

# Heritage Resources

## Introduction

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Heritage Resources involve the conservation of archeological, cultural, architectural, and historic sites and artifacts. This section describes the existing Heritage Resource conditions of the Porter Mount Area 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 not receive consideration from Heritage Resource personnel.

## Information Sources

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The Flathead National Forest is taking a multi-phase approach to Heritage Resource compliance [36 CFR 800.3(c)] for the Porter Mount 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 so as to locate, record, and evaluate the historical significance of any identified Heritage Resources.

## Analysis Area Description

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

## Affected Environment

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### Historic Condition

Human occupation of the greater Flathead Valley in general, and within boundaries of the proposed Porter Mount Project Area specifically, has probably spanned the past 10,000 to 12,000 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, pottery sherds, and stone scrapers, awls, bifaces, knives, and cores.

Historic era Euro-American settlement of the Flathead Valley in general and the Porter Mount area 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.

## Current Condition and Affected Area

**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 proposed 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 Porter Mount Project Area identified one recorded heritage property and 12 previous inventories going back to at least 1986. The one heritage resource site identified in the project area is not within or near treatment units.

These earlier cultural resource inventories covered a considerable amount of acreage in each section of land designated for future timber harvesting through implementation of the Porter Mount Project. Thus, Heritage Resource personnel focused their 2007 inventories on those lands not previously surveyed.

**Pedestrian Survey:** The second phase of the two-part strategy required the staff conduct a pedestrian based, stratified sample survey (inventory) of the treatment units proposed in the Porter Mount 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 MTSHP and the Advisory Council on Historic Preservation regarding compliance to Sec 106 of the 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 required an 80 percent reconnaissance in topographic areas of less than 20 percent slope (such a level stream terraces) or in areas considered to exhibit a "high probability" for evidence of past cultural manifestations (i.e.: ridge tops, rock outcrops, stream confluences). Survey transects would be spaced every 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 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.

As of this writing, a complete pedestrian inventory for discovery of important cultural resources has been completed for the entire Porter Mount Project Area. Surveys identified no new cultural properties in the project area.

Discussions with the Confederated Salish and Kootenai Tribes (CSKT) did not identify any concerns in the project area. Consultation with the CSKT will continue.

## Environmental Consequences

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### Alternative A - No Action Alternative 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.

### **Alternatives B and C Direct and Indirect Effects**

Implementation of either of the action alternatives would also neither directly nor indirectly affect Heritage Resources because there would be no change to the integrity of Heritage Resources as a result of avoidance or mitigation or activities in the vicinity of Heritage Resources.

Although the field inventory has been completed prior to specific project implementation, adherence to the regulations for implementing the National Historic Preservation Act ensures that important Heritage Resources are identified prior to project implementation and that project effects are identified and either avoided or mitigated through project redesign. Site significance and project effects are determined through consultation with MTSHPO and the CSKT.

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.

### **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 cumulative affect this resource will be discussed below.

There would be no cumulative effects to identified Heritage Resources in the Porter Mount 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 MTSHPO and the CSKT and appropriate avoidance or moderating measures would be developed.

## **CONSISTENCY WITH REGULATORY FRAMEWORK**

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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 Porter Mount Project in order 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 National Historic Preservation Act (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 National Historic Preservation Act of 1966 (NHPA) [Public Law 89-665]. "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 State Historic Preservation Office (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 NF participates in the Region One Programmatic Agreement (R1PA) with MTSHPO 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 MTSHPO 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 MTSHPO.

The American Indian Religious Freedom Act (1978) and the National Historic Preservation Act (1966) 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 National Historic Preservation Act of 1966 (as amended in 1980). 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 Porter Mount project alternatives are consistent with the laws and regulations listed above and incorporated into the requirements of the Flathead Forest Plan. Section 106 compliance and consultation with MTSHPO for this project has been completed.