

## **DNRC CATEGORICAL EXCLUSIONS FOR FOREST MANAGEMENT ACTIVITIES**

### **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 (ARM 36.11.447). These projects do not require an environmental assessment or environmental impact statement pursuant to MEPA (ARM 36.2.523 (5)(a)), and are still subject to Administrative Rules.

### **Process:**

1. Identify forest management project within categorical exclusion criteria:
  - a. Green timber harvest up to 100 MBF, or
  - b. Salvage timber harvest up to 500 MBF (No green timber)
  - c. Categorical exclusion projects other than timber harvest (planting, fences, etc.) do not require a high level of analysis, since by nature they do not result in any impacts.
2. Internal input:
  - 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 original of Categorical Exclusion Form and supporting documentation to Forest Operations Section Supervisor at 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 exclusions from environmental review as adopted in the Administrative Rules for Forest Management in 2003. It is necessary to send this form to the Forest Management Bureau for timber harvest projects. 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; SE $\frac{1}{4}$ NW $\frac{1}{4}$  of S16, T2N, R20W. The permittee will be subject to the stipulations included in the permit.")

**Category:** These are the categorical exclusions adopted with the State Forest Land Management Rules, which apply only if there are no extraordinary circumstances.

**General Considerations for Extraordinary Circumstances:**

Extraordinary circumstances include activities affecting the resources listed on the checklist. An unforeseen event or a special condition in the project area could also be considered an extraordinary circumstance. For each extraordinary circumstance, there are two steps:

**First**, identify if that resource or situation is present.

Presence does not preclude the use of a Cat-Ex. We can use the Cat-Ex in those areas if there is low risk of effects on the resource. The lack of effects could be due to the characteristics of the project (timing, duration, and extent) or characteristics of the species (season of use, response to disturbance). Similarly, we can use the Cat-Ex if the activity is near one of the listed resources, but there is low risk of indirect effects.

**Second**, if that resource or situation is present, determine if your activity is likely to affect it. If the answer requires clarification, document your thought process or analysis that clarifies the level of risk and consideration of potential cumulative effects.

1) Management activities on or near **sites with high erosion risk**.

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.

Is the proposed activity likely to contribute to unacceptable levels of erosion? Consult area hydrologist or soil scientist.

2) Presence of **Federally listed threatened and endangered species** or critical habitat for threatened and endangered species as designated by the USFWS.

There is no critical habitat currently listed in Montana. Important habitat (nest sites, dens, etc) are subject to change without notice, therefore it is advisable to contact a Wildlife Biologist to verify the lack of documented use. If a T&E species uses the area, it is considered present. That does not preclude using a Cat-Ex for the project. We can use the Cat-Ex in those areas if there are no adverse effects on Federally listed species.

These include:

Bald Eagle

Gray Wolf

Grizzly Bear

Canada Lynx

Bull Trout: For example, proposed actions that may potentially affect aquatic T&E species include, but are not limited to: **(A)** access or haul routes anywhere within the RMZ (as defined by ARM 36.11.425), **(B)** use of stream crossing(s) of perennial tributaries relatively close to T&E fish streams, **(C)** more than 500 feet of new road construction or reconstruction within a T&E species watershed (as defined by 6<sup>th</sup> code

HUC), **(D)** a watershed with recent major landscape level disturbance (e.g. major fire or landslide), **or (E)** mixed ownership with a moderate to high level of past natural resource management.

Consult Wildlife Biologist and Hydrologist.

Consider local agreements (e.g. Swan Valley Grizzly Bear Conservation Agreement).

Is the proposed activity likely to affect these species?

3) Management activities in or near **municipal watersheds**.

Consult water resources specialist to help determine.

Is the proposed activity likely to have adverse effects to water quality or quantity?

4) Management activities in or near the **SMZ of fish bearing streams or lakes**, except for modification or replacement of bridges, culverts and other crossing structures.

Fish presence (other than T&E)

Would forest management activities be located within the SMZ/RMZ?

5) Management activities in or near a **State natural area**.

6) Management activities in or near **Native American religious and cultural sites**

Confer with Tribe.

7) Management activities in or near **Archaeological sites**, or 8) **Historic properties and areas**.

Consult DNRC archeologist with map of proposed harvest unit and road building.

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.

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 (for example, applicable Forest Management, SMZ, and BMP Rules).

## CATEGORICAL EXCLUSION DOCUMENTATION FOR DNRC FOREST MANAGEMENT ACTIVITY

Project Name: Deep Six Timber Permit Proposed Implementation Date: 7/1/2011

Proponent: Plains Unit, DNRC

Type and Purpose of Action: Issue a timber permit to remove approximately 100 MBF of green timber from July 2011 to July 2012; The permittee will be subject to the stipulations included in the permit.

Location: NE1/4 S16 T23N R30W County: Sanders

### **Category (refer to ARM 36.11.447 for additional detail):**

- 1) Temporary Uses of Land with Negligible Effects
- 2) Plans and Policies
- 3) Leases and Licenses
- 4) Acquisition of Land or Interest in Land
- 5) Road Maintenance and Repair
- 6) Bridges and Culverts
- 7) Crossing Class 3 Streams
- 8) Temporary Road Use Permits
- 9) Road Closure
- 10) Material Stockpiles
- 11) Backfilling
- 12) Gathering Forest Products for Personal Use
- 13) Regeneration
- 14) Nursery Operations
- 15) Water Wells
- 16) Herbicides and Pesticides
- 17) Other Hazardous Materials
- 18) Fences
- 19) Waterlines
- 20) Removal of Small Trees
- 21) Removal of Hazardous Trees
- 22) Cone Collection
- 23) Timber Harvest (<100 MBF green or 500 MBF salvage)

By process of the adoption of the Administrative Rules for Forest Management 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 forest 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 or situations in the project area? If the resource 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"/>	1) Sites with high erosion risk.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2) 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"/>	3) Municipal watersheds.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4) 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"/>	5) State natural area.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6) Native American religious and cultural sites.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7) Archaeological sites.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8) Historic properties and areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10) 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 Administrative Rules for Forest Management (ARM 36.11.447).

Prepared by: Kyle Johnson, Plains Unit Forester  
(Name)

6/9/2011  
(Date)

Decision by: Dave Olsen  
(Name)

Forest Management Supervisor  
(Title)

/s/ David M. Olsen  
(Signature)

6/9/2011  
(Date)

# Memorandum

**To:** Kyle Johnson, Project Leader  
**From:** Garrett Schairer, Wildlife Biologist  
**Date:** 6/2/2011  
**Re:** Deep 6 request -wildlife comments

I reviewed the proposed Deep 6 Project. The proposed harvesting would occur in section 16, T23N, R30W. Approximately 18 acres of Douglas-fir and ponderosa pine would be thinned.

The following table shows how each Threatened species, Endangered species, sensitive species, or big game was either reviewed with anticipated effects of the proposal or dismissed because suitable habitat does not occur within the project area or proposed activities would not affect their required habitat components.

SPECIES/HABITAT	DETERMINATION – BASIS
<b><i>THREATENED AND ENDANGERED SPECIES</i></b>	
Grizzly bear ( <i>Ursus arctos</i> ) Habitat: Recovery areas, security from human activity.	The project area is adjacent to the Vermillion bear management unit of the Cabinet-Yaak Grizzly Bear Recovery Zone and is in the “occupied habitat” area as mapped by grizzly bear researchers and managers to address increased sightings and encounters of grizzly bears in habitats outside of recovery zones (Wittinger 2002). The proposed harvesting would occur adjacent to an open road. Use of the project area by grizzly bears is not likely given the open road, habitats present, and lack of large secure areas. Thus negligible direct, indirect, or cumulative effect to grizzly bears would be anticipated.
Canada lynx ( <i>Felis lynx</i> ) Habitat: Subalpine fir habitat types, dense sapling, old forest, deep snow zone.	No lynx habitats occur in the project area. Additionally, the project area is generally outside of the elevations where lynx are located in Montana. Thus, no direct, indirect, or cumulative effects would be anticipated to lynx.
<b><i>SENSITIVE SPECIES</i></b>	
Bald eagle ( <i>Haliaeetus leucocephalus</i> ) Habitat: Late-successional forest more than 1 mile from open water.	The proposed project area is inside the home range associated with Child’s Landing bald eagle territory. Use of the project area by the pair is not likely. Given the distance from the nest, habitats present, timing of the proposed activities, and proximity to human developments, negligible direct, indirect, or cumulative effects to bald eagles would be anticipated.
Black-backed woodpecker ( <i>Picoides arcticus</i> ) Habitat: Mature to old burned or beetle-infested forest.	No recently (less than 5 years) burned areas are in the project area. Thus, no direct, indirect, or cumulative effects to black-backed woodpeckers would be expected to occur as a result of either alternative.
Coeur d’Alene salamander ( <i>Plethodon idahoensis</i> ) Habitat: Waterfall spray zones, talus near cascading streams.	No moist talus or streamside talus habitat occurs in the project area. Thus, no direct, indirect, or cumulative effects to Coeur d’Alene salamanders would be expected to occur as a result of either alternative.
Columbian sharp-tailed grouse ( <i>Tympanuchus Phasianellus columbianus</i> ) Habitat: Grassland, shrubland, riparian, agriculture.	No suitable grassland communities occur in the project area. Thus, no direct, indirect, or cumulative effects to Columbian sharp-tailed grouse would be expected to occur as a result of either alternative.

Common loon ( <i>Gavia immer</i> ) Habitat: Cold mountain lakes, nests in emergent vegetation.	No suitable lake habitats occur in the project area. Thus, no direct, indirect, or cumulative effects to common loons would be expected to occur as a result of either alternative.
Fisher ( <i>Martes pennanti</i> ) Habitat: Riparian, and dense mature to old forest less than 6,000 feet in elevation.	No suitable fisher covertypes exist in the project area. Thus, no direct, indirect, or cumulative effects to fisher would be expected to occur as a result of either alternative.
Flammulated owl ( <i>Otus flammeolus</i> ) Habitat: Late-successional ponderosa pine and Douglas-fir forest.	Some potential flammulated owl habitats exist in the project area. Proposed activities would open the stands up, which could improve flammulated owl foraging habitats and prescriptions would improve future quality by favoring those species used by flammulated owls for nesting and roosting. Overall negligible direct, indirect, or cumulative effects to flammulated owls would be expected.
Gray Wolf ( <i>Canis lupus</i> ) Habitat: Ample big game populations, security from human activities.	The project area is approximately 2 air miles from the annual home range of the Silcox wolf pack, which was partially removed by Wildlife Services in 2010. Slight reductions in winter range capacity could occur, but no appreciable changes in either big game or gray wolf use of the area would be anticipated. Thus, negligible direct, indirect, or cumulative effects to gray wolves would be expected to occur.
Harlequin duck ( <i>Histrionicus histrionicus</i> ) Habitat: White-water streams, boulder and cobble substrates.	No suitable high-gradient stream or river habitats occur in the project area. No direct, indirect, or cumulative effects to harlequin ducks would be expected to occur as a result of either alternative.
Northern bog lemming ( <i>Synaptomys borealis</i> ) Habitat: Sphagnum meadows, bogs, fens with thick moss mats.	No suitable sphagnum bogs or fens occur in the project area. Thus, no direct, indirect, or cumulative effects to northern bog lemmings would be expected to occur as a result of either alternative.
Peregrine falcon ( <i>Falco peregrinus</i> ) Habitat: Cliff features near open foraging areas and/or wetlands.	No suitable cliffs/rock outcrops occur in the project area. Thus, no direct, indirect, or cumulative effects to peregrine falcons would be anticipated as a result of either alternative.
Pileated woodpecker ( <i>Dryocopus pileatus</i> ) Habitat: Late-successional ponderosa pine and larch-fir forest.	No suitable mature, large-sized stands exist in the project area. Thus, no direct, indirect, or cumulative effects to pileated woodpeckers would be anticipated as a result of either alternative.
Townsend's big-eared bat ( <i>Plecotus townsendii</i> ) Habitat: Caves, caverns, old mines.	No suitable caves or mine tunnels are known to occur in the project area. Thus, no direct, indirect, or cumulative effects to Townsend's big-eared bats are anticipated as a result of either alternative.
<b><i>BIG GAME SPECIES</i></b>	
Big game habitats	The project area was identified as white-tailed deer, mule deer, and elk winter range. Year-round use by big game is possible. Slight reductions in thermal cover and snow intercept would be anticipated with the proposed harvesting. Overall the negligible effects to winter range quality would have little or no effect on big game populations using the larger winter range. No elk security cover exists in the project area. No appreciable changes in human access or elk security would be expected. Overall negligible direct, indirect, or cumulative effects to big game would be anticipated.

General Wildlife:

The proposed harvesting would alter existing habitats in a fairly small area. Snags are somewhat limited in the project area, thus habitats for those species requiring snags are somewhat limited. Overall, given the size of the area, and the expected changes to habitats, negligible direct, indirect, or cumulative effects would be anticipated to all wildlife species.

Conclusion:

In general, the potential for effects to threatened and endangered species is very low and overall negligible effects to wildlife would be anticipated. 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.

**To:** Kyle Johnson, Project Leader

**CC:** Garrett Schairer

**From:** Marc Vessar

**Date:** June 9, 2011, 2010

**Subject** Deep 6 CatEx

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The proposed harvest of grand fir, Douglas-fir, western larch and ponderosa pine trees on the Plains Unit would occur in section 16, T23N, R30W. The overstory is a mix of Ponderosa pine, western larch, Douglas-fir, and grand fir. The total area of harvest is approximately 18 acres and the proposed harvest would yield up to 100 mbf. All work would be completed under dry soil conditions (<20% soil moisture).

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).

<b>Issue</b>	<b>Assessment</b>	<b>Meet Criteria for CatEx?</b>
High erosion risk soils? ARM 36.11.447 (2)(a)	The inventoried landtypes in the project area include 32E by Natural Resources Conservation Service Soil Survey MT651. These are <u>not</u> considered as a highly erosive soils. Slopes in the harvest area range from nearly level to 45%. Soils are very rocky and extremely well drained.	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 nearest stream is approximately .3 miles from the project area. The risk of affecting aquatic species would be extremely low.	Yes
Within a municipal watershed? ARM 36.11.447 (2)(c)	No.	Yes
SMZ of fish bearing streams or lakes...? ARM 36.11.447 (2)(d)	No harvest would occur in the SMZ of fish-bearing streams because no streams of this character were found in the project area	Yes
Cumulative effects? Adapted from ARM 36.11.447 (2)(i)	Due to the small scale of this project in relation to the watershed size, 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:**