



EXHIBIT SCHEDULE

FILE NUMBER: CU-22-003
APPLICANT: Manulife Investment Management on behalf of owner Golden Pond Timberlands Inc.,
HEARING DATE: December 13, 2022

<u>EXHIBIT</u>	<u>NATURE OF EXHIBIT</u>
<u>1</u>	Eleven (11) Page Staff Report
<u>2</u>	Seven (7) Page Conditional Use Permit Application
<u>3</u>	Nine (9) Page Forest Practice Permit Application
<u>4</u>	Five (5) Page Harvest Plan
<u>5</u>	Nine (9) Page Harvest Plan

STAFF REPORT
CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION (CTUIR)
TRIBAL PLANNING OFFICE

To: **Land Protection Planning Commission (LPPC)**
Public Hearing Date: **December 13, 2022**
File No.: **CU-22-003**

SUBJECT: Conditional Use request: Timber Harvest

APPLICANT and PROPERTY OWNER: Manulife Investment Management on behalf of owner Golden Pond Timberlands Inc., 1919 Jackson Avenue, La Grande, OR 97850

NATURE OF THE REQUEST:

Applicant seeks a Conditional Use approval from the LPPC to conduct a timber harvest on approximately 30.7 acres of Umatilla County taxlot 1N35 0000 05100. The proposed harvest would be a commercial thinning to reduce fire danger within the taxlot. The trees would be harvested through mechanical thinning, hand thinning in sensitive areas, and removed from the site. A 4.1-acre section has been identified for a heavier group selection harvest to address a diseased stand of trees, which would be followed by replanting of appropriate species.

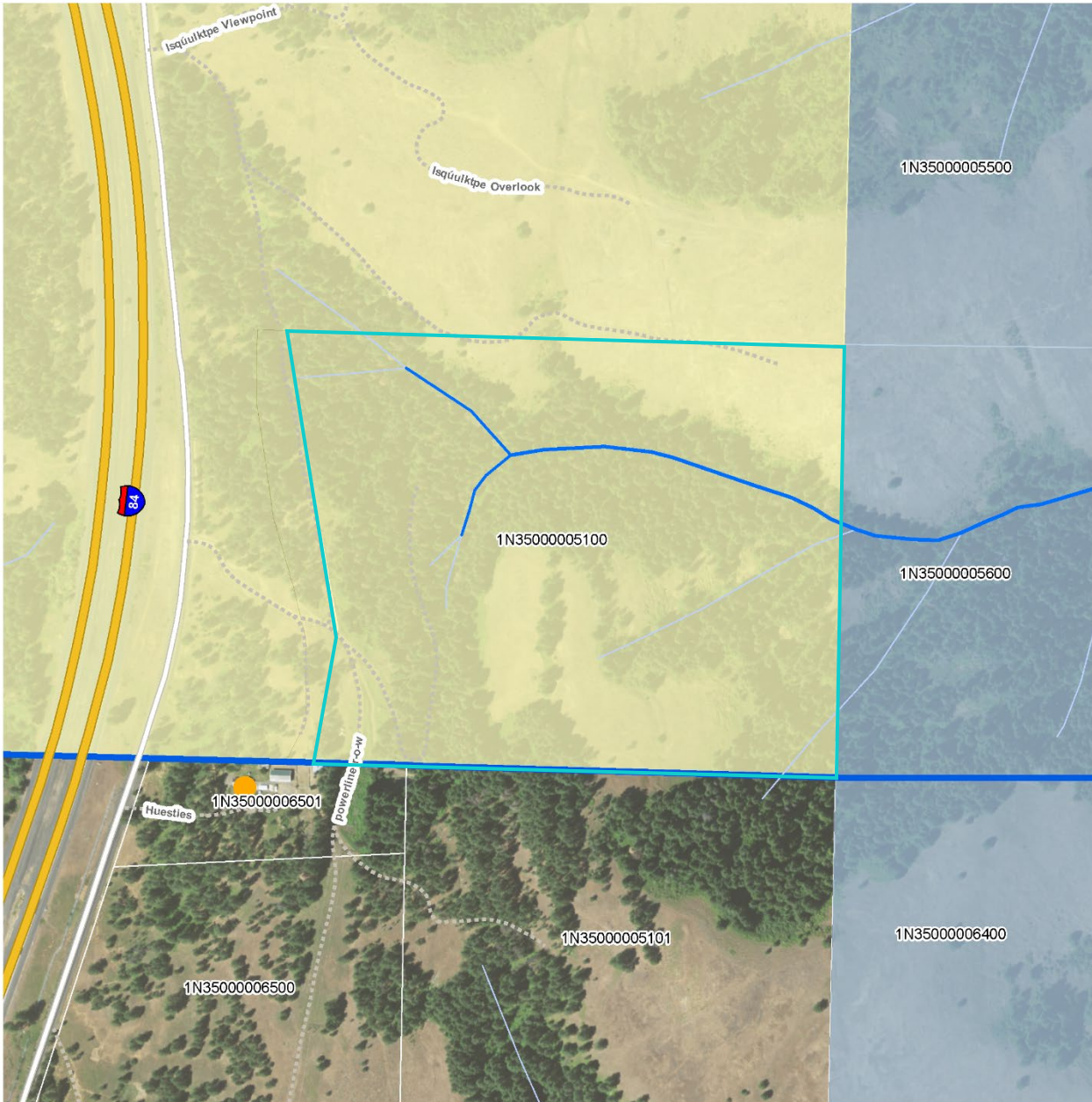
The subject property is zoned G-1, Big Game Winter Grazing, where a timber harvest to remove more than 5,000 board foot gross is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

BASIC FACTS:












- 1) ***Subject Property/Ownership:*** The subject property is Tax Lot 5100 on Umatilla County Tax Map 1N3350000. See location and site maps on page 3 of this report. The lot is 91.77 acres and is owned by Golden Pond Timberlands, Inc. as verified via Umatilla County Assessor's records.
- 2) ***Zoning:*** The Zoning is G-1, Big Game Winter Grazing.
- 3) ***Current Use:*** This property is currently undeveloped forest land.
- 4) ***Surrounding Land Uses:*** This property is adjacent to the southern edge of the Umatilla Indian Reservation, immediately east of ODOT right-of-way containing Interstate 84 and Old Oregon Trail Highway. The surrounding areas are undeveloped forest lands. One home site exists on the property to the south of the proposed site.
- 5) ***Utilities:*** No utilities serve this site. Umatilla Electrical Cooperative service lines run adjacent to the property, and electrical transmission lines owned by Bonneville Power Administration cross the southwest corner of the property.
- 6) ***Legal Access:*** Old Oregon Trail Highway runs along the western edge of the property, providing access. Old Oregon Trail Highway is a two-lane paved road maintained by and under the jurisdiction of ODOT. The proposed timber harvest will gain access to Old Oregon Trail Highway from existing and planned roads on the subject parcel as shown on page 5 of this report.
- 7) ***Topography and Other Site Information:*** Topographic and hydrological information is shown on page 4 of this report. The property is primarily sloped downward from the west, with some areas sloped in excess of 40%. The property contains several stream channels with Strahler orders between 0 and 2.
- 8) ***Soils:*** The Department of Agriculture Soil Survey shows the southwestern portion of this property contains Klicker-Anatone-Bocker complex, 2 to 15% slopes. The central portion of the property is primarily Umatilla-Kahler-Gwin association, 35 to 70% slopes. Gwin-Rock outcrop complex, 40 to 70% slopes exists in the northeastern corner of the property.

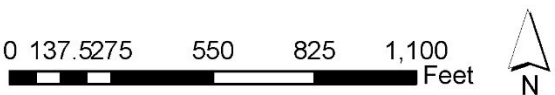
- 9) ***Intended Property Use:*** The owners would like to maintain the current undeveloped use, and complete a commercial timber harvest in order to reduce fuel loads in a way that improves forest health and reduces fire risk on their property.
- 10) ***Permitting History:*** The Tribal Planning Office does not have records of any permits issued on this property.

CU-22-003 Site - Tax Lot 1N35000005100



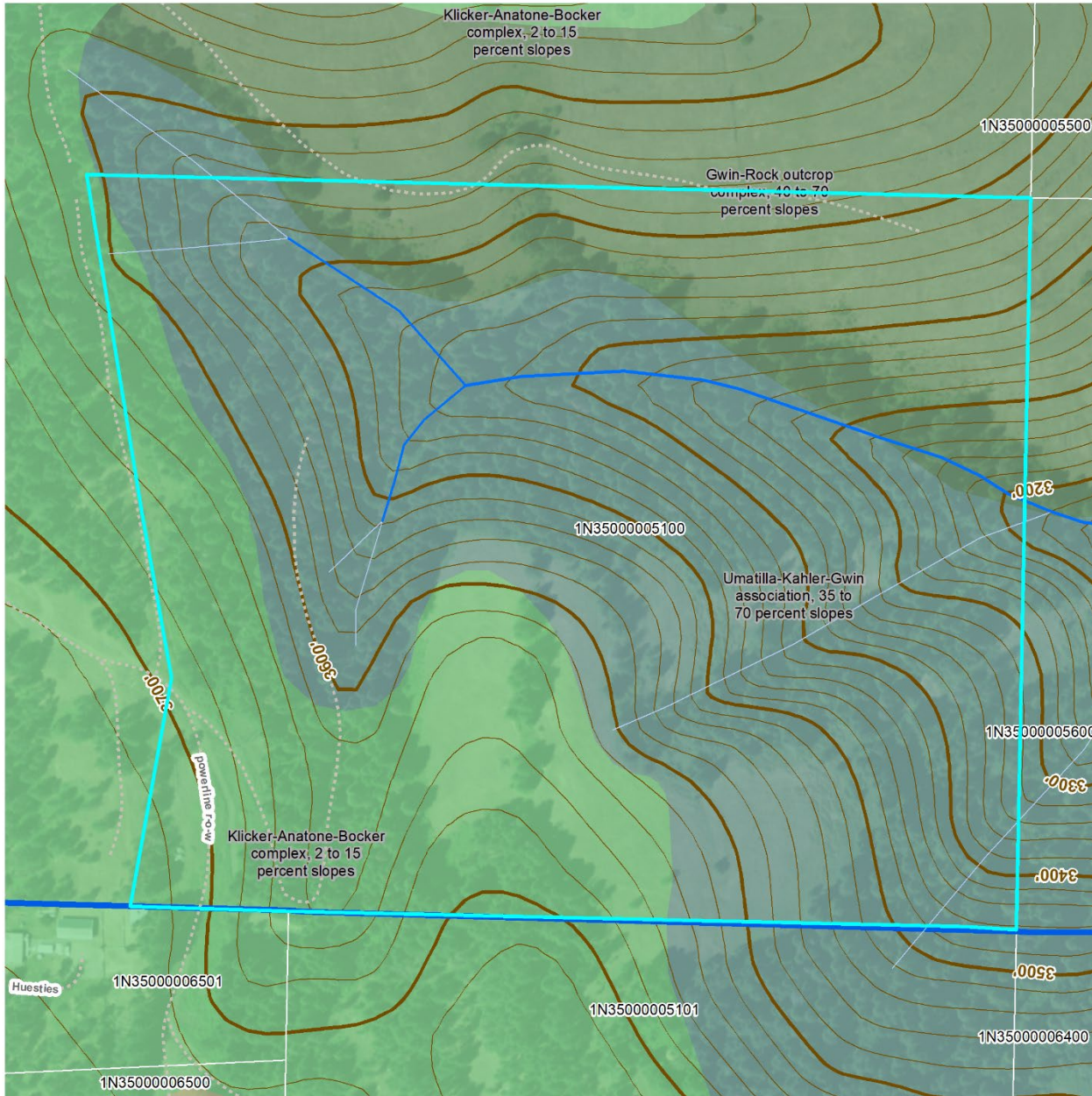
Legend

	Umatilla Indian Reservation	Stream Orders		3	
	Buildings		0		4
Parcels (CTUIR)			1		5
	Fee		2		6
	Tribal Trust				



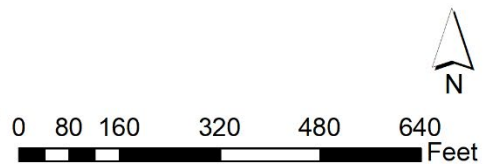
THE CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION

CU-22-003 Site & Soils - Tax Lot 1N35000005100



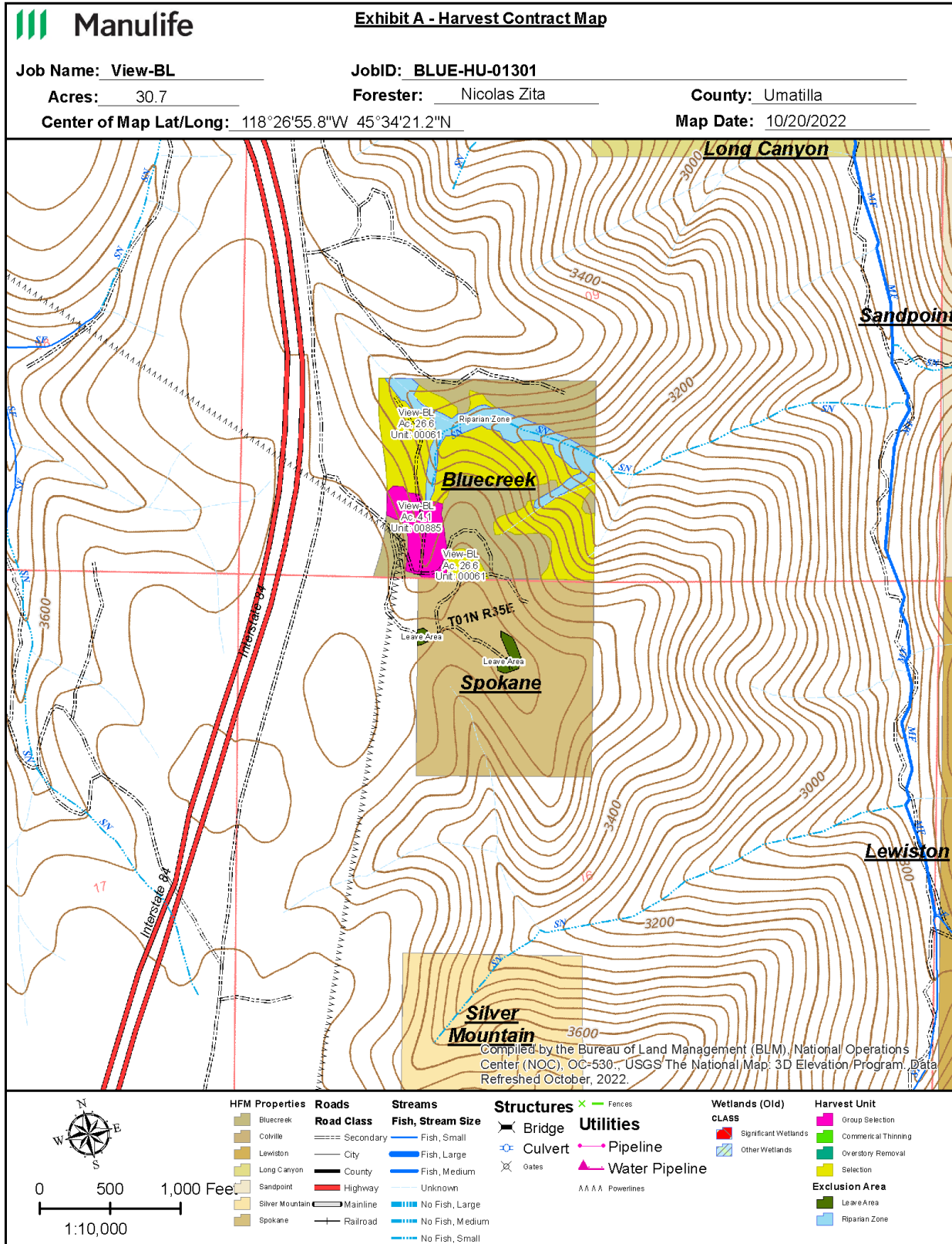
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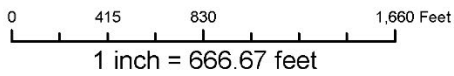
- | | |
|-----------------------------|-----------------------------------------------------------|
| Umatilla Indian Reservation | Umatilla County Soils by Name |
| Umatilla County Taxlots | Albee-Bocker-Anatone complex, 2 to 15 percent slopes |
| 20' Contours | Gwin-Rock outcrop complex, 40 to 70 percent slopes |
| 100' Contours | Klicker-Anatone-Bocker complex, 2 to 15 percent slopes |
| Stream Orders | Umatilla-Kahler-Gwin association, 35 to 70 percent slopes |
| 0 | |
| 1 | |
| 2 | |



THE CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION

Proposed Treatment Area & Haul Road Locations





View

 **Manulife**
Investment Management

1919 Jackson Ave
La Grande, OR 97850

For general information purposes only. Accuracy not guaranteed.

APPLICABLE POLICIES AND CODES:

I. CTUIR Comprehensive Plan; Resolution No. 18-098 (November 26, 2018); applicable Objectives

Chapter 5, Plan Elements: Goals & Objectives:

Section 5.6 Natural Resources

3. To protect, enhance and restore functional floodplain, channel, and watershed processes to provide sustainable and healthy habitat for aquatic species of the First Food order.
4. To provide sustainable harvest opportunities for big game species of the First Food order by protecting, conserving, and restoring big game populations and their habitats;

Section 5.7 Cultural Heritage

6. Protect and restore the First Foods and exercise associated rights reserved in the Treaty of 1855 for the perpetuation of tribal culture.

Section 5.11 Health & Human Services

1. Provide supportive environments that encompass all entities of the CTUIR (collaboration of health and human services departments, tribal leadership and non-health related departments) to enhance healthy lifestyles for every community member.

II. Land Development Code; adopted by CTUIR Board of Trustees Resolution #83-74 on August 24, 1983 and as amended through Resolution 21-013 (February 8, 2021).

Chapter 1, Section 1.020 – Purpose;
Chapter 2, Section 2.020 – Definitions; (36) – Conditional Uses;
Chapter 3, Sub-chapter L; G-1 – Big Game Winter Grazing Zones;
Chapter 4, Section 4.025 – Forest Practices;
Chapter 6, Conditional Uses;
Chapter 10, Site Plan Review;
Chapter 13, Hearings;

III. CTUIR Forest Management Plan (FMP); adopted by CTUIR Board of Trustees Resolution #10-022 (March 22, 2010);

Applying to all Reservation lands as referenced in Land Development Code Section 4.025.

IV. CTUIR Historic Preservation Code; adopted by CTUIR Board of Trustees Resolution 16-003 (January 25, 2016)

V. CTUIR Water Code; adopted by CTUIR Board of Trustees Resolution 20-090 (September 28, 2020)

STAFF FINDINGS:

A. Tribal Staff Review Committee (TSRC) & Timber Inter-Disciplinary Team (TIDT): Members of the CTUIR Tribal Staff Review Committee & the Timber Inter-Disciplinary Team received a copy of the application packet for CU-22-003/FP-22-006 on November 7, 2022. A joint meeting of the TSRC & TIDT was held November 17, 2022 to review the application. The following comments were received:

Department of Economic and Community Development Land Manager – wanted to clarify that the Applicant was coordinating with CTUIR Programs, including Cultural Resources and Range, Ag. & Forestry. [TPO received comments from all abovementioned programs.]

Department of Natural Resources, Range, Ag. & Forestry Program Manager & Supervisory Forester – did not see any issues with the proposed timber harvest from a forest management standards perspective.

Department of Natural Resources, Cultural Resources Protection Program Senior Archaeologist – confirmed that the Applicant will need to secure a Cultural Resources Survey of the proposed project area and any areas of ground disturbance that are necessary to construct the planned roads. The Applicant had already contacted CRPP to begin this process.

Department of Natural Resources, Water Resources Program Code Administrator – submitted comments that the Applicant would need to secure a Stream Zone Alteration permit due to the construction of a road that crosses at least one intermittent stream and for work that will occur in designated riparian areas. The Applicant has not yet contacted the Water Resources Program. [TPO has notified the Applicant that a Stream Zone Alteration permit will be required as part of the proposed project and has put them in contact with the Water Resources Program.]

No other written or verbal comments were received from Committee members on or before the deadline date of November 24, 2022 to be included in these Findings.

B. *Review of Conditional Use approval Criteria:* LDC Section 6.015 lists four Circumstances for Granting a Conditional Use (*italicized text*). The applicant has provided statements to demonstrate how the proposed use meets these criteria.

1. *That the locations, size, design, and operational characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability, and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage, and density, to the alteration of traffic patterns and the capacity of surrounding streets and roads, and to any other relevant impact of the proposed use.*

Applicant statement: “Harvest activities will not reduce the property value, livability or permissible development of the surrounding area, and instead will provide resilience to the stand and defensible ground against wildfire. Removed timber will be hauled from the harvest area along the Old Oregon Trail road to I84, and from there to a lumber mill. The roads leading up to I84 do not see a lot of use, and traffic on these roads should be only minimally affected for a relatively short period of time.”

Discussion: The proposed timber harvest will decrease forest density to allow animal grazing and reduce ladder fuels. Greater harvesting in some areas will reduce a diseased stand of trees and be replanted with trees that are better suited to the environment. The proposed timber harvest does not change the undeveloped use of the property, and should reduce fire risk to surrounding properties. The short-term nature of the timber harvest should have minimal impact on traffic in the area.

Finding: The proposed use would have no impact on permissible development and property value of surrounding lands, and would contribute to increased fire safety of the area.

2. *That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.*

Applicant Statement: “The results of this project will be aesthetically pleasing and will encourage a functional environment consistent with the nature of the use and setting. Our goal is to thin the timber, removing diseased and decadent trees in the process, leaving a healthy and resilient stand. The small, proposed group selection will be planted with healthier and resilient trees as soon as possible after harvest. Altogether the project should result in a good looking, healthy forest.”

Discussion: The proposed timber harvest will reduce the stocking levels of White Fir, Doug Fir, and Ponderosa Pine from the current basal area which averages 125-160 ft²/acre, to approximately 60 ft²/acre. Identified riparian areas will be reduced to approximately 80 ft²/acre. These proposed levels are based on recommendations from the 1999 Powell Publication. Additionally, an identified 4.1-acre

area will be harvested via group selection to remove a stand of trees that are disproportionately affected by Dwarf Mistletoe and Brown-stringy Rot Fungus. They will be replanted with preferred species that are more suited to the area. These actions involve removing dead/dying trees, ladder fuels, and opens up grazing opportunities for wildlife. These results are generally considered to be aesthetically pleasing and better represents historical forest conditions prior to fire-suppression policies.

Several streams exist on the property. They are designated between 0 and 2 based on Strahler designations. The Water Resources Program has identified that a Stream Zone Alteration permit will be necessary for the proposed section of skid/haul road that will cross a stream.

Finding: The proposed timber harvest would provide a higher degree of aesthetic appeal while creating a more functional environment relative to current conditions.

3. *If the use is permitted outright in another zone, that there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.*

Applicant Statement: “This use is not outright permitted on other land we manage, to our knowledge. Additionally, this stand of timber is mature, overstocked, and in places diseased, and would benefit from the proposed project.”

Discussion: Timber harvests in excess of 5,000 gross board feet are only permitted by conditional use in zoning designations where timber harvests are permitted. Timber harvests are a viable way to responsibly manage property when fire risk exists.

Finding: Timber harvest is a use that is only allowed with conditional use approval on certain lands within the boundaries of the Umatilla Indian Reservation. A timber harvest is not a use permitted outright in any zone.

4. *That the proposed use will be consistent with the purposes of this Code, the Comprehensive Plan, and any other statutes, codes or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located.*

Applicant Statement: “All activities will be in accordance with the management plan and guidelines set by the CTUIR laws and regulations as applicable. We have and will continue to consult with CTUIR employees on the implementation of our project to ensure its compliance. The proposed activities will encourage a healthy and resilient stand of timber that will function to support uses permitted in the zone.”

Discussion:

Applicable Land Development Code sections include the following:

SUB-CHAPTER L. G-1 – BIG GAME GRAZING FOREST ZONE

SECTION 3.270 DESCRIPTION AND PURPOSE:

The G-1, Big Game Grazing Forest Zone is designated to provide critical range for big game populations. The purpose of this zone is to preserve and maintain habitat for big game and other wildlife. Lands within this zone are largely undeveloped and located at the

higher elevations of the Reservation. Generally, these lands are utilized and managed for outdoor recreation, range and timber with very limited development.

SECTION 3.290 CONDITIONAL USES PERMITTED:

In a G-1 Big Game Grazing Forest Zone the following uses and structures accessory to permitted uses are permitted subject to the requirements listed under Sections 4.025 and 6.010 through 6.035 inclusive and upon issuance of a Development Permit or Forest Practices Permit. Accessory structures are not subject to the exceptions found in Section 16.010 of this Code.

1. Timber harvest, timber removal greater than 5,000 board foot gross, subject to Section 4.025 of this Code;

Applicable CTUIR Historic Preservation Code;

Section 5.01 – Cultural Resources Clearance. This section sets forth the Cultural Resources Clearance process for uses requiring Tribal permits. This requirement will be met if Applicant complies with second proposed Condition below.

SECTION 5.01. CULTURAL RESOURCES CLEARANCES

1. Cultural resources clearance must be obtained prior to the issuance of any of the following permits. Certain activities may be exempted pursuant to subsection A(2) of this section.

- a. Any construction, ground disturbing activity or land use on the Umatilla Indian Reservation requiring issuance of a development permit, conditional use permit, or other approval pursuant to the Confederated Tribes' Land Development Code;*
- b. Any Water Code permit;*

Applicable CTUIR Water Code;

Chapter 4 of the CTUIR Water Code sets forth the Stream Zone Alteration permitting process for the Umatilla Indian Reservation. This requirement will be met if Applicant complies with proposed third Condition below.

CHAPTER 4. STREAM ZONE ALTERATIONS SECTION

4.01. AREA OF APPLICATION

This chapter applies to any person conducting construction or earth-moving work, debris placement or removal, or vegetation removal or modification within the named Stream Zones within the external boundaries of the Umatilla Indian Reservation as named below.

- A. Any intermittent or perennial stream, lake, pond, spring, or any naturally occurring water body located in the G-1, Big Game Winter Grazing Zone, or the F-2, Restricted Indian Forest Zone, as described in the Umatilla Indian Reservation Land Development Code of the Umatilla Indian Reservation.*

Findings: The G-1 designation prioritizes protecting critical rangeland for big game populations, and contributes to preserving wildlife and fish habitats important for First Foods. The proposed timber harvest is intended to reduce fire risk, which left unmanaged, has the potential to negatively impact rangeland, rivers, and other wildlife habitat.

CONCLUSIONS:

The criteria for the Conditional Use could be met for the proposed commercial timber harvest presented and explained by the applicant including:

1. Compatibility with the surrounding area and minimal impacts;
2. An aesthetically pleasing and functional site;
3. Substantial reason for locating the use in its current location;
4. Conformance with the Comprehensive Plan, Land Development Code and other applicable Statutes.

DECISION OPTIONS:

In acting on this request, the Land Protection Planning Commission must choose one of the following decision options:

1. **Approve** the Conditional Use request without **conditions**;
2. **Approve** the Conditional Use request **with conditions**;
3. **Deny** the Conditional Use request;
4. **Recess the hearing** until a specified time, date, and place; pending further testimony or information;
5. **Table** the decision until a subsequent Land Protection Planning Commission meeting.

STAFF RECOMMENDATION:

Based on the preceding facts, findings and conclusions, staff recommends approval of the Conditional Use with the following condition:

1. A Forest Practices Permit shall be obtained from the Tribal Planning Office prior to the commencement of timber harvest activities. The Tribal Planning Office may place conditions on the Forest Practices Permit to the extent necessary to protect the natural resources impacted by the harvest operation.
2. Applicant must coordinate with the CTUIR Cultural Resources Protection Program to develop and submit a Cultural Resource Survey of the proposed project area and obtain cultural resources clearance under Section 5.01 of the CTUIR Historic Preservation Code, and shall maintain compliance with the clearance.
3. Prior to commencement with timber harvesting activities, the applicant must coordinate with the CTUIR Water Resources Program to obtain a Stream Zone Alteration permit as required by Chapter 4 of the Tribal Water Code.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
Tribal Planning Office

**CONDITIONAL USE / VARIANCE APPLICATION
SUPPLEMENTAL SHEET**

DEAR APPLICANT:

Please fill out this APPLICATION completely and as accurately as possible. If a block does not apply, write "N/A" in the space provided. An incomplete application cannot be processed.

- 1) Please fill out your full name, current address and phone number.
- 2) Please fill out the full name, current address and phone number of the legal property owner (s) of the site your are requesting a permit for. If you are the sole property owner, simply write "same" on the first line.
- 3) This is the location of the site as described by section, township and range. If you are not familiar with this method or you do not have access to this information, we can assist in determining the location upon request.
- 4) Indicate whether the property is fee land (tax lot) or trust land (allotment) and the parcel number. Also specify the parcel acreage.
- 5) Indicate the right of way or easement road that allows legal access to the property (e.g., county, road, street, or access road).
- 6) Indicate the current use or uses of the subject property.
- 7) Indicate the specific use or uses for which you are requesting this conditional use/variance.
- 8) Explain in details on a separate sheet how the proposed use conforms to the conditional use/variance decision criteria (see attached page) and present a detailed site plan of the proposed use.
- 9) Read the statement carefully. Sign and date the application only after the application has been completely filled out.

NOTE: If the information presented is unclear or questionable, you may be required to provide further information such as lease agreements, evidence of legal access, legal ownership, etc.

IF YOU HAVE ANY QUESTIONS CONCERNING THE APPLICATION PROCESS
OR CODE REQUIREMENTS, FEEL FREE TO EITHER STOP BY THE PLANNING
OFFICE OR CONTACT THE OFFICE AT 429-7523

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
Tribal Planning Office
46411 Timine Way, Pendleton, Oregon, 97801

CONDITIONAL USE APPLICATION

Fee: \$100.00 Please Print

Applicant's Name: Nicolas Zita
Address: 1919 Jackson Ave, La Grande, OR 97850 Phone: 541-969-4678

Lot Owner's Name: Golden Pond Timberlands, Inc.
Address: 1919 Jackson Ave, La Grande, OR 97850 Phone: 541-969-4678

Property Description: SE corner of the SW Section 9 Township 1N Range 35E
Tax Lot () Allotment (): TL 5100 Present Zone: G-1 Total Acreage: 50

Legal Access: Access road from the Old Oregon Trail road, off of I84. Approval and access
Permits obtained through Oregon State Parks

Present Use of Property (Description, including any existing structures and the current use): Timber Management

Proposed Use: (Explain in detail on a separate sheet)

Decision Criteria: (Explain in detail on a separate sheet)

- A response shall be submitted with this application explaining how this request relates to the applicable decision criteria (see Attached).
- Also submit a statement explaining any other evidence you plan to present and a **detailed site plan** of the proposed use.

I understand that any false statements made on this application may cause subsequent approval by the Natural Resources Commission to be null and void.

I hereby certify that I understand that by signing this permit application, I am giving the CTUIR Tribal Planning Office the authorization to conduct any site inspections necessary in reviewing this application.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED!

Date: _____ Applicant: _____
Agent: _____

I am the (Circle One): Owner/owner's authorized representative (If authorized representative, attach letter signed by owner)

TRIBAL PLANNING OFFICE USE ONLY

Date Filed 10/20/2022
Fee Paid: _____

Reviewed By: Lora Elliott
Hearing Date: 12/13/2022

NOTE: Payment is incoming, though Applicant is actively working with TPO to submit.

ATTACHMENT: Conditional Use Decision Criteria (Land Development Code Section 6.015)

A Conditional use may be granted if, on the basis of the application, investigation and evidence submitted findings are made based on the criteria below. A Conditional Use may be granted unqualifiedly or may be granted subject to prescribed conditions.

- (1) That the locations, size, design, and operations characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability, and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage, and density, to the alteration of traffic patterns and the capacity of surrounding streets and roads, and to any other relevant impact of the proposed use.
- (2) That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.
- (3) If the use is permitted outright in another zone, that there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.
- (4) That the proposed use will be consistent with the purposes of this Code, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which is it located.

Variance Decision Criteria (Land Development Code Section 8.015)

A Variance may be granted if, on the basis of the application, investigation and evidence submitted findings are made based on the criteria below. A variance may be granted unqualifiedly or may be granted subject to the prescribed conditions. A variance may be granted only in the event that all of the following circumstances exist:

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this Code have had no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by the owners of other property in the same zone or vicinity.
- (3) The variance would not be materially detrimental to the purposes of this Code or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any Reservation Plan or Policy.
- (4) The variance requested is the minimum variance which would alleviate the hardship.

From: [Nicolas Zita](#)
To: [Lora Elliott](#)
Subject: RE: Manulife Forest Practices Application
Date: Friday, November 4, 2022 2:10:13 PM

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

Good afternoon, Lora,

Thanks for the update! As for the questions, I tried to answer them all in our Harvest Plan, but am happy to respond to them more directly:

1. That the locations, size, design, and operations characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability, and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage, and density, to the alteration of traffic patterns and the capacity of surrounding streets and roads, and to any other relevant impact of the proposed use.

-- Harvest activities will not reduce the property value, livability or permissible development of the surrounding area, and instead will provide resilience to the stand and defensible ground against wildfire. Removed timber will be hauled from the harvest area along the Old Oregon Trail road to I84, and from there to a lumber mill. The roads leading up to I84 do not see a lot of use, and traffic on these roads should be only minimally affected for a relatively short period of time.

2. That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.

--The results of this project will be aesthetically pleasing and will encourage a functional environment consistent with the nature of the use and setting. Our goal is to thin the timber, removing diseased and decadent trees in the process, leaving a healthy and resilient stand. The small, proposed group selection will be planted with healthier and resilient trees as soon as possible after harvest. Altogether the project should result in a good looking, healthy forest.

3. If the use is permitted outright in another zone, that there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.

--This use is not outright permitted on other land we manage, to our knowledge. Additionally, this stand of timber is mature, overstocked, and in places diseased, and would benefit from the proposed project.

4. That the proposed use will be consistent with the purposes of this Code, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which is it located.

-- All activities will be in accordance with the management plan and guidelines set by the CTUIR laws and regulations as applicable. We have and will continue to consult with CTUIR employees on the implementation of our project to ensure its compliance. The proposed activities will encourage a healthy and resilient stand of timber that will function to support uses permitted in the zone.

Let me know if there is anything else you need,

Nic

From: Lora Elliott <LoraElliott@ctuir.org>
Sent: Wednesday, November 2, 2022 1:18 PM
To: Nicolas Zita <nzita@manulife.com>
Cc: Todd Kurtz <TKurtz@manulife.com>
Subject: RE: Manulife Forest Practices Application

Hi Nic,

I wanted to provide an update on your Conditional Use application you submitted to us.

To begin with, based on when you submitted your application to us on October 20, the public hearing before the LPPC will take place Tuesday, December 13 @ 9:00 a.m. PST. You will be able to attend in person, though we'll also provide a virtual option for attendance. I'll provide more information on that closer to the date, and you'll have access to all hearing materials (staff report, etc.) at least 10 days prior to the hearing.

Additionally, I was looking at the application and realized you didn't respond to the four questions on the Conditional Use application. Though some of the same information is listed throughout your application materials, we do need your specific answers to the questions, which I'll include below.

You can simply reply with your answers, though I'm hoping to get that by November 10th so I can give staff from other departments ample time to review your full application and come back with any questions/comments they might have. Those four questions are:

1. That the locations, size, design, and operations characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability, and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage, and density, to the alteration of traffic patterns and the capacity of surrounding streets and roads, and to any other relevant impact of the proposed use.
2. That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.
3. If the use is permitted outright in another zone, that there is substantial reason for locating

the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.

4. That the proposed use will be consistent with the purposes of this Code, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located.

Please let me know if you have any questions, and I hope you have a nice day!

All best,

Lora Elliott

Assistant Planner | Tribal Planning Office
Confederated Tribes of the Umatilla Indian Reservation
46411 Timine Way, Pendleton, OR 97801
☎: (541) 429-7524 | ✉: loraelliott@ctuir.org

The information in this e-mail may be confidential and intended only for the use and protection of the Confederated Tribes of the Umatilla Indian Reservation. If you have received this email in error, please immediately notify me by return e-mail and delete this from your system. If you are not an authorized recipient for this information, then you are prohibited from any review, dissemination, forwarding or copying of this e-mail and its attachments. Thank you.

From: Nicolas Zita [<mailto:nzita@manulife.com>]

Sent: Thursday, October 20, 2022 12:02 PM

To: TPO <TPO@ctuir.org>

Cc: Todd Kurtz <TKurtz@manulife.com>

Subject: Manulife Forest Practices Application

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

Good morning,

I am emailing to submit a project proposal to the CTUIR. The project is a timber harvest on land managed by Manulife within the reservation boundary. I believe I have attached all the necessary documents, and our office manager is working with Lora Elliott to prepare a payment for the application fee. Please let me know if there is anything else I can provide, thanks

Nic

Nicolas Zita

Forester

Manulife Investment Management

C 541.969.4678

E nzita@manulife.com

1919 Jackson Avenue
La Grande, OR 97850 USA

 **Manulife** Investment Management

Manulife Investment Management

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The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.

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CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
Tribal Planning Office - 46411 Timine Way, Pendleton, Oregon, 97801

FOREST PRACTICES PERMIT APPLICATION

Date Submitted 10/20/2022 Application No. FP-22-006

1. A) LANDOWNER

Name: Golden Pond Timberlands, Inc.
Address: 1919 Jackson Ave, La Grande, OR 97850
Telephone: 541-969-4678

B) APPLICANT

Name: Nicolas Zita
Address: 1919 Jackson Ave, La Grande, OR 97850
Telephone: 541-969-4678

C) OPERATOR

Name: Dodge Logging Inc.
Address: 78888 Watters Rd, La, Maypa, OR 97037
Telephone: 541-379-1051

2. PROPERTY LOCATION/ DESCRIPTION/PROOF OF OWNERSHIP and ACCESS

Property address _____

Township 1N Range 35E Section 9 Tax Lot/Allotment Tax lot 5100

Zoning G-1 Property Acres 91.77 Acres affected by proposed action 30.7
(for multiple properties attach a list including the above information)

Legal access: Yes X No _____

If yes, indicate name of public road or proof of access easement. See Attached access permit, OR state
If no, indicate status of attainment. _____ Partis.

3. TYPE OF PROPOSED FOREST PRACTICE (attach narrative describing the proposed practice in detail)

- Timber removal less than or equal to 5,000 board foot gross; such as, but not limited to: pre-commercial thinning, road construction/road closures or non-emergency fuel breaks
- Portable sawmill operations
- Chemical applications
- Prescribed fire
- Destructive forest research studies involving <5,000 board feet
- Timber harvest: removal of >5,000 board foot where Conditional Use approval has been obtained – Conditional Use No. _____

4. PURPOSE OF FOREST PRACTICE (describe ultimate effect of proposed practice; such as, reduce fire danger, remove insect infestation, remove wind blow, commercial sale, improve wildlife habitat, etc.)

This project will be to harvest timber while also aiming to improve forest health and reduce fire danger to nearby property and the current stand of timber.

5. SUPPLEMENTAL ITEMS TO BE INCLUDED WITH APPLICATION:

MAPS: Topographic maps of the subject property, aerial photo, County Tax Lot map of subject property and vicinity.

PROOF OF OWNERSHIP: Copy of recorded deed(s) of subject property.

PROOF OF ACCESS (if applicable):

NARRATIVE describing the purpose and long-term benefit of the proposed Forest Practice, details of the proposed action (such as estimated board foot volume) and how the Forest Practice complies with applicable Tribal statutes and policies.

OTHER: any additional information, maps or data the applicant may choose to submit in support of the proposed action.

6. QUESTIONNAIRE TO DETERMINE APPLICABLE STANDARDS

- A) Does any area of the proposed Forest Practice include land with $\geq 40\%$ slopes?

Yes, this will be mitigated by wing tethered equipment.

- B) Does any area of the proposed Forest Practice include a stream or wetland? If yes, identify the stream name and/or location.

Yes, these areas have been buffered according to CTUIR specifications. See maps and Harvest Plan

- C) Does any area of the proposed Forest Practice include known historical, cultural or archaeological sites? No.

- D) Has a cultural/archeological resources report been completed for the properties? If so, list name of report, author, date and location of the report.

No.

- E) Will new roads be constructed to provide access to the proposed Forest Practice? If so, describe and provide map of haul route.

Yes, there will be new construction to access the entirety of the unit. See maps and Harvest Plan.

F) What is the forest stand type where the proposed Forest Practice is to occur?

- Dry upland; predominant species ponderosa pine;
 Moist upland; predominant species grand fir and mixed conifer;
 Cold upland; predominant species grand fir and lodge pole pine.

G) When will the proposed Forest Practice start and end (provide estimated time period dates)?

Our project will begin in early 2023 and should finish by mid 2023. Planting will occur the following spring, 2024.

H) What silvicultural method will be used to accomplish the proposed Forest Practice?

This project will be a commercial thin with a planned Group Selection to address disease. The Group Selection will be reforested. See maps and Harvest Plan.

I) Describe the reforestation plan, if applicable:

The Group Selection will be reforested by planting Ponderosa Pine or Douglas Fir. See Harvest Plan.

This application will be reviewed to determine completeness. When deemed complete, the applicant will be notified and if incomplete, provided with the steps necessary to make it complete. Complete applications are generally processed within 30 days. The Tribal Planning Office may approve an application subject to conditions of approval and the forest practice will be subject to on-site inspection.

This application identifies my full intent, and is complete to the best of my knowledge. I also understand that any false statement made on this application to cause subsequent approval by the Tribal Planning Office will cause this application to be null and void.

Applicant: _____

Date: _____

I am the (circle one) owner / owner's authorized representative. If authorized representative, attach letter from property owner authorizing the proposed action.

TRIBAL PLANNING OFFICE USE ONLY

Date Filed: 10/20/2022 Fee Paid: _____

Received By: Lora Elliott

Conditional Use Required: No Yes , Conditional Use File #: _____

Internal Review (please list any conditions below):

Cultural Resources: _____ *Date* _____

First Foods: _____ *Date* _____

Water Resources: _____ *Date* _____

Wildlife: _____ *Date* _____

Range, Ag & Forestry: _____ *Date* _____

Public Works: _____ *Date* _____

CONDITIONS:

Recommended Action:

Approved _____ Denied _____ Reason for finding: _____

FOREST PRACTICES PERMIT APPROVAL:

Tribal Planning Office: _____ Date: _____

Job Name: View-BL

JobID: BLUE-HU-01301

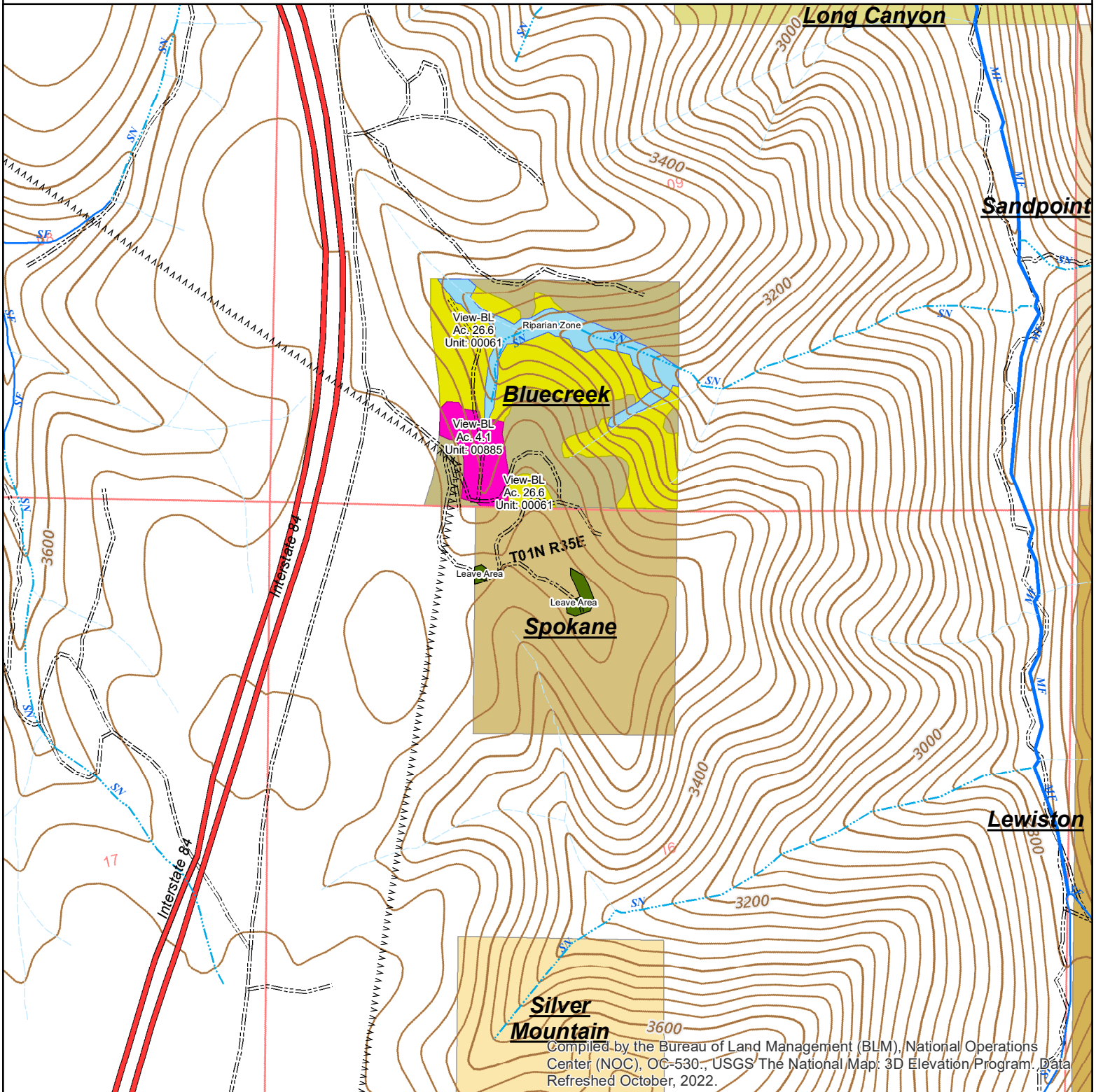
Acres: 30.7

Forester: Nicolas Zita

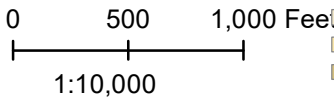
County: Umatilla

Center of Map Lat/Long: 118°26'55.8"W 45°34'21.2"N

Map Date: 10/20/2022



Compiled by the Bureau of Land Management (BLM), National Operations Center (NOC), OC-530, USGS The National Map: 3D Elevation Program. Data Refreshed October, 2022.



HFM Properties	Roads	Streams	Structures	Utilities	Wetlands (Old)	Harvest Unit
Bluecreek	Road Class	Fish, Stream Size	Bridge	Pipeline	CLASS	Group Selection
Colville	Secondary	Fish, Small	Culvert	Water Pipeline	Significant Wetlands	Commercial Thinning
Lewiston	City	Fish, Large	Gates	Powerlines	Other Wetlands	Overstory Removal
Long Canyon	County	Fish, Medium				Selection
Sandpoint	Highway	No Fish, Large				Leave Area
Silver Mountain	Mainline	No Fish, Medium				Riparian Zone
Spokane	Railroad	No Fish, Small				

Job Name: View - BL, SO

JobID: BLUEHU00091

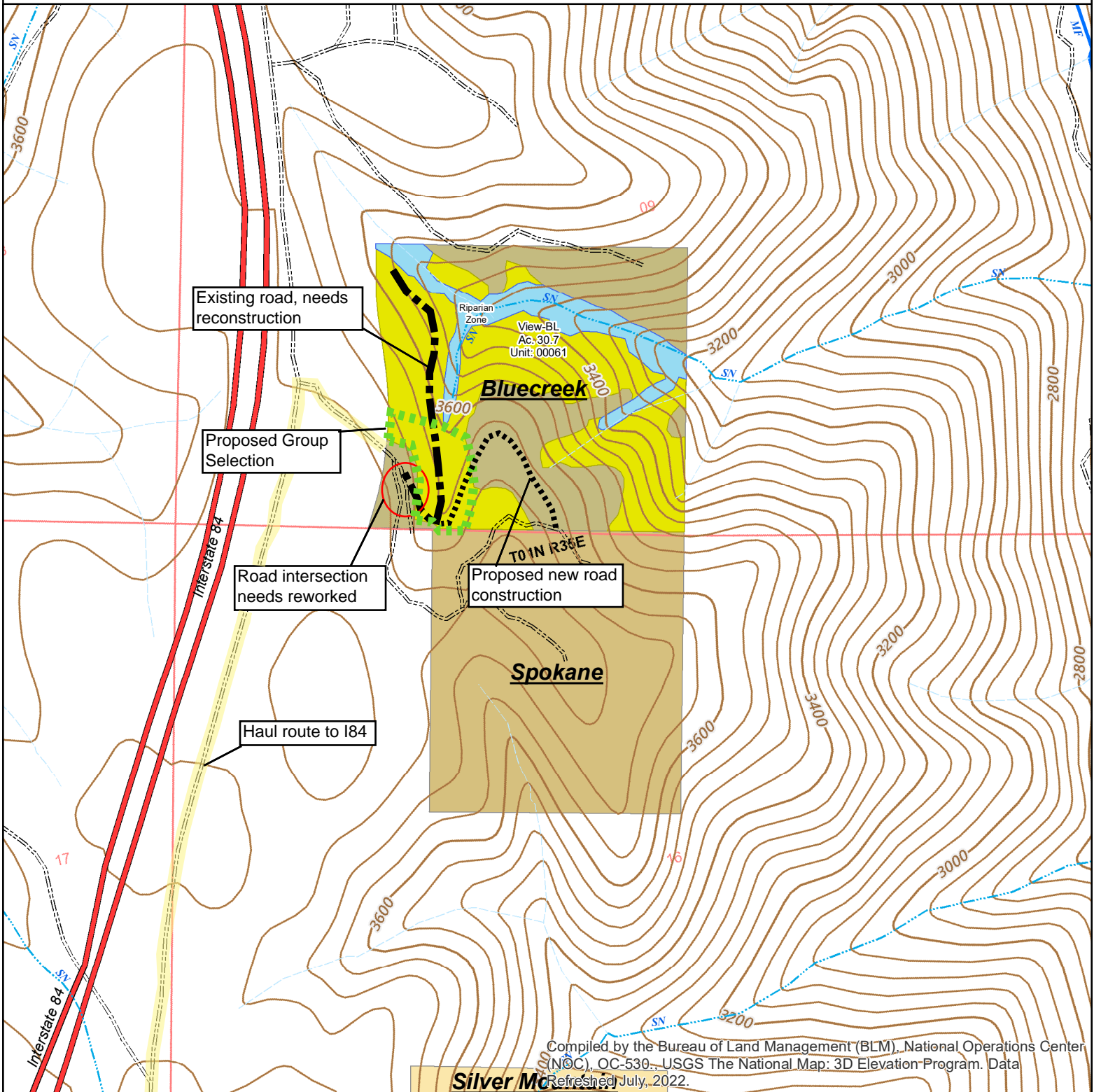
Acres: 30.7

Forester: Nicolas Zita

County: Umatilla

Center of Map Lat/Long: 118°26'54.0"W 45°34'22.7"N

Map Date: 10/10/2022



Compiled by the Bureau of Land Management (BLM), National Operations Center (NOC), OC-530, USGS The National Map: 3D Elevation Program. Data Refreshed July, 2022.



1:8,000

0 500 1,000 Feet

HFM Properties	
[Bluecreek symbol]	Bluecreek
[Colville symbol]	Colville
[Lewiston symbol]	Lewiston
[Long Canyon symbol]	Long Canyon
[Sandpoint symbol]	Sandpoint
[Silver Mountain symbol]	Silver Mountain
[Spokane symbol]	Spokane

Roads	
Road Class	
[Secondary symbol]	Secondary
[City symbol]	City
[County symbol]	County
[Highway symbol]	Highway
[Mainline symbol]	Mainline
[Railroad symbol]	Railroad

Streams	
Fish, Stream Size	
[Fish, Small symbol]	Fish, Small
[Fish, Large symbol]	Fish, Large
[Fish, Medium symbol]	Fish, Medium
[Unknown symbol]	Unknown
[No Fish, Large symbol]	No Fish, Large
[No Fish, Medium symbol]	No Fish, Medium
[No Fish, Small symbol]	No Fish, Small

Structures	
[Bridge symbol]	Bridge
[Culvert symbol]	Culvert
[Gates symbol]	Gates

Utilities	
[Pipeline symbol]	Pipeline
[Water Pipeline symbol]	Water Pipeline

Wetlands (Old)	
CLASS	
[Significant Wetlands symbol]	Significant Wetlands
[Other Wetlands symbol]	Other Wetlands

Harvest Unit	
[Group Selection symbol]	Group Selection
[Commercial Thinning symbol]	Commercial Thinning
[Overstory Removal symbol]	Overstory Removal
[Selection symbol]	Selection

Exclusion Area	
[Leave Area symbol]	Leave Area
[Riparian Zone symbol]	Riparian Zone



View-BL
Ac. 30.7

View-SO
Ac. 21.4
12/31/2022 1:00:00 PM



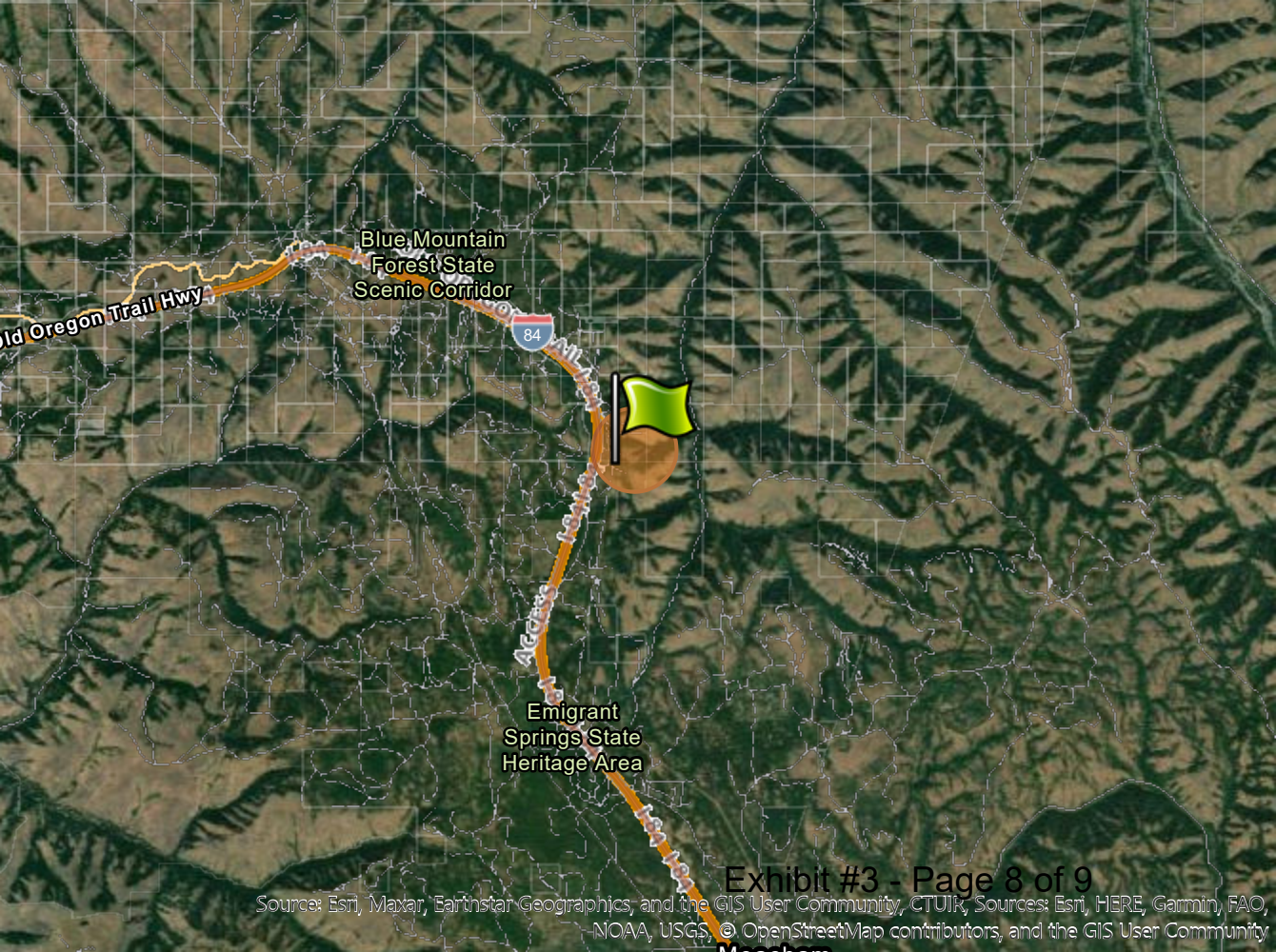
0 415 830 1,660 Feet

1 inch = 666.67 feet

For general information purposes only. Accuracy not guaranteed.

View

 **Manulife**
Investment Management



Blue Mountain
Forest State
Scenic Corridor

Old Oregon Trail Hwy

84



Emigrant
Springs State
Heritage Area

Access
Road

Exhibit #3 - Page 8 of 9

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, CTUIK, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

UMATILLA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

November 7, 2022 10:15:29 am

Account # 103400
 Map # 1N35000005100
 Code - Tax # 0901-162955
 1602-103400

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name GOLDEN POND TIMBERLANDS INC
 Agent
 In Care Of C/O HANCOCK FOREST MANAGEMENT
 Mailing Address 17700 SE MILL PLAIN BLVD
 VANCOUVER, WA 98683-7582

Deed Reference # 2018-6690361
 Sales Date/Price 11-16-2017 / \$0.00
 Appraiser SALTER, JON

Prop Class 600 MA SA NH Unit
 RMV Class 600 07 94 000 103400-1

Situs Address(s)	Situs City
ID#	

Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %
0901	Land	37,490			Land	0
	Impr.	0			Impr.	0
Code Area Total		37,490	25,190	3,187		0
1602	Land	880			Land	0
	Impr.	0			Impr.	0
Code Area Total		880	580	38		0
Grand Total		38,370	25,770	3,225		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Land Class	Trended RMV
						TD%	LS	Size		
0901	1	<input checked="" type="checkbox"/>		G-1	Designated Forest Land	137	A	32.62	F-B	31,280
0901	2	<input checked="" type="checkbox"/>		G-1	Farm Use Zoned	137	A	16.78	7-P	6,210
Code Area Total								49.40		37,490.00
1602	3	<input checked="" type="checkbox"/>		G-1	Farm Use Zoned	137	A	2.37	7-P	880
Code Area Total								2.37		880.00
Grand Total								51.77		38,370

Code Area	Yr ID#	Stat Built	Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
Grand Total										0

Code Area	Type	Exemptions/Special Assessments/Potential Liability								
NOTATION(S):										
■ FOREST LAND - POTENTIAL ADDITIONAL TAX LIABILITY ADDED 2007										
■ SPLIT CODE ADDED 2013										
0901										
FIRE PATROL:										
■ FIRE PATROL CLASS 2 T										
		Amount	58.23	Acres	32.38	Year	2022			
■ FIRE PATROL CLASS 3 G										
		Amount	9.04	Acres	17.02	Year	2022			
1602										
FIRE PATROL:										
■ FIRE PATROL CLASS 2 T										
		Amount	3.07	Acres	1.71	Year	2022			
■ FIRE PATROL CLASS 3 G										
		Amount	0.35	Acres	0.66	Year	2022			

Comments: (UMATILLA INDIAN RESERVATION)

View BL

Timber Harvest Plan

Manulife Forest Management

Prepared by: Nicolas Zita 10/17/2022

Table of Contents

- I. Introduction
- II. Existing Conditions
- III. Management Goals
- IV. Harvest Plan
- V. Considerations

I. INTRODUCTION

The View BL Timber Harvest will occur on 30.7 acres of land owned by Golden Pond Timberlands, Inc., managed by Manulife Forest Management, and that lies within the boundaries of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR.) The legal description is: T01N R35E Sec 9. The harvest will be a commercial thin which will reduce stocking levels to the lower management zone based on the guidelines in the 1999 Powell Publication. Additionally, a 4.1-acre Group Selection will be implemented to address a diseased stand of trees, which will be replanted with a more fire and drought tolerant species. It is estimated that 250 MBF, (approximately 50 truckloads), will be removed from the site.

The resulting stand will be healthier, and more resilient in the face of climate change. Fire danger to neighboring properties and structures, as well as the stand itself, will be reduced.

All activities will be in accordance with the management plan and guidelines set by the CTUIR laws and regulations. Conditional Use and Forest Practices Permits will be obtained from the CTUIR. Harvest activities will not reduce the livability or permissible development of the surrounding area, and instead will provide resilience to the stand and defensible ground against wildfire.

II. EXISTING CONDITIONS

The stand is an uneven-aged mix of White Fir, Douglas Fir, and scattered Ponderosa Pine. Current stocking levels are above the upper management zone of the guidelines provided in the 1999 Powell Publication. In drainages with a Grand Fir/Twinflower plant association, basal areas average about 160, and on slopes with a Douglas Fir/Ninebark plant association, basal areas average about 125. Diseases such as Dwarf Mistletoe and Brown-stringy Rot Fungus (Commonly "Indian Paint Fungus") exist throughout much of the stand but are heavily concentrated in the southwest corner of the unit.

Topography varies within the harvest area, from relatively flat on ridgetops, to steep slopes (>40%) along drainages. Several streams are located within the harvest area.

There are several structures on neighboring property, including homes or cabins, and numerous more on nearby parcels of land. Less than a mile to the north is the Squaw Creek Overlook scenic viewpoint. Additionally, less than 3 miles to the southwest, is Emigrant Springs State Park. This Wildland Urban Interface (WUI) ground is vulnerable to both natural and human caused wildfire and is particularly important to manage to reduce potential damage to property and risk to human lives.

III. Management Goals

Our goal is to commercially thin the stand of timber by about 50-60%, resulting in reduced stocking levels to around 60 basal area as recommended in the Powell Publication. Riparian areas will be buffered from equipment and 80 BA will be retained to provide shade and future down woody material to streams. Trees left on site will, as much as possible, have indicators of good health and vigor, such as high live crown ratios and good leader growth, unless otherwise left for wildlife purposes. Ponderosa Pine and Douglas Fir will be the preferred species for leave trees because they do well in early seral conditions, and are more resilient to fire, diseases, and drought – these factors being especially important in our changing climate. The likelihood of crown fires will be reduced and will thereby reduce the threat of fire to neighboring properties and to the stand itself.

A 4.1-acre Group Selection will be implemented in the southeast corner of the unit to address a significantly diseased stand of timber. Dwarf Mistletoe and Brown-stringy Rot Fungus have created an unhealthy stand that cannot be remedied by a commercial thin. A Group Selection will remove the existing trees so that a healthy stand of more resilient species may be established. Planting will occur the following spring and the stand will be monitored to ensure reforestation.

IV. Harvest Plan

Access to the View Timber Harvest will be provided via an access road across property owned by Oregon State Parks. An access permit has been obtained to use this road. Additional roads will need to be constructed or reconstructed to access much of the harvest area and to haul removed timber.

Due to the existence of steep slopes with riparian buffers at the bottom, View will need to be harvested using tethered ground-based equipment. Equipment will not enter buffered areas without prior designation, but harvest may occur within them. Leave trees will be protected to the best of the contractor's ability.

Removed timber will be hauled from the harvest area along the Old Oregon Trail road to 184, and from there to a lumber mill. Traffic on these roads should be only minimally affected.

V. Considerations

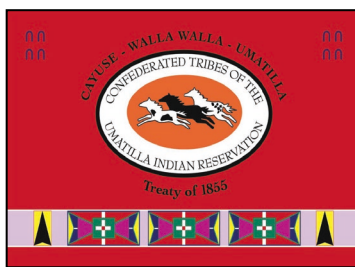
Streams within the View harvest area have been buffered appropriately according to CTUIR standards and are shown on the contract map. Harvest may occur within buffers by hand falling to outside of the buffer where it may be removed, equipment reaching in and removing timber, or winching out felled timber. A higher basal area (80 BA) will be left within the buffers, with priority given to trees within the stream or providing stability to stream banks.

We have consulted with CTUIR about a seasonal stream in the Northwest corner of the unit. A crossing will be designated and built to access timber on the other side. We have also voluntarily buffered stream channels not identified on the CTUIR streams map to protect those waterways. Prescriptions will be the same as other streams, with a residual basal area of 80.

Powerlines run along the southwestern edge of the harvest area, and along the haul route to the Old Oregon Trail road. Care will be taken to not interfere with or damage these structures, and safety in operating around them will be of the utmost importance.

There are no known cultural heritage sites within the planned harvest boundary. However, the possibility of cultural or archaeological sites existing within the harvest area is a concern, and Manulife will consult with the CTUIR archaeologist. If the existence of cultural resources is confirmed, measures such as equipment exclusion zones may be implemented to protect the sites.

The proposed Group Selection will be reforested by planting Ponderosa Pine or Douglas fir, which are drought tolerant and fire-resilient species. Our goal will be to plant roughly 300 trees per acre, ensuring a fully stocked stand. Planted seedlings will be treated with Velosa (Hexazanone) to reduce competition and enhance seedling survival. The survival rates of planted trees will be monitored in the following years.



PUBLIC HEARING NOTICE DISSEMINATION RECORD

File #: CU-22-003; Conditional Use request filed by Manulife Investment Management on behalf of owner Golden Pond Timberlands Inc., 1919 Jackson Avenue, La Grande, OR 97850

Land Protection Planning Commission Public Hearing Date: December 13, 2022

Newspaper and Date Published; East Oregonian: December 3, 2022
CUJ: December 1, 2022

Posted in six public Places;

1. Mission Market: December 1, 2022
2. Yellowhawk Tribal Health Clinic: December 1, 2022
3. BIA Umatilla Agency: December 1, 2022
4. CTUIR Housing Department: December 1, 2022
5. Nixyáawii Governance Center: December 1, 2022
6. CTUIR web site: <https://ctuir.org/events/lppc-public-hearing-cu-22-003/>

Attached are copies of the public hearing notices that were posted, published and mailed to all interested parties, subject property owners and adjacent property owners, as required by Land Development Code Section 13.020.



PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Land Protection Planning Commission (LPPC) of the Confederated Tribes of the Umatilla Indian Reservation will hold the following public hearings:

Conditional Use File #CU-22-003 – Applicant, **Manulife Investment Management on behalf of owner Golden Pond Timberlands Inc.**, 1919 Jackson Avenue, La Grande, OR 97850, seeks approval from the Land Protection Planning Commission to complete a timber harvest on 30.7 acres of Umatilla County tax lot 1N35 0000 05100. The proposed harvest would be a commercial thinning within the taxlot to reduce fire danger and improve forest health. The subject property is zoned G-1, Big Game Grazing, where a timber harvest to remove more than 5,000 board foot gross is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

The hearing will be held on **Tuesday, December 13, 2022 beginning at 9:00 a.m.** Individuals may attend the meeting in the Walúula and Wanaqit conference rooms at the Nixyáawii Governance Center, virtually, or by phone. Information on joining the meeting online is available at <https://ctuir.org/events/lppc-public-hearing-cu-22-003/>. Participation in the hearing will also be available by phone at 321-754-9526 starting at 9:00 a.m. on the day of the hearing. The conference ID will be 172 271 264#.

Staff reports and other materials pertaining to the hearing are available for review at the link above, or can be requested from the Tribal Planning Office by calling 541-276-3099.

The public is entitled and encouraged to participate in the hearing and submit testimony regarding the request. Written comments may be sent to tpo@ctuir.org or to the Tribal Planning Office at 46411 Timine Way Pendleton, OR 97801 for receipt by 4:00 p.m. December 12, 2022.

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Land Protection Planning Commission of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) will hold the following public hearing:

Conditional Use File #CU-22-003 – Applicant, **Manulife Investment Management on behalf of owner Golden Pond Timberlands Inc.**, 1919 Jackson Avenue, La Grande, OR 97850, seeks approval from the Land Protection Planning Commission to complete a timber harvest on 30.7 acres of Umatilla County tax lot 1N35 0000 05100. The proposed harvest would be a commercial thinning within the taxlot to reduce fire danger and improve forest health. The subject property is zoned G-1, Big Game Grazing, where a timber harvest to remove more than 5,000 board foot gross is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

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December 1, 2022

PUBLIC HEARING NOTICE

Dear Property Owner:

On December 13, 2022 the Land Protection Planning Commission of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) will hold a public hearing concerning a Conditional Use request as described below. You are receiving this notice because you are an owner of property located within 250 feet of the subject property (see map enclosed). According to Section 13.020 of the CTUIR Land Development Code, all owners of property located within 250 feet of the property which is the subject of a public hearing shall be given written notice by mail at least ten days prior to a public hearing.

Conditional Use File #CU-22-003 – Applicant, Manulife Investment Management on behalf of owner Golden Pond Timberlands Inc., 1919 Jackson Avenue, La Grande, OR 97850, seeks approval from the Land Protection Planning Commission to complete a timber harvest on 30.7 acres of Umatilla County tax lot 1N35 0000 05100. The proposed harvest would be a commercial thinning within the taxlot to reduce fire danger and improve forest health. The subject property is zoned G-1, Big Game Grazing, where a timber harvest to remove more than 5,000 board foot gross is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

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Additionally, the public is entitled and encouraged to participate in the hearing and to submit testimony regarding the request. Please submit comments to the Tribal Planning Office by 4:00 pm December 12, 2022 either as a hard copy or by e-mailing them to tpo@ctuir.org.

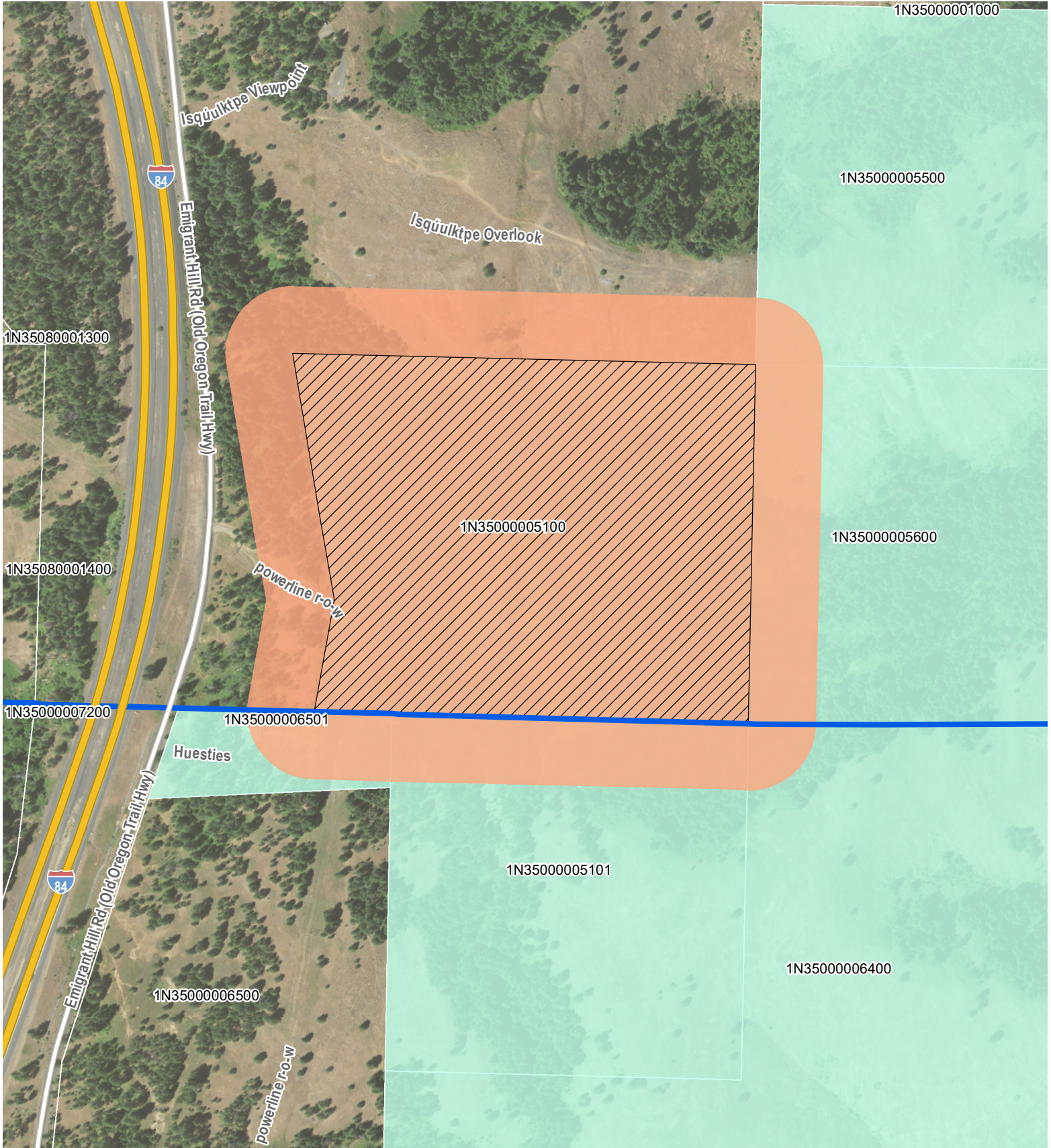
To obtain further information or if you have questions regarding the hearing process or the proposed conditional use, please contact the Tribal Planning Office at 46411 Timine Way, Pendleton, OR 97801 or call (541) 276-3099.

Sincerely,

Lora Elliott
Assistant Planner

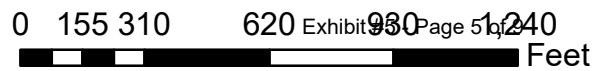
CU-22-003 Public Notification Receipts

THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION



Legend

- Diminished Reservation
- Public Notification Recipients
- Subject Property
- Umatilla County Taxlots
- 250' Notification Buffer



CU-22-003 Public Notice Recipients

Trust & Allotment Recipients

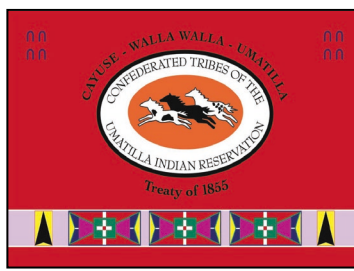
None.

Taxlot Recipients

Ownership	Taxlot	Owner
F	1N35000005100	Golden Pond Timberlands, Inc.
F	1N35000005101	John Hancock Life Insurance Company
TF	1N35000005500	U.S.A. in Trust for CTUIR
TF	1N35000005600	U.S.A. in Trust for CTUIR
TF	1N35000006400	U.S. Department of Interior
F	1N35000006501	Raymond Huesties & Feather Sams

Agency Recipients

Contact	Agency	Address
Rivera Miroslava	Bonneville Power Administration	P.O. Box 3621 Portland, OR 97208-3621
Florinda Coleman	UEC	P.O. Box 1148 Hermiston, OR 97838-3148
Superintendent	BIA	via e-mail
Hans Rudolph	ODF	1055 Airport Road Pendleton, OR 97801
District #12	ODOT	1327 SE 3 rd Street Pendleton, OR 97801



MEMORANDUM

DATE: November 7, 2022
TO: Tribal Staff Review Committee & Forest Practices Tribal Interdisciplinary Team
FROM: Lora Elliott, Assistant Planner, Tribal Planning Office
REGARDING: Meeting Thursday, November 17, 2022, 10:00 am, in the Waluula and Wanaquit Conference Rooms at the Nixyáawii Governance Center or via Microsoft Teams

The Tribal Staff Review Committee will meet on Thursday, November 17, 2022 at 10:00 am to review the following application:

Conditional Use File #CU-22-003 – Applicant, Manulife Investment Management on behalf of owner Golden Pond Timberlands Inc., 1919 Jackson Avenue, La Grande, OR 97850, seeks approval from the Land Protection Planning Commission to complete a timber harvest on 30.7 acres of Umatilla County tax lot 1N35 0000 05100. The proposed harvest would be a commercial thinning within the taxlot to reduce fire danger to the home on the property, and improve forest health. The subject property is zoned G-1, Big Game Grazing, where a timber harvest to remove more than 5,000 board foot gross is listed as a Conditional Use. Conditional Use approvals are subject to the CTUIR Land Development Code Chapters 6 and 13.

You may attend this combined TSRC & TIDT meeting in person or through Microsoft Teams Video Conference:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 256 793 671 656 | Passcode: ijKkPQ

Or call in (audio only)

[+1 321-754-9526,290144636#](tel:+13217549526290144636) United States, Orlando | Phone Conference ID: 290 144 636#

The application and supporting materials for this request are posted on the **Free4all shared Drive** in the **TPO** folder. If you have questions or need further information, please contact Lora Elliott at 541-429-7524.

Each committee member should review the proposals:

- To determine its compatibility with the Tribes' Comprehensive Plan, Land Development Code, and other Tribal Statutes, Resolutions, and Policies;
- To determine the overall impacts this request may impose on Tribal services and utilities, the environment, wildlife, and on the Reservation

Please see application materials on the Z:/drive. Written comments will be accepted until the end of the day on Thursday, November 24, 2022.

A public hearing with the Land Planning Protection Commission is proposed to be scheduled for December 13, 2022 at 9:00 a.m.

TO: Lora Elliott, Associate Planner
FROM: Kelly Warren, Water Code Administrator KKW
DATE: November 28, 2022
RE: CU 22-003 CONDITIONAL USE APPLICATION FOR TIMBER HARVEST ON 30 AC
ZONED G-1, BIG GAME GRAZING

Based on my review of the documents submitted by the applicant for CU 22-003, Commercial Thinning\Harvest, Tribal Stream Zone Alteration permitting will be required.

Designated Riparian Areas within Zone G-1, Big Game Winter Grazing require an SZA permit as designated in Chapter 4, Section 4.01.A of the Tribal Water Code Stream Zone Alteration regulations.

SECTION 4.01. AREA OF APPLICATION

This chapter applies to any person conducting construction or earth-moving work, debris placement or removal, or vegetation removal or modification within the named Stream Zones within the external boundaries of the Umatilla Indian Reservation as named below.

A. Any intermittent or perennial stream, lake, pond, spring, or any naturally occurring water body located in the G-1, Big Game Winter Grazing Zone, or the F-2, Restricted Indian Forest Zone, as described in the Umatilla Indian Reservation Land Development Code of the Umatilla Indian Reservation.

The following excerpts from the application materials indicate harvest will occur in designated riparian areas and across at least one intermittent stream:

Harvest Plan:

“Riparian areas will be buffered from equipment and 80 BA will be retained to provide shade and future down woody material to streams.”

“Due to the existence of steep slopes with riparian buffers at the bottom, View will need to be harvested using tethered ground-based equipment. Equipment will not enter buffered areas without prior designation, but harvest may occur within them. Leave trees will be protected to the best of the contractor’s ability.”

“We have consulted with CTUIR about a seasonal stream in the Northwest corner of the unit. A crossing will be designated and built to access timber on the other side. We have also voluntarily buffered stream channels not identified on the CTUIR streams map to protect those waterways. Prescriptions will be the same as other streams, with a residual basal area of 80.”

To my knowledge the applicant has not contacted the Water Resources Program regarding the above mentioned stream crossing. They have likely consulted with RAF to identify designated streams based on Strahler designations. WRP requires protection of Strahler 0 and above drainages.

The WRP recommends that the applicant complete a preliminary SZA application that includes detailed maps of proposed harvest areas, stream and cable line crossings of any stream or drainage. A pre-application site visit could then be scheduled to determine if a single or multiple SZA application(s) is required and discuss acceptable prescriptive measures to protect and mitigate disturbance to intermittent streams and riparian zones.

TIDT response permit #CU-22-003

I am not in favor of granting this permit or recommending approval.

30.7 acres parcel and removing over 5000 board feet seems like it will be like a clear cut. Seeing Gold Pond Timberlands, Inc. harvest in other areas I concern this will again be a clear cut. How will slash piles be removed?

How do they plan on replanting?

Has CRPP survey this property? How will first foods be protected and provide enough cover for the game (elk and deer) in this area?

Koko Hufford, Land Manager

November 16, 2022