



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 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-ie. VB06320001; include if available for other leases: Business, Renewables, Minerals, Water Bureau, ROW or Ag leases-ie. BL05220001, GR0232, R40893, SW0520, HA0102)

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

Name of Signatory (Person Signing): _____

Relationship to Party/Title (position): _____

(ie. lessee, operator, grantee, applicant, self or other)

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

Signature : _____ **Date:** _____

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.
 - 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 (NMCRIS). 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