

Cultural Properties **Protection Rule**

CRM Training

Cultural Resources Office



CROINFO@slo.state.nm.us mmstatelands.org/divisions/ cultural-resources-office



Rule Development and History

2019

Creation of the Greater Chaco Region Cultural Buffer

2021

- Establishment of the NMSLO Cultural Resources Office
- Proposal of the Cultural Properties Protection Rule
- Public Comment Period and Tribal Consultation

2022

- Incorporation of Public Comments to the CPP Rule
- Publication of the CPP Rule

December 1, 2022 – CPP Rule Takes Effect



The Cultural Properties Rule

Published September 27, 2022

Effective December 1, 2022





"The previous approach to cultural properties on trust lands was, 'if you break it, you buy it,' and that simply isn't good enough. This rule gives my staff the tools and authority to ensure parcels are thoroughly surveyed for cultural properties before irreparable harm is done. Cultural properties found on state trust lands are very much a part of New Mexico's story, and it is my duty to protect these resources as much as the land itself."





Cultural Resources Office Team

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Rachael Lorenzo

Assistant Commissioner of Cultural Resources



Ethan Ortega

Director of Cultural Resources and Archaeologist



Dr. Lia Tsesmeli *Trust Archaeologist*



Anne Curry

Trust Archaeologist



David Eck *Retiring

*Retiring November 30

What is Required?

"Good Behavior"

Clause Avoidance of Damage

Persons shall not disturb, dislodge, damage, destroy or remove cultural properties.



Any persons engaged in activities on state trust lands are subject to the requirements of the Cultural Properties Act, the Cultural Properties Protection Act, and 19.2.24.13 NMAC. Persons shall not disturb, dislodge, damage, destroy, or remove any cultural properties on state trust lands. Any project on state trust lands that has the potential to directly or indirectly damage cultural properties is additionally subject to the requirements of Subsections B, C, D, and E of 19.2.24.8 NMAC.



What is Required?

Signed Acknowledgment

Parties must understand, agree, and comply with the Cultural **Properties Protection Rule.**

Only One Signed Acknowledgment per Lease



Parties shall acknowledge, on a form prescribed by the commissioner, that they understand and agree to comply with applicable laws and rules pertaining to the protection of cultural properties on state true lands.





Stephanie Garcia Richard, Commissioner of Public Lands State of New Mexico

CULTURAL PROPERTIES PROTECTION ACKNOWLEDGMENT FORM

All lessees, operators, grantees, permittees, and/or applicants (collectively, "Parties") requesting any authorization from the Commissioner of Public Lands, or conducting any project or activity on state trust land, are expected to review and abide by all applicable laws and rules related to the protection of cultural properties on state land, including the New Mexico State Land Office's ("NMSLO") Cultural Properties Protection Rule, 19.2.24 NMAC. The Cultural Properties Protection Rule can be viewed at https://www.nmstatelands.org/culturalproperties/.

Parties conducting surface-disturbing activity on state trust land must follow the procedures and timelines outlined in 19.2.24.8 NMAC. To minimize processing delays, Parties are strongly encouraged to supply NMSLO with appropriate documentation as early as possible pursuant to 19.2.24.8 (C), (D), (E) & (F) NMAC. Parties are advised to always exercise due caution to ensure that cultural properties on state trust land are not inadvertently excavated, disturbed, dislodged, damaged, destroyed, or removed by any person, pursuant to the Cultural Properties Protection Rule, 19.2.24.8 (A) NMAC and Section 18-6-9 (A) and (B), NMSA 1978.

By signing this acknowledgment form, Parties affirm that they have read this document, including the accompanying Instructions for Compliance, and have reviewed and agree to comply with NMSLO's Cultural Properties Protection Rule. If a Party is other than a natural person, the individual signing below attests that they have the authority to execute this acknowledgment on behalf of and bind that Party.

Type and Number of Instrume (Required for Oil & Gas Leases-eg. VB063 other leases: Business, Renewables, Minera Agricultural leases-eg. BL05220001, GR02	20001; include if available for .ls, Water Bureau, ROW or	
Name of Party (Company Nam	e, if applicable):	
Name of Signatory (Person Sig	ning):	
Relationship to Party/Title (po (eg. lessee, operator, grantee, applicant, sel		
Phone Number:	Email Address:	
Signature :	Date:	

CPP Acknowledgment Form 12 22

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What is Required?

ARMS Inspection and Survey

Archaeological Resource Management System inspections help to know if a survey have been, or need to be completed.



Prior to conducting surface disturbing activities, parties shall cause a permitted archaeologist to submit to the state land office an ARMS inspection of the entire area of potential effect... In the best interest of the trust, the commissioner, in the commissioner's discretion, may elect to provide the ARMS inspection for any particular portion of state trust land.



High-Level Process Overview



Web Portal Login



To start using the Cultural Compliance Portal, please create an account.

Create Account

Email

Web Portal Dashboard

DASHBOARD

ACCOUNT INFO

LOGOUT

Lessees / Operat	Lessees / Operators				For Cultural Resource Consultants				
Cultural Properties Protection Acknowledgment Start Form Oil & Gas Project Description Start Form				ARMS I Start F	nspection/R	ecords Revi	ew		
				Notification of Intent to Conduct Archaeological Survey Start Form					
Form Type	~	Lease Numbe	er -		Project Name			Consultant Report No.	
Date Submitted From Date	•	Date Submitt	ed To Date						
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Form ID	Form	Lease No.	Project Name	Proponent / Signatory	Consultant Report No.	County	Date Submitted	PDF Form & Uploaded Documents	Request Edit
	Notification of		Thelonious			Grant,		Notification of Intent to Conduct Archaeological Survey.pdf	

Web forms will replace the paper forms you have been emailing or mailing SLO:

- ARMS Inspection/Review
- Notification of Intent to Conduct Archaeological Survey

For Cult	tural Resour	ce Consulta	ints	
ARMS In Start F	nspection/R orm	ecords Rev	iew	
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	County Grant,			Request

ARMS Inspection/Review

- Mimics all fields from the paper template
- Fields with *red asterisk are REQUIRED
- Clear instructions on most fields based on testing feedback

View or Download Form Instru	ctions		
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Cultural Resources Office, New M	lexico State Land Office, Santa Fe, New	v Mexico	
From (Permittee Company Name) *			
Phone *			
Email *			
email@gmail.com			
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ease Number (Required for Oil & Gas eases - i.e., BL05220001, GR0232, R408	Leases - i.e., VB06320001; include if availab 193, SW0520, HA0102)	ble for other leases: Business, Renewables,	, Minerals, Water Bureau, ROW, or Agricult
Project Details			
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Proponent Name * Project Name *	rt abbreviations for the agency involved. E	xample: BLM, NRCS, NMDGF_) *	
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ARMS Inspection/Review

Continued

- Submission of Required Documents contains a link to the updated fillable NMSLO Cultural Resources Cover Sheet
- You can upload many documents at the same time
- To complete the uploading process, Save as Draft
- Once you know all correct data is there, Submit the form

Quay	🗌 Rio Arriba	Roosevelt	Sandoval
🗆 San Juan	San Miguel	🗇 Santa Fe	🗌 Sierra
Socorro	🗌 Taos	Torrance	D Union
U Valencia			

Date the ARMS Inspection/Records Review associated with this project has been conducted per the pre-field requirements of 4.10.15.9 NMAC *

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The review was conducted for the Area of Potential Effect (APE) and 500 meters surrounding the APE. Information regarding the review results can be found in Table 1-Cultural Surveys within 500 meters of proposed project and Table 2-Cultural Resources within 500 meters of proposed project.

Recommendation *

ubmission of Required Documents	
A. Upload the following in one combined pdf file, if possible:	
1. NMSLO Cultural Resources Cover Sheet - Download Empty Fillable PDF	
2. Review Results (Tables 1 and 2)	
3. ARMS Map, and	
4. Project Location Maps and Cadastral Plats, if available	
B. Upload digital files for the proposed project in ArcGIS shapefile, or kmz/kml format	
load Files (Click "Save as Draft" to complete uploading the files you chose) *	
Choose Files No file chosen	
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ang makan s	
Permittee/Principal Investigator Name *	
Principal Investigator Signature *	
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Form ID:

New fillable PDF Cover Sheet

NMSLO Cultural Resources Cover Sheet

- Updated Format to Conform with the Rule Provisions
- Use the fillable form-It will help us keep track of all the cover sheets
- Submit the fillable Cover Sheet with the ARMS Review on the Web Portal or
- Send the fillable Cover Sheet to CRO at <u>croinfo@slo.state.nm.us</u> after you complete a survey

Stephanie Garci	a Richard, Commissioner of Public Lands State of New Mexico
NMSLO Cul Exhi	Itural Resources Cover Sheet Ibit
Exhibit Type (select one)	NMCRIS Activity Number: (# eppitable)
ARMS Inspection/Review - Summ	narize the results (select one):
current standards and (B) The entire area of pot current standards and (C) The entire area of pot	tential effect or project area has been previously surveyed to d no cultural properties were found within the survey area. tential effect or project area has been previously surveyed to d cultural properties were found within the survey area. tential effect or project area has not been previously surveyed or d to current standards. A complete archaeological survey will be tted for review.
Archaeological Survey	
Findings:	
	naeological review is required.
	and protection measures been devised? Select one:
Comments:	
Project Details:	
NMSLO Lease Number (if available):	
Cultural Resources Consultant:	
Project Proponent (Applicant):	
Project Title/Description:	
Project Location:	
County(ies):	
PLSS/Section/Township/Range):	
For NMSLO Agency Use Only:	
NMSLO Lease Number:	Acknowledgment-Only:
Lease Analyst:	Acknowledgment-Only:
Date Exhibit Routed to Cultural Resource	s Office:
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No person may after the warding of the questions or layout of the cover sheet. The completion of this over sheet by itself does not authorize anyone to engage in new surface disturbing activity before the review and a paravals required by the Cultural Properties Protections Rule. Form Revised 12.22.

Results of the ARMS Inspection/Review

Green Light (A Memo)

The entire Area of Potential Effect (APE) has been surveyed
No Cultural Properties were identified



If the ARMS inspection demonstrates that the entire area of potential effect has been surveyed, and that no cultural properties are located within the area of potential effect, then the party shall cause a permitted archaeologist to submit the ARMS inspection to the state land office, in which case the required archaeological review is complete.



Results of the ARMS Inspection/Review

Yellow Light (B Memo)

- The entire APE has been surveyed
- Cultural Properties were identified
- Avoidance or Mitigation will be required



If the ARMS inspection or survey demonstrates that the entire area of potential effect has been surveyed, and cultural properties are identified within the area of potential effect, the party shall cause a permitted archaeologist to submit the most recent applicable survey(s) to the state land office. If a prior survey is submitted that is more than ten years old, the state land office will determine if the survey conforms to the requirements of 4.10.15 NMAC and if it does not, may require an updated survey.



Results of the ARMS Inspection/Review

Red Light (C Memo)

- The entire APE has not been surveyed
- Survey will be required



If the ARMS inspection demonstrates that the entire area of potential effect has not been surveyed, a complete archaeological survey must be conducted by a permitted archaeologist in accordance with the requirements of 4.10.15 NMAC and submitted to the state land office. The new survey need not include areas already subjected to acceptable surveys. The party shall be subject to the requirements of Subsection D of this section, if cultural properties are identified in the survey.



Notification of Intent to

Conduct Archaeological Survey

- Submit at least 15 days before the survey begins
- Form mimics all fields from paper template
- Fields with *red asterisk are REQUIRED
- Clear instructions on most fields based on testing feedback

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Cultural Resources Office, New	Mexico State Land Office, Santa Fe, New Mexico	
rom (Permittee Company Name) *		
Phone *		
email@gmail.com		
 This survey will be conducted 	under the auspices of:	
New Mexico Annual State Land A	Archaeological Survey Permit Number *	
Consultant Report No.		
	& Gas Leases - i.e., VB06320001; include if available for other leases: Business, Renewables, Minerals, Water Bureau, ROW, or 001, GR0232, R40893, SW0520, HA0102)	
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Notification of Intent to Conduct

Archaeological Survey Continued

- You can upload many documents at the same time
- To complete the uploading process, Save as Draft
- Once you know all correct data is there, Submit the form

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🗆 Luna	McKinley	Mora	Otero
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🗌 San Juan	🗌 San Miguel	🗋 Santa Fe	Sierra
Socorro	🗆 Taos	Torrance	Union
Valencia			
Acres / Acreage this Project v	will cover *		

All survey will be accomplished on foot with parallel transect intervals spaced no greater than 15 meters (50ft.) apart with additional inspection of any deflated areas in the project area. The survey will conform to a Class III (100%) inventory of the project area. Further information on survey methodology, mapping and recording procedures, collections, analysis, personnel, etc. is available from the State Historic Preservation Division.

Submission of Required Documents

Upload the following documents in support of this Notification Form:

Project Location Map and Cadastral Plats, if available, in one combined PDF file
 Digital files-in shapefile or kmz/kml format

Upload Files (Click "Save as Draft" to complete uploading the files you chose) *

Choose Files No file chosen

Uploaded Files –
 no file uploaded

Comments

Signature -----

Permittee/Principal Investigator Name *

Principal Investigator Signature *

Web Portal and Web Forms

Live Demo

- The Web Portal will go live Nov. 28, 2022
- You can use it once it is on the web, but *Not* required to be used until December 1, 2022
- Once Live, Step-by-step instructional material will be available

CPP Rule Frequently Asked Questions

Are there any changes to the survey permits for archaeological work on State Land?

19.2.24.8 (F) NMAC

F. Archaeological survey permits and notifications to survey. Individuals with valid archaeological survey permits issued by the New Mexico cultural properties review committee, as provided in 4.10.8 NMAC, are preapproved to access state trust lands for the sole purpose of conducting archaeological surveys pursuant to this rule, without the need for a separate authorization from the commissioner.

The state land

office should be notified at least 15 calendar days before an archaeological survey is conducted, except for exigent situations, including but not limited to responses to spills or hazardous conditions, in which case the state land office should be notified as soon as possible and in any event prior to the survey.

What are the new compliance measures?

[]]

Compliance measures. For any application or project where any survey has identified D. cultural properties within the area of potential effect, the party shall cause a permitted archaeologist to develop and submit to the state land office compliance measures related to project siting, and avoidance and mitigation of damage to cultural properties; those compliance measures may be included within the survey that is submitted to the state land office on behalf of any party, or may be submitted separately. The state land office will review any applicable compliance measures, and determine if those measures are sufficient to protect or mitigate damages to the affected cultural properties, a review that may include consultation with the SHPO and shall include consultation with any impacted tribe. In the best interests of the trust, the state land office may require additional or different compliance measures as a condition to approval of the application or project. This review process will be completed within 60 calendar days of submission of an administratively complete submission (ARMS inspection or survey, and any applicable compliance measures), but that time period may be extended in the commissioner's discretion for up to an additional 60 calendar days as may be necessary to ensure appropriate review. Upon commissioner approval, the relevant leasing division shall include appropriate compliance measures in the relevant lease, easement, or other instrument, if applicable, consistent with applicable statutes and rules.

CPP Rule Frequently Asked Questions

What are Acknowledgment-Only Requirements?

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19.2.24.9 ACKNOWLEDGMENT-ONLY REQUIREMENTS: The acknowledgement specified in Subsection B of 19.2.24.8 NMAC shall be included with applications for the following, with no ARMS inspection or survey as specified in Subsection C of 19.2.24.8 NMAC or compliance measures as specified in Subsection D of 19.2.24.8 NMAC, unless those additional measures are specifically required by the commissioner for a particular application:

A. renewals or reissues, assignments, conversions, and subleases of existing grants, leases or permits, and agricultural improvement replacements, where no new surface disturbance will occur, or when the area of potential effect of a new project activity is entirely within a previously disturbed area of the same nature and extent of disturbance;

B. applications for new agricultural leases in open acreage or through competitive bid; and

C. applications for non-surface disturbing rights of entry, with the final decision vested with the commissioner about whether or not the relevant activity is surface disturbing.

CPP Rule Frequently Asked Questions

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What are the exemptions to the Cultural Properties Protection Rule?



EXEMPTIONS:

A. The following activities are exempt from the acknowledgment, ARMS inspection and survey, and compliance measures requirements of this rule. These exemptions do not provide authorization to enter or occupy state trust lands, which must be granted by the commissioner under a valid lease, easement, permit, or other instrument:

(1) law enforcement, emergency response, or natural disaster response ("emergency response") activities, whether or not undertaken by or in coordination with the state land office, that are necessary to protect immediate threats to public health, safety, or the environment, including but not limited to firefighting, flood management, or for controlling, containing, or capturing releases of hazardous or harmful materials. If the state land office is not already involved in undertaking or coordinating the emergency response, it shall be notified of the response as soon as practicable. Any known cultural property within the area of emergency response should be monitored to the extent practicable so that any adverse effects to the cultural property can be avoided, mitigated, or minimized;

 administrative actions performed by the state land office, such as executive orders or rule making activities, and any internal agency processes or decisions that do not create new surface disturbance;

 (3) memoranda of understanding or agreements to cooperate executed by the commissioner;

 (4) easements, leases, or other instruments granted by the commissioner to any person that do not directly expand current surface uses or create new surface disturbance;

(5) recreational access permits and educational access permits, applications for such permits, non-surface disturbing natural resource authorizations, or activities that already require the presence of an archaeological monitor such as special use agreements;

(6) projects analyzed under the National Environmental Policy Act of 1969, 42 U.S.C. Section 4321 et seq. and the National Historic Preservation Act of 1966, 16 U.S.C. Section 470 et seq., and their implementing regulations, so long as such analysis includes impacted state trust lands. For such projects, the party shall submit a copy to the state land office of the survey or portions thereof pertaining to impacted state trust lands;

(7) acquisition or disposition of lands through exchange or sale; and

(8) plugging, restoration, remediation, or reclamation activities that do not involve new surface disturbing activity outside the authorized boundaries of any existing roads, rights of way, well pads, associated oil and gas facilities or other structures.

B. Parties or other persons engaged in the activities exempted in Subsection A of 19.2.24.10 NMAC remain subject to the requirements of the Cultural Properties Act, the Cultural Properties Protection Act, and 19.2.24.13 NMAC.

C. Notwithstanding any other provision of this part, the commissioner may require an ARMS inspection or survey for any project when determined to be in the best interest of the trust. [19.2.24.10 NMAC - N, 12/01/2022]

Is the Cultural Properties Protection Rule included in Section 106?

19.2.24 NMAC

The CPP Rule is **NOT** Part of Section 106

- BLM and other Federal Agencies are required to follow Section 106
- When on State Land, the CPP Rule is the Rule to follow, along with all other NMAC Rules

Review of New Submission Process

Submitting Archaeological Reports to SLO

Any questions? croinfo@slo.state.nm.us

- No More Hard Copies Mailed to SLO
- Digital Copies Only
 - Upload all relevant documentation to NMCRIS
 - If this is not possible for any reason, or if we have requested you to send us a full copy of the report, email it to: <u>croinfo@slo.state.nm.us</u> with the NMCRIS number included on the Subject Line.

Once you complete a survey,

complete also the fillable

NMSLO Cultural Resources

Cover Sheet and email it to us

at croinfo@slo.state.nm.us

The Cultural Resources Office Website

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Information on the NMSLO website:

- Links to the Cultural Resources Office Web Page
- Links to the Cultural Properties Protection Rule web page
- Links to the Cultural Compliance
 Portal
- Links to Training material

Documents that will be Available

- NMSLO Cultural Resources Cover Sheet
- Instructions for the Web Portal in pdf for each of the four web forms
- Instructions for Compliance
- Training material
- Upon Request any other forms the Cultural Resources Office is using

The Cultural Resources Office Website

nmstatelands.org/divisions/cultural-resources-office



 $\mathsf{Home} \to \mathsf{Divisions} \to \mathsf{Cultural}\,\mathsf{Resources}\,\mathsf{Office}$

Administrative Services	\odot
Commercial Resources	\odot
Cultural Resources Office	\odot
Overview	

About CRO

Cultural Resources Office Staff	
Cultural Properties Protection Rule	
CRO Forms	
Mineral Resources	
Surface Resources	
Office of the General Counsel	

The Cultural Resources Office (CRO) was created by Commissioner Garcia Richard in 2021 to improve the stewardship of cultural resources on the 9 million surface acres of trust land. The office reviews lease and improvement applications, conducts cultural resource surveys, assists leasing divisions with cultural compliance for land maintenance projects, and consults with governmental agencies and descendant communities. To date, over 600,000 (6.7%) acres of trust land have been surveyed for cultural resources and over 11,000 cultural properties have been identified and documented



STONE SPEAR POINT Late Paleoindian Stone Spear Point Over 7,000 Years Old

Cultural Resources Office



indigenous hunting sites that are more than 13,000 years old. Surveys continue almost every day, and are constantly adding to these totals.

NAVAJO PUEBLITO Stone Defensive and Habitation Structure Over 300 Years



Class 7Up Bottle Dating to the 1950s from Southern N

The Cultural Resources Office Website

nmstatelands.org/resources/forms-and-applications



Home > Resources > Forms & Applications

Annual Reports

Policies & Procedures

Forms & Applications

Financial Reports

Fee Schedules and Rentals

FAQs

Open for Adventure

Hunting Access Information

State Land Office Forms

NOTE: Please clear your internet browsing history first to make these forms fillable online.

Agricultural Leasing Forms	•
Business Leasing Forms	•
Cultural Resources Forms Documents updated for the new Cultural Properties Protection Rule will be added in November 2022.	•



Thank you for helping to protect **Cultural Properties on New Mexico Trust Land!**

Cultural Resources Office



CROINFO@slo.state.nm.us nmstatelands.org/divisions/ cultural-resources-office

