



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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To: Field Managers, California

From: Deputy State Director, Natural Resources

Subject: Guidance for Cultural Resource Inventory for the Issuance of Special Recreation Permits

Introduction

The issuance of all special recreation permits are authorized through 43 CFR, Part 8370, Use Authorizations and are considered undertakings pursuant to Section 106 of the National Historic Preservation Act. All permitted events are regulated by the various Agreement Documents entered into by the Bureau, the California Office of Historic Preservation (SHPO) and the Advisory Council on Historic Preservation (Council). For permitted events a cultural resource inventory must be completed for all land use classes, including Open Areas. Class III inventory for undertakings is required per our agreements with the SHPO, the Council and our 8100 Manual. Exceptions must be concurred with by the Deputy Historic Preservation Officer.

Responsibility of Cultural Staff

Each Field Office should keep a historic site atlas with previous inventory transects plotted along with the location of archaeological sites. Site records and locations of sites, copies of archeological site reports and evaluations pursuant to our Protocol agreement with the California Office of Historic Preservation and 36 CFR 800 should be kept confidential but accessible to staff archaeologists. Lost records or inadequately kept records could force the undertaking to be inventoried again. It is the role of the archaeologist to conduct an in-house records check, map and document review when they are notified of a proposed event. Due to workload commitments or lack of staff, proponents may opt to hire their own consultant with a valid Cultural Resources Use Permit.

The cultural staff will prepare a report to be included in the Environmental Analysis. A

professional report will be a stand alone document which will be submitted to the appropriate California Information Center.

Responsibility of Recreation Staff

The Recreation staff are responsible for coordination with the appropriate Field Office staff, including the Cultural Resources staff to assure that special recreation permits and their authorizations are adequate for NEPA and cultural resource inventory and assessment. Coordination includes working with each applicant to ensure that each permit package is adequate to begin cultural resource review. Required documents include a 7.5' (at a minimum) USGS topographic map with the route plotted and a description of the event and the anticipated number of participants, support vehicles, spectators, etc. Anything of greater scale than a 7.5' map is insufficient for evaluation either in the office or on the ground. Anything of greater scale is insufficient for evaluation either in the office or on the ground. The course should be marked on the ground using GPS equipment. The route on the map must match the course on the ground.

This time frame is extremely important. 180 days lead time is not needed to evaluate most of the event routes, however some lengthy events that may impact cultural sites may need that amount of time to complete the inventory and report. This should be an exception. Some courses, particularly those which are 100 miles in length or more may need a minimum of one year before the event is to occur to evaluate the route.

It is the staff's responsibility to ensure that the cultural resources report is a part of the permanent recreational files.

Inventory

Class III inventory is standard for all BLM undertakings. Certain areas are easy to determine that they need to be inventoried. These include areas that have not been previously surveyed, areas of mass starts, staging areas, areas of known native American interest, and areas of known cultural heritage or scientific values.

Inventory strategies can vary due to landscape and sensitivity of the area for archaeological, historical or native American values. Manual 8100 recommends that 15 meter intervals at a Class III, or 100% coverage of the area of the undertaking be done prior to the undertaking being permitted. It is up to the archaeologist with the recreation planner to determine the Area of Potential Effect (APE). The APE will vary depending upon the terrain, type of event, and the number of participants. Professional judgement will be needed because some events will require a Class III inventory, others can use the windshield approach, others Quads or motorcycles. In all cases all archaeological, historical sites, and native American sites will be professionally documented and trinomials will be obtained from the appropriate Information Center.

Mitigation of Impact

The easiest mitigation is simply moving the course from its proposed route. Each applicant should have alternate routes identified. Routes over sites should be either closed or excavated. Professional excavations are expensive as is any data recovery. Closing these routes to impacting activities is preferred to damaging the sites.

What to do if sites are found on the routes

If sites are located on the race course the best option is to move the course off the site. The second option is to mitigate the impact to the site through data recovery. Closing routes to impacting activities is preferred to damaging sites. Allowing races to traverse over archaeological sites, even if this has been done in the past, is inconsistent with good site stewardship. If the site is going to be subjected to an adverse effect such as permitting an event to take place on a site we must notify the Office of Historic Preservation and give them 30 days to comment on the undertaking. This has to happen before the event occurs. Anything less forces us into non-compliance with the National Historic Preservation Act and could affect our Protocol Agreement and the National Agreement with the Advisory Council on Historic Preservation and the National Association of State Historic Preservation Officers.

Native American Notification

This should be done for all events which cross through known Native American traditional properties, sacred areas, or areas in which native Americans have an interest; or on courses greater than 70 miles in length. Native Americans should be given 30 days to respond to the proposal. A certified letter should be sent from the Field Manager to the Tribal Chair unless a local government to government agreement exists. If an agreement document exists it should be followed.

Management Responsibility

It is the responsibility of the manager to notify the applicant of changes to the proposed route. The alternate routes should have been selected by this time and inventoried by the local archaeological staff or by permitted consulting archaeologists. At this time the applicant must have a Plan of Operations for all of the activity accompanying the event. Prior to the event, the applicant must have proof of insurance and any necessary bonding. In rare cases where sites are close to the race track and the course cannot be moved, a bond may be collected for mitigation purposes to ensure that no damage has occurred to the resource. The bond may be released after the post race compliance document is completed.

A post event close out is recommended for most events. This close out meeting will allow staff to discuss the event and future recommendations. Any violation or problems and recommendations for changes should be made in writing.

Cost Recovery (subject to new regulations being formulated in Washington...expected to be signed by end of FY): If more than 50 hours of staff time is required for processing a permit, cost recovery may be charged in addition to the use fee schedule. If the 50 hour cost recovery

threshold is exceeded then recovery of costs begins with the first hour. When cost recovery is necessary, the authorized officer shall notify the applicant of potential charges in writing within 30 days of receipt of the application. Further work on the project should not take place until the cost recovery fees are received by the BLM.

Cost recovery charges will generally be associated with new or substantially different activities or events and shall be levied to compensate the government for the costs of authorizing and administering the new use. Cost recovery charges will not be assessed for conducting routine business with permittees or for long term monitoring.

Cost recovery, including application fees, may also be charged when necessary to cover the costs of a permit lottery system, site reservation systems, or other special services for use of Special Areas.

Summary

This Information Bulletin serves to remind staff of the processes which must be followed to successfully allow Special Recreation Permits to be issued for events on public lands while ensuring that our treasured cultural resources will be managed according to the laws, rules, and regulations.

Should you have any questions please contact Tim Smith at 916-978-4644 or Russell Kaldenberg at 916-978-4648.

Signed by:
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