Draft Assessment
Forest Plan Revision

Heritage Program and Tribal Resources

Prepared by:
David Hatfield, Oregon State University, Forest Planning Specialist

Reviewed by:
Dean Schlichting, Environmental Coordinator, Pacific Planning Service Group

for:
Malheur, Umatilla, and Wallowa-Whitman National Forests
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Human History

Humans have inhabited the Blue Mountains since time immemorial. As warming climatic conditions caused glacial retreat and population increased, early hunting and gathering societies diversified. Native American cultures in the Blue Mountains adapted as needed to environmental fluctuations within a yearly rhythm of seasonal rounds. They established villages along the drainages of major rivers and utilized seasonal camps for hunting, fishing, plant gathering, and other activities. Favored areas for berry picking, root gathering, hunting, and collection of other necessary materials were important and offered continuity with the land and affirmed spiritual beliefs.

The Blue Mountains were not pristine wildernesses prior to the arrival of non-native people, but ecological systems in which Native Americans actively managed. Harvesting of fish, game, and plant resources was timed to ensure future availability. Plant gathering methods increased the productivity of the soil and increased the yield of important food resources. Fire was an important tool in managing vegetation for human and animal consumption. Low-intensity fire was employed to promote the growth of berries. The rivers provided salmon, steelhead, sturgeon, lampreys, suckers, and trout and these resources were managed and cared for.

Native American cultures in the region remained generally stable until the effects of European colonization of North America reached the area as early as 500 years ago. Long before the arrival of non-native emigrants in the region, foreign diseases swept across the area and caused significant population loss and social disruption. Several Native Nations adapted the horse into their culture as early as 1700. In the 1850s and 1860s, some Native Nations entered treaties with the United States in which they retained their sovereignty and access to critical resources.

The Lewis and Clark Expedition in 1804 is generally considered the beginning of the historic period in the Blue Mountains (Walker Jr. et al. 1998). American and Canadian fur trappers followed, and Oregon Trail migration began in the early 1840s. Gold was discovered in the Blue Mountains in the 1860s and Euro-American and Chinese settlement began in earnest. By 1870, Chinese and Chinese Americans made up 79 percent of miners and 42 percent of the population in Grant County, some working in Chinese owned mining companies while others participated in skilled trades (Rose et al. 2022).

Mines and settlements required timber, and logging became a big industry in the area in the 1880s. Grazing and farming increased as the population grew. Mining and logging required roads and the beginnings of today's road systems were put in place. Mining and agriculture

required water, and ditches were constructed to move it to where it was needed. From 1902 to 1907 lands in the Blue Mountains were withdrawn from the public domain as Forest Reserves. In 1908, those lands were designated as National Forests. As the population increased, more people began visiting the National Forests for recreation. In the 1930s, the Civilian Conservation Corps constructed or improved many Forest Service recreation sites in the Blue Mountains. The Forest Service also established many fire lookout towers, along with cabins and other administrative sites Figure 1.

Figure 1. Antlers Guard Station, Wallowa–Whitman National Forest in northeastern Oregon.

Understanding the role of humans in past and present ecosystems provides a context for understanding contemporary landscapes and natural resource issues. Cultural resources have local, regional, and national scientific interest and significance, and are elements of worldwide patterns and processes. Beyond scientific value, these sites offer a tangible connection to history and culture as well as a sense of place. Cultural resource sites, objects, and areas have an intrinsic value to people whose ancestors used and occupied the lands.

Cultural resources are threatened by development of infrastructure, inappropriate public use, looting and vandalism, management activities, timber harvest, cattle grazing, and mining, along with natural processes such as erosion by wind and water, weathering, and wildfire. Cultural resource surveys conducted during the planning phase for site-specific projects and

prior to ground disturbance can identify previously unknown cultural resources and require changes to the operating plans that mitigate potential damage. Potential effects to cultural resources from project activities are addressed through project-specific mitigation measures during the project planning process. Though the potential to affect cultural resources exists, they have been carefully managed to avoid or mitigate adverse effects.

The heritage program ensures that significant archaeological and historical resources are identified, protected, and preserved for the inspiration and benefit of present and future generations. Educational and volunteer projects, such as the Forest Service's Passport in Time program, foster public participation in identifying, understanding, and protecting cultural resources.

Cultural Resources

Cultural resources are categorized into four broad types: pre-contact site, historic site, traditional cultural property, and/or historic properties of religious and cultural significance to Indian tribes (HPRCSIT). A pre-contact site is one that was established before the advent of a continuous written record, or before approximately 1800 in this area. A historic site postdates this time. A traditional cultural property is associated with cultural practices or beliefs of a living community (not necessarily tribal), is rooted in that community's history, and is important in maintaining the continuing cultural identity of the community. HPRCSITs are a type of cultural resource whose significance is derived from the role it plays in an Indian Tribe's historically rooted beliefs, customs, and practices and that may be located on ancestral, aboriginal, or ceded lands of the Tribe. Tribes may define cultural resources differently. Pre-contact sites common to the Blue Mountains include quarries, tool manufacturing sites, hunting camps, fishing stations, plant gathering and processing sites, rock art sites, villages and sites resulting from other types of activities. Historic sites in the area include, but are not limited to homesteads, mines, railroads, cabins, corrals, lookout towers, and Forest Service administrative sites. Traditional cultural properties and HPRCSITs include sites, districts, buildings, structures, or objects that are valued by communities for the role they play in sustaining that community's cultural integrity and could include plant-gathering sites, fishing stations, a rural community or a rodeo ground. The exact number and kind of cultural resources in the Blue Mountains is not known. Additional cultural resources will continue to be discovered and evaluated as surveys are completed for potential management activities.

Pre-contact, historic sites, traditional cultural properties, and HPRCSITs that are eligible for listing on the National Register of Historic Places (NRHP) are considered historic properties under the National Historic Preservation Act (NHPA) and are managed and protected under that law. Cultural resources for which NRHP eligibility has not yet been determined are managed as historic properties until a determination is completed. The most significant and important historic properties can be identified as priority heritage assets and would be proactively monitored and managed.

For a cultural resource to be eligible for listing on the NRHP, a district, site, building, structure, or object must meet at least one of four criteria. Sites that qualify for listing include sites:

- That are associated with events that have made a significant contribution to the broad patterns of our history.
- That are associated with the lives of persons significant in our past.
- That embody the distinctive characteristics of a type, period, or method or construction, or that represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.
- That have yielded, or may be likely to yield, information important in prehistory or history.

Sites must also possess integrity of location, design, setting, materials, workmanship, feeling, and association.

Cultural resource sites identified in the Blue Mountains national forests are detailed below in Table 1. These numbers change over time as inventories and documentation is ongoing. The numbers will be updated as the analysis moves through the NEPA process.

Table 1. Identified cultural resource sites within the Blue Mountains national forests.

National Forest	All Sites	NRHP Eligible Sites	NRHP Ineligible Sites	Unevaluated Sites	NRHP Listed Sites	Priority Assets
MAL	5,125	2,274	399	2,433	19	207
UMA	2,048	633	11	1,403	1	10
WAW*	4,377	701	753	2,921	2	6

* Does not include sites in the Hells Canyon National Recreation Area.

Tribal and Treaty Resources

The Forest Service has unique legal responsibilities and a trust responsibility to American Indian tribal governments as set forth in the Constitution of the United States (Article VI, Clause 2), treaties, statutes, Executive Orders, and court decisions. The support for tribal sovereignty and the special government to government relationship between the Tribes and the United States is further outlined in Executive Order 13175 (November 9, 2000). The Forest Service honors American Indian treaty reserved rights to hunt, fish, gather, and graze on present-day national forests through consultation, coordination, and agreements with the affected Indian Tribes. The Forest Service and the Tribes take time to meet and gain an understanding of each other's rights, responsibilities, and interests. Through these relationships, the Forest Service and the Tribes build and enhance a mutual understanding, as well as pursue cooperative and partnership initiatives and efforts.

Numerous laws, executive orders, and regulations govern the relationship between American Indian Tribes and the Federal government, which is represented here by the three National Forests. In project planning and implementation, the Forest Service complies with these laws and regulations, and, in doing so, meaningfully consults with tribal governments.

Tribal inclusion in Forest Service under the 2012 Planning Rule encourages involvement from the beginning and throughout the entire revision process. Where appropriate, Indigenous, Traditional, Ecological Knowledge (ITEK) can and should inform Federal decision making along with scientific inquiry. A White House memorandum in 2021 from the Office of Science and Technology Policy and Council on Environmental Quality defines ITEK as a "body of observations, oral and written knowledge, practices, and beliefs that promote environmental sustainability and the responsible stewardship of natural resources through relationships between humans and environmental systems." (CEQ, 2021)

In addition, numerous laws, regulations and policies govern the use and protection of forest resources that may be of tribal interest or covered under tribal reserved rights. Activities authorized or implemented by the Forest Service must comply with these laws, regulations, and policies that are intended to provide general guidance for the implementation of management practices, and for protection of resources, including those of interest to the Tribes.

In the Blue Mountains national forests, a significant portion of lands ceded by the Tribes in the various treaties was designated as part of the National Forest System by the Organic Administration Act of June 4, 1897. Lands were ceded through the Treaties of 1855 by the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Nez Perce Tribe, and Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation. The treaty with the Klamath Nation of 1870 ceded lands extending into

the Malheur National Forest. These treaties are known for their specific language recognizing certain reserved rights of the Tribes in aboriginal use areas. The Burns Paiute Tribe, Shoshone-Paiute Tribes of the Duck Valley Reservation, Fort McDermitt Paiute and Shoshone Tribes, Fort Bidwell Indian Community of Paiute Indians, and the Confederated Tribes of the Colville Reservation (through the Joseph Band of the of the Nez Perce Tribe) are federally recognized American Indian Tribes that also have interests in the management direction and project planning of the Blue Mountains national forests.

While Federal laws apply to all federally recognized Tribes, each tribe is different and is recognized as a separate and unique government. Treaty rights and the historic relationships between the Tribes and the lands differ and there are cultural differences between them. In some cases, several Tribes may each have legitimate interests in the same lands because they each may have occupied or otherwise used those lands during different historic periods or jointly during the same period. In other cases, a tribe or a group of Tribes has a Memorandum of Understanding with the Forest Service. These factors and others combine to make each Forest Service tribal consultation relationship unique.

Further, tribes were active land managers prior to the establishment of reservations, for which they currently manage land. Tribal inclusion in Forest Service land management planning will help attain mutual goals of sustainable, ecologically sound management.

Background

The Forest Service maintains government-to-government relationships with federally recognized American Indian Tribes. Government-to-government relationships are vital for protecting and managing ecological resources to honor, support, and respect cultural, spiritual, and community interests and to integrate these as fully as possible into project design. Through treaties, Tribes have reserved rights for their tribal members both on and off-reservation lands. The Forest Service has certain legal responsibilities to American Indian Tribes beyond those identified in treaties that are clarified in statutes, executive orders, and case law that is interpreted for the protection and benefit of federally recognized American Indian Tribes. In meeting these responsibilities, the Forest Service consults with Tribes whenever proposed policies or management actions may affect their interests. For additional background information, see Federal Trust Responsibilities and Tribal Rights and Interests in Part 2 under Management Focus.

Existing Condition

Government-to-government relationships and communications are a priority in national forest management. National forest staffs understand the significance of an interconnectedness of natural and cultural resources within tribal cultures. Memoranda of Understanding for collaboration, consultation, and cooperation in the management of natural resources on National Forest System lands are in effect between the Forest Service and the Confederated

Tribes of the Umatilla Indian Reservation, the Nez Perce Tribal Executive Committee, the Burns Paiute Tribe, and the Confederated Tribes of the Warm Springs.

Culturally Significant Foods

The Tribes are concerned about the availability and protection of treaty resources, including culturally significant foods. These culturally significant foods are plants, animals, and fish that are used for both ceremonies and subsistence needs. According to the Tribes, the protection of culturally significant foods includes the protection of plant communities and ecosystems, upon which those resources depend, and use and access to traditional cultural sites. Adequate availability of these resources allows harvest in sufficient quantities to satisfy the cultural and subsistence needs of Tribes while still providing for the conservation needs of the resources. Adequate access that would not compromise cultural practices at traditional, cultural, or spiritual places is a concern to the Tribes.

Traditional foods in the Pacific Northwest include water, salmon, game (such as elk and deer), roots (such as cous, camas, and bitterroot), and berries (such as huckleberries and chokecherries). Water is also of prime importance and natural resources are equivalent to cultural resources.

Existing Condition

Forest drivers and stressors create varying risks to and opportunities for supporting culturally significant foods. For example, risks from climate change and increased fire intensity and frequency can change vegetation composition, and therefore, culturally significant foods, across the landscape (see the Terrestrial Ecosystems Assessment Report and the Climate Change Report). Existing conditions and trends of several of the culturally significant fish and wildlife resources are discussed in the Species at Risk and Wildlife Reports. Both the Nez Perce and the Confederated Tribes of the Umatilla Indian Reservation have specifically identified bighorn sheep and elk as two priority wildlife resources of concern.

Many federally recognized Tribes are actively engaged with the management and project planning on national forests in the Blue Mountains. These interactions include the expertise brought forward through the wide-ranging tribal natural resource programs aimed at restoring, enhancing, and protecting the natural resources that contribute to the Tribes' cultures and traditions. Tribal resource management programs focus on protecting, preserving, enhancing, and delivering the resources necessary to meet the needs of the Tribe and tribal members for ceremonial and subsistence purposes under treaties or other authorities. Tribal natural resource management staff on reservation lands participate, through consultation with the Forest Service, in the planning, implementation, and decision making of land management activities that affect treaty reserved rights. Tribal natural resource programs include land services, cultural resource management, wildlife resources, forest resources, water resources, range and agriculture resources, and environmental

restoration. The Tribes and the Forest Service have undertaken collaborative restoration and resource protection projects, monitoring programs, and wildlife habitat restoration efforts. Individual project elements include stream and watershed restoration, culvert replacement, streamside and spring protection (exclosures), riparian area planting and large wood recruitment, development and reconstruction of upland water sources for livestock and wildlife, water quality improvement, and wildlife habitat restoration. These combined project and program objectives help support and sustain culturally significant resources that are essential to tribal communities and contribute to the ongoing cultural vitality of the Tribes.

Areas of Tribal Importance

The Federal Government has a "trust responsibility" toward federally recognized Native American tribes. This means that the Government has set the "highest moral obligation" to protect tribal lands, assets, resources and rights, including many established legal rights on lands outside of designated reservation lands. In addition, the American Indian Religious Freedom Act of 1978 requires Government agencies to eliminate interference with the free exercise of Native American religion and accommodate access to and use of religious sites if the use is reasonable and doesn't conflict with an agency's essential functions. According to the Act, a sacred site is a specific location on Federal land that a Native American tribe or its qualified representative has identified to a Federal agency as being sacred because of its religious or ceremonial significance. Executive Order 13007 took this a step further by directing Federal land managing agencies to avoid harming the physical integrity of these sites.

The Forest Service's responsibility to protect tribal cultural resources and sacred sites is spelled out in many other laws, regulations and directives. For example, in 2012, the Forest Service and the Department of Agriculture's Office of Tribal Relations were directed to review and evaluate existing laws, regulations and policies in terms of how well they provide a consistent level of protection for sacred tribal sites located on National Forest System lands. the Memorandum of Understanding regarding Interagency coordination for the Protection of Indigenous Sacred Sites was signed in 2021. In December 2023 the Best Practices Guide Regarding Tribal and Native Hawaiian Sacred Sites was published.

A few other directives include:

- The Tribal Forest Protection Act of 2004.
- Executive Order 13007 (Indian Sacred Sites, 1996).
- The Archaeological Resources Protection Act of 1979.
- The Federal Land Policy and Management Act of 1976.
- The National Historic Preservation Act of 1966, including amendments that direct agencies to consult with tribes and consider traditional cultural properties.

What This Means for the Blue Mountains national forests

In the decades since the Blue Mountains national forests plans were written, it is now understood that not just simply specific sites, but entire landscapes may qualify for special consideration by Malheur, Umatilla, and Wallowa Whitman planners in land management decisions. Natural resources such as certain animals, plants and minerals are also considerations—for a Native American tribe to exercise its treaty-reserved rights and for the Forest Service to meet its trust responsibilities, the natural resources the tribes rely on must exist in healthy and sustainable populations on the national forest. In these cases, Native American concerns must be weighed against other potential land uses, including recreation and commercial uses that could provide regional economic or social benefits.

Because the governments and cultures of indigenous peoples are unique, land managers consult with four federally recognized Native American tribal communities that have treaty based legal rights on the Blue Mountains plan area. These tribes include:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs
- Nez Perce Tribe
- Burns Paiute Tribe

Looking Forward: Conclusions and Concerns

The Forest Service has a legal responsibility to consider cultural sites and regions in relation to current and proposed uses of the land. Vandalism, theft, vegetation treatments, grazing, telecommunication towers, prescribed burns, land deals, noxious weed control, recreational use, and climate change are all potential land management issues that could reduce the cultural value of sites. National forest managers need to work closely with tribes to identify and prioritize areas of tribal cultural significance, including sacred sites.

Archaeological research and a tribal reconnection with the land will likely result in an increased number of culturally significant sites. As this occurs, and to better understand and manage currently known tribal cultural sites and landscapes, managers have several opportunities to improve management of these locations. These opportunities include continued identification and classification of significant sites, continued consultation with tribes to verify sacred areas and identify other issues or locations of concern.

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