

**PROTOCOL FOR MANAGING CULTURAL RESOURCES  
ON LANDS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT  
IN ARIZONA**

**Purpose.** This Protocol implements the Bureau of Land Management's (BLM) national cultural resources Programmatic Agreement (PA) in Arizona by describing how the Arizona State Historic Preservation Officer (SHPO) and the BLM will interact and cooperate under that agreement. The goal of this Protocol and the PA is to forge a more meaningful and productive partnership with the SHPO that will enhance the management of cultural resources under the BLM's jurisdiction.

**Relationship of this Protocol to PMOA's and PA's.** The Arizona statewide cultural resources Programmatic Memorandum of Agreement (PMOA) signed March 26, 1985, will be suspended when the State Director notifies the SHPO that Arizona BLM has begun operating under the terms of the national PA. The statewide PMOA will remain suspended for as long as the national PA and this Protocol are in effect.

The PMOA for land exchanges with the State of Arizona signed September 9, 1984, and its associated Memorandum of Agreement (MOA) signed December 31, 1984, will remain in effect and unmodified by the terms of the national PA. The land exchange PMOA and MOA are attached as Appendix 1.

Other PAs and MOAs may be developed when specific agreement documents are needed to define procedures for Section 106 compliance. When more than one federal agency is involved in an undertaking and BLM accepts lead responsibility for Section 106 compliance, the BLM and the SHPO may agree to follow the procedures of the national PA instead of developing a separate PA or MOA for the undertaking. When more than one federal agency is involved in an undertaking, and an agency other than BLM takes lead responsibility for Section 106 compliance, the national PA will not apply.

**Opportunities for Involvement in BLM Management Processes.** To encourage broader and more proactive participation by the SHPO in BLM's management activities, the BLM offers the following opportunities:

Planning Efforts. Each Field Office responsible for preparing a land use plan at the regional or local level will, when beginning its planning effort, invite the SHPO to participate in scoping for the purpose of identifying issues that should be addressed in the plan. The BLM will invite the SHPO to comment on any proposed cultural resource use allocations, whether these are made in regional, local, or project plans. Field Offices will send all draft and final land use plans and cultural resource project plans to the SHPO for review and comment.

Field Tours. BLM Field Offices will invite the SHPO to participate on public field tours relating to land use planning efforts or specific undertakings whenever cultural resources may be affected. The SHPO's views will specifically be requested with regard to management of the cultural resources involved.

Annual Work Plans. When Annual Work Plans are made final for a fiscal year, each Field Office Manager and/or cultural resource program manager will, at the discretion of the SHPO, meet with the SHPO to discuss the major tasks planned by that Field Office that are likely to affect cultural resources. The BLM will make every effort to answer any questions the SHPO has and will welcome any suggestions the SHPO offers to facilitate the accomplishment of these tasks in ways that meet heritage preservation goals. Such meetings may be at the State Historic Preservation Office or the BLM Field Office, as agreed between the Field Office Manager and the SHPO. For fiscal year 1998, Field Office Managers will personally attend the Annual Work Plan meeting with the SHPO.

Meetings. The SHPO is encouraged to meet with the Arizona State Office or a Field Manager at any time to discuss annual work plans, specific undertakings, outreach efforts, or other issues related to the BLM's management of cultural resources. The BLM will make every effort to arrange such meetings in a timely manner and to provide information requested by the SHPO.

Informal Consultation. The SHPO and Field Office personnel may consult informally at their discretion on specific undertakings or any aspect of the BLM's cultural resource management program. Such consultation is encouraged to take full advantage of the SHPO's experience with a broad range of agencies and historic preservation efforts statewide.

**Cooperative Efforts.** The BLM and the SHPO recognize the advantages of working together on a wide range of heritage preservation activities and will cooperatively pursue the following efforts:

Sharing and Facilitating the Use of Data. Each Field Office will send the SHPO copies of all cultural resource inventory reports, treatment (data recovery) reports, and BLM Project Records (Form AZ-8111-4) generated by actions initiated or authorized by BLM. This includes project records and inventory reports for actions in which no cultural resources are identified. Field Offices will provide these documents to the SHPO semi-annually, in January and June, to assist in keeping the State repository files current. Standards for preparing inventory and treatment reports are attached as Appendix 2.

Each Field Office will ensure that records for cultural properties under its jurisdiction are entered into the statewide automated cultural resource database (AZSITE). Because the SHPO is a partner in this database, no additional submission of cultural property records by Field Offices will be necessary.

The BLM and the SHPO will work together on an interagency cooperative data sharing project to develop a second-generation AZSITE database that will better serve the needs of agencies, academia, and the private sector. In Fiscal Year 1998, the BLM will enter into a data assistance agreement with the SHPO to facilitate development and cooperative use of this statewide database. Once the new AZSITE database is operational, allowing data entry through BLM Field Office computer terminals, and Field Office personnel are trained in its use, each Field Office will ensure that its cultural property records are entered into the database quarterly. This applies to cultural properties recorded by contractors as well as BLM personnel. Each Field Office will also ensure that the boundaries of areas inventoried for cultural properties are entered into the AZSITE Geographic Information System (GIS) quarterly. Existing cultural property records that have not yet been entered into AZSITE will be submitted to Arizona State Museum for data entry by the end of Fiscal Year 1998. Boundaries of inventoried areas for all Field Offices will be digitized into BLM's GIS by the end of Fiscal Year 1998. The SHPO will have unrestricted, read-only access to this automated data. The BLM will not enter into AZSITE information about traditional cultural places identified by Indian tribes as sensitive.

The BLM and SHPO will collaborate on ways to synthesize and use BLM data to meet mutual goals. For example, BLM data might be used in developing historic contexts to assist in evaluating and treating cultural properties.

Public Outreach. The BLM and SHPO will continue to work together as follows:

- *Project Archaeology.* Support Project Archaeology as a component of BLM's Heritage Education Program, with the goal of integrating the teaching of archaeological concepts and preservation ethics in Arizona schools statewide.
- *Archaeology Awareness Month.* Participate in Archaeology Awareness Month activities, including public presentations, field tours, and exhibits.
- *Avocational Societies.* Participate as advisors to avocational archaeological society members, encouraging their interest in learning about archaeology and their use of professional standards in field work.
- *Adventures in the Past.* Interpret cultural properties appropriate for use as exhibits-in-place, when funds are available, consistent with BLM's Adventures in the Past initiative.
- *Wonderful Outdoor World.* Participate in the Wonderful Outdoor World partnership program to increase environmental awareness, including historic preservation ethics, among urban youth.

Cooperative Stewardship. The BLM and SHPO will continue their strong partnership in the Arizona Site Steward Program. The BLM will support the Arizona Site Steward program financially, as funding permits, and through participation as land managers' representatives. In

some cases, BLM personnel may serve as Regional Coordinators to further the goals of the program.

**Public Participation.** The public will be encouraged to raise issues, express concerns, provide information and identify resources and places they would like the BLM to consider in decision making. The BLM will solicit such input through the public participation opportunities afforded by BLM's land use planning and environmental review processes. In addition, the BLM will be guided by the following document:

- *Public Participation in Section 106 Review: A Guide for Agency Officials*, issued by the Advisory Council on Historic Preservation, February 1989.

**Native American Participation.** The BLM, as an agency of the United States Government, has a unique legal relationship with Indian tribal governments that requires it to consult to the greatest extent practicable, and to the extent permitted by law, prior to taking actions that affect those tribal governments. The BLM recognizes that some cultural properties of traditional importance to Indian tribes can be identified only by those tribes, and that effects on such properties can be fully assessed only with tribal participation. The BLM also recognizes that, to be effective, consultation with tribes should be initiated at the beginning of project planning or land use planning. In meeting its responsibilities to consult with tribes under the National Historic Preservation Act, the BLM will, in addition to the public participation opportunities described above, be guided by the following documents:

- BLM Manual 8160, *Native American Coordination and Consultation*.
- BLM Handbook H-8160-1, *General Procedural Guidance for Native American Consultation*.
- *Suggested Consultation Guidelines for Agencies and Indian Tribes in Arizona*, developed at the Arizona Traditional Cultural Properties Workshop sponsored by the SHPO, October 5-6, 1995 (attached as Appendix 3).

Information pertaining to the nature and location of sites or areas that are of concern to Indian tribes or groups for religious or cultural reasons will be protected by BLM from public disclosure to the extent allowed by statute.

In meeting its responsibilities under the National Historic Preservation Act, the BLM will provide for the disposition of Native American human remains, funerary objects, sacred objects and objects of cultural patrimony from Federal land or tribal land in a manner consistent with section 3(c) of the Native American Graves Protection and Repatriation Act (NAGPRA). This may include the preparation of separate agreements with culturally affiliated tribes covering treatment and disposition of NAGPRA items.

**Case-By-Case Review.** The BLM will request the SHPO's review of the following kinds of undertakings. To facilitate review, the BLM will provide the SHPO with the associated environmental document for all such undertakings.

- Non-routine interstate and/or interagency projects or programs, as determined by either the BLM or the SHPO. Examples are interstate pipelines or transmission lines which involve multiple jurisdictions and require the preparation of Environmental Impact Statements.
- Undertakings directly and adversely affecting National Historic Landmarks or National Register-listed properties determined to be of national significance in accordance with Chapter V of *National Register Bulletin No. 16A*.
- Controversial undertakings when Council review is requested by the BLM, the SHPO, an Indian tribe, a local government, an applicant for a BLM authorization, or a member of the public who has a concern for an undertaking's effect on specific historic properties. Controversial undertakings are understood to be those which have received a high level of media attention and/or have been brought to the attention of BLM's Washington Office through requests for assistance.
- Undertakings that will have an adverse effect on historic properties when BLM determines that the adverse effect cannot be satisfactorily avoided, minimized or mitigated through treatment.
- Land exchanges and sales exceeding 640 acres of public land when the BLM proposes to do less than a Class III survey to identify cultural properties. In such cases, the BLM will consult with the SHPO to ensure that the survey will adequately characterize past human use of the area and address relevant research questions.

**Obtaining Specialized Expertise.** When the BLM is involved in an undertaking requiring expertise not possessed by available BLM staff (e.g., architectural history, Native American oral traditions), it will obtain that expertise for the purpose of determining National Register eligibility, effects and treatment for the cultural properties in question. The BLM may request the assistance of SHPO staff in such cases or may obtain the necessary expertise through contracts, BLM personnel from other states, or cooperative arrangements with other agencies.

**Annual Report.** The Arizona State Office will provide an annual report to the SHPO containing summary information on activities conducted under the PA. This report will be limited to information excerpted from the Cultural Resource Program Annual Report submitted to BLM's Washington Office and will be provided to the SHPO by December 15th each year. Any questions the SHPO may have about the information in this report will be answered by the Arizona State Office or the appropriate Field Office. The current format for the annual report to be provided to the SHPO is attached as Appendix 4.

**Resolving Issues.** If, at any time, the BLM or the SHPO question an action taken by the other under this Protocol, they will consult to resolve the issue. If the issue concerns an action taken by a Field Office, the questioning party will consult with the Field Manager to resolve it. If the issue cannot be resolved, the questioning party will request the Deputy Preservation Officer to assist in

resolving it. If the issue still cannot be resolved, the Deputy Preservation Officer will refer it to the BLM Preservation Board. The BLM Preservation Board will provide recommendations to the State Director, who will make a final decision.

If the BLM and SHPO do not agree on the National Register eligibility of a cultural property, the question will be referred to the Keeper of the Register for a final determination.

If a member of the public or an Indian tribe objects at any time to the manner in which this Protocol is being implemented, the BLM and the SHPO will together consult with the objecting party to resolve the issue. If the BLM, SHPO and objecting party are unable to resolve the objection, the BLM will refer the issue to the BLM Preservation Board. The BLM Preservation Board will provide recommendations to the State Director, who will make a final decision. In accordance with the 36 CFR 800 regulations, any member of an Indian tribe or the interested public may request the Council to review determinations made by the BLM or SHPO on a specific undertaking before the final decision has been made.

**Amending the Protocol.** If the BLM or the SHPO wish to amend this Protocol at any time, they will consult to consider requested changes. Amendments will become effective when signed by both parties.

**Terminating the Protocol.** The BLM or the SHPO may terminate this Protocol by providing ninety days notice to the other party, providing that they consult during this period to seek agreement on amendments or other actions that would avoid termination. The Deputy Preservation Officer may request the assistance of the BLM Preservation Board, National Conference of State Historic Preservation Officers, or the Council in the consultation. If the Protocol is terminated, the BLM will resume operating under the provisions of its statewide PMOA.

**Other State-Specific Procedures.** In addition to the procedures described in Bureauwide directives, Arizona will be guided by manual supplements issued by the Arizona State Office. Presently, these consist of Arizona Manual Supplements 8111 (Inventory and Evaluation), 8141 (Physical and Administrative Protection Measures), 8142 (Recovery of Cultural Resource Data), 8143 (Avoidance and/or Mitigation of Effects), and 9239 (Unauthorized Uses). The BLM will update these manual supplements as needed to conform to Bureauwide directives, policies issued by the Arizona State Director, new laws, and new regulations. The SHPO will participate in revising the Arizona Manual Supplements.

**Appendices:**

1. Arizona PMOA and MOA for land exchanges with the State of Arizona.
2. BLM Standards for Preparing Cultural Resource Reports
3. Suggested Consultation Guidelines for Agencies and Indian Tribes in Arizona
4. Annual Report format

**Approved by:**

Denise P. Meridith  
Arizona State Director, Bureau of Land Management

11/9/97  
Date

James W. Garrison  
Arizona State Historic Preservation Officer

11/7/97  
Date

## PROGRAMMATIC MEMORANDUM OF AGREEMENT

WHEREAS, the Bureau of Land Management (BLM), Department of the Interior, proposes to examine, classify, and authorize the disposal of public lands through exchange with the State of Arizona in accordance with Section 206 of the Federal Land Policy and Management Act (P. L. 94-579); and ,

WHEREAS, pursuant to Section 106 of the National Historic Preservation Act (16 U. S. C. Sec. 407f, as amended, 90 Stat.1320), Sections 2 (b) and 2 (f) of Executive Order 11593, “Protection of the Cultural Environment,” and the regulations of the Advisory Council on Historic Preservation (Council), “ Protection of Historic and Cultural Properties” (36 CFR Part 800), BLM has requested the comments of the Council; and,

WHEREAS, pursuant to Section 800.8 of the Council’s regulations, representatives of the Council, BLM, and the Arizona State Historic Preservation Officer (SHPO) have consulted and reviewed the proposed land exchange program;

NOW, THEREFORE, it is mutually agreed that the following program will be implemented in accordance with the following stipulations to avoid or mitigate adverse effects on cultural properties.

### Stipulations

1. BLM shall negotiate and submit for review and approval by the Council, prior to execution, an agreement between BLM; the Arizona SHPO; the Commissioner, Arizona State Land Department; and the Director, Arizona State Museum, concerning protection of historic and cultural properties on public lands to be exchanged with the State of Arizona. The agreement will:

a. establish a mechanism to encourage the transfer of lands to the State of Arizona that are least likely to contain properties eligible for inclusion in the National Register;

b. establish a mechanism to ensure involvement of the SHPO in decision making about the use of the selected lands, being those federal lands transferred to the State;

c. provide for the identification of historic and cultural properties on the selected lands, taking into account the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation (Federal Register, Vol 48, pp. 44716-44740, September 29, 1983) and Section 8111 of the Bureau of Land Management Manual;

d. establish a process at the State level for affording full consideration of the protection of historic and cultural properties on the selected lands; taking into account the National Park Service publication, “Resource Protection Planning Process” and the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, and ,

e. provide for recovery of significant scientific, historic, prehistoric, and archaeological data from significant historic and cultural properties on the selected lands that cannot be preserved in place,



**MEMORANDUM OF AGREEMENT  
REGARDING CULTURAL RESOURCE PROTECTION RESPONSIBILITIES  
AMONG  
USDI BUREAU OF LAND MANAGEMENT, ARIZONA  
AND  
ARIZONA STATE LAND DEPARTMENT  
AND  
ARIZONA STATE HISTORIC PRESERVATION OFFICER  
AND  
ARIZONA STATE MUSEUM**

**I. PURPOSE**

This Memorandum of Agreement, developed and entered into by the Arizona State Director, USDI Bureau of Land Management (BLM), the Commissioner, Arizona State Land Department (ASLD), the Arizona State Historic Preservation Officer (SHPO), and the Director, Arizona State Museum (ASM), establishes cooperative procedures to be followed by the four parties in protecting significant cultural resources on public lands, administered by BLM, which are to be transferred to the State of Arizona in exchange for State lands received by the BLM, under Section 206 of the Federal Land Policy and Management Act.

**II. POLICY**

The parties to this Memorandum recognize that:

- A. Unique and irreplaceable historic heritage values are inherent in the significant cultural resources located within the State of Arizona;
- B. Preservation of these values and resources is in the public interest for the benefit of present and future generations;
- C. Protection of these values and resources from inadvertent loss or destruction should be ensured through the exercise of all prudent and feasible means available.

**II. AUTHORITIES AND RESPONSIBILITIES**

- A. Under Section 202 of the Federal Land Policy and Management Act (FLPMA), the Bureau of Land Management prepares land use plans with public input which provide for the multiple use of public lands and include consideration of cultural resource values. Under Section 206 of FLPMA, BLM may exchange a tract of land within the same State if the tract has been determined suitable for disposal through land use planning for reasons that the values to be conveyed are not greater than the values acquired and that public objectives are served.

- B. Arizona Revised Statutes (Section 37-722) grants authority to the State Land Department to exchange State-owned lands for Federally-owned lands.
- C. The State Land Department manages lands held in trust for the benefit of the common schools under provisions of Sec. 28 of Public Law 61-219 (supra), and Title 37, Arizona Revised Statutes.
- D. The State Historic Preservation Officer is the official designated by the Governor with responsibilities including implementing comprehensive statewide historic preservation planning, preparing and submitting nominations to the National Register of Historic Places, and participating in the review of Federal and State undertakings that might affect properties eligible for or included in the National Register. The Governor's designation of the SHPO responds to a request from the Secretary of the Interior made under authority of Sec. 101 of the National Historic Preservation Act of 1966 (Public Law 89-665; 80 State. 915; 16 U. S. C. 470a), and according to the Arizona Historic Preservation Act (Arizona Revised Statutes Section 41-511.02 and 41-511.04).
- E. Sec. 106 of the National Historic Preservation Act of 1966 (supra; 16 U. S. C. 470f) requires the head of a Federal agency to afford the Advisory Council on Historic Preservation an opportunity to comment on a Federal or federally assisted undertaking that might affect a property eligible for or included in the National Register of Historic Places, prior to making a decision to proceed with the undertaking. Execution of this agreement as stipulated in the Programmatic Memorandum of Agreement between the BLM, SHPO, and the Advisory Council shall satisfy BLM's responsibility under 36 CFR 800.
- F. Executive Order 11593, May 19, 1971 ("Protection and Enhancement of the Cultural Environment"; 36 F. R. 8921) at Sec. 2 (b) requires the head of a Federal agency to assure that any federally owned property that might qualify for nomination to the National Register of Historic places is not inadvertently transferred, sold, demolished, or substantially altered. Sec. 2 (f) authorizes the head of a Federal agency to cooperate with purchasers or transferees of a National Register property in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

- G. The Arizona Antiquities Act of 1960 (Title 41, Chapter 4, Article 4, Sections 41-841 through 41-846, Arizona Revised Statutes) prohibits unpermitted excavation, defacement, alteration, or collection in or upon any historic or prehistoric ruin, burial ground, archaeological site, inscription, or any other archaeological or historical feature, situated on lands owned or controlled by the State of Arizona or any agency thereof. Sec. 41-842 (as revised) authorizes the Director of the Arizona State Museum to permit institutions, organizations, or corporations organized for scientific, research or land use purposes, to conduct the activities listed in Section 41-841 for purposes of furthering scientific knowledge.
- H. Arizona State Historic Preservation Act (Arizona Revised Statutes Section 41-861 et seq.) requires the State Land Department to assume responsibility for preservation of historic properties under its ownership or control, including establishing a program to locate and inventory historic properties and considering the effect of state plans, actions, or assistance on historic properties.

#### **IV. COOPERATIVE PROCEDURES**

- A. The Arizona State Land Department shall:
  - 1. Not knowingly select public lands for acquisition through exchange on which significant cultural properties are located unless adequate consideration is given to the protection or data recovery of the cultural property as appropriate.
  - 2. Consult with the SHPO in developing exchange proposals to avoid selecting public lands with known significant cultural properties, and reconsider exchange proposals when informed by BLM, SHPO, or other knowledgeable source that significant cultural properties are located within the public lands to be acquired.
  - 3. Exercise caution to assure that cultural properties on lands received into the State trust which meet the criteria for inclusion on the Arizona and National Register are not inadvertently transferred, sold, demolished, altered, or allowed to deteriorate.
  - 4. Prior to execution or authorization of any land disturbing actions on public lands received into the State trust through exchange with BLM, conduct adequate cultural resource inventory and evaluation activities as determined through consultation with the SHPO to identify cultural properties for inclusion on the Arizona and National Register of Historic Places.
  - 5. Request the review and comments of the SHPO on any State plans or land use applications which involve land disturbing actions which may affect a cultural property located on public lands received into the State trust

through exchange with BLM, which is listed on or may be eligible for inclusion on the Arizona and National Register of Historic Places.

6. Where land uses which are incompatible with the preservation of cultural properties cannot be avoided, initiate measures, as determined necessary through consultation with the SHPO, to appropriately mitigate the potential adverse effect to significant cultural properties.
7. Within available means, vigorously pursue the prosecution of cases involving trespass on cultural resources, and the destruction or defacing of such resources, and the unlawful removal of cultural resources from lands received into the State trust.

B. The Bureau of Land Management shall:

1. Screen land exchange proposals received from the ASLD on the basis of Class I (existing data) cultural resource inventories;
2. Where Class I data are inadequate, consult with the SHPO and, as needed, conduct limited field inventories to characterize the potential for significant cultural properties located on public lands to be acquired by ASLD through land exchange;
3. Consult with the SHPO in evaluating new cultural resource data resulting from field inventory;
4. Inform the ASLD of instances where significant cultural properties are found to be present in areas embraced by land exchange proposal;
5. Provide ASM with copies of site and survey records completed by BLM pertaining to selected lands.

C. The State Historic Preservation Officer shall:

1. Consult with the ASLD in developing land exchange proposals to advise the ASLD when known significant cultural resources are present within an area being considered for acquisition through exchange;
2. Consult with the ASLD to determine the appropriate level of cultural resource inventory to be conducted on lands received into the State trust prior to initiating or authorizing land disturbing activities;
3. Apply the criteria of Arizona and National Register eligibility to cultural properties located through inventory and advise the ASLD whether or not

the criteria are met; in case of disagreement the opinion of the Keeper of the National Register may be requested pursuant to 36 CFR 63.4 (c);

4. Consult with the ASLD to assist in determining whether or not a proposed land use would be incompatible with preservation objectives; where incompatible use cannot be avoided, advise on an appropriate level of mitigation of potential adverse effects;
  5. Consult with the BLM in determining the need for field inventory, and in evaluating new cultural resource data resulting from field inventory.
- D. The Arizona State Museum will provide professional cultural resource services to the ASLD under arrangements made by separate agreement.
- E. All parties, in executing their responsibilities under this Memorandum, will take into account the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (Federal Register, Vol. 48, pp. 44716-44740, September 29, 1983); Section 8111 of the BLM Manual and Arizona BLM Manual Supplements; and the handbook of the Advisory Council on Historic Preservation entitled "Treatment of Archeological Properties."

## **V. MODIFICATION AND TERMINATION**

- A. Any party to this Memorandum may suggest modifications, in writing to the other parties, at any time. Modifications may be made when all parties agree by signing a supplementary Memorandum of Agreement, or by signing a replacement to this Memorandum. This Memorandum will be reviewed at least annually, at which time modifications may also be proposed.
- B. No party may withdraw from participation under this Memorandum, except under the following conditions:
1. Where new State or Federal law has changed authorities and responsibilities in such a way that adherence to the policy and procedures herein shall be repetitive or out of keeping with provisions of statute which seek the same ends.
  2. The State may cancel any agreement, without penalty or further obligation, made after September 4, 1978 by the State or any of its departments or agencies if persons significantly involved in initiating, negotiating, securing, drafting or creating the agreement on behalf of the State or any of its departments or agencies is, at any time while the agreement or any extension of the agreement is in effect, an employee of any other party to the agreement with respect to the subject matter in the agreement. The cancellation shall be effective when written notice to the

Governor is received by all other parties to the agreement unless the notice specifies a later time (pursuant to ARS 38-511).

This Memorandum of Agreement is entered into and effective as of the last date shown below.

U. S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT, ARIZONA

          D. Dean Bibles            
State Director

Date   12/31/84                    

STATE OF ARIZONA  
STATE LAND DEPARTMENT

          Robert K. Lane            
Commissioner

Date   12/10/84                    

STATE OF ARIZONA  
ARIZONA STATE PARKS

          Donna J. Schober            
State Historic Preservation Officer

Date   12-18-84                    

STATE OF ARIZONA  
ARIZONA STATE MUSEUM

          Raymond H. Thompson            
Director

Date   12/20/84

## STANDARDS FOR PREPARING CULTURAL RESOURCE INVENTORY REPORTS

All Class III inventory reports for projects initiated or authorized by the Bureau of Land Management in Arizona should provide an appropriate level of data for the following categories of information:

**1. Title Page.** For inventories not done by BLM personnel, the title page should include a notation indicating the source of funds used to conduct the reported work, the agency and office for whom the work was performed, the name of the consulting firm performing the work, the number of the Cultural Resource Use Permit under which the work was conducted, and the date of the report.

**2. Table of Contents.** Include a table of contents with a list of numbered tables, figures and plates.

**3. Abstract.** Provide a 250-word or less abstract of the Class III inventory report. The abstract must outline the report contents and refer to specific highlights of the findings as follows:

a. Agency. Identify the lead Federal agency for the project and any other Federal and State land managing agencies involved.

b. Project title. Provide the name of the project.

c. Project description. Briefly describe the proposed action, including planned construction, transfer of title, need for ancillary facilities, etc.

d. Location. Identify Township, Range, and Section, name of nearest city or topographical feature (if applicable), USGS map source, and name of the county in which the project is located.

e. Acres. State total number of acres inventoried for the project and number of acres in the project area that were not inventoried.

f. Cultural properties found. State the total number of cultural properties found during the inventory including any that were previously recorded in the project area.

g. Eligible properties. List the ASM site numbers for all cultural properties considered eligible for the National Register of Historic Places, and the criterion or criteria under which each property is considered eligible.

h. Ineligible properties. List ASM site numbers for all cultural properties considered not eligible for the National Register.

i. Comments. If the inventory was done to comply with Section 106 of the

National Historic Preservation Act, concisely state the potential direct and indirect effects of the undertaking on significant cultural properties and include recommendations for avoidance or mitigation.

**4. Project Information.** Identify the project and BLM serial case file number, if any, for which the work was done, the reason for the inventory, crew size, dates of fieldwork, and disposition of original records and data.

**5. Description of Study Area.** Provide a brief description of the environmental setting. Consider relevant phenomena such as vegetation, geology, climate and topography in relation to the cultural resources in the inventory area.

**6. Inventory Methods.** Describe the inventory methods used, including site and archival records searches, literature reviews and field work. Discuss the specific strategy employed (e.g., transect type and spacing, sample design) in relation to the regional research questions and study topics investigated. Include collection and testing techniques, if applicable.

If materials were collected from the surface during the inventory, include a description of the sample collection method used, list site numbers where collections were made, and provide a catalog of all objects collected. Show the location of all collection units or collected materials on site-specific sketch maps.

Discuss your confidence in meeting the objective of a total inventory of cultural resources within the specified area. Discuss the potential for finding additional surface and subsurface sites and define further data needs. Identify any portions of the project area omitted from the field inventory and the reason for omitting them.

**7. Description of Cultural Properties.** Describe each site. Include the following: site location, site function, cultural affiliation/historical themes, chronological placement, site size, artifact density and diversity, diagnostic artifacts, features observed, and environmental setting. Provide information on the integrity of each site, e.g., amount of ground disturbance, potential for intact subsurface remains, and potential to provide important information. Indicate whether human remains are likely to be present. Previously recorded sites in the project area should be relocated and described in the same manner as newly recorded sites.

For historical archaeological sites, in addition to the information above, important diagnostic artifact characteristics (e.g., maker marks, technological aspects, embossing) should be referenced (information source), described and/or illustrated. A listing of these artifacts should be included with dates of production, information about the product, contents, function, etc. Attribute data that are appropriate for artifacts from the historic period should be recorded.

For historical period standing architecture, a State of Arizona Historic Property Inventory Form should be completed and included in the documentation. The site description should include photographs, an assessment of the condition of the property, any architectural details that

embody the distinctive characteristics of a type, period or method of construction, and, if applicable, the property's association with events or individuals that are pertinent to its significance. The surrounding built environment should be described in sufficient detail so that potential historic districts may be identified and considered. If modifications to the building or structure have been made, these should be described. Information on such sites should also identify the original owner(s) and dates of use based on archival research or oral interviews.

For traditional cultural places, the report must include sufficient information about the traditional use of the place and its role in the culture to support a determination of eligibility. If the property is recommended as eligible, information must be provided explaining the property's association with events, individuals, artistic values, or other qualities that are pertinent to its significance.

Isolated artifacts and features. Isolated artifacts or features not recorded as sites on Arizona State Museum forms are recorded upon discovery but are not recorded or evaluated as cultural properties. Isolated artifacts or features which are diagnostic in terms of culture, time period, or function should be plotted on a topographic map and recorded on an Isolated Cultural Materials form (AZ-8110-2). All other isolated artifacts or features need only be plotted on a topographic map and identified in the inventory report in tabular format. Isolated artifacts or features are not entered into the AZSITE automated database.

**8. Evaluation of Cultural Properties.** Evaluate all newly recorded and previously recorded sites in relation to the National Register of Historic Places criteria. Because a property may be eligible under more than one criterion, assessments of eligibility should consider all criteria that apply. If archaeological testing is required in order to complete this evaluation, the report should provide specific reasons why the significance assessment cannot be completed using available data. Although additional archival research about historical period sites may be recommended as a part of treatment, the inventory report must include sufficient historical and archival information to support a determination that the properties are, or are not, eligible. The evaluation of architectural properties should include a discussion of the character-defining elements, type, period and method of construction, or artistic merit that make them eligible, or not eligible, for inclusion on the National Register.

Discuss historic context and integrity. Eligibility assessments for sites may be presented in tabular form for ease of reference but should not be presented simply as "yes" or "no" without supporting text. The text should discuss the historic context (theme, place and time period) within which the significance of each property is evaluated. In addition to establishing its historic context, the integrity of each site should be assessed. Arguments supporting the recommendation that a property is or is not eligible should be presented in detail. Assessments of eligibility made by consultants should be clearly stated and supported but should always be identified in the report as recommendations, not determinations. The responsibility for making determinations of eligibility rests with the Bureau of Land Management and cannot be delegated to consultants.

Applying the National Register criteria to archaeological sites. Normally, archaeological sites determined eligible for the National Register will be found significant for the information they can yield about history or prehistory, a scientific value corresponding to criterion “d.” Some archaeological sites may also be found eligible under criteria “a,” “b,” or “c.” However, general associations with events or persons significant in the past will not be considered sufficient to meet criteria “a” or “b.” A property is not eligible if its associations are speculative. Mere association with historic events, trends, or patterns of events is not enough, in and of itself, to qualify under criterion “a;” the property’s specific association must be considered *important* as well. For example, a place associated in oral historical accounts with the origin of a Native American group may be eligible under criterion “a.” Criterion “b” applies to properties associated with individuals whose specific contributions to history can be identified and documented. Criterion “c” applies to properties that are truly significant for their physical design or construction.

Finding archaeological sites eligible under criteria “a,” “b,” or “c.” An archaeological site determined eligible under criterion “d” may also be found eligible under criterion “a” when the site is specifically mentioned in oral or written histories. An archaeological site may be found eligible under criterion “b” if its association with an important person can be documented, or if it contains rock art depicting figures representing specific, known personages, ceremonies or historic events that are illustrative (not commemorative) of the person’s important achievements. Archaeological sites found eligible under criterion “c” must represent exceptional examples of a type or method of construction. Neither BLM personnel nor cultural resource consultants preparing reports for the BLM should include recommendations in site records or project reports that archaeological sites are potentially eligible under criteria “a,” “b,” or “c” without providing specific information to support eligibility under those criteria.

**9. Resource Synthesis.** Provide an interpretation of the findings. Discuss each research question and study topic in relation to the information acquired and knowledge gained. Discuss previous or ongoing work within the region, contribution to regional research orientations, or inferences to area cultural history or culture process.

**\*10. Effects of Undertaking.** Describe the anticipated direct and indirect effects on National Register listed or eligible properties. Explain the basis for these statements.

**\*11. Alternatives or Mitigation Proposed.** Describe and evaluate any alternatives or mitigation measures recommended for resolving the adverse effects of the undertaking. This should include alternatives identified during the NEPA process as well as any alternatives designed to avoid or reduce impacts to cultural properties. Indicate any alternatives to mitigation that were considered but not chosen and state the reasons for that recommendation.

**\*12. Public Participation.** Describe the efforts that were made to obtain and consider the views of affected local governments, Indian tribes, and other interested parties. For consultation with Indian tribes, indicate which tribes participated in the consultation and describe the process, e.g., phone calls, letters, meetings and field visits.

**13. Curation of Records and Artifacts.** Describe repository and curatorial plans for all artifacts, notes, records, report photographs, maps, artifact catalogs, etc.

**14. Site Records.** Include completed Arizona State Museum (AZSITE) site forms with site sketch maps showing site boundaries, areas collected and/or tested, artifact distribution, and locations of features. Hard copy site forms printed from the electronic AZSITE “standalone” form will be accepted in lieu of typed Arizona State Museum site cards. If existing site records for previously recorded sites are inadequate, or if site conditions have changed since the site was recorded, the site record should be updated.

**15. Bibliography.** Include a bibliography of all references cited in the report following the American Antiquities Style.

**16. Maps and Graphics.** Provide appropriate maps, charts, tabulations and graphics necessary to support the report narrative. Include project area maps (7½' USGS topographic maps) clearly showing labeled project area boundaries, site boundaries, areas actually surveyed, and the relationship of all cultural properties to anticipated impacts. All elements of the project must be shown on the maps. For example, a map showing a transmission line project might include the power line right-of-way, structure locations, access roads, construction staging areas, and other ancillary facilities. The maps must show land ownership if multiple jurisdictions are involved. Provide a tabulation of materials collected during inventory or recovered during testing, if collections were made.

**17. Photographs.** Black and white prints will generally be used as the primary scientific documentation of cultural properties and materials, as well as for illustrating reports. Color slides will generally be used to document environmental surroundings, work tasks, and typical cultural properties, artifacts or features, which are suitable for educational and public purposes. All photographs should show a photo board with scale and true north arrow except for general views where recorded compass bearings will be adequate. All negatives, prints and slides must be labeled and recorded on Cultural Resource Photograph Logs (form AZ-8110-3).

\* This need be included only if the inventory was done to identify the potential effects of an undertaking on historic properties in compliance with Section 106 of the National Historic Preservation Act.

**SUGGESTED CONSULTATION GUIDELINES  
FOR AGENCIES AND INDIAN TRIBES  
IN ARIZONA**

**I. Purpose**

These guidelines are intended to facilitate consultation between agencies and Indian tribes on lands administered by State and Federal agencies, or lands that may be impacted by State or Federal actions.

**II. Consultation on Land Use Plans**

The following procedures are suggested for agencies who prepare land use plans as frameworks for managing a wide range of resources within large geographic areas.

A. The Agency should notify the Tribe, by mail, of any public meetings that will be held to provide an opportunity for the Tribe to raise issues and express concerns that the Tribe feels should be addressed in Agency land use plans. The Agency should provide this notification at the earliest possible time, but at least 15 days prior to the scheduled meeting date.

B. The Agency should review what is already known about the interests of the Tribe pertaining to the area affected by the proposed action, including ethnographic data and other information provided by the Tribe.

C. In addition to the public meetings, the Agency should offer to meet separately with the Tribe, at a time and location convenient for the Tribe. This separate meeting should take place prior to the completion of the draft land use plan and within 30 days after the public meeting, for the purpose of requesting comments on:

1. any interests or concerns the Tribe might have with the Agency's management of the planning area,
2. whether there are any places of traditional religious or cultural importance to the Tribe within the planning area, or needs for access to such places, and
3. whether there are any traditional cultural leaders or religious practitioners who should also be contacted.

D. The Agency should send a copy of all draft land use plans to the Tribe for review and comment. The Tribe should be afforded at least 60 days to provide their comments to the

Agency.

E. If the Tribe requests it, the appropriate Agency Official should meet personally with Tribal officials and/or other Tribal members to discuss specific land use plans and/or the Agency's land use planning process.

F. The Tribe should identify traditional leaders and religious practitioners who the Tribe determines should be contacted to express their interests and concerns regarding land use plans. If requested by the Tribal Council, the Agency should work through the Tribe's cultural preservation representative in contacting these individuals.

E. The Tribe should identify Agency-administered lands within the planning area that contain places or resources of traditional cultural importance that the Tribe would like the Agency to consider in determining Tribal needs for use, access, and other special management. The Agency will keep this information strictly confidential to the fullest extent allowed by law.

F. The Agency should consider all comments of the Tribe in its decision making and should provide the Tribe with a copy of the final land use plan and Record of Decision.

### **III. Consultation on Land Use Actions**

The following procedures are suggested for consultation on all land use actions which have the potential to affect Tribal interests or concerns.

A. The Agency should review what is already known about the interests of the Tribe pertaining to the area affected by the proposed action, including ethnographic data and other information provided by the Tribe.

B. The Agency should complete a cultural resource inventory of the area affected by the proposed action, if needed. The need for, and the nature of, such an inventory will be determined by the Agency in consultation with the State Historic Preservation Officer.

C. The Agency should provide the Tribe with a copy of the draft environmental document and the results of the cultural resource inventory. The Agency should invite the Tribe's comments on the proposed action, including:

1. concerns the Tribe might have with the proposed action in general, and how to resolve any issues that might affect the Tribe,
2. how to resolve potential adverse effects on cultural properties identified in the cultural resource inventory,

3. whether there are places of traditional religious or cultural importance that were not identified in the cultural resource inventory, and if so, how to resolve potential adverse effects on them,
4. how to treat human remains and cultural items (as defined in the Native American Graves Protection and Repatriation Act or ARS 41-844) if the Agency anticipates any impacts to such materials, and
5. whether there are any traditional cultural leaders or religious practitioners who should also be contacted.

D. The Tribe should be afforded at least 60 days to comment after receiving a draft Environmental Impact Statement from the Agency. The Tribe should be afforded at least 30 days to comment after receiving a draft Environmental Assessment from the Agency. For state actions, the Tribe should be afforded at least 30 days to comment after receiving an environmental document.

E. For large or complex proposed actions, the Agency may decide to consult with the Tribe before a cultural resource field inventory is conducted. In such cases, the Agency should consult again with the Tribe to discuss cultural resources after the field inventory is completed or if the project is modified.

F. If the Tribe requests it, the appropriate Agency Official should meet personally with Tribal officials and/or other Tribal members to discuss the proposed action.

G. The Tribe should identify traditional leaders and religious practitioners who the Tribe determines should be contacted to express their interests and concerns regarding the proposed action. If requested by the Tribe, the Agency should work through the Tribe's cultural preservation representative in contacting these individuals.

H. The Tribe should identify places or resources that it would like the Agency to consider in determining the potential effects of the proposed action. The Agency will keep this information strictly confidential to the fullest extent allowed by law.

I. The Agency should consider all comments of the Tribe in its decision making and should notify the Tribe of the Agency's final decision regarding all proposed actions on which the Tribe commented.

#### **IV. Annual Meeting**

Representatives from the Agency should meet annually with the Tribe to discuss land use actions

that are planned by the Agency or that are expected to be initiated by the public. The intent of the meeting should be as follows:

- A. The Agency should identify and briefly explain the actions it has scheduled for the coming year, as well as any additional land use proposals foreseeable on Agency-administered lands or lands that may be impacted by Agency actions.
- B. The Tribe should identify those proposed actions that are of concern to it and on which it would like to be consulted at a later date in accordance with section III, above. The Tribe should also identify those actions on which it would not like to be consulted.
- C. For some proposed actions, the Tribe and the Agency may agree to follow consultation procedures different from those outlined in section III, above, to resolve scheduling conflicts or accommodate the special needs of Tribal members or Agency personnel.
- D. The Tribe may, if it wishes, use this meeting as an opportunity to identify persons who are recognized by the Tribe as traditional leaders or religious practitioners. The Tribe should also specify the proposed actions on which these leaders or practitioners should be consulted.