

BLM-Utah Standard Cultural Resource Use Permit Terms and Conditions

The Bureau of Land Management (BLM) Utah's standard Cultural Resources Use Permit terms and conditions have been established under the authorities of the Archaeological Resources Protection Act of 1979 and its implementing regulations at Title 43, Part 7 of the *Code of Federal Regulations* (43 C.F.R. Part 7). All federal, state, and local laws and regulations continue to apply to the implementation of all permitted activities, and BLM-Utah will pursue criminal and/or civil penalties for any violations of federal laws and regulations as appropriate.

Administrative Terms and Conditions

1. The signature of the Permit Administrator on the Cultural Resource Use Permit signifies the permit holder's acceptance of all permit terms and conditions. A copy of the signed permit must be returned to BLM-Utah's Deputy Preservation Officer within 30 days of receipt. Failure to sign and return may result in immediate suspension of the Cultural Resource Use Permit.
2. BLM-Utah land managers (43 C.F.R. § 7.3(c)) with primary management authority over the public lands where permitted activities will occur may add any additional terms and conditions to the permit and/or field work authorizations. Any such additional terms and conditions shall be attached to this permit and made a part hereof.
3. Upon written notice, BLM-Utah may suspend, revoke, or not renew this permit for breaches of any terms and conditions herein or for management purposes at the discretion of the BLM-Utah State Director. Civil penalties may be assessed for any violations of these permit terms and conditions in accordance with 43 C.F.R. § 7.15.
4. This permit may not be assigned or transferred to any other individual or entity.
5. This permit is issued for the term specified in items 6 and 7 of the Cultural Resource Use Permit (Form 8151-2).
6. All costs associated with these permitted activities shall be borne by the permit holder. This includes any initial, one-time curation fees that an approved repository charges for curating a federal archaeological collection in perpetuity.
7. The permit holder shall immediately request BLM-Utah's Deputy Preservation Officer to make a modification of the permit to accommodate any change in an essential condition of the permit (permit items 1, 4, 5, 8a, 8b, and 9) to keep permit information current.
8. Pursuant to Section 9 of the Archaeological Resources Protection Act (16 U.S.C. § 470hh), **the permittee will coordinate with the BLM prior to releasing archaeological information to the public or a proponent.** The BLM will work with the permittee to ensure that the archaeological information that is released furthers the purposes of the ARPA which includes protecting archaeological information, while increasing cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals (Sec. 2(4)(b)).
9. BLM-Utah shall be afforded the opportunity to review drafts of publications and presentations prior to publication or presentation. Any publication of the results of work conducted under the authority of this permit must fully credit BLM-Utah and include this permit number.
10. The permit holder shall keep the specific location of other sensitive public land resources confidential, including threatened and endangered species, rare species, caves, fossil sites, commercially valuable resources, and sacred ceremonial sites, and shall not disclose such information to the general public.
11. Any cancellation of the project or elements of the project, authorized under this permit shall not negate the reporting requirements for survey results set forth herein. In the event that the project, or element of the project, is cancelled during or after field work, the permit holder shall at a minimum submit to BLM-Utah's Deputy Preservation Office a letter report summarizing: (1) project location; (2) methods used, areas inventoried, and findings; and (3) project GIS data, field notes, and photos.
12. The permit holder shall not negotiate, make commitments, or otherwise give the appearance of representing the BLM with any other individuals or entities.

13. For each year under permit, the permit holder shall provide a current curation agreement with a repository meeting the U.S. Department of the Interior's standards for museum property. Current curation agreements must be submitted to BLM-Utah's Deputy Preservation Officer no later than one month prior to expiration of the current curation agreement. An exception to the thirty-day time frame will be provided to those who obtain annual curation agreements from the Natural History Museum of Utah (NHMU) during the month of December, due to the idiosyncrasies of NHMU's curation agreement renewal process.
14. For one and three year blanket permits, permit renewal requests must be submitted in writing to BLM-Utah's Deputy Preservation Officer no later than one month prior to the expiration of the current permit.
15. For project-specific permits, permit extension requests may be submitted in writing to BLM-Utah's Deputy Preservation Officer at any time prior to the expiration of the permit. The extension request must specify a limited amount of time required to complete the permitted work.
16. The permit holder shall not be released from the requirements of this permit or be allowed to obtain a new, extended, and/or renewed permit until all outstanding obligations have been satisfied, regardless of whether the term of the permit has expired.
17. BLM-Utah will consider a permit applicant/holder's past performance working with/for any government agency in any state when making decisions regarding permit applications, extensions, renewals, suspensions, and revocations. Prior performance under permits issued by the Utah Public Lands Policy Coordination Office, Principal Investigator *Permit to Conduct Archaeological Surveys and Archaeology Excavation Permit*, will be of particular importance. Individuals identified on permit applications and modification requests who have knowingly and willfully misrepresented, falsified, or omitted application information, project data, or field or site records or made project data available to the public without specific authorization will not be eligible to participate in any capacity on an existing or future BLM-Utah Cultural Resource Use Permit.
18. The permit holder may request reconsideration of any decision regarding the modification, suspension, revocation, or non-renewal of this permit. Such request must be submitted in writing to the BLM-Utah State Director within 30 calendar days of the relevant decision and must include sufficient details regarding the reason(s) why the permit holder believes that the decision should be reconsidered.
19. Prior to beginning any literature review that will result in a report generated for a proponent (**e.g. a project feasibility study**), permit holders must submit a *Fieldwork Authorization Request* (BLM Form 8151-3) to the appropriate District or Field Office Manager. The BLM will respond to such requests within 10 business days. This is to notify the office of the creation of such a report that may include information on cultural resources on BLM managed lands. Cultural resources information obtained during the creation of a preliminary literature review report is subject to Administrative Term and Condition #8, and must not be shared with proponents or other parties without prior BLM approval.

Fieldwork Terms and Conditions

1. Prior to beginning any fieldwork authorized under the permit, permit holders must submit a *Fieldwork Authorization Request* (BLM Form 8151-3) to the appropriate District or Field Office Manager. The BLM will respond to such requests within 10 business days. Exact dates of fieldwork must be provided in the request. If weather or another priority causes the fieldwork to be cancelled or modified, the permit holder must notify the appropriate manager or their representative telephone, fax or e-mail. New fieldwork dates must be provided as soon as they are known.
2. Fieldwork must be performed to the standards set in the project Statement of Work and in BLM-Utah's H-8110 Guidelines: [Cultural Resource Fieldwork Guidelines and Standards](#) (2021) and H-8120: [Guidelines for Protecting Cultural Resources](#) (2002).
3. The permit holder shall conduct a records search through the Antiquities Section of the Utah Division of State History no more than 60 days prior to field inventory. The permit holder shall also contact the appropriate field office archaeologist for additional records information regarding current and recent projects in the relevant area.

4. At least one person listed under items 8a and 8b of the Cultural Resource Use Permit shall physically be in the field, within sight of and in supervisory control of crew members, at all times when work is in progress. Each principal investigator and field director must have a copy of their current BLM Cultural Resource Use Permit and signed *Fieldwork Authorization Request* with them when in the field.
5. Fieldwork shall occur only when environmental conditions allow for professional quality work, including weather, light conditions, ground visibility, and soil conditions.
6. All remains of past human activity at least 50 years of age shall be recorded for each project conducted under this permit. Cultural resource sites shall be recorded on the most recently approved site form.
7. The permit holder is required to use the following site definition: a site is defined as at least 10 artifacts of a single class within a 10 meter diameter area, except when all pieces appear to originate from a single source; 15 artifacts which include at least two classes of artifacts within a 10 meter area; one or more archaeological features in association with any number of artifacts; or two or more associated archaeological features without artifacts. Finds not meeting this site definition shall be recorded as Isolated Cultural Materials in a table in the project report.
8. All sites and isolated resources must be documented via Global Positioning System (GPS) and adhere to [BLM-Utah's Digital Data Standards](#) (February 2019). The BLM GPS data accuracy standards require the use of the Universal Transverse Mercator (UTM) coordinate system, datum NAD 83, and zone 12. GPS units must have a +/- 3 meter minimum level of accuracy, a PDOP of less than or equal to 6, and a minimum of 4 satellites (3D) for each position. GPS data must be corrected using real time or post processing differential correction.
9. All archaeological materials collected from public lands under the provisions of this permit remain the property of the United States Government and may be recalled at any time for use by the BLM.
10. Limited testing may be used during inventory and evaluation to assess the nature and extent of a cultural resource for the purpose of determining its eligibility for the National Register of Historic Places or to determine an undertaking's potential effect on a resource. Testing includes shovel tests and auger probes. Testing should be considered only when eligibility or potential effect cannot be determined from surface inspection alone and should be limited to the minimum amount of disturbance necessary for this purpose. Testing for individual cultural resources must be approved in writing in advance by the appropriate District or Field Office Manager and must not diminish or substantially alter the significance or integrity of a cultural resource.
11. The permit holder shall backfill all subsurface exposures after recording the results and shall restore them as closely as reasonable to the original contour.
12. Unless otherwise instructed, the permit holder shall immediately remove and properly dispose of all temporary stakes, flagging, pin flags, and/or other materials installed to complete the permitted fieldwork. Prior to entering the field, the permit holder must contact the District or Field Office Archaeologist to determine if the field office has additional instructions regarding site identification materials left overnight.
13. The permit holder shall grant District or Field Office Managers and their representatives full access to the permitted work area at any time for the purposes of monitoring their compliance with these terms and conditions.
14. Upon discovering any human remains, the permit holder shall immediately cease work in the vicinity of the discovery, shall immediately notify the appropriate District or Field Office Manager by phone, and shall make a reasonable effort to protect the human remains and/or cultural items. Work in the vicinity of the discovery may not resume until the manager has given written permission. Once permission is given and work is resumed, a copy of the manager's written permission must be in the possession of the Principal Investigator or Field Director while in the field.
15. The permit holder shall restrict all motorized travel to designated roads and trails unless the appropriate District or Field Office Manager authorizes otherwise in writing. If unrestricted motorized travel is authorized, a copy of the manager's written authorization must be in the possession of the Principal Investigator or Field Director while in the field.
16. The permit holder shall take precautions to protect livestock, wildlife, the public, and other authorized public land users from accidental injuries involving testing and/or excavation holes. All holes must be backfilled as soon as possible. If work is not complete and a hole needs to be left open, protective precautions will be determined by the appropriate District or Field Office Manager.

17. Unless provided for in writing by the appropriate District or Field Office Manager, this permit does not authorize the exclusive use of any BLM-administered public lands and shall not affect the ability of the BLM to use, lease, or permit the use of the lands subject to this permit for any other purpose. The permit holder shall perform all permitted fieldwork in a manner that does not impede or interfere with other uses of the public lands.
18. The permit holder shall take precautions at all times to prevent wildfire and will abide by all current fire restrictions (www.utahfireinfo.gov). The permit holder shall immediately report any wildfire to the appropriate BLM-Utah field office. The permit holder may be subject to fines and/or fire suppression and rehabilitation costs for any fires on public lands caused by the permit holder and/or its employees.
19. Unless provided for in writing by the appropriate District or Field Office Manager, the permit holder shall conduct all operations in such a manner as to prevent or minimize scarring and erosion of the land, pollution of the water resources, and damage to watershed and vegetation resources. Disturbances must be kept to the minimum area consistent with the nature and purpose of the fieldwork.
20. Unless provided for in writing by the appropriate District or Field Office Manager, the permit holder shall not disturb any resource management facilities on the public lands, such as fences, reservoirs, and other improvements. Where disturbances are authorized, the permit holder shall return the affected facilities to their prior condition.
21. The permit holder shall clean all camp and work areas before leaving the public lands. The permit holder shall take precautions to prevent littering or pollution on public lands, waterways, and adjoining properties. All refuse shall be packed out and properly disposed of.

Reporting Terms and Conditions

1. No later than December 31 of each year that this permit is/was in effect, the permit holder shall submit an annual report to BLM-Utah's Deputy Preservation Officer summarizing all projects performed under this permit for each permit year. For survey and recordation projects, the report should include project titles, project numbers, number of acres inventoried, number of sites recorded on BLM-administered public lands, and whether or not collections were made. For testing and excavation projects, the report shall include a listing of all materials deposited in curatorial facilities, including the name of the facility, the site number and accession numbers of the materials deposited, and date(s) of deposit. If no work is conducted under this permit, the permit holder shall report that fact by letter or email.
2. The permit holder shall report project findings to the standards set in the project Statement of Work, BLM Utah's Handbooks 8110 ([Guidelines for Identifying Cultural Resources](#)) and 8120 ([Guidelines for Protecting Cultural Resources](#)), and BLM-Utah's Digital Data Standards (February 2019). The permit holder shall have quality control procedures in place to ensure that submitted project documents are complete, correct, professional, and meet BLM-Utah standards. BLM-Utah will reject project reports that BLM-Utah determines are not complete, correct, professional, and/or do not meet BLM-Utah standards.
3. Cultural resource sites must be mapped at an appropriate scale with sufficient detail to allow site evaluations and determinations of effect. Maps must include project name and number, site number(s), legend or appropriate labeling, north arrow, scale bar, UTM datum and zone (if applicable), firm and author names, and the date the map was produced.
4. No later than 60 days after the completion of permitted fieldwork, the permit holder shall submit a draft project report and all associated documentation to the appropriate District or Field Office Manager. Extension requests must be submitted in writing to the appropriate District or Field Office Manager at least five business days before the project report is due. The manager will respond in writing, approving or denying the request, and this letter must be attached to the project report when it is submitted.
5. Site data and maps shall not be transmitted to project proponents or disclosed to the general public **without permission of the agency official.**
6. All cover pages of project reports and accompanying maps must contain the following statement in a large, bold font: **"For Official Use Only: Disclosure of Site Locations Prohibited (43 C.F.R. § 7.18)."**
7. The permit holder shall submit one hard copy and one digital copy of all publications resulting from the permitted work to the appropriate District or Field Office Manager.

8. No later than 90 days after the final project report is submitted to the appropriate District or Field Office Manager, the permit holder shall deposit all artifacts, samples, collections, original records, data, photographs, and other associated records resulting from permitted field work with the agreed upon curatorial facility. No later than 180 days after the final project report is submitted to the manager, the permit holder shall provide BLM-Utah's Deputy Preservation Officer with a catalog of all materials deposited with the curatorial facility, including the facility's accession and/or catalog numbers, the name of the item, the name of the project, and the name of the BLM-Utah field office the materials originated from. Extension requests may be submitted in writing to the appropriate manager at least five business days before the collection would be due for curation.
9. The permit holder shall provide BLM-Utah's Deputy Preservation Officer with written confirmation that all materials have been deposited with the approved curatorial facility. Such confirmation must state the type, number, and condition of the materials deposited at the facility, the date the materials were deposited, and be signed by the authorized curatorial facility official.

Paperwork Reduction Act and Estimated Burden Statement: This information is being collected pursuant to 16 U.S.C. 470cc and 470mm, to provide the necessary facts to enable the Federal land manager (1) to evaluate the applicant's professional qualifications and organizational capability to conduct the proposed archeological work; (2) to determine whether the proposed work would be in the public interest; (3) to verify the adequacy of arrangements for permanent curatorial preservation, as United States property, of specimens and records resulting from the proposed work; (4) to ensure that the proposed activities would not be inconsistent with any management plan applicable to the public lands involved; (5) to provide the necessary information needed to complete the Secretary's Report to Congress on Federal Archeology Programs; and (6) to allow the National Park Service to evaluate Federal archeological protection programs and assess compliance with the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470). Submission of the information is required before the applicant may enjoy the benefit of using publicly owned archeological resources. To conduct such activities without a permit is punishable by felony-level criminal penalties, civil penalties, and forfeiture of property. A federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. Public reporting for this collection of information is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Departmental Consulting Archeologist; NPS; 1849 C Street, NW (2275); Washington, DC 20240-0001.