

**UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
GULF OF MEXICO OCS REGION**

NTL No. 2005-G07

Effective Date: July 1, 2005

**NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL, GAS, AND SULPHUR
LEASES AND PIPELINE RIGHT-OF-WAY HOLDERS IN THE
OUTER CONTINENTAL SHELF, GULF OF MEXICO OCS REGION**

Archaeological Resource Surveys and Reports

Authority

According to the requirements of the National Historic Preservation Act of 1966 (NHPA), as amended, and other applicable laws and regulations, the Minerals Management Service (MMS) is responsible for ensuring that archaeological resources on the Outer Continental Shelf (OCS) are not damaged or destroyed by oil, gas, and sulphur operations. Archaeological resources are any material remains of human life or activities that are at least 50 years of age and that are of archaeological interest (see [30 CFR 250.105](#)).

This Notice to Lessees and Operators and Pipeline Right-of-way Holders (NTL) is issued pursuant to 30 CFR 250.103 and supersedes NTL No. 2002-G01, dated March 15, 2002.

Purpose

This revised NTL provides guidance on MMS regulations regarding archaeological discoveries. It clarifies when you must report discoveries to MMS, states that you are responsible for conducting discovery investigations and assessments, and reminds you of the penalties that could be assessed for non-compliance. It announces changes to deepwater survey requirements by increasing the number of archaeologically sensitive OCS blocks. It also makes numerous technical amendments and updates cited regulatory authorities.

Background

Section 106 of the NHPA (16 U.S.C. 470(f)) requires that MMS take into account the effect of a proposed project on any historic property (i.e., archaeological resource) and to afford the Advisory Council on Historic Preservation an opportunity to comment. The procedures outlined in this NTL are the means by which MMS ensures compliance with the requirements of Section 106 of the NHPA and the implementing regulations at 36 CFR part 800.

Studies conducted on behalf of MMS (completed in 1977, 1989, and 2003) have developed, for resource management purposes, predictive models of where archaeological resources are likely to occur on the OCS in the Gulf of Mexico. These resources may be of two types: (1) drowned terrestrial prehistoric sites dating to the Late Pleistocene/Early Holocene period when sea levels were substantially lower than today; and (2) historic sites such as shipwrecks or lighthouses. The MMS Gulf of Mexico OCS Region (GOMR) uses the results of these studies to determine which OCS areas have the highest potential for archaeological resources. The MMS has issued regulations at [30 CFR 250.194, 250.203\(b\)\(15\), 250.203\(o\), 250.204\(b\)\(8\)\(v\)\(A\), 250.204\(s\), and 250.1007\(a\)\(5\)](#) that require OCS lessees and operators and pipeline right-of-way holders to conduct surveys within these areas of high archaeological potential and to submit the results to MMS.

The above-cited regulations require that you include archaeological resource reports with your Exploration Plans (EP), Development Operations Coordination Documents (DOCD), and pipeline applications. The purpose of these reports is to provide information for the MMS GOMR to use for determining the potential existence of archaeological resources that may be affected by proposed operations. These reports are based primarily on an assessment of data obtained from remote-sensing surveys.

MMS GOMR Notification

To determine whether you need to conduct an archaeological resource survey (as authorized by [250.203\(o\), 250.204\(s\), and 250.1007\(a\)\(5\)](#)) and submit an archaeological resource report (as required by [250.203\(b\)\(15\), 250.204\(b\)\(8\)\(v\)\(A\), and 250.1007\(a\)\(5\)](#)), consult the list on the MMS Internet website at: <http://www.gomr.mms.gov/homepg/regulate/environ/archaeological/surveyblocks.pdf>. The website listing serves as the written notification the MMS GOMR makes according to [30 CFR 250.194\(a\)](#). Conduct the survey and prepare the report if the OCS block(s) covered by your lease or pipeline right-of-way appears on the list.

On the basis of recent archaeological discoveries, the MMS GOMR has reevaluated deepwater OCS blocks on the approach to the Mississippi River and added these blocks to the list on the MMS Internet website of those OCS blocks requiring an archaeological survey and report. For those OCS blocks, this NTL serves as the written notice required by 30 CFR 250.194(a). On a case-by-case basis, the MMS GOMR will inform you by letter if we change the archaeological survey or report requirements for an OCS block because of new information.

Required Notification of the Discovery of Shipwrecks on the Seafloor (30 CFR 250.194(c) and 30 CFR 250.1010(c))

If you discover man-made debris that appears to indicate the presence of a shipwreck (e.g., a sonar image or visual confirmation of an iron, steel, or wooden hull, wooden timbers, anchors, concentrations of man-made objects such as bottles or ceramics, piles of ballast rock) within or adjacent to your lease area or pipeline right-of-way during your shallow hazard survey, diver inspection, or remotely operated vehicle (ROV) inspection, you must immediately halt operations, take steps to ensure that the site is not disturbed in any way, and contact the Regional Supervisor, Leasing and Environment, within 48 hours of its discovery. You must cease all operations within 1,000 feet (305 meters) of the site until the Regional Director instructs you on what steps you must take to assess the site's potential historic significance and what steps you must take to protect it. ***NOTE: Under section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h-2[g]), MMS may charge Federal permittees for costs related to historic preservation activities.***

Archaeological Resource Surveys

Conduct archaeological resource surveys using the pattern and data acquisition instrumentation guidelines in **Appendix No. 1** of this NTL. Since archaeological resource surveys are often similar to other required remote-sensing surveys (e.g., shallow hazards surveys and live-bottom surveys), the MMS GOMR encourages you to conduct these surveys concurrently. Submit your written requests under paragraphs C, D, and E below to the appropriate MMS GOMR office (refer to paragraph B under the **Contacts and Mailing Addresses** section below for mailing addresses).

A. If your lease was issued *before* December 1973, you do not need to conduct an archaeological resource survey to cover your proposed seabed-disturbing lease activities, as long as the activities will take place within 152 meters (500 feet) of the center of a production facility installed before November 21, 1994, or in the disturbance corridor of a lease term pipeline installed before November 21, 1994.

B. If your lease was issued *after* December 1973, you do not need to conduct an archaeological resource survey to cover your proposed seabed-disturbing lease activities, including lease term pipelines, if you have previously conducted a lease survey (see Appendix No. 1, Section III.A) *for that lease* under the guidelines of the MMS GOMR NTL in place at the time you performed the survey, provided that the survey data were collected utilizing DGPS or equivalent positioning and are of sufficient quality to provide an accurate assessment of the seafloor.

C. If you have been directed by the MMS GOMR to conduct an archaeological resource survey, but you believe that you can prepare an acceptable archaeological resource report based on existing survey data (including data collected for an OCS block when it was previously leased) or other available information, submit a written request to the MMS GOMR Plans Section (for lease or site-specific surveys) or the MMS GOMR Pipeline Section (for pipeline surveys) for approval to use existing survey data in lieu of conducting a new survey. In your request, include a discussion of your rationale and a copy of any existing archaeological resource reports.

D. If you have been directed by the MMS GOMR to conduct an archaeological resource survey, but you believe that previous seafloor disturbances in the area would severely hinder your ability to gather useful information, submit a written request to the MMS GOMR Social Sciences Unit for approval to waive the survey. In your waiver request, include a discussion of your rationale and an "as-built" plat of your lease or pipeline right-of-way that depicts all existing facilities and pipelines and the location(s) of the proposed seabed-disturbing activities. Include also a statement, prepared and signed by a professional archaeologist (as defined in 36 CFR part 61), that supports your waiver request.

E. If you have been directed by the MMS GOMR to conduct an archaeological resource survey, but you would like to use a survey pattern or survey data acquisition instrumentation different from that specified in **Appendix No. 1** of this NTL, submit a written request to the MMS GOMR Social Sciences Unit for approval. In your request, include a description of the alternate pattern or instrumentation and a discussion of your rationale. ***Please be advised that the MMS GOMR will not approve requests to use 3-D seismic information as a substitute for high-resolution sidescan sonar data for archaeological surveys on OCS lease blocks.***

F. If the area you plan to survey is located in water depths greater than 200 meters (656 feet), you may perform the archaeological resource survey at 300-meter line spacing. In these water depths, you may also forego collecting magnetometer data.

Archaeological Resource Reports

Prepare archaeological resource reports using the guidelines in **Appendix No. 2** of this NTL. The MMS GOMR encourages you to submit archaeological resource reports (when required) with shallow hazards reports (see [NTL No. 98-20](#), dated September 15, 1998), since these reports are similar. Submit archaeological resource reports under paragraph A below and any written requests under paragraphs C and D below to the appropriate MMS GOMR office (refer to paragraph B under the **Contacts and Mailing Addresses** section below for mailing addresses).

A. In order to minimize possible delays in the review of your EP, DOCD, or pipeline application by the MMS GOMR, you may submit an archaeological resource report to the MMS GOMR Plans Section (reports for leases and well sites) or the MMS GOMR Pipeline Section (reports for right-of-way pipelines) before you submit the related EP, DOCD, or pipeline application.

B. Whether you include the report with your EP, DOCD, or pipeline application or submit it separately in advance, provide an original hard copy report and two (2) identical copies. In lieu of submitting a hard copy report, you may prepare the report in digital format and submit three (3) separate CD-ROM^s. If you do, provide two (2) full-scale paper copies of the Shallow Hazards and Archaeological Anomalies Map (see **Appendix No. 2**, Sections I and II.D) with the CD-ROM^s. Submission of digital copies of reports and maps may expedite the review of your EP, DOCD, or pipeline application.

C. If you have been directed by the MMS GOMR to prepare an archaeological resource report, but you believe that preparation of a

report is not feasible or cannot be accomplished, submit a written request to the MMS GOMR Social Sciences Unit to forego the report. In your request, include a discussion of your rationale and an "as-built" plat (drawn to a scale of 1 inch = 1,000 feet) of the subject OCS block or pipeline route that depicts all existing facilities (including pipelines) and the location of the proposed seabed-disturbing activities. As appropriate, you may combine your request with a related request to waive or alter an archaeological resource survey described in the preceding section of this NTL.

D. If an archaeological resource report was prepared under the guidelines of NTL 2002-G01 for an OCS block that was leased previously, that report may still be acceptable for activities proposed in EP ²¹/₁₁s, DOCD ²¹/₁₁s, and lease-term pipeline applications submitted under a new lease on the same OCS block. In this case, you may submit a written request to the MMS GOMR Plans Section that the MMS GOMR accept the archaeological resource report prepared for the expired or relinquished lease (in lieu of preparing a new report). In your request, include a clean copy of the previously prepared archaeological resource report. ***Make sure that you submit your request before you submit the related EP, DOCD, or lease-term pipeline application.*** As appropriate, you may combine your request with a related request to waive or alter an archaeological resource survey described in the preceding section of this NTL.

NOTE: Because of significant differences in the required survey instrumentation, survey reports prepared for an expired lease under NTL ²¹/₁₁s in effect before implementation of NTL No. 2002-G01 on March 15, 2002, most likely will not be acceptable.

Reviewing Archaeological Resource Reports

After you submit an archaeological resource report, the MMS GOMR will

A. Determine whether the archaeological resource report is adequate and complete and evaluate your geophysical interpretations and archaeological conclusions.

B. If the archaeological report is not adequate or complete, notify you in writing of the problems and identify the data or information necessary to correct or complete the report.

C. After reviewing your archaeological resource report, notify you in writing of any mitigating measures or operational restrictions that the MMS GOMR may impose on future activities.

Protecting Potential Archaeological Resources

When the MMS review of your archaeological survey and report indicates a seafloor feature that may be an archaeological resource within the immediate area of any proposed operations, you can either:

A. Avoid the feature by a minimum distance specified by the MMS GOMR; or

B. Establish, on the basis of further investigation conducted under the direction of a professional archaeologist and using such equipment and techniques the MMS GOMR Social Sciences Unit (SSU) deems necessary, that the operations will not adversely affect the potential archaeological resource. If you choose to investigate the feature, contact the MMS GOMR SSU at least two (2) weeks before you plan to commence the field investigations. For guidance on conducting these investigations, you may consult the MMS Internet website at <http://www.gomr.mms.gov/homepg/regulate/envirom/archaeological/evaluation.html>.

Penalties

Failure to comply with MMS regulations with respect to archaeological resources can result in civil penalties under 30 CFR 250.1404. In addition, Section 110(k) of the National Historic Preservation Act (16 U.S.C. 470h-2[k]) prohibits a Federal agency from granting a loan, loan guarantee, permit, license, or other assistance to an applicant who, with the intent to avoid the requirements of Section 106 of the Act, has intentionally, significantly, and adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed such adverse effect to occur, unless the agency, after consultation with the Advisory Council for Historic Preservation, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant (see 36 CFR 800.9[c][1]).

Paperwork Reduction Act of 1995 (PRA) Statement

This NTL provides clarification, description, and interpretation of requirements contained in 30 CFR 250, subparts A, B, and J, regarding archaeological resource surveys and reports. The Office of Management and Budget (OMB) has approved the information collection requirements in these regulations under OMB Control Nos. 1010-0114 for subpart A (expires October 31, 2007), 1010-0049 for subpart B (expires August 31, 2006), and 1010-0050 for subpart J (expires January 31, 2006). This NTL does not impose additional information collection requirements subject to the Paperwork Reduction Act of 1995.

Contacts and Mailing Addresses

A. Contacts

The following chart provides contact names, telephone numbers, and e-mail addresses if you have any questions on archaeological resource surveys or reports.

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For...	Contact	At...	Or at...
Archaeological resource reports in EPIS and DOCDIS	Mr. Nick Wetzel	Nick.Wetzel@mms.gov	(504) 736-2419
Archaeological resource reports in pipeline applications	Mr. Alex Alvarado	Alex.Alvarado@mms.gov	(504) 736-2547
Conducting archaeological resource surveys or preparing archaeological resource reports	Dr. Jack Irion, Mr. David Ball, Dr. Chris Horrell	Jack.Irion@mms.gov David.Ball@mms.gov Christopher.Horrell@mms.gov	(504) 736-1742 (504) 736-2859 (504) 736-2796
Notification of the Discovery of Shipwrecks	Mr. Joe Christopher	Joseph.Christopher@mms.gov	(504) 736-2788

B. Mailing Addresses

The following provides the mailing addresses for the respective MMS GOMR offices where you submit archaeological resource reports and any requests regarding archaeological resource surveys or reports.

For...	Insert in (1) below	Insert in (2) below
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MMS GOMR Plans Section	Field Operations	Plans Section (MS 5230)
MMS GOMR Pipeline Section	Field Operations	Pipeline Section (MS 5232)
MMS GOMR Social Sciences Unit	Leasing and Environment	Social Sciences Unit (MS 5411)

U.S. Department of the Interior
Minerals Management Service
Gulf of Mexico OCS Region

Office of _____ (1)
Attention: _____ (2)

1201 Elmwood Park Boulevard
New Orleans, Louisiana 70123-2394

[original signed]

Chris C. Oynes
Regional Director

Appendices