

# 106 SUCCESS STORY

## Innovative Approach is Model for Cultural Resource Management

Chaves, Eddy, Lea Counties, New Mexico



“Southeastern New Mexico used to be a place where both industry and the preservation community were frustrated with the way Bureau of Land Management archaeology was being done. The Permian Basin Agreement has transformed this area into an unprecedented example of how people with divergent interests can work together to achieve great things. We at BLM are very proud of the ‘win-win’ aspects of the PA and its outstanding track record of research and public benefits.”

— AMY LUEDERS

BLM New Mexico State Director



### THE STORY

The Mescalero Plain is a band of wind deposited sand and dunes in southeastern New Mexico, named for the Mescalero Apaches who once hunted the area. Evidence of Paleoindians dating to 5,000 BC illustrates thousands of years of mobile hunter-gatherer occupation on the Mescalero Plain. Part of the sparsely populated Chihuahuan Desert, the plain sits atop the Permian Basin, the largest oil and gas basin in North America. The first oil well in the Permian Basin in New Mexico was the Flynn, Welch, and Yates No. 1 drilled in 1924. By 2003, more than 300,000 acres managed by the Bureau of Land Management’s (BLM) field office had been surveyed for oil and gas projects, and more than 8,000 archaeological sites had been recorded.

### THE PROJECT

In New Mexico, most of the oil and gas development in the Permian Basin occurs on 2 million acres managed by the BLM Pecos District. The district processes thousands of oil-and-gas applications to drill annually, making it one of the busiest offices in the nation. For 30 years, BLM’s archaeological program was driven by industry’s needs—in the face of a proposed wellsite, the preferred action was “flag and avoid” (survey and record sites, and redesign projects to avoid the historic properties). As long as the spacing between developments allowed archaeologists to help industry move project footprints to avoid archaeological resources, preservation in place was a viable option. However, over time, intense development in some areas made it difficult to locate projects without harming archaeological sites. Many sites were being lost due to infrastructure maintenance, dune formation, and were ravaged by illegal artifact collecting. An alternative to “flag and avoid” was needed.

### THE 106 PROCESS

BLM was the federal agency responsible for conducting the Section 106 review process under the National Historic Preservation Act, which requires agencies to identify historic properties and assess the effects of the projects they carry out, fund, or permit on those properties. Federal agencies are required to consult with parties that have an interest in the fate of historic properties when adverse effects are likely to ensue.

Photos: Above, Taylor Mound; Right, oil spill site conference and petroglyph of butcher scene (photos courtesy BLM)

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Photos: Above, caravan carrying Permian Basin PA Workgroup members to a site visit in the oil field near Loco Hills, NM; Right, excavating Bloom Mound (photos courtesy BLM)

With an understanding of the existing situation, BLM and the New Mexico State Historic Preservation Officer built common ground among archaeologists, managers, tribes, and industry resulting in a collaborative approach to balancing energy development and archaeology. The fruits of their efforts were an improved approach, embodied in a Section 106 agreement that encompasses 1,700 square miles with the most active oil and gas areas. Operating under the agreement is voluntary—if a company chooses the agreement procedures, it contributes the cost of the archaeological survey into a mitigation pool. Under the terms of the agreement, the partners in the program collaborate to determine how the pool's funds are used, providing effective support for research and interpretation of the area's archaeology.



## THE SUCCESS

Since 2008, the oil industry has paid nearly \$11 million into the pool. Without the Permian Basin agreement, those funds would have been spent on thousands of small surveys. Instead, the pool has built a comprehensive field program, providing millions of dollars for archaeological research and studies that provide a foundation for understanding and managing the area's archaeological resources. Now all resources are managed through a Geographic Information System integrated with the New Mexico Cultural Resource Information System, replacing outdated records in an easy-to-access format. The system provides real-time pictures of surveyed areas and sites, indicating where work is needed. The pool supports educational materials and outreach events to engage locals with their heritage. Use of the agreement procedures gives industry more predictability and control over schedules and budgets needed to operate efficiently and demonstrates that cultural resources projects they fund have real-world benefits.

The original agreement was so successful that signatories are extending the program's life through a Programmatic Agreement for 10 more years. Innovative use of the Section 106 process shows that seven years of directed field research has done more to understand and manage the resources than 30 years of business as usual.

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 ACHP  
 New Mexico State Historic  
 Preservation Officer  
 Mescalero Apache Tribe  
 New Mexico Archaeological  
 Council  
 New Mexico Oil and Gas  
 Association  
 Independent Petroleum  
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 106 and the ACHP go  
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