United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208
http://blm.gov/or

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JUN 13, 2014

EMS TRANSMISSION – 06/19/2014
Instruction Memorandum No. OR-2014-037
Expires: 9/30/2016

To: Westside District Managers: Coos Bay, Eugene, Lakeview, Medford, Roseburg and Salem
Attention: Planning Leads, Program Leads, and Planning and Environmental Coordinators

From: State Director, Oregon/Washington

Subject: Additional Direction Regarding the Survey and Manage Mitigation Measure as a Result of Court Ruling in Conservation Northwest et al. v. Bonnie et al., Case No. 08-1067-JCC (W.D. Wash.)

Program Area: Northwest Forest Plan Implementation – Survey and Manage (S&M) Mitigation Measure.

Purpose: On February 18, 2014, the District Court for the Western District of Washington issued a remedy order in the case of *Conservation Northwest et al. v. Bonnie et al.*, No. 08-1067-JCC (W.D. Wash.)/No.11-35729 (9th Cir.). This was the latest step in the ongoing litigation challenging the 2007 Record of Decision (ROD) to modify the Survey and Manage (S&M) Standards and Guidelines.

The remedy order contained two components. The order:

(1) Vacates the 2007 ROD to Remove or Modify the Survey and Manage S&M Mitigation Measure Standards and Guidelines, and
(2) Allows for continued project planning and implementation for projects that relied on the 2011 Consent Decree and were being developed or implemented on or before April 25, 2013 (date of the Ninth Circuit Court ruling invalidating the 2011 Consent Decree).

On March 20, 2014, the Oregon/Washington Bureau of Land Management (BLM) sent out IM-OR-2014-024 that addressed the second component of the order listed above. The direction in that instruction memorandum is still valid. The purpose of this new IM is to detail direction regarding what S&M species lists to use for new National Environmental Policy Act (NEPA) and decision documents in light of this order.

Policy/Action: Vacatur of the 2007 RODs has the effect of returning the agencies to the status quo in existence prior to the 2007 RODs. The status quo existing before the 2007 RODs were signed was defined by three previous rulings where:

(1) Judge Pechman reinstated the 2001 ROD, including any amendments or modifications to the 2001 ROD that were in effect as of March 21, 2004 (CV-04-00844-MJP, 1/9/2006). This ruling incorporated the 2001, 2002, and 2003 Annual Species Reviews (ASR).
(2) Judge Pechman ordered four categories of projects exempt from compliance with the S&M standards and guidelines (CV-04-00844-MJP, 10/11/2006, "Pechman exemptions").
(3) the Ninth Circuit Court of Appeals in *KSWC et al. v. Boody et al.,* 468 F3d 549 (9th Cir. 2006) vacated the 2001 ASR category change and 2003 ASR removal for the red tree vole in the mesic zone, returning the species to Category C throughout its range.

In summary, the status quo existing before the 2007 RODs were signed consists of:

(1) Following the 2001 S&M ROD and Standards and Guidelines (S&G);
(2) Applying the "Pechman exemptions;" and
(3) Implementing the 2001, 2002, and 2003 ASR modifications to the S&M species list, except for the changes made for the red tree vole.

Over the years since the 2007 RODs were signed, the districts have been directed to use a variety of S&M species lists in response to ongoing litigation. With the District Court's most recent order in that litigation, the following represents new direction on the appropriate species lists to use.

For new Project Decisions, one of the two species lists should be utilized:

(1) December 2003 list, except for the red tree vole (Attachment 1)
The December 2003 list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 ASR. For the red tree vole, the Ninth Circuit Court of Appeals vacated the category change and removal of the red tree vole in the mesic zone, and returned the red tree vole to its status as existed in the 2001 ROD S&Gs, which makes the species Category C throughout its range.

Within the December 2003 list, there are 12 species with ASR changes/removals in all or a portion of their ranges that may need special consideration at this time. If you are considering utilizing the changes/removals for any of the following, you will need to submit your project for approval by the Oregon State Office (OSO) prior to reaching a decision. Given the extended discussions that may be needed as part of this OSO review, please contact Rob Huff (see below) as early in your planning process as possible to allow sufficient time in the project schedule. 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 ochromphalis*

(2) 2011 Consent Decree (Settlement Agreement) list (Attachment 2)
To utilize the 2011 Consent Decree (Settlement Agreement) list, your project must have been initiated before April 25, 2013, and must meet one of three criteria:
(a) Projects in which any S&M pre-disturbance survey has been initiated (defined as at least one occurrence of actual in-the-field surveying undertaken according to applicable protocol) in reliance upon the Consent Decree on or before April 25, 2013;
(b) Projects, at any stage of project planning, in which any known site (as defined by the 2001 Record of Decision) has been identified and has had known site-management recommendations for that particular species applied to the project in reliance upon the 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 Consent Decree on or before April 25, 2013.
See Attachment 4 for a copy of a recent IM (OR-2014-024) which provided direction to field units regarding this matter.

One reason of this species list transition is to not impose undue hardship to field units. Therefore, given that recent direction has been to utilize the 2001 ROD list of species until litigation in the S&M case has been resolved, field units may continue to sign decisions utilizing the 2001 ROD list (Attachment 3) of S&M species. This is the list of species that existed prior to any of the ASRs. This list may still be used for decisions made up to one year from the date of this IM, after which time the above direction should be applied.

Clearly indicate in your National Environmental Policy Act (NEPA) and decision documentation what list of species was utilized for the project. Attachment 5 offers suggested language that could be used in NEPA documents where a "Pechman exemption" is applied, when the 2001 ROD list of species is used, when applying the December 2003 list (except for changes/removals made in 2001 and 2003 to the red tree vole), or when applying the 2011 Settlement Agreement list.

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 S&M court rulings.

The 2001 ROD may be viewed at http://www.reo.gov/library/reports/RODjan01.pdf.

The Survey and Manage website may be viewed at
http://www.blm.gov/or/plans/surveyandmanage/

Timeframe: Effective immediately.

Budget Impact: Costs of required surveys are part of annual work plan allocation to the districts.

Background: In December 2009, the District Court for the Western District of Washington issued an order on partial summary judgment in favor of the Plaintiffs finding inadequacies in the NEPA analysis supporting the Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource

Management Plans Within the Range of the Northern Spotted Owl (BLM et al. 2007)(2007 ROD). The District Court did not issue a remedy or injunction at that time. The BLM issued interim direction through IM-OR-2010-017 in light of the District Court partial summary judgment order.

Plaintiffs and Defendants entered into settlement negotiations that resulted in the 2011 Survey and Manage Settlement Agreement, adopted by the District Court on July 6, 2011. The BLM issued direction regarding implementation of this settlement agreement through IM-OR-2011-063.

The Defendant-Intervenor subsequently appealed the 2011 Settlement Agreement to the Ninth Circuit Court of Appeals. The April 25, 2013, ruling in favor of Defendant-Intervenor remanded the case back to the District Court. On February 18, 2014, the District Court vacated the 2007 RODs, which had the result of returning the BLM to the status quo in existence prior to the 2007 RODs. The prior status quo includes the use of the 2001, 2002, and 2003 Annual Species Reviews (except the change/removal made for the red tree vole) and the "Pechman exemptions".

Manual/Handbook Sections Affected: The BLM NEPA Handbook H-1790-1.

Coordination: These policies have been coordinated and reviewed by the Deputy State Director for the Division of Resource Planning, Use and Protection (OR930); Chief of the Branch of Forest Resources and Special Status Species (OR931); and Chief of the Planning, Science and Resource Information Branch (OR933); and district planning and environmental coordinators.

Contact: For NEPA questions, contact Anne Boeder at (503) 808-6628; for Survey and Manage questions, contact Rob Huff at (503) 808-6479; for Forest Management questions, contact Dave Roche at (503) 808-6020; and for Fire and Fuels questions, contact Leanne Mruzik at (503) 808-6592.

Districts with Unions are reminded to notify their unions of this IM and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you assistance in this matter.

Signed by
Jerome E. Perez
State Director

Authenticated by
Katherine Alex Wentworth
Records Section

Attachments
1 – December 2003 list of Survey and Manage Species, Except Change Made to Red Tree Vole, 7 pp
2 – 2011 Settlement Agreement/Consent Decree List of Survey and Manage Species, 7 pp
3 – 2001 ROD list of Survey and Manage Species, 9 pp

4 – IM-OR-2014-024: Direction regarding the Survey and Manage Mitigation measure as a result of court ruling in Conservation Northwest et al. v. Boone et al., Case No. 08-1067-JCC (W.D. Wash.), 3 pp
5 – Survey and Manage Language for Inclusion in NEPA/Decision Documents, 3 pp

Distribution
WO210
OR931
OR932
OR933
OR934
OR936
Office of the Regional Solicitor, Portland, Oregon (Brian Perron)

ATTACHMENT 1: Table 1-1. Species Included in Survey and Manage Standards and Guidelines and Category Assignment (December 2003, but with January 2001 ROD category assignment for Red Tree Vole)	
TAXA GROUP ***Species*** *Note*: Where taxon has more than one name indicated, first name is current accepted name, second one (in parentheses) is name used in NFP (Table C-3).	**Category**
FUNGI	
Acanthophysium farlowii (Aleurodiscus farlowii)	B
Albatrellus avellaneus	B
Albatrellus caeruleoporus	B
Albatrellus ellisii	B
Albatrellus flettii, In Washington and California	B
Alpova alexsmithii	B
Alpova olivaceotinctus	B
Arcangeliella camphorata (*Arcangeliella* sp. nov. #Trappe 12382; *Arcangeliella* sp. nov. #Trappe 12359)	B
Arcangeliella crassa	B
Arcangeliella lactarioides	B
Asterophora lycoperdoides	B
Asterophora parasitica	B
Baeospora myriadophylla	B
Balsamia nigrens (Balsamia nigra)	B
Boletus haematinus	B
Boletus pulcherrimus	B
Bondarzewia mesenterica (Bondarzewia montana), In Washington and California	B
Bridgeoporus nobilissimus (Oxyporus nobilissimus)	A
Cantharellus subalbidus, In Washington and California	D
Catathelasma ventricosa	B
Chalciporus piperatus (*Boletus piperatus*)	D
Chamonixia caespitosa (*Chamonixia pacifica* sp. nov. #Trappe #12768)	B
Choiromyces alveolatus	B
Choiromyces venosus	B
Chroogomphus loculatus	B
Chrysomphalina grossula	B
Clavariadelphus ligula	B
Clavariadelphus occidentalis (*Clavariadelphus pistillaris*)	B
Clavariadelphus sachalinensis	B
Clavariadelphus subfastigiatus	B
Clavariadelphus truncatus (syn. *Clavariadelphus borealis*)	D
Clavulina castanopes var. *lignicola* (*Clavulina ornatipes*)	B
Clitocybe senilis	B
Clitocybe subditopoda	B
Collybia bakerensis	F
Collybia racemosa	B
Cordyceps ophioglossoides	B
Cortinarius barlowensis (syn. *Cortinarius azureus*)	B
Cortinarius boulderensis	B
Cortinarius cyanites	B
Cortinarius depauperatus (*Cortinarius spilomeus*)	B

Cortinarius magnivelatus	B
Cortinarius olympianus	B
Cortinarius speciosissimus (Cortinarius rainierensis)	B
Cortinarius tabularis	B
Cortinarius umidicola (Cortinarius canabarba)	B
Cortinarius valgus	B
Cortinarius variipes	B
Cortinarius verrucisporus	B
Cortinarius wiebeae	B
Cudonia monticola	B
Cyphellostereum laeve	B
Dermocybe humboldtensis	B
Destuntzia fusca	B
Destuntzia rubra	B
Dichostereum boreale (Dichostereum granulosum)	B
Elaphomyces anthracinus	B
Elaphomyces subviscidus	B
Endogone acrogena	B
Endogone oregonensis	B
Entoloma nitidum (Rhodocybe nitida)	B
Fayodia bisphaerigera (Fayodia gracilipes)	B
Fevansia aurantiaca (Alpova sp. nov. # Trappe 1966) (*Alpova aurantiaca*)	B
Galerina cerina	B
Galerina heterocystis	E
Galerina sphagnicola	E
Gastroboletus imbellus	B
Gastroboletus ruber	B
Gastroboletus subalpinus	B
Gastroboletus turbinatus	B
Gastroboletus vividus (*Gastroboletus* sp. nov. #Trappe 2897; *Gastroboletus* sp. nov. #Trappe 7515)	B
Gastrosuillus amaranthii (*Gastrosuillus* sp. nov. #Trappe 9608)	E
Gastrosuillus umbrinus (*Gastroboletus* sp. nov. #Trappe 7516)	B
Gautieria magnicellaris	B
Gautieria otthii	B
Gelatinodiscus flavidus	B
Glomus radiatum	B
Gomphus bonarii	B
Gomphus clavatus	F
Gomphus kauffmanii	E
Gymnomyces abietis (*Gymnomyces* sp. nov. #Trappe 1690, 1706, 1710; *Gymnomyces* sp. nov. #Trappe 4703, 5576; *Gymnomyces* sp. nov. #Trappe 5052; *Gymnomyces* sp. nov. #Trappe 7545; *Martellia* sp. nov. #Trappe 1700; *Martellia* sp. nov. #Trappe 311; *Martellia* sp. nov. #Trappe 5903)	B
Gymnomyces nondistincta (*Martellia* sp. nov. #Trappe 649)	B
Gymnopilus punctifolius, In California	B
Gyromitra californica	B
Hebeloma olympianum (Hebeloma olympiana)	B
Helvella crassitunicata	B
Helvella elastica	B

Hydnotrya inordinata (*Hydnotrya* sp. nov. #Trappe 787, 792)	B
Hydnotrya subnix (Hydnotrya subnix sp. nov. #Trappe 1861)	B
Hydropus marginellus (Mycena marginella)	B
Hygrophorus caeruleus	B
Hygrophorus karstenii	B
Hygrophorus vernalis	B
Hypomyces luteovirens	B
Leucogaster citrinus	B
Leucogaster microsporus	B
Macowanites chlorinosmus	B
Macowanites lymanensis	B
Macowanites mollis	B
Marasmius applanatipes	B
Martellia fragrans	B
Martellia idahoensis	B
Mycena hudsoniana	B
Mycena overholtsii	D
Mycena quinaultensis	B
Mycena tenax	B
Mythicomyces corneipes	B
Neolentinus adhaerens	B
Neolentinus kauffmanii	B
Nivatogastrium nubigenum, In entire range except OR Eastern Cascades and CA Cascades Physiographic Provinces	B
Octavianina cyanescens (*Octavianina* sp. nov. #Trappe 7502)	B
Octavianina macrospora	B
Octavianina papyracea	B
Otidea leporina	D
Otidea smithii	B
Phaeocollybia attenuata	D
Phaeocollybia californica	B
Phaeocollybia dissiliens	B
Phaeocollybia fallax	D
Phaeocollybia gregaria	B
Phaeocollybia kauffmanii	D
Phaeocollybia olivacea, In Oregon	F
Phaeocollybia olivacea In Washington and California	E
Phaeocollybia oregonensis (syn. *Phaeocollybia carmanahensis*)	B
Phaeocollybia piceae	B
Phaeocollybia pseudofestiva	B
Phaeocollybia scatesiae	B
Phaeocollybia sipei	B
Phaeocollybia spadicea	B
Phellodon atratus (Phellodon atratum)	B
Pholiota albivelata	B
Podostroma alutaceum	B
Polyozellus multiplex	B
Pseudaleuria quinaultiana	B
Ramaria abietina	B

Ramaria amyloidea	B
Ramaria araiospora	B
Ramaria aurantiisiccescens	B
Ramaria botryis var. *aurantiiramosa*	B
Ramaria celerivirescens	B
Ramaria claviramulata	B
Ramaria concolor f. marrii	B
Ramaria concolor f. tsugina	B
Ramaria conjunctipes var. *sparsiramosa (Ramaria fasciculata* var. *sparsiramosa)*	B
Ramaria coulterae	B
Ramaria cyaneigranosa	B
Ramaria gelatiniaurantia	B
Ramaria gracilis	B
Ramaria hilaris var. *olympiana*	B
Ramaria largentii	B
Ramaria lorithamnus	B
Ramaria maculatipes	B
Ramaria rainierensis	B
Ramaria rubella var. *blanda*	B
Ramaria rubribrunnescens	B
Ramaria rubrievanescens	B
Ramaria rubripermanens, In Oregon	D
Ramaria rubripermanens, In Washington and California	B
Ramaria spinulosa var. *diminutiva* (*Ramaria spinulosa*)	B
Ramaria stuntzii	B
Ramaria suecica	B
Ramaria thiersii	B
Ramaria verlotensis	B
Rhizopogon abietis	B
Rhizopogon atroviolaceus	B
Rhizopogon brunneiniger	B
Rhizopogon chamaleontinus (*Rhizopogon* sp. nov. #Trappe 9432)	B
Rhizopogon ellipsosporus (*Alpova* sp. nov. # Trappe 9730)	B
Rhizopogon evadens var. *subalpinus*	B
Rhizopogon exiguus	B
Rhizopogon flavofibrillosus	B
Rhizopogon inquinatus	B
Rhizopogon truncatus	D
Rhodocybe speciosa	B
Rickenella swartzii (Rickenella setipes)	B
Russula mustelina	B
Sarcodon fuscoindicus	B
Sedecula pulvinata	B
Sowerbyella rhenana (Aleuria rhenana)	B
Sparassis crispa	D
Spathularia flavida	B
Stagnicola perplexa	B
Thaxterogaster pavelekii (*Thaxterogaster* sp. nov. #Trappe 4867, 6242, 7427, 7962, 8520)	B

Tremiscus helvelloides	D
Tricholoma venenatum	B
Tricholomopsis fulvescens	B
Tuber asa (*Tuber* sp. nov. #Trappe 2302)	B
Tuber pacificum (*Tuber* sp. nov. #Trappe 12493)	B
Tylopilus porphyrosporus (Tylopilus pseudoscaber)	D
LICHENS	
Bryoria pseudocapillaris	A
Bryoria spiralifera	A
Bryoria subcana	B
Buellia oidalea	E
Calicium abietinum	B
Calicium adspersum	E
Cetrelia cetrarioides	E
Chaenotheca chrysocephala	B
Chaenotheca ferruginea	B
Chaenotheca subroscida	E
Chaenothecopsis pusilla	E
Collema nigrescens, In WA and OR, except in OR Klamath Physiographic Province	F
Dendriscocaulon intricatulum, In CA	E
Dendriscocaulon intricatulum, Rest of Oregon outside of Coos, Curry, Douglas, Josephine, & Jackson Counties; WA	A
Dermatocarpon luridum	E
Fuscopannaria saubinetii (*Pannaria saubinetii*)	E
Heterodermia sitchensis	E
Hypogymnia duplicata	C
Hypogymnia vittata	E
Hypotrachyna revoluta	E
Leptogium burnetiae var. hirsutum (syn. Leptogium hirsutum)	E
Leptogium cyanescens	A
Leptogium rivale	E
Leptogium teretiusculum	E
Lobaria linita, var. *tenuoir,* In WA WL, WA WC south of Snoqualmie Pass, WA EC; OR	A
Lobaria oregana, In California	A
Microcalicium arenarium	B
Nephroma bellum, In OR; Klamath, Willamette Valley, Eastern Cascades; WA; Western Cascades (outside GPNF), Eastern Cascades, Olympic Peninsula Physiographic Provinces	E
Nephroma isidiosum	E
Nephroma occultum	C
Niebla cephalota	A
Pannaria rubiginosa	E
Peltigera pacifica	E
Platismatia lacunosa, all except OR CR	E
Pseudocyphellaria perpetua (*Pseudocyphellaria sp. 1*)	A
Pseudocyphellaria rainierensis	A
Stenocybe clavata	E
Teloschistes flavicans	A
Tholurna dissimilis, south of Columbia River	B

Usnea hesperina	E
Usnea longissima, In California and in Curry, Josephine, and Jackson Counties, Oregon	A
Usnea longissima, In Oregon, except in Curry, Josephine, and Jackson Counties and in Washington	F
BRYOPHYTES	
Brotherella roellii	E
Buxbaumia viridis, In California	E
Diplophyllum plicatum	B
Herbertus aduncus	E
Iwatsukiella leucotricha	B
Kurzia makinoana	B
Marsupella emarginata v. aquatica	B
Orthodontium gracile	B
Ptilidium californicum, In California	A
Racomitrium aquaticum	E
Rhizomnium nudum, In OR	B
Schistostega pennata	A
Tetraphis geniculata	A
Tritomaria exsectiformis	B
Tritomaria quinquedentata	B
VERTEBRATES	
Larch Mountain salamander *Plethodon larselli*	A
Shasta salamander *Hydromantes shastae*	A
Siskiyou Mountains salamander *Plethodon stormi*, In North Range	D[1]
Siskiyou Mountains salamander *Plethodon stormi*, In South Range	A
Van Dyke's salamander *Plethodon vandykei*, Cascade population only	A
Great Gray Owl *Strix nebulosa*	A
Oregon Red Tree Vole *Arborimus longicaudus*	C
MOLLUSKS	
Cryptomastix devia	A
Cryptomastix hendersoni	A
Deroceras hesperium	B[3]
Fluminicola n. sp. 3	A[2]
Fluminicola n. sp. 11	A[2]
Fluminicola n. sp. 14	A
Fluminicola n. sp. 15	A
Fluminicola n. sp. 16	A
Fluminicola n. sp. 17	A
Fluminicola n. sp. 18	A
Fluminicola n. sp. 19	A[2]
Fluminicola n. sp. 20	A[2]
Fluminicola seminalis	A[2]
Helminthoglypta talmadgei	D[1]
Hemphillia burringtoni	E
Hemphillia glandulosa, In WA Western Cascades Physiographic Province	E
Hemphillia malonei, Washington	C
Hemphillia pantherina	B[3]
Juga (o.) n. sp. 2	A
Juga (o.) n. sp. 3	A

Lyogyrus n. sp. 1	A
Lyogyrus n. sp. 2	A
Lyogyrus n. sp. 3	A
Monadenia chaceana	B[3]
Monadenia fidelis minor	A
Monadenia troglodytes troglodytes	A
Monadenia troglodytes wintu	A
Oreohelix n. sp.	A
Pristiloma arcticum crateris	A[2]
Prophysaon coeruleum, In California and Washington	A
Trilobopsis roperi	A
Trilobopsis tehamana	A
Vertigo n. sp.	A
Vespericola pressleyi	A
Vespericola shasta	A
Vorticifex n. sp. 1	E
VASCULAR PLANTS	
Arceuthobium tsugense mertensianae, In Washington only	F
Bensoniella oregana, In California only	A
Botrychium minganense, In Oregon and California	A
Botrychium montanum	A
Coptis asplenifolia	A
Coptis trifolia	A
Corydalis aquae-gelidae	A
Cypripedium fasciculatum, WA outside Eastern Cascades; OR; CA	C
Cypripedium montanum, Entire range except Washington Eastern Cascades Physiographic Province	C
*Eucephalus vialis (*syn. *Aster vialis)*	A
Galium kamtschaticum, Olympic Peninsula, WA Eastern Cascades, OR & WA Western Cascades Physiographic Provinces, south of Snoqualmie Pass	A
Platanthera orbiculata var. *orbiculata* (syn. *Habenaria orbiculata*)	C
ARTHROPODS	
Canopy herbivores (south range)	F
Coarse wood chewers (south range)	F
Litter and soil dwelling species (south range)	F
Understory and forest gap herbivores (south range)	F

[1] Although Pre-Disturbance Surveys are deemed practical for these species, continuing pre-disturbance surveys is not necessary in order to meet management objectives.

[2] For these species, until Management Recommendations are written, the following language will be considered part of the Management Recommendation: Known and newly discovered sites of these species will be protected from grazing by all practical steps to ensure that the local population of the species will not be impacted.

[3] Based upon direction contained in the ROD, equivalent-effort pre-disturbance surveys are required for these mollusk species.

ATTACHMENT 2. 2011 Settlement Agreement List of Survey and Manage Species and Category Assignment	
TAXA GROUP ***Species*** *Note:* Where taxon has more than one name indicated, first name is current accepted name, second one (in parentheses) is name used in NFP (Table C-3)	**Category**
FUNGI	
Acanthophysium farlowii (Aleurodiscus farlowii)	B
Albatrellus avellaneus	B
Albatrellus caeruleoporus	B
Albatrellus ellisii	B
Albatrellus flettii, In Washington and California	B
Alpova alexsmithii	B
Alpova olivaceotinctus	B
Arcangeliella camphorata (*Arcangeliella* sp. nov. #Trappe 12382; *Arcangeliella* sp. nov. #Trappe 12359)	B
Arcangeliella crassa	B
Arcangeliella lactarioides	B
Asterophora lycoperdoides	B
Asterophora parasitica	B
Baeospora myriadophylla	B
Balsamia nigrens (Balsamia nigra)	B
Boletus haematinus	B
Boletus pulcherrimus	B
Bondarzewia mesenterica (Bondarzewia montana), In Washington and California	B
Bridgeoporus nobilissimus (Oxyporus nobilissimus)	A
Cantharellus subalbidus, In Washington and California	D
Catathelasma ventricosa	B
Chalciporus piperatus (*Boletus piperatus*)	D
Chamonixia caespitosa (*Chamonixia pacifica* sp. nov. #Trappe #12768)	B
Choiromyces alveolatus	B
Choiromyces venosus	B
Chroogomphus loculatus	B
Chrysomphalina grossula	B
Clavariadelphus ligula	B
Clavariadelphus occidentalis (*Clavariadelphus pistillaris*)	B
Clavariadelphus sachalinensis	B
Clavariadelphus subfastigiatus	B
Clavariadelphus truncatus (syn. *Clavariadelphus borealis*) In Jackson County, Oregon	D
Clavariadelphus truncatus (syn. *Clavariadelphus borealis*) Outside Jackson County, Oregon	B
Clavulina castanopes var. *lignicola* (*Clavulina ornatipes*)	B
Clitocybe senilis	B
Clitocybe subditopoda	B
Collybia bakerensis	F
Collybia racemosa	B
Cordyceps ophioglossoides	B
Cortinarius barlowensis (syn. *Cortinarius azureus*)	B
Cortinarius boulderensis	B
Cortinarius cyanites	B
Cortinarius depauperatus (*Cortinarius spilomeus*)	B
Cortinarius magnivelatus	B
Cortinarius olympianus	B
Cortinarius speciosissimus (Cortinarius rainierensis)	B
Cortinarius tabularis	B

Cortinarius umidicola (Cortinarius canabarba)	B
Cortinarius valgus	B
Cortinarius variipes	B
Cortinarius verrucisporus	B
Cortinarius wiebeae	B
Craterellus tubaeformis, In Washington and California	D
Cudonia monticola	B
Cyphellostereum laeve	B
Dermocybe humboldtensis	B
Destuntzia fusca	B
Destuntzia rubra	B
Dichostereum boreale (Dichostereum granulosum)	B
Elaphomyces anthracinus	B
Elaphomyces subviscidus	B
Endogone acrogena	B
Endogone oregonensis	B
Entoloma nitidum (Rhodocybe nitida)	B
Fayodia bisphaerigera (Fayodia gracilipes)	B
Fevansia aurantiaca (Alpova sp. nov. # Trappe 1966) (*Alpova aurantiaca*)	B
Galerina atkinsonia	D
Galerina cerina	B
Galerina heterocystis	E
Galerina sphagnicola	E
Gastroboletus imbellus	B
Gastroboletus ruber	B
Gastroboletus subalpinus	B
Gastroboletus turbinatus	B
Gastroboletus vividus (*Gastroboletus* sp. nov. #Trappe 2897; *Gastroboletus* sp. nov. #Trappe 7515)	B
Gastrosuillus amaranthii (*Gastrosuillus* sp. nov. #Trappe 9608)	E
Gastrosuillus umbrinus (*Gastroboletus* sp. nov. #Trappe 7516)	B
Gautieria magnicellaris	B
Gautieria otthii	B
Gelatinodiscus flavidus	B
Glomus radiatum	B
Gomphus bonarii	B
Gomphus clavatus	F
Gomphus kauffmanii	E
Gymnomyces abietis (*Gymnomyces* sp. nov. #Trappe 1690, 1706, 1710; *Gymnomyces* sp. nov. #Trappe 4703, 5576; *Gymnomyces* sp. nov. #Trappe 5052; *Gymnomyces* sp. nov. #Trappe 7545; *Martellia* sp. nov. #Trappe 1700; *Martellia* sp. nov. #Trappe 311; *Martellia* sp. nov. #Trappe 5903)	B
Gymnomyces nondistincta (*Martellia* sp. nov. #Trappe 649)	B
Gymnopilus punctifolius, In California	B
Gyromitra californica	B
Hebeloma olympianum (Hebeloma olympiana)	B
Helvella crassitunicata	B
Helvella elastica	B
Hydnotrya inordinata (*Hydnotrya* sp. nov. #Trappe 787, 792)	B
Hydnotrya subnix (Hydnotrya subnix sp. nov. #Trappe 1861)	B
Hydropus marginellus (Mycena marginella)	B
Hygrophorus caeruleus	B
Hygrophorus karstenii	B
Hygrophorus vernalis	B
Hypomyces luteovirens	B
Leucogaster citrinus	B
Leucogaster microsporus	B
Macowanites chlorinosmus	B
Macowanites lymanensis	B

Macowanites mollis	B
Marasmius applanatipes	B
Martellia fragrans	B
Martellia idahoensis	B
Mycena hudsoniana	B
Mycena overholtsii	D
Mycena quinaultensis	B
Mycena tenax	B
Mythicomyces corneipes	B
Neolentinus adhaerens	B
Neolentinus kauffmanii	B
Nivatogastrium nubigenum, In entire range except Oregon Eastern Cascades and California Cascades Physiographic Provinces	B
Octavianina cyanescens (*Octavianina* sp. nov. #Trappe 7502)	B
Octavianina macrospora	B
Octavianina papyracea	B
Otidea leporina	D
Otidea smithii	B
Phaeocollybia attenuata	D
Phaeocollybia californica	B
Phaeocollybia dissiliens	B
Phaeocollybia fallax	D
Phaeocollybia gregaria	B
Phaeocollybia kauffmanii	D
Phaeocollybia olivacea, In Oregon	D
Phaeocollybia olivacea In Washington and California	B
Phaeocollybia oregonensis (syn. *Phaeocollybia carmanahensis*)	B
Phaeocollybia piceae	B
Phaeocollybia pseudofestiva	B
Phaeocollybia scatesiae	B
Phaeocollybia sipei	B
Phaeocollybia spadicea	B
Phellodon atratus (Phellodon atratum)	B
Pholiota albivelata	B
Podostroma alutaceum	B
Polyozellus multiplex	B
Pseudaleuria quinaultiana	B
Ramaria abietina	B
Ramaria amyloidea	B
Ramaria araiospora	B
Ramaria aurantiisiccescens	B
Ramaria botryis var. *aurantiiramosa*	B
Ramaria celerivirescens	B
Ramaria claviramulata	B
Ramaria concolor f. marrii	B
Ramaria concolor f. tsugina	B
Ramaria conjunctipes var. *sparsiramosa (Ramaria fasciculata* var. *sparsiramosa)*	B
Ramaria coulterae	B
Ramaria cyaneigranosa	B
Ramaria gelatiniaurantia	B
Ramaria gracilis	B
Ramaria hilaris var. *olympiana*	B
Ramaria largentii	B
Ramaria lorithamnus	B
Ramaria maculatipes	B

Ramaria rainierensis	B
Ramaria rubella var. *blanda*	B
Ramaria rubribrunnescens	B
Ramaria rubrievanescens	B
Ramaria rubripermanens In Oregon	D
Ramaria rubripermanens In Washington and California	B
Ramaria spinulosa var. *diminutiva* (*Ramaria spinulosa*)	B
Ramaria stuntzii	B
Ramaria suecica	B
Ramaria thiersii	B
Ramaria verlotensis	B
Rhizopogon abietis	B
Rhizopogon atroviolaceus	B
Rhizopogon brunneiniger	B
Rhizopogon chamaleontinus (*Rhizopogon* sp. nov. #Trappe 9432)	B
Rhizopogon ellipsosporus (*Alpova* sp. nov. # Trappe 9730)	B
Rhizopogon evadens var. *subalpinus*	B
Rhizopogon exiguus	B
Rhizopogon flavofibrillosus	B
Rhizopogon inquinatus	B
Rhizopogon truncatus	D
Rhodocybe speciosa	B
Rickenella swartzii (Rickenella setipes)	B
Russula mustelina	B
Sarcodon fuscoindicus	B
Sedecula pulvinata	B
Sowerbyella rhenana (Aleuria rhenana)	B
Sparassis crispa	D
Spathularia flavida	B
Stagnicola perplexa	B
Thaxterogaster pavelekii (*Thaxterogaster* sp. nov. #Trappe 4867, 6242, 7427, 7962, 8520)	B
Tremiscus helvelloides	D
Tricholoma venenatum	B
Tricholomopsis fulvescens	B
Tuber asa (*Tuber* sp. nov. #Trappe 2302)	B
Tuber pacificum (*Tuber* sp. nov. #Trappe 12493)	B
Turbinellis floccosus, In California	F
Tylopilus porphyrosporus (Tylopilus pseudoscaber)	D
LICHENS	
Bryoria pseudocapillaris	A
Bryoria spiralifera	A
Bryoria subcana	B
Buellia oidalea	E
Calicium abietinum	B
Calicium adspersum	E
Cetrelia cetrarioides	E
Chaenotheca chrysocephala	B
Chaenotheca ferruginea	B
Chaenotheca furfuracea	F
Chaenotheca subroscida	E
Chaenothecopsis pusilla	E
Cladonia norvegica	C
Collema nigrescens, In Washington and Oregon, except in Oregon Klamath Physiographic Province	F
Dendriscocaulon intricatulum, In California	E
Dendriscocaulon intricatulum, In Oregon outside of Coos, Curry, Douglas, Josephine, & Jackson	A

Counties; Washington	
Dermatocarpon luridum	E
Fuscopannaria saubinetii (*Pannaria saubinetii*)	E
Heterodermia sitchensis	E
Hypogymnia duplicata	C
Hypogymnia vittata	E
Hypotrachyna revoluta	E
Leptogium burnetiae var. hirsutum	E
Leptogium cyanescens	A
Leptogium teretiusculum	E
Lobaria linita, var. tenuoir, In Washington Western Cascades (south of Snoqualmie Pass), Western Lowlands, and Eastern Cascades Physiographic Provinces; Oregon	A
Lobaria oregana, In California	A
Microcalicium arenarium	B
Nephroma bellum, In Oregon Western Cascades and Coast Range Physiographic Provinces; Washington Western Cascades Physiographic Province, Gifford Pinchot NF only	F
Nephroma bellum, In Oregon Klamath, Willamette Valley, and Eastern Cascades Physiographic Provinces; Washington Western Cascades (outside GPNF), Eastern Cascades, Olympic Peninsula Physiographic Provinces	E
Nephroma isidiosum	E
Nephroma occultum	A
Niebla cephalota	A
Pannaria rubiginosa	E
Peltigera pacifica	E
Platismatia lacunosa, all except Oregon Coast Range Physiographic Provinces	E
Pseudocyphellaria perpetua (*Pseudocyphellaria sp. 1*)	A
Pseudocyphellaria rainierensis	A
Stenocybe clavata	E
Teloschistes flavicans	A
Tholurna dissimilis, south of the Columbia River	B
Usnea hesperina	E
Usnea longissima, In Curry, Josephine, and Jackson Counties, Oregon; California	A
Usnea longissima, In Oregon, except in Curry, Josephine, and Jackson Counties; Washington	F
BRYOPHYTES	
Brotherella roellii	E
Buxbaumia viridis, In California	E
Diplophyllum plicatum	B
Herbertus aduncus	E
Iwatsukiella leucotricha	B
Kurzia makinoana	B
Marsupella emarginata v. aquatica	B
Orthodontium gracile	B
Ptilidium californicum, In California	A
Racomitrium aquaticum	E
Rhizomnium nudum, In Oregon	B
Schistostega pennata	A
Tetraphis geniculata	A
Tritomaria exsectiformis	B
Tritomaria quinquedentata	B
VERTEBRATES	
Larch Mountain salamander *Plethodon larselli*	A
Shasta salamander *Hydromantes shastae*	A
Siskiyou Mountains salamander *Plethodon stormi,* In North Range	OFF[1]
Siskiyou Mountains salamander *Plethodon stormi,* In South Range	A
Scott Bar salamander *Plethodon asupak*	A[2]

Van Dyke's salamander *Plethodon vandykei*, Cascade population only	A
Great Gray Owl *Strix nebulosa* In Oregon Western Cascades, Eastern Cascades, and Klamath Physiographic Provinces	C_3
Oregon Red Tree Vole *Arborimus longicaudus*, Mesic Zone	C
Oregon Red Tree Vole *Arborimus longicaudus*, North Mesic and Xeric Zones	C
MOLLUSKS	
Ancotrema voyanum	D
Cryptomastix devia	A
Cryptomastix hendersoni	A
Deroceras hesperium	B_4
Fluminicola n. sp. 3	A
Fluminicola n. sp. 11	A
Fluminicola n. sp. 14	A
Fluminicola n. sp. 15	A
Fluminicola n. sp. 16	A
Fluminicola n. sp. 17	A
Fluminicola n. sp. 18	A
Fluminicola n. sp. 19	A
Fluminicola n. sp. 20	A
Fluminicola seminalis	A
Hemphillia burringtoni	E
Hemphillia glandulosa, In Washington Western Cascades Physiographic Province	E
Hemphillia malonei, In Washington	C
Hemphillia pantherina	B_4
Juga (o.) n. sp. 2	A
Juga (o.) n. sp. 3	A
Lyogyrus n. sp. 1	A
Lyogyrus n. sp. 2	A
Lyogyrus n. sp. 3	A
Megomphix hemphilli, all except Oregon Coast Physiographic Province	F
Monadenia chaceana	B_4
Monadenia fidelis minor	A
Monadenia infumata ochromphallus	D_5
Monadenia troglodytes troglodytes	A
Monadenia troglodytes wintu	A
Oreohelix n. sp.	A
Pristiloma arcticum crateris	A
Prophysaon coeruleum, In California and Washington	A
Trilobopsis roperi	A
Trilobopsis tehamana	A
Vertigo n. sp.	A
Vespericola pressleyi	A
Vespericola shasta	A
Vorticifex n. sp. 1	E
VASCULAR PLANTS	
Arceuthobium tsugense mertensianae, In Washington	F
Bensoniella oregana, In California	A
Botrychium minganense, In Oregon and California	A
Botrychium montanum	A
Coptis asplenifolia	A
Coptis trifolia	A
Corydalis aquae-gelidae	A
Cypripedium fasciculatum, In Washington outside Eastern Cascades Physiographic Provinces; Oregon; California	C
Cypripedium montanum, Entire range except Washington Eastern Cascades Physiographic Province	C

*Eucephalus vialis (*syn. *Aster vialis)*	A
Galium kamtschaticum, In Washington Western Cascades (south of Snoqualmie Pass), Olympic Peninsula, and Eastern Cascades Physiographic Provinces; Oregon Western Cascades Physiographic Province	A
Platanthera orbiculata var. *orbiculata* (syn. *Habenaria orbiculata*)	C
ARTHROPODS	
Canopy herbivores (south range)	F
Coarse wood chewers (south range)	F
Litter and soil dwelling species (south range)	F
Understory and forest gap herbivores (south range)	F

SPECIES SPECIFIC NOTES

Species range changes (expansions and contractions) that were approved through the 2001-2003 Annual Species Reviews are considered valid and are incorporated into the survey and management requirements for the species included in this list.

1The Siskiyou Mountains salamander, in the north range, is removed from Survey and Manage. Management for this species in the north range will follow the 2007 FS/BLM Conservation Strategy and 2007 FS/BLM/FWS Conservation Agreement (and subsequent updates) which established Agency management for the conservation of this species. The Conservation Strategy and Conservation Agreement provide for a similar level of conservation for the species, and a similar level of Agency commitment when compared with Survey and Manage obligations for this species.

2The Scott Bar salamander is added to the Survey and Manage list and will utilize the Siskiyou Mountains salamander south range management recommendations and survey protocols until further refinements on species survey and management are addressed under the Survey and Manage Standards and Guidelines.

3Although the great gray owl is within management Category C (which indicates that only high-priority sites require management) all known sites will require management and be considered high-priority. The Category C designation indicates however, that not all sites need to be discovered through surveys, and allows for a reduced survey effort as identified below.

Pre-disturbance surveys Pre-disturbance surveys will follow Version 3.0 of the Great Gray Owl Survey Protocol (or future revisions/amendments), except only 1 year of surveys are required. Pre-disturbance surveys of suitable nesting habitat are required only for proposed activities:

- that fall potential nest trees within 600 feet of natural openings that are 10 acres or greater and provide suitable conditions for great grey owl nesting (good foraging base); Or
- where disturbance above ambient levels (or other activities that may impact potential nesting owls) will occur within 300 feet (or up to 1-mile for blasting) of suitable nesting habitat associated with natural openings 10 acres or greater between March 1st and July 31st.

Management Recommendations Until new Management Recommendations are developed, the following serves as management requirements for this species. Around known (see Protocol definition) and future sites provide:

- a 30 acre management area encompassing the best available nest trees. Within the 30 acre area, management treatments are limited to protection or improvement of nesting habitat.
- a 0.25 mile radius protection zone. Within the protection zone,
  - Provide a 300 foot buffer around natural openings greater than 10 acres that have nesting habitat associated with them. Within this 300 foot buffer, treatments are limited to protection or improvement of nesting habitat.
  - Prohibit disturbance from management activities within 300 feet of nesting habitat (1 mile radius for blasting) from March 1st-July 31st, or until fledging, whichever is later, unless surveys of the nesting habitat indicate no presence or no nesting.

4 Based upon direction contained in the ROD, equivalent-effort pre-disturbance surveys are required for these mollusk species.

5 Although Pre-Disturbance Surveys are deemed practical for this species, continuing pre-disturbance surveys is not necessary in order to meet management objectives.

ATTACHMENT 3: Table 1-1. Species Included in Survey and Manage Standards and Guidelines and Category Assignment (January 2001 ROD)

TAXA GROUP *Species* — *Note*: Where taxon has more than one name indicated, first name is current accepted name, second one (in parentheses) is name used in NFP (Table C-3).	**Category**
FUNGI	
Acanthophysium farlowii (Aleurodiscus farlowii)	B
Albatrellus avellaneus	B
Albatrellus caeruleoporus	B
Albatrellus ellisii	B
Albatrellus flettii	B
Alpova alexsmithii	B
Alpova olivaceotinctus	B
Arcangeliella camphorata (*Arcangeliella* sp. nov. #Trappe 12382; *Arcangeliella* sp. nov. #Trappe 12359)	B
Arcangeliella crassa	B
Arcangeliella lactarioides	B
Asterophora lycoperdoides	B
Asterophora parasitica	B
Baeospora myriadophylla	B
Balsamia nigrens (Balsamia nigra)	B
Boletus haematinus	B
Boletus pulcherrimus	B
Bondarzewia mesenterica (Bondarzewia montana)	B
Bridgeoporus nobilissimus (Oxyporus nobilissimus)	A
Cantharellus subalbidus	D
Catathelasma ventricosa	B
Chalciporus piperatus (*Boletus piperatus*)	D
Chamonixia caespitosa (*Chamonixia pacifica* sp. nov. #Trappe #12768)	B
Choiromyces alveolatus	B
Choiromyces venosus	B
Chromosera cyanophylla (Mycena lilacifolia)	B
Chroogomphus loculatus	B
Chrysomphalina grossula	B
Clavariadelphus ligula	B
Clavariadelphus occidentalis (*Clavariadelphus pistillaris*)	B
Clavariadelphus sachalinensis	B
Clavariadelphus subfastigiatus	B
Clavariadelphus truncatus (syn. *Clavariadelphus borealis*)	B
Clavulina castanopes v. *lignicola* (*Clavulina ornatipes*)	B
Clitocybe senilis	B
Clitocybe subditopoda	B
Collybia bakerensis	B
Collybia racemosa	B

Cordyceps capitata	B
Cordyceps ophioglossoides	B
Cortinarius barlowensis (syn. *Cortinarius azureus*)	B
Cortinarius boulderensis	B
Cortinarius cyanites	B
Cortinarius depauperatus (*Cortinarius spilomeus*)	B
Cortinarius magnivelatus	B
Cortinarius olympianus	B
Cortinarius speciosissimus (Cortinarius rainierensis)	B
Cortinarius tabularis	B
Cortinarius umidicola (Cortinarius canabarba)	B
Cortinarius valgus	B
Cortinarius variipes	B
Cortinarius verrucisporus	B
Cortinarius wiebeae	B
Craterellus tubaeformis (syn. *Cantharellus tubaeformis*)	D
Cudonia monticola	B
Cyphellostereum laeve	B
Dermocybe humboldtensis	B
Destuntzia fusca	B
Destuntzia rubra	B
Dichostereum boreale (Dichostereum granulosum)	B
Elaphomyces anthracinus	B
Elaphomyces subviscidus	B
Endogone acrogena	B
Endogone oregonensis	B
Entoloma nitidum (Rhodocybe nitida)	B
Fayodia bisphaerigera (Fayodia gracilipes)	B
Fevansia aurantiaca (Alpova sp. nov. # Trappe 1966) (*Alpova aurantiaca*)	B
Galerina atkinsoniana	B
Galerina cerina	B
Galerina heterocystis	E
Galerina sphagnicola	E
Galerina vittaeformis	B
Gastroboletus imbellus	B
Gastroboletus ruber	B
Gastroboletus subalpinus	B
Gastroboletus turbinatus	B
Gastroboletus vividus (*Gastroboletus* sp. nov. #Trappe 2897; *Gastroboletus* sp. nov. #Trappe 7515)	B
Gastrosuillus amaranthii (*Gastrosuillus* sp. nov. #Trappe 9608)	E
Gastrosuillus umbrinus (*Gastroboletus* sp. nov. #Trappe 7516)	B
Gautieria magnicellaris	B

Gautieria otthii	B
Gelatinodiscus flavidus	B
Glomus radiatus	B
Gomphus bonarii	B
Gomphus clavatus	B
Gomphus floccosus, In California	F
Gomphus kauffmanii	B
Gymnomyces abietis (*Gymnomyces* sp. nov. #Trappe 1690, 1706, 1710; *Gymnomyces* sp. nov. #Trappe 4703, 5576; *Gymnomyces* sp. nov. #Trappe 5052; *Gymnomyces* sp. nov. #Trappe 7545; *Martellia* sp. nov. #Trappe 1700; *Martellia* sp. nov. #Trappe 311; *Martellia* sp. nov. #Trappe 5903)	B
Gymnomyces nondistincta (*Martellia* sp. nov. #Trappe 649)	B
Gymnopilus punctifolius	B
Gyromitra californica	B
Gyromitra esculenta	F
Gyromitra infula	B
Gyromitra melaleucoides	B
Gyromitra montana (*Gyromitra gigas*)	F
Hebeloma olympianum (Hebeloma olympiana)	B
Helvella crassitunicata	B
Helvella elastica	B
Helvella maculata	B
Hydnotrya inordinata (*Hydnotrya* sp. nov. #Trappe 787, 792)	B
Hydnotrya subnix (Hydnotrya subnix sp. nov. #Trappe 1861)	B
Hydnum umbilicatum	B
Hydropus marginellus (Mycena marginella)	B
Hygrophorus caeruleus	B
Hygrophorus karstenii	B
Hygrophorus vernalis	B
Hypomyces luteovirens	B
Leucogaster citrinus	B
Leucogaster microsporus	B
Macowanites chlorinosmus	B
Macowanites lymanensis	B
Macowanites mollis	B
Marasmius applanatipes	B
Martellia fragrans	B
Martellia idahoensis	B
Mycena hudsoniana	B
Mycena monticola	B
Mycena overholtsii	B
Mycena quinaultensis	B
Mycena tenax	B
Mythicomyces corneipes	B

Neolentinus adhaerens	B
Neolentinus kauffmanii	B
Neournula pouchetii	B
Nivatogastrium nubigenum	B
Octavianina cyanescens (*Octavianina* sp. nov. #Trappe 7502)	B
Octavianina macrospora	B
Octavianina papyracea	B
Otidea leporina	B
Otidea onotica	F
Otidea smithii	B
Phaeocollybia attenuata	D
Phaeocollybia californica	B
Phaeocollybia dissiliens	B
Phaeocollybia fallax	D
Phaeocollybia gregaria	B
Phaeocollybia kauffmanii	D
Phaeocollybia olivacea	B
Phaeocollybia oregonensis (syn. *Phaeocollybia carmanahensis*)	B
Phaeocollybia piceae	B
Phaeocollybia pseudofestiva	B
Phaeocollybia scatesiae	B
Phaeocollybia sipei	B
Phaeocollybia spadicea	B
Phellodon atratus (Phellodon atratum)	B
Pholiota albivelata	B
Pithya vulgaris	D
Plectania melastoma	F
Plectania milleri	B
Podostroma alutaceum	B
Polyozellus multiplex	B
Pseudaleuria quinaultiana	B
Ramaria abietina	B
Ramaria amyloidea	B
Ramaria araiospora	B
Ramaria aurantiisiccescens	B
Ramaria botryis var. *aurantiiramosa*	B
Ramaria celerivirescens	B
Ramaria claviramulata	B
Ramaria concolor f. marrii	B
Ramaria concolor f. tsugina	B
Ramaria conjunctipes var. *sparsiramosa (Ramaria fasciculata* var. *sparsiramosa)*	B
Ramaria coulterae	B

Ramaria cyaneigranosa	B
Ramaria gelatiniaurantia	B
Ramaria gracilis	B
Ramaria hilaris var. *olympiana*	B
Ramaria largentii	B
Ramaria lorithamnus	B
Ramaria maculatipes	B
Ramaria rainierensis	B
Ramaria rubella var. *blanda*	B
Ramaria rubribrunnescens	B
Ramaria rubrievanescens	B
Ramaria rubripermanens	B
Ramaria spinulosa var. *diminutiva* (*Ramaria spinulosa*)	B
Ramaria stuntzii	B
Ramaria suecica	B
Ramaria thiersii	B
Ramaria verlotensis	B
Rhizopogon abietis	B
Rhizopogon atroviolaceus	B
Rhizopogon brunneiniger	B
Rhizopogon chamaleontinus (*Rhizopogon* sp. nov. #Trappe 9432)	B
Rhizopogon ellipsosporus (*Alpova* sp. nov. # Trappe 9730)	B
Rhizopogon evadens var. *subalpinus*	B
Rhizopogon exiguus	B
Rhizopogon flavofibrillosus	B
Rhizopogon inquinatus	B
Rhizopogon truncatus	D
Rhodocybe speciosa	B
Rickenella swartzii (Rickenella setipes)	B
Russula mustelina	B
Sarcodon fuscoindicus	B
Sarcodon imbricatus	B
Sarcosoma latahense (Plectania latahensis)	B
Sarcosoma mexicanum, WA, CA, and Curry and Josephine Counties, OR	F
Sarcosphaera coronaria (Sarcosphaera eximia)	B
Sedecula pulvinata	B
Sowerbyella rhenana (Aleuria rhenana)	B
Sparassis crispa	D
Spathularia flavida	B
Stagnicola perplexa	B
Thaxterogaster pavelekii (*Thaxterogaster* sp. nov. #Trappe 4867, 6242, 7427, 7962, 8520)	B
Tremiscus helvelloides (syn. *Phlogiotis helvelloides*)	B
Tricholoma venenatum	B

Tricholomopsis fulvescens	B
Tuber asa (*Tuber* sp. nov. #Trappe 2302)	B
Tuber pacificum (*Tuber* sp. nov. #Trappe 12493)	B
Tylopilus porphyrosporus (Tylopilus pseudoscaber)	D
LICHENS	
Bryoria pseudocapillaris	B
Bryoria spiralifera	B
Bryoria subcana (syn. *Alectoria subcana*)	B
Bryoria tortuosa, WA Olympic Peninsula, WA Western Lowlands, WA Western Cascades, OR Western Cascades, OR Coast Range, OR Willamette Valley, and CA Coast Range Physiographic Provinces	A
Bryoria tortuosa, WA Eastern Cascades, OR Eastern Cascades, OR Klamath, CA Klamath, and CA Cascades Physiographic Provinces	D[1]
Buellia oidalea	E
Calicium abietinum	B
Calicium adspersum	E
Calicium glaucellum	F
Calicium viride	F
Cetrelia cetrarioides	E
Chaenotheca chrysocephala	B
Chaenotheca ferruginea	B
Chaenotheca furfuracea	F
Chaenotheca subroscida	E
Chaenothecopsis pusilla (syn. *Chaenothecopsis subpusilla*, *Calcium asikkalense*, *Calcium floerkei*, *Calcium pusillum, Calcium subpusillum)*	E
Cladonia norvegica	B
Collema nigrescens, in WA and OR, except in OR Klamath Physiographic Province	F
Dendriscocaulon intricatulum	B
Dermatocarpon luridum	B
Heterodermia sitchensis	E
Hypogymnia duplicata (syn. *Hypogymnia elongata*)	A
Hypogymnia oceanica	F
Hypogymnia vittata (Hygomnia vittiata)	E
Hypotrachyna revoluta (syn. *Parmelia revoluta*)	E
Leptogium burnetiae var. *hirsutum* (syn. *Leptogium hirsutum*)	A
Leptogium cyanescens	A
Leptogium rivale	B
Leptogium teretiusculum	E
Lobaria linita	A
Lobaria oregana, In California	A
Microcalicium arenarium	B
Nephroma bellum	F
Nephroma isidiosum	E
Nephroma occultum	B

Niebla cephalota (syn. *Desmazieria cephaolta, Ramalina cephalota*)	A
Pannaria rubiginosa	E
Pannaria saubinetii	F
Peltigera pacifica	E
Platismatia lacunosa	C
Pseudocyphellaria sp. 1 (*Pseudocyphellaria mougeotiana*)	B
Pseudocyphellaria rainierensis	A
Pyrrhospora quernea (syn. *Lecidea quernea, Protoblastenia quernea*)	E
Ramalina pollinaria	E
Ramalina thrausta	A
Stenocybe clavata	E
Teloschistes flavicans	A
Tholurna dissimilis, south of Columbia River	B
Usnea hesperina	B
Usnea longissima, In California and in Curry, Josephine, and Jackson Counties, Oregon	A
Usnea longissima, In Oregon, except in Curry, Josephine, and Jackson Counties and in Washington	F
BRYOPHYTES	
Brotherella roellii	E
Buxbaumia viridis	D[1]
Diplophyllum albicans	D
Diplophyllum plicatum	B
Encalypta brevicolla v. crumiana	B
Herbertus aduncus	B
Iwatsukiella leucotricha	B
Kurzia makinoana	B
Marsupella emarginata v. aquatica	B
Orthodontium gracile	B
Ptilidium californicum, In California	A
Racomitrium aquaticum	B
Rhizomnium nudum	B
Schistostega pennata	A
Tetraphis geniculata	A
Tritomaria exsectiformis	B
Tritomaria quinquedentata	B
VERTEBRATES	
Del Norte salamander *Plethodon elongatus*	D[1]
Larch Mountain salamander *Plethodon larselli*	A
Shasta salamander *Hydromantes shastae*	A
Siskiyou Mountains salamander *Plethodon stormi*	C
Van Dyke's salamander *Plethodon vandykei* (Cascade population only)	A
Great Gray Owl *Strix nebulosa*	C
Oregon Red Tree Vole *Arborimus longicaudus*	C
MOLLUSKS	
Ancotrema voyanum	E[3,4]

Cryptomastix devia	A
Cryptomastix hendersoni	A
Deroceras hesperium	B[4]
Fluminicola n. sp. 1	A[2]
Fluminicola n. sp. 2	A
Fluminicola n. sp. 3	A[2]
Fluminicola n. sp. 11	A[2]
Fluminicola n. sp. 14	A
Fluminicola n. sp. 15	A
Fluminicola n. sp. 16	A
Fluminicola n. sp. 17	A
Fluminicola n. sp. 18	A
Fluminicola n. sp. 19	A[2]
Fluminicola n. sp. 20	A[2]
Fluminicola seminalis	A[2]
Helminthoglypta hertleini	B[4]
Helminthoglypta talmadgei	A
Hemphillia burringtoni (Hemphillia "barringtoni")	A
Hemphillia glandulosa	C
Hemphillia malonei	C
Hemphillia pantherina	B[4]
Juga (O) n. sp. 2	A
Juga (O) n. sp. 3	A
Lyogyrus n. sp. 1	A
Lyogyrus n. sp. 2	A
Lyogyrus n. sp. 3	A
Megomphix hemphilli, South of south boundary of Lincoln, Benton, and Linn Counties, Oregon	F[5]
Megomphix hemphilli, North of south boundary of Lincoln, Benton, and Linn Counties, Oregon	A
Monadenia chaceana	B[4]
Monadenia churchi	F[5]
Monadenia fidelis klamathica	B[3,4]
Monadenia fidelis minor	A
Monadenia fidelis ochromphalus	B[3,4]
Monadenia troglodytes troglodytes	A
Monadenia troglodytes wintu	A
Oreohelix n. sp.	A
Pristoloma articum crateris	B[2,4]
Prophysaon coeruleum, In California and Washington	A
Trilobopsis roperi	A
Trilobopsis tehamana	A
Vertigo n. sp.	A
Vespericola pressleyi	A
Vespericola shasta	A
Vorticifex klamathensis sinitsini	E
Vorticifex n. sp. 1	E
VASCULAR PLANTS	
Arceuthobium tsugense mertensianae (Washington only)	F
Bensoniella oregana (California only)	A

Botrychium minganense, In Oregon and California	A
Botrychium montanum	A
Coptis asplenifolia	A
Coptis trifolia	A
Corydalis aquae-gelidae	C
Cypripedium fasciculatum (entire range)	C
Cypripedium montanum (entire range)	C
Eucephalus vialis (Aster vialis)	A
Galium kamtschaticum, Olympic Peninsula, WA Eastern Cascades, OR & WA Western Cascades Physiographic Provinces, south of Snoqualmie Pass	A
Platanthera orbiculata var. *orbiculata* (*Habenaria orbiculata*)	C
ARTHROPODS	
Canopy herbivores (south range)	F
Coarse wood chewers (south range)	F
Litter and soil dwelling species (south range)	F
Understory and forest gap herbivores (south range)	F

FOOTNOTES

[1] Although Pre-Disturbance Surveys are deemed practical for these species, continuing pre-disturbance surveys is not necessary in order to meet management objectives.

[2] For these species, until Management Recommendations are written, the following language will be considered part of the Management Recommendation: "Known and newly discovered sites of these species will be protected from grazing by all practical steps to ensure that the local population of the species will not be impacted."

[3] For these species, until Management Recommendations are written, the language "known and newly discovered sites of these species will be protected from grazing by all practical steps to ensure that the local population of the species will not be impacted" is the Management Recommendation and no other recommendations are imposed at this time.

[4] Based upon direction contained in the ROD, equivalent-effort pre-disturbance surveys are required for these eight mollusk species.

[5] Based upon direction contained in the ROD, these two mollusk species require management of sites known as of 9/30/99.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208
http://blm.gov/or

IN REPLY REFER TO: **MAR 20, 2014**
1790 (OR931) P

EMS TRANSMISSION
Instruction Memorandum No. OR-2014-024
Expires: 09/30/2015

To: District Managers
Attn: Planning Leads, Program Leads, and Planning and Environmental Coordinators

From: State Director, Oregon/Washington

Subject: Direction regarding the Survey and Manage Mitigation measure as a result of court ruling in *Conservation Northwest et al. v. Boone et al.*, Case No. 08-1067-JCC (W.D. Wash.)

Program Area: Northwest Forest Plan Implementation, Survey and Manage Mitigation Measure.

Purpose: On February 18, 2014, the District Court for the Western District of Washington issued a remedy order in the case of *Conservation Northwest et al. v. Boone et al.*, No. 08-1067-JCC (W.D. Wash.)/No.11-35729 (9th Cir.). This was the latest step in the ongoing litigation challenging the 2007 Record of Decision (ROD) to modify the Survey and Manage Standards and Guidelines.

A key component of that February 18, 2014 order was to allow the Forest Service and Bureau of Land Management (BLM) to continue developing and implementing projects that met the previous 2011 Consent Decree exemptions or species list, as long as certain criteria were met. The Consent Decree outlined a number of project types that were exempt from Survey and Manage pre-disturbance surveys, allowed for reduced or no buffers of known sites for those projects, and outlined a Survey and Manage list of species.

The purpose of this instruction memorandum (IM) is to detail what types of actions meet the criteria set forth in the February 18, 2014 court order to allow use of the 2011 Consent Decree and to provide language to be included in National Environmental Policy Act (NEPA) documents (attachment). These instructions apply only to projects initiated on or before April 25, 2013.

Policy/Action: The court order states:

> "The Agencies may proceed developing and implementing projects under the terms of the 2011 Consent Decree for projects that fall within one or more of the following categories of projects: (1) projects in which any Survey and Manage pre-disturbance survey(s) has been initiated (defined as at least one occurrence of actual in-the-field surveying undertaken according to applicable protocol) in reliance upon the Consent Decree on or before April 25, 2013; (2) projects, at any stage of project planning, in which any known site(s) (as defined by the 2001 ROD) has been identified and has had known site-management recommendations for that particular species applied to the project in reliance upon the Consent Decree on or before April 25, 2013, and (3) 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 Consent Decree on or before April 25, 2013."

In order to meet the court order regarding the use of the 2011 Consent Decree, the project file should: (1) have clear documentation that the project meets at least one of the criteria listed Above and (2) include the language contained in Attachment 1 in the NEPA document for projects that comply with this direction.

For projects initiated on or before April 25, 2013 that did not use the Consent Decree, and for projects initiated after April 25, 2013, additional direction concerning use of Annual Species Reviews is forthcoming. In the meantime, districts should continue to use the 2001 ROD species list and "Pechman" exemptions.

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 ROD may be viewed at:
http://www.reo.gov/library/reports/RODjan01.pdf

The Survey and Manage website may be viewed at:
http://www.blm.gov/or/plans/surveyandmanage/index.htm

Timeframe: Effective immediately.

Budget Impact: None anticipated.

Background: On December 2009, the District Court for the Western District of Washington issued an order on partial summary judgment in favor of the Plaintiffs finding inadequacies in the NEPA analysis supporting the Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines from the Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl (BLM et al. 2007) (2007 ROD). The District Court did not issue a remedy or injunction at that time. The BLM issued interim direction through IM OR-2010-017 in light of the District Court partial summary judgment order.

Plaintiffs and Defendents entered into settlement negotiations that resulted in the 2011 Survey and Manage Settlement Agreement adopted by the District Court on July 6, 2011. (the Consent Decree). The BLM issued direction regarding implementation of this settlement agreement through IM OR-2011-063.

The Defendant-Intervenor subsequently appealed the 2011 Settlement Agreement to the Ninth Circuit Court of Appeals. The April 25, 2013 decision ruled in favor of the Defendant-Intervenor and remanded the case back to the District Court. On February 18, 2014, the District Court vacated the 2007 RODs. Vacatur of the 2007 RODs results in returning the BLM to the status quo in existence prior to the 2007 RODs, which includes the use of the "Pechman" exemptions.

Manual/Handbook Sections Affected: The BLM National Environmental Policy Act Handbook H-1790-1.

Coordination: These policies have been coordinated and reviewed by the Deputy State Director of OR930 Division of Resource Planning, Use and Protection; OR931 Forest Resources Branch Chief; OR933 Planning, Science and Resource Information Branch Chief; and District Planning and Environmental Coordinators.

Contact: For NEPA questions, contact Anne Boeder, Planner, at (503) 808-6628; Survey and Manage questions, contact Rob Huff, ISSSSP Conservation Biologist, at (503) 808-6479; Forest Management questions, Dave Roche, O&C Forestry Lead, at (503) 808-6020; and for Fire and Fuels questions, contact Leanne Mruzik, Fuels Management Specialist, at (503) 808-6592.

Districts with Unions are reminded to notify their unions of this instruction memorandum and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you with assistance in this matter.

Signed by
Jerome E. Perez
State Director

Authenticated
Rhondalyn J. Darnell
Records Section

Attachment
1 – Projects Developed under the terms of the 2011 Settlement Agreement for Language for Inclusion in NEPA/Decision Documents (1 p)

Distribution
WO210
OR931
OR932
OR933
OR934
OR936
Office of the Regional Solicitor, Portland, Oregon (Brian Perron)

ATTACHMENT 5 – SURVEY AND MANAGE LANGUAGE FOR INCLUSION IN NATIONAL ENVIRONMENTAL POLICY ACT/DECISION DOCUMENTS

1. Projects that Comply with the 2001 Survey and Manage Record of Decision and Plan Amendment without Subsequent Annual Species Reviews.

The project is consistent with the 2001 Record of Decision (ROD) and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as incorporated into the district Resource Management Plan.

This project uses the species list and categories from the 2001 ROD. At the time this project was initiated, the Bureau of Land Management (BLM) was involved in legal proceedings on the Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans within the Range of the Northern Spotted Owl. Due to uncertainties surrounding these proceedings, this project utilized the last valid ROD, specifically the 2001 ROD and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent Annual Species Reviews). Details of the project surveys are described below:

[Insert details.]

2. Projects that Comply with the Pechman Exemptions.

The project is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated into the district Resource Management Plan.

In 2006, the District Court for the Western District of Washington (Judge Pechman) invalidated the agencies' 2004 RODs eliminating Survey and Manage due to National Environmental Policy Act (NEPA) violations. Following the District Court's 2006 ruling, parties to the litigation entered into a stipulation exempting certain categories of activities from the Survey and Manage standard (hereinafter, "Pechman exemptions").

Judge Pechman's Order from October 11, 2006 directs:

> "Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:
> 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 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 portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph."

I have reviewed the [insert name] Project in consideration of Judge Pechman's October 11, 2006, order. Because the project includes no regeneration harvest and includes thinning only in stands less than 80 years old, I have made the determination that this project meets Exemption a of the Pechman Exemptions (October 11, 2006, Order) and, therefore, may still proceed to be offered for sale. The first notice for sale will appear in the newspaper on [insert date if known]. {*Please note: this is an example for a timber sale that meets Pechman Exemption A. Modify to fit your project as necessary.}*

3. Projects that Comply with the 2001 Survey and Manage Record of Decision and Plan Amendment with Subsequent Annual Species Reviews, except for the Red Tree Vole.

The project is consistent with the 2001 ROD and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as incorporated into the District Resource Management Plan.

This project utilizes the December 2003 species list. This list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews (ASR) with the exception of the red tree vole. For the red tree vole, the Ninth Circuit Court of Appeals in *KSWC et al. v. Boody et a*l., 468 F3d 549 (9th Cir. 2006) vacated the category change and removal of the red tree vole in the mesic zone, and returned the red tree vole to its status as existed in the 2001 ROD Standards and Guidelines, which makes the species Category C throughout its range. Details of the project surveys are described below:

[Insert details.]

4. Projects Developed Under the Terms of the 2011 Consent Decree (Settlement Agreement).

In December 2009, the District Court for the Western District of Washington issued an order on partial summary judgment in favor of the Plaintiffs finding inadequacies in the NEPA analysis supporting the Record of Decision to Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans within the Range of the Northern Spotted Owl (BLM et al. 2007) (2007 ROD). The District Court did not issue a remedy or injunction at that time.

Plaintiffs and Defendants entered into settlement negotiations that resulted in the 2011 Survey and Manage Settlement Agreement, adopted by the District Court on July 6, 2011.

The Defendant-Intervenor subsequently appealed the 2011 Settlement Agreement to the Ninth Circuit Court of Appeals. The April 25, 2013, ruling in favor of Defendant-Intervener remanded the case back to the District Court.

On February 18, 2014, the District Court vacated the 2007 RODs. The District Court and all parties agreed that projects begun in reliance on the Settlement Agreement should not be halted. The District Court order allowed for the Forest Service and BLM to continue developing and implementing projects that met the 2011 Settlement Agreement exemptions or species list, as long as certain criteria were met. These criteria include:

a. Projects in which any Survey and Manage pre-disturbance survey has been initiated (defined as at least one occurrence of actual, in-the-field surveying undertaken according to applicable protocol) in reliance upon the Settlement Agreement on or before April 25, 2013;

b. Projects, at any stage of project planning, in which any known site (as defined by the 2001 Record of Decision) has been identified and has had known site-management recommendations for that particular species applied to the project in reliance upon the Settlement Agreement 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 Settlement Agreement on or before April 25, 2013.

This project is consistent with Criteria X [a, b, or c above—district to fill out] because [districts provide narrative describing rationale].