

# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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Instruction Memorandum NV-2007-005  
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To: Field Managers, Nevada

From: Ron Wenker  
State Director, Nevada

Subject: Guidance on Native American Monitoring

The Bureau of Land Management (BLM) Manual 8120, Tribal Consultation Under Cultural Resources Authorities, and the associated BLM Manual Handbook H-8120-1, General Procedural Guidance for Native American Consultation/Guidelines for Conducting Tribal Consultation, define general policy and guidelines for Native American consultation and form the basis for guidance on the appropriateness of monitoring and its implementation. National policy precludes tribal monitoring for all land use authorizations within a tribe's aboriginal territory to protect undefined general tribal interests or concerns.

Within these constraints, this Instruction Memorandum clarifies how to determine when it is appropriate to allow tribes to participate in the land-use compliance process for implementing land use decisions. For all undertakings, BLM initiated or not, the policy is:

1. Field Managers should use the normal tribal consultation process to develop case-by-case monitoring plans when necessary. These plans are appropriate when:
  - A. the tribe provides sufficient specific information to identify and justify specific monitoring targets (definite locations with definite resources at risk and a specific resource management goal);
  - B. monitoring is limited to such specific targets; and
  - C. the number of independent monitors from each concerned tribe at each monitoring target is minimized.

2. Field Managers retain the authority to stop work, as needed, and should not give tribal monitors the independent authority to stop work or to require work to stop when tribal monitors are not available.

3. BLM does not compensate any entity, including Indian tribes, for consultation required by law, regulation, or other authorities, where the consultation is part of the BLM administrative processes designed to protect the interests of the consulting entity. Tribal monitoring normally may be expected to be part of a tribe's voluntary contribution to the BLM's administrative process, provided it meets the criteria stated above. Monitors may be compensated according to BLM guidance found in H-8120-1, Appendix 1, for specific uses that are not considered BLM administrative processes designed to protect tribal interests, such as a specific BLM request for assistance in analyzing or interpreting cultural materials.

If you have any questions, please contact Tom Burke at 775-861-6415.

Signed By:  
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