

For Official Use Only Permit No.: _____ Expiration Date: _____ Annual Rental: _____

COMMUNITY BOAT DOCK PERMIT APPLICATION
ENERGY, MINERALS, AND NATURAL RESOURCES DEPARTMENT, STATE PARKS DIVISION

Submit completed community boat dock permit application, application fee, and the attachments specified in the attached instructions to:

EMNRD, State Parks Division
 Northeast Region Office
 612 E. Main Street
 Tucumcari, NM 88401

Name of association or other organization (Applicant):	
Address:	
City/state/zip code:	
Name of Applicant's authorized representative:	
Authorized representative's signature and date:	
Telephone number (include area code):	
Facsimile number (include area code):	
E-mail address (optional):	
Address of property where the community boat dock is located:	

Fees:	Application fee	Annual rental	Surety bond
Boat Docks	\$1,000	\$2.50/sq. ft. (\$750/yr. minimum)	\$5,000 or \$5/sq. ft. (whichever is greater)

Note: All application fees are non-refundable. Subsequent community boat dock permit application fees for the same applicant, location, and community boat dock are \$200.

For official use only:	Approved	Disapproved	Signature and date
Park Superintendent	<input type="checkbox"/>	<input type="checkbox"/>	
Northeast Region Manager	<input type="checkbox"/>	<input type="checkbox"/>	
Design and Development Bureau Chief	<input type="checkbox"/>	<input type="checkbox"/>	
Boating and Law Enforcement Bureau Chief	<input type="checkbox"/>	<input type="checkbox"/>	
Deputy Director	<input type="checkbox"/>	<input type="checkbox"/>	

INSTRUCTIONS FOR COMMUNITY BOAT DOCK PERMIT APPLICATIONS:

1. General Policy. Community boat dock permit applications will be reviewed and considered according to the New Mexico Interstate Stream Commission's (ISC) Ute Reservoir Shoreline Management Plan (2010) and 18.17.3 NMAC. Water quality protection, general public use of ISC property, public safety, and protection of Ute Reservoir for drinking water supply shall not be compromised by improvements located on ISC property.
2. Application. Completely fill out the community boat dock permit application (Application) and ISC encroachment license Application forms. Separate submittals to the State Parks Division for the Application and ISC for the encroachment license agreement are required. If you have questions about the Application or application process, contact:
Park Superintendent
Ute Lake State Park
EMNRD, State Parks Division
P.O. Box 52 or 1800 540 Loop
Logan, NM 88426
Telephone: (575) 487-2284
3. Submittals Required for Initial Review.

In addition to the requirements for Application set forth in 18.17.3.9 NMAC (project plans, etc.) the Application must be accompanied by the following submittals:

- (a) Check or money order for the entire amount of the non-refundable Application fee made payable to the "State Parks Division".
- (b) Map, plat, or survey (drawn to scale and acceptable to the State Parks Division) showing property and proposed use attached to the Application as Exhibit A. Exhibit A must depict area of encroachment upon ISC lands (fee or easement).
- (c) 8½ x 11 inch depiction of the property and the proposed use. This depiction must be acceptable to State Parks Division staff, must clearly show the location of the property and the proposed use, and must be attached to the Application as Exhibit B. A reduced copy of the required map, plat, or survey, required in 3(b) above, may be acceptable. Simple hand-drawn sketches are not sufficient.
- (d) Any previous licenses or permits attached to the Application as Exhibit C.
- (e) A copy of the bylaws and articles of incorporation or articles of association or like organizational documents for the residential community group that is applying for the community boat dock permit or other documents establishing that the residential community group is a homeowner association or similar residential organization and a plat of the residential community attached to the Application as Exhibit D. A community boat dock by definition is a private, non-commercial boat dock for use by the owner-members or other authorized residents of a residential community, such as a planned unit development or condominium development, and is not available for commercial use.

Homeowner associations or other similar organizations shall not include members that do not own property shown in the plat of the residential community. At least one lot in the residential community, or portion of the common area of the residential community, must adjoin Ute Reservoir in such a way that the community boat dock may be located, used, and maintained without trespass or encroachment on any other property that adjoins Ute Reservoir.

- (f) Proof (i) that a member of the residential community group owns the land that is adjoining the community boat dock's proposed location and has authorized the members of the residential community group to cross such land to access the community boat dock or (ii) that the residential

community group owns the land that adjoins the portion of Ute Reservoir that is the proposed location of the community boat dock attached as Exhibit E.

- (g) Proof that the applicant has also submitted an encroachment license Application to the ISC attached as Exhibit F.

4. Review Process.

- (a) All Applications are public documents. Submit completed Applications, Application fee, and the attachments specified in these instructions to:

EMNRD, State Parks Division
Northeast Region Office
612 E. Main Street
Tucumcari, NM 88401

- (b) The Northeast Region Manager or designee will receive applications. If the Application is incomplete, the Northeast Region Manager will notify the applicant in writing that the Application is incomplete with the reasons the Application is incomplete and that the State Parks Division is therefore not approving the Application. If the Application is complete, the Northeast Region Manager or the designee will schedule and perform a site visit with ISC and New Mexico Department of Game and Fish (NMDGF) staff for the purposes of assessing the proposed community boat dock's compliance with the ISC Shoreline Management Plan and 18.17.3 NMAC.
- (c) Upon completion of the site visit and review of the Application, the Northeast Region Manager will forward the Application to the Deputy Director of the State Parks Division, in Santa Fe for consideration of approval.
- (d) State Parks Division's Santa Fe office staff will further review the Application. If the State Parks Division does not approve the Application, staff will notify the applicant in writing. The notification will include the reason the State Parks Division did not approve the Application. If the State Parks Division approves the Application, State Parks Division staff will notify the applicant in writing and provide a community boat dock permit to be signed by the applicant's authorized representative. The applicant must provide the documents listed below before the State Parks Division will sign and issue the community boat dock permit. A community boat dock permit is not effective until signed by the State Parks Division's authorized representative.
 - (i) Check or money order in the full amount for the annual fee made payable to the State Parks Division. The State Parks Division will pro-rate the first year's annual fee. Subsequent annual fee statements will be mailed every October, with fees due every December 1st.
 - (ii) A community boat dock permit signed by the applicant's authorized representative.
 - (iii) Certificate of insurance in the amount and in the form specified in the notification.
 - (iv) Surety bond in the amount specified in the notification.
 - (v) Other items as may be required by the State Parks Division or ISC to ensure public health and safety, water quality, or for specific conditions and specified in the notification.
 - (vi) A copy of an encroachment license issued by ISC.

The State Parks Division will notify the ISC that the State Parks Division has determined that a community boat dock permit is issuable.

- (e) The ISC requires an encroachment license for any community boat dock at Ute Reservoir. The Application packet includes an encroachment license Application that requests information about the parcel to which the community boat will be attached. At the same time the applicant submits the Application for a community boat dock permit, the applicant shall submit the encroachment license Application to:

NMISC
Attn: Canadian Basin Manager
P.O. Box 25102
Santa Fe, NM 87504-5102

Once the State Parks Division has notified ISC staff that the State Parks Division has determined that a community boat dock permit is issuable, the ISC will act on the encroachment license Application and will contact the applicant directly if additional information is needed for such action.

- (f) Upon receipt of the items listed above in 4(d), the State Parks Division staff will issue the community boat dock permit and staff will send the permittee the community boat dock permit and a letter of approval to proceed with boat dock construction. After approval and construction of the community boat dock, State Parks Division personnel will conduct an inspection to ensure the construction conforms to the submitted plans and specifications.

If the community boat dock fails the construction inspection or subsequent annual inspections, the Park Superintendent will notify the permittee of the deficiencies. If the permittee does not remedy the deficiencies within specified timelines, the State Parks Division may terminate the community boat dock permit and permittee must remove the community boat dock at permittee's own expense.

5. Certification. Upon receipt of the community boat dock permit and successful construction inspection, the permittee must permanently affix the boat dock number shown on the copy of the approved Application to the end of the community boat dock facing the lake, using reflective numbers and letters three inches in height, and of a color contrasting with the background. Example: UTC-00-000.
6. Permits. Community boat dock permits are subject to all of the terms and conditions in the community boat dock permit, ISC's Ute Reservoir Shoreline Management Plan, and 18.17.3 NMAC. Community boat dock permits contain detailed provisions regarding fees, term, termination, and other requirements.
7. Term. Community boat dock permits are issued for a period of up to five years and will have an anniversary date of January 1st. The term of a community boat dock permit will be for the remainder of the calendar year in which it is issued and four calendar years thereafter.
8. Rules. Community boat docks must at all times comply with applicable rules, including 18.17.3 NMAC, ISC's Ute Reservoir Shoreline Management Plan, and the community boat dock permit. A valid ISC issued encroachment license for the dock must also always be in place. Failure to have a valid encroachment license shall result in termination of the community boat dock permit. The State Parks Division may terminate permits for community boat docks that do not comply with or are not promptly brought into compliance with 18.17.3 NMAC. The State Parks Division may also terminate community boat dock permits as otherwise specified in the community boat dock permit Application instructions, 18.17.3 NMAC, or in the community boat dock permit.
9. Sale of Property. Community boat dock permits terminate upon sale of the property where the community boat dock is located or attached.

10. Concurrent Jurisdiction. Applicants seeking community boat dock permits may be required to obtain permits or approvals from other governmental entities for proposed construction or installation. Applicants shall be responsible for determining what, if any, such permits or approvals are required, and for obtaining any necessary permits or approvals. The State Parks Division may condition final approval or terminate any community boat dock permit and require the permittee to remove the community boat dock if the State Parks Division, in the State Parks Division's reasonable judgment, determines that the community boat dock is not in compliance with rules or requirements of other governing entities.

11. Requirements for Community Boat Docks.

(a) Community boat docks shall:

- (i) not in any way adversely affect the water quality of Ute Reservoir and its purpose as a public drinking water supply including activities that increase water turbidity;
- (ii) not cause any erosion or sedimentation, either through physical presence or reasonably expected use;
- (iii) be maintained by the permittee in a safe and secure condition;
- (iv) not include habitable structures, permanent storage facilities, electric power sources, or sanitation devices;
- (v) not have flammables, cleaners, or solvents stored on the community boat dock;
- (vi) not be used for commercial activity;
- (vii) not impair public access to or along ISC fee lands or Ute Reservoir;
- (viii) not include vehicle or boat access ramps or roads; and
- (ix) not be a nuisance or threat to public safety.

(b) Community boat docks shall at all times comply with all applicable statutes, codes, ordinances, regulations, and rules of federal, state, or local authorities having jurisdiction. In the event of concurrent jurisdiction of any federal, state, or local authorities, community boat docks shall comply with the more restrictive requirement.

(c) Community boat docks shall be constructed to occupy as little of the lake surface as is reasonably possible and may not extend farther than one-third of the distance to the opposite shoreline, or extend to within 25 feet of the center of a cove, whichever is more limiting, regardless of reservoir elevation.

(d) Community boat docks may fluctuate vertically on their anchoring systems, but not horizontally. The State Parks Division may terminate the community boat dock permit for any community boat dock or encroachment that, in the State Parks Division's sole judgment, is a public nuisance or safety hazard, or is inadequately anchored, constructed, or maintained. Upon termination of the community boat dock permit, the permittee must remove the community boat dock from Ute Reservoir.

(e) Community boat docks and encroachments may not be located in any part of Ute Reservoir that the State Parks Division or ISC determines is unsuitable for their use and must meet the criteria listed in the ISC's Ute Reservoir Shoreline Management Plan §7.3.2. Reasons for unsuitability include, but are not limited to, safety concerns, public use, public access, shoreline media or topography, water depth, prevailing climatic conditions, or restrictive channels or coves.

- (f) Granting of a variance for a community boat dock is at the discretion of the State Parks Division, ISC, and NMDGF. Variances to 18.17.3 NMAC require the State Parks Division's written approval. Variances must not contravene the general safe and efficient operation of Ute Dam or intent of 18.17.3 NMAC or the ISC's Ute Reservoir Shoreline Management Plan.

12. Other Conditions. Permittees must comply with the following:

- (a) state and federal laws and regulations or rules relating to fishing, protection of wildlife, and control of plant and animal pests;
- (b) the prohibition against the discharge of oil and petroleum products, trash and human wastes, and soil, earth materials, or other fill materials of any sort or type into the waters of Ute Reservoir;
- (c) rules made and published or posted under authority of the New Mexico Boat Act, NMSA 1978, 66-12-1 *et seq.* and applicable federal laws;
- (d) all rights-of-way and easements heretofore acquired for any purpose, including but not limited to the utility easement and certain reserved interests in the Town of Logan and the City of Tucumcari;
- (e) the right of the public and the State of New Mexico, including the State Parks Division and ISC and their officers, agents, employees, licensees, and permittees, at all times and places, to freely have ingress, passage, and egress near, around, and within the water area surrounding the community boat dock; and
- (f) the right of the ISC to regulate the water level of Ute Reservoir at will.

13. Modifications. Modifications to community boat docks will require the permittee to submit a new Application to and obtain approval from the State Parks Division and perhaps seek an amended encroachment license from the ISC.

Questions may be directed to:

Park Superintendent
Ute Lake State Park
EMNRD, State Parks Division
P.O. Box 52 or 1800 540 Loop
Logan, NM 88426
(505) 487-2284