Santa Fe Mountains Landscape Resiliency Project: Tribal Consultation and Traditional Cultural Uses Specialist Report

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Date: April 9, 2021
USDA Forest Service Cultural Resource Report: R2017-03-10-007E

Introduction

The Española and Pecos-Las Vegas Ranger Districts of the Santa Fe National Forest (SFNF) propose forest restoration and resiliency treatments for 50,566 acres of forest lands within the Greater Santa Fe Mountains Fireshed (Fireshed) as part of the Santa Fe Mountains Landscape Resiliency Project (SFMLRP). The purpose of the Project is to improve the ecosystem resilience of a priority landscape to future disturbances including wildfire, climate change, and insect outbreaks. To meet this purpose, the U.S. Forest Service proposes mechanical and manual vegetation thinning treatments, use of prescribed fire, and riparian restoration on National Forest System lands within the project area. The Project also includes road closure on up to 1.5 miles of National Forest System roads. Initial forest thinning treatments would be conducted over the next 10 to 15 years, and maintenance burning would occur.

The Santa Fe National Forest (SFNF) recognizes the importance of the deep connections and associations Native Americans and other traditional communities have to the SFMLRP area. The SFNF "contributes resources and uses that are important to federally recognized tribes and pueblos, land grant communities, acequia associations, traditional Hispanic communities, and many contemporary residents all with historic, cultural, and socio-economic connections to the forest. To this day, these traditional communities retain a strong connection to the land and rely upon the forest and its natural resources to sustain their cultural, spiritual, and economic way of life" (USDA-FS 2019b:358).

This report analyzes how landscape restoration treatments may affect traditional cultural uses within the SFMLRP area. For the purposes of this analysis, *traditional cultural uses* may include ancestral landscapes, sacred sites, ceremonial locations, resource gathering areas, archaeological sites, and traditional cultural properties (TCPs). Traditional cultural uses inherently involve non-renewable cultural and natural resources. These resources can be particularly sensitive to management practices, such as the proposed landscape restoration treatments. This report aims to describe the actions that must be taken to identify and protect traditional cultural uses that may be affected through project implementation and to reduce effects to these uses.

Tribal consultation, traditional rural community collaboration, and the Greater Santa Fe Fireshed ethnographic study (Brown et al. 2018) were the primary sources used to inform this analysis. Archaeological sites and TCPs are considered Historic Property types addressed by the National Historic Preservation Act and its regulations (36 CFR 800.5). An assessment of cultural resources and previous cultural inventory in the project was completed for the SFMLRP (Campbell and Comstock 2021). Archaeological sites and TCPs are further detailed and analyzed in the SFMLRP Cultural Resources Specialist Report (Comstock and Jarrett 2021).

Given that specific traditional use locations were not identified through the ethnographic study or the cultural resources and inventory assessment (with the exception of archaeological sites), the traditional cultural uses analysis is necessarily general. This generalized analysis is a unique approach for this resource type. Analyses for other cultural and natural resources focus on numerical data, precise locations, and specific best management practices, mitigation measures, and design features. This analysis, however, focuses more on the processes of planning and extensive tribal consultation and traditional rural community collaboration to mitigate potential adverse effects from implementation.

Treatments on and around known traditional cultural use areas should be developed and implemented through ongoing consultation with tribes and traditional rural communities throughout the life of this project. This consultation would take place during each implementation phase for proposed treatment units of the SFMLRP. Information about the location and current use of these sensitive areas would be incorporated into treatment unit planning and used to implement project-specific mitigation measures to protect sensitive sites.

Area of Analysis

The SFMLRP area is located within the Greater Santa Fe Fireshed, which is a 107,000-acre landscape, along the Santa Fe Mountains near Santa Fe, New Mexico in the southern Sangre de Cristo Mountain Range (Figure 1, excerpted from Draft EA, Figure 1.1). The proposed SFMLRP area covers 50,566 acres of treatment area on the Española and Pecos-Las Vegas Ranger Districts of the SFNF.

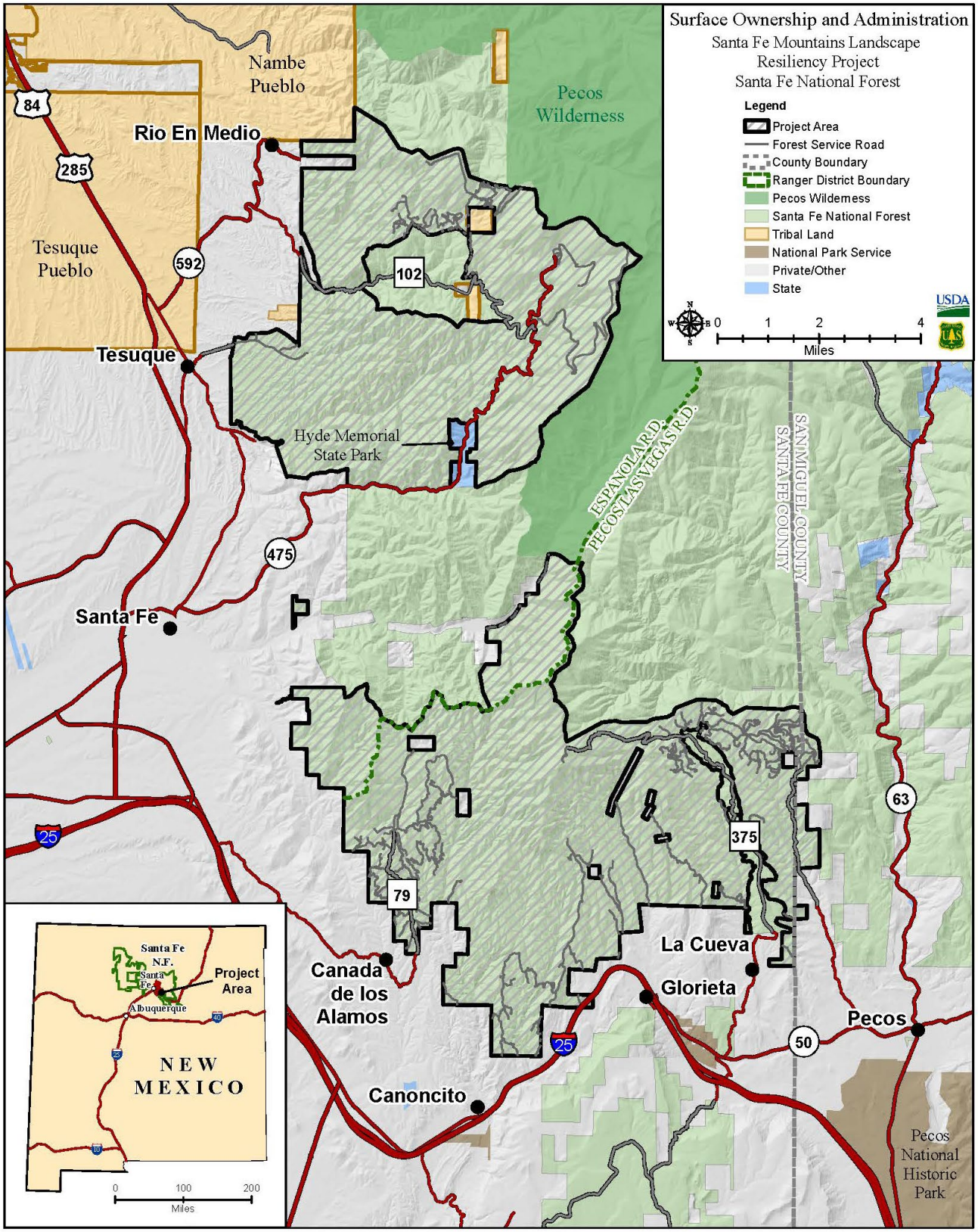
The analysis area for potential impacts to cultural resources is the SFMLRP area. Proposed restoration would focus on moving the existing forest conditions towards the desired conditions for various vegetation types within the SFMLRP area. The vegetation communities identified in the analysis area are provided in Table 1 (excerpted from Draft EA, Table 1.1). Cultural resource effects analysis will span the range of these vegetation types, with mitigation measures remaining consistent among them. For this report, the definition of a short-term impact is one to five years because immediate fire effects are expressed during this time period, such as the response of herbaceous plants and shrubs. A long-term impact is observed six years and beyond because the structure and composition of vegetation recover from fire effects by this time, but soil and other erosion effects are often longer lasting.

Summary of Alternatives

No Action Alternative

Forest Service NEPA regulations allow an EA to document consideration of a no action alternative through the effects analysis by contrasting the impacts of the proposed action with the current condition and expected future conditions if the proposed action was not implemented (CFR 220.7(b)(2)(ii)). The EA will include an analysis of the no action alternative to provide a baseline for comparing the effects of the modified proposed action alternative and a clear description of why the no action alternative would not meet the purpose and need for the project.

Under the no action alternative, current management plans would continue to guide management of the project area. No prescribed burning, vegetation and restoration treatments, or road maintenance, would be implemented to accomplish project goals within the project area, unless approved through a separate NEPA document and decision.



The data used to create this map is intended for broad-scale planning purposes. The Forest Service provides no warranty regarding its accuracy or use for other purposes.
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Figure 1. Santa Fe Mountains Landscape Resiliency Project Vicinity Map

Table 1. Ecological Response Units and Their Approximate Acreage in the SMLRP Project Area

Ecological Response Unit[1]	Approximate Acres in Project Area	Approximate Acres in Santa Fe National Forest[2]
Mixed Conifer–Frequent Fire Forest	**17,875**	**429,967**
Ponderosa Pine Forest	**17,347**	**403,915**
Piñon-Juniper Woodland, Pinon-Juniper Grassland, and Juniper Grasslands	**8,660**	**274,864**
Spruce-Fir Forest	5,022	250,481
Montane/Subalpine Grassland	491	17,707
Mixed Conifer with Aspen	456	40,174
Riparian: primarily Narrowleaf Cottonwood/ Shrub	503	45,993
Colorado Plateau/Great Basin Grassland	139	41,639
Other (Alpine and Tundra)	63	5,015
Total	**50,566**	

1. Bolded text indicates those ERUs proposed for treatment, as described in EA Chapter 2.

Proposed Action Alternative

In response to the purpose and need, the Forest Service proposes to conduct restoration activities on approximately 50,566 acres in the Santa Fe Mountains over the next 10 to 15 years to meet initial project objectives, with additional prescribed fire maintenance treatments beyond 20 years. Restoration activities would occur in multiple ecological response units, including mixed conifer-frequent fire forest, ponderosa pine forest, pinyon-juniper woodlands and grasslands, and riparian areas. Restoration activities would focus on vegetation thinning and prescribed fire treatments to improve forest resiliency by reducing stand density, stand continuity, and stand homogeneity (sameness of forest structure and species composition), and increase heterogeneity (diverse forest structure and species composition) at a landscape scale, mid-scale, and fine scale.

The proposed action is designed to provide a wide range of restoration methods that could be used to achieve desired conditions at the landscape scale, mid-scale, and fine scale. Each restoration method has a related set of tools that may be used on any given location depending on the characteristics of the specific treatment site, such as vegetation type, topography, presence of federally listed species, etc. This approach provides flexibility and is known as conditions-based management. Condition-based management is defined by the Forest Service as a system of management practices based on implementation of specific design elements from a broader proposed action, where the design elements vary according to a range of on-the-ground conditions in order to meet intended outcomes. For the Project, those intended outcomes are the desired conditions presented in the Draft EA, Section 1.3.

Condition-based management stems from the recognition that the environment is dynamic, changing as ecosystems respond to changing natural and human-caused events. The Forest Service would apply the

most appropriate tool or combination of tools to achieve desired results. Before carrying out treatments, project leaders would look at the specific area to be treated and select the appropriate treatment tool(s) using an interdisciplinary resource review process. Treatment tools comprise vegetation thinning treatments, prescribed fire, riparian restoration, and road closure.

VEGETATION THINNING TREATMENTS

Vegetation treatments are proposed to move the existing condition of the project area towards the desired condition. Trees would be thinned to create a mosaic of variable densities and age classes across the project area according to silviculture prescriptions. The proposed action would use a variety of thinning treatments to create and retain sufficient trees of all size classes to assure development of natural stand dynamics.

Manual and mechanical vegetation thinning treatment methods would include but are not limited to the following: the use of chainsaws to cut trees and distribute slash, masticators to thin trees and manipulate slash material, excavators for machine piling of slash and fire-line construction. Other specialized equipment may be used to treat the fuels to meet resource objectives. No mechanical equipment would be used on slopes greater than 40%. Lop and scatter or piling of thinned material would occur depending upon site conditions. Forest products would not be generated as a part of this project with the exception of personal use fuelwood where conditions allow and do not conflict with resource objectives. Vegetation thinning is proposed for use in the following ERUs: mixed conifer-frequent fire, ponderosa pine, pinon-juniper woodland, pinon-juniper grassland, and juniper grasslands. Project-created slash would be lopped and scattered, piled, pile burned or broadcast burned, or retained for soil stabilization or other resource benefits.

PRESCRIBED FIRE

There are two classes of wildland fire: planned (i.e., prescribed fire) and unplanned (wildfire). Prescribed fire (also called controlled or prescribed burning) refers to deliberately burning wildland fuels in either their natural or a modified state and under specified environmental conditions, which allows the fire to be confined to a predetermined area and produces the fire line intensity and rate of spread required to attain planned resource management objectives (Helms 1998).

Broadcast, maintenance, jackpot, and pile burning are all types of prescribed fire activity proposed for the project. Natural and existing features such as rocky slopes and travel routes may be used as prescribed fire containment lines. There is the potential need to construct fire lines via hand tools or mechanized equipment in order to confine fires to predetermined areas. Prescribed fire is proposed for use in the following ERUs: mixed conifer-frequent fire, ponderosa pine , pinon-juniper woodland, pinon-juniper grassland, and juniper grasslands.

RIPARIAN RESTORATION

Riparian restoration treatments within an estimated 100-foot buffer of established waterways are proposed along approximately 4.5 miles and 370 acres of Arroyo Hondo and approximately 12.5 miles and 310 acres of Tesuque Creek to improve watershed conditions. In areas where riparian vegetation is in poor condition, or is being encroached with conifers, vegetation thinning, prescribed burning, and native species plantings, and possible herbicide applications would occur.

ROAD CLOSURE

Approximately 1.5 miles of Forest Road 79W would be gated and closed for public motorized access, although private landowners would maintain access. This proposed road closure would help to reduce resource impacts.

Consultation/Collaboration Methods

The following section details formal government-to-government tribal consultation and collaboration efforts with traditional rural communities that have occurred thus far for the purposes of the SFMLRP. This section also summarizes a recent ethnographic study of the Greater Santa Fe Fireshed (Brown et al. 2018). The intent of these efforts are ultimately to inform management decisions within the project area. Cultural resources, also referred to as archaeological sites or Historic Properties, are further detailed in a separate specialist report (Comstock and Jarrett 2021).

In general, National Forest Lands contain ancestral landscapes, sacred sites, ceremonial locations, resource gathering areas, archaeological sites, and traditional cultural properties (TCPs) significant to these groups and communities. The *SFNF Draft Land Management Plan Draft Environmental Impact Study, Volume I* highlights the following in regards to forest connections for federally recognized tribes:

> *"Federally recognized tribes have a long-term connection to the land that extends back to time immemorial manifested in the physical remains of the sites, features, objects and places built, used and exploited by their ancestors. These include archaeological sites, systems of trails and access routes, the physical manifestation of traditional practices including rock piles, landmarks, alignments and landscape modifications, agricultural features and natural features. Many of these localities figure prominently in the traditional practices of tribal communities they are considered to be sacred or essential for ceremonial practice to such an extent they need to be protected from vandalism as well as unwarranted deterioration."* (USDA-FS 2019b:362)

The same document discusses land-based connections for traditional rural communities:

> *"There are also similar locations that retain value for the traditional practices of rural historic communities and are frequently tied to communal gathering localities tied to specific events, including traditional grazing localities (querencias), pilgrimages, plant collecting, agricultural activities (acequias)."* (USDA-FS 2019b:362-363)

For both groups, traditional cultural uses include places used for the collection of forest materials.

> *"Forest access provides for the acquisition of Forest products such as fuelwood, pinon nuts, Christmas trees, mushrooms, wildlings, greenery, and medicinal plants, sustaining the continued cultural and traditional uses that involve these products."* (USDA-FS 2019b:365)

Furthermore, all of these places and resources in the forest are integral to maintain cultural continuity.

> *"For both tribes and rural historic communities, the preservation and protection of these localities contributes to the long-term sustainability of their traditional lifeways."* (USDA-FS 2019b:363)

The SFMLRP NEPA scoping and the Greater Santa Fe Fireshed ethnographic study (Brown et al. 2018) summarized below confirmed that tribes and traditional rural communities are both more concerned over how the proposed forest restoration treatments are completed rather than whether they are done. The foremost apprehension is the possibility that the SFNF or its' contractors would employ heavy machinery to accomplish treatments that would damage natural and cultural resources. The locations and sensitivity of ancestral landscapes, sacred sites, ceremonial locations, resource gathering areas, archaeological sites, and traditional cultural properties (TCPs) is information held only by Native American groups or other traditional communities, and cannot be identified, managed, or protected without collaboration with them.

Tribal Consultation

The SFNF has relationships with affiliated sovereign federally recognized tribes (also referred to as federally recognized Indian tribes, Indian tribes, or Tribes) which are distinctly government-to-government. The government-to-government relationship between the Forest Service and federally recognized tribes is different from that of other interests and constituencies under a variety of Federal authorities. These authorities direct the agency to administer forest management activities and uses in a

manner that is sensitive to traditional American Indian beliefs and cultural practices, and are integral in our relationship with federally recognized tribes.

The SFNF has also entered into Memorandum of Understandings (MOUs) with Cochiti, Jemez, Ohkay Owingeh, Santa Clara, and Tesuque Pueblos. The purpose of these MOUs is to document the cooperation between the parties to formalize their communication processes. By improving these relationships, a common goal of wisely managing and sustaining natural resources and preserving resources may be achieved.

The rapport with federally recognized tribes is distinguished from the less formal collaborations that occur between the SFNF and the traditional rural communities. These collaborations are not considered formal government-to-government consultation. These groups include land grant communities, acequia associations, traditional Hispanic communities, and many contemporary residents all with historic, cultural, and socio-economic connections to the forest. However, in the interest of collaboration and community involvement in forest management activities, the SFNF does consult with all of these groups and takes into account impacts of projects to the lifeways of all.

NEPA SCOPING

The SFNF initiated direct Government-to-Government consultation with eight federally recognized tribes during the scoping phase of the SFMLRP (Table 2, excerpt from Campbell and Comstock 2021, Table 2). Tribes consulted comprise: Cochiti; Nambe; Ohkay Owingeh; Pojoaque; San Idelfonso; Santa Clara; Santa Domingo; Tesuque. The SFNF mailed a letter with the 16-page SFMLRP scoping document to tribal governors on June 10, 2019. With the exception of a response from the Pueblo of Tesuque (detailed below), the SFNF received no other responses.

Table 2. Federally Recognized Tribes Consulted and Response

Tribe	Response
Cochiti	No response to letter and scoping document
Nambe	No response to letter and scoping document; In-person briefing
Ohkay Owingeh	No response to letter and scoping document
Pojoaque	No response to letter and scoping document
San Ildefonso	No response to letter and scoping document
Santa Clara	No response to letter and scoping document
Santo Domingo	No response to letter and scoping document
Tesuque	Written response to letter and scoping document received; Quarterly in-person briefings

Representatives of the SFNF met in-person with the Pueblo of Tesuque and Nambe Pueblo to discuss the SFMLRP. On June 5, 2019, the SFNF met with Nambe Pueblo's environmental staff and Lieutenant Governor, Arnold Garcia, to brief them on the project prior to public scoping. The SFNF also has a quarterly meeting with the Pueblo of Tesuque that occurs as part of their MOU with the SFNF. A briefing of the SFMLRP is a standing agenda item at these meetings. The Pueblo of Tesuque is also a member of the Santa Fe Fireshed Coalition and regularly participates in these meetings.

The SFNF received a letter on July 3, 2019 from Milton Herrera, Governor of the Pueblo of Tesuque, in response to the mailed letter and scoping document. Governor Herrera stated that the pueblos have identified the Sangre de Cristo Mountains and surrounding mountains as sacred and as their ancestral homelands since time immemorial. The Governor noted support for the project as it uses proactive approaches to protect the forest and assures Tesuque ancestral homelands are maintained for years to come. Governor Herrera expressed concern about trespass on tribal land, creating new recreation trails,

and hikers and campers damaging and destroying cultural and natural resources. The Governor recommended utilizing fees and registration cards for all hikers and campers that would identify specific destinations and state that tribal land is marked and restricted.

FURTHER CONSULTATION

The SFNF intends further consultation with these eight Pueblos. Upon release of the Draft Environmental Analysis (EA), the SFNF will mail the Draft EA to each Tribal Governor. Upon release of the Draft EA, a detailed briefing is planned with the Pueblo of Tesuque at the next quarterly MOU meeting. The SFNF will continue to seek tribal input during the implementation phases of the SFMLRP. All tribal correspondence is documented and maintained in the SFMLRP Project Record. If additional tribal concerns are raised at a later date, the SFNF will continue consultation in a good-faith effort and in compliance with the requirements of the law.

Ethnographic Assessment of the Greater Santa Fe Fireshed

An ethnographic assessment of the tribes and traditional communities directly associated with the project area was completed by the contract company Aspen CRM Solutions (Brown et al. 2018) as part of analysis for the SFMLRP. An ethnography is the systematic study and description of people and cultures. The study included a review of the available archaeological, ethnographic, and anthropological sources and consultations with twelve (12) of the Rio Grande Pueblos and the Jicarilla Apache Tribe as well as members of traditional communities regarding past and ongoing traditional cultural use of the project area. These 13 federally recognized tribes were identified as being closely associated with the lands within the Greater Santa Fe Fireshed Project Area: Cochiti, Jemez, Nambé, Ohkay Owingeh, Pojoaque, San Felipe, San Ildefonso, Santa Ana, Santa Clara, Santo Domingo (Kewa), Tesuque, and Zia Pueblos, as well as the Jicarilla Apache Tribe. In addition, descendant communities associated with Hispanic land grants within or adjacent to the project area or associated with the Santa Fe Trail include: Santa Fe/Cerro Gordo/Talaya Hill, Apache Canyon, Tesuque, Chupadero, Glorieta, La Cueva, Pecos, Rio en Medio, and Cañada de los Alamos.

The authors divided the ethnographic assessment into four sections:

- *"Part I contains this introduction and contextual background on the environment of the Fireshed, the history of the general region, and the histories of specific Pueblo and Hispano land grants and current communities.*
- *Part II presents the information relating to the tribes, including that derived from archival research and from those groups who provided information in meetings. It includes a brief history of each tribe and then discusses the traditional uses of the Fireshed area for each group and the ways in which they currently use it.*
- *Part III presents the information obtained for the traditional communities, including settlement, subsistence, travel and transportation, extractive industries, and recreation. It also discusses historically important properties within the Fireshed in eastern Santa Fe.*
- *Part IV presents a summary and interpretation of the information from tribes and traditional communities, addresses places and resources of significance, identifies potential effects of landscape-scale treatments on resources associated with traditional use and practices, and provides recommendations for the USFS regarding management of those resources for incorporation into the planning process."* (Brown et al. 2018:9)

The assessment was intended to provide information regarding traditional landscapes and the distribution and nature of potential Traditional Cultural Properties. It also was intended to provide greater understanding of the potential effects of the project on significant cultural resources including traditional use localities, significant ethnobotanical resources, and visual resources. The results of this report will be

used to help guide future project planning. To maintain tribal confidentiality and to respect cultural sensitivity, especially surrounding locations of sensitive areas within the forest, this report is not available for the public and should only be used internally with the upmost discretion.

TRIBAL CONSULTATION EFFORTS AND FINDINGS

The ethnographic assessment found that the project area is very important to the tribes, and they have a strong interest in how it is managed by the SFNF. It is crucial to note that a lack of response to a consultation request is not equivalent to a lack of interest or agreement with a proposed project. "A common theme in the responses from tribes that chose not to participate was that non-participation should not in any way be taken as disinterest, and it is reasonable to assume that this is true for all of the tribal groups whether they participated or not, responded to requests for participation or not, and regardless of whether the sentiment was explicitly stated" (Brown et al. 2018:8). The following excerpt from the assessment details the tribal consultation efforts followed by a summary of the findings.

> *"A list of the appropriate contacts among the tribes was provided by the USFS. The process of tribal consultations began with dispatch of an introductory letter with a project area map that was sent to governors and other tribal staff introducing them to the project and alerting them that members of the Aspen team would be contacting them and requesting meetings. As meetings were scheduled, brief summaries of known information were prepared and provided to the tribal representatives along with initial questions so that the tribes could see what was already known and not be tasked with duplicating that information. The Tewa pueblos of Tesuque, Nambé, Santa Clara, San Ildefonso, and Pojoaque; the Towa pueblo of Jemez; and the Keres pueblos of Cochiti and San Felipe; as well as the Athabaskan Jicarilla Apache Tribe all responded that they continue ceremonial and subsistence use of the Sangre de Cristo Mountains, including hunting, resource collection, and religious practices. More specific responses and levels of participation by the tribes approached for this project are as follows:*
>
> - *Jemez Pueblo chose to participate in the project; THPO Chris Toya was interviewed in October of 2017.*
> - *Zia Pueblo indicated they would review the project, but never responded to attempts to set up a meeting.*
> - *Santo Domingo Pueblo (Kewa) declined to participate, stating that the information is too sensitive to share.*
> - *Santa Ana Pueblo responded that they will defer to the northern Pueblos and Tesuque Pueblo in particular, which is most proximal to the project area.*
> - *Cochiti Pueblo submitted two statements regarding their traditional use and concerns about the project area and emphasized their continued interest in the area, but otherwise declined to participate.*
> - *Ohkay Owingeh Pueblo did not respond in any way.*
> - *Santa Clara Pueblo allowed members of the Aspen team to present the project to the Pueblo's cultural committee and indicated a willingness to participate but never scheduled any meetings.*
> - *San Ildefonso Pueblo declined to participate in the project but emphasized in their letter that they still retain a strong interest in the area.*
> - *Nambé Pueblo expressed an interest in actively participating in the project, but never scheduled any meetings.*
> - *Pojoaque Pueblo chose to participate and First War Captain and Cultural Real Estate Preservationist Fermín Lopez and THPO Bruce Bernstein were interviewed in January of 2018.*
> - *Tesuque Pueblo allowed a presentation about the project to tribal representatives during a meeting associated with its Memorandum of Understanding with the USFS. Subsequently, two*

> *members of the Pueblo met with the team and discussed the Fireshed but emphasized that they did not represent the Pueblo. A meeting with former governor Mark Mitchell and three other representatives took place in March of 2018.*
> - *San Felipe Pueblo submitted a statement that the entire Fireshed area and beyond is considered sacred and significant. They have concerns about the area and wish to be consulted about specific projects, but due to the sensitivity of the information regarding their use of the area, they did not wish to participate further in the ethnographic assessment.*
> - *The Jicarilla Apache initially indicated an interest in participating but did not respond to inquiries regarding a meeting.*
>
> *The Aspen team also made efforts to present the project to the Three Pueblo Councils, The All Pueblo Council of Governors, the Five Sandoval Indian Pueblos, and Eight Northern Pueblos Council, though in the end no presentations or meetings with these groups materialized."* (Brown et al. 2018:7-8)

The foremost observation from conversations with tribes is that the Fireshed area is of great importance, and many consider it their ancestral lands. "Every tribal group that responded stated that the entire Greater Santa Fe Fireshed area, including the City of Santa Fe, is traditionally significant and considered sacred domain, with native place names included in traditional tribal songs, ceremonies, and stories" (Brown et al. 2018:193). Furthermore, the Fireshed contains areas vital to the continuation of tribal ceremonial, traditional, and subsistence practices. Ancestral trails/routes, shrines, and ceremonial locations are currently maintained and routinely used by many tribes. High peaks and bodies of water are particularly important to tribal cultural continuity.

Spatial data for specific landscape features or resource types were not shared with ethnographers. However, the areas and types of land use can be roughly tied to elevation zones. "From current and past consultations and ethnographic studies, it appears that tribal use of the Sangres emphasizes the highest altitude areas for ceremonial practices; the upper, transitional, and lower zones for fauna; and the upper and transitional zones for natural resource collecting" (Brown et al. 2018:193). Several tribes stressed the variability in location of wild resources from season to season and thus the difficulty in pinpointing certain important resource locations. Lack of cultural sensitivity and general mistrust with non-tribal entities were also reasons given for not divulging site-specific locations.

All tribal respondents expressed concern with the health and ongoing proper management of the project area. The health of the waterways and animal habitat is very important to the tribes. Many tribes, namely the Pueblos of Tesuque, Cochiti, San Felipe, and Santa Clara, expressed great interest in being intimately involved in planning and implementation of forest restoration efforts via an active, ongoing, and synergistic partnership with the SFNF. Environmental departments of the tribes are currently conducting such fieldwork on their own lands, and they would like the opportunity to do the same in areas sacred to them on the SFNF.

In sum, the tribes generally support the goals of the proposed forest restoration treatments, such as the treatments proposed via the SFMLRP, because these goals aim to promote ecosystem health and prevent disastrous fires. From the perspective that the entire Fireshed area and beyond is sacred, the proposed treatments would ultimately result in very positive ecological effects on the area if implemented sensitively and correctly. Furthermore, the proposed forest restoration treatments would prevent the potential negative effects of a catastrophic fire, especially one that affects the streams originating in the Fireshed.

HISTORIC COMMUNITY INTERVIEWS AND FINDINGS

The ethnographic assessment found that the project area is very important to traditional rural communities, and they have a strong interest in how it is managed by the SFNF. The following excerpt from the assessment details the discussions with representatives of associated traditional rural communities followed by a summary of the findings.

> *"Historic communities within or adjacent to the Fireshed project area identified by the USFS include Santa Fe/Cerro Gordo/Talaya Hill, Apache Canyon, Tesuque, Chupadero, Glorieta, La Cueva, Pecos, En Medio, and Cañada de los Alamos. A list of initial contacts was provided by the USFS, but many individuals were located by asking for recommendations from people known to the Aspen team members or simply by knocking on doors and asking to speak with people […]*
>
> *Detailed notes were kept during interviews, and whenever possible, these notes were shared with participants for their feedback and to correct any inaccuracies. Many participants declined to respond, but several adjusted statements or provided additional clarification."* (Brown et al. 2018:8)

Traditional rural communities adjacent to and within the Fireshed have strong ties to the area, primarily as a resource base. The traditional knowledge and use of the SFMLRP area stems from the Spanish land grant system use of the forest as "common lands" or *ejidos*. The common lands provided the land grant communities access to grazing land, stone resources, wood, game, medical plants, and other forest resources.

These land-based connections can be seen in social and ceremonial use of specific landforms and resource procurement from the Fireshed area. Current use of the Fireshed by traditional rural communities centers on grazing and woodcutting, with lesser plant gathering, hunting, and fishing. Although, interviewees did share that current use levels are lower than in the past.

Interviewees recognized the importance of fuel reduction to reduce the risk of high-intensity wildfire which threatens their communities. Traditional rural communities were concerned, as were the tribes, about how roadless areas would be protected. Concern focused on the potential for access routes to treatment areas to become recreation routes for hikers, bikers, and ATV/UTV users if left visible and open. Additionally, livestock grazing permittees were concerned that allotment and pasture fences would be burned during prescribed fires.

Environmental Consequences

This report analyzes how landscape restoration treatments may affect traditional cultural uses within the SFMLRP area. For the purposes of this analysis, *traditional cultural uses* may include ancestral landscapes, sacred sites, ceremonial locations, resource gathering areas, archaeological sites, and traditional cultural properties (TCPs). Traditional cultural uses inherently involve non-renewable cultural and natural resources. These resources can be particularly sensitive to management practices, such as the proposed landscape restoration treatments. This report aims to describe the actions that must be taken to identify and protect traditional cultural uses that may be affected through project implementation and to reduce effects to these uses.

Tribal consultation, traditional rural community collaboration, and the Greater Santa Fe Fireshed ethnographic study (Brown et al. 2018) were the primary sources used to inform this analysis. Archaeological sites and TCPs are considered Historic Property types addressed by the National Historic Preservation Act and its regulations (36 CFR 800.5). An assessment of cultural resources and previous cultural inventory in the project was completed for the SFMLRP (Campbell and Comstock 2021).

Archaeological sites and TCPs are further detailed and analyzed in the SFMLRP Cultural Resources Specialist Report (Comstock and Jarrett 2021).

Given that specific traditional use locations were not identified through the ethnographic study or the cultural resources and inventory assessment (with the exception of archaeological sites), the traditional cultural uses analysis is necessarily general. This generalized analysis is a unique approach for this resource type. Analyses for other cultural and natural resources focus on numerical data, precise locations, and specific best management practices, mitigation measures, and design features. This analysis, however, focuses more on the processes of planning and extensive tribal consultation and traditional rural community collaboration to mitigate potential adverse effects from implementation.

No Action Alternative Effects Analysis

DIRECT AND INDIRECT EFFECTS OF THE NO ACTION ALTERNATIVE

Under the no action alternative and without treatment, the current conditions of the SFMLRP analysis area would remain the same in the immediate future. Under this alternative, the landscape would continue to depart from desired conditions. There would not be any direct project impacts to traditional cultural uses. Indirectly, cultural and natural resources would continue to be exposed to the customary and natural threats, such as weathering and erosion. The continuing buildup of vegetation and fuel loads on cultural and natural resources would lead to an increased risk of high-severity wildfire to irreplaceable resources. Consequently, cultural and natural resources would become less resilient to the effects of wildfire, climate change, and other environmental processes. Vulnerable ancestral landscapes, sacred sites, ceremonial locations, resource gathering areas, archaeological sites, and traditional cultural properties (TCPs) could be damaged or destroyed, causing a loss of places important to cultural continuity for tribal and traditional rural communities. This scenario does not meet forest objectives to protect traditional cultural uses. On the whole, this alternative is a net detriment to the protection of traditional cultural uses.

Proposed Action Alternative Effects Analysis

DIRECT AND INDIRECT EFFECTS OF THE PROPOSED ACTION

Traditional cultural uses would be directly affected by the proposed forest restoration treatments in a similar manner as those described for Historic Properties in the SFMLRP Cultural Resources Specialist Report (Comstock and Jarrett 2021). Vegetation thinning treatments and prescribed fire would reduce long-term fuel continuity, fuel loading, and wildfire hazard within the SFMLRP area. These treatments would benefit traditional use areas within the project area by decreasing the potential for adverse effects caused from high-severity wildfires.

Tribal and traditional rural community involvement in planning and implementation of forest restoration efforts would mitigate potential effects to all types of traditional use areas. These efforts would ideally help to identify sensitive traditional cultural uses areas for avoidance and inform implementation timing to allow access to resources and enhance privacy during ceremonies. Where precise sensitive site locations are not divulged, consultation and careful planning can help demarcate general areas requiring additional protection measures without disclosing site-specific information. In addition, best management practices, mitigation measures, and design features for Historic Properties are outlined in the SFMLRP Cultural Resources Specialist Report (Comstock and Jarrett 2021). If these combined efforts and measures are followed, there will be no significant direct or indirect effects on traditional cultural uses.

Effects from Vegetation Thinning Treatments

The following vegetation thinning treatment effects discussion is excerpted from the recent SFNF Draft Land Management Plan Draft Environmental Impact Statement, Volume 1:

> *"The sustainability of traditional forest materials may be affected by treatments within certain ERUs with the long term goal of restoring them to a desired condition to achieve restoration goals. Using a blend of mechanical techniques and fire will move vegetation to a condition that would improve habitat conditions for wildlife especially species of traditional concern to tribes and rural historic communities. Restoration of grazing land and other lands will improve grass and forb abundance providing for sustainable grazing practices tied to traditional ways of life in rural historic communities and to the sustainable presence of important species necessary for the practice of traditional activities within tribal communities. Improvements to vegetation resulting in improved habitat conditions would lead to the long term sustainability of wildlife populations used by tribal and traditional communities. The same would also be the case for improvement to grazing land resulting in long term sustainability of grazing practices for tribal and traditional communities."* (USDA-FS 2019b:365)

Mechanical methods would be beneficial in areas where dense vegetation threatens traditional use areas due to the potential for wildfire. Manual vegetation thinning would be less likely to adversely affect traditional use areas, because chainsaw operators could avoid sensitive areas more easily than mechanical equipment operators. Resource gathering areas involves the gathering of sensitive organic materials (wood, herbs, flowers, etc.). These areas are at risk of being directly impacted by vegetation removal during implementation via heavy equipment, human presence, and vehicles where the sensitive organic materials occur. In addition, tribal and traditional groups might have limited access to and privacy at traditional use areas during project implementation. Furthermore, Historic Properties contain sensitive sub-surface cultural deposits that may also be impacted by ground disturbance from vegetation thinning treatments. However, with mitigations for both mechanical and manual vegetation treatments, it is anticipated that there would be no adverse effects to traditional cultural uses. Rather, cultural and natural resources would benefit from vegetation thinning treatments.

Effects from Prescribed Fire

A direct effect of prescribed fire includes the partial or complete consumption of traditional use areas by fire if they are not intentionally excluded from fire operations. Fire-sensitive sacred sites, ceremonial locations, resource gathering areas, archaeological sites, and TCPs could also be impacted by unpredictable creeping and spread of prescribed fires. If fire is implemented in a low-severity context (low intensity for a short duration) per the proposed action, then the negative direct and indirect effects to traditional use areas would occur to a far lesser degree than would those resulting from a high-severity wildfire resulting from the no action alternative.

A potential indirect effects of vegetation thinning followed by prescribed fire could result in increased soil erosion and run-off as an indirect effect of the proposed action. However, the proposed fuel reduction and low to moderate-intensity prescribed fires should not sterilize the soil or create hydrophobic soils in the way that high-heat and high latency period wildfires tend to do. In addition, these low-intensity prescribed fires would leave some vegetation in place that would reduce the potential for post-fire erosion. Therefore, the indirect effect of this proposed action is less than if resources were to continue with current fuel loads and high-severity fire risk.

Again, proper tribal consultation and collaboration with traditional rural communities could provide the locational information required to decrease or eliminate the likelihood of negative effects to traditional use areas. Any type of fire (prescribed or wildfire) may burn more intensely in areas that were not mechanically treated prior to burning. Therefore, it is anticipated that no adverse effects to traditional use areas would result from prescribed fire activities.

Effects from Riparian Restoration

Riparian restoration efforts could impact traditional cultural uses at a smaller scale than vegetation thinning or prescribed fire activities. The following riparian restoration effects discussion is excerpted from the recent Northern New Mexico Riparian, Aquatic, and Wetland Restoration Project Environmental Assessment (USDA-FS 2020:100-101). Riparian restoration activities

> *"include some level of potential ground disturbance either through the actions in the riparian zone, such as earthmoving, channel alterations, diversion and erosion control structures, vegetation removal, or bank lowering, or associated construction support activities, such as construction access, staging areas, and material source borrowing. Any activities that would involve surface-disturbing activities could have direct and indirect impacts on cultural resources, including damaging, destroying, or displacing artifacts and features. […]*
>
> *Generally, actions within an active river channel occur in a zone where intact cultural resources are not present. However, prehistoric sites tend to be in areas of flat, elevated, drier ground adjacent to stream and/or river channels but are rarely in direct association. Most prehistoric sites would not be affected by instream work, but there can be conflicts in the adjacent drier areas if those are included in the proposed restoration activity.*
>
> *Historic-era features often are associated with rivers and streams. Removing or altering historic-era water control features or structures associated with crossings, livestock watering, grazing, timber harvest, mining, transportation, and Forest Service administration also may be affected by the riparian restoration and would require site-specific consideration. […]*
>
> *Riparian restoration work […] may enhance traditional plant and animal resources valued by Native American tribes. These measures would reduce the potential for erosion and direct disturbance of cultural sites, potentially maintain historic settings, and protect water resources for traditional uses."*

In addition, riparian restoration efforts pose a short-term impact to ceremonial practitioners as project implementation may prevent access to traditional use areas. The long-term benefits of these restoration activities include improved riparian health, an increase in native plant communities, improved stability of water courses, and an increase in overall watershed health. This scenario would provide an overall benefit to traditional cultural uses.

Effects from Road Closure

Public access of 1.5 miles of Forest Road 79W would occur as part of the proposed action. Access to this area for private in-holders would continue. With this road closure, either incidental or intentional vandalism to traditional use areas or looting of cultural resources accessed via this road would be greatly diminished. In addition, damage caused by vehicles, such as reduction of cultural deposits, displacement and damage to artifacts, and loss of soils and vegetation, would also be greatly diminished. The impact of this closure in both the short-term and long-term is anticipated to be minimal in the context of the overall Forest road system.

Effects from Proposed Forest Plan Amendments

Forest Plan amendments would provide specific guidelines regarding how vegetation would be manipulated within Mexican Spotted Owl (MSO) and Goshawk habitats (see Draft EA, Chapter 2). Proposed Forest Plan amendments comprise four types: (1) amendments that allow vegetation treatment related to Mexican Spotted Owl (MSO) protected activity centers; (2) amendments that adopt aspects of the new proposed MSO recovery plan; (3) amendments that clarify activity restrictions during MSO breeding seasons; (4) amendments that clarify the need for interspaces for Goshawk habitat. These guidelines are not expected to result in significantly different effects to traditional cultural uses from those

effects likely by the proposed actions themselves. Effects from the forest plan amendments would be beneficial to traditional cultural uses, because the amendments would help to move vegetation toward the desired condition and reduce the likelihood of high-severity wildfire.

Cumulative Effects of the Proposed Action

The cumulative effects on traditional cultural uses should take into account all actions that have occurred or are likely to occur within the SFMLRP area. Forest Service management activities, public resource procurement and recreational use, and natural processes have impacted traditional cultural uses. Past, present, or reasonably foreseeable future projects on within or adjacent to the analysis area may affect traditional cultural uses (Table 3, excerpted from Draft EA, Table 3.1). These projects include routine road and trail maintenance, aquatic habitat restoration, road and trail decommissioning, invasive species removal, and additional vegetation thinning and prescribed fire projects. However, impacts are substantially diminished through tribal consultation and collaboration with traditional rural communities as well as the use of standard best management practices, mitigation measures, and design features for Historic Properties.

Increasing the scale of restoration treatments would provide long-term protection for the entire landscape and all of the traditional use areas within it from disturbances such as high-intensity wildfire. Cumulatively, the projects within and adjacent to the project area would improve long-term protection of traditional use areas. Therefore, the potential cumulative effects on traditional cultural uses are not considered to be adverse.

Table 3. Actions that May Have Cumulative Impacts to Resources within the Study Area

Action	Summary of Action
Pacheco Canyon Forest Resilience Project	The scope of the project is to thin and use prescribe fire on approximately 2,042 acres northeast of the City of Santa Fe, near several popular recreation sites, including the Big Tesuque Campground, Aspen Vista Picnic Area, and the Santa Fe Ski Basin. Tesuque Pueblo lands are within and northeast of the project area. The purpose of the project is to change stand conditions in predominantly ponderosa pine forests in the Pacheco Canyon area. The actions proposed to accomplish this change would be thinning and burning about 2,042 acres. Decision signed on June 1, 2018.
La Cueva Fuelbreak Project	The purpose of the project is to change fire behavior in treated areas to reduce the risk of a large-scale, high intensity wildfire spreading to or from the communities of La Cueva, Dalton Canyon, and the Santa Fe Watershed. This project proposes creation of a shaded fuelbreak by thinning 995 acres and conducting prescribed burns (pile and broadcast burning) on approximately 1,100 acres. Decision signed on February 4, 2005
County Line Fuel Wood Treatments	The purpose of the project is to improve forest health and wildlife habitat through a combination of thinning and prescribed burning across approximately 900 acres on Borrego Mesa. Decision signed on August 6, 2010

Action	Summary of Action
Southern Rowe Mesa Restoration Project	The purpose of this project is to promote a mosaic of healthy forest stands and natural grasslands through thinning and prescribed burning activities on approximately 17,500 acres on Rowe Mesa. Decision signed on February 21, 2013.
Hyde Park Wildland Urban Interface Project	The scope of the project is to thin and use prescribe fire on up to 1,840 acres. The project area is dominated by dense stands of ponderosa pine forests with a lesser component of mixed conifer and pinon-juniper. The project area is located in forests east of the community of Hyde Park Estates, near Hyde Memorial State Park, and adjacent to Black Canyon campground. The purpose of this project is to reduce the risk of uncharacteristic, stand-replacing wildfire and reduce the risk for insect and disease related tree mortality within the project area. Decision signed on March 21, 2018.
Santa Fe Municipal Watershed	The scope of the project is to use a combination of tree thinning and prescribed burning on up to 7,270 acres of national forest and city lands in the Santa Fe Municipal Watershed. The proposal is designed to reduce the risk of a severe crown fire and to restore sustainable forest and watershed conditions in the Watershed. Record of Decision signed in October 2001.
Santa Fe Municipal Watershed Pecos Wilderness Prescribed Burn Project	The project proposes to perform prescribed burns of between 200 and 2,100 acres at one time in ponderosa pine and mixed conifer stands within an approximately 2,900-acre, mid elevation (8,500 – 10,000 ft) treatment area within the Pecos Wilderness. Decision signed on April 28, 2015.
Rowe Mesa II (U.S. Forest Service n.d.)	Fuel treatment to promote a mosaic of healthy forests stands and natural grasslands by thinning and prescribed burning in pinon/juniper, and ponderosa pine trees that have encroached into the understory of woodlands and into meadows of Rowe Mesa. Project initiation 12/19/2018; expected implementation 4/2020.
Century Link/PNM Santa Fe to Los Alamos Fiber Optic Project (U.S. Forest Service n.d.)	Proposal to bury a fiber optic line along Forest Road 24 on Santa Fe National Forest land to a PNM transmission line where it will be carried to DOE facilities to improve service to Los Alamos National Lab and Los Alamos community. Notice of initiation 10/1/2018.
Issuance of Forest-wide Temporary and Priority Special Use Permits (SUPs) for Non-Motorized Over-Snow Activities (U.S. Forest Service n.d.)	Proposal to approve issuance of temporary and priority SUPs for outfitter and guides throughout the Santa Fe National Forest to conduct guided recreation activities related to over-snow uses, including but not limited to cross country skiing and snow shoeing. Notice of initiation 12/1/2019.
Rio Chama Aquatic and Wetland Habitat Restoration Project (U.S. Forest Service n.d.)	Species habitat improvement project to increase diversity and quality of aquatic habitat for fish and invertebrates in Rio Chama downstream from Abiquiu Dam approximately 5.6 miles between Santa Fe and Carson National Forests to point 1.34 miles upstream of Highway 84 bridge. Notice of initiation 10/1/2019; expected implementation 4/2020.

Action	Summary of Action
Comexico Jones Hill Exploration (U.S. Forest Service n.d.)	Exploratory drilling operation on unpatented mining claims in Pecos/Las Vegas Ranger District of SFNF. Proposal will cause approximately 5-7 acres of surface disturbance in an area that has been previously disturbed by earlier exploration date. All activities will occur within 1 year of the state date. Scoping was conducted in December 2019; expected implementation 10/2020.
Pecos Bike Trails (U.S. Forest Service n.d.)	Project to develop trail system and impress access and promote visitor safety in Canada de Los Alamos/Glorieta area. Notice of initiation 11/1/2019; expected implementation 2/2020.
Pecos Rio Grande Cutthroat (RGCT) Trout Restoration (U.S. Forest Service n.d.)	Project to restore RGCT populations to Willow Creek and upper Cow Creek by adding 9 miles of stream to currently occupied distribution. Scoping occurred February 2019.
Non-Forest Service Projects	
Aztec Springs, Phase 2 & 3 (City of Santa Fe, The Nature Conservancy, New Mexico State Forestry)	150 acres of thinning, piling, and prescribed burning activities.
Aspen Ranch (Pueblo of Tesuque)	160 acres of thinning, piling, and prescribed burning activities in ponderosa pine and mixed conifer.
Vigil Grant (Pueblo of Tesuque)	158 acres of thinning, piling, and prescribed burning activities in ponderosa pine and mixed conifer.
Hyde Memorial State Park (New Mexico State Forestry)	Thinning, piling, and prescribed burning across 276 acres in Hyde Memorial State Park.
City of Santa Fe Planned Communities and Infrastructure Projects	Three master planned communities that is projected to absorb most of Santa Fe's growth through 2030 • Tierra Contenta Master Plan (1995) approved as many as 5,200 housing units and to date is 50% completed with up to 2,500 homes and apartment units completed. The western portion of Phase 2 and Phase 3 await construction and includes 400 acres of developable land and 100 acres of open space/parks. • Las Soleras Master Plan (2008) covers 400 acres with most of the land along I-25 slated for commercial and mixed use. Internal portion of master plan are reserved for residential units which could be developed with 1,000-1,500 housing units. • Northwest Quadrant (2010) covers approximately 160 acres of 2,000 acres the city owns in the northwest corner of the city. The Master Plan calls for 750 housing units to the southeast of Highway NM 599. Roadway improvements, trails and urban mixed use and parks (Southwest Activity Node, Las Soleras Park, and South Meadows Park) (City of Santa Fe 2017). Multiple drainage projects are proposed by City of Santa Fe in Council Districts 1, 2, 3, and 4 to be completed in three phases between 2019 and 2022 (City of Santa Fe n.d.).

Action	Summary of Action
Santa Fe River Greenway R&PP Lease Project	EA (released 11/21/19) for the conveyance of 23.5 acres of BLM-administered public lands to Santa Fe County under the Recreation and Public Purpose Act (R&PP) for the construction and maintenance of a short segment of the greenway and for bank stabilization of the Santa Fe River. The proposed project will create a greenway of public parks and multi-use recreational trails along the Santa Fe River from Two-mile Reservoir in eastern Santa Fe west to the Santa Fe County wastewater treatment plant, which is located just west of New Mexico Highway 599 (BLM 2019a).

Note: Projects that are listed as on hold in the January 2020 through March 2020 Schedule of Proposed Action (SOPA) were not included in this table.

Consistency with Relevant Laws, Regulations, and Policy

Land and Resource Management Plan

The analysis in this specialist report is required in order to ensure proposed activities are consistent with NEPA and the goals, objectives, and standards, and guidelines of the SFNF Land Management Plan, as amended (Forest Plan) (USDA-FS 1987a). As of the writing of this report, the Forest Plan is under revision and is anticipated to be finalized and implemented in 2021. The updated Draft Forest Plan (USDA-FS 2019a) and associated Draft Environmental Impact Statement (USDA-FS 2019b) were issued in June 2019. Due to the ongoing Forest Plan revision process, and the need to update desired conditions for the forest since the Forest Plan was written, many of the SFMLRP desired conditions reflect the desired conditions characterized in the 2019 Draft Forest Plan. This report acknowledges that content within the 2019 Draft Forest Plan may be revised prior to finalizing, and the proposed action analyzed in the SFMLRP Environmental Assessment remains consistent with the current Forest Plan.

CURRENT FOREST PLAN

The proposed action is consistent with the tribal relations direction in the current Forest Plan. The following planning principles were integrated in the Forest Plan: "Protection and preservation of the inherent right of freedom of American Indians to believe, express, and exercise their traditional religions;" and "Coordination with the land and resource planning efforts of […] Indian Tribes" (USDA-FS 1987a:19). The Forest Plan also directs the "identification, protection, and maintenance of the historical, cultural and religious sites found within the Forest" with the goal to "understand the importance of access to those sites for Native American people" (USDA-FS 1987a:17). The Forest Plan also emphasizes the need to "inventory, protect, evaluate, nominate [to the National Register], interpret, and enhance cultural resources" (USDA-FS 1987a:19). The Forest Plan further stipulates, "inventory and site marking will be at sufficient level to protect sites from resource activities," (USDA-FS 1987a:8). Therefore, tribal consultation and cultural resources inventory within the SFMLRP area followed by site protections sufficiently account for the protection of traditional cultural uses in the context of forest project implementation.

REVISED DRAFT FOREST PLAN

The 2019 Draft Forest Plan revises the desired conditions, standards, and guidelines for federally recognized tribes and rural historic communities. The revisions include addressing the ecological resiliency of landscapes that support traditional cultural uses of the SFNF, providing access to traditional use areas, and minimizing impacts to traditional use areas and cultural resources. The following excerpts detail the revisions.

Desired conditions for federally recognized tribes as provided by the 2019 Draft Forest Plan:

1. *"The uniqueness and values of the Tribal cultures in the Southwest and the traditional uses important for maintaining these cultures are recognized and valued as important.*
2. *The long history and ties of Tribal communities and uses to forest lands and resources is understood, appreciated, and is available to the public.*
3. *Forest resources important for cultural and traditional needs (e.g., osha, piñon nuts, okote (pitch wood), and micaceous clay) as well as for subsistence practices and economic support of tribal communities, are available and sustainable.*
4. *Tribes have access to sacred sites, traditional cultural properties, and collection areas for traditional and ceremonial use.*
5. *There are opportunities for solitude and privacy for traditional and cultural activities.*
6. *Traditional cultural properties, sacred sites, and other locations of traditional and cultural use identified as important to Tribes are unimpaired.*
7. *The forest provides a setting for educating tribal youth in culture, history, and land stewardship, and for exchanging information between tribal elders and youth."* (USDA-FS 2019a:103)

Standards for federally recognized tribes as provided by the 2019 Draft Forest Plan:

1. *"Confidentiality of tribal information and resources collected during consultation must be maintained as allowed by law, unless permission to share this information is given."* (USDA-FS 2019a:103)

Guidelines for federally recognized tribes as provided by the 2019 Draft Forest Plan:

1. *"To honor tribal privacy, requests for temporary closure orders for cultural and traditional purposes should be accommodated.*
2. *Consultation with federally recognized tribes should occur at the early stages of project planning and design, and tribal perspectives, needs, and concerns, as well as traditional knowledge, should be incorporated into project design and decisions.*
3. *Management activities and uses should be planned and administered to prevent or minimize impacts to the physical and scenic integrity of places that the tribes regard as sacred sites or traditional cultural properties.*
4. *Requests for reburial of American Indian human remains and cultural items by Tribes should be accommodated."* (USDA-FS 2019a:103-104)

Desired conditions for rural historic communities as provided by the 2019 Draft Forest Plan:

1. *"The uniqueness and values of rural historic communities and the traditional uses important for maintaining these cultures are recognized and valued as important.*
2. *The long history and ties of rural historic communities and traditional uses (e.g., livestock grazing, fuelwood gathering, acequias, and hunting) to NFS lands and resources is understood and appreciated.*
3. *Forest resources important for cultural and traditional needs (e.g., osha, piñon nuts, okote (pitch wood), and micaceous clay) as well as for subsistence practices and economic support (e.g., livestock grazing, acequias, and forest products) of rural historic communities are available and sustainable.*
4. *Rural historic communities have access to places of traditional use (e.g., spiritual places, individual and group ceremonies, traditional activities, and the collection of forest products) that are important to them.*
5. *Acequia systems on NFS lands are accessible for operation, maintenance, repair, and improvement.*
6. *The forest provides a setting for educating youth in culture, history, and land stewardship, and for exchanging information between elders and youth."* (USDA-FS 2019a:107)

Guidelines for rural historic communities as provided by the 2019 Draft Forest Plan:

1. *"Traditionally used products (e.g., fuelwood, latillas, vigas, piñon, osha, and clay) should be available in the forest to rural historic communities, except in areas with resource concerns or in designated areas where such uses are not allowed, or otherwise restricted by standards or guidelines set forth in other sections of this plan.*
2. *Management activities should be analyzed and mitigated to prevent or minimize the impacts to the physical and scenic integrity of places that rural historic communities regard as spiritually or culturally important.*
3. *Acequia associations should be provided adequate access to operate, repair, maintain, and improve acequia infrastructure located on NFS lands.*
4. *Coordination with land grants and acequia governing bodies should occur at the early stages of planning and project."* (USDA-FS 2019a:108)

In addition, the 2019 Draft Forest Plan standards for cultural resources emphasize the application of mitigation measures and design features to limit adverse effects.

> *"Cultural and historic resources must be protected during projects through mitigation measures and design features. In cases where the protection of cultural and historic resources is not possible or when the benefits of a project are deemed by administrative decision to be greater than the adverse effects to the cultural and historic resources, adverse effects to those resources will be resolved or mitigated."* (USDA-FS 2019a:111)

Other Relevant Law, Regulation, or Policy

The primary legislation governing cultural resource management is the National Historic Preservation Act (NHPA) of 1966 (amended in 1976, 1980, and 1992). Section 106 of NHPA requires that federal agencies take into consideration the effects of their undertakings on historic properties, which are defined in 36 CFR 800.16(l) as "any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP". The "Section 106 review process," entails five steps:

1. determining whether the proposed action is an undertaking that has the potential to affect historic properties);
2. identifying historic properties;
3. evaluating the significance of historic properties;
4. assessing effects; and
5. consulting with interested parties (including affiliated Native American tribes), the SHPO, and the ACHP.

Section 110 of the NHPA provides direction to federal agencies to establish programs and activities to identify and nominate historic properties to the NRHP and to consult with tribes. Federal Regulations 36 CFR 800 contains procedures for implementing Section 106 of NHPA.

The USDA Forest Service Southwestern Region (Region 3) has a programmatic agreement (PA) with the Advisory Council on Historic Preservation (ACHP) and State Historic Preservation Officers (SHPOs) that stipulates the Forest Service's responsibilities for complying with NHPA (USDA-FS 2010). Region 3 has developed a standard consultation protocol for large-scale fuels reduction, vegetation treatment, and habitat improvement projects via Appendix J of the PA (USDA-FS 2010). Region 3 has also developed a standard consultation protocol for routine road maintenance, road closure, and road decommissioning projects via Appendix E of the PA. By following the procedures of these protocols, the ACHP and the SHPOs have agreed that the Forest Service will satisfy legal requirements for the identification, evaluation, and treatment of historic properties. The SFNF will comply with the protocols in lieu of standard Section 106 NHPA consultation (36 CFR 800) for the purposes of the SFMLRP. The USDA Forest Service also has a recent agency-wide document focused on policy and procedures regarding Indian Sacred Sites (USDA-FS 2012). In addition to NHPA and the cultural resource management laws

listed in the SFMLRP Cultural Resources Specialist Report (Comstock and Jarrett 2021), the following laws relate to tribal consultation:

AMERICAN INDIAN REIGIOUS FREEDOM ACT OF 1978 (AIRFA)

United States federal law and a joint resolution of Congress which pledged to protect and preserve the traditional religious rights of American Indians, Eskimos, Aleuts, and Native Hawaiians. All alternatives are consistent with the intent of AIRFA. No activities proposed by the alternatives have the potential to violate the protection requirements of the Act. No activities are proposed that would prohibit tribal religious practices or access to sacred sites. Issues arising from religious concerns are addressed through tribal consultation, which takes place under NEPA, NHPA, and other laws and regulations, and through project design to avoid infringing upon these rights. Many times issues concerning religious issues for American Indians or Native Americans are addressed through NHPA via consultation on Traditional Cultural Properties.

RELIGIOUS FREEDOM RESTORATION ACT OF 1993 (RFRA)

United States federal law aimed at preventing laws which substantially burden a person's free exercise of their religion. This act addresses religious freedom for every citizen and not just for Native Americans. It has been used to address some issues associated with the practice of Native American religion on Forest lands. All alternatives are consistent with the intent of RFRA. No activities proposed by the alternatives have the potential to violate the protection requirements of the Act. No activities are proposed that would prohibit tribal religious practices or access to sacred sites. Issues arising from religious concerns are addressed through tribal consultation, which takes place under NEPA, NHPA, and other laws and regulations and through project design to avoid infringing on religious freedoms.

EXECUTIVE ORDER 13007

Executive Order (E.O.) 13007 requires Federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. In addition to NHPA the Forest considers the requirement for consultation to address concerns regarding EO 13007. All alternatives are consistent with EO 13007. Section 106 addresses sacred and ceremonial sites that are considered historic properties. Other sacred and ceremonial sites also will be discussed during tribal consultation. Issues of access and effects on ceremonial and sacred sites by tribal practitioners will be addressed through tribal consultation and through project design to accommodate access and ceremonial use.

EXECUTIVE ORDER 13175

Executive Order (E.O.) 13175 requires consultation and coordination with Indian Tribal governments in order to establish regular and meaningful consultation and collaboration with Indian tribal governments in the development of regulatory practices on Federal matters that significantly or uniquely affect their communities; to reduce the imposition of unfunded mandates upon Indian tribal governments; and to streamline the application process for and increase the availability of waivers to Indian tribal governments. All alternatives are consistent with EO 13175 because the requirements of NEPA, NHPA, EO 13007, and other legislation will ensure that tribal communities are consulted before implementation occurs.

In summary, the project treatments and associated activities will be conducted in compliance when applicable with the above laws and regulations. The USDA Forest Service External Relations Manual (USDA-FS 2016a) and the American Indian and Alaska Native Relations Handbook (USDA-FS 2016b) provide agency-specific guidance for tribal consultation. In addition, the USDA Forest Service Heritage Program Management Manual (USDA-FS 2008) and Handbook (USDA-FS 2015) and the Region 3

Heritage Program Manual (USDA-FS 1999) and Handbook (USDA-FS 1987b) all provide agency-specific guidance for tribal consultation related to cultural resource management.

Conclusion

This specialist report summarizes tribal consultation and traditional cultural uses for the SFMLRP on the Española and Pecos-Las Vegas Ranger Districts of the SFNF. This report analyzes how landscape restoration treatments may affect traditional cultural uses within the SFMLRP area. For the purposes of this analysis, *traditional cultural uses* may include ancestral landscapes, sacred sites, ceremonial locations, resource gathering areas, archaeological sites, and traditional cultural properties (TCPs). Tribal consultation, traditional rural community collaboration, and the Greater Santa Fe Fireshed ethnographic study (Brown et al. 2018) were the primary sources used to inform this analysis.

Traditional cultural uses inherently involve non-renewable cultural and natural resources. These resources can be particularly sensitive to management practices, such as the proposed landscape restoration treatments. Given that specific traditional use locations were not identified through the ethnographic study or the cultural resources and inventory assessment (with the exception of archaeological sites) (Campbell and Comstock 2021), the traditional cultural uses analysis was necessarily general. However, tribal consultation and collaboration with traditional rural communities emphasizes the importance of the SFNF engaging and maintaining active, ongoing, and synergistic partnerships with these groups. These partnerships should include tribal and traditional rural community involvement in the planning and implementation phases of the SFMLRP to ensure traditional cultural uses receive appropriate consideration.

The SFNF has actively pursued input from these groups specifically for the SFMLRP via the initial project scoping, quarterly tribal MOU meetings, and the Greater Santa Fe Fireshed ethnographic study. In addition, recent Forest Plan Revision efforts have provided ample opportunities for tribal and public engagement in the broader goals of managing the SFNF. The SFNF has incorporated feedback from all of these venues into the SFMLRP proposed action. In summary, both tribes and traditional rural communities affiliated with the SFMLRP area support the SFNF goals of reducing the risk of catastrophic wildfire and improving forest health. Concern surrounds how these objectives are met, with reservations about the impact of heavy equipment and opening up the forest to heavier visitation by recreationists. The SFNF commits to continue listening to concerns surrounding traditional cultural uses and supports incorporating mitigations and protections for traditional cultural uses during implementation of SFMLRP treatments.

This report determines that the only means by which to achieve the desired condition for traditional cultural uses is the proposed action alternative. The no action alternative further decreases the resiliency of the traditional use areas of the SFMLRP and puts these irreplaceable cultural and natural resources at greater risk of destruction. Traditional cultural uses can be appropriately considered and effectively protected via continued consultation and collaboration with tribes and traditional rural communities and the use of standard best management practices, mitigation measures, and design features for known sensitive sites. Given the nature of potential effects and the application of these measures, the finding of this specialist report is that the proposed action will have no adverse effect on traditional cultural uses.

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