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Greetings,

I am writing to you as a key stakeholder of the New Mexico State Land Office (NMSLO). Due to your close partnership with our office, we are providing you with a courtesy preview copy of our proposed Cultural Properties Protection Rule. The draft Cultural Properties Protection Rule is a pre-publication draft to facilitate your advance review; there will be ample opportunities for public comment by the general public later in the process. We welcome your feedback on it.

As you may already know, the protection of cultural properties on state trust land is a top priority of mine. Earlier this year, we established a standalone Cultural Resources Office (CRO) to elevate the role of the archeology team within the agency, create more direct lines of communication with my office, and position the agency to manage cultural resource and consultation efforts in a coordinated and responsive manner.

“Cultural Property” means a structure, place, site, object or resource having historic, archaeological, scientific, architectural, or other cultural significance. A cultural property includes a property listed on or eligible for inclusion on either the New Mexico register of cultural properties pursuant to the Cultural Properties Act, or listed on or eligible for listing on the national register of historic places pursuant to the National Historic Preservation Act, 16 U.S.C. Section 470.

This proposed Cultural Properties Protection Rule builds upon our cultural resources protection efforts by requiring that an archaeological survey be completed prior to any surface disturbing activity, such as the construction of roads and pipelines, oil and gas drilling, and other infrastructure development. The draft rule is consistent with existing practices on federal lands and with New Mexico state law, *and many NMSLO lessees already adhere to its requirements as a matter of practice.*

By making survey requirements applicable across our leasing programs, the Cultural Properties Protection Rule will ensure that cultural resource protections are enforceable, meaningful, and that there are appropriate avoidance and mitigation measures in place.

The draft Cultural Properties Protection Rule lays out specific procedures for implementing survey requirements and confirming that applicants understand their obligations to protect cultural properties before any work is done. Furthermore, because there are different statutory requirements that apply to various types of leasing activities, the Rule is tailored to reflect those legal distinctions.

As a key stakeholder of our office, we wanted to give you an advance opportunity to view and familiarize yourself with the Cultural Properties Protection Rule before it is submitted to the general public, and we begin the formal rulemaking process (which will also have a public comment component).

This is your opportunity to ask questions or receive clarification on any portions of the Rule and its implementation that you wish to ask about. NMSLO staff will be available to answer questions, and comments may be submitted on a form via our website at <https://www.nmstatelands.org/cultural-properties-rule-proposal> or by emailing cprule@slo.state.nm.us.

We thank you for your continued partnership with our office and for your contributions to the trust.

In partnership,

A handwritten signature in blue ink, appearing to read "Stephanie", with a long horizontal flourish extending to the right.

Stephanie Garcia Richard
Commissioner of Public Lands