

RESOLUTION NO. 2024-50

A RESOLUTION APPROVING AN UPDATED MEMORANDUM OF UNDERSTANDING AMONG THE PARTICIPANTS OF THE JETTY CREEK WORKING GROUP

WHEREAS, the City of Rockaway Beach, Nuveen Natural Capital, Sustainable Northwest, North Coast Land Conservancy, and local community representatives, collectively known as the Jetty Creek Working Group executed a Memorandum of Understanding (MOU) in January 2024 to define their respective roles and responsibilities in order to achieve mutually beneficial outcomes and resources in the lower Jetty Creek watershed; and

WHEREAS, the Jetty Creek Working Group intends to create a collaborative solution for long-term stewardship of the watershed; and

WHEREAS, the City's primary drinking water source is the Jetty Creek watershed and collaborative, sustainable stewardship of the watershed is in the best interest of the City; and


WHEREAS, the current Jetty Creek Working Group MOU expires December 31, 2024 and provides that it can be modified or extended upon mutual agreement by the parties; and

WHEREAS, the Jetty Creek Working Group wishes to extend the MOU.


NOW, THEREFORE, BE IT RESOLVED, that the City of Rockaway Beach City Council hereby approves the Updated Memorandum of Understanding among the participants of the Jetty Creek Working Group, attached as Exhibit A.

APPROVED AND ADOPTED BY THE CITY COUNCIL, AND EFFECTIVE THE 11TH DAY OF DECEMBER 2024.

APPROVED


Charles McNeilly, Mayor

ATTEST


Melissa Thompson, City Recorder

MEMORANDUM OF UNDERSTANDING

**Among Participants of the Jetty Creek Working Group:
Nuveen Natural Capital, Sustainable Northwest,
North Coast Land Conservancy and
The City of Rockaway Beach**

I. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to further define the respective roles and responsibilities of Nuveen Natural Capital, Sustainable Northwest, North Coast Land Conservancy, and local community representatives, collectively known as the Jetty Creek Working Group (the “Parties”) in order to achieve mutually beneficial outcomes for the Parties and resources in the lower Jetty Creek watershed (in Tillamook County, Oregon) as described in the Jetty Creek Working Group Letter of Intent (LOI; attached as Exhibit 1, dated July 25, 2019). Moreover, through the Working Group and this MOU, the Parties intend to create a collaborative solution for long-term stewardship of the watershed, thereby continuing to transform characterization of the watershed from being a “problem” to becoming a “collaborative, sustainable solution.”

This MOU is neither a fiscal nor a funds obligation document. No binding rights or obligations are created or implied by this MOU and it is expressly understood that the Parties are not bound to enter into or undertake any definitive obligations. Any endeavor involving reimbursement, contribution of resources, or transfer of anything of value between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures, and such endeavors will be outlined in separate agreements that will be made in writing by representatives of the Parties and independently authorized.

II. TERM

This Memorandum will be effective upon execution and remain in effect until December 31, 2026, which shall be the termination date. At the time of or any time prior to the termination, this Memorandum can be modified or extended upon mutual agreement by the parties.

III. OBJECTIVES

The Parties shall work together to achieve the following objectives:

1. Develop a habitat conservation and restoration plan for the lower portion of the Jetty Creek Watershed managed by Lewis and Clark Timberlands, LLC the “property.”
2. Delineate areas of the property for conservation and restoration activities and work towards design and execution of strategies (e.g., a working forest conservation easement) that integrate beneficial, practical, and verifiable restoration and conservation actions.
3. Tier and prioritize restoration and conservation actions to meet the programmatic parameters of the Oregon Watershed Enhancement Board (OWEB) and other potential funding entities.
4. Support the City of Rockaway Beach’s pursuit of Fee-Title acquisition within the Lower Jetty Creek Watershed.

IV. STATEMENTS OF SHARED UNDERSTANDING

It is mutually agreed to and understood by the Parties that it is the best interest of the Parties and the watershed to:

1. Continue to assess baseline conditions and the future quality and function of the Jetty Creek Watershed as a safe and sustainable drinking water source for the community of Rockaway Beach.
2. Communicate respectfully, without denigration, both internally and externally.
3. Share information, data and ideas to facilitate cooperative work towards the objectives detailed in section III of this MOU.
4. Strive to be as efficient as possible and respectful of the time the Parties invest individually and together in working towards the objectives described in section III of this MOU.
5. Build trust among the Parties, community members, local government, land managers and other stakeholders.

V. ROLES AND RESPONSIBILITIES

The Parties collectively will:

1. Work cooperatively and collaboratively to fulfill the individual roles and responsibilities outlined below by the estimated time frames provided in parentheses. Communicate as early and clearly as possible when timeframes require adjustment.
2. Hold annual site tours, open to parties within the MOU to discuss current and future conditions and any ongoing forest stewardship or restoration efforts taking place within the lower watershed.
3. Assess the feasibility of various management options, which may include, but may not be limited to, modified management, conservation easement strategies, erosion management, timber management, and community/stakeholder acquisition of all or portions of the watershed.
4. Explore fee-title acquisition by the City of Rockaway Beach or conservation easement configurations that are financially feasible, practical, and manageable (from a monitoring and compliance perspective) and that are most likely to effectively balance resource management and protection objectives.
5. Identify potential sources of funding to support creative, aspirational and pragmatic solutions that meet the needs of the Parties.
6. Focus potential proposals and strategies on the lower watershed that is owned and managed by Nuveen Natural Capital.
7. Continue to work with the City of Rockaway Beach to understand their interests and needs related to drinking watershed management and challenges, as identified in the Source Water Protection plan, developed in partnership with members of this working group.
8. Work to engage all landowners within the Jetty Creek Watershed to find management solutions consistent with the goals of the City of Rockaway Beach.

Nuveen Natural Capital will:

1. Work with Sustainable Northwest and the North Coast Land Conservancy to compile available mapping and data into a central location/database/folder in support of ongoing assessment of current conditions, potential easements, and funding applications. If Parties identify additional data needs useful to compiling/supporting watershed analysis, those needs and scope will be discussed with the Working Group to determine necessity, timing, costs, etc. (ongoing)

2. Work with North Coast Land Conservancy and Sustainable Northwest to outline the desired framework for a draft working forest conservation easement and/or other easement(s) which will include, but may not be limited to, forest stand delineation and identification; buffer types, widths and configurations; and “optimal” age class distribution. (Ongoing)
3. Provide easement constraint value calculation (easement cost) and all data needed for third-party verification (Ongoing).
4. Retain the authority to pursue habitat enhancement and restoration efforts such as culvert replacement, Large woody debris (LWD) placement, snag creation and young stand density management, prior to the granting of the working conservation easement holder and subsequently subject to consultation with the easement holder.
5. Retain the right to perform routine road maintenance, excluding the application of herbicides.
6. Work with potential easement holder to confirm communication procedures and an approval-to-proceed mechanism for management activities within the easement.
7. Assume responsibility for controlling other user and recreational access via additional signs, gates, etc. as necessary and appropriate.
8. Retain the authority to perform basic timberland management activities that are not expressly constrained by the easement, including wildland fire response.
9. Assume the lead role in communicating with the City of Rockaway and property owners adjacent to the lower watershed about the Working Group activities.
10. Provide available materials to support the City of Rockaway Beach’s pursuit of funding for a fee-title acquisition of the lower Jetty Creek Watershed.

Sustainable Northwest will:

1. Work with Nuveen Natural Capital and North Coast Land Conservancy to maintain available mapping and data into a central location/database/folder in support of ongoing assessment of current conditions, potential easements, and funding applications. (Spring 2023)
2. Work with Nuveen Natural Capital and North Coast Land Conservancy to outline the desired framework for a draft working forest conservation easement and/or other easement(s) as described above. (Ongoing)
3. Seek letters of support for further grant funding. (Prior to all funding submission).
4. Identify potential funding opportunities which align with the solutions proposed within the working group.
5. Coordinate collaborative education and outreach efforts.
6. Support the City in their pursuit of funding for Fee-Title Acquisition.

North Coast Land Conservancy will:

1. Work with Nuveen Natural Capital and Sustainable Northwest to maintain available mapping and data into a central location/database/folder in support of ongoing assessment of current conditions, potential easements, and funding applications. (Ongoing)
2. Work with Nuveen Natural Capital and Sustainable Northwest to outline the desired framework for a draft working forest conservation easement and/or other easement(s) as described under Nuveen Natural Capital above. (Ongoing)
3. Consider holding fee-title ownership to the property or a working forest conservation easement and/or other easement(s), if the City is unable to secure fee-title ownership.
4. Assume the lead role in establishing a stable fund to cover monitoring costs.

The City of Rockaway Beach will:

1. Review and provide input into the mapping and data compiled as part of the watershed analysis described in this MOU.
2. Work with Nuveen Natural Capital, Sustainable Northwest, and North Coast Land Conservancy to outline, review, and finalize the desired framework for a draft working forest conservation easement and/or other easement(s) as described under Nuveen Natural Capital above. (Ongoing)
3. Support the research, writing, review, and submission of funding applications (and other various written documentation) associated with efforts of the Working Group and under this MOU.
4. Consider holding fee-title ownership to the property or a working forest conservation easement and/or other easement(s).
5. Assume the lead role in community and stakeholder engagement.

Items completed to date by the working group:

1. For the purposes of prioritizing restoration and conservation actions, the group completed a watershed analysis in partnership with current landowners. Among the attributes mapped were, for example, land cover, stream classification, soil classification, slope and soil erodibility, wetlands, fisheries, roads and infrastructure. Emphasis was mapping and data compilation sufficient for discussion and planning purposes, not necessarily a detailed narrative report required for purposes of funding applications, easement agreements/instruments, and other needs.
2. The group has completed a draft outlining potential conservation options for the property and mapping detailing potential conservation easement harvest, stream setbacks and conservation zones.
3. Nuveen Natural Capital has completed several restoration projects in the lower reaches of Jetty Creek.
4. The group has completed multiple site visits, identifying the proposed areas of Fee-Title Acquisition or Easement.

VI. MODIFICATION

This MOU may be modified or amended only by written agreement signed by each of the Parties to this MOU. New parties may be added to the MOU by modifying this MOU as described.

VII. TERMINATION

Any of the Parties may terminate their participation in this MOU following a 30-day advance written notice to the other Parties.

IN WITNESS WHEREOF, the undersigned have fully executed this Memorandum as of the ____ day of December 2024.

Nuveen Natural Capital
a _____

Kevin Brown
Pacific Northwest Area Manager

Sustainable Northwest

a _____

Daniel Wear
Forest Program Manager

Dylan Kruse
President

North Coast Land Conservancy

a _____

Jon Wickersham
Associate Director



City of Rockaway Beach
an Oregon Municipal Corporation

Luke Shepard
City Manager

Jetty Creek Working Group
LOI

Shared values and intention to collaborate

This document is intended to honor the voluntary contributions of time and effort shared by the property owner and all participants, and to recognize the helpful analysis and assessments performed by the Working Group. The supporting materials represent a compilation of working group meetings from 2017 through 2019.

Austin Himes, GreenWood Resources

Brian Kittler & Ben Dair, Sustainable Northwest

Jacob Brint, GreenWood Resources

Jon Wickersham, North Coast Land Conservancy

Mark Morgans, GreenWood Resources

Steve Perry, Rockaway

Sharon Smith, Rockaway

July 25, 2019

1. Values and Objectives

Objectives and expectations of working together include:

- Build a shared understanding of the current condition and future viability of Jetty Creek as a safe and sustainable drinking water source for the community of Rockaway Beach. Conduct a watershed analysis in partnership with current landowners, local government, and others.
- Work with the City of Rockaway Beach to understand their interests and needs related to drinking watershed management and related issues.
- Assess feasibility of different management options (e.g., modified management, conservation easement, community acquisition). Identify potential sources of funding. Find creative solutions that meet the needs of all parties. Be aspirational and yet pragmatic.
- Focus potential proposals and strategies on the 600 acres in the lower watershed that GreenWood Resources recently acquired and manages.
- Share information. Communicate respectfully internally and externally. Don't degrade one another. Be efficient and respect the time we have together.
- Build trust among community members, local government, land managers, and other partners.

2. Background

The Jetty Creek Working Group was convened in November 2017 to discuss the Jetty Creek drinking watershed and work together to discuss and evaluate resource management options and opportunities. The Rockaway Beach Water District serves a population of 2,600 people and the Jetty Creek intake is fed entirely by surface water flowing from forestland upstream. Over the years, the property has been managed as a tree farm by a succession of owners specializing in commercial forestry.

Residents were concerned about the viability of the watershed in ensuring an adequate and sustainable quantity and quality of drinking water, protecting air quality, and preserving and/or restoring habitat for fish and wildlife. In 2011 to 2013, residents observed a significant increase in logging in the watershed and were also receiving notices of water quality exceedances from the Water District. Aerial spraying for treatment of vegetation in the watershed was also a key concern from some in the community.

The lower watershed (about 600 acres) is currently owned and managed by Lewis & Clark Timberlands, a holding of GreenWood Resources Inc. That new ownership provided a unique opportunity to consult with the community and other stakeholders to explore long-term stewardship of the watershed and water supply. GreenWood Resources began managing the lower Jetty Creek Watershed in January 2017 and volunteered a two-year moratorium on harvest and spray activities to facilitate engagement with community stakeholders.

Soon after acquiring the property in January of 2017, the GreenWood manager met with a few concerned members of the community and organized a field tour in September, to which Sustainable Northwest was invited. Then, facilitated by Sustainable Northwest, the Jetty Creek Working Group formed and began meeting in November 2017. Initially, members of the Rockaway Beach Citizens for Watershed Protection met with GreenWood Resources local management and staff to discuss their concerns about the watershed. Sustainable Northwest facilitated the meetings and helped bring in additional experts, stakeholders, and interested parties, including the North Coast Land Conservancy.

July 25, 2019

3. Stakeholders

GreenWood Resources is a globally diversified investment and asset management company specializing in the acquisition and stewardship of forestry assets. The company's holdings in the coast range are known as the *Lewis & Clark Timberlands* (LCT), which are managed by a professional staff based out of the Gearhart office. GreenWood participants in the Jetty Creek Working Group include the LCT Area Manager, and various foresters, engineers, and technicians. The lower 600 acres of Jetty Creek are a part of the Lewis & Clark Timberlands.

Representatives of the Rockaway Beach community joined the Working Group as private individuals and neighbors. The City of Rockaway Beach and the Rockaway Beach Water District have been kept informed of the Working Group activities but to date those entities have not directly participated in the Working Group. During the first year of meetings, leaders of the association formerly known as Rockaway Beach Citizens for Watershed Protection took part in the discussions.

The area falls within the service territory of the North Coast Land Conservancy. NCLC has shared their insights and expertise in conservation easements, resource mapping, and other questions related to land stewardship. Sustainable Northwest served as convener and neutral third-party meeting facilitator, supported in part by a grant from the Meyer Memorial Trust.

4. Discussion

Successful outcomes to date include compilation and mapping of current conditions within the lower watershed, including land cover, stream classification, soil classification, slope and soil erodibility, wetland inventory, and more. Also completed is a fisheries study, a road/infrastructure inventory and erosion management plan, and several specific options for conservation easements and timber management. For example, GreenWood Resources has to date generously deferred their originally planned harvest operation in the lower watershed until the Working Group considers conservation alternatives and associated funding needs and opportunities.

Several timber harvest and resource management alternatives have been devised and discussed by the Working Group. Those options range from taking no further action and thus no change in GreenWood Resources plans to fully harvest all remaining market-ready stands in the lower watershed, to several potential conservation overlays that would further defer, modify, or eliminate harvest. One alternative is to increase the riparian buffer to 200 feet (from required 60 feet) along the main stem of Jetty Creek from the intake up to the GreenWood property line. Another is to 100% preserve current mature stands in the lowest reaches of the watershed along one or both steep slopes above the intake. In upper reaches, selectively harvest small units to increase diversity of age class and habitat over time.

5. Future Work

Based on the latest Working Group meeting in March 2019, next steps include continuing to refine the potential conservation easement alternatives, with an emphasis on configurations that are financially feasible, practical and manageable (from a monitoring and compliance perspective), and most likely effective in balancing resource management and protection objectives. Sustainable Northwest and the North Coast Land Conservancy are helping with these considerations and evaluation.

July 25, 2019

In addition, GreenWood proposed and will be piloting an innovative field-scale harvest plan in the lower reaches of the watershed (north of the creek). Scheduled for 2020, that work includes an approximately 30-acre harvest that will include a “feathered” buffer along the ridge. Although that type and width of buffer is not required by the Oregon Forest Practices Act, GreenWood has proposed this approach to help create a more transitional buffer for purposes of wind protection, wildlife habitat, and other benefits. During the pilot project, the Working Group will meet in the field for observation and further discussion.

6. Next Steps

- ✓ Review sample easements and payment for ecosystem services templates (August 2019)
- ✓ Analysis of proposed alternatives (September 2019)
- ✓ Schedule a field tour with area forester and community members (October 2019)
- ✓ Meet with fish & wildlife funding agencies and review proposed harvest alternatives (TBD)

July 25, 2019

i. Timeline

January 2017 - GreenWood takes over management of lower Jetty Creek watershed

January – October – communications and field tour with GWR Manager & Foresters and concerned members of the community.

November 2017 – first meeting to establish Working Group goals and expectations

January 2018 – discuss the framework for conducting a watershed assessment

April 2018 – presentations on watershed mapping, fish survey, and roads analysis

August 2018 – discussion of analysis and alternative management scenarios

March 2019 – presentation and discussion of the proposed 2019 forest operations pilot plan

ii. Deliverables To-Date

1. Watershed analysis and mapping of several resources and parameters
2. Roads and infrastructure inventory and analysis (including erosion management plan and mitigation)
3. Fish stream survey to update and quantify species presence, diversity, and stream classification
4. Timber management and resource conservation alternatives identification and analysis
5. Funding and financing strategy (including needs, sponsor criteria, potential opportunities)