

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:	<p>The major laws, regulations, executive orders, and policies underlying Reclamation's authority and responsibility for cultural resources include:</p> <p>Antiquities Act of 1906 (16 U.S.C. 431-433); Reservoir Salvage Act of 1960, as amended (16 U.S.C. 469-469c-2); National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. 470 et seq.); Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa et seq.); Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (25 U.S.C. 3001 et seq.); National Register of Historic Places (National Register) (36 CFR part 60); Curation of Federally-Owned and Administered Archaeological Collections (36 CFR part 79); Protection of Historic Properties (36 CFR part 800); Protection of Archaeological Resources (43 CFR part 7); NAGPRA Regulations (43 CFR part 10); and Preserve America (Executive Order 13287).</p>
Approving Official:	Commissioner
Contact:	Policy and Administration, Land 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.

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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.
3. **Definitions.**
 - A. **Cultural Resources.** Any prehistoric and historic districts, sites, buildings, structures, objects, cultural landscapes, sacred sites, and traditional cultural properties. Within the broad range of cultural resources are those that have recognized significance, which are called historic properties.
 - 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 on 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.** Personal property acquired according to some rational scheme that is to be preserved, studied, and interpreted for public benefit.
 - D. **NAGPRA Cultural Items.** Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony.
 - E. **Reserved Works.** Buildings, structures, facilities, or equipment that are Reclamation-owned for which the operation and maintenance (O&M) is performed by Reclamation personnel or by contract, regardless of funding source.
 - F. **Transferred Works.** Buildings, structures, facilities, or equipment that are Reclamation-owned for which the day-to-day responsibility for O&M and funding (generally) of the project facilities has been transferred, pursuant to Reclamation law, to a project beneficiary. Under the terms of the formal O&M transfer agreement, the project beneficiary performing the day-to-day O&M is accountable to Reclamation for proper performance of the O&M. The long-term oversight responsibility of the Federal project, including its facilities, resides with Reclamation.
 - G. **Undertaking.** A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency including:
 - (1) those carried out by or on behalf of the agency;
 - (2) those carried out with Federal financial assistance;
 - (3) those requiring a Federal permit,

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license, or approval; and (4) those subject to state or local regulation administered pursuant to a delegation or approval by a Federal agency.

4. **Responsibilities.**

- A. **Commissioner.** The Commissioner is responsible for promoting and maintaining Reclamation's CRM Program.
- B. **Regional Directors.** Regional directors are responsible for implementation and accomplishment of Reclamation's CRM Program within their respective regions. This responsibility includes:
 - (1) complying with cultural resources laws, regulations, policies, and D&S;
 - (2) seeking funding at the appropriate level to ensure CRM Program implementation;
 - (3) maintaining qualified CRM professionals on staff who have experience complying with cultural resources laws, regulations, policies, and D&S; and
 - (4) re-delegation of his/her CRM program responsibilities to area managers, as appropriate.

5. **CRM Program 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;

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- 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, and accompanying D&S, *Museum Property Management*, LND 02-02;
 - 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 regulations;
 - 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; and
 - 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 mandates.
6. **Federal Preservation Officer.** In accordance with section 110 of the NHPA, Reclamation staffing includes the position of Federal Preservation Officer. The Federal Preservation Officer shall be a qualified CRM professional. The responsibilities for this position are detailed in D&S LND 02-01.
7. **Supporting RM Policy and D&S.** This Policy is supported by the following RM Policies and D&S.
- A. *Museum Property Management*, LND P05
 - B. *Cultural Resources Management*, LND 02-01

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- C. *Museum Property Management*, LND 02-02
- D. *Operation and Maintenance of Project Works that are Historic Properties*, LND 02-03
- E. *Inadvertent Discovery of Human Remains on Reclamation Lands*, LND 07-01
- F. *Inadvertent Discovery of Native American Graves Protection and Repatriation Act (NAGPRA) Cultural Items on Tribal Lands*, LND 10-01