

Little Hogback-Meyers Salvage Project

Heritage Report

Prepared by:
Tammy Cherullo
North Zone Archaeologist

for:
Pintler Ranger District
Beaverhead-Deerlodge National Forest

August 6, 2018

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer and lender.

Table of Contents

Introduction.....	1
Relevant Laws, Regulations, and Policy.....	1
Regulatory Framework.....	1
Resource Indicators and Measures.....	3
Methodology.....	4
Information Sources.....	4
Spatial and Temporal Context for Effects Analysis.....	4
Affected Environment.....	5
Existing Condition.....	5
Environmental Consequences.....	6
Alternative 1 – No Action.....	6
Alternative 2 – Proposed Action.....	6
Summary.....	9
Compliance with Forest and Other Relevant Laws, Regulations, Policies and Plans.....	9
Other Agencies and Individuals Consulted.....	10
REFERNCES.....	11

Tables

Table 1. Resource indicators and measures for assessing effects.....	3
Table 2. Resource indicators and measures for the existing condition.....	5
Table 3. Project Design Features.....	6
Table 4. Resource indicators and measures for alternative 2.....	8
Table 5. Resource Indicators for alternative 2 direct/indirect/cumulative effects.....	8
Table 6. Summary comparison of environmental effect to cultural resources.....	9

Introduction

This document details how the Beaverhead-Deerlodge National Forest (B-DNF), Pintler Ranger District, will meet the requirements of the National Historic Preservation Act (NHPA), Section 106 identification, documentation, protection, and management of historic properties (cultural resources) during the Little Hogback-Meyers Salvage Project. This report summarizes the existing condition of cultural resources within the Area of Potential Effect. The report summarizes the direct, indirect, and cumulative effects of the proposed actions to cultural resources under each alternative. To evaluated effects, the proposed timber harvest will be analyzed. Cultural resources are not directly related to the purpose and need of this analysis.

Relevant Laws, Regulations, and Policy

Regulatory Framework

Land and Resource Management Plan

The Beaverhead-Deerlodge National Forest Land and Resource Management Plan (Forest Plan) provides standards and guidelines for American Indian Rights and cultural resources.

American Indian Rights and Interests

- Standard 1: No impact to identified TCPs shall occur until Forest officials consult with the tribe or other cultural group who identified the property and their concerns have been considered. TCPs shall be identified through proactive consultation with affected tribes.

Heritage Resources

- Standard 1: Heritage resources determined eligible for listing in the National Register of Historic Places will be preserved in place, or a consensus determination of "no adverse effect" will be reached with the Montana SHPO, the Advisory Council on Historic Preservation, and appropriate Indian tribes.
- Standard 2: Unplanned discoveries of heritage resources during project implementation shall cause project operations in the area of the discovery to cease until analysis and evaluation of the heritage resources are completed, including consultation with the Montana State Historic Preservation Office and appropriate Indian Tribes
- Standard 3: Heritage Protection measures will be added to all appropriate contracts, sale documents, and special use permits.

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; and,
- 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; and,

Executive Orders

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

Other Guidance or Recommendations

Region 1 Programmatic Agreement: among the USDA Forest Service Northern Region (Region 1), the Montana State Historic Preservation Officer, and the Advisory Council on Historic Preservation (USDA FS 2015). Regarding Negative Inventories and No Historic Properties Affected Undertakings in the State of Montana by the USDA Forest Service.

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

NEPA and NHPA: A Handbook for Integrating NEPA and Section 106; 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:

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; may include 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	Used to address Purpose and Need or key issue	Source
Historic Properties (archaeological sites determined to be eligible or of unevaluated eligibility for nomination to the National Register of Historic Places).	Alteration or loss of element(s) or indicators that create a National Register of Historic Places eligibility scenario.	Loss of previously existing element(s) or indicators.	No because cultural resources are not directly related to the purpose and need of this analysis and because sites would be avoided cultural resources would not be considered a key issue.	36CFR800 36CFR60 Forest Plan National Register of Historic Places (1966) Executive Order 13007-Indian Sacred Sites Forest Service Manual 2360

Methodology

The Little Hogback-Meyers Salvage Project includes all the National Forest System lands administered by the Pintler Ranger District within the project designated boundaries. The cultural resources effects analysis including cumulative effects will focus on cultural properties identified only within the Area of Potential Effects (APE) described in the alternatives.

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. (No Traditional Cultural Properties are known to currently exist in the project area.) 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.

The first resource element analysis was done (literature and GIS research) prior to in-field surveys. The second resource element analysis (in-field inventory) was completed June 2018. The in-field survey consisted of 100 percent coverage of areas with the highest probability for locating cultural resources. Moderate probability areas received 30 percent coverage and 10 percent coverage of low probability. Consultation with Montana State Historic Preservation Office was completed and mitigation measures were agreed upon for the project.

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, Forest Service; and all other appropriate documentation relevant to the pre-contact and post-contact utilization of the project area.

Spatial and Temporal Context for Effects Analysis

The spatial scale for direct, indirect, and cumulative effects for this analysis is defined as the individual timber and revegetation units, temporary roads and landings. The units, temporary roads, and landings constitute the Area of Potential Effect (APE) for the analysis of cultural resources. Forest Service (FSH) Handbook guidance describes the APE as:

Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. Forest Service Handbook 2309.12

The temporal scope of the analysis will include both effects to the current status of historic properties. an analysis of how the activities planned within the current proposed project will add to the cumulative effects to those historic properties.

Direct/Indirect/ Effects Boundaries (Spatial and Temporal)

The spatial boundaries for analyzing effects to historic properties under the following alternatives include all areas of direct impact by project activities and 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 National Register of Historic Places.

The temporal boundary extend throughout the life of the project because the effects to historic properties occurs during project activities.

Cumulative Effects Boundaries

Spatial boundaries for analyzing the cumulative effects to cultural properties include the project area because effects to cultural properties, past, present, and foreseeable future would not be limited to the cultural property itself.

Temporal boundaries for analyzing cumulative effects would begin at the execution of project activities.

Affected Environment

Existing Condition

There are approximately 1500 acres of treatment proposed for the project. The Heritage GIS database shows 1400 acres were previously surveyed within the project boundary but 27 of the 1400 acres were surveyed within the individual unit boundaries.

A total of 20 cultural resource survey reports were reviewed as part of this analysis. The author assessed 7 (35 percent) of the cultural survey reports as adequate and would count towards moderate or low acres in-field inventoried.

Twenty-eight (28) cultural resource sites were discovered during the 20 cultural resource inventories conducted within and immediately adjacent to the project boundary. The recorded cultural resource sites are historic era (5 were mining or mining related sites, 17 are cabin sites, 2 sites are historic roads/trails, and 4 sites were ditches). Out of the 28 cultural resource sites fourteen (14) sites are unevaluated but are managed and protected as if they are eligible sites. Four (4) cultural resource sites are eligible to the National Register of Historic Places and ten (10) are not eligible to the National Register. The literature search did not currently identify TCPs within project area.

Table 2. Resource indicators and measures for the existing condition

Resource Element	Resource Indicator	Measure	Existing Condition
All eligible historic properties and those archaeological sites of unevaluated eligibility status	The element(s) that qualify the site for nomination to the National Register of Historic Places.	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 National Register of Historic Places, but can be mitigated in consultation with Montana State Historic Preservation Office.	The element(s) exist for the historic property's determination of eligibility.

Resource Element	Resource Indicator	Measure	Existing Condition
All eligible historic properties and those archaeological sites of undetermined eligibility status	The element(s) that qualify the site for nomination to the National Register of Historic Places.	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 National Register of Historic Places	The element(s) exist for the historic property's determination of eligibility.

Environmental Consequences

This section of the report analyzes non-quantitative direct, indirect, and cumulative effects of timber salvage, reforestation, and road construction and maintenance activities on cultural properties and resources in the project planning area.

In-field surveys were completed and two previously recorded sites were revisited and the site forms updated. The two sites are associated with historic placer mining (ditches). The Montana State Historic Preservation Office concurred the undertaking will have No Adverse Effect because of agreed upon mitigation measures.

This analysis would focus on the potential for the proposed action and alternatives to result in the alteration of characteristics that qualify the property for the National Register of Historic Places. See Table 4 and Table 5 below. This analysis assumes the eligible and unevaluated historic properties identified in the project area would be eligible for inclusion in the National Register of Historic Places and managed as such. In-field surveys and consultation with the Montana State Historic Preservation Office were completed (Montana State Historic Preservation Office letter 7/19/2018).

Alternative 1 – No Action

There would be no change to the resource indicators and measures because there would be no direct, indirect, or cumulative effects if the project is not implemented.

Alternative 2 – Proposed Action

The action alternative includes salvage logging, temporary road construction, road maintenance, reconstruction and reforestation. The EA provides more details on the alternative.

Project Design Features and Mitigation Measures for cultural resources

Cultural resources design features were derived from the BDNF Forest Plan, and the National Historic Preservation Act. Mitigation measures were derived from consultation with the Montana State Historic Preservation Office. These design features and mitigation will be applied to the project action alternative to eliminate or reduce potential impacts to cultural resources.

In consultation with the Montana State Historic Preservation Office we agreed the ditches are eligible to the National Register of Historic Place. The Montana State Historic Preservation Office concurred the ditches can be crossed for harvest activities. To ensure there will be No Adverse Effect woody debris/logs will be placed within the ditches and the debris/logs will be removed after the work is completed.

Table 3. Project Design Features.

Project design features	Objective	Applies to	Source
<p>Prior to any salvage activities, in-field inventory would be conducted in areas defined as the high, medium and low probability for the occurrence of cultural resources within project implementation areas. If any cultural resources are located during these inventories, the area of that resource plus a buffer would be excluded from all salvage activities.</p>	<p>To avoid or mitigate impacts to cultural resources</p>	<p>All project activities</p>	<p>Region 1 Programmatic Agreement (2015) National Historic Preservation Act (1966), BDNF/Montana State Historic Consultation (summer 2018)</p>
<p>Pursuant to the provisions found in 36 CFR 800.13, should any previously unrecorded cultural resources be discovered during project implementation, activities that may be affecting that resource would be halted immediately; the resource would be evaluated by a qualified archaeologist; and consultation would be initiated with the State Historic Preservation Office (Montana State Historic Preservation Office) if required, to determine appropriate actions for protecting the resource and for mitigating any adverse effects on the resource. Project activities would not be resumed until the resource is adequately protected and until agreed-upon mitigation Montana State Historic Preservation Office approval.</p>	<p>To avoid or mitigate impacts to cultural resources</p>	<p>All project activities</p>	<p>Forest Plan, National Historic Preservation Act (1966), BDNF/Montana State SHPO (summer 2018)</p>
<p>Any unanticipated discovery of human remains during salvage efforts would follow protocols as defined in Forest Service Manual 2361.3. All activities that may be affecting the remains would be halted immediately; the remains would be protected until they can be evaluated by the coroner to determine age; and, if appropriate, consultation would be initiated with the appropriate Tribal governments, the Montana State Historic Preservation Office, if required, to determine appropriate actions. Project activities would not be resumed until consultation is complete and all agreed-upon actions and mitigation measures are implemented.</p>	<p>To avoid or mitigate impacts to cultural resources</p>	<p>All project activities</p>	<p>Forest Plan, National Historic Preservation Act (1966), BDNF/Montana State SHPO Consultation (summer 2018)</p>

Direct and Indirect Effects - Alternative 2

All cultural historic properties that were identified within the Little Hogback-Meyers Salvage planning area would be managed as eligible for the National Register of Historic Places.

The proposed activities under alternative 2 would have no significant effects on all known heritage sites within the project planning area. The agreed avoidance and/or mitigation measures developed in

consultation with Montana State Historic Preservation Office of all sites and compliance with the project design features would ensure protection.

An indirect positive effect could result through potential reforestation efforts. These actions would enhance the long term stability of archaeological and historic resources within and adjacent to the Little Hogback-Meyers Salvage Project.

All sites would be protected from potential adverse effect scenarios through avoidance, project design and/or mitigation measures developed in consultation with Montana State Historic Preservation Office. (See Table 4).

Table 4. Resource indicators and measures for alternative 2

Resource Element	Resource Indicator	Measure	Alternative 2 Direct/Indirect Effects
Eligible and unevaluated historic/archaeological site.	Any element that could qualify the site for nomination to the National Register of Historic Places.	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 National Register of Historic Places, but can be mitigated in consultation with Montana State Historic Preservation Office.	No adverse effects are anticipated because deliberate project design features will be implemented to avoid sites.”
Eligible and unevaluated archaeological site.	Any element that could qualify the site for nomination to the National Register of Historic Places.	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 National Register of Historic Places.	No sites are in danger of an “adverse effect” scenario through deliberate project design and/or the effects can be mitigated in consultation with National Register of Historic Places (no adverse effect).

Cumulative Effects – Alternative 2

Through deliberate project planning and design all sites are protected from potential effects as described above. Since there would be no direct or indirect effects that would cause an adverse effect, there would be no cumulative effects associated with this project.

Table 5. Resource Indicators for alternative 2 direct/indirect/cumulative effects

Resource Element	Resource Indicator	Measure	Alternative 2
Eligible and unevaluated archaeological site.	Any element that could qualify the site for nomination to the National Register of Historic Places.	“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 National Register of Historic Places, but can be mitigated in consultation with Montana State Historic Preservation Office.	No cumulative effects because there are no direct or indirect effects

Resource Element	Resource Indicator	Measure	Alternative 2
Eligible and unevaluated archaeological site.	Any element that could qualify the site for nomination to the National Register of Historic Places.	“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 National Register of Historic Places.	No cumulative effects because there are no direct or indirect effects

Summary

Table 6. Summary comparison of environmental effect to cultural resources

Resource Element	Indicator/Measure	Alternative 1	Alternative 2
Eligible and unevaluated archaeological site.	<p>The element(s) that qualify the site for nomination to the National Register of Historic Places.</p> <p>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 National Register of Historic Places, but can be mitigated in consultation with Montana State Historic Preservation Office.</p>	There are no planned activities under Alternative 1, therefore No adverse effects scenarios would exist.	<p>Sites would be avoided and /or mitigation measures would be developed in consultation with the Montana State Historic Preservation Office</p> <p>No cumulative effects.</p>
Eligible and unevaluated archaeological site.	<p>The element(s) that qualify the site for nomination to the National Register of Historic Places.</p> <p>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 National Register of Historic Places.</p>	Without active management, all historic properties would degrade over time from common environmental factors such as weather and biotic action.	<p>No sites are in danger of an “adverse effect” scenario through deliberate project design and/or the effects can be mitigated in consultation with consultation with the Montana State Historic Preservation Office for a no adverse effect.</p> <p>No cumulative effects</p>

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

With the implementation of the outlined Project Design Features, 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) would have No Adverse Effect on any property listed, eligible for listing, or of undetermined eligibility for listing on the National Register of Historic Places. There would be no loss or destruction of significant scientific, cultural, or historical resources.

Other Agencies and Individuals Consulted

As part of Section 106 of the National Register of Historic Places, the following agencies and Tribal cultural staff and official government entities would be consulted:

Montana State Historic Preservation Officer

Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation

Shoshone-Bannock Tribes, Fort Hall, ID

REFERNCES

Government Document

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

U.S. Department of Agriculture, Forest Service; *Forest Service Manual FMS 2300* – Recreation, Wilderness, and Related Resource Management; Chapter 2360 – Cultural Program Management

Laws

Archaeological Resources Protection Act of 1979 [ARPA]; 16 U.S.C. § 470aa-470mm.

American Indian Religious Freedom Act of 1978 [AIRA]; 42 U.S.C. § 1996.

Code of Federal Regulation Title 36 part 63 Determination of Eligibility to the National Register of Historic Places.

Code of Federal Regulation Title 36 part 296 Protection of Archaeological Resources.

Code of Federal Regulation Title 36 part 800 Protection of Historic Properties.

Executive Order 13007 (Indian Sacred Sites) 1996.

Native American Graves Protection and Repatriation Act [NAGPRA]; of 1990; 25 U.S.C. et seq.

National Environmental Policy Act of 1969 [NEPA]; 42 U.S.C. et seq.

National Forest Management Act of 1976 [NFMA]; 16 U.S.C. § 1600-1614.

National Historic Preservation Act of 1966 [NHPA]; *16 U.S.C. et seq.*

Other Guidance or Recommendations

U.S. Department of Agriculture, Forest Service 2015; Region 1 Programmatic Agreement between the USDA Forest Service (Region 1), the Montana State Historic Preservation Office and the Advisory Council on Historic Preservation. (Section 106 for this undertaking was accomplished under the “Region 1 PA ...” On file at the B-D Supervisors Office Annex Butte, MT)