



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: BLM_OR_CB_Mail@blm.gov

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



IN REPLY REFER TO

1792/H-2860-1 (ORC030)

DOI-BLM-OR-C030-2013-0008-CX

Roman Nose Communication Site – Beam Path Maintenance

July 16, 2013

Dear Concerned Citizen:

I have signed the decision record for the Roman Nose Communication Site – Beam Path Maintenance project analyzed in the categorical exclusion document (DOI-BLM-OR-C030-2013-0008-CX). The proposed action of this CX is to remove obstructing vegetation currently interfering with communication signals from a commercial tower located at the Roman Nose Communication Site. The Bureau of Land Management (BLM) has posted these documents at the BLM internet site: <http://www.blm.gov/or/districts/coosbay/plans/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 days 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 August 7, 2013 with the Acting Umpqua Field Manager, *Glenn Harkleroad*, at the Coos Bay District Office, 1300 Airport Lane, North Bend, Oregon, 97459. As interpreted by the 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, email, verbal, or facsimile protests will not be accepted.

For further information, contact Joanne Miller, Realty Specialist, at 1300 Airport Lane, North Bend, Oregon, 97459 or (541) 756-0100, or email at BLM_OR_CB_Mail@blm.gov, Attn: Joanne Miller.

Respectfully,

/s/ Glenn Harkleroad

Glenn Harkleroad

Acting Umpqua Field Manager



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: BLM_OR_CB_Mail@blm.gov

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



IN REPLY REFER TO

1792/H-2860-1 (ORC030)

DOI-BLM-OR-C030-2013-0008-CX

Roman Nose Communication Site – Beam Path Maintenance

Decision Record for Roman Nose Communication Site Beam Path Maintenance

Background

The proposed action is to remove approximately 20-30 trees that are interfering with signal relay from Oregon Department of Transportation's (ODOT) communication facility located at Bureau of Land Management's (BLM) Roman Nose Communication Site. These trees are located west of the communication tower in line with coverage to Highway 38. ODOT would be responsible for the tree removal.

The trees would be manually felled and left on-site. These trees are approximately 30-40 years old and are between 7 and 15" in diameter, in an area less than 1 acre in size.

The communication site is located within the Late-Successional Reserve land use allocation and also within the proposed Area of Critical Environmental Concern (ACEC). This area was nominated as an ACEC during the 2008 resource management planning effort, but not officially designated as the Record of Decision for the 2008 plan was withdrawn. According to BLM's 1613 Manual, these areas are afforded interim protection until such a time that they are designated by the planning process.

Decision

It is my decision to authorize the maintenance activities for the Roman Nose Communication Site, described in the *Roman Nose Communication Site – Beam Path Maintenance CX*. This project is located adjacent to the Roman Nose Communication Site located in:

Willamette Meridian, Oregon
T. 19 S., R. 9 W.,
Section 23 NW¹/₄NE¹/₄, NE¹/₄NW¹/₄.

The project will occur on less than one acre with the Late Successional Reserve land use allocation. This beam path provides service to the Oregon State Police and covers their emergency frequencies from Reedsport to Wells Creek.

There is no road construction, renovation, maintenance, or any fuels reduction treatments. Felled trees would be left on-site.

Conformance and Compliance

The BLM developed the *Roman Nose Communication Site – Beam Path Maintenance CX* under the management direction of the *1995 Coos Bay District Record of Decision and Resource Management Plan* (1995 ROD/RMP). The analysis supporting this decision tiers to the *Final Coos Bay District Proposed Resource Management Plan/Environmental Impact Statement* (USDI 1994). The 1995 *Record of Decision* is also supported by, and consistent with, the 1994 *Final Environmental Impact Statement on Management of Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* and its associated *Record of Decision* (USDA/USDI 1994).

The proposed action is in conformance with the Land Use Plan (LUP), even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Continue to make BLM lands available for needed rights-of-way where consistent with local comprehensive plans, Oregon statewide planning goals and rules, and the exclusion and avoidance areas identified in the RMP (p. 65).

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey et al.*, No 08-1067 (W.D. Wash.) (Coughenour, J.) granting Plaintiffs' motion for partial summary judgment and finding of a variety of NEPA violations in the *Final Supplement to the 2004 Supplemental Environmental Impacts Statement to Remove or Modify the Survey and Management Mitigation Measure Standards and Guidelines* (USDA and USDI, June 2007). In response, parties entered into settlement negotiations in April 2010, and the Court filed approval of the resulting Settlement Agreement on July 6, 2011. Projects that are within the range of the northern spotted owl are subject to the survey and manage standards and guidelines in the 2011 ROD, as modified by the 2011 Settlement Agreement.

I have reviewed the NEPA document for the *Roman Nose Communication Site – Beam Path Maintenance* project and have determined it is consistent with the Coos Bay District Resource Management Plan as amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001 ROD), as modified by the 2011 Settlement Agreement. Surveys have been conducted and no red tree voles or any S&M botany species were found.

Consultation with the U.S. Fish and Wildlife Service has been completed as these activities have been included in the *Biological Opinion and Concurrence on the FY 2008-2013 Programmatic Suite of Activities Planned by the District and the Tribe*, signed October 8, 2008 (FWS# 13420-2008-F-0118).

There are no threatened or endangered fisheries species within the project area, or located within a distance to be affected by project activities. Therefore, consultation with the National Marine Fisheries Service is not warranted. Additionally, as there is no impact to water quality, this project complies with the Coastal Zone Management Act.

Analysis has also concluded that implementation of the proposed action will not increase the likelihood of or the need for listing of any Special Status Species under the ESA as identified in BLM Manual 6840 and BLM OR/WA 6840 Policy. Botany Special Status Species surveys are complete for species in which surveys are practical and are included in the 2011 State Director's Special Status Species List; none were found.

The *Roman Nose Communication Site – Beam Path Maintenance CX* complies with the Clean Water Act, the National Historic Preservation Act, and the Clean Air Act. This project area does not contain any designated Wilderness, Wild & Scenic Rivers, or prime or unique farmlands. There were no concerns identified regarding Cultural Resource Values, Native American Religious Concerns, or Environmental Justice Issues.

The communication site is located within a proposed Area of Critical Environmental Concern (ACEC). The proposed action does not conflict with the relevant and important values for which the ACEC was nominated.

Rationale for the Decision

The proposed action has been reviewed by Resource Area staff and appropriate project design features as specified will be incorporated into the proposal. Based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

I am choosing to implement the *Roman Nose Communication Site – Beam Path Maintenance* project for the following reasons:

- It provides for an immediate and long-term solution to communication interference.
- It provides a timely and effective response to the request of rights-of-way holders.
- It provides for continued public health and safety by maintaining the Emergency Alert System and other emergency alert systems.
- It complies with all 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 *Glenn Harkleroad* within 15 days of the publication date of the notice of decision in *The World*, Coos Bay, Oregon.

43 CFR § 5003.3 subsection (b) states: “Protests shall be filed with the authorized officer and would contain a written statement of reasons for protesting the decision.” This precludes the acceptance of electronic mail (email) 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 protest 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 the 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 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 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 will become final. If a timely protest is received, the project decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Coos Bay District Office will issue a protest decision.

For further information, contact Joanne Miller, Realty Specialist, at 1300 Airport Lane, North Bend, Oregon, 97459 or (541) 756-0100.

Decision Approved by:

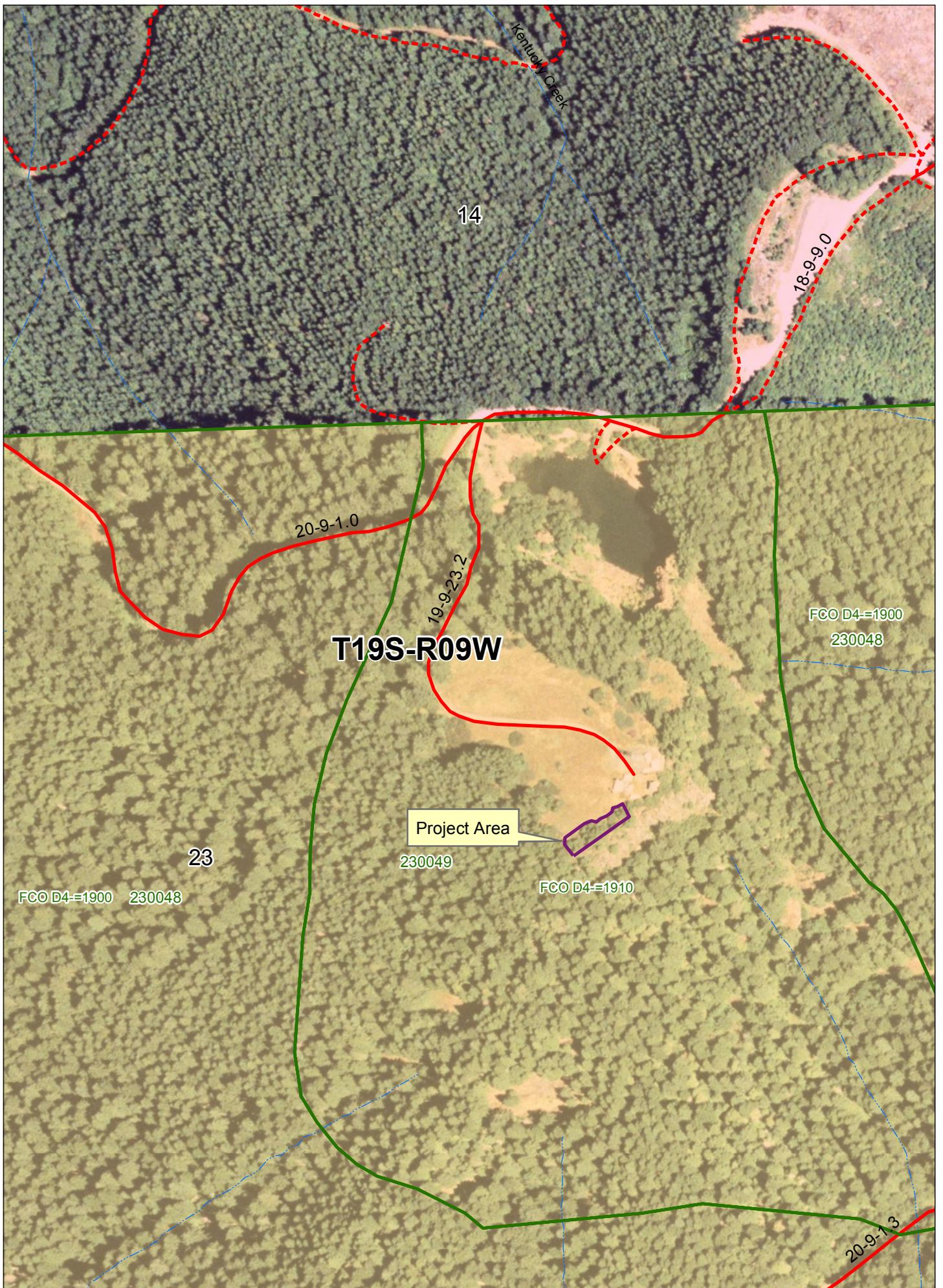
/s/ Glenn Harkleroad

July 16, 2013

Glenn Harkleroad
Acting Umpqua Field Manager

Date

Enclosure: Map (1 page)



Map Features

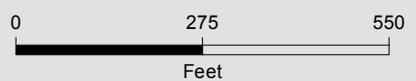
(Not all map features shown in the legend will be present in the area mapped above.)

- | | |
|--|---|
|  BLM Administered Land |  County Road |
|  Bureau of Indian Affairs |  BLM Controlled Road |
|  Private or Other Lands |  Non-BLM Controlled Road |
|  FOI - SUBJ_FOI |  Stream - fishbearing |
|  FOI - ENTIRE SYMBOL (ES) |  Stream - no fish (or unknown) |



US DEPARTMENT OF THE INTERIOR Bureau of Land Management

Coos Bay District Office
Myrtlewood Resource Area
1300 Airport Lane
North Bend, OR 97459



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data.

Roman Nose Communication Site

United States Department of Interior
Bureau of Land Management
Coos Bay District

Categorical Exclusion Review (CX)

DOI-BLM-OR-C030-2013-0008-CX

Date: July 3, 2013

A. Background

Project: Roman Nose Communication Site – Beam Path Maintenance

Location: Willamette Meridian, Oregon
T. 19 S., R. 9 W.,
Sec. 23 NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Project Description:

The proposed action is to remove approximately 20-30 trees that are interfering with signal relay from Oregon Department of Transportation's (ODOT) communication facility located at BLM's Roman Nose communication site. These trees are located west of the communication tower in line with coverage to Highway 38. ODOT would be responsible for the tree removal.

The trees would be manually felled and left on-site. These trees are approximately 30-40 years old and are between 7 and 15" in diameter, in an area less than 1 acre in size.

The project activities are within the disruption distance (100 yards) of unsurveyed suitable murrelet habitat and may be implemented prior to September 15. Therefore, the project activities would not begin until two hours after sunrise and end two hours before sunset.

The communication site is located within the Late-Successional Reserve land use allocation and also within the *proposed* Area of Critical Environmental Concern (ACEC). This area was nominated as an ACEC during the 2008 resource management planning effort but not officially designated as the Record of Decision for the 2008 plan was withdrawn. According to BLM's 1613 manual, these areas are afforded interim protection until such a time that they are designated by the planning process.

Background

BLM currently leases the com site to three facility owner/managers: ODOT, Douglas County and SBA Infrastructure, LLC. The graveled-area where the buildings, antennas and associated structures reside, are enclosed with a chain link and barbed wire fence. The enclosed com site area encompasses approximately 3 acres. The site is accessed by a 4-WD, graveled road.

ODOT's primary tenant is the Oregon State Police (OSP). The signal path for this site covers OSP's radio frequencies along Hwy 38 from Reedsport to Wells Creek. Over the last several years, ODOT has attempted to improve their repeater coverage by relocating their antenna, but they continue to receive spotty coverage in key areas, which reduces officer response time and safety.

In July 2012, ODOT requested to remove several trees that were blocking the signal relay. Per Right-of-Way agreement OR 46986, Exhibit B(14): "The holder shall trim trees in preference to cutting trees and shall cut trees in preference to bulldozing them as directed by the authorized officer." A Notice to Proceed was issued on July 23, 2012 to allow ODOT to remove the trees along the embankment that were within their fenced enclosure portion of the communication facility. Removing the trees within the fenced area improved the signal capacity by about 30%. Trees outside this fenced area were not removed. The remaining trees along the western edge of the embankment continue to hinder the VHF signal, providing spotty reception and thus reducing officer safety in that area.

B. Land Use Plan Conformance Review: The BLM developed this project under the management direction of the *1995 Coos Bay District Record of Decision and Resource Management Plan* (1995 ROD/RMP). The analysis supporting this decision tiers to the *Final Coos Bay District Proposed Resource Management Plan/Environmental Impact Statement* (USDI 1994). This 1995 *Record of Decision* is also supported by, and consistent with, the *1994 Final Supplemental Environmental Impact Statement (FSEIS) on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl* and its associated *Record of Decision* (USDA/USDI 1994).

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Continue to make BLM lands available for needed rights-of-way where consistent with local comprehensive plans, Oregon statewide planning goals and rules, and the exclusion and avoidance areas identified in this RMP (p.65).

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 C(2):

“Sale and removal of individual trees or small groups of trees which are dead, diseased, injured, or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed and none of the extraordinary circumstances described in 516 DM 2 Appendix 2 apply.

<u>Extraordinary Circumstances</u>	<u>Source</u>	<u>Initials</u>	<u>Date</u>
(1) Health & Safety Hazardous Materials	Reviewed by Hazardous Materials Coordinator;	JJ_____	7/12/13__
(2) Unique Resources	Reviewed by Port-Orford Cedar Coordinator	JK_____	7/11/13__
(3) Controversial Effects	Reviewed by NEPA Coordinator	SDF_____	7/15/13__
(4) Risks	Reviewed by NEPA Coordinator	SDF_____	7/15/13__
(5) Precedent	Reviewed by NEPA Coordinator	SDF_____	7/15/13__
(6) Cumulative	Reviewed by NEPA Coordinator	SDF_____	7/15/13__
(7) Cultural & Historic	Reviewed by Archaeologist	SRS_____	7/8/13__
(8) T & E Species	Reviewed by: Wildlife Biologist, Fisheries Biologist, Botanist	DSD_____	7/9/13__
		JF_____	7/11/13__
		JLS_____	7/8/13__
(9) Violate Laws	Reviewed by NEPA Coordinator	SDF_____	7/15/13__
(10) Environmental Justice	Reviewed by Environmental Justice Coordinator	SRS_____	7/8/13__
(11) Native American	Reviewed by District Native American Coordinator	SRS_____	7/8/13__
(12) Noxious Weeds	Reviewed by Noxious Weed Coordinator	SJL_____	7/8/13__

A summary of the extraordinary circumstances is listed below. The action must have a significant or a disproportional adverse effect on the listed categories to warrant further analysis and environmental review.

THE PROPOSED CATEGORICAL EXCLUSION ACTION WILL:	YES	NO
2.1 Have significant impacts on public health or safety.		X
<p>Rationale: There are no significant impacts to health and safety. OSHA has specific requirements for the operation of chainsaws. All fuel for equipment is kept in proper storage containers.</p>		
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principle drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); national monuments; migratory birds; and other ecologically significant or critical areas.		X
<p>Rationale: There are no unique geographic characteristics, park or refuge lands, wilderness or wild and scenic rivers, national landmarks, principle drinking water aquifers, prime farmlands or wetlands, or national monuments. The project would have no significant effect to the migratory bird population migrating through southwest Oregon.</p> <p>The project is within a proposed Area of Environmental Concern. Roman Nose is one of a few Oregon Coast Range peaks that support a grass bald/mountain meadow. The Roman Nose grass bald has been identified as “one of the most outstanding examples of the Oregon Coast grass bald.”¹ Grass balds are comparatively rare plant communities in the Coast range and contain a unique suite of plants not commonly found in an otherwise heavily forested landscape. This rarity is due to wildfire suppression over the past decades. These areas have been historically maintained through fire disturbance. Wildfire suppression has allowed conifer to encroach into these meadows, thus shrinking their size. In order to maintain these grass bald habitats, conifers need to be removed from the site. The proposed tree removal would contribute to grass bald habitat restoration as well as benefit the communication site users at the same time.</p> <p>The project area does not have habitat, nor is it near any known sites, for any Threatened or Endangered plant species. There is a low to medium potential special status species (SSS) habitat in the proposed project area. There are currently no known sites of Survey & Manage or special status botanical species that require management within the project area.</p> <p>This action is consistent with the relevant and important values for which the ACEC was proposed.</p>		
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102 (2)(E)]		X
<p>Rationale: Based on past experience, this type of activity is not highly controversial. The ROD/RMP establishes the land use allocation and goals for the affected lands; as such, there are no unresolved conflicts regarding other uses of these resources.</p>		

¹ Franklin, J.F. and C.T.Dyrness. 1988. Natural Vegetation of Oregon and Washington, US. University, Oregon State University Press reprint of the 1973 book: Natural Vegetation of Oregon and Washington. US. Dept. Agric., For. Serv. (Portland Ore.). Gen. Tech. Rep. PNW-80. 452 pgs.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks		X
Rationale: The District has conducted this type of activity for the past several decades. Past experience from this type of activity has shown no highly uncertain, potentially significant, unique or unknown risks.		
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
Rationale: There is no evidence that this type of activity has potentially significant environmental effects.		
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects		X
Rationale: The District has conducted this type of activity before. There is no evidence that this type of activity has potentially significant environmental effects.		
2.7 Have significant impacts on properties listed, or eligible for listing, on the National register of Historic Places as determined by either the bureau or office.		X
Rationale: The proposed activity would not affect districts, sites, highways, structures or objects listed in or potentially eligible for listing in the National Register of Historic Places. Nor would the activities cause a loss or destruction of significant scientific, cultural or historical resources.		
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Threatened or Endangered Species, or have significant impacts on designated Critical Habitat for these species.		X
<p>Rationale:</p> <p>The project is located in spotted owl and murrelet critical habitat. The trees being removed are approximately 40 years old and up to 15” in diameter. These trees fit the definition of dispersal habitat for the spotted owl, but not nesting, roosting, foraging (NRF). In addition, these trees are of insufficient size to contain the primary constituent elements to be classified as suitable murrelet habitat.</p> <p>The BLM has completed consultation with U.S. Fish and Wildlife Service for portions of the project that may affect northern spotted owls or marbled murrelets as described in <i>the Biological Opinion and Concurrence on the FY 2008-2013 Programmatic Suite of Activities Planned by the District and the Tribe</i> (FWS 13420-2008-F-0118) (BiOp). The BiOp acknowledges that trees may need to be removed that constitute a hazard, allowing the BLM to remove up to 500 trees (BiOp p. 10).</p> <p>The project area does not contain habitat suitable for coastal coho.</p>		
2.9 Violate a Federal, State, Local, or tribal law or requirement imposed for the protection of the environment.		X
Rationale: The proposed action conforms to the direction given for the management of public lands in the ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.		
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
Rationale: This type of project is not known to have a disproportionately high and adverse effect on low income or minority populations.		

2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
Rationale: Cultural clearances were performed at that time; none were located within the project area. The proposed action does not affect the physical integrity of this area.		
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)		X
Rationale: The proposed action does not introduce any vector for spread or introduction beyond such vectors already found. Vehicles accessing the project area would stay on existing roads, reducing the potential of dispersing noxious weeds or seed.		

D. Signature

Authorizing Official: Field Manager: /s/Glenn Harkleroad Date: 7/16/13

E. Contact Person

For additional information concerning this CX review, contact Joanne Miller, Realty Specialist, Coos Bay District Office, 1300 Airport Lane, North Bend, OR 97459, 541-751-4204.

¹ Indicate applicability if the exception.
² List data source on which exception determination is based.