

Next we'll hear from Nancy Brown about when to use the Solar PA.

Nancy, could you tell us when the Advisory Council may participate in consultations?

The Solar PA sends BLM staff to the 2012 National PA for the thresholds - or minimum standards - that trigger BLM notification of the Advisory Council about Section 106 cases.

The information that BLM should include in the submission letter is spelled out in the regulations.

There are really 5 thresholds to consider regarding notifying the Advisory Council about a Section 106 Undertaking

- Nonroutine interstate and/or interagency projects

- Those that would adversely affect a National Historic Landmark or NHL

- Any that the BLM determines to be highly controversial

- Undertakings that would have an adverse effect AND where disputes between BLM-SHPO cannot be resolved

- The revised nPA also added that BLM will notify us whenever it is developing a program alternative; the most common of these are project-specific PAs. That's because these alternatives allow the agency to modify the requirements of the regulations and you can't do that without the involvement of the Advisory Council.

After we review the notification, the Advisory Council makes a decision based on Appendix A of the regulations about whether to enter an individual Section 106 project review.

So how does that play out? The Advisory Council is currently involved in the BLM-led consultations for 6 transmission lines. Most of these are interstate/interagency projects; for the Sigurd to Red Butte line there is an NHL involved; many of the transmission lines are controversial; and all of them require project-specific PAs to resolve the adverse effects. So BLM had to notify us.

These undertakings also met at least one of the 4 criteria in Appendix A, of the regs, which guides our decisions about whether to participate.

Some of the proposed transmission lines impact important historic properties; others present questions of policy or interpretation, a few had procedural problems, and most present issues of concern to Indian tribes.

So that's why the Advisory Council is involved in 106 for so many transmission projects

We are often asked what happens when the thresholds for notifying the Advisory Council are NOT met or the Advisory Council decides NOT to participate in Section 106 consultations.

The BLM follows the process in the Solar PA. Due to the high volume of notifications, the Advisory Council can only participate in the most significant cases such as projects of high controversy or national importance.