

**Energy, Minerals and Natural Resources Department (EMNRD)
State Parks Division
1220 S. St. Francis Drive
Santa Fe, NM 87505
Telephone (505) 476-3355**

Concession Permit

Pursuant to 19.5.5.14 NMAC, Concession Permits are valid for one year or less. For outfitters and guides, the Concession Permit's full one-year period is from April 1st until March 31st annually. All other Concession Permits are valid for 12 months from the date of issue, unless otherwise indicated on the Concession Permit. Applicants must submit Concession Permit Applications to the State Parks Division (Division) park superintendent/manager where the Applicant intends to operate, along with the applicable Concession Permit fee (see 19.5.6 NMAC), and proof of insurance as specified below. Concession Permittees, their employees, and their clients are subject to appropriate state laws, rules, and policies.

Applicant name:

Name of Business or DBA:

Address:

City/state/zip code:

Telephone number (include area code):

Facsimile number (include area code):

E-mail address:

Applicant's New Mexico tax identification number:

Name of park:

Date(s) of the proposed activity:

Number of people involved:

Detailed description and location of the proposed activity:

Indemnification

By signing below, Applicant certifies Applicant shall defend, indemnify, and hold harmless EMNRD, the Division, and the State of New Mexico from all actions, proceedings, claims, demands, costs, damages, attorneys' fees, and all other liabilities and expenses of any kind from any source that may arise from a Concession Permit issued pursuant to this Application, caused by the negligent act or failure to act of the Permittee, its officers, employees, servants, subcontractors, or agents, or if caused by the actions of any client of the Permittee resulting in injury or damage to persons or property during the time when the Permittee or any officer, agent, employee, servant, or subcontractor thereof has or is performing services pursuant to the Concession Permit. In the event that any action, suit, or proceeding related to the services performed by the Permittee or any officer, agent, employee, servant, or subcontractor under the Concession Permit is brought against the Permittee, the Permittee shall, as soon as practicable but no later than two days after it receives notice thereof, notify EMNRD's legal counsel and the Risk Management Division of the New Mexico General Services Department by certified mail. Nothing in this section shall be deemed to be a waiver by the State of New

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Mexico of the provisions of the Tort Claims Act, NMSA 1978, §§ 41-4-1 *et seq.*

Fees and Insurance

Note: Along with the applicable Concession Permit fee, prior to issuance of a Concession Permit, Applicant shall provide the Division with proof of insurance which shall at a minimum provide a \$1,000,000 limit for each occurrence and a \$2,000,000 general aggregate limit, and shall name the state, EMNRD, and the Division as additional co-insured.

Signed: _____ Date: _____

Applicant's printed name and title: _____

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For Division use:

_____ Superintendent/manager shall review the Application and determine whether the service or activity meets the following criteria:

- | | |
|-------|--|
| _____ | does not significantly adversely impact an existing concessionaire's operation. |
| _____ | provides a needed service to park visitors or a service in which the public has shown a substantial interest. |
| _____ | enhances, improves, or protects park resources or enjoyment thereof. |
| _____ | meets the Concession Permit definition in 19.5.1.7 NMAC - services the Division may authorize under a Concession Permit include guiding and outfitting services for fishing, boating, and rafting excursions; educational and park resource protection services; and other services, including commercial services, that enhance visitors' experience and enjoyment, such as sales of firewood, propane, ice, food, or refreshments. |

The superintendent/manager shall contact the Applicant within 15 calendar days if the Application is incomplete. The superintendent/manager may request additional information from the Applicant as necessary for the Application's review and evaluation. The regional manager shall submit Applications the park superintendent/manager and regional manager approve to the Division's concessions administrator for processing and review and the Secretary's final approval.

Permit is:

_____ Approved, subject to Applicant providing the required insurance.

Date proof of insurance received: _____

_____ Disapproved, for the following reasons:

Requirements for approved permit:

1. Permittee shall not maintain fixed assets within the park.
2. Permittee's business address shall be outside of the park.
3. Permittee, Permittee's employees, and Permittee's clients shall pay applicable fees associated with a park's use. (See 19.5.6 NMAC.)
4. A permit is valid only within the park for which it is issued. Exception: Permittee may use a single Concession Permit for Heron Lake and El Vado Lake State Parks, or Elephant Butte Lake and Caballo Lake State Parks.
5. Permits are not transferrable.
6. EMNRD must receive applicable fees and proof of insurance before permit is effective.

Permit Approved:

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, STATE PARKS DIVISION

Signed: _____ Date: _____
Superintendent / Manager

Signed: _____ Date: _____
Cabinet Secretary or Designee

Permit issued on _____ (insert date) by _____
Signature of Concessions Administrator

Permit Number/Numbers: _____