State Land Board

Regular Meeting
October 22, 2019
Agenda Item 2

SUBJECT

Request for approval to initiate due diligence for the partition and exchange of 57.30 acres managed by the South Slough National Estuarine Research Reserve with lands owned by Coos County Forest Department and a possible conservation easement on county forest lands along Winchester Creek in the South Slough Watershed.

ISSUE

Whether the Land Board should authorize the initial due diligence to support the exchange of the properties.

AUTHORITY

Oregon Constitution, Article VIII, Sections 2 and 5; relating to the Common School Fund and land management responsibilities of the State Land Board.

ORS 270.010; relating to the sale of state surplus property.

ORS 273.055; relating to the power to acquire and dispose of real property.

ORS 273.171; relating to the duties and authority of the Director.

ORS 273.316 and 273.321; relating to the exchange of state lands.

ORS 273.553; relating to the South Slough National Estuarine Research Reserve agreement between Oregon and federal government rules.
ORS 273.554; relating to the powers, membership and procedures of the South Slough National Estuarine Research Reserve Management Commission.

OAR 141-067; relating to the sale, exchange and purchase of state land.

**SUMMARY**

The South Slough National Estuarine Research Reserve (SSNERR) is working to find a solution to enhance riparian protection along a section of Winchester Creek that serves as the only suitable spawning habitat for coho salmon in the South Slough Watershed. The spawning reach is approximately three-quarters (3/4) of a mile (0.75) long and is located within the Coos County Forest, approximately 2 miles south of the South Slough Reserve.

The spawning reach is bordered on both sides by timber lands that are managed by the Coos County Forest Department in compliance with the Oregon Forest Practices Act. However, the soft sediment and steep slope of the stream banks, and high potential for windfall of trees, suggest wider forested buffers are needed to protect the instream spawning habitat in this area.

The Oregon Department of Fish and Wildlife has been monitoring the health of this coho run for nearly 20 years. Their data show significant population declines in recent years and they have observed noticeable deterioration of instream habitat.

The issue was presented to the SSNERR's Management Commission in March of 2018, and the Commission tasked the SSNERR to work with Coos County to increase forested buffer widths along the spawning reach. This action by the Commission falls within the Reserve’s management policy (ORS 273.553) that includes protecting the South Slough from uses within and beyond its boundaries that may affect the ecosystem and its natural processes. Several options were explored, and the most viable and timely solution is a land exchange with the Coos County Forest Department.

The Coos County Forest Department is interested in acquiring four parcels of forest land totaling 57.30 acres shown in Appendix B that are currently managed by the SSNERR through the Department of State Lands (DSL). These parcels are classified as *Special Stewardship* lands by the DSL, which means they are managed to ensure the protection of scenic, natural resource, cultural, educational, and recreational values.

In exchange, the SSNERR is proposing to acquire:

1) 33 acres of county-owned pasture adjacent to the south end of the reserve
2) 14.62 acres of county-owned forest adjacent to the west boundary of reserve land; and
3) A conservation easement across approximately 71 acres of forested and wetland riparian area along the coho spawning reach of Winchester Creek. The exact acreage will be determined through the requested due diligence and appraisals. It is the County’s preference to maintain ownership of these 71 acres, but the due diligence will include an evaluation of the viability of a conservation easement versus the SSNERR acquiring ownership of these lands.

This land exchange would result in added conservation value by protecting critical habitat for coho salmon, which is a threatened species listed under the Endangered Species Act and would contribute to strategies described in the Oregon Coast Coho Salmon Recovery Plan.

DSL Director Vicki Walker received letters of support for this land exchange from the Coquille Indian Tribe (January 10, 2019) and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (July 18, 2019).

RECOMMENDATION

The Department recommends that the Land Board authorize the South Slough National Estuarine Research Reserve through the Department of State Lands’ Real Property staff to complete due diligence reports in support of this land exchange.

APPENDICES

Appendix A – Map of SSNERR Lands for Exchange
Appendix B – Map of Coos County Forest Lands for Exchange
Appendix C – Legal Descriptions of Properties
Appendix A: 61892-LE
Coos County Forest Department - SSNERR
Land Exchange
T26S, R14W, Sec 22 & 26
Coos County

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet

State of Oregon
Department of State Lands
1645 NE Forbes Rd. Suite 112
Bend, OR 97701
541-388-6112
www.oregon.gov/DSL
Date: 9/16/2019

Coos County Forest Department - SSNERR
Land Exchange
T26S, R14W, Sec 22 & 26
Coos County

DSL/SSNERR Properties for Exchange
SSNERR Managed Lands
Roads

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Appendix A: 61892-LE
Coos County Forest Department - SSNERR
Land Exchange
T26S, R14W, Sec 22 & 26
Coos County

DSL/SSNERR Properties for Exchange
SSNERR Managed Lands
Roads

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Appendix B: 61892-LE

County Forest Department Lands For Exchange
T26S, R14W, Sections 2, 11,14, and 26
Coos County

SSNERR Managed Lands
Yellow County Properties for Exchange
--- Roads

Map Projection:
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LEGAL DESCRIPTION OF PROPERTIES

SSNERR Lands for Exchange:

Township 26 South, Range 14 West, Section 22, Tax Lots 1800 and 2000.
Township 26 South, Range 14 West, Section 26, Tax Lots 300, 1200, and 1300.

The Coos County Forest Department Lands for Exchange:

 Portions of:
 Township 26 South, Range 14 West, Section 22, Tax Lot 1700
 Township 27 South, Range 14 West, Section 2, Tax Lot 200, 203, and 204
 Township 27 South, Range 14 West, Section 11, Tax Lot 100
 Township 27 South, Range 14 West, Section 14, Tax Lot 100
Appendix B: 61892-LE Revised Map
Coos County Forestry Department Lands For Exchange
T26S, R14W, Sec. 22
T27S, R14W, Sec.’s 2, 11, & 14
Coos County

SSNERR Managed Lands
County Properties for Exchange
Roads

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