

# **United States Department of the Interior**

## **Bureau of Land Management**

**Colorado State Office**

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Memorandum

To: Field Office Managers, Colorado

From: State Director, Colorado

Subject: Interim Historic Preservation Guidelines and Procedures for Evaluating the Effect of Rangeland Management Activities on Historic Properties

This Instruction Memorandum (IM) outlines the guidelines and procedures for evaluating the effect of issuing, renewing, and transferring grazing permits on historic properties. This memorandum supplements Washington Office (WO)-IM-99-039; Issuance of Grazing Permits in Compliance with Applicable Laws, Regulations, and Policy, dated December 23, 1998, in order to provide guidance specific to Bureau of Land Management (BLM) Colorado for compliance with Section 106 of the National Historic Preservation Act (NHPA). BLM Colorado will follow the basic steps outlined in WO-IM-99-039 that are being implemented in all BLM states. These basic steps are: (1) Native American consultation, (2) literature search, (3) survey, and (4) mitigation. This IM refines the guidance provided previously in IM-CO-99-007 and IM-CO-99-019. These guidelines and procedures outline a process to identify areas in grazing allotments where there may be adverse impacts to cultural resources, to assess those impacts, and to identify appropriate mitigation measures to treat adversely affected historic properties.

The attached guidelines and procedures clarify how the cultural analysis will proceed in evaluating impacts to historic properties and where cultural fieldwork will be conducted in grazing allotments.

The cultural fieldwork will focus only on areas where livestock concentrate that may have an adverse affect on historic properties. These areas are: (1) areas around permanent water, such as water tanks, lakes, and ponds (i.e., springs, rivers, streams, and artificial holding-facilities), (2) sheltered areas located in rock shelters and along rock faces with rock art, and (3) known permanent salt/mineral block locations.

The intent of this memorandum is to clarify requirements and help focus the work. The cultural and range staff are working diligently and cooperatively toward developing an effective and reasonable approach that satisfies our responsibilities under Section 106 of the NHPA. The cultural staff will be meeting annually to review and analyze the work to date and to further focus their efforts. The cultural fieldwork is being phased over a ten-year period, and each field office is expected to conduct fieldwork annually in order to achieve this goal.

The Protocol requires consultation with the State Historic Preservation Office (SHPO) in developing and finalizing these guidelines and procedures. The interim historic preservation guidelines and procedures outlined in the attached document will be formally submitted to SHPO for review and concurrence. We will use these guidelines and procedures to satisfy our responsibilities under Section 106 of NHPA until consultation with SHPO is completed. Questions regarding this IM may be addressed to Daniel Haas, Cultural Heritage Lead, Colorado State Office, at (303) 239-3647.

Signed by  
Ann J. Morgan  
State Director

Authenticated by  
Don Snow  
EMS Operator

cc: Field Office Archaeologists

# **Interim Historic Preservation Guidelines and Procedures for Evaluating the Effect of Rangeland Management Activities on Historic Properties**

## **I. General**

The procedures to be used in completing the Cultural Resource Assessment for grazing permit issuance, renewal and transfer are outlined in Sections II - VIII.

Range permit issuance, renewal, and transfer can occur without completing the cultural fieldwork identified during the Cultural Resource Assessment.

The BLM will continue to conduct Class III inventories for rangeland improvement projects involving ground disturbance. Examples include treatment locations that attract and concentrate livestock (e.g., water developments, fence construction, livestock handling facilities), construction areas, and vegetative manipulation (e.g., chaining and management ignited fire).

The BLM Colorado State Archaeologist will be available to the Cultural Staff and the Field Office Manager to ensure consistency and to provide technical, policy, or review assistance as needed.

The Cultural Staff will write the Cultural Resources section of the National Environmental Policy Act (NEPA) document and the National Historic Preservation Act (NHPA) documentation. The Cultural Resource Assessment will be summarized in the following sections of the NEPA document: (1) affected environment, (2) environmental consequences, and (3) mitigation measures (see Attachment 2 for example).

## **II. Native American Consultation**

Prior to the beginning of each fiscal year, the Field Office Manager will send a letter to the Tribes informing them of the plans and schedule for grazing permit issuance, renewal, and transfer; and inviting them to share their concerns, if any, with the grazing permits for the upcoming fiscal year. Tribes will be consulted on specific grazing permits where they express an interest, or you know that they have an interest in the identification of properties of traditional religious and cultural importance. Properties of traditional religious and cultural importance to an Indian tribe can be determined eligible for inclusion in the National Register of Historic Places (NRHP). The results of consultation must be documented in the Native American Religious Concerns section of the NEPA document. Any data that are deemed sensitive and not appropriate for a public document will be excluded.

## **III. Analysis of Existing Circumstances**

1. The Cultural Staff will conduct a Class I literature search of existing information on each allotment in the permit to identify known cultural resources and areas with a high potential for cultural resources. The review must be documented in the Cultural Resource Assessment Form (Attachment 3). Previous cultural reports and known cultural resources in an allotment are to be identified for the assessment, and it is optional to list them in the Literature Search Form (Attachment 3). These forms must be kept on file as part of the NEPA documentation. The Field Office will submit a summary of Cultural Resource Assessments to the State Historic Preservation Officer (SHPO) annually. The Cultural Resource Assessment Form will be submitted to the SHPO as an attachment to the Cultural Resource Report when the field work is completed.
2. The assessment will include a determination of areas where livestock concentrate. The Cultural Staff will consult with the Range Staff to identify these areas. The Cultural Staff may consult with other staff specialists, the ranchers, or use other pertinent records to assist in this effort.
3. The assessment will identify areas needing subsequent cultural fieldwork. Cultural inventory and field visits to historic properties will be conducted in areas where livestock concentrate that may have an adverse affect on historic properties. Historic property means any prehistoric or historic district, site, building, structure, or object included in, or "eligible" for inclusion in, the NRHP.
4. The following areas where livestock concentrate may have an adverse affect on historic properties; (1) areas around permanent water (i.e., springs, rivers, streams, and artificial holding-facilities, such as water tanks, lakes and ponds), (2) sheltered areas located in rock shelters and along rock faces with rock art, and (3) known permanent salt/mineral block locations.
5. The cultural section of the NEPA document will address the subsequent cultural fieldwork for the permit by allotment. The cultural fieldwork will be carried out during the ten-year term of the permit.

#### IV. Known Historic Properties

1. If a historic property is identified in an area of livestock concentration, the Cultural Resource Staff will determine whether the historic property is being affected.
2. Determinations of eligibility and effect will be made in a manner consistent with Sections VII - VIII of the Protocol Agreement.
3. If the BLM and the SHPO concur that a historic property will be adversely affected, BLM will follow procedures for treatment outlined in Section VIII C (3) of the Protocol Agreement.
4. Following approval of the treatment plan, BLM will treat adversely affected historic properties during the ten-year term of the permit.
5. The Field Office Manager will determine if the BLM or the grazing permittee/lessee will carry out the mitigation measures. The mitigation measures will be included in the terms and conditions of the permit or lease, if the permittee will be completing the work. If the BLM will be completing the work, the mitigation measures will be kept as part of the permit case file.

#### V. Unidentified Historic Properties

1. The Cultural Staff will conduct an inventory in areas where livestock concentrate that may have

an adverse affect on historic properties.

2. Sampling or Class III inventory will be used to identify historic properties. Sampling inventory will be applied to areas along rivers, streams and rock outcrops, where areas of livestock concentration occur, but have not been precisely located. Class III inventory will be conducted in known areas of livestock concentration, for example, around springs, water tanks and permanent salt/mineral block locations.

3. BLM will test the accuracy of the inventory strategy by examining areas where it is not predicted or observed that livestock concentrate. Randomly selected areas or those that are to be inventoried for other BLM projects may serve this purpose.

4. If a historic property is identified during inventory and monitoring, the Cultural Resource Staff will follow the procedures outlined for known historic properties.

#### VI. Monitoring

1. Each Field Office will monitor the long-term effects of grazing on known historic properties. These may include long term studies or annual visitation, as determined by the Cultural Resource Staff.

2. The Cultural Staff may monitor historic properties to assure that site treatment and mitigation were implemented.

3. Monitoring includes scheduled field visits to document site condition using appropriate Colorado site forms, narrative information, photographs, and relevant maps.

4. If a historic property is identified during monitoring, the Cultural Resource Staff will follow the procedures outlined for known historic properties.

#### VII. Stipulations

1. The grazing permit will include general stipulations limited to the discovery and protection of human remains and cultural or paleontological resources, unless specific instructions to the permitted regarding a particular historic property located in an allotment are needed.

#### VIII. Scheduling Field Work

1. Each Field Office will prioritize and schedule fieldwork on a list placed in the permit case file. The list will be updated annually. During the annual review of the case folder, the Range Staff in consultation with the Cultural Staff, will identify the work to be completed that year. The goal is to complete all cultural fieldwork during the ten-year term of the permit. Each Field Office will conduct fieldwork annually in order to achieve this goal.

2. Mitigation is the highest priority when cultural fieldwork is scheduled for completion.

#### IX. Annual Report and Review

1. Each Field Office will report their annual accomplishments (see Attachment 4) as an attachment to the annual Archaeology Report. The results of monitoring are part of the annual accomplishments. The annual Archaeology Report will be provided to the SHPO before the Annual

Meeting of the Protocol.

2. The grazing permit procedures will be reviewed annually. Any proposed revisions will be discussed with SHPO at the Annual Meeting of the Protocol and, based on the results of the discussions, will be incorporated in a revised IM.
3. The subsequent field work schedule and the progress made to date on the work will be reviewed and discussed at the Annual Meeting of the Protocol to determine if BLM is meeting its responsibilities under Section 106 of NHPA.

## **CULTURAL RESOURCE AND NATIVE AMERICAN CONCERNS INPUT IN THE ENVIRONMENTAL ASSESSMENT FOR RANGE PERMIT RENEWALS**

Cultural resources and Native American Religious Concerns are critical elements of the human environment and are addressed in the following sections of the Environmental Assessment (EA): (1) affected environment, (2) environmental consequences (the proposed action and alternatives), and (3) mitigation measures for the proposed action. The cultural resource specialist is to insert pertinent information from the Cultural Resource Assessment form. The pertinent information is identified below.

### **Affected Environment**

The affected environment describes what we know about cultural resources and Native American Religious Concerns in order to assess the proposed action.

1. Reference the 1980 National Programmatic Agreement (PA), the Protocol, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and this IM. Do not repeat the content of these documents, or describe the Section 106 process, or how BLM carries out Section 106.
2. Summarize the results of the Cultural Resource Assessment and reference both the Cultural Resource Assessment form for each allotment in the permit and the cultural resource report, if cultural fieldwork was completed for the NEPA analysis. Do not describe how a literature search is conducted, how inventories are conducted, or other methodological approaches.
3. Identify if subsequent field inventory is needed and what historic properties need to be field visited.
4. For traditional cultural properties, identify when tribes were consulted and the results of the consultation.

### **Environmental Consequences**

1. Describe the direct, indirect, and cumulative impacts to known historic properties and traditional cultural properties by alternatives that necessitate the mitigation measures.
2. Describe the potential direct, indirect, and cumulative impacts to unidentified historic properties by alternatives based on past research and professional judgement that necessitate future mitigation measures.

### **Mitigation Measures**

1. Describe the site-specific measure(s) to mitigate impacts to known historic properties and traditional cultural properties identified in the previous section. Do not repeat standard permit stipulations or specify field inventory requirements.

## EXAMPLE

### Affected Environment

Range permit renewals are undertakings under Section 106 of the National Historic Preservation Act. Range improvements associated with the allotment (e.g., fences, spring improvements) are subject to compliance requirements under Section 106 and will undergo standard cultural resources inventory and evaluation procedures. During Section 106 review, a cultural resource assessment (#) was completed for each allotment on (date) following the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding The Livestock Grazing And Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-00-XX (to be issued shortly). The results of the assessment are summarized in the table below. Copies of the cultural resource assessments are in the (Field Office) archaeology files.

Allotment Number	Acres Inventoried at a Class III level	Acres NOT Inventoried at a Class III Level*	Percent -%- of Allotment Inventoried at a Class III level	Number of Cultural Resources known in allotment	High Potential of Historic Properties (yes/no)	Management Recommendations (Additional inventory required and historic properties to be visited)
7515	440	40	92%	37	Yes	A Class II reconnaissance is needed along the ridgetops and benches for a maximum of 20 acres and the recording of discovered sites. Sites 5GA-120, 157, 210, 669, 670, 680, 686,687, and 2055, need to be field visited to identify grazing impacts and mitigation needs.
7778	853	2625	25%	10	No	No additional cultural inventory is needed. All BLM lands have been surveyed at a Class III level. Sites 5GA-128, 130, 153, 2049, 2051, 2052 and 2054 need to be field visited to identify grazing impacts and mitigation needs.

Eleven cultural resource inventories have been previously conducted within the Allotments resulting in the complete coverage inventory of 2,665 acres and the recording of 47 cultural resources. The types of cultural resources include 15 prehistoric open-air lithic scatters, 5 prehistoric open-air campsites, 8 prehistoric lithic quarries, 3 open-air architectural sites, 1 historic road, and 15 prehistoric isolated finds.

They represent a time frame from the Paleoindian time period (ca. 10,000 BC) through the 1930s. The eligibility status of these cultural resources for listing in the National Register of Historic Places is: 31 not eligible, 10 potentially eligible, and 7 eligible.

Based on available data, a high potential for historic properties occurs in Allotment 7515 and a low potential exists for historic properties in Allotment 7718. Subsequent cultural resource inventory will be conducted in

areas where livestock concentrate. In Allotment 7515, a Class II inventory is needed in about 20 acres of land, and no additional inventory is needed in Allotment 7778. Subsequent field inventory is to be completed within the ten-year period of the permit.

If historic properties are located during the subsequent field inventory, and BLM determines that grazing activities will adversely impact the properties, mitigation will be identified and implemented in consultation with the Colorado SHPO.

On August 21, 1998, the (Field Office) mailed letters and maps to the (name of tribes), identifying all proposed (fiscal year) grazing permit renewals. Tribal comments were requested by (date). A follow-up call was made to each tribe. No comments were received by this office.

### **Environmental Consequences**

The direct impacts that occur where livestock concentrate include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art. Indirect impacts include soil erosion, gullyng, and increased potential for unlawful collection and vandalism. Continued grazing may cause substantial ground disturbance and cause cumulative, long term, irreversible adverse effects to historic properties.

Sixteen known historic properties are located in areas where livestock concentrate and will be field visited to assess livestock grazing impacts. The historic properties include 5GA-120, 128, 130, 153, 157, 210, 669, 670, 680, 686, 687, 2049, 2051, 2052, 2054, and 2055. The livestock impacts will be assessed within the ten-year period of the permit.

If historic properties are located during the subsequent field inventory, BLM will field visit these properties and assess the livestock grazing impacts. The livestock impacts will be assessed within the ten-year period of the permit.

### **Mitigation Measures**

Site 5GA-120: The salt block was moved several hundred feet away from the site boundary to keep livestock from congregating on the site.

Site 5GA-210: A fence will be constructed around the site to keep livestock from congregating on it.

Site 5GA-680: A fire hearth being exposed by cattle trampling and subsequent erosion will be excavated.

When other known historic properties are field visited to assess the livestock grazing impacts, BLM will determine if grazing activities will adversely impact the properties. Mitigation measures, identified in consultation with the Colorado State Historic Preservation Officer (SHPO), will be implemented within the ten-year period of the permit.

If historic properties are located during the subsequent field inventory, BLM will determine if grazing activities will adversely impact the properties. Mitigation measures, identified in consultation with the Colorado SHPO, will be implemented within the ten-year period of the permit.

(Name of Field Office)

**RANGE ALLOTMENT CULTURAL RESOURCE ASSESSMENT FORM**

**NEPA NUMBER:**  
**ALLOTMENT NAME:**  
**ALLOTMENT NUMBER:**  
**TOTAL ACRES:**

**USGS TOPO QUAD:**  
**TOWNSHIP:**  
**RANGE:**  
**SECTION**

**CULTURAL RESOURCES LITERATURE REVIEW  
RESULTS**

Percentage of Allotment Previously Inventoried	Number of Sites Present	Additional Inventory Required (yes/no)	Number of Historic Properties to be Visited	High Potential of Historic Properties (yes/no) Explain below:
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Explanation why field work is or is not needed

\_\_\_ RENEWAL WITH NO FURTHER WORK

\_\_\_ FURTHER ACTION REQUIRED

SIGNATURE OF FIELD OFFICE ARCHAEOLOGIST:

DATE:

# LITERATURE REVIEW FORM (OPTIONAL)

BUREAU OF LAND MANAGEMENT  
\* FIELD OFFICE  
LITERATURE SEARCH FORM

PROJECT NAME:

PROJECT NUMBER:

RESEARCHER:

DATE:

TOWNSHIP:

RANGE:

PROJECT NUMBER	REPORT TITLE

## OAHP COMPUTER FILES

SITE NUMBER	SITE TYPE	SECTION	ELIGIBILITY

<b>Field Office, Cultural Assessments For Grazing Permit Renewals FY__</b>				

