

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE  
GRANTS PASS RESOURCE AREA

**Categorical Exclusion Determination and Decision Record  
Grants Pass Resource Area**

**2013 Archaeological Field School**

**DOI-BLM-OR-M070-2013-006-CX**

**Project:** Southern Oregon University Battle of Grave Creek Hill Archaeology Field School

**Location:** Medford District, Grants Pass Resource Area, Douglas and Josephine Counties.  
HUC-5 – Middle Cow Creek and Grave Creek fifth-field watersheds

**Applicant:** Dr. Mark Tveskov of the Southern Oregon University Laboratory of Anthropology

**Description of Proposed Action:**

Dr. Mark Tveskov, of the Southern Oregon University Laboratory of Anthropology (SOULA), proposes to conduct an archaeological field school on the Grants Pass Resource Area in July 2013, in collaboration with the Grants Pass Resource Area, Medford District Bureau of Land Management (BLM), through issuance of an Archaeological Resource Protection Act permit, from the Oregon/Washington BLM State Office.

The archaeological field school involves archaeological survey of several parcels of land administered by the Grants Pass Resource Area located in Josephine and Douglas counties, Oregon to identify the location of the Battle of Grave Creek Hill that took place on October 31, 1855. The Battle of Grave Creek Hill (aka ‘the Battle of Hungry Hill’) was one of the key skirmishes in the Rogue River Indian Wars of 1855-1856. The battle of Grave Creek Hill took place on October 31, 1855 and included at least three different relatively discrete geographic locations. As years passed, few details of the battle were preserved and locational information identifying the specific battle site locations was eventually lost.

The field school involves a continuation of efforts conducted in 2010, 2011 and 2012 to locate the battlesite locations. This year the Grants Pass Resource Area arranged for Dr. Tveskov to continue archaeological survey to: (1) conduct additional survey to identify the three specific battle site locations; (2) generate useful information to help the Grants Pass Resource Area manage cultural resources located on BLM managed parcels; and (3) contribute research to understanding of the history and archaeology of southwestern Oregon.

The 2013 field school will provide educational opportunities for SOULA students to learn more about archaeology field survey techniques and the history of southwestern Oregon. The work crew will consist of approximately 12-15 people, including SOULA staff, metal detector experts, and students. A preliminary letter report will be submitted within 30 days upon completion of the

2013 field school and copies will be sent to relevant federally recognized Tribes and the Oregon State Historic Preservation Office (SHPO). Detailed results of the field school will be documented in a report, with the due date negotiated upon completion of the 2013 field school. The report will cover survey efforts of the 2010, 2011, 2012, and 2013 field schools and will be shared with the SHPO and Tribes.

Field school participants would conduct pedestrian and metal detector surveys, similar to methods used during the past field schools. Field methods will follow and meet standards and guidelines established by SHPO. Areas would be surveyed using systematic pedestrian transects, with the aid of metal detectors. Any positive hits with metal detectors may require digging with a trowel or shovel to locate buried metal artifacts.

Digging would only occur at locations where metal detectors used during survey pick up positive hits and no metal artifacts can be found at those locations on the ground surface. Magnets would be used to locate metal artifacts in the soil. If digging is necessary, each hole would be dug with a trowel or shovel to locate buried metal artifacts. These holes may be up to 20 centimeters wide and may be up to 25 centimeters deep.

All identified diagnostic artifacts would be collected, sediment would be screened through 1/8 inch mesh, and the location would be recorded using appropriate GPS technology that meets the accuracy standard identified in the BLM guidance for documenting cultural resources. Shovel scraped areas and any holes dug to recover metal artifacts would be backfilled and contoured to blend in with the surrounding terrain. If appropriate, sod wads would be replaced back over the holes. All identified diagnostic artifacts would be returned to SOULA and cataloged, analyzed, and reported as part of the final report. No formal excavations using test pits or excavation units would be employed during this survey.

All archaeological work will be conducted in accordance with terms and conditions of the BLM's ARPA permit including provisions for compliance with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

The full results of the field school would be reported in a monograph and shared with the Oregon SHPO office and relevant federally recognized Indian Tribes. Dr. Mark Tveskov and SOULA's staff have engaged students in various field schools on the Grants Pass Resource Area and other locations on the Medford District BLM for over 10 years and the results of several of their earlier field schools have been published in a major monograph (Tveskov and Cohen 2006).

### **Project Design Features**

In the event that cultural resources are discovered during ground disturbance, any work at the discovery location would stop and the Grants Pass Resource Area Archaeologist would be immediately notified. Measures would be taken to protect the discovery until such time that BLM officials have examined the discovery, notified and consulted with Tribes, and provided directions for protection/treatment.

A NAGPRA Plan has been developed in consultation with Tribes that outlines a protocol to follow if NAGPRA items are uncovered during archaeological investigations. In the event that NAGPRA items are discovered during ground disturbance, any work at the discovery location

will stop and Cheryl Foster-Curley, Medford District Tribal Liason, and Dayne Barron, Medford District Manager, will be immediately notified. Measures will be taken to protect the discovery area until such time that BLM officials have examined the discovery, notified the U.S. Army, consulted with Tribes, and provided directions for protection/treatment.

Areas within ¼ mile of designated owls sites would be avoided to reduce disturbance to nesting spotted owls (RMP 1995) and comply with standard U.S. Fish and Wildlife Service consultation terms and conditions for disturbance restrictions. Protocol surveys may determine the site to not be occupied, non-nesting, or failed in their nesting attempt, in such cases the project activities may continue. Contact would be made with a Grants Pass Resource Area wildlife biologist prior to entry of these areas through July 15, 2013.

### **Plan Conformance Review**

The proposal is consistent with policy directed by the following

- Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan FSEIS, 1994 and ROD, 1994) as amended
- Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision (EIS, 1994 and RMP/ROD, 1995)
- Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon (FSEIS, 2004 and ROD, 2004)
- Medford District Integrated Weed Management Plan Environmental Assessment (1998) and tiered to the Northwest Area Noxious Weed Control Program (EIS, 1985)
- *Final SEIS for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2000), and the *ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001)

### **Categorical Exclusion Determination**

The proposal action qualifies as a categorical exclusion under DM 2, Appendix 1 (1.6): “Non-destructive data collection, inventory (including field, aerial and satellite surveying and mapping), study, research and monitoring activities.”

Before any action described in the list of categorical exclusions may be used, the “extraordinary circumstances,” included in Code of Federal Regulations at CFR § 46.205 (c) requires that “any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances in section 46.215 (See attachment).

### **NEPA Categorical Exclusion Review**

1. *Have significant impacts on public health or safety.*

Yes      No

( ) Remarks: All proposed activities follow established rules concerning health and safety.

2. *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource;, park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.*  
Yes      No  
( ) Remarks: The proposed action would help identify cultural resource sites on BLM managed land and provide helpful information to manage those sites, such as determining its eligibility to the National Register of Historic Places. In addition, efforts to locate the battle site location may help resolve the debate between historians about where the battle actually took place.
3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*  
Yes      No  
( ) Remarks: Ground disturbance would be limited to specific locations and to the use of hand tools (trowels and shovels). Archaeological testing methods would strictly confine ground disturbance. All test/excavation holes would be backfilled and contoured to blend in with the surrounding landscape.
4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*  
Yes      No  
( ) Remarks: Past experience from this type of activity has shown no highly uncertain, potentially significant, unique or unknown risks.
5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*  
Yes      No  
( ) Remarks: Similar actions have taken place on the Medford District and there is no evidence that this type of action would establish a precedent or decision for future action.
6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*  
Yes      No  
( ) Remarks: The BLM has conducted this type of activity in the past with no significant direct, indirect, or cumulative effects.
7. *Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.*  
Yes      No  
( ) Remarks: The proposed action will help locate any significant properties on BLM managed land and help identify those properties that warrant protection or preservation according to the National Historic Preservation Act (NHPA).
8. *Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.*

Plants Yes No

Remarks: There would be no impact on *Fritillaria genterii* (FRGE), the only T/E plant on Grants Pass Resource Area with a range that extends into the project area. The northern project area is not within the range of FRGE or any of our other T/E plants. Surveys of the southern project area were conducted in 2003, and no FRGE sites were located.

Animals Yes No

Remarks: There would be no disturbance to nesting spotted owls since areas within ¼ mile of designated owls sites would be avoided or cleared by a Grants Pass Resource Area wildlife biologist, if protocol surveys determine site to not be occupied, non-nesting, or failed in their nesting attempt. The Proposed Action would comply with standard U.S. Fish and Wildlife Service consultation terms and conditions for disturbance restrictions. Contact would be made with a Grants Pass Resource Areas wildlife biologist prior to entry of these areas through July 15, 2013 to make site determinations.

Fish Yes No

( ) Remarks: The proposed activities would be limited to ridgeline and mid-slope locations that are isolated in scope (scrapping and holes dug with shovels) and do not provide a transport mechanism for sediment to enter any water bodies or affect aquatic species. Therefore, there would no effect to any T&E fish species.

9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

Yes No

( ) Remarks: The Proposed Action would abide by the Antiquities Act of 1906; National Historic Preservation Act (NHPA) 1966, including amendments 1992 and 2001; Archaeological and Historic Preservation Act (ARPA) 1979; Native American Graves Protection and Repatriation Act (NAGPRA) 1990; Executive Order 11593 (1971) - protection and enhancement of cultural resources on federal lands; and Executive Order No. 13007 (1996) - Protection of Religious Practices and Sacred Sites.

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

Yes No

( ) Remarks: The BLM is in consultation with all local federally recognized Native American Tribes on this project. The Proposed Action is not expected to have a disproportionately high and adverse effect on low income or minority populations. The field school provides educational opportunities for university students from diverse backgrounds to learn more about archaeology and the prehistory/history of southwestern Oregon. Tribal members will be participating in the field school.

11. *Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).*

Yes No

( ) Remarks: Letters were mailed to local federally recognized American Tribes to notify them of the proposed archaeological investigations and to ask them if the proposed

archaeological work would adversely affect places of religious or cultural importance to their Tribes. No known sacred sites have been identified by the Tribes to date regarding this Proposed Action. The Proposed Action would not limit access and ceremonial use of American Indian sacred sites on federal lands. The Proposed Action would not affect the physical integrity of sacred sites.

12. *Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).*

Yes No

( ) Remarks: The activities involved within these project areas would not affect current populations of noxious weeds or increase the risk of introducing new sites.

Reviewers:

Michael W. Crawford  
Fisheries

6-20-13  
Date

Martin Rose  
Wildlife

6/19/2013  
Date

[Signature]  
Botany

6-18-2013  
Date

[Signature]  
Soils/Hydrology

6/29/2013  
Date

Mary Kaydon  
Cultural Resources

6/19/2013  
Date

[Signature]  
Visual Resources / Recreation

6/24/2013  
Date

Nichelle Calvert  
Planning/NEPA

6/19/13  
Date

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BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT  
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**Proposed Action**

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**Decision and Rationale**

It is my decision to authorize Dr. Mark Tveskov of SOULA to conduct an archaeological field school on the Grants Pass Resource Area in 2013, in collaboration with the Medford District BLM, through issuance of an Archaeological Resource Protection Act permit, from the Oregon/Washington BLM State Office. The project is planned for implementation July 2013.

The Proposed Action has been reviewed by the Grants Pass Resource Area staff and appropriate Project Design Features, as specified above, will be incorporated into the Proposed Action. Based on the attached NEPA (National Environmental Policy Act) Categorical Exclusion Review, I have determined the Proposed Action involves no significant impact to the environment and no further environmental analysis is required.

**Administrative Review**

Administrative review of this action will be available under 43 CFR Part 4 to those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized would cause injury, and who have established themselves as a “party to the case.” (See 43 CFR § 4.410 (a) – (c)). Other than the applicant/proponent for the action, in order to be considered a “party to the case” the person claiming to be adversely affected by the decision must show that they have notified the BLM that they have a “legally cognizable interest” and the decision on appeal has caused or is substantially likely to cause injury to that interest (see 43 CFR § 4.410(d)).

For additional information concerning this decision contact Leah Schofield, Planning and Environmental Coordinator, telephone (541) 471-6504, 2164 NE Spalding Avenue, Grants Pass, Oregon 97526.

### **Implementation Date**

All BLM decisions under 43 CFR Part 4 remain in effect pending an appeal unless the Secretary rules otherwise. Thus, this decision is now in effect.

### **Right of Appeal**

This decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a “party to the case.” (See 43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the BLM officer who made the decision in this office by close of business (4:30 p.m.) not more than 30 days after the date of service. Only signed hard copies of a notice of appeal that are delivered to the contact below will be accepted. Faxed or e-mailed appeals will not be considered.

BUREAU OF LAND MANAGEMENT  
GRANTS PASS INTERAGENCY OFFICE  
*Grants Pass Resource Area*  
*2164 NE Spalding*  
*Grants Pass, OR 97526*

The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing that the decision appealed from is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed.

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

- The relative harm to the parties if the stay is granted or denied,
- The likelihood of the appellant’s success on the merits,
- The likelihood of immediate and irreparable harm if the stay is not granted, and
- Whether the public interest favors granting the stay.

A notice of appeal with petition for stay must be served upon the Board and the Regional Solicitor at the same time such documents are served on the deciding official at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance

with appeal regulations (43 CFR § 4.413(a)). At the end of your notice of appeal you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service. The IBLA will review any petition for a stay and may grant or deny the stay. If the IBLA takes no action on the stay request within 45 days of the expiration of the time for filing a notice of appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until IBLA makes a final ruling on the case.

### **How to File an Appeal**

For additional information contact:

Allen Bollschweiler, Field Manager, Grants Pass Resource Area  
Grants Pass Interagency Office  
Bureau of Land Management  
2164 NE Spalding  
Grants Pass, OR 97526  
(541) 471-6653

Or

Leah Schofield, Planning and Environmental Coordinator  
Grants Pass Resource Area  
Grants Pass Interagency Office  
Bureau of Land Management  
2164 NE Spalding  
Grants Pass, OR 97526  
(541) 471-6504

Additional contact addresses include:

U.S. Department of the Interior  
Office of Hearings and Appeals  
Interior Board of Land Appeals  
801 N. Quincy Street, MS 300-QC  
Arlington, Virginia 22203

Regional Solicitor  
Pacific Northwest Region  
U.S. Department of the Interior  
805 S.W. Broadway, Suite 600  
Portland, Oregon 97205



Allen Bollschweiler, Field Manager  
Grants Pass Resource Area

7/5/13  
Date