

Grouse Bear Management Unit Compliance Project

Cultural Resource Report

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for:

Sandpoint and Bonners Ferry Ranger Districts
Idaho Panhandle National Forests

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Introduction

This document details how the Idaho Panhandle National Forests, Sandpoint and Bonners Ferry Ranger Districts, will meet the requirements of the National Historic Preservation Act, Section 106 identification, documentation, protection, and management of historic properties during the planned activities to meet the standards for wheeled motorized vehicle access and security guidelines outlined in the Forest Plan amendments for the Selkirk and Cabinet-Yaak grizzly bear recovery zones (USDA Forest Service 2011) in northern Idaho. In particular, this report summarizes the existing condition of cultural resources within the Grouse Bear Management Unit (BMU), as well as the direct, indirect, and cumulative effects of the proposed actions to cultural resources under each alternative. To thoroughly evaluate effects, the proposed activities to reducing open and total motorized road densities and increasing grizzly bear core habitat will be analyzed. Lastly, alternative consistency with the Forest Plan is summarized.

Relevant Laws, Regulations, and Policy

Regulatory Framework

Land and Resource Management Plan

The 2015 Idaho Panhandle National Forests Land and Resource Management Plan (Forest Plan) provides standards and guidelines for activities on IPNF public lands and cultural resource management (see Attachment A - 2015 Forest Plan Forest-wide Consistency).

Federal Law

National Historic Preservation Act (NHPA) of 1966 as amended, specifically Section 106, is the foremost legislation that governs the treatment of cultural resources during project planning and implementation. Implementing regulations that clarify and expand upon the NHPA include:

- 36 CFR 800 Protection of Historic Properties
- 36 CFR 63 Determination of Eligibility to the National Register of Historic Places
- 36 CFR 296 Protection of Archaeological Resources

National Environmental Policy Act (NEPA) 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.

American Indian Religious Freedom Act (AIRFA) of 1978 requires that federal agencies consider the impacts of their projects on the free exercise of traditional Indian religions.

Also guiding Forest Service decision-making as it relates to cultural are the following laws:

- National Forest Management Act* (NFMA) of 1976
- Archaeological Resources Protection Act* (ARPA) of 1979
- Native American Graves Protection and Repatriation Act* (NAGPRA) of 1990
- American Indian Religious Freedom Act* (AIRFA) of 1978

Executive Orders

Executive Order 13007 (Indian Sacred Sites) requires that federal agencies consider the impacts of their decision-making as it relates to cultural.

Other Guidance or Recommendations

The Rocky Mountain Region (R1) of the Forest Service does not currently have a Programmatic Agreement signed with the Washington State Historic Preservation Officer (WSHPO) that would allow for an expedited NHPA, Section 106 process. Therefore, to meet the requirements of the complete Section 106 process, the IPNF has formally consulted with the WSHPO on the process, procedures, methods, methodology, reporting, and evaluation needs to maintain compliance with the NHPA (Bigelow, 2015). This consultation outlines specific procedures for the identification, evaluation, and protection of all known and located cultural properties within the project area during proposed activities, regardless of the alternative chosen.

FSM 2300 – Recreation, Wilderness, and Related Resource Management; Chapter 2360 – Cultural Program Management

NEPA and NHPA: A Handbook for Integrating NEPA and Section 106; Council on Environmental Quality and Advisory Council on Historic Preservation, March 2013.

The Forest Plan tiers to the previously mentioned laws and corresponding Forest Service manual direction as it sets forth resource management goals, objectives, and standards (see Attachment A).

Topics and Issues Addressed in This Analysis

Resource Indicators and Measures

Resource indicators and measures for historic properties are, by definition, a measure of potential for “adverse effect” as defined under Section 106 of the National Historic Preservation Act. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the property’s integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative. [36 C.F.R. § 800.5(a)(1)]

A *direct effect* to a historic property would include demolition of a historic building, major disturbance of an archaeological site, or any other actions that occur to the property itself. *Indirect effects* may change the character of the property’s use or physical features within the property’s setting that contribute to its historic significance; are often audible, atmospheric, and visual effects; and may relate to viewshed issues. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative. [36 C.F.R. § 800.5(a)(1)] While the Section 106 regulations do not define “cumulative effects,” the CEQ regulation definition of “cumulative impact” is analogous.

Table 1. Resource indicators and measures for assessing effects

Resource Element	Resource Indicator	Measure (Quantify if possible)	Used to address: P/N, or key issue?	Source (Forest Plan S/G; law or policy, BMPs, etc.)?
Historic Properties (archaeological sites determined to be eligible or of undetermined eligibility nomination to the NRHP).	Alteration or loss of element(s) or indicators that create a NRHP eligibility scenario.	Loss of previously existing element(s) or indicators.	No	36CFR800 36CFR60 Forest Plan (2015) NHPA (1966) EO 13007- Indian Sacred Sites FSM 2360 (2008)

Methodology

The Grouse BMU area includes all National Forest system lands administered by the Sandpoint and Bonners Ferry Ranger Districts that are within the BMUs’ designated boundaries. The cultural resources effects analysis, including cumulative effects, will focus on cultural properties identified only within the combined alternatives’ maximum planned areas of impact within the project area.

Cultural management resource elements for analysis within the project area are defined first by those properties previously located, documented, and currently managed within the project area. These properties were identified through a review and analysis of known literature and previous research, geographic information system (GIS) cultural data and archival records, and consultation with those tribes who claim aboriginal territory within the project area to define possible sites, Traditional Cultural Properties, and areas of continued cultural concern. Second, these resource elements for analysis are further defined by in-field inventory of those areas not previously inventoried for the occurrence of cultural properties.

Qualified Heritage professionals completed a cultural resource inventory survey meeting current methodological standards for the Grouse BMU planning area. All documentation and data related to this fieldwork are incorporated into a Heritage Survey Inventory report (HRI), submitted to the Idaho SHPO for review.

Upon completion of the HRI, all potential project activities were analyzed for potential effects to historic properties and cultural landscapes.

Information Sources

Source information for the analysis of the project activities on historic properties included: all relevant previous archaeological and cultural resource inventory survey reports; oral histories; academic post-contact and pre-contact research conducted within the area; appropriate historic maps (for location purposes), including Grant Land Office, Metzger, Forest Service; and all other appropriate documentation relevant to the pre-contact and post-contact utilization of the project area. Tribal cultural resource staff provided information on both known sites, Traditional Cultural Properties, and elements to identify locations of higher probability for the location of important cultural resources.

Incomplete and Unavailable Information

All possible data sources have been identified and integrated into the research and analysis of potential effects.

Spatial and Temporal Context for Effects Analysis

The spatial analysis for potential effects to under the NHPA will include all areas of planned undertaking within the proposed project area as defined in 36 CFR 800.11. This will include specifically the individual proposed road storage activities (i.e., road entrances blocked with earthen berms or recontoured to match the original slope of the land, drainage structures would be removed, waterbars installed, and culverts removed with machinery or explosives) and the re-route and decommission of Grouse Creek Road (FSR 280) from the North Fork Grouse Creek bridge to the Wylie Knob trailhead. The temporal scope of the analysis will include both effects to the current status of historic properties and an analysis of how the activities planned within the current proposal will add to the cumulative effects to those historic properties.

Effects to historic properties, especially adverse effects, are permanent and almost always irreversible.

Direct/Indirect Effects Boundaries

The spatial boundaries for analyzing the direct effects to historic properties include all areas of direct impact by project activities, because direct effects are those that have the ability to alter either the historic property constituents or the environment that provides for an eligibility determination (setting, feeling, etc.).

The spatial boundaries for analyzing the indirect effects to historic properties can include the historic property soundshed and viewshed because visual and sound alterations to the setting, feeling, association, etc., can have an adverse effect to the historic property eligibility to the NRHP. Indirect effect special boundaries can also include the topography surrounding but outside of the historic property boundary, as changes in soil structure can lead to displacement and encroachment into historic property boundaries.

The temporal boundaries for analyzing the direct effects are throughout the life of the project because project activities have the potential for direct effects to historic properties.

The temporal boundaries for analyzing the indirect effects are throughout the life of the project and within 10 years post-action, because changes to the landforms, sounds, and visuals can change over time at different rates.

Cumulative Effects Boundaries

The spatial boundaries for analyzing the cumulative effects to historic properties include the project area, because effects to historic properties past, present, and foreseeable future are not limited to the historic property itself.

The temporal boundaries for analyzing the cumulative effects being at the execution of project activities and can extend beyond the completion of the project by several decades because direct and indirect actions can add to the cumulative adverse effects to historic properties.

Affected Environment

Existing Condition

As defined in 36 CFR 60(4) each historic property must contain at least one of the following criteria to be considered eligible to the NRHP:

- a. That are associated with events that have made a significant contribution to the broad patterns of our history, or

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

Alteration with some appropriate mitigation under consultation with both the SHPO and ACHP is defined as a “no adverse effect”, but is still considered legally an adverse or negative impact to the overall integrity and value of the historic property. Loss of those elements or indicators specific to each individual historic property is defined as an ‘adverse effect’ to that property.

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

There have been forty-three (43) cultural resource inventories previously conducted within this project area. These surveys have resulted in the discovery of fifty-four (54) cultural resource sites within the project planning area boundary, of which twenty (20) are eligible for nomination to the National Register of Historic Places (NRHP), fifteen (15) are determined ineligible, and nineteen (19) are of undetermined eligibility. All of the sites within the project area and immediately adjacent were historic era sites. Many of these eligible and potentially eligible sites occupy strategic places on the landscape and provide Forest visitors with a visual connection to key periods in the history of northern Idaho.

No sites were located within the areas of potential effect, or those areas where planned project activities.

Table 2. Resource indicators and measures for the existing condition

Resource Element	Resource Indicator (Quantify if possible)	Measure (Quantify if possible)	Existing Condition
All historic properties and those archaeological sites of undetermined eligibility status.	The element(s) that qualify the site for nomination to the NRHP.	“no adverse effect” as defined under 36CFR800.5(3)(b): If an activity can foreseeably alter the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP, but can be mitigated in consultation with SHPO and ACHP.	The element(s) exist for the historic property’s determination of eligibility.
All historic properties and those archaeological sites of undetermined eligibility status.	The element(s) that qualify the site for nomination to the NRHP.	“adverse effect” as defined in 36CFR800.5(1): If an activity can foreseeably remove the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP	The element(s) exist for the historic property’s determination of eligibility.

Environmental Consequences

This section of the report consists of a non-quantitative analysis of the direct, indirect, and cumulative effects of limited road decommission activities at the entrance to 16 National Forest System roads and the decommission and relocation of one road within the Grouse BMU area.

Alternative 1 – No Action

By strict definition, direct and indirect effects (40 CFR 1508.8), and cumulative effects (40 CFR 1508.7) result from the proposed action, under the No Action Alternative for this project the potential direct, indirect, and cumulative effects to cultural resources could be profound if no action is taken.

Alternative 2 – Proposed Action

The proposed action for roads proposed to be “stored” includes:

1. Blocking at the first 15 to 100 feet by either creating an earthen berm that would not be passable to a standard vehicle or to recontour the area to match the original slope of the land.
2. High-risk drainage structures would be removed and additional drainage, such as waterbars, would be installed.
3. Culverts could be removed with machinery or by using explosives.

The proposed action for the single road re-route and decommission would include:

1. 1.5 miles of new road construction
2. 0.73 miles of road reconstruction
3. 1.38 miles of road decommissioning

Project Design Features and Mitigation Measures

- All cultural resources (including the unanticipated discovery of any historic or pre-contact era cultural sites) including buildings, trails, mining or logging camps and chutes, and all other heritage properties would be protected by avoiding, buffering, or mitigating impacts to the sites. This includes caves, sinkholes, vertical shafts, and related features protected by the Federal Cave Resources Act of 1988.
- Any changes to the proposed action that may occur during layout or implementation would be reviewed by a qualified archaeologist, and if necessary a cultural resource survey would be conducted prior to project implementation. Newly documented heritage properties would be evaluated, with specific protection measures implemented to protect the eligibility status of that property.
- If during project activities cultural material or human remains are encountered, all work will cease immediately and the zone or forest archaeologist contacted and the approved Region 1 “Unanticipated Discovery Plan and Discovery of Human Remains Protocols” (Plan) will be implemented. This Plan will be incorporated into special provision C6.24# to protect these resources. A mitigation plan, if needed, will be developed in consultation with the Idaho State Historic Preservation Officer (SHPO) and Federally Recognized Tribes of Interest if appropriate.

This documentation meets the requirements of NEPA to consider cultural resources (40 CFR 1502.16 [g]) early in the planning process (40 CFR 1501.1), as well as the requirements of Sections 106 and 110 of the National Historic Preservation Act of 1966.

Required Monitoring

No monitoring is required as part of Alternative 2.

Direct and Indirect Effects - Alternative 2

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 (NRHP). All historic properties that have been identified within the Grouse BMU are being managed as eligible for the NRHP 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 a direct adverse effect.

The proposed activities of alternative 2 are expected to have no direct effects on all known heritage sites within the project planning area both through the agreed avoidance of all known and located sites and as long as the Project Design Criteria in Table 4 are followed.

Resource Indicator and Measure 1

All sites regardless of eligibility status are protected from potential “no adverse effect” scenarios through avoidance, project design, and planning to avoidance possibility of intrusion into the site area by project activities.

Resource Indicator and Measure 2

All sites regardless of eligibility status are protected from potential “adverse effect” scenarios through avoidance, project design, and planning to avoidance possibility of intrusion into the site area by project activities.

Table 3. Resource indicators and measures for alternative 2 direct/indirect effects

Resource Element	Resource Indicator (Quantify if possible)	Measure (Quantify if possible)	Alternative 2 Direct/Indirect Effects
Each archaeological site regardless of eligibility status.	Any element that could qualify the site for nomination to the NRHP.	“no adverse effect” as defined under 36CFR800.5(3)(b): If an activity can foreseeably alter the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP, but can be mitigated in consultation with SHPO and ACHP.	No sites are in danger of a “no adverse effect” scenario through deliberate project design.
Each archaeological site regardless of eligibility status.	Any element that could qualify the site for nomination to the NRHP.	“adverse effect” as defined in 36CFR800.5(1): If an activity can foreseeably remove the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP.	No sites are in danger of an “adverse effect” scenario through deliberate project design.

Cumulative Effects – Alternative 2

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

Past, ongoing, and foreseeable actions that have affected, and may continue to affect, heritage resources in the project planning area include timber harvest, prescribed fire, wildfires and associated suppression and rehabilitation activities, road and trail construction and/or maintenance, and dispersed recreational use.

Some level of artifact removal during the 20th century by members of the public has most certainly

occurred and most probably continues at a reduced rate. Past road construction has caused the most direct effects to those sites where a historic road or railroad bed/spur existed.

Previous timber harvest projects, modern mining activity, wildfires, livestock grazing, firewood cutting, recreational activities, and construction of Forest Service roads, have had incremental adverse effects on the cultural properties that have been identified within the Grouse BMU area. With the implementation of the project design criteria for heritage resources, there is minimal risk of additional incremental degradation of the cultural properties associated with the Proposed Action.

Resource Indicator and Measure 1

Through deliberate project planning and design all sites are protected from potential “no adverse effect” scenarios during the life of the project. Cumulative effects do not apply to the “no adverse effect” criteria.

Resource Indicator and Measure 2

All sites are protected from potential “adverse effect” scenarios through project design and planning to avoidance possibility of intrusion into the site area by project activities, any action has the potential a change in the overall landscape. Over time these changes can incrementally impact and diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.

Table 4. Resource indicators and measures for alternative 2 direct/indirect effects

Resource Element	Resource Indicator (Quantify if possible)	Measure (Quantify if possible)	Alternative 2 Direct/Indirect Effects
Each archaeological site regardless of eligibility status.	Any element that could qualify the site for nomination to the NRHP.	“no adverse effect” as defined under 36CFR800.5(3)(b): If an activity can foreseeably alter the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP, but can be mitigated in consultation with SHPO and ACHP.	Cumulative Effects do not apply to the “no adverse effect” criteria
Each archaeological site regardless of eligibility status.	Any element that could qualify the site for nomination to the NRHP.	“adverse effect” as defined in 36CFR800.5(1): If an activity can foreseeably remove the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP.	Cumulative Effects can incrementally diminish the integrity of those aspects of the site that could qualify it for nomination to the NRHP, but they do not rise to the level of “adverse effect”

Summary of Environmental Effects

Table 5. Summary comparison of environmental effects to (x) resources

Resource Element	Indicator/Measure	Alt 1	Alt 2
Each archaeological site regardless of eligibility status.	The element(s) that qualify the site for nomination to the NRHP. "no adverse effect" as defined under 36CFR800.5(3)(b): If an activity can foreseeably alter the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP, but can be mitigated in consultation with SHPO and ACHP.	There are no planned activities under Alternative 1, therefore no "no adverse effects" scenarios would exist.	No sites are in danger of a "no adverse effect" scenario through deliberate project design. Cumulative Effects do not apply to the "no adverse effect" criteria
Each archaeological site regardless of eligibility status.	The element(s) that qualify the site for nomination to the NRHP. "adverse effect" as defined in 36CFR800.5(1): If an activity can foreseeably remove the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP.	There is no active site management of historic properties under Alternative 1 which could lead to "adverse effects".	No sites are in danger of an "adverse effect" scenario through deliberate project design. Cumulative Effects can incrementally diminish the integrity of those aspects of the site that qualify it for nomination to the NRHP, but they do not rise to the level of "adverse effect".

Policies and Plans

With the implementation of the outlined Project Design Criteria, alternative 2 would meet the Forest Plan and all appropriate Cultural Resource laws, regulations, policies, and management direction.

Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

The proposed action (all of the action alternatives) will not have an adverse effect on any property listed, eligible for listing, or of undetermined eligibility for listing on the National Register of Historic Places. There will be no loss or destruction of significant scientific, cultural, or historical resources.

Other Agencies and Individuals Consulted

As part of Section 106 of the NHPA, the following agencies and Tribal cultural staff and official government entities were consulted: Oregon State Historic Preservation Officer, Coeur d'Alene Tribe, Kalispel Tribe of Indians, Kootenai Tribe of Idaho, Confederated Tribes of the Colville Reservation, and the Confederated Salish and Kootenai Indians of the Flathead Indian Reservation (see Attachment B).

References Cited

Bigelow, B., 2017, R2016010402648 *Grouse Bear Management Unit Compliance Project: Heritage Inventory Survey Report, Idaho Panhandle National Forest, Sandpoint and Bonners Ferry Ranger Districts*; Idaho Panhandle National Forests, Supervisor's Office [FOIA Exempt Documentation as per 36 CFR 800.11(c)]

Attachment A

2015 Forest Plan Forest-wide Consistency

Goals:

CULTURAL RESOURCES		
GOAL-CR-01	37	Provide education about the importance of protecting cultural resources and the consequences for unlawful damage to or taking of cultural resources to reduce looting, vandalism, and incidental damage.
		<i>Response:</i> Not relevant – not a project specific issue.

Desired conditions:

CULTURAL RESOURCES		
FW-DC-CR-01	37	Cultural resources are inventoried, evaluated for inclusion on the National Register of Historic Places, and managed according to their allocation category, including preservation, enhancement-public use, or scientific investigation. National Register ineligible cultural resources may be released from active management. Until evaluated, cultural resources are treated as National Register eligible. Historically and archaeologically important cultural resources and traditional cultural properties may be nominated to the National Register.
		<i>Response:</i> Cultural resource inventory, site eligibility, and management is defined in <i>R2016010402648 Grouse Bear Management Unit Compliance Project: Heritage Inventory Survey Report, Idaho Panhandle National Forest, Sandpoint and Bonners Ferry Ranger Districts</i> , Beth Bigelow.
FW-DC-CR-02	38	Cultural resources are safeguarded from vandalism, looting, and environmental damage through monitoring, condition assessment, protection, and law enforcement measures. Interpretation and adaptive use of cultural resources provide public benefits and enhance understanding and appreciation of IPNF prehistory and history. Cultural resource studies provide relevant knowledge and perspectives to IPNF land management. Artifacts and records are stored in appropriate curation facilities and are available for academic research, interpretation, and public education.
		<i>Response:</i> Appropriate cultural resource protection language will be included within all appropriate project contract documents. All work accomplished and reported in <i>R2016010402648 Grouse Bear Management Unit Compliance Project: Heritage Inventory Survey Report, Idaho Panhandle National Forest, Sandpoint and Bonners Ferry Ranger Districts</i> , Beth Bigelow, to be submitted 2016 will include all appropriate research information which will be available to be utilized in the future to meet planning goals for interpretation and adaptive use. Through these planned actions, this desired condition has been fully met.

Objectives:

CULTURAL RESOURCES		
FW-OBJ-CR-01	38	Annually complete an inventory of 50 to 100 acres containing, or predicted to contain, highly valuable, threatened, or vulnerable cultural resources (non-project acres).
		<i>Response:</i> Not relevant – not a project specific issue.
FW-OBJ-CR-02	38	Over the life of the Plan, evaluate and consider for nomination 5 to 10 significant cultural resources to the National Register of Historic Places.
		<i>Response:</i> Not relevant – not a project specific issue.
FW-OBJ-CR-03	38	Over the life of the Plan, develop five historic contexts, overviews, thematic studies, or cultural resources property preservation plans to help guide management and use of National Register eligible or listed properties, districts, traditional cultural properties, and cultural landscapes.
		<i>Response:</i> Not relevant – not a project specific issue.
FW-OBJ-CR-04	38	Annually complete one public outreach or interpretive project that enhances public understanding and awareness of cultural resources and/or history of the Plan area.
		<i>Response:</i> Not relevant – not a project specific issue.

Guidelines:

CULTURAL RESOURCES		
FW-GDL-CR-01	38	Cultural resource protection provisions should be included in applicable contracts, agreements, and special use permits for National Register-listed or eligible properties.
		<i>Response:</i> All contracts of work in relation to this project will include language for the protection of National Register-listed or eligible properties, either known or located through inadvertent discovery.
FW-GDL-CR-02	38	Historic human remains should be left undisturbed unless there is an urgent reason (e.g., human health and safety, natural event, etc.) for their disturbance.
		<i>Response:</i> All contracts of work in relation to this project will include language protection and preservation protocols for any inadvertent discovery of human remain.

Attachment B

Tribal Consultation

Name of Tribe	Date of contact	Type of contact	Comments/Notes
Kalispel Tribe of Indians	11/30/21015	Meeting	Review initial proposal, review possible tribal cultural concerns for integration into the Section 106 research and analysis, discuss needs for a FS/tribal natural resources meeting.
	9/14/2016	Letter	Scoping letter provided from Forest Service.
Confederated Salish and Kootenai Indians of the Flathead Indian Reservation	6/1/2016	Meeting	Review initial proposal, review possible tribal cultural concerns for integration into the Section 106 research and analysis, discuss needs for a FS/tribal natural resources meeting. CSKT: M Rogers and heritage staff; IPNF: Bigelow, Knauth; at CSKT offices.
	9/14/2016	Letter	Scoping letter provided from Forest Service.
Coeur D'Alene Tribe	9/14/2016	Letter	Scoping letter provided from Forest Service.
	5/24/2017	Meeting	Review initial proposal, review possible tribal cultural concerns for integration into the Section 106 research and analysis, discuss needs for a FS/tribal natural resources meeting. CdA: JWagner; IPNF: Bigelow, Walker; at CdA offices
Kootenai Tribe of Idaho	9/14/2016	Letter	Scoping letter provided from Forest Service.
	11/13/2018	Meeting	Discussed Section 106 issues, project plans, potential effects, etc.

Attachment C

Unanticipated Discovery Plan and Discovery of Human Remains Protocols

If unanticipated cultural resources or human remains are identified during project activities the following protocols as established in the *R1 Heritage Protection Plan, USDA FS, 2011* as defined below. These protocols are based on federal law, regulation, and FSM policy and direction.

Unanticipated Discovery of Cultural Resources (see FSM 2364.13)

1. Forest Service line officer (Forest Supervisor, District Ranger) or delegated staff will:
 - A. Cease all project activity within (at minimum) 100ft of the unanticipated discovery until after the affected cultural resource(s) is evaluated and adverse effects to the cultural resource have been avoided, minimized, or mitigated.
 - B. Notify the Contracting Officer of work-stoppage if this discovery was caused by a contractor or cooperator. Ensure that the appropriate contracting procedures are being followed.
 - C. Protect the discovery from further damage, theft, or removal. Leave all artifacts and cultural materials in place. Involve law enforcement as necessary.
 - D. Follow the protocols below if the discovery involves human remains.
 - E. Follow the requirements of NAGPRA if associated or unassociated funerary objects or objects of cultural patrimony are discovered.
 - F. Involve FS Law Enforcement if the unanticipated discovery also involves deliberate removal or destruction of cultural resources.
 - G. Allow resumption of work only following resolution of the discovery incident. In most cases, this decision will be the District Ranger, but when human remains are involved the Forest Supervisor will make this decision.
2. Forest Heritage Program Leader, or delegated heritage program staff, will:
 - A. Document the unanticipated discovery using appropriate site recordation procedures and forms. This should include, but is not limited to, documenting exposed artifacts and features; mapping the extent of artifacts, features, and cultural horizons; and documenting natural and cultural stratigraphy in open trenches or pits.
 - B. Notify the SHPO, tribes, and other consulting parties, including any cultural resource consultants assigned to the project as appropriate.
 - C. Evaluate the cultural resources for National Register of Historic Places (NR) eligibility. Subsurface testing will be limited to a level sufficient to provide a recommendation of NR eligibility. The benefitting function or heritage program may fund the evaluation work contingent on the cause and nature of the discovery.
 - D. Funding to support evaluation may be provided by program activity (i.e., road maintenance) which caused the unanticipated discovery or by the Heritage Program.
 - 1) If the affected cultural resource is eligible for the NR, the heritage program leader will consult with the SHPO, tribes and consulting parties about measures to avoid, minimize, or mitigate further effects to the NR eligible cultural resource. Mitigation measures will be contingent on the type and extent of the disturbed resource, the extent of the adverse effect, and whether or not it is possible to avoid any further effects.
 - 2) If the affected cultural resource is determined to be NR-ineligible, with SHPO concurrence, work may resume with appropriate monitoring for further cultural resource disturbances.

- 3) If NR evaluation is not possible due to circumstances beyond control, the affected cultural resource will be treated as NR eligible in accordance with FSM 2363.22.
- E. Develop an action plan, mitigation plan, or emergency treatment plan for the affected cultural resources if the cultural resource is NR eligible OR if it is being treated as eligible absent formal evaluation per FSM 2362.22. Fund the action plan and necessary emergency treatment or mitigation work via benefiting function or heritage program contingent on the cause and nature of the discovery.
- F. Document the unanticipated discovery in annual reports to the SHPO under programmatic agreements, and include an Event record in Infra, as appropriate.

Discovery of Human Remains (FSM 2361.3 and 2364.1)

Heritage professionals are often the first point of contact when human remains are discovered on National Forest System land. Advise the appropriate line officer to follow State burial laws or and these protocols.

1. Forest Service line officer (Forest Supervisor, District Ranger) or delegated staff will:
 - A. Ensure that ALL discovered human remains are treated with cultural sensitivity, dignity, and respect. Viewing and photographing exposed human remains by agency employees may compromise LE&I and forensic efforts.
 - B. Ensure that the beliefs and customs of American Indians, including agency employees, tribal consultants and public members, are respected. Exposure to human remains, directly or indirectly (i.e., a box containing skeletal material), may degrade and compromise spiritual beliefs and practices.
 - C. Ensure that the discovery area is secure; leave human remains in place; cease project activity where appropriate until a plan of action is developed and; involve LE&I immediately, and Heritage Professionals as appropriate.
 - D. Allow resumption of work only when the disposition of the human remains is determined and a written binding agreement is executed between the necessary parties in accordance with 43 CFR Part 10.4(e).
2. Forest Heritage Program Leader or delegated heritage program staff will:
 - A. Promptly notify SHPO, the appropriate Indian tribe(s), and the County Coroner/Medical Examiner, who will officially determine the nature of the remains (forensic or archaeological).
 - 1) If the remains are not forensic and non-Native American, leave the remains in place and assist in the development of a plan for avoidance (in place preservation) or removal. Consult with SHPO and other interested parties as appropriate.
 - 2) If the remains are not forensic and Native American, ensure that NAGPRA regulations at Section 10.4 of Title 43, Code of Federal Regulations, Part 10, are followed. Notify the appropriate Indian tribe(s) by telephone followed by written confirmation as soon as practicable. Develop an Action Plan for disposition of Human Remains.
 - 3) If the remains are forensic evidence, FS LE&I and/or the County Coroner/Medical Examiner take control of the situation.
 - B. Coordinate and communicate with the Line Officer, forest staff, LE&I, tribes, SHPO, and consulting contractors regarding progress and status of human remains

- discovery incident, as necessary and appropriate. Otherwise, treat this information as confidential.
- C. Document the human remains incidents in annual reports to the SHPO under programmatic agreements, and include an Event record in Infra, as appropriate. Specifics of the discovery incident may be inappropriate but a general summary is important since these incidents are important to track.