

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Nevada State Office
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Reno, Nevada 89520-0006

IN REPLY REFER TO:
8100 (NV-930) P

November 29, 2002

EMS TRANSMISSION 12/9/02
Instruction Memorandum No. NV-2003-016
Expires: 9/30/2004

To: Field Managers, Nevada
Deputy State Directors and Staff Chiefs, NSO

From: State Director

Subject: NHPA Decision Process Under NEPA Process

Under the BLM's National Programmatic Agreement for managing cultural resources, the decision process for compliance with Section 106 of the National Historic Preservation Act, as amended, is integrated with the National Environmental Policy Act (NEPA) decision process to such an extent that it is generally not possible to sign a Record of Decision before the Section 106 compliance process is complete. This may pose particular problems for projects (e.g., wildland fire rehabilitation, vegetation treatments) where the availability of funding or the release of funding (through contracts or otherwise) for compliance with Section 106 is contingent on completion of the NEPA decision process. In these cases, the NEPA decision can be made before the Section 106 process is complete so long as:

1. The environmental document commits the BLM to no adverse effect on cultural resources, regardless of eligibility status, through appropriate treatment or mitigation; and
2. BLM actions that could affect cultural resources, whether to be accomplished in-house or by contract, do not occur until the Section 106 process is complete,

or

The Authorized Officer does not issue a notice-to-proceed for activities that could affect cultural resources, done either in-house or by contract, until the Section 106 process is complete.

If there are any questions, please contact Pat Barker at (775) 861-6482.

Signed by:
Robert V. Abbey
State Director

Authenticated By:
Joanne Woodruff
State Records Manager