
Cultural Resources

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National Fluid Minerals Conference

June 23, 2004



Topics

- Overview
 - E.O. 13287 “Preserve America”
 - National Historic Preservation Act
 - BLM and Section 106
 - Sneak Preview: APD and 106 Action Plan
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Overview

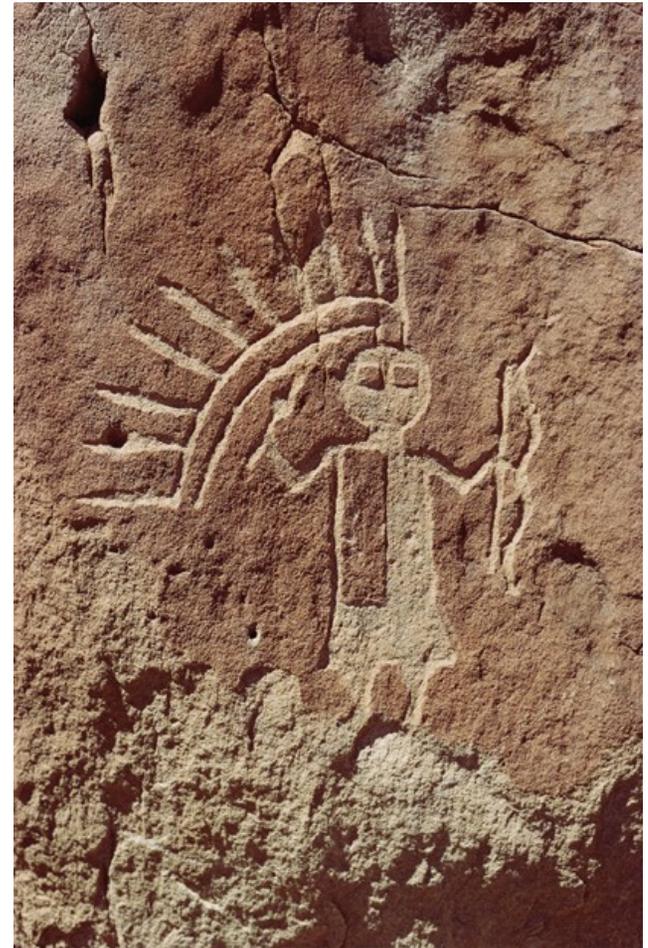
“The United States manages public lands in a manner that will protect the quality of scientific...historical...and archeological values....”(Federal Land Policy and Management Act of 1976)

Archaeological Sites



Rock Art





Architecture







Historic Events and Themes







Properties of Cultural Importance



A Few Statistics

- Ca. 6% of BLM lands inventoried
 - Ca. 263,000 cultural resources recorded
 - 4,247 listed on the National Register in 402 listings
 - 21 National Historic Landmarks
 - 3,500 miles of 8 National Historic Trails
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Key Laws and Policies

- 1906: Antiquities Act
- 1935: Historic Sites Act
- 1960: Reservoir Salvage Act
- **1966: National Historic Preservation Act**
- 1969: National Environmental Policy Act (NEPA)
- 1971: EO 11593, Protection and enhancement of the Cultural Environment
- 1974: Archaeological and Historic Preservation Act
- 1976: Federal Land Policy and Management Act
- 1978: American Indian Religious Freedom Act
- 1979: Archaeological Resources Protection Act (ARPA)
- 1990: Native American Graves Protection and Repatriation Act
- 1990: 36CFR79: Curation of Federally-owned and Administered Archeological Collections
- 1996: EO 13007, Indian Sacred Sites
- **2003: EO 13287, Preserve America**

Executive Order 13287

“Preserve America”

E.O. 13287, “Preserve America”

- Signed by President Bush March 3, 2003
 - Establishes Federal policy to provide leadership in:
 - Preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and
 - Promoting intergovernmental cooperation and public-private partnerships for the preservation and use of historic properties.
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E.O. 13287, *Preserve America* (2003)

- Emphasizes the value of heritage tourism to community economic development as well as appreciation for American history and values
 - Compliments First Lady's *Preserve America* initiative
 - The White House is working with the Advisory Council on Historic Preservation, the Department of the Interior, and the Department of Commerce to implement
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National Historic Preservation Act

NHPA Overview

- Purpose: “...the historical and cultural foundations of the Nation are founded upon and reflected in its historic heritage; historic properties significant to the nation’s heritage are being lost or substantially altered, often inadvertently, with increasing frequency; the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans....”
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NHPA Section 110

- Establish a program for identification, evaluation, nomination and protection
 - Manage in a way that considers preservation of historic, archaeological, architectural, and cultural values
 - Give preservation of properties not under agency jurisdiction but subject to be potentially affected by agency actions, full consideration in planning
 - Carry out preservation-related activities in consultation with State Historic Preservation Officers, local governments, Indian tribes, and interested public
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NHPA Section 106

- The head of any federal agency having direct or indirect jurisdiction over a proposed federal or federally assisted **undertaking** in any state and the head of any federal department or independent agency having authority to license any undertaking shall, prior to the expenditure of any federal funds on the undertaking or prior to the issuance of any license, take into account the effect of the undertaking on any district, site, building, structure, or object that is **included in or eligible for the National Register**. The head of any such federal agency shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.
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What is an Undertaking?

- A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those requiring a federal permit, license, or approval
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What is the National Register of Historic Places?

- Planning tool for federal, state and local governments, private groups and citizens to identify properties that should be considered for protection from destruction or impairment
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BLM and Section 106

NHPA Section 106 Compliance Processes

- 36 CFR Part 800 - Protection of Historic Properties
 - BLM Process
 - Authorized by BLM national Programmatic Agreement of 1997 between BLM, Council And National Council of Historic Preservation Officers
 - Outlined in Agreement, State Protocols and 8100 Manual Series
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BLM National PA

■ Benefits

- ❑ Streamlining of procedural requirements
- ❑ Reduction of unnecessary paperwork
- ❑ Ability to focus on common goals of planning for and managing historic properties in public interest
- ❑ More collegial relationship

■ Commitments

- ❑ Open process - commitment Of managers
 - ❑ Internal standards and procedures – qualified personnel, 8100 Manuals & State protocols
 - ❑ Partnering for Section 110 and outreach
 - ❑ Accountability
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Preservation Board

- Advises Director, Assistant Director, State Directors And Field Office Managers On BLM Policies And Procedures
 - Chaired By BLM Preservation Officer
 - Composition
 - Four Line Managers
 - Two Cultural Resources Specialists
 - All State Deputy Preservation Officers
 - Meets Twice a Year
 - Certifies BLM States To Operate Under PA
 - Reviews Field Office Performance At Request Of Field Office, State Director, Council Or SHPO.
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State Protocols

- Define Relationship And Administrative Process for each State
 - How State Director Ensures SHPO Involvement
 - Data Sharing And Synthesis
 - Public Education
 - Cooperative Stewardship
 - Case-By-Case Thresholds
 - State Specific Approaches To Classes Of Properties
 - Procedures For Resolving Disagreements
 - Relationship To 36 CFR Part 800
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Sneak Preview: APD and Section 106 Action Plan

History

- **Phase I: Task force assembled in Denver September 2003**
 - **Task: To review issues and opportunities with respect to NHPA 106 and APD processing**
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History

■ **Members:**

- **Bob Anderson, Deputy Assistant director, WO-300**
 - **Bob Bennett, State Director, Wyoming**
 - **Robin Burgess, BLM Federal Preservation Officer**
 - **Howard Clevinger, Petroleum Engineer, Vernal, Utah**
 - **Jerry Crockford, Right of Way Project Manager, Farmington, NM**
 - **Carsten Goff, DSD, Minerals, New Mexico**
 - **Dan Haas, Archeologist, Colorado State Office**
 - **Tom Hare. Natural Resource Specialist, WO-310**
 - **Don Simpson, DSD, Resources, Wyoming**
 - **Gary Smith, Archeologist, Montana State Office**
 - **Dennis Stenger, Field Office Manager, Buffalo, Wyoming**
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History

■ Approach

- Reviewed authorities
 - Reviewed findings of previous task forces
 - Reviewed APD data
 - Reviewed results of WO-310 survey of selected busiest Oil & Gas Field Offices
 - Reviewed process improvement activities to date
 - Roundtable of State issues & suggestions for improvement
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History

■ **Conclusions**

- ❑ Many good ideas encapsulated in IM 2003-147
- ❑ Many initiatives underway that will improve efficiency of NHPA 106 for processing APDs
- ❑ Wide variety of specific problem situations have been experienced in the field
- ❑ Wide variety of ideas for process improvement

■ **Briefed the Director on “Issues and Opportunities”**

History

- **Phase II: Small task force convened Feb 3-4, 2004**
 - **Task: Select top “Issues and Opportunities” and develop action plan**
 - **Members: Don Simpson, Tom Hare, Gary Smith and Robin Burgess**
 - **Approach: Focused on practical recommendations that could lead to lowering cost/time of cultural resources work connected with processing APDs.**
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Best Business Practices

- **Goal: Efficient Processing of APDs**
 - **Objectives:**
 - Promote complete cultural inventory reports, submitted in a timely manner for each APD
 - Improve automated tracking and recordation process
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BLM/SHPO Partnering and Best Management Practices

- Goal: Maintain strong and effective working relationship between BLM and SHPOs
 - Objectives:
 - Work with SHPOs to improve APD processing
 - Assist SHPOs with development of cultural resource context studies and planning efforts
 - Support continued work with SHPOs on data sharing
 - Work with SHPOs and industry to establish BMPs by property type
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Getting Resources on the Ground Where Needed

- Goal: Align resources to APD workload (9 Field Offices complete 90% of APDs)
 - Objectives
 - Evaluate workforce in BLM States with significant APD workloads.
 - Target areas where large scale inventories on public surface would be beneficial for development planning and APD processing.
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Status

- Expect to Issue Final Soon
 - Some State Offices pressing ahead with good ideas – Wyoming
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