

USDA Forest Service  
Deschutes National Forest  
1645 Highway 20 East  
Bend, OR 97701

**Bend Pine Nursery  
Land Conveyance Project**

**Environmental Assessment**

Responsible Official:

**Harv Forsgren**  
Regional Forester  
Pacific Northwest Region (R-6)

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**Lead Agency:      USDA Forest Service  
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# 1 Purpose and Need

## ***1.1 Background and Location***

This environmental assessment (EA) documents the environmental analysis of a sale or exchange of approximately 185 acres of National Forest System land located just outside the city limits of Bend, Oregon. This property is known as the Bend Pine Nursery parcel. The analysis evaluates the disposal of this property, which is no longer needed by the Forest Service, so that it can be offered for conveyance under the authority of the Bend Pine Nursery Land Conveyance Act (P.L. 106-526).

These 185 acres are part of a 210-acre parcel that has been used by the Forest Service as a nursery and seed extractory for tree seedling operations since 1943, when the parcel came into federal ownership. Prior to that time, the parcel was farmland. The need for tree seedlings has been greatly reduced in the last decade and consequently the site is no longer needed for nursery purposes. In 1995, the decision to terminate most operations at the Bend Pine Nursery facility was made by the Chief of the Forest Service.<sup>1</sup> A 25-acre portion in the southeast corner of the 210-acre parcel continues to be used as a regional seed extractory facility and will remain in operation at that site. The 25 acres includes offices, warehouses, and tree coolers. These facilities and the 25 acres will be retained by the Forest Service in federal ownership and will continue to serve the future needs of the agency. Only 185 acres is being considered for conveyance out of federal ownership. (Refer to map).

The parcel has very low potential for meeting federal land management or resource goals. Bordering the city of Bend, the parcel lies more than five miles from the nearest National Forest System land, and more than a mile from the nearest public lands managed by the Bureau of Land Management (BLM). The Forest Service and the BLM manage lands for their natural resource values, such as water, wildlife, fish, timber, grazing, and non-urban recreation opportunities. In contrast, the Bend Pine Nursery parcel features few of the attributes associated with such uses. It provides none of the watershed benefits associated with federal lands in the region. This parcel provides very limited potential for wildlife habitat or connectivity because of its distance from other federal lands dedicated to natural resource management, and because of the increasingly urban character of surrounding lands. Based on these circumstances, this parcel has been considered excess to the needs of the Forest Service.

Consequently, the Bend Pine Nursery became one of seven tracts that were authorized for sale or exchange through the Bend Pine Nursery Land Conveyance Act (PL 106-526), signed into law in November 2000. The Bend Pine Nursery parcel is identified as “Tract A” in the legislation.

The Bend Pine Nursery parcel is within the Bend/Fort Rock Ranger District, Deschutes National Forest, Deschutes County, Oregon, adjacent to Bend’s urban growth boundary, in Township 17 south, Range 12 east, sections 22 and 23, Willamette Meridian. (Refer to vicinity map).

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<sup>1</sup> A full description of the determination of what portions of the facility and the property continue to be needed and will be retained can be found in the 2002 Transition Plan in the project file.

## ***1.2 Purpose***

The purpose of this land conveyance project is to meet the intent of the Bend Pine Nursery Land Conveyance Act (hereafter referred to as the Bend Pine Nursery Act or the Act), signed into law November 22, 2000. The purpose of this action is to serve the public interest by conveying out of federal ownership a parcel that is no longer needed for Forest Service nursery operations and is not suited for National Forest management because of its proximity to the rapidly growing urban areas of Bend. The conveyance will eliminate high costs of administration and maintenance of this unneeded property.

The second purpose for selling this parcel under the authority of the Bend Pine Nursery Act is to allow the proceeds of the sale to be deposited into an account that can in turn be used for the acquisition, construction, or improvement of administrative and visitor facilities and associated land in connection with the Deschutes National Forest. (P.L. 106-526, Sections 4 and 5).

A third purpose of this project is to ensure that the value of the estate made available for sale or exchange is not unduly devalued in the conveyance process. In any land conveyance, receiving market value for the land is required by law, regulation, and policy, unless legislation specifically calls for some other practice. The Bend Pine Nursery Act states that conveyance is subject to the applicable laws and regulations (PL 106-526 Section 3(c)), and therefore, receiving market value must occur.

## ***1.3 Proposed Action***

The Forest Service is proposing to convey out of federal ownership that portion of the Bend Pine Nursery property that is no longer needed for National Forest purposes. The estate proposed for conveyance includes approximately 185 acres of land, 5 buildings or structures (pump house, open storage, chemicals building, outhouse, and outhouse building), 157 acres of surface irrigation water rights, a water well, and several easements. (Refer to site map).

## ***1.4 Decision to be Made***

The Regional Forester for the Forest Service's Pacific Northwest Region (R6) will make the following decisions regarding this project: the estate that will be offered for conveyance (if any), and appropriate terms or conditions that may be involved with the conveyance (if any). The decision, to be documented in a Decision Notice, will be based on the findings in this Environmental Assessment and will consider public comment. Selection of future uses of the property, methods of conveyance, and valuation of the estate will not be included in the Decision Notice. These are administrative decisions or actions that would occur as part of a conveyance process and separate from the NEPA environmental analysis.

## ***1.5 Public Involvement***

On June 4, 2001, a letter describing the proposed sale of the Bend Pine Nursery property was sent to more than 500 individuals, groups, and agencies. The list was compiled from several sources:

- **Names from Forest Service lists of people who had expressed an interest**
- **Property owners within 750 feet of the nursery (County records)**
- **Names from a list maintained by the Bend Metro Parks and Recreation District**
- **Forms submitted after a community forum on July 16, 2001**

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In addition to the public notice, a number of articles appeared in *The Bulletin* (Bend, Oregon) in June and July describing the proposed project.

Sixty-one letters or forms were received during the public comment period. Many of the comments expressed a preference for a particular action or future use of the property. Of these comments, most suggested that the Forest Service should convey the property to the Bend Metro Parks and Recreation District (Park District). If that cannot be done, a preference was expressed that the property should stay in some type of public ownership to maintain its value as open space. Some comments suggested that the Forest Service donate the land to the Park District. Almost all of the comments mentioned that the land should not be conveyed out of public ownership, especially if it meant the land would be developed for a housing subdivision.

Other comments mentioned the public interest. Many expressed the opinion that preserving open space and providing parks represents the best use of this property. Comments noted that the large expanse of flat ground offers a unique opportunity for sports fields in a region that tends to be hilly and rocky. Comments also noted that Bend has a demonstrated need for parks, trails, athletic fields and other facilities, and that the nursery property, if used for parks and sports facilities would complement the needs of the Bend-La Pine School District. Comments pointed out that the northeast part of Bend in particular lacks public lands for parks, and that if this opportunity is lost, few options will be available in the future for parks in this area.

Receiving a fair value for the property was also mentioned as a public benefit. One opinion expressed that getting the highest possible price for the property was in the best interest of the general public. Many comments focused on how the value of the property would be determined. Strong support was expressed for using an appraisal to determine value, and little support was expressed for using a bidding process that could involve speculative buyers.

Other comments suggested that the parties to this proposal take time to insure that the public interest is served. These suggestions raised concern that too much emphasis was being placed on open space and parks and that other uses, such as affordable housing, should be considered. Comments asked that the property be considered for housing, schools, or medical facilities, before finalizing what the best use might be for the property. Some commenters questioned the whether the nursery is in fact excess, because the need for reforestation continues.

There were comments raised about the environmental effects of any conveyance. Concerns were raised about the impact to the wildlife if the area becomes developed, either for housing or a sports complex. Concerns were also raised regarding the impact of ball fields and lights to neighbors of the property. Other comments offered information to suggest that few of these impacts would be noticed if the area were used as a park and open space as long as proper master planning takes place before park development.

### ***1.6 Key Issues***

An issue is a point of discussion, debate, or concern regarding the environmental effects of a proposed action. Identification of issues guides the analysis by determining which issues are important to address or mention for clarification and information. Significant or “key” issues are used in the environmental analysis for formulating alternatives, developing mitigation measures, and tracking effects.

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Forest Service specialists reviewed the federal resources that may be associated with the Nursery site that could potentially be affected by conveyance of the property. Resources that were evaluated included wildlife, fish, plants, soils, and water.

In contrast, most issues or concerns raised by the public related to potential future uses of the land and how those future uses might impact the parcel as open space and how public access might be changed. Depending on the ultimate use of the parcel, different levels of open space and public access would be available. (For example, a park or recreation facility has a greater likelihood of providing open space to the community than a subdivision of 10-acre home sites).

The issue of open space and public access is addressed in the Bend Pine Nursery Act (Section 3(e)(3) in that it provides the Bend Metro Park and Recreation District with the “right of first refusal” to purchase the Bend Pine Nursery. Through this section of the law, the community (as represented by the Park District) would have an opportunity to acquire the open space and access potential of this parcel. No other reference to future use is provided in the law. Questions of how future uses may impact or be realized by local interests are outside the scope of the Forest Service’s analysis and decision for this project. This environmental analysis will consider whether or not to convey or dispose of the property and will not include a detailed analysis of future uses. Ultimately, the determination of future uses will be based on the purchaser(s) and will be in accordance with local zoning and land use approval processes. It is not a factor for the Forest Service to consider in its analysis or decision.

Another issue brought up during scoping was how to sell the property, whether through a direct sale or through a bidding process. This is an administrative decision that will be made during the conveyance process, after the decision of whether to sell and what to sell has been made. Therefore, the issue of how to sell is also outside the scope of this environmental analysis.

The Forest Service acknowledges and understands that there is a great deal of interest expressed by the local public regarding to whom the property would be sold. In particular, the local public is acutely aware that the Park District initiated the legislation leading to the Bend Pine Nursery Act, and believes that the Congressional intent is for this property to ultimately be under Park District ownership. The local public supported the Park District in their efforts to have the legislation approved, and continues to support the acquisition. The Park District has spent a great deal of effort to identify the public interest and has conducted focus group interviews and a random community survey to gather public information about the roles and types of services the Park District should provide. Based on this information, a series of conceptual master plans will be developed and a preferred option can be selected to best respond to the community needs. The results of these community involvement efforts will be included in a draft report, which will be presented to the public during the summer of 2002.

While the Forest Service understands this is an important issue, it is not within the scope of this environmental analysis or the decision to be made, and therefore will not be addressed or analyzed in this EA. However, a sale process would include proceeding with offering the right of first refusal to the Park District, as provided in the legislation.

Given this context, no key issues were identified, and no other alternatives to the proposed action needed to be developed.



## ***1.7 Other Issues***

The resource specialists considered the following issues related to conveyance of the nursery property out of federal ownership. Although these are not identified as key issues and therefore do not direct alternative formulation, they respond to concerns raised during scoping. These and other issues are evaluated further in the effects section of this EA (Section 3).

### ***1.7.1 Wildlife Displacement***

Although the property does not provide high-quality habitat for the types of species that typically inhabit National Forest lands, the 210-acre size of the parcel in proximity to the urban area provides a home to a variety of wildlife species that might not otherwise be so close to the city. Transfer of this parcel out of federal ownership with the expected increased development could have an impact on some of these species, further displacing them from their historic range. Other species that are more adapted to co-existing with human activity would be less affected.

### ***1.7.2 Recreation Use Changes***

Conveyance of National Forest ownership and potential changes in land use may impact local opportunities for a wide variety of recreation settings. Primitive and Semi-Primitive recreation settings typical to national forest land management are not expected to be impacted. However, the recreational opportunities are likely to change from the current authorized level of no use (recreation use is currently not permitted on the parcel), to some level of active use once conveyance occurs, if public use is allowed.

### ***1.7.3 Neighborhood Changes***

Conveyance out of National Forest ownership and potential changes in use is likely to increase the amount and intensity of use on this parcel. In turn, this increase in activity may have various effects on neighbors. Potential impacts include increased traffic, increased noise, and a decline in rural character that nearby land owners value. It may also increase the home values depending on future development of rural land to urban land.

## **2 Alternatives**

### ***2.1 Formulation***

Only one alternative (the proposed action) is considered in detail because no key issues were identified. In addition, Alternative 1—a No Action alternative—is analyzed as a baseline from which to compare effects.

### ***2.2 No Action Alternative (Alternative 1)***

The No Action Alternative forms a basis for describing and comparing the effects of the proposed action. In this case, the No Action Alternative means that the entire estate (land, utilities, structures, etc.) would remain in Federal ownership. The property would remain under management by the Forest Service, but the majority of the estate would not serve any needed National Forest purposes. A previous decision to grant a new road easement to Deschutes County across the southwest corner of the property would proceed, providing a connection between 27<sup>th</sup> Street and Empire Avenue.

### **2.3 Alternative 2 (Proposed Action)**

Approximately 185 acres of the Bend Pine Nursery property and the associated elements that make up that estate would be conveyed out of federal ownership. Some or all of the appurtenant surface water rights would be conveyed with the land to the extent necessary to meet the needs of the purchaser and not diminish the overall market value for the property. Any remaining water rights would also be available for conveyance using other disposal procedures. Existing pipeline easements and facilities used for storage, transmission, and use of the irrigation water would be conveyed with the water right. Existing special use permits (e.g., for utilities and roads) would be converted to easements and transferred with the property. Other easements (e.g., for adjacent roads such as Yeoman and Deschutes Market) would also be transferred with the land. There is a water well on the property that has only been used for supplemental irrigation associated with the surface irrigation water right. The estate to be conveyed would also include this water well.

Sixteen underground injection wells (30 to 60 foot-deep drill holes) are also located at the site. These once served as field drain holes but they have not been used for some time and are prohibited under current state law. These wells would be decommissioned before the land can be conveyed.

Until the property is conveyed, surface water rights would continue to be used by the Forest Service to maintain some features on the property, including wind rows of trees that require water during the summer in order to maintain their health.

Table for Comparison of Alternatives (decision factors)

<b>Purpose/ Issues</b>	<b>Action Alternatives</b>	
	<b>Alternative 1</b>	<b>Alternative 2</b>
<b>Dispose of excess property</b>	No change from the current situation	Sale or exchange of all excess property will reduce the current administrative costs and maintenance.
<b>Funding for Deschutes NF Admin. Facilities</b>	No funding would be available.	Provide a source of funds for the administrative facilities of the Deschutes National Forest
<b>Financial Return</b>	No return to the government	Return to the government would be at full determined value

### **2.4 Alternatives Eliminated from Detailed Study**

Described below are alternatives considered, but not analyzed in detail:

- **Keep the property in federal ownership.** An agreement with the Bend Metro Park and Recreation District could permit use of the site under a special use authorization. Keeping the property could generate funds through the permit, and the Park District could maintain the property. This alternative was not considered in detail because it does not meet the intent of the Act. It would not reduce the Forest Service inventory of excess property. It would not generate adequate funding for acquiring new administrative facilities for the Deschutes National Forest. This alternative would not be appropriate or desirable because a special-use permit of this nature would be a complex agreement, expensive to administer,

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and would exceed the statutory and regulatory direction for authorizations on National Forest System land.

- **Keep the property in federal ownership and simply open the gates so the land is available for use by the public.** No development would occur on the site, but it would be used by the public for a variety of activities, from walking dogs, to hiking, bird watching and the like. This alternative was not considered in detail because it does not meet the purpose of disposing of excess property. If the parcel is open for public use, it would require increased funding for management of the site (e.g., trash collection) and to provide for public safety. This alternative would not generate funds that could be used in acquiring new administrative facilities for the Deschutes National Forest.
- **Keep the property to develop a government service center** so that several agencies (Forest Service, BLM, State Forestry, etc.) could locate in one place. This alternative was suggested during the comment period but was not considered in detail because the Forest's facility planning teams and the Forest Supervisor have determined that this location is not appropriate for such a center.
- **Donate the property to the Park District.** This alternative was not considered in detail because it does not generate funds that could be used in acquiring new administrative facilities for the Deschutes National Forests, thus not meet the purpose and need. Moreover, the Bend Pine Nursery Act does not authorize such a donation, and there are no existing federal laws that would authorize a donation.
- **Sell a smaller portion of the parcel.** This alternative was not considered in detail because no resource concerns arose during the analysis to indicate that retaining a larger portion of the property is necessary for resource protection or for any other reason. Only the portion of the parcel that is excess to the Forest Service and no longer needed is being considered for disposal. The actual method and timing of disposal is outside the scope of the environmental analysis.
- **Provide a Water Benefits Alternative.** This included increasing protection of in-stream flows by using the surface water rights in a mitigation program proposed by the Oregon State Department of Water Resources. This alternative was not considered in detail because selling the land without the surface water right might have an adverse impact on the land's value, thus not meet the purpose for the project. Additionally, the Forest Service cannot knowingly take an action that would devalue the estate. Water rights are appurtenant to the land and Forest Service discretion for separating water rights from the land is limited. An amount of water necessary to continue beneficial uses of the property would be sold with the land, as long as the new owner can put the water to beneficial use. Any water rights remaining after the sale could be available to meet other public needs, and could be considered for participation in a State mitigation program, if one is in place. The method of disposal of excess unneeded water rights is an administrative decision and outside the scope of this environmental analysis.
- **Provide a Deed Restriction Alternative.** This alternative considered imposing deed restrictions in order to avoid future impacts from site development, specifically to condition the deed to maintain open space features of the parcel. This alternative was not considered in detail based on the fact that conveyance of the property with deed restrictions is inconsistent with Forest Service policy, direction, and regulation. The following Forest Service manual, handbook, and regulations provide the needed policy guidance:

Forest Service Manual 5474 Deed Restrictions and Conditions.

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- *In conveyances of National Forest System lands, in addition to reservations, it may be necessary to apply specific limiting conditions to manage effectively or to protect National Forest System lands and resources.*

Federal Register Notice of March 8, 1994, Part II, Department of Agriculture, Forest Service 36 Code of Federal Regulations (CFR) 254 Land Exchanges; Final Rule.

- *An indication of the intent of this regulation (36 CFR 254.3 (h) Reservations or restrictions) can be found by reviewing the specific comments that address “public interest.” The response to comments contains references to ‘protecting critical interest’ and restrictions to protect ‘any federal interests.’ The regulation itself states that ‘(t)he use or development of lands conveyed out of federal ownership are subject to.... all laws, regulations and zoning authorities of State and local governing bodies.’*

Forest Service Handbook 5409.13 – Section 30.02(17)

- *Consider restriction or covenants on Federal lands only when needed to protect the public interest; i.e., to comply with law, regulatory requirements and executive orders or when clearly and specifically supported by the applicable forest land and resource management plan. The need to retain restrictive covenants on the Federal land are to be supported by the NEPA analysis. The potential effect of covenants on market value and future administrative cost needs to be considered when evaluating proposals. Remove Federal lands from the proposal when covenants on the Federal land appear to be warranted which would measurably reduce the value of the Federal lands and or would create a significant administrative burden on the United States. Do not agree to reservations by either party as means of equalizing values.*

In summary, Forest Service direction indicates that deed restrictions are to be imposed in rare occasions when necessary to protect critical Federal interests. The use of deed restrictions is not consistent with the Forest Service goal of improving the effectiveness and efficiency of its management. The Forest has identified this property for disposal in order to improve efficiency of management. Administration of deed restrictions can be extremely complicated, time consuming and expensive, resulting in a potential decrease in management efficiency, instead of the intended increase. It would encumber the Forest Service to have administration costs and responsibilities for the land indefinitely into the future.

Deed restrictions are not to be imposed to protect property interests on adjacent private property. Zoning and regulation of uses on private land are within the responsibility of state and local governments. Local authorities are in the best position to determine appropriate uses of private land. The Forest Service has neither the legal authority nor the responsibility to substitute deed restrictions for local zoning controls. Local governments have traditionally agreed and insisted that such decisions be left to them. Therefore, this alternative was not considered in detail.

### **3 Environmental Effects**

This section of the EA considers the environmental effects of implementation of the alternatives. Direct, indirect, and cumulative effects are discussed as appropriate for the particular resource.

The decision to sell the property will not involve a prediction of a specific future use. However, in order to provide a consistent context for effects analysis, the analysis assumed that future uses would fall within those permissible under current Deschutes County land use

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ordinances and zoning. For the Bend Pine Nursery parcel, current county land-use direction permits either farm use or single-family dwellings on a minimum lot size of 10 acres. It is assumed that this zone (Urban Area Reserve or UAR-10) will remain in effect until the urban growth boundary for Bend is updated, which is expected to occur in the next 10 to 20 years. Several conditional uses could be allowed in this zone, but would require Deschutes County to review and approve such uses. Examples of possible conditional uses include a dude or guest ranch, a commercial riding stable, a church, schools (not including trade schools and similar for-profit schools), parks and recreation facilities (but not including uses such as amusement parks or race tracks), a utility sub station, a kennel or animal hospital, a planned unit development, a destination resort, time share units, and a plant nursery.<sup>2</sup>

Rather than evaluate all potential conditional uses, the analysis used two reference points between which the impacts of other uses would lie. One point is the use as parks and open space, and the other point is the use for 10-acre home sites. The objective of using these two reference points is not to assume future uses, but to provide adequate disclosure of the effects of conveyance. Currently allowed or conditional uses fall between these two reference points.

### ***3.1 Wildlife/Fish***

#### ***3.1.1 Summary***

Bordering the City of Bend, the Bend Pine Nursery parcel lies more than five miles from the National Forest System land. Due to the distance from resource lands, as well as being surrounded by a setting that is becoming more urban, the parcel does not provide wildlife habitat connectivity for Forest Service lands. However, the parcel is close enough to tracts of BLM land that it can offer refuge as well as limited connectivity for wildlife that move between these BLM parcels. Although connectivity for federal resource lands is limited, the property provides a relatively large piece of nearly undeveloped land in an area of urban growth. This provides a refuge for more common species.

Conveying the land out of federal ownership will have impacts to wildlife that will vary depending on the future use. Future use of this land as open space and park facilities would be fairly compatible with the type of wildlife that inhabit the area. This would be a minor change from current use, and given appropriate consideration, development of open space and parks could actually increase the habitat diversity available on the site and increase the amount of wildlife using the area. This expectation is based on similar opportunities in the community that have led to enhancing the community's natural resources.

The variety of wildlife species present at the nursery site could be protected and enhanced through the planning process required for development of the area, especially if it is developed as a park. Similar opportunities in Bend have led to such sites being used for high school environmental studies, and to work in partnerships to support an environmental program.

By contrast, if the area is developed as a subdivision, few of these opportunities are expected to be available. Regarding wildlife habitat, although 10-acre home sites will maintain a relatively open look to the property, up to 17 homes could be built. Fence lines would likely be

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<sup>2</sup> Deschutes County Land Use Planning ordinances (Chapter 19.12, dated 8/21/96)

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established between many of these properties. Access roads would be constructed. Livestock, house pets, and other associated human activity would reduce the effectiveness of the habitat. Cumulatively, many of the species that depend on the current amount of openness would likely be displaced. Although this situation is not optimal for wildlife, it would not lead to reductions in populations that could cause any species to be placed on either a federal or state list of threatened, endangered or sensitive species.

No fish species exist on the property and so no effects would occur regardless of the use.

**3.1.2 Indicator Species (MIS) and Species of Concern (SOC)**

This section specifically addresses the projects effects upon Management Indicator Species (MIS), ecological indicators, and Species of Concern (SOC) identified by US Fish and Wildlife Service designation.

The size and scope of the project is relatively small. The action alternative is not expected to cause trends in the decline of the population of any of the listed species as a result of the project. If the property is dedicated to parks and open space, wildlife would experience some impact because of the increased use and management, but as described below, park use offers a greater likelihood that the amount of wildlife habitat on the parcel will be maintained. If the parcel were developed as 10-acre home sites, local populations would be expected to decline in the immediate vicinity; however, impacts of habitat reduction would not lead to reductions in regional populations that could cause any species to be placed on either a federal or state list of threatened, endangered or sensitive species. The following list displays the species considered in this analysis.

**Birds**

<b>Species</b>	<b>Status</b>
Northern Goshawk	MIS, SOC
Cooper’s Hawk	MIS
Sharp-shinned Hawk	MIS
Great Gray Owl	MIS
Great Blue Heron	MIS
Cavity Nesters (woodpeckers)*	MIS
Red-tailed Hawk*	MIS
Osprey	MIS
Golden Eagle	MIS

**Mammals**

Western big-eared bat	SOC
Small-footed Myotis*	SOC
Long-eared Myotis*	SOC
Long-legged Myotis	SOC
Yuma Myotis*	SOC
Elk	MIS
Marten	MIS
Mule Deer*	MIS
Preble’s Shrew	SOC

**Amphibians & Reptiles**

Northern sagebrush lizard	SOC
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MIS – Management Indicator Species, Deschutes Land and Resource Management Plan

SOC – USFWS Species of Concern

\* = Occurs or potentially occurs in the project area

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### **Cavity Nesters (Woodpeckers)—MIS**

The project area provides habitat for the northern flicker, white-breasted, red-breasted, and pygmy nuthatch, and potentially the hairy and white-headed woodpeckers, although it is rare that the hairy or white-headed woodpecker would occur here because of the distance of this parcel from stands of contiguous coniferous forest.

The parcel of land provides foraging habitat for woodpeckers due to the amount of planted mature ponderosa pine as well as other conifers. The parcel does not contain any snags and so does not provide any nesting habitat. However, flickers and nuthatches could potentially utilize the remnant juniper shrub lands in the area for nesting habitat.

Alternative 1 (No Action) would not convey the land and would maintain woodpecker habitat in its current condition. Over time, surrounding lands would become increasingly developed, which would increasingly isolate this parcel from other public lands.

Alternative 2 would allow for the greatest amount of foraging habitat if mature trees are retained within the design of the park. However, if large trees are not retained in the design or the site is converted to homesites, the abundance of foraging habitat would be greatly diminished. Impacts of habitat reduction and displacement of individuals would not lead to reductions in regional populations of cavity nesters.

### **Red-tailed Hawk—MIS**

This species has an extremely wide tolerance for habitat variation. Generally, the species prefers open woodland areas associated with forest edges for nesting. The project area in the past has provided nesting sites for red-tailed hawks. It has provided an ideal opportunity for nesting and foraging habitat within an urban setting due to the open field like space with mature ponderosa pines.

Alternative 1 (No Action) would not convey any land. The project area would remain in its current condition and continue to provide nesting habitat and foraging habitat. Development of surrounding parcels will continue to reduce foraging habitat outside the nursery parcel, as well as increasing the amount of disturbance to nesting habitat.

To the extent that Alternative 2 (Proposed Action) will maintain a park like setting, the opportunity exists to maintain red-tailed hawk habitat. Park use has the potential to maintain nesting and foraging habitat within the project area depending on the amount of mature trees that are left. There is a chance that some of the trees would be left that could potentially provide roosting trees if used as 10-acre home sites within a subdivision. However, it is highly unlikely that much foraging habitat will be left because of the smaller parcel size (10 acres), as well as the increased human activity. Also possible (but less likely), all foraging and nesting habitat in the parcel would be removed.

Due to the removal of foraging habitat, as a result of development, nesting habitat under this alternative would more than likely be diminished even if some mature trees are left. Development of the site will also increase the amount of disturbance to the area, thus providing a less than desirable area for red-tailed hawks. Impacts of this habitat reduction and displacement of individuals would not lead to reductions in regional populations of red-tailed hawks.



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### **Mule Deer -- MIS**

Historically, the project area and the surrounding area provided mule deer winter range as well as transition range for deer to move to the Cascade summering grounds. Currently the northeast portion of the project area contains a bitterbrush component type of shrub habitat. Deer currently use this portion of the project area year round. The project area provides refuge as well as a forage base within a highly urbanized area. There are contiguous tracts of Bureau of Land Management (BLM) lands to the north and east of the parcel. The project allows some limited connectivity through the urban interface between these tracts of BLM land. The project area is not zoned as a critical migration corridor with the county or through the Oregon Department of Fish and Wildlife.

Selection Alternative 1 (No Action) would mean the project area remains as it currently exists and will continue to provide mule deer habitat at its current limited capacity. As time passes, increasing development of the lands surrounding the Nursery parcel will reduce the connectivity of this land to other public lands. It will continue to provide a refuge that is increasingly isolated.

Alternative 2, would mean the opportunity exists for portions of the parcel to be managed for wildlife habitat and a management plan could be implemented within the project area to provide better habitat in the future if the parcel were used for parks and open space. Under this alternative, some forage habitat as well as refugia has the potential to be maintained.

As 10-acre home sites, the potential exists for all deer habitat to be converted to less effective deer habitat, limiting deer movement and use of the area. An optimistic view would be that development of the parcel would still provide passage through the area. However, under any scenario it is highly unlikely that it will provide any refugia if developed as home sites. Impacts of this habitat reduction and displacement of individuals would not lead to reductions in regional populations of deer.

As with Alternative 1, Alternative 2 would mean the area will become increasingly isolated as time goes by and adjacent lands are developed as housing subdivisions. Under Alternative 2, continued growth in the adjacent private lands will limit deer travel through the area, regardless of the future use of the parcel.

### **Bats --SOC**

The following species are bats that are associated with forest habitats and are known to occur on the Deschutes National Forest: Small-footed Myotis, Long-eared Myotis, and Yuma Myotis. These species were considered in detail in this analysis because they use buildings as part of their life cycle.

**Small-footed myotis:** Roosting, nursing, and hibernating habitat occurs on the Deschutes National Forest (NF). Hibernacula and maternity consists mainly of lava tubes and small caves, while roosting consists of rock crevices, caves, cliff faces, and buildings.

**Long-eared myotis:** This species of bat has been documented on the Deschutes NF. They are known to roost in caves, under tree bark, in snags, and under bridges. Maternity habitat consists of fallen logs, snags, and buildings. Hibernating individuals have been found in caves, crevices, and buildings in western Oregon and Washington, but winter ecology and

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distribution are largely unknown. Despite its occurrence in a wide variety of habitats, it has been closely associated with old growth forests or components of old growth habitat.

**Yuma myotis:** Occurrence of this species is documented on the Deschutes NF, normally highly associated with water and riparian habitat. Night roost habitat includes bridges, buildings, trees and rim rock. Nursery colonies are found in buildings, under bridges, in caves and mines. This species is not known to hibernate on the Deschutes NF.

Bats are known to use the buildings at the Bend Pine Nursery as day roosts. There is a large irrigation canal adjacent to these buildings that provides water as well as providing forage by attracting insects to the water. The parcel provides foraging opportunities for the above listed bats that rely on both forest like-habitat as well as urban dwellings with the open space of the parcel and forested perimeter. It provides many opportunities for day and night roosts adjacent to foraging habitat as well as maternity roosts and potential areas for hibernacula with the urbanization and buildings associated with and surrounding the parcel.

Alternative 1 would not convey ownership of the property. The project area would remain as it currently exist and would not change any bat habitat from its current state. As surrounding areas develop, little change in the bat use or habitat is expected to result.

Selection of Alternative 2 would mean most buildings remain in Forest Service ownership, therefore no effect is expected from a change in this type of habitat. However, once the rest of the property is conveyed out of federal ownership, a wide range of future uses would change the amount of foraging habitat available. Most of the bat habitat would remain in tact if the property is used as park and open space. The open canal south of the property would continue to provide insects. Maintaining open space would provide open areas for foraging. These open areas and trees on the parcel will continue to provide foraging area for the bats associated with the area. Roosting habitat would not be removed, as it exists within the urban areas due to all the building surrounding the parcel as well as the Forest Service building associated with the seed extractory.

Development of the parcel into 10-acre home sites would mean reduction in open space, which would reduce foraging opportunities. Removal of the trees on the site could degrade foraging habitat as well and potentially roosting habitat. The buildings in the urban areas as well as the Forest Service seed extractory would continue to provide roosting habitat. However, development of the parcel would lead to a decline in foraging habitat adjacent to a water source, which is unique in an urban setting. Impacts of this habitat reduction and displacement of individuals would not lead to reductions in regional populations of bats.

### ***3.1.3 Land birds***

Two Eco-regions were reviewed for this project analysis to determine if the project area contained bird species considered to be sensitive within that respective region. The two regions consist of East Slope Cascade Mountains, and the Columbia Plateau. The Following are focal species that were identified within conservation strategies for each eco-region.

**East Slope Cascade Mountains:** Areas were broken up into priority habitats within this conservation strategy and considerations were given to species associated with each priority habitat. The habitat types consist of ponderosa pine, mixed conifer, and oak-pine woodland.

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For each habitat type they are broken down into Subprovince, which include North Cascade, Yakima Plateau/Columbia Foothills, and Central Oregon/Klamath Basin. Focal species for this project are associated with the Central Oregon Subprovince within the priority habitat ponderosa pine and consist of the following species: white-headed woodpecker, pygmy nuthatch, chipping sparrow, and Lewis' woodpecker. Other regularly associated species are Flammulated owl, Williamson's sapsucker, Townsend's solitaire, and white-breasted nuthatch.

**Columbia Plateau:** Priority habitats were addressed essentially the same as the East Slope species listed above within this conservation strategy. Focal species were designated by Subprovince, which for this project is the High Lava Plains. Priority habitat areas are broken into three groups Shrub-Steppe, Riparian, and Unique Habitats. Habitat within each that are similar to that associated with the project are Shrublands, Juniper Steppe. These are within the Shrub-Steppe priority habitat. Birds associated with these habitat areas are lark sparrow, ferruginous hawk, and gray flycatcher.

Species listed above are not known to occur within the project area, but have the potential to utilize the project area. No intentional take of migratory birds is expected to occur as a result of the project. However, the following analysis will show potential effects to habitat as a result of each alternative.

Alternative 1 will maintain land bird habitat as it currently exists.

Alternative 2 would mean habitat for these species would be maintained if the use is predominantly parks and open space. In contrast, development as 10-acre home sites would reduce the open space setting. Trees, shrubs, and open field habitat types that exist could be removed, reducing the amount of habitat that is essential for the above listed species. Parcels with habitat such as this are rare in urban areas and provide refugia for migrating species. Some displacement is expected but not to the extent that migration patterns at a regional scale will be impacted if this refuge is eliminated through development as 10-acre home sites. Therefore, impacts of this habitat reduction and displacement of individuals would not lead to reductions in regional populations.

### ***3.1.4 Other Species***

Other species known to occur within the project area are coyote, western gray squirrel, Townsend's ground squirrel, golden mantel ground squirrel, chipmunk, yellow bellied marmot, and California quail.

Alternative 1 would cause no change in current habitat of species use.

Alternative 2 means the property would continue to provide habitat for most species if future use of the property is primarily parks and open space. Development would not allow for as much open space management for this area and the parcel would likely provide less effective habitat if future use of the property is primarily parks and open space. It would not lead to reductions in populations that could cause any species to be placed on either a federal or state list of threatened, endangered or sensitive species although this would result in the local displacement of some or all of these species.

### ***3.1.5 Cumulative Wildlife Effects***

Alternative 1 has no cumulative effects associated with it. To the extent that lands conveyed in Alternative 2 are used for park and open space, no cumulative effects are expected. The development of the parcel into 10-acre home sites would contribute to the loss of open space in an increasingly urbanized area. Wildlife would continue to be displaced from an area of their historic range of use. Development would continue to occur deterring more animal migration from this area making it more difficult for animals to move through the contiguous parcels of BLM to the north and the east of the project area. Although this situation is not optimal for wildlife, it would not lead to reductions in populations that could cause any species to be placed on either a federal or state list of threatened, endangered or sensitive species.

### ***3.2 Recreation***

Primitive and semi-primitive recreation settings are in great demand on National Forest System lands. However, the Bend Pine Nursery parcel features few of the attributes that provide for non-urban recreational opportunities, such as hunting, backpacking, hiking, OHV use, and cross-county skiing. In general, these activities require more space and isolation than the Bend Pine Nursery property can provide. Because of the urban setting, the Bend Pine Nursery site could offer many opportunities for urban recreation pursuits that traditionally have not been provided by national forest system lands, however public recreation is currently not permitted on the property.

None of the alternatives would have an impact on the recreation opportunities available on National Forest System lands located away from the site.

Considering local recreation opportunities, Alternative 1 (No Action) would maintain the current situation without increasing use. Although some unauthorized use would continue on the property, current management trends would likely mean that the property would not be opened for general public use.

To the extent that lands conveyed under Alternative 2 would be used as park and open space, they would increase the likelihood of an increased number and variety of recreation opportunities near Bend. On the other hand, development as 10-acre home sites would not increase recreation opportunities in the northeast portion of the greater Bend area, unless some of the property is set aside as a neighborhood park as part of a planned subdivision development.

### ***3.3 Neighborhood Impacts***

Alternative 1 (No Action) would result in no change to the neighbors of the property as a result of land conveyance, although growth on nearby private lands would continue to occur. As more growth occurs, fewer open spaces will be available on private land and the nursery property would continue to be an undeveloped island, providing the quiet and dark space neighbors have become accustomed to. The connection between 27<sup>th</sup> Street and Empire Avenue (previously approved) will be completed and provide for better flow of traffic regardless of ownership of the nursery parcel.

Alternative 2 would result in more development of the parcel, either as park facilities or as 10-acre home sites (or some other use). All uses other than farming and 10-acre home sites would

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be conditional uses, subject to approval by Deschutes County. Issues such as an increased traffic on local roads would be addressed by the County at the appropriate time in their planning process. The exact extent of development and related impacts of traffic, evening activities (lights, noise etc) is unknown until more detailed local planning occurs. These impacts would be considered during the land-use approval process required for such a conditional use on this property. In addition, if a public entity such as the Bend Metro Park and Recreation District acquires the property, their policies call for development of a master plan for the site. Master planning for the facility could also provide opportunities for neighbors to mitigate their concerns.

If the site is developed into a subdivision of 10-acre home sites, some additional traffic would occur but when viewed in the context of the surrounding area's growth, the additional impacts are not expected to be noticeable.

### ***3.4 Public Access***

Studies conducted by the Bend Metro Park and Recreation District indicate that this parcel provides several unique attributes that are unmatched elsewhere in the Park District. An important attribute of the Nursery that cannot be found elsewhere in the District is the large amount of flat ground with water available to provide for sports fields. Also, the northeast quadrant of Bend lacks public lands to serve as a neighborhood park.

With Alternative 1 (No Action), the property would remain in Forest Service ownership. Restricted public access would continue into the foreseeable future, with the fences maintained in current locations. The land would continue to provide a sense of openness when viewed from outside, but access would remain limited to authorized uses only.

Alternative 2 would potentially provide increased public access if the use turns out to be public parks and open space. This access would be provided for parks and recreation programs (soccer fields, baseball diamonds, etc), as well as open space (hiking trails, equestrian trails, etc.) In Alternative 2, the property's location provides park space in a neighborhood that has little public land available for parks. The wide expanse of flat fields also provides ground suitable for baseball diamonds and soccer fields. Such land is rare in the vicinity, especially a large block of land in public ownership. The property also has high potential for providing open space for hiking, running, and equestrian trails, situated close to the City. Exact details of these opportunities would be developed as part of the planning process controlled by Deschutes County, under the authority of the State of Oregon land-use laws. This planning would provide detail in the amount of developed recreation facilities versus undeveloped open space.

If the land were developed as 10-acre home sites, minimal access would be allowed for the public. Potentially through the conditional use process, some uses may require open space and public access, but this would not be guaranteed. Public access to this open space may or may not occur. Although some open space and public access could be maintained through the permitting and development process, the amount of open space available for public access would be considerably smaller than if the lands were dedicated to open space and parks.

Public comment on this project expressed a strong concern about the public access issue. As noted in Section 1 of this document (1.6 Key Issues), the concern about maintaining access and

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open space has been addressed in the Bend Pine Nursery legislation by providing the Park District with a “right of first refusal” to purchase whatever portion of the estate that the Forest Service determines to be excess and available for sale. As described previously, applying specific restrictions to the sale to ensure access in these circumstances would not be consistent with Forest Service policy.

### ***3.5 Financial Return to Government***

With Alternative 1 (No Action), no return to the government would be realized and the property would continue to be managed as National Forest System lands. The Forest Service would continue to expend funds for maintenance and administration of the property.

Although an exact return to the government cannot be determined without an appraisal, Alternative 2 would provide the greatest return to the government from a sale of the property at market value.

### ***3.6 Other Environmental Considerations***

#### ***3.6.1 Archeological and Historic Significance***

Cultural resource inventories have failed to locate any significant prehistoric or historic archaeological resources or sites. It has been determined that no significant archaeological resources are located on the Bend Pine Nursery property.

The Bend Pine Nursery complex has 18 building structures, including the main office, a seed extractory, and a large tree cooler that are being used by the Forest Service for various activities. An evaluation of the buildings and the landscape indicates that these features are not eligible for the National Register of Historic Places. Therefore, neither Alternative 1 nor Alternative 2 will have an impact to historic resources.

#### ***3.6.2 Hydrology/Water***

In either alternative, little impact would occur on a watershed scale. The land does not lie within a key watershed for fish habitat restoration or other ecosystem restoration, nor does it play any particular role in the protection or improvement of water quality. Ground water removed from the well in either action alternative would continue to be governed by State regulations.

There is no natural surface water associated with the Bend Pine Nursery parcel. The property currently has two water right certificates associated with it: one for surface irrigation water via Swalley Irrigation District for nursery use on the equivalent of 157 acres, and the other for well water to be used for supplemental irrigation and frost protection. This second certificate is very limited and legally linked to the first surface water right certificate and cannot be transferred independently.

With Alternative 1 (No Action), the water rights would continue to remain in federal ownership. The water will continue to be used to irrigate the existing vegetation, or could be leased in-stream as a temporary measure to maintain the rights if they are not used. When the State’s proposed mitigation program becomes effective, it may provide other opportunities for conservation or uses for the Forest Service to consider at that time.

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Surface irrigation water rights are appurtenant to the land, so with Alternative 2, water rights would be conveyed with the land to the extent necessary to provide for continued beneficial use on the conveyed land, and to not diminish the property's market value. For example, a park, farm, or other use could need all or a portion of the surface water rights for irrigation purposes. The State Department of Water Resources and Swalley Irrigation District would need to approve the amount that would be beneficially applied based on an application by the purchaser of the land. Surface water rights not required by the purchaser could be available for conveyance in another transaction, and/or could be considered for participation in the State's mitigation program if it is in effect. Any disposition of water rights would be in accordance with laws and rules in effect at that time.

### **3.6.3 Noxious Weeds**

Aggressive non-native plants, or noxious weeds, can invade and displace native plant communities causing long-lasting management problems. Noxious weeds can displace native vegetation, increase fire hazards, reduce the quality of recreational experiences, poison livestock, and replace wildlife forage. In addition to noxious weeds, which are designated by the State, there is a group of non-native plants that are also aggressive though are not officially termed "noxious". These species are also included in this assessment.

There are populations of knapweed (*Centaurea maculosa* and *C. diffusa*) along all roads within the property, at field edges, at building edges, along the roads on the perimeter of the property, and along the canal that flows through the property. There is dalmation toadflax (*Linaria dalmatica*) on the rock outcrops. Additionally, there are exotic (non-native) weedy plants such as flixweed (*Descaurania sophia*), tumbled mustard (*Sisymbrium altissimum*), yellow flag (*Iris pseudacorus*), cheatgrass (*Bromus tectorum*), and salsify (*Tragopogon dubius*). These species are commonly found in central Oregon, especially in disturbed urban and rural areas, and are not unique to the Nursery property.

Herbicide spraying has occurred at the site for the past two years as authorized by the 1998 Noxious Weed Control EA, targeting the knapweed, but the seed bank is large and it will take persistence to eradicate the populations. During the fall of 2001, the toadflax present along the irrigation canal was sprayed. The spraying does not include other weeds already mentioned.

The proposed conveyance was given a HIGH risk ranking for all alternatives because the site is riddled with weeds, noxious and otherwise, and regardless of the alternative chosen, vectors that can spread weeds will be present. To gain a high rating, a site has to have known weeds in or adjacent to the project area.

Regardless of the alternative (including Alternative 1, no action), a weed concern will persist for some time on the property. Alternative 1 provides the lowest level of management of the site in the future and so is least likely to reduce the noxious weed populations. In Alternative 2, increased management activity has potential to have a positive effect as more aggressive management could lead to dealing with the problem. To the extent that the lands conveyed in Alternative 2 are managed as open space and parks, the weed concern is more likely to be reduced because of more active and coordinated management. On the other hand, as demonstrated on surrounding subdivisions, weeds have not been effectively managed where

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individual landowners are responsible for monitoring and eliminating the problems. Therefore, greater weed spread is expected with the development of the parcel as home sites.

If the parcel is used as a park and open space, greater potential exists to introduce weeds and carry them out because of the greater traffic when compared with a housing subdivision. Noxious weed control measures will be the responsibility of the purchaser of the property. Land would be managed in accordance with County ordinances. A Forest Service report that includes management recommendations for controlling weeds will be made available to prospective purchasers.

### ***3.6.4 Scenic Resources***

#### **Background**

This scenic resource analysis focuses on a balance between ecological (natural interests and values) and cultural (human interests and values). Through the ecosystem management process, these values are integrated to provide the foundation for planning and appropriate action for managing scenery within the analysis area.

The proposed land to be conveyed sits adjacent to one of the most rapidly growing areas of Bend. Located just outside of the Urban Growth Boundary, much of the area is surrounded by housing. It is an “oasis,” an island of open space in the middle of rapid growth.

The Bend Pine Nursery complex is considered to be within a “rural” area defined by the Recreation Opportunity Spectrum classification. It is currently accessible by way of Butler Market and Deschutes Market Roads, two of the main thoroughfares of this area.

The flat, open fields, formerly planting beds for millions of tree seedlings, are still a prominent feature of the Bend Pine Nursery. In addition to being habitat for a variety of wildlife species, the landscape conveys a sense of park-like openness through a series of windrows that line the cultivated fields. These features contribute to the rural character and the sense of peace and quiet that this open land provides.

#### **Social Ecology**

The 1990 Deschutes National Forest Land and Resource Management Plan designates the Bend Pine Nursery administrative site as General Forest with a Scenic Quality Standard of an altered landscape with low scenic integrity (roughly equivalent to the visual quality objective of Modification).

Public sensing indicates that the people in the Bend community value the Bend Pine Nursery property as an open space that provides a relatively undeveloped area surrounded by private residential development. The nursery property also acts much like a buffer zone, fending off the urban growth and development that continue to expand, encroach, and engulf this area. It provides a large open space within the northeast part of Bend.

The recent conditions exhibit a moderate cultural integrity rating within the analysis area. The original landscape of native plants was transformed years ago to meet the need of an operational nursery. The area was transformed into an agricultural setting. A patch work of uniform fields full of seedlings or cover plants replaced the native grass and shrub species. Rows of uniformly spaced trees have been planted as windbreaks. Today, with nursery



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operations no longer in service, there are no seedlings in the fields. Fields are unused, and grasses and weeds are now more prevalent.

A variety of administrative facilities and structures, with varying size, shape, and architectural styling, were built to support the nursery operation. Before being fenced off from the general public, the nursery was used as an illegal dumping ground for yard debris and household trash. Trespassing continues to be a serious administrative concern. Poaching of big games and birds in the vicinity also presents a concern. More recently, the invasion of non-native species, such as noxious weeds, raise a serious concern for the future scenic condition of the nursery. The cumulative impacts of these unauthorized activities and unwanted vegetation have detracted from the Bend Pine Nursery's expected rural landscape characteristics of Central Oregon.

### **Biological/Physical Ecology**

Bend Pine Nursery is considered to be a premier parcel of flat land with ample of good soil (over 50 years of amended and farmed soil) and water to support its various operations. It has very little change in topography or elevation, with the exception of natural rock outcroppings, lava flows, glades, and a small remnant of native habitat and native plant patches that lie predominantly on the western portions of the parcel.

Surface irrigation water augmented by ground water has provided the means to develop much of the landscape's vegetation in an otherwise dry high dessert of Central Oregon. Aside from the cultivated fields, irrigation overflow has contributed to development of a patch of cottonwood.

The existing landscape integrity has a moderate scenic integrity rating. The nursery lies among a former natural landscape character that has been modified to fit the needs of human cultural value. The existing scenic integrity has a mixed variety of disturbed and limited undisturbed areas. Past natural openings and human caused activities have intruded into the expected natural appearing (rural) landscape character within the area.

Uniform fields and windbreak trees have altered the area's scenic quality and integrity to some degree. Over the years, human activities are highly visible from sensitive viewer locations, such as the surrounding roads (Yeoman Road, Butler Market Road and Deschutes Market Road). Activities that contribute to this long-term ongoing impact include: facilities construction, farm machinery use, irrigation pipe use, farming of cover crops, tree seedlings, and tree plantation. These activities all have contributed to a slightly negative deviation from the type of scenery the public expects and values.

The landscape character goal for this area is to achieve a natural appearing (rural) landscape where management directions, social and ecological framework of the management area and policy are met.

### **Direct and Indirect Effects**

With Alternative 1 (No Action), it must be assumed that there is no change to the existing landscape character, scenic integrity, social/cultural (farming and recreation etc.) during the short-term. However, as time goes on the level of maintenance is assumed to decline as funding diminishes and available personnel decreases. Public access to the property will continue to be restricted and as the area builds around the parcel, the value as open space is

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likely to increase, even though the benefit is not directly felt by residents near the property because of the limited access. Landscape character goals would likely not be achieved because of lack of funding and management emphasis.

With Alternative 2 the effects on existing landscape character and scenic integrity would be directly correlated with the level of development proposed by the new owner. Regardless of future use, an increase in the level of development from current conditions is expected. If the use focuses on open space and park facilities, this would maintain the rural character of the parcel. Although parks development will alter the existing landscape into a more urban setting, the exact dimensions of that change are not known at this time. Given the Deschutes County land-use approval process, any use other than those currently allowed (farming and 10-acre home sites) would require county approval of a conditional use. In addition, if a public entity such as the Bend Metro Park and Recreation District acquired the land, its policies require that master planning be conducted. This includes public involvement. Alterations are likely to be consistent with landscape character goals, and likely would also be acceptable and perhaps even desirable to the local public. The landscape character goal for Bend Pine Nursery area would be maintained. These changes in scenic character are expected to be within the Deschutes county land-use zoning rules and regulations.

In contrast, a subdivision of 10-acre home sites is expected to deviate at a moderate to high level from the existing conditions. Any proposed new development or alteration by the new owner would be required to meet the Deschutes County land-use zoning rules and regulations. The exact effects on existing landscape character and scenic integrity is depended upon the level of proposed development, which cannot be known or analyzed at this time. Some uses, such as a planned area development could have a relatively minor impact. However, with development of a subdivision of 10-acre home sites, the change from current conditions will be substantial. This change would be considered during land-use planning process for the parcel as regulated by Deschutes County.

### ***3.6.5 Soils***

Soils are mainly Deskamp series. Because surface layers are loamy sands, wind erosion is a concern. The soil is also classified as highly permeable. Cultivation for 50 years has removed most of the cobbles and stones from the soil surface in the seedbeds. Manure and chemicals have been added to the soils since the nursery was started, making the soils some of the most fertile soils in Central Oregon.

The No Action alternative would keep the nursery property in federal ownership. Current conditions of the soils would remain the same in the short term. In the long term, soils would become less fertile than they are now because of the high permeability of the soil. The previously added nutrients would leach out of the soil and unless additional fertilizer were added, the soils would eventually revert back to pre-fertilized condition. These soils would continue to be suitable for crop and pasture production, livestock grazing, and wildlife habitat.

With Alternative 2 soil productivity would remain approximately the same as under the No Action alternative. Depending on specific development plans, some areas would be dedicated to permanent facilities (buildings, parking lots, etc.) and so these areas would lose soil productivity or may have the topsoil removed. The particular amount and location of these

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areas is not known. Some areas may not continue to receive water and so would revert to pre-irrigated condition. If the area is developed into 10-acre home sites, the landscape would likely be used for small irrigated fields or lawns. Home sites and roads would not maintain soils in a productive condition. The exact amount and location is not known at this time, but for the purpose of this analysis, it is assumed that a greater amount of soil would be placed in a non-productive state because of additional development taking place in development of 10-acre home sites and the associated roads and other support facilities. Assuming that this increase level of development may occur, the land conveyance will not have a measurable adverse impact on the soil conditions across the Forest, even though it may change the soil attributes and use on the site.

### ***3.6.6 TES wildlife species***

The project area does not contain any habitat for Threatened, Endangered, and Sensitive (TES) species. There are no known occurrences or sightings of TES species associated with the project area therefore there is finding of no effect.

The proposed project area was evaluated to determine which species might occur based on the presence of required habitats and known locations. A field review occurred at the project site by the District Wildlife Biologist. It was determined that no suitable habitat exists for any listed species within the proposed sale area. No effects are expected to occur to any Proposed Endangered, Threatened, and Sensitive (PETS) species or Candidate Species under either alternative. The Proposed Action should have no effect or impact on individuals or populations of PETS or Candidate Species or their habitat.

The following wildlife and habitats have been reviewed to determine if the project will have any negative effects on listed, proposed, candidate or sensitive species in order to meet the requirements for a biological evaluation. None of these species or their critical habitats will be impacted by any alternative of this project:

- Northern Spotted Owl, its critical habitat or its nesting, roosting and foraging habitat.
- Canada Lynx (lynx analysis units)
- Oregon Spotted Frog individuals or habitat
- Northern Bald Eagle individuals or habitat

The following species are classified as Sensitive in Region 6: American peregrine falcon; western sage grouse; horned grebe, tricolored blackbird; Harlequin duck; red-necked grebe; bufflehead; yellow rail; Pacific fisher; California wolverine; or pygmy rabbit. None of these species have potential to be affected by the project.

### ***3.6.7 PETS Plants***

Proposed Endangered, Threatened, and Sensitive Plants will not be affected by this land conveyance. From a botanical perspective, The Bend Pine Nursery is not especially diverse nor is it an especially good example of a representative flora of the area, primarily because of the mixed use of the property for the past 50 years, which has resulted in many weed species entering the site. It lies in a western juniper/sagebrush-bitterbrush/cheatgrass plant association. There is a low probability that any TES plant species would occur there. In June 1993 a field survey was performed in the western, uncultivated, “natural” portion of the site, looking for Threatened, Endangered, and Sensitive plants. None was found. No further survey was

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considered necessary because of the amount of previous cultivation. There are no expected direct, indirect, or cumulative effects to TES plants in any of the alternatives, because there is no habitat for them and they were not located during survey in the portion of the parcel that was not under cultivation.

### ***3.6.8 Timber***

This parcel is classified as General Forest under the 1990 Deschutes National Forest Land and Resource Management Plan. Reverting to this purpose would place this land in the timber production base of the Forest Plan. Although this property served an important role in timber production in past years by providing seedlings for reforestation, the lands are outside the normal range for ponderosa pine trees to grow naturally. Additionally, the rapidly growing urban setting has a high likelihood for creating conflicts if this parcel were managed as a 200-acre parcel of forestland. None of the alternatives will impact the timber resources available on the Deschutes National Forest to a measurable degree. There are no old growth timber stands on the property.

## ***3.7 Other Considerations***

### ***3.7.1 Cumulative Effects***

In the context of the urban growth of the greater Bend area, the conveyance of land will have a negligible cumulative impact to the wildlife, plant, and water resources of the area. There would be a negligible cumulative impact to the resources of the Deschutes National Forest.

Cumulative adverse effects to the social environment are also expected to be small in comparison with the impacts of growth expected with or without the conveyance of the Bend Pine Nursery property.

### ***3.7.2 Consumers, Civil Rights, Minorities, and Women***

Retaining the entire parcel provides no use for consumers, minorities, or women. No consumer groups would be affected. The nursery is not currently in production, and there would be no effect to any groups.

If the parcel were developed as either a park or 10-acre minimum subdivision, the distribution of benefits are essentially equal throughout the community, because there are no concentrated groups of minorities, consumers, or women. Selling the parcel to the park district would tend toward more available use by the public, including consumers, minorities, and women.

Executive Order 12898, Environmental Justice, requires the Forest Service to consider and disclose effects that have the potential to disproportionately adversely affect minority or low-income populations. Effects of alternatives on the human environment are expected to be similar for all human populations, regardless of nationality, gender, race, or income.

### ***3.7.3 Hazardous Materials***

Sale of this property will be considered to be a Termination of a Federal Government Operation under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Under Section 120(h) of CERCLA, the Forest Service is required to identify whether a property is potentially contaminated prior to conveying it. If the property is found to

## **Bend Pine Nursery Land Conveyance Project**

be contaminated, the Forest Service is required to clean up the contamination prior to conveyance.

Phase I and II Environmental Site Assessments have been completed and the implementation process has begun for an Engineering Evaluation/Cost Analysis (EE/CA) of the property available for conveyance. It is possible that some areas may require further investigation monitoring and possible removal or clean up before conveyance of the parcel can occur. Any hazardous substances, pollutants, or contaminants that may occur on the property would likely be those associated with practices or chemicals related to past agricultural and nursery operations. Potential sites may include a suspected pole treatment site where the chemical Penta (pentachlorephenol) was used, old landfill dumping site, and six agricultural drainage wells. Specific re-entry clauses will be included in the deed to allow for further remediation if necessary after transfer of the property occurs.

### ***3.7.4 Irretrievable Commitments of Resources***

Irretrievable commitments of natural resources involve the loss of production or use of the resources because of changes in ownership and use. Irretrievable resource commitments are unavoidable because managing for a given purpose will often preclude the opportunity to use those resources for other purposes.

The conveyance of lands from federal ownership does not in itself make irretrievable commitments of resources. Given the allowable uses for this land under the Deschutes County zoning laws, no irretrievable commitments are being made by this decision. Conceivably, if the parcel was used for a housing subdivision, such a use could be an irretrievable commitment of open space.

### ***3.7.5 Irreversible Commitment of Resources***

Irreversible commitments of resources are decisions affecting nonrenewable resources such as minerals and cultural resources. These decisions also may impact factors such as soil productivity that are renewable only over long periods of time. Such commitments are considered irreversible because the resource has either been removed, or it has deteriorated to the point that renewal can only occur over a long period of time or at great expense.

As stated above, no cultural resources, PETS plants, or TES species exist at the site. There would be no expected irreversible commitments of resources except for the portion of the property used for developments such as for roads, buildings, etc., although these structures and improvements could conceivably be removed in the future. Exact locations or quantification of such resource commitments is unknown. However, the portion of the land committed to such uses would be a small part of the land under current zoning, as well as a negligible portion of the total land under National Forest ownership.

### ***3.7.6 Prime Lands (Farm, Range, and Forest)***

The Bend Pine Nursery Property meets the criteria set forth in the USDA Land Policy as Prime Farmland for the acres of irrigated land. The intent of this directive is to minimize the impact of agency activities on these lands. Without a right to irrigate, this land would not be considered prime farmland. Therefore, selling the land with adequate water rights to maintain beneficial uses means that this decision will have no impact to the status of the prime farmland.

## **Bend Pine Nursery Land Conveyance Project**

This land is not considered prime range or forest land.

### ***3.7.7 Wetlands and Floodplains***

The proposed action would comply with Executive Orders 11988 and 11990 which address floodplains and wetlands. No wetlands would be affected by the proposed project, and the property is not located within a floodplain.

## **4 Consultation with Others**

### ***4.1 Public Participation***

This project was placed on the Central Oregon Schedule of Projects in the winter of 2001. This publication is mailed to approximately 4,000 interested people and organizations.

Scoping occurred in June and July 2001 when more than 500 letters were mailed to interested people and organizations. In response, the Forest Service received comment letters/forms from 61 individuals or organizations. Of the 61 contacts, 13 came from government agencies or various organizations. The following people responded to that request:

Government/agencies:

- **City of Bend (Ron Garzini)**
- **Bend La Pine Public Schools (John Rexford)**
- **Bend Metro Parks and Recreation District Board of Directors (Chuck Burley, Chair)**
- **Deschutes Basin Resources Conservancy (Scott McCaulou)**
- **Deschutes County Commissioners (Tom De Wolf, Chair)**
- **Deschutes County Community Development Department (George Read)**
- **Oregon Parks and Recreation Dept. (Larry G. Miller)**
- **Oregon Water Resources Dept. (Laura Snedaker)**

Other commenting groups and businesses:

- **Congleton Builders, Inc. (Greg and Jean Congleton)**
- **Gold Country Realty (Gary Capps)**
- **Greater Bend Rotary Club (Gary Davis)**
- **Sisters Forest Planning Committee (Paul Dewey)**
- **Wild Wilderness (Scott Silver)**

The following individuals commented:

Keith Arnold	Jenny Davenport	M.A. Kruse	Jim Prosser
Lorraine Arnold	Sara Farina	Dave & Pam MacGurn	Mr. and Mrs. Patrick Ramirez
Mary Becker	Monty Fisher	Evelyn Marshall	Charlie Rowles
Steven P Bidlake	Roger and Kate Fisher	Mr. Charles Mattox	Dwayne Schmidt
Pamela Bodie, M.L.A.	Gary Fowles	Norma Miller	Steve Scott
Marshall B. Brisbois	Susan Fowles	Dick Nelson	Shirley Simmons
C. John Chunn, M.D.	John Garrick	Earl E. Nickols	Don Smith
Norma Cleveland	Margaret Gunn	Clerese and Roger Ostrander	Rich Thomas
Larry Clevenger	Merrit and Jeannee Hickson	Doris Page	Doris M Thompson
Denora Coslett	Mrs. Saumuel S. Johnson	Walker T. Parker	Cort Vaughan
Shelly R.H. Creach	Jenny Davenport	Alan E. Patterson	Linda Webb
Robert Currie	Karen Kassy	Alice Pickett	

## Bend Pine Nursery Land Conveyance Project

### **4.2 Agency Consultation**

The US Fish and Wildlife Service was consulted through the 2001-2003 Programmatic Biological Assessment. This project meets all appropriate project design criteria found in that BA and so no further consultation was necessary.

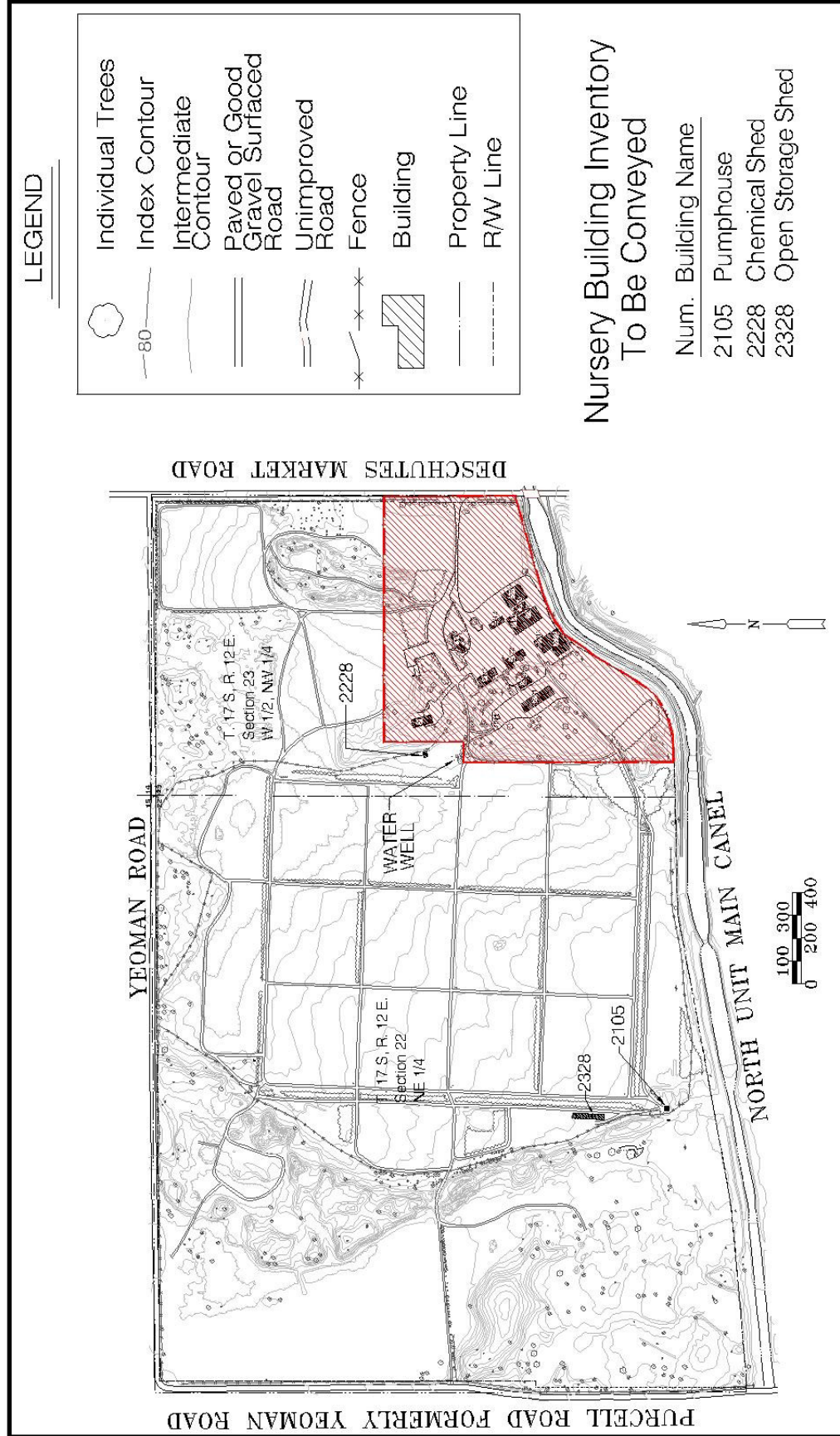
The Oregon Historic Preservation Officer has been consulted.

### **4.3 Project Team**

Core Team	
Sandy Hurlocker & Susan Skakel	Environmental Review (NEPA) Team leaders
Monty Gregg	Wildlife
Charmane Levack	Plants
Linda Carlson & Jeff Sims	Lands Specialists
Ronnie Yimsut	Landscape Architect/Social Impacts
Paul Claeysens	Historic/Prehistoric
Rick Cope	Soils/Hydrology

Support Team/Consultants	
Dale Putman	Hazardous Materials
Walt Miller	Surveys/Easements, Roads and Access
Rick Wesseler	Lands
Larry Chitwood	Minerals
Bob Main	Water Rights
Lisa Anheluk	Facilities and Hazardous Materials
Alice Doremus	Lands/Project Management

# 1 BEND PINE NURSERY LANDS OFFERED FOR CONVEYANCE



The area within the hatched boundary will remain National Forest Land. The remaining property is available for conveyance.



Bend Pine Nursery Land Conveyance Project

