

5 Jan 2009

*Addendum to the Programmatic Agreement among the Bureau of Land Management (BLM), The Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) Regarding the Manner in Which BLM will meet its Responsibilities under the National Historic Preservation Act (NHPA).*

*Basis for Addendum*

WHEREAS, the undersigned recognize the complex and challenging mission of the BLM and the reliance of all signatories on the streamlining provisions and partnering commitments made possible by the subject national programmatic agreement (PA) for meeting the BLM's NHPA Section 106 compliance responsibilities;

WHEREAS, the BLM tribal consultation policy calls for State Directors, District Managers, and Field Office Managers to consult with tribes in government-to-government meetings to identify and consider their concerns in land use planning and decision-making, including development or revision of statewide cultural resource protocols and other agency guidance directing tribal consultation processes;

WHEREAS, the BLM has completed the following provisions in the 1997 PA: (1) establishment of a Preservation Board; (2) notification of Indian tribes and the public that it was beginning the review, revision, adaptation and augmentation of various relevant sections of its 8100 Manual series; (3) initial certification of the BLM State and Field Offices; and (4) establishment of a training program; and

WHEREAS, (1) the 36 CFR Part 800 regulations were revised in 1999 and 2004, (2) alternative procedures must be consistent with the regulations, and (3) the BLM is committed to ensuring that the BLM process for complying with the NHPA Section 106 affords tribes and consulting parties opportunities for participation consistent with 36 CFR Part 800 and Section 101 (d) (6) of the NHPA;

WHEREAS, the BLM completed a revision of the Guidelines for Conducting Tribal Consultation Handbook (H-8120-1 formerly H-8160-1), and Tribal Consultation under Cultural Resource Authorities Manual Section (8120 formerly 8160) and other manual sections to reflect the latest legal authorities in 2004;

WHEREAS, the signatories have determined the need to update the PA to incorporate further the role of Indian tribes;

WHEREAS, the BLM initiated an outreach effort in August 2008 that, through correspondence and listening sessions, invited tribal leaders to provide suggestions to the BLM on the PA and for making tribal coordination and consultation more effective;