

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 Data User Agreement and Proffer forms may be scanned and submitted via e-mail to cstein@blm.gov.

The BLM will provide the company with a shapefile 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. A cd with site location information will be provided for applicants without GIS capabilities.

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 or credit card payment for the project made payable to the "Bureau of Land Management" (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.

Note: when the applicant is ready to submit a Confirmation of Payment form it will speed

up the review if a project shapefile is sent to this e-mail address:
blm_nm_cfo_archeology@blm.gov. Use the project name on the Confirmation of Payment form in the e-mail address line.

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
(e-mail: bboeke@blm.gov)

Martin Stein (575) 525-4309
(e-mail: cstein@blm.gov)

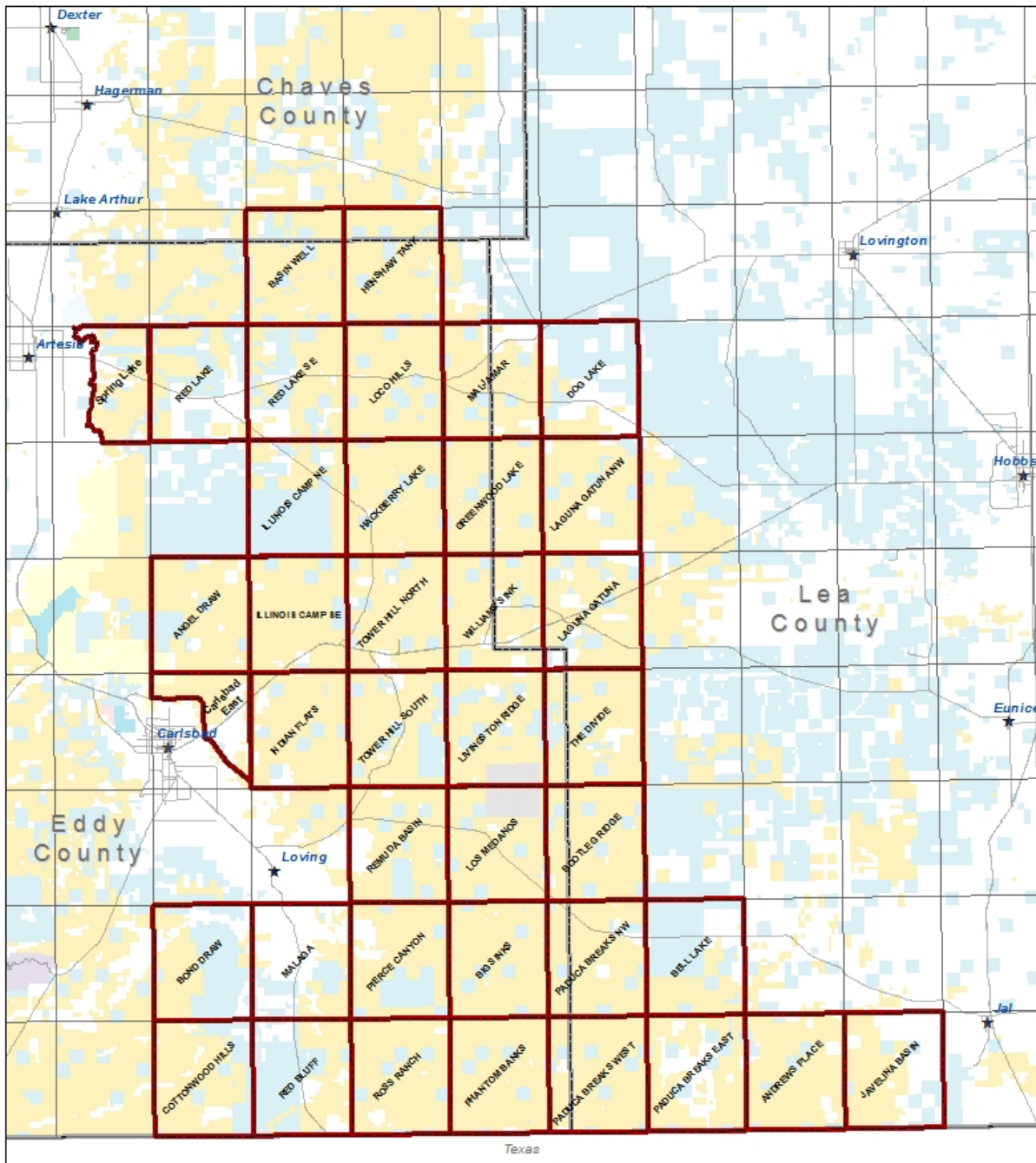
Elia Perez (575) 234-6231
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(e-mail: awhaley@blm.gov)

Garrett Leitermann (575) 234-2239
(e-mail: gleitermann@blm.gov)

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
8. Questions and Answers about Amendment 1 to the PA



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

Attachment 3 – Archeological Data User Agreement is a separate document (pdf file).

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

State	NM
Office	930
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.
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January 2019 – December 2019 Rates

PERMIAN BASIN PA FUNDING FORMULA

Block Project Space

\$201 per acre

Projects will be rounded to the nearest acre.

Block project space is to be used for any projects, such as well pads, booster stations, frac ponds, drill islands, reclamation or spill removal, or other industrial projects that are normally designed using square measurements for their footprints.

Linear Project Space

\$0.29 cents per linear foot

Linear project space is to be used for any projects, such as pipelines, access roads, flow lines, etc. that are normally designed using linear measurements for their footprints.

Linear Electrical Project Space

\$0.15 cents per linear foot

Linear electrical project space is specifically limited to electric distribution line projects.

Seismic Projects

\$475 per mile (this includes a base rate + costs for site recording, reroutes, and administration)

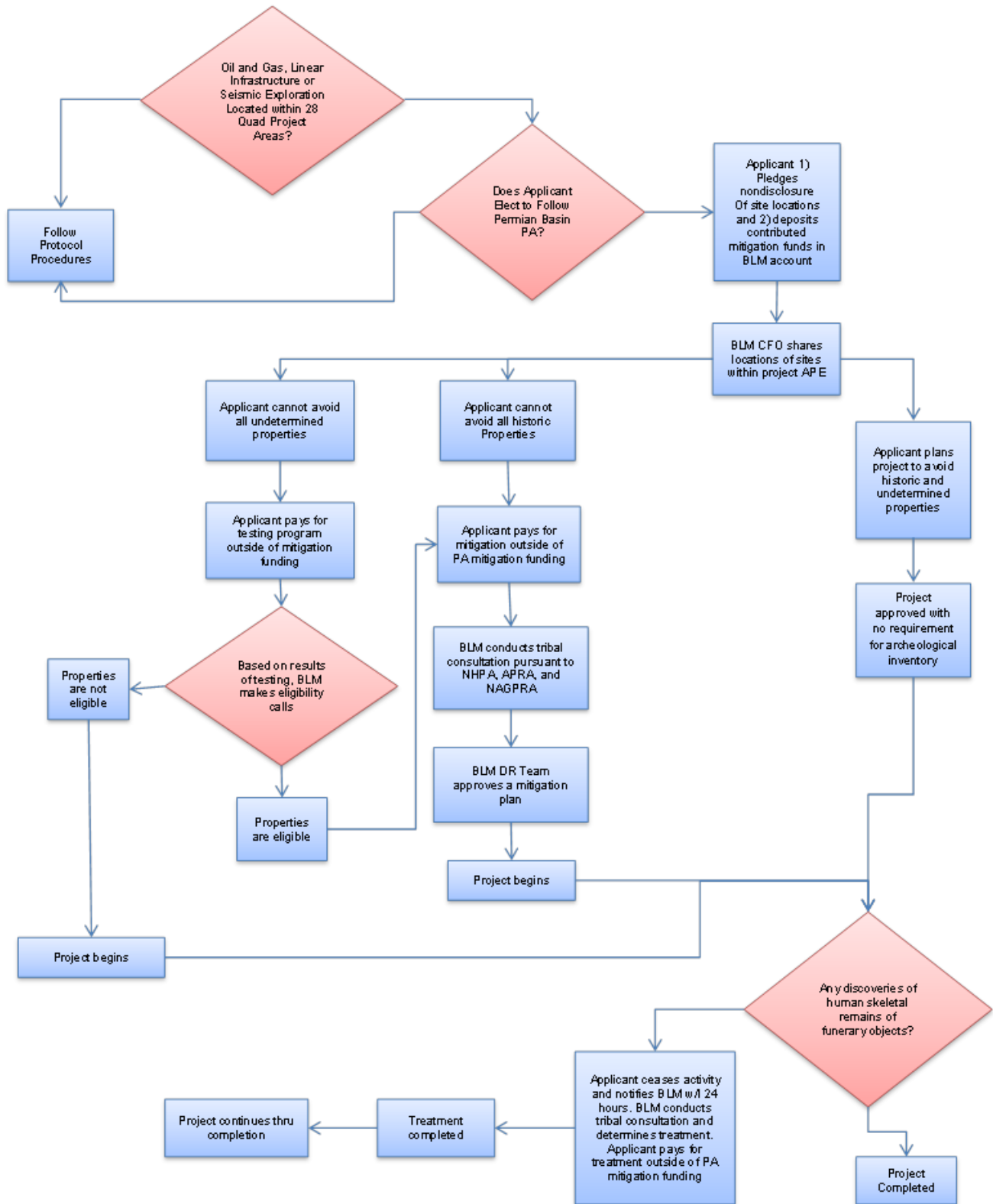
Projects will be rounded up to the nearest mile

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 in January of each year.

Attachment 6 - Confirmation of Payment Form is a separate document (pdf form).

Permian Basin Programmatic Agreement (PA) Procedures



Questions and Answers about the Permian Basin Programmatic Agreement (PA)

January 2018

1. How long has the PA been around?

The original PA was in effect from May 2013 to May 2016 (prior to that it was a Memorandum of Agreement or MOA for 5 years). A review and reauthorization of the program was required in order for it to continue. PA signatories were pleased with its operation and wanted it extended. The reauthorized PA is in effect for 10 years (May 2016 to May 2026).

3. Have there been many changes to the PA?

There have been four major changes to the PA from an applicant's viewpoint:

1) The PA area within the Carlsbad Field Office (CFO) was enlarged in 2016 in recognition of the expansion and increase in oil and gas drilling and an additional 11 quadrangle maps were added.

2) The PA rates were reduced by approximately 5% in 2016 to put them into line with costs industry was paying.

3) In 2018 the method of calculating project costs was changed to a per acre cost for Block Project Space (such as well pads, frac ponds, etc.) and a per foot cost for Linear Project Space, such as pipelines, electric lines, etc.

4) The PA rates are now tied to the Consumer Price Index and they will be adjusted in January of each year the PA is in effect. Formerly PA prices were increased by 3% each year on the May anniversary of the PA signing. Other changes to the PA are primarily administrative and do not affect PA users.

4. I was signed up for the existing PA (and its preceding MOA), do I have to sign up again?

No. Everyone using the existing PA (or signed up to use the PA) is still eligible.

5. Is there a charge to sign up for the PA?

No. There is no charge to sign up. The only payment that needs to be made is when a project is submitted for processing through the PA. Payment can be check or credit card.

6. What name should I put on the check?

Make the check payable to the Bureau of Land Management.

Questions and Answers about the
Permian Basin Programmatic Agreement (PA) continued:

7. Are there restrictions on using the PA?

The PA cannot be used on New Mexico State Trust land or land controlled by other subdivisions of the State of New Mexico (city, county, etc.). Any portion of a PA project located on state land must be reviewed under Section 106 of the National Historic Preservation Act (NHPA), as amended, and an archeological survey may be required.

The PA cannot be used for projects where another federal agency (for instance FERC as lead agency for a pipeline) is the lead for complying with Section 106 of the NHPA.

The PA cannot be used for interstate projects. Typical examples are interstate transmission lines and interstate highways, but this also includes a pipeline or flowline right-of-way from a well in New Mexico that goes into Texas. These projects must have Section 106 reviews and an archeological survey may be required.