



New Mexico State Land Office

Checklist for Renewable Energy Business Lease Application

Before submitting your application for a renewable energy business lease, review the entire application packet. Follow the instructions provided within and complete the entire application packet and use the checklist below as a guide. Incomplete applications will not be processed. For reference please see New Mexico State Land Office Rule 9 (19.2.9 NMAC).

- Application for Renewable Energy Lease Form Completed, Signed and Notarized
- Attachment A - Confidential Company Information Completed
- Include Metes and Bounds Survey with Application - see page 13
- Include Application Fee Payment – see below**
- Inclusion of A.R.M.S. Survey, Cultural Survey, or Request for State Land Office to Complete Survey
- Mail application to:

New Mexico State Land Office
Office of Renewable Energy
310 Old Santa Fe Trail
P.O. Box 1148
Santa Fe, NM 87504

- Email shapefiles boundary of requested land to patrujillo@slo.state.nm.us

*For assistance or questions regarding the lease application process please contact the Office of Renewable Energy at 505-827-5724 or email jlewis@slo.state.nm.us.

**Please make checks payable to “*Commissioner of Public Lands*”. Ensure your company name appears on your form of payment. When you provide a check as payment, you authorize the State of New Mexico to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. To arrange ACH/wire payments call 505-827-5705 or email msena@slo.state.nm.us.



New Mexico State Land Office

Application for Renewable Energy Lease

To: Commissioner of Public Lands
New Mexico State Land Office
Office of Renewable Energy
310 Old Santa Fe Trail
P.O. Box 1148
Santa Fe, New Mexico 87504

Lease No. _____
[FOR NMSLO USE ONLY]

I, _____, State of _____,
(Name of the legal entity, or if applying as an individual, the personal name)

a citizen over the age of twenty-one years (or a corporation authorized to do business in New Mexico) do hereby make application for a business lease upon the following described lands, or such portion thereof as may be available for leasing, situated in the County of _____, State of New Mexico.

I submit herewith a non-refundable application processing fee upon the following described lands.

- Short-term lease of 5 years or less (\$250.00 Application Fee)
 Long-term lease of more than 5 years (\$500.00 Application Fee)

Please print clearly or type information on form - attached additional sheets as necessary

Company Name: _____

Project Name: _____

Company Contact: _____

Title: _____

Street Address: _____

Mailing Address: _____

City: _____

State: _____ Zip Code: _____

Phone: _____

Mobile: _____

Email Address: _____

LOCATION OF LAND REQUESTED TO LEASE

If necessary, attach addendum

TOWNSHIP	RANGE	SECTION	ALIQUOT/Subdivision*	ACRES
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

* For partial tracts, provide acreage by the Quarter/Quarter (i.e. Pt NE4NE4 – 8.00 acres)

Enter general location of land:

- a. County _____
- b. Nearest City or Town _____
- c. Nearest major highway _____

1. Type of Lease:

- Solar _____ Megawatts
- Wind _____ Megawatts
- Biomass _____ Megawatts
- Other, please describe: _____
- Photo-voltaic
- Concentrated Solar
- Energy Storage

2. Desired Term of Lease _____ Years

3. List other company renewable projects in production:

- (1) Project: _____ Megawatts _____
Location _____
- (2) Project: _____ Megawatts _____
Location _____
- (3) Project: _____ Megawatts _____
Location _____
- (4) Project: _____ Megawatts _____
Location _____

4. Would you or your company be willing to participate with the State Land Office in area meetings to explain the positive aspects of your Project and to answer questions and concerns of the public and government officials?

- Yes No Town hall public meetings
- Yes No County government meetings
- Yes No City government meetings
- Yes No Adjacent land owner meetings
- Yes No Military meetings

5. List and describe any existing improvements on the land requested to lease: _____

6. Are there any existing agriculture leases on the requested land ? Yes No

- If yes, and consent for renewable energy is not provided within existing agriculture lease(s), please see the consent form or partial relinquishment form on pages 17-19.

7. Will you be applying for Land Use Restrictions or Conditions (LURC)? Yes No

- Surface Non-Disturbance LURC Yes No
- Negative Surface Easement LURC Yes No

8. Will you be requesting a Right of Entry? Yes No

- If yes, please use the separate form found at page 14.

9. Will you be requesting access for Geotechnical Right of Entry? Yes No

- If yes, please use the separate form found on pages 15 - 16.

10. Will you be requesting a Rights-of-Way? Yes No

Please contact the Rights-of-Way Division at 505-827-5728 or marmijo@slo.state.nm.us for information

11. Shapefiles are REQUIRED to be emailed to the Land Office with each application.

- Shapefiles emailed to the patrujillo@slo.state.nm.us? Yes No

Applicant Shapefile Custodian (email contact information): _____

Application are not be processed until shapefiles are received.

12. Cultural Resource Protection

- Please indicate that you (Applicant) have read the T&E and Cultural Resources Notice to Applicants and that you understand and agree to abide by the terms and conditions set forth herein.
 Yes No

- An Archaeological Survey is **STRONGLY** recommended. If no survey is provided, an Archaeological Records Management Section Inspection (ARMS Inspection) in accordance with NMAC 4.10.15.9 is required. If the ARMS Inspection is not provided by the Applicant, the Land Office will provide the ARMS Inspection in the order applications are received which include all applications submitted to the Land Office, not just the Office of Renewable Energy. Therefore, it is **STRONGLY** recommended that the Applicant submit their own ARMS Inspection report.

- Would the Applicant like the NMSLO to provide the ARMS Inspection? Yes No

- Please indicate if you are submitting any of the following:
 - An **Archaeological Survey** is attached in a sealed envelope with a cover page* labeled “Confidential Exhibit _____”:
 Yes No

 - An **ARMS Inspection** is attached in a sealed envelope with a cover page* labeled “Confidential Exhibit _____”:
 Yes No

* The Cultural Resources cover sheet is on page 12.

13. Are you currently registered with the New Mexico Secretary of State? Yes No

SUBMIT NON-REFUNDABLE \$250.00 (short-term lease) or \$500.00 (long-term lease) APPLICATION FEE ALONG WITH COMPLETE APPLICATION

Please make checks payable to “Commissioner of Public Lands”. Ensure your company name appears on your form of payment. When you provide a check as payment, you authorize the State of New Mexico to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.

EXHIBIT A - CONFIDENTIAL COMPANY INFORMATION

PURSUANT TO 19-1.2.1. N.M.S.A.

1. Describe renewable energy technology for the requested lease:

2. Do you plan to negotiate any of the following financial incentives for the Renewable Energy Project?

Yes No IRBs (industrial revenue bonds)

Yes No PILT (payment in lieu of taxes)

Yes No LEDA (local economic development act)

3. Estimate your time schedule for your Project (mo., day, year):

Duration for feasibility _____

Begin Construction _____

Begin Production _____

4. Do you have a Power Purchase Agreement? Yes No

- If yes, attach copy of Power Purchase Agreement. Label each page *Confidential*.
- If no, what are your plans to market the power?

5. Describe grid interconnect options(s): _____

6. Has your company contacted any existing grazing lessee(s) regarding your proposed renewable energy project on this land? Yes No

- If no, do you require contact information for grazing lessee(s)? Yes No

7. Describe the improvements you intend to place on the land and give the approximate value

_____ [Attach additional pages if needed]

8. Estimate percentage of your Project on Federal, State, Private, and Tribal Lands:

Federal Land ____ (%); State Land ____ (%); Private Land ____ (%); Tribal Land ____ (%)

9. Briefly describe your proposed Decommissioning Plan. _____



**Stephanie Garcia Richard
Commissioner of Public Lands
State of New Mexico**

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.”

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.

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:

Cultural Resources Office: 505-827-5857

Office of Renewable Energy: 505-827-5724

Commercial Resources Division Rights of Way: 505- 827-5728

Oil & Gas Division: 505-827-5774

Mineral Leasing Division: 505-827-5750

Agricultural Leasing: 505-827-5732

Field Operations Division: 505-827-5856



**Stephanie Garcia Richard
Commissioner of Public Lands
State of New Mexico**

New Mexico State Land Office - Instructions for Compliance 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:

David Eck, Trust Land Archaeologist
New Mexico State Land Office
P.O. Box 1148



Stephanie Garcia Richard
Commissioner of Public Lands
State of New Mexico

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.*
 - (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.



Stephanie Garcia Richard
Commissioner of Public Lands
State of New Mexico

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

Survey Plats and Legal Description Requirements.

1. *Survey plats must show ties to PLSS corners (second division level or higher).*
2. Survey plats must include a legal description with the metes and bounds descriptions for each parcel, right-of-way, or easement.
3. Survey plats must show the land surveyed in aliquot parts, and for any partial quarter-quarter section, lot or partial lot included.
4. *Survey plats must show the acreage in each such partial quarter-quarter section, lot, or partial lot.*
5. The survey must identify every point where a proposed right-of-way enters or leaves state trust land.
6. The survey plat must depict all rights-of-way and easements that affect the land being surveyed.
7. All plats are to be drawn in the appropriate zone of the *New Mexico State Plane Coordinate System, North American Datum 1983.*

Surveys that do not comply with these requirements will be rejected.

In addition to a survey, the Commissioner of Public Lands may require an Improvement Location Report to be prepared in accordance with NMAC Section 12.8.2.10. If a parcel to be surveyed lies in an area not covered by the Public Land Survey System (PLSS) (e.g., land grants), then a PLSS framework must be projected onto the lands in question. The results of all surveys must be reported within the framework of the PLSS to the second division (see items 1 through 4 listed above).

Electronic Format.

In addition to a physical plat, a digital file containing centerlines for Rights-Of-Ways and/or boundary lines for parcels or leased areas (including ROWs) must be included. The digital file shall contain all of the requirements in 19.2.10.12A NMAC. *The data must be drawn to scale and projected in the appropriate zone for the New Mexico State Plane Coordinate System, NAD83.* **The plat will not be approved until the spatial data has been submitted by the surveyor and is georeferenced correctly.**

Any of the formats listed below will be accepted. Only one digital file needs to be submitted.

****Acceptable CAD formats:** AutoCAD *dwg* and *dxf* formats or Microstation *dgn* format containing line features for centerlines and/or boundary area outlines.

OR

Acceptable GIS formats: shapefiles or personal/file geodatabases (ESRI) containing a line feature class for centerlines and/or boundary area outlines. ESRI COGO traverse files are also acceptable. Projection information must be included (e.g., *.prj* file).

**Preferred format.



For further information, please contact:
Land Office Geographic Information Center
New Mexico State Land Office
LOGIC@slo.state.nm.us



**Stephanie Garcia Richard
Commissioner of Public Lands**

**Right of Entry Request
(Solar / Wind Energy Leases)**

Company Name _____
Address _____
City, State, Zip _____

Contact Person: _____
Telephone #: _____

Purpose of request:

Section(s) _____ Township(s) _____ Range(s) _____

Location - Qtr/Qtr _____ County _____

Project Name: _____

Operator (if applicable): _____

Time Frame: _____

Personnel present on State Land _____

Equipment & Materials present on State Land _____

Must provide topo map.

\$50.00 application fee & \$500.00 permit amount (based on 180 days)

Payable to: The Commissioner of Public Lands
P. O. Box 1148
Santa Fe, NM 87504-1148

***When you provide a check as payment, you authorize the State of New Mexico to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.**

I, _____, the above applicant, do solemnly swear, or affirm, that each

(Company/Corporation Name)

and every statement made in this application is true and correct to the best of my knowledge and belief.

Applicant

By: _____

Attorney in Fact or Authorized Agent

Include an attachment or insert a description/plan of activities & equipment to be used in the box below. Outline the # of pits to be dug, # of holes to be drilled, type work or sampling to be conducted, etc..

(Title of Authorized Agent)

NOTE TO APPLICANTS: Completion and submission of this application does NOT constitute issuance of a Right of Entry by the New Mexico State Land Office. The application fee is non-refundable. Any other payments submitted with this application will be deposited in a suspense account as provided by law, and do not obligate the Commissioner of Public Lands to issue a Right of Entry. Rental payments are subject to refund only if the application is denied or withdrawn prior to approval.

Rev. 09/25/2013



Stephanie Garcia Richard
Commissioner of Public Lands
State of New Mexico

REQUEST TO LEASE LANDS CURRENTLY LEASED

APPLICANT’S STATEMENT:

_____ (“Applicant”) is an applicant for a State Land Office Business Lease (“Proposed Lease”) for the following described state trust lands:

<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SUBDIVISION</u>	<u>ACRES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

with the following proposed use: _____
for a proposed term of: _____

Applicant states that: (a) Applicant is aware that all or some of the trust land to be covered by the Proposed Lease is currently leased under State Land Office lease number _____ (“Existing Lease”); (b) Applicant’s rights and privileges under the Proposed Lease will be subject to rights and privileges of the lessee under the Existing Lease; and (c) the Proposed Lease will not unreasonably interfere with the uses permitted under the Existing Lease. Applicant requests that the lessee under the Existing Lease consent to the Proposed Lease and the Commissioner allow the Proposed Lease.

APPLICANT SIGNATURE:

FOR NMSLO USE ONLY - Applicant Lease Number: _____

_____ Dated: _____

By: _____ Title: _____
(print name)

CONSENT OF EXISTING LESSEE:

_____, lessee under State Land Office lease number _____, having read the Applicant’s Statement above, does hereby consent to the Proposed Lease.

EXISTING LESSEE SIGNATURE:

By: _____
(print name)

By: _____
(print name)

Title: _____

Title: _____

Dated: _____

Dated: _____



**Stephanie Garcia Richard
Commissioner of Public Lands
State of New Mexico**

PARTIAL RELINQUISHMENT, RELEASE, AND QUITCLAIM DEED

I/We, _____
(Name of individual, or corporation)

and _____
(Name of spouse or additional party(s), if applicable)

whose address is: _____

for consideration paid do (does) hereby relinquish, release, and quitclaim unto the State of New Mexico all their/its right, title, and interest in and to that certain (lease type) _____ Lease No.

_____, issued by the State of New Mexico, and now held under assignment No. _____

insofar as the same affects the following described lands:

SECTION	TOWNSHIP	RANGE	SUBDIVISION	ACRES
---------	----------	-------	-------------	-------

WITNESS my/our hand(s) and sealed this _____ day of _____, 20____.

ATTEST: _____

(For use by corporation)

LESSEE SIGNATURE

ADDITIONAL LESSEE SIGNATURE (if applicable)

(PERSONAL ACKNOWLEDGMENT)

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,

by _____

(SEAL)

NOTARY PUBLIC

My Commission Expires: _____

(ACKNOWLEDGMENT BY ATTORNEY-IN-FACT)

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____,

by _____ attorney-in-fact in behalf of

(SEAL) _____
NOTARY PUBLIC

My Commission Expires: _____

(ACKNOWLEDGMENT BY CORPORATION)

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by

_____, _____, of _____
(Name) (Title) (Corporation)

a _____ corporation, on behalf of said corporation.

(SEAL) _____
NOTARY PUBLIC

My Commission Expires: _____

Approved in favor of the above named Lessee this ____ day of _____ 20____.

COMMISSIONER OF PUBLIC LANDS

\$50.00 NON-REFUNDABLE APPLICATION FEE*

* Please make checks payable to "Commissioner of Public Lands". When you provide a check as payment, you authorize the State of New Mexico to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.