

RIGHT OF ENTRY AGREEMENT

State of New Mexico; Energy, Minerals and Natural Resources Department
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Project Name: Salt & South Fork Post-Fire Hazard Tree Mitigation and Watershed Stabilization

Project ID: _____

ROE Number: _____

Parcel ID: _____

CONSENT FOR RIGHT OF ENTRY – INDIVIDUAL(S) (NO LIEN)

By filling out this Agreement and signing below, I/We, _____
hereby affirm that I/we am/are the legal (Owner(s)) of the Property located at _____,

and hereby grant to the State of New Mexico, Energy, Minerals and Natural Resources Department (EMNRD), and its agents, employees, or contractors retained by EMNRD, the consent to enter upon the Property with all necessary and convenient materials and equipment to perform hazard tree and watershed stabilization work, in order to reduce the risk of further damage to the Property and neighboring properties. If a deed record is not immediately available, title insurance will be accepted.

As used in this Agreement “Hazard Tree Work” may include:

1. identification, assessment, and mapping of wildfire-damaged trees that pose an immediate threat of falling onto a road, powerline, or other improved property; and
2. development, implementation, and monitoring of treatments, including: tree felling; chipping of trees, limbs, or branches; or decking of felled trees.

As used in this Agreement “Watershed Stabilization Work” may include:

1. assessment and mapping of burned areas at risk of erosion and flooding, and identification of priority zones for intervention; and
2. development, implementation, and monitoring of stabilization treatments, including:
 - a. contour felling and log erosion barriers: cutting and securing burned trees on contour lines along slopes to slow runoff and capture sediment;
 - b. ground roughening: ripping or otherwise preparing soils for planting activities;
 - c. seeding: spreading seeds of fast-growing herbaceous plants to stabilize soil;
 - d. mulching/chipping/mastication: applying organic material like straw or wood to reduce erosion and retain moisture; or
 - e. one-rock dams: constructing low rock barriers across small gullies (narrow channels formed by erosion) to slow water flow and reduce erosion.

EMNRD has sole discretion to determine appropriate watershed stabilization measures. EMNRD, at its sole discretion, may deem it necessary to remove non-fire-damaged trees to access and fell (cut) hazard trees, and to remove trees that pose a danger to or threaten work crews.

In consideration of the Hazard Tree and Watershed Stabilization Work which benefits the Owner(s) and the general public, and intending to be legally bound, I/we agree as follows:

1. The Property Owner(s) certifi(y/ies) that no liens or encumbrances exist on the Property that would prevent debris removal operations;
2. The Owner(s) assume(s) no liability for injury or damage by agents, employees, or contractors providing Hazard Tree and Watershed Stabilization Work for EMNRD;

RIGHT OF ENTRY AGREEMENT

3. EMNRD and their respective officers, employees, agents, contractors, and subcontractors are not liable for any damage to property, bodily injury, or death to persons on the Property;
4. In giving consent to this right of entry, the Owner(s) do(es) not waive any legal remedies available under applicable law;
5. The Owner(s) understand(s) that EMNRD is not obligated to perform hazard tree or watershed stabilization work on the Property;
6. The Owner(s) understand(s) that it may be necessary to make changes to the practice plan to adjust for conditions encountered on the Property;
7. EMNRD shall bear the expense for the planning and implementation of the hazard tree and watershed stabilization work, if any;
8. The term of the right of entry shall extend for the length of the time necessary to complete the hazard tree work and shall terminate upon completion of such work; provided, however, that the term of the right of entry may be altered at any time by written agreement of the parties to this right of entry.

Hazard Tree Treatment:

Owner(s) understand(s) that hazardous trees identified for removal will be cut, topped, limbed, bucked, and chipped or broadcast back onto disturbed areas or decked on site. EMNRD has the sole discretion to determine whether areas adjacent to hazard trees pose an erosion hazard and require chipping or broadcasting woody biomass (tree residue) to aid in erosion control. Where possible, chipping will focus on tree crowns and leave boles and larger limbs to be decked.

Watershed Stabilization Treatments:

Property Owner(s) understand(s) that areas identified as erosion hazards may be treated with any combination of practices to prevent further soil erosion and stabilize slopes across the landscape, ensuring protection for both the Property and surrounding areas.

Materials to be left on Owner's Property:

EMNRD has sole discretion to determine whether woody materials will be left on site following project work or removed to mitigate wildfire threat. In the event that material is left on Owner(s) Property, please indicate on the diagram below where you would like the material to be placed.

Property Diagram



