

Bureau of Land Management Preservation Board
December 2023 Meeting
December 5-7, 2023
Washington, DC – ACHP Meeting Room, National Building Museum

BLM Preservation Board Members

Natalie Clark	Federal Preservation Officer (acting)
Bob King	Deputy Preservation Officer - Alaska
George Herbst	Deputy Preservation Officer – California
Natalie Clark/ Christine McCollum*	Deputy Preservation Officer - Colorado
Noelle Shaver	Deputy Preservation Officer - Idaho
Jennifer Macy	Deputy Preservation Officer - Montana (acting)
Madeline Van der Voort	Deputy Preservation Officer – Nevada
Jarrold Kellogg	Deputy Preservation Officer – New Mexico (acting)
Heather Ulrich	Deputy Preservation Officer – Oregon/Washington
Tylia Varilek	Deputy Preservation Officer - Utah (acting)
Denise Tugman	Deputy Preservation Officer - Wyoming
Nicole Hanna*	Tribal Liaison – HQ 420 (Dec. 6)
Erin Leifeld	Field Archaeologist Representative – Silt, Colorado
Courtney Carlson	Field Archaeologist Representative – Miles City, Montana
Don Rotell	Field Manager -- Andrews/Steens Field Office, Oregon
Marnie Graham	Field Manager – Glenallen Field Office, Alaska
Suzanne Copping	Field Manager – Uncompahgre Field Office, Colorado

Additional BLM Participants

David Jenkins	Division Chief – HQ 420 (Dec 5-6)
Derrick Baldwin*	Deputy Division Chief – HQ 420
Bridget Ambler	National Curator – HQ 420 (acting)
Cynthia Herhahn	Note-taker, New Mexico NAGPRA Coordinator
Jamie Palmer*	Incoming HQ 420 Senior Archaeologist (acting)
Chris Lloyd*	HQ 420 Geospatial Archaeologist (acting) presented Dec 5

Partners/External Participants

Erik Hein	National Conference of State Historic Preservation Officers (Dec. 6)
Valerie Grussing	National Association of Tribal Historic Preservation Officers (Dec. 5)
Stacy Laravie	National Association of Tribal Historic Preservation Officers (Dec. 5-6)
Ted Monoson	National Association of Tribal Historic Preservation Officers (Dec. 6)
Bill Marzella	Advisory Council on Historic Preservation
Jaime Loichinger	Advisory Council on Historic Preservation (Dec. 5)
Chris Koepfel*	Advisory Council on Historic Preservation (Dec. 5- 6)
Ana Perez*	Advisory Council on Historic Preservation (Dec. 5)
Melanie O'Brien	NPS National NAGPRA Program (Dec. 7)
Emily Palus	DOI Museum Program (Dec. 7)

* attended virtually

The December Preservation Board meeting was held in Washington, DC at the offices of the Advisory Council on Historic Preservation (ACHP) to meet in person with representatives of the two signatories to BLM's National Programmatic Agreement, ACHP, and the National Council of State Historic Preservation Officers (NCSHPO). The Board was also able to meet with representatives of the National Association of Tribal Historic Preservation Officers (NATHPO), which is also headquartered in the DC area. Additionally, the Board met with representatives from the Department of the Interior who are stationed at Main Interior in DC.

Day 1 - December 5

Updates and Review of BLM projects by ACHP

ACHP liaison to the BLM Bill Marzella provided staffing and training updates and an overview of BLM projects the ACHP is involved with. Bill introduced Jaime Loichinger, who is now the director of the Office of Federal Agency Programs. Ira Matt, Director of the Office of Tribal and Indigenous People is on a year-long detail as the Assistant Director for Indigenous Engagement and Native American Affairs in the White House Office of Science and Technology Policy but will continue to engage with important ACHP issues during that time. They are working on a draft policy statement on Indigenous Knowledge and one on housing and historic preservation now that the policy statement on the treatment of human burials has been issued. There are 15 program alternatives being worked on currently, which is the most at one time.

Emergency Procedures and 800.12

Bill Marzella and Heather Ulrich provided information and discussion of the Emergency Procedures at 36 CFR 800.12 and when it is appropriate to use them. They discussed the difference between actions that are exempt from Section 106 (immediate activities to protect life and property) versus those subject to the emergency procedures to expedite Section 106 (e.g., debris removal, environmental remediation), and provided suggestions if the incident goes beyond the 30 days. The national Programmatic Agreement currently does not cover 800.12 because it only replaces the procedures at 800.3-6 and encourages use of 800.8. The Board discussion stressed the importance of planning to improve outcomes and to make the 106 process for emergencies go more smoothly. The protection of resources through avoidance, minimization, or mitigation is more of a fire management issue than a 106 issue in wildland fire situations. Spills are other emergencies situations where 800.12 would apply. It is not just fire. Post-disaster recovery is subject to standard 106 or the NPA and protocols.

NCRIMS Updates – Chris Lloyd, HQ420 Geospatial Archaeologist (acting)*

Chris is working with the National Operations Center to get FY21 cultural data into the National Cultural Resource Information Management Systems (NCRIMS). The FY23 contract is working on crosswalk scripts and ELT (extract, load, and transform tool). Once the tool is in place, we should be able to get 2-4 data updates in NCRIMS per year. The crosswalks are important in the cases where a state is reliant on SHPO data, especially if they change their data schema. Chris emphasized the importance of properly attributing data in GIS and the role of the Cultural Resources Data Partnership data steward.

ARPA Prosecutions

Tylia presented several successfully prosecuted Archaeological Resources Protection Act cases in Utah. Vandalism and other ARPA violations are a problem for BLM UT and there is a tip line that goes straight to law enforcement. Social media can be a way to find out about vandalism. It is important to act quickly and to have good baseline data when pursuing an ARPA case.

Utilizing 638 Authority to Fund Tribes for BLM Projects

Heather Ulrich presented a case study in using provisions in P.L. 93-638 (Indian Self-Determination and Education Act) as amended to complete project work and to engender Tribal involvement and grow Tribal economies.

Tribal Travel Reimbursement

Erin Leifeld shared how BLM Colorado has been compensating Tribes for travel for consultation meetings with BLM following BLM's 1780 Manual. Declining balance cards can be used for lodging and per diem but not mileage. It takes some lead time to get the required information, so best to begin initial process at least 4 weeks in advance. Once the person is in the system, issuing the cards can be done in a little as 4 days.

8150 Manual Revision Updates – Nate Thomas, BLM UT*

Nate Thomas provided an update on the status of the 8150 Manual revision. The team is making good progress but some work is still needed on the permit conditions. The working group is working to consolidate redundant conditions and BLM will need to track changes being made to the DOI conditions by the Departmental Consulting Archaeologist. He suggests the manual could be finalized by next December meeting and suggests that the Preservation Board take on another manual revision.

Day 2 – December 6

National Council of State Historic Preservation Officers Updates: State of the SHPOs Landscape – Erik Hein, Executive Director

State Historic Preservation Offices (SHPOs) are being affected by inflation, especially in the workforce. Salaries are low and the shortage of qualified applicants leads to high vacancy rates, but the number of undertakings reviewed is high. NCSHPO is working on 15 program alternatives, which provide efficiencies for agencies but often not for SHPOs. SHPOs prefer alternatives like BLM's national Programmatic Agreement (NPA) because it provides for states to develop state specific protocols that can create efficiencies for SHPOs. NCSHPO is conducting a survey of members on workforce and on SOI standards for rehabilitation. Members have identified several big issues including cultural landscapes and sacred sites specifically identification, documentation, and mitigation; renewable energy, prescribed fire effects, and would like to see phasing more clearly identified in the NPA.

The Board listened to Secretary Haaland's remarks delivered at the White House Tribal Nations Summit.

National Association of Tribal Historic Preservation Officers Updates – Stacy Laravie, Indigenization Advisor and Ted Monoson, Government Affairs Coordinator

Valerie Grussing was not able to attend today because she is attending the White House Tribal Nations Summit. The challenge for bureaus in DOI like BLM is to live up to the words of Secretary Haaland. Funding is a major concern for THPOs and even the ever-shrinking amount of funding through the Historic Preservation Fund can only be spent on activities related to the National Historic Preservation Act, not Native American Graves Protection and Repatriation Act (NAGPRA) activities or other activities that THPOs perform. But natural resources are cultural resources, and THPOs have all these responsibilities in addition to NHPA. Regarding the NPA, NATHPO stated that because THPOs are individual, it is not appropriate for NATHPO to weigh in on it. They wonder if the revision of the NPA is addressing issues with it, or is it being revised just because it is expiring. The focus on streamlining is a problem for Tribes. There is a major concern with accountability at the district level. Efficiencies in the NPA can't happen without trust. BLM needs cultural sensitivity training and accountability at all levels. Terminology really matters. Equity is not the goal for Tribes – these are sovereign Nations. If NATHPO is to review training content, they would need resources.

National Programmatic Agreement Update – Open Session (BLM, ACHP, NCSHPO, and NATHPO)

Due in part to staffing in HQ420, the NPA will not be ready for signature by February deadline so Natalie has drafted a request that is awaiting signature for a 2-year extension but expects we will not need more than a year. Received internal and external comments. The comments included accountability, regular review of NPA and protocols, review of staff compliance with NPA and 1780 manual, third party review of compliance with NPA, and adding individual performance standards, managers shouldn't be able to make eligibility determination without SHPOs, state offices should be able to be decertified, ongoing undertakings should be listed somewhere other than ePlanning since not all 106 undertakings require NEPA. The Board discussed training, cultural landscapes, clarifying the role of the Preservation Board, and addressing emergencies under the NPA. Cultural landscapes should be addressed in whereas clauses. The Board suggested strengthening language on the purpose of the NPA and its efficiencies to allow for more Section 110 work.

Member Round Robin

Heather Ulrich, OR/WA: Protocol expiring in 2025 so they need to coordinate with NPA group on how to move forward. She will be transitioning to the State Tribal Liaison position. OR/WA is also hiring a permanent Cultural Resources specialist for an interdisciplinary team for resource management plans.

Denise Tugman, WY: Working on a program review. The Wyoming BLM 5-year strategic plan expires in 2023 so we will be developing a new plan. We are working on a new curation agreement with the University of Wyoming Archaeological Repository (UWAR) as the current agreement has expired. We will be developing a new data sharing agreement with the Wyoming SHPO and we will be considering protocol revisions.

George Herbst, CA: Staffing changes in the cultural program in the CASO include NAGPRA and collections position (Associate State Archaeologist), and a new IRA funded renewables

archaeologist with John Fogerty. Working with the California Desert District to implement the Desert Renewable Energy Conservation Plan (DRECP) cultural landscape study and predictive model and with BLM AZ on a cultural landscape study in the Colorado River valley, both funded by IRA. The CA IM on implementing ARPA 43 CFR 7.33 was issued on 29 September and allows the relocation of material remains that have been determined not eligible for NR listing during the Section 106 review process. This IM addresses longstanding Tribal concerns post review effects on non-eligible cultural resources.

Madeline Ware Van der Voort, NV: Madeline will be shifting additional focus to compliance with NAGPRA and Tim Van der Voort is taking on more work with renewable energy. NAGPRA is a big priority for NV. NV is developing an IM on Tribal monitoring. NV cultural resources program has a 45% vacancy rate, so hiring and training is also a focus. Renewables and related transmission will be a big workload. The Associate State Archaeologist will be working on developing the National Historic Trails program to support proactive work on NHTs.

Bob King, AK: Bob is retiring after 42 years working for BLM AK, 38 of those as the AK DPO. Alaska's cultural program has seen remarkable stability; the most recent hire has been on the job 7 years, while most others 10-30 years. Bob would be happy to assist BLM as a "DPO emeritus". There will be a 120-day detailer into the DPO position soon. For the last 2 years, Bob has focused on NAGPRA repatriations and has handled one third of all BLM NAGPRA cases including a recent NIC to be published repatriating more than 700 ancestors. Alaska will continue to be unique. There is a lot of oil and gas potential with associated controversy, particularly related to the Alaska National Wildlife Reserve and National Petroleum Reserve.

Don Rotell, Steens, OR: Hired a GS 12 archaeologist, who has done the primary research at Rimrock Draw, a significant archaeological site dating to at least 18,000 years ago. They are consulting with the Burns Paiute on research conducted at the site. Andrews Steens office has identified the Sagebrush Focal Landscape under the IRA. They have a business plan and are planning a cultural landscape study or ethnographic study to support.

Marnie Graham, Glennallen FO, Alaska: Wonders what will we do without Bob King? He has had a major national and local impact through his involvement in many events. Alaska will be releasing 28 million acres under a Public Lands Order withdrawal to conveyances to Alaska natives. Her office has had 2 floods this year.

Jarrold Kellogg, NM: Reviewing documents for HQ, a Programmatic Agreement proposed by the Bureau of Reclamation, and an agreement document for a proposed land exchange with the NM State Land Office. Jarrold has been working with field and district offices to make clear the expectation for spending 1050 dollars. Other work includes an IM guiding procedures for running field schools on BLM lands, the statewide strategy update, and two RMPs.

Jen Macy, MT: Saw a need to increase the internal visibility of the cultural program so has created a SharePoint and issued a Heritage Newsletter. She has also held monthly cultural program calls. She and David Wade at the Billings Curation Facility are working on NAGPRA compliance. Courtney Carlson volunteered to lead the MT protocol revision. MTSO will attend a BIA meeting with THPOs and other Federal agencies in the Spring. Missoula has hired a restoration archaeologist. WY is hiring the DPO position, which has been vacant for 1.5 years. The position closed. There is a need for Tribal co-stewardship training and consultation training. In South Dakota, had an issue with NRCS involving an NHL.

Courtney Carlson, Miles City, MT: Field Office is hiring 1 archaeologist and potentially a paleontologist. Currently grappling with reasonable and good faith effort to document resources that are barely 50 years old such as powerlines.

Tylia Varilek, UT: UTSO is hiring a renewable energy archaeologist as a GS 12. Tylia has 1 month left in her detail as DPO filling behind Nate Thomas who is now the Branch Chief of Outdoor Recreation and Heritage Resources in the UTSO. Diana Barg is working on NAGPRA compliance and is ready for the new final rule.

Noelle Shaver, ID: IDSO hired a renewable energy archaeologist funded by BIL to work on guidance on cultural resources data needs for BIL projects. The ID State Director has been meeting with Tribal nations on renewable energy. The Lava Ridge Programmatic Agreement is still in process. Seeing a lot of gen-tie ROW requests for moving energy off wind farms on private lands. Requests lack information on the wind farms. IDSO received IRA funding for Class III inventory in areas that could see renewables and transmission. IDSO has an IRA/BIL coordinator. Note that BIL is reimbursable but IRA is not, so funding 106 on IRA projects has been an issue. Trying to relieve burden of FO archaeologists through partnerships with universities. Finished an EIS on rock climbing area impacting a Traditional Cultural Place.

Natalie Clark, CO and HQ420: Christine McCollum is acting DPO through the end of the week but was unable to join in person. COSO is working on a land exchange. 10 of 18 archaeologist positions in CO are vacant, but 6 should be coming on in the next few months. The IRA/BIL team has a new archaeologist position that has been filled and should start soon. COSO is working on the goals of the Co-Stewardship plan and updates to the statewide strategy. There is new guidance on the Statewide strategies that should make them easier to compile. Natalie's detail as the FPO is complete.

Erin Leifeld, Silt CO: Erin has been in the COSO TLO position since June. COSO developed a means to compensate Tribal members for attending BLM consultation. COSO held a successful Ute Trails workshop with 3 Ute Tribes to understand their vision for how BLM manages the Ute trails. The Forest Service also participated, so there is potential for co-stewardship of trails across the two land management agencies. Also working on the Dolores River Ethnographic Study with Tribes. Erin has visited the field offices and also attended Zia Pueblo's feast day. COSO is working to rename an area to get rid of the SQ word. Erin is coordinating with other TLOs from other agencies within Colorado and supporting state and national EISs.

David Jenkins, HQ420: Will be readvertising the FPO position. An FPO detailer will be coming on for 120 days. The 1050 budget is not commensurate with what is needed, and he is working to get other funding to support aspects of the program, such as NAGPRA.

The Board formally thanked Bob King for his 42 years of service to BLM, his 38 years as Alaska State Program Lead for Cultural Resources, and his 26 years as Deputy Preservation Officer and founding member of BLM's Preservation Board!

Day 3 – December 7

Field visit to the DOI Museum for a tour of collections and murals at Main Interior Building.

NAGPRA Regulations Overview – Melanie O’Brien, National NAGPRA Program Manager

The final NAGPRA regulations will be published in the Federal Register December 13, 2023 and will go into effect January 12, 2024. Melanie focused on Subpart B of the regulations addressing Section 3 of the act. Current bureau procedures should not need a lot of changes IF the current procedures are aligned with the earlier regulations. The major changes are the addition of timelines where there were none before and some changes to existing timelines. Subpart B now requires the formal identification of the appropriate agency official, and the plan of action is still required but moves up in the process. The timeline for Tribal consultation following the 3-day notification requirement is now a maximum of 60 days, up from the previous 30 days before work can resume. Disposition of NAGPRA ancestors or items must occur within 1 year of removal. If there is not a claim in that time, they become “unclaimed” and go through that process, which requires publication of a notice of intended repatriation. Some definitions have seen some changes that clearly identify Tribes as experts and the role of Indigenous Knowledge.

Collections Program Administration – Emily Palus, Museum and Cultural Resources Division Chief, Office of the Secretary, Acquisition and Property Management, Department of the Interior

Emily provided an overview of her program, including her two teams. There is the DOI Museum, which is the operational program, and the Policy Team that provides policy and technical assistance. The Board was provided a tour of the DOI Museum earlier on December 7, which provided insight into collections held by the DOI Museum and the Secretary’s art collection. The policy team provides training and data management support, including a major acquisition effort that will create a cloud-based database to replace MCMS, the old DOI cataloging system. The dream is ultimately to have this system be able to interface with NCRIMS. They are also working on an update to Departmental Manual 411 and stepped down Directives. Discoverability of collections has been included as a strategic goal in the DOI Strategic Plan. Emily’s goals are to develop tools for managing museum property that work for all DOI bureaus. Emily also provided a summary of the DOI direction to DOI bureaus on addressing NAGPRA compliance.

Closeout

The June Preservation Board meeting is planned for June 4-6 in Palm Springs, California in order to address cultural landscapes, renewable energy, and 43 CFR 7.33.

Meeting adjourned at 5:10pm EST