

# CATEGORICAL EXCLUSION DOCUMENTATION FOR DNRC FOREST MANAGEMENT ACTIVITY

Project Name: Deep Corner

Proposed Implementation Date: January 2018

Proponent: Department of Natural Resources and Conservation, Northwest Land Office, Plains Unit

Type and Purpose of Action: The Department of Natural Resources and Conservation (DNRC) proposes to sell approximately 175 tons (30 MBF) of timber from Section 16, Township 23 North, Range 30 West, approximately 11 air miles northwest of Thompson Falls, Montana. This action would produce estimated revenue of \$3,655 for the Common Schools (C.S.) Trust Grant; and \$720 in Forest Improvement funds. Under the proposed action, DNRC would salvage decked tree lengths generated from fireline construction associated with the Deep Creek Fire, harvest standing timber affected with root rots, reduce excessive fuel loading and the related risk of wildfire, reduce insect infestations, and promote timber types historically found in the area, maintain and improve forest health, and increase forest productivity beneficial to future trust actions (See Attachment 1, Vicinity and Project Maps).

Location: Section 16, T23N, R30W

County: Sanders

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)).

**Extraordinary Circumstances:**

Will the proposed action affect one or more of the following resources, species or situations in the project area? If the resource, species, 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"/> | a) Sites with high erosion risk.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | b) 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"/> | c) Municipal watersheds.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | d) 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"/> | e) State natural area.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | f) Native American religious and cultural sites.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | g) Archaeological sites.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | h) Historic properties and areas.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | i) 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"/> | j) 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 Forest Management Rules (ARM 36.11.447).

Prepared by: Dale Peters 1/11/18  
(Name) (Date)

Decision by: David Olsen Program Manager  
(Name) (Title)

/s/ David M Olsen January 11, 2018  
(Signature) (Date)

# **ATTACHMENT I**

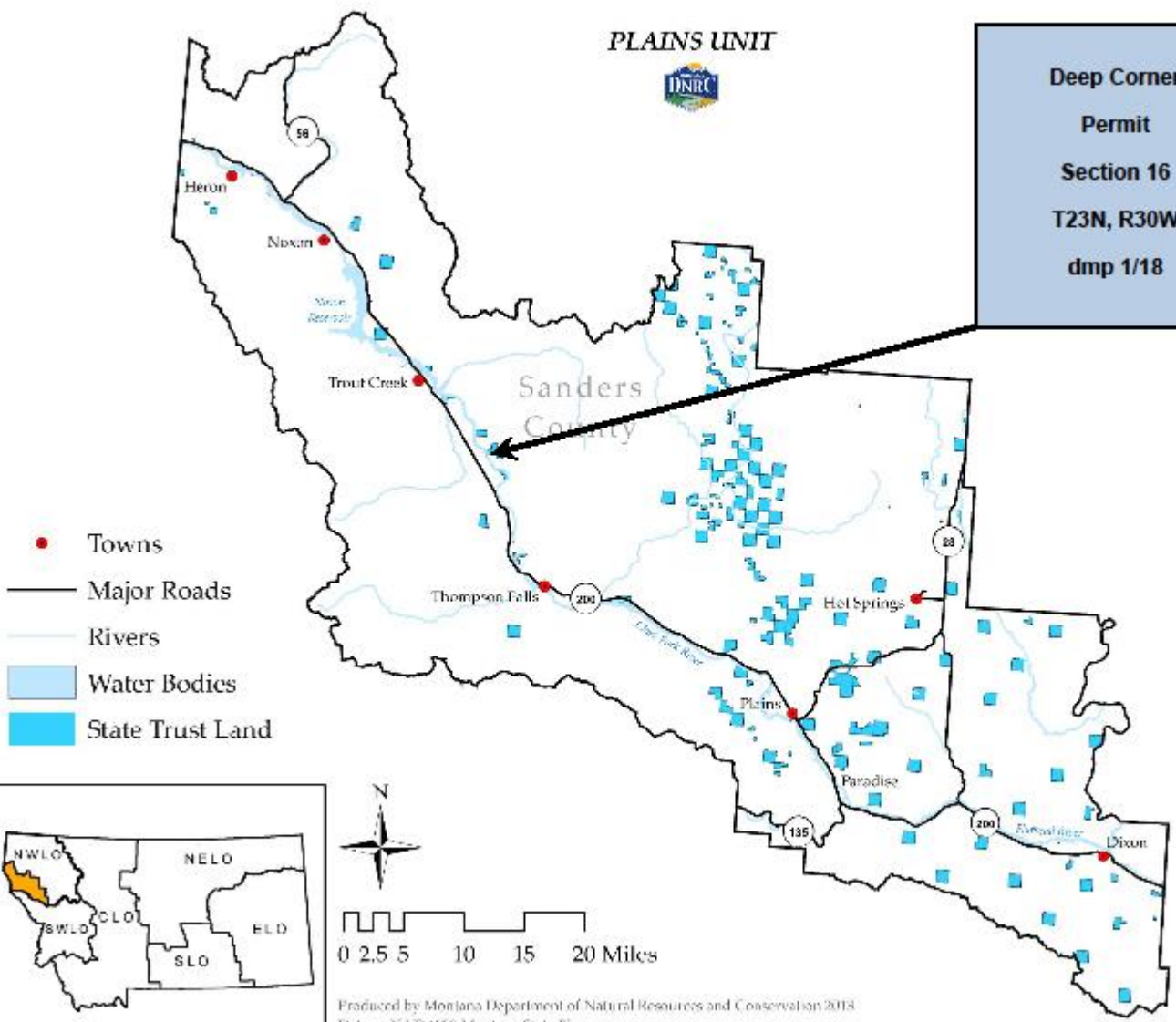
**Vicinity Map**

**Harvest Units**

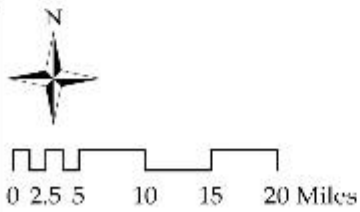
PLAINS UNIT



Deep Corner  
Permit  
Section 16  
T23N, R30W  
dmp 1/18

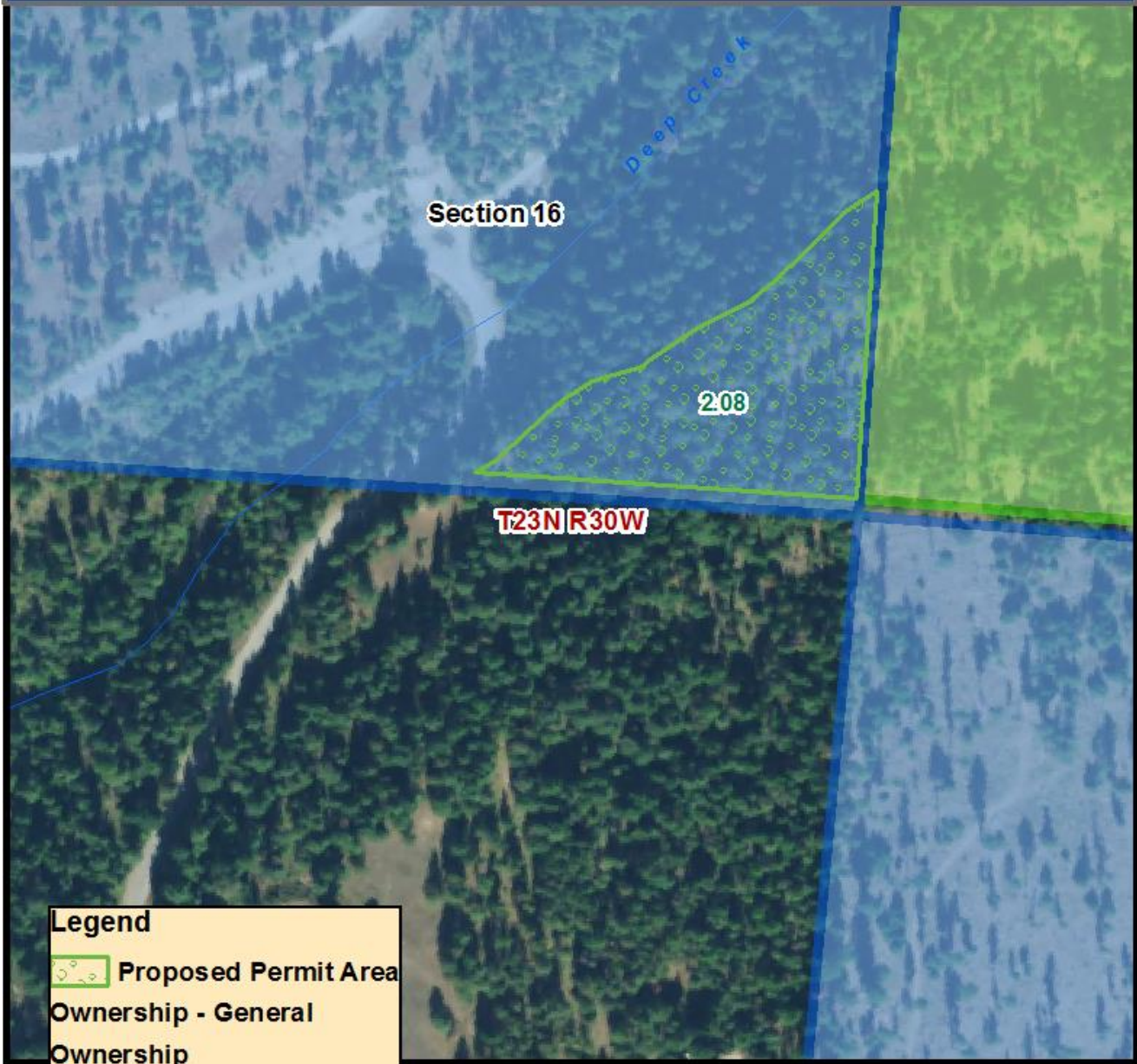


- Towns
- Major Roads
- Rivers
- Water Bodies
- State Trust Land



Produced by Montana Department of Natural Resources and Conservation 2013  
Datum: NAD 1983 Montana State Plane

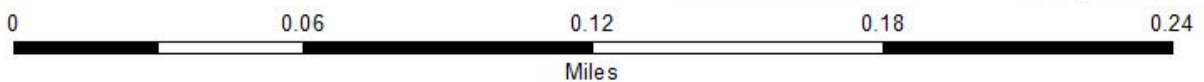
# Deep Corner Proposed Timber Permit Section 16, T23N, R30W



**Legend**

- Proposed Permit Area
- Ownership - General**
- MT DNRC
- USFS

Montana DNRC  
Trust Land Management Division  
Northwestern Land Office  
Plains Unit  
dmp 1/18



# **ATTACHMENT II**

## **RESOURCE ANALYSIS**

### **WILDLIFE ANALYSIS**

### **SOILS & HYDROLOGY ANALYSIS**

# Memorandum

**To:** Dale Peters  
**Cc:** Marc Vessar  
**From:** Leah Breidinger, Wildlife Biologist  
**Date:** January 9, 2018  
**Re:** Deep Corner Permit -wildlife comments

I reviewed the Deep Corner Permit proposed for 2 acres in Section 16, T23N, R30W. The proposed salvage project would remove ¼ load of logs cut during fire line construction as well as Douglas-fir trees that have been impacted by root rot. The proposed salvage would occur during the winter of 2018 for approximately 2 weeks.

The attached table summarizes the anticipated effects of the proposed activities on each Threatened or Endangered species, sensitive species, and big game species.

SPECIES/HABITAT	DETERMINATION – BASIS
THREATENED AND ENDANGERED SPECIES	
Canada lynx ( <i>Felis lynx</i> ) Habitat: Subalpine fir habitat types, dense sapling, old forest, deep snow zones	Suitable Canada lynx habitat occurs in the Project Area. Dead and dying Douglas-fir trees affected by root rot would be cut. However, these stands would retain adequate canopy cover to continue providing suitable lynx habitat post-harvest. Additionally, advanced regen would be retained, providing visual screening. Thus, negligible direct, indirect or cumulative effects to Canada lynx would be anticipated.
Grizzly bear ( <i>Ursus arctos</i> ) Habitat: Recovery areas, security from human activity	The Project Area is located in grizzly bear non-recovery occupied habitat associated with the Cabinet-Yaak Ecosystem ( <i>USFWS 1993, Wittinger 2002</i> ). However, grizzly bears sightings are infrequent in the area and the proposed activities would occur during the denning season when grizzly bears would not be disturbed by the salvage activity. Additionally, vegetative screening would be retained adjacent to the open Blue Slide Road. Thus, negligible adverse direct, indirect, or cumulative effects to grizzly bears would be anticipated.
SENSITIVE SPECIES	
Bald eagles ( <i>Haliaeetus leucocephalus</i> ) Habitat: Late-successional forest less than 1 mile from open water	Bald eagle nests occur near the Project Area; however, there is greater than 0.75 miles between the nest and the permit area so disturbance to eagles would be minimal. Thus, negligible adverse direct, indirect, or cumulative effects to bald eagles would be anticipated.
Black-backed woodpeckers ( <i>Picoides arcticus</i> ) Habitat: Mature to old burned or beetle-infested forest	No recently (<5 years) burned areas occur within the Project Area. Thus, no direct, indirect, or cumulative effects to black-backed woodpeckers would be anticipated.
Coeur d'Alene salamanders ( <i>Plethodon idahoensis</i> ) Habitat: Waterfall spray zones, talus near cascading streams	No moist talus or streamside talus habitat occurs within the Project Area. Thus, no direct, indirect, or cumulative effects to Coeur d'Alene salamanders would be anticipated.
Columbian sharp-tailed grouse ( <i>Tympanuchus Phasianellus columbianus</i> ) Habitat: Grassland, shrubland, riparian, agriculture	No suitable grassland communities occur within the Project Area. Thus, no direct, indirect, or cumulative effects to Columbian sharp-tailed grouse would be anticipated.

Common loons ( <i>Gavia immer</i> ) Habitat: Cold mountain lakes, nest in emergent vegetation	No suitable lake habitat occurs within 500 feet of the Project Area. Thus, no direct, indirect or cumulative effects to common loons would be anticipated.
Fishers ( <i>Martes pennanti</i> ) Habitat: Dense mature to old forest less than 6,000 feet in elevation and riparian	Potential fisher habitat occurs in the Project Area. However, the project would only impact 2 acres of habitat and at least 2 large (≥21 inch dbh) snags and 2 large snag recruits would be retained per acre. Thus, negligible adverse direct, indirect or cumulative effects to fishers would be anticipated.
Flammulated owls ( <i>Otus flammeolus</i> ) Habitat: Late-successional ponderosa pine and Douglas-fir forest	Preferred flammulated owl cover types not occur in the Project Area. Thus, no direct, indirect or cumulative effects to flammulated owls would be anticipated.
Gray wolves ( <i>Canis lupus</i> ) Habitat: Ample big game populations, security from human activities	Wolves may use the Project Area at any time. However, the proposed salvage is located adjacent to a busy open road and the salvage is not likely to affect the habitat quality of wolf prey. Thus, no direct, indirect or cumulative effects to gray wolves would be anticipated.
Harlequin ducks ( <i>Histrionicus histrionicus</i> ) Habitat: White-water streams, boulder and cobble substrates	No suitable high-gradient stream or river habitats occur near the Project Area. No direct, indirect or cumulative effects to harlequin ducks would be anticipated.
Northern bog lemmings ( <i>Synaptomys borealis</i> ) Habitat: Sphagnum meadows, bogs, fens with thick moss mats	No suitable sphagnum bogs or fens occur within the Project Area. Thus, no direct, indirect, or cumulative effects to northern bog lemmings would be anticipated.
Peregrine falcons ( <i>Falco peregrinus</i> ) Habitat: Cliff features near open foraging areas and/or wetlands	No suitable cliffs/rock outcrops occur within 0.5 miles of the Project Area. Thus, no direct, indirect, or cumulative effects to peregrine falcons would be anticipated.
Pileated woodpeckers ( <i>Dryocopus pileatus</i> ) Habitat: Late-successional ponderosa pine and larch-fir forest	Pileated woodpecker habitat would be affected by the proposed salvage. Post-harvest these stands would not retain adequate canopy cover to continue providing suitable habitat. Potential foraging and nesting snags would be removed; however at least 2 snags and 2 snag recruits ≥21 inches dbh would be retained per acre. Considering that only 2 acres of pileated woodpecker habitat would be affected, negligible adverse direct, indirect, or cumulative effects to pileated woodpeckers would be anticipated.
Townsend's big-eared bats ( <i>Plecotus townsendii</i> ) Habitat: Caves, caverns, old mines	No suitable caves or mine tunnels are known to occur within the Project Area. Thus, no direct, indirect or cumulative effects to Townsend's big-eared bats are anticipated.
Wolverine ( <i>Gulo gulo</i> ) Habitat: Alpine tundra and high-elevation boreal and coniferous forests that maintain deep persistent snow into late spring	Wolverines are not likely to use the Project Area considering the low elevation of the site. Thus, no direct, indirect, or cumulative effects to wolverines would be anticipated.
<b>BIG GAME SPECIES</b>	
Elk ( <i>Cervus canadensis</i> )	The Project Area is considered potential winter range habitat for white-tailed deer, mule deer, and elk (DFWP 2008). The proposed activities would focus primarily on removing trees impacted by root rot and post-harvest these 2 acres would not provide thermal cover for wintering animals. Logging may displace wintering animals during the winter for a brief approximately 2 week period from during January – March 31. During operations wintering animals may either be displaced to thermal cover available on USFS-lands or may be attracted to the area to forage on arboreal lichens on the ground due to logging activities. Thus, considering that a small amount of habitat would be impacted and that thermal cover is available on neighboring ownerships, negligible adverse direct, indirect or cumulative effects to big game are anticipated.
Mule Deer ( <i>Odocoileus hemionus</i> )	
White-tailed Deer ( <i>Odocoileus virginianus</i> )	

**Conclusion:**

The potential for adverse effects to threatened and endangered wildlife species is low. None of the extraordinary circumstances listed under ARM 31.11.447(2) affecting wildlife resources would preclude the use of a categorical exclusion for this project.

**List of Mitigations**



- If a threatened or endangered species or an undocumented nesting raptor 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*).
- Prohibit contractors and purchasers from carrying firearms while on duty. Ensure that all food, garbage, and other attractants (e.g., petroleum products) are cleaned up and stored in a bear-resistant manner.
- Retain at least 2 snags and 2 snag recruits per acre >21 inches dbh or the next available size class; prohibit cutting high quality western larch snags. Retain a minimum of 10-15 tons/acre of coarse-woody debris and leave large coarse woody debris (broken tops etc. in the unit) (*ARM 36.11.411*, *ARM 26.11.414*).
- Protect advanced regenerating conifers to provide cover for Canada lynx and snowshoe hares.
- Retain visual screening between the harvest unit and open roads.
- Always restrict public access on restricted roads that are opened for salvage activities.
- Prohibit salvage activities from April 1 – June 15. Any activities occurring between June 16 – November 14 must comply with GB-CY1 (*USFWS and DNRC 2010*) which limits operating days in parcels currently in the rest period to a total of 15 days.

### Literature Cited

- DFWP. 2008. Maps of moose, elk, mule deer, and white-tailed deer distribution in Montana. Individual GIS data layers. August 12, 2008. Montana Fish, Wildlife and Parks. Helena, MT. <http://fwp.mt.gov/gisData/imageFiles/distributionElk.jpg>. <http://fwp.mt.gov/gisData/imageFiles/distributionMoose.jpg>. <http://fwp.mt.gov/gisData/imageFiles/distributionMuleDeer.jpg>. <http://fwp.mt.gov/gisData/imageFiles/distributionWhiteTailedDeer.jpg>
- USFWS. 1993. Grizzly bear recovery plan.
- USFWS, and DNRC. 2010. Montana Department of Natural Resources and Conservation Forested Trust Lands Habitat Conservation Plan, Final Environmental Impact Statement, Volumes I and II., U.S. Department of Interior, Fish and Wildlife Service, Region 6, Denver, Colorado and Montana Department of Natural Resources and Conservation, Missoula, MT.
- Wittinger, W. 2002. Grizzly bear distribution outside of recovery zones. Unpublished memorandum. Report on file at Unpublished memorandum on file at USDA Forest Service, Region 1, Missoula, MT.

# Memorandum

**To:** Dale Peters, Project Leader  
**CC:** Leah Breidinger, Wildlife Biologist  
**From:** Marc Vessar, Forest Hydrologist  
**Date:** January 5, 2018  
**Subject:** Deep Corner Timber Permit

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The proposed harvest of approximately 2 acres and removal of trees felled during fireline construction in 2017 would occur on the Plains Unit in section 16, T23N, R30W. Approximately 30mbf would be harvested using conventional ground-based equipment.

Deep Creek, a perennial fish-bearing stream, flows through this state managed parcel however no harvest is proposed within approximately 150 feet of the channel. All work would be completed under dry, frozen and/or snow covered conditions.

According to ARM 36.11.447 (w), the project meets the criteria necessary to be nominated as a Categorical 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).

Issue	Assessment	Meet Criteria for CatEx?
High erosion risk soils? ARM 36.11.447 (2)(a)	The inventoried landtype in the harvest area is listed as 13UA in the Lolo National Forest Land Systems Inventory (Sasich and Lamotte-Hagen 1989). Surface erodibility of the soils in this landtype is considered low.	Yes
Federally listed threatened and endangered <b>aquatic</b> species or critical habitat for threatened and endangered <b>aquatic</b> species as designated by the USFWS? Adapted from ARM 36.11.447 (2)(b)	Deep Creek, which is the closest stream to the harvest unit is not considered to be bull trout critical habitat. Deep Creek contributes surface flow to the Clark Fork River approximately 3,000 feet from the proposed harvest area. This portion of the Clark Fork River has been designated as Bull Trout Critical Habitat per the USFWS website. <a href="https://www.fws.gov/pacific/bulltrout/Habitat.cfm">https://www.fws.gov/pacific/bulltrout/Habitat.cfm</a>	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 SMZ harvest is proposed.	Yes
Cumulative effects? Adapted from ARM 36.11.447 (2)(i)	Due to the small scale of this project, the gentle terrain and the limited surface water resources in the parcel, 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:**

Sasich, Joni and K. Lamotte-Hagen. 1988. Land Systems Inventory, Lolo National Forest. USDA Forest Service.