

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; SE¼NW¼ 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 6th 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: Cleared Out TP Proposed Implementation Date: Fall 2013
Proponent: Purchaser / Montana DNRC
Type and Purpose of Action: Removal of trees within the cut and fill areas, and trees that show danger of blocking the road at a later date.
Location: sections 19, 29, 30, 31 T15N R14W County: Missoula County

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 | |
|-------|--------------|--|
| _____ | <u> X </u> | 1) Sites with high erosion risk. |
| _____ | <u> X </u> | 2) Federally listed threatened and endangered species or critical habitat for threatened and endangered species as designated by the USFWS. |
| _____ | <u> X </u> | 3) Municipal watersheds. |
| _____ | <u> X </u> | 4) The SMZ of fish bearing streams or lakes, except for modification or replacement of bridges, culverts and other crossing structures. |
| _____ | <u> X </u> | 5) State natural area. |
| _____ | <u> X </u> | 6) Native American religious and cultural sites. |
| _____ | <u> X </u> | 7) Archaeological sites. |
| _____ | <u> X </u> | 8) Historic properties and areas. |
| _____ | <u> X </u> | 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. |
| _____ | <u> X </u> | 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).

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(Name)

 October 3, 2013
(Date)

Decision by: Jon Hayes
(Name)

 Acting Clearwater Unit Manager
(Title)

(Signature)

(Date)