

# 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; SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> 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: Middle Jellison Firewood

Proposed Implementation Date: Summer/Fall 2012

Proponent: Montana DNRC- Stillwater Unit

Type and Purpose of Action: Salvage blown down timber to clean up area, reduce fire hazard, return area to production and recover revenue for the trust beneficiary.

Location: SW4 of Section 7, Township 32 North, Range 22 West

County: Flathead

### 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)).



# Memorandum

**To:** Jason Glenn, Project Leader  
**From:** Leah Smith, Wildlife Biologist  
**Date:** 4/12/2012  
**Re:** Middle Jellison Firewood 612 Permit - wildlife comments

I reviewed the Middle Jellison 612 permit. The proposal includes salvage of blowdown grand-fir, western larch, Douglas-fir, and mixed conifers as well as minimal harvest of select standing mixed conifers. A temporary road less than 500 ft long would be constructed to remove the timber. The project would occur on approximately 14 acres of section 7, T32N, R22W and would take place in the fall of 2012.

The following table shows how each threatened species, endangered species, sensitive species, or big game species 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.

STATUS	SPECIES	DETERMINATION – BASIS
Threatened & Endangered Species	Canada lynx Habitat: SF hab. types, dense sapling, old forest, deep snow zone	The area proposed for salvage contains approximately 14 acres of temporary non-suitable lynx habitat which is not expected to be used by lynx until suitable horizontal cover develops. Coarse woody debris would be retained according to ARM 36.11.411 through 36.11.414 and approximately 4 acres (22%) of the total blowdown area on DNRC-managed lands would be left unsalvaged to provide habitat structure important for snowshoe hares, possible future den sites for lynx, and escape cover for lynx. Thus, negligible direct, indirect, or cumulative effects to Canada lynx would be expected to occur as a result of either alternative.
	Grizzly bear Habitat: recovery areas, security from human activity	The project area occurs in the Lazy Creek Grizzly Bear Subunit of the Northern Continental Divide Ecosystem ( <i>USFWS 1993</i> ). Grizzly bear use of the project area is likely; however, no change to visual screening is anticipated and disturbance is expected to be minimal due to the short duration of the proposed activities. No changes to open road densities are anticipated and commercial forest management activities would be restricted from April 1 – June 15. Thus, negligible direct, indirect or cumulative effects to grizzly bears would be expected.
Sensitive species	Bald eagle Habitat: late-successional forest <1 mile from open water	The project area is located approximately 4 miles from the Whitefish Lake bald eagle nest and is outside of the pair's home range. Thus no, direct, indirect or cumulative effects to bald eagles would be expected.
	Black-backed woodpecker 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.
	Coeur d'Alene salamander 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.
	Columbian sharp-tailed grouse Habitat: grassland, shrubland,	No suitable grassland communities occur in the project area. Thus, no direct, indirect, or cumulative effects to Columbian sharp-tailed grouse would be expected.

riparian, agriculture	
Common loon Habitat: cold mountain lakes, nest in emergent vegetation	No suitable lakes occur in the project area. Thus no direct, indirect, or cumulative effects to common loons would be expected.
Fisher Habitat: dense mature to old forest <6,000 ft. elev. and riparian	Approximately 14 acres of fisher habitat cover type occur within the proposed project area. Riparian fisher habitats would persist with some removal of blowdown trees occurring near the edge of streamside management zones. Removal of blowdown trees could alter upland fisher habitats. Given the upland habitats present and the surrounding landscape, negligible direct, indirect, or cumulative effects to fishers would be expected.
Flammulated owl Habitat: late-successional ponderosa pine and Doug.-fir forest	No suitable mature dry ponderosa pine and Douglas-fir habitats occur within the proposed project area. Thus no direct, indirect, or cumulative effects to flammulated owls would be expected.
Gray wolf Habitat: ample big game pops., security from human activity	The project area is located less than one mile from the home range of the Lazy Creek wolf pack. Reduction in big game populations due to harvest activities is not anticipated as a result of the proposed harvest. No wolf dens or rendezvous sites are known to occur within the project area. Thus no direct, indirect, or cumulative effects to gray wolves would be expected.
Harlequin duck Habitat: white-water streams, boulder and cobble substrates	Harlequin ducks have not been documented on Taylor Creek and are not expected to inhabit the area. Additionally, no harvest would occur in streamside management zones and riparian habitat would not be affected by the proposed activities. Thus, no direct, indirect, or cumulative effects to harlequin ducks would be expected.
Northern bog lemming 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.
Peregrine Falcon Habitat: cliff features near open foraging areas and/or wetlands	No potential habitat occurs in the project area. Thus, no direct, indirect, or cumulative effects to peregrine falcons would be expected.
Pileated woodpecker Habitat: late-successional ponderosa pine and larch-fir forest	No potential habitat occurs in the project area. The proposed harvest of blowdown trees could reduce foraging habitat for woodpeckers occupying habitat near the project area. Given the amount coarse woody debris present in the surrounding landscape, no direct, indirect or cumulative effects to pileated woodpeckers would be expected.
Townsend's big-eared bat Habitat: caves, caverns, old mines	DNRC is unaware of any mines or caves in the project area or close vicinity that would be suitable for use by Townsend's big-eared bats. Thus, no direct, indirect, or cumulative effects to Townsend's big-eared bats would be anticipated.
Elk	Elk, mule-deer and white-tailed deer non-winter habitat occurs in the project area. Moose winter range occurs in the project area. Removal of blowdown trees is not expected to affect thermal cover or snow intercept. Moose may be temporarily displaced due to harvest activities. No changes to human access are expected. Negligible direct, indirect, or cumulative effect to big game species would be anticipated.
Moose	
Mule Deer	
White-tailed Deer	

General Wildlife:

The proposed harvesting would remove coarse woody debris, some snag recruits, and limited overstory cover. Species relying on these attributes would see a reduction in available habitats. Overall, given the size of the area, and the expected changes to habitats, negligible direct, indirect, or cumulative effects would be anticipated.

Mitigations to include:

1. 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*).
2. Manage for snags, snag recruits, and coarse woody debris according to ARM 36.11.411 through 36.11.414, particularly favoring western larch and Douglas fir.
3. Prohibit commercial forest management activities from April 1 – June 15 in the project area to reduce disturbance to grizzly bear habitat.
4. Close road and skid trails opened with proposed activities to reduce the potential for unauthorized motor vehicle use.
5. Prohibit contractors and purchasers conducting contract operations from carrying firearms while operating on restricted roads.

Conclusion:

In general, with the identified mitigations, the potential for effects to threatened and endangered species is extremely 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.

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

**To:** Jason Glenn, Project Leader

**CC:** Mike McMahon; Leah Smith

**From:** Marc Vessar

**Date:** October 11, 2011

**Subject:** Middle Jellison Firewood

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The proposed salvage harvest of blowdown timber consisting primarily of grand fir, would occur on the Stillwater Unit in section 7, T32N, R22W. Most of the timber has been on the ground for two or more years and has a high level of decay. As part of this project, piling of non-merchantable material may be required to prepare the ground for regeneration. No harvesting would occur in an SMZ. All work would be completed under dry (<20% moisture content) conditions.

According to ARM 36.11.447 (w), the project meets the criteria necessary to be nominated as a Categorical Exclusion 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 landtype in the project area is listed as 26C-7 in the <i>Soil Survey of Flathead National Forest Area, Montana</i> inventory (Martinson and Basko, 1998). This soil has a moderate sediment erosion hazard. Ruting is a concern for this soil type due to the low soil strength. Soil moisture restrictions and skid trail spacing requirements would be expected to adequately reduce the risk of adverse soil impacts.	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)	This project is in the Swift Creek watershed which is considered <i>critical</i> bull trout habitat and contains bull trout and westslope cutthroat trout. Swift Creek is located approximately 2,700 feet from the proposed harvest unit.  Because the harvest unit is nearly flat (up to 10% slope) the risk of delivering sediment from the harvest unit is low. Additionally, the heavy woody debris in the SMZ of a tributary to Swift Creek would serve to act as a filter for any sediment generated in the harvest unit during operations.	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 (see rationale above).	Yes
SMZ of fish bearing streams or lakes...? ARM 36.11.447 (2)(d)	No harvesting would occur within any SMZ.	Yes
Cumulative effects? Adapted from ARM 36.11.447 (2)(i)	Due to the small scale of this project, the risk of additional cumulative impacts would be very low and likely immeasurable. Additionally, all of the material is currently dead and harvest would not increase the risk of instream erosion due to annual water yield or peakflow increases. 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 W. J. Basko. 1998. *Soil Survey of Flathead National Forest Area, Montana*. USDA Forest Service, Flathead National Forest, Kalispell, Montana.