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Route To:

Subject: Direction Regarding the Survey and Manage Standards and Guidelines

To: Forest Supervisors within the Northwest Forest Plan Area

This memorandum replaces Survey and Manage interim direction transmitted on June 12, 2013. This memorandum provides direction for implementation of the January 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (USFS et al. 2001) and is based on the district court's remedy order issued on February 18, 2014 (*Conservation Northwest v. Bonnie*, W.WA No. C08-1067-JCC). This remedy order followed after the 9th Circuit Court of Appeals rejected the 2011 Consent Decree executed in resolution of the district court action (*Conservation Northwest, et al v. Harris Sherman, et al and D.R. Johnson Company*, 715 F.3d. 1181, C.A. 9 (Wash), April 25, 2013).

Survey and Manage Direction

1. Projects in planning or development prior to April 25, 2013 that relied on the 2011 Consent Decree (settlement agreement exemptions and/or species list) may continue with planning or implementation as long as they fall within one or more of the following categories:

- (a) Projects in which any Survey and Manage pre-disturbance survey(s) have been initiated (defined as at least one occurrence of actual in-the-field surveying undertaken according to applicable protocol) in reliance upon the 2011 Consent Decree species list on or before April 25, 2013;
- (b) Projects, at any stage of project planning, in which any known site(s) (as defined by the 2001 Record of Decision (ROD)) has been identified and has had known site-management recommendations for that particular species applied to the project in reliance upon the 2011 Consent Decree on or before April 25, 2013, and
- (c) Projects, at any stage of project planning, that the Agencies designed to be consistent with one or more of the new exemptions contained in the 2011 Consent Decree on or before April 25, 2013.

In order to rely on the 2011 Consent Decree, the project file must have clear documentation that the project meets one or more of the categories listed above and the NEPA document must demonstrate that compliance with one or more of the categories. Suggested NEPA language is in Enclosure 1.



2. For all other projects not meeting #1 above, and in order to allow projects that are already initiated (meaning scoping initiated or the project is entered into the Schedule of Proposed Actions) to proceed with minimal disruption, there is a grace period for implementing this direction. Field units can choose which direction to follow until April 30, 2015; projects initiated in this next year can follow the direction in (a) or (b) below. For projects initiated after April 30, 2015, your project must follow direction in (b).

(a) The January 2001 ROD standards and guidelines and the associated January 2001 species list, *and/or* the four categories of projects exempt from the Survey and Manage standards and guidelines as stipulated by Judge Pechman (October 11, 2006 Pechman exemptions). (Same as previous June 12, 2013 Interim Direction.) See Enclosure 2 for the January 2001 species list.

(b) The January 2001 ROD standards and guidelines and the December 2003 species list, except for the red tree vole which remains as Category C across its range, *and/or* the four categories of projects exempt from the Survey and Manage standards and guidelines as stipulated by Judge Pechman (October 11, 2006, “Pechman exemptions”.) See Enclosure 3 for the December 2003 species list with red tree vole as Category C across its range.

Within the December 2003 list, there are 12 species with changes/removals in all or a portion of their range that may need special consideration at this time. If you are considering utilizing the Annual Species Review changes/removals for any of the following species, you will need to submit your project for review by the Regional Office (RO) prior to reaching a decision. Please contact Chrissy Howell (Region 5 National Forests) or Carol Hughes (Region 6 National Forests) as early in your planning process as possible to allow sufficient time in the project schedule for this review. The 12 species’ changes/removals are:

- Fungi: *Clavariadelphus truncatus* (outside Jackson Co. Oregon), *Craterellus tubaeformis* (in Washington and California), *Galerina atkinsoniana*, *Gomphus floccosus*, *Phaeocollybia olivacea*
- Lichens: *Chaenotheca furfuracea*, *Cladonia norvegica*, *Nephroma bellum* (in Oregon Western Cascades and Coast Range Physiographic Provinces; in Washington Western Cascades Physiographic Province, Gifford Pinchot NF), *Nephroma occultum*
- Mollusks: *Ancotrema voyanum*, *Megomphix hemphilli* (outside the Oregon Coast Range Physiographic Province), *Monadenia infumata ochromphalus*

The four categories of projects exempt from the Survey and Manage standards and guidelines as stipulated by Judge Pechman (October 11, 2006, “Pechman exemptions”) are:

- a) Thinning projects in stands younger than 80 years old;
- b) Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;

- c) Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning; and where the stream improvement work is the placement of large wood, channel and floodplain reconstruction, or removal of channel diversions; and
- d) The portions of projects involving hazardous fuel treatments where prescribed fire is applied. Any portions of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and manage requirements except for thinning of stands younger than 80 years old under subparagraph (a) of this paragraph.

Survey Protocols and Management Recommendations (including Conservation Assessments, Strategies, and Species Fact Sheets) created previously are still valid, and are unaffected by any of these recent Survey and Manage court rulings.

The 2001 Record of Decision and Standards and Guidelines may be viewed at <http://www.reo.gov/library/reports/RODjan01.pdf>. The Survey and Manage website can be accessed at <http://www.blm.gov/or/plans/surveyandmanage/>.

If you have any questions regarding the 12 species above, when survey and manage requirements apply, or when surveys and site management are needed, for Region 5, please contact Chrissy Howell at 707-562-8929 or cahowell@fs.fed.us, and for Region 6, please contact Carol Hughes at 503-808-2661 or cshughes@fs.fed.us

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Enclosures: Enclosure 1-NEPA Language

Enclosure 2 Table 1-1, January 2001

Enclosure 3 Table 1-1, December 2003 with Red Tree Vole

cc: Carol S Hughes, Marcia L McCray, Debbie A Hollen, Jeff P Walter, Debra Whitman, Dianne Morgado, Barnie Gyant, Richard N Rine, Tracy B Beck, Jackie C Andrew, Sarah Crim, Stacey Grimes, Diana Craig, MaryBeth Hennessy, rhuff@blm.gov