

CATEGORICAL EXCLUSION DOCUMENTATION FOR DNRC FOREST MANAGEMENT ACTIVITY

Project Name: Swan Unit Christmas Trees 2013

Proposed Implementation Date: November 1, 2013

Proponent: DNRC

Type and Purpose of Action: This project will harvest approximately 350 commercial Christmas Trees from State Lands.

Location: Swan River State Forest - Sections

County: Lake

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

- a) Sites with high erosion risk.
- b) Federally listed threatened and endangered species or critical habitat for threatened and endangered species as designated by the USFWS.
- c) Municipal watersheds.
- d) The SMZ of fish bearing streams or lakes, except for modification or replacement of bridges, culverts and other crossing structures.
- e) State natural area.
- f) Native American religious and cultural sites.
- g) Archaeological sites.
- h) Historic properties and areas.
- 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.
- 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: Karen Goode
(Name)

09/16/2013
(Date)

Decision by: Kristen Baker
(Name)

Forest Management Supervisor
(Title)

/s/ Kristen Baker
(Signature)

October 10, 2013
(Date)

To: Jason Parke, Kristen Baker, Project Leaders

CC: Leah Breidinger, Wildlife Biologist

From: Marc Vessar, Forest Hydrologist

Date: September 25, 2013

Subject: Swan Christmas tree harvest Proposal

The proposed Christmas Tree Harvest would occur on the Swan Unit in section 17, T24N, R17W and sections 21 & 29, T23N, R18W. The proposed harvest would result in a thinned, but fully stocked stand of regenerated grand fir, subalpine fir and Douglas-fir. The total area of harvest within the sections is unknown, although only a portion of this area would be affected due to various reasons. The following stipulations and specifications are assumed for this Categorical Exclusion determination:

- 1) All work would be completed under dry, frozen and/or snow covered conditions.
- 2) No harvest will occur within the SMZ of any Class 1, 2 or 3 stream—including adjacent wetlands. This is generally a 50-foot buffer although slopes over 35% require a 100-foot buffer.
- 3) No harvest would occur within the Riparian Management Zone of a Class 1 stream which will be 120 feet for this project.
- 4) All vehicles will remain on existing roads, including those used for skidding and loading.
- 5) All harvesting will occur in past harvest units.

According to ARM 36.11.447 (I), 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 landtypes in the project area are listed as 21-8, 21-9, 23-9, 26A-8, 26C-7, 26C-8, 72 and 76 in the <i>Soil Survey of the Flathead National Forest Area</i> (USDA, 1998). These soils are considered to have a moderate erosion potential.	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 proposed Christmas tree harvest would take place in the South Woodward Creek and Swan River watersheds. Both of these watersheds, are considered as bull trout critical habitat by the USFWS (www.fws.gov/pacific/bulltrout). As part of the stipulations, no harvesting would occur within the SMZ of any stream (including adjacent wetland) or the RMZ of a Class 1 stream. Because no harvest would occur within 120 feet of Class 1 stream, the short height of the trees proposed for removal and the pre-commercial thinning prescription, the risk of impacting bull trout or critical habitat would be very low and immeasurable.	Yes
Within a municipal watershed? ARM 36.11.447 (2)(c)	No. Due to the size of the project and the distance from any water course, only a very low risk of impacts would occur to water quality.	Yes
SMZ of fish bearing streams or lakes...? ARM 36.11.447 (2)(d)	No harvest is allowed within the SMZ of any stream including adjacent wetlands or within the RMZ of Class 1 streams..	Yes
Cumulative effects? Adapted from ARM 36.11.447 (2)(i)	Due to the small scale of this project and the stipulations and specifications listed above, the risk of additional cumulative impacts would be very 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 very low.

References:

Martinson, A.H. and Basko, W.J. 1998. Soil Survey of Flathead National Forest Area, Montana. USDA Forest Service, Region 1, Flathead National Forest. Kalispell, MT. 206 pp.

Memorandum

To: Jason Parke; Karen Goode; Kristen Baker
 Cc: Marc Vessar
 From: Leah Smith, Wildlife Biologist
 Date: 9/24/2013
 Re: Swan Christmas Tree Permit -wildlife comments

I reviewed the Swan Christmas Tree permit which proposes to harvest approximately 350 trees from section 17, T24N, R17W and sections 21 & 29, T23N, R18W. Contractors would only be permitted to use existing roads and skid trails; no new roads would be constructed. Operators would follow the Christmas Tree Cutting Regulations and would primarily target grand fir, subalpine fir and Douglas-fir trees ≤ 5" diameter at 12" above the ground. No substantial changes in canopy cover, species composition, or tree stocking would be anticipated. Operators would be allowed to work behind closed gates in the Porcupine-Woodward and South Fork Lost Soup Creek grizzly bear subunits. Both grizzly bear subunits are currently inactive under the Swan Valley Grizzly Bear Conservation Agreement (SVGBCA).

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

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	The proposed activities would occur primarily in temporary non-suitable lynx habitat in addition to some lynx summer and winter foraging habitat. The proposed activities would remove approximately 350 trees that are currently providing horizontal cover. However, considering the large 1,454-acre project area and the low number of trees proposed for harvest (approximately 1 tree per 4 acres), the proposed activities would have a negligible effect on tree stocking densities and the structure of lynx habitat. Additionally, the proposed activities would occur for a short duration in October and possibly November. Thus, negligible 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 in the South Fork Lost Soup Creek and Porcupine-Woodward Grizzly Bear Subunits, which are currently classified as inactive by the SVGBCA. Activities would utilize closed roads during a limited period; however, any adverse effects to grizzly bears would be within the guidelines established in the SVGBCA. Thus, since, negligible disturbance and displacement would occur, negligible changes in hiding cover would occur, and there would be no change in open road densities, negligible direct, indirect, or cumulative effect to grizzly bears would be expected to occur.
SENSITIVE SPECIES	

Bald eagles (<i>Haliaeetus leucocephalus</i>) Habitat: Late-successional forest less than 1 mile from open water	No bald eagle nests occur in the vicinity of the project area and no lake habitats are located within 1 mile of the project area. Thus, no direct, indirect, or cumulative effects to bald eagles would be anticipated.
Black-backed woodpeckers (<i>Picoides arcticus</i>) Habitat: Mature to old burned or beetle-infested forest	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.
Coeur d'Alene salamanders (<i>Plethodon idahoensis</i>) Habitat: Waterfall spray zones, talus near cascading streams	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.
Columbian sharp-tailed grouse (<i>Tympanuchus Phasianellus columbianus</i>) Habitat: Grassland, shrubland, riparian, agriculture	No suitable grassland communities occur within the project area. Thus, no direct, indirect, or cumulative effects to Columbian sharp-tailed grouse would be anticipated.
Common loons (<i>Gavia immer</i>) Habitat: Cold mountain lakes, nest in emergent vegetation	No suitable lake habitats occur within the project area. Thus, no direct, indirect or cumulative effects to common loons would be anticipated.
Fishers (<i>Martes pennanti</i>) Habitat: Dense mature to old forest less than 6,000 feet in elevation and riparian	Approximately 54 acres of suitable fisher habitat occurs in the project area. However, the proposed activities would remove a small number of Christmas trees over a large 1,454-acre project area and would not affect the stocking density of large trees or the availability of mature forested habitat. Thus, negligible direct, indirect or cumulative effects to fishers would be anticipated.
Flammulated owls (<i>Otus flammeolus</i>) Habitat: Late-successional ponderosa pine and Douglas-fir forest	No suitable flammulated owl habitats occur within the project area. Thus, no direct, indirect or cumulative effects to flammulated owls would be anticipated.
Gray wolves (<i>Canis lupus</i>) Habitat: Ample big game populations, security from human activities	The proposed project area is located within the 2012 home range of the Cilly Pack (DFWP 2012) and wolf use of the project area is possible. However, the proposed activities would occur outside of the breeding season and are not anticipated to have adverse effects of wolf prey. Thus, negligible direct, indirect or cumulative effects to gray wolves would be anticipated.
Harlequin ducks (<i>Histrionicus histrionicus</i>) Habitat: White-water streams, boulder and cobble substrates	No suitable high-gradient stream or river habitats occur within the project area. No direct, indirect or cumulative effects to harlequin ducks would be anticipated.
Northern bog lemmings (<i>Synaptomys borealis</i>) Habitat: Sphagnum meadows, bogs, fens with thick moss mats	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.
Peregrine falcons (<i>Falco peregrinus</i>) Habitat: Cliff features near open foraging areas and/or wetlands	No suitable cliffs/rock outcrops occur within the project area. Thus, no direct, indirect, or cumulative effects to peregrine falcons would be anticipated.

Pileated woodpeckers (<i>Dryocopus pileatus</i>) Habitat: Late-successional ponderosa pine and larch-fir forest	Approximately 23 acres of suitable pileated woodpecker habitat occurs in the project area. However, the proposed activities would remove a small number of Christmas trees over a large 1,454-acre project area and would not affect the availability of mature forested habitat, snags, or coarse-woody debris. Thus negligible adverse direct, indirect, or cumulative effects to pileated woodpeckers would be anticipated.
Townsend's big-eared bats (<i>Plecotus townsendii</i>) Habitat: Caves, caverns, old mines	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.
Wolverine (<i>Gulo gulo</i>) Habitat: Alpine tundra and high-elevation boreal and coniferous forests that maintain deep persistent snow into late spring	No high-elevation habitat with persistent spring snow pack occurs in the project area. Thus, no direct, indirect or cumulative effects to wolverines would be anticipated.
BIG GAME SPECIES	
Elk (<i>Cervus canadensis</i>)	The proposed activities would occur in elk and white-tailed deer habitat as identified by DFWP (2008). The proposed activities would remove 350 trees that may provide some hiding cover from approximately 1,454 acres. However, thermal cover would not be affected by the proposed activities. Considering the short duration and light harvest, negligible adverse direct, indirect or cumulative effects to big game are anticipated.
Mule Deer (<i>Odocoileus hemionus</i>)	
White-tailed Deer (<i>Odocoileus virginianus</i>)	

List of Mitigations

- 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).
- Limit disturbance to grizzly bears by harvesting during the denning period (November 16 through April 15th) or by harvesting during a short-duration high-intensity period of less than 2 weeks in aggregate per grizzly bear subunit as described in the SVGBCA - Operations and Uses 3(b)(iii).
- Prohibit contractors and purchasers from carrying firearms while on duty (SVGBCA).
- Remind contractors to be vigilant about keeping gates closed and locked at all times; given that the proposed activities will occur during hunting season, we need to ensure that no extra vehicles can enter the closed area.

Literature Cited

- DFWP 2012. 2012 Montana wolf pack locations. Individual GIS data layer. Montana Fish, Wildlife and Parks. Helena, MT.
- DFWP 2008. Maps of moose, elk, mule deer, and white-tailed deer distribution in Montana. Individual GIS data layers. August 12, 2008. Montana Fish, Wildlife and Parks. Helena, MT.
<http://fwp.mt.gov/gisData/imageFiles/distributionElk.jpg>.
<http://fwp.mt.gov/gisData/imageFiles/distributionMoose.jpg>.
<http://fwp.mt.gov/gisData/imageFiles/distributionMuleDeer.jpg>.
<http://fwp.mt.gov/gisData/imageFiles/distributionWhiteTailedDeer.jpg>

SVGBCA. 1997. Swan Valley Grizzly Bear Conservation Agreement. 14 pp.