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*Preserving America's Heritage*

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## **New National Programmatic Agreement Enhances Bureau of Land Management Tribal Consultation and Public Participation Practices**

WASHINGTON, D.C. – Tribal consultation and public involvement practices involving Bureau of Land Management (BLM) historic preservation issues took an important step forward today when a major revision to a national Programmatic Agreement (nPA) was signed at the winter quarterly business meeting of the Advisory Council on Historic Preservation.

“This revision reinforces the BLM’s practice of respecting our unique relationship with tribes and carefully considering their views and concerns through consultation,” BLM Director Bob Abbey said. “As the BLM examines proposals for activities on public lands, this revised PA will help us preserve the historical and cultural foundations that make the public lands special and vital.”

The BLM and National Conference of State Historic Preservation Officers (NCSHPO) were the signatory organizations. They were represented at the meeting by Abbey, ACHP Chairman Milford Wayne Donaldson, FAIA, and NCSHPO President Ruth Pierpont.

“BLM’s quick and positive action in forging this agreement make the Section 106 process more efficient and more properly inclusive on historic preservation consultations potentially involving 245 million acres of public lands,” Donaldson said. “Clearly, this is a significant achievement for the nation, and the ACHP commends BLM for its effort and accomplishment.”

“State Historic Preservation Officers work closely with the BLM to implement the National Historic Preservation Act. This revised and improved process will make us all better stewards of our heritage as part of development planning,” Pierpont said.

The nPA governs BLM’s activities on federal, state and private lands that may impact historic properties. The agreement ensures that protocols developed with each state are subject to the new provisions and clarifies how BLM will consult with Indian tribes and other consulting parties on activities that could affect historic properties, including those historic properties of traditional religious and cultural significance to tribes. While the revised agreement enhances the consultation role of tribes, it does not apply to tribal lands.

The revision emphasizes the requirement for the BLM to consult with Indian tribes in the context of an ongoing government-to-government relationship, to obtain their views on the potential effects on historic properties of significance to Indian tribes. It encourages the development of tribe-specific consultation protocols. It authorizes the BLM to maintain protocols with State Historic Preservation Offices (SHPO) that achieve efficiency and consistency across states and improve communication among all stakeholders in the Section 106 compliance process.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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The revisions also create a requirement for tribal consultation and public comment on BLM-SHPO protocol revisions and add the BLM national tribal coordinator to the BLM Preservation Board. That board advises the BLM on policies and procedures for NHPA implementation. BLM will be providing training for its staff in the coming months, and within a year will determine whether state protocols need to be revised.

In 2004, the ACHP identified a need to modernize a number of existing agreements following amendments to the Section 106 regulations. Since that time BLM, NCSHPO and the ACHP have worked to revise the nPA, including giving greater consideration to the role of Indian tribes. The current revisions were developed following BLM outreach and consultation with tribes and other stakeholders that began in August 2008. The revised nPA can be found at [www.achp.gov](http://www.achp.gov).

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