

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

Purpose. This Protocol implements the Bureau of Land Management's (BLM) national cultural resources Programmatic Agreement (PA) in Oregon by describing how the Oregon 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 Oregon statewide cultural resources Cooperative Agreement signed in May 1979 and amended on several occasions, will be suspended when the State Director notifies the SHPO that Oregon BLM has begun operating under the terms of the national PA. Two sections from the earlier agreement will be carried forward in this protocol: survey techniques for densely vegetated areas of western Oregon and livestock use allocations (see appendices A and B).

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, a separate PA or MOA will be developed specific to that undertaking, and BLM will follow the provisions of that agreement.

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 prepared at the beginning of each fiscal year, the Oregon State Office and the SHPO will discuss the major tasks planned by each 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.

Meetings. The SHPO is encouraged to meet with the Oregon 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. BLM cultural staff specialists and SHPO will meet at least annually to discuss and review issues and procedures.

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:

Past Documentation. The BLM will submit within two years all "backlog" documentation that exists with BLM files and which predates the signing of this protocol, and will either supply staff or funds to support entry of the data into the state database system.

Submission of cultural inventory reports. For individual cultural resource inventories of greater than 10 acres (or 2 linear miles) or for those of lesser size in which cultural resources have been identified, each Field Office will send the SHPO copies of all cultural resource inventory reports, treatment (data recovery) reports, and site records 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 as projects occur to assist in keeping the State repository files current. Such documents will be provided for information purposes except for those projects that require consultation review. Format for forms and reports pertaining to historic properties and cultural activities shall adhere to standards identified in BLM Oregon Handbook on Cultural Resource Management.

Sharing and Facilitating the Use of Data. The BLM and the SHPO will work together on an interagency cooperative data sharing project to develop an automated cultural resource database that will serve the needs of agencies, academia, and the private sector. Once the new 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 automated database is updated annually. 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 as the system becomes available.

Historic Context Statements. The BLM will prioritize the development of context statements (or site types within chronological ranges and for geographical areas) that will cite important research issues (theories, hypothesis, empirical observations, methodologies) that can be altered, confirmed, refuted or advanced by sites. These will form the baseline data for determinations of eligibility where applicable.

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 Oregon schools statewide.
- *Archaeology Week.* Participate in Archaeology Week 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; development of linked internet websites; partnerships with university archaeological field schools, museum interpretive projects, interpretive exhibits, and annual public events.

Cooperative Stewardship. The BLM and SHPO will seek a partnership in a statewide Oregon site steward program. The BLM will support the 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, or its successor:

- *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, at a minimum, 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:

- Where BLM acts as lead agency on behalf of other Federal agencies or where an undertaking may have effects beyond the boundaries of the State and involves other State Historic Preservation Offices, BLM may reach agreement with SHPO(s) and agencies on the appropriate governing consultation mechanism, or will comply with 36CFR800.
- 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*.
- Highly controversial undertakings when Council review is requested by the BLM, the SHPO, an Indian tribe, a local government, or an applicant for a BLM authorization. Highly 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.
- Undertakings where traditional cultural properties or sacred sites pursuant to Title 1, Section 101(6)(A) and (B) of the National Historic Preservation Act of 1966, as amended in 1992 may be affected.
- Undertakings involving land exchanges with the Oregon Division of State Lands.
- Undertaking involving land exchanges or land sales exceeding 10,000 acres of land.

Inventory. BLM shall ensure that project-specific surveys and other efforts to identify historic properties are conducted in accordance with appropriate professional standards, the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation, BLM 8100 Manual Series standards, and Oregon SHPO standards and guidelines, to the extent prudent and feasible. See appendices A-D for inventory practices and standards for densely vegetated areas of western Oregon, livestock allocation decisions, prescribed burn project areas, and the Coast Range Province. Appendix E lists types of projects for which inventory is normally not necessary. BLM may perform inventories for projects listed in Appendix E if characteristics of the specific project warrant.

BLM generally will conduct BLM Class III inventory to identify historic properties and traditional cultural resources on BLM-administered lands and private lands where a BLM undertaking will occur. When BLM's professional field office staff determines that a Class III inventory is not appropriate based on landscape features, vegetation, and knowledge of the archaeology of the area, they will provide documentation for inventory strategy selected in the resulting inventory report. For land exchange undertakings disposing of more than 640 acres, a documented telephone call to the SHPO staff or a letter documenting the justification for a reduced level of inventory is required prior to implementation.

Determination of Eligibility. When a cultural resource(s) identified during an inventory could be affected by the implementation of an undertaking, BLM will ensure that the resource(s) are evaluated in manner consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Vol. 48, Federal Register, No. 190, Part IV), 36 CFR Part 60.4, BLM's 8100 manuals and, when applicable, relevant historic context statements. Inventory and evaluation documentation will be completed in accordance with SHPO guidance and standards. For management purposes, the BLM may assume that a cultural resource or group of resources is eligible for the National Register of Historic Places rather than conduct a formal determination of eligibility.

No Adverse Effect Based on Data Recovery. The BLM will determine appropriate treatment requirements. Copies of proposed treatment measures will be forwarded to SHPO, who shall be afforded 30 days to concur or object. If the SHPO objects to the adequacy of the treatment measures, the BLM and the SHPO must reach agreement or the treatment will be forwarded to the Council for comment. Following Council comment, the BLM will make a final decision.

Standard treatment may be defined for certain classes of properties. They may be attached to this protocol and updated through amendments. Undertakings employing only standard treatments may be authorized by the BLM without SHPO review, but the SHPO is to be notified of such usage.

When through project redesign the effects of an undertaking avoid altering the qualities of a site that make it eligible, SHPO need not be notified prior to proceeding with the project.

No Adverse Effect Where Effect is Positive. For those undertakings which affect historic properties positively, such as stabilization/restoration/maintenance projects, the same procedures in the above section will be followed.

Cultural Resource Assessments of Proposed Prescribed Burn Project Areas. Increasingly large areas have become the subject of prescribed burn plans making conventional cultural resource assessment techniques considerably less cost effective. Techniques applicable to shrubland and forested settings are provided in Appendix C.

Cultural Resource Inventories in the Coast Range Province. Few significant resources in the 7,000 square mile region of the Oregon Coast Range province have been discovered over the past two decades despite considerable agency time and funding applied to field inventories. Based on expectations that finding important historic properties prior to project implementation are minimal, a field inventory strategy applicable to that province is provided in Appendix D.

Professional Staffing. BLM will maintain professional staffing consistent with OPM guidance and Section 112 of the NHPA, giving full value to professional work experience.

The SHPO will be offered the opportunity to assist the BLM in on-going training of field managers and supervisors, as well as of cultural resources staff, for certification purposes. Review of training needs will occur on a yearly basis and will be conducted by BLM in consultation with SHPO in time for discussion at the annual meeting.

Field Offices will devise professional development plans for their cultural heritage staff to ensure that current professional standards in the discipline can be met and maintained, and training needs identified. The BLM Deputy Preservation Officer will identify and arrange annual opportunities for specialized cultural heritage training. Cultural heritage staff will meet yearly to participate in workshops, training, exchange information, and to discuss issues concerning the cultural heritage program.

When personnel changes occur involving CRM staff or managers, field office certification will be reviewed and the SHPO notified. Until positions are filled and training completed, BLM will ensure that qualified personnel are available to conduct the tasks outlined in this protocol.

It is recognized that participation of cultural heritage staff in Professional Societies and annual meetings (e.g., Association of Oregon Archaeology, Society for American Archaeology, Society for Historical Archaeology, etc.) is integral to staying abreast of developments and advances in the discipline and for enhancing professional knowledge and skills.

Obtaining Specialized Expertise. When the BLM is involved in an undertaking requiring expertise not possessed by available BLM staff (e.g., architectural history), 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 Oregon State Office will provide an annual report to the SHPO containing summary information on activities conducted under the PA. This report will include 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. The document will include summary statistics for the following project types for the preceding 12 month period: (1) number of inventories completed of less than 10 acres (or 2 linear miles) for which no new cultural resources were identified; (2) number and type of projects not excluded in Appendix E for which no field inventory was deemed necessary; and, (3) number of cultural resource inventory reports submitted to SHPO. Any questions the SHPO may have about the information in this report will be answered by the Oregon State Office or the appropriate Field Office.

Monitoring and Oversight. The BLM will conduct annual audits of each field office to determine whether:

- 1) a qualified professional CRM staff is present;
- 2) undertakings are receiving cultural resource consideration;
- 3) project documentation is completed and is being sent to SHPO in a timely manner;
- 4) cultural resource identification, evaluation, and treatment has occurred before undertakings proceed;
- 5) final reports of treatment are being completed and sent to SHPO;
- 6) follow-up monitoring (where required by mitigation, MOA, treatment plan, specifications or avoidance stipulations) is being completed.

The SHPO may monitor projects and samples of determination of eligibility and report on the results to the BLM. Program review will also take place during the BLM/SHPO annual meetings.

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 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 together will 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.

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 agreement.

Other State-Specific Procedures. In addition to the procedures described in Bureauwide directives, Oregon will be guided by manual supplements issued by the Oregon State Office developed in coordination with Oregon SHPO. Presently, these consist of Oregon Manual Supplement 8111 (Cultural Resource Assistants). The BLM will update these manual supplements as needed to conform to Bureauwide directives, policies issued by the Oregon State Director, new laws, and new regulations. The SHPO will participate in revising the Oregon Manual Supplements.

Appendices:

- A. Survey Techniques for Densely Vegetated Areas
- B. Western Oregon/Livestock Use Allocation Procedures
- C. Prescribed Burn Project Areas
- D. Cultural Resource Inventories in the Coast Range Province
- E. Exempt Undertakings

Approved by:

/s/ Elaine Y. Zielinski 8/5/98

Elaine Zielinski Date
Oregon State Director, Bureau of Land Management

/s/ Bob Meinen 8/17/98

Bob Meinen Date
Oregon State Historic Preservation Officer

APPENDIX A

Survey Techniques for Densely Vegetated Areas of Western Oregon

Cultural resource survey for proposed ground-disturbing projects in densely vegetated areas commonly found in the Western Cascades physiographic province and pervasively characteristic of the Coast Range Province, may proceed in the following two steps:

- (1) Survey prior to project activity: each proposed project area affected by new ground disturbance activities in high to moderate sensitivity areas shall be field inspected prior to project activity to verify the presence or absence of culturally significant landform features or other key environmental features that likely influenced past use of the area. Walk-throughs, when deemed justified, are intuitively based given vegetation and terrain conditions and focus upon open areas where the soil surface is visible. Such areas shall include but not necessarily be limited to roads, trails, stream banks, and open ridge lines. Projects such as pre-commercial thinning, riparian restoration, silvicultural treatment, and similar minimally disturbing activities are excluded. Procedures described in the Oregon Protocol Agreement will be followed in all cases where cultural resources are found.
- (2) Post-project survey: No less than 20% of the project acreage affected by substantial ground disturbing activities. within each field office administrative unit shall be inventoried after completion of the ground-disturbing activity using standard survey procedures. This survey shall include all high probability geomorphic features.

Field inventory reports prepared by each field office shall summarize the results of such surveys in relationship to geomorphic, hydrological and ecological factors to improve future effectiveness of such surveys and for periodic evaluation of the survey process.

APPENDIX B

Livestock Use Allocation Procedures

It is recognized that grazing level decisions, as documented in Allotment Management Plans (AMP), AMP amendments, and allotment evaluations, do constitute undertakings as defined in 36 CFR 800. Given the large number of such actions by the BLM in Oregon, and the normally low level of definable threat to cultural resource values associated with such actions, the following procedure shall be applied:

Allotment Management Plans (AMP), AMP amendments, allotment evaluations and similar actions associated with dispersed livestock grazing decisions shall be exempted from the Section 106 procedures except for locations within the allotments where specific land disturbing developments are initiated by that action or where sites particularly sensitive to increased grazing levels are known. Subsequent site-specific concerns may be identified by the BLM, SHPO, or a third party. Where sites are potentially being adversely affected by grazing, consultation between the BLM and SHPO shall be initiated to determine site significance, document grazing effects, and evaluate means for site protection in accordance with procedures specified in the Oregon Protocol Agreement.

APPENDIX C

Prescribed Burn Project Areas

Shrublands: The primary focus of field survey for proposed prescribed burn areas in non-forested settings is fire lines and landing sites prepared through mechanical blading or by hand tools. Standard survey procedures, such as intensive field surveys using 30-meter transect intervals, should not be routinely applied to burn areas themselves unless some other benefits are being realized. Historic structures and prehistoric rock art susceptible to fire damage should be identified through less labor-intensive pedestrian reconnaissance survey methods, or through remote sensing information. The predominant on-surface or near-surface cultural material to be considered in designing prescribed burn parameters are prehistoric stone tools and debris. For instance, prescribed fire temperatures should be maintained below known thresholds for creating mechanical and chemical changes in the stone artifacts. The generally accepted critical threshold temperature for stone is approximately 650 degrees F (or 350 degrees C). Threshold temperature for wood is approximately 550 degrees F (300 degrees C). Prescribed fire temperatures at ground level or below ground should be held below these threshold values whenever feasible. The rapid dissipation of heat within the soil should protect archaeological values in even shallow culture-bearing deposits. Another important factor to consider is the potential site looting and unauthorized surface collection that often occurs after the fire when visibility of cultural materials is significantly enhanced. Such activity has been well documented in the past in association with wildfires in some areas. Agency employees should be alerted to observing any activities that follow the fire episode and monitoring of the area should be included in plans where expectations

may be high.

Forested Lands: Forested areas can pose different concerns. Not only are small historic structures more difficult to identify, but other low visibility cultural remains may be present, such as prehistoric lean-to frames in old growth juniper in central Oregon and cambium stripped trees in Ponderosa pine stands of south-central Oregon. Though the principle focus of the field survey efforts would still address mechanically prepared fire break lines and landing areas, locations where the above types of cultural resources might be expected should be addressed as well.

Experiments and observations indicate that cultural materials below the surface, unless directly exposed to a burning duff layer or burning underground roots, normally do not sustain significant damage, if any at all. Surface heating in a forested setting depends on the thickness of the duff layer, duff moisture content, amount and moisture content of large diameter dead woody fuels, and soil type and its moisture content. Certainly, there are significant benefits from protection of archaeological sites that derive from prescribed fire activities. In regard to lithic artifacts and rock art, a “cool” planned fire is much more desirable than a much hotter wildfire. Given current knowledge of fire effects on cultural resources, it is apparent that fires involving larger fuel loads, longer duration burns, and large total heat release pose significantly greater hazards to cultural resources, than fires with short duration “cool” combustion temperatures. Reduction of fuel loads around wooden structures and other fire-vulnerable cultural features, such as rock art panels, would reduce potential of loss through wildfire. Fire breaks around such occurrences should be considered when they are known to occur within a proposed project area, incorporating them into a planned unburned “island” may be feasible where burn mosaics are desired.

Tribal Concerns: The above strategy is solely focused upon field archaeological applications in association with proposed prescribed fire projects. It has not addressed Indian cultural concerns. Tribes should be consulted in conformance with normal government to government procedures. Burning can be used to promote the growth of certain plants used for food, medicine, or craft manufacture. Some concerns may be expressed concerning exposure of some cultural features, such as vision quest/prayer cairns, and elimination of vegetation screening. Such concerns should be identified on a case specific basis.

APPENDIX D

Coast Range Inventory Plan

The following zones and guides are based on the results of an “Inventory Strategy Plan For BLM Lands in the Oregon Coast Range” (1992) prepared for the BLM for Heritage Research Associates. The report summarized the BLM’s activities in identifying cultural resources in an area encompassing some 754,000 acres on the east and west slopes of the Coast Range. The report, in highlighting the lack important historic properties found by previous inventories, concluded that the chances of finding important historic properties in the area are so minimal that

further expenditure of agency funds for cultural resource surveys prior to project implementation are not justified. As a result of the report, the cultural resource surveys required for the identification of cultural properties in the Coast Range managed by the BLM will be conducted in the manner described below.

1. High Potential Zones: post harvest surveys will be conducted on all portions of the project area with slope less than 10% slope.
2. Moderate Potential Zones: post-harvest surveys will be conducted when professional judgement prompts such efforts on topographic features in forested environments with a slope of between 10 to 20%.
3. Low and Negligible Potential Zones: No cultural resource inventories will be conducted in forested areas of greater than 20% slope.

APPENDIX E

Exempt Undertakings

Generally, exempt undertakings include resource management actions or projects which do not create new ground disturbance, or do not ordinarily have the potential to affect historic properties. The following list provides both specific and general examples of such undertakings; it is not exhaustive and may be revised or updated by mutual agreement of the BLM and SHPO, as needed.

Realty

1. Withdrawal continuations or extensions which would merely establish a specific time period and where there would be essentially no change in use and/or no new uses would be permitted and continuation would not lead to environmental degradation and which have existing or additional stipulations sufficient to protect any historic properties which may be involved.
2. Withdrawal terminations, modifications or revocations that, because of overlying withdrawals or statutory provisions, involve merely a record clearing procedure.
3. Withdrawal terminations, modifications or revocations and classification cancellations and opening orders where the land would be opened to discretionary land laws and where such future discretionary actions would be subject to review under the Section 106 process.

4. Withdrawal terminations, modifications or revocations and opening orders that the Secretary of the Interior is under a specific statutory directive to execute.
5. Continuations of Recreation and Public Purpose Act lands, small tract lands or other land disposal classifications where the surface has been patented and the locatable minerals are reserved to the United States.
6. Reassignment of land use authorization (to another party) where the action conveys no additional rights beyond those granted in the original authorization.

Transfer of use authorization from one agency to another when an action such as a boundary adjustment necessitates changing a right-of-way from one agency to another (e.g., Forest Service Special Land Use Permit to a BLM Title V Right-of-Way).
7. Issuance of permits, FLPMA leases, and rights-of-way where no surface disturbance is authorized.
8. Upgrading or adding new lines (power or telephone) to existing pole(s) when there is no change in pole configuration.
9. Rights-of-way or modifications of rights of way or overhead line (no pole or tower on BLM land) crossing over a corner of public land where no ground disturbance or road construction is authorized.
10. Right-of-way which would add another radio transmitter to an approved communication facility or structure.
11. Minor ancillary right-of-way actions associated with the action of another Bureau or Federal agency, and the action is a categorical exclusion for that Bureau/agency, but only if a cooperative arrangement for the related actions provides for mutually acceptable mitigation measures.
12. Designation of existing transportation and utility corridors under Section 503 of FLPMA.
13. Renewals, assignments and conversions of existing right-of-way grants where existing or additional stipulations are sufficient to protect any historic properties which may be involved.
14. Authorization of installation of devices to protect human or animal life (e.g., raptor electrocution prevention devices, grates across mines, etc.).
15. Issuance of rights-of-way for ancillary facilities (gathering or feeder pipelines, tank batteries, access roads, power and communication lines and holding facilities) within an established, unitized or developing oil and gas field which has been covered by either a specific or a programmatic environmental document, or that do not involve historic properties.

16. Renewal of existing rights-of-way when reuse or continuous use will not affect historic properties when complete disturbance has previously occurred (roads/pipelines/powerlines/communication sites).
17. Land and easement acquisitions by the Bureau Appropriations under the Federal Highway Act.
18. Color-of-title patents, confirmatory patents, Desert Land Act patents, and patent correction documents.

Transportation

1. Vehicular closures or designations limited to existing roads and trails.
2. Installation of routine signs, markers or cattleguards on shoulders of existing roads.
3. Temporary road closures.
4. Placement of recreational, special designation or information signs, visitor registers and portable sanitation devices,
5. Road maintenance (exclusive of major road improvements).

Minerals

11. Issuance and modification of regulations, orders, standards, notices to lessees and operators and field rules where the impacts are obviously limited to administrative, economic or technological effects and the environmental impacts are minimal.
2. Designation of standard or special stipulations for oil and gas and geothermal leases through land use plans where no surface disturbance is authorized and there are no Native American concerns or National Register eligible historic landscapes.
3. Decisions made and enforcement actions taken as a result of inspections made to ensure compliance with the applicable laws and regulations, orders, lease terms and all requirements imposed as conditions of approval.
4. Approval of off-lease storage in existing facilities.
5. Approval of suspensions of operations and suspensions of production.
6. Approval of royalty determinations such as royalty rate reduction and operations reporting procedures.
7. Approval of conversion of an existing oil and gas well for disposal of produced water meeting the standards of NTL-2B.

8. Approval of conversion of an unsuccessful oil and gas well or an exhausted producer to a water source or observation well.
9. Routine hydraulic fracturing of rock formation to enhance production or injection.
10. Approval of Sundry Notices and Reports on Wells.
11. Approval of a plan for geothermal production when derived from a plan of utilization which has been covered by previous Section 106 compliance.
12. Approval of a plan for injection of geothermal fluids meeting the requirements of GRO-4 (Environmental Protection Requirements).
13. Approval of minor modifications to or minor variances from activities described in an approved mineral exploration plan that does not effect historic properties.
14. Approval of minor modifications to or minor variances from activities described in an approved underground or surface mine plan that does not effect historic properties.

15. Seismic operations on maintained roads or trails, and those involving no use of explosives, blading, or other land modifications, nor appreciable disturbance or compaction of vegetation, soils, or desert pavement by vehicle movement or other means except for concentrated foot traffic.
16. Minerals exploration that conforms to 43 CFR 3802.1-2 or 43 CFR 3809.1-2.
17. Issuance of mineral patents.
18. Issuance of permits for surface collection of mineral materials in a designated common use area previously subject to Section 106 review.

Recreation

1. Dispersed noncommercial recreation activities such as rock collection, Christmas tree cutting, primitive backcountry camping and mushroom gathering.
2. Issuance of special recreation permits:
 - a. Along rivers, well-established trails and other specified areas where use is similar to previous permits for which environmental documents have been prepared and which would not substantially increase the level of use or continue unsatisfactory environmental conditions.

- b. Where uses are consistent with planning decisions or ORV designations, as applicable, or where there will be no surface disturbance.
 - c. When the event is utilizing existing roads, recreation trails, or well-established livestock trails.
 - d. For ORV or competitive animal events where use is limited to the active channel bed or ephemeral streams and washes.
 - e. For wind sailing and ORV authorized use on seasonally dry lake beds; and recreational activities conducted on snow-covered ground where there is no ground disturbance.
3. ORV designations which are the result of planning decisions for which there has been NEPA/Section 106 compliance.
 4. ORV events over courses subject to previous Section 106 compliance.
 5. River use permits.

Wildlife

1. Modification of existing fences to provide wildlife ingress and egress.
2. Reintroduction of endemic or native species into their historical habitats, other than endangered or threatened species.
3. Installation of bear feeding stations and nesting platforms.
4. Fishery habitat improvements where confined to stream channel and watershed improvements (such as willow plantings).

Range

1. Allotment Management Plans (AMP), AMP amendments, allotment evaluations and similar actions associated with dispersed livestock grazing decisions except for locations within the allotments where specific land-disturbing developments are initiated by that action or where sites particularly sensitive to increased grazing levels are known.
2. Range improvement maintenance (e.g., fences, pipelines, reservoirs), except at locations not previously subject to Section 106 reviews.
3. Vegetation treatment by *spraying*, permit issuance, and aerial seeding of grasses.

Other

1. Issuance of special use or short-term permits not entailing environmental disturbances.
2. Construction of snow fences for safety purposes or to accumulate snow for small water facilities.
3. Small exclosures (other than riparian exclosures) constructed for protective purposes, including those to protect small study areas.
4. Removal of non-valuable, recent (less than 50 years old) structures and materials (including abandoned automobiles, dumps, fences and buildings) and reclamation of the site. The site from which these materials are removed *may* be reclaimed without additional SHPO consultation as long as the reclamation does not expand previous surface disturbance.
- b. Removal of log jams and debris dams using hand labor or small mechanical devices.
6. Special land use designations which do not authorize surface disturbing projects -- ACEC, Wilderness Study Areas, environmental education areas, and Research Natural Areas.
7. Establishment of long-term study plots for botanical research projects; botanical reintroduction studies.
8. Pre-commercial thinning; reforestation planting except site preparation involving substantial surface disturbance (rippers); non-commercial firewood cutting.
9. Fire applications which do not disturb structures or the surface of the ground.
10. Resource management actions which do not utilize motorized vehicles or create new surface disturbance.
11. Inventory, data and information collection (including collection of samples), including land use and land cover, geologic, mineralogic and resource evaluation activities, cadastral surveys, geophysical surveys and approval of permits for such activities.
12. Placement of monitoring stations where no ground disturbance is involved (e.g., stream gages).
13. Minor routine or preventive operation and maintenance activities on fILM facilities, lands and resource developments that do not affect historic structures or previously undisturbed ground.
14. Rendering formal classification of Federal lands in the *United States as* to their mineral character and waterpower and water storage values.
15. Hazards abatement, including elimination of toxic waste sites and drug labs, marijuana abatement, filling of abandoned mine shafts, adits, and stopes where historic properties are not involved.

16. Test or exploration drilling and downhole testing included in a project previously subject to review under Section 106.