

Cliff Knox Project

Heritage Report

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for:
Prairie City Ranger District
Malheur National Forest

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Introduction

The purpose of this report is to analyze the effects of the proposed activities on cultural resources in the Cliff Knox planning area. The Cliff Knox Project includes all National Forest System lands administered by the Prairie City Ranger District that are within the designated boundary for this project.

Regulatory Framework

Section 106 of the National Historic Preservation Act of 1966 as amended, is the foremost legislation that governs the treatment of cultural resources during project planning and implementation. Implementing regulations that clarify and expand upon the National Historic Preservation Act include 36 Code of Federal Regulations (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 of the Forest Service, the Advisory Council on Historic Preservation, and the Oregon State Historic Preservation Office, signed a programmatic agreement regarding the management of cultural resources on National Forest System lands in 2004. The agreement outlines specific procedures for the identification, evaluation, and protection of cultural resources during proposed activities.

The National Environmental Policy Act is also a cultural resource management directive as it calls for agencies to analyze the effects of their actions on socio-cultural elements of the environment. Laws such as the National Forest Management Act of 1976, the Archaeological Resources Protection Act of 1979, the Native American Graves Protection and Repatriation Act of 1990, and Executive Order 13007 (Indian Sacred Sites) also guide Forest Service decision-making as it relates to heritage. The American Indian Religious Freedom Act 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 (Malheur Forest Plan) (USDA Forest Service 1990), as amended, 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 project 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. (Malheur Forest Plan, page IV-25, Standard 14)
- Consider the effects of all Forest Service undertakings on cultural resources. If a National Register and eligible property is affected, considerations shall include the formulation and analysis of alternatives, and the examination of interactions and impacts among cultural resources and other resource uses. Coordinate the formulation and evaluation of alternatives with the State cultural resource plan, the State Historic Preservation Office and State Archaeologist, other State and Federal agencies, and with traditional and religious leaders of Native American Indian groups and tribes with historic ties to the project planning area. (Malheur Forest Plan, page IV-26, Standard 15)
- Evaluate the significance of sites by applying the criteria for eligibility to the National Register of Historic Places. (Malheur Forest Plan, page IV-26, Standard 19)
- Protect National Register and eligible properties from human impacts and natural destruction. (Malheur Forest Plan, page IV-26, Standard 21)

Resource Indicators and Measures

The resource element used in analyzing the effects of the proposed alternatives on cultural resources is the assessment of potential natural and cultural impacts and agents affecting the qualities of an archaeological site that contribute to its eligibility for listing on the National Register of Historic Places. The affected resources to be measured are those archaeological sites known to exist within the planning area. Analysis methods are described in the Malheur National Forest Archaeological Site Monitoring Plan (Jenevein 2012). This plan directly addresses the Malheur National Forest protection and preservation responsibilities for historic properties under Section 110 of the National Historic Preservation Act by identifying and evaluating potential threats to archaeological sites located within the Forest that are eligible or potentially eligible for listing on the National Register of Historic Places.

Table 1. Resource elements, indicators and measures for assessing effects

Resource element	Resource indicator	Measure	Source
Cultural resource site condition	Extent of observable impacts	Avoidance and/or mitigation to resolve affected qualities contributing to eligibility for listing on the National Register of Historic Places.	Malheur National Forest Archaeological Site Monitoring Plan (Jenevein 2012)

Cultural Resource Site Condition

Methodology

Cultural resource identification efforts in the vicinity of the Cliff Knox planning area have focused on two primary types of resources: pre-contact archaeological sites and historic archaeological sites. Places that may support resources of contemporary tribal interest (i.e., culturally significant plant locations) were also considered.

In accordance with the National Historic Preservation Act of 1966, National Environmental Policy Act of 1969, Executive Order 11593, and Forest Service Manual Chapters 2361 and 2363, a pre-field investigation and subsequent archaeological survey were performed for the proposed Cliff Knox planning area in an attempt to locate all visible cultural resource sites that may be eligible for nomination to the National Register of Historic Places and could potentially be impacted by the undertaking.

The Malheur National Forest Inventory Plan (Thomas 1991) stipulates that a survey design would be completed for inventories using the stratified probability zones. The Forest uses a GIS-based probability predictive model based on the criteria provided in the inventory plan.

The predictive model was applied which divided the Cliff Knox planning area into high, moderate, and low probability zones. The high probability zone possesses the greatest likelihood of locating archaeological sites. The planning area includes 16,663 acres in the high probability zone, 13,278 acres in the moderate probability zone, and 10,303 acres in the low probability zone. In general, sites previously identified are located within high probability areas. The primary site type in the project area are Native American lithic scatters. Lithic scatters are surface assemblages that contain debitage¹ and/or formed stone tools (e.g., projectile points or bifaces) and occasionally ground stone. These sites range from very small lithic scatters, indicative of expedient tool manufacture or reworking, to large sites with heavy lithic concentrations, which could suggest heavy and long-term use. Several of the Native American sites

¹ Debitage - waste flake from stone tool manufacturing.

include ponderosa pine cambium peel trees. These culturally modified trees had their bark peeled creating distinctive scars. With the bark peeled back the cambium layer is then harvested as a food source. Historic era sites in the project area are primarily associated with livestock management (e.g., stock driveways and log troughs).

There have been 31 cultural resource inventories previously conducted within the boundary of the planning area. These surveys have resulted in the discovery of 127 archaeological sites within the planning area boundary and include 11 historic sites, 89 prehistoric sites, and 27 sites with both historic and prehistoric components. Eighty-four (84) sites are deemed eligible for inclusion on the National Register of Historic Places, 16 sites are considered not eligible, and 27 are undetermined. The Cultural Resource Inventory Report for the Cliff Knox planning area is in the process of being completed and will be sent to State Historic Preservation Office for review.

Information Sources

- Existing site records and inventory reports from previous Section 106 inventories in the planning area.
- Results from site inspection and surveys conducted in support of the current Section 106 inventory.

Incomplete and Unavailable Information

Cultural resource surveys are designed to evaluate those areas most likely to contain historic properties. Those areas are identified through predictive modeling (Thomas 1991). The ability to identify archaeological sites can be limited by environmental factors and ground visibility. In addition, the model cannot account for all past human behavior, and archaeological sites are occasionally found in low probability areas. There are likely cultural resources within the planning area that have not been identified. If these archaeological sites are identified during project implementation they will be documented, evaluated, and protected.

Spatial and Temporal Context for Effects Analysis

Under the National Historic Preservation Act, the Area of Potential Effect for this undertaking includes the entire planning area. The Area of Potential Effect would be used as the boundary for analysis of direct, indirect, and cumulative effects. Cultural resources are localities within the Forest utilized by people both in the past, present, and future. Due to the nature of cultural resources the temporal context for direct, indirect, and cumulative effects analysis is long-term.

Past, Present, and Foreseeable Activities Relevant to Cumulative Effects Analysis

All of the past, present, and reasonably foreseeable activities disclosed on the master list have or had the potential to affect cultural resources in the planning area. The most significant past activities affecting cultural resources include grazing, logging, and fire suppression projects which occurred before the implementation of the National Historic Preservation Act and the National Environmental Policy Act in the mid-1970s.

Affected Environment

Existing Condition

The Cliff Knox planning area is situated within the southern Columbia Plateau Cultural Area at its transition into the northern boundary of Great Basin American Indian Cultural Area (Aikens 1993, Jenkins et al. 2000). The area is within the aboriginal land of the Burns Paiute Tribe, the Wada Tika band

of Northern Paiutes. The area is also within traditional lands of the Paiute members of the Confederated Tribes of Warm Springs Reservation. Ethnographic information indicates that the Great Basin Northern Paiute were the principal users of the planning area, but the area also had seasonal use by the Warm Springs and Umatilla; Columbia Plateau tribes (Reid et al. 1989).

The Northern Paiute were the residents of the local area when Europeans first arrived in the 1820s when Peter Skein Ogden and John Work led a series of fur trapping and trading missions into what is now Harney County (Davies 1961, Haines 1971, Rich 1950, Williams 1971). The Northern Paiute band that occupied the planning area was the Wada Tika (Seed Eaters). The Northern Paiute were a loosely organized hunter-gatherer people living in small family-oriented groups. The size of these groups fluctuated with the seasons, consisting of up to 50 people in the winter villages. As Hunter-Foragers the Wada Tika traversed their territory with a subsistence annual round. In the spring the winter groups generally broke up into smaller units to hunt and forage. Root gathering and storing was a major economic strategy during the spring for the women while at the same time the men repaired to their fishing traps to take advantage of the spring Salmon runs (Couture 1996).

Ogden and Work kept detailed journals that documented numerous interactions with American Indians. Referred to as "Snakes" these people were almost certainly Northern Paiutes. During Ogden's winter travels, he recorded a sparse winter village on the South Fork John Day River 45 miles northwest of the project, area and a huge village or villages around Malheur and Harney Lakes; 40 miles to the south. No winter villages are known to have occurred in the planning area. Ethnographic studies indicate that the primary use of the planning area was for hunting and gathering activities in the warmer months (Couture 1996, Whitting 1950).

Ogden and Work did not record use of the horse by the Northern Paiute in the 1820s, but by the 1860s they were adept horsemen. The use of horses by their neighbors probably brought the Paiute into more direct contact with distant groups, for better and for worse. European diseases also likely passed into the area by tribe-to-tribe contact by the time of the introduction of the horse, if not before. The Paiute's relatively dispersed lifestyle and lower population densities probably lowered their susceptibility to the diseases compared to the more sedentary Plateau groups.

By the 1860s, following the discovery of gold on the John Day River, cattle ranches and farms were established on Paiute land in Harney Valley. The new arrivals fenced off land traditionally used by the Wada Tika band of Northern Paiutes (Jerofke 2001). The arrival of white settlers brought many changes into the lives of the Paiute; horses, guns, liquor, and disease to which the Indians had no resistance (Couture 1996).

Discontentment grew as the Wada Tika's saw their way of life threatened. Though the 1868 treaty establishing the reservation was not ratified by congress, in 1872, President Grant established the Malheur Reservation (Soucie 1991). Problems arose on the reservation due to poor management. In addition, agents stole from the Indians, charging them exorbitant prices for rations, clothes, and supplies. They rented out reservation land to cattlemen and did not pass the money on to the Indians (Hopkins 1883). Bannock Indians from Idaho came to the Paiutes in 1878 to ask for their help in ridding the land of the newcomers. Some of the Paiutes joined with the hostiles while others fled to the protection of the army. Isolated ranches were attacked. The cavalry was called in to put down the unrest. Captain R. F. Bernard's First Cavalry battled Paiute Chief Egan and Bannock Chief Otis and their bands near Curry Springs, south of the current Prairie City Ranger District. General O. O. Howard joined Captain Bernard and they pursued the Indians northward through the district, catching up with them in northeast Oregon.

After the Bannock war, many Northern Paiutes fled to other areas. Those remaining or captured were detained at Fort Harney and subsequently moved to the Yakima Reservation, and the Malheur Reservation lands were subsequently returned to public domain (Jerofke 2001). Made to feel unwelcome by established inhabitants and finding conditions deplorable at the Yakima Reservation, a number of Paiutes escaped and returned to this area, their traditional homeland. Decades later, in the 1950s, the Indian Claims Commission found that the Malheur Reservation lands were wrongfully taken from the Indians and reimbursed the tribe, but at 1880 prices.

Linda Jerofke (2001), while addressing specifically the former Malheur River Indian Reservation lands, states that the present-day Burns Paiute Tribe considers their former territory to be a significant part of their cultural history and contemporary culture. The project area is located entirely within the boundaries of the short-lived reservation, there is sufficient archaeological evidence, ethnographic work, and historic accounts that support information passed on by Northern Paiute elders regarding the traditional and continuing importance of the planning area to the Northern Paiute (a group more inclusive than the Wada Tika - Burns Paiute). The health of the vegetation, wildlife, water, geology, and soils are integral to the lifeways of members of the Northern Paiute. Tribal members use these lands for hunting, fishing, and the gathering of plants for subsistence, medicinal, utility crafting, artistic, and ceremonial purposes. Though members of the Burns Paiute Tribe have become members of the greater Burns and Harney County communities, they have also kept alive traditional lifeways, and continue to pass on knowledge, beliefs and practices to younger generations.

Non-native historic use of the planning area has been relatively minor compared to American Indian use. Logging activities began on the Prairie City Ranger District in the late nineteenth century. Large scale commercial logging began in the 1930s with the construction of the Hines Loggings Railroad and associated lumber mills (Mosgrove 1980). Cattle ranching flourished in the region beginning in the 1860s. Sheep herding became large-scale after the severe winters of the late 1880s devastated the cattle industry. Both groups competed for summer pasture in the mountains north of Harney Valley. Increasing conflicts between cattlemen and sheep drovers led to the establishment of the Blue Mountain Forest Reserve in 1906. The Forest Service assigned A. S. Ireland as Forest Supervisor with oversight for the Western Division, which included the future Malheur National Forest, with headquarters in Prineville. Ireland set out to resolve grazing issues by creating grazing districts and separating sheep and cattle allotments.

As noted in the Methodology portion of this report, there have been 31 cultural resource inventories previously conducted within the boundary of this project. These surveys have resulted in the discovery of 127 archaeological sites within the project planning area boundary and include 11 historic sites, 89 prehistoric sites, and 27 sites with both historic and prehistoric components. Eighty-four (84) sites are deemed eligible for inclusion on the National Register of Historic Places, 16 sites are considered not eligible, and 27 are undetermined.

Most Native American lithic scatters in the project area are less than 2 acres in size with a low-density of debitage¹ and tools. There are several exceptions, lithic scatter sites with a relatively high density of debitage and/or a large number of formed tools (sites 06040200088, 06040200090, and 06040200093). Artifact densities and flake types suggest these sites were lithic reduction stations likely associated with resource gathering activities (hunting and plant gathering). Time diagnostic projectile points recovered at sites in the planning area suggest use over much of the archaic-historic period (Justice 2002).

¹ Debitage – waste flakes from stone tool manufacturing.

Intact prehistoric features (described below) are rarely encountered in this region and none have been identified in the project area. Reid et al. (1989: 246) attributed the lack of features to primarily natural disturbances:

...we learned little new about feature variability, and are left with the impression that hearths, storage pits, cairns, burials and other features are either genuinely scarce, or disturbed past the point of recognition by four millennia of forest replacement. Architectural features such as housepit depressions and stone circles were completely absent, and we were unable to recognize extramural living surfaces. Material culture at all sites was limited almost exclusively to chipped stone manufacturing debris and broken, often reworked, tools. Most of it was made of obsidian.

Additional site testing on the Malheur National Forest has confirmed the general lack of features, with some notable exceptions (Baldwin 1994, 1998; Draper 1989; Draper and Draper 1994; Flenniken 1994; Flenniken et al. 1993; Hann 1996, 1997, 1998; Lyons 1994; Ozbun et al. 1997; Rosenson and Lemco 1988; Roulette and Ozbun 1996; Tveskov 1995). The exceptions include cambium peel trees, heat altered rock features (including one confirmed camas oven), possible prehistoric stacked rock features, one pictograph site, and talus pits.

Site testing suggests that the surface manifestation of artifacts at most sites on the Malheur National Forest is less than one percent of the total for the site (Baldwin 1994, 1998; Draper 1989; Flenniken 1994; Flenniken et al. 1993; Hann 1996, 1997, 1998; Lyons 1994; Ozbun et al. 1997; Reid et al 1989; Rosenson and Lemco 1988; Roulette and Ozbun 1996; Tveskov 1995). The vast majority of these artifacts, more than 95 percent in most cases, consists of obsidian debitage¹. The manufacture of stone tools generates hundreds of pieces of debitage for every completed biface tool, with the possible exception of very rudimentary choppers or hand axes (Andrefsky 1998, 2001; Lyons 1994; Whittaker 1994). Unfortunately, intact buried deposits are rare, so it is difficult to develop fine grained site chronologies. Sites in certain environmental settings, particularly meadows, springs and seeps, stream terraces, and alluvial fans have a greater potential to contain intact buried deposits.

The information value of these lithic scatter sites is primarily provided by the analysis of the lithic debitage and flaked tool fragments. Ground stone implements are rare on the Malheur National Forest and only two possible examples has been previously documented in the Cliff Knox planning area. Organic remains are seldom preserved, and identifiable features are rare with none reported at sites in the planning area. The shallow volcanic soils are prone to erosion and mixing and the soil acidity and the mechanics of freeze/thaw cycles lead to rapid decomposition of organic materials.

Debitage, cores, and fragments of tools broken during manufacture can provide information about tool manufacturing strategies and types of tools being manufactured at the site. Completed tools and tool fragments can provide evidence of resource procurement and processing activities which took place at or near the site. Artifact retouch, use wear, and impact fractures can provide additional information on resource processing activities. The majority of prehistoric sites located within the planning area are lithic scatters composed of obsidian, crypto-crystalline silicate (CCS), and basalt materials. Time diagnostic projectile points provide good indication of the general periods of use of the site. A variety of recorded diagnostic points in the Cliff Knox planning area include: Willow Leaf (10,000-1,000 BP), stemmed projectile point series (8,000-1,000 BP), Elko series (3,500-1,250 BP), Rosegate (1,450-650 BP), Northern Side Notched (8,000-5,000 BP), Gatecliff Split Stem (5,000-3,200 BP), and Desert Side-notched (850-100 BP). Types and age ranges are based on Justice 2002. The typology of these diagnostic points suggests an archaic-historic use of the area. Geochemical analysis of obsidian artifacts can identify the

¹ Debitage - waste flakes from stone tool manufacturing.

source of the raw material which can help determine resource catchment areas and potential trade or travel routes. Obsidian hydration analysis can provide relative dating of artifacts.

Known historic sites and multi-component sites that possess historic elements demonstrate the use of the planning area for livestock management (both sheep and cattle), Forest Service administration, transportation, timber harvest activities, and recreational opportunities. Historic sites in this planning area commonly manifest archaeologically as refuse scatters and log troughs.

Other Undeveloped Areas

Other undeveloped areas have been identified in the planning area and are described in the Other Undeveloped Areas section of the Cliff Knox Project Final Environmental Impact Statement. These areas do not have special or unique cultural resource values. Effects to the cultural resources from proposed project treatment activities would not differ based on the description of land (undeveloped). Therefore, the description of effects are not differentiated further in the analysis and include proposed vegetation activities and the associated connected actions to complete project activities. Activities proposed within undeveloped areas greater than 1,000 acres are described in the Other Undeveloped Areas section of the Cliff Knox Project Final Environmental Impact Statement. Management direction and project design criteria would ensure compliance and avoid adverse impacts to cultural resources.

Desired Condition

Federal land managers are responsible for the protection and enhancement of significant heritage resources under 36 CFR 800 as per sections 106 and 110 of the National Historic Preservation Act, as amended. These include both physical manifestations of past human activities, as well as specific locations that are traditionally important to interested tribes. Federal agencies are charged with avoiding or minimizing impacts to significant archaeological and historic sites, as well as traditional cultural properties. To achieve this, the location, nature, and condition of existing heritage resources are identified and documented prior to implementing any Federal undertaking. Significant resources are protected either through project avoidance, or through various mitigation measures developed by the agency in consultation with the Oregon State Historic Preservation Office and the Advisory Council on Historic Places. The National Historic Preservation Act, the American Indian Religious Freedom Act, as well as various other laws and regulations require that agencies consult with culturally affiliated tribes to determine the effects of the projects on sites and areas culturally significant to the tribes.

The archaeological sites within the Cliff Knox planning area that are eligible or potentially eligible for listing on the National Register of Historic Places would be protected from adverse impacts caused by proposed activities. Site avoidance is the preferred method of protecting the integrity of sites eligible and those sites with an undetermined eligibility for listing on the National Register of Historic Places. Effective coordination between Heritage professionals and those professionals implementing management actions may preserve or enhance attributes of a site which make them eligible or potentially eligible for listing on the National Register of Historic Places. Other management actions that may have potential to adversely impact archaeological sites would be assessed on a case-by-case basis. A report would be generated and submitted to the Oregon State Historic Preservation Office for concurrence.

Environmental Consequences

This section of the report consists of a non-quantitative analysis of the direct, indirect, and cumulative effects of the proposed activities on cultural properties and resources in the planning area.

A project is considered to have an adverse effect on cultural properties when it results in the alteration of characteristics that qualify the property for the National Register of Historic Places. The cultural properties that have been identified within the Cliff Knox planning area are eligible or potentially eligible (unevaluated for the National Register of Historic Places on the basis of their ability to yield scientific information that is important to studies of prehistory and history). Therefore, proposed activities that modify the patterning of surface or buried archaeological deposits are considered to result in an adverse effect.

Direct and Indirect Effects

Alternative 1 – No Action

If the no action alternative is pursued, there would be no direct effect on the existing conditions of the heritage resources identified within the Cliff Knox planning area.

Alternative 2 and Alternative 3 – Proposed Action

A project is considered to have an adverse effect on cultural properties when it results in the alteration of characteristics that qualify the property for the National Register of Historic Places. The cultural properties that have been identified within the Cliff Knox planning area are eligible or potentially eligible (unevaluated for the National Register of Historic Places on the basis of their ability to yield scientific information that is important to studies of prehistory and history). Therefore, proposed activities that modify the patterning of surface or buried archaeological deposits are considered to result in an adverse effect.

The majority of the proposed activities are expected to have no, or minor direct effects on any known heritage sites within the planning area, because of project design criteria described in the Cliff Knox Final Environmental Impact Statement, Appendix C – Project Design Criteria. In most cases, eligible or unevaluated sites would be avoided or properly mitigated throughout the lifetime of any of the proposed activities. Site avoidance is the preferred method of protecting the integrity of sites eligible for listing on the National Register of Historic Places and those with undetermined National Register of Historic Places eligibility.

Under the action alternatives, treatments may affect previously undocumented heritage resources. If during project activities cultural material is encountered, all activities would cease immediately, and a Forest Service Heritage specialist would be contacted to evaluate the discovery.

Unanticipated discoveries and/or known sites may be protected before implementation occurs by rerouting if it is determined there is potential to adversely affect the hypothetical historic property. Consultation with the State Historic Preservation Office, Indian tribes, and other interested parties is required to determine measures to avoid, minimize or mitigate the adverse effect according to the Programmatic Agreement or 36 CFR Part 800 regulations.

Some habitat for plants that are of historic importance to regional groups of Native Americans may be enhanced by the salvage treatments. As the fuel load is reduced via specific treatments, habitat of native plant populations, like huckleberry would potentially be improved.

An additional indirect effect may result by reducing the accumulations of fuels through commercial harvest, and other proposed fuel reduction activities associated with this project. This would reduce the severity of potential wildfires and would enhance the long-term stability of archaeological and historic resources within areas adjacent to the Cliff Knox planning area.

Cumulative Effects

Because there are no direct or indirect effects from alternative 1, no cumulative effects would occur.

Past and future management projects have the potential to impact cultural resources within the planning area. These projects can cause surface disturbance that affect the integrity of the historical features and pre-contact sites. Implementation of the mitigation measures addressed should prevent, or at least reduce, impacts that are currently affecting archaeological sites within the planning area. However, the cumulative effects of natural elements, logging, road building, grazing, surface collection and/or illegal digging, and natural fuels reduction projects could still be reflected in these sites. Impacts to tribal uses would be cumulative with past and future management of vegetation. Future vegetation management projects should have a positive effect on vegetation and associated resources in the long-term which should have a beneficial impact to tribal uses.

Compliance with Forest Plan and Other Relevant Laws, Regulations, Policies, and Plans

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 of 1966 (amended in 1976, 1980, and 1992) is the foremost legislation that governs the treatment of cultural resources during project planning and implementation. Implementing regulations that clarify and expand upon the National Historic Preservation Act 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, Advisory Council on Historic Preservation, and the Oregon State Historic Preservation Office signed a programmatic agreement regarding the management of cultural resources on National Forest System lands in 2004. The 2004 Programmatic Agreement 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 State Historic Preservation Office utilizes to review Forest Service undertakings for National Historic Preservation Act 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 of 1976, the Archaeological Resources Protection Act of 1979, the Native American Graves Protection and Repatriation Act 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 of 1978 requires that federal agencies consider the impacts of their projects on the free exercise of traditional Indian religions.

Other Relevant Mandatory Disclosures

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. This consultation is ongoing through the National Environmental Policy Act process and under the terms of existing agreements with American Indian Tribes. To date, there have been no concerns raised during scoping regarding the effects of project activities. Documentation of compliance with the National Historic Preservation Act is currently being prepared for referral to the Oregon State Historic Preservation Office in accordance with the 2004 Programmatic Agreement, and consultation with that agency would be completed prior to project implementation.

Monitoring Recommendations

In review of proposed activities and archaeological resources, there are treatment units which contain resources of heritage concern and require avoidance, inspection, and or post-implementation monitoring. Proposed project locations that coincide with unevaluated or eligible archaeological resources are Freedom of Information Act exempt from public disclosure.

When this information is shared to address heritage concerns it would be held internally under the discretion of the District Archaeologist and the District Ranger. This approach would help mitigate the potential of effects during project implementation while protecting against releasing information to the public that is Freedom of Information Act exempt.

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