

RECLAMATION

Managing Water in the West

Indian Rock Estates Access Road Easement Finding of No Significant Impact and Final Environmental Assessment

**Prineville Reservoir
Crooked River Project
Prineville, Oregon**



Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Finding of No Significant Impact

PN-FONSI 06-05

Final Environmental Assessment for Indian Rock Estates Access Road Easement

Introduction

The Bureau of Reclamation (Reclamation) has completed an environmental assessment on a request to grant an access easement across Reclamation administered lands at Prineville Reservoir, Oregon. The developer intends to develop a housing subdivision on private lands beyond Reclamation's boundary. This requested easement is the only way to access his property.

Alternatives Considered

The National Environmental Policy Act (NEPA) requires Reclamation to explore a reasonable range of alternatives and to evaluate the environmental effects of these alternatives. Two alternatives were evaluated and compared in the environmental assessment: a No Action Alternative and a Grant Access Easement Alternative.

No Action Alternative

Under the No Action Alternative, the easement would not be granted and the subdivision would not be built. No other access to the developer's land has been identified.

Grant Access Easement Alternative

Under the Grant Access Easement Alternative, Reclamation would grant access with an easement across Federal lands to allow development and construction of a housing subdivision.

Recommended Alternative

Reclamation proposes to implement the Grant Access Easement Alternative, the preferred alternative, which would grant the requested access. Construction activities associated with the Grant Access Easement Alternative are expected to have only short-term and minor adverse impacts on the resources analyzed, compared to the No Action Alternative. Long-term environmental consequences are expected to be mitigated by following the environmental commitments. The

environmental commitments are expected to become part of the access easement, and significant environmental impacts will, therefore, be avoided.

Environmental Commitments

Long-term environmental consequences are expected to be mitigated by following the environmental commitments. The environmental commitments are expected to become part of the access easement, and significant environmental impacts will, therefore, be avoided.

- The Applicant will inform the residents of the subdivision about the rules and regulations regarding use of adjacent and nearby public lands. The Applicant also will cooperate with Reclamation, the Bureau of Land Management (BLM), Crook County Sheriff's Office, Oregon State Police, and/or the Oregon Department of Park and Recreation to ensure that the subdivision does not become a staging area for recreational activities that could threaten wintering deer and sensitive raptor nesting sites. These activities could include motorized uses, such as off-road vehicle use (e.g., all-terrain vehicles and motorcycles) and nonmotorized uses (e.g., hiking, mountain biking, horseback riding).
- Construction areas, including storage yards, will limit the amount of waste material and trash accumulations at all times.
- All unused materials and trash will be removed from construction and storage sites during the final phase of work. All removed material will be placed in approved sanitary landfills or storage sites, and work areas will be left to conform to the natural landscape.
- Precautionary measures, such as routine equipment cleaning and prohibiting contaminated soils from entering the project area, will be implemented to reduce the spread of noxious weeds and other undesirable plants.
- Upon completion of construction, any land disturbed outside the limits of the permanent road and other permanent facilities will be graded to provide proper drainage and to blend with the natural contour of the land. Following grading, only plants native to the site, suitable for the site conditions, will be used to revegetate.
- Native bunchgrass and forb species will be used to revegetate within the easement; to deter deer from gathering along the road, shrub species that attract deer (e.g. bitter brush) will not be planted.
 - Where applicable, the following agencies will be consulted to determine the recommended plant species composition, seeding

rates, and planting dates: Oregon Department of Fish and Wildlife, U.S. Natural Resources Conservation Service (NRCS), Oregon Parks and Recreation Department, and BLM.

- Grasses, forbs, shrubs, and trees appropriate for site conditions and surrounding vegetation will be included on a plant list developed during site design. Species chosen for a site will be matched for site drainage, climate, shading, resistance to erosion, soil type, slope, and aspect. Revegetation shall match the plant list to the site's soil type, topographic position, elevation, and surrounding communities.
- All sites that are disturbed for construction of roads and buildings shall be actively monitored for noxious weeds and other undesirable plants. If noxious weeds are discovered in the project area, they will be controlled. All infestations will be treated in accordance with accepted methods, e.g., Crook County practices and Reclamation's Integrated Pest Management Plan. The area shall continue to be monitored at least once annually, followed by aggressive weed control efforts.
- If any problems or changes in the bald eagles behavior resulting from the proposed action are observed, all ground disturbing activities in the immediate area would be stopped and consultation with the FWS initiated to determine the appropriate steps to avoid impacting the species.
- Keeping dogs contained within resident's property to prevent them from chasing or harming wildlife will be added to the Indian Rock Estates Declaration of Covenants, Conditions, and Restrictions.
- Open space within the development will not include fencing that would impede wildlife movement through the area.
- All roads, trails, and new or upgraded facilities shall employ designs that will not contribute to short- or long-term soil loss during and following construction and revegetation.
- The design and construction of roads will employ practices to prevent soil erosion and subsequent water quality impacts. Settling basins may be required above culverts to reduce erosion. Cuts and fills for new roads will be sloped to facilitate revegetation. Disturbed areas will be revegetated as soon as possible after construction.
- The access road will fit the proposed development to the existing landforms in a manner that minimizes the size of cuts and fills to reduce visual impacts from earthwork.

- If archeological material or human remains are found on Federal lands during construction, the contractor must halt all construction activities in the vicinity of the discovery and contact Reclamation's Regional Archeologist immediately. If discoveries occur on private lands, then Oregon State statutes will apply. In that event, all construction would halt in the vicinity of the discovery and the Oregon State Historic Preservation Officer would be notified. Under State law (Oregon Revised Statutes 358.905-955) it is a Class B misdemeanor to impact an archeological site on public or private land in Oregon. Impacts to Native American graves and cultural items are considered a Class C felony (Oregon Revised Statute 97.740-760).

Consultation and Coordination

Agency Consultation

The following agencies were consulted in preparation of this environmental assessment:

- Confederated Tribes of the Warm Springs Reservation of Oregon, Warm Springs
- U.S. Fish and Wildlife Service, Bend
- Bureau of Land Management, Prineville
- Oregon Department of Fish and Wildlife, Prineville
- State Historic Preservation Office, Oregon State Parks and Recreation Branch, Salem
- Crook County Assessor's Office, Prineville
- Crook County Planning Department, Prineville

Endangered Species Act, Section 7

Informal consultations under Section 7 of Endangered Species Act of 1973, as amended (ESA) were conducted with the U.S. Fish and Wildlife Service (FWS) to address any impacts of granting an access easement across Reclamation land.

On October 19, 2005, Reclamation sent FWS a letter requesting information on ESA listed species within the project area. On October 21, 2005, FWS sent a list of ESA-listed species that may occur in Crook County.

National Historic Preservation Act Consultation and Native American Graves Protection and Repatriation Act

In compliance with section 106 of the National Historic Preservation Act of 1966 (NHPA) (as amended in 1992) Reclamation consulted with the Oregon State Historic Preservation Officer to identify historic properties in the area of potential effect. In early June 2006, Reclamation sent the SHPO a copy of the final cultural resources report and requested concurrence on the efforts and actions taken to meet the section 106 requirements. The cultural resources contractor determined

that there were no known historic properties in the proposed project area, the isolated prehistoric finds encountered during the survey were not eligible for the National Register of Historic Places, and probable impacts on historic properties were unlikely. Reclamation concurred with the contractor's findings that the proposed grant access easement would not affect historic properties. The SHPO responded to Reclamation on June 29, 2006, and concurred that the proposed action will have no effect on historic properties and that the efforts and actions taken meet the section 106 requirements. Following issuance of the draft EA, the SHPO again responded that the project "will have no effect on any known cultural resources. No further archeological research is needed with this project."

Public Involvement

On April 6, 2006, Reclamation sent a scoping letter and graphic showing the location of the proposed project to more than 50 individuals; organizations, local media; and local, State, and Federal government agencies requesting issues or concerns about the proposed easement be identified to Reclamation. A news release was also distributed to the press and posted on Reclamation's Web site.

Reclamation received six comments. The comments expressed concern about the proximity of the proposed action to deer winter range and prairie falcon nests and the effects of the proposed action on visual quality; comments also expressed support for the proposed action.

The draft EA was distributed for public review and comment. Copies were provided to those requesting it, and a news release was issued. The draft EA was available for public review in local libraries, Reclamation offices, and on a Reclamation Web site. In addition, paper and CD-ROM copies were available upon request.

Following the close of the public review and comment period, Reclamation considered all written comments in preparing the final EA and Finding of No Significant Impact.

Public Comment Summary and Changes to Final Environmental Assessment

Reclamation received five comments on the draft EA. Three letters indicated support for the project; one letter from the Oregon SHPO reaffirmed the proposed action would have no effect on cultural resources; and one letter from the Oregon Department of Fish and Wildlife expressed concern about the subdivision becoming a staging area for recreational activities that could threaten wintering deer and sensitive raptor nesting sites. In response to this comment, the following was added to the list of Environmental Commitments:


- The Applicant will inform the residents of the subdivision about the rules and regulations regarding use of adjacent and nearby public lands. The Applicant also will cooperate with Reclamation, the Bureau of Land Management (BLM), Crook County Sheriff's Office, Oregon State Police, and/or the Oregon Department of Park and Recreation to ensure that the subdivision does not become a staging area for recreational activities that could threaten wintering deer and sensitive raptor nesting sites. These activities could include motorized uses, such as off-road vehicle use (e.g., all-terrain vehicles and motorcycles) and nonmotorized uses (e.g., hiking, mountain biking, horseback riding).

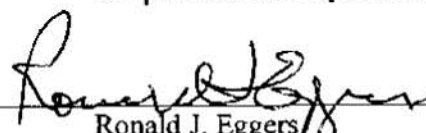
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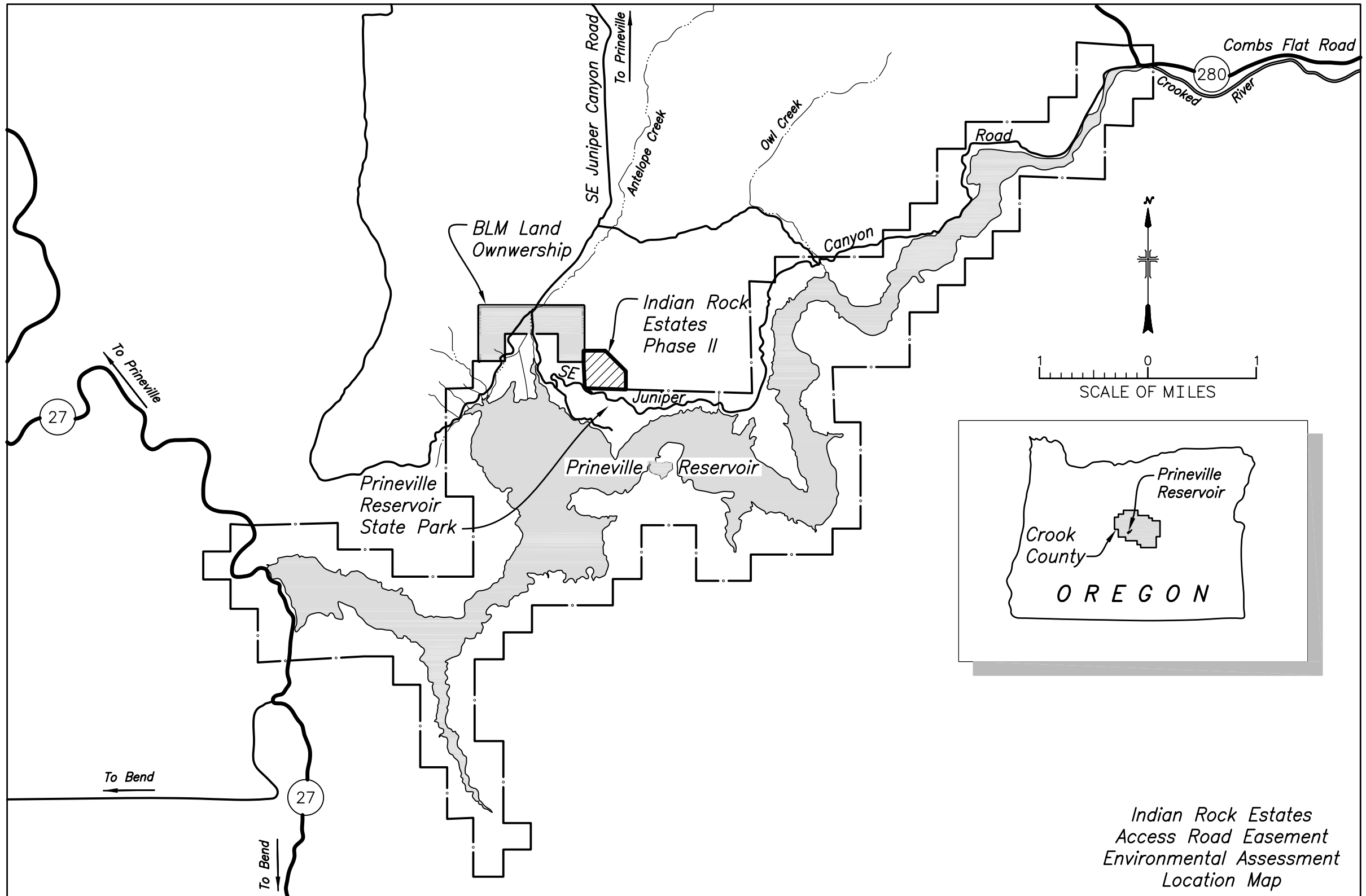
Reclamation's analysis showed that construction activities associated with the Grant Access Easement Alternative, which would grant the requested access with an easement across Federal lands to allow development and construction of a housing subdivision, are expected to have only short-term and minor adverse impacts on the resources analyzed, compared to the No Action Alternative. Long-term environmental consequences are expected to be mitigated by following the environmental commitments listed above. The environmental commitments are expected to become part of the access easement, and significant environmental impacts will, therefore, be avoided.

Conclusion

On the basis of a thorough review of the comments received, analysis of the environmental impacts as presented in the final EA, section 7 consultation under ESA, section 106 consultation under NHPA, coordination with various agencies, and implementation of all environmental commitments identified in the final EA, Reclamation has concluded that granting the access easement would have no significant impacts on the quality of the human environment or the natural resources of the area. Therefore, an environmental impact statement will not be prepared. This FONSI has been prepared to document environmental review and evaluation in compliance with the Council on Environmental Quality's regulations for implementation of the National Environmental Policy Act of 1969.

Recommended:  Date: 9/19/2006
Tanya Sommer
Natural Resource Specialist

Approved:  Date: Sept 19, 2006
Ronald J. Eggers
Lower Columbia Area Office
Portland, Oregon



*Indian Rock Estates
Access Road Easement
Environmental Assessment
Location Map*

Summary

A developer has requested an easement on Bureau of Reclamation (Reclamation) property to construct a road to access his land where he intends to develop a housing subdivision. This environmental assessment (EA) presents the evaluation of the environmental and cultural resources that may be affected by Reclamation's decision and provides an opportunity for the interested public, Native American tribes, governments, and organizations to provide input that will inform Reclamation's decision.

Purpose of and Need for Action

Reclamation has received a request to grant an access easement across Reclamation administered lands at Prineville Reservoir. Reclamation must review the Applicant's request and decide to grant or deny the requested access. The developer intends to develop a housing subdivision on private lands beyond Reclamation's boundary. This requested easement is the only way to access his property.

Authorization

Reclamation's authority to grant easements is stated in the 1939 Reclamation Project Act: "The Secretary, in his discretion, may (b) grant . . . easements or rights-of-way with or without limitation as to period of time affecting lands or interest in lands withdrawn or acquired and being administered under the Federal reclamation laws in connection with the construction or operation and maintenance of any project. . . ."

Alternatives

Two alternatives were evaluated and compared in this document: a No Action Alternative and a Grant Access Easement Alternative.

No Action Alternative

Under the No Action Alternative, the easement would not be granted and the subdivision would not be built. No other access to the developer's land has been identified.

Grant Access Easement Alternative

The Federal action is to grant access with an easement across Federal lands to allow development and construction of a housing subdivision.

Summary Comparison of the Environmental Impacts of the Alternative

Construction activities associated with the Grant Access Easement Alternative are expected to have only short-term and minor adverse impacts on the resources analyzed, compared to the No Action Alternative. Long-term environmental consequences are expected to be mitigated by following the environmental commitments listed at the end of this report. The environmental commitments are expected to become part of the access easement, and significant environmental impacts will, therefore, be avoided.

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Chapter 1. Purpose and Need

A developer has requested an easement on Bureau of Reclamation (Reclamation) property to construct a road to access his land where he intends to develop a housing subdivision. This environmental assessment (EA) presents the evaluation of the environmental and cultural resources that may be affected by Reclamation's decision and provides an opportunity for the interested public, Native American tribes, governments, and organizations to provide input that will inform Reclamation's decision.

Purpose of and Need for Action

Reclamation has received a request to grant an access easement across Reclamation administered lands at Prineville Reservoir. Reclamation must review the Applicant's request and decide to grant or deny the requested access. The Applicant intends to develop a housing subdivision on private lands beyond Reclamation's boundary. This requested easement is the only way to access his property.

General Description of the Area

The study area is located on the Crooked River in Crook County, Oregon, about 20 miles upstream from Prineville, Oregon (frontispiece map). The city of Bend is about 25 miles to the southwest. The Congressional Act of August 6, 1956 (Chapter 980, 70 Statute 1058) authorized construction by the Secretary of the Interior of the Crooked River Federal Reclamation Project to provide water for irrigation of arid and semi-arid lands, flood control, basic minimum recreation facilities, and minimum stream flows for fish and wildlife enhancement. Bowman Dam was constructed between 1958 and 1961 as part of the Crooked River Project.

The Applicants private lands (about 75 acres) are north of Prineville Reservoir and known as Indian Rock Estates, Phase II. The access road easement area is shown on figure 1.

Background

Land Acquisition and Development Company (Applicant) of Fox, Oregon, owns 472 acres of undeveloped land adjacent to Reclamation administered land at Prineville Reservoir, approximately 20 miles from Prineville, Oregon. The Applicant intends to develop Indian Rock Estates, a residential housing

Indian Rock Estates, Access Road Easement
Final Environmental Assessment

subdivision, in two phases. Development plans show 25 lots planned for Phase I and 16 lots for Phase II. The easement request concerns only Phase II of the housing development. Phase I can be accessed without crossing Reclamation lands and, therefore, Reclamation has no decision to make regarding Phase I.

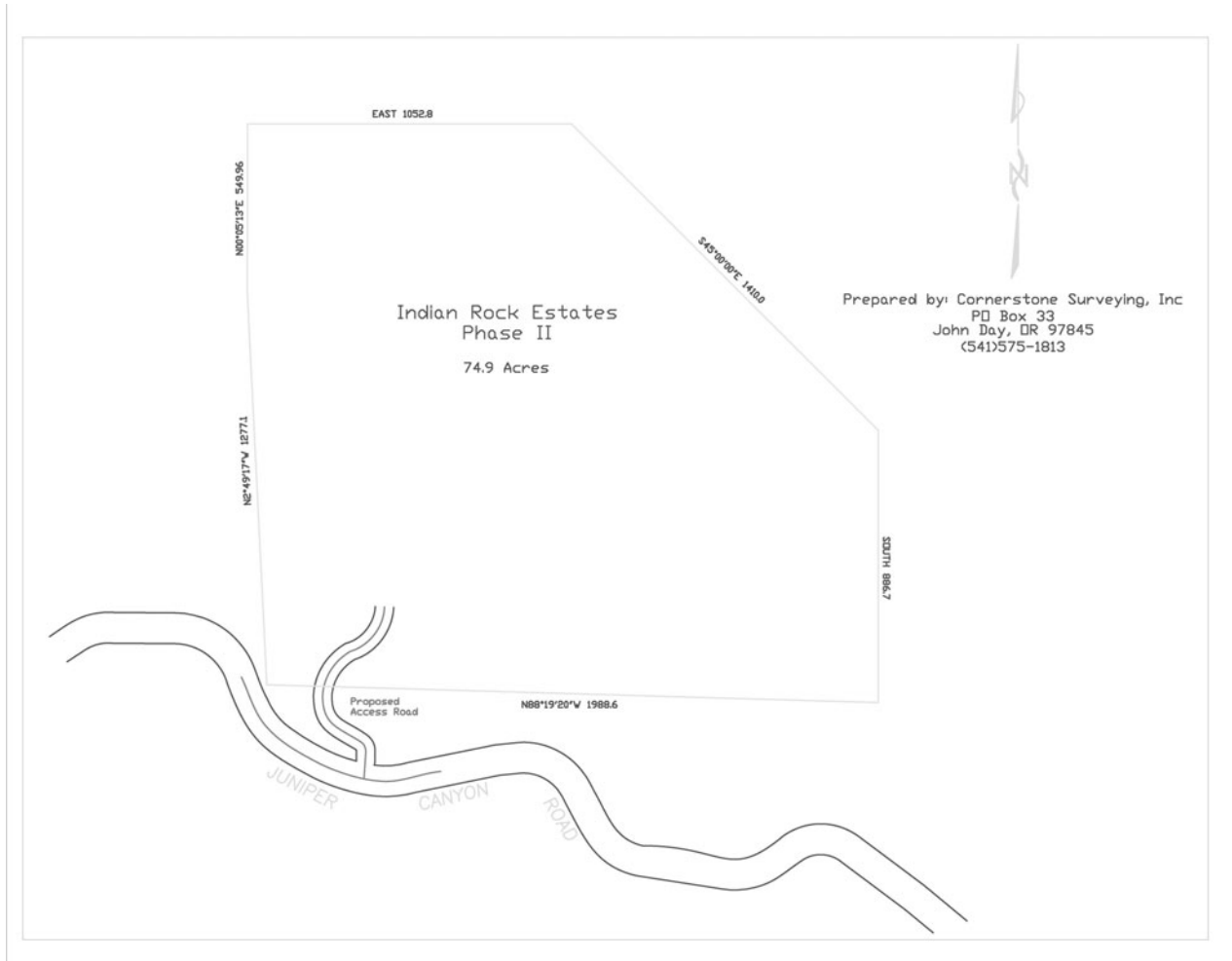


Figure 1. Location of the access road in relation to Juniper Canyon Road.

The Applicant has requested an easement that is approximately 100 feet wide and 330 feet long to connect the future Phase II entrance road with SE Juniper Canyon Road on the north side of Prineville Reservoir (Section 32 Township 16S Range 17E Willamette Meridian, Crook County). The requested easement is for an area of approximately 0.73 acre on a steep slope. Beyond the easement, the private, gated road will form a loop through the Phase II subdivision. The road will not be accessible to the public and will not extend outside of the Phase II subdivision area.

Reclamation Authority, Policy, and Resource Management Plan

Reclamation's authority to grant easements is stated in the 1939 Reclamation Project Act: "The Secretary, in his discretion, may (b) grant . . . easements or rights-of-way with or without limitation as to period of time affecting lands or interest in lands withdrawn or acquired and being administered under the Federal reclamation laws in connection with the construction or operation and maintenance of any project. . . ."

In addition, Reclamation's Directives and Standard LND 08-01, item 3.F(1) in the Reclamation Manual regarding land use authorizations states, "Reclamation will prohibit any new exclusive private/semi-private use of Reclamation land unless directed otherwise in specific authorizing legislation. Reclamation may only authorize private access roads when no alternative access exists and where compatible with Reclamation project purposes."

In 2003, Reclamation issued its Prineville Reservoir Resource Management Plan (RMP). The RMP was developed in participation with Reclamation's managing partners, the Oregon Parks and Recreation Department (OPRD), which manages Prineville State Park, and the Oregon Fish and Wildlife Department (ODFW), which manages the State Wildlife Area (SWA). The public participated with Reclamation in developing the RMP through a working group, public meetings, and written comments. The outcome was a plan for the future use and development of Prineville Reservoir for recreation, natural resources, and other uses not related to the operation of the reservoir for water supply.

Through its public involvement process, Reclamation learned during the development of the RMP that the public is interested in limiting the access to private lands from Reclamation lands at Prineville Reservoir. The RMP addressed this issue in:

1. Management Action REC 4.4.3 which says, "Limit new private access roads across Reclamation land to maintain the area's existing character and visual quality."
2. Objective LMI 1.2 which says, "Work with surrounding landowners and adjacent jurisdictions to minimize impacts of the RMP implementation on private lands and impacts from private lands on Reclamation lands."
3. Objective LMI 1.5, "Coordinate with BLM and Crook County to address access to adjacent private lands from Reclamation lands, explore opportunities for trail linkages and other forms of recreation, viewshed impacts, and general land management considerations on lands outside of Reclamation's ownership."

Relationship to Other Projects and Activities

Prineville Reservoir Resource Management Plan

As discussed previously, in 2003, Reclamation issued its Prineville Reservoir RMP. OPRD, a Reclamation managing partner at Prineville Reservoir, and Reclamation developed several alternatives for future recreational development at the reservoir. The RMP is a tool to effectively manage the natural resources, recreational developments and opportunities, and to involve the public in the planning process.

Powder House Cover Day Use Area

OPRD is currently planning and designing the Powder House Cover Day Use Area, which was conceptually described in the RMP. The purpose of this project is to correct safety and health/sanitation issues at the existing unimproved facility. These improvements include constructing a new entrance road off the highway, signing, and providing adequate onsite parking for day use, plus an ADA (Americans with Disabilities Act) accessible boat launch facility and accessible parking area.

Prineville Reservoir Repeater Tower Environmental Assessment

The Prineville Reservoir Repeater Tower Environmental Assessment documents the potential environmental and social impacts of a repeater tower in the area. Reclamation identified inadequacies in the available radio communications coverage at Arthur R. Bowman Dam and Prineville Reservoir. Construction is now scheduled for completion by September 30, 2006.

Bureau of Land Management Upper Deschutes RMP

The Bureau of Land Management (BLM) is currently in a planning process for the Upper Deschutes RMP, which includes lands adjacent to Reclamation lands at Prineville Reservoir. A final EIS for the Upper Deschutes RMP was released in January 2005 and the Record of Decision was issued in September 2005.

Oregon Parks and Recreation Department Master Plan

OPRD is working with Reclamation to develop a combined Resource Management Plan/Master Plan (RMP/MP) for the management of Prineville Reservoir recreation lands. While the RMP planning period is for the next 10 years, the Master Plan period is for the next 25 years, which allows for an efficient approach to developing recreation sites in a phased manner with a desired future condition clearly identified. OPRD also provides recreation management, protection, administration, and maintenance on those lands currently under a wildlife management agreement with ODFW. OPRD's lease agreement with Reclamation expires in 2037 and will be renewed if desired by both parties and if terms and conditions are mutually agreeable.

Dam Safety Study

Reclamation is investigating the safety of Arthur R. Bowman Dam at Prineville Reservoir regarding the potential for flood waters to overtop the dam.

Reclamation is evaluating the flood hydrology and risk assessment to develop a range of alternatives that offer an appropriate level of protection. A hydraulic model study was conducted, and safety of dams studies are currently underway.

Bowman Dam (Prineville Reservoir) Bypass Construction Project

Prineville Reservoir, a feature of Reclamation's Crooked River Project, was authorized by the Act of August 6, 1956, to provide storage for irrigation and flood control purposes, along with basic minimum public health and safety facilities. A minimum 10 cubic feet per second (cfs) for fish and wildlife enhancement is authorized when irrigation or flood releases are not occurring. Construction of the bypass will allow Reclamation to maintain streamflows below Bowman Dam to protect fish resources in the Crooked and lower Deschutes River. The bypass will allow water to be constantly released to prevent the river from drying up, but will not allow for regular maintenance of the regulating gates or the concrete structures below the gates without shutting down flows in the river.

Prineville Reservoir Reallocation Study (PRRS)

The Crooked River Project was authorized in 1956 to provide irrigation, flood control, basic minimum health and safety facilities, and fish and wildlife enhancement, requiring a minimum 10 cfs release from the dam when releases for irrigation or flood control are not occurring. Prineville Reservoir has an active storage capacity of 148,633 acre-feet; of this amount, 80,360 acre-feet remains uncontracted.

Reclamation received requests in the 1970s for formal reassignment of uncontracted space for reservoir recreation, fish, wildlife, and domestic, municipal, and industrial water supplies. Reclamation also received requests for additional irrigation contracts. Reclamation placed a moratorium on the sale of the uncontracted storage space to conduct comprehensive analyses of alternative uses of uncontracted space. Irrigation is the only use of uncontracted storage that is within the intent of the original act; other uses require congressional re-authorization.

Public meetings and Reclamation studies resulted in a 1980 Special Report recommending a reallocation plan to include irrigation; fish; reservoir recreation; and domestic, municipal, and industrial uses. The hearing proved contentious, Reclamation did not pursue reauthorization, and the moratorium remains in effect. Irrigators' concerns about their share of safety of dam costs at Bowman Dam rekindled the PRRS in the late 1980s. Reclamation attempted to negotiate a consensus solution among interested parties based on the information in the 1980 report, but was unsuccessful in obtaining consensus on a reallocation plan.

Additional contract requests in the mid-1990s prompted Reclamation to pursue the most recent investigation in 1997. Cooperating agencies were convened and scoping meetings were conducted. Potential uses of uncontracted space identified included irrigation; reservoir recreation; instream flows; and domestic, municipal,

and industrial uses. Reclamation suspended further study because of funding constraints and uncertainties related to Endangered Species Act consultations on continued operations of the Crooked River Project.

Decision to Make

The National Environmental Policy Act of 1969 (NEPA) requires Federal agencies to evaluate the environmental impacts of its proposals and actions. The request made by the Applicant for access to private lands across Reclamation lands may have adverse impacts to the environment and/or cultural resources. This document was prepared to determine if adverse impacts would result from a decision to grant the request and whether preparation of an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI) was appropriate. Reclamation concluded that granting the access easement would have no significant impacts on the quality of the human environment or the natural resources of the area. Therefore, an environmental impact statement will not be prepared. A FONSI was prepared to document environmental review and evaluation in compliance with the Council on Environmental Quality's regulations for implementation of the National Environmental Policy Act of 1969.

Scoping Process and Issues

On April 6, 2006, Reclamation sent a scoping letter and graphic showing the location of the proposed project to more than 50 individuals; organizations; local media; and local, State, and Federal governmental agencies requesting issues or concerns about the proposed easement be identified to Reclamation. A news release was also distributed to the press and posted on Reclamation's Web site.

Reclamation received four comments; two by e-mail and two by U.S. mail. Details of the public involvement process are provided in chapter 4.

Chapter 2. Alternatives

This chapter explains the alternatives considered. At the end of this chapter is a summary comparison of the environmental impacts of the alternatives. Because this assessment is prepared to determine the impacts of granting the easement compared to the No Action Alternative, only the action and No Action Alternatives are considered.

No Action Alternative

Under the No Action Alternative, the easement would not be granted and the subdivision would not be built. No other access to the developer's land has been identified and Reclamation would formulate none.

Grant Access Easement Alternative

The Federal action is to grant access with an easement across Federal lands to allow development and construction of a housing subdivision.

Summary Comparison of the Environmental Impacts of the Alternative

Construction activities associated with the Grant Access Easement Alternative are expected to have only short-term and minor adverse impacts on the resources analyzed, compared to the No Action Alternative.

Long-term environmental consequences are expected to be mitigated by following the environmental commitments at the end of this report. The environmental commitments are expected to become part of the access easement and significant environmental impacts will, therefore, be avoided.

Chapter 3

Affected Environment and Environmental Consequences

This chapter describes the affected environment of resources or environmental factors that may be affected by the alternatives. It also presents the environmental consequences of the alternatives on these resources or environmental factors. Hydrology, groundwater, wetlands, and other resources not described in this chapter would not be affected and are not further described.

Water Quality

Affected Environment

Water quality is generally good and is suitable for all beneficial uses in Prineville Reservoir and in the Crooked River below Bowman Dam. The water quality of Prineville Reservoir and Crooked River downstream of Bowman Dam is suitable for the beneficial uses as defined by the State of Oregon's Department of Environmental Quality (DEQ, 2001). High turbidity is the primary water quality problem in Prineville Reservoir and in the Crooked River below Bowman Dam.

Environmental Consequences

Water quality would not be affected under the proposed action.

Soils

Affected Environment

Soils in this area are derived from ancient lake-deposited sediments, with profiles generally consisting of a clay loam surface horizon over a clay-textured subsoil. The dry climate of the Prineville area has led to the formation of poorly developed, loamy/stony sandy loam, erosion-prone soils. These soils are notoriously slick and sticky when wet. Erosion-prone soils occur on more than 90 percent of the reservoir shoreline (BLM, 1980; Reclamation, 2002), and combined with the steep slopes surrounding the reservoir, pose an erosion potential if disturbed by excess human activity.

Soils occurring on the Phase II property and the proposed road right-of-way (easement) are shown in table 1.

Table 1. Soil types on study site

U.S. Soil Conservation Service Map Unit	Soil Type	Slope	Depth to Bedrock	Erosion Hazard	Soil Characteristics
172E	Stukel - Lorella	3-30%	10-20"	Moderate to high	Shallow, well-drained; moderate permeability; loam/stony sandy loam
33F	Fren Sandy Loam	30-60%	>65"	Moderate	moderate deep, well-drained; moderate permeability, sandy loam/gravelly clay loam

The soils of the Prineville Reservoir watershed area have formed from three basic kinds of parent material: (1) material from weathered bedrock and local movement on slopes, (2) pumice from geologically recent volcanic activity, and (3) alluvium deposited on floodplains, alluvial fans, and low benches. Bedrock of the area is dominated by volcanic flows, tuffs, breccias, and tuffaceous sedimentary rock. Tuff is a rock consisting of cemented and hardened volcanic ash.

Potential soil erosion from lands surrounding Prineville Reservoir is a long-standing concern of land managers (BLM, 1975; BLM, 1980; OSU, 1976) because of the predominance of erosion-prone soils in the watershed and continuing soil loss. Recent data indicate that the reservoir loses about 123 acre-feet in capacity per year from sedimentation from the contributing 2,700-square-mile drainage area (Reclamation, 1999).

About 60 to 70 percent of the soils in Phase II have cryptobiotic crusts. These soil crusts are formed by living organisms and their byproducts, creating a crust of soil particles bound together by organic materials. Crusts are predominantly composed of cyanobacteria, green and brown algae, mosses, and lichens. These crusts affect processes that occur at the land surface or soil-air interface and include soil stability, nitrogen fixation, nutrient contributions to plants, infiltration, seedling germination, and plant growth (BLM et al., 2001). Soil crusts were once widespread in eastern Oregon deserts but have been disturbed by human use, off-road vehicles, and livestock. Once these crusts are disturbed, it will take many years for them to be restored, if they can be restored at all. Figure 2 shows an example of a cryptobiotic crust.



Figure 2. Cryptobiotic soil crust.

Environmental Consequences

A primary concern is the occurrence of erosion-prone soils above the reservoir. Land-disturbing activities, such as vegetation disturbance or removal, off-road vehicle use, and livestock grazing, are potential disturbance factors that could lead to excess erosion. All roads, trails, and new or upgraded facilities shall employ designs that will not contribute to short- or long-term soil loss during and following construction and revegetation.

Erosion and Sediment Control

The design and construction of roads will employ practices to prevent soil erosion and subsequent water quality impacts. Settling basins may be required above culverts to reduce erosion. Cuts and fills for new roads will be sloped to facilitate revegetation. Disturbed areas will be revegetated as soon as possible after construction. About 50 acres of cryptobiotic soils could be affected under the Grant Access Easement Alternative.

Mitigation

Recommended measures to protect cryptobiotic soils and to restore areas temporarily impacted by construction activities:

- Discourage use of, or repair, road shoulders.

- Establish native vegetation on disturbed sites through planting and/or seeding.
- Establish flow diversion on roads in a way that dissipates erosive energy of stormwater.
- Guard against weed infestation by minimizing soil disturbance during and after construction.

Noise

Affected Environment

Noise can be defined as unwanted sound. However, sound is measurable, whereas noise is subjective. The relationship between measurable sound and human irritation is the key to evaluating noise impact.

The challenge to evaluating noise impact lies in determining what amount and what kind of sound constitutes noise. The majority of people exposed to noise are not in danger of direct physical harm. However, much research on the effects of noise has led to several generally accepted conclusions (Century West Engineering Corporation, 2003):

- The effects of sound are cumulative; therefore, the duration of exposure must be included in any evaluation of noise.
- Noise can interfere with outdoor activities and other communication.
- Noise can disturb sleep, TV/radio listening, and relaxation.
- When community noise levels have reached sufficient intensity, community-wide objection to the noise would likely occur.

Research has also found that individual responses to noise are difficult to predict. Some people are annoyed by perceptible noise events, while others show little concern over the most disruptive events. However, it is possible to predict the responses of large groups of people — i.e. communities. Consequently, community response, not individual response, has emerged as the prime index of noise measurement (Century West Engineering Corporation, 2003).

While noise emanates from many different sources, transportation noise is perhaps the most pervasive and difficult source to avoid in society today (Department of Transportation, 2006). Highway traffic noise is a major contributor to overall transportation noise and is of the most concern within the Prineville Reservoir area.

In Oregon, noise is subject to regulation “to provide protection of the health, safety, and welfare of Oregon citizens from the hazards and deterioration of the quality of life imposed by excessive noise emissions” (ORS 467.010). Although

the Oregon Department of Environmental Quality (DEQ) no longer has a noise program to administer the regulations, the rules remain in effect. In addition, local jurisdictions may adopt the DEQ noise control regulations in their local land use ordinances and apply the state noise standards at the local level. Although Crook County has imposed noise regulations at the Prineville Reservoir Recreation Area for the comfort and convenience of recreationists, the county has no other noise abatement regulations.

Environmental Consequences

No Action Alternative

If selected, the No Action Alternative would have no impacts on noise levels on Reclamation land within the vicinity of the proposed project area, including Prineville Reservoir and Prineville State Park.

Grant Access Easement Alternative

The road construction activity involved in this alternative would cause a temporary increase in noise levels in the vicinity of the construction. This should be of short duration, however, and should not produce any long-term adverse effects within the region.

Increased traffic volumes caused by the development of the housing subdivision would, however, result in long-term outdoor noise levels that are noticeably different from the existing conditions.

Mitigation

Open space reduces highway traffic noise levels by increasing the distance between the noise source and the noise sensitive activity. This means that project planners should leave as much open space as possible between the planned residential area and SE Juniper Canyon Road as possible. Project design should also take advantage of natural features, such as hills and other terrain features that may act to absorb or dampen traffic sounds.

Since sound intensity decays with distance from the source, increased distance between the noise source and receiver would reduce the noise impact. Locating the residential areas as far as possible from Prineville State Park and Prineville Reservoir would, therefore, serve to reduce the noise impact to those recreation areas.

Air Quality

Affected Environment

Air quality is defined by ambient air concentrations of specific pollutants determined to be of concern with respect to the health and welfare of the general public. Under the Clean Air Act Amendments of 1990, the Environmental

Protection Agency (EPA) established National Ambient Air Quality Standards (NAAQS), including six “criteria pollutants”—lead, ozone, sulfur dioxide, oxides of nitrogen, carbon monoxide, and particulate matter less than 10 microns in diameter (PM10). Areas that exceed a Federal air quality standard are designated as non-attainment areas. Prineville Reservoir and the surrounding area lie within an area of attainment for all minimum air quality standards stipulated by EPA.

Overall, air quality within the proposed project area can be rated as good. Although some air pollution in Oregon is caused through industrial emissions, motor vehicles are the primary source of air pollution (2004 Oregon Air Quality Data Summaries, State of Oregon Department of Environmental Quality, Air Quality Division, 2005). Although individual cars or trucks contribute relatively small amounts of pollution, the sheer number of vehicles makes their total contribution larger than any other single source. Wildfire and prescribed burning are also major contributors to the presence of criteria pollutants.

NAAQS have been adopted by the State of Oregon to protect public health and welfare. EPA established primary NAAQS to protect public health and secondary NAAQS to protect public welfare. Oregon’s control strategies are designed to meet the more stringent secondary NAAQS. Secondary criteria pollutants include the primary criteria pollutants with the addition of PM2.5 (particulate matter with a diameter less than or equal to 2.5 microns). Table 2 summarizes the percentage of secondary criteria pollutants found within the State of Oregon attributable to Crook County.

Table 2. Percentage of secondary criteria pollutants attributed to Crook County

Primary Pollutant	Percentage of Primary Pollutants Found in Oregon Attributed to Crook County
Carbon monoxide	0.5%
PM10 and PM2.5	1%
Ozone (VOC)	0.6%
Nitrogen dioxide (NOX)	0.3%
Sulfur dioxide	0.1%

Bend, Oregon, has the closest air quality monitoring station to the proposed project area. From 1994 to 2004, there has only been one instance of an air quality standard having been exceeded in Bend. This occurred in 2000 for PM10. Since 2000, PM10 measured at the Bend station has been within compliance with Federal and State air quality standards.

A further analysis of contributors to air pollution in Crook County, Oregon, can be found in the U.S. Air Quality Gradebook (Airgrades, 2004, US Air Quality Gradebook, “Crook County,” Internet Web site: <http://airgrades.net/airquality/sources/index.htm>). This reference measures carbon monoxide, PM2.5, and Acrolein. (Acrolein is principally used as a biocide to control plants, algae, molluscs, fungi, rodents, and microorganisms. It can be

formed from the breakdown of certain pollutants in outdoor air or from burning tobacco or gasoline. It is extremely toxic to humans from inhalation and skin exposure). Table 3 illustrates the above referenced pollutants and their sources as a percentage of the overall total for all pollutants within Crook County.

Table 3. Pollutants and their sources as a percentage of total pollutants within Crook County

Pollutant	Source	Percentage of Total
Carbon monoxide	Managed open burning and wildfires	73
	Non-road gasoline	10
PM2.5	Managed open burning and wildfires	60
	Non-coal, oil, gas, or internal combustion	15
	Fugitive dust, road traffic and construction	11
Acrolein	Open burning – Forest and wildfires	65
	Open burning – Prescribed fires	30

Environmental Consequences

No Action Alternative

With implementation of the No Action Alternative (not granting the easement) there would be no effect on air quality either at Prineville Reservoir or within the region.

Grant Access Easement Alternative

Construction activities associated with this alternative are expected to have only short-term and minor adverse impacts on local air quality. Such impacts would be primarily caused by increased emissions of carbon monoxide, hydrocarbons, and nitrous oxides from vehicles entering and exiting the site along with the operation of necessary equipment. Vehicle travel along unpaved road surfaces and excavation of bare ground surfaces would create fugitive dust emissions. In addition to fugitive dust, project construction activities would generate tailpipe emissions from mobile heavy equipment and increased vehicular traffic. In a regional context, the daily equipment emissions associated with project construction, even during maximum-intensity work periods, would be relatively minor. Impacts on air quality would be less than significant. All construction-related activities on unpaved roadways and bare and dry soil should employ dust-suppression control measures, such as watering, to limit fugitive dust emissions

Longer term effects on air quality would occur as a result of increased traffic in the area from residential ingress and egress. However, although the increase in road traffic would result in increased daily emissions of carbon monoxide, hydrocarbons, and nitrous oxide, the adverse effect on regional air quality would be insignificant.

Increased pollutants resulting from the burning of wood stoves in residences would also occur. However, rules and regulations currently adopted by the State

of Oregon designed to reduce adverse emissions from the burning of wood stoves should result in insignificant adverse effects on local and regional air quality.

Vegetation

Affected Environment

The proposed access road and proposed project area are located in a juniper woodland vegetation community (figure 3). There are approximately 4,674 acres of juniper woodlands within Reclamation lands around Prineville Reservoir (Reclamation 2003). This community type is composed primarily of western juniper, big sagebrush, and bluebunch wheatgrass. A plant survey was conducted on the site of the proposed access road, and table 4 provides a list of the plant species found. A formal survey has not been completed within the proposed Indian Rock Estates development, but it is presumed that similar species are found there because the proposed project area falls within the same vegetation type as the proposed access road and vegetation in the area is fairly uniform.

Six noxious weed species recognized as “A” listed by the Oregon Department of Agriculture have been documented in the Prineville Reservoir area (table 5, Reclamation, 2003). Of these, Russian knapweed is the most common. No noxious weeds have been found within the proposed project area, though infestations of weed species are typically associated with ground disturbing activities such as those proposed. Reclamation has developed a Draft Integrated Pest Management (IPM) Plan for controlling noxious weeds (Reclamation, 2002).



Figure 3. The proposed project area in the juniper woodlands vegetation community.

Table 4. Plant species identified on the proposed access road; Field survey conducted by Prineville Reservoir State Park, April 5, 2005

Western juniper	<i>Juniperus occidentalis</i>
Big sagebrush	<i>Artemisia tridentata</i>
Bitterbrush	<i>Purshia tridentata</i>
Rubber rabbitbrush	<i>Chrysothamnus nauseosus</i>
Bluebunch wheatgrass	<i>Agropyron spicatum</i>
Needle and thread	<i>Hesperostipa comata</i>
Indian ricegrass	<i>Oryzopsis hymenoides</i>
Idaho fescue	<i>Festuca idahoensis</i>
Squirreltail	<i>Sitanion hystrix</i>
Foxtail barley	<i>Hordeum jubatum</i>
Cheatgrass	<i>Bromus tectorum</i>
Western yarrow	<i>Achillea millefolium</i>
Douglas phlox	<i>Phlox douglasii</i>

Table 5. Noxious weed species documented at Prineville Reservoir

Perennial pepperweed	<i>Lepidium latifolium</i>
Russian knapweed	<i>Centaurea repens</i>
Whitetop	<i>Cardaria draba</i>
Canada thistle	<i>Cirsium arvense</i>
Puncture vine	<i>Tribulus terrestris</i>
Spotted knapweed	<i>Centaurea maculosa</i>

Environmental Consequences

No Action Alternative

There would be no changes to vegetation on the site and, therefore, no impacts if the No Action Alternative were implemented.

Grant Access Easement Alternative

The maximum area of disturbance would be 74.9 acres within the housing development and 0.73 acre within the easement during construction. Several juniper trees and other plants would be removed. Two hundred and seventy-two acres within the property would remain undeveloped and preserved as open space, helping to retain local juniper woodland community. The ordinance criteria for Indian Rock Estates would require native landscaping around homes. Disturbed areas along the access road would also be revegetated with species native to the site.

If noxious weeds were discovered on the proposed project area, they would be controlled as required by Oregon Revised Statute 570 and Crook County Weed Control Enforcement Ordinance 139 using practices such as those outlined in Reclamation's Draft IPM Plan. Precautionary measures, such as routine equipment cleaning and prohibiting contaminated soils from entering the project area, would be implemented to reduce the spread of noxious weeds and other undesirable plant species.

Fish and Wildlife

Affected Area

The Prineville Reservoir area supports a diverse community of wildlife. The water, wetlands, canyon walls, and upland juniper and sagebrush communities provide habitat for more than 100 species of birds, mammals, reptiles, and amphibians (Raven Research 2005). A list of species observed at the Reservoir from 2003–2005 is provided in attachment A.

The proposed project would be located in the uplands surrounding Prineville Reservoir in juniper woodlands supporting shrubs and bunchgrasses. Indian Rock is located upslope of the proposed development, where cliffs likely provide habitat for raptors and/or bats. The uplands also provide hunting grounds for

raptors. The proposed project area is within winter range habitat for mule deer. There are no aquatic communities in the area of the proposed project.

There is a prairie falcon nest about 0.5 mile west of the proposed project area in cliffs next to the reservoir. The falcons successfully fledged young in 2005. The nearest golden eagle nest is on the south side of the reservoir up Lone Pine Creek, approximately 3 miles from the proposed project. This eagle pair fledged one eaglet in 2005.

ODFW manages land on the upstream half both north and south of the reservoir as the State Wildlife Area, which implements habitat improvement projects primarily for waterfowl, upland game, and big game populations. Deer population management is a priority for the SWA, especially during winter when deer concentrate in the area. The SWA is designated as critical deer winter range by ODFW. Year-round management for mule deer includes maintaining fencing around the entire SWA, which aids in regulating hunting and grazing impacts, and habitat management, such as vegetation restoration and noxious weed control.

The proposed project area does not fall within critical winter range habitat for deer. The amount of deer use within the proposed project area, based on signs such as pellets, trailing, and degree of browse hedging on shrubs, was found to be moderate during recent reconnaissance (White, 2006). South-facing slopes, where the project would be located, generally provide good deer habitat. The area surrounding the SWA is heavily used by deer as winter range, though no surveys have been conducted recently to estimate the current deer population in the area (Ferry, 2006). Winter deer numbers within the SWA increased from 50 – 75 animals in the 1960s to 300 – 500 animals in 1990 (Reclamation, 2003). The Maury and Ochoco Wildlife Management Units, which lie to either side of the SWA, held more than 24,000 deer in 2000.

Environmental Consequences

No Action Alternative

If Reclamation did not grant the easement for the proposed project, there would be no changes or disturbance to wildlife in the area.

Grant Access Easement Alternative

Implementing the Grant Access Easement Alternative would result in a loss of approximately 75.6 acres of juniper woodland vegetation community. There are approximately 4,674 acres of juniper uplands on Reclamation lands surrounding the reservoir, which includes around 2,230 acres of terrestrial habitat in the SWA (Reclamation 2003). Although the loss of 76 acres of habitat would displace species that use it, the proportion of acres within the proposed project area would be small compared to the number of acres of available juniper woodlands in the area. There would be 272 acres of open space preserved within the property to provide wildlife corridors. Fencing in locations that would impede wildlife movement through the area would not be installed in the open space. Motorized vehicles would be prohibited from the open space area according to the Indian

Rock Estates Homeowners Association Bylaws and Declaration of Covenants, Conditions, and Restrictions (attachment B). The cumulative effects of residential developments are the continued fragmentation of wildlife habitat, which negatively affects deer (Ferry, 2006).

There would be an increase in recreational use of the area by humans, which would consequently increase disturbance to wildlife. Residents of the housing development would not only be recreating in the area, but would create disturbance to wildlife in other ways. Pets, such as cats and dogs, would harass and kill wildlife. Noise and outdoor lighting would be other factors associated with people living in the area that would negatively affect wildlife. Roads associated with the subdivision would provide access into the area and adjacent public lands, increasing recreation. Also, a higher number of vehicles traveling on the roads would increase mortality of wildlife.

Phase I of the Indian Rock Estates project is already being developed on 136 acres adjacent to the proposed project area. A number of developments have been or will be built in the area. More housing and roads and, thus, greater use by humans, would occur on private property in the area regardless of this project. The Indian Rock Estates Homeowner's Declaration of Covenants, Conditions, and Restrictions does not permit livestock or poultry on the property nor does it allow lighting from dusk to dawn, which would help lessen disturbance to wildlife. Dogs would be contained to prevent them from chasing or harming wildlife. Native bunchgrass and forb species would be used to revegetate within the easement. Shrub species that attract deer (e.g., bitter brush) would not be planted to deter deer from gathering along the road.

Threatened and Endangered Species

Affected Environment

The U.S. Fish and Wildlife Service (FWS) provided a list of federally endangered, threatened, proposed, and candidate species that may occur in Crook County (table 6). (Letters to and from FWS are included in attachment C.) Of the listed species, the bald eagle is the only one known to occupy the local area of the project. No other federally listed species would likely be affected by the proposed project due to the lack of suitable habitat or because the species is not known to occur within the project area. Because there is no aquatic habitat within the proposed project area, the fish and amphibian species would not be adversely affected and will not be addressed further.

Table 6. Federally listed and proposed endangered, threatened, and candidate species that may occur in Crook County

Species	Scientific name	Federal status*
Mammals		
Canada lynx	<i>Lynx canadensis</i>	T
Birds		
Bald eagle	<i>Haliaeetus leucocephalus</i>	T
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
Fish		
Steelhead (Middle Columbia River)	<i>Oncorhynchus mykiss</i>	T
Bull trout (Columbia River pop.)	<i>Salvelinus confluentus</i>	CH T
Amphibians and Reptiles		
Columbia spotted frog	<i>Rana luteiventris</i>	C
Oregon spotted frog	<i>Rana pretiosa</i>	C

* T = Threatened; C = Candidate; CH = Critical habitat has been designated for this species

Bald Eagle

There is one actively used bald eagle nest located south of the reservoir on BLM lands approximately 2.5 miles south of the proposed project area and one inactive nest site approximately 2 miles northeast of Phase II on the north side of the reservoir. The eagles were monitored by Raven Research in 2004 and 2005. The pair had had moderate success since 1996, but failed to fledge young in 2005 (Raven Research, 2005). This pair dominates the reservoir, with their territory extending 5 air-miles upstream from their nest, where they have been seen roosting. Their flight route includes large pines and perch snags all along the southern perimeter of the reservoir, located within the SWA. The SWA provides a refuge from recreational activity, which is increasing just below their nest (Raven Research, 2005). The inactive nest was used during the 2002 breeding season without success and has not been used since. The inactive nest is located on BLM lands adjacent to the SWA. It is situated on an exposed south-facing slope which may be factor contributing to its lack of appeal by the bald eagles.

The same bald eagle pair also remains at the reservoir, roosting in the SWA, during the winter to forage and maintain their reservoir-wide territory. Other eagles have been observed communally roosting several miles upstream of the reservoir during winter months. Another pair of breeding bald eagles is known to nest at that site as well.

Canada Lynx

The lynx, a federally threatened species, is not likely to reside in the area due to a lack of appropriate boreal forest habitat. However, it may use the Prineville Reservoir area as a travel corridor between more appropriate habitats (Reclamation, 2003). Habitat for this species in the Pacific Northwest is generally restricted to higher elevations of the Cascade Range (Koehler and Aubry 1994). Lynx require a mixture of forest types—early successional forest for foraging and late successional forest for dwelling. FWS has concluded that a self-sustaining resident population does not exist in Oregon but that individual animals are

present (63 Federal Register [FR] 36994-37013, July 8, 1998). Though recently rediscovered in the Northern Cascades of Oregon, the lynx is naturally a rare species in Oregon as this region is the southern extent of its distribution (Csuti et al., 1997).

Yellow-Billed Cuckoo

Western yellow-billed cuckoos breed in dense willow and cottonwood stands in river flood plains, a vegetation type that is not present within the proposed project area. The species' distribution west of the Rocky Mountains has appeared to decline substantially, though the species was probably never common in Oregon (FWS, 2004). Historical records for the state show that breeding cuckoos were most often sighted in willow bottoms along the Willamette and Columbia Rivers. There are few records of cuckoo sightings in eastern Oregon.

Environmental Consequences

No Action Alternative

If the No Action Alternative was selected, there would be no effect to bald eagles at Prineville Reservoir. There would be no improvement or degradation of habitat for bald eagles or their prey species and no disturbance to their activities.

Grant Access Easement Alternative

The proposed project is located far enough away from the local bald eagles (> 2 miles) that it would not negatively influence or interfere with their habitat or behavior. The project would be located on the opposite side of the reservoir and would not be within the eagles' typical flight pattern and activity area. Oregon Eagle Foundation monitors the nest to determine breeding, number of chicks, number of fledglings, and any problems observed. This usually involves a minimum of three visits to the nest at critical times. If there is a problem or a change in the bald eagles site use patterns resulting in the proposed action potentially affecting the pair, FWS would be consulted.

Reclamation has determined that the proposed project would have no effect on bald eagles.

Economics

The study area is located in Crook County, Oregon, adjacent to Prineville Reservoir State Park. The area is approximately 20 miles from the city of Prineville, Oregon, in the central portion of the State. The study area's access road would be crossing over land managed by the Bureau of Reclamation.

The primary economic sectors in Crook County are services, manufacturing, trade (wholesale and retail), government, and agriculture. Closely associated with services and trade are the recreation related businesses that cater to camping, fishing, hunting, and water related recreation activities located in the county.

The study proposal is to develop land for residential development that would require an access road to the development which would cross over land managed by Reclamation. For the purposes of this environmental assessment, the economic analysis is based on the assumption that with access road easement, the project would be constructed; without the access road easement, the project would not be constructed. For this analysis, the impacts of the “with” and “without” conditions would be difference in land values based on developed versus undeveloped land in the study area.

In a telephone conversation with Crook County Tax Assessor’s office, it was determined that property tax assessment for the Phase II development had not been conducted as of March 2006. The Tax Assessor’s Office was able to give an average estimate of undeveloped land in the general area of approximately \$1,000 per acre (Crook County, 2006). For developed land (basic services provided such as roads, electrical hook ups and sewer), an estimated range on a per lot basis was from \$25,000 to \$250,000 (lots with a view of Prineville Reservoir). Given this information, a general estimate for undeveloped and developed land was calculated. For the developed land “with” condition, an assumption was made about what lot may have a view of the reservoir and, therefore, the higher per lot value. The larger lot size and higher elevation lots were assigned the higher per lot value. Following table 7 are the lots in the study based on the map of the Master Plan for Indian Rock Estates and the values assigned to each lot.

Table 7. Lot value assignment

Lot #	Lot Acreage	Lot Value W/O View	Lot Value W/ View
26	2.50	\$25,000	
27	3.00	\$25,000	
28	3.50	\$25,000	
29	5.20		\$250,000
30	2.90		\$250,000
31	3.50	\$25,000	
32	2.80	\$25,000	
33	3.10	\$25,000	
34	3.60	\$25,000	
35	4.30		\$250,000
36	4.50		\$250,000
37	5.20		\$250,000
38	3.40		\$250,000
39	3.90		\$250,000
40	3.10		\$250,000
41	3.00		\$250,000
Total Acreage	57.50		
Total values		\$175,000	2,250,000

Without Project Development:

Total Land Value (\$1,000/ acre, 57.5 acres) = \$57,500

With Project Development:

Total Land Value = \$2,425,000

lots without a view = \$175,000

lots with a view = \$2,250,000

Impact on land values = +2,367,500

Summary and Conclusions

On the basis of the assumptions made for this analysis, Crook County would potentially incur a gross increase in property assessment values of approximately \$2.4 million, thus increasing the county's total property tax base. This gross increase would be less than 1 percent of the 2005-06 real estate property value of \$1,610,485,110 and less than 1 percent of the County's total Real Property assessment of \$1,103,686,790. It is anticipated that the annual tax assessments associated with this development would meet the costs of additional county services (e.g., law enforcement and fire protection) that may need to be provided.

On the basis of the assumptions and data collected for this analysis, it does not appear there would be any significant economic impacts from approving the easement for an access road to the property to be developed.

Recreation

Affected Environment

Recreation facilities within the vicinity of Prineville Reservoir provide a variety of land- and water-based opportunities. There are both developed and undeveloped facilities that offer the public a wide variety of outdoor recreation opportunities. The locations and some of the key facilities at each site are listed in table 8. A wide variety of amenities also exist at each site. A Recreation and Road Access figure in the Prineville RMP displays facility locations and amenities that exist at each of the existing recreation sites within the vicinity of Prineville Reservoir.

Table 8. Facility locations

Location	Boat ramp	Picnic area	Cabins	Developed camping	Dispersed camping	Swimming area	Marina	Fishing access
Prineville State Park	X	X	X	X		X		X
County Boat Ramp	X							
Big Bend				X				
Powder House Cove	X							
Roberts Bay West	X	X			X			
Roberts Bay East		X			X			
Prineville Lake Resort	X		X	X			X	
Jasper Point	X			X				
Owl Creek		X			X			
Juniper Bass					X			
Old Field					X			X
Cattle Guard					X			
Bear Creek					X			X
Antelope Creek								X
Combs Flat					X			X

Prineville State Park is located within proximity to the proposed project area and is the largest recreational development in the vicinity of Prineville Reservoir and the most heavily used site within proximity to the proposed action. The park contains two distinct areas: the campground containing 70 campsites and the large day-use area with a boat ramp and moorage. Varying degrees of amenities are available at each site. Full hookups (water, sewer, and electricity) are available at 22 sites, 23 sites have electricity and water, and 25 sites are designed for tent camping with water available close by. The campground has a modern restroom complex with flush toilets and hot showers. Three deluxe cabins with a kitchen and restroom and two one-room rustic cabins without a kitchen or restroom are also available. All the cabins can be reserved in advance. The cabins and some of the campsites are open year round. Educational programs are conducted at a nearby amphitheater.

Most of the recreational visitors to Prineville Reservoir and the immediate area are from either the Central Oregon counties of Crook, Jefferson, and Deschutes, or the Portland metropolitan area counties of Multnomah, Washington, Yamhill, and Clackamas. The number of visitors coming from south of the reservoir has

increased because of the improvements and paving of the Alfalfa Market Highway from Bend, Oregon (Crawford, 2002 as cited in Reclamation, 2003).

Prineville Reservoir is popular among many types of boaters who visit the area. Estimates from the Oregon State Marine Board (OSMB) for the 2000–01 recreation seasons indicate that Prineville Reservoir had 20,476 use days¹ and 24,114 boating activity days.² However, there has been a 46.8 percent decrease in boating user days at Prineville Reservoir since 1998 (OSMB, 2002). Overall, boating within Crook County has declined 74.2 percent since 1998. The decline in boater use at Prineville Reservoir and other places within the State has been attributed primarily to the extended drought. Typically, Prineville Reservoir is third in the number of activity user days for a reservoir in the counties of Crook, Jefferson, and Deschutes. The two reservoirs with typically more user days are Billy Chinook and Wickiup. For the 2001–2002 seasons, fishing accounted for 14,226 activity days (59 percent), personal watercraft (PWC) riding accounted for 626 activity days (2.6 percent), water skiing activity days accounted for 6,238 (25 percent), and cruising accounted for 3,024 activity days (12.5 percent). Some limited sailboating and nonmotorized boating, such as canoeing and kayaking, also occurs at the reservoir.

Camping activity within the area has also increased over the last several years. There were 5,794 campsites sold in 1993 compared to 7,161 in 2000. Even though 2000 was a low water year, this still represents a 19-percent-increase from 1993 (Reclamation, 2003). In 1999, which was considered a normal water year, the number of campsites sold was 8,599, or approximately a 33-percent-increase from 1993. Overall visitation at the reservoir was estimated at 422,788 from September 1999 to August 2000 (Reclamation, 2003).

Prineville Reservoir is located in Region 7, as defined in the 2002 – 2007 Oregon State Comprehensive Outdoor Recreation Plan (2002 – 2007 SCORP). Region 7 includes Jefferson, Wheeler, Crook, and Deschutes Counties. There are five reservoirs within or near Region 7 offering similar recreation opportunities to those within the vicinity of Prineville Reservoir. These reservoirs are Wickiup, Haystack, Ochoco, and Crane Prairie Reservoirs and Lake Billy Chinook. There are four State Parks within 50 miles: The Cove Palisades, Tumalo, Smith Rock, and La Pine State Parks. In addition, nearly 50 campgrounds are provided by other land management agencies, such as the Forest Service and BLM, within 50 miles of Prineville Reservoir.

The top 10 outdoor recreation activities in the State of Oregon are running/walking for exercise (49.2 percent), walking for pleasure (47.7 percent), birdwatching (18.7 percent), nature and wildlife observation (17.6 percent),

¹ A “use day” is defined as any part of a 24-hour period during which a boat was used.

² An “activity day” is any part of a 24-hour period during which the particular activity was performed. The number of use days and activity days for a boat often are not the same, since a boat may be used for more than one activity in a given day.

sightseeing and driving for pleasure (12.3 percent), recreational vehicle (RV) and trailer camping (11.0 percent), golf (9.6 percent), using park playground equipment (8.8 percent), bicycling (7.4 percent), and ocean beach activities (6.0 percent) (2002 – 2007 Oregon SCORP). However, most of these activities occur in metropolitan areas and within the immediate vicinity of an individual person's residence. Traditional non-metro outdoor recreation activities that have high demand include sightseeing and driving for pleasure, nature and wildlife observation, RV and trailer camping, fishing, hiking, and ocean beach use. The 2002 - 2007 SCORP states that the demand for hiking, non-motorized boat ramp use, and backpacking exceeds the current supply for these three traditional non-metro activities in many regions of Oregon.

Currently, the five activities with the largest participation growth rate in Region 7 are nature and wildlife observation (+161 percent), RV and trailer camping (+96 percent), fishing from a boat (+190 percent), golf (+173 percent), and big game hunting (rifle) (+93 percent) (2002-2007 Oregon SCORP).

Environmental Consequences

No Action Alternative

Under the No Action Alternative (not granting the easement), there would be no effect on recreation either at Prineville Reservoir or within the region. Existing use patterns would not change and recreational demand would continue at the present rate.

Grant Access Easement Alternative

The primary effect on the region's recreational resources of granting the easement to allow development/construction of a housing subdivision would be to increase the demand for and number of persons participating in recreational activities within the area. As noted previously, activities with the greatest participation rates within the region include nature and wildlife observation, fishing from a boat, and hunting. It can be anticipated that residents of a new subdivision would most likely participate in these already popular activities. This increased activity could possibly lead to periodic congestion at Prineville Reservoir boat ramps, more hunters in the field leading to increased pressure on game populations, and more disturbance of wildlife species due to increasing human interest in wildlife observation and study. However, in light of the limited number of new residents, these effects would be insignificant.

Off-highway vehicle (OHV) use in the area could also be expected to increase with the addition of a subdivision within the area. As a result, BLM and Reclamation recreation managers may need to devote additional resources to OHV management and monitoring. Note that Reclamation lands within the area are closed to OHV use.

Increased residential traffic on SE Juniper Canyon Road may negatively affect recreational traffic accessing Prineville State Park. With increased traffic on the road, there may be an increased risk of traffic accidents involving both

recreationists and residents. To address these issues, the Crook County Roadmaster indicated that a left- hand turn lane on Juniper Canyon Road will be needed for access to the proposed project area.

Visual Resource Analysis

Affected Environment

The proposed action is located in the high rimrock desert of central Oregon, a region dominated by open grasslands, juniper stands, basalt outcrops, and brown and reddish soils. The landscape surrounding the reservoir is dominated by steeply sloping hills with occasional peaks and buttes in the distance. Prineville Reservoir, located near the proposed action, is a long, meandering water body formed by an earthen dam at its west end on the Crooked River. The reservoir is approximately 14.6 miles long and between approximately 50 and 4,700 feet wide.

The shores of Prineville Reservoir, including upland areas encompassing the proposed project area, are vegetated with a variety of plant types typical of central Oregon. These include woodland, savanna, and shrub-steppe areas. Dominant plant species include western juniper and big sagebrush, interspersed with an understory of blue bunch wheatgrass, cheatgrass, and needlegrass-bottlebrush squirreltail. Plant cover is relatively uniform, except where disturbed by juniper management activities, rock outcroppings, talus slopes, roads, and recreational developments. In general, the majority of the area has a natural character that appears unaltered by human activity.

The downstream portion of the reservoir lies within the Crooked River Canyon and is bounded on either shore by steeply sloping canyon walls. Near the dam, the canyon walls reach 800 feet above the reservoir at full pool, resulting in dramatic scenery. An 8-mile reach of the lower Crooked River between Bowman Dam and mile marker 12 of State Highway 27 was designated by the Congress in October 1988 as a National Wild and Scenic River and was further classified as a recreational river area. This 8-mile reach was also designated in 1989 as a component of the BLM National Back Country Byway System. The Lower Crooked River Backcountry Byway covers 43 miles of paved and gravel roads from the City of Prineville south to the convergence with State Highway 20. The proposed action of granting an easement for the construction of a residential subdivision should have no effect on either the Crooked River Canyon or the Lower Crooked River Backcountry Byway. This information is included, however, because concerns were raised that the proposed action could have negative effects on the scenic values of the Wild and Scenic River and Backcountry Byway.

Environmental Consequences

No Action Alternative

If selected, the No Action Alternative would have no impacts on the visual resources on Reclamation land within the vicinity of the proposed project area including Prineville Reservoir and Prineville State Park.

Grant Access Easement Alternative

As discussed previously, in 2003, Reclamation completed the Prineville Reservoir RMP, which addresses the potential for impacts to visual resources on Reclamation land at Prineville Reservoir. The RMP provides detailed goals, objectives, and management actions specifically concerned with protecting the quality of the scenery at the reservoir including designing developments to complement and be subservient to the surrounding landscape. Additionally, the RMP adopts BLM's Visual Resource Management (VRM) contrast rating method to assess proposed projects for impacts to visual resources. The contrast rating method is a tool to analyze the degree of visual contrast created between a project and the existing environment. BLM has identified VRM objectives for BLM lands adjacent to Prineville Reservoir; these objectives mainly seek to manage for low levels of change to the characteristic landscape. Management activities and developments may be seen but should not attract the attention of the casual observer (Reclamation, 2005a).

Construction of the easement to access the private land residential development would result in a visible road cut through the natural appearing terrain. However, techniques can be employed to reduce the visual impact of the road to the level where the construction would be subordinate to the surrounding landscape and would not attract the attention of the casual observer. Primarily, the road should be designed to blend with topographic forms and existing vegetation patterns. Additionally, topographic features and vegetation should be used to screen the proposed roadway. The use of naturally occurring vegetation to re-vegetate areas disturbed by road construction activities would also help to minimize the visual intrusion of the proposed action.

Mitigation

Fitting the proposed development to the existing landforms in a manner that minimizes the size of cuts and fills would greatly reduce visual impacts from earthwork done during the road construction. Other earthwork design techniques, such as balancing cut and fill or constructing with all fill or all cut should be considered, where appropriate, as methods to reduce strong visual impacts.

Other actions to reduce the visual impact of the road construction may include:

- Hauling in or hauling out excessive earth cut or fill.
- Rounding and/or warping slopes (shaping cuts and fills to appear as natural forms).

- Bending slopes to match existing landforms.
- Retaining existing rock formations, vegetation, drainage, etc., whenever possible.
- Split-face rock blasting (cutting rock areas so that the resulting rock forms are irregular in shape, as opposed to making uniform “highway” rock cuts).
- Toning down freshly broken rock faces through the use of asphalt emulsions, rock stains, etc..
- Retaining existing vegetation by using retaining walls, reducing surface disturbance, and protecting roots from damage during excavations.
- Avoiding soil types that would generate strong contrasts with the surrounding landscape when they are disturbed.
- Prohibiting dumping of excess earth/rock on downhill slopes.

Cultural Resources

Human occupation and use of the Prineville Reservoir area extends back many thousands of years. The area is located near the traditionally defined edges of the Columbia Plateau and Great Basin culture areas, and archeological evidence suggests that people from both regions utilized this area in the past. While no cultural chronology has been specifically identified for the upper Crooked River region, archeological materials from the broader Central Oregon area have been assigned to four expansive cultural periods: Paleo-Indian (12,000-10,500 BP [before present]), Early Archaic (10,500-7,000 BP), Middle Archaic (7,000-2,000 BP), and Late Archaic (2,000 BP-historic contact).

Archeological remains in surrounding areas provide indications of the earliest people who may have passed through the Crooked River region, suggesting Paleo-Indian nomadic hunters may have first entered the area around 10,500 years ago while the climate was cool and moist. As the environment slowly became warmer and drier in the Early Archaic period, an increasing variety of plant and animal resources became available to humans, who were still probably highly mobile. During the early part of the Middle Archaic, migrant hunters and gatherers witnessed the warmest and driest climatic conditions since what occurred during the earliest Paleo-Indian period. As the Middle Archaic progressed, however, the climate improved toward the current semi-arid environment, and, according to the archeological record, people began constructing semi-permanent shelters and building food storage facilities as their population increased. These cultural patterns continued to develop into the final period of prehistory, the Late Archaic, and distinctive cultural traditions

developed on a regional basis, culminating in the ethnographically known groups of central Oregon.

By the late eighteenth and early nineteenth centuries AD, ethnographic records indicate that Northern Paiute families of the Great Basin tradition occupied the Crooked River region and the southern and central portions of the Deschutes River. Oral traditions and early historical accounts attest to bouts of conflict between the Great Basin Northern Paiute and the Columbia River Tenino groups. Tensions continued when the Tenino and other Columbia River groups (today's Warm Springs Tribes) were resettled by treaty into what had been Northern Paiute territory. Lifeways of the different groups varied, with the Northern Paiute bands practicing a variety of food procurement methods of root, seed, and berry gathering, along with hunting and probably fishing. For the Tenino, their primary economic pursuits focused on the riverine environment, with the seasonal runs of salmon providing the mainstay of their diet. Both groups wintered in locations separate from their warm-weather usage areas, but differed in that the Northern Paiute groups gathered in winter camps of small pole and brush structures, while the Tenino spent their winters in large permanent villages of semi-subterranean pithouses only a short distance from the major rivers.

Euro-Americans first entered the central Oregon region in fur-trapping parties in the 1820s. Emigrants followed soon thereafter, settling the fertile areas of the Crooked and Deschutes River valleys to farm and raise cattle. The discovery of mineral resources in the plateau and upland areas of the Blue Mountains spurred economic growth and brought the development of transportation routes and established towns. A lack of irrigation water to make the land productive in the Crooked River basin was alleviated by the Carey Act (1894) and the Reclamation Act (1902), which stimulated the development of large-scale irrigation projects in central Oregon, including the Prineville region. Today, Crook County is home to more than 20,000 people who, according to the last census, are predominantly of Euro-American heritage with minorities of Native American and Mexican groups. The county is in the midst of growth and revitalization. The primary wood industry of the last half-century is fading, but a secondary wood industry related to manufacturing is gaining strength, and the farming and ranching industries are strong.

Historic Properties

Historic properties include prehistoric and historic archeological sites, buildings, and historically important places eligible for inclusion in the National Register of Historic Places (NRHP). Historic properties are also places of special heritage value to contemporary communities (often, but not necessarily, Indian communities) because of their association with cultural practices or beliefs important in maintaining the cultural identity of that community.

Concerning the immediate area of the proposed project itself, previous archeological investigations have identified seven sites, consisting of six prehistoric Native American sites and one historic Euro-American site. In addition, five isolated finds of prehistoric artifacts have been recorded within approximately 0.5 mile of the current project area. All of the Reclamation-administered public lands in the vicinity of the Indian Rock Estates Phase II parcel have been previously surveyed for cultural resources, and none were found within the proposed access easement corridor.

In April 2006, a Class III intensive surface survey was conducted over the entire privately-owned parcel associated with Phase II developments, and limited subsurface testing was undertaken at specific locations where there was poor visibility. Three prehistoric isolated finds were identified, but no archeological sites were found. These isolated finds do not meet the criteria for consideration for the NRHP and, therefore, are “not eligible.” No additional archeological investigations are recommended in the Indian Rock Estates Phase II development parcel. If additional land is added to this development parcel in the future, this land should be examined for archeological resources in a manner equivalent to the archeological investigations just completed. The Oregon State Historic Preservation Office (SHPO) was consulted regarding this effort. The SHPO responded to Reclamation and concurred that the proposed action will have no effect on historic properties and that no further archeological investigations are needed (attachment E).

Indian Sacred Sites

Executive Order 13007—Indian Sacred Sites—requires Federal land management agencies to accommodate access to and ceremonial use of Indian sacred sites located on Federal land by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. It also requires agencies to develop procedures for reasonable notification of proposed actions or land management policies that may restrict access to or ceremonial use of, or adversely affect, sacred sites on Federal lands.

Sacred sites are defined in the Executive order as “any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.”

This project’s approximately 100-meter access easement across Reclamation-administered land is subject to the requirements of Executive Order (EO) 13007. In a letter dated April 20, 2006, Reclamation notified the Confederated Tribes of the Warm Springs and asked them to inform Reclamation if they are aware of

Indian sacred sites on or near these lands (attachment D). No response was received. As no sacred sites were identified in the area, there seem to be no impacts or possible effects that the easement may impose on this particular category of cultural resources.

As outlined above, EO 13007 authority is limited to Federal lands. The easement grants access only to the Phase II project area, which is located on private land. Therefore, Executive Order 13007 is not applicable to the Phase II portion of the project land.

Indian Trust Assets

Indian trust assets are legal interests in property held in trust by the United States for Indian tribes or individuals. Examples of trust assets are lands, minerals, hunting and fishing rights, and water rights. The United States has an Indian trust responsibility to protect and maintain rights reserved by or granted to Indian tribes or Indian individuals by treaties, statutes, and Executive orders, which are sometimes further interpreted through court decisions and regulations. This trust responsibility requires Reclamation to take all actions reasonable and necessary to protect trust assets.

Affected Environment

No Indian owned lands, federally recognized Indian reservation, or ceded lands have been identified within the study area where traditional use rights are retained by a federally recognized Indian tribe.

Environmental Consequences

No Action Alternative

No Indian trust assets would be affected by implementation of the No Action Alternative because there would be no change to the site.

Grant Access Easement Alternative

No Indian trust assets would be affected by the Grant Access Easement Alternative because none are located in or affected by the proposed access road.

Environmental Justice

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” dated February 11, 1994, requires agencies to identify and address disproportionately high and adverse human health or environmental effects of their actions on minorities and low-income populations and communities, as well as the equity of the distribution of the benefits and risks of their decisions. Environmental justice addresses the fair treatment of people of all races and incomes. Fair treatment implies that no group

of people should bear a disproportionate share of adverse effects from an environmental action.

Affected Environment

Race and Ethnicity

Population data from the 2000 Census for the State of Oregon, Crook County, city of Prineville, and proposed project area³ are shown in table 9. The population is shown for seven racial categories: White, Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, Some Other Race, and Two or More Races. The percentages of total racial minority population and the Hispanic or Latino population, a minority ethnic group, are also shown.

Table 9. Population, race, and ethnicity, 2000

Geographic Area	Total Population	Race							Total Racial Minority Population ¹	Hispanic or Latino (of any race)
		One Race								
		White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races		
Oregon	3,421,399	2,961,623	55,662	45,211	101,350	7,976	144,832	104,745	459,776	275,314
	Percent	86.6	1.6	1.3	3.0	0.2			13.4	8.0
Crook County	19,182	17,830	8	250	82	6	731	275	1,352	1,082
	Percent	93.0	0.0	1.3	0.4	0.0			7.0	5.6
City of Prineville	7,356	6,753	1	110	54	1	331	106	603	546
	Percent	91.8	0.0	1.5	0.7	0.0			8.2	7.4
Crooked River CCD	3,130	2,974	2	50	4	0	33	67	156	68
	Percent	95.0	0.1	1.6	0.1	0.0			5.0	2.2

¹ Includes Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, Some Other Race, Two or More Races

Source: US Census, 2000 (a).

All of the areas have lesser percentages of total racial minority populations and ethnic (Hispanic or Latino) populations than the State of Oregon as a whole.

Low-Income Populations

Low-income populations in the area are identified by several socioeconomic characteristics. As categorized by the 2000 Census, specific characteristics used in this description of the current conditions are income (per capita and median family), the percentage of the population living below poverty level (all persons and families), substandard housing, and unemployment rates.

³ The area of the easement request and Indian Rock Estates Phase II are located within the Crooked River Census county division (CCD). A CCD is a subdivision of a county that is a relatively permanent statistical area established cooperatively by the U.S. Census Bureau and state and local government authorities used for presenting decennial census statistics in those states not having well-defined and stable minor civil divisions serving as local governments.

As shown in table 10, based on 1999 income as reported in the 2000 Census, the per capita and median family incomes for all areas are less than the State. All of the areas, except Crook County as a whole, have a greater percentage of persons living below the poverty level. For all areas, the percentages of families living below the poverty level are greater than the State rate.

Table 10. Income and poverty, 1999

Area	Money Income (Dollars)		Percent Below Poverty Level	
	Per Capita	Median Family	All Persons	Families
Oregon	20,940	48,680	11.6	7.9
Crook County	16,899	40,746	11.3	8.1
City of Prineville	14,163	36,587	14.3	10.0
Crooked River CCD	15,215	33,538	14.5	11.4

Source: U.S. Census, 2000 (b).

Other measures of low income, such as substandard housing and employment (shown in table 11) also characterize demographic data in relation to environmental justice. Substandard housing units are those overcrowded and those lacking complete plumbing facilities. The percentages of occupied housing units in the areas with 1.01 or more occupants per room for all areas except the proposed project area are greater than for the State. The percentages of those lacking complete plumbing facilities for all areas were greater than for the State, with the percentage for the proposed project area more than nine times the State rate. The 2000 unemployment rates for the local areas ranged from 7.6 percent to 12.3 percent, compared to the State unemployment rate of 6.5 percent.

Table 11. Housing, labor force, and employment, 2000

Area	Housing Units				Labor Force	
	Total Occupied	Percent Substandard ¹	Total	Percent Substandard ²	Percent in Labor Force ³	Unemployment Rate (Percent)
Oregon	1,333,723	4.8	1,452,709	0.9	65.2	6.5
Crook County	7,354	5.1	8,264	2.3	59.4	7.7
City of Prineville	2,842	8.0	3,045	0.0	58.0	7.6
Crooked River CCD	1,251	3.4	1,721	9.8	54.7	12.3

¹ 1.01 or more occupants per room.

² Lacking complete plumbing facilities.

³ Population 16 years and over in the labor force.

Source: U.S. Census, 2000 (c) (d) (e).

Environmental Consequences

No Action Alternative

There would be no impacts to Environmental Justice if the No Action Alternative were implemented.

Grant Access Easement Alternative

Granting the easement would facilitate the development of 16 individual lots for eventual construction of 16 single family dwellings. While the likely selling price of any of the 16 lots or homes would be outside the ability of the low-income population to purchase, construction of affordable homes in other areas of the county would not be precluded. No disproportionately high and adverse human health or environmental effects have been identified. Thus, there would not be any adverse environmental justice impacts if the easement were granted.

Cumulative Effects

Fish and Wildlife

Indian Rock Estates alone is probably not large enough to have major impacts on deer winter range; however, it is just one of many subdivisions being established in the area. The result of cumulative residential developments is the continued fragmentation of wildlife habitat, which negatively affects deer (Ferry, 2006).

Threatened and Endangered Species

The cumulative effect of bringing more people and recreation into the area through an increasing number of housing developments would be greater disturbance of the nesting bald eagles. Greater disturbance, in turn, could negatively affect the pairs' nest productivity. Although recreational activity is fairly heavy below the nest site, the eagles generally use the SWA upstream to perch and forage. In 2004, the young were observed following their parents upriver soon after fledging (Raven Research, 2005). These cumulative effects are inevitable as private lands in the area continue to be developed; however, the SWA would continue to protect and provide habitat for bald eagles.

Reclamation has determined that the proposed project would have no effect on bald eagles.

Chapter 4. Consultation and Coordination

This chapter describes Reclamation's public involvement and consultation and coordination activities to date.

Public Involvement

Public involvement is a process in which interested and affected individuals, organizations, agencies, and governmental entities are consulted and included in Reclamation's decisionmaking process. This section on public involvement also serves as the public involvement summary report for this proposed action.

On April 6, 2006, Reclamation sent a scoping letter and graphic showing the location of the proposed project to more than 50 individuals; organizations, local media; and local, State, and Federal government agencies requesting issues or concerns about the proposed easement be identified to Reclamation. A news release was also distributed to the press and posted on Reclamation's Web site.

Reclamation received four comments; two by e-mail and two by U.S. mail. The comments are summarized and responses presented below.

Comment

The proposed action is located in deer winter range and there is a prairie falcon nest in proximity (330 meters) to the road.

Response

The deer winter range and the prairie falcon nest are addressed in the Fish and Wildlife section of this draft EA.

Comment

The visual resource impacts of the project as seen from the State Park and from the surface of the reservoir or other key observation points identified in the Prineville Reservoir Management Plan and the Upper Deschutes Resource Management Plan should be assessed. In developing project alternatives, consideration of visual resource impacts should be done before a final road alignment is selected.

Response

Visual impacts of the project, including road alignment, are addressed in the Visual Resource Analysis section of this EA.

Comment

It is my understanding that this property already has two (2) access routes available. One is via Golden Eagle Dr. through existing development. The second route would be via Dihal Road. This would save a lot of traffic on roads to the State parks and offer less visual impact from the lake area.

Response

The Applicant has indicated that, due to the topography of the site, the only viable option to access the private property is from Reclamation lands; Crook County will not permit alternate options to access Phase II lands. Additional traffic on SE Juniper Canyon Road is addressed in Noise and Air Quality sections of this EA. Visual impacts of and mitigation for the access road are addressed in the Visual Resource Analysis section of this EA.

Comment

The letter supports the request for easement, stating the applicant has proven to be a good neighbor with genuine concern for the environment.

Response

No response required.

The draft EA was distributed for public review and comment. Copies were provided to those requesting it, and a news release was issued. The draft EA was be available for public review in local libraries, Reclamation offices, and at <www.usbr.gov/pn>. In addition, paper and CD-ROM copies were available upon request.

Following the close of the public review and comment period, Reclamation considered all written comments in preparing this final EA. No significant adverse impacts were identified, and a Finding of No Significant Impact was prepared. The results of the final EA will be considered among other things by Reclamation in determining whether to grant or deny the easement, including requiring additional environmental analysis before making the decision.

Agencies Consulted

The following agencies were consulted in preparation of this environmental assessment:

- Confederated Tribes of the Warm Springs Reservation of Oregon, Warm Springs

- U.S. Fish and Wildlife Service, Bend
- Bureau of Land Management, Prineville
- Oregon Department of Fish and Wildlife, Prineville
- State Historic Preservation Office, Oregon State Parks and Recreation Branch, Salem
- Crook County Assessor's Office, Prineville
- Crook County Planning Department, Prineville

Agency Consultation and Coordination

Endangered Species Act, Section 7

Informal consultations under Section 7 of Endangered Species Act of 1973, as amended (ESA) were conducted with FWS to address any impacts of granting an access easement across Reclamation land.

On October 19, 2005, Reclamation sent FWS a letter requesting information on ESA listed species within the project area. On October 21, 2005, FWS sent a list of ESA-listed species that may occur in Crook County (attachment C).

National Historic Preservation Act Consultation and Native American Graves Protection and Repatriation Act

The National Historic Preservation Act of 1966 (NHPA) (as amended in 1992) requires that Federal agencies consider the effects that their projects have upon historic properties. Section 106 of this act and its implementing regulations (36 Code of Federal Regulations Part 800) provide procedures that Federal agencies must follow to comply with NHPA on specific undertakings. Other Federal legislation further promotes and requires the protection of historic and archeological resources by the Federal Government. Among these laws are the Archeological Resources Protection Act of 1979 and the Native American Graves Protection and Repatriation Act of 1990.

To comply with section 106 of NHPA, Federal agencies must consult with the State Historic Preservation Officer, Native American tribes with a traditional or religious interest in the study area, and the interested public. Federal agencies must show that a good faith effort has been made to identify historic properties in the area of potential effect for a project. The significance of historic properties must be evaluated, the effect of the project on the historic properties must be determined, and the Federal agency must mitigate adverse effects the project may cause on major resources.

In early June 2006, Reclamation sent the SHPO a copy of the final cultural resources report and requested concurrence on the efforts and actions taken to meet the section 106 requirements. The cultural resources contractor determined that there were no known historic properties in the proposed project area, the isolated prehistoric finds encountered during the survey were not eligible for the

NRHP, and probable impacts on historic properties were unlikely. Reclamation concurred with the contractor's findings that the proposed grant access easement would not affect historic properties. The SHPO responded to Reclamation on June 29, 2006, and again on August 3, 2006, (after receiving the draft EA) and concurred that the proposed action will have no effect on historic properties and that the efforts and actions taken meet the section 106 requirements (attachment E).

Executive Orders and Other Guidelines

Executive Order 11990 requires minimization of the destruction, loss, or degradation of wetlands and preservation and enhancement of the natural and beneficial values of wetlands. Wetlands are recognized as an important wildlife habitat resource. EO 11990 also requires public disclosure of project effects on wetlands. This EA has identified no wetlands in the affected area.

Executive Order 13007, Indian Sacred Sites, is discussed in chapter 3 under "Indian Sacred Sites." Reclamation has no knowledge of any sacred sites on the private properties involved in this proposed action.

Executive Order 12898 established environmental justice as a Federal agency priority to ensure that minority and low-income groups are not disproportionately adversely affected by Federal actions. Minority and low-income groups would not be disproportionately affected by the proposed action.

Indian trust assets (ITA) policy was authorized under 64 Stat. 1262, issued in Secretarial Order 3175, and incorporated into the Departmental Manual at 512 DM 2. It has been determined that ITAs do not occur in the proposed project area and would not be affected.

Distribution List

This environmental assessment is being sent to the following agencies, groups, and individuals for their information and review. All locations are in the State of Oregon unless otherwise noted.

Indian Tribes

Confederated Tribes of the Warm Springs Reservation
Chair, Warm Springs
Cultural Resources, Warm Springs

Federal Agencies

Department of the Interior
Bureau of Indian Affairs
Warm Springs Agency, Warm Springs
Bureau of Land Management, Prineville
U.S. Fish and Wildlife Service, Bend, Portland
U.S. Geological Survey
Water Resources Division, Portland

State Agencies

State of Oregon
Department of Environmental Quality, Portland
Department of Fish & Wildlife, Prineville
Parks and Recreation Department
Prineville Reservoir State Park, Prineville
State Historic Preservation Officer, Salem
State Marine Board, Salem
Water Resources Department, Bend

Local Agencies

Crook County
Assessor's Office, Prineville
Bottero Park Improvement District, Bend
Commissioners, Prineville
Planning Department, Prineville
Public Library, Prineville

City of Prineville
Planning Department, Prineville

Interested Individuals, Entities, and Organizations

Chuck and Dorothy Abernathy, Bend
Gordon and Sandra Bergquam, Prineville
Nathan M. Boyle, Redmond
The Bulletin, Bend
Carl W. Cavallo Trustee, Marina Y. Martinez Trustee, Bend
Clara Carey Life Estate, Leland H. and Sandra K. Anderson, Prineville
Central Oregonian, Prineville
Reva Yvonne Cohen, Simhoni Cohen, Oregon City
Carol Sue Cook, Keizer
Steven J. Cozzetto, Barbara Kautto, Salem
Anthony Diangelo Trustee, Mary Diangelo Trustee, Prineville
Gary Ervin, Prineville
Robert J. Flak, Marsha J. Wurzer, Troutdale
Boyd Goodpaster, Yakima, Washington
Ken and Marjorie Goodpaster, Molalla
James W. Kehoe Jr., Brenda L. Kehoe, Portland
J. Richard Kerr Trustee, Gloria Kerr Trustee, West Linn
Yosef Lati, Moshe Lati, West Linn
Arkle Phillip Lile, Glenda G Lile, Prineville
Land Acquisition & Development Company, Fox, Keiser
Don McShane, Laura McShane, Prineville
J. Thomas Molitor Trustee, Suzzann Molitor Trustee, Portland
Julie L. Moore IRA, Pensco Trust Company, San Francisco, California
Sherri Miyazaki, Sammamish, Washington
Ochoco Irrigation District, Prineville
Prineville Reservoir Resort, Prineville
Daniel R. Schnell, Teresa K. Schnell, Sisters
David Schulz, Newberg
Richard L. Shelton, Sharon L. Shelton, Vacaville, California
Wayne Warren, Margaret F. Warren, Sisters

List of Preparers

This environmental assessment was prepared by employees in the Pacific Northwest Regional Office, 1150 North Curtis Road, Suite 100, Boise, ID 83706-1234; Lower Columbia Area Office, 825 NE Multnomah Street, Suite 1110, Portland, OR 97232-2135; and in the Technical Service Center, PO Box 25007, Denver, CO 80225-0007. A list of persons who prepared various sections of the assessment or participated to a significant degree in preparing the assessment is presented below in alphabetical order by office.

Name	Title	Contribution
Technical Service Center, Denver, Colorado		
Susan Black	Social Science Analyst	Public involvement, environmental justice, and resource management
Chuck Borda	Economist	Economic analysis
Dianne Clark	Technical writer-editor	Writing and editing
Chad DeVore	Recreation specialist	Recreation, visual resource analysis, Wild and Scenic Rivers, air quality, and noise
Patty Gillespie (retired)	Technical writer-editor	Writing and editing
Jack Jibson (retired)	Soil Scientist	Soils, erosion and sediment control, water quality
Rebecca Siegle	Natural Resources Specialist	Vegetation, fish and wildlife, threatened and endangered species
Lower Columbia Area Office, Portland, Oregon		
Tanya Sommer	Study Manager	Study manager and Indian trust assets
Pacific Northwest Regional Office, Boise, Idaho		
Jennifer Huang	Archeologist/museum specialist	Cultural resources, historic properties, Indian sacred sites
Lynne MacDonald	Archeologist	Cultural resources, historic properties, Indian sacred sites

Environmental Commitments

Long-term environmental consequences are expected to be mitigated by following the environmental commitments. The environmental commitments are expected to become part of the access easement, and significant environmental impacts will, therefore, be avoided.

- The Applicant will inform the residents of the subdivision about the rules and regulations regarding use of adjacent and nearby public lands. The Applicant also will cooperate with Reclamation, the Bureau of Land Management (BLM), Crook County Sheriff's Office, Oregon State Police, and/or the Oregon Department of Park and Recreation to ensure that the subdivision does not become a staging area for recreational activities that could threaten wintering deer and sensitive raptor nesting sites. These activities could include motorized uses, such as off-road vehicle use (e.g., all-terrain vehicles and motorcycles) and nonmotorized uses (e.g., hiking, mountain biking, horseback riding).
- Construction areas, including storage yards, will limit the amount of waste material and trash accumulations at all times.
- All unused materials and trash will be removed from construction and storage sites during the final phase of work. All removed material will be placed in approved sanitary landfills or storage sites, and work areas will be left to conform to the natural landscape.
- Precautionary measures, such as routine equipment cleaning and prohibiting contaminated soils from entering the project area, will be implemented to reduce the spread of noxious weeds and other undesirable plants.
- Upon completion of construction, any land disturbed outside the limits of the permanent road and other permanent facilities will be graded to provide proper drainage and to blend with the natural contour of the land. Following grading, only plants native to the site, suitable for the site conditions, will be used to revegetate.
- Native bunchgrass and forb species will be used to revegetate within the easement; to deter deer from gathering along the road, shrub species that attract deer (e.g. bitter brush) will not be planted.
 - Where applicable, the following agencies will be consulted to determine the recommended plant species composition, seeding rates, and planting dates: Oregon Department of Fish and Wildlife,

U.S. Natural Resources Conservation Service (NRCS), Oregon Parks and Recreation Department, and BLM.

- Grasses, forbs, shrubs, and trees appropriate for site conditions and surrounding vegetation will be included on a plant list developed during site design. Species chosen for a site will be matched for site drainage, climate, shading, resistance to erosion, soil type, slope, and aspect. Revegetation shall match the plant list to the site's soil type, topographic position, elevation, and surrounding communities.
- All sites that are disturbed for construction of roads and buildings shall be actively monitored for noxious weeds and other undesirable plants. If noxious weeds are discovered in the project area, they will be controlled. All infestations will be treated in accordance with accepted methods, e.g., Crook County practices and Reclamation's Integrated Pest Management Plan. The area shall continue to be monitored at least once annually, followed by aggressive weed control efforts.
- If any problems or changes in the bald eagles behavior resulting from the proposed action are observed, all ground disturbing activities in the immediate area would be stopped and consultation with the FWS initiated to determine the appropriate steps to avoid impacting the species.
- Keeping dogs contained within resident's property to prevent them from chasing or harming wildlife will be added to the Indian Rock Estates Declaration of Covenants, Conditions, and Restrictions.
- Open space within the development will not include fencing that would impede wildlife movement through the area.
- All roads, trails, and new or upgraded facilities shall employ designs that will not contribute to short- or long-term soil loss during and following construction and revegetation.
- The design and construction of roads will employ practices to prevent soil erosion and subsequent water quality impacts. Settling basins may be required above culverts to reduce erosion. Cuts and fills for new roads will be sloped to facilitate revegetation. Disturbed areas will be revegetated as soon as possible after construction.
- The access road will fit the proposed development to the existing landforms in a manner that minimizes the size of cuts and fills to reduce visual impacts from earthwork.
- If archeological material or human remains are found on Federal lands during construction, the contractor must halt all construction activities in

the vicinity of the discovery and contact Reclamation's Regional Archeologist immediately. If discoveries occur on private lands, then Oregon State statutes will apply. In that event, all construction would halt in the vicinity of the discovery and the Oregon State Historic Preservation Officer would be notified. Under State law (Oregon Revised Statutes 358.905-955) it is a Class B misdemeanor to impact an archeological site on public or private land in Oregon. Impacts to Native American graves and cultural items are considered a Class C felony (Oregon Revised Statute 97.740-760).

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Attachment A

Reclamation Prineville Reservoir Wildlife Study Final Report 2005 Species List

Raptors

Bald eagle (*Haliaeetus leucocephalus*)
Golden eagle (*Aquila chrysaetos*)
Osprey (*Pandion haliaetus*)
Northern harrier (*Circus cyaneus*)
Western red-tailed hawk (*Buteo jamaicensis*)
Cooper's hawk (*Accipiter striatus*)
Peregrine falcon (*Falco peregrinus anatum*)
Pacific merlin (*Falco columbarius*)
Prairie falcon (*Falco mexicanus*)
American kestrel (*Falco sparverius*)
Great-horned owl (*Bubo virginianus*)
Long-eared owl (*Asio otus*)

Other birds

White pelican (*Pelecanus erythrorhynchos*)
Great-blue heron (*Ardea herodias*)
Black-crowned night heron (*Nycticorax nycticorax*)
Double-crested cormorant (*Phalacrocorax auritus*)
American coot (*Fulica americana*)
Western Canada goose (*Branta canadensis moffitti*)
Mallard (*Anas platyrhynchos*)
American wigeon (*Anas americana*)
Northern shoveler (*Anas clypeata*)
Green-winged teal (*Anas crecca*)
Ring-necked duck (*Aythya collaris*)
Common goldeneye (*Bucephala clangula*)
Common merganser (*Mergus merganser*)
Ring-billed gull (*Larus delawarensis*)
California gull (*Larus californicus*)
Belted kingfisher (*Ceryle alcyon*)
Western grebe (*Aechmophorus occidentalis*)
Clark's grebe (*Aechmophorus clarkia*)
Horned grebe (*Podiceps auritus*)

Other birds (cont.)

Pied-billed grebe (*Podilymbus podiceps*)
Common loon (*Gavia immer*)
Spotted sandpiper (*Actitis macularia*)
Killdeer (*Charadrius vociferous*)
Greater yellowlegs (*Tringa melonoleuca*)
Lesser yellowlegs (*Tringa flavipes*)
Common snipe (*Gallinago gallinago*)
Long-billed dowitcher (*Limnodromus scowpaceus*)
Red-necked phalarope (*Phalaropus lobatus*)
Pectoral sandpiper (*Calidris melanotos*)
Semipalmated sandpiper (*Calidris pusilla*)
Western sandpiper (*Calidris mauri*)
Least sandpiper (*Calidris minutilla*)
Baird's sandpiper (*Calidris bairdii*)
Turkey vulture (*Cathartes aura*)
Western raven (*Corvus corax sinuatus*)
Black-billed magpie (*Pica hudsonia*)
Pinyon jay (*Gymnorhinus cyanocephalus*)
Northern flicker (*Colaptes auratus*)
Common nighthawk (*Chordeiles minor*)
Spotted towhee (*Pipilo maculatus*)
California quail (*Callipepla californica*)
Mountain quail (*Oreortyx pictus*)
Chukar (*Alectoris chukar*)
American robin (*Turdus migratorius*)
Townsend's solitaire (*Myadestes townsendii*)
Mountain bluebird (*Sialia currucoides*)
Brewer's blackbird (*Euphagus cyanocephalus*)
Red-winged blackbird (*Agelaius phoeniceus nevadensis*)
Rock dove (*Columba livia*)
Mourning dove (*Zenaidura macroura*)
Ashthroat flycatcher (*Myiarchus cinerascens*)
Western kingbird (*Tyrannus verticalis*)
Say's phoebe (*Sayornis saya*)
Gray flycatcher (*Empidonax wrightii*)
Loggerhead shrike (*Lanius ludovicianus*)
Rock wren (*Salpinctes obsoletus*)
Canyon wren (*Catherpes mexicanus*)
Lincoln sparrow (*Melospiza lincolni*)
Clay-colored sparrow (*Spizella pallida*)
Chipping sparrow (*Spizella passerina*)
White-crowned sparrow (*Zonotrichia leucophrys*)
American pipit (*Anthus rubescens*)
Cedar waxwing (*Bombicylla cedrorum*)
Orange-crowned warbler (*Vermivora celata*)

Other birds (cont.)

Yellow warbler (*Dendroica petechia*)
Black-throated gray warbler (*Dendroica nigrescens*)
Yellow-rumped warbler (*Dendroica coronata*)
Western tanager (*Piranga ludoviciana*)
Black-headed grosbeak (*Pheucticus melanocephalus*)
Dark-eyed junco (*Junco hyemalis*)
Western meadowlark (*Sturnella neglecta*)
Brown-headed cowbird (*Molothrus ater*)
Bullock's oriole (*Icterus bullockii*)
House finch (*Carpodacus mexicanus*)
American goldfinch (*Carduelis tristis*)
House sparrow (*Passer domesticus*)
European starling (*Sturnus vulgaris*)
Mountain chickadee (*Pocile gambeli*)
Warbling vireo (*Vireo gilvus*)
Red-eyed vireo (*Vireo olivaceus*)
Bank swallow (*Riparia riparia*)
Violet-green swallow (*Tachycineta thalassina*)

Mammals

Mule deer (*Odocoileus hemionus*)
Bobcat (*Lynx rufus*)
Coyote (*Canis latrans*)
American beaver (*Castor canadensis*)
Northern river otter (*Lontra canadensis*)
Muskrat (*Ondatra zibethicus*)
Black-tailed jackrabbit (*Lepus californicus*)
Mountain cottontail (*Silvilagus nuttallii*)
California ground squirrel (*Spermophilus beecheyi*)
Belding's ground squirrel (*Spermophilus beldingi*)
Golden-mantled ground squirrel (*Spermophilus lateralis*)
Least chipmunk (*Tomias minimus*)
Common porcupine (*Erethizon dorsatum*)

Herps

Western toad (*Bufo boreas*)
Northern Pacific rattlesnake (*Crotalus viridis oreganos*)
Great-basin gophersnake (*Pituophis catenifer deserticola*)
Western yellow-bellied racer (*Colubar constrictor mormon*)
Great-basin fence lizard (*Sceloporus occidentalis longipes*)

The above list reflects all species recognized and noted between 9/30/03 and 10/30/05 at Prineville Reservoir by Raven Research and others in the course of this study.

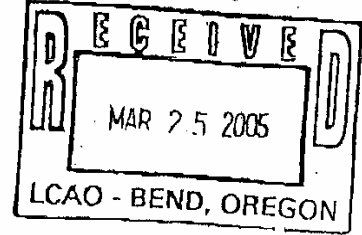
Attachment B

Crook County Commission decision document, including Ordinance Criteria

Crook County Fire and Rescue letter

Right-of-Use Application

Indian Rock Estates Homeowners Association Bylaws and Declaration of Covenants, Conditions, and Restrictions



CROOK COUNTY

BEFORE THE PLANNING COMMISSION

IN THE MATTER OF C-PUD-002-04
 FOR PRELIMINARY DEVELOPMENT PLAN
 APPROVAL FOR A PLANNED UNIT DEVELOPMENT
 (INDIAN ROCKS ESTATES) IN A RECREATION
 RESIDENTIAL MOBILE ZONE RRM-5

COMMISSION
 DECISION

THE ABOVE ENTITLED MATTER having come before the Crook
 County Planning Commission on May 26, 2004; and

IT APPEARING to the Commission that Fred Moore/Land
 Acquisitions and Development Company applied to the Planning
 Commission of the County of Crook for Preliminary Development Plan
 approval pursuant to the Crook County Land Development Ordinance
 No. 19, for a 41 lot Planned Unit Development (Indian Rocks
 Estates) on a tract of land 472 acres in size to the east of the
 Juniper Hills subdivision (T 16 S R 17 EWM Sec 29 TL 2801).

The Planning Commission after due consideration and being
 fully advised in the premises; it is therefore

RESOLVED that the petition referenced above is hereby
 approved subject to conditions, with the Ordinance Criteria
 described in Exhibit "A", Findings described in Exhibit "B",
 Testimony described in Exhibit "C", and Conditions described in
 Exhibit "D" attached hereto and made a part of this Decision; for
 the determination, on balance, that the public welfare is served
 in granting such approval.

DATED THIS 9th DAY OF JUNE, 2004

PLANNING COMMISSION FOR THE COUNTY
 OF CROOK

Lawrence Weberg
 By Lawrence Weberg
 ACTING COMMISSION CHAIRMAN

Gordon Moore
 By Gordon Moore, COMMISSION
 SECRETARY

Moore/Indian Rock Estates, Decision

C-PUD-002-04

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EXHIBIT A

C-PUD-002-04

ORDINANCE CRITERIA

ZONING: The property is zoned Recreation Residential Mobile RRM-5. Section 3.070 contains requirements for the RRM-5 zone. A planned unit development is permitted outright in this zone under Section 3.070 (1) (F) of the Crook County Zoning Ordinance.

LAND DEVELOPMENT ORDINANCE: Article 6 of the Land Development Ordinance sets forth requirements for planned unit developments. Sections 8.010 - 10.020 contain requirements for design standards and improvements.

Sections 6.100 - 6.110 set forth requirements for application submissions for planned unit developments. Section 6.220 states that the following are to be submitted:

(1) A map to show street systems, lot... lines and other divisions of land.

This has been submitted.

(2) Areas proposed to be conveyed, dedicated, or reserved for public streets, parks, parkways, playground school sites, public buildings, and similar public and semi-public uses and facilities.

This has been submitted.

(3) A plot plan for each building site and common open space area, showing the locations of buildings, structures, and other improvements and indicating the open spaces around buildings and structures.

The applicant does not propose building the residences or other private structures in the proposed PUD. No public buildings are proposed. The area dedicated to common open space is shown on the map submitted.

(4) Evaluation and perspective drawings of proposed structures....

The applicant does not propose to construct any structures.

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(5) A development schedule indicating:

- (A) The approximate date at which construction can be expected to begin.
- (B) The stages in which the project will be built and the approximate beginning date of construction on each phase.
- (C) The anticipated rate of development.
- (D) The approximate date of completion for each phase.
- (E) The area, location, and degree of development of common open space to be provided with each phase.
- (F) CCR's for the PUD, including protection of open space.
- (G) Plans and/or diagrams required by the Commission to address special problems of traffic, parking, landscaping or economic feasibility.

This information has been submitted.

Section 6.040 of the Land Development Ordinance states that the County shall approve a planned unit development only if it finds that the PUD will satisfy the intent of the Ordinance relating to standard subdivision development, the intent of the applicable zoning regulations, and the standards of Article 6 including the following:

- (1) The Planned Unit Development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making adequate provision for the preservation of natural features such as streams, lakes, natural vegetation, and special terrain features.
- (2) The planned unit development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.
- (3) Proof that financing is available to the applicant sufficient to assure completion of the planned unit development as proposed or required.

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COMPREHENSIVE PLAN: Pages 54-60 of the Crook County - Prineville Comprehensive Plan contain policies for recreation areas of the County.

EXHIBIT B

C-PUD-002-04

FINDINGS

ACREAGE: The property measures approximately 472 acres. The open space area is to measure approximately 270 acres. Phase I is to measure 136 acres, while Phase II is to measure 63 acres.

The lots in the northern portion of Phase I are to range in size from 6.4 acres to 8.6 acres. The lots in the southern part of Phase I are to range from 1.8 to 5.9 acres. The lots in Phase II are to range from 3.0 to 5.2 acres.

CURRENT USE OF THE PROPERTY: The property is vacant.

AREA LAND USE: The Juniper Hills subdivision borders the property on the north and west, and residential development is located a short distance to the east. Prineville Lake Acres Unit 1 is located within one mile to the west of the property, across Juniper Canyon Road. Jasper Point State Park is located within 0.5 mile to the southeast, adjacent to the Prineville Reservoir. BOR lands adjoin the property to the south.

ACCESS: Access to Phase I is to be by a 60 foot wide road with a minimum 24 foot paved width (Zaltana Drive) connecting to existing Juniper Drive, a public road in the Juniper Hills subdivision bordering the northern edge of the property. Zaltana Drive is to run north-south, and end in a loop at the south end. Sahale Court is to branch off the east side of Zaltana Drive to the north of the loop, while Wicasa Court is to branch off the west side of the loop. Both are to end in cul-de-sacs with minimum 60 foot radius and 45 foot paved radius.

Access to Phase II is to be by a 60 foot wide loop road with a 24 foot paved width (Pavati Circle) connecting to Juniper Canyon Road, a County arterial, to the south of the property. A 40 foot wide gated emergency access is to connect Wicasa Court in Phase I with Pavati Circle in Phase II, but there is to be no regular connection between the two phases.

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An existing public road (Golden Eagle Drive) borders the property on the west. A 60 foot wide road with a 24 foot paved width (Mosi Lane) is to connect Zaltana Drive with Golden Eagle Drive on the southern edge of Lot 1 in Phase I. The applicant indicates that he will gravel dress Golden Eagle Drive and the section of Juniper Drive to Zaltana Drive. He states that roads on the property will be constructed to minimize cut and fill.

The applicant received approval from the Bureau of Recreation (BOR) for an emergency access to the property across BOR lands at the southeast corner of the property.

The Crook County Roadmaster indicated that a left hand turn lane on Juniper Canyon Road will be needed for access to Phase II of the PUD. She said that the access improvements must be coordinated with the Bureau of Reclamation (BOR) and the state Parks Department for State Park Development Access. She said that vegetation will need to be cleared adjacent to the entrance to increase the sight distance for emergency fire entrance, and that the road entrance onto Juniper Canyon Road must be paved. She stated that all drainage problems must be addressed with ditches and culverts.

FARM DEFERRAL: The property is not under farm deferral.

IRRIGATION: The property is not irrigated and has no water rights.

FLOOD ZONE: The property is in Flood Zone X outside the 500 year flood zone.

WETLAND: There are no designated wetlands on the property.

WILDLIFE: The property is in General Deer Winter Range. Minimum acreages for winter range do not apply to the RRM-5 zone. Motorized vehicles will be prohibited from the open space area to help protect wildlife. Livestock and poultry will not be permitted in the PUD. Native landscaping will be required. The applicant states that he is making an effort to preserve wildlife habitat, along with corridors for wildlife movement.

FIRE: The property is in the Juniper Canyon Fire District. Sprinklers are to be required in residences. The property is in a wildland high hazard area. Fire Free guidelines for structures are to be adopted.

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The Fire Department indicates that the proposed access to the property is sufficient for emergency purposes.

UTILITIES: Electricity and telephone service are available to the property. Utilities are to be placed within road rights-of-way and public utility easements. Utility lines are to be underground.

WATER: Water is to be provided by shared wells. The wells are to be drilled before the final plat is filed.

SEPTIC: Sewage disposal is to be by individual septic systems.

SETBACKS: Minimum setbacks of 20 feet front, 10/10 feet side, and 20 feet rear are required in the RRM-5 zone.

OUTDOOR LIGHTING: Switches or motion sensors will be required on outdoor lighting. There will be no dusk-to-dawn outdoor lighting.

DISCUSSION: The applicant proposes to construct the proposed PUD in two phases, which are to have separate entrances and be separated by open space. Phase I is to consist of 25 lots ranging in size from 1.8 to 8.6 acres, with a total area of 136 acres. Lots 1-10 are to be separated from Lots 11-25 by open space, but connected by Zaltana Drive.

Phase II is to consist of 16 lots ranging from 3.0 to 5.2 acres, with a total area of 63 acres. It is to be connected to Phase I only by a gated emergency access.

A common open space area of 272 acres is to be provided. It is to preserve wildlife habitat, as well as providing opportunities for hiking and possibly other recreation. The applicant states that the PUD is designed to maximize connectivity between the lots and the open space area, as well as preserving corridors for wildlife movement. He states that the open space area includes the highest parts of the property, which are visible from the Prineville Reservoir. He states that CCR's will prohibit motorized vehicles from intruding on the open space area. He states that roads have been planned to minimize cuts and fill.

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SCHEDULING: The applicant states that development is proposed to begin immediately after Outline Plan approval, with well drilling to insure water quality and quantity. When this has been confirmed to be acceptable, septic feasibility, surveying, engineering, and placement of utilities will be done. He will pave the roads in Phase I after one-half of the lots in that phase are sold. The lots in Phase II will be paved at the time that phase is completed.

The applicant estimates that Phase I will be completed during Calendar Year 2004, and that Phase II will be in place no later than 2006.

FINANCING: The applicant has submitted a letter from Bank of the Cascades indicating that their loan experience with him on his Ironwood Estates project was very satisfactory, and they look forward to working with him on the present project.

SUBDIVISION REVIEW COMMITTEE: The Subdivision Review Committee met to review the proposed Planned Unit Development on Thursday, May 13, 2004.

EXHIBIT C

C-PUD-002-04

TESTIMONY

The applicant testified in support of the proposal. He stated that the CCR's are being revised to provide for better protection of the proposed open space areas. He said that grazing will not be permitted in the open space areas, and that livestock and poultry will not be permitted in the PUD. He said that switches or motion sensors will be required on outdoor lighting. He said that utility lines will be underground.

He said that the roads in the Juniper Hills subdivision are not up to County road standards. He said that he is willing to gravel dress Golden Eagle Drive and the part of Juniper Drive connecting to Zaltana Drive. He said that he wants to pave the roads in Phase I after one-half of the lots in that phase have been sold, and that he will pave the roads in Phase II when that phase is completed. He said that sprinklers will be required in residences. He said that he is willing to drill the wells for domestic water before the final plat is filed.

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One resident of Juniper Hills testified concerning the proposal. She said that she wants Golden Eagle Drive paved, but will accept the applicant's offer to gravel dress it. She said that she doesn't know how many other Juniper Hills residents will favor it. She said that the water lines for the Idleway Acres subdivision run through the area.

The Crook County Roadmaster submitted written and verbal testimony. She stated that a left hand turn lane on Juniper Canyon Road will be needed for access to Phase II of the PUD. She said that the access improvements must be coordinated with the Bureau of Reclamation (BOR) and the state Parks Department for State Park Development Access. She said that vegetation will need to be cleared adjacent to the entrance to increase the sight distance for emergency fire entrance, and that the road entrance onto Juniper Canyon Road must be paved. She stated that all drainage problems must be addressed with ditches and culverts.

EXHIBIT D

C-PUD-002-04

CONCLUSIONS

(1) The Commission finds that the proposed Planned Unit Development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan, and making adequate provision for the preservation of natural features such as streams, lakes, natural vegetation, and special terrain features.

This finding is made because the applicant has used an innovative approach to assure that proposed lots and open space have been located so as to maximize connectivity between the two. Open space has been planned to preserve wildlife habitat and corridors for wildlife movement. The open space area will include the highest parts of the property, which are visible from the Prineville Reservoir. Roads on the property will be constructed to minimize cut and fill.

(2) The Commission finds that the planned unit development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.

Moore/Indian Rock Estates, Decision

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This finding is made because the record and testimony received indicate that the property is adjacent to existing residential development, with availability of utilities and road connections to Juniper Canyon Road. The applicant has indicated a willingness to help improve the roads connecting the proposed PUD with Juniper Canyon Road.

(3) The Commission finds that there is sufficient proof that financing is available to the applicant sufficient to assure completion of the planned unit development as proposed or required.

This finding is made because the applicant has submitted a letter from a bank which financed a previous project of his, indicating that their experience with him was highly favorable, and that they are looking forward to working with him on the present proposal.

(4) Is the proposal in accordance with County road standards?

Section 8.030.02 of the Land Development Ordinance states that road bed width shall be determined in accordance with potential daily traffic (PADT), with each residence equaling 4 average daily trips (ADT). As 41 residences are proposed, traffic will exceed 100 PADT. Section 8.030.03 (C) sets forth minimum standards for roads with more than 100 ADT. These standards include a 24 foot paved width, which the applicant intends to provide.

Section 8.030.06 states that cul-de-sacs shall not serve more than 10 dwellings without a second means of emergency egress. It also states that cul-de-sacs shall terminate with an asphalt/concrete surfaced 45 foot radius turnaround with an additional 15 foot unpaved shoulder. The applicant's proposal is in accordance with these requirements.

The Fire District indicates that the road system is adequate for emergency access and evacuation. An additional emergency access from the southeast corner of the property across BOR lands is to be provided.

(5) Are provisions for utilities adequate?

The applicant has indicated that utility lines will be underground.

Moore/Indian Rock Estates, Decision

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Based upon the FINDINGS and CONCLUSIONS, Outline Plan approval is hereby granted for the proposed Indian Rocks Estates Planned Unit Development as follows:

- (1) A Final Development Plan is to be submitted no later than six months from the date of this decision.
- (2) Phase I is to be completed no later than the end of calendar year 2005. Phase II is to be begun no later than the beginning of calendar year 2006.
- (3) The roads in Phase I are to be paved after one-half of the lots in Phase I have been sold. The roads in Phase II are to be paved when Phase II is completed.
- (4) Wells for domestic water supply are to be drilled prior to submitting the Final Development Plan.
- (5) Dawn-to-dusk outdoor lighting is not to be permitted.
- (6) Livestock and poultry are not to be permitted.
- (7) Motorized vehicles are not to be permitted in the open space areas.
- (8) All residences are to have sprinkler systems conforming to Fire District requirements.
- (9) Fire Free guidelines for structures are to be adhered to.
- (10) All requirements of the Crook County Roadmaster are to be adhered to.
- (11) All requirements of the Crook County Sanitarian are to be adhered to.

NOTICE TO APPLICANT

A Final Development Plan is to be filed by 5:00 p.m. on December 9, 2004. An extension may be granted by the Planning Commission. Any request for an extension must be submitted in writing to the Planning Department prior to December 9, 2004.

Crook County Fire & Rescue
500 NE Belknap Street
Prineville, Oregon 97754
(541) 447-5011

COPY FOR YOUR
INFORMATION

TO: Fred E. Moore

FROM: Jim Dean

DATE: January 27, 2005

CC: Crook County Planning Commission

SUBJECT: Indian Rock Estates

Dear Mr. Moore

As per our conversation on January 27, 2005, your revised plan of providing an 82,000 gallon reservoir with a hydrant meets the requirements of Crook County Fire & Rescue and NFPA 1231. The access requirements under the International Fire Code has been changed to 30 lots before a second access is needed. Phase 1, 25 lots, Phase 2, 16 lots have separate access points. This does meet the intent of the International Fire Code and is under the 30 lot requirement for additional access.

Thank You
Jim Dean
Jim Dean

BUREAU OF RECLAMATION OFFICIAL FILE COPY			ACTION MADE BY
APR 7 - '85			
TO	INIT	DATE	
1600	<i>KE</i>	4/8	
FILE			

Bureau of Reclamation

RIGHT-OF-USE APPLICATION

(Fill out completely. If additional space is needed, include on a separate sheet of paper)

1. The right-of-use (such as an easement, lease, license, or permit) is to be issued to:

- Individual(s)
 Partnership/Association
 State Government
 Local Government
 Federal Government
 Corporation
 Other (explain) _____

2. Legal name, address, telephone number of individual(s) or entity right-of-use is to be issued to:

LAND ACQUISITION AND DEVELOPMENT CO.
 55956 COOK ALLEN LANE
 FOX, OREGON 97856

2a. Full legal name and title of individual(s) who will sign the right-of-use document.

FRED EUGENE MOORE, PRESIDENT

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 3

To <u>TANYA</u>	From <u>DARLENE</u>
Dept/Agency	Phone #
Fax #	Fax #
NSN 7546-01-317-7266	5099-101 GENERAL SERVICES ADMINISTRATION

Note: If applicant is an entity or serving in a capacity other than as an individual, attach copies of the proper papers evidencing creation, good standing, and resolution/authorization for the person signing to commit the entity.

3. Name, address, and telephone number of individual to contact for additional information, if other than No. 2.

4. Specify what the application is for:

- New Right-of-Use
 Renew/amend existing Right-of-Use (include Right-of-Use No.) _____
 Assignment of Right-of-Use No. _____

5. Location of the proposed use: Section 32 Township 16S Range 17E Meridian Willamette
 County CROOK Approximate acreage: .73

6. Length of term for which the right-of-use is requested FOREVER. (Reclamation will determine if the term is allowed based on information submitted.)

7. Date the applicant would begin the requested right-of-use 2005-6. The anticipated completion date of construction is 2005-6.
 (Work/use cannot begin until the right-of-use document is signed by Reclamation and all fees have been paid.)

8. Describe in detail the proposed use of Reclamation's lands, facilities, and water surface areas and include a map of the area showing the location of the project area. This description should include: (a) type of system or facilities to be constructed (e.g., canal, pipeline, road), (b) related structures and facilities, (c) physical specifications (length, width, grading, etc.), (d) type of construction, (e) temporary work areas needed for construction, (f) volume or amount of product to be transported, (g) and duration and timing of construction. Include physical data and dimensions such as facility size, pipe sizes, transmission line voltages, ground clearances and clearances from Reclamation structures, etc. Attach plans, specifications, maps, and drawings to application. (Attach additional sheets, if additional space is needed.)

EASEMENT FOR RIGHT-OF-WAY ACCESS

SEE ATTACHED

9. Describe other reasonable alternative routes and modes considered. Why were these alternatives not selected? Give an explanation as to why it is necessary to cross Federal lands/facilities.

The only other possible route would have had to been from the North Blasting a section of the ridgeline out to accomodate a road would have damaged the scenic value of the area. It would have also provided very poor fire protection to have come over the ridge from the north. No escape routes.

10. Applicant Certification

I certify that the information given in this application is true, complete, and correct to the best of my knowledge and belief and is given in good faith. I understand that the fees submitted with this application represent the minimum costs of processing a successful application. I also understand that I am responsible for all administrative costs and land use fees, which are in excess of the \$200 initial deposit.

I understand that the submission of this application is for information purposes only and does not constitute authority to work within or trespass upon Reclamation lands; and no work will commence until a fully executed right-of-use document is issued by Reclamation.

5/21/04
Date

Paul E. Brown, Pres.
Signature(s) of Applicant

Date

Signature(s) of Applicant

7-2540 (1-03)
Bureau of Reclamation

OMB Control No. 1005-0005
OMB Expiration Date: January 31, 2006

LEGAL DESCRIPTION

An access easement for ingress and egress, 100 feet wide, 60.00 feet on the right side and 40 feet on the left side of the following described center line. Situated in the SW1/4SW1/4 of Section 32, T16S, R17E, W.M., Crook County, Oregon, more particularly described as follows:

Beginning at a point on the northerly right of way line of Juniper Canyon County Road which is 245.99 feet South and 328.68 feet East of the NW corner of said SW1/4SW1/4 of Section 32; thence 65.45 feet along the arc of a 100.00 foot radius curve left, the long chord of which bears (N55°59'18"W, 64.29 feet); thence N74°42'46"W, 34.54 feet; thence 102.63 feet along the arc of a 100.00 foot radius curve right, the long chord of which bears (N45°18'42"W, 98.18 feet); thence N15°54'39"W, 88.71 feet; thence 41.83 feet along the arc of a 100.00 foot radius curve right, the long chord of which bears (N03°55'36"E, 41.53 feet) to a point on the north line of said SW1/4SW1/4 of Section 32 and the terminus of this easement.

This right of way easement contains 0.73 acres.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack L. Watson
OREGON
SEPTEMBER 18, 1993
JACK L. WATSON
2734
RENEWAL DATE: 6/30/2008

INDIAN ROCK ESTATES HOMEOWNERS ASSOCIATION

BYLAWS

Land Acquisition and Development Co., an Oregon Corporation, the owner of all the real property located in the County of Crook, State of Oregon, more particularly described as Indian Rock Estates, a platted subdivision, hereby establishes the ByLaws of the Indian Rock Estates Homeowners Association, which constitutes additional covenants to run with all lots and will be binding on all persons claiming under them and that these conditions and restrictions shall be for the use of and limitations upon all future owners of said real property and who hereby consent to be bound by conditions herein provided, to-wit:

ARTICLE I. Definitions

These definitions apply to these ByLaws:

Association means Indian Rock Homeowners Association.

Lot means all lots in Indian Rock Subdivision.

Subdivision means Indian Rock Estates.

LADCO means Land Acquisition and Development Co.

Owner means the recorded owner, whether one or more persons or entities, of the fee simple title to any lot or a purchaser in possession of a lot under a land sales contract. Owner does not include persons or entities who hold an interest in any lot merely as security for the performance of an obligation.

ARTICLE II. Membership and Voting Rights

Every person or entity who is a record owner of a fee or undivided fee interest in a lot or a purchaser in possession of a lot under a land sales contract, by virtue of such ownership shall be a member of the Indian Rock Estates Homeowners Association. If more than one person and/or entity owns an undivided interest in the same lot, such persons and/or entities shall constitute one owner. Membership shall be appurtenant to and may not be separated from ownership of any lot made subject to the jurisdiction of the Association. Such ownership shall be the sole qualification for membership, and shall automatically commence upon a person becoming an owner and shall automatically terminate when ownership of a lot is terminated or transferred. If more than one person or entity owns a lot, the vote for such lot may be cast as they shall determine, but in no event shall fractional voting be allowed.

ARTICLE III. Meetings of Lot Owners

A. Place: Meetings of the lot owners shall be held at such a place as shall be designed in the notice of the meeting.

B. Turnover Meeting: LADCO shall call a meeting (which shall be the initial meeting) for the purpose of turning over administrative control of the Association from LADCO to the members not later than 60 days after the date on which 50 % of the lots in Indian Rock Estates Phase I have been sold by LADCO.

C. Annual Meeting: There shall be an annual meeting of the lot owners of this Association, beginning with the calendar year after the termination date which shall be held on the

business day selected by the President after due notice of the meeting as provided by these ByLaws, but not later than June 1.

At the annual meeting the members of the Association shall transact such business as shall properly come before them, and the members shall elect a Board of three (3) Directors.

D. Special Meetings: Special meetings of the lot owners may be called by the President, the Board of Directors, or by a least 40% of the owners of all the lots.

E. Notices: Written or printed notice stating the place, day and hour of the meeting and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten days before the date of the meeting, either personally or by mail, by or at the direction of the President, the Secretary, or the Officer or persons calling the meeting, to each lot owner of record entitled to vote at such a meeting.

F. Quorum: At any meeting of the lot owners, the presence of, or proxies of lot owners entitled to vote that constitute 50% of all the votes of the membership, shall constitute a quorum. If a quorum is present, all business matters shall be voted upon, with a simple majority of the quorum required for approval.

G. Proxies: A member may vote by proxy executed in writing and filed with the Secretary of the Association prior to the commencement of the meeting. No proxy shall be valid after eleven (11) months from the date of its execution.

ARTICLE IV. The Board of Directors

A. Number and Term: The Board of Directors shall consist of three (3) persons, all of whom must be an owner or a co-owner of a lot; provided, however, that if a lot is owned by more than one owner, only one owner of that lot may serve on the Board of Directors at any one time. An officer of employee of a corporation, the trustee of a trust, a member of a limited liability company, the personal representative of an estate, or an employee of a trust or estate may serve on the Board of Directors if the corporation, limited liability company, trust, or estate owns a lot. Each Director shall be elected annually by the members of the Association for a term of one (1) year and shall hold office until the election and qualification of his/her successor.

B. Duties and Meetings: The Board shall hold a meeting immediately after the annual meeting of the lot owners at the same place. Special meetings shall be called from time to time by the President or any Director on twenty-four (24) hours notice to each Director. A majority of Directors shall constitute a quorum.

C. Vacancies: Any vacancy in the Board of Directors caused by death, resignation, or lack of qualifications shall be filled by election at a special meeting of the Board of Directors or members called for that purpose.

D. Compensation: The directors shall serve without compensation except that out-of-pocket expenses incurred by a Director in the performance of his/her duties shall be reimbursed. All reimbursements made or authorized by the Board of Directors to any Director shall be reported annually to the members at the annual meeting.

ARTICLE V. Officers

The Association shall have a President, Secretary, and Treasurer. The board may create additional positions, as necessary. The Secretary and Treasurer positions may be held by the same person.

A. Election and Term of Office: The Officers of the Association shall be elected annually by the Board of Directors at its regular meeting held immediately after the annual meeting of the members. Each Officer shall hold office until his/her successor is duly elected or until he/she resigns or is removed from office.

B. Vacancies: A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

C. President: The President shall, when present, preside at all meetings of the Board of Directors and of the property owners. He/she shall have general charge of and control over all the affairs of the Association, subject to the Board of Directors. He/she shall perform all the duties required of him/her by the Bylaws of the Association and he/she shall sign all deeds, mortgages, and contracts in any way affecting the real property or any right or interest therein.

D. Secretary: The Secretary shall keep a record of the proceedings at the meetings of the property owners, Board of Directors, and shall give notice as required in the Bylaws of all such meetings. The Secretary shall have custody of all the books, records, and papers of the Association; and shall sign with the President all contracts in any way affecting the property or any right or interest therein, and shall perform such other duties as the Board of Directors may delegate to the Office.

E. Treasurer: The Treasurer shall keep account of all the monies of the Association received or disbursed; shall deposit all the monies in the name and the credit of the Association in such banks and depositories and the Board of Directors shall designate, shall disburse funds to pay for the cost of operation of the Association and for other costs as approved by the Board of Directors. The Treasurer shall perform other such duties as assigned to the Office by the Board of Directors.

ARTICLE VI. General Provisions

The Association through its members or board of directors has the following powers:

- 1) Care, up keep, and supervision of the common area;
- 2) Maintenance and repair of the roads in the subdivision;
- 3) Operation, maintenance, and repair of the community water system, including making and enforcing rules for the use of the water system and the water produced from the water system. The Association may establish a reserve account for the water system;
- 4) Enforce and modify, if necessary, the Covenants, Conditions, and Restrictions of the Subdivision;

5) Establishment and maintenance of replacement reserve accounts that the Board deems prudent for payment of taxes for the common area and maintenance and repair of the roads in the subdivision. However, separate reserve accounts shall be established for the maintenance and repair of Zaltana Drive, Mosi Lane, and Wicasa Lane by the owners of property in Phase I of the subdivision and for the maintenance and repair of Pavati Circle by the owners of lots in Phase II of the subdivision;

6) To negotiate and agree with Bureau of Land Management on the easement granted by the Bureau of Reclamation from Juniper Canyon Road to Pavati Circle. However, such negotiations and agreement shall be with the consent of the owners of lots in Phase II of the subdivision;

7) Designation and collection of assessment from the lot owners in accordance with these ByLaws and the Declaration of Covenants, Conditions, and Restrictions for the subdivision;

8) Establishment of a budget and payment of all common expenses of the Association and all expenses of the Association related to Phase I or II of the Association;

9) Maintenance of a voucher system for payments of expenses of the Association which will require sufficient number of signatories thereon as may be reasonably necessary to prevent any misuse of Association funds;

10) Procurement and maintenance of insurance policies in respect to the common area and payment of premiums therefore out of common expenses funds;

11) Causing the preparation and distribution of financial statements of the Association to each of the owners not less than annually;

12) Causing the Association to file the necessary tax returns of the Association;

13) Establishing and maintaining a current mailing address for the Association;

14) Employment of legal, accounting, and other personnel or consultants for reasonable compensation to perform such services as may be required for the proper administration of the Association;

15) To do all other acts and things allowed by law, these ByLaws, or the Covenants, Conditions, and Restrictions filed for the subdivision.

B. Assessment Notice: Assessments shall be charged to the lot owners. If the fee for payment of such assessments is not paid upon the required date, a notice shall be delivered to the lot owner owing the amount or by mailing a copy of the notice to the owner by certified mail, return receipt requested. Such notice shall give the owner no less than 15 days from the date of delivery or mailing to pay all amounts owing and such notice shall advise the lot owner if the amount is not paid by the time set in the notice that the Association will file a lien against the lot for the amount owing pursuant to the Declaration of Covenants, Conditions, and Restrictions of the subdivision.

ARTICLE VII. Notices and Validity

A. Waiver of Notice: When any notice is required to be given to any member or Director of the Association, a written waiver thereof, signed by the person entitled to such notice, whether before or after the time stated in the notice, shall be deemed equivalent to the giving of such notice.

B. Waiver: No restriction, condition, obligation, or provision contained in these Bylaws shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof which may occur.

C. Invalidity: The invalidity of any part of these Bylaws shall not impair or affect in any manner the validity, enforceability or effect of the balance of the Bylaws.

ARTICLE VIII. Alterations

Any or all of these Bylaws may be altered, amended, repealed, or suspended by a majority vote at a meeting of the lot owners provided such purpose was stated in the notice of the meeting. New Bylaws may be adopted in a like manner.

IN WITNESS WHEREOF, Land Acquisition and Development Co., has caused these ByLaws to be executed this 14th day of April, 2005.

Land Acquisition and Development Co.

By: Fred E. Moore
Fred E. Moore, President

STATE OF OREGON)
)ss:
County of Crook)

Personally appeared before me, **Fred E. Moore** as President of Land Acquisition and Development Co., and executed the foregoing instrument and acknowledged it to be the voluntary act and deed of Land Acquisition and Development Co., this 14th day of April, 2005.



Trisha D. Shrump
Notary Public for Oregon
My Commission Expires: Sept 20, 2006

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
INDIAN ROCK ESTATES
CROOK COUNTY, OREGON**

WHEREAS, Land Acquisition and Development Co., an Oregon Corporation hereinafter referred to as LADCO, is the owner of that certain tract of land designated as INDIAN ROCK ESTATES, a platted subdivision in the County of Crook, State of Oregon, and

WHEREAS, LADCO intends to sell lots and building sites within said subdivision subject to certain protective restrictions, conditions, limitations, and reservations, to insure the most beneficial development of said area as a residential subdivision, and to prevent any use thereof as might tend to diminish the value of the development.

NOW, THEREFORE, LADCO hereby makes the following protective restrictions and conditions upon INDIAN ROCK ESTATES to run with the land and be binding on all persons owning property within the subdivision:

1. No lot shall be used except for residential purposes. No commercial uses except home occupations approved by the Crook County Planning Department are allowed.

2. Not more than one single-family dwelling with attached garage or detached garage shall be built upon any one lot. The single-family dwelling must be at least 1,500 square feet in size exclusive of the garage. All improvements, including outbuildings, shall be constructed, painted and changed in compliance with the applicable zoning laws, building codes, subdivision restrictions, and all other laws, ordinances and regulations applicable to project improvements. Construction materials and color are to be compatible with the surroundings. Lot owners building upon Lots Eleven (11) through Twenty Five (25) of Phase I and all lot owners in Phase II shall take extra care in blending their homes and improvements with the surrounding terrain, utilizing non-reflective materials.

a. No campers or trailers shall be allowed for permanent residences.

b. No structure of a temporary nature, character, garage, or other out-building shall be used on any lot at any time as a residence, either temporarily or permanently, except while building a permanent dwelling.

c. All stick-built homes shall be constructed on site and not moved from another location.

d. All dwellings under construction shall have the exterior completed within six months from commencement of construction, and shall be entirely completed within eighteen months from start of construction.

e. Manufactured homes are not permitted in this development.

3. Planting of trees or shrubs, which would interfere with the utilities, within the easements as shown on the recorded plat, shall not be permitted. The easement area of each lot shall be maintained continuously by the owner of the lot.

4. Sewage disposal shall be effected by means of individual septic tanks. The type of tank, tank construction, location on the lot, and type of drain field shall be constructed in the designated areas approved by the Crook County Environmental Health Department. No cesspools or outside toilets shall be permitted.

5. Water shall be provided by a community water system. A well, reservoir, and water line are located on a portion of the private common open area (hereinafter "open area"), which open area is shown on the recorded subdivision plat. The open area shall be available to the Homeowners Association to use for future water wells, reservoirs, water and electrical lines, and associated facilities and connections to provide water to the subdivision. An additional well has been located near the subdivision, which LADCO intends to have deeded to the Homeowners Association to use as a back up water supply source.

6. Any activities or animals that are noxious or offensive, which may be or may become an annoyance or nuisance to the neighborhood, shall not be permitted upon any lot.

7. No outside storage of old used automobiles, trailers, ATVs or other similar vehicles. Such storage is allowed only within an enclosed structure as described in restriction No. 2.

8. No sign of any kind shall be displayed to the public view on any lot except one professional sign advertising the property for sale, or signs used by a builder to advertise the property during the construction and sales period.

9. Trash, garbage or other waste shall be kept in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

10. Roads in the subdivision: Zaltana Drive, Mosi Lane, Wicasa Lane, and Pavati Circle are private roads. There will be gates on Zaltana Drive and Pavati Circle and possibly in other locations. Maintenance and/or improvements to these roads and gates will be supervised by the Homeowners Association. Costs for maintenance and/or improvements shall be allocated among the lots as follows:

- a. For the entire length of Zaltana Drive, the gate on Zaltana Drive, and Wicasa Lane, Lots 11 through 25;
- b. That portion of Zaltana Drive between Juniper Drive and Mosi Lane, Lots 1 through 10;
- c. Mosi Lane, Lots 1 through 25;
- d. Pavati Circle and gate, owners of all lots in Phase II of the subdivision.

However, any lots in Phase I or Phase II of the subdivision owned by LADCO shall not be responsible to pay any such costs. It is understood road maintenance and/or improvements will remain the responsibility of the lot owners if the Covenants, Conditions, & Restrictions expire or change.

11. Homeowners Association Assessments and Fees

a. There shall be no dues for membership in the Homeowners Association. In lieu thereof the board of directors of the Homeowners Association shall annually assess each lot in the subdivision (except lots owned by LADCO) its proportionate share of the costs for maintenance of the roads in respective Phases of the subdivision, and also for payment of taxes and other expenses for the common area. Said costs shall include the necessary amounts incurred by the Homeowners Association, or reserves therefore, for equipment rental, material, labor, any professional services or other expenses required for such operation and maintenance of the road and for payment of taxes and other expenses for the common area. The amount annually assessed for each lot in the subdivision shall be the same for each lot except that lots owned by LADCO shall not be responsible for the payment of any assessments.

b. The Homeowners Association shall have the authority to establish rules and regulations concerning the use of the community water system and charges for its use, including reserve amounts. The Association may require meters on all lots and charge based upon the amount of water supplied to a lot.

c. At such time as Crook County, or any other political subdivision of the State of Oregon, shall assume the responsibility for the operation and maintenance of the roads, streets, and private ways within the subdivision, then such roads, streets, and private ways may be transferred to such political subdivision and there shall be no further assessment by the Homeowners Association as to said streets, roads, and private ways.

d. In the event any lot owner shall fail to pay his/her assessment or water charge when due and payable, the amount thereof, together with interest, at the maximum amount permitted by law from such date and the costs of collection, if any, shall become and constitute a lien against the lot or lots owned by said delinquent lot owner. The lien shall attach upon filing a claim of lien with the Crook County Clerk, particularly describing such lot or lots and mailing to the delinquent property owner, at his/her last known address, a copy of such claim of lien. Said lien may be foreclosed in the same manner as provided for the foreclosure of liens under the law of the State of Oregon. In any suit to foreclose the lien created herein, the court shall allow a reasonable amount of attorney's fees at trial and on appeal to the prevailing party and shall also allow fees for foreclosure title report on the lot or lots being foreclosed.

12. Except as stated in the following sentence and except for motorized vehicles used for work on any easements in the open areas, or used in connection with the water system for the subdivision, no motorized vehicles of any kind shall be permitted upon the open areas. Motorized vehicles may travel on the existing road located south of Lot 10 and east of Zaltana Drive for access to the BLM property lying east of the subdivision. Except as set out in this document and for easements and parts of the water system, the open areas are to be left undisturbed in their natural state. Hiking, bicycling, or horseback riding upon these areas is permitted. LADCO reserves the right to require the Homeowners Association to grant private

access easements across the common area to benefit lots in Phase II of Indian Rock Estates. Upon such request from LADCO, the officers of the Homeowners Association shall execute such deed. The deed shall be prepared and recorded at LADCO's expense.

13. No building shall be nearer than twenty-five (25) feet to the front lot line, nor nearer than fifteen (15) feet to any side street line, nor nearer than ten (10) feet to any side lot line, nor nearer than twenty-five (25) feet to any rear lot line. For the purposes of these restrictions, eaves, steps, and porches shall be considered as part of a building.

14. Fire free guidelines for structures are to be adhered to.

15. There shall be no livestock or poultry on Lots 11 through 25 of Phase I and all lots in Phase II of the subdivision. Except for horses, there shall be no livestock or poultry on Lots 1 through 10 of the subdivision. Horses may be kept in a barn or stable on Lots 1 through 10 of the subdivision. No stable or barn on Lots 1 through 10 shall be placed any closer than 100 feet from a lot line. A barn or stable and/or corrals may be placed on a portion of the open area at a location reasonably acceptable to the Homeowners Association under terms and conditions acceptable to the Homeowners Association for the benefit of all lot owners. Any costs, maintenance, and/or improvements of these facilities would be prorated to those lot owners choosing to keep a horse at such facility. Any barn, stable, and/or corrals on individual lots or the open area shall be constructed with materials and colors as required in Section 2 above.

16. Switches or motion sensors will be required on outdoor lighting. Except for Lots 1 through 10, there will be no dusk-to-dawn outdoor lighting.

17. No lot split will be authorized for the duration of these Covenants, Conditions, and Restrictions.

18. The foregoing protective restrictions shall run with the land and shall be binding on all the parties and all persons claiming under them for a period of twenty-five (25) years beginning January 1, 2005, and ending on January 1, 2030, at which time said protective restrictions shall automatically be renewed for an additional period of twenty-five (25) years, unless 75% or more of the owners of record at that date agree, in writing, to changes and said changes are made lawfully.

19. Nothing contained in the Declaration shall impair or defeat the lien of any mortgage or deed of trust, made in good faith and for value. However, titles to any property subject to this declaration obtained through sale in satisfaction of any such mortgage or deed of trust shall thereafter be held subject to all of the protective restrictions hereof.

20. Enforcement of each and all of these protective restrictions shall be enforceable by injunction or by other form of action available to the lot owners or the Homeowners Association. Invalidation of any one of these protective restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

21. There shall be established an INDIAN ROCK ESTATES HOMEOWNERS ASSOCIATION, an Oregon non-profit corporation, which constitutes additional covenants to

run with the land and shall be binding on all persons claiming under them and that these conditions and restrictions shall be for the use of and limitations upon all future owners of said real property. The duties and responsibilities of the HOMEOWNERS ASSOCIATION shall be identified and enumerated in a separate INDIAN ROCK ESTATES HOMEOWNERS ASSOCIATION BY-LAWS document.

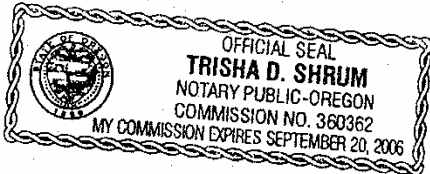
IN WITNESS WHEREOF Land Acquisition and Development Co. has caused this Declaration of Covenants, Conditions, and Restrictions to be executed this 14th day of APRIL, 2005.

Land Acquisition and Development Co.

By: Fred E. Moore
Fred E. Moore, President

STATE OF OREGON)
)ss:
County of Crook)

Personally appeared before me, Fred E. Moore, as President of Land Acquisition and Development Co., an Oregon Corporation, and executed the foregoing instrument and acknowledged it to be the voluntary act and deed of Land Acquisition and Development Co., this 14th day of APRIL, 2005.



Trisha D. Shrum
Notary Public for Oregon
My Commission Expires: Sept 20, 2006

Attachment C

Letters to and from Fish and Wildlife Service



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
Lower Columbia Area Office
1201 NE Lloyd Boulevard, Suite 750
Portland, Oregon 97232



LCA-6500
ENV-7.00

OCT 19 2005

MEMORANDUM

To: State Supervisor, U.S. Fish and Wildlife Service, Oregon State Office, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266
Attn: Kemper M. McMaster

From: Ronald J. Eggers
Area Manager

Subject: Section 7 Endangered Species Act, Species List Request

The Bureau of Reclamation has received a request for an access easement at Prineville Reservoir. If granted, the easement would allow a private developer to construct a 16-home subdivision called Indian Rock Estates. Reclamation is evaluating the environmental effects of granting this request and conducting a National Environmental Policy Act review of the applicant's request.

The project is located in Crook County in the vicinity of Township 16S, Range 17E, Section 32. We respectfully request a list of species protected under the Endangered Species Act which may occur in the project area.

Please send your response to Ms. Tanya Sommer, Natural Resource Specialist, at the above address. Please contact her if you have any questions during this review at 503-872-2846.

bc: LCA-6500, LCA-6502, LCA-1003 (admin. record)
BFO-3000, BFO-3220



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Oregon Fish and Wildlife Office
2600 SE 98th Avenue, Suite 100
Portland, Oregon 97266
Phone: (503)231-6179 FAX: (503)231-6195

Reply To: 8330.SP10(06)

October 21, 2005

Tanya Sommer
Bureau of Reclamation
1201 NE Loyde Blvd., Suite 750
Portland, OR 97232

Subject: Bureau of Reclamations Prineville Reservoir easement request for the Indian Rock Estates subdevelopment Project
USFWS Reference # 7E12B38EDDEF5F12882570A10074D66D

Dear Ms. Tanya Sommer:

This is in response to your request, dated October 21, 2005, requesting information on listed and proposed endangered and threatened species that may be present within the area of the Bureau of Reclamations Prineville Reservoir easement request for the Indian Rock Estates subdevelopment Project in Crook County(s). The Fish and Wildlife Service (Service) received your correspondence on October 21, 2005.

We have attached a list (Enclosure A) of threatened and endangered species that may occur within the area of the Bureau of Reclamations Prineville Reservoir easement request for the Indian Rock Estates subdevelopment Project. The list fulfills the requirement of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). U.S. Bureau of Reclamation requirements under the Act are outlined in Enclosure B.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems on which they depend may be conserved. Under section 7(a)(1) and 7(a)(2) of the Act and pursuant to 50 CFR 402 *et seq.*, U.S. Bureau of Reclamation is required to utilize their authorities to carry out programs which further species conservation and to determine whether projects may affect threatened and endangered species, and/or critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) which are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (NEPA) (42 U.S.C. 4332 (2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to the Biological Assessment be prepared to determine whether they may affect listed and proposed species. Recommended contents of a Biological Assessment are described in Enclosure B, as well as 50 CFR 402.12.

If U.S. Bureau of Reclamation determines, based on the Biological Assessment or evaluation, that threatened and endangered species and/or critical habitat may be affected by the project, U.S. Bureau of Reclamation required to consult with the Service following the requirements of 50 CFR 402 which implement the Act.

Enclosure A includes a list of candidate species under review for listing. The list reflects changes to the candidate species list published May 11, 2005, in the Federal Register (Vol. 69,

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No. 86, 24876) and the addition of "species of concern." Candidate species have no protection under the Act but are included for consideration as it is possible candidates could be listed prior to project completion. Species of concern are those taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

If a proposed project may affect only candidate species or species of concern, U.S. Bureau of Reclamation is not required to perform a Biological Assessment or evaluation or consult with the Service. However, the Service recommends minimizing impacts to these species to the extent possible in order to prevent potential future conflicts. Therefore, if early evaluation of the project indicates that it is likely to adversely impact a candidate species or species of concern, U.S. Bureau of Reclamation may wish to request technical assistance from this office.

Your interest in endangered species is appreciated. The Service encourages U.S. Bureau of Reclamation to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact Kevin Maurice at (503) 231-6179. All correspondence should include the above referenced file number. For questions regarding salmon and steelhead trout, please contact NOAA Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, Oregon 97232, (503) 230-5400.

For future species list requests, please visit our website (http://www.fws.gov/pacific/oregonfwo/EndSpp/EndSpp_SpLstReq.html) for instructions on how to make requests.

Enclosures

EnclosureA: Crook COUNTY.PDF

EnclosureB: EnclosureB_Federal_Agencies_Responsibilities.PDF

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,
CANDIDATE SPECIES AND SPECIES OF CONCERN THAT MAY OCCUR
IN CROOK COUNTY

LISTED SPECIES^{1/}MammalsCanada lynx^{2/}*Lynx canadensis*

T

BirdsBald eagle^{3/}*Haliaeetus leucocephalus*

T

FishSteelhead (Middle Columbia River)^{4/}
Bull trout (Columbia River pop.)^{7/}*Oncorhynchus mykiss*
*Salvelinus confluentus***T
CH TPROPOSED SPECIES

None

CANDIDATE SPECIES^{4/}Amphibians and ReptilesColumbia spotted frog
Oregon spotted frog*Rana luteiventris*
*Rana pretiosa*BirdsYellow-billed cuckoo^{5/}*Coccyzus americanus*SPECIES OF CONCERNMammalsPygmy rabbit
Pale western big-eared bat
California wolverine
Silver-haired bat
Small-footed myotis (bat)
Long-eared myotis (bat)
Fringed myotis (bat)
Long-legged myotis (bat)
Yuma myotis (bat)
Preble's shrew*Brachylagus idahoensis*
Corynorhinus townsendii pallescens
Gulo gulo luteus
Lasiomycteris noctivagans
Myotis ciliolabrum
Myotis evotis
Myotis thysanodes
Myotis volans
Myotis yumanensis
*Sorex preblei*BirdsNorthern goshawk
Western burrowing owl
Upland sandpiper
Ferruginous hawk
Greater sage grouse
Black tern
Olive-sided flycatcher
Willow flycatcher
Yellow-breasted chat*Accipiter gentilis*
Athene cunicularia hypugea
Bartramia longicauda
Buteo regalis
Centrocercus urophasianus
Chlidonais niger
Contopus cooperi borealis
Empidonax trailli adastus
Icteria virens

Lewis' woodpecker
Mountain quail
White-headed woodpecker

Melanerpes lewis
Oreortyx pictus
Picoides albolarvatus

Amphibians and Reptiles

Tailed frog

Ascaphus truei

Fish

Interior redband trout

Oncorhynchus mykiss gibbsi

Invertebrates

Cascades apatanian caddisfly

Apatania tavalala

Plants

Henderson ricegrass
Wallowa ricegrass
Estes' artemisia
Bastard kentrophyta
Upward-lobed moonwort
Crenulate grape-fern
Mountain grape-fern
Peck's mariposa-lily
Cusick's eriogonum
Ochoco lomatium
Disappearing monkeyflower
Little mousetail
Oregon semaphore grass
Howell's thelypody

Achnatherum hendersonii
Achnatherum wallowaensis
Artemisia ludoviciana ssp. *estesii*
Astragalus tegetarioides
Botrychium ascendens
Botrychium crenulatum
Botrychium montanum
Calochortus longebarbatus var. *peckii*
Eriogonum cusickii
Lomatium ochocense
Mimulus evanescens
Myosurus minimus ssp. *apus* var. *sessiliflorus*
Pleuropogon oregonus
Thelypodium howellii ssp. *howellii*

(E) - Listed Endangered

(T) - Listed Threatened

(CH) - Critical Habitat has been designated for this species

(PE) - Proposed Endangered

(PT) - Proposed Threatened

(PCH) - Critical Habitat has been proposed for this species

(S) - Suspected

(D) - Documented

Species of Concern - Taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

^{1/} U. S. Department of Interior, Fish and Wildlife Service, October 31, 2000, *Endangered and Threatened Wildlife and Plants*, 50 CFR 17.11 and 17.12

^{2/} Federal Register Vol. 65, No. 58, Mar 24, 2000, Final Rule-Canada lynx

^{3/} Federal Register Vol. 60, No. 133, July 12, 1995 - Final Rule - Bald Eagle

^{4/} Federal Register Vol. 69, No. 86, May 4, 2004, Notice of Review - Candidate or Proposed Animals and Plants

^{5/} Federal Register Vol. 66, No. 143, July 25, 2001, 12-Month Finding for a Petition To List the Yellow-billed Cuckoo

FEDERAL AGENCIES RESPONSIBILITIES UNDER SECTION 7(a) and (c)
OF THE ENDANGERED SPECIES ACT

SECTION 7(a)-Consultation/Conference

Requires: 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;

2) Consultation with FWS when a Federal action may affect a listed endangered or Threatened species to insure that any action authorized, funded or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of Critical Habitat. The process is initiated by the Federal agency after they have determined if their action may affect (adversely or beneficially) a listed species; and

3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed Critical Habitat.

SECTION 7(c)-Biological Assessment for Major Construction Projects¹

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify proposed and/or listed species which are/is likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the species list should be informally verified with our Service. No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should: (1) conduct an on-site inspection of the area to be affected by the proposal which may include a detailed survey of the area to determine if any species are present and whether suitable habitat exists for either expanding existing populations or for potential reintroduction of species; (2) review literature and scientific data to determine species distribution(s), habitat needs, and other biological requirements; (3) interview experts including those within FWS, National Marine Fisheries Service, State conservation departments, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species present in terms of effects to individuals and populations, including consideration of cumulative effects to the species and habitat; (5) analyze alternative actions that may provide conservation measures and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not any listed species will be affected. Upon completion, the report should be forwarded to our Portland Office at 2600 SE 98th Ave., Suite 100, Portland, Oregon, 97266.

¹A construction project (or other undertaking having similar physical impacts) which is a major Federal action significantly affecting the quality of the human environment as referred to in NEPA (42 U.S.C. 4332. (2)c). On projects other than construction, it is suggested that a biological evaluation similar to the biological assessment be undertaken to conserve species influenced by the Endangered Species Act.

Attachment D

Letter to Confederated Tribes of the Warm Springs



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
Lower Columbia Area Office
1201 NE Lloyd Boulevard, Suite 750
Portland, Oregon 97232



IN REPLY REFER TO:
PN-6511/LCA-6502
ENV-3.00

APR 20 2006

Ms. Sally Bird
Tribal Archeologist
Confederated Tribes of the Warm Springs
Reservation of Oregon
P.O. Box C
Warm Springs, OR 97761-3001

Subject: Proposed Access Easement at Prineville Reservoir

Dear Ms. Bird:

The Bureau of Reclamation has received a request to grant an access easement across Reclamation-administered lands at Prineville Reservoir to access private lands beyond our boundary. Reclamation must decide to grant or deny the requested access easement. If granted, Land Acquisition and Development Company (applicant) would develop a portion of the private property that they could not otherwise develop into 16 residential housing lots. Before we make a final decision regarding the applicant's appeal, we request your assistance to determine if there are resources of interest to the Confederated Tribes of the Warm Springs that could be affected by Reclamation's decision. In particular, we would like to determine if you have knowledge of Indian sacred sites (per Executive Order 13007), archeological sites, Indian Trust Assets, or traditional cultural properties important to the Warm Springs Tribes in or near the area which the access easement would serve.

The applicant owns approximately 470 acres of undeveloped private land on the north side of Prineville Reservoir that spans Sections 32 and 29. However, the proposed access easement would serve only the 75 acres known as Phase II of the Indian Rock Estates, located at T 16S, R 17E, Section 32, W.M. Crook County, Oregon (see enclosed topographic map). The access easement on Reclamation-administered land would extend approximately 100 meters from Juniper Canyon Road north to the boundary of the private property. Reclamation is unaware of any other viable access points to the specified portion of the applicant's property due to topography.

If you have knowledge of any sites or locations such as are listed above for the proposed access easement on Reclamation's lands or the 75 acres of private land that it would serve, or if you have reason to believe that such sites could be present, we ask that you inform us. We would appreciate it if you could provide a response no later than May 19. Then we can begin a more detailed discussion and further involve you and your staff.

For your information, Reclamation has previously surveyed all its own lands bordering this proposed project area, including the easement land, and no archeological sites were found in or close to the easement. We expect that the private lands have never been the subject of an archeological survey. We are requiring that an archeological survey be conducted of the Phase II lands prior to deciding if an easement will be granted by Reclamation to access those lands. We will provide you with a copy of the survey report when it is available later this spring.

If you have questions or need further information, please contact Ms. Lynne MacDonald, Regional Archeologist, Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, ID 83706-1234 or at 208-378-5316.

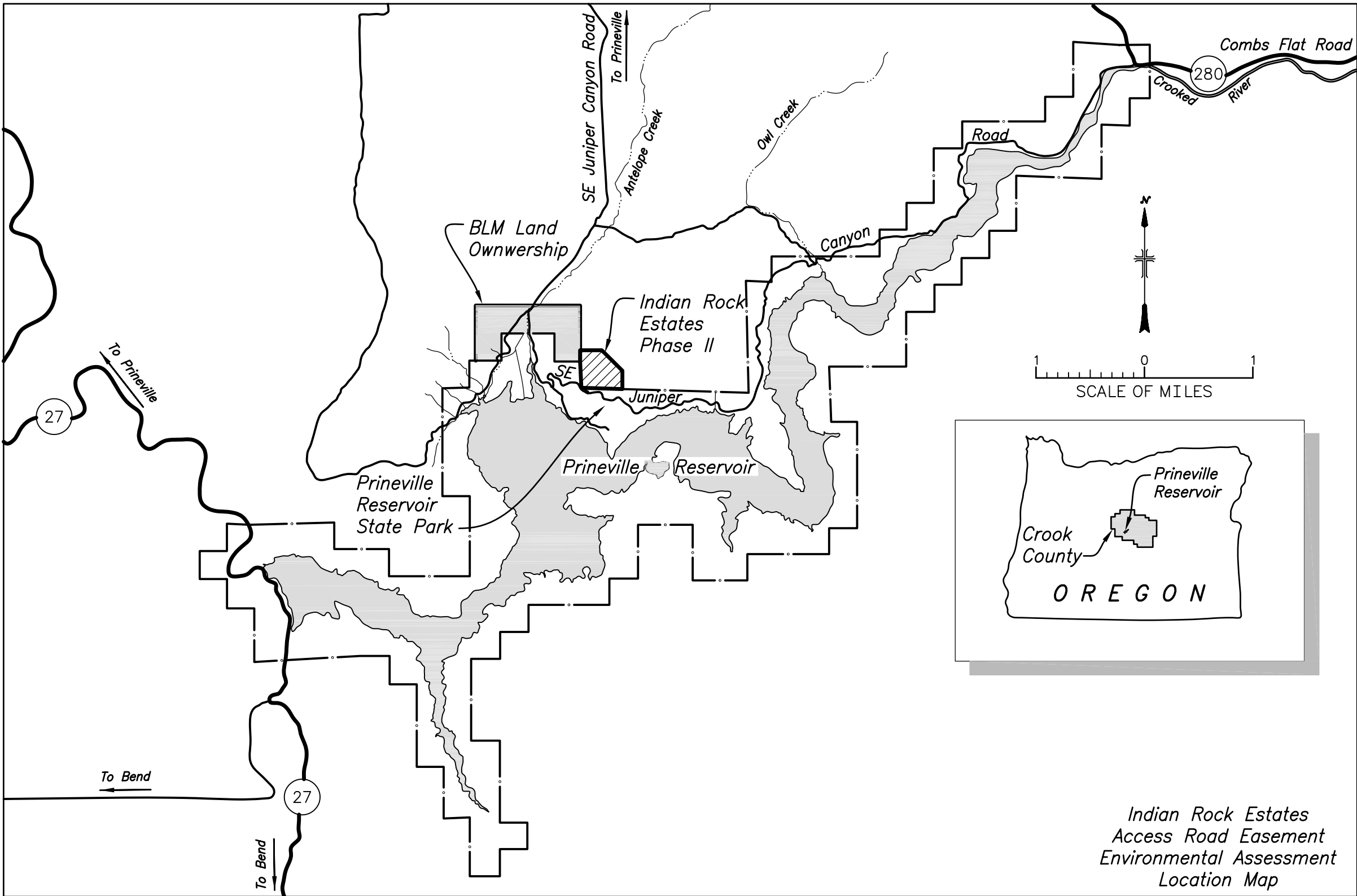
Thank you for your attention to this matter.

Sincerely,

/s/ DAVID R. NELSON

ACTING FOR Ronald J. Eggers
Area Manager

Enclosures - 2



Indian Rock Estates
 Access Road Easement
 Environmental Assessment
 Location Map

Attachment E

Letters to and from State Historic Preservation Officer



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
Lower Columbia Area Office
1201 NE Lloyd Boulevard, Suite 750
Portland, Oregon 97232



IN REPLY REFER TO:

LCA-6502

ENV-3.00

JUN - 9 2006

Dr. Dennis Griffin
Heritage Conservation Division
State Historic Preservation Office
Oregon Parks and Recreation Department
725 Summer Street NE, Suite C
Salem, OR 97301-1271

Subject: Cultural Resources Investigations for Access Easement and Development Area of Phase II, Indian Rock Estates Project, Prineville Reservoir, Crook County, Oregon

Dear Dr. Griffin:

In late 2005, the Bureau of Reclamation received a request from a private land owner to grant an access easement across Reclamation-administered lands to access the private lands beyond our boundary. This easement involves Reclamation in the Section 106 process of the National Historic Preservation Act for the private lands to assess potential affects. Fred Moore and the Land Acquisition and Development Company (Applicant) propose to develop approximately 75 acres of undeveloped private property in Crook County, Oregon near Prineville Reservoir. This land will be parceled into 16 residential housing lots, designated as Phase II of Indian Rock Estates. The Applicant has requested an easement that is approximately 100 feet wide and 330 feet long to connect the future Phase II entrance road with SE Juniper Canyon Road on the north side of Prineville Reservoir (Section 32 Township 16S Range 17E Willamette Meridian, Crook County). The requested easement is for an area of approximately 0.73 acres on a steep slope.

In compliance with Section 106, Reclamation has completed activities to determine if there are cultural resource sites within the potential impact area for the Phase II section of Indian Rock Estates project. Reclamation notified the Warm Springs Tribes in April 2006 of the proposed action and requested that they inform us if they are aware of archaeological sites or traditionally important resources in the area. No response has been received. Also in April of this year, we contracted with Heritage Research Associates, Inc. (HRA) for background research and archeological field investigations of the potential impact area. A copy of HRA's final investigative report is enclosed detailing activities and outcomes, along with copies of the relevant Isolate Forms.

To briefly summarize the data presented in HRA's final report, a systematic pedestrian survey was completed of the 74.9 acres of private land that constitute Phase II of the Indian Rock Estates project. The crew discovered and recorded three isolated finds (prehistoric chipped stone flakes), but subsequent shovel probes in those areas produced no cultural materials. No archeological sites were found. Surface visibility was good, and HRA recommends no additional archaeological investigations be undertaken in the development parcel (unless construction activities encounter cultural resources). The results of this survey were not unexpected; Reclamation has previously surveyed all its own lands bordering this proposed project area, including the easement land, and no archaeological sites were found in or near the easement.

Reclamation finds that the investigations completed by HRA are sufficient to determine that there is little or no potential that the development undertaking will impact historic properties, as none were found. Although there may be a slight chance that relatively intact archeological deposits might exist within the proposed development area, there is no surface indication for the presence of such sites. And as mentioned above, no information regarding areas or resources of traditional importance either in or near the project location has been divulged by the Warm Springs Tribes.

We ask that you concur that Reclamation has made a reasonable and good faith effort to carry out appropriate actions to identify historic properties within the area of potential affect, and that you concur with our finding that the undertaking has little or no potential to effect historic properties.

If you have any questions, please contact Ms. Jenny Huang, Reclamation Archeologist, either by telephone at 208-378-5284 or by email at jhuang@pn.usbr.gov. You can send your response to Ms. Huang at the following address: 1150 North Curtis Road, Suite 100, Boise, Idaho 83706-1234. Thank you for your assistance.

Sincerely,

/s/ RONALD J. EGGERS

Ronald J. Eggers
Area Manager

Enclosures – 2

bc: PN-6512, *Susan Black 86-68580*
(w/o encls) (*w/encls*)

WBR:TSommer:rvaughn:6-02-06:503-872-2846

h:users\rvaughn\w\OR State Historic Preservation Office\Indian Rock Estates~Final HRA Report



Oregon

Theodore R. Kulongoski, Governor

June 29, 2006

Mr. Ronald Eggers
Bureau of Reclamation PNW Region
1201 NE Lloyd Blvd., Suite 750
Portland, OR 97232-1274

RE: SHPO Case No. 06-1364
Indian Rock Estates Project Phase II
16S 17E 32, Prineville Crook County

BUREAU OF RECLAMATION OFFICIAL FILE COPY			ACTION MADE
JUL 5 - '06			
TO	INIT	DATE	
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6502	g	7/5	
FILE			

Parks and Recreation Department
State Historic Preservation Office
725 Summer St. NE, Suite C
Salem, OR 97301-1271
(503) 986-0707
FAX (503) 986-0793
www.hcd.state.or.us

Dear Ronald:

Our office received the report by heritage Research Associates, Inc. about the project referenced above. I have reviewed the report and agree that the project will have no affect on any known cultural resources. No further archaeological research is needed with this project.

Please be aware, however, that if during development activities any cultural material (i.e., historic or prehistoric) is encountered, all activities should cease immediately and an archaeologist should be contacted to evaluate the discovery. Under state law (ORS 358.905-955) it is a Class B misdemeanor to impact an archaeological site on public or private land in Oregon. Impacts to Native American graves and cultural items are considered a Class C felony (ORS 97.740-760). If you have any questions regarding any future discovery or my letter, feel free to contact our office at your convenience.

Lucie Tisdale, M.A., R.P.A.
SHPO OTIA Archaeologist
(503) 986-0683
Lucie.Tisdale@state.or.us





Oregon

Theodore R. Kulongoski, Governor

August 03, 2006

Ms. Tanya Sommers
LCA-6502, Lower Columbia Area Office
Bureau of Reclamation PNW Region
1201 NE Lloyd Blvd., Suite 750
Portland, OR 97232-1274

RE: SHPO Case No. 06-1688
Indian Rock Estates Access Road Easement Project
Prineville, Crook County

BUREAU OF Parks RECLAMATION OFFICIAL FILE COPY			AMOUNT State BY
AUG 07, 2006			
TO	INIT	DATE	
1000			
6500			
6502			
FILE			

Recreation Department
Historic Preservation Office
725 Summer St. NE, Suite C
Salem, OR 97301-1271
(503) 986-0707
FAX (503) 986-0793
www.hcd.state.or.us

Dear Ms. Sommers:

Our office recently received the draft EA about the project referenced above. I have reviewed the draft EA and agree that the project will have no effect on any known cultural resources. No further archaeological research is needed with this project.

Please be aware, however, that if during development activities you or your staff encounters any cultural material (i.e., historic or prehistoric), all activities should cease immediately and an archaeologist should be contacted to evaluate the discovery. Under state law (ORS 358.905-955) it is a Class B misdemeanor to impact an archaeological site on public or private land in Oregon. Impacts to Native American graves and cultural items are considered a Class C felony (ORS 97.740-760). If you have any questions regarding any future discovery or my letter, feel free to contact our office at your convenience.

Regards,

Susan Lynn White, M.A., RPA
Assistant State Archaeologist
(503) 986-0675
Susan.White@state.cr.us

