

**STATE PROTOCOL AGREEMENT BETWEEN
THE COLORADO STATE DIRECTOR [SD] OF THE BUREAU OF LAND MANAGEMENT [BLM] AND
THE COLORADO STATE HISTORIC PRESERVATION OFFICER [SHPO] REGARDING THE MANNER
IN WHICH THE BLM WILL MEET ITS RESPONSIBILITIES UNDER THE NATIONAL HISTORIC
PRESERVATION ACT [NHPA] AND THE 2025 NATIONAL PROGRAMMATIC AGREEMENT
[NATIONAL PA] AMONG THE BLM, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
[ACHP], AND THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS
[NCSHPO]**



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1 **Preamble**

2 On February 9, 2012, the Bureau of Land Management (BLM), the Advisory Council on Historic
3 Preservation (ACHP), and the National Conference of State Historic Preservation Officers
4 (NCSHPO) entered into a national Programmatic Agreement (nPA) that details the manner in which
5 the BLM will meet its responsibilities under Sections 106, 110 (f), and 111 (a) of the National
6 Historic Preservation Act (NHPA or the Act; 54 U.S.C. § 301001 et seq.). The BLM, ACHP, and
7 NCSHPO amended the nPA on September 30, 2025.

8
9 Through the provisions built into the nPA, the BLM, NCSHPO, and the ACHP—in consultation with
10 Indian Tribes, consulting parties, and the public—ensure that the BLM will organize its programs to
11 operate efficiently and effectively, according to the spirit and intent of Section 106 of the NHPA (54
12 U.S.C. § 306108), and in a manner consistent with 36 CFR Part 800. The BLM will integrate its
13 historic preservation planning and management decisions with other policy and program
14 requirements to the maximum extent.

15
16 This State Protocol (Protocol) between the Colorado BLM and the Colorado State Historic
17 Preservation Officer (SHPO) supplements the amended nPA and describes the manner in which the
18 Colorado BLM and the SHPO will collaborate and cooperate under the nPA. The BLM and the SHPO
19 intend to streamline and simplify procedural requirements and emphasize the common goal of
20 planning for and managing historic properties under the BLM’s jurisdiction and control in the public
21 interest, in alignment with the Federal Land Policy and Management Act (FLPMA; 43 U.S.C. § 1707)
22 and the NHPA (54 U.S.C. § 306101-306102). It also ensures a program for continued and enhanced
23 communication between BLM, SHPO, Indian Tribes, and other consulting parties potentially
24 affected by BLM undertakings. This Protocol does not apply to undertakings on or affecting historic
25 properties on Tribal lands.

26
27 This Protocol supersedes the 2014 Protocol Agreement between the Colorado BLM and SHPO and
28 replaces it in full.

29
30 Terms used in this Protocol are defined in [Appendix A](#). All other terms not specifically defined in
31 Appendix A remain as defined in 36 CFR § 800.16.

32
33 **I. BUREAU OF LAND MANAGEMENT**

34 The BLM, consistent with its authorities and responsibilities under the FLPMA, is charged with
35 managing public lands in Colorado in a manner that will, among other things, “protect the quality of
36 scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and
37 archaeological values,” and “that will provide for outdoor recreation and human occupancy and
38 use.”

39
40 The BLM also has specific responsibilities and authorities to consider, plan for, protect, and
41 enhance historic properties and other resources that may be affected by its actions, in compliance
42 with the National Environmental Policy Act (NEPA; P.L. 91-190, as amended; 42 U.S.C. § 4321 et
43 seq.), the National Historic Preservation Act of 1966 (NHPA; P.L. 89-665; 54 U.S.C. § 3001 et seq.)
44 and implementing regulations of Section 106 of the NHPA at 36 CFR Part 800, the Archaeological
45 Resources Protection Act (ARPA; P.L. 96-95, as amended; 54 U.S.C. § 3201 et seq.) and
46 implementing regulations at 43 CFR Part 7, the Native American Graves Protection and

1 Repatriation Act (NAGPRA; P.L. 101-601; 32 U.S.C. § 3001 et seq.) and implementing regulations at
2 43 CFR Part 10, the Historic Sites Act of 1935 (16 U.S.C. § 461 et seq.), the American Antiquities Act
3 of 1906 (16 U.S.C. § 431 et seq.), the American Indian Religious Freedom Act (AIRFA; P.L. 95-341,
4 as amended), Executive Order (EO) 13007 (“Indian Sacred Sites”), EO 13287 (“Preserve America”),
5 EO 13175 (“Consultation and Coordination with Indian Tribal Governments”), and related
6 authorities.

7
8 Under Section 110 (54 U.S.C. § 306102) of the NHPA, Federal agencies are required to consult with
9 the SHPO to identify and evaluate historic properties for listing in the NRHP, and on the
10 development and implementation of Memoranda of Agreements (MOAs) and Programmatic
11 Agreements (PAs) regarding the means by which adverse effects on such properties will be
12 considered.

13
14 In carrying out its responsibilities specific to the NHPA, the BLM has:

- 15 1. Developed policies and procedures through its directives system (BLM Manual Sections
16 8100-8170).
- 17 2. Executed an nPA in 2012 and amended the nPA in 2025 to help guide the BLM’s planning
18 and decision making as defined in the NHPA.
- 19 3. Assembled a cadre of cultural heritage specialists to advise the BLM’s managers and to
20 implement cultural heritage policies consistent with the BLM’s statutory authorities.

21 22 **II. STATE HISTORIC PRESERVATION OFFICER**

23 The SHPO has responsibilities under Section 101 of the NHPA (54 U.S.C. § 302303) to:

- 24 1. Advise and assist, as appropriate, Federal and State agencies and local governments in
25 carrying out their historic preservation responsibilities.
- 26 2. Identify and nominate eligible properties to the NRHP and otherwise administer
27 applications for listing historic properties on the NRHP.
- 28 3. Consult with the appropriate Federal agencies in accordance with the NHPA on Federal
29 undertakings that may affect historic properties, and the content and sufficiency of any
30 plans developed to protect, manage, or to reduce or mitigate harm to such properties.
- 31 4. In cooperation with Federal and State agencies, local governments, and private
32 organizations and individuals, direct and conduct a comprehensive statewide survey of
33 historic properties and maintain inventories of such properties.

34
35 In certain cases, others may be authorized to act in the place of the SHPO. These responsibilities
36 are contained in the following sections.

37 38 **III. ADVISORY COUNCIL ON HISTORIC PRESERVATION**

39 The ACHP has the responsibility to:

- 40 1. Administer the process implementing Sections 106, 110(f), and 111(a) of the NHPA (54
41 U.S.C. § 306108, 306107, and 306121).
- 42 2. Comment with regard to Federal undertakings subject to review under Sections 106, 110(f),
43 and 111(a) of the NHPA in accordance with its implementing regulations (36 CFR Part 800).
- 44 3. Review the policies and programs of Federal agencies and recommend to such agencies
45 methods to improve the effectiveness, coordination, and consistency of those policies and
46 programs with the policies and programs carried out under Section 202(a)(6) of the NHPA
47 (54 U.S.C. § 304102).

The ACHP may at times act in lieu of the SHPO, pursuant to the regulations implementing Section 106 of the NHPA (36 CFR § 800.3(c)(4)).

IV. INDIAN TRIBES

The NHPA specifically requires that Federal agencies consult with federally recognized Indian Tribes as defined in that Act so that these Indian Tribes may:

1. Identify their concerns about historic properties, including those of traditional religious and cultural significance to them.
2. Advise agencies on the identification and evaluation of historic properties.
3. Articulate their views on the potential effects of an undertaking.
4. Participate in resolving adverse effects.

Where the Secretary of the Interior has approved an Indian Tribe's preservation program pursuant to Section 101(d)(2) of the NHPA (54 U.S.C. § 302702), a Tribal Historic Preservation Officer (THPO) may perform some or all SHPO functions with respect to tribal lands, defined as all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities, consistent with 36 CFR § 800.16(x). If tribal lands are involved in an undertaking, the BLM will use the regulations at 36 CFR §§ 800.3 through 800.7, unless the BLM and Tribe have an existing agreement.

The BLM consults with Indian Tribes on a government-to-government basis consistent with the Department of the Interior's and the BLM's tribal consultation policies. While the BLM may initiate consultation under multiple authorities at one time, this Protocol governs compliance with the NHPA and in no way supersedes the BLM's other treaty, trust, and consultation responsibilities to Indian Tribes under multiple other authorities.

V. OTHER CONSULTING PARTIES

Other consulting parties include representatives of local governments, State agencies or departments, project proponents, landowners, applicants for Federal assistance, permits, licenses and other approvals, and certain organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties (36 CFR § 800.2(c)(3-5)). The BLM, in consultation with SHPO, will identify consulting parties and invite them to participate in Section 106 consultation and shall consider all written requests of individuals and organizations to participate as consulting parties (36 CFR § 800.3(f)).

A certified local government acting through the chief local elected official may fulfill some SHPO delegated functions, where the Secretary has certified the local government pursuant to Section 101(c)(1) of the NHPA (54 U.S.C. § 302503), and its actions apply to lands in its jurisdiction.

VI. THE PUBLIC

The views of the public are essential to informed Federal decision-making, and the BLM shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties. The BLM must also provide the public with information about an undertaking and seek public comment and input (36 CFR § 800.2(d)).

1 Pursuant to 36 CFR § 800.2(d)(3), the BLM may use its procedures to involve the public as
2 described in this document or through its established NEPA procedures.

3 4 ***Basis for Protocol***

5 Proceeding from these responsibilities, goals, and objectives, the BLM and SHPO will follow the
6 nPA in its entirety and acknowledge the following basis for agreement:

7
8 WHEREAS, the BLM's management of lands and mineral resources may affect historic properties
9 as defined by the NHPA; and

10
11 WHEREAS, among other things, the BLM's historic preservation program, established in response to
12 Section 110(a)(2) of the NHPA (54 U.S.C. § 306102) and related authorities provides a systematic
13 basis for: (1) identifying, evaluating, and nominating historic properties under the BLM's jurisdiction
14 or control to the NRHP; (2) managing and maintaining properties listed in or eligible for the NRHP in
15 a way that considers the preservation of their archaeological, historical, architectural, and cultural
16 values and the avoidance of adverse effects in consultation with Indian Tribes, local governments,
17 applicants, consulting parties, and the interested public; and (3) giving special consideration to the
18 preservation of such values in the case of properties designated as having national significance;
19 and

20
21 WHEREAS, the BLM's program is also intended to ensure that its preservation-related activities will
22 be carried out in consultation with Indian Tribes, other Federal agencies, State agencies, local
23 governments, consulting parties, and the interested public; and

24
25 WHEREAS, the BLM's program also is intended to: (1) ensure that the BLM's procedures for
26 compliance with Section 106 of the NHPA (54 U.S.C. § 306108) are consistent with current
27 regulations issued by the ACHP pursuant to Section 211 of the NHPA (54 U.S.C. § 304108; 36 CFR
28 Part 800); (2) provide a process for the identification and evaluation of historic properties for listing
29 in the NRHP and the development and implementation of agreements, in consultation with SHPOs,
30 Indian Tribes, local governments, consulting parties, and the interested public, as appropriate,
31 regarding the means by which adverse effects on such properties will be considered and resolved;
32 and

33
34 WHEREAS, the SHPO has an interest in continuing its cooperative relationship with the BLM to
35 facilitate a more effective and efficient Section 106 consultation process, and promote activities of
36 mutual benefit; and

37
38 WHEREAS, the BLM acknowledges that Indian Tribes possess special expertise in assessing the
39 eligibility of historic properties that may possess religious and cultural significance to them in
40 accordance with 36 CFR § 800.4(c)(1); and

41
42 WHEREAS, the BLM's programs benefit from consultation with Indian Tribes, including BLM's
43 identification and management of properties of religious and cultural significance, and for
44 undertakings not on tribal lands, the BLM employs the basic principles of government-to-
45 government consultation with Indian Tribes under cultural resources authorities including the
46 NHPA as reflected in the nPA; and consults with the tribal representatives designated by the tribal

1 governments for the purpose of identifying properties of religious and cultural significance that may
2 be eligible for listing on the NRHP and to understand tribal concerns; and
3

4 WHEREAS, this Protocol will not apply to proposed BLM undertakings located on or affecting
5 historic properties on tribal lands, with respect to which the BLM will comply with the regular
6 Section 106 process under 36 CFR §§ 800.3 through 800.7, the process under 36 CFR § 800.8(c), or
7 an applicable program alternative under 36 CFR § 800.14; and
8

9 WHEREAS, Indian Tribes, especially those whose present or ancestral lands are located in areas
10 where the BLM has surface or subsurface management responsibilities, may enter into formal or
11 informal agreements with the BLM regarding consultation procedures under the NHPA Section 106
12 and that some Indian Tribes may want to form a cooperative relationship with the BLM in a manner
13 consistent with the purposes of the nPA to achieve a more effective and efficient Section 106
14 consultation process; and
15

16 WHEREAS, the BLM has consulted on the development of this Protocol and continues to consult
17 regarding heritage issues with the Apache Tribe of Oklahoma, the Cheyenne & Arapaho Tribes of
18 Oklahoma, the Cheyenne River Sioux, the Comanche Nation of Oklahoma, the Eastern Shoshone
19 Tribe, the Hopi Tribe, the Jicarilla Apache Nation, the Kiowa Tribe, the Navajo Nation, the Northern
20 Arapaho Tribe, the Northern Cheyenne Tribe, the Oglala Sioux Tribe, the Ohkay Owingeh, the
21 Pawnee Nation of Oklahoma, the Pueblo de Cochiti, the Pueblo of Acoma, the Pueblo of Isleta, the
22 Pueblo of Jemez, the Pueblo of Laguna, the Pueblo of Nambe, the Pueblo of Picuris, the Pueblo of
23 Pojoaque, the Pueblo of San Felipe, the Pueblo of San Ildefonso, the Pueblo of Sandia, the Pueblo of
24 Santa Ana, the Pueblo of Santa Clara, the Pueblo of Taos, the Pueblo of Tesuque, the Pueblo of
25 Ysleta del Sur, the Pueblo of Zia, the Pueblo of Zuni, the Rosebud Sioux Tribe, the Santo Domingo
26 Pueblo, the Southern Ute Indian Tribe, the Standing Rock Sioux Tribe, the Ute Indian Tribe of the
27 Uintah & Ouray Reservation, and the Ute Mountain Ute Tribe, and the BLM takes into consideration
28 tribal comments in BLM's planning in management decisions; and
29

30 WHEREAS, due to their previous and ongoing demonstrated interest in historic preservation in
31 Colorado, the BLM has consulted and will continue to consult regarding development of this
32 Protocol and historic preservation matters in BLM's planning and management decisions, as
33 appropriate, with the Colorado Council of Professional Archaeologists, Colorado Preservation, Inc.,
34 and the Colorado State Land Board; and
35

36 WHEREAS, the BLM intends that efficiencies in the NHPA Section 106 process, realized through this
37 Protocol, will enable the BLM and SHPO staffs to devote a larger percentage of their time and
38 energies to proactive work, including: (1) focus on complex and priority undertakings; (2) analyze
39 and synthesize data accumulated through decades of Section 106 compliance; (3) identify historic
40 properties where information is needed, not just in reaction to proposed undertakings; (4) plan for
41 long-term preservation; (5) nominate properties to the NRHP; (6) manage historic properties in a
42 planned and priority-based way; (7) engage in creative public education and interpretation; (8)
43 engage in more effective tribal consultation and public outreach; and (9) embark on other activities
44 that will have readily recognizable tribal and public benefits; and
45

46 WHEREAS, this Protocol fulfills the requirement under Stipulation 4 of the nPA to execute a revision
47 to the existing Protocol within 24 months of the execution of the 2025 nPA; and
48

1 WHEREAS, this Protocol agreement supersedes all other Colorado BLM Protocols previously
2 established under the nPA, including the 2014 Protocol; and
3

4 NOW, THEREFORE, the BLM and the SHPO mutually agree that the BLM, consistent with the
5 provisions of this Protocol, will meet its responsibilities under the NHPA as provided for in 36 CFR §
6 800.14(b), rather than by following the procedure set forth in 36 CFR §§ 800.3 through 800.7. The
7 BLM will integrate the manner in which it meets its historic preservation responsibilities as fully as
8 possible with its other responsibilities for land-use planning and resource management.
9

10 The BLM shall ensure that the following stipulations are carried out.
11
12

Stipulations

I. RESPONSIBILITIES AND GENERAL PROCEDURES

14 The Protocol establishes a streamlined consultation process for most BLM undertakings but
15 includes provisions to follow the process in 36 CFR Part 800 or other agreement documents. It is a
16 two-party protocol between the BLM and the SHPO that specifies the manner in which the BLM
17 works with the SHPO and how the BLM consults with Indian Tribes, other consulting parties, and
18 the public in considering the effects of BLM's undertakings on historic properties and in its
19 management of cultural resources under BLM jurisdiction.

A. BLM Decisions and Responsible Officials

- 21 1. BLM agency officials who take responsibility for Section 106 compliance include field
22 office managers, district managers, deputy state directors, and the State Director. Only
23 these individuals have approval authority for undertakings.
- 24 2. BLM decisions regarding identification, determinations of eligibility, and treatment must
25 be conducted by professionally qualified individuals, as acknowledged in the BLM 8100
26 Manuals and Handbooks, the NHPA, 36 CFR Part 800, and the Secretary of the Interior's
27 Standards and Guidelines for Archeology and Historic Preservation and Federal Agency
28 Historic Preservation Programs. Those individuals are the cultural resource specialists
29 within state, district, and field offices in the BLM, as well as cultural resource specialists
30 supporting BLM but employed by other DOI bureaus, such as the United States Wildland
31 Fire Service (USWFS).
- 32 3. If BLM agency officials disagree with the advice provided to them by cultural resource
33 specialists and require an additional opinion, they may consult with the Deputy
34 Preservation Officer (DPO), the BLM Preservation Board, the SHPO, and/or the ACHP
35 concerning these disagreements.

B. BLM Land Use Planning

- 37 1. Each BLM office is responsible for preparing land use planning documents such as
38 Resource Management Plans (RMP), RMP amendments, RMP revisions, programmatic
39 Environmental Impact Statements (EIS), and programmatic Environmental Assessments
40 (EA). Such planning documents typically constitute nondestructive project planning
41 activities which do not restrict the subsequent consideration of alternatives to avoid,
42 minimize, or mitigate the undertaking's adverse effects on historic properties (36 CFR §
43 800.1(c)).

2. During public scoping for land use planning, offices will initiate discussion with the SHPO to introduce the land use planning document, identify interested public, discuss cultural resource issues and concerns, and determine a review schedule.
3. When preparing land use plans, BLM will provide the SHPO with the most current and relevant land use plan (e.g., resource management plan) and amendments, along with cultural resource management plans for each BLM office. The SHPO may also access the associated NEPA documents online, if available.
4. To facilitate broader and more proactive participation by the SHPO in BLM's management activities relating to cultural resources, the BLM will invite the SHPO to comment on any cultural resource use allocations, whether they are made in regional, local, or project plans. Recommended topics for discussion include cultural resource identification, evaluation, nomination, condition, protection, maintenance, use, research, interpretation, consultation, public outreach, and community partnerships/heritage tourism opportunities.
5. BLM cultural resource goals and objectives in land use plans will consider and incorporate the objectives and strategies identified in the current BLM Colorado statewide strategic plan and current Office of Archaeology and Historic Preservation (OAHP) state preservation plan, when relevant.

C. Phased and Programmatic Identification Strategies

1. Phased Identification

- a. The BLM may use a phased identification and evaluation strategy as described in 36 CFR § 800.4(b)(2) for undertakings that tier to land use plans, programmatic NEPA documents, or for large projects (such as multi-year fuels reduction or vegetation thinning projects).
- b. If the BLM elects to use a phased identification process, the BLM shall notify the SHPO by letter in advance and will provide a brief description of the project and the rationale for phasing in conformance with 36 CFR § 800.4(b)(2). BLM and OAHP document numbers shall be referenced by the BLM and the SHPO in all subsequent documentation related to all phases of the project.
- c. The BLM will obtain an OAHP document number for the initial Class I or other documentation. All subsequent reports will be labelled with a sequential letter following the OAHP number to indicate they are part of the same, phased project.
- d. The BLM will identify each step of a phased project in the project log.

2. Programmatic Identification

The BLM may develop programmatic identification strategies for certain classes of undertakings (such as grazing leases or travel management route designation) in consultation with the SHPO, Indian Tribes, and consulting parties. Once an identification strategy has been approved by the above parties, the strategy will be added to the Protocol as an appendix. The BLM may apply that programmatic identification strategy to applicable undertakings without additional consultation with the SHPO.

1 **D. Other State-Specific Procedures**

- 2 1. The BLM shall continue to manage historic properties in accordance with national BLM
3 policies and procedures developed through its directives system (BLM Manual and
4 Handbook Sections 8100-8170 and Instruction Memoranda) and the OAHP Colorado
5 Cultural Resource Survey Manual. While the BLM's manuals and memoranda help guide
6 decision-making, more precise standards and procedures applicable to Colorado will
7 continue to be found in the most current version of the BLM Colorado Guidelines and
8 Procedures for Inventory, Evaluation, and Treatment of Cultural Resource Sites
9 (Guidelines; [Appendix M](#)).
- 10 a. If the Colorado BLM proposes changes to its Guidelines, copies of any proposed
11 amendments or guidance will be forwarded to the SHPO, Indian Tribes, and other
12 consulting parties. These parties will be provided a minimum of 30 calendar days to
13 comment on proposed changes. Parties may request 15 calendar days additional
14 time if needed. The BLM will take comments received during the review period into
15 consideration in the final amendment. Copies of the final amendment will be
16 provided to SHPO and all other parties.
- 17 2. If the SHPO proposes changes to the OAHP Colorado Cultural Resource Survey Manual,
18 they shall send copies of proposed changes to the BLM for a minimum 30 calendar days
19 for comment. The BLM may request 15 calendar days additional time if needed. The
20 SHPO will take comments received during the review period into consideration in the
21 final amendment.
- 22 3. The Colorado BLM periodically issues policy interpretation and guidance in the form of
23 Instruction Memoranda (IM). IMs communicate policy, instruction, or required action
24 and do not replace the regulations at 36 CFR Part 800 or this Protocol. When the
25 Colorado BLM develops any guidance related to the Section 106 process, and the
26 guidance does not alter the terms of this Protocol, it will provide the SHPO with a draft
27 for comment. The SHPO will be provided a minimum of 30 calendar days to comment on
28 proposed changes and may request 15 calendar days additional time if needed. The BLM
29 will take comments received during the review period into consideration in the final
30 version. A list of all IMs pertaining to the Section 106 process will be attached to this
31 Protocol under [Appendix J](#). No IMs will be issued which alter the terms of this Protocol;
32 amendments to this Protocol will follow [Stipulation XIII](#) below.

33 **E. Relationship of the Protocol to Other Agreements**

- 34 1. No existing agreements between the BLM and any other parties will be altered by this
35 Protocol. A list of existing agreements is in [Appendix K](#).
- 36 2. When additional statewide agreement documents are needed to define procedures that
37 are not covered by the national PA or this Protocol, the BLM and the SHPO may develop,
38 in consultation with Indian Tribes and other consulting parties, other statewide PAs,
39 Memoranda of Agreement (MOA), and IMs, and will append the supplemental
40 agreements to Appendices J or K of this Protocol.
- 41 3. When utilizing a program comment or other nationwide agreement, such agreement will
42 be used in lieu of this Protocol.

1 **F. When to Use the 36 CFR Part 800 Regulations in Lieu of the Protocol**

- 2 1. In certain circumstances, the alternative procedures detailed in this Protocol may be
3 suspended. The regulations at 36 CFR §§ 800.3 through 800.7, 36 CFR § 800.8(c), 36 CFR
4 § 800.14, or the subparts detailed in each item below will be followed in lieu of this
5 Protocol for the following:
- 6 a. When ACHP formally participates in adverse effects resolutions, pursuant to 36
7 CFR § 800.6(b)(2) or 800.14(b);
 - 8 b. All multi-State programs or projects;
 - 9 c. When an undertaking will adversely affect a National Historic Landmark (NHL);
 - 10 d. When an undertaking involves lands within the external boundaries of an Indian
11 reservation;
 - 12 e. If a field, district, or the state office is decertified;
 - 13 f. When BLM develops program alternatives, including project-specific PAs;
 - 14 g. When the BLM cultural resource specialist and the agency official do not agree on
15 the finding of effect and the disagreement cannot be resolved;
 - 16 h. If the BLM or the SHPO terminates this Protocol;
 - 17 i. If the national PA is terminated or suspended; and/or
 - 18 j. If the SHPO and the BLM fail to reach agreement on National Register of Historic
19 Places (NRHP) eligibility, effect, or effect resolutions, pursuant to 36 CFR §
20 800.4(c)(1)-(2), 36 CFR § 800.4(d)(1)(ii-iii), 36 CFR § 800.5(c)(2)(i-iii), or 36 CFR §
21 800.6.
- 22 2. When no Federal agency takes the lead, the BLM will follow the regulations at 36 CFR §§
23 800.3 through 800.7, 36 CFR § 800.8(c), or 36 CFR § 800.14. The BLM will indicate on its
24 initial submission to the SHPO if any other Federal agencies are involved in the
25 undertaking and will characterize the nature of their involvement. The BLM will remain
26 individually responsible for Section 106 compliance for any undertaking in which a lead
27 Federal agency has not been designated.
- 28 3. In the case of complex or controversial undertakings, the BLM and the SHPO may
29 consult to determine whether the regulations at 36 CFR §§ 800.3 through 800.7 would
30 serve as the appropriate compliance mechanism.

31 **G. Designated Lead Federal Agency Undertakings**

32 If an undertaking is carried out, licensed, permitted, or approved by more than one Federal agency,
33 some or all of the agencies may choose to designate a lead Federal agency to fulfill their collective
34 responsibilities under Section 106 of the NHPA (36 CFR § 800.2(a)(2)). A lead Federal agency acts
35 on the behalf of all involved Federal agencies and collectively fulfills their Section 106
36 responsibilities. Designating a lead Federal agency, especially on large, complex infrastructure
37 projects, has the advantage of increasing efficiency in coordinating and communicating with
38 consulting parties, reducing duplicative analyses and paperwork, and providing more clarity and
39 consistency in reaching findings and determinations.

1. If the BLM is the lead agency for Section 106 and the situations at [Stipulations I.E.2.](#) and [I.F.](#) do not apply, the BLM will promptly notify the SHPO if it is the designated lead Federal agency for Section 106 consultation, and it will indicate whether the terms of the Protocol will be followed. The BLM will consult under the implementing regulations, 36 CFR Part 800 for any situation described in Stipulation I.F. or when requested by any Federal agency. The BLM will consult with each land managing agency on determinations of NRHP eligibility for resources it manages. BLM will include copies of any agreements and/or correspondences that document this decision.
2. When another Federal agency is the lead, consultation procedures used by the lead agency will be followed for the entire undertaking if this is acceptable to the BLM and other Federal agencies. The BLM will provide written notification of this designation to the lead Federal agency and request that this information be shared with all consulting parties.

H. **BLM Responsibilities on Non-Federal Lands**

1. Section 106 of the NHPA requires Federal agencies to take into account the effects of its undertakings on historic properties regardless of land status. Therefore, the BLM, in consultation with the SHPO, will ensure that it fully considers the undertaking's effect on historic properties located on non-Federal as well as Federal lands (54 U.S.C. § 306108). The extent of BLM's responsibility for identifying and treating adverse effects to non-Federal historic properties is based on 36 CFR Part 800, ACHP guidance, the BLM Manuals, and other guidance such as Department of the Interior solicitor's opinions, BLM IMs, and Interior Board of Land Appeals (IBLA) decisions¹ and includes, but is not limited to, an evaluation of the following factors:
 - a. Is the non-Federal portion dependent upon the Federal permit, license, or approval for the project to be viable?
 - b. How likely are historic properties to exist in the area of potential effects (APE)?
 - c. To what degree will the BLM permit, license, or approval affect the location of surface disturbing activities on non-Federal lands?
 - d. What is the scale of the potential impacts relative to the Federal contribution?
2. After evaluating the factors in Stipulation I.H.1. and determining the BLM's responsibility, the BLM will make a reasonable and good faith effort to carry out appropriate identification efforts (see ACHP's guidance entitled: *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106*, online at <https://www.achp.gov/digital-library-section-106-landing/meeting-reasonable-and-good-faith-identification-standard> and [Stipulations IV.C.](#) and [D.](#)). The BLM may conduct, or cause to be conducted by the applicant, an inventory for and evaluation of cultural resources within the APE in accordance with [Stipulations IV.D-E](#). This effort occurs whether the undertaking was initiated by the BLM or in response to a land use application. In cases where the BLM cannot determine what the reasonable and good faith identification effort on non-

¹ BLM Manual 8100.08A; BLM Manual 8140.06D; WO-IM-1984-274 (incorporated into BLM Manual 8140); WO-IM-1985-548, DOI M-36917 (solicitor opinion regarding 40 IBLA 280 and 43 IBLA 259), 128 IBLA 126 (reaffirming DOI M-36917)

Federal lands should entail, the BLM will consult with the SHPO on what constitutes a reasonable and good faith effort.

3. The BLM will explore measures to avoid, minimize, or mitigate adverse effects to historic properties on non-Federal lands. If adverse effects to historic properties occur on non-Federal lands within the APE, the BLM will invite the affected landowner to be a consulting party to resolve the adverse effect(s). It is the responsibility of the project applicant to complete, as appropriate, the mitigation of adverse effects to historic properties within the APE.

4. Without consent of the landowner, except where provided by law, the BLM has no authority to require access to conduct an inventory or complete mitigation on non-Federal lands or the property of the non-Federal landowner. Identification and avoidance, minimization, or mitigation of adverse effects may be required as a condition of a permit, license, or approval issued by the BLM, whether Federal or non-Federal lands are involved. Consistent with applicable law, the BLM has the authority to withhold and/or deny a permit, license, or approval for any Federal undertaking if the BLM is unable to complete the Section 106 process within the APE.

If landowner access is denied, the BLM or proponent will document the denial in writing using the Landowner Permission Document ([Appendix L](#)) or a similar document that contains the same information. The BLM will provide this documentation during consultation with the SHPO and consult pursuant to 36 CFR § 800.4(b). A reasonable and good faith identification effort will be conducted per [Stipulation IV.D](#).

5. When treatment involves data recovery, adequate time will be allocated for the analysis of the artifacts, samples, and collections recovered from non-Federal lands and for report preparation. The artifacts, samples, and collections recovered from non-Federal lands remain the property of the landowner unless donated to the Federal government for curation. Reports resulting from work on non-Federal land will be made available to the landowner. The treatment and disposition of any human remains and associated funerary objects and materials found during data recovery on State and private land will follow Colorado State law.

6. Because local regulations or State law, such as the Colorado Historical, Prehistorical, and Archaeological Resources Act of 1973 (Colorado Revised Statute (CRS) 24-80-401 to 410) and the Unmarked Human Graves Statute (CRS 24-80-1302), may still apply to the non-Federal portions of an undertaking, the BLM and the SHPO will attempt to clarify for project sponsors the circumstances under which State, Federal, or other laws and regulations apply.

II. BLM CONSULTATION RESPONSIBILITIES

A. General Consultation Procedures between BLM and SHPO under this Protocol

1. Consultation between the SHPO and the BLM is outlined in the procedures in [Stipulations IV through VI](#) of this document. Consultation is conducted by a letter on BLM letterhead and may be sent electronically. The purpose of consultation is to afford the SHPO the opportunity to comment and for BLM to make informed decisions while building BLM's administrative record for the undertaking.

2. The agency official shall provide early notification to the SHPO about upcoming projects likely to have an adverse effect on known historic properties, National Historic Landmarks (NHLs), National Historic Trails (NHTs), properties of religious and cultural significance to Indian Tribes, traditional cultural places (TCPs), and known cultural resources that have not been fully evaluated for inclusion in the NRHP. The preferred method of notification is by email and should occur as early as possible in the planning process.
3. Under special conditions, such as staffing shortages, unforeseen events, or non-discretionary actions, specified time frames for SHPO review may be extended or shortened by request from the SHPO, the relevant BLM District or Field Office, and/or the BLM State Office. Changes in review timeframes will be documented in writing, usually via email and will be sent by the BLM to all consulting parties, including the applicant.
4. The BLM may determine that some very large projects (e.g., linear rights-of-way that cross more than one BLM office) can be more efficiently completed if phased. If a project is to be phased, the BLM shall notify the SHPO by letter in advance. This notification and content will be consistent with [Stipulation I.C.1](#).

B. Consultation with Non-Signatories to this Protocol

1. Advisory Council on Historic Preservation

- a. The BLM will invite the ACHP to participate in consultation when undertakings meet the thresholds listed below and will follow the process at 36 CFR § 800.6(b)(2) or 800.14(b) to resolve adverse effects whenever the ACHP formally participates in the resolution of adverse effects for an undertaking. Any BLM office correspondence with the ACHP should be coordinated with the BLM State Office. Thresholds for ACHP notification are:
 - i. Non-routine interstate and/or interagency projects or programs;
 - ii. Undertakings adversely affecting National Historic Landmarks (NHLs);
 - iii. Undertakings that the BLM determines to be highly controversial (e.g., undertakings that receive unusual public attention and/or involve conflict);
 - iv. When adverse effects cannot be resolved between the BLM and the SHPO; and/or
 - v. The development and approval of program alternatives, including project-specific PAs.
- b. The BLM and SHPO may choose to consult to identify specific circumstances and conditions that, when met, call for the ACHP's notification.
- c. The ACHP may enter into consultation at any time, per the nPA Stipulation 7.c.
- d. At any point in the Section 106 process, the BLM, SHPO, or other consulting party may request the ACHP's guidance or participation. The ACHP may or may not elect to participate.

2. Federally Recognized Indian Tribes

- a. The BLM will consider the effects of its undertakings on historic properties significant to Indian Tribes because of the association with tribal history, including

those of traditional religious and cultural importance to a Tribe. For specific undertakings, the BLM will consult on a government-to-government basis. Where appropriate, the BLM will coordinate Section 106 consultation with the NEPA process. The BLM shall ensure that Indian Tribes have the opportunity to identify historic property concerns and to participate as consulting parties in all aspects of consultation for projects that are of interest to them. In consulting with Indian Tribes or authorized tribal representatives, the BLM will be guided by the following:

- i. BLM Manual 1780, Tribal Relations
 - ii. BLM Handbook H-1780-1, Improving and Sustaining BLM-Tribal Relations
 - iii. Executive Order 13007, Indian Sacred Sites
 - iv. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments
 - v. National Register Bulletin: Identifying, Evaluating, and Documenting Traditional Cultural Places
 - vi. Department of Interior (DOI) Tribal Consultation Policy and companion Secretarial Order 3317
 - vii. 36 CFR Part 800 and ACHP Office of Tribal and Indigenous Peoples policy and guidance (see www.achp.gov)
 - viii. National Environmental Policy Act (NEPA)
 - ix. Native American Graves Protection and Repatriation Act (NAGPRA)
 - x. Archaeological Resources Protection Act (ARPA)
 - xi. Tribal Protocols/Memoranda of Understanding for consultation, as developed.
- b. The BLM will include within its NEPA and Section 106 project file a list of Indian Tribes contacted and documentation of the tribal concerns and recommendations derived from the consultation process, consistent with the confidentiality considerations in [Stipulation II.B.2.f.](#)
- c. The BLM will provide general notification as early as possible in the planning process, but no later than the identification stage. The BLM will seek information from Indian Tribes about any historic properties of traditional cultural or religious significance which may be present within an undertaking's area of potential effect. The BLM offices will ensure that Indian Tribes have access to lists of proposed actions and that current contacts for Indian Tribes are maintained on NEPA mailing lists. In addition, the BLM shall utilize periodic meetings, supplemental project lists, and project specific consultation requests as needed to ensure that Indian Tribes have the opportunity to identify tribal concerns and to participate as consulting parties in all aspects of projects that are of interest to them. Indian Tribes contacted and tribal concerns and recommendations derived from the consultation process shall be documented and addressed in the NEPA and Section 106 project file, consistent with the confidentiality considerations in [Stipulation II.B.2.f.](#)
- d. When it is determined that an undertaking may affect a historic property identified by an Indian Tribe as having traditional cultural or religious significance, the BLM

1 shall consult further with the Tribe regarding the identification, evaluation,
2 assessment of effects, and the resolution of adverse effects, if applicable, with
3 respect to the property.

- 4 e. In accordance with 36 CFR § 800.2(c)(2)(ii)(E), the BLM will work towards
5 developing consultation Memoranda of Understanding (MOU) with Indian Tribes, or
6 at a minimum, a consultation process that meets the needs of both the Tribe and
7 BLM. Such MOUs will recognize government-to-government relationships and will
8 specify how individual Indian Tribes wish to be consulted in the Section 106
9 process. Copies of signed MOUs, or documentation of the agreed upon
10 consultation process, will be provided by the BLM to the Indian Tribe, the
11 SHPO/THPO, and the ACHP.
- 12 f. The BLM shall be sensitive to tribal concerns and rights regarding confidentiality
13 and privacy and shall protect sensitive information to the fullest extent permitted
14 by law, using applicable provisions and exemptions of Section 304 of NHPA,
15 Section 9 of ARPA, and Section (b) of the Freedom of Information Act.
- 16 g. If an Indian Tribe does not concur with BLM's finding of effect, the BLM will continue
17 to consult with these parties to attempt to achieve concurrence. If these
18 consultation efforts fail, then the procedures at 36 CFR § 800.5(c)(2)(i) through (iii)
19 will be followed.

20 3. Other Consulting Parties

21 Other parties entitled to consultation include representatives of local governments and
22 applicants for Federal assistance, permits, licenses, and other approvals (36 CFR §§
23 800.2(c)(3) and 800.2(c)(4)).

- 24 a. The BLM will confer with consulting parties regarding identification, evaluation,
25 effects, and resolution activities conducted under this Protocol.
- 26 b. Managers will ensure that consultation takes place at the earliest stages of
27 planning.
- 28 c. If a consulting party does not concur with BLM's finding of effect, the BLM will
29 continue to consult with the party to attempt to achieve concurrence. If these
30 consultation efforts fail, then the procedures at 36 CFR §§ 800.5(c)(2)(i) through (iii)
31 will be followed.

32 4. Interested Parties

33 Consulting parties also include certain individuals and organizations with a
34 demonstrated interest in the undertaking due to the nature of their legal or economic
35 relation to the undertaking or affected properties, or their concern with the undertaking's
36 effects on historic properties (36 CFR § 800.2(c)(5)). These parties may include
37 organizations like local historical societies, historic preservation advocacy groups, or
38 chambers of commerce.

39 The BLM may utilize online NEPA logs and documents to allow an opportunity for
40 interested parties to consult on BLM undertakings subject to Section 106 review.
41 Interested parties may contact the BLM office contact person listed with NEPA projects

1 to obtain additional information about an undertaking in which they may have an
2 interest.

3 a. The BLM, in consultation with SHPO, will identify additional consulting parties for
4 individual undertakings based on the parties' demonstrated interest. A
5 "demonstrated interest" may be indicated by an organization that focuses on
6 historic preservation, as exhibited in their mission statement, charter or bylaws,
7 their legal or economic relation to the undertaking or affected properties, or their
8 concern with the undertaking's potential effects on historic properties. The BLM
9 shall invite potential consulting parties to participate, or consulting parties may
10 request to participate in the Section 106 consultation process ([Stipulations IV](#)
11 [through VI](#)) if they have a demonstrated interest in a BLM undertaking or its effects
12 on historic properties. Any confidentiality concerns of Indian Tribes, private
13 individuals, and businesses shall be addressed.

14 i. The BLM will consider the nature of the undertaking when determining
15 appropriate consulting parties.

16 ii. The BLM will consult SHPO Publication 1568, which lists local governments
17 with historic preservation ordinances or resolutions, and upon request, SHPO
18 will share information with BLM regarding possible consulting parties for an
19 undertaking.

20 iii. BLM managers will make final determinations regarding consulting party
21 participation for each undertaking.

22 b. Consultation Activities

23 i. The BLM will confer with interested parties regarding identification,
24 evaluation, assessment, and resolution of adverse effects conducted under
25 this Protocol.

26 ii. BLM managers will ensure that consultation takes place at the earliest stages
27 of project planning.

28 iii. If an interested party does not concur with BLM's finding of effect, the BLM
29 will continue to consult with the party to attempt to achieve concurrence. If
30 these consultation efforts fail, then the procedures at 36 CFR §§ 800.5(c)(2)(i)
31 through (iii) will be followed.

32 5. The Public

33 a. The BLM will seek out and consider the views of the public when carrying out
34 actions under the terms of this Protocol, pursuant to 36 CFR § 800.2(d)(3).

35 b. The BLM shall notify the public of proposed undertakings in a manner appropriate
36 to the nature, complexity, and significance of historic properties likely to be
37 affected by the undertaking, and the likely public interest. The BLM will solicit such
38 input through the public participation opportunities afforded by BLM's land use
39 planning and environmental review processes established under NEPA and FLPMA,
40 and in accordance with regulations at 43 CFR § 1610.3, and the BLM will consider
41 comments or objections by members of the public in a timely manner. The BLM will
42 also coordinate NEPA and NHPA to the extent possible.

- 1 c. The BLM shall ensure that environmental documents include information on
2 historic properties that may be affected by the proposed action and alternatives.
3 The public will have access to findings made pursuant to this Protocol, consistent
4 with the confidentiality requirements in the NHPA, Section 304, and the ARPA,
5 Section 9(a), and all other applicable laws, regulations, and executive orders.

6 **C. Coordinating Consultation Party Obligation with Other Public Participation Regulatory**
7 **Requirements**

- 8 1. The BLM may elect to coordinate its Section 106 consulting party obligation with other
9 regulatory public participation requirements (such as under NEPA), recognizing that the
10 Section 106 consultation requirement may differ somewhat from other public
11 involvement procedures. Possible methods for this coordination include, but are not
12 limited to:
- 13 a. Inserting language into the NEPA scoping notification indicating that the
14 notification partially fulfills Section 106 consultation requirements.
- 15 b. Ensuring that public contacts and scoping meetings include information about
16 Section 106 consultation.
- 17 c. Referencing a related Section 106 MOA or PA in an appendix of the draft and final
18 NEPA document (while protecting sensitive cultural resource information).
- 19 2. The BLM will include only non-proprietary information obtained during the Section 106
20 process in NEPA document sections on affected environment, impacts, and mitigation.

21 **III. ADMINISTRATIVE INTERACTION AND MEETINGS**

22 **A. BLM Annual Report**

- 23 1. The BLM will prepare an annual report that outlines the preservation activities conducted
24 under the nPA and the Protocol during the previous fiscal year (October 1 to September
25 30). The annual report will be consistent with the BLM's annual Headquarters reporting
26 requirements and will include a supplemental narrative of highlighted Section 106 and
27 Section 110 projects, as well as field office project logs (see Stipulation III.B.). The BLM
28 will submit this report to both the SHPO and the ACHP by November 15 of each year. The
29 annual report will be made available to the public on the BLM Colorado website.
- 30 2. The SHPO may prepare a response that assesses the effectiveness of BLM's
31 implementation of this Protocol and may make recommendations for actions to be taken
32 by BLM. The SHPO will submit the response to the BLM within 30 calendar days of
33 receiving the Annual Report. The BLM will consider SHPO's assessments and
34 recommendations for future actions and will respond, as appropriate, within 30 calendar
35 days. If the SHPO is not satisfied with BLM's response, the parties will follow dispute
36 resolution procedures detailed in [Stipulation VII.A.](#) Suggested topics for the response
37 letter include:
- 38 a. Suggestions for improving the Section 106 process as defined by the Protocol.
- 39 b. Discussion of BLM and SHPO NRHP eligibility evaluations and recommendations to
40 improve consensus, if necessary.

- c. Suggestions concerning additional training for BLM and SHPO staff needed to fulfill their responsibilities under this Protocol. Identified areas of weakness may become the subject of joint Colorado BLM and SHPO sponsored training courses.
- d. Recommendations for any amendments to improve the effectiveness of the Protocol including the addition or revision of appendices.

B. Field Office Cultural Resource Project Logs

1. Each BLM field office will maintain a cultural resource project log (log) for the fiscal year and will submit this log as part of the annual report. The log shall contain projects that were initiated and/or completed in the fiscal year.
 - a. The field office will list both undertakings that require SHPO correspondence (concurrence and informational letters) and undertakings that do not require SHPO correspondence (such as literature and record searches for proposed undertakings and screened undertakings).
 - b. The field office will also list Section 110 inventory activities initiated and/or completed during the year.
 - c. The BLM will include, at a minimum, the following information in the log (see also [Appendix B](#) for the required log template):
 - i. BLM project number
 - ii. OAHP document number (if assigned)
 - iii. HC number (if assigned from OAHP)
 - iv. Name of undertaking or Section 110 activity (project name)
 - v. NEPA number (if assigned)
 - vi. Type of undertaking or Section 110 activity
 - vii. Relationship to any phased identification efforts
 - viii. Type of correspondence (informational, concurrence, or documentation letter)
 - ix. Number from list of screened undertakings ([Appendix C](#))
 - x. Final SHPO correspondence date (if appropriate)
2. Information requirements in the log may be amended following mutual agreement between the Deputy Preservation Officer (DPO) and the SHPO, and the amended requirements will be appended to this Protocol.
3. If the SHPO desires more information about an undertaking, it may access online BLM NEPA documents. Current and past undertakings for each field office may be available online at <https://eplanning.blm.gov/eplanning-ui/home> at present, however, this web address could change in the future. If necessary, the SHPO will contact an individual field office to ask for the most current NEPA log and/or additional undertaking information.

1 **C. Administrative Meetings**

- 2 1. The SHPO and the BLM will meet informally on an as-needed basis to facilitate good
3 communication.
- 4 2. SHPO staff, the DPO, and BLM cultural resource staff from each BLM office will meet
5 annually to review the implementation of this Protocol and to discuss pertinent issues.
- 6 3. SHPO staff and the DPO will meet quarterly to discuss current Section 106 compliance
7 issues, training needs, and to exchange information relevant to the goals and objectives
8 set forth in this Protocol.
- 9 4. BLM cultural resource staff will meet quarterly to discuss current Section 106
10 compliance issues and to exchange information relevant to the goals and objectives set
11 forth in this Protocol. These meetings will occur shortly after each quarterly SHPO-DPO
12 meeting to incorporate and address issues identified by the SHPO and the DPO.
- 13 5. Additional meetings may be set up by the BLM management team, BLM cultural resource
14 staff, and SHPO staff at any time to review the effectiveness of or discuss any issues
15 pertaining to the Protocol.

16 **IV. THE SECTION 106 PROCESS**

17 The BLM will ensure that the management of historic properties is conducted in accordance with
18 professional standards detailed in the Secretary of the Interior's Standards for Identification (48
19 Fed. Reg. 44720) (Federal Register, September 29, 1983) [Secretary's Standards], the Guidelines,
20 and the OAHF Cultural Resource Survey Manual (Publication No. 1527).

21 **A. Establish Undertaking**

- 22 1. The BLM cultural resource specialist will determine if the proposed action is an
23 undertaking as defined in 36 CFR § 800.16(y) and if it has the potential to affect historic
24 properties, assuming such historic properties are present, according to 36 CFR §
25 800.3(a)(1).
- 26 2. If the undertaking does not have potential to affect historic properties, the BLM has no
27 further obligations under Section 106.
- 28 3. The BLM and the SHPO agree that certain activities or undertakings, if implemented with
29 conditions or restrictions, will result in no adverse effect to historic properties. These
30 undertakings are identified as screened undertakings in [Appendix C](#). Screened
31 undertakings may proceed without further consultation with the SHPO. The BLM will
32 note the use of the screened undertaking in the project log.
- 33 a. Only BLM professional staff, as described in [Stipulation XI.A.](#), are authorized to
34 advise agency officials on whether the undertaking is a screened undertaking.
- 35 b. The BLM and the SHPO, in consultation with Indian Tribes and other consulting
36 parties and seeking the views of the public, may agree that other classes of actions
37 may be added to Appendix C by mutual agreement and without formally amending
38 this Protocol.
- 39 c. The BLM will contact the SHPO if there is a question on whether a proposed action
40 constitutes a screened undertaking. The SHPO will provide comments within 10
41 business days of receipt of the request. The SHPO's comments and the BLM's

1 agreement or disagreement with the comments will be made part of the records for
2 the proposed action.

3 d. If the agency official and the BLM cultural resource specialist disagree on the
4 appropriate use of a screened undertaking, BLM cultural staff will bring the matter
5 to the DPO for their recommendation to the agency official.

6 e. When an undertaking includes multiple activities, including any undertaking or
7 undertakings listed in Appendix C, the BLM will use the appropriate process in
8 [Stipulations V.A-B.](#) under this Protocol. The BLM shall include with the submittal a
9 description of the undertaking or undertakings that are listed in Appendix C and
10 request review only of the non-listed activities. In these cases, the screened
11 undertakings shall not be listed in the project log; the project log shall reflect the
12 correspondence on the project as a whole.

13 4. If the undertaking has potential to affect historic properties, the BLM cultural resource
14 specialist will determine which process, under this protocol, will be followed
15 ([Stipulations V.A-B.](#)). In some cases, this determination will be made after identification
16 efforts have been completed.

17 **B. Determine Area of Potential Effects**

18 1. In defining the APE, the BLM will consider potential direct, indirect, and cumulative
19 effects to historic properties and their associated settings when setting is an important
20 aspect of integrity, as applicable. The introduction of physical, visual, audible, or
21 atmospheric elements has the potential to directly affect the pre-contact or historic
22 setting or use of historic properties including but not limited to properties of religious
23 and cultural significance to Indian Tribes, and the BLM will take this into account in
24 defining the limits of an APE.

25 2. The BLM will follow the established guidance on standard direct APEs for certain types of
26 projects in [Appendix D.](#)

27 3. If the BLM has not defined the APE for a particular undertaking in Appendix D, the BLM
28 will informally consult with the SHPO in 10-business day periods to determine the APE.

29 4. The BLM will ensure the APE is fully documented in inventory reports or in informational
30 or concurrence letters.

31 **C. Determine Information Needs**

32 1. The BLM cultural resource specialist will, during the earliest feasible planning stage of
33 any undertaking not identified as screened as per [Stipulation IV.A.3.](#), determine the
34 information needed to identify historic properties within the APE for both direct and
35 indirect effects. Such determinations will be based minimally on a file search of the
36 SHPO and BLM cultural resource records. The BLM will use resources such as aerial
37 photographs, General Land Office (GLO) records, BLM land records, resource
38 management plans, project specific NEPA documents of the proposed project, or other
39 resources, as appropriate to the proposed project, to identify historic properties. In
40 determining the scope of identification efforts, the BLM will seek information, as
41 appropriate, from Indian Tribes and other consulting parties.

2. Previous Adequate Inventory

If the file search reveals that a pedestrian inventory has already occurred for the entire APE, the BLM cultural resource specialist will determine whether this inventory meets current identification standards, thus fulfilling its reasonable and good faith effort for the current undertaking. A BLM decision to accept the results of past inventory efforts will be based on the geomorphological stability of the APE, the field methods used, changing perceptions of significance, the passage of time, the adequacy of the historic property documentation, and confidence derived from field monitoring of the results of other surveys by the investigators involved. The BLM will complete an assessment of need for further consultation with Indian Tribes and other consulting parties, or site updates and/or reevaluations. If the BLM determines that additional inventory is not necessary, the BLM will document this finding (providing references to prior reports) and will assess effects and consult following the procedures in [Stipulations V.](#) and [VI.](#)

D. **Determine Level of Inventory**

1. Should inventory be required, the BLM will complete a reasonable and good faith effort to identify historic properties within the APE for undertakings that have the potential to affect historic properties. When determining the level of inventory, the BLM will consider direct, indirect, and cumulative effects.

2. Alternative identification strategies to Class III intensive inventory (e.g. archival studies, oral history interviews, background research, or Class I or II inventory) may be sufficient to identify historic properties within the APEs for certain classes of undertakings. Less than Class III inventory may also be warranted when the conduct of such inventory poses a health risk to the crew. If an alternative to Class III inventory will be used within areas of the undertaking that will incur ground disturbance, the BLM will informally consult with the SHPO, Indian Tribes, and other consulting parties on what constitutes a reasonable alternative identification strategy prior to initiating fieldwork. The BLM will provide 10 business days for consulting parties to review and comment on its identification proposal.

3. Disturbed Areas

The BLM cultural resource specialist will determine whether previous ground disturbance has modified the surface so extensively that the probability of finding intact cultural resources within all or part of the APE for direct effects is negligible and/or 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. If such disturbance has occurred within the APE, these areas may be exempt from inventory. Other types of direct, Indirect, and cumulative effects of the undertaking shall still be considered, including effects that could alter the integrity of historic properties located outside the area of disturbance (i.e. non-physical effects).

4. Areas of Low Probability for Cultural Resources

The BLM may determine that specific geographical or environmental settings do not need to be inventoried because current information suggests the area has little or no probability to contain cultural resources. Exemption of a geographical or environmental setting is generally based on an analysis of existing survey data using modeling or other analytical tools used in combination with field testing the conclusions that indicates a

low probability of finding significant cultural resources in such settings (see BLM Manual 8110). Determinations regarding the applicability of low probability indicators may be made only by BLM cultural resource specialists and in informal consultation with the SHPO, Indian Tribes, and other consulting parties. Low probability for cultural resources due to environmental factors or other conditions may allow some lands to be exempted from inventory (such as those in the Guidelines, *Level and Intensity of Inventory and/or Monitoring*; [Appendix M](#)). If such areas are not already listed in the Guidelines, BLM may request that certain areas with a demonstrated low probability for resources, based on models and other available data, be excluded from the requirements of inventory under this Protocol. Such requests will be formally consulted upon with consulting parties. If the parties agree, these inventory exemptions may be added to the Guidelines, which is an appendix to this Protocol, without amending the agreement.

5. Landowner Denial

If an undertaking involves private land and the landowner does not grant access for pedestrian inventory (see also [Stipulation I.H.4.](#)), BLM will conduct a Class I existing data inventory synthesis. Minimally, the Class I will identify any known cultural resources and areas of site sensitivity, highlighting those resources that are historic properties. The Class I report may also utilize alternative identification methods such as the use of photography, aerial photography, online mapping technologies, unmanned aerial system (UAS) footage, ethnographic studies, GLO records, as well as interviews with landowners, or a review of geomorphological data and maps.

If a Class I inventory does not sufficiently identify what types of or how many historic properties may be within the area of denied access, or if the Class I identifies potential for historic properties that could be adversely affected by the proposed activity, the undertaking requires formal consultation with the SHPO.

E. **Determinations of Eligibility**

1. The BLM will ensure that cultural resources are evaluated in a manner consistent with the Secretary of the Interior Guidelines for Evaluation (48 Fed. Reg. 44724), Colorado historic context information, BLM's 8100 manuals, all appropriate National Register bulletins, the OAHF Cultural Resource Survey Manual, and the Guidelines.
2. The BLM will determine if any cultural resources found within the APE are historic properties by applying the NRHP criteria and criteria considerations found at 36 CFR § 60.4. Unless identified as a property type that doesn't require formal documentation (see [Appendix E](#)), all identified cultural resources including but not limited to archaeological sites, historic buildings and structures, engineering features, properties of religious and cultural significance, and TCPs will be evaluated.
 - a. Designated representatives of Indian Tribes have special expertise (36 CFR § 800.4(c)(1)) in the use of Indigenous Knowledge to identify and assess the eligibility of historic properties that may be of religious and cultural significance to them, and information shared by Indian Tribes at their discretion will be incorporated into NRHP evaluation.
 - b. When the BLM is the only Federal agency or lead Federal agency and the undertaking affects cultural resources on lands owned or managed by another

Federal or State agency or department, the BLM will seek the views of the agency or department.

3. Every effort should be made to determine the eligibility of a cultural resource. If a cultural resource's NRHP eligibility remains uncertain and the property will be affected by the undertaking, the BLM will conduct additional studies as appropriate to make a final determination of NRHP eligibility.
4. Appendix E to this Protocol identifies the types of cultural resources (property types or conditions) for which the BLM will not complete OAHF forms. The BLM will reference the appendix and will summarize these properties in the report. The BLM and the SHPO, in consultation with Indian Tribes and other consulting parties and seeking the views of the public, may agree that other property types may be added to Appendix E by mutual agreement without amending this Protocol.

F. Assessment of Effect

1. The BLM cultural resource specialist will assess the effects of an undertaking on historic properties. The assessment of effect shall include consideration of reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative. If setting is a contributing aspect of integrity, the BLM will take measures to document the effects of the undertaking on the setting, e.g. view shed or other appropriate visual analyses. The BLM will consider atmospheric and auditory effects, when appropriate.
2. The BLM will avoid or minimize effects to historic properties where possible during project design by consulting on and integrating standard measures. The final project design must incorporate all agreed-upon standard measures and these will be included in the stipulations (e.g. conditions of approval) of the relevant authorization (e.g. approved application for permit to drill, ROW, grant, etc.). Standard measures are avoidance and minimization measures and are not mitigation measures for resolving adverse effects.
3. The BLM will make a finding of effect for the undertaking in consultation with Indian Tribes and other consulting parties. The BLM will submit the effect finding and associated documentation to the SHPO as described in [Stipulation V](#), and consult accordingly.
4. If the SHPO disagrees with the BLM's finding of effect as outlined above, the parties will follow the dispute resolution process in [Stipulation V.B.4](#).
5. If any other consulting party disagrees with the finding of effect, the BLM will follow the procedures at 36 CFR § 800.5(c)(2).

G. Documentation Standards

1. The BLM will ensure that all reports completed by BLM staff and BLM Colorado-permitted individuals, institutions, or companies will be prepared according to the BLM Colorado Guidelines, the OAHF Colorado Cultural Resource Survey Manual, and the Secretary's Standards.
2. The BLM will provide sufficient documentation of its determinations and findings to all consulting parties in accordance with 36 CFR § 800.11(a), (d), and (e).

1 3. The BLM will not allow undertakings to begin without adequate provisions for the timely
2 completion of all reports and associated records generated under the terms of this
3 Protocol. Failure to do so may be cause for program review ([Stipulation XII.B.2.](#)).

4 4. All inventory reports and associated OAHF forms and geospatial data will be submitted
5 to the SHPO with the appropriate submission letter ([Stipulation V](#); see also Appendices
6 [F](#), [G](#), and [H](#)).

7 **H. General Provisions Regarding ACHP Involvement**

8 1. The ACHP may enter into consultation at any time, pursuant to Stipulation 7.c. of the
9 national PA.

10 2. At any point in the Section 106 process, the BLM, the SHPO, or other consulting parties
11 may request the ACHP's guidance or participation, but ACHP will determine whether it
12 elects to participate.

13 **V. SECTION 106 DOCUMENTATION AND SHPO CONSULTATION**

14 The BLM will submit formal documentation to the SHPO prior to implementation of all
15 undertakings.

16 **A. Documentation of Undertakings Submitted under an Informational Letter**

17 1. The BLM does not need to wait for concurrence from the SHPO for informational letters
18 including determinations of NRHP eligibility and/or findings of "no historic properties
19 affected" or "no adverse effect".

20 a. If historic properties are present in the APE but will not be affected by activities
21 associated with the undertaking, BLM will make a finding of "no historic properties
22 affected."

23 b. The BLM will consider the following guidance when determining whether a finding
24 of "no adverse effect" is appropriate.

25 i. If a proposed undertaking will affect a historic property, but the effects will not
26 diminish the aspects of integrity or the characteristics that make the property
27 eligible for the NRHP, directly or indirectly, BLM will make a finding of "No
28 Adverse Effect," as defined in 36 CFR § 800.5(b).

29 ii. If it can be demonstrated that the portion of the property that will be affected,
30 directly or indirectly, lacks integrity, then a finding of "no adverse effect" is
31 appropriate. For archaeological sites this will usually involve documentation
32 on how the archaeological site has been disturbed and a discussion of how
33 the integrity of the deposits has been compromised.

34 iii. If the BLM proposes preservation, stabilization, rehabilitation, or
35 reconstruction of NRHP eligible sites, buildings, structures, or objects, and
36 the work is consistent with the Secretary of Interior's Standards for the
37 Treatment of Historic Properties (SOI Standards), or the BLM modifies the
38 undertaking or imposes conditions on the undertaking to ensure consistency
39 with the SOI Standards, a finding of "no adverse effect" is appropriate.

2. The BLM will fully describe the undertaking and define the APE for direct and indirect effects, considering information provided by the SHPO, Indian Tribes, consulting parties, and interested parties, as appropriate in an informational letter to SHPO ([Appendix F](#)).
3. If the SHPO identifies a pattern of incorrect or inadequate documentation that includes but is not limited to the description of the undertaking; the definition of the APE; the determination of NRHP eligibility (e.g., for specific types of properties or aspects of integrity); or the applicability of no historic properties affected or no adverse effect, the SHPO will discuss these concerns with the DPO during quarterly meetings ([Stipulation III.C.3.](#)) The BLM will implement corrective measures, as consulted upon with the SHPO, to meet its documentation standards as set forth by 36 CFR § 800.11. If the BLM and SHPO agree that the patterns are frequent enough to warrant field office review, they will follow the procedures in [Stipulation XII.B.2.](#)

B. Documentation of Undertakings Submitted under a Concurrence Letter

1. The following types of undertakings require formal concurrence from the SHPO and may require ACHP notification, depending on the classification below. Such undertakings may not proceed until the BLM completes Section 106 consultation with the SHPO, Tribes, and all other consulting parties. The following undertakings and situations meet the threshold for SHPO concurrence:
 - a. Land exchanges, land sales, and land transfers to non-Federal entities.
 - b. Recreation and Public Purpose Act leases.
 - c. Undertakings adversely affecting historic properties.
 - d. Undertakings with the potential to adversely affect NHLs (the BLM will also invite the ACHP and the Secretary of the Interior to participate in consultation).
 - e. Undertakings involving landowner denial of access to the APE, where denial would prevent a reasonable and good faith identification effort according to [Stipulations I.H.4.](#) and [IV.D.5.](#)
 - f. NRHP eligibility determinations regarding TCPs.
 - g. When BLM's cultural resource specialists wish to bring a particular project to the attention of the SHPO.
2. If there are historic properties which may be affected by the undertaking, as defined in 36 CFR § 800.5(a)(1), the BLM cultural resource specialist shall apply the criteria of adverse effect and will request and incorporate comments of the SHPO, appropriate Indian Tribes, and/or other consulting parties in making its finding. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified after the original evaluation of the property's eligibility for the NRHP. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.
3. For all undertakings requiring formal SHPO concurrence, the BLM will submit project documentation to the SHPO, along with a concurrence letter ([Appendix G](#)) requesting concurrence with BLM's determinations and findings.

- a. The SHPO will respond in writing to BLM's findings. If the SHPO does not concur within 20 business days, or formally request an extension, the BLM's responsibilities under Section 106 are fulfilled.
- b. The BLM will respond to the SHPO's comments within 10 business days of receipt. All subsequent correspondence will occur within 10 business day periods.
- c. Parties may agree to an extension of review time. Either party must formally ask for an extension, stating how much additional time is requested in business days.
- d. If the SHPO and the BLM are not able to reach agreement on determinations of eligibility or findings of effect, or if consultation lasts longer than 40 business days without an agreement to extend review time, the parties will follow the process in Stipulation V.C.4.

4. Resolving Disagreements

- a. If the SHPO disagrees with the BLM on definition of APE, identification efforts, determinations of NRHP eligibility, effects on historic properties, and/or proposed treatment, the two parties will attempt to resolve the issue.
- b. If the BLM field office and the SHPO cannot agree on a course of action and a timeframe to resolve the disagreement, the DPO, in coordination with the BLM field office, will attempt to resolve the issue with the SHPO.
- c. If the SHPO and the BLM fail to reach agreement on APE, identification efforts, NRHP eligibility, effect, and/or effect resolutions, BLM will follow the process at 36 CFR §§ 800.4 through 800.7 ([Stipulation I.E.1.j.](#)).
- d. Disputes regarding specific undertakings must be resolved prior to approval of the undertaking. Approval of an undertaking prior to resolution of the dispute may constitute a foreclosure and will require notification of the ACHP.
- e. All disagreement resolutions will be documented in writing and will be distributed to all consulting parties.

C. **Documentation Submission for Delayed or Cancelled Section 106 Actions and Section 110 Projects**

1. If a report is produced in response to an undertaking, and that undertaking is subsequently delayed or cancelled, the BLM will submit the final report within twelve months of the completion of fieldwork.
 - a. For all Section 106-initiated projects that have been delayed or cancelled, the BLM will submit the determinations of eligibility, but not a finding of effect, with a documentation submission letter ([Appendix H](#)).
2. If the undertaking resumes, the BLM will submit a finding of effect with the appropriate informational or concurrence letter, prior to BLM's approval of the undertaking ([Stipulations V.A.](#) and [B.](#)).
3. All documentation for Section 110 projects will be submitted with a documentation submission letter within twelve months of completion of fieldwork.

VI. RESOLUTION OF ADVERSE EFFECTS

A. General Provisions

1. It is BLM policy to avoid adversely affecting historic properties if possible. The BLM will only propose mitigation if avoidance or minimization is not feasible.
2. The BLM will notify the ACHP, THPO(s), Indian Tribes, other consulting parties, and the public of their adverse effect findings and will invite their comments. If the ACHP, an Indian Tribe, THPO, other consulting party, or the interested public wishes to participate in the resolution of adverse effects, the BLM will follow the process outlined in 36 CFR § 800.6. If no other parties wish to participate in the resolution of adverse effects, the BLM and the SHPO may follow a streamlined process as described in [Stipulation VI.B](#).
3. When developing an agreement or mitigation plan, BLM will take into account the Secretary's Standards and the ACHP guidance on agreement documents and other relevant guidance on the ACHP website.
4. The BLM and the SHPO will discuss treatment options informally before drafting a treatment plan.
5. When an agreement document is required to resolve adverse effects, the BLM must complete the Section 106 process with an executed MOA or PA prior to making a final decision on a proposed action.
6. All treatment plans and agreement documents will include, at a minimum, time frames and guidelines for submittal of documentation of completion of fieldwork, submission and review of reports, completion and acceptance of the final report, as well as any public education/outreach, as warranted.
 - a. The BLM office will draft and/or review the treatment plan/agreement document. The BLM office may also choose to have a peer review(s) by the DPO and/or from another BLM office. The DPO and/or other reviewers will provide comment and suggest improvements to the proposed treatment plan/agreement document and communicate any needed changes to the BLM office archaeologist within 20 business days of receipt of all materials, unless otherwise agreed upon.
 - b. Once the plan/agreement is revised, the BLM office will send the plan to SHPO for review and comment. The SHPO will provide comments to the BLM within 30 calendar days of receiving the treatment plan/agreement document. The SHPO and BLM may agree on an extended period of review time via informal correspondence. If the SHPO does not respond within 30 calendar days and an extension has not been requested, the BLM may assume SHPO concurrence with the plan. Comments submitted by the SHPO shall be taken into consideration by the BLM and the data recovery plan revised. The BLM will submit a written response to comments and the revised plan to the SHPO for additional review and comment within 20 business days of receipt. Treatment will not commence prior to completion of consultation on the plan/agreement.
7. The BLM will complete measures to resolve adverse effects before an undertaking is implemented unless the agreement document allows for, or SHPO and BLM agree that, these measures occur coincident with or following implementation of an undertaking.

- 1 8. If the BLM and the SHPO do not concur on a proposed resolution of effects, the parties
2 will follow disagreement procedures detailed in [Stipulation V.C.4](#).

3 **B. Resolutions of Adverse Effects Not Requiring an Agreement Document**

4 The BLM may resolve adverse effects using a treatment plan in lieu of an agreement document. The
5 following categories are standard mitigation options that may be resolved without an MOA or PA,
6 and do not meet the thresholds in [Stipulation VI.C.1](#).

7 1. Data Recovery

- 8 a. *Small Scale Data Recovery*. The BLM may propose to resolve adverse effects
9 through small scale (e.g. a limited number of sites or features) data recovery when
10 the following criteria are met:

- 11 i. The site(s) or feature(s) should be significant and of value chiefly for the
12 information on prehistory or history it is likely to yield through archaeological,
13 historical, and scientific methods of information recovery, including
14 archaeological excavation;
15 ii. The site(s) or feature(s) does not contain or is not likely to contain human
16 remains or cultural items as defined by NAGPRA;
17 iii. The site should not have long-term preservation value, such as traditional
18 cultural and religious importance to an Indian Tribes;
19 iv. The site should not possess special significance to another ethnic group or
20 community that historically ascribes cultural or symbolic value to the site and
21 would object to the site's excavation and removal of its contents;
22 v. The site should not be valuable for potential permanent in-situ display or
23 public interpretation, although temporary public display and interpretation
24 during the course of any excavations may be highly appropriate.

- 25 b. The BLM will prepare, or cause to be prepared, a data recovery plan and the BLM
26 will implement the procedures as follows. This plan most often involves properties
27 eligible under Criterion D only but could include properties eligible under D and
28 other criteria.

- 29 i. *Data Recovery Plan*. Data recovery plans will be consistent with the Secretary
30 of Interior's Standards and Guidelines for Archeological Documentation (48
31 Fed. Reg. 44734-37). The plan will include, at a minimum, the items in BLM
32 Manual 8140.26, as well as all items listed in [Stipulation VI.A.6](#).

33 Compliance with the approved data recovery plan will be included in the
34 project conditions of approval in the ROW grant or record of decision.
35 Objection to or failure to implement or comply with the approved data
36 recovery plan by the project proponent will require consultation with the
37 SHPO to determine BLM's next steps.

- 38 ii. *Data Recovery Report*. Data recovery reports must be consistent with the
39 Secretary of Interior's Standards and Guidelines for Archeological
40 Documentation (48 Fed. Reg. 44734-37). The data recovery report will include,
41 at a minimum, the items at BLM Manual 8140.27. BLM and SHPO will review

1 data recovery reports according to the agreed-upon time frames in the data
2 recovery plan.

3 2. Other Treatment Plans

4 If there are historic properties within the APE that will be adversely affected and data
5 recovery is not the only treatment measure, or is not the appropriate treatment measure,
6 BLM will prepare, or cause to be prepared, a treatment plan. The BLM will discuss
7 treatment measures with the SHPO prior to preparation of the plan and will informally
8 consult on whether the type of treatment does or does not require preparation of an MOA
9 or PA. BLM will submit the treatment plan to SHPO for review and comment. If the SHPO
10 does not respond within 30 calendar days, the BLM may assume concurrence with the
11 proposed treatment plan. Comments provided by the SHPO shall be taken into
12 consideration by the BLM and the treatment plan revised, if necessary. The BLM will
13 provide the revised plan to the SHPO for additional review and comment. Comment
14 periods will last 20 business days. Treatment will not commence prior to completion of
15 consultation on the treatment plan. Treatment(s) may include, but is(are) not limited to,
16 the following:

- 17 a. *Historic American Buildings Survey/Historic American Engineering Record/Historic*
18 *American Landscapes Survey (HABS/HAER/HALS) and Historic Resource*
19 *Documentation Standards for Level I, II and III Documentation* (as described in
20 OAHPS Publication 1595). Typically, HABS/HAER documentation will be prepared for
21 buildings and structures eligible only under Criterion C. For a historic property
22 where an adverse effect can be mitigated by completing HABS/HAER/HALS
23 documentation or Level II or III documentation, BLM will ensure the preparation of a
24 documentation plan. To ensure that the appropriate level of documentation is
25 completed, BLM may coordinate all HABS/HAER/HALS documentation projects
26 with the National Park Service Intermountain Regional Office in Denver, Colorado,
27 prior to initiating the project.
- 28 b. *Preservation, Rehabilitation, Restoration, or Reconstruction.* Treatment plans
29 involving preservation (including stabilization), rehabilitation, restoration, or
30 reconstruction will follow *The Secretary of Interior's Standards for the Treatment of*
31 *Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring &*
32 *Reconstructing Historic Buildings.* The BLM will ensure the preparation of a
33 condition assessment for each affected historic property, detailing a plan for
34 treatment. Detailed specifications for proposed work will include individual
35 fieldwork tasks required, specific locations requiring treatment, methods and
36 materials used, and types of expertise required.
- 37 c. *Synthesis and Historic Context.* The BLM will prepare a mitigation document
38 detailing its plans for production of synthetic and/or historic context documents for
39 the purpose of mitigation and will submit the mitigation document to SHPO for
40 review and comment. If the SHPO has no comment, the BLM may assume
41 concurrence with the plan.
- 42 i. Synthesis and historic context documents will include, at a minimum: a
43 summary of existing information (compiled from such information sources as
44 databases, gray literature, publications, General Land Office (GLO) records,
45 local newspapers, family histories, land deeds, photos, maps, and other

1 archival sources); the culture and/or topical history of a geographic area or
2 historic/prehistoric landscape; and the identification of research questions
3 and data gaps resulting from the synthesis of the information.

4 ii. Alternatively, synthesis documents may focus on a specific subject (such as a
5 particular technology).

6 iii. Synthesis and historic context documents need not be presented in a
7 monograph format (they may be electronic, for example).

8 d. *Intensive Documentation.* The BLM may perform intensive surface recording as
9 mitigation for adverse effects. Such recording is appropriate on sites where
10 subsurface deposits are unlikely to yield significant information, but where a high
11 density of surface artifacts is present. Intensive documentation can also use
12 methods such as photogrammetry or LiDAR. The BLM will submit the
13 documentation plan to the SHPO for review and comment. If the SHPO has no
14 comment, the BLM may assume concurrence with the documentation plan.

15 C. Resolution of Adverse Effects Requiring an Agreement Document

16 1. An agreement document such as an MOA or PA will be required to resolve adverse
17 effects when:

18 a. Any of the circumstances in [Stipulations I.F.](#) and/or [II.B.1.](#) are met; and/or

19 b. Any consulting party indicates a desire to participate in the resolution of adverse
20 effects.

21 2. If an agreement document is required to resolve adverse effects, the BLM will follow the
22 process in 36 CFR § 800.6(b).

23 3. Upon receipt of SHPO concurrence of an adverse effect, the BLM will continue
24 consultation with the SHPO, Indian Tribes, and consulting parties, and as appropriate,
25 the ACHP (if the undertaking meets the thresholds at [Stipulation II.B.1.](#)), to develop an
26 agreement document.

27 4. Standard measures and best management practices included in NEPA documents are
28 not mitigation measures for resolving adverse effects but must be applied prior to
29 making a finding of effect.

30 5. If more than one BLM field office is a signatory to the MOA or the PA, or if the agreement
31 is district-wide, the DPO will participate in drafting the agreement. If the MOA or PA is
32 being completed for one BLM field office, the BLM field office shall invite the DPO to
33 participate. The DPO may elect not to participate or may choose at which points to
34 participate.

35 VII. DISPUTES REGARDING THE IMPLEMENTATION OF THIS PROTOCOL

36 A. Disputes Brought by Signatories

37 1. If the BLM or the SHPO disagree on how this Protocol is being implemented, they will
38 consult with one another to resolve the issue.

39 a. If the disagreement is about the use of the Protocol within a BLM office, the
40 affected manager will notify the DPO and will consult directly with the SHPO to

- 1 resolve it. If the manager and the SHPO, with the assistance of the DPO, cannot
2 resolve the issue, they will refer it to the State Office.
- 3 b. If the disagreement is with the State Office, or the matter is referred to the State
4 Office by a field or district manager or the SHPO, the DPO, the SHPO, the field
5 manager, and the district manager (if warranted) will consult to resolve the issue. If
6 the dispute cannot be adequately resolved at this level, the objecting party shall
7 notify the other party in writing. Within 10 business days following receipt of
8 notification, the parties shall initiate a formal 45 calendar-day consultation period
9 to resolve the objection. If the objection is resolved within this time frame, the
10 parties shall proceed in accordance with the terms of that resolution.
- 11 2. If the dispute cannot be resolved through Stipulation VII.A.1. above, and the parties have
12 not agreed to extend the consultation period, the DPO shall refer the dispute to the BLM
13 Preservation Board (the Board), which will provide the State Director with its
14 recommendations, per Stipulation 3 of the nPA.
- 15 a. If the State Director accepts the Board's recommendations, the State Director shall
16 promptly notify the SHPO of such acceptance, provide a copy of the Board's
17 recommendations, and afford the SHPO 30 calendar days following receipt of the
18 notification to comment on the recommendations. If the SHPO concurs with the
19 Board's recommendations within this time frame, the DPO and the SHPO shall
20 proceed in accordance with the Board's recommendations to resolve the
21 objection.
- 22 b. If either the State Director or the SHPO rejects the Board's recommendations after
23 a period of consideration not to exceed 30 calendar days, the State Director shall
24 promptly notify the Board in writing of the rejection, and immediately thereafter
25 submit the dispute, including copies of all pertinent documentation, to the
26 NCSHPO and the ACHP for comment. Within 30 calendar days following receipt of
27 any NCSHPO and/or ACHP comments, the State Director shall consider any
28 comments received from the Board, the SHPO, the NCSHPO, and the ACHP
29 pursuant to this stipulation and make a final decision regarding resolution of the
30 dispute. The State Director shall notify in writing to the Board, the SHPO, the
31 NCSHPO, and the ACHP of that decision.
- 32 3. The BLM's responsibilities to carry out all other actions subject to the terms of this
33 Protocol that are not the subject of the dispute remain unchanged.
- 34 4. If the parties are unable to resolve the dispute after following the above procedures, they
35 will follow Protocol termination procedures in [Stipulation XIV](#).
- 36 **B. Disputes Brought by Non-Signatories**
- 37 1. If any non-signatory consulting party (such as a THPO, federally recognized Indian Tribe,
38 or a member of the public) objects at any time to the process by which this Protocol is
39 being implemented, the BLM will consult with the SHPO and the objecting party(ies) to
40 resolve the issue.
- 41 2. If the BLM, SHPO, and the objecting party(ies) are unable to resolve the issue, the BLM
42 will refer the matter to the Preservation Board and the ACHP.

- a. The BLM will forward all documentation relevant to the dispute, including the proposed resolution to the Preservation Board and the ACHP.
- b. The Preservation Board and the ACHP shall provide BLM with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation.
 - i. Prior to reaching a final decision on the dispute, BLM shall prepare a written response that considers any timely advice or comments regarding the dispute from the Preservation Board, the ACHP, and other consulting parties and provide them with a copy of this written response. BLM will then proceed according to its final decision.
 - ii. If the Preservation Board and/or ACHP do not provide its advice regarding the dispute within the 30 day period, the BLM may make a final decision on the dispute and proceed accordingly.
3. The BLM's responsibilities to carry out all other actions subject to the terms of this Protocol that are not the subject of the dispute remain unchanged.

VIII. DISCOVERY SITUATIONS

A. Standard Discovery Plan

BLM and SHPO have agreed upon a standard discovery plan which is attached to this Protocol as [Appendix I](#). A field office may use this discovery plan without additional SHPO consultation.

B. Undertaking-Specific Plans

The BLM encourages development of undertaking-specific discovery plans for large and complex undertakings and location specific plans for areas known to contain buried archaeological sites following the guidance in Appendix I. Undertaking-specific and/or location-specific discovery plans will be forwarded to the SHPO for a 30 calendar day review along with BLM's finding of effect for the undertaking unless the discovery plan has been included as part of a treatment plan reviewed under [Stipulation VI.B](#), or [C](#). When a discovery plan has been accepted by the BLM and the SHPO, the BLM will follow the plan when cultural resources are discovered during implementation of an undertaking. The BLM shall make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties until treatment is completed in accordance with the discovery plan.

Discovery plans must comply with other laws, such as NAGPRA (43 CFR § 10 Subpart B) and applicable State statutes.

IX. EMERGENCIES

- A. When a formal state of emergency is declared, the BLM will follow 36 CFR § 800.12(b)(2). Every effort will be made to avoid adversely affecting historic properties.
- B. For emergencies such as wildland fire suppression or hazardous materials incidents, the BLM will notify the SHPO/THPOs and any Indian Tribe likely to be affected as soon as possible, via email, about the emergency and the BLM will meet its Section 106 obligations in the following manner.

1. The BLM will notify the SHPO/THPOs, any Indian Tribe that may attach religious and cultural significance to historic properties likely to be affected prior to the undertaking and will afford them an opportunity to comment within seven calendar days of notification. If the agency official determines that circumstances do not permit seven days for comment, the BLM official shall notify the SHPO/THPO and the Indian Tribe and invite any comments within the time available.
 2. To the extent that such actions do not compromise agency personnel or public safety or immediately threaten property, the BLM will make a reasonable and good faith effort to identify historic properties that may be impacted by emergency operations. Such evaluations should occur within 48 hours of discovery. If cultural resource inventory is warranted but cannot be performed due to safety concerns, the BLM will only evaluate effects on known historic properties and will make reasonable efforts to avoid, minimize, or mitigate adverse effects of emergency operations prior to continuing emergency operations. If adverse effects cannot be avoided, the BLM will ensure that a treatment plan is prepared and executed so long as these actions will not compromise agency personnel or public safety or immediately threatened property. If emergency actions occurred without adequate identification and evaluation efforts because of safety concerns and adverse effects occurred to unidentified historic properties, the BLM shall follow the post discovery review process outlined in [Appendix I](#) to resolve adverse effects.
- C. The above notification applies only to undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared by the appropriate authority. BLM may request an extension of the period of applicability from the ACHP prior to the expiration of the 30 days. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106 and this section of this agreement. A complete report on any emergency situations, any affected historic properties, and any data recovery carried out will be provided by the BLM to the SHPO.
- D. If the BLM managers delegate authority for managing an emergency situation to an Incident Command Team (ICT), BLM retains responsibility for Section 106 compliance on BLM lands. The process will follow the above procedures so long as the delegation of authority includes reference to this agreement and assigns a resource advisor to the ICT.

X. OTHER PROGRAM ACTIVITIES

A. Cooperative Program Activities

The BLM and the SHPO recognize the advantages of working together on a wide range of heritage preservation activities and will cooperatively pursue the following efforts.

1. Data Sharing and Information Management

- a. To enhance understanding of Colorado's past, provide a resource for education, and permanently preserve information that otherwise would be lost, the BLM and the SHPO will continue to exchange information and work cooperatively regarding the location, evaluation, and management of cultural resources in Colorado. Such information includes, but is not limited to geospatial data, reports, site and isolated find forms, and maps.

- 1 b. The BLM and the SHPO will work expeditiously and cooperatively to resolve data
2 errors found in formal documentation and in the SHPO database.
- 3 c. The BLM will maintain and update, as needed, a Digital Specifications Guide
4 (Guide) that details the specifics of the information exchange ([Appendix N](#)).
- 5 i. The BLM and the SHPO will review and analyze the information exchange
6 system and best practices for cultural resources information management
7 annually to determine if revisions are needed.
- 8 ii. Before the release of revisions to the Guide, the BLM will request input from
9 the BLM office staff and a review of the document by SHPO's Information
10 Management unit staff.
- 11 d. The SHPO will maintain a statewide-automated cultural records database (known
12 as Compass) that is accessible to the cultural resource specialists from all BLM
13 offices. The BLM and the SHPO will continue to collaborate on ways to synthesize
14 and use the automated cultural resource data to develop and enhance Geographic
15 Information System (GIS) capabilities. The BLM and the SHPO will continue to
16 cooperate in this endeavor by each contributing financial, personnel, hardware,
17 and software resources as funding becomes available, including the contracting of
18 services.
- 19 e. The BLM and the SHPO recognize the importance of GIS and tabular cultural
20 resources data available in real time and will work cooperatively to enter backlog
21 data and legacy data into the SHPO database. The BLM will share legacy data as it
22 is found and/or digitized, and the SHPO will work with BLM to find ways to resolve
23 SHPO's data entry backlog.
- 24 f. The BLM and the SHPO will implement the following data security measures:
- 25 i. Both parties will ensure that all sensitive information is protected from
26 unauthorized use. The SHPO will ensure that Compass access is only given to
27 appropriate individuals, as described in OAHP publication number 1333. BLM
28 employees will not share their Compass log-on information with any other
29 party, as agreed when completing an organizational or individual access
30 agreements.
- 31 ii. As soon as a data breach is identified, the identifying party will notify the
32 OAHP Director of Information Management or the BLM DPO. Either party will
33 promptly report data breaches to the other party within 24 hours of
34 recognizing the breach. The reporting party will share information and
35 updates about the data breach as available, including details of the extent of
36 the breach, which types of data were obtained, and who may have obtained
37 the data, to the other.
- 38 iii. Both parties will investigate the circumstances of any geospatial or sensitive
39 data breach and will cooperatively develop remedies that can be
40 implemented by each agency. BLM and SHPO will together determine the best
41 course of action to retrieve and secure the information.
- 42
- 43

2. Emerging Issues

- a. The BLM or the SHPO may identify issues or subject areas that require policy changes or procedures not detailed in this Protocol. The parties will consult and determine whether the issues or subject areas require further analysis by a working group.
- b. At a minimum, the working group will include the DPO, BLM office cultural representatives, and SHPO representatives. The DPO will invite BLM Colorado cultural resource representatives that are interested in participating, along with those that possess skills or knowledge which would benefit the process. The field managers will approve the participation of their staff.
- c. The working group will produce recommendations to be reviewed by the BLM, the SHPO, and other consulting parties that possess an interest in the outcome and will take the resulting comments into account when finalizing new policies and procedures.
- d. The BLM will formalize, as amendments to this Protocol, any new policies and/or procedures developed by a working group and approved by BLM in consultation with the SHPO (see [Stipulation XIII.A.](#)).

B. **Section 110 Program Management Activities**

1. Each BLM field office will develop, implement, and maintain a Section 110 management program that incorporates at least three of the following activities:
 - a. Cultural resources education and outreach, such as on-site and off-site interpretation, education programs, brochures, posters, exhibits, electronic applications, web pages, presentations, and site tours.
 - b. Proactive inventory of public lands for planning and research, to determine the presence and importance of cultural resources.
 - c. Intensive documentation, evaluation, and study of cultural resources and historic structures, such as nominations to the NRHP, condition assessments, oral history studies, cultural landscape studies, regional overviews, historic contexts, and artifact or specimen analysis.
 - d. Stabilization, management, restoration, and protection of cultural resources and historic structures, such as brick-and-mortar stabilization and installation of fences, gates and anti-vandalism signs.
 - e. Monitoring of cultural resources and historic structures to assess resource condition and to detect and deter looting and vandalism.
2. All documentation for Section 110 activities (e.g. inventory and monitoring reports, historic contexts, etc.) will be submitted with a documentation letter within twelve months of completion of fieldwork ([Appendix H](#)).

XI. **STAFFING AND OBTAINING SPECIALIZED CAPABILITIES**

A. **Professional Staff**

1. The BLM will allow identification and evaluation of cultural resources only by, or under the direct supervision of, senior specialists who are classified in the appropriate Office

1 of Personnel Management professional series (e.g. Series 0193 for archaeologist), and
2 who are at grades appropriate to the level and complexity of the work entailed (e.g. GS-9,
3 GS-11, GS-12, or GS-13). This includes cultural resource specialists employed by other
4 DOI bureaus who are supporting BLM activities, who may operate under the terms of this
5 Protocol as long as they have been certified under the Protocol and a BLM authorized
6 officer is making final determinations and findings on the undertaking.

- 7 a. Specialists at the GS-5 and GS-7 levels are considered to be performing duties in a
8 trainee or developmental capacity. Reports prepared by GS-5 and GS-7
9 technicians, or any cultural resource consultant, must be reviewed and submitted to
10 the SHPO by a GS-9 or higher-graded cultural resource specialist.
- 11 b. Recently hired specialists at a GS-9 grade or higher who have not received training
12 on this Protocol must follow the procedures required of a GS-7 cultural resource
13 specialist until Protocol training is accomplished.
- 14 c. To be certified under this Protocol, BLM offices will have staff at the appropriate
15 levels consistent with the complexity of the BLM office's cultural resource program;
16 at a minimum, a GS-9 is required to:
 - 17 i. Recommend determinations of NRHP eligibility and effect, along with effects
18 resolution, if necessary, to the BLM manager.
 - 19 ii. Conduct all other Section 106 consultation activities on behalf of the BLM
20 manager.
 - 21 iii. Determine whether an undertaking may be exempt from identification and
22 evaluation of cultural resources.

- 23 2. The DPO, in cooperation with SHPO, will review the qualifications of cultural resource
24 specialists to determine whether any on-the-job training, mentoring, or additional
25 experience is necessary before the specialist is certified to make determinations of
26 NRHP eligibility and effect, to recommend effects resolutions, and to conduct other
27 activities under this Protocol.
- 28 3. The DPO will formally notify the SHPO and appropriate BLM office(s) when newly hired
29 staff has gone through the appropriate training on the Protocol (Stipulation XI.B.) and has
30 gained sufficient regional² and on-the-job experience to be certified under this Protocol.
31 The newly hired staff will then be allowed to follow the procedures of this Protocol.
- 32 4. If a GS-9 or a higher-grade cultural resource specialist is not part of the staff of a BLM
33 office, BLM will ensure that the BLM office has access to a cultural resources specialist
34 who has been certified to operate under this Protocol, along with an approved plan that
35 outlines how the work will be accomplished. Such a plan will be approved only for the
36 period during which the BLM office is seeking to fill the position. The plan will be
37 reviewed, approved, and closely monitored by the DPO.
- 38 5. If a GS-9 or a higher-grade cultural resource specialist is not part of the staff of a BLM
39 office, and there is no plan to hire one, the BLM office will be decertified and will operate
40 under the implementing regulations at 36 CFR Part 800.

² Consistent with the BLM Manual 8150 and the Colorado Guidelines.

1 **B. Training in the Use of This Protocol**

- 2 1. After execution of this Protocol, the BLM-SHPO Protocol working group shall provide
3 training on the Protocol to facilitate its implementation. Training will be initiated within
4 three months from the effective date of the Protocol for BLM and USWFS managers with
5 cultural resources responsibilities and/or who supervise cultural resource specialists
6 (including, but not limited to, district managers, field managers, assistant field
7 managers, supervisory natural resource and fuels specialists, deputy state directors, or
8 branch chiefs) and BLM and USWFS cultural resource staff. The training will include
9 detailed explanation of the procedures in the Protocol and the roles of the consulting
10 parties.
- 11 a. Training resources shall include the national PA and this Protocol and its
12 attachments.
- 13 b. Other training resources may include, but are not limited to, the BLM 8100 Manual
14 Series, the Guidelines, other policy documents, and OAHF information.
- 15 2. When new BLM or supporting DOI bureau supervisors or cultural resource specialists are
16 hired, the BLM will ensure that they receive training on the implementation of this
17 Protocol within three months of starting work. Acting supervisors that will be in place for
18 more than 120 days must complete training. It shall be the responsibility of the DPO,
19 with SHPO participation, to provide appropriate training.
- 20 a. BLM will coordinate training with the SHPO with at least two weeks' notice.
- 21 3. Newly hired BLM cultural resource specialists will conduct work under the Protocol in
22 one of two ways until they are certified by the DPO to follow the procedures of this
23 Protocol independently:
- 24 a. The new cultural resource specialist may follow the standard procedures at 36 CFR
25 §§ 800.3-800.7, or
- 26 b. The individual can make preliminary determinations of each step in the process
27 defined in this Protocol that are reviewed and co-signed by a certified cultural
28 resource specialist in the state (preferably in a neighboring BLM office), as outlined
29 in the plan developed under [Stipulation XI.A.4](#).
- 30 4. The SHPO, with DPO participation if requested, will ensure all new SHPO staff hired to
31 conduct BLM Section 106 reviews receive orientation on this Protocol within three
32 months of starting work.
- 33 a. Newly hired SHPO staff will review BLM documentation under direct supervision
34 until orientation is complete.
- 35 5. The BLM will provide Protocol refresher training at each annual Protocol meeting
36 ([Stipulation III.C.2](#)).
- 37 6. The DPO and SHPO will review training needs quarterly to ensure BLM office certification
38 is maintained ([Stipulation III.C.3](#)).

39 **C. Specialized Capabilities**

- 40 1. The BLM will ensure that expertise in prehistoric archaeology, historic archaeology,
41 industrial archaeology, history, architectural history, landscape architecture, and historic
42 architecture is available to all BLM cultural resource specialists.

2. When the BLM is involved in an undertaking requiring expertise not possessed by available BLM staff (e.g., architectural history, historic architecture, landscape architecture, ethnology, etc.), it will obtain the necessary expertise through contracts, BLM personnel from other states, qualified volunteers, or cooperative arrangements with other agencies for the purpose of determining NRHP eligibility, effects, and treatment for the cultural resources in question. The BLM may request the assistance of SHPO staff in such cases. Experts and volunteers must meet the Secretary of Interior's Standards and Guidelines Professional Qualifications Standards (36 CFR § 61). Volunteers may be used with prior approval of the BLM cultural resource specialist.

D. Professional Development

1. It is recognized that participation of BLM and SHPO cultural resource staff in professional societies and annual meetings (e.g. Society for American Archaeology, Society for Historical Archaeology, Register of Professional Archaeologists, Society for Applied Anthropology, Colorado Council of Professional Archaeologists, etc.) is integral to staying abreast of developments and advances in the discipline and for enhancing the requisite professional knowledge and skills.
2. The BLM will provide its cultural resource staff with opportunities for continued professional development through classes, mentoring, and participation in professional organizations.

XII. PROGRAM REVIEW AND LEVELS OF CERTIFICATION

A. Certification

1. A BLM state, district, or field office ("BLM office," unless otherwise specified) will be certified to operate under this Protocol when it has completed each of the following requirements:
 - a. District managers, field managers, supervisors of the cultural resource program, and cultural resource specialists have completed required Protocol and national PA training.
 - b. Professional capability to carry out the policies and procedures detailed in this Protocol is available through each BLM office's immediate staff or through other acceptable means.
 - c. A GS-9 or a higher-grade cultural resource specialist with appropriate regional experience (consistent with BLM Manual 8150 and the Colorado Guidelines) is available and has been assigned duties.

B. Program Review

1. Standard Annual Field Office Reviews
 - a. The DPO and SHPO staff will conduct reviews of one to two field offices annually, and will conduct reviews of sufficient detail to evaluate whether BLM has adhered to the following requirements:
 - i. Qualified BLM cultural resource specialists are available (pursuant to [Stipulation XI.A.](#)).
 - ii. Undertakings are receiving cultural resource consideration.

- iii. Section 106 documentation is completed and is being sent to the SHPO in a timely manner, unless there is an alternative agreement with SHPO in place.
 - iv. Cultural resource specialists are applying professional standards.
 - v. Cultural resource identification and evaluation, assessment of effects, and resolution of effects have occurred before undertakings proceed.
 - vi. Final reports of treatment are being completed and sent to the SHPO.
 - vii. Follow-up monitoring, where required by avoidance stipulations, MOA, or treatment plan specifications, is being completed.
 - b. The field office review will include district cultural resource specialists and district projects within the field office. If state office or other DOI bureau cultural resource specialists are involved in projects within the field office, they will also attend some or all of the review. If the DPO and SHPO plan to conduct two or more standard field office reviews in a year, they will, to their best ability, schedule those field office reviews within the same district.
 - c. The DPO and SHPO staff will provide ongoing Protocol refresher training for appropriate BLM staff during the field office review.
 - d. The review will include at least one field component. The field trip should focus on an undertaking or undertaking type that is or will be a significant component of the Section 106 workload for the field office or district.
 - e. Within 30 calendar days of the review (unless the parties agree to an extension) and in coordination with the DPO, SHPO will prepare a letter summarizing the results of the evaluation, including recommendations for improvements, and will send the letter to the SD.
 - f. The SD will transmit the letter from SHPO through the district manager to the relevant BLM field office with specific direction on recommendations for improvement, if warranted.
2. Ad Hoc Field Office Reviews
- a. If a pattern of failure to comply with the terms of this Protocol can be demonstrated, a field or district manager, a deputy state director, the DPO, the SHPO, or the ACHP may, upon written notification to the BLM SD, request a review of a BLM office's status and its capability for carrying out the terms of the nPA and this Protocol. The following list includes most, but not all, BLM office actions that might trigger a review:
 - i. Failure to maintain a field office cultural resources project log.
 - ii. Failure to consult with SHPO when required.
 - iii. Continuing accrual of Section 106 report backlog or no progress in eliminating Section 106 backlog (see [Stipulation V.C.1.](#) and [Appendix A](#)).
 - iv. Lack of qualified staff.
 - v. Failure to complete training.
 - vi. Failure to maintain a Section 110 management program.

- b. The SD may request a review and recommendations from appropriate staff and/or the Preservation Board, as described in Stipulation 11 of the national PA.
- c. Within 30 calendar days of the review (unless the parties agree to an extension) and in coordination with the DPO, the SHPO will prepare a letter summarizing the results of the evaluation, including recommendations for improvements, and will send the letter to the SD.
- d. The SD will transmit the letter from SHPO through the district manager to the relevant BLM field office with specific direction on recommendations for improvement, if warranted.

C. Action Plans

1. The DPO, SHPO, and/or ACHP may recommend that the SD place a BLM office on a provisional status or be decertified based on findings from a review.
2. The BLM, in consultation with the SHPO and the ACHP (if they are participating), shall develop an action plan to be followed by the BLM office to bring that office into compliance with this Protocol.
3. After the involved BLM office can demonstrate it has completed all the actions specified in the plan, it will notify the SD through the DPO, who will review compliance with the action plan with SHPO and the ACHP (if they are participating).
4. If all parties agree that the problems have been corrected, the SD will notify the affected deputy state director, field manager, or district manager, the SHPO, and the ACHP (if they are participating) in writing that the BLM office is once again in compliance and restored to full status.

D. Provisional Status

1. The DPO or SHPO may recommend that the SD place a BLM office on a provisional status based on findings from any of the reviews specified in [Stipulation XII.B](#).
2. An office placed on provisional status will continue to operate generally under the terms of the Protocol until deficiencies are corrected within the terms and time limits set under the action plan.
3. Provisional status may extend from six months to two years and will be determined during the BLM office review. The term of the provisional status will be based on agreement between the parties to this Protocol and will reflect the complexity of the deficiencies identified.
4. While on provisional status, a BLM office will have the opportunity to correct deficiencies that have been identified and documented during review of field office practices under this Protocol.
5. Field offices in provisional status may be required to submit project logs more frequently than the annual submission, as agreed to between the BLM and SHPO.
6. If the provisional status period is about to expire and the BLM office has made significant progress but has not met the full terms of the action plan, the DPO and the SHPO may recommend that the SD extend the provisional status period.

- 1 7. Upon expiration of the provisional status term, the DPO, SHPO, and ACHP (if
2 participating) will convene to determine whether the BLM office has satisfactorily
3 corrected identified deficiencies.
- 4 8. Should the parties determine that identified deficiencies remain uncorrected, or if new
5 significant deficiencies are identified, the findings shall be conveyed to the BLM office
6 and the decertification process will be initiated as described in Stipulation XII.E.

7 **E. Decertification**

- 8 1. The SHPO and/or DPO will recommend decertification to the State Director if:
 - 9 a. The BLM office has failed to comply with the provisional status action plan, or
 - 10 b. Findings from a BLM office review indicate that immediate decertification is
11 warranted due to a demonstrated and repeated pattern of non-compliance.
- 12 2. Only the SD may decertify a BLM office from operating under the terms of this Protocol.
 - 13 a. If a decertification recommendation has been made to the SD after a review of the
14 field office per [Stipulation XII.B.](#), the SD will make a decision about decertification
15 within 30 calendar days of the recommendation.
 - 16 b. If the SHPO and BLM do not agree on decertification, the SD will request review and
17 opinion from the Preservation Board.
 - 18 c. Regardless of the recommendation from the SHPO and DPO, the SD may request
19 that the Preservation Board review the findings of a BLM office review and the
20 recommendations of the SHPO and DPO.
 - 21 d. The SD may ask the BLM Director to review the Preservation Board's
22 recommendation, in which case the Director may request the ACHP's participation
23 in the review, if they are not already participating.
- 24 3. The BLM, in consultation with the SHPO and ACHP (if participating), shall develop an
25 action plan to bring any decertified BLM office into compliance with this Protocol.
 - 26 a. Decertification does not have a preestablished time frame. A BLM office is
27 decertified until it is found to have restored the basis for certification.
 - 28 b. If the BLM office has failed to comply with the action plan, the SD may continue the
29 decertification and suspend the office from operating under the terms of this
30 Protocol.
- 31 4. The SD will notify the BLM Federal Preservation Officer, SHPO, and ACHP (if
32 participating) of the decertification.
- 33 5. Decertification from this Protocol will require that the affected BLM office comply with
34 Section 106 of the NHPA by following the most current implementing regulations at 36
35 CFR Part 800.

36 **F. Recertification**

- 37 1. After the affected BLM office believes that it has completed the actions specified in the
38 action plan, it will notify the SD through the DPO. All parties will review the
39 documentation and will make a recommendation to the SD.

2. If, upon review by the DPO or Preservation Board (if participating), a decertified BLM office is found to have restored the basis for certification, the DPO or Preservation Board will recommend that the SD recertify the office.
 - a. Recertification of the affected BLM office will occur at the discretion of the BLM SD after consultation with the SHPO and the ACHP (if they are participating).
 - b. The SD will notify the BLM office, the SHPO, and the ACHP and Preservation Board (if they are participating) in writing when the BLM office is recertified.
3. If the BLM office is found to not have resolved the issues, it will continue to operate under the 36 CFR Part 800 regulations.

XIII. AMENDMENTS TO THE PROTOCOL

A. Request for Amendment

BLM or SHPO may request amendment of this Protocol at any time, in consultation with Indian Tribes and other consulting parties, whereupon the parties will consult to consider the amendment. Amendments will become effective upon signature of both parties.

B. Changes to NHPA or 36 CFR Part 800

Should changes occur to the National Historic Preservation Act or its regulations at 36 CFR Part 800, the SHPO and the BLM will meet and discuss the need to amend this document to reflect changes in the authorities under which the Protocol functions.

XIV. TERMINATION

A. Termination of the Protocol

1. The BLM or the SHPO may terminate this Protocol by providing 90 days' notice to the other party, providing that they consult during this period to seek agreement on amendments or other actions that would avoid termination, including following the dispute resolution process found at [Stipulation VII.A](#).
2. The DPO may request the assistance of the BLM Preservation Board, the NCSHPO, and/or the ACHP in the consultation process.
3. If the Protocol is terminated, the BLM will be required to comply with Section 106 of the NHPA by following the implementing regulations at 36 CFR Part 800.

B. Termination of the National Programmatic Agreement

Should the nPA be terminated or suspended for any reason, the BLM will comply with Section 106 of the NHPA by following the implementing regulations at 36 CFR Part 800.

XV. ANTI-DEFICIENCY

- A. The Anti-Deficiency Act, 31 U.S.C. § 1341, prohibits Federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the parties agree that any requirement for obligation of funds arising from the terms of this agreement shall be subject to the availability of appropriated funds for that purpose, and that this agreement shall not be interpreted to require the obligation or expenditure of funds in violation of the Anti-Deficiency Act.

1 B. If compliance with the Anti-Deficiency Act alters or impairs the BLM’s ability to implement the
2 stipulations of this Protocol, the BLM shall consult with SHPO to determine a temporary
3 solution and avoid foreclosure of the Section 106 compliance process.

4 **XVI. APPENDICES**

5 Several appendices are attached and incorporated into this Protocol. New appendices may be
6 added, and existing appendices may be modified as needed, in consultation with Indian Tribes and
7 other consulting parties, upon written concurrence of the Signatories ([Stipulation XIII.A.](#)).

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Appendices

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APPENDIX A: GLOSSARY

1050 Program

The 1050 program refers to a BLM funding code (1050), which represents the body of work encompassing the comprehensive management of cultural resources, museum collections, and NAGPRA compliance. This includes inventory and documentation of resources, monitoring and applying preservation measures to stabilize and safeguard resources, and facilitating access, research, and use through permitting, interpretation, and education programs. This program does not include the Section 106 workload and is often referred to as the “proactive” program of work.

Adverse effect

When an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association (36 CFR § 800.5(a)(1)).

Advisory Council on Historic Preservation (ACHP)

Established by the NHPA, the ACHP is an independent executive agency that has an advisory role in a federal agency’s decision-making process when a proposed undertaking might affect a cultural property which meets National Register criteria. The ACHP promulgates regulations which implement Section 106 of the NHPA.

Agency Official

A BLM official who has approval authority for the undertaking and can commit the Federal agency to take appropriate action for a specific undertaking as a result of Section 106 compliance.

Area of Potential Effect (APE)

The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (36 CFR § 800.16(d)). In defining the APE, the BLM considers potential direct, indirect, and cumulative effects to historic properties and all aspects of integrity, including their associated settings as applicable.

Backlog

Documentation (i.e. report and OAHP forms) originally initiated under a Section 106 undertaking that was not sent to the SHPO within 12 months of completion of fieldwork.

BLM Office

BLM Office is a broad team meant to incorporate the state, district, and/or field offices. As of the drafting of this Protocol, BLM Colorado is organized into four districts encompassing ten field offices. BLM National Landscape Conservation System (NLCS) units are organized under field offices with assigned cultural resource specialists and are included when field offices are referenced in this agreement.

Bureau of Land Management Deputy Preservation Officer (DPO)

The BLM Deputy Preservation Officer is a senior cultural resource specialist working at the state office level who is responsible for advising the State Director, district, and field managers on professional and technical matters relating to cultural resource management. The DPO serves as an ex-officio member on the BLM Preservation Board.

Bureau of Land Management Preservation Board

The Preservation Board was established by the BLM Director pursuant to the national Programmatic Agreement of March 26, 1997 and continued in the 2012 and 2025 national Programmatic Agreements. The Preservation Board oversees historic preservation activities bureau wide, coordinates with the Advisory Council on Historic Preservation and the State Historic Preservation Officers, and advises the State Directors and the Headquarters Directorate in Washington, D.C. on historic preservation matters.

Certified BLM Office

A certified BLM office is one that operates under the State Protocol instead of the Section 106 regulations at 36 CFR Part 800. Certification occurs by having qualified cultural resources staff at or above the GS-9 level who has received orientation on the NHPA, the nPA, and the Protocol by the DPO and the SHPO.

Concurring Party

The agency official may invite all consulting parties to concur on an agreement to resolve adverse effects. A consulting party invited to concur has no responsibility under the agreement but may be invited to sign the agreement as a Concurring Party. The refusal of any party invited to sign a MOA or PA does not invalidate that MOA or PA.

Concurrence Letter

Official BLM correspondence requesting SHPO review of, and concurrence with, BLM's determinations of eligibility, effect, and proposed resolutions.

Consulting Party

Consulting parties include all groups who have a consultative role in the Section 106 process. These may include SHPO, THPO, Indian Tribes, representatives of local governments, the public, certain individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties, individuals and organizations with a demonstrated interest in historic preservation and applicants for Federal assistance, permits, licenses and other approvals.

Cultural Properties/ Cultural Resources

A definite location of human activity, occupation, or use, identifiable through field inventory, historic documentation, or oral evidence. The term includes archaeological, historic, or architectural sites, structures, objects, districts, landscapes, 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. 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 the BLM 8100 Manual. They may be, but are not necessarily, eligible for listing in the National Register (BLM 8100 Manual).

Cultural Resource Specialist

A cultural resource specialist is a federal agency or SHPO employee meeting qualifications for an archaeologist, historian, or architect. For BLM, this is a person responsible for advising BLM managers about cultural resource issues associated with various land use activities; developing a full range of reasonable and justifiable alternatives for inventory, evaluation and treatment of cultural resources potentially affected by land use activities; conducting cultural resource inventory; making professional recommendations of eligibility and effect; and preparing (or reviewing) reports, records, etc., needed for documenting the Section 106 process. In BLM, this person is in the 0193 professional grade series. For SHPO, this is the person responsible for reviewing BLM Section 106 determinations and the appropriateness of the BLM's documentation supporting those determinations.

Cultural Resource Use Allocations

Within the framework of the BLM manuals, this term refers to six BLM categories (scientific use, conservation for future use, traditional use, public use, experimental use, and discharged from management) employed by BLM managers to connect identified cultural resources with decisions about their protection and utilization (see BLM Manual Section 8110.42). All cultural resources have uses, to which they can often be assigned even before they have been individually identified. Use allocations allow BLM managers to know in advance how to respond to potential conflicts between cultural resources and proposed land uses. A cultural resource may be allocated to more than one use category. Although some scientific and experimental uses result in physical alteration of resources, use does not imply consumptive use. Managed use of cultural resources can be fully compatible with long-range preservation, and the means by which preservation is achieved.

Data Recovery

A common mitigation measure for archaeological sites that, through implementation of a treatment plan, retrieves the important information present within an archaeological site that makes it eligible before the site's integrity is compromised or destroyed.

Demonstrated Interest

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties in the Section 106 process due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties. A "demonstrated interest" as found at 36 CFR § 800.2(c)(5) may be indicated by an organization that focuses on historic preservation, as exhibited in their mission statement, charter or bylaws; or an organization or individual with a legal or economic relation to the undertaking or affected properties; or a Certified Local Government (CLG) as defined at 36 CFR § 61.6. Private landowners have a demonstrated interest when an undertaking involves their property.

Direct Effects

A direct effect occurs if the effect comes from the undertaking at the same time and place with no intervening cause, regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.).

Eligible Site

See Historic Property

1 **Federal Land Policy and Management Act 1976 (FLPMA)**

2 The Federal Land Policy and Management Act (Public Law 94-579) established public land policy,
3 guidelines for its administration, and provisions for the management, protection, development,
4 and enhancement of the public lands. Public lands retained in Federal ownership are to be
5 managed in a manner that will protect the quality of scientific, scenic, historical, ecological,
6 environmental, air and atmospheric, water resource, and archaeological values. Public land
7 resources are periodically and systematically inventoried and their present and future use is
8 projected through a land use planning process coordinated with other Federal and State planning
9 efforts.

10
11 **Formal Communication/Correspondence/Consultation**

12 Communication made in writing and signed by BLM and authorized consulting parties.

13
14 **Formal Documentation**

15 Documentation submitted by BLM with a letter signed by an authorized party.

16
17 **Formal Participation**

18 Participation is considered formal when a party documents their intent to participate in writing,
19 signed by an authorized representative.

20
21 **Geographic Information System (GIS)**

22 GIS is a system for managing spatial data and associated attributes. In the strictest sense, it is a
23 computer system capable of integrating, storing, editing, analyzing, and displaying geographically
24 referenced information.

25
26 **Ground Disturbance**

27 Any action that alters intact and distinct soil horizons.

28
29 **Hand Cutting/ By Hand/ Hand-Maintenance**

30 The use of handheld manual and power tools to cut and remove or plant vegetation.

31
32 **Historic American Buildings Survey/Engineering Record/Historic American Landscapes**
33 **Survey (HABS/HAER/HALS)**

34 The HABS/HAER/HALS is an integral component of the Federal government's commitment to
35 historic preservation. The program documents important architectural, engineering, and industrial
36 sites and landscapes throughout the United States and its territories. A complete set of formal
37 documentation, consisting of measured drawings, large-format photographs, and written history
38 plays a key role in accomplishing the mission of creating an archive of American architecture and
39 engineering and in better understanding what historic resources tell us about America's diverse
40 ethnic and cultural heritage. To ensure that such evidence is not lost to future generations, the
41 HABS/HAER/HALS Collections are archived at the Library of Congress, where they are made
42 available to the public.

43
44 **Historic Property**

45 Any prehistoric or historic district, site, building, structure, or object that after evaluation through
46 the NRHP process of assessing their significance and integrity are determined as eligible for listing
47 or have been listed in the NRHP. This term includes artifacts, records, and remains that are related
48 to and located within such properties (36 CFR § 800.16(l)(1)). For the purposes of this Protocol and

its appendices, the term “historic property” shall include all unevaluated resources, which shall be treated as historic properties until otherwise evaluated.

In Kind

Replacing with either the same or a similar material, with the result matching all physical and visual aspects, including form, color, and workmanship.

Indian Tribes

Federally recognized Native American Tribes. This term is used in consistency with the NHPA.

Indirect Effect

Indirect effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

Informal Communication/Correspondence

Correspondence that is not necessarily in writing and/or is not signed by a BLM authorized officer or authorized consulting parties (such as telephone or digital calls, in person meetings, or emails).

Informational Letter

Official BLM correspondence informing SHPO of BLM’s determinations of eligibility and finding of effect.

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. Inventory may also include file searches or probability models, which can inform Class I, II, or III methods.

Interested Parties

Certain individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties

Invited Signatory

Consulting party, such as an applicant, which has responsibilities under an agreement (MOA or PA).

Manager

See Agency Official

Mitigation

Mitigation is a way to remedy or offset an adverse effect or a change in a historic property’s qualifying characteristics, and may be formalized in an agreement document or data recovery plan. (Note on usage: One mitigates adverse effects to historic properties; one does not mitigate historic properties.)

National Environmental Policy Act (NEPA)

1 The National Environmental Policy Act is the Federal law which guides the decision-making
2 process for public lands in the United States. NEPA requires that all Federal agencies prepare
3 environmental documents which disclose the impacts of proposed actions and alternatives.
4

5 **National Historic Landmarks (NHL)**

6 A National Historic Landmark is a historic property evaluated and found to have significance at the
7 national level and designated as such by the Secretary of the Interior.
8

9 **National Historic Preservation Act (NHPA)**

10 The National Historic Preservation Act (NHPA; Public Law 89-665; 54 U.S.C. § 3001 et seq.) is
11 legislation intended to preserve historical and archaeological sites in the United States of America.
12 The act created the National Register of Historic Places, the list of National Historic Landmarks,
13 and the State Historic Preservation Offices.
14

15 **National Register of Historic Places (NRHP)**

16 The National Register of Historic Places, expanded and maintained by the Secretary of the Interior,
17 as authorized by section 2(b) of the Historic Sites Act and section 101(a)(1)(A) of the National
18 Historic Preservation Act (54 U.S.C. § 302101), lists cultural properties found to qualify for
19 inclusion because of their local, state, or national significance. Eligibility criteria and nomination
20 procedures are found in 36 CFR §§ 60.4-15. The NRHP lists the districts, sites, buildings,
21 structures, and objects significant in American history, architecture, archaeology, engineering, and
22 or culture. The Secretary's administrative responsibility for the National Register is delegated to the
23 National Park Service and is maintained by the Keeper of the National Register.
24

25 **Native American Graves Protection and Repatriation Act (NAGPRA)**

26 The Native American Graves Protection and Repatriation Act establishes that lineal descendants,
27 Tribes, and Native Hawaiian organizations have rights of ownership to human remains and cultural
28 items (funerary objects, sacred objects, and objects of cultural patrimony), taken from Federal
29 lands and Indian lands after the date of enactment. It requires identification of human remains and
30 cultural items that were in Federal agencies' and federally funded museums' possession or control
31 before enactment; establishes a requirement and process for agencies and museums to repatriate
32 human remains and cultural items on request; directs the Secretary to form a review committee to
33 oversee implementation; provides for imposing civil penalties on museums that fail to comply;
34 authorizes grants of funds for Tribes, Native Hawaiian organizations, and museums to carry out the
35 Act; requires the Secretary to promulgate regulations; and assigns to U.S. District Courts
36 jurisdiction to adjudicate violations of the Act and to enforce the Act's provisions.
37

38 **No Adverse Effect**

39 A determination that an undertaking's effects do not meet the criteria for an adverse effect on
40 historic properties, or the undertaking is modified, or conditions are imposed so that an adverse
41 effect can be avoided (modified from 36 CFR § 800.5(b)).
42

43 **No Historic Properties Affected**

44 A determination that an undertaking will have no effect on historic properties. BLM may make this
45 determination when either no historic properties are present in the APE, or when they are present
46 but will not be directly or indirectly affected by the activities associated with an undertaking
47 (modified from 36 CFR § 800.4(d)(1)).
48

Not Eligible Cultural Resources

Not eligible cultural resources are those resources that, after evaluation through the process of assessing significance, integrity, and criteria considerations, are determined not to meet the National Register criteria and are excluded from the NRHP.

Orientation

Informal and unstructured education.

Office of Archaeology and Historic Preservation (OAHP)

The OAHP, a part of the Colorado State Historic Preservation Office and History Colorado (a division of the Colorado Department of Higher Education), is responsible for coordinating historic preservation efforts statewide. The mission of the OAHP is to creatively engage Coloradans and their guests in partnerships to discover, preserve, and take pride in our architectural, archaeological, and other historic places by providing statewide leadership and support to our partners in archaeology and historic preservation. The executive director of History Colorado serves as the Colorado State Historic Preservation Officer (SHPO) and is appointed by the Governor.

Phased Identification and Evaluation

A stepwise, sequential approach to identifying and evaluating historic properties for a specific project.

Previously Disturbed

An area containing soils that are not likely to possess intact and distinct soil horizons and have the reduced likelihood of possessing historic properties within their original depositional contexts in the area and to the depth to be disturbed.

Programmatic Identification

A standardized, pre-approved approach to inventory and evaluation of historic properties for a class of similar undertakings.

Signatory

Signatories to an agreement to resolve adverse effects are the BLM, the SHPO, and the ACHP (if participating). The Signatories have sole authority to execute, amend or terminate the agreement in accordance with subpart 36 CFR § 800.6(c).

State Historic Preservation Office or Officer (SHPO)

State Historic Preservation Offices and Officers were established by the NHPA as an agency within each State government charged with carrying out the provisions of the Act. The SHPO reflects the interest of the State and its citizens in the preservation of their cultural heritage. In accordance with Section 101(b)(3) of the NHPA (54 U.S.C. § 302303(b)), the SHPO advises and assists the Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments and organizations, and individuals to ensure that historic properties are taken into consideration at all levels of planning and development. A SHPO receives Federal funds from the National Park Service and allocates matching funds and grants to Certified Local Governments (CLGs) for the protection of sites eligible for listing in the National Register of Historic Places.

Temporary

Activities or elements that will be in place less than one year, i.e. temporary construction elements.

Traditional Cultural Place (TCP)

A traditional cultural place is a building, structure, object, site, or district that may be listed or is eligible for listing in the National Register for its significance to a living community because of its association with cultural beliefs, customs, or practices that are rooted in the community's history and that are important in maintaining the community's cultural identity.

Training

Formal, structured education regarding a specific topic or topics.

Treatment

Treatment is the act of mitigating effects, or how one goes about implementing the mitigation measure(s) agreed upon in consultation.

Undertaking

A project, activity or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license, or approval.

Acronyms

ACHP – Advisory Council on Historic Preservation

AIRFA – American Indian Religious Freedom Act

APE – Area of Potential Effect

ARPA – Archaeological Resources Protection Act

BLM – Bureau of Land Management

CLG – Certified Local Government

CRM – Cultural Resource Management

DPO – BLM Deputy Preservation Officer

EA – Environmental Assessment

EIS – Environmental Impact Statement

FLPMA – Federal Land Policy and Management Act

GIS - Geographic Information System

GLO – General Land Office

HABS – Historic American Buildings Survey

HAER – Historic American Engineering Record

HALS – Historic American Landscapes Survey

IM – Instruction Memorandum

MOA – Memorandum of Agreement

MOU – Memorandum of Understanding

NAGPRA – Native American Graves Protection and Repatriation Act

NCSHPO – National Conference of State Historic Preservation Officers

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NHT – National Historic Trail

nPA - National Programmatic Agreement

NPS – National Park Service

NRHP – National Register of Historic Places

PA – Programmatic Agreement

ROW – Right-of-Way

RMP – Resource Management Plan

SHPO – State Historic Preservation Office or Officer

TCP – Traditional Cultural Place

THPO - Tribal Historic Preservation Officers

APPENDIX B: STANDARD PROJECT LOG

[illegible]

APPENDIX C: SCREENED UNDERTAKINGS: ACTIVITIES RESULTING IN NO ADVERSE EFFECT TO HISTORIC PROPERTIES

The following BLM activities, including activities comparable in scope and scale, have been determined to have little or no potential for adverse effects on historic properties and do not require further consultation with the SHPO. A BLM cultural resource specialist must screen activities in this list and advise the authorized officer on their use. The BLM shall include descriptions of screened activities not expressly described in this Appendix in the annual report so SHPO may track and comment on the BLM's use of the screened activities. In some circumstances, although an action may be listed as screened from further consideration, the authorized officer, on the recommendation of the cultural resource specialist, may still require identification and evaluation of historic properties. In such cases, the relevant stipulations in the Protocol apply.

In order for a screened undertaking to apply under this appendix and according to the terms of the Protocol, the undertaking must not result in an adverse effect on historic properties.

Screened or exempt undertakings may be identified in ACHP Program Comments or in other Programmatic Agreements (such as the Bureau of Reclamation's *Programmatic Agreement Regarding the Management of Water Control Features in the State of Colorado*) in which the BLM is a signatory and should be considered in addition to this appendix.

When an undertaking includes multiple activities, including any undertaking or undertakings listed in this appendix, the BLM will use the appropriate process in [Stipulations V.A-B](#) under this Protocol. The BLM shall include with the submittal a description of the undertaking or undertakings that are listed in this appendix and request review only of the non-listed activities.

See [Appendix A](#) for definitions of terms used in this appendix.

The screened undertakings below are generally organized by BLM programs of activity. Some screened undertakings may fall under multiple programs but are included under the program for which they are most common.

1. General

- a. Administrative actions:
 - i. Applications for permit to drill on previously existing well pads with no new extent of ground disturbance.
 - ii. Revoking withdrawals, unless the withdrawal was specifically for the protection of cultural resources.
 - iii. Transferring lands or interest in lands to other Federal agencies.
 - iv. Designating areas and routes as closed to use, including temporary and permanent closures that do not involve mechanized methods.
- b. Activities in locations where previous natural or human disturbance has modified the landscape so extensively that the likelihood of finding archaeological resources is negligible, does not involve changes to built environment resources, and where the proposed activity does not create a meaningful change to the setting or feeling of the area.

- c. Activities limited to within the modern extent (the approximate extent of the channel over the last 100 years) of stream channels.
- d. Activities in areas with slopes exceeding 30 degrees and where the cultural resource specialist has determined that the occurrence of historic properties is unlikely (e.g., negligible potential for rock art, rock shelter, or mining sites).
- e. Single-pass (out-and-back), cross-country travel by rubber-tired vehicles (under 10,000 lbs. gross vehicle weight) as approved in writing by a BLM authorized officer.
- f. Assessment, Inventory, and Monitoring (AIM) program will not be subject to Class III inventory for test plots that are under one cubic meter of ground disturbance per plot when the following stipulations apply:
 - i. A BLM cultural resource specialist must screen all planned test plots;
 - ii. AIM staff receive annual training from BLM cultural resources staff; and
 - iii. AIM staff will avoid all known historic properties and any archaeological sites that may be encountered in the field.

2. Cultural Resources (1050 Program)

- a. Repair or stabilization of historic properties using in-kind workmanship and materials consistent with Secretary of the Interior's Standards for the Treatment of Historic Properties (SOI Standards) and that do not affect the integrity that make the properties significant.
- b. Maintenance and repair activities of buildings, structures, and landscapes less than 50 years old in age within the setting of a historic property or district that have no effect on the setting or feeling of the historic property or district.
- c. Ecological restoration and site stabilization in areas containing historic properties consistent with SOI Standards.
- d. Reburial of human remains and other cultural items subject to the Native American Graves Protection and Repatriation Act (NAGPRA) in areas previously excavated using archaeological methods or in areas previously inventoried and found to contain no historic properties.

3. Research and Preliminary Investigations

- a. Establishment of temporary study plots for botanical research projects involving the construction of enclosure fences and which will not involve augering or excavation of post holes and are not located in known historic properties.
- b. Non-archaeological research and collection permits and/or monitoring activities, provided that activities are approved by the office interdisciplinary team and would not affect any historic properties. Such activities could include placing stream or weather gauges, bat monitors, game cameras, fish tracking devices, temporary radio repeaters, research geophysical sensors, photo plots, traffic counters, animal traps, or other similar devices.

4. Health and Safety Activities

- a. Removal of recent (less than 50 years old) structures and materials (including abandoned automobiles, transient camps, hazardous materials [including elimination of toxic waste sites; drug labs, marijuana abatement, and chemical spills], dumps, fences and buildings).

1 Ground disturbance associated with removal of these materials may occur provided that
2 such features are not located within the boundary of a known historic property.

- 3 b. Small, routine subsidence and mine hazard closures outside a larger AML action, including
4 backfilling, fencing, or gating mine shafts, adits, sinkholes, or other ground-collapse
5 features less than three feet in diameter or width. Such activities must be conducted with
6 hand tools and foot access in previously disturbed or adequately surveyed areas, and
7 outside historic property boundaries.
- 8 c. Non-destructive activities to address health and safety problems (e.g., application of
9 surface pesticide treatments or treatments to address vector-borne pathogens or placing
10 soil stabilizers to prevent contaminants from becoming windblown).
- 11 d. Activities (including Comprehensive Environmental Response, Compensation, and Liability
12 Act [CERCLA]; non-CERCLA; and wildland fire suppression activities) involving immediate
13 remediation of hazardous substance releases, spills, or extinguishment of
14 minerals/material (i.e. coal seams) because of significant public safety issues or concerns,
15 where the potential to affect historic properties is negligible.
- 16 e. Installation of signs used to prohibit access or advise of health/safety concerns.
- 17 f. Temporary closures including fencing and signage in response to emergency situations.
- 18 g. Removing or neutralizing commercial and recreational explosives, blasting agents, or
19 unexploded ordnance.

21 **5. Land Use Authorizations and Permits**

- 22 a. Conducting or approving permits for non-archaeological data collection and monitoring
23 activities, which involve new surface disturbance less than two square meters.
- 24 b. Issuance of land use authorizations or temporary use permits; where use is consistent with
25 resource management planning decisions, as applicable, and where no surface
26 disturbance or resource disturbance is authorized:
 - 27 i. Commercial motorized and mechanized events that utilize designated routes and trails,
28 which were subject to Section 106 review. Aid stations must be placed in existing
29 disturbed areas and outside historic properties.
 - 30 ii. Along or on rivers, and use of designated routes, and/or well-established trails, which
31 would not substantially increase the level of use, continue unsatisfactory environmental
32 conditions, or create new surface disturbance. This exemption does not include
33 recreation permits for outfitter camps.
 - 34 iii. Use of previously bolted climbing routes or bouldering areas that do not impact known
35 rock art sites or areas/resources important or sacred to tribal members.
- 36 c. Granting rights-of-way (ROW), leases, or permits for the use of existing roads, facilities (less
37 than 50 years old in age), improvements, or sites for the same or similar purposes where
38 there will be no new ground disturbance authorized, and cultural resources have been
39 previously considered under the Section 106 process.
- 40 d. Issuing ROW for existing roads where the BLM administered surface is only a small portion
41 (less than one acre) of the total road. The standard cultural stipulation will be attached to all
42 grants.

- e. Issuing a land use authorization for limited maintenance or repair (e.g. a small number of poles being replaced) of active, modern infrastructure in transmission and distribution line ROW when:
 - i. No new ground disturbance is authorized, or ground disturbing activities are limited to areas of documented, previous disturbance where there are no historic properties; and
 - ii. There is no change in the materials or appearance of poles, changes to height are less than 10 percent or 20 feet, whichever is less, and no new road construction or maintenance is authorized.
- f. Issuing a Notice to Proceed or land use authorization for the limited removal, replacement, upgrading, or adding of lines to active, modern infrastructure in transmission and distribution line ROW when:
 - i. The undertaking does not involve a high frequency or entirety of the infrastructure;
 - ii. The utilities, lines, or features are not historic properties themselves;
 - iii. Replacement is done in-kind and no new ground disturbance is proposed, or ground disturbance is proposed and no historic properties are present; and
 - iv. There is no change in the materials, appearance, or number of poles, changes to height are less than 10 percent or 20 feet, whichever is less, and no new road construction or maintenance is authorized.
- g. Renewing existing ROW grants when:
 - i. Reuse or continuous use will not affect historic properties as determined by completion of a previous adequate cultural resources survey;
 - ii. No additions or changes are made to the grant, and no surface disturbance is authorized without notifying the BLM first;
 - iii. There are minor modifications due to mapping or other administrative errors where any changes in size of the ROW are minimal and the standard BLM cultural stipulation is applied; and
 - iv. Assignment of an existing ROW grant to a new user where additional stipulations regarding cultural resource protection (i.e. avoidance of historic properties) are added and no new surface disturbance is authorized.
- h. Issuing ROW for overhead lines with no pole, tower, or other surface disturbance on BLM-administered lands, and where there is no adverse visual effect to a historic property. This includes hanging new lines on existing poles (co-location).
- i. Placement of buried utility lines, pipelines, telephone lines, and similar linear features where disturbance will not exceed the vertical and horizontal limits of previous construction or disturbance (e.g., roads, trenches) and previously adequately inventoried with no historic properties.

6. Facilities, Engineering, and Travel Management

The following screened activities may include activities that are performed on historic properties themselves, and apply when the proposed activity would not adversely affect the qualities for which the property is eligible, nor its integrity.

- a. Rehabilitation, repair, construction, or minor relocation of trails, walks, paths, boardwalks, and sidewalks where the ground is previously disturbed or in areas inventoried by a qualified archaeologist:

- i. Regrading, graveling, repaving, or other in-kind maintenance of all trails, walks, and paths within existing disturbed depths and alignments.
- ii. Minor realignment of trails, walks, and paths.
- iii. Construction of water bars that avoid historic properties (if present), or that if involve historic properties, are in keeping with the historic design and configuration or following the recommendations of an approved treatment plan that meets the SOI Standards.
- iv. Establishment of new trails, walkways, and boardwalks that avoid adverse effects to historic properties in a manner consistent with the SOI Standards.
- v. Hand maintenance of vegetation within and adjacent to trails (e.g., pruning, thinning, removal).
- b. Maintenance/repair/resurfacing/removal of roads and parking areas:
 - i. Maintenance, repair, resurfacing, removal, or replacement of existing roads, parking areas, and associated features (e.g., bridges) that have been determined not eligible for listing on the National Register.
 - ii. Maintenance, in-kind repair, in-kind replacement of small-scale features, or resurfacing of roads and parking areas that have been determined eligible for listing on the National Register (or that have not been fully evaluated and are being treated as eligible).
 - iii. Hand-maintenance of vegetation within and adjacent to roads and parking areas (e.g., pruning, thinning, removal).
 - iv. Maintenance, repair, resurfacing of roads that are managed as county or state roads, and BLM surface is only a small portion.
 - v. Removal of existing surfaced areas provided that the surfacing is not a historic feature of the historic property, and removal would not affect other historic properties.
 - vi. Maintenance, repair, and replacement of road/trail culverts and/or headwalls and other drainage improvements (e.g., rip rap, ditches, water bars, subsurface drains, curbs, swales). The BLM shall replace historic culverts and headwalls in-kind.
 - vii. Road maintenance (exclusive of major road improvements) of crown and ditch roads that do not widen or otherwise extend surface disturbance and confined to the road prism. Maintenance includes cleaning, removing, or replacing culverts.
- c. Installation or repair of new culverts, headwalls, and other drainage improvements adjacent to or within a historic property when consistent with the SOI Standards.
- d. Installation or repair of signs, markers, or kiosks on or adjacent to existing roads or parking lots if within existing disturbed ground and not within the boundaries of a known historic property.
- e. Designating areas closed to vehicles (including off road vehicles) or limiting areas to travel on existing and/or designated roads and trails.
- f. Vehicular closures involving the installation of concrete barriers, large boulders, or similar non-surface disturbing methods when the use of heavy equipment to place them can be confined to designated routes.
- g. Temporary road closures where new ground disturbance will occur outside of the boundaries of known historic properties in previously surveyed areas.
- h. Routine campsite/recreation area maintenance, including but not limited to:

- i. Installation, replacement, repair, and maintenance of small-scale features (e.g., bear boxes, campfire grills, garbage/recycling cans and dumpsters, picnic tables) less than 50 years old in age when excavation would not adversely affect historic properties.
- ii. Placement of rocks, logs, or temporary fencing with a timeframe to be identified according to project specific needs and documented in the annual report as physical barriers for resource protection if introduction of new features does not adversely affect a historic property.
- iii. Routine recreation site maintenance involving minimally disturbing activities such as maintenance and replacement of existing barriers, fencing, or signs, and hazard tree removal when a skidder is not involved.
- iv. Replacement or repair of existing water lines, buried utility lines, vault toilets, tank replacement of water collection system and pipeline or similar underground improvements, in previously disturbed locations when no additional ground disturbance occurs.
- i. Small developments such as paved pads, benches, and other features for universal access to signs, wayside exhibits, provided that the actions are completed in a manner that does not adversely affect historic properties directly, indirectly, or cumulatively:
 - i. In previously disturbed areas;
 - ii. Areas located outside of documented archaeological site boundaries and historic properties of religious and cultural significance;
 - iii. Within archaeological site boundaries in previously disturbed areas or areas inventoried and found to contain no historic properties.
- j. Installing new or upgraded signs and markers adjacent to existing roads, or placing recreational, special designation or information signs, visitor registers, kiosks, or portable sanitation devices unless within known historic properties or unevaluated properties.
 - i. Replacement of existing signage in the same location with similar style, scale, and materials.
- k. New signs that meet BLM standards provided the sign is not physically attached to a historic building, structure, or object (including trees), provided that the actions are completed in a manner that does not adversely affect historic properties directly, indirectly, or cumulatively and provided the sign is to be located:
 - i. Outside of documented archaeological site boundaries and historic properties of religious and cultural significance.
 - ii. Within archaeological site boundaries in previously disturbed areas or areas inventoried and found to contain no historic properties.
- l. Installation of temporary warning/information signs (e.g., closures, repairs, restoration, seasonal wildlife notices, detours, safety, hazards). The timeframe for temporary signs will be identified according to project specific needs and documented in the annual report.
- m. Installation of fiberglass marker(s), steel t-posts, or steel u-channel posts.

7. Vegetation, Fuels, and Forestry Management

- a. Thinning and removal of vegetation:
 - i. Pruning, topping, trimming, limbing, and lop and scatter of trees and vegetation with no ground disturbance potential.
 - ii. Hand cutting vegetation that is younger than 100 years, where access is by foot, and limbs are hand scattered across the landscape.

- iii. Removal of non-native, invasive plant species using hand tools where such activities would not affect the integrity of historic properties if present.
 - iv. In areas where aboriginal wood features are not likely (based on literature reviews and professional knowledge), removal of dead and downed vegetation using equipment and methods that do not introduce ground disturbance beyond documented natural or historic disturbance. Within historic properties, this exemption can be used if the vegetation does not contribute to the significance of the historic property.
 - v. Non-mechanized post and pole harvesting or pre-commercial thinning (where cut timber, slash is hand scattered/piled and left) and non-commercial firewood or Christmas tree cutting, outside of areas known to contain indigenous features (e.g. wickiups, fences, corrals). Non-mechanized refers to the absence of conventional logging equipment but could involve the use of a pick-up or UTV to access the project area and tree cutting/thinning with a chain saw.
 - vi. Vegetation management activities where trees are to be removed from areas determined by the cultural resource specialist to involve slopes exceeding 30 degrees and where the occurrence of historic properties is exceedingly rare based upon a records check.
- b. Prescribed burns which have a low potential to affect historic properties due to the low intensity of the fire; in areas lacking potential for at-risk properties such as rock imagery or standing architecture; and which do not require ground disturbance (i.e. the fire line is mowed or using existing breaks), including but not limited to:
- i. Burning of historic (100 year) flood plains and riparian areas in the National Wildfire Coordinating Group's grass and brush fuel models 1, 3, and 5 where no eligible wooden features are known.
 - ii. Burning of tree or shrub piles during timber management or fuels reduction activities in areas where the potential to affect historic properties is negligible and where burning will be conducted in a manner designed to minimize potential for sub-surface soil impacts.
- c. Planting, seeding, and mowing activities:
- i. Machine mowing of low shrubs where mowing blades are set at 10 inches or higher above the ground surface.
 - ii. Mowing grass and brush for fire breaks and maintenance within existing ROW.
 - iii. Mechanical seeding for habitat restoration on newly acquired lands previously disturbed by historic farming practices, where no disturbance will occur (vertically or horizontally) outside of the historic plow zone.
 - iv. Broadcast seeding, including aerially.
 - v. Revegetation planting by hand and where such activities would not affect the integrity of historic properties if present.
 - vi. Slope stabilization including reseeding with native seeds, replanting with native plants and/or grasses, placement of straw bales, wattles, and felling of dead trees when the root ball is left intact and in situ.
- d. Herbicide or pesticide application in areas unlikely to affect historic properties, standing architecture, or rock imagery:
- i. Herbicide treatment methods that do not cause new ground disturbance.
 - ii. Herbicide application, including application by off-road utility terrain vehicle (UTV), where it would be unlikely to affect historic properties.

1 **8. Wildlife/Fish Habitat**

- 2 a. Modification of existing fences, gates, grills, or screens to provide improved wildlife ingress
3 and egress outside of historic properties in previously surveyed areas.
- 4 b. Reintroduction of endemic or native species into their historical habitats or removal of
5 exotic and/or invasive species of animals or plants that are not historic features within
6 historic properties.
- 7 c. Animal traps and corrals in use for five days or less.
- 8 d. Authorization of installation of devices to protect raptors from electrocution on power poles
9 or similar structures that do not involve new surface disturbance.
- 10 e. Wildlife or fisheries improvements confined to stream channels that will not disturb
11 adjacent stream terraces and/or intact, over-bank soil deposits. These actions only include
12 invasive species removal, hand planting for stream bank stabilization, sediment sampling,
13 installation of fish monitoring devices, and sediment control structures in the stream
14 channels when only the stream bed is impacted, no heavy equipment is used, and existing
15 vehicular access is used.

16
17 **9. Minerals**

- 18 a. Temporary placement of a pipeline above ground, where quality control is ensured through
19 maintenance stipulations in the authorizing permit to avoid leakage or bursts.
- 20 b. Approval of modifications to, or variances from, activities authorized in an approved mine
21 plan of operations that do not involve additional surface disturbance or affect historic
22 properties based on adequate cultural resource survey.
- 23 c. Mine plan of operations or mineral operating plans involving work in areas that were
24 previously inventoried to current standards and that do not contain historic properties.
- 25 d. Permit reissuance, continued development, operations, and reclamation of materials in
26 existing borrow sites/quarries where the activity is entirely within previously approved areas
27 of disturbance and are covered by adequate cultural resource inventory.
- 28 e. Use of existing material source sites where no expansion of the source or the existing
29 footprint will occur.
- 30 f. Geophysical activities limited to existing disturbance and/or pedestrian traffic only.
- 31 g. Seismic surveys conducted on existing, maintained roads:
- 32 i. Where no disturbance beyond the vertical and horizontal limits of previous construction
33 or disturbance will occur;
- 34 ii. Which involve no use of explosives, grading, or other land modifications, and resulting in
35 no appreciable disturbance or compaction of vegetation, soils, or desert pavement by
36 vehicle movement or other means; and
- 37 iii. Which will not take place where known standing historic or prehistoric structures or
38 rock imagery occur within 300 feet.
- 39 h. Time limited and/or project specific use of non-designated historic mine access routes for
40 abandoned mine lands closure activities.
- 41
42
43

1 **10. Range Management**

- 2 a. Transfer or minor modifications/renewals of grazing leases/permits and other permit
3 administrative actions where the BLM archaeologist has determined that the changes will
4 have no adverse effect on historic properties.
- 5 b. Range improvements similar in scale and scope to the following:
6 i. Installing cattle guards or gates within the existing road prism and/or established trail.
7 ii. Temporary corrals and traps located in areas previously disturbed and for which a BLM
8 cultural resource specialist determines that new disturbances are not likely to affect
9 unrecorded cultural resources.
10 iii. Stock or wildlife water lines laid on the surface that do not require excavation or other
11 surface disturbance.
- 12 c. Maintaining or removing existing range improvement projects such as spring boxes,
13 pipelines, fences, and water troughs that cannot be assigned an original construction date
14 but whose indications are that the features are less than 50 years in age or lack integrity due
15 to recent changes in character from continued maintenance activities, and where no new
16 surface disturbance is proposed outside the boundaries of the previously disturbed areas.
- 17 d. Maintenance, replacement, repair, and/or minor modifications to existing fence lines that
18 do not require disturbance beyond placement of posts and hand removal of vegetation, and
19 the action will not result in new concentrations of animals or creation of two track trails
20 from vehicles.
21

Colorado State Protocol
APPENDIX D: STANDARD AREAS OF POTENTIAL DIRECT EFFECT

Pursuant to [Stipulation IV.B.2](#) of the Protocol, BLM and SHPO have consulted on the following standard areas of potential direct effect for common types of undertakings. The standard APEs listed below represent and are specific to the geographic extent within which an undertaking may cause direct effects to historic properties. When defining the area of potential effect (APE) for an undertaking, BLM will also consider indirect and cumulative effects for an undertaking. These effects may result in a larger, overall APE for an undertaking than those limited to direct effects covered by this Appendix.

While an APE defines the maximum area within which effects may occur, the APE does not in itself establish the inventory area. Identification and evaluation efforts are commensurate with the nature and scope of the undertaking and are focused on those historic properties whose integrity could reasonably be affected by the undertaking, consistent with 36 CFR § 800.4.

In certain circumstances, even though an undertaking may have a standard APE listed below, the BLM manager, at the recommendation of the cultural resource specialist, may determine that a larger APE is warranted; consultation with SHPO is not required when expanding an APE beyond those listed here. For undertakings where a field office proposes an APE smaller than the standards in this appendix, SHPO consultation is required pursuant to [Stipulation IV.B.3](#). For all other APEs, including those for undertakings not listed below, the BLM cultural resource specialist will consult with SHPO pursuant to Stipulation IV.B.3.

The determination of information needs and level of inventory for an APE will follow [Stipulations IV.C](#) and [IV.D](#).

See [Appendix A](#) for definitions of terms used in this appendix.

1. Rights-of-Way

Rights-of-way (ROW) actions may be included within other operations in this Appendix.

- a. The direct APE for all ROW actions shall include a standard 30-meter buffer on all proposed areas of disturbance (e.g. staging areas, temporary use areas, parking areas, turnouts, helicopter landing areas, above-ground infrastructure, etc.) unless detailed below.
- b. The APE for visual effects for all tower(s) is the area from which the tower(s) will be visible:
 - i. Within a half-mile radius from the tower site(s) if the proposed tower(s) is/are 200 feet or less in overall height;
 - ii. Within a three-quarter-mile radius from the tower site(s) if the proposed tower(s) is/are more than 200 but no more than 400 feet in overall height; or
 - iii. Within a 1.5-mile radius from the proposed tower site(s) if the proposed tower(s) is/are more than 400 feet in overall height.
- c. Buried pipelines and transmission lines: proposed construction ROW plus 15 meters on either side.
- d. Conduit pulling or cable blowing: 30-meter radius around each access point.

- e. Above-ground pipelines and transmission lines.
 - i. Twice the area of the construction right-of-way.
 - ii. For transmission lines, the direct APE for visual effects is the same as 1.b. above.
- f. Operations and Maintenance
 - i. Replacing transmission structures:
 - 1. In kind: the area of disturbance plus a 15-meter buffer and associated construction/disturbance as described in 1.a. above.
 - 2. Change in appearance and/or increase in height: the area of disturbance plus a 15-meter buffer and associated construction as described in 1.a. above. The direct APE for visual effects is the same as 1.b. above.
 - ii. Removing structures: the area of disturbance and associated /disturbance as described in 1.a. above.
 - iii. Maintaining routes: see 2. Routes below.
 - iv. Vegetation management: area proposed for treatment and access not on established routes, plus a 15-meter buffer.
- g. Proposed communication sites/towers: facility footprint and associated construction/disturbance as described in the 1.a. above. The APE for visual effects is the same as 1.b. above.

2. Routes

- a. Maintenance of existing routes: 15 meters on each side of the centerline.
- b. Construction of newly proposed routes: 60-meter corridor centered on the centerline, unless the Field Office Resource Management Plan (RMP) identifies a different distance, then follow the RMP.

3. Vegetation, Fuels, and Forestry Management

- a. Mechanical thinning of vegetation including logging and non-mechanical thinning: area identified for treatment, staging areas, and access not confined to established routes, as proposed in the implementation-level NEPA document.
- b. Prescribed burns not included in screened undertakings ([Appendix C](#)): area identified for treatment, staging areas, and access not confined to established routes, as proposed in the implementation-level NEPA document.
- c. Invasive species removal and noxious weed control: treatment area plus a 15-meter buffer.

4. Minerals

- a. Oil and Gas Operations
 - i. Single wells: 10 acres centered on the drill hole (for which identification must use Class III inventory if not previously conducted), plus a half mile visual buffer.
 - ii. Well pads with multiple drill holes: 40 acres (for which identification must use Class III inventory if not previously conducted), plus a one mile visual buffer.
 - iii. Access routes: see 2. Routes above.
- b. Geophysical Operations
 - i. 30-meter radius around each shot point.

- ii. 90-meter radius around each shot point near a canyon rim or rock/cliff face, or in areas otherwise identified during the literature review as having high potential for standing structures and/or rock imagery.
 - iii. 30-meter-wide swath (15 meters on either side of centerline) on all source lines, receiver lines (if vehicles will be driven down the receiver lines), and access routes.
 - iv. 90-meter-wide corridor on all source lines/points that are located along canyon rims or rock/cliff faces, or in areas otherwise identified during the literature review as having high potential for standing structures and/or rock imagery.
 - v. All helicopter landing zones, staging areas, parking areas for vibroseis vehicles, or other locations of surface disturbance, plus a 15-meter buffer.
- c. Geotechnical bore holes: 150-meter diameter area centered on the borehole.
- d. Plans of Operation
- i. Mining: plan area plus a 15-meter buffer beyond the plan boundary. Identification efforts will focus on proposed and future surface disturbance over the life of the permit. Includes a visual buffer of one quarter mile.
 - 1. Gravel/sand/stone/barrow pits and quarries: total disturbance area plus a 15-meter buffer beyond the proposed disturbance. Includes a visual buffer of one quarter mile to capture changes to the viewshed, as well as noise, dust, and vibrations.
- e. Exploration Plans
- i. Drill pads: 10 acres centered on the drill hole.
 - ii. Other associated exploration disturbance such as trench pits, staging areas, laydown yards, utility corridors, water lines, equipment parking areas, etc.: extent of disturbance plus a 15-meter buffer.
 - iii. Temporary route construction and existing route improvements: 15 meters on each side of the centerline.
- 5. Reclamation and Hazardous Material Removal**
- a. Mine safety closures: all ground disturbance associated with closure activities, plus a 15-meter buffer.
 - b. Hazardous material removal: clean-up area plus a 15-meter buffer.
 - c. Waste rock pile stabilization, vegetation, regrading or contouring: pile footprint plus a 30-meter buffer.
- 6. Range Management**
- a. Range permits and permit renewals: all BLM-administered land within external boundaries of the allotment(s). Class III inventory should focus on high livestock concentration areas.
 - b. Corrals/handling facilities, including wild horse and burro temporary traps and holding areas: footprint plus a 15-meter buffer.
 - c. Trailing areas: 60-meter corridor centered on the proposed trailing area.
 - d. Grazing infrastructure
 - i. New fence lines: 15 meters on each side of the fence line.
 - ii. Existing stock ponds, stock tanks, and watering troughs: minimum one acre centered on the watering area, to include where livestock concentration is apparent on the ground.

- 1 iii. New water developments including reservoirs, stock tanks, and wells: footprint of
- 2 disturbance plus a 60-meter buffer for open water sources where livestock may
- 3 congregate.
- 4 1. For wellheads with no immediate water source: 15 meters centered on the
- 5 wellhead.
- 6 iv. Water pipelines: 15 meters centered on the alignment. May cross historic properties if
- 7 lain on the surface.

9 **7. Recreation**

- 10 a. Trailheads/parking areas/campgrounds/picnic areas/day use facilities: Footprint plus a 60-
- 11 meter buffer, and a half mile visual buffer.
- 12 b. Special Recreation Permits that authorize ground disturbance and re-occurring non-
- 13 dispersed camping: footprint plus a 15-meter buffer.
- 14 c. Kiosk or interpretative panel outside of existing disturbance: footprint plus a five-meter
- 15 buffer.

17 **8. Wildlife/Fish Habitat**

- 18 a. Fence construction/modification for wildlife, including removal: fence alignment plus 15
- 19 meters on either side.
- 20 b. Big game or wildlife exclosures: fence alignment/gate plus 15 meters on either side.
- 21 c. Wildlife water developments/catchments/guzzlers: footprint plus a 30-meter buffer.

23 **9. Ecological Restoration and Rehabilitation**

- 24 a. Streambank stabilization work: work area plus a 15-meter buffer.
- 25 b. Spring restoration/protection: spring source, collection boxes, fencing, pipelines, access,
- 26 and staging plus a 60-meter buffer.
- 27 c. Watershed and hydrologic restoration projects such as erosion control, slope stabilization,
- 28 and wet meadow and riparian restoration projects: treatment area plus a 30-meter buffer.
- 29 Where restoration activities may alter drainage patterns, sediment movement, or surface
- 30 and subsurface hydrology, the BLM will extend the APE upstream or downstream as
- 31 necessary to capture anticipated impacts without further SHPO consultation.

Colorado State Protocol
APPENDIX E: RESOURCE TYPES EXCLUDED FROM FULL RECORDING

Formal documentation of the resource types listed below is not required due to the limited data potential they provide and the repetitive nature of their existence. Existence of these defined resource types within the survey area may be summarized in the project report. If any of these property types exhibit significant architectural or engineering features or would contribute to a National Register eligible site, district, or landscape, they will be recorded on OAHP forms. *Professional judgment and common sense should be applied; there may be exceptions that warrant recording a specific site that falls in a category in this list.*

In general, Smithsonian numbers will not be assigned to the following resource types:

1. Linear site types recommended as excluded from recordation in the OAHP's [*Walking the Line: Guidance for Identification, Evaluation, and Field Recordation of Historic Linear Sites in Colorado*](#).
2. Site types recommended as not being fully recorded in the [*Colorado Cultural Resource Survey Manual*](#).
3. Historic natural gas pipelines, as identified in [*ACHP's 2008 exemption*](#).
4. Isolated stock ponds, stock dams, troughs, spring boxes, and windmills.
5. Elevation, bench, and section markers (i.e. all survey or cadastral markers).
6. Car banks (i.e., the use of abandoned cars, farm machinery, appliances, etc. to stabilize riverbanks, stream banks, or drainages).
7. Rip-rap (i.e., the use of cobbles, rock, or wood to stabilize riverbanks, stream banks, or drainages).
8. Abandoned motorized vehicles, appliances, and mobile homes.
9. Isolated artifacts not in situ due to disturbance, erosion, etc.
10. Isolated historic refuse deposits with only surficial deposits containing minimal diagnostic artifacts that provide only generic a range of dates and represent limited time use. These must be associated with generalized events or themes such as mining, logging, ranching, recreation, or hunting, that provide no significant information. These deposits cannot be connected to structures or features that suggest functions other than refuse disposal and be associated with specific persons, places, or events.

A cultural resource specialist will review existing information to confirm that these refuse deposits are not within a district or landscape which includes these features as contributing features.

- a. If these features are considered contributing to the district or landscape, an OAHP form will be used.
- b. If these features are not considered contributing to the eligibility of the district/landscape (based on historic contexts, previous documentation of similar features in the same landscape) they will be listed in a table in the report with location data and measurements and a brief description and will be mapped in the report appendix.

- 1 11. Rock inscriptions, carvings, or paintings less than 50 years old.
- 2 12. Cairns in direct association with in-use or recent recreational trails (i.e. not associated with a
- 3 historic property) and showing no signs of significant age or purpose other than as a trail marker
- 4 (e.g., uniform lichen growth showing an age of ca. 30+ years, large size, etc.).
- 5 13. Sites primarily associated with the construction, modification, or maintenance of infrastructure
- 6 projects that are themselves exempt from recording or further consideration in the Section 106
- 7 processes under the Protocol or other authorities (e.g., most segments of the Interstate
- 8 Highway System).
- 9 14. Modernized oil/gas wells and dry hole markers (“monument” spires).
- 10 15. Isolated temporary sawmill sites, slash piles, isolated woodpiles, and axe-cut stumps.
- 11 16. Isolated features associated with historic mineral exploration or mining. These must be a single
- 12 locus, containing minimal artifacts in immediate vicinity (less than 50), not associated with a
- 13 specific mine/mining complex, or more than 10 cubic yards of waste rock material.
- 14 A cultural resource specialist will review existing information to confirm that the feature is not
- 15 within a historic mining district or landscape which includes these features as contributing
- 16 features.
- 17 a. If these features are considered contributing to the district or landscape, an OAHP form will
- 18 be used.
- 19 b. If these features are not considered contributing to the eligibility of the district/landscape
- 20 (based on historic contexts, previous documentation of similar features in the same
- 21 landscape) they will be listed in a table in the report with location data and measurements
- 22 and mapped in the report appendix.
- 23 17. Now-historic vegetation treatments and other formerly routine landscape modifications (e.g.,
- 24 salinity control projects), especially those already documented in official records like in the
- 25 Rangeland Improvement Project System or NEPA files, and those whose physical traces are
- 26 already recorded with existing QL2 or better lidar coverage.
- 27 18. Routine infrastructure or land use projects (e.g., gas pipelines, bladed temporary use areas,
- 28 recreational trails, vibroseis transects, etc.) that were themselves undertakings subject to
- 29 Section 106 consultation and are represented in cultural resources databases without further
- 30 documentation (generally dating after 1970 and mostly after 1976).



APPENDIX F: SAMPLE INFORMATIONAL LETTER

United States Department of the Interior BUREAU OF LAND MANAGEMENT



<Field Office>
<Address Line 1>
<City>, CO <Zip code>
<FO website>

In Reply Refer To:

8100 (<FO Code>)

SECTION 106 INFORMATIONAL LETTER (UNDER BLM PROTOCOL)

<Name of SHPO>

State Historic Preservation Officer

History Colorado

1200 Broadway

Denver, CO 80202

Undertaking Name:

County(ies):

BLM Cultural Resources Project Number:

SHPO Document Number:

NEPA Number:

Report Type: <Negative, Limited Results, Full Length>

<Explain undertaking, APE, cultural resources, determinations of eligibility, and finding of effect.>

Pursuant to the Protocol Agreement between the Colorado BLM and SHPO, this undertaking does not exceed any of the review thresholds that would require SHPO concurrence, and there will be <no historic properties affected/no adverse effect>. Please do not hesitate to contact us if you have any questions.

BUREAU OF LAND MANAGEMENT, <FIELD OFFICE>

BY FIELD OFFICE ARCHAEOLOGIST

DATE

BY FIELD OFFICE MANAGER

DATE



APPENDIX G: SAMPLE CONCURRENCE LETTER

United States Department of the Interior
BUREAU OF LAND MANAGEMENT



<Field Office>
<Address Line 1>
<City>, CO <Zip code>
<FO website>

In Reply Refer To:

8100 (<FO Code>)

SECTION 106 CONCURRENCE LETTER
(UNDER BLM PROTOCOL)

<Name of SHPO>

State Historic Preservation Officer

History Colorado

1200 Broadway

Denver, CO 80202

Undertaking Name:

County(ies):

BLM Cultural Resources Project Number:

SHPO Document Number:

NEPA Number:

Advisory Council Involvement: <Yes or No>

Mitigation Document Enclosed: <None, Draft MOA/PA, or Draft Treatment Plan>

<Explain undertaking, APE, cultural resources, determinations of eligibility, and finding of effect.>

Pursuant to the Protocol between the Colorado BLM and SHPO, we request that you review the enclosed documentation. If you concur with our determinations as described herein, please sign and return the letter to this office within ten business days. If you disagree with any of our determinations, we encourage you to add your comments following the signature lines or attach additional pages as necessary. Please do not hesitate to contact us if you have any questions.

BUREAU OF LAND MANAGEMENT, <FIELD OFFICE>

BY FIELD OFFICE ARCHAEOLOGIST

DATE

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BY FIELD OFFICE MANAGER DATE

The Colorado SHPO concurs with BLM’s determinations.

COLORADO STATE HISTORIC PRESERVATION OFFICE

BY DATE

COMMENTS:



APPENDIX H: SAMPLE DOCUMENTATION SUBMISSION LETTER

United States Department of the Interior BUREAU OF LAND MANAGEMENT



<Field Office>
<Address Line 1>
<City>, CO <Zip code>
<FO website>

In Reply Refer To:

8100 (<FO Code>)

DOCUMENTATION SUBMISSION LETTER (UNDER BLM PROTOCOL)

<Name of SHPO>

State Historic Preservation Officer

History Colorado

1200 Broadway

Denver, CO 80202

Project Name:

County(ies):

BLM Cultural Resources Project Number:

SHPO Document Number:

NEPA Number: <N/A or Number>

Project Type: <Cancelled Section 106, Delayed Section 106>

<Explain project. If the project was initiated under Section 106, explain why it is no longer or currently not an undertaking. Reiterate that BLM will submit the appropriate letter (informational or concurrence) if the project resumes.>

Pursuant to the Protocol Agreement between the Colorado BLM and SHPO, this letter transmits documentation of a <cancelled/delayed Section 106 project>.

BUREAU OF LAND MANAGEMENT, <FIELD OFFICE>

BY FIELD OFFICE ARCHAEOLOGIST

DATE

APPENDIX I: STANDARD DISCOVERY PLAN

Introduction

This appendix serves as a standard discovery plan for Federal undertakings authorized by the BLM under this protocol and its appendices and may be used if there are post-review discoveries or as guidance if developing an undertaking-specific discovery plan. This standard discovery plan is optional and may not be applicable in all circumstances or for all BLM undertakings.

Surface disturbing activities have the potential to affect historic properties through unanticipated, post-review discoveries. Post-review discoveries typically occur when previously undetected cultural resources are exposed during construction or other permitted surface disturbing activities, but after the Federal agency has completed the Section 106 process. Cultural resources may be discovered by construction personnel, an archaeological monitor, a BLM inspector, or others who may be present during construction activities.

This discovery plan is intended to address typical cultural resources such as archaeological sites, historic buildings and structures, artifacts, as well as the discovery of a previously unknown portion of a historic property or other cultural materials that are most likely to be discovered during surface disturbing activities. Discoveries can also take other forms including activities that go beyond permitted boundaries and encroach upon a historic property or an unevaluated site, and/or activities that cause unexpected additional effects (physical, visual, audible, or atmospheric effects) to a historic property.

This standard discovery plan *does not* apply to the discovery of human remains or cultural items under the Native American Graves Protection and Repatriation Act (NAGPRA). Under the implementing regulations of NAGPRA, before any planned activity that is likely to result in a discovery or excavation of human remains or cultural items, a plan of action, separate from a discovery plan under NHPA, is required (43 CFR § 10.4(b)).

I. Undertaking Specific Discovery Plan

The BLM encourages development of undertaking-specific discovery plans for large and complex undertakings and those involving land disturbance in areas suspected to contain buried cultural resources. BLM will send undertaking-specific discovery plans along with BLM's documentation for the undertaking as specified in [Stipulation VIII.B.](#) of this Protocol.

A. Undertaking-specific discovery plans must include, at a minimum, the following components:

1. Discussion of the methods that will be used during monitoring;
2. Process the consultant will follow to notify BLM in the event of a discovery;
3. Testing and evaluation strategy; and
4. Reporting methods and consultation process.

B. When an undertaking-specific discovery plan has been accepted by the BLM and SHPO, the BLM will reference the plan in the project stipulations (conditions of approval, terms and conditions, etc.). The BLM will follow the plan when cultural resources are discovered during implementation of the undertaking. The BLM shall take prudent and feasible steps to ensure that the undertaking does not further harm the cultural resource until treatment is completed in accordance with the discovery plan.

II. Discoveries

- A. If cultural remains, or possible cultural remains, are discovered during surface disturbing activities, all activities will be halted immediately within a minimum of 30 meters of the discovery. The discovering party will immediately notify the agency official of the discovery. The BLM will notify the SHPO of the discovery by telephone and/or email as soon as possible, but no later than two business days after receiving the initial notification. A reasonable effort will be made to secure and stabilize the discovery until it can be evaluated by the BLM cultural resource specialist or a BLM-permitted archaeological consultant.
1. Construction activities may continue in other areas of the project beyond a minimum of 30 meters from the discovery but may be subject to an archaeological monitor at the agency official's discretion.
- B. The BLM cultural resource specialist or a BLM-permitted archaeological consultant will determine if the discovery is cultural and, if so, record and evaluate the discovery and make a recommendation of NRHP eligibility and effect. Minor subsurface probing (e.g. trowel or shovel tests) may be necessary to determine the extent of the cultural materials. Any more intensive evaluative testing will require a limited testing and/or excavation permit.
- C. The BLM will notify the appropriate Indian Tribes and other consulting parties at this time.
- D. The results will be reported following the BLM Guidelines and OAHP Survey Manual. The BLM will make the determination of eligibility and effect and will submit documentation to the SHPO as specified below.

1. Discovered Property is Not Eligible

If the BLM determines that the discovery is not eligible for inclusion in the NRHP or the historic property is not affected by the undertaking, a "no historic properties affected" determination will be made. The BLM will submit the documentation to SHPO as specified in [Stipulation V.A.](#) of this Protocol. The agency official will issue a written notice to proceed to the project applicant, and construction will be allowed to resume in the area of the discovery. Additional construction activities may be subject to an archaeological monitor at the agency official's discretion.

2. Discovered Property is Eligible

- a. *No Adverse Effect*: If the BLM determines that the overall cultural resource is eligible for inclusion in the NRHP and that the discovery and continued implementation of the undertaking will not adversely affect the historic property, a "no adverse effect" determination will be made. The BLM will submit the documentation to SHPO as specified in [Stipulation V.A.](#) of this Protocol. The agency official will issue a written notice to proceed to the project applicant, and construction will be allowed to resume in the area of the discovery. Additional construction activities may be subject to an archaeological monitor at the agency official's discretion.
- b. *Adverse Effect*: If the BLM determines that the discovery is eligible for inclusion in the NRHP or that it contributes to the eligibility of a known historic property, and was adversely affected by the undertaking, a determination of "adverse effect" will be made. The BLM will submit the documentation to the SHPO for concurrence. If

1 the SHPO does not respond within two business days, the BLM may assume
2 concurrence with the determinations of eligibility and effect.

3 i. A data recovery or other treatment plan will be required and may be submitted
4 concurrently with the determinations of eligibility and effect.

5 E. Following an adverse effect determination, the project applicant will develop a data recovery
6 or other treatment plan. As appropriate, data recovery or other treatment plans should
7 contain provisions for continued stabilization and/or protection of the resource until the
8 appropriate plan can be implemented.

9 F. The BLM will consult with the SHPO on the plan and is encouraged to informally consult on
10 the plan prior to formal submission. The SHPO will have three business days to review and
11 comment on the plan but may request a longer time frame if needed.

12 1. The BLM will notify affected Tribes and consulting parties of the data recovery or
13 treatment plan at the same time that it is submitted to the SHPO.

14 2. Upon SHPO concurrence with the data recovery or treatment plan, the BLM will notify
15 the project applicant that the plan is acceptable. The archaeological consultant working
16 for the project applicant will notify the BLM, using the fieldwork notification procedures
17 of the data recovery or treatment plan.

18 G. When the agreed upon resolution of adverse effects has been completed, the agency official
19 will issue a written notice to proceed to the applicant, and construction will be allowed to
20 resume in the area of the discovery. Construction activities may be subject to terms or
21 conditions for continued construction in the area. Additional construction activities may be
22 subject to an archaeological monitor at the agency official's discretion.

APPENDIX J: LIST OF BLM COLORADO INSTRUCTION MEMORANDA RELATED TO NHPA

IM CO-2002-029: Interim Historic Preservation Guidelines and Procedures for Evaluating the Effect of Rangeland Management Activities on Historic Properties

IM CO-2025-002: Cultural Resource Standards and Guidelines for Renewal or Issuance of Certain Right-of-Way Grants and Temporary Use Permits

APPENDIX K: LIST OF BLM COLORADO EXISTING AGREEMENTS

BLM Office(s)	Name	Expiration date
State Office	Programmatic Agreement among the U.S. Department of the Interior – Bureau of Reclamation, Bureau of Land Management, the U.S. Department of Agriculture – Natural Resources Conservation Service, the U.S. Department of Agriculture – Forest Service Rocky Mountain Region, the U.S. Department of the Interior Fish and Wildlife Service – Mountain – Prairie Region, the Colorado State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding the Management of Water Control Features in the State of Colorado	5/12/2032
State Office	Programmatic Agreement among the United States Department of Interior, Bureau of Land Management, the Arizona State Historic Preservation Officer, the California State Historic Preservation Officer, the Colorado State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, the Nevada State Historic Preservation Officer, the Utah State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding Solar Energy Development on Lands Administered By the Bureau of Land Management	9/7/2032
State Office	Programmatic Agreement among the Western Area Power Administration; the Colorado, Montana, Nebraska, New Mexico, Utah, and Wyoming State Historic Preservation Officers; the Crow Tribe of Montana; the Eastern Shoshone Tribe of the Wind River Reservation, Wyoming; the Navajo Nation, Arizona, New Mexico, & Utah; the Northern Arapaho Tribe of the Wind River Reservation, Wyoming; and the Ute Mountain Ute Tribe regarding National Historic Preservation Act Section 106 Compliance for Maintenance of Existing Western Area Power Administration Facilities and Associated Access Roads in Colorado, Montana, Nebraska, New Mexico, Utah, and Wyoming	7/24/2035
Canyons of the Ancients National Monument	Programmatic Agreement among the United States Department of Interior, Bureau of Land Management Canyons of the Ancients National Monument, the Advisory Council on Historic Preservation, and the Colorado State Historic Preservation Office regarding the Proposed Issuance of Grazing Permits for the Yellow Jacket and Flodine Park Allotments, Montezuma County, Colorado	12/18/2032
Kremmling Field Office	Memorandum of Agreement for the Windy Gap/Gore Canyon Land Exchange (2007)	None

BLM Office(s)	Name	Expiration date
Kremmling Field Office	Memorandum of Agreement among the Advisory Council on Historic Preservation, Bureau of Land Management, the Colorado State Historic Preservation Office, Galloway, Inc., and the Grand County Land Conservancy regarding the Eagle Pass Ranch Land Exchange (1997)	None
Kremmling Field Office	Memorandum of Agreement among Bureau of Land Management Kremmling Field Office, Colorado State Historic Preservation Officer and Union Cellular Telephone Company regarding the Placement of the Union Cellular Communication Site on Owl Ridge, Jackson County, Colorado Project (2011)	None
Little Snake Field Office	Programmatic Agreement among the Bureau of Land Management, the Advisory Council on Historic Preservation, and the Colorado State Historic Preservation Officer regarding Implementation of the King Mountain Land Exchange (1993)	None
Little Snake and White River Field Offices	Programmatic Agreement among the Bureau of Land Management; the USDA Forest Service; the Wyoming State Historic Preservation Officer; the Colorado State Historic Preservation Officer; the Utah State Historic Preservation Officer; the Bureau of Indian Affairs; the National Park Service; the U.S. Army Corps of Engineers, Sacramento District; the U.S. Fish and Wildlife Service; the Ute Tribe of the Uintah and Ouray Reservation; and Rocky Mountain Power regarding Compliance with the National Historic Preservation Act for the EGS Transmission Project	12/8/2031
Little Snake and White River Field Offices	Programmatic Agreement among the Bureau of Land Management, the Western Area Power Administration, the USDA Forest Service, the National Park Service, Intermountain Region, the Bureau of Reclamation, Upper and Lower Colorado Regions, the Bureau of Indian Affairs, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, Sacramento District, the Advisory Council on Historic Preservation, the Ute Tribe of the Uintah and Ouray Reservation, the Moapa Band of Paiute Indians, the Wyoming State Historic Preservation Officer, the Colorado State Historic Preservation Officer, the Utah State Historic Preservation Officer, and TWE LLC, regarding Compliance with the National Historic Preservation Act for the TWE Transmission Project	10/18/2031

BLM Office(s)	Name	Expiration date
Little Snake, Tres Rios, Uncompahgre, and White River Field Offices	Programmatic Agreement among the Bureau of Land Management Little Snake Field Office, Tres Rios Field Office, Uncompahgre Field Office, White River Field Office, the Colorado State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding the Bureau of Land Management's National Historic Preservation Act Responsibilities for Travel Management Plans in Delta, Dolores, Garfield, Hinsdale, Mesa, Moffat, Montrose, Ouray, Rio Blanco, Routt, San Juan, and San Miguel Counties, Colorado	2/19/2030
San Luis Valley Field Office	Programmatic Agreement among the Rio Grande National Forest, the San Luis Valley Field Office Bureau of Land Management, and the Colorado State Historic Preservation Office regarding Implementation of the La Garita Hills Restoration Project	6/7/2031
San Luis Valley Field Office	Memorandum of Agreement among the Bureau of Land Management San Luis Valley Field Office, the Colorado State Historic Preservation Office, and the Advisory Council on Historic Preservation regarding the Pronghorn Trails System, Rio Grand County, Colorado	12/19/2027
Tres Rios Field Office	Memorandum of Agreement among the Bureau of Land Management Tres Rios Field Office, the Advisory Council on Historic Preservation, and the Colorado State Historic Preservation Officer regarding the Phil's World 1.0 Existing Trails in Montezuma County, Colorado	10/13/2027

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1	Landowner Signature	Date
2	Special instructions from landowner: _____	
3	_____	
4	_____	
5	_____	

**APPENDIX M: GUIDELINES AND PROCEDURES FOR INVENTORY, EVALUATION, AND
TREATMENT OF CULTURAL RESOURCE SITES**

**APPENDIX N: BUREAU OF LAND MANAGEMENT COLORADO CULTURAL RESOURCES DIGITAL
DATA SPECIFICATIONS GUIDE**