

BLM Carlsbad Field Office
PERMIAN BASIN PROGRAMMATIC AGREEMENT FACT SHEET

The Permian Basin Programmatic Agreement (PA) [formerly the Permian Basin Memorandum of Agreement (MOA)] is now available for industry to use as an option for compliance with Section 106 of the National Historic Preservation Act for energy-related projects in the PA project area (a 39 quadrangle area of the Carlsbad Field Office). The PA is a form of off-site mitigation which allows industry to pay into a mitigation fund in lieu of paying for additional archaeological inventory for projects within these 39 quadrangles.

Funds received from the Permian Basin PA will be utilized to conduct archaeological research and outreach in southeastern New Mexico. Projects will include archaeological excavation of significant sites, predictive modeling, targeted research activities, as well as professional and public presentations on the results of the research.

In order to utilize the Permian Basin PA, a company must first sign and return the following forms to the BLM Carlsbad Field Office:

1. A Data User Agreement (stating that archaeological locations will be kept confidential); and
2. A Proffer Form (required by the government for monetary contributions)

The BLM will provide the company with a CD containing GIS information on the locations of all National Register eligible and undetermined archaeological sites within the Permian Basin PA project area that need to be avoided. This site location data will be updated periodically, as needed.

The company will use the site location information to plan projects to avoid archaeological sites by at least 100 feet.

The company will then calculate payment using the funding formula in the PA for each specific project. The company must then submit the following for their project:

1. A Confirmation of Payment Form describing the project;
2. A survey plat map or topographic map accurately showing the project location; and
3. A check for the project made payable to the BLM (this payment must be made separately from the application for permit to drill fee, or other fees, as it will go to a separate account rather than the General Fund).

The BLM Carlsbad archaeological staff will then review the information to ensure that all known eligible archaeological sites have been avoided. They will then sign off on the NEPA action.

Use of the PA for energy, mining, or other industrial projects within the PA area is optional. Traditional archaeological clearance, with the help of an archaeological contractor, can still be utilized. It is the responsibility of the company to determine whether or not to utilize the PA and to determine if the project is located within the PA area.

This PA can *only* be used for projects and portions of projects on ***BLM land and private surface acreage***. The BLM will approve only the portions of the project on BLM land and private surface acreage. Projects on State Trust land, or other state property, require the company to coordinate through the State Land Office, or other state agency, as appropriate.

If you have questions regarding the Permian Basin PA please contact the Carlsbad Field Office Archaeology Staff:

Bruce Boeke (575) 234-5917

Hila Nelson (575) 234-2236

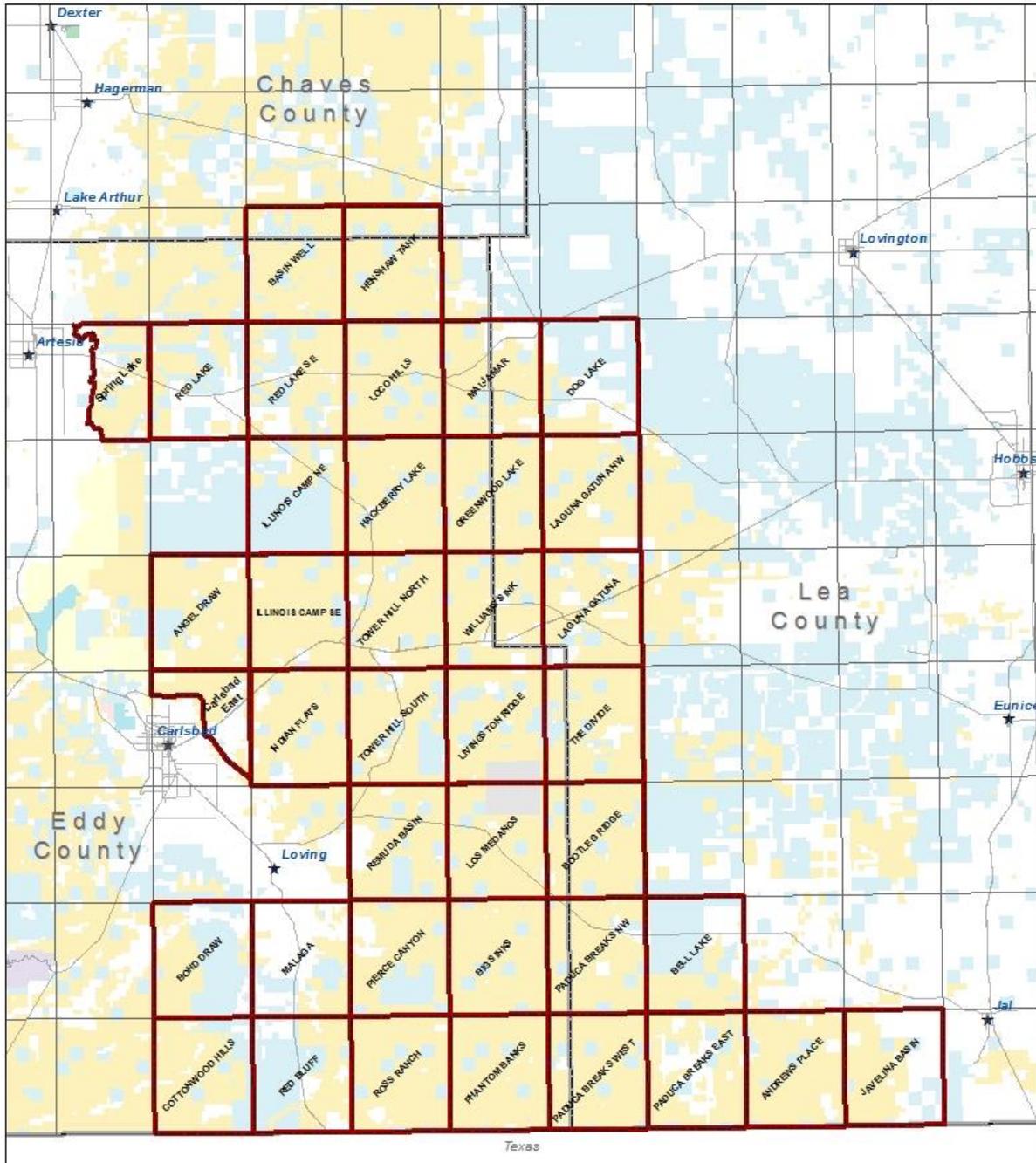
Martin Stein (575) 234-5967

Stephanie Bergman (575) 234-2239

Jessica Han (575) 234-6231

Attachments:

1. Map of Permian Basin PA Project Area Quadrangle Maps
2. List of 39 Permian Basin PA Quadrangle Maps
3. Data User Agreement
4. Proffer Form
5. Funding Formula
6. Confirmation of Payment Form – NM 8140-9
7. Flow Chart of Permian Basin PA Procedures



Permian Basin Programmatic Agreement (PA) Project Area Maps

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data, or for purposes not intended by BLM. Spatial information may not meet National Map Accuracy Standards. This information may be updated without notification.

Map created: 4/7/2016

Legend

- NM Index 24
- NM Major Roads
- NM Cities & Towns
- Bureau of Land Management
- Bureau of Reclamation
- Dept. of Defense
- Dept. of Energy
- Fish & Wildlife Service
- National Park Service
- Private
- State
- State Game & Fish
- State Park

List of 39 Quadrangle Maps
Comprising the Permian Basin Programmatic Agreement (PA) Project Area

Andrews Place
Angel Draw
Basin Well
Bell Lake
Big Sinks
Bond Draw
Bootleg Ridge
Carlsbad East – Portion of map north and east of NM 200, the Carlsbad Relief Route, and CR 605, U.S. Refinery Road
Cottonwood Hills
Dog Lake
Greenwood Lake
Hackberry Lake
Henshaw Tank
Illinois Camp NE
Illinois Camp SE
Indian Flats
Javelina Basin
Laguna Gatuna
Laguna Gatuna NW
Livingston Ridge
Loco Hills
Los Medanos
Malaga
Maljamar
Paduca Breaks East
Paduca Breaks NW
Paduca Breaks West
Phantom Banks
Pierce Canyon
Red Bluff
Red Lake
Red Lake SE
Remuda Basin
Ross Ranch
Spring Lake – Portion of map east of the Pecos River
The Divide
Tower Hill North
Tower Hill South
Williams Sink

**Bureau of Land Management Carlsbad Field Office
Archaeological Data User Agreement**

Name: _____

Institution: _____

Address: _____

Phone / Email: _____

Application Status

- I have a degree in archaeology, anthropology, history, or a closely-related field or city planning or equivalent training from an accredited educational institution.
- I am a bona fide representative of an agency, institution, or private entity which holds a Federal or State permit for performing archaeological work within New Mexico.
- I am an academic researcher affiliated with an accredited educational or research institution.
- I am a bona fide representative of an agency, institution, or private entity involved with the protection and preservation of cultural resources.
- I am a representative of industry or local government involved in project planning and/or environmental compliance and require information in my proposed project area.

I request access to cultural property information from the Bureau of Land Management (BLM) Carlsbad Field Office. I understand that information contained in these records is confidential. In consideration of access to this information, I agree to:

1. Supply one (1) copy of any research publication resulting from the use of these records to the BLM-Carlsbad Field Office;
2. Credit the BLM-Carlsbad Field Office in the body of any publication resulting from the use of these records;
3. Supply a list of employees authorized to use this data;
4. Report any changes in address or status to the BLM-Carlsbad Field Office;
5. Use the information only in compliance with applicable Federal and State laws and regulations, including the New Mexico Cultural Properties Act of 1978 [NMSA 1978, §§ 18-6-1 to 18-6-17 (Repl. Pam. 1987 Cum Supp. 1990)], 36-CFR-800, and the Archaeological Resources Protection Act of 1979 [16 U.S.C. §470aa et. seq.].

IN ORDER TO PROTECT CULTURAL RESOURCES, YOU ARE PROHIBITED FROM DISSEMINATING ARCHAEOLOGICAL SITE LOCATION INFORMATION TO OTHERS. UTILIZING THIS INFORMATION TO WILLFULLY LOOT OR DAMAGE AN ARCHAEOLOGICAL SITE IS A VIOLATION OF THE ARCHAEOLOGICAL RESOURCE PROTECTION ACT, AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

Authorized Data Users:

Signature: _____ **Date:** _____

Signature: _____ **Date:** _____

Signature: _____ **Date:** _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PROFFER OF MONETARY CONTRIBUTION

State	<u>NM</u>
Office	<u>930</u>
Project Number Assigned	_____
Project Number Assigned	_____
INSTRUCTIONS	
Submit one copy to each contributor, Field Office grazing case file, and Field Office project file.	

I. Name(s)	Address(es) (include zip code)

do hereby contribute the sum of \$ _____ to the Bureau of Land Management. Contributions are made under the provisions of Section 9 of the Taylor Grazing Act (43 U.S.C. 315h), as amended, and Section 307(c) of the Federal Land Policy and Management Act (43 U.S.C. 1737). Specifically this contribution is for the purpose of *

CARRYING OUT PROVISIONS OF THE PERMIAN BASIN MITIGATION PROGRAM. THIS PROGRAM CODIFIES AN ALTERNATIVE SET OF PROCEDURES BY WHICH THE NEW MEXICO BUREAU OF LAND MANAGEMENT (BLM) WILL MEET ITS SECTION 106 RESPONSIBILITIES UNDER THE NATIONAL HISTORIC PRESERVATION ACT FOR PORTIONS OF SOUTHEAST NEW MEXICO. THIS VOLUNTARY CONTRIBUTION WILL BE UTILIZED BY THE BLM TO CARRY OUT DATA RECOVERY EFFORTS AT HIGH PRIORITY ARCHAEOLOGICAL SITES AND TO CONDUCT RELATED RESEARCH. THE PAYMENTS ARE ACCEPTED IN LIEU OF ADDITIONAL CLASS III ARCHAEOLOGICAL INVENTORY WITHIN A 28-QUAD AREA OF SOUTHEAST NM. NO CONTRIBUTED FUNDS WILL BE USED FOR ADMINISTRATIVE COSTS OR SALARIES OF BLM EMPLOYEES. ALL CONTRIBUTED FUNDS WILL BE USED IN THEIR ENTIRETY FOR CONTRACT COSTS TO CARRY OUT MITIGATION OF THE INDIRECT AND CUMULATIVE EFFECTS OF FULL-FIELD OIL AND GAS DEVELOPMENT WITHIN THE PERMIAN BASIN.

II. The unexpended balance, if any, remaining after completion of the work described in the paragraph above shall be: <input type="checkbox"/> Returned to the contributor(s) <input checked="" type="checkbox"/> Used for general purposes*	III. Contribution, made payable to the Bureau of Land Management, is attached in the form of (specify check, money order, etc.) <p style="text-align: center;">CHECK</p>
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Signature of Contributor	Title (as applicable)	Date

Accepted in behalf of the Secretary of the Interior for deposit in the Treasury of the United States and for expenditure for the purpose specified herein

Signature of Authorized Officer	Title	Date

*Contributions for general purposes are accepted to help pay for the expenses of construction or application of conservation and range improvement projects in general, including project planning and design if so specified, or for the payment of expenses incident to the administration, use, protection, and improvement of lands in the district where this contribution is received. Such contributions shall not be used for specific administrative purposes, such as the payment of salaries of named individuals or positions, or the performance of specific functions by such individuals, or the maintenance of offices at particular locations unless approved by the Director. The contribution shall not be used for any purpose at variance with existing Bureau policy, regulation, or law regarding the development, conservation, and use of the public lands.

May 2016 - December 2016 Rates
PERMIAN BASIN PA FUNDING FORMULA

Application for Permit to Drill (APD)

\$1,518 = one well pad and a ¼ mile of road
Anything over ¼ mile of road is \$0.23/linear foot

(A drill island within the Designated Potash Area or a large pad with multiple wells will be calculated on the basis of \$99 per acre)

Booster Stations

\$1,518 = one pad and a ¼ mile of road
Anything over ¼ mile of road is \$0.23/linear foot

Frac Ponds

\$1,518 = one frac pond and a ¼ mile of road
Anything over ¼ mile of road is \$0.23/linear foot

Pipeline Projects

\$1,402 for up to 1 mile of pipe
Anything over 1 mile will be \$0.26/linear foot

Access Roads

\$1,402 for up to 1 mile of access road
Anything over 1 mile will be \$0.26/linear foot

Electric Projects

\$702 for up to 1 mile of electric line
Anything over 1 mile will be charged \$0.10 per linear foot

Seismic Projects

\$450/mile (this includes a base rate + costs for site recording, reroutes, and administration)
Projects will be rounded up to the nearest mile

Reclamation and Spill Removal

\$99 per acre.

Inflation Adjustment

Unit prices will be changed annually using the Consumer Price Index, as calculated by the U.S. Department of Labor. Inflation adjustments to unit prices will occur January 1 of each year.

Confirmation of Payment

Form NM 8140-9

(March 2008)

United States Department of the Interior

Bureau of Land Management

New Mexico State Office

Permian Basin Cultural Resource Mitigation Fund

The company shown below has agreed to contribute funding to the Permian Basin Cultural Resource Fund in lieu of being required to conduct a Class III survey for cultural resources associated with their project. This form verifies that the company has elected to have the Bureau of Land Management (BLM) follow the procedures specified within the Programmatic Agreement (PA) concerning improved strategies for managing historic properties within the Permian Basin, New Mexico, for the undertaking rather than the Protocol to meet the agency's Section 106 obligations.

Company Name: _____

Address: _____

Project description:

T._____, R._____, Section _____ NMPM, _____ County, New Mexico

Amount of contribution: \$ _____

Provisions of the PA:

- A. No new Class III inventories are required of industry within the project area for those projects where industry elects to contribute to the mitigation fund.
- B. The amount of funds contributed was derived from the rate schedule established within Appendix B of the PA. The amount of the funding contribution acknowledged on this form reflects those rates.
- C. The BLM will utilize the funding to carry out a program of mitigation at high-priority sites whose study is needed to answer key questions identified within the Regional Research Design.
- D. Donating to the fund is voluntary. Industry acknowledges that it is aware it has the right to pay for a Class III survey rather than contributing to the mitigation fund. Industry must avoid or fund data recovery at those sites already recorded that are eligible for nomination to the National Register or whose eligibility is unknown. Any such payments are independent of the mitigation funds established by this PA.
- E. Previously recorded archaeological sites determined eligible for nomination to the National Register, or whose eligibility remains undetermined, must be avoided or mitigated.
- F. If any skeletal remains that might be human or funerary objects are discovered by any activities, the land-use applicant will cease activities in the area of discovery, protect the remains, and notify the BLM within 24 hours. The BLM will determine the appropriate treatment of the remains in consultation with culturally-affiliated Indian Tribe(s) and lineal descendants. Applicants will be required to pay for treatment of the cultural items, independent and outside of the mitigation fund.

Company-Authorized Officer

Date

BLM-Authorized Officer

Date

Permian Basin Programmatic Agreement (PA) Procedures

