

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT
ALASKA REGIONAL OFFICE**

BOEM NTL No. 05-A03

Effective: July 25, 2005

Re-issued: June 24, 2020

NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL AND GAS LEASES
IN THE ALASKA OUTER CONTINENTAL SHELF (OCS)

**Archaeological Survey and Evaluation for Exploration
and Development Activities**

Authority

The Outer Continental Shelf Lands Act (OCSLA) includes provisions addressing properties that are historically or archaeologically significant and authorizes the Secretary of the Interior to issue a permit for geological explorations only if the Secretary determines, in accordance with regulations issued by the Secretary, that such explorations will not disturb any site, structure, or object of historical or archaeological significance (43 U.S.C. 1340(g)). The Bureau of Ocean Energy Management (BOEM) has issued regulations addressing OCSLA requirements for these properties at 30 CFR 550.194.

The BOEM regulations are complemented by requirements of the National Historic Preservation Act of 1966 (NHPA), as amended (54 U.S.C. 304101), and regulations issued under the NHPA by the Advisory Council on Historic Preservation (Council or ACHP), particularly those implementing 54 U.S.C. 306108 (Section 106 of the NHPA). Section 106 of the NHPA requires BOEM to take into account the effect of its actions on any historic property and afford the Council a reasonable opportunity to comment.

Purpose

BOEM is reissuing this Notice to Lessees and Operators (NTL) to comply with Executive Order (E.O.) 13891 of October 9, 2019, *Promoting the Rule of Law Through Improved Agency Guidance Documents*; and the Office of Management and Budget (OMB) Memorandum, M-20-02, implementing the E.O.; and to better track the requirements of 550.194.

This NTL is intended to clarify when the Regional Director may require you to submit an archaeological resource report with your Exploration Plan (EP) or Development and Production Plan (DPP) pursuant to 550.194 and provides recommendations on how you should prepare such a report if required to do so by the Regional Director.

Pursuant to 550.194, an archaeological report may be required for lease areas when the Regional Director has “reason to believe that an archaeological resource may exist” 30 CFR 550.194(a). The Preamble to the regulation states that “‘reason to believe’ is

established by a technical analysis of *existing* archaeological, geological, and other pertinent environmental data.” See 71 Fed. Reg. 23,858 (Apr. 25, 2006) (emphasis added). If the archaeological report suggests that an archaeological resource may be present, you must either locate the site of any operation so as not to adversely affect the area where the archaeological resources may be (550.194(a)(1)), or conduct further archaeological investigation to establish to the satisfaction of the Regional Director that an archaeological resource does not exist or will not be adversely affected by the operations (550.194(a)(2)).

You should be aware that an archaeological survey is typically needed to meet the requirements of the second option.

This NTL also provides guidance on the BOEM regulations regarding archaeological resources you discover while conducting operations in the area of your lease. It clarifies when you must halt operations and report discoveries to BOEM, states that you are responsible for conducting discovery investigations and assessments, and reminds you of the penalties that could be assessed for non-compliance.

Background Regarding 550.194

BOEM’s procedure for protecting archaeological resources is set out in 550.194, *How must I protect archaeological resources?* That section provides:

- a) If the Regional Director has reason to believe that an archaeological resource may exist in the lease area, the Regional Director will require in writing that your EP or DPP be accompanied by an archaeological report. If the archaeological report suggests that an archaeological resource may be present, you must either:
 - 1) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be; or
 - 2) Establish to the satisfaction of the Regional Director that an archaeological resource does not exist or will not be adversely affected by operations. This requires further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques the Regional Director considers appropriate. You must submit the investigation report to the Regional Director for review.
- b) If the Regional Director determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, the Regional Director will notify you immediately. You must not take any action that may adversely affect the archaeological resource until the Regional Director has told you how to protect the resource.
- c) If you discover any archaeological resource while conducting operations in the lease or right-of-way area, you must immediately halt operations within the area of the discovery and report the discovery to the BOEM Regional Director. If investigations determine that the resource is significant, the Regional Director will tell you how to protect it.

Archaeological resources are defined in BOEM regulations as any material remains of human life or activities that are at least 50 years of age and that are of archaeological interest (30 CFR 550.105). These resources also generally meet the definition of “historic properties” in the ACHP regulations (36 CFR 800.16(l)(1)).

Potential submerged archaeological resources range from historic to prehistoric. Historic resources include man-made objects or structures older than 50 years, such as shipwrecks, submerged structures, and aircraft. Prehistoric archaeological resources may occur in areas that were subaerially exposed during the low stand of sea level approximately 13,000 years before present (generally 60 meters below sea level on the Alaska OCS). Relict terrestrial landforms, such as preserved levees or terraces associated with paleo-river channels, river confluences, ponds, lakes, lagoons, or paleo-shorelines, are areas where archaeological sites are most likely to occur.

The ACHP regulations, at 36 CFR 800.4(a)(1)-(4), require BOEM to determine the area of potential effects and then: 1) Review existing information on historic properties; 2) Seek information from parties likely to have knowledge about historic properties in the area; and, 3) Gather information from appropriate Indian tribes and Native Hawaiian organizations. The ACHP regulations define the “area of potential effects” to mean the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (36 CFR 800.16(d)).

Once the area of potential effects has been determined, the ACHP regulations provide that the agency (BOEM) take the steps necessary to identify historic properties within the area. The regulations require *a reasonable and good faith effort* to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Agencies are also required to take into account past planning, research and studies, the magnitude and nature of the undertaking and the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects. The agency official (BOEM Regional Director) is also expected to consider other applicable professional, State, tribal and local laws, standards and guidelines (36 CFR 800.4(b)). The ACHP regulation at 36 CFR 800.5(a)(1) states that adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative. The Secretary’s Standards and Guidelines for Identification, developed by the National Park Service in 1983, provide guidance on identification of historic properties (48 Fed. Reg. 44,716-42).

BOEM Notification

If the Regional Director has reason to believe that an archaeological resource may exist in the area of your lease in consideration of the provisions for historic property identification based on a review of available information, such as the results of the operator’s shallow hazards survey

required under 30 CFR 550.214 (e), archival reviews, studies, or other information, the Regional Director will require, in writing, that you submit an archaeological resource report with your EP or DPP application. See 30 CFR 550.194(a). The archaeological report is expected to contain sufficient information to enable the Regional Director to evaluate whether an archaeological resource may be present. If the archaeological report suggests that an archaeological resource may be present, you must either locate the site of any operation so as not to adversely affect the area where the archaeological resources may be (550.194(a)(1)), or conduct further archaeological investigation to establish to the satisfaction of the Regional Director that an archaeological resource does not exist or will not be adversely affected by the operations (550.194(a)(2)), which typically will require a field survey.

Archaeological Resource Reports

BOEM recommends that you prepare archaeological resource reports in accordance with the guidelines in this section. Conducting a combined geohazards and archaeological field survey before submitting a report may expedite review of your EP or DPP application by reducing requests under 30 CFR 550.194(a)(2) for additional information later. Such survey, if you choose to conduct one, may be combined with your shallow hazards survey. You are encouraged to submit archaeological resource reports (when required) with shallow hazards reports (see NTL 05-A01, Shallow Hazards Survey and Evaluation for OCS Exploration and Development Drilling, effective July 25, 2005, at <https://www.boem.gov/sites/default/files/regulations/Notices-To-Lessees/2005/05-a01.pdf>) since these reports are similar.

If you conducted an archaeological resource survey, your archaeological resource report should present data, maps, graphs, and tables to support all survey interpretations and evaluation conclusions. Conclusions should be documented and explained in the text, with figures, maps, and interpreted data records.

Identification and discussion of geologic conditions, features, and potential archaeological resources should be clear and organized. References cited in the text should be included in a Reference Section.

Paper copies of data should be of optimal quality and over-sized pages Z-folded with identification labels and data headers exposed to facilitate ease of handling during interpretation. You should annotate line crossings and corresponding shot-points on the records. You should not make interpretative markings on the data portion of the *original* records. Non-original report data records should have fixed marks with shot point numbers at 100 m or other appropriate intervals. The report should display page records/data oriented consistently, dependent upon survey orientation/runs, such as: west to the left, or north to the left.

The survey geophysicist and a qualified archaeologist should sign the report.

You should submit two copies of the report to the Regional Supervisor, Office of Leasing and Plans (RS/LP), in conjunction with the EP and DPP.

BOEM also recommends including the following information (if it is not described in the Hazards Survey Report) in the archaeological resource report. If this information is in the Hazards Survey Report, please reference that report for the following information:

- A. A description of the area surveyed including lease number(s), block number(s), and water depth. Include a page-size map(s) showing the survey area(s) in relation to the proposed activity and the geographic area indicating lease and block numbers.
- B. A listing of personnel and duties for individuals involved in survey planning, survey conduct, and report preparation.
- C. A discussion of the archaeological resources field survey, including the following:
 - 1) A brief description of the navigational system with a statement of its estimated accuracy for the area.
 - 2) A brief description of survey instrumentation including scale, sensitivity settings, and tow depths where appropriate.
 - 3) A description of the survey vessel including vessel size, sensor configuration, navigation antenna location, and cable size.
 - 4) Vessel speed and course.
 - 5) Sea state and weather conditions.
 - 6) A copy of the daily survey operations log.
 - 7) A description of survey procedures including a statement of survey and recording quality, a comparison of survey line crossings, and a description of any problems which may affect the ability of the report preparation personnel to determine the potential for archaeological resources in the survey area.
- D. You should post plot/Base map(s) at 1:12,000 scale showing vessel track lines and navigational reference points using a NAD 83 projection with the appropriate X and Y Universal Transverse Mercator (UTM) coordinates and latitude-longitude reference points. You should include shallow geotechnical borings locations if applicable. This map, or separate maps at the same scale which also show survey lines, shot points, and line direction, should be oriented to true north and delineate the following, as appropriate:
 - 1) The horizontal and vertical extent of all relict geomorphic features having potential for associated prehistoric sites. Such areas include, but are not limited to, tidal estuary, embayment, barrier islands, beach ridge sequences, spits, alluvial terraces, and stream channels. When relict fluvial systems are recorded, the map should:
 - (a) differentiate between generations of channeling when more than one generation is

- present;
- (b) show any internal channel features such as point bar deposits and terraces;
- (c) delineate any channel margin features such as natural levee ridges; and
- (d) indicate the depth of channel banks and channel axes.

Note: An Isopach map of channel fill sediments is often the most efficient means of conveying the above information, but this method alone will not allow differentiation for more than one generation of channeling.

- 2) Bathymetry map contoured in intervals of 2 m or less, or in a way not to impair legibility of the map if closely spaced.
 - 3) Isopach map(s) scale showing thickness and distribution of unconsolidated sediments, when present, contoured in intervals of 2 m or less, or in a way not to impair legibility of the map. Include the location of geotechnical borings and samples, if applicable.
 - 4) All magnetic anomalies and seafloor side-scan sonar contacts of unknown source.
 - 5) Sites of proposed oil and gas operations (i.e. proposed well location, platform sites, and/or pipelines).
 - 6) Sites of former oil and gas operations (i.e., former well location, platform sites, and/or pipelines), when available at the time of report preparation.
- E. The side-scan sonar records, magnetometer data, and subbottom profiler data with an interpretation of the area at and near the proposed drill site(s).
- F. If additional survey methods were employed (i.e. photo, television, diver observation, age-date analysis of cores, etc.) a general narrative summary of this information should be included. In all cases where an anomaly is encountered, a clear and precise copy of the original display should be submitted to document and verify the presence and evaluation of any anomaly. The original of all survey data and original survey records and print outs for the line(s) indicating the anomaly should be available to the RS/LP at any time.
- G. Cross-sections showing interpreted regional setting and features with soil classification, and as appropriate or available, graphic soil logs, and/or geotechnical boring profiles to an appropriate scale.
- H. If an analysis of the potential for prehistoric sites within the survey area is required, it should include:
- 1) A review of existing literature of the late Pleistocene and Holocene geology, pale geography and sea level change in the area, marine and coastal prehistory, and previous archaeological resource reports in the area, when available.

- 2) The discussion of the relict geomorphic features and their archaeological potential should include the following:
 - (a) geomorphic association of the features mapped;
 - (b) description of the acoustic characteristics of channels and their fill material;
 - (c) evidence of preservation or erosion of channel margins;
 - (d) evidence for more than one generation of fluvial down cutting; and
 - (e) sea level curves used in the assessment.
 - 3) A discussion of the potential for identification and evaluation of buried prehistoric sites based upon the capabilities of current technology in relation to the thickness and composition of sediments overlaying the potential site area.
- I. If an analysis of the potential for shipwrecks within the survey area was performed, it should include, as appropriate, the following:
- 1) A review of existing records for reported shipwreck locations in the survey area and adjacent areas;
 - 2) A list of magnetic anomalies including the location (corrected for sensor offset), intensity, lateral extent, and tow depth at each location;
 - 3) A list of side-scan sonar contacts including the location (corrected for sensor offset), size, shape and height of protrusion above the seafloor of each;
 - 4) A discussion of any magnetic anomalies and seafloor side-scan sonar contacts of unknown source in terms of their potential as historic shipwrecks;
 - 5) A discussion of the potential for shipwreck preservation in terms of the effects of past and present marine processes; and
 - 6) A discussion of the potential for identification and evaluation of potential shipwrecks based on the capabilities of current technology in relation to the water depth and the probable thickness and composition of sediments overlaying the potential shipwreck location.
- J. Representative data samples, as appropriate, should be submitted for the following:
- 1) A representative data sample of the subbottom profiler data for each type of relict landform identified. When more than one generation of fluvial channeling is evident, a sample depicting each should be submitted. The quality of the copies must be readable and should include horizontal and vertical scales. Any highlighting of sample data should be on a separate overlay or high-quality copy. In no instance should original survey data be highlighted.
 - 2) A copy of the side-scan sonar data where contacts representing unidentified man-made objects are recorded.
 - 3) A representative sample of magnetometer data, if required.
- K. A summary of conclusions and recommendations supported by the archaeological resource field survey data and archaeological analysis including:
- 1) A discussion of known or potential archaeological resources;

- 2) Recommendations for avoidance or for further archaeological investigations;
- 3) Recommendation that operation be permitted because data recovery negates effects.
- L. A discussion of the data and results from any additional investigations that may be required by BOEM must be appended to the archaeological resource report.
- M. To facilitate development of the BOEM Alaska OCS regional database, we request all digitally produced maps to be provided to BOEM in Geographic System software, such as ArcGIS, with projection information and necessary metadata.

For questions on formatting of the report, please refer to the BOEM Alaska Regional Office contacts table provided below.

After you submit an archaeological resource report, BOEM will determine whether the archaeological resource report is complete and adequate for evaluating your geophysical interpretations and archaeological conclusions. If the archaeological report is not complete and adequate for evaluation, BOEM will notify you in writing of the problems and identify the data or information necessary to correct or complete the report.

After reviewing your archaeological report, BOEM will notify you if BOEM's review of your report indicates a seafloor feature that may be an archaeological resource within the immediate area of any proposed operations.

If BOEM provides such notification, you can either:

- A. Avoid the feature by a minimum distance specified by BOEM; or
- B. Establish, on the basis of further investigation conducted under the direction of a professional archaeologist and using such equipment and techniques BOEM deems appropriate, that an archaeological resource does not exist or that your operations will not adversely affect the potential archaeological resource. If you choose to investigate the feature, contact BOEM at least two (2) weeks before you plan to commence the field investigations

Archaeological Resource Surveys

You are encouraged to consider using the pattern and data acquisition instrumentation guidelines in this section if you choose to submit an archaeological resource survey with your archaeological resource report under 550.194(a), or if you choose to conduct further investigations under 550.194(a)(2) to demonstrate that the archaeological resource does not exist or will not be adversely affected by your operations. Since archaeological resource surveys are often similar to other required remote-sensing surveys (e.g., shallow hazards surveys and live-bottom surveys), BOEM encourages you to conduct these surveys concurrently.

The archaeological survey consists of a high-resolution geophysical survey. You may satisfy the general survey data requirements for the archaeological resources analysis in part, or in whole, with data from high-resolution geophysical surveys acquired under the provisions of NTL 05-A01, (Shallow Hazards Survey and Evaluation for OCS Exploration and Development Drilling). It is recommended that you consult with the RS/LP before finalizing your survey strategy and plans.

Qualified and experienced personnel should perform the field survey, analyze data, perform the evaluation, prepare the report based on the survey, and acknowledge responsibility for these activities by signing the appropriate data logs, analyses, and reports in accordance with 30 CFR 550.194(a)(2).

A survey geophysicist should be present during field survey operations and ensure that the equipment is properly tuned and data are accurate and of sufficient quality to perform the required analyses and supportive of survey report conclusions. The survey geophysicist must evaluate the data to determine if any anomalies warrant collection of additional survey data or further field evaluation to determine their archaeological potential in accordance with 30 CFR 550.194(a)(2).

An archaeologist who meets the Professional Qualifications Standards in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation as required by Section 112(a)(1) of the National Historic Preservation Act, should evaluate data that indicate the presence of relict terrestrial landforms that may have prehistoric site potential and be involved in the archaeological analysis and report in accordance with 30 CFR 550.194 (a)(2).

Notification

All potentially affected OCS lessees should be notified of survey actions and schedules prior to survey mobilization.

Lease sale notices may include stipulations or information to lessees clauses that require or encourage additional coordination with other parties (e.g. subsistence users, local communities, commercial fishing organizations, etc.). You are advised to review these provisions and associated requirements for applicability to your proposed survey. If the survey will include state waters, you should contact the appropriate state agency to ascertain and comply with any and all applicable State requirements.

You should be aware that seismic surveys have the potential for incidental take of marine mammals and are subject to the incidental taking provisions of the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA). Under the MMPA and ESA, you could be required to have a Letter of Authorization (LOA) or Incidental Harassment Authorization (IHA) from the U.S. National Marine Fisheries Service and U.S. Fish and Wildlife Service. You should review your proposed seismic survey with these agencies.

You must provide the RS/LP with a notice of intent to conduct ancillary activities in accordance with 30 CFR 550.208. This notice should be submitted a minimum of 30

calendar days before initiating any field survey operations. The notice should include a description of the type, scope, and timing of the survey. The notice should also include documentation of applicable notifications to other OCS lessees and coordination with other potentially affected parties and a copy of an IHA or LOA application or approved authorization, if applicable.

In addition, you or your contractor should notify the RS/LP at least 72 hours before mobilizing for this survey.

You are responsible for obtaining the best possible survey results, utilizing the most appropriate survey technology. Poor quality data due to acquisition or processing technique is not acceptable and may result in BOEM requiring you to resurvey the site. All systems should be integrated with accurate geo-positioning of fixed points on all survey lines.

For an archaeological investigation, the primary analysis should be based on a survey and report for hazards analysis that address the following:

Survey Design

Archaeological surveys for site assessment should provide detailed coverage, usually to a distance of 1,200 meters (m) or greater in all directions from the proposed activity. Grid-spacing for seismic profiles is generally 150 m by 300 m or less (see NTL No. 05-A01). For side-scan sonar, use a grid-spacing that ensures at least 150 percent coverage of the area of proposed activity. The need for this coverage may affect the survey line density in shallow water (see NTL No. 05-A01).

If a magnetometer is required, please consult with BOEM prior to planning your survey strategy and grid-spacing.

See NTL No. 05-A01 (Shallow Hazards Survey) for more details on survey design. You are encouraged to discuss your survey grid strategy with the RS/LP during your planning stage.

Sea Floor Imagery

Recordings should be of optimal quality (good resolution, minimal distortion); result in displays automatically corrected for slant range, lay-back and vessel speed; and provide at least 150 percent coverage of the seafloor in the survey area affected by the proposed operations. Data you obtain should be of such quality as to permit detection and evaluation of seafloor objects and features within the survey area. We will accept information from a shallow hazards survey if coverage and quality are adequate.

Bathymetry

Fathometer data should consist of high frequency (12 kHz or higher) continuous sea floor profiles. In areas of complicated sea floor characteristics, a multi-beam system may be needed. Information from a shallow hazards survey may be acceptable if coverage and quality are deemed adequate by the RS/LP.

Acoustic Subbottom Profilers

You should use sub-bottom profiling techniques and systems that portray the sea floor and sub-bottom reflections with a vertical resolution of 1 millisecond or better at a two-way travel time corresponding to a depth of 30 m below the sea floor. A combination of piezoelectric (3.5 kHz) and electromechanical (boomer or equivalent) systems is an acceptable survey standard. However, other systems and techniques that provide equivalent or better results are encouraged, such as a digital broadband swept Financial Memorandum (FM) frequency system instead of the 3.5 or 7 kHz subbottom profiler.

Vertical exaggeration should not exceed 10:1 on geophysical records. Decoupling and/or compensation of the system is recommended to compensate for wave heave if the survey is undertaken in a sea state of greater than Beaufort Code 2. All geophysical systems should be integrated with the survey navigation resulting in accurate posting of fixed points on seismic lines.

Magnetometer

Magnetometer data may be required if there is reason to believe that shipwrecks, abandoned pipe or other man-made metal objects may be present. Magnetometer survey techniques should be capable of detecting and aiding the identification of ferrous, ferric, or other objects having a distinct magnetic signature. We will notify you if this survey system is likely to be needed and we will discuss with you the survey requirements.

Navigation

A state-of-the-art navigational positioning system, with an accuracy of ± 2 m (6 feet) should be used for substantiation and integration of the survey data. For marine surveys, the vessel track should not vary more than ± 15 m (49 feet) from the pre-plot line, except to avoid obstructions. All survey systems should be integrated with the referenced navigational positioning system, resulting in accurate posting of fixed points on survey lines and records. All fix marks should be easily identified on post-plot maps. Navigation systems should be calibrated and both relative and absolute position accuracy verified before the start of the survey and after the survey.

Shallow Core Data

Shallow cores collected for engineering and geotechnical investigations may be used to identify archaeological resources. In some cases, it may be desirable to perform additional analysis of cores such as carbon age-dating of organic material. BOEM urges you to discuss your coring program relative to archaeological investigations with the RS/LP and other designated BOEM personnel during the planning stage of your survey.

Additional Systems Options

You may use additional optional equipment and techniques (i.e. visual investigations, remotely operated vehicle investigations, non-acoustic imaging, etc.) to delineate and confirm or negate the presence of archaeological resources within the survey area.

Mitigating Measures or Operational Restrictions

If, upon review of the results of your further investigation, the Regional Director determines

that an archaeological resource is likely to be present in the area proposed for operations, and may be adversely affected by operations, BOEM will notify you in writing of any mitigating measures or operational restrictions that the BOEM will impose on your activities.

Required Notification and Suspension of Operations After Discovery of Shipwrecks or Other Archaeological Resources on the Seafloor

Lease area surveys (30 CFR 550.194(c))

If you discover man-made debris that appears to indicate the presence of an archaeological resource (e.g., a sonar image or visual confirmation of an iron, steel, or wooden shipwreck hull, wooden timbers, anchors, concentrations of man-made objects such as bottles or ceramics, piles of ballast rock or other cultural materials such as aircraft wreckage) within or adjacent to your lease area 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 notify the BOEM contacts listed below, within 48 hours of its discovery. You must cease all operations within 1,000 feet (305 meters) of the site until the Regional Director determines if the resource is significant and instructs you on what steps you must take to assess the potential historic significance of the site and what steps you must take to protect it. *NOTE ALSO: Under section 110 of the National Historic Preservation Act (54 U.S.C. §306109), BOEM may charge Federal permittees for costs related to historic preservation activities.*

Penalties

Failure to comply with regulations with respect to archaeological resources can result in civil penalties under BOEM's regulations at 30 CFR 550.1404. In addition, Section 110(k) of the National Historic Preservation Act (54 U.S.C. 306113) 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. It likewise prohibits such assistance to an applicant who, having legal power to prevent it, has allowed such adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant (see 36 CFR 800.9(c)(1)).

Guidance Document Statement

BOEM issues NTLs as guidance documents in accordance with 30 CFR 550.103 to clarify and provide more detail about certain BOEM regulatory requirements and to outline the recommended information to be provided in various submittals. Under that authority, this NTL sets forth policy on and interpretation of statutory, regulatory, lease, contractual, or plan approval provisions to provide a clear and consistent approach for complying with those provisions. If you wish to use an alternate method for compliance, you are encouraged to get feedback from BOEM staff on the adequacy of your proposal to comply with the regulation. Except to the extent that provisions of this NTL derive from requirements established by statute,

regulation or by a provision in the lease, they do not have the force and effect of law and are not meant to bind the public in any way. This NTL is intended only to provide clarity to the public regarding existing requirements under the law.

While this NTL includes recommendations and guidance, the recommendation and guidance provisions may be made mandatory through a lease stipulation or condition of approval from BOEM. If you are issued a plan, permit or other authorization from BOEM with a condition of approval, or a lease with a stipulation, requiring compliance with this NTL or identified portions thereof, you must implement those portions or all aspects of the NTL, if particular aspects are not singled out in the stipulation or condition of approval. Under such circumstances, you must implement and comply with the NTL (or identified portions thereof) regardless of whether the terms within the NTL would otherwise be a recommendation or request (e.g., use of the term “should” in the NTL will be considered “must” if required by the lease stipulation or condition of approval).

Paperwork Reduction Act of 1995 (PRA) Statement

This NTL provides clarification, description, and interpretation of requirements contained in 30 CFR part 550, subparts A and B. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. OMB has approved the information collection requirements in these regulations under OMB Control Nos. 1010-0114 and 1010-0151. This NTL does not impose additional information collection requirements subject to the Paperwork Reduction Act of 1995.

Contacts

The following table provides contact names, telephone numbers, and electronic addresses if you have any questions concerning archaeological surveys or reports.

BOEM Alaska Regional Office Contacts:

Title	Contact	Email address	Phone
BOEM Petroleum Engineer	Jack Newell	jack.newell@boem.gov	907-334-5257
BOEM Sociocultural Specialist	Meghan Cornelison	meghan.cornelison@boem.gov	907-334-5234
BOEM RS/LP	Patricia LaFramboise	patricia.laframboise@boem.gov	907-334-5271

James J. Kendall
Regional Director, Alaska Regional Office
Bureau of Ocean Energy Management
Department of Interior Region 11