



Preserving America's Heritage

February 15, 2008

Darrell J. Cook  
Superintendent  
Little Bighorn Battlefield National Monument  
Post Office Box 39  
Crow Agency, MT 59022-0039

**Ref: Section 106 Determination of Effect for the Interim Visitor Center Improvement Plan  
Little Bighorn Battlefield National Monument**

Dear Mr. Cook:

On January 14, 2008, the Advisory Council on Historic Preservation (ACHP) received your notification of the modified effect determination for the referenced undertaking. From previous correspondence with your office (letter dated February 1, 2007), it is our understanding that the National Park Service (NPS) originally found that this undertaking would have an adverse effect to historic properties pursuant to 36 CFR 800.5 of our regulations, *Protection of Historic Properties* (36 CFR Part 800). At that time, the NPS was consulting with the Montana State Historic Preservation Office (SHPO), interested Indian tribes, and subsequently, our office. In response to your notification pursuant to 36 CFR 800.6(a)(1), the ACHP elected to participate in the resolution of adverse effects and the development of a Memorandum of Agreement (MOA) (letters dated February 21, 2007) due to the potential of this undertaking to impact important historic properties and present issues of concern to Indian tribes.

In May 2007, we understand the Crow Tribal Historic Preservation Office assumed the responsibility of the Montana SHPO in the consultation process per 36 CFR 800.2(c)(2)(A).

In your most recent letter dated January 11, 2008, it states that the NPS "plans to move forward with a determination of 'no adverse effect' in concurrence with the [Crow] THPO." We remind the NPS that it is the responsibility of the Federal agency official, per 36 CFR 800.5, to propose the finding of effect to historic properties for its undertaking and seek the concurrence of the SHPO and/or THPO. While it appears that such consultation has taken place, it remains unclear how you determined a change was warranted in your effect finding. For instance, we note that, pursuant to 36 CFR 800.5(b), certain modifications or conditions may be imposed upon an undertaking to avoid adverse effects, however, your letter lacks any indication as to whether such modifications or conditions have been imposed.

We are encouraged by the NPS' commitment to complete a Cultural Landscape Inventory for the Little Bighorn National Monument landscape, comply with management policies providing for sensitive design for new construction, plan for inadvertent resource discoveries, and monitor construction activities. We understood these proposed actions to be potential components of a MOA developed to avoid, minimize,

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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or mitigate adverse effects; however, given your determination that this undertaking will no longer result in adverse effects to historic properties, how do you intend to impose these actions and commitments?

If you have not already done so, please note that the NPS needs to notify all consulting parties of this effect finding and provide them with the documentation specified in 36 CFR 800.11(e). We further advise that you provide consulting parties with a copy of any response to this inquiry.

Thank you for providing us with this notification and we look forward to your response. If you have any questions, please contact Kelly Yasaitis Fanizzo at 202-606-8583, or by EMAIL at [kfanizzo@achp.gov](mailto:kfanizzo@achp.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Reid Nelson", written over a horizontal line.

Reid Nelson  
Assistant Director  
Federal Property Management Section  
Office of Federal Agency Programs