



Tenmile Creek Conservation Easement Project

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*Project Area: Tenmile Creek watershed, south of Yachats on the Oregon Coast, U.S.A.
(Approximate LAT/LONG: 124° W/44°N)*

Background

Because of the Tenmile Creek basin's significance as a stronghold for recovering salmonid populations, including Chinook, coho, and chum, and its strategic location between two Wilderness Areas, the area has been a focus for acquisition and restoration efforts by the US Forest Service (USFS). The USFS's Watershed Analysis (1996) underscored the critical need for sound management of these private lands because they represent most of the riparian habitat, salmonid refugia, and the toe of the erosion-prone, steep upland forests in the watershed.

The Tenmile Creek Conservation Easement Project was born out of the vision of private landowners in the basin who were interested in seeing their lands protected in perpetuity in ways that would complement the US Forest Service management of surrounding mountains as Late Successional Reserves and Wilderness Areas. Tenmile Creek landowners approached the McKenzie River Trust in the summer of 2004 seeking help to implement that vision.

Project Objectives

Two primary objectives drove the Tenmile Creek Conservation Easement project:

- Permanently protect 70% of the private landholdings remaining at the core of this Tier 1 watershed thereby maintaining a large, intact area critical for recovering salmonid populations as well as several other at-risk terrestrial species.
- Assist private landowners in the development of stewardship plans that will maximize their property's conservation value and ensure ongoing conservation of riparian habitat.

Results

Draft conservation easements for five separate properties owned by five separate landowners were developed in 2005 and 2006. The Trust entered into Purchase and Sale Agreements with these landowners to provide time to raise the funds necessary for easement acquisition. Over the next three years, the Trust worked with the Oregon Department of Fish and Wildlife (ODFW), the Oregon Watershed Enhancement Board (OWEB), the US Forest Service (USFS), the US Fish and Wildlife Service (USFWS), the

Pacific Salmon Commission (PSC), the National Forest Foundation (NFF), and numerous private donors to finalize the easement terms and to secure the needed funds. In June and in December of 2007, we closed on conservation easements for five separate private properties encompassing approximately 438 acres of riparian forests, meadows, and adjacent forested slopes of the Tenmile Creek Basin.

Discussion

Because the project was conceived and developed at a landscape level across several ownerships, we tried to steer all funding and project steps toward concurrent closings across all five parcels. In retrospect, although in the planning stages this made good sense from both a funding and a workload perspective, as differing expectations among individual funders and individual landowners became clear, the timeline for the project was complicated and delayed. Some examples of these challenges include the following:

- We experienced unexpected delays as federal review appraisers called into question and then later accepted assumptions and conclusions of timber cruises and appraisals on a parcel by parcel basis.
- We experienced delays as control over property decisions changed with changes in the make-up of a family foundation that owns one of the properties.
- We experienced delays related to extended negotiations over clarifications and changes to easement terms requested by agency funders.

In addition, the earth threw us a curveball in January, 2006, when a period of heavy rain led to a sizable slope failure just below a residential dwelling on one of the properties. Geomorphic assessments of the site and subsequent changes to the terms of the conservation easement for that property occupied much of a 6-month period.

Unexpected factors and delays in land transactions are not surprising or unique to this project. However, our attempt to coordinate the timing for closing of all five parcels made the impacts of any one issue on any of the parcels affect the timing for securing the easements on *all* of the parcels. We still believe there are compelling reasons to work concurrently with multiple landowners on landscape-scale projects, both from a conservation values perspective as well as an operational cost savings perspective. However, in future situations we will consider alternatives that allow us to move forward with staged closings as terms for each parcel come together. This can be relatively easy or difficult given different funding sources and their expectations and restrictions on funds disbursement.

Ultimately we achieved our original objective. By protecting 438 acres of riparian forests, meadows, and adjacent forested slopes of Tenmile Creek we have contributed to the long term conservation of this critical salmonid bearing stream. These conservation easements ensure that the diverse terrestrial and aquatic habitats provided by these lands will be protected *in perpetuity*. It is possible that this level of protection and the stewardship provided by committed private landowners is more rigorous in the long term than the management of surrounding National Forest lands, which can be subject to political changes and agency budget constraints. Having private lands stewards in the basin should in fact strengthen public support for responsible management of adjacent federal lands.

Of course, as private property ownership changes over time, and as climatic and other changes affect terrestrial and aquatic habitats, stewardship of these properties must always continue with an eye toward conservation values. Our role as holder of the conservation easements is to ensure that the land uses that occur are always in compliance with both the terms and purposes of the easements. We relied heavily on private consultants to document the existing conditions of the property in Baseline Documentation Reports, or visual and narrative snapshots of those current conditions. By comparing observations made in successive years with these baseline conditions, we will be able to recognize any immediate, short-term changes such as easement violations, but also monitor the trajectory of forest and aquatic conditions over time.

Going into the project we recognized that Japanese Knotweed (*Polygonum cuspidatum*) was becoming more prevalent in the basin. Knotweed can form dense stands that destabilize banks, decrease stream shading, and reduce vegetation diversity. Because it tolerates a wide range of soil conditions and disperses readily in high water events, management of knotweed requires collaborative approaches to at least contain its spread, if not eliminate it.

It became apparent with the 2006 weed assessment conducted as a part of this project that not only does Knotweed have a significant foothold in the basin, but that landowner willingness to participate in its control varies greatly. Knotweed poses a particular challenge because the most effective means of eradication currently recognized includes the use of herbicides, an approach welcomed by some and categorically excluded by other landowners. This is further complicated by limits to the use of herbicides on federal lands, and the relatively limited funding available for weed management on the Forest. Because the Tenmile Creek riparian zone courses through both federal and private land, effective control of Knotweed and other invasive species will only be accomplished if strategies are implemented across this entire matrix of ownerships. This is among the most challenging next step for the Trust and our partners in this effort- developing a forum for landowners to rally around a basin-wide weed management effort that can appeal to the diverse opinions on the use of herbicides and other approaches to weed management.

The Tenmile Creek project is already providing spin-off opportunities for similar projects in the region for the Trust and our partners. A private landowner who did not participate in this round of conservation easements has expressed interest in learning about conservation easement options. Other private owners of lands adjacent to National Forests within the Cape Perpetua area have approached the Trust with interest in selling their property. Education programs carried out by the National Audubon Society, the Portland Audubon Society, and other stakeholders in the area are getting the word out to the larger community on the role that private lands conservation can play in landscape scale conservation. We are hopeful that this project becomes an anchor point for a much larger program of private lands conservation in the Coast Range. We appreciate the Pacific Salmon Commission's support for the project and look forward to reporting on new opportunities and successes in the coming years.