



DEPARTMENT OF THE INTERIOR

Office of the Secretary

[A2407-014-004-065516; #O2412-014-004-047181.1; LLHQ220000]

National Environmental Policy Act Implementing Procedures for the Bureau of Land Management

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice announces a proposed revision to the National Environmental Policy Act (NEPA) implementing procedures for the Bureau of Land Management (BLM) at DOI Handbook of NEPA Implementing Procedures (DOI NEPA Handbook) that supplements Chapter 1 of Part 516 of the Department of the Interior's (Department or DOI) Departmental Manual (516 DM 1). The proposed revision would add a new categorical exclusion (CE) for forest and woodland density management in the *DOI Handbook of NEPA Implementing Procedures, Appendix 2: Bureau Categorical Exclusions*.

DATES: Submit written comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Comments on this Notice or the associated Substantiation report may be submitted electronically to *BLM National NEPA Register*: <https://eplanning.blm.gov> and search for DOI-BLM-HQ-2000-2026-0001-OTHER_NEPA, or by mail to Wade Salverson, Forestry Lead, Division of Forest, Rangeland and Vegetation Resources, at the Idaho State Office 1387 S. Vinnell Way Boise, ID 83709.

FOR FURTHER INFORMATION CONTACT: Wade Salverson, Forestry Lead, Division of Forest, Rangeland and Vegetation Resources, at (202) 849-0990, or wsalvers@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access

telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Background

The BLM manages roughly 248 million surface acres of public land predominantly in the West, of which an estimated 58 million acres are forested/woodlands. A significant portion of these lands are managed under an active forest and woodland management approach, as guided by individual BLM land use plans (LUPs). Active management is often necessary for long-term sustainability due to widespread disruptions to natural disturbance regimes—particularly fire. Over the past several decades, forest structure and species composition on BLM-managed acres has significantly changed because of insect outbreaks, disease, drought, and forest density. As a result, BLM faces increased fuel loading that has contributed to the increasing frequency of complex fires on public lands and their threat to human life and property. This has prompted BLM to review existing programs and identify measures that would better enable wildfire preparedness to protect human life and property in the wildland urban interface.

In 2007, BLM administratively established CE C.7 (harvesting of live trees ≤ 70 acres with ≤ 0.5 of a mile of temporary road) at section 11.9 of the DOI NEPA Handbook. CE C.7 covers similar activities to this new CE. At that time, BLM stated it would continue to compile and review evidence to determine if additional actions should be categorically excluded and may propose additional CEs or larger treatment areas in the future (72 FR 45504). In addition, CE C.7 was only based on U.S. Forest Service environmental assessments (EAs) from prior to 2003 while the underlying verification report for this proposed CE uses BLM data and more contemporary projects and conditions. The existing CE for density management: 1) limited the BLM to 70 acres or less of total disturbance; 2)

limited the BLM to no more than 0.5 mile of temporary road construction for the thinning operation; and 3) and had not been revised in over 18 years. Since 2007, (a) BLM has developed a broader empirical record of forest and woodland density management proposals and outcomes (Timber Sale Information System (TSIS) queries and ePlanning NEPA records), (b) the agency has documented substantial loss of and damage to forest resources from severe disturbances exacerbated by forest or woodland density, and (c) Congress has encouraged increasing the pace/scale of risk-reduction activities via new statutory CEs for the U.S. Forest Service (e.g., Healthy Forests Restoration Act sections 602, 603, and 605).

Upon review of the use of the existing CE, supporting information, and its environmental assessment information, the Department is proposing to establish this new CE to further support actions for forest and woodland density management. The proposed CE covers modification of tree density up to 5,000 acres of treatment area. Active management through thinning can help development of desired habitat and forest structure and composition, enhance resilience to insect and disease, contribute to rural economies, and reduce future wildfire fuel loads and hazards to wildland firefighters, the public, and infrastructure. This proposed CE would also allow the BLM more flexibility to quickly respond to high-risk conditions across larger areas to provide for public and infrastructure safety, reduce the potential for active crown fires that impact firefighter and public safety, and contribute to one of the six principal or major uses of the public lands identified in the Federal Land Policy and Management Act of 1976, which recognizes “the Nation's need for domestic sources of timber and fiber.” Further, this CE will provide an additional tool to facilitate increased timber production and sound forest management in accordance with Executive Order 14225, *Immediate Expansion of American Timber Production*, 90 Fed. Reg. 11365 (March 1, 2025). As noted, the BLM already uses its existing CE (C.7) that addresses density management not to exceed 70 acres and intends to retain that CE; the BLM is proposing this additional CE to increase its flexibility to respond to forest

management needs across larger areas. Based on review of the use of the existing CE C.7 as part of this process, BLM does not intend to pursue removal of the 70-acre CE nor revise that CE to encompass the proposed scope of actions described in this proposal. The BLM sees a need for both CE categories. The 70-acre CE provides a more limited scope of actions that are useful. The BLM expects existing CE C.7 would still be used for smaller areas where BLM has no need for the additional tools this proposed CE would provide.

Following years of experience in conducting forest thinning without significant effects, BLM has identified that establishing a CE for the action is necessary to increase BLM's flexibility to respond to forest health and wildfire concerns across larger areas, while keeping the tailored focus of the action. The BLM notes that the existing 70-acre limitation for categorically excluded timber density management operations has proved insufficient to address the growing need for BLM to authorize additional density management over greater acreage. One 5,000-acre density management sale represents 0.0000862 (or 1/116 of 1%) of the estimated 58 million acres of BLM forest and woodlands managed by BLM today. The BLM manages 58 million acres of forests/woodlands. Allowing BLM this tool to contract for more acres would allow the agency to be more effective in its management. Given the vast amount of BLM-managed acres requiring treatment to promote better forest health and reduce fuel loading and wildfire risk, the BLM is proposing to revise the 70-acre limit established nearly 20 years ago to better adapt it to BLM's needs in managing those acres. Furthermore, evaluating the more than 1,800 thinning-based timber sales conducted by the agency since 1990 under EAs and associated Findings of No Significant Impact (FONSIs) show that these treatment methods do not significantly affect the quality of the human environment. BLM data from the TSIS show that more than 325,000 acres have been commercially thinned between 1990 and 2025. The BLM has evaluated its records and has determined that the environmental review and implementation records of these routine

management actions demonstrate that this category of actions normally do not significantly affect the quality of the human environment and that establishment of a CE is warranted.

Establishing the proposed CE would enable BLM to ensure a timely process for a density management project prior to a new fire season and in preparation for the subsequent fire seasons. Wildfire trends show a need to reduce fire severity and improve forest (or stand) resilience. Between 2000 and 2024, the U.S. averaged 7.3 million acres burned annually. According to National Interagency Fire Center (NIFC) data (National Centers for Environmental Information [NCEI], 2026, <https://www.ncei.noaa.gov/access/monitoring/wildfires/12/6>), in 2021 the United States hit the highest number of acres burned since 2006, with a total of 10,325,514 acres burned. On BLM-managed lands, wildfire burned an average of 236,530 acres of forest annually between 2009 and 2024. High-profile events such as the 2018 Camp Fire in California—which burned 153,336 acres (including 4,070 acres of BLM land), resulted in 85 fatalities, and caused billions of dollars in damages—highlighting the urgent need for proactive management. Further, between January 1, 2025, and November 28, 2025, 4,927,904 acres burned due to wildfires on federal land. Establishing this CE for use by the BLM will assist in reducing fire severity to battle these unprecedented and destructive fires and will aid in keeping the American people safe.

Further, establishing the proposed CE would enable the BLM to ensure the efficient usage of government resources in serving the American public. While EAs have long been used to analyze density management projects, the NEPA statute and agency implementing regulations allow for the development of CEs—a tool to reduce protracted, repetitive analysis for actions that normally do not have significant environmental impacts.

Additionally, on June 3, 2023, the Fiscal Responsibility Act of 2023 was enacted into law, revising NEPA for the first time in over 50 years. The revisions included codification of deadlines and page limits for the preparation of NEPA documents by federal

agencies, procedures for determining level of review and adoption of categorical exclusions, as well as a number of other reforms that further demonstrate that the goal of NEPA is to “inform agency decision-making, not to paralyze it.” *Seven County Infrastructure Coalition v Eagle County., Colo.*, 605 U.S. 168, 173 (2025). The Fiscal Responsibility Act codified in law the definition of a Categorical Exclusion as “...a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment within the meaning of section 102(2)(C).” 42 USC 4336e(1). The cost and time associated with repeated analysis can hinder the BLM’s ability to respond effectively to fire risk and other forest management needs. EA processes can be time-consuming. For example, the Marys Peak field office in BLM-Oregon began an EA titled Central Boulder Forest Management on a 400-acre timber sale in January 2019 that was not completed until July of 2021 even when it found that there would not be significant impacts. Because forest thinning improves the overall forest health, increases stand resilience to wildfire, and enhances firefighter safety and effectiveness, contracting larger treatment areas will improve operational efficiency and reduce per-acre costs for the agency.

As noted, the ability to determine that an action is excluded pursuant to a CE from the requirement to prepare an environmental document under NEPA, thus forestalling the need to prepare an EA or environmental impact statement (EIS), can streamline project authorization. The increased efficiency in project authorization can help the BLM address the wildfire crisis and protect communities, habitat, and forest resources from high severity wildfire and other stressors, apply proven, science-informed treatment methods more efficiently, and be more effective with time and public resources by avoiding redundant environmental reviews that do not yield new information. This proposed CE would provide an additional tool to facilitate sound forest management and is in direct response to Section (f) of Executive Order 14225, *Immediate Expansion of American Timber Production*, 90 Fed. Reg. 11365 (March 1, 2025).

NEPA, 42 U.S.C. 4321 et seq., requires Federal agencies to consider the environmental effects of their proposed actions in their decision-making processes and inform and engage the public in that process.

To comply with NEPA, agencies determine the appropriate level of review of any major Federal action—an EIS, EA, or a CE. See generally, 42 U.S.C. 4336 (b); 43 CFR part 46; DOI NEPA Handbook section 1.2 (2025). Where it is reasonably foreseeable that significant environmental effects are likely, the agency must prepare an EIS and document its decision. See generally, 42 U.S.C. 4336 (b)(1); DOI NEPA Handbook section 1.2(a)(5)(ii). Where appropriate, an agency may prepare an environmental assessment, and if it reaches a FONSI, it need not prepare an EIS. See generally, 42 U.S.C. 4336(b)(2); DOI NEPA Handbook section 1.6; section 1.2(a)(4).

Under NEPA, agencies may establish categorical exclusions—categories of actions that the agency has determined normally do not significantly affect the quality of the human environment—in their agency NEPA implementing procedures (42 U.S.C. 4336e(1)). An agency may also adopt a CE listed in another agency’s NEPA procedures consistent with section 109 of NEPA (42 U.S.C. 4336c).

Under the Department’s NEPA procedures, if a bureau determines that a CE covers a proposed action, it then evaluates the proposed action for the presence of extraordinary circumstances, which are factors or circumstances that indicate a normally categorically excluded action may have a significant effect (43 CFR 46.205, 46.215). If the bureau cannot categorically exclude the proposed action following review for extraordinary circumstances, it will prepare an EA or EIS, as appropriate, before issuing any decision to authorize the action (43 CFR 46.205(c), 42 U.S.C. 4336(b)).

The BLM is proposing to establish this new CE by substantiating the proposed new CE with sufficient information to conclude that the actions included in the category do not have a significant effect on the quality of the human environment and provides this

substantiation in a written record that is made publicly available (see Addresses). In developing this new CE, the Department consulted with CEQ in accordance with 42 U.S.C. 4332(2)(B) and is providing notification to the public about the proposed establishment of the CE through this notice.

II. Categorical Exclusion Justification

The BLM finds that the type of actions described in this proposed CE do not normally have a significant effect on the human environment. This finding is based on the BLM's analysis of these types of actions as documented in the BLM's Substantiation Report for this proposed new CE and supporting documents and the relevant scientific literature. The Substantiation Report explains that because the restrictions on the actions included in the CE limit surface disturbance and access road construction, the Department and the BLM conclude that the types of actions included in this proposed CE do not normally result in significant environmental effects and therefore warrant establishment of the CE. The Substantiation Report summarizes the review of 84 EAs that analyzed density management actions in forests or woodlands that supported FONSIIs to demonstrate the finding that actions included in the proposed CE would not normally result in significant effects to the human environment. The Substantiation Report documents evaluation of the BLM NEPA analyses and post-implementation observations as well as available scientific research on the effects of routine actions included in the new proposed CE over time and over different geographic areas.

The Department and the BLM consulted with CEQ on the Substantiation Report for the proposed CE consistent with section 102(2)(B) of NEPA, 42 U.S.C. 4332(2)(B). If finalized, the Department would add this CE to the BLM's NEPA procedures, in its *DOI Handbook of NEPA Implementing Procedures, Appendix 2: Bureau Categorical Exclusions*. As with other administratively developed CEs for Department bureaus, when applying this CE, Responsible Officials would evaluate proposed actions eligible for this CE to determine

whether any extraordinary circumstances are present in accordance with the requirements in the Department's NEPA implementing procedures at 43 CFR 46.205 and 46.215. The Responsible Official would document this review and, for BLM, include this documentation in the information posted on the BLM's NEPA register website. If the Responsible Official cannot use this CE to support a decision to authorize density management in forests or woodlands due to the presence of extraordinary circumstances, the Responsible Official will prepare an EA or EIS before authorizing such activities, consistent with 43 CFR 46.205(c) and 42 U.S.C. 4336(b).

III. Text for the Departmental Handbook of NEPA Implementing Procedures

The Department's NEPA procedures are proposed to be modified as follows. The *DOI Handbook of NEPA Implementing Procedures, Appendix 2: Bureau Categorical Exclusions* would include the following language:

*****Bureau of Land Management

11.9 Actions Eligible for a Categorical Exclusion (CE)

C. Forestry

(11) **Modification of tree density up to 5,000 acres of treatment area. Does not include silvicultural methods that are intended to regenerate whole stands, such as even-aged regeneration harvest, clearcutting, or variable retention harvest, or vegetation management intended to convert forest or woodlands to non-forest vegetation cover.*

(a) *Covered actions include:*

(i) *Cutting, yarding, and the use of landings and skid trails to facilitate the removal of commercial and non-commercial trees.*

(ii) *Chipping/grinding or removal of residual slash.*

(iii) *Group selection silvicultural treatment to promote regeneration of shade intolerant species and early successional habitat in an uneven-aged context not to exceed 2-*

acre individual patches and 10 percent of the treatment area. Group selection openings will retain overstory legacy elements consistent with the applicable land use plan (e.g., large fire resilient trees, snags).

(iv) Pile burning or underburning of fuels created by covered actions described in subparagraphs (i)-(iii) of this paragraph and fuels within or in close proximity to those actions' treatment boundaries whether created by those actions or not.

(v) Seeding or planting necessary to accelerate native species re-establishment.

(b) Such actions:

(i) Must not exceed 5 miles of new permanent road construction to facilitate the covered actions and all segments must conform to applicable land use planning decisions with route-specific designations disclosed where travel management planning has been completed.

(ii) May include maintenance and renovation of existing roads as needed.

(iii) May include construction of temporary roads not to exceed a ratio of 2.5 miles per 1,000 acres of treatment area as needed, provided they are not part of the bureau's permanent transportation system, are designed to standards appropriate for their intended use (safety, erosion control, sedimentation prevention, and resource protection), are not needed for long-term resource management, and are decommissioned and stabilized after use to minimize erosion and protect water quality.

(iv) Must disclose design features in documentation of finding that an action is excluded pursuant to the use of this categorical exclusion that address the following resource considerations, consistent with applicable land use plan decisions, or, where no plan requirements apply, and specify how these considerations are addressed:

(1) Snag and downed wood – amount to be created or retained;

- (2) *Erosion control – specifications or measures (e.g., water bars, dispersed slash);*
- (3) *Soil compaction – criteria for avoidance, minimization, or remediation;*
- (4) *Logging systems – types and scope of constraints (e.g., seasonal, location, extent, etc.);*
- (5) *Seasonal operations – purpose and extent of operating restrictions;*
- (6) *Invasive species – measures to prevent or limit spread;*
- (7) *Riparian areas – buffer widths and/or operating restrictions;*
- (8) *Prescribed fire – operating constraints for underburning or pile burning; and*
- (9) *Temporary roads – decommissioning standards.*

(c) *Definitions:*

(i) *Permanent road: A road constructed or reconstructed and managed as part of the bureau's permanent transportation system.*

(ii) *Temporary road: A road authorized by contract, permit, lease, written authorization, or emergency operation, not added to the permanent system, and decommissioned after use.*

(iii) *Group selection: An uneven-aged harvest method where groups of trees are removed to promote spatial heterogeneity, regeneration of desired tree species, or the establishment of new cohorts.*

Authority: NEPA, the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).

Stephen G. Tryon,

Director,

Director, Office of Environmental Policy and Compliance

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