

DNRC CATEGORICAL EXCLUSIONS FOR FOREST MANAGEMENT ACTIVITIES

(Revised August 2009)

Introduction:

The following identifies the process and documentation needed for forest management activities that are classified as categorical exclusions by the Administrative Rules of Montana for Forest Management [Forest Management Rules: ARM 36.11.447(3)(a) through (w)]. These projects do not require an environmental assessment or environmental impact statement pursuant to MEPA (MCA 75-1-101 through 324) and DNRC Administrative Procedures for MEPA (ARM 36.2.521 through 543). Categorical exclusions are still subject to the Forest Management Rules.

Process:

1. Determine if your forest management project qualifies as a categorical exclusion using criteria listed in:
 - a. ARM 36.11.447(2)(a) through (j) – Refer to extraordinary circumstances where categorical exclusion may not apply.
 - b. ARM 36.11.447 (3)(a) through (w) – Refer to activities where categorical exclusion may apply.
2. Where appropriate, seek internal input from:
 - a. Unit Personnel
 - b. Resource Specialists
 - c. Forest Management Bureau
3. Contact adjacent landowners if there is need to cross their lands.
4. Complete Categorical Exclusion Form with support from resource specialists.
5. If it is unclear whether the proposed action may generate significant impacts, stop categorical exclusion process and complete further environmental analysis (EA or EIS) to determine the potential for significance.
6. Sign/date decision (Decisionmaker).
7. For timber harvest, send Categorical Exclusion Form with original signature and supporting documentation to Forest Operations Section Supervisor at Forest Management Bureau. Send an electronic copy to Forest Management Planner at the Forest Management Bureau.
8. While there are no formal requirements, notify any appropriate public.

Public Involvement: There are no formal requirements for public involvement with a categorical exclusion. A notification or courtesy (not scoping) letter to lessees, adjacent landowners, and interested publics may be appropriate (no comment period).

INSTRUCTIONS FOR COMPLETING THE FORM

The Categorical Exclusion Documentation form records the qualification of a project for one of the 23 categories subject to exclusion from environmental review as adopted in the ARM 36.11.447(3)(a) through (w). **For timber harvest projects, please send completed form with original signature to the Forest Management Bureau.** A copy of the form should also be kept at the Unit/Area office, along with any other project information (maps, data, contracts, etc.). Categorically excluded timber harvests are still subject to all other Forest Management Rules and permit or sale requirements. A categorical exclusion for salvage timber harvest between 200 MBF and 500 MBF board feet is considered a Timber Sale and will require Land Board approval.

Project Name: Enter the name of the project proposal—e.g. “Deer Creek Timber Permit.”

Proposed Implementation Date: Date you expect the actual work on the project to start.

Proponent: Lessee, company, State department and division that are proposing the action and department that is responsible for review.

Type and Purpose of Action: Briefly identify and describe the proposed action in a few sentences, including an idea of the scope of the proposal (e.g., “Issue a timber permit to remove approximately 50 MBF of timber from June 1996 to October 1996; SE¼NW¼ of S16, T2N, R20W. The permittee will be subject to the stipulations included in the permit.”)

Category: These refer to the categorical exclusions adopted in the Forest Management Rules (see ARM 36.11.447(3)(a) through (w)).

General Considerations for Extraordinary Circumstances:

According to ARM 36.11.447 (2), categorical exclusions may not apply where extraordinary circumstances may occur. Extraordinary circumstances refer to cases where projects may affect resources, species, or situations listed in ARM 36.11.447(2)(a) through (j). To determine if your project triggers an extraordinary circumstance:

- 1. Identify if resources, species, or situations listed in ARM 36.11.447(2)(a) through (j) are present.**
- 2. If those resources, species, or situations are not present, then your project may be categorically excluded.**
- 3. If those resources, species, or situations are present, determine if your activity is likely to affect them.**

*Presence of resources, species, or situations **does not alone** preclude your project from categorical exclusion. We may categorically exclude projects whose effects to resources, species, or situations can be circumvented through project design (controlling timing, duration, extent, etc.).*

If you are having difficulty determining whether or not an effect is likely to occur, consult with Area resource specialists and/or the Forest Management Bureau.

The following was designed to assist you in determining if your project may trigger an extraordinary circumstance on one or more of the following resources, species, or situations:

- 1) sites with high erosion risk [ARM 36.11.447(2)(a)].**
 - Determine the erosion risk from established soil surveys, existing inventories or site-specific field evaluations (as referenced in ARM 36.11.425). Site factors affecting erosion

- are soil type, slope, and activity.
 - Consult with Area Hydrologist/Soil Scientist to determine if your project is likely to contribute to unacceptable levels of erosion.
- 2) **federally listed threatened and endangered species or critical habitat for threatened and endangered species as designated by the USFWS [ARM 36.11.447(2)(b)].**
 - Determine if federally listed threatened and endangered (T&E) species or critical habitat is present. *Presence of a species or critical habitat does not alone preclude your project from categorical exclusion.* Federally listed T&E species include grizzly bear, Canada lynx, and bull trout. Critical habitat has been designated for Canada lynx and bull trout.
 - Consider local agreements (e.g. Swan Valley Grizzly Bear Conservation Agreement).
 - Determine if your project area contains components important to habitat for listed T&E species (lynx habitat, dens, etc).
 - Consult with Area Wildlife Biologists and/or Fisheries Biologists to determine if your project is likely to have adverse effects to federally listed T&E species and or critical habitat.
 - 3) **within municipal watersheds [ARM 36.11.447(2)(c)].**
 - Determine if your project occurs within a municipal watershed.
 - Consult with Area Hydrologist to determine if your project is likely to have adverse effects to water quality or quantity within the watershed.
 - 4) **the SMZ of fish bearing streams or lakes, except for modification or replacement of bridges, culverts and other crossing structures [ARM 36.11.447(2)(d)].**
 - Determine if your project occurs within the SMZ of a fish bearing stream or lake.
 - Consult with Area Hydrologist or Fisheries Biologist to determine if your project is likely to have adverse effects on fisheries.
 - 5) **state natural area [ARM 36.11.447(2)(e)],**
 - 6) **Native American religious and cultural sites [ARM 36.11.447(2)(f)],**
 - 7) **archaeological sites [ARM 36.11.447(2)(g)], or**
 - 8) **historic properties and areas [ARM 36.11.447(2)(h)].**
 - Determine if your project occurs in or near one of these areas or sites (ARM 36.11.447 (2)(e through h).
 - Consult DNRC archeologist with map of proposed harvest unit and road building to determine if your project is likely to have adverse effects to these sites or areas.
 - 9) **Several related projects that individually may be subject to categorical exclusion but that may occur at the same time or in the same geographic area. Such related actions may be subject to environmental review even if they are not individually subject to review [ARM 36.11.447(2)(i)].**
 - Determine if your project occurs near other related projects.
 - If assessment of cumulative effects raises questions on an otherwise low risk project, do an EA checklist to determine the potential for significant impacts.
 - 10) **Violations of any applicable state or federal laws or regulations [ARM 36.11.447(2)(j)].**
 - Determine if your project violates state or federal laws (i.e. Forest Management Rules, SMZ Law, BMPs, Clean Air Act, etc.).

CATEGORICAL EXCLUSION DOCUMENTATION FOR DNRC FOREST MANAGEMENT ACTIVITY

Project Name: Thompson Falls Park Letter Permit

Proposed Implementation Date: 3/15/2012

Proponent: MT DNRC

Type and Purpose of Action: Issue a Letter Permit to harvest approximately 20 MBF from 3/15/2012 - 9/30/2012 in the SE 1/4, SW 1/4 of S36 T22N R30W. Permittee will be subject to all stipulations included in the contract.

Location: S36 T22N R30W

County: Sanders

Category (refer to ARM 36.11.447 (3)(a) through (w) for additional detail):

- a) Temporary Uses of Land with Negligible Effects
- b) Plans and Policies
- c) Leases and Licenses
- d) Acquisition of Land or Interest in Land
- e) Road Maintenance and Repair
- f) Bridges and Culverts
- g) Crossing Class 3 Streams
- h) Temporary Road Use Permits
- i) Road Closure
- j) Material Stockpiles
- k) Backfilling
- l) Gathering Forest Products for Personal Use
- m) Regeneration
- n) Nursery Operations
- o) Water Wells
- p) Herbicides and Pesticides
- q) Other Hazardous Materials
- r) Fences
- s) Waterlines
- t) Removal of Small Trees
- u) Removal of Hazardous Trees
- v) Cone Collection
- w) Timber Harvest (<100 MBF green or 500 MBF salvage)

By process of the adoption of the Forest Management Rules on February 27, 2003, pursuant to ARM 36.2.523(5)(a), the Department of Natural Resources and Conservation, Trust Land Management Division, has adopted the above categorical exclusions for activities conducted on state forested trust lands. "Categorical Exclusion" refers to a type of action that does not individually,

collectively, or cumulatively require an EA or EIS unless extraordinary circumstances occur (ARM 36.2.522(5)).

Extraordinary Circumstances:

Will the proposed action affect one or more of the following resources, species or situations in the project area? If the resource, species, or situation is present, but project design avoids potential adverse effects on the resource, the answer is "No". One "Yes" answer indicates that Categorical Exclusion is not appropriate for the project, and an EA or EIS must be conducted.

- | YES | NO | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | a) Sites with high erosion risk. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | b) Federally listed threatened and endangered species or critical habitat for threatened and endangered species as designated by the USFWS. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | c) Municipal watersheds. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | d) The SMZ of fish bearing streams or lakes, except for modification or replacement of bridges, culverts and other crossing structures. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | e) State natural area. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | f) Native American religious and cultural sites. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | g) Archaeological sites. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | h) Historic properties and areas. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | i) Several related projects that individually may be subject to categorical exclusion but that may occur at the same time or in the same geographic area. Such related actions may be subject to environmental review even if they are not individually subject to review. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | j) Violations of any applicable state or federal laws or regulations. |

The project listed above meets the definition of the indicated categorical exclusion, including specified conditions and extraordinary circumstances, as provided in the Forest Management Rules (ARM 36.11.447).

Prepared by: Kyle Johnson (Name) 2/29/2012 (Date)

Decision by: David Olsen (Name) Forest Management Supervisor (Title)

/s/ David Olsen (Signature) 2/29/2012 (Date)

Memorandum

To: Kyle Johnson, Project Leader
CC: Marc Vessar
From: Leah Smith, Wildlife Biologist
Date: February 27, 2012
Re: Thompson Falls State Park Salvage -wildlife comments

I reviewed the Thompson Falls State Park Salvage permit proposed in T22N, R30W, Section 36. A timber harvest extracting 4-5 loads of saw logs and non-saw logs is proposed within approximately 4 acres in the southern portion of the section. Harvesting would focus primarily on removing dead and dying timber that poses a threat to park facilities and adjacent property owners.

The attached table summarizes the anticipated effects of the proposed activities on each Threatened or Endangered species, sensitive species, or big game species.

STATUS	SPECIES/HABITAT	DETERMINATION – BASIS
Threatened and Endangered Species	Canada lynx (<i>Felis lynx</i>) Habitat: Subalpine fir habitat types, dense sapling, old forest, deep snow zones	No suitable Canada lynx habitat occurs in the project area. Thus, no adverse direct, indirect, or cumulative effects to Canada lynx would be anticipated.
	Grizzly bear (<i>Ursus arctos</i>) Habitat: Recovery areas, security from human activity	The project area is located approximately 2 miles outside of grizzly bear occupied habitat and non-recovery occupied habitat associated with the Cabinet-Yaak Recovery Zone (<i>USFWS 1997, Wittinger 2002</i>). Given the project area's close proximity to the town of Thompson Falls, the very close proximity to Highway 200, the existing high level of public use occurring on the project area, and the minimal expected level of disturbance associated with the proposed tree removal and related disturbance activity, no direct, indirect or cumulative effects to grizzly bears would be anticipated.

Sensitive Species	<p>Bald eagles (<i>Haliaeetus leucocephalus</i>)</p> <p>Habitat: Late-successional forest less than 1 mile from open water</p>	<p>No known bald eagle nests occur within 2.5 miles of the project area, and the project area occurs in a very high existing traffic zone associated with Highway 200. However, the project area is located <0.1 miles from Noxon Reservoir. If a bald eagle nest is documented within 2.5 miles of the project area prior to, or during implementation of project-related activities, mitigation measures would be developed according to ARM 36.11.429. Thus, negligible direct, indirect, or cumulative effects to bald eagles would be anticipated.</p>
	<p>Black-backed woodpeckers (<i>Picoides arcticus</i>)</p> <p>Habitat: Mature to old burned or beetle-infested forest</p>	<p>No recently (<5 years) burned areas occur within the project area. Thus, no direct, indirect, or cumulative effects to black-backed woodpeckers would be anticipated.</p>
	<p>Coeur d'Alene salamanders (<i>Plethodon idahoensis</i>)</p> <p>Habitat: Waterfall spray zones, talus near cascading streams</p>	<p>No moist talus or streamside talus habitat occurs within the project area. Thus, no direct, indirect, or cumulative effects to Coeur d'Alene salamanders would be anticipated.</p>
	<p>Columbian sharp-tailed grouse (<i>Tympanuchus Phasianellus columbianus</i>)</p> <p>Habitat: Grassland, shrubland, riparian, agriculture</p>	<p>No suitable grassland communities occur within the project area. Thus, no direct, indirect, or cumulative effects to Columbian sharp-tailed grouse would be anticipated.</p>
	<p>Common loons (<i>Gavia immer</i>)</p> <p>Habitat: Cold mountain lakes, nest in emergent vegetation</p>	<p>The project area is located <0.1 miles from Noxon Reservoir and loon activity has been documented in the area (<i>MNHP data</i>). However, given the short duration of the proposed activities and that common loons are not likely to nest within 500 feet of the project area due to the presence of a boat ramp and high levels of activity, no direct, indirect or cumulative effects to common loons would be anticipated.</p>
	<p>Fishers (<i>Martes pennanti</i>)</p> <p>Habitat: Dense mature to old forest less than 6,000 feet in elevation and riparian</p>	<p>No suitable fisher habitat occurs within the project area. Thus, no direct, indirect or cumulative effects to fishers would be anticipated.</p>

<p>Flammulated owls (<i>Otus flammeolus</i>)</p> <p>Habitat: Late-successional ponderosa pine and Douglas-fir forest</p>	<p>Approximately 4 acres of flammulated owl preferred cover types occur within the project area. However, the stand density of these acres is too dense to provide suitable flammulated owl habitat. Additionally, recreational use of the project area likely precludes this area from being high quality flammulated owl habitat. The proposed activities would be expected to slightly increase the suitability of these acres for flammulated owl use. Thus, negligible beneficial direct, indirect or cumulative effects to flammulated owls would be anticipated.</p>
<p>Gray wolves (<i>Canis lupus</i>)</p> <p>Habitat: Ample big game populations, security from human activities</p>	<p>The estimated 2010 home range of the Silcox wolf pack is located approximately 6 miles from the project area. However, due recreational use of the Thompson Falls State Park and high traffic volumes associated with Highway 200, it is unlikely that wolves would use the area. However, if documented in the vicinity of the project area, mechanized activities would be restricted within 1 mile of wolf dens (<i>ARM 33.11.430(1)(a)</i>) and 0.5 miles of wolf rendezvous sites (<i>ARM 33.11.430(1)(b)</i>). Thus, negligible direct, indirect or cumulative effects to gray wolves would be anticipated.</p>
<p>Harlequin ducks (<i>Histrionicus histrionicus</i>)</p> <p>Habitat: White-water streams, boulder and cobble substrates</p>	<p>No suitable high-gradient stream or river habitats occur within 1 mile of the project area. No direct, indirect or cumulative effects to harlequin ducks would be anticipated.</p>
<p>Northern bog lemmings (<i>Synaptomys borealis</i>)</p> <p>Habitat: Sphagnum meadows, bogs, fens with thick moss mats</p>	<p>No suitable sphagnum bogs or fens occur within the project area. Thus, no direct, indirect, or cumulative effects to northern bog lemmings would be anticipated.</p>

	<p>Peregrine falcons (<i>Falco peregrinus</i>)</p> <p>Habitat: Cliff features near open foraging areas and/or wetlands</p>	<p>Cliffs/rock outcrops occur within 0.5 miles of the project area and a peregrine eyrie that was active in 2006 is located 1.3 miles from the project area. However, Highway 200 is located between the project area and the cliffs and any peregrine falcons that occupy the area are likely habituated to disturbance. Thus, no direct, indirect, or cumulative effects to peregrine falcons would be anticipated.</p>
	<p>Pileated woodpeckers (<i>Dryocopus pileatus</i>)</p> <p>Habitat: Late-successional ponderosa pine and larch-fir forest</p>	<p>No suitable pileated woodpecker habitat occurs within the project area. Thus, no direct, indirect, or cumulative effects to pileated woodpeckers would be anticipated.</p>
	<p>Townsend's big-eared bats (<i>Plecotus townsendii</i>)</p> <p>Habitat: Caves, caverns, old mines</p>	<p>No suitable caves or mine tunnels are known to occur within the project area. Thus, no direct, indirect or cumulative effects to Townsend's big-eared bats are anticipated.</p>
Big Game Species	<p>Elk (<i>Cervus canadensis</i>)</p> <p>Mule Deer (<i>Odocoileus hemionus</i>)</p> <p>White-tailed Deer (<i>Odocoileus virginianus</i>)</p>	<p>Approximately 4 acres of elk, mule deer, and white-tailed deer winter range occur within the project area. However, due to recreational use of Thompson Falls State Park and high traffic volumes associated with Highway 200, it is unlikely that the area provides important winter range or security habitat. Thus, negligible adverse direct, indirect or cumulative effects to big game are anticipated.</p>

General Wildlife:

Overall, given the small size of the area and recreation use of Thompson Falls State Park, negligible direct, indirect, or cumulative effects to wildlife would be anticipated.

List of Mitigations:

- Cease all operations if a threatened or endangered species is encountered. Consult a DNRC biologist and develop additional mitigations that are consistent with the administrative rules for managing Threatened and Endangered Species (ARM 36.11.428 through 36.11.435).
- Close road and skid trails opened with proposed activities to reduce the potential for unauthorized motor vehicle use.
- Manage for snags, snag recruits, and coarse woody debris according to ARM 36.11.411 through 36.11.414, particularly favoring western larch and ponderosa pine.

Conclusion:

In general, with the identified mitigations, the potential for effects to threatened and endangered species is low and overall negligible effects to wildlife would be anticipated. Thus, none of the extraordinary circumstances listed under ARM 36.11.447 (2) (b) and (i) affecting the wildlife resources would preclude the use of a categorical exclusion for this proposal.

USFWS. 1993. Grizzly bear recovery plan. Missoula, Montana. 181 pp.

Wittinger, W.T. 2002. Grizzly bear distribution outside of recovery zones. Unpublished memorandum on file at U.S. Forest Service, Region 1, Missoula, Montana.

To: Dale Peters, Project Leader

CC: Katie Mally

From: Marc Vessar

Date: January 7, 2009

Subject: Thompson Falls State Park Salvage Categorical Exclusion

The proposed harvest of dead and dying timber that poses a threat to the existing park facilities and its occupants in the Thompson River State Park located on the Plains Unit would occur in section 36, T22N, R30W. The estimated volume is approximately 35mbf. All work would be completed under winter conditions, which includes operating during periods of dry, frozen and/or snow covered ground. All work would be completed by spring breakup 2009.

According to ARM 36.11.447 (w), the project meets the criteria necessary to be nominated as a Categorically Excluded project. To ensure the soil, water and fisheries resources present in the project area do not preclude the CatEx designation; this document will assess the risk to existing resources including addressing the extraordinary circumstances listed in ARM 36.11.447 (a) (b) (c) (d) and (i).

Issue	Assessment	Meet Criteria for CatEx?
High erosion risk soils? ARM 36.11.447 (2)(a)	The inventoried soils in the project area are listed as 411E, 41C, 61B and 200 in the Soil Survey of Sanders and Parts of Lincoln and Flathead Counties, Montana (MT651 on Web Soil Survey) http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx None of these soils are considered as a highly erosive soil. Slopes in the harvest area are generally less than 10% although some slightly steeper areas may occur.	Yes
Federally listed threatened and endangered <i>aquatic</i> species or critical habitat for threatened and endangered <i>aquatic</i> species as designated by the USFWS? Adapted from ARM 36.11.447 (2)(b)	The project is in the Clark Fork River watershed which is considered as bull trout critical habitat per the USFWS website. http://www.fws.gov/pacific/bulltrout/CrHabitat.html . Due to the limited amount of timber harvest proposed, the terrain being very gentle or flat, and the season of operation (winter) a very low risk of affecting bull trout habitat would exist..	Yes
Within a municipal watershed? ARM 36.11.447 (2)(c)	The Clark Fork River at this location is not a municipal watershed.	Yes
SMZ of fish bearing streams or lakes...? ARM 36.11.447 (2)(d)	No harvest within the SMZ of the Clark Fork River would occur.	Yes
Cumulative effects? Adapted from ARM 36.11.447 (2)(i)	Due to the small scale of this project, a consideration of the four issues above, and other existing conditions, the potential for additional impacts would be low and likely immeasurable. Therefore, cumulative impacts would remain acceptable for this watershed.	Yes

Conclusion:

This project meets watershed, soils and fisheries criteria for a categorical exclusion because the potential for impacts to these resources would be low. A recommended list of mitigation includes:

- 1) No harvest of trees in any SMZ.
- 2) All work must be completed during dry, frozen and/or snow covered conditions..