



File Code: 1950; 1560
Date: July 19, 2022

Kenneth Kahn
Chairman
Santa Ynez Band of Chumash Indians
P.O. Box 517
Santa Ynez, CA 93460

Dear Mr. Kahn:

The Los Padres National Forest (LPNF) is conducting an environmental analysis of the Ecological Restoration Project, which is being proposed on four of the five Ranger Districts of the LPNF. The purpose of this project is to restore fire-adapted ecosystems, reduce fuels, and reintroduce fire on the landscape by prescribed burning on approximately 235,495 acres of land administered by the LPNF, within Kern, Monterey, San Luis Obispo, Santa Barbara, and Ventura Counties. The project, as proposed, would enhance protection for wildland urban interface (WUI) communities and infrastructure, and improve fire and drought resilience of forested landscapes. Various tools would be utilized including but not limited to masticators, road-side mowers, chainsaws, weed whips, grazing animals, and prescribed fire. This letter is being sent to solicit comments regarding potential environmental and tribal concerns to inform the content of the Environmental Assessment (EA) being prepared to evaluate this proposal. Comments received will be used to further refine the proposed action and to identify potential issues to be addressed through the environmental analysis process.

With this letter I am initiating formal government-to-government consultation. We value the government-to-government relationship the Forest Service has with the Santa Ynez Band of Chumash Indians and understand the important role you play in this and other undertakings on lands managed by the Forest. I want to ensure that the Tribe has the opportunity to determine if this proposed project impacts or has the potential to impact cultural or tribal resources of concern. This is in accordance with the January 26, 2021, *Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships*; American Indian Religious Freedom Act, Executive Order 13007, *Indian Sacred Sites*; Department Regulation 1340-007, *Policies on America Indians and Alaska Natives*; Department Regulation 1350-002, *Tribal Consultation*; and 36 CFR Part 800.3, *Invitation to be Consulting Parties*. Your knowledge of the cultural and natural resources within the project area and in your ancestral territory, and potential concerns about their management is an important part of the project design and analysis.

Our cultural resources specialists completed an initial assessment of the project area. Approximately 8,938 acres of the project area have been previously surveyed for the presence of cultural resources. Our records show 1,035 archaeological and historical sites (cultural resources) have been recorded within the project area. Cultural resources range from single pre-contact or contact bedrock mortars, hunting camps, rock shelters with pictographs or petroglyphs, and



village sites to historic period trails, mines, recreational sites, and administrative sites that are over 45 years old.

This project will be implemented over multiple years. Given the size and complexity of this project, we decided to use the National Phasing Programmatic Agreement (National PA) to conduct cultural resources inventory. This means that a “Historic Inventory Plan” or “HIP” will be completed and submitted to the Tribe, State Historic Preservation Office and the Advisory Council for Historic Preservation for review and comments. Once comments are returned to the LPNF and the HIP finalized, the LPNF will use it to phase cultural resources surveys. The NEPA decision cannot be signed until the HIP is approved. Surveys and site protection measures will be carried out before restoration of each of the phased project areas will be implemented.

With this letter, I am seeking your input for the following:

- Any knowledge of, or concerns about, the project’s potential effects on cultural and/or natural resources in the proposed project area.
- Identifying any issues related to the project’s potential effects on sacred sites, sacred landscapes or traditional gathering sites in the proposed project area.
- Any issues or concerns about the protection of cultural resources during project implementation.

As noted above, this project will be implemented over multiple years. As we will be working on ancestral lands, we are also interested in hearing from you about partnering with the LPNF to utilize and implement traditional knowledge and practices in restoring the lands within the project area. There are several ways we can become partners in restoration:

- Tribal Forest Protection Act or TFPA
- Reserved Treaty Rights Lands collaboration or RTRL
- Good Neighbor Authority

More information on the Forest-wide project, including the purpose and need, proposed action, and maps are available on the project webpage: <https://www.fs.usda.gov/project/?project=62369>. This web page will be updated as the analysis progresses, and more information is available.

It is our intention to analyze the proposed action with an EA. Pursuant to 36 CFR 218.7(a)(2), this proposed project implements the Los Padres National Forest Land Management Plan and is subject to the predecisional objection process in §218 subparts A and B.

How to Comment through the NEPA Scoping Process

We welcome your comments and questions on the proposed LPNF Ecological Restoration Project. To result in the best outcome, please send your specific written comments electronically by August 28, 2022 using the online comment form on the project webpage at: <https://cara.fs2c.usda.gov/Public/CommentInput?Project=62369>

The LPNF will be hosting two virtual meetings:

- August 8, 2022, 6:00 – 7:30 pm, Teams Live virtual meeting, <https://tinyurl.com/LPNF-ERP-Mgtn-1>

- August 10, 2022, 6:00 – 7:30 pm, Teams Live virtual meeting, <https://tinyurl.com/LPNF-ERP-Mgtn-2>

Information about the LPNF Ecological Restoration Project will be available at the virtual meetings. If you cannot make any of these meetings, we would also be happy to meet with you about this project at another time that better suits your schedule. Because Covid-19 is still a concern, we will be flexible about how you would like to meet with us.

Written comments may also be directed to Los Padres National Forest Supervisor's Office, Attention: Christopher Stubbs, Forest Supervisor, 1980 Old Mission Drive, Solvang, CA 93463. The office business hours for those submitting hand-delivered comments are: 8:00am to 4:00pm, Tuesday through Friday, excluding holidays. Please state the project name, "LPNF Ecological Restoration Project" on the envelope and your letter when providing comments by mail, or in the subject line if sending by email.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record for these proposed actions and will be available for public inspection, unless there is a request that they remain confidential – for example if comments include cultural resource location information or if it includes location information about areas considered sacred by the Tribe. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the agency with the ability to provide the respondent with subsequent environmental documents.

A 30-day Notice and Comment period for public review of the EA will be provided at a future date (§218.24). An objection period, if required, will follow the regulations found in §218.7. For objection eligibility (§218.5), only those who have submitted timely, specific written comments during any designated opportunity for public comment may file an objection. Issues to be raised in objections must be based on previously submitted specific written comments regarding the proposed project and attributed to the objector, unless the issue is based on new information that arose after a designated opportunity to comment (§218.8[c]).

If you would like to engage in formal consultation please contact Pete Crowheart Zavalla, Tribal Liaison, at 805-961-5720, desidoro.zavalla@usda.gov. Or, if you have questions concerning this proposal, please contact Kyle Kinports at 805-961-5710, kyle.kinports@usda.gov. Thank you for your interest and participation in the management of the Los Padres National Forest. Your comments and feedback are welcome at any time up through completion of the Environmental Assessment.

Sincerely,

X

CHRISTOPHER STUBBS
Forest Supervisor