



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

COOS BAY DISTRICT OFFICE

1300 AIRPORT LANE, NORTH BEND, OR 97459

Web Address: <http://www.blm.gov/or/districts/coosbay> E-mail: OR_CoosBay_Mail@blm.gov

Telephone: (541) 756-0100 Toll Free: (888) 809-0839 Fax: (541) 751-4303



In Reply Refer To:

1792/9212/1292 (ORC040)

DOI-BLM-OR-C040-2009-0007-DNA

Bosley Butte Communication Site Maintenance

June 29, 2009

Dear Concerned Citizen:

We have signed the Decision Record for the Bosley Butte Communications Site Maintenance Determination of NEPA Adequacy (DOI-BLM-OR-C040-2009-0007-DNA). The Proposed Action of this DNA includes reducing fuel loadings on 26 acres around the two communications equipment sites located at Bosley Butte. These documents have been posted on the District Internet site: <http://www.blm.gov/or/districts/coosbay/index.php>.

The decision to implement this forest management project may be protested under 43 CFR 5003 – Administrative Remedies. As outlined in 43 CFR 5003 (a) and (b), protests of a forest management decision may be made within 15 of the publication date of the decision notice and shall contain a written statement of reasons for protesting the decision. In accordance with the regulations, this notice constitutes the decision document for the purpose of protests which must be filed by close of business (4:30 P.M. on July 14, 2009) with the Myrtlewood Field Manager, Paul T. Flanagan, at the Coos Bay District Office, 1300 Airport Lane, North Bend Oregon, 97459. As interpreted by BLM, the regulations do not authorize acceptance by the BLM of protests in any form other than a signed, paper document that is delivered to the physical address of the BLM office within the 15-day period. Therefore, e-mail, verbal, or facsimile protests will not be accepted.

For further information, contact Aimee E.B. Hoefs, Team Lead, at 1300 Airport Lane, North Bend, OR. 97459 or (541) 756-0100, or e-mail at OR_CoosBay_Mail@blm.gov, ATTN: Aimee E.B. Hoefs.

Sincerely,

/s/ Jill Williams

for Paul T. Flanagan
Myrtlewood Field Manager



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DECISION RECORD for

Bosley Butte Communication Site Maintenance

Background

The Bureau of Land Management (BLM) previously prepared an Environmental Assessment (EA OR128-03-02; Curry Hardwood Conversions) and Finding of No Significant Impact (FONSI) which evaluated the effects of converting tan oak dominated stands. The proposed action is of like action and similar design to that analyzed in EA#OR128-03-02.

Decision

It is my decision to authorize the proposed actions intended to reduce hazardous fuel loadings at the Bosley Butte Communications Site identified in the Bosley Butte Communication Site Maintenance DNA (DOI-BLM-OR-C040-2009-0007-DNA). The purpose of this project is to protect valuable communications infrastructure from the event of a catastrophic wildfire. The design features and environmental consequences from this type of project were fully analyzed in the original Environmental Assessment.

This project consists of treating 26 acres immediately adjacent to and between the 2 existing communication sites. Treatment would consist of cutting brush, pruning and some smaller size diameter thinning of conifers, less than 12 DBH. Resulting slash from the cutting activities would then be hand piled, covered with black plastic and burned at a later date, usually during winter months when surrounding fuel moistures would limit the possibility of uncontrolled spread. All burning would be conducted in strict compliance with the current Oregon Smoke Management Plan. Brush and tree species to be treated include hairy manzanita, silk tassel, canyon live oak, tanoak, huckleberry oak, knobcone pine and some scattered Douglas fir.

As stated in the DNA: “The applicable portions of the project design features described in the EA would be incorporated into the proposed project. Given that the overall design of the proposed project is essentially the same as the original EA, it is still expected that the environmental consequences would be similar to that analyzed in the original NEPA document. This Proposed Action would differ slightly from the original EA in that no new road construction would be proposed and that retreatment of the Bosley site would occur in the future as trees and brush re-grow and become a fire hazard again. This project would also differ from the EA in that no tree planting would occur in the project area following burning activities” (p. 2).

While the underlying management objectives for this Proposed Action are different than the parent EA, the actions and environmental effects of cutting, piling and burning of the undesired vegetation would be the same if not less. Site prep burning of the felled tanoak stands completed under the parent EA have proved extremely successful in containing burning activities within the unit, consuming the desired amount of slash loading and resulting in soil surface temperatures that were well within an acceptable range for spring-like burns.

These lands are Administratively Withdrawn under the 2008 RMP and classified as General Forest Management Area (GFMA) under the 1995 RMP.

The project design features are located on pages 6-10 of the EA, hereby incorporated by reference. These include:

- All activities will comply with applicable State of Oregon Fire Regulations. Slash Disposal would be conducted under the direct oversight of Bureau of Land Management personnel and would comply with the State of Oregon Smoke Management Guidelines and the Clean Air Act.
- To facilitate site preparation activities, directional falling away from all project area boundaries, roads, property lines, no-treatment areas, leave trees and managed known site buffers for Special Status Species would be required. Treetops and limbs that fall into these areas will be cut and brought back into the unit area, except when adjacent to leave trees.

The following are design features which do change between the two projects. However, the DNA has shown these changes to have a lesser impact on the existing environment than what was analyzed in the original EA. These include:

- Instead of broadcast burning, the fuels would be hand piled and burned.
- The maximum DBH to be removed is 12.
- Instead of tan oak, manzanita and smaller knobcone pines are the predominant species.
- There are no streams within the project area. (DNA, p. 1)

Location

This project is located atop Bosley Butte – located in Curry County, in T. 39 S., R. 13 W., Section 10 NE ¼, SE ¼, Willamette Meridian. The nearest town is Brookings, located approximately 9 miles to the southwest.

Conformance and Compliance

This project is in conformance with the *Coos Bay District Record of Decision and Resource Management Plan*, approved December 30, 2008 (2008 ROD/RMP) because it is specifically provided for in the following LUP decisions:

1. Roads, maintenance, yards, buildings, quarries, and other facilities also do not have specific management objectives or management direction but will be managed for the purpose for which the facilities were constructed (p. 31).
2. Apply fuels treatment to stands of any age in order to reduce the fuel hazards. Fuel treatments will include such activities as tree cutting and removal, brush cutting, pruning, reducing crown bulk density (except in the Deferred Timber Management Area), treating of activity fuels, removing of biomass, and prescribed burning (p. 44).

This project is also in conformance with the *Coos Bay Record of Decision and Resource Management Plan*, approved May 1995 (1995 ROD/RMP), because it is provided for in the following management actions/directions:

1. Modify fuel profiles to lower the potential of fire ignition and rate of spread (p. 75).
2. Reduce hazards through methods such as prescribed burning; mechanical or manual manipulation of forest vegetation and debris; removal of forest vegetation and debris; and combinations of these methods (p. 75).

The design of this project would not have differed under either the 2008 or the 1995 plans. This project also complies with the Oregon and California Lands Act (O&C Act) and the Federal Land Policy and Management Act (FLPMA), the Endangered Species Act, the Clean Water Act, the Magnuson-Stevens Fishery Conservation Act and the BLM Special Status Species Program. The EA and FONSI analyzed the selected alternative and found no significant impacts that would require the development of an EIS.

Public Involvement

Scoping for the Curry Hardwoods EA was conducted from October 11, 2002 to November 12, 2002. Over 25 individuals, agencies and adjacent landowners were notified directly. One comment was received. The public was informed of the EA and FONSI through a direct notification January 28, 2003 and via a published Legal Notice in *The World* newspaper (January 27, 2003). One protest was received on the project. A response was made from the Field Office Manager. No appeals were filed. There have been two subsequent DNAs for which no comments were received.

Decision Rationale

The Proposed Action has been reviewed by Field Office staff. I have determined that this project meets the criteria for a Determination of NEPA Adequacy (DNA) and that no additional environmental analysis is required. The supporting analysis and NEPA documentation fully covered the proposed action and constitutes BLM's compliance with the requirements of NEPA.

I am choosing to implement the *Bosley Butte Communication Site Maintenance* for the following reasons:

- Protection of vital communication infrastructure supporting the local communities is an important and worthwhile responsibility.
- It reduces fuel loadings in the event of catastrophic wildland fires.
- This project shows the cooperation between a myriad of public entities and communities.
- It is consistent with both the *2008 Record of Decision and Resource Management Plan* and the *1995 Record of Decision and Resource Management Plan* for the Coos Bay District Bureau of Land Management.
- It complies with other major applicable laws, regulations and Bureau policies.

Administrative Remedies

The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the Authorized Officer *Paul T. Flanagan* within 15 days of the publication date of the notice of this decision advertisement in *The World* newspaper, Coos Bay Oregon.

43 CFR § 5003.3 subsection (b) states: “Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.” This precludes the acceptance of electronic mail (e-mail) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Coos Bay district office will be accepted. The protests must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

43 CFR § 5003.3 subsection (c) states: “Protests received more than 15 days after the publication of the notice of decision or notice of sale are not timely filed and shall not be considered.” Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by the regulations at 5003.3(f).

If no protest is received by the close of business (4:30 p.m.) within 15 days after publication of the decision notice, this decision becomes final. If a timely protest is received, the protest decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Coos Bay district will issue a protest decision.

For further information, contact Aimee E.B. Hoefs, Team Lead, at 1300 Airport Lane, North Bend OR, 97459 or (541) 756-0100.

/s/ Jill Williams

June 25, 2009

for Paul T. Flanagan
Myrtlewood Field Manager

Date