

Bureau of Land Management (BLM) Preservation Board
June 2023 Meeting
Western Headquarters Office
Grand Junction, Colorado
June 6-8, 2023

BLM Preservation Board Members

Cynthia Herhahn	Acting Federal Preservation Officer – HQ 420
Robert King	Deputy Preservation Officer - Alaska
George Herbst	Deputy Preservation Officer - California
Natalie Clark	Deputy Preservation Officer - Colorado
Jarrod Kellogg	Deputy Preservation Officer (acting) - New Mexico
Madeline Ware Van der Voort	Deputy Preservation Officer - Nevada
Nathan Thomas	Deputy Preservation Officer - Utah
Denise Tugman	Deputy Preservation Officer - Wyoming
Noelle Shaver	Deputy Preservation Officer – Idaho
Leslie Mead*	Deputy Preservation Officer Representative – Arizona
Zane Fulbright	Deputy Preservation Officer Representative – Montana
William Kerwin	Deputy Preservation Officer Representative – Oregon/Washington
Nicole Hanna*	Tribal Liaison – HQ 400
Erin Leifeld	Field Archaeologist Representative – Silt, Colorado
Courtney Carlson	Field Archaeologist Representative – Miles City, Montana
Marnie Graham	Glennallen Field Manager – Alaska
Suzanne Copping	Uncompahgre Field Manager – Colorado
Don Rotell	Steens Field Manager – Oregon
Matt Marsh	Wind River – Big Horn Basin District Manager - Wyoming

BLM Participants

Troy Frost*	Assistant Director – HQ 400
Derrick Baldwin*	Deputy Division Chief – HQ 420
Greg Larson	Past Line Manager Representative - Colorado
Dayna Ables	Senior Archaeologist – HQ 400

Partners/External Participants

Chris Koeppel*	Assistant Director – Advisory Council on Historic Preservation
Bill Marzella	Liaison - Advisory Council on Historic Preservation
Jamie Lee Marks*	Native American Affairs – Advisory Council on Historic Preservation
Kristen Martine*	Department Consulting Archaeologist – National Park Service
Dawn DiPrince*	Colorado State Historic Preservation Officer
Holly Norton*	Colorado State Archaeologist & Deputy Preservation Officer

*attended virtually

The June Preservation Board meeting was held in person in Grand Junction, to introduce board members to the BLM's Western Headquarters location and visit the Upper Colorado River District's Heritage Areas.

Day One – June 6

Colorado River District

Representatives from Colorado River District discussed the challenges Colorado faces with workloads and staffing shortages. Major planning projects are exacerbating those challenges as they pull staff away from routine work.

Headquarters Updates

Headquarters staff noted a priority push for placing Tribal Liaison officers at the State Office level within each BLM state. The Inflation Reduction Act and Bipartisan Infrastructure Act will increase project specific funding and increase capacities for a limited period of time. There is also a push nationally for Native American Graves Protection and Repatriation Act (NAGPRA) responsibilities and specific cases to move forward with repatriation. There are concerns with BLM's current levels of funding being inadequate to this important activity given the significant workload and personnel. Similarly, anticipated new workload for managing museum collections will also present both staffing and funding challenges. Further planning needs to be done to determine how the agency will comply and more adequately implement this requirement as budget will continue to be an issue.

Raising Internal Awareness of the Preservation Board

The Preservation Board recognized the need to expand its efforts to raise awareness among BLM leadership and staff regarding the board and its purpose, particularly senior leadership. Efforts are being made to revise the 8100 series manuals and work through enduring challenges with policy and guidance.

Programmatic NEPA

The board further discussed how to integrate Section 106 into programmatic NEPA planning documents and how the two processes conflict at times and work together at others. Some of the terms used in the Section 106 process are problematic as they have different meanings in the NEPA sphere. The group discussed if the 36 CFR 800.8 coordination process of Section 106 with NEPA would be something to consider for these types of planning efforts. Members also discussed the need to train field staff to recognize that a determination of NEPA adequacy does not always mean that NHPA Section 106 responsibilities are also complete. The board established a new committee to work on issuing guidance on how to integrate Section 106 and programmatic NEPA.

Coordination of Section 106 with NEPA using 36 CFR 800.8

Further discussions of how to use the 36 CFR 800.8 NHPA coordination with NEPA. The board reviewed a case study from Nevada using this section of the regulation. This coordination can be useful as the processes are more integrated, as 106 has to be done early and alternatives are not shaped or formed beforehand. This process also does not leave Tribal and other cultural resources concerns out of NEPA and public scoping.

General Updates

The board discussed the utility and merit of adding a state level Tribal Liaison as a rotating position to the board, similar to the line officers and field archaeologist representatives. This would bring board membership to 21. The Board was generally in favor of adding this but will further consider it prior to changing the charter.

Hiring and funding is still an issue in a number of states. Filling vacancies for Tribal Liaison positions is also a priority for many BLM states. Several states are also starting to encounter challenges with reimbursing Tribes for consultation.

The board discussed working on a more staged approach to co-stewardship, beginning with relationship building. The Secretary of the Interior has a tribal advisory council that is advising about what they find to be the most successful and would like more hiring of tribal members. Solicitors working on how to protect tribal data and indigenous knowledge.

The advertisement for the permanent Federal Preservation Officer will be posted soon. In the meantime, Cynthia Herhahn will be transitioning back to New Mexico in July and will overlap with incoming new detailer Natalie Clark.

National Cultural Resources Management Information System (NCRIMS) – Dayna Ables
Members in attendance were provided additional information and training about the NCRIMS system and how the efforts to ingest data from State database systems into the BLM's national database system is progressing. This effort is also helping offices with their migration to digital records which are more resilient to natural disasters such as flooding.

8150 Manual Updates

The working group noted they are currently working on Chapter 2 and getting into revising the terms and conditions. Updates on this manual started in 2014 and the group is working off and updating those comments which were a good start. This effort may have impacts to other manuals due to changes in terms. Other edits are due to changes in mindset and migration to the DI-1991 form.

ARPA Best Practices Report

BLM contributed to a DOI report on ARPA best practices in response in part to a Government Accountability Office's report entitled *Native American Cultural Resources - Improved Information Could Enhance Agencies' Efforts to Analyze and Respond to Risks of Theft and Damage*. BLM's recommendations focused primarily on Law Enforcement tracking theft and damage of Native Cultural Resources. The report is currently be finalized.

Oregon Interagency ARPA Working Group

BLM Oregon is working on APRA enforcement as part of an Interagency working group that hopes to inform BLM as a whole about best practices for investigations. An additional joint ARPA training for Law Enforcement and Archaeologists is in the planning stages for October in Oregon.

Day Two – June 7

Advisory Council on Historic Preservation (ACHP) Update

The ACHP provided updates on their reviews of BLM projects. Bill Marzella informed the Preservation Board that Reid Nelson is now the Executive Director of the ACHP. The Council has formally issued an updated recommended policy on burial sites, human remains, and funerary objects. There are no plans right now to revise or amend regulations, however, agencies have noted they would appreciate additional guidance for situations which do not clearly fall within the parameters of the current process, such as further guidance for the use of 36 CFR 800.8. The ACHP returned to classroom trainings in 2023. The Council is working on guidance for developing and consulting on nationwide Programmatic Agreements.

Colorado State Historic Preservation Office (SHPO) Update

The Colorado SHPO provided updates about their staffing levels and noted that the Inflation Reduction Act and Bipartisan Infrastructure Law will increase their workload which will stretch their review capacity and they are working on ways to increase that capacity. They are working on hiring a NAGPRA position for collections and have hired an indigenous curator. Their program is working on increasing efforts to be more inclusive in how history is presented within the state. The Colorado SHPO is also working on/implementing a variety of Programmatic Agreements (PAs) with the BLM focusing on predictive modeling, travel management, and irrigation infrastructure. The Colorado SHPO focuses their consultation on the procedures in their protocol, before they decide to begin a project or program specific PA. SHPO's preference is not to work on time-consuming agreements if the protocol can be utilized effectively instead.

National Programmatic Agreement

A subsequent session focused on the upcoming expiration and renewal of the National Programmatic Agreement. The session included a review of the current agreement and the amendments made in 2012 and the planned course of action for renewing the document prior to expiration in 2024. Virtual listening sessions will be held in July to hear comments from Tribes. BLM does not see a need for major changes and does not want to start making any changes before hearing from Tribes. BLM will add in the ACHP policy on reburial and update to reflect the recodification of the NHPA. BLM expects to receive comments regarding indigenous knowledge and expertise.

Data Sharing with Tribes

Discussion led into the next session about data sharing with Tribes for both Section 106 consultation and general program access, particularly focusing on what a good faith effort looks like when providing information and how to safeguard data shared. BLM offices have observed that some Tribes have objections to signing agreements. Partnerships to improve records management and access may help and co-stewardship may be another avenue.

Tribal Co-Stewardship Best Practices

Twelve states reported on their progress with statewide co-stewardship plans. Co-stewardship will move forward in stages as best practices are gleaned from the state reports. The focus will be on relationship building, training, funding and capacity building, and data management. Will be

working towards building and developing more formal agreements and determining how to convey funding to Tribes.

Assistant Director Tom Heinlein

Tom Heinlein discussed his role and perspectives as assistant director of National Conservation Lands and Community Partnerships.

Day 3 – June 8

Day Three included a field trip to the Gunnison River where the board met with local BLM leadership and staff to learn about the management of cultural resources along the Gunnison River corridor and within special designations. The board discussed impacts, protection measures, and opportunities for co-stewardship within designated Heritage Areas.

December Meeting: December 5-7, 2023, Washington, D.C. (pending approval)

June 2024 Meeting: Tentatively planned for California to host June 4-6, 2024. Location to be determined.