Appendix A Agency and Tribal Coordination

The following Tribes were contacted in July 2020 and provided the attached tribal consultation letter: Burns Paiute Tribe, Confederated Tribes of the Grand Ronde, Confederated Tribes of the Warm Springs, Cow Creek Band of the Umpqua Indian Tribe, Klamath Tribe.



July 23, 2020

Cecil Dick, Chairman Burns Paiute Tribe 100 Pasigo Street Burns, Oregon 97720 (*via email*)

Re: FEMA HMGP 5195-13, Fuels Reduction Wildfire Mitigation Project, Deschutes County

Dear Chairman Dick:

Deschutes County (Applicant) has applied for funding from the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) for a wildfire fuels reduction project (Undertaking). This funding is available from FEMA's Hazard Mitigation Grant Program (HMGP), administered by the Oregon Office of Emergency Management (OEM), and funding is from 2018 wildfires in Oregon. The proposed Undertaking is being reviewed pursuant to Section 106 of the National Historic Preservation Act, as amended. Also, FEMA is also preparing an Environmental Assessment for this project per the National Environmental Policy Act.

#### **Proposed Undertaking**

The proposed Undertaking will reduce and manipulate live fuels in four wildland urban interface areas totaling approximately 700 acres (Figure 1). These include the Shevlin, east of Redmond, Eagle Crest, and Odin Falls project areas. The approximate center points of the project locations are as follows: Shevlin project area (Latitude 44.07225, Longitude -121.37895), east of Redmond project area (44.28610, -121.13329), Eagle Crest project area west (Latitude 44.26987, Longitude - 121.30317) east (Latitude 44.26591, Longitude -121.27043), and the Odin Falls project area (Latitude 44.33597, Longitude -121.26091).

The fuels reduction Undertaking will involve thinning trees (primarily western juniper and ponderosa pine), pruning trees, and the mowing, mastication or cutting of brush (bitterbrush, sagebrush, rabbit brush and a mixture of native bunchgrasses as well as nonnative cheatgrass) such that vertical and horizontal fuels are reduced. Equipment to be used will include chainsaws, brush cutters, chippers, pickups, and track mounted or wheeled skid steers with associated tools such as mowers, masticators, and buckets. Use of mechanized equipment will be when the ground is either dry or frozen to minimize impacts to the soil, and only handheld tools such as chainsaws will be used in steep areas. Cut trees, brush and branches will be either masticated, chipped with a chipper and scattered, or piled for burning.

Chairman Dick July 23, 2020 Page 2

#### **Area of Potential Effects**

FEMA has determined that there are four Areas of Potential Effects (APEs) for the proposed Undertaking encompassing approximately 700 acres. The APEs include: Shevlin (T17S R11E Sections 23, 24, 26, 27, and 34) (Figures 2 & 3), east of Redmond (T15S R13E Sections 2, 3, 10, 11, 14, and 15) (Figures 4 & 5), Eagle Crest (T15S R12E Sections 14, 15, 16, 22, and 23) (Figures 6 & 7), and Odin Falls (T14S R12E Sections 23 and 26) (Figures 8 & 9).

#### **Historic Property Identification and Evaluation**

A review of the Oregon Archaeological Records Remote Access (OAARA) found that there are eight documented historic or cultural resources within two of the APEs (Shevlin and Eagle Crest). Within the Shevlin APE there is a single recorded prehistoric projectile point isolate and two reported, but unconfirmed, sites without site numbers. One is a reported rockshelter site with rock art located somewhere in the drainage and the second is the reported 1843 campsite of the John C. Fremont party.

The entirety of the Eagle Crest APE was surveyed in 1989 resulting in the documentation of five resources, one multi component prehistoric and historic site, three historic sites, and one unknown site. Site 35DS00518 is a multicomponent refuse site consisting of prehistoric obsidian and cryptocrystalline silicates flakes (approximately 50-100) and two non-diagnostic obsidian biface fragments. The historic artifacts consist of broken glass, china, and metal cans. Two historic sites, 35DS01662 and 35DS01663, are both historic refuse dumps consisting mostly of metal cans, glass bottles, and a stove pipe. The last historic site, 35DS01664, consists of a historic-aged ditch and header. The final resource is a reported fire pit with no site number or further information. The locations of these sites are now within the existing Eagle Crest Golf Course and associated community and appear to have been destroyed by the construction of fairways, houses, or roads.

The lack of archaeological sites within some of the APEs is most likely related to the lack of archaeological survey. The OARRA indicates a number of prehistoric and historic archaeological resources adjacent to the APEs where survey has occurred. Except for select areas archaeological survey is planned to further identify and evaluate cultural resources that may be impacted by the proposed Undertaking. In the interim, the Tribe is invited to share further information regarding cultural resources of religious and or cultural significance in or near the APEs that may be impacted by the Undertaking. Any information provided would be subject to Tribe-requested dissemination restrictions and may be used to further inform identification and evaluation efforts and help determine project effects.

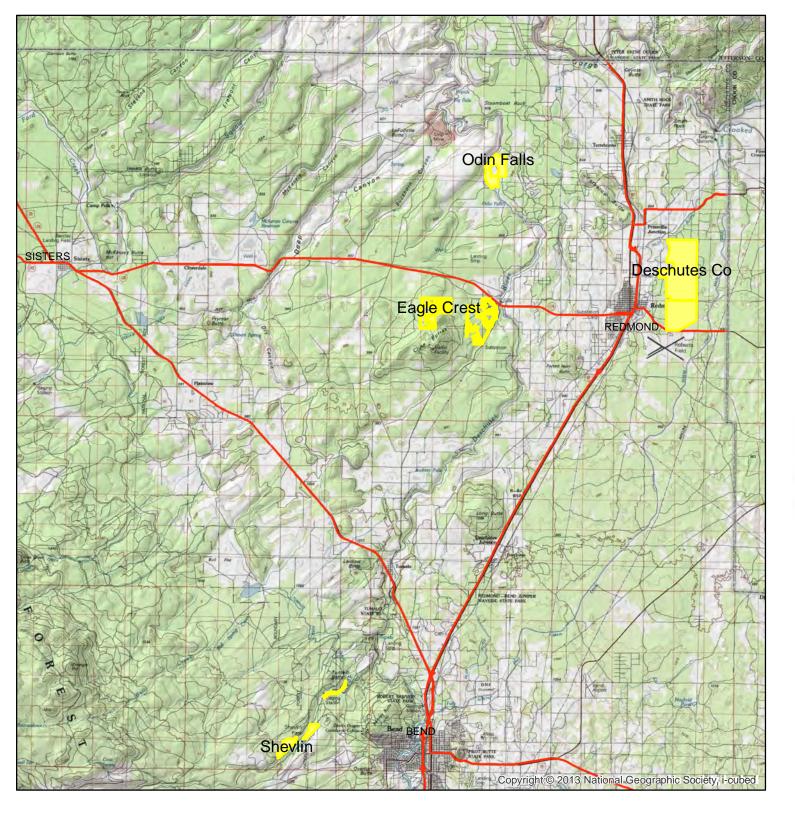
Chairman Dick July 23, 2020 Page 3

To assist with your review please find enclosed a project area map and aerials. Once the survey is complete, we will provide the Tribe an opportunity to review and comment on the findings. Should you have any questions, please contact me or Philip Fisher (425) 471-9018 or philip.fisher@fema.dhs.gov. Thank you.

Sincerely, SCIENCE Digitally signed by SCIENCE A KILNER A KILNER Date: 2020.07.23 13:03:54-07'00' Science Kilner Acting Regional Environmental Officer

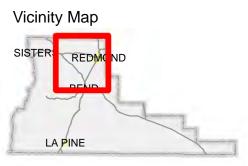
Enclosures

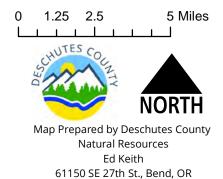
Cc: Charisse Soucie, Tribal Historic Preservation Officer (via email)



## Figure 1 Project Vicinity

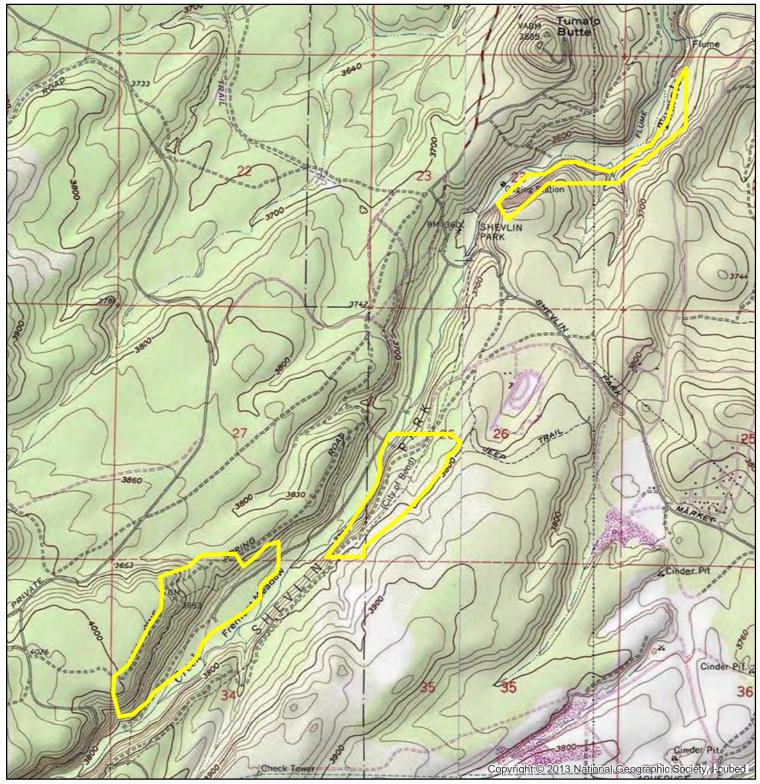




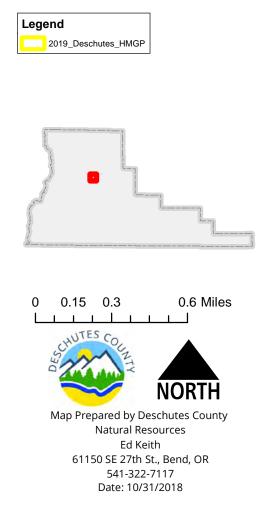


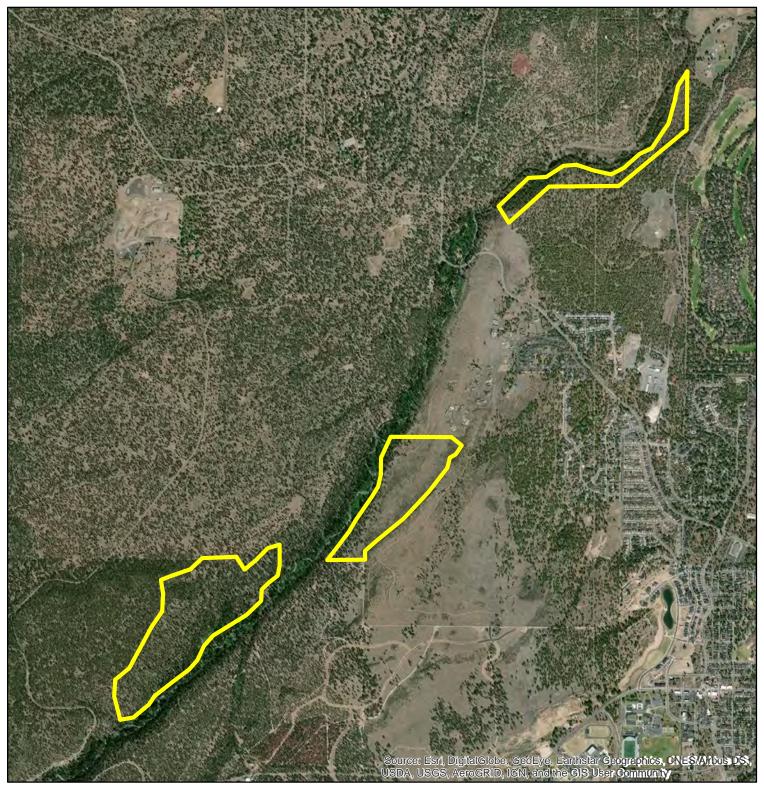
541-322-7117

Date: 10/31/2018



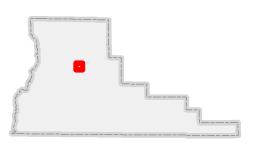
## Figure 2 Shevlin - topo

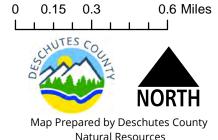




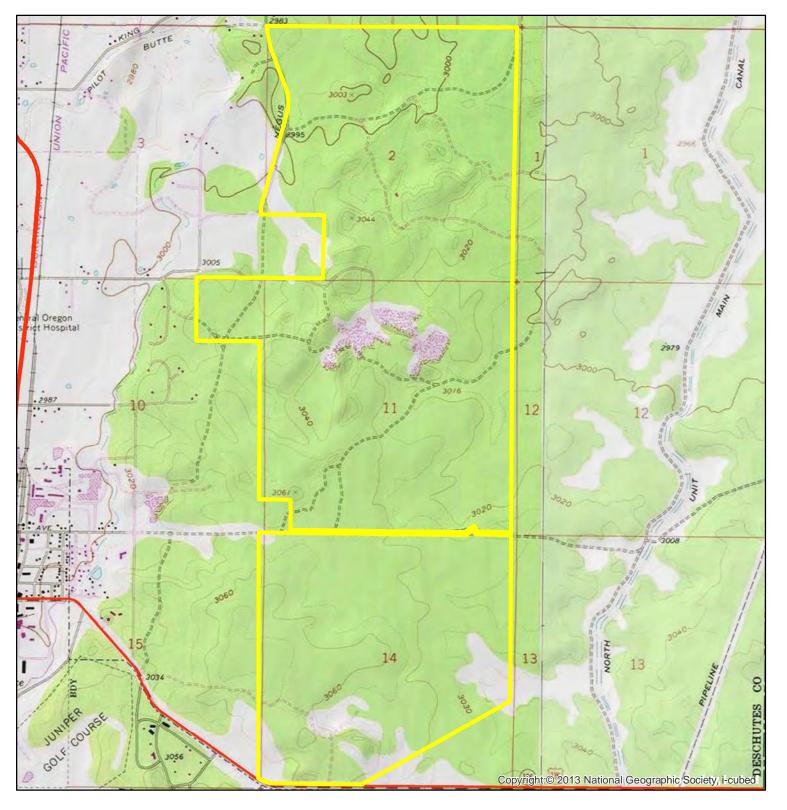
## Figure 3 Shevlin - photo





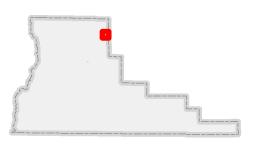


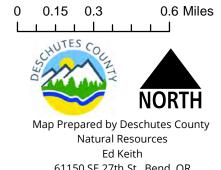
Natural Resources Ed Keith 61150 SE 27th St., Bend, OR 541-322-7117 Date: 10/31/2018



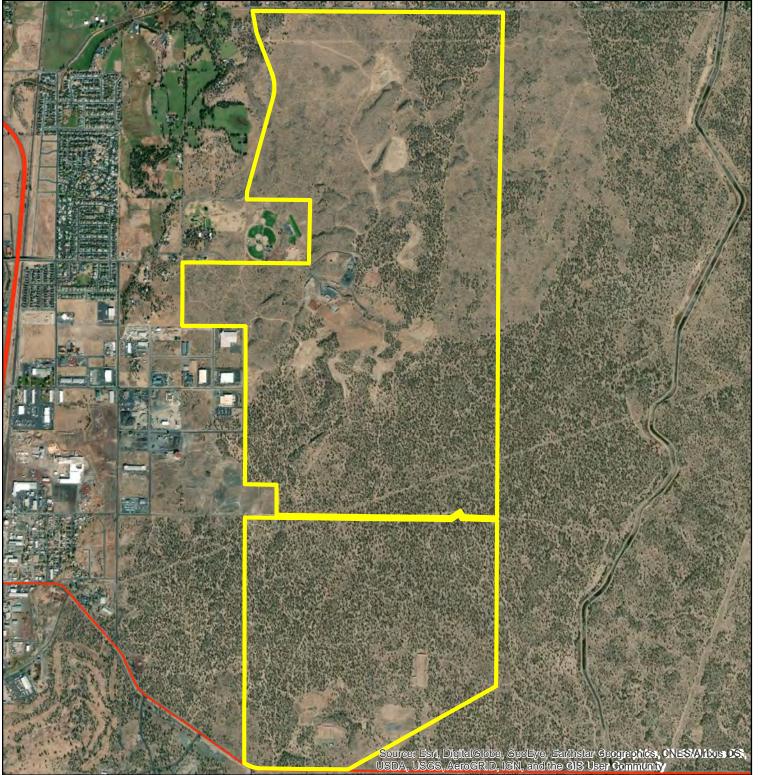
## Figure 4 Deschutes Co - topo





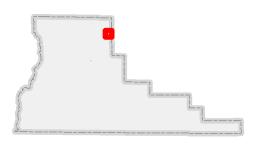


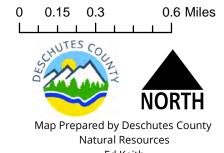
Ed Keith 61150 SE 27th St., Bend, OR 541-322-7117 Date: 10/31/2018



## Figure 5 Deschutes Co - photo







Ed Keith 61150 SE 27th St., Bend, OR 541-322-7117 Date: 10/31/2018

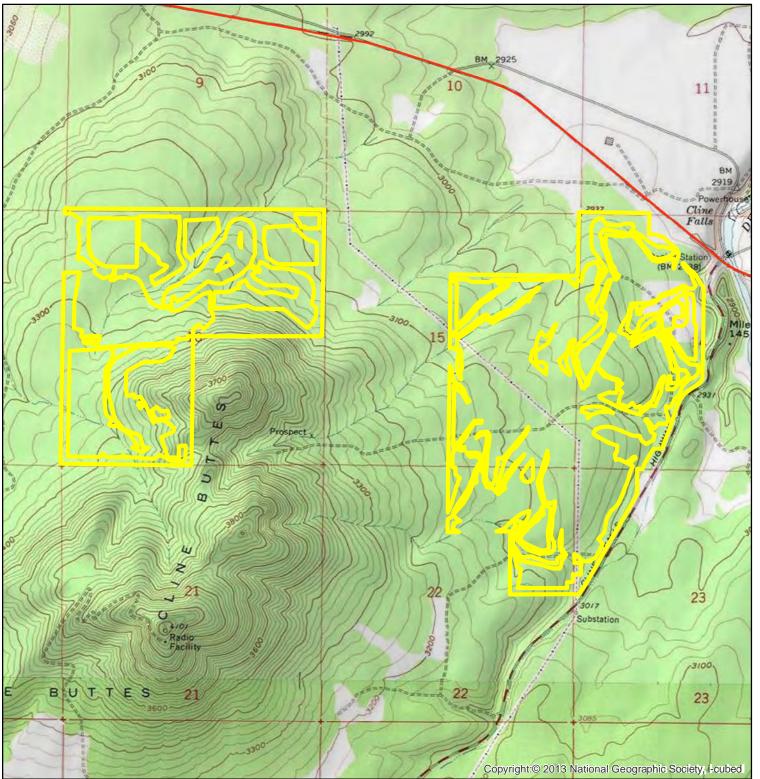
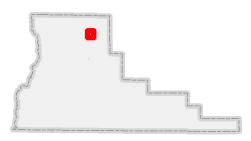
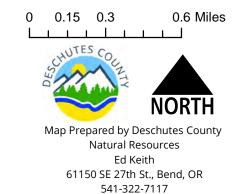


Figure 6 Eagle Crest - topo





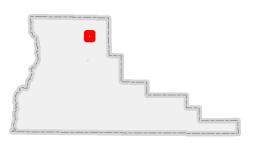


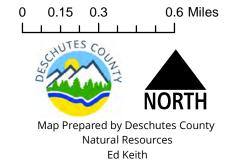
Date: 10/31/2018



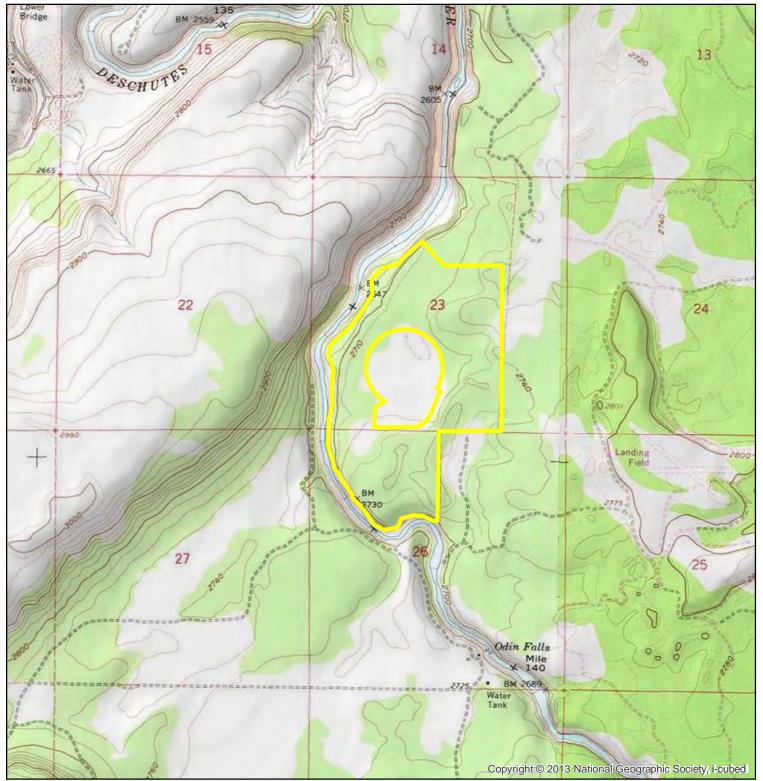
## Figure 7 Eagle Crest - photo





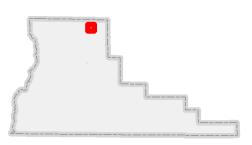


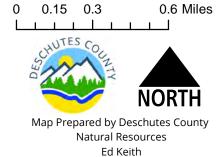
61150 SE 27th St., Bend, OR 541-322-7117 Date: 10/31/2018



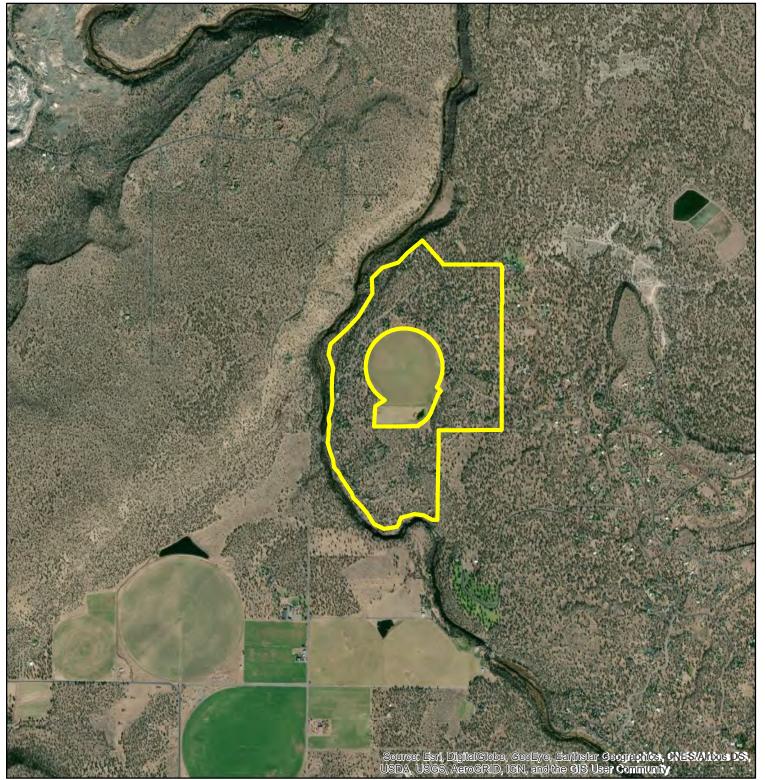
### Figure 8 Odin Falls - topo





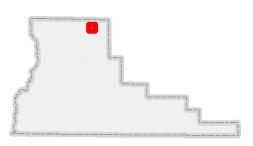


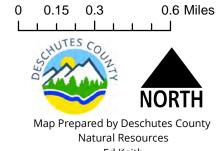
Ed Keith 61150 SE 27th St., Bend, OR 541-322-7117 Date: 10/31/2018



## Figure 9 Odin Falls - photo







Ed Keith 61150 SE 27th St., Bend, OR 541-322-7117 Date: 10/31/2018 The following Tribes were contacted in December 2020 and provided the attached tribal consultation letter: Burns Paiute Tribe, Confederated Tribes of the Warm Springs, Cow Creek Band of the Umpqua Indian Tribe. The State Historic Preservation Office Consultation is also included.

**U.S. Department of Homeland Security** FEMA Region 10 130 228th Street, SW Bothell, WA 98021-8627



December 11, 2020

Jody Richards, Chairwoman Burns Paiute Tribe 100 Pasigo Street Burns, Oregon 97720 (*via email*)

Re: FEMA FMAG-HMGP-5195-13 Deschutes County Wildfire Fuels Reduction Project

Dear Chairwoman Richards:

Please consider this follow up to consultation initiated with you in our July 23, 2020 letter to you regarding the above project. The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to fund Deschutes County (Applicant), through the Oregon Office of Emergency Management (OEM), for a wildfire fuels reduction project in Deschutes County (Undertaking). Funding is from the Hazard Mitigation Grant Program (HMGP). FEMA is submitting the enclosed archeological survey report per Section 106 of the National Historic Preservation Act.

#### **Proposed Undertaking**

The proposed Undertaking will address three areas within Deschutes County (The Ridge at Eagle Crest Development, the Odin Falls Development, and a Deschutes County parcel) as delineated on Figure 1 in the enclosed report. The project consists of reducing hazards associated with wildfires by limbing larger juniper and removing smaller trees and brush. The fuels reduction acres are located on privately owned individual house lots, common land owned by two different developments, and county land.

#### **Area of Potential Effects**

The Undertaking's areas of potential effects (APE) includes three distinct and spatially separate properties (Eagle Crest, Odin Falls, and Deschutes County) as delineated on Figures 1, 2, 5, and 7 in the enclosed survey report.

#### **Historic Property Identification and Evaluation**

In total, the APE is approximately 2,510 acres. FEMA's contractor, WillametteCRA (WCRA), conducted a systematic pedestrian surveys of approximately 278 acres. As fuels reduction work around the privately owned individual house lots at the two Developments will be done by hand crews with no ground disturbance without use of tracked or wheeled equipment or machinery larger than a chainsaw, no survey was conducted in these areas. The common areas, which are larger in size, will potentially use small wheeled (no tracked) machinery to move debris off site for chipping and processing. Thus, these common areas were surveyed.

Chairwoman Richards December 11, 2020 Page **2** of **3** 

For the County Parcel the current project will, at most, reduce fuels in approximately half of this 1,803-acre parcel. However, the portion that will be subject to treatment is not yet defined and therefore the entire parcel was considered to be the APE (see Figure 7). Due to the large size of the parcel and the unknown location within the APE where work will occur, WCRA developed a sampling strategy for survey on this parcel. The planned sampling strategy for County lands is shown in Figure 10 and discussed on page 32 of the report. This strategy employed a simple, random sample of 20, nine-acre, survey block units each measuring 80 meters wide by 450 meters long. This resulted in a survey of approximately 12% of the total APE. Results of the County Parcel sample survey were compared to those of Albert Oetting's 2015 survey of approximately 3,290 acres of adjacent Oregon Military Department lands to characterize the archaeology of the APE and guide the recommendations for proposed work and impacts to archaeological resources within the APE.

Because of good surface visibility, no subsurface exploratory probes were done in any of the three APEs. In total, WCRA identified 16 new archaeological resources (7 sites and 9 isolates) and could not relocated either of two previously recorded sites. Of the seven newly recorded sites one was precontact (20-45E-2), one multi-component (20-45E-22), and five were historic (20-45E-12, 20-45E-18, 20-45E-21, 20-45E-4, 20-45E-25), while the nine isolates were all precontact (20-45E-3-Iso to 20-45E-11-Iso).

Based on the results of the survey the five (5) historic sites and nine (9) isolates are determined not eligible for the National Register of Historic Places (NRHP). The newly recorded precontact (20-45E-2) and multi-component (20-45E-22) sites were not evaluated for NR eligibility because of the additional researched needed to make this determination. While unevaluated, WCRA recommends that work at the multicomponent and precontact sites can proceed with modified methods. To avoid adverse effects, fuels reduction work at the two unevaluated sites (20-45E-22-1, 20-45E-2) will be include a 20-meter buffer around the site, and while work can occur within the buffered site boundary, this work will be done by hand, without mechanical equipment of any type. Surface disturbance within these buffered site areas will be avoided; vegetation can be cut but not pulled out by the roots, and raking is not to occur. Thus, no further identification and evaluation efforts are warranted and there should be no limitations on how the proposed work should be completed apart from around the precontact site 20-45E-2A in the Eagle Crest and Odin Falls Developments. As a result of the sample survey of the Deschutes County Parcel and comparison with Oetting's 2015 survey work, all work within the County Parcel should be conducted when the ground is frozen to avoid impacting surface scatters. Table 11 of the enclosed report summarizes each site, NR eligibility determinations, and management recommendations.

FEMA will condition the grant with the following:

Condition 1: Only rubber wheeled machinery can be used, no tracked vehicles.

Condition 2: Activities in the County Parcel involving rubber wheeled machinery may only be conducted during the months of December through February when the ground surface is frozen and there is snow cover on the ground, if possible.

Chairwoman Richards December 11, 2020 Page 3 of 3

- Condition 3: Any vegetative debris that requires removal may be hand carried or carried on small, wheeled machinery to dumpsters placed on dirt roads or improved surfaces and disposed of offsite.
- Condition 4: All activities in the County Parcel involving rubber wheeled machinery shall cease if the temperature exceeds 50 degrees and/or if the ground thaws. Work cannot proceed if the ground surface is not frozen or is muddy.
- Condition 5: The two precontact archaeological sites will have a 20-meter buffer placed around the site boundary, and while work can occur within the buffered site boundary, this work will be done by hand, without mechanical equipment of any type. Surface disturbance within these buffered site areas will be avoided; vegetation can be cut but not pulled out by the roots, and raking is not to occur.

As this project was developing, FEMA and WCRA consulted with the Confederated Tribes of Warm Springs Archaeologist Christian Nauer on several occasions. His biggest concern was that sites in the area all appear to be surface scatters and that machinery will impact these sites. Mr. Nauer conducted a site visit with the applicant (Deschutes County) and proposed the idea of conditioning the work to only occur in winter with rubber wheeled machinery when the ground is frozen and if possible when there is snow on the ground to limit ground disturbance. FEMA also consulted with Mr. Nauer regarding the sampling survey for the Deschutes County Parcel to which he had no objection, or the level of effort, if the project is conditioned as outlined above. Consultation has also been initiated with the Oregon State Historic Preservation Office (SHPO).

#### **Determination of Effects**

Barring additional information from the Tribe or SHPO, based on the nature of the Undertaking and sites, and avoidance and minimization measures, FEMA has determined that the Undertaking will result in no adverse effects to historic properties. FEMA will condition its approval of the Undertaking to include those discussed above as well as protect any unexpected discoveries of historic or archaeological resources during treatment work. We respectfully request your review of the enclosed report and, if appropriate, your concurrence with FEMA's findings or additional comment. Should you have any questions, please contact Philip Fisher at (425) 471-9018 or philip.fisher@fema.dhs.gov. Thank you in advance.

Sincerely,

SCIENCE Digitally signed by SCIENCE A KILNER A KILNER Date: 2020.12.10 15:24:23 -08'00' Science Kilner Regional Environmental Officer

Enclosures

cc. Charisse Soucie Tribal Historic Preservation Officer (via email)

**U.S. Department of Homeland Security** FEMA Region 10 130 228th Street, SW Bothell, WA 98021-8627



December 11, 2020

Ms. Christine Curran Deputy State Historic Preservation Officer Oregon State Historic Preservation Office 725 Summer Street, NE Suite C Salem, Oregon 97301 (*via email*)

Re: FEMA FMAG-HMGP-5195-13 Deschutes County Wildfire Fuels Reduction Project

Dear Ms. Curran:

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to fund Deschutes County (Applicant), through the Oregon Office of Emergency Management (OEM), for a wildfire fuels reduction project in Deschutes County (Undertaking). Funding is from the Hazard Mitigation Grant Program (HMGP). FEMA is submitting the enclosed archeological survey report per Section 106 of the National Historic Preservation Act and the Programmatic Agreement in effect with your office and OEM.

#### **Proposed Undertaking**

The proposed Undertaking will address three areas within Deschutes County (The Ridge at Eagle Crest Development, the Odin Falls Development, and a Deschutes County parcel) as delineated on Figure 1 in the enclosed report. The project consists of reducing hazards associated with wildfires by limbing larger juniper and removing smaller trees and brush. The fuels reduction acres are located on privately owned individual house lots, common land owned by two different developments, and county land.

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Ms. Curran December 11, 2020 Page **2** of **3** 

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Based on the results of the survey the five (5) historic sites and nine (9) isolates are determined not eligible for the National Register of Historic Places (NRHP). The newly recorded precontact (20-45E-2) and multi-component (20-45E-22) sites were not evaluated for NR eligibility because of the additional researched needed to make this determination. While unevaluated, WCRA recommends that work at the multicomponent and precontact sites can proceed with modified methods. To avoid adverse effects, fuels reduction work at the two unevaluated sites (20-45E-22-1, 20-45E-2) will include a 20-meter buffer around the site, and while work can occur within the buffered site boundary, this work will be done by hand, without mechanical equipment of any type. Surface disturbance within these buffered site areas will be avoided; vegetation can be cut but not pulled out by the roots, and raking is not to occur. Thus, no further identification and evaluation efforts are warranted and there should be no limitations on how the proposed work should be completed apart from around the precontact site 20-45E-2A in the Eagle Crest and Odin Falls Developments. As a result of the sample survey of the Deschutes County Parcel and comparison with Oetting's 2015 survey work, all work within the County Parcel should be conducted when the ground is frozen to avoid impacting surface scatters. Table 11 of the enclosed report summarizes each site, NR eligibility determinations, and management recommendations.

FEMA will condition the grant with the following:

Condition 1: Only rubber wheeled machinery can be used, no tracked vehicles.

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Ms. Curran December 11, 2020 Page **3** of **3** 

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As this project was developing, FEMA and WCRA consulted with the Confederated Tribes of Warm Springs Archaeologist Christian Nauer on several occasions. His biggest concern was that sites in the area all appear to be surface scatters and that heavy machinery will impact these sites. Mr. Nauer conducted a site visit with the applicant (Deschutes County) and proposed the idea of conditioning the work to only occur in winter with rubber wheeled machinery when the ground is frozen and if possible when there is snow on the ground to limit ground disturbance. FEMA also consulted with Mr. Nauer regarding the sampling survey for the Deschutes County Parcel to which he had no objection, or the level of effort, if the project is conditioned as outlined above.

Consultation has also been initiated with Tribes to determine if the Undertaking may affect historic properties of religious and or cultural significance to them, including provision of the enclosed report. The Tribes include: Burns Paiute Tribe, Confederated Tribes of the Grand Ronde, Confederated Tribes of Warm Springs, and the Cow Creek Band of Umpqua Tribe of Indians.

#### **Determination of Effects**

Barring additional information from your office or Tribes, based on the nature of the Undertaking and sites, and avoidance and minimization measures, FEMA has determined that the Undertaking will result in no adverse effects to historic properties. FEMA will condition its approval of the Undertaking to include those discussed above as well as protect any unexpected discoveries of historic or archaeological resources during treatment work. We respectfully request your review of the enclosed report and, if appropriate, your concurrence with FEMA's findings or additional comment. Should you have any questions, please contact Philip Fisher at (425) 471-9018 or philip.fisher@fema.dhs.gov. Thank you in advance.

Sincerely, SCIENCE Digitally signed by SCIENCE A KILNER A KILNER Date: 2020.12.10 15:12:36-08'00' Science Kilner Regional Environmental Officer Appendix B Public Notice and Publisher's Affidavit

# Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES

I, Rachel Liening, a citizen of the United State and a resident of the county aforesaid; I am over the age of eighteen years, and not part to or interested in the above-entitled matter. I am the principal clerk of the printer of



a daily newspaper of general circulation, published in the aforesaid county and state as defined by ORS 192.010 and ORS 192.020, that

Acct Name: DESCHUTES COUNTY FORESTRY DEPT. **PO Number:** Legal Description: Public Notice

Federal Emergency Management Agency Draft Environmental Assessment **Deschutes County Hazardous Fuels Reduction Project** The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) is proposing to fund Deschutes County

a printed copy of which is hereto affixed was published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following dates to wit:

#### 12/20/2020, 12/27/2020

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Bend, Oregon, this 28th day of December, 2020

AdName: 133144

1

State of Oregon, County of Deschutes Subscribed and Sworn to before me this 28 day of Dec , 20 10

Signature

OFFICIAL STAMP INDA LEA PRESTON NOTARY PUBLIC-OREGON COMMISSION NO. 998634 MY COMMISSION EXPIRES APRIL 6, 2024

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Notary Public for Oregon

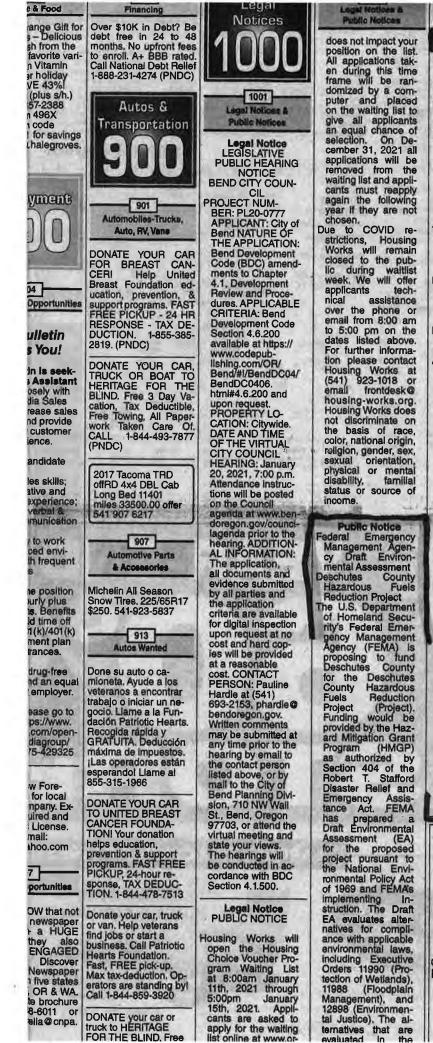
No	
In the	Court of the

STATE OF OREGON for the COUNTY OF DESCHUTES

AFFIDAVIT	OF	PUBL	-ICAT	ION
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Filed	 
By	
From the office of	

Attorney for



treatment areas: (a) about 975 acres of County-owned land one mile east of the City of Redmond; (b) in Homeowners Association (HOA) common areas in the Eagle Crest residential development, including 145 acres in West Ridge and 193 acres in East Ridge; and (c) 289 acres of private parcels and 14 acres of HOA common lands in the Odin Falls residential development

bile Notice

development. The Draft EA is available to the public for review either on FE-MA's or Deschutes County's website at: https://www.fema.gov/ emergency-managers/practitioners/environmental-historic/ region/10

https://www. deschutes. org/2019HMGP.

A hard copy of this EA is available for review between 9am and 4pm at the Deschutes County main office at 61150 SE 27th Street, Bend, Oregon, 97702. If no significant issues are identified during the comment period on the Draft EA, FEMA will finalize the Draft EA, issue a Finding of No Significant Impact (FONSI), and fund the project. The FONSI will be posted to FEMA's website. Unless substantive comments on the Draft EA are received, FEMA will not publich another public notice for this project. The deadline for submitting written comments on the Draft EA is February 5, 2021. Comments should be either mailed to: Science Kilner, Regional Environmental Officer, FEMA Region X, 130 228th Street SW, Bothell, WA 980210r submitted via e-mail to FE-MA-R10-EHP-Comments @ fema.dhs. gov. Please include "Deschutes County" In the submittal subject line.

