



**FEMA**

## **FINDING OF NO SIGNIFICANT IMPACT**

Anderson Creek Hazardous Fuels Mitigation  
Lomakatsi Restoration Project, Jackson Co, Oregon  
Hazard Mitigation Grant Program FM-5195-016-OR

Lomakatsi Restoration Project (Lomakatsi) applied to the Federal Emergency Management Agency (FEMA) through the Oregon Office of Emergency Management (OEM) for a grant under FEMA's Hazard Mitigation Grant Program (HMGP) for a wildfire fuels reduction mitigation project. The HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 93-288, as amended, 42 U.S. Code § 5121-5207).

The purpose of the proposed project is to slow the spread of wildfire and reduce the risk of wildfire impacts on people and property. About 130 structures will be directly mitigated, but Lomakatsi estimates that up to 383 structures will benefit from the mitigation. The project area encompasses approximately 1,700 acres, and the project would treat approximately 450 acres to achieve communitywide benefits. All designed treatments will extend a minimum of 100 feet from structures and roadsides. Additional treatment will be applied where it will be most effective for the entire community, such as along roads and ridgelines. A site-specific treatment plan will be developed for each participating property.

An additional component of the proposed project involves providing technical assistance to landowners to educate them on how to identify and mitigate wildfire hazards on their property to reduce damage from wildfire on their property and throughout the community.

The following activities would be applied to each participating property as needed, depending on individual circumstances.

- **Defensible Space Zone 1** (Up to 30 feet from homes):
  - The focus within this zone will be to provide landowner education on maintenance, fire-resistant landscaping, and other landscape management techniques to reduce wildfire hazards close to structures.
  - The proposed action will not include work within landscaped areas because management of these areas is not technical in nature and landowners can perform landscaping themselves or contract it for a reasonable cost.
  - The proposed action may include some removal of trees or shrubs within this zone that can be removed safely without a certified arborist.

- **Defensible Space Zone 2** (30 to 100 feet from structures) **and Hazardous Fuel Reduction along Roadsides:**
  - Reduce the density and continuity of the tree and shrub canopy by thinning around individuals or clumps to create space between crowns to achieve 10 feet of spacing between individual tree crowns or clumps of trees.
  - Reduce potential ladder fuels that could carry fire into the crowns.
  - Prune trees up to 10 feet from the ground, leaving at least 60 percent of the crown.
  - Remove dead material, including snags, limbs, and surface fuels.
  - Remove trees 10 inches in diameter at breast height (DBH) or less (most trees that will be removed are 6 inches or less).
  - Remove trees or limbs that extend over roads or are likely to fall on roads.
  - Reduce shrub cover; separating shrubs by a distance of two to three times the shrub height.
  - Remove shrubs that are immediately under trees.
  - Spacing between trees and shrubs that are left will be adjusted according to the flammability of the tree or shrub species.
  - Zone 2 will be extended to 200 feet around structures on forested land with a greater than 40 percent slope and shrub or woodlands with a greater than 20 percent slope.
- **Hazardous Fuels Reduction Zone 3** (more than 100 feet from structures and roads):
  - Prioritize treatment to areas with high residential density, strategic ridgelines for fire suppression, steep slopes (but less than 80 percent), heavy shrub fuels, or particularly dense forest conditions.
  - Treatment specifications will be the same as Zone 2, but with less intensity. This will be considered a transition zone between the heavily thinned Zone 2 and unthinned forest.
  - Thinning will be concentrated to remove horizontal and vertical continuity of fuels and promote healthy and resilient forest conditions.

The following vegetation management and disposal methods will be used:

- The work will be conducted with ground crews using chainsaws, pruning saws, and other hand tools because of the steep conditions in the project area. Vegetation root balls will not be disturbed in the process of thinning and clearing.
- Within 20 feet of roads and driveways, most cut material will be chipped using chippers parked on roads, driveways, or existing skid trails. In these areas, the cut material will be chipped into a truck.
- Chipped material will not be broadcast but will be collected and donated for landscaping and compost uses in the community.
- In areas inaccessible to a chipper, cut material would be hand-piled and burned in small burn piles (no larger than approximately 6 feet by 6 feet by 4 feet). Burning may occur at the same time as the thinning work (swamper burning) or piles may be left to dry for 3 to 12 months before burning.

For project timing; cutting, piling, and chipping or burning activities would occur primarily between October through February to avoid both the Northern spotted owl (NSO) breeding season and potential insect infestation. However, work that does not involve pruning (i.e. vegetation cutting and removal) may also occur between August 1 and October. Work at any one property would only take a few days to a week or two. Pile burning would be conducted approximately 8 to 12 months later between fall and early summer to avoid the dry season. The total project duration would be up to 3 years.

Maintenance work would be conducted for 10 years and would be the responsibility of participating landowners through a maintenance agreement. Work can be accomplished annually with typical landscaping tools already owned by many landowners. Maintenance may include pruning hardwood sprouts, removing dead material, limbing trees, mowing, and raking. Maintenance along rights-of-way would meet or exceed the Jackson County Roads and Parks Services Vegetation Management Standards.

## **FINDINGS**

FEMA prepared an Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA) of 1969 and FEMA Instruction 108-1-1, *Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements*, to identify and evaluate potential environmental effects resulting from the alternatives presented in the EA and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). The EA analyzed the proposed action to reduce wildfire hazards through establishing defensible spaces and fuels reduction in the treatment areas and a no action alternative. Other alternative methods to reduce wildfire risks were considered but not carried forward and are described in the EA.

The following resources will not be affected by the proposed action either because they do not exist in the project area or the alternatives would have no effect on the resources: geology, wild and scenic rivers, sole source aquifers, coastal resources, land use and zoning, topography, floodplains, threatened and endangered species, cultural resources, environmental justice populations, utilities, and public health.

During implementation of the proposed action, negligible to minor impacts on soils including farmland soils, visual quality and aesthetics, air quality and climate, surface waters and water quality, wetlands, vegetation, fish and wildlife, noise, and transportation are anticipated. There will also be a negligible to minor short-term threat of soil and water contamination from equipment use. With implementation of conditions to avoid, minimize, and mitigate impacts as listed in Attachment A, none of these potential impacts will be significant. In the long-term, the proposed action will have beneficial effects on several resources from the reduced risk of wildfire damage. FEMA consulted with U.S. Fish and Wildlife Service, State Historic Preservation Office, and federally recognized Indian tribes with interests in the area to identify potentially affected resources and appropriate measures to avoid and minimize potential impacts.

A public scoping notice and fact sheet about the proposed project was published on August 6, 2020 for a 30-day comment period. One comment was received from Bureau of Land Management about project that may have cumulative effects with the proposed action. The Draft EA was made available to interested parties for a 30-day public comment period from November 25, 2020 through December 25, 2020. One comment was received from the Oregon Department of Fish and Wildlife, and the comments were incorporated into the Final EA. The proposed action is the selected alternative because the no action alternative would not address the purpose and need state in the EA and no other practical alternatives were identified.

### **CONCLUSION**

Based upon the information contained in the HMGP grant application, the EA, and conditions in Attachment A of this FONSI; and in accordance with FEMA Instruction 108-1-1; Executive Orders (EOs) addressing floodplains (EO 11988), wetlands (EO 11990), and environmental justice (EO 12898); FEMA determined that the proposed action will not have significant impacts on the quality of the natural and human environment. As a result of this FONSI, an EIS will not be prepared and the project; as described in the grant application, the EA, and the conditions in Attachment A; may proceed.

### **EHP APPROVAL**

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Science Kilner  
Regional Environmental Officer  
FEMA Region 10

Date

### **EHP ENDORSEMENT**

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Jackie Pritchett Jr.  
Hazard Mitigation Assistance Branch Chief  
FEMA Region 10

Date

## Attachment A

### PERMITTING, PROJECT CONDITIONS, AND MITIGATION MEASURES

Lomakatsi (subrecipient) shall comply with the following project conditions and mitigation measures in implementing the proposed action; and implement best management practices (BMPs) where possible.

- Any necessary local, state, or federal permits needed to conduct the proposed work will be obtained before work.
  - Pile burning would be completed under a burn permit from the Oregon Department of Forestry (ODF) and will comply with applicable local fire restrictions.
  - The proposed action will be subject to the prohibitions of the Migratory Bird Treaty Act (MBTA) and the Lomakatsi will be responsible for obtaining and complying with any necessary permits from the U.S. Fish and Wildlife Service (USFWS) before work commences and for documenting this on the associated project parcel assessment/treatment plan if any work is planned between mid-April through July (nesting season).
- The following measures will be implemented with regard to burning and smoke management
  - Pile burning will occur when conditions are wet or rainy with little or no wind, during daylight hours, and when air quality conditions permit.
  - Clearing and burning activities will be conducted outside of the fire season (June to October) to minimize the potential to contribute to fire risk.
  - The proposed action will be conducted in accordance with OAR 629-615-0300, which defines requirements for prescribed burning. These requirements include, but are not limited to, developing a written plan to minimize effects of burning on Type F, Type SSBT, and Type D streams and wetlands and complying with Oregon's "Smoke Management Plan".
- The following measures will be incorporated into the treatment approach to avoid and minimize potential harm to Endangered Species Act-listed species and habitats:
  - A timing restriction for the Northern spotted owl (NSO) critical breeding period (March 1 through July 30) will be applied for any project actions within the following areas:
    - Any treatment work within the 0.5-mile NSO core zone.
  - Appropriate canopy coverage will be retained when conducting treatment within NSO habitat:
    - In existing nesting, roosting, or foraging habitat, more than 60 percent canopy cover will be retained.
    - In existing dispersal habitat, more than 40 percent canopy cover will be retained.
  - Ladder fuel reduction will not be uniform across the project area. A few (approximately five) well-spaced larger tree limbs will be retained within the 10-foot ladder fuels treatment zone for roosting and foraging.
  - Vehicles will be kept on existing roads.

- Habitat piles will be built with five layers and will be 20 feet in diameter, and 6 feet high. One to three piles will be created per acre.
- The following additional measures will be implemented to protect fish, wildlife, migratory birds, and vegetation in the project area:
  - The proposed action will be implemented in accordance with OAR 629-655, which requires operators to minimize disturbance to understory vegetation and soils in and around wetlands and retain downed wood and snags in wetlands.
  - Root balls would not be disturbed during project implementation and some shrubs and trees would be retained according to the individualized fuels prescriptions.
  - Burn piles would be positioned to avoid harming any retained trees.
- Treatment work would be adjusted to conform with the following riparian reserve restrictions:
  - In accordance with Jackson County requirements, all vegetation and tree cover will be retained within 50 feet of the top of the bank of fish-bearing water areas, including perennial and intermittent streams, lakes, and ponds (excluding man-made farm ponds). However, vegetation may be removed for forestry activities that have an ODF-approved statutory plan for thinning in riparian areas and have been granted a permit under the Forest Practices Act. And non-native vegetation can be removed within the riparian setback if the work is done through a Jackson County-approved riparian landscape plan. Fish-bearing streams are designated by OAR as Type F (fish-bearing) or type SSBT (streams with salmon, steelhead, or bull trout present).
  - Trees shall not be cleared from within 20 feet of the high water level of Type D streams (streams with domestic water use but no fish use), or large and medium Type N streams (streams not used by fish or for domestic water use) found within the project area.
  - Understory vegetation shall not be cleared within 10 feet of the high-water level of Type F, Type SSBT, Type D, or large and medium Type N streams.
  - All trees leaning over the water channel of Type F, Type SSBT, Type D, or Type N streams shall be retained.
- Before work begins, Lomakatsi will develop an Inadvertent Discovery Plan for use in the event that any archeological resources are discovered during project implementation. In such an event work would immediately cease in the affected area, it would be secured, and Lomakatsi would notify the State Historic Preservation Office and FEMA for further evaluation.
- The following are guidelines developed by the Woodland Fish and Wildlife Group to address snags and logs, old growth trees, work timing, pruning, and seeding to maintain wildlife habitat features during defensible space and fuels reduction work. These suggestions will be incorporated when applicable and where practicable:
  - Keep any large trees (greater than 14 inches DBH), including defective trees.
  - Openings may vary from 0.1 to 5.0 acres in size and may comprise 5 to 15 percent of the landscape and have irregular shapes.

- Patches may be 30 to 50 feet across, 100 to 300 feet in length, and comprise 10 to 20 percent of the landscape.
- Maintain the shrub species that are most valuable for wildlife habitat and keep them in clumps beyond overhanging limbs from adjacent trees.
- Schedule activities during the fall when it is the best time to avoid wildlife nesting and denning and insect outbreaks.
- When pruning, retain one-third of the total live branches to maintain tree vigor. Prune trees during October through March when they are dormant to avoid insect infestation.
- When seeding disturbed soils or areas of burned soil, use only native and certified weed free seed mixes.
- The following are BMPs pertaining to the use of mechanical equipment:
  - Vehicle and equipment run times would be kept to a minimum.
  - Equipment will be kept in good condition.
  - Any spills during implementation will be contained and cleaned immediately.
  - All equipment and project activities would adhere to local regulations to reduce the risk of hazardous leaks and spills.
  - Noise-producing equipment will occur during less sensitive, waking hours (7 a.m. to 10 p.m.).