

Memorandum of Understanding  
between  
United States Department of the Interior  
Bureau of Land Management, Colorado State Office  
and  
The Department of Highways, State of Colorado

A. Background

The Colorado State Department of Highways, hereinafter, referred to as the Highway Department, perform many archaeological surveys, tests, and excavations on lands administered by the Department of the Interior, Bureau of Land Management, known hereinafter as the Bureau of Land Management and referred to by its initials, BLM. This archaeological work is frequently performed on very short notice or on an emergency basis which allows little or no time for review of applications for each individual Cultural Resource Use Permit as required by law.

B. Purpose

The purpose of this agreement is to provide for the Highway Department's needs to perform short notice archaeological work on BLM administered lands in Colorado while meeting the BLM's legally mandated requirements to ensure that only qualified, responsible organizations and individuals are permitted to perform such scientific, archaeological undertakings.

C. Objectives

The objectives of this agreement are to eliminate the need for the Highway Department to submit repetitive Cultural Resource Use Permit applications for archaeological testing and excavations for each of its many projects annually, to avoid lengthy waiting periods for each application's review, and to satisfy the BLM's legal requirements to ensure that organizations and individuals applying for Cultural Resource Use Permits possess the educational and experience qualifications set forth in the laws and regulations governing the issuance of such permits for archaeological work.

D. Authorities:

This agreement is made under the authorities of:

1. Federal Land Policy and Management Act of October 21, 1976  
P.L. 94-579, 43 U.S.C. 1732
2. Archaeological Resources Protection Act of October 31, 1979  
P.L. 96-95, 16 U.S.C. 470cc
3. Colorado Revised Statutes, 43-1-224, 1973, Cooperation with  
Federal Departments

E. Definitions

See enclosures.

F. Responsibilities

The Bureau of Land Management is required to ensure that archaeological work performed on Bureau administered lands meets the current standards of the archaeological profession and the resource management needs of Bureau of Land Management as set forth in the Bureau's Professional Standards for Antiquities Permits, 1981.

In observance of the personnel education and experience requirements for persons who perform archaeological work under a Bureau of Land Management Cultural Resource Use Permit as described in 43 CFR 7 and the Bureau's Procedures for Cultural Resource Use Permits, the Bureau of Land Management in Colorado requires that permit holders' Field Supervisors, and Project Directors, who work under said Cultural Resource Use Permit, must meet the specified education and experience requirements prior to performing archaeological work on Bureau of Land Management administered lands in Colorado.

The Highway Department employs professional archaeologists to perform archaeological survey/recordation, testing, excavation, and reporting in compliance with Bureau of Land Management requirements for cultural resource protection as mandated by the National Historic Preservation Act of 1966, as amended in 1980, Federal Land Policy Management Act of 1976, and the Archaeological Resources Protection Act of 1979 for highway construction and maintenance projects on Bureau of Land Management administered lands.

The Highway Department performs many archaeological surveys, tests, and excavations on Bureau of Land Management administered lands each year, often with very short notice, each of which would have to be permitted under the regulations and procedures of 43 CFR 7 and the Bureau's procedures for Cultural Resource Use Permits. The Highway Department, needing Bureau of Land Management Cultural Resource Use Permits, often with short notice, agrees to apply the Bureau of Land Management permitting educational and experience requirements, set forth in 43 CFR 7 and the Bureau of Land Management Procedures for Cultural Resource Use Permits, in all its hiring practices for archaeologists to be employed by Highway Department as Project Director and as Field Supervisor.

The Highway Department also agrees to curate all cultural materials collected from public lands under the jurisdiction of the Bureau of Land Management at an appropriate Colorado curatorial institution as set forth in 43 CFR 7.13 and the Bureau of Land Management's Procedures for Cultural Resource Use Permits, Part V, C., 1 and 2, and:

1. agrees to curate all cultural materials collected in the Grand Junction District at Mesa College, School of Social and Behavioral Sciences.
2. agrees to curate all cultural materials collected in Montrose District at the Bureau of Land Management's Anasazi Heritage Center in Dolores, Colorado.
3. agrees to request such curation agreements from these institutions and to provide copies of their responses to the Bureau of Land Management for inclusion in the Department of Highways Cultural Resource Use Permit case file.

The Highway Department will continue to abide by the Special Conditions normally appended to Bureau of Land Management Cultural Resource Use Permits as authorized by Sec. 302(b) of Public Law 94-579, Federal Land Policy Management Act of October 21, 1976, and Sec. 4 of Public Law 96-95, the Archaeological Resources Protection Act of October 3, 1979, and other special conditions as appropriate for the unique circumstances associated with each undertaking as determined at the time of prefield check-in.

Whereas, the Bureau of Land Management requires permit holders to submit reports of field work on a timely basis, the Highway Department agrees to submit site forms, preliminary reports, and reports of no finding to the appropriate field offices within ten working days following completion of the field work and final reports must be submitted within 180 days of completion of field work.

The Bureau of Land Management's Procedures for Cultural Resource Use Permits require permit holders to contact the District Manager prior to beginning any work under the authority of this agreement, the Highway Department agrees to check-in with, in person or by mail, the District Office (or Resource Area Office, as delegated) to request a Field Work Authorization for any Cultural Resources survey/recordation, testing/collecting or excavation/removal, and highway maintenance, construction, and materials extraction/processing activities.

The Bureau of Land Management, in recognition of the Highway Department's acceptance of these considerations, agrees that the Highway Department will be permitted to perform Cultural Resources survey/recordation, testing/collecting, and excavation/removal as approved in Field Work Authorizations without the need to submit individual applications for each cultural resources action, with its attendant waiting period.

#### G. Special Provisions

The Highway Department will provide the Colorado State Office, BLM, with copies of vitae for all Field Supervisors and Project Directors which it employs.

H. Effect On Prior Agreements

There are no prior agreements between BLM and the Highway Department regarding Cultural Resource Use Permits.

I. Administration

1. Agency contact for execution and coordination of this agreement will be the Colorado State Office Archaeologist for the BLM, and the Senior Staff Archaeologist for the Highway Department. The Highway Department may contact BLM field office personnel at anytime regarding all aspects of field work as stipulated in this agreement.
2. This agreement may be amended, supplemented, or terminated by either signatory agency after consultation with the other signator and a waiting period of 30 days.
3. This agreement will become effective on the date of the last signature on this page. Upon receipt of the signed Memorandum of Understanding, BLM will issue to the Highway Department a Cultural Resource Use Permit (BLM form 8151-2 [Temporary]) dated effective the day of the last signature.

Colorado Department of Highways

Colorado State Office

Bureau of Land Management

By: Robert L. Clevenger  
Signature

By: Kenneth Richards  
Signature

Title: Chief Engineer

Title: State Director

Date: 7/3/85

Date: JUL 3 1985