

**Findings of the Interagency Review Team  
Regarding  
PEER White Paper Number Thirty-five,  
“Ruined Relics—Crumbling Cultural Resource Protection In Los Padres National Forest”**

**March 7, 2003**

## **Introduction**

At the request of the Los Padres National Forest (hereafter, “the Forest”), an interagency Review Team<sup>1</sup> (hereafter, “the Team”) was assembled to investigate the published assertions in the PEER White Paper, “Ruined Relics—Crumbling Cultural Resource Protection In Los Padres National Forest”, dated October 2002. The Team consisted of experienced historic preservation professionals representing oversight agencies responsible for ensuring legal compliance at the state and federal levels, and Forest Service managers at the regional and national levels responsible for development of quality programs that meet all legal and policy requirements. An independent facilitator was added to assist with scheduling, structuring of discussions, recording, and report preparation.

The preliminary agenda, schedule, and logistics were organized by Team member Ken Wilson, with cooperation from the Forest staff. The Team assembled and worked through the week of March 3-7, 2003. Full access to Forest personnel, files, records, and facilities was provided to Team members. The only direction provided by Forest Supervisor Jeanine Derby was to “seek the truth and report on the findings.” Ground rules established within the team allowed for equal input, independent thought, and team findings that required full consensus. Team members were independently allowed to request and/or review any or all files and records related to projects and/or incidents referred to in the PEER White Paper, and to request interviews with key personnel involved<sup>2</sup>.

Team review focused only on assertions related to violations of the National Historic Preservation Act, as amended, particularly Sections 106 and 110, and not on personnel-related issues. The Team was able to obtain sufficient interviews and review sufficient data to arrive at the findings and recommendations in this report, although some key project files are missing, as noted below.

## **I. A Forest on Probation**

### **A. Historic Preservation Mandate**

**Assertion:** “In May 1998, in 1999 and again in 2002 the Regional Forester placed Los Padres on ‘provisional status’ under the PA<sup>3</sup>, primarily because previous failures to comply with the requirements of that Agreement have not yet been resolved.”

**Finding:** This statement is true. The Forest has not completed the resolution of the possible foreclosure<sup>4</sup>. The Forest has made a firm commitment to resolve the possible foreclosure as expeditiously as possible.

**Recommendation:** The Team strongly urges the Forest to resolve the possible foreclosure immediately.

## I. A Forest on Probation

### B. Historical Malfeasance

#### 1. Arroyo Seco Recreation Area

**Assertions:** “At Arroyo Seco, the Region had agreed to provide funding to study the outstanding cultural resource issues over a three year span, and much of the work was completed. However, during the third year of funding, Forest management directed the cultural resources staff to stop further spending and all remaining funds were either absorbed into the larger Forest budget or were returned to the Regional Office. Today funding is unavailable to complete oral history work, implement protective measures or complete the required final report.”

“When the Forest Service Regional Office provided funding to conduct additional studies, Los Padres management diverted these funds to cover unbudgeted expenses for completing development of the recreation area instead. As a result, the studies were not completed, and became a ‘Foreclosure’ under Section 106 of the National Historic Preservation Act...”

**Findings:** The Team finds that the assertion regarding the diversion of funds is without merit. The Forest did not complete the cultural studies or complete the final report because of inadequate funding. The Forest Supervisor has stated that resolution of the possible foreclosure is a priority and has assigned staff to accomplish this task.

The Regional Office Programmatic Review Team found in 2001 that substantial progress had been made on completing the tasks needed to resolve the possible foreclosure. The Interagency Team has confirmed that conclusion.

**Recommendation:** The Team strongly urges the Forest to resolve this possible foreclosure immediately.

#### 2. Snowy Off-Highway Vehicle Trail

**Assertion:** “The cultural resources staff, the Advisory Council on Historic Preservation, and the California Historic Preservation Officer took the view that the entire trail was the ‘undertaking’ while the Forest insisted that only a new, major re-route of the lower half of the trail was subject to review, although significant historical sites are situated along the abandoned portion. ...the Forest was forced to agree...”

**Finding:** As a result of consultation, the Forest and the State Historic Preservation Officer (SHPO) concurred that the undertaking’s Area of Potential Effects (APE) would encompass the entire Snowy OHV Trail.

**Assertion:** “...a historic mining building along the trail, the ‘Baker Cabin’, is unprotected, and three years of stabilization work is uncompleted.”

**Finding:** The Team found that, through consultation, the SHPO suggested that the Baker Cabin was not an historic property. Even though consultation found that the Baker Cabin was not an historic property and therefore did not require further consideration under Section 106, the Forest nonetheless proceeded with the stabilization and reconstruction of the cabin as a Section 110-related program activity. The Team finds that the Snowy OHV trail project was not a possible foreclosure.

**Assertion:** “A historic Chumash village site, situated along the now abandoned lower portion of the Snowy Trail, determined eligible for the National Register of Historic Places, is still in need of stabilization and protection.”

**Finding:** The Team found that the Chumash Village site was protected by re-routing the trail. Stabilization proposed in 1998 to protect the site from water erosion has not been implemented. Current staff was until recently unaware of the need to stabilize this site. The Team was informed that stabilization will occur during the current fiscal year, pursuant to the requirements of the Regional Programmatic Agreement.

**Recommendation:** Stabilize the site this year as planned.

### 3. Cuyama I and Cuyama II Fuel Management

**Assertion:** “There were prescribed burning projects that were implemented before required cultural studies were completed and thus violations of law, regulation and Forest Service policy. ...Studies conducted after the Cuyama prescribed burns indicated there were significant impacts to a prehistoric site. The evaluation of that site is incomplete although a graduate student from UCSB is working on the project. Measures to protect this site from vehicles, livestock, and other impacts have not been implemented.”

**Finding:** The Team finds that there was no possible foreclosure in this case. The project proceeded before the Forest Archaeologist had signed off on the survey report. Such sign-off never occurred. These developments occurred because of a communications failure among the Forest Archaeologist, the District Archaeologist, and the project manager.

The Team finds that although the fire inadvertently extended onto the Willow Springs site, there were no significant impacts to this site or to any other archaeological site related to the Cuyama prescribed burns. The significant “impacts” to a prehistoric site were the result of non-fire-related activities.

The Forest has implemented measures to protect the site from vehicles, livestock, and other impacts. For example, the road was re-routed in August of 2001 to prevent vehicular impacts to the site.

**Recommendation:** Procedures for better tracking and notifying project managers of completion of Section 106 requirements should be rigorously followed.

## II. Business as Usual

### A. Bulldozing East Dry Canyon

**Assertion:** “...East Dry Canyon sustained devastating and unnecessary damage earlier this year as a result of negligent oversight. ...Forest Service road construction had exposed an archaeological deposit. ...The current Forest Archaeologist had been notified of the construction dates in advance, but failed to have a monitor in place. As a result, over three cubic meters of irreplaceable artifacts were disturbed.”

**Finding:** Regarding this matter, the Team concurs with the SHPO's findings of January 13, 2003 (see attached letter).

## II. Business as Usual

### B. Fire and Fire Prevention

#### 1. The Wolf Fire

**Assertion:** "...fire control personnel and the inexperienced lead archaeologist assigned to the fire failed to take even the most basic measures to avoid permanent harm."

**Finding:** The lead archaeologist assigned to the fire informed the fire operations leader of the existence and general location of the prehistoric sites in question and requested that the sites be avoided if at all possible.

**Assertion:** "Typically, bulldozer lines are designed to avoid known archaeological sites or to avoid the kinds of terrain where sites would likely be encountered...the damage was done, but the fire break was neither needed nor used for fire suppression."

**Finding:** In hazardous conditions such as those that existed during the fire in question, bulldozer lines are designed first and foremost to control the fire while ensuring firefighter safety; archaeological sites are avoided whenever possible. In the present case, archaeologists were not allowed to accompany the bulldozer due to concerns regarding personal safety.

**Assertion:** "A second site, near Mutau Flat and previously unrecorded, was discovered during bulldozer line construction. Still, a fire break was completed through the site before the extent of damage or the site's significance had been scientifically evaluated."

**Finding:** The site in question was not historic; it was a modern cairn that, according to the landowner, marked a memorial for a recently deceased family member. In addition, it would not be expected that construction of a fire break would be interrupted during a fire incident to complete a scientific evaluation of site significance.

**Assertion:** "A prehistoric rock art site with international significance was badly damaged by smoke and heat...an inexperienced student...refused to get into the site early on when there was still ample opportunity to safely install protective fire shelters over the site."

**Finding:** Based on a memorandum dated February 12, 2003 by Fire Behaviorist Carol Henson, this was an extreme fire situation in which there was no safe opportunity to enter the site. It would have been irresponsible to ask anyone to do so. The conditions at the time were so severe that not even firefighters were allowed into the area. In addition, the fire was burning at such high temperatures that fire shelters would have been ineffective in protecting any resource. The Team was also informed that although sandstone outside of the shelter was discolored, the rock art itself was not affected by the fire.

**Assertion:** "It is unclear whether the Forest notified the SHPO of the emergency as required under the Programmatic Agreement."

**Finding:** There is no record of the Forest Archaeologist reporting the emergency to SHPO.

**Recommendation:** The Forest Archaeologist in the future must follow the Programmatic Agreement provisions to notify SHPO in the event of an undeclared emergency.

## 2. Marre, Wild, and Plaskett II Fires

**Assertion:** “The damage caused by wildfire suppression is a continuation of damage permitted to occur with impunity during the Marre fire of 1993, the Wild fire in 1996, Plaskett II fire in 2000, and other wildfire incidents in the Los Padres. ...the harm has not been evaluated and there has been no accountability for the damage.”

**Finding:** Sites may be damaged under extreme fire circumstances. No evidence was uncovered to indicate that damage caused by wildfire suppression was permitted to occur with impunity, or that damage was related to any personal wrongdoing. If impunity is to mean “without punishment” (Webster’s), the Team saw no evidence to indicate that the suppression efforts were carried out with such impunity. The integration of cultural resource information with suppression activities could have been better.

There are no uniform standards or direction within the Forest Service to provide funding for evaluation and mitigation of archaeological properties impacted by wild land fire suppression activities.

**Recommendation:** There should be uniform policy and direction regarding the role of archaeologists in fire incidents and how that role can be carried out. The Forest should establish such direction and ensure it is disseminated to the appropriate parties.

## 3. Sage Hill Prescribed Burn Project

**Assertion:** “The fuels archaeologist, along with the biologists monitoring for environmental compliance, were ordered to stand down during the private phase of the burn.”

**Finding:** San Fernando Rey Ranch owners did not permit access to their property by federal fuels archaeologists or federal biologists to conduct studies or monitor burn activities.

**Assertion:** “...the entire project is a federal undertaking because federal dollars were expended on the private property and the burn on private land was done in conjunction with that on public lands.”

**Finding:** There were no federal funds expended on the private portion of this burn.

**Assertion:** “No pre- or post-fire survey or monitoring was conducted on either the private or the federal portion, as was called for in the original archaeology report, therefore it is not known whether any sites were damaged. ...failure to conduct a survey within the burn area itself is a violation of Section 106 and constitutes a possible foreclosure.”

**Finding:** Although the Forest restricted its investigations to Forest Service lands, there were in fact pre-fire surveys conducted on both federal and private land. It was confirmed that there are archaeological resources on the federal portion of the area. Forest Service archaeologists monitored the burn on federal land. A post-fire survey has been conducted; the

report has not yet been finalized. Since both pre-and post-fire surveys and monitoring were in fact done, there was no violation of Section 106 and no possible foreclosure.

### III. Trampling Treasures

#### A. Motorized Recreation

##### 1. OHV Trails in San Luis Obispo

**Assertion:** “The network...is impacting more than 30 carefully documented prehistoric and historic sites. ...More than a decade ago, cultural resources staff proposed a program to monitor and evaluate this damage as part of the implementation of the OHV plan, but Forest management elected to abandon that environmental analysis, thus permitting site damage to continue...”

**Finding:** An inventory was completed, effects were evaluated, and three test excavations were conducted. The Team notes that the draft OHV plan referred to in the PEER white paper is in fact a Draft Environmental Impact Statement (EIS) for a National Forest Trail System Plan for San Luis Obispo County, dated February 1993. No further action has been taken toward finalizing this EIS.

**Recommendation:** The Forest must continue to ensure that the District completes Section 106 compliance requirements in the expenditure of OHV moneys on trail maintenance.

##### 2. Gold Hill Campground

**Assertion:** “...the Forest simply stopped its evaluation program on a number of historic and prehistoric sites at Gold Hill. ...Forest managers failed to fund completion of the work, and the sites remain substantially unprotected. Trail funding has since been diverted to other priorities... Impacts...are ongoing. The sites receive damage almost daily from OHVs and related camping.”

**Findings:** The Forest made an appropriate decision after acquiring the property to prepare a recreation management plan. Early on, in connection with that recreation plan preparation process, the Forest obtained \$200,000 to fund what was to be a survey and evaluation of archaeological properties in the Gold Hill area. The purpose of spending that money was to determine how the recreation plan should take into account any effects from further OHV use on archaeological properties that would be determined eligible for the National Register of Historic Places.

The Team found that the study’s recommendations and the report that was to document those findings, for which the \$200,000 was allocated, has, as of this date, not been produced. The Team found that the funds were exhausted. The Team has been unable to determine why the funds were fully expended and yet a report was not produced.

The responsibility for ensuring that the report was produced for its intended purpose, and the expenditure of funds to support that study, were assigned to the Heritage Resource staff. In its effort to address this situation, the Team would have found it useful to look at files related to this undertaking. The Team was informed that files exist; however, these files are missing.

Known archaeological sites in the Gold Hill area have been identified, and even though the document that was to have been prepared has yet to be produced, the Forest has taken initial

measures to protect those sites from any damage that may be occurring from recreational use in the area. A portion of the area has been fenced off and therefore is being protected from OHV use.

**Recommendations:** Notwithstanding the current absence of the report that was to be prepared and used in the recreation management plan, the Forest should continue to monitor the area to determine whether and to what degree archaeological resources in the area are being affected by OHV use. If such effects are identified, the Forest should take reasonable measures to ensure that the properties are protected and assess the need for completion of a recreation management plan.

The Team advises the Forest to examine any information that was produced from the initial monetary investment and assess the adequacy of that information for Section 106 and 110 purposes. The Team also recommends that the Forest try to locate the missing files and determine why, despite the expenditure of \$200,000, no report documenting the original archaeological investigations was produced.

### III. Trampling Treasures

#### B. Non-motorized Recreation

**Assertion:** “A proposed program to evaluate and protect prehistoric sites on the trail network in and around the Santa Ynez Valley was...ignored. ...This area continues to sustain damage from equestrian use, mountain bikes, foot traffic and artifact theft; the extent of this damage has not been assessed.”

**Finding:** The proposed program was seriously considered, although not funded. There have been and continue to be ongoing efforts to protect known archaeological resources. Activity related to special use permits, maintenance, or other activities subject to Section 106 is diverted to trails for which there are no resource concerns.

**Recommendation:** The Team encourages the Forest to consider funding the original proposed program.

### III. Trampling Treasures

#### C. Sierra Madre Archaeological District

**Assertion:** “An important part of the plan [the management prescription for the Sierra Madre Archaeological District] was the closure of the Painted Rock Campground, which sits just 200 feet from the principal rock art site. Forest managers have resisted this step and today the campground remains open, exacerbating the deterioration of the rock art and its setting.”

**Finding:** The evidence from site monitoring indicates that existing facilities are not causing or exacerbating deterioration of the rock art or its setting.

**Recommendation:** The Team recommends that the Forest continue the monitoring process to determine if this situation remains stable. If monitoring results in a finding that the use of the existing facilities is beginning to exacerbate or cause deterioration of the rock art or its

setting, the Forest should immediately study alternatives, including removal of the facilities, to address the impact on the rock art and its setting.

**Assertion:** “In 2001, the Forest began a serious move to eliminate or reduce the size of the fenced area by reconsideration of the fence in the Forest Plan revision and in the allotment permit renewal process. To date, this effort has failed ...”

**Finding:** No final determination regarding fencing has yet been made, as the current planning effort is still underway.

**Assertion:** “Many sites are presently being grossly impacted from cattle grazing on the Santa Barbara Potreritos allotment outside of the fenced area and the adjacent allotments where the USFS is contracting out work or using inexperienced staff to ‘write-off’ impacts and mitigation needs for the various cultural resource sites.”

**Finding:** Cattle grazing may have impacts on the Archaeological District. Cattle grazing on the Santa Barbara Potreritos allotment may be affecting the Sierra Madre Archaeological District. The Forest is implementing a monitoring program in order to determine where and to what extent such impacts are occurring. The results of that monitoring study will be used by the Forest in further planning and in making subsequent decisions on how to address such impacts, if found to be significant.

**Recommendation:** The Team recommends that the Forest consider implementation of studies in close collaboration with permittees and Native Americans to determine whether and what sorts of alternatives to the traditional way of grazing in this area may be available. When the results of those studies are obtained, the Forest should consult further and determine whether any of the alternatives identified should be implemented.

**Assertion:** “...there has been no concentrated effort to catalogue the extent of the illegal activity or to identify the culprits since the departure of the former Los Pinos District Archaeologist. ...volunteers, uncoordinated and largely unsupported by the Forest, remain the backbone of heritage site conservation in the area.”

**Finding:** The Team finds Forest Service staff to be taking appropriate steps.

### III. Trampling Treasures

#### D. Recreation Residences

##### 1. Failing Septic Systems—Fremont Tract

**Assertions:** “...Section 106 compliance requires an archaeological assessment prior to tank replacement. The owners of the residences exert considerable pressure on the Forest to be accommodating in these cases, which has led to some backdoor cultural resource approvals.”

“In 2000, the recreation residence program manager, ...now the Los Padres Forest Archaeologist, monitored construction of a septic tank replacement within the mapped boundary of an archaeological site in the Fremont Tract using inadequate and unapproved techniques. These activities were taken in such a way to undermine the authority of the Forest Archaeologist at the time and were foreclosures under federal law.”

**Findings:** Having considered the evidence, the Team finds that the actions of the current Los Padres Forest Archaeologist regarding the undertakings at the Fremont Tract were professional, responsible, and appropriate. The Team finds that there is no basis to the assertion that the actions taken undermined the authority of the Forest Archaeologist. The Team further finds that these actions did not constitute possible foreclosures under federal law, or more accurately, under the Regional Programmatic Agreement.

## 2. Monitoring of Water Line

**Assertion:** “She [the recreation residence program manager] also approved the monitoring of a water line at another recreation residence, using an individual unqualified for such independent responsibilities. These activities were taken in such a way to undermine the authority of the Forest Archaeologist at the time and were foreclosures under federal law.”

**Finding:** The use of the individual referred to was entirely appropriate. Having considered the evidence, the Team finds that the actions of the individual in question regarding the undertakings at the Santa Ynez Tract were professional, responsible, and appropriate. The Team finds that there is no basis to the assertion that the actions taken undermined the authority of the Forest Archaeologist at that time. The Team further finds that these actions did not constitute possible foreclosures under federal law, or more accurately, under the Regional Programmatic Agreement.

## 2. Hogan Prosecution

**Assertions:** “One homeowner was prosecuted in May and June 2001 under the Archaeological Resources Protection Act (ARPA) for causing damage to an archaeological site during construction of house foundations. She had discussed the work with Brandoff-Kerr and District Ranger Gloria Silva and believed she had permission to proceed.

**Findings:** Litigation is currently underway; therefore, the Team will not address this topic further.

## 3. Arroyo Burro ARPA

**Assertions:** “Such prosecutions are conducted selectively. A significant archaeological site was damaged more severely at Arroyo Burro... The contractor...was not prosecuted because the [sic] Brandoff-Kerr felt he did not have ‘intent’ to damage the site.”

**Findings:** The Team found no evidence to support the statement that prosecutions are conducted selectively. Formal investigation is currently under way on the Arroyo Burro case; therefore, the Team will not address this topic further.

### III. Trampling Treasures

#### E. Winchester Gun Club

**Assertion:** “Previously the site was protected by a well-trained cadre of volunteers but that volunteer presence has dwindled under the management of the current Forest Archaeologist.”

**Finding:** The Forest has made significant strides to protect the rock art complex in question; this site has continued to be protected over a period of years. These efforts include restricting public access, redirecting such access to guided tours, closing the long-bore range in 1998 to reduce noise impacts, erecting a barrier in front of the site, re-routing the trail, monitoring the condition of the rock art, and placing flagstone on the floor of the rock shelter to prevent dust and to protect the midden. These measures have been so effective that, although the number of volunteers that have been used as site stewards has been minimally reduced in number, those that continue to participate in that capacity are just as well trained as their predecessors. Monitoring indicates clearly that the Forest’s efforts to protect the site have been successful.

**Assertion:** “The gun club permit was renewed in spring 2002 through a deal cut by the Forest Supervisor, the new Forest Archaeologist, and the Forest’s Tribal Liaison.”

**Finding:** The gun club permit was temporarily extended, with conditions that included (1) permanent closure of the long-bore range and rehabilitation of the facilities associated with it; (2) allow no activities on the permitted portion of the facility that result in shot fall or detritus in the San Jose Creek Basin; (3) maintain the Forest closure order which prohibits unauthorized entry in the San Jose Creek Basin and maintain the signs and fencing of the closure; (4) maintain site monitoring for Forest site stewards, which include Chumash tribal members; (4) (sic) maintain the flagstone floor on the occupation midden, barrier railing, and interpretative sign at that site; and (5) provide guided tours to visitors on the site. The Forest exercised due diligence in initiating a Section 106 consultation for extension of the permit for 2002, and based upon that consultation and the documentation provided to the SHPO that set forth the conditions of the permit extension, the SHPO on January 23, 2002, responded to the Forest’s submittal by not objecting to the permit extension.

Based upon examination of relevant documentation, supplemented by a site visit, the Team has concluded that the Forest is implementing these permit conditions.

**Recommendation:** The Team notes that with respect to permit condition #2 above, the Forest needs to make a better effort to ensure that the physical extent of the detritus is restricted to the shooting range area itself.

**Assertion:** “...the former Forest Archaeologist found that the noise from gunfire constituted an ‘adverse effect’ on the rock art site and its use as a ceremonial site for Native American religious practice... These findings were disregarded and hidden from the public, the Native Americans, and the State Historic Preservation Officer.”

**Finding:** This assertion is not supported by the evidence that the Team found. That evidence includes a December 18, 1998 letter from the Forest to the SHPO in which the Forest publicly informed the SHPO that noise from the Winchester Gun Club was adversely affecting the rock art site and its use. However, the letter went on to set forth measures that the Forest would take to avoid or mitigate the adverse effects of the noise from the gun club. In fact, the letter requested the SHPO’s concurrence in the Forest’s proposed finding that

with the implementation of these mitigation measures, the undertaking would not adversely affect historic properties. The December letter in question was apparently authored by the former Forest Archaeologist, who was also listed as the contact person for questions related to the letter.

**Assertion:** “The consultation with Native Americans conducted for the just-completed NEPA decision was limited to a select few individuals. The prior consultations were disregarded. The Tribal Liaison documented the new ‘consultation’ with six short handwritten lines. The SHPO concurred, the permit was renewed...”

**Finding:** It is the Team’s understanding that the process for renewal of the permit and the related NEPA process have not yet been completed. Consultation with the Tribe for the renewal of the permit is ongoing, and includes meetings not only with the federally recognized tribe but with other interested Native Americans. If the PEER White Paper is asserting that the process for issuance of a renewed long-term permit has been completed, it is in error. The SHPO has not in fact concurred.

**Assertion:** “The USFS has done nothing to develop a long-term management plan or to protect the site from the gun club or other users, or to use the potential of the area to educate an interested public or numerous school groups that request to see the site.”

**Finding:** As previously noted, there have been measures taken to protect the resource from gun club activities and other users. The Forest is using the potential of the area for education by providing interested publics and school groups controlled access to the site.

**Recommendation:** The Forest should continue to monitor noise levels and should continue to coordinate rock art visitation and gun club use to limit possible conflicts between these two activities. In addition, the Team recommends that the Forest support the development of a cultural resource management plan for the upper San Jose Creek Basin in consultation with the Santa Ynez tribe, other interested Native Americans, and the Winchester Gun Club.

#### **IV. Stewardship Squandered**

##### **A. The “Partners in Preservation” Site Steward Program**

**Assertion:** “The Partners in Preservation program was developed and nurtured by one of the archaeologists...the archaeologist was banned from the site steward program she had created and replaced by an inexperienced archaeologist.”

**Finding:** The Partners in Preservation program is currently managed by the Forest Archaeologist, who is fully qualified.

**Assertion:** “Since then, the program has been allowed to deteriorate. Volunteers are frequently ignored, they feel their input is disregarded, few training opportunities have been offered and attendance at those sessions has declined. Bureaucratic barriers have been erected internally that do not exist for other volunteer programs managed by the Forest.”

**Finding:** The Team finds that the statements regarding deterioration of the volunteer program are inaccurate. The program is operating, in terms of numbers, training opportunities, attendance, and quality, at historical levels. With respect to bureaucratic

barriers, the volunteer program is required to be managed by the same standards that apply to other volunteer programs in the Forest.

**Recommendation:** The Team recommends that the Forest Supervisor write a memo to all District Rangers outlining her support of the Partners in Preservation Program and her expectation that they also support the program. The team also suggests that the Heritage staff be timely in its response to site steward reports of concerns or issues regarding their sites.

## V. Restoring Trust

**Assertions:** “At one time, the Forest had in place a highly qualified and experienced professional cultural staff with a firm belief in historic preservation and the value of cultural resources. ...One by one, its professional team has been replaced in recent years by a cultural staff valued primarily for its obedience to the Forest Supervisor.”

“The current leadership of the Los Padres National Forest has not only de-prioritized its once grand cultural resources program, but has actively undermined the program, violated federal laws, and systematically retaliated against its expert staff.”

“Los Padres leadership continues to demonstrate a lack of affirmative stewardship for cultural resources. Inconsistent and casual compliance of the regulations by top managers continues, despite numerous warnings from the State Office of Historic Preservation and the Forest Service Regional Archaeologist. The Los Padres National Forest has had ample opportunity to preserve the convenient provisions of the Programmatic Agreement, but has shown no indication that it has an interest in fully complying with those provisions.”

**Findings:** Based upon the Team’s review, many of the statements in the PEER report are not substantiated by the facts as we have ascertained them. In addition, other statements, implied or otherwise, were inaccurate or misleading.

### **The Team has concluded that:**

1. The Forest is substantially in compliance with the Regional Programmatic Agreement.
2. The provisional status of the Forest under the Regional Programmatic Agreement is due exclusively to less than timely resolution of a possible foreclosure.
3. The current Forest Supervisor supports the Heritage Program and strongly supports and promotes satisfactory compliance with the Regional Programmatic Agreement.
4. Under the leadership of the current Forest Supervisor and Forest Archaeologist, the heritage program at the Forest is now moving in a positive direction.

<sup>1</sup>Review Team members included:

- Dwight Dutschke (State Historic Preservation Office, Sacramento);
- Carol Gleichman (Advisory Council on Historic Preservation, Denver);
- Mike Kaczor (US Forest Service, Washington, D.C.);
- Hans Kreutzberg (State Historic Preservation Office, Sacramento);
- Ken Wilson (US Forest Service, Eureka); and
- Melissa Marosy (US Forest Service, Creative Conflict Resolution Enterprise Team).

<sup>2</sup>Those interviewed by the Review Team included:

- Joan Brandoff-Kerr, Forest Archaeologist
- Jeanine Derby, Forest Supervisor
- Steve Galbraith, Mt. Pinos District Archaeologist and Fuels Archaeologist
- Carol Henson, Fuels Officer
- Steve Horne, former Forest Archaeologist
- Joseph Johns, Assistant US Attorney for Criminal Division, US District Court
- Jim Lopez, Information Specialist, former Heritage Staff member
- Karin Klemic, Archaeologist, Heritage Staff member
- Brenda Reed, North Zone Archaeologist
- Dan Reeves, Site Steward, former Heritage Staff member
- Don Trammel, former Recreation Officer, Mt. Pinos Ranger District

<sup>3</sup>The Region-wide Programmatic Agreement for compliance with Section 106 of the National Historic Preservation Act, among Region 5 of the Forest Service, the State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation.

<sup>4</sup>“Possible foreclosure” refers to a project that was implemented before completing the procedural requirements of either the Council’s regulations or the Programmatic Agreement.