

**HANDBOOK OF GUIDELINES AND PROCEDURES  
FOR INVENTORY, EVALUATION, AND  
MITIGATION OF CULTURAL RESOURCES**

**BUREAU OF LAND MANAGEMENT  
COLORADO STATE OFFICE**

**1998**

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## ***I. PURPOSE AND OBJECTIVES***

This handbook addresses cultural resource standards and guidelines and provides direction to Bureau of Land Management (BLM), cultural resource specialists, cultural resource consultants, other federal agencies, and commercial developers, herein referred to as project proponents. The requirements that are discussed here and in the BLM Manual Series 8100 dated December 3, 2004 ([http://www.blm.gov/wo/st/en/prog/more/CRM/policy\\_and\\_guidance.html](http://www.blm.gov/wo/st/en/prog/more/CRM/policy_and_guidance.html)) regarding cultural resource policy are to be used by cultural resource consultants that are applying for and holding a permit to conduct cultural resource work for a Federal undertaking or independent scientific study. This information is also used by the BLM to guide its own cultural program and by permit holders and project proponents to understand the scope and requirements that they may have to undertake in carrying out the stipulations attached to leases and permits they may be working under.

The BLM requires that the cultural resource consultant receiving a Cultural Resource Use Permit (CRUP) carry out the terms and conditions of the permit or face suspension or revocation of the permit. In order for a project proponent to proceed with a project the permit stipulations must be completed. Signing the permit indicates acceptance of these responsibilities.

The BLM will provide necessary guidance to both cultural resource consultants and project proponents as to what is required to meet the legal and regulatory requirements and concerns regarding cultural resource management. The BLM is not an arbitrator between cultural resource consultants and project proponents having business disputes. The BLM strongly suggests that explicit contracts be developed between these two business entities prior to any permit application or issuance to conduct work.

The BLM is required by law and regulation to ensure that Bureau-initiated or Bureau-authorized actions do not inadvertently harm or destroy cultural resource values. Because most cultural resources are unidentified, irreplaceable, and highly sensitive to ground disturbance, it is necessary that the resources are properly identified, evaluated, and reported prior to any proposed action that may affect their integrity or condition. All

project specific information and collected materials from public lands remain the property of the U. S. Government.

## **II. AUTHORITIES**

Other guidance provided for the identification, evaluation, treatment and management of cultural resources on BLM lands can be found in the Programmatic Agreement Among the Bureau of Land Management, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers Regarding the Manner in which BLM will Meet Its Responsibilities under the National Historic Preservation Act (1997) [Also see BLM Manual 8100 The Foundations For Managing Cultural Resources for listing and description of applicable historic preservation laws].

Specifically in Colorado, guidance is provided by the:

- \*BLM Colorado Manual 8100 dated December 3, 2004;

- \*State Protocol Agreement Between the Colorado State Director of the Bureau of Land Management and the Colorado State Historic Preservation Officer (SHPO) Regarding the Manner in which the Bureau of Land Management (BLM) will meet its Responsibilities under the National Historic Preservation Act (NHPA) and the National Programmatic Agreement (NPA) Among the BLM, The Advisory Council on Historic Preservation (Council), and the National Conference of State Historic Preservation Officers (NCSHPO) (1998);

- \* Colorado Office of Archaeology and Historic Preservation Cultural Resource Report Forms and Guidelines; and

- \* Colorado historic context documents.

## **III. GLOSSARY OF TERMS**

cultural resource or cultural property: a definite location of human activity, occupation, or use, normally greater than 50 years of age, identifiable through field inventory, historical documentation, or oral evidence. The term includes archaeological, historic, or architectural sites, structures, places, or sites or places with important public and scientific uses, and may include definite locations (sites or places) of traditional cultural or religious importance to specified social and/or cultural groups (cf. “traditional cultural property”). Cultural resources are concrete, material places and things that are located, classified, ranked, and managed through the system of identifying, protecting, and utilizing for public benefit described in laws, regulations, and the BLM Manuals.

definite location: having discernible, map able, more or less exact limits or boundaries, on a scale that can be established by a survey crew using conventional sensing and recording equipment, by an informant’s direct on-the-ground indication, or by precise placement in a documentary source (see “cultural resource or cultural property”).

historic property: any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP. The term includes, for purposes of these regulations, artifacts, records, and remains that are related to and located within such properties. The term “eligible” for inclusion in the NRHP includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet NRHP listing criteria (quoted from 36 CFR 800.2(e); compare National Historic Preservation Act, Section 301, (See also “cultural resource or cultural property”. Cultural resource or cultural property is an analogous BLM term not limited by NRHP status).

isolated find: a physical location of past human activity consisting of one or very few artifacts in a location that is interpreted as not representing patterned human behavior. [Note: The distinction between a site and an isolated find is, in many instances, difficult to quantify. The above definitions do not operationalize the distinction; they merely provide guidance to the Field Offices. In practice, the operational concepts of site and isolated find will be explicitly defined by each Field Office archaeologist and may, therefore, vary significantly from region to region within Colorado. Each Field Office should be asked to provide their definition before entering the field].

large-scale projects: involves acreage in excess of 160 acres with no sites, or any size acreage where sites are present. Test excavations, sample/full-scale excavations and scientific research are considered a large-scale project. There is some flexibility in the use of this guideline according to project complexity.

permittee: professional cultural resource consultant that holds a BLM CRUP.

proponent: operator, commercial developer, or any other party or organization proposing to conduct federal undertakings for which BLM is the lead agency.

Section 106 consultation: refers to consultation between the BLM (or other federal agency), the Colorado SHPO, the Advisory Council on Historic Preservation (ACHP), Tribes, local governments, and other consulting parties, in accordance with Section 106 of the NHPA following procedures specified in the State Protocol Agreement.

site: the location of activities or events, often used loosely to mean the same as cultural resources. In archaeological jargon, the basic meaning of site is a place where archaeological evidence occurs; with precise meanings vary considerably from region to region and among recording institutions within regions. Section 4c of the Archaeological Resources Protection Act uses site in the term “religious or cultural site” in its common dictionary sense; i.e. as a location, not as a synonym for “archaeological resources”. If the Congress had meant “archaeological resource” in Section 4c, the drafters wither would have used that defined term or would have defined “site” to mean the same as “archaeological resource”. According to the Glossary of Terms in National Register Bulletin No. 16A, site means “location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing structure”.

small-scale projects with limited-results: linear projects not to exceed four (4) miles long and/or block areas of 160 acres or less with no sites and a maximum of four (4) isolated finds.

traditional cultural property: a property that derives significance from traditional values

associated with it by a social and/or cultural group, such as an Indian tribe or local community. See “cultural resource or cultural property” and “definite location”. A traditional cultural property may qualify for the NRHP if it meets the criteria and criteria exceptions at 36 CFR 60.4. (See National Register Bulletin No. 38).

undertaking: a term with legal definition and application i.e., “actions carried out by or on behalf of the agency; those carried out with Federal financial assistance; those requiring a Federal permit, license, or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a federal agency” (See National Historic Preservation Act, Section 106 and Section 301(7), Appendix 5; 36 CFR Part 800). However, Section 106 does not apply to actions subject to State or local regulation only. The vast majority of land use authorizations approved by BLM, as well as BLM-funded projects, are undertakings for purposes of Section 106 of the NHPA.

#### **IV. LIST OF BUREAU OF LAND MANAGEMENT MANUALS FOR CULTURAL RESOURCE MANAGEMENT**

8100 THE FOUNDATIONS FOR MANAGING CULTURAL RESOURCES

8110 IDENTIFYING AND EVALUATING CULTURAL RESOURCES

8120 TRIBAL CONSULTATION UNDER CULTURAL RESOURCES

H-8120-1 GENERAL PROCEDURAL GUIDANCE FOR NATIVE AMERICAN CONSULTATION

8130 PLANNING FOR USES OF CULTURAL RESOURCES

8140 PROTECTING CULTURAL RESOURCES

8150 PERMITTING USES OF CULTURAL RESOURCES

8160 COLLECTIONS MANAGEMENT (reserved)

## V. PROCEDURES FOR CULTURAL RESOURCE USE PERMITS

A Cultural Resource Use Permit (CRUP) is a land use authorization that the State Director issues to a qualified applicant, pursuant to BLM Manual 8150, for the purposes of carrying out various identification and/or data recovery operations on cultural properties that are located on lands where BLM administers the surface. **The CRUP does not apply to non-federal surface.** Although permits are not issued for consultants working on non-federal land under BLM requirements, BLM is responsible for the quality of work done to satisfy historic preservation requirements and may ask to review both the project proponent's proposed choice of consultant and the adequacy of the work proposed and advise the proponent about adequacy of the qualifications and/or the work through official correspondence. The BLM must accept a consultant's work product before completing the historic preservation review process and approving the proponent's lands use application. **At no time should a consultant use the permit as the mechanism to gain access to non-federal surface.** The proponent is responsible for obtaining landowner consent.

Permits are issued partly under the authority of Section 302(b) of the Federal Land Policy and Management Act of 1976 (FLPMA) and the procedures in BLM Manual Section 2920, but in contrast to other "2920 permits", CRUP's are nonexclusive, noncompetitive, minimum impact permits, and are not subject to Notice of Realty Action, filing fees, or cost reimbursement. CRUP's are required for any person(s) performing cultural resource investigations on BLM-administered lands in Colorado. Permits also are issued under the authority of the Archaeological Resources Protection Act of 1979 (ARPA). CRUP's are issued by the BLM Colorado State Office. For more information, contact the State Archaeologist, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215-7076; telephone number: (303) 239-3647; Email: dhaas@blm.gov

The State Director, through the Deputy State Director, Resources, or his/her designee, is responsible for receiving permit applications; preparing case files; conducting technical and management reviews to ensure that all qualifying requirements are met;

issuing, denying, modifying, suspending and revoking permits; and maintaining current files.

Field Office Managers or their designee are responsible for conducting technical and management reviews of permit applications as requested by the State Director; for making recommendations to the State Director for permit issuance, denial, modification, suspension, or revocation; for notifying and consulting with affected Indian tribes; for monitoring work conducted under permits; and for issuing fieldwork authorizations.

Cultural Resource Specialists on State and Field Office staffs are responsible for providing and documenting technical reviews and recommendations; for developing terms and conditions; for monitoring and documenting permittees' technical performance; and for compliance with permit terms and conditions.

While the Colorado BLM encourages and requires participation by permittees at various stages of the Section 106 process, the Colorado BLM retains ultimate responsibility for complying with all requirements of the NHPA.

Permits may be issued to appropriately qualified applicants, provided that work proposed would further knowledge in the public interest, would not conflict with other legitimate or protected uses of the public lands and resources, and would not be inconsistent with any approved management plan, objective, or established policy applicable to the public lands concerned.

Permits are not issued to other Federal agencies. Officially proposed cultural work may be authorized by a written agreement. Approval is subject to exactly the same review process and considerations as specified in Manual 8150. The written agreement can be a letter. The letter authorization is subject to the same special conditions as applied to other permit holders, which must be referenced in the letter with special conditions attached. Other Federal agencies are required to obtain a fieldwork authorization from the appropriate Field Office manager prior to beginning fieldwork. An employee of another Federal agency, proposing to conduct off-duty personal research that would require a permit, is subject to the regular permit application process.

The terms and conditions that apply to all permits are listed in and must be adhered to for all projects, or the permit may be suspended or revoked.

## **A. Types of Permits**

Cultural resource consultants need to be specific about the type of permit being requested in their application. The following uses are authorized:

1. Survey and Recordation may be authorized for applicants who propose to identify, evaluate, record, or conduct similar non-impacting studies of cultural properties that will not include excavation and/or removal of material remains or other significant disturbance of cultural properties. As agreed to in advance, and specifically limited in the permit terms and conditions, such permits may authorize collection of isolated cultural materials, cultural materials that are at-risk of being damaged or removed by looters, and minor sub-surface probing to locate limits of cultural properties or unconfirmed archaeological deposits for mapping purposes. Minor, subsurface probing is limited to shovel pits or trowel tests. These permits may be issued on a multiple-Field Office or Statewide basis, for three (3) years to facilitate Section 106 compliance inventories. First-time permit holders are issued permits for one (1) year only, until they have established a history of successful project completion. Speculative permits are discouraged, and BLM may not issue a permit without a project. Also, BLM may not renew first-time permit holders, if work is not conducted under the permit during the year.

2. Limited Testing and/or Collection may be authorized for applicants who propose to conduct small-scale testing and/or systematic collection and removal of cultural material during field identification, evaluation, and recording activities, so that the significance or research potential of a cultural property may be better understood but not substantially diminished. Small scale testing should be limited to a maximum of three (3) square meters. It is important to understand that the purpose of limiting testing is to establish whether or not a site is eligible for nomination to the NRHP. Hence, testing should cease once it is determined that intact subsurface cultural deposits are present.

Exceptions to the 3-square meter rule will require written permission from the Field Office archaeologist detailing the site, project, time frame and reasons for the exemption. Excavation of any cultural property beyond limited evaluative or eligibility testing requires the issuance of a permit for excavation and/or removal (see 3. below). Work proposed may be used to determine future mitigation strategies. These permits are generally site-specific and issued for the project duration. Because these permits disturb relatively little of the cultural property, they generally can be issued without Native American consultation.

3. Excavation and/or Removal may be authorized for applicants who propose to excavate and/or remove material remains at a greater scale than the limited testing described above, with the result that the significance and/or future research potential of a cultural property or properties may be substantially altered. These permits are restricted to specific project areas and/or specific cultural properties and issued for the duration of the project. This permit includes major testing programs designed to answer research questions and to guide future data recovery efforts of an eligible cultural property. Ordinarily, these permits will be issued only after Native American notification and consultation required by ARPA and the Native American Graves Protection and Repatriation Act (NAGPRA) has been completed. Normally, work will be guided by a detailed treatment plan that has been reviewed and approved by BLM after consultation with the Colorado SHPO.

A combination of cultural resource activities described in 1. and 2. above may be authorized in a single permit, as appropriate to the extent and nature of work proposed in the application. A permit may be modified to authorize additional activities, project areas, and/or cultural properties that were not specified in the permit at the time of issuance. An excavation/removal permit normally will not be modified to include additional project areas and/or cultural properties. A new permit will be required.

A project-specific Fieldwork Authorization Request form (CSO 8151.3) is required **before** commencing fieldwork and is issued by the appropriate BLM Field Office. Fieldwork authorizations should not routinely be used to apply additional special conditions to the permit beyond what was attached at original issuance, nor should the authorization process be used as a second level of review of proposed personnel.

BLM archaeologists may participate in, or monitor work conducted by cultural resource consultants.

Curation agreements are required regardless of the use authorized. The agreement(s) should be submitted with the application or renewal request and **must be in place** before a permit is issued.

**B. Permit Application (Paleontological Permits will be handled separately under the Colorado 8270 Guidance Supplement)**

Any person may apply for a CRUP by submitting an application form (Form 8151-3) and required supporting documentation to the Deputy State Director, Resources or his/her designate. Only one (1) copy should be submitted. The application **should not** be sent to the Field Offices.

Application for modification or renewal of permits may be requested using Form 8151-6, "Request for Modification of Cultural Resource Use Permit". Applicants may need to submit supporting documentation as relevant to the requested modification or renewal. The modification or renewal request may be made 30 days prior to the expiration of the term of the permit or, provided the permit has not been used invalidly since it expired, within a reasonable period of time after expiration. If the existing permit is in good standing, during the time a permit modification or renewal is being reviewed and processed, the permit will remain in effect.

The following minimum requirements are listed to assist cultural resource consultants in preparing applications:

1. Organizational Qualifications. Applications must show the applicant's organizational ability to accomplish work of the type and scope proposed. A summary of organizational experience should be submitted providing the following minimum information:

- a. Statement of applicant's organizational ability to accomplish work, including:
  - (1) location(s) of facilities and equipment;

- (2) description of facilities and equipment;
- (3) organizational structure and staffing;
- (4) specification of which and to what extent facilities, equipment, and staff listed would be utilized.

b. Statement of applicant's organizational history in completing the type of work proposed, including:

- (1) similar past projects;
- (2) past government contracts;
- (3) selected bibliography of project or contract reports and/or publications resulting from (1) and (2) above;
- (4) previous federal permits held in the last 3 years, effective dates of permits currently in force, and applications pending or planned;
- (5) suspended or non-renewed Federal permits;
- (6) other pertinent organizational experience, such as research and special studies.

If the applicant is a newly formed entity, any information that might take the place of information requested in 1.a. and 1.b. above should be provided. In such cases, individual capabilities of personnel will carry greater weight in evaluation of organizational qualifications. Lack of an organizational history will not be the principal factor in a recommendation for permit denial.

## 2. Individual Qualifications.

a. Permit Administrator: Applications must show the name of the individual proposed to be responsible for carrying out the terms and conditions of the permit and otherwise complying with legal requirements applicable to the permitted activity. This individual must be legally empowered to obligate the applicant organization and must sign the application. Unless this individual is also named under 2.b. and 2.c. below, it is not necessary that this individual be a professionally qualified archaeologist, historian, or architect.

b. Project Director/Principal Investigator: Applications must include the name of any individual(s) proposed to be responsible for planning, supervising, and overseeing the overall project, including responsibility for the professional quality of evaluations and recommendations. Principal investigators shall have primary accountability for technical completeness and competence of work conducted under the permit. They shall be responsible for development of work plans and research designs, for performance of crew chiefs, for selection standards and limitations on work assignments of crew members, for analysis and interpretation of field data, for integration of field work results into comparative regional perspective, and for preparation of reports. Information must be included with the application to demonstrate that each individual has achieved the following:

(1) Adequate professional instruction. This may be obtained in either of the following two ways:

(a) Formal education resulting in a graduate or degree in the appropriate discipline for the permitted activity, **or**

(b) Formal education resulting in a bachelor's degree in the appropriate discipline for the permitted activity, **plus** at least 2 years of pertinent, professionally supervised experience with increasing responsibility leading to duties similar to those proposed in the application.

(2) Competence in theory and method, and in recording, collecting, handling, analyzing, evaluating, and reporting cultural resources data, relative to the type and scope of work proposed.

(3) Ability to plan, equip, staff, organize, and supervise activity of the type and scope of work proposed.

(4) Ability to carry research to completion, as evidenced by timely completion of theses, research reports, final reports, etc.

(5) Completion of at least sixteen (16) months of professional cultural resource management experience including similar duties as proposed in the application. This experience must include at least four (4) months of experience with comparable cultural resources in similar cultural and geographical areas. If equivalency is claimed under 2.b. (1) above, the sixteen (16) months of experience required here is to be included in, not in addition to, the 2 years of experience required in 2.b. (1) above.

c. Field Supervisor/Crew Chief: Applications must include the name of individual(s) proposed to be responsible for carrying out field projects and are in the field when fieldwork is underway. Crew chiefs shall be responsible for the technical quality of fieldwork, for the direct on-the-ground supervision of all aspects of fieldwork and data gathering, for proposing resource evaluations and recommendations for further treatment, and for preparing field records and descriptive reports. For each individual, information must be included with the application to demonstrate that the individual has achieved the following:

(1) Adequate professional instruction, obtained either of the following two ways:

(a) Formal education resulting in a BA or BS in the appropriate discipline (anthropology/archaeology, history, architecture) and at least 12 months of pertinent professionally supervised experience, with increasing responsibility leading to duties similar to those proposed in the application **or**; (b) Equivalent training and experience, including at least 30 months of pertinent, professionally supervised experience, with increasing responsibility leading up to responsibilities equivalent to those proposed in the application.

(2) Competence in recording, collecting, handling, analyzing, evaluating, and reporting cultural property data, relative to the type and scope of work proposed.

(3) Demonstrated ability to supervise activity of type and scope proposed.

(4) Completion of at least four (4) months of professional cultural resource management experience with comparable cultural resources in similar cultural and geographic areas. This may be part of the experience required in 2.c. (1) above.

The same individual may be named under 2.a.-c. above, that is, the same individual may be proposed to serve as permit administrator, project director, and field supervisor, provided that evidence is submitted to show that all pertinent criteria are met.

d. Monitors: Project excavation or trenching monitors must meet the same minimum qualifications as field supervisors/crew chiefs with the exception of having demonstrated supervision ability. Monitors must also have experience in excavation methods, either through an approved field school or through at least thirty (30) days supervised experience in excavation.

e. Historic Archaeologist: This designation is only for those with professional experience restricted to historic archaeology. Certification must meet the same minimum qualifications as principal investigator and field supervisor/crew chief.

f. Crew Members: All crew members must possess a minimum of eighteen (18) hours of anthropology or archaeology with two (2) months field experience or field school. The cultural resource consultant is responsible for assuring that these qualifications are met.

### 3. Qualifications of Proposed Curatorial Facility.

Materials collected from BLM-administered lands and associated records will be deposited in the following facilities unless otherwise noted in the permit:

- a. Anasazi Heritage Center: San Juan Public Land Center, Gunnison and Uncompahgre Field Offices.

- b. Museum of Western Colorado: Glenwood Springs, Grand Junction, Kremmling, Little Snake, and White River Field Offices.
- c. No specified facilities are available for the Royal Gorge Field Office and the San Luis Valley Public Land Center. A no collection policy is currently in effect.

To the maximum extent possible, proposed curatorial facilities should meet the 36 CFR Part 79 standards and shall satisfy the following minimum considerations, as applicable:

a. Physical Considerations:

- (1) Adequate security;
- (2) Adequate protection for the types of materials expected to be housed, such as climate control for perishable material remains;
- (3) Adequate protection for records, data, photographs, and other documents;
- (4) Adequate records/accessioning/retrieval systems, including full capability to account for materials;
- (5) Adequate provisions for scholarly access and study;
- (6) Maintenance of physical plant insurance;

b. Administrative Considerations:

- (1) Provision for permanent preservation, including transfer to a Federal or federally approved location in the event the facility should cease to exist;
- (2) Adequate staffing;
- (3) Provision for granting qualified scholars reasonable access to records and collections for research purposes.

4. Certification by Curatorial Facility.

Each application must include a curation agreement signed by a properly authorized official of the proposed curatorial facility, of willingness to accept any collections, as applicable, and records, data, photographs, and other documents generated during the proposed term of the permit, and to assume permanent curatorial responsibility and

accountability for such materials on behalf of the United States (U.S.) Government. The U.S. Government owns all collections and associated records. The cultural resource consultant is required to notify the curatorial facility of the term of the permit. The curation agreement will include the expiration date for the project.

#### 5. Cultural and Geographic Area Experience.

The completion of at least four (4) months of professional cultural resource management field experience in applicable cultural and geographical areas associated with the Field Office or in areas of adjacent States involving similar cultural resources. The geographical area experience is based on project work by county. The resumes of personnel submitted with the application must clearly show the needed information or delays in the processing of the application will occur until this information is provided.

### **C. Application Review and Evaluation**

The BLM State Archaeologist reviews each permit application with input from the Field Office in which the proposed work will occur. All permit applications are reviewed in the State Office and require minimally 30 calendar days to process. The applicant is responsible for seeking input from the appropriate Field Offices to better complete an application, particularly when the application involves data recovery plans.

Documentation of qualifications of all supervisory personnel shall be provided in resumes. Failure on the part of applicants to provide complete up-to-date information in the format required above will result in delays in the processing of the application until this information is provided.

The applicant shall be informed as quickly as possible what is needed for review. For this purpose, documented telephone or email contact is preferable to written notification.

Any application that fails to meet minimum qualification criteria, either upon initial receipt for missing information, may be rejected without further review, by following the permit denial procedures of BLM Manual 8150.

If an individual deliberately falsifies or grossly exaggerates his or her qualifications or experience on their resume, the BLM will suspend any further consideration of certifying that individual in a supervisory capacity for a period of time commensurate with the severity of falsification.

#### **D. Permit Areas**

Survey/Recordation permits are issued by Field Office area. Limited Testing/Collection and Excavation/Removal permits are issued by project area or cultural property.

#### **E. Permit Numbers**

Survey/Recordation and Limited Testing/Collection permits are issued numbers that will remain in effect through all modifications and renewals. Excavation/Removal permits are issued numbers that will remain in effect only through the term of the project.

#### **F. Field Work Authorization**

Prior to commencement of any field investigations, cultural resource consultants must notify the appropriate Field Offices of their intent to carry out fieldwork and submit a Fieldwork Authorization Request (Form 8151-3). This request may be for a project-specific authorization (in which case a map showing the proposed project area must be included) or for a blanket authorization, at the discretion of the BLM staff archaeologist or Field Office Manager. **At no time should a consultant use the authorization as the mechanism to gain access to non-federal surface.** The proponent is responsible for obtaining landowner consent. The BLM staff archaeologist will file a copy of the authorization in the

Field Office permit files and send the original to the Deputy State Director, Resources, or his/her designee for the permanent, Statewide CRUP file.

### **G. Pre-field Check-In**

Prior to each project, having received a Fieldwork Authorization and, before commencing fieldwork, a records search **must** be conducted. The BLM may not have the staff and time to conduct phoned-in or written requests for pre-field records checks. The cultural resource consultant will have to check the records at the BLM Field Office(s) and the Colorado Historical Society to identify all recorded cultural resource sites and previous inventories. This will ensure that the BLM is aware when fieldwork is taking place. Failure to conduct a pre-field records check may result in the rejection of the associated survey report and/or suspension or revocation of the permit.

### **H. Post-field Check-In**

As soon as possible, upon completion of the fieldwork, the cultural resource consultant will notify the appropriate BLM office of the results of the fieldwork. This may be done over the phone, or by electronic mail (Please see VI. I. Reporting time frames). For long-term projects, it is advisable to keep the BLM archaeologist informed as fieldwork proceeds.

### **I. Annual Permit Reports to the State Office**

Cultural resource consultants are **required** to submit an annual report of their work for the calendar year, even if no work was conducted. The report will include the following information: name and type of project, list of isolated finds and sites discovered (if any) and if artifacts were collected, and where and when they were curated. The report will be submitted to the Colorado State Office, at the same address as the permit application, no later than January 1 of each year. [Note: this report is not to be used as a substitute for any inventory or excavation reports or site evaluations. Failure to submit the annual report may be grounds for permit suspension and/or revocation.]

## **J. Outreach**

Cultural resource consultants are especially encouraged to educate project proponents about the value of cultural resources and the legal consequences of unauthorized damage and unauthorized removal of artifacts. It is strongly recommended that project proponents offer an employee education program for field employees.

## **VI. INVENTORY**

(See BLM Manual 8110 *Identifying and Evaluating Cultural Resources*)

### **A. Objectives**

The inventory objective is to identify all cultural resources including traditional cultural properties (TCPs) within a specified project area. The identification of cultural resources is conducted in accordance with professional standards detailed in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (published by the NPS at 48 FR 44716, September 29, 1983).

### **B. Classes of Inventory**

The BLM cultural resource inventory system is composed of three kinds of inventory: Class I – existing information inventory; Class II – probabilistic field survey; and Class III – intensive field survey. Each is designed to provide specific kinds of cultural resource information for various planning and resource management needs. The most frequently employed method of inventory is Class III survey carried out for specific projects to enable BLM to comply with Section 106 of the NHPA before making decisions about proposed land and resource uses. In those cases, unless specifically prohibited in regulations, the cost of inventories shall be the responsibility of the project proponent or the benefiting BLM activity, as authorized in Section 110(g) of the NHPA.

1. Class I inventory is not merely a records search or prefield literature review, conducted prior to land disturbance actions. A Class I inventory is most useful for gaining a

comprehensive view of all the known archaeological, historic, cultural, and TCPs within a large area. By definition, it is a professionally prepared study that includes a compilation and analysis of all reasonably available cultural resource data and literature. Additionally, this study is a management-focused, interpretive, narrative overview and synthesis of the data.

2. Class II inventory is a professionally conducted, statistically-based sample survey designed to aid in characterizing the probable density, diversity, and distribution of cultural properties within a large area. Intensive pedestrian inventory is conducted in limited and discontinuous portions of the project area. Within individual sample units, survey aims, methods, and intensity are the same as those applied in a Class III inventory. A Class II inventory may include an approach that is based on a professional but judgmental strategy that needs to be specifically defined for a project. A Class II inventory may be conducted in several phases, using different sample designs to improve statistical reliability.

3. Class III inventory is a professionally conducted, continuous, intensive pedestrian survey of an entire project area aimed at locating and recording *all* cultural properties. Intensive inventory describes the distribution of properties in an area; determines the number, location and condition of properties; determines the types of properties actually present within the area; permits classification of individual properties; and records the physical extent of specific properties.

4. Reconnaissance survey is a focused or special-purpose information tool that is less systematic, less intensive, less complete, or otherwise does not meet Class III inventory standards. An area only surveyed by reconnaissance methods cannot be considered to be completed and may be subject to resurvey for other purposes.

### **C. Determination of Level of Inventory**

Once an application or notice of proposed activity is received, and the BLM has determined that it is an *undertaking*, as defined by 36 CFR 800.16(y), the BLM:

1. Shall determine the Area of Potential Effect (APE) of the proposed land use. Projects must be adequately designed and identified. Preliminary and final project design will be identified on USGS 7.5 Maps with sufficient detail for adequate determination of the potential effect a proposed project may have on cultural resources.

2. Shall review the project characteristics and all existing cultural resource inventory data (including Class I information) pertaining to the APE. Once this review is completed the BLM will instruct the cultural resource consultant as to the level and scope of inventory that will be required.

#### **D. Minimal Area to be Inventoried**

The following standards are intended to be minimal inventory guidelines. The BLM will exercise professional judgment on a case-by-case basis and some projects can be expected to deviate. All areas to be inventoried must be appropriately flagged and identified. Flagging must be removed upon completion of project.

Survey areas may be expanded beyond standard requirements to prevent site damage from inadvertent project activities, to assist in site avoidance for areas of high site density, or to allow for minimal project redesign. Survey areas must include a fifty (50) foot buffer beyond the APE. The following minimum standards shall apply to specific land uses:

1. Rights-of-Way (ROW): A Class III inventory will include fifty (50) feet along both sides of the centerline for a total width of one-hundred (100) feet; where the proposed ROW is wider than one-hundred (100) feet, a fifty (50) foot additional buffer on each side is **required**.

2. Coal: A Class III inventory will include an area of one (1) acre square, centered on the drill hole. The operator may choose to do more than this amount to ensure adequate coverage.

3. Oil and Gas: A Class III inventory will include a minimal area of ten (10) acres square, centered on the drill hole. The operator may choose to do more than this amount to

ensure adequate coverage. If several well sites are anticipated, block survey coverage should be considered. Access roads and other associated ROWs will conform to VI.D.1 (a) and (b) above. The inventory should be conducted with sufficient lead-time to ensure that the cultural resources report will be included in the Application for Permit to Drill (APD) package.

4. Geophysical: Geophysical operations can affect cultural properties through direct impacts (blasting, vehicle movements, road building, etc.). Generally, geophysical proposals shall be evaluated on a case-by-case basis to determine appropriate inventory or mitigation requirements. The following is provided to give specific information on geophysical project requirements.

- a. Geophysical operations *may* be conducted without an inventory provided that 100 percent of the ground is snow-covered, there is a snow depth of at least six (6) inches and the ground is frozen. Class III inventory is required in areas where surface disturbance, such as blading, road construction, shot points, or other activities will take place. When filing the "Notice of Intent", the operator will furnish BLM a clear, accurate map (normally 7.5' USGS), showing the proposed line location and areas of proposed activity, including, but not limited to, seismic lines, staging areas, access routes, and drop zones. The map will form the basis for a literature search to determine inventory requirements. All project areas will be appropriately marked for BLM inspection and cultural fieldwork.
- b. Where a Class III inventory has been determined necessary, it will include:
  - 1) 100' radius around each shot point;
  - 2) 300' radius around each shot point near a rim or rock/cliff face, or in areas otherwise identified during the records and literature review as having high potential for the occurrence of standing structures and/or rock art;

- 3) 100' wide swath (50' on either side of center line) on all source lines, receiver lines (if vehicles will be driven down the receiver lines), and access routes;
  - 4) 300' wide swath will be inventoried on all source lines/points that are located along canyon rims and/or below cliffs and rock faces, or in areas otherwise identified during the records and literature review as having high potential for the occurrence of standing structures and/or rock art;
  - 5) All helicopter landing zones, staging areas, parking areas for vibroseis buggies, or other locations of surface disturbance;
  - 6) Personnel conducting the inventory will use existing vehicle access routes and keep to existing roads; and
  - 7) The cultural resource consultant will sufficiently flag all cultural resources for avoidance during inventory. All material (i.e. flagging, stakes, lath, pin flags, etc.) used to mark sites will be removed by the cultural resource consultant after seismic work is completed in the area.
- c. A cultural resource report will be submitted to BLM for review and Section 106 compliance *prior* to project authorization. Subsequent mitigation by avoidance or special stipulations may be formulated after review of the report. Where sites cannot be avoided or are damaged by operations, acceptable mitigation, via data recovery, will take place at the expense of the project proponent.
- d. All employees of the operators and any subcontractors must be informed by the project proponent before commencement of operations that any disturbance to, defacement of, or removal of archaeological, historical, or cultural material (including pot sherds and arrowheads) will be treated as law enforcement/administrative issues. Project proponents will be held accountable for the conduct of their employees and subcontractors in this regard.

- e. If subsurface cultural values are discovered during operations, all work in the vicinity of the resource will cease, and the BLM authorized officer will be notified immediately. The operator shall take any additional measures requested by the officer, including the possibility of hiring a qualified archaeologist to carry out specific instructions.
  
- g. A cultural resource monitor (permitted archaeologist) may be required during operation and/or reclamation activities to ensure that no inadvertent damage occurs to cultural properties.
  
- h. Additional stipulations may be added in some cases where additional or standard protection is needed. Examples may include but are not limited to: use of portable (helicopter) operations; cultural resource monitor for all operations in sensitive areas; weather restrictions; frequent compliance checks and contacts with all operational personnel on site; site fencing or restrictive use barriers; requirement for identification and monitoring of sites made more susceptible to vandalism or collection because of proposed land use; verification of site locations, even if a Class III inventory had previously been conducted; and special reclamation measures to reduce erosion.

These minimum standards apply in most cases and should be employed whenever feasible and prudent for efficient project design and implementation. Exceptions may occur, and they should be considered when the design is not routine and/or when environmental conditions allow for areas to be inventoried at less than these standards. The BLM may determine, on a case-by-case basis, that the Class III standards are not applicable.

#### **E. Level and Intensity of Inventory/Monitoring**

The BLM shall ensure that the class, level and intensity of inventory are commensurate with the proposed land use, the planning stage at which required consultation takes place, topographic setting, and the known distribution of cultural resources. Prior to any surface-disturbing activity, a Class III inventory is usually

conducted. Class III inventories must account for all visible surface sites within the defined area. All decisions to conduct less than a Class III inventory must be documented in writing and approved by BLM.

BLM-administered lands, unless meeting a specific exclusion, will be surveyed at a Class III level. The following environmental conditions may limit or preclude Class III coverage:

1. Previous natural ground disturbance that has modified the surface so extensively that the likelihood of finding cultural resources is negligible;

2. Human activity within the past 50 years that has created a new land surface to such an extent as to eradicate traces of cultural resources;

3. Survey at the same class and level previously conducted, and sites records adequately documenting the location, methods, and results of the survey;

4. Natural environmental characteristics that is unfavorable to the presence of cultural resources (such as recent landslides or rock falls):

a. Slopes greater than 30 degrees where no potential exists for rock shelters, rock art, or other cultural resources associated with rock faces or ledges. This particularly applies to steep talus or shale slopes. Field verification must be made of this condition.

b. Areas where vegetation cover is 100 percent. In most cases, there will be areas within heavily vegetated environments where spot ground checking is possible; some other methods of "seeing" through the vegetation may be recommended, such as testing or monitoring.

In all cases where a Class III survey has been determined necessary the project area must be at least 80 percent snow-free before the survey can take place. Cultural resource

monitoring where resources are present or reasonably expected is permitted only when the ground surface is free of snow, unfrozen, and dry.

## **F. Inventory Field Methods**

In consultation with BLM, cultural resource consultants may use their own field methodologies within the following guidelines and limits:

1. All project areas must be adequately staked and/or flagged before any work is undertaken. For narrow linear projects it is important that right-of-way widths are precisely known. The appropriate BLM archaeologist must approve any variances from these requirements.
2. For block surveys and regional studies, crews will be limited to no more personnel than can be effectively managed by the field supervisor (experience has shown four or five to be about maximum).
3. Crew spacing should not normally exceed 15-20 meters. Exemptions from total coverage, due to terrain or other factors, must be coordinated with and approved by the appropriate BLM archaeologist.
4. Collection strategies must be coordinated with the appropriate BLM archaeologist. (see Section K: Collection and Curation).
5. If palentological resources are suspected or encountered during inventory, note the location, write a brief description of condition, and contact your BLM authorized officer, which will contact the BLM regional paleontologist.

## **G. Recording Cultural Resources**

Upon finding unrecorded cultural resources, descriptive data shall be recorded on the appropriate State of Colorado site forms. Sites previously recorded on abbreviated or unofficial site forms or where information is outdated or incomplete will be re-recorded. A

Cultural Resources Reevaluation Form, or a BLM-approved monitoring form, will be filled out where adequately recorded cultural resources are inspected and lie within the project area.

Sites partially within the inventory area will be fully recorded. [**Note:** Portions of extensive sites may be excluded from this requirement on a case-by-case basis in consultation with the appropriate BLM archaeologist. Linear sites shall be recorded within project boundaries, on State of Colorado linear site component forms.

## **H. Digital Data Management Specifications**

[See BLM-Colorado Digital Data Management Specifications, last revised March 2011. *Supplement* to Handbook of Guidelines and Procedures for Inventory, Evaluation, and Mitigation of Cultural Resources, BLM-Colorado State Office, 1998, last revised March 2011]

## **I. Evaluation**

Often cultural resources cannot be evaluated from surface observations. The BLM Class III inventory methods allow for minor probing or shovel testing to locate the spatial limits of cultural resources, to determine whether buried cultural deposits are present, or to make determinations of eligibility. Limited testing may be necessary to determine whether buried cultural deposits exist. This testing for evaluation should not be confused with formal testing and should be kept to the minimum amount necessary to determine the presence of subsurface deposits. In no case should such evaluative testing exceed three (3) square meters of site surface. Test plots should also be shown on the site sketch. Criteria used to determine properties potentially eligible for the NRHP must be substantive, objective, and stated in the report.

The potential for subsurface cultural materials must be given special consideration in assessment of future monitoring and mitigation needs. Consultants are encouraged to use their best professional judgment to recommend whether or not sites are eligible for nomination to the NRHP. The “Need Data” determination should be applied sparingly and

only in those cases where both surface evidence and limited testing yield ambiguous results. Significance evaluations made by the cultural resource consulting firm are recommendations only. The BLM will determine eligibility and effect.

## **J. Reporting Process and Standards**

Upon completion of the fieldwork, the cultural resource consultant must report the field findings to the appropriate BLM Field Office. Phone calls or electronic mail are acceptable methods of reporting results. **Cultural resource consultants do not have the authority to give permission for a client company, i.e., project proponent, to proceed with a project.** The BLM authorized officer is the only person who can authorize a proponent to proceed.

1. Negative findings: Cultural resource consultants can report negative findings by phone to the BLM Field Office archaeologist. The BLM Field Office archaeologist, however, does not have the authority to allow the project to proceed. The report of negative findings will be passed on to the appropriate BLM authorized officer. This reporting process will expedite the internal BLM review process. Often, other project considerations and stipulations may be applicable.

2. Positive findings with no effect to cultural resources: Field surveys with known cultural resources that can be avoided by the project will require BLM review. The BLM Field Office archaeologist will notify the appropriate BLM authorized officer of these findings.

3. Positive findings with effect to cultural resources: Field surveys with known cultural resources listed or potentially eligible for the NRHP that cannot be avoided, will require discussions between the cultural resource consultant, the project proponent and the BLM. Treatment plans will be developed and implemented in consultation with the SHPO. Authorization to proceed can occur only after consultation and treatment has been completed. The BLM Field Office archaeologist will notify the appropriate BLM authorized officer of these findings.

Prior to project authorization, a cultural resource report for survey, testing and excavation must be approved by the BLM. The project authorization document may include stipulations for additional cultural resource work (e.g. monitoring, data recovery, etc.). Deadline requirements for submission of additional cultural resource reports will be included in the authorization document.

All final reports are to be submitted to the BLM within ten (10) working days of completion of fieldwork, if no sites were encountered; thirty (30) days if sites were located. Extensions may be allowed in consultation with the BLM. However, all agreements between the BLM and the cultural resource consultant will be in writing and clearly defined dates for draft and final report reviews will be established as per instructions in BLM manual 8150.

The cultural resource consulting firm will submit all proprietary information directly to the appropriate BLM office. Proprietary information includes any documentation that is exempt from public disclosure under ARPA and NHPA including the location of cultural resources and traditional cultural properties. Reports with non-proprietary information may be made available to the project proponent. The disclosure of proprietary site information remains at the discretion of the BLM *only*.

The cultural resource consultant will submit two (2) copies of the final report to the appropriate BLM office. Original photos are required in both copies. BLM will provide the SHPO with the report and site forms and conduct the appropriate consultation. Site forms should be kept separate, i.e., not bound in the report.

Each report shall follow the Colorado Office of Archaeology and Historic Preservation Cultural Resource Report Forms and Guidelines. The reports must identify the number of acres from BLM land and from non-BLM land. Reports and site forms not in this format are not acceptable to the BLM or SHPO. These reports will be rejected and the project will not be allowed to proceed until an acceptable report is completed.

Professional peer review can be used to ensure quality products. Peer review is especially desirable for syntheses, historic contexts or research design development, or

other planning and inventory efforts that form the primary substantive and theoretical basis for evaluation and planning. It is also appropriate for planning, implementing, and reporting major inventory or data recovery projects.

## **K. Collection and Curation**

Qualified individuals may be authorized by the State Director or his/her designee to remove cultural resource artifacts which are in danger of loss or which are needed for scientific study, public interpretation, or evaluation of the cultural property. Additionally, no paleontological resources may be collected under a cultural resource permit, unless the remains are in an archaeological context (i.e. Paleo bone in hearth, etc.), however, a paleontologist should be consulted. Cultural resource artifacts removed from BLM land in Colorado, along with copies of the associated records, are curated as property of the United States in a university, museum, or other scientific or educational institution within or near the State of Colorado.

1. Collection: Only limited collections will be made on BLM-administered lands in Colorado in the following circumstances.

a. Survey and Recordation: The BLM generally adheres to a no collection policy. Collection is only recommended if, in the opinion of the archaeologist, the artifact(s) are unique and vulnerable to unauthorized collection or destruction, diagnostic (time-sensitive), and cannot be readily identified in the field. A catalog sheet, drawings of the artifact(s), and location of the collection will be included in the body of the report and attached to the appropriate site form(s). The location of collected artifacts shall be accurately plotted on site sketch maps.

b. Limited Testing and Collection and Excavation/Removal: If artifacts are collected, justification rationale and the method and nature of any collection (e.g. systematic versus nonsystematic), shall be included in the data recovery plan submitted with the permit application and in the final report. Artifact provenience control shall be established and exercised. Collection will require

a more detailed assemblage analysis in the final report. A catalog sheet, drawings of the artifact(s), and location of the collection will be included in the body of the report and attached to the appropriate site form(s). The location of collected artifacts shall be accurately plotted on site sketch maps.

2. Curation: Collected artifacts must be curated according to the standards of the facility designated as the curatorial repository.

a. The permittee shall deposit all artifacts, samples, and collections, as applicable, and copies of all records, data, photographs, and other documents resulting from work conducted under a CRUP, with the curatorial facility named in the permit not later than 90 calendar days after the date the final report is submitted to the appropriate BLM official. Receipt of collections will be documented on the museum collections deposition statement form. Copies of the completed form will be provided by the permittee to the State Office within 30 calendar days of depositing the collections to the curatorial facility.

b. Not later than 180 calendar days after the final report is submitted, the permittee shall provide the appropriate BLM official with a catalog/list and evaluation of all materials deposited with the curatorial facility, including the facilities accession and/or catalog numbers. Failure to provide a list of materials deposited in approved curatorial facilities may result in the suspension or revocation of the permit.

c. No collections are exempted from deposit with the curatorial facility including type collections. Permittees wishing to hold type collections must do so through the issuance of curatorial loan agreement between them and the curatorial facility.

## **L. Treatment Plans**

If a cultural property is determined eligible for or listed on the NRHP and will be adversely affected by a proposed development, the BLM prefers avoidance of the cultural

property rather than costly and lengthy mitigation projects. When cultural properties cannot be avoided, BLM will determine, in consultation with the SHPO, the appropriate treatment. Project proponents should be aware that cultural resource conflicts may not normally prevent development, but it will take time to formulate mitigation measures to prevent the loss of cultural information. These mitigating measures will be developed between the BLM Field Office archaeologist(s), the cultural resource consultant and the proponent.

The cultural resource consultant will submit a research design and treatment plan to guide a program of mitigation to the appropriate BLM Field Office archaeologist for review, unless stipulated differently in a project-specific agreement. The BLM must afford the SHPO ten (10) working days in which to comment upon the proposed treatment plan. The proposed plan shall conform to the Secretary of the Interior's Standards and Guidelines, Archaeology and Historic Preservation, and the SHPO's guidelines for "Data Recovery Plans" and "Reports". If the SHPO raises objections within the ten (10) working day period, the SHPO will have twenty (20) working days in which to comment on the treatment plan. The SHPO will provide BLM with written comments within this thirty (30) day period. The BLM will notify the cultural resource consultant upon concurrence of the data recovery plan.

#### **M. Treatment Options**

Treatment recommendations should be commensurate with the nature and significance of the involved cultural resources and the extent of possible damage; be cost-effective and realistic; consider project requirements and limitations; consider substantive input from concerned parties; and be Bureau approved.

1. Avoidance: The preferred strategy for treating potential direct adverse effects on cultural properties is avoidance. If avoidance involves project relocation, the new project area may require cultural resources inventory. The operators input shall be required prior to avoidance and/or mitigation measures.

2. Mitigation: If avoidance is imprudent or infeasible, recommendations should include a range of alternative treatments. Mitigation proposals may include data recovery, stabilization, monitoring, protective barriers and signs, or other physical and administrative measures.

3. Data Recovery: The recovery of cultural resource data employs scientific methods and techniques, which are guided by a consideration of current archaeological issues, questions, and objectives. Data recovery proposals should define study topics and discuss data collection priorities as related to the use(s) and/or significant qualities of specific cultural properties or types of cultural properties. The proposed work, including field methods and analysis techniques, should be justified in terms of the data recovery objectives. Proposals must include consideration of conservation and collections management.

4. Physical or Administrative Protective Measures: Proposals should include a feasibility justification and specifications.

## **N. Unanticipated Discoveries**

All large-scale projects must include a strategy for dealing with discoveries. In the event that cultural resources and/or human remains are discovered during operations, activity in the vicinity of the discovery will cease, and the BLM authorized officer will be notified immediately. BLM, in cooperation with the project proponent and/or cultural resource consultant, will ensure that the cultural resources and/or human remains are protected from further disturbance until BLM determines the treatment approach, and the treatment is completed.

Unless otherwise noted in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the SHPO, select the appropriate mitigation option within 48 hours of the discovery. BLM will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

If human remains are discovered on BLM-administered lands, the treatment of human remains will be in accordance with NAGPRA and BLM policy. If human remains are discovered on private or state land during a BLM undertaking, the BLM will notify the State of Colorado Archaeologist immediately, who will comply with the Colorado Revised Statutes regarding the discovery of human remains (24-80-1302).