
**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?