

## Planning and Proactive Management Transcript

Hello, my name is Robert King. I'm the BLM's State Archaeologist and Deputy Preservation Officer for Alaska. I've also served as the Cultural Heritage Program Lead for BLM-Alaska for over two decades.

In this module on Planning and Proactive Management, we will be covering two main objectives:

- Using BLM's planning systems to aid your cultural work, and
- What's involved with the proactive management of cultural resources.

To do this, we'll start by examining how proactive planning provides the foundation for the management of cultural resources.

First -- we need to note that there are several federal laws and other federal direction that can help support and direct the focus of your projects. You do need to know about them and use them as appropriate in planning your work.

Now... What is Proactive Management?

- It is work not directly driven by Section 106 of the National Historic Preservation Act,
- Instead, it is work otherwise required under Section 110 of that same Act; plus by other laws, including the Federal Land Policy & Management Act ("FLPMA"), the Archaeological Resources Protection Act ("ARPA"), and more!

In all, Proactive Management of cultural resources has several benefits:

- It certainly helps address various needs including: inventory, protection, research, public education, interpretation, heritage tourism, collections management, and more....
- And it also provides great opportunities to work with volunteers and partners, and advocates for the protection of our cultural heritage

Now, here are some important points for you to remember:

#1 Even though Proactive Management is not project driven, it is mandated by statute; and...

#2 This is the proactive work our 1050 money is to pay for; plus it

#3 Helps avoid burnout!

Next, I will talk about 7 Statutes and Executive Orders that are important for you to know about as you plan your proactive work. They are (in chronological order):

- #1 The National Historic Preservation Act (1966)]
- #2 The Federal Land Policy & Management Act (1976)
- #3 The National Trails System Act (1968), with its 1978 amendment creating National Historic Trails
- #4 The Archaeological Resources Protection Act (1979)
- #5 Executive Order 13195 "Trails for America in the 21<sup>st</sup> Century" (2001)
- #6 Executive Order 13287 "Preserve America" (2003), and lastly the
- #7 The Omnibus Public Lands Management Act (2009)

Now more details about each....

The National Historic Preservation Act (P.L. 89-665) was originally approved on October 15, 1966, (and later amended). It contains many sections important to our cultural work that.

The best to know is: Section 110 (2). It obligates each Federal agency to establish a preservation program to protect and preserve historic properties in consultation with others, including doing inventory work.

The specific wording is that:

"Each Federal agency shall establish ... a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure - (A) that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the National Register...."

This section also states that....

"It shall be the policy of the Federal Government in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals...to administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations"

Further, Section 102 (a) of the National Historic Preservation Act addresses protection of cultural and paleontological resources.

Specifically it says ...

"The Congress declares that it is the policy of the United States that... [(a)(8)] "the public lands be managed in a manner that will protect the quality of scientific, ...historical,...and archeological values...."

Another important law that provides requirements for our cultural work is the Federal Land Policy and Management Act. This is Public Law 94-579, approved Oct. 21, 1976, with later amendments. This is BLM's "organic act" - the law that really clarified and redefined BLM's mission and authority.

Important for us is Section 102 (a)(2). It sanctions inventory of BLM public lands, including for cultural resources.

This section states ....

"The national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other Federal and State planning efforts."

Now, looking at some more specialized laws, the National Trails System Act is of importance to our work. It was passed as Public Law. 90-543, approved October 2, 1968, with later amendments.

While it initially established only National Recreation and National Scenic trails, it was later amended by Public Law 95-625, approved November 10, 1978, (92 Stat. 3511) to create a new category of: National Historic Trails. These are trails to closely follow the original routes of trails with national historic significance.

The management of National Historic Trails is addressed by Section 5 (a) of the 1978 amendment. Under this section, 24 historic trails had been designated by 2005, with more to be added after studies are done.

Of note, some designated trails that were added later to the system have their own individual management prescriptions listed in their specific legislation, such as requiring the development of proactive preservation and education programs. But others don't.

Section 5 (e) of the 1978 amendment to the National Trails System Act requires plans to be made for each trail within 2 complete Fiscal Years of the trail's designation.

Now quoting the act, it states that such plans are to include...

"... the identification of all significant natural, historical, and cultural resources to be preserved (along with high potential historic sites and high potential route segments in the case of national historic trails)...."

As an example, here is a picture of an historic trail in Alaska: the Iditarod National Historic Trail. It is a network of trails that run from Seward in south-central coastal Alaska, to Nome in northwestern coastal Alaska.

This photo was taken around 1917 near Seward, Alaska when the trail was in active use, and less than a decade after it was formally surveyed.

Now, for a few management actions about the Iditarod National Historic Trail:

- First to note: no special individual management prescriptions were made by law.
- Subsequently, BLM's Plan for it, 1<sup>st</sup> written in mid-1980s, identified management "opportunities" for the various landowners of the 2,000-mile trail network, but it made no requirements since there were several different land owners, including private parties.
- In the early 1980s, some cultural inventory work for the Iditarod Trail was done, but it mostly addressed easily-found historic structures, and not prehistoric features. (More recently, we have begun other inventory work to add to the work of over 25 years ago.)
- Also, from the original 1978 legislation, an Iditarod National Historic Trail Advisory Council was established and in recent years has requested completion of National Register work. (Which is happening in the early 2010s.)

Returning to the important laws that require various types of cultural work, another very significant one is the Archaeological Resources Protection Act. It was passed as Public Law 100-555, approved Oct 31, 1979. And it, too, has been subject to many important amendments.

Among the most notable part of this law for our purposes is Section 10(c). It supports public education and requires that ...

- "Each Federal land manager shall increase public awareness of the significance of the archaeological resources located on public lands and Indian lands and the need to protect such resources."

Also, Section 14 of "ARPA" supports inventory. There, Federal agencies are required to:

- "(a) develop plans for surveying lands under their control to determine the nature and extent of archaeological resources on those lands;
- (b) prepare a schedule for surveying lands that are likely to contain the most significantly valuable archaeological resources."

Besides laws, there have also been important Executive Orders issued by Presidents that affect, and indeed direct, our cultural work.

A notable one is: EO 13195 -- "Trails for America in the 21<sup>st</sup> Century - issued on January 18, 2001.

It states: Federal Agencies will ... protect, connect, promote, and assist trails of all types throughout the United States ... by:"

(Quoting Section 1 (b):) "Protecting the trail corridors associated with national scenic trails and the high priority potential sites and segments of national historic trails to the degrees necessary to ensure that the values for which each trail was established remain intact."

EO 13195, "Trails for America in the 21<sup>st</sup> Century," further states that...

"Federal Agencies will ... protect, connect, promote, and assist trails of all types throughout the United States ... by:"

(Quoting Section 1 (k),): "Providing historical interpretation of trails and trail sites and enhancing cultural and heritage tourism through special events, artworks, and programs."

Another important Executive Order for the cultural program is EO 13287 "Preserve America," issued under the 2<sup>nd</sup> President Bush on March 3, 2003.

Section 1 in this EO stated that:

"It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnership for the preservation and use of historic properties."

Further ....Section 1 in this same EO also stated that:

"The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values."

Finally, I'll mention another recent law with special cultural requirements. However, this law applies only to certain public lands in parts of Idaho, Oregon, and Nevada. It is part of the Omnibus Public Lands Management Act - Public Law 111-11, approved March 30, 2009.

Title I, Subtitle F of this law contains Wilderness and Wild & Scenic River designations for parts of certain Canyonlands in southern Idaho, eastern Oregon, & northern Nevada. Further, it also provides for the protection of cultural resources particularly important to the Shoshone-Paiute Tribes by sanctioning certain coordination and agreements.

Specifically, Section 1506. -- On "Tribal Cultural Resources" -- includes the following:

- (regarding) "(a) Coordination- The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan."

- (regarding) "(b) Agreements- The Secretary shall seek to enter into agreements with the Tribes to implement the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes."

Now, having covered various laws directing our Proactive Management, let's again look at what this type of work can accomplish....

Overall, it provides opportunities for Field Office archaeologists to address the following kinds of needs their offices have:

- Priorities identified in Planning documents for the Cultural Heritage Program
- Needs for our Resources at Risk
- Also, Opportunities for Partnerships (including, for example, what happened with our past Challenge Cost Share projects)
- Also, Skill maintenance
- Plus proactive work can address Special Initiatives or commemorations (e.g. 150<sup>th</sup> anniversary of the Homestead Act in 2012)
- Finally, our proactive work may indeed connect to BLM's Strategic Planning goals

And speaking of Planning... Let's now look at our 3 - Tier Planning System and how that connects to the Proactive Management of Cultural Resources.

For this, our BLM 8130 manual is your best source of information on the subject. I will discuss particularly important parts of it, but I strongly recommend that you take the time and read the entire manual.

First to note: BLM's 3-Tier Planning system leads to BLM's 3 "levels" of planning:

Level 1 Planning: This is for the creation of Resource Management Plans or "RMPs." This level of planning allocates specific cultural resources to use categories (and more) -with Section 8130.2 of our BLM manual providing details for this level of planning. Also of note: RMPs are also the topic of the BLM's 1600 planning manual - something else you will need to know about as you become actively involved in RMPs

Besides Level 1: RMP Planning, there is

Level 2 Planning: These are Activity Plans / Integrated Activity Plans - which are interdisciplinary resource plans. You will find more information about these in the BLM manual at part 8130.3. These types of Plan are not otherwise addressed in the BLM's 1600 planning manual.

Finally, there is a 3<sup>rd</sup> level of planning:

Level 3: -- These are Cultural Resource Project Plans for specific resources. And they are discussed in the BLM manual at part 8130.4. In Alaska, for example, we have done this level of planning for Fort Egbert, a late 19<sup>th</sup> century military fort on BLM land in eastern-central Alaska.

Now, going back to Level 1 and Resource Management Plans.... Here is where you set out what your office plans to accomplish for the management of various cultural resources for the life of the Plan.

What you say can be specific -- or general -- or a mix of the two. It is whatever your office sees through the planning process as appropriate and needed for the management of cultural resources under its jurisdiction in the planning area.

As mentioned earlier, one of the key tasks at this level of planning is to allocate Cultural Resources to 1 of 6 specific Use Categories. They are:

- A. Scientific Use
- B. Conservation for Future Use
- C. Traditional Use
- D. Public Use
- E. Experimental Use, or
- F. Discharged from Management

Another BLM document that you need to know about -- and use -- during Level 1 - Resource Management Planning -- is "H-1601-1 Land Use Planning Handbook."

The current edition still in use in the early 2010s was released March 11, 2005.

Appendix C, part G of it is on Cultural Resources and it provides further guidance on goals and requirements for what's to appear in RMPs for the sections containing Cultural Resources information. (Appendix C also discusses the 6 use categories we previously noted.). In addition, Appendix C includes requirements for various Notices, Consultations, & Hearings.

Further, Appendix C, Part H: is on Paleontology, for which some of you will also have the responsibility to write or review in RMPs.

One of the first things you do in the initial stages of working on the cultural sections of an RMP is to decide your data needs - and then find sources to help address those needs.

Typically, there are several sources for cultural data useful in RMPs. These include:

- Existing automated databases (such as the SHPO's state inventory of sites)
- Class I Regional Overviews, including some that may have been prepared earlier by BLM or even another agency planning for nearby land
- Also, there may be more recent Landscape Level Inventories
- Further, there may be Tribal consultation-derived information of importance
- Also, Historic context studies that may have been done by your SHPO or other parties for National Register work may contain important cultural resources information
- Further, if there are Existing special designations for any cultural resources in your planning area, they, too, may have helpful information
- And lastly, Public Scoping may also provide useful cultural resources information

One of the reasons of all this information-gathering is to help you and your office to better understand what is known about the cultural resources in your area, and also what may not be well known.

Overall, management decisions made in RMP's include:

Cultural Resource Use allocations (which we discussed) but also, as needed: Additional data needs that your office may have -- such as the need for additional inventory work, the need for Tribal consultations on some cultural sites or areas, and so forth.

Also: RMPs can prescribe future specific management actions for certain cultural resources (e.g., decisions to interpret certain resources), though they still may require future planning and funding.

Additionally, a RMP could even call for the development of specific Cultural Resource Project Plans.

Now, let's refocus briefly on the various ways to do Proactive Management.

Think of these as "tools" in your tool box -- so use what is appropriate for accomplishing your projects. Here, think in terms of the help you can derive from using, or aligning yourself with:

- Volunteers & Partnerships
- Cooperative Agreements, Field schools
- Heritage Education (Project Archaeology, Teachers' articles, History Mystery series)
- Site monitoring & Site stewardship
- Special Initiatives & commemorations (e.g. Homestead Act 150<sup>th</sup> Anniversary )
- Public Lands Day
- There also may be opportunities to tie into the Youth Initiative-where there is recent emphasis to engage younger Americans

Finally, here are ideas for your funding sources for proactive management. They include:

- BLM 1050 Program money & BLM 1711 Program money in NLCS units
- Challenge Cost Share (this was used in the past and could again become important)
- Condition Assessment & Deferred Maintenance money
- Save America's Treasures & other grants
- Landscape level funding from Planning, and
- Cultural Resource Data Share funds (CRDS)
- Also, there may be some special funding opportunities related to the Youth initiative, as just noted.

Links:

[FLPMA](#)

[NHPA](#)

[National Trails Act](#)