

Reclamation Manual

Policy

Subject:	Cultural Resources Management
Purpose:	To define the Bureau of Reclamation's responsibility for the cultural resources it owns, controls, or administers on behalf of the United States in accordance with Federal laws, regulations, executive orders, and Department of the Interior policies. The benefit of this Policy is improved management and protection of, and accountability for, the cultural resources under Reclamation's stewardship.
Authority:	The major laws, regulations, executive orders, and policies underlying Reclamation's authority and responsibility for cultural resources include: Antiquities Act (54 U.S.C. 320301-320303); Reservoir Salvage Act (54 U.S.C. 312501-312508); National Historic Preservation Act (NHPA) (54 U.S.C. 300101, et seq.); Archaeological Resources Protection Act (16 U.S.C. 470aa et seq.); Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001 et seq.); National Register of Historic Places (National Register) (36 CFR § 60); Curation of Federally-Owned and Administered Archaeological Collections (36 CFR § 79); Protection of Historic Properties (36 CFR § 800); Protection of Archaeological Resources (43 CFR part 7); NAGPRA Regulations (43 CFR § 10); Paleontological Resources Preservation Act (PRPA) (16 U.S.C. 470aaa-470aaa-11); and Preserve America (Executive Order 13287)
Approving Official:	Director, Mission Assurance and Protection Organization
Contact:	Natural and Cultural Resources Division (84-53000)

1. Introduction.

Beginning in 1906, numerous Federal laws have been enacted to preserve and protect cultural resources on Federal lands. Of these, the NHPA is the most comprehensive. It declared as policy that the Federal government would administer cultural resources under its ownership, control, or administration, in a spirit of stewardship for the inspiration and benefit of present and future generations. This Policy and its associated Reclamation Manual (RM) Directive and Standard (D&S), *Cultural Resources Management*, LND 02-01, affirm Reclamation's commitment to comply with the laws, regulations, executive orders, policies, and directives that constitute the Federal Cultural Resources Management (CRM) Program.

2. Applicability.

This Policy applies to all staff that can have an effect on cultural resources that are owned by the United States and controlled or administered by Reclamation on behalf of the United States.

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3. Policy.

In managing cultural resources that are owned by the United States and controlled or administered by Reclamation on behalf of the United States, Reclamation shall:

- A. identify, document, and evaluate cultural resources for listing in the National Register;
- B. actively nominate eligible properties to the National Register;
- C. to the fullest extent possible, manage and maintain historic properties, both reserved and transferred works, in a manner that preserves the character defining features that qualify them for listing in the National Register;
- D. integrate cultural resources concerns early in project planning processes in order to identify opportunities to protect historic properties from adverse effects and avoid unnecessary delays, conflicts, and costs for Reclamation undertakings;
- E. consider the effects of its undertakings on historic properties;
- F. where adverse effects cannot be avoided, commit to fully completing mitigation measures prescribed in agreements executed with one or more of the following: State or Tribal Historic Preservation Offices, the Advisory Council on Historic Preservation, Native American tribes, and other interested parties;
- G. seek input and involvement from Federal, state, tribal, and local agencies, as well as the interested public, in carrying out Reclamation's CRM Program;
- H. support an education and outreach program to inform the public of Reclamation's cultural resources stewardship responsibilities, activities, and accomplishments;
- I. maintain accurate information on the types, location, status, and condition of its cultural resources, which shall be used in collaboration with other Reclamation programs such as asset management;
- J. preserve and protect its museum property as prescribed in RM Policy, *Museum Property Management*, LND P05; D&S, *Museum Property Management*, LND 02-02; and D&S, *Museum Records*, LND 02-05;
- K. identify NAGPRA cultural items under its control to ensure their appropriate protection, and repatriation or disposition in a timely manner according to statute and regulation;

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- L. to the extent possible, establish and implement alternatives for the continued use of historic properties that are no longer needed for current or projected Reclamation purposes in compliance with Section 111 of NHPA;
- M. to the extent possible, follow the Secretary of the Interior's Standards for the Treatment of Historic Properties for historic buildings and structures when complying with sustainability, accessibility, life safety and other applicable mandates;
- N. as per RM D&S, *Administration of the Archaeological Resources Protection Act (ARPA) on Bureau of Reclamation Land*, LND 02-04, support management actions to prevent the theft of, damage to, or destruction of archaeological resources; and
- O. as per LND 02-04, allow archaeological investigation and work on Reclamation land only after issuing a permit for such activity.

4. Requirements and Responsibilities.

The Commissioner is ultimately responsible for promoting and maintaining Reclamation's CRM Program. The Commissioner in turn is required to designate a Federal Preservation Officer (FPO) per Section 110 (c) of NHPA, "The head of each Federal agency shall, unless exempted under section 214 of this Act, designate a qualified official to be known as the agency's "preservation officer" who shall be responsible for coordinating that agency's activities under this Act". The FPO coordinates the CRM Program with the regions and with leadership and notifies the Commissioner when major issues arise concerning cultural resources. The FPO acts as the voice of the agency for cultural resources when working with other agencies and the Department concerning cultural resources rules, guidelines, and policy.

Regional Directors have been delegated the responsibility for implementation and accomplishment of Reclamation's CRM Program within their respective Regions. In particular, compliance with Section 106 of the NHPA and its implementing regulations at 36 CFR part 800. The RD's responsibilities include ensuring their region is complying with cultural resources laws, regulations, policies and D&S. The RD is responsible for seeking funding at the appropriate level to ensure CRM Program implementation; maintaining qualified CRM professionals on staff who have experience complying with cultural resources laws, regulations, policies, and D&S; and re-delegation of his/her CRM Program responsibilities to area managers, as appropriate and consistent with the delegations of authority.

5. Supporting RM Policy and D&S.

This Policy is supported by the following RM Policies and D&S.

- A. Museum Property Management, LND P05

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- B. Cultural Resources Management, LND 02-01
- C. Museum Property Management, LND 02-02
- D. Operation and Maintenance of Project Works that are Historic Properties, LND 02-03
- E. Administration of the Archaeological Resources Protection Act (ARPA) on Bureau of Reclamation Land, LND 02-04
- F. Museum Records, LND 02-05

6. Definitions.

A. Cultural Resources.

Any prehistoric and historic district, site, building, structure, object, cultural landscape, sacred site, and traditional cultural property. Within the broad range of cultural resources are those that have recognized significance, which are called historic properties. In addition, Paleontological resources as defined under the PRPA Final Rule are also considered cultural resources for the purpose of this policy.

B. Historic Properties.

Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register. This term includes artifacts, records, and remains that are related to and located within such properties. The phrase "eligible for inclusion in the National Register" means properties formally determined as such by the Secretary of the Interior or by Reclamation in consultation with the appropriate State or Tribal Historic Preservation Officer. Properties that have been determined eligible for inclusion are accorded the same protections as properties listed in the National Register.

C. Museum Property.

Reclamation is responsible for care and ongoing maintenance of museum property under its control either originating from Reclamation land or generated as a result of Reclamation activities on other Federal land, non-Federal public land, Tribal land, or private land where the landowner has donated those items to Reclamation. Reclamation is not responsible for museum property from non-Federal land where Reclamation ownership and control of the items cannot be established. All Reclamation offices responsible for managing museum property shall adhere to D&S LND 02-02.

D. NAGPRA Cultural Items.

Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony.

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- E. **Reserved Works.**
Buildings, structures, facilities, or equipment that are Reclamation-owned for which the operation, maintenance and replacement (OM&R) is performed by Reclamation personnel or by contract, regardless of funding source.
 - F. **Transferred Works.**
Those facilities, structures or features owned by Reclamation where Reclamation has assigned the responsibility for OM&R activities to a non-Federal operating entity pursuant to a contract or formal agreement with such an entity.
 - G. **Undertaking.**
Undertaking means 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.
7. **Review Period.**
The originating office will review this release every four years.