

**Bureau of Land Management  
Preservation Board Report  
December 5-7, 2017  
Washington, DC**

**Preservation Board Members**

*Federal Preservation Officer/Chair (FPO)(Washington Office 240):*

Ranel Capron,

*Deputy Preservation Officers (DPO):*

Robert King (Alaska)

Matt Basham (Arizona)

Tony Overly (California)

Daniel Haas (Colorado)

John Sullivan (Eastern States)

Kirk Halford (Idaho)

Gary Smith (Montana)

Bryan Hockett (Nevada)

Dayna Reale (Acting New Mexico)

Kristen Martine (Oregon)

Nathan Thomas (Utah),

Kathy Boden (Wyoming)

*Manager Representative:*

Paul Tigan (FM, Mary's Peak, OR)

Sarah Schlanger (FM, Taos, NM)

*Specialists:*

Natalie Clarke (Grand Junction FO, CO)

Tiffany Arend (California Desert FO, CA)

*Field Committee Liaison:*

Deborah Rawhouser (ASD, Arizona)

**Other Participants**

*In person:*

Byron Loosle (Division Chief, Division of Cultural, Paleontological Resources and Tribal Consultation)(WO240)

Emily Palus (1050 Program Lead/Deputy Division Chief, WO240)

Laura Hronec (Archaeologist on Temporary Position to WO240)

Cynthia Herhahn (Acting National Curator/NAGPRA Coordinator WO240)

Signa Larralde (National Transmission Team)

Nathan Morris (WO210 Planning)

Leah Baker (Division Chief, Decision Support, Planning & NEPA)

Deblyn Mead (National Mitigation Coordinator)

*Advisory Council on Historic Preservation*

Reid Nelson

Tom McCulloch

Nancy Brown (Liaison to the BLM)

## *National Conference of State Historic Preservation Officers*

Erik Hein

*By telephone:*

Michelle Elliott (National Operations Center).

### **December 5**

#### *WO Updates*

Byron Loosle, Division Chief provided updates on administrative priorities, monument announcement, budget, streamlining report, travel and transportation management cultural IM, and mitigation. Byron also addressed the current vacancies at the WO. These vacant positions include the geospatial analyst, tribal liaison, and the national curator/NAGPRA coordinator. WO 240 has been approved for a yearlong detailer that will hopefully assist with the workload. Part of the reason positions are vacant is because of the continuing resolution and Byron hopes for clarification by February. Also mentioned is that Brian Steed is currently acting as BLM Deputy Director of Programs and Policy.

#### *Budget and Strategic Planning*

Emily Palus, 1050 Program Lead/Deputy Division Chief, discussed the current budget situation. The PTA is based on the President's budget; however, there is a shift in the management of the budget and state offices will now have more control over how they go about spending and funding projects. The general reminder is that 1050 dollars should not be going toward compliance work related to section 106. The benefiting subactivity should be paying those costs. Statewide strategies for how 1050 dollars will be spent will be implemented and the field would like a template from the WO.

#### *Reflections on Spirit Cave NAGPRA Case*

Bryan Hockett, BLM Nevada DPO, gave a presentation on resolving the Spirit Cave NAGPRA case. Spirit Cave was excavated in the 1940s and several burials were identified. Upon the passage of the Native American Grave Protection and Repatriation Act (NAGPRA) in 1990, resolving the Spirit Cave case took approximately 20 years.

#### *NAGPRA and Museum Collections: A Future View*

Cynthia Herhahn, acting national curator/NAGPRA coordinator, talked about the future of collections management. She explained that it ties into the President's priorities by "serving the American family" and discussing our legal responsibilities. BLM has 100 years of collections and we should be doing our best from here on to document the conditions and locations of our collections. These collections are the responsibility of state directors. Cynthia plans on making a kind of user guide for collections management and what we need to be documenting. Some solutions with how to address some of these backlogged collections were discussed.

#### *Training Opportunities*

Emily Palus passed out a draft IB of upcoming training opportunities for the 2018 FY.

#### *Preserve America Report and Annual Reporting*

Ranel Capron, BLM Federal Preservation Officer, talked about the Preserve America report that was submitted to ACHP this past September. This report were based on the annual BLM reports

submitted by every state for the past three years. For annual reports, Ranel provided reminders that you should not be submitting information from previous years unless something has substantially changed and not every field office needs to be represented. WO is going to try to get the IM out in April so offices can start thinking and working on the annual report. The annual report is important because it provides important information to the WO so there doesn't need to be data calls conducted, it helps track trends, and it shows leadership what the cultural program is doing.

### *Welcome*

Steve Tryon, Deputy Assistant Director, Resources and Planning, came to welcome all the Preservation Board members and attendees. He spoke about a few subjects that covered the Antiquities Act, the Streamlining Report, Mitigation, and Areas of Critical Environmental Concern (ACECs). Steve also answers questions some board members had and then closed out the meeting.

### **December 6**

#### *Oil and Gas Leasing*

Ranel began the discussion by explaining that although most offices try to run oil and gas leasing through their state protocol sometimes that does not account for highly controversial resources or consulting parties. Nate Thomas, BLM Utah DPO, explained the levels and extent of consultation being conducted for lease sales in Utah. Tom McCulloch, ACHP Federal Property Management Assistant Director, explained that ACHP writes letters to cover the entire context in an effort to not be taken out of context. He also explained that if BLM wanted to get on the front side for some of these lease sales, he'd be happy to discuss potentially contentious situations. Nate is worried about the precedent set for the level of effort for these lease sales is too high. Also discussed, was the use of Programmatic Agreements (PAs) for potentially difficult undertakings like lease sales. Ranel also mentioned the topic of states adding protocols now. Nancy said that the National Programmatic Agreement (nPA) doesn't exclude it and they are not opposed.

#### *Standard APE for Indirect Effects*

Tiffany Arend, BLM California Desert District archaeologist, Tony Overly, BLM California DPO, and Bryan Hockett, BLM Nevada DPO, gave presentations on indirect effects. Indirect effects include visual, audio, physical, and atmospheric considerations for an undertaking. Tiffany discussed two different undertakings, one where a large scale renewable energy solar field project resulted in a PA and another that had a memorandum of agreement (MOA) for a wind farm. She explained the analysis and reasoning for both project APEs for indirect and direct effects and the mitigation. Bryan went over some proposed standardization for indirect and direct effects that could be incorporated into protocols. Indirect effects have caused challenges with timelines and coming to an agreement. This has caused inconsistencies. Bryan assigned a scoring system for indirect effects that would help define the APE. Consultation would occur as follows: larger APE by manager no consultation, smaller APE by manager must consult, pre-negotiated concurrence for APE no consultation. Left the conversation as food for thought.

*Advisory Council on Historic Preservation*

Reid Nelson, ACHP Office of Federal Agency Programs Director, explained the direction this administration is moving toward domestic energy development. The executive order made it clear they wanted to make environmental approval quicker and more efficient. The ACHP has been an active part of the decision for streamlining and has not positioned itself in opposition to this administration’s initiatives. ACHP supported bringing agencies together on large projects for one section 106 decision. Other ACHP proposed recommendations for infrastructure projects included better support for Tribal Historic Preservation Offices, funding national inventory, and funding GIS digitalization. ACHP is also requesting that BLM provide information to industry and applicants for ACHP’s Section 106 training webinar. The overarching key points of the discussion were that ACHP is engaging leadership, supporting Section 106, and in general has a good future outlook. Tom also explained that the BLM Preserve America Report is one of the most comprehensive in DOI. The BLM is used as examples in ACHP’s Preserve America report. Lastly, Nancy Brown, ACHP Federal Property Management Section BLM Liaison, announced that the Trans west express and Hemingway projects were completed this year and that there are some training opportunities coming up.

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

Erik Hein, Executive Director NCSHPO, was happy to announce that reauthorization of the Historic Preservation fund for 7 years. They’ve had great bipartisan support. The downside is it took so long for FY spending bill so they don’t typically get funds until the end of the year. Currently, there is a high volume of reviews for Section 106 in all the states. They also tend to be underfunded for survey and site data systems and two states don’t have functioning GIS. Legacy data and digitization is problematic. 67% of states don’t have a formal electronic submission system. There have been some changes in the administration and Mark Wolf is now the President. Overarching consensus that SHPOs say they typically work well with BLM. NCSHPO is also in support of saving the Historic Tax Credit.

*State Issues*

Each state DPO discussed their current issues and challenges

BLM State Office	Issues/Concerns/Challenges	Comment
AZ	Reburial of artifacts; increased interest by Tribes in being consulting parties to agreements.	
CA	Transmission lines, linear ROWs. FERC pushing upgrades. Risk of wildfire makes this a priority to get done quickly, streamline 106.	
CO	Leasing, indirect effects, fee-fee-fed, directional drilling and private land owners denying access. Tribes requesting to be paid for monitoring archaeological survey	
ID	Cedar Fields EIS (climbing area); Boardman to Hemmingway ROD signed; Gateway Status issues; Owyhee land exchange modeling effort and assessment of effect.	

MT/ND/SD	State indemnity land transfer. Tribes want to survey, but SD thinks the identification effort is good. Need an agreement to mitigate. Pipeline project affecting a site, but Tribes do not want excavation of the site. Want to reconsult, maybe compensatory mitigation.	CO is listing sites on State register as mitigation for land transfer.
NV	Concern with SO 3355 and complying with the timeline for EIS. Windfarm and solar projects. Potential to revise Holister PA, and Tribal issues are a concern	
NM/OK/TX/KS	Inconsistencies in SHPO recommendations. O/G lease sales – how to address issues within administration’s timelines. State land exchange and tribal concerns.	
OR/WA	Pacific connector pipeline and FERC. Funding tribes, requests for funding to conduct survey work. Cultural landscapes.	
UT	National Historic Landmark nomination for 87 miles for Pacific RR. Cultural landscape assessment for Bears Ears	
WY	Directional drilling, access to private lands. Doing virtual site visits with drones and aerial imagery.	

**December 7**

*National Data Standard*

Kirk Halford, BLM Idaho DPO, presented on the status of the national data standard. The goal is to have it completely implemented by the end of the Fiscal year. States have been moving toward the use of tablets; however, some apps like Collector have potential security problems. We need to move toward a national standard to help standardize and normalize data, the standard would provide a platform for analysis, and it would assist with information queries. The plan is to have a finalized standard document this month, prepare and issue an IM, and issue a contract to write scripts in January for a web interface and modeling tool refinement.

*Mitigation*

Deblyn Mead, BLM National Mitigation Coordinator, discussed the status of the program. There has been no decision made on mitigation. There is a mitigation manual MS 1794 and the goal is to have a cultural appendix. Currently the concept of net benefit isn’t sitting well and waiting to hear if the existing policy is going to stick. They are still working through issues related to tracking projects (name and number), resource types and amounts, tracking the type and amount of mitigation, monitoring performance, when it was completed, and if it was effective.

*Oil and Gas Leasing*

Nate Thomas, BLM Utah DPO, gave a presentation on a recent lease sale in Price, Utah. The presentation covered communication with ACHP, disagreements with consulting parties on no adverse effect but with SHPO concurrence, court cases, the leasing process, and the identification effort and analysis of effect.

### *EO 13807*

Nathan Morris, BLM WO Planning, discussed the implementation of EO 13807. BLM put together a team of employees to make recommendations. There were 1000 recommendations gathered during the public comment period. Overall they found that there is an under-use of CXs, a lack of robust analysis at the planning level, a lack of accountability, no assessment for contractors, and inefficient state office briefings and procedures. Some of the recommendations made include expanding coordination, better integration with other laws, align business process, and improve land use plans. CXs are the highest priority then ACEC policy, IM for EIS/EA page limits, IM for SO 3356, MOUs for coordination, alternative staffing models, contracting improvements, training improvements, and data standards. There is no approval given for implementing these ideas yet.

### *National Cultural BPA*

Michell Elliott from the National Operations Centers called into the meeting to talk about a national cultural BPA. The group identified some potential pit falls with a nationwide BPA is that different cultural areas have permitting requirements, variety contractor reliability, and the types of project that this could be used on. Bryan Hockett, BLM Nevada DPO, explained that in some situations the vendors are qualified to perform the work and the contracting officers don't understand that concept. Cynthia volunteered to lead a team to work with Michelle on completing this BPA.

### *Closeout, Member Recognition, and Next Meeting*

Ranel requested presentations be sent out to board members, requested comments for NEPA shortened timeframe, and to send in a write-up of how protocols streamline the 106 process. Bryan talked about the posters for pony express trails. Ranel will be sending out a doodle poll for a good timeframe in March for the phone meeting. Next meeting, Project Archaeology will be on the agenda for incorporation into state strategies. For the next December meeting it will be 3 days with a one day optional field trip.

**Next In Person Meeting:** June 5-7, 2018 in Bluff, Utah