

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 purpose of this document is to explain the basis for enabling the Bureau of Land Management (BLM) to adopt three forestry specific categorical exclusions currently applied by the US Forest Service (FSH 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. Do not use this category for even-aged regeneration harvest or vegetation type conversion. The proposed action may include incidental removal of trees for landings, skid trails, and road clearing. Examples include but are not limited to: (a) removing individual trees for sawlogs, specialty products, or fuelwood; and (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. The proposed action may include incidental removal of live or dead trees for landings, skid trails, and road clearing. Examples include but are not limited to: (a) harvesting a portion of a stand damaged by a wind or ice event and constructing a short, temporary road to access the damaged trees; and (b) harvesting fire damaged trees.

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

Commercial and non-commercial sanitation harvesting of trees to control insects or disease not to exceed 250 acres, requiring no more than 0.5 mile of temporary road construction, including removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease. The proposed action may include incidental removal of live or dead trees for landings, skid trails, and road clearing. Examples include but are not limited to: (a) Felling and harvesting trees infested with southern pine beetles and immediately adjacent uninfested trees to control expanding spot infestations. (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 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 professional experts, the responsible officials found that these impacts were within 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 Forest Service lands. The BLM and Forest Service have similar timber types and landscape patterns in areas where both agencies manage nearby or adjacent lands.

Basis for Proposed Changes to 516 DM part 11

The Forest Service is responsible for managing 192 million acres in national forests, national grasslands, and other areas known collectively as the National Forest System. The Bureau of Land Management, 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 Forest Service for hazardous fuels reduction (516 DM 2, 1.12) and post-fire rehabilitation activities (516 DM 2, 1.13).

Similarities between BLM and Forest Service management practices and the potential for similar environmental affects relative to the activities described in these Categorical Exclusions 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 lands administered by the Forest Service. The BLM and Forest Service often have 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 Forest Service manage similar land conditions and have similar environmental issues stemming from those conditions. Thus, both agencies employ similar management policies in regards to meeting requirements for NEPA and other environmental statutes. Management practices and many standards and guidelines are the same for both the BLM and Forest Service, 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 Forest Service 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, and western Montana, Pacfish and Infish regulations 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 Forest Service are very similar. While the agencies have separate enabling legislation, both require that forest lands are 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.

Beyond what is congressionally mandated, Forest management activities on BLM and Forest Service lands are governed by similar restrictions, including those imposed by State laws, such as State Forest Practices Act requirements. Additionally, regulations for each agency requires 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 Categorical Exclusions.

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 Forest Service and BLM administered land. Under the plan, both the Forest Service and BLM are responsible for managing the 2.4 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 public involvement in both plans simultaneously.

Policy Logic– Business Practices

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

BLM and Forest Service 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 Forest Service 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 Forest Service lands.

A specific example of BLM and Forest Service 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 broadscale issues of forest and rangeland health and social-economics. Both agencies use similar Best Management Practices for projects within the ICEBEMP.

Standard operating procedures for forest management activities, including those described in these Categorical Exclusions, 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 Forest Service limit the use of ground-based harvesting machines on slopes over 40% to prevent impacts to soils, streams and reserve trees. On slopes over 40%, both agencies typically employ either skyline or helicopter logging systems to remove timber.

For example, in the area occupied by anadromous fish or native trout species listed as either Endangered or Threatened under the Endangered Species Act, BLM and Forest Service prepared one strategy to protect fish habitat. This strategy included standard operating procedure for forest management activities adjacent to habitat occupied by these fish.

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 categorical exclusions would permit timely responses to small timber harvest requests and to forest health problems involving small areas of BLM land. These categorical exclusions would also help eliminate some problems that occur when applying different standards to Forest Service and BLM lands in adjacent locations.

The Forest Service found that the categories of actions defined above do not individually or cumulatively have significant effects on the human environment. The Forest Service 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.

In addition to the Forest Service study and review of the CXs, the Department of the Interior lists 12 extraordinary circumstances to consider when applying a CX (516 DM 2, Appendix 2). If a vegetative 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 a particular vegetation management activity qualifies for the proposed CX.

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