

**\*\*Notes from the 2019 December Preservation Board meeting were lost at some point when files were transferred in Headquarters. Below is compiled from various sources. Notes may not be available for each agenda item.\*\***

**Bureau of Land Management Preservation Board  
December 2019 Meeting  
Washington, D.C.  
December 3-5, 2019**

**BLM Preservation Board Members**

|                  |   |
|------------------|---|
| Ranel Capron     | Federal Preservation Officer                            |
| Robert King      | Deputy Preservation Officer – Alaska                    |
| Matt Basham      | Deputy Preservation Officer – Arizona                   |
| Tony Overly      | Deputy Preservation Officer – California                |
| Erin Leifeld     | Representing the Deputy Preservation Officer – Colorado |
| John Sullivan    | Deputy Preservation Officer – Eastern States            |
| Kirk Halford     | Deputy Preservation Officer – Idaho                     |
| Gary Smith       | Deputy Preservation Officer – Montana/Dakotas           |
| Bryan Hockett    | Deputy Preservation Officer – Nevada                    |
| Cynthia Herhahn  | Deputy Preservation Officer – New Mexico                |
| Kristen Martine  | Deputy Preservation Officer – Oregon/Washington         |
| Nathan Thomas    | Deputy Preservation Officer – Utah                      |
| Kathy Boden      | Deputy Preservation Officer – Wyoming                   |
| Dayne Reale      | Field Archaeology Representative – Nevada               |
| Jenny Blanchard  | Field Archaeology Representative – Alaska               |
| Aron King        | Line Manager Representative – Arizona                   |
| Catrina Williams | Line Manager Representative – Nevada                    |
| Jason West       | Line Manager Representative – Arizona                   |
| Melanie Peterson | Line Manager Representative – Nevada                    |
| Theresa Hanley   | Field Committee Representative – Oregon                 |

**BLM Participants**

|           |                         |
|-----------|-------------------------|
| Janet Ady | Division Chief – HQ-240 |
|-----------|-------------------------|

**Partners/External Participants**

|               |   |
|---------------|---|
| Bill Marzella | Advisory Council on Historic Preservation |
|---------------|---|

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**December 3**

*Strategic Planning*

*Purpose:* Review status of current policy endeavors and determine how the Board can assist completion. Brief the Board on Washington accomplishments, realignment activities, vacancies, and detail opportunities. A Q&A session will accompany the briefing.

*Merger with WO-400*

*Purpose:* Leadership from Washington Office (WO) 400 will brief on how the Board will work within the 400 structure and what 400's expectations are.

Leadership shared some of the logistical needs and unknowns of moving, including moving files. Some positions will move to state offices, and Washington will be in communication with state directors. Additionally, there is a need for someone to complete BLM's Preserve America report this year, for submission to ACHP in September. WO shared that there is a new heritage resources program booklet highlighting work from 2018 and it can be ordered from the National Operations Center. The Board can expect guidance on historic trash scatters in the near future. Deputy Preservation Officers (DPO) should work with State Historic Preservation Officers (SHPOs) from each state to set state policies. For now, the tribal data sharing guidance is on hold. NCRIMS updates include that WO has started pulling data from states, but half don't have any. There is an hour-long training that will explain how NCRIMS works.

*NEPA/Section 106 Coordination*

*Purpose:* To assist the Executive Leadership Team's topic of streamlining permit issuance through NEPA and Section 106 coordination as identified in 36 CFR 800.8, we will discuss the Arizona pilot case and next steps such as training, webinar, development, state guidance or best practices.

The Board discussed adding something about 36 CFR 800.8 to the national Programmatic Agreement (nPA). A Board member shared a Section 106 example for a recreational shooting sports project. Following, there was discussion about whether mitigation can be written into the decision record for NEPA, or if a Memorandum of Agreement is still needed. Utah provided an update on the Bears Ears National Monument Resource Management Plan Section 106 compliance.

*National Programmatic Agreement Review*

*Purpose:* Identify team leads/teams to work on specific sections of the nPA. Review work begun at the June Board meeting.

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**December 4**

*Message from NCSHPO*

*Purpose:* Introduce Executive Director Erik Hein and allow Mr. Hein time to discuss BLM protocols, etc. that the western SHPOs have identified as problematic.

NCSHPO started by saying that BLM's data sharing system is highly regarded and looked at as a model for other federal agencies. Mr. Hein shared NCSHPO concerns with the Board. There is a lot of concern among SHPOs about NEPA streamlining; BLM is trying to front-load the Section 106 process before starting the NEPA process. There is also concern about compensatory mitigation, specifically about private landowner denial after programmatic agreements are signed. NCSHPO feels that the Board's coordination and getting together is unlike any other agencies. They want to participate in future meetings, even if in other parts of the country because of the WO move.

*Message from ACHP*

*Purpose:* Introduce the Advisory Council On Historic Preservation (ACHP) Chair Aimee Jorjani and other ACHP staff and allow time for comments regarding national Programmatic Agreement, BLM projects, etc.

The ACHP encourages early coordination with Indian Tribes during the pre-application process. They offer an on-demand webinar for applicants that teaches coordination with Indian Tribes. The 2020 classroom training will include essentials, agreements, and practices; there will also be a training for Tribes on Section 106. There were seven new national agreements this year. A normal year has maybe one. ACHP has three new partnerships with the National Park Service, the Forest Service and the Army. ACHP is working on substitution (36 CFR 800.8) guidance. Finally, the Bureau of Reclamation is looking at historic irrigation systems and a programmatic agreement to focus on important resources; this could also support BLM.

*Message from NATHPO*

*Purpose:* Introduce Executive Director, Dr. Valerie Grussing, and allow time for a briefing on the National Association of Tribal Historic Preservation Officers (NATHPO) and how BLM could interact more efficiently.

Dr. Grussing encouraged BLM to attend the annual NATHPO meetings; the next meeting is May 11 in Louisiana. NATHPO serves in a DC advocacy role, includes over 194 THPOs. They provided the following feedback to the Board:

- What is being done to implement policy consistently?
- NATHPO perceives that there are predetermined outcomes in BLM's Section 106 process.
- NATHPO is interested in data sharing agreements, such as those with SHPOs.

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*Proposal for Abandoned Well Programmatic Agreement*

*Purpose:* BLM New Mexico/Oklahoma will introduce the issue regarding abandoned (and leaking) wells in the Red River that require abatement (plugging), PA development and possible use of PA by other states. Discuss process with ACHP and NCSHPO and determine timeline.

*Program Budget Discussion*

*Purpose:* Discuss FY20 budget, accomplishments, timing, and expectations.

WO wants to put together a white paper of how the budget for the cultural program works for the new HQ-400 leadership. The Experienced Workers Program is an option for the program. Experience workers aged 55+ can work on contracts to assist BLM; these are support, not decision-making, roles.

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**December 5**

*June Board Meeting Protocol and Charter Review*

*Purpose:* Discuss and provide feedback regarding the June/field meeting requirements document provided in November. Members will bring comments for discussion regarding charter revisions.

The charter hasn't been updated since 1999; comments on changes to the charter are due by the end of the year.

*Rural Utilities Service (RUS) National Programmatic Agreement*

*Purpose:* Hear briefing from the RUS federal preservation officer regarding their national programmatic agreement and how BLM may use it to process RUS projects on BLM administered land.

The PA was signed on July 3, 2018; Basia Howard (RUS Deputy Federal Preservation Officer) and Erika Seibert (RUS Federal Preservation Officer) presented the PA to the Board.

*Vegetative Treatments and Changes to the Federal Land Policy and Management Act*

*Purpose:* Hear briefing from the WO-300 realty staff regarding draft policy on vegetative management and intersection with Section 106.

FLPMA was amended on March 23, 2018, and added Section 512. BLM issued IM 2018-070 for BLM-related guidance. The Board discussed implications of this amendment and shared examples from their states.

*Opportunity to Discuss Compensatory Mitigation Policy*

*Purpose:* Hear from Deblyn Mead about the Compensatory Mitigation policy issued last December.

Mike Smith, Solicitor with the WO, discussed policy around compensatory mitigation. Under current guidance, compensatory mitigation can only happen if the proponent wants it. The Board recognized a need to change our mitigation language to comply with law, regulations, and policy. Compensatory mitigation is a way to deal with the adverse effects of a proposed action. Compensatory mitigation is an option, but not a requirement. An example is a Programmatic Agreement where the proponent is a signatory; if the proponent agrees to alternative mitigation, it can be done.