
Heritage Resources

Introduction

The purpose of this report is to analyze the effects of fire recovery activities proposed under the Easy Fire Recovery Environmental Impact Statement (EIS) on cultural resources. Cultural resources are fragile and irreplaceable resources that chronicle the history of people utilizing the forested environment. Cultural resources, or heritage resources, include:

- Historic properties, places which are eligible for inclusion to the National Register of Historic Places (NHRP) by virtue of their historic, archaeological, architectural, engineering, or cultural significance. Buildings, structures, sites, and non-portable objects (e.g. signs, heavy equipment) may be considered historic properties. Traditional Cultural Properties (TCPs), localities that are considered significant in light of the role they play in a community's historically rooted beliefs, customs, and practices (Parker and King, 1998), are also considered historic properties. Historic properties are subject to the National Historic Preservation Act's Section 106 review process.
- American Indian sacred sites that are located on federal lands. These may or may not be historic properties.
- Cultural uses of the natural environment (e.g., subsistence use of plants or animals), which must be considered under the National Environmental Policy Act (NEPA) of 1969.

Regulatory Framework

The legal framework that mandates the Forest to consider the effects of its actions on cultural resources is wide-ranging. In this case, Section 106 of the National Historic Preservation Act (NHPA) of 1966 (amended in 1976, 1980, and 1992) is the foremost legislation governing the treatment of cultural resources during project planning and implementation.

Implementing regulations that clarify and expand upon the NHPA include 36 CFR 800 (Protection of Historic Properties), 36 CFR 63 (Determination of Eligibility to the National Register of Historic Places), and 36 CFR 296 (Protection of Archaeological Resources). The Pacific Northwest Region (Region 6) of the Forest Service, the Advisory Council on Historic Preservation (ACHP) and the Oregon State Historic Preservation Office (SHPO) signed a programmatic agreement (PA) regarding the management of cultural resources on National Forest system lands in 1995. The 1995 PA outlines specific procedures for the identification, evaluation, and protection of cultural resources during activities or projects sponsored by the Forest Service. It also establishes the process that the SHPO utilizes to review Forest Service undertakings for NHPA compliance.

The National Environmental Policy Act is also a cultural resource management directive, as it calls for agencies to analyze the effects of their action on socio-cultural elements of the environment. Laws such as the National Forest Management Act (NFMA) of 1976, the Archaeological Resources Protection Act (ARPA) of 1979, the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, and Executive Order 13007 (Indian Sacred Sites) also guide Forest Service decision making as it relates to heritage resources. The American Indian Religious Freedom Act (AIRFA) of 1978 requires that federal agencies consider the impacts of their projects on the free exercise of traditional Indian religions.

The Malheur National Forest Land and Resource Management Plan tiers to the previously mentioned laws and corresponding Forest Service manual direction as it sets forth resource management goals, objectives, and standards. Forest-wide management standards that are pertinent for this cultural resource effects analysis include:

- Conduct a professionally supervised cultural resource survey on National Forest lands to identify cultural resource properties. Use sound survey strategies and the Malheur National Forest Cultural Resource Inventory Survey Design.
- Evaluate the significance of sites by applying the criteria for eligibility to the NRHP.
- Consider the effects of all Forest Service undertakings on cultural resources. Coordinate the formulation and evaluation of alternatives with the Oregon SHPO, other State and Federal agencies, and with American Indian tribes with historic ties to the project planning area.

Consultation with Others

Many of the previously described laws, regulations, and directives instruct the Forest Service to consult with American Indian tribes, the state, and other interested parties on cultural resource management issues. The Easy Interdisciplinary Team and the Prairie City Ranger District invited public comment on fire recovery proposals in the burned area by submitting a project scoping letter to about 190 organizations and individuals. Fire recovery proposals were likewise outlined during an open house public meeting that was held in John Day, Oregon, in February of 2003. To date, there have been no concerns raised during scoping or from comments on the DEIS regarding the effects of fire recovery proposals on cultural resources. Documentation of compliance with the NHPA is complete and will be forwarded to Oregon SHPO in accordance with the 1995 PA, prior to the publication of the Easy Fire Recovery Final Environment Impact Statement (FEIS).

An Easy Fire Recovery project representative contacted three tribes that have rights or interests in the Easy Fire Recovery area: The Confederated Tribes of Warm Springs, the Confederated Tribes of the Umatilla Indian Reservation, and the Burns Paiute Tribe. This consultation is based on the government-to-government relationship between the Federal government and American Indian tribes. The purpose of the contact was to exchange information, answer questions, and to work closely and continuously with each other to integrate tribal rights and interests in the planning process. During consultation, the Burns Paiute Tribe expressed a general concern regarding cultural plants and access management within all the areas burned on the Malheur National Forest by the fires in 2002. However, there were no specific comments received from the tribes relating to heritage resources.

Analysis Methods

Data Sources and Processes

District Archaeologist, Don Rotell, designed a broad area cultural resource inventory based on: 1) background research, including previous surveys conducted within the project area which meet the standards set forth in the 1991 inventory plan; 2) the post-fire characteristics (fire severity) of sub-aerial fuels and the ground surface; and 3) information gleaned from the District cultural resource files. Using the above information, aerial photographs, topographic maps, and the Forest inventory plan, District Archaeologist, Don Rotell, mapped the probability zones (high, moderate, low) for the Easy Fire Recovery project. Survey designs

developed under the standards of the plan typically cover high probability zones with 100 percent survey coverage, moderate probability zones with 40 percent coverage, and low probability zones with 10 percent coverage. Table H-1 describes the Easy Fire Recovery Survey Design.

Table H-1: Easy Creek Fire Recovery Area Survey Coverage Design

Probability Strata				
	High	Moderate	Low	Total
Survey Design Acres	757	360	967	2084
Percentage of Analysis Area Total	22	10	27	59
Percentage to Survey	100	40	10	
Previously Surveyed Acreage Used for Coverage	335	0	0	335
Total Planned Survey	757	144	97	1332
Actual Survey Coverage	757	304	126	1187

The survey of the Easy Fire Recovery Project aimed to accomplish two objectives:

- 1) Site Documentation: New sites will be documented with the Oregon SHPO standard site forms.
- 2) Collection of Additional Data from Previously Identified Sites: Additional data (addenda) will be collected from all NRHP eligible sites located in areas that burned at moderate or high severities. All fire-sensitive NRHP eligible historic properties located within the perimeters of the fires will be revisited and updated.

Sources of Information Consulted: (See references cited)

Prior to the field survey the following sources were consulted for cultural resource properties and to help design the survey.

- Prairie City Ranger District Heritage program files including previous cultural resource inventory reports, previous site and isolate records, and informal site location information.
- USFS Historic Range Management Atlas, 1928 & 1936 maps; Prairie City Ranger District Land Status Atlas and Historic Timber Management Atlas; Malheur National Forest Overview, Vols. I and II (Hudson, et al., 1978); and the GLO original survey notes and maps.
- The Malheur National Forest Inventory Plan (1991) submitted to the SHPO by S. Thomas.

Description of Field Procedures

The archaeological survey of the Easy Fire Recovery project was conducted in order to comply with the National Historic Preservation Act of 1966, National Environmental Policy Act of 1969, Executive Order 11593, and FSM Chapters 2361 and 2363, in an attempt to locate all visible historic and prehistoric sites that may be eligible for nomination to the National Register of Historic Places (NRHP). A systematic surface pedestrian search is the principal manner for implementing the mandated goals.

Ground surveys for the Easy Fire Recovery project occurred from October 1 through the 24, 2002 on mostly sunny clear days with a few days of overcast skies. The surveys were conducted by Archaeological Technicians Anne Schneider (Crew Leader/ Rec-7), Tee Voigt (Rec-7), and Erin Lewis (Rec-7) following systematic transects spaced 30 meters apart in accordance with current survey standards.

The surveyors concentrated their efforts on the High and Moderate probability zones within the moderate to severely burned areas covering a total of 1,187 acres. A total of 757 acres were intensively surveyed in high probability areas including all slopes 10 percent and less along ridge tops. The surveyors covered 304 acres of moderate probability areas and 126 acres of low probability land. Using GPS the survey crew mapped transects, and the sites and isolated finds that were encountered.

Existing Condition

There is no ethnographic/ethnohistoric data specific to the project area. Regional research and nearby cultural resource inventories suggest the area was not used until the Middle and Late Archaic times after 5000 B.P. (Hemphill et al. 1994). Located near the boundaries of the Columbia Plateau and Great Basin Cultural Provinces, the Cayuse, Umatilla, Paiute, Walla-Walla, Nez Perce and the Northern Paiute would have shared the area.

The prehistoric information for this project area is sparse and limited to data gathered on previous projects. Surveys to date indicate limited use of the area by American Indian groups. Six prehistoric isolated finds are known to exist in the project area. The prehistoric isolated finds are probably related to small parties traveling through the project area between the more productive main stem and Middle Fork John Day valleys, the Burnt River Valley, and the Malheur River drainage to the south (Hann, personal communication).

Plant food resources commonly used by Native Americans are sparsely distributed within the project area and include Balsamroot (*Balsamorhiza*), *Lomatium* spp. (wild celery), and wild onion (Hemphill et al. 1994). Hemphill notes however, that far richer resources of the nearby John Day River valleys gave the planning area very low priority for wild plant food harvesting (Hemphill et al. 1994). Prehistorically, the valleys of the John Day and forests to the west and north offered better fishing, plant foods, climate, village sites and water (Hemphill et al. 1994).

The historic use of the area is also limited and appears in the form of a historic hunting camp, a still site, and a trail that bisects the broad ridgeline in the southwestern portion of the planning area. The trail appears to be related to early Forest Service administration and stock transportation. The trail appears on Forest maps that date to 1917 and 1934. North of the planning area are the remains of the Sumpter Valley Railway (SVRy) system (Tonsfeldt, 1985, in *Archaeological Invest. NW* 1997). The SVRy was extended from Austin toward Prairie City after 1905 (Ferrell, 1967). The Baker White Pine Lumber Company and the

W.H. Eccles Lumber Company utilized the SVRy for railroad logging operations in the Clear and Lunch Creek drainages between 1910 and 1929 (Ferrell 1967, in Archaeological Invest. NW 1997). This railway system never penetrated the project area probably due to elevation and lower quality timber (Hann, personal communication). Historically, the areas to the west and north again offered more opportunities for farming, mining, stock raising and settlement (Hemphill et al. 1994).

Previous impacts to the project area include road building, timber harvest activities, and fire.

The Easy Fire Recovery project area has been grazed since the late 1800s, starting with sheep and converting to cattle. The area continues to be grazed by cattle. The first commercial timber harvest dates from the late 1930s to early 1940s when trucks took over the railroads as the primary means of transportation

Environmental Consequences

The field survey for the Easy Fire Recovery project located two new sites—an historic hunting camp and an historic still. A previous survey in the project area located an historic trail. The historic still site is potentially eligible to the National Register of Historic Places and must be protected from project activities. The historic hunting camp and historic trail are considered not eligible, and therefore, do not need to be protected from project activities. The Oregon SHPO has concurred on the ineligibility of the historic trail. The historic hunting camp will be avoided until SHPO concurs on its determination of ineligibility.

Direct and Indirect Effects

Alternative 1 (No Action):

Implementation of the no action alternative would not directly nor indirectly affect heritage resources since there would be no change to the integrity of heritage resource sites.

Effects Common Alternatives 2, 3, 4, 5

Implementation of Alternatives 2, 3, 4, and 5 would not directly nor indirectly affect heritage resources. The potentially eligible historic still site is located adjacent to a Category 2 stream. The site will be protected with a buffer of 150 feet slope distance from each side of the stream channel under all alternatives. The creation of this buffer will provide adequate protection, resulting in no effect to the site from project activities.

Cumulative Effects

Past, Present, and Foreseeable for All Alternatives

It is not anticipated that there would be cumulative effects to the potentially eligible heritage resource in the Easy Fire Recovery Project area from any of the proposed activities identified in Chapter 3.

Mitigation Measures:

The proposed mitigation measures for the Easy Fire Recovery Project are listed below and cover all alternatives. They are based on the results of the field inventory and information gleaned from the District's cultural resource files.

- All National Register of Historic Places (NRHP) eligible and potentially eligible sites must be avoided during all project activities.

- The timber sale contract clause CT6.24 outlines the procedures to follow in the event material is discovered and should be included in all timber sale contracts. This clause should outline measures needed to protect cultural resources identified in the project area and what to do in the event that archaeological or historic material is inadvertently discovered or disturbed during project activities. Basically, if material is inadvertently discovered, suspend operations and consult the District Archaeologist.

Consistency with Direction and Regulations

National Historic Preservation Act

One site in the Easy Fire Recovery project area is potentially eligible for inclusion to the NHRP. All sites that have been evaluated as eligible or potentially eligible will be strictly avoided during ground-disturbing activities. Log landings or other ground-disturbing activities will not be permitted in the vicinity of eligible or potentially eligible historic properties.

State Historic Preservation Office consultation has been completed under the terms of the 1995 Programmatic Agreement with the Oregon SHPO Tribal Interests.

All tribes of federally recognized American Indians have off-reservation interests, and some maintain treaty-reserved rights on public lands within ceded territories. No tribes or groups of American Indians maintain treaty-reserved rights within the Easy Fire Recovery planning area. However, the planning area does lie within overlapping areas of interest that have been recognized for the Burns Paiute Tribe, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Confederated Tribes of the Warm Springs Reservation (CTWSR). According to the Eastside Draft Environmental Impact Statement (Interior Columbia Basin Ecosystem Management Project, 1997), these areas of geographic interest are loosely based upon historic tribal ranges, traditional use areas, and zones of influence.

The “inherently sovereign” status of federally recognized Indian tribes requires that land managing agencies consult with tribes on a government-to-government basis over planned actions that may affect tribal interests (McConnell, 1991). Some examples of tribal interests include: traditional cultural practices, ethnohabitats, sacred sites, certain plant and animal resources, and socio-economic opportunities. The Malheur National Forest Land and Resource Management Plan also directs the Forest to consult with tribes about effects of projects planned within their areas of historic interest (Malheur LRMP, 1990).

At early stages of the planning process, the District initiated government-to-government consultation with tribes that have an area of interest that includes the Easy Fire Recovery project area. To date, tribal consultation efforts consisted of scoping letters mailed to each potentially-affected tribal council, e-mails sent to tribal resource specialists, and a face-to-face meeting with resource specialists of the Burns Paiute tribe. The consultation process did not result in documentation of any specific concerns regarding project impacts on resources of tribal interest. The Burns Paiute tribe did express a general concern regarding cultural plant habitat and access management within all areas burned in the fire season of 2002.

Irreversible/Irretrievable Commitments

There are no irreversible and irretrievable commitments that would affect heritage resources by implementing