

# Forest Legacy Project

## Brushy Mountain Phase 3.1, Eel River Peninsula

### Mendocino County, California



### FUNDING HISTORY

FY 2023 Forest Legacy Program Funding	\$10,000,000
FY 2023 Non-Federal Cost Share	\$5,875,000
FY 2023 Project Costs	\$15,875,000
FY 2023 Project Acres	13,020
<b>Forest Legacy Funding To Date</b>	<b>\$7,020,000</b>
<b>Total Project Costs</b>	<b>\$74,062,000</b>
<b>Total Project Acres</b>	<b>65,288</b>



Tract Name	Size (ac)	Tract Cost	FLP Funding	Non-Fed Cost Share	Status
Brushy Mountain - ERP Phase 3.1	13,020	\$15,875,000	\$10,000,000	\$5,875,000	Draft 2023
Brushy Mountain - ERP Phase 3.2	13,124	\$15,850,000	\$10,000,000	\$5,850,000	Draft 2024
Elk Creek - ERP Phase 3.3	3,384	\$4,000,000	\$0	\$4,000,000	Draft 2025
P1-Lawrence	640	\$569,000	\$10,000	\$559,000	Completed 2011
P1-Preston Ranch	7,904	\$8,010,000	\$10,000	\$8,000,000	Completed 2011
P2-Foster Mountain Ranch	3,829	\$3,446,000	\$1,715,941	\$1,730,059	Completed 2016
P2-Garcia Creek Ranch	4,779	\$4,301,000	\$2,141,677	\$2,159,323	Completed 2016
P2-Summer Camp	7,012	\$7,011,000	\$3,142,382	\$3,868,618	Completed 2016
Phase 4 - Sanhedrin	11,596	\$15,000,000	\$0	\$15,000,000	Draft 2021

### GENERAL DESCRIPTION

The 13,020-acre Brushy Mountain Phase 3.1 conservation easement (the "Property") is a component of the 65,288-acre Eel River Peninsula (ERP) conservation effort. The Property is located off the northern California coast, between the Mendocino National Forest and U.S. Route 101 (US 101). Phase 3.1 borders three miles of the Eel River, a Federally Designated Wild and Scenic River, and contains five broad habitat types that will extend a network of nearby and adjacent protected, undeveloped lands. The Property's mixed conifer forest with a variety of age classes, true oaks with a grass and brush component, grasslands, 50 miles of stream and riparian areas, and pockets of chaparral provide valuable habitat for a variety of wildlife. Threatened and Endangered species on the Property include coastal Chinook salmon, Northern California steelhead, northern spotted owl, 65 other special status species, and tule elk, a subspecies of elk endemic to California. Permanent protection of the Property will conserve critical forestlands from residential and agricultural conversion, encourage sustainable forest management, and aid species resilience in the face of climate change.



Oak & conifer woodlands on Phase 3.1 looking SE towards Sanhedrin. (Photo by Jim Clark)

## PROJECT FEATURES

### Important

- **T&E SPECIES:** Federally -threatened coastal Chinook salmon and Northern California steelhead have been observed in the Eel River, which borders 3 miles of the Property. Summer steelhead were recently listed as endangered under The California Endangered Species Act.
- The Property supports nesting and foraging habitat for the federally-threatened northern spotted owl (NSO). One NSO nesting site is located on Phase 3.1, with Critical Habitat and three additional nesting sites within 2 miles of the Property.
- The California Natural Diversity Database and other sources indicate Phase 3.1 provides habitat for 67 special status wildlife and plant species, 14 of which are listed as Federal or State Threatened or Endangered species, and 21 are listed as State Species of Concern.
- Despite eradication across much of its range, Pacific fishers have been detected on the Property. Permanent protection of this southwestern extent of the fishers' current range will help prevent further habitat fragmentation, which is a key factor influencing the species' survival.
- **UNIQUE COMMUNITIES:** Stands of rare native Sargent's cypress span 679 acres (5%) of the Property. This species and other rare plants thrive (in primarily pure stands) in unique serpentine derived soils on the Property, despite the soil's low fertility and water-holding capacity.
- Tule elk, a subspecies of North American elk, inhabit oak woodlands and grasslands across the Property. Endemic to California, recovery of Tule elk is a priority for federal and state wildlife agencies. Herd management efforts have increased the population to 5,700 elk in multiple herds statewide.
- Oak woodland communities exist on 3,575 acres (or 27.5%) of Phase 3.1 as a result of sound management, providing core habitat for a variety of bird species such as Lewis' Woodpecker. The Mendocino County General Plan calls for oak woodland conservation through conservation easements.
- **AQUATIC/WATERSHED:** The Middle Fork and mainstem Eel River are classified as temperature and sediment impaired by California and the EPA, threatening Critical Habitat for coastal Chinook salmon and Northern California steelhead. Cold-water tributaries are essential for salmonid species survival.
- **ECONOMIC/TIMBER:** Phase 3.1 supports 66 million board feet of merchantable timber and an annual allowable harvest of 3 million board feet, equating to \$2.5 MM in annual salaries and 33 full-time equivalent jobs (<https://theforestreport.org/wp-content/uploads/2019/07/OFRI-2019-EconSummary-Web.pdf>).
- The Property will primarily supply logs to the three Schmidbauer mills in Humboldt and Trinity counties via a log reload in Willits, CA located approximately 20 miles south via Hwy 162 and US 101. The Property's timber stands are well suited to provide the log sizes desired by Schmidbauer's mills.
- The local economy is vulnerable and affected by timber industry conditions. Mendocino has 6% unemployment rate (compared to larger CA counties) but a 14% poverty rate (2020 Census). Mendocino is the 4th highest county in CA for timber value (\$48M) and total volume (8% of total) (CA Tax & Fee Admin).
- The Property adjoins approximately 7,926 acres of BLM lands, and permanent protection of Phase 3.1 will expand and ensure habitat connectivity. This network of protected, undeveloped land makes a valuable contribution to climate change resiliency.
- **NON-TIMBER BENEFITS:** In 2019, tourism in Mendocino County generated approximately \$484 million. Protection of the undeveloped landscape of Phase 3.1 will provide a lasting scenic backdrop for travelers, anglers, hunters, outdoor recreationists, and others who visit the area.



Critical Habitat for salmon and steelhead in Eel River on Phase 3.1. (Photo by North Coast Resource Management)

- **PUBLIC ACCESS:** Approximately 200 hunters are granted access to the Property each year. Access granted by the landowners through the California Dept. of Fish and Wildlife (CDFW) Private Lands Management program supports California's hunting industry and generates tourism revenue in Mendocino County.
- According to CDFW, in 2015, 18,267 hunters purchased licenses to pursue Roosevelt and Tule elk, mule and black-tailed deer, and other game species in Mendocino County. Conservation of the Property will maintain habitat for game species that attract hunters to the area.
- CDFW records indicate 15,242 anglers purchased licenses to fish in Mendocino County in 2015. Conservation of the Property will protect valuable fish habitat by buffering approximately 50 miles of intermittent and perennial streams, as well as three miles of the adjacent Eel River.
- A voluntary Conservation Grazing Management Plan guides grazing activities on the Property. The Plan balances grazing opportunities with soil, grassland, riparian land and water quality conservation. A conservation easement will incorporate provisions of this Plan.
- **SCENIC:** With its vicinity near and adjacent to the popular Eel River fishery, the Property offers a scenic backdrop of wild, untouched forestland, open space and riparian habitat for recreationists to enjoy from the river corridor.
- California's Census Program reports 7,200–7,600 vehicles travel past the Property daily along US 101 and California State Route 162. Approximately 8,653 acres of the Property's undeveloped forestland are visible from these highways. A conservation easement will maintain this scenic viewshed.
- **CULTURAL:** Diverse groups of native people have inhabited California for thousands of years. There are a variety of prehistoric sites, including extensive chert and obsidian lithic scatters, chert quarries, as well as several historic sites across the Property.

## Threatened

- **LANDOWNER CIRCUMSTANCES:** The Property is owned by a Willits-based company actively seeking to resolve the increasing financial burdens of landownership while conserving high-quality forestlands from conversion. Recent changes in estate ownership structure may result in additional pressure to sell.
- **LACK OF PROTECTION:** The Property is threatened by residential subdivision and recreational development. It can be divided into 84 legal parcels under current zoning regulations. Subdivision is the "highest and best use" given the growing demand for ranchettes.
- Close proximity to Sacramento and San Francisco, scenic vistas, the Eel River, and abundant wildlife are alluring qualities to urban residents seeking second homes or a more affordable community from which to telecommute. These attributes contribute to the Property's increased development potential.
- **ADJACENT LAND USE:** The Property's prime location along the scenic Eel River near the cities of Willits and Ukiah, and towns of Covelo and Laytonville, make it desirable for development. The Property also has easy access via US 101, a major highway, and State Route 162.
- Financial considerations forced the landowner to sell apx. 16 parcels, including apx. 3,000 acres of the Phase 1 Preston property in the early 1990s, described below, prior to securing a conservation easement. These parcels sold within a two-month period.
- The buyers of those 16 parcels immediately developed the properties, thus fragmenting high-quality wildlife habitat through the construction of 8-foot wooden fences, roads, dwellings, greenhouses, septic systems, and increased water usage.
- **ABILITY TO DEVELOP:** Approximately 7,348 acres of the Property are developable under Mendocino County Planning and Building Services' Zoning Code, which designates land with a slope >30% as undevelopable. A well maintained and developed road system further supports development potential (see map).



*Specimen Sargent Cypress tree growing on unique serpentine soil community. (Photo by Coastal Forestlands)*

- High demand for ultra-premium vineyards encourages conversion of diverse oak woodlands to grape mono-cultures. Approximately 1,056 acres of the Property could be converted to a vineyard if acquired by a viticulturist, resulting in loss of key wildlife habitat and biodiversity.
- A vineyard suitability assessment notes the Property is ideal for growing pinot noir, a popular grape with hard-to-find soil/climate requirements. Regions known for producing world-class pinot noir (Napa & Sonoma) are fully planted, forcing viticulturists to look for additional acreage elsewhere.
- Without a CE, use of chemicals/pesticides, additional road construction, septic systems, and other utilities would occur on the unprotected Property to accommodate ranchettes or vineyards, amplifying discharge of sediment and other pollutants into streams designated as salmonid Critical Habitat.

## Strategic

- **COMPLEMENTS PROTECTED LANDS:** Phase 3.1 will complement previously completed phases of the Eel River Peninsula project that have been funded in part by the Forest Legacy Program and the Land & Water Conservation Fund's Core Program. To date, 35,760 acres have been conserved. Phase 3.1 seeks to conserve an additional 13,020 acres of the 65,238-acre Eel River Peninsula Project.
- **CONSERVATION STRATEGIES:** The project supports the following plans: 2021 CA Wildfire and Forest Resilience Action Plan and 2015 CA State Wildlife Action Plan by enhancing habitat connectivity and fire resilience; 2015 CA Water Action Plan and 2011 Water Quality Control Plan for the North Coast Region by protecting water quality and salmonids; USFS 1995 Mendocino National Forest Plan, and others.
- National Oceanic and Atmospheric Administration's 2016 Coastal Multispecies Recovery Plan for California coastal Chinook salmon and Northern California steelhead calls for maintenance of relatively intact forestland and grassland habitat to prevent fish population decline and habitat degradation and points to California's Forest Practice Rules to guide private land activities.
- CDFW's Areas of Conservation Emphasis Terrestrial Connectivity Analysis highlights the Project's importance as a "conservation planning link" and an "irreplaceable and essential corridor." The CE will prevent fragmentation of this critical habitat for wildlife movement and migration.
- The Nature Conservancy's 2001 California North Coast Ecoregional Plan prioritizes conservation areas based on the number and diversity of target species. Two Tier 1 and One Tier 2 conservation areas overlap the Property: (1) Lower Elk Creek, (2) Lower Middle Fork Eel, and (3) Willis Ridge. Conservation of the Property will protect existing high-quality habitat in support of this Plan.
- A voluntary Conservation Grazing Management Plan, and enrollment in the Private Lands Wildlife Habitat Enhancement and Management Area Program, guides grazing management activities and habitat enhancement activities on the Property. Both programs emphasize restoration of native perennial grasslands and riparian vegetation, soil conservation and water quality improvement.
- Active forest management will mitigate wildfire risk in an area identified by both the U.S. Forest Service & California Department of Forestry & Fire Protection as having "very high" to "high" wildfire hazard potential.
- The Bureau of Land Management (BLM) and State manage 17,411 acres within a 3-mile radius of Phase 3.1. Approx. 7,926 of these acres border Phase 3.1. Approx. 5,500 acres of BLM-managed land between Phase 3.1 and the previously protected ERP Preston Tract are classified as Lands with Wilderness Characteristics. A CE will buffer these wildlands and prevent future development and fragmentation.
- Phase 3.1 leverages support from multiple partners to protect T&E species and water quality; restore forest and riparian ecosystems; support management for improved timber production and fire-resiliency; public recreation opportunities; and protect mid-to-low elevation mixed-conifer and oak woodland forests that complement the species-rich timber stands in the adjacent Wilderness Areas.



Native Tule Elk on Brushy Mountain (Photo by Coastal Forestlands)

- Brushy Mountain Phase 3.1 and the larger Eel River Peninsula Project complements USFS forestlands and present a significant opportunity for the concentrated protection of California's water supplies, salmon populations, biodiversity, habitat connectivity, and public recreational opportunities, and increase climate change resiliency across the northern California landscape.

## Readiness

Pre-Appraisal/Market Analysis	1
Easement or Fee Conditions	1
Non-Federal Cost Share Commitment	1
Signed Purchase Agreement	1
Title Search	1
Mineral Determination	1
Stewardship Plan (or equivalent)*	1
<b>Readiness Total Tally Score</b>	<b>7</b>

## Supporting Parties

US Congressmen Mike Thompson and Jared Huffman; California State Wildlife Conservation Board; Mendocino County Board of Supervisors; Rocky Mountain Elk Foundation; John Bernstein, The Trust for Public Lands; Forest Supervisor Ann Carlson, Mendocino National Forest (MNF); The Nature Conservancy; US Bureau of Land Management; Ryan Henson, California Wilderness Coalition; and Willits Environmental Center.

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