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QA:N/A

STATE PROTOCOL AGREEMENT

(as amended through January 2005)

Between
The Bureau of Land Management, Nevada
and
The Nevada State Historic Preservation Office

This Protocol defines how the Nevada State Historic Preservation Office (SHPO) and the Nevada Bureau of Land Management (BLM) will interact and cooperate under the BLM National Programmatic Agreement (NPA) for implementing the National Historic Preservation Act (NHPA). The goal of the NPA and this Protocol is a more meaningful and productive partnership between the SHPO and the BLM (the Parties) to enhance cultural resource management on public lands managed by the BLM in Nevada.

I. RELATIONSHIP TO OTHER AGREEMENTS

Prior to implementing the NPA, the BLM and SHPO were complying with the NHPA under a Statewide Programmatic Agreement, dated July 29, 1990. Relevant portions of this agreement have been incorporated in this Protocol. As a result, the Nevada Statewide Programmatic Agreement is suspended as long as the NPA and this Protocol are in effect. Existing project specific agreements remain in effect.

Other agreements may be developed to define project specific procedures or manage specific undertakings. This Protocol will apply when more than one Federal agency is involved in an undertaking and BLM is the lead agency for National Historic Preservation Act (NHPA) compliance, unless the agencies, the BLM and the SHPO agree to develop a separate agreement document. When more than one Federal agency is involved in an undertaking, and the BLM is not the lead agency for NHPA compliance, the lead agency's procedures will apply unless the agencies, the BLM and the SHPO agree to develop a separate agreement document.

II. ADMINISTRATIVE INTERACTION AND REPORTING REQUIREMENTS

The BLM State Office, with input from the Field Offices, will prepare an annual report to the SHPO that describes the implemented actions taken in the previous fiscal year. This report will be due to the SHPO in December of each year and will include the information outlined in Appendix A.

The SHPO, BLM State Director, and Field Managers, with appropriate staff, will meet annually in January to review and discuss procedures and policies for managing cultural resources under the National PA and this Protocol. Individual Field Managers will further discuss any proposed projects for the current and forthcoming fiscal years that may effect cultural resources.

III. SHPO INVOLVEMENT IN RESOURCE MANAGEMENT PLANNING

To encourage a broad and proactive participation by SHPO in BLM's management activities related to cultural resource management, the BLM and SHPO agree that:

Resource Management Planning: Each Field Office responsible for preparing, or amending, a land use plan (Resource Management or Management Framework Plan) or preparing an Activity Plan that may effect cultural resources will invite the SHPO to participate, at the beginning of the process, to identify cultural resource issues that should be addressed in the plan. Each Field Office will invite the SHPO to participate in preparing Cultural Resource Management Plans to identify cultural resource issues that should be addressed in the plan. The BLM will invite the SHPO to comment on any proposed cultural resource use allocations developed in Resource Management or Management Framework Plans, Fire Management Plans, Allotment and Habitat Management Plans, Plan Amendments, Cultural Resource Management and Activity Plans. Field Offices will send all draft and final land use plans, ACEC Plans, and Cultural Resource Activity Plans to the SHPO. The SHPO agrees to provide the BLM with technical assistance in preparing National Register Nominations.

Project Planning: As early as possible in the scoping/planning process for major undertakings (i.e., large surface disturbing projects, land transfers, rights of way, etc.), each Field Manager will contact the SHPO to discuss likely effects to cultural resources. This discussion should focus on facilitating these projects to meet cultural resource preservation goals. Project planning discussions may be by telephone, correspondence, or meetings, as agreed between the parties.

Informal Consultation: The SHPO is encouraged to meet with the BLM State Office or a Field Manager at any time to discuss annual work plans, specific undertakings, outreach efforts, or other issues related to Cultural Resource Management. The BLM will make every effort to arrange such meetings in a timely manner and to provide information requested by the SHPO. The SHPO and BLM personnel may consult informally, at their discretion, on specific undertakings or the BLM Cultural Resource Management Program.

Field Tours: BLM Field Offices will notify the SHPO, in writing, of all public field tours relating to land use planning efforts (RMPs and RMP amendments) or to Environmental Impact Statement (EIS) planning efforts that may effect cultural resources.

IV. COOPERATIVE ACTIVITIES

The BLM and the SHPO recognize the advantages of working together on a wide range of cultural resource preservation activities and will cooperatively pursue the following efforts:

A. Data Sharing and Information Management

1. Reports: Field Offices will send the SHPO copies of all cultural resource inventory reports, research designs, treatment plans, and other reports, generated by undertakings initiated or authorized by BLM. This includes inventory reports for undertakings in which no cultural resources are identified. BLM will submit to SHPO copies of all reports for cultural resource inventories, including site forms, as soon as possible, but no later than 30 calendar days after BLM review and acceptance of the report.

All documentation in BLM files for undertakings that predate this Protocol and not previously reviewed by SHPO, should be submitted to the SHPO within one year of the implementation of this Protocol.

2. Reporting Standards: the BLM and the SHPO will collaborate on the development of standards for preparing inventory and treatment reports, and jointly develop isolated artifact and site forms. Until this is done, the standards in the Statewide Programmatic Agreement, dated July 29, 1990 and the 4th edition of the *BLM Nevada Cultural Resources Inventory General Guidelines* will remain in force.

3. Data System Management: the BLM and the SHPO will develop a Statewide automated cultural database which will be accessible from all BLM Field Offices. The BLM and the SHPO will further collaborate on ways to synthesize and use the automated cultural data to develop Geographic Information System (GIS) capabilities. The BLM and the SHPO will continue to cooperate in this endeavor by providing financial, personnel, hardware, and software resources as funding becomes available.

B. State BLM Supplemental Guidance

In addition to the procedures described in Bureau-wide directives and Manuals, Nevada BLM will be guided by procedural supplements (guidelines or handbooks) issued by the Nevada State Office. The BLM will update these supplements as needed to conform to Bureau-wide directives, policies issued by the Nevada State Director, new laws, new regulations, and operational needs. The SHPO will be invited to participate in development and subsequent revisions of all supplements and Handbooks. BLM will also be guided by procedural supplements (guidelines or handbooks) issued by the SHPO

for historic archaeology and historic architecture. The BLM will be invited to participate in developing and subsequent revisions of all SHPO supplements and handbooks.

BLM field procedures will be detailed in a State BLM Handbook as a supplement to BLM Manual procedures. Until this is done, the standards in the Statewide Programmatic Agreement, dated July 29, 1990 and the 4th edition of the *BLM Nevada Cultural Resources Inventory General Guidelines* will remain in force. Disagreement between the BLM and the SHPO regarding either development or implementation of Handbook procedures will be resolved in accordance with the dispute resolution procedures at Section X of this Protocol. All changes or amendments to the Handbook procedures will be made in cooperation with the SHPO.

C. Public Outreach and Heritage Education

The BLM and the SHPO will work cooperatively to promote and enhance public education and outreach in Historic Preservation and Cultural Resources Management through the following programs:

1. Archaeology Awareness Week: The BLM and the SHPO will participate in and support financially, as funding permits, *Archaeology Awareness Week* activities, including public presentations, field tours and excavations, exhibits, archaeology fairs, posters, brochures, and educational activities.

2. Project Archaeology: The BLM and the SHPO will support *Project Archaeology* as a component of BLM's Heritage Education Program, by encouraging staff archaeologists to be trained and serve as facilitators in the program, with the goal of integrating the teaching of archaeological concepts and preservation ethics in Nevada schools statewide.

3. Adventures in the Past/Heritage Education: The BLM and the SHPO may, as funding permits, cooperatively work on the interpretation of cultural resources through a variety of media including, but not limited to: exhibits, brochures, lectures, radio and television promotions, Internet web pages, and interpretive signs.

4. Nevada Archaeological Association: The BLM and the SHPO are encouraged to work cooperatively with the Nevada Archaeological Association to promote preservation ethics, good science, and professional standards statewide to amateur archaeologists by participating in society meetings, serving as chapter advisors, providing presentations and demonstrations, and providing assistance as appropriate.

5. Professional Organizations: The BLM and SHPO cultural resource specialists

are encouraged to participate in and work cooperatively with professional historic preservation organizations to promote preservation ethics, science, history, and professional standards statewide, and open dialogue regarding historic preservation issues.

D. State-Level Historic Preservation Training

The SHPO will assist the BLM and/or participate in both the initial training and future ongoing training of Field Managers and cultural resource staff relative to the National PA and implementation of this Protocol. Training needs will be reviewed during the annual review meeting.

E. Historic Context and Research Design Development

The BLM and the SHPO will jointly develop standards and guidelines for historic contexts and research designs and will strive to involve other land-managing agencies and the public in this effort. The BLM and the SHPO will jointly develop statewide priorities for historic context or research design needs and develop high priority contexts and designs, as funding permits. Project-specific contexts may be developed as needed.

All historic contexts must be consistent with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716). In accordance with Section 101(b)(3) of the NHPA, the SHPO shall review and provide comments on all BLM historic context documents developed as general guidance independent of any particular undertaking. Non-undertaking specific historic contexts that define site eligibility criteria, levels of adequate inventory, site documentation requirements, standards for assessment of effects, or appropriate treatment of historic properties shall require SHPO concurrence prior to implementation.

As supplements to this Protocol, the BLM and SHPO may jointly develop research plans, or treatment approaches, designed to answer specific questions, or deal with recurring treatment issues, in ways that programmatically resolve the issue. Such supplements will include a clear process for resolving the issue and funding commitments to ensure that the issue is resolved in a timely manner.

F. Public Participation

The BLM will seek and consider the views of the public when considering undertakings in compliance with this Protocol through the public participation opportunities mandated by the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), as implemented at 43 CFR Part 1610.3.

In addition, interested parties, as identified by 36 CFR 800.6(e), shall be invited to

participate in the review process [Section VII (B) below] if they have expressed an interest in an undertaking involving BLM managed lands that may effect historic properties.

V. TRADITIONAL CULTURAL PROPERTIES

The Parties will consider the effects of undertakings on historic properties that are eligible for the National Register as Traditional Cultural Properties (TCPs) according to the guidance in National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties, and the provisions of Section VII.D.2.d.

VI. CASE-BY-CASE REVIEW

A. Routine Undertakings

Except where noted in Sections VI.B., and VII, the BLM will determine the Area of Potential Effect (APE), the intensity of information gathering, level of public involvement, National Register status, intensity of effect, and treatment needs for all resources potentially effected by an undertaking without seeking SHPO concurrence prior to authorizing the undertaking.

B. Review Thresholds

1. SHPO Review: At a minimum, the BLM will request SHPO review and concurrence on eligibility for undertakings that:

a. involve interstate or interagency projects or programs;

b. adversely effect National Register listed or eligible properties;

c. require an Environmental Impact Statement (EIS) or Historic Properties Treatment Plans;

d. are phased or segmented or require a two-party Programmatic Agreement;

e. the BLM lacks access to appropriate expertise;

f. are determined by either party to be beyond the scope of this protocol; or

g. involve land exchanges.

2. Advisory Council on Historic Preservation (Council) Review: The BLM will request the Council's review for undertakings for which:

a. routine BLM and SHPO consultation is not productive;

b. National Historic Landmarks or National Register properties listed on National Register as of national significance are directly and adversely effected; or

c. Council review has been requested by the BLM, the SHPO, a Native American tribe, a local government, an applicant for a BLM authorization, or member of the public or other interested person as identified by 36 CFR 800.6(e).

C. Review Time Frames

Unless otherwise agreed, the SHPO shall have 35 calendar days from receipt of appropriate documentation to respond to any BLM communication regarding identification, evaluation, effect determination, or treatment of effects.

Should the SHPO not respond within the appropriate time limit, the BLM may assume SHPO concurrence and can proceed with the BLM's proposed course of action.

VII. IDENTIFICATION, EVALUATION, AND TREATMENT OF HISTORIC PROPERTIES

The BLM will ensure that historic properties that may be affected by any undertaking are identified and evaluated in accordance with 36 CFR Part 800 and the procedures established below. The BLM will ensure that undertaking-specific surveys and other efforts to identify and evaluate historic properties are conducted in accordance with appropriate professional standards as defined in BLM Manual 8110, *Identifying Cultural Resources*, BLM Manual 8120, *Protecting Cultural Resources*, Nevada BLM supplements to this agreement, the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716), and relevant written SHPO guidance.

A. Determining Inventory Needs

1. Exemptions: Undertakings exempted from Section 106 review are identified in Appendix C, subject to the following:

a. The BLM cultural resource specialist will, after determining information needed to identify and evaluate cultural properties, determine

if specific undertakings should appropriately be exempted from further Section 106 review when the undertaking is not located within a historic property unless the specific provisions in Appendix C apply;

b. Other classes of exempted undertakings may be added to Appendix C if the BLM and the SHPO agree that such undertakings qualify.

2. Disturbed Areas: If the proposed undertaking is not listed in the exemptions found in Appendix C and not within a TCP or historic district, the BLM cultural resource specialist will determine whether previous ground disturbance has modified the surface so extensively that the probability of finding intact cultural properties within the Area of Potential Effect (APE) is negligible. If such disturbance has occurred in the APE and the undertaking will not effect the setting of a TCP or historic district, the BLM may proceed with the undertaking.

3. Previous Adequate Inventory: If the proposed undertaking is not listed in the exemptions found in Appendix C, the BLM cultural resource specialist will determine whether the area of potential effects has been adequately inventoried for historic properties. If an adequate Class III inventory has been completed (within the last 10 years) and previously reviewed by the SHPO, the BLM may proceed with determining eligibility and effect without additional inventory.

4. Areas with Low Potential for Containing Historic Properties: The BLM and the SHPO may jointly determine that specific areas do not need to be inventoried because current information suggests that the area has little or no potential to contain historic properties. Such determinations may be developed in two ways:

a. Project-Specific: If the proposed undertaking is not listed in the exemptions found in Appendix C, the BLM will seek the advice of the SHPO on project-specific exemptions due to low site probability;

b. Supplemental Protocol Agreements: Documented low site probability may allow areas to be exempted through a Supplemental Protocol Agreement (SPA) between the BLM and the SHPO.

5. Reporting: A record listing all undertakings authorized under this section will be documented in the Annual Report in accordance with the information requirements stipulated in Appendix A.

B. Identification

1. Information Needs: The BLM will, during the earliest feasible planning stage of any undertaking, determine the information needed to identify and evaluate

historic properties within the APE. Such determinations will be based on a file search of the SHPO/BLM cultural resource records, aerial photographs, GLO records, BLM land records, resource management plan, project-specific NEPA documents of the proposed project area and on information sought and obtained from the SHPO and from interested persons.

2. Level of Inventory: If the BLM determines that a Class III inventory of the Area of Potential Effects (APE) is necessary, the BLM need not seek the SHPO's views on identification efforts. If the undertaking is subject to SHPO review pursuant to Stipulation VI.B., and the BLM determines to conduct an inventory at less than a Class III level of intensity, BLM will consult in writing with the SHPO on the adequacy of the inventory design prior to initiating the inventory or authorizing the proposed undertaking.

If the undertaking is not subject to SHPO review, the BLM will inform the SHPO of its intent to deviate from Class III inventory and document the basis for the deviation and the nature and coverage of the inventory in the report on the project.

Any disputes over the adequacy of the proposed inventory efforts shall be resolved in accordance with the dispute resolution clause at Section X.A of this Protocol.

3. Defining Area of Potential Effects (APE): As early as possible in the identification process, an appropriate APE for an undertaking will be defined as specified in the BLM Handbook or other written guidance developed jointly between the BLM and the SHPO. Cultural resources located in whole or in part within the APE will be recorded.

Although an APE is defined early in the identification process, the APE may be modified during the process when resources are avoided with the Standard Measures in Appendix F.L. If, in this case, the final APE does not contain historic properties, the BLM can document the lack of historic properties within the redefined APE and proceed with the undertaking as a "no properties/no effect" undertaking. Documentation for the undertaking will contain maps of both the original APE and the redefined APE, along with the basis for the redefinition.

The extent of survey area outside of an APE, and the extent to which cultural resources outside of the APE are recorded, shall be at the discretion of the BLM cultural resource specialist.

4. Project Phasing or Segmentation: The BLM may determine that large or complex undertakings should be segmented or phased. If a project is to be segmented or phased, the BLM will consult with the SHPO to develop an

appropriate two-party Programmatic Agreement for the project. Further consultation with the SHPO will be done in accordance with the project specific agreement.

5. No Historic Property Situations: If, as a result of an appropriate inventory (as defined in BLM Manual 8110 and Section VI.B., of this protocol), the BLM determines that there are no historic properties within the APE, it will, upon BLM review and acceptance of the inventory report, submit the report to the SHPO, notify interested persons, if any, and proceed with the undertaking.

C. Evaluation for National Register Eligibility

1. Categorical Determinations:

a. Classes of Properties Not Eligible for the National Register: The BLM and the SHPO may jointly determine a class or classes of properties to be not eligible for listing on the National Register (Appendix E).

b. Classes of Properties Eligible for the National Register: The BLM and the SHPO may jointly determine a class or classes of properties to be eligible for listing on the National Register.

2. Evaluation Standards: BLM evaluations shall be consistent with the *Secretary of the Interior's Standards and Guidelines for Evaluation* (48 FR 44729), BLM Manual 8110, *Identifying Cultural Resources*, Nevada BLM supplements to this agreement, and relevant written SHPO guidance.

a. Resources within the APE: The BLM will ensure that any resources identified within an APE are evaluated in accordance with the provisions of this Protocol.

b. Resources extending outside the APE: Resources located within an APE but that extend outside of the APE must be evaluated as an organic whole and as if they were completely within the APE. Linear features will be evaluated according to Appendix D.

c. Resources outside the APE: Resources completely outside of an APE do not have to be evaluated.

d. As specified in Sections VI.A., and B., for undertakings where identified cultural resources are being avoided with the Standard Measures identified in Appendix F.L., the BLM can defer evaluation and proceed with the undertaking without SHPO consultation.

3. Properties Eligible under Criterion D only: Using the guidelines referenced at VII.C.2., a certified BLM cultural resource specialist can determine eligibility under National Register Criterion D [36 CFR Part 60.4(d)] without undertaking specific SHPO consultation. The effectiveness of the BLM's evaluation of these properties may be discussed by the SHPO and BLM at the annual review meeting.

4. Properties with Associative or Design Value: This provision applies to properties significant for their association to events (Criterion A), their association with important persons (Criterion B), or because they are representative of a distinctive design or construction (Criterion C) [36 CFR Part 60.4]. Excluding property types discussed under VII.C.3. above, the BLM's evaluation of National Register eligibility depends on BLM access to appropriate expertise.

a. If the undertaking is being reviewed by the SHPO pursuant to Section VI.B.1., the BLM will determine eligibility in consultation with the SHPO. If the BLM and the SHPO agree that there are no eligible properties identified within an undertaking's APE, BLM may proceed with the undertaking without further consultation.

b. If the undertaking is not being reviewed pursuant to Section VI.B.1, and the BLM has access to staff or consultants qualified to evaluate the resources involved, and the BLM cultural resource specialist agrees with the consultant's determinations of eligibility under National Register Criteria A, B, or C (36 CFR Part 60.4) the BLM can proceed with the undertaking without specific SHPO consultation on eligibility.

(1) Certified staff means a BLM staff person who has been certified by the State Director and the SHPO as competent to evaluate properties under Criteria A, B, and C as specified in the NPA.

(2) A qualified consultant will hold a BLM issued Cultural Resources Use Permit documents qualification appropriate to the resources being evaluated, or will be listed on the SHPO list of qualified practitioners in history, historic architecture, architectural history or historic archaeology.

(3) The effectiveness of the BLM's evaluation of these properties may be discussed by the SHPO and BLM at the annual review meeting.

c. If a Field Manager does not have access to appropriate expertise, as

defined in Section IX., he or she may, without initiating formal consultation, request the assistance of SHPO staff in planning and reviewing evaluations or may obtain the necessary expertise through contracts, BLM personnel from other states, or cooperative arrangements with other agencies. In these cases, the SHPO should be asked to recommend acceptable experts, or to approve experts proposed by BLM.

d. Historic period linear features may be recorded and evaluated as specified in Appendix D.

5. Disagreement on Eligibility:

a. The BLM decision regarding eligibility may differ from a consultant's recommendations. The BLM will not require the consultant to amend the final report to conform with the BLM's decision. Instead, the BLM's decision, not the consultant's recommendations, will form the basis for Section 106 compliance.

b. The BLM will refer eligibility disputes to the SHPO for resolution. If the SHPO cannot resolve the dispute, the BLM will seek a formal determination of eligibility from the Keeper of the National Register pursuant to 36 CFR Part 63.2.

D. Assessment of Effects

1. No Effect Situations: When the BLM determines that there are no historic properties within the APE for an undertaking, or when identified properties will be avoided with the Standard Measures in Appendix F.L., the BLM can determine that the undertaking will have no effect on historic properties and proceed with the undertaking without further SHPO consultation. Documentation for the undertaking will include the basis for this determination.

2. Effect Situations: In determining if an undertaking has an effect on historic properties, the BLM will apply the Criteria of Effect and Adverse Effect found at 36 CFR 800.9(a) and (b).

a. In accordance with the Council's *Treatment of Archaeological Properties - A Handbook*, Principles, and BLM Manual 8120.21, avoidance is the preferred strategy for treating potential adverse effects on cultural properties. When an undertaking is planned within or around the boundaries of historic properties, and the BLM treats potential effects to all properties potentially effected, with the Standard Measures in Appendix F.L., so that the undertaking will not effect the qualities that

contribute to the significance of the properties, the undertaking will be considered to have "no adverse effect." In these cases, the BLM need not consult with the SHPO on effect before proceeding with the undertaking.

b. If avoidance is not prudent or feasible, the BLM will consider a range of alternative physical or administrative treatments to minimize potential effects. The BLM may make a determination of effect resulting from implementation of these treatments as described in section VII.D.2.c. and d. The BLM will provide appropriate documentation including a report on identification and evaluation efforts and a treatment plan to the SHPO. The SHPO will have 30 days to comment on the submission.

c. Undertakings resulting in a no adverse effect determinations are those for which mitigation can be achieved through the following:

(1) implementing a data recovery plan for a property that is significant because of the data that it contains;

(2) rehabilitating or stabilizing a building, structure, or feature in accordance with the Secretary of Interior's Standards for Rehabilitation, in such a way so as to preserve the significant historical or architectural value of the property;

(3) transferring, leasing, or selling a historic property with binding adequate restrictions or conditions included in the transfer documents to ensure the preservation of the properties significant historic or architectural features; or

(4) conducting applicable undertakings in accordance with Appendix F, Categorical No Adverse Effect Situations.

d. Undertakings resulting in an adverse effect determination are those effecting properties of local or regional significance and for which mitigation can be achieved through the following:

(1) documenting, to the standards in Appendix H, the significant architectural, historical, or engineering attributes of an architectural or historic building, structure, or feature; or

(2) implementing a treatment plan resulting in interpretation, public education, collection of oral histories, or other methods agreed to by BLM and the SHPO.

e. Adverse effects to properties that are National Historic Landmarks, or otherwise eligible or listed as nationally significant will be determined and treated in consultation with the SHPO and Council, pursuant to Section VI.B. As early as possible in the planning process, BLM will notify the SHPO and Council if an undertaking may have an adverse effect on a NHL or other nationally significant property. In these cases, the BLM's determination of effect with supporting documentation can be sent to the Council and SHPO for concurrent review.

f. An undertaking's potential effects to traditional cultural properties, as defined in BLM Manual 8110.22.D., and reasonable treatments for those effects can only be determined in consultation with the people who value the property. The guidance in *National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties* should be used as a basis for determining and mitigation adverse effects to Traditional Cultural Properties.

When identified TCPs are significant to Native Americans, consultation with Tribes to comply with the NHPA will be guided by BLM Manual 8160, *Native American Consultation and Coordination* and BLM Handbook H-8160-1, *General Procedural Guidance for Native American Consultation.*

The BLM may seek the assistance of the SHPO in resolving disputes about effects on Traditional Cultural Properties. Disputes that cannot be resolved locally will be referred to the Council for resolution.

If Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered during an undertaking involving BLM managed lands, the parties will comply with the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations at 43 CFR Part 10, Subpart B.

E. Treatment Limitations

1. Where BLM's treatment options for historic properties may be limited due to land status or statutory authority, appropriate treatment actions will be developed by BLM in consultation with the SHPO. The BLM will inform the SHPO of potential limitations to treatment as early as possible in the planning process.

F. Disagreement on Findings of Effect or Treatment

1. If the SHPO or BLM objects to a finding of effect or treatment, and the issue cannot be resolved through the Dispute Resolution Procedures at Section X.A. of this Protocol, the issue will be referred to the Council for resolution.

2. BLM will seek advice from the SHPO whenever internal or external questions about eligibility and/or effect arise. Seeking advice does not constitute consultation as defined in this protocol.

VIII. DISCOVERY SITUATIONS

A. Planning For Discoveries

The BLM will require discovery plans for large and complex undertakings and those involving land disturbance in areas known to contain buried sites. If the undertaking is being reviewed by the SHPO pursuant to Stipulation VI.B., the proposed discovery plan will be forwarded to the SHPO for review along with BLM's determination of effect for the undertaking. With SHPO concurrence, the discovery plan will govern how discoveries will be handled.

B. Unplanned Discoveries

If a Discovery Plan is not developed, and the BLM determines after completion of the review process outlined in this Protocol, that an undertaking may effect or has effected a previously unidentified property that may be eligible for the National Register, the BLM will:

1. Ensure that all activities associated with the undertaking, within 100 meters of the discovery are halted and the discovery is appropriately protected, until the BLM Authorized Officer issues a Notice To Proceed (NTP).

a. Notices to Proceed (NTP) may be issued by the BLM under any of the following conditions:

(1) evaluation of potentially eligible resource(s) results in a determination that the resource(s) are not eligible;

(2) the fieldwork phase of the treatment option has been completed; and,

(3) the BLM has accepted a summary description of the fieldwork performed and a reporting schedule for that work;

2. If the undertaking was approved under the stipulations at VI.B.1., the BLM shall notify the SHPO and consider SHPO's initial comments on the discovery. If the undertaking was approved under the stipulations at VI.B.2., the BLM shall notify the SHPO and the Council and consider the SHPO's and Council's initial comments on the discovery.

a. Within two working days of notification to the SHPO, the BLM shall notify the proponent, Tribes, and other interested persons as appropriate, of the BLM's decision eligibility and proposed treatment, if any and solicit comments on the BLM's proposed course of action;

b. The SHPO, Council, Tribes, and other interested persons as appropriate, will be asked to provide BLM with comments within seven working days of BLM's notification. Any timely comments offered by the SHPO, Council, Tribes, and other interested persons will be documented, considered in dealing with the discovery, and, subject to confidentiality requirements, be made available for public inspection;

c. The BLM shall notify the SHPO, Council, Tribes, and other interested persons of it's decision regarding evaluation and treatment and shall ensure that treatment actions, if any, are implemented; and

d. The BLM shall ensure that reports of treatment efforts for discovery situations are completed in a timely manner and conform to the stipulations of this agreement. Final reports on the treatment effort shall be sent to the SHPO, Council, Tribes, and other interested persons as appropriate, for informational purposes.

3. If the undertaking was approved under Stipulation VI., the discovery will be handled with the same procedures as was the original approval.

IX. STAFFING AND OBTAINING SPECIALIZED CAPABILITIES

A. Staffing

The BLM will only allow identification and evaluation of cultural resources by specialists who meet the qualifications and are classified in the appropriate professional series by the Office of Personnel Management (e.g., Series 193 for archaeologists). Specialists at, or below, the GS-7 level are considered to be performing duties in a trainee or developmental capacity. Reports prepared by GS 7 or below specialists, District Archaeological Technicians, or any cultural resource consultant, must be reviewed and submitted to the SHPO by a GS-9 or higher grade cultural resources specialist.

When new managers or cultural resources specialists are hired by a BLM Field Office, the BLM will ensure that the new managers or cultural resources specialists receive orientation, within 90 days, in BLM Manual procedures and procedures for operating under this Protocol. It shall be the responsibility of the BLM Deputy Preservation Officer (DPO) to provide appropriate orientation to new managers and cultural resource specialists. Prior to the orientation, the Field Office will be required to follow the procedures at 36 CFR Part 800. Once the orientation is completed, the DPO will notify the SHPO and the Field Office will be allowed to follow the procedures of this Protocol. If the SHPO documents persistent problems in complying with the terms of this Protocol, the Dispute Resolution Procedures at Section X.A. of the Protocol will be followed.

B. Specialized Capabilities

When the BLM is involved in an undertaking requiring expertise not possessed by available BLM staff (i.e., historic architecture), it will obtain that expertise to determine National Register eligibility, effects, and treatment for the cultural properties in question. The BLM may request the assistance of the SHPO staff in such cases or may obtain the necessary expertise through contracts, BLM personnel from other states, or cooperative arrangements with other agencies.

X. DISPUTE RESOLUTION PROCEDURES, AMENDMENTS, AND TERMINATION

A. Dispute Resolution Procedures

If, at any time, the BLM or the SHPO question an action taken by the other under this Protocol, they will consult to resolve the issue. If the issue concerns an action taken by a Field Manager, the questioning party will consult with the Field Manager to resolve it. If the issue cannot be resolved, the questioning party will request the BLM's State Deputy Preservation Officer (SDPO) to assist in resolving it. If the issue still cannot be resolved, the BLM SDPO will refer the issue to the BLM State Director to negotiate a resolution with the SHPO. The State Director may refer the matter to the BLM Preservation Board which will provide recommendations to the State Director. Except for disagreements on National Register eligibility, findings of effect, or treatment, the final decision shall be made by the BLM State Director.

Disagreements on determinations of National Register eligibility which cannot be resolved through the dispute resolution process will be resolved by the Keeper of the Register. Issues relating to BLM's findings of effect or treatment which cannot be resolved through the dispute resolution process shall be referred to the Council for review.

B. Amendments to the Protocol

If the BLM or the SHPO wish to amend this Protocol at any time, they will consult to consider requested changes. Amendments will become effective when signed by both parties.

C. Termination of the Protocol

The BLM or the SHPO may terminate this Protocol by providing 90 days notice to the other party, providing that they consult during this period to seek agreement on amendments or other actions that would avoid termination. The BLM may request the assistance of the BLM Preservation Board, the National Conference of State Historic Preservation Officers, or the Council in the consultation process. If the Protocol is terminated, the Parties will comply with Section 106 of the National Historic Preservation Act by following the provisions of the Statewide Programmatic Agreement dated August 24, 1990, that has been suspended by this Protocol.

D. Termination of the National Programmatic Agreement

Should the National Programmatic Agreement be terminated or suspended for any reason, the BLM and the SHPO shall, comply with Section 106 of the National Historic Preservation Act by following the provisions of the Statewide Programmatic Agreement dated August 24, 1990. By mutual agreement the Parties may ask the Council to convert this Protocol into a stand-alone Statewide Programmatic Agreement.

XI. DECERTIFICATION FOR CAUSE

If the SHPO documents a pattern of failure to comply with the terms of this Protocol, a Field Manager or the SHPO may, upon written notification to the BLM State Director, request a review of a Field Office's status and its capability for carrying out the terms of the National Programmatic Agreement and this Protocol. The BLM State Director may request a review and recommendations from appropriate staff and/or the Preservation Board.

If after a review, the State Director determines that there are compliance problems with a Field Office, the BLM, in consultation with the SHPO, shall develop an action plan to bring that office into compliance with this Protocol. After the subject Field Office believes that it has completed all of the actions specified in the plan, it will notify the State Director through the BLM Deputy Preservation Officer. If the State Director agrees that the problems have been corrected, he or she will notify in writing both the Field Office and the SHPO when that Field Office is again in compliance.

If the State Director determines that the Field Office remains out of compliance, he or she may decertify a Field Office from operating under the terms of this Protocol. Field

Offices that are decertified from operating under this Protocol will comply with the regulations at 36 CFR Part 800 until it is reinstated.

After a Field Office has been decertified, the BLM, in consultation with the SHPO, shall develop an action plan to bring that office into compliance with this Protocol. After the subject Field Office believes that it has completed all of the actions specified in the plan, it will notify the State Director through the BLM Deputy Preservation Officer. Re-certification of the effected Field Office, which will allow that office to again operate under the terms of this Protocol, will occur at the discretion of the BLM State Director after consultation with the SHPO. The State Director will notify in writing both the Field Office and the SHPO when that Field Office is re-certified.

XII. APPENDICES

A. Report Contents and Scheduling
B. Special Circumstances
C. Categorical Exemptions
D. Recordation And Evaluation of Historic Linear Resources And Districts
E. Resource Types Categorically Not Eligible
F. Categorical No Adverse Effect Situations
G. Non-Diagnostic Sites
H. Documentation Standards for Historical Resources of Local and State Significance

XIII. APPROVALS

BUREAU OF LAND MANAGEMENT

/s/ Robert V. Abbey 6/4/99
Nevada State Director Date

STATE HISTORIC PRESERVATION OFFICE

/s/ Alice M. Baldrica 6/4/99
Deputy Nevada State Historic Preservation Officer Date

APPENDIX A: REPORT CONTENTS AND SCHEDULING

1. Annual Report Contents:

A. narrative assessment of the SHPO/BLM relationship and the value of this protocol, including any suggested changes to this document;
B. NEPA logs by field office (annotated to show which undertakings were authorized as categorical exemptions including the exemption under which they were authorized);
C. a List of eligible properties including site type and the criteria under which they are eligible;
D. a List of properties determined ineligible broken down by historic and prehistoric sites;
E. a List by Field Office of reports not submitted and a schedule for their completion and submission;
F. a proposed agenda for the Annual Meeting including participants, topics to discuss, Field Office performance evaluations, and recommendations for improvements or remedial actions;
G. the BLM Annual Report on Cultural Resources; and
H. additional information or topics as agreed by SHPO and BLM.

2. Field Office Visits

A. Each year the BLM and SHPO will conduct a joint on-site visit to a Field Office to determine if:

(1) the Office has access to qualified professional staff;
(2) undertakings are receiving appropriate cultural resource consideration;
(3) project documentation is completed and sent to SHPO in a timely manner;
(4) cultural resources staff are making accurate professional judgements;
(5) cultural resource identification, evaluation and treatment has occurred before undertakings proceed; and
(6) follow-up monitoring, where required by avoidance stipulations, MOA or treatment plan specifications, is being completed.

B. The BLM/SHPO team will prepare a joint report for each field visit, within 60 days of the visit, and submit the report to the State Director.

3. Undertaking Reports

All cultural resource inventory reports, research designs, treatment plans, site forms, and other reports will be sent to the SHPO as soon as possible, but no later than 30 calendar days after BLM prepares or accepts the document.

APPENDIX B: SPECIAL SITUATIONS

A. Emergency undertakings

Should BLM find it necessary to implement an emergency undertaking, as defined at 36 CFR 800.12, BLM will notify the SHPO in writing or by telephone that it is commencing the undertaking or will commence it at a specified time. If the SHPO is notified by telephone, BLM shall provide the SHPO with written notice within 48 hours. The BLM will comply with the provisions of 36 CFR 800.12 in such emergency undertakings.

B. Lands Actions

1. Transfers

a. **Transfers to Federal Agencies:** Where BLM proposes to transfer or withdraw land to another federal agency that must comply with Section 106 of the NHPA, BLM need not conduct a field inventory of the lands to be transferred. Upon transfer the BLM will provide a copy of all pertinent cultural resource data to the agency receiving such land.

Data identified as proprietary by Native Americans will not be transferred to the recipient agency without the written permission of the Native American group identifying the data as proprietary. BLM will notify the agency receiving the lands that there are specific Native American concerns regarding the lands and identify a point of contact for dealing with the concerns.

b. **Transfers to Certified Local Governments:** Where BLM proposes to transfer land to a Certified Local Government (CLG), as defined at 36 CFR 61, and where no particular land use is proposed, BLM, in consultation with the SHPO, will ensure that the CLG's certification includes the resources involved and that its historic preservation plan is adequate to protect the resources being transferred. If the certification and plan are adequate, then the transfer will proceed according to Stipulation B.1.a. of this Appendix. If the certification and plan are not adequate, then the transfer will proceed according to Stipulation C of this Appendix.

c. **Transfers to Other Entities:** Where lands are considered for conveyance to other entities, the BLM will:

1. review its cultural resource data base to determine if conveyance may effect known cultural resources or areas where undiscovered cultural resources are likely to occur;
2. discourage selection of lands where such effects are likely, unless BLM determines after compliance with Stipulation VII.B.1. that the conveyance

is in the public interest; and

3. comply with this protocol if it decides to proceed with the conveyance.

2. Land Exchanges

A. In their effects on cultural resources, land exchanges are fundamentally different from other Bureau assisted or authorized actions because when land is exchanged, cultural resources are acquired as well as conveyed. While some cultural resources lose the protection of federal laws and regulations, others acquire that protection. On balance, land exchanges may result in a net gain of cultural resource values, particularly when a few acres of public land are exchanged for many acres of State or private land.

B. Compiling Existing Information

As the first step in identifying the potential effects of a land exchange on cultural resources, the BLM will identify a cultural resource study area based on geographic and cultural boundaries incorporating the lands identified for disposal and acquisition. Study areas will form the basis for the preparation of Data Syntheses. More than one study area may be defined for a given land exchange depending upon the distribution of the parcels involved.

For each study area, the BLM will, prepare a Data Synthesis consisting of an overview of existing information tiered to a Class I Regional Overview (see BLM Manual Section 8110.21.A). The scope and level of detail for Data Syntheses will be commensurate with the size of the study area, its environmental and cultural complexity, and the nature and extent of available cultural resource data. To the extent the data allow, the Data Synthesis will describe the nature, distribution and density of each property class in the study area. It will serve as a framework for making decisions on identification, evaluation and treatment of cultural resources, summarize the factual basis for these decisions, and describe how these decisions will be carried out according to established schedules. As part of the compilation of existing information, Native Americans that may have traditional interests or concerns in the study area will be consulted about identifying places or resources of interest to them. The synthesis will include appropriate maps, tables, and other graphics needed to support the narrative and provide locational information.

C. Determining Needs for Further Inventory

The BLM may determine that there is little or no probability for the occurrence of National Register listed, or eligible properties in a study area and that no further consideration of the subject lands will be necessary. This determination must be justified based on information contained in the Data Synthesis.

The BLM may determine that listed or eligible properties are known or are expected to occur on lands proposed for disposal or acquisition within the study area, but that no additional inventory is needed. Identified properties will then be evaluated in accordance with this Protocol, BLM Manual Section 8110.3 and 8110.4.

The BLM may determine that there is a reasonable probability for the occurrence of undiscovered cultural properties which may be eligible for the National Register on lands proposed for disposal or acquisition within the study area. The BLM will then determine the appropriate level of field inventory needed and design an inventory strategy according to the guidelines in Section V, below.

The BLM will document the determination of inventory needs and submit this documentation to the SHPO for review and comment according to this Protocol.

D. Guidelines for Conducting Field Inventory

Field inventory strategies should be tailored to each situation and may include lands proposed for acquisition as well as lands proposed for disposal. The level of effort and field methods used should be appropriate for the number and kinds of cultural properties known or expected, and should be suited to the area's environmental conditions. A combination of inventory levels and techniques should be considered, including Class II, Class III, and judgmental survey and random, systematic and transect sampling. Class III inventory is appropriate when (1) sampling methods are not cost-effective, e.g., when the lands involved consist of small and/or isolated parcels, (2) existing information indicates a high probability that high densities of cultural properties, or highly significant cultural properties occur on the lands involved, or (3) parcels are so widely scattered across diverse environmental zones that sampling would not adequately characterize the cultural resource base. Reconnaissance should be considered to gather preliminary information on the study area where little or no previous data exists. Judgmental (or selective) inventory should be considered when existing data are sufficient to indicate areas where cultural properties are likely to occur or when there is a need to complement sample inventory to ensure the identification of rare or unusual cultural properties.

E. Evaluation

The BLM will group all cultural properties that were previously recorded, or were identified through field inventory on lands proposed for disposal or acquisition, into property classes. Each property class will consist of a group of similar cultural properties based on a set of defined characteristics. Unique cultural properties or cultural properties not fitting into previously defined property classes will be evaluated separately. The BLM will apply the National Register criteria to each identified cultural property or property class located on lands proposed for disposal or acquisition and assign each to use

categories. The BLM will document the application of the National Register criteria and submit this documentation to the SHPO according to this Protocol.

F. Assessing Effects

A. Based on the evaluations of known cultural properties and property classes on the lands proposed for disposal and acquisition, the BLM will determine the effects of the exchange by considering the resources that will be gained as well as those that will be conveyed. In determining effects, the BLM will consult with the SHPO according to this Protocol.

B. A determination of no adverse effect will be appropriate if the historic properties that will be acquired are members of the same property classes as those being conveyed, are located in similar environmental contexts, and on balance, are demonstrably of equal or higher value for scientific, public, traditional or conservation uses than the historic properties to be conveyed (e.g., of equal or greater value for answering relevant research questions, serving educational purposes, meeting the needs of traditional cultural practitioners, or preserving scarce resources for the future).

C. A determination of adverse effect will be appropriate if the historic properties to be conveyed are within the same property classes as those being acquired, are in similar environmental context, and on balance, are demonstrably of greater value for scientific, public, traditional or conservation uses than the historic properties to be acquired. In such cases, options for treatment or retention of historic properties will be considered in consultation with the SHPO according to this Protocol.

G. Treatment

A. Resources Eligible Under Criterion D Only

1. The BLM may determine, based on the data synthesis and any additional archival or field inventory and testing done, that the information contained in cultural properties being conveyed is comparable to that of the cultural properties being acquired. In this case, the BLM will ensure that the cultural properties being conveyed and acquired are professionally recorded, and following completion of recordation may proceed with the land exchange without further data recovery.

2. The BLM may determine that the information contained in the cultural properties being conveyed is not comparable to properties that would be acquired and that data recovery will compensate adequately for their loss.

In this case, the BLM will:

A. prepare a data recovery plan, according to this Protocol; and

B. decide to: (1) Complete any necessary data recovery prior to disposing of the involved cultural property, or (2) bond the exchange proponent for the cost of the data recovery proposed in the plan and convey the property with appropriate covenants to preserve the resources until the field portion of the data recovery is complete, or (3) include restrictive covenants on the deed retaining the subject lands in Federal ownership until data recovery has been completed.

B. Properties Eligible Under Other Criteria

1. The BLM may determine that mitigative treatment will compensate adequately for the loss of properties eligible under Criteria A, B, or C and that they need not be conserved in the face of an adequate mitigation proposal. In this case, the BLM will:

A. prepare a treatment plan, according to this Protocol; and

B. decide to: (1) complete any necessary treatment prior to disposing of the involved cultural property, or (2) bond the exchange proponent for the cost of the treatment proposed in the plan and convey the property with appropriate covenants on the deed to preserve the resources until the field portion of the treatment is complete, or (3) include restrictive covenants on the deed retaining the subject lands in Federal ownership until treatment has been completed.

C. Restrictive Covenants

Restrictive covenants should be used only when bonding for the necessary data recovery or treatment is not appropriate and BLM assumes responsibility for funding and completing the treatment or data recovery. Covenants should not contain an automatic sunset clause, and should remain in effect no longer than is necessary to complete the field portion of the data recovery or treatment.

D. Retention of Significant Resources

The BLM may elect to retain lands identified for disposal when the cost of treatment or data recovery outweighs public benefits which might be gained by the exchange. The BLM may also elect to retain lands when it is not feasible to mitigate or treat the

expected effects on scientific, public, traditional or conservation values.

C. BLM RESPONSIBILITIES ON NON-FEDERAL LANDS

A. The intent of the National Historic Preservation Act is to consider the effects of federal decision making on historic properties regardless of the land status involved. Therefore, the BLM will assure that its actions and authorization are considered in terms of their effects on cultural resources located on non-federal as well as federal lands.

B. The determination of the extent of BLM's responsibility for identifying and mitigating adverse effect to non-federal historic properties is based on the independent evaluation of the following factors:

1. Would the project remain viable if the federal authorization were not provided?

2. How likely are historic properties in the area of potential impact?

3. The degree to which BLM authorizations affect the location of surface disturbing activities on non-Federal lands.

C. The BLM will conduct, or cause to be conducted, an inventory and evaluation of cultural resources on non-federal lands within the area potentially impacted by proposed land uses, whether the undertaking was initiated by BLM, or in response to a land use application.

D. The BLM will consider the effects of its decision-making upon historic properties. It will either mitigate, or cause to be mitigated, adverse effects to non-federal historic properties that would result from land uses carried out by or authorized by BLM, or will consult with the SHPO and the Council on the basis of an adverse effect determination.

E. When mitigation involves data recovery, adequate time will be allocated for the analysis of the artifacts, samples, and collections recovered from non-federal lands and for report preparation. The artifacts, samples, and collections recovered from non-federal lands remain the property of the non-federal landowner unless donated to the federal government, a state facility, or are otherwise subject to state law. The BLM must receive complete and true copies of field notes, maps, records of analyzes, photographs, other data, and reports when mitigation work is conducted on behalf of the federal government. Reports resulting from work on non-federal land will be made available to the land owner.

F. Identification and/or mitigation of adverse effects may be required as a condition of a lease, permit, or license issued by BLM, whether federal or non-federal lands are

involved.

APPENDIX C: CATEGORICAL EXEMPTIONS

1. Reintroducing endemic or native species into their historical habitats in ways that do not involve surface disturbance.

2. Maintaining, replacing or modifying existing projects, facilities, routes, or programs that does not disturb additional surface area, or historic properties; or where the ground has been previously disturbed to the extent that historic properties could not exist; or where the facility itself is not a historic property.

3. Conducting, or approving permits for, non-archaeological data collection and monitoring activities, not associated with proposed undertakings, that involve new surface disturbance less than 1 square meter. Such activities could include forage trend monitoring, stream gauges, weather gauges, research geophysical sensors, photoplots, traffic counters, animal traps, or other similar devices.

4. Classifying lands as to their cultural resource use, mineral character, vehicle use, waterpower and water storage values where the classification itself does not directly entail surface disturbance.

5. Issuing withdrawal continuations, modifications, extensions, terminations, or revocations where there would be no change in use or surface disturbance.

6. Issuing withdrawal terminations, modifications or revocations and classification cancellations and opening orders where the land would be opened to discretionary land laws and where each discretionary action would be subject to the NHPA Section 106 process.

7. Renewing existing rights-of-way characterized by complete surface disturbance (roads, pipelines, power lines, communication sites, etc.) when no new surface disturbance is authorized.

8. Continuing Recreation and Public Purpose Act lands, small tract lands, or other land disposal classifications where the continuation conveys no additional rights.

9. Assigning land use authorization where the assignment conveys no additional rights and the assignee agrees to abide by any cultural resource stipulations in the original authorization.

10. Issuing permits and rights-of-way where no surface disturbance is authorized.

11. Issuing rights-of-way for overhead lines with no pole, tower, or other surface disturbance on BLM land.

12. BLM easement acquisitions.

13. Installing facilities, such as, recreational, special designation, regulatory, or information signs, visitor registers, kiosks, cattle guards, gates, temporary corrals, or portable sanitation devices in previously disturbed areas outside of known historic properties.

14. Issuing or modifying regulations, orders, standards, notices, and field rules where no new surface disturbance is authorized.

15. Issuing leases, designations or other land use authorizations, such as oil and gas leases or designating transportation and utility corridors, where each action covered by the authorization would be subject to the NHPA Section 106 process.

16. Decisions and enforcement actions (that do not involve cultural resources) to ensure compliance with laws, regulations, orders, lease stipulations, and all other requirements imposed as conditions of approval, when the original approval was subject to the NHPA Section 106 process.

17. Approving non-surface disturbing operations pursuant to 43 CFR 3000 to 43 CFR 3299 (Oil & Geothermal).

18. Conducting minerals exploration that conforms to casual use (43 CFR 3802.1-2 and 43 CFR 3809.l-2).

19. Approval of modifications to, or variances from, activities authorized in an approved mine or exploration plan of operations that do not involve additional surface disturbance or effect cultural resources.

20. Dispersed non-permitted recreation activities, such as rock hounding, that do not involve new surface disturbance.

21. Issuing recreation permits authorizing:

A. use on rivers and trails or in other specified areas where use is similar to previous permits for which environmental documents addressing cultural resource concerns have been prepared and which will not effect cultural properties;

B. Off Highway Vehicle (OHV) events over courses where 106 consultation has already been completed and no changes in the course, spectator areas, pit areas, or other surface disturbing activities is allowed; and

C. long-term visitor use that does not involve surface disturbance and do not

increase the probability of vandalism of cultural resources.

22. Authorizing OHV events that are limited to previously disturbed or non-historic routes. Previously disturbed and non-historic routes include: developed roads, roads and trails where use has created surface disturbance at least 2 meters wide, roads less than 50 years old, and active washes (washes with recent loose sandy/gravely/silty in the non-vegetated bottoms of drainage) that are subject to annual water action.

APPENDIX D: RECORDATION AND EVALUATION OF HISTORIC LINEAR RESOURCES AND DISTRICTS

Many of the most important and prominent cultural resources in Nevada are linear features from the historic period. These include trails, roads, highways, railroads, canals, telegraph lines, fences, and other similar features. Some historic linear features have an excellent documentary record showing when they were created, who was involved in their creation, where they are located, and what has happened to them during their existence. However, problems arise in determining how much to record, how to evaluate, and thresholds of integrity. As a result, a consistent method of providing the information required to record, evaluate, and manage linear features is provided in this appendix.

The evaluation of a linear resource is more challenging than that of a non-linear resource with manageable boundaries. The linear resource may possess varying states of preservation and integrity, and may pass through federal, state, county, and private lands, causing recordation and evaluation to be complex tasks. Surveys of linear resources should attempt to ascertain or reconstruct the nature, extent, and chronology of the resource, and the historical context to which it belongs. Recording linear features is problematical because the full extent of the resource usually extends beyond the APE. It should be agreed upon in advance whether the project should involve the recordation and evaluation of the entire resource or a portion of it. The investigator should prepare a historical context to evaluate the entire linear feature unless BLM and SHPO agree otherwise.

1. Conducting Research for Historic Linear Features or Districts

Prefield research may indicate the presence of historic linear features. They may be present on GLO plat maps and USGS topographical maps. Secondary sources of history may also provide information about their presence.

When linear features are encountered, the investigator needs to assess whether a linear resource is historic in origin. As recommenced by Keith Myhrer (1993) the following three criteria should be applied to make such a determination: 1) Is the general alignment present on historic maps, such as GLO plats or USGS maps? 2) Does the resource possess artifacts of the period? 3) Does the resource possess physical characteristics similar to other identified linear resources? Fieldwork must be supplemented by historical research to locate historic photographs, maps, and plans, or engineering drawings of the resource.

To evaluate the feature, the BLM will prepare a historic context using information found in records such as GLO records, State Board of Control/Engineers records, Highway Department records, Army Topographical Corps reports, USGS topographical maps, aerial photographs, and county records. General histories of Nevada and the region should be consulted to determine if the project or the individuals involved are historically significant. Newspapers may be checked to see if the construction event was widely reported at the time or if the feature was considered

important in engineering or design, and local histories should be consulted to determine if the event or individuals were considered important by the local population. The investigator should also consult the transportation chapter of the *Nevada Comprehensive Preservation Plan* and any Certified Local Governments within the APE. References should be cited in the documentation, whether they yielded pertinent information or not. The results of the records search should be incorporated into the report and onto the *Nevada Cultural Properties Form* to evaluate the linear resource.

2. Documenting Historic Linear Resources

Some specific considerations for documenting linear resources are:

a. Location and Boundaries--on a map (or maps) of appropriate scale indicate the location of the known extent of the resource and identify the portion(s) being documented, as well as any feature associated with the linear resource.

b. Description--provide information on the construction techniques, configuration of, and materials used to construct the linear feature. Describe any features and/or artifacts that may be associated with it. Describe in detail each cultural feature associated with the linear resource. Features of a linear resource generally consist of components integral to the functioning of the resource. Feature descriptions should include information about its construction details, dimensions, and any brand names or patent information recorded on machinery. Plans, cross-sections, and elevations of associated features should be included in the engineering documentation section of the report. Examples of features associated with linear resources include:

1. Roads: retaining walls, culverts, borrow pits, road beds and grades, fences, bridges, and tunnels;

2. Ditches/Water Systems: siphons, flumes, spill gates, gate valves, dams, headgates, sluices, canals, pipes, ditch/flume tenders' cabins, and reservoirs; Trails: blazes, cairns, retaining walls, and paving;

3. Railroad Grades: through cuts, sidings, retaining walls, culverts, spurs, signals, switch stations, depot remains, fences, bridges, tunnels, and trestles;

4. Telegraph/Power Lines: poles, access roads.

C. Setting--Describe in detail the natural or physical environment through which the linear resource passes. Such information would include descriptions of natural features, landscape characteristics, slope, vegetation, etc. Provide an estimate of the proportion of the resource that has been destroyed or modified, where possible.

D. Dimensions--describe the dimensions of the entire linear feature or the portion being documented in the following manner:

1. Top Width--measure the linear feature at its highest point. For water systems such as ditches and canals, the top width should be measured at the crest of the berm(s) or wall(s). Record more than one width or range of widths, if appropriate. For example, a single water delivery system may be composed of a flume, earthen ditch, and concrete canal that each have different top widths. Clearly identify the elements being measured and the locations where measurements were taken.

2. Bottom Width--provide a width for the base of the feature, or provide a range of widths, as appropriate.

3. Height or Depth--provide the maximum depth or height of the resource, as applicable, or indicate the variation in that dimension along the length of the linear feature, or the segment being documented. Note any changes to this measurement, such as siltation in a ditch.

4. Length--provide the overall length of the linear feature and the segment being documented, if applicable.

3. Evaluating Historic Linear Resources: National Register criteria and integrity issues

Evaluating the significance and National Register eligibility of a linear resource is as problematical as documenting it, because it may be significant under one or more of the four National Register eligibility criteria, and it most likely will display varying states of preservation and integrity. An investigator must identify the criteria under which the linear resource may be eligible for inclusion in the National Register before considering integrity issues. However, integrity, and thereby eligibility may be determined on a segment-by-segment basis.

The National Register defines integrity as the ability of a resource to convey its significance. The evaluation of integrity must always be grounded in an understanding of a resource's physical features and how they relate to its significance. To retain historic integrity a resource will possess at least several of the seven aspects of integrity. These aspects of integrity are: location, design, setting, materials, workmanship, feeling, and association.

Setting is an important factor in demonstrating integrity of a linear resource. The setting must reflect the character of the historic period with minimal intrusive elements. The National Register has been liberal in the evaluation of numerous linear resources in Nevada by determining eligibility on the basis that there has been little change in the landscape since the historic period. For example, a railroad grade may lack ties and tracks, but if little of its historical appearance has changed, it may still be eligible for the National Register under

Criterion A. Because of the importance of setting to a linear resource, viewsheds may become a major consideration in determining project effects. However, setting may be less important in evaluating a water conveyance feature because the feature may be most significant for its engineering, and its design and workmanship become most important in determining integrity.

Some linear resources possess structural and/or engineering features (e.g., the Marlette Lake Water System), and some possess none (e.g., the Old Spanish Trail). Therefore, assessing integrity of design and workmanship may have limited applicability, or it may be highly significant. Some considerations regarding design and workmanship might be to determine if the linear feature has distinctive engineering features such as rock retaining walls, trestles, or culvert. If so, determine whether these elements exhibit structural integrity. If the resource retains some degree of its original fabric and workmanship, ascertain if it is sufficient to demonstrate the feature's significance. Significance might then be viewed in terms of distinction as a representative of a type or style. It would also be important to determine if there are any other associated resources present and in sufficient numbers to convey an understanding of the linear resource.

On-going maintenance and continued use of a linear resource may or may not effect the resource's integrity. Maintenance and use that has been conducted consistent with methods employed when the resource was developed do not compromise the historic integrity of the resource. These resource activities include canals, the use of roads along the canal, and cleaning silt from the canal; for railroads, the in-kind replacement of ties, rails and switching facilities; and for roads, in-kind repairing, grading, and cleaning of roads. Maintenance and use that is not consistent with historic use compromise the integrity of a historic resource. Such actions would include changing headgate or siphon design for canals, lining earthen ditches with concrete, changing the ballast type, rail type, or other structures for railroads, and changing the surface material and grade of roads. Modification of the route of any linear feature may also compromise its integrity.

Feeling and association may be important facets of integrity for trails (Oregon-California Emigrant Trail), but their retention alone is never sufficient to support eligibility of a property for the National Register.

APPENDIX E: RESOURCE TYPES CATEGORICALLY NOT ELIGIBLE

A. Isolate artifact: A single artifact or pieces from the a single artifact, i.e., 10 pieces of glass from a single bottle. Isolates are not recorded on a site form, but are listed in a table designated by number, description, and location.

B. Isolated or Unassociated feature: A single feature unassociated with other features or artifact scatters that are undatable; e.g. a prospect pit, a claim marker, an adit, or a shaft. If these features are elements to a historic district, they are not isolated or Unassociated. In addition, if an isolated feature is unique because of its construction (elaborate stonework claim marker) or distinctive qualities, the feature has to be evaluated for eligibility. Isolated features that have potential data (fire hearth) need to be evaluated for eligibility. Isolated or unassociated features need not be recorded on a site form, but are listed in a table designated by number, description, and location.

C. Post-1950 Archaeological Components: Sites that post-date 1950 (or contain a majority of artifacts that post-date 1950) are not considered eligible for the purposes of Section 106 compliance unless the site is of exceptional significance under Criteria Consideration G.

D. Unassociated Historic Artifact Scatters: This site type is categorically not eligible when it cannot be definitively associated with a specific historic theme as defined in the *Nevada Comprehensive Preservation Plan.* One example of this site type is a single episode roadside refuse deposit.

Unassociated artifact scatters, will be considered categorically ineligible with the submission of the following information:

1. A minimal level of archival research does not reveal a possible association. The feature or site in question may not be depicted on the following documents:
    a. General Land Office map (provide date;
    b. Land Status map;
    c. Mineral Survey records;
    d. Nevada State Museum records;
    f. State Water Engineer's records;
    g. 15 minute Quadrangle (provide date); or
    h. Local city and county records.

2. A brief justification for this determination will be included in the eligibility section of the report and will address the following topics:
    a. location and type of nearest recorded site; and
    b. location of the nearest known town, community, or historical development.

E. Linear Resources: Linear resources in isolation from other linear resources, archeological deposits, and buildings/structures are discussed below in this framework for categorical exemptions. Artifacts directly associated with that linear resource, such as an insulator for a telecommunication line is considered inclusive to that linear resource. If only a segment of the linear resource is present within the project area, and is determined ineligible (non-contributing), the remaining portions of the linear resource are considered unevaluated for the purposes of Section 106 compliance.

a. Roads/Trails: If a road or trail is undatable, can not be historically associated with a historic theme, lacks engineered features associated with the road or trail, and has been bladed, then that segment is considered not eligible under all criteria.

b. Water Conveyance: If a water conveyance system is undatable, cannot be historically associated with a historic theme, and lacks engineered features associated with the water conveyance feature, then that segment considered as not eligible under all criteria.

c. Fences: If a fence is undatable, lacks unique construction features, is constructed of metal T-posts and barbed wire, then that segment of the fence is considered not eligible under all criteria.

d. Telecommunication lines (telegraph, telephone, power transmission): If a telecommunication line is undatable, lacks unique engineered features associated with that segment of the telecommunication line, then that segment is considered not eligible under all criteria.

APPENDIX F: CATEGORICAL NO ADVERSE EFFECT SITUATIONS

A. Geophysical exploration (43 CFR 3150) where:

1. All traffic associated with exploration must follow routes that avoid cultural resources. Company flagging crews will identify and flag anticipated detours on the route, so that potential detours can be inventoried along with the main route.

2. The following may be excluded from cultural inventory requirements:

a. vibroseis and conventional truck-mounted shothole drill routes and operations located on constructed roads or well-defined existing roads and trails;

b. pedestrian routes and placement sites for hand-carried geophone, cables, or similar equipment;

c. cross-country operations of seismic trucks and support vehicles on bare frozen ground or over sufficient snow depth (vehicle traffic does not reveal the ground) so as to prevent surface disturbance;

d. one time (single pass) routes of wheeled vehicles under 10,000 lbs GVW;

e. above ground seismic blasting (Poulter method);

f. helicopter-supported activities, including shothole drilling and above ground seismic blasting (Poulter method) in most areas, that do not require helicopter staging area preparation and vehicle use off of roads and trails; and

g. exploration activities defined as casual use in 43 CFR 3150.

3. Other geophysical exploration activities that require blade work or other surface disturbing activities. These activities also involve additional direct and indirect effects for vehicle traffic. Consequently, the following situations will usually necessitate cultural inventory as determined by the District or Area Manager on a case-by-case basis:

a. cross-country vibroseis and conventional truck or OHV mounted shothole drilling operations;

b. surface disturbing activities associated with any geophysical technique such as blading access routes or helicopter staging areas, or disc-and-drill seeding for rehabilitation;

c. portions of jug truck and OHV routes,"backpack" shothole drilling, helicopter-

supported activities including shothole drilling, and above ground seismic blasting (Poulter method) in areas with potential for significant fragile surface or subsurface cultural resources (dune fields, antelope traps, standing structures, etc.).

B. HAZARDS ABATEMENT

1. Hazards abatement where cultural resources are not involved.

2. Authorizing or installing devices to protect human or animal life that do not involve new surface disturbance.

3. Abandoned Mine Hazard Abatement. Nevada Department of Minerals (NDOM), in cooperation with the BLM, identifies and abates mine hazards on Public Lands in Nevada. Some of these mine hazards are over 50 years in age. When the BLM and NDOM find it necessary to close or barricade mine workings that present immediate health and safety concerns, the BLM will ensure that the following measures are implemented:

a. Temporary Closures: When a temporary fence is installed to limit public access to the hazard, the BLM will:

1. prior to installing a temporary fence, the fence location will be inspected, by cultural resources staff or a DAT, and the fence moved, if necessary, to avoid effects on cultural resources.

2. the SHPO will be informed of all temporary closures. This will include for each closure the nature of the hazard, a map showing the location of the fence in relation to cultural resources, and a brief description of the cultural resources involved.

b. Permanent closure of abandoned mines over 50 years old, identified on a BLM list of proposed closures for a given fiscal year, can be done without prior BLM/SHPO consultation if:

1. A professional historical archaeologist prepares a resource assessment of (1) the individual mine site(s) targeted for permanent closure; or (2) of the mining district (if the sites are located in a historical mining district). The assessment must record the shafts/adits to be closed and define the historical attributes of these shafts/adits. If the sites are determined to be historically significant, items *b* through *f* must be done:

2. The historical archaeologist takes 5 x 7-inch black and white photographs

of the shafts/adits before and after closure. The pictures must sufficiently illustrate the construction/engineering features of each shaft/adit, artifact concentrations, as well as an overview depicting its setting within the landscape.

3. The historical archaeologist surface maps each shaft/adit on a 7.5' USGS topographic map, as well as all areas from which fill has been gathered.. An archival copy of the resource assessment, photographs, and maps must be provided to the appropriate BLM Field Office within 60 days of finishing the project. The BLM will provide the report to the Nevada SHPO on an annual basis.

4. A professional historical archaeologist monitors placement of fill into each shaft/adit to ensure that significant historical archaeological features are not damaged by the activities. The archaeologist will file a final monitoring report with the BLM and SHPO that outlines field procedures employed to ensure compliance with this item.

5. A professional historical archaeologist ensures that fill, if taken from off site, is not part of another archaeological/historic site. The archaeologist will file a final monitoring report with BLM and SHPO that outlines field procedures employed to ensure compliance with this item.

6. The landscape is restored to BLM Visual Resource Management Class II standards (i.e. substantially unnoticeable within the historic landscape).

C. TRESPASS ABATEMENT

Removing non-significant structures, machines, or materials that are less than 45 years old, such as, abandoned vehicles, trash dumps, trespass buildings, ranches, and mines, and other similar items.

The site from which these materials are removed may be reclaimed, without additional SHPO consultation, as long as the reclamation does not expand previous surface disturbance.

This exclusion does not apply to cultural resources that may attain significance when they become 50 years old.

D. FENCES

1. Exclosure Fences If:

a. Cultural resources within the proposed exclosure have been sufficiently inventoried and evaluated so that the fence will not divide an historic property and place a portion of it outside of the fence and there will be no historic properties within 10 meters of the fence. Except where it is possible to run the fence through a historic property by following the edge of an existing road that is on the outside of the exclosure, and the fence is kept on the edge of the road disturbance;

b. the fence is placed so that it does not call attention to historic properties;

c. the fence is constructed with methods that minimize surface disturbance; and

d. there will be no livestock grazing within the exclosure.

2. Other Fences Where:

a. it is possible to run the fence through a historic property by following an existing road, or similar surface disturbance, and the fence, and associated trailing is kept within the road disturbance;

b. the fence, and associated trailing can be placed so that it avoids all cultural resources in the manner specified in Appendix F.L.1.

E. SPRING DEVELOPMENT PIPELINES ACROSS HISTORIC PROPERTIES WITHIN PREVIOUSLY DISTURBED AREAS IF:

1. the pipeline is either installed on or above the surface or placed below the surface by excavating a trench with hand tools or a ditchwitch that is no more than 8" wide and 18" deep;

2. the spring itself is not a cultural resource and therefore the spring development, separate from the pipeline, will not effect an historic property;

3. the pipeline impacts no more than 5% of the surface exposure of the site and is located by an archaeologist in an area of low artifact density with no features;

4. an archaeologist monitors the trenching and sample fill from the trench to detect subsurface cultural deposits and the project will be halted if the archaeologist determines that the installation is having unexpected effects; and

5. the trench will be backfilled using hand tools.

F. SALE OF SUBSURFACE MINERAL ESTATE TO SURFACE OWNER ON SPLIT ESTATE LANDS

The BLM can convey the subsurface mineral estate to the surface owner, without field inventory and SHPO consultation, if it finds that the parcel has no potential for containing mineral deposits. The SHPO will be notified of the transfer and sent an informational map showing the lands effected and a list of any known cultural resources within the transfer area.

G. REJUVENATING EXISTING SEEDINGS IF:

1. the original seeding was plowed;

2. the proposed rejuvenation does not extend beyond the boundaries of the original seeding; and

3. rejuvenation activities will not impact more than the top 20 cm of the plowed surface.

H. ROADS AND TRAILS

1. New undertakings that involve road construction, reconstruction, and improvement projects that may effect cultural resources will be considered using the procedures in this Protocol.

2. If an historic property is traversed by facilities or improvements created within the last 50 years, these existing facilities or improvements may be used for a project so long as their use is consistent with the function for which they were created and that use does not further effect cultural resources (e.g., the use of existing access roads that use or traverse linear sites such as railroad grades). Such continued use shall be considered to have no effect on historic properties.

3. Continued use or reuse of a road or trail will not effect a property and no case-by case consultation with the SHPO is necessary under the following circumstances:

a. when a physical barrier along the traveled way (fences, boulder barriers, existing pavement) prevents further damage to cultural resources;
b. where the roadway or railway was cut through or is situated below a property (e.g., archaeological deposit) through which it passes. The absence of a property (e.g., cultural deposit) may be documented by field work in the form of surface observations and/or subsurface test excavation. These excavations may include shovel test, excavation units, or auger bores.

I. FIRE MANAGEMENT

A. Wildland Fires: Naturally-ignited wildland fires in areas for which there is no fire management plan in place will be actively suppressed in accordance with BLM Wildland and Prescribed Fire Management Policy, August 1998. In these emergency situations there is no need to consult with the SHPO prior to suppressing the fire. Fire rehabilitation will be done in accordance with Appendix F, Section J.

B. Prescribed Fires: The BLM agrees that prescribed burns (fires ignited by the BLM or natural fires that are not completely suppressed) have the potential to effect historic properties. Properties at high risk from prescribed burns include, but are not limited to historic buildings, structures and artifacts, prehistoric and ethnohistoric wooden structures (houses, wing traps, ramadas), ethnohistoric pinyon processing equipment, rock art, and sites, such as rock shelters and habitation areas, with flammable organic deposits. Prescribed Fire Management Plans will be developed in accordance with the two year planning process found in BLM Handbook H-9214-1 in order to allow for SHPO consultation as defined in this Protocol. In addition, the procedures described below shall be followed to minimize effects.

1. Proposed Management Ignited Prescribed Fire Areas may be ignited by BLM without SHPO consultation if:

a. a Cultural Resource Specialist with concurrence by the appropriate Field Manager determines that there is a low probability of discovering vulnerable archaeological sites within the proposed fire area; and

b. there is written documentation that the proposed fire area has burned within the last 50 years at a sufficient intensity so that there is a low probability that vulnerable resources could have survived the fire; or

c. the proposed PF area has been previously inventoried and no historic properties were identified; or

d. the proposed fire area will be managed within prescription limits (that protect historic properties from fire areas by hand-constructed fire lines, foam wetting agents, or fire shelter fabric) outlined in a fire management plan that has been reviewed by the SHPO.

2. Proposed Wildland Fire Use Areas ignited by natural sources may be allowed to burn without a Prescribed Fire Management Plan that has been through Section 106 review if:

a. a Cultural Resource Specialist with concurrence by the appropriate

Field Manager determines that there is a low probability of discovering vulnerable archaeological sites within the proposed area;

b. there is written documentation that the area has burned within the last 50 years at a sufficient intensity so that there is a low probability that vulnerable resources could have survived the fire;

c. the proposed area has been previously inventoried and no historic properties were identified; or

d. the proposed fire area will be managed within prescription limits (that protect historic properties from fire areas by hand-constructed fire lines, foam wetting agents, or fire shelter fabric) outlined in a fire management plan that has been reviewed by the SHPO.

3. Native American consultation, as appropriate, has been completed to identify concerns regarding the burning of resources or resource areas of special importance.

4. Avoidance Measures: Identified cultural resources that may incur damage from fire shall be excluded from fire areas and protected by appropriate means to ensure that fire temperatures do not exceed 600 degrees(F) in the vicinity of the historic property. Avoidance measures may include, but may not be limited to hand-constructed fire lines, foam wetting agents, or fire shelter fabric. New fire line construction routes shall be surveyed and fire lines reconfigured to avoid historic properties.

J. FIRE REHABILITATION PROJECTS:

1. any fire rehabilitation activities (such as aerial seeding, hand planting, temporary fences on steep slopes, and etc.) that do not involve mechanized surface disturbance, will not be inventoried or mitigated for Section 106 purposes. Rehabilitation activities involving more than 10 cm depth of mechanized surface disturbance will be handled to Class III standard. Rehabilitation activities, such as rangeland drilling, involving no more than 10 cm depth of mechanical surface disturbance will be handled with the procedures specified here;

2. prior to initiating survey, the BLM will complete a records and literature search, as specified in the BLM General Guidelines, to identify known resources and areas with a high probability of containing resources in primary context;

3. fire rehabilitation activities that involve mechanized surface disturbance less than 10 cm depth, will have the Area of Potential Effect surveyed based on the records search to

identify areas that are likely to contain archaeological resources in primary context. In general, 100 meter transect surveys, with deviations to inspect high probability areas will be used. The BLM and the SHPO can agree, through informal discussions, to other survey approaches appropriate to individual rehabilitation undertakings;

4. all archaeological resources discovered or relocated, will be plotted on maps and recorded on the BLM Nevada IMACS short form. Resources, except those previously determined not eligible, by BLM and the SHPO, or that have been previously mitigated, will be flagged for avoidance and avoided during rehabilitation activities;

5. flagging will be placed to minimize the potential for looting and vandalism and removed as soon as possible after re-seeding is completed. Sites will be hand seeded for camouflage as appropriate;

6. all areas inventoried in this manner will not be considered to have been inventoried for any other purposes and any subsequent undertakings in these areas will be inventoried to Class III standards;

7. the BLM will not consult with the SHPO prior to authorizing fire rehabilitation activities conducted under these provisions. The BLM will provide the SHPO with an informational copy of a map showing the APE, area surveyed, and an informational copy of the short form(s) for any archaeological resources within it.

K. GRAZING MANAGEMENT: The BLM recognizes the potential for grazing to effect historic properties through: (1) the concentration of livestock on cultural resources; (2) construction and maintenance of grazing facilities; and (3) other grazing operations in the immediate vicinity of historic properties. Therefore, grazing shall be administered as follows:

A. Issuing Grazing Permits:

1. as a permit comes up for renewal, the range staff and the cultural staff will discuss the potential impacts to cultural resources from grazing. Using archaeological site maps and use pattern maps, areas of high grazing use and known concentrations of cultural resources, or areas of high potential for significant resources, will be identified;

2. when there are known grazing conflicts with cultural resources, these will be mitigated or eliminated by amending grazing practices authorized in the permit;

3. when there is a high probability of grazing conflicts, the range and cultural staff should visit the area to see if there are, in fact, ongoing impacts from the grazing practices authorized in the permit. If there are, the permit will be amended to eliminate or mitigate these impacts;

4. the permittee and BLM staff will be made aware that the standard stipulations in the permit give BLM the ability to expeditiously mitigate or eliminate impacts to cultural resources discovered after the permit is approved;

5. prior to the start of each fiscal year, each Field Office will prepare a general letter to Tribes informing them of plans and schedules for permit renewals in the upcoming fiscal year and inviting them to share their concerns, if any, with issuing or renewing the grazing permit identified in the letter. There is no need to consult with tribes on each renewal, but only on renewals in areas where they express an interest or that you know that they have an interest;

6. if the permit application is being considered as an Administrative Determination (AD) under NEPA, and the process above is followed, there is no need to consult with the SHPO before renewing each permit. The SHPO will be provided with an information copy of the memorandum to the permit file documenting the analysis used in authorizing the permit; a map showing known resource conflict areas; and a description of the measures used to mitigate impacts;

7. if the permit application is being considered in an EA or EIS, it will be analyzed through the standard Section 106 and Native American consultation processes outlined in this Protocol.

B. Range Improvements and Projects: After a permit has been issued or renewed, range improvements, surface disturbing projects, and changes in grazing practices (that will concentrate grazing and could create impacts) will be approved through the standard Section 106 and Native American consultation processes outlined in this Protocol.

L. AVOIDANCE OF PROPERTIES

1. Avoidance with Standard Measures:

The following protection measures shall be implemented as appropriate for all undertakings managed under this Protocol. At a minimum, historic properties shall be excluded from areas where activities associated with an undertaking will occur as follows:

A. All proposed activities, facilities, improvements, and disturbances shall avoid historic properties. Avoidance means that no activities, unless specifically identified in this PA, associated with an undertaking that may effect historic properties shall occur within a site's identified site boundaries, including any defined buffer zones. Portions of undertakings may need to be modified,

redesigned, or eliminated to properly avoid historic properties.

1. For historic properties eligible or important only for the information they contain, the physical demarcation of historic properties, and their exclusion from an undertaking's proposed activity areas is a minimum requirement.

2. Physical demarcation and avoidance during the implementation of an undertaking is also required for properties eligible under other criteria. But minimum protection requirements will also include the use of buffer zones to extend the protection area around properties where setting is an important attribute, and the proposed activity may have an effect on the setting's quality.

B. All historic properties within an APE shall be clearly delineated prior to implementing any associated activities that have the potential to effect historic properties.

1. Historic property boundaries shall be delineated with coded flagging and/or other effective marking. Activities within historic property boundaries will be prohibited except for travel on developed roads when the Cultural Resource Specialist recommends that such use is consistent with the terms and purposes of this agreement. Flagging and other markings will be removed as soon as possible to avoid calling undue attention to cultural resources.

2. Historic property location and boundary marking information shall be conveyed to appropriate BLM administrators or employees responsible for implementation so pertinent information can be incorporated into planning and implementation documents, and contracts (e.g., clauses or stipulations in permits).

3. Buffer zones may be established to ensure added protection where the Cultural Resource Specialist or other professional archaeologist determines that they are necessary. The use of buffer zones in conjunction with other avoidance measures are particularly applicable where setting contributes to the property's eligibility, or where it may be an important attribute of some types of historic properties (e.g., historic buildings or structures; properties important to Native Americans). The size of buffer zones needs to be determined by the professional archaeologist on a case-by-case basis. Landscape architects may be consulted to determine appropriate view sheds for historic resources. Knowledgeable Native Americans will be consulted when the use or size of protective buffers for

Native American traditional or cultural properties needs to be determined.

C. When any changes in proposed activities are necessary to avoid historic properties (e.g., project modifications, redesign, or elimination; removing old or confusing project markings or engineering stakes within site boundaries; or revising maps or changing specifications), these changes shall be completed prior to initiating any activities.

D. Monitoring may be used to enhance the effectiveness of protection measures in conjunction with other measures (Stipulation III).

2. Avoidance through Non-Standard Measures

A. Scope

1. Appropriate Undertakings: This exemption applies to, but is not limited to, undertakings, such as small projects, fences, minerals exploration drilling, OHV events on developed roads, rights-of-way, wild horse gathers, wildlife guzzlers, interpretive and regulatory signs, materials pits, and fire rehabilitation seedings that are relatively easy to redesign or move to avoid cultural resources or for which effects are relatively temporary or ephemeral. It does not apply to undertakings that do not meet these requirements or where may be visual or other effects to setting that cannot be avoided. It will not be used for major federal actions (requiring an Environmental Impact Statement or major Environmental Assessment).

2. Appropriate Measures: Undertaking redesign or relocation is the most appropriate avoidance measure under this exemption. Temporary physical barriers are probably the next most effective. Active monitoring should be considered as a last resort and only used in limited circumstances or highly sensitive situations.

B. Procedures

1. The APE will be determined prior to inventory and inventoried to Class III standards.

2. All cultural resources in the APE will be recorded in conformance with the format and content requirements in the BLM Handbook.

3. The BLM will determine appropriate administrative or physical measures to avoid effects to all cultural resources, excluding isolates,

within the APE and include these measures as stipulations in environmental documentation and the decision record for the undertaking. The proponent of the undertaking will be required to agree to these stipulations prior to authorization.

4. Once the avoidance measures have been developed, stipulated, and accepted by the proponent the undertaking can be authorized without specific consultation with the SHPO.

5. The eligibility of cultural resources should be determined during initial inventory. If determining the eligibility of a cultural resource involves subsurface testing, extensive archival research or other extensive additional data gathering, then eligibility can be deferred as long as the resource is treated as if it is eligible.

M. MECHANICAL, CHEMICAL AND MANUAL VEGETATION FUELS MANAGEMENT ACTIVITIES

1. Project Planning

a. Fuels management projects include methods for mechanical, chemical, or manual vegetation manipulation that have the potential to adversely affect historic properties. Fire management activities involving wildland fire use or prescribed fires are addressed in the SPA, Appendix F.I and are not considered further here.

b. Mechanical, chemical, and manual vegetation fuels management proposals shall conform to approve Fire Management Plans which are subject to concurrence with the SHPO, per section III of the SPA.

c. A qualified Cultural Resources Specialist (CRS) will assist the Field Manager to establish the Area of Potential Effects (APE) for a fuels management project. The APE will include all areas where a proposed treatment may be purposefully or inadvertently applied and any buffer zones included in the project plan. The CRS is responsible for completing a cultural resources Needs Assessment form as part of project planning and having it approved prior to project implementation.

2. Definitions

a. High sensitivity cultural resources are those for which the proposed fuels management project, if implemented, could result in loss of those qualities that may qualify the site for listing on the National Register of Historic Places (NRHP). Cultural resource specialists will determine this sensitivity.

(1) Resources listed on or eligible for the NRHP (also known as "historic properties") as well as known but unevaluated resources will be treated as if they are high sensitivity properties.

(2) Properties with high sensitivity to mechanical or manual treatments have surface or near-surface features or areas with patterns of distribution or relationships that may contain information important to understanding history or prehistory. Examples include, but are not necessarily limited to hearths; rock rings; a complex of ground stone implements; areas of discrete, single episode flaked stone reduction; remnants of historic structures or structural complexes; historic debris concentrations, or rare or unusual features such as game drive traps.

(3) Examples of properties with high sensitivity to chemical treatments include, but are not necessarily limited to, those where chemical applications may:

(a) Alter the integrity or appearance of artifact assemblages, buildings or features in such a manner as to diminish or eliminate the potential for interpretation or alter those qualities that may qualify the site for listing on the NRHP; or

(b) Affect the utility of samples or artifacts for analysis, such as the contamination or alteration of radiocarbon samples through use of chemical treatments.

3. Inventory Requirements

a. Areas that have not been inventoried will be treated as if they contain high sensitivity historic properties.

(1) Fuels management efforts may be proposed within areas of previous cultural resources inventory. The BLM may proceed without further inventory if an adequate Class III inventory was accomplished within the last 10 years and SHPO reviewed the inventory. The BLM may also proceed with determinations of eligibility on previously recorded sites and with determinations of effect.

b. In general, areas known or expected to contain high sensitivity resources should be subject to Class III inventory. Appropriate steps for avoidance or mitigation shall be implemented prior to initiating the undertaking. These measures should be applied to newly identified resources to avoid adverse effects.

c. Areas of a fuels management APE involving no mechanized surface disturbance (such as through aerial seeding, hand clearing up to 10 cm in depth, installing temporary fences on steep slopes, non-organic chemical treatments, etc.) and that are expected to have no effect on high sensitivity resources need not be inventoried. High sensitivity sites will be avoided or effects mitigated prior to initiating the proposed

action. As determined during the needs assessment analysis, staging areas, access routes, and other support facilities will be inventoried to Class III standards and redesigned to avoid impacts, unless alternative strategies are developed per section 6a of this amendment.

(1) The area of a non-mechanized "lop and scatter" hand-thinning project will be considered a non-ground disturbing activity provided no activity results in disturbance over 10 cm below surface.

(2) If removed or displaced fuels are to be burned, staging and burn areas will be inventoried to Class III standards for a distance of 30 meters beyond the exterior margins of the proposed burn area, unless established otherwise through the needs assessment analysis or unless alternative strategies are developed per section VI.A of this amendment.

d. Those portions of a fuels management APE involving more than 10 cm depth of surface disturbance will be inventoried to Class III standards and effects appropriately mitigated, unless alternative strategies are developed per section 6a of this amendment.

e. Fuels management activities involving less than 10 cm depth of mechanized surface disturbance, and for which the surface will not be removed, will be handled with the procedures specified here.

(1) The APE will be examined to re-locate known historic properties and unevaluated sites and to examine areas likely to contain high sensitivity cultural resources. In general, field examinations could be accomplished using 100 meter transect separation, with deviations accomplished through reconnaissance inventory to re-locate known resources or to inspect high probability areas. An APE with ground cover restricting visibility may require closer intervals as determined by the CRS.

(2) All archaeological resources discovered or re-located by means other than Class III inventory will be plotted on 7.5-minute US Geological Survey topographic maps and recorded on the BLM Nevada IMACS short form, unless alternative strategies are developed per section 6a of this amendment. Class III inventory site documentation and reporting will be as per the SPA.

(3) Site boundaries will be determined in all cases. In instances where surface fuel density precludes adequate surface visibility, a minimum buffer of 50-meters will be established beyond the known site perimeter where avoidance is proposed during project implementation.

(4) High sensitivity resources will be flagged and avoided during management activities, except for those previously determined not eligible, by BLM and the SHPO, or that have been previously mitigated in relation to those qualities that would be affected by the proposed fuels management project.

(a) Standard avoidance measures found in section 5 of this amendment will apply.

(b) Where vegetation removal or reduction may pose a threat to site integrity through post-treatment effects such as erosion or vandalism, sites will be hand-seeded or otherwise treated (e.g., camouflage, mitigation) as appropriate.

(5) Class III inventory along margins of historic roads or trails (i.e., those known or likely to be more than 50 years old) generally will be done for 100 meters on each side of the physical traces of the road or trail identified in the field and within the project area.

4. Special Considerations

a. Rejuvenation of Existing Seeded Areas - The APE for a project to rejuvenate an existing seeding need not be inventoried if:

(1) The project is done with the same methods as the original seeding; and

(2) The project APE does not extend beyond the boundaries of the original seeding; and

(3) Rejuvenation activities will not impact more than the top 10 cm of the plowed surface; and

(4) Known historic properties and unevaluated sites will be avoided; and staging areas, access routes, and other support facilities will be inventoried to Class III standards and redesigned to avoid impacts, based on determinations in the needs assessment analysis. The use of vegetation mosaics to camouflage cultural resources should be considered.

Or,

(5) Past seeding projects may have resulted in disturbance to depths exceeding 10 cm below surface. If the needs assessment analysis indicates that this prior disturbance precludes affecting known or potential historic properties using methods proposed for a mechanical, chemical or manual fuels management project, no cultural resources inventory is required, per the SPA, Appendix C.

5. Avoidance Measures

a. Avoidance measures may include retention of existing vegetation as buffer zones to ensure adequate avoidance or to obscure the exact location of a sensitive cultural resource.

b. The design of vegetation mosaics may incorporate cultural resource areas but should not be limited to them, in order to avoid creation of inadvertent signals for the presence of sites that could lead to vandalism. Vegetation mosaics should include buffer zones extending beyond actual site boundaries.

c. Temporary markers used to identify outer boundaries of avoidance areas shall be distinctive from other project markers to minimize the potential for confusion and inadvertent damage to sites. Markers around cultural resources or their buffer zones must be removed after completion of the project or project phase. The use of monitors (e.g., Project Inspector) to ensure successful resource avoidance is recommended.

6. Compliance

a. The BLM and the SHPO can agree, through informal discussions or formal consultations, to other inventory and mitigation approaches appropriate to individual fuels management projects.

b. The BLM need not consult with the SHPO prior to authorizing fuels management activities conducted under these provisions, except as noted. Nothing in this amendment alters the BLM's agreement to request SHPO review for undertakings meeting threshold criteria expressed in the SPA, VI.B.

c. For field reconnaissance conducted at less than Class III intensity, the BLM will provide the SHPO with project documentation consisting of (a) a copy of the approved Needs Assessment form, (b) a map showing the APE, area surveyed and survey method (e.g., reconnaissance, Class II), and (c) an informational copy of the short form(s) for any archaeological resources within it. Reporting requirements for all Class III inventory efforts remain as per the SPA.

(1) The site record for any NRHP-eligible (historic property) or unevaluated site that is not avoided by the proposed action shall include a specific statement of sensitivity and rationale for why no adverse effect will occur, unless this information appears in the Needs Assessment form.

d. Inventory accomplished at less than Class III intensity will not suffice for purposes

of Section 106 compliance under other non-fuels management circumstances unless the inventory strategy was implemented based on project-specific consultation with the SHPO.

APPENDIX G: NON-DIAGNOSTIC SITES

Prehistoric and Historic sites that lack depositional, temporal, or structural physical context, such that their data content can be captured on initial recordation, should be recorded on the Short Form and need not be considered further in the Section 106 process.

1. Deciding which resources qualify as non-diagnostic sites:

There are many historic and prehistoric archaeological sites that have limited data potential because they lack a physical context that allows increased data potential. Physical context is different from an historic context in which these sites could have relevance if they contained data bearing on questions highlighted in the historic context. The approach here focuses on the physical context in which cultural resources occur as it relates to the data potential of the resources and consequently the questions that can be asked during identification and mitigation activities. The relevant physical contexts to consider are (1) depositional; (2) temporal; and (3) structural.

a. Depositional Context

Archaeological data is inherently spatial. When we describe an artifact we record the internal spatial relationships that suggest how it was made and used. Beyond an artifact, we record the physical locations of artifacts and their relationships to each other and the surrounding matrix. All of our subsequent inferences, such as defining sites, establishing site function, developing regional patterns, and explaining human behavior, stem from these simple relationships. If these relationships are undisturbed, or disturbed in controllable ways, then it is possible to make useful statements about occurrences and their relationships. Over time, erosion, deposition, bioturbation, chemical changes, subsequent human activities, etc., disturb the relationships among artifacts and their matrix in ways that obscure the behavior that initially created the archaeological record and that cannot be controlled in dealing with the data. As the amount of disturbance increases, our ability to make useful statements decreases and eventually disappears along with all traces of past human behavior.

Ideally, we would focus our efforts on investigating *in situ* archaeological deposits. However, since this is not possible, we should approach understanding any archaeological occurrence by first establishing that it is in primary physical context and thus capable of yielding important information about the past. Occurrences in primary physical context offer the potential for answering the full range of behavioral questions that we can ask about the past.

If the occurrence is not in primary physical context, then its information potential

is greatly diminished and the questions that can be answered may be limited to information that has not been disturbed, such as attributes on individual artifacts but not relationships among artifacts.

b. Temporal Context

Archaeologists ask questions that invariably deal with when things happened. Assuming that we can determine that an occurrence is in primary depositional context, the next step is to determine if the occurrence can be placed in temporal context. If we can tell when an event that produced a physical record happened then we can address regional, sequential, and possibly causal questions concerning the history and evolution of human behavior in Nevada. We can also ask questions about the density and intensity of human activity at one point in time and compare that to other times and places. If we cannot establish a chronology for archaeological occurrences, then the set of questions for which that occurrence has the potential to answer is severely limited to those that do not depend on understanding temporal relationships. If we could determine that the occurrence represents a single component of the archaeological record, but cannot determine when it happened, then the information potential of the occurrence is limited to investigations of intrasite variation rather than intersite variation.

If we cannot reliably determine a temporal context, or even determine that the occurrence is a single component, then investigations may be limited to non-temporal questions about artifact construction and use that can be answered by examining the internal attributes of the artifacts themselves.

c. Structural Context

Once the depositional and temporal contexts of an occurrence have been determined, the next step is to determine the nature and integrity of its internal structure. Occurrences can vary in both horizontal and vertical structure. That is, an occurrence is either homogenous along its horizontal and vertical dimensions or it is not. If it is homogenous, then any part of the occurrence is the same as any other part and its surface manifestations are the same as its subsurface manifestations. In such a case, surface observations suffice for realizing the occurrence's information potential. A homogenous site, by itself, can only yield information on questions that do not involve behavioral sequences through time. In a regional historic context, a sufficient sample of homogenous sites, in primary depositional and temporal context, can be very significant for investigating settlement and subsistence systems. If an occurrence is not homogeneous then there will be identifiable areas within it in which different activities occurred at one time or through time and the surface will not necessarily reflect the nature of the subsurface deposits. Structurally, differentiated occurrences can be very

significant for investigating behavioral variation at either one point in time or through time.

2. Relating Physical Context to Historic Context

The three physical contexts can be matched with research questions to indicate historic contexts in which these questions are answerable. Some questions require data from occurrences that are in primary depositional context, that contain temporal data, and that have both vertical and horizontal structure. Others can be answered with data from occurrences that have none of these features. Most questions fall between these extremes.

It is important to understand the relationship between the physical context of archaeological occurrences and questions in a historic context which need to be answered. The example matrix developed here summarizes some of these relationships for questions about prehistoric resources found in the *Archaeological Element of the Nevada State Historic Preservation Plan.* This matrix is not definitive. It does not contain all relevant prehistoric research questions and does not include historic research questions. Therefore, this matrix by itself cannot be used to justify an eligibility determination. Instead it is a summary of ways to think about eligibility and a map of the arguments needed to justify a determination. For large or complex projects, a similar matrix should be developed to aid in determining if any of the resources associated with the undertaking can be considered non-diagnostic.

The example matrix is used by selecting a question from the left column and reading the context requirements for sites across the corresponding row to the right. For example, the matrix indicates that questions about lithic sourcing, for materials such as obsidian, can be answered regardless of the depositional, temporal, or structural context of the site. On the other hand, the example matrix shows that answering questions about culture change requires a site to be in primary depositional context, in temporal context, and have either horizontal, or vertical structure, or both, depending on the nature of the site.

Example: Eligibility Matrix for Prehistoric Resources

To Answer Questions About:	Depositional Context is:	Temporal Context is:	Structural Context is:
Site Function	Required	Not Required	Horizontal or Vertical
Lithic Sourcing	Not Required	Not Required	Not Required
Seasonal Use	Required	Required	Horizontal or Vertical
Occupation Span	Required	Required	Horizontal or Vertical
Group Size	Required	Required	Horizontal or Vertical
Tool Kit Definition	Required	Required	Required
Tool Typology	Not Required	Not Required	Not Required
Ethnicity	Required	Required	Horizontal or Vertical
Subsistence Systems	Required	Required	Horizontal or Vertical
Settlement Systems	Required	Required	Horizontal or Vertical
Culture Change	Required	Required	Horizontal or Vertical
Tool Production	Not Required	Not Required	Not Required
Trade	Required	Required	Horizontal or Vertical

APPENDIX H: DOCUMENTATION STANDARDS FOR HISTORICAL RESOURCES OF LOCAL AND STATE SIGNIFICANCE

This appendix deals with treatment of historic, not prehistoric, resources and provides standards for historic resources eligible for inclusion in the National Register at a state or local level of significance, not at a national level of significance. Should the BLM propose to effect historic resources significant at the state or local level, the agency may propose treatment to mitigate the effect. In the past, BLM not only consulted with the SHPO but sought advice from the National Park Service (NPS) on the kinds of treatment that would be required. NPS no longer requires HABS/HAER documentation on properties of local or state significance, instead, requesting that SHPOs create their own state standards. Seeking advice from NPS is now unnecessary unless the resource is of national significance.

In accordance with this protocol, the BLM must afford the SHPO an opportunity to comment on proposed treatment plans as per Stipulation VI.B.1.c. To assist in preparing a treatment plan and in estimating costs, this appendix provides standards for treatment of historic resources as agreed upon by the BLM and the SHPO.

Levels of Significance

Within the framework of the National Register, the level of significance is defined as the geographic magnitude or scope of a property's historical significance and can be national, state, or local. Local significance is defined as the importance of a property to the history of its community, such as a town, city, or county. Likewise, state significance refers to the importance of a resource to the history of the state in which it is located. The following documentation standards are specific to historic resources eligible to the National Register at the local or state level of significance.

Resource Categories

For the purposes of this document, a historic resource is defined as a historic district, building, site, structure, or object; specifically, any such resource that is listed or eligible for listing in the National Register of Historic Places. The following is a partial listing of historic resource types that might be subjected to the level of documentation described herein:

> District--a geographically-definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development; may also comprise individual elements separated geographically but linked by association or history. Examples of historic districts are mining sites with multiple resources, including buildings and equipment; farms and ranches; and various linear resources, such as water systems and railroads.
>
> Building--a structure enclosing a space and providing protection from the elements and that shelters some form of human activity; typically includes walls, a roof, and other components.

Commercial buildings may include banks, breweries, casinos, factories, foundries, garages, hangers, laundries, mortuaries, office buildings, railroad stations, blacksmith's shops, stores, theaters, and warehouses; residential types may be single family dwellings, duplexes, apartment buildings, barracks, dormitories, hotels, bunkhouses, quarters, shacks, and shanties; institutional buildings may be academies, amphitheaters, armories, arsenals, asylums, aviaries, Capitols and other governmental buildings, churches, courthouses, fortifications, hospitals, jails, libraries, museums, post offices, and schools; agricultural and rural buildings may be barns, blinds, cellars, kennels, pole structures, Quonset huts, sheds, stables, smokehouses, and storehouses.

Site--location of a significant event, a historic occupation or activity, or building or structure, whether standing, ruined, or vanished, where the location itself possesses significance independent of the value of any existing structure at the location. Examples of such a resource include a battlefield, a farm, or a ranch.

Structure--any kind of human construction; often used to refer to an engineering work, as opposed to a building, constructed for purposes other than to provide shelter. Examples of structures include aqueducts, blast furnaces, bridges, cisterns, canals, dams, fences, fortifications, flumes, railroad turntables, reservoirs, root cellars, silos, snow sheds, spring houses, stamp mills and other mining equipment, water tanks, viaducts, wellheads, and windmills.

Object--a material thing of functional, aesthetic, cultural, historical, or scientific value; typically primarily artistic in nature or relatively small in scale and simply constructed; may be, by nature or design, movable yet related to a specific setting or environment. Examples include airplanes, boats, boundary markers, head stones, mile posts, monuments, railroad engines, sculptures, statuary, or steam engines.

Linear Features--are long, narrow works of human construction, which may be classified by the National Register as structures, districts, or sites. Examples of linear features include canals, ditches, fences, flumes, roads and trails, railroad tracks or roadbeds, walls, or water systems.

Properties Suffering Loss of Integrity--where there is an impaired authenticity of a property's historic identity. Examples of properties that have lost integrity, but nevertheless warrant documentation include structures moved, reconstructed, or altered; portions of linear features of which other portions remain intact; minor elements of a complex, unless architecturally distinctive; ruins, collapsed structures, or shells of structures, which may be eligible for the National Register because of their historical importance or associations, but that have little structural/architectural interest and/or integrity.

Documentation Standards

The following documentation standards apply to the classes of historical properties defined above. In order to satisfy the documentation requirements for historic properties eligible for the National Register at the local or state level of significance, a report detailing the historical context and significance of the property, and architectural and engineering documentation, including plans and photographs of the property, must be submitted. The requirements for these elements are as follows:

Historical Documentation--is a detailed record of the historical context and significance of a property presented in a report format. Historical documentation will employ appropriate methodology to obtain the desired information. Methods and techniques of historical research should be chosen to obtain needed information in the most efficient manner. Sources will be recorded so that other researchers can verify or locate information discovered during research. Historical research to create documentation uses secondary source materials, archival materials, and primary sources, such as personal records, deed and title books, newspapers, plats, maps, atlases, photographs, vital records, censuses, historical narratives, and interviews with individuals. The historical documentation section should include the following elements:

1. Title Page--should include the title of the report, including the nature and location of the project, the author of the report, the sponsoring institution, association or agency, and the date the report was prepared.

2. Table of Contents--should list report chapters and all subdivisions, including study unit sections. Pagination must be shown in the table of contents.

3. Introduction--should summarize the purpose of the documentation, the eligibility criteria used to evaluate the resource, the level of significance the resource possesses, the reason for the mitigation (i.e., impending threat to the resource), objectives for conducting the historical documentation, the scope of the project, and the agencies involved. A map showing the location of the project must be included.

4. Documentation Methodology--should include an explanation of the procedures used to execute the documentation, including the name of the researcher, date of the research, sources searched, and limitations of the project.

5. Historical Narrative--should provide a full description of the resource(s), a historical context against which significance is assessed, and a comprehensive history of the resource. The following elements should be included in this section:

a. Historical Context--including early settlement, historical overview, and physical development of the project area. The historical context should be guided by the thematic study units identified in the *Nevada Comprehensive Preservation Plan* (1991).

b. Designers, Engineers, and Builders--including biographical information on architects, landscape architects, engineers, builders and contractors, and other designers who practiced in the project area.

c. Notable People--including biographical information on major figures in the community's history and in the history of the resource being documented.

6. Bibliography--references to secondary sources should indicate author, title, and date of publication. Primary sources should be identified by name, collection identifier, and location. Interviews should be noted including the date and location of the interview, names of both parties.

Architectural and Engineering Documentation--the historic significance of the building, site, structure, or object will be conveyed through drawings, photographs, and other materials that comprise documentation. The appropriate level of documentation for properties eligible for the National Register at a local, regional, or state level of significance must include:

1. Photographs with 35mm black-and-white negatives of exterior and interior views of the resource. The exterior should be documented by at least 6 views including a) the front and one side; b) the rear and one side; c) the front elevation; d) environmental view showing the building as part of its larger landscape; e) major elements of the building, including doors, windows, additions, etc.; and f) details, such as materials and hardware. Interior photographs should yield information about the floor plan. Three or four views should be sufficient to document the significant elements of the interior, unless the resource is large or complex;

2. Reproductions of historic photographs, if available. Provide negatives and 4-x-6 black-and-white photographs with submission;

3. Photocopies of existing drawings or plans (including scale), if available. If permission is required to reproduce historic photographs, plans, maps, or other materials, it is the responsibility of the researcher to obtain proper authorizations. Copies of permission forms must be submitted with the report.

4. Drawings, site plan, and sketch plan. The site plan must include the resource's orientation in its natural landscape and include the scale and a north arrow. The sketch plan will show the layout and floor plan of the resource, including all associated features. The sketch plan need not be a "measured drawing," but an approximate scale should be included.

5. All photographs, photocopies, and drawings will be labeled on the back in pencil identifying the name of the property, the date rendered, the name of the photographer or renderer, orientation of the photograph or drawing. Photographs should not be pasted, glued, or otherwise adhered to the pages of the report. Please place them in properly-labeled

archival jackets.

Submission Requirements

The documentation submission must include two copies sent to the State Historic Preservation Office (SHPO). Three copies will be required if the resource is located within the boundaries of a Certified Local Government (CLG), i.e., City of Reno, Carson City Historic District, City of Las Vegas, or the Comstock Historic District. The SHPO will distribute the copies to the appropriate repository (see below) and CLG. The repository's copy must include:

1. The narrative report of the resource's historical context and significance;

2. one full set of negatives;

3. one full set of black-and-white, 4-x-6 photographs in archival jackets; and

4. one copy each of drawings, plans, site plans, sketch plans, etc.

The SHPO's and CLG's copies must include all of the above except the negatives, which will be retained by the repository.

Upon receipt, the SHPO will review the documentation for completeness within 30 days. The SHPO will send its comments to the preparer for action, if needed. Any required changes should be submitted to the SHPO in duplicate (or triplicate, in the case of a CLG). The SHPO will insert the changed sections and forward the final documents to the appropriate repository.

Records Storage--Repositories

One copy of each mitigative documentation report will be added to the State's architectural resources inventory and will be available for public inspection at SHPO, 100 N. Stewart Street, Carson City, NV 89701.

One copy, which will include the original negatives, will be sent to one of the following repositories, depending on the location of the resource being documented. The following five repositories will receive mitigative documentation:

1. The Nevada Historical Society, Reno

2. The Nevada State Museum and Historical Society, Las Vegas

3. The Northeastern Nevada Historical Society, Elko

4. The North Central Nevada Historical Society, Winnemucca

5. The Central Nevada Historical Society, Tonopah

There are four Certified Local Governments (CLGs) in the State of Nevada, which will receive one copy of the mitigative documentation for any resources within their boundaries. The four CLGs are represented by the following organizations:

1. The Historical Resources Commission, City of Reno
2. The Historical Architecture Review Commission, Carson City Historic District
3. The Las Vegas Historical Commission, City of Las Vegas
4. The Comstock Historic District Commission, Virginia City

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