

Section 14.510 Cultural Resources (SMA Only)

In addition to the standards and conditions listed in this chapter for the GMA, the following standards apply to all lands in the Special Management Area:

- A. If a standard or condition of this Section is more restrictive than other sections of this chapter, this section is controlling;
- B. This section is applicable to all Federal agencies for new developments and land uses on all Federal lands, federally assisted projects and forest practices. The Forest Service will provide for completing the requirements of this Section for forest practices and National Forest system lands.
- C. All projects that are not included for review in B above shall be reviewed under Section 14.500 of this Chapter.
- D. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal Investigators shall meet the professional standards published in 36 CFR Part 61.
- E. For federal or federally assisted undertakings, the reviewing agency will complete its consultation responsibilities under Section 106 of the Historic Preservation Act of 1966. [36 CFR 800.2]
- F. Discovery During Construction:
 - 1. All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the reviewing agency in the event of the inadvertent discovery of cultural resources during construction or development.
 - 2. In the event of the discovery of cultural resources, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery, and recommend measures to protect and/or recover the resource.
 - 3. If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:
 - a. Stop all work in the vicinity of the discovery.
 - b. The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the County coroner, and appropriate law enforcement agencies.
 - c. The Forest Service shall notify the tribal governments if the discovery is

determined to be an Indian burial or a cultural resource.

G. Effects to Cultural Resources

Reviewing agencies shall use the following steps under 36 CFR 800.4 for assessing potential effects to cultural resources. and 36 CFR 800.5 for assessing adverse effects to cultural resources

1. Literature Review and Consultation

- a. An assessment of the presence of any cultural resources, listed on the National Register of Historic Places at the national, state or local level, on or within the area of potential direct and indirect impacts.
- b. A search of state and County, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office and tribal governments. State and tribal government response shall be within 30 days.
- c. Consultation with cultural resource professionals knowledgeable about the area.

2. Field Inventory

- a. As determined by G(1) above, the presence of a recorded or known cultural resource, including those reported in consultation with the tribal governments on or within the immediate vicinity of a new development or land use, shall require a field inventory by a cultural resource professional.
- b. Tribal representatives shall be invited to participate in the field inventory.
- c. The field inventory shall consist of one or the other of the following standards, as determined by the cultural resource professional:

(1) Complete Survey:

- (a) The systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects.
- (b) A complete survey may also require techniques such as clearing of vegetation, auguring or shovel probing of subsurface soils for the presence of buried cultural resources.

(2) Sample Survey:

- (a) The sampling of an area to assess the potential of cultural resources within the area of proposed development or use.
- (b) This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy.
- (c) A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.
- (d) Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata.
- (e) Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

d. A field inventory report is required, and shall include the following:

- (1) A narrative integrating the Literature Review in G(1) with the Field Inventory G(2).
- (2) A description of the Field Inventory methodology utilized under G(2), describing the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.
- (3) A statement of the presence or absence of cultural resources within the area of the new development or land in use.
- (4) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included.
- (5) Recommendations and standards for monitoring, if appropriate, shall be included.

e. Report format shall follow that specified by the Oregon State Historic Preservation Office.

f. The field inventory report shall be presented to the Forest Service for review.

3. Evaluations of Significance

- a. When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource relative to the criteria of the National Register of Historic Places (36 CFR 60.4).
- b. Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.
- c. Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, "Guidelines for the Evaluation and Documentation of Traditional Cultural Properties", within local and regional contexts.
- d. Recommendations for eligibility of individual cultural resources under National Register Criteria A through D (36 CFR 60.4) shall be completed for each identified resource. The Forest Service shall review evaluations for adequacy.
- e. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.

4. Assessment of Effect

- a. For each significant (i.e., National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.5 "Assessing Effects". Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for (b) through (d) below. The Forest Service shall review each determination for adequacy.
- b. If the proposed development or change in use will have "No Adverse Effect" (36 CFR 800.4) to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Standards" of 36 CFR 800.11. If the proposed development or change in use will have an effect then the criteria of adverse effect must be applied (36 CFR 800.5).
- c. If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.5 to a cultural resource, the type and extent of "Adverse Effect" upon the qualities of the property that make it eligible to the National Register shall be documented (36 CFR 800.6 "Resolution of Adverse Effects"). This documentation shall follow the process outlined under 36 CFR 800.11, ("Failure to Resolve Adverse Effects").

- d. If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.11 "Standards".

5. Mitigation

- a. If there will be an effect on cultural resources, measures shall be provided (36 CFR 800.6 "Resolution of Adverse Effects") for mitigation of effects. These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.
- b. Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.
- c. The Forest Service shall review all mitigation proposals for adequacy.

