

DECISION RECORD

EA Number: OR-056-02-006
Title of Action: Huntington Ranch LLC
Serial Number: OR 55746 & OR 57273
BLM Office: Prineville District, Oregon

Proposed Action:

The proposed action is the granting of seven rights-of-way (ROWs) within three ROW corridors across Bureau of Land Management (BLM) managed lands to Huntington Ranch LLC to allow for access and utility service to a private land parcel located in T.16S., R.13 E., Section 16, Willamette Meridian, Oregon. These ROWs will allow for paved access, power, cable, telephone, water, sewer, and natural gas service to the property. Granting of the ROWs across BLM managed land to Huntington Ranch LLC will allow for the development of a destination resort on the property.

Decision:

It is my decision to grant the Huntington Ranch LLC a permanent and temporary road access rights-of-way (ROW) as described in **Alternative B** of EA Number OR-056-02-006, dated January 8, 2002. **Alternative B** also allows for power, cable TV and telephone utilities to be placed in the existing roadbed for ROW grant, OR-49075, and water, sewer and gas line utilities to run parallel to the existing PGE pipeline. It is also my decision to authorize these utilities as outlined in **Alternative B** in future requests from the respective utility companies.

Access Route: 6585-C Road (straightened)

The road access ROW will follow the existing 6585-C road going northerly from Powell Butte Highway to the southeast portion (Section 16) of the private property. At the intersection of Morrill Road and the 6585-C road the route will go directly north rather than going westerly down the existing road. At this point the ROW will go through approximately 0.4 miles of relatively undisturbed BLM managed land. The ROW will extend approximately 4 miles, with a 60-foot width, for a total area of 21.8 acres of new disturbance. The 60-foot ROW is proposed to accommodate the roadway section and any necessary cut and fill slopes, drainage ditches, or culverts. The 60-foot ROW is required for a rural collector road as mandated by Deschutes County.

This northerly extension of the 6585-C road will eliminate the need to construct a paved road adjacent to the existing silt pond. It will also reduce sharp corners and the potential for out-of-direction travel on the road. The extension of the 6585-C road will connect with an existing dirt road on the northern edge of the North Unit Main Canal. In order to make the connection with the existing dirt road across the canal a new bridge will be built. This bridge will be built to county standards, which includes having a 30-foot running surface. The existing Bailey bridge will be removed and the bridge-crossing site will be blocked. Traffic currently using the existing Bailey bridge on Morrill Road will be diverted north on existing roads to the new bridge crossing the North Unit Main Canal.

The new alignment of the roadway will be done to preserve trees, cultural resources and natural features. It will also use previously disturbed areas where possible to limit the disturbance of soil and vegetation, maintain wildlife habitat, and reduce the possibility of noxious weed invasions in the area.

Power, Cable and Telephone Route

The power, cable, and telephone ROWs will be installed in a common trench underground between Highway 97 and the resort. These utilities will follow the developed roadbed included in the ROW grant (OR-49075) held by Huntington Ranch LLC until the road reaches the Bonneville Power Administration maintenance road in T 16S., R 13 E., Section 7. At that point the ROWs will follow the existing primitive dirt road that continues and connects to the private property. The previous owners of the property used this dirt road to access the property and never fully developed the access in the authorized ROW grant (OR-49075). The length of this ROW corridor will be approximately 3 miles (5.5 acres of new disturbance). All trenching for the placement of the power, cable, and telephone lines will occur within the existing disturbed roadbed to limit disturbance to soil and vegetation, maintain wildlife habitat, and reduce the possibility of noxious weed invasions in the area.

Water, Sewer, and Natural Gas Route

The water, sewer, and gas line route will parallel the existing PGE pipeline. Water and sewer will be extended north from the City of Bend sewage treatment plant approximately five miles to the proposed resort.

The proposed ROWs will extend approximately one mile easterly along the section line through relatively undisturbed BLM lands to the existing natural gas line. The parallel water, sewer, and natural gas lines will be routed northeasterly, parallel to the existing PGE pipeline to the existing Morrill Road. At Morrill Road, the sewer and water lines will follow the access ROW (6585-C, straightened) northerly to the private property. This alternative will include a 40-foot wide ROW for 5.26 miles for a total of 25.5 acres of new disturbance. Approximately 5,300 lineal feet of the parallel utilities will cross relatively undisturbed BLM managed lands between the Bend Sewage Treatment Plant and the existing pipeline. Placement of the water, sewer, and natural gas ROW corridor along the existing gas pipeline ROW will reduce disturbance to soil and vegetation, maintain wildlife habitat and recreational opportunities, and limit the possibility of increasing noxious weeds in the area.

Rationale:

Purpose and Need

Need

The need for this proposed action is to respond to requested ROWs to Huntington Ranch's privately owned property. The BLM has a need to comply with agency policy to provide requested ROWs for private land parcels surrounded by BLM managed lands that will allow for the reasonable and enjoyable use of private land (BLM Manual 2800.06 (D)). The Prineville District, Deschutes Resource Area, has a need to comply with the Brothers/La Pine Resource Management Plan Record of Decision regarding the granting of ROWs (Brothers/ La Pine ROD, 1989, pg. 29, 33-34):

"...actions approved will be consistent with the objectives of the RMP(pg. 29)."

“Each right-of way shall be limited to the area necessary for operation and maintenance, will consider the protection of public safety and will do no unnecessary damage to the environment (pg. 33).”

Purpose

The purpose of this project is to provide requested ROWs to Huntington Ranch’s private land parcel surrounded by BLM managed land that will allow for the reasonable and enjoyable use of private land while complying with the Brothers/La Pine Resource Management Plan. To comply with the Resource Management Plan, the proposed action will incorporate the following objectives:

- Limit the fragmentation of wildlife habitat on BLM managed lands that may be caused by the ROWs.
- Reduce disturbance to soils and vegetation on BLM managed land and limit the potential for the invasion of noxious weeds.
- Maintain current recreational uses of the BLM managed land and reduce the potential for negative influences on the enjoyment of the BLM managed land.
- Maintain or increase public safety on BLM managed land.
- Use existing ROW corridors where possible.
- Limit the potential to impact cultural resources.
- Limit impacts to and conflicts with existing permitted uses of the BLM managed land, including grazing and military activities.

“Each right-of-way shall contain terms and conditions requiring compliance with environmental quality standards applicable to Federal or State law (pg. 33).”

Alternative B most adequately meets the Purpose and Need of the proposed action of all the alternatives.

Alternative B will comply with BLM’s policy to provide ROWs that allow for the reasonable use and enjoyment of properties surrounded by BLM managed land by providing adequate access routes and utility services to the private property.

By straightening the road, traffic will be reduced around the silt pond, which is used by a variety of wildlife, including pronghorn antelope. The transportation route will run primarily north-south and will be less obstructive to wildlife moving through the area (George, 11/29/2001).

The power, cable, and telephone utilities will be placed underground in an existing roadbed, which will minimize soil and vegetation disturbance. In addition, the use of the existing road for the utilities will provide a required utility maintenance road (Hoyt, 11/26/01) without additional disturbance and without providing additional road access through BLM managed lands.

The water, sewer, and natural gas utilities will be placed underground adjacent to PGE’s existing pipeline ROW. By being adjacent to PGE’s existing pipeline, soil and vegetation disturbance will be minimized.

Conformance and Consistency

Rights of Way (BLM Manual 2800.06(D)):

BLM Manual 2800.06 (D) states that it is the policy of the BLM to:

“Allow owners of non-Federal lands surrounded by public land managed under FLPMA (Federal Land Policy and Management Act) 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 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 cannot be denied.”

Brothers/La Pine Resource Management Plan Record of Decision and Rangeland Program Summary (Prineville District, July 1989)

The Brothers/La Pine Resource Management Plan Record of Decision, which is the land use plan that covers the BLM managed lands in the area where the ROWs are being applied for provides the following management direction for Rights of Way and Utility and Transportation Corridors (pg. 29 and pgs. 33-34):

“...Actions approved will be consistent with the objectives of the RMP.”

“Each right-of-way shall be limited to the area necessary for operation and maintenance, will consider the protection of public safety and will do no unnecessary damage to the environment.”

“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.”

“All rights-of-way applications will be reviewed using the criteria of following existing corridors wherever practical and avoiding proliferation of separate rights-of-way... All designated areas of critical environmental concern and wilderness study areas will be considered right-of-way exclusion areas. Federally designated wild and scenic rivers, as well as rivers identified as eligible as potential wild and scenic rivers, will also be considered exclusion 1 areas. All areas identified as having special status plant or animal species will be avoidance areas. Areas having high or sensitive visual qualities will be avoided or appropriate mitigation measures taken.”

Alternatives Considered:

Alternative A - No Action

Under the No Action Alternative new ROWs would not be granted to the private property. Other activities not requiring additional ROWs and provided for under state and county planning could occur on the private property. Currently the private property (Tax Lot 800) is zoned MUA-10 (Multiple Use Agricultural with a minimum of 10 acres, Title 18 County Zoning, 10/1998). The remainder of the private land tract is zoned EFU/MUA-10 (Exclusive Farm Use/Multiple Use Agricultural with a minimum of 10 acres, Title 18 County Zoning, 10/1998). It is reasonable to predict that the owner of the property, Huntington Ranch LLC, would develop the property for its highest and best

economic use under the current zoning regulations. Therefore, the intensity of use of the existing ROWs serving the property could be expected to increase under the No Action Alternative. In addition, the existing ROW leading to the property could be paved to accommodate those uses. The current ROW is approximately 2.39 miles long (9 acres of new disturbance).

It is possible that one of those uses may be residential development. Residential development could create the same needs for dual access and utility services as the resort proposal.

Other conditional uses permitted in a MUA-10 zone include: commercial activities in conjunction with farm use, dude ranch, kennel or veterinary clinic, guest house, exploration for minerals, personal use landing strip for airplanes, golf courses, processing of forest products, planned developments, cluster developments, landfills, and processing of minerals.

Some conditional uses permitted on EFU lands include: commercial activity in conjunction with farm use, exploration and extraction of geothermal resources, surface mining of mineral aggregate resources, transmission towers over 200 feet in height, personal use landing strip for airplanes and helicopter pad, processing of forest products, storage and processing of minerals.

Alternative B

(Preferred) Access ROW will be 6585 C road (straightened)
Power, Cable, and Telephone ROWs through existing roadbed
Water, Sewer and Natural Gas ROWs adjacent to the Pacific Gas and
Electric (PGE) Pipeline

Access Route: 6585-C Road (straightened)

Under this alternative the road access ROW will follow the existing 6585-C road going northerly from Powell Butte Highway to the southeast portion (Section 21) of the private property. At the intersection of Morrill Road and the 6585-C road the route will go directly north rather than going westerly down the existing road.

At this point the ROW will go through approximately 0.4 miles of relatively undisturbed BLM managed land. The ROW will extend approximately 4 miles, with a 60-foot width, for a total area of 21.8 acres of new disturbance. The 60-foot ROW is proposed to accommodate the roadway section and any necessary cut and fill slopes, drainage ditches, or culverts. The 60-foot ROW is required for a rural collector road as mandated by Deschutes County.

This northerly extension of the 6585-C road will eliminate the need to construct a paved road adjacent to the existing silt pond. It will also reduce sharp corners and the potential for out-of-direction travel on the road. The extension of the 6585-C road will connect with an existing dirt road on the northern edge of the North Unit Main Canal. In order to make the connection with the existing dirt road across the canal a new bridge will be built. This bridge will be built to meet county standards, which includes having a 30-foot running surface. The existing Bailey Bridge will be removed and the bridge-crossing site will be blocked.

Traffic currently using the existing Bailey Bridge on Morrill Road will be diverted north on existing roads to the new bridge crossing the North Unit Main Canal.

The new alignment of the roadway will be done to preserve trees and natural features and will use previously disturbed areas where possible to limit the disturbance of soil and vegetation, maintain wildlife habitat, and reduce the possibility of noxious weed invasions in the area.

Power, Cable and Telephone Route: Through Existing Roadbed

This alternative will have the power, cable, and telephone ROWs going in a common trench underground between Highway 97 and the resort. These utilities will follow the developed roadbed included in the ROW grant (OR-49075) held by Huntington Ranch LLC until the road reaches the Bonneville Power Administration maintenance road in T 16S., R 13 E., Section 7. At that point the ROWs will follow the existing primitive dirt road that continues and connects to the private property. The previous owners of the property used this dirt road to access the property and never fully developed the access in the authorized ROW grant (OR-49075). The length of this ROW corridor will be approximately 3 miles (5.5 acres of new disturbance). All trenching for the placement of the power, cable, and telephone lines will occur within the existing disturbed roadbed to limit disturbance to soil and vegetation, maintain wildlife habitat, and reduce the possibility of noxious weed invasions in the area.

Water, Sewer, and Natural Gas Route: PGE Pipeline

This water, sewer, and gas line route will parallel the existing PGE pipeline. Water and sewer will be extended north from the City of Bend sewage treatment plant approximately five miles to the proposed resort.

The proposed ROWs will extend approximately one mile easterly along the section line through relatively undisturbed BLM lands to the existing natural gas line. The parallel water, sewer, and natural gas lines will be routed northeasterly, parallel to the existing PGE gas line to the existing Morrill Road. At Morrill Road, the sewer and water lines will follow the proposed access ROW (6585-C, straightened) northerly to the private property. This alternative will include a 40-foot wide ROW for 5.26 miles for a total of 25.5 acres of new disturbance. Approximately 5,300 lineal feet of the parallel utilities will cross relatively undisturbed BLM managed lands between the Bend sewage treatment plant and the existing gas line. Placement of the water, sewer, and natural gas ROW corridor along the existing gas line ROW will reduce disturbance to soil and vegetation, maintain wildlife habitat and recreational opportunities, and limit the possibility of increasing noxious weeds in the area.

Alternative C:

Access ROW will be 6585 C road, maximizing the use of the existing ROW
Power, Cable and Telephone ROWs through existing roadbed
Water, Sewer and Natural Gas ROWs adjacent to the PGE Pipeline

Access Route: 6585 C, Maximize Use of the Existing ROW

Alternative C would originate on the Powell Butte Highway and follow the existing 6585-C road for most of its distance. It would intersect and follow the Morrill Road ROW for a distance of approximately one-half mile. The route would cross the North Unit Main Canal at the OMD's existing Bailey Bridge site and proceeds north adjacent to the canal in Section 28. As in Alternative B, the existing Bailey Bridge would be removed and a bridge would be constructed according to Deschutes County standards at the point where the route crosses the North Unit Main Canal. The access route would enter the resort in the southeast portion of the private property (Section 21) on the same existing dirt road as Alternative B.

This proposed ROW would be approximately 4.54 miles, with a 60-foot width, for a total of about 24.8 acres of new disturbance. The 60-foot ROW is proposed to accommodate the roadway section and any necessary cut and fill slopes, drainage ditches, or culverts. The 60-foot ROW is required for a rural collector road as mandated by Deschutes County.

Use of the existing road would limit the disturbance of soil and vegetation, maintain wildlife habitat, and reduce the possibility of noxious weed invasions in the area.

Power, Cable and Telephone Route: Through Existing Roadbed
Same as Alternative B

Water, Sewer and Natural Gas Route: PGE Pipeline
Same as Alternative B except that the water, sewer, and gas lines would follow the access ROW (6585-C) to the resort property.

Alternative D

Access ROW would be Morrill Road from Powell Butte Highway
Power, Cable, and Telephone ROWs through undisturbed ROW grant (OR 49075)

Water, Sewer and Natural Gas ROWs adjacent to the North Unit Main Canal

Access Route: Morrill Road from Powell Butte Highway

This alternative would develop a primary access on the easterly segment of the existing Morrill Road from Powell Butte Highway. The proposed easterly ROW would be approximately 4.92 miles, with a 60-foot width, for a total of about 26.8 acres of new disturbance. Approximately two-thirds of this alternative would be accommodated within the Deschutes County recognized public way known as Morrill Road. This alternative crosses at the existing Bailey Bridge site, continues adjacent to the North Unit Main Canal, and like the proposed access ROW in both Alternatives B and C, follows an existing dirt road bed the last 1.5 miles to the southeast portion of the private property (Section 21). Also like Alternatives B and C the existing Bailey Bridge would have to be removed and a new bridge would have to be constructed according to Deschutes County standards. In addition, to develop this access into the private property there would need to be a final design review by Deschutes County, to allow excavation

within the Powell Butte Highway ROW and on adjacent BLM managed lands. This excavation would be necessary to provide adequate intersection sight distance at the intersection of Morrill Road and Powell Butte Highway.

Use of the existing road for the primary access ROW would limit the disturbance of soil and vegetation, maintain wildlife habitat, and reduce the possibility of noxious weed invasions in the area.

Power, Cable, and Telephone Route: Through Undisturbed Area

Power, telephone, and television lines would be installed underground in a common trench, between Highway 97 and the resort. The previous owners of the private property, the Freight Wagon Owners Association, held an existing ROW grant, (OR-49075). This ROW has been assigned to Huntington Ranch LLC and this alternative would propose using that existing ROW grant for the utilities. Use of the existing ROW would limit the disturbance of soil and vegetation, maintain wildlife habitat, and reduce the possibility of noxious weed invasions in the area. Approximately 2.39 miles with a 20-foot width for approximately 3.3 acres would be newly disturbed for construction of these underground utilities. In addition, a year-round access road would need to be created along the entire route of these underground utilities (Hoyt, 11/26/01). This access road would need to be 20 feet wide. The development of this access road for maintenance would cause an additional disturbance of approximately 2.4 acres.

Water, Sewer, and Natural Gas Route: North Unit Main Canal

This water, natural gas, and sewer canal route alternative would parallel the existing North Unit Main Canal to the private property boundary. Underground water, natural gas, and sewer pipelines would extend from the City of Bend, nearly 5 miles north to the proposed resort property.

The proposed ROW would be approximately 4.92 miles with a 40-foot ROW for a total of 23.8 acres of new disturbance. The proposed alignment would parallel the North Unit Main Canal ROW grant. Discussions with Bureau of Reclamation (BOR) and the North Unit Irrigation District (NUID) have been initiated.

Alternative E

Access ROW would be Morrill Road from Deschutes Junction
Power, Cable, and Telephone ROWs through undisturbed ROW grant (OR
49075)

Water, Sewer, and Natural Gas ROWs adjacent to the North Unit Main Canal

Access Route: Morrill Road from Deschutes Junction, Highway 97

This alternative access route follows Morrill Road from the west going easterly toward the Bailey Bridge for 4.8 miles and then like proposed access ROW in both Alternatives B, C and D follows an existing dirt road bed the last 1.5 miles to the southeast portion of the private property (Section 21) for a total of 6.3 miles. This westerly section of Morrill Road comes from Deschutes Junction off of Highway 97, and specifically from the Boonesborough Subdivision at Deschutes Junction. The ROW would be a 60-foot width, to comply with

Deschutes County standards for a rural collector road, for a total disturbed area of approximately 34.4 acres of new disturbance.

Power, Cable, and Telephone Route: Through Undisturbed ROW grant (OR 49075)

Same as Alternative D

Water, Sewer, and Natural Gas Route: North Unit Main Canal

Same as Alternative D

Mitigation Measures:

All practical means to avoid or minimize environmental harm have been adopted under Alternative B in the following manner.

Table 1

<u>Impacts</u>	<u>Mitigations</u>
Soils	Sections 2.7.2, 2.7.3, and 2.7.10.3 of the EA. Alternative B creates the least amount of disturbance to vegetation of all the action alternatives with approximately 52.8 acres of new disturbance out of an area of approximately 34,500 acres.
Vegetation	Sections 2.7.2, 2.7.3, 2.7.10.3, 2.7.10.4, and 2.7.10.5 of the EA. Alternative B creates the least amount of disturbance to vegetation of all the action alternatives with approximately 52.8 acres of new disturbance out of an area of approximately 34,500 acres.
Noxious Weeds	Section 2.7.10.4 of the EA. The applicant will follow BLM standards for noxious weed suppression.
Water Quality and Quantity	Section 4.4.3 of the EA describes that the Oregon Water Resources Department (OWRD) has not determined the location and type of mitigation that may be needed to mitigate Avion Water Company's use of water rights. Streamflow reductions due to Avion's mitigation measures to meet water needs for the resort are likely to be immeasurable. Potential for chemical run-off or water contamination is minimized by the area's lithology, terrain, through the revegetation of disturbed areas, and the golf course's design.
Wildlife Habitat	Section 2.7.1 of the EA. Public land mitigations are found in the Wildlife Situation Report. Private land mitigations regulated by the State of Oregon are found in the Wildlife Mitigation Agreement between ODFW and Huntington Ranch LLC.
Recreation	Sections 2.7.2 and 2.7.3 of the EA
Visual Resources	Sections 2.7.2 and 2.7.4 of the EA.
Cultural Resources	Sections 2.7.7 of the EA contains standard mitigations;

	Sections 4.8.2- 4.8.2.2 other mitigations.
Wildfire and Public Safety	Sections 2.7.2, 2.7.5, and 2.7.9 of the EA
Livestock Grazing	Sections 2.7.2 and 2.7.6 of the EA
Oregon Military Department	Use of the 6585-C road will minimize the civilian and military interface. Sheridan road remaining unpaved is a mitigation for the Military's permitted activities.
Traffic, Noise, and Pollution	Section 1.2.2.7 of the EA. BLM defers to the County and State on the issues of traffic, noise, and pollution.
Sewer and Water Systems and groundwater filtration	In Alternative B, Avion Water Company will provide water to the resort. Avion's use of their existing water rights may require mitigation, which is regulated by the State of Oregon through the OWRD. In Alternative B, sewage treatment for the resort will be provided by the City of Bend, which is preferred by the State of Oregon (Oregon Department of Environmental Quality).
Hazardous Materials	Sections 2.7.2 and 2.7.10.6 of the EA.

Compliance and Monitoring:

The right-of-way grant will contain terms and conditions requiring compliance with environmental quality standards pursuant to Federal or State law. Such terms and conditions are intended to provide efficient management of the lands subject to the right-of-way and to protect the interest of individuals living in the area as well as the public interest in the Federal lands.

Right-of-way grants will be monitored to ensure that development is consistent with the terms and conditions of the grant. A prework conference will be conducted with Huntington Ranch, LLC, an authorized officer from BLM, a representative from Bureau of Reclamation, a representative from PGE Gas Transmission Northwest, a representative from Oregon Military Department and others to discuss the stipulations of the grant and plans for construction. BLM personnel will perform monitoring during and after construction.

Terms / Conditions / Stipulations:

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. The right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The map set forth in Exhibit A, attached hereto, is incorporated into and made a part of this grant instrument as fully and effectively as if it were set forth herein in their entirety.

- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. Any human remains, cultural and/or paleontological resource (historic or prehistoric or vertebrate fossil site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land shall be immediately reported by telephone to the authorized officer. The Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and any decision regarding proper mitigation measures will be made by the authorized officer after consulting with the Holder. In some cases it may be necessary to suspend authorized operations in the area of the discovery for as much as 30 days.
- h. All cultural resource work, including a final report approved by BLM, shall be completed within 120 days of this Decision.
- i. In the event the holder sells the property the holder is responsible for completing an assignment to transfer this authorization to the new landowner.
- j. The holder shall obtain a Consent Permit from the Bureau of Reclamation to build the bridge over the North Unit Irrigation Main Canal.
- k. The holder shall obtain a Consent to Common Use from PGE Gas Transmission Northwest prior to building the access road over the pipeline.

Construction

- l. The holder shall obtain the services of a licensed professional engineer to locate, survey, design, and construct the proposed road as directed by the authorized officer. The road design shall be based on the (1) width, (2) maximum grade, and (3) design speed of the road.
- m. The holder shall submit a plan of development that describes in detail the construction, operation, maintenance, and termination of the right-of-way and its associated improvements and/or facilities. The plan shall include drawings in sufficient detail to enable a complete evaluation of all proposed structures, facilities, and landscaping to ensure compliance with the requirements of the grant and to ensure visual compatibility with the site. These drawings shall be the construction documents and must show dimensions, materials, finishes, etc. to demonstrate compliance with all requirements. The plans will be reviewed and, if appropriate, modified and approved by the authorized officer. An approved plan of development shall be made a part of the right-of-way grant.
- n. The holder shall flag the roadway and have a meeting at the site with authorized officers from BLM, BOR, OMD, and PGE for their approval.

- o. The holder shall conduct a prework meeting with all affected parties prior to any construction activity.
- p. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
- q. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 2 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
- r. The holder will construct the road to meet Deschutes County Rural Collector Road Standards, which includes a paved 32 foot width to accommodate bike lanes.
- s. The holder will construct the bridge to meet Deschutes County Standards, which includes having a 30 foot running surface.
- t. During construction the holder will attempt to imitate natural forms found in the landscape.
- u. The holder will design the road in a manner that the buried water pipeline in the Crenshaw Allotment, remains functional.
- v. During construction of the access road, the holder shall adhere to the basic fire safety rules as specified in the Central Oregon Fire Management Safety regulations.
- w. During the construction of the road the holder shall camouflage user created roads in existence within 20 feet adjacent to the fence outside the ROW with large rock and rehabilitated vegetation.
- x. The holder shall wash all construction equipment before and after use.
- y. The holder shall use weed-free surface and fill material if additional is needed.
- z. The holder shall cease all construction activity within ¼ mile of a northern goshawk nest and apply a noise/construction buffer around the nest with a seasonal restriction of March 1 - July 31, if one is discovered before or during construction.
- aa. The holder shall avoid destroying or damaging any western burrowing owl burrows. If one is discovered before or during construction, a 200 meter buffer shall be placed around the burrow to avoid damaging both primary and secondary entrances and any potential tunnels.
- bb. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
- cc. The holder shall maintain construction sites in a sanitary condition at all times: waste materials at those sites will be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded material including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment.

- dd. The holder shall implement a litter-policing program, approved in writing by BLM.
- ee. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. The holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the ROW.
- ff. The holder shall be required to report any release of toxic substances (leaks, spills, etc) in excess of reportable quantity established by 40 CFR, part 117 as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State Government as a result of a reportable release or spill of any toxic substances will be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

Vegetation

- gg. The holder shall mark all trees to be removed with flagging and obtain BLM's approval prior to cutting operations.
- hh. The holder shall cut the trees down to a stump height of no more than 8 inches, with all branches removed from the remaining stump. All snags or trees with potential nest cavities will be left if possible. Following reseedling, all cut trees will be scattered on disturbed BLM managed land within the ROW or other areas approved by BLM.
- ii. The holder shall retain all old-growth juniper snags and juniper with cavities.
- jj. The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season.
- kk. The holder shall reseed disturbed areas as soon as possible between the established time frames of October 1st and February 1st.
- ll. The holder shall use the following seed mixture or another mixture approved by BLM;

40% western wheatgrass,
30% bluebunch wheatgrass, and
30% bottlebrush squirreltail

All seed mixture will be 100% pure live seed and certified weed-free. The holder will provide BLM with a seed testing report prior to planting any seed.

- mm. The holder shall suppress noxious weeds according to the BLM standards for noxious weed suppression for a period of three years following construction. A licensed, with the State of Oregon, applicator using herbicides at an application rate approved by BLM.

Fencing and Signs

- nn. The holder is responsible to install and maintain a fence on both sides of the access road to BLM specifications. No stays will be placed in the fence. White flagging is required on the top of every other fence post to assist wildlife for at least a six month period.
- oo. The holder shall install and maintain cattle guards and gates on both sides of the road at openings. Openings will occur on each side of the road to accommodate county recognized public ways, the North Unit Main Canal, PGE Pipeline, and any power lines. The gates will be either 12 or 14 foot metal gates with a H-brace on each side next to the cattle guard.
- pp. The holder shall install and maintain a 4 foot pedestrian gate on both sides of the paved route adjacent to the locked gates at the North Unit Main Canal and the PGE Pipeline.
- qq. The holder shall install and maintain signs on the fencing directing the public to the next gated entrance or exit to cross the roadway and which state, "Patrols of the Area Occur", "No Dumping" and "Open Range, Watch for Livestock on the Road" or signs otherwise approved by BLM.
- rr. The holder shall install informational bulletin boards; at the entrance of the paved access road, at the resort exit onto the paved access road, and at the OHV/pedestrian gates for the North Unit Main Canal maintenance road, as approved by BLM. The holder shall also install informational bulletin boards at the entrance of this road and at the pedestrian gates for North Unit Main Canal and PGE Pipeline, also approved by BLM.
- ss. The holder shall install and maintain speed signs which state that the speed limit will be established and enforced.

Robert B. Towne
Deschutes Field Manager

Date

Attachment:
Map