Entering into as a "signatory," i.e. the BLM or any Federal Agency, would recognize FHWA as lead agency for Section 106 compliance whenever BLM lands are a part of a project for all Federal Aid projects. NDOT averages 200 projects a year total and around 150 of those likely touch the BLM. NDOT estimates a 90% time savings compared with the current procedures – for about 90% of the projects processed.

- As a signatory, BLM could be recognized formally by the ACHP as satisfying its Section 106 obligations for all highway undertakings on their land according to the provisions of this PA.
- BLM would retain responsibilities for ARPA and NAGPRA.
- BLM would normally "adopt" the outcomes of tribal consultation deemed adequate (according to the standard of reasonable and in good faith) by FHWA or could supplement them in any manner they wish.
- BLM would rarely, if ever, become directly involved in projects resulting in No Historic Properties Affected or No Adverse Effect. Such projects are "minor projects" that the SHPO has agreed to have NDOT process and submit findings documentation quarterly.
- For each project, BLM will receive a Cultural Resources Project Screening form (our CRINA) from NDOT at the outset of a project. BLM will have 2 days to provide comments, if they choose.
- Where an adverse effect is suspected or likely, the BLM will be invited to participate in consultation at the outset of the project or as soon as an adverse effect is identified.
- NDOT's application of the criteria of eligibility and applying effect are described in appendices to the PA.
- BLM will receive quarterly reports with copies of project survey files for projects on their lands.
- BLM will receive the NDOT self-assessment under the PA annual report and will be invited to attend the annual meeting where the signatories would address project and program level concerns.
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If BLM participates as a "concurring party" into the PA or chooses not to participate in executing the PA, i.e. it would do so by recognizing FHWA as the lead agency for Section 106 compliance for Federal Aid projects. FHWA would satisfy all of its Section 106 obligations under the PA and would do so in a streamlined fashion.

- A provision of the PA allows other Federal Agencies who recognize FHWA as the lead agency for Section 106 compliance, to "adopt" the outcomes of the procedures specified in the PA, and to utilize that material to satisfy that agency's obligations under Section106. In this manner, there would be little or no delay in the BLM processing of FHWA/NDOT project development requests.
- The BLM is not required to "adopt" the outcomes and remains able to satisfy their Section 106 obligations in any manner they wish, including supplementing or redoing the procedures specified in the PA. In this way, BLM would introduce delay (by requiring

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- BLM will receive the NDOT self-assessment under the PA annual report.
- NDOT estimates 40% time savings compared with the current procedures if BLM chooses to "adopt" the outcomes of the PA for most projects. The core issue is risk management. FHWA, SHPO, and NDOT have defined a set of roles and responsibilities in this PA. The workflow for Section 106 projects will be set and the documentation specified by the PA will make the procedural outcomes reviewable as reports, monitored to allow for adaptive management, with quality control/quality assurance provisions agreed to by NDOT. The issue of risk management may be handled with confidence-building measures if necessary by shortening the reporting interval to monthly for a three or six month trial period, if requested.

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