

**Bureau of Land Management Preservation Board  
December 2020 Meeting (Virtual)  
November 30-December 3, 2020**

**BLM Preservation Board Members**

Tony Overly	Federal Preservation Officer (detail)
Bob King	Deputy Preservation Officer - Alaska
Matt Basham	Deputy Preservation Officer - Arizona
Vacant	Deputy Preservation Officer – California (detail announcement pending)
Natalie Clark	Deputy Preservation Officer - Colorado
John Sullivan	Deputy Preservation Officer – Eastern States
Kirk Halford	Deputy Preservation Officer - Idaho
Gary Smith	Deputy Preservation Officer - Montana
Bryan Hockett	Deputy Preservation Officer – Nevada
Cynthia Herhahn	Deputy Preservation Officer – New Mexico
Heather Ulrich	Deputy Preservation Officer – Oregon/Washington
Nathan Thomas	Deputy Preservation Officer - Utah
Kathy Boden	Deputy Preservation Officer - Wyoming
Vacant	Tribal Liaison – HQ 420
Jamie Palmer	Field Archaeology Representative - Oklahoma
Jenny Blanchard	Field Archaeology Representative – Alaska
Mary D'Aversa	Line Manager Representative - Idaho
Melanie Peterson	Line Manager Representative - Nevada
Lance Porter	Line Manager Representative - Utah
Jason West	Line Manager Representative - Arizona

**BLM Participants**

Marci Todd	Field Committee Representative – Nevada
Scott Foss	Division Chief – HQ 420
Kristen Martine	Deputy Division Chief – HQ 420
Rochelle Bennett	National Curator – HQ 420
David Christensen	Note-taker Day 1 - Utah
Erin Leifeld	Note-taker Day 2 - Colorado
Tiffany Arend	Note-taker Day 3 – California
Sharyl Kinnear-Ferris	Note-taker Day 4 – California

**Partners/External Participants**

Kathryn Leonard	Arizona State Historic Preservation Officer
Mary-Ellen Walsh	Cultural Resources Compliance Manager – Arizona
Erik Hein	National Conference of State Historic Preservation Officers
Valerie Grussing	National Association of Tribal Historic Preservation Officers
Patricia Garcia	Agua Caliente Band of Cahuilla Indians
Bill Marzella	Advisory Council on Historic Preservation
Tom McCulloch	Advisory Council on Historic Preservation

## **November 30**

### **Opening Remarks from Headquarters**

BLM reorganization and building the new HQ-420 (Division of Education, Cultural and Paleontological Resources) is well underway. Rebuilding web sites, organizing intranet file systems, staffing up, preparing briefs for incoming leadership, and scheduling national training are all priority tasks at the moment.

### **Arizona State Historic Preservation Officer**

Virtual welcome and update indicating the state has strong collaborative relationship with BLM. Several high-profile Programmatic Agreements (PAs) have been executed this year. Other ongoing work includes engaging the public and the state legislative body on how state and federal cultural resources law are integrated and there may be opportunities for the BLM to partner with the state on some of these efforts. Various streamlining opportunities being pursued may be of interest to the BLM, like for example, the development of state level guidance on recording historic waste piles as isolated objects.

### **Museum Collections**

The BLM has brought on a new National Curator, Rochelle Bennett, after an extended vacancy. A presentation was given to the Board discussing immediate needs, long term priorities, and general program priorities. Field support, policy development, training, support working with third party repositories, and reporting were all highlights of planned work.

### **Round robin**

**Alaska** – Section 106 on oil and gas leasing program in the Arctic National Wildlife Refuge, and the national petroleum reserve along with various museum properties issues continue to be ongoing concerns.

**Arizona** - Landscape level traditional cultural properties (TCPs) are challenging due to multiple jurisdictions, traditional ecological knowledge issues are coming up, and Arizona State Museum fees are becoming a burden for some in-house projects.

**California** – Deputy Preservation Officer currently vacant. Data sharing with tribes and accounting for visual impacts to landscapes for renewable energy projects continue to be controversial. Work continues, albeit slowly, on tribal consultation MOUs.

**Colorado** – Newly appointed permanent Deputy Preservation Officer after a series of acting. Challenges working to update repository status for university.

**Eastern States** – Several states expressing interest in PAs and there are continued difficulties in timing for reviews for private property O&G development.

**Idaho** - COVID tribal consultation issues continues to be difficult, anticipating new wind project soon, and working on moving to new GIS platforms on tablets using AGOL and Collector.

**Montana** - Keystone XL Pipeline is still under review with Corps of Engineers now acting as lead. Still very controversial and BLM has a limited role with some proposed ROW in the APE. Also working with a Native American Company to procure the preparation of a National Register nomination in the Prior Mtns.

**Nevada** - Section 106 compliance for renewable energy, transmission lines, and mining are very busy. Recently completed template guidance for Visual APEs.

**New Mexico** – Landscape level TCPs, as well as, consultation during COVID for Farmington Resource Management Plan: Mancos/Gallup Amendment, NAGPRA, and other cases continue to be difficult due to Covid-19.

**Oregon/Washington** - Newly appointed permanent Deputy Preservation Officer after a several actings. Fires were big this year and now dealing with large scale hazard tree removal and salvage sales among other things.

**Utah** – Finished state level 8110 and leasing guidelines. Ongoing discussion with SHPO on level of effort for ineligible properties and documentation when revisiting previously recorded sites.

**Wyoming** – O&G development has slowed down. Working through some problems with new SHPO database. Tribal consultation during pandemic has been difficult but lower Section 106 caseload has allowed for more progress on some NAGPRA cases.

**Charter and Rules of Operation Review** – Reviewed decisions and edits from June meeting regarding recruitment and length of term positions for field archaeologist and line officers. Discussed need for other revisions to both the charter and the rules of operation. Plan to work on additional edits between now and June 2021 meeting.

**nPA Extension** – Reviewed discussion from June meeting and resulting in plan to move forward with two-year extension process specified in nPA. Consensus from the Board that acting Federal Preservation Officer will prepare briefing package for the Director recommending that BLM formally initiate extension process with the other signatories. There was also some interest in concurrently exploring informally what consultation process and schedule would entail for more substantive revisions to the nPA. Board will continue to discuss between bi-annual meetings.

## **December 1**

### **National Association of Tribal Historic Preservation Officers (NATHPO)**

Discussion with the Board on general and specific improvements that BLM can make to improve consultation process so the bureau can improve relationships and outcomes on individual consultations. Topics covered included tips for more effective correspondence, problems with data sharing, better procedures in face-to-face meetings, reaching out to hold general program level discussion not tied to projects, discussion of internal training, gauging interest in potential for joint training opportunities, and case examples of other agencies guidance on tribal relations, and offers to share examples of indigenous archaeology context statements. NATHPO will be working to develop a national contact database in 2021 and expressed interest in working with other agencies. BLM committed to following up on several local and national items.

### **National Conference of State Historic Preservation Officers (NCSHPO)**

Discussion with the Board on status of various items from the viewpoint of the SHPOs. In general they are aware of the upheaval at HQ and the organizational stress that is happening. General concern but hopeful that things will stabilize soon. Most feedback has been positive but here are some strained relationships due to some cases with the specific interpretation of the regulations but even these cases are on the way to being resolved. SHPOs have been adapting to virtual environment during the pandemic like others. That shift has emphasized the need for better digital procedures and data sharing with BLM. SHPOs are very thankful for that

relationship and would like to continue to work with BLM to ensure funding continues. Several long standing SHPOs are retiring and, similar to the BLM, there is some concern for setbacks or inefficiencies due to loss of institutional knowledge. No decisions made by BLM.

### **Advisory Council on Historic Preservation**

Numerous changes at the staff level and with senior positions including the retirement of the executive director and the chairman's term ending in early 2021. Virtual training continues and involves expanded free webinars. Two scheduled for BLM "Resolving disputes in Section 106" and "Managing confidential information". ACHP encourages BLM to consider by-request trainings that can be offered virtually. Federal agencies have had increased interest recently in Program Comments. ACHP has worked this year to advise agencies on factors to consider for pausing Section 106 consultations due to the pandemic. They also made adjustments to the emergency response timelines and are considering further adjustments long term disasters. No decisions made by BLM.

### **COVID-19, tribal consultation, maintaining relationships in challenging times**

General discussion on facilitating engagement with tribes during the pandemic and in the future. Tribes have difficulty participating as cooperating agencies or as co-lead agencies due to workload commitments and perhaps perception issues. There is general need for additional training for staff and managers. BLM is recognizing shortcomings in national coordination efforts due to the lack of a national tribal liaison. Work continues to fall to State Archaeologists in the states that do not have dedicated tribal liaisons.

### **December 2**

#### **National Blanket Purchase Authority (BPA) Contract**

There were 90 overall quotes received and evaluated. Will be awarded soon (January) and there will be a webinar to follow. Contract has \$15 million cap over five years and is divided into seven regions but contractors will be state-specific. Primarily Class III Surveys (block, not linear) to record all resources, evaluate for significance, and determine effects (Section 106 and 110) but also includes Class I Survey requirements (through SHPO and/or Field Office). Uses state-specific geodatabase to document resources and survey. Requires documentation of paleontological remains locations. Includes documentation of architectural resources on architectural records. BPA lists many specialty services but other services may also be added. BLM State Office guidance takes precedence over Programmatic Work Statement. No decisions made by BLM.

#### **National Cultural Resource Information Management System (NCRIMS) Update and Discussion on Federal Information Processing Standard (FIPS), AGOL (ARCGIS Online) Via Collector**

BLM continues transition effort to NCRIMS as national web application for cultural GIS data and sensitivity modelling as specified in IM 2018-079. Currently there are 450,000 resources and 250,000 investigations in the system. Recently finished state office kickoff meetings to support data clean up work by contractor. Anticipate 50,000 more resources will be input this

year. Courses to help archaeologists use modelling tool and understand the modelling data were postponed due to COVID but there is still great interest in the field.

Web-based GIS applications are increasingly being used by archaeological contractors but the BLM policy on data security has not kept up with the technology. The primary online, cloud-based platform used is AGOL, a public facing interface, that does not run behind firewall but this system's FIPS data security standards do not meet Federal Information Security Management Act requirements for cultural resources data. BLM can either work to adjust cultural resources data security classification or can pursue a variety of interim fixes in the near term. Short term fixes include requiring contractors to use BLM FGDB (cultural resources geodatabase), BLM data dictionary, or GeoPlatform, or revise permit language to consider these security concerns and assign liability to contractor.

No final decisions were made by the Board but ongoing work discussed included consulting with the paleontological program how they changed data security standards for paleontological resources, reaching out to BLM CRDP representatives, and preparing a white paper that summarizes the problem and possible solutions.

### **Oil and Gas Leasing**

Discussion of how each state conducts Section 106 leasing review for the Oil and Gas program. Approaches vary somewhat due to State Protocol Agreements and various local standards but in general leasing decisions use less than Class III identification efforts with a finding of no historic properties affected or no adverse effect. Leasing decisions typically commit to further inventory prior to approving an APD. The leases also can have stipulations such as if historic properties cannot be mitigated, then the APD may not be approved. Consulting Parties do not like the pace of leasing decisions. There are also questions about how the APE is defined and how cumulative effects are analyzed. This leads to general dissatisfaction in BLM's level of effort and in some cases objections to the finding of effect. Consulting Parties are now objecting to no adverse effect determinations forcing the BLM to seek ACHP review prior to leasing but usually this only slows and does not change the outcome.

Decision made to develop an internal Sharepoint site to share information on stipulations, guidance on cumulative effects, how to better engage tribes prior to leasing at the planning stage, use of master leasing plans, and in effort to coordinate adjacent state approaches for consistency when working with Consulting Parties with multi-state interests.

### **Nevada Template for Visual APE**

Presentation on Nevada's guidance for visual APEs. The approach was developed by taking photos of existing facilities from various distances to see visually how those projects looked on the landscape. It borrowed Visual Resource Management (VRM) concepts of foreground, midground, and background distances to make decisions about APE for visual effects. Last, it uses intercept theorem concept to add a mathematical equation in developing a visual APEs. (i.e. can calculate height of project from any location). The presentation also emphasized that the template should be used as a starting point for consultation on visual APEs.

Board agreed that there is a need for guidance on establishing visual APEs for major infrastructure projects so that decisions will be more consistent and defensible. The approach in Nevada was viewed very favorably by those who had reviewed it in detail and there was a commitment that others would follow up with a close review to facilitate future discussion on what adjustments to make, if any, to convert the suggested approach into national guidance.

### **December 3**

#### **Program Element Discussion**

A discussion of Program Elements (PEs) was held to consider how improve function and certainty that PEs tell the story of the work of the cultural heritage program. The last major adjustment to PEs was in 2014 when many PEs were combined. Truth in coding, accuracy of definitions, consistency of use, and how the data are used were themes of concern expressed by managers, field representatives, and Deputy Preservation Officers. Also, as structured now the Section 106 workload is not captured in the system since that work is paid for by the benefitting sub-activity and is not “proactive”.

Specific PEs discussed involved the following. Tribal consultation (AJ) is especially problematic because it undercounts bureau efforts to engage with tribes. Many consultation meetings are planned/funded as Section 106 meetings and cannot be counted as AJ but they routinely turn into general consultations that should be accounted as AJ. Museum collections managed (BD) is too coarse and both heritage resources stabilized, managed, protected (HF), historic structures managed (KO) need attention as well.

Decisions were made to assess schedule and interest from the bureau at large before delving into a significant workload to propose major edits to existing PEs. A commitment was made, however, to prepare a short overview summary of some of the major problems with PEs so leadership can factor this issue when prioritizing tasks in the future. Also, several states are using or drafting field instructions/definitions for existing PEs and there is an intent to explore the viability of compiling these into a multi-state or national guidance.

#### **Vegetation Management/Wildfire Response**

A review of current practice, opportunities for adjustments, and potential recommendations for fuels projects, wildfire response, and rehabilitation work was held. States have recognized a need for expedited fuels projects review and a variety of streamlining tools are being used. For National Environmental Policy Act (NEPA), states have recently completed or are considering programmatic analyses via Environmental Assessments (EA) or Environmental Impact Statements (EIS). From a Section 106 review standpoint, statewide, multi-agency Programmatic Agreements or Protocol Supplements/Addendums are in the works in a number of states.

Engagement on wildfires by archaeological staff has become a huge workload in some states. There is a highly codified and effective system in place how resources specialists are used but there are several areas for improvement. BLM can work to make sure that lesser experienced staff are aware if the large multi-agency cadre of fire archaeologists. State archaeologists can

work to get better integrated with the fuels and fire program in each states to participate in pre-season training and post season reviews. Data sharing, using NCRIMS or other existing archaeological data, with fire fighters continues to vary locally on a state by state basis. To maintain some degree of flexibility and efficiency in resource protection each state needs to work on developing procedures for local consideration that make sense in their respective jurisdictions.

Last, large burns areas with more intense fires at never-before-seen temperatures are causing more and larger time sensitive rehabilitation projects. Rehabilitation work has become massive. The large numbers of trees to be salvaged, massive landforms destabilized due to de-vegetation, and the high numbers of sites inadvertently damage by suppression activities are all posing challenges to manage in the near term and in the future for each incident. It was generally agreed that it would be useful to have more on the ground studies completed that analyzed the practical effects of both burn and rehabilitation activities to archaeological sites.

The decision was made to host a program specific community of practice space (Sharepoint) for fuels, wildfire response, and rehabilitation resources. Information on compliance approaches for fuels projects, wildfire response references (contact information, web sites, best practices, etc.) and rehabilitation work (case studies, etc.) could all be compiled and shared within the BLM archaeology program.

#### **Close-out**

Reviewed decisions and assignments made. Committed to holding a standing monthly call. Set next Board Meeting for June 8-10. Location will be in Reno Nevada depending on pandemic circumstances.

#### **Adjourned**