5 Jan 2009

Addendum to the Programmatic Agreement among the Bureau of Land Management (BLM), The Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) Regarding the Manner in Which BLM will meet its Responsibilities under the National Historic Preservation Act (NHPA).

Basis for Addendum

WHEREAS, the undersigned recognize the complex and challenging mission of the BLM and the reliance of all signatories on the streamlining provisions and partnering commitments made possible by the subject national programmatic agreement (PA) for meeting the BLM's NHPA Section 106 compliance responsibilities;

WHEREAS, the BLM tribal consultation policy calls for State Directors, District Managers, and Field Office Managers to consult with tribes in government-to-government meetings to identify and consider their concerns in land use planning and decision-making, including development or revision of statewide cultural resource protocols and other agency guidance directing tribal consultation processes;

WHEREAS, the BLM has completed the following provisions in the 1997 PA: (1) establishment of a Preservation Board; (2) notification of Indian tribes and the public that it was beginning the review, revision, adaptation and augmentation of various relevant sections of its 8100 Manual series; (3) initial certification of the BLM State and Field Offices; and (4) establishment of a training program; and

WHEREAS, (1) the 36 CFR Part 800 regulations were revised in 1999 and 2004, (2) alternative procedures must be consistent with the regulations, and (3) the BLM is committed to ensuring that the BLM process for complying with the NHPA Section 106 affords tribes and consulting parties opportunities for participation consistent with 36 CFR Part 800 and Section 101 (d) (6) of the NHPA;

WHEREAS, the BLM completed a revision of the Guidelines for Conducting Tribal Consultation Handbook (H-8120-1 formerly H-8160-1), and Tribal Consultation under Cultural Resource Authorities Manual Section (8120 formerly 8160) and other manual sections to reflect the latest legal authorities in 2004;

WHEREAS, the signatories have determined the need to update the PA to incorporate further the role of Indian tribes;

WHEREAS, the BLM initiated an outreach effort in August 2008 that, through correspondence and listening sessions, invited tribal leaders to provide suggestions to the BLM on the PA and for making tribal coordination and consultation more effective;

NOW, THEREFORE, the BLM, the ACHP and the NCSHPO agree to the following addendum to this agreement:

Addendum 1: Consultation with Indian tribes:

The BLM shall continue holding listening sessions with tribes to achieve the goals of this addendum.

No later than 60 days from the date of the appointment of its new director, the BLM shall initiate the notification process to the public of its intent to update the PA in order to incorporate further the role of Indian tribes in the PA and any implementing mechanisms consistent with 36 CFR Part 800 and Section 101 (d) (6) of the NHPA.

No later than 6 months from the date of this addendum, the signatories (1) shall meet to discuss preliminary findings from tribal listening sessions, and (2) shall begin developing revisions to the PA consistent with 36 CFR Part 800 and Section 101 (d) (6) of the NHPA.

No later than 8 months from the date of this addendum, (1) the BLM shall provide signatories with a report on findings from the listening sessions, including any appropriate recommendations from the tribal listening sessions on the PA revisions, and (2) signatories shall report any new emphases resulting from the change in Administration that need to be considered.

No later than 12 months from the date of this addendum, the BLM, in consultation with the signatories and Indian tribes, shall develop mutually agreeable revisions to the PA to provide appropriate opportunities for tribal consultation and a process for developing subsequent implementing actions. Within 30 days after the BLM provides the proposed revisions, the signatories shall either (1) adopt the revisions; (2) determine that significant progress has been made to reach mutually agreeable revisions and allow additional time for such revisions to be made or a process for implementing actions to be developed; or (3) decide to revert to operation under 36 CFR Part 800.

BUREAU OF LAND MANAGEMENT

BY: _____ DATE: 1/16/09
JAMES L. CASWELL, DIRECTOR

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: _____ DATE: 2/4/09
JOHN L. NAU, III, CHAIRMAN

NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

BY: Jay D. Vogt DATE: 01-26-2009
JAY D. VOGT, PRESIDENT

1 Feb 2010

Amendment to *Addendum to the Programmatic Agreement among the Bureau of Land Management (BLM), The Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) Regarding the Manner in Which BLM will meet its Responsibilities under the National Historic Preservation Act (NHPA).*

WHEREAS, the BLM, the ACHP, and the NCSHPO executed the referenced Addendum on February 4, 2009;

WHEREAS, the signatories to the Addendum have determined it necessary to extend the time period provided in the Addendum for the development of mutually agreeable revisions to the Programmatic Agreement due to requests from consulting parties for an extension of the review period for various documents and due to the BLM's commitment to enhanced tribal consultation procedures under the agency's new leadership;

NOW, THEREFORE, the BLM, ACHP and NCSHPO agree to amend the referenced Addendum as follows:

In the first sentence of the last paragraph of the referenced Addendum, strike "No later than 12 months" and replace it with "No later than 18 months".

1 Feb 2010

Amendment to *Addendum to the Programmatic Agreement among the Bureau of Land Management (BLM), The Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) Regarding the Manner in Which BLM will meet its Responsibilities under the National Historic Preservation Act (NHPA).*

BUREAU OF LAND MANAGEMENT

BY: _____ DATE: 3-22-10

ROBERT V. ABBEY, DIRECTOR