2.5 Notice of Violation. The Commission may serve any notice of violation to a licensee or Key Participant explaining the basis and the aggrieved party's right to request a hearing, which request shall be in writing and made within ten (10) days of receipt of the notice.

2.6 Hearings; Notice; Due Process; Arbiter; Appeals:

(a) within ten (10) days after receiving a request for a hearing, the Commission shall schedule a hearing and issue a notice identifying the issues to be resolved, and the date, time and location of the hearing, which shall be set no sooner than five (5) days after receipt of the request for a hearing but no later than sixty (60) days after receipt of request for a hearing;

(b) at the hearing, the affected parties shall be provided the opportunity to present oral or written testimony and other evidence to dispute the violation;

(c) the Commission may promulgate rules governing the hearing procedures;

(d) the Regulator will preside over the hearing;

(e) the Commission shall issue a written decision within thirty (30) days after the hearing; and

(f) affected parties may appeal the Commission's decision by filing a written appeal to the Tribal Council within twenty (20) days of receiving the Commission's final written decision, which shall be placed on the Tribal Council's agenda at its earliest convenience but no later than sixty (60) days after the notice of appeal is filed, which decision of the Tribal Council on appeal shall be final and is not subject to further appeal.

Section #3—Cease and Desist Orders for Unlicensed Persons: For any person violating the Code, a person who does not hold a valid license, or there is reasonable cause that any applicable law is being violated, the Commission shall issue a cease-and-desist order. Any Person who does not comply with the cease-and-desist order will be subject to further enforcement action under Part 7, Section 4.

Section #4—Civil Penalties:

4.1 Fines for Civil Violations. Any person who fails to comply with a final order of the Commission or Tribal Council under Part 7, Section 2, or a cease-and-desist order issued pursuant to Part 7, Section 3, may be required to pay a fine assessed by the Commission pursuant to regulations.

4.2 Civil Action for Penalties. In enforcing fines and violations under this Section, the Commission may request the Tribal Council to seek recourse in the Tonto Apache Tribal Court.

William Henry Kirkland III,

Assistant Secretary-Indian Affairs.

[FR Doc. 2026–17235 Filed 8–21–26; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[A2407–014–004–065516, #O2509–014–004–125222; LLHQ21000]

National Environmental Policy Act Implementing Procedures: Timber Salvage Harvest Categorical Exclusion

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

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

DATES: The CE is effective August 24, 2026.

ADDRESSES: The new CE will be found at the web address for the Department's Handbook of NEPA Implementing Procedures: *https://www.doi.gov/document-library/handbook/516-dm-1-handbook-national-environmental-policy-act-implementing.* The Substantiation Report for the CE is available at the Bureau of Land Management (BLM)'s ePlanning site: *https://eplanning.blm.gov/Project-Home/?id=228df480-512f-f111-8341-001dd8029ed0.*

FOR FURTHER INFORMATION CONTACT: Stacie McIntosh, Deputy Assistant Director, Directorate of Resources and Planning at (907) 378 –3815, or *s05mcint@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Background

The Department published the proposed CE for timber salvage harvest on April 6, 2026, for a 30-day public comment period. Refer to the **Federal Register** notice 91 FR 17302 proposing the CE for more information regarding the background and rationale for establishment of the CE. This notice notifies the public of the Department's establishment of the timber salvage harvest CE and includes the Department's responses to comments from the public on the proposed CE. The Department has not made any changes to the proposed CE text.

The Department is establishing the CE to support approval of actions to harvest dead or dying trees impacted by biotic or abiotic disturbances, commonly referred to as ''salvage harvest'' to accelerate reestablishment of native resilient forest tree species, reduce wildfire fuel loads, and help recover economic value from timber to contribute to rural economies.

NEPA, 42 U.S.C. 4321 *et seq.,* requires Federal agencies to consider the environmental effects of their proposed actions in their decision-making processes. To comply with NEPA, agencies determine the appropriate level of review of any proposed major Federal action—an Environmental Impact Statement (EIS), Environmental Assessment (EA), or a CE. *See* 42 U.S.C. 4336(b); 43 CFR part 46; 516 Departmental Manual 1, ''U.S. Department of the Interior Handbook of National Environmental Policy Act Implementing Procedures,'' section 1.2 (2026) (516 DM 1). Where it is reasonably foreseeable that significant environmental effects are likely, the agency must prepare an EIS and document its decision. *See* 42 U.S.C. 4336 (b)(1); 516 DM 1 section 1.2(a)(5)(ii). Where appropriate, an agency may prepare an EA, and if that EA supports the agency reaching a finding of no significant impact (FONSI) for the proposed action, the agency need not prepare an EIS. See generally, 42 U.S.C. 4336(b)(2); 516 DM 1 section 1.6; section 1.2(a)(4).

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

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

II. Comments on the Proposed CE

The Department received 284 comment letters during the 30-day public comment period on the proposed CE. Comments were submitted by state governments, interest groups, non-profit organizations, and private citizens. The Department received comments both in support of and in opposition to the proposed CE. Some comments addressed the BLM's forest management policy or management direction that is specific to Resource Management Plans (RMPs). The Department provides no response to comments that are beyond the scope of the establishment of this CE, which pertains only to compliance with NEPA for forest management actions, not the character or advisability of such actions. The Department considered all comments to date and responds in this notice to all 25 substantive issues raised in the public comments. The Department appreciates the interest and participation of all respondents. The Department, where appropriate, grouped together similar or related comments, and responds to the comments as follows:

Comment 1: The Department received comments suggesting that timely salvage of dead and dying trees allows managers to recover economic value that would otherwise be lost.

Response 1: While the establishment of this CE does not authorize specific salvage projects, the Department agrees with the comment that timely salvage of dead and dying trees allows managers to recover economic value that would otherwise be lost. Additionally, unsalvaged timber can become a financial burden to remove as excessive hazardous fuels once the trees have deteriorated and lost economic value. The BLM: *A Sound Investment for America 2025* report estimated that in fiscal year 2024 BLM forest management supported $1.4 billion in economic output and 5,700 jobs.

Comment 2: The Department received comments suggesting post-disturbance landscapes with heavy fuel loads increase the risk of severe wildfires that can lead to long-term closures, damaged trails, degraded wildlife habitat, and reduced opportunities for hunting, off-highway vehicle use, hiking, and recreational access and experiences on public lands.

Response 2: While the establishment of this CE does not authorize salvage actions, the Department agrees that leaving large volumes of dead trees after a severe disturbance can have a number of long-term negative impacts on trails, wildlife habitat, and reduced opportunities for hunting, off-highway vehicle use, hiking, and recreational access and experiences on public lands. Further detail and scientific literature on the impact of heavy fuel loads long-term is provided in the Substantiation Report.

Comment 3: The Department received comments suggesting that timely salvage reduces hazards to fire fighters from future wildfire.

Response 3: While the establishment of this CE does not authorize salvage actions, the Department agrees that landscapes with dense standing dead trees and/or heavy downed coarse woody debris beyond a minimum level needed for wildlife habitat and soil benefits can lead to an elevated level of hazards to fire fighters which can hamper fire suppression operations. The Substantiation Report documents safety hazard reports and fire behavior observations from wildfire incidents that contained heavy loading from dead trees (National Interagency Fire Center).

Comment 4: Some comments suggested the Department should conduct public comment on every salvage project to better serve the public interest.

Response 4: The Department values public participation and there are various opportunities for the public and stakeholders to provide public input in forest management. For the BLM, this includes the development, revision, and amendment of land use plans, through which the BLM determines the forest management direction for each specific planning area.

Comment 5: Some commenters suggested that the establishment of this CE would approve salvage logging that threatens soil quality, riparian areas, clean water, and fisheries and negatively impact wildlife and endangered species protected by the Endangered Species Act (ESA). A commenter further recommended minimum riparian buffers.

Response 5: The establishment of this CE does not approve any specific salvage action; instead, it provides a mechanism for bureaus to comply with NEPA when authorizing covered actions. Before use of the CE, bureaus would need to review for the presence of any extraordinary circumstances (43 CFR 46.215). Through that review, the bureaus must verify that any proposed action would not have significant effects on ecologically significant or critical areas, or similar natural resources; or on species listed or proposed to be listed under the ESA, or on any designated critical habitat. Moreover, protections for important, scarce, or sensitive resources are available through statutes other than NEPA, such as ESA and the Clean Water Act. Those protections are not affected by the establishment of or use of this CE. Finally, proposed actions must conform to the applicable land use plan, including any plan direction developed to protect species of concern, critical habitat, aquatic resources and water quality. This CE also specifically directs riparian buffers and operating restrictions as standard design features for each project to protect riparian resources and water quality.

Comment 6: The Department received comments that salvage logging at the scope, scale, and intensity in the proposed CE would have significant impacts.

Response 6: To address the intensity, scope, and scale of the proposed actions that would be covered by the CE, the CE constrains the harvest area to one-third the disturbance area when the disturbance exceeds 3,000 acres not to exceed 5,000 acres overall. The CE requirements that must be met for a bureau to use the CE for a covered action, including the direction for design features in the established CE reduce the intensity and impacts, are described in the Substantiation Report. As with other administratively developed CEs, when applying this CE, Responsible Officials must evaluate proposed actions to determine whether any extraordinary circumstances are present in accordance with the requirements in the Department's NEPA implementing procedures at 43 CFR 46.205 and 46.215. When using this CE, the Responsible Official must document this review. If the Responsible Official cannot rely on this CE to support a decision to authorize a project due to the presence of extraordinary circumstances, the Responsible Official must prepare an EA or EIS before authorizing such activities, consistent with 43 CFR 46.205(c) and 42 U.S.C. 4336(b).

Comment 7: The Department received comments suggesting that the majority of high severity burn areas are not reforested and that the establishment and use of this CE would improve reforestation efforts and forest recovery.

Response 7: While the establishment of this CE does not authorize salvage actions, the Department agrees that high severity disturbance areas where the density of dead trees is high have generally remained non-forested for long periods after the disturbance. High severity areas lack seed trees to provide a seed source for natural regeneration. The BLM has had to forgo reforestation for years after the disturbance in some areas due to the extreme hazard of limbs, tops, and dead trees falling on planting crews. Delayed reforestation allows understory vegetation and shrubs to get a head start on tree seedling establishment which can make reforestation challenging (Sessions et al. 2004). In addition, fuel loads from abundant coarse woody debris can persist for decades which endanger the young trees that are critical for the site recovering forest cover. The Department agrees that salvage harvest can be a necessary step to restore forest cover after severe tree mortality.

Comment 8: The Department received a comment recommending that under covered actions (a)(v) pertaining to seeding to accelerate native species reestablishment, consideration should be given to seed mixtures that provide understory, midstory, and canopy diversity, as well as annuals that benefit pollinator species.

Response 8: The Department agrees that understory and midstory vegetation re-establishment is important for wildlife and pollinator habitat. The Department makes significant efforts and investments in native plant restoration through programs like the BLM's Seeds of Success Native Seed Collection and the Burned Area Rehabilitation programs. The established CE does not preclude native understory seeding; however, the Department declines to make it a requirement given that the native understory seed may not always be available.

Comment 9: The Department received comments suggesting that the CE could have detrimental impacts on trails that are purposed for scenic and primitive hiking, and the Department should add a design feature to the CE that prohibits use of the CE within 0.5 miles on either side of highly valued trails such as the Continental Divide National Scenic Trail.

Response 9: Land use plans provide management direction consistent with National Scenic and Historic Trail comprehensive management plans and may require additional design features consistent with applicable law to not degrade trails or their settings and to minimize visual impacts from designated routes. All projects or activities must conform with the applicable resource management plan direction, including visual resource management (VRM) classifications, which direct the level of allowable visual change to the characteristic landscape, prior to the bureau authorizing any use or activity. Use of an established CE for NEPA compliance does not eliminate the requirement for a bureau to comply with other applicable laws, including requirements outlined in the Federal Land Policy and Management Act of 1976, (FLPMA), as amended, that actions must conform with the applicable RMP management direction. This requirement is explicitly included in the text of the CE where it indicates that the action must be in conformance with land use management decisions. Additionally, small amounts of salvage can be associated with hazard tree mitigation, so the Department declines to put a specific buffer around trails.

Comment 10: The Department received comments suggesting that scientific consensus has shifted away from regarding post-fire logging as an activity with any ecological benefit citing the following scientific literature: Donato, DC et al. (2006) Post-wildfire logging hinders regeneration and increases fire risk. Science 311(5759): 352; Beschta, R.L. et al. (2004) Postfire management on forested public lands of the western USA. Conservation Biology 18: 957–967; Lindenmayer, D.B. et al. (2004) Salvage harvesting policies after natural disturbance. Science 303:1303; Karr, J. et al. (2004) The effects of postfire salvage logging on aquatic ecosystems in the American West. Bioscience 54: 1029–1033; DellaSala, D.A., et al. (2006) Post-fire logging debate ignores many issues. Science 314(5796): 51–52.

Response 10: The Department does not claim that salvage is necessary for ecological benefit but rather describes in the Substantiation Report how salvage, within the scope of the CE, is an activity that can be used to achieve various land management objectives without causing significant impacts. The BLM reviewed the citations provided and notes the Substantiation Report discusses the tree regeneration and fuels findings of Donato et al. 2006. The submitted scientific literature discusses beneficial aspects of post-disturbance landscapes such as snags for wildlife, landscape heterogeneity, and other biological legacies, and the concern that salvage harvest would eliminate these features. The Substantiation Report acknowledged these points which informed the design of this CE. Specifically, the CE treats a maximum of one-third the disturbance area when the disturbance is greater than 3,000 acres to maintain a majority of larger natural disturbance areas unsalvaged.

Comment 11: The Department received comments suggesting that bureaus should be required to complete an EIS to analyze projects with this scope, scale, and/or intensity of impacts.

Response 11: The Substantiation Report discusses that the preparation of an EIS is exceedingly rare for salvage projects. The two examples of salvage projects discussed in the Substantiation Report, pp. 18–19, 21, had substantial differences in the scope and scale compared to the many EAs and FONSIs that were prepared for salvage projects that were reviewed and described in the Substantiation Report for the establishment of this CE. This leads the Department to determine that the action under the parameters described in the CE normally do not significantly affect the quality of the human environment and, therefore, an EIS is not required.

Comment 12: The Department received a comment suggesting that larger diameter fuels and future downed logs do not contribute significantly to fire severity, fire spread, or an increase in future fire behavior (Strittholt. 2004., McIver & Starr. 2000., Donato. 2006., Donato 2008., Thompson et al., 2007).

Response 12: The Department reviewed the literature cited in this comment and does not agree that the literature supports the definitive statement that larger diameter fuels and future downed logs do not contribute significantly to fire severity, fire spread, or an increase in future fire behavior. The Department notes that the commenter did not include any literature post-2008, which is significant since some severe tree mortality events such as the Sierra Nevada drought mortality from 2012 to 2015 and a number of large fires in the mountain pine beetle mortality in the Rocky Mountains occurred after this time and provide important case studies. In a synthesis of available literature on salvage in McIver and Starr 2000, it is noted that ''we found no studies documenting a reduction in fire intensity in a stand that had previously burned and then been logged.'' This finding did not suggest that salvage does not reduce intensity, but rather that there were no studies at that time indicating either way. The Substantiation Report for this CE includes studies since 2008 that examine reburns and post-disturbance coarse fuels that have documented increases in fire severity (Coppoletta et al. 2015; Stephens et al. 2018). The Substantiation Report discusses that coarse downed wood varies in its contribution to fire behavior temporally, since the change in fuel moisture lags changes in weather. It is also true that fine fuels are typically the carriers of fire but that is not always the case. When affected by long-term drought, coarse woody debris can be a primary carrier of fire and can increase fire intensity resulting in higher fire severity and can hamper suppression efforts. These findings coupled with the size of salvage projects in the record of EAs and FONSIs informed the determination of the 5,000-acre maximum size limit.

Comment 13: The Department received comments suggesting that recent studies have disproved the connection between elevated levels of bark beetle mortality and increased fire risks.

Response 13: The Department acknowledged in the Substantiation Report that ''in some forest types the contribution of coarse fuels from mortality to subsequent severity remains uncertain.'' Substantiation Report, p. 25. The Report does not make a universal claim that salvage in all circumstances reduces fire risk but instead provides empirical evidence that dense beetle-killed timber and drought mortality have produced severe fire incidents and have even been the driver of the fire behavior in several examples, Substantiation Report pp. 25–26. Additionally, areas of dense snags result in safety considerations for handcrews that may result in larger fires or greater use of heavy equipment.

Comment 14: The Department received comments suggesting that the value of dead standing trees and coarse wood from beetle or fire induced mortality is not being adequately considered by the BLM.

Response 14: The Substantiation Report, p. 24, acknowledges the importance of some snags and downed wood for wildlife habitat and soil health, and the CE requires specifications for those design features for each use. These features were common in past BLM salvage implementation that were assessed for this CE.

Comment 15: The Department received comments suggesting that implementing up to 1 mile of new permanent road per project, and 2.25 miles of new temporary road per thousand acres of logging treatment, has significant environmental effects and the CE should not cover building any new permanent or new temporary roads.

Response 15: The Substantiation Report documents that 65 percent of the EAs reviewed in the report included the construction of new temporary roads. Substantiation Report, pp. 17, 22. Additionally, the temporary road coverage in this CE is similar to BLM's well established, existing 250-acre CE which has an equivalent 2-mile per 1,000-acres temporary road density rate. Five of the 34 EAs had permanent road construction, with an average rate of 2.2 miles per 1,000 acres treated. Therefore, the CE's one-mile limit is more conservative relative to EA-supported projects that reached FONSIs while constructing more road per unit area. This ensures projects that use the CE will not expand road networks beyond the levels previously demonstrated to be non-significant. Additionally, the CE integrates RMP management direction for travel management and required specifications for erosion control, invasive weeds, and temporary road decommissioning standards which together reduce impacts.

Comment 16: The Department received a comment suggesting that the Substantiation Report Finding 4—Best Available Science incorrectly states that the broader synthesis of salvage logging by Lindenmayer et al. 2008 was focused narrowly on reserve entries and plantation conversions.

Response 16: The Substantiation Report highlights synthesis literature that was reviewed, including Lindenmayer et al. 2008 which ''included settings (reserve entries, plantation conversions) outside the bounded scope of this CE.'' Substantiation Report, p. 24. The Report does not say that this research article only covered reserves and plantation conversions, but rather that the research findings in those particular settings differed from the design and parameters of this CE. Research articles that found negative impacts of certain types of salvage harvest were valuable and informed the identification of the nine categories of design features in this CE to reduce impacts.

Comment 17: The Department received a comment suggesting that the Substantiation Report exaggerates the justification for conducting salvage activities by relying on tree-mortality levels showing total percentages of areas affected by natural processes instead of annual percentages (rates).

Response 17: The background information in the Substantiation Report was provided to describe the relative magnitude of tree mortality and landscape-level disturbances that have occurred in recent years. The establishment of this CE is based on the Department's determination as to whether salvage actions—as a category—normally have significant impacts. It is not a policy that directs how much salvage work should be conducted.

Comment 18: The Department received a comment suggesting that the Substantiation Report Table 2 failed to provide a simple percentage of area impacted; the commenter implies that the percentages show how in some cases 66% to 100% of tree mortality areas will be logged.

Response 18: Table 2 in the Substantiation Report includes data from an inventory of high tree mortality developed by BLM in 2018 pursuant to Executive Order 13855, *Promoting Active Management of America's Forests, Rangelands, and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk.* The inventory is in the background section as additional information to describe the relative magnitude of tree mortality. At the time the Substantiation Report was developed, BLM estimated acres of mortality and estimated salvage ''opportunities,'' *i.e.,* acres of the mortality that were in land use allocations that allow timber harvest and had not deteriorated beyond marketability. However, the Substantiation Report does not determine that these areas will all be salvaged nor does the establishment of this CE create policy to harvest the areas inventoried.

Comment 19: The Department received a comment suggesting that the CE text itself imposes no minimum standards for any of the nine considerations independent of applicable land use plan requirements.

Response 19: The Department chose not to include standardized parameters or minimums because they vary across the various ecological settings and each salvage project would need to be consistent with the applicable land use plan which would include design features, consistent with the ecological and geographical setting.

Comment 20: The Department received a comment suggesting that by intentionally excluding EAs with mitigated FONSIs, BLM appears to admit that there are some salvage harvest projects that result in significant impacts to the environment and thus require mitigation measures. Yet, BLM does not describe the specific salvage harvest projects with mitigated FONSIs it excluded from its analysis, or how they compare to the types of projects that BLM is proposing to exempt from NEPA analysis.

Response 20: The two EISs that disclosed significant impacts that the Department reviewed had substantial differences in the scope and scale compared to the 34 EAs with FONSIs that were analyzed and described in the Substantiation Report. As explained in the Substantiation Report, mitigation measures tend to be site-specific and not necessarily applicable across various terrains. Therefore, mitigated FONSIs were not used in developing limitations appropriate for a CE of nation-wide applicability. As noted in the Report, the requirement that an action conform with applicable land use plan decisions provides the appropriate level of site-specific protection. Substantiation Report, pp. 2, 9–10.

Comment 21: The Department received a comment suggesting that use of the CE prevents analysis of the potential impacts associated with the unique characteristics of the applicable geography of each project to identify the appropriate design features or best management practices, and these design features fabricate a baseline.

Response 21: In reviewing the EAs in the Substantiation Report, the Department found that the EAs cited project design features from the applicable land use plan for the specific resource program and incorporated them into the proposed action evaluated in the EA. Proposed actions, regardless of their level of NEPA compliance, must be in conformance with the approved land use plan. In implementing actions in conformance with land use plans, a bureau identifies project design features to define the parameters of the project, including any measures to ensure land use plan conformance or to reduce adverse impacts based on the site-specific circumstances. If the proposed action designed to be in conformance with the land use plan, including any resource protective measures, also meets the parameters of the CE, and no extraordinary circumstances are present, the bureau may use the CE.

Comment 22: The Department received a comment suggesting that it failed to provide a sufficiently reasoned explanation for the proposed 5,000-acre limit. The comment cited case law that affirmed the use of arithmetic mean for the development of an upper acreage limit for salvage harvest.

Response 22: The Department acknowledges the comments and questions relating to the use of statistical methods. Any use of these methods requires the exercise of judgement; for example, the arithmetic mean of the acreage values for covered actions could be elevated by removing small projects as outliers from the record. The Department also recognizes that in December 2020 it previously established a salvage CE for salvage of dead or dying trees with a 3,000-acre limit, after receiving comments on the proposed 5,000-acre limit on covered salvage actions. In response to those comments, the Department acknowledged it could reach a FONSI for salvage actions exceeding 5,000 acres but chose to place a 3,000-acre limit in the CE. Based on further review of comments received on this proposed CE and for the reasons stated in this notice and the supporting Substantiation Report, including the review of additional EAs and FONSIs for completed salvage actions and post-implementation observations and available scientific research since establishment of the 2020 salvage CE, the Department believes the NEPA compliance approach in this established CE, including a 5,000 acre limit for certain actions, is appropriate. Specifically, the 5,000-acre limit of this CE is fewer than the acres analyzed in the EAs for the three salvage projects reviewed in the Substantiation Report, pp. 21, and substantially fewer than the acres analyzed in the EAs for the two projects reviewed in that Report that covered over 11,000 acres. The review of these EAs, including post-implementation validation of the FONSIs they supported, demonstrates that the Department can implement salvage projects up to 5,000 acres covered by this CE without significant impacts. This conclusion is unaffected by the fact that the BLM has also approved actions covered by this CE on fewer acres and determined that these actions did not have significant impacts on the human environment. Therefore, the Department retained the 5,000-acre limit for the CE along with the accompanying nine design feature categories. Additionally, a proposed salvage action's potential for environmental effects is determined by the presence of resource conflicts. The Department and its bureaus will assess the potential for significant environmental effects through the review of extraordinary circumstances.

Comment 23: The Department received comments suggesting that the use of the CE for multiple nearby projects may result in significant impacts from implementation.

Response 23: The analysis in the EAs in the Substantiation Report, pp. 19–20, included consideration of other actions, including other salvage actions, that had taken place or were taking place, or were planned for the area, demonstrating that even in the context of several other projects, the actions covered by this CE did not normally result in significant impacts. The Department established the acreage limit based on the information available to the Department as well as the incorporation of the accompanying features and categories that address the potential for adverse impacts from these types of projects, even in the context of other projects. In addition, while the CE itself does not include a limit on the number of times it may be used, each proposed action considered for approval in use of the CE must be reviewed against the Department's extraordinary circumstances, one of which, and here most relevant, applies if a proposed action may ''have a direct relationship to other actions that implicate potentially significant environmental effects'' (43 CFR 46.215(e)). This means that if the bureau determines that a proposed salvage project has a direct relationship to a previously conducted or planned project that may implicate potentially significant environmental effects, the CE could not be utilized and the bureau would need to prepare an EA or EIS.

Comment 24: The Department received a comment suggesting that the proposed CE requires consultation with the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS).

Response 24: To the extent that establishment of a NEPA procedure such as the establishment of this CE is subject to the requirements of section 7 of the Endangered Species Act, the action has no effect on listed species or critical habitat. Proposed actions a bureau may pursue to implement salvage harvest that may use this CE to satisfy any NEPA requirements would be subject to review under Section 7 of the ESA and, if the parameters of the proposed action and site-specific conditions require, appropriate consultation with the FWS and NMFS would occur.

Comment 25: The Department received a comment suggesting that post-disturbance salvage logging would affect historic and cultural resources thus triggering National Historic Preservation Act (NHPA) requirements.

Response 25: The establishment of a CE as part of the agency's NEPA procedures does not change the effect or exclude the applicability of other laws such as NHPA when a bureau uses the CE for NEPA compliance for a particular salvage activity. When using CEs, other procedural or substantive statutory or regulatory requirements may still apply, such as Tribal consultation and consultation under the NHPA.

III. Categorical Exclusion Justification

The Department finds that the category of actions described in this timber salvage harvest CE does not normally have a significant effect on the quality of the human environment. This finding is based on the analysis of this category of actions as documented in the BLM's Substantiation Report, supporting record documents, and the relevant scientific literature. To demonstrate the finding that actions under the proposed CEs would not normally result in significant effects on the quality of the human environment, the Department reviewed proposed actions evaluated in 34 EAs that supported FONSIs as well as post-implementation information and summarized them in the Substantiation Report.

The Department consulted with CEQ on the establishment of this new timber salvage harvest CE consistent with section 102(2)(B) of NEPA, 42 U.S.C. 4332(2)(B). Therefore, the Department adds this CE to the DOI NEPA Handbook, Appendix 2.

When applying this CE, responsible officials will evaluate proposed actions covered by the CE to determine whether any extraordinary circumstances are present in accordance with the requirements in the Department's NEPA implementing procedures at 43 CFR 46.205 and 46.215. For use of this CE, the responsible official would document this review. If the responsible official cannot use this CE to support a decision to authorize timber salvage harvest activities due to extraordinary circumstances, the responsible official will prepare an EA or EIS before authorizing such activities, consistent with 43 CFR 46.205(c) and 42 U.S.C. 4336(b).

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

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

* * * * *

Bureau of Land Management

11.9 Actions Eligible for a Categorical Exclusion (CE)

* * * * *

C. Forestry

* * * * *

*(10) *Salvage harvesting of dead and dying trees resulting from fire, insects, disease, drought, or other disturbances, not to exceed 1,000 acres where the disturbance affects 3,000 acres of bureau-managed lands or less, and not to exceed the lesser of 5,000 acres or 1⁄3 of the disturbance area where the disturbance exceeds 3,000 acres of bureau-managed lands. All actions must be in conformance with applicable land use planning decisions.*

(a) Covered actions:

(i) Cutting, yarding, and removal of dead or dying trees.

(ii) Cutting, yarding, and removal of live trees needed for operations, landings, skid trails, or road clearing,

(iii) Chipping/grinding or removal of residual slash.

(iv) Jackpot burning, pile burning, and underburning.

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

(b) Such actions:

(i) Must not exceed 1 mile of permanent road construction to facilitate the covered actions, and all segments must conform to applicable land use planning decisions with route-specific designations disclosed where travel management planning has been completed.

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

(iii) May include construction of temporary roads not to exceed a ratio of 2.25 miles per 1,000 acres of harvest area as needed, provided they are not part of the bureau's permanent transportation system, are designed to standards appropriate for their intended use (safety, erosion control, sedimentation prevention, and resource protection), are not needed for long-term resource management, and are decommissioned and stabilized after use to minimize erosion and protect water quality.

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

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

(2) Erosion control—specifications or measures (e.g., water bars, dispersed slash);

(3) Soil compaction—criteria for avoidance, minimization, or remediation;

(4) Logging systems—types and scope of constraints (e.g., seasonal, location, extent, etc.);

(5) Seasonal operations—purpose and extent of operating restrictions;

(6) Invasive species—measures to prevent or limit spread;

(7) Riparian areas—buffer widths and/or operating restrictions;

(8) Prescribed fire—operating constraints for underburning or pile burning; and

(9) Temporary roads—decommissioning standards.

(c) Definitions:

(i) Dying tree: A standing tree severely damaged by disturbance (e.g., fire, wind, insects, disease, drought) and, in the judgment of a forestry professional or someone technically trained for the work, is likely to die within two years.

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

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

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

Stephen G. Tryon,

Director, Office of Environmental Policy and Compliance.

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

[A2407–014–004–065516, #O2509–014–004–125222; LLHQ21000]

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

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

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

DATES: The CE is effective August 24, 2026.

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