

# Deschutes & Ochoco National Forests Crooked River National Grassland

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We welcome your comments on our service and your suggestions for improvement.

Forest

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Bend-Fort Rock Ranger District, Deschutes National Forest  
Deschutes County, Oregon

## TRACT C LAND CONVEYANCE ENVIRONMENTAL ASSESSMENT

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PLANS, ANALYSES, ASSESSMENTS

## INTRODUCTION

This Environmental Assessment (EA) evaluates a proposal to convey approximately 950 acres of National Forest System land out of federal ownership. The properties would be conveyed into private ownership by sale or exchange using a competitive bid process. The Forest Service is presenting this proposal under the authority of the 2000 Bend Pine Nursery Land Conveyance Act.

This EA is composed of four Sections: 1) Purpose and Need for Action, 2) Description of Alternatives, 3) Environmental Effects, and 4) List of Preparers and Consultation with Others. The project file will be located at the Bend-Fort Rock Ranger District Office.

## 1.0 PURPOSE AND NEED FOR ACTION

This Section contains eight parts: 1.1 Proposed Action; 1.2 Purpose and Need for Action; 1.3 History and Background; 1.4 Decision to be Made; 1.5 Additional Reviews, Reports, and Approvals; 1.6 Scoping Process and Public Involvement; 1.7 Issues and Items of Concern; and 1.8 Items Incorporated by Reference.

### 1.1 PROPOSED ACTION

Under the authority of the Bend Pine Nursery Land Conveyance Act, the Forest Service proposes to convey out of federal ownership, by sale or exchange, two tracts of National Forest System (NFS) land comprising a total of approximately 950 acres and located approximately 16 to 18 miles southwest of Bend, Oregon. The Vandeventer parcel lies just south of Sunriver and the Foster Road parcel is approximately 5 miles southwest of Sunriver.

**Deschutes National Forest**

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Bend, OR 97702

(541) 383-5300

**Ochoco National Forest**

3160 N.E. 3rd Street  
Prineville, OR 97754

(541) 416-6500

**Crooked River National  
Grassland**

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The Vandeverter parcel is located in portions of Sections 8, 9, 16, 17, 20, and 21 in T. 20 S., R. 11 E., W.M. This parcel is irregularly shaped, approximately 910 acres in size, and lies north and south of Vandeverter Road. A strip of land owned by Burlington Northern Sante Fe Railroad forms the eastern boundary, and all but a small segment of the other sides are also adjacent to private land. (Refer to the attached map). For discussion and analysis purposes, this tract will be referred to as the Vandeverter parcel, but may be further described as two tracts in relation to Vandeverter Road: the North Vandeverter parcel (about 630 acres in size), and the South Vandeverter parcel (about 280 acres).

The Foster Road parcel is located in the SW¼SW¼ of Section 25, T. 20 S., R. 10 E., W.M. It is approximately 40 acres in size, and lies approximately ½ mile south of South Century Drive. Foster Road runs through the middle of this parcel.

**Click on map for larger pdf version**

**1.2 PURPOSE AND NEED FOR ACTION**

The primary purpose for conveying these lands out of federal ownership is to dispose of isolated tracts of NFS

lands that have lost their National Forest character and are difficult to manage. Sale of the lands would have a second purpose, which is to use the proceeds to help fund new Forest Service administrative facilities, as provided in the 2000 Bend Pine Nursery Land Conveyance Act. Exchange of the lands would have a third purpose, which is to acquire private lands that would contribute significant resource values to the National Forest System, or otherwise be in the public interest to acquire.

### **1.3 HISTORY AND BACKGROUND**

The properties being evaluated are included in Public Law 106-526, the Bend Pine Nursery Land Conveyance Act of November 22, 2000 (the Act). The Act gives the Forest Service authority to sell or exchange these lands and retain the funds for the acquisition of new administrative facilities for the Deschutes National Forest. While the legislation gives the Forest Service the authority to convey these lands, the law does not require it. Seven tracts are described in the Act, but the 950 acres currently being analyzed are identified in "Tract C" in the legislation.

The proposed conveyance of the seven tracts, which are located throughout Oregon, have been or will be addressed in separate environmental documents and under separate decisions. Tract C includes a total of about 1,430 acres, 480 acres of which have previously been approved for sale to Oregon Water Wonderland Unit II Sanitary District. The remaining Tract C lands, now totaling approximately 950 acres, are presently being evaluated for conveyance.

### **1.4 DECISION TO BE MADE**

The decision to be made by the Regional Forester is whether or not to convey any or all of the described 950 acres of land out of federal ownership. The decision will include whether the benefits of conveyance outweigh the public objectives of retaining the lands as part of the National Forest System. Other reasonable and feasible alternatives that meet the purpose and need for the project may be considered. The decision will be based on the findings in the environmental document, and public comments will be considered in reaching the decision.

The decision to be made will not include any decisions about future uses, as use of private land is within county and state jurisdiction and beyond Forest Service jurisdiction or control. The decision to be made will not include identifying which property will be offered for sale or which will be offered for exchange, but it may include whether or not both a sale and exchange will be considered. Private properties potentially available for Forest Service acquisition in an exchange will not be addressed in this analysis or considered in the decision. The EA and decision also will not consider or address the appraisal, valuation of the federal lands, or the sale process, as each of these are future administrative actions or decisions to be considered later to implement the Regional Forester's decision.

### **1.5 ADDITIONAL REVIEWS, REPORTS, AND APPROVALS**

The sale or exchange of National Forest land would require a value consultation, appraisal, or other determination of market value to help develop a marketing strategy and possibly to also establish a minimum bid. An appraisal would conform to agency and federal appraisal standards, as well as to requirements in the Uniform Appraisal Standards for Federal Land Acquisition.

The Pacific Northwest Regional Office and the Washington D.C. Office of the Forest Service will review all elements of the proposed sale and verify that it complies with Forest Service policy and technical standards prior to the issuance of the Decision Notice.

Once the property is conveyed out of federal ownership, Deschutes County zoning codes under the Deschutes Comprehensive Land Use Plan would apply. County and state rules, codes, and land use review and approval processes would determine how the properties would ultimately be used.

### **1.6 SCOPING PROCESS AND PUBLIC INVOLVEMENT**

A "Notice of Public Scoping" was sent to nearly 1,100 addresses on September 12, 2003. Recipients included those on the mailing list from the proposed Oregon Water Wonderland land conveyance; landowners near the parcels proposed for sale; known interested parties; tribal representatives; local, state, and federal agencies and elected officials; the current Bend-Fort Rock Ranger District mailing list; and Forest Service specialists. Information about the proposal was also available on the Forest's website and included in the Schedule of Projects published by the Deschutes and Ochoco National Forests and Prineville District Bureau of Land Management. The scoping process allowed the public the opportunity to help identify issues and items to be considered in the environmental analysis.

The Deschutes National Forest Supervisor maintains government-to-government relationships with the Confederated Tribes of the Warm Springs Reservation, the Burns Paiute Tribe, and the Klamath Tribes. Contacts were made with these tribes to ensure their involvement and awareness of the proposed conveyance. To date there have been no specific concerns regarding the proposal; however, consultation is continuing.

As a result of the scoping efforts, thirteen letters, emails, or phone messages were received. In general, the comments reflected concern that these properties would be changed and uncertainty about future uses. Some respondents were in favor of a sale or exchange, while others offered suggestions or were opposed to all or part of the proposal.

### **1.7 ISSUES AND ITEMS OF CONCERN**

A Forest Service interdisciplinary project team developed a list of issues and items of concern based on public comments and specialist input. Those that were considered important to help guide the analysis or to provide

information and clarification have been summarized in the following categories and paraphrased into questions to best display the point or opinion. The analysis and range of alternatives reflect, address, and incorporate these issues and items of concern.

### **History, Background, and Authority**

- Why are these lands being considered for conveyance?
- Under what legal authority would the Forest Service sell the properties?
- What is the Bend Pine Nursery Land Conveyance Act and what is its relationship to this proposal?
- Is conveyance consistent with the Forest's Land and Resource Management Plan?

### **Purpose and/or Need for the Project**

- What is the purpose of the proposed conveyance?

### **Other Alternatives Considered**

- Is the FS required to sell these lands?
- Are there any other alternatives?

### **Loss of Federal Lands**

- What are the effects of the loss of these lands from the National Forest System?
- Is it in the public interest to convey these lands out of federal ownership?

### **Isolated or Unmanageable Parcels**

- What is meant by unmanageable or that the National Forest character has been lost?
- How do the properties fit this description?

### **Effects to Nearby Residents and Communities**

- What would be the effects to nearby private property?
- How would nearby residents be affected?
- Would there be effects to the Sunriver community?
- Would there be effects to the local community or to local schools?
- Would state school section land be conveyed?

### **Groundwater and Surface Water**

- Would there be any effects to groundwater or nearby rivers?
- Would the groundwater depth restrict or affect future uses of the lands?
- Are there any riparian areas, wetlands, or floodplains involved?
- Are the properties within the designated Wild and Scenic River corridor?

### **Wildlife**

- What would be the effect on deer and elk?
- Would this affect big game migration?
- What are the effects on birds and non-game species of wildlife?
- Are there any threatened, endangered, or sensitive wildlife species?

### **Scenic, Visual, and Aesthetic Qualities**

- What would the property look like in the future, under private ownership?
- How would the area look from the major travel routes (Highway 97 and S. Century Drive)?
- Would there be buffer areas from Highway 97 and the railroad, particularly for noise?

### **Vegetation**

- How much timber is on the properties?
- Are there any old growth stands on these lands?
- Are there any threatened, endangered, or sensitive plants?
- Are there noxious weeds?

### **Other Environmental Benefits or Effects**

- Would this increase the risk for wildfire?
- Would this affect any historic or cultural resources?
- Are there any hazardous materials?

- What would be the effects on recreation use?
- Would there be effects to roads or public access?

### Land Use

- What special use permits and easements are currently on these lands?
- What will happen to these permits or uses if the property is conveyed?
- Are there taxation issues when ownership changes from federal to private?

### Future Uses

- How would the properties likely be developed or used when privately owned?
- How would the properties be zoned by Deschutes County?
- How would the land be used and managed if it stayed in federal ownership?
- Would state Planning Goal 8 affect future development?
- Would the Forest Service impose any restrictions on future uses?
- Would Deschutes County require a conservation easement or other use restrictions?

### NEPA Process

- What was the scoping process, and who was contacted?
- What decisions will be made?

### Sale Process

- How would the Forest Service sell the properties?
- Would an exchange be considered?
- Will there be an appraisal?
- Would the 910-acre Vandeverter parcel be split into two or more parcels for sale?

## 1.8 ITEMS INCORPORATED BY REFERENCE

This Environmental Assessment incorporates by reference the standards, guidelines, and monitoring requirements of the 1990 Deschutes National Forest Land and Resource Management Plan (LRMP), including applicable amendments. The EA also incorporates specialists' reports which are included in the project file.

## 2.0 DESCRIPTION OF ALTERNATIVES

This Section provides a description of alternatives that are reasonable, viable, within the scope of this analysis, and responsive to the Purpose and Need. Forest Service managers and specialists considered the purpose and need for action, management and administrative issues, and public comments when developing alternatives. Due to the nature of this project, the alternatives to be considered are essentially either "to convey" or "not to convey" and there are no other action alternatives to be evaluated. Two alternatives (No Action and Proposed Action) are analyzed in detail, and a brief discussion of alternatives considered but eliminated from detailed study is also provided.

### 2.1 ALTERNATIVE A - "NO ACTION" ALTERNATIVE

Under this alternative, the described properties would not be conveyed by sale or exchange under the authority of the Bend Pine Nursery Land Conveyance Act, and would remain in federal ownership. The Deschutes National Forest would continue to manage the land in accordance with current management direction under the 1990 Land and Resource Management Plan. The No Action alternative would not meet the Purpose and Need, but is described as a basis for comparing Alternative B, the Proposed Action.

### 2.2 ALTERNATIVE B - "PROPOSED ACTION" ALTERNATIVE

Under the authority of the Bend Pine Nursery Land Conveyance Act, the Forest Service proposes to convey out of federal ownership, by sale or exchange, two tracts of National Forest System land comprising a total of approximately 950 acres and located approximately 16 to 18 miles southwest of Bend, Oregon. The Vandeverter parcel lies just south of Sunriver and the Foster Road parcel is approximately 5 miles southwest of the Sunriver community.

The Vandeverter parcel is located in portions of Sections 8, 9, 16, 17, 20, and 21 in T. 20 S., R. 11 E., W.M. This parcel is irregularly shaped, approximately 910 acres in size, and lies north and south of Vandeverter Road. A strip of land owned by Burlington Northern Railroad forms the eastern boundary, and except for a small segment on the south end, the other sides are also adjacent to private land. For discussion and analysis purposes, this tract may be described as two tracts in relation to Vandeverter Road, and will be known in this EA as the North Vandeverter parcel (approximately 630 acres in size), and the South Vandeverter parcel (approximately 280 acres in size).

The Foster Road parcel is located in the SW¼SW¼ of Section 25, T. 20 S., R. 10 E., W.M. It is 40 acres in size, and approximately ½ mile south of South Century Drive. Foster Road runs through the middle of the property.

These lands would be conveyed from federal to private ownership by competitive sale or competitive exchange. The actual sale and exchange processes would be administrative actions to implement this alternative, and would be executed in full compliance with current Forest Service regulations and policies. The process or other details for completing a sale or exchange, therefore, are not part of this alternative.

Alternative B represents the lands as being conveyed out of federal ownership. For the purpose of this environmental assessment, likely scenarios for future use or development are considered as part of the description of Alternative B in order to better estimate effects of conveyance. Deschutes County zoning ordinances and Oregon land use laws were used as the basis to formulate likely development scenarios. The Foster Road parcel is described as being zoned RR-10 (Rural Residential, 10-acre parcels). The Vandevent parcel is described with an F-1 (Forest Use) zone.

The portion north of Vandevent Road is adjacent to private lands that Deschutes County has included within a Destination Resort overlay, which indicates it would be reasonable to presume that this designation could potentially be applied to the North Vandevent property. The lands are similar, and potential purchasers would likely be interested in the North Vandevent property for development as a destination resort. Therefore, in order to more accurately disclose possible environmental effects, the North Vandevent parcel will also be evaluated using a destination resort scenario in Alternative B. Refer to Section 3, Environmental Effects, for further details.

## 2.3 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

Options that could involve selling some of the lands while retaining others were initially considered during the preparation of the EA, but upon further consideration, it was determined that this would not be necessary and would not provide a better range of action alternatives. It would not be prudent for the analysis to consider alternatives that would convey something less than 950 acres, (for example convey 800 and retain 150, or convey 500 and retain 450, etc.), as the combinations could be endless and it would be unwieldy and unproductive to describe and compare these in detail as full alternatives. Further, it was felt that the Regional Forester already maintains the ability to decide to sell or exchange less than the full 950 acres, if she determines that the analysis would support that decision.

Forest Service specialists did not find any additional alternatives to be necessary, based on information from studying existing resources or predicted environmental effects. Similarly, public comments did not suggest any additional alternatives that could be considered in the analysis.

## 3.0 ENVIRONMENTAL EFFECTS

Section 3.0 discloses and evaluates the predicted effects of implementing each alternative and provides the scientific and analytic basis for comparing alternatives. Mitigation measures and monitoring are also addressed in this section. Effects of the No Action alternative (Alternative A) provides information about existing conditions and can be used as a baseline from which to compare the Proposed Action (Alternative B).

This Section has four subparts: 3.1, Effects of Alternative A, the No Action Alternative; 3.2, Assumptions for Alternative B, the Proposed Action Alternative; 3.3, Development Scenarios; and 3.4, Effects of Alternative B, the Proposed Action Alternative.

### 3.1 EFFECTS OF ALTERNATIVE A, THE NO ACTION ALTERNATIVE

Under this alternative, there would be no sale or exchange of the National Forest properties, and the lands would remain part of the Deschutes National Forest. The No Action alternative would not meet the Purpose and Need, as there would be no disposal of these 950 acres of NFS lands that have lost their National Forest character and are difficult to manage; there would be no opportunity to use sale revenues to help fund new Forest Service administrative facilities; and there would be no opportunity to exchange these lands to acquire private lands that could contribute significant resource values to the National Forest System, or otherwise be in the public interest to acquire.

Alternative A assumes the land would remain in public ownership and continue to be managed by the Deschutes National Forest. Predicted effects of the No Action alternative are described below.

#### 3.1.1 LAND USE

Approximately 630 acres of the Vandevent parcel lies to the north of Vandevent Road and approximately 280 acres are to the south of the road; all are located west of Highway 97. The strip of land owned by Burlington Northern Sante Fe Railroad forms the eastern boundary of this parcel. There is a small segment that adjoins National Forest land on the south end, but the rest of the irregularly shaped boundaries all adjoin private land.

The 40-acre Foster Road parcel is about 3 miles southwest of the Vandevent parcel, and about ½ mile south of South Century Drive. Foster Road bisects the property and provides access from South Century Drive to private lands and other public land. Private lands surround this small parcel on three sides, but its west boundary adjoins scattered National Forest land. There is a 480-acre tract on the east side, also within Section 25, that is being sold by the Forest Service to the Oregon Water Wonderland Unit II Sanitary District. The Foster Road parcel was previously considered for possible conveyance to the Sanitary District, but was not included in the sale.

Both parcels have "reserved public domain" status as federal lands, are under federal jurisdiction, and are managed under National Forest regulations. As such, no property taxes are assessed and local or county zoning

ordinances are not generally applicable. Most of the Vandever parcel was acquired in a land exchange with Shevlin-Hixon Lumber Company in 1944, although 80 acres were acquired in an exchange with Deschutes County in 1942. The Foster Road parcel was proclaimed as federal land in 1938.

The properties are managed in accordance with the Deschutes National Forest 1990 Land and Resource Management Plan, and are not within the area addressed in the 1994 Northwest Forest Plan. As described in the LRMP, about half of the Vandever parcel falls within Management Area 9 (Scenic Views), with the remainder in Management Area 8 (General Forest). The goal of the scenic view designation is to provide Forest visitors with high quality scenery that represents the natural character of central Oregon. The general forest designation emphasizes timber production while providing forage, visual quality, wildlife habitat, and recreational opportunities, with an objective of managing timber stands in a variety of age classes.

The Forest's Land Adjustment Plan, which is part of the LRMP, places the Vandever parcel within two categories for land ownership adjustment. Most of the tract falls within Group 3, Subgroup C1, which is defined as "areas of mixed private and federal ownership." Rearrangement of ownership of these lands is permitted to benefit production goals and for the mutual benefit of landowners. The remaining portion is within Group 3, Subgroup A, which is identified as "consolidated blocks of federal ownership that will normally be retained"; however, this parcel is considered to be an isolated parcel and not managed as part of a consolidated block.

The Foster Road parcel is totally within Management Area 8, General Forest. Similar to most of the Vandever parcel, the Land Adjustment Plan also identifies this parcel as being in Group 3, Subgroup C1, with mixed ownership. Again, rearrangement of ownership of the lands will be permitted to benefit production goals and for the mutual benefit of landowners. Either parcel can be used in an exchange to acquire higher priority lands for National Forest use, and Group 3 lands have been given "Priority 2" for this purpose. Standard and Guideline LA-5 provides for deviations and flexibility to take advantage of ownership adjustment opportunities.

The Bend Pine Nursery Land Conveyance Act recognized the isolated nature of these lands and associated management problems by including these parcels as part of the Tract C lands identified for disposal from the National Forest System.

The Vandever parcel is considered as having lost its National Forest character and difficult to effectively manage for National Forest purposes. The railroad tracks and highway effectively isolate this parcel from the large consolidated tract of National Forest land that lies to the east. Its proximity to housing developments, railroad tracks, Highway 97, major county roads, and private lands limit the effectiveness of vegetation, wildlife, recreation, and other Forest management programs. Evidence of urban civilization, such as powerlines, railroad, unauthorized roads and trails, and piles of household garbage are indications that this land has lost its National Forest character. Tracts such as this become increasingly more difficult to manage, especially as increased unauthorized and inappropriate uses by people occur.

The much smaller Foster Road parcel is surrounded on three sides by private land and has a county road running through it. This parcel is also considered to have lost its National Forest character and is difficult to effectively manage for Forest Service purposes. Management problems resulting from the isolated nature of the parcel are typical and include illegal woodcutting, unauthorized roads and trails, and dumping of household garbage. It may not be evident to most visitors that this is National Forest land.

The Vandever parcel is more than ¼ mile from the designated boundary of the Upper Deschutes Wild and Scenic River corridor. The Foster Road parcel is adjacent to the corridor but not within the designated boundary. Neither parcel would affect the corridor under the No Action alternative.

There are several special use permits issued by the Forest Service to utility companies and several road easements issued to Deschutes County. In the Vandever tract, an overhead powerline under permit to Midstate Electric Cooperative runs north-south along the western edge of the parcel, and there is a buried fiber optic line within the same right-of-way as the overhead powerline. A buried electric line runs east-west along the north side of Vandever Road; a buried telephone line is located along the south side of Vandever Road; and, another buried telephone line spurs off this along Blue Eagle Road. A short segment of a buried television cable also crosses in the southwest portion of the tract.

Three Forest Service easements are presently granted to Deschutes County for public roads on the parcels. One easement was issued in 1970 for Vandever Road and another was issued in 1976 for Blue Eagle Road, which serves subdivisions south of Vandever Road. The third easement is for Foster Road, and was issued to the county in 2003.

In the southwestern corner of the South Vandever tract there is a known trespass where part of a private residence overlaps onto National Forest land without authorization. The landowner was notified of the encroachment but no further action has been taken to resolve the situation.

Under the No Action alternative, all existing permits and easements would continue to be in effect, and all land uses will continue to be managed as they have been by the Forest Service. The encroachment will remain, but may be remedied in the future by the Forest Service when time and funding allow. There would be no change from the existing land use situation with Alternative A.

### 3.1.2 TIMBER AND VEGETATION

The 910-acre Vandever parcel is dominated by ponderosa pine and lodgepole pine stands typical of the area. Understory vegetation is comprised of bitterbrush, bunchgrasses, and sedge species, and is most dense and vigorous where the forest canopy is open. Past timber management practices and a recent mountain pine beetle epidemic were major forces shaping the present day forest. It is generally accepted that before the area was settled by Euro Americans, the forests were dominated by large, fire resistant ponderosa pine trees maintained in a fairly open condition by frequent, naturally occurring wildfires that burned at a relatively low intensity.

In the 1920's and 1930's (prior to the parcel being acquired by the federal government), most of the larger ponderosa pine trees were harvested. Lodgepole pine and other trees too small to be of commercial value were not cut. The landscape is now dominated by a mixed forest of 60 to 80 year old lodgepole and ponderosa pine of various sizes arranged in small groups and dense thickets, with about 25 percent being almost purely lodgepole pine. A few larger ponderosa pine trees left from previous harvests are now quite distinct above the younger and

smaller trees.

A mountain pine beetle epidemic that began in the late 1960's killed most of the largest lodgepole pine trees, and remaining large trees continue to succumb to insect attack. Many of the dead trees have been removed by woodcutters, but tree densities remain very high and these crowded trees are becoming increasingly attractive to the pine beetle. Approximately 60 to 75 percent of the forest stands on the Vandever parcel now have a moderate or high risk of susceptibility to mountain pine beetle attack, which could result in the future loss of larger lodgepole and ponderosa pine trees. Tree diseases including western gall rust and western dwarf mistletoe can be found in scattered patches throughout the parcel and can cause decreased tree growth and increased mortality.

About 100 acres were thinned during timber sales in the early 1990's with the objective of removing lodgepole pine and restoring ponderosa pine ecosystems. Overall, the Vandever parcel is fairly evenly timbered, with timber volumes ranging from 5,000 to 7,000 board feet per acre.

The forest stands on the parcel do not meet the definition of old growth forests because there are an insufficient number of large trees and other criteria present; however, there are individual ponderosa pine trees that are greater than 21 inches diameter and more than 150 years old. These trees add to the diversity and aesthetics of the forest, although there are less than two or three such large trees per acre on the parcel. There are a few areas with higher concentrations of large trees, averaging about 5 or 6 trees per acre, such as in the corridor along Vandever Road, adjacent to the railroad south of Vandever Road, and at the extreme southern end of the parcel.

Almost two thirds of the 40-acre Foster Road parcel is dominated by thickets of small second-growth lodgepole pine trees. Vegetation beneath the canopy and in open areas includes bitterbrush, sagebrush, bunchgrasses, and sedge species. The trees are generally small and range in size from seedlings to 12 inches in diameter, with a few larger trees present. Occasional ponderosa pine trees are scattered throughout the parcel. The forest structure seen today resulted from the mountain pine beetle epidemic and subsequent demise of larger lodgepole pine trees, followed by the removal of many of the dead trees for firewood. Existing timber volumes are low, averaging less than 2,000 board feet per acre.

The remaining third of the Foster Road parcel was harvested in 1997. Dead and dying trees were salvaged and remaining trees were thinned leaving the largest and healthiest individuals available. Western dwarf mistletoe and western gall rust diseases infect lodgepole pine throughout the parcel, causing decreased growth, poor tree form, and eventual tree mortality. The mountain pine beetle has killed most of the larger suitably sized host trees in the general vicinity, and remaining large individual lodgepole pine trees continue to succumb to insect attack. Much of the area is now populated with trees too small to sustain a mountain pine beetle epidemic, but with the high tree densities in unthinned areas, a future epidemic would be anticipated as crowded trees lose vigor. Insect mortality affects the larger tree classes, and western gall rust and dwarf mistletoe will continue to spread and become a more significant damaging agent on the parcel.

Under Alternative A, thinning forested stands and removing diseased and the least vigorous trees would provide the greatest opportunity to increase individual tree growth rates and to develop a significant large tree component on the Vandever parcel. Thinning and reducing stand densities would also decrease the likelihood of mortality from mountain pine beetle. Future management activities on the Foster Road parcel would include thinning and removing dead material to increase timber volume and value, reduce the risk of insect epidemics, help establish larger trees, and improve forest diversity. Such management activities would help bring these forests back to conditions that are more desirable, and may be implemented by the Forest Service where appropriate if the lands remain in federal ownership in Alternative A.

No proposed, endangered, threatened, or sensitive (PETS) plant species were found on either parcel. Implementation of the No Action alternative will have no direct, indirect, or cumulative effects upon any PETS plants because there is no habitat for them within the properties.

Both tracts are essentially free of noxious weeds, but are at risk from noxious weed invasion from existing weed sites along nearby roads. The Deschutes National Forest treats noxious weeds within the Forest; however, the extensive noxious weed seed bank in disturbed roadsides pose a high risk of noxious weed invasion. Under the No Action alternative, the Deschutes National Forest would continue to be responsible for treating any noxious weed populations found within these areas in the future.

### 3.1.3 FUELS AND FIRE RISK

Fire suppression over the last 80 to 90 years has contributed to the accumulation of naturally occurring fuels and increasing proportions of dense thickets of trees. Existing stand conditions increase the risk of bark beetle attacks, and if the densities are not reduced, these stands will become more susceptible to beetle attacks while increasing the risk of wildfire due to fuels accumulation. Heavy fuel loadings and increased tree mortality increase the risk of a catastrophic wildfire and the potential for loss of structures and property on nearby private lands. Areas with dead or down material and slash and debris from woodcutting, also contribute to extremely hazardous fuel conditions.

The Vandever parcel is close to the Sunriver community boundary, where wildland and urban areas meet or interface. The area is categorized as condition class 3, meaning that vegetation composition, structure, and fuels have departed from the natural fire regime and now have a highly elevated level of risk from uncharacteristic wildland fire behavior and effects. Thirteen recognized fire behavior fuel models and their arrangement interpret fire behavior potential. Study and interpretation of these fuel models indicate that more than 86 percent of the Vandever parcel is in the high or extreme category for fire behavior, which, when combined with its location in the wildland urban interface, poses a great hazard to firefighters and the public.

Given the existing conditions and emphasis on community protection and forest health, management strategies are being developed to move this area toward a more desirable condition and effectively reduce fuel loading and wildfire risk. Treatments to reduce crown densities, ground fuels, and ladder fuels would help make future wildfires less intense and more readily controlled by firefighting forces. The Vandever parcel is within the Lava Cast Planning Area and is currently being analyzed by the Forest Service for fuels treatment. Thinning, removal of downed trees and debris, prescribed burning, mowing of shrubs, and handpiling would be considered and



implemented over time if the land stays in federal ownership as described in Alternative A.

The Foster Road parcel is mostly comprised of lodgepole pine and is more open than the Vandever parcel. The existing fuels are dense thickets of small diameter lodgepole pine with a grass and bitterbrush understory. Approximately 30 acres, or about 75 percent of the parcel, are within fuel models in the high or extreme category, and the remaining 25 percent of the area, including the wetland site, is in the low category. Without treatment and under suitable weather conditions, a high intensity wildfire with a fast rate of spread through ground fuels and torching of individual trees would be expected.

The Foster Road parcel is also within an urban interface area, where fire risk is an ongoing concern and community-wide solutions are being sought. Under continued Forest Service management, a reduction in fuels could be achieved by reducing crown densities through thinning, pruning the lower limbs on residual trees, and mowing brush to break-up the fuel continuity. This would reduce fire intensity, allowing suppression forces to more successfully control a wildfire.

### 3.1.4 HERITAGE AND CULTURAL RESOURCES

In the past, several different Native American tribes used the area now comprising the Deschutes National Forest, but it is likely that the Northern Paiute, Klamath, and Confederated Tribes of Warm Springs peoples were the dominant cultural groups in this particular area in the recent past. The Klamath Trail passed through this area linking the Klamath Basin with the Columbia River. Seasonally occupied habitation sites along the Deschutes and Little Deschutes rivers were probably used for base camps associated with the use of special areas and resources near the rivers and in upland zones. There was probably a pattern of family groups moving through the area to hunt mammals and upland birds, gather plants, or travel to and from obsidian sources in Newberry Caldera. The archaeological evidence is scant, with the most typical being lithic scatters of broken tools and flaking debris associated with tool manufacturing and maintenance. Ground stone implements for plant processing are also present at some sites. The Little Deschutes and Deschutes rivers, including the adjoining riparian areas and terraces, are highly likely to contain archaeological sites of some depth and complexity. Homesteads, transportation corridors, railroad logging, and other remnants from the historic period are also likely to be encountered in this area.

Seventeen cultural resource sites are identified in the lands being considered for conveyance. All the sites are in the Vandever parcel with none in the Foster Road parcel. In 2003, a Forest Service crew of archaeologists either tested or completed archival research at seventeen sites to determine their eligibility to the National Register of Historic Places (NRHP). Sixteen sites were determined to not be eligible, but one site (the Harper town site and logging camp) was found to be eligible, and was identified for mitigation through the development of a treatment plan and consultation with the State Historic Preservation Office (SHPO). The findings and reports of this work are pending. The determinations of eligibility will be completed in conjunction with the final report and submitted to SHPO for review under the 1995 Region Six Programmatic Agreement Regarding Compliance with S.106 of the NHPA.

The findings, whether significant or not, are inconsequential for Alternative A because there would be no conveyance of the land. The identified parcels would remain under Forest Service jurisdiction and no cultural properties or tribal interests would be lost or otherwise affected.

### 3.1.5 SURFACE WATER AND WETLANDS

Both parcels fall within the Little and Upper Deschutes river drainages. The Little Deschutes River lies just west of the Vandever parcel and the Deschutes River is located slightly further west. The Vandever parcel is on a terrace, up and out of the floodplain, and contains no wetlands.

The 40-acre Foster Road parcel is situated between the two rivers and is not within a floodplain. There is a small wetland site in the northwest corner of the property that is about 6 acres in size and associated with an old meander scar from the Deschutes River that has filled in with pumice, ash, silts, and peat. Predominant hydrophytic features consist of tall woody bog birch and wetland soils that have surface water for a significant portion of the year.

Under Alternative A, the properties would remain under Forest Service management and federal and state regulations would continue to be followed to protect wetlands and water quality. There would be no effect on the rivers or wetland and no change from the current condition.

### 3.1.6 WILDLIFE

#### DEER AND ELK

The mixed pine stands, bitterbrush, and Idaho fescue of the Vandever parcel provide transition range habitat for mule deer migrating east/west, between summer range and winter range. Oregon Department of Fish and Wildlife (ODFW) categorizes segments of migration corridors based on the amount of deer movement and use each area receives. In 2000, owners of nearby Sunriver Resort explored the feasibility of resort development on private lands adjacent to the North Vandever parcel. At the time, that general area (which includes the Vandever parcel) was designated as a priority deer migration corridor and would not have been compatible with prospective plans to site a new destination resort. After further investigation by ODFW, the area was determined to not be within a priority area for deer migration, and the county zoning records were subsequently revised. Therefore, both parcels are within areas designated as deer migration areas by Deschutes County, but only the Foster Road parcel is within a priority migration area.

A resident elk herd utilizes the parcels for cover and forage as they move around and between tracts of urban development during summer and winter months. The amount of elk use in the area is minimal, but the parcels are valuable because they provide habitat and a path for movement through areas of increasing urban development.

Under the No Action alternative, effects to deer and elk would be similar. Existing big game habitat would be retained and continue to allow for movement and migration. The trend of residential development in this area would cause these undeveloped forested parcels to become increasingly more important in the future for migration as well as for forage and limited hiding cover. Disturbance to animals would continue to occur and potentially increase as a result of increasing public use and pressure by humans. Proper forest management that considers hiding cover and foraging needs of big game animals would help maximize the suitability of these areas for deer and elk in the future; however, it is likely that the suitability would be limited.

#### **HAWKS, OSPREY, AND GREAT GRAY OWLS**

The Vandever parcel provides potentially suitable nesting habitat for Coopers' hawks, sharp-shinned hawks, and goshawks, although none of these species have been found during field surveys. Only the North Vandever portion of the parcel contains habitat that goshawks could potentially use, but this is marginal at best due to the lack of late seral ponderosa pine stands. Under Alternative A, there would be little change from the current condition for these species. Proper forest management under the No Action alternative would allow for continued growth of the forest vegetation, making it more likely that the area would provide higher quality nesting and foraging habitat in the future. The Forest Service would consider these habitat needs in conjunction with the fire and fuels management for the area. Future growth of lodgepole pine and ponderosa pine trees could create denser stands and a potentially higher fire risk, but would eventually provide better nesting habitat.

The red-tailed hawk has an extremely wide tolerance for habitat variation and prefers open woodland areas associated with forest edges for nesting. The high fragmentation of forest habitat in these areas provides an abundance of suitable foraging habitat for the hawks, although the lack of large trees limit nesting sites. Under Alternative A, red-tailed hawk habitat would not change significantly, and over time, the potential exists for suitable nest trees to be found within the Vandever parcel.

Great gray owl nesting habitat is generally associated with both canopy closure and grassy forested openings. The North Vandever parcel has a higher probability of use as nesting habitat because of the larger ponderosa pine trees and its proximity to Crosswater golf course. The No Action alternative would maintain great gray owl habitat for nesting and dispersal, and with proper future management by the Forest Service, could produce a higher quality of nest trees.

Only the North Vandever parcel has the potential to provide osprey nesting habitat because it contains trees large enough to potentially support an osprey nest, and because it is closest to foraging habitat along the Little Deschutes River. There are no designated Osprey Management Areas associated with the parcels and there are no known osprey nests within the properties. Under Alternative A, the North Vandever area could potentially provide future osprey nesting habitat, if existing trees are managed for continued growth.

Within the Foster Road parcel, there is potential habitat for Coopers' and sharp-shinned hawks; however due to the lack of mid to late seral ponderosa pine stands, the parcel does not provide goshawk habitat. The Foster Road parcel does not provide as much potentially suitable habitat for great gray owls due to the smaller size lodgepole pine trees and past logging that has fragmented the area. Other species and habitats described for the Vandever property would apply also to this parcel. The smaller size of this parcel, the influence of people and homes adjacent to the property, and the traffic on Foster Road make this property less desirable or effective as wildlife habitat.

#### **OTHER BIRDS AND MAMMALS**

Both parcels contain habitat for other small birds, including primary cavity nesters such as woodpeckers and nuthatches, which are considered in the LRMP as management indicator species. Primary cavity nesters that could potentially inhabit the project area include white-headed woodpecker, black-backed woodpecker, northern flicker, Williamson's sapsucker, and pygmy nuthatch. These species require snags within their home range to sustain their populations. Due to past timber removal in both parcels, snags that provide nesting and foraging habitat are very limited, but the areas do contain some foraging habitat because of the presence of wood boring insects. Under the No Action alternative there would be no change in cavity nesting habitat, and depending on future management, the areas could produce viable nesting habitat in the future. In general, maintaining a forest with a diversity of plant species and vegetation of different heights will provide habitat more suitable for a greater number of bird species.

Several species of bats, including the western big-eared bat, are known to use parts of the Deschutes National Forest for roosting, hibernating, raising young, and foraging. The parcels considered for conveyance are void of large snags, lava tubes, and rock formations, which provide key bat habitat; however, the existing forest vegetation on both parcels provides habitat that could be used by bats for day roost sites. Future management by the Forest Service would maintain or increase the amount of day roost sites, and managing for large trees and future snags could potentially improve the areas for bats over time.

Both parcels also provide habitat for a variety of other wildlife species common to the area, including chipmunks, golden mantel ground squirrel, California quail, as well as occasional use by dispersing carnivores such as coyote, and to a lesser extent, mountain lion, and bobcat. The shrub and overstory component of the forest vegetation provides habitat for neotropical migratory birds during migration and nesting seasons. Although the vegetation and site conditions are not unique to the general area, the parcels provide areas of forest habitat in the midst of private and developed lands. Habitat conditions would remain essentially the same for these species under Alternative A.

#### **LISTED OR PROPOSED ENDANGERED, THREATENED, OR SENSITIVE SPECIES**

Except for the northern bald eagle, there are no PETS wildlife species found in or near either of the parcels. The bald eagle is a permanent resident in Oregon and, on the Deschutes National Forest, prefers ponderosa pine or Douglas fir trees with large open limbs for nesting and prey available within one mile from nest sites. There are no known nest sites within either parcel; however, there is one nest within about 4 miles from the Vandever parcel and 1½ miles from the Foster Road parcel. The nearby Deschutes River provides the main source of prey for the pair of eagles that use this nest. Eagles have also been observed using the Deschutes River corridor during winter months. With Alternative A, there would be no effect on the bald eagles, or any other PETS

species.

### 3.1.7 RECREATION, SOCIAL, AESTHETIC, AND SCENIC VALUES

These two parcels are isolated and fragmented patches in a forested landscape that has been through countless natural alterations from insects and diseases, as well as man-made alterations including timber harvest. Both tracts are bounded by private land and residential developments with major roads nearby. Both tracts are located within rural settings where homes of various sizes can be found tucked in among the trees. Both parcels are in close proximity to high recreational use areas such as the Deschutes River and Sunriver Resort. Local residents and visitors alike value the general area, including these two tracts, for the rural and forested appeal.

Previous logging activities are less obvious on the Vandeverter parcel than on the Foster Road parcel, but are still quite noticeable. The densely stocked mixed pine forest with occasional large yellow-bark pine trees creates a natural buffer from the heavy traffic on Highway 97, the railroad, and from the well used Vandeverter Road and South Century Drive. This buffer helps reduce noise and visual impacts to homes and subdivisions west and south of the Vandeverter parcel.

The Foster Road parcel is seen as a heavily impacted forest landscape. Public roads, unauthorized roads and trails, and residential developments around the perimeter dominate the landscape. Foster Road is a busy primary access road through the middle of the parcel, but does not have any special travel or scenic designation. It does, however, connect to South Century Drive and Vandeverter Road, which are important access routes and part of the Highway 97 Corridor Tour Route System, leading to the Cascade Lakes National Scenic Byway and Upper Deschutes Wild and Scenic River areas. The Deschutes River area has become an important recreation destination in central Oregon, and the Cascade Lakes Byway is a well known auto tour route, one of only two nationally recognized tour routes in central Oregon.

The Forest's LRMP places Vandeverter Road and South Century Drive within the slightly altered landscape category with a medium scenic integrity level. Foster Road is within an altered landscape category with a low scenic integrity level. Even though the lands have been impacted and altered, people traveling through this area value it for scenic access to recreation sites, while people living in the area value it for providing a scenic natural buffer from the highway, railroad, and other residential developments, as well as for the aesthetics it provides to their homesites. Local communities value these parcels for providing a sense of seclusion and closeness to nature within the growing urbanization around the two parcels. The parcels also provide areas for dispersed recreation uses such as walking, mountain biking, hiking, off road vehicle use, and wildlife viewing. Under Alternative A, the parcels would continue to provide these values and serve these purposes.

Over time, the existing landscape character has been transformed from a once natural appearing landscape into one representing a rural setting, as a result of timber harvest and thinning, utilities, roads, public use, and surrounding residential developments. Evidence of illegal uses, such as firewood cutting and dumping of trash, are noticeable throughout the two parcels and have contributed to further degradation of the natural landscape characteristics. These human intrusions are highly visible within the parcels and from sensitive viewer locations such as the travel corridors. Stands of small and densely stocked trees replaced the open and park-like stands historically found within ponderosa pine forests. Dead trees and other debris have contributed to negative deviations from natural appearing scenery that the public values and would prefer to see. As the area continues to grow in population, the landscape character would be expected to transform accordingly to a landscape with increasingly more urban characteristics and human impacts. This will continue to alter the landscape character and adversely affect scenic quality and integrity levels in the future, if the properties remain under National Forest management. Both parcels provide habitat amid increasing urban development and human intrusions. Even though the habitat may not be optimum, it would remain undeveloped in Alternative A.

Under Alternative A, both parcels would continue to remain under federal ownership and continue to be managed by the Deschutes National Forest in accordance with the LRMP. Future management would provide for little change to the general landscape character, but the tracts would likely continue to be altered or degraded by unauthorized uses. It is unlikely that these two parcels would be aggressively managed for recreation or scenic values because they are isolated National Forest properties; therefore, natural processes and unauthorized human uses would continue to influence the sites. There may be a segment of a new public road constructed at the north end of the Vandeverter parcel as part of a proposed highway interchange project (see Section 3.1.8); however, access through the parcels would generally remain about the same, although the amount of traffic and public use would probably tend to increase in the future. Even though the parcels would not be developed under Alternative A, their scenic and aesthetic values would continue to gradually decline and scenic integrity levels and existing landscape character would be adversely altered over time. As a result, the desired future condition for this landscape area may not be fully met due to difficulty in the managing these fragmented and isolated parcels.

### 3.1.8 ROADS AND ACCESS

The Vandeverter parcel contains more than 10 miles of road. About half of these are paved, including Vandeverter Road and South Century Drive, which are county roads and major travel routes. Blue Eagle Road is another paved county road within the parcel, providing access to rural subdivisions south of Vandeverter Road. Most of the remaining roads are unmanaged dirt and high clearance wheel tracks created during logging operations or by others without authorization for woodcutting, recreational uses, or dumping of garbage. The parcel is flat and can be accessed with little difficulty.

Some roads on the Vandeverter parcel were constructed by utility companies for maintenance of the powerline and telephone cable, but are open to the public. These service roads are adjacent to the utility lines and under special use permits issued by the Forest Service. The road adjacent to the railroad track may be used by Burlington Northern Sante Fe Railroad for track maintenance, although at least some, if not all, of the road is on National Forest land. There is no permit or easement granted to the railroad for use of this road.

Deschutes County and the Oregon Department of Transportation have plans to construct a new interchange at the junction of Highway 97 and Road 42, which provides the main access to Sunriver. Construction would begin

in 2006. One option being considered would create a new road, a portion of which would cross the north end of the Vandever parcel, requiring a right of way at least 100 feet wide. Although it would slightly reduce the net acreage of the parcel, it may provide new access to the north end the parcel.

About a ¼-mile portion of Foster Road runs through the center of the Foster Road parcel. This cinder surfaced road was recently transferred from Forest Service to Deschutes County jurisdiction. Beaver Road District, serving private residences south of the parcel, has been responsible for maintenance of the road. The parcel also has a short segment of a decommissioned Forest Service road, as well as a number of other unauthorized and unmanaged roads and trails.

The roads under Forest Service jurisdiction on both parcels are intended to be closed or maintained for high clearance vehicles and have received little or no maintenance in recent years; however, most are useable by high clearance vehicles and are considered to be at a minimum standard level. Under the No Action alternative, no forest management activities are planned that would use or maintain these roads in the foreseeable future. If new roads or improvements to existing roads are planned in the future by the state or county, the Forest Service would provide easements as appropriate.

### 3.1.9 HAZARDOUS MATERIALS

The properties have been examined for the presence of hazardous substances and petroleum products as required by Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Forest Service Manual 2160, Hazardous Materials Management. No hazardous materials have been found on either of the parcels, and there is no known threat to public health or safety. Field examinations found, however, that there has been some illegal dumping of household garbage on both parcels, but the problem could be much worse considering the close proximity to homes and greater distance to a disposal facility. Under the No Action alternative, this condition would remain about the same and continued dumping of household garbage and debris would be likely. The Forest Service may occasionally monitor, cite those who are responsible, and remove at least some of the garbage in the future.

### 3.1.10 SOILS, GEOLOGY AND MINERALS

The Vandever parcel is at approximately 4,200 feet elevation, along the northwest edge of Newberry Volcano. The surface lies mostly on an uneroded basaltic lava flow covered with volcanic ash. The Foster Road parcel is at a similar elevation, but is between the Deschutes and Little Deschutes Rivers in a fluvial environment of the La Pine Basin with loamy and sandy soils. Both parcels receive about 15 inches of precipitation annually, most as winter snow.

A mineral report has been prepared which determined that the potential for occurrence of any mineral resource is low for both areas. There are no mining claims on either of the parcels.

### 3.1.11 GROUNDWATER AND WATER RIGHTS

The water table on the Vandever parcel is about 40 to 50 feet below the surface in the higher areas, and inches to a few feet in the lowest areas. Depth to groundwater on the Foster Road parcel varies by location, season, and year; however, the range of depths is from zero to about 10 feet. In the northwest corner of the parcel where the elevation is lowest, the water table is at or within inches of the surface year-round. The current quality of groundwater under both parcels is believed to be high, with low nitrate concentrations. The planned treated effluent storage ponds and irrigation system on the property adjacent to the Foster Road parcel would have no effect on groundwater quality; however, new sewer and effluent facilities for the nearby Oregon Water Wonderland Unit II community will eliminate their failing sewer and septic systems and help protect groundwater quality in the area.

A review of the Oregon Department of Water Resources records shows that there are no water rights on either parcel.

## 3.2 ASSUMPTIONS FOR ALTERNATIVE B, THE PROPOSED ACTION ALTERNATIVE

A number of assumptions regarding future uses of the lands under private ownership have been made in order to focus the analysis and estimate environmental effects.

### 3.2.1 FUNDAMENTAL ASSUMPTIONS

The basic assumptions used in this analysis are as follows:

- Once the lands are transferred out of federal ownership, they are under the jurisdiction of local, county, and state regulations; Forest Service policies or plans will no longer apply.
- Scenarios are best developed by using information provided by the Deschutes County Community Development Department.
- Scenarios for future uses are those most reasonably and likely to occur, given the zoning, surrounding land uses, and trends for the area.
- County zoning ordinances will apply to these lands once they are in private ownership; future uses will have to conform to local zoning codes.
- Any future zone changes are subject to county and state land use application and approval processes; land use approvals may require a comprehensive plan amendment and zone change, and proof that the change conforms to the statewide land use planning goals.

- The county may impose restrictions or conditions as part of their land use application and approval process; however, future zoning and land use issues are beyond the scope of this EA.
- Use of the lands for a destination resort would require review from Deschutes County and would be subject to a new approval process that is currently being developed. (New legislation, effective January 1, 2004, has been enacted by the state legislature, but processes to implement have not yet been adopted.)
- The possibility of a destination resort will be addressed, but the methods and details for acquiring approval for such use are beyond the scope of this EA.
- Any proposed land use changes would involve a public process under local county authority, giving the local public an opportunity to comment, provide input, and influence any land use decisions when, or if, they are being considered.
- Zoning and regulating uses on private land are the responsibility of state and local government.
- The Forest Service would not place deed restrictions or other conditions on the sale or future use of the properties, except in rare occasions if necessary to protect critical federal interests or required by federal law; the Forest Service has no legal authority or responsibility to substitute deed restrictions for local zoning controls.
- Neither scoping nor evaluation by specialists identified any critical resources, with the exception of wetlands, in need of federal protection on these lands.

### 3.2.2 ASSUMPTIONS REGARDING FUTURE USE

Several other assumptions have been made for this EA regarding how each parcel would be used once in private ownership. These detailed and specific assumptions are based on information provided by Deschutes County Development Department, and are described as follows:

- The Vandevent parcel is currently zoned by Deschutes County as Forest Use, F-1. (Most National Forest parcels in Deschutes County are zoned F-1). The purpose of this zone is to conserve forest lands.
- The Vandevent parcel is in a Wildlife Area, meaning that development would have to protect or benefit wildlife.
- The area north of Vandevent Road is potentially suitable for "large tract dwellings". This means that up to two single-family homesites on lots at least 240 acres in size could be sited on the 630 acres in the North Vandevent portion of the property.
- Destination resorts are not allowed under F-1 zoning, but private lands immediately west of the North Vandevent parcel were recently approved for a Destination Resort Combining Zone overlay, at the request of Sunriver Resort.
- It is feasible and reasonable that county approval could ultimately be acquired sometime in the foreseeable future to include the North Vandevent tract in the Destination Resort Combining Zone, if pursued by a future property owner interested in siting a resort.
- The area south of Vandevent Road is potentially suitable for "template dwellings". This means that up to three single-family dwellings, each at least 80 acres in size, could potentially be sited on the 280 acres in the South Vandevent portion of the property.
- The Foster Road parcel is currently zoned by Deschutes County as Rural Residential, RR-10, which allows for development of rural residences on lots at least 10 acres in size.
- The Foster Road parcel is also subject to a Wildlife Area overlay, which means that rural residences need to conform to the requirements of a "cluster development" in order to protect or benefit wildlife.

### 3.3 DEVELOPMENT SCENARIOS

For the purpose of this environmental assessment, reasonable and likely development scenarios have been formulated based on the assumptions presented above. A total of three scenarios are described below and will be the basis for the Alternative B effects analysis; these include two reasonable and feasible development scenarios for the Vandevent parcel.

#### 3.3.1 VANDEVERT SCENARIO #1 (Forest Homesites)

"Vandevent Scenario #1" (Forest Homesites Scenario), would involve the following elements:

- The area north of Vandevent Road (approximately 630 acres), would be divided into 2 tax lots. These lots would be used for single-family forested homesites. Each lot would be a minimum of 240 acres and a maximum of 390 acres in size, depending on the location of the boundary. (The location of the boundary is not specified).
- The area south of Vandevent Road (approximately 280 acres), would be split into a maximum of three parcels or tax lots. Each lot would be used for single-family forested homesites, and each would be at least 80 acres in size, but none would be more than about 120 acres, depending on how the property is divided.
- In general, the Vandevent parcel would be developed for up to five large-acreage single family homesites, and would retain some degree of forest habitats and values.

#### 3.3.2 VANDEVERT SCENARIO #2 (Destination Resort)

"Vandevent Scenario #2" (Destination Resort Scenario) would involve these elements:

- The area north of Vandevent Road would be developed as a destination resort with homes, golf course, recreation facilities, open space, and other quality amenities common to upscale resort communities in the area.

- A destination resort would be developed in accordance with state Land Conservation and Development Commission (LCDC) Planning Goal 8 and the Deschutes County Comprehensive Plan. It would also be planned in compliance with any new state regulations and processes that are presently being developed to implement new legislation, and be designed and sited under state and local land use laws.
- The area south of Vandever Road would not be part of a destination resort development; therefore, development of up to three large-acre lots on the South Vandever tract would be the same as described for Vandever Scenario #1.

Only the North Vandever tract (and not the South Vandever tract) is being considered for a destination resort for the following reasons:

- The north tract is in close proximity to other established resorts, while the south portion is adjacent to rural residences or subdivisions and no resorts.
- The north tract is adjacent to other private land that Deschutes County recently approved for a destination resort overlay.
- The size and shape of the north portion is more suitable for a destination resort, while the south portion is smaller and irregularly shaped.
- The Forest Service is aware of interest from outside parties to utilize the area north of Vandever Road for a destination resort, while no one has shown interest in the south tract for such use.

### 3.3.3 FOSTER ROAD SCENARIO

There will be just one scenario (the "Foster Road Scenario") for the 40-acre Foster Road parcel, and it would involve the following elements:

- The Foster Road parcel would be divided for 4 homesites in a "cluster development".
- A cluster development requires retaining a minimum of 80% open space, thereby allowing up to eight of the acres to be developed for the four homesites (2 acres each), with the remaining 32 acres retained as open space.
- The homesites would be clustered so the structures would likely be located nearer the center of the tract in order to maximize open space and minimize the impact of residential development.
- There would be no development within the 6-acre wetland.

It is important to note that there are no guarantees that any of the properties would ultimately be used exactly as described. Based on current zoning, development trends, and public input, these three scenarios present a reasonable estimation of what could happen if the lands are in private ownership, for the purposes of this EA. Land use decisions on private land are the responsibility of local government and not the Forest Service.

## 3.4 EFFECTS OF ALTERNATIVE B, THE PROPOSED ACTION ALTERNATIVE

Predicted effects of conveyance of the parcels are described in this section. Under Alternative B, the lands would no longer be in federal ownership and would no longer be managed by the Forest Service. The lands would be privately owned. Effects are estimated using assumptions and development scenarios described in Section 3.3. It is recognized that actual development may differ, but this analysis uses the best information available at this time to predict, evaluate, and disclose environmental effects. This will provide the public and the decision maker the best and most reasonable information possible, with the understanding that the Forest Service will not have a future role in managing or determining the use of the lands.

Alternative B would meet the Purpose and Need because it would dispose of isolated tracts of lands that have lost their National Forest character and are difficult to manage; it would allow the Forest Service to use proceeds from a sale to help fund new local administrative offices; and it would provide a potential opportunity to acquire desirable private lands in an exchange.

The following describes projected effects of conveying the two tracts under Alternative B, the Proposed Action. Effects are described for the three scenarios, in the same sequence used for describing effects of Alternative A. No mitigation measures or monitoring needs have been identified as a condition of conveyance, as the Forest Service would have no legal authority to impose mitigation or monitoring on private lands.

### 3.4.1 LAND USE

#### VANDEVERT SCENARIO #1 (Forest Homesites)

Conveyance of the Vandever parcel would consolidate private land in the area and eliminate approximately 910 acres of isolated National Forest lands that are difficult to manage. Forest Service administration would become more efficient, as time or funds would no longer be spent addressing or administering illegal dumping, firewood cutting, thinning and forest vegetation activities, or other unauthorized or authorized activities on these lands. Conveyance of the lands would be in compliance with the Deschutes National Forest Land and Resource Management Plan, which allows for the properties to be included in land adjustment actions to take advantage of ownership adjustment opportunities.

There would be a reduction in the administration of special use permits and easements, as the Forest Service would no longer manage the authorizations for powerlines, telephone and television lines, or roads on this property. Existing special use permits would be converted to easements and, along with other existing easements, would be transferred with the property to the new owner.

The federal government is exempt from paying property taxes, but with conveyance and private ownership, property taxes would be assessed and contribute to Deschutes County's revenue. New home construction would

provide some short term jobs related to construction, and may also result in a few more people in the southern Deschutes County area who would contribute to the local economy. The limited number of new homes would not be expected to have a significant effect on any community service or demographics.

The amount of boundary lines between National Forest and private lands to be established or maintained would be reduced by more than 9 miles. There would be no effect to the Upper Deschutes Wild and Scenic River Corridor, as the Vandever parcel is more than ¼ mile from the designated boundary. The known encroachment on the south Vandever tract would not be resolved by the time of conveyance, and would be disclosed to potential purchasers. The property would be sold "as is", leaving the encroachment to be resolved as desired by the new owner instead of by the federal government, which could potentially result in a much simpler and more agreeable remedy.

Once in private ownership, it is presumed that the property would be used for single-family homesites. According to Deschutes County, two large tract dwelling lots at least 240 acres in size could be located north of Vandever Road, and up to three template dwelling lots, each at least 80 acres in size, could be sited south of Vandever Road. Depending on the public's awareness of land ownership, it may not be noticeable to many people that the property has changed ownership. Fences, driveways, or other amenities may become apparent, but it is expected that most of the forest landscape would be retained under the F-1 Forest Use zone. It is likely that the property would be off-limits to the general public and that dumping and other illegal or unauthorized activities by the public would decline or stop. Homesites would be similar to other established rural homes in the area.

Existing county zoning codes and state and local development regulations and processes would guide development. Refer to the Deschutes County planning department for additional information regarding uses that are permitted outright. Any deviations would need county approval, and would be subject to public review and comment. Restrictions or conditions on use or development would be imposed by the county, if needed, in response to a land use application during the review and approval process.

#### **VANDEVERT SCENARIO #2 (Destination Resort)**

Land use effects of Scenario #2 would be the same as for those under Scenario #1 regarding the property south of Vandever Road. Scenario #2 would be different in the north Vandever portion, as it would be developed as a destination resort instead of as two forest homesites.

Under this scenario there would be higher property taxes and greater revenues paid to Deschutes County, as the assessed value of the land and improvements would be greater. There would be more construction-related jobs due to the larger scale and type of development. A resort would bring more people, potentially those with higher incomes, to the area to recreate or live and potentially contributing more to the local economy than under Scenario #1. A destination resort would need employees to operate, creating permanent and temporary jobs that could be filled locally. Depending on the type and size of resort, there may be more families in the area with school-age children. It would be up to Deschutes County land use reviews to be sure that development is adequately planned so that school needs and other services are properly considered and incorporated.

The landscape would undergo a more noticeable change with the development of resort amenities and improvements. Golf courses, trail systems, recreation facilities, developed entrances and driveways, homes, condominiums, and other upscale resort amenities and security features would replace larger areas of forest. It is reasonable to assume that a resort would be comparable in quality and form to others in central Oregon, such as nearby Sunriver and Crosswater.

As in Scenario #1, existing zoning regulations and codes would guide development and determine what is allowable. A destination resort would require a zone change and may require a comprehensive plan amendment. Any change would require proof that the proposed development would conform to the applicable statewide land use planning goals. Approval would be subject to rules under new state legislation, which are currently being developed. Ultimately, the county and state would be responsible for reviewing land use requests, and would include public participation. Local land use approval may include deed restrictions and other requirements, conditions, or mitigation measures for resource protection or other reasons.

#### **FOSTER ROAD SCENARIO**

As with the Vandever parcel, conveyance of the 40-acre Foster Road tract would consolidate the private land by eliminating this small isolated parcel of National Forest land. It would improve Forest Service administration by eliminating the need to manage this tract, and reduce the amount of boundary line to be maintained by approximately ½ mile. A parcel this size cannot be effectively managed and is susceptible to increased problems from unauthorized use or encroachments from surrounding private land. The Land Adjustment Plan in the LRMP allows for this change of ownership, although most people may have thought that the property is already private land. The easement granted to the county for Foster Road would transfer to the new property owner with the conveyance deed.

Sale of the property would have no effect on the wild and scenic river or its status, as the parcel is outside the designated corridor. Similar to the Vandever parcel, the property would be assessed for property taxes in Deschutes County, bringing in revenue that is not now collected under federal ownership.

Under private ownership, this parcel would be zoned RR-10 with a Wildlife Area overlay. Four homesites could be located on the parcel, but the homes would likely be clustered near the center of the property to conform to zoning requirements to maximize open space and protect wildlife values. Each homesite would be approximately 2 acres in size, and include structures, fences, driveways, and other amenities typically associated with small acreage rural homesites. At least some of the existing vegetation would likely be retained, but some clearing, cleaning up, and replacing with landscaping would be expected. The remaining 32 acres would be in open space. Other effects of conveying the Foster Road parcel would be similar to those described for the Vandever parcel in Scenario #1, except the size and scope would generally be less.

As with the Vandever parcel, existing local zoning codes, regulations, and processes would guide development and determine what is ultimately allowed. Any deviations would need county approval, and would be subject to public comment. Restrictions or conditions on use or development would be considered by Deschutes County during the land use application review and approval process.

### 3.4.2 TIMBER AND VEGETATION

#### **VANDEVERT SCENARIO #1 (Forest Homesites)**

It is estimated that up to about eight acres would be cleared of forest vegetation for homes, outbuildings, septic systems, access roads, and other homesite features. Lawns and decorative non-native plants along with native vegetation would probably occupy areas around houses, but homesites may also have larger landscaped areas. It is assumed that improvements would be sited to avoid removing older and larger trees to enhance aesthetic values, and clumps of trees would also be left to provide a sense of privacy. If the landowners choose to thin trees and harvest some timber, it would help improve stand conditions, reduce the chance of insect epidemics, reduce the risk of fire, and possibly provide some income from the sale of timber products. There is no certainty, however, that the landowners would actively manage the forest vegetation for these purposes.

#### **VANDEVERT SCENARIO #2 (Destination Resort)**

Under Vandever Scenario #2, the effects for the area south of Vandever Road would be the same as described above in Scenario #1. With resort development in the area north of Vandever Road there would be more open spaces created for golf fairways, recreation areas, trails, parking lots, etc. Depending on the resort design, the area could see a significant amount of the forest cleared, landscaped, or otherwise altered to accommodate development. Some of the older and larger trees would likely be retained to enhance the resort and landscape design. It is assumed that the existing vegetation would remain in areas not planned for development, leaving natural areas within the resort property. Proper forest and landscape management practices would reduce wildfire risk, decrease susceptibility to insect epidemics, and create a more pleasing environment for resort patrons.

#### **FOSTER ROAD SCENARIO**

In the Foster Road Scenario, it is estimated that each of the four homesites would require clearing of about two acres of forest vegetation for dwellings, other structures, and driveways. Additional areas may be landscaped or incorporate other allowed uses. The same assumptions as for the Vandever Scenario #1 are made regarding retention of the older and larger trees, landscaping, and future forest management. Because of the lower timber value on this parcel, timber harvest and the sale of timber products would not be likely.

### 3.4.3 FUELS AND FIRE RISK

#### **VANDEVERT SCENARIO #1 (Forest Homesites)**

Current trends in the area have shown homeowners prefer to build in forested areas or next to public lands for the visual setting and a sense of seclusion and privacy. Existing situations and experience demonstrate that homeowners often do not accomplish sufficient vegetation management to significantly reduce fuel loadings. The Oregon Forestland-Urban Interface Fire Protection Act of 1997 (also known as Senate Bill 360), and implementing administrative rules describe provisions, criteria, and standards for private lands to help minimize and mitigate fire hazards and risks from fire. These rules include the requirement that private landowners provide and maintain primary fuel breaks immediately adjacent to structures for a distance of at least 30 feet, and immediately adjacent to driveways for at least 10 feet from the center of the driveway. Secondary fuel breaks are also required, for a total fuel break distance of up to 50 or 100 feet from structures. These standards are considered to be minimum measures intended to improve the survivability of structures during a wildfire. Without more extensive, proactive, and aggressive forest management on the property, the fire risk to nearby public lands and adjacent private lands would generally remain high.

Based on assumptions for homesites under Scenario #1, where much of the existing forest vegetation would remain, there may be little change to the overall existing fire and fuels condition for the Vandever parcel. There would be no significant break in fuel continuity, and no change to the existing fuels condition. While some areas would be cleared or landscaped over these large lots, sufficient amounts of existing dense stands of trees, shrubs, and dead or down material would probably still exist, maintaining the risk of high intensity wildfire. Assuming average summer conditions, fires under these conditions would be expected to burn actively. When fuel conditions and ladder fuels allow surface fires to move into the tree canopy, intense torching and crowning will contribute to long-range spotting, making fire control efforts more difficult and hazardous, thereby limiting direct attack with ground forces.

#### **VANDEVERT SCENARIO #2 (Destination Resort)**

Under Scenario #2, effects to the area south of Vandever Road would be the same as described in Scenario #1. Much of the areas with existing dense stands and dead or down material would still exist and fuel loadings would continue to accumulate, increasing the fire risk to nearby private and public lands.

Unlike Scenario #1 however, the area north of Vandever Road would be developed as a destination resort. From a fire and fuels perspective, Scenario #2 would provide the greater opportunity to reduce fuels in the North Vandever area. Because of the nature and scale of the projected development, contiguous stands of trees and brush would be removed, effectively breaking up the fuel continuity and reducing the potential for crown fires and severe fire behavior. Removal of more of the existing vegetation would further reduce fuel loadings and improve fire behavior. Fires would be easier to suppress because of improved road access, which provides defensible space and escape routes for firefighters and the public. Additionally, resort development would include domestic water facilities and features that could be used as emergency water sources, further aiding fire suppression activities for the area.

Overall, in Scenario #2, fires that start under average summer conditions would have slower wildfire spread rates and allow fire managers and fire crews more suppression options to get into an area to take adequate fire fighting actions under safer conditions.



### **FOSTER ROAD SCENARIO**

If the existing fuels remain untreated, it is possible that the Foster Road parcel would support a high intensity wildfire. However, when the land is developed there would be a reduction in the fuel continuity due to the removal of areas of existing vegetation for homesite development. After homes have been constructed, each of the four lots would be expected to have approximately eight acres remaining in open space and natural landscaping, as required for cluster developments. Additional treatments in the remaining forest areas would be important in order to further reduce the risk. A reduction in fuels could be achieved by reducing crown densities through thinning, pruning lower tree limbs (ladder fuels), and mowing or removing some brush to break-up the fuel continuity. These actions would help make the property more fire safe and would be of benefit to the landowner. These types of actions may be more easily accomplished on these smaller lots, but would have to be done to not conflict with requirements for maintenance of open space and wildlife habitat.

### **3.4.4 HERITAGE AND CULTURAL RESOURCES**

Of the seventeen cultural resource sites that were identified within the Vandeventer parcel, sixteen are considered not eligible to the National Register of Historic Places due to their lack of integrity and lack of archaeological or historic data. However, one has been found to be eligible to the NRHP, and will be subjected to mitigation through the development of a site treatment plan prior to conveyance. No sites were found within the Foster Road parcel.

Sale of either parcel would have no adverse effect on any National Register eligible historic or archaeological sites or any tribal interests. Research results of the studies are being documented and will be submitted to Oregon SHPO for review and inclusion into the state inventory. Permanent records will be maintained by the Deschutes National Forest and made available to each of the tribes upon request. In addition, Deschutes County will be provided with the site records and locational data of the eligible and non-eligible sites so that they can be managed under state statute.

### **3.4.5 SURFACE WATER AND WETLANDS**

Conveyance of the Vandeventer parcel, under either scenario, would have no effect on any surface water or wetlands. There would be no measurable impacts to the Deschutes River or the Little Deschutes River due to their distance from the land being conveyed, and the fact that these lands are well outside the 100 and 500-year floodplains.

The 6 acres of wetlands in the northwest corner of the Foster Road parcel would be protected and maintained through a deed restriction, as required by federal law. Executive Order 11990 provides that when federally-owned wetlands are prepared for disposal to non-federal parties, the federal agency "...shall (a) reference in the conveyance those uses that are restricted under identified federal, state, or local wetlands regulations; and (b) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successor...." Future developments would avoid the area, and would have no measurable impact on the wetland. There would be no impacts to any surface waters with development that is in compliance with local and state rules and zoning.

### **3.4.6 WILDLIFE**

#### **DEER AND ELK**

Conveyance and subsequent development of the Vandeventer parcel under any scenario has the potential to displace deer and elk because of the added human disturbance and influence from structures and improvements. Although hiding cover that helps the animals to move undetected would be reduced, use of the area for dispersal habitat would still be possible with retention of at least some of the natural habitat and prudent placement of improvements. Under either scenario, even though this area is not considered to be a priority migration area, development would alter or impede movement of elk and deer and compromise the use of the area as a migration route.

The larger homesite lots of the Vandeventer parcel would potentially continue to provide dispersal habitat, depending on fencing style and the layout of structures, improvements, open space, and forested cover areas. Depending on the configuration, management, and intensity of development, a destination resort could also provide some dispersal habitat. A golf course would provide open areas; however, use of the golf course by elk and deer may not be compatible with the intended recreation objectives.

The zoning of the Foster Road parcel would require clustered homesite development, which would help minimize the effect on elk and deer within this priority migration area designated by Deschutes County. Conscientious property owners, well planned developments, and the retention of some hiding and forage areas could still allow for the movement of the animals through the property. Irrigation areas and open space associated with the Oregon Water Wonderland Unit II facility on the adjacent parcel would allow for continued passage and use by elk and deer, helping to offset effects from conveyance and development.

This general area, as well as others in Deschutes County, demonstrates a general trend of increasing urban development in areas once consider remote or rural. The conveyance and ultimate development of these parcels would modify up to approximately 950 acres of big game habitat and increase human disturbance, potentially contributing to the displacement of elk and deer herds from historic migration routes and foraging patterns.

#### **HAWKS, OSPREY, AND GREAT GRAY OWLS**

Within the North Vandeventer parcel regardless of the scenario, stands of trees will be removed, the area will be more open, human disturbance will increase, and habitat suitability for the goshawk would further diminish. It is likely that the parcel would never provide suitable goshawk nesting habitat. Impacts to goshawks are minimal and it is highly unlikely that either development scenario would negatively affects goshawks or their habitat due

to the low quality and small amount of habitat the area currently provides. The Foster Road parcel does not have the potential to provide viable nesting habitat for the goshawk, and only provides marginal foraging habitat due to the stand type and structure. Both parcels have the potential to provide dispersing habitat, and if homesites are clustered and there are sufficient quantities of residual trees, there would be the potential that the parcel could be utilized by dispersing goshawks.

The amount of open space expected with homesite development would provide some foraging habitat for red-tailed hawks, but would not provide as much potential for a rodent prey base as the destination resort scenario where there would likely be more openings created, especially with a golf course. The number of large trees retained would ultimately determine the amount of nest trees that would be available. Retaining large trees within the North Vandever parcel with a golf course development would have the potential to provide both perch trees and grassy open space for desirable foraging habitat.

Nesting habitat for Cooper's hawk or the sharp-shinned hawk would not likely be provided in the future on either of the parcels; however, depending on the amount and location of retained trees, either of the parcels could provide foraging habitat potentially used by dispersing hawks.

Conveyance and expected homesite development within the Vandever parcel would likely not provide nesting habitat for the great gray owl due to the increased amount of human disturbance, regardless of the number of large trees that would be retained. Under Scenario #2, a golf course in the North Vandever area could potentially provide a rodent prey base for the owls, particularly if the rodents were not too aggressively controlled. Nesting habitat would be marginal depending on the amount of residual large trees adjacent to the golf course, but the amount of human disturbance would adversely affect the owls' preference to use the area. The South Vandever portion of the parcel would still likely not provide habitat due to the development of homesites and the associated daily disturbances. If the largest trees are retained in either scenario, the parcel could continue to be utilized by great gray owls dispersing within the Deschutes River corridor. For the Foster Road parcel, the new irrigation area proposed for the adjacent property would provide habitat for a rodent prey base that would in turn improve foraging habitat for great gray owls. Overall, conveyance of either parcel would mean that the lands would not likely improve or produce great gray owl habitat in the future.

Field observations where homes have been built along the Deschutes River indicate that osprey can become accustomed to human activities and structures. Under both Vandever scenarios, existing osprey habitat could be maintained if the developments keep the largest possible ponderosa pine trees and also retain mid-sized ponderosa pine trees to provide future nest sites. Retaining these trees would also contribute to the aesthetics of the property and could likely be something that the property owner would be inclined to do.

In general, the conveyance of either parcel would not cause an overall reduction of hawks, great gray owls, or osprey numbers or habitat over the Deschutes National Forest. Due to the increasing urbanization and development in the general area, the amount of available nesting habitat is already declining in the vicinity of the parcels.

#### **OTHER BIRDS AND MAMMALS**

Under Alternative B, scenarios would involve removing trees for destination resort and/or homesite developments. For either parcel, most of the trees removed would be smaller or mid-sized trees which provide foraging habitat for primary cavity nesters. Removal of these trees would also reduce the amount of existing and future snags, and reduce foraging habitat for these bird species. Some areas providing nesting habitat could be retained and improved in the future if so desired and properly managed by the property owner. Due to the relatively small size of the properties considered for conveyance, the amount of existing or future habitat that would be removed is minimal. This conveyance alone would not significantly result in an overall reduction of cavity nesting habitat or populations; but due to increasing development on other lands in the general vicinity, it would contribute to the amount of forested landscape and habitat that is already diminishing. Alternative B does have the potential to modify or remove nesting and foraging habitat for these and other birds, whose continued use of the area would be determined by the amount and type of forest vegetation that is retained.

Under the Proposed Action alternative, areas with retained forest vegetation could continue to be available for use by bats for day roost sites and foraging if the human interference is minimized. Some bats may choose to use houses or other structures as day roost sites.

Habitat needs for small mammals and birds are often less restrictive or limiting than for big game and some raptors; therefore, both parcels would continue to provide habitat for a number of the species common to the area. Coyote, cougar, or bobcat, may still use parts of the property on occasion, but would tend to stay away from human activities where possible. These animals may find pets or domestic animals on rural homesites attractive as prey.

#### **LISTED OR PROPOSED ENDANGERED, THREATENED, OR SENSITIVE SPECIES**

Wildlife and wildlife habitats have been reviewed to determine if the Proposed Action alternative would have any detrimental effects on listed, proposed, candidate, or sensitive wildlife species, including the northern bald eagle. Because there are no PETS species that could potentially be found in or near either parcel, conveyance of the properties would have no effect on any of these species. There would be no effect on the bald eagle, as the proposed action would not manipulate or remove any constituent element for their survival and would not impact their habitat viability.

#### **WILDLIFE SUMMARY**

Although the lands proposed for conveyance are a relatively small portion of the landscape, the conveyance and expected development of the parcels would result in alteration of up to approximately 950 acres of wildlife habitat, potentially displacing some birds and animals. Overall, the Proposed Action would result in a reduction of forest habitat within an area that is already decreasing due to urbanization and development on private lands. It would be difficult to reliably measure or quantify the expected effects to wildlife species; however, it is known that these isolated parcels would no longer be managed for wildlife habitat in the way it is presently managed by the Forest Service. Depending on zoning and the discretion of the landowner, it would be reasonable to expect that at least a portion of these lands would no longer be suitable as habitat for wildlife. Future use by wildlife

would depend upon the amount of forest habitat and open space that are retained and how they are utilized and managed in the future.

To minimize negative effects on wildlife, the new property owners' awareness of habitat needs and consideration for wildlife would be important, as there are a number of actions the landowner could take when planning development. These would be voluntary as the Forest Service would have no authority to impose these as mitigation measures or conditions for conveyance, but they could be considered by Deschutes County during the land use application review process. For example, restrictions on construction or other potentially detrimental activity during raptor nesting seasons (if any nests are discovered), would allow for nesting success of the bird. Restrictions during the deer migration period in late fall to early winter would limit stress on the animals during a time that could be most detrimental and when they are already stressed due to low forage quality, lack of energy after rutting, migration efforts, and winter conditions. Any fencing on the property could be required to allow for deer and elk movement, and structures and improvements could be sited so that the older and larger ponderosa pine are retained for wildlife use.

Even though the parcels are not presently developed, it is clear that the properties already exhibit a considerable amount of human influence due to their small size, configuration, and isolation from other National Forest lands. Neighboring homes and subdivisions, roads and traffic, utility corridors, recreation use, and other legal and illegal uses all reveal effects from humans on the environment. Depending on the type and scope of development, wildlife and wildlife habitat could be adversely affected. Deschutes County, with participation from ODFW, would be responsible for oversight and approval regarding future land use actions and development on these parcels. With proper planning that considers wildlife needs, the areas could continue to be of value to wildlife. Ultimately, it would be up to the private landowner and state and local land use decisions.

### 3.4.7 RECREATION, SOCIAL, AESTHETIC, AND SCENIC VALUES

#### **VANDEVERT SCENARIO #1 (Forest Homesites)**

With conveyance under Alternative B, the scenic corridors that the properties provide along roads and highways would no longer be managed under LRMP standards and guidelines or the Scenery Management System. The State of Oregon and Deschutes County rules and regulations would guide future development and would be expected to help protect the area's existing scenic forest attributes, but likely to a lesser degree than it would under Forest Service management. Management objectives would be different under local jurisdiction; state and county regulations would tend to address development potential compared to the Forest Service which manages for natural resource values.

Some alteration of the existing landscape and forest appearance would occur with rural homesite development. Based on current land use patterns, development would result in more highly altered scenic and landscape characteristics from the current condition. The scale and scope of the effects would depend largely on development plans, such as where structures are built, the type and style of facilities, changes that are made to the forest vegetation, and how these appear from roads or other locations.

Implementation of local zoning rules and regulations would help maintain scenic values and help minimize visual impacts from development in the area. Establishing and maintaining healthy vegetation buffer zones of at least 300 feet between development and a scenic corridor or other points of reference would help maintain the area's scenic and aesthetic values. These potential mitigation measures may be considered and required as needed by Deschutes County during the land use review and approval process.

Under private ownership, the land would no longer be open to the public, and individuals would have to go elsewhere to pursue the limited recreational opportunities such as walking and mountain biking, as well as the illegal activities such as wood cutting and dumping garbage, that the parcel provided. Development under this scenario is not expected to have a significant effect on the scenic byway system or major travel routes in the area.

#### **VANDEVERT SCENARIO #2 (Destination Resort)**

Effects described above for Scenario #1 would generally apply to Scenario #2, particularly for the South Vandevent portion. Effects to the North Vandevent parcel would be more conspicuous under Scenario #2, simply because a large destination resort would have greater influence on the landscape character than would rural homesites. The existing limited public recreation opportunities would be replaced by highly managed activities for investors, owners, visitors, or guests of the resort.

Again, the nature of the effects would depend on the type of development, design, where facilities are sited on the parcel, and other details. State and county land use regulations for destination resorts would guide development and should ensure that proposed developments are suitable for this location.

The Civil Rights Act of 1964 prohibits discrimination in Forest Service programs and requires that activities do not negatively affect minorities or persons in other covered groups. Executive Order 12898 addressing Environmental Justice requires that no minority or low income group bear a disproportionate share of negative environmental consequences. There is no reason to suspect that the Proposed Action would pose a disproportionate adverse effect on minorities, low-income populations, or other specific groups. Employment opportunities provided in the Destination Resort scenario would include service, construction, and maintenance positions, and would present a positive effect.

#### **FOSTER ROAD SCENARIO**

Effects to the Foster Road parcel would generally be similar to those for the Vandevent parcel under Scenario #1, except that the landscape may appear to be more altered because development may be more apparent on these smaller lots. The RR-10 zoning generally allows for more intense development, although actual effects will ultimately depend on specific details of development and compatibility with the Wildlife Area zoning objectives.

### 3.4.8 ROADS AND ACCESS

Conveying these parcels out of federal ownership would remove about 5 miles of roads (2 miles north of Vandever Rd. and 3 miles south of Vandever Rd.) from Forest Service jurisdiction and management. All of these are high clearance dirt roads, so there would be only a small reduction and savings to the Forest Service road monitoring and maintenance programs. The service roads would continue to be needed by the utility companies for powerline and telephone cable maintenance. These roads are currently managed under Special Use Permits and would be transferred as easements to the new property owners to provide for their continued future use. The road near the railroad track is not under permit, so future access to portions not on the land owned by the railroad would have to be requested from the new property owner, if needed.

If final plans for the proposed Highway 97 / Road 42 interchange include a new paved road inside the north boundary of the Vandever parcel, an easement approximately 100 feet wide and ¼ mile long would be granted to Deschutes County and transferred to the new owner in the conveyance deed. Whether the property is ultimately developed for homesites or a destination resort, this new road may provide access to the property in the future. This could be of particular benefit under the destination resort scenario, as it would provide an excellent route to and from Highway 97 or Mt. Bachelor, allow easy access to Sunriver, and reduce the need to use Vandever Road as the only access.

Conveyance of the 40-acre Foster Road parcel would have virtually no effect to the Forest's transportation system. Foster Road will continue to be under county jurisdiction and maintained by the Beaver Road District or possibly by Deschutes County in the future. The easement for this road would be transferred with the property at the time of conveyance. The new property owner may be required by Deschutes County or the Beaver Road District to contribute funding for maintenance and improvement of Foster Road. Driveway access to the four homesites would be planned as part of the siting and land development process with Deschutes County.

### 3.4.9 HAZARDOUS MATERIALS

The properties would be conveyed free of hazardous materials, although there may be some non-hazardous garbage and debris on the property at the time of conveyance. It would be the responsibility of the new property owners to remove the materials and take action to prevent future dumping.

### 3.4.10 SOILS, GEOLOGY, AND MINERALS

Some soil and rock would be removed during construction of structures, facilities, and amenities, which is typical for development. Other than displacement for construction, there would be no effects to the soil and geology on either parcel under any of the scenarios.

There is no mineral activity on any of the parcels and low mineral potential; therefore, there would be no reason for the United States to reserve the mineral rights and not transfer them to the new owner. There would be no adverse effects from conveying the mineral estate with the surface estate for either of the parcels and under any of the scenarios.

### 3.4.11 GROUNDWATER AND WATER RIGHTS

For both the Vandever and Foster Road parcels, Alternative B would have no significant effect to groundwater water quality or quantity. Future developments would be required to conform to Oregon Department of Environmental Quality regulations and standards for water use and for water quality protection. There would be no water rights involved in the conveyance.

### 3.4.12 OTHER CONSIDERATIONS

Each of the resource specialists considered cumulative effects in their analysis and where applicable, addressed effects to the general area as well as the parcels proposed for conveyance. In the broader context of growth and continuing development in Deschutes County, the proposed conveyance of lands would be expected to have a negligible cumulative impact to the area or resources.

The conveyance of the lands and change in ownership would not in itself make an irretrievable or irreversible commitment of resources; there would be no permanent loss of resources due to the conveyance. There are no prime lands, unique geologic or geographic features, or ecologically critical areas that would be adversely affected.

## 4.0 LIST OF PREPARERS AND CONSULTATION WITH OTHERS

### 4.1 INTERDISCIPLINARY PROJECT TEAM

The following Forest Service employees were involved in the environmental analysis and preparation of the Environmental Assessment:

- Alice Doremus - Project Manager, Land Use, Writer/Editor
- Larry Chitwood - Geology, Minerals, Soils, Groundwater
- Paul Claeysens - Heritage Resources
- Maurice Evans - Fire and Fuels
- Rob Evans - Vegetation and Timber Resources
- Monty Gregg - Wildlife
- Lucy Hamilton - Heritage Resources

- Pat Joslin - Botany and Noxious Weeds
- Mark Macfarlane - District Environmental Coordination
- Janine McFarland - Heritage Resources
- Walt Miller - Easements and Landline
- Dale Putman - Roads and Hazardous Materials
- Susan Skakel - Forest Environmental Coordination
- Louis Wasniewski - Hydrology and Wetlands
- Rick Wesseler -Special Uses, Land Use
- Ronnie Yimsut - Scenic Resources, Recreation, Public Use

## 4.2 CONSULTATION WITH OTHERS

Other individuals who were contacted or provided information for this EA include the following:

- Steve George - Oregon Department of Fish and Wildlife
- Kyle Gormann - Oregon Water Resources Department
- Kevin Harrison - Deschutes County Community Development Department
- George Read - Deschutes County Community Development Department

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# Tract C Land Conveyance Environmental Analysis

- Forest Service Land
- Private Ownership
- Vandever Parcel
- Foster Rd Parcel
- Township and Range
- Sections
- Highway
- Major Roads
- Other Roads
- ++ Railroad



0 0.25 0.5 1 Miles

