

Three Proposed Road Rights-of-way in Deschutes County

EA Number OR-056-08-149

September 2008

Prineville District - Bureau of Land Management
Serial Numbers: OR-65417, OR-65418, OR-65419

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Chapter 1 – Introduction

Review process

This Environmental Assessment (EA) is a site-specific analysis of potential impacts that could result with implementing the proposed action or with taking no action. The EA assists the BLM in project planning and ensuring compliance with the National Environmental Policy Act (NEPA). The EA also determines whether any “significant” impacts could result from the analyzed actions.

An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a “Finding of No Significant Impact” (FONSI). A FONSI briefly presents the reasons why implementation of a proposed action will not result in “significant” environmental impacts (effects) beyond those already addressed in the Upper Deschutes Resource Management Plan (RMP) Record of Decision (ROD) 2005.

“Significance” is defined by NEPA at 40 CFR 1508.27. If the decision maker determines that a project has “significant” impacts following the analysis in the EA, then an EIS would be prepared. A decision record (DR) may be signed to document the decision following public comment on the EA.

Purpose and need for action

The BLM is considering making several parcels of public land available for competitive sale in 2009. Three of the proposed sale parcels would not have legal access if the adjacent federal parcels are sold. The purpose of this EA is to provide legal access through the federal lands to these three “back lot” parcels. This action would not involve physical road development at this time and would not commit the use of federal funds in the future. If the adjacent federal parcels are sold, access rights would be noted in the patent and conveyed with the property. BLM would assign the rights-of-way to the respective buyers after the sale.

These are isolated parcels of public land identified for disposal (sale or transfer) in the Brothers-La Pine RMP/ROD, July 1989 and the Upper Deschutes RMP/ROD, September 2005.

Federal decision to be made

The BLM will decide whether to issue the road rights-of-way and if so, the location of the routes and the terms and conditions of the grant.

Scoping and public involvement

A public notice of the proposed action was sent to all adjacent property owners, interested parties, tribal organizations and government agencies on June 27, 2008 with a 30 day comment period. Comments were received with issues and concerns identified

which BLM staff considered. The Proposed Action is based on the public comments received.

Issues

An issue is a point of disagreement, debate, or dispute with an action based on an anticipated effect within the BLM's decision space. While many issues may be identified during scoping, only some are analyzed in the EA. The BLM analyzes issues in an EA when necessary to make a reasoned choice between alternatives, or where analysis is necessary to determine the significance of impacts.

For the purposes of this EA, the following issues were considered in detail:

- The effects of the proposed rights-of-way on wildlife.
- The effects of the proposed rights-of-way on social/economic resources (e.g., the security of neighboring property).

Several other issues and concerns were not carried forward for detailed analysis including:

- **Air quality:** A comment was received by a resident from the Crest Ridge Estates subdivision concerned about the dust from adjacent agricultural fields and unpaved road surfaces. The proposed right-of-way would extend through a mature juniper woodland site with low growing shrubs such as bitterbrush, sagebrush, and an assortment of native grasses that would serve to buffer adjacent residential areas from blowing dust. The proposed action or alternatives is not expected to have an effect on air quality.
- **Cultural resources:** A cultural resources inventory was conducted by Prineville BLM archaeologists in the summer of 2008; there were no sites found to be eligible for nomination to the National Register of Historic Places.
- **Farmlands, prime or unique:** These resources do not exist on the parcels therefore there would be no effect on them.
- **Invasive and nonnative species:** The proposed action would have no effect on invasive or non-native species.
- **Livestock grazing:** The affected public lands are not included in an active grazing allotment.
- **Low income/minority populations:** There are no low income or minority populations that would be affected by the proposed action or alternatives.
- **Mineral Resources:** The proposed action and alternatives would not have an effect on minerals resources. There are no mining claims recorded on any of these parcels.

- **Native American concerns:** There were no issues or concerns identified by Native American Tribes during scoping.
- **Plants (threatened, endangered, or bureau sensitive):** The BLM botanist surveyed the affected public lands for botanical resources and determined that there were no concerns.
- **Riparian areas, wetlands, or flood plains:** There are no riparian areas, wetlands or flood plains affected by this proposal.
- **Soils:** The proposed action and alternatives would have limited effects on soils.
- **Visual resources:** One comment expressed a concern with a perceived visual intrusion that would result from extending NW 93rd Street south as a straight line on the landscape. This issue will not be considered in detail. The Upper Deschutes RMP classified the visual quality of the public lands in this area as low and allows for contrasts such as roads to occur in the landscape.
- **Wild and Scenic Rivers:** Granting the rights-of-way would have no effect on Wild and Scenic Rivers.
- **Wild Horse and Burro Management Areas:** The parcels are not part of a wild horse or burro management area.
- **Wilderness or Wilderness Study Area:** The parcels do not contain wilderness characteristics, and are not part of a Wilderness or Wilderness Study Area.
- **Effects of sale of the property:** Some commenters expressed concern about how development of the parcels would affect noise, traffic, wells, water quality, the Deschutes River, and air quality. Others are concerned that they would lose this public land for casual recreational activities and that the sale of this public land would contribute to urbanization and diminish open space and their ability to enjoy nature. Proposals for future development are regulated by State law and county ordinances and administered by the Deschutes County Community Development Department. Issues pertaining to water rights are under the jurisdiction of the Oregon Water Resources Department. This EA analyzes the effects of granting the rights-of-way, not the effects of sale of the property or subsequent development. The effects resulting from development are discussed briefly below in the Cumulative Effects section, and will be covered in more detail in a separate document when the BLM considers the impacts that would result from the public sale.

Conformance and consistency

The proposed action would be in conformance with the Upper Deschutes RMP/ROD 2005, which states the BLM will:

- Provide transportation and utility facilities that protect public safety, protect the environment, conserve and protect resources and enhance the productivity and use of public lands ... [and] collaborate with local communities to plan reasonable, safe access to or across public land in a manner that serves to protect and conserve sensitive resources and the environment. – page 25
- Provide new or modified rights-of-way for transportation/utility corridors to meet expected demands and minimize environmental impacts. – page 135

These rights-of-way would provide legal access to lands that are proposed to be offered for sale. The lands are currently zoned by Deschutes County for Exclusive Farm Use (EFU) and would be offered for sale in their current tax lot configurations.

Chapter 2 – Proposed Action and Alternatives

Alternative A – No Action

In the No Action alternative, BLM would not provide legal access to three parcels of public land.

Alternative B – Proposed Action

Issue a right-of-way grant to provide legal access to three public land parcels that are planned to be offered for sale by auction. Three of the proposed sale parcels would not have legal access if the adjacent federal tax lots were sold. By providing legal access through the adjacent federal parcels, these three “back lot” parcels could be offered competitively through public auction. The rights-of-way would extend through BLM Parcels 5, 10 and 12 (as described below) to provide legal access to Parcels 6, 7 and 13 (see map).

This action would not involve physical road development at this time and does not commit the use of federal funds in the future. Proposals for subsequent development are regulated through county planning and zoning ordinances. Each right-of-way would be sixty feet wide to meet minimum county requirements and located as follows:

1. A right-of-way serialized OR-65417 would extend south 1,320 feet from the south end NW 93rd Street through Parcel 5 to provide legal access to Parcel 6, comprising 1.81 acres.
2. A right-of-way serialized OR-65418 would extend south 665 feet from the south end of NW 93rd Street through Parcel 5 and turn east for 661 feet to provide legal access to Parcel 7, comprising 1.81 acres
3. A right-of-way serialized OR-65419 would extend east from the end of NW Oak Avenue for 2,640 feet through Parcel 10 to the west line of Parcel 12 and turn south for 1,320 feet to Parcel 13, comprising 5.45 acres.

These proposed rights-of-way would be held by BLM. If the property is sold, the rights would be noted in the patent, conveyed with the property and assigned to the respective buyer. The subsequent ROW holders of OR-65417 and OR-65418 would be issued joint use for that portion of the right-of-way that extends 665 feet south from the end of NW 93rd Street.

Actions common to all alternatives

While not analyzed as part of this EA, under all alternatives, the parcels could be offered for public sale (after consideration in a future document), as they were designated Z-3 (available for disposal) in the Upper Deschutes RMP/ROD 2005.

Alternatives considered but not analyzed in detail

- A resident requested BLM apply for a zone change from EFU to Rural Residential, 10 acre minimum lot size (RR-10) to reduce potential conflicts with the residential uses occurring in the adjacent subdivision. Zoning is under Deschutes County jurisdiction and outside the scope of this EA.
- A resident would like to see the land offered to the adjacent property owners association by direct sale at a discount for "open space value." Discounting the sale of lands would be inconsistent with the intent of the public sale authority provided to BLM by Congress.
- A resident would like BLM to sell land east of Negus solid waste transfer station. The property referred to is owned by Deschutes County and is not under BLM jurisdiction.
- An adjacent resident would like BLM to place covenants in the patent that would restrict future development. This EA addresses the granting of rights-of-way, not the sale and subsequent development of public land. The BLM will review this suggestion when it considers the sale in a future document.
- An adjacent resident would like to see Parcel 7, TL 800 retained by BLM for wildlife habitat. This EA addresses the granting of rights-of-way, not the sale and subsequent development of public land. The BLM will review this suggestion when it considers the sale in a future document.

Chapter 3 – Existing Environment

Location and general description

The proposed rights-of-way and the subject public lands are located west of Redmond, north of Hwy 126 and south of Lower Bridge Road. The underlying parcels are 40, 80 and 120 acres in size and exist in the original tax lot configurations as established by the Deschutes County Assessor in 1981.

The parcels are zoned EFU and are characterized as juniper woodland with an understory of bitterbrush, sagebrush, and an assortment of native grasses, perennial forbs and annuals in varying proportion. The parcels do not have established water rights for irrigation and are shallow, rangeland soils containing areas of surface rock.

Currently these public lands are open for casual recreational activities such as hiking. Motor vehicle access to the NW Redmond parcels was physically blocked by BLM at the south end of NW 93rd Street. Other motor vehicle access points to the NW Redmond parcels have been blocked by locked gates on adjacent private lands.

Motor vehicle access to the West Redmond parcel ends at the east end of NW Oak Avenue. Other than the Tetherow County Road, secondary access roads for motor vehicles do not exist through the West Redmond parcels. Most of the recreational activities occurring on the NW Redmond and West Redmond parcels is casual use from adjacent property owners.

Wildlife

The subject parcels are juniper woodland with an abundance of sagebrush and bitterbrush, offering good hiding cover and winter forage for mule deer. Much of the surrounding private land is irrigated pasture and offers excellent forage throughout the spring, summer and fall months. These deer do not need to travel very far since all of their needs of forage; water and cover are found within a short distance.

There is probably very little stress on these deer with possibly some harassment by neighborhood dogs. In the Tetherow Road area there was some motorized recreation use observed and horseback travel although this use appeared to be light. No Special Status wildlife species were identified.

Social/economic

These parcels are situated adjacent to rural residential subdivisions and agricultural areas. Private residences are located within ¼ mile of the proposed rights-of-way.

Scoping comments raised concerns about trespass and vandalism from users of the adjacent public land. BLM law enforcement records indicate that this area has a low crime rate with an occasional report in the area of Tetherow Road which extends through Parcels 11 and 12.

Chapter 4 – Environmental effects

This EA analyzes the effects of granting three road rights-of-way for a total length of 5,940 feet. While the access roads would not be developed until after a sale, for the purposes of this analysis the BLM assumes the roads would be developed and used in a manner similar to other roads in the area (private driveways). Since the parcels are designated Z-3 (for disposal) in the Upper Deschutes RMP, under all alternatives the

parcels could be sold. The effects of a sale are not part of the current proposed action, but since it is a reasonably foreseeable future action, they are mentioned below under cumulative effects.

Wildlife

Under the no action alternative there would be no new roads and therefore no forage loss and no disturbance to deer from additional traffic.

Under the Proposed Action, the physical removal of vegetation for road construction would impact (remove) about eight acres of deer forage/habitat. Deer would be disturbed by vehicle traffic along 5,940 feet of new road. Since these new roads would probably be used as private driveways and closed to the public, there would probably be less than 10 vehicles per day, round trip (assume 2-3 trips/house/day).

Social/economic

Under the no action alternative the amount and type of public use would remain the same, resulting in a similar amount of trespass/vandalism to adjacent private lands.

Under the proposed action, the amount and type of public use would change with 5,940 feet of new road providing legal access to future property owners. The new road would not be open to the general public, so there is not likely to be an increase in trespass or vandalism to adjacent private lands.

Cumulative Effects

The current condition of the land affected by the proposed action is the result of natural and human actions that have taken place over many decades. The effects of past actions serve as a useful starting point for a cumulative effects analysis to set the context for understanding the effects of the proposed action. This context is determined by combining the current conditions with available information on the expected effects of present and reasonably foreseeable future actions. By comparing this total effect of the "no action" alternative to the effects described when adding the proposed action we can discern the "cumulative impact" that results from adding the impacts of the proposed action to the current environmental conditions and trends.

Under the no action alternative there would be no new roads, forage loss or disturbance to deer from additional traffic. The amount and type of public use and security risks to adjacent landowners would remain the same.

Under the Proposed Action, about eight acres of forage would be removed. Deer would also be disturbed by vehicle traffic along 5,940 feet of new road. Since the new roads would not be open to the general public, security risks to adjacent landowners would not increase.

A reasonably foreseeable future action would be the sale and subsequent development of the parcels, since they are designated Z-3 (for disposal) in the Upper Deschutes RMP.

The proposed sale would include 800 acres in the Redmond area. This would reduce the public land available for recreation and to wildlife. The specific effects to traffic, noise, ground water and other resources on private land would depend on the specifics of the development but are unknown at this time.

No cumulatively significant effects are expected to result to deer, security, or other resources as a result of the proposed action when combined with other past, present or reasonably foreseeable future actions.

Chapter 5 – Consultation and coordination

Public contact and notification

Public notification of the proposal was sent to all adjacent landowners and other affected interests on June 27, 2008.

Tribes, Federal agencies, State and local governments

Notification was sent by letter to the Confederated Tribes of the Warm Springs Reservation, the Klamath Tribes and the Burns Paiute Tribe on March 17, 2008. On June 27, 2008 public notice of the proposed action was mailed to all three tribal offices.

The BLM worked closely with three agencies in preparation of this EA:

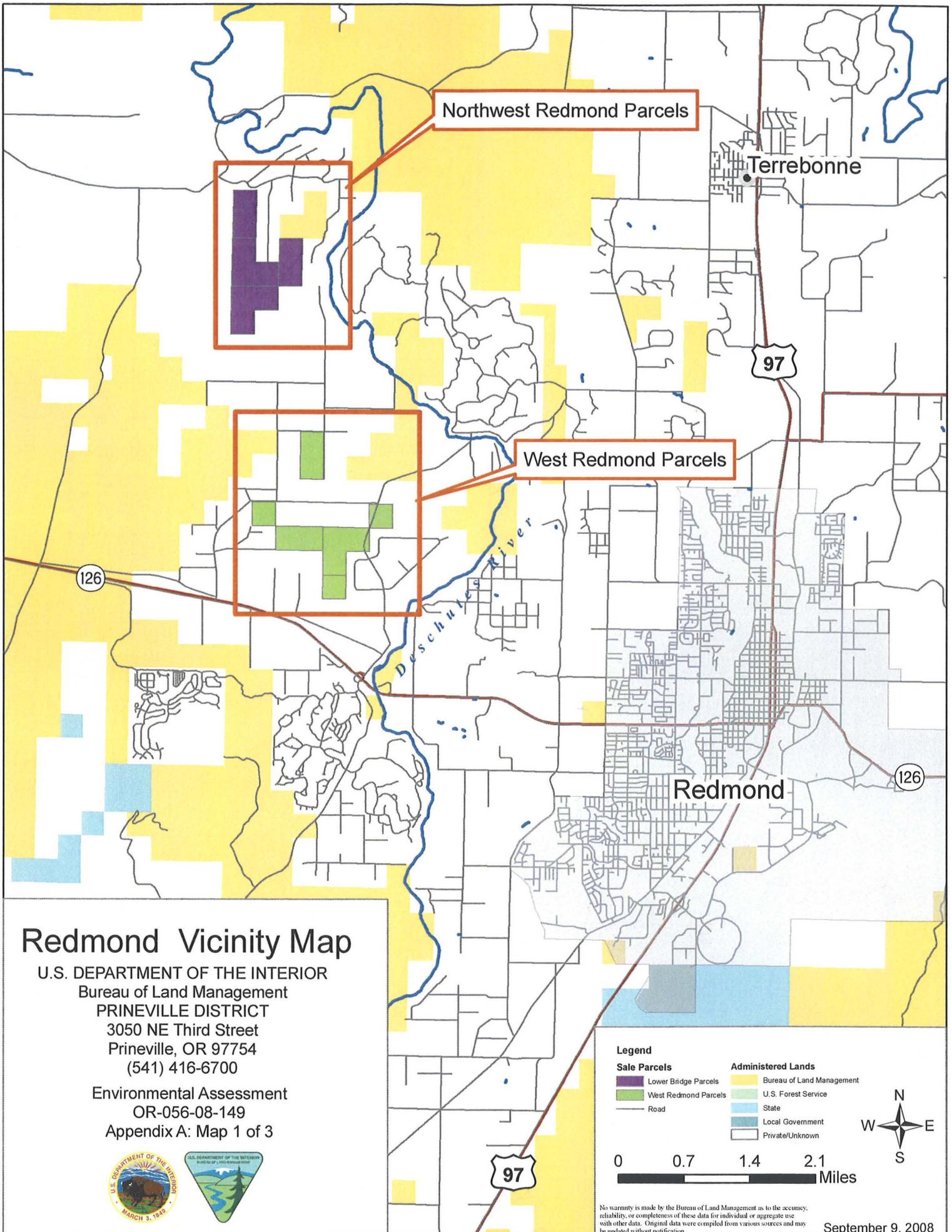
1. Steven George, Biologist, Oregon Department of Fish and Wildlife
2. Paul Blikstad, Planner, Deschutes County Community Development Department
3. Dennis Griffen, Ph.D., State Historic Preservation Office

List of preparers (BLM)

<u>Name</u>	<u>Resource Represented</u>
Dana Cork	District Engineer
Gary Wing	Wildlife, Special Status Wildlife
Berry Phelps	Recreation
Steve Christy	Cultural Resources
JoAnne Armson	Botany, Special Status Plants
Steve Storo	Geology/Hazardous Materials
Teal Purrington	National Environmental Policy Act
Michelle McSwain	Assistant Deschutes Field Manager
Molly Brown	Deschutes Field Manager
Philip Paterno	Realty

Chapter 6 – Attachments

Three maps: 1) Vicinity, 2) West Redmond, 3) NW Redmond



Redmond Vicinity Map

U.S. DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 PRINEVILLE DISTRICT
 3050 NE Third Street
 Prineville, OR 97754
 (541) 416-6700

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 Appendix A: Map 1 of 3



Legend

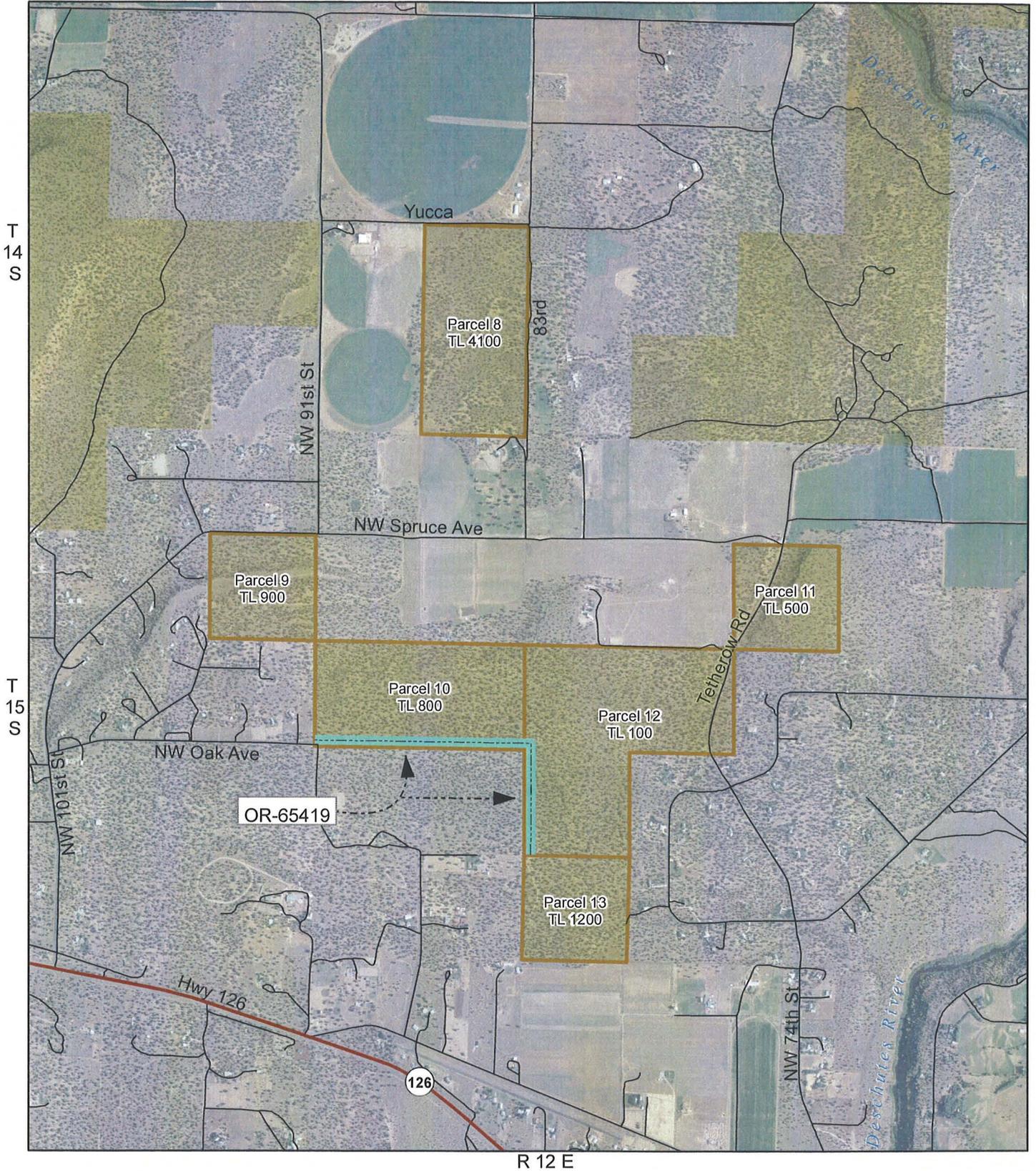
- | Sale Parcels | Administered Lands |
|--|---|
| Lower Bridge Parcels | Bureau of Land Management |
| West Redmond Parcels | U.S. Forest Service |
| Road | State |
| | Local Government |
| | Private/Unknown |

0 0.7 1.4 2.1 Miles

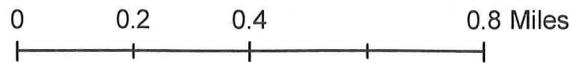


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West Redmond Parcels



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 Appendix A: Map 2 of 3

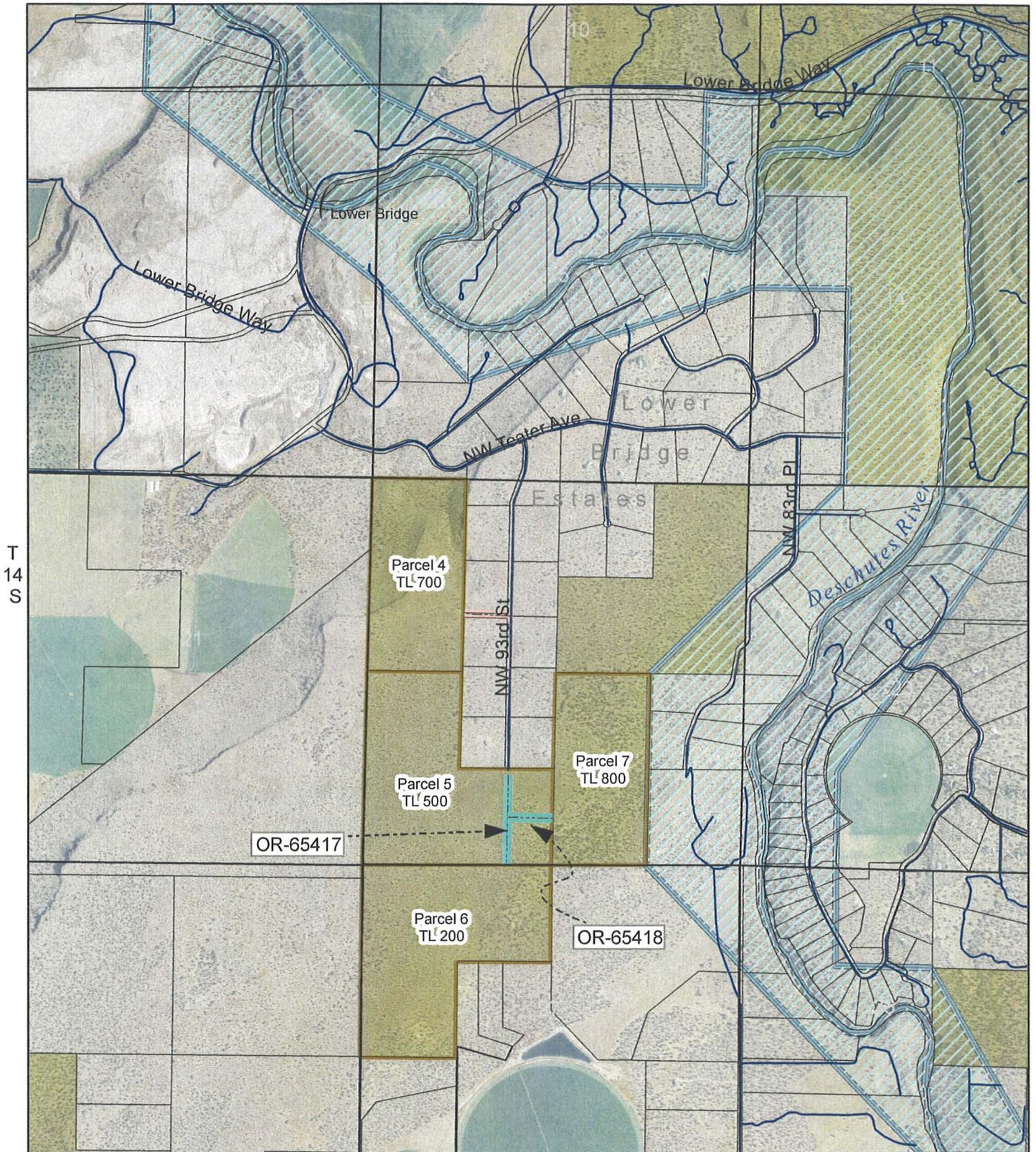


 Proposed BLM Right of Way

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September 9, 2008

North West Redmond Parcels



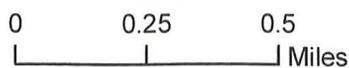
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R 12 E

Legend

- Taxlot
- Wild and Scenic River
- Roads
- Approximate Location of Existing Easement
- Proposed BLM Right of Way



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September 9, 2008