

StrataRossLAPEm Resource

From: Miller, Richard [rcmiller@blm.gov]
Sent: Friday, November 22, 2013 3:46 PM
To: Moore, Johari
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Subject: Re: Ross Project Programmatic Agreement - Comments/Revisions from 11-21-13 Webinar

Johari and all-

For the question in the Confidentiality of Cultural Resource Data section on the following statement:

"Duplication or distribution of cultural resource data from BLM-managed lands by any Party requires written authorization from the BLM Newcastle Field Manager."

The chain of authority starts with

1. National Historic Preservation Act (NHPA) of 1966, Section 304 (a) and (b) and which require the head of a Federal agency to withhold from disclosure (part a), and determine who may have access (part b); 36 CFR 800 Section 11.c tiers from NHPA Section 304; The Archaeological Resources Protection Act (16 USC Chapter 1B Section 470hh) also addresses protection and disclosure by the Federal agency and contains provision for the Secretary of a Department to further delegate that responsibility.
2. 43 CFR Section 7, Protection of Archaeological Resources (the Department of Interior regulations) covers protection and disclosure in Section 7.18, indicating the Federal land manager is responsible for making the decision to protect or disclose and in Section 7.3 defines Federal Land Manager as "With respect to any public lands, the secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands, including persons to whom such management authority has been officially delegated;"
3. The chain of delegations of authorities flows down to BLM Manual Supplement 1203- Delegation of Authority, which delegates the duties of "Federal Land Manager, Agency Official, and Agency" as defined in NHPA, 36 CFR 800, ARPA, and 43 CFR Section 7 to the BLM Field Manager.

Thanks,
Rick

On Fri, Nov 22, 2013 at 11:06 AM, Moore, Johari <Johari.Moore@nrc.gov> wrote:

Greetings,

In yesterday's webinar to develop the Ross Project Programmatic Agreement (PA), we discussed and proposed revisions to the "whereas" clauses and Stipulations A and B. **We also discussed the path forward for developing the PA and decided to hold another webinar on 12/12/13.** In preparation for the next webinar, we are requesting comments on the current draft of the PA and appendices as well as the suggested revisions to the stipulations that have been provided by BLM. **Please provide your comments on the attached documents by 12/5/13.** So that we can best anticipate any additional terms for discussion in the 12/12/13 webinar, please also consider taking this opportunity to share the current version of the draft with those in your organization who may need to provide input on the PA. As requested, please email your comments/revisions to the entire group.

For those of you that have not yet been able to participate in a webinar, we also welcome you to provide your comments on the PA and to join us at our next webinar. Each of the Ross Project Consulting Tribes will be invited to sign the final PA as a Concurring Party. I will provide the information to join the next webinar in a follow-up email.

For your information, the NRC has invited the following parties to participate in the webinars and the development of the PA:

BLM

WYSHPO

ACHP

Strata Energy, Inc.

Ross Project Consulting Tribes

Crook County Museum District

Alliance for Historic Wyoming

National Park Service (Devils Tower)

The following parties participated in the webinars on the dates shown:

NRC - 10/24, 10/31, 11/7, 11/14, and 11/21

BLM - 10/24, 10/31, 11/7, 11/14, and 11/21

WYSHPO - 10/24, 10/31, 11/7, 11/14, and 11/21

ACHP - 10/24, 11/7, 11/14, and 11/21

Strata Energy, Inc. - 10/24, 10/31, 11/7, 11/14, and 11/21

Cheyenne and Arapaho Tribes of Oklahoma THPO – 11/7, 11/14, and 11/21

Chippewa Cree Tribe THPO – 11/7

Northern Cheyenne Tribe THPO – 11/7

Fort Peck Assiniboine and Sioux Tribes THPO – 11/7

National Park Service (Devils Tower) – 11/14

Thank you,

Johari A. Moore
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Subject: Re: Ross Project Programmatic Agreement - Comments/Revisions from
11-21-13 Webinar
Sent Date: 11/22/2013 3:46:10 PM
Received Date: 11/22/2013 3:46:14 PM
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11/22/2013 3:46:14 PM

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