

OUTLINE: Travel Management Programmatic Agreement Version 1.1

TITLE:

PROGRAMMATIC AGREEMENT AMONG THE ADVISORY COUNCIL FOR HISTORIC PRESERVATION, THE BUREAU OF LAND MANAGEMENT-ARIZONA, ARIZONA HISTORIC PRESERVATION OFFICE, AND CALIFORNIA OFFICE OF HISTORIC PRESERVATION FOR ENVIRONMENTAL IMPACT STATEMENTS/ENVIRONMENTAL ASSESSMENTS ASSOCIATED WITH TRAVEL MANAGEMENT PLANNING BY THE BLM-ARIZONA

PREAMBLE

- 1) Undertaking Description
- 2) Description of Area of Potential Effect (APE) (specifying all land jurisdictions)
- 3) Effect language
 - a) General language, specifics will be in Stipulation (1).
- 4) Statutory Authority-Purpose, regulatory source language and citation for PA
 - a) Authority (NHPA and 36 CFR 800)
 - i) BLM's regulatory authorization & leadership role
 - ii) TMP's regulatory authorization
 - iii) SHPOs regulatory authority
 - iv) ACHP regulatory authority and election to participate
 - (1) reference the PA & 36CFR800.6(a)(1)(c), AZ SPA sections
- 5) Introduction of Signatories and Invited Signatories
- 6) Relationship to National PA and existing Tribal agreements
 - a) Relationship/applicability of TMP PA re: National PA, State Protocols Agreements, Tribal agreements.
 - b) Does not supersede language, etc.
- 7) Tribes notified & Tribes participating
- 8) Explication of Tribal rights as per NHPA, AIRFA, NAGPRA, EO 13007, 13175
- 9) Continuing nature of consultation
- 10) Nature and extent of state government agencies/entities notified
- 11) Nature and extent of local government agencies/entities notified
- 12) Nature and extent of private recreation/conservation/preservation organizations and individuals notified
- 13) Definitions: "Consulting Parties", "Signatories," "Invited Signatories," "Concurring Party," and other terminology used in the PA
- 14) Conclusion ("THEREFORE")

STIPULATIONS

- 1) Project Description
- 2) Area of Potential Effects

- a) Also includes language to provide guidance/agreement on APE's for both BLM staff/contractors doing the on-the-ground, with specific reference to defining agreed upon direct, indirect and cumulative effects
- 3) Identification & Evaluation
 - a) BLM will make reasonable and good faith efforts to identify cultural resources located with the APE. (36 CFR 60.4)
 - b) Approach to Identification–
 - i) Sampling Strategies and recordation methods for TCPs and other classes of historic properties that extend outside the APE
 - ii) Evaluation
 - iii) TCPs
- 4) Assessment of Effects
 - a) Reference: 36 CFR 800.4(d) and for AE 36 CFR 800.5(a)(1) and (2)i-vii
 - b) Standards for effects assessment: direct, indirect, cumulative
- 5) Consultation Process
 - a) Provision for language re: thresholds for SHPO consultation in AZ/CA State protocols.
 - b) Reports (documentation, review and comment process, and timelines)
- 6) Tribal Consultation
 - a) BLM requests knowledge exchange in identifying: traditional properties, historic properties, locations of cultural significance
 - b) Definition of BLM obligations under consultation specific to this PA, if any
 - c) Definition of Tribal POC's for the purposes of this PA (if a list – add to Appendix)
 - d) Continuing nature of gov. to gov. consultation throughout the life of PA.
 - i) Include. Language re: consultation during identification & evaluation phases and throughout the process
- 7) Resolving Adverse Effects
- 8) Inadvertent Discoveries
- 9) Confidentiality
- 10) Curation
- 11) Public Participation
- 12) Professional Qualifications
- 13) Administrative
 - a) Stipulations governing continuance of consultation during implementation of PA
 - b) Dispute Resolution
 - c) Anti-deficiency Act
- 14) Amendment and/or Termination of Agreement
 - a) Duration
- 15) Counterpart Signatures
- 16) Annual Meeting/Annual Reports