



Oregon  
Kate Brown, Governor

Parks and Recreation Department  
State Historic Preservation Office  
725 Summer St NE Ste C  
Salem, OR 97301-1266  
Phone (503) 986-0690  
Fax (503) 986-0793  
[www.oregonheritage.org](http://www.oregonheritage.org)



August 14, 2019

Ms. Jennifer Theisen  
BLM  
100 Oregon St  
Vale, OR 97918

RE: SHPO Case No. 12-0429  
Grassy Mountain Gold Mining Proj  
Mining Development  
Multiple legals, Vale, Malheur County

Dear Ms. Theisen:

We have recently received a request from your office to review the project survey area referenced above for any known archaeological objects or sites and project effect. Unfortunately, the request arrived without sufficient data for our office to complete our review and add the survey data to our state's GIS database. We are requesting additional information for our office to be able to complete our work. This information we are seeking includes:

- 1). The spatial data that was shared with our office is for the project APE and not the surveyed lands (i.e., project APE=1762 acres / survey acres = 830). As such it includes lands that were surveyed previously. Can you have the author send us spatial data for just the lands that have been surveyed and are being documented in their report? This is the data we need to add to our state GIS system in linking the report's results.
- 2). I do not see much of a discussion regarding depth of soils at most of the archaeological sites. I do see that site G-DF-09 is only thought to have 5cm of cultural deposit, with this observation based on the fact that surface artifacts were seen partially buried at the site. Other sites appear to have the potential for some depth (e.g., 35ML933) due to the presence of badger holes noted within the site. Are the authors certain that there are not deeper buried soils in sites that will be affected by the proposed project? If so, what is this determination based on? Without any information regarding the possible depth of available soils and cultural deposits, our office finds determinations of Not Eligible difficult to understand. Has there been any subsurface testing in sites in the area that has established that surface artifacts accurately represent the only artifacts generally associated with area sites? In many cases the authors state that "no depth of cultural materials is suspected" but our office does not know what this assessment is based on.
- 3). The authors of the report state that none of the sites are considered eligible under Criteria A-C, although there is no information as to what sources they are basing their recommendation or BLM's determination on. Has consultation occurred with area Tribes to see if knowledge of any of these sites exist? The information included within the evaluation of all sites appears very superficial and insufficient for our office to understand if any knowledge was looked for regarding each of these criterion or if the author's recommendations are simply based on a quick assessment of surface artifacts which would provide little to no information regarding these criteria (i.e., association "with events, significant to the cultural traditions of a local Native American community, such as location of ceremonial or cultural importance, a specific event marking an important moment in prehistory (e.g., a battle or treaty signing) or a cultural importance, or a series of linked events (e.g., the adaptation of a new method of technology, a Native American relocation, or a major migration))." There is no mention of tribal contact or consultation, ethnographic research or oral history data being used to assist in the assessments. Generally speaking, the eligibility section for each site within the report is largely a



copy and paste of the same paragraph simply reiterating the negative value of each National Register criterion and does not provide any data regarding what such an evaluation is based on.

4). Some of the sites are in close proximity to frequently maintained roads (e.g., G-JS-02). How do the authors know that the observed sites have not been surface collected in the past and that what they are recording on the surface is only a portion of the material once available with the site being much more complex in both material type and artifacts present prior to being collected? What effect, if any, would such activities have on the eligibility assessment of these sites? Was a soil probe used at any of the area sites in order to determine the depth of soil at sites in the area (e.g., presence of hardpan)?

5). A Smithsonian trinomial had earlier been assigned to ASSC 15275A. It is 35ML2178.

6). Direct Effects - While the author has offered recommendations of eligibility for a number of sites discovered or identified during the project that will be impacted by the proposed project, aside from a surface survey of each site, little research appears to have occurred that would be necessary to support the recommendation/determination of No Effect - Not Eligible. Our office could find no information regarding the depth of soils at the majority of sites identified nor any attempt to determine the depth of cultural deposits within sites. If previous testing of area sites has determined that site in this area are largely surface manifestations, we would appreciate hearing more about such past studies. Without such data, our office is unable to concur that these sites lack depth or more complexity than what was noted during the surface survey. Our office believes that no disturbance to these sites should occur without additional data regarding these sites, whether that be through subsurface testing or the use of previous site studies within the same area. For evaluation of Criteria A-C our office would like to hear about the results of consultation with area tribes. Many of the components that the authors state are lacking in the history of these sites can best be determined through consultation with area tribes; however no consultation is noted within the report. Did the authors contact and discuss these sites with the CTUIR or Burns Paiute Tribes in Oregon? Fort Bidwell or Shoshone Paiute from Nevada or Idaho? There is no mention of tribal consultation occurring with any tribe so some supportive discussion would be good to have to support the not eligible recommendations on each of these three NR criteria. Oregon SHPO believes that impacts to all identified archaeological sites should be avoided until additional information can be submitted to our office regarding the size (both horizontal and vertical), composition and integrity of each site, along with details regarding how recommendations under NR Criteria A-C were determined for each site.

Upon receipt of a spatial data depicting the acres surveyed and data regarding site depth and composition, we will try and complete our review of your project application and report and get back to you in a timely manner. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,



Dennis Griffin, Ph.D., RPA  
State Archaeologist  
(503) 986-0674  
dennis.griffin@oregon.gov