

**REGIONAL
MEMORANDUM OF UNDERSTANDING**

Between

**USDA FOREST SERVICE
PACIFIC NORTHWEST REGION**

And

**STATE OF OREGON
DEPARTMENT OF TRANSPORTATION**

2017-2027

Table of Contents

I.	Purpose	1
II.	Statement of Mutual Benefits and Interests	1
III.	ODOT Shall:	
	1. Notification of Need	2
	2. Request	2
	3. Emergencies	2
	4. Notification of Mobilization	2
	5. Designation of Representative	3
	6. Information about blasting	3
	7. Operating Plan	3
	8. Operating Plan Requirements	3
	9. Site Maintenance/Reclamation/Danger Trees	3
	10. Danger Tree Removal	3
	11. Information Sharing	4
	12. Excess Mineral Materials	4
	13. Non-timber materials Stockpile	4
	14. Merchantable Timber Stockpile	4
	15. Invasive Plants Management Plans	5
	16. Road Maintenance/Road Maintenance Fees	5
	17. Garbage	5
	18. Compliance with Federal, State, Local Regulations	5
IV.	Forest Service Shall:	
	1. Response to Requests	5
	2. Issuance of Free Use Permit/Designation of Administrator	5
	3. Other Permitted Uses	6
	4. Special Use Permit	6
	5. Storage of Excess, Non-Mineral Materials	6
	6. Cost Recovery	6
	7. Road Rental Fees	6
	8. Timber and Veg Removal	6
	9. OHV Safety and Use	6
	10. Lists or Maps of Material Sources	6
	11. Placement of Monuments, Delineation of Site Boundary	6
	12. Requests from ODOT Contractors	7
	13. Review/Approval of Operating/Reclamation Plans	7
	14. Cooperation in Emergencies	7
	15. NEPA – Categorical Exclusions	7
	16. Forest Weed Plans	7
	17. Invasive Plants Monitoring Reports	7
V.	Mutual Agreement	
	1. FOIA	7
	2. Modifications	7
	3. Participation in Similar Activities	7
	4. Commencement/Expiration Date	7
	5. Termination	8
	6. Principal Contacts	8
	7. Non-fund Obligating Document	8
	8. Authorized Representatives	8
	9. Retention and Access Requirements for Records	8
	10. Scope of MOU	9
	11. Non-binding Agreement	9
	Signature Page	10

MEMORANDUM OF UNDERSTANDING
between
USDA FOREST SERVICE
PACIFIC NORTHWEST REGION
and
STATE OF OREGON
DEPARTMENT OF TRANSPORTATION

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby entered into by and between the USDA Forest Service, Pacific Northwest Region, hereinafter referred to as the Forest Service, and the State of Oregon, acting by and through its Department of Transportation, hereinafter referred to as ODOT.

I. PURPOSE

The purpose of this MOU is to provide a framework for cooperation and a common understanding of the guidelines and administrative processes governing ODOT's use of material sources on lands administered by the Forest Service in the State of Oregon. Material sources on National Forest System (NFS) lands provide rock material for some of ODOT's planned highway projects, maintenance needs and emergency highway repairs. Excess mineral materials from ODOT contracts, as well as State road right-of-way waste rock and earthen materials, such as rockfall, landslide deposits, and routine ditch cleaning, are sometimes stockpiled for beneficial reuse at material sources and other sites on NFS lands or are used to reclaim existing or closed sites. Interagency cooperation in developing and using mineral materials from NFS lands serves the mutual interest of the parties and the public.

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS

The Forest Service is responsible for protection, occupancy, and management of NFS lands and resources for public use and benefit, and for the management and development of a public lands transportation system needed to accomplish these purposes. These responsibilities include managing rock resources in accordance with the Mineral Materials Act of 1947, Forest Service regulations at 36 CFR 228, Subpart C (Exhibit A); and Forest Service policy as described in Forest Service Manual 2800, Chapter 2850 (Exhibit B).

ODOT is responsible for the planning, location, design, construction, and perpetuation of a safe and efficient public transportation system needed for the benefit of the public in accordance with USC Title 23 Highways, and requires mineral materials and locations to store excess mineral materials in order to accomplish their program of work. ODOT is also responsible for ensuring that social, economic, energy, and environmental effects are considered in the planning, development, and maintenance of state transportation projects and that these projects are in the overall interest of the public.

By the authority granted in ORS 190.110 and 366.558, State may enter into cooperative agreements with the United States Federal Government for the performance of work on improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

On June 18, 2003, the Oregon Transportation Commission approved Delegation Order No. 4 which delegates to the Director, Deputy Director, Highways, Deputy Director, Central Services and Chief of Staff the authority to approve and execute agreements up to \$75,000 not included in the Statewide Transportation Improvement Program or not included in a line item in the biennial budget approved by the Commission.

On July 7, 2005, the Director and Deputy Director, Highways approved Subdelegation Order No. 4, in which the Director and Deputy Director, Highways delegates authority to the Technical Services Manager/Chief Engineer to approve and sign agreements up to \$75,000 not included in the Statewide Transportation Improvement Program or not included in a line item in the biennial budget approved by the Commission.

In consideration of the above premises, the parties agree as follows:

III. ODOT SHALL:

1. Notify the Forest Service in writing, at least annually, of the areas in which ODOT may need to use a Forest Service material source in the next two years, with allowances for emergency (in need of immediate repair) and unplanned (not an emergency, but in need of timely repair) work. Written notifications shall be submitted to the appropriate District Ranger, with a copy to the Forest's rock resource manager (Exhibit C).
2. Formally request in writing, to the appropriate District Ranger, with a copy to the Forest's rock resource manager, the use of a Forest Service material source at least 18 months prior to designating that source in a contract, except in emergency situations. This will allow adequate time for any site investigation, short and long term development planning, and/or environmental analysis required prior to issuing a permit. Use includes mineral materials development and use of a site for storage of excess excavation (mineral materials), ditch cleanings, and slide debris. The formal request should include details on the planned use: proposed activities, type of equipment anticipated, estimated quantities of material to be removed or stockpiled as well as planned schedule both for project development, construction and long term storage of materials. ODOT should also request an on-site meeting with the District Ranger.
3. In unplanned and emergency situations, notify the District Ranger as soon as practicable of ODOT's need for mineral materials and in advance of pit or quarry use. ODOT shall not use a Forest Service material source without District Ranger (or authorized representative) approval.
4. For planned usage, notify the appropriate District Ranger seven days in advance of mobilization into a Forest Service mineral materials source. Provide seven days' notice and invite Forest Service staff to all relevant pre-work and post-work meetings.

5. Designate an ODOT representative for each permit and provide a statement of the representative's role, duties, and authority relative to the permit. (Exhibit D).
6. Provide the District Ranger and/or the permit administrator with a copy of the blasting plan and plans for transport and storage of explosives, as applicable, 14 days prior to blasting. A Forest Service certified blaster will review the plan and may provide comments to ODOT, as necessary. Notify the District Ranger or authorized representative 48 hours prior to blasting. ODOT and their contractors shall meet all Forest Service requirements for storing, transporting, and using explosives (FSH 6745.3, page 23, Exhibit E).
7. Investigate, survey, and provide an operating and reclamation plan at those sites where ODOT is the primary user, except where local rock resource managers have adequate existing information and a development plan. Plans will be developed to Forest Service specifications (or specifications both agencies agree to), and be provided in an AutoCAD compatible format.
8. At a minimum, address the following items in each specific ODOT-developed operating plan: excavation/disposal area; access roads, safety berms, cutslope angles and pit floor configuration; site cleanup; hazardous materials; erosion control; pollution control; garbage; oversize and overburden; noxious weed control; stockpile locations; and reclamation. These operating and reclamation plans are subject to Forest Service approval. See Exhibits F-M (pages 39-46) for Forest Service standard drawings of water bars, drain dips, earth mound road closures and gates.
9. Perform site maintenance and interim or final reclamation measures according to the contract operating plans and drawings to ensure that no significant environmental degradation occurs. ODOT site maintenance activities to be coordinated with the USFS shall include slash burning, the marking of trees over 6" dbh (diameter at breast height) to be felled, danger tree removal, and the purchase of timber.
10. Danger Tree Removal: Danger trees will be identified using the most recent edition of the "Field Guide for Danger Tree Identification and Response along Forest Roads and Work Sites in Oregon and Washington" (Filip, G., et. al, USDA Forest Service, WA Department of Natural Resources, R6-NR-TP-021-2016, 120p.).
 - a. According to the referenced publication, trees have three failure potentials; Imminent, Likely, or Low. Typically, those trees that are classified with imminent failure potential that will intersect the travel way or clear zone of the haul road, disturbed area, work zone, stockpile area, and access road that represent a danger to the traveling public and workers and will be mitigated.
 - b. The following describes mitigation required:
 - i. Trees identified as a Danger, which typically are those with imminent failure potential, may be cleared by ODOT or its contractor(s). Resultant logs can be positioned so they are stable and will not roll

into the travel way or clear zone or decked for U.S. FOREST SERVICE disposal. ODOT is responsible for identification of these trees. U.S. FOREST SERVICE will communicate concerns over particular trees to the ODOT District Manager.

- ii. Trees that are not classified as a Danger, which typically are those with Low or Likely Failure Potential, will be selected and marked jointly by ODOT and U.S. FOREST SERVICE personnel and removed under U.S. FOREST SERVICE timber sale program. When U.S. FOREST SERVICE cannot dispose of potential danger trees through its timber sale process, U.S. FOREST SERVICE and ODOT will cooperate in mitigation of the hazard.
 - iii. Warning signing, flaggers and other safety measures deemed necessary to protect material source activities during danger tree removal operations will be required. ODOT is responsible for approval of all safety measures and traffic control plans before danger tree removal commences by any party or contractors thereof.
11. Share, at no cost, information obtained during site investigations, extraction operations and project use. For example, subsurface investigation information, test results pertaining to material quality and quantity, GPS data, GIS coverage, and site investigations.
12. Not sell or dispose of excess mineral materials. Mineral materials produced on NFS lands in excess of ODOT project needs remain the property of the Forest Service, and are subject to disposal by the Forest Service unless ODOT secures a Special Use Permit (SUP) for long term storage and use. Estimates of stockpile dimensions or volumes of storage and disposal of all excess material must be addressed in the operating plan to be reviewed and approved by the Forest Service's authorized officer when issuing the free-use mineral materials permit. If during operations it becomes apparent that excess mineral materials will be more than originally estimated, inform the Forest Service in writing of the anticipated change. Do not dispose of material outside of approved stockpile areas. Excess mineral materials may include overrun of quantities, overburden, oversized, scalplings, rejected materials, and crusher fines.
13. Stockpile excess non-timber materials generated within ODOT project right of way or easement through NFS lands, at a Forest Service approved site within a reasonable haul from the location where the material is generated, unless it is designated for removal as part of the contract. Non-timber materials include, but are not limited to, landscape rock, topsoil, and fill material. These materials need to be examined and treated for weeds, as necessary, prior to stockpiling at a Forest Service site.
14. Stockpile all merchantable timber in an area designated by the Forest Service. Stockpiled merchantable timber will be disposed of by the Forest Service. ODOT may acquire the timber at fair market value from the Forest Service via a timber sale contract. Dispose of all non-merchantable timber in a manner approved within the operating plan.

15. Comply with the R6 Forest Service invasive plant management plan (see Exhibit N - Full Text Added to Forest Plans in R6), or Forest invasive plants management plans, where present, fire suppression requirements (R6-FS-6300-52, Exhibit O), and requirements for the use of water sources at material sources and disposal sites on NFS lands used by ODOT. ODOT shall be responsible for the timely treatment of weed infestations caused by any ODOT operations or project-related activities at permitted sites on NFS lands. Treatment of weeds at Forest Service sites is limited to those methods and products approved in the Forest's land and resource management plan. ODOT shall notify the Forest Service prior to treating weeds at Forest Service material sources.

16. Perform needed road maintenance to Forest Service roads commensurate with ODOT's use of the roads needed for access and hauling, generally described in the operating plan. Alternatively, ODOT may pay fees for road maintenance as part of the road use permit (Exhibit P). In some cases, ODOT may be required to repair or perform road maintenance on haul roads prior to use in order to ensure driver safety and reasonable resource protection (for example spot rocking).

17. Not be held responsible for garbage or other solid waste not generated by their operations.

18. Comply with all applicable Federal, state, and local regulations.

IV. THE FOREST SERVICE SHALL:

1. Respond within thirty (30) days to ODOT's formal written requests for material source use. Responses should identify a Forest Service contact person; should specifically address Forest Service management concerns and environmental analysis, road use permit, and special use permit requirements; and should suggest potential dates for an on-site meeting. Responses should also address requests for assistance in site survey, investigation, and design. The Forest Service and ODOT shall jointly determine, on a case-by-case basis, who will complete and who will pay for these activities, based on projected uses of the material source over the life of the permit to be issued to ODOT and agree upon a timeline to complete the anticipated work. If no response is received within the 30 days, ODOT can contact the designated Forest Service Principal Contact for assistance.

2. Provide ODOT a free-use mineral materials permit (FS 2800-9, Exhibit Q) for single or multiple entries, for a period not to exceed 10 years (36CFR228.62 (b)) for the volume specified in the operating plan. At the time the operating plan is approved according to 36CFR228.56 and the permit is issued, the Forest Service shall designate a permit administrator and provide a statement as to their role, duties, and authority in the administration. A Special Use Permit (SUP) shall be issued for operations involving processing or uses of the material source beyond those needed for the first salable product, such as asphalt batch plants, storage and removal of materials after the permit period (See Exhibit A - 36CFR 228.43(a)(1) and (2)).

3. Notify ODOT of other permitted users or the Forest Service use of the subject materials source before the contract is issued, and require all users to follow all applicable permit conditions and the approved development and reclamation plan. Coordinate any other use of a Forest Service mineral material source with ODOT when ODOT has an active contract for removal of material from that source. This is to ensure that no significant user or safety conflicts arise and ODOT's contract quantity is not compromised, and to ensure that the obligations ODOT has with their DOGAMI permit are maintained (Mine Land Reclamation Permit).
4. Issue a SUP for other uses of a site (non-mineral material development), such as the stockpiling and/or reuse of waste rock and earthen materials such as ditch cleanings, landslide debris, excess construction materials, or similar materials (see Exhibit A - Forest Service regulations @ 228.43(a)(1) & (2)).
5. Coordinate early and work with ODOT to find alternative locations for storage of excess non-mineral materials within the boundaries of the USFS lands within a reasonable haul distance to the source of the excess materials.
6. Recover all costs associated with the issuing and administering individual permits and/or contracts to ODOT. These fees will be based on the actual time Forest Service personnel spend in preparing each permit/contract, and an estimate of the time that will be spent in administering the specific permit/contract. The Forest Service will process the appropriate instrument for the collection of these fees.
7. Not charge for road rental fees to ODOT, for use of Forest Service roads used to access and haul mineral materials for ODOT projects. (See section III ODOT Shall, item-16 for ODOT maintenance of Forest Service roads).
8. Coordinate and work with ODOT on timber and vegetation removal. Including evaluation of existing timber via timber cruising, conducting timber sales, or identifying locations for storage of merchantable and non-merchantable timber and vegetation
9. Coordinate with ODOT on OHV use including slope configurations of the source areas and proper signing for safety of the access roads and the source areas, both during and post operations as approved in the operating plan.
10. Provide ODOT a list or map of existing Forest Service sites that are potentially available as mineral material sources (used for crushing, screening, batching, and stockpiling) and disposal sites. The Forest Service shall share, at no cost, any available information about existing or potential mineral material sources, i.e., quality and quantity, past extraction operations, GPS data, GIS coverage, and site investigations
11. Allow ODOT to place monument markers, delineating the perimeter of the approved site boundaries, consistent with Department of Geology and Mineral Industries (DOGAMI) for site markings.

12. Only consider requests from ODOT for mineral materials for their highway projects. Mineral materials requests from a bidder or contractor on ODOT highway projects are subject to the Forest Service regulations (Exhibit A). If the USFS enters into an agreement with a bidder or contractor, it would be a contract between the USFS and the contractor. ODOT would not be the contract administrator or inspector.
13. Review and approve material source operating and reclamation plans prepared by ODOT in a timely fashion. The Forest Service will respond within 30 days. Review and approve reclamation upon completion of work.
14. Recognize that ODOT's unplanned and emergency project needs for mineral materials will require timely cooperation to ensure public safety.
15. Determine whether the project or proposed activity (e.g. exploratory drilling) meets the criteria in Forest Service NEPA Handbook 1909.15 Chapter 30 for Categories of Actions Excluded from Documentation (categorical exclusion). The approval of the removal of mineral materials from an existing community pit or common-use area is a category of action excluded from documentation (if other criteria, such as extraordinary circumstances, are met).
16. Provide ODOT with copies of Forest weed plans, as requested.
17. Provide the annual invasive plants monitoring report relative to mineral material sites on long term mineral material projects.

V. IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN BOTH PARTIES THAT:

1. FREEDOM OF INFORMATION ACT (FOIA). Any information furnished to the Forest Service under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).
2. MODIFICATIONS. Modifications within the scope of this instrument shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed.
3. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the Forest Service or ODOT from participating in similar activities with other public or private agencies, organizations, and individuals.
4. COMMENCEMENT/EXPIRATION DATE. This instrument is executed as of the date of the last signature and shall remain in effect for 10 years from that date, at which time it will expire unless extended. The 10 year term of this MOU coincides with the regulatory limits established for mineral material permits issued to State agencies.

5. TERMINATION. Either party, in writing, may terminate this instrument in whole, or in part, at any time before the date of expiration.

6. PRINCIPAL CONTACTS. The principal contacts for this instrument are:

Forest Service Principal Contact	ODOT Principal Contact
Director of Engineering	Scott Billings, Material Source Program Leader
1220 SW 3 rd Ave	63055 N. Hwy 97, BLDG M
Portland, OR 97204	Bend, OR 97703
Phone: (503) 808-2500	Phone: (541) 388-6097
FAX: (503) 808-2429	FAX: (541) 385-0476
E-Mail:	E-Mail: Scott.D.BILLINGS@odot.state.or.us

Forest Service Administrative Contact	ODOT Administrative Contact
See Exhibit C	See Exhibit D

7. NON-FUND OBLIGATING DOCUMENT. This instrument is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

8. AUTHORIZED REPRESENTATIVES. By signature below, ODOT certifies that the individuals listed in this document as representatives of ODOT are authorized to act in their respective areas for matters related to this agreement.

9. RETENTION AND ACCESS REQUIREMENTS FOR RECORDS. The Forest Service and ODOT through any authorized representative shall have access to and the right to examine all records related to this instrument. As used in this provision, "records" includes books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form. All pertinent records shall be retained for a period of 3 years.

10. This MOU and attached Exhibits constitute the entire understanding between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this MOU. No waiver, consent, modification or change of terms of this MOU shall bind either party unless the parties enter into a separate binding instrument, mutually agreed to in writing.

11. The foregoing MOU is a nonbinding proposal and is not and should not be construed as a binding legal commitment by either party. Both parties, however, commit to use their best efforts to comply with the terms of this MOU and work according to the guidelines herein.

IN WITNESS WHEREOF, the parties hereto have fully executed this MOU as of the last date written below.

USDA Forest Service
Pacific Northwest Region

 03/22/17

Christy Darden

Date

Acting Director of Engineering

State of Oregon, by and through,
Its Department of Transportation

 3/2/17

Susan Haupt

Date

Chief Environmental Officer

Exhibits

- A. Forest Service Regulations 36 CFR 228, Subpart C – Mineral Materials
- B. Forest Service Manual 2850 – Mineral Materials
- C. Forest Service District Rangers/Rock Resource Managers for Oregon
- D. ODOT Contacts for Material Source Management
- E. Forest Service Handbook 6745 – Explosives and Blasting Materials
- F. Wallowa Whitman Water Bar Typical Drawing
- G. Wallowa Whitman Drain Dip Typical drawing
- H. Earth Mound Road Closure Typical Drawing
- I. Heavy Weight Road Closure Gate Typical Drawing
- J. Gate Barrier – Rail Type 1 Typical Drawing
- K. Gate Barrier – Rail Type 2 Typical Drawing
- L. Stockyard Gate – Option 1 Typical Drawing
- M. Stockyard Gate – Option 2 Typical Drawing
- N. Full text – Invasive Plants – Added to Forest Plans in R6
- O. Forest Service Fire Protection and Suppression
- P. Forest Service Road Use Permit R6-FS-7700-41 (8/95)
- Q. Forest Service Mineral Materials Contract Form FS-2800-9
- R. FSH 1909.15 Chapter 30 Categorical Exclusion from Documentation

Exhibit A Forest Service Mineral Materials Regulations

36CFR228 Subpart C - Disposal of Mineral Materials

SOURCE: 49 FR 29784, July 24, 1984, unless otherwise noted.

<https://www.gpo.gov/fdsys/pkg/CFR-2012-title36-vol2/xml/CFR-2012-title36-vol2-part228-subpartC.xml>

Exhibit B Forest Service Manual

FSM 2800 - MINERALS AND GEOLOGY
WO AMENDMENT 2800-90-1
EFFECTIVE 6/1/90

CHAPTER 2850 - MINERAL MATERIALS

Contents

2850.1	Authority
2850.11	Acquired Lands
2850.12	Public Domain Lands
2850.2	Objective
2850.3	Policy
2850.4	Responsibility
2850.41	Director, Minerals and Geology Management Staff
2850.42	Regional Foresters
2850.43	Authorized Officers
2851	SALES
2851.1	Contract Form
2851.2	Prospecting Permit
2851.3	Preference Right Negotiated Sale
2851.4	Acquired Lands Limitation
2852	FREE USE
2853	IN-SERVICE USE
2853.1	Inventory and Planning
2853.2	Development and Site Management
2853.21	Development Plan
2853.22	Operating Plan
2853.23	Monitoring
2854	COMMUNITY SITES AND COMMON-USE AREAS
2854.1	Purpose
2854.2	Method of Disposal
2854.3	Term
2855	OPERATING PLANS
2856	APPRAISAL
2856.1	Requirements
2856.2	Fair Market Value
2856.21	Market Data Approach
2856.22	Comparability Factors
2857	BONDING
2858	RECLAMATION
2859	REPORTING

This chapter sets forth the policy and procedures for the sale and free use of mineral materials, which include the common varieties of sand, gravel, stone, and similar materials.

2850.1 - Authority. Regulations at 36 CFR 228, Subpart C establish the policy and standards for the disposal of mineral materials. The regulations also set forth standards for the protection of National Forest lands affected by mineral material activities.

2850.11 - Acquired Lands. The authority to dispose of mineral materials from lands acquired under the Weeks Act of March 1, 1911 (36 Stat. 961) stems from the Act of March 4, 1917 (16 U.S.C. 520), which has historically been interpreted as allowing prospecting permits. After several transfers, that authority was revested in the Secretary of Agriculture by the Act of June 11, 1960 (74 Stat. 205) for Weeks Act lands and for those lands given Weeks Act status by the Act of September 2, 1958 (16 U.S.C. 521a). Those lands acquired under the Bankhead-Jones Farm Tenant Act of July 22, 1937, and which lie outside the exterior boundaries of National Forests, do not have Weeks Act status.

2850.12 - Public Domain Lands. The Materials Act of 1947 (30 U.S.C. 601 et seq.) specifically requires competitive bidding for mineral materials on public domain lands unless (1) it is impracticable to obtain competition or (2) a Federal, State, or local Government agency is to use the mineral materials in a public works improvement program and the public exigency does not permit the delay that would result from advertising 36 CFR 228.57(b). In such cases, negotiated sales are allowable. Neither the act nor its legislative history indicates that any preference-right type of disposal was ever contemplated for public domain lands.

2850.2 - Objective. To meet the demand for mineral materials consistent with the management of other surface resources.

2850.3 - Policy

1. Dispose of mineral materials only when the authorized officer determines that the disposal is not detrimental to the public interest and that the benefits to be derived from a proposed disposal exceed the total cost and impacts of resource disturbance.
2. Maintain an inventory of mineral materials at all times.
3. Estimate demand for mineral materials annually for at least the next 10-year period. Do not allow disposals of mineral materials for external use if there are not enough probable reserves to meet estimated in-Service demand.
4. After March 1985, an approved development plan must cover mineral materials for in-Service use, except as noted in FSM 2853.21.
5. Use mineral materials from in-Service sites for Forest Service projects unless the authorized officer provides written justification to the effect that it is more economical to purchase commercial supplies.
6. Recover administrative costs associated with disposals of mineral materials.

2850.4 - Responsibility

2850.41 - Director, Minerals and Geology Management Staff. The Deputy Chief of the National Forest System has assigned staff responsibility for Service-wide coordination and advice on

disposal of mineral materials to the Director of the Minerals and Geology Management Staff, Washington Office.

2850.42 - Regional Foresters. In addition to the responsibilities set forth in 36 CFR 228, Subpart C, Regional Foresters must respond to the periodic surveys by the U.S. Bureau of Mines regarding the type and quantity of certain mineral material removed.

2850.43 - Authorized Officers. In carrying out the responsibilities set forth in 36 CFR 228, Subpart C, authorized officers shall:

1. Conduct sales and issue free-use permits for mineral materials in amounts or values as delegated by the Regional Forester.

2. Establish fees as needed to recover agency administrative costs associated with sales and free-use disposals.

2851 - SALES

2851.1 - Contract Form. Execute all sales on Form FS-2800-9, Contract for the Sale of Mineral Materials. (The Office of Management and Budget (OMB) has approved the information collection requirements of Form FS-2800-9.) Note any conditions peculiar to a sale and sale area as necessary. Alternative forms must be approved by OMB.

2851.2 - Prospecting Permit. An authorized officer may issue a prospecting permit for National Forest lands acquired under the Weeks Act or given Weeks Act status if existing information about the mineral material resource is insufficient or lacking. This permit grants the holder the exclusive right to explore for and to demonstrate the existence of a suitable mineral material deposit. If a deposit is already well known, there is no justification for issuing a prospecting permit. In this case, conduct a competitive sale or a negotiated sale if competition is impracticable 36 CFR 228.57(b)(2); a preference right negotiated sale is not appropriate in this circumstance. Use Form FS-2700-3, Special-Use Application and Report, properly annotated, for prospecting permits.

2851.3 - Preference Right Negotiated Sale. An authorized officer may grant a preference right to a noncompetitive disposal in recognition of the time and expense incurred by the permittee in discovering a suitable deposit on acquired lands. Upon a prospecting permittee's demonstration of a suitable deposit on acquired lands and its confirmation by an authorized officer, the permittee has a preference right to apply for a negotiated sale. However, award of a preference right negotiated contract is by no means automatic.

Before awarding such a contract, the authorized officer must approve the permittee's operating plan and ensure that the required environmental analysis has been performed. If the environmental impacts outweigh the benefits of a sale, do not award a contract.

2851.4 - Acquired Lands Limitation. On lands acquired or administered under the Bankhead-Jones Farm Tenant Act and lying outside the exterior boundaries of National Forests, limit disposals of mineral materials to public authorities and agencies that need the mineral materials for public purposes 7 U.S.C. 1011(c); 36 CFR 228.41(b)(4). All other types of disposals (competitive and negotiated sales, preference right negotiated sales, and free use) may be conducted on lands acquired under the Weeks Act or lands given Weeks Act status.

2852 - FREE USE. (36 CFR 228.62). Use Form FS-2700-3, Special-Use Application and Report, for free-use disposals that will exceed 100 cubic yards (or weight equivalent) to any one permittee in any 12 consecutive months. Use Form SF-299, Application for Transportation and Utility Systems and Facilities on Federal Lands, for those lands in Alaska described on that form. The Office of Management and Budget must approve alternative forms. Do not give away without charge more than 5,000 cubic yards (or weight equivalent) to a nonprofit association, corporation, or individual in any 12 consecutive months 36 CFR 228.62(d)(2). Establish lower limits if necessary for effective resource management.

2853 - IN-SERVICE USE

2853.1 - Inventory and Planning. Prepare and keep current at least an Order 3 mineral materials inventory (FSM 2881) for both proven and probable resources. Prepare an estimate each year of the demand for mineral materials for the next 10 years. In so doing, consider for both in-Service and external needs the allocation of mineral materials that will yield the greatest public benefit.

2853.2 - Development and Site Management

2853.21 - Development Plan. Prepare a development plan for each mineral materials resource site proposed for in-Service development. This plan must include reclamation guidelines and proposed post-mining use(s). Exempt from development plans are sites from which it is expected that less than 5,000 cubic yards (or weight equivalent) will be removed during any 12 consecutive months.

2853.22 - Operating Plan. Before any operations begin at any in-Service mineral materials resource site, prepare an operating plan (36 CFR 228.56) based on detailed geologic investigations. This plan, including specific reclamation measures, must be in accordance with any direction prescribed in the land and resource management plan and must be responsive to the findings of an environmental analysis. Update the operating plan as needed.

2853.23 - Monitoring. Following entry, review the condition of the site to determine if reclamation measures were effective. Estimate the quantity and quality of the remaining mineral material.

2854 - COMMUNITY SITES AND COMMON-USE AREAS

2854.1 - Purpose. (36 CFR 228.64). The Forest Service establishes, maintains, and ultimately closes community sites or pits and common-use areas from which it is possible to make simple nonexclusive disposals. Establish these areas, where needed, to provide sources of mineral materials for small volume and/or noncommercial users who may have neither the equipment nor the capital to invest in an exclusive disposal site. Concentrate these uses into limited areas to minimize environmental impacts and administrative costs.

Community pits are those designated for long-term disposal of specific deposits of mineral materials. Common-use areas are broad geographic areas designated for the removal of mineral materials that occur on the surface throughout the area. Removal of these materials does not result in appreciable surface disturbance, and reclamation is not normally necessary.

2854.2 - Method of Disposal. Dispose of mineral materials from community sites and common-use areas by negotiated sale or free-use permit. Process these disposals on approved forms (FS-2800-9 or FS-2700-3) with appropriate annotation.

2854.3 - Term. The maximum term for any single authorized nonexclusive use is 90 days; establish shorter terms as needed.

2855 - OPERATING PLANS. All surface-disturbing operations under mineral materials contracts or permits require an operating plan. A plan has no special format; its complexity and length may vary with the scope of the proposed operation and with the anticipated environmental impacts. The only requirement is that the plan must include the information specified at 36 CFR 228.56. Any revisions to the original operating plan require approval of an authorized officer. Prepare operating plans for in-Service pits, community sites, and common-use areas 36 CFR 228.64(b). Purchasers and permittees submit their own operating plans in all other cases.

2856 - APPRAISAL

2856.1 - Requirements. Appraise all mineral materials for sale to determine fair market value 36 CFR 228.48(a). Do not sell mineral materials for less than the appraised value 36 CFR 228.43(b), 36 CFR 228.48(a). For guidance on appraisal procedures, refer to FSM 5410. To minimize costs and to provide information for planning and budgeting purposes, make and record only an estimate of the amount and value of mineral materials for disposal by free-use permit.

2856.2 - Fair Market Value. Mineral material appraisals and resulting reports help establish fair market value for a particular deposit for the purpose of setting a sale price or for measuring the value of materials produced from National Forest lands. For purposes of appraising mineral materials, fair market value is defined as:

the highest price (in dollars per cubic yard or weight equivalent) that a particular deposit will bring in the open market, provided that there is a reasonable time allowed for a ready, willing, and able seller to find a ready, willing, and able buyer, both acting without compulsion, both acting intelligently, and both fully informed as to the uses, advantages, and disadvantages of the deposit.

In the case of mineral materials, the point of sale is the location of the particular deposit in the ground. The fair market value is usually the in-place value or pit selling price.

2856.21 - Market Data Approach. In most cases, use the market data approach of appraising mineral materials. If possible, make comparisons between active or recently active local operations by contractors, sand and gravel companies, or landowners involving similar materials. Do not use sales between interrelated corporations unless it can be established that the prices were not discounted. Consider appropriate transactions involving governmental bodies as buyers or sellers; however, analyze these transactions carefully to determine whether the prices paid represent fair market value. In some instances, government transactions may represent the only ones available for comparison.

2856.22 - Comparability Factors. Consider comparability factors that may affect the appraised value of mineral materials. These include time, location, quality, access, supply and demand, and environmental constraints.

2857 - BONDING. (36 CFR 228.51). FSM 6506 lists the types of bonds that are acceptable to the Forest Service. Have the bond in hand before approving operations. Contracts or permits may not be denied to purchasers or permittees with histories of poor compliance; therefore, design bond requirements to cover all risks.

2858 - RECLAMATION. All contracts and permits must contain requirements for the reclamation of disturbed areas 36 CFR 228.47(f). Furthermore, operating plans must contain some discussion of the intended reclamation (36 CFR 228.56). Consider the costs of reclamation in determining the amount of bond required (36 CFR 228.51). Reclamation is the responsibility of the purchaser or permittee; however, the Forest Service is responsible for reclamation of community sites and common-use areas.

2859 - REPORTING. At least annually, collect a report of the volume in cubic yards (or weight equivalent) from each purchaser and permittee (Report FS-2800-F, Amount of Mineral Materials).

In response to the periodic surveys by the U.S. Bureau of Mines, Regional Foresters must report the type and quantity of certain mineral material removed, whether sold, supplied free of charge, or used by the Forest Service within or outside of National Forest boundaries (Report FS-2800-G, Summary of Mineral Materials Transactions). Send copies of these responses to the Washington Office, Minerals and Geology Management Staff, as part of the integrated program development and budget process.

Exhibit C Forest Service Rock Resource Managers/District Rangers

Deschutes National Forest

Rock Resource Manager/Mineral Administrator

63095 Deschutes Market Road, Bend, OR 97701, 541-383-5618

District Rangers

Bend/Ft. Rock: 63095 Deschutes Market Road, Bend, OR 97701, 541-383-4000

Crescent: 136471 Hwy 97, PO Box 208, Crescent, OR 97733, 541-433-3200

Sisters: Hwy 20 & Pine St., PO Box 249, Sisters, OR 97759, 541-549-7700

Fremont-Winema National Forests

Mineral Administrator

1301 South G Street, Lakeview, OR 97630, 541-947-6326

District Rangers

Bly: 61100 Hwy 140E, Bly, OR 97622, 541-353-2427

Chemult: 110500 North Highway 97, PO Box 150, Chemult, OR 97731, 541-365-7001

Chiloquin: Highway 97 North, Chiloquin, OR 97624, 541-783-4001

Klamath: 2819 Dahlia St., Klamath Falls, OR 97601, 541-883-6714

Lakeview: 18049 Highway 395, Lakeview, OR 97630, 541-947-3334

Paisley: 303 Highway 31, Paisley, OR 97636, 541-943-3114

Silver Lake: 65600 Highway 31, Silver Lake, OR 97638, 541-576-2107

Malheur National Forest

Mineral Administrator

431 Patterson Bridge Rd, PO Box 909, John Day, OR 97845, 541-575-3000

District Rangers

Blue Mountain: PO Box 909, John Day, OR 97845, 541-575-3000

Emigrant Creek: 265 Highway 20 South, Hines, OR 97738, 541-573-4300

Prairie City: 327 SW Front, PO Box 337, Prairie City, OR 97869, 541-820-3800

Mt. Hood National Forest

Rock Resource Manager/Mineral Administrator

16400 Champion Way, Sandy, OR 97055, 503-668-1700

District Rangers

Barlow: 780 NE Court, Dufur, OR 97021, 541-467-2291

Clackamas River: 595 NW Industrial Way, Estacada, OR 97023, 503-630-6861

Hood River: 6780 Hwy 35, Mt. Hood-Parkdale, OR 97031, 541-352-6002

Zigzag: 70220 East Hwy. 26, Zigzag, OR 97049, 503-622-3191

Ochoco National Forest

Rock Resource Manager/Mineral Administrator

3160 NE 3rd Street, Prineville, OR 97754-0490, 541-416-6500

District Rangers

Crooked River National Grassland: 274 SW 4th St., Madras, OR 97741, 541-416-6640
Lookout Mountain: 3160 NE 3rd St., Prineville, OR 97754-0490; 541-416-6500
Paulina: 3160 NE 3rd St., Prineville, OR 97754-0490; 541-416-6500

Rogue River and Siskiyou National Forests

Rock Resource Manager/Mineral Administrator

3040 Biddle Road, Medford, OR 97501-0209, 541-618-2200

District Rangers

High Cascades: 730 Laurel St, PO Box 227, Butte Falls, OR 97522, 541-865-2700 and 47201 Hwy 62, Prospect, OR 97536, 541-560-3400
Siskiyou Mountains: 6941 Upper Applegate Rd, Jacksonville, OR 97530, 541-889-3800
Wild Rivers: 2164 NE Spaulding Ave, Grants Pass, OR 97526, 541-471-6500 and 26568 Redwood Hwy, Cave Junction, OR 97523, 541-592-4000
Gold Beach: 29279 Ellensburg Ave., Gold Beach, OR 97444, 541-247-3600
Powers: 42861 Highway 242, Powers, OR 97466, 541-439-6200

Siuslaw National Forest

Rock Resource Manager/Mineral Administrator

3200 Se Jefferson Way, Corvallis, OR, 97331, 541-750-7000

District Rangers

Hebo: 31525 Hwy 22/PO Box 235, Hebo, OR 97122, 503-392-5100
Central Coast Ranger District: 1130 Forestry Lane, Waldport, OR 97394, 541-563-8400

Umatilla National Forest

Mineral Administrator

72510 Coyote Rd., Pendleton, OR 97801, 541-278-3716

District Rangers

Heppner: 117 S. Main St., Heppner, OR 97836, 541-676-9187
North Fork John Day: PO Box 158, Ukiah, OR 97880, 541-427-3231
Pomeroy: 71 West Main St., Pomeroy, WA 99347, 509-843-1891
Walla Walla: 1415 West Rose, Walla Walla, WA 99362, 509-522-6290

Umpqua National Forest

Rock Resource Manager

2900 NW Stewart Parkway, Roseburg, OR 97470, 541-957-3200

District Rangers

Cottage Grove: 78405 Cedar Park Rd., Cottage Grove, OR 97424, 541-767-5000
Diamond Lake: 2020 Toketee Ranger Sta. Rd, Idleyld Park, OR 97447, 541-498-2531
North Umpqua: 18782 N. Umpqua Hwy, Glide, OR 97443, 541-496-3532
Tiller: 27812 Tiller Trail Hwy, Tiller, OR 97484, 541-825-3110

Wallowa-Whitman National Forest

Rock Resource Manager/Mineral Administrator

1550 Dewey Ave., Suite A, Baker City, OR 97814, 541-523-6391

District Rangers

Eagle Cap/ Hells Canyon NRA: 201 E, 2nd St., PO Box 905, Joseph, OR 97846, 541-426-5546

La Grande: 3502 Hwy. 30, La Grande, OR 97850, 541-963-7186

Wallowa Mountains: 201 E, 2nd St., PO Box 905, Joseph, OR 97846, 541-426-5546

Whitman Unit:

Baker City Office: 1550 Dewey Ave., Suite A, Baker City, OR 97814, 541-523-6391

Pine Office: 38470 Pine Town Lane, Halfway, OR 97834, 541-742-6705

Unity Office: 214 Main Street, Unity, OR 97884, 541-446-3351

Willamette National Forest

Rock Resource Manager/Mineral Administrator

3106 Pierce Parkway, Suite D, Springfield, OR 97477, 541-225-6300

District Rangers

Detroit: HC-73, Box 320, Mill City, OR 97360, 541-854-3366

Middle Fork: 46375 Hwy 58, Westfir, OR 97492, 541-782-2283

McKenzie River: 57600 McKenzie Hwy, McKenzie Bridge, OR 97413, 541-822-3381

Sweet Home: 4431 Highway 20, Sweet Home, OR 97386, 541-367-5168

Exhibit D ODOT Contacts for Material Source Management

Location, Name, E-Mail Address, Work Title, Phone Number

Statewide (Bend)

Scott Billings, Scott.D.BILLINGS@odot.state.or.us, Material Source Program Leader,
(541) 388-6097

Emerald Shirley, Emerald.SHIRLEY@odot.state.or.us, Geology Assets Specialist,
(541) 388-6074

Statewide (Salem HQ)

Susan Haupt, Susan.HAUPT@odot.state.or.us, Chief Environmental Officer,
(503) 986-3508

Portland (Region 1)

Stephen Hay, Stephen.HAY@odot.state.or.us, Engineering Geologist, (503) 731-8306

Salem (Region 2)

Sarah Hunt, Sarah.HUNT@odot.state.or.us, Project Geologist, (503) 986-2771

Roseburg (Region 3)

Jason Garwood, Jason.D.Garwood@odot.state.or.us, Senior Geologist, (541) 957-3648

Bend (Region 4)

Russ Frost, Russell.G.FROST@odot.state.or.us, Central & Eastern Oregon Geology
Leader, (541) 388-6186

Curtis Ehlers, Curtis.C.EHLERS@odot.state.or.us, Senior Geologist, (541) 388-6093

La Grande (Region 5)

Russ Frost, Russell.G.FROST@odot.state.or.us, Central & Eastern Oregon Geology
Leader, (541) 388-6186

Michelle Wright, Michelle.F.WRIGHT@odot.state.or.us, Geology Associate, (541) 963-1121

Exhibit E Forest Service Handbook

6745 - EXPLOSIVES AND BLASTING MATERIALS

Direction in this section applies to Forest Service operations and activities involving explosives and blasting materials to accomplish project works, avalanche control, and fire suppression activities. Related direction is in FSM 2160 and 7103.5 and in FSH 6709.11. Forest Service operations and activities related to the use, storage, and transportation of explosives and blasting materials must also comply with requirements in the most recent edition of the Guide for Using, Storing, and Transporting Explosives and Blasting Materials, published by the Missoula Technology and Development Program.

The term "blaster" used in this section applies to Forest Service employees who are currently certified blasters or blasters-in-training. Requirements governing contractor blaster operations and activities are specifically identified in FSM 6745.3.

6745.01 - Authority

6745.01a - Use

Requirements and constraints on the use of explosives and blasting materials are in:

1. Title 29, Code of Federal Regulations:
 - a. Section 1910.109, Explosives and Blasting Agents (29 CFR 1910.109).
 - b. Part 1926, subpart U, Blasting and the Use of Explosives (29 CFR 1926, subpart U).
2. Title 30, Code of Federal Regulations:
 - a. Part 56, subpart E, Explosives (30 CFR 56, subpart E).
 - b. Part 57, subpart E, Explosives (30 CFR 57, subpart E).

6745.01b - Storage

Requirements for storage of explosives and blasting materials are in Title 27, Code of Federal Regulations, part 55, Storage (27 CFR part 55).

6745.01c - Transportation

Requirements for the transportation of explosives and blasting materials are in:

1. Title 33, Code of Federal Regulations:
 - a. Part 125, Identification Credential for Persons Requiring Access to Waterfront Facilities or Vessels (33 CFR 125).

b. Part 126, Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities (33 CFR 126).

2. Title 49, Code of Federal Regulations:

a. Part 172, Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements (49 CFR 172).

b. Part 173, Shippers-General Requirements for Shipments and Packaging (49 CFR 173).

c. Part 174, Carriage by Rail (49 CFR 174).

d. Part 175, Carriage by Aircraft (49 CFR 175).

e. Part 176, Carriage by Vessel (49 CFR 176).

f. Part 177, Carriage by Public Highway (49 CFR 177).

g. Part 390, Federal Motor Carrier Safety Regulations; General (49 CFR 390).

h. Part 391, Qualifications of Drivers (49 CFR 391).

i. Part 392, Driving of Commercial Motor Vehicles (49 CFR 392).

j. Part 393, Parts and Accessories Necessary for Safe Operation (49 CFR 393).

k. Part 395, Hours of Service of Drivers (49 CFR 395).

l. Part 396, Inspection, Repair, and Maintenance (49 CFR 396).

m. Part 397, Transportation of Hazardous Materials; Driving and Parking Rules (49 CFR 397).

3. Department of Transportation (DOT), Research and Special Programs Administration, Exemption Number DOT-E 9198, which authorizes the U.S. Department of the Interior and U.S. Department of Agriculture Forest Service to transport hazardous materials in aircraft under their exclusive direction and control (FSM 5714.2).

6745.01d - Disposal

1. Requirements for disposal of explosives and excess blasting materials declared as hazardous waste are in Title 40, Code of Federal Regulations, part 264, Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (40 CFR 264).

2. Special policies and procedures governing the utilization, donation, sale, exchange, or other disposition of hazardous materials, dangerous property, and other categories of property with special utilization and disposal requirements are in Title 41, Code of Federal Regulations, part 101-42, Utilization and Disposal of Hazardous Materials and Certain Categories of Property (41 CFR 101-42).

6745.02 - Objectives

1. To ensure safe and secure storage, transportation, and use of explosives and blasting materials.
2. To use explosives and blasting materials in the safest manner possible as cost-effective tools to accomplish project work.

6745.03 - Policy

(See FSM 7103.5 for additional policies related to explosives and blasting materials; see FSM 6745.2 for general standards applicable to blasting operations and activities.) To ensure that employees and the public are protected from injury:

1. Comply with applicable Federal, State, and local laws and regulations for all work connected with explosives and blasting materials. Follow the most stringent requirements where a difference appears.
2. Ensure that all Forest Service blasters take and pass a regional written test, oral examination, and field exercise to attain blaster certification. The certification shall specify the type of blasting qualifications (FSM 6745.1).
3. Ensure that all Forest Service blasters involved in the transportation of explosives and avalanche ammunition comply with requirements to hold a State-issued Commercial Driver's License (CDL) with Hazardous Materials Endorsement and a current Medical Examiner's Certificate.
4. Ensure that all personnel responsible for monitoring or inspecting blasting operations and activities are trained to recognize unsafe or unlawful practices and procedures.
5. Use only explosives and blasting materials on the approved Forest Service list (FSM 6745.04f). Ensure that a Material Safety Data Sheet (MSDS) for explosives and blasting materials is available at the workplace or job site, and that a job hazard analysis is conducted in accordance with FSH 6709.11.
6. Use exploding bridgewire or non-electric detonators as the detonation system of choice in all Forest Service blasting operations and activities, unless contraindicated by a particular blasting application.
7. Prohibit the use of cap and fuse in general blasting operations and activities for both force account and contract.

8. Require special training for use of cap and fuse in avalanche control.

9. Ensure that all force account blasting operations and activities (including transportation, use, mixing of component explosives, storage, magazine inspection, and disposal) are conducted by or under the direct supervision of a certified Forest Service blaster in accordance with FSM 6745.1.

10. Designate one certified Forest Service blaster as the Blaster-in-Charge when two or more blasters are working together. Either the respective supervisor or the blasters themselves may designate the Blaster-in-Charge.

11. Use contractors for blasting operations and activities when it is the most cost-effective and efficient alternative for the Government. Ensure that blasting contracts comply with the same standards, laws, and regulations that are applicable to Forest Service blasting operations and activities (FSM 6745.3).

6745.04 - Responsibility

6745.04a - Chief

The Chief is responsible for ensuring agency compliance with explosives and blasting materials policies, procedures, and practices.

6745.04b - Deputy Chief for Business Operations

The Deputy Chief for Business Operations, as the Designated Agency Safety and Health Official, has the responsibility to consider recommendations from the National Explosives and Blasting Technical Advisory Group and other officials, and to resolve national issues, concerns, and policies related to explosives and blasting materials that affect the work environment and safety of employees.

6745.04c - National Explosives and Blasting Technical Advisory Group

The National Explosives and Blasting Technical Advisory Group, composed of all Regional Blaster Examiners and Blaster Coordinators, the Director of the National Avalanche Center (or designee), and a Technology and Development Center representative, is responsible for:

1. Developing standardized national training programs on all categories of blasting operations and activities.
2. Developing certification criteria for blasters (general, avalanche, and fireline).
3. Establishing accepted practices and procedures for the safe use, handling, storage, and transportation of explosives and blasting materials in compliance with applicable laws and regulations.

4. Addressing national issues at the annual National Blaster Examiners' and Coordinators' Workshop that affect the Forest Service explosives and blasting materials program.

5. Providing information on newly developed explosives and blasting materials and associated technology to the Technology and Development Centers and the National Avalanche Center for development of the approved explosives and blasting materials list.

6745.04d - National Explosives Safety Program Manager

The National Explosives Safety Program Manager, Safety, Health and Uniforms Branch, Human Resources Management Staff, Washington Office, is responsible for:

1. Providing overall program leadership and safety oversight for the National Explosives Safety Program.
2. Ensuring that the list of explosives, blasting materials, and avalanche ammunition for use, including all explosives, blasting equipment, and avalanche ammunition approved by the Technology and Development Centers and the National Avalanche Center is updated and issued on an annual basis when new items are approved for Forest Service use.
3. Reviewing the most current edition of the Guide for Using, Storing, and Transporting Explosives and Blasting Materials on an annual basis, and updating as appropriate (FSM 6745.06).
4. Ensuring distribution of the latest revision of the Department of Transportation (DOT), Research and Special Programs Administration, Exemption Number DOT-E 9198, which authorizes the U.S. Department of the Interior and U.S Department of Agriculture Forest Service to transport hazardous materials in aircraft under their exclusive direction and control.

6745.04e - Managers of Technology and Development Centers and Director of National Avalanche Center

The Managers of the Technology and Development Centers at Missoula, Montana, and San Dimas, California, and the Director of the National Avalanche Center, Ketchum, Idaho are responsible for:

1. Serving as technical advisors to the National Explosives Safety Program manager.
2. Providing technical support to Regional Blaster Examiners and Coordinators on the use, acquisition, transport, and storage of explosives and blasting materials.
3. Suspending and/or removing from Service-wide use any explosive or blasting material that is considered an immediate threat to the safety and health of employees and the public.

4. Developing and issuing the approved explosives and blasting materials list with input from the Regional Blaster Examiners and Coordinators.

6745.04f - Regional Foresters

Regional Foresters are responsible for:

1. Authorizing all explosives and blasting materials to be used by properly certified blasters within the Region from the approved explosives and blasting materials developed by the Technology and Development Centers and the National Avalanche Center (FSM 6745.04e).

2. Appointing a Regional Blaster Coordinator and Regional Blaster Examiner (FSM 6745.04j and 6745.04k).

3. Providing workshops and training to keep certifications current for blasters.

6745.04g - Regional Blaster Coordinators

Regional Blaster Coordinators are responsible for:

1. Recommending to Regional Foresters those blasting operations and activities that may be accomplished through force account or contract.

2. Determining Regional training needs and coordinating and monitoring Regional training programs that cover contracting and force account use of explosives and blasting materials.

3. Coordinating and monitoring all categories of explosives and blasting certification.

4. Developing and maintaining a tracking system for pertinent information on all respective blasters. This system should include: name; location; telephone number; electronic mail address; certification and re-certification date(s); type(s) of blasting certification; skill level; and special blasting skills.

5. Recommending appointment of Regional Blaster Examiners (FSM 6745.04k).

6. Coordinating the development of Regional supplements to the Manual and Handbooks related to explosives and blasting materials.

7. Coordinating with affected staffs to secure sufficient funding levels and support for the administration of the Regional blasting program (FSM 6745.04k).

6745.04h - Regional Blaster Examiners

Regional Blaster Examiners are responsible for:

1. Developing training programs for all categories of explosives and blasting certification (FSM 6745.1) for force account use of explosives and blasting materials.
2. Providing training for inspection of contracted blasting operations and activities.
3. Keeping explosives and blasting certification references and training materials up-to-date with Federal laws and regulations for the safe transportation, storage, use, and disposal of explosives and blasting materials.
4. Conducting or supervising certification classes (written, practical field exercises, and oral examination programs) for blasters.
5. Being available to assist with all blasting training, as needed.
6. Recommending for approval by Forest Supervisors/Unit Managers the issuance of Explosives and Blasting Certificates (Form FS-6700-27) to applicants who satisfactorily complete blaster-in-training and blaster certification requirements (FSM 6745.12).
7. Recommending to Forest Supervisors/Unit Managers revocation or suspension of certificates when such action is justified (FSM 6745.1).
8. Making periodic monitoring trips and assistance visits to field units.
9. Assisting in the investigation and documentation of all accidents and infractions of security and safety requirements related to blasting operations and activities.
10. Ensuring permanent storage facilities and locations for explosives and blasting materials comply with 27 CFR 55 (FSM 6745.01b).
11. Assisting or advising with large or more difficult blasting projects.
12. Maintaining explosives and blasting certification (FSM 6745.1).

6745.04i - Forest Supervisors and Unit Managers

Forest Supervisors and Unit Managers are responsible for:

1. Issuing Explosives and Blasting Certificates (Form FS-6700-27) on Regional Blaster Examiners' recommendations to blasters-in-training and blasters.
2. Designating certified Lead Blasters based on the Regional Blaster Examiners' recommendations.
3. Suspending or revoking certificates when such action is justified (FSM 6745.11).

4. Ensuring that all blasting operations and activities, including special uses and projects under contract or agreement, are monitored for compliance with all Federal, State, and local laws and regulations and applicable Forest Service requirements for explosives and blasting materials.

6745.04j - Contracting Officers

Contracting Officers are responsible for:

1. Incorporating contractor requirements listed in FSM 6745.3 into contracts for blasting operations and activities conducted within National Forest System boundaries or other land and properties under the control of the Forest Service.

2. Ensuring that all blasting contracts are reviewed by a certified blaster or qualified Engineering Representative/Contracting Officer Representative for safety and resource protection issues before they are released for solicitation.

6745.04k - Lead Blasters

Lead Blasters are responsible for:

1. Directing or providing on-the-job training for blasters.

2. Keeping individual files on each blaster (including themselves), with records containing, at a minimum, the following information:

a. Copy of application from last certification class attended.

b. Current list of activities.

c. Copy of blast record for each shot made.

3. Maintaining sufficient copies of the most current edition of the Guide for Using, Storing, and Transporting Explosives and Blasting Materials so that they are readily available to blasters in the field (FSM 6745.06).

4. Reviewing current qualifications of blasters and making recommendations to Regional Blaster Examiners on certification and re-certification of current blasters, and estimating personnel, training, and certification needs for future activities.

5. Securing and maintaining State and local licenses or certificates required for the purchase, use, storage, and disposal of explosives and blasting materials.

6. Distributing a list of blasters approved to purchase explosives and blasting materials with their certificates or State license numbers to appropriate distributors and officials.

7. Annually inspecting explosives and blasting materials storage facilities and records.

8. Monitoring performance of blasters.
9. Assisting in or conducting training sessions to qualify blasters.
10. Reviewing plans for or conducting major force account blasting projects.
11. Destroying or supervising the destruction of all explosives and excess blasting materials designated as hazardous waste (if properly certified).
12. Assisting in the investigation of blasting accidents and incidents or infractions of safety and security requirements.
13. Maintaining explosives and blasting certification (FSM 6745.1).

6745.04I - Blasters - General/Fireline/Avalanche

Blasters - General/Fireline/Avalanche are responsible for:

1. Completing appropriate blast plans in accordance with the most current edition of the Guide for Using, Storing, and Transporting Explosives and Blasting Materials (FSM 6745.06).
2. Complying with general standards listed in FSM 6745.2 when conducting blasting operations and activities.
3. Meeting certification requirements in accordance with FSM 6745.1.

6745.05 - Definitions

Avalanche Ammunition. All ammunition and propellant that is designated by the military for use in 75-mm, 105-mm, and 106-mm recoilless rifles; 75-mm pack howitzers; and 105-mm howitzers; or commercially available device made specifically for avalanche control (such as the avalauncher) that is officially recognized by the National Avalanche Center as acceptable and safe for avalanche control.

Explosives and Blasting Materials. All ammunition, munitions fillers, demolition material, solid rocket motors, liquid propellants, cartridges, pyrotechnics, and bombs, including associated explosives and blasting equipment and avalanche ammunition.

General Blasting. All explosives and blasting operations and activities exclusive of fireline, avalanche, and specialty blasting.

Level 1 Blaster-in-Training. The entry level for general blasters and blasters designated to use fireline explosives for wildfire suppression and prescribed burns.

6745.06 - Reference

Guide for Using, Storing, and Transporting Explosives and Blasting Materials, Missoula Technology and Development Program, Technical Service-Explosives (current edition).

Copies of this guide are available from Lead Blasters in field units and from the Missoula Technology and Development Center.

6745.1 - Certification

The basis for certification is eligibility, knowledge, experience, and testing. Use Form FS-6700-24, Application for Explosives and Blasting Certification, Part I, Part II, and Part III, respectively, to apply for an explosives and blasting certificate. Minimum certification requirements are:

1. Demonstrating knowledge of and compliance with safety and security requirements.
2. Exercising reasonable and prudent judgment in all situations.
3. Possessing knowledge of current Federal, State, and local laws and regulations applicable to blasting operations and activities (FSM 6745.2).
4. Maintaining certification as specified for the levels indicated in exhibit 01.

6745.1 - Exhibit 01

Explosives and Blasting Certification Requirements								
REQUIREMENTS To certify or recertify, possess the following certificates and licenses, and meet the indicated requirements for each certification level	CERTIFICATION LEVELS							
	^{1,2} Blaster-in-Training Level 1	² General Blaster Level 2	² General Blaster Level 3	² Lead Blaster	² Blaster Examiner	² Avalanche	² Fireline (Prescribed)	² Fireline (Wildfire)
Prerequisites								
Hazard Communication Standard (Employee Right-to-Know)	****	****	****	****	****	****	****	****
First Aid	****	****	****	****	****	****	****	****
Hazardous Materials Course (49 CFR 172) ³	****	****	****	****	****	****	****	****
Endorsements and Licensing								
Commercial Driver's License (CDL)	****	****	****	****	****	****	****	****
Hazardous Materials Endorsement	****	****	****	****	****	****	****	****
Medical Examiner's Certificate	****	****	****	****	****	****	****	****
General Requirements								
Every 3 years attend a 16-hour minimum classroom training on using, storing, and transporting explosives and blasting materials								
Pass 8-hour field practical exercise/test	****	****	****			****		
Pass written examination								
Pass oral examination								
Complete 1-year minimum field work with a minimum of 3 shots and have the recommendation of lead blaster		****	****					
Present shot records since last certification	****	****	****	****	****	****	****	****
Shoot a minimum of 3 shots per year	****	****	****	****	****	****	****	****
Attend a yearly lead blaster's workshop				****				
Participate in Blaster's Workshops (Certification)				****				
Additional Avalanche and FLE Requirements								
Every 3 years attend a 4-hour minimum classroom training on using cap and fuse, and avalanche blasting materials								
Pass 4-hour field practical exercise/test						****		
Pass avalanche school						****		
Pass military weapons training						****		
Pass yearly military weapons 8-hour refresher						****		
Pass national fireline explosives training							****	****
Pass yearly fireline explosives refresher							****	****

6745.1 - Exhibit 01--Continued

Explosives and Blasting Certification Requirements								
REQUIREMENTS To certify or recertify, possess the following certificates and licenses, and meet the indicated requirements for each certification level	CERTIFICATION LEVELS							
	^{1,2} Blaster-in-Training Level 1	² General Blaster Level 2	² General Blaster Level 3	² Lead Blaster	² Blaster Examiner	² Avalanche	² Fireline (Prescribed)	² Fireline (Wildfire)
Specialty and Other Blasting Authorizations⁴								
Stumps		****						
Ditches		****						
Misfires		****						
Delays		****						
40+ Hole Shots			****					
Quarries			****					
Wildlife Ponds/Beaver Dams			****					
Hazard Tree Blasting		****	****				****	****
Seismic			****					
Other (Specify)		****	****					
**** INDICATES REQUIREMENTS FOR EACH CERTIFICATION LEVEL								
¹ Level 1-Blaster-in-Training requirements apply to general, fireline (FLE), and avalanche certifications ² CDL only required when transporting explosives ³ Hazardous materials may be taught as part of the blaster's training course ⁴ Work with and be recommended by master performer/lead blaster								

6745.11 - Steps in Certification Process

1. Certified Blaster-in-Training Requirements. To become a certified blaster-in-training, an applicant must:

- a. Possess a current multi-media first aid card.
- b. Attend current hazardous materials general awareness training.
- c. Attend 16-hours classroom training session at a minimum and pass an examination demonstrating applicant proficiency in the blasting level for which the applicant applies.

2. Certified Blaster Requirements. To become a certified blaster, a certified blaster-in-training must:

- a. Work under the direct supervision of a certified blaster for a minimum of one year to develop the necessary knowledge, skills, and experience required to perform safely and effectively.
- b. Attend and successfully complete a blaster's training course.
- c. Provide current shot records indicating proficiency at the level applied for (exhibit 01).
- d. Have a commercial driver's license (CDL) with hazardous materials endorsement and a current medical examiner's card (ICC) when transporting explosives and avalanche ammunition.

3. Maintaining Certification. To maintain certification, a blaster must:

- a. Conduct a minimum of three shots per year.
- b. Maintain shot records of each shot.
- c. Attend a recertification class every three years and pass an examination demonstrating blaster proficiency at the level of blasting currently certified.
- d. Maintain the required licenses, certifications, and training required by Federal, State, and local governing agencies.

6745.12 - Certificate

As evidence of certification, issue Form FS-6700-27, Explosives and Blasting Certificate (ex. 01) to applicants. Exhibit 01 displays an electronic facsimile of Form FS-6700-27, which is available only in a paper copy format. Certificates are valid for three years from the date of issue, unless temporarily suspended or revoked by the issuing Forest Supervisor/unit manager at any time during that period. Certificate renewal or reissue is the same as for original certificates. Reasons for temporary suspension or revocation include, but are not limited to, the following:

1. Conviction for violating any law or regulation relating to explosives and blasting materials.
2. Lax security or unsafe procedures and practices relating to explosives and blasting materials.
3. Lack of proficiency, as demonstrated by the following:
 - a. Involvement in an accident or incident related to explosives and/or blasting materials. The blaster may be reinstated only after an investigation warrants such action.
 - b. Unsatisfactory performance or less than three shots per year.

EXPLOSIVES AND BLASTING CERTIFICATE	
Agency: <u>USDA Forest Service</u>	Issue Date: <u>6/7/96</u>
Name: <u>Gerry P. Everyone</u>	
SSN: <u>555-55-5555</u>	Birth Date: <u>6/28/44</u>
State License # <u>AR 5679</u>	
Height: <u>5'4"</u>	Weight: <u>160</u>
Level/Class: <u>2</u>	
Issued by <u>S.T. Truly</u> Blaster Examiner/Officer	
Approved by <u>W.E. Marshall</u> Supervisor	
PHOTO	

WORK AUTHORIZATION LEVELS	
GENERAL	INTLS
LEVEL 1 - GENERAL/FIRELINE BLASTER-IN-TRAINING	
Store/Inspect/Transport	_____
LEVEL 2 - GENERAL/FIRELINE-PRESCRIBED	
Store/Transport/Inspect	_____
Rocks/Stumps/Ditches	STT
10 Holes/Clear Misfires	STT
Fireline-Prescribed	STT
Other _____	_____
LEVEL 3 - GENERAL/DEMOLITION	
Store/Transport/Inspect	_____
Quarries/40+ Holes	_____
Wildlife Ponds/Beaver Dams	_____
Other _____	_____
FIRELINE-WILDFIRE	
Store/Transport/Inspect	_____
FLEI (Initial Attack)	_____
FLEB (Blaster-in-Charge)	_____
FLEA (Advisor)	_____
FLEC (Crewmember)	_____
AVALANCHE/GUNNER OPERATIONS	
Store/Transport/Inspect	_____
Blaster-in-Training	_____
Avalanche Gunner	_____
Avalanche Hand Charges	_____
Other _____	_____
SPECIALTY BLASTING	
Tree Topping	_____
Hazard Trees	_____
Other _____	_____

6745.2 - General Standards

Conduct all blasting operations and activities in accordance with the policies in FSM 6745.03 and 7103.5, and the requirements in the following:

1. Warnings and instructions adopted by the Institute of Makers of Explosives (IME), which are contained in every box of explosives and blasting caps.
2. Federal, State, and local laws and regulations (see FSM 6745.01 - 6745.01d for applicable Federal regulations and FSM 6745.01c, para. 3 for the Department of Transportation exemption).
3. Current edition of the Forest Service Guide for Using, Storing and Transporting Explosives and Blasting Materials (FSM 6745.06).

6745.3 - Contractor Requirements

Contracting officers shall ensure that the following requirements are included in contracts for blasting operations and activities conducted within National Forest System lands or on other lands and properties administered by the Forest Service (FSM 6745.04m):

1. Contractors are to prepare blast plans in accordance with the most current edition of the Guide for Using, Storing, and Transporting Explosives and Blasting Materials (FSM 6745.06) before commencing any contracted blasting operations and activities within National Forest System boundaries or on other lands and properties administered by the Forest Service.
Such blast plans shall include, but are not limited to:

- a. Precautions necessary to maximize safety and protect the contractor's employees, Forest Service employees, and the general public during blasting operations and activities.
 - b. Methods proposed to prevent damage to resources outside the immediate blast area by minimizing earth vibrations, air blast, and thrown fragments.
2. The contractor is to provide the contracting officer copies of magazine records and shot logs to account for all explosives items and components and blasting materials brought onto, used, and removed from the contract area.
 3. The contractor must conduct all blasting operations and activities in accordance with warnings and instructions adopted by the Institute of Makers of Explosives (IME) contained in every box of explosives and blasting caps, and in compliance with applicable Federal, State, and local laws and regulations.

Exhibit F Wallowa Whitman Water Bar

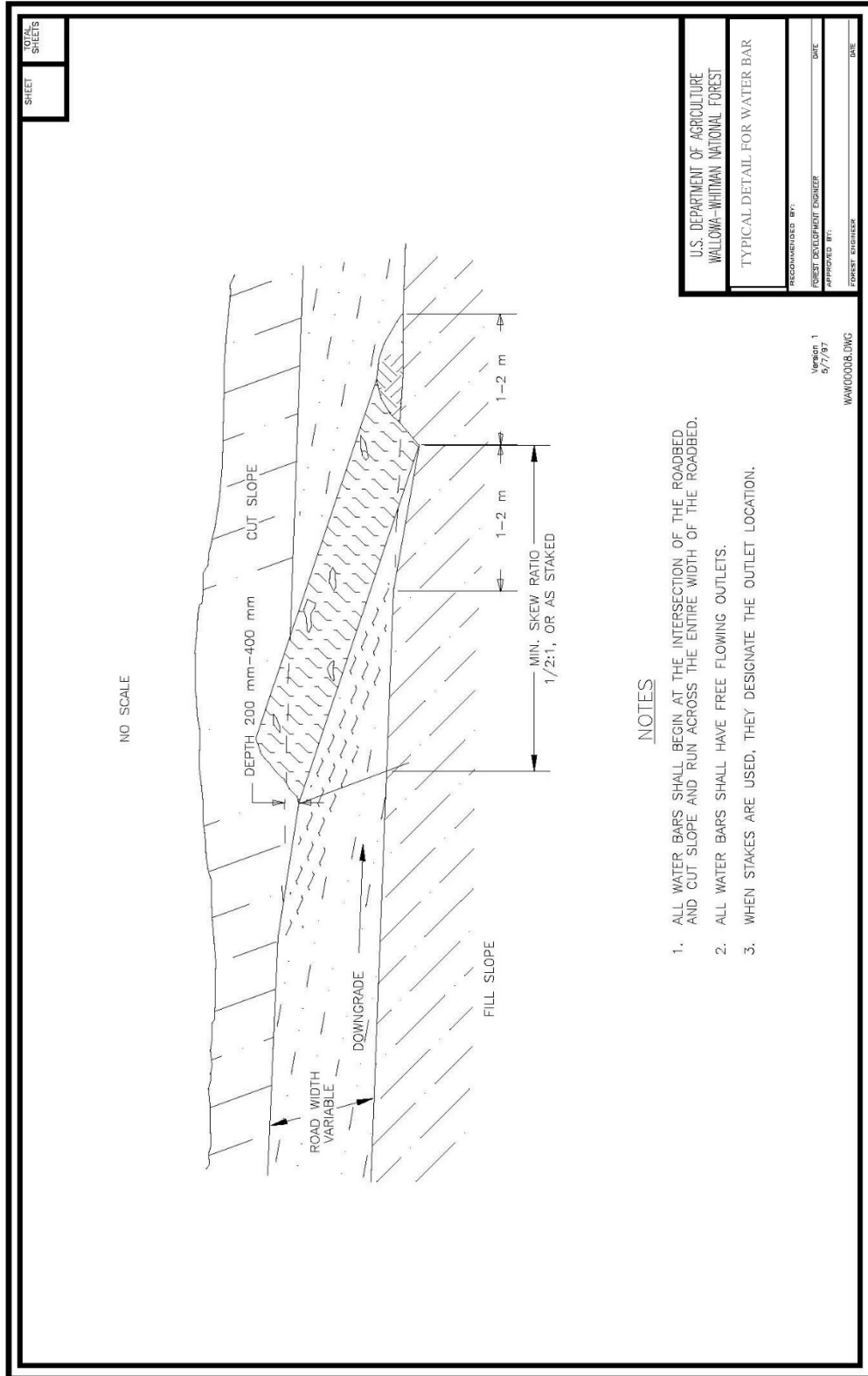
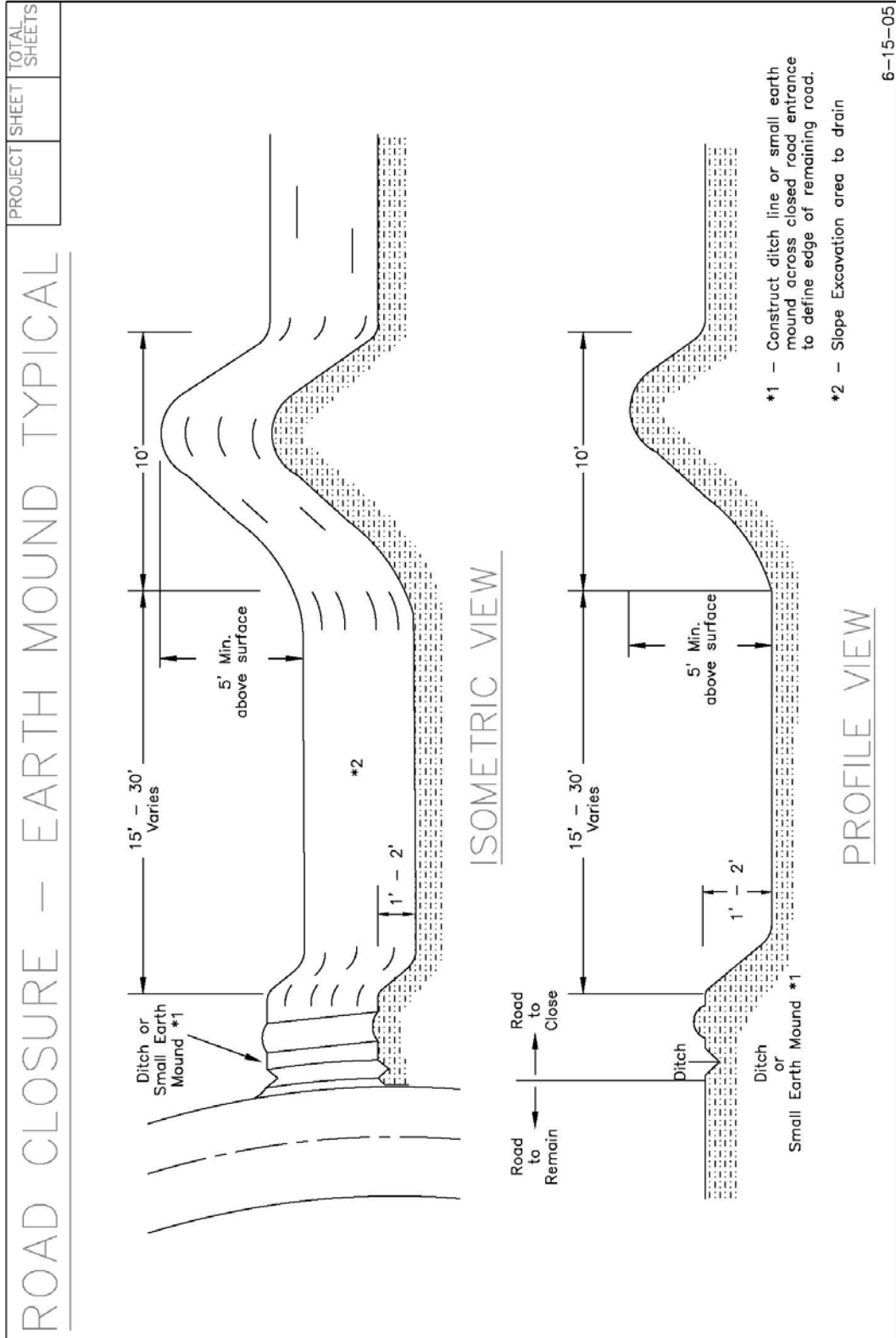


Exhibit H Earth Mound Road Closure



6-15-05

Exhibit I Heavy Weight Road Closure Gate

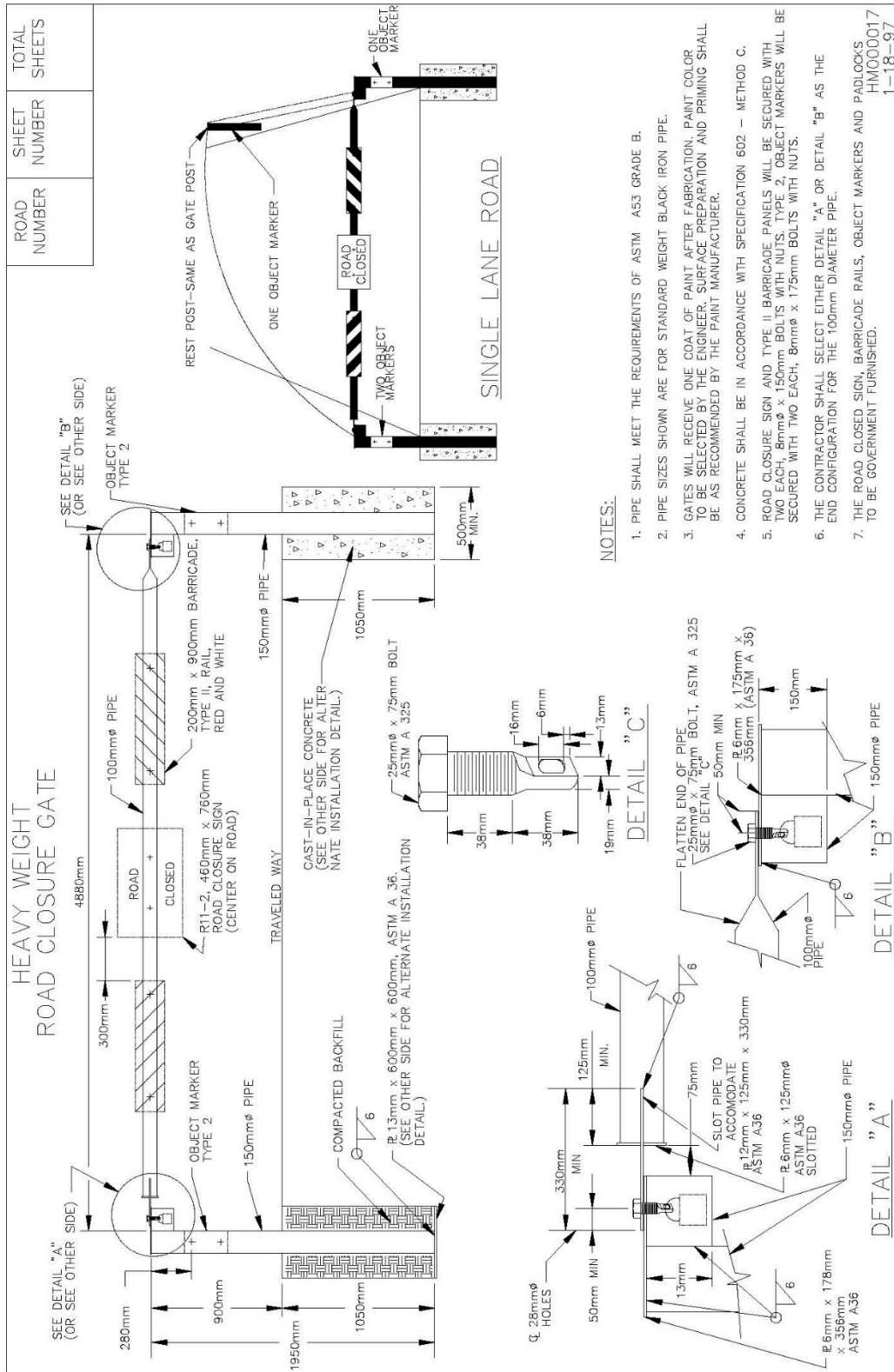
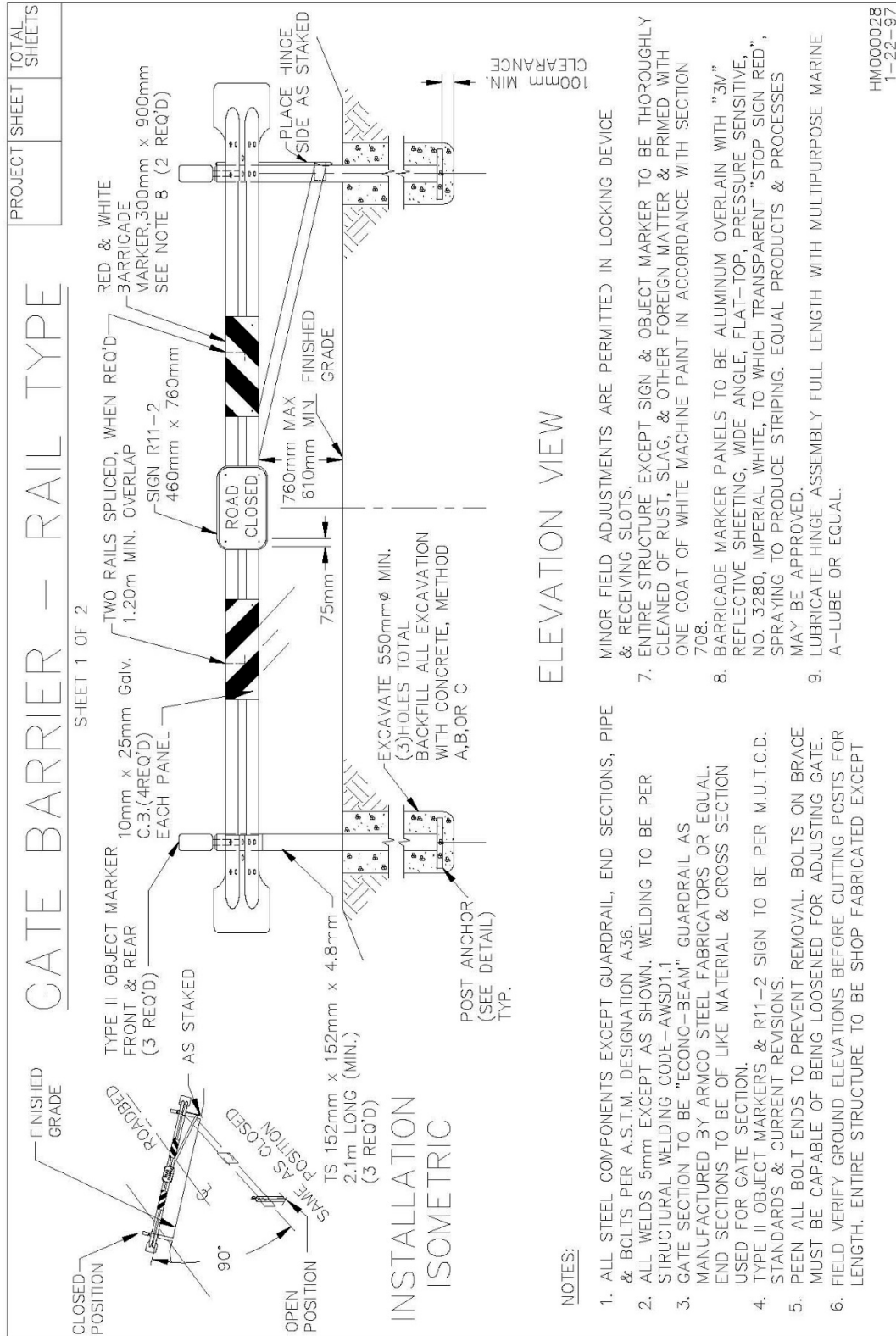
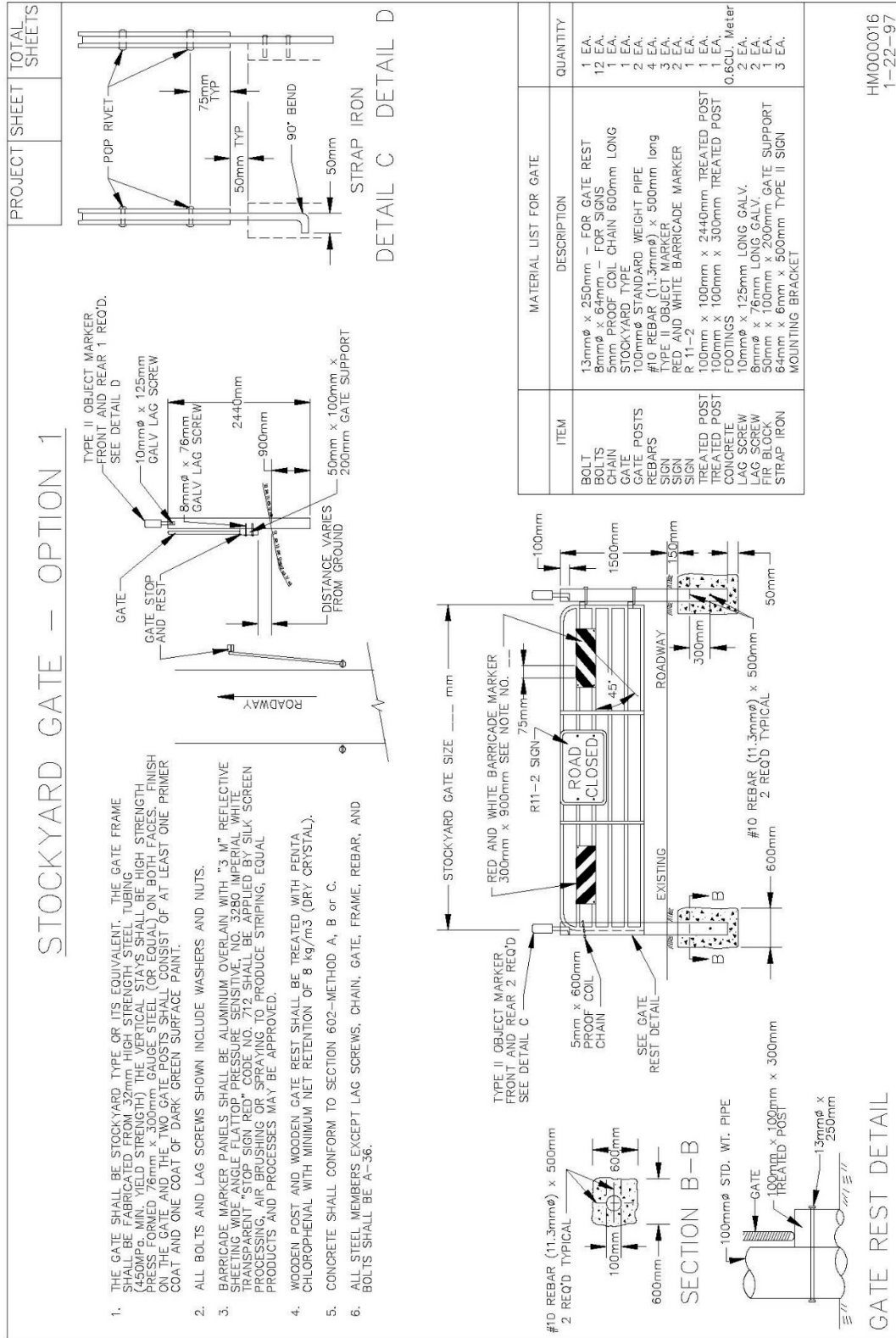


Exhibit J Gate Barrier – Rail Type 1



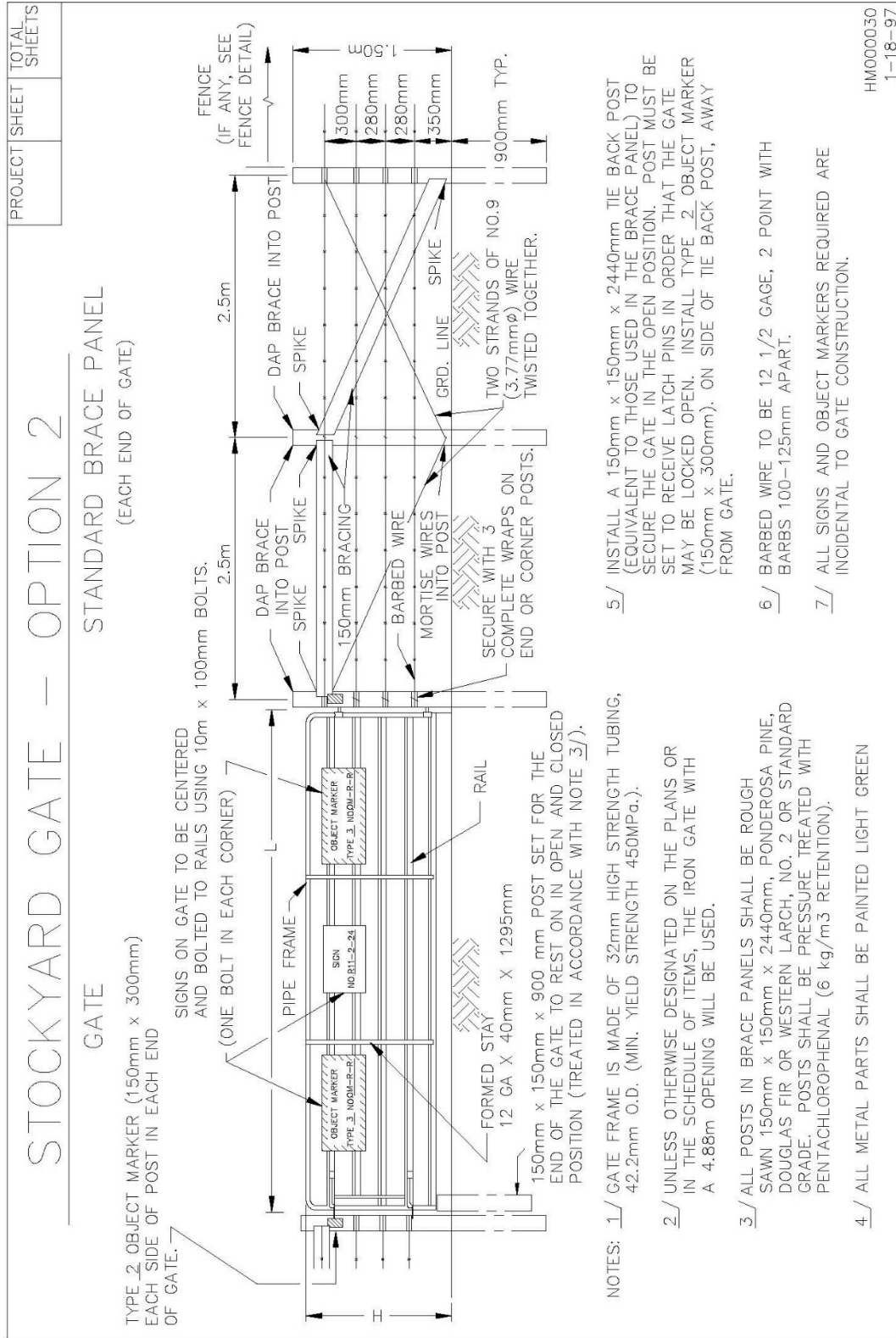
HM000028
1-22-97

Exhibit L Stockyard Gate – Option 1



HM000016
1-22-97

Exhibit M Stockyard Gate - Option 2



HM000030
1-18-97

**Exhibit N – Invasive Plants –
 Full Text Added to Forest Plans in R6**

Desired Future Condition

In National Forest lands across Region Six, healthy native plant communities remain diverse and resilient, and damaged ecosystems are being restored. High quality habitat is provided for native organisms throughout the region. Invasive plants do not jeopardize the ability of the National Forests to provide goods and services communities expect. The need for invasive plant treatment is reduced due to the effectiveness and habitual nature of preventative actions, and the success of restoration efforts.

Goals and Objectives	
Goal 1 - Protect ecosystems from the impacts of invasive plants through an integrated approach that emphasizes prevention, early detection, and early treatment. All employees and users of the National Forest recognize that they play an important role in preventing and detecting invasive plants.	
Objective 1.1	Implement appropriate invasive plant prevention practices to help reduce the introduction, establishment and spread of invasive plants associated with management actions and land use activities.
Objective 1.2	Educate the workforce and the public to help identify, report, and prevent invasive plants
Objective 1.3	Detect new infestations of invasive plants promptly by creating and maintaining complete, up-to-date inventories of infested areas, and proactively identifying and inspecting susceptible areas not infested with invasive plants.
Objective 1.4	Use an integrated approach to treating areas infested with invasive plants. Utilize a combination of available tools including manual, cultural, mechanical, herbicides, biological control.
Objective 1.5	Control new invasive plant infestations promptly, suppress or contain expansion of infestations where control is not practical, conduct follow up inspection of treated sites to prevent reestablishment.
Goal 2 - Minimize the creation of conditions that favor invasive plant introduction, establishment and spread during land management actions and land use activities. Continually review and adjust land management practices to help reduce the creation of conditions that favor invasive plant communities.	
Objective 2.1	Reduce soil disturbance while achieving project objectives through timber harvest, fuel treatments, and other activities that potentially produce large amounts of bare ground
Objective 2.2	Retain native vegetation consistent with site capability and integrated resource management objectives to suppress invasive plants and prevent their establishment and growth
Objective 2.3	Reduce the introduction, establishment and spread of invasive plants during fire suppression and fire rehabilitation activities by minimizing the conditions that promote invasive plant germination and establishment.

Goals and Objectives	
Objective 2.4	Incorporate invasive plant prevention as an important consideration in all recreational land use and access decisions. Use Forest-level Access and Travel Management planning to manage both on-highway and off-highway travel and travel routes to reduce the introduction, establishment and spread of invasive plants.
Objective 2.5	Place greater emphasis on managing previously “unmanaged recreation” (OHVs, dispersed recreation, etc.) to help reduce creation of soil conditions that favor invasive plants, and reduce transport of invasive plant seeds and propagules.
Goal 3 - Protect the health of people who work, visit, or live in or near National Forests, while effectively treating invasive plants. Identify, avoid, or mitigate potential human health effects from invasive plants and treatments.	
Objective 3.1	Avoid or minimize public exposure to herbicides, fertilizer, and smoke
Objective 3.2	Reduce reliance on herbicide use over time in Region Six
Goal 4 – Implement invasive plant treatment strategies that protect sensitive ecosystem components, and maintain biological diversity and function within ecosystems. Reduce loss or degradation of native habitat from invasive plants while minimizing adverse effects from treatment projects.	
Objective 4.1	Maintain water quality while implementing invasive plant treatments.
Objective 4.2	Protect non-target plants and animals from negative effects of both invasive plants and applied herbicides. Where herbicide treatment of invasive plants is necessary within the riparian zone, select treatment methods and chemicals so that herbicide application is consistent with riparian management direction, contained in Pacfish, Infish, and the Aquatic Conservation Strategies of the Northwest Forest Plan.
Objective 4.3	Protect threatened, endangered, and sensitive species habitat threatened by invasive plants. Design treatment projects to protect threatened, endangered, and sensitive species and maintain species viability.
Goal 5 – Expand collaborative efforts between the Forest Service, our partners, and the public to share learning experiences regarding the prevention and control of invasive plants, and the protection and restoration of native plant communities.	
Objective 5.1	Use an adaptive management approach to invasive plant management that emphasizes monitoring, learning, and adjusting management techniques. Evaluate treatment effectiveness and adjust future treatment actions based on the results of these evaluations.
Objective 5.2	Collaborate with tribal, other federal, state, local and private land managers to increase availability and use of appropriate native plants for all land ownerships.
Objective 5.3	Work effectively with neighbors in all aspects of invasive plant management: share information and resources, support cooperative weed management, and work together to reduce the inappropriate use of invasive plants (landscaping, erosion control, etc.).

Standards

The following standards and an implementation schedule are included in the Selected Alternative.

Standard #	Text of Standard	Implementation Schedule
1	Prevention of invasive plant introduction, establishment and spread will be addressed in watershed analysis; roads analysis; fire and fuels management plans, Burned Area Emergency Recovery Plans; emergency wildland fire situation analysis; wildland fire implementation plans; grazing allotment management plans, recreation management plans, vegetation management plans, and other land management assessments.	This standard will apply to all assessments and analysis documents started or underway as of March 1, 2006; this standard does not apply to assessments and analysis documents signed or completed by February 28, 2006.
2	Actions conducted or authorized by written permit by the Forest Service that will operate outside the limits of the road prism (including public works and service contracts), require the cleaning of all heavy equipment (bulldozers, skidders, graders, backhoes, dump trucks, etc.) prior to entering National Forest System Lands. This standard does not apply to initial attack of wildland fires, and other emergency situations where cleaning would delay response time.	This standard will apply to permits and contracts issued after March 1 2006. Ongoing permits/contracts issued before this date may be amended, but are not required to be amended, to meet this standard. This standard will apply to Forest Service force account operations starting March 1, 2006.
3	Use weed-free straw and mulch for all projects, conducted or authorized by the Forest Service, on National Forest System Lands. If State certified straw and/or mulch is not available, individual Forests should require sources certified to be weed free using the North American Weed Free Forage Program standards (see Appendix O) or a similar certification process.	Forests are already applying this standard on an informal basis; weed-free straw and mulch will be required as available, starting March 1, 2006.
4	Use only pelletized or certified weed free feed on all National Forest System lands . If state certified weed free feed is not available, individual Forests should require feed certified to be weed free using North American Weed Free Forage Program standards or a similar certification process. This standard may need to be phased in as a certification processes are established.	National Forest managers will encourage the use of weed-free feed across the National Forests in the Region. Pelletized feed or certified weed-free feed will be required in all Wilderness areas and Wilderness trailheads starting January 1, 2007. Pelletized or certified weed-free feed will be required on all National Forest System lands when certified feed is available (expected by January 1, 2009). Weed-free (or pelletized) feed requirements will be listed in individual Forest Closure orders.
5	No standard	N/A

Standard #	Text of Standard	Implementation Schedule
6	Use available administrative mechanisms to incorporate invasive plant prevention practices into rangeland management. Examples of administrative mechanisms include, but are not limited to, revising permits and grazing allotment management plans, providing annual operating instructions, and adaptive management. Plan and implement practices in cooperation with the grazing permit holder.	This standard will apply to grazing permits beginning March 1, 2006.
7	Inspect active gravel, fill, sand stockpiles, quarry sites, and borrow material for invasive plants before use and transport. Treat or require treatment of infested sources before any use of pit material. Use only gravel, fill, sand, and rock that is judged to be weed free by District or Forest weed specialists.	This standard will apply to rock source management beginning March 1, 2006.
8	Conduct road blading, brushing and ditch cleaning in areas with high concentrations of invasive plants in consultation with District or Forest-level invasive plant specialists, incorporate invasive plant prevention practices as appropriate.	This standard will apply to all road blading, brushing and ditch cleaning projects beginning March 1, 2006.
9	No standard	N/A
10	No standard.	N/A
11	Prioritize infestations of invasive plants for treatment at the landscape, watershed or larger multiple forest/multiple owner scale.	This standard will apply to invasive plant treatment projects with NEPA decisions signed after March 1, 2006.
12	Develop a long-term site strategy for restoring/revegetating invasive plant sites prior to treatment.	This standard will apply to invasive plant treatment projects with NEPA decisions signed after March 1, 2006.
13	Native plant materials are the first choice in revegetation for restoration and rehabilitation where timely natural regeneration of the native plant community is not likely to occur. Non-native, noninvasive plant species may be used in any of the following situations: 1) when needed in emergency conditions to protect basic resource values (e.g., soil stability, water quality and to help prevent the establishment of invasive species), 2) as an interim, non-persistent measure designed to aid in the reestablishment of native plants, 3) if native plant materials are not available, or 4) in permanently altered plant communities. Under no circumstances will nonnative invasive plant species be used for revegetation.	This standard will apply to restoration and rehabilitation projects beginning March 1, 2006.
14	Use only APHIS and State-approved biological control agents. Agents demonstrated to have direct negative impacts on non-target organisms would not be released.	This standard will apply to biological control projects beginning March 1, 2006.

Standard #	Text of Standard	Implementation Schedule
15	Application of any herbicides to treat invasive plants will be performed or directly supervised by a State or Federally licensed applicator. All treatment projects that involve the use of herbicides will develop and implement herbicide transportation and handling safety plan.	This standard will apply to herbicide treatment projects as of March 1, 2006.
16	<p>Select from herbicide formulations containing one or more of the following 10 active ingredients: chlorsulfuron, clopyralid, glyphosate, imazapic, imazapyr, metsulfuron methyl, picloram, sethoxydim, sulfometuron methyl, and triclopyr. Mixtures of herbicide formulations containing 3 or less of these active ingredients may be applied where the sum of all individual Hazard Quotients for the relevant application scenarios is less than 1.0.¹</p> <p>All herbicide application methods are allowed including wicking, wiping, injection, spot, broadcast and aerial, as permitted by the product label. Chlorsulfuron, metsulfuron methyl, and sulfometuron methyl will not be applied aerially. The use of triclopyr is limited to selective application techniques only (e.g., spot spraying, wiping, basal bark, cut stump, injection).</p> <p>Additional herbicides and herbicide mixtures may be added in the future at either the Forest Plan or project level through appropriate risk analysis and NEPA/ESA procedures.</p>	This standard will be applied to invasive plant projects with NEPA decisions signed after March 1, 2006
17	No standard.	N/A
18	Use only adjuvants (e.g. surfactants, dyes) and inert ingredients reviewed in Forest Service hazard and risk assessment documents such as SERA, 1997a, 1997b; Bakke, 2003.	This standard will apply to invasive plant treatment projects with NEPA decisions signed after March 1, 2006.
19	To minimize or eliminate direct or indirect negative effects to non-target plants, terrestrial animals, water quality and aquatic biota (including amphibians) from the application of herbicide, use site-specific soil characteristics, proximity to surface water and local water table depth to determine herbicide formulation, size of buffers needed, if any, and application method and timing. Consider herbicides registered for aquatic use where herbicide is likely to be delivered to surface waters.	This standard will apply to invasive plant treatment projects with NEPA decisions signed after March 1, 2006.

Standard #	Text of Standard	Implementation Schedule
20	Design invasive plant treatments to minimize or eliminate adverse effects to species and critical habitats proposed and/or listed under the Endangered Species Act. This may involve surveying for listed or proposed plants prior to implementing actions within unsurveyed habitat if the action has a reasonable potential to adversely affect the plant species. Use site-specific project design (e.g. application rate and method, timing, wind speed and direction, nozzle type and size, buffers, etc.) to mitigate the potential for adverse disturbance and/or contaminant exposure.	This standard will apply to invasive plant treatment projects with NEPA decisions signed after March 1, 2006.
21	Provide a minimum buffer of 300 feet for aerial application of herbicides near developed campgrounds, recreation residences and private land (unless otherwise authorized by adjacent private landowners).	This standard will apply to invasive plant treatment projects with NEPA decisions signed after March 1, 2006.
22	Prohibit aerial application of herbicides within legally designated municipal watersheds.	This standard will apply to invasive plant treatment projects with NEPA decisions signed after March 1, 2006.
23	Prior to implementation of herbicide treatment projects, National Forest system staff will ensure timely public notification. Treatment areas will be posted to inform the public and forest workers of herbicide application dates and herbicides used. If requested, individuals may be notified in advance of spray dates.	This standard will apply to invasive plant treatment projects with NEPA decisions signed after March 1, 2006.

1. ATSDR, 2004. Guidance Manual for the Assessment of Joint Toxic Action of Chemical Mixtures. U.S. Department Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry.

Inventory and Monitoring Framework

(APPENDIX M from the Invasive Plant Final EIS)

It is assumed every Forest in Region Six has an invasive plants coordinator and is maintaining an up-to-date invasive plant inventory using NRIS/Terra, the nationally accepted protocol. The inventory will be the primary means to plan and prioritize treatments. The inventory will be used as the main vehicle for tracking treatment effectiveness both regionally and on a site specific basis.

In addition to the monitoring that is already required under various Forest Plans, this inventory and monitoring plan framework is part of all action alternatives in this Environmental Impact Statement (EIS). The framework would guide the development of detailed monitoring plans at the site-specific project scale. Invasive plant treatment and restoration actions are likely to be complex, involve multiple land ownerships and will take years to implement, due to the nature of invasive plant problems. It is likely that a site will be treated multiple times over the years. Tracking these efforts and subsequent progress will be crucial to determining success.

A good monitoring program will be well thought out and have a high probability of detecting change in the resource being monitored (NPS, 2002). The Field Guide to Invasive Plant Inventory, Monitoring and Mapping (USDA FS, 2002) has been developed to guide monitoring efforts in conjunction with NRIS/Terra. It suggests a monitoring regime may start with annual monitoring for the first 3-5 years, decreasing in frequency to every other year for the next 5-10 years and further decreasing monitoring frequency to every 3 years for the next ten years until the seed source has been exhausted (i.e. no new germination taking place).

Monitoring regimes may vary in time and space depending on the species; for example, those that reproduce vegetatively may require a longer span of annual monitoring. The monitoring categories described in this framework (implementation/compliance, and effectiveness (of treatments in meeting project objectives, and effectiveness of protection measures) can be used to implement a long-term adaptive management strategy. By implementing an adaptive management approach, managers will identify and respond to changing conditions and new information on an ongoing basis, and assess the need to make changes to treatment and restoration strategies.

Implementation/Compliance Monitoring

Implementation/compliance monitoring answers the question, “Did we do what we said we would do?” This question needs to be answered on a Regional scale, because adaptive management strategies require determination that actions are taking place as described in the Invasive Plants EIS.

If an action alternative is selected, each Forest Supervisor will be directed to assess compliance with the Invasive Plant Program EIS Record of Decision as a part of Forest Plan Implementation monitoring. Regional Office staff will periodically aggregate this information as a part of program oversight.

An implementation/compliance checklist database, such as the Pacfish/Infish Biological Opinion Implementation Monitoring module database for the eastside, could be used as a template to input and analyze implementation/compliance monitoring data. The use of a consistent reporting format will allow for aggregation of information at various scales. Such as system will be used to determine patterns of compliance.

Listed Species -- An implementation/compliance monitoring database would track invasive plant treatment projects that are the subject of Section 7 consultations under the Endangered Species Act (ESA), generate annual reporting of compliance for use by the Services (NOAA Fisheries, U.S. Fish and Wildlife) and Forest Service (FS), and allow for common reporting of data on individual projects. As a minimum, on each project requiring consultation, reporting will be required on compliance with Standards 16, 18, 19, and 20 in the Invasive Plant EIS. Additional standards could be included, as appropriate, for the individual ecoregions, Forests, or projects. For example, Northwest Forest Plan (NWFP) riparian standards relevant to herbicide use or invasive plant control projects could be included in the database for those Forests in the NWFP-covered areas.

Effectiveness Monitoring

Effectiveness monitoring, relative to project objectives, answers the question, “Were treatment and restoration projects effective?” This question could be answered on either a regional or a project-level scale. Invasive plant infestations require pre-project inventories to determine how, when, and where treatments are to be applied, and post-treatment monitoring to assess the effectiveness (treatment) in meeting project objectives (e.g. restoring structure and composition of native vegetation).

A goal of the Effectiveness Monitoring component in the Regional Invasive Plant Program is to answer the following questions:

Have the number of new invasive plant infestations increased or decreased in the Region or at the project level?

What changes in distribution, amount and proportion of invasive plant infestations have resulted due to treatment activities in the region or at the project level?

Has the infestation size for a targeted invasive plant species been reduced regionally or at the project level?

Which treatment methods, separate or in combination, are most successful for specific invasive species?

Which treatment methods have not been successful for specific invasive species?

The nation-wide NRIS/Terra database, and the upcoming FACTS database, provide common reporting formats to input information and provide a mechanism for addressing the above questions. In addition, current long-term ecological monitoring networks will assist the FS in determining trends of invasive plant infestations at the Regional level.

The NRIS/Terra database could be sorted to answer the above questions because it tracks size and species of infestations as well as treatment methods. The Forest Inventory and Analysis Network (FIA) or the Forest Health Monitoring plots associated with the FIA network could be used to follow invasion trends. Such networks could be used to track trends in the spread or reduction in spread of the more dominant invasive plants in the region. Monitoring programs developed at the Forest level would answer more project specific questions.

Listed Species - Monitoring that addresses the effectiveness of various measures designed to reduce potential adverse effects from the project, including standards in the EIS, “project design criteria”, “design features”, and “protection measures” may also need to be conducted. This type of monitoring will only be required for **a representative sample of** invasive plant treatment projects that pose a “high risk” to federally listed species. “High risk” projects are defined as projects with the potential to affect listed species, in the following situations:

- Any project involving aerial application of herbicide.
- Projects involving the use of heavy equipment or broadcast application of herbicide (e.g. boom spray or backpack spraying that is not limited to spot sprays) that occur in 1) riparian areas (as defined in NWFP, Pacfish, or Infish, as applicable), ditches or water corridors connected to habitat for listed fish; or, 2) proximity to federally listed plants or butterfly habitat.

For the purposes of determining the need for protection measure effectiveness monitoring, invasive plant treatment methods that are **not** considered “high risk” can include, but are not limited to, the following:

- Broadcast application of herbicide and use of heavy equipment that occurs **outside** of, 1) riparian areas, ditches or water corridors connected to water bodies, or, 2) areas in proximity to federally listed plants or butterfly habitat.
- Manual methods including hand-pulling, grubbing, stabbing, pruning, cutting, etc.

- Mechanical methods using small equipment like chainsaws, or equipment rarely used and not often in proximity to listed fish habitat, like flamers, foamers, hot steam, etc.
- Prescribed fire used expressly for invasive plant control and which occurs outside of riparian areas or habitat for federally listed plants or butterflies.
- Herbicide applications using spot spray (used with a shield near listed plant locations) with a backpack sprayer, cut stump, injection, wicking wiping, basal bark applications, or other highly selective methods.
- Minor uses of fertilizer to encourage native plant competition or growth.
- Biological controls used in habitat areas for terrestrial wildlife or fish. Use in proximity to listed plants or butterflies should be evaluated on a case-by-case basis.
- Broadcast applications (except aerial) using clopyralid, imazapic, and metsulfuron methyl in proximity to habitat for listed fish or listed terrestrial wildlife.

A collection of several of these low risk projects in close proximity to each other and in proximity to habitat for listed species may constitute a “high risk” project, but this should be evaluated on a case-by-case basis.

Monitoring for “high risk” invasive plant treatments that may affect ESA-listed species or designated critical habitat should determine if standards and/or protection measures were effective at reducing potential effect pathways (e.g. disturbance, sedimentation, exposure to herbicides) and results should be applicable elsewhere. Unique, individual monitoring efforts and protocols have not provided information that is applicable to other areas or projects. Therefore, a Regional approach is outlined in this framework that will help address the needs for protection measure effectiveness at a broader scale. The regional approach will be developed in consultation with other agencies, including but not limited to National Marine Fisheries Service and U.S. Fish and Wildlife Service.

For example, Japanese knotweed is a serious invader of riparian areas and has the potential to alter ecosystems upon which listed salmon depend. The Region may have several Japanese knotweed treatment projects over the next several years and each one may have the potential to adversely affect listed salmon or designated critical habitat if adequate measures are not part of the treatment plan or are not complied with during implementation. Designing consistent monitoring protocol will allow a more efficient and effective evaluation of the project protection measures.

To meet the objective of being able to evaluate standards and measures applied at the Regional, sub-Regional, and project level for protection of ESA-listed species and/or designated critical habitat in “high risk” projects, an interagency monitoring protocol *and*

reporting schedule will be developed by 2007. The expectation being that this protocol would be applied to high risk projects to determine the effectiveness of Regional EIS standards, and additional standards or protection measures applied at finer scales, in reducing potential effect pathways (e.g. disturbance, sedimentation, exposure to herbicides, etc.) for listed species.

In the interim, information obtained from implementation/compliance monitoring reports for “high risk” projects will be reviewed in 2005 and 2006 to inform the development of a consistent monitoring protocol for ensuring that standards and protection measures were effective. This 2-3 year lag time before protocol are developed and effectiveness monitoring is implemented does not apply to aerial application of herbicides. All projects with aerial applied herbicide will include a monitoring plan to assess the effectiveness of measures in protecting ESA-listed species and/or designated critical habitat.

Until a Regional, interagency effectiveness monitoring protocol for ESA-listed species and/or designated critical habitat is developed (2007), the need for effectiveness monitoring on “high risk” projects will be evaluated by Level 1 or other interagency technical teams during Section 7 consultation.

Recommendations for additional effectiveness monitoring beyond that described in this framework will require that Level 2 or other appropriate interagency management team agree to the recommendations of the technical or Level 1 team for the project. This process will help lead the Region toward efficient and reliable data collection and allow statistical analysis of the data gathered.

References

USFS (U.S. Forest Service). 2001. Invasive Plant Management Decisions and Environmental Analysis. USDA Forest Service

USFS (U.S. Forest Service). 2002. Field Guide – Invasive Plant Inventory, Monitoring and Mapping Protocol. USDA Forest Service.

NPS (National Park Service). 2002. Invasive Plants Inventory and Monitoring Guidelines, National Park Service.

FS Agreement No. NFS
ODOT Misc. Contracts &
Agreements No.

Exhibit O

R6-FS-6300-52 (5/97)

USDA FOREST SERVICE
PACIFIC NORTHWEST REGION

FIRE PROTECTION AND SUPPRESSION

1. Fire Period and Closed Season

Specific fire prevention measures are listed below and shall be effective for the period April 1 to October 31 of each year. The Forest Service may change the dates of said period by advance written notice if justified by unusual weather or other conditions. Required tools and equipment shall be kept currently in serviceable condition and immediately available for initial attack on fires.

2. Fire Plan

Before starting any operations on the project, the Contractor, Permittee, Licensee, or Purchaser, hereinafter referred to as the "Contractor," shall prepare a fire plan in cooperation with the Contracting Officer providing for the prevention and control of fires in the project area.

The Contractor shall certify compliance with fire protection and suppression requirements before beginning operations during the fire period and closed season, and shall update such certification when operations change

3. Substitute Measures

The Contracting Officer may by written notice authorize substitute measures or equipment or may waive specific requirements during periods of low fire danger.

4. Emergency Measures

The Forest Service may require emergency measures, including the necessary shutting down of equipment or portions of operations in the project area during periods of fire emergency created by hazardous climatic conditions.

5. Fire Control

The Contractor shall, independently and in cooperation with the Forest Service, take all reasonable action to prevent and suppress fires in the project area. Independent initial action shall be prompt and shall include the use of all personnel and equipment available in the project area.

For the purpose of fighting forest fires on or in the vicinity of the project which are not caused by the Contractor's operations, the Contractor shall place employees and equipment temporarily at the disposal of the Forest Service. Any individual hired by the Forest Service will be employed in accordance with the Interagency Pay Plan for Emergency Firefighters. The Forest Service will compensate the Contractor for equipment rented at fire fighting equipment rates common in the area, or at prior agreed to rates.

6. Compliance with State Forest Laws

Listing of specific fire precautionary measures herein is not intended to relieve the Contractor in any way from compliance with the State Fire Laws covering fire prevention and suppression equipment, applicable to operations under this contract, permit or license.

7. Fire Precautions

Specific fire precautionary measures are as follows:

a. Smoking and Open Fires

Smoking and fires shall be permitted only at the option of the Contractor. The Contractor shall not allow open fires on the project area without advance permission in writing from Forest Service.

Unless restricted by State Law or Federal Regulation, smoking shall be permitted only in such portions of the project area that are free of flammable material. Smokers shall sit down to smoke in such a position that any burning material will fall within a cleared area, and shall extinguish and press out in mineral soil all burning material before leaving the cleared area.

b. Fire Extinguishers and Equipment on Trucks, Tractors, etc.

All power-driven equipment operated by the Contractor on National Forest land, except portable fire pumps, shall be equipped with one fire extinguisher having a UL rating of at least 5 BC, and one "D" handled or long handled round point shovel, size "0" or larger. In addition, each motor patrol, truck and passenger-carrying vehicle shall be equipped with a double-bit axe or Pulaski, 3-1/2 pounds or larger.

Equipment shall be kept in a serviceable condition and shall be readily available.

c. Power Saws

Each gasoline power saw operator shall be equipped with a pressurized chemical fire extinguisher of not less than 8-ounce capacity by weight, and one long-handled round point shovel, size "0" or larger. The extinguisher shall be kept in possession of the saw operator at all times. The shovel shall be accessible to the operator within 1 minute.

d. Extinguishers

One refill for each type or one extra extinguisher sufficient to replace each size extinguisher required on equipment shall be safely stored in the fire tool box or other agreed upon place on the project area that is protected and readily available.

e. Spark Arresters and Mufflers

Each internal combustion engine shall be equipped with a spark arrester meeting either (1) USDA Forest Service Standard 5100-1a, or (2) appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a) as now or hereafter amended unless it is:

(1) Equipped with a turbine-driven exhaust supercharger such as the turbocharger. There shall be no exhaust bypass

(2) A passenger-carrying vehicle or light truck, or medium truck up to 40,000 GVW, used on roads and equipped with a factory-designed muffler complete with baffles and an exhaust system in good working condition.

(3) A heavy duty truck, such as a dump or log truck, or other vehicle used for commercial hauling, used only on roads and equipped with a factory designed muffler and with a vertical stack exhaust system extending above the cab.

Exhaust equipment described in this subsection, including spark arresters and mufflers, shall be properly installed and constantly maintained in serviceable condition.

f. Emergency Fire Precautions

The Contractor shall restrict operations in accordance with the Industrial Fire Precaution Levels listed below. The Forest Service may change the Industrial Fire Precaution Levels to other values upon revision of the National Fire Danger Rating System and may change the specific Industrial Fire Precaution Levels when such changes are necessary for the protection of the National Forest. When sent to the Contractor, the revised Industrial Fire Precaution Levels will supersede the attached levels

**INDUSTRIAL FIRE PRECAUTIONS SCHEDULE
INDUSTRIAL FIRE PRECAUTION (IFPL)**

LEVEL

I. Closed season - Fire precaution requirements are in effect. A fire watch/security is required at this and all higher levels unless otherwise waived.

II. Partial hoot owl - The following may operate only between the hours of 8 p.m. and 1 p.m., local time:

- a. power saws, except at loading sites;
- b. cable yarding;
- c. blasting;
- d. welding or cutting of metal.

III. Partial shutdown - The following shall be prohibited except as indicated:

Cable yarding - except that gravity operated logging systems employing non-motorized carriages may be operated between the hours of 8 p.m. and 1 p.m., local time, when all block and moving lines, except the line between the carriage and the chokers, are suspended 10 feet above the ground;

Power saws - except power saws may be used at loading sites and on tractor/skidder operations between the hours of 8 p.m. and 1 p.m., local time.

In addition, the following are permitted between the hours of 8 p.m. and 1 p.m., local time:

- a. tractor/skidder operations;
- b. mechanized loading and hauling of any product or material;
- c. blasting;
- d. welding or cutting of metal;
- e. any other spark-emitting operation not specifically mentioned.

IV. General shutdown - All operations are prohibited.

The following definitions shall apply to these Industrial Fire Precaution Levels:

Cable yarding systems: A yarding system employing cables and winches in a fixed position

Closed season (Fire Precautionary Period): That season of the year when a fire hazard exists as declared by the responsible agency official.

Contracting Officer: The person executing the contract, permit or license on behalf of the Government and includes that person's designated representative, acting within the limits of their authority or the duly appointed successor to the individuals.

Loading sites/woods site/project area: A place where any product or material (including but not limited to logs, firewood, slash, soil, rock, poles, posts, etc.) is placed in or upon a truck or other vehicle

Low hazard area: Means any area where the responsible agency representative (WDNR, ORF, BIA, BLM) determines the combination of elements reduces the probability of fire starting and/or spreading.

Tractor/skidder operations: include a harvesting operation, or portion of a harvesting operation, where tractors, skidders, or other harvesting equipment capable of constructing fireline, are actively yarding forest products and can quickly reach and effectively attack a fire start.

Waivers, written in advance, may be used for any and all activities. Activities for which waivers may be issued include, but are not limited to:

- a. mechanized loading and hauling;
- b. road maintenance such as sprinkling, graveling, grading and paving;
- c. cable yarding using gravity systems or suspended lines and blocks, or other yarding systems where extra prevention measures will significantly reduce the risk of fire;
- d. powers saws at loading sites or in felling and bucking where extra prevention measures will significantly reduce the risk of fire;
- e. maintenance of equipment (other than metal cutting and welding) or improvements such as structures, fences and powerlines.

Such waiver, or substitute precautions will prescribe measures to be taken by the Contractor to reduce the risk of ignition, and/or the spread of fire. The Contracting Officer shall consider site specific weather factors, fuel conditions, and specific operations that result in less risk of fire ignition and/or spread than contemplated when precaution level was predicted. Consideration shall also be given to measures that reduce the precaution levels above. The Contractor shall assure that all conditions of such waivers or substitute precautions are met.

The Contractor shall obtain the predicted Industrial Fire Precaution Level daily, prior to the start of work, from the appropriate Ranger District headquarters. If predictions made after 6:00 p.m., local time, are significantly different than the original prediction, the Forest Service will inform the Contractor when changes in restrictions or industrial precautions are made.

NOTE: The IFPL system does not apply on lands protected by ODF east of the summit of the Cascades.

Where hauling involves transit through more than one shutdown/regulated use area, the precaution level at the woods loading site shall govern the level of haul restriction, unless otherwise prohibited by other than industrial precaution level system.

8. Fire Tools

The Contractor shall furnish serviceable fire fighting tools in a readily accessible fire tool box or compartment of sound construction with a hinged lid and hasp so arranged that the box can be secured or sealed. The box shall be red and marked "Fire Tools" in letters one inch high. It shall contain a minimum of:

- a. 2 axes or Pulaskis with a 32-inch handle;
- b. 3 adze eye hoes. One Pulaski may be substituted for 1 adze eye hoe;
- c. 3 long-handled, round point shovels, size "0" or larger.

9. Fire Security

When the Industrial Fire Precautions Level is "I" or higher, unless a waiver is granted, the Contractor shall designate a person who shall perform fire security services listed below on the project area and vicinity. The designated person shall be capable of operating the Contractor's communications and fire fighting equipment specified in the contract, excluding helicopters, and of directing the activities of the Contractor's personnel on forest fires. In lieu of having the designated person perform the required supervisory duties, the Contractor may provide another person meeting the qualifications stated above to direct the activities of Contractor's personnel and equipment during all fire fighting activities.

Services described shall be for at least 1 hour from the time the Contractor's operations are shut down. For the purposes of this provision, personnel servicing equipment, and their vehicles, who are not engaged in cutting or welding metal are excluded.

Fire security services shall consist of moving throughout the operation area or areas constantly looking, reporting, and taking suppression action on any fires detected. Where possible, the designated person shall observe inaccessible portions of helicopter operating areas from vantage points within or adjacent to project area.

10. Blasting

Whenever the Industrial Fire Precaution Level is "II" or greater, a fire security person equipped with a long-handled, round point, No. "0" or larger, shovel, and a five-gallon backpack pump can filled with water will stay at location of blast for 1 hour after blasting

is done. Blasting may be suspended by Forest Service in writing, in an area of high rate of spread and resistance to control.

Fuses shall not be used for blasting. Explosive cords shall not be used without written permission of Forest Service, which may specify conditions under which such explosives may be used and precautions to be taken.

FS Agreement No. NFS
ODOT Misc. Contracts &
Agreements No.

Exhibit P

USDA Forest Service

R6-FS-7700-41 (8/95)

ROAD USE PERMIT

Authority: Acts of October 13, 1964, and October 21, 1976
(16 U.S.C. 532-38 and 43 U.S.C. 1761-71) (Re: FSH 7709.59)

_____ of _____
(Name) (Address & Zip Code)

(hereafter called the permittee) is hereby granted use of the following road(s) or road segments, and/or related transportation facilities:

On the _____, subject to the provisions of this permit, including clauses _____ through _____, on page(s) _____ through _____ for the purpose of hauling.

The exercise of any of the privileges granted in this permit constitute acceptance of all the conditions of the permit.

1. ROAD USE PERMIT FEES. The rate for sharing under this permit is _____ (per Mbf, Ton, etc.). Permittee's share of investment will be met as provided for in Clause 2.

The rate for sharing maintenance is shown in Clause 9.

2-1. WORK REQUIRED TO ACCOMMODATE PERMITTED USE. In accordance with this use, the permittee shall perform the work described below and in accordance with plans and specifications attached hereto:

WORK PERFORMANCE SCHEDULE. (Construction of required improvements or reconstruction will be completed within _____ months and before hauling commences.)* (Work shall be performed in accordance with the attached schedule. In no case will haul be allowed to exceed the value of completed work.)* Credit will be allowed in the total of \$ _____, which is the engineering estimate for the cost of the work, to be credited to the share to be borne by this permitted use. In the event that permitted use will exceed the value of required work performed, the difference between the value of permitted use and work performed will be deposited in cash, as provided in clause 2-3.

2-2. COOPERATIVE WORK. Although not required to accommodate the use herein permitted, it is desirable to the Forest Service and the permittee to have certain construction or reconstruction work accomplished coincident to use of the road.

The permittee shall perform the work described below in accordance with plans and specifications attached hereto.

Upon satisfactory performance, credit will be allowed in the total of \$ _____ to the share to be borne by the permittee.

2-3. CASH DEPOSITS REQUIRED IN LIEU OF WORK PERFORMANCE. The permittee will deposit \$ _____ with the Forest Service on or before _____. The amount deposited will be credited to the share to be borne by the permittee.

FS Agreement No. NFS
 ODOT Misc. Contracts &
 Agreements No.

2-4. ROAD USE FEE. In consideration for this use, the permittee shall deposit with the Forest Service, the sum of \$ (and thereafter in individual deposits, equivalent to estimated charges before next payment is made, as called for by the Forest Service in advance of current road use).* When preferred by a permittee, a payment guarantee may be furnished in lieu of advance deposits.

This permit is accepted subject to all of its terms and conditions.

ACCEPTED:			
	Permittee (Signature)	Name	Date
ACCEPTED:			
	Issuing Officer (Signature)	Name (Title: Forest Supervisor)	Date

PAYMENT GUARANTEE. Notwithstanding the provisions of clause 1, if the permittee furnishes and maintains an acceptable payment bond in a penal sum of not less than \$ guaranteeing payments for road use up to this amount, or in lieu thereof deposits in a Federal depository, through the Regional Fiscal Agent, and maintains therein negotiable securities of the United States having a market value in like sum and agreement authorizing the bond approving officer to sell or collect such securities if payment is not made within days of request therefore, the Forest Service shall permit road use in advance of cash payment up to the penal sum of such bond, or market value at time of deposit of negotiable securities; provided that regardless of penal sum of such payment bond, or the value of such deposited securities, the permittee shall pay cash within days of request therefor, for all performed road use. If any payment is not received within days of request therefor, the Forest Service may suspend all hauling under this permit until payments due are received, and may take such action as is necessary to collect such payments from the payment guarantee surety, or by sale or collection of securities guaranteeing payments. In the event the permittee fails to make payment and collection is obtained from the surety, or from the sale or collection of the deposited securities, the Forest Service may thereafter require the permittee to make payments in advance of road use.

3. USE PLANS. Prior to each year this permit is in effect, permittee shall notify the in writing of the approximate time when such use will commence, the anticipated duration of such use, the names and addresses of permittee's contractors or agents who will use the road on behalf of permittee, the estimated extent of use, and such other information relative to permittee's anticipated use as the Forest Service may from time to time reasonably request. If and when during the year there is any significant change with respect to the information so supplied by permittee, the permittee will notify the promptly in writing of such change. Plans and changes will be approved by the before use may commence.

4. USE RECORDS. The permittee shall , or at other Forest Service approved intervals when the permittee is hauling over this road, furnish the scale records, or other records satisfactory to the which give the volume of road use in terms related to rates in clause 1 under the authority of this permit.

5. COMPLIANCE WITH LAWS AND REGULATIONS. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county and municipal laws, ordinances, or regulations which are applicable to the area, or operations covered by this permit.

6. USE NONEXCLUSIVE. The privileges granted in this permit to use this road are not exclusive. The Forest Service may use this road and authorize others to use it at any and all times. The permittee shall use said road in such manner as will not unreasonably or unnecessarily interfere with the use thereof by other authorized persons, including Forest Service.

7. RULES GOVERNING USE. The permittee, its agents, employees, contractors or employees of contractors, shall comply with all reasonable rules prescribed by the Forest Service for control and safety in the use of this road and to avoid undue damage to the road. Such rules will include:

- (1) Closing the road or restricting its use when, due to weather conditions or the making of alterations or repairs, unrestricted use would, in Forest Service judgment, cause excessive damage, or create hazardous conditions;
- (2) Closing the road during periods when, in Forest Service judgment, there is extraordinary fire danger;
- (3) Traffic controls, which in Forest Service judgment, are required for safe and effective use of the road by authorized users thereof;
- (4) Prohibiting the loading of logs on trucks while such trucks are standing on the roadway surface, except to recover lost logs; and
 - (5) Prohibiting the operation on this road of any vehicles or equipment having cleats or other tracks which will injure the surface thereof;
 - (6) Prohibition on the operation of log-hauling vehicles (of a width in excess of and a gross weight of vehicles and load in excess of .
 - (7) Regulating the number of vehicles so as to prevent undue congestion of this road.
 - (8) Prohibiting the use of an "active ingredient" as defined in Section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), in violation of said act on the land described in this permit.
 - (9) Other - Specify (Optional) Permittee shall post the road or roadways with signs conforming to the Manual on Uniform Traffic Devices as listed below: (a) Road Construction Ahead, (b) End Construction, and (c) Caution Trucks Entering - 500 feet.

8. INSURANCE. Permittee or his contractors and assigns shall be required to carry public liability and property damage insurance for the operation of vehicles in the amounts established by applicable state laws, cooperative agreements, or easements issued on the subject road or roads. In any event, the permittee must carry liability insurance and property damage insurance of not less than \$250,000 for injury or death to one person, \$500,000 for injury or death to two or more persons, and \$250,000 for damage to property. The permittee itself shall be responsible for furnishing to the proof of satisfactory insurance when said insurance is to be furnished by other than the permittee. Proof of satisfactory insurance may be required by the prior to hauling over the road(s) and will be for the duration of the permit and such insurance policy shall bear an endorsement requiring the issuing company to give 10 days prior written notice to the of , of cancellation or material change.

9. MAINTENANCE. The permittee shall bear the expense of maintenance proportionate to his use. This expense will be borne by performance and/or deposits.

When deposit or payments are required in lieu of performance of maintenance, the rate will be per (MBF/Ton/etc.) which is agreed to be the cost of such works; the deposits or payments to be made at such times and in such amounts as requested by the Provided, however, that the rate shall be revised upward or downward on of each year hereafter, based on estimated costs and uses anticipated; Provided further, that payment shall not relieve the permittee from liability for repair of damages due to carelessness or negligence on its part or on the part of its contracts or agents.

Maintenance shall be performed in accordance with Forest Service specifications or requirements for maintenance as hereinafter listed, or as may be mutually agreed upon from time to time and shall consist of (1) current maintenance as necessary to preserve, repair, and protect the roadbed, surface and all structures and appurtenances, and (2) resurfacing equivalent in extent to the wear and loss of surfacing caused by operations authorized by this permit.

9a. MAINTENANCE AND RESURFACING REQUIREMENTS AND SPECIFICATIONS. (Specify)

10. PERFORMANCE BOND. In the event the permittee is to perform his proportionate share of road maintenance, road resurfacing, or betterment, as determined and within time periods established by the Forest Supervisor, the Forest Service may require as a further guarantee of the faithful performance of such work that the permittee furnish and maintain a surety bond satisfactory to the Forest Service in the sum of dollars (\$), or in lieu of a surety bond, deposit into a Federal depository, as directed by the Forest Service, and maintain therein cash in the sum of dollars (\$), or negotiable securities of the United States having market value at time of deposit of not less than (\$). As soon as security for the performance of road maintenance (and betterment) requirements or the settlement of claims incident thereto is completed, unencumbered cash guarantees or negotiable securities deposited in lieu of surety bond will be returned to the permittee.

11. FIRE PREVENTION AND SUPPRESSION. The permittee shall take all reasonable precautions to prevent and suppress Forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a permit from the Forest Service.

12. DAMAGES. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and promptly upon demand shall pay the United States for any damage resulting from negligence, or from violation of the terms of this permit or of any law or regulation applicable to the National Forests, by the permittee, or by his agents, contractors, or employees of the permittee acting within the scope of their agency, contract, or employment.

13. OFFICIALS NOT TO BENEFIT. No member of, or delegate to, Congress or Resident Commissioner shall be admitted to any share or part of this agreement, or to any benefit that may arise herefrom, unless it is made with a corporation for its general benefit.

14. OUTSTANDING RIGHTS. This permit is subject to all outstanding rights.

15. SUSPENSION. Upon the failure of the permittee, its agents, employees, or contractors

to comply with any of the requirements of this permit, the officer issuing the permit may suspend operations in pursuance of this permit.

16. TERMINATION. This permit shall terminate on _____ unless extended in writing by the Forest Service. It may be terminated upon breach of any conditions herein.

17. CLAUSE CONTROL. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provisions thereof, the following clauses will control.

18. SAFETY. Unless otherwise agreed in writing, when permittee's operations are in progress adjacent to or on Forest Service controlled roads and trails open to public travel, permittee shall provide the use with adequate warning of hazardous or potentially hazardous conditions associated with permittee's Operation. A specific traffic control plan for each individual project shall be agreed to by permittee and Forest Service prior to commencing operations. Devices shall be appropriate to current conditions and shall be covered or removed when not needed. Except as otherwise agreed, flaggers and devices shall be as specified in the "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD), and in specifications attached hereto.

19. DRIVER'S COPY. Drivers of all vehicles hauling logs shall have a copy of page 1 of this agreement in their possession. This agreement will be presented, on request, to any Forest Officer.

20. LOAD MARKING. Unless approved otherwise in writing by the District Ranger, all wood products shall be painted with a blue letter "P" on each log across the top layer on the front and back of the load.

21. SNOW REMOVAL. Snow removal shall be done in a manner to preserve and protect the roads, to the extent necessary to ensure safe and efficient transportation of materials, and to prevent excessive erosion damage to roads, streams, and adjacent lands. Permittee shall:

- (1) Remove snow from the entire road surface width, including turnouts.
- (2) Remove snow slides, earth slides, fallen timber, and boulders that obstruct normal road surface width.
- (3) Remove snow, ice, and debris from culverts so that the drainage system will function efficiently at all times.
- (4) Perform all items of snow removal currently to ensure safe, efficient transportation. Work shall be done in accordance with the following minimum standards of performance:
- (5) Deposit all debris, except snow and ice, removed from the road surface and ditches at agreed locations and away from stream channels.
- (6) Not undercut roadbanks nor remove gravel or other selected surfacing material off the roadway surface.
- (7) Assure that ditches and culverts are kept functional during and following roadway use.
- (8) Not leave snow berms on the road surface. Berms on the shoulder of road shall be removed

FS Agreement No. NFS
ODOT Misc. Contracts &
Agreements No.

and/or drainage holes shall be opened and maintained. Drainage holes shall be spaced as required to obtain satisfactory surface drainage without discharge on erodible fills.

(9) Not use dozers to plow snow on roads without written approval of the Forest Service.

(10) Leave a minimum of 2 inches of snow depth to protect the roadway.

(11) Restore any damage resulting from the snow removal in a timely manner.

Exhibit Q Mineral Materials Contract Form FS-2800-9

FS-2800-9 (v 10/201
 OMB No. 0596-00
 Exp Date 10/31/20

USDA Forest Service CONTRACT FOR THE SALE OF MINERAL MATERIALS (Ref. FSM 2850)	For Forest Service Use Only Forest Service Unit Name _____ Contract Number _____
--	--

NOTE: This information is being collected to process your application and effect a binding contract agreement. This information will also be used to identify and communicate with applicants. Response to this request is required to obtain a benefit.

Public reporting burden for this collection of information is estimated to average 2 hours 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0596-0081), Washington, D.C. 20503.

THIS AGREEMENT, made this _____ day of _____, under authority of the Acts of July 31, 1947 (61 Stat. 681), as amended (30 U.S.C. 601 et seq.), March 4, 1917 (16 U.S.C. 520), and June 11, 1960 (74 Stat. 205) and the regulations set forth in 36 CFR 228, Subpart C, between the UNITED STATES OF AMERICA (hereinafter called the "Government"), acting through the Authorized Officer of the Forest Service (hereinafter called the "Authorized Officer"), and _____ (hereinafter called the "Purchaser.")

WITNESSETH, That the parties hereto mutually agree as follows:

Sec. 1. Contract area. The Government hereby sells to Purchaser and Purchaser hereby buys from Government, under the terms and conditions of this contract, all of the mineral materials described in Sec. 2 below, for severance, extraction, or removal, on the following described lands situated in the _____ National Forest, County of _____, State of _____ as shown on the operating plan marked "Exhibit B", attached hereto and made a part hereof, viz: Section _____ Township _____ Range _____ Meridian, containing _____ acres, more or less.

Sec. 2. Amount and price of materials. The total purchase price will be determined by multiplying the total quantity of each kind of mineral material designated by the respective unit price as set forth below, or as changed through reappraisal hereunder.

KIND OF MATERIALS	QUANTITY (Units Specified)	PRICE PER UNIT	TOTAL PRICE
Total			

Determination by the Authorized Officer of the quantity of materials taken is binding on Purchaser subject to appeal only as provided in Sec. 14. All materials in the contract area in excess of the estimated quantity listed above are reserved by Government.

FS Agreement No. NFS
ODOT Misc. Contracts &
Agreements No.

Sec. 3. Payments, passage of title, and risk of loss. Title to materials sold hereunder passes to Purchaser immediately before excavation and upon proper payment for such materials. No part of the material sold hereunder may be severed, extracted, or removed by Purchaser until payment for such materials has been made in accordance with the following:

a. Unless materials sold under this contract are paid for in full in advance, payment for materials must be made in installments of not less than \$ _____ each. The first installment must be paid upon approval of this contract.

b. Each additional installment is due and payable as billed by the Authorized Officer in advance of removal of the remaining material. The first installment will be retained as additional security for the full and faithful performance of this contract by Purchaser, and will be applied in whole or in part to the payment of the last installment required hereunder to make the total payment equal the total price set forth in Sec. 2, above.

The total purchase price must equal the sum of the total quantities severed, extracted, or designated therefor, multiplied by their respective unit prices. The balance due where less than a full installment remains to be paid upon the total price will be the value of material remaining to be severed or extracted. Each installment will be held in suspense until the quantity of material covered thereby has been determined. The total purchase price must be paid at least 60 days before the expiration date of the contract.

Upon termination, if the total payments made under the contract exceed the total value of the actual materials removed, the excess will be returned to Purchaser, except as noted in 36 CFR 228.66.

c. Risk of loss shall be borne by the party holding title to the mineral material at the time of loss except that nothing herein shall be construed to relieve either party from liability for breach of contract or any wrongful or negligent act.

Sec. 4. Stipulation and reserved items. The rights of Purchaser are subject to the regulations in 36 CFR 228, Subpart C, which are made a part of this contract, and to the stipulation, if any, which are attached hereto and made a part hereof as Exhibit A.

Sec. 5. Bonds.

(a) Purchaser must file with the Authorized Officer and must maintain at all times the bond required under the regulations to be furnished as a condition to the award of this contract in the amounts established by the Authorized Officer and to furnish additional bonds or security as the Authorized Officer may require.

(b) If all terms of this contract are not faithfully and fully performed by Purchaser, the bond in the sum of _____ filed at the time of the signing of this contract will be forfeited to the amount of damages determined by the Authorized Officer. If damages exceed the amount of the bond, Purchaser hereby acknowledges liability for such excess. Upon satisfactory performance of this contract, the bonds will be canceled, or if cash or United States securities were furnished in lieu of a security bond, such cash or securities will be returned to Purchaser.

(c) Whenever any bond furnished under this contract is found unsatisfactory by the Authorized Officer, the Authorized Officer may require a new bond which is satisfactory.

Sec. 6. Expiration of contract and extensions of time. This contract will expire on _____ unless an extension of time is granted in accordance with the provisions of 36 CFR 228.53(b). Written application for an extension of time may be made by Purchaser between 30 and 90 days before the expiration date of the contract.

Sec. 7. Duties of Purchaser. Purchaser must take fire precaution and conservation measures and must dispose of slash and other debris resulting from operations hereunder in accordance with written instructions from the Authorized Officer.

Sec. 8. Notice of operations. Purchaser must notify the Authorized Officer immediately of the commencement and termination of operations hereunder. A report of production will be furnished at least annually by Purchaser to the Authorized Officer.

Sec. 9. Responsibility for damages. Purchaser is liable in damages for the loss or destruction of all Government

property for which Purchaser is directly or indirectly responsible under this contract, or resulting from Purchaser's failure to perform under this contract in accordance with the instruction of the Authorized Officer, as well as for costs incurred by Government resulting from Purchaser's breach of any of the terms hereof, or Purchaser's failure to engage in proper conservation practice. For damages resulting from willful action or gross negligence of Purchaser, Purchaser's contractors or subcontractors, or any of their employees, Purchaser is liable for triple the appraised value of damaged or destroyed materials as determined by the Authorized Officer. If the Authorized Officer determines that the damage or destruction did not result from Purchaser's willful action or gross negligence, lesser damages may be charged, but not less than the actual appraised value of the materials. Purchaser must pay the Government for such damages within 30 days after a written demand therefor by the Authorized Officer.

Sec. 10. Violations, suspension, and cancellation.

(a) If Purchaser violates any provision of this contract, the Authorized Officer may, after giving written notice, suspend any further operations for the Purchaser under this contract, except such operations as may be necessary to remedy any violations. The Authorized Officer may grant Purchaser an additional 30 days, after service of written notice, to correct any violations. If Purchaser fails to remedy all violations, the Authorized Officer may, by written notice, cancel this contract and take appropriate action to recover all damages suffered by the Government by reason of such violations, including application toward payment of such damages of any advance payments and bonds.

(b) If Purchaser extracts or removes any mineral materials sold under this contract during any period of suspension, or if Purchaser extracts any of such material after expiration of the time for extraction or the cancellation of this contract, such extraction or removal is in trespass and renders Purchaser liable for triple damages.

Sec. 11. Time for removal of personal property. Purchaser has the right within _____ months after expiration of the time for extraction and removal of mineral materials, if not in default, to remove equipment, improvements, or other personal property from Government lands or rights-of-way. Any improvements such as road surfacing, culverts, and bridges which have become a permanent part of a Government road may not be removed. Any equipment, improvements, or other personal property remaining on Government lands and rights-of-way at the end of the period for removal as set forth herein becomes the property of the Government.

Sec. 12. Assignments. This contract or any portion of it may not be assigned without written approval of the Authorized Officer.

Sec. 13. Tenure. Unless otherwise provided by this contract, Purchaser has the right to extract and remove the materials until the termination of the contract, notwithstanding any subsequent appropriation or disposition under the general land laws, including the mining and mineral leasing laws.

Sec. 14. Appeal. Unless specifically excluded by 36 CFR 251.80, Purchaser may appeal any decision by the Authorized Officer regarding this sale of mineral materials.

PURCHASER

THE UNITED STATES OF AMERICA

(Individual or Firm Name)

(Authorized Officer)

(Address, Including Zip Code)

(Title)

(Signature)

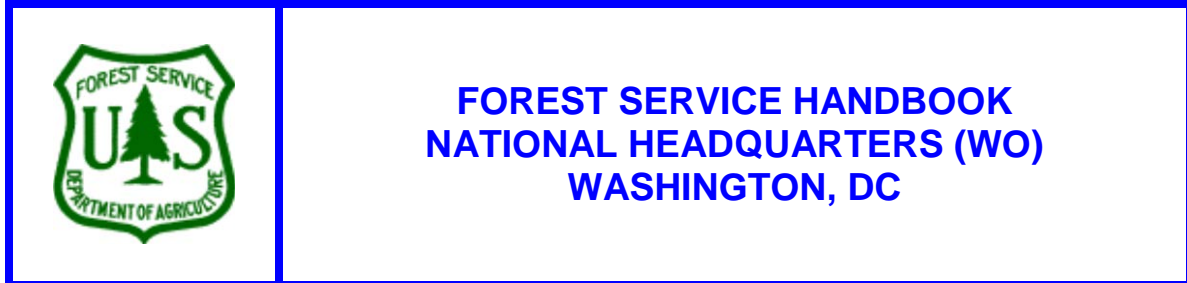
(Date)

FS Agreement No. NFS
ODOT Misc. Contracts &
Agreements No.

(Signature)

If this contract is executed by a corporation, it must affix its corporate seal.

Exhibit R FSH 1909.15 Chapter 30 Categorical Exclusion from Documentation



**FSH 1909.15 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK
CHAPTER 30 - CATEGORICAL EXCLUSION FROM DOCUMENTATION**

Amendment No.: 1909.15-2014-1

Effective Date: May 28, 2014

Duration: This amendment is effective until superseded or removed.

Approved: TONY TOOKE
Associate Deputy Chief, NFS

Date Approved: 05/23/2014

Posting Instructions: Amendments are numbered consecutively by handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this handbook was 1909.15-2013-1 to 1909.15_30.

New Document	1909.15_30	22 Pages
Superseded Document(s) by Issuance Number and Effective Date	1909.15_30 (Amendment 1909.15-2013-1, 09/12/2013)	21 Pages

Digest:

32.3 - Adds categorical exclusion established in Section 603 of the Healthy Forests Restoration Act of 2003 (Pub. L. 108-148; 16 U.S.C.6591b), as added by Section 8204 of the Agriculture Act of 2014 (Pub. L. 113-79).

Table of Contents

31 - FACTORS TO CONSIDER.....	27
31.1 - General	27
31.2 - Extraordinary Circumstances	27
31.3 - Scoping	28
32 - CATEGORIES OF ACTIONS EXCLUDED FROM DOCUMENTATION	28
32.1 - Categories for Which a Project or Case File and Decision Memo Are Not Required.....	28
32.11 - Categories Established by the Secretary.....	29
32.12 - Categories Established by the Chief.....	29
32.2 - Categories of Actions for Which a Project or Case File and Decision Memo Are Required.....	35
32.3 - Categories Established by Statute	43
32.4 - Statutory NEPA Exception.....	48
33 - DOCUMENTATION	50
33.1 - Decision Memo Not Required.....	50
33.2 - Decision Memo Required.....	50
33.3 - Format and Content of a Decision Memo	51
34 - NOTICE AND DISTRIBUTION OF DECISION MEMO.....	52

The Council of Environmental Quality (CEQ) regulations provide for categorical exclusions (CEs) to implement the National Environmental Policy Act (NEPA) for the purpose of reducing delay and paperwork. CEQ regulations allow Federal agencies to exclude from documentation in an environmental assessment (EA) or environmental impact statement (EIS) categories of actions that do not individually or cumulatively have a significant effect on the human environment. Based on the Agency's experience and knowledge, the responsible official can conclude that if the action fits within an identified category and analysis shows there are no extraordinary circumstances, then the action would not have significant effects. The following guidance on appropriate use of CE must be read in conjunction with applicable sections of this handbook, specifically chapter 10.

For ease of reference, [Council on Environmental Quality \(CEQ\) regulations](#) for implementing requirements of the NEPA are set out in boldface type and block-indented and [Forest Service regulations](#), that supplement the CEQ regulations, are in boldface type and italicized and block-indented.

31 - FACTORS TO CONSIDER

31.1 - General

A proposed action may be categorically excluded from further analysis and documentation in an EIS or EA only if there are no extraordinary circumstances related to the proposed action and if:

- (1) The proposed action is within one of the categories established by the Secretary at [7 CFR part 1b.3](#); or*
- (2) The proposed action is within a category listed in sections 220.6 (d) and (e). (36 CFR 220.6(a))*

31.2 - Extraordinary Circumstances

Resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS are:

- (1) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species;*
- (2) Flood plains, wetlands, or municipal watersheds;*
- (3) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas;*
- (4) Inventoried roadless areas or potential wilderness areas;*
- (5) Research natural areas;*

*(6) American Indians and Alaska Native religious or cultural sites,
and*

(7) Archaeological sites, or historic properties or areas.

The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion (CE). It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist. (36 CFR 220.6(b))

In considering extraordinary circumstances, the responsible official should determine whether or not any of the listed resources are present, and if so, the degree of the potential effects on the listed resources. If the degree of potential effect raises uncertainty over its significance, then an extraordinary circumstance exists, precluding use of a categorical exclusion.

31.3 - Scoping

If the responsible official determines, based on scoping, that it is uncertain whether the proposed action may have a significant effect on the environment, prepare an EA. If the responsible official determines, based on scoping, that the proposed action may have a significant environmental effect, prepare an EIS. (36 CFR 220.6(c))

Scoping is required for all Forest Service proposed actions, including those that would appear to be categorically excluded (sec. 11). Scoping is important to discover information that could point to the need for an EA or EIS versus a CE. Scoping is the means to identify the presence or absence of any extraordinary circumstances that would warrant further documentation in an EA or EIS. Scoping should also reveal any past, present, or reasonably foreseeable future actions with the potential to create uncertainty over the significance of cumulative effects. Scoping complexity should be commensurate with project complexity.

The flow chart at section 11.6, exhibit 01, shows how scoping can be applied in the CE process to help determine at an early point whether the use of a CE is appropriate.

32 - CATEGORIES OF ACTIONS EXCLUDED FROM DOCUMENTATION

32.1 - Categories for Which a Project or Case File and Decision Memo Are Not Required

At the discretion of the responsible official, a project or case file and a decision memo are not required but may be prepared for the categories of actions set forth in sections 32.11 and 32.12.

32.11 - Categories Established by the Secretary

The rules at [7 CFR 1b.3](#) exclude from documentation in an EIS or an EA the following categories. A supporting record and a decision memo are not required, but at the discretion of the responsible official, may be prepared.

1. Policy development, planning, and implementation that relate to routine activities, such as personnel, organizational changes, or similar administrative functions (cite this category as 7 CFR 1b.3(a)(1)).
2. Activities that deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds (cite this category as 7 CFR 1b.3(a)(2)).
3. Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity (cite this category as 7 CFR 1b.3(a)(3)).
4. Educational and informational programs and activities (cite this category as 7 CFR 1b.3(a)(4)).
5. Civil and criminal law enforcement and investigative activities (cite this category as 7 CFR 1b.3(a)(5)).
6. Activities that are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation (cite this category as 7 CFR 1b.3(a)(6)).
7. Activities related to trade representation and market development activities abroad (cite this category as 7 CFR 1b.3(a)(7)).

32.12 - Categories Established by the Chief

The following categorical exclusions are found at [36 CFR 220.6\(d\)](#):

Categories of Actions for Which a Project or Case File and Decision Memo Are Not Required.

A supporting record and a decision memo are not required, but at the discretion of the responsible official, may be prepared for the following categories:

(1) Orders issued pursuant to [36 CFR part 261](#) - Prohibitions to provide short-term resource protection or to protect public health and safety. Examples include but are not limited to:

(i) Closing a road to protect bighorn sheep during lambing season and

(ii) Closing an area during a period of extreme fire danger.

Cite this category as 36 CFR 220.6(d)(1)

(2) Rules, regulations, or policies to establish servicewide administrative procedures, program processes, or instructions. Examples include but are not limited to:

- (i) Adjusting special use or recreation fees using an existing formula;*
- (ii) Proposing a technical or scientific method or procedure for screening effects of emissions on air quality related values in Class I wildernesses;*
- (iii) Proposing a policy to defer payments on certain permits or contracts to reduce the risk of default;*
- (iv) Proposing changes in contract terms and conditions or terms and conditions of special use authorizations;*
- (v) Establishing a service-wide process for responding to offers to exchange land and for agreeing on land values; and*
- (vi) Establishing procedures for amending or revising forest land and resource management plans.*

Cite this category as 36 CFR 220.6(d)(2)

(3) Repair and maintenance of administrative sites. Examples include but are not limited to:

- (i) Mowing lawns at a district office;*
- (ii) Replacing a roof or storage shed;*
- (iii) Painting a building; and*
- (iv) Applying registered pesticides for rodent or vegetation control.*

Cite this category as 36 CFR 220.6(d)(3)

(4) Repair and maintenance of roads, trails, and landline boundaries. Examples include but are not limited to:

- (i) Authorizing a user to grade, resurface, and clean the culverts of an established NFS road;*
- (ii) Grading a road and clearing the roadside of brush without the use of herbicides;*
- (iii) Resurfacing a road to its original condition;*
- (iv) Pruning vegetation and cleaning culverts along a trail and grooming the surface of the trail; and*
- (v) Surveying, painting, and posting landline boundaries.*

Cite this category as 36 CFR 220.6(d)(4)

(5) Repair and maintenance of recreation sites and facilities. Examples include but are not limited to:

- (i) Applying registered herbicides to control poison ivy on infested sites in a campground;*
- (ii) Applying registered insecticides by compressed air sprayer to control insects at a recreation site complex;*
- (iii) Repaving a parking lot; and*
- (iv) Applying registered pesticides for rodent or vegetation control.*

Cite this category as 36 CFR 220.6(d)(5)

(6) Acquisition of land or interest in land. Examples include but are not limited to:

- (i) Accepting the donation of lands or interests in land to the NFS, and*
- (ii) Purchasing fee, conservation easement, reserved interest deed, or other interests in lands.*

Cite this category as 36 CFR 220.6(d)(6)

(7) Sale or exchange of land or interest in land and resources where resulting land uses remain essentially the same. Examples include but are not limited to:

- (i) Selling or exchanging land pursuant to the Small Tracts Act;*
- (ii) Exchanging National Forest System lands or interests with a State agency, local government, or other non-Federal party (individual or organization) with similar resource management objectives and practices;*
- (iii) Authorizing the Bureau of Land Management to issue leases on producing wells when mineral rights revert to the United States from private ownership and there is no change in activity; and*
- (iv) Exchange of administrative sites involving other than NFS lands.*

Cite this category as 36 CFR 220.6(d)(7)

(8) Approval, modification, or continuation of minor, short-term (1 year or less) special uses of National Forest System lands. Examples include but are not limited to:

- (i) Approving, on an annual basis, the intermittent use and occupancy by a State-licensed outfitter or guide;*
- (ii) Approving the use of National Forest System land for apiaries; and*
- (iii) Approving the gathering of forest products for personal use.*

FS Agreement No. NFS
ODOT Misc. Contracts &
Agreements No.

Cite this category as 36 CFR 220.6(d)(8)

(9) Issuance of a new permit for up to the maximum tenure allowable under the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) for an existing ski area when such issuance is a purely ministerial action to account for administrative changes, such as a change in ownership of ski area improvements, expiration of the current permit, or a change in the statutory authority applicable to the current permit. Examples include but are not limited to:

- (i) Issuing a permit to a new owner of ski area improvements within an existing ski area with no changes to the master development plan, including no changes to the facilities or activities for that ski area;*
- (ii) Upon expiration of a ski area permit, issuing a new permit to the holder of the previous permit where the holder is not requesting any changes to the master development plan, including changes to the facilities or activities; and*
- (iii) Issuing a new permit under the National Forest Ski Area Permit Act of 1986 to the holder of a permit issued under the Term Permit and Organic Acts, where there are no changes in the type or scope of activities authorized and no other changes in the master development plan.*

Cite this category as 36 CFR 220.6(d)(9)

(10) Amendment to or replacement of an existing special use authorization that involves only administrative changes and does not involve changes in the authorized facilities or increase in the scope or intensity of authorized activities, or extensions to the term of authorization, when the applicant or holder is in full compliance with the terms and conditions of the special use authorization. Examples include but are not limited to:

- (i) Amending a special use authorization to reflect administrative changes such as adjustment to the land use fees, inclusion of non-discretionary environmental standards or updating a special use authorization to bring it into conformance with current laws or regulations (for example, new monitoring required by water quality standards), and*
- (ii) Issuance of a new special use authorization to reflect administrative changes such as, a change of ownership or control of previously authorized facilities or activities, or conversion of the existing special use authorization to a new type of special use authorization (for example, converting a permit to a lease or easement).*

Cite this category as 36 CFR 220.6(d)(10)

32.2 - Categories of Actions for Which a Project or Case File and Decision Memo Are Required

A supporting record is required and the decision to proceed must be documented in a decision memo for the categories of action in paragraphs (e)(1) through (e)20 of this section. As a minimum, the project or case file should include any records prepared, such as: the names of interested and affected people, groups, and agencies contacted; the determination that no extraordinary circumstances exist; a copy of the decision memo; and a list of the people notified of the decision. (36 CFR 220.6(e))

The following categorical exclusions are at [36 CFR 220.6\(e\)](#).

(1) Construction and reconstruction of trails. Examples include but are not limited to:

- (i) Constructing or reconstructing a trail to a scenic overlook and*
- (ii) Reconstructing an existing trail to allow use by handicapped individuals.*

Cite this category as 36 CFR 220.6(e)(1)

(2) Additional construction or reconstruction of existing telephone or utility lines in a designated corridor. Examples include but are not limited to:

- (i) Replacing an underground cable trunk and adding additional phone lines, and*
- (ii) Reconstructing a power line by replacing poles and wires.*

Cite this category as 36 CFR 220.6(e)(2)

(3) Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land. Examples include but are not limited to:

- (i) Approving the construction of a meteorological sampling site;*
- (ii) Approving the use of land for a one-time group event;*
- (iii) Approving the construction of temporary facilities for filming of staged or natural events or studies of natural or cultural history;*
- (iv) Approving the use of land for a 40-foot utility corridor that crosses one mile of a national forest;*
- (v) Approving the installation of a driveway, mailbox, or other facilities incidental to use of a residence;*

FS Agreement No. NFS
ODOT Misc. Contracts &
Agreements No.

(vi) Approving an additional telecommunication use at a site already used for such purposes;

(vii) Approving the removal of mineral materials from an existing community pit or common-use area; and

(viii) Approving the continued use of land where such use has not changed since authorized and no change in the physical environment or facilities are proposed.

Cite this category as 36 CFR 220.6(e)(3)

(4) Reserved.

(5) Regeneration of an area to native tree species, including site preparation that does not involve the use of herbicides or result in vegetation type conversion. Examples include but are not limited to:

(i) Planting seedlings of superior trees in a progeny test site to evaluate genetic worth, and

(ii) Planting trees or mechanical seed dispersal of native tree species following a fire, flood, or landslide.

Cite this category as 36 CFR 220.6(e)(5)

(6) Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction. Examples include but are not limited to:

(i) Girdling trees to create snags;

(ii) Thinning or brush control to improve growth or to reduce fire hazard including the opening of an existing road to a dense timber stand;

(iii) Prescribed burning to control understory hardwoods in stands of southern pine; and

(iv) Prescribed burning to reduce natural fuel build-up and improve plant vigor.

Cite this category as 36 CFR 220.6(e)(6)

(7) Modification or maintenance of stream or lake aquatic habitat improvement structures using native materials or normal practices. Examples include but are not limited to:

(i) Reconstructing a gabion with stone from a nearby source;

(ii) Adding brush to lake fish beds; and

(iii) Cleaning and resurfacing a fish ladder at a hydroelectric dam.

Cite this category as 36 CFR 220.6(e)(7)

(8) Short-term (1 year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than 1 mile of low standard road, or use and minor repair of existing roads. Examples include but are not limited to:

- (i) Authorizing geophysical investigations which use existing roads that may require incidental repair to reach sites for drilling core holes, temperature gradient holes, or seismic shot holes;*
- (ii) Gathering geophysical data using shot hole, vibroseis, or surface charge methods;*
- (iii) Trenching to obtain evidence of mineralization;*
- (iv) Clearing vegetation for sight paths or from areas used for investigation or support facilities;*
- (v) Redesigning or rearranging surface facilities within an approved site;*
- (vi) Approving interim and final site restoration measures; and*
- (vii) Approving a plan for exploration which authorizes repair of an existing road and the construction of 1/3 mile of temporary road; clearing vegetation from an acre of land for trenches, drill pads, or support facilities.*

Cite this category as 36 CFR 220.6(e)(8)

(9) Implementation or modification of minor management practices to improve allotment condition or animal distribution when an allotment management plan is not yet in place. Examples include but are not limited to:

- (i) Rebuilding a fence to improve animal distribution;*
- (ii) Adding a stock watering facility to an existing water line; and*
- (iii) Spot seeding native species of grass or applying lime to maintain forage condition.*

Cite this category as 36 CFR 220.6(e)(9)

~~(10) Hazardous fuels reduction activities using prescribed fire, not to exceed 4,500 acres; and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres. Such activities:~~

- ~~*(i) Shall be limited to areas:*~~
 - ~~*(A) In the wildland-urban interface; or*~~

~~**(B) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland-urban interface.**~~

~~(ii) Shall be identified through a collaborative framework as described in “A Collaborative Approach for Reducing Wildland Fire Risks to Communities and Environment 10-Year Comprehensive Strategy Implementation Plan”;~~

~~(iii) Shall be conducted consistent with Agency and Departmental procedures and applicable land and resource management plans;~~

~~(iv) Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness; and~~

~~(v) Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and may include the sale of vegetative material if the primary purpose of the activity is hazardous fuels reduction.~~

“[T]he Forest Service is enjoined from implementing the Fuels CE pending its issuance of a new decision that is consistent with the [Court’s opinion in Sierra Club v. Bosworth](#), 510 F.3d 1016 (9th Cir. 2007) and that complies with 40 C.F.R. §1507.3 (including prior public notice and comment).” *Sierra Club v. Bosworth*, No. 04-2114 (E.D. Cal. November 25, 2008). Unless and until the Agency complies with these requirements, **this category is not to be used.** See also the [Chief’s 1570-1 memo dated December 1, 2008](#).

(11) Post-fire rehabilitation activities, not to exceed 4,200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration, repair of roads and trails, and repair of damage to minor facilities such as campgrounds), to repair or improve lands unlikely to recover to a management approved condition from wildland fire damage, or to repair or replace minor facilities damaged by fire. Such activities:

(i) Shall be conducted consistent with Agency and Departmental procedures and applicable land and resource management plans;

(ii) Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and

(iii) Shall be completed within 3 years following a wildland fire.

Cite this category as 36 CFR 220.6(e)(11)

(12) Harvest of live trees not to exceed 70 acres, requiring no more than ½ mile of temporary road construction. Do not use this category for even-aged regeneration harvest or vegetation type conversion. The proposed action

may include incidental removal of trees for landings, skid trails, and road clearing. Examples include but are not limited to:

(i) Removal of individual trees for sawlogs, specialty products, or fuelwood, and

(ii) Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.

Cite this category as 36 CFR 220.6(e)(12)

(13) Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than ½ mile of temporary road construction. The proposed action may include incidental removal of live or dead trees for landings, skid trails, and road clearing. Examples include but are not limited to:

- (i) Harvest of a portion of a stand damaged by a wind or ice event and construction of a short temporary road to access the damaged trees and***
- (ii) Harvest of fire-damaged trees.***

Cite this category as 36 CFR 220.6(e)(13)

(14) Commercial and non-commercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than ½ mile of temporary road construction, including removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease. The proposed action may include incidental removal of live or dead trees for landings, skid trails, and road clearing. Examples include but are not limited to:

- (i) Felling and harvest of trees infested with southern pine beetles and immediately adjacent uninfested trees to control expanding spot infestations, and***
- (ii) Removal and/or destruction of infested trees affected by a new exotic insect or disease, such as emerald ash borer, Asian long horned beetle, and sudden oak death pathogen.***

Cite this category as 36 CFR 220.6(e)(14)

(15) Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization.

Cite this category as 36 CFR 220.6(e)(15)

(16) Land management plans, plan amendments, and plan revisions developed in accordance with [36 CFR 219](#) et seq. that provide broad guidance and information for project and activity decisionmaking in a NFS unit. Proposals for actions that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments, are outside the scope of this category and shall be considered separately under Forest Service NEPA procedures.

Cite this category as 36 CFR 220.6(e)(16)

(17) Approval of a Surface Use Plan of Operations for oil and natural gas exploration and initial development activities, associated with or adjacent to a new oil and/or gas field or area, so long as the approval will not authorize activities in excess of any of the following:

- (i) *One mile of new road construction;*
- (ii) *One mile of road reconstruction;*
- (iii) *Three miles of individual or co-located pipelines and/or utilities disturbance; and*
- (iv) *Four drill sites.*

Cite this category as 36 CFR 220.6(e)(17)

(18) Restoring wetlands, streams, riparian areas or other water bodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates, and fencing, to allow waters to flow into natural channels and floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled. Examples include but are not limited to:

- (i) *Repairing an existing water control structure that is no longer functioning properly with minimal dredging, excavation, or placement of fill, and does not involve releasing hazardous substances;*
- (ii) *Installing a newly-designed structure that replaces an existing culvert to improve aquatic organism passage and prevent resource and property damage where the road or trail maintenance level does not change;*
- (iii) *Removing a culvert and installing a bridge to improve aquatic and/or terrestrial organism passage or prevent resource or property damage where the road or trail maintenance level does not change; and.*
- (iv) *Removing a small earthen and rock fill dam with a low hazard potential classification that is no longer needed.*

Cite this category as 36 CFR 220.6(e)(18)

(19) Removing and/or relocating debris and sediment following disturbance events (such as floods, hurricanes, tornados, mechanical/ engineering failures, etc.) to restore uplands, wetlands, or riparian systems to pre-disturbance conditions, to the extent practicable, such that site conditions will not impede or negatively alter natural processes. Examples include but are not limited to:

- (i) Removing an unstable debris jam on a river following a flood event and relocating it back in the floodplain and stream channel to restore water flow and local bank stability;*
- (ii) Clean-up and removal of infrastructure flood debris, such as, benches, tables, outhouses, concrete, culverts, and asphalt following a hurricane from a stream reach and adjacent wetland area; and*
- (iii) Stabilizing stream banks and associated stabilization structures to reduce erosion through bioengineering techniques following a flood event, including the use of living and nonliving plant materials in combination with natural and synthetic support materials, such as rocks, riprap, geo-textiles, for slope stabilization, erosion reduction, and vegetative establishment and establishment of appropriate plant communities (bank shaping and planting, brush mattresses, log, root wad, and boulder stabilization methods).*

Cite this category as 36 CFR 220.6(e)(19)

(20) Activities that restore, rehabilitate, or stabilize lands occupied by roads and trails, excluding National Forest System roads and National Forest System trails to a more natural condition that may include removing, replacing, or modifying drainage structures and ditches, reestablishing vegetation, reshaping natural contours and slopes, reestablishing drainage-ways, or other activities that would restore site productivity and reduce environmental impacts. Examples include but are not limited to:

- (i) Decommissioning a road that is no longer a National Forest System road to a more natural state by restoring natural contours and removing construction fills, loosening compacted soils, revegetating the roadbed and removing ditches and culverts to reestablish natural drainage patterns*
- (ii) Restoring an unauthorized trail to a natural state by reestablishing natural drainage patterns, stabilizing slopes, reestablishing vegetation, and installing water bars; and*
- (iii) Installing boulders, logs, and berms on an unauthorized road segment to promote naturally regenerated grass, shrub, and tree growth.*

Cite this category as 36 CFR 220.6(e)(20)

32.3 - Categories Established by Statute

Congress has statutorily established the following CEs. The responsible official should be familiar with each category, as they have varying procedural requirements.

1. Oil and Gas Leases. Section 390 of the Energy Policy Act of 2005 establishes CEs for five types of actions related to oil and gas exploration and development

FS Agreement No. NFS
ODOT Misc. Contracts &
Agreements No.

conducted pursuant to the Mineral Leasing Act (30 U.S.C. et seq., as amended) on Federal oil and gas leases. For guidance on using these CEs see the [Deputy Chief's 1950 memo to Regional Foresters dated September 1, 2011, entitled Energy Policy Act of 2005](#), Adjusted Use of Section 390

Categorical Exclusions for Oil and Gas due to *Western Energy Alliance v. Salazar*, No. 10-237 (D. Wyo. August 12, 2011). (The portions of the [June 9, 2010 Deputy Chief's 1950 memo to Regional Foresters](#) not addressed in the September 1, 2011 memo remain in effect.) Section 390 ([42 U.S.C. 15942](#)) provides as follows:

a. NEPA REVIEW.—Action by the Secretary of the Interior in managing the public lands, or the Secretary of Agriculture in managing National Forest System Lands, with respect to any of the activities described in subsection (b) shall be subject to a rebuttable presumption that the use of a categorical exclusion under the National Environmental Policy Act of 1969 (NEPA) would apply if the activity is conducted pursuant to the Mineral Leasing Act for the purpose of exploration or development of oil or gas.

b. ACTIVITIES DESCRIBED.—The activities referred to in subsection (a) are the following:

(1) Individual surface disturbances of less than 5 acres so long as the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a document prepared pursuant to NEPA has been previously completed.

(2) Drilling an oil or gas well at a location or well pad site at which drilling has occurred previously within 5 years prior to the date of spudding the well.

(3) Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed such drilling as a reasonably foreseeable activity, so long as such plan or document was approved within 5 years prior to the date of spudding the well.

(4) Placement of a pipeline in an approved right-of-way corridor, so long as the corridor was approved within 5 years prior to the date of placement of the pipeline.

(5) Maintenance of a minor activity, other than any construction or major renovation or a building or facility.

Cite this authority as 42 U.S.C 15942

2. Applied Silvicultural Assessments. Section 404 of the Healthy Forests Restoration Act categorically excludes applied silvicultural assessments for information gathering and research purposes. Section 404 ([16 U.S.C 6554](#)) provides as follows:

Applied silvicultural assessment and research treatments carried out under this section on not more than 1,000 acres for an assessment or treatment may be categorically excluded from documentation in an environmental impact statement and environmental assessment under the National Environmental Policy Act of 1969.

Cite this authority as (16 U.S.C. 6554(d)).

Applied silvicultural assessments must be peer reviewed by scientific experts including non-Federal experts. This CE is subject to the extraordinary circumstances provisions (sec. 31.4).

For guidance on use of this CE, see Title IV of the [Healthy Forests Restoration Act 16 U.S.C 6551-6556](#).

3. Insect and Disease Infestation. Section 8204 of the Agriculture Act of 2014 (Public Law 113-79) amended Title VI of the Healthy Forests Restoration Act of 2003 (HFRA) (16 U.S.C. 6591 et seq.) to add Sections 602 and 603. Section 603 establishes a categorical exclusion for qualifying insect and disease projects in designated areas on National Forest System lands. An insect and disease project that may be categorically excluded under this authority is a project that is designed to reduce the risk or extent of, or increase the resilience to, insect or disease infestation in the areas (HFRA, Sections 602(d) and 603(a)).

This categorical exclusion may be used to carry out an insect and disease project in an insect and disease treatment area designated by the Secretary under section 602. Landscape scale areas may be designated by the Secretary if they meet at least one of the criteria found in HFRA, Sections 602(c)(1)(2) & (3).

Within designated landscape scale areas, projects carried out under this authority are limited to areas in:

the wildland-urban interface; or

Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland urban interface.

(HFRA, Sections 603(c)(2)(A) & (B))

Projects carried out under this authority may not be implemented in any of the following areas:

a component of the National Wilderness Preservation System;
any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;
a congressionally designated wilderness study area; or
an area in which activities... would be inconsistent with the applicable land and resource management plan.

(HFRA, Sections 603(d)(1) - (4))

A project under this authority must either carry out a forest restoration treatment that:

complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).

(HFRA, Sections 603(b)(2))

Or, a project under this authority must carry out a forest restoration treatment that:

maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease;

considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and

is developed and implemented through a collaborative process that—

includes multiple interested persons representing diverse interests; and

is transparent and nonexclusive; or

meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125).

(HFRA, Sections 603(b)(1)(A) - (C)).

Projects carried out under this authority are subject to the following size limitation on the number of acres treated:

may not exceed 3000 acres.

(HFRA, Section 603(c)(1))

Projects carried out under this authority are subject to the following limitations relating to roads:

A project . . . shall not include the establishment of permanent roads.

The Secretary may carry out necessary maintenance and repairs on existing permanent roads for purposes of this section.

The Secretary shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

(HFRA, Section 603(c)(3))

All projects and activities carried out under this authority:

shall be consistent with the land and resource management plans...”

(HFRA, Section 603(e))

For projects and actions carried out under this authority:

The Secretary shall conduct public notice and scoping for any project or action.

(HFRA, Section 603(f))

Document this category in a decision memo (FSH 1909.15, 33.2 - 33.3) and include it on the Schedule of Proposed Actions (36 CFR 220.4 (d)). The decision memo should include a description of the efforts taken by the Agency to meet the collaborative process requirements in HFRA, Section 603(b)(1).

Cite this authority as Section 603 of HFRA (16 U.S.C.6591b)

32.4 - Statutory NEPA Exception

Organizational camp special use authorizations. The National Forest Organizational Camp Fee Improvement Act of 2003 ([16 U.S.C. 6231 et seq](#)) establishes that the ministerial issuance or amendment of an organizational camp special use authorization is not subject to NEPA. Sections 502(c) and 507 (16 U.S.C. 6231, 6236) provide as follows:

502 (c) Definitions. In this Act:

(1) The term “organizational camp” means a public or semipublic camp that—

(A) is developed on National Forest System lands by a nonprofit organization or governmental entity;

(B) provides a valuable service to the public by using such lands as a setting to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues; and

(C) does not have as its primary purpose raising revenue through commercial activities.

507 (a) NEPA EXCEPTION.—The ministerial issuance or amendment of an organizational camp special use authorization

FS Agreement No. NFS
ODOT Misc. Contracts &
Agreements No.

shall not be subject to the National Environmental Policy Act
of 1969 (42 U.S.C. 4321 et seq.).

(b) **RULE OF CONSTRUCTION.**—For purposes of subsection (a), the ministerial issuance or amendment of an authorization occurs only when the issuance or amendment of the authorization would not change the physical environment or the activities, facilities, or program of the operations governed by the authorization, and at least one of the following apply.

(1) The authorization is issued upon a change in control of the holder of an existing authorization.

(2) The holder, upon expiration of an authorization, is issued a new authorization.

(3) The authorization is amended—

(A) to effectuate administrative changes, such as modification of the land use fee or conversion to a new special use authorization form; or

(B) to include nondiscretionary environmental standards or to conform with current law.

Cite this authority as 16 U.S.C. 6236.

33 - DOCUMENTATION

33.1 - Decision Memo Not Required

If a proposed action has been categorically excluded from documentation in an EIS or an EA under USDA categories [\(7 CFR 1b.3\)](#) or the categories listed in section 32.12, a decision memo is not required; however, any interested and affected persons shall be informed in an appropriate manner of the decision to proceed with the proposed action (sec. 11.7).

The responsible official may choose to prepare a decision memo and create a record supporting the use of a CE. Examples where additional documentation may be beneficial are:

1. Where reasonable questions regarding the existence of extraordinary circumstances may arise (sec. 31.4),

2. Where findings are required by other laws such as, but not limited to National Forest Management Act (consistency with forest land and resource management plan), Endangered Species Act, and the National Historic Preservation Act, or

3. Where it was determined that public interest on the proposed action was high.

33.2 - Decision Memo Required

If the proposed action has been categorically excluded from documentation in an EIS or an EA under the categories listed in section 32.2, document the decision to proceed with the proposed action in a decision memo. Section 33.3 sets forth the format and content of a decision memo. Ensure that the administrative record supports findings made in a decision memo.

When the Chief or the Secretary of Agriculture is the responsible official, the appropriate field unit prepares the decision memo with assistance from the Washington Office Ecosystem Management Coordination staff. The Washington Office Director of Ecosystem Management Coordination coordinates the review and signing of the decision memo, involving the appropriate staff(s), Deputy Chiefs, Chief, or Secretary, as necessary. The signed original is filed in the Ecosystem Management Coordination staff office files. The Director of Ecosystem Management Coordination forwards a copy to the appropriate field unit or Washington Office staff for necessary distribution.

If the proposed action is approval of a land management plan, plan amendment, or plan revision, the plan approval document required by 36 CFR 219 satisfies the decision memo requirements of this section. (36 CFR 220.6(e))

33.3 - Format and Content of a Decision Memo

While sections may be combined or rearranged in the interest of clarity and brevity, decision memos must include the following content:

- (1) A heading, which must identify:*
 - (i) Title of document: Decision Memo;*
 - (ii) Agency and administrative unit;*
 - (iii) Title of the proposed action; and*
 - (iv) Location of the proposed action, including administrative unit, county, and State.*
- (2) Decision to be implemented and the reasons for categorically excluding the proposed action, including:*
 - (i) The category of the proposed action;*
 - (ii) The rationale for using the category and, if more than one category could have been used, why the specific category was chosen; and*
 - (iii) A finding that no extraordinary circumstances exist.*
- (3) Any interested and affected agencies, organizations, and persons contacted;*

(4) Findings required by other laws such as, but not limited to findings of consistency with the forest land and resource management plan as required by the National Forest Management Act or a public interest determination

(36 CFR 254.3(c));

(5) The date when the responsible official intends to implement the decision and any conditions related to implementation;

(6) Whether the decision is subject to review or appeal, the applicable regulations, and when and where to file a request for review or appeal;

(7) Name, address, and phone number of a contact person who can supply further information about the decision; and

(8) The responsible official's signature and date when the decision is made.

(36 CFR 220.6(f))

If comments are received on a proposed action, briefly explain in the decision memo how those comments were considered.

34 - NOTICE AND DISTRIBUTION OF DECISION MEMO

The responsible official shall notify interested or affected parties of the availability of the decision memo as soon as practical after signing.

(36 CFR 220.6(f))

Distribute a decision memo or notice thereof to agencies, organizations, and persons interested in or affected by the proposed action.

1. Provide other forms of notice appropriate to the importance of the decision.
2. Enter the date of the decision memo into the PALS database (sec. 06). In addition to the decision itself, the ability of the decision to be implemented is also tracked in the PALS. The voluntary withdrawal of a decision, the reversal of a decision in appeal, or a court case directing constraint of a decision all require notation (action) in PALS.
3. When required by [Executive Order 12372](#), Intergovernmental Review of Federal Programs, send copies to the State single point of contact or, in cases where a State has elected not to establish a single point of contact, the State official(s) involved.

FS Agreement No. NFS
ODOT Misc. Contracts &
Agreements No.