

JEFFERSON COUNTY
Community Development Department

85 S.E. "D" St. • Madras, Oregon 97741 • Ph: (541) 475-4462 • FAX: (541) 475-4270



Planning Commission Staff Report #2
(Addendum to Casefile 23-A-02)
(Appeal of Decision – CDD File 23-NFD-02)
Staff Report - Hearing Date: February 8, 2024

Appellant's Name: Central Oregon LandWatch (COL)
2843 NW Lolo Drive, Suite 200
Bend, Oregon 97703

Appellant's Representative: Rory Isbell, Attorney at Law

Appeal Date: November 20, 2024

Appealed Decision: Attached as Exhibit A is 23-NFD-02 the appealed decision.

Basis for Appeal: Attached as Exhibit B is COL's appeal.

23-NFD-02 decision: November 3, 2023

Appeal due date: Prior to 5:00pm on November 20, 2023.

Applicant: Equity Trust Company Custodian FBO et al
Otto and Fay M. Keller
13878 SE Mountain Crest Drive
Happy Valley, OR 97086

Applicant's Representative: Greta Holmstrom
Ardor Consulting, LLC
205 SE 3rd Avenue, Suite 600
Hillsboro, OR 97123

Request: The applicant/owner is applying for a Non-Farm Dwelling approval.

Map: 13-11-35-4500

Applicable criteria: Jefferson County Zoning Ordinance (JCZO) Section 907 for casefile 23-A-02 and the applicable criteria found in 23-NFD-02 which are Jefferson County Zoning Ordinance (JCZO) Sections 301.6, 301.6 (I.), 321, 401, 426, 601, 602, 603 and 903.4.

Background

This staff report is an addendum to the first staff report (dated January 11, 2024). The findings in this staff report flow from the previous staff report numerically starting with Finding 14 and exhibits starting with Exhibit D.

Findings

COL submitted additional information on January 18, 2024 which is attached as Exhibit D. Exhibit D includes information about NRCS soils data about the property, adjacent BLM grazing allotments, information about how the appellant believes the property itself is included in USFS grazing allotments and indicating a belief it can be managed as part of an adjacent commercial farm or ranch, and provides road access information pertaining to using the US Forest Service Road. Please see Exhibit D attached for details.

Finding 14: Staff finds the appellant submitted the information found in Exhibit D in a timely manner.

The applicant's representative provided additional information on January 16, 2024 which is found in Exhibit E. Exhibit E provides road information. Please see Exhibit E for details.

Finding 15: Staff finds the applicant submitted Exhibit E in a timely manner.

The applicant's representative (Ardor Consulting, LLC) provided additional information on February 1, 2024 which is found in Exhibit F. Exhibit F is the applicants rebuttal to information submitted into the record by the appellant about soils, federal grazing permits, farming operation impact, wildlife overlay and public road usage. Please see Exhibit F for details.

Finding 16: Staff finds the applicant submitted Exhibit F in a timely manner.

The applicant's representative (McKay Consulting, LLC) provided additional information on February 1, 2024 which is found in Exhibit G. Exhibit G provides rebuttal information about soils throughout the property in response to soils information submitted by the appellant which is found in Exhibit D. Please see Exhibit G for details.

Finding 17: Staff finds the applicant submitted Exhibit G in a timely manner.

Potential Planning Commission motions:

- 1) **Continue** to a date certain.
 - 2.) I make a motion to **deny** the appeal from the appellants based on the staff report, application and all evidence entered into the record appearing to support the staff decision approving the partition as found in casefile 23-NFD-02 and the Planning Commission staff report.
 - 3.) I make a motion to **affirm** the appeal from the appellants based on the staff report, application and all evidence entered into the record appearing to not show adequate evidence supporting approval of the partition based on criteria as found in casefile 23-NFD-02. More specifically for the following reasons:
-

Respectfully submitted,



Phil Stenbeck, Planning Director

2/1/24

Date

- C:
- Exhibit D - COL letter and information dated January 18, 2024.
 - Exhibit E – Additional road information from the applicant dated January 16, 2024.
 - Exhibit F – Rebuttal submitted by the applicant dated February 1, 2024.
 - Exhibit G – Additional rebuttal submitted by the applicant dated February 1, 2024.



January 18, 2024

Filed via email: Phil.Stenbeck@co.jefferson.or.us, Tanya.Cloutier@co.jefferson.or.us

Jefferson County Planning Commission
c/o Phil Stenbeck, Planning Manager, Tanya Cloutier, Assistant Planner
66 SE D Street Suite E
Madras, Oregon 97741

**Re: Open record period submittal; Application File No. 451-23-000173-PLNG,
Application File No. 451-23-000196-PLNG, Casefile 23-NFD-02**

Dear Chair Brandvold, Vice Chair Locke, and Planning Commissioners,

Central Oregon LandWatch submits these comments on the above-referenced application during the 7-day open record period following the January 11, 2024 public hearing. We supplement the issues raised in our appeal statement and oral testimony with the below comments and attachments.

I. JCZO 301.6(I)(2); the subject property is suitable for the production of farm crops and livestock

The soils of the subject property are rated Class I-VI by the U.S. Natural Resource Conservation Service (NRCS), making the property presumptively suitable for the production of farm crops and livestock under both JCZO 301.6(I)(2) and ORS 215.284(2)(b). Exhibit 1 (NRCS soil information for the subject property). The statement made by the applicant at last week's hearing that only a small portion of the subject property is rated Class VI soils is inaccurate. The NRCS rates the entirety of the subject property as having soils rated Class IV and Class VI without irrigation. Exhibit 1 at page 3. The property is presumptively suitable for agriculture. OAR 660-033-0020(1)(a)(A); JCZO 301.6(I)(2)(b). The staff decision errs in finding that the property is not suitable for the production of farm crops and livestock under JCZO 301.6(I)(2) and ORS 215.284(2)(b).

The subject property is also adjacent to an active U.S. Bureau of Land Management grazing allotment. Exhibit 2 (U.S. BLM grazing allotment map). The property is itself included



within the bounds of a U.S. Forest Service grazing allotment. Exhibit 3 (U.S. BLM Lower Bridge grazing lease renewal), Exhibit 4 (U.S. Forest Service grazing allotment map). The subject property and the surrounding area are suitable for the production of livestock, as evidenced by active federal grazing leases. The subject property could be managed as part of a commercial farm or ranch on these neighboring active federal grazing allotments. JCZO 301.6(I)(2)(b).

II. JCZO 301.6(I)(1), JCZO 301.6(I)(3); the nonfarm dwelling will force a significant change to nearby farming practices and will materially alter the stability of the overall land use pattern

The proposed nonfarm dwelling would also likely force a significant change in the accepted farming practices of livestock grazing on nearby public and private lands, JCZO 301.6(I)(1), ORS 215.284(2)(a), and would materially alter the stability of the overall land use pattern of the area, JCZO 301.6(I)(3), ORS 215.284(2)(d), which is dominated by livestock grazing on public and private lands. The application includes only general descriptions of area farm operations, but does not include adequate information about these farming practices necessary to make a determination about compliance with JCZO 301.6(I)(1) and JCZO 301.6(I)(4). *Stop the Dump Coalition v. Yamhill County*, 364 Or 432, (2019). The application also offers no analysis of how traffic, dust, trespass, visual impacts, groundwater pumping, etc. could impact area farm practices.

The cumulative effect of existing and potential non-farm dwellings will make more difficult for the existing farm operations in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, and diminish the number of acreage available for farm use. The application discusses several vacant existing properties that could also be developed with nonfarm dwellings, which, along with the nonfarm dwelling proposed in this application, would significantly diminish opportunities for farm use in the area.

III. JCZO 321.5(A); JCZO 401.1

The subject property does not have year-round legal access provided by an open public road as required by JCZO 321.5(A) and JCZO 401.1. The U.S. Forest Service Road that borders





the subject property on the east, NF 6360, is “closed and locked from December 1st through March 31st every year to help protect winter range for local deer populations.” Exhibit 5 (U.S. Forest Service Alder Springs Trailhead website). There is no evidence of any of the five means of access listed at JCZO 401.1(a)-(e).

IV. Conclusion

This application fails to meet the applicable criteria. We respectfully request that the staff decision approving the application be reversed and the application be denied. Thank you for your consideration of these comments.

Regards,

Rory Isbell
Staff Attorney & Rural Lands Program Manager
Central Oregon LandWatch
2843 NW Lolo Drive, Ste. 200
Bend, Oregon 97702
rory@colw.org
541-647-2930 x804

Attachments:

- Exhibit 1 NRCS soil information for the subject property
- Exhibit 2 U.S. BLM grazing allotment map
- Exhibit 3 U.S. BLM Lower Bridge grazing lease renewal
- Exhibit 4 U.S. Forest Service grazing allotment map
- Exhibit 5 U.S. Forest Service Alder Springs Trailhead website








































Nonirrigated Capability Class—Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties
(Equity Trust Co NFD NRCS SCC)



Map Scale: 1:10,400 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

 Area of Interest (AOI)	 Capability Class - III
 Soils	 Capability Class - IV
 Soil Rating Polygons	 Capability Class - V
 Capability Class - I	 Capability Class - VI
 Capability Class - II	 Capability Class - VII
 Capability Class - III	 Capability Class - VIII
 Capability Class - IV	 Not rated or not available
 Capability Class - V	Water Features
 Capability Class - VI	 Streams and Canals
 Capability Class - VII	Transportation
 Capability Class - VIII	 Rails
 Not rated or not available	 Interstate Highways
Soil Rating Lines	 US Routes
 Capability Class - I	 Major Roads
 Capability Class - II	 Local Roads
 Capability Class - III	Background
 Capability Class - IV	 Aerial Photography
 Capability Class - V	
 Capability Class - VI	
 Capability Class - VII	
 Capability Class - VIII	
 Not rated or not available	
Soil Rating Points	
 Capability Class - I	
 Capability Class - II	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties
Survey Area Data: Version 21, Sep 8, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 7, 2020—Jun 2, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Nonirrigated Capability Class

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
3B	Agency-Madras complex, 0 to 8 percent slopes	4	76.3	42.5%
86A	Madras sandy loam, 0 to 3 percent slopes	4	63.1	35.1%
106D	Redslide-Licksillet complex, 15 to 30 percent north slopes	6	7.0	3.9%
118D	Simas-Ruckles complex, 15 to 40 percent north slopes	6	8.9	4.9%
119D	Simas-Ruckles complex, 15 to 40 percent south slopes	6	24.4	13.6%
Totals for Area of Interest			179.6	100.0%

Description

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels—capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

BLM Natl Grazing Allotment Polygons

BLM Geospatial Business Platform
National Hub Publisher
Bureau of Land Management

Summary

The purpose of this polygon feature class is to show BLM Grazing Allotments, which are areas of land designated and managed for livestock grazing in addition to public lands under the jurisdiction of the Bureau of Land Management, allotments may include private lands, State lands, and lands under the jurisdiction of other federal agencies. This geospatial dataset is supplemental to the Rangeland Administration System (RAS), which is

Read More

[View Full Details](#)

[Download](#)

Details

Dataset
Feature Layer

Unknown
Info Updated: December 8, 2023

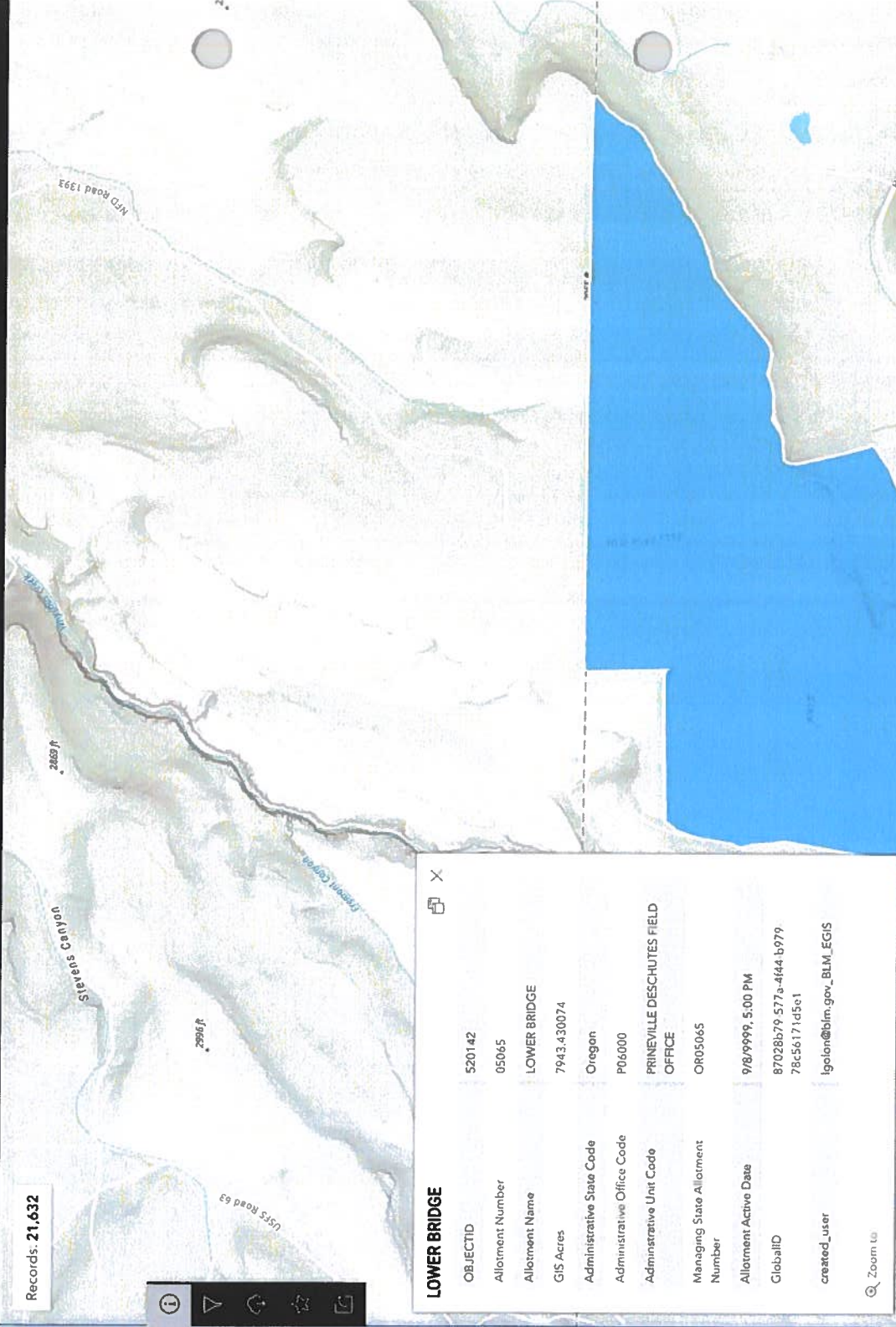
As Needed
Data Updated: December 8, 2023

December 8, 2023
Published Date

Records: 21,632
[View data table](#)

I want to use this

Records: 21,632



LOWER BRIDGE	
OBJECTID	520142
Allotment Number	05065
Allotment Name	LOWER BRIDGE
GIS Acres	7943.430074
Administrative State Code	Oregon
Administrative Office Code	P06000
Administrative Unit Code	PRINEVILLE DESCHUTES FIELD OFFICE
Managing State Allotment Number	OR05065
Allotment Active Date	9/8/9999, 5:00 PM
GlobalID	87028b79-577a-4f44-b979-78c56171d5e1
created_user	lgolon@blm.gov_BLM_EGIS



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Prineville District Office
3050 NE 3rd Street
Prineville, Oregon 97754
<http://www.blm.gov/or/districts/prineville>



In Reply Refer To:
DOI-BLM-ORWA-P000-2013-0006-EA
4130 (ORP000)

JUL 14 2016

CERTIFIED MAIL – 7014 3490 0001 6520 1474
Return Receipt Requested

Long Hollow Ranch
71105 Holmes
Sisters, OR 97759

Dear Permittee:

NOTICE OF FIELD MANAGER'S PROPOSED DECISION FOR GRAZING PERMIT RENEWAL OF THE LOWER BRIDGE ALLOTMENT (NO. 05065)

Background

The Prineville District of the Bureau of Land Management (BLM) prepared an Environmental Assessment (EA) and Finding of No Significant Impacts (FONSI) for the Multiple Grazing Permit and Lease Renewals Environmental Assessment, NEPA Register Number DOI-BLM-ORWA-P000-2013-0006-EA. The actions included in this Decision Record were analyzed in that EA. The project area for the EA includes BLM-administered public land throughout the Prineville BLM District. The proposed decision is for the Lower Bridge Allotment, which is located approximately 10 miles west of Terrebonne, OR and includes 5683 acres of BLM-administered public land (see attached allotment map). The EA, FONSI, project area maps and other information are available at the Prineville BLM office or on the **project website**: <http://tinyurl.com/Prineville-MGPREA>

The EA considered actions to renew as-is, renew with modifications, or not renew the grazing permits for several grazing allotments. The EA also considered actions to install new range developments and/or maintain certain existing range developments. The EA and FONSI were prepared in order to complete full processing of the grazing permits and leases and for compliance with the National Environmental Policy Act of 1969 (NEPA).

Public, tribal and other involvement

The BLM mailed over 130 tribal and public scoping letters in January 2013. An addendum was sent out two weeks later when it was discovered that one allotment proposed for renewal had been mistakenly left off the original letter. The BLM received 14 letters or e-mails in reply to scoping. In many cases the comments led to the development of issues and the incorporation of project design features into the action alternatives (as described in the EA Chapter 2, Alternatives).

The general public was also notified of the project in January 2013 via the Prineville District Project Planning Update which is posted on the Prineville public website at <http://www.blm.gov/or/districts/prineville/plans/plans.php>.

The BLM met with and talked on the phone with the grazing permittees multiple times during development of the project to gain an understanding of how the proposed actions would affect their operations.

The BLM again requested public and tribal input in February 2015 when it published the EA and draft FONSI to the BLM's public website and sent notification letters to those on the original scoping list and others who expressed interest since scoping. The BLM sent another letter to the same mailing list on March 25, 2015 to notify interested parties that the comment period had been extended until April 30, 2015. During the public review period for the EA, the BLM received 40 comment letters.

Based on comments, the BLM made several changes to the EA to clarify meaning or intent. The revised EA, public comments and BLM response are posted on the ePlanning website at: <http://tinyurl.com/Prineville-MGPREA>

Proposed Decision

Based on the analysis documented in the EA and FONSI, it is the BLM's decision to implement action Alternative 3 for the Lower Bridge Allotment as described in EA # DOI-BLM-ORWA-P000-2013-0006-EA. The following is a summary of management actions that will be implemented.

Renew Grazing Permit

Under the authority of 43 CFR Subparts 4130.2 (a), (b), (c), and (d) (grazing permits and leases), 4130.3 (terms and conditions), and 4160.1 (proposed decisions), it is my Proposed Decision to renew grazing permit authorization number 3605526 for a period of 10 years on the lower Bridge Allotment (No. 05065), as shown in Table 2 below; with the associated terms and conditions described below. In the tables below, PPL stands for Percent Public Land in the allotment, and AUMs stands for Animal Unit Months (the amount of forage a cow and calf eat in one month).

From:

Table 1. Current grazing permit for the Lower Bridge Allotment.

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3605526	60 Cattle	4/1-5/31	100	310

To:

Table 2. Proposed grazing permit for the Lower Bridge Allotment.

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3605526	70 Cattle	4/15-8/30	100	138

The authorized grazing system will be deferred rotation, and follow the grazing schedule shown below in Table 3.

Table 3. Grazing System

Pastures	Grazing Dates and AUMs	
	Year 1	Year 2
North Rim	4/15 – 5/15 69 AUMs	8/1 – 8/30 69 AUMs
Holmes Rd North	8/1 – 8/30 69 AUMs	4/15 – 5/15 69 AUMs

Flexibility

The grazing lessee(s)/permittees will be allowed 7 days of flexibility in use periods before the scheduled pasture start and end dates (described in Table 3) to adjust for annual fluctuations in livestock numbers, changing climate conditions, and to accommodate removing livestock from pastures, provided that total use does not exceed the authorized/licensed numbers of active preference AUMs. An annual grazing application must be submitted to the BLM for review prior to grazing use to ensure planned use is consistent with the grazing lease terms and conditions. BLM will modify the grazing period and rest periods when necessary to address resource concerns and to achieve multiple use objectives.

The terms and conditions of the permit are:

- Standard terms and conditions applicable to all leases (shown in Appendix C of the Revised EA).
- Grazing use will be in accordance with the Grazing Permit Renewal Decision for the Lower Bridge Allotment.
- All riparian enclosures, including spring development enclosures, are closed to livestock use unless specifically authorized in writing.
- Lessees/permittees are required to submit actual use grazing records within 15 days of completion of the year's grazing use.
- Supplemental feeding is limited to salt, mineral, and/or protein supplements in block, granular, or liquid form. Such supplements must be placed at least one quarter mile from live waters (springs, streams), troughs, wet or dry meadows, and aspen stands.
- Lessees/permittees are required to maintain all range developments for which they have maintenance responsibilities prior to livestock turnout.

- Lessees/permittees are to provide reasonable access across private and leased lands to the BLM for the orderly management and protection of the public lands as allowed in 43 CFR 4130.3-2 (H).
- The terms and conditions of your permit may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

Range Improvements

Under the authority of 43 CFR Subparts 4120.3-1 (conditions for range improvements) and 3-2 (cooperative range improvement agreements), it is my Proposed Decision to implement the actions listed below, which were analyzed in Alternative 3 of the EA. Project design features described in the EA (Chapter 2) will be incorporated into the planning and implementation phases of all range improvements. Refer to the enclosed map for the approximate location of the developments.

Fence locations shown on attached maps and listed below are approximate. Facilities will be installed in the general location, but may be moved slightly from locations shown on maps to minimize effects on visual, cultural, wildlife and other resources. The BLM will ensure the effects of any adjusted location will not exceed those analyzed in the EA.

The BLM would install ten miles of pasture fence. The fences would provide better management of the forage resource by creating a pasture system to facilitate the implementation of a deferred grazing system. Range improvements would be maintained by the permittee under a cooperative agreement.

Rationale for the Proposed Decision

Renewal of the grazing permits is in conformance with the BLM's livestock grazing regulations found in Title 43 of the Code of Federal Regulations (CFR) Section 4130.2(a) (1995) and is further necessary to maintain the Standards and Guidelines for Rangeland Health, objectives in the Upper Deschutes Resource Management Plan, and other pertinent multiple use objectives for the public lands.

The 2006 Rangeland Health Standards and Guidelines Assessment concluded that all standards are being met. Current grazing practices are considered to be in conformance with the guidelines for livestock grazing management.

The selected alternative would create two pastures allowing for implementation of a deferred grazing system. Implementation of a deferred rotation would provide periods of rest at a different time each year for different plant species at different phenology stages to promote plant vigor and recovery. Improving plant vigor would result in greater amounts of litter and decaying organic matter which would facilitate the rate of infiltration, permeability and moisture storage in upland soils. This would support plant growth and the maintenance or development of plant populations and communities. The grazing system was changed to conform to the recommended grazing system in the Upper Deschutes Resource Management Plan (2005) which recommends implementing a deferred rotation. The implementation of this alternative would promote healthy

rangelands for social and economic values, diverse wildlife populations, and healthy plant communities which is consistent with the Upper Deschutes Resource Management Plan (2005).

The Lower Bridge Allotment is currently permitted 310 active AUMs. However, the permittee has only utilized 120 AUMS annually since purchasing the base property in 1993. The Holmes South, McKenzie Table, and Rim pastures would require extensive fencing and water developments to make the pastures suitable for livestock use. The permittee expressed no interest in investing financially for fencing and water developments because of the low forage value associated with these pastures. Active AUMs would be set at 138 to reflect the proposed two pasture rotation system for the North Rim and Holmes North pastures. The BLM proposed putting the remaining 172 AUMs into suspended use for conservation. The permittee verbally agree to this proposal over the phone and verified the decision via e-mail. Per the agreement the BLM would put 172 AUMs into suspended use for conservation until the current permittee or a new owner requests the reinstatement of the suspended AUMs which would require a new EA decision.

The fences would provide better management of the forage resource by creating a pasture system to facilitate the implementation of a deferred grazing system. Implementation of a deferred rotation would provide periodic rest to promote plant vigor and recovery.

The no action alternative (Alternative 1) would renew the permit with the existing terms and conditions. Range improvements would be maintained by term grazing permit holders as specified in the term grazing permit. This alternative was not selected because the current grazing system and condition of fencing does not allow for implementation of a deferred rotation, which is needed to provide periodic rest during the critical growing season.

Under Alternative 2, grazing permits would not be renewed. This alternative was not selected for several reasons. Removal of grazing would eliminate the direct effects of grazing to the vegetation. The BLM weighed this against the economic effect on the grazing permittee and the local economy. The grazing regime in Alternative 3 would provide periods of rest at a different time each year for different plant species at different phenology stages to promote plant vigor and recovery. This would allow the area to be grazed as one of the multiple uses of the public land while still making progress toward meeting objectives for other natural resources. Therefore, the no grazing alternative did not represent the best overall combination of actions to meet multiple use goals and was therefore not selected.

In summary, I find that Alternative 3 is the combination of actions that best meets the purpose and need for action, and minimizes effects to natural resources while providing for livestock grazing in a manner consistent with the RMP. Based on the analysis of potential impacts contained in the EA, the BLM has determined in the FONSI that the Multiple Grazing permit and Lease Renewals project will not have a significant impact on the human environment within the meaning of Section 102(2) (c) of the National Environmental Policy Act of 1969 (FONSI pages 1-4). Thus, an EA is the appropriate level of analysis, and an Environmental Impact Statement (EIS) will not be prepared.

Compliance

The Proposed Decision is consistent with the Upper Deschutes Resource Management Plan (RMP) (USDI BLM 2005):

- “Promote healthy sustainable rangelands, provide for continued livestock grazing, and limit conflicts between livestock grazing and other uses and values of public land and adjacent private land,” (page 76)
- “Manage ... rangelands to provide for social and economic values ... consistent with ecosystem sustainability and other resource management objectives.” (page 93)
- “Where natural springs exist and are developed... The spring area and the overflow will be fenced to exclude livestock trampling.” (page 55)
- “Maintain and restore healthy, diverse and productive native plant communities appropriate to local site conditions.” (pg. 27)
- “Maintain or improve current good to excellent stream bank stability and riparian vegetative condition.” (pg. 34)
- “Where the capability exists, restore, maintain and improve upland and hydrologic function through the reduction of overland flow, increased infiltration, and improved floodplain function similar to historic levels.” (pg. 40)
- “Maintain or improve habitats to support healthy, productive and diverse populations and communities of native plants and animals ... appropriate to soil, climate and landform.” (pg. 51)

The RMP is available at the Prineville District (address at top of this Proposed Decision) or on the Prineville BLM website at: <http://www.blm.gov/or/districts/prineville/plans/prinevillermph>

The selected action ensures compliance with Section 106 of the National Historic Preservation Act. This compliance includes consultation with the Oregon State Historic Preservation Office and interested tribes, and project design features that avoid disturbance to historic properties and paleontological resources.

Authority

Authority for the actions contained in this proposed decision is found in 43 Code of Federal Regulations (CFR) §4100.0-8, 4110.2-2, 4110.3, 4120.2, 4120.3-1, 4130.2 (a), (b), (d), and (e), 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, 4130.6-2, 4130.8-1(e), 4160.1, 4160.2, 4160.3, 4160.4, 4180.1, and 4180.2. The BLM issues and renews grazing permits consistent with the 1995 grazing regulations, Title 43 CFR, Grazing Administration, Exclusive of Alaska, Subparts 4100-4190, and all other pertinent laws and regulations.

Protest and Appeal Opportunities

Protest

In accordance with 43 CFR §4160.2, any applicant, permittee, lessee or other interested public may protest the Proposed Decision under §4160.1 of this title, in writing to the Bureau of Land Management, Jeff Kitchens, Field Manager (authorized officer), Deschutes Resource Area, 3050 N.E. Third Street, Prineville, OR 97754 within 15 days after receipt of this Proposed Decision. The protest, if filed, must clearly and concisely state the reason(s) as to why the Proposed Decision is in error. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

In accordance with 43 CFR §4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer, at the conclusion to his/her review of the protest shall serve his/her final decision on the protestant and the interested public.

In accordance with 43 CFR §4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

Appeal and Petition for Stay

In accordance with 43 CFR §4160.3 (c) & (f), a period of 30 days following receipt of the Final Decision or 30 days after the date the Proposed Decision becomes final is provided for filing an appeal and petition for stay of the decision pending final determination on appeal.

In accordance with 43 CFR § 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge and may also petition for a stay of the decision pending final determination on appeal. Appeals and petitions for a stay of the decision shall be filed at the office of the authorized officer. Additionally the person appealing must serve a copy of their appeal and petition for stay on any person named in the decision including the name to which the decision is addressed, those listed at the end of this decision, and the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205 within 15 days of filing the appeal and petition for stay. Appellant needs to be able to document service to any other person named in the decision and the Solicitor. A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

In accordance with 43 CFR 4.470, the appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision of the authorized officer is in error.

A petition for stay, if filed, must show sufficient justification based on the following standards (43 CFR 4.471(c)):

- 1) The relative harm to the parties if the stay is granted or denied;
- 2) The likelihood of the appellant's success on the merits;

- 3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- 4) Whether the public interest favors granting the stay.

The appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).



Jeff Kitchens
Field Manager, Deschutes Resource Area

JUL 14 2016

Date

Attachments

cc:
See Attached List

Interested Publics

The list of persons named in the decision (per 43 CFR § 4160.4) includes the permittee to whom this decision is addressed, as well as the following:

CERTIFIED MAIL - 7014 3490 0001 6520 1603

C/O KURT LOCKHART
QUAIL VALLEY RANCH, LLC
13331 S. CROOKED RIVER HWY
PRINEVILLE, OR 97754

CERTIFIED MAIL - 7014 3490 0001 6520 1610

MIKE MCCABE
JUDGE
CROOK COUNTY COURTHOUSE
300 NE THIRD ST
PRINEVILLE, OR 97754

CERTIFIED MAIL - 7014 3490 0001 6520 1627

KAREN COULTER
BLUE MTN BIODIVERSITY PROJECT
27803 WILLIAMS LANE
FOSSIL, OR 97830

CERTIFIED MAIL - 7014 3490 0001 6520 1634

DAN MORSE
BEN GORDON
OREGON NATURAL DESERT ASSOC
50 SW BOND STREET, SUITE 4
BEND, OR 97702

CERTIFIED MAIL - 7014 3490 0001 6520 1641

JIM HAMMETT
57758 CHILDRESS LOOP
JOHNDAY, OR 97845

CERTIFIED MAIL - 7014 3490 0001 6520 1658

DOUG HEIKEN
OREGON WILD
PO BOX 11648
EUGENE, OR 97440

CERTIFIED MAIL - 7014 3490 0001 6520 1665

ROD AND AMY HERSHEY
TYLER HERSHEY
PO BOX 81
POWELL BUTTE, OR 97753

CERTIFIED MAIL - 7014 3490 0001 6520 1672

ELIZABETH E. HOWARD
ATTORNEYS AT LAW
1211 SW 5TH AVE., SUITE 1900
PORTLAND, OR 97204

CERTIFIED MAIL - 7014 3490 0001 6520 1689

SKY KREBS
OREGON PUBLIC LANDS COUNCIL
1320 CAPITOL ST. NE, STE. 150
SALEM, OR 97301

CERTIFIED MAIL - 7014 3490 0001 6520 1696

TYLER MCCORMACK
PRESIDENT
CROOK CO STOCKGROWERS
28833 SE BEAR CREEK RD
PRINEVILLE, OR 97754

CERTIFIED MAIL - 7014 3490 0001 6520 1702

ALLEN TESKEY
SARAH TESKEY
BLUE MOUNTAIN RANCH
PO BOX 14
PAULINA, OR 97751

CERTIFIED MAIL - 7014 3490 0001 6520 1450

DESERT SPRINGS RANCH
c/o ERIC VETTERLEIN
5051 SW BARNES ROAD
PORTLAND, OR 97221

CERTIFIED MAIL - 7014 3490 0001 6520 1726

MICHAEL BORMAN
RANGELAND EXTENSION SPECIALIST
OREGON STATE UNIVERSITY
DEPT OF ANIMAL AND RANGELAND SCIENCES
112 WITHYCOMBE HAL
CORVALLIS, OR 97331

CERTIFIED MAIL - 7014 3490 0001 6520 1733

WILLIAM R AND DONNA MCCORMACK
JEFF AND RUNINDA MCCORMACK
MCCORMACK RANCH, LLC
28833 SE BEAR CREEK RD
PRINEVILLE, OR 97754

CERTIFIED MAIL - 7014 3490 0001 6520 1740

JOHN AND LYNEE BREESE
DIXIE MEADOW COMPANY
3315 SE PAULINA HIGHWAY
PRINEVILLE, OR 97754

CERTIFIED MAIL - 7014 3490 0001 6520 1757

NAIDA MILLER
14900 SW MILLER TRAIL
POWELL BUTTE, OR 97753

CERTIFIED MAIL - 7014 3490 0001 6520 1764

RON AND DANAE MILLER
LOGAN MILLER
18775 PINEHURST RD
BEND, OR 97701

CERTIFIED MAIL - 7014 3490 0001 6520 1771

GARY AND DANA MILLIN
14221 SW MILLER TRAIL
POWELL BUTTE, OR 97753

CERTIFIED MAIL - 7014 3490 0001 6520 1788

HOLLI KINGSBURY
35200 SE CAMP CREEK RD
PRINEVILLE, OR 97754

CERTIFIED MAIL - 7014 3490 0001 6520 1795

CHARLES M MCGRATH
GRACE BIO-LABS
325 SW CYBER DR
BEND, OR 97702

CERTIFIED MAIL - 7014 3490 0001 6520 1801

BRAD CHALFANT
EXECUTIVE DIRECTOR
DESCHUTES LAND TRUST
210 NW IRVING AVE, SUITE 102
BEND, OR 97701

CERTIFIED MAIL - 7014 3490 0001 6520 1818

JOHN O'KEEFE
PRESIDENT
JEROME ROSA, EXECUTIVE DIRECTOR
OREGON CATTLEMEN'S ASSOCIATION
1320 CAPITOL ST. NE, STE. 150
SALEM, OR 97301

CERTIFIED MAIL - 7014 3490 0001 6520 1825

GEORGE WUERTHNER
OR REP - WWP
PO BOX 8359
BEND, OR 97708

CERTIFIED MAIL - 7014 3490 0001 6520 1832

KIRK AND PAIGE WINEBARGER
PSR 3310
POST, OR 97752

CERTIFIED MAIL - 7014 3490 0001 6520 1849

SHARYN JAMESON
16009 SE PAULINA HWY
PRINEVILLE, OR 97754

CERTIFIED MAIL - 7014 2120 0002 5224 1144

THE CONFEDERATED TRIBES OF THE WARM SPRINGS
TRIBAL COUNCIL
EUGENE "AUSTIN" GREENE, JR., TRIBAL CHAIRMAN
P.O. BOX C
WARM SPRINGS, OR 97761

CERTIFIED MAIL - 7014 2120 0002 5224 1151

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
NIXYA'AWII GOVERNANCE CENTER
GARY BURKE, BOARD OF TRUSTEES
46411 TIMINE WAY
PENDLETON, OR 97801

CERTIFIED MAIL - 7014 2120 0002 5224 1168

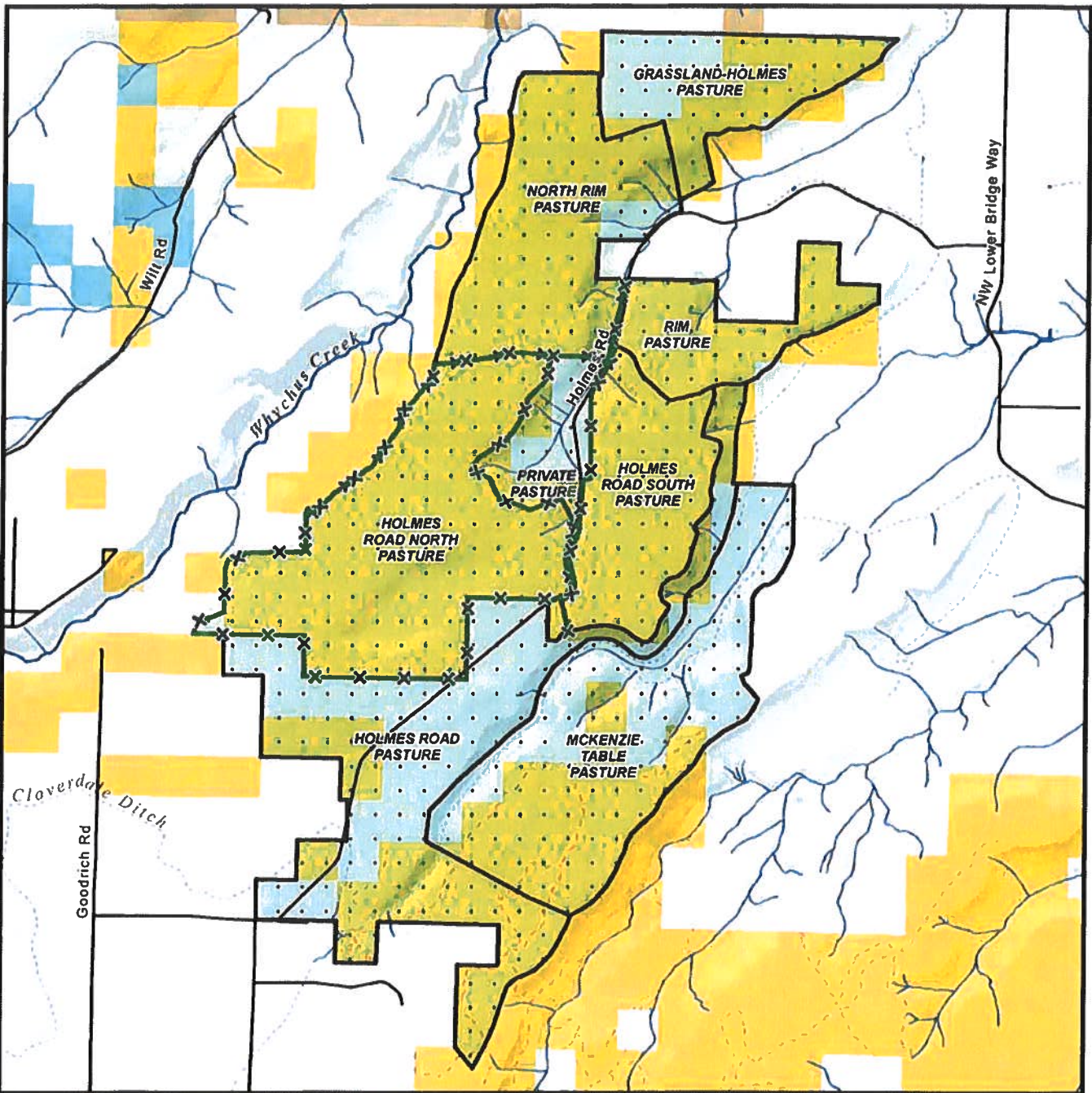
DON GENTRY, CHAIRMAN
THE KLAMATH TRIBES
P.O. BOX 436
CHILOQUIN, OR 97624

CERTIFIED MAIL - 7014 2120 0002 5224 1175

THE BURNS PAIUTE
GENERAL COUNCIL
CHARLOTTE RODRIQUE TRIBAL CHAIRPERSON
100 PASIGO STREET
BURNS, OR 97720

CERTIFIED MAIL -7014 2120 0002 5224 1205

KATHLEEN SIMPSON-MYRON
MARIPOSA IMAGES
PO BOX 675
CANBY, OR 97013



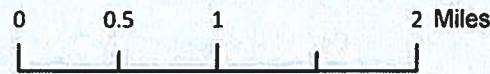
**Multiple Grazing Permit
and Lease Renewals
Environmental Assessment**
DOI-BLM-OR-P000-2013-0006-EA
US DEPARTMENT OF THE INTERIOR
Bureau of Land Management



Prineville District, Oregon
October 2014

- Proposed New Fence
- Existing Trail
- Allotment Boundary
- Bureau of Land Management
- Other Federal
- State
- Private/Unknown

1:56,640



Alternative 3
**Lower Bridge
Allotment**



Oregon
Area Extent

Untitled map | Open in Map Viewer Classic | Sign In

Range: Allotment (Feature Layer)
 Range: Allotment (Feature Layer)

Properties

Information

Symbology

Range: Allotment (Feature Layer)

- ACTIVE
- CLOSED
- VACANT

Appearance

Blending

Normal

Transparency

61%

25% 50% 75%

Visibility

Visible range

State Room

Refresh interval

Automatically refresh layer

Feature display order

LOWER CREEK

EAST WINTER

WHYCHIAN CREEK

HOLMES-WILLIAMS

CLEVELINGER


GOLDMINE FALLS

Range: Allotment (Feature Layer): HOLMES-WILLIAMS

ACCURACY	060705
ADMIN_ORG	CROOKED RIVER NATL GRASSLAND
ADMIN_ORG_NAME	CROOKED RIVER NATL GRASSLAND
ALLOTMENT_CN	10025.01037
ALLOTMENT_NAME	HOLMES-WILLIAMS
ALLOTMENT_NUM	05089
ALLOTMENT_STATUS	ACTIVE
AMP_APPROVED_FY	0
BIO_OP_APPROVED_FY	
BISON	NO
CATTLE	YES
DATA_SOURCE	24
DONKEYS_AND_BURROS	NO
GIS_ACRES	3.918 01
GOATS	NO
HORSES	NO
MANAGING_ORG	060705
MANAGING_ORG_NAME	CROOKED RIVER NATL GRASSLAND
MONIT_PMTTEE_COMPL_FY	
MULES	NO
NEPA_DEC_APPROVED_FY	2.004

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Fire Danger TODAY 

LOW **IFPL I**

Current Fire Information

Public Use (Fire) Restrictions

IFPL (Industrial Fire Precaution Level)

Alerts & Warnings

[Blue-Green Algae Information \(Summer 2023\)](#)

[Water Unavailable at Rager RS](#)

Fire Restrictions (Public Use Restrictions)

14 Day Stay Order

View All Forest Alerts

Quick Links

Wilderness areas

Recreation Areas

Find An Area

Recreation Activities

Select an Activity

- Select an Activity -

Go

Highlights

Location

Latitude : 44.433214
Longitude : -121.357861
Elevation : 2120

Recreation Passes

Recreation Passes

- [Buy one online](#)
- **Buy one in person**

-- Select a City -- ▾

Alder Springs Trailhead

Area Status: Open



Though this trailhead is challenging to reach, and requires travel over some rough dirt roads, it is the access point for [Alder Springs Trail](#) (#855). There are scenic views of the canyon from the parking area, and they only get better the further you walk. If your car is hearty enough for the roads then the trail is well worth the drive.

At a Glance

- Reservations:** This is a First Come, First Served facility.
- Area Amenities:** Parking
- Fees:** This is a free facility.
- Restrictions:** This is a Day-Use only facility. No overnight camping is permitted at trailheads or Sno-Parks on the Ochoco National Forest or Crooked River National Grassland.
- Closest Towns:** Sisters, Oregon or Terrebonne, Oregon
- Water:** No
- Restroom:** No
- Operated By:** Forest Service
- Information Center:** **Crooked River National Grassland**
274 SW 4th Street

General Information

Directions:

From Highway 97:

Just north of Terrebonne, Oregon exit west onto Lower Bridge Road and continue for approximately 12 miles, until it turns to gravel.

Turn left onto Holmes Road, which is paved.

(NOTE: Please watch for the turn off to Holmes Road. It is a common mistake to miss this turn from Lower Bridge Road onto Holmes Road but you will end up on private property with no driving route to the trailhead.)

Stay on Holmes Road for approximately 2 miles.

Turn right onto Forest Service Road 6360.

Continue along this road for five miles of bumpy dirt road travel. Be sure you have brought a high clearance vehicle as this section may be impassable for low clearance vehicles.

Turn right onto Forest Service Road 040. Stay on this road for about 1 mile until you come to the Alder Springs Trailhead parking lot.

From Highway 20:

At milepost 8 between Sisters, Oregon and Bend, Oregon turn north onto Fry Rear Road and head toward Highway 126.

Cross the highway then stay straight to merge onto Holmes Road. Holmes Road makes a sharp right at the "T" intersection, so be sure to stay on Holmes Road and continue onto milepost 7.

At milepost 7 turn Left onto Forest Service Road 6360.

Continue along this road for five miles of bumpy dirt road. Be sure you have brought a high clearance vehicle as this section may be impassable for low clearance vehicles.

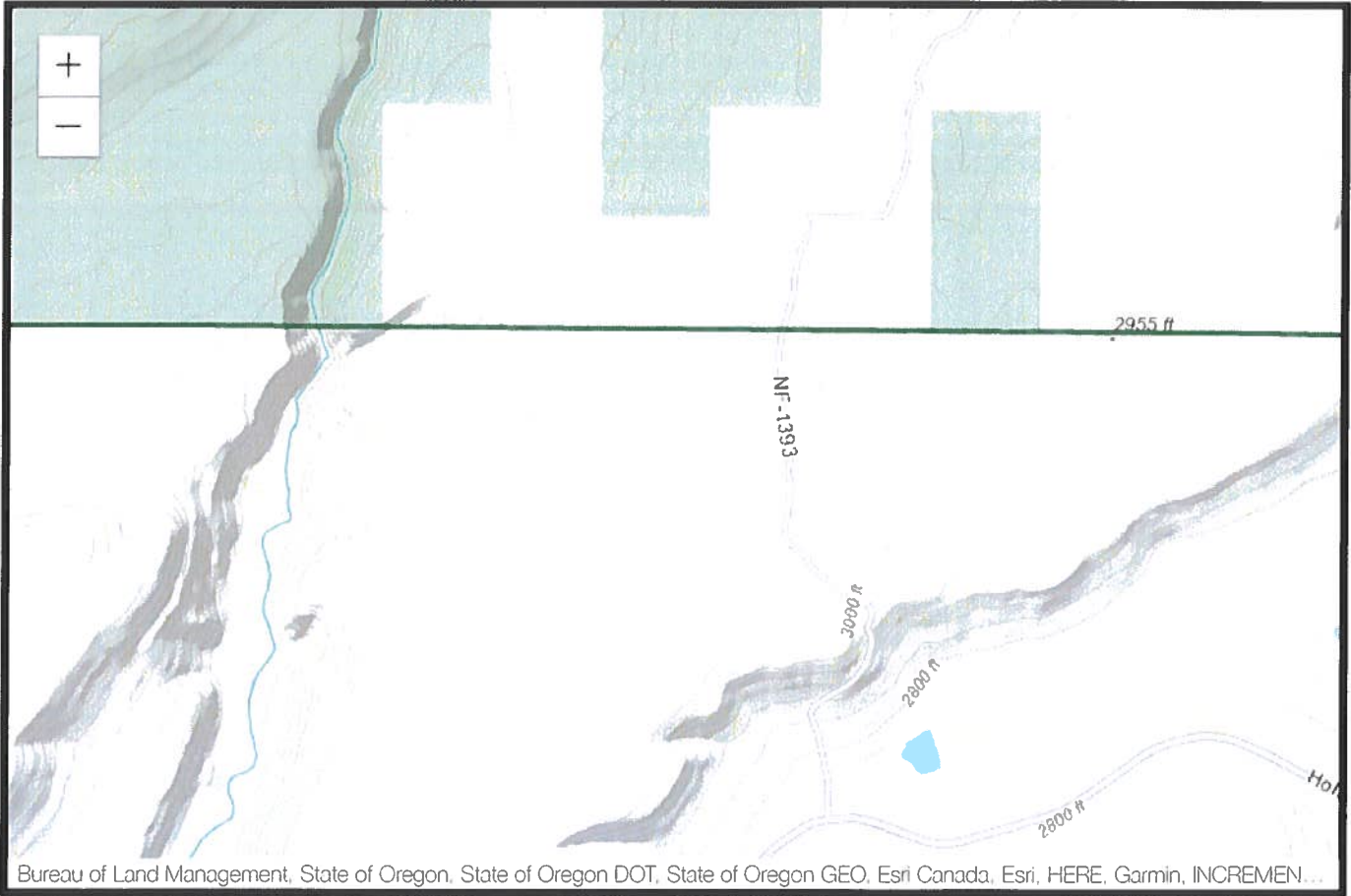
Turn right onto Forest Service Road 040 and continue until you reach the Alder Springs Trailhead parking lot.

General Notes:

There is a gate located on Forest Service Road 6360 that is closed and LOCKED from December 1st through March 31st every year to help protect winter range for the local deer populations. Hiking and biking are welcome beyond the gate during the closure, but please respect this motorized closure.

Recreation Map

Map showing recreational areas. [Map Information](#)



Activities

Amenities

Parking: Parking is available in the Day Use area

[Return to top](#)

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[Careers](#)

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[USA.gov](#)



Shane Jeffries, Forest Supervisor

Scott McFarland, Paulina District Ranger

Slater Turner, Grassland & Lookout Mountain District Ranger

Ochoco National Forest

3160 NE 3rd Street
Prineville, Oregon 97754
(541) 416-6500
Map

Crooked River National Grassland

274 SW 4th Street
Madras, Oregon 97741
(541) 416-6640
Map

[Contact Us](#)



Forest Service
U.S. Department of Agriculture



Phil Stenbeck

From: Greta Holmstrom <gholmstrom@yahoo.com>
Sent: Tuesday, January 16, 2024 8:37 AM
To: Phil Stenbeck
Subject: Re: Non-Farm Dwelling application - Jefferson County - 23-NFD-02.

Hi Phil -

Could you confirm the dates / timelines associated with responses to the appeal record?

Also - here is information from our surveyor on the road access:

The Public Usage Road 3160 I show on my plans comes from Jefferson County Tax Map for 131100. Deschutes County Tax Map 141102B0 refers to the road USFS Road 6360.

Thanks
Greta Holmstrom
Ardor Consulting, LLC
360-721-5745

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Memorandum

To: **Jefferson County**
Community Development Department

February 1, 2024
Project Number: OK1

RE: Response to Appeal of County Approval of Casefile 23-NFD-02

The appellant asserts that the soil type found on the property is suitable for farming and / or grazing based on the NRCS ratings. Previous testimony (Ted Netter Memo) has been provided in this appeal proceeding regarding the soils conditions found onsite. Onsite conditions do not match those identified by NRCS. No water rights are available for the subject property, therefore it cannot be classified as Prime Farmland. The soils onsite are dominated by rock outcrops and generally rocky soils. The project surveyor has documented the site conditions with photographs in a separate memorandum which is attached.

Soil conditions are one of the criteria listed in JCZO 301.6(l)(2) to be considered when evaluating a non-farm dwelling application. Other criteria that make a parcel or a portion of a parcel unsuitable for farming include "terrain, adverse soil conditions or land conditions, drainage, and flooding, vegetation, location and size of the tract". As previously noted, the terrain, as well as adverse soil conditions and land conditions make this property unsuitable for farming.

Due to the rocky conditions, the land is not suitable for farming or grazing.

Additional information on the economic viability of grazing is as follows:

Federal grazing rates are set at \$1.35 per aum (per head per month)

The BLM "north rim pasture" does not connect to the subject property and is not adjacent to the property, it is separated by a non grazing BLM parcel on the southwest corner of the subject property.

The stocking rate for the north rim pasture is 69 AUM's for 30 days per year, the size of the pasture is approximately 1200 acres so that means 17.4 acres per cow. at this rate the subject property would support 10 cows (AUM's) for 30 days with an income for the entire year of \$13.50 (10x

\$1.35)

The grasslands grazing permit to the north and east of the subject property is billed at the same rate but is a 52 day duration if the annual income was calculated for inclusion in that grazing allotment it would be \$23.40. The property cannot be grazed on both schedules its one or the other.

The appellant asserts that the presence of a non-farm dwelling will cause a significant change in farming operations in the area. As documented in the application narrative and impact analysis, there are no commercial farming operations in the impact area of the subject property. The area contains scattered rural residences. The Jefferson County Zoning Ordinance sets the minimum lot size in the Range Land area at 40 acres, and in the Wildlife Overlay at 160 acres. This parcel exceeds both requirements.

In regards to legal access, the property was created by a lawful partition plat recorded with Jefferson County. This plat shows acceptance of a 60' dedicated public right-of-way by the county. This road has been verified and is shown on Jefferson County tax map 131100 as Public Usage Road 3160. Deschutes County tax map 141102B0 refers to the road as USFS Road 6360. This road meets the criteria in Jefferson County Zoning Ordinance Section 401.1.A as legal access to a US Forest Service Road.

Enclosures:

Memorandum from Civil Engineer / Surveyor Regarding Soils



Planning – Engineering - Surveying
205 SE 3rd Avenue, Suite 600
Hillsboro, OR 97123

contact@mckayconsultingllc.com

January 29, 2024

File: 23008

Phil Stenbeck, Planning Director
Jefferson County
85 S.E. "D" Street
Madras, Oregon 97741

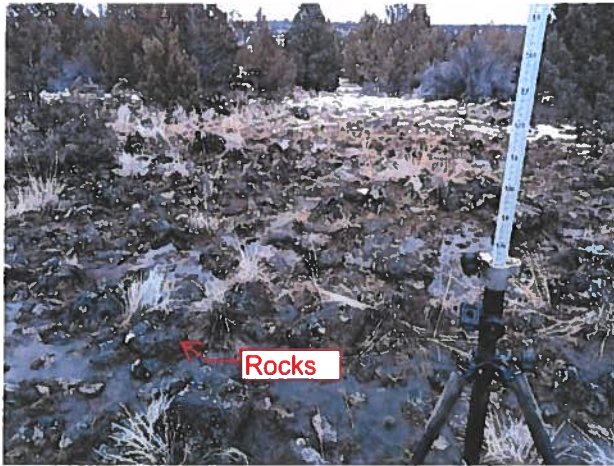
Subject: Soils Review and Feasible Farm Use
Case File 23-NFD-02

Phil,

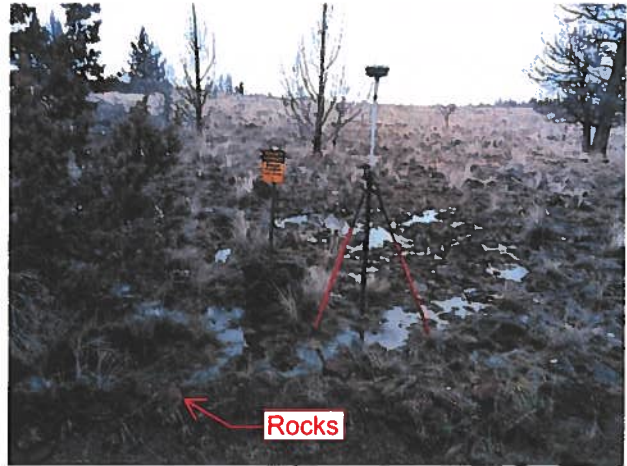
At the request of the applicant, Otto Keller, I have completed a review of the soils on the subject property (Tax Lot 1311000004500). In the letter dated January 18, 2024, Rory Isbell with Central Oregon Landwatch stated that per the NRCS soil survey the property had significant areas of Class VI soils and was presumptively farmable. I visited the site on June 11, 2023 and found large rocky areas and areas where significant effort had been taken to remove stones, rocks and boulders. This is evident from the large rock fences and rock piles scattered around the property. I revisited the property on January 27, 2024, to better document with pictures, the rocky terrain and to dig some shallow test pits to determine the extent of rocks in the cleared areas. The attached map shows the locations of the pictures I took and the holes I dug. Photos 20, 21 and 23 show some of the many rock walls and piles on the property.

Per the NRCS mapping (attached), the soils in the north and east of the property (SW1/4 of the NE1/4, the NW1/4 of the SE1/4 and the northeast portion of the NE1/4 of the SW 1/4 of Section 35) are Agency Madres Complex (3B), Simas-Ruckles Complex north slopes (118D) and Simas-Ruckles Complex south slopes (119D). Per the NRCS survey 3B is loam from 0 to 24 inches. The 118D and 119D soils are cobbly loam 0" to 12" and cobbly Clay from 12" to 19". Photos 1 through 15 show that this area is cobbly and stoney with areas of large rock fields and outcrops.

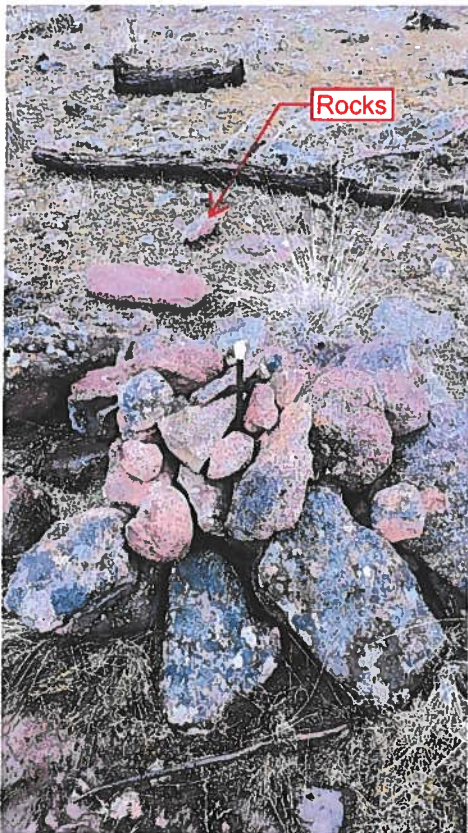
Per the soils survey, the southwest portion of the NE1/4 of the SW1/4, the SE1/4 of the SW1/4 and the easterly portion the SW1/4 of the SW1/4 is a Madras Sandy Loam (86A). The soil profile is listed as sandy loams 0 to 10", loam from 10 to 16" and clay loam from 16 to 23". I found this area to have significantly less surface rocks than other areas of the property. Based on the stone walls and rock piles in this area, it appears to have been cleared of rocks in the past. I dug 5 shallow test pits in this area with varying depths from 6 to 12 inches. In each of these test pits I stopped when I hit rocks and cobbles (See photos 16, 17, 18 19 and 22). The soils above the rock layers were typically sandy loams and loamy sands. The shallow depths of the rock and cobbles prevent the ground from being plowed. I did not find soils matching the description of Madras Sandy Loam. Along the west edge of the property, the grounds became rockier again.



Picture 1 – Showing stone field



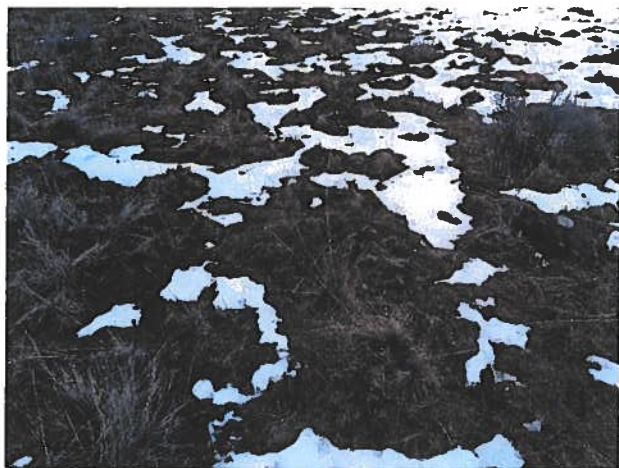
Picture 2 – National Grassland Boundary marker set in stone cairn because ground to rocky to set in ground.



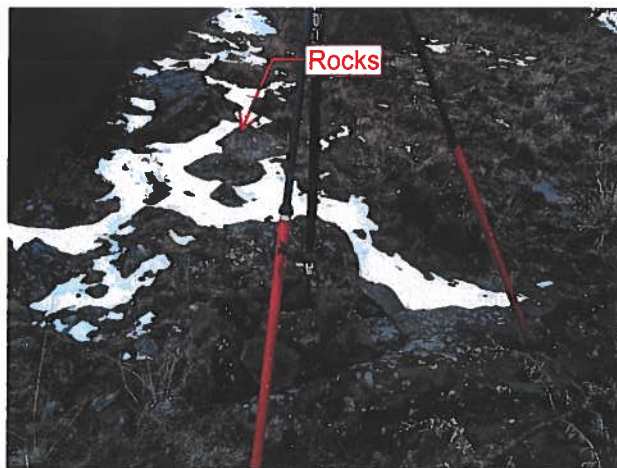
Picture 3 – Survey Monument set in stone cairn because ground to rocky to set in ground.



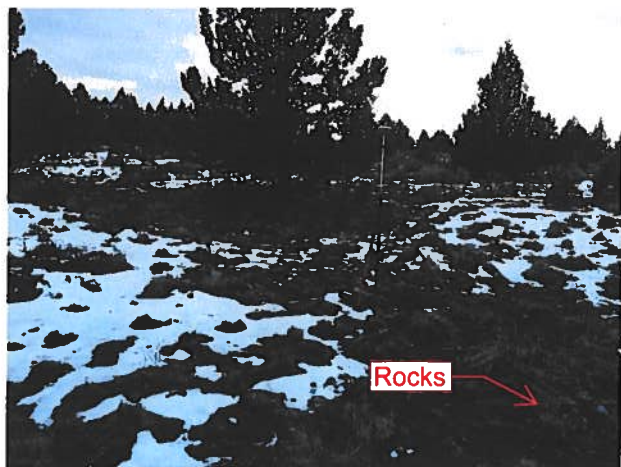
Picture 4 – Showing stone field



Picture 5 – Showing stones, cobbles, and rock outcrops.



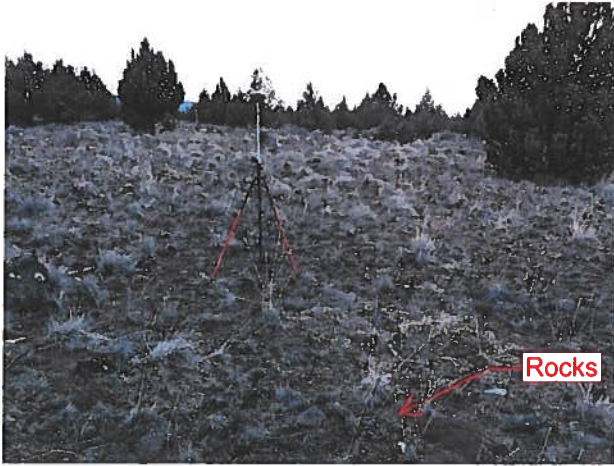
Picture 6 – Survey Monument set in stone cairn because ground too rocky to set in ground.



Picture 7 – Showing stones, and rock outcrops.



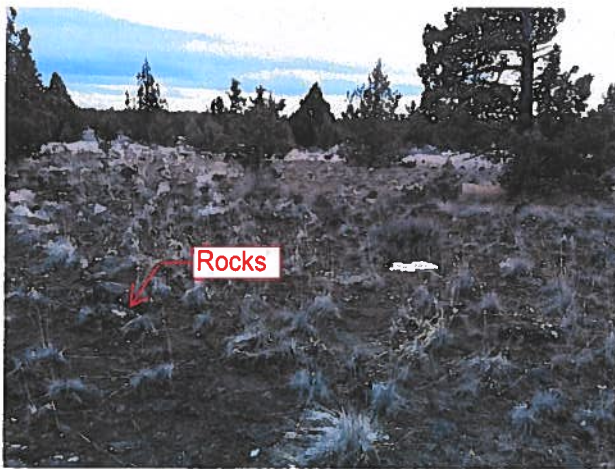
Picture 8 – Showing stone field.



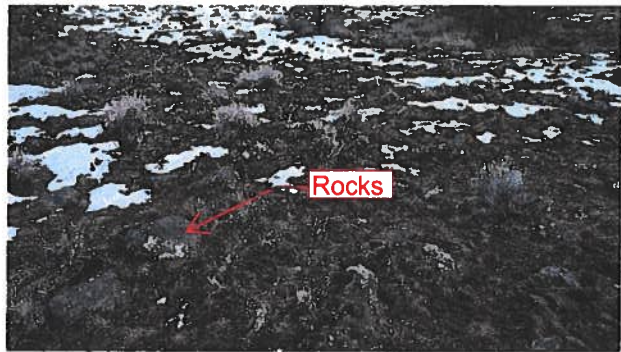
Picture 9 – Showing stones, cobbles, and rock outcrops.



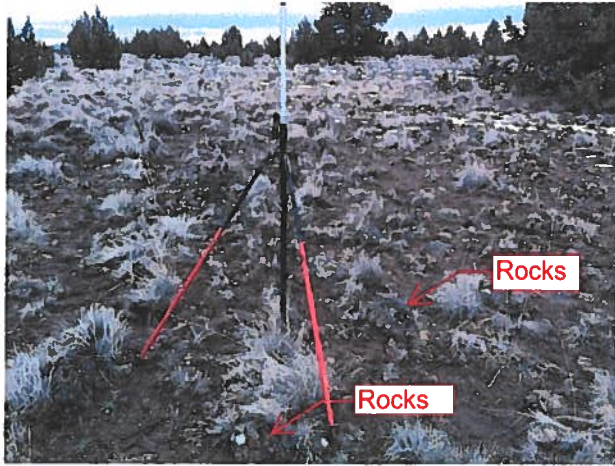
Picture 10 – Showing stones, cobbles, and rock outcrops.



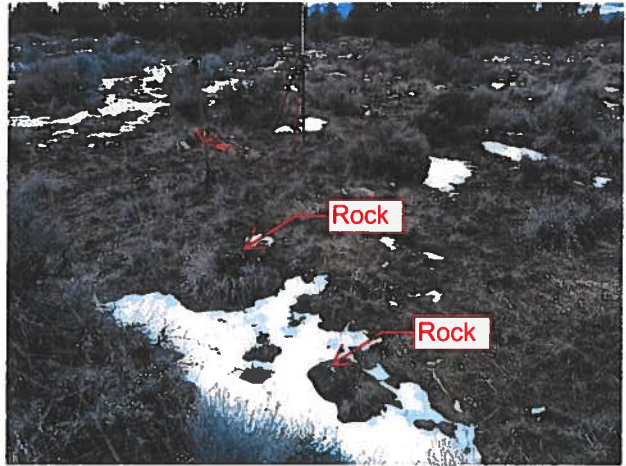
Picture 11 – Showing stones, cobbles, and rocks.



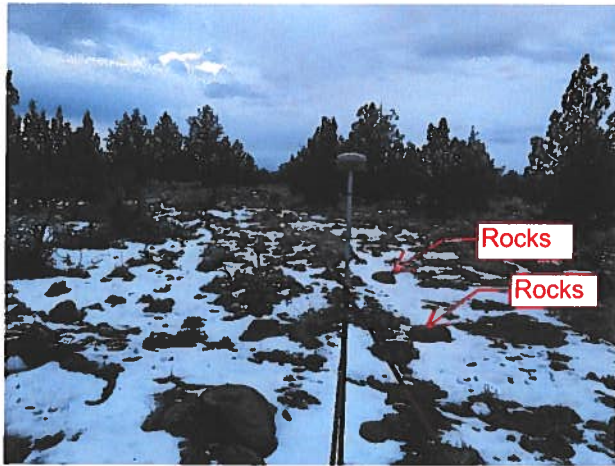
Picture 12 – Showing stones, cobbles, and rock outcrops.



Picture 13 – Showing stones, cobbles, and rocks.



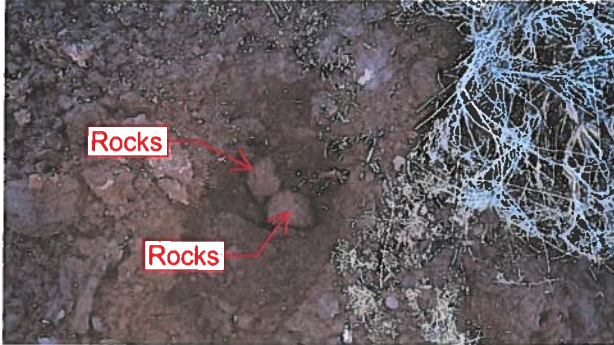
Picture 14 – Showing stones, cobbles, and rocks.



Picture 15 – Showing stones, rocks, and boulders.



Picture 16 – Test hole, sand with stones and cobbles at 12 inches.



Picture 17 – Test hole, Loamy Sand with cobbles at 9 inches.



Picture 18 – Test hole, Loamy Sand with rocks at 6 inches



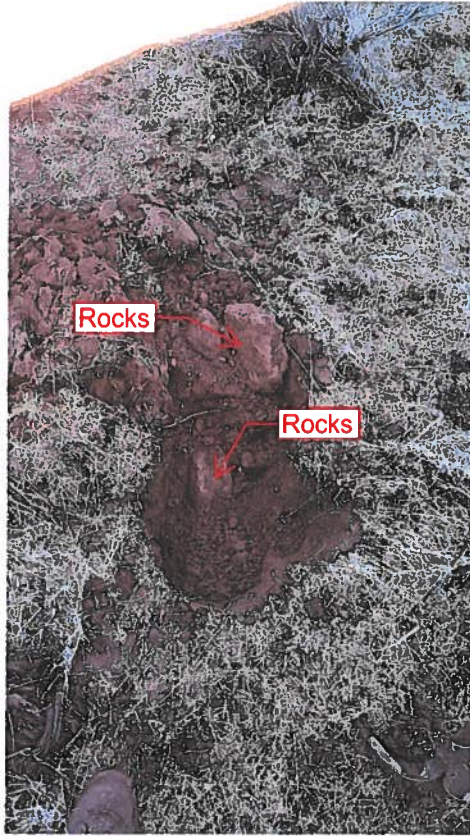
Picture 19 – Test hole, Loamy Sand with cobbles at 6 inches.



Picture 20 – Stone wall with break.



Picture 21 – Showing stone wall with break for historic road.



Picture 22 – Test hole, Loamy Sand with cobbles at 9 inches



Picture 23a – Rock Wall



Picture 23b – Rock Wall

Keller Tax Lot 4500 Soil Review
January 29, 2024
Page 8 of 8

In my opinion the ground of the subject property is not viable for farming. There may be small areas that a person could have a garden if the soils were amended, and water was available.

Please call me if you have questions.

Sincerely

Kaid E. McKay, PE/PLS



RENEWS 12-31-2024

TAX LOT K1000004500
 JEFFERSON COUNTY, OREGON
 FOR: OTTO KELLER

SOIL CLASSIFICATION

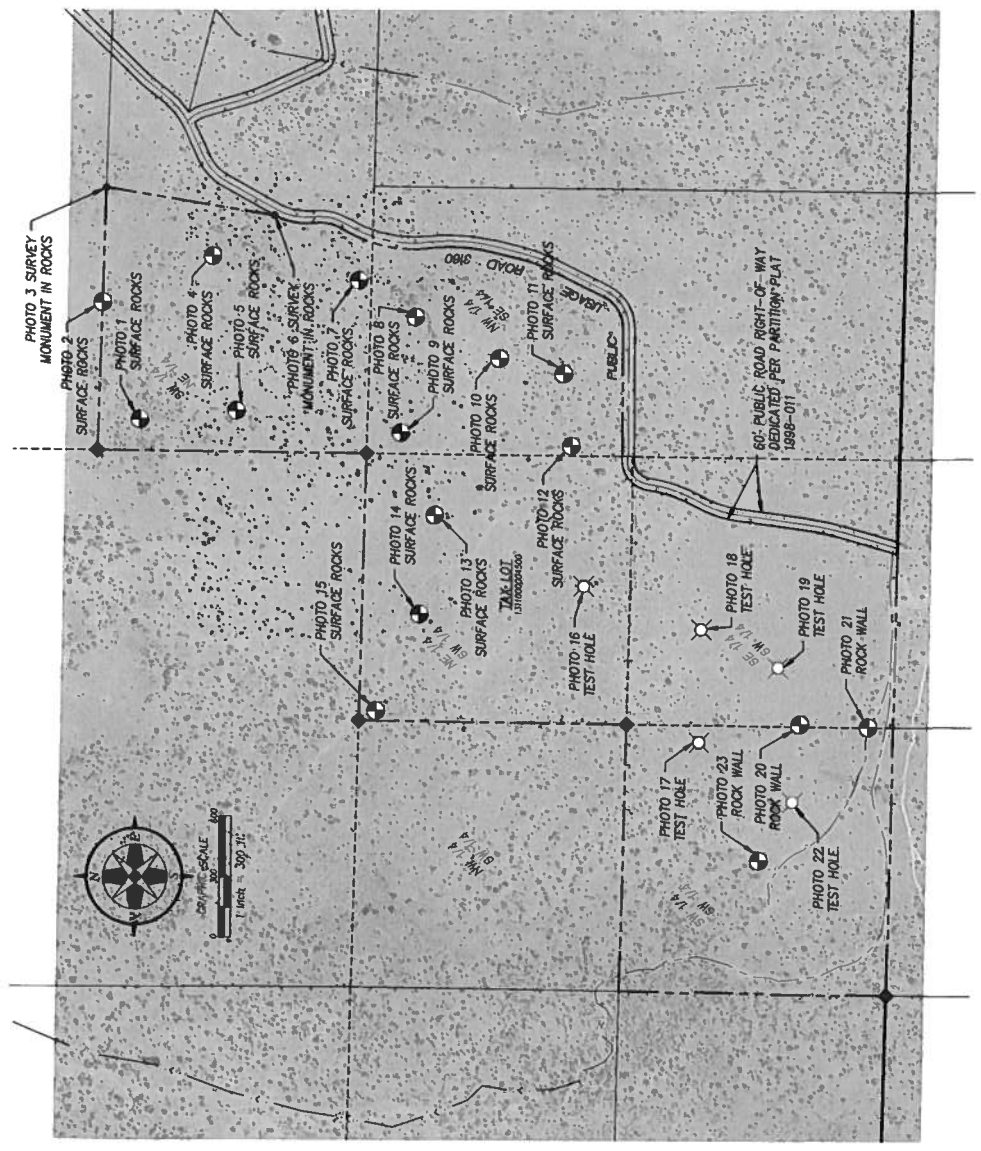
REV.	DATE	DESCRIPTION	BY

McKay Consulting, LLC
 Surveying - Engineering - Surveying
 205 2nd Avenue, Suite 600
 Medford, Oregon 97534-0338
 contact@mckayconsulting.com
 (503) 648-6475



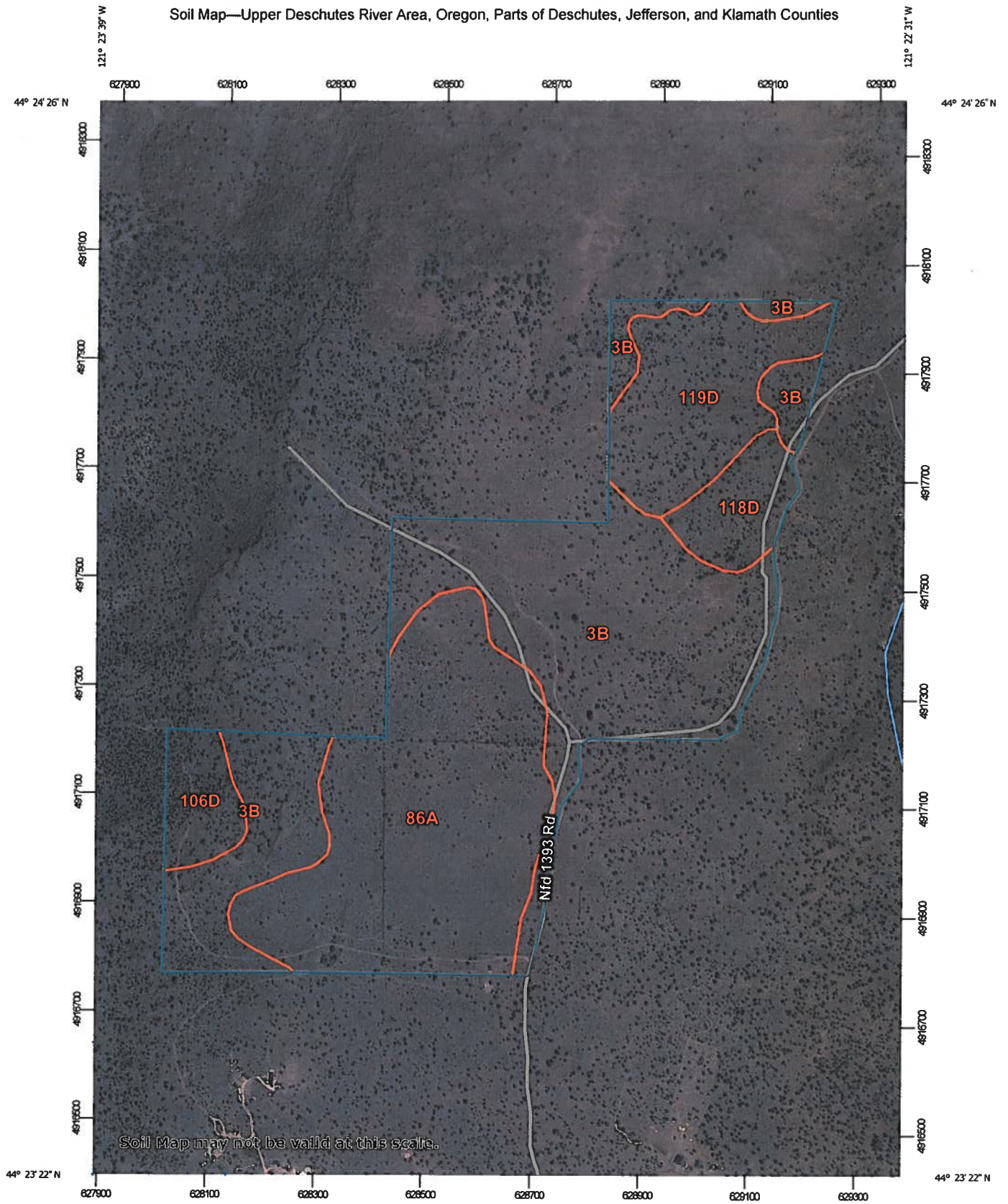
ISSUED PER PAGE 2 SHEET
 DRAWN BY: KYLE E. HENRY
 CHECKED BY: KYLE E. HENRY
 DATE: JANUARY 28, 2024
 PROJECT NO.:
 JOB NUMBER: JULY 24, 2023

C:\Users\khenry\OneDrive\Documents\2024\123008\123008.dwg Jan 22, 2024 - 11:52am



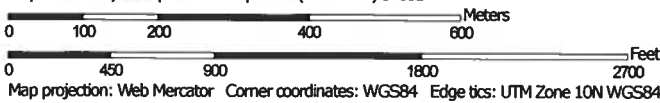
123008000

Soil Map—Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties





















Soil Map may not be valid at this scale.

Map Scale: 1:9,620 if printed on A portrait (8.5" x 11") sheet.



MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	 Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	 Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	 Background
 Mine or Quarry	 Aerial Photography
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties
 Survey Area Data: Version 21, Sep 8, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 7, 2020—Jun 2, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3B	Agency-Madras complex, 0 to 8 percent slopes	80.5	43.6%
86A	Madras sandy loam, 0 to 3 percent slopes	63.2	34.2%
106D	Redslide-Lickskillet complex, 15 to 30 percent north slopes	7.9	4.2%
118D	Simas-Ruckles complex, 15 to 40 percent north slopes	9.2	5.0%
119D	Simas-Ruckles complex, 15 to 40 percent south slopes	24.0	13.0%
Totals for Area of Interest		184.7	100.0%

Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties

3B—Agency-Madras complex, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2480
Elevation: 2,700 to 3,200 feet
Mean annual precipitation: 10 to 12 inches
Mean annual air temperature: 49 to 52 degrees F
Frost-free period: 110 to 130 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Agency and similar soils: 45 percent
Madras and similar soils: 40 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Agency

Setting

Landform: Hillslopes
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Nose slope, interfluve, crest
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over residuum weathered from volcaniclastic sediments of the deschutes formation

Typical profile

H1 - 0 to 8 inches: loam
H2 - 8 to 24 inches: loam
H3 - 24 to 29 inches: cobbly loam
H4 - 29 to 33 inches: weathered bedrock
H5 - 33 to 43 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: 22 to 40 inches to paralithic bedrock; 26 to 44 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 4.7 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e

Hydrologic Soil Group: C
Ecological site: R010XA018OR - Juniper Shrubby Loam 10-12 PZ
Hydric soil rating: No

Description of Madras

Setting

Landform: Hillslopes
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Nose slope, interfluve, crest
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over residuum weathered from volcaniclastic sediments of the deschuteas formation

Typical profile

H1 - 0 to 10 inches: loam
H2 - 10 to 16 inches: loam
H3 - 16 to 23 inches: clay loam
H4 - 23 to 27 inches: weathered bedrock
H5 - 27 to 37 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: 22 to 40 inches to paralithic bedrock; 26 to 44 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: C
Ecological site: R010XA018OR - Juniper Shrubby Loam 10-12 PZ
Hydric soil rating: No

Data Source Information

Soil Survey Area: Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties
Survey Area Data: Version 21, Sep 8, 2023

Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties

86A—Madras sandy loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 24gw
Elevation: 2,000 to 3,000 feet
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature: 47 to 50 degrees F
Frost-free period: 120 to 140 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Madras and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Madras

Setting

Landform: Lava plains
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over residuum weathered from volcaniclastic sediments of the deschuteas formation

Typical profile

H1 - 0 to 10 inches: sandy loam
H2 - 10 to 16 inches: loam
H3 - 16 to 23 inches: clay loam
H4 - 23 to 27 inches: weathered bedrock
H5 - 27 to 37 inches: unweathered bedrock

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: 22 to 40 inches to paralithic bedrock; 26 to 44 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very low (0.20 to 0.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): 3c
Land capability classification (nonirrigated): 4c
Hydrologic Soil Group: C

Ecological site: R010XA001OR - LOAMY 8-10 PZ
Hydric soil rating: No

Data Source Information

Soil Survey Area: Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties
Survey Area Data: Version 21, Sep 8, 2023

Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties

106D—Redslide-Lickskillet complex, 15 to 30 percent north slopes

Map Unit Setting

National map unit symbol: 23ys
Elevation: 2,000 to 4,000 feet
Mean annual precipitation: 10 to 12 inches
Mean annual air temperature: 47 to 52 degrees F
Frost-free period: 70 to 100 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Redslide, north, and similar soils: 50 percent
Lickskillet, north, and similar soils: 35 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Redslide, North

Setting

Landform: Canyons
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Base slope
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Volcanic ash over colluvium derived from volcanic rock

Typical profile

H1 - 0 to 4 inches: stony sandy loam
H2 - 4 to 21 inches: very cobbly sandy loam
H3 - 21 to 34 inches: extremely cobbly sandy loam
H4 - 34 to 44 inches: unweathered bedrock

Properties and qualities

Slope: 15 to 30 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 3 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 2.4 inches)

Interpretive groups

Land capability classification (irrigated): 6e

Land capability classification (nonirrigated): 6e

Hydrologic Soil Group: B

Ecological site: R010XA083OR - Juniper Shrubby North 9-12 PZ

Hydric soil rating: No

Description of Lickskillet, North

Setting

Landform: Canyons

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Colluvium derived from volcanic rock

Typical profile

H1 - 0 to 7 inches: very stony sandy loam

H2 - 7 to 14 inches: very cobbly sandy loam

H3 - 14 to 24 inches: unweathered bedrock

Properties and qualities

Slope: 15 to 30 percent

Depth to restrictive feature: 12 to 20 inches to lithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water

(Ksat): Moderately high to high (0.57 to 1.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Very low (about 1.0 inches)

Interpretive groups

Land capability classification (irrigated): 7e

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: D

Ecological site: R010XA025OR - Juniper Shallow North 10-12 PZ

Hydric soil rating: No

Data Source Information

Soil Survey Area: Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties

Survey Area Data: Version 21, Sep 8, 2023

Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties

118D—Simas-Ruckles complex, 15 to 40 percent north slopes

Map Unit Setting

National map unit symbol: 23zn

Elevation: 1,400 to 2,600 feet

Mean annual precipitation: 9 to 11 inches

Mean annual air temperature: 47 to 50 degrees F

Frost-free period: 110 to 140 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Simas, north, and similar soils: 50 percent

Ruckles, north, and similar soils: 35 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Simas, North

Setting

Landform: Canyons

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Base slope

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Colluvium derived from tuff

Typical profile

H1 - 0 to 12 inches: cobbly loam

H2 - 12 to 19 inches: cobbly clay

H3 - 19 to 37 inches: clay

H4 - 37 to 60 inches: gravelly clay

Properties and qualities

Slope: 15 to 40 percent

Depth to restrictive feature: 10 to 20 inches to abrupt textural change

Drainage class: Well drained

Capacity of the most limiting layer to transmit water

(Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 10 percent

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Available water supply, 0 to 60 inches: Very low (about 1.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: C
Ecological site: R010XB083OR - JD Shrubby Shallow 12-16 PZ
Hydric soil rating: No

Description of Ruckles, North

Setting

Landform: Canyons
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Colluvium over welded tuff

Typical profile

H1 - 0 to 9 inches: extremely cobbly loam
H2 - 9 to 14 inches: extremely cobbly clay loam
H3 - 14 to 18 inches: cobbly clay
H4 - 18 to 19 inches: weathered bedrock
H5 - 19 to 29 inches: unweathered bedrock

Properties and qualities

Slope: 15 to 40 percent
Depth to restrictive feature: 10 to 20 inches to paralithic bedrock; 11 to 21 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very low (about 1.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: D
Ecological site: R010XB083OR - JD Shrubby Shallow 12-16 PZ
Hydric soil rating: No

Data Source Information

Soil Survey Area: Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties
Survey Area Data: Version 21, Sep 8, 2023

Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties

119D—Simas-Ruckles complex, 15 to 40 percent south slopes

Map Unit Setting

National map unit symbol: 23zq

Elevation: 1,400 to 2,600 feet

Mean annual precipitation: 9 to 11 inches

Mean annual air temperature: 47 to 50 degrees F

Frost-free period: 110 to 140 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Simas, south, and similar soils: 50 percent

Ruckles, south, and similar soils: 35 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Simas, South

Setting

Landform: Canyons

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Base slope

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Colluvium derived from tuff

Typical profile

H1 - 0 to 12 inches: cobbly loam

H2 - 12 to 19 inches: cobbly clay

H3 - 19 to 37 inches: clay

H4 - 37 to 60 inches: gravelly clay

Properties and qualities

Slope: 15 to 40 percent

Depth to restrictive feature: 10 to 20 inches to abrupt textural change

Drainage class: Well drained

Capacity of the most limiting layer to transmit water

(Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 10 percent

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Available water supply, 0 to 60 inches: Very low (about 1.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: C
Ecological site: R010XB044OR - JD Droughty South 9-12 PZ
Hydric soil rating: No

Description of Ruckles, South

Setting

Landform: Canyons
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Colluvium over welded tuff

Typical profile

H1 - 0 to 9 inches: extremely cobbly loam
H2 - 9 to 14 inches: extremely cobbly clay loam
H3 - 14 to 18 inches: cobbly clay
H4 - 18 to 19 inches: weathered bedrock
H5 - 19 to 29 inches: unweathered bedrock

Properties and qualities

Slope: 15 to 40 percent
Depth to restrictive feature: 10 to 20 inches to paralithic bedrock; 11 to 21 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very low (about 1.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: D
Ecological site: R010XB044OR - JD Droughty South 9-12 PZ
Hydric soil rating: No

Data Source Information

Soil Survey Area: Upper Deschutes River Area, Oregon, Parts of Deschutes, Jefferson, and Klamath Counties
Survey Area Data: Version 21, Sep 8, 2023