

**CATEGORICAL EXCLUSION DOCUMENTATION FOR  
DNRC FOREST MANAGEMENT ACTIVITY**

Project Name:Cilly Yew Permit

Proposed Implementation Date: May 2015

Proponent: Department of Natural Resources and Conservation (Pacific Taxol Product, PTP is the permit applicant).

Type and Purpose of Action: Proposed harvest of up to 55,000 lbs of pacific yew (*Taxus Brevifolia*) bark from the Cilly Excaline Timber Sale area area. Yew trees would be felled, delimbed, and bark would be peeled and bagged. Bags would be hauled by workers to the nearest road where they would be weighed and then shipped weekly by truck for processing. The harvest would generate approximately \$14,000 for the Common Schools Trust.

Location: Swan River State Forest, Section 10 - Township 24 North - Range 17 W

County: Lake

**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

- a) Sites with high erosion risk.
- b) Federally listed threatened and endangered species or critical habitat for threatened and endangered species as designated by the USFWS.
- c) Municipal watersheds.
- d) The SMZ of fish bearing streams or lakes, except for modification or replacement of bridges, culverts and other crossing structures.
- e) State natural area.
- f) Native American religious and cultural sites.
- g) Archaeological sites.
- h) Historic properties and areas.
- 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.
- 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: R. Jason Parke \_\_\_\_\_ 05/18/2015  
(Name) (Date)

Decision by:  Swan Unit Manager  
(Name) (Title)

 5/26/15  
(Signature) (Date)

# Memorandum

**To:** Jason Parke  
**Cc:** Ross Baty; Tony Nelson; Chris Forristal  
**From:** Leah Breidinger, Wildlife Biologist  
**Date:** May 19, 2015  
**Re:** Cilly Cliffs Yew Bark -wildlife comments

I reviewed the Cilly Cliffs Yew Bark Collection Project which proposes to harvest yew bark, which is used in the production of a cancer treatment drug, from approximately 136 acres in Section 10, T24N, R17W. The project area is located in seed tree and shelterwood harvest units of the Cilly Excaline Timber Sale, which was sold in November 2014. Effects of this timber sale were analyzed for under the Cilly Cliffs Multiple Timber Sale EIS (2014), and the following analysis tiers to this document. The effects of tree removal on sensitive, threatened, and endangered wildlife species were analyzed and mitigated for (see the Cilly Cliffs EIS); however, additional disturbance and wildlife habitat structural changes may result from the proposed removal of yew brush and will be discussed below. The proposed yew collection would comply with the Swan Valley Grizzly Bear Conservation Agreement (SVGBCA 1997) and would occur for a short approximately 6 week time period from June to mid-July, which is concurrent with the contract period for the Cilly Excaline Timber Sale.

The attached table summarizes the anticipated effects of the proposed activities on each Threatened or Endangered species, sensitive species, or 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	The proposed activities would occur in habitat that will become unsuitable for lynx use following implementation of the Cilly Excaline Timber Sale. The proposed activities would further remove some horizontal cover provided by yew shrubs, but young conifers, an important component of snowshoe hare habitat, would be unaffected. Some displacement of lynx from suitable habitat in the surrounding area may occur; however, displacement would be brief as the proposed yew collection would occur during the contract period for the Cilly Excaline Timber Sale. Additionally, the harvest of yew bark would not require any heavy equipment, thus disturbance would be minimal. Given that the proposed activities would not occur in suitable lynx habitat and that the proposed activities would occur for a short time and would not require heavy equipment, negligible adverse direct, indirect, or cumulative effects to Canada lynx would be anticipated.

<p>Grizzly bear (<i>Ursus arctos</i>)  Habitat: Recovery areas, security from human activity</p>	<p>The yew collection area is located in the South Fork Lost Soup Grizzly Bear Subunit, which is currently classified as active by the SVGBCA, allowing operations to occur during the non-denning period when grizzly bears are active. The collection area is located in Cilly Excaline Timber Sale harvest units that will provide minimal hiding cover for grizzly bears following implementation of the project. Collection would occur for a short period of time during the contract period for the Cilly Excaline Timber Sale and would not use heavy equipment, thus disturbance or displacement would be minimal. Yew collection would not be permitted inside grizzly bear hiding cover retention patches located in the harvest units. Site distances may increase in some areas, however, the design of the Cilly Excaline Timber Sale mitigated for removal of hiding cover in the collection area as per the SVGBCA. Thus, since, the proposed activities would occur concurrently with the Cilly Excaline Timber Sale, no heavy equipment would be used, and minimal effects to hiding cover would occur, negligible adverse direct, indirect, or cumulative effect to grizzly bears would be anticipated.</p>
<p>SENSITIVE SPECIES</p>	
<p>Bald eagles (<i>Haliaeetus leucocephalus</i>)  Habitat: Late-successional forest less than 1 mile from open water</p>	<p>No bald eagle nests occur in the vicinity of the project area and no lake habitat is located within 1 mile of the project area. Thus, no direct, indirect, or cumulative effects to bald eagles would be anticipated.</p>
<p>Black-backed woodpeckers (<i>Picoides arcticus</i>)  Habitat: Mature to old burned or beetle-infested forest</p>	<p>No recently (&lt;5 years) burned areas occur in the vicinity of the project area. Thus, no direct, indirect, or cumulative effects to black-backed woodpeckers would be anticipated.</p>
<p>Coeur d'Alene salamanders (<i>Plethodon idahoensis</i>)  Habitat: Waterfall spray zones, talus near cascading streams</p>	<p>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.</p>
<p>Columbian sharp-tailed grouse (<i>Tympanuchus Phasianellus columbianus</i>)  Habitat: Grassland, shrubland, riparian, agriculture</p>	<p>No suitable grassland communities occur within the project area. Thus, no direct, indirect, or cumulative effects to Columbian sharp-tailed grouse would be anticipated.</p>
<p>Common loons (<i>Gavia immer</i>)  Habitat: Cold mountain lakes, nest in emergent vegetation</p>	<p>No suitable lake habitat occurs in the vicinity of the project area. Thus, no direct, indirect or cumulative effects to common loons would be anticipated.</p>

Fishers ( <i>Martes pennanti</i> ) Habitat: Dense mature to old forest less than 6,000 feet in elevation and riparian	The proposed activities would occur in habitat that will become unsuitable for fisher use following implementation of the Cilly Excaline Timber Sale. Additionally, yew is not an important habitat component for fishers. Fishers in the vicinity of the project area may be displaced by the proposed activities; however displacement would be minimal considering that heavy equipment would not be used and the short approximately 6-week time period over which the activities would occur. 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	No suitable flammulated owl habitats occur within 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	The project area is located in the vicinity of wolf pack home ranges and wolf use of the project area is possible (DFWP 2015). However, the proposed activities would not occur in areas likely to be used as denning or rendezvous sites and are not anticipated to have adverse effects on wolf prey. Thus, negligible adverse 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 in the vicinity of 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 near 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	The proposed activities would occur in habitat that will become unsuitable for pileated woodpecker use following implementation of the Cilly Excaline Timber Sale. Additionally, yew is not an important habitat component for pileated woodpeckers. Thus no 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 may use the project area at any time. However, given the large home range wolverines occupy (average 150 plus square miles) and that the proposed activities would occur for a short time period, the proposed activities are not expected to measurably affect use of the area by wolverines. Thus, negligible adverse direct, indirect, or cumulative effects to wolverines would be expected to occur as a result of either alternative.
BIG GAME SPECES	
Elk ( <i>Cervus canadensis</i> )	The proposed activities occur in elk and mule deer winter range habitat

Mule Deer ( <i>Odocoileus hemionus</i> )	as identified by DFWP (2008). However, the proposed activities would not occur in the winter and would have minimal effects on thermal cover given that shrubs are on average 6-8 feet tall and would not provide snow intercept. Western yew is highly palatable to moose but only somewhat palatable to elk and mule deer, thus removal of yew may have limited effects on browse availability. Some displacement of game animals could occur during operations and would be greater than what was anticipated in the Cilly Cliffs Multiple Timber Sale EIS (2014), although the collection area is not located adjacent to an open road system. Thus, negligible adverse direct, indirect or cumulative effects to big game are anticipated.
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).
- Western yew collection may only occur inside Cilly Excaline harvest units. Ensure that no yew collection occurs inside hiding cover patches retained to provide grizzly bear hiding cover.
- Use of the Upper Cilly Road System is prohibited from April 1-June 15 to protect grizzly bears during the spring. The contractors may use the Lower Cilly Road System to access the collection area year round during the active period for the South Fork Lost Soup Grizzly Bear Subunit (2015-2017).
- 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.
- Remind contractors to be vigilant about keeping gates closed and locked at all times.

**Literature Cited**

DFWP. 2015. 2014 Montana wolf pack locations. Individual GIS data layer. Montana Fish, Wildlife and Parks. Helena, MT.

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.  
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