

# APPENDIX I

## CULTURAL RESOURCES MANAGEMENT

### Program Objectives

The BLM has developed a cultural resources program designed to inventory, evaluate, and manage cultural resources on BLM-administered public land and in areas of BLM responsibility. The BLM management of cultural resources (archaeological, historic, and socio-cultural properties) is in accordance with the provisions of the National Historic Preservation Act (NHPA) of 1966, as amended, and other applicable legislation.

### Identification of Cultural Resources

The BLM requires cultural resource inventories for actions involving public lands and/or federal mineral estate that include surface disturbance as a part of the action. Three classes of inventory have been established; Class III is the most intensive and the most often required for areas that have not been subjected to previous inventories or have been subjected to complete surface disturbance in the past.

Class I inventories are completed with the use of existing data from cultural resource inventory files maintained by both the BLM and the Wyoming State Historic Preservation Office (SHPO). Class I inventories serve to identify known properties and are used to determine if more intensive inventory of specific areas is appropriate. This determination is made in consultation with the Wyoming SHPO and often results in the completion of Class II or Class III inventories.

Class II inventories are statistically based sample surveys designed to aid in characterizing the probable density, diversity, and distribution of cultural properties in the area, to develop and test predictive models, and to answer appropriate research questions. Within individual sample units, survey aims, methods, and intensity are the same as those applied in Class III survey. Class II survey may be conducted in several phases, using different sample designs, to improve statistical reliability.

Class III intensive field surveys are conducted by professional archaeologists through pedestrian survey of an entire target area. The intent of a Class III inventory is to locate and record all historic properties and is consistent with standards in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716). Class III inventories conform to the prevailing professional survey standards for the region involved, provided that the regional standards meet or exceed the Secretary's Standards and Guidelines. Because Class III survey is designed to produce a total inventory of the cultural properties observable within the target area, once it has been completed no further survey work should be needed in the target area as long as the current standards are met. Areas with a high probability of containing buried cultural materials or known cultural materials may require additional work of professional monitoring and/or data recovery excavations. Areas that require additional work are analyzed on a case-by-case basis, depending on the proposed action and the types of cultural resources present in the project area.

### Evaluation of Cultural Resource Sites

The BLM evaluates the significance of cultural resources identified during inventory in consultation with the Wyoming SHPO to determine if the resources are eligible for inclusion in the National Register of Historic Places (NRHP). Cultural resource properties may be

considered eligible for listing on the National Register if they meet one or more of the following criteria:

- Criterion A: An historic property is associated with an event or events that have made a significant contribution to the broad patterns of America's History.
- Criterion B: An historic property is associated with the lives of persons significant to our past.
- Criterion C: An historic property embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic value or represents a significant and distinguishable entity whose components may lack individual distinction.
- Criterion D: An historic property has yielded or may be likely to yield information important in prehistory or history.

Those sites eligible under Criteria A, B, or C require case-by-case consultation in which the Wyoming SHPO has 30 days to reply. According to a Programmatic Agreement between the Wyoming BLM and the Wyoming SHPO, the BLM has implied concurrence for determining eligibility of sites under Criterion D of the NHPA.

- To facilitate evaluation of cultural resource values in Wyoming, the BLM has devised guidelines for determining the eligibility of archaeological and historical sites and historic trails (BLM Manual 8110.32). The guidelines supplement the National Register criteria for evaluation (36 CFR 60.4) and provide consistency across the state. Application of the guidelines ensures that significant cultural resources are recognized and managed accordingly.

Properties that encompass large areas can be deemed to have contributing and non-contributing portions. Contributing portions are seen to retain integrity of the values for which the property is considered eligible for the NRHP. Non-contributing portions are identified portions of the property which are not deemed to retain the integrity of values which would render the property eligible for the NRHP. The determination of contributing versus non-contributing portions of an eligible property can be made at any time after adequate evaluation has been conducted.

The historic Cherokee Trail is considered eligible for the National Register under Criterion A. However, some portions of the trails no longer retain the aspects of integrity necessary for eligibility. As there have been no encompassing inventories of the entire trail within the RMPPA, portions of the trail are evaluated to determine if they contribute to the eligibility of the property on a case-by-case basis. Trail segments are evaluated pursuant to the National Register criteria of integrity (location, design, setting, materials, workmanship, feeling, and association). If a predominance of criteria are met, the segment will be considered contributing to the properties' overall NRHP eligibility.

### **STANDARD PROTECTIVE MEASURES**

#### **Description**

Within the framework described above, the BLM has developed protective measures to minimize adverse effects on significant cultural resource values.

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Protective measures are used in response to the actions of BLM programs involving surface disturbance. These measures include cultural resource inventories, evaluation of cultural resources located during inventory, and mitigation of potential adverse impacts on significant cultural resources. Mitigation may include avoidance, data recovery (including excavation), or other protective measures. Avoidance is the primary and preferred mitigative measure used to protect cultural resources. Consultation with the Wyoming SHPO and the Advisory Council on Historic Preservation is required when surface-disturbing actions are expected to adversely affect properties eligible for the National Register. An adverse effect to an historic property is defined in 36 CFR 800.5(1)..

Although Class III inventories are completed before any surface disturbance can begin, the BLM's opportunity to preserve significant cultural resource values in place can be precluded if cultural properties are not identified prior to initiation of an action. In cases such as this, mitigative actions such as data recovery would be implemented.

For historic trails such as the Cherokee Trail, protection measures would be carried out similarly to other historic properties if any project were found to be located within ¼ mile of a contributing portion of the historic trail. When a proposed project is outside of the ¼ mile buffer of the trail, but found to be within the two-mile viewshed that contributes to NRHP eligibility, analyses of potential impacts to the trails are conducted through viewshed analyses, on-site inspection, and photo inspection. Mitigation measures used to ensure that the contributing viewshed of historic trails are not adversely affected include decreasing the height of well tanks, using paint and topography to blend well locations into the background, mowing and reseeding pipeline corridors, and using materials that match the existing environment to construct access roads.