



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 both restore and amend a previously finalized categorical exclusion (CE) for timber salvage harvest 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-2000-2026-0002-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. The substantiation report for the previously published CE can be found at 85 FR 79517 published on December 10, 2020.

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. The BLM estimates that roughly 2 million acres of dead or dying timber is on BLM-managed lands. According to Black's Law Dictionary, the word "salvage" refers to the rescue of property from loss, such as from a wreck, fire, or other destruction. Salvage timber operations pertain to the harvesting of dead or dying trees suffering from destruction by fire, insects, disease, drought or other disturbances. Black's Law Dictionary 1610 (12th ed. 2024). Consistent with that definition, BLM has long used the practice of harvesting dead or dying trees impacted by biotic or abiotic disturbances, commonly referred to as "salvage harvest" to improve forest conditions by accelerating reestablishment of native resilient forest tree species, reducing wildfire fuel loads, as well as helping recover economic value from timber to contribute to rural economies. The increasing frequency of complex fires on public lands and their threat to human life and property in the wildland urban interface has prompted BLM to review existing programs and identify measures that would better enable wildfire preparedness. On June 2, 2020, BLM published a proposal for a new CE for authorization of the salvage harvest of dead or dying trees, 85 FR 79517. The 2020 proposed CE expanded the acreage of dead timber that could be harvested from an existing salvage CE that had been promulgated in 2003 by the United States Forest Service and had been administratively established by BLM in 2007. The existing CE for salvage harvest limited

BLM to 250 acres or less of total disturbance, and limited BLM to no more than 0.5 mile of temporary road construction for the salvage operations. The 2020 proposed CE increased the threshold to harvest areas of up to 5,000 acres and increased permanent roads to not exceed 1 mile to facilitate the proposed salvage operations. The 2020 Verification report stated that from 2000 to 2017, an average of 6.8 million acres burned annually in the United States, with fire affecting on average 279,630 acres of BLM-managed forests annually from 2009 through 2018 (85 FR 33697, 33699). The BLM provided 30 days of public review and comment on the proposed CE and the associated Verification Report and received a total of 318 comments. On December 10, 2020, BLM finalized this CE for the salvage harvest of dead or dying trees, 85 FR 79,517. The final CE decreased the upper limit of the harvest size from 5,000 acres to 3,000 acres and made several other minor revisions. 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. However, in August 2022, BLM issued an Instruction Memorandum (IM) instructing BLM offices to discontinue the use of the 2020 CE for salvage timber sales due to the “complexity of land management and other matters.” The BLM subsequently removed the 2020 CE from the Department’s NEPA procedures in 2024 for similar reasons. 89 FR 84928 (Oct. 24, 2024). Neither the 2022 IM nor the 2024 Notice asserted that it was used incorrectly or other than as intended. 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 decisionmaking, 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).

Upon further review and in recognition of the increasing frequency, acreage, and complexity of wildfires in the United States, and as explained in more detail in this notice, the Department has determined it is appropriate to restore and revise the December 2020 categorical exclusion. Proposed CE number C (10) would cover harvest of dead or dying trees impacted by biotic or abiotic disturbances commonly referred to as “salvage harvest” on harvest areas of up to 5,000 acres. The use of the CE will enable land managers to more promptly conduct salvage harvest operations on a greater amount of acreage. This, in turn, will enable land managers to reduce timeframes and conduct more salvage timber operations that will reduce future wildfire fuel loads and hazards to wildland firefighters, the public, and infrastructure from dead and dying trees while also recovering economic value from timber, and contributing to rural economies. The current BLM Verification report notes that from 2000 to 2024, the average acres burned annually has grown to 7.3 million acres in the United States, with wildfire affecting an annual average of 236,530 acres of BLM-managed lands between 2009 and 2025. The BLM notes that the existing 250-acre limitation for categorically excluded salvage timber operations has proved insufficient to address the growing need for BLM to authorize greater salvage harvests over greater acreage. One 5,000-acre salvage timber sale represents 0.0025 (or ¼ of 1%) of the estimated 2,000,000 acres of dead or dying timber managed by BLM today. BLM needs to address the 2,000,000 acres of dead or dying timber in BLM lands, and larger-acre projects would allow the agency to achieve this goal more effectively. The BLM’s NEPA records show that timber salvage projects of up to 5,000 acres normally do not significantly affect the quality of the human environment. Moreover, BLM records show that from 1986 through 2024 the BLM

awarded approximately 982 timber sales where at least 30 percent of the volume consisted of salvage from dead or dying trees, and 936 of those timber sales had at least 50 percent salvage volume. The BLM approved these timber sales in reliance on environmental assessments (EAs) that supported Findings of No Significant Impact (FONSI) or on CEs. This data together indicate that salvage implementation with no significant environmental impacts is routine for BLM.

This proposed CE would also allow BLM more flexibility to quickly respond to disturbances across larger areas to provide for public and infrastructure safety, reduce hazardous fuel loads that impact firefighters 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.” In addition to analysis through EAs and environmental impact statements (EISs), BLM already relies upon its existing CE (C.8) that addresses salvage harvest not to exceed 250 acres and intends to retain that CE; BLM is proposing this additional CE to increase its flexibility to respond to disturbances across larger areas. Based on review of BLM’s use of the existing CE C.8 as part of this process, BLM does not intend to remove the 250-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 250-acre CE provides a more limited scope of actions that are useful, and the BLM has used the CE about 10 times a year for the last 10 years. The BLM expects existing CE C.8 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 salvage harvest without significant effects, BLM has identified that establishing a CE for the action is necessary to increase BLM's flexibility to respond to disturbances across larger areas, while keeping the tailored focus of the action. Further, this CE will provide an additional tool to facilitate sound forest

management in accordance with Executive Order 14225, *Immediate Expansion of American Timber Production*, 90 FR 11365 (March 1, 2025).

Establishing the proposed CE would enable BLM to ensure a timely process for a timber salvage project prior to a new fire season and in preparation for the subsequent fire season. Since the similar CE originally took effect in December 2020, from 2021 to 2024, a total of 249,450 fires took place, burning 26,321,620 acres of land with a federal nexus. 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 BLM will assist in reducing fuel loads to battle these unprecedented and destructive fires, and will aid in keeping the American people safe.

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 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 normally do not significantly affect the quality of the human environment and provides this substantiation in a written record that is publicly available (see Addresses). In developing this proposed CE, the BLM consulted with CEQ in accordance with 42 U.S.C. 4332(2)(B) and is providing notification to and soliciting comment from 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 normally do not significantly affect the quality of 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 new CE and supporting documents. The Substantiation Report explains that because the restrictions on the actions included in the CE limit surface disturbance and access road construction, the BLM concludes that the types of actions included in this proposed CE normally do not result in significant environmental effects and therefore warrant establishment of the CE. The Substantiation Report summarizes the review of 34 timber salvage harvest EAs that supported FONSI's to demonstrate the finding that actions included in the proposed CE normally would not significantly affect the quality of 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 established 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 timber salvage harvest activities due to 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

(10) **Salvage harvesting of dead and dying trees resulting from fire, insects, disease,*

drought, or other disturbances, not to exceed 1,000 acres where the disturbance affects

3,000 acres of bureau-managed lands or less, and not to exceed the lesser of 5,000 acres or 1/3 of the disturbance area where the disturbance exceeds 3,000 acres of bureau-managed lands. All actions must be in conformance with applicable land use planning decisions.

(a) Covered actions:

- (i) Cutting, yarding, and removal of dead or dying trees.*
- (ii) Cutting, yarding, and removal of live trees needed for operations, landings, skid trails, or road clearing,*
- (iii) Chipping/grinding or removal of residual slash.*
- (iv) Jackpot burning, pile burning, and underburning.*
- (v) Seeding or planting necessary to accelerate native species re-establishment.*

(b) Such actions:

- (i) Must not exceed 1 mile of 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 2.25 miles per 1,000 acres of harvest 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 for 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) Dying tree: A standing tree severely damaged by disturbance (e.g., fire, wind, insects, disease, drought) and, in the judgment of a forestry professional or someone technically trained for the work, is likely to die within two years.

(ii) Permanent road: A road constructed or reconstructed for use, as part of the bureau's permanent transportation system.

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

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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