

# Historic Preservation Plan For the Frank Church – River of No Return Wilderness



Terrace Lakes, Big Horn Crags

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## Historic Preservation Plan

### Executive Summary

This Historic Preservation Plan (HPP) is required by programmatic agreement between the four Forests with management responsibilities within the Frank Church –River of No Return Wilderness (FC-RONRW), the Idaho State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation. The programmatic agreement was developed and signed in 2003 in order for the final EIS to be authorized for implementation of the 2003 FC-RONRW Plan. Some stipulations required by the programmatic agreement (including preparation of this HPP) were not achieved within the agreed upon eight year timeframe so extensions were signed in 2011 and 2014.

The HPP provides a framework for the protection and preservation of historic and prehistoric cultural resources within the FC-RONRW. It provides management direction for Desired Future Conditions, Objectives, and Standards and Guidelines for the preservation of cultural resources in the FC-RONRW while maintaining wilderness attributes and characteristics specified in the Central Idaho Wilderness Act (CIWA). The HPP meets the needs set forth in the CIWA for cultural resource management in the Wilderness. It is consistent with Forest Service Manual 2360 – Heritage Program policy direction for the inventory, evaluation and management of heritage assets. In addition, the HPP facilitates meeting the requirements for Sections 106 and 110 of the National Historic Preservation Act, the National Environmental Policy Act (NEPA), and the Archaeological Resources Protection Act. Where this plan is inconsistent with the FC-RONRW management plan, further subsequent analysis will be completed to determine if an amendment to the FC-RONRW management plan is necessary. This plan is not a decision document, and as such is not subject to the objection process per 36 CFR Part 218. This plan is intended to provide guidance for future management decisions and will be most effective if it is periodically reviewed and updated. A public process is suggested to assure that the plan is meeting the goals and objectives and be modified as necessary to reflect changing conditions. Any site specific actions implemented as a result of this guidance document that are subject to further NEPA analysis will be completed and will include a minimum tool analysis for compliance with Wilderness management objectives.

The rights reserved in treaties between the United States and affected federally recognized Tribes are recognized in the HPP and apply to all public domain lands that were reserved for the National Forest System; management actions should recognize these rights. The HPP recognizes that administrative and recreational activities are legitimate and desirable activities and will continue to occur in the FC-RONRW. It also recognizes that preservation of known cultural resources needs to be consistent with existing policy. Finally, the HPP recognizes public education and interpretation as management components. While oriented toward fulfilling the

requirements of the CIWA and the Programmatic Agreement, the HPP provides an orderly set of strategies for implementing short-and long-term actions. Key provisions of the HPP include:

1. Continue implementing stipulations agreed to in the programmatic agreement including requirements for inventory, site form updates, backlog National Register of Historic Places (NRHP) evaluations, public education and interpretation, historic structure preservation, and scientific study.
2. Recognize and respect sacred sites and traditional cultural properties as integral components of the Wilderness. American Indian use of the area spans many millennia and that use and interest in the wilderness continues today.
3. An appropriate sample of unique and non-renewable historic properties are managed, preserved, restored and/or protected for future public enjoyment and research.
  - As new prehistoric or historic sites are discovered and/or assessed for NRHP eligibility they should be added (after consultation with SHPO and affected federally recognized Indian Tribes) to the list of sites to be managed, preserved, restored and/or protected for future public enjoyment and research.
4. Develop a fire protection plan for each site scheduled for preservation, restoration, rehabilitation or maintenance.
5. Prepare cooperative agreements between the Forest Service and institutions specializing in the relationship of paleoenvironments and cultural resources. The research derived from these agreements should be consistent with tribal values and should be undertaken in consultation with SHPO and affected federally recognized Tribes. And also be consistent with the CIWA.
6. Avoid or mitigate adverse effects on cultural resources as a result of management activities in consultation with SHPO and affected federally recognized tribes.
7. Develop a Heritage Action Team (HAT) comprised of agency representatives, outfitters, tribal members and public users to assist in developing and implementing aspects of the HPP. This team will be built on the concept that utilizing the knowledge of those most familiar with the area through early participation and collaboration can resolve conflicts before decisions are made and ultimately lead to the best management for all resources.
8. Develop a site steward program for at-risk sites in consultation with SHPO and affected federally recognized Tribes. Provide proper training and oversight to wilderness and river patrol staff as well as permittees to assist with monitoring of site conditions.

9. Develop site-specific management direction for those areas with cultural resources subject to adverse effects following cultural resource guidelines in FSM 2360.

The HPP stipulates that Federal undertakings within the wilderness will continue to follow NHPA Section 106 protocols. This plan will serve as guidance for managing archaeological and historic resources in the FC-RONRW. In order for management actions to be consistent across administrative units, communication between several Ranger Districts and Forests is imperative. Transparency and collaboration with key stakeholders and the public will lead to successful implementation plans, fostering greater protection for these important non-renewable resources.

## **Introduction – Purpose and Need for the Historic Preservation Plan**

This document provides cultural resource management direction and strategies for the Frank Church – River of No Return Wilderness (FC-RONRW). The Historic Preservation Plan (HPP) is required by programmatic agreement between the four Forests with management responsibilities within the FC-RONRW, the Idaho State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation. This HPP provides guidelines for the preservation and management of cultural resources. The HPP meets the needs set forth in the Central Idaho Wilderness Act (CIWA) for cultural resource management in the Wilderness. It is consistent with Forest Service Manual 2360 – Heritage Program policy direction for the inventory, evaluation and management of heritage assets (FSM 2360). In addition, the HPP facilitates meeting the requirements for Sections 106 and 110 of the National Historic Preservation Act (NHPA) and the Archaeological Resources Protection Act (ARPA).

This Historic Preservation Plan emphasizes the protection of historic properties, including historic and American Indian sites eligible for the National Register of Historic Places (NRHP). The rights reserved in treaties between the United States and affected federally recognized Tribes are acknowledged in the HPP and apply to all public domain lands that were reserved for the National Forest System; management actions should recognize these rights. The HPP recognizes that recreational activities are legitimate and desirable activities and will continue to occur in the FC-RONRW. It also recognizes that the preservation of cultural resources needs to be consistent with existing policy. Finally, the HPP recognizes public education and interpretation as critical management components.

A description and history of the establishment of the FC-RONRW is provided in the 1986 *Frank Church – River of No Return Wilderness Management Plan* (FC-RONRW Plan) and *A Cultural Resource Overview of the Frank Church – River of No Return Wilderness* (Canaday 2012). While much of the FC-RONRW was included in the Idaho Primitive Area in 1931, it wasn't until 1980 when the Central Idaho Wilderness Act was passed that the River of No Return Wilderness was established (Senator Frank Church's name was added later). The area contained within the Wilderness consists of 2,365,896 acres located entirely within the State of Idaho (Table 1; Figures 1 and 2) and managed by Forest Service Regions 1 and 4 and the Bitterroot, Nez Perce-Clearwater, Payette and Salmon-Challis National Forests (NF).

To ensure coordination of Wilderness management, a Board of Directors (BOD) was established. The BOD consists of Forest Supervisors from each of the four managing National Forests and the Regional Directors with Wilderness Program oversight in Regions One and Four. The BOD is responsible for keeping the Regional Foresters informed of significant projects and/or issues relevant to the Wilderness and is responsible for management coordination and policy issues throughout the Wilderness.



Table 1. National Forests and Net Acreage Within the FC-RONRW

<b>National Forest</b>	<b>Ranger District</b>	<b>Net Acres</b>
Bitterroot	West Fork	193,703
Boise*	Cascade and Lowman	332,891
Nez Perce-Clearwater	Red River and Salmon River	110,773
Payette	Krassel and McCall	791,675
Salmon-Challis	North Fork and Middle Fork	936,854
<b>Total</b>		<b>2,365,896</b>

\* Acres within the Boise NF are administered by the Salmon-Challis NF

A Lead Working Group (LWG) was also established and consists of the District Rangers within each Forest that have wilderness responsibility, the Supervisors Office level wilderness specialist on each managing NF, and a Cultural Resource Specialist. The objectives of the Lead Working Group are:

- To establish and maintain a communication network between all organizational levels involved in the administration of the FC-RONRW;
- To coordinate consistent implementation of the FC-RONRW Plan, at a practical level, through uniform administration and standardized procedures;
- Identify impending problems early;
- Develop coordinated solutions and implementation strategies before problems escalate;
- Bring potentially major issues and a resolution strategy to the BOD for approval; and
- To act as a clearinghouse of ideas and information for all organizational levels involved in the administration of the FC-RONRW.

Responsible Ranger Districts (RD) include the West Fork RD of the Bitterroot NF, the Red River and Salmon River RDs of the Nez Perce-Clearwater NF, the Krassel RD of the Payette NF, and the North Fork and Middle Fork RDs of the Salmon-Challis NF.

Cultural resource management direction mandated by the CIWA and the 1986 FC-RONRW Plan was not fully implemented to the satisfaction of the Idaho SHPO. This resulted in the development of a *Programmatic Agreement for Cultural Resources Management in National Forests in the Frank Church – River of No Return Wilderness in the State of Idaho* (PA). The eight-year PA provided structure for developing this Historic Preservation Plan. Extensions of the PA were signed in 2011 and 2014 to allow for the completion of the Cultural Resource Overview and the HPP. The Cultural Resource Overview was completed in early 2012 (Canaday 2012). Specific provisions of the PA that have not yet been accomplished are incorporated into this HPP and are discussed in more detail below. This HPP will replace the interim Programmatic Agreement and serve as guidance on managing cultural resources in the FC-RONRW. Federal undertakings within the wilderness will continue to follow NHPA Section 106 protocols.

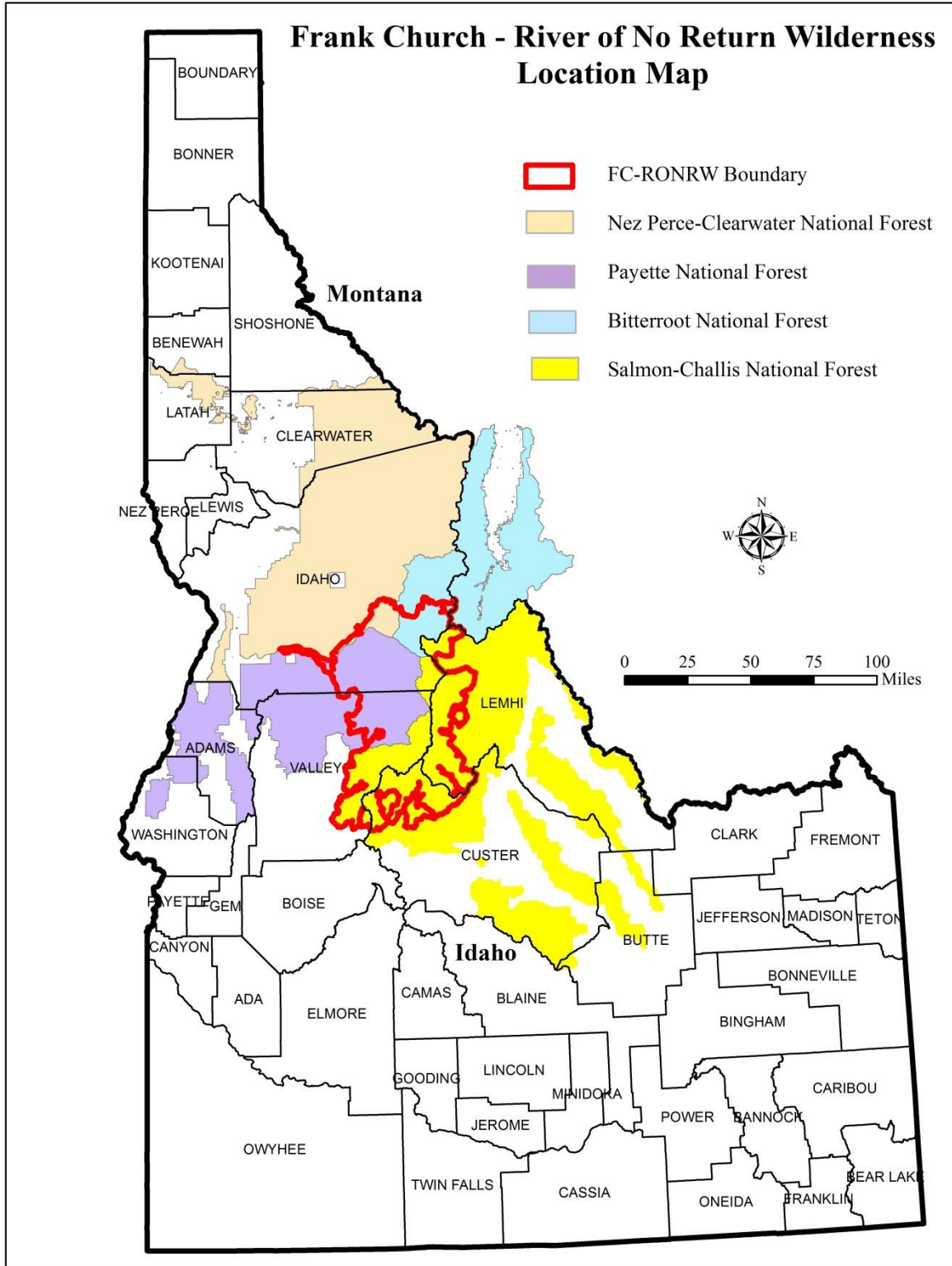


Figure 1. Location Map Showing the Frank Church – River of No Return Wilderness Boundary in Relation to the Bitterroot, Nez Perce-Clearwater, Payette, and Salmon-Challis National Forests.

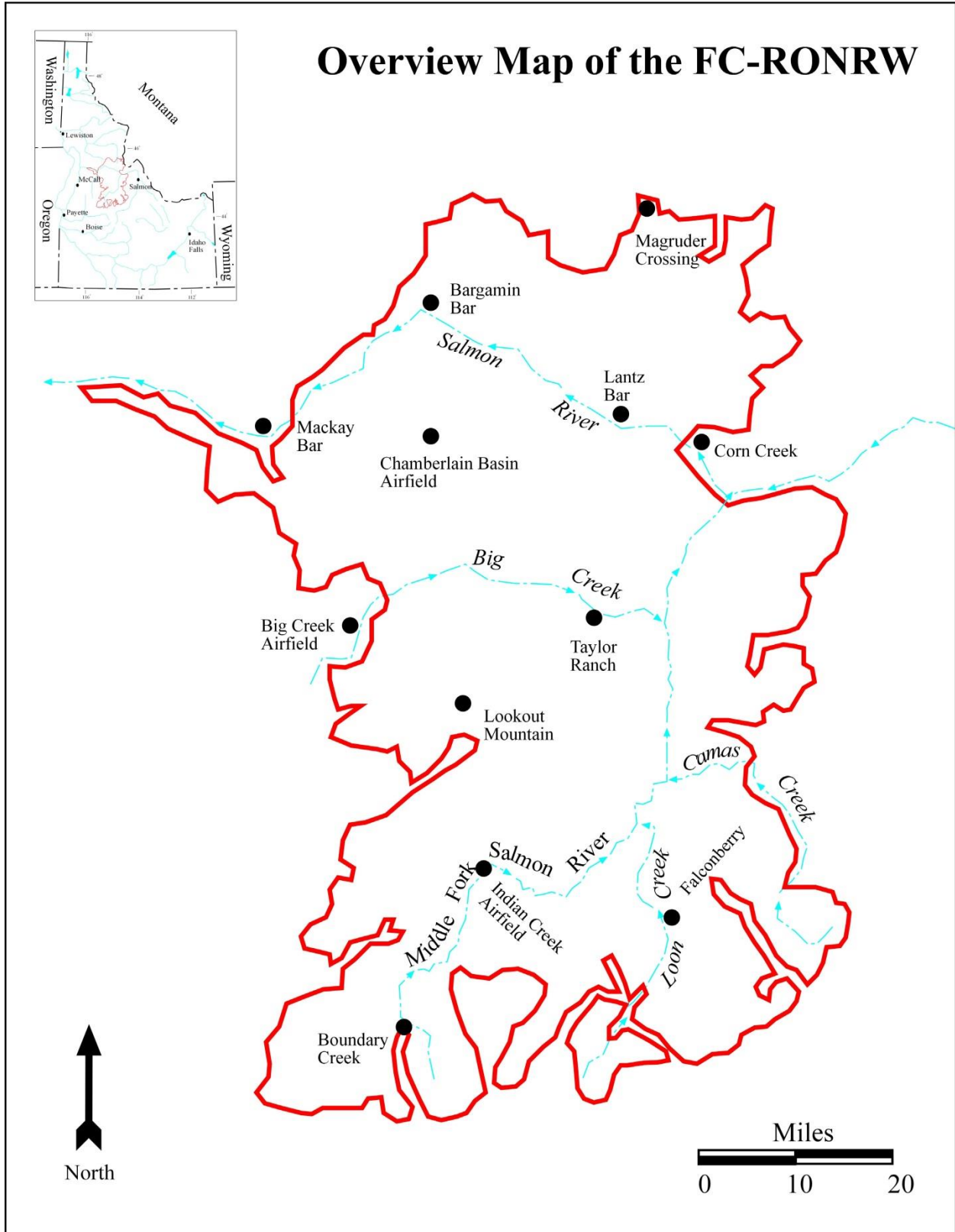


Figure 2. Overview Map of the FC-RONRW Showing the Locations of Key Landscape Features.

The Forest Service and all federal agencies are required to emphasize the preservation and enhancement of cultural resources and to preserve and protect resources that are listed or are eligible for listing in the National Register of Historic Places (FSM 2360). As recreational use continues in concert with natural deterioration processes in the FC-RONRW, cultural resources continue to be at-risk, requiring proactive management and protection measures.

It is important to place this document in a larger context of the Forest Service's and the federal government's strategy for the protection, preservation, and use of cultural resources. In 1999, the Forest Service updated its national heritage strategy in a document entitled: "*Heritage – It's About Time.*" The goals in the document focused prioritizing and protecting the most significant heritage sites and addressing the question: "What are we learning about the past?" The importance of heritage properties managed by the Federal government was furthered by the recent articulation of Executive Order 13287: "Preserve America." That order states: "It is the policy of the Federal Government 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, ..." An important part of that Executive Order is development of preservation partnerships and improving federal stewardship of historic properties. Stewardship of America's cultural resources is mandated by Section 110 of the NHPA. This Historic Preservation Plan is part of a continuing stewardship effort by managing Forests of the FC-RONRW to comply with Federal directives. The Frank Church – River of No Return Wilderness is one of America's premier wilderness settings and provides unparalleled opportunities to experience and learn about the past. The preservation recommendations outlined in this HPP meet legislative intent and national heritage program goals, policy and direction (FSM 2360).

The following sections of the HPP present an overview of the environmental and cultural setting, provides information regarding background legislation, identifies issues currently affecting cultural resources in the Wilderness and offers recommendations for managing those resources.

## **Environmental Setting**

Canaday (2012:12-49) provides a thorough review of the natural environment of the FC-RONRW. Portions of that review are repeated here. The Frank Church – River of No Return Wilderness is located in the central Idaho portion of the Northern Rocky Mountain physiographic province. In general, the area is characterized by:

...steep, rugged mountains, deep canyons, and wild, whitewater rivers. The Salmon River Mountains, located south of the Main Salmon and west of the Middle Fork, are the most massive range, and dominate the Wilderness. North of the Main Salmon River are the Clearwater Mountains, east of the Middle Fork are the Bighorn Crags. The Salmon River Canyon is one of the deepest gorges in

North America, deeper even than the famous Grand Canyon of the Colorado in Arizona. But in contrast to the Grand Canyon, the Salmon River Canyon is not noted for sheer walls and towering heights, but instead for the variety of landscapes visible from the river; wooded ridges rising to the sky, huge eroded monuments and bluffs and slides, picturesque castles and towers, and solitary crags. (<http://www.fs.fed.us/r4/sc/fcronr/fcronrindex.shtml>)

The Salmon River Mountains are distinguished from other classic western mountain ranges because:

...the separation of mountains into distinct ranges is indefinite....Most of these mountains are not arranged in lines, hence have no trend and no dominating crest, only a multitude of minor crests running in all directions between the streams of a mature drainage system. Neighboring divides are in general of nearly uniform height. [Fenneman 1931:183]

The elevation of the crests decline gradually from southeast to northwest; mountain summits are wide, and the slopes are more gradual in the central portion of the mountains than around the edges (Fenneman 1931:188,189). The Bighorn Crags, with peaks exceeding 10,000 ft. constitute the highest, most rugged portion of the study area and contain cirque lakes at and above 8,000 feet elevation. By contrast, relief in the Chamberlain Basin is low and rolling and contains alluvium-filled valleys dominated by lodgepole pine, marshes and open meadows (Figure 3).



Figure 3. Fish Fin Ridge in the Big Horn Crags and Chamberlain Basin.

Perennial streams within the FC-RONRW total 4,679 miles. Both hot and cold springs are abundant, and nearly a thousand lakes of various sizes can be found. The Wilderness is located within the Salmon River Basin which flows into the Snake River Basin. Ultimately, water from the Wilderness reaches the Pacific Ocean after flowing from the Salmon, the Snake and then the Columbia River Basin. Except for the upper few miles of the Recreational segment of the main Salmon River, and the marshy headwaters of the Middle Fork, river gradients tend to be steep, and elevation changes between the watercourses and adjacent lands may be drastic.

Contemporary climate in central Idaho varies with altitude and position relative to the westerly Pacific storm track. The Salmon River Mountains create a rain shadow, making the mean annual precipitation in the Challis area less than 12", whereas the western part of the mountains get between 24" and 48" per year, and the lower part of the Middle Fork Canyon gets 12" to 24" per year (Idaho 1977:102). Seasonal temperatures along the Middle Fork range from 30° F on the upper river in winter, to over 100° F on the lower river in summer (Platts 1972:32). Despite the variety of local temperature / precipitation patterns, Carrey and Conley (1978:14) cite historic newspaper accounts to demonstrate that the canyon of the main Salmon River is "wholly free from snow in the winter" though such an assertion must be viewed through the lens of journalistic license. The rivers themselves often freeze over during winter, especially in their upper reaches (Platts 1972:3).

Lack of specific paleoenvironmental information for the FC-RONRW continues to be an obstacle in the interpretation and management of wilderness cultural resources. At the time of the Last Glacial Maximum (ca. 21,000 cal yr BP), the large Laurentide and Cordilleran ice sheets strongly influenced climatic conditions in the western United States (Bartlein et al. 1998; fig 3), depressing temperatures approximately 10° C in areas south of the ice sheets. The presence of the large ice sheets also displaced the jetstream south of its present position, resulting in a reduction of winter precipitation in the northwestern United States and Canada and an increase of precipitation across the American Southwest (McWethy et al. 2010:9).

The vegetation of central Idaho, including all of the study area, is predominately associated with Northern Rocky Mountain flora, with some Pacific Coast species on its west side. Daubenmire (1943) divides this flora into at most four broad zones:(1) alpine tundra at the highest elevations; (2) coniferous forest at mid-elevations; and (3) desert or (4) grass biomes at the base of the mountains. Canaday (2012:29-38) discusses these broad vegetation zones as they relate to the FC-RONRW. In the mountain ranges of the northern Rockies, vegetation zones often are interfingered, with lower zone plants growing upward on slopes and higher zone plants growing lower in canyons. Temperature inversions, common at night, cause a "thermal belt" of warmer air at elevations 700 to 1,700 feet above the valley floor. Such inversions occur in central Idaho on nearly every night between 1 May and 30 September, with temperature differentials up to 18° F (Daubenmire 1943:349). This thermal belt influences the distribution of both plants and animals.

Vegetation in the Chamberlain basin is dominated by extensive lodgepole pine (*Pinus contorta*) forests with an understory of grouse whortleberry (*Vaccinium scoparium*) and bear grass (*Xerophyllum tenax*). High elevation meadows containing mixed grasses are common. Whitebark pine (*Pinus albiculis*) is present at the highest elevations and Douglas fir (*Pseudotsuga menziesii*) and large stands of seral Ponderosa pine (*P. ponderosa*) are found along the rivers. Grass and shrub communities dominate south- and west-facing slopes and the lower elevations in river canyons. Various bunchgrass, sage/grass, and alpine grass communities exist on the lower, middle, and higher reaches of these slopes, respectively. Phillips (1972:2) points out that grass biomes are relatively extensive along the Middle Fork, with *Agropyron* (crested wheat grass) on south and west facing slopes and *Festuca* (fescue) on north and east facing slopes. These differences may affect distribution of big game animals, for bighorn sheep (*Ovis canadensis*) seem to prefer feeding on fescue, whereas elk (*Cervus* sp.), deer (*Odocoileus* sp.), and antelope (*Antilocapra americana*) will graze on either fescue or wheatgrass (Martin et al. 1951).

Of the large mammals (Figure 4) native to the study area, bighorn sheep may be the most significant ethnographically. Their range is more restricted than that of either deer or elk; their skins and horns were highly prized and were used as trade goods among the Indian populations of the northwest. The skins and horns were used for robes, clothing, and tools and the meat played a large role in the diet of the “Sheepeater Indians,” who occupied the Salmon River Mountains.

Three species of anadromous fish (Chinook salmon, Sockeye salmon and Steelhead trout) and one species of lamprey are found in the major streams and rivers of the FC-RONRW (Figure 5); thirteen species of fish are resident in the rivers, streams, and lakes of the study area (Platts 1972). Of the resident fish species, modern fisheries literature emphasizes bull trout, rainbow (steelhead) trout and cutthroat trout (*Salvelinus confluentus*, *Oncorhynchus mykiss* and *Salmo clarki*, respectively). These species are valued by American Indian populations in Idaho. Bull trout winter in lower streams throughout the FC-RONRW and spawn and rear in major tributaries; they are reported to “school in great numbers” along lower Big Creek in the fall (Platts 1972:27). Cutthroat trout spawn in tributaries of the upper Middle Fork and winter on the lower Middle Fork and in the main Salmon River. Cutthroat trout use the lower four miles of Chamberlain Creek and are abundant in Big Creek as well as Pistol, Marble, and Indian Creeks (Platts 1972:23, 27, 32). They occur along with rainbow trout in over 60% of the alpine lakes among the Bighorn Crags; Platts (1972:40) found populations in Airplane, Buck, Cathedral, Harbor, Heart, Ship Island, Welcome, and Wilson Lakes.



Figure 4. Elk and Bighorn Sheep Were Utilized by Historic and American Indian Inhabitants.

A summer run of steelhead trout arrives in two pulses; the first from June to mid-August, the second from August to October. The steelhead overwinter on the lower and middle Salmon River, and thus are available in the study area from October to June. During the spring, they move upriver to spawn. Steelhead occur in Chamberlain Creek, Big Creek, and the Middle Fork (Platts 1972: 11-12, 23, 17).

The FC-RONRW supports runs of spring Chinook salmon (*Oncorhynchus tshawytscha*) in June and July; summer Chinook runs enter the area from late July to early September (Platts 1972). The upper reaches of Chamberlain Creek, especially along the West Fork, are a major salmon spawning area today. Spring Chinook spawn near the headwaters of the Middle Fork, and in Sulphur, Elk, Bear Valley, and Marsh Creeks; both spring and summer Chinook use the upper Big Creek gravels for spawning (Platts 1972:23, 29, 38). Both runs use the high-water periods to come upstream to spawn while smolts use them to go downstream the following year (Platts 1972:17). Sockeye salmon (*O. nerka*) are now rare in central Idaho due to downstream disruptions of their migration route, but they travel through Wild and Recreational portions of the main Salmon River on the way to their spawning grounds at Redfish Lake (Platts 1972:13). Sockeye are not reported as using other streams of the FC-RONRW to spawn or rear.





Figure 5. (L-R) Chinook and Sockeye Salmon, Steelhead Trout and Lamprey Were Important Food Resources.

## Cultural Setting

The cultural environment of the FC-RONRW includes a diverse mix of Native American and Euro-American influences. American Indian sites identified within the FC-RONRW include lithic scatters, camp sites, villages with house pit features, rockart, rockshelters, shell middens, hunting blinds, ceremonial and vision quest sites. Historic sites identified within the FC-RONRW include sites associated with each of the themes presented below. Features common on historic sites include roads, trails, bridges, airstrips, ditches, mines, guard stations, ranger stations, lookouts, ranches, orchards, peeled trees, refuse scatters, fence lines, and cabins. Historic sites may contain multiple combinations of these features within the same site and may also contain evidence of American Indian use. Canaday (2012) provides details on the 584 prehistoric sites, 547 historic sites and 134 multicomponent sites (those containing evidence of both prehistoric and historic utilization) documented in the wilderness to-date.

Rossillon (1982) and Matz (1995) identify a number of themes important to the history and prehistory of the Salmon-Challis National Forest. These themes have been extended to the entire wilderness (Canaday 2012) in order to understand and ultimately to manage identified cultural resources. Identified themes include: Native American Utilization and Occupation, Early Euro-American Exploration, Mining, Transportation, Agriculture and Ranching, Forest Service Administration, the Civilian Conservation Corps, and Recreation. Each of these themes are explored in-depth by Canaday (2012:50-116) and are briefly summarized in the following pages.

***Theme 1: Native American Utilization and Occupation***

Tribal history extends to at least 12,000 years (Butler 1986) before present (B.P.), with use of the region by the Shoshone-Bannock Tribes, the Nez Perce Tribe, and their predecessors at various locations and times. It is important to note that tribal use (and interest) of the wilderness continues to contemporary times and does not end with the advent of Euro-Americans or the establishment of the wilderness. Significant American Indian sites are present throughout the FC-RONRW. The types of sites identified within the Wilderness include villages, lithic scatters, campsites, stone quarries, rock cairns, talus pits, pictographs (Figure 6) bighorn sheep hunting traps, and ceremonial and vision quest sites. Many of the American Indian sites have been determined eligible to the National Register on the basis of their research value (Criterion D) and may be eligible under Criteria A, B and C as well.



Figure 6. Stoddard Pictograph Site, Middle Fork Salmon River.

Three time periods (Paleoindian, Archaic, and Protohistoric/Historic) are described by Lohse and Sammons (1994). The Paleoindian period dates from about 12,000 to 8,000 BP and has been argued as representing a cultural adaptation more focused on the procurement of now-extinct megafauna. However, little evidence exists in southern Idaho in general, or in our study area, to specifically define the Paleoindian socioeconomic system (Lohse and Sammons 1994:36). Fluted terminal Pleistocene projectile points (Clovis, Folsom, etc.) represent the earliest definitive evidence for occupation of the region. Interestingly, Davis, et al. (2014) suggests the presence of a Pre-Clovis component at Cooper's Ferry (located outside of the wilderness on the lower Salmon River). Only four fragmentary fluted points have been reported in the study area although a number of these point types have been reported from other areas of eastern Idaho (e.g. Swanson 1961, Titmus and Woods 1991).

Traditionally, the Archaic period has been characterized as occurring sometime after 8000 BP when lanceolate and stemmed projectile points were replaced by side-notched types (Mulloy 1958). Researchers in the region have further divided the Archaic Period into three subperiods (Early, Middle, and Late) based on shifts in popularity of projectile point styles and a possible reflection of responses to climatic changes (Reed et al. 1986).

The Protohistoric or Historic Period is certainly one of the best documented time periods in the regional record. Intermountain pottery, small corner-notched and side-notched arrow points and the Wahmuza Lanceolate point have been presented as material hallmarks of the Shoshone people (Holmer 1994, Lohse and Sammons 1994). Holmer (1994, 1995) has presented rather compelling arguments for *in situ* continuity of the Northern Shoshone over the last 3,500 to 4,000 years using excavations at Wahmuza and Dagger Falls. Wahmuza is located on the Fort Hall Reservation and yielded a detailed archaeological record spanning the last 2,000 years including both pre-contact and contact period artifacts. Dagger Falls, located on the Middle Fork of the Salmon River immediately adjacent to the FC-RONRW, produced a detailed archaeological record covering the last 4,000 years and yielded a similar array of stylistic artifacts to the Wahmuza collection.

The Shoshone-Bannock and Nez Perce Tribes are the principal contemporary Native American groups with ancestral territories within the FC-RONRW. Other tribes in the general area who may have had overlapping territories with the Shoshone-Bannock and the Nez Perce Tribes at one time or another include the Shoshone-Paiute Tribes and the Confederated Salish and Kootenai Tribes. The Shoshone-Paiute Tribes consist of the Western and Northern Shoshone, the Bannock and the Northern Paiute whose territories included much of Nevada, and parts of eastern California, southeastern Oregon, northeastern Utah and southwestern Idaho (Fowler and Liljeblad 1986, Hanes 1995, Thomas et al. 1986, Steward 1938). The Confederated Salish and Kootenai Tribes consist of the Bitterroot Salish, the Upper Pend d'Oreille and the Kootenai. The territories of these three tribes included all of western Montana and extended into parts of Idaho, British Columbia and Wyoming (Brunton 1998, Hanes 1995, Malouf 1998, [www.cskt.org](http://www.cskt.org)).

Early Euro-American explorers mention the presence of both Nez Perce and Shoshone groups in central Idaho, but no formal ethnographic studies were conducted among these peoples until the 20th century. Nez Perce territory centered on the middle Snake and Clearwater Rivers and the northern portion of the Salmon River basin in central Idaho and adjacent Oregon and Washington (Walker 1998:420; see also Canaday 2012:58, Figure 20). The Northern Shoshone groups of central and southern Idaho shared many of the cultural patterns of the Great Basin area to the south. Our understanding of this pattern is based primarily on Julian Steward's (1938) ethnographic studies of the Sheepeater and Lemhi Shoshone.

The federal Indian trust doctrine arises from Indian treaties, Supreme Court decisions, statutes, executive orders, and the historical relations between the United States and Indian tribes. In a broad sense, the trust responsibility relates to the United States' unique legal and political relationship with Indian tribes. It derives from the federal government's consistent promise, in the treaties that it signed, to protect the safety and well-being of the tribes and tribal members in return for their willingness to give up their lands. The federal Indian trust responsibility is a legally enforceable fiduciary obligation, on the part of the United States, to protect tribal lands, assets, resources, and reserved rights, as well as a duty to carry out the mandates of federal law

with respect to American Indian tribes. This responsibility requires that the federal government consider the best interests of the tribes in its dealings with them and when taking actions that may affect them. The trust responsibility includes protection of the sovereignty of each tribal government (USFS 2010).

In June 1867, an Executive Order established the Fort Hall Indian Reservation as a collective place to consolidate the various bands of Shoshone, Bannocks and other tribes from their aboriginal lands, facilitating European-American settlement. The Fort Bridger Treaty of July 3, 1868 between the Shoshone-Bannock Tribes and the United States retained hunting and fishing rights to Shoshone-Bannock tribal members on “all unoccupied lands of the United States.” In the Nez Perce Treaty of 1855, Article 3, the United States of America and the Nez Perce Tribe mutually agreed that the Nez Perce retain the exclusive right of “... taking fish at all usual and accustomed places in common with citizens of the Territory; and of creating temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing horses and cattle...” The rights reserved in the treaties between the United States and the Shoshone-Bannock and the United States and the Nez Perce apply to all public domain lands that were reserved for the National Forest System and are still in effect; management actions should recognize these rights.

Canaday (2012) identified 724 sites within the FC-RONRW primarily associated with the Native American Utilization and Occupation theme.

### ***Theme 2: Early Euro-American Exploration***

Euro-American use of the area has occurred since at least 1805, when the Lewis and Clark expedition passed through the area. Between 1805 and 1850 trappers, traders, explorers, and at least one missionary visited portions of central Idaho (Rossillon 1982:57). Fur trappers with the Hudson’s Bay Company used Lemhi Pass to enter the Salmon River country in 1822. Other trappers used the same route, but by the 1830s beaver populations in central Idaho were depleted (Kopperl and Renk 2005).

Generally, the rugged Salmon Mountains of central Idaho were avoided by the fur trappers because of the inhospitable terrain (Preston 2001:3) though Kit Carson is reported to have traveled along the Samuel Parker and Southern Nez Perce trail and camped along Deep Creek close to the wilderness boundary. The period between 1840 and 1860 was a time of transition as the trapping industry came to a halt. American Indian lifeways were drastically changing and early attempts of homesteaders dotted most cultivable land. However, in the 1860s Idaho rapidly changed as gold and silver was discovered and miners flooded the region.

Canaday (2012) identified one site within the FC-RONRW primarily associated with this theme. Additional sites associated with early exploration are certainly expected to be discovered in the future.

***Theme 3: Mining***

Gold was the resource that finally stimulated exploration and settlement in the Salmon River Mountains; as a stimulus, silver ore ran a close second. Prospectors and miners fresh from triumphs or near misses in the California and Colorado gold fields came to Idaho after the first gold discoveries near Pierce in 1860 and Florence and Elk City in 1861. Placer deposits were the first to be developed; simple panning could be accomplished by anyone, and nearly all the alluvial gravels in central Idaho contained some gold (Capps 1940; Cater et al. 1973). In the higher grade deposits, where gold values were from \$3-4 per cubic yard, a miner could easily survive by processing just a few cubic yards per day using a pan or simple rocker (Idaho Historical Society 1964). In 1861, placers produced gold valued at \$2.4 million (Idaho Historical Society 1960). The boom-bust nature of mining led to a number of periods when mining activity in the Wilderness was most intense. Sites associated with initial discoveries of mineral resources in the 1860s and 1890s as well as later re-working of deposits during the early twentieth century, the depression era and post WWII era are found throughout the FC-RONRW.

Canaday (2012) identified 204 sites within the FC-RONRW primarily associated with the mining theme.

***Theme 4: Transportation***

Early transportation in central Idaho was through use of "Indian trails" (Kopperl and Renk 2005:11). Many of these trails now underlie pack trails, wagon roads, recreational trails, jeep trails, and Forest Service roads. Smith (1973:47) notes that some Indian trails became well-worn and almost legendary. One such trail was the one found by Meriwether Lewis in August 1805, when he was searching for Indians and discovered a "broad Indian road" leading across Lemhi Pass. This was a travois trail worn down by years of use by Shoshone as well as Nez Perce and Bitterroot Salish traveling east to hunt buffalo.

Another of the trails originally used by American Indians was the Samuel Parker Trail which was established within what would become the Bitterroot and Salmon National Forests. Much of the route is located within the Wilderness connecting the Salmon River Canyon to the Southern Nez Perce Trail. Parker was a Presbyterian missionary who traveled through the area with Marcus Whitman in 1835. He travelled a well-established Indian trail with Nez Perce guides from Salmon to Horse Heaven (within the current Bitterroot National Forest) following one of the routes used by the Nez Perce to reach buffalo country. The Samuel Parker Trail (as well as the Southern Nez Perce Trail) was reported to be an easier route than the Lolo Trail route taken by Lewis and Clark. Other notable trails within the FC-RONRW include the Thunder Mountain Trail and the Three Blaze Trail.

In addition, the development of a system of roads and trails was directly related to the historic mining activities occurring throughout the Forests. Wherever there was a mine, there soon was a trail, and often later a road (Smith 1973:49). Trails developed nearly simultaneously with

mineral strikes to provide travel routes for miners and supplies. As Luebbert (1978) points out, individuals could and did travel, and pack strings could haul supplies even in winter, but transportation of larger groups and bulky machinery or commodities were severely restricted during all seasons because of poor roads. In fact, the need for transportation, balanced against the mineral wealth of the isolated mines and communities, was the “most important factor...determining the longevity and prosperity of the mining camps” (Luebbert 1978:137).

Two failed road building attempts are especially notable in that the future Wilderness character was retained because construction was not successful. In the early 1870s surveys were conducted by the Northern Pacific Railroad along the Salmon River as a potential rail route through the Rocky Mountains. This line was eventually abandoned in favor of a more northerly route. A similar route for motor vehicles was begun by the Civilian Conservation Corps in 1936 beginning on both ends of the Salmon River Canyon. The outbreak of WWII terminated the roadwork at Corn Creek on the east and Vinegar Creek on the west (Preston 2001).

Rivers have been the major travel corridors through central Idaho from the 1890s until the present. One-way (downstream) boat trips began on the main Salmon River in 1896 (Carrey and Conley 1978:24). “Return” trips were generally not made until after World War II, although one intrepid adventurer is alleged to have traveled upstream in the 1860s (Carrey and Conley 1978:57). Several ferries (Campbell’s Ferry and Yellow Pine Bar) on the main Salmon were operated beginning at the turn of the century (Carrey and Conley 1978:146, 162).



Figure 7. Bernard Airstrip, Middle Fork Salmon River, 1964

By the 1930s, airplanes provided limited access to the few farms and ranches that existed in the Wilderness. They also enabled Forest Service administrators and firefighters to enter remote areas more easily when required (Figure 7). The first aircraft landings occurred in 1925 in the Chamberlain Basin. A landing strip was established at Chamberlain in 1930. In 1933, backcountry airstrips were constructed at Big Creek and Cold Meadows and aircraft began landing at Mackay Bar in the main Salmon River canyon. With the arrival of the CCC, a number of backcountry airstrips were constructed. The

list of FS managed airstrips in the Wilderness consists of Bernard, Cabin Creek, Chamberlain, Cold Meadows, Indian Creek, Mahoney, and Soldier Bar. All are dirt strips of varying condition and some are smoothed using a grader pulled by draft animals and a fresno to move fill. In addition, four dirt airstrips adjacent to Big Creek (Dewey Moore, Mile Hi, Simonds and Vines) are privately owned and managed.

Canaday (2012) identified 49 sites within the FC-RONRW primarily associated with the transportation theme.

### ***Theme 5: Agriculture and Ranching***

Agricultural development (Figure 8) generally occurred in the valleys and is closely tied to mining in the area. Rossillon (1982) and Smith (1973) note that ranching began in the Salmon and Challis National Forests as early as the late 1860s with the discovery of gold. A similar trend occurred within the Payette, Nez Perce and Bitterroot National Forests. Ranching consisted of raising cattle for meat and dairy products to supply the mines (Matz 1995). When miners needed meat other than wild game, cattle were driven in and slaughtered immediately (Smith 1973). Rossillon (1982:83) suggests that seasonal variation in forage availability and marketing prices, as well as the distribution of mining communities, helped to shape the distribution of ranches and farms. With the 1906 Forest Reserve Homestead Act, portions of the newly created Forests could be patented for their agricultural potential and permits were issued to graze cattle, sheep, and goats (Matz 1995).



Figure 8. The Jim Moore Homestead on the Nez Perce-Clearwater NF.

On the Bitterroot National Forest portion of the FC-RONRW, agriculture was generally limited to early-to-mid-20<sup>th</sup> century subsistence farming associated with mining claims. The most notable of these sites are located on the Salmon River. They include the apple orchard, hay/grain field and irrigation system at the Frank Lantz homestead; the fruit trees, hay field, flower beds and asparagus patch at the Blacky Foster cabin; and the grapevines, apricot and apple trees and asparagus beds at Elkhorn Bar.

Canaday (2012) identified 272 sites within the FC-RONRW primarily associated with a theme of agriculture and ranching.

### ***Theme 6: Forest Service Administration***

Federal forest management began in 1891 with the passage of the Forest Reserve Act establishing Forest Reserves from forested lands of the Public Domain. The Bitter Root Forest Reserve was created in 1897. With the creation of the Forest Service under the Department of Agriculture in 1905, National Forests were created melding many of the former Forest Reserves; however, Forest Reserves continued to be created. In 1905, the Payette Forest Reserve was created covering the forested lands of the Payette River watershed. The Salmon River Forest Reserve was created in 1906 and was modified to create the Salmon National Forest in 1908. The Bitterroot National Forest was established in 1907 followed by the Payette, Nez Perce, Salmon, and Challis National Forests in 1908.

The new National Forests required certain infrastructure to manage the vast tracts of forested lands now under their management. Ranger stations, guard stations, line cabins, pack trails, roads, and bridges all needed to be built. Human interaction with the natural and cultural environment was determined by national or regional policies, not by local needs. In some cases existing mining or ranching buildings were utilized and in other cases whole new facilities were required. One of the first ranger stations constructed in what would become the FC-RONRW was at Warm Springs on the Challis National Forest in 1910.

With the help of the Civilian Conservation Corps numerous administrative sites and lookouts were built. Ranger stations were built to house district staffs in far flung and remote parts of the Forest needing attention. While early lookouts consisted of crows nests built in trees more permanent structures were soon built (Matz 1995:11). The earliest lookouts in central Idaho were established on high mountain tops that afforded a good view of the surrounding area. Some of these high points are considered to be significant to the Shoshone-Bannock and Nez Perce Tribes as well. The person who manned the lookout often built his camp downhill from the mountain top where there was a supply of water and perhaps a pasture for his horse (Rossillon 1982:90). Permanent lookouts (Figure 9) sometimes consisted of towers, cabins, sheds, barns, and toilets.

Canaday (2012) identified 120 sites within the FC-RONRW primarily associated with the Forest Service Administration theme.

#### ***Theme 7: The Civilian Conservation Corps***

The Civilian Conservation Corps (CCC) was part of President Franklin D. Roosevelt's "New Deal" for unemployed men during the Great Depression. The CCC provided unskilled young men with manual labor related to the conservation and development of natural resources in rural lands owned by federal, state and local governments. The CCC worked on the Forests between 1933 and 1941 constructing roads, trails, lookouts, telephone lines, grazing infrastructure developments, campgrounds, administrative sites and other necessary Forest infrastructure (Guisto and Matz 2004, Matz 1995, Rossillon 1982, Smith 1973). The men of the CCC were also involved with firefighting, landscaping and litter removal (Rossillon 1982:97).

The CCC used both semi-permanent (base) camps and temporary spike camps. The base camps had permanent structures and were located at strategic locales. These camps were occupied by as many as 200 men at a time and served as a base of operations for that group. CCC spike camps consisted of tents or semi-permanent structures that were set up near projects. Smaller work groups would utilize the spike camps for specific tasks. In addition to construction projects and firefighting, the CCCs also strung miles of phone wire connecting backcountry administrative sites and lookouts.



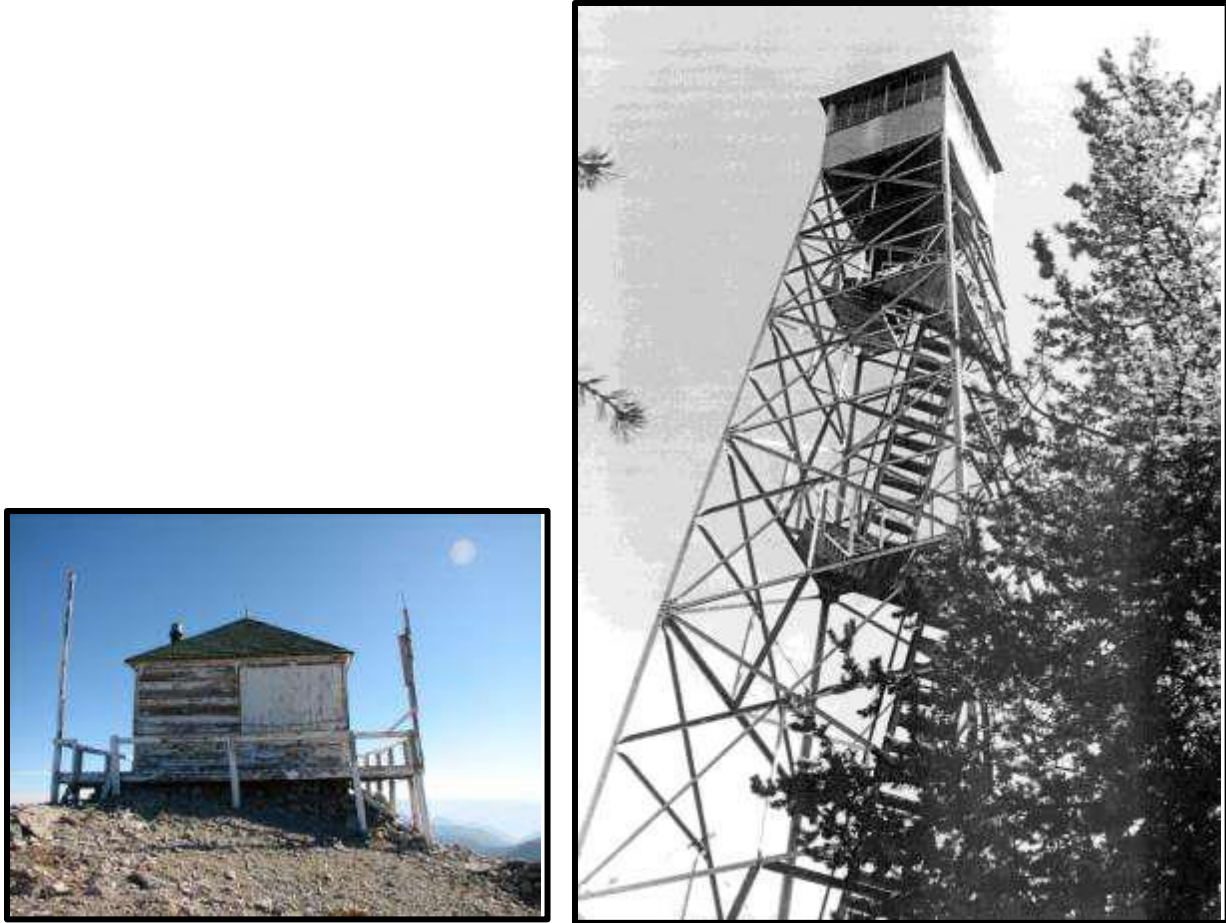


Figure 9. Sleeping Deer Lookout (Salmon-Challis NF) and Arctic Point Lookout (Payette NF).

Canaday (2012) identified seven sites within the FC-RONRW primarily associated with the CCC theme although many more sites (especially those related to transportation and Forest Service administration) are known to have had CCC influence.

### ***Theme 8: Recreation***

In 1896, Harry Guleke made the first documented continuous float trip down the main Salmon River from Shoup to Riggins using a wooden sweep boat carrying supplies for miners. Guleke showed that it was possible to navigate the "River of No Return," but since road access was limited, there was no way to haul a large wooden sweep boat back to Salmon. Thus, the boats were disassembled and the lumber was re-used at the end of the trip. Any new trips required the construction of a new sweep boat (MFOA 2015).

Henry Weidner is credited with making the first descent of the Middle Fork Salmon River in 1927 using canoes (MFOA 2015). The first pleasure trip down the "River of No Return" is said to have occurred in October, 1929 (Carrey and Conley 1978:48). Publicity from a 1933 National

Geographic expedition down the Salmon River attracted boating and fishing enthusiasts to central Idaho, just as the original farms and mines were feeling the economic pressures of the Great Depression. Thus, the character of land use in central Idaho was changing, as ranchers, farmers and miners became hunting guides and boat operators.

Recreation activities on the Forests occurred at an ever increasing rate in the 20<sup>th</sup> Century including hunting, fishing, camping, backpacking, boating, sightseeing, motorized recreation, and soaking in one of the numerous hot springs. Once roads were established making the Forest more accessible to the visiting public (Figure 10), recreation gradually grew as the primary use of the Salmon River and Yankee Fork valleys (Kopperl and Renk 2005). Matz (1995:IV-10) notes that most camping on the Salmon National Forest is found along the Salmon and Middle Fork Rivers or in the wilderness. White water rafting (Figure 11) is one outdoor activity that has grown in popularity in the last 50 years and the world-class white water associated with the Salmon River and Middle Fork Salmon River are no exceptions. Both of these Wild and Scenic Rivers offer a variety of boating opportunities and have become so popular that the Forest



Figure 10. The Confluence of the Middle Fork Salmon River and the Salmon River Circa 1950s.



Figure 11. Rafts on the Salmon River – 1937 and 1963.

Service now requires permits via a lottery system to manage the number of people allowed on the river. On average, about 10,000 people float the Middle Fork with outfitters or on their own each year. The lottery-draw system on the Middle Fork has been tightly controlled since 1972 to prevent the National Wild and Scenic River corridor from being overused (MFOA 2015). Legislation designating the FC-RONRW included a clause for the continued use of jet boats on the main Salmon River. Motorized craft on the Middle Fork Salmon River is prohibited.

Dave Helfrich did his first trip down the Middle Fork Salmon River in 1948 with his dad. He ran plywood drift boats down the Middle Fork, starting on Marsh Creek, portaging Dagger Falls, and running down through the canyon with a few guests. He remembers the Middle Fork canyon and the campsites as being raw and wild. "They looked very primitive back in those days," he says. "They looked totally pristine -- There were no fire rings, no garbage, no nothing" (MFOA 2015).

Ted Anderson, who was the Middle Fork river manager for 20 years between 1974 and 1994, remembers taking his first trip down the Middle Fork in 1945. His dad, Andy Anderson, was one of the early outfitters running the Middle Fork. They packed their rafts into the Middle Fork via horseback on primitive trails. He remembers the campsites "were in great shape" (MFOA 2015).

With the increase in backcountry recreation after the Depression, horse use increased dramatically, and horse travel over trails and bridges became the major transportation method within the Wilderness (U.S.D.A. Forest Service 1976). New "settlers" came expressly to create recreation-oriented facilities, sometimes by taking over existing farms and ranches (Carrey and Conley 1978, 1980:passim). After World War II, most of the present recreation-oriented facilities assumed their modern form; some previously existing structures were dismantled, some new ones were built. By 1976, 18 airstrips and 1,284 miles of trail provided access and internal transportation within the FC-RONRW (U.S.D.A. Forest Service 1976:30, 33).

In the 1950s and 1960s, the typical camping practices on the Middle Fork were to bury or burn garbage or leave it in garbage pits behind camp. People cut the lids and bottoms out of tin cans and threw them in the river, where they sank to the bottom. The garbage pits were a big attractant to black bears. In the early 1960s, the Forest Service built a road to Dagger Falls, which markedly increased river use. Dave Helfrich noted that "At this time, the Forest Service put in a number of pit toilets, and they had a garbage dump in every camp. People weren't taking very good care of the camps, and you had a lot of bear problems" (MFOA 2015).

In the early 1970s the Forest Service began instituting a new policy of packing out trash. Each group was given plastic bags for packing out their garbage and beer cans and the Middle Fork campsites began to get cleaned up. Another improvement to campsites was seen in the mid-1970s when fire pans were required for all boating parties on both the main Salmon and the Middle Fork Salmon River. Multiple large fire rings that had been built at all of the major campsites were dismantled during this time. Floaters also were required to pack out their ashes instead of throwing them in the river, as had been recommended by the Forest Service previously (MFOA 2015). These requirements greatly improved conditions at the river camps and visitor experiences in the wilderness were enhanced. An additional improvement was seen in the late 1980s and early 1990s when the Forest Service phased out the outhouses on the Middle Fork and main Salmon rivers and began requiring floaters to pack out their human waste (MFOA 2015). With the deployment of scat machines near river take outs the human waste could be disposed of in an environmentally responsible way. Thus, great strides have been taken over the last decades to improve the visitor experience in the wilderness and additional improvements will be achieved thru implementation of the HPP.

Canaday (2012) identified 36 sites within the FC-RONRW primarily associated with a theme of recreation.

## **Cultural Resource Management and the Central Idaho Wilderness Act**

On July 23, 1980, Congress passed the Central Idaho Wilderness Act (CIWA; Public Law 96-312). This Act created the 2,361,767-acre River of No Return Wilderness. The Wild and Scenic River Act was also amended by this legislation to designate two portions of the Salmon River as part of the National Wild and Scenic River System: the Salmon River was classified as a National Recreation River from North Fork to Corn Creek (46 miles), and a 79-mile segment from Corn Creek to Long Tom Bar was designated a National Wild River (U.S. Forest Service 1976).

The name of the wilderness was changed in 1984 to "Frank Church – River of No Return Wilderness" (FC-RONRW) by public Law 98-231, to honor the late Idaho Senator Frank Church who was instrumental in passing the CIWA. Senator Church died of cancer on April 7, 1984, a few weeks after Congress officially changed the name of the Wilderness. Congress designated this wilderness area to preserve its natural conditions and wilderness character, while allowing

for several contemporary uses to remain such as the use of aircraft on established airstrips and jetboats on the main Salmon River. In addition, a 40,000 acre Special Mining Management Zone was identified where wilderness constraints are not applicable relative to mining activities for cobalt and associated minerals. A key provision of the CIWA was a requirement for cultural resource management, including inventory and management of historic cabins and other structures in the wilderness.

The Central Idaho Wilderness Act of 1980 is the first statute relating specifically to Wilderness that requires identification and management of cultural resources within the Wilderness boundary as part of Wilderness resources. Although the Wilderness Act of 1964 (P.L. 88-577; Appendix D) states that areas designated as Wilderness “may...contain...features of...historical value,” protection and management of cultural resources has not been considered by Wilderness managers to be either a primary purpose of Wilderness, or a primary objective of Wilderness management (see, e.g., Hende, et al. 1978). This attitude has led to distressing consequences in the treatment of cultural resources in Wilderness (Ryan 2009). In particular, historic buildings and structures have been subject to policies which inhibit their retention or management because of language in the 1964 Act defining Wilderness as an area “without permanent improvements or human habitation.” Consequently, many historic cultural resources have been allowed to deteriorate or have been purposefully removed from Wilderness.

In contrast, CIWA recognizes the importance of cultural resources. Language in the act is specific concerning the management of cultural resources:

The Secretary of Agriculture shall conduct a “cultural resource management program” within the River of No Return Wilderness and along the Salmon Wild and Scenic River; furthermore, he or she shall prepare a “cultural resource management plan,” outlining opportunities and priorities for scientific research, protection, and interpretation for cultural resources within these areas. (P.L. 96-312, the Central Idaho Wilderness Act)

CIWA goes on to state that the cultural resource management program to be developed is to have “as its purpose the protection of archaeological sites and interpretation of such sites for the public benefit and knowledge.” Further, the developed program is to be compatible with the protection of Wilderness and Wild and Scenic River values. In addition, the management plan is to be “based on adequate inventory data, supplemented by test excavation data where appropriate.” Finally, all inventories and cultural resource management activities are to be undertaken in cooperation with other government agencies, and in compliance with “Federal and State historic and cultural preservation statutes, regulations, guidelines, and standards.” (P.L. 96-312, the Central Idaho Wilderness Act).

## **Land Management Direction and the Programmatic Agreement**

Plan direction for the Wilderness was created in 1984 with release of the Frank Church-River of No Return Wilderness Plan. This plan was amended in 1986 and 1994 as a result of a lawsuit settlement related to outfitter caches. A final EIS was published in 2003 to provide up to date management direction for the FC-RONRW and the record of decision was signed and the current management plan was adopted in November 2003. A few recent errata to the Plan were completed in 2009 to clarify language in various sections. Management direction for the Wild and Scenic Rivers was created for the Salmon River “wild” section in the 1982 Salmon River Wild and Scenic River Plan, and for the Middle Fork Salmon River in the 1993 Middle Fork of the Salmon River Wild and Scenic River Plan.

Interim direction for managing cultural resources within the FC-RONRW is provided by a Programmatic Agreement (PA) between the four Forests, the Idaho SHPO and the Advisory Council on Historic Preservation. The Shoshone-Bannock and Nez Perce Tribes participated in the formation of the PA, but declined to sign the final document. As noted above, the PA was developed in order for the final EIS to be authorized for implementation of the 2003 FC-RONRW Plan. The eight-year PA provides the structure for development of this Historic Preservation Plan.

The PA defined a series of stipulations that were to be completed in phases. Within the first year (2004) a FC-RONRW Cultural Resource Specialist (FC-RONRW CR Specialist) responsible for overall implementation and reporting was selected by the Board of Directors, and each unit designated a CR Specialist responsible for implementation on their home unit. Also within the first year a Historic Preservation Plan and a class for training FS, SHPO and tribal staff was to be developed and implemented. Over the course of the 8-year life of the PA the following additional actions were to have taken place:

1. Update the Cultural Resource Overview,
2. Update all substandard site forms,
3. Evaluate all sites for eligibility to the National Register of Historic Places,
4. Develop and update a FS-SHPO compatible database,
5. Update site GIS base layers,
6. Inventory 1,000 problem oriented inventory acres per year,
7. Prepare one site developmental or paleoenvironmental study,
8. Conduct one public outreach and one interpretive product per year, and
9. Renovate or stabilize identified historic structures.

Progress was made on many aspects of the PA. Problem oriented surveys were ahead of targeted goals and goals for many other work products were on track. However, several key work product goals including the Historic Preservation Plan (this document), the Cultural Resource

Overview and the backlog of NRHP evaluations fell short of where they should have been by the end of the 8-year agreement. Therefore, an extension of the PA was agreed to in 2011 and again in 2014 to allow for the completion of the Historic Preservation Plan (among other objectives).

The management priorities for future cultural resource work in the FC-RONRW are outlined below. While oriented toward fulfilling the requirements of the Central Idaho Wilderness Act and the Programmatic Agreement, they provide an orderly set of strategies for implementing short-and long-term actions.

## Desired Future Condition

The Forest Service Handbook for Cultural Resources states that the desired condition should identify those cultural resource attributes and conditions toward which forest or grassland management will be directed during the plan period (FSH 2309.12.22.1). The Heritage Program section of the amended FC-RONRW Plan (2009) defines the existing condition and proposed future condition of cultural resources for wilderness sites. It is helpful to consider the FC-RONRW Plan objectives:

*“Recognize the cultural history of the area as a component of the wilderness resource and provide for appropriate protection, interpretation, and additional research.”* (pg. 98)

The desired future condition of cultural resources within the FC-RONRW is presented below.

- Cultural resource values identified in the CIWA are recognized in decisions affecting the wilderness;
- Cultural resources within the FC-RONRW are managed (i.e., inventoried, monitored, protected and preserved) consistent with law, regulation, and policy for the public benefit and knowledge while enhancing the wilderness experience;
- Unique and non-renewable historic properties (i.e., sites listed on or eligible for National Register of Historic Places listing) within the FC-RONRW are documented to appropriate standard;
- Unique and non-renewable historic properties are stabilized and protected from natural processes (i.e., flooding, erosion, wildfire, etc.);
- An appropriate sample of unique and non-renewable historic properties are managed, preserved, restored and/or protected for future public enjoyment and research. The process for including existing historic properties in this sample should consist of consultation between the Heritage Program Managers of each Forest and SHPO;

- As new prehistoric or historic sites are discovered and/or assessed for NRHP eligibility they should be added (after consultation with SHPO and affected federally recognized Indian Tribes) to the list of sites to be managed, preserved, restored and/or protected for future public enjoyment and research.
- Sacred sites and traditional cultural properties are recognized and respected as integral components of the wilderness;
- Members of affected federally recognized tribes are able to continue to use and access Tribal sites and resources;
- High probability areas for cultural resources within the FC-RONRW are inventoried to appropriate standard; and
- Data is shared with regulatory agencies, affected federally recognized Indian Tribes, research institutions, and the public, according to applicable regulations.

Direction for management of cultural resources is provided in FS Manual 2360 and FS Handbook 2309.12. In addition, the FC-RONRW Cultural Resource Overview provides both short- and long-term recommendations that serve as the basis of this HPP (Canaday 2012:155-164). Those requirements and recommendations are incorporated into the objectives, standards and guidelines presented in the following pages.

## Objectives

Cultural resource objectives define intended outcomes and measure progress toward meeting the cultural resource desired condition. Cultural resource objectives are specific goals and outcomes for identifying, evaluating, protecting, monitoring and using cultural resources (FSH 2309.12.22.2). The following cultural resource objectives are organized by management action as identified in the Forest Service Manual (FSM 2363) and Forest Service Handbook (FSH 2309.12.30) for cultural resources. Management actions outlined below include: cultural resource identification, evaluation, and allocation.

**Cultural Resource Identification** on NFS lands meets agency legal requirements, increases understanding of cultural resources, and provides cultural resource information relevant to land use planning (FSH 2309.12.32). Documentation must be done to agency or state standards (FSH 2309.12.34.3). Objectives associated with Cultural Resource Identification of FC-RONRW sites include:

1. Coordinate cultural resource programs among the managing Forests and prepare an



annual report on the management of cultural resources within the wilderness. Submit the annual report to the SHPO and affected federally recognized Tribes.

2. Inventory the recorded cultural resource sites focusing on those whose NRHP eligibility is currently listed as “unevaluated” or “unknown”. Ongoing and future inventories should record and evaluate all cultural resources discovered.
3. Work closely with affected federally recognized Tribes to identify and protect culturally-sensitive locations.
4. Update site forms for known sites to bring them up to current standards.
5. Document historic and prehistoric sites as part of the regular cultural resources inventory process.
6. Conduct systematic archaeological surveys of upland areas away from the major watercourses to understand the nature and distribution of upland archaeological sites.
7. Conduct systematic archaeological surveys in accordance with 36 CFR 800.4(2) for all agency or agency-authorized undertakings.
8. Identify, record, and protect culturally modified trees (CMT) such as peeled trees and trail blazes that are eligible for the NRHP.

**Cultural Resource Evaluation** on NFS lands is necessary for several reasons including (1) determination of legal significance under NHPA and 36 CFR part 6, (2) to assist in determination of project effects in accordance with 36 CFR 800.5, (3) to increase understanding of cultural resources, and (4) to recommend appropriate management uses of cultural resources (FSH 2309.12.34). Objectives associated with Cultural Resource Evaluation of FC-RONRW sites include:

9. Evaluate the recorded cultural resource sites focusing on those whose NRHP eligibility is currently listed as “unevaluated” or “unknown”. Ongoing and future inventories should evaluate all cultural resources discovered.
10. Evaluate site designations associated with rockshelters documented in the 1970s and 1980s. Many of these recorded “sites” do not contain cultural resource attributes such as surface visible artifacts, rock art, or constructed features. Shovel tests or auger probes within the interior of these “sites” should be conducted and if subsurface deposits are not present consultation with SHPO and Tribes should occur so that they can be removed from future management.
11. Evaluate all known sites for the National Register of Historic Places.

12. The cultural resource specialist for each Forest should apply the criteria for National Register eligibility listed in 36 CFR 60.4 to all identified cultural resources. The same criteria and integrity standards apply to all cultural resources, whether archaeological, historical, architectural, or traditional. In order to be formally listed or found eligible for listing on the National Register, a property must have integrity and must meet one or more of the four NRHP criteria. Assessing integrity for an archaeological site may involve testing for intact subsurface deposits. Thus, additional work (including ethnographic analysis for the identification and evaluation of tribal properties) may be required to make determinations of eligibility.

**Allocation of Cultural Resources to Management Categories** is a Forest Service Planning tool. As noted above, management of historic structures in the wilderness is a key provision of the CIWA. Allocation is a recommendation for the best use and treatment of a cultural resource to realize its greatest scientific, traditional, historical, and management potential (FSH 2309.12.35). Management categories include preservation, enhancement, scientific investigation, and nomination of cultural resources. Objectives associated with each of these management categories are presented below.

*Preservation of cultural resources* as a management category is afforded to NRHP listed or eligible traditional use areas, rare and unique sites, or sites containing future research value (FSH 2309.12.35.11). Preservation objectives associated with FC-RONRW sites include:

13. Enforce laws and regulations to minimize vandalism, theft, and inadvertent damage to cultural resources (see Appendices A and B).
14. Resolve problems where there are known or potential impacts and conflicts to cultural resources. Priority should be given to resolving ongoing cultural resource and recreational conflicts at main stem Salmon River and Middle Fork Salmon River campsites (discussed in depth below), upland outfitter and guide campsites, and at hot springs and rock art sites not associated with recreational camping.
15. Prepare separate preservation plans (following Secretary of the Interior Standards for Rehabilitation of Historic Buildings) and O&M plans as necessary, including fire protection plans, for each property currently listed on the National Register of Historic Places (Table 2).

Table 2. Properties Currently Listed on the National Register of Historic Places

Property Name	Managing Unit
Cold Meadows Administrative Site	Payette NF
Cabin Creek Ranch Historic District	Payette NF
Artic Point Fire Lookout	Payette NF
Chamberlain Administrative Site	Payette NF
Braddock Gold Mining and Milling Company (burned in 2013)	Payette NF
Jim Moore Place	Nez Perce-Clearwater NF
Polly Bemis House (located on Payette NF)	Nez Perce-Clearwater NF
Campbell’s Ferry (located on Payette NF)	Nez Perce-Clearwater NF
Blackie Foster Cabin	Bitterroot NF

*Enhancement of cultural resources* as a management category is afforded to NRHP listed or eligible properties that have the potential to provide public educational, informational, administrative, or recreational benefit (FSH 2309.12.35.12). Interpretation and sustained use / adaptive reuse are identified as methods of enhancement. Historic structures assigned to this category are distinguished by their preservation, restoration, rehabilitation and maintenance needs. Separate preservation plans are required for each site (Tables 3 – 6) requiring preservation, restoration, rehabilitation and maintenance. As new prehistoric or historic sites are discovered and/or assessed for NRHP eligibility they should be added (after consultation with SHPO and affected federally recognized Tribes) to the list of sites to be managed, preserved, restored and/or protected for future public enjoyment and research. Enhancement objectives associated with FC-RONRW sites include:

16. Structures judged to be historically significant that have major or minor defects, preserve to prevent further deterioration and subsequently move to maintenance category (Table 3). Preservation is the application of measures to sustain the form and extent of a structure or ruin essentially in the existing state. Its purpose is to halt further deterioration and provide structural stabilization and safety, but does not include significant rebuilding (FSM 2364.42a).
17. Structures judged to be historically significant that have major defects, restore to Secretary’s standards and subsequently maintain (Table 4). Restoration is the process of accurately recovering, by the removal of later work and the replacing of missing original work, the form and details of a site, structure, or part of a structure, together with its setting, as it appeared at a particular period of time. Restoration may be full or partial and may be combined with rehabilitation (FSM 2364.42c).
18. Structures judged to be historically significant that have repairable defects, rehabilitate to Secretary’s standards and subsequently maintain (Table 5). Rehabilitation is the process

of returning a structure to a state of efficiency by major repairs or alterations so that it will serve a useful purpose. It provides that portions of the structure (external, internal, or in combination), which are important in illustrating cultural values, are preserved or restored (FSM 2364.42b).

19. Historically significant structures are maintained to preserve heritage values or adapt for new use and maintain to preserve cultural resource values (FSM 2364.42; Table 6).
20. Develop a fire protection plan for each structure scheduled for preservation, restoration, rehabilitation or maintenance. Ensure that the fire protection plans are consistent with Forest Service policy. Include firefighter safety issues, special protection techniques to preserve historic values, and conformance with cultural resource direction. These plans should be developed by a working group of heritage, wilderness and fire specialists and SHPO review of the plans is required.
21. Amend this HPP as necessary when prehistoric or historic sites are discovered, evaluated and included in one of the allocation tables (Tables 2 – 6).

Table 3. Historic Structures Requiring Preservation

<i>Site Name</i>	<i>Site Number</i>	<i>Administrative Unit</i>	<i>Use</i>
Hell’s Half Acre Lookout	BR-26 / 10IH1500	Bitterroot	Interpretive
Boston Mountain Lookout	NP-9086 / 10IH1912	Nez Perce-Clearwater	Administrative
W.W. Randal Homestead	NP-9107 / 10IH3558	Nez Perce-Clearwater	Interpretive
Sheepeater Lookout	PY-95 / 10IH1556	Payette	Administrative
Romine Ranch	PY-1430 / 10IH3436	Payette	Interpretive
Big Baldy Lookout	BS-597 / 10VY366	Salmon-Challis	Interpretive
Mahoney Creek Lookout	BS-599 / 10VY397	Salmon-Challis	Interpretive
Sleeping Deer Lookout	CH-294 / 10LH477	Salmon-Challis	Interpretive
Fur Farm	CH-307 / 10CR904	Salmon-Challis	Interpretive
Sliderock Tower Lookout	CH-334 / 10CR1908	Salmon-Challis	Interpretive
Lower Parrot’s Cabin	SL-119 / 10IH1394	Salmon-Challis	Interpretive
Bernard Guard Station Cabin	SL-277 / 10LH1141	Salmon-Challis	Interpretive
Stoddard Lookout	SL-293 / 10LH1537	Salmon-Challis	Interpretive
Fern Creek Cabin	SL-296 / 10LH1733	Salmon-Challis	Interpretive

Table 4. Historic Structures Requiring Restoration

<i>Site Name</i>	<i>Site Number</i>	<i>Administrative Unit</i>	<i>Use</i>
Warm Springs Ranger Station (Figure 12)	CH-289 / 10LH467	Salmon-Challis	Interpretive

Table 5. Historic Structures Requiring Rehabilitation

<i>Site Name</i>	<i>Site Number</i>	<i>Administrative Unit</i>	<i>Use</i>
Sagebrush Lookout	SL-277 / 10LH1141	Salmon-Challis	Interpretive



Figure 12. Warm Springs Ranger Station Showing Restoration Work Remaining to be Done.

*Scientific Investigation* of cultural resources as a management category is afforded to NRHP listed or eligible properties that have the potential to provide information about past human cultures and environments (FSH 2309.12.35.13). Scientific Investigation objectives associated with FC-RONRW sites include:

1. Focused subsurface testing of key sites as mitigation of adverse effects (see discussion below) following consultation with SHPO and affected federally recognized Tribes.
2. Focused subsurface testing of key sites as necessary to address research questions following consultation with SHPO and affected federally recognized Tribes.
3. Prepare cooperative agreements between the Forest Service and institutions specializing in the relationship of paleoenvironments and cultural resources. The research derived from these agreements should be consistent with tribal values and should be undertaken in consultation with SHPO and affected federally recognized tribes. Traditional ecological knowledge held by tribal elders should be utilized in these studies. Interdisciplinary paleoenvironmental studies utilizing specialists in archaeology, botany, fire, wildlife and hydrology would provide management with information on past environments. This information could then be used to assist management with current and future ecological and cultural resource decisions.

Table 6. Historic Structures Requiring Maintenance

<i>Site Name</i>	<i>Site Number</i>	<i>Administrative Unit</i>	<i>Use</i>
Horse Heaven Guard Station	BR-2 / 10IH1669	Bitterroot	Administrative
Blackie Foster Cabin	BR-7 / 10IH175	Bitterroot	Interpretive
Magruder Ranger Station	BR-9005 / 10IH112	Bitterroot	Administrative
Magruder Crossing Bridge	BR-9041 / 10IH2246	Bitterroot	Administrative
Railroad Marker	BR-9058 / 10IH3407	Bitterroot	Interpretive
Jim Moore Place	NP-3 / 10IH516	Nez Perce-Clearwater	Interpretive
Rheo Wolf	NP-11 / 10IH7	Nez Perce-Clearwater	Interpretive
Buckskin Billy's Catwalk	PY-1481 / 10IH2619	Nez Perce-Clearwater	Interpretive
Campbell's Ferry*	PY-205 / 10IH252	Nez Perce-Clearwater	Interpretive
Cold Meadows Guard Station	PY-16 / 10IH1557	Payette	Administrative
Arctic Point Lookout and Cabin	PY-90 / 10IH1540	Payette	Interpretive
Rock Rabbit Lookout	PY-94 / 10IH1547	Payette	Interpretive
Sheepeater Lookout	PY-95 / 10IH1556	Payette	Administrative
Coyote Springs Telephone Booth	PY-98 / 10IH2428	Payette	Interpretive
Cabin Creek	PY-113 / 10IH143	Payette	Administrative
Chamberlain Guard Station	PY-467 / 10IH1551	Payette	Administrative
Joe Bump Cabin	BS-366 / 10VY137	Salmon-Challis	Interpretive
Morehead Lookout	BS-581 / 10VY400	Salmon-Challis	Interpretive
Forty Four Cabin	BS-586 / 10VY388	Salmon-Challis	Interpretive
Norton Lookout	BS-598 / 10VY398	Salmon-Challis	Administrative
Sater Cabin	CH-136 / 10CR698	Salmon-Challis	Administrative
Little Creek Guard Station	CH-310 / 10CR914	Salmon-Challis	Administrative
Ruffneck Lookout	CH-316 / 10CR895	Salmon-Challis	Administrative
Pinyon Peak Lookout	CH-335 / 10CR890	Salmon-Challis	Administrative
Loon Creek Guard Station	CH-400 / 10CR968	Salmon-Challis	Administrative
Seafoam Guard Station	CH-401 / 10CR967	Salmon-Challis	Administrative
Falconberry Guard Station	CH-403 / 10CR970	Salmon-Challis	Administrative
Twin Peaks Lookout and Cabin	CH-831 / 10CR920	Salmon-Challis	Administrative
Butts Point Lookout	SL-297 / 10LH1543	Salmon-Challis	Interpretive
Stoddard Pack Bridge	SL-766 / 10LH502	Salmon-Challis	Administrative

\* Private In-holding with reserve interest easement for historic preservation.

*Nomination of cultural resources* to the NRHP as a management category may be afforded to any eligible property. However, other management decisions concerning the relative value

and future management of that property affect the decision to formally nominate it to the National Register (FSH 2309.12.35.4). Objectives for FC-RONRW sites associated with this management category include:

1. Nominate sites (historic and prehistoric) determined to be eligible to the National Register of Historic Places. Priority should be given to the sites identified in Table 7 because, in the opinions of the Heritage Program Managers for each Forest, they represent the best, most deserving sites in the wilderness. The Forests should strive to prepare nominations every two or three years depending on funding and staff.

Table 7. Sites to be Nominated to the NRHP.

<b>Property Name / Number</b>	<b>Managing Unit</b>
Site BR-9067; 10IH3560	Bitterroot
Joe Bump Cabin / BS-366; 10VY137	Salmon-Challis
Forty four Cabin / BS-586; 10VY388	Salmon-Challis
Sater Cabin / CH-136; 10CR698	Salmon-Challis
Warm Springs Ranger Station / CH-289; 10LH467	Salmon-Challis
Little Creek Guard Station / CH-310; 10CR914	Salmon-Challis
Sliderock Tower Lookout / CH-334; 10CR1908	Salmon-Challis
Falconberry Guard Station / CH-403; 10CR970	Salmon-Challis
Norton Lookout / BS-598; 10VY398	Salmon-Challis
Mahoney Creek Lookout / BS-599; 10VY397	Salmon-Challis
Butts Point Lookout / SL-297; 10LH1543	Salmon-Challis
Middle Fork Archaeological District (multiple sites)	Salmon-Challis

### ***Standards and Guidelines***

Cultural resource standards (S) are established in the following pages to help achieve the desired conditions and objectives of this HPP (FSH 2309.12.22.5). Cultural resource guidelines (G) address overall compliance requirements under NHPA, ARPA and other statutes and both national and regional cultural resource policy and direction (FSH 2309.12.22.3). The following standards and guidelines shall be implemented for the management and protection of cultural resources within the FC-RONRW.

1. Implement stipulations that have not been met in the Cultural Resources Programmatic Agreement with SHPO and the Advisory Council on Historic Preservation. (S)
2. Prepare interpretive monographs, off-site brochures, portal contacts, wilderness ranger contacts and other appropriate methods to educate and enhance public appreciation and

- protection of cultural resources and the wilderness experience. Make cultural resource training available to permittees, private land owners, and outfitters and guides. (G)
3. Conduct scientific research that contributes to wilderness management objectives for the identification, protection, preservation and public appreciation of cultural resources. (G)
  4. Conduct cultural resource inventories in high probability areas that have not been surveyed for cultural resources. (G)
  5. Evaluate recorded but unevaluated sites to determine significance and interpretative potential. (S)
  6. Where activities or natural events (flooding, erosion, wildfire, etc.) impact significant or unevaluated cultural resource sites, the following standards will apply (see also the discussion on Middle Fork campsites below): (S)
    - a. Conduct cultural resource surveys and, where warranted (in consultation with SHPO and affected federally recognized tribes), surface collections and focused subsurface testing to determine significance and the range of impacts that are occurring. (See also 36 CFR 293.15c.)
    - b. If significant values are threatened, develop a site specific protection or mitigation plan in consultation with SHPO and affected federally recognized tribes (if applicable). Other Forest Service specialists and affected user groups shall be given an opportunity to assist in the collaborative development of the site specific protection or mitigation plan.
  7. Interpret historic sites and themes appropriate to their significance, condition, location, or other management need. (G)
  8. Develop a site steward program for at-risk sites. Provide proper training and oversight to wilderness and river patrol staff as well as tribal members, outfitters and guides and permittees to assist with monitoring of site conditions. (G)
  9. Develop a Heritage Action Team (HAT) comprised of agency representatives, outfitters, tribal members and public users to assist in developing and implementing aspects of the HPP. This team will be built on the concept that utilizing the knowledge of those most familiar with the area through early participation and collaboration can resolve conflicts before decisions are made and ultimately lead to the best management for all resources. This team will meet on a regular basis to discuss the most efficient ways of carrying out actions specified in the plan. (G)



10. Where volunteer programs are used for inventory, monitoring or evaluation, the scheduling of work and report standards will be carefully monitored and coordinated by qualified Forest Service heritage personnel in conjunction with Forest Service wilderness staff to ensure that cultural work is in compliance with NHPA as well as wilderness ethics. (G)
11. Develop and implement site-specific management direction where cultural resources are subject to adverse effects following cultural resource guidelines in FSM 2360 and in consultation with SHPO and affected federally recognized Tribes. Twenty six campsites are particularly at risk: 16 along the Middle Fork Salmon River (Airplane Camp, Camas Creek, Cow Creek, Grassy I, Grassy II, Hospital Bar, Indian Creek, Lower Jackass, Rock Island, Sheep Creek, Sheepeater, Stoddard Creek, Survey Creek, Tumble Creek, Wilson Creek, and Woolard Creek) and ten along the main stem Salmon River (Bargamin Village, Little Five Mile Creek, Rattlesnake Creek #1, Bruin Creek, Magpie Creek, Richardson Bar, Richardson Bar Lower, Boiler Hole Rockshelter, Groundhog Bar, and Rhett Creek). (S)
12. Use non-destructive geophysical techniques such as ground penetrating radar, magnetometry, electrical resistivity, soil chemistry, etc., to detect and map subsurface features. Subsequent to non-ground disturbing geophysical fieldwork, consider conducting focused subsurface testing to confirm the geophysical results, determine the extent of damage and whether intact cultural deposits remain. (G)
13. Provide the heritage team and law enforcement staff for each Forest with Federal Law Enforcement Training Center (or equivalent) ARPA training. (G)
14. Remove brush immediately adjacent to pictograph panels for hazardous fuel reduction and protection of the panels. Review brush removal on a case-by-case basis since some plants (poison ivy, stinging nettle, etc.) can act as a deterrent to improper or illegal behavior at some sites. (G)
15. Educate wilderness managers, line and staff officers on the legal requirements for conducting Section 106 project review within the FC-RONRW. (G)
16. Conduct restoration and scholarly study at appropriate cultural resources. Consultation with SHPO and affected federally recognized tribes should be conducted prior to project initiation. (G)
17. Work with affected federally recognized Tribes to change derogatory place names such as “squaw” and “savage” within the FC-RONRW. (G)

## ***Monitoring***

Monitoring plans are required under NFMA planning regulations (FSH 2309.12.22.6; see also FSM 2362.5). Cultural resource monitoring in the FC-RONRW will be used to determine:

- trigger points for implementing management actions of impacted campsites,
- how well the Forests are meeting desired future condition and objectives,
- how closely HPP standards and guidelines are being followed,
- if outputs and services are being provided as projected,
- if the effects of HPP implementation are occurring as predicted,
- if there are unintended effects or consequences associated with the HPP, and
- if there is a need to amend or revise the HPP.

The following specific monitoring tasks shall be implemented:

1. Monitor site condition for listed or eligible sites that are particularly at-risk on an annual basis. Currently, at-risk sites within the wilderness are concentrated along the Middle Fork Salmon River (see campsite discussion below) and the main stem Salmon River.
  - a. Implement a site steward program to assist in annual Middle Fork and main stem Salmon River site monitoring. The site steward program will be developed and implemented by the CR Specialist with assistance from the Recreation Program of each Forest. Consultation with SHPO and affected federally recognized Tribes will be necessary.
  - b. Develop a partnership agreement with the Idaho Outfitters and Guides Association, Middle Fork Outfitters Associations, (or other appropriate organizations) and affected federally recognized Tribes to assist with the site steward program. Utilize the HAT to assist in implementing monitoring activities.
2. Monitor site condition for NRHP listed sites (see Table 2) at least once every five years regardless of whether they are located in high, moderate or low-risk areas.
3. Monitor site condition for eligible sites in moderate risk areas periodically. Moderate risk areas include wilderness portals, backcountry airstrips, high use trails, the Big Horn Crags, and the Big Creek area. Utilize the site steward program described above to assist with this effort.
4. Monitor site condition for eligible sites in low risk areas as time and funding allow. Low risk areas are found within the wilderness interior away from the river corridors, high use trails and airstrips.

## ***Threats***

One of the original purposes in designating portions of central Idaho as the Idaho Primitive Area was “to protect Indian writings, caves, campgrounds, and all resources from vandalism” (Scribner 1931:22). Yet the following decades saw both purposeful and accidental destruction of many of these American Indian sites, and demolition or deterioration of historical structural remains within the area. Four types of threats to cultural resources have been identified: 1) Intentional looting, artifact theft, damage, and vandalism in violation of the Archaeological Resources Protection Act (ARPA); 2) Inadvertent or accidental damage caused by agency or agency-authorized activities; 3) Inadvertent damage and attrition caused by recreational use and pressure despite best management practices and intentions; and 4) Natural events such as erosion, flooding, fire, wind, etc.

Violations of ARPA have been investigated in the FC-RONRW at Stubb Creek on the main Salmon River and at Splatter Cave and four American Indian sites on the Middle Fork Salmon River. Prosecution of the Stubb Creek violation was settled through a civil ARPA procedure. Intentional damage to pictographs at Splatter Cave was investigated, but evidence on who caused the damage was not discovered (Canaday 2012). Criminal ARPA charges relating to damage to four Middle Fork American Indian sites were dropped by the Idaho Assistant U.S. Attorney and the Salmon-Challis National Forest Supervisor declined to proceed with civil ARPA penalties.

Administrative actions without the benefit of NEPA and/or NHPA compliance (FSM 2364.1) have also led to the disturbance of historic and American Indian sites in the wilderness. One of the biggest threats to wilderness archaeological sites is recreational use of the wild and scenic river portions of the Wilderness. This is particularly true along the Middle Fork Salmon River where continuous impacts to archaeological sites have been documented for over 20 years and along the main stem Salmon River where recreational impacts have recently been recognized (Steve Lucas, personal communication).

## **Campsites**

A number of campsites immediately adjacent to the Main Salmon and Middle Fork Salmon Rivers contain significant cultural resources that require proactive management. The CIWA requires protection of significant Native American campsites, pictographs, trapper and miner cabins, and other resources found along the banks of the rivers. In addition, Sections 106 and 110 of the NHPA requires consultation regarding management of properties eligible to the National Register of Historic Places affected by Federal actions or that are allowed to deteriorate through lack of appropriate management. These areas also have religious and cultural significance to the Shoshone-Bannock and Nez Perce Tribes, which are concerned with the preservation of their tribal heritages. While present day wilderness river users practice some of the best Leave-no-Trace camping techniques in the world, the sheer number of visitors to the rivers over the last 50 – 60 years, coupled with minimal camping and use restrictions during the

first 25 years of recreational boating have resulted in adverse effects to archaeological and historical resources that are still present today.

The protection of known archaeological sites associated with campsites and other recreation-related facilities on the major rivers is of critical importance. Campsite use within the Middle Fork Salmon River corridor is predominately boater oriented, but, at selected sites, there is a significant pack string and fly-in component. There are approximately 94 campsites along the Middle Fork Salmon River that receive some level of use (Matz 2006). Sixty eight percent of these campsites (n=67) are co-located with archaeological sites (Table 8). The reasons for this are simple. Flat areas associated with the river are at a premium and served historic, protohistoric and prehistoric populations in the same way: as likely places to stop for a day, a week, or for months at a time (Canaday 2012).

Significant historical properties that are being slowly degraded through past unrestricted camping practices, and to some degree present day recreation use can be found in many of the campsites along the river. On average, over 10,000 people utilize the Middle Fork Salmon River every year and upward of 80-90 parties camp on or near archaeological sites over the course of a single season. Camp activities on dry grassy benches, even though designed to be minimally impacting, have the tendency to create large kitchen and tent camp areas consisting of highly compacted soils bare of vegetation. Relatively wetter sites with good grass and shrub cover have somewhat smaller kitchen areas connected to individual tent areas by user created social trails. Some of these compacted use areas overlay the remains of Native American and Euro-American archaeological sites. Loss of vegetation and soil compaction associated with campsite activities could accelerate naturally occurring erosional effects from wind, water, and fire. This erosion could cause surface and near surface artifacts and features representing thousands of years of history to be collapsed into a single surface. Historic homesteading and mining artifacts could become mixed with 8000 year old dart points and pit house features from 1200 years ago could vanish entirely. Certain archaeological sites are more at-risk than others, given topography, soil composition, and the level and type of recreational use at the site. A management action to protect archaeological impacts at one site may not be effective at another. Therefore, mitigation measures will need to be site specific and utilize adaptive management strategies.

Matz (2006:1) notes that during the control season, from June 1 through September 3, boater campsite use is designated by the Forest Service at the time of launch, based on the preference of the boat party, the availability of the camp and the size of the group. As noted above approximately 10,000 people boat the Middle Fork Salmon River each year; some launch in large groups with a guide service and others go in smaller, loosely organized personal groups. Any or all of the camps may be used by boaters; however, camps that fit into a rotation schedule and accommodate party sizes of up to 30 individuals receive the largest share of the use and are often reserved on a nightly basis during peak seasons.

Sidney Frissell (1978) developed a system that measures the degree of human-caused change a campsite has undergone. The system consists of descriptions of five condition classes based on the extent of vegetation loss, mineral soil exposure and tree mortality (Cole 1989:4). The Frissell condition class definitions are provided in Table 8. Changes to a class do not necessarily imply a significant adverse impact. There is an important difference between change and impact and this can only be determined at the specific site-level. Additionally, Frissell was not designed to measure impacts to archaeological resources. Frissell is used in the Historic Preservation Plan to describe overall trends of campsite conditions and is a tool used to focus further assessment. The Programmatic Agreement identified FC-RONRW campsite condition issues along the Middle Fork Salmon River noting that many campsites with archaeological surface and subsurface deposits are in Frissell Class 4 and 5 condition (Figures 13 - 15).

Sixty-nine percent (n=67) of all designated campsites on the Middle Fork Salmon River contain cultural resources (Appendix C). Fully 75% (n=50) of these campsites have been rated with a Frissell condition class of 4 or 5 since 1995. In 2014, 30 campsites containing cultural resources were rated with a Frissell condition class of 4 or 5. Based on data gathered in 2014 an additional 20 campsites containing cultural resources have a Frissell condition class of 3. There are 62 Middle Fork Salmon River campsites currently allowing up to 30 individuals, of those 49 (79%) contain cultural resources and Frissell condition classes of 4 or above have occurred at 45 of these campsites (73%) since 1995. Twenty-six campsites (42%) with cultural resources were reported to have a Frissell condition class of 4 or 5 in 2014. Frissell condition class 5 occurs only at campsites allowing up to 30 campers. Although there are a high percentage of archaeological sites that overlap campsites that have a high Frissell rating, data shows that the majority of the campsites are remaining unchanged or improving since the data started being collected in 1995. However, there are some Middle Fork camps with at-risk archaeological sites that are being impacted, leading to adverse effects. Overall, management actions and a shift in camping practices by outfitters and private boaters are generally improving campsite surface conditions on the Middle Fork of the Salmon River, but the previous disturbances to cultural resource deposits remain.

Table 8. Frissell Condition Class Definitions.

Class I	Class II	Class III	Class IV	Class V
Ground vegetation flattened but not permanently injured. Minimal physical change except for possibly a simple rock fireplace.	Ground vegetation worn away around fireplace or center of activity.	Ground vegetation lost on most of the site, but humus and litter still present in all but a few areas.	Bare mineral soil widespread. Tree roots exposed on the surface.	Soil erosion significant (>50% of the area). Trees reduced in vigor or dead.
<b>Land:</b> Site looks natural. No non-native plants. As much firewood as surrounding area. No worn social trails. No tree damage.	Site looks natural with only slight damage to plants. No non-native plants. Less firewood than surrounding area but still abundant. One worn social trail.	Site is less than 50% barren. Few non-native plants. Little tree damage. Little firewood compared to surrounding area. A few worn social trails.	Site is more than 50% barren. Moderate number of non-native plants. Large amount of tree damage. No firewood on site; surrounding area has less firewood than occurs naturally. Many social trails.	Extensive bare area. Non-native plants on most of the site. Extensive tree damage. No firewood on site or surrounding area. Extensive number of social trails and satellite areas.
<b>Stock:</b> Area <100 sq. ft. and often hidden. No tree trunks scarred or mutilated. No dished tree bases. No hay or artificial feed present.	Area >100, <200 sq. ft. Bare soil along hitch line. Minor (<20%) tree trunk scarring and occasional (<20%) dished tree bases. Some trace of feed (<20% of area).	Area >200, <400 sq. ft. Majority (>50%) of tree roots exposed but no circles of radical tree root exposure. Moderate (>20%, <50%) tree trunk scarring. Moderate amounts of manure and artificial feed present (>20%, <50% of area).	Area >400 sq. ft. Only islands of humus / duff. All tree roots exposed somewhat. Most tree trunks scarred. Large amounts of feed & manure (>50%, <80% of area).	Area >400 sq. ft. Bare mineral soil throughout. All tree roots exposed. Many trees dying. Feed & manure over 80% of area.
<b>River:</b> Site looks natural with little or no sign of pullout.	Well-defined pullout with little or no vegetation loss in other areas.	Obvious pullout area and vegetation loss. Organic layer present. No satellite areas. Slight damage to trees and brush on the site.	Multiple, well-worn pullouts and vegetation loss. Satellite sites and trails present.	Obvious bank erosion with several satellite areas and several trails. Extensive human damage to vegetation. No firewood on site or surrounding area.



Figure 13. Two Tumbles: In the Early Summer Tumble Campsite on the Middle Fork Salmon River Contains an Abundant Growth of Arrowleaf Balsamroot (upper photo), but as the Summer Season Progresses Vegetation Dies Off and Blows Away Leaving Frissell Condition Class 5 (lower photo).



Figure 14. Hospital Bar Campsite on the Middle Fork Salmon-River Showing Frissell Condition Class 5.



Figure 15. Grassy II Campsite on the Middle Fork Salmon River Showing Frissell Condition Class 4. Inset Shows Several Projectile Points Exposed on the Surface in 2011.



Sixteen sites are particularly at risk along the Middle Fork Salmon River including Airplane Camp, Camas Creek, Cow Creek, Grassy I, Grassy II, Hospital Bar, Indian Creek, Lower Jackass, Rock Island, Sheep Creek, Sheepeater, Stoddard Creek, Survey Creek, Tumble Creek, Wilson Creek, and Woolard Creek. In 2006, Steve Matz prepared a campsite restoration plan for sites particularly at-risk along the Middle Fork Salmon River. His campsite restoration plan was prepared because archaeological sites along the Middle Fork Salmon River were being adversely affected by contemporary human use. The campsite restoration plan contained recommendations for continued monitoring, nondestructive restoration and campsite design projects and archaeological test excavation. Monitoring of Middle Fork Salmon River campsites with archaeological deposits has occurred for several decades. There were several successful mitigation measures designed in this plan, including directing users away from sensitive areas, increased awareness through written and verbal communication at launch sites, and altering group size at some camps. Other designs were ineffective, leading to adverse effects from recreational use. Development of a collaborative management effort through the HAT and a coordinated mitigation program in consultation with affected Tribes and SHPO is necessary to take further action towards protecting archaeological values.

Specific campsite management plans should be developed in consultation with affected federally recognized tribes and SHPO for Middle Fork Salmon River campsites with at-risk archaeological sites. The Heritage Action Team (HAT) described above would be enlisted to assist in developing the plans and implementing the protective actions. The campsite plans should be developed to allow for continued recreation use while affording the greatest protections for intact archaeological deposits and maintaining wilderness values. As a result, management actions should explore the least restrictive actions first, such as increasing awareness through public contacts at launch sites or developing updated educational materials that are relevant to the 21<sup>st</sup> century users. This is consistent with Wilderness management objectives, specifically campsite management objectives described in the FC-RONRW plan.

Given over 20 years of records, intensive monitoring, and archaeological sampling the assertion that camping on Middle Fork archaeological sites has led to the damage, and in some cases, destruction of significant archaeological features, is well founded (Matz 2006). However, while camping appears to be the primary factor leading to site disturbance of archaeological resources at Middle Fork campsites, the effects of stock use and natural disturbance factors (wildfire, flooding, etc.) are also recognized. The use of stock traveling through an archaeological site on an established trail is an acceptable level of risk. However, picketing stock for any appreciable amount of time can lead to adverse effects to near-surface and sub-surface archaeological deposits (Figure 16). Stock mitigations measures should be developed as part of the site-specific plans. Disturbance to archaeological sites by natural forces such as flooding, wildfire, post-fire

erosion or big game use is an acceptable risk and should be managed/mitigated on a case-by-case basis.



Figure 16. Picketing Stock Animals at Woolard Campsite on the Middle Fork Salmon River Has Been a Contributing Factor to Frissell Class 4 and 5 Conditions.

The following objectives specific to campsites should be implemented:

1. Protect and preserve Tribal treaty rights and cultural resources while preserving the wilderness setting and providing for visitor education and enjoyment.
2. Continuation of the Native American Interpretive Program. This program has been effective in educating users of the river corridor about Native American heritage and how to protect these resources. Developing additional new and innovative ways to protect the archaeological resources through interactive educational or interpretive programs should be explored.
3. Develop a Heritage Action Team (HAT) comprised of agency representatives, outfitters, tribal members and public users to assist in developing and implementing aspects of the HPP. This team will meet on a regular basis to discuss the most efficient ways of carrying out actions specified in the plan.

4. Work closely with the Middle Fork District Ranger, wilderness and recreation staff to develop a strategy to protect significant archaeological deposits that are being adversely affected by recreational activities:
  - a) Conduct non-destructive geophysical techniques such as ground penetrating radar, magnetometry, electrical resistivity, soil chemistry, etc., to detect and map subsurface features and to assist in developing an archaeological mitigation protocol in consultation with SHPO and affected federally recognized tribes;
    - Priority for this work should be given to those 26 campsites previously listed (pg. 34 Standards and Guides number 10.) and NRHP eligible sites that have a Frissell Condition Class of 3 and above;
    - Conduct focused subsurface testing to validate geophysical results in consultation with SHPO and affected federally recognized tribes;
5. Emphasize and assign sand bar camps before upper terraces to the extent practicable.
6. Explore new areas that could be used as a campsite that will not affect cultural resources, should these areas be needed while developing site specific management actions.
7. Reduce social trails to the minimum needed; place brush over duplicate trails and re-seed using native vegetation. Scarifying in order for seeds to grow should only be conducted when the Section 106 clearance process and minimum tool analysis has been completed.
8. Consider stock while developing site specific management plans to protect archaeological resources. Delineate stock areas at popular camps where cultural resources are at-risk to damage or destruction. Work with outfitters and the public to explore innovative communication tools to increase awareness of stock impacts to surface and sub-surface artifacts.

## Staffing and Responsibilities

Forest Archaeologists meeting the qualification for CR Specialists with Forest-wide responsibility currently exist on all of the four Participating Forests. Each Forest has individual project and site files and GIS layers. Data from each forest is provided to the Salmon-Challis National Forest which maintains a wilderness-wide database and GIS. General procedures for project Section 106 and NEPA review are in place on each Forest. The Salmon-Challis NF CR Specialist also acts as the FC-RONRW Cultural Resource Specialist and is a member of the Lead Working Group. Funding for the FC-RONRW CR Specialist is shared by each Forest. Responsibilities of individual Participating Forest CR Specialists include:

- Each individual Participating CR Specialist has responsibility for the land based resources and projects (e.g., cultural sites, outfitter permits, and land disturbing projects) and water based resources (e.g., float

and jet boat permit administration and dedicated facilities) in the following areas of the FC-RONRW, unless amended by subsequent agreements:

- The Bitterroot NF CR Specialist manages all land and river based cultural resources north of the Main Stem Salmon River within Bitterroot NF proclaimed lands;
  - The Nez Perce-Clearwater NF CR Specialist manages all land based cultural resources north of the Main Stem Salmon River within the Nez Perce-Clearwater NF proclaimed lands and those river and land based resources on the south and north side of the Main Stem Salmon River Wild and Scenic Corridor below Salmon Falls;
  - The Payette NF CR Specialist manages all land based cultural resources within the Payette NF proclaimed lands, except for the land and river resources within the Main Stem and Middle Fork Salmon River Wild and Scenic River Corridors;
  - Salmon-Challis NF CR Specialist manages all land and river based cultural resources on Salmon-Challis NF proclaimed lands, on Boise NF lands administered by the Salmon-Challis NF and on Payette NF lands within the Middle Fork and Main Stem Salmon River Wild and Scenic River Corridors above Salmon Falls.
- Implement portions of the HPP specific to the Participating Forest and provide support to other Participating Forests and the FC-RONRW CR Specialist for FS-RONRW-wide portions of the HPP, as necessary;
  - Internal Participating Unit coordination, consultation, project design, and Section 106 reporting for projects and resources within the Participating Unit areas of responsibility;
  - External coordination with other Participating Units where proclaimed lands or resources are “shared” through administration of river or land based resources and projects, including appropriate site and project numbering, requesting information or comments from the CR Specialist for those shared resources or projects, and by providing copies of site forms, reports, GIS and database information necessary to maintain records;
  - Section 106 consultation with the SHPO, Advisory Council, affected Federally recognized Indian Tribes for project and resource management, as necessary to carry out the terms of the HPP; and
  - Provide the FC-RONRW CR Specialist annual report information, site forms, atlas sheets and database products on an annual basis, or more often if requested by the BOD, to further the needs of the Historic Preservation Plan.

These requirements may be updated and changed as necessary to provide appropriate guidelines and direction under the HPP.

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## Appendix A

### Protocol for Responding to Unanticipated Discovery of Cultural Resources

If unanticipated buried cultural resources are identified during project activities and construction, the Forest will ensure that employees or contractors comply with the following protocol to ensure the proper identification, evaluation, and protection of the cultural resource.

The Project Supervisor or Contractor will immediately:

1. Cease all activity within 100ft/30m of the discovery.
2. Notify the Forest Heritage program leader. The Heritage program leader will notify the SHPO, Tribe, and other consulting parties, including any cultural resource consultants assigned to the project.
3. Leave all artifacts and materials in place but protect the discovery from further damage, theft, or removal.

The Forest Heritage Program Leader, and designated Heritage Specialists, will:

- Document the discovery using site documentation specified in the Forest Guidelines for Documentation. This should also include, but is not limited to, documenting exposed artifacts and features; mapping the extent of artifacts, features, and cultural horizons; and documenting natural and cultural stratigraphy in open trenches or pits.
- Evaluate the cultural resources for National Register of Historic Places (NRHP) eligibility. If an eligibility recommendation cannot be made based on the data collected during recordation, additional testing may be required to further delineate the nature, extent, and significance of the discovery. Testing will be limited to a sufficient level needed to provide a recommendation of NRHP eligibility.
- If the cultural resources meet NRHP eligibility, the Forest Heritage Program Leader, will develop an action plan, mitigation plan, or emergency treatment plan for the affected cultural resources.

The Forest Heritage Program Leader will:

- Determine National Register eligibility and consult with the SHPO and Tribes.
- If the discovery contains human remains, the Forest will follow the Discovery of Human Remains Protocol.

- If associated or unassociated funerary objects or objects of cultural patrimony are discovered, the Forest will fulfill the requirements of NAGPRA as described in the Discovery of Human Remains protocol below.
- If the cultural resources are determined to be not eligible for the National Register (with SHPO concurrence), work may resume with appropriate monitoring for further cultural resource disturbances.
- If the cultural resources are eligible for the National Register, the Forest Heritage program leader will consult with the SHPO and consulting parties to avoid, minimize, or mitigate further effects to the Historic Property. Mitigation efforts may be contingent upon several factors, including the type and extent of the disturbed resource, the extent of the adverse effect, and whether or not it is possible to avoid any further effects to the resource.

#### Resumption of Work

- Work in the immediate vicinity of the discovered materials may not resume until after the cultural resources are evaluated and adverse effects to Historic Properties have been avoided, minimized, or mitigated.
- Resumption of work will be a decision by the appropriate Line Officer. In most cases this will be the District Ranger, but in cases where human remains are involved it is recommended that the Forest Supervisor make this decision.

#### *Discovery of Human Remains*

If human remains or remains thought to be human are identified during project activities and construction, the Forest will ensure that employees or contractors comply with the following protocol in addition to the Inadvertent Discovery Plan described above.

The Project Supervisor or Contractor will

- Ensure that employees or contractors do not take photographs of the human remains out of respect for Tribal concerns and because of law enforcement forensic concerns.
- Be responsible for the security and protection of human remains during NAGPRA consultations, until disposition of the remains is determined.

The Forest Heritage Program Leader will:

- Notify appropriate law enforcement authorities and/or the County coroner about the human remains.
- Work with law enforcement or the County coroner to determine age and affiliation of the human remains.

- If law enforcement officials determine the human remains are not of recent age or criminal concern, the Forest Archaeologist will consult with affiliated Indian Tribes, SHPO, and other consulting parties to fulfill the requirements of NAGPRA.

The Forest will:

- Provide a specialist with expertise in human osteology and human remains to make an in-situ assessment of the remains, under the direction of the Forest Heritage Program Leader, to document the remains and to determine cultural affiliation that would guide the development of a written Action Plan.
- Assist the Forest Heritage Program Leader in developing an Action Plan for the evaluation and disposition of the Human Remains that meets the requirements of NAGPRA and 36 CFR 800.

Resumption of Work

- Work in the immediate vicinity of the human remains may not resume until after the disposition of the human remains is determined and a written binding agreement is executed between the necessary parties in accordance with NAGPRA.
- Resumption of work will be a decision by the appropriate Line Officer. In most cases this will be the District Ranger, but in cases where human remains are involved it is recommended that the Forest Supervisor make this decision upon the advice of the Heritage Program Leader and the appropriate law enforcement officers.

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## Appendix B

### Protocol for Responding to Damaged or Theft of Cultural Resources

The unauthorized use of and damage to cultural resources is a common problem on National Forest System lands. It includes deliberate vandalism, illegal excavation (looting), arson, demolition, and related illegal activities and depreciative behaviors. Of growing concern and no-less destructive to the resource is inadvertent site damage caused by our own agency or our agents (contractors, cooperators, etc.). Inadvertent human-caused damage to cultural resources is also considered unauthorized use. Regrettably, unauthorized use can also occur when a line officer makes a decision resulting in an adverse effect to cultural resources in the absence of SHPO consultation (the Section 106 process).

Federal laws, regulations, and the Forest Service (FS) Manual (FSM) 2360 and Handbook (FSH) 2309.1, provide the legal framework and agency policy, direction, and procedures for addressing cultural damage and unauthorized uses. Heritage Professionals should be intimately familiar with these legal and administrative resources. The CRM and academic literature also contains abundant information and technical guidance about archaeological protection and the judicial process (i.e., Hutt *et al.*, *Presenting Archaeology in Court: Legal Strategies for Protecting Cultural Resources*, Altamira, 2006).

The following protocols provide specific, on-the-ground guidance within the context of the federal laws, regulations, and agency policy cited above and below.

#### Know the Laws First

The *Archaeological Resource Protection Act* (ARPA) of 1979 (16 U.S.C. 470), with its corresponding regulations at 36 CFR Part 296, is the primary legal tool used to address unauthorized damage and destruction of archaeological resources (prehistoric and historic). In most cases, ARPA has replaced the 1906 Antiquities Act. Artifacts obtained illegally and transported across state lines fall under the interstate artifact trafficking provisions of ARPA. The Act protects materials of archaeological interest that are greater than 100 years old on public and Indian lands from unauthorized removal or destruction. Individuals who destroy, deface, or remove archaeological resources from federal lands are subject to severe penalties and fines under the Act's provisions.

Individuals can be charged with a criminal ARPA violation if it is determined that:

- They did knowingly excavate, remove, damage, alter, or deface an archaeological resource, or attempted to do so;
- The resource was located on public or Indian lands, or obtained illegally and transported across State lines;
- They acted without a permit; and

- The archaeological value or commercial value and the cost of restoration and repair exceeded \$500 (for a felony; less than \$500 for a misdemeanor).

ARPA contains both criminal and civil provisions. When violations of the Act are committed knowingly with intent, the criminal provisions of ARPA apply. When violations are committed unknowingly, inadvertently, or negligently, the civil provisions of ARPA apply.

The virtues of using civil procedures are well described by Foster (2007). The process involved in a civil ARPA case requires the same kind of Heritage Program support work as for an ARPA criminal case. However, in the civil arena, a Notice of Violation and Proposed Penalty is prepared by the Forest Supervisor, assisted by FS general counsel, the Heritage Professional, and the law enforcement officer (Special Agent) in charge. The Forest Supervisor makes the decision to pursue civil penalties, and must first ensure that civil penalties are not assessed if an active criminal investigation or prosecution is underway.

The *Native American Graves and Repatriation Act* (NAGPRA) of 1990 (25 U.S.C. 3001), and its implementing regulations at 43 CFR 10, is another important legal avenue. NAGPRA applies to cultural resource violations involving illegal trafficking of American Indian human remains and their associated funerary objects, sacred objects, and objects of cultural patrimony.

Both ARPA and NAGPRA establish penalties including fines and incarceration. ARPA and NAGPRA are based on strict criteria (and exemptions) that are not applicable to every damage incident or cultural site. Other federal statutes, including *Theft of Government Property* (18 U.S.C. 641), *Damage to Government Property* (18 U.S.C. 1361), and *General Prohibitions* on National Forest Service lands at 36 CFR 261.9(g) and (h) cover unauthorized activities affecting cultural resources and also establish penalties including fines and incarceration. The decision to apply a specific legal statute is made by law enforcement and the U.S. Attorney, not by the Heritage Professional.

Regardless of legal statute, the Site Damage Assessment procedures established in ARPA should be followed for all incidents of unauthorized site damage and vandalism. Archaeological value determinations must follow the Society for American Archaeology Professional Standards for the Determination of Archaeological Value (McAllister 2006, 2007). Site Damage Assessment procedures are described in 36 CFR 296.1; FSH 2309.1, Chapter 43.2; National Park Service Technical Brief 20; and other CRM and academic references. Consult these references prior to preparing a site damage assessment.

To reiterate: cultural resource damage may occur as a result of unauthorized activities by the public or by the FS or its agents, that is, its contractors and cooperators. All instances of cultural resource damage require investigation and documentation regardless of who does the damage. In all cases, the extent of legal or administrative action will depend on the nature and significance of the damage and violation. Contingent on the situation, the application of specific legal statutes is determined by FS law enforcement and U.S. Attorney (in the case of a criminal violation), or by law enforcement, FS general counsel, and the relevant FS line officer(s) if the case is a civil offense. Heritage professionals serve in a critical support and advisory capacity for both criminal and civil ARPA proceedings.

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**Roles and Responsibilities**

The Agency Official/Line Officer's and Heritage Professional's roles and responsibilities in the investigation, documentation, and resolution of cultural resource damage situations are clearly defined in FSM 2364.21 and FSH 2309.1, Chapter 43. As summarized here:

The FS line officer (Forest Supervisor, District Ranger) will:

- Coordinate with FS law enforcement to establish patrol schedules for at-risk or vulnerable cultural resources.
- Investigate in a timely manner any unauthorized use, damage, alteration, or disturbance of cultural resources.
- Develop damage claims and make penalty assessments against individuals, as based on the Site Damage Assessment, per ARPA or other legal statutes.
- Apply criminal or civil monetary restitution for damages, as provided under ARPA or other pertinent legal statutes, directly to the affected cultural resource.
- Implement long-range protection plans to protect at-risk cultural resources; see FSH 2309.1, Chapter 44, for a description of these actions.

The FS Heritage Professional (Program Leader, District/Zone Archaeologist) will:

- Develop and implement monitoring plans and schedules, including sensitivity maps that identify at-risk historic properties, cultural landscapes, and unevaluated cultural resources.
- Provide sensitivity maps to Forest Service law enforcement and routinely accompany law enforcement to at-risk archaeological sites. Cultivate a good working relationship with Forest law enforcement so that when an issue arises, the team can respond appropriately.
- Enlist agency employees, tribal partners, and public volunteers (i.e., site stewards) in routine monitoring of cultural resources where appropriate.
- Acquire the necessary training in archaeological site protection (ARPA et al) to complete Site Damage Assessments and participate in legal casework.
- Complete Site Damage Assessments for all cultural resource violations in coordination with law enforcement. Consult SHPOs and tribes on these matters as appropriate.
- Label, catalogue, curate, and appropriately dispense all artifacts and associated records during and following a law enforcement investigation and prosecution.

- Annually report cultural resource violations following National and Regional requirements.
- Develop educational programs regarding cultural resource protection.
- Incorporate cultural resource protection concerns, needs, and strategies into Heritage Program Plans and Historic Property Plans.
- Advise and assist the Line Officer in implementing long-range cultural resource site protection plans and actions.

### **Looting and Vandalism Protocols: Heritage Professional Rules of Engagement**

Every cultural resource damage incident is unique. Reports of cultural resource damage and violations surface in a variety of ways—during routine cultural resource monitoring; by agency employees in the course of their work; and by members of the public who encounter or learn about incidents in their local communities.

Investigation, casework, and prosecution also vary. Therefore, follow these Regional protocols and guidelines but adapt them to the specific circumstances of the violation and casework, as advised by law enforcement, line officer and other FS staff, FS general counsel, and the U.S. Attorney's Office.

1. Follow-up immediately on agency or public reports or leads of cultural resource damage and unauthorized activity. Delays will seriously compromise law enforcement and/or administrative (i.e., contractual) efforts, opportunities, and actions that may be necessary.
2. Consider your personal safety first. For example, if you encounter someone illegally excavating an archaeological site **do not** contact them. Ensure your safety and that of your crew first. Contact law enforcement. If it is safe to do so, observe the activity and take photographs if possible. Take notes on the location, time, descriptions of the individual(s), vehicle license number, etc. Fully document what you see, hear and find, either in the field or immediately thereafter.
3. When damage to cultural resources is the result of intentional criminal activity, the site area is treated as a crime scene under control of FS law enforcement. Do the following:
  - a. Work under the direction of FS law enforcement. You may provide on-scene assistance, such as evidence collection, but only as specifically instructed by the law enforcement officer in charge.
  - b. Enlist help as necessary to complete the Site Damage Assessment(s) in a timely manner. Ensure that these individuals are trained and qualified to do forensic work, and understand all protocols and the need for confidentiality.
  - c. Enlist technical specialists/expertise as necessary to complete on- and off-site analyses as part of the Site Damage Assessment. For example, a professional specialist may be essential for evaluating damage (i.e., graffiti, bullet holes, partial removal) to an ancient rock art site. An architectural historian may be necessary to help evaluate and calculate damage to a historic structure.



- d. Contact SHPOs and tribes about the cultural resource violation when appropriate and upon consent of the law enforcement officer in charge. Both entities may offer perspectives about cultural resource values and loss that augment/support the Site Damage Assessment.
  - e. Follow legal requirements and Region 1 and 4 protocols if human remains or NAGPRA items are identified. See FSH 2309.1, Chapters 42.2 and 43.43.
4. When damage to cultural resources occurs unknowingly, inadvertently, or negligently, the integrity of the area must still be protected until the incident is documented in a Site Damage Assessment and after an After Action Review (or similar internal review process) by the line officer, heritage program leader, and other appropriate FS staff (i.e., Administrative Officer, Contracting Officer).
- a. Follow the protocols in #3 above.
  - b. If civil penalties or administrative actions are pursued, be prepared to offer your perspectives and recommendations to law enforcement, agency counsel, forest staff (i.e., Administrative Officer), and the Forest Supervisor for penalties, monetary restitution, or other resolutions. Case disposition will (usually) be determined by the Forest Supervisor based on the Site Damage Assessment, After Action Review, and any other pertinent administrative investigations.
5. Wherever human-caused cultural resource damage is encountered, and however it occurred, your **primary** responsibility is to prepare an accurate and thorough Site Damage Assessment, as described in 36 CFR 296 and FSH 2309.1, Chapter 43.2. Consider this:
- a. Ensure that you have the necessary field equipment and personnel to complete the Site Damage Assessment in a safe and timely manner (see Appendix 1).
  - b. “Old” damage may require limited site damage documentation (i.e., a research design and budget may be unnecessary) or law enforcement involvement. However, care must be taken to fully determine what is old versus new damage.
  - c. Recent or new damage will usually require a complete Site Damage Assessment and law enforcement over-sight, and possibly administrative involvement in the event that the damage was done by a contractor, cooperater or FS employee.
  - d. Your field notes, sketches, maps, and calculations are the basis for the Site Damage Assessment. They are subject to legal discovery and scrutiny. Be very careful what you write and draw (in text, paper margins, or otherwise).

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- e. Any artifacts, digger's tools, maps, etc. that you handle and process are legal evidence and part of the Chain of Custody that you must not break. Coordinate with law enforcement to ensure that that all seized evidence is properly secured (locked) during and after processing and analyses.
  - f. Artifact collector's maps, books and written records often link artifacts to specific land areas and archaeological sites, and thus may be subject to considerable examination (de-coding) and handling. Legally, these seized materials and artifacts remain the property of the defendant until the case is officially adjudicated. So, handle with care.
6. The completed Site Damage Assessment **must** be:
- a. Professionally written, rational, clear, and concise, with all relevant regulatory components addressed. It should be modeled after other successful damage assessments.
  - b. In accordance with the Society for American Archaeology Professional Standards for the Determination of Archaeological Value.
  - c. Peer reviewed. Enlist the Regional Office to assist in finding an appropriate reviewer.
  - d. Defensible to law enforcement, the U.S. Attorney's Office, line officer, FS general counsel, and other involved parties; for example, The research design and data recovery costs should be proportional to the actual damage documented. For example, for a looters hole measuring 0.92 x 0.88 cm and 36 cm deep, one would not propose data recovery for the entire two acre site. Rather, the costs would be calculated based on the standard excavation unit generally utilized by the agency (i.e., a 1 x 1 m unit). Depending on the complexity of the affected site deposits, excavation (and associated costs) would proceed in four 10 cm levels (or stratigraphically if appropriate). The damages and values/costs in the document should pass the "red face" test.
  - e. Treated as confidential information under ARPA, Section 9, and the Freedom of Information Act (5 U.S.C. 522).
7. The National Register (NR) eligibility of the damaged cultural resource may be evaluated and incorporated into the Site Damage Assessment, as time and casework permits, but it is not a legal requirement. Consider this:
- a. Be careful not to compromise the integrity of the casework by NR evaluation; for example, be judicious when conducting subsurface testing to determine the extent, depth and nature of the remaining cultural deposit.
  - b. NR eligibility may play a significant role in explaining resource values and significance during case investigations and judicial proceedings.

- c. Radiocarbon dating and other specialized analyses for the NR evaluation will usually provide a stronger picture of data loss and recovery/restoration needs in all judicial review and proceedings.
  - d. NR evaluation may be done by the FS or its agents--contractors and cooperators (i.e., university anthropology/archaeology programs).
8. Advise and assist law enforcement, the U.S. Attorney's Office, line officers and agency staff in developing criminal and civil casework (beyond the Site Damage Assessment) as requested. Understand that:
  - a. Most casework will be confidential and not be revealed to you in order to protect case integrity (and, in some cases, for your own safety).
  - b. Investigatory and judicial processes (civil or criminal) take time to complete (they can be very slow, with lots of hurry-up and wait). See Appendix 2.
9. Inform and educate agency staff, assistant U.S. Attorney's, and other relevant personnel, as necessary, about local prehistory/history and values lost (knowledge and appreciation of human prehistory and history varies widely within agencies and among the general public). Do not take this knowledge and understanding for granted.
10. Be prepared to be an advocate for cultural resource protection in your local community during investigations and prosecutions (i.e., press releases). In some communities, backlash may occur regarding artifact collecting and agency law enforcement. Advocacy may be problematic under these circumstances; consider your personal safety first.
11. Participate as an expert witness on behalf of the federal government during judicial proceedings (Grand Jury, trial). Grand Jury and trial preparation is covered extensively in "ARPA" training provided by the Federal Law Enforcement Training Center (FLETC) and other sources. Suffice it to say that you will be required to:
  - a. Explain and defend your Site Damage Assessment.
  - b. Paint the "big picture" of human history and why the values described in the Site Damage Assessment are important to everyone.
  - c. Be knowledgeable, clear-spoken, and professional in all judicial proceedings.
12. Dispense/dispose of material records and artifacts following investigation and/or case adjudication. Include artifacts and records with demonstrated provenience on National Forest lands. See FSH 2309.1, Chapter 43.1.

## Appendix C

### Middle Fork Campsite Frissell Condition Class (1995-2014) and Archaeological Sites

River Mile	Campsite Name	Campsite Capacity	Frissell Condition 1995	Frissell Condition 2005-08	Frissell Condition 2014	Archaeological Site Present?	Site Type	NRHP	Assess Stock Use
0.07	Teepee Hole	10	2	3	2	No	-	-	
1.60	Cable Hole	10	2	4	2	No	-	-	
2.40	Gardells Hole	20	4	3	2	No	-	-	
2.70	Spring Camp	10	2	2	1	No	-	-	
5.50	Boy Scout Camp	20	2	2	3	No	-	-	
6.50	Big Bend	30	4	4	4	No	-	-	
6.90	Trail Flat Camp	30	5	5	5	BS-212	HP, LS	U	✓
8.10	Rapid Camp	10	2	2	1	No	-	-	
8.20	Elkhorn Bar	30	4	4	4	No	-	-	
9.30	Saddle Camp	30	2	3	3	No	-	-	
9.50	Boot Camp	10	1	2	1	No	-	-	
11.80	Joe Bump	30	4	4	4	BS-366	Cabin, Grave	E	✓
12.70	Scout	20	4	4	4	No	-	-	
13.00	Sheepeater	30	4	5	4	BS-397	HP, LS	U	✓
13.80	Fire Island	30	5	5	4	No	-	-	
15.20	Lake Creek	30	4	4	3	No	-	-	
15.50	John's Camp	30	3	3	4	No	-	-	
15.90	Dome Hole	20	2	2	1	No	-	-	
15.90	Greyhound Creek	30	4	4	3	CH-220	LS, Mine	U	✓
18.20	Rapid River Camp	30	4	3	1	CH-221	LS	U	✓
19.00	Dolly Lake	30	4	4	3	CH-222	RS, LS	U	✓
19.10	Big Snag	30	4	4	3	BS-365	LS	U	✓
21.40	Pistol Creek	30	4	3	4	BS-367	Cabin	NE	
23.90	Airplane Camp (deadhead)	30	4	4	3	BS-235	HP, LS	E	✓
24.70	Guard Station Camp	30	4	No data	3	BS-234	HP, LS	E	✓
26.20	Indian Creek	30	0	4	3	BS-825	LS, Peel Pine	E	✓

River Mile	Campsite Name	Campsite Capacity	Frissell Condition 1995	Frissell Condition 2005-08	Frissell Condition 2014	Archaeological Site Present?	Site Type	NRHP	Assess Stock Use
27.40	Pungo Creek	30	4	4	4	BS-373	HP, LS	E	✓
30.80	Little Soldier	30	4	2	3	CH-224	HP, LS	U	✓
31.60	Marble Creek Left	30	5	3	4	BS-396	LS, Ruin	U	✓
31.70	Marble Creek Right	30	4	3	3	No	-	-	
32.60	Lost Oak 30	30	3	3	3	No	-	-	
32.60	Sunflower Flat	8	4	3	4	CH-9014	TCP	U	✓
34.60	Stateland Right	30	4	3	4	CH-568	HP	U	✓
35.80	Little Creek	30	1	1	2	CH-310	GS	E	
35.90	Hood Ranch	30	4	3	1	BS-121	Ranch	E	
37.30	Upper Jackass	30	4	2	4	No	-	-	
37.60	Lower Jackass	20	4	2	3	CH-225	HP, LS	E	✓
39.20	Cameron Creek (closed)		2	No data	1	BS-480	HP, LS, RA	E	✓
41.60	Mahoney	20	2	2	3	No	-	-	
43.20	Pine Creek Flat	30	4	3	4	CH-226	HP, LS	U	✓
45.90	Culver Creek Camp	10	2	2	2	CH-574	HP, Cabin	U	✓
46.20	Whitey Cox	30	4	3	3	CH-227	LS, Grave	E	✓
46.30	Rock Island	30	4	3	3	BS-380	HP, LS	E	✓
46.60	Pebble Beach (closed)		4	1	1	BS-260	HP, LS	E	✓
47.30	White Creek	30	4	3	3	CH-228	HP, LS	E	✓
48.10	Shelf	30	4	4	4	CH-802	LS	E	✓
49.30	Big Loon	30	4	4	4	CH-229	HP, LS	E	✓
50.02	Cow Creek Camp	10	4	3	4	CH-513	HP, LS	E	✓
51.75	Cave Camp	30	3	3	2	CH-230	HP, LS, RA	E	✓
52.00	Hospital Bar	30	5	5	5	BS-487	HP, LS	E	✓
52.70	Horsetail (closed)	8	1	1	1	CH-231	HP, LS	E	✓
53.50	Cub Creek	10	1	1	1	No	-	-	
56.40	Upper Grouse Creek	30	3	3	2	CH-93	RA	U	✓
56.50	Lower Grouse Creek	30	4	3	4	CH-92	HP, Cabin	U	✓
57.00	Tappen Island	20	3	1	2	No	-	-	
59.90	Camas Creek	30	4	5	4	CH-232	HP, LS	E	✓
60.60	Johnnie Walker	30	4	4	3	SL-256	HP, LS	U	✓

River Mile	Campsite Name	Campsite Capacity	Frissell Condition 1995	Frissell Condition 2005-08	Frissell Condition 2014	Archaeological Site Present?	Site Type	NRHP	Assess Stock Use
61.10	Pool Camp	30	3	4	3	SL-247	HP, LS	U	✓
61.60	Funston	30	4	3	4	SL-281	HP, LS	U	✓
61.90	Broken Oar	30	3	2	2	No	-	-	
64.50	Trail	30	3	3	4	SL-283	Ruin	U	✓
65.30	Sheep Creek	30	4	4	4	SL-121	HP, LS	U	✓
66.80	Flying B Camp	30	2	2	1	No	-	-	
67.70	Flying B Airport Camp	30	3	3	No Data	SL-364	HP, LS	E	✓
68.70	Bernard	30	2	2	1	SL-62	LS	E	✓
68.90	Short Creek	30	3	3	4	SL-72	LS	U	✓
70.20	Cold Springs Creek	10	3	1	1	SL-248	HP, LS, Mine	E	✓
71.40	Little Pine	30	4	4	4	SL-286	Ruin	U	✓
72.10	Driftwood	30	4	4	4	SL-70	LS	U	✓
72.90	Wilson Creek	30	4	4	3	SL-249	HP, LS, Mine	U	✓
73.00	Grassy I	30	4	4	3	SL-260	HP, LS, Mine	U	✓
73.10	Grassy II	30	4	4	3	SL-261	LS, Mine	-	✓
74.80	Survey Creek	30	4	4	4	SL-129	LS, Mine, Grave	U	✓
74.90	Woolard Creek	30	5	4	5	SL-68	HP, LS	U	✓
75.70	Fly Camp	10	3	3	3	No	-	-	
77.40	Fish Camp	10	1	1	1	PY-1721	RS	U	✓
77.90	Big Creek	4	2	2	3	PY-147	RS, LS, RA	E	✓
78.00	Last Chance	20	3	4	4	SL-250	LS	U	✓
78.70	Pine Bluff	15	2	2	1	PY-9032	RS, RA	E	✓
79.02	Cutthroat Cove	10	1	1	1	No	-	-	
79.05	Big Pine	8	2	2	1	No	-	-	
79.69	Elk Bar	30	4	4	2	No	-	-	
79.70	Love Bar	10	1	2	1	PY-81	RS, RA	E	✓
82.50	Redside	15	3	3	2	PY-396	RA	U	✓
84.40	Papoose Camp	5	1	2	1	SL-826	RS, RA	E	✓
84.50	Ship Island	30	4	4	4	SL-262	LS	U	✓
85.00	Lightning Strike	15	3	3	3	SL-263	HP, LS	U	✓
86.20	Parrot Placer	30	3	3	4	SL-120	LS, Mine	U	✓
88.20	Parrot Cabin	5	3	3	1	SL-119	Cabin	E	✓

<b>River Mile</b>	<b>Campsite Name</b>	<b>Campsite Capacity</b>	<b>Frissell Condition 1995</b>	<b>Frissell Condition 2005-08</b>	<b>Frissell Condition 2014</b>	<b>Archaeological Site Present?</b>	<b>Site Type</b>	<b>NRHP</b>	<b>Assess Stock Use</b>
88.90	Cradle Creek	30	4	5	5	SL-251	RA	E	✓
89.00	Tumble Creek	30	5	5	5	SL-252	LS, RA, Ruin	E	✓
89.60	Ouzel Camp	10	1	2	3	No	-	-	
89.70	Cliffside	30	3	5	3	SL-253	RS, LS, RA	E	✓
90.00	Stoddard	30	5	5	4	SL-123	HP, LS, RA	E	✓
90.40	Otter Bar	30	4	2	4	No	-	-	
92.70	Solitude	15	1	2	1	No	-	-	
94.90	Goat Creek	5	2	2	1	SL-476	RS, LS, RA	E	✓

HP = House Pit

LS = Lithic Scatter

RS = Rockshelter

RA = Rockart

GS = Guard Station

TCP = Traditional Cultural Property

E = Eligible

NE = Not Eligible

U = Unevaluated