

**Bureau of Land Management  
Preservation Board Meeting  
December 6-8, 2022  
Lake Havasu City, Arizona**

**BLM Preservation Board Members**

Cynthia Herhahn	Federal Preservation Officer (acting)
Bob King	Deputy Preservation Officer - Alaska
Matt Basham	Deputy Preservation Officer - Arizona
George Herbst	Deputy Preservation Officer – California (attended via Teams)
Natalie Clark	Deputy Preservation Officer - Colorado
John Sullivan	Deputy Preservation Officer – Eastern States (attended via Teams)
Noelle Shaver	Deputy Preservation Officer - Idaho
Josh Chase	Deputy Preservation Officer – Montana (acting)
Madeline Ware Van der Voort	Deputy Preservation Officer – Nevada
Jenny Blanchard	Deputy Preservation Officer – New Mexico (acting)
Heather Ulrich	Deputy Preservation Officer – Oregon/Washington
Nathan Thomas	Deputy Preservation Officer – Utah
Buck Damone	Deputy Preservation Officer – Wyoming (acting)
Nicole Hanna	Tribal Liaison – HQ
Erin Leifeld	Field Archaeology Representative - Colorado
Natasha Keierleber	Field Archaeology Representative - Wyoming
Matt Marsh	Line Officer Representative - Wyoming
Greg Larson	Line Officer Representative - Colorado
Suzanne Copping	Line Officer Representative - Colorado
Nick Pay	Line Officer Representative - Nevada

**Additional BLM Participants**

Tom Heinlein*	Assistant Director – HQ 400 (attended via Teams)
Troy Frost*	Deputy Assistant Director – HQ 400 (attended via Teams)
Scott Foss*	Division Chief – HQ 420 (attended via Teams)
Matt Magaletti	Acting Deputy Division Chief – HQ 420 (attended via Teams)
Kristen Martine*	Acting Tribal Liaison – HQ 420 (attended via Teams)
Dayna Ables*	Senior Archaeologist – HQ 420 (attended via Teams)
Bridget Ambler*	National Curator and NAGPRA Coordinator – HQ 420 (attended via Teams)
Ronald Nuckles	Acting Field Manager, Lake Havasu Field Office (local host)
Augustine Potor	Archaeologist, Lake Havasu Field Office (note taker)

**Partners/External Participants**

Christopher Koepfel*	Advisory Council on Historic Preservation (attended via Teams)
Bill Marzella	Advisory Council on Historic Preservation Tribal Historic Preservation Officer, Zuni Tribe and National
Kurt Dongoske*	Association of Tribal Historic Preservation Officers Board Member (attended via Teams Day 2 session on the nPA)

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Jill Wagner*	Tribal Historic Preservation Officer, Coeur d'Alene Tribe and National Association of Tribal Historic Preservation Officers Board Member (attended via Teams Day 2 session on the nPA)
Kathryn Leonard	AZ State Historic Preservation Officer and National Conference of State Historic Preservation Officers Treasurer
Mary-Ellen Walsh	Cultural Compliance Manager, AZ State Historic Preservation Office

\*attended virtually

**Day 1 – December 6, 2022**

**HQ 420 Updates and Discussion of Annual Heritage Data Call**

- The HQ400 Directorate is moving to Grand Junction. Currently encumbered positions can submit remote work authorizations, thus far those authorizations have been approved. Vacant positions will be advertised as duty stationed in Grand Junction.
- Annual Data Call format: Arizona and Utah like the current format; Colorado noted that we are not using forms and technology to the best of our advantage. The narratives feed into the Preserve America Report and help facilitate State Historic Preservation Office (SHPO) reporting for the Historic Preservation fund. Leveraging administration priorities is imperative for our program and highlighting our program accomplishments. The cultural heritage program budget justification is tied to the current administration priorities, so HQ needs that information. Sometimes our annual reports are heavy with jargon – we might want to have it more easily accessible to a larger public. Field representatives mentioned that they sometimes need clarification on what the questionnaire requires. Field Office cultural specialists often have tracking systems in place throughout the fiscal year, so adding or changing questions/metrics mid-year creates immense difficulties for the Field Offices. The partner's spreadsheet is a bit antiquated from a time when WO-240 directed one-time funding to specific BPSS projects; Alaska agrees that it is a bit confusing in today's budget process. Buck brought up using NCRIMS to assist facilitation/augmentation of data calls.
- ACTION ITEM: consider creating a narrative form/report that incorporates information currently in Attachment 2: Projects and Partnerships.

**TCPs/Cultural Landscapes, Co-Stewardship**

In preparation for site visit to Topock, Matt Basham showed the Topock Tribal Sensitivity Video to set the discussion. Board members shared examples and experiences of co-stewardship from each state. Examples show the interplay of cultural and natural resources and consideration of night skies. The discussion brought suggestions for improved outcomes:

- Address Traditional Cultural Properties (TCPs) and Tribal cultural landscapes as a 110 issue and broad management consideration for Resource Management Plans (RMP) driven by traditional knowledge. Trying to work ahead of Section 106 actions by

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identifying issues proactively. Identify landscapes of concern before there is a project proposed.

- Proposing ethnographic studies as mitigation is not appropriate in most cases. Ethnographic studies are best done as part of the identification phase, not mitigation.
- When projects are proposed, use of 36 CFR 800.8 could be beneficial in bringing cultural/tribal concerns into the discussion as NEPA alternatives are being developed.
- Bring multiple agency agreements to manage landscapes across jurisdictions.
- Include Traditional Ecological Knowledge (TEK) and landscape considerations when procuring cultural services from the private sector.
- Develop Tribal monitoring program that pairs tribal cultural practitioners to walk along with professional archaeologists as they survey. Recordation would include a broader range of information (Indigenous Knowledge) than archaeological sites.
- Address confidentiality concerns expressed by Tribes. AZ SHPO notes that confidentiality is the biggest obstacle to protecting TCPs. BLM offices appear to be getting differing information from regional solicitors.
- Consider “nested landscapes” that may include landscapes other than Tribal cultural landscapes.
- Action items: Seek clarity on authorities to withhold Tribal information (SO3403, PIM-2022-11, new policy and guidance). Look at including relevant information in Manager and Field staff training.

**Topock Overview Issues Discussion**

BLM AZ manages 3.5 miles of the Colorado River from Needles and down south, both sides of the river. None of the surface lands within Topock are BLM administered. Major issue was that the Natural Gas Compressor Station used hexavalent chromium, and it turns out to be toxic, and could be leaking into the groundwater and soil, and could leak into the river. Known cultural landscapes include Avi Kwa Ame (Spirit Mountain) to the north and the Topock Maze and intaglios.

Early consultation is imperative for large projects. Solar facilities change how sites are seen. Cumulative effects are an issue. Remediation of the hexavalent chromium is to create a chemical reaction that renders the toxic chromium into a different, non-toxic compound. The history of the remediation under CERCLA started out in the 2000s with archaeological surveys and a Memorandum of Agreement (MOA), but it became clear that it didn't fully address Tribes' concerns with the landscape and the practices associated with it. Lessons learned include the importance of listening to Tribes and not refuting information provided. Data Recovery is not always a practical way to mitigate adverse effects. Different ways to define what an effect is.

**NCRIMS Demo/Training – Dayna Ables, HQ420**

Dayna provided an overview of the National Cultural Resources Information Management System (NCRIMS) and how it is distinct from the National Cultural Resources Data Standard (NCRDS). NCRDS defines how we collect and manage data and establishes required domains

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for data collection; it normalizes BLM's cultural data across administrative boundaries. The NCRDS promotes data sharing with partners where appropriate. NCRIMS is a web-based application hosted by the National Operations Center/EGIS. It informs planning, management, and investigation efforts on BLM lands.

**Visioning the Preservation Board**

The Preservation Board has been in place and guiding BLM's historic preservation program for 25 years, but its visibility internally has decreased in recent years. The board discussed strategies for raising its visibility and for ensuring its effectiveness into the future. Suggestions include:

- Work with the Field Committee liaison to ask the Field Committee or the Executive Leadership Team for tasks related to Administration priorities that have a nexus with historic preservation (e.g., tribal sovereignty, co-stewardship, renewable energy, etc.)
- Create a product that provides a high-level summary of the Board's guidance products and accomplishments.
- More active collaboration with the Field Committee liaison so that relevant topics could be included on meeting agendas for the Field Committee, the Resources and Minerals Committee, and the Executive Leadership Team as appropriate.
- Increased use of the Data Tracking System (DTS) for routing documents and outcomes.
- Improve and expand communication on the 1050 budget and appropriate use of 1050 funding.
- Communicating the distinction between the cultural program's proactive management role funded by L1050 and its decision support role, funded by the benefitting subactivity – this may help address the overwhelming workload that is impacting our ability to recruit and retain cultural resource staff.

**ACTIONS:**

- The Board chose to focus on the 8150 (permitting uses of cultural resources) manual for review. Extensive revisions were started in 2014, but then went dormant around 2017. The 8150 Board workgroup is Cynthia Herhahn, Nate Thomas, Nick Pay, Josh Chase, Natalie Clark, Erin Leifeld, Natasha Keierleber, and Heather Ulrich.
- Created a workgroup for the retrospective: Suzanne Copping, Bob King, Greg Larson, Noelle Shave,r and Matt Basham.

**Outcomes of working lunch discussions:**

- The group commemorated the 25<sup>th</sup> year of the existence of the Preservation Board. Bob King was recognized as the only original member of the Board.
- The location for the June 2023 Preservation Board meeting was set for Grand Junction to be hosted by BLM Colorado. Natalie Clark and Greg Larson will plan the theme and logistics.
- The location for the December 2023 Preservation meeting was discussed, and the Board recognized the importance of meeting in person with our national Programmatic Agreement (nPA) partners, the Advisory Council on Historic Preservation (ACHP) and the National Council of State Historic Preservation Officers (NCSHPO), and with tha

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National Association of Tribal Historic Preservation Officers (NATHPO) where they are headquartered, in Washington, D.C. This would allow greater participation by more staff and leadership of those organizations.

**Day 2 – December 7, 2022**

**ACHP Liaison Overview of BLM projects and updates from ACHP**

Bill Marzella provided an update on activities at ACHP.

- Staffing – adding a GS13 Digital Ops Coordinator-responsible for records, more of a consolidated position, agency outreach.
- Waiting Senate confirmation of Chair-nominee Sara Bronin.
- Training: Return to classroom training in 2023. Virtual and classroom training includes Section 106 Essentials, Agreements Seminar, and Practitioner Workshop. BLM is encouraged to consider requesting tailored courses in person or virtually. In person trainings are ideally 20-30 sized class. Recently completed courses include Creative Mitigation (webinar) and Section 304 and Confidentiality.
  - New Webinars under development: CERCLA, Visual Effects, Auditory Effects, and Special Situations in Section 106 Process.
- Working on a new policy statement on burial sites, human remains, and funerary items.
- Projects ACHP is participating in include:
  - AK Ambler Industrial Access Road, Programmatic Agreement (PA) amendment.
  - Yellow Jacket/Flodine Park Grazing PA in Canyon of the Ancients National Monument- case study on how to use NCRIMS and inform processes on sensitive properties.
  - Lava Ridge Wind project and the Minidoka National Historic Site (WW2 Relocation Center) in Idaho. Discussions on minimizing effects for wind farms and taller buildings, FAA determines how tall and how things are disguised. Currently in FAA review. PA is in draft form currently. The National Trust is participating.
  - Thacker Pass Lithium Mine- largest lithium mine in the US. How to evaluate when there's not a lot of physical evidence of tribal use. Section 106, MOA, TCP inclusion. Effects. Mine is away from the site.
- Recently executed agreements:
  - Phil's World 1.0 Existing Trails MOA in CO
  - Pronghorn Trails System MOA in CO
  - ANWR Coastal Plain PA Amendment #3 in AK
  - Coal Draw West Bentonite Mine MOA Amendment 1 in WY

**Message from Arizona SHPO – Open Session**

- The Arizona SHPO has 13 employees, as well as externally funded interns, including one funded by the BLM (AmeriCorps) that is a paid internship with a tuition stipend.
- BLM funding supported the creation of AZ's Tribal Consultation Toolkit.
- There were 220 undertakings approved under the AZ Protocol for 2022.

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One project of note was the Sonoran National Monument Grazing Permit renewal. Grazing allotments are generally retained when a monument is designated. They considered it an Administrative Renewal and focused attention on specific areas where animals congregate and have the potential to affect historic properties.

For other 106 reviews, they engage as the project is being developed. For renewables, physical effects to historic properties require creative mitigation and SHPO is looking at mitigation banking for specific training, conferences, or whatever help builds heritage resources within tribal groups including encouraging Tribal monitors on inventory.

A few other notes include:

- The state no longer gives site numbers for in-use historic structures; SHPO has a form.
- Site Stewards include over 600 volunteers on Federal and State lands. This program is not funded by the state and relies on agency support.
- The program needs support for training, running, and responding to agency needs.

Arizona State Historic Preservation Officer Kathryn Leonard represented the National Council of State Historic Preservation Officers and provided the following points relating to challenges faced by SHPOs nationally and some suggestions:

- Need more funding to deal with federal compliance workloads.
- Looking at how the National Register program could be improved and made more accessible to public and Tribal needs. Have prepared a report on this.
- Ready to start working on nPA.
- Dual process to address tribal concerns through a different mechanism.

**National Programmatic Agreement Overview – Open session (ACHP, NCSHPO, BLM and NATHPO)**

BLM provided an overview presentation of National Programmatic Agreement (nPA, expires February 2024) to new Board members, ACHP staff, NCSHPO representative, and NATHPO. NATHPO representatives, Kurt Dongoske, THPO of the Pueblo of Zuni, and Jill Wagner, THPO of the Coeur D'Alene Tribe attended virtually. Concerns voiced included:

- The current document privileges archaeology and material culture over traditional practices and cultural landscapes.
- Consider incorporating the principles defined by the UN Declaration on the Rights of Indigenous People.
- Have Tribal representation on internal review of National Programmatic Agreement.
- Tribes should be considered as signatories because BLM has lands within the external boundaries of Indian Reservations.
- Short time frame before expiration may not be sufficient for meaningful consultation with Tribes.

Next steps:

- Initiate consultation with all Tribes with a formal letter to chairpersons.
- Start revision process now with the intent to complete by February 2024
- Make sure Tribes have a seat at the table.

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The BLM held an internal discussion to identify an initial work group and concrete next steps and how to ensure adequate resources and staffing. Key points included:

- Coordination with HQ400 leadership.
- Coordination with ACHP and NCSHPO.
- Tribal consultation.
- Need for a draft timeline.

The BLM held an internal session to discuss revitalization of the manual revision process that was paused in 2017. The Board will first focus on the 8150 Manual (permitting). Nate Thomas provided a status update on where the revisions were when work stopped in 2017 and provided an overview of continuing the revision effort now.

**Day 3 – Thursday, December 8, 2022 – Field Visit**

The Board travelled via the Colorado River to visit petroglyphs, Topock, and the PG&E visitor center. PG&E provided an overview of CERCLA compliance for remediation projects. Small group discussions occurred on topics, concerns, and possible solutions. This case is an excellent study of how a fraught Section 106 process was reoriented to address Tribal concerns more effectively, resulting in a positive outcome.