



EXECUTIVE SUMMARY DRAFT CULTURAL PROPERTIES RULE

FOR THE FIRST TIME IN ITS HISTORY, THE STATE LAND OFFICE IS PROPOSING A RULE TO PROTECT CULTURAL PROPERTIES ON STATE TRUST LAND!

If adopted, the rule will be legally binding on all State Land Office leasing activity.

Specifically, the proposed rule would require an archaeological review and survey prior to any surface disturbing activity on state trust land—including road and pipeline construction, oil and gas drilling, and infrastructure development. In addition, those projects will have to include avoidance and mitigation measures to help ensure that construction and development are sited responsibly.

The proposed rule lays out specific procedures for implementing these safeguards, with default provisions for most categories of project activity, along with separate sections that specifically apply to oil and gas development, and to projects that do not involve surface disturbance (such as agricultural leases, renewals, and assignments).

The proposed rule requires notification to affected tribes and formalizes the role of the State Land Office tribal liaison.

The rule also establishes compliance procedures to ensure that its protections are enforceable and meaningful.

While the proposed rule is a significant step that puts the State Land Office at the forefront of cultural resource protection among state agencies, its terms are also consistent with existing practice at the federal level, and many lessees are already adhering to its requirements.

Please submit your comments to cprule@slo.state.nm.us