

**Addendum 1 to the Colorado Protocol:  
Section 106 Requirements For  
Comprehensive Travel and Transportation Management Planning**

**Background**

As part of its comprehensive travel and transportation management planning program (CTTM), the Bureau of Land Management (BLM) is required to designate travel management routes and areas on public lands as open, limited, or closed to off-highway vehicle (OHV) use (as required by Executive Order 11644 ((as amended by Executive Order 11989) and regulation (43 CFR Part 8340)) and other travel use in every land use plan (LUP). CTTM planning considers both motorized and non-motorized travel, such as, OHV's, horseback riding, biking, and hiking.

Absent designation, routes and areas are subject to uncontrolled travel. Designation of routes and travel network areas generally has the beneficial effect of controlling impacts of travel on public lands, including on cultural resources. Designation provides a purposefully designed and clearly delineated travel network, reduces the potential for user caused route proliferation, and facilitates travel management and law enforcement. 43 CFR Part 8340 authorizes the closure of routes and areas to the types of OHV travel that have caused or may cause adverse effects to cultural resources. In addition, route designations prohibit indiscriminate cross-country travel that may cause adverse impacts to cultural resources.

**Purpose**

The closure and reduction of unmanaged cross-country travel is intended to protect cultural resources across a broad landscape. It is in the interest of cultural resource protection to complete the designation process as soon as possible. Most existing routes are user-created and have not been inventoried for cultural resources and the effects to them are not well documented. Because of the large number of existing and new routes and areas that will be designated by each planning effort, a phased identification effort is needed to complete BLM Section 106 responsibilities pursuant to 36 CFR 800.4 (b)(2). This phased identification effort is integrated into three steps of CMMT: planning, route development, and route maintenance.

This Addendum replaces two Programmatic Agreements (PA's) regarding travel management in the Royal Gorge Field Office (RGFO) and the Kremmling Field Office (KFO). The signatories of the PA for the RGFO includes the BLM, Colorado State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP) with the Comanche as a concurring party initiated on June 3, 2003. The PA for the KFO includes the BLM and the SHPO with the Southern Ute as a concurring party initiated on January 11, 2005. Both PA's will be terminated on the effective date of this Addendum following the procedures in these agreements. BLM will notify all signatories of the PA's of the termination and the implementation of this Addendum.

**Development of Planning Alternatives:**

Selection of specific route networks and imposition of other use limitations, will avoid impacts on cultural resources where possible. In accordance with 43 CFR 8342, existing cultural resource information must be considered when choosing among the range of alternatives for the design of a planning area travel system, including the potential impacts on cultural resources when determining whether each of the routes or areas in a planning area should be designated as open, limited, or closed. Eligible and potentially eligible (need data) cultural resource sites may be protected through rerouting, excavation of archaeological resources, limitations on vehicle type and time or season of travel, closure, and other less common mitigation strategies. Evaluation of routes or areas to be designated as closed to protect cultural resources should be based on existing inventory information and should not be postponed until additional information is acquired.

**Plan Development, Maintenance and Modification**

A BLM cultural resource specialist will be involved *throughout* the planning process and on any team working on periodic plan maintenance or on a plan amendment. Cultural resource inventory and monitoring information, gathered after a plan is approved, maintained, or amended, should be used to review and update the route network as necessary in any plan maintenance or plan amendment process.

**Compliance with Section 106**

Designation of routes and areas are considered undertakings for the purposes of Section 106 of the National Historic Preservation Act (NHPA). The signing of existing routes – does not include the construction of kiosks or other structures being used to hold information – is not considered an undertaking under NHPA. Route and area designation is considered a non-routine undertaking under the Colorado Protocol because of the magnitude and scope of this action and requires an addendum to the Protocol to address these requirements. Given the nature and potential adverse effects to historic properties from the designation of routes and areas in planning documents, Section 106 compliance for these undertakings will be accomplished as described below.

**Area of Potential Effect (APE)**

The APE includes a corridor that extends at least 50 feet on both sides of the centerline of the road or trail. A 300-foot use corridor will be used when parking, camping and staging areas are allowed adjacent to roads. Additional areas may be inventoried when the cultural resource specialist believes alterations in trails or roads, or changes in their use, may result in indirect impacts, such as vandalism, to cultural resources. Nickens, Tucker and Larralde (1981), *A Survey of Vandalism To Archaeological Resources in Southwestern Colorado*, provides useful information about the potential for vandalism and other indirect impacts to cultural resources from road access. This publication is accessible at [http://www.blm.gov/heritage/adventures/research/StatePages/CO\\_pubs.html](http://www.blm.gov/heritage/adventures/research/StatePages/CO_pubs.html)

## Inventory Requirements

Three principal guidelines will be followed:

- Proposed designations that allow continued use of existing routes and keep an open area open may have adverse effects to cultural resources. When the BLM cultural resource specialist determines that existing information reveals areas where adverse effects to cultural resources have occurred, are occurring, or have a reasonable expectation of occurring from travel, some degree of Class III inventory in the APE will be required.
- Proposed designations that impose new limitations on an existing route, close an open area or travel route and keep a closed area closed are unlikely to adversely affect cultural resources. No further field inventory of these routes and areas is required.
- Proposed designations of new routes or areas as open to travel are subject to Section 106 compliance in the same manner as any undertaking. Class III inventory in the APE is required **prior to designation** of new routes or areas as open to travel, and for new locations proposed as camping areas, staging areas or similar areas of concentrated travel.

### Phases of Identification:

- Phase 1: Planning: This phase primarily involves using existing information to identify the field inventory needs for designated routes or areas and for route closures in the APE. The plan implementation schedule will identify field inventory needs, needed funding and the schedule of completion. The plan will reference this addendum.
- Phase 2: Route development: This phase involves the Class III inventory of most designated routes scheduled for inventory in the APE.
- Phase 3: Route maintenance: This phase involves the Class III inventory of the lowest priority designated routes scheduled for inventory in the APE.

Existing cultural resource information: Every new, revised and amended LUP must incorporate sufficient information to identify the nature and importance of all cultural resources known or expected in the LUP area. Where this information is lacking or out of date, the LUP Preparation Plan should include provision for developing or revising this information as part of the overall plan development, revision, or amendment process. Cultural resource information from the planning area's Class I overview, or existing cultural resources records search and literature review, will be considered when choosing among the range of possibilities in designing a planning area travel system for proposed designation.

The records search and literature review will include the field office and the SHPO database and records, information from the most recent regional overview for the field

office, the statewide context documents, and knowledge of the cultural resource specialist.

Field Inventory: Field inventory requirements, priorities and strategies will vary depending on the nature and potential effect of the proposed travel activity and associated use levels (See Definition section) and the expected density and nature of cultural resources based on existing cultural resource information.

Federal interstate highways and State highways (primary and secondary) are not included here because Section 106 actions are the responsibility of the Federal Highway Administration, as implemented by the Colorado State Department of Transportation.

Existing routes that have been regularly maintained (Types 3A-C) do not require field inventory. [See Definitions section]

Existing routes that have not been regularly maintained (Types 4-6F) require further field inventory. [See Definitions section]

Class II inventory will be conducted on designated routes and areas in the APE that allow continued use of an existing route and keep an open area open. Class II inventory will require field visitation of known "need data" and eligible cultural resources located within or immediately adjacent to existing routes. Also, Class III inventory will be conducted on an existing route or routes in the APE that best represents the topographical/vegetation variation in the travel management area. Inventory will include the documentation of impacts from travel and the need for further Class III inventory.

Class III field inventory will be conducted in the APE for the following undertakings: (1) some designated routes and areas that allow continued use of an existing route and keep an open area open based on the results of Class II inventory, (2) all new construction of routes and the maintenance of route types 4-6F located either in the footprint or outside the footprint, such as, drainage pitch-out, culvert replacement, cattle-guard placement, facility maintenance, and restoration, and (3) route closure actions that disturb the ground both in and outside the existing route footprint. Closure actions that only impact the disturbed surface, such as hand-brushing actions, are considered to have no effect on cultural resources. Class III inventory will follow the standards identified in the Colorado Handbook of Guidelines and Procedures for Identification, Evaluation, and Mitigation of Cultural Resources – Chapter 3 (1998) attached to the Colorado Protocol.

### **Adverse Effects**

For all adverse effects to historic properties, the cultural resource specialist will follow the evaluation, treatment, mitigation, and reporting procedures outlined in the Colorado Protocol.

### **Monitoring**

Areas and routes that are designated open to travel in the APE will be monitored for impacts to resources, and a BLM cultural resource specialist will be included on the team

responsible for developing and implementing the monitoring standards and process. The monitoring standards and process will consider the intensity and type of travel, the density and sensitivity of cultural resources, and the potential for adverse indirect and cumulative impacts, including route proliferation. When monitoring identifies adverse effects to cultural resources from route or area designation, the decision record should make it clear which mitigation actions will be taken, and when they should be taken, in order to minimize additional environmental analysis required prior to implementation.

Monitoring will be based on the schedule identified in each plan. The BLM cultural resource specialist, as part of the monitoring team, will identify an appropriate monitoring schedule for cultural resources. The monitoring results will be reported to the SHPO in the annual report required under the Protocol. Any changes in monitoring will be identified and agreed to at the annual meeting with the SHPO on the Protocol and implemented upon an agreed time frame.

### **Emergencies**

All travel management is subject to prohibitions against operation of vehicles on public lands in a reckless, careless, or negligent manner; and in excess of established speeds or in a manner causing or likely to cause undue damage to cultural and other resources. Where an authorized officer determines that OHVs are causing or likely to cause adverse effects to cultural resources, 43 CFR 8342 requires immediate closure to the type or types of vehicles causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence. Field inventory is not required prior to the emergency closure.

The Authorized Officer will notify the SHPO and other consulting parties by telephone within 48 hours and identify the steps being taken to address the emergency, describe the discovered cultural resource and its significance, and describe the emergency work and potential adverse effects on the discovery. Consultation will begin as soon as possible after notification to determine what mitigation measures are needed. Within 30 days following this notification, the Authorized Officer will document to the SHPO and consulting parties the actions taken to minimize effects and the work's present status. The results of mitigation will be fully documented in reports, site forms and photographs meeting the requirements in the Protocol. The documentation will be forwarded to the SHPO in accordance with the timetables established in Section X of the Protocol.

### **Discoveries**

Discoveries may be identified during implementation and monitoring and will follow the procedures identified in Section X of the Colorado Protocol. Work in the immediate area of the discovery will cease until the discovery has been evaluated pursuant to Section VII of the Colorado Protocol. This may require the closure of the route until mitigation is completed. Within 48 hours of the discovery the SHPO and consulting parties will be notified of the discovery, and consultation will begin to determine an appropriate mitigation measure. BLM will ensure that the discovery is protected from further disturbance until mitigation is completed.

Pursuant to 43CFR10.4(g), the BLM authorized officer must be notified, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43CFR10.4 (c) and (d), activities must stop in the vicinity of the discovery and the discovery must be protected for 30 days or until notified to proceed by the authorized officer. All reasonable measures will be taken to resolve any issues regarding affiliation and disposition of discovered remains within a 30 calendar day period beginning with the agency certification of initial notification.

For Native American human remains and associated cultural items discovered on Federal land, the BLM will meet the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) for all inadvertent discoveries and discovery situations on a case-by-case basis in accordance with 43 CFR 10. For all other human remains and associated artifacts, the procedures identified in the 1989 Guidelines, Colorado Inadvertent Burial Discovery Procedures will be followed.

### **Consultation**

Consultation with the SHPO and affected Tribes is required for all planning efforts and, as necessary, with other consulting parties. The SHPO will be consulted during planning and invited to participate in the development and implementation of identification, monitoring, and treatment options. The planning team will consult with potentially affected Tribes to solicit concerns relative to planning options and to ensure that appropriate identification and treatment options are developed and implemented during or after the planning effort. Consistent with BLM Manual 8120 and Handbook H-8120-1, additional consultation may be required for specific planning decisions and project implementation.

### **Funding**

Route and area designation is an undertaking initiated by the planning program. The cultural resource program provides administrative support from the BLM cultural resource specialist during the planning effort. This work includes conducting the needed records and literature search and providing the input for all National Environmental Policy Act documentation. The planning program can assist with costs associated with consultation and Class I overviews.

Benefiting programs are expected to fund most cultural resource needs during development and maintenance phases to accomplish the field inventory and other needed work to satisfy BLMs requirements under Section 106 of NHPA and the Colorado Protocol. The cultural resource program can fund cultural resource work in areas and on sites that are identified in the State Strategic Plan as high priority for proactive inventory and for protection of "at-risk" cultural resources. These accomplishments are reportable under the cultural resource program elements identified in the Management Information System database.

**Definitions**

Route types (based on typology used by the engineering program):

[1]-[2]: Federal interstate highways, and State highways (primary and secondary).

[3A-3B]: BLM regularly maintained road (light-duty/constructed/gravel and paved).

[3C]: BLM regularly maintained road (light-duty/constructed/dirt).

[4]: BLM not-regularly-maintained road (primitive/constructed).

[5]: BLM not-regularly-maintained road (primitive/user-created).

[6A-B]: BLM motorized trail (single and double track/ATV, motorcycles).

[6C-F]: BLM non-motorized road and trail (single track/foot, horse, mountain bike).

[7]: BLM closed road

Use Levels (based on terms commonly used in travel management planning):

Decreased Use: This reduces the current use level by lowering the number and density of existing routes.

Maintain Current Use: This maintains the existing number and density of existing routes.

Increased Use: This may include a low increase (a small increase in the number of routes and density) or a high increase (a high number of routes and density).

BUREAU OF LAND MANAGEMENT



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10/26/06

Date

COLORADO STATE HISTORIC PRESERVATION OFFICER



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October 19, 2006

Date