

Arch Cape Forest & Rainforest Reserve Public Access Management Plan

Planning Framework

Draft 2/1/23

Planning Framework

This Public Access Plan builds from requirements and guidance for the Arch Cape Forest and Rainforest Reserve established through property titles and easements, funding requirements, and management planning documents developed by each landowner.

Grant and Funding Requirements

Acquisition of the Arch Cape Forest and Rainforest Reserve were both facilitated through public grant program funds. The purposes of these programs and associated requirements of grantees provide both guidance and requirements related to funded projects. The following is a summary of these grants and any related requirements.

Rainforest Reserve:

USDA Community Forest Program:

Program Description: The Community Forest Program (CFP) is a competitive grant program that provides financial assistance to tribal entities, local governments, and qualified conservation non-profit organizations to acquire and establish community forests that provide community benefits. Community benefits include economic benefits through active forest management, clean water, wildlife habitat, educational opportunities, and public access for recreation.

Requirements Related to Public Access: The Final Rule for this program defines community benefits as including, “Recreational benefits such as hiking, hunting, and fishing secured with public access.”

The program requires that a Community Forest Plan be developed for properties that received grants through this program. The Final Rule defines a Community Forest Plan as, “A tract-specific plan developed with community involvement that guides the management and use of a community forest and includes the following components...Community benefits to be achieved from the establishment of the community forest... A description of ongoing activities that promote community involvement in the development and implementation of the Community Forest Plan... A description of public access and the rationale for any limitations on public access, such as protection of cultural (including tangible and intangible resources) or natural resources or public health and safety concerns.”

The Final Rules also states under Section 230.9 outlining “Ownership and Use Requirements” that “(c) Grant recipients shall provide public access in accordance with the Community Forest Plan.”

Oregon Watershed Enhancement Board (OWEB) Land Acquisition Grant Program:

Program Description: The Oregon Constitution specifies that OWEB may fund projects involving the purchase of interests in land from willing sellers for the purpose of maintaining or restoring watersheds and habitat for native fish or wildlife.

Requirements Related to Public Access: The program does not specify requirements related to public access and recreation though guidance is provided regarding community use and engagement. In outlining guidance for the required management plan for properties funded through this program, the following guidance is provided regarding community involvement:

“Conserved properties present a range of opportunities for community involvement. Appropriate community use of a property depends on, among other things, ownership circumstances, how sensitive the property’s conservation values are to disturbance, site constraints such as safety concerns and limitations on physical access, and the capacity of the property owner to oversee public uses. Community use of any property needs to be carefully assessed and planned to ensure that the use is structured, monitored, and managed in a manner that protects the property’s conservation values. Describe your plans for community involvement with the property, if any. Include specific community activities that will be undertaken, any infrastructure development that will be necessary to support the community activities (e.g., trails), the level of oversight of the community activities, and a description of how and when the activities will be monitored and adaptively managed to avoid impacts to the property’s conservation values. OWEB does not require public use of a property as a condition of a land acquisition grant award. However, the OWEB Board encourages grantees to assess opportunities for low-impact hunting on property interests proposed for purchase with OWEB land acquisition grant funds”

Application Description: The application for the OWEB grant for the Rainforest Reserve included the following:

“North Coast Land Conservancy plans to invite the community to help determine the types of public access allowed. However, we envision allowing non-motorized access, including hiking, biking and non-predator hunting. We would like to increase public access from the previous owner that allowed hiking and hunting only during the weekends by allowing these activities during the week as well. The property provides world-class hiking experiences with ocean vistas and rocky peaks and is already a popular hiking destination among the local community. The property has been used for hunting for generations and NCLC would like to honor this historic use. The property boasts multiple herds of elk and deer. The Oregon Fish and Wildlife Department and local hunters estimate nearly 100 hunters access the property per year for deer and elk hunting.

To better understand the types of public access desired by the community and how they can be achieved without harming the conservation values, North Coast Land Conservancy has hosted public open houses. These discussions have helped shape the potential types of access NCLC may allow: non-motorized access for hiking, biking and non-predator hunting. The property is located behind locked gates and accessed via several miles of steep logging roads. The most sensitive habitats are at higher elevations that are difficult to access via hiking or biking, limiting access. NCLC will implement no-access areas to further protect sensitive habitats. To ensure public use is

consistent with management goals, NCLC will post boundary signs, place kiosks with public access information at access points, monitor the property with staff and volunteers and explore enrolling the property in ODFW's Access and Habitat Program. These actions will ensure that public uses are being continually monitored and are consistent with our management plan."

Community Forest:

North Coast Land Conservancy plans to invite the community to help determine the type of public access allowed. However, we envision allowing hiking, biking and non-predator hunting. We would like to increase public access from the previous owner that allowed hiking and hunting only during the weekends by allowing these activities during the week as well. The property provides world class hiking experiences with ocean vistas and rocky peaks and is already a popular hike among the local community. The property has been used for hunting for generations and NCLC would like to honor this historic use. The property boasts several herds of elk and deer. The Oregon Fish and Wildlife Department and local hunters estimate nearly 100 hunters access the property a year for deer and elk hunting."

Arch Cape Forest

USDA Forest Legacy Program:

Program Description: The Forest Legacy Program (FLP) was established in 1990 through an amendment to the Cooperative Forestry Assistance Act (CFAA) of 1978 (16 USC 2101 et seq.). The purpose of the FLP is described as below (USDA Forest Service 2017):

"The purpose of the FLP is to identify and protect environmentally important forest areas that are threatened by conversion to nonforest uses and to promote forestland protection and other conservation opportunities. Desired outcomes include the protection of important scenic, cultural, fish, wildlife, and recreational resources, riparian areas, and other ecological values. Traditional forest uses, including timber management, as well as hunting, fishing, hiking, and similar recreational uses are consistent with purposes of the FLP. The FLP acquires and accepts donations of perpetual conservation easements that permanently limit property interests and uses to protect forest values. The FLP also purchases and accepts as donations forestland in full fee. The FLP only works with willing sellers or donors."

In the FLP guidelines, several compatible uses are outlined including several related to public access and recreation:

"Compatible Uses

Continuation of traditional and other forest-based uses are integral to the purpose of the FLP. Compatible uses may include, but are not limited to: hiking; fishing; hunting; harvest of timber, syrup, mushrooms, and other forest products; camping; and bird-watching. Many activities and improvements support, enable, or enhance these forest uses while minimally impacting other forest values and benefits and thus may be compatible with the purposes of a specific FLP project."

Requirements Related to Public Access:

The FLP guidelines outline that:

“Landowners who enter into the FLP have a duty to manage the tracts for the purposes of the FLP. The FLP authorizing legislation (section (d)(i) Duties of Owners) states: “Under the terms of a conservation easement or other property interest acquired (for the FLP), the landowner shall be required to manage property in a manner that is consistent with the purposes for which the land was entered in the Forest Legacy Program.” The requirement to manage the property for the purposes that it was entered into the FLP is met managing the property according to the terms of a Multi-Resource Management Plan. For FLP tracts acquired in fee, this requirement can be met by the creation of a Multi-Resource Management Plan or by amending an existing plan that incorporates the additional tracts into the larger plan.”

The Multi-Resource Management Plan must meet the plan criteria, plan elements, and additional information content requirements of the current USDA Forest Service, Forest Stewardship Program’s National Standards and Guidelines, and the Forest Stewardship Program plan requirements of the State in which the project is located.

The Forest Service Forest Stewardship Program’s *National Standards and Guidelines—Revised October 2015* describes plan elements for inclusion in Multi-Resource Management Plans as follows:

“The plan preparer will consider, describe, and evaluate resource elements present and their importance to the ownership. The extent to which a management plans addresses these elements will depend upon their prevalence on the property and their importance with respect to the landowner’s primary objectives. The intent of this guidance is that all approved Forest Stewardship plans be multi-resource in scope and adequately comprehensive with respect to forest ecosystem management.

The plan preparer will consider, describe, and evaluate plan elements and their importance to the ownership when they are present. Plan elements to be considered include...recreation...”

The Guidelines specifically define public access as follows:

“**Public access** – Access that is provided on a nondiscriminatory basis at reasonable times and places, but may be limited to protect cultural and natural resources or public health and safety. Public access refers to how open the property is to the general public, either in full or in specific areas, and is specified in conservation easement language. Public access is expected in deed acquisition.”

State Forester review and approval is another requirement for multi-resource management plans:

“Multi-resource management plans must meet the following requirements:

- Comply with the stipulations in the conservation easement or deed and not conflict with the purposes of the FLP;
- Address all of the plan criteria, plan elements, and additional information items necessary to comply with a Forest Service Forest Stewardship Program Forest Stewardship Plan described in Appendix O – Sample Content of a Multi-Resource Management Plan;
- Meet or exceed the State FLP guidelines; and
- Comply with Federal, State, and local laws, regulations, and permit requirements.”

The FLP Guidelines outline that:

“Governmental entities that hold title to land or conservation easements purchased through FLP have the long-term responsibility for managing their land in a manner consistent with the purposes of FLP and in accordance with the terms specified in the conservation easement and Multi-Resource Management Plan.” (USDA Forest Service 2017)

As part of the FLP, the property deed includes specific “Forest Legacy Program Covenants and Restrictions” related to the purpose of the grant program and the grant application.

“The purpose of Grantee's acquisition of the Property is to effect the USDA Forest Service Forest Legacy Program (the "FLP") on the Property in accordance with the provisions of the Cooperative Forestry Assistance Act of 1978, P.L. 95-313 as amended (codified at 16 U.S.C. § 2101 et seq), which purposes include protecting environmentally important forest areas that are threatened by conversion to nonforest uses and for promoting forest land protection and other conservation opportunities. The purposes also include the protection and preservation of important scenic, cultural, fish, wildlife and recreational resources, riparian areas, and other ecological values, and to ensure that the Property is available for the sustainable and cost effective harvesting of forest products in a silviculturally sound manner, all of which meet the objectives of the FLP. The various purposes described in this paragraph are collectively referred to in this deed as the "Purposes"

Management Objectives:

The Property shall be managed in a manner consistent with the FLP and according to a State Forester approved Multi-Resource Management Plan, as may be amended from time to time with State Forester approval (the "Management Plan") to ensure long-term sustainability and protection of the forest land and forest resources located upon the Property. Management activities must take into account the long-term viability and health of the ecosystem on the Property. There may be no activities or uses of the Property which are not compatible with the long-term forest health and sustainability. This limitation includes limitations on activities of short duration that may have long-term impacts such as soil compaction or disturbance of fragile systems...

Application Description: The following four items were bulleted in US Forest Legacy Project Grants issued to Arch Cape Water District:

“Public Access: The Property is .5 miles from Oswald West State Park, which in 2018 attracted 1.2 million day-use visits. The District plans to maintain access in a way that might reduce crowding of the landscape...

...Economic Benefits, Non-Timber – Non-timber product uses on the Property include an active hunting season for Roosevelt elk and black tailed deer. Black bear are present, but predator hunting is not allowed. Other uses include mushroom gathering for chanterelles and local firewood collection...

...Economic Benefits, Recreation – Outdoor recreation and tourism are the fastest-growing segment of Clatsop County’s economy. In 2016, destination travellers spent \$67 million in Clatsop County for arts, entertainment and recreation, creating an estimated 850 jobs...

...Economic data show the increasing importance of retirees, tourists, and service industries relative to natural resource sectors in coastal Oregon (Swedeen et al., 2008). Arch Cape experiences a seasonal population increase from its 200 year-round residents to more than 1,000 in the summer.

A 2018 survey by the University of Oregon and Travel Oregon found that half of visitors to the North Coast were from outside the state. The report recommends developing new recreation areas and dispersing visitor impacts. The Property will fulfill the need for publicly accessible recreation areas.”

Arch Cape Forest and Rainforest Reserve Management Vision and Goals

Arch Cape Forest Multi-Resource Management Plan Goals

Vision Statement: Our vision is to provide clean, safe, and affordable drinking water to Arch Cape residents and visitors, through the creation of a working community-owned forest to sustain the rich character and beauty of Oregon’s coastal rainforest for generations.

Goals

The Forest Management Advisory Committee for the Arch Cape Forest and consulting team began the process of drafting a multi-resource management plan by workshopping a set of goals. These goals were generated directly from the Vision Statement. These goals underly a set of four objectives. In turn, the four objectives support policies. Many of the policies cut across multiple goals and objectives. Each policy is described in the following sections and then associated with goals, in ranked order.

Goal 1: Provide reliable quantities of high-quality drinking water

Goal 2: Retain affordable water

Goal 3: Engage the community in the forest

Goal 4: Retain and restore natural forest structure and aesthetics

Goal 5: Provide intact terrestrial and aquatic wildlife habitat

Objectives

Four objectives support the Arch Cape Forest goals and vision statement. Each of these objectives cut across goals. In ranked order, they are:

The Arch Cape Forest will:

1. Protect and enhance the watershed, watershed resilience, and source water quality and quantity.
2. Protects the affordability of drinking water, which may include active timber harvest.
3. Connect with the local community.
4. Retain and restore natural forest structure and species diversity.

Policies

To achieve the Arch Cape Forest vision, goals and objectives, the Advisory Committee considered a set of eight broad policies related to future forest management decisions. These policies create a framework for determining operational plans and financial feasibility. These policies also meet or exceed the requirements of the Oregon Forest Practices Act and Forest Stewardship Council Pacific Standard.

The policies include specific requirements and tolerances related to:

- Stream Buffers
- Harvest Levels
- Opening Size
- Tree Retention
- Road Maintenance
- Chemical Use
- Invasive Species
- High Conservation Value Forest / Steep Slopes

Rainforest Reserve Vision & Goals:

Vision: North Coast Land Conservancy’s primary goals in acquiring this property are the protection and restoration of the conservation values of the Rainforest Reserve—coastal temperate rainforest, healthy streams, and rare high elevation rock garden habitat—into perpetuity, and to connect Cape Falcon Marine Reserve, Oswald West State Park and other protected areas in the Coastal Edge to create a land to sea conservation corridor.

Goal 1: Protect the conservation values into perpetuity

Goal 2: Steward the forest towards late seral/ old growth condition

Goal 3: Manage the drinking watersheds for water quality and quantity

Goal 4: Steward the land to be resilient in the face of a changing climate

Goal 5: Mitigate unnatural disturbances (roads, stream crossings, invasive species)

Goal 6: Promote community benefits (indigenous access, clean drinking water, recreation)