4331-27

DEPARTMENT OF THE INTERIOR

Office of the Secretary

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National Environmental Policy Act Implementing Procedures: Forest and Woodland Density Management Categorical Exclusion

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice announces a revision to the Department of the Interior (Department)'s National Environmental Policy Act (NEPA) procedures by adding a new categorical exclusion (CE) for forest and woodland density management in the *Department's Handbook of NEPA Implementing Procedures, Appendix 2: Bureau Categorical Exclusions*.

DATES: The CE is effective [**INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER***].

ADDRESSES: The web address for the Department's Handbook of NEPA Implementing Procedures where the new CE is being added is: https://www.doi.gov/document-library/handbook/516-dm-1-handbook-national-environmental-policy-act-implementing. The Substantiation Report for the CE is available at the Bureau of Land Management (BLM)'s ePlanning site: https://eplanning.blm.gov/Project-Home/?id=8780a416-522f-f111-8341-001dd8029ed0.

FOR FURTHER INFORMATION CONTACT: Stacie McIntosh, Deputy Assistant Director, Directorate of Resources and Planning at (907) 378 -3815, or s05mcint@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 Department published the proposed CE for forest and woodland density management on April 6, 2026, for a 30-day public comment period. Refer to the *Federal Register* notice 91 FR 17299 for more information regarding the background and rationale for the CE. This notice notifies the public of the Department's establishment of the forest and woodland density management CE and includes the Department's responses to comments from the public on the proposed CE. The Department has not made any edits to the CE text as proposed. The Department is establishing the CE to support approval of actions related to long-term sustainability of forests and woodlands due to widespread disruptions to natural disturbance regimes—particularly fire.

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. To comply with NEPA, agencies determine the appropriate level of review of any proposed major Federal action—an environmental impact statement (EIS), environmental assessment (EA), or a CE. See generally, 42 U.S.C. 4336 (b); 43 CFR part 46; 516 Departmental Manual 1, "U.S. Department of the Interior Handbook of National Environmental Policy Act Implementing Procedures," section 1.2 (2026) (516 DM 1). 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); 516 DM 1 section 1.2(a)(5)(ii). Where appropriate, an agency may prepare an EA, and if that EA supports the agency reaching a finding of no significant impact (FONSI) for the proposed action, the agency need not prepare an EIS. See generally, 42 U.S.C. 4336(b)(2); 516 DM 1 section 1.6; section 1.2(a)(4).

Under NEPA, agencies may establish CEs—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 for its own use 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, the bureau 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)).

II. Comments on the Proposed CE

The Department received 338 comment letters during the 30-day public comment period on the proposed CE. State governments, interest groups, non-profit organizations, and private citizens submitted comments. The Department received comments both in support of and in opposition to the proposed CE. Some comments addressed BLM's forest management policy or management direction that is specific to Resource Management Plans (RMPs); however, these comments are beyond the scope of the establishment of this CE, which pertains only to compliance with NEPA for forest management actions, not the character or advisability of such actions, and the Department provides no response to such comments. Some commenters provided additional scientific literature for the Department's consideration; BLM evaluated the literature and revised the Substantiation Report to include and discuss those additional citations, as appropriate. The Department considered all comments received during the comment period and responds in this notice to the 13 substantive issues raised in the public comments that pertain to NEPA compliance. The

Department appreciates the interest and participation of all respondents. The Department, where appropriate, considered and addressed similar or related comments in one response, and responds to the comments as follows:

Comment 1: The Department received comments that expressed support for establishing the CE, stating that the BLM would be able to use the CE to substantially reduce permitting time and promote the realization of the associated economic benefits of this reduction while allowing bureau staff to focus on other proposals that may have a significant environmental effect. Commenters also indicated that the use of this CE to timely permit forest and woodland density management actions would promote forest resilience by reducing competition for water and nutrients, lower wildfire severity, promote healthier, more diverse forest conditions, reduce drought induced tree mortality, and create healthy forests that support local economies.

Response 1: The Department will continue to conduct the appropriate level of NEPA review for proposed actions, including, where appropriate, use of this CE or other available CEs. Use of this CE, where appropriate, may help the BLM conduct NEPA compliance more efficiently and protect more forest acres from severe stand replacing fires.

Comment 2: Some commenters suggested that the establishment of this CE would result in diminished protection for Endangered Species Act (ESA)-listed species, old-growth forests, water resources, and other important, scarce, or sensitive resources and values.

Response 2: The establishment of this CE does not reduce protections for important, scarce, or sensitive resources and values. Instead, it provides a mechanism for bureaus within the Department to comply with NEPA when authorizing covered actions. Before using the CE, bureaus would need to review for the presence of any extraordinary circumstances. Through that review, the bureaus must verify that any proposed action would not have significant effects on ecologically significant or critical areas, or similar natural resources; or on species listed or proposed to be listed under the ESA, or on any designated critical habitat. Moreover, additional protections for important, scarce, or sensitive resources are available through statutes other than NEPA, such as ESA and the Clean Water Act. Those protections are not affected by the establishment of this CE. Finally, proposed actions must conform to the applicable land use plan, including any plan direction developed to protect species of concern, critical habitat, aquatic resources and water quality.

Comment 3: Some commenters suggested that the establishment of this CE would authorize BLM forest management actions, including industrial logging.

Response 3: The establishment of and reliance on this CE does not authorize any actions, including, but not limited to, on-the-ground actions. Any BLM decisions about whether and how to engage in forest management actions must conform to the applicable land use plan. BLM land use plans, which undergo a separate NEPA review when created, amended, or revised, provide management direction for all BLM-managed forests and in general provide for the retention of old trees and conservation of old forest characteristics, regardless of the level of NEPA compliance conducted for any particular action. Instead, this CE is a procedure for complying with NEPA when authorizing covered actions. When proposing to take an action covered by the CE, DOI bureaus would be able to use the CE after considering whether extraordinary circumstances, if present, would preclude such use, and after ensuring compliance with all applicable laws and regulations.

Comment 4: The Department received comments suggesting the establishment of this CE establishes forest management policies that will make forests less fire resilient, increase fire prone conditions by reducing canopy cover and increasing understory growth, decrease structurally complex forests and approve increased logging that threatens clean water.

Response 4: This comment is outside the scope of this effort as the establishment of and use of this CE is not forest management policy and does not change forest management policy; rather, the CE is a procedure for complying with NEPA that can be used, if appropriate, when taking a covered action that carries out the forest management policy. In addition, the Substantiation Report for this CE discusses in detail the scientific literature and government reports dealing with these issues.

Comment 5: The Department received comments suggesting that the use of this CE eliminates site-specific analysis of the effects of a proposed action on forest and habitat attributes and potential for impacts to those attributes.

Response 5: The establishment of and use of this CE does not eliminate site-specific analysis of any actions. The Department established this CE because the Department determined the type of actions covered by the CE normally do not significantly affect the quality of the human environment. This finding is based on the analysis of these types of actions as documented in the Substantiation Report and supporting documentation, including a review of EAs that supported FONSIs to demonstrate the finding that actions covered by this CE would not significantly affect the quality of the human environment. This review included post-implementation validation of these FONSIs. In addition, before using the CE for future actions, bureaus must review for the presence of any extraordinary circumstances. Through extraordinary circumstances review, the bureaus verify whether any proposed action would have significant effects on ecologically significant or critical areas, or similar natural resources; or on species listed, or proposed to be listed, under the ESA, or on any designated critical habitat at the particular site of the proposed covered action. If bureaus cannot use this CE to support its decision due to the presence of extraordinary circumstances, then they would conduct the appropriate additional NEPA review, whether an EA or EIS.

Comment 6: The Department received comments suggesting the Department should solicit public comment on all forestry projects and that use of the CE without public comment would ignore the collective knowledge of stakeholders.

Response 6: There are various opportunities for the public and stakeholders to provide public input in forest management. For the BLM, this includes the development, revision, and amendment of land use plans, through which the BLM determines the forest management direction for each specific planning area.

Comment 7: The Department received comments suggesting that establishment of and use of this CE would allow bureaus, including the BLM, to focus limited resources where they are most needed, while accelerating responsible actions that benefit forests, access, recreation, wildlife, and the public.

Response 7: While the establishment of this CE does not authorize any forest management activities, it does provide a tool the Department can use for NEPA compliance for future proposed actions of the type covered in the CE without the need to prepare an EIS or an EA, which could allow the agency to focus its analytical resources more efficiently to benefit the public and federally managed lands.

Comment 8: The Department received comments suggesting the CE group selection parameters should be increased to align with the management in the BLM's 2016 Western Oregon RMPs which allow for up to 4 acres in size, up to 30 percent of the stand area, and leave untreated areas (skips) on at least 10 percent of the stand area.

Response 8: The Department acknowledges that the 2016 Western Oregon RMPs allow larger group selections than this CE; however, this feature of the 2016 Western Oregon RMPs is not relevant to whether thinning actions have significant effects for purposes of NEPA. Additionally, this CE may be used for projects outside the areas governed by the 2016 Western Oregon RMPs. The two-acre group selection limit was based on the projects and EAs evaluated in the Substantiation Report, which involved a range of forest types and applicable RMP or other management direction.

Comment 9: The Department received comments suggesting that it did not explain why two-acre group selection openings would not have significant impacts.

Response 9: The Substantiation Report explains this in detail. The Report summarized the Department's review of 25 EAs that analyzed group selections included in proposed actions as well as conducting post-implementation review and determined the actions covered by the CE would not significantly affect the quality of the human environment (Substantiation Report, pp. 20, 22, 24, 26, and Appendix A). As explained in the Report, while multiple EAs with FONSIs reviewed had materially higher intensities and/or larger groups, the two-acre group selection opening in the CE is within the limits of the EAs reviewed for those actions that are already demonstrated to have non-significant effects (Substantiation Report, p. 20). The Substantiation Report also includes references to studies that document the necessity of openings for regeneration of shade intolerant tree species, the height growth changes relative to patch size, and the surface temperature, wind speed, and soil moisture changes (York et al. 2007; Bigelow et al. 2011; Bigelow and North 2012) (Substantiation Report, p. 25). Under the parameters of the CE, when using the CE, the bureau must generally retain large trees and snags consistent with applicable land use plan management direction. The impact of dense forests on the regeneration of shade intolerant tree species in the western United States has been well documented. Therefore, to ensure flexibility to design proposed actions that use group selection silviculture for regeneration purposes, and because the completed projects reviewed demonstrated that this group size did not normally result in significant impacts, the Department set this CE parameter at two acres.

Comment 10: The Department received comments questioning justification for the 5,000-acre limit parameter, the associated environmental impacts, and statistical methods used to derive the limit.

Response 10: The 5,000-acre limit of this CE is supported by those EAs summarized in the Substantiation Report. As explained in the Report, twelve projects exceeded the upper IQR fence (5,385 acres) and were analyzed separately for purposes of setting a robust cap. Using the remaining 72 projects, the 99th percentile is 5,158 acres; for administrative clarity and added conservatism, BLM rounds to 5,000 acres as the CE acreage cap. The use of a post-outlier 99th percentile aligns with EPA practice (U.S. EPA 2000a; U.S. EPA 2000b) (Substantiation Report, p. 20). In addition, 14 projects in the Substantiation Report are over the 5,000-acre limit, including 6 substantially larger projects that covered between 10,000 and 31,191 (Substantiation Report, pp. 19-20). The review of these forestry project EAs, including post-implementation validation of the FONSIs they supported, demonstrates that the Department can implement thinning projects up to 5,000 acres covered by this CE without significant impacts. This conclusion is unaffected by the fact that the BLM has also approved actions covered by this CE on fewer acres and determined that these actions did not have significant impacts on the human environment. Therefore, the Department retained the 5,000-acre limit for the CE along with the accompanying nine design feature categories.

Comment 11: The Department received comments questioning the permanent and temporary road construction parameters, the associated environmental impacts, and the statistical methods used to derive them.

Response 11: The CE includes a five-mile limit for permanent road construction and 2.5 miles per 1,000 acres limit for temporary road construction. The explanation for these limits is described in the Substantiation Report, pp. 20-21. Additionally, of the 84 EAs evaluated in the Substantiation Report, 35 EAs analyzed new permanent road construction included in the proposed actions. The five-mile permanent road limit parameter in the CE is less than the new permanent road miles proposed in 14 projects analyzed in the EAs and substantially smaller than six projects analyzed in the EAs that added between 10.5 and 76.3 miles of new permanent road. The 2.5-mile-per-1,000-acre temporary road construction limit reflects the range of these activities demonstrated in the EAs and supported by FONSIs, as explained in the Substantiation Report, with temporary roads further bounded by mandatory decommissioning and stabilization standards under the design feature categories.

The projects reviewed for the Substantiation Report, and the validation of their associated FONSIs through post-implementation review, show that the Department can implement density management projects that include permanent and/or temporary road construction as long as these projects conform to the applicable land use plan management direction for roads without causing significant impacts; therefore, the CE includes the permanent and temporary road construction limits originally proposed.

Comment 12: The Department received comments stating that because the CE does not limit the number of times the CE may be used, potentially exempting projects from the requirement to prepare an EIS or an EA, the CE may result in significant cumulative impacts from the implementation of multiple 5,000-acre projects.

Response 12: The analysis in the EAs described in the Substantiation Report included consideration of other actions, including other forest management actions, that had taken place or were taking place, or were planned for the area, demonstrating that even in the context of several other projects, the actions covered by this CE did not normally result in significant impacts. As shown in the EAs for the projects reviewed for the Substantiation Report, the relevant indicator for forest health is not the acreage limit but the forest density achieved. The Department established the 5,000 acre-limit based on the information available as well as the incorporation of the accompanying nine design feature categories that address the potential for adverse impacts from these types of projects, even in the context of other projects. In addition, while the CE itself does not include a limit on the number of times it may be used, each proposed action considered for approval in use of the CE must be reviewed against the Department's extraordinary circumstances, one of which, and here most relevant, is that if a proposed action may "have a direct relationship to other actions that implicate potentially significant environmental effects" (43 CFR 46.215(e)) the bureau must prepare an EA or EIS. This means that if the bureau determines that a proposed forestry action has a direct relationship to a previously conducted, or planned project that may implicate potentially significant environmental effects, such as may (hypothetically) arise when several forestry actions may have occurred or may occur in the same area, the bureau would need to prepare an EA or EIS.

Comment 13: The Department received comments suggesting that the CE mandate design feature categories rather than just requiring disclosure.

Response 13: The CE lists nine categories of design features that were common to the projects analyzed in the EAs reviewed for the Substantiation Report. Because forestry actions may be proposed in areas that may be governed by different land use plans, developed as appropriate to the planning area, the specifics for the design features may similarly vary as appropriate to the planning area; therefore, instead of setting forth the specific design feature, when the bureau proposes to use the CE, the bureau must document the specific design feature applicable to the category of design feature identified in the CE's terms. In this way, covered forestry actions must ensure appropriate treatment of these common resource issues in a way that matches the conditions specific to the planning area, and "where no plan requirements apply [the bureau decision record authorizing the covered action must] specify how these considerations are addressed" in the proposed forestry action.

Categorical Exclusion Justification

The Department finds that the type of actions described in this forestry and woodland density management CE do not normally have a significant effect on the quality of the human environment. This finding is based on the analysis of these types of actions, as documented in the BLM's Substantiation Report for this CE, supporting documents, and the relevant scientific literature. To demonstrate the finding that actions under the proposed CEs would not normally result in significant effects on the quality of the human environment, the Department reviewed proposed actions evaluated in 84 EAs that supported

FONSIs as well as post-implementation information and summarized them in the Substantiation Report.

As with other administratively developed CEs for bureaus, when applying this CE, Responsible Officials must evaluate proposed actions 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. For use of this CE, the Responsible Official must document this review. 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 must prepare an EA or EIS before authorizing such activities, consistent with 43 CFR 46.205(c) and 42 U.S.C. 4336(b).

The Department consulted with CEQ on the establishment of this new forest and woodland density management CE consistent with section 102(2)(B) of NEPA, 42 U.S.C. 4332(2)(B).

III. Text added to the U.S. Department of the Interior Handbook of NEPA Implementing Procedures, Appendix 2: Bureau Categorical Exclusions.

The *DOI Handbook of NEPA Implementing Procedures, Appendix 2: Bureau Categorical Exclusions* includes the following language:

Bureau of Land Management

11.9 Actions Eligible for a Categorical Exclusion (CE)

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C. Forestry

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*(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, 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.

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Authorities: NEPA, as amended (42 U.S.C. 4321 *et seq*.).

Stephen G. Tryon,

Director,

Office of Environmental Policy and Compliance.

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