

NO SURFACE OCCUPANCY STIPULATION

SIGNIFICANT CULTURAL RESOURCES, NRHP – ELIGIBLE PROPERTIES AND DISTRICTS, AND TCPs

Stipulation: Surface occupancy and use is prohibited in the site or within the area surrounding the site where an undertaking's area of potential effect (APE) could have a potential effect on the site's setting in:

- sites or areas designated or sites or areas that meet the criteria for allocation for designation for scientific use, conservation use, traditional use (socio-cultural use), public use, and experimental use;
- the boundaries of sites or districts eligible for or included on the NRHP; and
- the boundaries of TCPs, or sites or areas designated as such, or sites or areas that meet the criteria for allocation for designation for traditional use (socio-cultural use).

Activity is prohibited in cultural properties determined to be of particular importance to American Indian groups, TCPs, or sites designated for traditional use. (Such properties include, but are not limited to, burial locations, pictograph and petroglyph sites, vision quest locations, plant-gathering locations, and areas considered sacred or used for religious purposes.)

On the lands described below:

Objective: To protect and avoid disturbance and inadvertent impacts to significant cultural properties, districts, and their settings; NRHP-eligible properties and districts; TCPs or those designated for traditional use and the settings in which they occur; and those properties determined to be of particular importance to American Indian groups.

NO SURFACE OCCUPANCY STIPULATION

SIGNIFICANT CULTURAL RESOURCES, NRHP – ELIGIBLE PROPERTIES AND DISTRICTS, AND TCPs (continued)

Exception: An exception to this stipulation may be granted by the AO if the conditions described below are met.

- The lessee or project proponent submits a plan demonstrating that adverse impacts or effects to the cultural property can be avoided by project redesign or relocation within the buffer area; or the project is located so that it and any associated surface disturbance will not alter the characteristics of the cultural or historic property by diminishing the integrity of the property's location, design, setting, materials, workmanship, feeling, or association; or so that there will be no destruction, damage, or alteration to all or part of the cultural resource's visual, atmospheric, or audible elements that could diminish the integrity of the property's significant historic features (e.g., project placed behind a hill or screened from view or by some other method within the buffer area).
- The lessee or project proponent submits a plan demonstrating that the adverse impacts to cultural properties can be mitigated through data recovery and extensive recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the BLM, surface occupancy in the area will be prohibited.

The lessee or operator submits a plan demonstrating that operations will be designed or located in such a manner as to have a minimal impact to the natural setting and characteristics of the immediate area and demonstrating that adverse impacts to TCPs can be mitigated in consultation with, and to the satisfaction of, affected American Indian Tribes or American Indian groups.

Modification: None

Waiver: None