



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Prineville District Office

3050 NE 3rd Street

Prineville, Oregon 97754



JUL 20 2017

In Reply Refer To:

DOI-BLM-ORWA-P000-2016-0062-EA

Dear Interested Public:

This letter provides notice that the Prineville District Bureau of Land Management (BLM) has prepared a Decision that will allow Deschutes County to develop a one mile paved access route across BLM managed public land about five miles west of Terrebonne, Oregon. The BLM partnered with local residents and Deschutes County to develop an alternate exit route for the Crooked River Ranch (CRR) residential area. The road will provide a motorized public access route as well as provide a second paved exit in the event of an evacuation due to a wildfire. The new route will run from Northwest Quail Road in CRR and travel southwest to connect with Lower Bridge Road. Deschutes County and the CRR Special Road District are currently pursuing grant options, and hope to begin construction this year.

The Decision addresses the need for fences, gates, and signs so the new road does not create safety issues or preclude existing recreational uses in the area. There will be some changes in the types of travel allowed on some routes in the area, and a few duplicate routes will be closed to reduce impacts to mule deer winter range. These changes will be posted on kiosks and other signs in and near CRR.

The BLM analyzed the effects of this proposed project in an environmental assessment (EA) and draft Finding of No Significant Impact (FONSI), and received 11 comment letters during the 30 day comment period that ended in early June 2017. As a result of these comments, the BLM made several minor changes to the EA, which are summarized in the Decision. The EA, FONSI and Decision for the Crooked River Ranch Alternate Exit (DOI-BLM-ORWA-P000-2016-0062-EA) can be reviewed on the Prineville District website at:

https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

If you prefer, you may request a copy at the BLM office during business hours 7:45 a.m. to 4:30 p.m. weekdays, excluding federal holidays: 3050 NE Third Street, Prineville, Oregon, 97754, phone 541-416-6700, FAX 541-416-6798, Email BLM_OR_PR_Mail@blm.gov. Please do not hesitate to contact us if you have any questions or concerns.

Sincerely,

so/ Kristin Hein

Jeff Kitchens

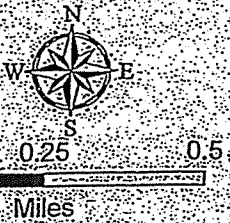
Field Manager, Deschutes Field Office

Enclosure

Crooked River Ranch Alternate Exit

Decision
BLM-ORWA-P000-2016-0062-EA
July 2017

- Trail Crossing
- ⊥ Parking
- ⊥ Construct Fence
- ▨ Issue Right-of-Way
- ▨ Issue Right-of-Way; New Construction
- ▨ Open to Class II
- ▨ Open to Class I & III
- ▨ Open to Class I & III; New Construction
- ⊥ Shared Non-Motorized
- ⊥ Shared Non-Motorized; New Construction
- ⊥ Decommission
- ▨ Arterial Road
- ⊥ Local or Resource Road
- ⊗ Project Boundary
- ⊥ Wild & Scenic River [WSR]
- ▨ Wilderness Study Area [WSA]
- Bureau of Land Management
- US Forest Service
- USDA (non Forest Service)
- Private/Unknown

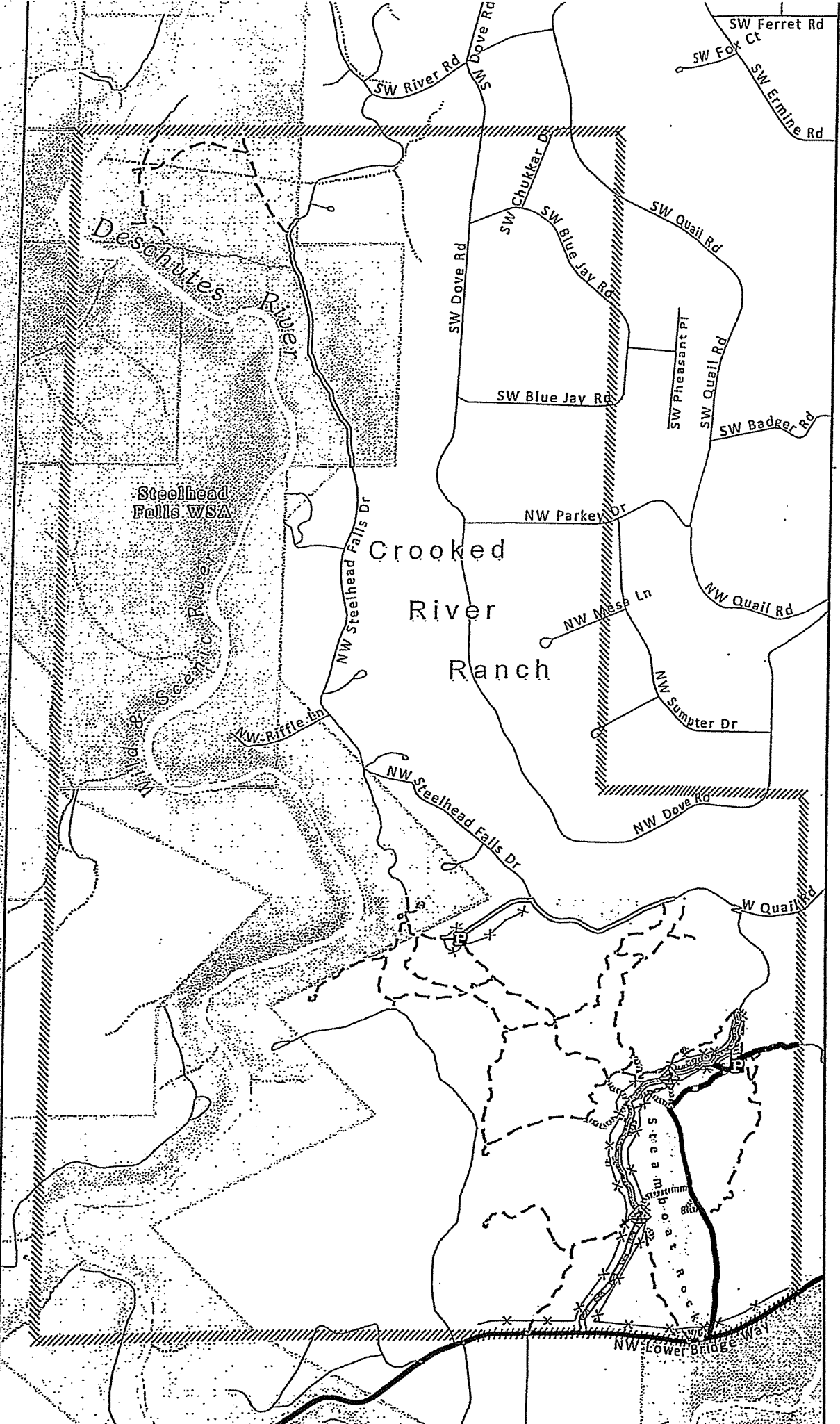


DEPARTMENT OF THE INTERIOR
Bureau of Land Management



PRINEVILLE DISTRICT
Third Street, Prineville, OR 97754
Phone: 541-416-6700

Prepared by the Bureau of Land Management as a result of the completion of the EA for the Crooked River Ranch. This map is not to be used for any other purpose without the written consent of the BLM.



Crooked River Ranch Alternate Exit Decision Record

NEPA register number DOI-BLM-ORWA-P000-2016-0062-EA

United States Department of the Interior, Bureau of Land Management
Prineville District, 3050 NE 3rd Street, Prineville, Oregon 97754, Phone 541-416-6700
https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

Decision

It is our Decision to select the Proposed Action, Alternative 2, as described in Chapter 2 of the environmental assessment (EA) for this project, but substitute a few aspects of Alternative 3, as noted below and shown on the attached map.

1. Issue a 30 year right-of-way (ROW) grant for a .96 mile long paved road, of which 70 percent is on an existing native surface route and the remainder is new construction. The road will serve as a second paved access route to Crooked River Ranch (CRR). Allow construction and public use of this road as well as eventual decommissioning if the ROW grant is ever relinquished. No construction will occur during deer and elk winter range closures (January 1 to April 15). *This is Alternative 2. Alternative 3 was very similar, except the ROW would have been about 50 percent new construction instead of just 30 percent. We selected the option that had less new construction.*
2. Require installation and maintenance of associated facilities as a condition of the ROW, to ensure the project protects public safety, recreational opportunities, and other public resources. The installation and maintenance will include:
 - **Parking areas:** Develop two parking areas; one at the north end of the new paved road, and a second about ¼ mile down an existing spur road off NW Steelhead Falls Drive/NW Ice Avenue. *This is Alternative 2. Both action alternatives develop two parking areas, but in Alternative 3 the second parking area would have been directly adjacent to NW Steelhead Falls Drive/NW Ice Avenue. We selected the Alternative 2 action because the spur road is a popular route for people accessing the river. Neither alternative left the entire spur route open, because of concerns about vehicle use and route establishment in the Wild and Scenic River corridor.*
 - **Vehicle barriers:** Construct and maintain 2.84 miles of fence, boulders, or other barriers with associated gates or fence openings (50 inches wide) at trail intersections to prevent full size motor vehicles from crossing the paved road, while allowing non-motorized trail users to cross at designated points. This fencing will be a) along Lower Bridge Road, b) on portions of the west and east side of the ROW, c) around a parking area at the west end of the gravel road near off NW Steelhead Falls

Drive/NW Ice Avenue, and d) at the user created parking area at Foley Waters Trailhead. All new fences will be “wildlife friendly” per BLM specifications. *This is Alternative 2. Alternative 3 would have involved ½ mile less fence or other barrier, but the tradeoff was it would have closed ½ mile of the unnamed spur road off NW Steelhead Falls Drive/NW Ice Avenue, a route popular with people accessing the river.*

- **Motorized trails, new:** Construct .48 miles of new Class I and III OHV¹ trail. *This is Alternative 3. Alternative 2 would have involved .65; this was slightly more, to accommodate the need for a frontage route that would let us limit the number of motorized crossings on the new paved road (a safety issue as well as a road maintenance issue).*
- **Motorized trails, decommissioned:** Decommission 1.10 mile of existing Class I and III trail. *This is Alternative 3. Alternative 2 would have decommissioned slightly less, about one mile total. The entire project area is deer and elk winter range. Roads negatively affect these animals, and the route density in the area is already high, so decommissioning some routes helps mitigate for the new construction.*
- **Reconstruct existing route:** Improve the .61 mile route between Steelhead Falls Drive and Foley Waters Road to a condition suitable for a BLM local road leading to a trailhead. This will include route widening from 20 feet, adding pullouts, removing a vertical curve, and thinning trees to allow safe two-way traffic passing at higher use levels due to the new ROW construction. This route is open to all motorized and non-motorized use. *Both action alternatives improved this route, but we selected Alternative 3 which widens the route to 20 feet instead of 14, and removes a vertical curve.*
- **Gates:** Install locked full size vehicle gates at existing roads on north side of Lower Bridge Road immediately north and south of Steamboat rock for administrative access to powerline. Include 50 inch wide recreation access gates at these locations. *This action is the same in both action alternatives.*
- **Signs:** Install and maintain signs at each designated trail crossing or entry, at the end of the river access spur road off NW Steelhead Falls Drive/NW Ice Avenue, and where needed to inform visitors of newly closed, decommissioned or rehabilitated routes. Install and maintain directional signs at required non-ROW locations as identified in mitigation/stipulations per alternative. These will include MUTCD compliant signs on the edge of the ROW that approved by BLM. These will also include yield signs on trails or BLM roads off the ROW road. Install and maintain a stop sign (to Manual on Uniform Traffic Control Devices standard) at the intersection

¹ Off Highway Vehicle (OHV) Class I is all terrain vehicles with a wheel base 50 inches wide or less (e.g., “quads”, three-wheelers); Class II is full size motor vehicles; and Class III is motorcycles.

of the ROW and Lower Bridge Road. Install kiosks at the north end of the new ROW (with accompanying gravel pullout) and post informational signs on these kiosks about the road network, allowable uses, designated parking, wildlife, fire danger, etc. *This action is the same in both action alternatives.*

- Seeding and weed treatment: Seed all disturbed areas with a BLM-approved method and seed mix in the late fall, to deter erosion and curtail the introductions of weeds. The BLM will evaluate success after the second year's growth and the grant holder will repeat the process if necessary. Treat noxious weeds and invasive non-native plant species in the ROW at least annually, and in adherence with federal guidelines and regulations and ensure that only BLM-approved chemicals and methods are used. *These actions are the same in both action alternatives.* During construction, maintenance and operations:
 - Report to the BLM locations of any noxious weeds or invasive non-native plant species found during construction or maintenance.
 - Clean vehicles, equipment, tools, and clothing of all soil and potential weed seeds prior to bringing them to the site. High pressure washing is recommended to treat the insides of bumpers, wheel wells, undercarriages, inside belly plates, excavating blades, buckets, tracks, rollers, drills, buckets, shovels, any digging tools, etc., to remove potential weeds, seeds, and soil carrying weed propagules, and vegetative material.
 - Dispose of vegetation in a manner that does not allow the weed to spread or re-infest.
 - Park vehicles and stage equipment and materials only within the future paved/graveled area.
- Additional design features (*the same in both action alternatives*):
 - Conduct wildlife field surveys prior to construction of roads or fences, and restrict construction activities to eliminate impacts on nesting raptors and other locally important wildlife. During these surveys, BLM will look for nesting activity by neotropical migrants. If nests are found unoccupied, trees and shrubs may be removed. If nests found are occupied, work will not occur until the breeding season is finished, or birds have fledged.
 - If any special status species are found during pre-project site surveys, project layout or construction, the work will be discontinued until effects could be determined and necessary NEPA analysis conducted.
 - Conduct field surveys for cultural and historic resources prior to all ground disturbing actions including route placement or reconstruction or parking area designation; modify ground disturbing actions, routes and parking areas to eliminate impacts to any resources.

- Regardless of designation, all routes will be open for emergency access (e.g., ambulance, fire suppression) and administrative use (e.g., law enforcement investigation).
3. **Travel and Transportation Management Plan (TTMP):** The BLM will designate a TTMP for the area, making decisions regarding which travel routes in the area are open to which types of travel. The routes west of the new ROW will be closed to all motorized use (*This is Alternative 3*). The following routes will be designated as part of BLM's transportation system and will be open to full-sized motor vehicles:
- The new ROW from Lower Bridge Road to Quail Drive;
 - NW Ice Avenue on BLM land between Quail Road and Steelhead Falls Drive;
 - The 0.6 mile long route connecting Steelhead Falls Drive to Foley Waters Road;
 - The 400 feet of road on BLM between River Road and the Steelhead Falls Trailhead;
 - Approximately 1,000 feet of gravel road located on BLM managed lands 900 feet south of NW Steelhead Falls Drive/NW Ice Avenue. *This last bullet is the only one that varied between Alternative 2 and Alternative 3. We selected Alternative 2 as opposed to Alternative 3, which would have closed this entire route instead of leaving 1,000 feet open.*

All other routes on BLM managed public land in the project area will remain closed to full-sized vehicles. The newly paved ROW will be closed to non-street legal motor vehicles, as would the portion of NW Ice Avenue on BLM managed public land.

Compliance

Public land management for the project area is directed by the Upper Deschutes Resource Management Plan, published in 2005 by the Prineville District BLM. The actions in this Decision are in conformance with this plan because they are specifically provided for in the following guideline:

- In consultation with Deschutes County Road department and Crooked River Ranch, upgrade and provide maintenance for the emergency exit route. Consider realigning this route and exit point onto Lower Bridge Road if it provides a safer route and improved resource and recreation management on BLM administered lands. – RMP page 137.

The actions are also clearly consistent with the following land use plan decisions:

- Locate and design new rights-of-way to minimize fragmentation of public lands, and only construct new projects when the use of existing alignments will have substantially less desirable environmental impacts than new construction. – RMP page 136.

- The existing high density (approximately eight miles of roads per square mile) of roads in the main Steamboat Rock block will be reduced, with many roads being closed and rehabilitated while others will be managed as trails. – RMP page 132.

Finding of no significant impact

The BLM prepared a FONSI for this project, explaining the context and intensity of expected effects. No potentially significant effects are expected, therefore an environmental impact statement is not required prior to issuance of a Decision on this project.

Public, tribal and other involvement

The BLM first requested public input on this project in October 2016 when it mailed scoping letters to 68 individuals (including nearby landowners) and recreation groups, asking for input on actions that would meet the purpose and need and concerns about effects of those actions on resources. The BLM also sent the scoping letter to the Crooked River Ranch Club and Maintenance Association, which published the letter in its October 2016 Crooked River Ranch “Telegraph” newsletter. In early 2017 the BLM called and sent letters to four Indian tribes, asking for their input on potential impacts to tribal interests.

In response to external scoping the BLM received five letters: four from CRR residents and one from the CRR Maintenance Supervisor. Commenters were concerned about: a) how increased traffic would affect wildlife; b) whether the intersection of the ROW at Lower Bridge Road would be safe; and c) how failure to provide a new exit route would affect public safety. All five were appreciative of the BLM considering the need for additional motorized access out of CRR.

The BLM staff echoed the public concerns about wildlife and safety, and identified several additional concerns, including: a) would the proposed actions change recreational opportunities in the area; b) would an increase in public use affect soil/vegetation at informal parking areas; and c) would the expected increase in motor vehicle traffic affect public safety on other roads in the area.

After reviewing issues raised by internal and external scoping, the BLM found three issues where detailed analysis would help show the context and intensity of potential impacts and enable BLM to make a reasoned choice between alternatives:

1. How would the new route and associated changes to the other travel routes and roads affect motorized vehicle, pedestrian, equestrian, and other recreational use in the area?
2. What effect would the changes in the transportation route system have on public health and safety, specifically the ability of people to safely evacuate in the event of a catastrophic fire?

3. How would route construction, route decommissioning and open road density impact the availability and effectiveness of habitat for mule deer and elk?

These issues were analyzed in detail in the EA. The BLM received 11 letters (mostly emails) during the 30 day public comment period on the EA that ended June 9, 2017.

One commenter suggested a new alternative, where the alternate exit route would be allowed but it would be gated and locked at each end and only available in an emergency. This alternative would not provide quick enough access in an emergency, as someone would need to track down a key and unlock the gate before residents could exit if there were a wildfire, or before an ambulance or fire truck could enter off of Lower Bridge Road. The BLM added discussion of this to Chapter 2 of the EA in the section titled, Alternatives Considered but not Analyzed in Detail.

Another commenter was concerned that closed routes would no longer be available to emergency vehicles. The BLM added a design feature to the action alternatives in the EA to clarify that, regardless of designation, all routes would be open for emergency access (e.g., ambulance, fire suppression) and administrative use (e.g., law enforcement investigation).

Other comments said the BLM should consider costs for construction and maintenance of the road, and effects on public safety, motorized recreation, and traffic. These issues were already addressed in the EA, so they did not result in changes to the EA.

Rationale for the Decision

This Decision meets the purpose and need of the project, ensuring that use of public lands occurs in a manner consistent with the Federal Land Policy and Management Act (FLPMA) of 1976 and the applicable Resource Management Plan (RMP), the Upper Deschutes RMP. The BLM's need is established by its responsibility under the FLPMA which establishes a multiple use mandate for management of federal lands, and authorizes the Secretary of the Interior to grant, issue, or renew ROW over, upon, under, or through public lands. The purpose ties to direction in the UDRMP:

- Provide transportation and utilities facilities that protect public safety, protect the environment, conserve and protect resources, and enhance the productivity and use of public lands. ...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. – Upper Deschutes RMP page 25.
- Provide designated access points (includes entry points, parking areas, trailheads, and/or staging areas) to enhance visitor experience, protect resources, and minimize conflicts with adjacent landowners. – Upper Deschutes RMP page 132.

This Decision responds to the ROW application, and includes a number of design features to ensure the project provides an integrated, functional, safe, and efficient transportation system that protects use on public land and protects sensitive resources. These are described above in the Decision section, along with rationale for why specific parts of the alternatives were selected.

Authorities

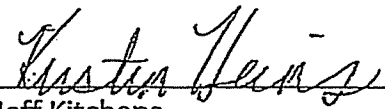
Under the Federal Land Policy and Management Act (FLPMA, Title V) and its implementing regulations, BLM is authorized to grant, issue, or renew rights-of-way over public land so long as the action does not violate existing ROWs, laws, or regulations, and protects the public interests. The BLM is also required to comply with the National Environmental Policy Act (NEPA) and the Council of Environmental Quality (CEQ) regulations.

43 CFR 2800 Regulations –Rights-of-way under the FLPMA - document actions to be taken under this Act to amend and approve ROW applications in utility and other like ROW corridors.


Administrative remedies

This decision constitutes my final decision and may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. This decision shall take effect immediately upon the date it is signed and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)).

If you are adversely affected by a decision under this part, you may appeal the decision under parts 4 and 1840 of this title. If an appeal is taken, your notice of appeal must be filed in this office (3050 N.E. Third Street, Prineville, OR 97754) within 30 days from receipt of this decision. Notice of appeal must be sent certified mail. The appellant has the burden of showing that the decision appealed from is in error. Any request for stay of this decision in accordance with 43 CFR 4.21 must be filed with your appeal. A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.



Jeff Kitchens
Field Manager, Deschutes Field Office



Date

Attached: Map and Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE	USDI, Bureau of Land Management Prineville District Office 3050 N.E. Third Street Prineville, OR 97754
NOTICE OF APPEAL.....	
WITH COPY TO SOLICITOR...	Office of the Regional Solicitor: Pacific Northwest Region 805 SW Broadway, Suite 600 Portland, OR 97205
3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	Office of the Regional Solicitor: Pacific Northwest Region 805 SW Broadway, Suite 600 Portland, OR 97205
4. ADVERSE PARTIES.....	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE.....	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY.....	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)