

Prineville District
**Land Use Plan Conformance and
Determination of NEPA Adequacy (DNA)**
Review and Approval

Name of Proposed Action: Federal Land Transaction Facilitation Act (FLTFA) land sale project located in Deschutes County near the communities of La Pine, Bend and Redmond – 6 Parcels -1,040 acres

DNA Number: OR-056-08-143

Serial Numbers: Listed with each legal description

Location of Proposed Action: See attached maps

1. Legal Descriptions - La Pine Parcels – 200 acres

Parcel 1 – (OR-65290)

T 21 S, R 10 E, Section 34, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$; tax lot 4400 – 120 acres

Parcel 2 – (OR-65330)

T 21 S, R 10 E, Section 33, W $\frac{1}{2}$ SE $\frac{1}{4}$; tax lot 4000 – 80 acres

These two parcels are located about 20 miles south of Bend in southern Deschutes County near La Pine. Parcel 1 is located adjacent to the City of La Pine boundary and has frontage on Burgess Road and Meadow Lane. Both parcels are situated about two miles west of Wickiup Junction and Highway 97. Burgess Road is a major county arterial that extends through rural residential areas northwest of the La Pine core area. Both parcels are bordered by platted subdivisions.

Deschutes County has zoned Parcel 1 as RR-10, Rural Residential, 10 acre minimum lot size and Parcel 2 as F-2, Forest Use. The Deschutes County Community Development Department considers Parcel 2 a legal lot of record that is eligible for development permits. An application by BLM is pending with Deschutes County to have Parcel 1 recognized as a legal lot of record.

2. Legal Description – Bend North Parcel - 40 acres

Parcel 3 - (OR-65379)

T 16 S, R 12 E, Section 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$; tax lot 100

This tract of public land is located between Bend and Redmond and has about 1,000 feet of frontage along Highway 97 but no legal or physical access. The parcel contains several rights-of-way, including the Pilot Butte canal, a buried telephone cable and an aerial

transmission line. The Burlington Northern-Santa Fe Railroad right-of-way extends across the southeast corner of the property. The property is characterized as juniper woodland and is zoned by Deschutes County as Exclusive Farm Use-Alfalfa Subzone with a Landscape Management (LM) Combining zone. The Deschutes County Community Development Department considers this tract a legal lot of record that is eligible for development permits. This property is situated 1.5 miles north of the Bend Urban Growth Boundary and is adjacent to the proposed Juniper Ridge mixed use development. The City of Bend has expressed an interest to acquire this parcel to assemble with their Juniper Ridge project.

3. Legal Description – Yucca Avenue Parcel - 80 acres

Parcel 4 – (OR-65343)

T 14 S, R 12 E, Section 34, E $\frac{1}{2}$ SE $\frac{1}{4}$; tax lot 4100

This tract of vacant public land is situated in a rural neighborhood about five miles west of Redmond, Oregon. It is located north of Highway 126 and west of the Deschutes River. Legal and physical access is provided by dedicated public roads. Yucca Avenue extends adjacent and parallel to the north property line and NW 83rd Street extends adjacent and parallel to the east property line. NW 91st Street is a paved county road that is situated $\frac{1}{4}$ mile to the west and extends two miles south to Highway 126. The property is characterized as juniper woodland and is zoned by Deschutes County as Exclusive Farm Use, Terrebonne sub-zone. The Deschutes County Community Development Department considers this tract as a legal lot of record that is eligible for development permits.

4. Legal Descriptions - West Redmond Parcel - 320 acres

Parcel 5 – (OR-65341)

T 15 S, R 12 E, Section 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

T 15 S, R 12 E, Section 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

T 15 S, R 12 E, Section 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$;

This tract of public land is situated in a rural neighborhood about five miles west of Redmond, Oregon. It is located just north of Highway 126 with legal and physical access provided by dedicated public roads. NW 74th Street (Tetherow Road) extends through the eastern portion of the property and NW 101st Street becomes NW Spruce Avenue and extends across the north line of the west portion of the tract. Adjacent lands are developed for rural residential and agricultural purposes. The property is characterized as mature juniper woodland and is zoned Exclusive Farm Use by Deschutes County. The Deschutes County Community Development Department considers this tract as a legal lot of record that is eligible for partition or subdivision and development permits.

5. Legal Descriptions - North West Redmond Parcel – 400 acres

Parcel 6 - (OR-65346)

T 14 S, R 12 E, Section 22, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

T 14 S, R 12 E, Section 27, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;

This parcel of public land is located south of Lower Bridge Road and west of the Deschutes River. It is situated adjacent to the Lower Bridge Estates residential subdivision with paved county road access provided by NW 93rd Street. Most of the property is relatively level and characterized as juniper woodland. It is zoned by Deschutes County as Exclusive Farm Use, Terrebonne sub-zone.

A contiguous 120 acre parcel of public land is situated within the federally designated segment of the Deschutes Wild and Scenic River. This parcel is not included in the sale and will remain in public ownership. An application is pending with Deschutes County to partition the 520 acre property to create two lots. The 400 acre lot will be offered for sale and the 120 acre lot will remain in public ownership. The Deschutes County Community Development Department considers the entire 520 acre tract as a legal lot of record that is eligible for partition or subdivision and development permits.

Purpose and Need for Action:

These are isolated parcels of public land that are difficult and uneconomic to manage and have been identified for disposal in the Brothers-La Pine Resource Management Plan (RMP)/Record of Decision (ROD), July 1989 and the Upper Deschutes RMP/ROD, September 2005. The classification and sale would be made pursuant to Sections 203 and 209 of the Federal Land Policy and Management Act (FLPMA) of 1976, Section 7 of the Taylor Grazing Act, and the public sale regulations at 43 Code of Federal Regulations 2710 and 2720. These parcels are eligible to be sold under the provisions of the Federal Land Transaction and Facilitation Act (FLTFA).

The FLTFA - Public Law 106-248 was enacted in July 2000 and provides for the disposal of specific public lands on a Bureau wide basis. This public Law amended the Federal Land Policy and Management Act to allow retention by the BLM of receipts received from the sale of land or interests that were identified for conveyance in a land use plan that was completed prior to July 25, 2000. Receipts from these land disposals are made available for the four land managers (BLM, U.S. Fish and Wildlife Service, National Parks Service, and U.S. Forest Service) for the purpose of acquiring in-holdings and adjacent non-Federal lands with exceptional resources. Public Law 106-248 will expire in July 2010 unless there is an extension.

Description of the Proposed Action:

The proposed land sale would offer by competitive bid, six parcels of public land totaling 1,040 acres. These parcels are located near the communities of La Pine, Bend and Redmond in Deschutes County, Oregon and have been identified for sale in two generations of land use plans.

All mineral interests owned by the United States, if determined to have no value, would be conveyed with the surface estate. It is the policy of the BLM to keep surface and mineral estates together where no known mineral value exists and to minimize covenants, reservations, and restrictions on conveyances. Mineral Potential Reports have been completed by BLM geologists. The reports concluded that the areas do not have mineral potential. A BLM interdisciplinary staff completed site inspections and prepared detailed reports addressing wildlife, timber resources, visual resources, cultural and botanical resources and Special Status Species of fish, wildlife and plants.

Under competitive bidding procedures, the parcel would be sold to the highest bidder at public auction. The minimum or starting bid would be established by a market value appraisal based on the highest and best use of the property. All sales would be conveyed by the issuance of a patent. All patents would be subject to valid existing rights, reservations, and exceptions including a reservation for ditches and canals constructed by the authority of the United States.

An Environmental Preliminary Analysis for real property disposal has been completed for each of the six parcels. The reports conclude that there are no recognized environmental hazards or concerns.

Plan Conformance:

The above project has been reviewed and found to be in conformance with the following BLM plans:

1. Upper Deschutes Resource Management Plan (RMP)/Record of Decision (ROD), September 2005

Goal: Land ownership goals described in this RMP seek to retain public lands in federal ownership, unless disposal or acquisition of a particular parcel would better serve the national interest and the needs of state and local people, including the need for land for the economy, community expansion, recreation areas, food, fiber, minerals, and fish and wildlife. *"Changes in public land ownership are considered where consistent with public land management policy and where these changes would result in improved management efficiency."* RMP/ROD, page 26
Divesting of the subject lands is consistent with the RMP and would result in improved management efficiency.

Objective LO – 3 (Z-3) the RMO/ROD page 142, Map 6 identifies land for disposal that generally does not provide substantial resource, public, or tribal benefits that may not be cost effective for the BLM to manage or that will represent a greater public benefit in other ownership.

The subject parcels satisfy these criteria and have been designated in the RMP as Z-3. These are relatively small, isolated parcels of public land that have limited resource value, are difficult and uneconomic to manage and are situated adjacent to developed areas.

2. Brothers-La Pine RMP/ROD - July 1989

Chapter 2 Plan Decisions, Objectives, page 13: #9 “Exchange, or if exchange is not feasible sell Zone 3 lands if they continue to meet FLPMA Section 203 disposal criteria.”

Sec. 203 of FLPMA [43 U.S.C. 1713] states that a tract of the public land may be sold under this authority where, as a result of land use planning a determination is made that the sale of such tract meets specific disposal criteria. The criteria require that the tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency.

Land Tenure Management Direction, page 16-17: “Public lands in Zone 3 are scattered, isolated tracts with generally low or unknown resource values. They are lands potentially suitable for transfer or disposal if significant recreation, wildlife, watershed, recreation, special status species and /or cultural values are not identified.” Those public lands which may be considered for disposal are listed on Map 5 page 20, and Table 4 page 24 and include the subject parcels.

Applicable NEPA and related documents:

Upper Deschutes Final Environmental Impact Statement (FEIS), January 2005
Brothers-La Pine Draft Environmental Impact Statement (DEIS), October 1987

Determination of NEPA Adequacy:

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA documents? If there are differences, can you explain why they are not substantial?**

Yes. The new proposed action was previously analyzed in the Upper Deschutes FEIS and the Brothers-La Pine DEIS. Allocations/Allowable Uses described in the Upper Deschutes RMP/FEIS state that public lands identified as Z-3 in the Brothers – La Pine RMP will be recognized as Z-3 lands that are suitable for sale.

The Preferred Alternative described on page 182 Volume I, Executive Summary of the Upper Deschutes RMP/FEIS dated January 2005 refers to lands in the FEIS Map 6 as Z-3 and includes approximately 15,186 acres of land classified for public sale. These Z-3 lands include the subject parcels located west of Redmond, the parcels located northwest of La Pine and the single parcel along Highway 97 north of Bend.

2. Is the range of alternatives analyzed in the existing NEPA documents appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes. Seven alternatives were considered in detail in the Upper Deschutes RMP/FEIS. Alternatives include one “No Action/No Change” Alternative and six “action” alternatives (Alternatives 2-7) that reflect various levels of change in direction from the existing Brothers-La Pine RMP.

An Overview of the Alternatives in the Proposed Upper Deschutes RMP/FEIS is provided in the Executive Summary pages xxvii to xxxv, dated January 2005. Management Direction common to Alternatives 2-7 identifies lands for both retention and disposal based on resource values and overall management objectives.

All of the “action” alternatives strive to develop a balance of uses. The range of alternatives analyzed with respect to the proposed action is appropriate, given the current environmental concerns, interests, resource values and circumstances. Alternative 7 is the “Preferred Alternative” and identified 15,186 acres as Zone 3 that is suitable for sale. The subject parcels are included in this designation and were also identified as Zone 3 lands in the Brothers/La Pine DEIS.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances. Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

“Letters of Notification” were mailed to local tribal governments informing them about the proposed land sale and asking if such sale would have any effect on tribal interests. The tribal governments have not expressed concern, either verbally or in writing, with the proposed action.

Site specific surveys have been conducted for cultural, botanical and wildlife resources including Threatened and Endangered Species. A Minerals Potential Report and Environmental Site Assessment have also been completed. The methodology and analytical approach used in the existing NEPA document (Upper Deschutes FEIS, January 2005) is appropriate for the current proposed action. The proposed disposal of these parcels was reviewed by many of the same resource specialists who participated in the Upper Deschutes RMP. The staff reports show that there are no conflicts in these areas.

4. Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The lands to be offered for sale were specifically identified in the RMPs and the impacts of conveyance were addressed in Chapter 4 of the Upper Deschutes FEIS, Environmental Consequences on pages 256-265. About 15,422 acres or 4 percent of the planning area are designated for transfer or disposal. All public lands designated Z-3 are FLTFA eligible so all revenues from the sales can be used for future acquisitions that would meet BLM objectives.

5. Are the public involvement and interagency review associated with existing NEPA documents adequate for the current proposed action?

An extensive public involvement process took place during development of the Upper Deschutes RMP. Federal, State and local representatives, non-government organizations, numerous environmental groups and private individuals were engaged throughout the process. Several issue teams consisting of ten to fifteen people each were organized to address transportation and access, land ownership, grazing, recreation, and wildlife issues. Issue teams met periodically over a period of two years to provide input into designing the various aspects of the plan. Public meetings were also held and public comments were taken and analyzed by BLM staff.

A Notice of Realty Action (NORA) offering for sale the tracts of public lands will be issued, published and sent to parties of interest by the BLM at least 60 days prior to the sale. The notice will describe the competitive method of sale and include the terms, conditions and reservations which are to be included in

the conveyance document. The notice will also provide 45 days after the date of issuance for the right of comment by the public and interested parties.

Not less than 60 days prior to sale the NORA will be sent to the Greg Walden, U.S. House of Representatives in whose district the public lands are located and Senators Jeff Merkley and Ron Wyden, the U.S. Senators for the State in which the public lands proposed for sale are located, and to Governor Ted Kulongoski of Oregon. Notice will be sent to the Deschutes County Commissioners as the governing body of the political subdivision having zoning and land use regulatory responsibility in the geographic area where the subject lands are located.

The notice will be published once in the Federal Register and once a week for three weeks thereafter in the Bulletin newspaper of Bend, the Redmond Spokesman, the Frontier Advertiser in La Pine and the Central Oregonian of Prineville. A BLM news release will be issued and a public sale notice will be made on the BLM Prineville District and Oregon-Washington State Office websites.

Deschutes County will notify adjacent landowners and post the property in response to the BLM land use application for the partition of Parcel 1 and Parcel 6.

Interdisciplinary Analysis:

The following BLM Staff participated in the preparation and review of this document:

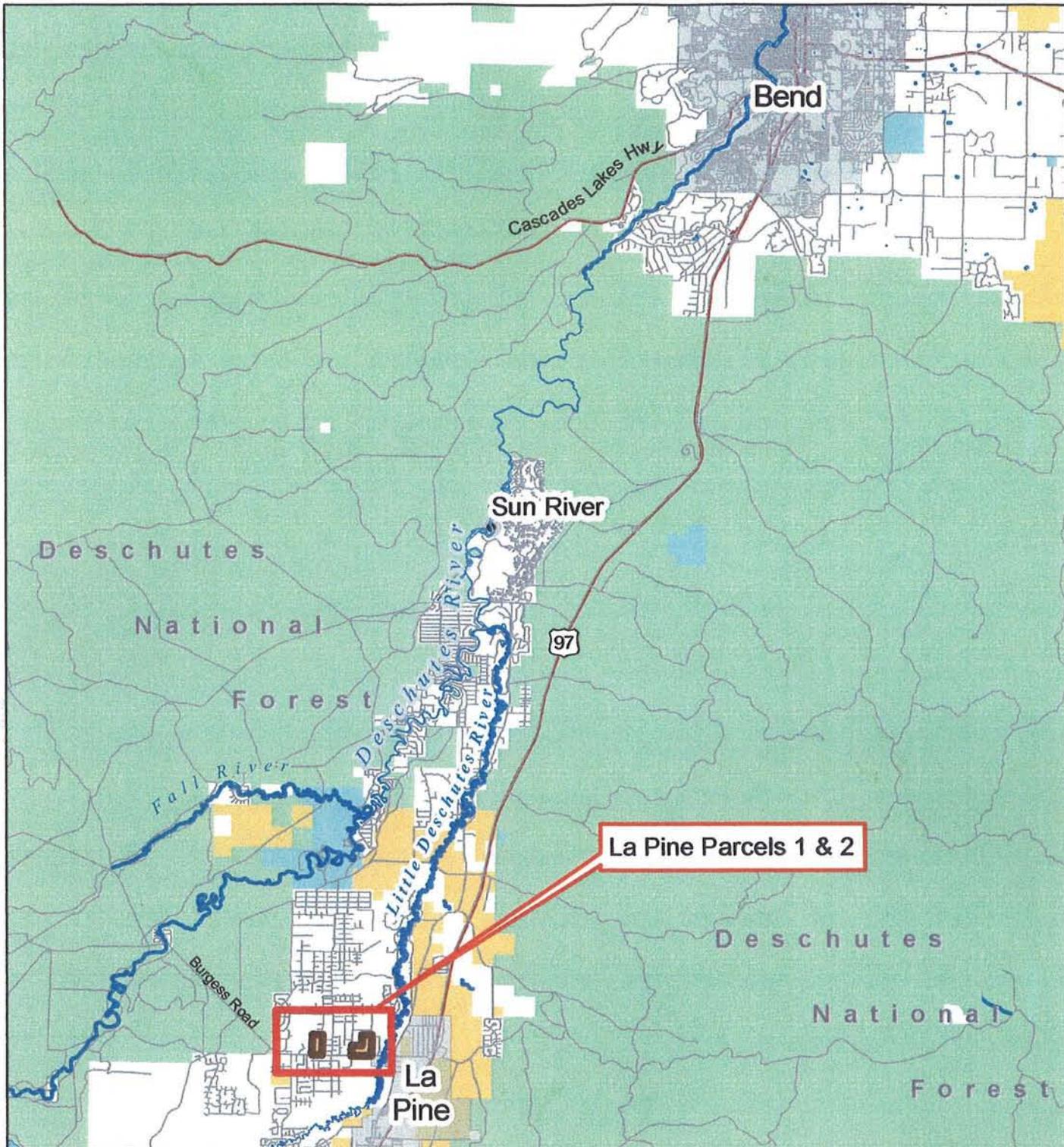
<u>Name</u>	<u>Resource Represented</u>
Steve Castillo	Forestry Issues
Gary Wing	Wildlife, Special Status Species
Cassandra Hummel	Wildlife, Special Status Species
Jim Eisner	Fisheries, Special Status Species
Berry Phelps	Recreation and Visual Resources
Steve Christy	Cultural Resources
JoAnne Armson	Botany, Special Status Plants
Michelle McSwain	Assistant Field Manager
Steve Storo	Geology/Hazardous Materials
Teal Purrington	National Environmental Policy Act
Philip Paterno	Realty Issues

Conclusion:

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM compliance with the requirements of National Environmental Policy Act.

for Signed By: William Dea Date 3/6/09
Molly Brown
Field Manager, Deschutes Resource Area

Note: The signature on this Worksheet is part of an interim step in the BLM internal decision process and cannot be appealed.

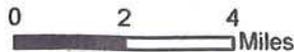


La Pine Parcels 1 & 2 Vicinity Map

Map 1 of 8



- Legend**
- Road
 - Subject Parcel
 - City Limits
 - Administered Lands**
 - Bureau of Land Management
 - U.S. Forest Service
 - State
 - Local Government
 - Private/Unknown

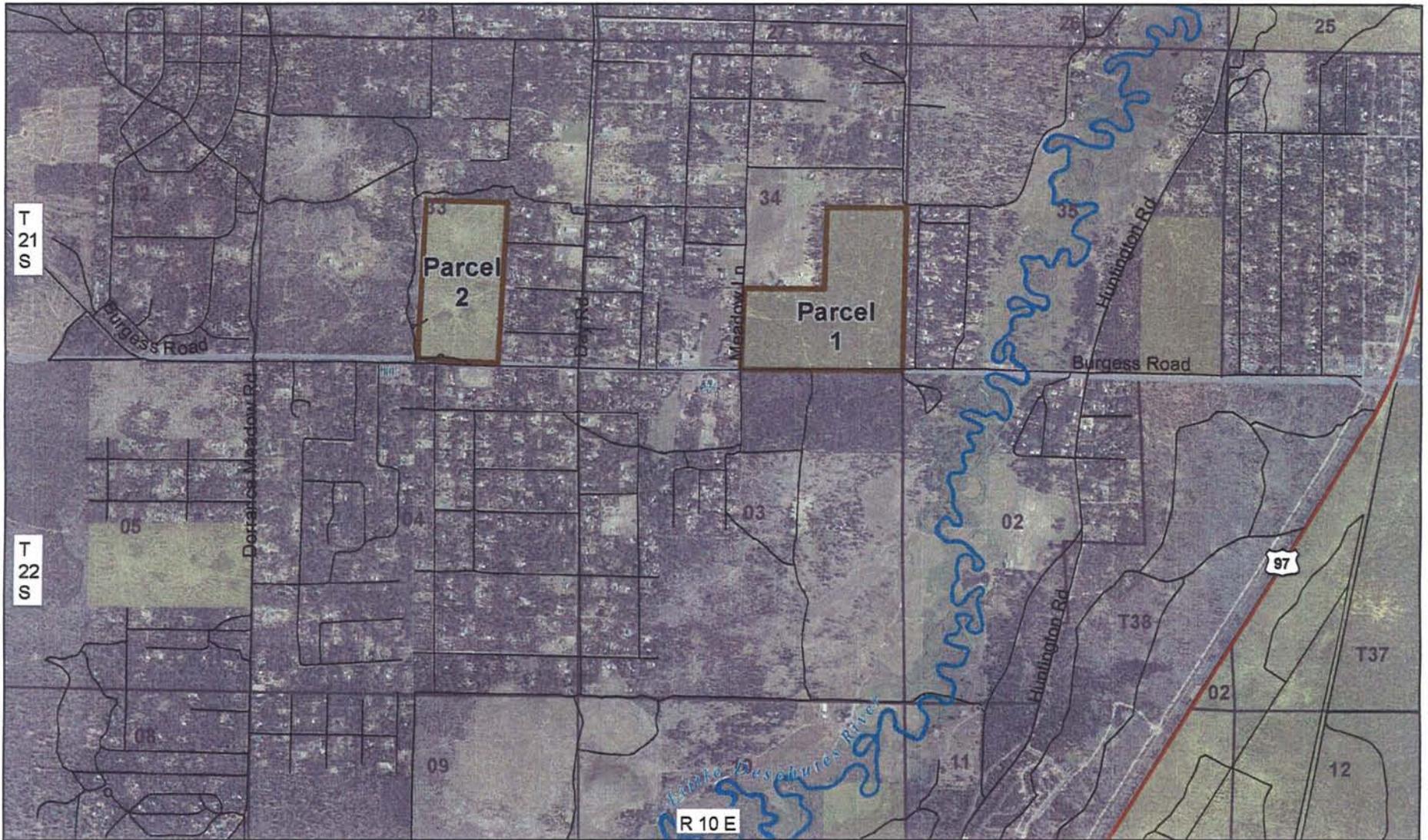


U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
PRINEVILLE DISTRICT
3050 NE Third Street
Prineville, OR 97754
(541) 416-6700



January 8, 2009

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

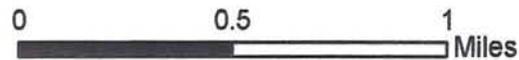


**La Pine
Parcels 1 & 2
Site Map**
Map 2 of 8



Legend

-  Subject Parcel
- Administered Land**
-  Bureau of Land Management

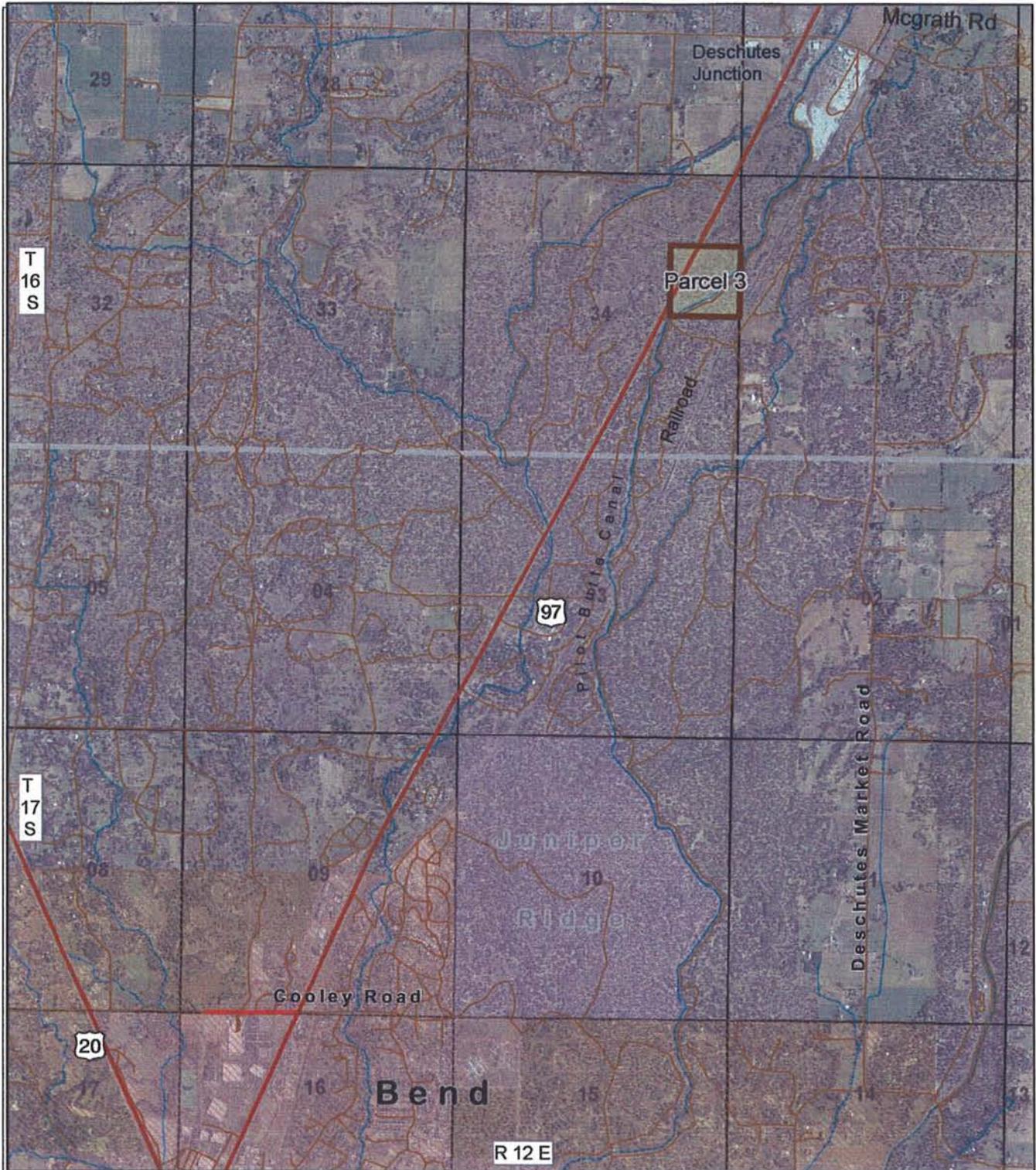


U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
PRINEVILLE DISTRICT
3050 NE Third Street
Prineville, OR 97754
(541) 416-6700



January 8, 2009

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.



**Bend North
Parcel 3
Vicinity Map**
Map 7 of 8

Legend

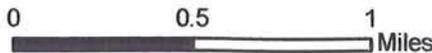
-  Subject Parcel
-  City Limits
-  Urban Reserve Area
- Administered Land**
-  Bureau of Land Management

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



January 8, 2009

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

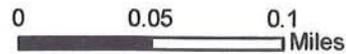




**Bend North
Parcel 3
Site Map**
Map 8 of 8

Legend

-  Subject Parcel
-  Administered Land
-  Bureau of Land Management

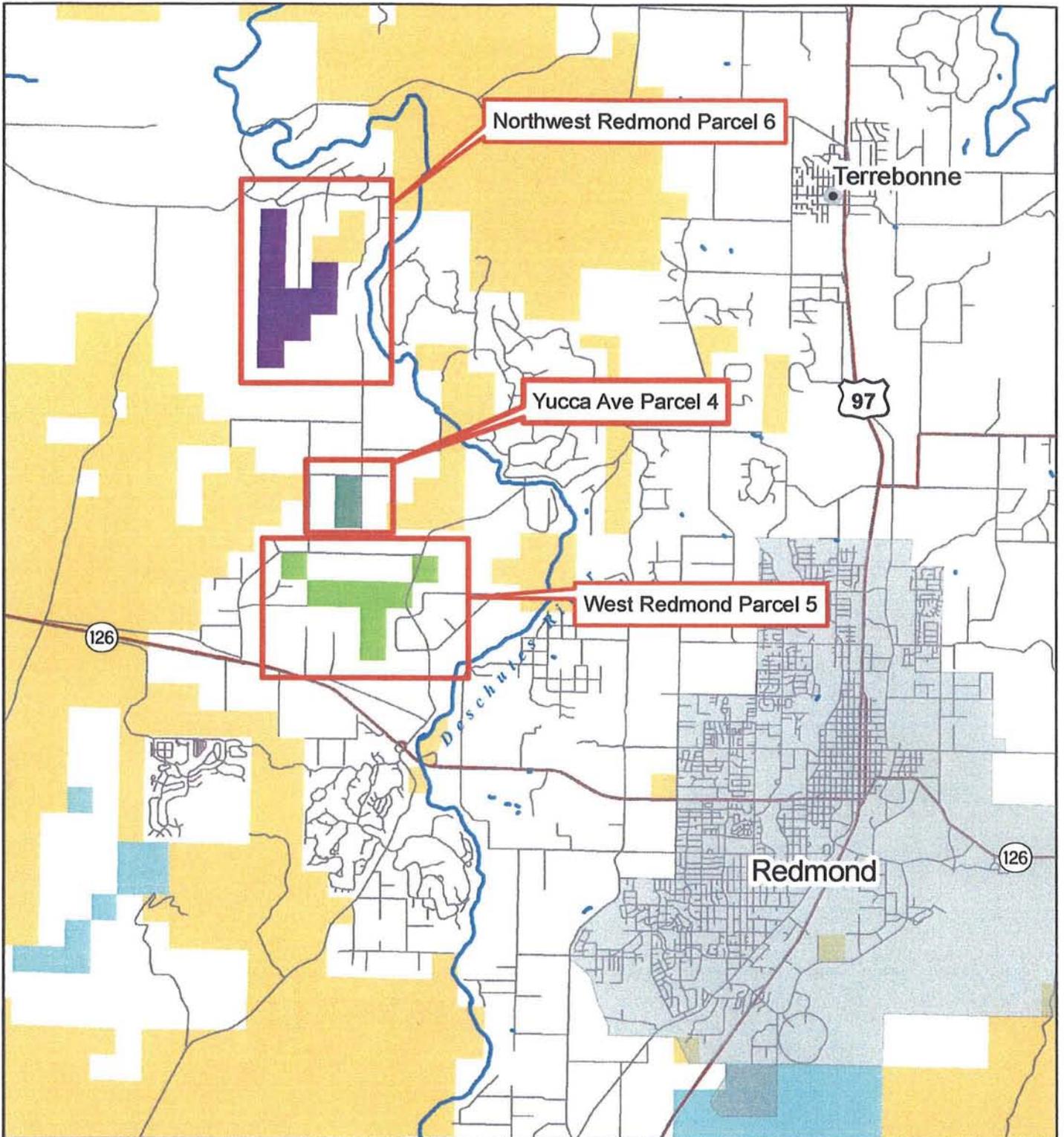


U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
PRINEVILLE DISTRICT
3050 NE Third Street
Prineville, OR 97754
(541) 416-6700



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

January 8, 2009



**Redmond
Parcels 4, 5, & 6
Vicinity Map
Map 3 of 8**

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

Legend

Sale Parcels

-  Northwest Redmond Parcel
-  West Redmond Parcel
-  Yucca Ave Parcel
-  Road
-  City Limits

Administered Lands

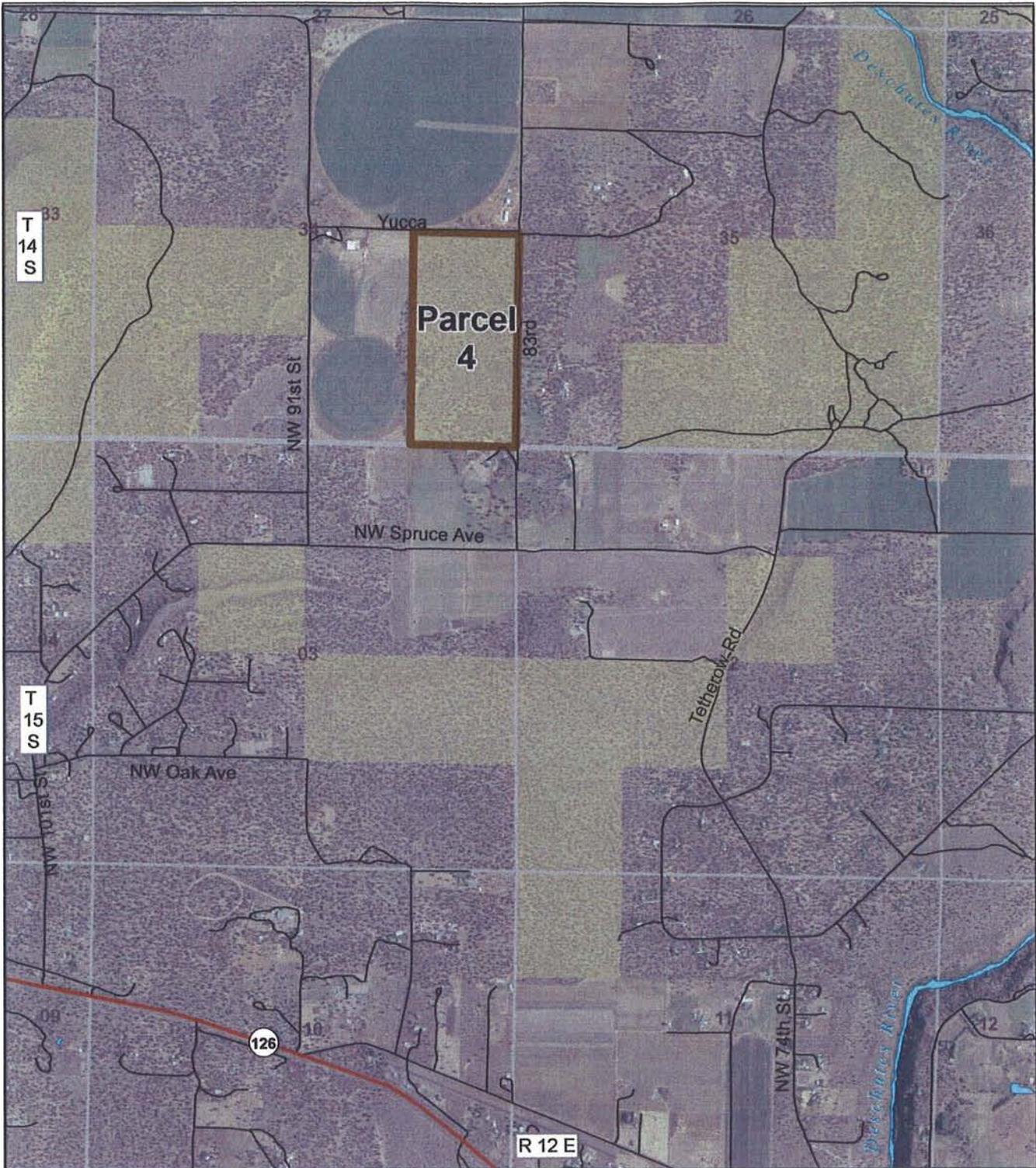
-  Bureau of Land Management
-  U.S. Forest Service
-  State
-  Local Government
-  Private/Unknown



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



January 8, 2009



Yucca Ave Parcel 4 Site Map

Map 4 of 8

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.



Legend

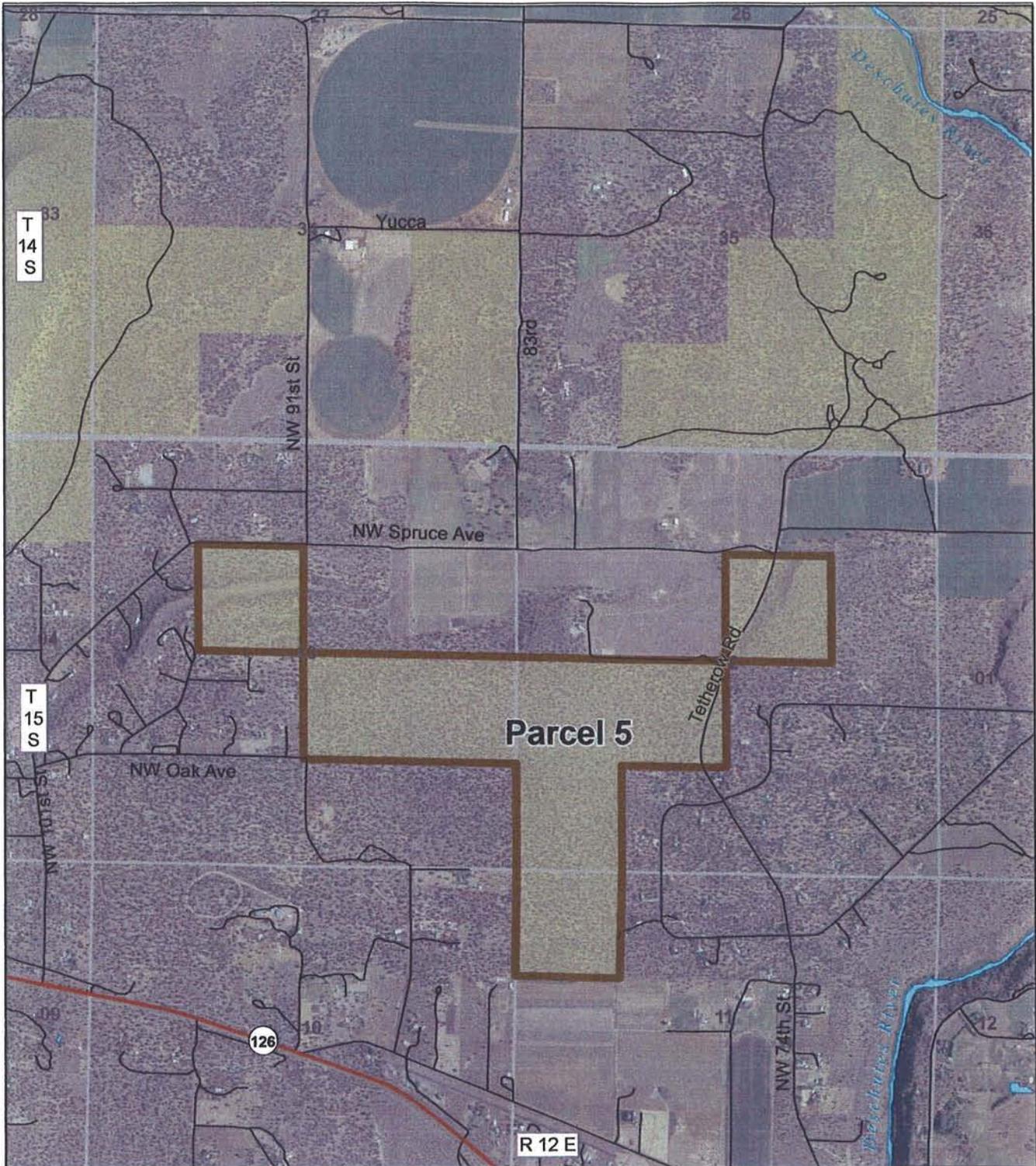
-  Subject Parcel
- Administered Land**
-  Bureau of Land Management



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



January 8, 2009



West Redmond Parcel 5 Site Map

Map 5 of 8

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.



Legend

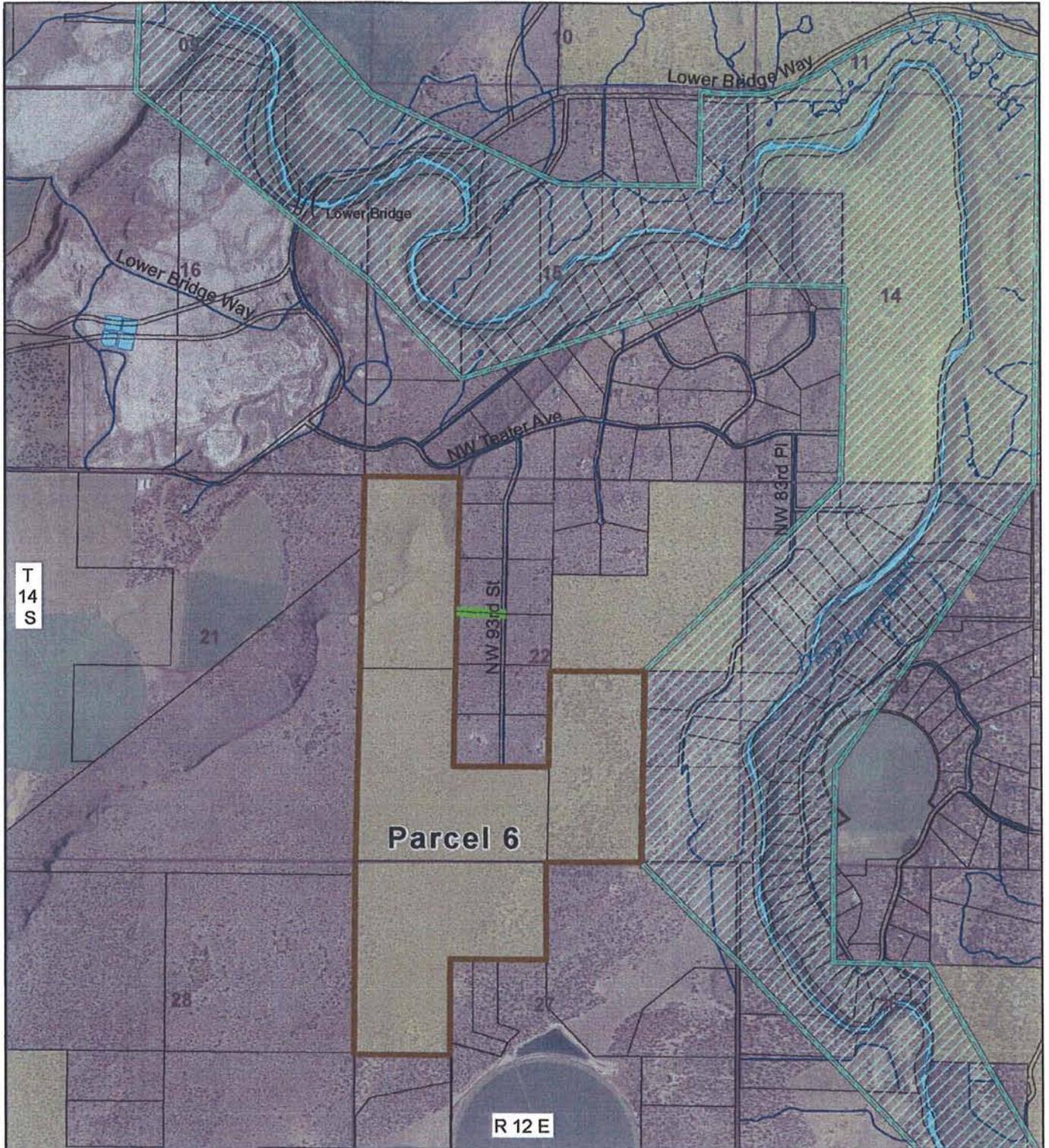
-  Subject Parcel
- Administered Land**
-  Bureau of Land Management



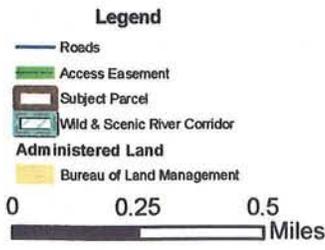
U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
PRINEVILLE DISTRICT
3050 NE Third Street
Prineville, OR 97754
(541) 416-6700



January 8, 2009



**North West Redmond
Parcel 6
Site Map**
Map 6 of 8



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



January 8, 2009

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.