

Heritage Resources

Introduction

Heritage Resources involve the conservation of archeological, cultural, architectural, and historic sites and artifacts. This section describes the existing heritage resource conditions of the Hemlock Elk Project and how the No Action and action alternatives would affect the various components of this resource. The effects analysis focuses on those areas where potentially ground-disturbing activities such as timber harvesting are proposed. Activities that only involve the use of hand crews and no heavy equipment, such as prescribed burning, would typically receive less consideration from Heritage Resource personnel.

Analysis Area

The analysis area used to discuss the effects on Heritage Resources is the project area. The effects on Heritage Resources would not extend beyond the project boundary.

Data Sources, Methods, and Assumptions Used

The Flathead National Forest is taking a multi-phase approach to Heritage Resource compliance [36 CFR 800.3(c)] for the Hemlock Elk Analysis. This is possible because of the site-specific nature of Heritage Resources and heritage resource compliance. The first phase (1) is a reconnaissance level inventory of known Heritage Resources and a sampling of areas with a high probability for the occurrence of additional Heritage Resources. A pre-survey files search for information on previously recorded heritage sites in the proposed project area is also conducted. This phase includes initial consultation with the Confederated Salish and Kootenai Tribes to identify any concerns they may have regarding traditional cultural properties, traditional use plants, and areas of spiritual importance in the project area. The second phase (2) occurs prior to actual project implementation and requires a thorough inventory of all proposed undertakings to locate, record, and evaluate the historical significance of any identified Heritage Resources.

Affected Environment

Historic Condition

Human occupation of the greater Swan Valley in general, and within boundaries of the proposed Hemlock Elk Project, specifically, has probably spanned the past 10,000 years. Evidence of those prehistoric hunters and gatherers, however, forest wide, is rare. Typical heritage resource sites or artifacts that one might encounter during pedestrian inventories would include tepee rings, scarred trees, pictographs or petroglyphs, lithic (stone) scatters of flint/chert debitage from the production of stone tools, isolated arrowheads or lance points, travois trails, hearths or roasting pits, bone tools, stone scrapers, awls, bifaces, knives, and cores.

Historic era Euro-American settlement of the Flathead Valley in general and the Swan Valley in particular came more than 50 years after fur trader/trapper David Thompson's early ventures into northwest Montana circa 1800. Evidence of early white settlers that might be discovered during

heritage resource surveys include trappers lean-tos, metal traps, log cabins, rifles or other firearms, and various metal tools including plows to saws.

Existing Condition

Pre-Survey Files Search: Prior to the two-phase inventory, the Forest's Heritage Resources Staff conducted an in-house files search for information on known, previously recorded heritage sites in the Hemlock Elk Project Area. General Land Office Plat Maps, HES plats, BLM Land Status Records, historic forest maps, local history texts, the Forest's Historic Overview, studies on Native American use of western Montana, and the Forest's Cumulative Site Atlas and Survey Atlas were all referenced.

The results of a pre-survey files search for information on known heritage resources in the proposed Hemlock Elk Project identified no recorded heritage properties in the analysis area and three previous inventories going back to 1983.

Previous heritage surveys covered only small amounts of acreage in the Hemlock Elk Project Area.

Pedestrian Survey: The second phase of the two-part strategy requires the staff conduct a pedestrian based, stratified sample survey (inventory) of the proposed Hemlock Elk Project Area. The survey strategy was taken from the Forest's Site Identification Strategy (SIS), which is part of the Region One Programmatic Agreement (R1PA) with the Montana State Preservation Office (SHPO) and the Advisory Council on Historic Preservation regarding compliance to Sec 106 of the National Historic Preservation Act (NHPA). The survey methodology is tied to topography and basic professional judgments about historic land use and cultural adaptation throughout history.

Simply stated, the methodology requires an 80 percent reconnaissance in topographic areas of less than 20 percent slope (such as level stream terraces) or in areas considered to exhibit a "high probability" for evidence of past cultural manifestations (i.e., ridge tops, rock outcrops, and stream confluences). Survey transects would be spaced every 65 feet (20 meters) apart. Topographic areas in excess of 20 percent slope, but less than 50 percent, and which feature a "moderate" level of probability for containing cultural sites, were surveyed at 40 percent coverage, or with survey transects spaced every 40 meters. "Low" level probability areas (slopes in excess of 50 percent) received 10 percent coverage with survey transects spaced every 230 feet (70 meters) apart.

The results of the stratified sample survey methodology were negative: no historic or prehistoric heritage resource sites were discovered during the course of the pedestrian reconnaissance.

Discussions with the Confederated Salish and Kootenai Tribes (CSKT) did not identify any concerns in the project area (Project File Exhibit N-4). Consultation with the CSKT will continue.

Environmental Consequences

Alternative A – No Action Direct and Indirect Effects

Implementation of Alternative A would neither directly nor indirectly affect Heritage Resources because there would be no change to the integrity of Heritage Resources as a result of no activities being implemented. An exception to this is the threat of wildland fire. Failure to reduce fuels as proposed in the action alternatives would increase the potential for severe wildland fire, increasing the potential for adverse effects by fire to Heritage Resources through and beyond the project area. Wildland fire also increases the risk of site looting and vandalism due to the exposure through lack of vegetative cover.

Alternatives B, C, and D Direct and Indirect Effects

Implementation of the action alternatives would also neither directly nor indirectly affect Heritage Resources since none are identified in or near proposed Hemlock Elk Project activities.

It is recognized that even the most intensive field surveys may not locate all cultural sites. The portions of this project that would be implemented through a timber sale contract under any action alternative would include the "B6.24# Protecting of Cultural Resources" clause, which enables the Forest Service to modify or cancel a timber sale contract to protect Heritage Resources, regardless of when they are identified.

Alternatives B, C, and C Cumulative Effects

The Cumulative Effects Worksheet (Project File Exhibit N-2) considers and describes proposed activities in addition to the past, current, and reasonably foreseeable activities listed in Tables 3-1 and 3-2. Those activities that cumulatively affect this resource are discussed below. Please refer to this worksheet for more detailed discussion on cumulative effects.

There would be no cumulative effects to identified Heritage Resources in the Hemlock Elk Project Area from any past, present, and reasonably foreseeable activities as presented at the beginning of this chapter. However, any such effects would be identified as part of the consultation process with SHPO and the CSKT and appropriate avoidance or moderating measures would be developed.

Regulatory Consistency

The Forest Service has obligations under the American Indian Religious Freedom Act (AIRFA) of 1978 to

"protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian" [Public Law 95-442].

The tribes also have rights under the Hellgate Treaty of 1855, including hunting, gathering, and grazing rights.

The Confederated Salish and Kootenai Tribes of Montana have been identified as a tribal group concerned about the management of Heritage Resources on the Flathead National Forest. The tribes were contacted in the initial planning stages of the Hemlock Elk Project to establish lines of communication between the two parties, to advise them on the scope of the undertaking including potential effects, and to make their resource concerns (if any) an official part of the project file. Consultation with recognized tribal governments is further defined and required by the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 [Public Law 101-106], the 1992 amendments to the NHPA, and the 1999 revisions to the implementing regulations in 36 CFR Part 800; Protection of Historic Properties.

Besides AIRFA, the USDA Forest Service is also mandated to comply with the NHPA.

"Section 106 of the NHPA requires that Federal agencies with direct or indirect jurisdiction over Federal, federally assisted, or federally licensed undertakings afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity for comment on such undertakings that

affect properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) prior to the agency's approval of any such undertaking" [36 CFR 800.1).

Historic properties are identified by a cultural resource inventory and are determined as either eligible or not eligible for the National Register. Eligibility is reviewed, and concurrence given, by the Montana SHPO. Sites that are determined as eligible are then either protected in place or adverse impacts must be mitigated. This process takes place prior to any decisions relative to the project.

The Flathead National Forest participates in the R1PA with SHPO and the Advisory Council that provides for a more efficient process for conducting cultural resource inventories and meeting Section 106 compliance. Under the R1PA, if there are no eligible properties affected by the undertaking either through project redesign or because there are no properties located within the undertaking, then the undertaking is included in an annual report to SHPO and compliance is completed without project consultation. On the other hand, if an eligible property is affected by the proposed undertaking, then compliance is completed in the standard way with consultation with SHPO.

The AIRFA and the NHPA requirements are carried forward in the Flathead National Forest Plan standards for Heritage Resources (Forest Plan, pages II-18 to II-21).

Inventory procedures: "Cultural resource inventories will be conducted on all ground disturbing projects that are generated, licensed, permitted, or allowed to occur by the Forest Service."

Evaluation procedures: "Identified cultural resources will be evaluated in relation to published criteria for eligibility to the NRHP."

Protection/preservation measures: "Known, significant cultural resource sites on the Forest will be protected from inadvertent or intentional damage or destruction."

Coordination/consultation procedures: "The Forest will make an effort to coordinate cultural resource issues and concerns with appropriate Native American groups, other Federal and State agencies, the historical and archaeological communities, and the general public."

Protection of historic and prehistoric Heritage Resources is prescribed under a number of laws including the NHPA. Implementing regulations for the NHPA are codified in 36 CFR 800. Forest Plan standards and guidelines are designed to meet the requirements of these regulations. All Hemlock Elk Project alternatives are consistent with the laws and regulations listed above and incorporated into the requirements of the Forest Plan. Section 106 compliance and consultation with SHPO for this project has been completed.