

Three Forestry Activities Categorical Exclusions Analysis Report

This report supplements the previous report on this subject and includes additional information as well as the information reported previously.

Subject: Justification for three new proposed categorical exclusions for certain Forestry activities performed by the Bureau of Land Management.

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Introduction

The proposed categorical exclusions and this analysis have been revised based on public input, and review by the Council on Environmental Quality (CEQ). The purpose of this document is to explain the basis for enabling the Bureau of Land Management (BLM) to adopt three forestry specific categorical exclusions (CX) currently applied by the Forest Service (Forest Service Handbook 1909.15, Ch. 31.2[12-14]). The proposal covers the following activities:

Proposed 516 DM citation 11.9(C)(7):

Harvesting live trees not to exceed 70 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:

(a) Shall not include even-aged regeneration harvests or vegetation type conversions.

(b) May include incidental removal of trees for landings, skid trails, and road clearing.

(c) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

Examples include, but are not limited to:

(a) Removing individual trees for sawlogs, specialty products, or fuelwood.

(b) Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.

Proposed 516 DM citation 11.9(C)(8):

Salvaging dead or dying trees not to exceed 250 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:

(a) May include incidental removal of live or dead trees for landings, skid trails, and road clearing.

(b) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(c) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

(d) For this CX, a dying tree is defined as a standing tree that has been severely damaged by forces such as fire, wind, ice, insects, or disease, such that in the judgment of an experienced forest professional or someone technically trained for the work, the tree is likely to die within a few years.

Examples include, but are not limited to:

(a)) Harvesting a portion of a stand damaged by a wind or ice event.

(b) Harvesting fire damaged trees.

Proposed 516 DM citation 11.9(C)(9):

Commercial and non-commercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 0.5 miles of temporary road construction. Such activities:

(a) May include removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease; and

(b) May include incidental removal of live or dead trees for landings, skid trails, and road clearing.

(c) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the

intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

Examples include, but are not limited to:

- (a) Felling and harvesting trees infested with mountain pine beetles and immediately adjacent uninfested trees to control expanding spot infestations; and*
- (b) Removing or destroying trees infested or infected with a new exotic insect or disease, such as emerald ash borer, Asian longhorned beetle, or sudden oak death pathogen.*

Background

The Forest Service published a notice in the Federal Register, Vol. 68, No. 145, Tuesday, July 29, 2003. The Federal Register notice added three categorical exclusions for implementing National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations.

In the development of these categorical exclusions, the Forest Service (FS) reviewed the effects of 154 projects across the country, with actions similar to those allowed in the three categories. None of the projects reviewed predicted significant effects on the human environment before the project was implemented. After implementation, on-site reviews of environmental effects of these projects were conducted by interdisciplinary teams of resource specialists.

A few of the projects reviewed resulted in minor soil disturbance and compaction. A few other projects reviewed showed that small numbers of noxious weeds or invasive plants entered the area where the trees had been removed. Based upon a post-implementation field review of these projects by expert professional, the responsible officials found that these impacts were within the Forest Plan standards and were not significant in the NEPA context (40 CFR 1508.27). A finding of no significant impact was made by a line officer for each project reviewed.

BLM currently writes environmental assessments for small timber projects similar to the projects on nearby or adjacent FS lands. The BLM and FS have similar timber types and landscape patterns in areas where both agencies manage nearby or adjacent lands. The BLM analyzed the FS information and determined the BLM forestry activities included in the CXs and their effects are comparable. Based on the BLM's reviews of the FS projects, the BLM determined that similar projects would have similar effects on BLM land, and would have no significant effects on the environment in the area of the projects.

Basis for Proposed Changes to 516 DM part 11

The FS is responsible for managing 192 million acres in national forests, national grasslands, and other areas known collectively as the National Forest System. The BLM, within the Department of the Interior (DOI), is responsible for managing 260 million acres of forests, woodlands, and rangelands known collectively as BLM managed federal lands.

Although each department and agency has its own manuals and handbooks, many of the projects completed by each occur on similar landscapes and are similar in NEPA analysis. Many of the CXs used by one department have a parallel category in the other. For example, in 2003, two similar CXs were established by DOI and the FS for hazardous fuels reduction (516 DM 2, 1.12) and post-fire rehabilitation activities (516 DM 2, 1.13).

Similarities between BLM and FS management practices and the potential for similar environmental effects relative to the activities described in these CXs are extensive and compelling.

Land Similarity

It is appropriate that BLM adopt these categorical exclusions because forest lands administered by the BLM are very similar to the forest lands administered by the Forest Service. The BLM and FS often manage intermingled lands within the same landscape or watershed. Since the lands are so interconnected, forested lands for both agencies are typically accessed using the same road systems. Similar soils and similar climates on forest lands result in both agencies managing the same forest species.

The BLM and FS manage similar land conditions and face similar environmental issues stemming from those conditions. Thus, both agencies employ similar management policies with respect to meeting requirements for NEPA and other environmental statutes. Management practices and many standards and guidelines are the same for both the BLM and FS, such as the Northwest Forest Plan in western Oregon and northern California.

In areas where watershed or landscape plans are prepared to refine agency objectives, priorities, and best management practices, the BLM and FS often work together to assess current resource conditions and prepare activity plans for managing those lands. In particular, vegetative treatments are often planned jointly following the analysis of conditions within these watersheds.

Within the Pacific Northwest states of Oregon, Washington, Idaho, western Montana, and northern California, the joint FS and BLM Interim Strategies for Managing Anadromous Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California, Decision Record signed February 1995 (PACFISH), and the Inland Native Strategies for Managing Fish-producing Watersheds in eastern Oregon and Washington, Idaho, western Montana and portions of Nevada, Decision Record signed July 1995 (INFISH), guide resource management actions in the management of riparian reserve timber stands for both agencies to protect Threatened and Endangered species (anadromous fisheries and bull trout), and ensure sustainable water quality standards pertaining to sediment and water temperature.

Policy Similarity

Laws governing forest management for BLM and FS are very similar. While the agencies have separate enabling legislation, both require that forest lands be managed according to sustained-yield and multiple-use principles. As part of land management, the agencies are further required to meet the requirements of environmental laws including the National Environmental Policy Act, Clean Water Act, Clean Air Act, Endangered Species Act, and the National Historic Preservation Act when making decisions. Additionally, regulations for each agency require preparation of land management plans designed to achieve the goals and objectives of environmental laws and regulations prior to initiating actions such as those contained in these CXs.

Beyond legal requirements, the agencies have developed similar policies and procedures for managing their forest lands, as contained in their land management plans. In many cases these management plans are prepared simultaneously and are designed to achieve common land management objectives. They often contain similar standard operating procedures to offset unintended environmental consequences for forest management activities.

For example, the Northwest Forest Plan was jointly written and applies to both FS and BLM administered land. Under the plan, both the FS and BLM are responsible for managing 22.1 million acres in the Pacific Northwest. In other instances, land management plans covering a single BLM District or Field Office are prepared jointly with the adjoining Forest Plans to provide consistency in management goals for adjoining or intermingled lands, and to provide opportunities for public involvement in both plans simultaneously.

Policy Logic and Business Practices

Common business practices and adjacent lands have led the BLM and the FS to develop a successful process, known as “Service First,” which improves service to the public and minimizes administrative costs by co-locating field offices and cross-delegating decision making authorities. In many areas, BLM and the FS are partners using the same decision-making tools. Best Management Practices (BMPs) for harvesting timber and environmental impacts of actions on BLM lands are the same or similar to practices and impacts on FS lands.

BLM and FS foresters, who initiate and monitor planning and harvesting activities, have similar education and training. Many have worked for both agencies or in Service First offices, where the same foresters carry out activities on both agencies’ lands. Forest management activities on BLM and FS lands are often contracted to the same operators. These operators utilize the same harvesting equipment and operators and the same harvesting techniques on BLM lands as they use on FS lands.

A specific example of BLM and FS managing similar lands jointly is the Interior Columbia Basin Ecosystem Management Project (ICEBEMP) strategy, which addresses fish and wildlife habitat, and aquatic and riparian health and other broad-ranging issues of forest and rangeland

health, as well as associated socio-economic matters. Both agencies use similar BMPs for projects within the ICEBEMP.

Standard operating procedures for forest management activities, including those described in these CXs, are also very similar. In some instances, where they were developed jointly to resolve issues shared between the agencies, they are identical.

For example, both BLM and FS limit the use of ground-based harvesting machines on slopes over 40 percent to prevent impacts to soils, streams and reserve trees. On slopes over 40 percent, both agencies typically employ either skyline or helicopter logging systems to remove timber.

Similarly, in the areas occupied by anadromous fish or native trout species listed as either Endangered or Threatened under the Endangered Species Act, BLM and FS prepared joint strategies to protect fish habitat. These strategies (PACFISH and INFISH) include standard operating procedures for forest management activities adjacent to habitat occupied by these fish.

Normally, standard operating procedures (SOPs) and BMPs are established during the Resource Management Plan process for the planning area to meet the states' standards. Many states have their own BMPs tied to logging, stream crossings, soil erosion controls, and minimization of ground disturbances. For example, Montana has "Water Quality BMPs for Montana Forests" (<http://www.montana.edu/wwwpb/pubs/eb158.html>). Similarly, South Dakota has "Forestry Best Management Practices (Forest Stewardship Guidelines for Water Quality)" (<http://www.state.sd.us/doa/forestry/publications/bmp.pdf>). The BLM adopts similar BMPs when developing land use plans.

Conclusion

The categorical exclusions would allow BLM to continue managing lands while reducing costs, employee workloads, timeframes, and paperwork. Actions identified in this proposal are limited in scope. These CXs would permit timely responses to small timber harvest requests and to forest health problems involving small areas of BLM land. These CXs would also help eliminate some problems that occur when applying different standards to FS and BLM lands in adjacent locations.

The FS found that the categories of actions defined above do not individually or cumulatively have significant effects on the human environment. The FS finding was predicated on data representing the expert judgment of the responsible officials who made the original findings and determinations for the 154 projects reviewed, the resource specialists who validated the predicted effects of the 154 reviewed activities after the projects were completed, and a belief that the profile of past timber harvest activities drawn from their data base represented the agency's past practices and was indicative of their future activities. The BLM analyzed the FS information and determined the BLM forestry activities included in the CXs and their effects are comparable. Based on the BLM's reviews of the FS projects, the BLM determined that similar projects would have similar effects on BLM land, and would have no individual or cumulative significant effects on the environment in the area of the projects on public lands administered by BLM.

In addition to the FS study and review of the CXs, the DOI lists 12 extraordinary circumstances to consider when applying a CX (516 DM 2.3A(3) and Appendix 2.12). If a forest management project such as those described in this report qualifies for a CX based on the proposed citation, these 12 “extraordinary circumstances” will be examined for each project to determine if they apply to the project. If any apply, the CX cannot be used.

Using the three listed CXs, the FS is able to reduce the time and costs involved in writing environmental assessments, and implement projects in a timely manner. The BLM will apply similar standards as the FS when applying the use of CXs to proposed projects.