

# Derby Mesa Vegetation Management Project

## Heritage Resources

### Resource Description

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that Federal agencies take into account the effects of a Federal undertaking on any cultural resource that is eligible to or listed in the National Register of Historic Places (NRHP). Archaeological phenomena, as specified by 36 CFR 296.3, such as structures, shelters, features, artifacts, rock art, human remains, or any portion or piece of the preceding which possess scientific, historic, and/or social values of a cultural group are defined as cultural resources.

This cultural assessment of effects is based on archaeological phenomena that indicate prehistoric and historic land-use including hunting and gathering, resource procurement, grazing, timber harvesting, and natural resource transport within and adjacent to the Derby Mesa Vegetation Management Project area. The criteria applied to evaluate cultural resources that possess integrity of location, design, settings, materials, workmanship, feeling and association. NRHP eligible cultural resources are associated with one or more of the following: significant persons, events, or patterns in prehistory or history; distinctive engineering, artistic, or architectural characteristics; or the potential to yield data important to prehistoric or historic research. The Forest Archeologist, in consultation with the State Historic Preservation Office (SHPO), determines significance and NRHP eligibility of cultural resources.

### Direct & Indirect Effects

This section provides a brief overview of the heritage resources within the proposed project areas. More detailed information can be found in the cultural resource inventory report titled: *Derby Mesa Vegetation Management Project Cultural Resource Inventory, White River National Forest, Eagle County, Colorado*. (Espinoza Consulting Services, December 2018) on file at the White River National Forest Supervisor's Office in Glenwood Springs, Colorado.

Espinoza Cultural Services, LLC (ECS) was contracted by the White River National Forest (WRNF) to conduct a Class III cultural resource inventory of 980 acres within the proposed Derby Mesa Vegetation Management Project. The Area of Potential Effects (APE) for the vegetation management project total 1305 acres, however 325 acres within the APE was previously inventoried so therefore it was not re-inventoried as part of ECS's contract. A search of the Colorado Office of Archaeology and Historic Preservation Compass database and the WRNF cultural resource database revealed nine previously recorded resources within or intersecting the APE and three trails and one ditch on the GLO plots and historic topographic maps; no historic patents were present within the APE. Two previously determined resources were previously recommended as "Needs Data" and were relocated during the 2018 survey.

During field efforts, ECS identified two previously recorded sites, three new sites and 9 new isolated finds. All but one site are related to historic use in the APE. All but one previously and

newly recorded sites are recommended as not eligible to the NRHP under any criteria so therefore, no further work is recommended for these 13 sites at this time. One site, the South Derby ditch, is recommended as supporting to the overall eligibility of the resource, so therefore avoidance of the ditch is recommended during project implementation.

The cultural resource report was provided to the Colorado Office of Archaeology and Historic Preservation (OAHP), the Southern Ute Indian Tribe, Ute Mountain Ute Tribe, and Ute Indian Tribe of the Uintah & Ouray Reservation on June 11, 2020. The WRNF is recommending an overall finding of “No Adverse Effects to Historic Properties” for the proposed undertaking; however, if during implementation an unanticipated discovery is made, consultation efforts with SHPO and tribal representatives would continue until an appropriate mitigation plan is developed (pending OAHP and tribal concurrence).

### **Alternative 1 – No Action**

Under the no action alternative, historic properties would be unaffected. If the project was not implemented, there would be no potential for disturbance to cultural resources. Therefore, any archaeological properties that exist within the project area would likely remain undisturbed.

### **Alternative 2 – Proposed Action**

The use of hand tools and heavy machinery such as bulldozers, backhoes, bobcats, harvesters, rubber tire and track skidders, stroke de-limiters, chip vans and logging trucks all have the potential to disturb the grounds service. The blades, tracks, and bucket implements attached to these tools can expose buried deposits, displace surface artifacts, and result in artifact breakage. The wheels and tracks of heavy machinery can also displace soil and crush artifacts resulting in further disturbance. Additionally, areas disturbed during a construction and prescribed burning can lead to erosion which in turn can result in cultural resource loss due to expose to natural weathering.

ECS conducted a cultural resource inventory as part of this analysis. However, despite best efforts to locate cultural resources within the project areas, unanticipated cultural deposits are possible with any ground disturbance. If an unanticipated discover occurs through project implementation, work would halt within that area until a Forest Archaeologist evaluates the site and proposes any necessary mitigation measures. If a Traditional Cultural Property or sacred site is found, all activity in the vicinity of the discovery would cease, and a Ute tribal representative would be notified.

### **Cumulative Effects**

There are no known reasonable foreseeable actions expected to occur in the project areas that would have additional impacts to known cultural resources. In addition, there are no known recently competed projects that adversely impacted heritage resources; therefore, no further impacts to historic properties are expected to occur within the area.

### **Forest Plan Consistency**

Forest-wide goals include incorporating tribal resource management values into forest management activities (Forest Plan, page 1-16). Forest-wide standards for American Indian rights and interests and heritage resources include protecting important cultural areas for current

and future tribal use by recognizing the cultural landscape and geographic diversity left by Ute ancestors. This includes acknowledging intellectual property rights; protecting sensitive and proprietary traditional tribal knowledge; conducting all land management activities in such a manner as to comply with all applicable federal, state, and local regulations; and leaving human remains undisturbed unless there is an urgent reason for their disinterment (Forest Plan, page 2-33).

Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, require that any federal undertaking consider impacts to historic properties. All historic properties would be identified and protected by completing a heritage resource survey prior to any direct or indirect impact from the project. Heritage resource values can be protected effectively by implementing the provision of the following federal laws and their respective regulations:

- National Historic Preservation Act of 1966 (P.L. 89-665 as amended)
- National Environmental Policy Act of 1969 (P.L. 91-190)
- American Indian Religious Freedom Act of 1978 (P.L. 96-341)
- Native American Grave Protection and Repatriation Act (P.L. 101-601)
- Religious Freedom Restoration Act of 1993 (P.L. 103-141)

In the event of accidental disturbance of historic graves or reinternment, the appropriate tribal, state, and forest policies would be followed. Forest policies are contained in the Burial Policy for the White River National Forest.

The Forest Plan also establishes guidelines for protecting significant heritage resources sites from damage by project activities or vandalism through project design, specified protective measures, monitoring, and coordination. In addition, the guidelines specify the sites on the National Register of Historic Places be managed under approved management plans or annual operation plans (Forest Plan, page 2-33).

Consultation with American Indian people is recommended when projects have the potential to affect cultural rights and practices to help ensure the protection, preservation, and the use of areas that are culturally important to tribes. Physically affecting the integrity of traditional cultural properties, including forest product collecting places, should be avoided when possible. The Forest Service National Resource Book on American Indian and Alaskan Native Relations should be used when developing an agency-to-tribe consultation process (Forest Plan, page 2-33).

**Table 1: Previous Cultural Resource Inventories within the APE**

Report Number	Title
MC.LM.R151	Proposed Underground Telephone Line for Eagle Valley Telephone Company (S#540)

EA.FS.R24	A Cultural Resource Management Survey of the Derby Mesa Timber Sale on the White River National Forest, Eagle County, Colorado and Appendix
EA.FS.R42	A Class II Cultural Resource Inventory for the Derby Mesa Prescribed Fire, Eagle Ranger District, White River National Forest Eagle County, Colorado
EA.FS.NR105	Derby Mesa Timber Sale Revisited, Eagle County, Colorado
EA.FS.NR34	Red Dirt Timber Sale

### **References**

Espinoza, Dee Ann

2018. Derby Mesa Vegetation Management Project Cultural Resource Inventory, White River National Forest, Eagle, Colorado. On file at the White River National Forest Supervisor's Office, Glenwood Springs, Colorado.

National Park Service

1997. How to Apply the National Register Criteria for Evaluation. National Register Bulletin 15. U.S. Department of the Interior, National Park Service, Interagency Resources Division, Washington, D.C.

United States Department of Agriculture, Forest Service, Rocky Mountain Region

2002. Land and Resource Management Plan for the White River National Forest, Eagle, Garfield, Gunnison, Mesa, Moffat, Pitkin, Rio Blanco, Routt and Summit Counties, Colorado.