



Stephanie Garcia Richard, State Land Commissioner
State of New Mexico

CONVERSION OF RANGELAND TO CROPLAND OR HAYLAND

1. All conversion applications must be filled out properly, including the Cultural Resource Protection checklist, and must provide detail describing the nature of the lessee's proposal to convert rangeland to cropland/hayland. The application will be reviewed by the State Land Office (SLO). Following review, an analysis will be generated and will include a site inspection and interview with the lessee.

Criteria the SLO may require during the application process-

- The acres intended to be broken out under irrigated or cultivated dryland
- Climatic data, precipitation, length of growing season, elevation
- Soils capability class and subclass
- Types of crops or improved grass to be grown and expected production
- Water quality and quantity information

2. Upon review and recommendation by a SLO representative, the Santa Fe office, Surface and Field Division will review the application and field report.

3. No conversions will be approved if the site property has high or severe wind or water erosion potential.

4. No conversions will be approved if soils subject to conversion have severe or significant limitations for improved pasture grasses or cropping systems. A soil test may be required if contaminants or salt accumulations are suspect.

5. No conversion, for irrigated lands, will be approved unless sufficient water quality and quantity can be demonstrated for adequate cropland/hayland production, residue management and subsequent reclamation. A test well may be drilled, at the lessee's expense, upon approval of the SLO. Well data will require a certified driller with complete drilling log or when necessary to demonstrate compliance with the SLO criteria. Pumping tests will be witnessed and reported by a qualified, professional geologist or engineer and an SLO representative. Water quality analysis will be conducted by an approved testing facility and contain full QC/QA data. The water data will be reviewed by the SLO, Natural Resource Conservation Service (NRCS), New Mexico Environment Department (NMED) and the State Engineers office for quality standards and sufficient quantity, as per application. Additional criteria to be considered include the impact of proposed conversion on local resource concerns.



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6. No conversion will be approved unless the purpose of the conversion, or the lessee, can demonstrate that the improved forage or cropping system maintains or enhances the natural potential of the site.
7. No conversions will be approved unless the Commissioner determines that such a conversion is in the best interest of the trust.
8. Surety, performance and reclamation bonds will be set at the discretion of the Commissioner and at a level that reflects the projected cost of reclamation of the affected lands to their preexisting condition.
9. All practices necessary and related to the conversion of rangeland to cropland/hayland will meet or exceed the minimum standards and specifications of the NRCS.
10. Prior to any approval of a conversion, the applicant must submit a plan to the SLO, that will include the technical specifications for the conversion process; i.e., seedbed preparation, planting rates, residue maintenance and if grazing becomes a component, the SLO will provide a grazing plan if one is not submitted by the lessee.
11. A reclamation plan will be designed for the affected land and approved by the SLO prior to conversion.
12. All water rights obtained by lessee from a prior lessee, and all water rights developed on the leasehold by the lessee shall be leasehold improvements held by the lessee for the benefit of the lessor. Lessee, at its own expense, shall comply with all regulations of, and obtain all necessary permits from, the State Engineer. Lessee shall have the use of such water rights only for lease operations during the term of the lease, and no water rights shall be moved from the leasehold during or upon expiration of this lease. During the term of the lease, lessee shall preserve, protect and defend such water rights. Upon expiration or termination of this lease, lessee shall retain such right of compensation as lessee may have for the water rights as leasehold improvements.



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Cultural Resources Protection Policy

Applicants acknowledge receipt and acceptance of the New Mexico State Land Office (“NMSLO”) “T & E and Cultural Resources Notice to Applicants” by signing the acknowledgment contained in the application form. “The Notice” is part of the application packet.

Archaeological Surveys

1. Applicants and lessees should always exercise due caution to ensure that cultural properties are not inadvertently excavated, injured or destroyed by any person. To that end, the NMSLO strongly recommends that an archaeological survey be conducted to current standards for the area of potential effect (“APE”) in compliance with 4.10.15 NMAC at <http://164.64.110.239/nmac/parts/title04/04.010.0015.htm>.
2. If a survey is produced in conjunction with the application, applicants will be expected to design the project so as to avoid any cultural properties found by the survey. If cultural properties are discovered within the APE, the survey must include avoidance and protection measures.
3. If an archaeological survey is conducted, the applicant should provide the survey with the application, in a sealed envelope marked “Confidential” and attached to the NMSLO Cultural Resources Cover Sheet. If the survey is in progress at the time the application is submitted, a Notification of Intent to Conduct an Archaeological Survey pursuant to 4.10.8.17(C) NMAC <http://164.64.110.239/nmac/parts/title04/04.010.0008.htm> will suffice.
4. Only surveys from permitted archaeological consulting firms will be accepted. The list of permitted firms is available at: <http://www.nmhistoricpreservation.org/documents/archaeological-permits.html>

Scroll down past the headings for “SHPO Directory Forms” and “Permit Applications” to “Consultants Lists.” Click on the Word document titled “Cultural Resource Consultants.” The list is arranged by county of location. Proximity will be a factor in estimated costs. Because costs vary, the NMSLO encourages you to contact more than one firm.

The consulting firm will ask for supporting documentation. This may include a description of the project along with ArcGIS shape files, CAD drawings, plats, or accurate depictions on USGS 1:24000 quadrangles.

5. The applicant must provide the NMSLO with two copies of the completed survey. If the application is already in process when the survey is completed, the survey with cover sheet should be delivered directly to the NMSLO archaeologist at the address provided below:



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David Eck, Trust Land Archaeologist
New Mexico State Land Office
P.O. Box 1148
310 Old Santa Fe Trail
Santa Fe, New Mexico 87504
(505) 827-5857 (voice) deck@slo.state.nm.us
(505) 827-5873 (fax) <http://nmstatelands.org/>

ARMS Review

1. If an archaeological survey is not provided with the application, an Archaeological Records Management Section Inspection (ARMS Inspection) in accordance with 4.10.15.9 NMAC is required. If the applicant is unable to provide an ARMS Inspection, the Land Office will provide the Inspection in the order in which applications are received.
2. Only ARMS Inspections from permitted archaeological consulting firms will be accepted. The list of permitted firms is described above.
3. ARMS Inspections should be provided in a sealed envelope marked "Confidential" and attached to the NMSLO Cultural Resources Cover Sheet with the application.
4. At a minimum, the ARMS Inspection is a records review and should:
 - a. query the New Mexico Cultural Resource Information System ("NMCRIS") database and map server to identify previously recorded sites within 500 meters of the area of potential effect (APE) and previous archaeological surveys within 500 meters of the APE;
 - b. include a copy of the NMCRIS map server map and provide copies of the archaeological site record forms for all cultural properties in the APE;
 - c. review national and state register property files, and provide copies of documents for all such cultural properties that may be directly or indirectly affected by the project;
 - d. examine historic cultural properties inventory (HCPI) forms, and provide copies of documents for any such cultural properties within the APE;
 - e. review other archival sources (General Land Office ("GLO"), county records, state lease records, etc.) and summarize all archival information in tabular form -- sorted by site, activity, property, and register number(s);
 - f. note any previous surveys conducted more than 10 years ago that may be inadequate or insufficient by current standards;
 - g. summarize the findings into one of three results:
 - (A)___ *The entire area of potential effect or project area has been previously surveyed to current standards and **no cultural properties were found** within the survey area.*
 - (B)___ *The entire area of potential effect or project area has been previously surveyed to current standards and **cultural properties were found** within the survey area.*



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(C)___The entire area of potential effect or project area has **not** been previously surveyed.

h. if the ARMS Inspection result shows the presence of cultural properties within the APE (result B above), devise avoidance and protection measures for the project.

T & E AND CULTURAL RESOURCES NOTICE TO APPLICANTS

Prior to approval of any application, all applicants requesting permission to conduct any project or activity on state trust land must acknowledge receipt and acceptance of the following instruction and notification:

Lessees are expected to know and abide by the laws related both to threatened and endangered species, and to the protection of cultural properties.

Threatened and Endangered Species

Plant and animal species may be listed with various state and federal agencies as threatened or endangered. Each agency designation carries specific prohibitions against “take” which may result in distinct regulatory impacts on land use within the range of each species. “Take” is defined and interpreted differently across jurisdictional boundaries. **It is the lessee’s obligation to know, understand and abide by the laws related to threatened and endangered species.**

Protection of Cultural Resources

The New Mexico Historic Preservation Division maintains records of all cultural resource surveys through its Archaeological Records Management Section (ARMS). **An ARMS Inspection of Records in compliance with NMAC 4.10.15.9 will be included with all applications.**

To minimize processing delays, **applicants are strongly encouraged to supply an ARMS Inspection with their applications.** If no ARMS Inspection is provided by the applicant, the Land Office will provide the ARMS Inspection in the order applications are received.

NMSA 1978, § 18-6-9(A) states “Any person who knowingly excavates, injures or destroys cultural property located on state land without a permit is guilty of criminal damage to property.” Further, NMSA 1978, § 18-6-9(B) states “Any person who solicits, employs or counsels another person to excavate injure or destroy cultural property located on state land without a permit is guilty of criminal damage to property.”



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Applicants and lessees should always exercise **due caution** to ensure that cultural properties are not inadvertently excavated, injured or destroyed by any person. The State Land Office recommends that a survey be conducted to current standards, as defined by NMAC 4.10.15, prior to any activity in the proposed project area. If a survey is produced in conjunction with the application, the applicant will design the project so as to avoid any cultural properties found by the survey.

As a condition of this permit and pursuant to NMAC 19.2.10.20, any project or lease activities that reveal or result in discovery of a previously undocumented significant cultural property or archaeological site on state trust land shall result in immediate cessation of activities and **immediate notification of the State Land Office and SHPO**. Activities shall remain suspended until SHPO and the State Land Office approve resumption of activities.

In addition, if any project or lease activity results in damages to cultural property on state trust land, the State Land Office must be notified immediately and the responsible party will be required to provide an archaeological damage assessment. The responsible party will be held liable for the cost of the damage assessment, plus the remediation value of said property, as determined by that damage assessment.

Furthermore, if activity is conducted without the benefit of a survey and any cultural property is damaged in the process, the lessee will be **subject to a fine of no less than \$100,000.00** at the discretion of the Commissioner of Public Lands. The lessee will also be held liable for the cost of an archaeological damage assessment, plus the remediation value of said property as determined by that damage assessment.

For further information, please contact
New Mexico Historic Preservation Division: 505-827-6320; or
New Mexico State Land Office:
 Commercial Resources Division: 505-827-5724
 (Business Leases and Rights of Way)
 Oil & Gas Division: 505-827-5774
 Mineral Leasing Division: 505-827-5750
 Agricultural Leasing: 505-827-5732
 Field Operations Division: 505-827-5856



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NMSLO Cultural Resources Cover Sheet
Confidential Exhibit _____.

Exhibit Type (check one):

_____ Archaeological Survey

_____ ARMS Review

_____ Other (describe): _____

NMCRIS Activity No. (if any): _____

Section/Township/Range: _____

Cultural Resources Report/Exhibit Title:

Cultural Resources Consultant:

Project Proponent (Applicant):

Applicant Project Title/Description:

If Archaeological Survey, avoidance and protection measures have been devised.

Yes _____ No _____ N/A _____

If ARMS Inspection, please summarize results:

(A)___ The entire area of potential effect or project area has been previously surveyed to current standards and **no cultural properties were found** within the survey area.

(B)___ The entire area of potential effect or project area has been previously surveyed to current standards and **cultural properties were found** within the survey area.

(C)___ The entire area of potential effect or project area **has not been previously surveyed.**

For agency use only:

NMSLO Lease No.: _____

Lease Analyst: _____

Exhibit Routed to Field Operations Division: _____

Date