

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

(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";*~~

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~~(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)