax lot 6800.
2. City of Jacksonville owns the subject property at 373W tax lot 9300.
3. A title report for the City of Jacksonville property provides for an "easement and right of way 60 feet in width for road and maintenance purposes, including the terms and provisions thereof, granted to the United States of America, as set forth in Document No. 68-04419, Official Records of Jackson County, Oregon." In reviewing this Document No. 68-04419, I find it to be a recorded road easement granted to the Bureau of Land Management by the City of Jacksonville on February 13, 1968.
4. This recorded road easement says, "The rights and privileges herein granted are for the full use as a roadway by the Grantee, and **its licensees, including the right of access for the people of the United States** generally to lands owned, administered or controlled by the United States of America for all lawful and proper purposes subject to reasonable rules and regulations of the BLM." Please note that a map (Exhibit "A") is attached to this document that shows a road on Section 23 that reaches up to MRA's property line.

Overall, in my opinion, MRA has a legal right to use the BLM roads that criss-cross through the City of Jacksonville property as depicted on Exhibit "A" of the recorded document no. 68-04419.

Please let me know if I can be of further service to you.

Sincerely,

Debbie V. Minder
Attorney at Law

10 Crater Lake Avenue, Medford, Oregon 97504 Phone: (541) 772-3288 Fax: (541) 772-3455

Tr
6/19/67
9/13/67
ed
2/7/68

68-04419

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RE-M-649
Jackson Creek Road

ROAD EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that for the sum of $1.00, and other good and valuable consideration, receipt of which is hereby acknowledged,

CITY OF JACKSONVILLE, a Municipal Corporation of the State of Oregon,

does hereby grant to the UNITED STATES OF AMERICA and its assigns, a road easement and right-of-way 60 feet in width including the right to use, maintain, and repair a road now located on the following described real property situated in the County of Jackson, State of Oregon, to-wit:

The North Half of the North Half (N½N½), the Southeast Quarter of the Northeast Quarter (SE¼NE¼) and the East Half of the Southeast Quarter (E½SE¼) of Section 23, the Southwest Quarter of the Northwest Quarter (SW¼NW¼) and the West Half of the Southwest Quarter (W½SW¼) of Section 24, the Northwest Quarter (NW¼) of Section 25, the North Half of the North Half (N½N½), the Southeast Quarter of the Northeast Quarter (SE¼NE¼) and the North Half of the South Half (N½S½) of Section 26 and the Northeast Quarter of the Northeast Quarter (NE¼NE¼) of Section 27, Township 37 South, Range 3 West, Willamette Meridian,

which road is more particularly shown on Exhibit A, which is attached hereto and made a part hereof.

Together with the right to locate, construct, use, maintain and repair extensions to said road over and across the above described land.

The rights and privileges herein granted are for the full use as a roadway by the Grantee, and its licensees, including the right of access for the people of the United States generally to lands owned, administered or controlled by the UNITED STATES OF AMERICA for all lawful and proper purposes subject to reasonable rules and regulations of the Bureau of Land Management.

TO HAVE AND TO HOLD said easement and right-of-way unto the UNITED STATES OF AMERICA and its assigns in perpetuity.

The undersigned, JACKSON COUNTY, OREGON, for a valuable consideration, receipt of which is hereby acknowledged, does hereby join the execution of this instrument for the sole and specific purpose of quitclaiming its right to the said premises under the certain exception in the conveyance as recorded in Volume 270, page 539 of the Deed Records of Jackson County, Oregon.

Dated this 13th day of February, 1968.

CITY OF JACKSONVILLE, a Municipal Corporation of the State of Oregon

BY A. C. Bowman

TITLE Mayor

ATTEST Jean W. Hewlett

TITLE City Recorder

JACKSON COUNTY

BY [signature]
Judge

BY [signature]
Commissioner

BY [signature]
Commissioner

CITY OF JACKSONVILLE OREGON

FEB 1968
RECEIVED
BUREAU OF
LAND MANAGEMENT
MEDFORD, OREGON

JACKSON COUNTY OREGON (SEAL)

Accepted subject to approval of title by the Department of Justice:

[signature]
District Manager
Bureau of Land Management

68-04419

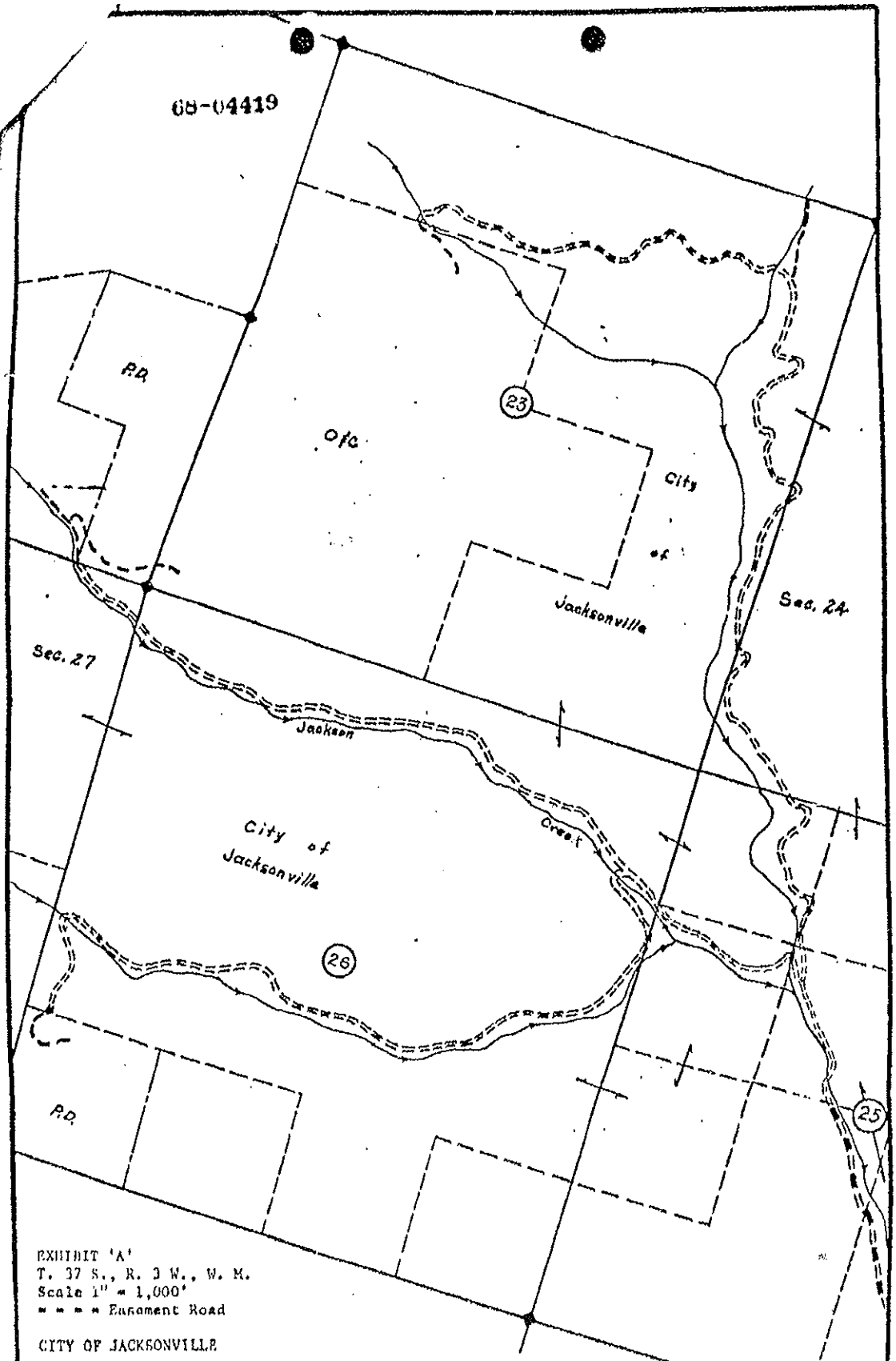


EXHIBIT 'A'
T. 37 S., R. 3 W., W. M.
Scale 1" = 1,000'
= = = = Easement Road

CITY OF JACKSONVILLE

State of Oregon, County of Jackson--SS.
The within instrument received and filed at 4:14 o'clock
P m. the 25th day of April 1968
recorded in Official Records for Jackson County
Oregon Emil Madden County Clerk.
By Bruce Tachten Deputy

MRA Property	acreage size	zoning	use	structures	merchantable timber	appraised value	price per acre	Highest and best use
40 acre rural tract	40	WR Woodland resource	Off-road vehicle use	parking structure and staging area not reflected in appraisal	$13, 650 included in appraisal price	$166,000	$4150/acre	Mixed use including SFR, recreational, timber reproduction, wildlife habitat and open space

Stakeholders' Proposal	acreage size	zoning	use	structures	merchantable timber	estimated value	price per acre	Highest and best use
280 acre rural tract	280	FR Forest reserve	Off-road vehicle use bicycle riding **possible mineral rights	None	$212,410 not included in estimated value	$700,000- to-$980,000	500- to-$3,500 /a	Mixed use including SFR, recreational, timber reproduction, wildlife habitat and open space **endangered species on land

Conceptual Agreement tract appraisal	acreage size	zoning	use	structures	merchantable timber	appraised value	price per acre	Highest and best use
800 acre rural tract	800	FR Forest reserve	Off-road vehicle use bicycle riding **possible mineral rights	water storage old mining shafts but no actual structural improvements	$212,410 not included in appraisal value	$1,200,000	$1500/acre	Mixed use including SFR, recreational, timber reproduction, wildlife habitat and open space **endangered species on land