

**WYOMING STATE PROTOCOL  
APPENDIX I  
GLOSSARY**

**Advisory Council on Historic Preservation (ACHP)**

Established by the National Historic Preservation Act (1966), the ACHP is an independent executive agency that has an advisory role in a Federal agency's decision-making process when a proposed undertaking might affect a cultural property which meets National Register criteria. The ACHP promulgates regulations which implement section 106 of the National Historic Preservation Act.

**Area of Potential Effect (APE)**

The area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." 36 CFR 800.16(d). In defining the APE, the BLM will consider potential direct, indirect, and cumulative effects to historic properties and all aspects of integrity, including their associated settings as applicable.

**Backlog**

Reports and site forms that are not currently associated with an active project and are older than 1 year.

**Best Management Practices (BMPs)**

Practices, methods or techniques found to be the most effective and practical means of preventing, avoiding or minimizing effects of undertakings. A BMP can be something structural that is implemented on the ground, or can be part of a process that is used to plan, conduct or close out an operation. BMPs should be matched and adapted to meet the site-specific requirements of the project and local environment, relative to the historic property(ies) within the APE. No one BMP is best suited to every site or situation, or will remain the most optimal practice over time. BMPs must be adaptive and monitored regularly to evaluate effectiveness.

**Bureau of Land Management Deputy Preservation Officer (BLM DPO)**

The BLM Deputy Preservation Officer is a senior cultural resource specialist on each BLM State Director's staff who is responsible for advising the State Director, district and field managers on professional and technical matters relating to cultural resource management. The DPO serves as an ex-officio member on the BLM Preservation Board.

**Bureau of Land Management (BLM) Preservation Board**

The Preservation Board which was established by the BLM Director pursuant to the national Programmatic Agreement of March 26, 1997 and continued in the 2012 national Programmatic Agreement. The Preservation Board oversees historic preservation activities bureau wide, coordinates with the Advisory Council on Historic Preservation and the State Historic Preservation Officers, and advises the State Directors and the Headquarters Directorate in Washington, D.C. on historic preservation matters.

### **Bureau of Land Management (BLM)-State Historic Preservation Office (SHPO) Liaison**

The BLM-SHPO Liaison is a senior cultural resource specialist on the Wyoming State Director's Staff who serves as the liaison between the SHPO, the BLM State Office, and the 10 BLM Field Offices. This position coordinates and oversees all joint efforts with SHPO and appropriate BLM district, field and state office staff, and assists the district and field offices in the development and review of agreement documents. In conjunction with the DPO, the BLM-SHPO Liaison coordinates and resolves cultural program compliance work, and provides backup for the DPO for all aspects of the cultural heritage program.

### **Certified Field Office**

A certified field office is one that operates under the State Protocol instead of the Section 106 regulations at 36 CFR Part 800. Certification occurs by having qualified cultural resources staff at or above the GS-9 level who has received orientation on the NHPA, the nPA and the Protocol by the DPO and the SHPO.

### **Concurring Party**

The agency official may invite all consulting parties to concur on an agreement to resolve adverse effects. A consulting party invited to concur has no responsibility under the agreement, but may be invited to sign the agreement as a Concurring Party. The refusal of any party invited to sign a MOA or PA does not invalidate that MOA or PA.

### **Consulting Party**

Consulting parties include all groups who have a consultative role in the Section 106 process. These may include SHPO, THPO, Indian Tribes, representatives of local governments, the Public, certain individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties, individuals and organizations with a demonstrated interest in historic preservation and applicants for Federal assistance, permits, licenses and other approvals. In consultation with the SHPO/THPO, the BLM shall identify consulting parties and invite them to participate in consultation and shall consider all written requests of individuals and organizations to participate as consulting parties.

### **Cultural Resources**

Cultural resources are all eligible, unevaluated, and not eligible resources including buildings, structures, sites, objects, districts and landscapes.

### **Cultural Resource/Heritage Specialist/Historic Preservation Specialist**

A cultural resource/heritage specialist/historic preservation specialist is a Federal agency or SHPO employee meeting qualifications for an archaeologist or historian. For BLM, this is a person responsible for advising BLM managers about cultural resource issues associated with various land use activities; developing a full range of reasonable and justifiable alternatives for inventory, evaluation and treatment of cultural resources potentially affected by land use activities; conducting cultural resource inventory, making professional recommendations of eligibility and effect; and preparing (or reviewing) reports, records, etc., needed for documenting the section 106 process. For SHPO, this is the person responsible for reviewing BLM section 106 determinations and the appropriateness of the BLM's documentation justifying those determinations.

### **Cultural Resource Use Allocations**

Within the framework of the BLM manuals, this term refers to six BLM categories (scientific use, conservation for future use, traditional use, public use, experimental use, discharged from management) employed by field office managers to connect identified cultural resources with decisions about their protection and utilization (see BLM Manual Section 8110.42). All cultural resources have uses, to which they can often be assigned even before they have been individually identified. Use allocations allow field office managers to know in advance how to respond to potential conflicts between cultural resources and proposed land uses. A cultural resource may be allocated to more than one use category. Although some scientific and experimental uses result in physical alteration of resources, use does not imply consumptive use. Managed use of cultural resources can be fully compatible with long-range preservation, and also the means by which preservation is achieved.

### **Demonstrated Interest**

Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties in the Section 106 process due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties. A "demonstrated interest" as found at 36 CFR Part 800.2(c)(5) may be indicated by an organization that focuses on historic preservation, as exhibited in their mission statement, charter or bylaws; or an organization or individual with a legal or economic relation to the undertaking or affected properties; or a Certified Local Government (CLG) as defined at 36 CFR Part 61.6. Private landowners have a demonstrated interest when an undertaking involves their property.

### **Eligible Properties (see Historic Properties)**

### **Federal Land Policy and Management Act 1976 (FLPMA)**

The Federal Land Policy and Management Act established public land policy, guidelines for its administration, and provisions for the management, protection, development, and enhancement of the public lands. Public lands retained in Federal ownership are to be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values. Public land 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.

### **Geographic Information System (GIS)**

A geographic information system (GIS) is a system for managing spatial data and associated attributes. In the strictest sense, it is a computer system capable of integrating, storing, editing, analyzing, and displaying geographically-referenced information.

### **Historic American Buildings Survey/Engineering Record/Historic American Landscapes Survey (HABS/HAER/HALS)**

The Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey (HABS/HAER/HALS) is an integral component of the federal government's commitment to historic preservation. The program documents important architectural, engineering and industrial sites and landscapes throughout the United States and its territories. A complete set of formal documentation, consisting of measured drawings, large-format photographs, and written history plays a

key role in accomplishing the mission of creating an archive of American architecture and engineering and in better understanding what historic resources tell us about America's diverse ethnic and cultural heritage. To insure that such evidence is not lost to future generations, the HABS/HAER/HALS Collections are archived at the Library of Congress, where they are made available to the public.

### **Historic Properties**

Historic properties are any prehistoric or historic district, site, building, structure, or object that after evaluation through the NRHP process of assessing their significance and integrity are determined as eligible for listing or have been listed in the NRHP. A property may be determined to be eligible under any, or several, of the following four Criteria, as defined at 36 CFR.60.4:

#### **Criterion A**

The property is associated with events that have made a significant contribution to the broad patterns of our history.

#### **Criterion B**

The property is associated with lives of persons significant in our past.

#### **Criterion C**

The property embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

#### **Criterion D**

The property has yielded, or may be likely to yield, information important in history or prehistory.

### **High Level Environmental Assessment (EA)**

An Environmental Assessment written in compliance with the National Environmental Policy Act that may be subject to unusual public attention or involve strongly opposing viewpoints.

### **Invited Signatory**

The BLM authorized officer may invite additional parties to participate in an agreement to resolve adverse effects as Invited Signatories and will invite any consulting parties with responsibilities under the agreement, such as the applicant, to participate as Invited Signatories. Any such party that signs the MOA or PA shall have the same rights as other Signatories with regard to seeking amendment or termination of the MOA/PA. The refusal of any Invited Signatory to sign a MOA or PA does not invalidate the MOA or PA.

### **Key Observation Points (KOP)**

A key observation point is the location from which setting photographs are taken, visual simulations and/or VCR analyses are completed. The KOP must include the view toward the proposed undertaking. Linear historic properties may require multiple KOPs, with the visual contrast rating done from the most critical viewpoints. Locations of KOPs must be recorded precisely, so if multiple visits are required, accuracy can be ensured.

**Mitigation**

Mitigation is resolving an adverse effect by compensating for said effect as formalized in an agreement document or data recovery plan. (Note on usage: One mitigates adverse effects to historic properties; one does not mitigate historic properties.)

**Mitigation Banking**

Mitigation banking refers to the acquisition and preservation of archaeological sites away from the project area in return for doing little or no direct mitigation on sites within the area of potential effects.

**National Environmental Policy Act of 1969 (NEPA)**

The National Environmental Policy Act is the Federal law which guides the decision-making process for public lands in the United States. NEPA requires that all federal agencies involve the interested public in their decision-making, consider reasonable alternatives to proposed actions, and prepare environmental documents which disclose the impacts of proposed actions and alternatives.

**National Historic Landmarks (NHL)**

A National Historic Landmark is a historic property evaluated and found to have significance at the national level and designated as such by the Secretary of the Interior.

**National Historic Preservation Act (NHPA)**

The National Historic Preservation Act (NHPA; Public Law 89-665; 16 U.S.C. 470 *et seq.*) is legislation intended to preserve historical and archaeological sites in the United States of America. The act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices.

**National Register of Historic Places (NRHP)**

The National Register of Historic Places, expanded and maintained by the Secretary of the Interior, as authorized by section 2(b) of the Historic Sites Act and section 101(a)(1)(A) of the National Historic Preservation Act (16 U.S.C. 470). The National Register lists cultural properties found to qualify for inclusion because of their local, state, or national significance. Eligibility criteria and nomination procedures are found in 36 CFR Parts 60.4 - 60.15. The NRHP lists the districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and or culture. The Secretary's administrative responsibility for the National Register is delegated to the National Park Service, and is maintained by the Keeper of the National Register.

**Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)**

The Native American Graves Protection and Repatriation Act establishes that lineal descendants, tribes, and Native Hawaiian organizations have rights of ownership to "cultural items" (i.e., human remains, funerary objects, sacred objects, and objects of cultural patrimony, as defined in the Act), taken from federal lands and Indian lands after the date of enactment. It requires identification of "cultural items" that were in federal agencies' and federally funded museums' possession or control before enactment; establishes a requirement and process for agencies and museums to repatriate "cultural items" on request; directs the Secretary to form a review committee to oversee implementation; provides for imposing civil penalties on museums that fail to comply; authorizes grants of funds for tribes, Native Hawaiian organizations, and museums to carry out the Act; requires the Secretary to promulgate

regulations; and assigns to U.S. District Courts jurisdiction to adjudicate violations of the Act and to enforce the Act's provisions.

### **Not Eligible Properties**

Not eligible properties are cultural resources that, after evaluation through the process of assessing significance, integrity, and criteria considerations are determined not to meet the National Register criteria and are excluded from the NRHP.

### **Signatory**

Signatories to an agreement to resolve adverse effects are the BLM, the SHPO and the ACHP (if participating). The Signatories have sole authority to execute, amend or terminate the agreement in accordance with subpart 36 C.F.R. 800.6(c).

### **State Historic Preservation Office or Officer (SHPO)**

State Historic Preservation Offices and Officers were established by the National Historic Preservation Act of 1966 as an agency within each State government charged with carrying out the provisions of the Act. The SHPO reflects the interest of the State and its citizens in the preservation of their cultural heritage. In accordance with section 101(b)(3) of the NHPA (16 USC 470), the SHPO advises and assists the Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development. A SHPO receives Federal funds from the National Park Service and allocates matching funds and grants to Certified Local Governments (CLGs) for the protection of sites eligible for listing in the National Register of Historic Places.

### **Standard Treatment Measures**

See Best Management Practices

### **Temporary**

Activities or elements that will be in place less than one year, i.e. temporary construction elements.

### **Traditional Cultural Property (TCP)**

A traditional cultural property can be defined generally as a property that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community.

### **Undertaking**

A project, activity or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license, or approval.

### **Visual Contrast Rating (VCR) System**

This is a systematic process defined in BLM Manual 8143 and used by the BLM to analyze potential visual impacts of proposed projects and activities. It can also provide a systematic approach to assessing the current condition of a landscape through documentation and analysis of existing cultural (human-made) features seen on the contemporary landscape. The visual contrast rating system is intended to

assist anyone not formally trained in the design arts to apply the basic principles of design (i.e., form, line, color, and texture) in the analysis and resolution of visual impacts.

### **Wyoming Cultural Records Office (WYCRO)**

Wyoming Cultural Records Office is a section of the Wyoming State Historic Preservation Office, located in Laramie, which maintains the Wyoming Cultural Resource Information System (WYCRIS).

### **Wyoming Cultural Resources Information System (WYCRIS)**

Wyoming Cultural Resources Information System which is a computerized statewide inventory and database of cultural resources, and associated inventories. The database includes a GIS system with digitized cultural resource sites, scanned site forms, and a searchable database for project information.

### **Acronyms**

ACHP – Advisory Council on Historic Preservation  
AIRFA – American Indian Religious Freedom Act  
APE – Area of Potential Effect  
ARPA – Archaeological Resources Protection Act  
BLM – Bureau of Land Management  
BMP – Best Management Practices  
CLG – Certified Local Government  
CRM – Cultural Resource Management  
CRMTracker – Cultural Resource Management tracking database  
DPO – BLM Deputy Preservation Officer  
EA – Environmental Assessment  
EIS – Environmental Impact Statement  
FLPMA – Federal Land Policy and Management Act  
GIS - Geographic Information System  
GLO – General Land Office  
HABS – Historic American Buildings Survey  
HAER – Historic American Engineering Record  
HALS – Historic American Landscapes Survey  
IBLA – Interior Board of Land Appeals  
IM – Instruction Memorandum  
MOA – Memorandum of Agreement  
MOU – Memorandum of Understanding  
NAGPRA – Native American Graves Protection and Repatriation Act  
NCSHPO – National Conference of State Historic Preservation Officers  
NEPA – National Environmental Policy Act  
NHPA – National Historic Preservation Act  
NHT – National Historic Trail  
nPA - National Programmatic Agreement  
NPS – National Park Service  
NRHP – National Register of Historic Places  
PA – Programmatic Agreement  
ROW – Right-of-Way  
RMP – Resource Management Plan

SHPO – State Historic Preservation Office or Officer  
TCP – Traditional Cultural Property  
THPO - Tribal Historic Preservation Officers  
UWAR – University of Wyoming Archaeological Repository  
VCR – Visual Contrast Rating System  
WYCRO – Wyoming Cultural Records Office, SHPO Laramie  
WYCPF – Wyoming Cultural Properties Form  
WYIRF – Wyoming Isolated Resource Form