



New Mexico State Land Office  
Cultural Resources Office

## **Supplemental Guidance for Cultural Compliance on State Trust Land**

The New Mexico State Land Office's (NMSLO) Cultural Properties Protection (CPP) Rule is the agency's statute that specifies how cultural compliance is accomplished on State Trust Land. The following guidance is designed to clarify this process and should be considered concurrently with all other requirements for cultural compliance on state land. Rules and regulations regarding cultural compliance on state land can be found on the New Mexico Historic Preservation Division's website: <https://www.nmhistoricpreservation.org/documents/archaeological-permits.html>

The Cultural Properties Protection Rule can be accessed at the link below:

<https://www.nmstatelands.org/wp-content/uploads/2022/10/2022-09-27-Published-Rule-NM-Register.pdf>

The guidance in this document is based on common situations and frequently asked questions from cultural consultants, applicants, and lessees. This is not an exhaustive guide and statute provides the agency the power to determine specifics on a case-by-case basis.

- **Contact the NMSLO Cultural Resources Office with Questions**

[croinfo@slo.state.nm.us](mailto:croinfo@slo.state.nm.us)

505-827-5781

<https://www.nmstatelands.org/divisions/cultural-resources-office/culturalproperties/>

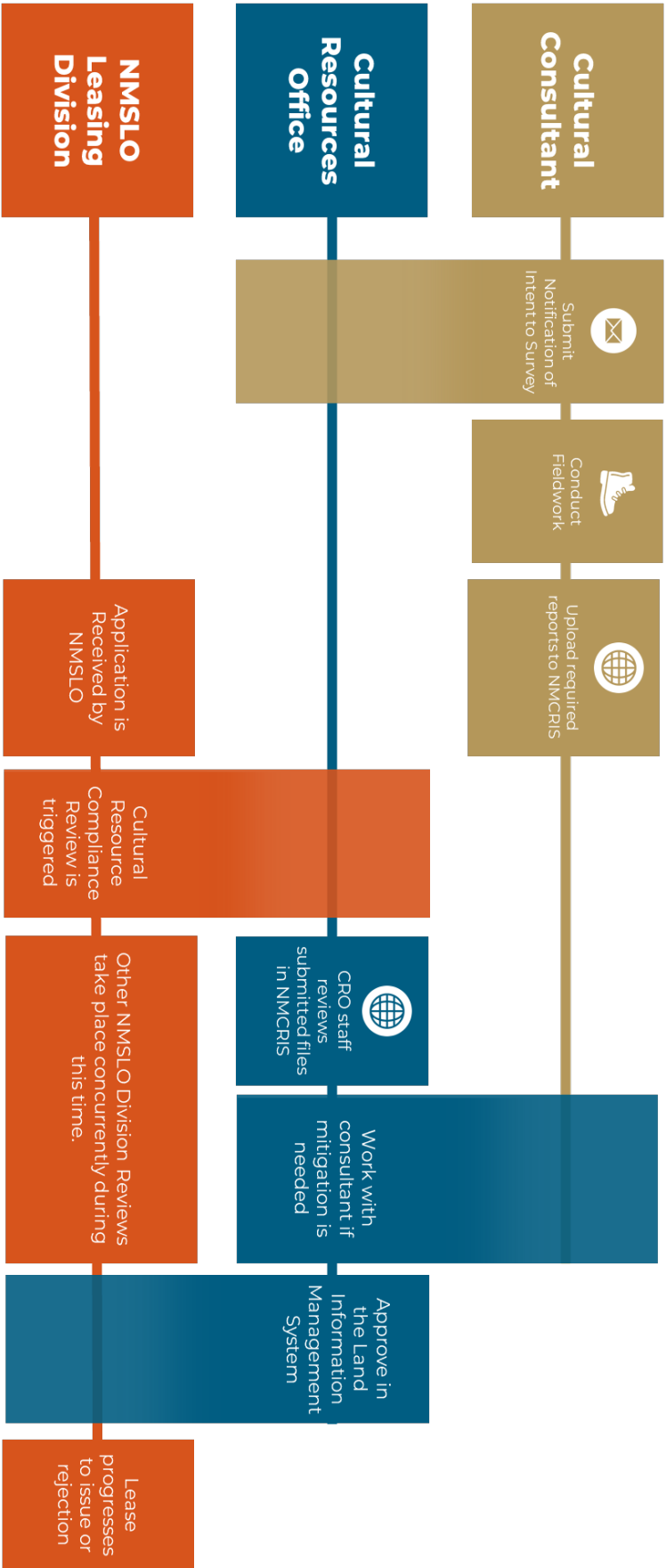
## **Cultural Compliance Guidance for NMSLO Internal Review Processes**

For the NMSLO Cultural Resources Office to complete our review of your report, you must ensure that:

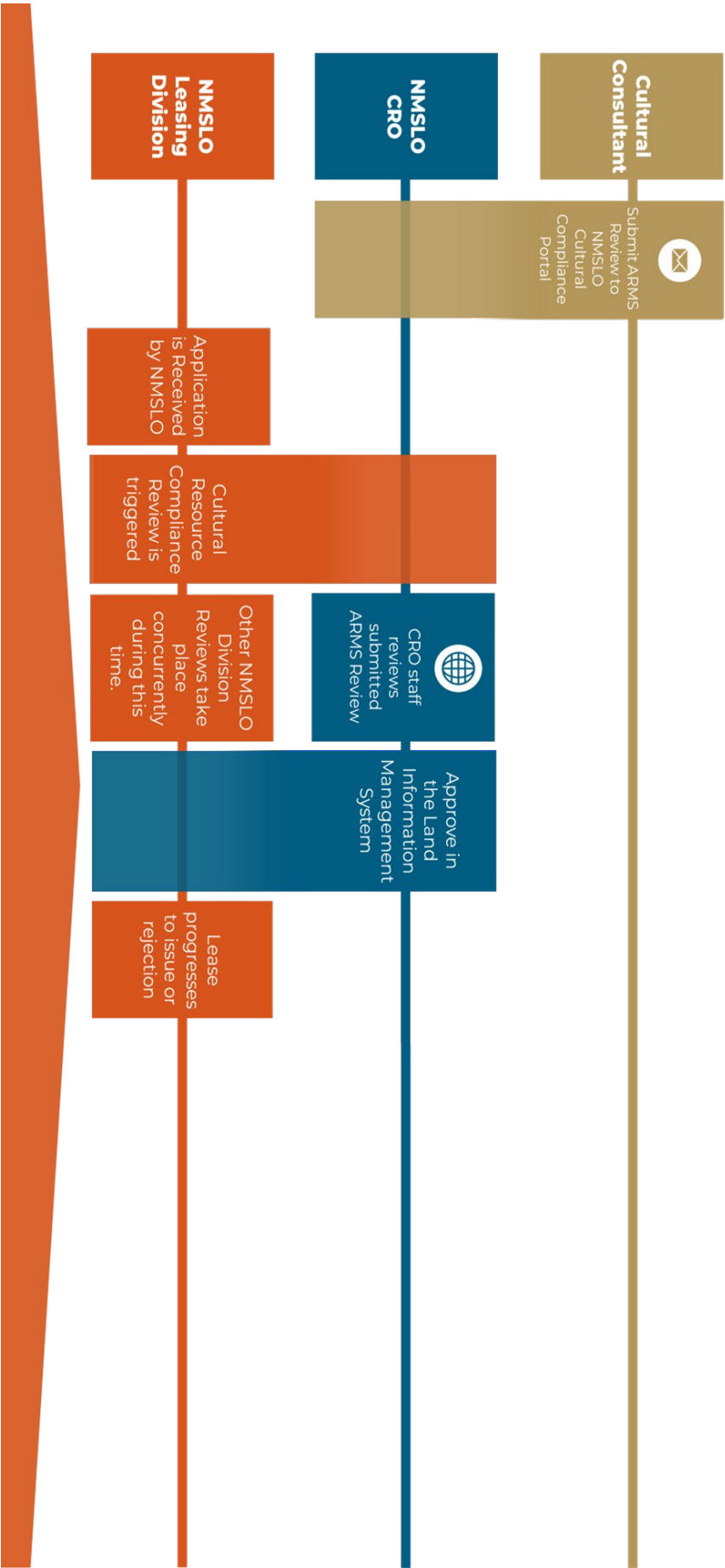
- The entire APE on State Trust Land is covered by a qualifying survey/s.
- All previously identified cultural properties within the Area of Potential Effect are updated.
- All required documents and GIS data are uploaded to NMCRIS.
- If a survey was not required, an ARMS Inspection should have been uploaded into the NMSLO Cultural Compliance Portal. For Cultural Compliance Portal guidance visit our website: <https://www.nmstatelands.org/divisions/cultural-resources-office/culturalproperties/>

Please Note: For most reports, our trigger for review is the NMSLO leasing application process. We do not review any reports until the NMSLO receives an application and/or formal plan for the associated ground-disturbing project.

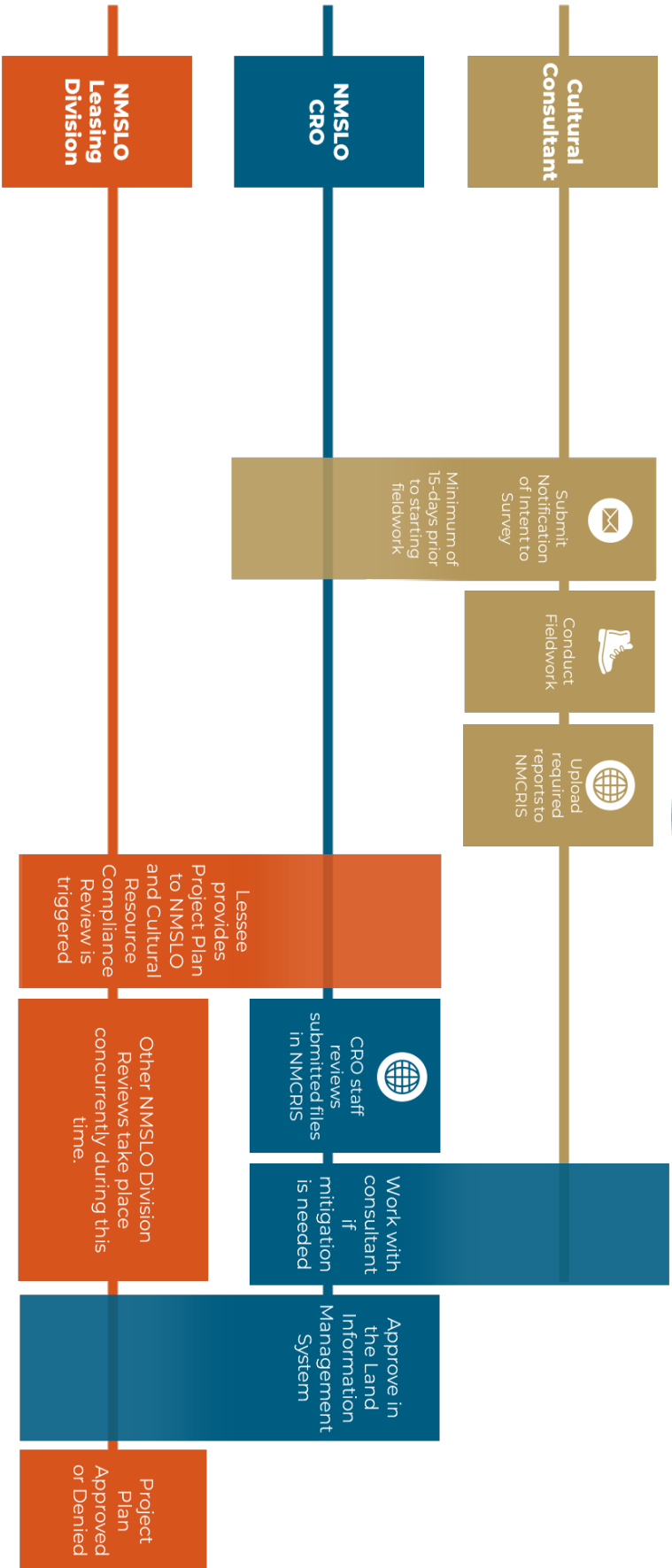
# Standard Cultural Compliance Review



# Renewable Review: Phase 1 (Planning)



# Renewable Review: Phase 2 (Construction)



## Supplemental Guidance for Survey Standards on State Trust Land

As a State Agency, the NMSLO must comply with the [NMAC 4.10.15 \(Standards for Survey and Inventory\)](#) as well as other applicable state laws and regulations. If a federal agency is the lead for cultural resource compliance, these standards still need to be met or exceeded on State Trust Land.

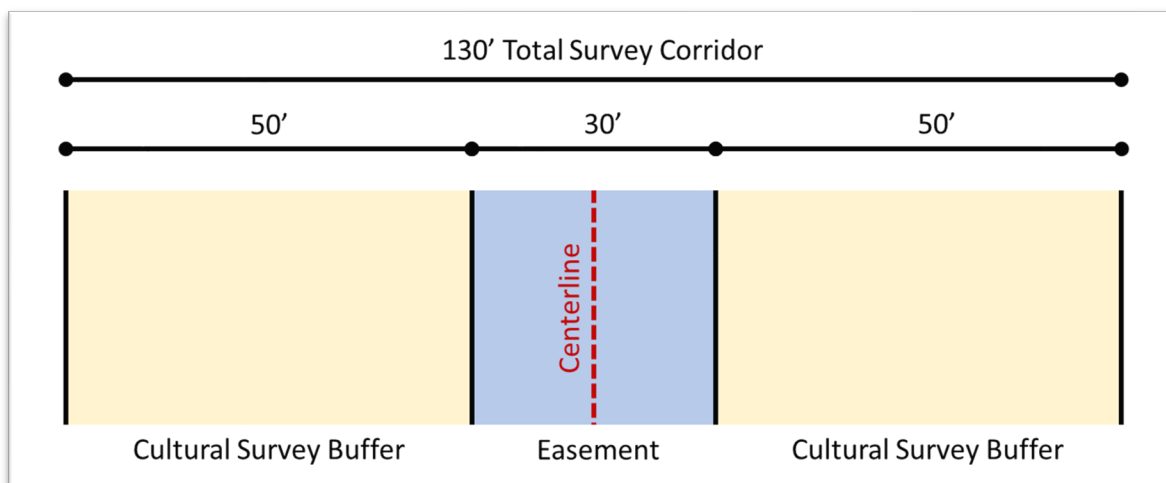
### Pre-Field Records Search

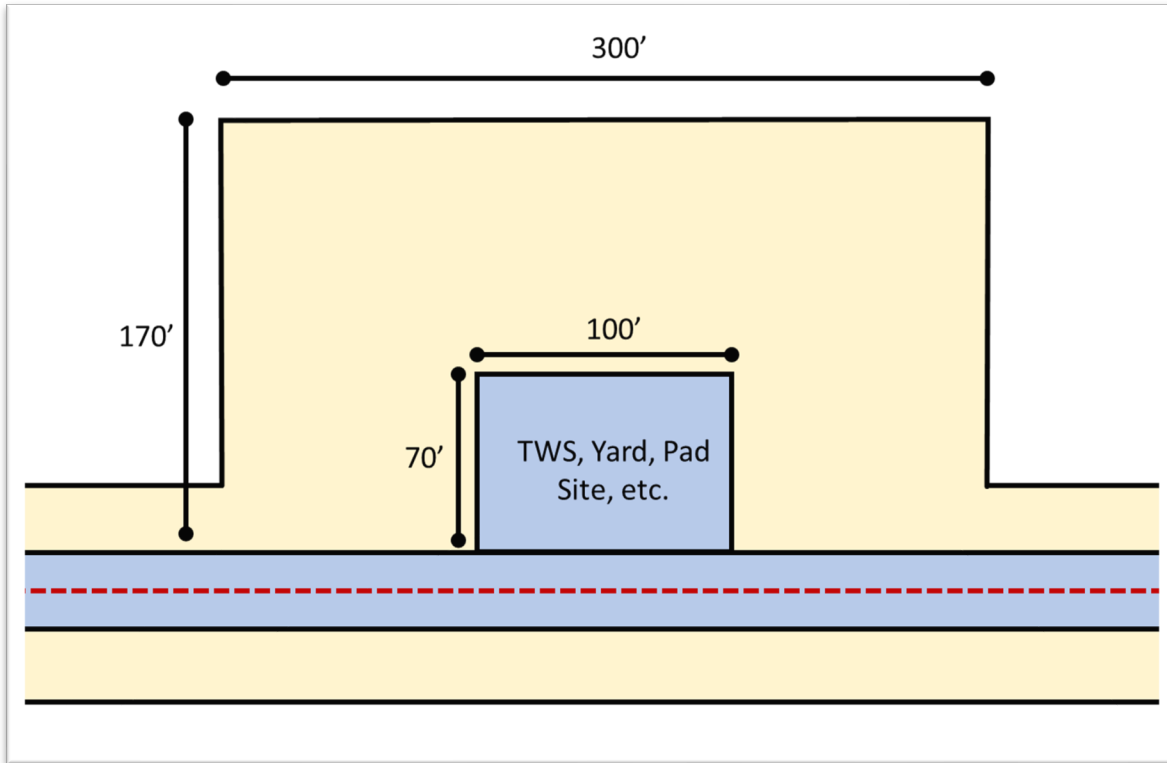
- It is the responsibility of cultural consultants to know the land status of a proposed project. The NMSLO provides current land status geographic information system layers on our website: <https://www.nmstatelands.org/maps-gis/gis-data-download/>
- Since the NMSLO is a state agency, we require that you use NMCRIS/ARMS to document your work. We do not have access to all BLM survey data. All relevant survey and cultural property data must be uploaded to NMCRIS in order for the NMSLO to acknowledge and consider it during our review.

### Area of Potential Effect (APE)

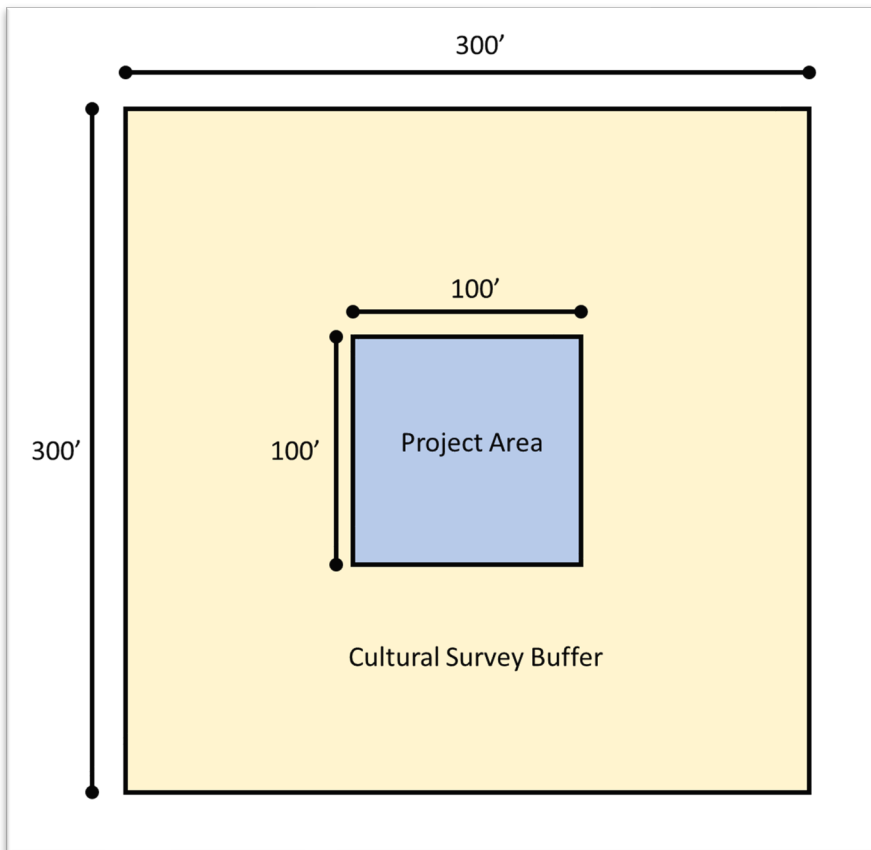
The NMSLO Cultural Resources Office uses the following guidelines to define the Area of Potential Effect for most projects. Depending on the proposed project, the NMSLO can require additional inventories, including the addition of a visual impact analysis.

- **Linear Projects, such as Rights of Ways (ROWs).** The APE is defined as:
  - The width of the ROW easement + 50-feet on either side
  - Temporary work spaces + 100-feet
  - Linear temporary work spaces – consult with NMSLO CRO





- Area Projects, such as well pad locations. The APE is defined as:
  - The Project Area +100-feet on all sides



## **Cultural Property Recording on Multiple Land Ownerships**

- If a cultural property is located on both private and State Trust Land, only the portion that falls on State Trust Land should be recorded. We only have jurisdiction on State Trust Land surface estate.
- If the entire cultural property is not recorded for this reason, you must note it in the report and LA form.
- If the consultant or their client wishes, they may contact the private land owner for permission to record the entire cultural property.

## **Limited Testing**

If a cultural property cannot be avoided by a proposed project, limited shovel testing may be an appropriate tool used to help determine eligibility.

- Shovel tests should be 50X50cm units.
- Shovel testing should be conducted in areas likely to yield subsurface deposits.
- Shovel testing should be conducted within the APE or potentially impacted portion of the cultural property.
- Photos of shovel tests units should be included in the report.
- Locations of shovel tests units should be included on cultural property maps.
- If stratigraphy is present, a general soil profile of the shovel test unit is expected to be included in the report.
- **Trowel tests are NOT ALLOWED on State Trust Land**



## **Augers to Determine Subsurface Connectivity**

- If proposing construction in an area with high cultural property density, the NMSLO expects consultants to provide supporting evidence that there are no buried cultural materials connecting the cultural properties.
- You may use augers or limited testing as defined in [NMAC 4.10.15 \(Standards for Survey and Inventory\)](#) to determine if buried cultural materials are present.



### **Cultural Properties That are Not Relocated**

If a cultural property is not relocated during survey and cannot be proven to have been misplotted and actually located outside of the APE, the NMSLO expects:

- Systematic limited testing to prove that there are no buried cultural materials within the APE.
- A completed cultural property update form describing the results.

### **Artifact Analysis During Survey**

- If a cultural property will be impacted, a 100% analysis of the visible surface assemblage will be required.
- If arguing a cultural property is “not eligible” due to exhausting the research potential, a 100% artifact recording is required.

### **Popular Reports**

As the NMSLO Cultural Resources Office builds its outreach programming, this content will be used for education, outreach, and publications we will now require popular reports as described in NMAC 4.10.15.21.



## **Supplemental Guidance for Cultural Compliance for Remediation Activities on State Trust Land**

In addition to any other requirements by other agencies involved, the NMSLO Cultural Resources Office provides the following compliance guidance for activities on State Trust Land. This document is to provide general guidance, but may not apply to every situation. Contact the NMSLO Cultural Resources Office with any questions.

### **Determine a Course of Action:**

The information on this page should be completed by operators or lessees, but we are providing the guidance so that cultural consultants are aware how they fit into the process.

#### **Emergency Response Situations**

These are immediate threats to public health, safety, or the environment.

- **Examples:** Active or new releases
- **Course of Action** → Exempt from most CPP Rule requirements, however, known Cultural Properties in APE should be monitored by an archaeologist during all ground disturbing activities.

#### **All Other Remediation and Reclamation Situations**

- **Examples:** Old or inactive spills, reclamation of old surface disturbances, etc.
- **Course of Action** → A cultural resource survey with a minimum of a 100-foot buffer from the edge of the proposed ground disturbance is required prior to remediation activities.

## **Initial Steps: Best Practice**

### **Contact a Cultural Resource Consultant for an ARMS Review**

When a new release or damage occurs on State Trust Land, we recommend contacting a Cultural Resource Consultant who will conduct an Archaeological Records Management System (ARMS) review to determine if any known cultural properties have been previously identified within the remediation area, and if the area has been surveyed for cultural resources.

A list of permitted consultants to conduct cultural resource management work on state lands can be found at the link below maintained by the New Mexico Historic Preservation Division:

<https://www.nmhistoricpreservation.org/documents/archaeological-permits.html>

### **Contact the NMSLO with Questions or for Specific Guidance**

**Cultural Resources Office:** [croinfo@slo.state.nm.us](mailto:croinfo@slo.state.nm.us)

505-827-5781

**OR Environmental Compliance Office:** [eco@slo.state.nm.us](mailto:eco@slo.state.nm.us)



## **Releases Within Previously Disturbed Space**

### **IF...**

- No delineation is needed
- No remediation activities will take place outside of the previously disturbed space

### **...THEN no cultural resource survey is needed**

- Submit an ARMS review through the Cultural Compliance Web Portal
- Send a Coversheet to NMSLO CRO and ECO with “Remediation or Release” in the subject

**CRO will respond with a memo confirming review.**



## Releases Within Surveyed Space

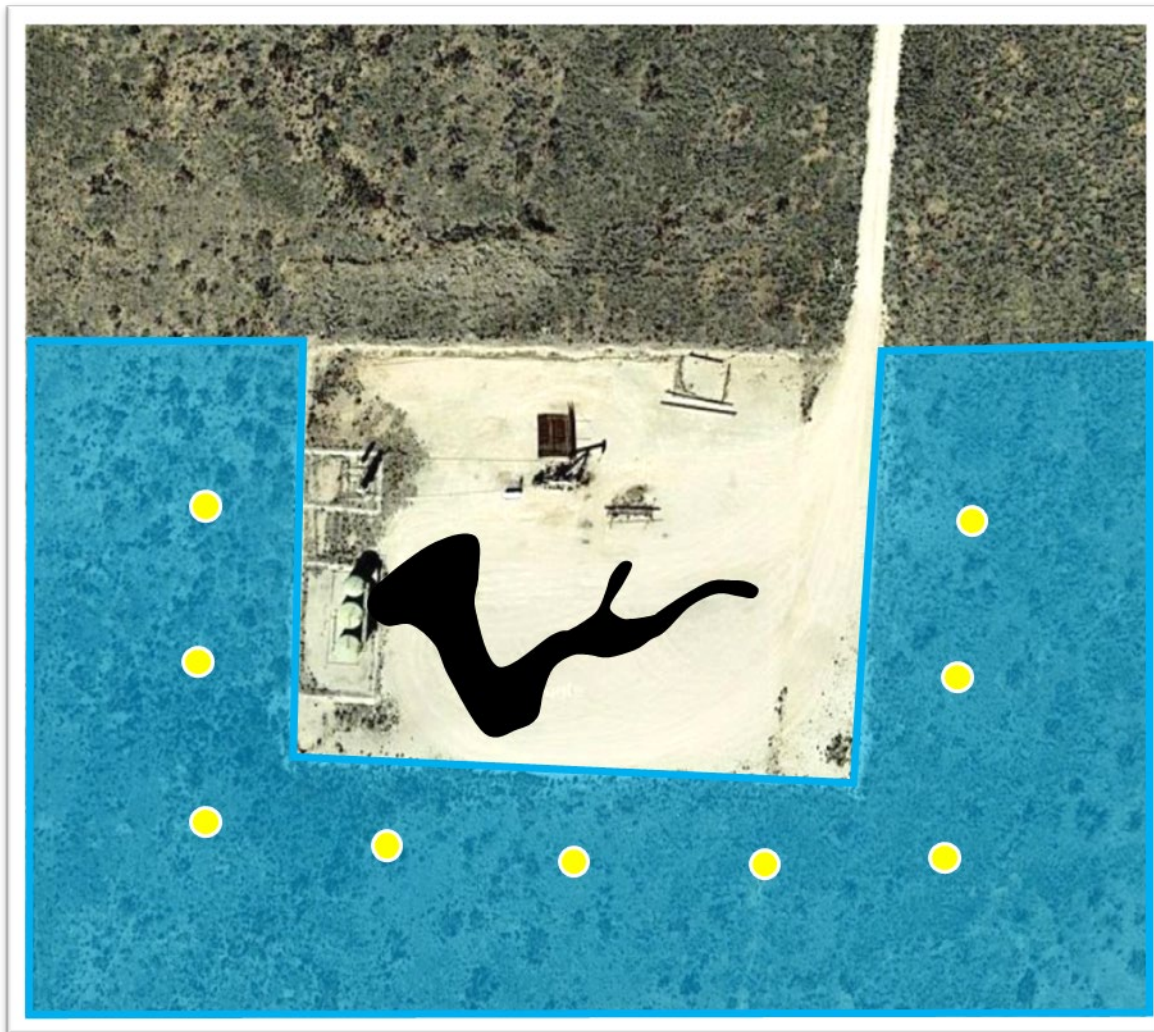
### IF...

- No delineation is needed
- No remediation activities will take place outside of the previously disturbed space

### ...THEN no cultural resource survey is needed

- Submit an ARMS review through the Cultural Compliance Web Portal
- Send a Coversheet to NMSLO CRO and ECO with “Remediation or Release” in the subject

**CRO will respond with a memo confirming review.**



## **Releases Within Previously Disturbed Space with Remediation in Undisturbed or Unsurveyed Space**

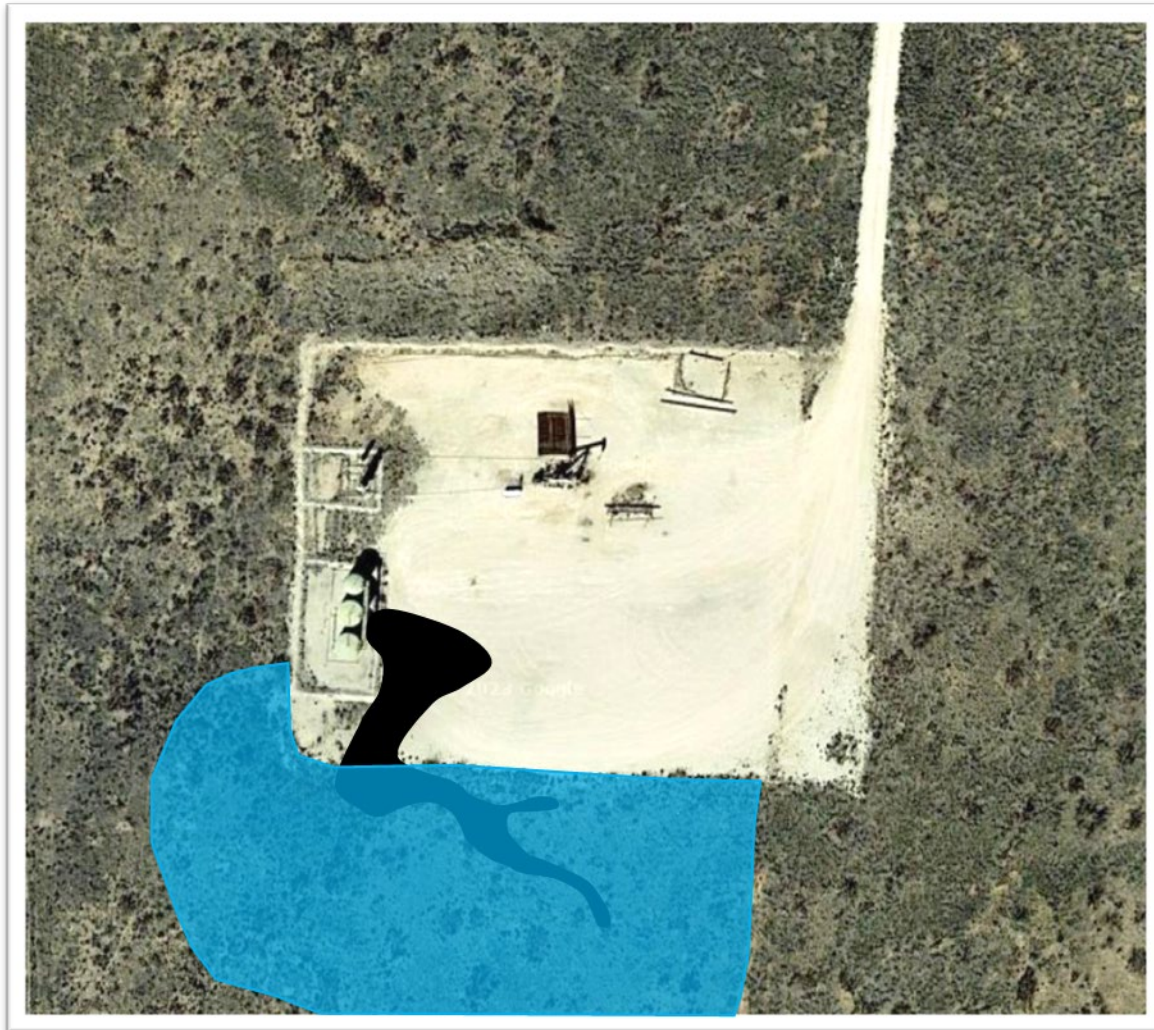
### **IF...**

- The APE is covered by a qualifying survey (within 10 years or approved by CRO)
- No cultural properties are present

### **...THEN no cultural resource survey is needed**

- Submit an ARMS review through the Cultural Compliance Web Portal
- Send a Coversheet to NMSLO CRO and ECO with “Remediation or Release” in the subject

**CRO will respond with a memo confirming review.**



## **Releases in Previously Undisturbed Space**

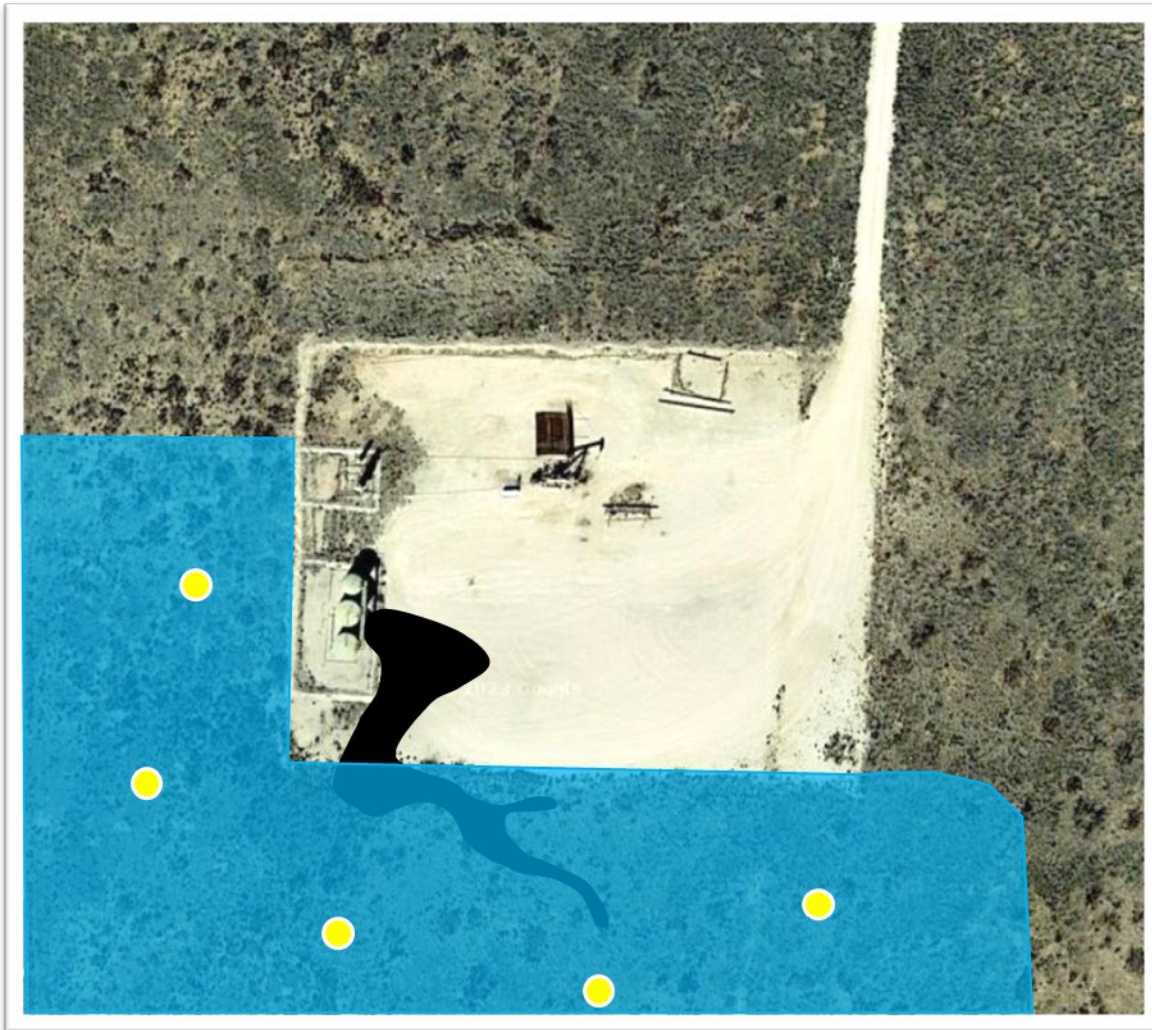
### **IF...**

- No previous cultural survey
- No delineation is needed

### **...THEN a cultural resource survey is needed**

- APE is 100-feet from the edge of the release
- Submit a Notification of Intent to Survey
- Submit a report in NMCRIS
- Send a Coversheet to NMSLO CRO and ECO with “Remediation or Release” in the subject

**CRO will respond with a memo confirming review.**



## **Releases in Previously Undisturbed Space with Remediation Activities in Undisturbed Space**

### **IF...**

- No previous cultural survey
- Delineation is needed

### **...THEN a cultural resource survey is needed**

- APE is 100-feet from the edge the furthest anticipated delineation samples
- Submit a Notification of Intent to Survey
- Submit a report in NMCRIS
- Send a Coversheet to NMSLO CRO and ECO with “Remediation or Release” in the subject

**CRO will respond with a memo confirming review.**