Chapter 1

Purpose and Need for Action

1.1 Introduction and Management Direction

On August 8, 2000, President Clinton asked the Secretaries of Agriculture and Interior to prepare a report recommending how best to respond to the severe fires of 2000, reduce the impacts of those fires on rural communities, and ensure sufficient firefighting resources in the future. On September 8, 2000, the President accepted their report, *Managing Impacts of Wildfires on Communities and the Environment-A Report to the President*. This report provided the initial framework for implementing fire management and forest health programs known as the National Fire Plan.

Protecting People and Sustaining Resources in Fire-Adapted Ecosystems, A Cohesive Strategy (2000) is a report providing the strategic framework for reducing hazardous fuels buildup within wildland-urban interface communities, municipal watersheds, threatened and endangered species habitat, and other important local features. The objective of this strategy is to describe actions that could restore healthy, diverse, and resilient ecosystems to conditions that minimize the potential for uncharacteristically intense fires. Methods recommended include removal of excessive vegetation and dead fuels through thinning, prescribed fire, and other treatments. *A Cohesive Strategy* responds to Congressional direction to provide guidance on reducing wildfire hazard and restoring ecosystem health as part of the National Fire Plan. Companion publications to the *Cohesive Strategy* include *A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment – 10-Year Comprehensive Strategy* (2001) and *A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment – 10-Year Comprehensive Strategy Implementation Plan* (2002).

The *Healthy Forests Restoration Act of 2003* (HFRA) was signed into law on December 3, 2003 by President George W. Bush. It is designed to improve the capacity of the Departments of Interior and Agriculture to conduct hazardous fuels reduction projects to protect communities, watersheds, and other at-risk lands from catastrophic wildfire. The Ninemile Fuel Reduction Project is the first District project to be analyzed under HFRA.

This document presents a summary of the Environmental Assessment conducted within the 18476 acres of the Ninemile Project Area. The project area is located in the Chiloquin Ranger District of the Winema National Forest, east of the community of Chiloquin (Figure 1-1 and Table 1-1). This project is designed to address the intents of the *Cohesive Strategy* and the HFRA by reducing hazardous fuel levels on National Forest lands near the town of Chiloquin and in the Sprague River Valley. Both Chiloquin and the Sprague River Valley were identified as communities at risk in the *Wildland Urban Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire*, Federal Register Vol. 66, No. 160.

This environmental assessment is tiered to the *FEIS for the Winema National Forest Land and Resource Management Plan* (Winema LRMP, 1990) and the *FEIS for*

Amendments to Forest Service and BLM Planning Documents within the Range of the Northern Spotted Owl, (NWFP or Northwest Forest Plan, 1994). These FEIS documents addressed management direction in and adjacent to this area as incorporated into the Winema LRMP. This EA relies upon the analysis described in these documents and focuses upon implementing the management direction of the Winema LRMP as amended.

Management direction is provided by the Winema LRMP, as amended. Amended direction includes the *Record of Decision for the Northwest Forest Plan; the Decision Notice for the Revised Continuation of Interim Management Direction Establishing Riparian, Ecosystem, and Wildlife Standards for Timber Sales*, (Eastside Screens, 1995), and the *Decision Notice for Inland Native Fish Strategy* (INFISH, 1995).

All of the Ninemile Project Area is located in the Eastside Screens direction area, with one edge of the planning area adjacent to the Northwest Forest Plan boundary. The management direction for this area was established on June 6, 1995 with the signing of the *Decision Notice for the Revised Continuation of Interim Management Direction Establishing Riparian, Ecosystem, and Wildlife Standards for Timber Sales, June 1995* (Eastside Screens) as Winema LRMP Amendment 8. This includes the direction for management of old growth.

The Management Areas for the Project Area from the Winema LRMP are shown in Figure 1-2. A brief summary of the direction for each management area may be found in Table 1-2.

1.2 Description of Project Area

The Ninemile Fuels Reduction Project Area is located on the Chiloquin Ranger District of the Winema National Forest, Klamath County, Oregon (Figure 1-1). The legal description of the project area is as follows:

Table 1-1. Ninemile Legal Description

Township	Range	Sections
T. 34 S.	R. 08 E.	19,20,27,28,29,30,31,32,33,34,35,36
T. 35 S.	R. 08 E.	1,2,3,4,5,8,9,10,11,12,13,14,15,16,17,21,22,23,24,25, 26, 27, 28,33,34,35.
T. 36 S.	R. 08 E.	3,4
T. 34 S.	R. 09 E.	17,19,20,21,28,29,30,31,32,33,34
T. 35 S.	R. 09 E.	2,3,4,5,6,7,8,9,10,11,16,17,18,19,20,30

The project area follows the Northwest Forest Plan boundary on the west to the Sprague River Road; east on the Sprague River Road to Ninemile Road; north along Ninemile Road and across private land to the Williamson River Road; south on the Lone Pine Road to the Sprague River Road; west along the Sprague River Road to Forest Road 22; then south and west on the 22 Road, 2242 Road, and the 5813 Road. A

detailed map of the project area showing the roads and private land inclusions may be found in Figure 1-3.

Throughout the document there may be slight acreage differences in the tables displayed. This is due to polygon calculation variations within the different GIS layers used to analyze this project, and should not be considered significant.

Figure 1-1. Ninemile Vicinity Map

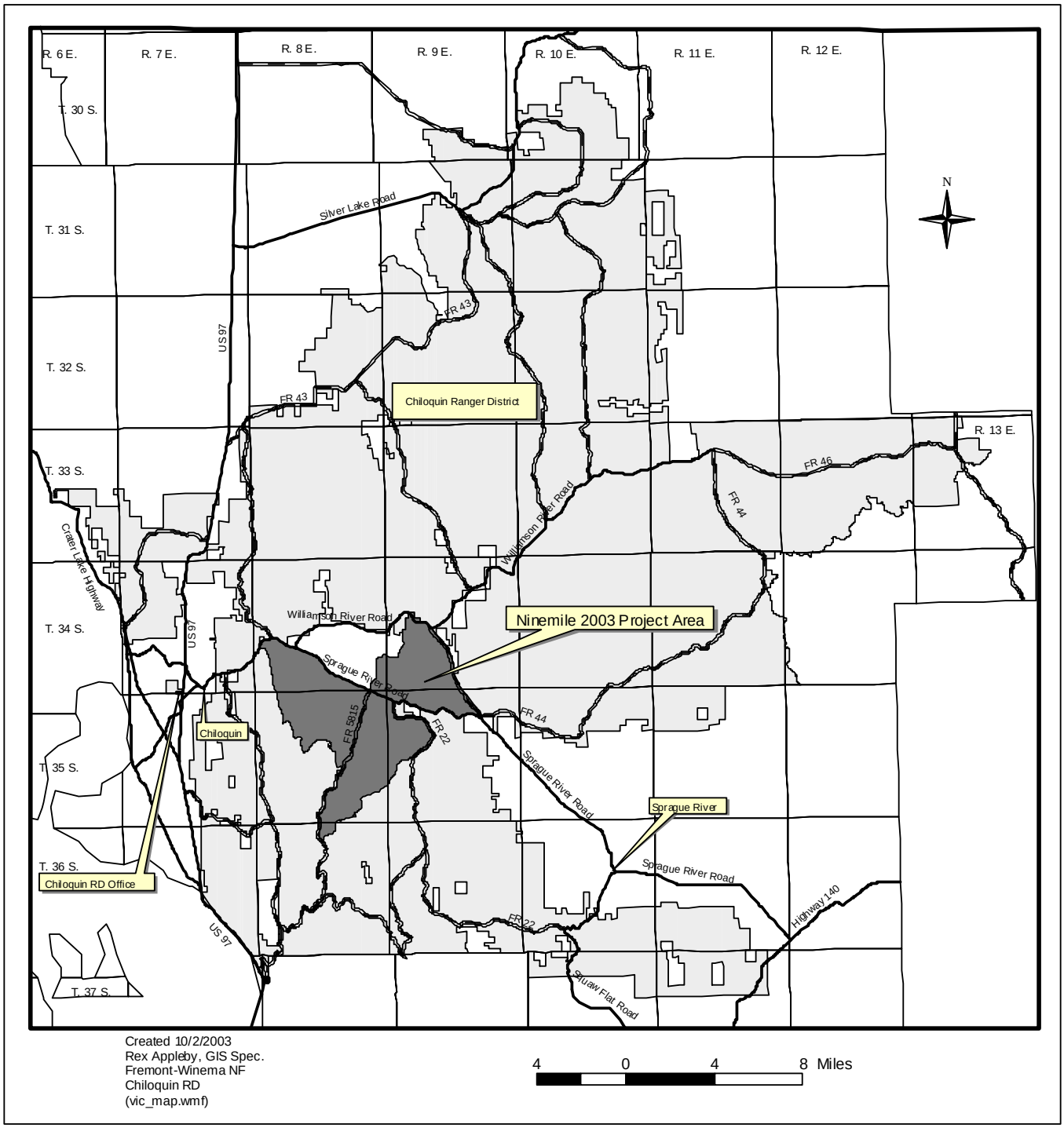


Figure 1-2. Ninemile Management Areas (Winema LRMP, 1990)

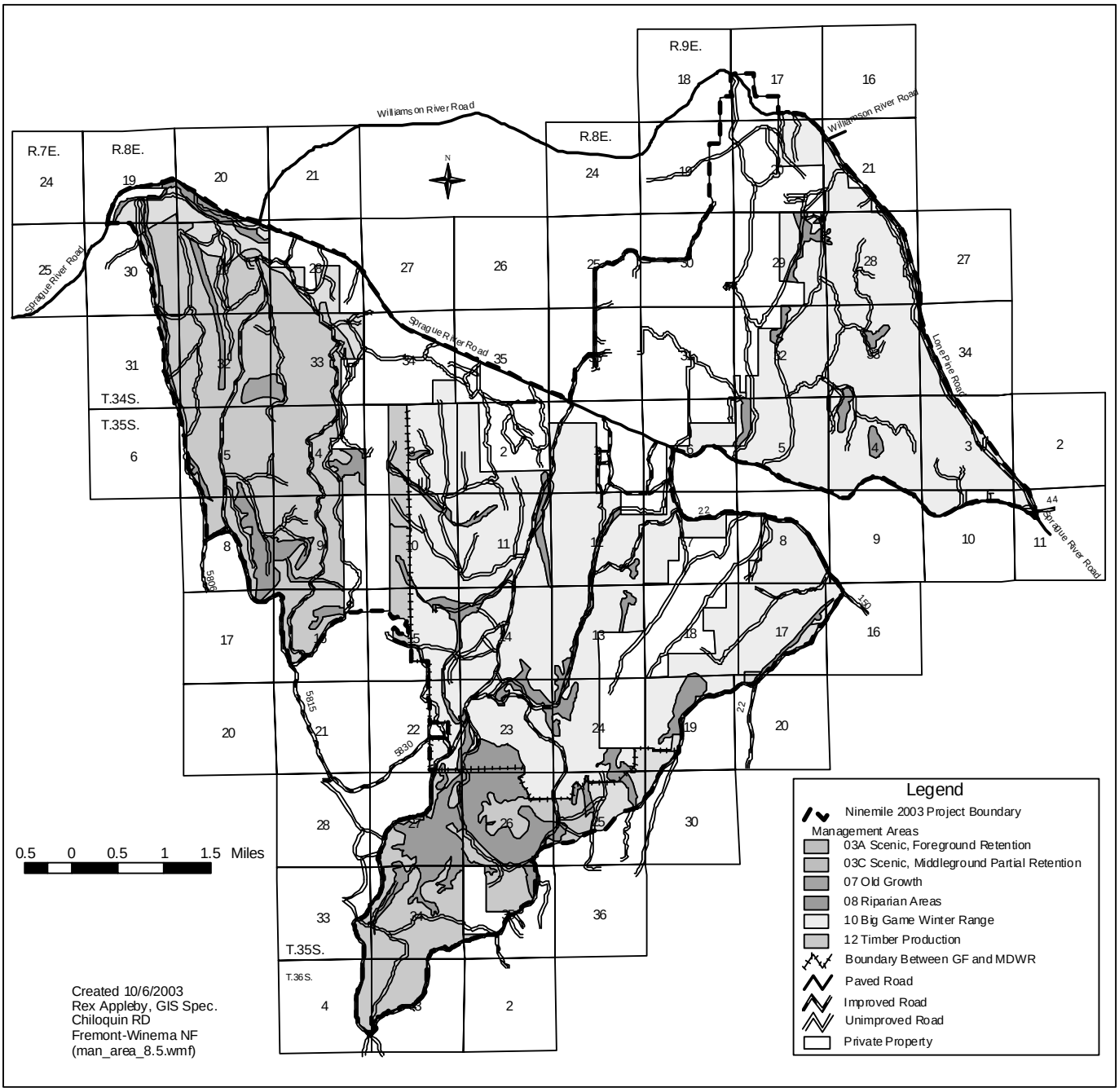


Figure 1-3. Ninemile Project Area Transportation Map

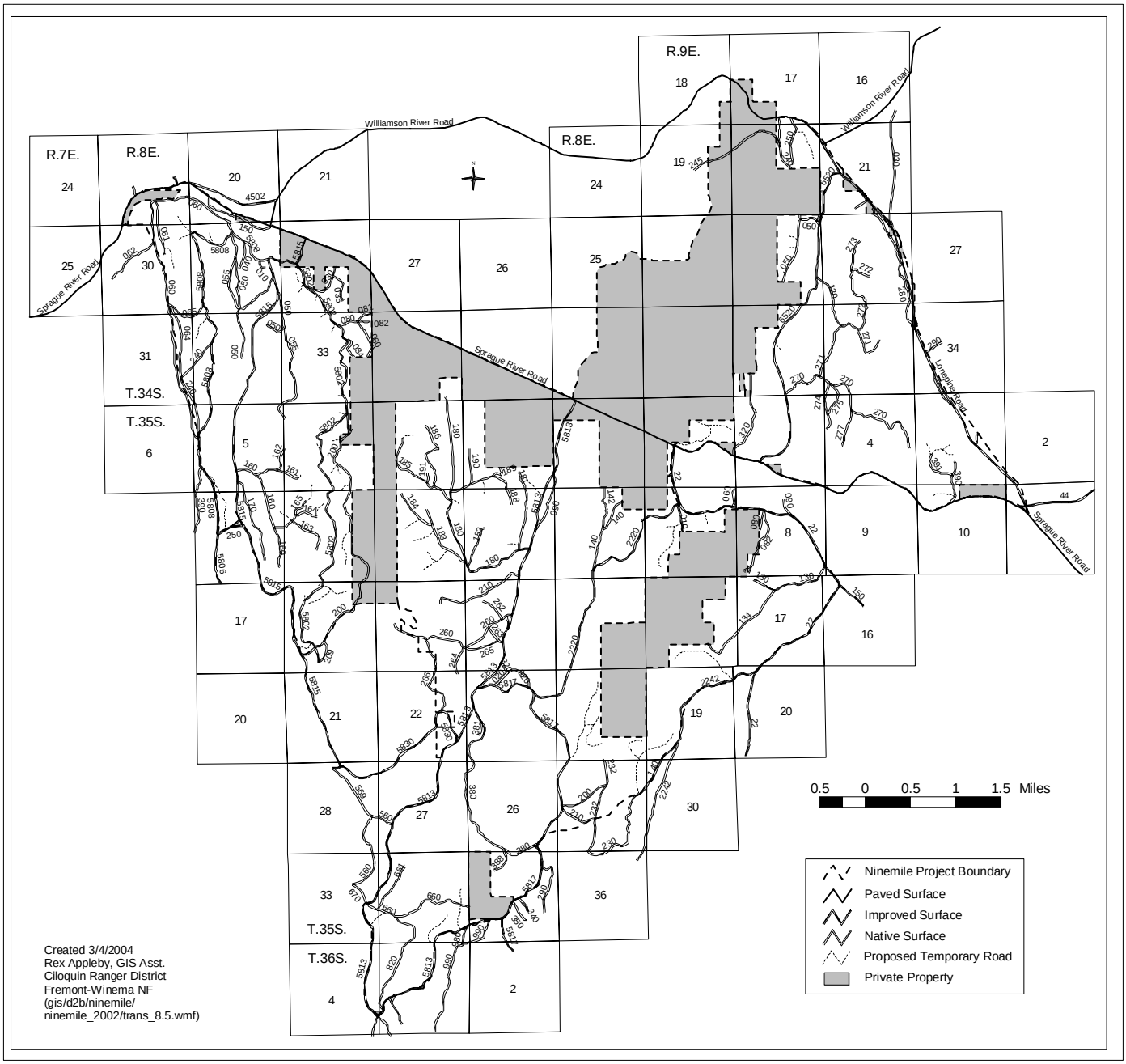


Table 1-2. Management Areas within the Ninemile Project Area (Winema LRMP)

Management Area	Area Description	Acres
Scenic Management MA-3A (Winema LRMP, p. 4:103-106)	Management Area 3A is designed to provide attractive scenery that is natural appearing as viewed in the foreground for distances of up to .25 miles from selected travel ways, bodies of water, or public use areas. Timber harvest is programmed.	530 acres
Scenic Management MA-3C (Winema LRMP, p. 4:110-111)	Management Area 3C is designed to provide attractive scenery that may be slightly altered in appearance from its natural state in the middleground from .25 to .50 miles from selected travel ways, bodies of water, or public use areas. Timber harvest is programmed.	280 acres
Old Growth Ecosystems MA-7 (Winema LRMP, p. 4:128-135)	Management Area 7 is designed to provide, maintain, and enhance existing mature and old- growth communities for associated wildlife species. No programmed timber harvest.	63 acres
Riparian Areas MA-8 (Winema LRMP, p. 4:136-143)	Management Area 8 is designed to protect soil, water, wetlands, floodplains, meadows, wildlife, and fish resource values associated with riparian vegetative communities and adjacent drier ecosystems. Timber management permitted.	2200 acres
Big Game Winter Range MA-10 (Winema LRMP, p. 4:150-152; LRMP Amendment 1)	Management Area 10 is designed to produce a diverse mixture of thermal cover, hiding cover, and forage in areas that presently or historically were used by wintering mule deer. Programmed for timber harvest.	10068 acres
Timber Production MA-12 (Winema LRMP, p. 4:153-156)	Management Area 12 is designed to produce a high level of growth and timber production with considerations for economic efficiency and resource protection. Eastside Screen direction is to manage for restoration of late or older seral stages that are under-represented.	5335 acres
	TOTAL:	**18476 acres**

1.3 Current Condition and Desired Future Condition

Historically the Ninemile Fuels Reduction Project area was largely dominated by single-storied, open park-like stands with an abundance of large diameter, fire resistant ponderosa pine trees. The landscape generally provided some quality big game forage and a low to moderate fire hazard. Frequent, low intensity fires maintained the open stand structures by killing brush, small trees, and seedlings, and consuming fuels before they accumulated to the level where the entire stand was threatened (Fire Regime 1). The estimated fire return interval was a light burn every 5 to 15 years.

Past management activities, in particular timber harvest and fire suppression, have changed stand structure, composition, and landscape pattern. Currently, Ninemile is composed of well-stocked and overstocked, multi-storied ponderosa pine stands, with minor amounts of lodgepole and pine associated stands. There are no examples of the historic open, fire-maintained stands remaining. Stands have less of a large tree component and many more small trees than existed in the past. This has created a continuous fuel ladder from the ground to the crowns of the larger trees and contributes to a continuous layer of fuels such as needles, limbs, and dead trees. Growth rates for all trees are low, as competition is high for water, nutrients, and growing space. The slow growth rates and low level of tree and stand vigor makes trees more susceptible to insect attack and disease mortality, and makes trees less likely to survive a wildfire.

Brush species have become thick and decadent, with a large component of dead stems. Cover as a percentage of the landscape is in excess of the levels considered optimum in the Winema LRMP. The primary mule deer forage, bitterbrush, is predominately in a mature to overmature condition. Herd inventories have shown that mule deer have been declining in south-central Oregon for at least 30 years. Causes for the decline have been identified as low-quality diets in spring and early summer that are negatively influencing fawn survival (Peek et al. 2001). Estimates made during studies of the Sprague River Valley show that approximately half of the forage that was present in the 1950s is currently present (Peek et al. 2001). Recommendations emphasize that opening up the forest canopy to stimulate forage over extensive areas of the landscape is necessary if increases in the deer herd are to occur.

The total amount of fuel has also increased over time. Fuels have accumulated from needle fall and other conifer litter. Given current stand structures and fuel loadings, about 79% of the Ninemile Project is rated as high fire hazard and is now susceptible to a stand replacement or uncharacteristically intense fire. The current fire hazard is displayed in Figure 1-4.

The area was identified as an at-risk community in the Federal Register (2004). Most of Ninemile is in Condition Class 3, where fire regimes have been significantly altered from historic ranges. There exists a high risk of losing key ecosystem components (most vegetation including old growth trees) from fire. Fire frequencies have departed from historical frequencies by multiple return intervals, and vegetation has been significantly altered from historic norms. The wildfires occurring at present in similar vegetation on the Chiloquin District and elsewhere in south central Oregon are not low intensity maintenance burns, but are stand replacement or uncharacteristically intense wildfires that kill 80% or more of the existing vegetation. These fires have the potential to cause significant damage to public lands and to private lands and structures. The only

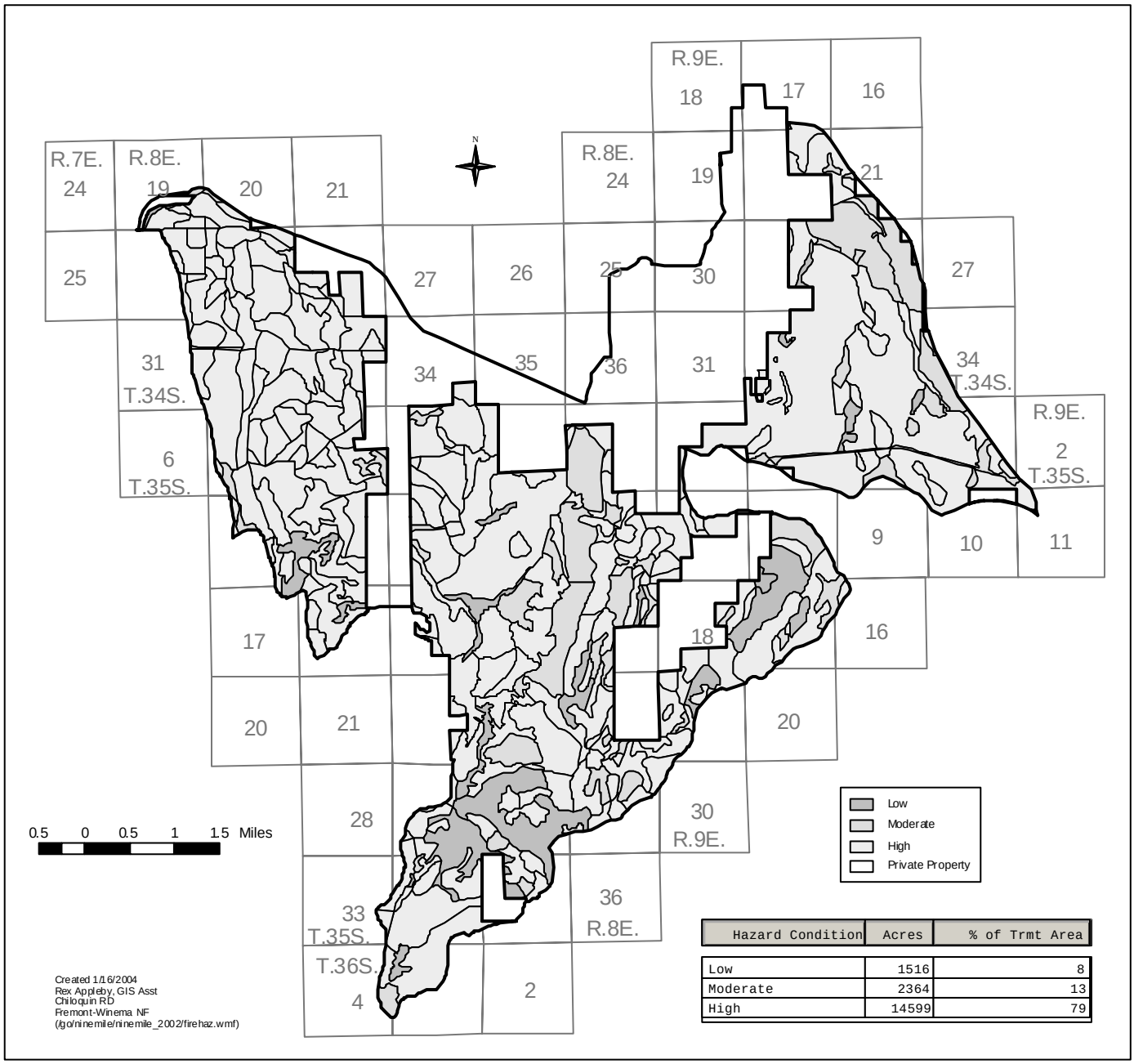
significant area of Ninemile that is in Condition Class 1 is the northeastern edge of the project area. This is a portion of the Lone Pine Fire, a stand replacement wildfire that returned about 30000 acres of Condition Class 3 lands to Condition Class 1 in 1992. Figure 1-5 displays the existing Condition Class of Ninemile.

Under the HFRA definition, federal lands within 1 ½ miles of the boundaries of an at-risk community that are in Condition Class 3 are considered to be within the Wildland Urban Interface (WUI). Lands within ½ mile of the boundaries of an at-risk community are considered WUI regardless of Condition Class, which includes the portion of the 1992 Lone Pine Fire in Ninemile. Approximately 99% of the Forest Service lands in Ninemile meet the definition of WUI from HFRA. Less than 1% of Ninemile, consisting of a few corners and edges of federal lands within the project boundary are considered as non-WUI under the HFRA definition. These non-WUI acres are primarily in T34S R8E, Sections 31 and 32, and in T35S R8E, Section 5. This non-WUI area contains stands needing fuel treatment that will be covered in a separate NEPA document. A map showing the extent of WUI in Ninemile may be seen in Figure 1-6. All activities proposed in the Ninemile Fuels Reduction Project are within the WUI.

Private lands in and around the Ninemile area consist of ponderosa pine stands with a brush understory mixed with meadows and pasture land. Much of the private lands have vegetation and fuels in a similar condition to the federal lands. Improvements range from houses on small lots to small acreages and ranches with homes, outbuildings, and other structures and improvements.

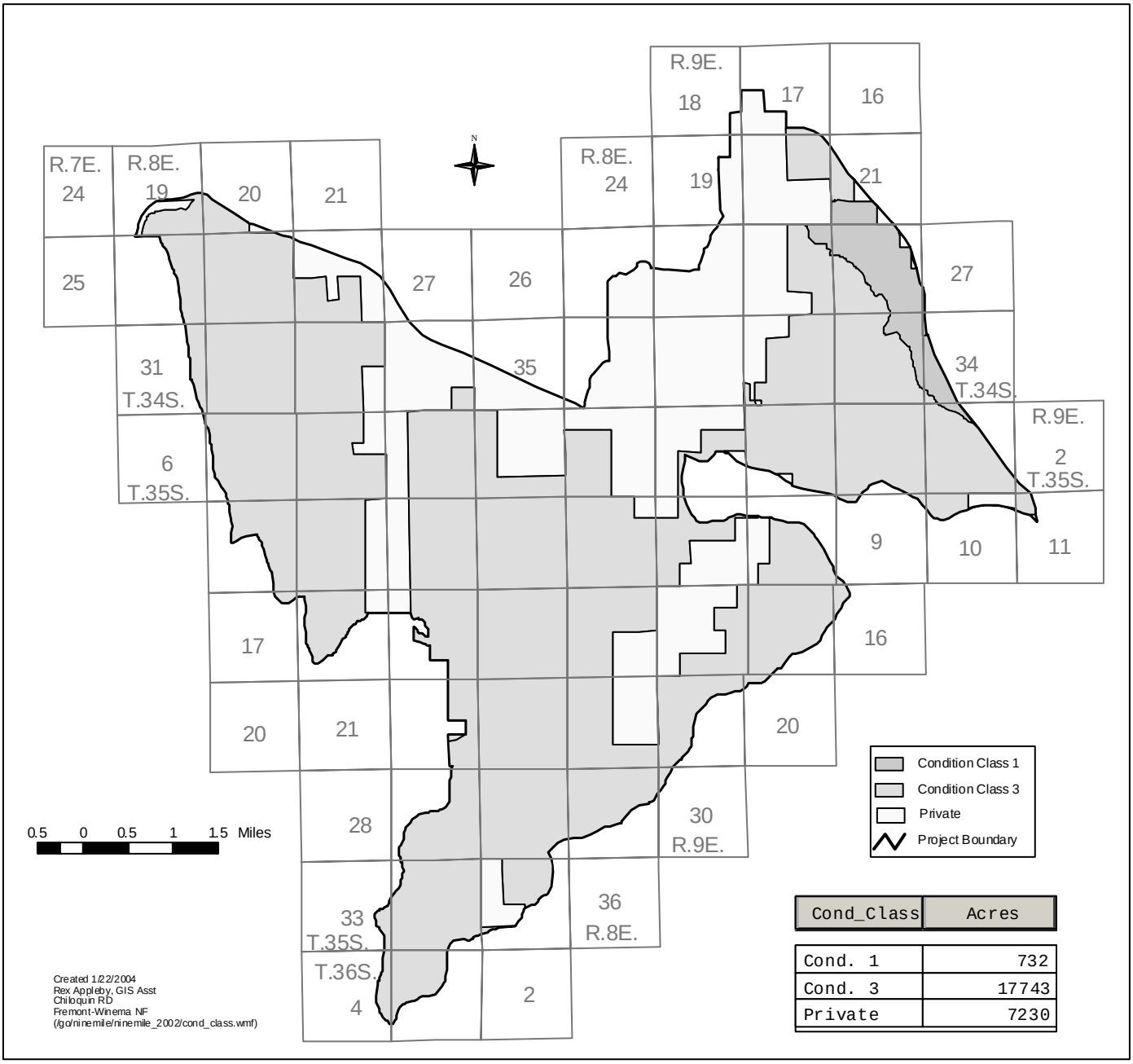
To meet current direction and the intent of the HFRA and the National Fire Plan, the Ninemile Fuels Reduction Project was initiated to move the current conditions on federal lands in the wildland urban interface closer to the desired future condition of a more open, large-tree dominated structure that is less susceptible to large-scale, stand replacing fire events. After treatment, fire should function as a stand maintenance process rather than a stand replacement mechanism within treated areas. The Ninemile Project proposes to reduce fire hazard and increase stand vigor by thinning dense conifer stands with timber sales and/or other stocking reduction treatments, and to reduce natural fuel accumulations by using mechanical brush treatments and prescribed fire. This will reduce wildland fire spread and improve the ability to suppress fires and protect both public lands and private property. Fire hazard will be reduced and the condition class will be changed through the application of these treatments. Complementary efforts to change conditions and reduce fire hazard on private property within the Ninemile area is planned through the combined efforts of the Chiloquin-Agency Lake Fire District and the Oregon Department of Forestry. Chief Dewaine Holster of the Chiloquin Agency Lake Fire District is currently working on a Community Wildfire Protection Plan for the area. This plan is expected to be completed in 2005.

Figure 1-4. Current Fire Hazard in the Ninemile Project Area



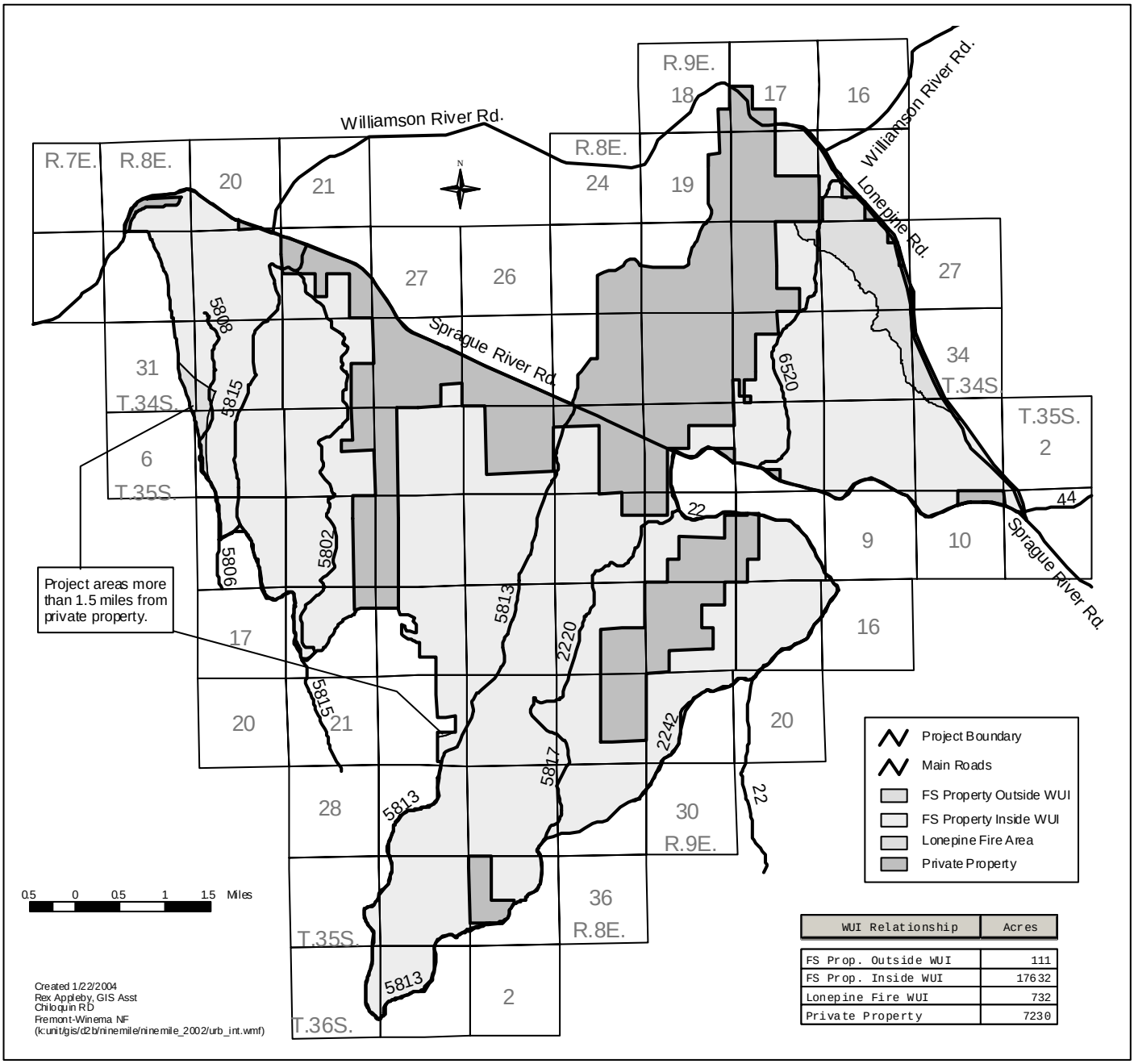
Hazard Condition	Acres	% of Trmt Area
Low	1516	8
Moderate	2364	13
High	14599	79

Figure 1-5. Current Condition Class in the Ninemile Project Area



Cond_Class	Acres
Cond. 1	732
Cond. 3	17743
Private	7230

Figure 1-6. Ninemile Project Area Wildland Urban Interface (WUI)



WUI Relationship	Acres
FS Prop. Outside WUI	111
FS Prop. Inside WUI	17632
Lonepine Fire WUI	732
Private Property	7230

1.4 Purpose and Need

The main purpose of this project is to restore sustainable conditions and maintain ecosystem health inside the Wildland Urban Interface (WUI) in the Ninemile Project Area. Other purposes are to supply timber to and support jobs in the local community, to enhance mule deer habitat, to reduce the risk of stand-replacement wildfire and to achieve overall consistency with the Winema LRMP.

In the Ninemile Project Area there are four underlying needs for the project:

- The need for lower levels of fuel loadings and fewer ladder fuels. High fuel loadings and excessive ladder fuels have created a high risk of large-scale stand replacement wildfires.
- The need for increased vigor, health, and growth rates in forest stands. Competition from excessive vegetation has reduced stand vigor, thus increasing the possibility that insects, disease, or wildfire will destroy the stands, including late and older successional trees.
- The need for higher quality mule deer habitat. Currently the mule deer habitat lacks sufficient quality forage.
- The need for commercially valuable timber from the Ninemile Project Area. Management direction within the project area calls for the production of timber. Activities to meet the purposes and needs provide the opportunity to produce commercially valuable timber from this area.

1.5 Proposed Action

The U.S. Forest Service proposes to meet the purpose and need by reducing fire hazard and increasing stand health within the Ninemile Fuels Reduction Project Area. Activities to accomplish this would consist of:

- Commercial and non-commercial conifer thinning to increase crown spacing, reduce fuel ladders, and increase forest health while retaining all live trees over 21” diameter.
- Reduction of brush and accumulated natural fuels through the use of prescribed fire, mechanical treatment, hand treatment, and piling.

Current conditions present a high fire hazard because stand densities, accumulated natural fuels, brush densities and other components contributing to fire intensity and spread are much greater now than under the historic fire regime. Wildfires currently burn at uncharacteristically high severities, killing a majority of the trees that used to survive the frequent, low intensity fires that were the historical norm. Conifer thinning, mechanical fuels treatments, prescribed burning, and other treatments will be the tools used in the proposed action to accomplish the needed fuels reduction. These activities will reduce the risk of stand replacement wildfire and insect or disease mortality and improve mule deer forage while moving the landscape toward healthier, more sustainable conditions.

The need for commercially valuable timber was identified during the development of the Winema LRMP. Land allocations were specified to meet this need. Ninemile tiers to the Winema Forest Plan FEIS. Timber harvest in Ninemile is proposed from the land allocations (Management Areas) where such harvest is programmed or permitted.

Many units would receive more than one type of treatment, such as conifer thinning followed by a mechanical brush treatment and prescribed burning. It is estimated that activities will begin in Fall 2004 with commercial timber harvest. Fuels reduction activities are planned to occur for up to ten years to allow adequate time for contract work to be performed, and to allow enough windows of the proper conditions to conduct underburning.

The proposed action would meet the purpose and need of the project and address significant issues. It addresses the Hazardous Fuels Reduction, Restoration, and Collaborative Stewardship principles in the *Cohesive Strategy*, page 11. All actions are appropriate tools as listed in the*10-Year Comprehensive Strategy Implementation Plan,* page 18. The Ninemile proposed action is described in detail in Chapter 2 of this document.

1.6 Decision to be Made

Based on the analyses documented by this Environmental Analysis, the Forest Supervisor must decide to choose the No-Action Alternative, the proposed action, or an additional action alternative. The additional action alternative, if any, must meet the purpose and need of the project and be proposed during scoping. If an action alternative were selected, activities would tentatively begin in Fall 2004.

1.7 Klamath Tribes Treaty Rights, Consent Decree of 1981, MOA

Treaty Rights

The Treaty of 1864 established the right of taking fish and gathering edible roots, seeds, and berries on reservation lands. In 1981, the U.S. Circuit Court ruled that the Treaty of 1864 also included the right to hunt and trap on the former reservation. In 1984, the U.S. Circuit Court found that the Tribe is entitled to the amount of water necessary to support its hunting and fishing rights as currently exercised to maintain the livelihood of Tribal members, not as these rights were exercised by the Tribe in 1864.

Only the United States Congress or a Court sponsored decision can change or alter Treaty rights. Forest Service activities cannot change the reserved Treaty rights of the Klamath Tribes. Forest Service activities may have an indirect effect on treaty resources in the short-term, by changing the habitat. The proposed action may indirectly influence the actual exercise of the right to hunt, trap, fish, or gather, to the degree that a change in habitat affects treaty resources. Exercise of Treaty rights may be affected by a change in the mode or type of access to an area for reasons or circumstances such as safety, fire control or prevention, certain types of investigations or other reasons as stated in laws governing the access, use and occupancy of National Forest lands.

The Forest Service has a responsibility to honor Treaty rights. The protection of treaty-reserved rights is commensurate with protection of resources and the protection of habitats upon which treaty resources rely. Managing and protecting the elements of Treaty rights is a part of this responsibility as it is a part of multiple use management direction.

None of the alternatives considered in the Ninemile Fuels Reduction Project will cancel the legal rights established by the Treaty. Klamath Tribal members will maintain the right to hunt, fish, trap, and gather. Water rights are not affected by the alternatives.

Consent Decree of 1981

The Ninemile Fuels Reduction Project Area is within the former reservation boundaries of the Klamath Tribes. To facilitate the management of resources within the former reservation lands, the Consent Decree of 1981 was negotiated between the Klamath Tribes, the state of Oregon, and the United States of America. The agreement was a final settlement of the remaining issues in Kimball vs. Callahan. The agreement promotes sound and efficient management and conservation of fish and wildlife resources within the former reservation to ensure the future use of resources by both the Klamath Tribes and other publics. Some sections of the Consent Decree are specific to the state of Oregon, the Klamath Tribes, and the Winema National Forest, and therefore directly relate to the Ninemile Fuels Reduction Project. The U.S. Forest Service is a party to the agreement both as a trustee of tribal treaty rights and as the responsible agency for managing public lands. In accordance with the 1981 Consent Decree, the Forest Service has a legal responsibility to consult with the Klamath Tribes regarding land management activities on National Forest lands.

Klamath Tribes/Forest Service Memorandum of Agreement of 1999

The intent of the Memorandum of Agreement is to establish policies and procedures that implement a government-to-government consultation process between the two parties. The objective of the parties is to clarify, define and implement the government-to government consultation process between the USDA Forest Service on behalf of the United States, and the Klamath Tribes, regarding resources that Tribal members have utilized and provided stewardship for since time immemorial. Consultation with the Tribes on the Ninemile Project was conducted under the terms of the MOA, with substantial participation from Tribal representatives.

1.8 Consultation with The Klamath Tribes

The Klamath Tribes were initially notified about the Ninemile Fuels Reduction Project when the project was discussed at the Tribal pre-SOPA (Schedule of Proposed Actions) meeting on November 1, 2000. The Project was listed in the Winter 2000-2001 Schedule of Proposed Actions. On January 14, 2002 Elwood Miller, Jr., Director of Natural Resources, appointed Will Hatcher, Tribal Forester as the Key Contact for the Natural Resources. Mr. Hatcher participated in developing the proposed action with the interdisciplinary team.

A summarization of the history of the contacts made, information provided and technical consultation process with the Klamath Tribes for this project can be found in the Ninemile project record.

1.9 Public Scoping and Involvement Process

Initial Scoping

The initial notification process for this project began with the listing of the proposed project on the Forest Schedule of Proposed Actions newsletter for the Winter of 2000-2001. A public scoping letter was sent on May 15, 2002 to adjacent landowners, other agencies, organizations, and members of the public who had previously expressed interest in projects such as the Ninemile Fuels Reduction. A total of 158 scoping letters were mailed, including postpaid return postcards. Comments were invited via the return postcards, letters, phone calls, and email messages. A summary of the people and organizations contacted in the initial scoping may be seen in Chapter 4.

A total of 43 postcards were returned from the scoping mailing, or 27% of the total sent out. Of these responses, 37% were neutral ("I need more information on Ninemile"). About 7% were negative ("I do not support the Project" or "Do not support" and "I need more information on Ninemile"). About 56% of the cards returned were favorable ("I support the Ninemile Project" or "I support the Ninemile Project" and "I need more information on Ninemile"). Some cards had questions or short comments written on them, which may be found in the project record.

Four letters, three email responses, and two telephone responses were received regarding Ninemile after the scoping letter was mailed and during the analysis. Pertinent comments were incorporated into the analysis. The comments and, when appropriate, the Forest Service responses, may be viewed in the project record.

Collaboration

Local level collaboration included participation by Will Hatcher, Tribal Forester, and Rick Ward, Tribal Biologist, in designing the proposed action to meet fuels reduction needs balanced with mule deer habitat considerations. Dewaine Holster, Chiloquin Agency Lake Fire Chief, helped the interdisciplinary team (IDT) identify problem areas and suggested treatments. Chief Holster has indicated that the Ninemile Project will complement treatments envisioned on private lands under the proposed Community Wildland Fire Protection Plan being developed for the fire district. The Chiloquin Community Action Team (CAT Team) was kept informed of the project and contributed valuable suggestions, particularly on posting information on the Ninemile Project and on the ongoing implementation of the earlier Chiloquin Community Fuels Reduction Project in the community.

HFRA Scoping

A scoping letter for Ninemile under the provisions of the HFRA was mailed on January 27, 2004. This mailing was sent to all parties originally contacted for the initial Ninemile scoping letter and to the regular Chiloquin District NEPA mailing list. The mailing

contained detailed maps and a description of the proposed action. The accompanying letter notified the public that the Ninemile Project would be analyzed and reviewed under Sections 104 and 105 of the HFRA, and invited comments on the proposed action for 30 days. It also included an invitation to a public meeting on Ninemile. The public was informed that new comments must be submitted within the HFRA comment period even if they had replied to the original Ninemile scoping in May 2002. A website location was included in the letter where the public could review the text of HFRA and the interim implementing regulations for Section 105 of HFRA.

The thirty day comment period for HFRA began on January 30, 2004 with the publication of a notice in the Klamath Falls, Oregon Herald and News newspaper. The publication included notice of the public meeting, which was scheduled for February 18, 2004.

A public meeting was held on February 18, 2004. Five members of the public attended the public meeting and participated in informal discussions on the Ninemile Project with the interdisciplinary team and Fire Chief Dewaine Holster. No written responses were received at the meeting. One person who attended the public meeting submitted comments before the end of the comment period.

Six written responses were received on the Ninemile Project during the HFRA scoping period. One landowner had a specific concern that treatment of a portion of one unit in the proposed action bordering his private pasture would expose his cattle to increased danger from hunters. An on-the-ground meeting and discussion resolved his concerns through layout changes that retained more screening in the problem area.

Three letters of support were received from individuals. One supported reducing fuels and improving the forage quality, and suggested using commercial timber receipts to offset fuel reduction work post-sale. Another urged the Forest Service to remove more conifer stocking than proposed, and to make sure that the underburning step was completed after other activities have taken place. A third urged the protection of mountain mahogany and suggested that we consider road closures in the project area.

Three organized groups responded with comments. One additional action alternative was proposed by the Oregon Natural Resources Council and the Klamath-Siskiyou Wildlands Centers in a combined letter, and by the Klamath Forest Alliance in a separate letter. This alternative, which proposed only thinning smaller, non-commercial trees, did not meet the purpose and need of the project, and was not analyzed. The reasons for not fully exploring the suggested alternative are shown in the beginning of Chapter 2 under Alternatives Dropped from Further Consideration.

Other concerns included displaying effects on old growth, roadless areas, fish and wildlife, soils, and water quality. Pertinent comments were incorporated into the analysis. The comments and, when appropriate, the Forest Service responses, may be viewed in the project record. A summary of the people and organizations contacted in the HFRA scoping may be seen in Chapter 4.

Consultation with the U.S. Fish and Wildlife Service

Informal consultation with the U.S. Fish and Wildlife Service (USFWS) was completed. There are threatened and endangered species and habitat identified within the project area. The USFWS agreed with the Forest Service determination of effects in a letter dated June 16, 2004.

1.10 Issues

After analyzing information provided through the Klamath Tribes, public input and data from resource inventories, several issues were recognized and utilized to identify opportunities, formulate alternatives, and recommend mitigation measures.

From the list of issues identified through initial information gathering, consultation with the Klamath Tribes, and public scoping, two issues were identified as key to the Ninemile Fuels Reduction Analysis. The key issues served as the basis for alternative development. This section presents a brief discussion of why an issue was identified as key by the Interdisciplinary Team.

Key Issue #1: Fire Hazard Reduction.

How effective will the chosen alternative be in reducing the chance of having a large, stand replacement or uncharacteristically severe fire in the project area that could destroy federal resources or damage private property and structures?

This issue is measured by:

- The amount of the project area on which the fire hazard is effectively lowered.
- The degree that total fuel loadings are reduced on treated areas.
- The length of time that treatments are effective.
- The increase in individual tree vigor and overall stand health to reduce fire, insect, and disease related mortality.

Key Issue #2: Treaty Resources and Other Concerns of the Klamath Tribes

The Forest Service recognizes the Klamath Tribes right to hunt, fish, gather plants, and trap on former reservation lands. The Klamath Tribes believe that, in addition to hunting, fishing, plant gathering, and trapping, other treaty resources are included under the Treaty of 1864. The Klamath Tribes have indicated in past appeals and consultation that a natural appearing landscape was another Treaty resource. Other issues raised by the Tribes Culture and Heritage and Natural Resources Departments are effects on living culture and cultural site protection, and concern for a variety of wildlife species and traditional use plants.

These concerns are addressed by:

- Display of the effects of treatments on mule deer habitat, a primary Treaty Resource concern of many Tribal members.

- Discussion of the visual effects of the treatments on a natural appearing landscape.

- The effectiveness of cultural site protection from disturbance by treatment activities.

- The effects of treatments on wildlife species of interest to the Tribes and on traditional use plants.

Other Issues

Other resource issues considered in this analysis that do not drive alternative development are:

Threatened, Endangered, and Sensitive (TES) species, other wildlife species and sensitive plants. The activities proposed in Ninemile could have an effect on both TES and other wildlife species, and on sensitive and uncommon plants. Effects to habitat such as change in existing structure, restoration of open ponderosa pine habitat, and seasonal operating restrictions will be discussed in the effects section.

Noxious Weeds/Invasive Species. Removal of vegetation and exposure of bare soil by machine work and underburning may create conditions favorable to the expansion of noxious weeds. Equipment could transport noxious weed seeds into the area.

Soils and water quality. Equipment use and prescribed burning could have detrimental effects on the soil resource and on water quality. Concerns include the employment of practices to keep compaction and displacement within LRMP limits.

Old Growth. Inventoried old growth timber stands may be treated in Ninemile. Effects on the structure and condition of old growth will be discussed in Chapter 3.

Air Quality and Smoke Management. Smoke from prescribed fires and pile burning may drift onto private lands or into the town of Chiloquin, causing impaired visibility, discomfort, and possible health hazards. Effects on air quality are shown in Chapter 3.

Road maintenance and access. Some road segments may need maintenance or improvement before activities begin to adequately and safely handle vehicle traffic. Some portions of some units may need access agreements or easements to allow proposed work to be accomplished. Area road closures are beyond the scope of this analysis.

Economic analysis. There are costs and benefits associated with implementing any alternative, including commercial timber produced, contracts offered, and jobs for the community.

Issues Dropped from Further Consideration, Mitigated, or Incorporated Into Other Issues

Several residents responded to both the original scoping and the HFRA scoping with comments about applying similar fuels reduction treatments on private lands. They were directed to the Oregon Department of Forestry and to the Chiloquin Agency Lake Fire District, which are developing and applying National Fire Plan treatments for private property, and in the process of developing a community wildfire protection plan.

The Concerned Friends of the Winema (CFOW) contributed a paper entitled “Thinning, Fire, and Fire Restoration: A Science-Based Approach for Natural Forests in the Interior Northwest (Brown, 2000). This paper, in lay terms, describes many of the restoration needs developed in Ninemile, and was helpful to the interdisciplinary team in developing a landscape perspective for fuels reduction treatments.

CFOW commented on the coordination of treatments on public and private lands for efficiency. Proposed activities for fuels reduction are effective for several to many years, so essentially the protection is effective at the same time, even if accomplished somewhat sooner on private land than on public land. Based on experience with the Chiloquin Community Fuels Reduction Project, many landowners prefer to wait until Forest Service contractors are working in the vicinity of their property, and make private arrangements with the contractors to accomplish work on their lands. The first phase of the State program under the National Fire Plan to clear vegetation adjacent to Chiloquin area residences is partially complete at this time. The Chiloquin Agency Lake Rural Fire Department is applying for grant money to help defray the cost of treatment on private lands in Ninemile within the boundaries of the protection district.

Another concern of CFOW was the use of local employment and contractors for accomplishing needed work. While this is not within the scope of this analysis to affect, past, similar projects have primarily involved contractors and labor from Klamath County and adjacent areas of Oregon.

Several respondents mentioned the benefits of road closures for wildlife and for watershed health. Road closures are beyond the scope of this HFRA project, and will require a separate analysis and decision, with careful consideration of Klamath Tribal Treaty Rights and concerns. This analysis will concentrate on the current condition of the Project Area roads and maintenance needed to accomplish the proposed action.

Oregon Natural Resources Council (ONRC) identified several concerns in their response to the first scoping, dated December 12, 2002. Many of the ONRC concerns (wildlife, fish, water quality, old growth) are addressed in Chapter 3 and in specialist reports.

The issue of *Roadless/Wilderness Areas and Road Building Issues* is moot for this project, as Ninemile does not contain wilderness or roadless areas (Figure 1-3) and does not plan to build more permanent roads.

Several comments were received verbally about the use of juniper in the Project Area for posts and poles. Juniper post and pole opportunities will be provided within treatment units if the proposed action is selected.

No issues were brought up during the HFRA scoping period that were substantially different from the original scoping. The comments received, and the Forest Service responses, if warranted, may be viewed in the Project Record.

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