

ENVIRONMENTAL ASSESSMENT

EA TITLE: Eagle Crest Right-of-Way Application, Amending an Existing Right-of-Way

EA NUMBER: OR-056-00-079

SERIAL NUMBER: OR- 49350

APPLICANT: Eagle Crest, Inc.

BLM OFFICE: Prineville District

RESOURCE AREA: Deschutes

LOCATION: Approximately five miles west of the City of Redmond, in the western ½ of Section 15, Township 15 South, Range 12 East, Willamette Meridian, Oregon. (See Maps A& B.)

EA TEAM LEADER: Ron Wortman

PURPOSE AND NEED FOR PROPOSED ACTION

The purpose of this Environmental Assessment (EA) is to examine the request by Eagle Crest, Inc. to amend right-of-way grant OR 49350 to include a new waterline across public land. Eagle Crest intends to construct a waterline between the existing reservoir and a proposed development. The existing Eagle Crest reservoir is located on BLM Tax Lot 1500 in Section 15, Township 15 South, Range 12 East, Deschutes County, W.M. The applicant owns 480 acres, ½ mile west of the existing Eagle Crest Destination Resort, on the northwest slope of Cline Buttes. The applicant is proposing further expansion of the resort on the 480 acres (Tax Lot 4800 in Section 16, Township 15 South, Range 12 East, Deschutes County, W.M.). The proposed development tract is land locked by public lands.

The most efficient water system connection to the resort expansion property is from the existing reservoir. The applicant is proposing to construct a 12" waterline from the existing reservoir at an elevation slightly lower than the existing reservoir floor. The proposed construction would allow a gravity flow to the proposed resort expansion. In considering fire safety standards, the gravity system would allow water flow to fire hydrants, even in cases of power outages.

Gravity flow for the water supply system is an important design consideration. Gravity flow improves system reliability, provides redundancy by allowing old and new wells to fill the reservoir, increases the available flow rate for fire protection, and assures service and fire protection over a large area even under emergency conditions.

The water supply system for the resort expansion must accommodate domestic water needs, fire protection, irrigation, construction watering, and other water uses typical of a municipality. A new well will be constructed on the development property, but a connection to the existing reservoir is also required to assure a complete system. Water consumption or use at a resort will vary dramatically from the night time hours in the initial year of development, to a wildfire condition at build-out. A water supply system must be able to accommodate this

wide fluctuation in flow rates. A well pumping into a reservoir is the most efficient means to assure an adequate water supply for fire protection and efficient pumping for the normal domestic use. Without the reservoir connection, water supplies and fire protection would be dependent upon multiple complex pumps and controls and the associated power supplies.

The proposed water line between the expansion property and the existing reservoir would interconnect the water distribution system throughout the entire resort. This interconnection provides multiple redundancy on source supplies, dramatically improves reliability for all portions of the resort, assures a water supply even when a well or other component is down for maintenance or repairs, assures fire protection during a power outage, and generally allows all project wells and the existing reservoir to serve anyone at any location of the resort. In summary, the new well, the existing reservoir, and the proposed interconnecting water line are important components of the overall water distribution system.

Under the Deschutes County Destination Resort Ordinance, Eagle Crest is obligated to integrally manage all components of the resort. The requested interconnection of the water system is an example of the efficiencies and reliabilities associated with integral operations.

Without the proposed water line, the ability to share source supplies and storage would be lost and the reliability and redundancy of the overall water distribution system would be greatly diminished.

PROPOSED ACTION

No Action: In a No Action Alternative, construction of this waterline would be denied across federal lands. Denial of right-of-way under the circumstances outlined in this EA is not an acceptable option. FLPMA, as well as the BLM manual and handbook require reasonable access to private parcels when no other opportunity is available. To deny Eagle Crest a right-of-way to this parcel would be to deny them use of their property and existing water facilities.

Description of Proposed Action:

Eagle Crest, Inc. and BLM have worked together on two alternative alignments for this right-of-way application. Both routes considered topography, distances, natural features, and the existing and future use of the BLM lands. The State and County land use requirements, fire safety standards, wildlife impacts, visual sensitivity and numerous related evaluations have also been considered.

The proposed 20-foot right-of-way would accommodate a 12" water main extending from the reservoir, following existing ground contours approximately 1,800 feet northerly to the adjacent private property (Tax Lot 4700) and on to the Eagle Crest expansion property. This route allows a gravity water system connection in one 20-foot wide right-of-way request. The entire alignment comprises approximately 0.8 acres.

The water line alignment would meander around large old trees and natural features and allow machinery to weave around trees and large obstacles, rather than remove them. The water line would be underground and the construction area would be re-seeded to native vegetation upon completion of construction. This right-of-way would provide direct access for construction of the waterline from the existing reservoir, following existing ground contours at an elevation just below the existing reservoir floor, to a point on the adjacent private Tax Lot 4700, (Section 16, Township 15 South, Range 12 East, Deschutes County, W.M.).

The right-of-way location would be established in the field to preserve large old trees and meander through openings. It would be restricted to a 20-foot wide right-of-way. Typical construction activities would include

clearing and grubbing, earth moving for waterline construction, restoration of disturbed areas, and revegetation. Equipment on-site would typically include a back hoe, excavator, a dump truck, and loader.

Alternative Two:

Alternative Two would allow Eagle Crest, Inc. to construct approximately 150 feet of waterline between the existing reservoir and Tax Lot 4700. This direct connection travels uphill from the existing reservoir site to the adjacent tax lot. Construction of this waterline would require an electrical pump system and a back-up generator for emergency periods of power outages.

Pumps and a generator reduce reliability, greatly increases costs, increase maintenance costs and requirements, restrict system capacity, and generally reduce protection and service. The Redmond Fire Department has suggested a gravity system connection from the existing reservoir to the proposed resort expansion as a preferred system.

The waterline would be extended on private property northerly to the proposed resort expansion project. The waterline route would be parallel with the proposed action route. Impacts would be similar for both alternatives, except that Alternative Two impacts would occur more on private land, rather than BLM land.

OTHER ALTERNATIVES

Eagle Crest developed and evaluated one additional alternative in considering this application. This alternative would have constructed the waterline on the access alignment, connecting the existing resort to the proposed expansion parcel. This connection from the northwest corner of the existing resort to the northeast corner of the proposed resort would have required approximately one-half mile of construction across BLM land. Construction along this alignment would not allow a gravity system nor new well contributions to storage. Because of the lower elevation of this route, only a lower water system pressure level is available. The lower pressure level would not serve the resort expansion property. This third alternative was not considered feasible.

EXISTING ENVIRONMENT

In 1994, Eagle Crest was granted a right-of-way on BLM Tax Lot 1500 to construct a reservoir and associated waterline to serve their existing resort facilities. With the purchase of 480 acres west of the BLM parcel in 1999, Eagle Crest was granted additional rights-of-way for access and utility connections across this same BLM parcel. Utility connections include sewer, power, telephone, and television cable.

The surrounding properties are BLM or privately owned resource lands. (See Exhibits A & B.) Private lands are zoned for farm use or surface mining with a destination resort overlay zone. The existing uses on private land consist of unmanaged forest uses, aggregate mining and processing, and some cattle grazing. On public lands, existing uses include cattle grazing, horseback riding, mountain biking, hunting, hiking, sightseeing, and extensive motor vehicle use, both on and off-roads.

All surrounding lands are upland juniper forest lands. The site occurs within the western juniper vegetation zone. The juniper/sage brush/bunch grass plant community appears to dominate the site, with plant species that are both structurally and floristically typical of vegetation of the community. There are no streams, lakes, or water bodies of any kind. Other than the summit of Cline Buttes, there are no significant rock outcroppings or significant natural features.

The steep slopes of Cline Butte lie within this area with relatively flat terrain extending in other directions. The terrain along the proposed route is sloping, with elevations ranging from 3,320 to 3,280 feet. The soil is a sandy loam with some large rocks. No significant erosion or other signs of surface runoff were observed.

Development of the existing Eagle Crest Resort was initiated in 1984. Since 1984, Eagle Crest has grown dramatically due to significant market demand for housing and recreational facilities. Success of the existing resort demonstrates a strong market demand and need for destination resort development. Deschutes County recognized the need for destination resorts and the associated economic benefits to the County. Deschutes County adopted a destination resort ordinance and an associated map that designated lands available for destination resort development. That map clearly identifies the Eagle Crest property in Section 16 for resort development. The Deschutes County Destination Resort ordinance and the specific designation for destination resort development on the subject property is further evidence of need for the proposed development and therefore for the proposed right-of-way across public lands.

CONFORMANCE WITH APPLICABLE LAND USE PLAN

The proposed action is subject to and in conformance with the following land use plan:

Name of Plan: Brothers/LaPine Resource Management Plan (RMP)

Date Approved: July 1989

On Page 29 under Rights-of-Way and Utility and Transportation Corridors, the following guidance regarding rights-of-way is provided: "Public lands will continue to be available for rights-of-way, including multiple use and single use utility/transportation corridors following existing routes, communication sites, and roads." This manual and the RMP are available for public review at 3050 NE 3rd Street in Prineville, Oregon.

The BLM Manual, under 2800.06 Policy 1) states, "Allow owners of non-Federal lands surrounded by public land managed under FLPMA a degree of access across public land which will provide for the reasonable use and enjoyment of the non-Federal land. Such access must conform to the rules and regulations governing the administration of the public land; keep in mind however, that the access necessary for the reasonable use and enjoyment of the non-Federal land can not be denied."

ENVIRONMENTAL IMPACTS

Soil and Vegetation:

No Action: A No Action Alternative would not impact soil or vegetation on public lands.

Proposed Action:

In areas identified for construction, (approximately 0.8 disturbed acres), vegetation would be removed within the narrow work zone and soils would be compacted permanently. The proposed right-of-way would be narrow and would meander in an attempt to preserve old trees. Revegetation of the disturbed areas would be initiated through planting or seeding native grasses.

No special status plants were expected to be on the site and none were found. No botanical concerns were identified with this project.

To minimize impacts to soil and vegetation, the proposed right-of-way would follow existing clearings and meander where possible, to preserve natural features and trees. This design approach would minimize clearing and generally minimize changes to the surface of the land. Disturbed areas would be revegetated as quickly as possible following construction to minimize construction scars.

Equipment would be restricted to the construction path, and not allowed to park upon or cross areas designated to remain natural. Waterline construction would be accomplished with a small dozer, an excavator, and trucks to minimize the width of the construction activity.

There are no perennial streams or water bodies in the vicinity of Cline Buttes. The only surface waters will be periodic runoff, following heavy precipitation events. The highly permeable sandy and pumice soils of Cline Buttes will encourage infiltration and minimize erosion. The revegetation plan, described previously, would also help to minimize erosion and minimize construction impacts from surface water run-off.

Alternative Two:

In the section identified for construction, (approximately 0.07 disturbed acres), vegetation would be removed and soils in the pipe zone would be compacted permanently. Again, the proposed right-of-way would be narrow and meander in an attempt to preserve old trees. Revegetation of the disturbed areas would be initiated through planting or seeding natural grasses and shrubs.

The required pump station and auxiliary generator building could be located adjacent to the existing reservoir without significant additional clearing.

No special status plants were expected to be on the site and none were found. No botanical concerns were identified with this project.

Impacts, construction, and surface water issues would be addressed in the same way as the Proposed Action above.

Cultural Resources:

No Action: A No Action Alternative would not directly impact cultural resources. No ground would be disturbed.

Cultural resources are subject to vandalism. No action would reduce Eagle Crest security and patrols that would diminish the risk of vandalism.

Proposed Action:

Cultural resource surveys for the proposed Eagle Crest right-of-way project were conducted for this alignment by BLM on 05/02/00, Report No. 00-15-13. A subsequent conversation with Scott Stuemke, Cultural Resource Program Manager with the Confederated Tribes of the Warm Springs Reservation of Oregon provided no concerns on the part of the Tribes. Therefore, no impacts to cultural resources would occur as a result of this action.

Alternative Two:

Cultural resource surveys for the proposed Eagle Crest right-of-way project were conducted for the westerly right-of-way by BLM on 05/02/00, Report No. 00-15-13. A subsequent conversation with Scott Stuemke, Cultural Resource Program Manager with the Confederated Tribes of the Warm Springs Reservation of Oregon provided no concerns on the part of the tribe. Therefore, no impacts to cultural resources would occur as a result of this action on the easterly access.

Recreation:

No Action: Recreation would not be impacted by a No Action Alternative.

Proposed Action:

The expansion of Eagle Crest will accommodate new residential units and related recreational activities. The proposed right-of-way would not impact existing recreational activities except during the construction period. Off-road vehicle use is currently limited to existing roads and trails in the area. Recreational activities within this area are minimal due to the steep slopes on this portion of the parcel.

Alternative Two:

See above under Proposed Action.

Air Quality:

No Action: No impacts to air quality would occur under the No Action Alternative.

Proposed Action:

Air quality impacts from equipment exhaust would be a very short-term impact of approximately 10 days to two weeks. The potential for air quality impacts from wind erosion or sediment transfer is of greater concern. This impact would be minimized by revegetation of disturbed areas as quickly as possible. Dust during construction can be minimized through standard construction watering. Proximity to the existing mining operation would make this brief construction schedule barely noticeable.

Alternative Two:

See above under Proposed Action. Impacts would be reduced to about 3 days.

Visual Resources:

No Action: No impacts to visual resources would occur under the No Action Alternative.

Proposed Action:

The meandering alignment would preserve natural features and trees. The construction activity itself is in an area of active mining operations and existing juniper tree cover. This project would have minimal visual impact during construction and none once revegetation occurs.

Alternative Two:

See above under Proposed Action. The waterline construction under this alternative would be less than a week in duration.

The required pump station would be visible only in close proximity to the site. Maintenance vehicles driving to and from the pump station on a daily basis would create more of a visible impact.

Ambient Noise:

No Action: Under the No Action Alternative, no ambient noise would be created.

Proposed Action:

Ambient noise levels on BLM lands would increase during construction only. Construction noise impacts are of a very short duration, (10 days to 2 weeks), and would be minimal considering the background operations of the Thornburgh surface mine, the ongoing construction at the existing Eagle Crest Resort, traffic noise on Hwy. 126, and other noise on BLM lands.

Alternative Two:

See above under Proposed Action. Waterline construction noise impacts would last about 3 days.

Pump station construction noise is estimated to last several months. Auxiliary generator noise would create impacts during power outages, but also during monthly maintenance exercising of the equipment.

Surface and Groundwater:

No Action: No impacts to surface groundwater would occur under the No Action alternative.

Proposed Action:

The construction of utilities would not impact surface water.

The actual construction of utilities would create no impacts to groundwater.

Oregon Water Resources Department has received and approved an application for water rights at Eagle Crest 3. Application G-14857 was approved and permitted on May 26, 2000.

The proposed waterline would connect an existing reservoir on BLM land with a new well at Eagle Crest 3.

The Reservoir was permitted under grant #49350 including a waterline connection to Eagle Crest 2.

Alternative Two:

See above under Proposed Action.

Wildlife:

No Action: No impacts to wildlife would occur under the No Action Alternative.

Proposed Action:

The construction of utilities would create wildlife impacts. Approximately 0.8 acres of habitat would be interrupted with construction of the new segment of waterline. Mitigation measures would include the following:

1. Revegetate disturbed areas with native bunch grass.
2. Implement an educational program to increase the public awareness on the value of juniper woodland habitat and its associated wildlife population.

A wildlife mitigation agreement has been established between Eagle Crest, Inc. and the Oregon Department of Fish and Wildlife for the new resort.

Alternative Two:

The construction of a water and pump station would create wildlife impacts. Approximately 0.07 acres of habitat would be temporarily disturbed with construction of the new segment of waterline. Wildlife impacts would also occur from the noise and maintenance activities associated with the pump station and auxiliary generator. Mitigation measures would be the same as under the above Proposed Action.

CUMULATIVE IMPACTS

This proposed waterline would create a connection to a new development. This new development would create activities on a private land parcel that is currently vacant. The development requires water. The BLM parcel being crossed is currently bounded by the existing Eagle Crest Resort, existing residential development to the north, and large tracts of private land to the south and west. The proposed resort expansion will create development on a private tract that was previously wildland.

The private Eagle Crest, Inc. land parcel and other private lands in Sections 17 and 20 have been designated by Deschutes County for resort development. Impacts associated with development would occur regardless of the specific alternative. The development of additional private parcels in the area may require additional utility rights-of-way through public lands. The development of additional private parcels will draw an increased number of people to the area. (Neither the applicant nor BLM controls development of private lands).

NO IMPACT ITEMS

The following critical elements were considered but will not be addressed because they would either not be affected or do not exist in the project area.

1. Solid Waste
2. Hazardous Materials
3. Flood Plains
4. Water Quality
5. Wetlands/Riparian Areas
6. Wild and Scenic Rivers
7. Prime or Unique Farm Land
8. Wilderness
9. Native American Religious Concerns
10. Environmental Justice
11. Paleontological Resources
12. Fisheries
13. Threatened or Endangered Species
14. Livestock Grazing

CONSULTATION AND COORDINATION

Persons and Agencies Consulted:

1. George Kolb, Deschutes County Public Works
2. Alan VanVliet, Eagle Crest Construction and Development
3. Thomas A. Walker, Civil Engineer, W&H Pacific
4. Paul Blikstad, Deschutes County Planning
5. Randy Davis, Redmond Fire District
6. Scott Stuemke, Confederated Tribes of the Warm Springs Reservation of Oregon

Preparers (BLM):

1. Sharon Netherton, Area Manager
2. Teal Purrington, Range Land Management Specialist
3. Janet Hutchison, Realty Specialist
4. Greg Currie, Recreational Planner
5. JoAnne Armson, Natural Resources Technician
6. Ron Gregory, Area Archeologist
7. Ron Halvorson, Botanist
8. Michelle McSwain, Hydrologist
9. Ron Wortman, Project Manager

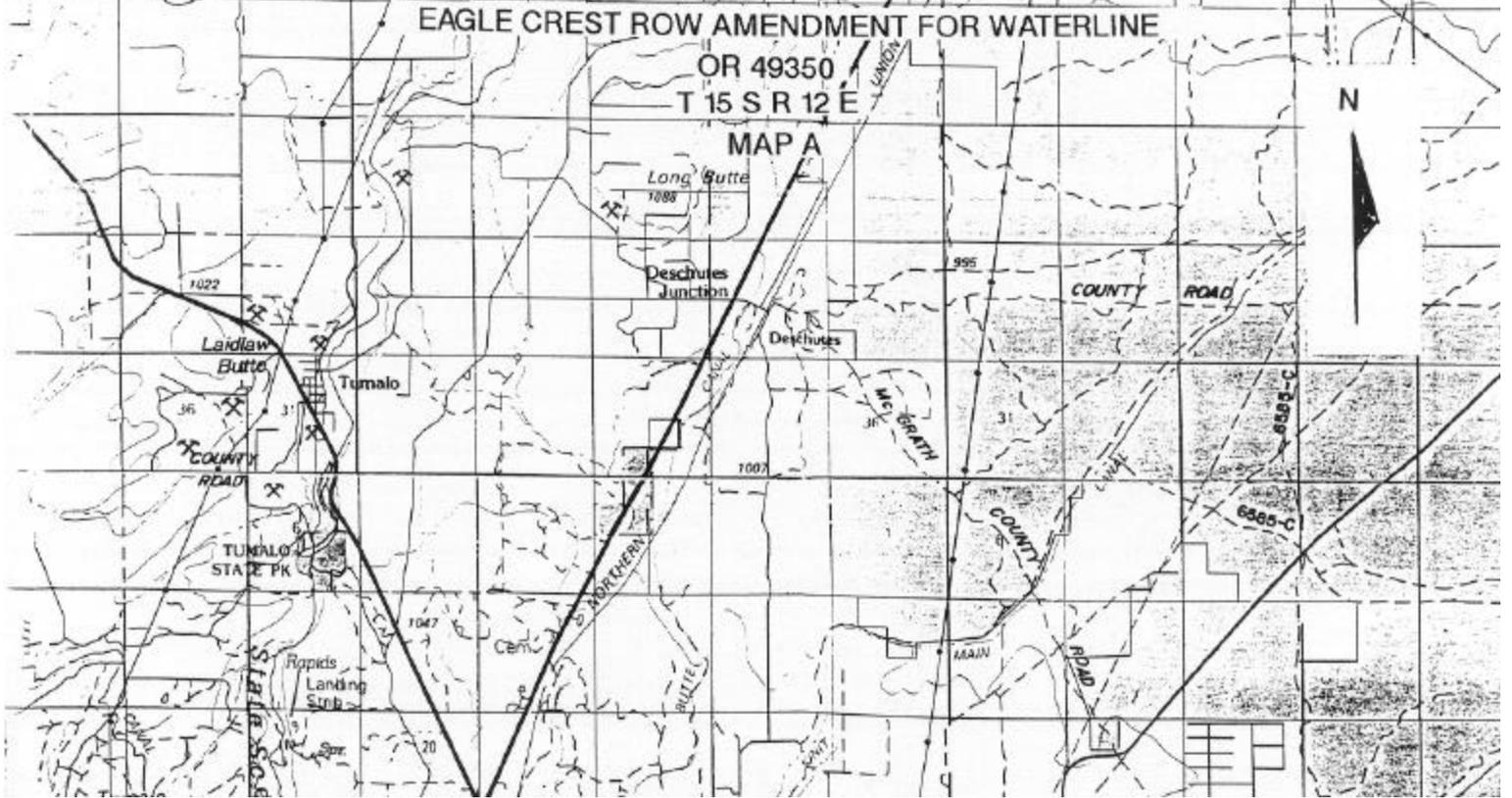
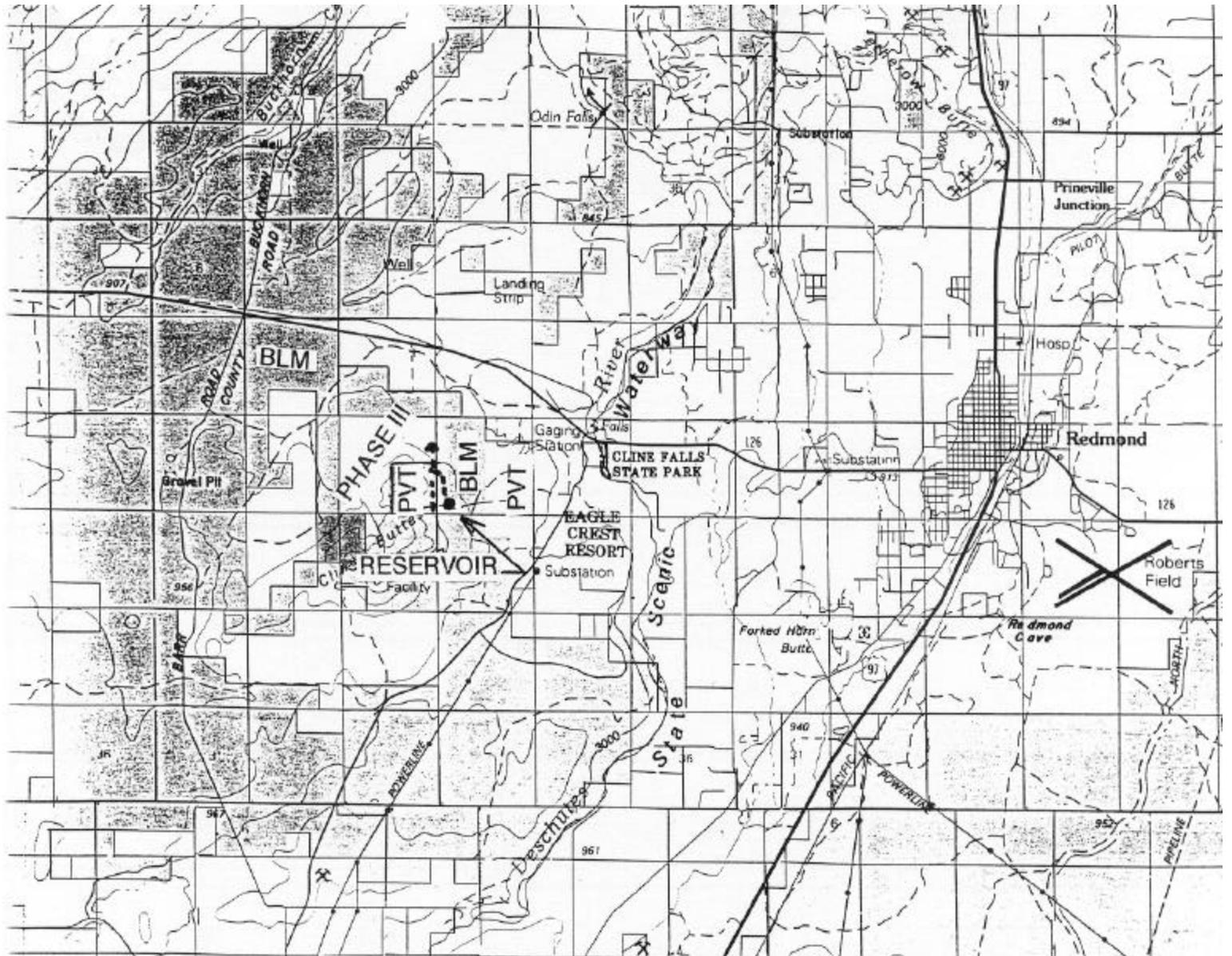
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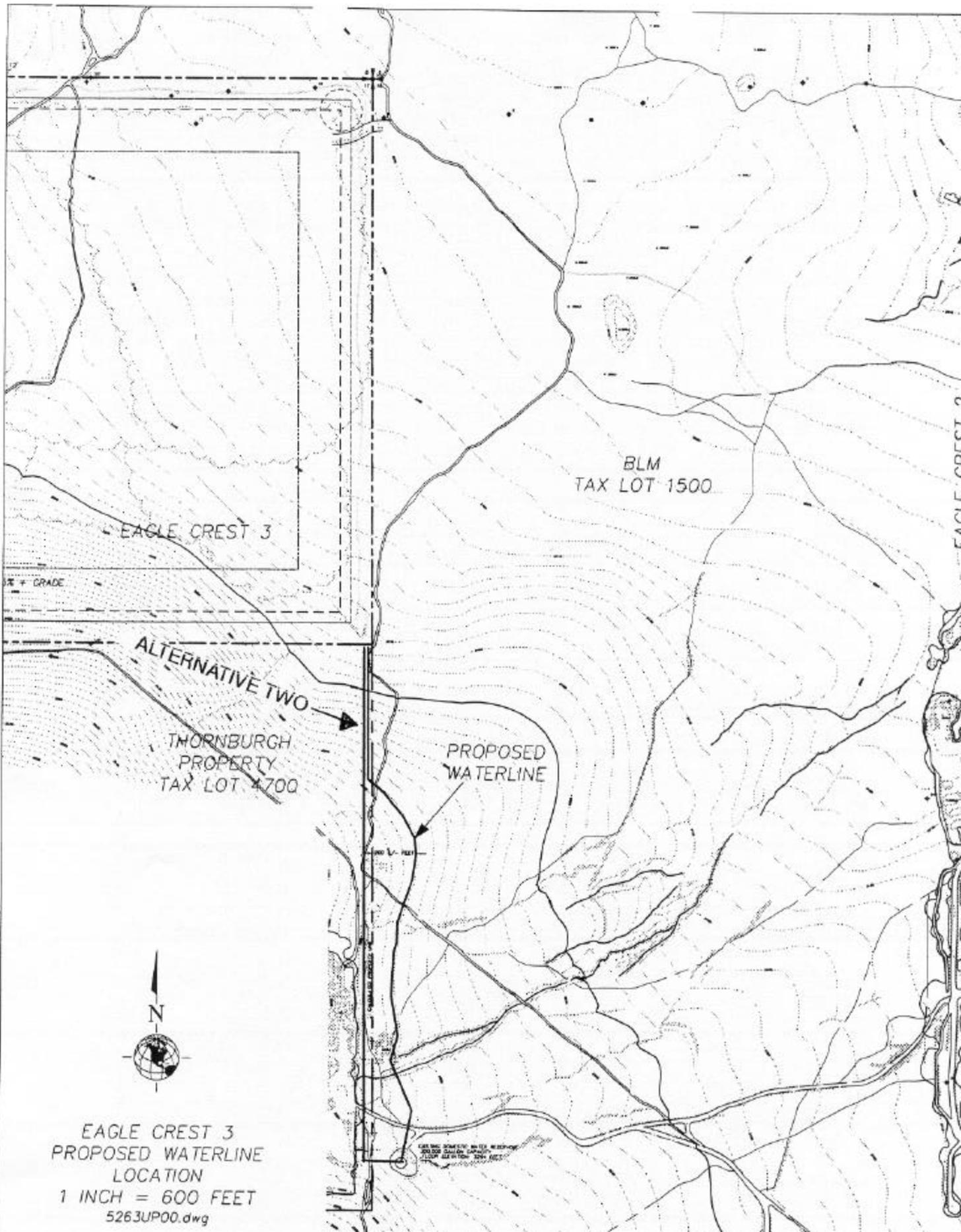
Map A: _____ General Area from Central Oregon Public Lands Map
Map B: _____ Quad Map, 1:24000 Scale
Exhibit A: _____ Land Ownership and Vicinity Map
Exhibit B: _____ Topographic Map and Proposed Alternatives

NEPA requirements met:

_____/s/ Marci Todd_____
Marci Todd

_____/09/08/00_____
Date

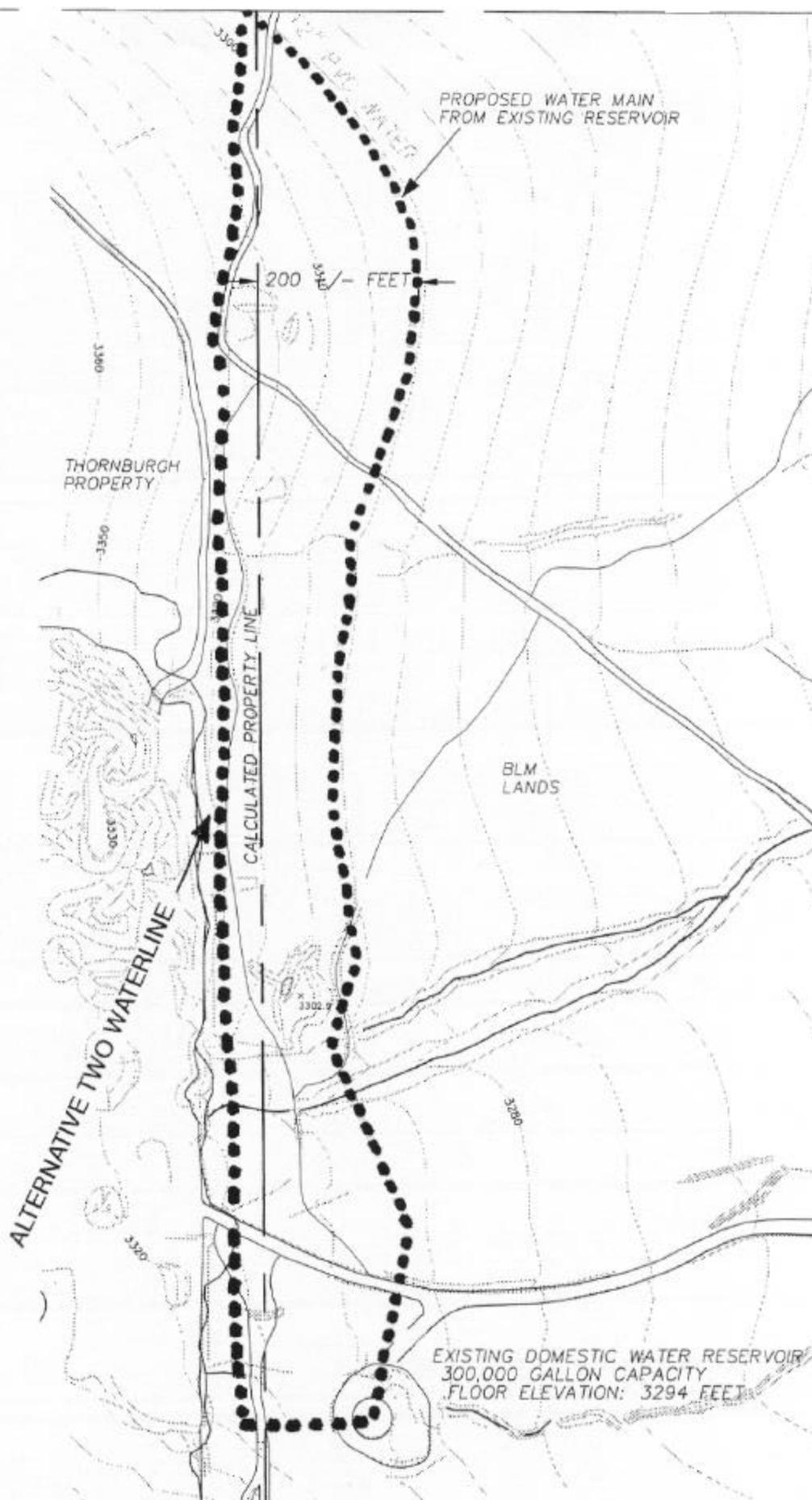






EAGLE CREST 3
PROPOSED WATERLINE
ALIGNMENT
1 INCH = 200 FEET
5263UP00.dwg

EXHIBIT B



FINDING OF NO SIGNIFICANT IMPACT

EA TITLE: Eagle Crest Right-of-Way Application, Amending an Existing Right-of-Way

EA NUMBER: OR-056-00-079

SERIAL NUMBER: OR-49350

APPLICANT: Eagle Crest, Inc.

BLM OFFICE: Prineville District

RESOURCE AREA: Deschutes

LOCATION: Approximately five miles west of the City of Redmond, in the western ½ of Section 15, Township 15 South, Range 12 East, Willamette Meridian, Oregon.

SUMMARY OF PROPOSED ACTION AND ALTERNATIVES:

The Proposed Action would provide for a waterline extending from an existing reservoir on public lands to a proposed destination resort on private lands. The line would be underground. The line would provide water for domestic needs, fire protection, irrigation, construction watering, and other water uses typical of a municipality. This would be part of a gravity-fed water system. The line would use the existing contours to meander around large old trees and natural features rather than mechanically remove these features.

The No Action Alternative would deny access across federal lands. Denial of access under the circumstances outlined in the EA is not an acceptable option. FLPMA, as well as the BLM manual and handbook require reasonable use of private parcels when no other reasonable opportunity is available.

In Alternative 2 the waterline would go directly west from the reservoir across public land, enter onto to private land, turn north and continue on private land, and, finally, extend into the property owned by Eagle Crest. This route would be roughly parallel the route in the proposed action. Construction of this waterline would require an electrical pump system and a back-up generator for emergency periods of power outages.

FONSI DETERMINATION: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts to the human environment are not expected to be significant and an environmental impact statement is not required.

My reasons for this determination follow:

The waterline route would meander to minimize impacts to soil and vegetation; natural features and trees would be preserved; clearing, excavation, and embankment associated with construction would be minimal and then rehabilitated.

The cultural resource surveys discovered no cultural sites. The Confederated Tribes of the Warm Springs Reservation of Oregon expressed no concerns on the part of the tribes during subsequent communications.

Recreational opportunities would not be impacted except minimally during construction.

