

Data Submitted (UTC 11): 3/17/2025 4:00:00 AM
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Comments: March 17, 2025

Ms. Jacqueline Buchanan, Regional Forester

Pacific Northwest Region

USDA Forest Service

1220 SW 3rd Avenue, Ste. G015

Portland, OR 97204

Attn: Northwest Forest Plan Amendment DEIS Comments

Dear Regional Forester Buchanan:

The Klamath Tribes submit this letter in response to the Northwest Forest Plan (NWFP) Amendment Draft Environmental Impact Statement (DEIS). Our Tribe, located in south central Oregon (see attached map), has stewarded these lands since time immemorial. The Winema National Forest's rivers and landscapes within the NWFP amendment area are an integral part of our ancestral homelands. As stewards of creation, we have been transforming our environment since our arrival. Our actions are comingled with a myriad of abiotic and biotic elements with cumulative effects and reciprocity. Adaptive management was multi-generational, in-step with the seasons and landscape process to achieve our desired results. These lands not only provide subsistence and spiritual grounding but are critical to the ecological balance of the region. Our stewardship practices have preserved these ecosystems for millennia, and our continued involvement is essential to ensuring their resilience. The First Foods that thrive in these forests, such as Wocus and [maddock]huckleberries, are essential to our circle of life, they are central to our legends, sustain our diets, our ceremonies, and ecological stewardship traditions.

The NWFP amendment represents a pivotal opportunity to address the ecological, cultural, and social challenges that have intensified since the Plan's inception in 1994. As stewards of our ancestral lands and the Winema National Forests, we have nurtured these ecosystems for millennia, maintaining balance and resilience through our deep connection to the land, water, and First Foods that sustain our people.

-This process is an opportunity to correct the historical exclusion of Tribes from the original NWFP and to [maddock] implement meaningful commitments to Tribal sovereignty and co-stewardship. The federal government's trust responsibility; as enshrined in our Treaty between the Klamath and Modoc Tribes and Yahooskin Band of Snake

Indians, October 14, 1864, 16 Stat. 707, Secretarial Order 3403, U.S. Department of Agriculture Departmental Regulation (DR) 1350-002, and the U.S. Forest Service Manual (FSM 1563), obligates the U.S. Forest Service (USFS) to ensure that Tribes are full partners in managing the lands and resources that are our ancestral inheritance.

To avoid uninformed confusion, we point out here that Indian Tribes, such as the Klamath Tribes, are not to be confused with beneficiaries of diversity, equity, and inclusion efforts. Recently, the new presidential administration has frozen essential federal funding for Tribes under the mistaken impression that Tribes are such beneficiaries when in fact Tribes - including the Klamath Tribes - are sovereign nations and political entities to which the federal government owes a Trust responsibility. That Trust responsibility extends to federal funding for essential services provided by Tribes as well as the provision of other services provided by federal agencies such as the Bureau of Indian Affairs and even the Forest Service. Our comments reflect the need for the Forest Service to correct past injustices in its treatment of the Klamath Tribes with respect to the management of Treaty and reserved rights on the Winema National Forest as proscribed by the 1994 NWFP (about which the Klamath Tribes were not consulted): with this amendment, the Forest Service must reorient its land management strategies to better center our perspectives in the management of the Forest. Co-stewardship is owed to the Klamath Tribes not because we are "DEI" or other similar designation, but rather because we are co-sovereigns with the federal government.

We recognize the significant efforts of the Federal Advisory Committee (FAC), whose recommendations to the USFS reflect an important step toward modernizing the NWFP. The FAC's focus on Tribal inclusion, fire resilience, old-growth protection, climate adaptation, and community sustainability aligns with many of our priorities. Additionally, the Affiliated Tribes of Northwest Indians (ATNI) Resolution #24-07 provides a unified and collective framework for Tribal advocacy in this process, emphasizing the centrality of Tribal sovereignty, treaty rights, and Indigenous Knowledge in resource management.

The Klamath Tribes appreciate the steps taken to incorporate Tribal input through roundtables, consultations, and the DEIS process. Multidimensional assessments founded on integrity and calibrated for unique living systems show great past and future promise. Moreover, the words integrity and health evoke important human values, thereby opening the door to wide-ranging cultural and societal conversations with collaborations among indigenous knowledge and scientists, resource managers, law- and policymakers, and especially the traditional practitioners. We find here the opportunity to acknowledge and incorporate co-stewardship to advance the work to fully integrate Tribal values, priorities, and rights into the NWFP amendment. This letter highlights the areas where the DEIS falls short and provides specific recommendations to strengthen the Plan. By centering Tribal leadership and advancing co-stewardship, the NWFP can fulfill its promise to build resilience, equity, and sustainability for future generations.

Recognition of Tribal Sovereignty

The Klamath Tribes unequivocally reaffirm our sovereign status and treaty-reserved rights to hunt, fish, gather, and protect resources within the NWFP area. These rights, enshrined in our Treaty of 1864, represent legal and moral commitments that are integral to the cultural, spiritual, and economic well-being of our people. The language in the Treaty was subsequently interpreted in several federal court decisions to include the right to hunt, fish, trap, and gather on those lands and waters. *Kimball v. Callahan*, 493 F.2d 564 (9th Cir.), cert. denied, 419 U.S. 1019, 95 S. Ct. 491, 42 L.Ed.2d 292 (1974) ("Kimball I"); *Kimball v. Callahan*, 590 F.2d 768 (9th Cir.), cert. denied, 444 U.S. 826, 100 S. Ct. 49, 62 L.Ed.2d 33 (1979) ("Kimball II"). In addition, in *Klamath Tribes v. United States*, No. 96-381-HA, 1996 WL 924509 (D. Or. Oct. 2, 1996), the court prohibited the agency from proceeding with logging that affects the "wildlife resources within the Tribes' former reservation, without ensuring, in consultation with the Klamath Tribes on a government-to-government basis, that the resources on which the

Tribes' treaty rights depend will be protected." Federal trust responsibilities, including those reinforced by Secretarial Order 3403, and the United Nations Declaration on the Rights of indigenous Peoples (UNDRIP), demand that the United States prioritize and uphold these rights in all resource management decisions.

Importance of Consultation

Meaningful, government-to-government consultation is not merely a procedural requirement but is a cornerstone of federal trust responsibilities and the protection of Tribal sovereignty. Executive Order 13175, Secretarial Order 3403, and U.S. Department of Agriculture Departmental Regulation (DR) 1350-002 stipulate that consultation must be timely, transparent, and substantive, with the intent to reach mutual understanding and agreement.

* Past Interactions with the USFS:

While the Klamath Tribes acknowledge both positive and negative experiences with the U.S. Forest Service (USFS) regarding consultation, many Tribes in the NWFP area faced similar challenges with inadequate consultation processes, underscoring the need for structural changes to ensure meaningful government-to-government engagement.

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* Positive Example: The USFS and Tribes worked cooperatively to develop the Bluejay Springs Restoration Project. Bluejay Springs is an important cultural and subsistence area adjacent to the Blue Jay Research Natural Area. The Tribes have been collecting historic information on the landscape functions in this area for decades. Incorporating this data with the tribe's traditional ecological knowledge into prescriptions for stewardship including cultural burning has provided a unique opportunity to bring together Indigenous knowledge and western science. PNW research has been important to advance translational ecology collaborative stewardship efforts, setting a positive precedent for meaningful consultation.

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* Negative Example: _Conversely, the consultation process for Go Big G-Z Integrated Resource Service Contract planned under the Bluemile Accelerated Landscape Restoration Project (Bluemile Project) Categorical Exclusion, where the USFS is logging in mule deer winter range during winter, displacing animals that were present. The Tribe repeatedly raised concerns that the Bluemile CE was too large for meaningful consultation. Despite concerns, the Forest Service utilized four former categorical exclusions to streamline environmental review. The USFS further failed to respect our sovereignty, as decisions were made without adequately incorporating our initial concerns and the Forest Service implemented logging in winter range during winter without notifying the Tribes, resulting in adverse impacts on wintering ungulates and their habitat.

[bull] Expectations for Future Consultation:

The NWFP amendment process shall ensure consultation is comprehensive, ongoing, and respectful by:

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* Engaging Tribes at the earliest stages of decision-making and maintaining regular communication throughout all phases of planning, implementation, and monitoring.

* Providing adequate time for Tribal review and feedback on management proposals, respecting Tribal schedules and resource constraints.

* Ensuring consultation outcomes are actionable and enforceable, with commitments formalized through

agreements and protocols co-developed with Tribes.

* Accountability in consultation by requiring written records of consultation outcomes, timelines, and actions to ensure accountability.

To honor Tribal sovereignty and fulfill trust and treaty responsibilities, the NWFP amendment must:

1. Formalize Enforceable Co-Stewardship Agreements

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* Implement binding co-management agreements that explicitly provide Tribes with decision-making authority over culturally significant lands, species, and resources. These agreements must recognize Tribal jurisdiction, incorporate Tribal management plans, and ensure co-stewardship on all lands within the NWFP area.

* Co-stewardship agreements must include specific provisions for funding, staffing, and capacity building to support meaningful and sustained Tribal leadership in forest planning, project implementation, and monitoring efforts.

2. Incorporate Indigenous Knowledge (IK) as Co-Equal with Western Science in Forest Management

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* Indigenous Knowledge systems, which have successfully sustained ecosystems for millennia, must be integrated as a foundational element of forest management. The NWFP amendment must

ensure IK is applied at all stages of decision-making, including project design, implementation, and adaptive management.

o Indigenous Knowledge must be treated with the same respect and authority as Western scientific methods, ensuring that it informs standards, objectives, and guidelines for culturally and ecologically significant areas.

1. Protect Tribal Data Sovereignty and Cultural Information

* Ensure that all Tribal knowledge, data, and cultural information are protected by robust Tribal data sovereignty protocols, requiring free, prior, and informed consent (FPIC) before use.

* Provide the Klamath Tribes with cultural information in a manner that accommodates protection of cultural sites.

* Develop a pre-treatment plan of protection for cultural sites to ensure security during emergency operations.

* Confidentiality provisions must safeguard sensitive Tribal information and ensure that its use aligns with the principles of Tribal sovereignty and self-determination.

1. Restore and Protect Treaty-Reserved Resources and Practices

* The NWFP amendment must prioritize the restoration and protection of treaty-reserved resources such as salmon, Bulquin, ipos, lamprey, huckleberries, Tchuwa'roots, Wocus, camas and wild mushrooms, which are critical to Tribal ceremonies, diets, and ecological stewardship. The gathering of wood and wood products must be included as tribal resources within this agreement. Specific enforceable objectives must ensure the health and abundance of these species.

* Provide Tribes unfettered access to sacred sites, traditional cultural properties, and gathering areas.

* Preclude grazing and other management practices that are harming Treaty-reserved resources.

2. Address Historical Injustices and Structural Barriers

* The original NWFP (1994) excluded meaningful Tribal participation, resulting in significant harm to Tribal rights, ecosystems, and cultural resources. The amended NWFP must explicitly acknowledge these historical injustices and implement restorative measures to rebuild trust and capacity for equitable co-management.

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* Structural barriers to Tribal participation in forest management must be identified and dismantled, including regulatory constraints and funding inequities that hinder Tribal-led initiatives.

The following comments identify critical gaps in the DEIS and propose actionable measures to address them.

The Klamath Tribes have carefully reviewed the Draft Environmental Impact Statement (DEIS) and identified several areas where it does not adequately address Tribal concerns. Below are our specific comments and recommendations:

Tribal Inclusion

The Klamath Tribe acknowledge and appreciates that the DEIS highlights "Incorporation of Indigenous Knowledge and Increased Tribal Inclusion" as a priority issue and dedicates a section to it (Chapter 3, p. 3-1 to 3-14). We also recognize that the Proposed Action/Alternative B, as well as the other action alternatives, include a robust suite of Tribal Inclusion plan components-Desired Conditions, Goals, Objectives, Standards, Guidelines, and Potential Management Approaches (Appendix AI). Collectively, these components represent critical steps toward fostering meaningful government-to-government collaboration and ensuring that Tribal interests, rights, and knowledge are embedded in forest management practices.

However, we are deeply concerned that the effects analysis in the DEIS focuses almost entirely on the proposed Objectives and provides insufficient discussion of the other Tribal Inclusion plan components. These additional components collectively form the necessary framework for advancing Tribal access and gathering, preserving biodiversity, facilitating co-stewardship, incorporating Indigenous Knowledge, honoring treaty and protected Tribal rights, fostering workforce development, and improving interagency coordination. While we acknowledge references to Tribal Inclusion plan components in other sections of the DEIS, the Tribal Inclusion section itself (Chapter 3) must be expanded to fully analyze the collective impacts and benefits of all proposed components. Furthermore, the DEIS should explicitly highlight the major differences between the No Action Alternative and Alternative B regarding Tribal Inclusion, as this comparison is essential for understanding how the Proposed Action would advance the federal Trust responsibility and support Tribal sovereignty.

We understand that while the Northwest Forest Plan amendment will establish Standards, Guidelines, and other management parameters, it cannot commit the Forest Service to specific allocations of funding or staffing. However, we also recognize that the amendment can prioritize efforts and establish Objectives to support Tribes in identifying and securing resources. This approach is vital to enable Tribes to participate fully in co-stewardship initiatives and strengthen their capacity for interdisciplinary collaboration.

We urge the Forest Service to revise and expand the Tribal Inclusion section of the DEIS to provide a more comprehensive analysis that reflects the breadth and importance of the proposed plan components. This will ensure that the final analysis accurately captures the scope of Tribal priorities and the impacts of the proposed amendment on Tribes.

Environmental Impacts

* Ecological Concerns: The DEIS insufficiently addresses the potential ecological impacts on Tribal lands and resources as well as National Forest System lands. For example, increased wildfire severity and changes in water quality can degrade habitats critical for culturally significant species such as beaver, the Lost River (c'waam) and short-nosed (koptu) suckers, ipos, salmon, lamprey, huckleberries, wocus, and camas. Specific concerns include:

* Water Quality: Riparian areas essential to traditional fisheries and water sources face threats from sedimentation and improper management activities. The DEIS should include enforceable measures to restore and protect these areas under Tribal co-management.

* Wildlife Habitat: Habitat loss for keystone species such as beaver, c'waam, elk, koptu, mule deer, salmon, and lamprey is inadequately addressed. The NWFP must prioritize Tribal-led initiatives to monitor and restore these populations with specific habitat recovery targets.

* Culturally Significant Plants: The DEIS does not allocate sufficient attention to the restoration and sustainability of culturally significant plant species. Tribal cultural burning practices must be included as a core strategy to ensure the health of these species.

* Climate Change Considerations: While the DEIS references climate resilience, its measures are insufficient to address the scale of the crisis. Tribes have long observed the impacts of climate change on ecosystems, including shifts in traditional species distributions and increased wildfire risk. Recommendations include:

* Stronger Climate Actions: Incorporate Tribal climate assessments and adaptation plans into the NWFP. These plans should inform forest management strategies and resilience measures.

* Specific Metrics: Establish clear, measurable objectives for reducing greenhouse gas emissions through carbon sequestration projects and climate-informed forest restoration.

* Cultural Fire Practices: Expand the Klamath Tribes administrative and fiscal capacity in use of cultural burns as a critical climate adaptation and mitigation tool.

Cultural and Archaeological Resources

* Protection of Sacred Sites: Sacred sites, cultural landscapes, and archaeological resources within the NWFP area are vital to our culture, traditional ways of life, identity, and history. However, the DEIS lacks enforceable protections for these areas. Specific recommendations include:

* Develop protocols requiring formal Tribal consultation before any management activities that may impact sacred sites or Traditional Cultural Properties.

- o Mandate avoidance of disturbance in identified sacred areas, supported by enforceable standards for their long-term protection.

* Indigenous Knowledge: Indigenous Knowledge is indispensable for informed and sustainable forest management. The DEIS fails to provide clear mechanisms for its integration. Examples of indigenous Knowledge

applications include:

- * Wildlife Management: Use Indigenous Knowledge to inform beaver, elk, mule deer, salmon, and lamprey restoration projects by aligning strategies with seasonal and ecological knowledge held by Tribal practitioners.
- * Forest Health: Incorporate Indigenous Knowledge to design restoration practices, such as thinning and prescribed burns, that emulate natural processes and ensure ecosystem resilience.
- * Cultural Continuity: Use Indigenous Knowledge to maintain the availability of First Foods, fostering ecological stewardship and cultural preservation.

Economic Impacts

* Sustainable Economic Opportunities:

Tribal communities must benefit from sustainable economic initiatives that align with our values. The DEIS inadequately explores these opportunities. Specific suggestions include:

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- * Expand Tribal participation in restoration contracts and stewardship agreements to support economic self-determination.
- * Prioritize Tribal-led enterprises in initiatives such as riparian restoration, cultural burning, and habitat monitoring, ensuring economic opportunities align with traditional practices.

* Job Creation and Economic Development:

Job creation is essential for building capacity within Tribal communities while addressing forest management needs. Recommendations include:

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- * Provide funding for workforce development programs, including the Indian Youth Service Corps, to train Tribal members in restoration, fire management, and ecological monitoring.
- * Support Tribal-specific infrastructure projects, such as nurseries for culturally significant plant species and facilities for fish habitat restoration.

Health and Well-being

* Community Health Implications:

The DEIS does not adequately address the disproportionate health impacts of wildfire smoke, water quality degradation, and loss of traditional foods on Tribal communities. Specific concerns include:

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- * Wildfire smoke poses a severe threat to respiratory health in Tribal communities located near forest management areas. The DEIS must prioritize air quality monitoring and mitigation funding for these areas.

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* Water resource degradation threatens the health of Tribal fisheries and drinking water supplies. Specific Tribal-led monitoring and restoration programs must be funded to address these issues.

* Public Health Recommendations:

To protect Tribal health, the DEIS must incorporate the following measures:

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* Allocate funding for air quality mitigation strategies, including clean air shelters and filtration systems in Tribal communities.

* Include mandatory standards for riparian restoration to improve water quality for fisheries and drinking water sources.

* Enhance access to traditional foods by funding programs to restore habitats for First Foods and ensuring their accessibility to Tribal members.

To address the shortcomings in the DEIS and ensure the NWFP amendment aligns with Tribal priorities and responsibilities, the following recommendations are provided:

1. Formalize Enforceable Co-Stewardship Agreements:

* Establish binding co-stewardship agreements with Tribes that include decision-making authority, measurable outcomes, and guaranteed funding. These agreements must provide Tribes with management authority over culturally significant lands and resources, as outlined in Secretarial Order 3403.

* Develop co-stewardship agreements within two years for all lands of cultural significance to Tribes within the NWFP area, incorporating Tribal management standards and guidelines.

2. Protect Sacred Sites and Cultural Landscapes:

* Mandate consultation with Tribes prior to any management activity near sacred sites, Traditional Cultural Properties, and burial grounds.

* Develop enforceable standards to prevent disturbance in identified sacred areas, supported by funding for long-term site protection and monitoring programs,

3. Integrate Indigenous Knowledge (IK) into Forest Management:

* Require Indigenous Knowledge to be included at all stages of management, from planning to implementation and monitoring.

* Establish a formal IK consultation process, co-developed with Tribes, ensuring IK is applied with respect, consent, and data sovereignty.

4. Address Climate Change with Tribal-Led Strategies:

* Incorporate Tribal climate vulnerability assessments and adaptation plans into the NWFP amendment to guide forest management and resilience measures.

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* Establish specific metrics to track and reduce greenhouse gas emissions through forest carbon sequestration projects, prioritizing restoration of mature and old-growth forests.

* Expand cultural fire practices with measurable targets (e.g., acres treated annually through Tribal[shy] led cultural burns) to reduce wildfire risk and enhance ecosystem resilience.

1. Restore and Protect Culturally Significant Species and Habitats:

- * Expand the Survey and Manage program to include culturally significant species, such as mule deer, ipos, salmon, lamprey, huckleberries, wocus, and camas, with specific objectives for habitat restoration and species population recovery.
- * Fund Tribal-led restoration projects with clear annual targets, such as the restoration of 5,000 acres of riparian and upland habitats critical to culturally significant species.

2. Foster Sustainable Economic Opportunities for Tribes:

- * Allocate at least 30% of all restoration and stewardship contracts under the NWFP to Tribal entities, prioritizing culturally and ecologically aligned projects.
- * Expand funding for programs like the Indian Youth Service Corps and Good Neighbor Authority to support Tribal workforce development and create long-term employment opportunities.

1. Support Tribal Workforce Development:

- * Establish dedicated funding streams for Tribal training programs in restoration, fire management, ecological monitoring, and climate adaptation.
- * Create internships and apprenticeships within the Forest Service for Tribal members, ensuring Tribal representation in management decision-making roles.

2. Protect Tribal Community Health and Well-Being:

- * Fund air quality monitoring and clean air shelter programs to mitigate the impacts of wildfire smoke on Tribal communities.
- * Establish mandatory water quality standards to protect Tribal fisheries and drinking water sources, with funding for Tribal-led monitoring and restoration.
- * Support programs that enhance access to First Foods, including funding for habitat restoration and removal of access barriers for Tribal gatherers.

3. Advance Adaptive Management and Flexibility:

- * Enable Tribes to implement their own land management standards and guidelines, with provisions allowing these standards to supersede NWFP components where necessary to fulfill treaty rights and cultural obligations.
- * Allow Tribal-led adaptive management practices, including experimental projects such as culturally guided thinning, beaver reintroduction, and ecological engineering of riparian systems.

4. Establish Accountability Mechanisms:

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- * Require annual public reporting on co-stewardship progress, including specific metrics for Tribal participation, ecological restoration, and climate adaptation outcomes.
- * Create a Tribal oversight body to monitor and evaluate NWFP implementation, ensuring accountability to trust and treaty obligations.
- * Incorporate enforceable deadlines for meeting objectives related to co-stewardship agreements, cultural burning targets, species recovery, and climate action.

In addition to the recommendations outlined above, we urge the Forest Service to include specific plan components that commit to working in partnership with Tribes to identify and secure funding sources. This should include strategies for supporting Tribal capacity-building efforts to participate in interdisciplinary planning and implementation processes, ensuring meaningful co-stewardship opportunities.

The Klamath Tribe acknowledge the intent of Alternative B to improve the resilience and sustainability of the Northwest Forest Plan (NWFP). However, the DEIS must go further to fully align with Tribal priorities and obligations under federal trust responsibilities. Specifically, the NWFP amendment must:

- * Formalize co-stewardship agreements that recognize Tribal decision-making authority over culturally significant lands and resources.
- * Integrate Indigenous Knowledge at every stage of forest management to enhance ecological stewardship and cultural preservation.
- * Protect sacred sites, treaty-reserved resources, and culturally significant species through enforceable measures and mandatory consultation protocols.
- * Prioritize Tribal-led restoration and economic development initiatives that align with our cultural values and traditional practices.

The issues outlined in this letter--ranging from climate adaptation and ecological restoration to the protection of Tribal sovereignty and sacred landscapes--are critical to sustaining the shared ecosystems of the Pacific Northwest for future generations. Addressing these concerns is a legal obligation and a moral imperative to honor the federal government's trust responsibility.

The Klamath Tribe urges the U.S. Forest Service to take the following actions:

I. Revise the DEIS to incorporate the recommendations outlined in this letter, ensuring that Tribal sovereignty, treaty rights, and co-stewardship are central to the final NWFP amendment.

1. Enhance consultation processes by implementing comprehensive, government-to-government protocols that ensure early and continuous engagement with Tribes throughout all stages of planning, implementation, and monitoring.

1. Schedule a meeting with our Tribal Council by May 22, 2025 to discuss these recommendations in detail and establish a roadmap for addressing our concerns in the Final Environmental Impact Statement (FEIS).

We respectfully request a written response from the USFS within 30 days acknowledging receipt of this letter and outlining next steps for addressing the issues raised.

The Klamath Tribes thank the U.S. Forest Service for the opportunity to participate in this critical process. We appreciate your attention to our concerns and your willingness to collaborate to protect and sustain [bull] the lands and resources that are our ancestral inheritance. [middot]

As stewards of these sacred landscapes, we remain committed to ensuring their health and vitality for generations to come. We look forward to working together to create a Northwest Forest Plan that reflects our shared values and responsibilities.

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Chairman, The Klamath Tribes

Attachments:

[Maps of Klamath Tribes original Territory (Ceded Lands) Klamath Tribes Affected Area - Ownership] [SEE PDF]

ATTACHMENT-LETTER TEXT: This is the same content that is coded in text box; it was originally included as an attachment