Lower Joseph Creek Restoration Project

Heritage Resources Specialist Report

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Prepared by:
Amy Gowan
Heritage Specialist

for:
Wallowa Mountain and Hells Canyon NRA
Wallow-Whitman National Forest
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Introduction

The purpose of the Lower Joseph Creek Restoration Project (LJCRP) is to restore, maintain, and enhance forest and rangeland resiliency to natural disturbances; protect natural and cultural resources at risk to uncharacteristic wildfires and insect and disease outbreaks; contribute to local economic and social vitality; modify fire behavior potential; and improve future forest, range, and fire management.

The ponderosa pine, moist forest, and bunch-grass ecosystem is the focus of the LJCRP. The LJCRP landscape is dominated by non-forested savanna grasslands, steep canyons, and slopes that cover more than 50% of the 98,578 acre analysis area. Despite the preponderance of low probability terrain where the presence of cultural resources (generally slopes greater than 15%) are not expected to occur, areas of high and moderate probability terrain are located throughout the analysis area. In these areas cultural resources range temporally from prehistoric and pre-contact times through the historic period and into the modern day.

Pre-contact lithic scatters, often associated with seasonal hunting and gathering camps and andesite basalt tool stone quarries, are the most common prehistoric site type found in the analysis area. In addition, living old-growth ponderosa pine stands display cambium peel scars that tell the story of when the Nez Perce people left their winter camps along Joseph Creek to travel up into the Lower Joseph area in search for sustenance after winter stores waned, and before the early fish runs began.

Post-contact historic sites located in the analysis area tell the story of early and post Euro-American settlement. Sites primarily include historic cabins associated with homesteading, sheep and cattle grazing. Sites associated with early Forest Service administration include guard stations, pack trails and phone lines. Remnants of early 1900s railroad logging grades and camps have been recorded throughout the analysis area.

The National Environmental Policy Act (NEPA), along with the National Historic Preservation Act (NHPA), and 36 CFR 600, requires agencies to consider the effects of their actions on the human or cultural environment. The human environment influences both the biophysical environment and the cultural settings and physical sites that are valued today for the stories they tell about our nation’s heritage. NHPA further ensures that Federal Agency actions on cultural settings and “properties” are considered by taking into account the effects of federal actions on heritage values that contribute a site’s eligibility for listing on the National Register of Historic Places.

Tribal Interests

Since the 1960s, as a result of tribal, public and scientific advocacy for the protection and management of heritage resources, several legislative acts and executive orders were passed. Many of the most recent Acts emphasize consultation with federally recognized tribes regarding federal policies or actions that have the potential to affect tribal interests, resources or traditional life ways. Please see the Tribal Relations specialist report for further discussion.

The LJCRP analysis area is located in the Nez Perce’s homeland and is within lands ceded by the Tribe by Treaty with the United States of American in 1855. These lands contain “usual and accustomed grounds” for hunting, fishing, gathering, and pasturing livestock (Nez Perce Tribe 1995:9). By the terms of the 1855 and 1863 treaties, the Nez Perce Tribe reserves the right to conduct these activities on unclaimed land within ceded territory, including public land. Many of
the prehistoric, or pre-contact sites recorded in the analysis area, are associated with the Nez Perce Tribe’s ancient and contemporary uses, seasonal rounds and historic events.

Field and office meetings involving Interdisciplinary Team members and Nez Perce staff revealed the possibility that contemporary traditional use areas, or “Traditional Cultural Properties” (TCPs) may exist in LJCRP area. These types of sites may be eligible to the National Register of Historic Places as they are “derived from the role the property plays in a communities historically rooted beliefs, customs and practices” (Parker, Patricia and Tom King, Bulletin 38. 1994). Proposed TCPs must meet National Register criteria as they are tangible, discreet places or sites with definable boundaries and attributes that can be historically documented, display multiple lines of evidence, or a preponderance of evidence, in archaeology, history, oral tradition, ethnography and/or ethno-history.

In an effort to determine the presence, and potential effects to cultural values associated with TCP’s, the Wallowa-Whitman Forest, and the Nez Perce Tribe Cultural Resources Department, are developing a Participating Agreement to conduct an ethnographic study to research and document currently unknown TCP’s that may be present within the LJCRP.

![Figure 1: Nez Perce Seasonal Round. Nez Perce Tribe Fisheries Management Plan (2013)](image-url)
**Existing Condition**

Heritage resources, also known as cultural resources, archaeological, ethnographic and traditional sites or places, are highly valued by the public and Tribes as they are non-renewable vestiges of our Nation’s heritage. The Forest Service is responsible for the management of heritage resources located on NFS lands.

The archaeological and historic sites located in the LJCRP area tell a robust story of early human uses, culture and lifeways associated with this landscape (Wallowa County Draft Watershed Assessment, 2014 and Cultural Resource Inventories on file at the Wallowa-Whitman Supervisors Office). See Table X for list of cultural inventories conducted in the LJCRP.

Cultural Resource Site Types in the LJCRP include:

**Pre-contact to Euro American settlement (up to 1870)**

Tool stone quarries and lithic scatters originating from local granite and andesite outcrops are the most common archaeological site type in the LJCRP. Archaeological excavation of a quarry site located within the LJCRP area yielded evidence of aboriginal use and occupation dating from 8000 years ago into the pre-contact era (18 century). In addition, sites associated with the Nez Perce seasonal subsistence ground include cambium peeled trees, upland plant processing camps and hunting camps. Rock features associated with ancient traditional practices have also been recorded.

**Early settlement to (1870-1940)**

Cabins, barns, troughs, and fencing materials associated with trapping, homesteading and ranching are the most represented historic resources in the LJCRP area. Railroad logging camps, grades tresses and Civilian Conservation Corps Forest Service guard stations, lookouts, phone lines, and pack trails are also well represented.

Desired conditions as set forth in the Wallowa-Whitman National Forest plan states that the goal for heritage resources is to “provide for the identification, protection, preservation, enhancement and interpretation of prehistoric and historic sites, buildings, objects, and antiquities of local, regional or National significance so as to preserve their historical, cultural, and scientific values for the benefit of the public” (4-20). This goal and associated standards and guidelines are also found in the Hells Canyon NRA Comprehensive Management Plan HCNRA CMP; See Appendix C for relevant standards and guidelines).

**Basis for Analyses**

The primary focus of the Heritage Resource analysis is to evaluate the relative level of potential effects to heritage resources resulting from proposed restoration activities.

Restoration objectives for silvicultural treatments provide a diversity of forest structures and landscape conditions that would be more in line with desired conditions where forest and savanna landscapes, including associated wildlife and plant habitats would become more resilient to threats of stand replacing wildfire and disease.

Proposed activities, or undertakings, involve non-commercial hand thinning of forest stands, timber harvest by tractor, skyline and helicopter logging systems, riparian vegetation
management, culvert replacement, temporary landing and road construction, road
decommissioning and temporary road closures.

Up to 90,000 acres of low intensity prescribed and unplanned ignition fires would be implemented as conditions permit over the course of several years.

Planned undertakings that have the potential to impact the integrity of heritage resources include:

• Mechanical, and some non-mechanical, fuels reduction and restoration harvest treatments
• Road closures, temporary road construction, road reconstruction and decommissioning, establishment of landings, corridors and anchors, channel reconstruction, tree planting, in-stream structure placement, and bank stabilization associated with the restoration of wetlands, springs and riparian areas.

| Table 1 |
| LJCRP Silvicultural Treatments | Proposed Action Alternative (ALT 2=greatest area treated) |
| General Forest | Old Growth | Savana-Meadow | Pre-Commercial |
| Ground Based Harvest (Acres) | 5827 | 153 | 240 |
| Helicopter Harvest (Acres) | 4382 | 426 | 191 |
| Skyline Harvest (Acres) | 4340 | 83 | 96 |
| Pre-Commercial Harvest (Acres) |  |  | 5465 |
| Total Acres by Treatment | 14,549 | 662 | 527 | 5465 |

Total Acres: 21,202

**Affected Environment**

The LJCRP analysis area landscape is dissected by steep canyons within the Lower Joseph Creek Canyon and its tributaries. Gentle mountain slopes are found in headwaters and plateau along streams and then valley bottoms. Dry and mixed conifer timber stands and grassy plateaus are found between stringers mostly along the north end of the analysis area. Many of these terrain features represent high to moderate sensitivity for the occurrence of Heritage Resources.

Thirty five previous cultural resource inventories have been conducted between 1980 and 2005 within the LJCRP analysis area resulting in the survey of 14,468 acres, and the recordation of cultural sites and artifact isolates. Previous and new inventory covers a total of 18,668 acres, or about 20% of the 98,578 acre analysis area.
**TABLE 2: Previous Cultural Inventories in the LJCRP Analysis Area**

<table>
<thead>
<tr>
<th>Survey Name</th>
<th>Year</th>
<th>Acres Surveyed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nells Timber Sale</td>
<td>1980</td>
<td>2914.1</td>
</tr>
<tr>
<td>Range Pond Developments</td>
<td>1989</td>
<td>5.5</td>
</tr>
<tr>
<td>Evaluation Plantation Project</td>
<td>1990</td>
<td>47.7</td>
</tr>
<tr>
<td>Engraver TS</td>
<td>1990</td>
<td>98.4</td>
</tr>
<tr>
<td>Hiway Timber Sale</td>
<td>1990</td>
<td>596.4</td>
</tr>
<tr>
<td>New Bug Salvage Timber Sale</td>
<td>1990</td>
<td>1547.0</td>
</tr>
<tr>
<td>Smokey Spruce Salvage Timber Sale</td>
<td>1990</td>
<td>432.4</td>
</tr>
<tr>
<td>Reba Timber Sale</td>
<td>1991</td>
<td>122.8</td>
</tr>
<tr>
<td>Sweet Pea Timber Sale</td>
<td>1991</td>
<td>6.4</td>
</tr>
<tr>
<td>Allen Timber Sale</td>
<td>1992</td>
<td>857.5</td>
</tr>
<tr>
<td>Douglas Fir Bark Beetle II</td>
<td>1992</td>
<td>165.9</td>
</tr>
<tr>
<td>Knucklehead Timber Sale</td>
<td>1992</td>
<td>40.7</td>
</tr>
<tr>
<td>Knucklehead Timber Sale - Add-On</td>
<td>1992</td>
<td>12.5</td>
</tr>
<tr>
<td>Peavine Timber Sale</td>
<td>1992</td>
<td>315.3</td>
</tr>
<tr>
<td>Wallowa Valley Fisheries Habitat</td>
<td>1992</td>
<td>175.4</td>
</tr>
<tr>
<td>Elk Creek/Little Elk Timber Sale</td>
<td>1992</td>
<td>310.4</td>
</tr>
<tr>
<td>Baldwin/ Westfork Timber Sale</td>
<td>1993</td>
<td>976.8</td>
</tr>
<tr>
<td>Chesbridge Timber Sale</td>
<td>1993</td>
<td>227.4</td>
</tr>
<tr>
<td>DFBB III Salvage</td>
<td>1993</td>
<td>722.6</td>
</tr>
<tr>
<td>Haypen Timber Sale</td>
<td>1993</td>
<td>0.2</td>
</tr>
<tr>
<td>Hazard Tree Removal (Rd 4600)</td>
<td>1993</td>
<td>59.6</td>
</tr>
<tr>
<td>Wapiti Timber Sale</td>
<td>1995</td>
<td>131.5</td>
</tr>
<tr>
<td>Bugcheck Timber Sale</td>
<td>1996</td>
<td>238.7</td>
</tr>
<tr>
<td>Hungry Bob Timber Sale</td>
<td>1997</td>
<td>426.9</td>
</tr>
<tr>
<td>Haypen Vegetation Management</td>
<td>1998</td>
<td>500.2</td>
</tr>
</tbody>
</table>
Based on archaeological information gathered up through 2014, archaeological inventory and previous cultural resource inventories, it is evident that the LJCRP area is rich in cultural and archaeological resources; many of which are National Register eligible sites. Due to the need for site information confidentiality, site detail and locations are not disclosed.

**Past and Current Surveys in the LJCRP area: Methods and Results**

Cultural Survey and analysis is guided by Section 106 of the National Historic Preservation Act, including 1999 amendments addressing Traditional Cultural Properties and tribal consultation, Oregon State Historic Preservation Office (SHPO) standards, as described in the State of Oregon Archaeological Reporting Guidelines, the 2004 Programmatic Agreement between the Oregon SHPO and Pacific NW Region Forest Service, and the Wallow-Whitman National Forest Cultural Resources Inventory and Management Plan including the Stratified Inventory Probability System (SIPS).

The LJCRP cultural resource survey was completed in mid-September, 2014, through contract with Transect Archaeology, Lyle D. Nakonechny, Principal Investigator. The final cultural resource survey report was delivered to the Forest on January 9, 2015. The survey report was hand delivered to the Oregon State Historic Preservation Office on March 11, 2015.

Part III.A of the Programmatic Agreement (2004) states that “If the SHPO does not respond within 30 days of receipt of the Forest’s request, the Forest may assume SHPO’s concurrence in its findings and proceed accordingly. The Oregon SHPO did not respond within the 30 day timeframe resulting in concurrence of the Forest’s No Effect determination.

A total of  previously recorded sites were visited and updated. They include  pre-contact sites,  historic sites, and  multi-component sites. In addition, the survey team identified a total of  new sites and  new isolates, including  pre-contact and  historic isolates. Seven previously recorded pre-contact isolates were re-located by the survey team. In addition, the boundaries and site data of a previously recorded  was updated and expanded significantly.
Thirty five previous cultural resource inventories have been conducted between 1980 and 2005 within the LJCRP analysis area resulting in the survey of 14,469 acres, and recordation of 299 cultural sites and isolates. In total, previous and new cultural inventory conducted in the LJCRP analysis area covers 20,069 acres. Cultural resource inventories conducted between 1990-2005 generally meet current standards and are considered as coverage of LJCRP treatments.

**Table 3**

**Summary of Cultural Survey Results**

<table>
<thead>
<tr>
<th>Description</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total analysis area acres</td>
<td>98,578</td>
</tr>
<tr>
<td>Total acres proposed for harvest treatment</td>
<td>22,119</td>
</tr>
<tr>
<td>Total acres of mechanical harvest treatment</td>
<td>16,705</td>
</tr>
<tr>
<td>Total acres of previous inventory in the analysis area</td>
<td>14,469</td>
</tr>
<tr>
<td>Total acres of new survey in analysis area</td>
<td>5,600</td>
</tr>
<tr>
<td>Total acres of previous and new inventory in analysis area</td>
<td>20,069</td>
</tr>
<tr>
<td>Number of previous cultural sites and isolates recorded in the analysis area</td>
<td>299</td>
</tr>
<tr>
<td>Number of new sites recorded</td>
<td>5</td>
</tr>
<tr>
<td>Number of previous sites located and updated in and near treatment units</td>
<td>50</td>
</tr>
<tr>
<td>Number of eligible/potentially eligible sites located near ground treatment units</td>
<td>52</td>
</tr>
<tr>
<td>Number of eligible/potentially eligible sites located in non-commercial treatment units</td>
<td>18</td>
</tr>
</tbody>
</table>

New or previously recorded eligible or potentially eligible sites located within or near harvest treatment units will be visited prior to project implementation to establish site protection measures. Historic properties, in prescribed fire areas, that consist of wooden structures or other fire sensitive features will also be visited prior to project implementation to establish site protection measures. Design criteria developed to address potential effects are an absolute prerequisite for implementing treatments. The Wallowa-Whitman Land Management Plan directs consideration of the effects of all Forest Service undertakings on significant cultural resources and provides for avoidance or mitigation of adverse effects.

**Environmental Consequences**

**Direct, Indirect and Cumulative Effects**

Long term timber management and grazing activities have been conducted within the LJCRP analysis area over the past one-hundred years. Historic activities such as skidding logs, temporary road construction have affected sites over that time span. Hunting and fuel wood gathering activities, which may include driving off existing roads, has also affected cultural resources. Even with past impacts, many sites still retain sufficient integrity as to be considered National Register eligible (National Historic Preservation Act, 1966).

**Alternative 1: Direct, Indirect, and Cumulative Effects**

No direct or cumulative effects to heritage resources would result from the No Action alternative. No treatment activities would occur, and the current biological and physical processes would be allowed to continue along their present paths with associated risks and benefits. For heritage resources, this means that cultural sites and properties would not need to be protected from the risk of ground based mechanical treatment operations.

However, indirect effects include a high probability that existing fuels in and around archaeological and historic sites would continue to accumulate due to a lack of the use of the
proposed unplanned ignitions and prescribed fire treatments. Ecological conditions would trend increasingly vulnerable to more frequent and intense wildfires. As a result, archaeological integrity and research potential may be lost due to post fire erosion of soils that may harbor buried archaeological deposits (Christensen et al. 1992).

Fire suppression, and post fire rehab actions, poses high risk to cultural resource sites and values. Bulldozer impacts to archaeological sites can be the most severe (Traylor et al.1990). In addition, sites become more visible after wildland fire, as the added ground visibility makes sites more vulnerable to vandalism and looting.

**Actions common to all action alternatives**

The spatial boundary for effects, common to all action alternatives for heritage resources, is the extent of treatment units. The temporal boundary common to all alternatives is the duration of restoration treatments over time; estimated as 10 years. Environmental consequences for Alternatives 2 and 3 consider the application of design features and mitigation measures developed to protect the integrity of heritage resource values. Treatment activities associated with Alternatives 2 and 3 would comply with Section 106 of the National Historic Preservation Act (NHPA, 1966) and the Programmatic Agreement between the Pacific Northwest Region Forest Service, the Oregon State Historic Preservation Office and the Advisory Council on Historic Preservation (on file Wallowa-Whitman National Forest Supervisors Office).

Using the Programmatic Agreement as a guide, non-mechanized silvicultural practices (e.g. tree planting, cutting trees with a hand operated chainsaws) have little potential to affect historic properties. Activities associated with prescribed burning such as low-intensity burns, and fireline construction, would have moderate to low potential for effects, provided that historic properties sensitive to fire are avoided or protected.

Felling trees, skidding and landing logs, road construction and decommissioning, grading native surface roads, and the operation of wheeled and tracked vehicles have the greatest potential to effect heritage resources. Post-harvest activities often include piling and burning slash, obliterating temporary roads, and soil stabilization. Activities associated with mechanized silvicultural treatments pose the highest potential to impact heritage resources because they involve the operation of industrial-scale logging equipment.

Studies in experimental archaeology suggest that skidding logs can damage the upper 20cm of an archaeological site after just one skid. Tracked vehicles with 14 pounds of surface pressure per square inch can cause vertical artifact displacement and damage to artifacts (Philipek, 1985).

All sites located within or near ground disturbing treatment units would be visited and evaluated under the selection of any action alternative. Sites determined potentially eligible to the National Register of Historic Places would be avoided and protected. Known cultural sites located within non-commercial treatment units, such as pre-commercial thinning, prescribed fire, and road work would be guided by the Programmatic Agreement between R6 Forest Service and Oregon SHPO (2004) and would be evaluated for National Register eligibility.

Protection measures for potentially eligible sites would be in place prior to ground disturbing activities (see Appendix J for Heritage Design Criteria # 2, 3, and 10).
Alternative 2: Direct, Indirect, and Cumulative Effects

Eligible and unevaluated sites are known to be located in, or near treatment unit boundaries. Potential effects would be mitigated via site visits and site protection design features that would be implemented prior to ground disturbance (Appendix J, Heritage 2, 3, and 10).

The greatest threat to heritage resources is ground disturbing activities associated with mechanical treatments. Alternative 2 mechanically treats 62% more area than Alternative 3.

Mechanical treatments involve ground based, sky line and helicopter logging systems that include skidding, yarding, and construction of temporary roads and landings. Impacts to undiscovered sites could include rutting, erosion, dislocation, or breakage of artifacts and features, and destruction of sites and site stratigraphy.

Harvesting trees greater than 21” within IRAs and PWAs has the potential to impact historic values such as cambium peeled trees and dendroglyphs. Management objectives for IRAs suggest that it is likely that they may contain more historic tree stands relative to general forest. In addition, IRAs and PWAs may be more likely to contain buried sites with high archaeological integrity due to less past management and ground disturbance.

For both Alternative 2 and 3, large scale prescribed fire treatments would be implemented over 30 years’ time. The majority would entail hand treatment. However, prescribed fire does have the potential to affect fire sensitive cultural sites, and ground disturbance associated with fire lines may occur. Initial reduction of heavy fuels may lead to an increase in site visibility, public visitation, and possible vandalism. These issues would be reduced through management actions that include project specific data recovery as well as long-term monitoring. Initial entry prescribed burns would be periodically revisited and burned to reduce natural fuel accumulation, and archaeological site monitoring would be part of that process.

These potential effects would be addressed through site avoidance and monitoring strategies by implementing the site protection measures listed in the “Pacific Northwest Region Programmatic Agreement between the R6 Forest Service and the Oregon State Historic Preservation Office” (2004).

Low intensity prescribed fire could be a benefit to heritage resources as it would reduce current fuel loads which would then assist in preventing extensive heat damage during wildfires. There would be less need for fire suppression activities, consequently reducing the threat of ground-disturbing activities like bulldozer fire line construction and include a reduction of unnatural fuel loading in and around heritage site where high ground temperatures adversely affect archaeological values. In addition, uncharacteristic fire behavior should also be reduced resulting in less overall risk to heritage sites.

Cumulative Effects

Relatively speaking, Alternative 2 may pose a higher cumulative risk to heritage values over time than Alternative 3 as it proposes more than twice the acreage of mechanical treatments. However, overall, the cumulative effects on heritage resources as a result of Alternative 2 would be mitigated via compliance with Section 106 of the National Historic Preservation Act, the 2004 Programmatic Agreement, and implementation of design criteria (Appendix J, PDC’s #2, 3, and 10).
Alternative 3: Direct, Indirect, and Cumulative Effects

Eligible and potentially eligible sites are located in, or near unit boundaries. Potential effects would be mitigated via site visits and site protection design features that would be implemented prior to ground disturbance (Appendix J, Heritage 2, 3, and 10). As for Alternative 2, the greatest threat to heritage resources is ground disturbing activities associated with mechanical treatments. Alternative 3 mechanically treats 39% less than Alternative 2 (Table 28). Therefore, there is less risk to Heritage values under Alternative 3 in the short term, but long term effects may be higher due to potentially more uncharacteristic disturbance events.

Mechanical treatment types are the same as Alternative 2; involving ground, sky line and helicopter logging systems that include skidding, construction of temporary roads and landings. Again, Impacts to undiscovered sites could include rutting, erosion, dislocation, or breakage of artifacts and features, and destruction of sites and site stratigraphy.

This alternative provides the greatest degree of public road access involving increased levels of off road uses and dispersed camping increasing the risk of damage to the integrity of heritage resources. Road activities causing rutting and erosion may expose artifacts making them more vulnerable to looting and breakage.

Prescribed fire effects would be the same as Alternative 2.

No treatments in IRAs, RHCA and MA15 may mean less overall potential effects to historic Cambium Peeled trees and dendroglyphs.

Relatively speaking, Alternative 3 may pose a lower cumulative risk to heritage values over time compared to Alternative 2 as it proposes about half of the area of mechanical treatments. However, the cumulative effects on heritage resources as a result of Alternative 3 would be managed for no effect based on mitigation and design criteria (Appendix J, PDC’s # 2,3, and 10) and compliance with Section 106 of the National Historic Preservation Act (1966), and Programmatic Agreement (2004).

Overall Cumulative and Foreseeable effects

The temporal boundary for analysis of cumulative effects on cultural resources includes the time duration of restoration treatments which is expected to be 10 years. The spatial boundaries include the extent of treatment units. Land management activities such as grazing, road building, vegetation management and recreation impacted heritage resources for over 100 years through active site disturbances to passive disruption of historic habitats and traditional uses. The LJCRP has the potential to impact heritage sites and resources in both action alternatives proportional to the scale and intensity of the chosen actions. This potential is largely mitigated through project design and surveys.

Activities with a greater potential to disturb ground cover include, temporary road building and ground based harvest. There is no scheduled vegetation management activities in the reasonably foreseeable future outside of those proposed in the LJCRP within the analysis area. However, recreation and fire management activities are expected to continue to occur at the same levels for the next 10 years as they did in the preceding 10 years. With the implementation of the action alternatives, there may be a decrease in ground disturbing fire management activities over the 30 years following implementation. Overall, the cumulative effects on heritage resources as a result of alternatives are not considered to be adverse due to compliance with the Programmatic
Agreement between the R6 Forest Service and the Oregon State Historic Preservation Office (2004), design criteria (Appendix J, PDC's #2, 3, and 10), mitigation and development of site protections.

The cumulative effects on heritage resources as a result of action alternatives are not considered to be adverse due to compliance with the Programmatic Agreement between R6 Forest Service and the Oregon State Historic Preservation Office (2004), design criteria and mitigation. The cumulative effects on cultural resources resulting from any potential increase in erosion resulting from restoration activities, or inadvertent damage by mechanical treatment are not likely to be adverse. Reducing fuel loads and implementing low to moderate intensity prescribed fires would not cause soil sterilization or hydrophobic soils as compared to high-intensity wildfires. As noted previously, low-intensity prescribed fires leave some vegetation in place and re-vegetation occurs soon afterwards if soils are not sterilized. However, as implementation occurs, archaeologists would monitor for erosion concerns examining sites in the project areas, focused on slopes, drainages, and other high probability areas with cultural resources present. Potential cumulative effects to cultural resources caused by an increase in erosion are not considered to be adverse. High intensity wildland fire could destroy the non-renewable values associated with both historic and pre-contact heritage resources.

Activities of the past have caused negative effects on cultural resources within the project area. Up to around the early 1970s cultural resource management or legal protections were not enforced and many cultural resources in the project area were adversely effected by forest management practices. Since then compliance with cultural resources protection laws have been enforced; resulting in greater protections and management opportunities for these non-renewable historic properties.

**Heritage Management Common to Action Alternatives**

The environmental consequences for alternatives 2 and 3 consider the application of design features and mitigation measures developed to protect the integrity of heritage resource values. Treatment activities associated with alternatives 2 and 3 will comply with Section 106 of the National Historic Preservation Act (NHPA1966) and the Programmatic Agreement between the Pacific Northwest Region Forest Service, the Oregon State Historic Preservation Office and the Advisory Council on Historic Preservation (on file Wallowa Whitman National Forest Supervisors Office). All sites located within or near ground disturbing treatment units would be visited and updated under the selection of any action alternative. Sites determined potentially eligible to the National Register of Historic Places will be avoided and protected. Known cultural sites located within non-commercial treatment units, such as pre-commercial thinning, prescribed fire, and road work will be guided by the Programmatic Agreement between R6 Forest Service and Oregon SHPO and will be evaluated for National Register eligibility.

Implementation plans will be developed for potentially eligible sites to ensure that protection measures are in place prior to ground disturbing activities. The Forest Service will also consult with tribal staff to develop consultation, management and/or protection strategies should specific concerns arise regarding potential effects to Nez Perce traditional use areas and resources.

In addition, prior to project implementation, the Forest will consult with the Nez Perce Tribe to provide additional opportunities to identify historically significance traditional use areas, or other areas of interest. If necessary, additional mitigation measures may be designed to protect cultural values or accommodate traditional uses of the LJCRP by tribal members.
Management Direction and Regulatory Framework

Desired Conditions as set forth in the Wallowa-Whitman National Forest Land and Resource Management Plan states that the goal for heritage resources is to “provide for the identification, protection, preservation, enhancement and interpretation of prehistoric and historic sites, buildings, objects, and antiquities of local, regional or National significance so as to preserve their historical, cultural, and scientific values for the benefit of the public” (4-20). This goal and associated standards and guidelines are also found in the Hells Canyon NRA Comprehensive Management Plan HCNRA CMP).

Associated standards include:

- Evaluate cultural resources that may be affected by project activities.
- Evaluate against the criteria for eligibility to the National Register of Historic Places
- Develop a plan to evaluate all other cultural resources by theme groups, agreements, or other cost-effective means as Forest-wide inventory nears completion (see also HCNRA CMP Items Her-S4 and S4, and River Plan item 54).
- Maintain a Forest-wide cultural resources overview that summarizes and compiles known cultural resource information. The Cultural Resources Overview of the Malheur, Umatilla, and Wallowa Whitman National Forests in Northeast Oregon/ Southeast Washington, Volumes I and II (1978) are on file in the cultural resources office in Joseph and Baker City, Oregon. These documents were consulted as a standard part of the cultural resources inventory for this undertaking.
- Protect eligible cultural resources from human depredation and natural destruction. Protection plans may include physical protection such as fences and barriers, scientific study and collection, patrol and site monitoring, proper use or removal of signs, maintaining site anonymity, and gaining public understanding and support through education (see also HCNRA CMP Item Her-O1).

The Forest Service Manual (FSM) 2360 and the Wallowa-Whitman National Forest Land Management Plan forest are the primary direction for Heritage resource management. The following standards and guidelines from the current Forest plan summarized below were incorporated into the evaluation of effects for the LoJo Heritage Resource analysis.

Forest Service Policy (FSM 2361.3) (USDA, 2008) requires that projects with the potential to affect historic properties be surveyed for heritage resources in order to comply with 36CFR 800; the National Historic Preservation Act (NHPA) of 1966, as amended; the Archeological Resources Protection Act (ARPA) of 1979; and the. To comply with these laws, all cultural resources known to be 50 years or older will be recorded according to State Historic Preservation Office Standards (SHPO, 2010), and addressed for potential effects from the proposed action.

Section 106 of the National Historic Preservation Act NHPA requires Federal agencies to take into consideration the effects of their undertakings on properties listed in or eligible for the National Register of Historic Places. Federal Regulations 36 CFR 800 contains procedures for implementing Section 106. The 2003 amendments to NHPA identify Traditional Cultural Properties (TCP) as places that contain traditional cultural significance that is “derived from the
role the property plays in a communities historically rooted beliefs, customs and practices”. TCP
that are National Register Eligible meet National Register Criteria and be tangible, discreet
places or sites with definable boundaries and attributes that can be historically documented with
a time depth of 50+ years. Contemporary uses must be linked to the past, and are central to
beliefs and practices. In addition, TCPS must display multiple lines of evidence, or a
preponderance of evidence.

Programmatic Agreements (PA) between the Pacific Northwest Region of the Forest Service and
the Oregon and Washington State Historic Preservation Offices (USDA dates for both) guides
national forests in Region 6 in identifying, evaluating and protecting cultural resources on
National Forest System lands. IV.A.4 of the PA provides for the development of “standard
consultation protocols” for certain classes of undertakings where effects on historic properties
and resulting protection and treatment are similar and repetitive.

Several other laws address aspects of Heritage resource management on National Forest lands.
These include the Archaeological Resources Protection Act of 1979 (ARPA), as amended.
Among other provisions, this act requires tribal notification and consultation regarding permitted
removal or damage to archaeological sites on Federal lands. Another relevant legislation is the
Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). This legislation
recognizes tribal affiliation of Native American human remains, associated funerary objects,
sacred items and objects of cultural patrimony that may be discovered on public lands and
requires consultation prior to their removal. Finally, the American Indian Religious Freedom Act
of 1978 (AIRFA) requires Federal agencies to consider the impacts of their actions on Native
American traditional cultural practices and to ensure access to cultural sites.

A number of Executive Orders including 11593 (Protection of Cultural Environment), 13007
(Indian Sacred Sites), 13175 (Tribal Consultations) and 13287 (Preserve America) give direction
related to Forest Service Heritage Program Management.

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removal or damage to archaeological sites on Federal lands. Another relevant legislation is the
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requires consultation prior to their removal. Finally, the American Indian Religious Freedom Act
of 1978 (AIRFA) requires Federal agencies to consider the impacts of their actions on Native
American traditional cultural practices and to ensure access to cultural sites.

Protect the resources considered eligible for the National Register of Historic Places by making
reasonable efforts to avoid adverse impacts to the resources or develop a procedure to conserve
the values through proper scientific methods and study (see also HCNRA CMP Item Her-O1 and
River Plan Item 53).

All previously and newly recorded sites within the area of potential effects for this undertaking
will be visited to determine the potential effects and design features will be designed as needed.
Site-specific stipulations to address these potential impacts are an essential part of the cultural
resource analysis for this undertaking. Addressing and implementing these stipulations are and
absolute prerequisite for implementing the proposal. In addition, the portions of the area of
potential effects without prior adequate cultural resource survey were inventoried for additional
cultural resources. These newly recorded sites were also analyzed for the potential to be impacted by vegetation management related activities in the same manner as previously recorded sites. The Wallowa-Whitman Land Management Plan directs consideration of the effects of all Forest Service undertakings on significant cultural resources and avoid or mitigate any adverse effects (HCNRA CMP Her-G1). Are these addressed elsewhere?

Eligible and unevaluated cultural resources within the area of potential effects will be identified on the ground with temporary flagging in coordination with timber and fuels staff during unit layout and marking. The nature and type of flagging will only be disclosed to timber and fuels staff as appropriate to achieve site protection while maintaining site anonymity and protection from human depredation. Protect and maintain eligible historic sites and structures based on an analysis of utility, interpretive value, and public interest, existing site or area allocation, funding sources, and existing agreements. (HCNRA CMP Her-G3).

The Forest will coordinate management of cultural resources with other agencies including the State Historic Preservation Offices and the Advisory Council on Historic Preservation. A cultural resources report was submitted to Oregon SHPO under the guidelines of NHPA section 106 and the Oregon SHPO cultural resources report standards.

**Heritage Resources Project Design Criteria**

**Heritage – 1**

Eligible, or potentially eligible, heritage resource properties (or sites) will be managed to achieve a “no effect” or “no adverse effect” determination whenever possible, in consultation with the Oregon State Historic Preservation Office (SHPO) and Advisory Council for Historic Preservation [ACHP (36 CFR 800)].

**Heritage – 2**

No effect to Heritage resources will be addressed through site avoidance strategies and other site management measures agreed to by the 2004 Programmatic Agreement (PA) between the Region 6 Forest Service, Oregon SHPO and the ACHP.

**Heritage – 3**

Project leaders or sale administrators shall coordinate with a qualified archaeologist during lay out and prior to mechanical treatments, such as timber harvest activities and all associated ground disturbance, to ensure all eligible, or potentially eligible sites, are avoided using a no disturbance buffer, as reviewed by a qualified archaeologist.

**Heritage – 4**

In event that properties are located during treatment, the project will be redesigned to ensure that the properties will be avoided as determined by a qualified archaeologist. Documentation of all located properties will be sent to SHPO. If avoidance procedures are not possible, or if any question exists as to the effectiveness of avoidance, the project shall cease immediately, and the Zone Archaeologist shall consult with the SHPO and ACHP pursuant to 36 CFR Section 800.13(b) to consider the discovery.

**Heritage – 5**
If bones, artifacts, foundations, or other indications of past human occupation are uncovered during the course of project ground disturbance activities will cease, and a qualified archaeologist will evaluate site conditions to access need for consultation with Oregon SHPO and Tribes

Heritage – 6

Locate and design landings and roads to avoid, minimize, or mitigate adverse effects to heritage resources

Heritage – 7

A qualified archaeologist will work with prescribed fire fuels specialists to design and implement mitigation measures to protect historic and prehistoric sites that contain perishable or wooden materials, or that are near rock outcrops containing rock art, shelters or other historic rock features

Heritage – 8

Low intensity/short duration fires are permissible at lithic scatters, can dumps, stone features, earthen features, and sites with deeply buried deposits. No mop up activities allowed within site boundaries

Heritage – 9

Fire control lines should not be constructed through Heritage resource sites. If mop up is needed do not allow within in site boundaries as determined by a qualified archeologist.

Heritage – 10

All eligible and unevaluated heritage resources will be avoided when constructing erosion control features such as water bars and check dams.

**Other Agencies and Individuals Consulted**

Nez Perce Tribe, Colville Tribe THPO, Oregon SHPO, Confederated Tribes of the Umatilla Reservation

**References**


Philipek, Frances M. 1985 Over-Snow Logging Analysis of Impacts to Lithic Scatters
