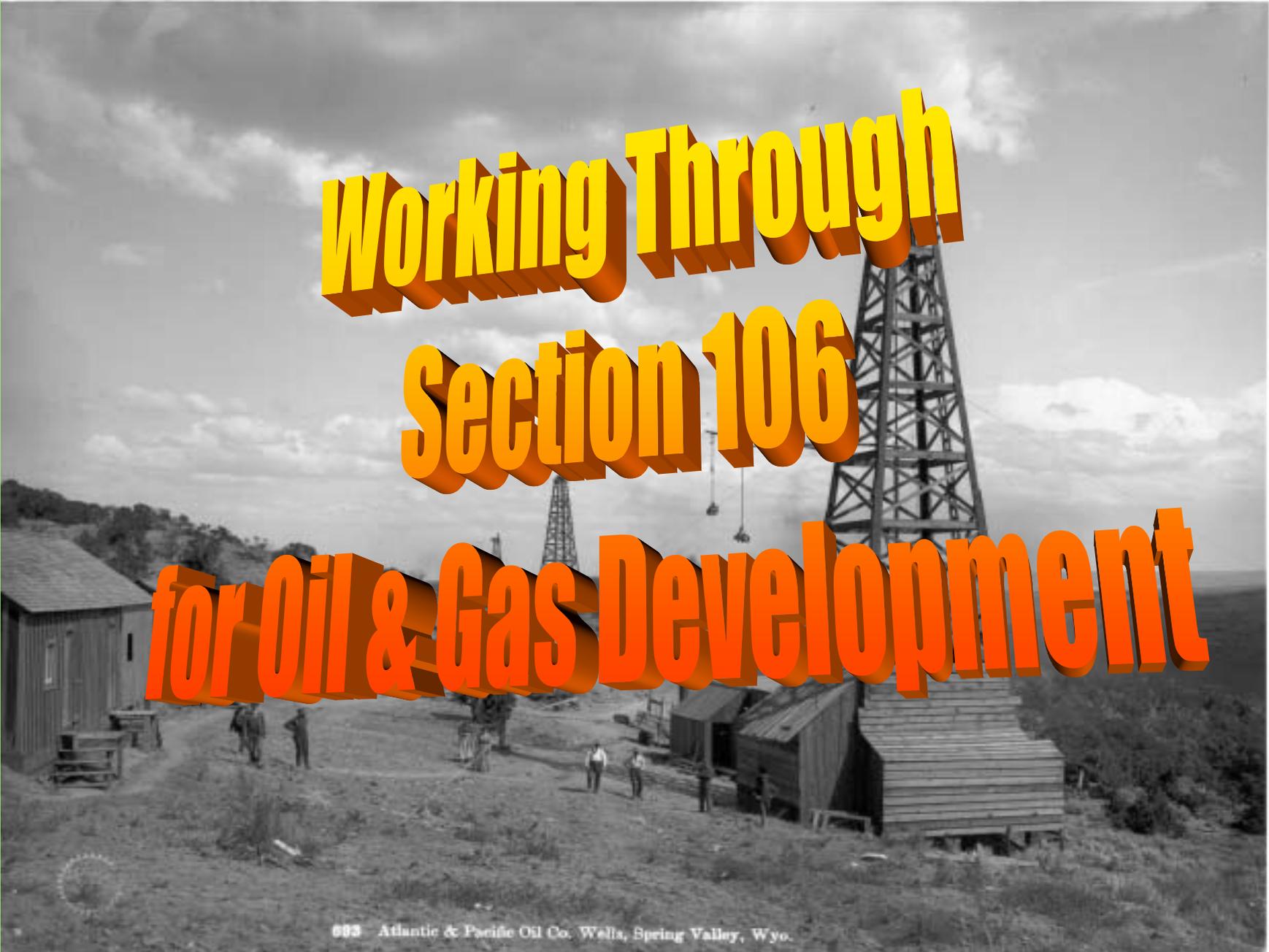


**Working Through
Section 106
for Oil & Gas Development**



003 Atlantic & Pacific Oil Co. Wells, Spring Valley, Wyo.

Four Steps

of the Section 106 Process

Step 1: Initiation of the Process

- ✓ Notification to BLM of a proposed undertaking
(APDs; Request for ROW; Sundry Notice; etc.)

Step 2: Identification of Historic Properties

- ✓ Inventory of cultural resources
- ✓ Evaluation (application of criteria of eligibility)

Step 3: Assessment of Adverse Effects

- ✓ Physical impacts
- ✓ Visual or audial impacts

Step 4: Resolution of Adverse Effects

Initiating the Process

- Prepare Complete Project Description for Consulting Archaeologists (Developer)
- Ensure Project is Staked Prior to Archaeological Fieldwork (Developer)
- Fieldwork Notification to BLM (Consulting Archaeologist)
 - ✓ Provide complete project description with map
 - ✓ Provide dates when archaeological survey crew are in the field
 - ✓ Pre-fieldwork meeting with the BLM Archaeologist [Obtain Key Information]
- Fieldwork Authorized within 3 Working Days (BLM Archaeologist)

Inventory

- **Class III Inventory - Intensive Field Survey
(Consulting Archaeologist)**
 - ✓ Describes the distribution of properties in an area;
 - ✓ Determines the number, location and condition of properties;
 - ✓ Determines the types of properties actually present within the area;
 - ✓ Permits classification of individual properties;
 - ✓ Records the physical extent of specific properties;
 - ✓ On-the-ground pedestrian examination
 - ✓ 30 Meter (100 Ft.) survey spacing

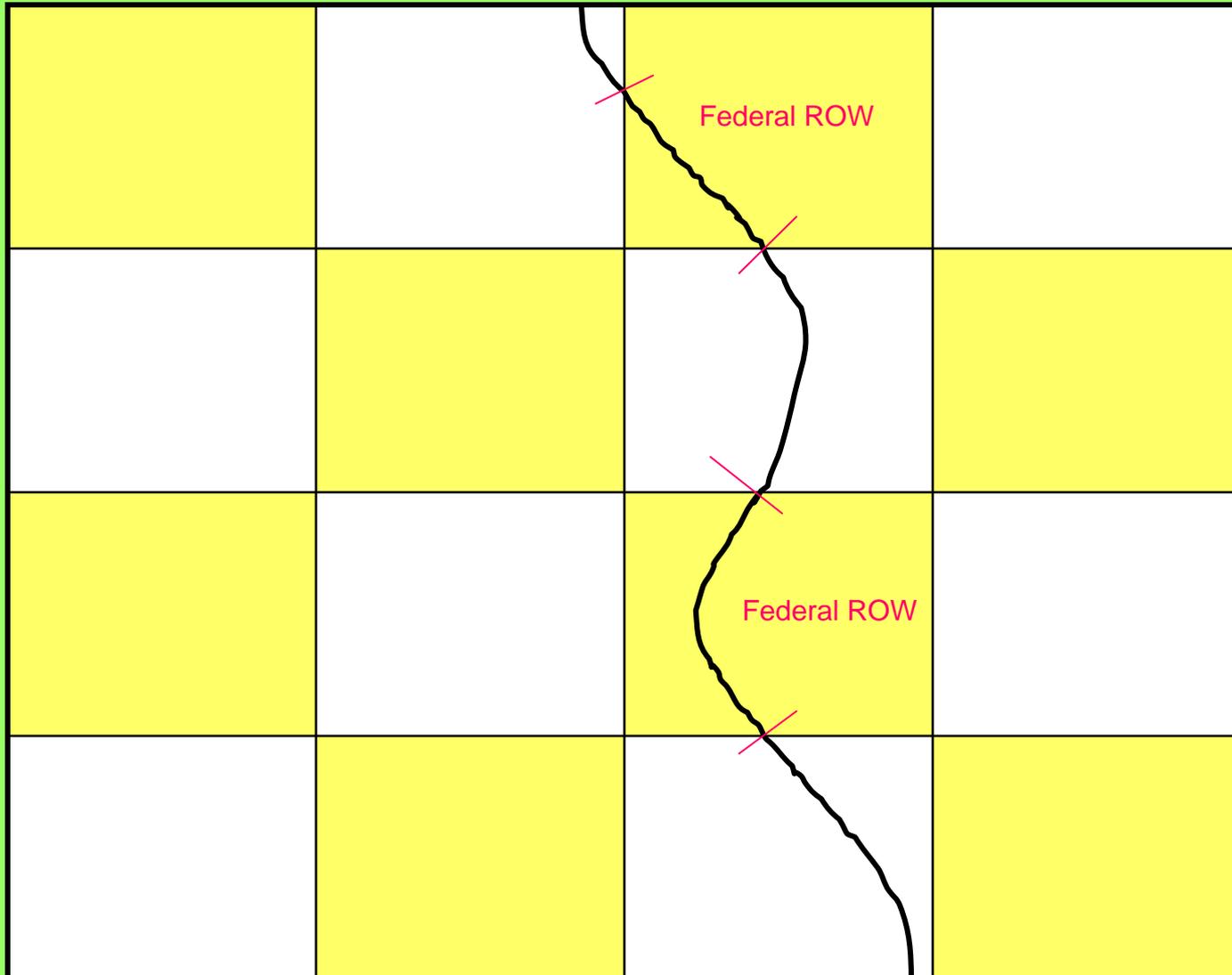
Inventory (Cont.)

- **Determining the Survey Area**
(Consulting Archaeologist & BLM
Archaeologist)
 - ✓ Covers Extent of the Federal Undertaking
 - ✓ Includes project footprint and all ancillary facilities;
 - ✓ Includes all areas of project impact, disturbance, and adverse effects

Inventory (cont.)

- Extent of Federal Undertaking (BLM Manager)
 - ✓ May encompass both Federal Land and non-Federal land
 - ✓ Determined by BLM based on the degree to which decisions determine or control the location of surface-disturbing activities on non-Federal lands.

Extent of Federal Undertaking



“But for the use of Federal Land...”

Inventory (cont.)

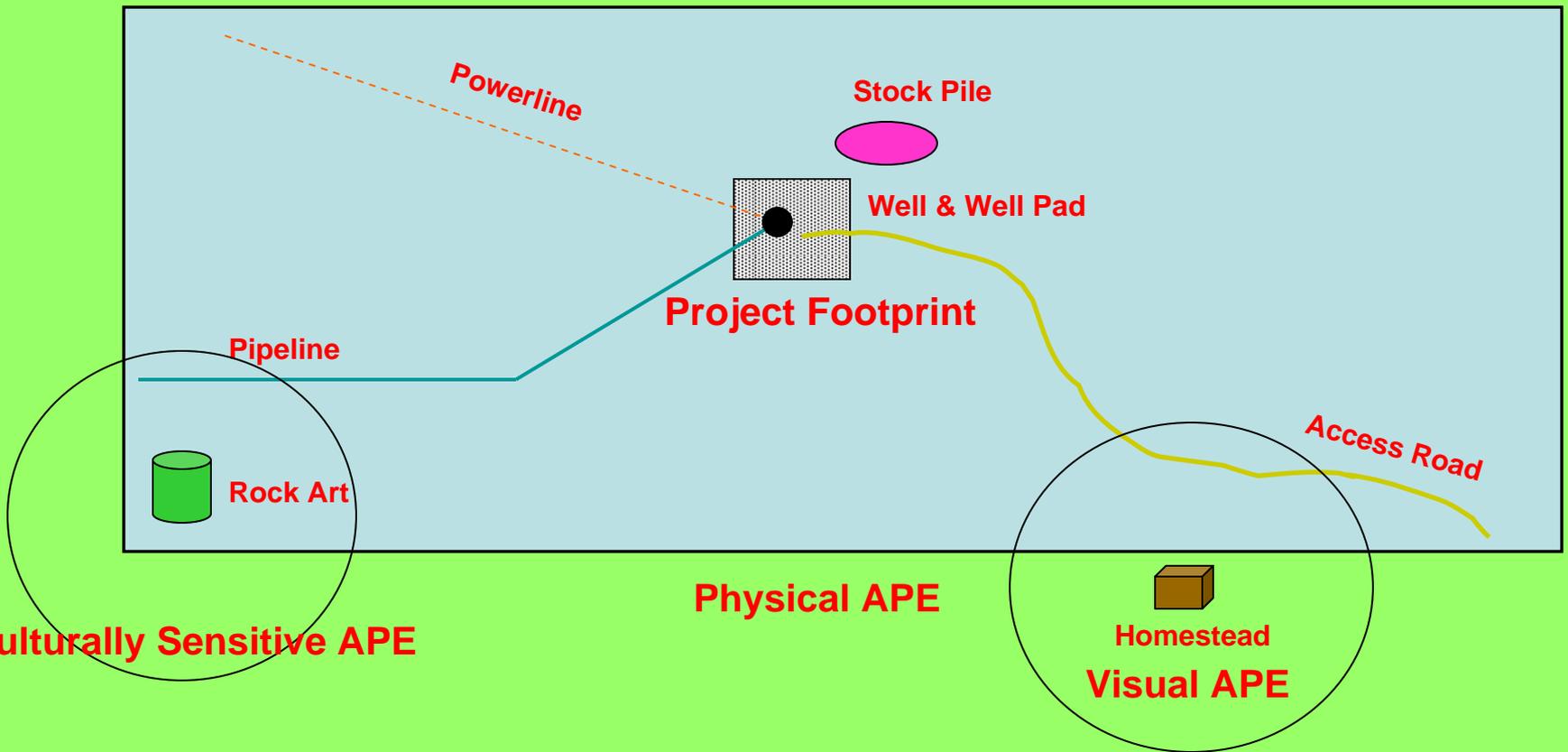
➤ Area of Potential Effects [APE] (BLM Archaeologist)

- ✓ The geographic area within which the undertaking may directly or indirectly cause changes in the character or use of historic properties.
- ✓ Effect means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National register

Determining the Area of Potential Effect (APE)

- Pre-inventory Determination
 - Project Footprint
 - Physical APE
- Post-inventory Determination
 - Visual APE
 - Culturally Sensitive APE

Determining the Area of Potential Effect (APE)



Native American Consultation

➤ National Historic Preservation Act - Section 101(d)(6)

✓ In carrying out Section 106, a Federal agency shall consult with any Indian tribe that attaches traditional religious and cultural significance to historic properties.

➤ Implementing Regulations - 36 CFR, Part 800.4(b)(1)

✓ The [Federal] agency official shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey.

Native American Consultation (Cont.)

➤ Administrative Consultation (BLM)

- ✓ Government-to-government process of identifying and seeking input from appropriate tribal governing bodies, considering their issues and concerns.
- ✓ Consultation used to identify properties of traditional religious and cultural importance.

➤ Expert Information Consultation (BLM)

- ✓ The use of individuals with expert knowledge who can provide information about function, significance, and treatment of certain types of historic properties that reflect the prehistoric or historic use of lands as represented by structure and archaeological sites.
- ✓ Part of the inventory process

Evaluation of Properties

- Application of Criteria of Eligibility (Consulting Archaeologist makes Recommendations)
 - ✓ Must be at least 50 years of age!
 - ✓ Criterion A – associated with events that have made a significant contribution to the broad patterns of history.
 - ✓ Criterion B – associated with the lives of persons significant to our past.
 - ✓ Criterion C – embody the distinctive characteristics of a type, period, or method of construction, the work of a master, or high artistic value.
 - ✓ Criterion D – have yielded or may likely to yield information important to prehistory or history.
- Consultation with SHPO (BLM)

Evaluation of Properties (cont.)

➤ Examples of Criterion A-type (event) Properties:

- ✓ Standing historic period structures (homestead buildings, ranch buildings, windmills, etc.)
- ✓ Prehistoric structures (stone circles, stone cairns, stone effigies, wooden lodges, hunting traps/blinds, etc.)
- ✓ Linear features (trails, roads, railroad grades, canals, etc.)

➤ Criterion A Information Needs:

- ✓ Basic historic background (context) on the property [Is it older than 50 years?].
- ✓ Is it unique or rare?
- ✓ Possible Native American expert knowledge

Evaluation of Properties (cont.)

➤ Examples of Criterion B-type (Persons) Properties:

- ✓ Historic period structures or historic period archaeological sites
- ✓ Linear features (trails, roads, railroad grades, canals, etc.)

➤ Criterion B Information Needs:

- ✓ Basic historic background (context) on the property [Is it older than 50 years? Who may be associated with the property?]
- ✓ Was the person(s) important locally, regionally, or nationally?

Evaluation of Properties (cont.)

➤ Examples of Criterion C-type (unique construction or artistic value) Properties:

- ✓ Unique style of historic period structures
- ✓ Unique industrial features
- ✓ Is it a style or work of art? [ex. Shepherd art]
- ✓ Unique Prehistoric structures or rock art

➤ Criterion C Information Needs:

- ✓ Basic historic background (context) on the property [Is it older than 50 years? Is it a unique architectural style?]

Evaluation of Properties (cont.)

➤ Examples of Criterion D-type (information) Properties:

- ✓ Historic & prehistoric archaeological sites of all types with preserved cultural features/materials

➤ Criterion D Information Needs:

- ✓ Does the site have exposed features or deposition?
- ✓ Are there preserved cultural materials in the deposition?
- ✓ Are the cultural materials of the type that can answer important research questions?
- ✓ **MAY REQUIRE SHOVEL TESTING OR FORMAL ARCHAEOLOGICAL TESTING!!**
 - Testing of the most appropriate areas of a site
 - Adequate test sampling

Evaluation of Properties (cont.)

- Aspects of Integrity **MUST** be addressed:
 - ✓ Location – original place of construction or event
 - ✓ Design – elements of form, plan, space & style
 - ✓ **Setting** – character of the physical environment
 - ✓ Materials – the original materials
 - ✓ Workmanship – evidence of the craftsmanship
 - ✓ Feeling – expression of a sense of the period
 - ✓ Association – direct link to an important historic event

Assessment of Adverse Effects

- Identify Adverse Effects (Consulting Archaeologist Recommendations)
- Criteria of Adverse Effects (36 CFR, Part 800.5)
 - ✓ An adverse effect is found when an undertaking may alter the characteristics that qualify the historic property for inclusion in the National Register in a manner that would diminish the *integrity* of the property's location, design, setting, materials, workmanship, feeling, or association.
 - ✓ Direct or indirect effects.
 - ✓ Reasonably foreseeable effects
- Consultation with SHPO (BLM)

Assessment of Adverse Effects (cont.)

➤ Examples of Adverse Effects

- ✓ Physical destruction of or damage to all or part of property
- ✓ Alteration of a property
- ✓ Removal of a property from its historic location
- ✓ Change of the character of the property's use or physical features within the property's setting
- ✓ Introduction of visual, atmospheric, or audible elements that diminish the integrity of a property's significant features
- ✓ Neglect of a property which causes deterioration
- ✓ Transfer, lease, or sale of a property out of Federal ownership

Resolution of Adverse Effects

- Consideration of Mitigation Alternatives
(Consulting Archaeologist Recommendations)
- Consultation with SHPO (BLM)
 - ✓ Project Redesign to Avoid Adverse Effects (Developer & BLM)
 - ✓ Best Management Practices to Mitigate Effects to Setting (Developer & BLM)
 - Requires Mitigation Plan
 - BLM consultation with SHPO on Mitigation Plan
 - ✓ Data Recovery (BLM, SHPO, Developer, Consulting Archaeologist)
 - Requires Data Recovery Plan
 - Requires BLM consultation with SHPO
 - Requires ARPA Permit & Tribal Notification (30 Days)

Class III Inventory Report

- SHPO Class III Report Standards (Consulting Archaeologist)
 - ✓ Provides template of required report sections
 - ✓ Provides check list for both preparer and reviewer required information
- Class III Report Review (BLM & SHPO)
 - ✓ Serves as basis of BLM's inherent Federal responsibility for making determinations under the National Historic Preservation Act
 - ✓ Serves as part of the BLM's consultation with the SHPO and Advisory Council under Section 106 of the NHPA

Time Emad

(Whew!)