



Cultural Properties Protection Rule

Agricultural Lessees- Agricultural Leasing Bureau Training

Cultural Resources Office



CROINFO@slo.state.nm.us

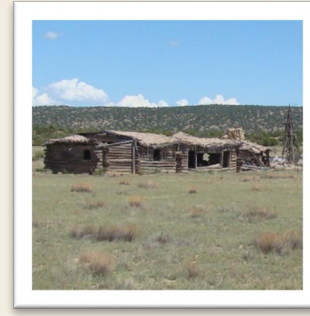


[nmstatelands.org/divisions/
cultural-resources-office](http://nmstatelands.org/divisions/cultural-resources-office)



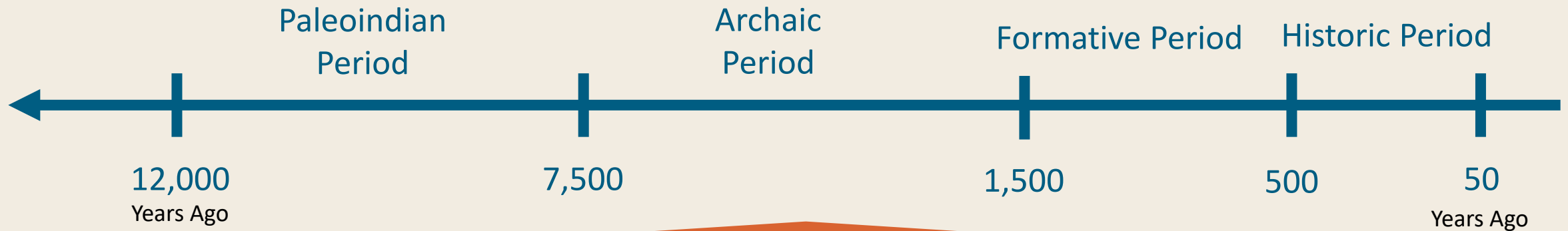
What are Cultural Properties?

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A structure, place, site, object, or resource having historic, archaeological, scientific, architectural, or other cultural significance. They include properties listed or eligible for inclusion on either the New Mexico Register of Cultural Properties or the National Register of Historic Places.

Traces of our past are all around us, laying on the ground or buried just beneath the surface.



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The Cultural Properties Rule

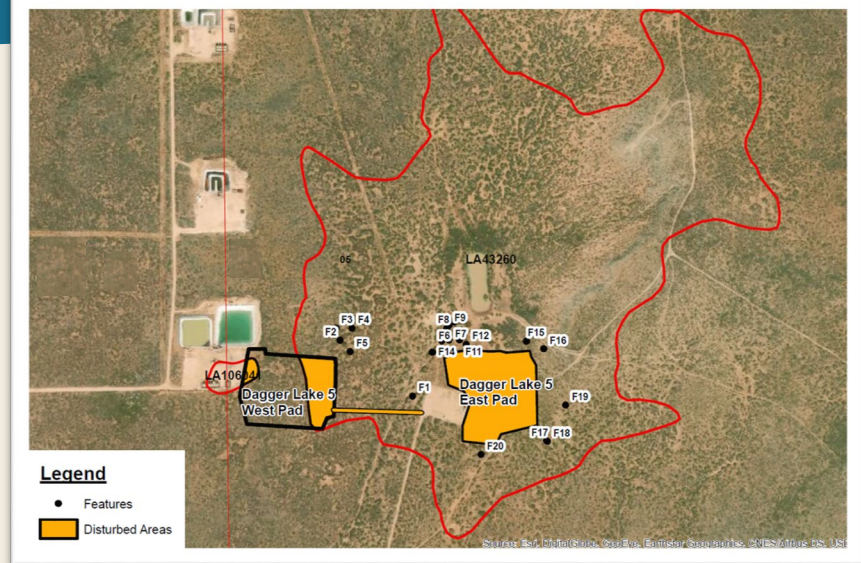
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Published September 27, 2022

Effective December 1, 2022



“The previous approach to cultural properties on trust lands was, ‘if you break it, you buy it,’ and that simply isn’t good enough. This rule gives my staff the tools and authority to ensure parcels are thoroughly surveyed for cultural properties before irreparable harm is done. Cultural properties found on state trust lands are very much a part of New Mexico’s story, and it is my duty to protect these resources as much as the land itself.”



2019

- Creation of the Greater Chaco Region Cultural Buffer

2021

- Establishment of the NMSLO Cultural Resources Office
- Proposal of the Cultural Properties Protection Rule
- Public Comment Period and Tribal Consultation

2022

- Incorporation of Public Comments to the CPP Rule
- Publication of the CPP Rule

December 1, 2022 – CPP Rule Takes Effect



Cultural Resources Office Team

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Rachael Lorenzo

Assistant Commissioner of Cultural Resources



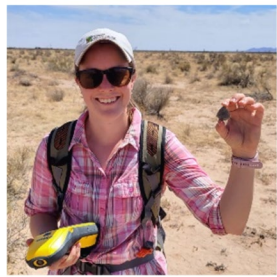
Ethan Ortega

*Director of Cultural Resources
and Archaeologist*



Dr. Lia Tsesmeli

Trust Archaeologist



Anne Curry

Trust Archaeologist



David Eck

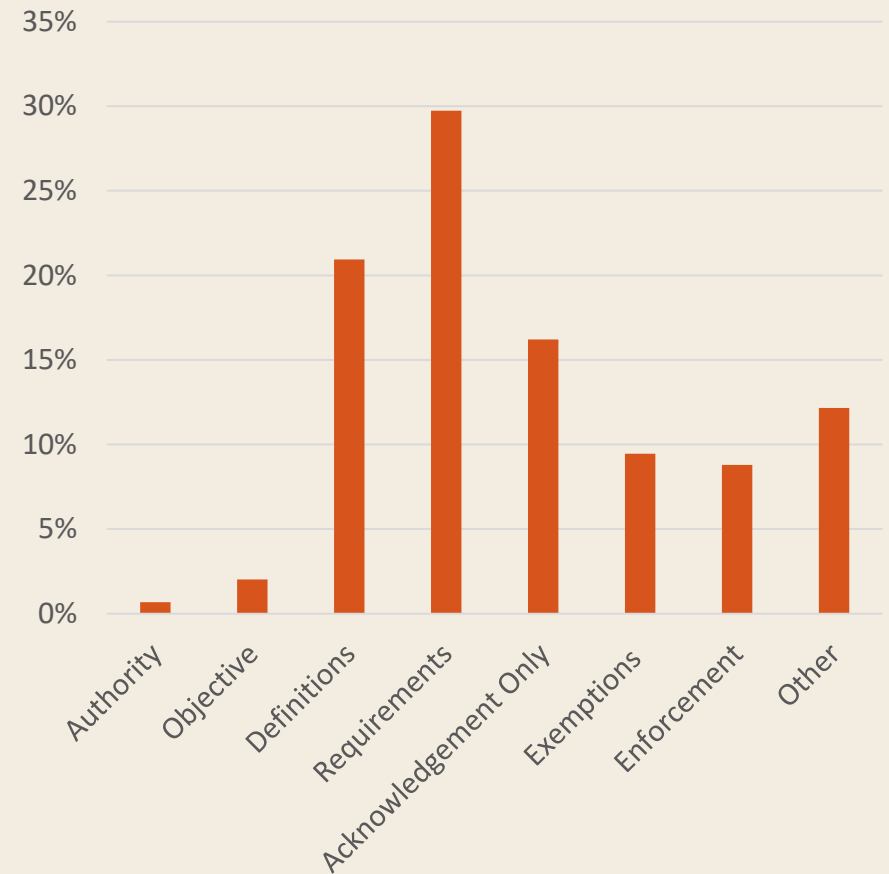
Trust Archaeologist

Input from Stakeholders

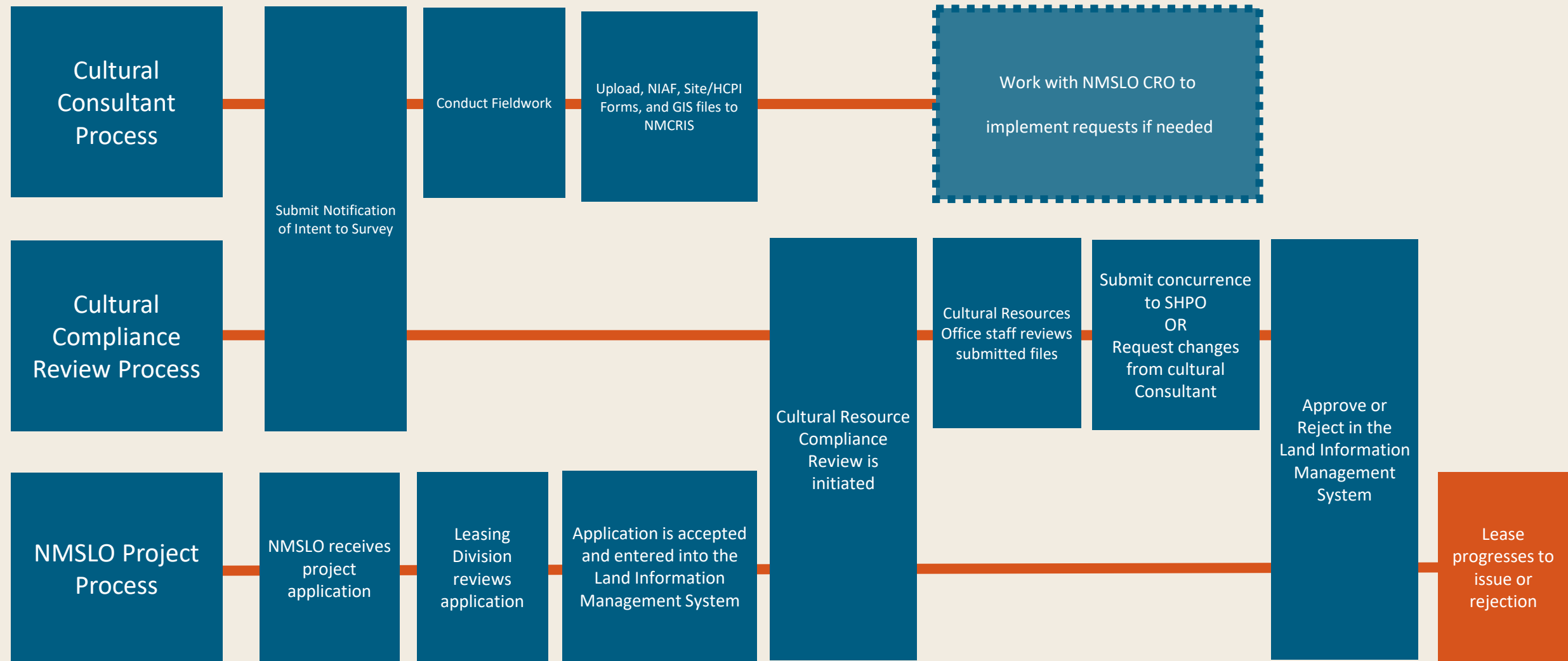
Beginning in August 2021, we accepted input during an extensive public comment period. In all, around 35 individual written comments were submitted, overwhelmingly in favor of the proposed rule.

Addressing Concerns

The Cultural Resources will facilitate surveys in-house or in partnership with contractors the Cultural Survey Support Program, which will help lessees that may be unable to afford the cost of a survey for a smaller project.



High-Level Process Overview



What is Required?

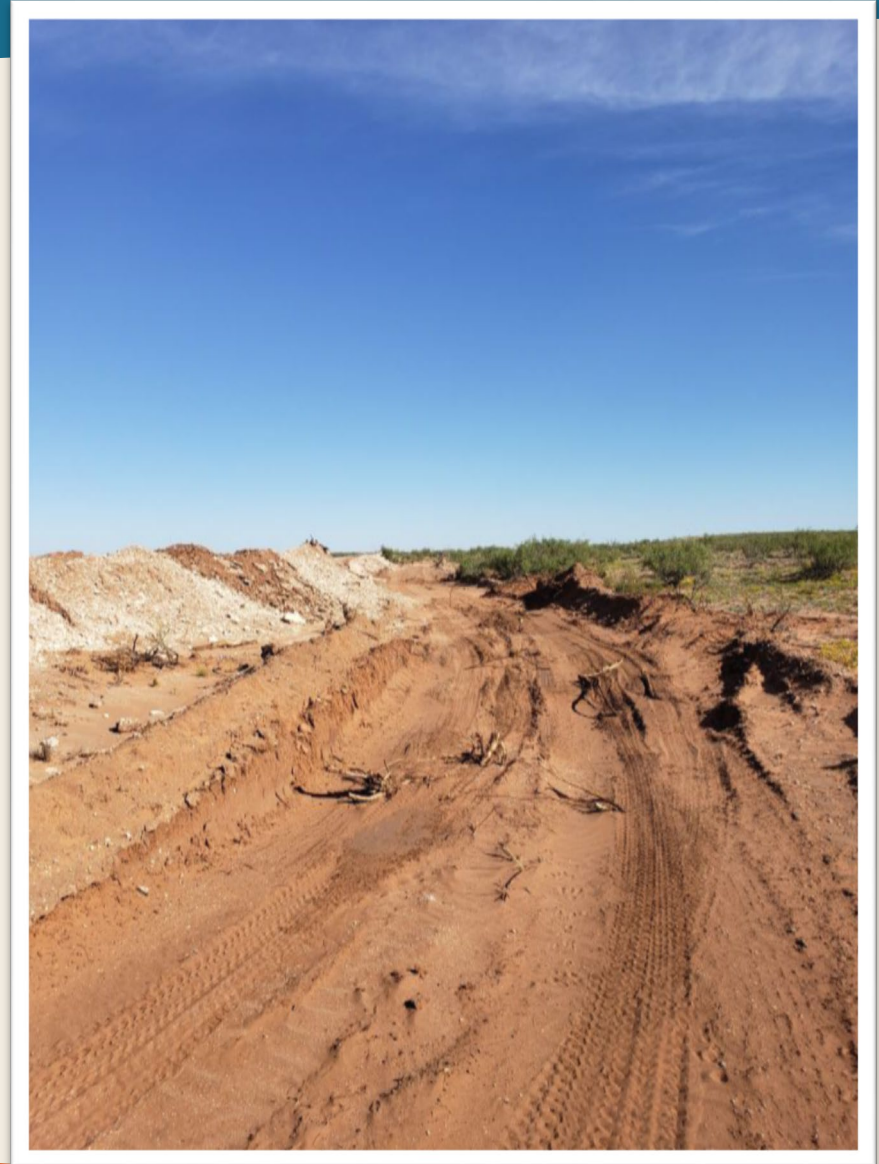
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Avoidance of Damage

Persons shall not disturb, dislodge, damage, destroy or remove cultural properties.



Any persons engaged in activities on state trust lands are subject to the requirements of the Cultural Properties Act, the Cultural Properties Protection Act, and 19.2.24.13 NMAC. Persons shall not disturb, dislodge, damage, destroy, or remove any cultural properties on state trust lands. Any project on state trust lands that has the potential to directly or indirectly damage cultural properties is additionally subject to the requirements of Subsections B, C, D, and E of 19.2.24.8 NMAC.



What is Required?

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Signed Acknowledgment

Parties must understand, agree, and comply with the Cultural Properties Protection Rule.

Only One Signed Acknowledgment per Lease



Parties shall acknowledge, on a form prescribed by the commissioner, that they understand and agree to comply with applicable laws and rules pertaining to the protection of cultural properties on state trust lands.



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

CULTURAL PROPERTIES PROTECTION ACKNOWLEDGMENT FORM

All lessees, operators, grantees, permittees, and/or applicants (collectively, "Parties") requesting any authorization from the Commissioner of Public Lands, or conducting any project or activity on state trust land, are expected to review and abide by all applicable laws and rules related to the protection of cultural properties on state land, including the New Mexico State Land Office's ("NMSLO") Cultural Properties Protection Rule, 19.2.24 NMAC. The Cultural Properties Protection Rule can be viewed at <https://www.nmstatelands.org/culturalproperties/>.

Parties conducting surface-disturbing activity on state trust land must follow the procedures and timelines outlined in 19.2.24.8 NMAC. To minimize processing delays, Parties are strongly encouraged to supply NMSLO with appropriate documentation as early as possible pursuant to 19.2.24.8 (C), (D), (E) & (F) NMAC. Parties are advised to always exercise due caution to ensure that cultural properties on state trust land are not inadvertently excavated, disturbed, dislodged, damaged, destroyed, or removed by any person, pursuant to the Cultural Properties Protection Rule, 19.2.24.8 (A) NMAC and Section 18-6-9 (A) and (B), NMSA 1978.

By signing this acknowledgment form, Parties affirm that they have read this document, including the accompanying Instructions for Compliance, and have reviewed and agree to comply with NMSLO's Cultural Properties Protection Rule. If a Party is other than a natural person, the individual signing below attests that they have the authority to execute this acknowledgment on behalf of and bind that Party.

Type and Number of Instrument (Lease Number): _____

(Required for Oil & Gas Leases-eg. VB06320001; include if available for other leases: Business, Renewables, Minerals, Water Bureau, ROW or Agricultural leases-eg. BL05220001, GR0232, R40893, SW0520, HA0102)

Name of Party (Company Name, if applicable): _____

Name of Signatory (Person Signing): _____

Relationship to Party/Title (position): _____
(eg. lessee, operator, grantee, applicant, self or other)

Phone Number: _____ **Email Address:** _____

Signature : _____ **Date:** _____

The Instructions for Compliance

3 pages of “how-to” information

INSTRUCTIONS FOR COMPLIANCE Cultural Properties Protection Rule (19.2.24 NMAC)

The following instructions apply to all lessees, operators, grantees, permittees, and/or applicants (collectively, “Parties”) that intend to conduct new surface disturbing activities on state trust lands. The instructions provide additional guidance for fulfilling the requirements of NMSLO’s Cultural Properties Protection Rule. A copy of the Cultural Properties Protection Rule can be found at <https://www.nmstatelands.org/culturalproperties/>.

We thank you in advance for your commitment to protecting New Mexico’s past and living history. NMSLO encourages all Parties to provide current and accurate documentation as early as possible to minimize processing delays.

Please do not hesitate to reach out to the Cultural Resources Office at croinfo@slo.state.nm.us should you have any questions after reviewing these instructions or with NMSLO’s cultural properties review process.

Part I: Archaeological Records Management Section (ARMS) Inspection (Records Review)

1. The ARMS inspection is a records review and should comply with the pre-field requirements of 4.10.15.9 NMAC. An ARMS inspection must be conducted prior to any new surface-disturbing activities, in compliance with 19.2.24.8 (C) NMAC. The specific timing of when an ARMS inspection is required depends on the category of activity, as described in 19.2.24.8 (E) NMAC. The Cultural Properties Protection Rule provides exceptions for certain categories of activity that do not require an ARMS inspection or survey; see 19.2.24.9 NMAC and 19.2.24.10 NMAC.
2. Parties are expected to engage a permitted archaeologist to conduct the initial ARMS inspection. Permitted archaeologists are referred to in these Instructions as “archaeological consultants.” Only ARMS inspections from archaeological consultants will be accepted. The list of archaeological consultants in New Mexico is available at <http://www.nmhistoricpreservation.org/documents/consultants.html>. Scroll down past the headings for “Archaeological Permits” and “Official Scenic Markers” to “Preservation Consultants.” Click on the pdf document titled “Cultural Resource Consultants.” The list is updated regularly and arranged by county of location. Because costs vary, the NMSLO encourages Parties to contact more than one archaeological consultant.
3. The Party must provide the archaeological consultant with all relevant supporting documentation. This may include a description of the project, cadastral plats, and location information in digital form (ArcGIS shape files, kml/kmz format, GPS coordinates, CAD drawings, plats, or accurate depictions on USGS 1:24000 quadrangles).
4. The archaeological consultant will conduct an ARMS inspection of the entire area of potential effect (APE). Based on the ARMS inspection, the findings will be summarized into one of three results as indicated on the NMSLO Cultural Resources Cover Sheet (“Cover Sheet”). The Cover Sheet is a fillable PDF form (available from the Web Portal and also from NMSLO’s website and Cultural Resources Office):
 - (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 or has not been surveyed to current standards. A complete archaeological survey must be conducted and submitted for review.
5. If the ARMS inspection indicates that the entire APE has been previously surveyed and no cultural properties were located (result A above), NMSLO’s Cultural Resources Office and the relevant leasing

division (e.g. Water Bureau, Minerals; Agricultural Leasing; Business Leasing, Renewable Energy, Rights-of-Way, etc.) will complete the process of review and approval. In the case of oil and gas lease projects, once the Cultural Resources Office reviews and approves the ARMS inspection results, no further archaeological review is required and the project may proceed.

6. For the ARMS Review (result A above), the archaeological consultant will complete and submit the ARMS Inspection/Desktop Review web form on the Cultural Compliance Web Portal (Web Portal), available at <http://culturalcompliance.nmstatelands.org/>. NMSLO's Cultural Resources Office will have immediate access to the submitted web form and accompanying documents.
7. If the ARMS inspection result indicates a previous survey showing the presence of cultural properties within the APE (result B above), the Party must propose avoidance and protection measures for the project as designed in collaboration with their archaeological consultant.
8. If the ARMS inspection shows that the entire APE has not been subject to archaeological survey or to a current standards survey (result C above), a complete archaeological survey must be conducted. The new survey need not include areas already subjected to acceptable surveys. See continued instructions below, Part II.
9. Because specific locational information of cultural properties that may be contained in an ARMS inspection or archaeological survey is confidential under New Mexico law (see Cultural Properties Act, Section 18-6-11.1, NMSA 1978, and Section 19-1-2.1, NMSA 1978), Parties should expect to receive a copy only of the Cover Sheet from their archaeological consultant, and should forward the Cover Sheet to the appropriate NMSLO leasing division with their application.
10. Parties conducting project activities on state land under oil and gas leases, like other Parties, will receive a copy of the Cover Sheet from their archaeological consultant. To provide information on their upcoming projects on state land, Parties will then fill in the Oil and Gas Project Description Web Form at <http://culturalcompliance.nmstatelands.org/> and will submit, along with the Cover Sheet, any necessary documentation for cultural compliance review pursuant 19.2.24.8 (E)(3) NMAC. Only on-lease oil and gas projects with activities that are not included in any other lease application at NMSLO (eg. Business or Right of Way) should utilize the Web Portal.

Part II: Archaeological Surveys and Compliance Measures

1. If the ARMS inspection, in compliance with 19.2.24.8 NMAC, indicates that the entire APE has not been subject to archaeological survey (see Part I, Para. 4, result C), a complete archaeological survey must be conducted to current standards in compliance with 4.10.15 NMAC. The new survey need not include areas already subjected to acceptable surveys.
2. In compliance with 19.2.24.8 (F) NMAC, at least 15 calendar days prior to any survey activities, the archaeological consultant should fill in and submit a Notification of Intent to Conduct an Archaeological Survey through the Web Portal at <http://culturalcompliance.nmstatelands.org/>.
3. Only archaeological surveys from archaeological consultants will be accepted and must be conducted under current standards in compliance with 4.10.15 NMAC. Information on how to access the list of archaeological consultants is listed in Part I, Para. 2 above. NMSLO encourages Parties to contact more than one archaeological consultant in your location as proximity will be a factor in estimated costs of an archaeological survey.
4. Parties will be expected to design their project to avoid any cultural properties identified within the APE (as recorded on the Cover Sheet in Part I, Para. 4, result B) by the archaeological survey obtained in conjunction with a project or by pre-existing surveys, or provide other mitigation measures in collaboration with their archaeological consultant. Parties are encouraged to provide NMSLO with appropriate current and accurate documentation of the proposed activity as early as possible (preferably at least sixty calendar days prior to any surface disturbing activity) to minimize processing delays and ensure implementation of avoidance and protection measures.

Instructions for Compliance

Pages 2 & 3

- a. Pursuant to the Cultural Properties Protection Rule, 19.2.24.12 (A) NMAC, if any Party becomes aware of actual or imminent damage to cultural properties on state trust lands where that Party is conducting activities, that Party shall immediately notify NMSLO and suspend project activities in the immediate area of the damage or the threatened cultural property. Activities shall remain suspended until the State Historic Preservation Officer and NMSLO approve resumption of activities.
- b. A Party that damages cultural properties on state trust land is responsible for the cost of an archaeological damage assessment, plus the remediation value of the affected cultural property as determined by that damage assessment. In addition, the Commissioner of Public Lands may file an action to recover an amount equal to twice the cost of restoration, stabilization, and interpretation of the damaged cultural property, in accordance with the Cultural Properties Act, Section 18-6-11.2(C), NMSA 1978.

5. The archaeological consultant, upon completion of the survey report, should submit the fillable, completed Cover Sheet to croinfo@slo.state.nm.us with any relevant questions.

Pursuant to the requirements of 4.10.8.18 NMAC, the Cultural Resources Office will review a complete copy of the survey report, its findings and any required compliance (avoidance or mitigation) measures and recommend revisions, if applicable. The Cultural Resources Office will provide further guidance on how archaeological consultants should submit complete survey reports and any required compliance measures for review.

The Cultural Resources Office additionally may request electronic files of survey report(s), sites, location of findings, or survey areas in order to complete its review, all of which should be sent to croinfo@slo.state.nm.us.

6. The complete results of an archaeological survey are confidential under New Mexico law (see Cultural Properties Act, Section 18-6-11.1, NMSA 1978, and Section 19-1-2.1, NMSA 1978).
 - a. Upon approval of the final archaeological survey report and its findings/recommendations, the archaeological consultant will upload the final archaeological report along with all supporting documentation to the New Mexico Cultural Resources Information System (NMCRIIS). Parties should expect to receive a copy of the Cover Sheet from their archaeological consultant, and should forward it to the appropriate leasing division with their application.
 - b. In the case of oil and gas leases only, Parties themselves will upload the Cover Sheet along with their Project Description Web Form documentation submitted via the Web Portal at <http://culturalcompliance.nmstatelands.org/>.
7. The website <http://nmstatelands.org/cultural-resources-office/> contains a list of State Trust Land Archaeologists within NMSLO's Cultural Resources Office (along with related contact info) to whom questions can be addressed.
8. Below is a list of useful links, emails, and phone numbers:
 - a. Cultural Compliance Portal: <http://culturalcompliance.nmstatelands.org>
 - b. Cultural Resources Office Website: <http://www.nmstatelands.org/cultural-resources-office/>
 - c. Cultural Properties Protection Rule and FAQs: <http://www.nmstatelands.org/culturalproperties/>
 - d. Historic Preservation Division-List of Archaeological consultants: <http://www.nmhistoricpreservation.org/documents/consultants.html>
 - e. Inquiries to the Cultural Resources Office: croinfo@slo.state.nm.us
 - f. Main New Mexico State Land Office phone number: 505-827-5760

Cultural Resource Protection

CULTURAL RESOURCE PROTECTION

Parties are expected to review and abide by the laws and rules related to the protection of cultural properties, including the Cultural Properties Protection Rule (19.2.24 NMAC). Please indicate whether you have signed the enclosed Acknowledgment Form. Yes ☐ No ☐

The NMSLO Cultural Resources Cover Sheet (Exhibit _____) provided to you by the archaeological consultant is attached to your application and indicates whether:

an ARMS Inspection ☐ or an Archaeological Survey ☐ has been conducted for this project. (see 19.2.24.9 & 19.2.24.10 NMAC for a description of the categories of activity that do not require an ARMS inspection or survey).

In addition to complying with the requirements of the Cultural Properties Protection Rule, parties also must comply with all other applicable state and federal laws and rules, including laws and rules pertaining to endangered and threatened species and habitat protection.

Digital Files



DIGITAL FILES

Digital information of your project's location is required. Acceptable formats: shapefiles (preferred), gps coordinates, kml/kmz files or georeferenced AutoCAD files. Yes ___ No ___

Digital Files Custodian-Name if other than the applicant:

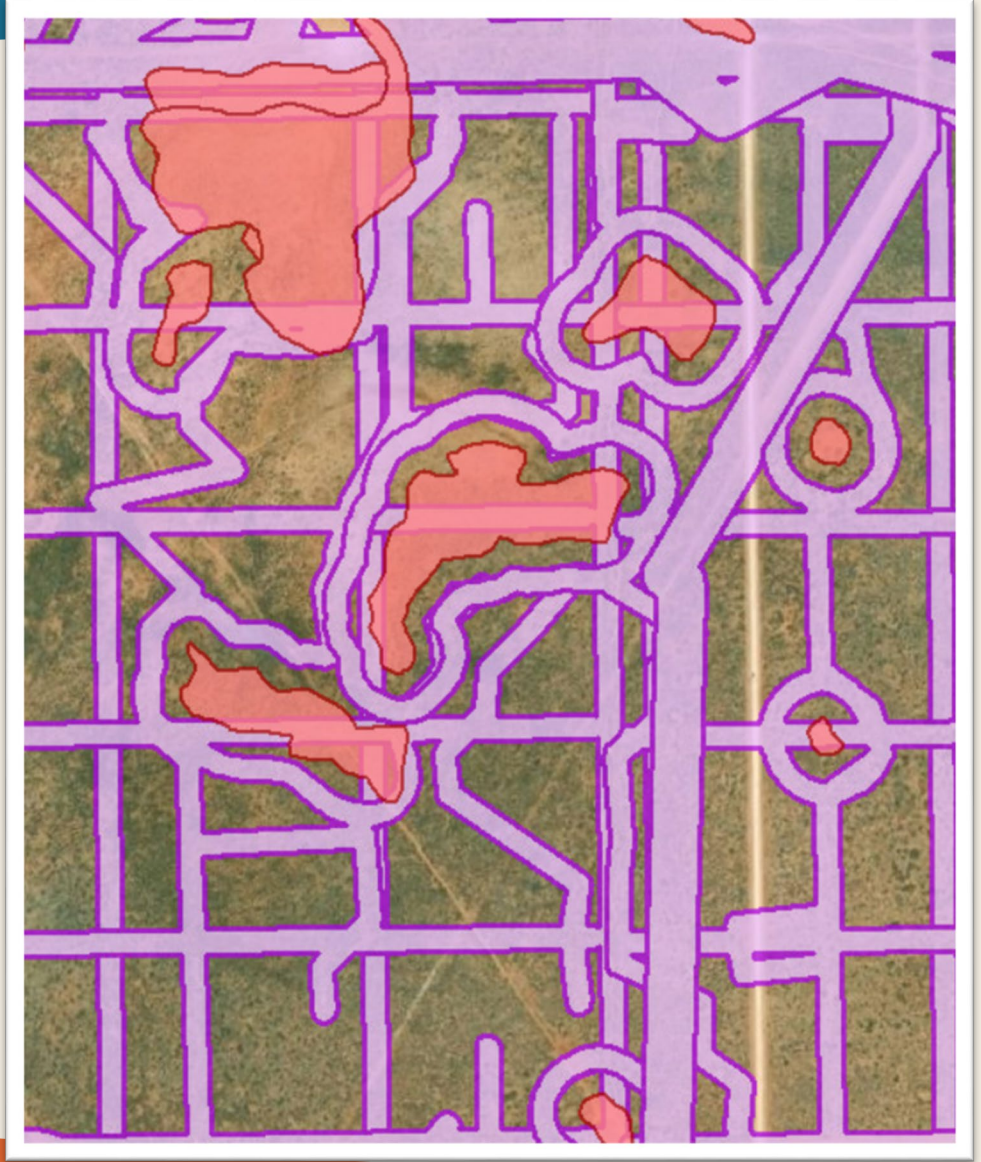
Email: _____ Phone Number: _____

ARMS Inspection and Survey

Archaeological Resource Management System inspections help to know if a survey have been, or need to be completed.

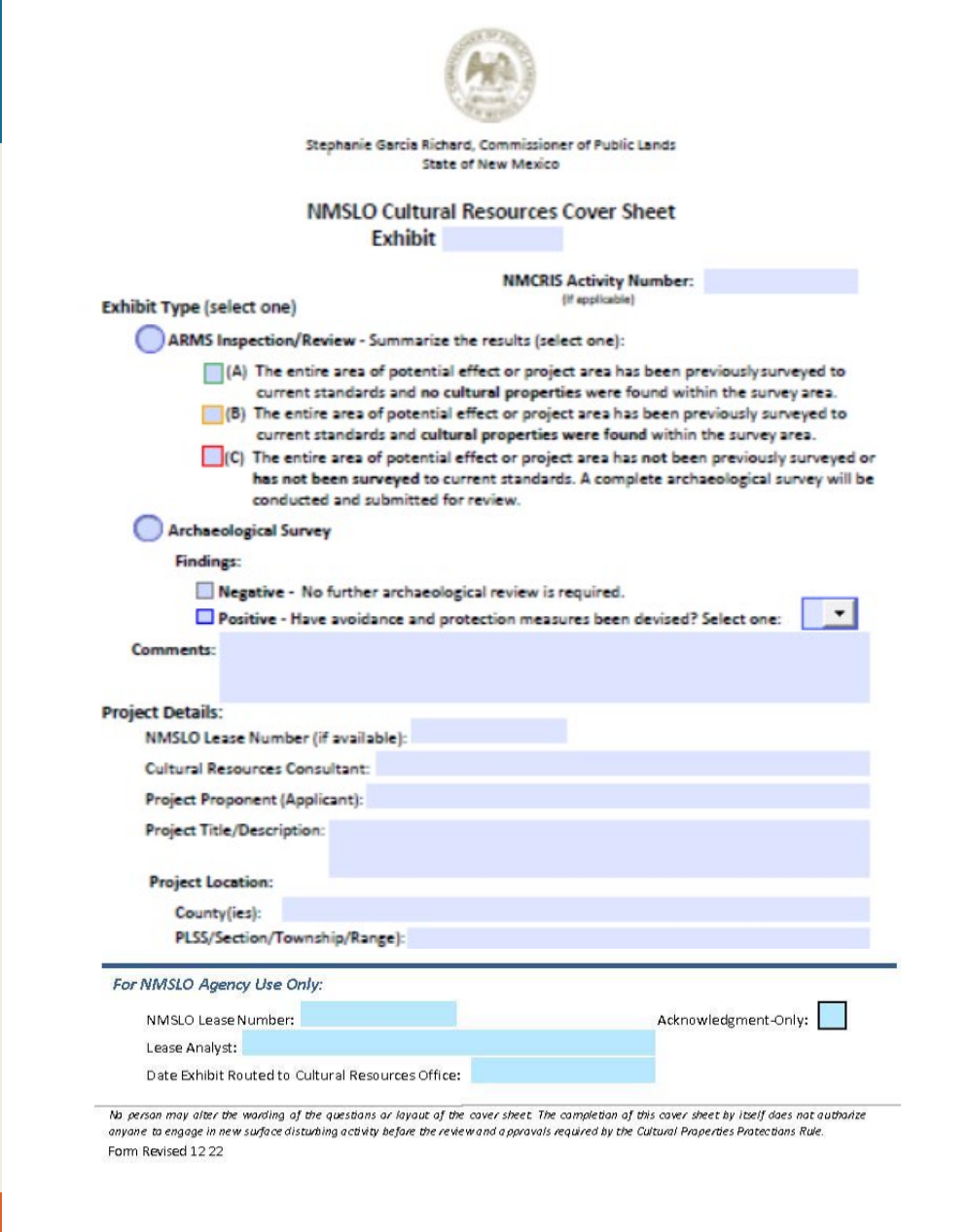


Prior to conducting surface disturbing activities, parties shall cause a permitted archaeologist to submit to the state land office an ARMS inspection of the entire area of potential effect... In the best interest of the trust, the commissioner, in the commissioner's discretion, may elect to provide the ARMS inspection for any particular portion of state trust land.



NMSLO Cultural Resources Cover Sheet

- Updated Format to Conform with the Rule Provisions
- You will receive it, completed and filled in, from your Archaeological Consultant
- Include it with your application packet



The form is titled "NMSLO Cultural Resources Cover Sheet" and is an exhibit. It is headed by the State of New Mexico seal and the name of the Commissioner of Public Lands, Stephanie Garcia Richard. The form includes fields for the exhibit number, NMCRIIS Activity Number, and exhibit type. The exhibit type is either an ARMS Inspection/Review or an Archaeological Survey. For an ARMS Inspection/Review, there are three options: (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 or has not been surveyed to current standards. A complete archaeological survey will be conducted and submitted for review. For an Archaeological Survey, there are findings: Negative - No further archaeological review is required; Positive - Have avoidance and protection measures been devised? Select one. There is a comments section. The project details section includes fields for NMSLO Lease Number (if available), Cultural Resources Consultant, Project Proponent (Applicant), Project Title/Description, Project Location, County(ies), and PLSS/Section/Township/Range. The bottom section is for NMSLO Agency Use Only, including fields for NMSLO Lease Number, Lease Analyst, Date Exhibit Routed to Cultural Resources Office, and Acknowledgment-Only. A disclaimer at the bottom states: "No person may alter the wording of the questions or layout of the cover sheet. The completion of this cover sheet by itself does not authorize anyone to engage in new surface disturbing activity before the review and approvals required by the Cultural Properties Protections Rule. Form Revised 12/22"

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

NMSLO Cultural Resources Cover Sheet
Exhibit

NMCRIIS Activity Number:
(If applicable)

Exhibit Type (select one)

☐ ARMS Inspection/Review - Summarize the results (select one):

☐ (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 or has not been surveyed to current standards. A complete archaeological survey will be conducted and submitted for review.

☐ Archaeological Survey

Findings:

☐ Negative - No further archaeological review is required.

☐ Positive - Have avoidance and protection measures been devised? Select one:

Comments:

Project Details:

NMSLO Lease Number (if available):

Cultural Resources Consultant:

Project Proponent (Applicant):

Project Title/Description:

Project Location:

County(ies):

PLSS/Section/Township/Range:

For NMSLO Agency Use Only:

NMSLO Lease Number: Acknowledgment-Only: ☐

Lease Analyst:

Date Exhibit Routed to Cultural Resources Office:

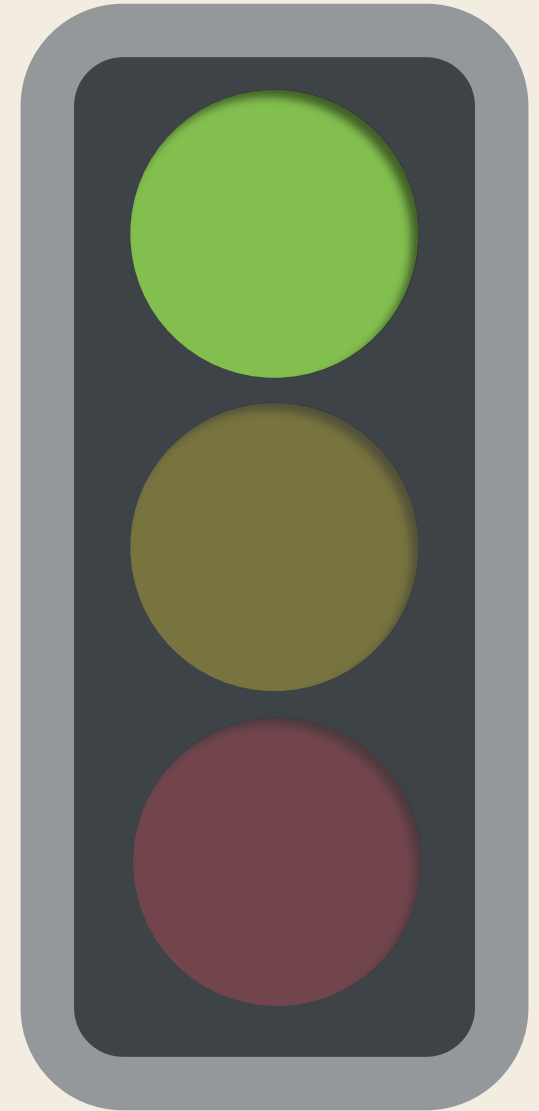
No person may alter the wording of the questions or layout of the cover sheet. The completion of this cover sheet by itself does not authorize anyone to engage in new surface disturbing activity before the review and approvals required by the Cultural Properties Protections Rule.
Form Revised 12/22

Green Light (A Memo)

- The entire Area of Potential Effect (APE) has been surveyed
- No Cultural Properties were identified



If the ARMS inspection demonstrates that the entire area of potential effect has been surveyed, and that no cultural properties are located within the area of potential effect, then the party shall cause a permitted archaeologist to submit the ARMS inspection to the state land office, in which case the required archaeological review is complete.

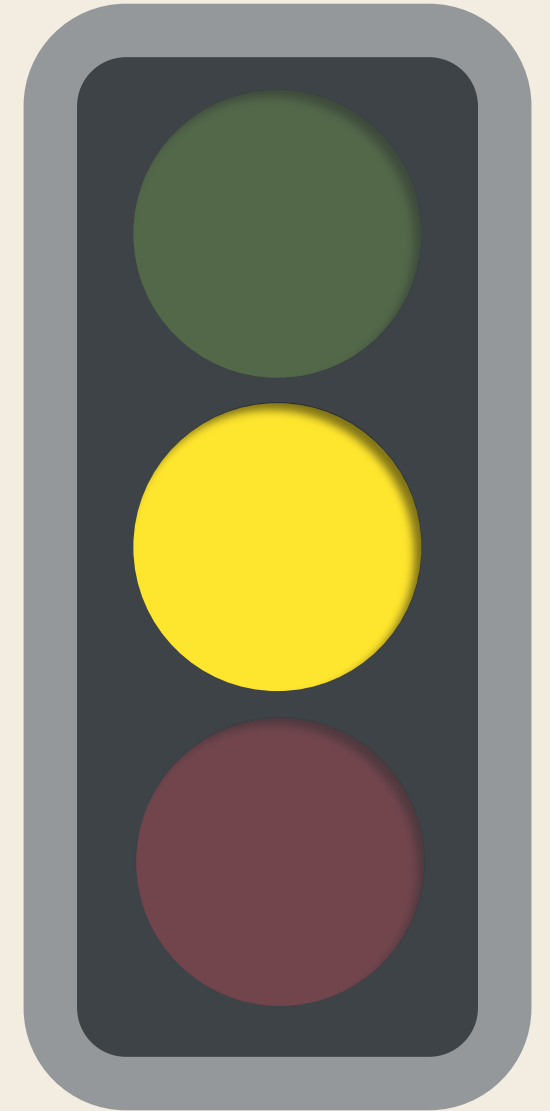


Yellow Light (B Memo)

- The entire APE has been surveyed
- Cultural Properties were identified
- Avoidance or Mitigation will be required



If the ARMS inspection or survey demonstrates that the entire area of potential effect has been surveyed, and cultural properties are identified within the area of potential effect, the party shall cause a permitted archaeologist to submit the most recent applicable survey(s) to the state land office. If a prior survey is submitted that is more than ten years old, the state land office will determine if the survey conforms to the requirements of 4.10.15 NMAC and if it does not, may require an updated survey.

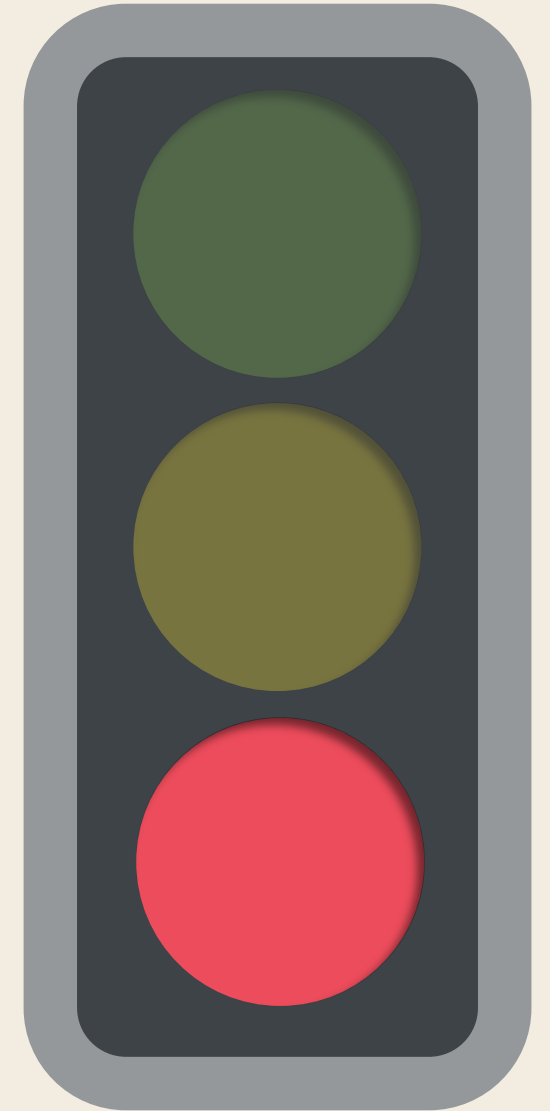


Red Light (C Memo)

- The entire APE has not been surveyed
- Survey will be required



If the ARMS inspection demonstrates that the entire area of potential effect has not been surveyed, a complete archaeological survey must be conducted by a permitted archaeologist in accordance with the requirements of 4.10.15 NMAC and submitted to the state land office. The new survey need not include areas already subjected to acceptable surveys. The party shall be subject to the requirements of Subsection D of this section, if cultural properties are identified in the survey.



Are there any changes to the survey permits for archaeological work on State Land?

19.2.24.8 (F) NMAC



F. Archaeological survey permits and notifications to survey. Individuals with valid archaeological survey permits issued by the New Mexico cultural properties review committee, as provided in 4.10.8 NMAC, are preapproved to access state trust lands for the sole purpose of conducting archaeological surveys pursuant to this rule, without the need for a separate authorization from the commissioner. For other

What are the new compliance measures?



D. Compliance measures. For any application or project where any survey has identified cultural properties within the area of potential effect, the party shall cause a permitted archaeologist to develop and submit to the state land office compliance measures related to project siting, and avoidance and mitigation of damage to cultural properties; those compliance measures may be included within the survey that is submitted to the state land office on behalf of any party, or may be submitted separately. The state land office will review any applicable compliance measures, and determine if those measures are sufficient to protect or mitigate damages to the affected cultural properties, a review that may include consultation with the SHPO and shall include consultation with any impacted tribe. In the best interests of the trust, the state land office may require additional or different compliance measures as a condition to approval of the application or project. This review process will be completed within 60 calendar days of submission of an administratively complete submission (ARMS inspection or survey, and any applicable compliance measures), but that time period may be extended in the commissioner's discretion for up to an additional 60 calendar days as may be necessary to ensure appropriate review. Upon commissioner approval, the relevant leasing division shall include appropriate compliance measures in the relevant lease, easement, or other instrument, if applicable, consistent with applicable statutes and rules.

What are Acknowledgment-Only Requirements?



19.2.24.9 ACKNOWLEDGMENT-ONLY REQUIREMENTS: The acknowledgement specified in Subsection B of 19.2.24.8 NMAC shall be included with applications for the following, with no ARMS inspection or survey as specified in Subsection C of 19.2.24.8 NMAC or compliance measures as specified in Subsection D of 19.2.24.8 NMAC, unless those additional measures are specifically required by the commissioner for a particular application:

- A. renewals or reissues, assignments, conversions, and subleases of existing grants, leases or permits, and agricultural improvement replacements, where no new surface disturbance will occur, or when the area of potential effect of a new project activity is entirely within a previously disturbed area of the same nature and extent of disturbance;
- B. applications for new agricultural leases in open acreage or through competitive bid; and
- C. applications for non-surface disturbing rights of entry, with the final decision vested with the commissioner about whether or not the relevant activity is surface disturbing.

What are the exemptions to the Cultural Properties Protection Rule?



19.2.24.10

EXEMPTIONS:

A. The following activities are exempt from the acknowledgment, ARMS inspection and survey, and compliance measures requirements of this rule. These exemptions do not provide authorization to enter or occupy state trust lands, which must be granted by the commissioner under a valid lease, easement, permit, or other instrument:

- (1) law enforcement, emergency response, or natural disaster response (“emergency response”) activities, whether or not undertaken by or in coordination with the state land office, that are necessary to protect immediate threats to public health, safety, or the environment, including but not limited to firefighting, flood management, or for controlling, containing, or capturing releases of hazardous or harmful materials. If the state land office is not already involved in undertaking or coordinating the emergency response, it shall be notified of the response as soon as practicable. Any known cultural property within the area of emergency response should be monitored to the extent practicable so that any adverse effects to the cultural property can be avoided, mitigated, or minimized;
- (2) administrative actions performed by the state land office, such as executive orders or rule making activities, and any internal agency processes or decisions that do not create new surface disturbance;
- (3) memoranda of understanding or agreements to cooperate executed by the commissioner;
- (4) easements, leases, or other instruments granted by the commissioner to any person that do not directly expand current surface uses or create new surface disturbance;
- (5) recreational access permits and educational access permits, applications for such permits, non-surface disturbing natural resource authorizations, or activities that already require the presence of an archaeological monitor such as special use agreements;
- (6) projects analyzed under the National Environmental Policy Act of 1969, 42 U.S.C. Section 4321 et seq. and the National Historic Preservation Act of 1966, 16 U.S.C. Section 470 et seq., and their implementing regulations, so long as such analysis includes impacted state trust lands. For such projects, the party shall submit a copy to the state land office of the survey or portions thereof pertaining to impacted state trust lands;
- (7) acquisition or disposition of lands through exchange or sale; and
- (8) plugging, restoration, remediation, or reclamation activities that do not involve new surface disturbing activity outside the authorized boundaries of any existing roads, rights of way, well pads, associated oil and gas facilities or other structures.

B. Parties or other persons engaged in the activities exempted in Subsection A of 19.2.24.10 NMAC remain subject to the requirements of the Cultural Properties Act, the Cultural Properties Protection Act, and 19.2.24.13 NMAC.

C. Notwithstanding any other provision of this part, the commissioner may require an ARMS inspection or survey for any project when determined to be in the best interest of the trust.
[19.2.24.10 NMAC - N, 12/01/2022]

What are the exemptions to the Cultural Properties Protection Rule?



19.2.24.10

EXEMPTIONS:

A. The following activities are exempt from the acknowledgment, ARMS inspection and survey, and compliance measures requirements of this rule. These exemptions do not provide authorization to enter or occupy state trust lands, which must be granted by the commissioner under a valid lease, easement, permit, or other instrument:

- (1) law enforcement, emergency response, or natural disaster response (“emergency response”) activities, whether or not undertaken by or in coordination with the state land office, that are necessary to protect immediate threats to public health, safety, or the environment, including but not limited to firefighting, flood management, or for controlling, containing, or capturing releases of hazardous or harmful materials. If the state land office is not already involved in undertaking or coordinating the emergency response, it shall be notified of the response as soon as practicable. Any known cultural property within the area of emergency response should be monitored to the extent practicable so that any adverse effects to the cultural property can be avoided, mitigated, or minimized;
- (2) administrative actions performed by the state land office, such as executive orders or rule making activities, and any internal agency processes or decisions that do not create new surface disturbance;
- (3) memoranda of understanding or agreements to cooperate executed by the commissioner;
- (4) easements, leases, or other instruments granted by the commissioner to any person that do not directly expand current surface uses or create new surface disturbance;
- (5) recreational access permits and educational access permits, applications for such permits, non-surface disturbing natural resource authorizations, or activities that already require the presence of an archaeological monitor such as special use agreements;
- (6) projects analyzed under the National Environmental Policy Act of 1969, 42 U.S.C. Section 4321 et seq. and the National Historic Preservation Act of 1966, 16 U.S.C. Section 470 et seq., and their implementing regulations, so long as such analysis includes impacted state trust lands. For such projects, the party shall submit a copy to the state land office of the survey or portions thereof pertaining to impacted state trust lands;
- (7) acquisition or disposition of lands through exchange or sale; and
- (8) plugging, restoration, remediation, or reclamation activities that do not involve new surface disturbing activity outside the authorized boundaries of any existing roads, rights of way, well pads, associated oil and gas facilities or other structures.

B. Parties or other persons engaged in the activities exempted in Subsection A of 19.2.24.10 NMAC remain subject to the requirements of the Cultural Properties Act, the Cultural Properties Protection Act, and 19.2.24.13 NMAC.

C. Notwithstanding any other provision of this part, the commissioner may require an ARMS inspection or survey for any project when determined to be in the best interest of the trust.
[19.2.24.10 NMAC - N, 12/01/2022]

Main Facts

- Only for Lessees with annual, pre-tax income of less than \$250,000
- Improvements that cost less than \$30,000 and are less than 60 acres
- Qualifying landscape projects



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

Cultural Survey Support Program

Program Description

The New Mexico State Land Office (NMSLO) Cultural Survey Support Program (CSSP) will provide appropriate archaeological survey and review services to qualified applicants for ground disturbing activities on state trust land. This program ensures that cultural properties on state trust land are adequately protected regardless of lessees' financial situations.

Qualifying criteria:

- Applicant must be an NMSLO lessee.
- Project must provide natural resource benefits such as watershed, forest, range, wetland, soil or wildlife health, and may be related to brush or noxious weed control, fire or flood control, erosion control, water quality and quantity, forage abundance and diversity, or livestock/wildlife management.
- Program is designed for lessees with annual, pre-tax income of less than \$250,000. Income level will be self-certified as part of an application form.
- The project may not be financed in whole or in part by any federal grant or other program for which a cultural properties survey is required and paid for by that program.

While this program aims to support archaeological surveying mainly on agricultural leased land, it may be utilized for state trust land leased by any other qualifying NMSLO lessee as deemed appropriate by the Commissioner.

Program limits:

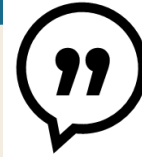
- Applicants may apply for a NMSLO-provided survey for one qualifying project per lease per year.
- The program will support surveys for:
 - Ground disturbing improvements costing less than \$30,000 total (not including survey costs)
 - Improvements that occupy less than 60 acres, except for qualifying landscape scale projects,
- NMSLO-provided surveys will be offered on a first-come, first-served basis until all funds are expended in any given fiscal year. If program funds in any given fiscal year have been expended, applicants may choose to be put in line for the following fiscal year.

Landscape Scale Projects: Lessees may also apply for large landscape scale projects such as brush control. Landscape scale improvements that involve surface disturbing activities, are greater than 60 acres, and cost more than \$30,000 may qualify for support by this program on a case-by-case basis.

- Qualifying landscape scale project applicants must be lessees and must not be receiving any federal support.

Application

- Acknowledge that you will comply with the Cultural Properties Protection Rule
- If you qualify, SLO will review your application and decide on a path of action



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

CULTURAL SURVEY SUPPORT PROGRAM APPLICATION

I / We, _____
of (mailing address) _____

are the current lessee(s) of NMSLO agricultural Lease # _____ and submitted
an improvement application in association with this lease on (Date) _____.

Designated Contact: _____ Phone: _____

- I / We have reviewed and agree to comply with the State Land Office's [Cultural Properties Protection Rule \(19.2.24 NMAC\)](#). YES ____ NO ____
- I / We have read the Cultural Survey Support Program requirements, are a current NMSLO Lessee, and meet the following criteria to qualify for the CSSP:
- The proposed improvement project provides natural resource benefits such as watershed, forest, range, wetland, soil or wildlife health, and may be related to brush and noxious weed control, fire or flood control, erosion control, water quality and quantity, forage abundance and diversity, or livestock/wildlife management. YES ____ NO ____

1. Please describe how the proposed improvement project meets these criteria:

2. The project is not financed in whole or in part by any federal grant or program and will cost less than \$30,000. YES ____ NO ____

3. Project total acreage on State Trust Land is less than 60 acres. YES ____ NO ____

4. Individual, Corporate Entity (Corporation, Limited Liability Company), Trust, or Partnership -

5. Pre-tax annual income of the applicant is less than \$250,000. YES ____ NO ____


6. Applicants may apply for survey support for one qualifying project per lease per year.
Support will be provided on a first-come, first-served basis until all funds are expended in any given fiscal year (July 1- June 30).

If program funds for the current fiscal year have been expended, would you like
7. to be put in line for the following fiscal year? YES ____ NO ____

Application-Cont'd

- Fill in all fields
- Digital Files Required

For Any Questions, please contact:

 Luai Jaber 505-476-0218



8. Is this a landscape scale project like brush control, greater than 60 acres and at a higher cost
9. than \$30,000 for which you would like special consideration? YES ____ NO ____

* If yes, please provide a detailed description of the proposed landscape scale project in Section #1 above. The NMSLO Range Ecologist will contact you for further consultation.

10. For consideration, NMSLO needs accurate information for the proposed project location. If you have not provided digital files with your improvement application please provide them here. Acceptable formats include shapefiles (preferred), gps coordinates, kml/kmz files or georeferenced AutoCAD files.

I certify that the information provided on this form is true and complete. I acknowledge that material misrepresentations or omissions will be grounds to disqualify this application.

LESSEE SIGNATURE

Date

Printed Name, Title (if corp. entity/trust)

LESSEE SIGNATURE

Date

Printed Name, Title (if corp. entity/trust)

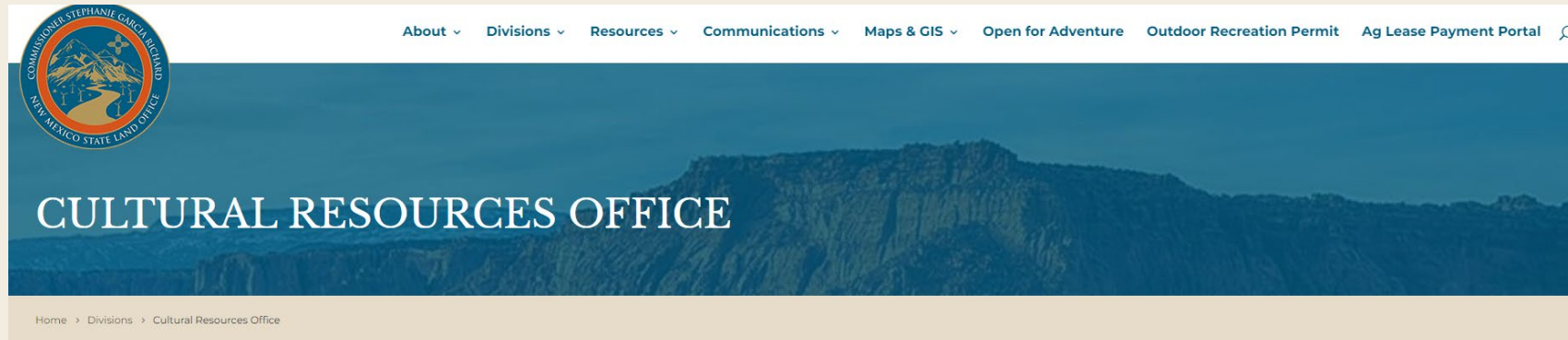
Information on the NMSLO website:

- Links to the Cultural Resources Office Web Page
- Links to the Cultural Properties Protection Rule web page
- Links to Training material

Documents that will be Available

- NMSLO Cultural Resources Cover Sheet
- Training material
- Upon Request any other forms the Cultural Resources Office is using

nmstatelands.org/divisions/cultural-resources-office



- Administrative Services
- Commercial Resources
- Cultural Resources Office
 - Overview
 - About CRO
 - Cultural Resources Office Staff
 - Cultural Properties Protection Rule
 - CRO Forms
- Mineral Resources
- Surface Resources
- Office of the General Counsel

Cultural Resources Office

The Cultural Resources Office (CRO) was created by Commissioner Garcia Richard in 2021 to improve the stewardship of cultural resources on the 9 million surface acres of trust land. The office reviews lease and improvement applications, conducts cultural resource surveys, assists leasing divisions with cultural compliance for land maintenance projects, and consults with governmental agencies and descendant communities. To date, over 600,000 (6.7%) acres of trust land have been surveyed for cultural resources and over 11,000 cultural properties have been identified and documented indigenous hunting sites that are more than 13,000 years old. Surveys continue almost every day, and are constantly adding to these totals.



STONE SPEAR POINT

Late Paleoindian Stone Spear Point Over 7,000 Years Old



NAVAJO PUEBLITO

Stone Defensive and Habitation Structure Over 300 Years

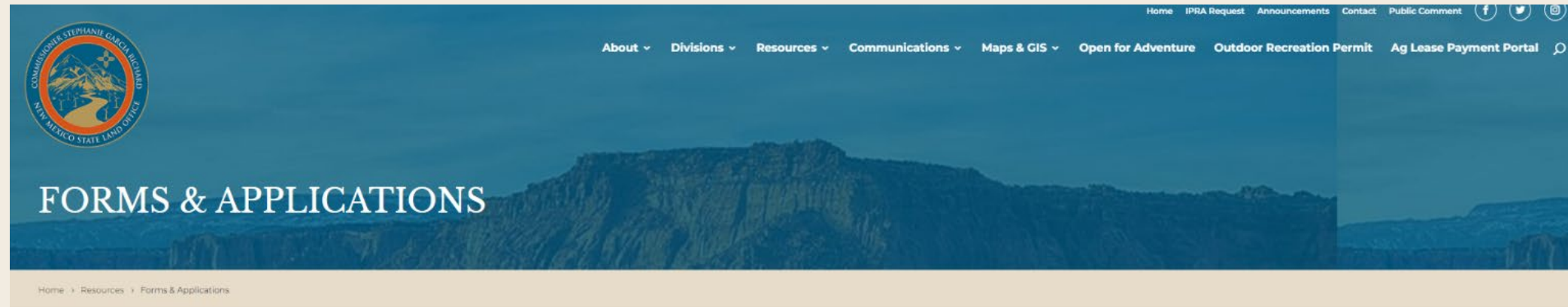


VINTAGE 7UP BOTTLE

Glass 7Up Bottle Dating to the 1950s from Southern N



nmstatelands.org/resources/forms-and-applications



[Annual Reports](#)

[Policies & Procedures](#)

[Forms & Applications](#)

[Financial Reports](#)

[Fee Schedules and Rentals](#)

[FAQs](#)

[Open for Adventure](#)

[Hunting Access Information](#)

State Land Office Forms

NOTE: Please clear your internet browsing history first to make these forms fillable online.

[Agricultural Leasing Forms](#)

[Business Leasing Forms](#)

[Cultural Resources Forms](#)

- Documents updated for the new Cultural Properties Protection Rule will be added in November 2022.



Thank you
for helping to protect Cultural
Properties on New Mexico
Trust Land!

Cultural Resources Office



CROINFO@slo.state.nm.us



[nmstatelands.org/divisions/
cultural-resources-office](https://nmstatelands.org/divisions/cultural-resources-office)

