

3.9 HERITAGE RESOURCES

3.9.1 Introduction

The National Historic Preservation Act (NHPA) of 1966 established the federal government's policy and programs on historic preservation. Section 106 of the Act requires federal agencies having direct or indirect jurisdiction over a proposed federal or federally assisted or permitted undertaking, to take into account the effects an undertaking may have on historic properties listed on or eligible for the National Register of Historic Places, and it affords the Advisory Council on Historic Preservation an opportunity to comment on such undertakings (USA 1966). The Washington State Office of Archaeology and Historic Preservation and the Advisory Council on Historic Preservation are the state and federal agencies, respectively, responsible for overseeing the management and protection of historic properties in compliance with the NHPA.

Historic resources are districts, sites, buildings, structures, and objects that contain evidence of past human activities. They include historic and prehistoric sites and properties of traditional religious and cultural importance.

Prehistoric heritage resources may include, but are not limited to the following, all of which predate the entry of Euroamerican trade goods and people into the region (roughly 9500 BC to 1800 AD):

- Isolated artifacts;
- Campsites (often marked by evidence of stone tool manufacture and use) and features (such as huckleberry drying trenches, peeled cedar trees) related to hunting and gathering forages; and
- Rock shelters/rock features used for shelter, markers, storage, ceremonial, or other uses.

Ethnographic archaeological sites are defined as properties that contain artifacts and features related to Native American lifeways which post-date the entry of Euroamerican trade wares and people into the region, and pre-date contemporary Native American uses of the landscape (roughly A.D. 1800 to 1945). Ethnographic period archaeological resources include items made from trade metals such as steel digging tools, clothes or implements decorated with trade beads.

Historic period heritage resources are defined as artifacts and features that relate directly to Euroamerican entry into, and utilization of, the landscape (roughly A.D. 1800 to 1945). Historic properties may include forts, homesteads, cabins, irrigation ditches, telecommunication lines, blazed trees, wagon roads, early Forest Service administrative improvements (including developments made by members of the Civilian Conservation Corps during the 1930s and 40s), and trash dumps. Archaeological sites that contain features and/or artifacts indicative of more than one temporal/cultural affiliation (e.g., an area that contains lithics and the remains of a 1902 homestead) are identified as multi-component properties.

The 1992 and 2001 NHPA amendments specify that properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization (traditional cultural properties) may meet the criteria for listing on the National Register. In carrying out its responsibilities under Section 106, a federal agency is required to consult with any Indian tribe that attaches religious and cultural significance to these properties, as described in 16 USC 470a(d)(6)(A) and (B). National Register Bulletin 38 defines a traditional cultural property as a property that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community (USDI 1994).

To be considered eligible for the National Register of Historic Places, heritage resources must meet one or more of the following criteria laid out in the NHPA: The quality of significance in American History, architecture, archeology, engineering and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, workmanship, feeling and association, and:

- a) That are associated with events that may have made a significant contribution to the broad patterns of our history; or
- b) That are associated with the lives of persons significant in our past; or
- c) That embody the distinctive characteristics of a type, period, or method of construction that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose component may lack individual distinction; or
- d) That have yielded, or may be likely to yield, information important in prehistory and history (36 CFR 60). A property with traditional heritage value must meet the following eligibility criteria considerations (USDI 1994):
 - i. The property must be tangible and discrete. “[It] should be clearly recognized at the outset that the National Register does not include intangible resources themselves. The entity evaluated must be a tangible property – that is, a district, site, building, structure, or object.” (USDI 1994, 9).
 - ii. The property must have clearly definable physical references that can be documented historically. “The National Register discourages nomination of natural features without sound documentation of their historical or heritage significance.” (USDI 1994, 9). Furthermore, National Register designation of large land areas is warranted only when such areas contain multiple properties definable as a historic district by theme group or heritage significance.

- iii. The traditional values attributed to the property must have a documentable history of at least 50 years (USDI 1994, 15).
- iv. The property must be traditional and of integral importance to the ethnic group or Indian tribe (USDI 1994, 10).
- v. The property's significance must be established through multiple lines of documentation (e.g., archaeology, history, oral tradition, ethnography, ethnohistory, or a preponderance of evidence in any one of these fields).

Besides the NHPA, a number of additional legislative and executive orders direct consideration of the cultural environment on NFSL and are relevant to the current project, including the American Indian Religious Freedom Act of 1978, Executive Order 11593 (1971), Executive Order 13007 (1996), and the Native American Graves Protection and Repatriation Act of 1990. Each of these laws and EOs are briefly discussed below.

The American Indian Religions Freedom Act of 1978 (P.L. 95-341) states that it is the policy of the United States to protect American Indians' right to believe, express and exercise their traditional religions, including but not limited to "access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites". The American Indian Religions Freedom Act of 1978 reaffirms the responsibility of federal agencies to evaluate their policies and procedures with the aim of avoiding infringements on Indian religious freedom, and to make a good faith effort to consult with Indian people about protecting Indian religious cultural rites and practices.

Executive Order 11593 requires agency heads to locate, inventory, and nominate all eligible cultural resources to the National Register of Historic Places and exercise caution until these inventories and evaluations are complete to ensure that no eligible federally owned property is transferred, sold, demolished or substantially altered. The order outlines procedures for meeting the inventory requirements of NHPA and NEPA and established the principal of "interim protection" which states that, until a resource has been evaluated, it must be treated as if it were eligible for the National Register of Historic Places.

Executive Order 13007 mandates that federal agencies protect and accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners. The order also mandates that agencies avoid adverse physical effects to such sites to the extent practicable and that they maintain the confidentiality of sacred sites. The executive order affirms that federal agencies should give reasonable notice of proposed actions or land management policies that may restrict future access to or ceremonial use of, or may adversely affect the physical integrity of, sacred sites.

The Native American Graves Protection Act (P.L. 101-601, implementing regulations at 43 CFR 10) addresses the rights of lineal descendants and members of Indian tribes, Alaska Natives, and Native Hawaiian organizations to retain certain human remains and precisely defined cultural items. It covers items currently in federal repositories as well as future discoveries. Federal agencies must consult with the most likely direct descendant or a culturally affiliated tribe or organization where an undertaking may affect an Indian grave site.

3.9.2 Field Surveys

Archaeological studies in the central Washington Cascades are limited, but recent investigations in the southern Washington Cascades indicate that archaeological sites have evidence of food plants (Mack and McClure 2002) and lithic resource utilization (McClure 1989; Zweifel and Reid 1991). A growing body of archaeological work in the uplands and mountainous regions of the southern Cascades is providing archaeologists with information on hunter-fisher-gatherer land use patterns in high elevation regions. Areas once considered little used may provide information about hunter-fisher-gatherer settlement patterns, resource procurement strategies, travel and trade routes, and religious practices. McClure (1989) surveyed portions of the Goat Rocks Wilderness, 10 miles south of the Project Area, and recorded seven high elevation sites (Cook and Moura 1986). Uebelacker (1980, 1986) examined hunter-fisher-gatherer and historic land use patterns and potential resource utilization in the southeastern Cascades, reporting that sites commonly occur in passes, saddles and gaps, along ridges, lakes, stream courses, springs, and in association with huckleberry fields in crestral uplands. Burtchard's (1998) work at Mount Rainier supports the growing recognition of the importance of montane landscapes to prehistoric people, and sample surveys more than quadrupled the total number of formally documented prehistoric archaeological localities in the park. The Mount Rainier archaeological record provides evidence of hunting-related use of the subalpine and alpine settings on all sides of the mountain between at least 5,000 and 2,000 years ago (Burtchard 1998).

In the watershed analysis of the Upper Tieton watershed (USDA 1998b), 110 heritage properties were identified. While this analysis did not cover the White Pass Study Area portion of the Upper Tieton watershed, a temporal/cultural association with major vegetative groups was made, and only four of the 110 heritage properties were found in the wet forest vegetative type found in the White Pass Study Area. This pattern may indicate that the probability of finding further archaeological properties in the Analysis Area, which is a part of the Upper Tieton watershed, is low.

In conformance with the NHPA, 36 CFR 800 Federal Regulations, the Amended Forest Plans, Wenatchee National Forest Heritage Resources Inventory Strategy and the Gifford Pinchot National Forest Probability Zones for Cultural Resources Survey, at least 17 archaeological sample surveys have been conducted in the White Pass Study Area between 1982 and the present (refer to Table 3.9-1). Four of these surveys (Cook 1986; Moura 1987; Dugas et al. 1997; Beidl 2004) were conducted in Hogback and

Pigtail Basins, in the vicinity of the area currently proposed for chairlift construction. In addition to pedestrian survey of proposed disturbance areas, two of these efforts also included shovel testing of project area landforms considered likely to contain cultural deposits (Moura 1987; Dugas et al. 1997). Only one cultural property, a segment of the historic Cascade Crest Trail (06-17-08-749), was identified in the Project Area by these surveys. The original Cascade Crest Trail route has been relocated and abandoned through most of the White Pass Study Area, and this segment of the historic trail is not considered eligible for listing on the National Register due to a lack of physical integrity. The other nearest documented site is an historic trail shelter built in the 1930s by the Civilian Conservation Corps at Leech Lake (06-17-08-108), approximately 2 miles northeast of the White Pass Study Area. The shelter, documented and dismantled in 1985 due to its deteriorated condition and concerns for public safety, is not eligible for listing on the National Register.

A variety of other cultural properties have been documented within about 6 miles of the White Pass Study Area. While these properties would not be directly or indirectly affected by the proposed actions, they do provide indications of prehistoric to historic uses of the general area. These properties include a trail shelter at Sand Lake (06-17-08-112), a lithic scatter (06-17-08-128), an historic camp associated with construction of Clear Lake Dam (06-17-08-130), an historic church camp (06-17-08-133), segments of the old Tieton Road (06-17-08-145), a peeled cedar tree (06-17-08-286), two talus pits (06-17-08-678), and an historic bridge (06-17-08-680).

**Table 3.9-1:
Heritage Resource Investigations in the White Pass Analysis Area**

Title	Authors	Year	Location	Heritage Resources Identified
Addendum Expansion Survey	Beidl	2004	Hogback Basin	Yes ^a
Half Pipe	Beidl	2003	East of Chair 5	None
Chair #4 Yurt	Beidl	2002	Above Chair 4	None
Yurt and Sewer Line	Beidl	2002	Leech Lake, US 12	None
Generator Shed	Beidl	2000	Office Area	None
Cabin/Office Reconstruction	Beidl	1998	Office Area	None
Expansion Archaeological	Dugas, et al.	1997	Hogback Basin	None
Proposed Five Year Master Plan	Johannsen	1995	Permit Area	None
NWAC Weather Station	Ottaway	1993	Pigtail Peak	None
Ski Lift and Hazard Tree	Ottaway	1993	Area East of Chairlifts 1/2	None
Leech Lake Dam Check	Geffen	1989	Leech Lake Vicinity	None
White Pass Sewer Expansion	Martinson	1991	Leech Lake	None
Additional Expansion Coverage	Moura	1987	Hogback Basin	None
X-Country Ski Trail Expansion	Moura	1987	Leech Lake, Dark Meadow	None
White Pass Ski Run Blasting	Hiler	1987	Between Chairlifts 1/3	None
Proposed Ski Area Expansion	Cook	1986	Hogback Basin	None
White Pass Chairlift #4	Hiler	1982	Chairlift 4 Route	None

^a Segment of historic Cascade Crest Trail through White Pass Permit Area documented and evaluated.

In summary, archaeological survey work in the White Pass Study Area to date has not identified any National Register eligible heritage resources (historic properties) in or adjacent to the White Pass Study Area. A segment of the historic Cascade Crest Trail lacks the physical integrity of location and design to be listed on the National Register. A former Civilian Conservation Corps era trail shelter at Leech Lake was removed in the 1980s.

Appendix J provides a description of the Prehistory, Ethnohistory/Ethnography, History and a summary of the cultural properties at White Pass.

3.9.3 Reserved Treaty Rights

Indian tribes hold certain rights and privileges reserved under treaty, statute, and executive orders. Courts have recognized the origins of certain treaty rights as being “reserved” by tribes from land cessions made by the tribes to the United States rather than as rights “granted” to tribes by the United States. Indian reserved rights continue to be exercised by tribes and their members today under tribal regulation and remain enforceable under the supremacy clause of the Constitution until extinguished by express Congressional action. Portions of the White Pass Study Area within the Upper Tieton watershed fall within the area ceded by the Yakima Treaty.

Under the provisions of Article 3 of the Yakima Treaty in 1855, enrolled tribal members of the Yakama Nation and other Indian groups, specified in the treaty language, secured:

The exclusive right of taking fish in all streams, where running through bordering said reservation (Yakima Reservation defined in Article 2), is further secured to said tribes and band of Indians, as also the right of taking fish in all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary building for curing them; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

3.9.4 Tribal Consultation

In 1997, members of the Yakama Nation expressed concerns that the cultural and spiritual values of the area are more than actual sites and any additional use and disturbance is of concern. Forest Service officials met with the Yakama Nation cultural committee in 1997 and 1998. On March 17, 1998, the Deciding Officer met with the Yakama Nation Cultural Program Manager and three Tribal Council Members. In the March 17 meeting, the Yakama Cultural Program Manager gave an explanation of how errors were made in the past in determining the boundary of the lands ceded by the Yakama in the treaty and how this affects the way the Forest Service needs to view the Yakama cultural interests in the lands around White Pass. One Yakama Councilman said there are sacred areas of concern to him in the area of the expansion proposal. In addition, the Cultural Program Manager told of Kamiakin’s use of the Goat

Rocks, Hogback Basin, and other areas to the north and west of White Pass. He also told of the sacred nature of the high points along Hogback Ridge, following the line that is now the boundary of the Goat Rocks Wilderness. He expressed concern about protecting these high points now and in the future. Other concerns expressed by the Yakama Cultural Program Manager in the March 17 meeting were how more people accessing the expansion area will treat the land, the possible increase in litter, parking lot runoff and its effect on water quality and fisheries, and safety of people accessing the backcountry. Forest Service officials again met with the Yakama Indian cultural committee on July 23, 2004. No new concerns about the expansion proposal were raised.

A Forest Service line officer and staff met with officials of the Cowlitz Tribe on March 30, 2004. Concerns expressed about the proposal included the displacement of backcountry skiers and impacts to Wilderness due to easier access (increased visitation, sanitation and litter, public safety), a desire to monitor ground disturbance to protect any unidentified archaeological sites, building of roads in roadless areas, water use and cycling, and effects to natural resources if ski trails were salted in the spring. Tribal representatives expressed support for shuttle services to deal with highway traffic over road expansion (for its potential to minimize environmental impacts and provide economic benefits to nearby communities such as Packwood). Tribal members also indicated general support for roaded access to public recreation areas such as White Pass.

In response to the release of the DEIS in December 2004, the Yakama Nation submitted a comment letter (refer to Volume 3 – Response to Comments). A key component of this comment letter was an indication that:

“We cannot stress enough that where this water originates high up in the mountains, on a ridge to where you look east is the ceded land of the Yakama Nation and to the west is usual and accustomed land of the Yakama Nation, will always be a sacred and sensitive place. A place which our people travel to and bless the sacred elements.”

During the development of the FEIS, the Naches District Ranger met with representatives of the Confederated Tribes and Bands of the Yakama Nation natural and cultural resources staffs to describe the Preferred Alternative and solicit their comments. Subsequently, the Deputy Director, Division of Natural Resources submitted written comments in a letter dated October 6, 2006. The letter formally documented oral comments expressed during the meeting. There was general disappointment that the Preferred Alternative included expansion of the White Pass Ski Area into the Pigtail and Hogback Basins with a number of specific concerns cited, including:

- The significant cultural importance of the expansion area to the Yakama people.
- The economic viability of the ski area, particularly related to the uncertainty of sufficient snow pack and the expenses involved with expansion.

- Provisions for rehabilitating or restoring developed areas should the ski area cease to be viable.
- The effects of increased human activity on wildlife (harassment) and water quality (erosion, sediment and pollutants).
- The effects of improved access to and use of the adjoining Goat Rocks Wilderness.

3.9.5 Environmental Consequences

In conformance with the NHPA (as revised in 2001), 36 CFR 800 federal regulations, the Forest Plans as amended, Wenatchee National Forest Heritage Resources Inventory Strategy, and the Gifford Pinchot National Forest Probability Zones for Cultural Resources Survey, archaeological and ethnographic studies have been conducted in the White Pass Study Area. These surveys have not identified any National Register eligible, listed or potentially eligible cultural properties in the White Pass Study Area. While no historic properties have been located, an archaeologist would be on-site during construction-related activities.

The issue indicator used for heritage resources is the ability to mitigate adverse effects to historic properties located within the White Pass Study Area, and to protect American Indian access into Hogback Basin for the exercise of treaty rights, religious and other traditional uses.

3.9.5.1 Alternative 1 – No Action

Alternative 1 would have no impact on heritage resources or reserved treaty rights. There would be no ground-disturbing activities occurring outside the existing White Pass SUP area under the No Action Alternative. Current uses within the ski area and within Pigtail and Hogback Basins would remain unchanged.

3.9.5.2 Direct and Indirect Effects Common to All Action Alternatives

Under all Action Alternatives, there would be no effect to historic properties because none have been identified to date within the White Pass Study Area. The only potential direct or indirect impact to archaeological heritage resources would be from ground-disturbing activities in areas of dense vegetation, where surface visibility proved difficult during archaeological field surveys, and where as yet unidentified historic properties could exist. The relative risk to unidentified archaeological resources can be ranked according to the amount of new ground disturbance proposed.

The only clearing to mineral soil would be the minimum necessary for the foundations of the lift buildings and towers, spur road, new day lodge, waste disposal system, trail relocation, and utility installation, but some amount of ground disturbance would occur under all Action Alternatives. In addition, the PCNST re-route under Modified Alternative 4 would require ground disturbance. Ranking alternatives by the total amount of short-term grading impacts as a relative measure of new ground

disturbance indicates 1.2 acres of short-term grading impacts under Alternatives 6 and 9, 4.8 acres under Alternative 2, and 12.9 acres under Modified Alternative 4 (refer to Table 3.2-3). The majority of the grading under Modified Alternative 4 is associated with the 7-acre parking lot located along US 12. As described in Section 3.2 – Geology and Soils and Section 3.3 – Watershed Resources, Mitigation Measures MM1 through MM11 would be implemented to reduce the effect of soil disturbance, and Mitigation Measures MM12, 13, and 14 would be implemented to minimize impacts to any as yet unidentified heritage resources (refer to Table 2.4-2). Table 2.4-3 and Table 2.4-4 contain Management Requirements and Other Management Provisions that would be implemented to reduce impacts to soils, watershed resources, vegetation, wildlife and other resources, as described in Chapter 3 (e.g., 3.2 – Geology and Soils, 3.3 – Watershed Resources, 3.4 – Fisheries, 3.5 – Vegetation, and 3.6 – Wildlife).

Archaeological monitoring would mitigate the relative risk of impacting as yet unidentified heritage resources. A professional archaeologist would monitor ground disturbing activities within the White Pass Study Area during construction. Tribes would be notified as to when construction would start so they could be present to observe activities that may uncover heritage resources. In the event that unanticipated heritage resources are located, all activity in the vicinity of the resource would stop pending notification and consultation with Forest Service archaeologists. Any newly identified historic properties identified in the expansion area prior to, during or following construction would be protected pursuant to conditions outlined in the White Pass Ski Area SUP, whereas it shall be the responsibility of the permit holder to ensure that (1) employees and contractors are aware that all heritage resources are protected by law and (2) discovery of such resources would be promptly reported to the Forest Service.

Direct and indirect effects to resources and values of concern to the Yakama Nation and Cowlitz Tribe would be avoided, to the greatest extent practical, by project design. Alternative 9, which would confine new development to the existing SUP area, best addresses tribal concerns related to expansion into Hogback Basin, but also proposes the most detrimental soil disturbance (refer to Table 3.2-3 and Section 2.3 – Geology and Soils), particularly relating to grading in the vicinity of perennial streams located in the northeast portion of the existing SUP area. Alternative 2 and Modified Alternative 4 are similar with respect to expansion into Pigtail and Hogback Basins, with two chairlifts and associated trails, a mid-mountain lodge, and an increase of the SUP by 767 acres. Under Alternative 6, there would be no development in the Hogback Basin. Development in Pigtail Basin under Alternative 6 would involve one chairlift and associated trails, and an SUP increase of 282 acres. Specific effects related to the displacement of backcountry skiers, US 12 traffic and shuttle service, potential construction of a road in roadless areas, and impacts to water, vegetation, fish and wildlife resources are discussed in other sections of this Chapter. In general, however, vegetation clearing would be the minimum necessary to connect existing openings where ski trails and lift corridors are proposed under all Action Alternatives. This clearing would be mainly trees and would not involve clearing to mineral soil or ground cover/brush removal, so the rest of the existing vegetation that may be important for use by the tribes would remain. Under Alternatives 2, 6 and Modified Alternative 4, the design and location of lift facilitated ski trails

would avoid the high points along Hogback Ridge that may be of concern to the Tribe(s). Under all alternatives, tribal access to the area would persist, and medicinal and food plants would continue to be available in the project area. Water resources, including natural springs, would be protected as described in Section 3.3 – Watershed Resources. Big game, although their migration trails are not known to exist within the project area, would not be directly or indirectly adversely affected by the actions proposed under any alternative (refer to Section 3.6 – Wildlife). Finally, White Pass does not currently salt ski trails. The company has indicated it has no plans to do so in the future, and this activity is not part of any analyzed alternative.

3.9.6 Cumulative Effects

No known effects to historic or cultural properties are expected under the Action Alternatives. As described in Section 3.9.6.1, archaeological field surveys identified no historic properties or heritage resources within the White Pass Study Area. Impacts to unidentified heritage resources may arise due to grading, clearing and excavation actions during project implementation. Access by American Indians for traditional uses and the exercise of treaty rights will remain unchanged under all alternatives. However, coupled with the past, present and reasonably foreseeable projects in the vicinity of the White Pass Study Area, the White Pass expansion may be viewed by some tribal members as further diminishment of the values and resources associated with the White Pass area and Hogback Basin.

In summary, the effect to heritage resources from the White Pass expansion, coupled with the effects of past, present and reasonably foreseeable projects in the area, is an increase in the risk of damage to unidentified cultural and historical resources during soil disturbing activities, and increased perception of diminished values and resources in the White Pass Study Area by some tribal members.