

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240

August 31, 2005

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Ref: IM-2005-076  
IM-2003-147

EMS TRANSMISSION 09/06/2005  
Instruction Memorandum No. 2005-227  
Expires: 09/30/2006

To: All State Directors

From: Director

Subject: National Historic Preservation Act (NHPA) Section 106 and Oil and Gas Permitting DD: 01/31/06 & 07/30/06

**Program Area:** Cultural Resources and Fluid Minerals

**Purpose:** This Instruction Memorandum (IM) transmits the approved recommendations of the Task Force on the NHPA Section 106 and Applications for Permit to Drill (APDs), as outlined in the attached document (see Attachment 1). We thank you for your staff's participation in this effort and ask your assistance in carrying forward these recommendations.

**Policy and Action:**

The NHPA Section 106 and APD Task Force recommendations include actions to be implemented by the Washington Office (WO), the Bureau of Land Management (BLM) Preservation Board, and BLM State Offices. All State Directors are asked to assist in carrying forward these recommendations, by taking the actions described below. See the attachment for additional detail.

1. Improve cultural resource survey report quality by educating and monitoring contractors. The BLM State Offices are to conduct outreach with oil and gas operators and contractors to outline State and BLM inventory and reporting standards and requirements. Operators are to include all ancillary facilities associated with larger proposed plans of development in cultural resource survey reports. Cultural resource survey reports for well pads should include any ancillary facilities, if information is available. Outreach efforts should also outline BLM manual policies and protocols for resurvey, unanticipated discovery of cultural resources and surveying on private land. Most importantly, the outreach efforts need to outline BLM's permit compliance oversight and monitoring process.
2. Strengthen BLM/State Historic Preservation Officer (SHPO) partnerships. It is critical that BLM State Directors and other senior managers actively participate in partnering activities. Continued support of the BLM/SHPO data sharing effort to build comprehensive site and surveyed area databases is vital for improving the efficiency of Section 106 compliance. Interagency personnel agreements, development of best management practices for the APDs, collaboration on historic context development, and joint awards to industry are additional partnering suggestions.
3. Identify resources needed to respond to increased APD workloads as part of workforce planning and in the Budget Planning System. States are also encouraged to submit applications for the "Oil and Gas Technology Partnership for Federal Lands with the Forest Service and Department of Energy," administered by the WO-310 (see IM 2005-076 for more information).

We ask that State Directors from California, Colorado, Montana, Nevada, New Mexico, Utah and Wyoming report on their implementation of these recommendations for contractor education and monitoring and BLM/SHPO partnering within 6 months of receipt of this IM, with an update 12 months from receipt of the IM. The Assistant Director Minerals, Realty and Resource Protection will complete an analysis of the APD workload and funding distribution within 6 months of receipt of this IM and make the requisite adjustments in fund distribution at the next appropriate budget point.

**Background:** At the request of the Department of the Interior, Assistant Secretary for Lands and Minerals Management, Rebecca Watson and the invitation of the BLM Deputy Assistant Director, Bob Anderson, a task force was assembled under the leadership of Wyoming State Director, Bob Bennett, to review the NHPA Section 106 compliance in connection with processing (APDs).

The NHPA Section 106 and APD Task Force reviewed: governing laws; regulations; policies; APD data; comments from the 9 Field Offices with 80 percent of the APD workload; recommendations of previous APD task forces; existing guidance, including IM 2003-147 *Oil & Gas Operations and Cultural Resources*; and efforts currently underway that will improve the efficiency of APD processing.

Late or deficient survey reports, lack of baseline inventory information and historic context, and increased workload are viewed as challenges that State and Field Offices face in processing APDs. The Task Force reaffirmed the value of early coordination and submission of survey reports, “block surveys,” data automation, and regional planning models, as outlined in IM 2003-147. The Task Force also found opportunities for improvement in business practices, management practices, and the alignment of resources with respect to APD workload.

The results of their review and analysis were developed into the attached Action Plan for improving the efficiency of Section 106 compliance for APDs.

**Time Frame:** This instruction is in effect immediately.

**Manual/Handbook Sections Affected:** None

**Budget Impact:** Some of the recommendations in this report will have budgetary impacts and are contingent on funding.

**Energy Impact:** This policy as stated will have positive impacts on energy development.

**Coordination:** This IM was coordinated with the Cultural and Fossil Resources and Tribal Consultations (WO-240) and Fluid Minerals Groups (WO-310).

**Contact:** Please direct questions regarding this IM to Robin Burgess, BLM Preservation Officer, WO-240, at (202) 785-6581, or [Robin\\_Burgess@blm.gov](mailto:Robin_Burgess@blm.gov) or Tom Hare, Physical Scientist, WO-310, at (202) 452-5185, or [Tom\\_Hare@blm.gov](mailto:Tom_Hare@blm.gov).

Signed by:  
Lawrence E. Benna  
Acting Director

Authenticated by:  
Barbara J. Brown  
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1 Attachment

[1 – Action Plan \(6 pp\)](#)

**Bureau of Land Management**

**TASK FORCE**

**THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106  
AND APPLICATIONS FOR PERMIT TO DRILL**

**RECOMMENDATIONS AND ACTION PLAN**

**Task Force Members:**

Bob Anderson, DAD, Minerals, Realty and Resource Protection, Washington Office  
Bob Bennett, State Director, Wyoming  
Robin Burgess, Preservation Officer, Washington Office  
Howard Clevinger, Petroleum Engineer, Vernal, Utah  
Jerry Crockford, Right-of-Way Project Manager, Farmington, New Mexico  
Carsten Goff, DSD, Minerals, New Mexico (now Special Assistant, Idaho)  
Dan Haas, Deputy Preservation Officer, Colorado  
Tom Hare, Natural Resource Specialist, Fluid Minerals Division, Washington Office  
Don Simpson, DSD, Resources, Wyoming  
Gary Smith, Deputy Preservation Officer, Montana  
Dennis Stenger, Field Office Manager, Buffalo, Wyoming

## **BEST BUSINESS PRACTICES**

### **GOAL: Efficient Processing of Applications for Permit to Drill (APDs)**

1. Objective: Promote timely submission of complete cultural resource inventory reports for each APD.

Action: Issue WO IM requiring the following (WO-200/300):

- Industry submission of a complete cultural resource inventory report that meets current reporting standards for each APD;
- Inclusion of the well pad and all ancillary facilities in each inventory report;
- State outreach workshops with oil and gas operators and contractors to impart inventory/report standards and advantages of block surveys, encourage good quality and timely reports, and convey current manual policy on resurvey criteria and unanticipated discovery of cultural resources; and
- Quality control and cultural contractor permit compliance.

Timeframe: August 2005 for issuance of IM

Action: Assure revisions to Onshore Order No. 1 and the Gold Book reflect this policy (WO-300 lead).

Timeframe: October 2005 for Onshore Order No. 1; and September 2005 for Gold Book

2. Objective: Improve automated tracking and recordation process to ensure more precise management of APDs by managers, SHPO and industry.

Action: Add new tracking Automated Fluid Minerals Support System (AFMSS) data fields and ensure consistent data entry (WO-300 lead).

Timeframe: February 2005 (Completed)

Action: Monitor applicability of Wyoming SHPO project tracking software, currently being tested in Wyoming, for distribution Bureauwide (WO-200 lead).

Timeframe: December 2005

3. Objective: Clarify tribal consultation requirements for oil and gas actions, including planning, leasing and APD approval.

Action: Develop program guidance for Mineral Leasing Act leasing actions and associated NHPA Section 106 tribal consultation requirements as a WO IM (WO-200/300 joint lead).

Timeframe: October 2004 (IM No. 2005-003 issued 5 Oct 04).

## **ENHANCED BLM/SHPO PARTNERING AND DEVELOPMENT OF BEST MANGEMENT PRACTICES**

**GOAL: Maintain strong and effective working relationships between the BLM and the SHPOs**

1. Objective: Work with SHPOs to improve APD processing.

Action: Discuss relationship building with SHPOs at Executive Leadership Team (ELT) meetings, including such things as interagency personnel agreements (IPA), regular State Director (SD)/SHPO meetings, joint recognition of good industry performers, and other improved business practices. Present at ELT and follow up as needed with a WO IM (WO-200/300).

Timeframe: October 2005

2. Objective: Assist SHPOs with development of cultural resource context studies and planning efforts needed to expedite and support more informed and consistent cultural resource site evaluations, and reduce consultation times.

Action:

- Encourage partnering with SHPOs and other agencies to identify context and planning needs and strategies in a presentation at the ELT (WO-200).

Timeframe: October 2005

- States, in consultation with SHPOs, identify context and planning needs in support of standardized cultural resource evaluations.

Timeframe: March 2006

- States, in consultation with SHPOs, develop a long-term strategy for implementation of context and planning needs.

Timeframe: November 2006

3. Objective: Support continued work with SHPOs on data sharing projects to allow rapid retrieval of information for cultural resource reports.

Action: Continue our commitment to building joint BLM/SHPO site and inventory databases for cultural resources (WO-200/300/800).

Timeframe: Immediate

4. Objective: Work with SHPOs and industry to establish Best Management Practices (BMPs) by cultural property type to reduce consultation times.

Action: Ask Preservation Board to prepare guidelines that states can use to develop BMPs for specific property types in consultation with SHPOs and industry as appropriate.

Timeframe: December 2005 (WO-200/300)

Attachment 1-4

## **GETTING RESOURCES ON THE GROUND WHERE NEEDED**

**GOAL: Align resources to APD workload (9 Field Offices complete 80 percent of the APDs)**

1. Objective: Evaluate workforce through current workforce planning efforts or other ongoing processes in states with significant APD workloads.

Action: Evaluate current SHPO and the BLM staffing and the APD workload at the field level, develop briefing packages, and brief appropriate agencies, congressional staff to allow our clients, i.e., Congressional, industry, governmental, to understand the needs in these key areas (recognize 60 percent of SHPO funding is derived from the National Park Service (NPS)) (WO-200/300 and SDs; WO-300 will provide information on APD workload to WO-200; WO-200 will develop a white paper for Director).

Timeframe: January 2006

2. Objective: Target areas where large scale inventories on public surface would be beneficial for development planning and the APD processing, by saving time and money over case-by-case inventories.

Action:

- Prioritize areas for large scale block inventories; Timeframe: October 2005 for initial information, with follow-up in December 2005;
- Seek BLM and industry cooperative funding opportunities and appropriations (WO-300/200).

Timeframe: November 2005

## **ONGOING OR COMPLETED ACTIONS RESULTING IN IMPROVED APD PROCESSING**

1. Nevada Railroad/Pine Valley cultural resource data automation and management model, developed in partnership with the Department of Energy (DOE) and Nevada Division of Minerals. The study established a Geographic Information System (GIS) and database for all cultural resources in these areas and resulted in BMPs for cultural resources.
2. New Mexico landscape modeling for the Fruitland Gas Field project. New Mexico is using automated site records to prepare a technical synthesis of two decades of research based on the Fruitland regional research design.
3. The DOE Preferred Upstream Management Practices (PUMP) III grant of \$1,416,121 for an adaptive management model for oil and gas areas in southeast New Mexico and the Powder River Basin, Wyoming. The project will result in sensitivity models to assist in the development of inventory strategies and reduce costs in low potential areas. The BLM and the SHPOs are partners in the project.
4. The BLM/SHPO data sharing project in all BLM States. This project supports the SHPO development and maintenance of a central database and GIS for sites and inventory data to allow rapid data access and reduce the need for resurvey.
5. Project tracking software developed by the Wyoming SHPO to track cultural resource projects and allow real-time access to project status by industry, the BLM, and the SHPO.
6. The IM WO 2003-147 that encourages early coordination, block surveys, timely completion of surveys, data sharing, and regional modeling.
7. The IM WO 2004-020 that establishes a Global Positional System (GPS) standard for recording of cultural resources to provide accurate and easily retrievable location information for project and site data.
8. Wyoming pilot BLM/SHPO liaison position will coordinate and facilitate the NHPA Section 106 issues among the SHPO, the BLM Field Offices, and industry. The objective of this position is to resolve APD/Section 106 issues more quickly. Specific recommendations for process changes will be finalized when the liaison and the new Wyoming SHPO are in place. Results will be available by July 2005.
9. Through establishment of a BLM/SHPO liaison position, Wyoming BLM will revise their Protocol with the SHPO under the BLM national Programmatic Agreement, to make the NHPA Section 106 consultation process more efficient, and speed up review of cultural inventory and evaluation reports by establishing thresholds for SHPO review based on historic contexts and cultural resource types, rather than project types. Results will be available to WO-200 and WO-300 by December 2005.