



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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**DEC 20 2021**



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**STATE HISTORIC  
PRESERVATION OFFICE**

UT 2011-1495  
(20921)

In Reply Refer To:  
8100 (NVE0200)

Rebecca Palmer  
State Historic Preservation Officer  
901 S. Stewart Street, Suite 5004  
Carson City, NV 89701

Dear Ms. Palmer:

**SUBJECT:** *Retraction of the Termination of Consultation Regarding the Memorandum of Agreement for Klondex Midas Operations*

The Bureau of Land Management (BLM) formally retracts our move to terminate consultation with the Nevada State Historic Preservation Office (SHPO). We appreciate the SHPO's willingness to engage in further dialogue with the BLM regarding this MOA. We hope that our conversation on November 10<sup>th</sup> will contribute to a more productive relationship with SHPO generally.

As requested by the SHPO during the November 10<sup>th</sup> conversation, some additional explanation on BLM's changes in word choice. Moving forward, the BLM will use the active verb "consider" in agreement documents to align the language and intent of these documents more closely with the regulations. As with other verbiage used previously, the word "consider" means that the BLM will thoughtfully and thoroughly read through and understand the comments made by the SHPO. In the cover letters delivering final drafts of documents to the SHPO, after their review of the draft version, the BLM will note how SHPO comments have been used to make edits in the final document. If the SHPO comments were determined by the BLM to not require edits, the BLM will note this in the cover letter as well.

Also requested by the SHPO in emails subsequent to the November 10th conversation was further information, "documenting the recent wider BLM reconsideration of the SOI Professional Qualifications and BLM permitting." This is a topic that is more appropriately discussed with the BLM Nevada State Office (NVSO), but as it pertains to this specific MOA, the move away from inclusion of the SOI Professional Qualification Standards is to maintain consistency with existing BLM policy as stated in BLM Manual Section 8150, Permitting Uses of Cultural Resources (BLM 2004). To be clear, the BLM will continue to require that all contractors meet BLM qualification standards described in MS-8150 and Appendix B of the *Guidelines and Standards for Archaeological Inventory*, 6<sup>th</sup> edition, issued by the NVSO. Regarding your

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CALIFORNIA\*, NEVADA\*, OREGON\*

\* PARTIAL

concerns about the SOI standards relative to BLM's permitting standards, the NVSO would like to discuss our common goals of having qualified professionals perform cultural resources investigations.

If you have any questions, please contact Dan Broockmann of our office at (775)753-0312, or he can be reached via email at [dbroockmann@blm.gov](mailto:dbroockmann@blm.gov).

Sincerely,

MELANIE PETERSON

Digitally signed by MELANIE  
PETERSON  
Date: 2021.12.20 08:06:23 -08'00'

Melanie A. Peterson,  
Field Manager  
Tuscarora Field Office



NEVADA  
**STATE HISTORIC  
PRESERVATION OFFICE**

**STATE OF NEVADA**  
Department of Conservation and Natural Resources

Steve Sisolak, *Governor*  
Bradley Crowell, *Director*  
Rebecca L. Palmer, *Administrator, SHPO*

April 19, 2022

Joshua Travers  
Acting Field Manager  
Tuscarora Field Office  
Bureau of Land Management  
3900 East Idaho Street  
Elko NV 89801

RE: Midas Plan of Operations Area Memorandum of Agreement (MOA), Klondex Midas Operations Inc., Elko County (8100 (NVE0200) (2011-1495; 29205).

Dear Mr. Travers:

The Nevada State Historic Preservation Office (SHPO) has signed the MOA titled *Memorandum of Agreement Between the Bureau of Land Management and Nevada Historic Preservation Officer, Regarding the Midas Plan of Operations Area Elko County*

While we have signed the document for the sake of the undertaking, we note that the BLM made numerous changes to the final Memorandum of Agreement (MOA), after the SHPO's last review of a draft in January of 2022.

BLM added an entirely new appendix, Appendix C, to the document without prior notification to the SHPO. The BLM transmittal letter states however, that except for this appendix, "the document has not been altered or changed since everyone last reviewed it, including the ACHP." This assertion is not accurate as BLM made other changes to the document at numerous locations. While a few of these might have been intended to clarify statements or correct errors, all these changes required consultation with the SHPO.

Agreement documents are negotiated between signatories, invited signatories, and concurring parties. When a signatory makes more edits to such a negotiated document, additional consultation with the other signatories is required as I stated in my email of January 18, 2022. A federal agency's failure to consult in such a case compromises the consultation partnership and could either result in delays to execution, as the other parties may require more time to review the changes or, if the changes are not acceptable, might result in a failure to execute a necessary legal document.

Joshua Travers

April 19, 2022

Page 2 of 2

Please send this document to the Advisory Council on Historic Preservation for filing. We will post the document, along with this is letter and other necessary documents on our website here: <https://shpo.nv.gov/agreements>

If you have any questions concerning this correspondence, please do not hesitate to contact me at [rlpalmer@shpo.nv.gov](mailto:rlpalmer@shpo.nv.gov) or by phone at 775-684-3443.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Lynn Palmer". The signature is fluid and cursive, with a large loop at the top.

Rebecca Lynn Palmer

Nevada State Historic Preservation Officer, Administrator