


THE NATIONAL FOREST SYSTEM: CULTURAL RESOURCES AT RISK
An assessment and needs analysis

MAY 2008



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The National Forest System: Cultural Resources At Risk

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The Public Lands Initiative Team of the National Trust for Historic Preservation

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PHOTO CREDITS:

THREE BOXED PHOTOS: L to R:

Chimney Rock Pueblo (1076-1125), San Juan National Forest, Colorado. Included on Colorado Preservation's 2008 List of Endangered Places due to significant deterioration of pueblo masonry.

Upper Sandy Guard Station (1934), Mt. Hood National Forest, Oregon. Threatened by lack of maintenance and deterioration, including major roof damage.

Falling Spring Mill (1927-1929), Mark Twain National Forest, Missouri. The Forest's cultural resources were included on the National Trust for Historic Preservation's 2007 List of America's 11 Most Endangered Places due to lack of agency funding, deteriorating condition and the threat of demolition.

BOTTOM PHOTO:

Interlaken Resort (late 19th century), Pike-San Isabel National Forest, Colorado. The buildings at Interlaken are being restored for public use with the help of thousands of hours of volunteer labor and financial support of a variety of partners including the National Trust for Historic Preservation.

TABLE OF CONTENTS

Executive Summary	page 5
I. Introduction	page 6
II. Laws, Regulations, and Policies for Cultural Resource Management..	page 11
III. Heritage Program	page 22
IV. Balancing Recreational Use with Cultural Resource Protection	page 34
V. Consulting Partners for Cultural Resource Protection	page 35
VI. Law Enforcement for Cultural Resources	page 37
VII. Conclusion	page 39
Summary of Recommendations	page 40
The U.S. Forest Service and the National Trust for Historic Preservation	page 41
Appendices	pages 42-53
1. Abbreviations Used	page 42
2. Forest Service Regional Map	page 43
3. Comparison Chart of Federal Land Management Agencies.....	page 43
4. Summary of Cultural Resource Sites by Forest Service Region	page 44
5. USFS Washington Office Organization Chart for Heritage Programs	page 45
6. Methodology and Acknowledgments.....	page 46
7. Interview Questions.....	page 46
8. Heritage Program Highlights by Forest Service Region.....	page 48



“National Forests contain much of the undisturbed evidence of early habitation in America. The remoteness of much National Forest land has limited the impact on these cultural resources. Increasing public use of the outdoors and the intensified development of public lands are increasing the probability that cultural resources may be damaged or lost.”¹

¹ Forest Service Manual 2360.

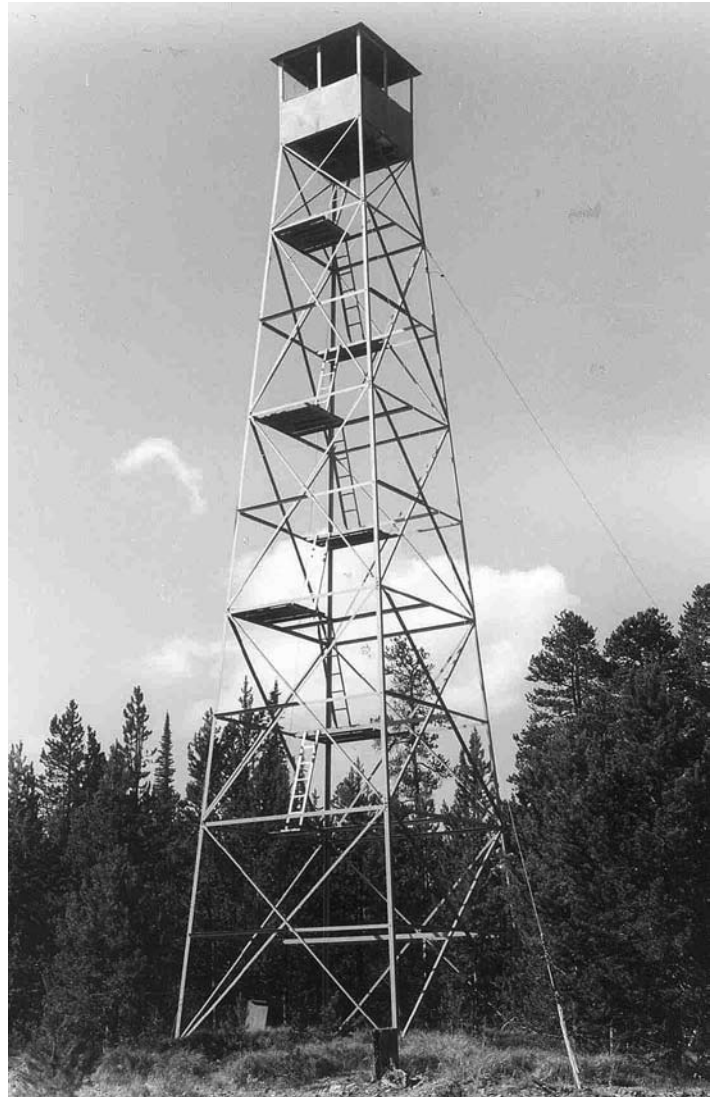
EXECUTIVE SUMMARY

When Congress created the United States Forest Service (Forest Service) in 1905, it charged the agency with sustainable management of the National Forest System (System), which today includes 193 million acres of National Forests and grasslands found in 44 states and Puerto Rico. The agency’s mission is “[t]o sustain the health, diversity, and productivity of the Nation’s forests and grasslands to meet the needs of present and future generations.” While there are hundreds of thousands of important historic, archeological and cultural resources in the System—termed “cultural resources” by the Forest Service and used in the same meaning throughout this report—protection of these special places has not been a priority of the Forest Service. Unlike the organic acts (foundational statutes) of other federal land management agencies such as the Bureau of Land Management, no statute specific to the management of the System even mentions historic or archeological resources as part of the mission of the Forest Service. This narrow view of the Forest Service’s mission won approval from the U.S. Supreme Court in 1978 when, in a controversial decision, it ruled that Congress intended National Forests to be reserved for only two purposes: to protect watersheds and to ensure a continuous supply of timber.²

With responsibility for 193 million acres of public land that contain an estimated two million cultural resource sites, including 27 National Historic Landmarks (NHLs), it is appropriate to ask if the Forest Service is committed to and capable of fully carrying out its stewardship duties under the National Historic Preservation Act (NHPA). The Forest Service Strategic Plan for FY 2004-08 makes only one passing reference to cultural resources under its care, noting that “the fastest growing projected outdoor recreation activities are visiting historic places. . . .”³ While the Forest Service has identified nearly 325,000 cultural resource sites within the System, the agency lacks the will, statutory guidance, and funding to adequately care for these known sites and to identify and evaluate the remaining 80 percent of Forest Service lands that have not been surveyed for cultural resources. Similar to the

threats facing other public lands, cultural resources are threatened by insufficient funding, too few staff, lack of political will on the part of senior agency officials, vandalism, fire, theft, damage caused by some types of recreation, oil and gas extraction, mining, timber harvesting, and grazing.

Over the past decade, the Forest Service has grappled with the increasingly heavy burden of a multi-layered administrative process for forest management, more complex legal requirements, and a declining budget. A 1995 report entitled *Review of the Forest Service Legal and Regulatory Framework* cites numerous laws that impose requirements on the agency, but makes no mention of NHPA. A June 2002 report, *The Process Predicament: How Statutory, Regulatory and Administrative Factors Affect National Forest Management*, is similarly silent about any responsibility to manage or protect cultural resource sites within Forest Service lands. Both reports deal extensively with the need to simplify, streamline, and reduce the burden of laws and regulations applicable to the management of the System. The lack of any discussion about the Forest Service’s responsibility for the management of cultural resources under NHPA is disturbing.



² United States v. New Mexico, 438 U.S. 696, 707 (1978).

³ USDA Forest Service Strategic Plan for FY 2004-08 (2004), page 29.

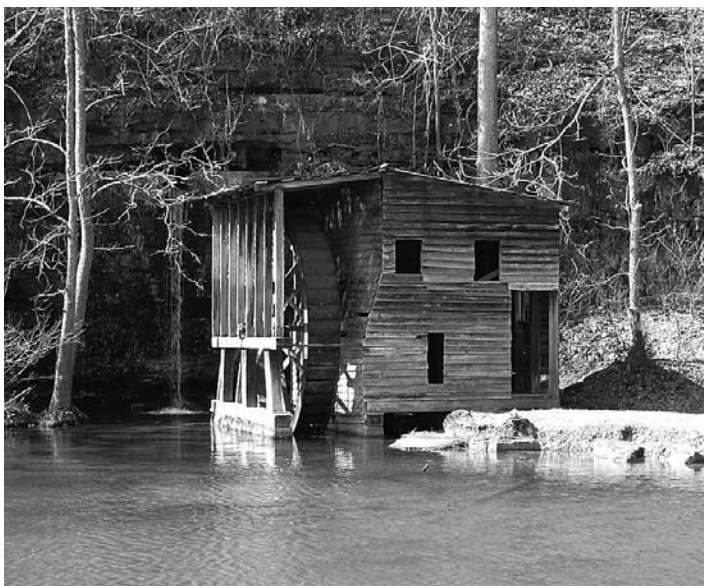
The agency's mission is "to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations."

On the other hand, perhaps more than any other federal agency, the Forest Service has taken measures to identify the places and structures important to its own history, and has actively sought to protect many of these, including ranger stations, fire lookout towers, cabins, Civilian Conservation Corps (CCC) camps, and historic trails that tell the story of more than 100 years of Forest Service history.

However, with nearly 325,000 identified cultural resource sites and thousands more undiscovered, the Forest Service has a far greater responsibility for managing cultural resources, especially Native American archeological sites and Revolutionary and Civil War battlefields, than the agency or the public realize. The agency is unable to achieve the cultural resource management needed to match the scale of the task, despite the best efforts of a small, dedicated staff of cultural resource professionals, mostly archeologists. The Forest Service's management of historic resources urgently needs a new approach. To accomplish this, changes must be made in statutes, regulations, policies, budget, and staffing levels. Additionally, other federal agencies and non-governmental organizations that partner with the Forest Service should be encouraged play a role in encouraging and supporting these changes.

I. INTRODUCTION

The Forest Service is specifically charged with protecting the National Forests and watersheds and using the forests for timber production. Ensuring the protection and sensitive use of cultural resources within these lands is not required by the laws applicable to only the Forest Service, although it is addressed by other federal statutes. As a result, only limited attention is being paid to protect irreplaceable historic and cultural assets from such threats as vandalism, looting, and overuse. Some Forest Service Regions and Districts handle cultural resource management responsibilities better than others, however, more can and must be done to change Forest Service priorities and practices.



Agency History in Brief

The history of the Forest Service begins officially in 1891 when Congress, reacting to the abuses that accompanied the privatization of large tracts of western forests under the homesteading laws, passed the Forest Reserve Act. This act authorized the president to withdraw timbered lands from the public domain and to designate them as forest reserves. The Organic Administration Act of 1897 (Organic Act) organized these forest reserves into a National Forest System and provided the newly formed system with a three-fold purpose: to improve and protect the forests, to provide the American public with continuous supplies of timber, and to secure favorable water flow conditions. Congress removed the National Forests from the jurisdiction of the Department of the Interior's General Land Office in the Transfer Act of 1905 and placed them within the Department of Agriculture under the newly established Forest Service. By that time several presidents, most notably Theodore Roosevelt, had designated more than 156 million acres of federal land as forest reserves in 12 western states.

The System began to expand to eastern forests in 1931, when Congress passed the Weeks Act and authorized the Forest Service to buy private lands in the East. More recent large-scale additions to the System occurred in 1980 when President Jimmy Carter signed the Alaska National Interest Lands Conservation Act, which added several million acres to the Tongass and Chugach National Forests. The System continues to grow to this day, primarily through the small-scale acquisition of private in-holdings.

Throughout most of the 20th century, the Forest Service grew and solidified its varied professional programs on the strength of the revenue it generated from timber sales and grazing fees. Over that time, the Forest Service also became increasingly focused on managing the National Forests for timber production. A gradual shift occurred away from the utilitarian conservation ethic of Gifford Pinchot (the agency's first chief and the father of American forestry) to one favoring unsustainable management practices, including large clear-cuts on National Forests.

Growing concern among public interest groups for the Forest Service's apparent preoccupation with timber management led to a series of lawsuits in the 1960s and 1970s. In one notable decision, a federal appeals court held the practice of clear-cutting to be inconsistent with the Forest Service Organic Act.⁴ In another, the Supreme Court ruled that, in fact, Congress had only intended to establish National Forests for two primary purposes—watershed protection and timber production—and not the three listed in the Organic Act.⁵ This latter decision meant that, at least in the allocation of water resources, the Forest Service could prioritize timber and watersheds over other forest resources, including fish and wildlife.

Congress also weighed in on the Forest Service's administration of the System during this era. In 1960, Congress explicitly directed the Forest Service to manage National Forests for purposes other than watersheds and timber when it passed the Multiple-Use, Sustained-Yield Act (MUSY). These additional purposes included outdoor recreation, range, fish, and wildlife but did not include purposes pertaining to history or archeology. Sixteen years later, Congress enacted the National Forest Management Act of 1976 (NFMA) in which it ordered the Forest Service to maintain a continuous inventory of "renewable" resources under its jurisdiction and to administer these resources in accordance with land-use plans. However, like MUSY before it, NFMA contained no specific provision for historic or archeological resource management.

Congress passed a number of other landmark conservation, preservation, and environmental laws in the 1960s and 1970s that apply to the Forest Service and its management of the System. These laws include the National Historic Preservation Act (NHPA), National Environmental Policy Act (NEPA), Clean Water Act, Clean Air Act, Endangered Species Act, Wilderness Act, National Trails System Act, National Wild and Scenic Rivers Act, American Indian Religious Freedom Act, and Archeological Resources Protection Act (ARPA).

Today, the Forest Service manages approximately 193 million acres of forest and grassland throughout the continental United States, Alaska, and Puerto Rico. It does so by developing and periodically revising land-use plans and managing forest resources in a manner consistent with these plans. Land-use planning ensures that a single use, like timber production, does not dominate across the System and that the Forest Service provides and manages for multiple uses.



⁴ W. Va. Div. of Izaak Walton League of Am. v. Butz, 522 F.2d 945 (4th Cir. 1975).

⁵ United States v. New Mexico, 438 U.S. 696, 707 (1978).

Unfortunately, neither MUSY nor NFMA list historic or archeological resources as a specific responsibility of the Forest Service. As a result, the protection of cultural resources is not part of the Forest Service's mandate to manage and provide for multiple uses on the National Forests.

Overall, the Forest Service has identified some 325,000 cultural resource sites in the National Forests and Grasslands as of 2007.

Overview of Cultural Resources

Nationally significant cultural resources within the System reflect the range of human occupancy in the United States, from the prehistoric through the historic era. Prior to European settlement, many Native American tribes traditionally hunted, fished, and gathered within the mountains, valleys, and grasslands that currently make up National Forests, and many continue to do so today. Sites sacred to these tribes, often consisting wholly or partially of natural landscapes or features, dot the National Forests. Native Americans also established many of the trails used by the Lewis and Clark expedition on their journey across the Continental Divide to the Pacific Ocean. A number of sites now under the care of the Forest Service, including the Lemhi Pass National Historic Landmark (NHL) on the Idaho-Montana border, reflect the expedition's momentous passage. Emigrants who travelled west in the years after Lewis and Clark followed routes known now as the Oregon, California, and Santa Fe National Historic Trails through many modern-day National Forests. Finally, key battles of the Revolutionary, Indian, and Civil Wars were fought on lands now within the System, and slaves, fleeing along the Underground Railroad, passed through land that is also now under the Forest Service's jurisdiction.



The System also contains thousands of sites significant because of their importance to the Forest Service's own history. These resources, which include historic ranger stations, fire lookout towers, Gifford Pinchot's home, and Civilian Conservation Corps (CCC) camps, frequently receive special emphasis in Forest Service heritage programs.

Overall, the Forest Service has identified some 325,000 cultural resource sites in the National Forests and Grasslands as of 2007, with about 50,000 of these sites determined to be eligible for listing in the National Register of Historic Places (National Register or NRHP). Of these, only about 1,936 historic properties and archeological sites are listed in the National Register, and only 27 have been elevated to NHL status. Nearly 200,000 identified sites remain unevaluated. The small number of National Register and NHL listings is explained in part by the shortage of qualified

archeologists, historians, architectural historians, and other heritage program officers working on behalf of the Forest Service; the fact that NHPA Section 106 compliance requires that properties be evaluated for National Register eligibility, but not actually listed; and the limited amount of money available for historical research and surveys.

Threats to Resources

Cultural resources managed by the Forest Service face a variety of threats, none of which are entirely unique to National Forests. However, in part because cultural resources are not included in the statutory list of multiple uses for which the Forest Service manages National Forests, senior agency officials lack the will and direction to adequately respond to these threats. The following section highlights a few of the current threats to cultural resources within the System.

First, heritage resource programs are insufficiently funded and staffed. The Forest Service has a small, dedicated heritage staff fully committed to the identification and professional management of historic and cultural resources within its care. However, these individuals often lack the resources to carry out this critical work. Heritage programs account for approximately only 0.4 percent of the Forest Service’s appropriated budget of \$4.4 billion (FY 2008). In its 2004 “foundation report” required by President George W. Bush’s Preserve America Executive Order, the Forest Service recognized that “flat budgets and shifting agency priorities . . . over the past decade have made it difficult to maintain a baseline heritage program focused on the inventory, evaluation, and protection of priority sites and resources beyond those addressed in the course of NHPA Section 106 compliance.”⁶ Unfortunately, the declining budgets for Forest Service heritage programs have coincided with a sharp rise in the deferred maintenance backlog for historic structures within the System.

Second, the Forest Service lacks a clear statutory mandate to preserve and protect historic and cultural resources. Neither the Forest Service Organic Act nor NFMA require the Forest Service to inventory, plan for, or otherwise protect cultural resources under its care. As a result, Forest Service managers usually do not view cultural resource protection as a central or even peripheral component of the agency’s overall mission.

Third, conflicting political realities facing Forest Service decision-makers means that cultural resources may not receive adequate protection during the planning and implementation of forest projects. Oil and gas development, mining, logging, fire risk reduction, and grazing, all of which require some form of Forest Service approval, too often take precedence over cultural resource protection. Because the authority to take action on the forests lies primarily with Forest Supervisors and then with the 585 Ranger Districts—the fundamental administrative units of the Forest Service—Supervisors and District Rangers have a great deal of discretion in the allocation of staff and budgetary resources. If Forest or District staff care about the preservation of cultural resources within their jurisdiction, then resources will be allocated to ensure their protection. Conversely, if the Forest or District leadership prefers to assign staff and budgetary resources to other areas, then cultural resources may suffer, either from benign neglect or inadequate planning. This is demonstrated by the situation on the Mark Twain National Forest in Missouri where approximately 70 historic structures (including 21 National Register eligible or listed complexes) are slated for demolition or removal from federal ownership.

A dramatic rise in recreational off-highway vehicle (OHV) use in National Forests over the past few years has elevated the risk to fragile archeological sites. Increasingly sophisticated OHV equipment and users mean more and more looters and vandals are now able to reach previously inaccessible archeological sites. The limited law enforcement presence within the System compounds this problem and makes the apprehension of violators a major challenge.

Finally, the return of hard rock mining in the West will affect the preservation of historic and cultural sites within National Forests. A growing worldwide demand for uranium has resulted in an increase in requests for permits for new uranium mines. Pueblo tribes in New Mexico are particularly concerned about plans to mine uranium on Mount Taylor which is a sacred site to the Acoma and other tribes.



Heritage programs account for approximately only 0.4 percent of the Forest Service’s appropriated budget of \$4.4 billion (FY 2008).

⁶ Preserve America Report, U.S. Forest Service (2004), page 2.

Additionally, new hard rock mining in areas that were mined a century ago could threaten historic mining structures that still remain. Under the General Mining Act of 1872, a request for a permit for a hard rock mine can only be denied in instances where the owner cannot demonstrate the commercial viability of the mine, as contrasted with oil and gas development where federal agencies retain broader permitting authority. A bill to amend the 1872 Act recently passed through the House of Representatives and would help to level the playing field between hard rock mining and oil and gas development. The bill limits lands open to hard rock mining and gives federal agencies the ability to balance mineral activities with other uses of public land, such as the authority to deny a permit where mining development would have an adverse impact on a historic or cultural site.

The Need to Improve

More than any other federal land management agency, the Forest Service has maintained a strong sense of professionalism, albeit one focused principally on managing watersheds and timber supplies. But the Forest Service today is decentralized, grossly under-funded, and pulled in multiple directions by changing, and sometimes conflicting, responsibilities. With these restraints, the agency is failing to provide adequate attention and stewardship for its numerous significant historic and cultural resources.



While the Forest Service has developed an assortment of programs and non-governmental partners to support cultural resource protection across the System, much more is needed if the agency is to meet its stewardship responsibilities under NHPA. Until the Forest Service has sufficient funding and staffing to develop and implement a thorough and professional proactive heritage program, thousands of irreplaceable cultural resources under the agency's care will remain threatened. Attention to this overarching threat is urgently needed.

Significant improvements in cultural resource management within the Forest Service can be made, but will require leadership from the top of the agency, presidential support for new policies, and financial support from Congress.

Federal agencies and non-governmental organizations (such as the National Trust for Historic Preservation) concerned with historic and cultural resource protection can also play a role in encouraging and aiding these goals. This Assessment is designed to provide a better understanding of the requirements, concerns, and traditions of Forest Service staff at all levels. This can help historic preservation advocates to find common ground with Forest Service staff, and opportunities for greater interaction and collaboration.

II. LAWS, REGULATIONS, AND POLICIES FOR CULTURAL RESOURCE MANAGEMENT

The Forest Service must comply with a diverse and complex web of regulations, including more than 200 statutes. The following section looks at Forest Service laws, regulations, and policies that apply to cultural resource protection, and also at national legislation on historical, cultural, and environmental protection as it applies to the Forest Service.

Forest Service Statutes

Foundational Statutes

The foundational statutes governing the administration of the National Forest System have been described in the “Agency History in Brief” section of the Introduction. As previously stated, it is significant that none of them—the Organic Act, MUSY, Wilderness Act, NFMA, and others—place an explicit duty on the Forest Service to manage cultural resources.

Compare that to the foundational management statutes of other federal land management agencies. For the Bureau of Land Management (BLM), the Federal Land Policy and Management Act (FLPMA), which Congress enacted the same year as NFMA, provides that “the public lands [under the jurisdiction of BLM] be managed in a manner that will protect the quality of scientific, scenic, **historical**, ecological, environmental, air and atmospheric, water resource, and **archaeological** values. . . .”⁷ Although NFMA does grant the Forest Service the authority to consider “physical, economic, and other pertinent factors” when identifying areas that are unsuitable for timber production, cultural resources are not specifically mentioned in the statute.⁸

In addition, unlike BLM, the National Park Service (NPS), and the U.S. Fish & Wildlife Service, the Forest Service lacks broad discretion to enter into partnerships, cooperative agreements, or other forms of public-private relationships that regularly enhance the programs of these other agencies. What little authority the Forest Service enjoys in this area concerns projects or programs related to timber management, and is not frequently used for partnerships in recreation, heritage, education, or other public benefit programs.



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⁷ 43 U.S.C. § 1701(a)(8) (emphases added).

⁸ 16 U.S.C. § 1604(k).

Recommendations

Recommendation 1a: Amend NFMA to explicitly recognize the agency’s responsibility for historic and cultural resources on the lands it manages, in order to ensure the long-term preservation and appropriate public use of the Forest Service’s historic and cultural resources.

Recommendation 1b: Amend NFMA to grant the Forest Service the explicit authority to designate special management areas for sites listed in or eligible for the National Register.

Recommendation 1c: Amend NFMA to expand Forest Service authority to form public-private partnerships that will enhance its historic preservation responsibilities.

Forest Service Facility Realignment and Enhancement Act

The Forest Service Facility Realignment and Enhancement Act of 2005 (FREA) provides the Forest Service with sweeping authority to sell, lease, or exchange administrative sites under its jurisdiction. However, FREA does not contain any criteria requiring the Forest Service to consider the historical significance of an administrative site before making a conveyance. In addition, FREA does not require the Forest Service to place legally enforceable restrictions on a conveyance to preserve a site’s historic character, although a disposal action is subject to Section 106 of the NHPA. Facilities eligible for conveyance under FREA include Forest Service Guard Stations, fire lookout stations, and Ranger Stations. Many of these may qualify for the National Register because, of the approximately 40,000 buildings and structures managed by the Forest Service, 60 percent are at least 30 years old.



FREA does prohibit the Forest Service from conveying land located within areas “exclusively designated for natural . . . or recreational purposes,” including wilderness areas, national monuments, and land that “would be in the public interest to retain.”⁹ While these types of designations could include historic and cultural sites, FREA does not explicitly prohibit the conveyance of land containing historic properties.

Proceeds from sale of administrative sites under FREA are kept by the Forest Service, which may use the money for “the acquisition, improvement, maintenance, reconstruction, or construction” of facilities in the System or to fund additional conveyances under FREA.¹⁰ The agency estimates that the sale of administrative sites under FREA will generate approximately \$35 million by 2010. This income replaces funding that had previously been appropriated by Congress. While some of these FREA funds could

be applied to the maintenance and restoration of historic resources in the System, there is no clear requirement in FREA to do so. Some Forests have taken a proactive preservation approach to the use of FREA funds. Utah’s Dixie National Forest, for example, is using \$75,000 from the sale of the Enterprise Work Center for rehabilitation of the Pine Valley Camp Ground Guard Station. However, funds from the sale of buildings under FREA are used for capital improvements at the discretion of each region, which means that in most regions, the sale of historic buildings is generating funding for the construction of new ones.

⁹ Id.

¹⁰ Id.

Although FREA will sunset on September 30, 2008, any conveyance initiated by the Forest Service before that date may go forward. According to the 2005 assessment prepared by the Forest Service pursuant to the Preserve America Executive Order, “each of the nine [Forest Service] regions has 15-25 heritage assets on the list of real assets being considered for conveyance out of federal ownership.”¹¹ A good indication that the Forest Service may convey at least some of the properties on this list is the agency’s *Annual Performance and Accountability Report for FY 2006*. This report states:

The Forest Service is utilizing enhanced disposal authorities to dispose of unneeded facilities. . . . As of June 2006, the agency closed sale on approximately \$24 million. . . . As an incentive for field units to optimize facilities, a multi-program charge was assessed in FY 2006. For FY 2007, field units will be assessed a charge based upon the amount of building square footage that they maintain. The incentive therefore, is to minimize that charge by eliminating unneeded or surplus square footage.¹²

Thus, square footage, workforce needs and cost savings, and not historical significance, have become the driving concerns in the management of administrative sites in the System. In fact, the report makes no mention of taking the historical significance of a structure into account. It also does not consider the feasibility of adaptive use, or of finding ways to use historic buildings for agency needs instead of building new ones.

Recommendations

Recommendation 2a: Amend FREA or succeeding acts to retain all or a significant part of funds derived from the sale of any historic administrative sites under FREA for maintenance or restoration of retained historic structures that are listed in or eligible for the National Register.

Recommendation 2b: Amend FREA or succeeding acts to require the attachment of legally enforceable preservation restrictions or conditions on properties listed in or eligible for the National Register to be transferred out of Forest Service ownership or control.

Recommendation 3: The Forest Service should provide each region with additional funding to conduct region-wide analyses of all facilities, both administrative and recreational, to determine eligibility for listing in the National Register before making any de-accessioning decisions under either FREA or RS-FMP (discussed later).

Healthy Forests Restoration Act

The Healthy Forests Restoration Act of 2003, which is focused on reducing the threat and impact of wildfires on communities adjacent to National Forests, caused the re-allocation of funds appropriated for a variety of program budget accounts, including the account funding the heritage resource program, to support hazardous fuels reduction and other projects authorized in the statute. In the past seven years, reducing the risk of catastrophic wildfires has become an all-consuming occupation of the Forest Service. The agency’s budget trends reflect this singular focus. Fire-related appropriations have dramatically increased in recent years, while virtually every other budget category, including heritage program funds, has declined.



¹¹ Preserve America Progress Report, U.S. Forest Service (2005), page 2.

¹² U.S. Department of Agriculture Highlights of the Forest Service Performance and Accountability Report (2007), page 12.

In prior administrations, the Forest Service addressed the effects of catastrophic wildfires and other natural disasters through the congressional appropriation of emergency funds in a supplemental appropriations bill. This method avoided reducing annual funding for forest management and operations. In contrast, the administration of President George W. Bush has generally refused to seek supplemental funds for purposes unrelated to national defense, and has required agencies such as the Forest Service to cut general management funding in order to cover the costs of responding to wildfires and other emergencies. As a consequence, the Forest Service's ability to identify, manage, and protect cultural resources has decreased.

Relevant Federal Acts and Orders Relating to Cultural and Environmental Protection and Planning



National Historic Preservation Act

The National Historic Preservation Act of 1966 provides federal agencies, including the Forest Service, with stewardship responsibilities for historic properties under their jurisdiction. Two sections of NHPA—Sections 106 and 110—are most applicable to this report. Section 106 requires the Forest Service to take into account the effects of actions like the issuance of grazing permits and timber sales on historic properties, and to provide the Advisory Council on Historic Preservation (Advisory Council) with a reasonable opportunity to comment on those actions. Section 110 requires the Forest Service to develop and implement a proactive historic preservation program that leads to the identification and evaluation of historic properties within the System and a determination of which are eligible for listing in the National Register.

While individual Forest Service Regions have taken positive steps to comply with legal standards for historic preservation, on the whole, the Forest Service has shown a general reluctance to fulfill its NHPA responsibilities, particularly Section 110. In fact,

the Forest Service regularly chafes at the imposition of any statutory requirement that the agency perceives as hampering its ability to focus on its perceived mandate: the management of timber and watersheds. Two internal self-assessments prepared in 1995 and 2002 respectively—*Review of the Forest Service Legal and Regulatory Framework* and *The Process Predicament*—decry the requirements of laws that are not directly related to forest management:

Statutory, regulatory, and administrative requirements impede the efficient, effective management of the National Forest System. As long as they do, the Forest Service's ability to achieve healthy, resilient ecosystems and otherwise meet its multiple-use mission will remain in doubt, undermining public confidence in the agency. . . . Unfortunately, the courts have increasingly directed Forest Service managers to obtain information beyond the agency's own view of what is reasonable.¹³

While neither report specifically singled out any historic preservation laws, the implication is clear that any legal requirement impeding "efficient and effective" forest management, including provisions of NHPA, is perceived by senior agency officials as burdensome.

¹³ U.S. Department of Agriculture, *The Process Predicament: How Statutory, Regulatory, and Administrative Factors Affect National Forest Management* (2002), pages 10, 20.

To its credit, the Forest Service concluded each of these reports by expressing the need for the agency to do a better internal job of streamlining its processes, of utilizing an adaptive management approach, and of working more with its partners—all outcomes that may enhance the management of cultural resources. More innovation by the agency in its historic preservation work along these lines could attract a whole new generation of citizen organizations and volunteers to augment its thin workforce and provide greater stewardship of historic and cultural resources.

Preserve America Executive Order

In 2005 President George W. Bush signed Executive Order 13287: “Preserve America.” This Executive Order establishes federal policy to provide leadership in preserving America’s heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the federal government. The order also encourages agencies to seek partnerships with state, tribal, and local governments and the private sector to make more efficient and informed use of these resources for economic development and other recognized public benefits. In addition, it directs the Secretary of Commerce, working with other agencies, to use existing authorities and resources to assist in the development of local and regional heritage tourism programs which are a significant feature of many state and local economies.¹⁴

The Forest Service, and all other federal agencies that manage property, was required to prepare an initial report for the Advisory Council and include summaries of the current status of its inventory of historic properties, the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment was to include an evaluation of the agency’s historic properties that could contribute to community economic development initiatives, including heritage tourism, taking into account agency mission needs, public access considerations, and the long-term preservation of the historic properties. Periodic updates about the agency’s progress toward reaching the Preserve America goals are also required by the Executive Order. In a recent presentation to the Advisory Council about current Forest Service Preserve America activities, the Agency highlighted the revisions of its Heritage Manual, the incorporation of Preserve America principles into performance measures, progress with the Infra/I-web database and the use of pilot projects and business mechanisms to fulfill Preserve America requirements.¹⁵ It also outlined the Agency’s proposed Preserve America goals for the next eight years, including developing a national business needs plan on heritage assets, using special funding incentives, and developing a national heritage advisory group.¹⁶



¹⁴ E.O. 13287 Sec. 1-5 (2003).

¹⁵ *USDA Forest Service Heritage Program Activities: Report to ACHP*, Washington, DC, (November 6, 2007), page 3.

¹⁶ *Id* at 49.

National Environmental Policy Act

The National Environmental Policy Act of 1969 requires federal agencies, including the Forest Service, to use “all practicable means” to “preserve important historic, cultural, and natural aspects of our national heritage. . . .”¹⁷ To further this overarching goal, NEPA establishes a process with which the Forest Service must comply for plans and projects related to forest management. Accordingly, for every Forest Service action having the potential to significantly affect the quality of the human environment, the agency must provide a detailed statement to the public on:

- The environment affected by the proposal;
- Any reasonably foreseeable direct, indirect, and cumulative impacts of the proposed action;
- Reasonable alternatives to the proposed action; and
- Any irreversible and irretrievable commitment of resources which would likely result from the proposed action.¹⁸



In the past, the Forest Service regularly prepared detailed statements, known as environmental impact statements (EISs), before finalizing land-use plans (i.e., forest plans). But in January 2005, the Forest Service reversed course in an effort to streamline and enhance the flexibility of forest management and adopted a new regulation—the planning rule—that exempted forest plans from NEPA. The agency stated that the purpose of the new rule is to save money and shorten the timeline for completing planning decisions. The Forest Service expects the new process to allow forests to complete forest plan revisions in two to three years, as opposed to a minimum of five years under the prior rule. The new planning rule also requires each National Forest to develop and implement an Environmental Management System (EMS), essentially an adaptive management framework, which the Forest Service will then use to create each forest plan.

The new planning rule fails to address at least two important issues. First, the new planning rule places a clear emphasis on local community participation in the planning process, but does not explain how the Forest Service will ensure that the national interest is given equal weight. Given the extensive requirements for the Forest Service to provide revenue-sharing funds to local communities from extractive activities like timber sales, a local bias may influence a forest’s decision-making during the planning process. Due to local pressure, the Forest Service may favor resource extraction and development over ecosystem health or cultural resource protection.

Second, the new planning rule does not explain how the Forest Service will assess the cumulative impacts of numerous individual projects on forest resources, including cultural resources. In the past, the Forest Service assessed the cumulative effect of foreseeable actions like timber sales, grazing, and recreation on the forest as a whole by preparing an EIS for each forest plan. However, the new planning rule no longer requires an EIS for forest plans. Moreover, the adaptive management approach prescribed by the new planning rule, while employing research and monitoring as tools to make rapid changes in management approaches, lacks a clear mechanism to assess the cumulative

¹⁷ 42 U.S.C. § 4331(b), (b)(4).

¹⁸ *Id.* § 4322.

impacts of numerous individual projects over time. While the Forest Service stated in the new planning rule that it will require comprehensive evaluations of the adaptive management strategy, this approach will not necessarily lead to the evaluation and disclosure of cumulative impacts to the public as required by NEPA. Further, at the time of this report, Congress had not authorized additional funds for the Forest Service to perform monitoring and evaluation, which the EMS would require in order for this adaptive management approach to be effective.

The 2005 planning rule does provide that under “extraordinary circumstances” preparation of a forest plan could still require an environmental assessment (EA), essentially a mini-EIS, or an EIS. An extraordinary circumstance may exist when the presence of “certain resource conditions,” including historic and cultural sites, “warrant further analysis and documentation in an EA or EIS.”¹⁹ However, agency guidance for the new planning rule is quick to point out that “the mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion.”

Thus, individual units of the Forest Service enjoy wide latitude in determining whether or not to prepare an EIS for forest plans even when a planning area contains significant cultural resources.

For the past 35 years, the preparation and release of an EA or EIS regarding proposals for new forest plans has been the public’s primary means to learn about and directly participate in the planning process. The public participation process of NEPA enables organizations and individuals to provide oral or written comments to the agency as it considers a range of alternatives for the future use and development of each National Forest and before internal decisions are made. Because most decisions requiring compliance with NHPA and NEPA have generally occurred simultaneously during the planning process, this radical change leaves in serious doubt whether the Forest Service will consult with the public as extensively, seek to investigate the presence of significant cultural resources as thoroughly, or take their management and care into account as consistently as under the prior planning rule.

At this writing, the Forest Service’s recreation, wilderness, and heritage program had drafted new guidance for the agency’s field offices to address the management of historic and cultural resources under the 2005 planning rule. According to this guidance document, each field office must ensure that “[e]ligible historic properties remain undisturbed; Interpretation of heritage assets enhances public understanding and awareness of these valuable resources and the history of the area; knowledge and information about the past is available for public interpretation, academic research, and management decisions.” The guidance also suggests that “some historic sites, properties, and landscapes may be considered for special designation in the forest plan. Possible designations include special interest areas, historic districts or landscapes, and national historic landmarks.” While the guidance could prove useful, the draft states that it is “not intended as standard direction to be inserted into each plan nor are they intended as agency policy.” Thus, it remains to be seen if each forest will follow a consistent process to account for cultural resources during the development of forest plans and, if so, of what that process will consist.

For the monitoring of cultural resources essential to the implementation of the EMS, the guidance provides two performance measures: the “allocation and management to an appropriate standard for each priority Heritage asset; and the number of Heritage participation days.” These may be appropriate measures, but the guidance does not define “appropriate standard.” Further, relying on the amount of public use of a historic or cultural site as a measure places undue emphasis on heritage tourism at the expense of a cultural resource’s other values.



¹⁹ 70 F.R. 1033.

The legality of the 2005 planning rule has been called into question after a March 30, 2007, ruling by the federal District Court for the Northern District of California. In this decision, the court enjoined the Forest Service from implementing the 2005 planning rule until it sought public notice and comment on the new rule and prepared an EIS examining the environmental impacts of implementing the new rule. The Forest Service responded to this decision by publishing the proposed planning rule in the Federal Register on August 23, 2007, with the notice of availability for the supporting draft environmental impact statement (DEIS) published in the Federal Register on August 31, 2007. The proposed action and preferred alternative identified in both documents was the 2005 planning rule, as amended. Public comments were requested on both the proposed rule and the DEIS. The comment period for both documents ended on October 22, 2007. A final planning rule is expected to be published in early 2008.

Recommendations

Recommendation 4: Building upon the direction in revised FSM 2300 and the Preserve America Executive Order, funding should be sought for each region to develop a comprehensive heritage plan under Section 110 of NHPA to set priorities, evaluate the state of knowledge about cultural resources in the region, and determine how each forest will obtain new information, evaluate sites, and manage “priority heritage assets (PHA)” for long-term preservation.

Recommendation 5: The Forest Service should adopt language in the Heritage Program Technical Guide for the 2005 planning rule that explicitly states a key goal of forest planning is to provide for the long-term protection of cultural resources; that requires each forest to undertake landscape-level cultural resources surveys (in addition to surveys done before the approval of site-specific projects or action plans); and that requires cultural resource monitoring as part of the EMS process.

Energy Policy Act of 2005

Passed in July 2005, the federal Energy Policy Act was the first comprehensive energy bill in a decade. Among its varied provisions is a requirement to identify and designate western energy corridors. Both the Forest Service and BLM—the lead agency for this issue—have crucial roles to play in designating the energy corridors, which may, in the end, cross thousands of miles of public land and affect countless historic and cultural resources. It is unclear how these agencies are meeting their responsibilities under Section 106 of the NHPA, specifically minimizing the adverse impacts of the corridor designations on cultural resources. This corridor identification will place new demands on the agency and further stress cultural resource protection. A DEIS for the corridor designation has been released. Section 106 compliance for specific projects that are expected to result from the corridor designation will place additional workload on agency staff.

Internal Policies, Procedures, and Initiatives Affecting Cultural Resources

The policies and procedures that the Forest Service imposes on its own managers are compiled and conveyed to the field offices through **directives, manuals, and handbooks**. Unlike regulations, these internal policies can be changed quickly, with little public notice or involvement. Because the policies are not legally enforceable, regional foresters, Forest Supervisors and District Rangers enjoy considerable discretion in choosing how to implement the policies and, in fact, whether to implement them at all.

Manuals and Handbooks

The Forest Service Manual (FSM) 2360 - Recreation, Wilderness, and Related Resource Management contains the Forest Service's policies for cultural resources. Sections of several other manuals and handbooks also cover aspects of cultural resource management, including *Forest Service Handbook (FSH) 1909.15- Environmental Policy and Procedures, Chapter 60.1, Physical Factors*, which provides guidance on cultural resources including archeological, historical, and architectural resources. This guidance describes what must be taken into account during planning and compliance with regard to cultural resources.

FSM 1900, Planning has detailed chapters on wilderness and wild and scenic rivers responsibilities, but makes no mention of cultural resources. Adding a chapter addressing this issue to *FSM 1900* may be warranted. Finally, *FSH 6509.11k, Service-wide Finance and Accounting Handbook*, adopted in September 2006 and expected to be implemented by September 2008, spells out a detailed set of reporting requirements for cultural resources, which, when completed, will provide the Forest Service with a comprehensive database (called *Infra* or *Heritage I-web*) of all significant cultural resources in the National Forest System.

Overall, *FSM 2360* provides the best indication that the Forest Service regards cultural resources as important enough to be afforded special management consideration. In the preface to the policies, *FSM 2360* states that "National Forests contain much of the undisturbed evidence of early habitation in America. The remoteness of much National Forest land has limited the impact on these cultural resources. Increasing public use of the outdoors and the intensified development of public lands are increasing the probability that cultural resources may be damaged or lost. Prompt and effective action is necessary to integrate cultural resources into multiple-use management of the National Forest System."²⁰ The "prompt and effective" actions recommended by the Forest Service manual to achieve this goal include the following:

- Designation of "special management zones" during the development of forest plans to recognize "special or unique values;"²¹
- Recommendation of areas "believed to be of major national interest" for NHL designation;²²
- Managing cultural resources to maintain their "scientific, historical, and social integrity;"²³
- Establishing and implementing a program to "locate, inventory and evaluate cultural resources;"²⁴
- Redesigning activities in order to avoid damage or destruction to historic properties; and
- Encouraging "public use and enjoyment of cultural properties where possible without damage to values" and, "[w]here practicable, enhanc[ing] recreational values through interpretation, restoration, and other measures."²⁵



²⁰ Forest Service Manual 2361.

²¹ Id. at 2360.2(2).

²² Id. at 2360.2(6).

²³ Id. at 2361.03(1).

²⁴ Id. at 2361.04(1).

²⁵ Id. at 2361.29c.

While these actions would benefit cultural resources in the System, there is little indication that individual forests are implementing them in a uniform or effective manner.

At this writing, Forest Service officials have undertaken a complete re-formulation of Forest Service policies, directives, manuals, and handbooks regarding cultural resources management and protection, with a target date of final announcement and implementation in 2008. The Heritage Program manual (as recently updated) should be cross-referenced in other manuals addressing Wilderness, Range, Special Uses, etc., so other program areas are cognizant of cultural resource protection requirements. Until new policies and directives are adopted, the existing policies for cultural resources will remain, and each Forest Service Region is left to develop its own, sometimes inconsistent, policies.

Classification of Cultural Resources

In addition to the manuals and handbooks discussed above, the Forest Service has, for internal policy purposes, developed terminology to classify cultural resources based upon definitions used by the Federal Accounting Standards Advisory Board. “Multi-use assets” (MUA) are cultural resources used by the agency for administrative purposes that also have status as historic properties. “Other heritage assets” (OHA) are assets with recognized historical significance that have not been listed in or determined to be eligible for the National Register and do not have a need for active maintenance. “Priority heritage assets” (PHA) are those assets meeting one or more of the following criteria:

- Recognition by a special designation (e.g., listing in a National or State Register of Historic Places);
- Recognition through prior investment in preservation, interpretation, and use;
- Recognition in an approved management plan; or
- Having critical deferred maintenance needs that have been documented.



Based on the stated criteria, this classification system seems driven as much by maintenance funding needs as by the historical significance of the resource. The Forest Service is presumably evaluating all MUAs under the process triggered by FREA and determining which sites may be disposed of in order to reduce deferred maintenance funding needs. Similarly, the Forest Service is evaluating PHA and OHA used for recreational purposes triggered by the Recreation Site-Facilities Master Planning (RS-FMP) process, discussed below, to determine if any sites may be closed or disposed of in order to reduce deferred maintenance backlogs. What is missing from this classification system and these evaluative processes is sufficient funding priority for comprehensive, region-driven heritage program planning that systematically and professionally identifies, evaluates, and prioritizes the needs for and uses of heritage assets. Instead, cultural resource sites across the System are being evaluated through the filter of administrative function and recreational use. Historical significance is removed from the equation except where a particular manager uses his or her discretion to include it.

Recreation Site-Facility Master Planning Initiative

Similar to the recent FS Administrative site Master Planning effort, a recent policy initiative known as the Recreation Site-Facility Master Planning (RS-FMP) process could have a dramatic impact on cultural resources associated with recreational activities in the National Forests. Through RS-FMP, the Forest Service is determining which recreation facilities are no longer necessary and can be closed or disposed of in order to reduce maintenance and operating costs. Recreation cabins and campground facilities are the chief targets of the RS-FMP analysis. Many of these properties exceed 50 years in age and thus the agency needs to carefully consider each facility's historical significance before making a decision. However, because heritage programs are housed within the recreation division at the national, regional, and forest levels, a greater chance exists that the historical significance of a particular recreation facility will be taken into account in the decision-making process. It is critical that Regions are directed by the WO to involve Heritage staff in the decision-making process about which sites will be listed for disposal as part of RS-FMP.

Travel Management Rule

In November 2005, the Forest Service finalized the Travel Management Rule, requiring each forest to identify, evaluate, and designate routes and areas for motorized use. The rule grew out of a major initiative of former Forest Service Chief Dale Bosworth to address what he termed the "Four Threats" to the System. One of the "threats" identified by Chief Bosworth was "unmanaged recreation," which has been shown to pose a serious threat to cultural resources. A Forest Service fact sheet on the problem notes that one of the fastest growing forms of outdoor recreation involves the use of off-highway vehicle (OHV) use. Since 1972, OHV use in the United States has grown ten-fold, accompanied by correlative increases in the System. Of the 51 million OHV users in 2004, approximately 11 million recreated in National Forests and grasslands. This same fact sheet listed "damage to cultural sites" among the key consequences of unmanaged recreation on National Forest lands.

Currently, the Forest Service has some 287,000 miles of roads and 32,000 miles of trails open to motor vehicles and some 66 million acres of National Forests and grasslands open to cross-country use of motor vehicles (i.e., not restricted to designated roads and trails). The Travel Management Rule requires each National Forest to evaluate its existing network of roads and trails and produce maps for each ranger district indicating which routes and areas are available for motorized use. Any road, trail, or area that is not designated as open during the travel management process and published on an official Forest Service map is closed to motorized travel. Under the schedule set out in the Rule, the Forest Service will complete the development of the motor vehicle use maps for the entire National Forest System by 2010.

While designating routes and areas for motor vehicle use in the forests, the responsible Forest Service official, in most cases the District Ranger, "shall consider effects on National Forest System natural and cultural resources. . . ." ²⁶ Once a forest completes the designation process, it must "monitor the effects of motor vehicle use . . . as appropriate and feasible." ²⁷ Although the designation of routes may help limit uncontrolled OHV use that could damage cultural resources, the rule itself provides no specific standard or goal for protecting historic or cultural resources from the adverse effects of motorized use.

²⁶ 36 C.F.R. § 212.55(a).

²⁷ *Id.* § 212.57.

Recommendations

Recommendation 6: The Forest Service should amend the Travel Management Rule to establish specific standards for the protection of historic and cultural resources from the potential adverse effects of motorized use and require the integration of heritage staff into the travel access planning and decision-making team from the outset.

III. HERITAGE PROGRAM

The Forest Service has made a variety of efforts to support the documentation and protection of its cultural and historic resources and to promote heritage tourism and other sensitive use of these assets. However, such efforts are not specifically mandated by Forest Service policies or backed by directed funding. Because of that, and due to the decentralized nature of the Forest Service, the implementation and management of heritage programs remains inconsistent.

Funding

For most of the 20th century, revenue generated from the sale of timber made up a major portion of the Forest Service's budget, with lesser amounts coming from grazing fees, land sales, mineral leases, and recreation use fees. Early in the 1990s, substantial revenues from timber sales enabled the Forest Service to generate about \$1.3 billion or about 35 percent of its \$3.1 billion budget. By 2002, this revenue had declined to \$231 million although it increased slightly in FY 2006 to \$364 million. As these revenue streams plummeted in recent years, appropriations from Congress have filled the funding gap. But presidents have largely refused to seek replacement funding through general appropriations.

In comparison, in 2006 the BLM derived nearly \$6 billion from coal, oil, gas, geothermal, grazing, and other royalties and rentals, which is more than three times its 2006 budget of just under \$2 billion. The National Park Service only generated some \$200 million in revenue from concession and entrance fees; however, Congress appropriated more than \$2 billion for the NPS operations and maintenance in 2006.

The Forest Service's appropriated budget for heritage programs declined from a high of \$17 million in FY 1993 to \$13.5 million in FY 1996, and has remained at about that level in constant dollar value for each year since. Today, heritage program funds come from a budget line item called the National Forest Recreation and Wilderness (NFRW) account in which monies are co-mingled with all recreation and wilderness program funds. Between 1995 and the present, the total funding for recreation, wilderness, and heritage in the NFRW line item has declined from \$220 million to \$168 million.

The NFRW account has been declining almost yearly since 2000 in constant dollar terms and, as a consequence, the Forest Service's budgets for its heritage programs have dropped steeply. The FY 2008 appropriation for NFRW was \$262 million; a slight increase over the \$258 million allocated in 2007. The Administration's budget request for 2009 is \$237 million, \$25 million less than 2008. All programs funded from this account including trails, recreation facilities and heritage will be drastically reduced as a result.

Sadly, the heritage program share of the NFRW account is essentially the same in dollar terms today as it was in 1995, about \$14.5 million. Adjusted for inflation, the amount has barely half the value today as it did 12 years ago.

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Staffing, particularly at the Forest and District level, has been reduced, and the ability of the agency to manage the forests' cultural resources has declined along with the budget. For example, in 1992 the Forest Service established a Cultural Heritage Research Group at its Rocky Mountain Research Station to focus on managing and enhancing cultural resources, understanding the cultural dimension of ecosystem management, and understanding the characteristics of sustainable societies. This group was eliminated in 2005 due to budget cuts.

Equally troublesome, when the Forest Service Washington Office (WO) allocates the annual funds to the regions and thence to the forests, it does not control the amounts actually spent at the forest and district levels on the various programs funded from the NFRW account. Although tracking exact expenditures is nearly impossible under this budgeting system, it is apparent that heritage programs do not receive all of the funding intended by Congress. Estimates indicate that heritage programs average about 8 percent of the NFRW funds agency-wide, but the amount of funding that makes it to "on the ground" cultural resource projects is unclear.

Recommendations

Recommendation 7: The Forest Service should produce a report that documents how much funding reaches "on-the-ground" heritage program activities, promoting transparency and accountability for the use of heritage program funds.

At the end of fiscal year 2006, the Forest Service had identified more than \$31 million in deferred maintenance of cultural resources that would be needed to return these sites to acceptable condition. Of this total, more than \$8.5 million was deemed to be critical. The Forest Service received virtually no funding increase in FY 2007 to address these needs.

The Forest Service's ability to survey, identify, evaluate, and nominate historic properties to the National Register and to provide for their protection has diminished in direct proportion to budget cuts. The decline for heritage programs has been faster than for other Forest Service programs, perhaps since there is no explicit cultural resource protection mandate for the Forest Service within its core statutes.

In addition, on average, the Forest Service must review some 10,000 "undertakings" annually across the System for compliance with Section 106. Fortunately, some, but not all, of this compliance work is funded through the "primary purpose" accounts of the Forest Service budget, such as vegetation management, mining, or grazing. In the past, the timber program has had ample funding to support Section 106 compliance work, but that funding has declined in recent years, affecting not only funds for Section 106 compliance, but also Section 110 programs.

From a budgetary perspective, the Forest Service needs a dependable increase in its appropriation specifically directed to the management and preservation of cultural resources. Adequate funding for cultural resources management in the System should not depend on the fluctuations in timber harvest or the ability of a District Ranger to claim a share of the meager NFRW allocation. The Forest Service should return to the system in which the heritage program had its own budget line item, to be used exclusively for the agency's proactive cultural resource work. The System should not be required to support Section 106 compliance with these funds; rather, this expense should be entirely supported by the various program accounts whose activities and projects require the compliance.

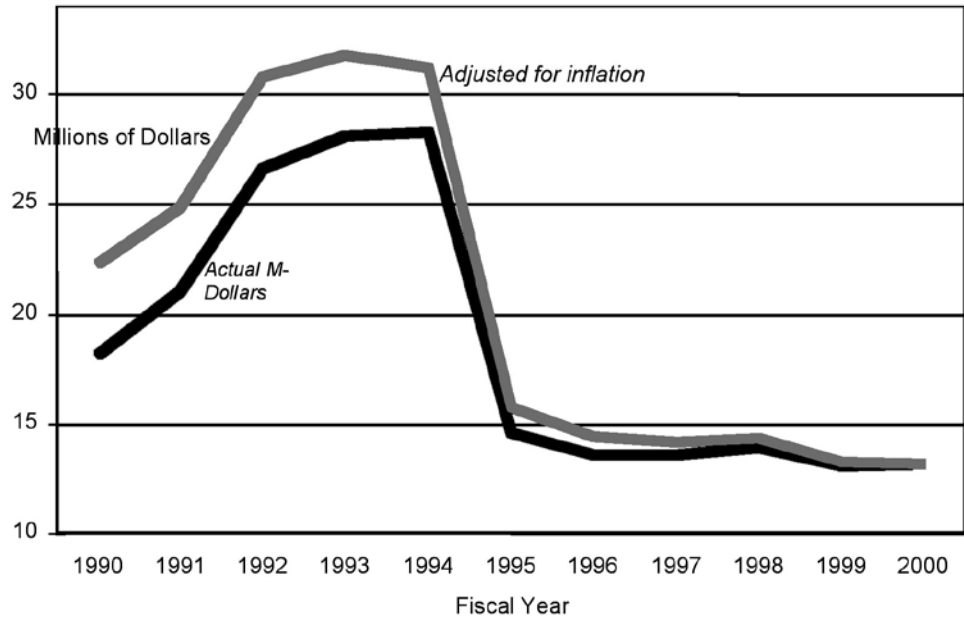
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In addition to budget cuts, emergency expenditures, especially those that are not reimbursed to the agency through supplemental appropriations, have become a huge drain on the Forest Service's ability to manage its regular programs. In 1990, firefighting costs represented 14 percent of the Forest Service budget request. In 2007 and 2008, the percentage was 43 percent and expected to rise to 48 percent in 2009.

Forest Service Heritage Funding
(National, all NFHR funds. Fiscal Years 1990 -2000.)



(Graph courtesy of USFS, 2000 data)

Positive Funding Models

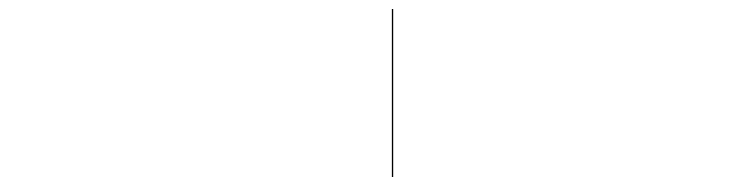
Although the overall funding picture for cultural resources is bleak, several funding programs are worth highlighting.

One piece of good budgetary news is that the Forest Service has decided to seek a programmatic base budget increase for its national scenic and historic trails program, which comes through a different budget account than the heritage program funds. In FY 2007 and 2008, the Forest Service has sought a base increase to \$5.35 million for trails, from a recent annual program average of under \$2 million. In recent years Congress has earmarked additional funds for scenic and historic trails; as a result, the Forest Service decided to put this increase into its base. Unlike NFRW funds, funds from the trails account are reserved for those places specifically designated as scenic and historic trails. The Nez Perce National Historic Trail (NHT), which stretches some 1,170 miles across two Forest Service regions and four states, is the only one in which the Forest Service is the lead federal agency. The Forest Service also administers portions of several other NHTs that can benefit from this funding, including the Lewis and Clark, Trail of Tears, Over-Mountain Victory, and Santa Fe NHTs.

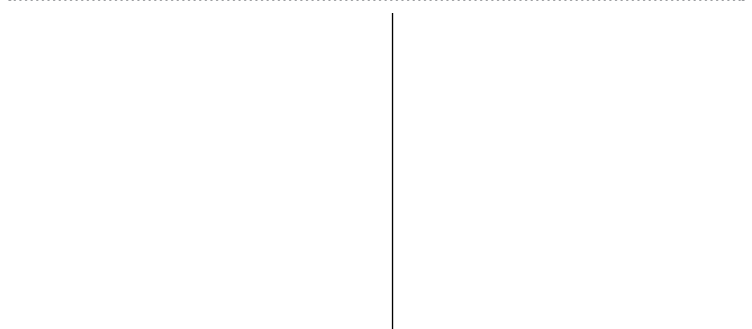
When budgets are tight, as at present, some Forest Service career staff become creative and entrepreneurial in how they seek and apply funds. For example, because recent hurricanes damaged numerous historic sites in the Forest Service's Southern Region, it sought and acquired hurricane recovery funds. In 2006 and 2007, the region received major additional funding following three hurricanes. These funds were then used for carrying out new cultural resource inventory work and produced important new National Register nominations.



The Heritage Stewardship Enhancement (HSE) Funds in the Northern Region (Region 1) are the result of a PA negotiated with the Montana and Idaho SHPOs in 1995 that called for a streamlined 106 process in exchange for more time and money spent on complying with Section 110 of the NHPA. The Regional Forester agreed to fund the program out of his operating budget as a three-year pilot providing \$150,000 to \$200,000 a year for HSE funds. All 13 forests within the region were encouraged to submit proposals which were judged on their ability to save historic and cultural properties and engage the public and partners. A historic homestead, restored with HSE funds is now part of the recreational cabin rental program in the Lolo National Forest. When she became Region One Forester, now Chief Gail Kimbell continued the program. Funding for HSE grants in 2008 is expected to be \$300,000 and will be used to leverage money from other sources. The success of the program has been widely promoted, but not yet duplicated in other regions.



The Forest Service Centennial in 2005 boosted the agency's heritage program, at least temporarily. In recognition of the centennial, Congress provided additional resources in the form of competitive funds for projects that engaged the public on National Forests, known as the Forest Service Century of Service Funds or Centennial Funds. In the Eastern Region, these funds enabled the Forest Service to undertake a number of major heritage projects with partners, including several with trail clubs, Boy Scout troops, and the Student Conservation Association. For example, in Vermont's **Green Mountain N.F.**, the historic Prosper ski hut located along the Appalachian Trail was significantly restored during 2005-06 through the support of the Green Mountain Trail Club, the Appalachian Trail Conservancy, and other volunteers, with a Centennial Grant from the Forest Service.



A more diversified and larger heritage program staff with varied professional expertise would improve the agency's ability to manage its cultural resources.

Recommendations

Recommendation 8: The Forest Service should provide specific, line-item funding for the management of historic and cultural resources in the System, especially focused on the preservation requirements of Section 110 of NHPA. At a minimum, this Forest Service heritage line item should include an annual increase of \$15 million, of which at least \$6 million per year would be for stabilizing priority heritage sites; \$6 million per year to address cultural site inventorying and monitoring, stewardship volunteers, and Passport in Time (PIT) projects; and \$3 million per year for stepped up law enforcement investigations at cultural resource sites.

Recommendation 9: The Forest Service should ensure that Section 106 compliance costs are fully covered by the "Primary Purpose" accounts in the Forest Service budget so that the agency does not have to subsidize Section 106 compliance with Section 110 heritage program funds.

Recommendation 10: The Forest Service should initiate in the WO (or direct each region to adopt) a competitive grant program like the Heritage Stewardship Enhancement grant program (HSE), using existing funds from the annual NFRW account. In subsequent years, the Forest Service should seek a budget increase in the NFRW account specifically for the HSE.



Organization and Staffing

In addition to its Washington, D.C., office (WO), the Forest Service operates nine regional offices. There is one heritage program staff in the WO, and heritage program leaders and other heritage staff are found in each regional office.²⁸ The professional background of agency heritage staff is heavily weighted toward archeology. Each of the National Forests and grasslands is overseen by a Forest Supervisor, and their operation is supported by 341 forest archeologists. Five hundred and eighty-five ranger districts are found within the forests and grasslands, and many, but not all, ranger districts also have a staff archeologist. The Forest Service has only two architectural historians despite managing approximately 40,000 older and historic buildings. A more diversified and larger heritage program staff with varied professional expertise would improve the agency's ability to manage its cultural resources.

Although the Forest Service is governed by nationwide policies, regulations, and laws, it remains one of the most decentralized agencies in the federal government. Real decision-making power in the Forest Service lies with Forest Supervisors, and the 585 District Rangers who function with broad discretionary latitude. Heritage programs flourish, survive, or virtually disappear depending on the preferences, priorities, and policy interpretations of each Forest Supervisor or District Ranger, the "line-officers" of the agency. The discrepancy between regions in efforts to identify cultural resources eligible for listing in the National Register, and to pursue nominations for them, is just one example.

²⁸ See chart in Appendix 5.

Cultural Resource Identification and Evaluation

Nearly 325,000 cultural resource sites have been identified on Forest Service lands across the country. Of these, about 50,000 properties have been determined eligible for listing in the National Register, but only 1,936 properties have been listed. The actual number of National Register listed and eligible sites within the System varies with new information and evaluations each year and with how the agency distinguishes among properties, sites, and listings.²⁹ Only 27 Forest Service sites have been designated as NHLs to date, though many more surely qualify as nationally significant historic properties.

The vast majority of National Register listed and eligible sites within the System fall into two broad categories: Native American cultural sites and structures built by the Forest Service or CCC. In addition, the System contains a significant number of other cultural resources such as historic farms, mining and timber camps, Revolutionary, Indian, and Civil War battlefields, Underground Railroad sites, Native American sacred landscapes, Boy Scout camps, charcoal kilns, iron smelters, lighthouses, and historic foot trails.

The number and distribution of National Register listings vary widely across the System, with the Southwestern Region having more than twice as many sites in the National Register as any other region. Inexplicably, the 32-million-acre Intermountain Region has barely half as many listings as the 12-million-acre Eastern Region.

Total Sites by Region

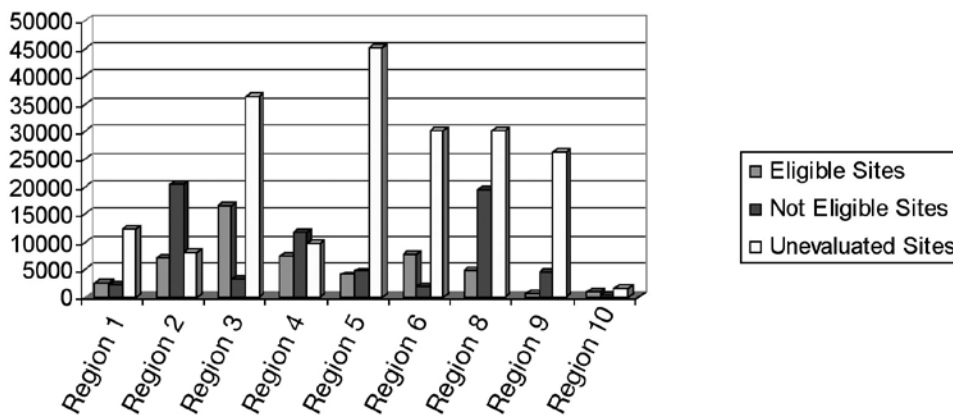


Table of U.S. Forest Service Status of Evaluation of Cultural Resource Sites for NRHP (there is no Region 7). Source: Report to Congress on the Federal Archaeology Program and the Forest Service Infra Database.

Section 110 of NHPA requires the Forest Service to determine which of its sites are eligible for listing in the National Register, but many of the Service’s heritage program staff noted in interviews that obtaining an actual listing in the National Register has no tangible benefit, and is a laborious and time-consuming process. Determination of eligibility for listing is a far more significant factor in Forest Service policy because Section 106 requires eligibility determinations rather than actual listing, even though National Register listings offer more prestigious status in the eyes of the public, and can attract both funding and volunteers. Colorado’s State Historical Fund, for example is restricted to historic properties that have been formally designated.

²⁹ See Appendix 4 for regional breakdowns of National Register listings in the System. The table above, prepared by the Forest Service, uses the generic term “sites” to encompass every place that it has determined to be eligible for the National Register. However, the National Register itself uses the term “places” as its generic term and includes five more specific terms (building, structure, sites, object, district) to distinguish among places listed in the National Register. For purposes of this Assessment, the terms “places,” “sites,” and “listings” are used synonymously.

A preference also exists within the Forest Service for identifying and evaluating cultural resources that are associated with nature, reflecting the fact that Forest Service is an agency primarily concerned with managing natural resources. For example, many of the NHLs within the System are geographic points on the landscape rather than historic structures or archeological sites. The Lolo Trail, Lander Cut-off of the Oregon Trail, Lemhi Pass in Idaho, Pikes Peak in Colorado, the Bering Landing Site in Alaska, and the C. Hart Merriam Base Camp in Arizona are all NHLs associated with historic events rooted in the landscape and where no physical structures remain. These are the sorts of places that resonate with the natural resource-oriented Forest Service. These listings are certainly meritorious, but a balanced cultural resource management program at the Forest Service needs to reflect the full range and national significance of the System's cultural resources.



Of the 27 NHLs in the System, only four include historic structures: Timberline Lodge in Oregon, the Gifford Pinchot House in Pennsylvania, the Wapiti Ranger Station in Wyoming, and the Rabideau CCC Camp in Minnesota. Without question, there are many more nationally significant sites among the National Forests that would benefit from the recognition and access to funding that comes with NHL designation such as Save America's Treasures funding. For example, Chimney Rock Pueblo near Pagosa Springs, Colo., is not an NHL but has been considered as a World Heritage Site and is undoubtedly nationally significant. The lack of an explicit mandate in Forest Service statutes directing the agency to include cultural resource protection in its mission affects the agency's willingness to afford these sites a higher priority.

Some National Forests, like the **Ozark-St. Francis N.F.**, aided by a supportive Arkansas State Historic Preservation Office (SHPO), have made a concerted effort to undertake comprehensive surveys and to aggressively pursue eligibility determinations and subsequent nominations to the National Register. Many other System units appear reluctant to do so,

either out of concern that if sites are recognized, greater demands will be placed on already strained budgets or that listings will further complicate an already complex forest management planning process.

Fortunately, Infra or Heritage I-web, a comprehensive database of significant cultural resources across the National Forest System is being developed by the agency and includes about two-thirds of all known cultural resource sites in the System. Reporting requirements are outlined in *FSH 6509.11k, Service-wide Finance and Accounting Handbook*, adopted in September 2006 and expected to be fully implemented by September 2008. The database documents the condition and deferred maintenance costs associated with each site. Separate data categories cover cultural resource sites that are eligible for the National Register, listed in the National Register, listed in the National Register with structures, and sites designated as NHLs. This database will, for the first time, give the Forest Service a comprehensive view of the status and condition of all currently identified cultural resource sites across the National Forests and grasslands. The database will slowly be opened up for broader use, including public access to information about some Forest Service collections (such as historic photographs), certain online permit applications, and web-based sharing of information with SHPOs.

Heritage Field Programs

The most valuable cultural resource work performed by the Forest Service has been through its heritage field programs which are described below. These programs focus on the agency's responsibilities for historic preservation under Section 110 of NHPA, which require the Forest Service to develop and implement a proactive historic preservation program and to be a good steward of the historic properties in its care. These programs continue despite major budget cuts over the past decade.

In 1991, the Forest Service prepared a strategic plan for its heritage programs, entitled *Heritage: It's About Time*. This plan outlined the basic elements of the agency's heritage program and emphasized the need for maintaining a balance between the proactive cultural resource management intended by Section 110 of NHPA and the reactive, compliance-oriented requirements of Section 106. The plan was not fully implemented because of the budget cuts and program realignments of 1995 (though in 1999 the agency did officially finalize and adopt the strategic plan). These changes resulted in heritage program funding being cut by more than half and the elimination of a separate heritage program budget line item.

The Forest Service WO website describes its heritage program as having three chief aims:

- To “ensure that future generations will have an opportunity to discover the human story etched on the landscapes of our National Forests and grasslands;”
- To “make the past come alive as a vibrant part of our recreational experiences and community life;” and
- To “connect people to the land in a way that will help us better understand and manage forest ecosystems.”³⁰

Perhaps because of its roots in utilitarian conservation, or because Forest Service heritage programs are managed through its recreation program, all aspects of its heritage program responsibilities are defined and managed with a focus on utilization of cultural resources. The most active and successful heritage programs involve outdoor recreation or heritage tourism and rely heavily on citizen volunteers to augment agency staffing.

Cultural Heritage Tourism Programs

Heritage tourism is the fastest growing segment of tourism in the country and could bring greater visibility and long-term support for the vast cultural resources of the System. Heritage tourism promotes and supports visitation to sites so tourists can experience the places and activities that authentically represent the stories and people of the past and present. Typically, heritage tourism projects make respectful use of cultural resources while generating income. Nationally, more than 2,000 Forest Service historic or cultural resource sites are interpreted to the public in some manner. A key challenge for the Forest Service is to develop a thorough understanding and broad commitment at the field level to maintaining the appropriate balance between promoting cultural heritage tourism and managing heritage resources to ensure that they are protected in the long-term for the benefit of future generations.



³⁰ U.S. Forest Service, *Recreation, Heritage & Wilderness Programs: It's About Time*, at <http://www.fs.fed.us/recreation/programs/heritage/> (last visited Sept. 19, 2007).

The Forest Service's implementation of President George W. Bush's Preserve America Executive Order focuses mostly on heritage tourism, with the intent that as Forest Service historic sites become better known to the public, the agency will be in a better position to seek and gain additional funds to support preservation activities and programs. This echoes ideas raised in the 1991 Forest Service heritage program's strategic plan.



Heritage Expeditions and **Heritage Excursions** are active Forest Service programs that seek to publicize agency historic sites and encourage visitation of paying participants. Most have some sort of professional interpretation, with live interpreters, wayside exhibits, brochures, videos, or other media. Heritage Expeditions are tours of Forest Service historic or archeological sites with an educational focus. They also include the opportunity for the public to participate in programs such as horse and mule packing, cooking and historic preservation training. Heritage Excursions include international tours and volunteer professional archeological and preservation projects. Even though more than 2,000 historic sites on Forest Service lands offer some form of public interpretation, these two programs are still largely in their infancy, with strong potential and a large unmet demand.

The **Recreation Cabin Rental Program** has proven to be popular with the public and a successful means of securing additional funds for the structures' maintenance. The agency is allowed to keep rental proceeds, minus the charge for the nationwide reservation service. The Judith Guard Station in the **Lewis and Clark N.F.** in Montana is one example of a popular rental venue. The station was restored with the help of volunteers and Forest Service Century of Service grant funds.

A recent article in *Utah Preservation* magazine authored by one of the Forest Service's two historical architects pinpoints the dual value of the recreation cabin program for the agency's heritage program: "We rent out the cabins to the public so they get a chance to experience a part of the Forest Service legacy. The rental program also encourages us to maintain these facilities and retain their historic character. Otherwise, these facilities could possibly fade away and fall into disrepair."³¹ The recreational rental program may represent the most compatible co-existence between heritage and recreation in the Forest Service's current organizational structure and budget approach. Expanding the program would help to both meet the public demand and to save additional historic sites through rehabilitation and reuse.

Volunteerism Initiatives

The most visible heritage program of the Forest Service for several decades has been its **Passport in Time (PIT) program**, which has accomplished needed work, actively engaged both local and national volunteers, built constituency and advocacy, and educated the public. The program was established in 1989 when a forest archeologist on the **Superior N.F.** in Minnesota and several university partners created a volunteer program to provide service in support of cultural resource sites in the System. While initially established to secure volunteers to serve archeological sites, the program has grown to encompass volunteer support for the full range of the Forest Service heritage programs, including inventory, monitoring, restoration, maintenance of cultural resource sites, and excavations. In 2007 PIT was expanded to include volunteer offerings from other federal agencies such as BLM.

³¹ Richa Wilson, "Where History Meets Nature," *Utah Preservation*, 2006, page 25 (quoting Omero Torres, Recreation Staff Officer, Ashley National Forest).

Since its inception, more than 28,000 volunteers have participated in the program, donating 1.3 million hours. Some 390 of these individuals contributed over 500 hours each to a variety of heritage projects, qualifying them for the PIT Honor Roll. The total public value of the work contributed equals 630 person-years or \$21 million. Hundreds of projects have been completed, ranging from stabilization of ancient cliff-dwellings to restoration of historic mining camps. In 2005 alone, PIT volunteers helped evaluate 31 historic properties, restored 21 historic sites, and conducted 30 surveys, 3 oral history studies, and 14 archival projects.

The SRI Foundation in New Mexico serves as a clearinghouse for the PIT program, maintaining a website, updating a database registry of current and past PIT projects, and offering a means for volunteers to easily apply for work at a specific project site.

Individual National Forests also use other, primarily local volunteers in a site steward program called **Partners in Preservation**. Volunteers help with monitoring, data gathering, maintenance, and interpretation/visitor education activities. Between PIT and the Partners program, Forest Service heritage programs garnered \$2.3 million in labor value from its many volunteers in 2006.

Today, PIT has both exceeded expectations and, in the face of budget and personnel cuts, exceeded the capacity of the Forest Service to keep pace with the enthusiasm of the public to volunteer its support. PIT carries out important day-to-day historic preservation and archeological work, but the current trend is toward fewer and fewer PIT projects each year as the budget shrinks. A recent review of its heritage program prepared by the Forest Service stated:

In 2004, we turned away 38% of the individuals seeking to volunteer to help agency archeologists. This is not due to lack of work to be done, but rather to lack of personnel and budget to organize it. Over the six years since 1999, the number of projects has decreased to fewer than 100 a year, but the demand continues to increase, widening our supply demand gap even more.³²

While many fine results are attributable to the Passport in Time program, PIT cannot be a substitute for a strong staff-lead Forest Service cultural resource program. When PIT volunteers are used to *enhance* Forest Service heritage program activities much can be accomplished, but too often the option is doing a program on a shoestring with PIT volunteers or not doing it at all. When this is the choice, historic resources suffer.

Entrepreneurship Programs

Facilitating and encouraging Forest Service staff to take on projects to save and adaptively use cultural resources can be enhanced through the use of agency Enterprise Units and the Special Use permitting authority. Enterprise Units are internal entrepreneurial Forest Service businesses that help government to work better and cost less while a) promoting the Forest Service mission; b) applying business functions to government activities; and c) improving accountability.



³² U.S. Department of Agriculture, *USDA Forest Service Heritage Program* (2007), page 5.

One of the most innovative examples of combining historic preservation goals with entrepreneurialism has been the restoration and reuse of the **Interlaken Resort** on the **San Isabel N.F.** in Colorado. This 19th-century, eight-building, mountain resort complex sits at the junction of the Continental Divide National Scenic Trail and the Colorado Trail. The complex had fallen into serious disrepair by the time it was taken over by the Forest Service. For the past four years, a large group of volunteers with the financial support of several partner organizations, including the National Trust for Historic Preservation, have nearly completed restoration of the resort's Dexter Cabin, which will be rented for events. Under the dedicated management of an Enterprise Unit dedicated solely to historic preservation activities, restoration of the historic Interlaken Resort and the Dexter Cabin have combined many elements of the heritage program, volunteerism, and financial support from both the Forest Service and outside partners such as the National Trust, the Rocky Mountain Nature Association, and Colorado Preservation, Inc. The project has been a resounding success so far and has been recognized nationally for its innovations.

In order to pursue these sorts of ventures in a timely manner, the Forest Service has an Enterprise Unit called the **Mountain Heritage Associates (MHA)**, a group of Forest Service employees whose job is to find ways to adaptively use Forest Service historic structures and produce revenue to sustain their maintenance and operations. Headquartered in California, MHA is developing projects across the system to rescue and sustain historic structures through adaptive use, often as public rental facilities. Forests can elect to hire MHA to work with them on preservation projects.



Special use permits and leasing that allow sharing of responsibility between the agency and an outside partner can also help with heritage resource protection, but authority needs to be expanded to truly benefit the many types of historic properties in the long term. For example, the Granger-Thye Act allows the Forest Service to issue special use permits for specific activities such as temporary use of Forest Service “structures or improvements.” The permittees are typically required to maintain or rehabilitate the properties at their own expense, with money being contributed regularly to a maintenance account for the property held by the Forest Service. For example, **Wallowa Resources** in eastern Oregon hopes to lease some Forest Service buildings for eco-tourism and education programs under this act. This authority has also been used to lease fire lookouts to partner groups who rehabilitate and preserve the structures. However, this authority needs to be broadened to enable the long-term use

of historic buildings and to permit more diverse functions such as special event rental, the sale of merchandise, or food and beverage sales. One idea is to utilize the leasing authority in Section 111 of the NHPA, and write a new permit template for Agency-wide use which could enable broader lease terms than Granger-Thye currently has, and make adaptively reusing historic buildings more practical and appealing to the partner groups.

Recommendations

Recommendation 11: The Forest Service should use authority in Section 111 of NHPA to design a broader agency Special Use Permit to allow better use of historic buildings for more purposes.

Preservation of Sites Associated with Forest Service History

More so than many other agencies, the Forest Service has paid a great deal of attention to its own history, much of which is reflected in the administrative infrastructure built over its more than 100 year history. Fire lookouts, ranger stations, backcountry cabins, and other facilities are the heart and soul of the agency, and have traditionally been among the best cared for and most aggressively defended elements of the agency's heritage programs, although there are exceptions. The recent push to dispose of unneeded administrative facilities manifested in the passage of FREA has resulted in much internal debate over preservation of the agency's historic infrastructure, which, if nothing else, has slowed the process in many National Forests, at least for structures designated as "Priority Heritage Assets" (PHAs).

The Forest Service's focus on its own history is evident in the great efforts that it has taken to ensure the permanent preservation of a former Forest Service complex, the **Camp Pinchot Historic District**, now under the jurisdiction of the U.S. Air Force (Air Force) within Eglin Air Force Base in Florida. After an Air Force Base Commander sought to have several historic structures torn down and replaced with more modern housing, the Forest Service fought back, suggesting that it could invoke a reversion clause from the original conveyance and urged the Advisory Council to become involved in the issue. Ultimately, the Forest Service, Advisory Council, and the Florida SHPO prevailed on the Air Force, using the power of NHPA and the buildings' status as National Register properties, to have them permanently preserved by the Air Force during the rehabilitation of a base housing complex. Part of the site's historical significance derives from the fact that it was built to support the **Choctawhatchee N. F.**, the first National Forest established in the East by President Theodore Roosevelt in 1908.

More recently, in 2005-06, the agency used funds from a Forest Service Centennial Grant and the dedicated historic preservation staff from an Enterprise Unit to fully restore and refurbish the **Aldo Leopold House** on the **Carson N.F.** in New Mexico. This effort was accomplished in approximately 14 months and leveraged \$300,000 of funding with 9,000 hours of volunteer labor. Leopold was a Forest Supervisor there early in the 20th century and is best known for developing the "land ethic" philosophy in his writings, most notably *A Sand County Almanac*.

Two other projects illustrate the agency's strong emphasis on preserving its own history. Gifford Pinchot's home in Pennsylvania, **Grey Towers**, is a congressionally designated National Historic Site. Even though it is not in or near a National Forest, it is fully restored and managed by the Forest Service as the Pinchot Institute for Conservation Studies.

The **Cradle of Forestry in America Historic Site** is a 6,500-acre portion of North Carolina's **Pisgah N.F.** and the site of the first forestry school in America. The Cradle of Forestry in America Interpretive Association is a nonprofit organization founded to help the Forest Service tell the story of forest conservation in America. Together these partners tell the early history of forestry and of the Forest Service at this site.

The 2005 celebration of the Forest Service's centennial, Century of Service, intensified the agency's focus on its history and brought needed attention to many historic structures, especially those built by the CCC during the Great Depression. Ideally, the centennial of the Forest Service should have prompted the agency to make a serious and sustained commitment to the proactive preservation requirements of NHPA, certainly for the historic icons of this agency such as fire lookouts, ranger stations, and backcountry recreation cabins. These types of historic buildings, uniquely associated with Forest Service history, resonate positively with the general public and could have served as the basis for a total revamping of its image and role in communities throughout the country.



IV. Balancing Recreational Use with Cultural Resource Protection



Across the country, the Forest Service faces the difficult challenge of balancing a growing demand for dispersed recreation with the NHPA requirement to protect cultural resource sites under its jurisdiction. The explicit authority on which the Forest Services bases its core heritage policies is focused on recreation (36 C.F.R. § 294.1). This focus is a double-edged sword for historic and cultural resources. On the positive side, cultural resource policies shaped around public use can be a step forward if they are used to build awareness and a constituency for the long-term care of these sensitive sites. This is especially important as the public's understanding of the purpose of the National Forests and key interactions with the System are based more on recreation than on the timber harvest priorities of the past. On the other hand, the Forest Service must work to balance recreation use and protection. As former Forest Service Chief Bosworth recently noted, unmanaged recreation is one of the "Four Threats" to National Forest resources. (The other threats were fire and fuels, invasive species, and loss of open space.)

Hiking, camping, picnicking, fishing, hunting, boating, canoeing, photography, wildlife observation, and visits to historic sites are the major public uses of Forest Service lands. Most activity is dispersed and not dependent on access to facilities. The major exception is downhill skiing. Especially in the West, but also in the Northeast, ski companies typically build their lodges on private lands, but lease mountainous lands for the actual ski runs and slopes from the Forest Service. In most cases, these ski area facilities pose no direct threat to cultural resources.

However these facilities may increase access by the public to sites that lack sufficient management or protection from overuse and abuse.

The challenge of harmonizing recreation and cultural resource protection exists in every forest and grassland, but perhaps nowhere more dramatically than in Kentucky's **Red River Gorge** located in the **Daniel Boone N.F.** The entire gorge area is a designated National Register Historic District, with at least 460 "cultural properties" already recognized and more investigations underway at present. At the same time, the gorge is a hugely popular recreation site, with extensive hiking and camping throughout the area. The obvious beauty and interesting terrain of the Red River Gorge attracts thousands of recreation users annually. According to the staff, this influx of visitors has reached a saturation point and is adversely affecting the area's cultural resources. Campers regularly sleep and cook in prehistoric rock shelters despite some site closures and limited educational efforts by the agency. Trash, fire scars, vandalism, and theft of significant archeological resources have also resulted. To its credit, the Forest Service has undertaken a comprehensive carrying capacity study, known as the "Limits of Acceptable Change (LAC)," a nine-step process in its sixth and seventh phase as of the spring of 2007. The Red River Gorge LAC analysis will set an important national precedent for how the Forest Service will respond to the problem of overcrowding, assuming that the agency has the staff resources to enforce any new recreation use standards.

Similarly, final decisions by each individual Forest on how to implement the 2005 Travel Management Rule will have serious implications for historic and cultural resources. The increased use of OHVs in the National Forests over the past decade poses a serious threat to protection of cultural resource sites. In 2006 one of the most historic, scenic, and best restored fire lookouts, **High Knob**, on the **Gifford Pinchot N.F.** in Washington was vandalized and nearly destroyed. The site's vehicular accessibility and lack of law enforcement presence gave vandals access and opportunity. The same factors make it easier for pot hunters and other looters of archeological sites to operate on National Forest lands and to escape the law.

The strong, positive emphasis that the Forest Service currently places on tourism at historic and cultural sites takes advantage of the growing national interest in cultural heritage tourism but also has serious management implications for preserving and protecting these places. Promotion of these sites must be coupled with the capability to manage the resultant use. Public awareness and appreciation of the rich history in the National Forests carries with it the implication that the agency can and will protect these sites from the irreparable damage caused by careless users, vandals, pot hunters, and looters.

Most recreation users of the System will act responsibly if provided with standards of ethical behavior about respecting resource conditions and fragility. Both Forest Service recreation user ethics programs—Leave No Trace and Tread Lightly—have put considerable emphasis on protection of cultural sites. Those who have been exposed to these ethical use standards through signage, hang tags, and brochures generally adhere to them. Nevertheless, irresponsible recreation users and vandals will disregard any standard, and thus Forest Service law enforcement capability is essential to the effective preservation of cultural resource sites.

V. Consulting Partners for Cultural Resource Protection

Much of the cultural resource management work of the Forest Service calls for collaboration with other federal partners. In some cases, this is mandated by law. But these federal partners can also be a source of guidance and help for the agency's regions, forests, and districts.

Advisory Council on Historic Preservation

The Advisory Council on Historic Preservation advocates full consideration of historic values in federal decision-making and reviews federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies. The Advisory Council has a staff person who serves as the liaison to the U.S. Department of Agriculture, which houses the Forest Service. This position has facilitated excellent communication between the Advisory Council and Forest Service, and resulted in early and effective responses whenever issues have arisen, ranging from development of the new Forest Service policy manual to Section 106 "adverse effects" determinations. Because of this position the Council has been relatively well-informed about Forest Service preservation issues, compared to other federal land management agencies such as BLM. There is not one broad Programmatic Agreement (PA) between the Advisory Council and the Forest Service. Rather, most Regions and Forests operate under a regional, state, or forest level PA.



Advisory Council staff interviewed for this Assessment expressed concern that the heritage program is not well integrated into the business of the Forest Service. It was suggested that the position of “senior policy official” (SPO), which is required to be designated in each agency under the Preserve America Executive Order, has been set at too low a level in the agency for historic preservation to be an important consideration when internal policy conflicts arise. ACHP staff suggested that designating the associate chief, second in command at the Forest Service, to be the SPO instead of the director of recreation and heritage as currently is the case. This action would put heritage issues in a much stronger position within the agency, both for setting budget allocations and reconciling competing policies and priorities.

Advisory Council staff members also feel that the Forest Service actually makes its job harder by focusing so much of its attention on Section 106 compliance rather than a proactive heritage program that identifies, evaluates, and takes care of the most important historic places in the National Forests and grasslands. For example, developing thematic contexts and protocols would help the agency to better understand the significance of its cultural resources and prioritize protection for them. Re-focusing on an agency-wide policy that gives stronger attention to the most important places in its care would better serve all concerned, they say.

State Historic Preservation Officers

State Historic Preservation Officers (SHPOs) are state government officials who are delegated the authority to carry out the national historic preservation program under the NHPA. Among other tasks, SHPOs work with agencies such as the Forest Service on the identification and evaluation of historic resources, National Register and NHL designations, and the review of all federal projects that may affect historic properties in accordance with Section 106 of NHPA.

Overall, it appears that the Forest Service does not engage as comprehensively with the SHPOs as do other agencies such as BLM. The Forest Service lacks a clear national policy about how the various regions, forests, and ranger districts should interact with SHPOs. While a number of regional offices have pursued PAs with SHPOs to streamline procedures for complying with Section 106, many have not. One region has argued that it has avoided developing a PA because staff think it puts too much emphasis on Section 106 compliance when they would rather engage in a more proactive heritage program under Section 110. At least one SHPO has resisted entering into a PA with the Forest Service because of the concern that too many differences and disagreements would result. This SHPO did not feel that the Forest Service was sufficiently committed to historic preservation and was uncomfortable allowing it to take the streamlined approach allowed by a PA.

Several SHPOs reported that the Forest Service relies too heavily on the “flag and avoid” method of dealing with cultural resources during work on forest projects. While this may offer some immediate protection for a site, rarely does the Forest Service have the funding or the time to go back for a thorough site evaluation, much less a National Register eligibility determination. Additionally, the “flag and avoid” method is normally not sufficient to avoid the adverse affects of undertakings like oil and gas development on landscape-level cultural resources. As one SHPO stated, “Hundreds of sites are identified, but few evaluated.” While evaluating 100 percent of identified sites is unrealistic, increasing the number of evaluated sites will help influence land management planning decisions to direct projects away from significant known sites and aid in protecting the most significant cultural resources.

Especially in the Southwest, SHPOs have been increasingly engaged with the Forest Service in tribal cultural resource disputes, including the recent Ninth Circuit Court decision prohibiting the use of treated sewage water to make snow for a ski area that lies within a tribal sacred site on the Coconino N.F. in Arizona.

*As one SHPO stated,
“Hundreds of sites
are identified, but few
evaluated.”*

Working with Tribes & Tribal Historic Preservation Officers

Tribal Historic Preservation Officers (THPOs) may assume all or part of the functions of a SHPO on tribal lands. Additionally, as the designated cultural affairs official for most tribes, THPOs are also called upon by federal agencies, including the Forest Service, to consult and advise the agency on projects that could affect cultural sites on federal lands. As is often the case, federal lands include the ancestral territories of nearby tribes. Usually this consultation is triggered by Section 106 review but occasionally a forest or regional archeologist is proactive enough to engage with the THPO on other matters, including the identification and recognition of traditional cultural properties (TCPs) or sacred sites before a specific forest management project begins to affect the same landscape.



In contrast to its relationship with SHPOs, the Forest Service appears to be more actively and effectively engaged with tribes than any of its sister public land management agencies. Overall, the Forest Service has a very strong tribal liaison and consultation program, although officially it is managed through the Forest Service State and Private Forestry Office and not through officials in National Forest System management. At the field level, however, the forest archeologists and District Rangers have, in many locations, a much better degree of cooperation with tribes than do their counterpart federal agencies, in part because many forest archeologists also serve as tribal liaisons.³³

VI. Law Enforcement for Heritage Resources

Law enforcement is difficult for the Forest Service, especially where crimes involving cultural resources and historic sites are concerned, because the Forest Service has to patrol a very large land base with too few law enforcement officers and too little funding. Over the past 12 to 15 years, the law enforcement staff of the Forest Service has been reduced from around 1,000 officers and investigators to about 600 today. Less than 1 percent of the time of the current law enforcement workforce is spent on cultural resource crimes (although this amounted to more than 6,000 hours in 2006). The staffing situation compels Forest Service law enforcement to exist as an almost exclusively reactive force. More law enforcement officers are needed in order to have the capacity to increase proactive patrolling of the forests, especially in regions like the Southwest where there is a higher incidence of archeological site looting. Further, additional officers would enable the agency to set up longer term, more in-depth investigations so that arrests can reach higher up into criminal organizations. Law enforcement needs vary by region and forest, but have recently tended to focus either on vandalism of structures or theft of artifacts from archeological sites. Both are on the rise in some parts of the country, while other areas are comparatively quiet.

The Pacific Northwest Region has been a leader in the enforcement of cultural resource crimes with numerous arrests and prosecutions, including the largest case in the country. Operation “Bring ’Em Back” is a multi-agency ARPA investigation begun three years ago in Oregon, and is the largest such case in the U.S. according to the prosecuting U.S. Attorney. Thus far, the case has resulted in

Over the past 12 to 15 years, the law enforcement staff of the the Forest Service has been reduced from around 1,000 officers and investigators to about 600 today.

³³ Specific interactions between THPOs and Forest Service regions are described in Appendix 8.

the issuance of 26 search warrants, 13 convictions, prison time for felons, the recovery of human remains, and \$20,000 in restitution payments to tribes. More convictions are likely in the case, which involves vandalism and looting at more than 100 archeological sites. Despite an aggressive law enforcement program, the number of cases in the Pacific Northwest Region continues to grow rapidly as the value of artifacts on the black market rises, especially internationally. Unfortunately insufficient funding in the regional law enforcement account means that heritage program monies are used instead to fund law enforcement activities involving historic or cultural resources.

In the Southern Region, law enforcement has become a major issue in recent years, particularly as the financial connection has been established between looting of archeological resources for sale on the black market and drug trafficking especially in methamphetamines. In this region, the law enforcement program budget can pay most of its own costs, but the heritage program funds the consulting archeologist who supports its ARPA cases.

VII. Conclusion

Given the opportunity to evaluate their performance, professionals are often their own best critics with a strong sense of their situation as well as solutions for correcting any deficiencies. This is certainly true for the Forest Service and its dedicated heritage staff, as exemplified in this recent self-evaluation:

Public interest in archeology and history is at an all-time high. Demands for education and participatory programs increase every year. Use pressures and illegal activity are rising, threatening non-renewable cultural resources. Federal land managers increasingly seek landscape level paleoenvironmental data in order to better manage current ecosystems and make more informed management decisions. Tribal consultation is more frequent and more complex. All these demands require increased effort on the part of agency heritage personnel. At the base of all the demands is the need to know what resources exist and know their value. Without that knowledge base, it is difficult to impossible to provide land managers with accurate pictures of past land use, to provide opportunities for the public to gain knowledge of and enjoy cultural heritage sites and experiences on public lands, or even to protect the significant cultural properties and make informed decisions about which ones to protect and invest further efforts into for research or enhancement. As we continue to do only that which is necessary to avoid lawsuits, the backlog of unevaluated sites grows and our ability to meet the public's, the Tribes' or the agency's needs steadily declines.

Throughout its history, the Forest Service has relied upon forest “experts” and “professionals” to set its broad policies, which primarily focus on the management of timber and watersheds. However, even with this internal sense of professionalism, the agency has rarely developed policies and standards that prioritize cultural resource protection.³⁴

Just as Gifford Pinchot convinced the nation that professional, public management of the vast forests of America was essential to avoid their waste and destruction by private interests, Forest Service managers must today acknowledge and take an equal measure of professional responsibility for the high value of cultural resources in their charge.

Forest Service statutes, policies, regulations, programs, and projects must reflect that the preservation of historic and cultural resources is a significant component of the agency's overall mission. Additionally, Congress must provide the Forest Service with adequate appropriations to help the agency re-focus its mission on cultural resource management. Changes in statutes, polices and authorities and increased heritage program funding levels are necessary for the Forest Service to successfully achieve this mission. As a professional agency, the question is not whether it can, but whether it will.

Preservation and appropriate public use and understanding of the myriad cultural resources in the National Forests and grasslands must come to be regarded as essential to the mission of the Forest Service by its core professionals. A balance must be reached between the protection of natural resources and historic and cultural resources.

Today, Forest Service heritage programs work with limited resources to educate the public about the history that resides in our National Forests and grasslands. For the future, the policies, budget, and staffing of the agency must work hard to catch up to the level of professionalism and accomplishments of its historic and cultural resources programs in the field.



³⁴ “USDA Forest Service Heritage Program.” July 29, 2002, updated April 9, 2007.

Summary of Recommendations

1. NFMA should be amended:

- a. To explicitly recognize the agency's responsibility for historic and cultural resources on the lands it manages, in order to ensure the long-term preservation and appropriate public use of the Forest Service's historic and cultural resources.
- b. To grant the Forest Service the explicit authority to designate special management areas for sites listed in or eligible for the National Register.
- c. To expand Forest Service authority to form public-private partnerships that will enhance its historic preservation responsibilities.

2. FREA or its succeeding acts should be amended:

- a. To retain all or a significant part of funds derived from the sale of any historic administrative sites under FREA for maintenance or restoration of retained historic structures that are listed in or eligible for the National Register.
- b. To require the attachment of legally enforceable preservation restrictions or conditions on properties listed in or eligible for the National Register to be transferred out of Forest Service ownership or control.

3. The Forest Service should provide each region with additional funding to enable it to conduct region-wide analyses of all facilities, both administrative and recreational, to determine eligibility for listing in the National Register, before making any de-accessioning decisions under either FREA or RS-FMP.

4. Building upon the direction in revised FSM 2300 and the Preserve America Executive Order, funding should be sought for each region to develop a comprehensive heritage plan under Section 110 of NHPA to set priorities, evaluate the state of knowledge about cultural resources in the region, and determine how each forest will obtain new information, evaluate sites, and manage "priority heritage assets (PHA)" for long-term preservation.

5. The Forest Service should adopt language in the Heritage Program Technical Guide for the 2005 planning rule that explicitly states a key goal of forest planning is to provide for the long-term protection of cultural resources; that requires each forest to undertake landscape-level cultural

resources surveys (in addition to surveys done before the approval of site-specific projects or action plans); and that requires cultural resource monitoring as part of the EMS process.

6. The Forest Service should amend the Travel Management Rule to establish specific standards for the protection of historic and cultural resources from the potential adverse effects of motorized use and require the integration of heritage staff into the travel access planning and decision-making team from the outset.
7. The Forest Service should produce a report that documents how much funding reaches "on-the-ground" heritage program activities, promoting transparency and accountability for the use of heritage program funds.
8. The Forest Service should provide specific, line-item funding for the management of historic and cultural resources in the System, especially focused on the preservation requirements of Section 110 of NHPA. At a minimum, this Forest Service heritage line item should include an annual increase of \$15 million, of which at least \$6 million per year would be for stabilizing priority heritage sites; \$6 million per year to address cultural site inventorying and monitoring, stewardship volunteers, and Passport in Time (PIT) projects; and \$3 million per year for stepped up law enforcement investigations at cultural resource sites.
9. The Forest Service should ensure that Section 106 compliance costs are fully covered by the "Primary Purpose" accounts in the Forest Service budget so that the agency does not have to subsidize Section 106 compliance with Section 110 heritage program funds.
10. The Forest Service should initiate in the WO (or direct each region to adopt) a competitive grant program like the Heritage Stewardship Enhancement grant program (HSE), using existing funds from the annual NFRW account. In subsequent years, the Forest Service should seek a budget increase in the NFRW account specifically for the HSE.
11. The Forest Service Should use authority in Section 111 of NHPA to design a broader agency Special Use Permit to allow better use of historic buildings for more purposes.

The U.S. Forest Service and the National Trust for Historic Preservation

While the budgetary and policy needs of the Forest Service cannot and should not be fulfilled by the National Trust for Historic Preservation (National Trust) or any other non-governmental organization (NGO), the Trust has taken steps to actively demonstrate that it is both well aware of the considerable problems facing the cultural resources found in the System and is prepared to engage the Forest Service in their protection.

At the **Caddo National Grasslands** in Texas, National Trust members and staff, serving as PIT participants, have volunteered in several work projects at the **Lake Fannin Organizational Camp**, a complex of Resettlement Administration buildings listed in the National Register that have fallen into disrepair. The camp is the only Forest Service National Register listing in Texas. The National Trust provided a grant to allow the Forest Service to complete architectural and structural engineering condition assessments of the 15 remaining buildings before stabilization and restoration efforts began.

The National Trust has also provided another grant to the Forest Service to enable a reuse feasibility study for several CCC buildings in Texas. Supporting this type of resource is extremely important because these historic structures, like many others, are not used for public recreation or agency administrative purposes, and consequently receive essentially no funding for maintenance or restoration under current Forest Service budget priorities.

In Colorado, the National Trust staff and members have supported the restoration of the historic **Interlaken Resort** on the **San Isabel N.F.** by participating in volunteer projects. The Trust also provided a grant to help the Forest investigate alternative energy sources to operate the site in the future.

The 1924 **Landmark Ranger Station** on the **Boise N.F.** has received \$15,000 in grant funds from the National Trust to develop a historic structures report and condition assessment as well as a rehabilitation plan for the individual buildings, structures, and landscape features at the station.

In 2005 the **Mark Twain N.F.**, which encompasses 1.5 million acres in southern Missouri, made plans to “realign” up to 150 older structures, including farmsteads, fire towers, and ranger stations (through sale, transfer, demolition, etc.), due in part to a backlog of deferred maintenance and a small annual facilities budget. The National Trust acted quickly to ensure alternatives were fully considered before the properties were removed from federal ownership. The National Trust, the ACHP and the Missouri SHPO are participating actively in Section 106 consultation with the Forest as a PA for the realignment of historic buildings on the Mark Twain is developed. The number of historic structures slated for realignment has now been estimated at around 70, comprising 21 National Register eligible or listed complexes. A number of the 150 older structures had deteriorated so greatly under Forest Service stewardship that they lacked sufficient integrity to be eligible for the National Register.

Consultation has led to progress, including the Forest’s commitment to match National Trust grant funds to pay for a feasibility study investigating alternatives for five historic complexes (totaling 22 historic buildings). The study was performed by Mountain Heritage Associates, a Forest Service Enterprise Unit, and offers a range of encouraging choices for the future of these historic structures. However, the National Trust remains concerned that the Forest’s Facilities Master Plan (FMP) as of October 2005 does not fully consider the historic, archeological, architectural, and cultural value of historic properties in the Forest as required by Section 110 of NHPA. In fact, historical significance was not even included among the criteria under which administrative facilities were evaluated in the FMP. To emphasize its concern about the situation and Forest Service policy toward cultural resources, the National Trust listed the historic structures on Mark Twain National Forest as one of America’s 11 Most Endangered Historic Places in 2007.



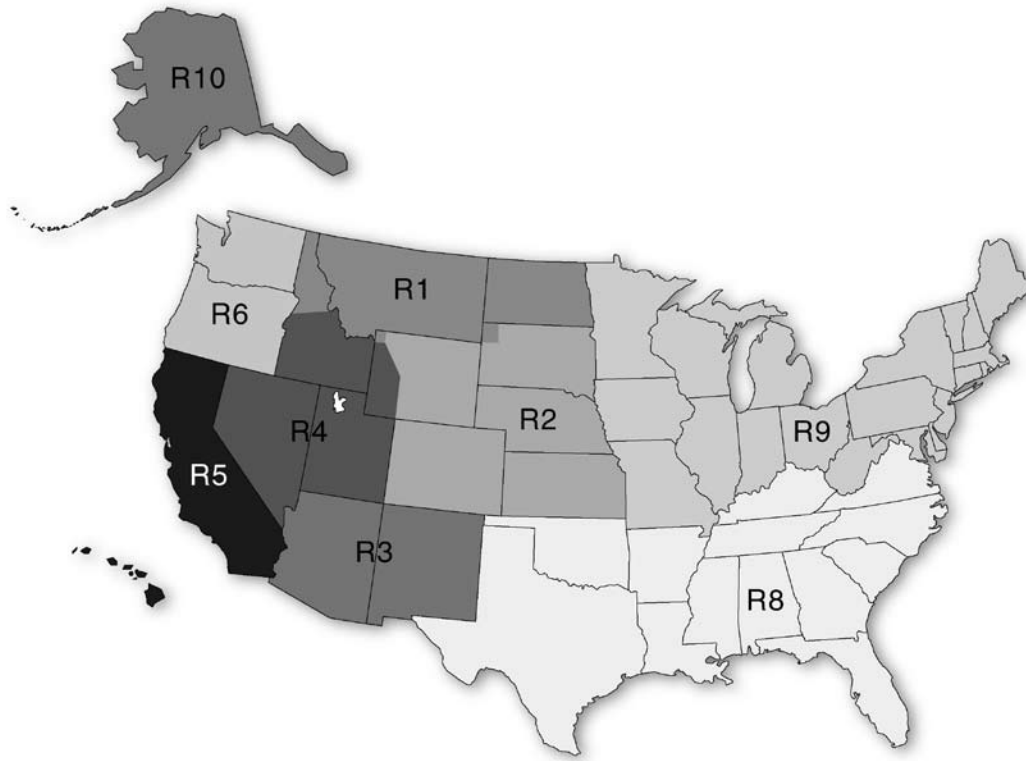
APPENDIX 1

Abbreviations Used

Advisory Council	Advisory Council on Historic Preservation
ACHP	Advisory Council on Historic Preservation
ARPA	Archeological Resources Protection Act
BLM	Bureau of Land Management
CCC	Civilian Conservation Corps
C.F.R.	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
EMS	Environmental Management System
FLPMA	Federal Land Policy and Management Act
FMP	Facilities Master Plan
FREA	Forest Service Facility and Realignment Act of 2005
FS	Forest Service
FSH	Forest Service Handbook
FSM	Forest Service Manual
HRT	Heritage Resource Technicians
HSE	Heritage Stewardship Enhancement grant program
LAC	Limits of Acceptable Change
LE	Law Enforcement
MHA	Mountain Heritage Associates
MOA	Memorandum of Agreement
MUSY	Multiple-Use, Sustained-Yield Act
MUA	multi-use asset
NEPA	National Environment Policy Act
NFMA	National Forest Management Act
N.F.	National Forest
NFRW account	National Forest Recreation and Wildlife account
NGO	non-governmental organization
NHL	National Historic Landmark
NHPA	National Historic Preservation Act
NHT	National Historic Trail
NPS	National Park Service
NR	National Register (of Historic Places)
NRHP	National Register of Historic Places
OHA	other heritage asset
OHV	off-highway vehicles
PA	Programmatic Agreement
PHA	priority heritage asset
PIT	Passport in Time
RS-FMP	Recreation Site—Facility Master Plan
SHPO	State Historic Preservation Officer/Office
System	National Forest System
TCP	Traditional Cultural Property
THPO	Tribal Historic Preservation Officer/Office
U.S.C.	United States Code
USFS	United States Forest Service
WO	Washington Office of the USFS

APPENDIX 2

Forest Service Regional Map (Courtesy of www.fs.fed.us.)



APPENDIX 3

Comparison Chart

Federal Land Management Agencies

Agency	Acres Managed	Percent Surveyed	NR Listed Sites	Listed NHLs	Full-Time Heritage Staff
US Forest Service	193 million	20	1,936	27	350
Bureau of Land Management	261 million	6	367	20	140
National Park Service	83 million	10	1,365	179	671
US Fish and Wildlife	96 million	3	157	24	20

APPENDIX 4

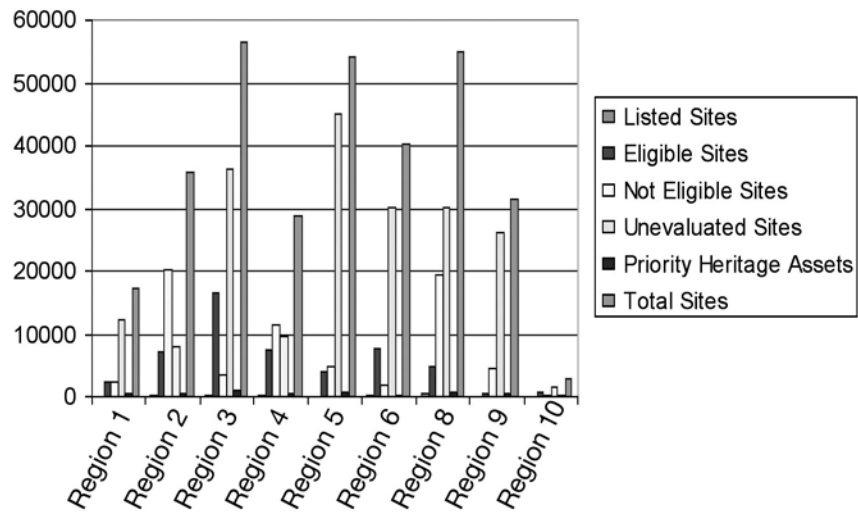
Summary of Cultural Resource Sites

by Forest Service Region

Source: FS Infra database and Department of Interior Report to Congress:

Date: September 30, 2006

	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 8	Region 9	Region 10	Total
Listed Sites	111	189	379	241	112	245	548	79	32	1936
Eligible Sites	2478	7086	16575	7411	4070	7840	4815	525	930	51730
Not Eligible Sites	2279	20340	3351	11557	4722	1958	19462	4579	383	68631
Unevaluated Sites	12393	7997	36352	9623	45135	30227	30226	26245	1668	199866
Priority Heritage Assets	664	490	1035	488	718	179	858	440	144	5016
Total Sites	17261	35612	56657	28832	54039	40270	55051	31428	3013	322163
Evaluated Sites	4868	27615	20305	19209	8904	10043	24825	5183	1345	122297
National Historic Landmarks	4	3	5	4	2	2	1	2	4	27



- There is no Region # 7, as the result of a merger.
- The Northern, Rocky Mountain, and Intermountain Regions split Idaho, Wyoming, and South Dakota across more than one region, but this list has sites divided by Forest within the appropriate region.
- Sites may contain multiple historic properties.
- # Sites NR Eligible = the number of cultural resource sites by region that the Forest Service and/or the SHPO have determined to be eligible for listing in the National Register.
- # Sites Not Evaluated = the number of cultural resource sites that have been identified by the Forest Service but not yet evaluated for eligibility for the National Register.
- # NR Sites = the number of Forest Service cultural resource sites already listed in the National Register.
- # NHL = the number of Forest Service cultural resource sites that have been designated as National Historic Landmarks.

APPENDIX 5

United States Forest Service WO

Organization Chart for Heritage Programs

CHIEF Gail Kimbell
Associate Chief Sally Collins
Deputy Chief National Forest System Joel Holtrop
Associate Deputy National Forest System Gloria Manning
Director Recreation, Heritage and Volunteers (RHVRP) Jim Bedwell
Deputy Director, RHVRP, Gail van der Bie
Assistant Director, Heritage, Business Management and Planning Martha Kettle
Heritage Program Manager Michael Kaczor

NOTE: The Director of Recreation, Heritage, and Volunteers has been designated as the “senior policy official” as required by the Preserve America Executive Order. The heritage program manager is the “federal preservation officer” as required under the National Historic Preservation Act.

APPENDIX 6

Methodology and Acknowledgments

In preparation for this work, I read a number of books which tell the history of the Forest Service. None of these, I discovered, have paid particular attention to the heritage represented in the National Forests, except to describe the agency's own legacy reflected in historic ranger stations, fire lookouts, and the like. My reading list included: *Breaking New Ground* (G. Pinchot), *Whose Woods Are These* (M. Frome), *The Forest Service* (M. Frome), *Our National Forests* (B. Frank), *The Saga of a Forest Ranger* (L. Shoemaker), *The National Forests* (A. Carhart), *Forests and Men* (W. Greeley), and *The Forest Ranger* (H. Kaufman).

I also read statutes, manuals, strategic plans, and forest management plans applicable to the management of the System. I interviewed several staff members at Forest Service WO, all nine regional heritage program managers, all nine regional foresters or deputy regional foresters, several SHPOs, and staff members of the Advisory Council on Historic Preservation, as well as a number of staff members of non-governmental organizations (NGOs) and several Forest Service retirees.

I was greatly impressed by the solid professionalism and deep commitment of the career heritage program staff of the Forest Service, in the WO, in regional offices, and in the field. They are few in number, but dedicated, energetic, and smart.

In addition to the National Trust, there are several NGOs that act as critical allies to the Forest Service's heritage program. In particular, the Forest Fire Lookout Association is focused, deeply engaged, and doing great work wherever it can.

The heritage program accomplishments would be far fewer if it were not for the thousands of volunteers that devote countless hours to monitoring, study, interpreting, maintaining, and restoring forest heritage sites through the PIT and Partners in Preservation programs.

Staff of the Mountains/Plains Office of the National Trust for Historic Preservation provided much useful information and guidance in the preparation of this Assessment. Thank you to readers Barbara Pahl, Elizabeth Merritt, Amy Cole, Elaine Stiles, Ti Hays, Jennifer Sandy, Lizzy O'Hara and Emily Wadhams and the editing services of Kerri Rubman and Elizabeth Byrd Wood.

APPENDIX 7

Interview Questions

For WO staff

1. Any recommendations on others across USFS to be sure to interview? Outside agency?
2. Describe the status and trends in FS cultural resource management.
3. Key issues affecting/impacting? Budget?
4. Ten-year trend in heritage program monies?
5. Key program elements of the heritage program at present?
6. What is the standard organizational structure (if there is one) for heritage programs at region, forest, and ranger district levels?

7. What is the status of heritage policy in USFS? What is the status of the heritage program policy manual?
8. What is the impact/opportunity stemming from Facility Master Plan and Inventory?
9. What is “adaptive reuse” policy for heritage structures?
10. Is there any basic requirement called out in the planning process to focus on heritage sites? Is there any mandate for comprehensive heritage inventory?
11. What is history of decommissioning FS buildings and policy toward historic buildings in light of enactment of P.L. 109-54 (FREIA)?

For Field Heritage Program staff

1. Does your region apply any new/additional/more detailed policies than those outdated ones specified or allowed in Washington Office? Manuals regarding heritage issues?
2. What is your regional level of funding for heritage programs?
3. If heritage program funding is already in individual N.F. budgets, does the regional office perform any oversight on actual allocation and use of these funds? Performance appraisals?
4. What funding account sources are used and how much funding do you average annually for heritage program activities from other sources than the NFRW account?
5. Do other benefiting accounts provide heritage funding in your region (e.g. timber, roads, planning, recreation, maintenance, etc.)?
6. What is the rough percentage of FS heritage work in your region, between proactive Sec. 110 work and Sec. 106 compliance?
7. What is the heritage program FTE allocation your region, and how are they allocated among the forest and ranger district offices? (How many heritage program professionals in each?)
8. Describe briefly the relationship with the SHPOs under the protocols of the Programmatic Agreement with ACHP for your region. Identify any issue(s) that have arisen in your region in which the ACHP has played a role under the PA.
9. What district- or forest-wide heritage surveys/studies, if any, have been carried out in your region? Describe briefly the scope, sites/themes covered, and how these studies were funded.
10. There is wide disparity among regions in the number of NRHP-eligible sites identified and nominated. What is the policy in your region regarding NRHP nominations?
11. What distinction, if any, does your region make between PHA and NRHP sites?
12. How has heritage-related law enforcement (LE) in you region served protection of cultural resources? Is LE for heritage stable, growing, or declining?
13. Have any classified structures been de-accessioned under P.L. 109-54? Are there plans to do so? What, if any, stipulations on future care/use can/will you require for any structures that are sold or leased? Do you have any policies that shield classified structures from sale under this authority?
14. Identify recent examples of tribal consultation, TCP identification, Native American Graves Protection and Repatriation Act (NAGPRA) repatriations, etc. undertaken in your region.
15. Provide some examples that highlight recent heritage program accomplishments in your region at the N.F. level.

NOTE: R 1,3,5,6,8,10 have PA with SHPO/ACHP. Why not R 2, 4, and 9?

NOTE: R1 & R2 have excellent regional websites dealing with heritage programs and key sites; none of the other regional office websites even mention heritage or sites, though some individual N.F. websites do. Why the wide divergence?

APPENDIX 8

Heritage Program Highlights by Forest Service Region

Region 1: Northern

The historic **Raven Ranger Station** on the Kootenai N.F. in Montana was chosen as a Preserve America Presidential Award winner in 2006 following a major renovation done in partnership with the State of Montana, the Community for a Great Northwest, and many local volunteers. The 1930s CCC buildings have become the Raven Natural Resource Learning Center and the home of “Provider Pals,” an urban/rural student exchange program.

Work with THPOs has led to some important agreements:

Major problems arose on the Custer N.F. in Montana and South Dakota following an increase in demand for oil and gas development in areas with religious and cultural significance to several tribes. Five bands of Sioux and the Three Affiliated Tribes—the Mandan, Hidatsa, and Arikara—protested the sale of a number of leases within these areas. With active involvement of the SHPO and THPOs, the Forest Service and tribes negotiated a PA for consultation which has resulted in pre-lease reviews of proposed leasing sites and a commitment by the Forest Service to disallow surface disturbance within the boundaries of certain TCPs and sacred sites.

The Northern Region also has an agreement in place with the Nez Perce Tribe that covers a number of programs, including the protection of tribal TCPs and sacred sites, and provides for tribal involvement with interpretation of the Nez Perce NHT. Similarly, Region 1 has given a research permit to the Salish-Kootenai Tribes allowing them to conduct tribal historical research throughout their ancestral territory within National Forest lands.

Most recently, Region 1 has reached an agreement with the Blackfeet Tribe in the Badger-Two Medicine area of the Flathead N.F. in Montana regarding a long-standing dispute over the encroachment of oil and gas development on Blackfeet sacred sites. In an effort to avert oil and gas leasing on sacred lands in the Badger-Two Medicine area, the Blackfeet Tribe has opened other lands to leasing within its adjacent reservation instead. In exchange, the Forest Service agreed to designate a 78,000-acre TCP and nominate the area to the National Register. In a move complementing the agreement between the Blackfeet and the Forest Service, several NGOs have been buying out oil and gas leases in the area that were issued in the 1960s before these lands can be developed.

A similar success has been achieved with the Three Affiliated Tribes over oil and gas development in the Blue Buttes areas of the Dakota Prairie Grasslands in North Dakota which, after much consultation, has resulted in a commitment to attach no surface occupancy stipulations on oil and gas leases in areas of traditional religious and cultural importance to the tribes.

Region 1 is the only region with a fully funded historic preservation team. The team is led by a graduate of the National Park Service Historic Preservation Training Center. The historic preservation team works onsite to stabilize and restore historic cabins and runs a full carpentry shop where they can repair historic windows and doors. The Center has also trained BLM staff working in the historic Garnett mining camp and the Upper Missouri Breaks National Monument.

Region 2: Rocky Mountain

In southeast Colorado, the Forest Service manages Picket Wire Canyon on the Comanche National Grassland, which contains a unique and remarkable collection of rock art, ancient ruins, a 19th-century adobe ranch complex, and the largest collection of dinosaur tracks known in the U.S. The dinosaur track-way extends a quarter mile and contains more than 1,300 visible tracks. Little study has yet been done on the ancient rock art in Picket Wire Canyon, which may be 4,500 years old. The 19th-century Dolores Mission and the adobe Rourke/Wineglass Ranch have been much better documented. These sites offer fascinating visitor education and recreation opportunities, but are threatened by the U.S. Army's recently stated desire to take over the area to serve as a training course for tank operators.

The Rocky Mountain Region maintains an excellent website for heritage education and visitation opportunities that explains the breadth of cultural resources to be found across the National Forests of the region. Dozens of known and less well known priority heritage sites are detailed on the website, ranging from the Lost Canyon Cliff Dwellings on the San Juan N.F. (Colorado) to the Hog Park Tie-Hack Site (a well preserved cabin camp used by loggers who cut railroad ties) on the Routt N.F. (Colorado), and from Camp Hale on the White River N.F. (Colorado) (where the 10th Mountain Division trained before World War II), to the Warbonnet Battlefield (Nebraska) to the Santa Fe Trail on the Comanche (Colorado) and Cimarron (Kansas) National Grasslands. Many of these sites are open to the public, with appropriate preservation restrictions.

Region 3: Southwestern

In Region 3, heritage program staff have developed strong working relationships with local citizen organizations in order to augment staff and budget capacities to support their work. For example, on the Coronado N.F. in Arizona, a multi-year restoration of Kentucky Camp, a historic gold mining town site from 1902-06, has been carried out with the avid support of the Friends of Kentucky Camp, a chapter of the Coronado National Forest Heritage Society.

Region 4: Intermountain

At the Boise N.F. in Idaho, the Cascade Ranger District is making great strides in preserving important historic resources on forest lands. The Boise National Forest has committed to restoring the 1924 Landmark Ranger Station, vacant for over a decade, to its original purpose as a Forest Service administrative site. The compound, which consists of more than 13 residential and support buildings, will also include space adapted for public use and enjoyment. Proposed uses include a visitor center, space for educational and interpretive programs, housing for firefighters, and recreational rentals. The Boise National Forest, with support from the Idaho Heritage Trust and the National Trust for Historic Preservation, is currently in the planning stages for rehabilitation and adaptive use of the station buildings.

The Swett Ranch in Utah, built by a Mormon family between 1909 and 1970, was acquired by the Forest Service in 1970. Forest archeologists, aided by PIT volunteers, began restoring the ranch in 1996, work that has continued up to the present. The site is becoming a popular tourist attraction and also serves as a well-used trailhead for hiking and horseback riding routes on the Ashley N.F. The forest has consistently been the most adept of any National Forest at using the PIT program to augment its staff and carry out needed work. The careful and well-balanced approach being taken at the Swett Ranch could serve the agency as a national model for the future.

Region 5: Pacific Southwest

The Pacific Southwest regional forester has stated that he is most proud of the effective steps that the forests and heritage staff in his region have taken to proactively reach out to tribes in California. On the Six Rivers N.F. in California, the Forest Service agreed to close down a popular campground at Aikens Creek on the banks of the Klamath River after being informed by the Yurok Tribe's THPO that it had been built on top of the site of a former tribal village.

More recently, the Pacific Southwest regional forester and California BLM state director announced a new native plant gathering policy for California tribes, which will greatly enhance tribal access to National Forest lands for traditional plant gathering purposes. Similarly, the Pacific Region and tribes, led by the California Indian Basket Weavers Association, have instituted a controlled burning program on National Forest lands called "Following the Smoke," which provides new sources of basket materials such as hazel and bear grass that thrive after fire activity. "Following the Smoke" won the Advisory Council's Chairman's Award for Federal Achievement in Historic Preservation in 2004.

Cave Rock, the remnant of a 3-million-year-old extinct volcanic cone on the lakeshore of the Tahoe N.F. in California, is eligible for the National Register because of its spiritual significance to the Washoe Tribe. Since 1987, the area has been a popular sport climbing site. Climbers had installed a concrete floor and numerous permanent climbing bolts on the cave walls without Forest Service approval. Through its site management planning process and extensive tribal consultation over several years in the 1990s and early 2000s, the Forest Service made the decision to close Cave Rock to climbing and repair the damage caused by climbing activity. In 2007, a federal appeals court upheld a lower court ruling in favor of the Forest Service in a case brought by a sport climbing organization, and the implementation of this site decision is now underway.

Region 6: Pacific Northwest

Timberline Lodge NHL, a concession lodge on the Mt. Hood N.F. in Oregon, represents a full partnership with the private sector, and is one of the nation's best preserved examples of arts and craft style architecture.

The Deschutes N.F. in Oregon has an ongoing partnership with Mannus Roofing, the Fort Rock Historical Society and Museum, High Lakes Concessionaires, Singletree and Associates, and the Archaeological Society of Central Oregon to restore several sites in the Forest. In the summer of 2006, structures at Fall River Guard Station, Cabin Lake Guard Station, and several IOOF cabins in Newberry Caldera benefited from the work of the partners. Wanoga Lookout was moved to The High Desert Museum for interpretive programs while the Elk Lake Guard Station cabin continues to serve as an interpretive/information center at one of the portals for the Cascade Lakes Scenic Byway and is staffed by volunteers recruited through the Passport in Time program.

Oregon's Mt. Baker N.F. has a long-standing partnership program associated with the Stevens Pass Historic District, highlighting the Great Northern Railroad across Steven's Pass in the Northern Cascades. The Volunteers for Outdoor Washington (VOW) have been leading an effort to construct a hiking trail along the abandoned railroad grade that is partially wheelchair accessible. Known as the Iron Goat Trail project, it includes such amenities as trailhead signs, interpretive signage, and guided hikes. In addition, the volunteers have taken on a monitoring/site stewardship program to visit specific historic sites along the trail to monitor their condition and ensure that the sites are in stable condition (no looting, vandalism such as graffiti, drainage problems, and so on). Each site is visited at least three times by volunteers during an operating season. The Iron Goat Trail project, with all its associated elements has opened up a significant area of history for people to enjoy and experience in its natural setting while meeting Mt. Baker's responsibilities for preservation, as well as providing multiple media products for education and discovery.

The heritage program of the Okanogan-Wenatchee N.F. generates income from the recreation fee demonstration program through use of the American River Guard Station in the Naches Ranger District. The American River Guard Station is the most popular rental on the Wenatchee National Forest and it generates enough funding to cover maintenance for the structure. This year there was a waiting list for rental of the property.

As a result of a merger, there is no FS Region 7.

Region 8: Southern

On the Osceola N.F. in Florida, heritage staff and local volunteers have restored the historic Olustee rail depot located near the Olustee Battlefield, the site of a short but bloody 1864 Civil War battle noted for the substantial involvement of African American Union troops and on which the Forest Service permits an annual reenactment.

As a result of recent hurricane recovery efforts, National Forests in North Carolina, Texas, and Mississippi received additional funding for heritage efforts. For example, National Forests in Mississippi surveyed some 40,000 acres with hurricane relief funds following salvage log removal from major hurricane blow down. Three hurricanes that struck North Carolina in 2004 caused extensive damage to The Cradle of Forestry and 98 other priority heritage areas. With money added for recovery efforts, the Forest Service was able to restore historic sites across the state and complete new National Register evaluations for 12 fire lookouts, 10 of which were found eligible for the National Register, and two CCC Camps, both of which were determined to be eligible. Similar evaluations were done on a number of archeological sites, including work with the Cherokee Tribe on sites associated with its heritage and sites related to the Trail of Tears NHT.

The ability of the Forest Service to initiate district- or forest-wide archeological surveys has been extremely limited, mostly due to inadequate funding, with most survey work being accomplished only by project-driven undertakings. However, the archeologist with the Ozark-St. Francis N.F. in Arkansas has found funding to initiate a watershed wide archeological survey using large site sampling and predictive modeling to gather data. These surveys are the likely reason that the National Forests in Arkansas have the highest number of National Register listings. Another factor contributing to the robust heritage program on the Ozark-St. Francis N.F. is the fact that the recreation program manager is also an archeologist and not a recreation specialist.

The Ouachita N.F. in Arkansas has a unique archeological technician training program with 16, full-time staff known as Heritage Resource Technicians (HRTs) who have gone through the certification program. One group of these HRT is a Caddo Indian fire crew, which fights fires during fire season and supports the archeology program the balance of the year on the Ouachita N.F. and Ozark-St. Francis N.F.

In 2006, the Cherokee N.F. in North Carolina acquired 25 acres located on the historic Unicoi Trail—Native American's main road through the mountains for thousands of years—on the Tellico Ranger District. The site also encompasses the entire site of Camp Armistead, which was the only U.S. military installation located within the Cherokee Nation before the Cherokee removal to Oklahoma in 1836. Two centuries ago, Fort Armistead was built near Coker Creek to protect Cherokee gold mines from marauding white settlers. In 1838 the site served as a camp for Cherokees being taken from their ancestral lands to travel the Trail of Tears to Oklahoma. It is the intention of the Forest Service to preserve and develop the camp in conjunction with its partners, including the Eastern Band of Cherokee Indians, and, if possible, to acquire additional adjacent private lands in order to further protect and enhance this nationally important treasure.

The National Forests in Arkansas and Oklahoma have also developed a special annual conference, known as "To Bridge a Gap," which focuses on the more than 14 tribes in the area and the archeology of the forests. The Chickasaw hosted this unique event last year.

Region 9: Eastern

The Round Island Lighthouse, which overlooks Lake Huron's Strait of Mackinac, is a historic structure located on the Hiawatha N.F. in Michigan. It is one of four National Register lighthouses located in National Forests in Michigan. Constructed in 1896, the lighthouse is a highly visible and popular historic symbol in the region. A local Boy Scout troop and various other volunteers joined with the Forest Service to complete a restoration in 2005 and 2006, including carrying out major painting and foundation work.

The restoration of the 13 remaining buildings at the Rabideau CCC Camp NHL in Minnesota's Chippewa N.F. is an outstanding example the Forest Service's heritage program work. In this case, the work has been led by a forest archeologist and significantly aided by numerous PIT and other local volunteers working over the past seven years.

The land base shared by the Chippewa N.F. in Minnesota and the Leech Lake Band of Ojibwe is unique to the System. Nowhere else in the country are National Forest and tribal boundaries superimposed upon one another to this extent. Although there is always room for improvement, tribal consultation occurs on the Chippewa to a greater extent than elsewhere in the System, and the tribe has more extensive gathering rights than is commonly granted to tribes on National Forests.

Region 10: Alaska

On the Chugach N. F., a team of Forest Service employees participated in Kenaitze Indian Tribe's Susten Camp for tribal youth who are interested in archeology and their cultural heritage. Students recorded archeological sites, creating detailed maps of features, as well as testing features within the sites, and measuring and mapping artifacts as they were found. Also in partnership with Tribe, the Agency employees and volunteers participated in a two-week language institute and an ethno-archeological experiment in re-creating a prehistoric style food cache pit, providing an educational opportunity for tribal youth.

The Coffman Cove Community Archaeology Project (CCCAP) on the Tongass N.F. is a multi-faceted partnership in scientific archeology, education, and interpretation. The focus of CCCAP is the "Coffman Cove Site," a National Register-eligible archeological site in the homeland of the Stikine Tlingit people, at the waterfront in what is now the community of Coffman Cove. Congress earmarked \$247,000 for the project; approximately 20 percent of the necessary funds for completing the three-phase project goals. The goal of CCCAP is to go beyond consultation and work in a partnership, bringing together municipal, tribal, state, federal, and educational interests in a cooperative effort to preserve information about Southeast Alaska's past while deriving optimal benefits from this archeological project. Archeological excavation, tours, and an interpretive plan have been undertaken, while additional funding is sought for subsequent phases of the project.



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