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## **FINDING OF NO SIGNIFICANT IMPACT FOR THE NEW CINGULAR WIRELESS PCS, LLC (AT&T) RIGHT-OF-WAY GRANT RENEWAL (OR 48563)**

(DOI-BLM-OR-M040-2013-0002-EA)

### **INTRODUCTION**

The Medford District Bureau of Land Management, Ashland Resource Area (BLM) analyzed a proposal to renew New Cingular Wireless PCS, LLC (AT&T)'s existing right-of-way grant (OR 48563) for their communication facility located at the top of Soda Mountain in the Cascade-Siskiyou National Monument (CSNM) for a period of 10 years, and to include modifications to the original grant. The right-of-way grant would authorize New Cingular Wireless PCS, LLC (AT&T) to operate and maintain their existing communication facility, a 100 foot x 100 foot compound containing an operational 80-foot cell tower, equipment shelter, a propane tank and to use and maintain BLM roads 39-3E-32.3 (Soda Mountain Road), 40-3E-21.1 and 40-3E-21.2 (Soda Mountain Lookout Road). Modifications analyzed include:

- replacing an existing 4-foot diameter microwave dish located 50 feet high on the tower with a 2.5-foot diameter microwave dish at 80 feet on the tower;
- installing a new 6-foot diameter microwave dish with an ice shield to be placed at 70 feet on the existing tower;
- painting the equipment shelter, coax cable bridge, propane tank, and all microwave dishes and ice shields with shadow gray paint (from the BLM Standard Environmental Color Chart (2008)); and
- allowing the two existing subleases (AT&T and the State of Oregon) to continue per their existing agreement with the right-of-way holder (New Cingular Wireless PCS, LLC (AT&T)). If either sublease agreement is terminated, no new subleases would be allowed.

The *New Cingular Wireless PCS, LLC (AT&T) Right-Of-Way Grant Renewal (OR 48563) Environmental Assessment* (DOI-BLM-M040-2013-0002-EA) documented the site-specific analysis of effects on the human environment that may result from the implementation of the proposal to renew New Cingular Wireless PCS, LLC (AT&T)'s right-of-way grant for their communication facility located at the top of Soda Mountain.

## **CONTEXT AND INTENSITY**

Based on the context and intensity of the effects analyzed in the New Cingular Wireless PCS, LLC (AT&T) Right-Of-Way Grant Renewal Environmental Assessment (EA), (pp. 20 through 37), I have determined Alternative 2, the Selected Alternative with the incorporated Project Design Features, is not a major federal action that would significantly affect the quality of the human environment, individually or cumulatively with other actions within the analysis area and would not exceed the effects described in the *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan* (USDI 2008).

Alternative 2 would include implementation of the Project Design Features (PDFs) described in the EA (pp. 17-18). By implementing these protective measures, the BLM would avoid or reduce adverse effects from activities associated with the lease renewal.

I considered the following criteria, suggested by CEQ (40 CFR 1508.27), for evaluating intensity or severity of the impact of renewing the right-of-way grant as identified in Alternative 2 of the EA.

### **1. Not result in significant beneficial or adverse effects.**

The EA documented the site-specific analysis of effects to the environment. The required application of the PDFs, an integral part of the right-of-way grant renewal, will ensure the potential for adverse effects on resources is avoided or minimized to the extent possible.

Based on the analysis documented in the EA, no significant adverse or beneficial effects will result from implementing Alternative 2 in the New Cingular Wireless PCS, LLC (AT&T) Right-Of-Way Grant Renewal EA.

### ***Recreation, Visual Resources, and Wilderness Character***

Actions under Alternative 2 are expected to have slight, although insignificant, beneficial effects on recreation, visual resources, and wilderness character. Recreation opportunities would remain unchanged, although the user experience would improve by softening the visual impact of the New Cingular Wireless PCS, LLC (AT&T) communication facility through the application of shadow gray paint (approved color in the BLM Standard Environmental Color Chart (2008)) to the structures and equipment at the site (EA, p. 28). The color change may also provide slight improvements to the feeling of naturalness from within the Soda Mountain Wilderness near the communications site, although the overall effect of the communications site on wilderness resources would remain unchanged. Under Alternative 2, the lease would be granted for a period of 10 years, potentially allowing for a more frequent review of the facilities and the potential to

capture improvements in technology that may allow for a reduced size facility or an off-site location (EA, p. 28).

### ***Botanical Resources, Noxious Weeds and Introduced Species***

This project is within the range of Gentner's fritillary (*Fritillaria gentneri*), a federally-listed Threatened and Endangered plant species, but surveys have not documented occurrences of this species within the project area. Grimmia dry rock moss (*Grimmia anomala*) and Pringle's rim lichen (*Lecanora pringlei*) are the only Special Status plants (Survey and Manage Category D) that have been located at the summit of Soda Mountain (EA, p. 31). Under Alternative 2, there would be no direct, indirect or cumulative affects to Bureau Special Status, Survey and Manage, or federally-listed vascular plant species because no disturbance would occur outside the existing footprint on the ground. Since the two Special Status species on Soda Mountain are on rock outcrops rather than on open ground, the threat from use and maintenance of the communications site would be minimized (EA, pp. 33-34).

Under Alternative 2, BLM Roads 39-3E-32.3, 40-3E-21.1, and 40-3E-21.2 would continue to be used for access and maintenance, activities which may contribute to the spread of noxious weeds. Proper implementation of PDFs would reduce the risk of spreading noxious weeds from implementing Alternative 2. The rate at which this potential spread would occur is unknown due to the indistinguishable causal effect of other activities and factors such as seed transport by vehicular traffic, wildlife, and other natural dispersal methods. The BLM would continue to treat existing noxious weed populations as funding and personnel are available under the *Medford District Integrated Weed Management Plan and Environmental Assessment* (EA #OR-110-98-14). The result for noxious weed expansion is expected to have a similar potential as the No Action Alternative (EA, p. 34).

### ***Wildlife***

There would be no direct, indirect or cumulative effects to Bureau Special Status or Survey and Manage or federally-listed wildlife species because no disturbance or habitat modification would occur (EA, Wildlife Section, pp. 35-37).

- The nearest known northern spotted owl (NSO) nest is approximately one mile to the southwest of the project area and the top of Soda Mountain is within the home range of the nest site; however, no suitable habitat (nesting, roosting, foraging (NRF), or dispersal) is within the project area. There is NRF habitat adjacent to BLM Road 40-3E-21.2 for a half mile (EA, p. 35). Should a new spotted owl nest be discovered within 200 feet of this road, a seasonal restriction would be imposed on chainsaw use along the shoulder of the road to reduce disturbance during the nesting season (March 1- September 30) (EA, pp. 17 and 35).
- The project is within the range of the federally endangered gray wolf; however the project area is outside of any Area of Known Wolf Activity (AKWA) as indicated by the Department of Oregon Fish and Wildlife (EA, pp. 35-36).
- The Pacific Fisher (a federal proposed species) has a low likelihood of using the project area due to the open condition but could use suitable habitat adjacent to the project area.

There have been camera survey stations in the area but no fishers have been detected (EA, p. 36).

- The forested area adjacent to the project provides potential habitat for a number of BLM sensitive species including, birds, reptiles, amphibians and mammals. The project area provides potential habitat for sensitive bat species (pallid bat (*Antrozous pallidus*) and fringed myotis (*Myotis thysanodes*)) in the form of green trees and snags which could be used for roosts (EA, p. 36).
- There is no suitable habitat in the project area for any Survey and Manage species known to occur in the Ashland Resource Area. There is suitable great gray owl habitat adjacent to the project area. The nearest known great gray owl nest site is approximately one mile north of the project area. A seasonal restriction would be necessary if a new nest is located adjacent to the project area (EA, p.17 and 36).
- The project area does not have habitat for any bird species that are on the U.S. Fish and Wildlife Service's *Bird Species of Conservation Concern* (BCC) and *Game Birds Below Desired Condition* (GBBDC) lists. There are eight bird species on these lists that may occur adjacent to the project area (EA pp. 36-37).

## **2. Not result in significant impacts on public health or safety.**

No aspects of the New Cingular Wireless PCS, LLC (AT&T) Right-Of-Way Grant Renewal Project have been identified as having the potential to significantly and adversely impact public health or safety. Occupational Health and Safety Administration (OSHA) standards for workplace health and safety are administered by OSHA to provide for worker and public safety. The changes to the facility under Alternative 2 will enhance public safety through improvements in communications capabilities.

## **3. Have no significant, adverse effects on unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

In 2000, the Cascade-Siskiyou National Monument was reserved in recognition of its remarkable ecology and to protect a diverse range of biological, geological, aquatic, archeological and historic objects (Presidential Proclamation 7318). The Soda Mountain Wilderness (SMW) was added to the National Wilderness Preservation System on March 30, 2009. The Soda Mountain Communications Site (and the New Cingular Wireless PCS, LLC (AT&T) communication facility) is within the CSNM and is surrounded on all sides by the SMW.

The existing New Cingular Wireless PCS, LLC (AT&T) communication site authorization at Soda Mountain was recognized as a valid existing right in the *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan* (USDI 2008, VER-5, p. 117 and Appendix O, Table O-2, p. O-3).

Alternative 2 meets the direction in the CSNM ROD/RMP and BLM Manuals BLM Manual 6100 – *National Landscape Conservation System Management Manual* (USDI 2012), BLM Manual 6220 – *National Monuments, National Conservation Areas, and Similar Designations* (USDI 2012) and BLM Manual 6340 – *Management of BLM Wilderness* (USDI 2012) as it relates to valid existing rights and facilities located on National Conservation Lands (EA, pp. 20-37). Alternative 2 protects monument objects and adjacent wilderness character through camouflaging New Cingular Wireless PCS, LLC (AT&T)’s facilities to better blend in with the natural background and minimize the visual contrast of the facility in the landscape (EA, pp. 4, 16, 28-29); not permitting any new subleases (EA, pp. 4, 16, 28, and 30); and reducing the term of the right-of-way grant (EA, pp. 3, 16, 28, and 30).

#### **4. Not have highly controversial environmental effects.**

“Highly controversial”, in the context of 40 CFR 1508.27(b) (4), refers to substantial disagreement within the scientific community about the environmental effects of a proposed action. It does not refer to expressions of opposition or expressions of preference among alternatives or differences of opinion concerning how public lands should be managed.

The anticipated effects of implementing the New Cingular Wireless PCS, LLC (AT&T) Right-of-Way Grant Renewal, documented in the EA, are well known, consistent with the CSNM ROD/RMP (USDI 2008) and the *Soda Mountain Communications Site Management Plan* (2012), and no highly controversial effects have been identified.

The effects of the Selected Alternative on the quality of the human environment are adequately understood by the interdisciplinary team to provide analysis for the decision. Public concerns and input have been considered throughout the analysis (see the Public Involvement sections of the EA and Decision Record). A complete disclosure of the predicted effects is contained in Chapter 3 of the EA. The effects of this project are similar to those of other right-of-way grant renewals implemented within the scope of the CSNM ROD/RMP.

#### **5. Not have highly uncertain and potentially significant environmental effects, or unique or unknown environmental risks.**

The effects of Alternative 2 are not unique or unusual. The BLM has experience with similar right-of-way grant renewals and has found the effects to be reasonably predictable. There are currently eight communications facilities at Soda Mountain including New Cingular Wireless PCS, LLC (AT&T)’s facility. The environmental effects to the human environment are fully analyzed in Chapter 3 of the EA. Public concerns and input have been considered throughout the analysis (see Public Involvement section of the EA and the Decision Record). These effects of this communication facility are well known (as it has been in operation since 1992) and do not involve unique or unknown risk to the human environment.

**6. Not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.**

The decision to implement the Selected Alternative for the New Cingular Wireless PCS, LLC (AT&T) right-of-way grant renewal request neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. Future right-of-way grant renewal requests at the Soda Mountain Communications Site within the CSNM will be considered in subsequent NEPA analyses which will determine if the proposal meets management direction in CSNM ROD/RMP, the *Soda Mountain Communications Site Management Plan*, and BLM Manuals for managing National Conservation Lands.

**7. Not result in significant cumulative environmental effects.**

Cumulative environmental effects are “the impact on the environment which results from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions” (See definition of “cumulative impact” in 40 CFR § 1508.7).

Analysis was performed at multiple scales, and included the consideration of past actions, as reflected in current conditions, current actions, and foreseeable future actions on both private and federal lands (EA, Chapter 3, Affected Environment and Environmental Consequences). No significant cumulative impacts were identified (EA, pp. 20-37).

**8. Have no significant effects on scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places.**

Alternative 2 would not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor would the project cause loss or destruction of significant scientific, cultural, or historical resources.

Pursuant to the 2015 Protocol for Managing Cultural Resources on Lands Administered by the Bureau of Land Management in Oregon, the Medford District BLM has determined the project is exempt from further survey under Appendix E, Realty, #3 (Issuance of Federal Land Policy Management Act ((FLPMA)) leases, and rights-of-way where no new disturbance is authorized).

There is one previously recorded historic site on top of Soda Mountain, the Soda Mountain Lookout. The New Cingular Wireless PCS, LLC (AT&T) tower and equipment building adjoin the lookout. Alternative 2 will not affect the Soda Mountain Lookout and when coupled with the Project Design Features listed in Chapter 2 of the EA, no direct, indirect, or cumulative impacts are expected for cultural resources as a result of implementing the Selected Alternative.

**9. Have no adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species.**

No significant adverse or beneficial significant effects would occur to species listed or proposed to be listed as federally Endangered or Threatened species or their critical habitats.

***Northern Spotted Owl (NSO)***

This project is in the range of the northern spotted owl. The nearest known NSO nest site is approximately one mile to the southwest of the project area. The top of Soda Mountain is within the home range of the NSO nest site. There is no suitable habitat (nesting, roosting, foraging (NRF), or dispersal) directly within the project area. There is NRF habitat adjacent to BLM Road 40-3E-21.2 for a half mile. Should a new spotted owl nest be discovered within 200 feet of the road, a seasonal restriction would be imposed for chainsaw use along the shoulder of the road to reduce disturbance during the nesting season (March 1- September 30) (EA, pp. 17 and 35).

This project area is in the NSO Critical Habitat Unit (CHU) ECS-2. A long narrow strip of critical habitat follows the road prism of BLM Roads 40-3E-21.1 and 40-3E-21.2 up to and around the communications site. There is no suitable habitat (NRF and dispersal) directly in the project area.

***Gray Wolf***

The project is within the range of the federally endangered gray wolf; however the project area is outside of any Area of Known Wolf Activity (AKWA) as indicated by the Department of Oregon Fish and Wildlife.

***Pacific Fisher***

The Pacific Fisher (a federal proposed species) has a low likelihood of using the project area due to the open condition but could use suitable habitat adjacent to the project area. There have been camera survey stations in the area but no fishers have been detected.

***Fish and Designated Habitat***

There would be no effect to listed aquatic species or their habitat (EA, p. 9).

***Botanical Species and Habitat***

There would be no effect to any federally-listed T&E botanical species as a result of implementing Alternative 2 (EA, pp. 9 and 33).

**10. Not violate a Federal, State, Local or Tribal law, regulation or policy imposed for the protection of the environment.**

The Alternative 2 will not violate federal, state, or local environmental protection laws. Project Design Features, an integral part of this project, ensure project activities are consistent with the 2008 CSNM ROD/RMP, as well as comply with legal requirements applicable to this project (EA, pp. 8-10).

## FINDING

I have determined that the New Cingular Wireless PCS, LLC (AT&T) Right-of-Way Grant Renewal does not constitute a major federal action having significant effect on the human environment; therefore, an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of the CEQ's criteria for significance (40 CFR § 1508.27) with regard to the context and intensity of the effects described in the EA, and on my understanding of the project, review of the project analysis, and review of public comments. As previously noted, the analysis of effects documented in the EA has been completed within the context of multiple spatial and temporal scales and within the context of the 2008 Cascade-Siskiyou National Monument Resource Management Plan, the 1994 Northwest Forest Plan (portions incorporated by reference in the CSNM ROD/RMP), and associated Environmental Impact Statements. The anticipated effects are within the scope, type, and magnitude of effects anticipated and analyzed in those plans.



Jen Sanborn

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9/29/15

Date