



DECLARATION OF COOPERATION

Applegate Sustainable Aggregate Project

June 11, 2009

Statement of Issue to Be Resolved

Controversy surrounding aggregate mining and permitting results in disruptive and expensive land use battles that take an emotional and economic toll on all those connected to the issue, without providing a durable solution to the overall problem.

While stakeholders in the Applegate community recognize the economic importance of aggregate, they also insist that if in-stream and/or terrace aggregate extraction is appropriate, it be accomplished in a scientifically sound and sustainable manner that maintains and where possible restores or enhances the aquatic and terrestrial ecosystem in the lower Applegate River valley.

The Applegate River is designated critical habitat under the Endangered Species Act for the threatened coho salmon, in addition to providing habitat for Chinook salmon, summer and winter steelhead, Pacific lamprey, and other native fishes. In September 2009 National Marine Fisheries Service will issue Federal recovery guidelines for conservation and restoration actions to enhance coho salmon habitat and recovery for the Southern Oregon Northern California Coast population. At the same time, there is an immediate and ongoing future demand for aggregate in Jackson and Josephine counties.

OREGON SOLUTIONS PROCESS

To address the issues in a more productive way, members of the Applegate Partnership and Watershed Council (APWC) and principals from Copeland Sand and Gravel, Inc, the sole aggregate operator in the Applegate River Valley, resolved to address the issue in a collaborative, solution-oriented, and transparent process, seeking assistance from Oregon Solutions.

Recognizing the demand for aggregate (e.g., sand and gravel) and for a community-based process that addresses various interests in the Applegate River valley, Oregon Governor Kulongoski designated the Applegate Sustainable Aggregate (ASAP) effort as an Oregon Solutions project in September 2008 and appointed Jackson County Commissioner CW Smith and Josephine County Commissioner Dwight Ellis as the co-conveners.

The ASAP includes convening stakeholders in an Oregon Solutions Project Team (OSPT) to review the current conditions and available data in the Applegate watershed, and identify the studies needed to develop a sustainable framework for responsible gravel extraction in the future while protecting aquatic and riparian habitat.

Overview of Oregon Solutions

The mission of Oregon Solutions is to develop sustainable solutions to community-based problems that support economic, environmental, and community objectives and are built through the collaborative efforts of businesses, government, and non-profit organizations.

Oregon Solutions projects are implemented using the Community Governance System. The projects grow out of the collaborative efforts of government, businesses, and non-profits and support the sustainable community objectives. There are five elements of the Community Governance System:

1. A problem or opportunity defined by the community that addresses at least one sustainable community objective.
2. An impartial community convener from the local community, appointed by the Governor, who can lead a team to address the challenge.
3. An Oregon Solutions Project Team of federal, state, local, and other government entities, businesses, non-profits, and citizens who are needed, or can contribute to a solution.
4. An integrated solution that leverages the resources of the Solution Team to meet the challenge at hand and sustainability objectives.
5. A declaration of cooperation that team members sign that commits their resources and time in an integrated action plan.

ASAP PROJECT DEFINITION

Scope

The geographic scope of this specific Oregon Solutions project is the Applegate Watershed in southwestern Oregon. The Applegate Watershed encompasses

approximately 500,000 acres located on the northeastern flank of the Siskiyou Mountains in southwestern Oregon. This is one of the most biologically, botanically, and geologically diverse areas in the country. The Watershed is an important part of the diverse 3,300,000 acre Rogue River Basin. Although included in two counties, there are no incorporated communities within the Applegate sub-basin. In Jackson County, Jacksonville is the closest city to the watershed. Numerous small tributaries flow into the Applegate River which joins the Rogue River near the city of Grants Pass in Josephine County.

With specific regards to evaluating when, where, how, and to what level aggregate resources can be obtained while protecting the watershed, the scope is limited to the riparian and aquatic habitats and farm land and uplands.

Vision

The Oregon Solutions collaborative governance process for the Applegate Sustainable Aggregate Project has the potential to provide a foundation for aggregate producers and users some level of certainty with respect to the supply of material that may be regionally available over a given permit cycle. This project also provides another focused opportunity for the state and federal agencies to coordinate and align permit processes.

Citizens and communities will gain predictability of if, when, where, and how aggregate can be extracted while protecting fish and riparian habitat.

The stakeholders pledge to work together to help achieve the triple bottom line for our rural communities including sustainable use of our natural resources, strong Oregon businesses, and healthy communities.

Mission

By the end of 2012, the Applegate Sustainable Aggregate Project (ASAP) will have developed a community-based, collaborative long term adaptive management plan¹ for the Applegate Watershed. The plan gives direction that merge the social, environmental, and economic interests of the local community with the resource management directives of state and federal natural resource agencies. The plan is based upon both a comprehensive evaluation of available sources of aggregate supplies and protection of aquatic and riparian habitat within the Applegate Watershed.

¹ A management plan designed from the outset to "learn by doing," and to actively test hypotheses and adjust treatments as new information becomes available.

It is envisioned that this process will provide the critical hydrologic, geomorphic, and biological information for the basis of a sustainable and adaptive river management program that allows for both protection of sensitive natural resources and the availability of aggregate.

The ASAP team uses a consensus building process to develop more informed and efficient permitting of specific projects that best serve the interests of the Applegate community.

ASAP Project Definition & Purpose

Purpose Statement:

The Oregon Solutions Project Team (OSPT) for the Applegate Sustainable Aggregate Project (ASAP) will identify and procure necessary information, studies, and/or analyses to determine if, how, when, where, and to what level gravel can be removed from the Applegate Watershed while protecting aquatic and riparian resources.

The ASAP will attempt to develop a sustainable and measurable natural resource planning framework that seeks to balance the needs for economical aggregate extraction while protecting agricultural lands and sustaining aquatic and riparian habitat.

The end of the Oregon Solutions-assisted phase of this project will culminate with a Declaration of Cooperation which contains specific statements of support from each stakeholder group that agrees to the continuation of the consensus-building process and the implementation of agreed upon activities.

The Declaration of Cooperation will further provide a vehicle to promote scientific understanding of the impacts of mining activity on the health of the Applegate Watershed. Future studies and mining activity will be integrated into this evolving process of balancing goals that sometimes conflict.

OBJECTIVE:

The objective of the OSPT is to develop agreements concerning the identification and procurement of necessary information, studies, and/or analyses to determine if, how, when, where, and to what level gravel can be removed from the Applegate Watershed while minimizing detriment to fish habitat and aquatic and riparian resources.

Since its first meeting in January, 2009, the OSPT sought to address parts or all of the following:

1. What do we know about the current status of the Applegate ecosystem and social/community aggregate needs already?
2. What do we know about the social and economic needs of the Applegate area?

3. What do we need to know?
4. What is a reasonable amount of information to obtain with respect to costs and potential benefits, etc?
5. How and when can we collaboratively design a restoration project that we can learn from and use for adaptive management purposes?

After final agreement regarding what data/studies/assessments are needed, then the OSPT undertook to develop agreements surrounding the following:

1. How do we leverage resources to fund whatever studies are needed?
2. Where do we look for the additional funding that will be needed?
3. How do we agree to use the information obtained from studies
4. What is the contingency plan or decision matrix for making decisions, since we don't know what the answers to the questions are going to be?
5. Who should do the studies?
6. How will the studies be prioritized?

OSPT Status

Progress by the Oregon Solutions Team has generated significant momentum toward creative and scientifically sound solutions for gravel mining and ecosystem based management of river resources in the Applegate watershed.

It is envisioned that this process will provide the critical hydrologic, geomorphic, and biological information for decision makers to develop a sustainable and adaptive river management program that allows for both protection of sensitive natural resources and the availability of aggregate. The ASAP team anticipates that this consensus building process will lead to more informed and efficient permitting of specific projects that best serve the interests of the Applegate community.

The OSPT substantially achieved its preliminary objectives through recommendations of two subgroups, the Core Team and the Technical Team, and in OSPT meetings. The group identified necessary hydrologic, geomorphic, studies, and certain field observations and measurements of biologic activity. (e.g., the, absence or /presence of predator species and temperature collection). The groups further identified staged priorities and a strategy for leveraging resources.

The following agreements have been reached:

Project Scope & Development Agreements and Accomplishments

Agreement: Project Scope, Definition, Long-Term Goals	OSPT
Acquisition of existing data	Copeland Sand and Gravel, Inc; Oregon Department of Geology and Mineral Industries, Army Corp of Engineers

Guidance on regulatory processes and new information for in-stream environment	National Marine Fisheries Service
Website hosting	Rogue Valley Council of Governments (RVCOG)
Agreement from the ASAP Conveners, Technical and Core Teams to function beyond the end of the Oregon Solutions project	Conveners, Core Team, Technical Team, OSPT
Agreement to continue ASAP meetings. Completion and submission of a grant application by the Applegate Partnership for continued project management and technical assistance. <ul style="list-style-type: none"> Letters of Support sent to APWC for OWEB Grant 	APWC, OSPT, Stillwater Sciences, Inc., Real Life Training Group, Inc. Jackson, Josephine Counties, Rogue River-Siskiyou National Forest, Oregon Solutions, ...(others?)
Agreement on group guidelines and working norms to function as high-performing collaborative	OSPT

Project Studies and Field Work Agreements

Above-the-dam: Agreement on sediment characterization sampling study; Fall, 2009 Sampling	OSPT, USFS, Copeland Sand and Gravel, Inc.
Floodplain/Terrace: Agreement on Aggregate Resource Assessment; Field work Summer, 2009: minimum of 9 Cross Sections	OSPT, Technical Team, Copeland Sand and Gravel, DOGAMI; Rogue Fly Fishers, Save, etc; additional resources and funding needed
Floodplain/Terrace: Agreement on existing floodplain mine site information, including temperature data collection	As above
Floodplain/Terrace – Define 100-year floodplain per FEMA model in Jackson County	As above, significant additional studies phased in as needed
In-stream: If results from above warrant and if in-stream mining appears feasible, then group agrees that necessary studies include Recon Level (per NMF) assessment, possibly reach by reach assessment, and limiting factors analysis	OSPT, resources and funding needed if earlier studies suggest moving forward
Agreement per May 14, 2009 OSPT meeting that until reach by reach studies are determined to be necessary, that temperature monitoring	Tech Team, OSPT

and predator fish monitoring will suffice for biologic studies during initial (2009-2010) field work. Additional studies may be determined necessary at a later date and in conjunction with reach by reach level analyses, including if more instream or near stream studies are desired by OSPT or Tech Team at a later date.	
Agreement on study priorities, including criteria for deciding which studies to do first with funding yet to be secured;	OSPT
Agreement and commitment to keeping full cost accounting in the ASAP philosophy and as it evaluates actions in the future.	Rogue Advocates, OSPT

On-the-ground Restoration Project

The OSPT will develop a plan on how best to design restoration projects to be implemented and monitored in the near term.

While the monitoring and results of the demonstration projects will be used for adaptive management and feedback to the comprehensive management plan, the project sponsors also perceive this project as an overall opportunity to provide a demonstration of collaboration for habitat restoration and gravel extraction. Due to the fact that this project is located in a mid-sized valley with only one extractor involved, the potential to build a reproducible model is tangible, with an excellent opportunity to share results with the rest of the state.

Agreement that an on-the-ground collaboratively-designed restoration project(s) is/are a desired outcome, though premature. Commitment to implement.	OSPT
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IMPLEMENTATION PLAN

The following implementation components will be realized through the commitments made in the Support Statement section of the Declaration of Cooperation document.

Immediate Implementation Steps Spring 2009 --2010

Please see project timeline attached.

Spring 2009 – complete OWEB grant application for process continuation and technical assistance.

Summer 2009 – studies Characterization data from existing floodplain mine sites will be developed by DOGAMI and OSPT. During summer 2009 re-surveying of 1998 river channel cross-sections will be overseen by DOGAMI and USFS. Water temperature data will be gathered at existing floodplain mine sites

Fall 2009 – In Fall 2009 sediment characterization samples from Applegate Reservoir will be analyzed to determine quality and economic viability. Results of OWEB grant application known and implemented if successful.

Implementation Steps Spring 2010 – 2011

Studies, assessments, and information are actively being gathered per the design of the OSPT. The scope of work to define the studies and the funding to finance the assessments are in place. The project oversight is being managed by a designated organization or person. Answers to the following questions are anticipated:

- Is aggregate mining in the uplands (quarry) appropriate? If so, how, when, where, and to what level? If the answer is no, are there ways to get to yes.
- Is aggregate mining in the Applegate River 100-year floodplain appropriate? If so, how, when, where and to what level? If the answer is no, are there ways to get to yes
- Is aggregate mining above the 100-year floodplain of the Applegate River appropriate? If so, how, when, where, and to what level? If the answer is no, are there ways to get to yes?
- Is aggregate mining instream in the Applegate River below the Applegate Dam appropriate? If so, how, when, where and to what level? If the answer is no, are there ways to get to yes?
- Is aggregate mining instream in the Applegate River/Applegate Reservoir above Applegate Dam appropriate? If so, how, when, where and to what level? If the answer is no, are there ways to get to yes?

Mid Term Implementation Framework (2010-2011)

The aggregate evaluation should initially begin with upland aggregate sources, terraces, inactive floodplains, and recycled material as well as possible sources within the Applegate Reservoir. The evaluation might also include aggregate sources within active floodplains where it can be demonstrated that the proposed activity would have a beneficial impact on certain components of the riparian/stream environment such as the creation of salmon and steelhead off-channel rearing habitat.

In January 2010 DOGAMI will compile mine site and permitting history, reclamation status and aerial photography. Combining this data with fish and wildlife evaluations will provide the essential information to characterize beneficial or detrimental impacts from existing floodplain mine sites.

Floodplain and terrace sites will be further evaluated as potential aggregate extraction sites. NOAA/NMFS coho salmon recovery guidelines require that ongoing development (mining) maintains or enhances existing floodplains and channel structure. River reach level geomorphic assessment may be developed to accurately describe the risk of pit capture at potential floodplain or terrace sites. The project will analyze the practical implementation of this assessment and determine funding sources.

The general consensus of the technical team is that due to the economic disincentive of existing regulations instream mining is not practical at this time. However, if instream mining potential becomes necessary to evaluate, it will be analyzed within regulatory guidelines. Federal agencies have agreed a permit approval needs to be based on a comprehensive sediment supply study to determine if appropriate aggregate exists within the system to conserve the habitat of listed coho salmon.

Aquatic and riparian habitat will continue to be evaluated. The technical team possesses an informed collective knowledge of readily observable and measured limiting factors for fish (elevated stream temperatures, low stream flows, loss of floodplain connectivity and channel structure, etc.). The technical team will continue to brainstorm possible restoration projects that support NOAA/NMFS recovery guideline efforts and that may provide potential aggregate supplies.

Broad public support is desirable to educate the community and stakeholders in order to move forward with identifying aggregate supply to meet the needs of the community. A watershed-scale, collaborative assessment process by a diverse group of stakeholders is needed to develop broad public support for ecologically and economically viable adaptive management solutions.

A watershed-scale collaborative assessment project will engage federal and state agency staff, local citizens and their government, and representatives of the aggregate industry and local and regional conservation organizations. The intent of the assessment is to inform project boundaries, and ultimately lead to ecological conservation and restoration of lands while supporting local industries and communities with longer term supply agreements.

The watershed analysis will engage stakeholders in a collaborative, transparent, and technically sound project. Collaboration with county and state governments regarding zoning and land use planning efforts can address existing and emerging conflicts with NOAA recovery guidelines for habitat restoration. Efforts to restore floodplain complexity and connectivity often can be the most efficient means to increase resilience and resistance in aquatic systems. Collaboration between regulatory agencies and local watershed councils can facilitate development of a common vision for a healthy watershed.

The project process will use technical tools (GIS mapping and analysis) and social processes (effective facilitation and community education) to enable a diverse stakeholder group to understand complex watershed scale natural resource data, and integrate that understanding with high priority stakeholder values to understand the broad landscape impacts of adaptive management projects (and the no-action alternative) .

Future Vision (Long- Term Desired Outcome) (2011-2012)

By the end of 2012, the Applegate Sustainable Aggregate Project (ASAP) will have developed a community-based, collaborative long term adaptive management plan for the Applegate Watershed that addresses aggregate mining and protection of aquatic and riparian resources. The plan gives direction that merge the social, environmental, and economic interests of the local community with the resource management directives of state and federal natural resource agencies and local government interests. The plan is based upon both a comprehensive evaluation of available sources of aggregate, aquatic and riparian habitat within the Applegate Watershed, and anticipated community needs.

DECLARATION OF COOPERATION SUPPORT STATEMENTS

This Declaration of Cooperation describes commitments for the Applegate Sustainable Aggregate Project. While not a binding legal contract, the Declaration is evidence to and a statement of the good faith and commitment of the undersigned parties. The entities agree to undertake the following tasks and to support the above-documented implementation plan.

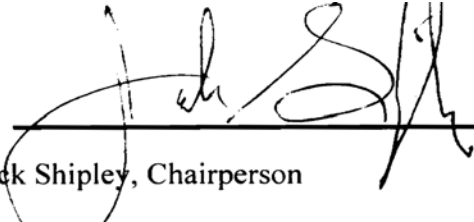
These commitments represent a public statement of intent to participate in the project, to strive to identify opportunities and solutions whenever possible, to contribute assistance and support within resource limits, and to collaborate with other Team members in promoting the success of the project.

Applegate Partnership and Watershed Council

Applegate Partnership and Watershed Council will work with its Applegate Sustainable Aggregate Project partners to help provide support that will involve:

- The participation of at least two board members in ongoing collaborative meetings and processes.
- Providing assistance in grant application and acquisition for funding further research and coordination of partners in this process. Once such grants are awarded, the Partnership will administer the contracts and oversee future Project Managers

- APWC agrees to work with the ASAP Tech Committee and the Rogue-Siskiyou Forest Service to contact landowners to determine access for a river elevation survey. This is being coordinated by Ian Reid (FS) and Frank Schnitzer (DOGAMI).
- APWC will serve as a continual community contact through their Aquatic & Riparian Committee, which is chaired by Geoff Becker.
- APWC has agreed to convene the ASAP Core Group in August and September, '09, at which time it is anticipated that an OWEB grant will be used for a new Project Manager



Jack Shipley, Chairperson

Copeland Sand and Gravel, Inc.



COPELAND PAVING, INC.; COPELAND SAND & GRAVEL, INC.
695 SE J Street; Grants Pass OR 97526-3271
Office Phone 541-476-4441; Office Fax 479-4881
CCB#104828; CCB#16480

June 9, 2009

Joan Resnick
Facilitator
(Conveyed Via E-Mail)

Statement of Cooperation

Copeland Sand and Gravel, Inc., is committed to the development of sustainable aggregate supplies and environmentally acceptable harvest methods that will meet the community need for aggregates while taking cost effective steps to assure all such actions are scientifically sound and protective of the environment. Our company commits to a solutions oriented and open process to resolve the aggregate production issues, and supports the goals and mission statement identified in the Oregon Solutions process.

Copeland commits to provide personnel and financial assistance to complete the following tasks:

1. Acquisition of Data and the sharing of data procured by our company, and
2. Active participation in the ongoing meetings and with the technical team in support of the process, and
3. Participate in sediment characterization for materials deposited above the Applegate Dam, and
4. Assist in the collection of data and share all existing information on flood plain and terrace mines currently in existence in the Applegate to the extent such mines were or are operated by the company, and
5. Provide testing and similar services to determine the quality of materials in identified potential extraction areas, and
6. Actively participate in the development and implementation of demonstration projects that can identify best possible solutions to the aggregate production issues in the valley.

Copeland Sand and Gravel, Inc.
Steven Ausland, President

A handwritten signature in black ink, appearing to read "Steven Ausland".

A handwritten signature in black ink, appearing to read "William A. Peterson".

Jackson County

BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

IN THE MATTER OF SUPPORT FOR THE)
APPLEGATE SUSTAINABLE AGGREGATE PROJECT) ORDER 104-09

WHEREAS, the Board of County Commissioners of Jackson County has supported and participated in the Applegate Sustainable Aggregate Project (ASAP); and

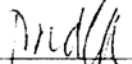
WHEREAS, it is essential that the project develop an implementation plan as the next phase of this project in order to help ensure the continuance and viability of the valuable project; and

WHEREAS, continuing to work with the ASAP team partners will build consensus and trust among agencies and organizations, and will result in better protection of the economic and environmental aspects of aggregate resources.

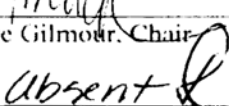
Now, therefore, the Board of County Commissioners of Jackson County will sign a Declaration of Cooperation and agree to the following: 1) work with ASAP team participants to build consensus and work towards long-term solutions to aggregate extraction; 2) monitor progress and provide a connection to the regulatory framework established for aggregate resources in Jackson County; 3) provide a forum for public input through the Natural Resources Advisory Committee, a committee that serves at the request of the Board to provide advice on natural resources issues.

Dated this 30th day of April, 2009, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS



Dave Gilmore, Chair



Dennis C.W. Smith, Commissioner

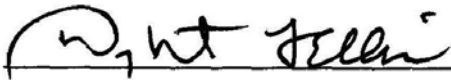


Jack Walker, Commissioner

Josephine County

Josephine County Commissioners will work with our Applegate Sustainable Aggregate Project partners to help provide support that will involve:

- The participation of at least one County Commissioner who will serve as co-convenor at Oregon Solutions Applegate Sustainable Project meetings.
- Providing letters of support for grant applications, requests for information or for other outside resources as necessary to the success of the project.
- Keeping Josephine County citizens informed about the progress of the project as well as the benefits of a sustainable use of our natural resources, while protecting fish and riparian habitat.
- Working with the ASAP team members to build consensus and trust among agencies that will result in a more effective and efficient permitting process that will serve both business and the interests of the Applegate community.

A handwritten signature in black ink, appearing to read "Dwight F. Ellis", written over a horizontal line.

Dwight F. Ellis, Chair Josephine County Board of Commissioner's

NOAA's National Marine Fisheries – NOAA's Fisheries Service

National Marine Fisheries Service (NMFS)

The National Marine Fisheries Service (NMFS) is a Federal agency, within the Department of Commerce's National Oceanographic and Atmospheric Administration, responsible for the stewardship of living marine resources and their habitat. The agency works to promote sustainable fisheries and to prevent lost economic potential associated with over fishing, declining species, and degraded habitat. For the Applegate Sustainable Aggregate Project (ASAP), Chuck Wheeler, fishery biologist, Southwest Oregon Branch, serves on the Oregon Solutions Project Team, the core team, and the technical team. As a continuing partner in this Oregon Solutions process, NMFS will:

- Actively participate in the development of various proposals for aggregate extraction and ecosystem enhancement measures that benefit NMFS' trust resources.
- Assign Chuck Wheeler to dedicate up to a full day per month continuing to serve on and assist the technical team offering NMFS' technical perspectives on information needs and the appropriate studies required to understand the environmental impacts of aggregate extraction.
- Assign Chuck Wheeler to dedicate an additional day per month continuing to serve on and assist the project team, where he will help the team understand regulatory processes and consultation procedures with a goal of assisting the team in making informed decisions.



Kenneth Phippen
Southwest Oregon Branch Chief
National Marine Fisheries Service

Oregon Concrete and Aggregate Producers' Association

The Applegate Sustainable Aggregate Project recognizes the importance of an affordable, sustainable, supply of construction grade aggregate material for building a strong local community. The Project also recognizes mining that material must be done in a manner that is healthy to the environment and enhances the livability of the Applegate region. On behalf of OCAPA, we are supportive of this collaborative effort to meet each of these important community goals. We will work with the committee in an open and thoughtful manner to resolve any concerns regarding this important issue.



Richard Angstrom, President
Oregon Concrete and Aggregate Producers' Association

Oregon Department of Environmental Quality

Oregon Department of Environmental Quality lends its support for the efforts of the Applegate Sustainable Aggregate Project to address the ecological, economic, and community issues related to aggregate resources in the watershed. DEQ will, subject to available resources, work with its Applegate Sustainable Aggregate Project partners to provide support that will involve:

- Ongoing Collaboration – Provide local staff to participate and attend stakeholder meetings related to water quality considerations.
- Contributing assistance and support, and providing applicable DEQ data.
- Providing input regarding regulatory considerations and compliance with water quality and Total Maximum Daily Load (TMDL) rules. This may include technical recommendations regarding anticipated Clean Water Act Section 401 compliance needs of proposed projects.



Dick Pedersen, Director
Oregon Department of Environmental Quality

Oregon Department of Fish and Wildlife

Oregon Department of Fish and Wildlife will work with the Oregon Solutions Applegate Sustainable Aggregate Project partners to identify ways to mine aggregate in the Applegate Valley that minimize impacts to fish and wildlife resources by:

- The continued participation of a representative in ongoing collaborative meetings and processes.
- Providing information about fish and wildlife resources and evaluating the impacts of project proposals on those resources.
- Continuing to work with aggregate operators and regulatory agencies to help ensure that aggregate removal operations are designed and conducted in a way that minimizes impacts to fish and wildlife resources.



Russell P. Stauff, Acting Regional Supervisor, Southwest Region

Oregon Department of Land Conservation and Development



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

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**Department of Land Conservation and Development
Declaration of Cooperation**

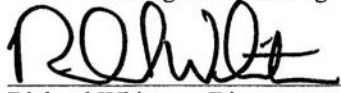
The department of Land Conservation and Development's mission statement is to: "Support all of our partners in creating and implementing comprehensive plans that reflect and balance the statewide planning goals, the vision of citizens and the interests of local, state, federal, and tribal governments." Among others, one of our general goals is to protect farm and forest lands and other resources.

Farm and forest lands are protected under statewide Goals 3 and 4. Aggregate resources and riparian corridors, including water and riparian areas and fish habitat are statewide Goal 5 protected resources. These resources are inventoried and protected by application of Oregon Administrative Rule Chapter 660, Division 23.

We find that the vision, mission and purpose of the Applegate Sustainable Aggregate Project (ASAP) are consistent and compatible with the mission and goals of the department and indeed further the department's goals.

The department will continue to support the ASAP by:

- Participation in the project by our Southern Oregon Regional Representative and when necessary our Resources and Goal 5 Specialists; and
- Sharing our knowledge of the state goals and administrative rules as they pertain to farm, forest, aggregate and riparian corridor resources; and
- Sharing our knowledge of the resources of the Applegate River and Valley.


Richard Whitman, Director


Date



Oregon Department of State Lands



Oregon

Theodore R. Kulongoski, Governor

Department of State Lands

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Salem, OR 97301-1279

(503) 986-5200

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www.oregonstatelands.us

State Land Board

Theodore R. Kulongoski
Governor

Bill Bradbury
Secretary of State

Randall Edwards
State Treasurer

Oregon Department of State Lands

The Department of State Lands protects waterways and wetlands through administration of Oregon's Removal-Fill Law, enacted in 1967. The Wetlands and Waterway Conservation Division is responsible for regulating most activities that affect more than 50 cubic yards of material in streams, lakes, estuaries and wetlands.

The program's purpose is to:

- Protect, conserve and make best use of water resources
- Protect public navigation, fishery and recreational uses
- Ensure that activities of one landowner don't adversely affect another landowner
- Minimize flooding, improve water quality and provide fish and wildlife habitat

The Department will provide support to the Applegate Sustainable Aggregate Project (ASAP) by

- Participating in continuing collaborative meetings as provided by available resources and priorities of Division staff.
- Providing technical assistance and review for activities regulated by the Department. Assistance will include providing information related to permit requirements as well as input on identified jurisdictional wetland boundaries; evaluation of alternatives to resource impacts; and mitigation requirements for impacts to wetlands or waterways.
- Offering guidance on regulatory process responsibility.

 06/10/2009

Kevin Moynahan
Assistant Director
Wetlands and Waterways Conservation Division
Department of State Lands



Oregon Department of Geology and Mineral Industries



Oregon

Theodore R. Kulongoski, Governor

Department of Geology & Mineral Industries

Mineral Land Regulation and Reclamation

229 Broadalbin Street SW

Albany, OR 97321-2246

(541) 967-2039

FAX: (541) 967-2075

www.oregongeology.com

May 14, 2009

The Mineral Land and Regulation and Reclamation Program (MLRR) of the Department of Geology and Mineral Industries (DOGAMI) will be an active participant in the Applegate Sustainable Aggregate Project (ASAP).

Over the recent years MLRR has become the lead program for mine regulation in Oregon. In Oregon the eligibility for a parcel of land to be mined rests with land-use authority, most commonly a county. The land-use authority establishes the secondary beneficial use to which the land must be reclaimed. The DOGAMI-MLRR permit has two main functions. It insures that when mining occurs, off-site impacts are minimized and the site is mined in a way that that reclamation results in a post-mine secondary beneficial use of the property.

DOGAMI-MLRR recognizes that aggregate mining creates both important public benefits and at times deep public concerns in the Applegate Valley. Aggregate is the main ingredient in concrete and asphalt pavement and is used as a base on which roads and buildings are placed.

At the same time population growth has increased demand, a variety of resource concerns have affected the location and operation of mine sites. In-stream gravel removal, for example, is decreasing as the need for protection of salmon increases. Available aggregate sources located within floodplains now require more stringent environmental regulation to protect adjacent resources such as native fish and wildlife habitat and floodplain stability. Agricultural areas along rivers previously used for round rock aggregate production are being reduced to conserve prime farmlands. Quarries that are located above the floodplain and away from urban areas encounter steep, potentially unstable slopes, wildlife and fishery habitat concerns. As the size of new and existing sites increases, groundwater is more frequently encountered which requires monitoring and protection.

The ASAP project may provide a model for new working relationships and integrated solutions for the Applegate community. DOGAMI-MLRR supports the ASAP within the regulatory framework and context of Mined Land Reclamation Act and will provide technical and organizational support and participate with project partners in the following way:

- Organize and lead the re-survey of the 1998 Applegate River channel cross-sections and assist in interpretation of the data comparing the 1998 to the 2009 surveys. MLRR will also provide technical input on existing or new stream channel cross-sections for future monitoring.
- Organize and lead data collection at existing floodplain mines. MLRR will coordinate draft reports with the Oregon Solutions Planning Team by facilitating review comments and incorporating those comments in the final drafts.
- Provide technical input and assist in organizing the rock resource assessment.
- Provide technical input, guidance and review for the reach-scale hydrologic, hydraulic and geomorphic assessments.
- Clarify and interpret the requirements of the Mined Land Reclamation Act as it pertains to the ASAP.

Vicki S. McConnell, State Geologist and Director

Governor Kulongoski's Natural Resource Office and Economic Revitalization Team

In support of the Applegate Sustainable Aggregate Plan, the Governor's Office, through the SW Regional Coordinator for the Economic Revitalization Team, will:

- Assist in identifying state resources that can assist in project development.
- Keep state agencies and Governor's Office informed about project status.
- Invite Governor's Economic Revitalization Team members as appropriate to meet jointly with representatives of the Project Team to discuss project vision, progress, and future needs.



Jeff Griffin, Governor's Economic Revitalization Team Southwest Regional Coordinator

Rogue Advocates

Rogue Advocates mission is to champion the sustainability and livability of communities in the Rogue Valley. Rogue Advocate's core geographical interests are private lands in Jackson County and Josephine County, but its land use concerns are the Rogue Valley basin-wide. A range of purposes to reflect this mission include:

- To work for development that preserves the valley's quality of life and that takes into account the full physical, biological, social, and economic community costs of resulting infrastructure and public facilities.
- To work with citizens, government agencies and other groups to conserve wildlife habitat, rivers, wetlands, riparian habitat, forest and farmland, and open spaces.
- To work with all community partners to assure that land-use decision-making is informed by awareness of the carrying capacity of the physical, biological, social, and economic environments of our valley.

Because of this mission and these purposes, Rogue Advocates will continue its support of and participation in the ASAP collaborative process by attending ongoing ASAP meetings and offering its perspective in the process of identifying the necessary criteria for determining what will constitute sustainable mining in the Applegate watershed.



Jimmy MacLeod, Executive Director, Rogue Advocates

Rogue Flyfishers

Rogue Flyfishers will work with Oregon Solutions Applegate Sustainable Aggregate Project partners to determine how our 250 members can most effectively facilitate and contribute to the project.


Contributions will help provide local match for other support, and might include:

Promotional support to inform citizens about the project and the public benefits;

- Help to develop and review interpretative and educational materials (signs, redds brochures, and other handouts, checklists, and salmon sighting information). Provide fly fishing recreational opportunities.

Resources to mobilize, transport and supervise volunteers for on-the-ground project activities and long-term on-site project monitoring.

- Consideration for Reed Ryan Memorial Fish Habitat Funding for conservation projects.



John A. Ward, Representative

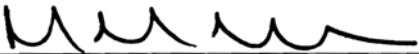
Rogue Valley Council of Governments (RVCOG)

The mission of the Rogue Valley Council of Governments is to act as a catalyst to promote quality of life, effective and efficient services, and leadership in regional communication, cooperation, planning, and action in Southern Oregon. Given its mission and commitment to regional problem solving, RVCOG considers this project to be congruent with its overall mission. Moreover, RVCOG views this project as strongly supportive of the mission of its Natural Resources Department to work with communities...to conserve and enhance the health of our watersheds by facilitating the development and implementation of regional strategies, and by providing technical and educational assistance. We seek to achieve a balance between economic well-being and healthy natural systems.

In support of the Applegate Sustainable Aggregate Oregon Solutions Project, RVCOG has already allocated both staff and resources toward the success of this project. In addition, RVCOG will assume responsibility for the following:

1. Continue to provide a conference room for team meetings, as appropriate;
2. Continue to provide access to its FTP site for uploading and downloading files;
3. Continue to host a webpage(s) on RVCOG's website for data viewing and sharing;
4. Continue to provide administrative and technical support, as appropriate.

Signed:



Michael Cavallaro, Executive Director
Rogue Valley Council of Governments

Date: 6/9/09

Save Applegate Valley Environment (S.A.V.E.)

SAVE is a community based grassroots advocacy group. Our mission is the protection and enhancement of the natural resources of the Applegate Valley. Broad-based community support has contributed to SAVE's formation and residents' successful efforts to challenge Jackson County approval of three mining applications in 2005-2007. These Applegate River mining approvals that were based on Measure 37 claims limiting regulations were denied upon appeal through the County land use hearing process. On June 2, 2009 LUBA rejected County approval of a separate application to construct a bridge across the Applegate River to transport aggregate.

After statewide approval of Measure 49 Jackson County denied the Hill vested rights mining claim in 2008 that "grandfathered" mining activity and waived many land use regulations. In January 2009 Jackson County Commissioners reversed this denial without public input and approved a settlement granting vested rights. SAVE members challenged the legality of this reversal and prevailed as the circuit court voided the settlement in May 2009. Copeland Company attorney's have appealed and SAVE members will defend the original County denial of vested rights in circuit court on June 29, 2009.

The Oregon Solutions project developed from this controversy and conflict surrounding aggregate mining issues. By mutual agreement the above mentioned river mining applications have specifically been omitted from group discussions to allow constructive dialogue on "appropriate" natural resource management in the Applegate watershed. This Project has so far been ineffective to reduce or resolve land use conflicts for mining along the Applegate River. However, SAVE supports the collaborative efforts of the project stakeholders in general and specifically the science based information being compiled by the technical team. SAVE is hopeful this project can develop reasonable solutions.

SAVE will continue to support and participate in the next phase of this project. Successful implementation of the proposed science based adaptive management plan for the Applegate watershed can create a framework for the restoration of critical habitat severely compromised by years of human development. The project team's implementation of NMFS 2009 recovery guidelines for ESA listed Coho salmon can improve riparian and aquatic habitat and enhance reclamation at existing mine sites. SAVE supports the U.S. Fish and Wildlife Service mission to assist landowners who volunteer to manage their property to conserve, protect and enhance fish, wildlife, and plant habitat for future generations.

SAVE will participate and assist the project team to create a sustainable framework for the long term resolution of conflict between aggregate extraction and ecologic degradation.

SAVE will participate and assist the technical team with proposed studies and the development of an adaptive management plan to enhance aquatic and riparian habitat.

SAVE will assist the Applegate Partnership to help inform the community of complex ecologic issues and resource management decisions that will impact the Applegate watershed for generations.



Steve Rouse, SAVE Representative

Stillwater Sciences

Stillwater Sciences

Stillwater Sciences has been working with the Oregon Solutions Applegate Sustainable Aggregate Project partners on a voluntary basis by providing technical expertise.

Stillwater will continue participating in the process, as funding allows, in the form of:

- * Providing technical assistance to the ASAP group, and
- * Providing project management services to the Applegate Partnership.



Dennis Halligan

United States Army Corps of Engineers, NWP

TBD

United States Fish and Wildlife Service

The Fish and Wildlife Service's (Service) mission is to work with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people. In addition to our regulatory responsibilities, the Service supports a wide range of important conservation initiatives, including assisting landowners who volunteer to manage their property for the benefit of fish and wildlife.

To accomplish our mission, we work cooperatively with individuals, conservation partners, Tribal governments, and all levels of state and local government.

- The Service will support efforts of the Applegate Sustainable Aggregate Project (Project) to develop and implement a strategy to reduce adverse effects of aggregate mining in a manner consistent with applicable conservation objectives and associated policies and regulations.
- The Service will participate in Project activities, provide technical assistance and review, assist in identifying and obtaining funding for Project activities, and offer guidance on ecological principles, scientific information and regulatory process responsibilities.

- The Service will engage in the above actions as permissible and consistent with the Service's mission and policies and to the greatest extent practicable given available resources and priorities.



Jim Thrailkill, Acting Field Supervisor

United States Forest Service, Siskiyou National Forest

USDA Forest Service, Rogue River-Siskiyou National Forest will work with its Applegate Sustainable Aggregate Project partners to help provide support that will involve:

- Contributing technical support and scientific information in the form of fish biologist presence and input on the Oregon Solutions Team and technical team subcommittee
- Analyzing any proposed plan of operations to develop Applegate Reservoir as a sustainable aggregate source in accordance with all applicable plans, rules, and regulations and in coordination with U.S. Army Corps of Engineers
- Working with the Oregon Solutions team and appropriate stakeholders to identify fish habitat improvement opportunities in the Applegate River subbasin
- Providing labor in the form of student interns and volunteers to assist with reservoir sediment sampling and river cross sections

Scott Conroy, Forest Supervisor, Rogue River-Siskiyou National Forest

Appendix 1

**Applegate Sustainable Aggregate Project
Oregon Solutions Project Team**

January 8, 2009

Final Principles and Ground Rules

Principles

- We recognize that the best outcome depends upon cooperation and collaboration by all entities at the table.
- We agree to approach problems with humility and adaptability. We will inevitably make mistakes and we will learn from these mistakes, make corrections, and not place blame.
- We recognize that we each have a unique perspective and contribution to make, whether it is expertise, labor, money, in-kind services, etc.
- We recognize that innovative solutions are enabled when discussions are based in an understanding of the core *interests* of those at the table, not inflexible *positions*.
- We recognize that we must endeavor to involve any person or group who could help or hinder us to achieve our goals.
- We agree to focus on taking incremental VISIONARY “do-able” steps towards success.

Ground Rules

1. We commit to openly communicate ideas, potential contributions, and concerns, and also commit to engage in respectful, active listening to each other. Personal attacks will not be tolerated – IN OUR MEETINGS OR IN OTHER FORMS OF COMMUNICATION.
2. We agree to commit to the agreed-upon solution, in whatever way we can.
3. Continuity of participation is important. The designated representative for each stakeholder group agrees to attend each meeting. He or she may have an alternate, and assumes responsibility for keeping the alternate informed about the project including the project team meetings, discussions, assignments and areas of consensus."
4. We commit to building trust by doing what we say we will do, over and over.
5. We agree to notify each other before taking outside actions that might impact the collaborative governance process.
6. We agree that everyone shares in the solution, everyone shares in the credit.
7. The co-conveners and project staff commit to ensuring that this process does not result in “just a bunch of meetings” AND THAT WE GET SOMETHING ACCOMPLISHED.

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