

Preservation Board Report
June 3-5, 2014
Idaho Falls, Idaho

Attendees: Bureau of Land Management (BLM) Federal Preservation Officer, Robin Hawks; Deputy Preservation Officers (DPO): Robert King (Alaska), Daniel Haas (Colorado), Kirk Halford (Idaho), Gary Smith (Montana), Stan McDonald (Oregon), Nathan Thomas (Utah), Ranel Capron (Wyoming); Field Managers: Victoria Barr (Caliente, NV), E. Lynn Burkett (Lakeview, OR), Rick Miller (Newcastle, WY), Mark Spencer (Red Rock/Sloan, NV); Specialists: Ashley Blythe, Ridgecrest, CA), and Robin Mills (Fairbanks FO, AK). Board members Charlotte Hunter, DPO California, Susanne Rowe, DPO Arizona, Bryan Hockett, DPO Nevada, and Jerry Cordova, BLM Tribal Liaison Officer were unable to attend in person.

Additional Attendees:

Additional BLM in-person attendees included Joe Kraayenbrink, Jeremy Casterson, and Marissa Guenther. BLM attendees by conference phone included Byron Loosle, Emily Palus, Kate Winthrop, Scott Foss, Stephen Fosberg, Cynthia Herhahn, Georges "Buck" Damone, Deb Salt, Heather Fonda, Ilana Cohen, Anna Rago, and Stephen "Tony" Overly. Non-BLM attendees included Janet Gallimore, Executive Director, Idaho State Historical Society (ISHS), Ken Reid, Idaho State Archaeologist, and Nancy Brown, BLM Liaison, Advisory Council on Historic Preservation (ACHP) attended by conference phone.

Welcome

Joe Kraayenbrink, District Manager, Jeremy Casterson, Field Manager, and Kirk Halford, DPO Idaho and host of the meeting, welcomed the Preservation board to the Idaho Falls District Office and talked about the District and Field Offices characteristics, resources and management initiatives. The district office manages four million acres through four field offices. They have six Environmental Impact Statements in process and have been quite active in land purchases to meet conservation goals, with 50 over the last 16 years. Fisher Bottom is one parcel in a large conservation initiative on the South Fork of the Snake River. It includes the home of author Vardis Fisher, as well as a large stand of cottonwood trees and habitat for Cutthroat trout. Robin Hawks then thanked Kirk for hosting the meeting, welcoming new Board members, Mark Spencer, Ashley Blythe, and Robin Mills, and informing the Board that letters and plaques had been sent to retiring CA DPO, Charlotte Hunter, and outgoing members Michael Stiewig and Georges "Buck" Damone.

Idaho State Historical Society

Kirk Halford introduced Janet Gallimore, Executive Director ISHS and Ken Reid, State Archaeologist and Director of the State Historic Preservation Office (SHPO), who congratulated Idaho BLM on signing a revised protocol under the BLM national Programmatic Agreement (PA) and presented an overview of the state preservation programs and priorities. ISHS was founded in 1881 and is one of the oldest offices of Idaho's executive branch. It has a zero based budgeting process based on the agency's core statutory requirements and holds an annual top to bottom review and reprioritization of programs. ISHS is responsible for managing public records, the Idaho National Register of Historic Places, Certified Local Government Program, Federal Rehabilitation Tax Credit program, Section 106 review, Site survey and records management, and a variety of educational programs and events, technical assistance, the Idaho State Historical Museum, recognitions, publications, and several historic sites. Ken discussed the Idaho efforts to improve site record and geospatial information availability and thanked the BLM for its long term support of the data sharing partnership.

Trail Inventory American Recovery and Reinvestment Act (ARRA) project

Deb Salt, BLM National Historic and Scenic Trails Lead, Heather Fonda, Geographer, National Operations Center, and Cynthia Herhahn, BLM Cultural Resources Data Sharing Coordinator, gave a presentation on the ARRA funded inventory of selected trails data. Deb explained the purpose and scope of the project and the anticipation that selected data would be shared with a variety of audiences. Trails and associated and non-associated cultural resources in Arizona, California, Colorado, New Mexico, Nevada, Utah and Wyoming are included in the database for use in trails planning and management. Deb, Heather, and Cynthia have been working on a strategy for a review and screening for sensitive data. They asked the Board if the affected DPOs would identify the appropriate reviewers in their state to flag sensitive locations. The review will be conducted using the EGIS Portal, a geospatial content management system that allows users to easily find, view, create, and share maps. Each reviewer must be given access to the EGIS Portal and the underlying secured database in order to review the data.

Action Item: Cynthia and Heather will send a memo and background information to affected state DPOs and ask them to identify any additional reviewers in their state who should be given access to the database.

Cynthia and Heather will then initiate the review by sending the review instructions and schedule.

1050 Program Update

Emily Palus provided an update on the 1050 program and an opportunity for questions. WO-240 is working to increase internal and external awareness of cultural resources and particularly work that supports compliance and should be coded to benefitting activities. The BLM is emphasizing landscape scale planning and management, as presented in the proposed increase in the 2015 President's Budget for Cultural Resources. WO-240 will be emphasizing the importance of cultural resource overviews in resource management plans in FY 2015 PTA for the 1050 subactivity. Emily discussed her review of the 1050 program and the ongoing review of program elements. She also alerted the Board that the FY 2014 Heritage Program data call will be released soon.

Landscape Approach & Regional Mitigation

Kate Winthrop discussed the challenge of making cultural resources full participants in the landscape approach to planning and introduced the BLM's four landscape approach pilot projects discussions. Byron Loosle discussed the Colorado Plateau Pilot Project to identify and resolve obstacles to developing regional scale maps from multiple data sets. Tony Overly described the Desert Renewable Energy Conservation Plan (DRECP) Data Analysis Pilot Project. The DRECP encourages balanced development and conservation using landscape planning over 22.5 million acres in southern California. The cultural component will be a phased project that begins by working with multiple data sets to identify sensitivity zones and ultimately lead to development of regional mitigation strategies. Dan Haas discussed the San Luis Valley Solar Regional Mitigation Strategy Cultural Landscape Assessment Pilot Project. There are four Solar Energy Zones in the San Luis Valley and the BLM has committed to conducting a small scale landscape assessment of the area, similar to a Rapid Ecological Assessment. The contractor is incorporating cultural values and preparing a regional research design that will serve as a template for incorporating cultural values into REAs and regional mitigation strategies. Gary Smith then discussed the Middle Rockies-Northwestern Plains Ecoregional Ethnographic Assessment that will assess tribal cultural values within the Middle Rockies-Northwestern Plains REA. The project is being done through the Chief Dull Knife College and will include identification of places of traditional religious or cultural significance, important plants and animals, and the potential effects of change agents.

Draft IM on Data-Sharing

Stan McDonald led a discussion on the draft Instruction Memorandum (IM) on data sharing. The questions raised by the Board in December on protection of data confidentiality have been largely answered in the draft and the draft was broadened to encompass sharing with all external entities. After discussion, the Board recommended that the IM be confined to data sharing with tribes and that a separate IM address data sharing with other entities.

Action Item: Robin agreed to redraft the IM as separate IMs, one addressing data sharing with tribes and the other addressing data sharing with all other external entities. It was also recommended that the IM include an example of a data sharing agreement with a tribe.

NTC's Cultural Resources Curriculum Advisory Team (CAT) Report

The cultural resources CAT has been formed and membership includes Anna Rago, Stan McDonald, Robert "Bob" King, Kirk Halford, Emily Palus, Kate Winthrop, and Zane Fulbright. Bob and Anna gave an update on CAT activities. Anna has created a web site that includes all training opportunities. There are 10 video classes available, including on the 2012 Programmatic Agreement. The instructor-led Fundamentals class will be held at the National Training Center August 25-29. The Archaeological Resources Protection Act class was held in March and is scheduled to be held again in 2015 in Oregon. A class on Cultural Resources Management for managers is in final preparation. A 2008 needs assessment identified paleontology, Native American Graves Protection and Repatriation Act, curation, and Archaeological Resources Protection Act training and Anna asked if the Board was aware of additional needs. The Board discussed the feasibility of instituting mandatory training for managers.

Action Item: The WO will prepare and circulate a draft IM requiring training for managers on cultural resources and the 2012 PA as soon as the new training for managers is complete and the National Training Center has made it available on DOI Learn.

BLM-SHPO Protocol Revision Progress

The DPOs from states that have completed their protocol revisions summarized their lessons learned and the DPOs from states involved in the revision process summarized their status and any issues. The Board then discussed training and implementation of the revised protocols. Discussion included the need to prepare field staff in advance if revisions will not be completed by the February 9 deadline and the state will shift to following the standard 36 CFR 800 process.

Paleontological Resources Protection Act (PRPA) Implementation

BLM Senior Paleontologist, Scott Foss, briefed the Board via conference phone on the status of the PRPA regulations. The proposed DOI regulation is in draft and ready for a Solicitor review, and letters to notify tribes and the Advisory Council on Historic Preservation have been prepared.

Action Item: Scott will share the most recent draft of the regulation with the Board. Robin will send Scott the list of Preservation Board members for this purpose.

Compliance for Grazing Lease Renewals

Kirk Halford briefed the Board on the Idaho approach to meeting Section 106 requirements for grazing lease renewals. Grazing lease renewals are an undertaking and BLM has been in litigation for not conducting sufficient environmental review under Section 106 and the National Environmental Policy Act. Idaho's methodology makes use of high resolution satellite imagery supplemented by a reasonable level of field work at targeted cattle congregation locations and has been accepted by the State Historic Preservation Office and ACHP as fulfilling Section 106 responsibilities.

Action Item: Kirk will make his compliance approach available to the Board.

Northern Plains Tribal Summit & Tribal Consultation

Gary Smith and Jerry Cordova led this discussion. Gary summarized the Northern Plains Tribal Summit hosted by the ACHP and Standing Rock Sioux Tribe in Fort Yates, North Dakota on May 7-8, where he and Mark Sant supported the Montana State Director. Gary briefly summarized the issues and ideas raised by tribes, including the need to augment the Historic Preservation Fund that supports Tribal and State Historic Preservation Offices and the institution by some tribes of review fees for Federal Communication projects submitted by proponents. The Board recommended that the new 1780 Manual Section and companion Handbook provide more clarification on compensation to tribes. Robin asked the Board about the status of tribal consultation or other agreements. Alaska has 3; Arizona has 1; California has 3; Idaho has one; Nevada has 11; Oregon has 12 agreements with tribes, Utah has one. The Board asked Jerry about the status of the DOI Sacred Sites policy. Jerry reported that workgroups were preparing reports on different topics.

Discussion with ACHP

Nancy Brown joined the Board via conference call. She congratulated Alaska, California, Idaho and Wyoming on completing protocol revisions and shared her observations during the revision process. She also discussed her compliance case load, release of the May 2014 White House plan to modernize infrastructure, the tribal summit, the meeting of the Alliance for Historic Landscape Preservation, the creation of the New Fork River Park, and her participation in training in Idaho, Wyoming, and Utah. The modernizing infrastructure report listed four principal reforms: interagency coordination; synchronizing reviews; an interagency permitting center; and a nation-wide inventory of cultural resources. Erik Hein, Executive Director of the National Conference of State Historic Preservation Officers, was invited but unable to participate.

Brainstorming on Regional Mitigation Strategies

Regional mitigation strategies, including "banking" models, have long been in place for wetlands and endangered species habitat, but their use has been limited for cultural resources management and compliance. DOI Secretarial Order 3330 and the May 2014 implementation plan provide an opportunity for cultural resources to develop new and better mitigation options. The Board looked at obstacles or issues related to compensatory mitigation in general and specifically the use of "banks" and "credits" for mitigating loss of cultural resource values by restoring or preserving values elsewhere. Issues identified by the Board for further consideration included:

- Lack of regional scale baseline data
- Difficulty of placing a value on cultural resource loss or preservation
- Absence of "banking" institutions for cultural resources
- Criteria for making decisions to approve compensatory mitigation vs deny development
- How far away from threatened resources is mitigation appropriate?
- How tribal values should be considered in regional mitigation?
- Is it legal to sell and buy cultural resources mitigation credits?
- Need for monitoring strategy
- Need for program oversight.

8100 Manual Series

Robin reported the status of the 8100 Manual Series review and revision as ongoing. The 1780 MS that will replace 8120 is under revision to incorporate comments in response to IM 2014-056, Review of Draft Tribal Relations Manual Section – 1780. Stephen Fosberg met with the 1780 inter-directorate and interdivision

workgroup on May 29 and asked that materials for the H-1780-1 handbook be completed by July 31. WO will be conducting a "consistency review" of the 8100 series prior to formal review and publication.

Next Meeting: The Board decided to hold the December 2-4, 2014 meeting in Washington, D.C. and the June 2-4, 2015 meeting in Colorado. Next in rotation for the June meeting are Wyoming (2016) and Oregon (2017).

Field Trip:

The Board took a trip to Jack Knife Cave and to a turn of the century homestead acquired through the Land and Water Conservation Fund. The homestead was owned by the Fisher family, including noted Idaho author, Vardis Fisher, and the field office is preparing a long term preservation and interpretation plan.