

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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EMS Transmission 03/02/99  
Instruction Memorandum No. CO-99-019  
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To: All Field Offices

From: Deputy State Director, Resource Services

Subject: Additional Interim Historic Preservation Guidelines for Rangeland Management Programs

This directive provides clarification of certain issues related to the management of historic properties potentially affected by grazing and is an addendum to Instruction Memorandum IM-CO-99-007, dated December 4, 1998. Because the negotiation of a range management amendment to the state protocol agreement with the Colorado State Historic Preservation Office will commence on March 2, 1999, this memorandum should be considered interim guidance. It is issued in order to elucidate application of the Section 106 process to grazing authorizations and to provide direction regarding the inclusion of stipulations in grazing permits.

As defined by the National Historic Preservation Act (NHPA) and 36 CFR Part 800, authorization of certain grazing activities on public land can be construed as an "undertaking;" i.e., as a project, activity, or program, under a federal agency's jurisdiction, which is capable of causing changes in the character or use of any historic properties that might be present.

When an agency determines that a proposal meets the threshold for "undertaking," it follows a process to determine whether the undertaking would actually have an effect on historic properties and, if so, what could be done about it. The process includes the following discrete steps:

- Determining the area of potential effects,
- Determining the appropriate means of identifying historic properties; (i.e., cultural resources that are in or eligible for the National Register of Historic Places) within the area of potential effects,
- Determining whether any aspect of the undertaking is likely to have an effect by changing the character or use of such historic properties,
- Determining whether the effect would be adverse and, if so,
- Determining whether there is an appropriate means for avoiding, reducing, or mitigating adverse effects, proportionate to the nature and significance of the resources and the nature and severity of the effects.

There are no set answers for any of these steps, and no shortcuts. Each undertaking--each proposed grazing renewal--can be evaluated only in terms of its own characteristics.

Grazing is a mostly dispersed activity, with some areas of concentration. As a result, much of the process of evaluating each allotment for potential effects on historic properties can be completed using information gathered from maps and from literature reviews, as well as from knowledgeable range management specialists and the ranchers themselves. In some instances, sample (Class II) or intensive (Class III) cultural resources inventories might be necessary. However, because environmental conditions and cultural affinities can vary by location, each allotment must be analyzed individually, and generalizations about effects must be avoided. See IM-CO-99-007 for a detailed description of the process.

Likewise, attaching generalized stipulations to a permit should be limited to the discovery and protection of human remains and cultural or paleontological resources, unless specific instructions regarding a particular historic property located on an allotment are necessary. A standard stipulation might include the following language: "If human remains or historic, archaeological, or paleontological materials are found in the course of any allotment activities, the operator should refrain from further activities that might impact the materials and contact the BLM".

Stipulations that would obligate a permittee to provide professional staff work and mitigation measures should be placed in the NEPA document, since compliance with the NHPA is the responsibility of the federal agency (Bureau of Land Management). We cannot expect ranchers to possess the expertise necessary to identify, evaluate, or mitigate effects on cultural resources; however, when possible and desirable, cultural resource specialists should make efforts to educate those who are interested.

Please contact Rich Fike, Bureau of Land Management, Colorado State Archaeologist at (970) 240-5303, or Dave Strunk, Acting Cultural Heritage Program Lead at(303) 239-3731 for more information.

Signed by  
Dave Strunk  
Acting Deputy State Director,  
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Authenticated by  
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EMS Operator