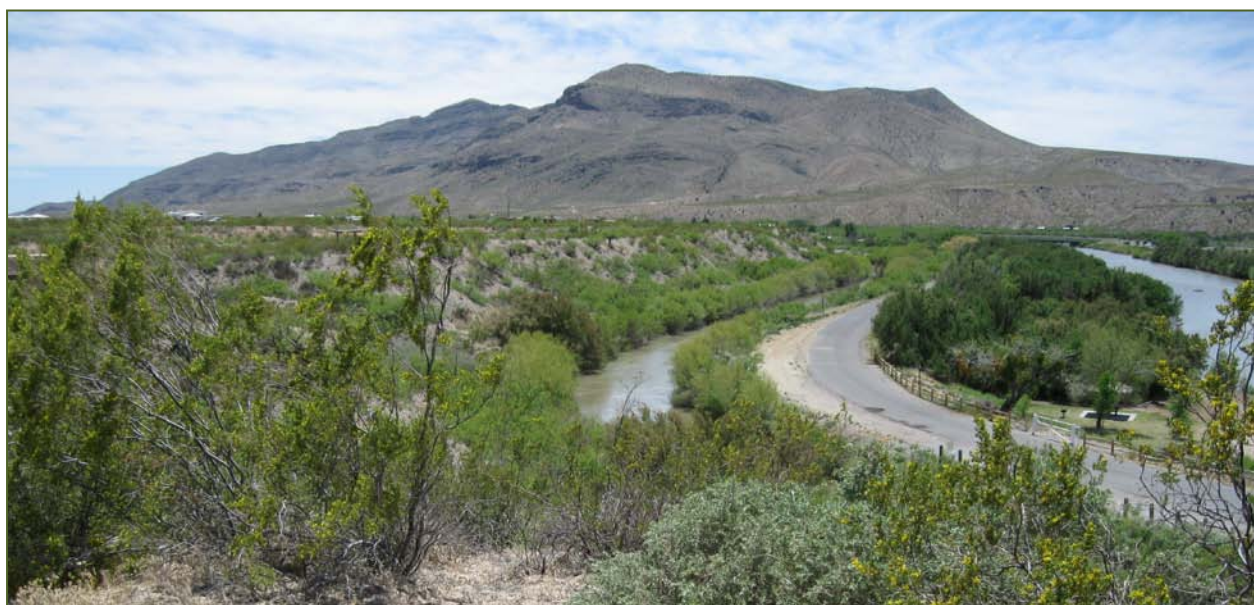


# LEASBURG DAM STATE PARK

## MANAGEMENT PLAN 2011



NEW MEXICO STATE PARKS DIVISION

ENERGY, MINERALS, AND NATURAL RESOURCES DEPARTMENT





Leasburg Dam State Park

Management Plan

2011

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*6-17-2011*

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Date

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## EXECUTIVE SUMMARY

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### The Plan

The “Leasburg Dam State Park Management Plan” provides guidance on the management and development of Leasburg Dam State Park (Park) over a five year period. The planning process included contributions from multiple perspectives so that future actions balance the need for recreational opportunities and the protection of park resources. The plan provides a description of the Park’s existing conditions, issues of concern, and recommendations.

### The Park

The Park encompasses 293 acres along the Rio Grande, 15 miles north of Las Cruces. There are two distinct areas of the Park recently linked by a trail system, the day use areas along the river and the campground, group area, and visitor center.

### Recommendations

The following are the key recommendations addressed in this plan.

#### Resources & Education

- Develop and implement a natural resources restoration plan.
- Determine the feasibility of converting the historic dam keeper’s house into a museum.
- Develop updated and bilingual brochures and signs.

#### Facilities & Management

- Provide electricity to the group area.
- Determine the feasibility of developing additional electric campsites.
- Construct an observatory in partnership with the local astronomy club.
- Convert the Interpretive Park Ranger to a law enforcement position.

The complete list of recommended actions and an explanation of each is discussed in detail in the “Issues and Recommendations” section of the plan. Included is an action plan that breaks down the recommendations by year, with a cost estimate, proposed project lead and funding source.

## INTRODUCTION

### Mission

The following is the mission of the State Parks Division and Leasburg Dam State Park:  
Protect and enhance natural and cultural resources, provide first-class recreational and education facilities and opportunities, and promote public safety to benefit and enrich the lives of visitors.

### Park Description and History

The Park is located 15 miles north of Las Cruces, along the banks of the Rio Grande. The warm desert climate attracts campers in the winter, and picnickers and swimmers along the river during the summer. Other popular activities include fishing, birdwatching, and hiking. The terrain and the Leasburg Canal divide the Park into two areas, with the campground and visitor center situated in the desert uplands.

The day use areas are shaded riparian areas along the river.

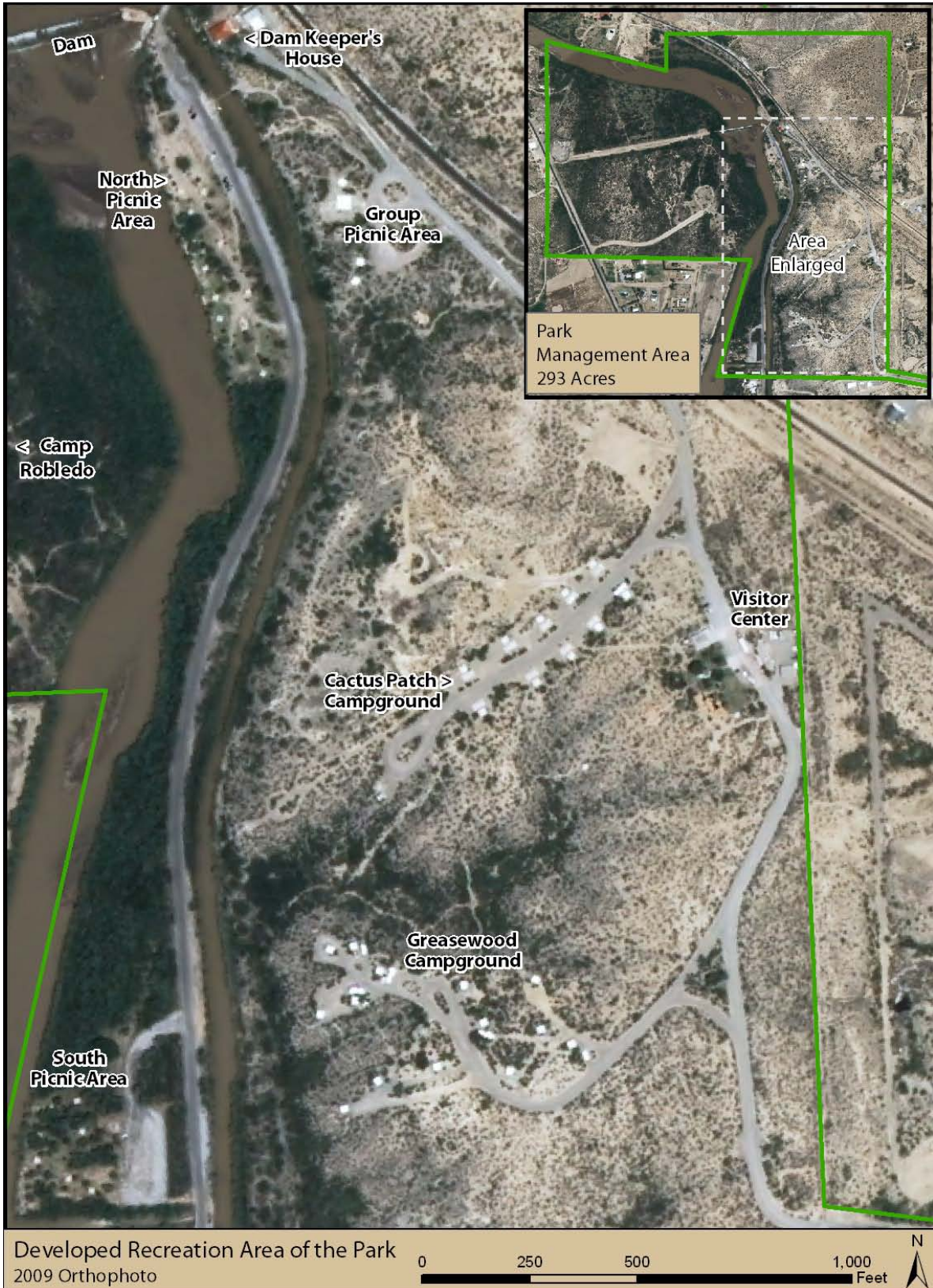
The Park also includes lands on the west side of the river, known as Camp Robledo, which are accessible from Highway 185. This area is only open to visitors for permitted use such as the occasional group event. Historically, this area was used as a Boy Scout Camp.

The Park was established in 1970 by a lease between the U.S. Department of Interior - Bureau of Reclamation (BOR) and the State Parks and Recreation Commission, and was opened to the public in 1973. The dam and the Park take their name from the former community of Leasburg, which was established next to Fort Selden.

Key Facts	
Park established:	1970
Park management area:	293 acres
Landowner:	BOR
Agreement Type:	Lease, expires 2017
Full-time Employees:	4
Annual Visitation (2 year average)	104,870
Campgrounds	3
Total Campsites:	24
Park Elevation:	4,000'
County:	Dona Ana County

Key Historical Events	
1908	Leasburg Diversion Dam constructed
1970	Lease signed between BOR and the State Parks and Recreation Commission for 293 acres
1973	Park opening
1986	Lease amended to remove 153 acres from the lease
2000	Access road right-of-way acquired
2002	Lease amended to void the 1986 amendment, returning the lease area to the original 293 acres

**Park Map**

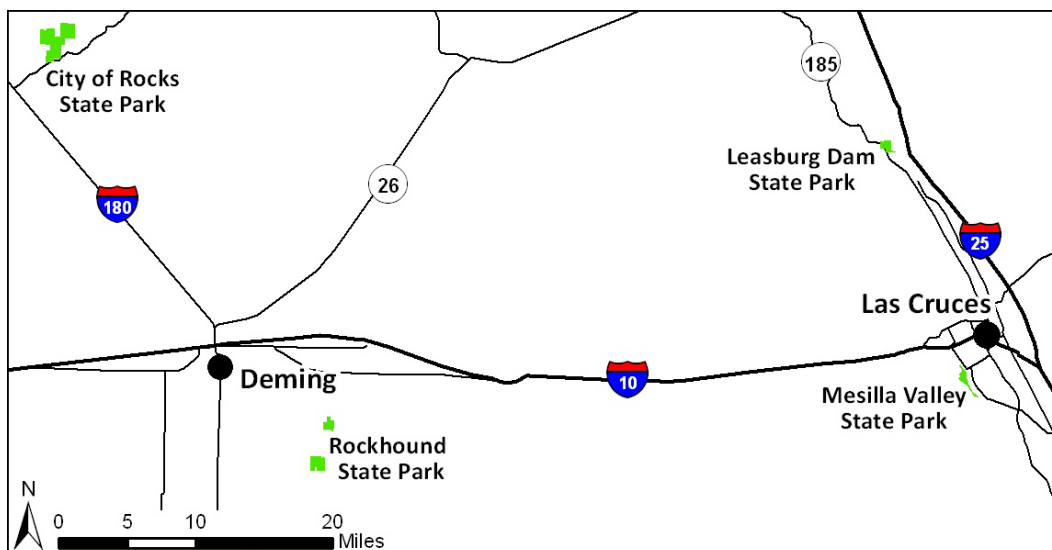


**Regional Setting**

The Park is located at Radium Springs in Dona Ana County, 15 miles north of Las Cruces, accessible by Highway 185 or Interstate 25, and only 22 miles north of Interstate 10. The Park is near the Fort Selden State Monument, managed by New Mexico State Monuments, a division of the New Mexico Department of Cultural Affairs. The surrounding properties are residential.

Regional Recreation Areas			
Recreation Area	Manager	Activities	Distance from the Park
Fort Selden State Monument	New Mexico Department of Cultural Affairs	Historic site and education	½ mile
Mesilla Valley Bosque State Park	State Parks Division	Environmental education, birdwatching	22 miles
Chihuahuan Desert Nature Park	Asombro Institute for Science Education	Environmental education, hiking	25 miles
Aguirre Springs Campground	United States Department of the Interior, Bureau of Land Management	Camping, hiking, picnicking	33 miles
Dripping Springs Campground	United States Department of the Interior, Bureau of Land Management	Hiking, picnicking	31 miles

Summer months at the Park see average high temperatures between 92° and 95° F. The winter season has an average high in December of 56° F, and a low of 21° F. Most of the precipitation occurs during the summer, with an average of 2.09 inches in July, an average of 2.52 inches in August, and an annual total of 9.5 inches.



The region's demographics influence park management, including staff recruitment and retention and the make-up of both day use and overnight park visitors. The proximity of the Park to Las Cruces, El Paso, and Juarez provides for a significant number of day use visitors, whereas many of the campers are travelers accessing the Park from Interstate 10 or 25.

<b>2000 Census Data</b>	Population	Median age	Median household income	Families below poverty	Housing median value	Distance from Park
New Mexico	1,819,046	35	\$34,133	15%	\$108,100	n/a
Dona Ana County	174,682	30	\$29,808	20%	\$90,900	n/a
Las Cruces	74,267	31	\$30,375	17%	\$91,200	15 miles
Radium Springs	1,518	35	\$33,167	31%	\$96,900	n/a
El Paso, Texas	563,662	31	\$32,124	19%	\$71,300	62 miles
Juarez, Mexico	1,301,452					66 miles

### **Recent Accomplishments**

The following are completed projects that were proposed action items in the 2004 "Leasburg Dam State Park Management Plan"; and other recently completed projects. Some of the proposed action items listed in the 2004 plan are no longer considered priorities as circumstances have changed. Others that were not completed and are still a need are being included in this plan (see the "Recommendations" section).

- Installed two new single vault toilets at the river picnic areas.
- Reconfigured parking and access to the North Picnic Area.
- Accessible trail constructed to connect the two picnic areas on the river.
- Trails constructed and foot bridges installed to link the upper area of the Park to the picnic areas on the river, completed in 2011.
- Constructed new trail to connect the Park to the Fort Selden State Monument.
- Installed new trail kiosks, maps, and signs.
- Installed new check station and self-pay station at the entrance to the picnic areas on the river.
- Fenced the property boundary east of the railroad.
- A quit-claim deed was acquired for the Park's access road.

### **Planning Process**

19.5.3 New Mexico Administrative Code (NMAC) requires that each park shall establish a management plan, and review and update plans every five years. The stated objective is "to provide direction for the management and development of the parks in the New Mexico state parks system in a manner that enhances recreational opportunities, protects park resources, and provides for public input and protects the environment". Section 018 of the State Park Division's "State Parks Policy and Procedures Manual" explains in more detail the planning process, content, and format of park management plans.

The use of a management plan may vary depending upon an individual's perspective and use of the plan. The audience for the plan may include park users, park staff, partners, and elected officials. The following are the management plan's primary values.

- The plan is a:
  - tool to guide decisions;
  - a reference tool that documents park history, facts, and conditions;
  - a tool for identifying land use within a park's boundary; and
  - a five-year capital improvements plan.
- The planning process provides opportunities to:
  - discuss the long-term "big picture" for those often mired in the details; and
  - to address issues, trends, and changing conditions and uses affecting the park.
- The plan and the process allows communication with the public to:
  - learn their concerns, expectations, and values for the park; and
  - to share with the public the purpose, significance, opportunities, and constraints of the park.

This plan is divided into two sections. The first part, "Introduction and Park Assessment", includes a summary of the Park's history, existing conditions, and resources. The second part, "Recommendations", lists the issues that were identified during the planning process, and the proposed actions that the Division recommends.

## PARK ASSESSMENT

### PARK RESOURCES

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The protection of natural and cultural resources is an important element of the Division's mission, and the Division must also comply with a variety of resource protection laws (see Appendix A). To ensure the protection of park resources during park improvement projects, park staff must submit a "State Park Project Request Form" (Appendix B) prior to beginning a new project. The Division's resource specialists will then assess potential impacts, ensure compliance with regulations and rules, and recommend appropriate measures to protect park resources.

#### Land

The Division leases the 293 acres of park property from BOR, which includes land on both sides of the river. The right-of-way for the entrance road to the main area of the Park is owned by the State Parks Division. The BOR owns and manages the Leasburg Diversion Dam. The Elephant Butte Irrigation District controls the Leasburg Canal, which runs through the Park.

### Management Zones

The Division's Natural Resource Management Policy (SPD Policy 013) defines land management zones as areas managed for different types and intensities of use with varying degrees of protection, visitation, and practices. The Division's best management practice defines four zones.

The Developed Recreation Zone 1 are lands managed primarily for intensive human use and include roads, trails, buildings, campgrounds, and picnic areas. These lands are to be managed such that:

- visitor and staff health and safety are the top priority;
- active, consumptive recreational activities are allowed; and
- facilities receive routine management.

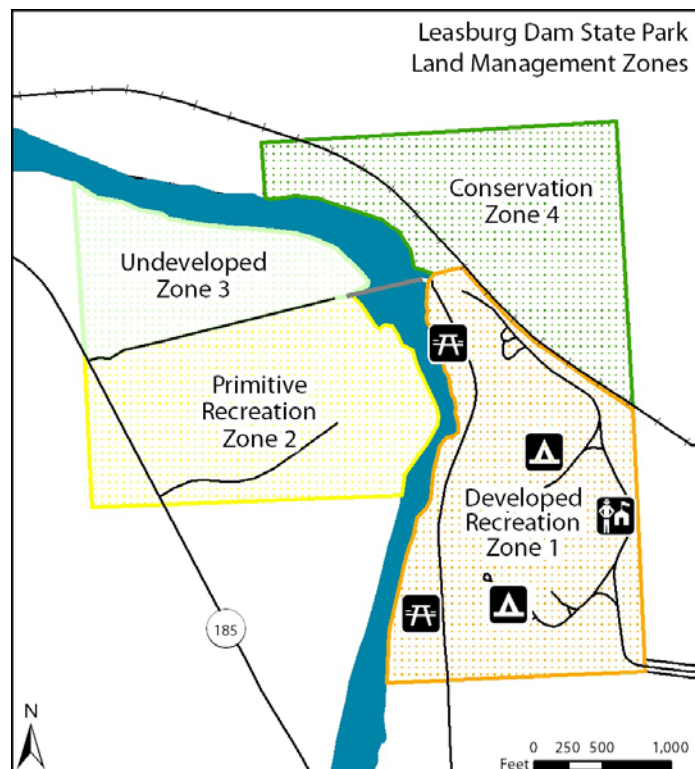
The Primitive Recreation Zone 2 is managed primarily for infrequent and low impact visitor use and are relatively natural areas with limited infrastructure. The Camp Robledo area that is occasionally used for group events is zoned primitive. These lands are to be managed such that:

- resource protection and management are moderate to high priorities;
- visitors expect to experience nature and natural settings;
- the only facilities are trails;
- travel is non-motorized (except for the access roads); and
- maintenance activities are infrequent.

The Undeveloped Zone 3 is a natural area with no infrastructure and suitable only for dispersed, low-impact recreation. These lands are to be managed such that:

- resource protection and management are high priorities;
- there are no facilities;
- foot travel is allowed;
- and maintenance is limited to resource management.

The Conservation Zone 4 is managed primarily for the protection of resources. The park property located northeast of the railroad is zoned for conservation, and is relatively inaccessible. These lands are to be managed such that:



- resource protection is the top priority;
- visitor use is restricted or prohibited; and
- maintenance is only for resource management.

## Natural Resources

The Division's natural resource management policy outlines "guiding principles for the management and stewardship of natural resources", and states that:

Natural resource management serves varying goals including but not limited to protection, preservation, conservation, restoration, reclamation, or enhancement. As a responsible steward, the Division manages all natural resources under its jurisdiction, and the human enjoyment of such resources, in a manner that perpetuates the quality and health of those resources indefinitely into the future, for the benefit of present and future visitors and all others.

### Water Resources

The Park is located on the banks of the Rio Grande - a driving force on the landscape, the settlement of the region, and the Park. Today the river is strictly controlled, so the historic floods that shaped the floodplains no longer occur. Leasburg Diversion Dam located at the top of Mesilla Valley, is a concrete ogee weir with embankment wings.



Construction began in 1906 on the Leasburg Diversion Dam and Canal. The dam and six miles of canal were completed in 1908. This structure diverts water from the river into the Leasburg Canal, which extends 14 miles south of the dam, delivering irrigation water for agriculture in the Mesilla Valley.

### Vegetation

There are two plant communities represented at the Park, the Chihuahuan Desert in the uplands and the riparian bosque along the Rio Grande. The upland area features plants typical of the Chihuahuan Desert, such as creosote (*Larrea tridentate*), honey mesquite (*Prosopis glandulosa*), and a variety of cactus. There is a plant list for the Park, compiled by George W. Cox in 2002 which lists 122 species found in the Park. There are two cactus

gardens near the visitor center that showcase a variety of exotic and native cacti and other desert plants.

The riparian area has been invaded by the non-native salt cedar (*Tamarix ramosissima*), now the dominant species along the river's edge, crowding out cottonwood trees, willows, and other native plants. Historically, the Rio Grande would flood during the spring, which was vital to the health of the riparian bosque. The flood encouraged germination of cottonwoods, flushed accumulated salts from soils, and altered the course of the river, thereby renewing the mosaic of woodlands, marshes, and oxbow lakes. Today, the lack of flooding has encouraged the proliferation of the salt cedar.

### **Wildlife**

Wildlife found at the Park are typical of the Chihuahua desert life zone, and may include: coyote, mule deer, raccoon, beaver, desert cottontail, black-tailed jack rabbit, striped skunk, spotted skunk, Botta's pocket gopher, Ord's Kangaroo rat, muskrat, deer mice, and numerous reptiles and amphibians.

The Park attracts a rich variety of birds, and is particularly attractive for birders because of the two habitat types, desert scrub and riparian. The Mesilla Valley Audubon Society has developed a working list of 125 birds observed at the Park. This local chapter of the National Audubon Society has recently submitted a nomination form that would designate the Park and other sites along the lower Rio Grande as "Important Bird Areas" (IBA). According to the National Audubon Society, an IBA indicates the unique importance of a site for birds, and is a site that supports species that are either of conservation concern, restricted-range species, or vulnerable species.

### **Invasive Species**

The most aggressive invasive plant in the Park is the salt cedar (*Tamarix ramosissima*). The trail and rivers edge on the east side of the river is thick with these invasive trees (see photo below). This species was introduced to North America from the Mediterranean and spread throughout the West in an effort to help control erosion along river banks. Unfortunately the plant now dominates riparian habitats to the detriment of cottonwood, willows, and other native species that cannot compete. In 2003 the Park worked with La Union Soil and Water Conservation District to remove salt cedar on the west side of the river. There is still a need to remove the salt cedar on the east side of the river, and monitor those areas that have been treated to control the regrowth of the salt cedars.



## Cultural Resources

Park personnel work under a mandate to preserve and protect cultural resources from impacts caused by human or environmental factors. Cultural resources within park boundaries are subject to state and potentially federal cultural resource protection laws (see “Rules” in the Appendix). Development within the Park will be coordinated with the Division’s Cultural Resources Planner to avoid impacts to cultural resources and to comply with state statutes and rules and any applicable federal statutes and regulations. Prior to any activities that would result in ground disturbance, the Division will ensure that appropriate cultural resource management measures are undertaken to protect or minimize impacts to cultural resources.

BOR contractors conducted a cultural resource inventory and research at the Park between 1995 and 2003. This comprehensive survey of the Park included remote sensing and archaeological excavations. Some of the recorded features are eligible for listing on the National Register of Historic Places for their potential to provide information about both prehistoric and historic inhabitants.

This region has been utilized extensively by a variety of cultures through time due to its proximity to the Rio Grande and the availability of a diversity of natural resources. The earliest documented occupation has been estimated as being during the Late Archaic period, 1800 B.C.-A.D. 200 by mobile hunters and gatherers.

The Jornada Mogollon culture had a large presence at Leasburg and evidence of habitations, such as subterranean pit structures, has been found. Dates of occupation are from A.D. 900-1300. The Jornada Mogollon were often farmers, but they hunted and gathered plant material as well. Evidence of Jornada Mogollon fields have not been located but significant Jornada Mogollon sites have been documented.

This area was part of the Apache territory, where the Apache were very active in the 1700s and 1800s. Both the Chiricahua and the Mescalero Apache utilized the Rio Grande corridor and although there is no archaeological evidence of their presence at Leasburg, there are many historical accounts.

The El Camino Real de Tierra Adentro (1598-1846) was the primary trade route from Mexico City to Santa Fe and was particularly active during the Spanish Colonial period. The Camino Real passed near the Park as it left the Rio Grande corridor and entered the Jornada del Muerto. The Robledo paraje, or encampment, was in this area, which influenced the placement of the future Fort Selden. Spanish colonists made sporadic attempts to settle this area by 1843 when the Dona Ana Bend Colony Grant was established.

The U.S. Territorial period dates from 1846-1912 and during this time the area around Leasburg saw much activity. Fort Selden was established in 1865 to protect settlers and

travelers on the Camino Real from attacks by Apaches and outlaws. The U.S. Infantry and Cavalry were stationed at the fort and it remained in operation until 1891. The small settlement of Leasburg was established next to the fort and sold supplies and services to the fort's soldiers. The adobe ruins of the fort are now part of Fort Selden State Monument. Features from the fort have been documented at the Park, including site of the fort's cemetery, although the remains have been relocated to Fort Bliss.

The railroad expanded into the region when a rail line was run along the Rio Grande Valley in the 1880s. A therapeutic spa was opened near Leasburg, providing a hotel and bath at Radium Springs between 1899 and the 1940s. Farming along the Rio Grande spurred settlement and continues today. Chile and pecan production are the prevalent crops today.

The periodic flooding of the Rio Grande proved to be troublesome to farmers and other settlers and in 1906 the first U.S. Reclamation Service Project in New Mexico began with the Leasburg Diversion Dam. The dam was started in 1906 and completed in 1908. It was constructed as a low-level diversion dam and is recognized as one of the oldest diversion dams in the State of New Mexico. A six-mile long canal, still in use, was also constructed at that time. The Leasburg dam keeper's residence was built at this time, and still stands at the north end of the Park. The dam is listed on the State Register of Cultural Properties and the National Register of Historic Places as part of the Elephant Butte Irrigation District. The residence is currently listed as a contributing feature of the Elephant Butte Irrigation District, and the recent updated recording of the house and its associated features seeks to amend the list of criteria under which the structure is eligible as a contributing feature.

## RECREATION

Popular recreation activities at the Park include fishing the Rio Grande, birdwatching, picnicking, and camping. There is a playground across from the visitor center, and a small outdoor amphitheater used for interpretive programs.

Swimming in the river is also a popular activity, especially during summer weekends. Recently the Park has instituted new measures to ensure the safety of park visitors. Park staff must enforce park rule 19.5.2.17 NMAC regarding swimming, which states that:

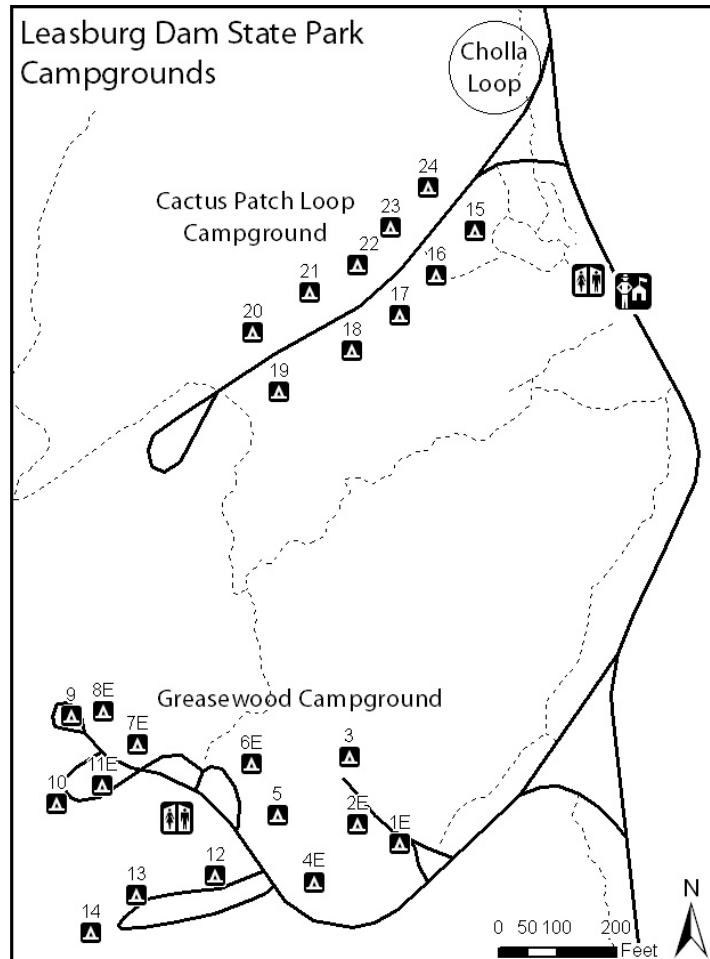
“Swimming shall be at the swimmer's own risk. Swimming is prohibited within 150 feet of public or concession boat docks, launching ramps, above or below dams or where otherwise posted. Visitors using air mattresses, inner tubes, surfboards, sail or wind, styrofoam flotation devices or other similar articles shall wear a United States coast guard approved personal flotation device or a flotation assist device”.

### Campgrounds

The Park has three campgrounds, all located in the main area of the Park: Greasewood Campground, Cactus Patch Loop, and Cholla Loop. All campsites have shelters with tables and grills with the exception of the Cholla Loop, which does not have shelters.

The Greasewood Campground has 14 developed campsites. Eight of the sites have electricity and water hookups. There are two vault toilets that serve this campground. One campground host is stationed here year-round.

The Cactus Patch Loop Campground has 10 campsites that are all developed with electricity and water hookups. A full-service comfort station with restrooms and showers serves this as well as the other campgrounds. Ten of these sites are available through the reservation system. One



campground host is stationed here year-round.

The Cholla Loop is a primitive camping area that can be used for RVs or tent campers. One community water hydrant is available.

Camp Robledo is the area on the west side of the river that is occasionally used for group camping and events. It is available for use year-round by permit only. The only amenity is a single vault toilet. Groups can use the area for primitive camping or special events.

### **Day Use**

The Group Picnic Area/Rally Site is located north of the visitor center and features a large (30'x30') group shelter with picnic tables and a grill. There are four smaller picnic shelters, and a single vault toilet. The area is available by reservation, which are handled by Park staff.

There are two day use areas along the river. The South Picnic Area features one vault toilet and 10 picnic shelters. The North Picnic Area has two vault toilets and 10 picnic shelters. In 2009, the North Picnic Area was reconfigured so that all vehicles now park along the road above the picnic area. This change took place because the area had become too congested on busy weekends, resulting in safety hazards and substantial resource impacts from too many cars and people in such a small area.

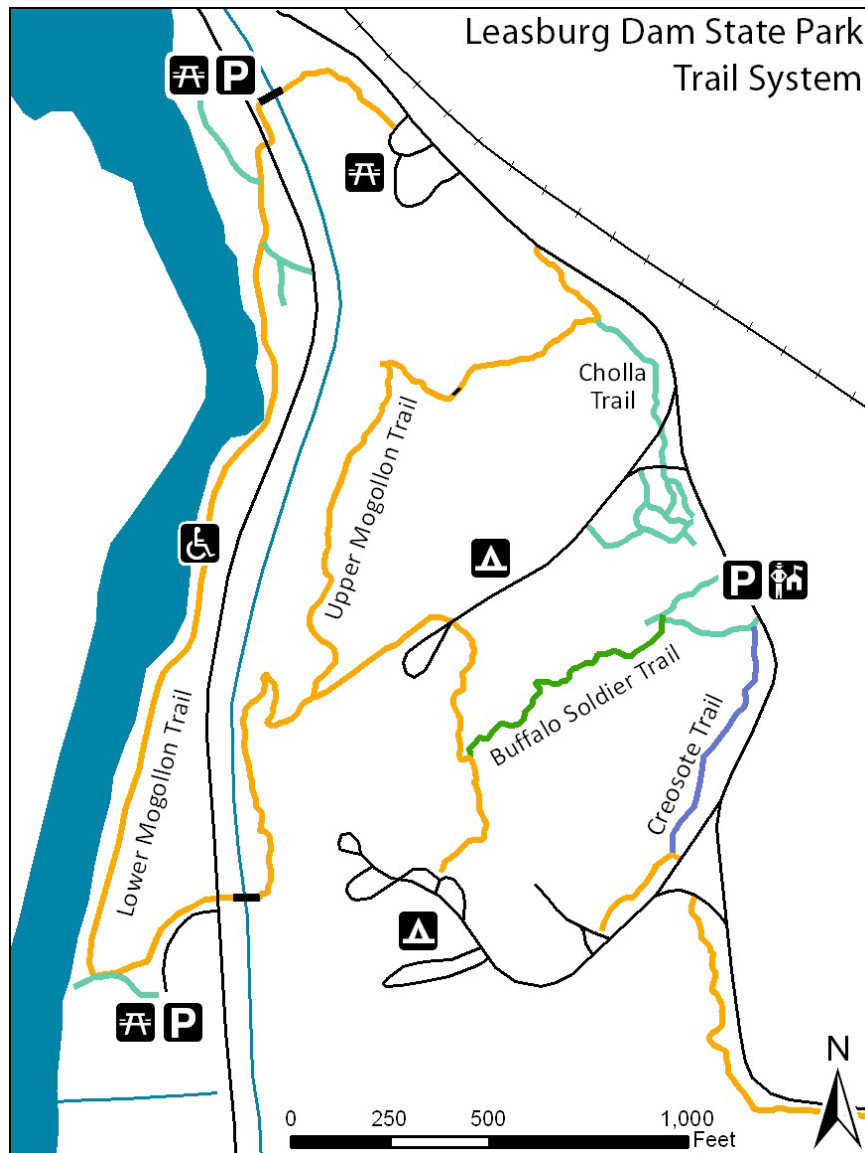


### Trails

There is a total of 2.25 miles of trail within the Park. The network of trails in the main area of the Park connects the campgrounds, group picnic area, and scenic overlooks. The Lower Mogollon Trail connects the North and South Picnic Areas. It was built in 2009 and is an 8' wide trail surfaced with base course, and is a level grade that is ADA accessible. The construction of the Lower Mogollon Trail, the two footbridges, and connecting trails were funded by a federal Recreational Trails Program grant.

### Events

The annual Leasburg Dam State Park Challenge is held on the first weekend in May. The event is an archery 3-D course where participants test their archery skills shooting at various targets in a natural setting.



## Interpretation and Education

### Exhibits and Signs

The visitor center features exhibits on the area's history. A replica of a pit house reveals historic construction techniques that the Jornada Mogollon used. There are six interpretive signs placed at scenic overlooks along the trail. The signs provide visitors information on the history of the Rio Grande.

### Programs

Educational and interpretive programs are given by Park staff, the Regional Interpretive Ranger, and occasionally volunteers and guest speakers. Programs are typically provided to school groups based on curriculum from the Lower Bosque Education Guide. The Lower Bosque Education Guide is specific to the Rio Grande and the changing conditions throughout history. Park staff provides educational programs for approximately 800 school children a year. Monthly programs are also provided to visitors on a variety of topics, such as the "Stars in the Parks" astronomy programs.

Park staff has teamed up with the New Mexico State University Geology Department to design curriculum for school children of all ages regarding the geothermal activity that takes place within the Park. Volunteers and staff have acquired a collection of materials and photographs of the construction of the historic Leasburg Dam that can be used for educational programs. Staff and volunteers have also begun research on the history of the construction of the railroad that runs through the Park. The long-term goal is to present the area's history as an exhibit at the historic dam keepers house.

## OPERATIONS

Park operations, facilities, and administrative management follow the guidelines set forth in the Energy, Minerals, and Natural Resources Department (EMNRD) and Division's "Policy and Procedures Manual". All park facilities are maintained according to guidelines set forth in the Division's "Standards of Care Manual" which ensures quality, safety, and consistency.

Park management, rules, and law enforcement authority are authorized by New Mexico statutes and the implementing rules in the New Mexico Administrative Code (see Appendix A).

## Park Facilities

### Visitor Center and Shop

The visitor center was built in 2003; made of adobe, it offers 1,244 sq. of office space, exhibit area, and library. The shop is located behind the visitor center and the two structures were built at the same time with a wall forming a compound between. The shop building is 750 sq. feet and houses all of the maintenance equipment. The shop also offers work space for staff and storage for two vehicles.

### The Dam Keeper's House

Located at the north end of the Park overlooking the dam, what was originally the dam keeper's house has been used in the past as employee housing. Additionally, there are several other structures near the house that were constructed during the same era. The Division recently recorded and evaluated the building and found that it retained historic and structural integrity and should be recommended eligible to the National Register of Historic Places. The recommendation is awaiting confirmation from SHPO. The residence and associated features are significant to the historic operation of the dam and have a great deal of information potential.



### Roads and Parking

The roads in the main area of the Park are not paved and are surfaced with base course. The road to the picnic areas along the river is paved with asphalt. Parking for day use in the main area of the Park is across from the visitor center.

There are two parking lots for the river day use areas, the largest of which is at the South Picnic Area.

### **Accessibility**

The South Picnic Area has two picnic shelters that are universally (ADA) accessible. From this parking lot there is access to accessible fishing sites on the river and the newly constructed Lower Mogollon Trail that connects to the North Picnic Area. Currently, there is one ADA accessible campsite available in the Cactus Patch Loop campground. The visitor center, comfort station, and picnic area across from the visitor center are also accessible. The group rally site is also ADA accessible and includes an accessible vault toilet.

### **Restrooms**

The Park has one comfort station with showers located across from the visitor center. There are seven single vault toilets at various locations throughout the Park.

### **Utilities and Infrastructure**

#### **Electricity and Gas**

El Paso Electric provides all electrical service to the Park. The Park has a total of 18 electric campsites. Propane gas is provided to the Park under contract with a local vendor.

#### **Wastewater**

The Park has three septic tanks and absorption leach fields, which are located at two camp host sites and at the RV dump station. The Park has two cesspool tanks located at the comfort station and at the park residence. All the tanks are pumped periodically.

#### **Water**

A single well (96 feet deep) provides water for the Park. The water is treated through a single chlorination system at the well house located at the west end of Cactus Patch Loop campground.

#### **Solid Waste**

Solid waste is collected using 32-gallon trashcans that are distributed throughout the Park. The trash is deposited in a small compactor trailer, which Park staff haul to the transfer station in Las Cruces.

<b>Utility Providers</b>	
Electricity	El Paso Electric
Propane	Local vendor
Water	On-site well
Wastewater	On-site septic systems
Solid Waste	Collected and hauled to transfer facility by staff

## Park Management

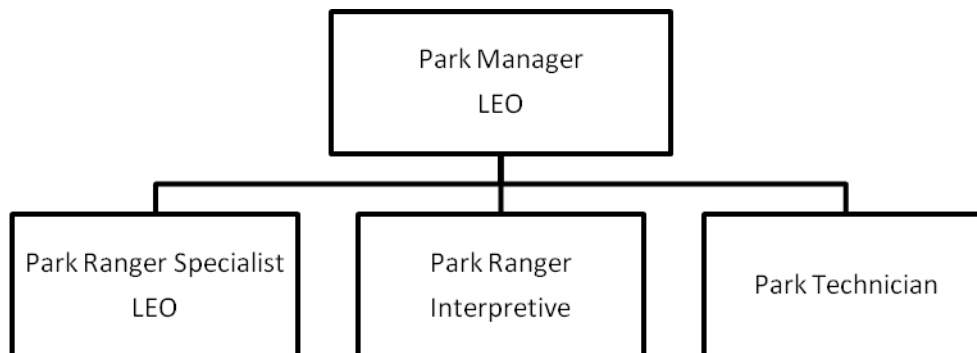
### Hours of Operation

The Park is open daily for camping and day use. The main entrance gate is opened at 7:00 AM and closed daily at sundown. Campers are given the lock combination to get in and out after closing hours. The office and visitor center are generally open from 8:00 a.m. to 5:00 p.m. Monday through Friday and during various hours on weekends depending on visitor needs and staffing availability. The river day use areas are currently open from 8:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 7:30 p.m. on weekends from March 15 through September 15. The river day use areas are closed during the winter season.

### Staffing

The Park has four full time, permanent employees: Park Manager, Park Ranger Specialist, Park Ranger Interpretive, and Park Technician. During the summer season (May to August) a seasonal laborer is hired full time. The following is a description of the duties of each permanent position.

- Park Manager - Supervises park operations, administration, and maintenance; responsible for the budget and purchasing; planning work projects; and law enforcement.
- Park Ranger Specialist - Provides administrative support to the Park Manager. Performs park maintenance, law enforcement, staff supervision, and conducts interpretive programs.
- Park Ranger Specialist-Interpretive – Conducts interpretive programs, park maintenance, and provides staff supervision and conducts interpretive programs.
- Park Technician - Maintains park facilities, utilities, equipment, and vehicles; and also conducts interpretive programs.



Volunteers supplement staffing levels, by working at the reception desk in the visitor center and performing park maintenance. There are two volunteer campground hosts

that provide a campground presence and assist with monitoring fee compliance of campers. Volunteers also assist with maintenance in their areas.

The Park is located in the Division's management region 3. The regional office is located just north of Las Cruces. The Regional Manager supervises the Park Manager, and the Regional Administrator provides administrative support to the Park. The Regional Interpreter provides support with interpretive and education programming and activities. Elephant Butte Lake State Park also provides regional support to the Park with a Plant Operations Specialist, Vehicle Mechanic and a Heavy Equipment Operator.

### **Public Safety**

The Park Manager and one park ranger are certified law enforcement officers. Law enforcement support is also provided by the Dona Ana County Sheriff's Office. Emergency services are available from the Radium Springs Volunteer Fire Department.

### **Partnerships**

The Friends of Leasburg Dam State Park (Friends) assist with programs, events, and projects. The group provides financial assistance for supplies and various expenses and has sponsored restoration projects such as purchasing and planting a variety of trees for the Park. Members volunteer their time to provide visitors with many recreational and educational opportunities.

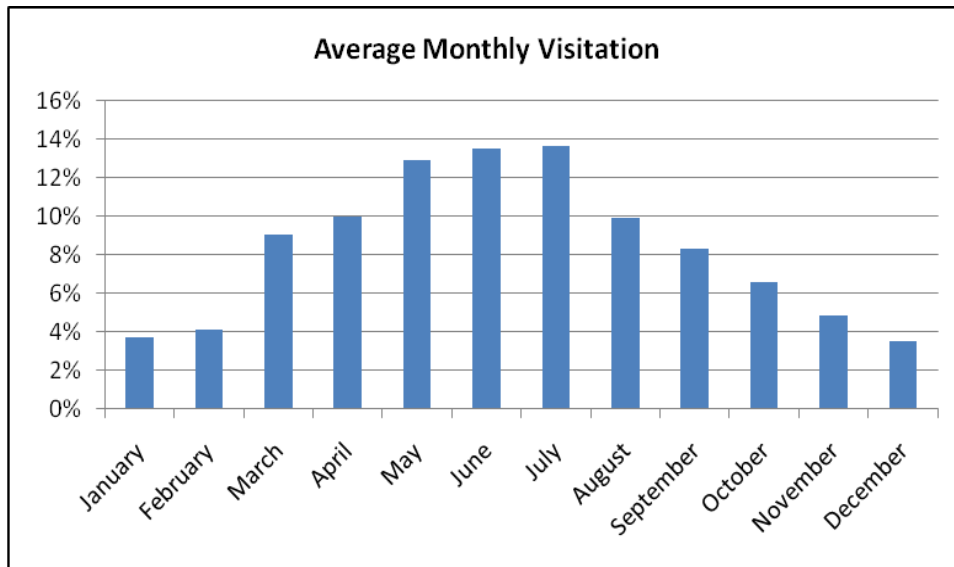
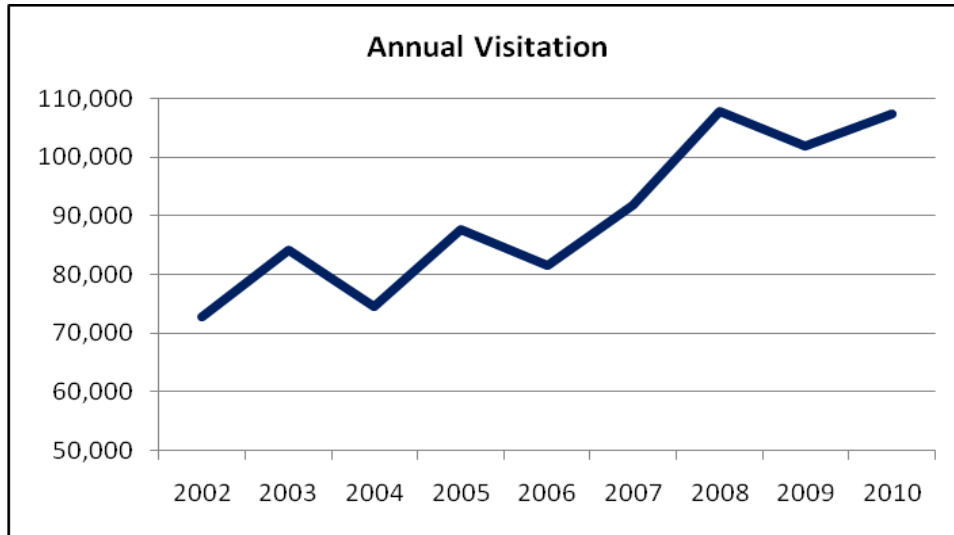
### **Budget**

The Park's source of revenue is through self-generated fees from day-use and camping, as well as rental of the group picnic area and special use permit fees. Park fees are collected at self-pay stations located at the park entrance, at the river day use areas, or from the visitor center and field collections. Approximately 60% of the revenue is from camping and 40% from day use. The following table lists expenditures over the last three years. This does not include staff salaries and benefits.

<b>Park Expenditures</b>				
	FY 08	FY 09	FY 10	Average
Transportation	\$6,949	\$7,290	\$2,454	\$5,564
Maintenance	\$1,633	\$4,831	\$5,581	\$4,015
Supplies	\$2,374	\$6,809	\$3,304	\$4,163
Other operating costs	\$23,111	\$21,220	\$24,613	\$22,981
Other	\$55	\$50	\$35	\$46
<b>Total:</b>	<b>\$34,123</b>	<b>\$40,200</b>	<b>\$35,987</b>	<b>\$36,770</b>

**Visitation**

Over the last nine years, the average annual visitation was 89,906. Visitation has been rising and the annual average over the last three years is 105,676. The make-up of visitors varies with the season. Winter visitors to the Park are typically RV campers from out-of-state who are attracted by the warm desert climate. The high number of visitors during the summer season is characterized by families using the day use areas along the river for picnicking, swimming, or fishing. Easter Sunday is the single busiest day of the year with heavy visitation also occurring on Memorial Day, Fourth of July, and Labor Day weekends.



## RECOMMENDATIONS

### ISSUES AND RECOMMENDATIONS

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Issues are concerns, problems, threats, or opportunities that were identified during the planning process. The issues were raised by Division staff, stakeholders, partner organizations, or by the public. Not all issues will result in an action, as some may be beyond the Division's control, or may not be considered a priority during this planning period.

The proposed actions (shown with ➤) are also listed in the "Action Plan" following this section, which includes a timeline, estimated costs, and proposed funding sources. Some actions will require further research, evaluation, planning, or design before they can be implemented. Improvements will also require BOR review and compliance with federal regulations. Each action is contingent upon available funding and other resources, and there is no guarantee that it will be feasible or that it can be funded and implemented in the proposed timeframe.

#### **Resources Recommendations**

##### **● Invasive Species Management**

The riparian habitat along the river is dominated by non-native, invasive salt cedar trees. Dense stands of salt cedar have crowded out the diversity of native vegetation such as cottonwood and willow that are valuable wildlife habitat. A restoration project to remove salt cedar on the west side of the river was completed in 2003, however there is now a need to monitor and treat the re-growth of salt cedars. Similarly, any removal of salt cedar on the east side of the river will also require a plan for monitoring to prevent the return of the salt cedars.

Another species that has invaded the river's edge is Bermuda grass, which is now found at both picnic areas. These areas have been particularly impacted by park visitor traffic, which has trampled most of the native vegetation. One effect of the loss of vegetation is an increase in erosion. Vehicles were banned from the North Picnic Area in 2010, and that should help the area recover. Without restoring the native plants, it is likely that invasive species such as Bermuda grass and salt cedar will continue to proliferate if not controlled.

It is recommended that a plan be developed that would propose specific restoration strategies. The plan would include an evaluation and inventory of the extent of invasive species and the existing native species. Strategies would recommend methods for controlling invasive plants and reintroducing more desirable native species. The plan should include a timeline to allow for a phased approach to the restoration and monitoring. Potential partner organizations should be consulted and encouraged to participate in the restoration. Similar collaborative efforts are already underway at Broad Canyon Ranch and Mesilla Valley Bosque State Park.

- Complete a natural resource restoration plan and begin implementation.
- Restore the North Picnic Area according to the natural resource plan recommendations.
- Remove salt cedars on east side of river, between the two picnic areas.
- Remove salt cedars from west side of river (Camp Robledo area).

#### ● Campsites and Cultural Resources

Portions of the campground are located near significant cultural resources. The day-to-day use of these campsites is having a detrimental impact on these important resources and it is recommended that four campsites be removed for preservation purposes. Options exist for relocating the campsites elsewhere within the Park to maintain the level of revenue received through camping fees. The proposed removal will need to be coordinated with BOR on NHPA or NEPA requirements. Removing the campsites will need to minimize or avoid further damage to archaeological site.

- Evaluate current damage from campsite use and the potential effect of campsite removal.
- Remove four campsites.

#### ● Dam Keeper's House

The dam keeper's house is an important historic structure for the history of the Elephant Butte Irrigation District and the Park. It is not desirable as a residence for park staff due to its size and relatively out-dated infrastructure, but could be highly suitable and attractive as an exhibit space for interpretation and education. To evaluate the potential for such a project, it is recommended that further archival research be conducted to acquire more details regarding use of the property. Based on the results of the research and recording, plans for a possible museum should be made.

- Complete additional archival research on the dam and dam keeper's house.
- Determine the feasibility and steps necessary to convert to a museum.
- Complete rehabilitation necessary for a public museum.
- Plan, create, and install museum exhibits and develop related interpretive programs.

#### ● Land Acquisition

The property to the east of the park boundary is privately owned, and thus far is in a natural state and not yet developed. It serves as a buffer between the Park and surrounding residences, yet it could be developed at any time. It is quite likely that there are cultural resources on this land that should be preserved. Both prehistoric and historic resources are prolific in this area, many of which date to the El Camino Real de Tierra Adentro and Fort Selden. In order to preserve the cultural resources and retain a buffer of undeveloped land, the Division should pursue the acquisition of available property at the park boundary. Research will need to be done on the parcels, land ownership, and the options for protection such as conservation easements, lot splits, and fee simple acquisition. The acquisition of land or easements will be dependent on the willingness of landowners and the availability of funding.

- Investigate the acquisition of undeveloped lands at the east boundary.

### **Interpretation & Education Recommendations**

#### **● Bilingual Materials**

Spanish speaking visitors are a large component of park visitation. Unfortunately there is little information offered in both English and Spanish. This is problematic especially in conveying park rules. This user group is also unable to benefit from interpretive information that could enhance their knowledge of the Park's natural and cultural resources. Park literature and signs should be available in both English and Spanish. The first priority should be to update regulatory and safety information, and then interpretive information.

- Develop updated and Spanish versions of park literature and signage.

### **Facilities Recommendations**

#### **● Group Area Electricity**

There is no electric service to the group area. Many of the visitors that rent this area have requested electricity and some potential renters have declined to rent the area because there is no electricity. Rentals of the group area generate revenue for the Park, which could increase with the addition of electric service. Additionally, electric pedestals could be installed to serve as an overflow camping area during the winter months.

- Provide electricity to the group area.

#### **● Cactus Garden**

The cactus garden north of the comfort station is in need of renovation. Many of the plants have died and some of the remaining plants are not native to the region. The garden could be improved by focusing on native species, diversifying the species, improving the placement of the plants, and identifying each species. The Friends have offered to assist with the new design, the purchase and installation of new plants and landscape materials, and future maintenance of the garden.

- Renovate the north cactus garden.

#### **● RV Campsite Additions**

The Park has 17 electric campsites, which are quickly occupied during the busy winter camping season. More RV campers could be accommodated if there were more campsites with electric hookups. Campsites suitable for RVs tend to be larger than a tent campsite and need to have space for easy entry/exit. It may be possible to convert Cholla Loop, currently an overflow camping area/parking lot into RV campsites so as to avoid any new ground disturbance that may impact cultural resources. The site would need to be evaluated to determine the number of campsites this location could accommodate and whether it will be worthwhile to extend electric and establish new sites suitable for RVs. The downside of converting this area to designated camping is that the Division loses the flexibility of the space to either act as overflow camping or parking. However, the development of new developed campsites outweighs the need for this flexible space. The cultural resources in the area do provide a significant barrier to the addition of new

buried utilities (e.g. power and water). Issues and costs due to the presence of cultural resources will be a determining factor on the feasibility of the addition of new developed camping.

- Evaluate the addition of electric RV campsites, and if feasible develop new campsites.

#### ● **New Observatory**

The Las Cruces Astronomy Club has proposed to fund the purchase of materials for construction of an observatory. New Mexico State University would provide a 16" telescope to be used at the new observatory. Any design/construction for this facility will have to be permitted through the Regulation and Licensing Department, Construction Industries Division, therefore, a licensed architect must stamp the plans and a licensed contractor must obtain a building permit for construction. The other issue that must be resolved is identifying an appropriate location for the facility. A strong preference shall be given to those areas previously disturbed in order to minimize impacts on the natural landscape and cultural resources. Depending on the need for utilities to the facility (e.g. power vs. no power), cultural resource clearances will need to be obtained for newly disturbed areas including utility corridors, which may cause an increase in the overall cost of the project.

- Coordinate with the Astronomy Club to construct an observatory.

#### ● **River Area Entrance**

Currently the pay booth at the river entrance is in a deteriorated condition and has been the target of vandalism. It is recommended that a new pay booth be constructed along with a new entry gate that would be relocated to the park boundary. Additionally, placing the booth inside of the new gate would also serve to limit vandalism since the booth would no longer be accessible by vehicles unless the park gate was opened.

- Relocate the gate to the southern park boundary and install a new pay booth.

### **Management Recommendations**

#### ● **River Area Management**

The picnic areas along the river are extremely popular with families spending the day picnicking and swimming during the warmer months. Unfortunately the area has become overused due to its popularity, negatively impacting visitors, staff, and the environment. Management of the high volume of people has become problematic for staff that must deal with law enforcement issues, fee collections, and trash removal in addition to the needs of the remainder of the Park. The busy weekends often result in overtime for many staff.

The natural resources are also being adversely impacted with the trampling of plants along the river's edge, an area that would normally have the most diverse number of plants attracting an abundance of bird species.

Several measures were recently instituted to try to relieve the impacts. Parking in the North Picnic Area is no longer permitted next to the picnic shelters, and is limited to a parking lot along the road above the picnic area. Both the North and South Picnic Areas are now closed to vehicles during the winter season. An attempt was made to limit the number of vehicles at any one time, which simply displaced vehicles outside of the Park boundaries rather than limit the number of people.

To alleviate impacts to the natural resources and Park staff, vehicular access to the river picnic areas will be limited to Saturday and Sunday from 8:00 am to 6:00 pm. The area will remain closed to vehicles during the winter. When the area is closed to vehicles, park visitors will be encouraged to park in the main area and use the trails and new footbridges to access the picnic areas along the river.

This change will give the area more time to recover by minimizing the number of high use days. This will be important to future restoration and revegetation projects. The area is also popular for fishing and birdwatching, both activities that may benefit from a less crowded, quiet natural area. The most significant effect of the vehicle closures is the time that will be saved that would have been spent opening and closing the gate, fee collections, and maintenance. Fee collections will also improve if all visitors are parking in the main area, where they not only pass the pay station, but the visitor center as well.

- Open the river picnic areas to vehicles Saturday and Sunday 8:00 am to 6:00 pm; at all other times the area can be accessed from the trails and footbridges.

#### ● **Swimming**

To improve the safety of park visitors, new measures were recently instituted to warn people of the dangers of swimming in the river near a dam. Park rules 19.5.2.17 NMAC states that swimming is prohibited within 150 feet of a dam.

Staff is currently working with the BOR on a design for an overhead cable that would be placed 150 feet from the dam, which would provide a highly visible warning to swimmers to keep 150 feet from the dam. Warning signs and educational materials will also be posted informing visitors of the rule and hazards. All information should be in both English and Spanish.

- Install overhead cable marking 150 feet from the dam.
- Install warning signs at the river for swimmers safety.

#### ● **Law Enforcement Park Ranger**

The Park is one of the busiest parks in the Division with only 4 full-time employees. The River Day Use Area requires an increasing law enforcement presence due to the alcohol related incidents and high volume of visitors concentrated at the river during busy summer weekends. It is proposed that the “Park Ranger Specialist – Interpretive” staff position be converted to a “Park Ranger - Operational LE”.

- Convert the Park Ranger Interpreter to Law Enforcement

**ACTION PLAN**

Program Area	Task	Cost Estimate	Project Lead & Funding
<b>Year 1</b>			
Resources	Evaluate feasibility of campsite removal to protect cultural resources.	\$0	FODD
Resources	Complete archival research on the dam and dam keeper's house.	\$0	FODD
Education	Develop updated and bilingual brochures and signs.	\$2,000	Park TBD
Management	Install overhead cable 150' from dam, and warning signs.	\$5,000	BOR, Park CIP
Management	Investigate options for increasing law enforcement capabilities.	TBD	Park, Regional, SFO
Facilities	Provide electricity to the group area.	\$5,000	FODD CIP
<b>Year 2</b>			
Resources	Complete a natural resource restoration plan.	\$55,000	FODD CIP
Resources	Determine feasibility of converting the dam keeper's house into a museum.	\$0	FODD
Resources	Remove campsites impacting cultural resources.	\$0	Park, Regional
Facilities	Renovate the north cactus garden.	\$20,000	Park, FODD PVT, CIP
Facilities	Evaluate adding new electric RV campsites and develop new sites if feasible.	\$50,000	FODD CIP
<b>Year 3</b>			
Resources	Restoration at the North Day Use Area.	\$10,000	Park, FODD CIP
Facilities	Build an observatory.	TBD	Park , FODD PVT
Facilities	Relocate the gate to the southern park boundary and install a new pay booth.	\$25,000	FODD CIP
<b>Year 4</b>			
Resources	Rehabilitation of the dam keeper's house into a museum.	\$75,000	FODD CIP
Resources	Investigate land acquisitions.	TBD	FODD CIP
Resources	Remove salt cedar east of river.	\$75,000	Park, FODD CIP

Year 5			
Resources	Complete interpretive exhibits for the museum/dam keeper's house.	\$150,000	FODD CIP
Resources	Remove salt cedar west of river.	\$75,000	Park CIP

Notes on Project Lead:

The project lead is the entity that would be responsible for initiating and implementing the project. Support from others may be essential to project completion.

Park: Park Manager and staff

Regional: Regional staff, State Parks Division regional office in Las Cruces.

SFO: State Parks Division Santa Fe Office

AD: Administration, Santa Fe Office, State Parks Division

FO: Field Operations, Santa Fe Office, State Parks Division

FO-DD: Design & Development, Santa Fe Office, State Parks Division

FO-BLE: Boating and Law Enforcement, Santa Fe Office, State Parks Division

Notes on Funding:

AOB: Annual operating budget

CIP: Capital improvement program funds may be state, federal, or grant funds.

PVT: private funds, such as Friends funding.

RTP: Federal Recreation Trails Program (RTP) or other trails funding administered by the Division

## Abbreviations

ADA	Americans with Disabilities Act
AOB	Annual Operations Budget, State Parks Division
BOAT	Boat Program, State Parks Division
BOR	United States Department of the Interior, Bureau of Reclamation
CIP	Capital Improvement Plan, State Parks Division
EMNRD	New Mexico Energy, Minerals, and Natural Resources Department
IBA	Important Bird Area
FTE	Full-time equivalent employee
FY	Fiscal Year
LEO	Law Enforcement Officer
NM	New Mexico
NMAC	New Mexico Administrative Code
NMSA	New Mexico Statutes and Rules
PVT	Private sector, volunteers, or friends groups
RTP	Recreational Trails Program
RV	Recreational Vehicle

SHPO	New Mexico Department of Cultural Affairs, Historic Preservation Division Historic Preservation Office
SPD	Energy, Minerals and Natural Resources Department, State Parks Division
TBD	To be determined

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## References

Mesilla Valley Audubon Society. <<http://www.mvaudubon.org/>>.

National Audubon Society. <<http://www.audubon.org/>>.

New Mexico Department of Cultural Affairs, New Mexico State Monuments. 2004. Fort Selden State Monument Management Plan. <[www.nmmonuments.org](http://www.nmmonuments.org)>.

U.S. Census Bureau. 2008. <<http://factfinder.census.gov>>.

U.S. Department of the Interior, Bureau of Reclamation. 2010. Website. <<http://www.usbr.gov>>.

U.S. Department of the Interior, National Park Service and Bureau of Land Management. 2004. Comprehensive Management Plan/Final Environmental Impact Statement for El Camino Real de Tierra Adentro National Historic Trail. <<http://www.nps.gov/elca/parkmgmt/comprehensive-management-plan.htm>>.

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## **APPENDIX**

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**Appendix A: Rules**

**Appendix B: Park Project Form**

**Appendix C: Lease with BOR**

## Appendix A: Rules

The following statutes, rules and regulations, or policies may apply to the operations, management, and development of New Mexico State Parks. This is only a listing of selected statutes, rules, and policies and not a comprehensive list of all statutes, rules, or policies that may apply to the Park.

Energy, Minerals and Natural Resources Department, "Policy and Procedures Manual"

State Parks Division, "State Parks Policy and Procedures Manual"

### State Rules

New Mexico Statutes (NMSA 1978)

<http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-hit-h.htm&2.0>

Chapter 16, Article 2: State Parks Division

Chapter 18, Article 6: Cultural Properties Act

Chapter 66, Article 12: Boating Act

New Mexico Administrative Code (NMAC)

<http://www.nmcpr.state.nm.us/nmac/>

Title 4, Chapter 10: Cultural Properties and Historic Preservation

Title 19, Chapter 5: State Parks and Recreation

### Federal Acts

National Environmental Policy Act of 1969

National Historic Preservation Act of 1966 (NHPA)

Native American Graves Protection and Repatriation Act (NAGPRA)

**Appendix B: Park Project Form**

## New Mexico State Parks

### PARK PROJECT REQUESTS

A Park Project Request (PPR) form must be submitted when new construction or physical alterations are made to the Park or its facilities. Projects meeting this criterion also include YCC, Inmate, or Grant (e.g. energy, Trails)

The PPR forms should be submitted for projects that are expected to be completed within a fiscal year or noted if otherwise.

The PPR forms are to be completed by the Park Manager or Superintendent and be submitted, wherever possible, **one month prior** to anticipated start date.

#### COMPLETE THE PPR FORM

**Park Manager or Superintendent** (PM/S) is responsible for the following areas:

1. **Date submitted** should reflect the day that the form is forwarded to the Regional Manager.
2. **Park name.**
3. **Project name.**
4. **Management Plan** page number of proposed project (if in effect).
5. **Project scope** must include plan details and drawings and site designation of planned project. (To avoid delay, be as complete as possible with all details.)
6. **Material and costs** must be complete – estimates are okay.
7. **Funding source** must include budget, center number, and line item.
8. **Estimated start date** should be at least one month from the date submitted to the Regional Manager (RM).
9. **Completion date** should be filled in at end of project and copy of form should be sent to the Park Projects Process Manager (PPPM) in Santa Fe.

**Regional Manager** must review form and insure project clarity and details; sign and forward to Santa Fe. Forward to Santa Fe only if all the above is complete and all needed drawings, site plans, and budget identification, etc. are attached. RM should verify with the Design and Development Bureau (D&D) capital improvement money. Otherwise inform or return to PM/S for correct and complete information. If disapproved return to Park with comments and initial.

**Project Process Manager** reviews PPR form and tracks it through the approval process until all signatures are recorded and approval or disapproval is noted along with comments. Copy of form is returned to Park if approved; original and attachments are returned to Park if not approved.

Park Projects Process Manager will:

1. **Record date** received in Santa Fe.
2. **Assign** project number if project is approved.
3. **Enter** project in database and tracks progress.
4. **Provide** quarterly reports to Field Operations Directors (FOD) and RM, and make requested changes and progress as reported.
5. **Record** date returned to Park – usually included with Friday mail.
6. **Record** project completion date.
7. **Maintain** files that contain original requests with signatures and attachments.

**Design and Development Bureau (D&D)** reviews project for adherence to management plan, master plan, architectural and design components, and ADA compliance. D&D also evaluates project as part of overall park development. Projects involving boating facilities or boating budget will also be forwarded to the Boating Bureau.

**Boating Bureau** will review for adherence to management plans, five-year plans, and budget.

**Cultural Resources** staff reviews all projects to assure compliance with federal and state cultural resource laws.

**Natural Resources** staff reviews projects to minimize adverse impacts to the natural resources.

**Field Operations Director I** reviews all projects for accuracy and for its relation to the management plan for the park or to review as a project necessary for the improved operation of the park and visitor services.

**Field Operations Director II** has final approval for projects in each park assuring that the goals and policies of the Division are maintained as changes are made to facilities management and construction.

**All reviewers** may make comments relating to the projects in the comment section and these are all forwarded to the park manager. Any reviewer may also call the park directly for clarification or additional information on the project.

**Information** concerning the status of the park project approval process should be directed to the PPM.

**Modifications** made by any park manager or division staff must be submitted on a project request form and processed in the above manner.



**Appendix C: Lease with BOR**

UNITED STATES  
Department of the Interior  
Bureau of Reclamation

Rio Grande Project - New Mexico

AMENDMENT TO THE LEASE BETWEEN THE UNITED STATE OF AMERICA AND THE STATE OF NEW MEXICO, FOR THE LEASE OF LANDS WITHIN THE LEASBURG DIVERSION DAM AREA AND THE PERCHA DAM AREA OF THE DEVELOPMENT, OPERATION, AND MAINTENANCE FOR PUBLIC RECREATION PURPOSES.

This is to amend the Lease originally entered into on March 30, 1970 and amended on March 7, 1986, in pursuance of the Act of Congress of June 17, 1902, (32 Stat. 388), and acts amendatory thereof and supplementary thereto, by and between the UNITED STATES OF AMERICA, hereinafter called the United States, acting by and through the Bureau of Reclamation, hereinafter called Reclamation, and the STATE OF NEW MEXICO, acting by and through the New Mexico Natural Resources Department, hereinafter called New Mexico.

WITNESS THAT:

WHEREAS, The United States owns and Reclamation administers the Rio Grande Project facilities associated with Percha Diversion and Leasburg Diversion Dams, located in Sierra and Donna Ana Counties, New Mexico; and,

WHEREAS, The United States and New Mexico entered into an lease March 30, 1970 for the purpose of operating, maintaining, improving and constructing recreational facilities which interests are identified on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, New Mexico is authorized to develop, maintain, manage, and supervise all State Parks and all recreation areas which are owned by and leased from the United States by New Mexico; and,

WHEREAS, New Mexico is authorized under State Law, among other things, to acquire lands or interests in lands for State Parks or State Recreational purposes by gift, donation, devise, or purchase for use and in the name of the State and to develop, hold, maintain and operate such lands and interests in lands as State Parks or State Recreational areas in accordance with State Law, and is empowered, upon the execution of a written agreement by New Mexico with the United States therefore, to develop, protect maintain and operate federally owned lands leased to New Mexico in accordance with such agreement, as State Parks or State Recreational areas; and,

WHEREAS, New Mexico has determined that it is in the public interest and desirable to acquire a leasehold interest in the area described as Lot 7, Lot 8, Lot 9, Lot 12, Lot 13, Lot 14, Lot 15, and Lot 16 of Section 10 and Lot 1, Lot 2, and the Southwest quarter of the Southwest quarter of Section 11 all in Township 21 South, Range 1 West, NMPM comprising approximately 293 acres more or less.

NOW THEREFORE, the following changes are made in the agreement dated March 30, 1970 and the amendment of March 7, 1986, and inconsideration of the mutual agreements and covenants contained herein, the parties agree as follows:

1. The area described herein and depicted on the survey plats titled Leaseburg State Park, Boundary Survey, drawing numbers 163-518-6225 through 163-518-6231 inclusive as provided to New Mexico and available at Reclamations

Contract No. 14-06-500-1731  
Amendment No. 2

Albuquerque Area Office, is returned to the lease interest area, making the amendment of March 7, 1986, attached hereto and made a part hereof, null and void.

2. All articles of the March 30, 1970 lease remain in effect as written.

THE UNITED STATES OF AMERICA  
Department of the Interior  
Bureau of Reclamation

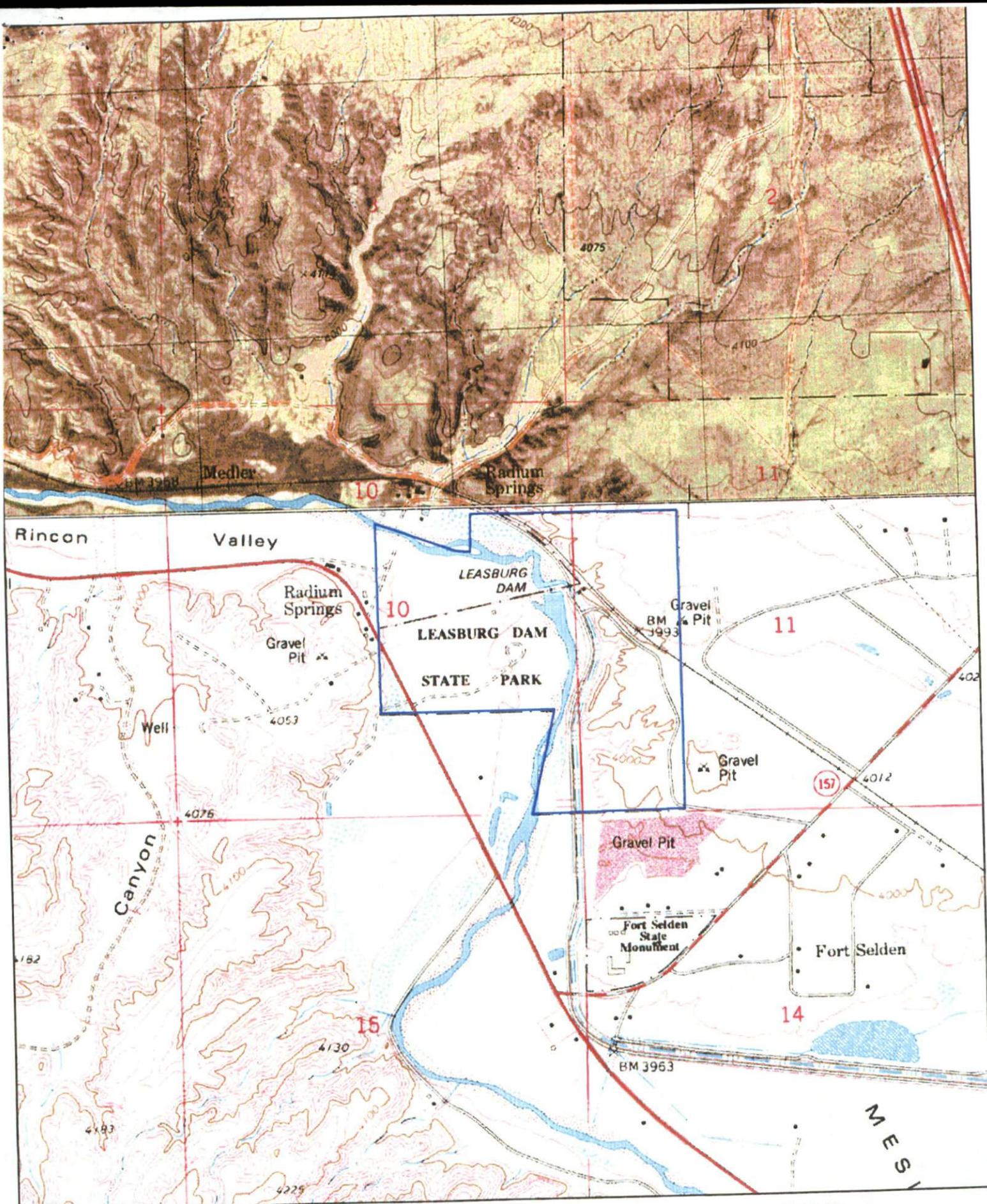
By *Jac Aam*  
For Albuquerque Area Manager

Date: 1/17/02

STATE OF NEW MEXICO  
Energy, Mineral and Natural Resources Department

By *William B. Mechi*  
Administrative Services  
Division Director

Date: 1/11/02



Name: LEASBURG  
 Date: 4/5/101  
 Scale: 1 inch equals 1600 feet

Location: 032° 29' 46.9" N 106° 55' 30.5" W  
 Caption: Leasburg Dam State Park  
 Exhibit "A" to Amendment 2 of  
 Contract 14-06-500-1731  
 Approximately 293 acres

94-521.05-179

Contract No. 14-06-500- 1731

Amendment No. 1

(FST110867)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

RIO GRANDE PROJECT, NEW MEXICO-TEXAS

AGREEMENT OF LEASE BETWEEN THE UNITED STATES OF AMERICA AND THE STATE  
OF NEW MEXICO, FOR THE LEASE OF LANDS WITHIN THE LEASBURG  
DIVERSION DAM AREA AND THE PERCHA DIVERSION DAM AREA  
FOR DEVELOPMENT, OPERATION, AND MAINTENANCE FOR  
PUBLIC RECREATION PURPOSES

THIS AGREEMENT OF LEASE (herein called the Lease) made and entered into this 7<sup>th</sup> day of March, 1986, in pursuance of the Act of Congress of June 17, 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto (herein collectively called the Federal Act), by and between the UNITED STATES OF AMERICA (herein called the United States), acting by and through the Bureau of Reclamation of the United States Department of the Interior (herein called the Bureau), and the STATE OF NEW MEXICO (herein called the State), acting by and through the New Mexico Natural Resources Department.

WITNESSETH THAT:

WHEREAS, the United States owns and the Bureau administers the Rio Grande Federal Reclamation Project (herein referred to as the Project), which includes certain lands, water areas, housing units, and other improvements and facilities in and adjacent to the Leasburg and Percha Diversion Dams, located in Sierra and Dona Ana Counties, New Mexico, as shown on Exhibits A and B attached hereto and by this reference made a part hereof; and

WHEREAS, the Bureau has determined that it is in the public interest to convey to the State a leasehold interest in a portion of the lands, water areas, units, improvements, and facilities now operated by the Bureau, which interests are identified on Exhibits A and B, and are herein called the Leased Premises; and

WHEREAS, the New Mexico Natural Resources Department (herein called the "Department") is authorized to develop, maintain, manage, and supervise all State parks and all recreation areas which are owned, or leased from the United States by the State; and

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WHEREAS, the Department has assumed the authority and function of the New Mexico State Park and Recreation Commission; and

WHEREAS, the Department is authorized under State Law, among other things, to acquire lands or interests in lands for State park or State recreational purposes by gift, donation, devise, or purchase for the use and in the name of the State and to develop, hold, maintain and operate such lands and interests in lands as State parks or State recreational areas in accordance with State Law, and the Department is also authorized and empowered, upon the execution of a written agreement by the Department with the United States therefor, to develop, protect, maintain, and operate federally owned lands leased to the Department in accordance with such agreement, as State parks or State recreational areas; and

WHEREAS, the Department has determined that it is in the public interest and desirable to acquire a leasehold interest in the Leased Premises from the United States for the purpose of carrying out, to the extent that funds therefor are made available to the Department, the objectives and purposes of this Lease under the Federal Act and the State Law.

NOW, THEREFORE, the following changes are made in the agreement dated March 30, 1970; and in consideration of the mutual agreements and covenants contained herein, the parties agree as follows:

1. Exhibit A is changed to delete leased premises located east of the Atchison, Topeka, and Santa Fe Railroad right-of-way, and west of US Highway 85 right-of-way as shown on Exhibit A (Amendment 1), attached hereto and with this reference made a part hereof.
2. All other articles of the March 30, 1970, agreement remain in effect as written.

THE UNITED STATES OF AMERICA  
Department of the Interior  
Bureau of Reclamation

By Eugene Childs  
Southwest Regional Director

ATTEST

Edwin A. Guckert  
(Seal)

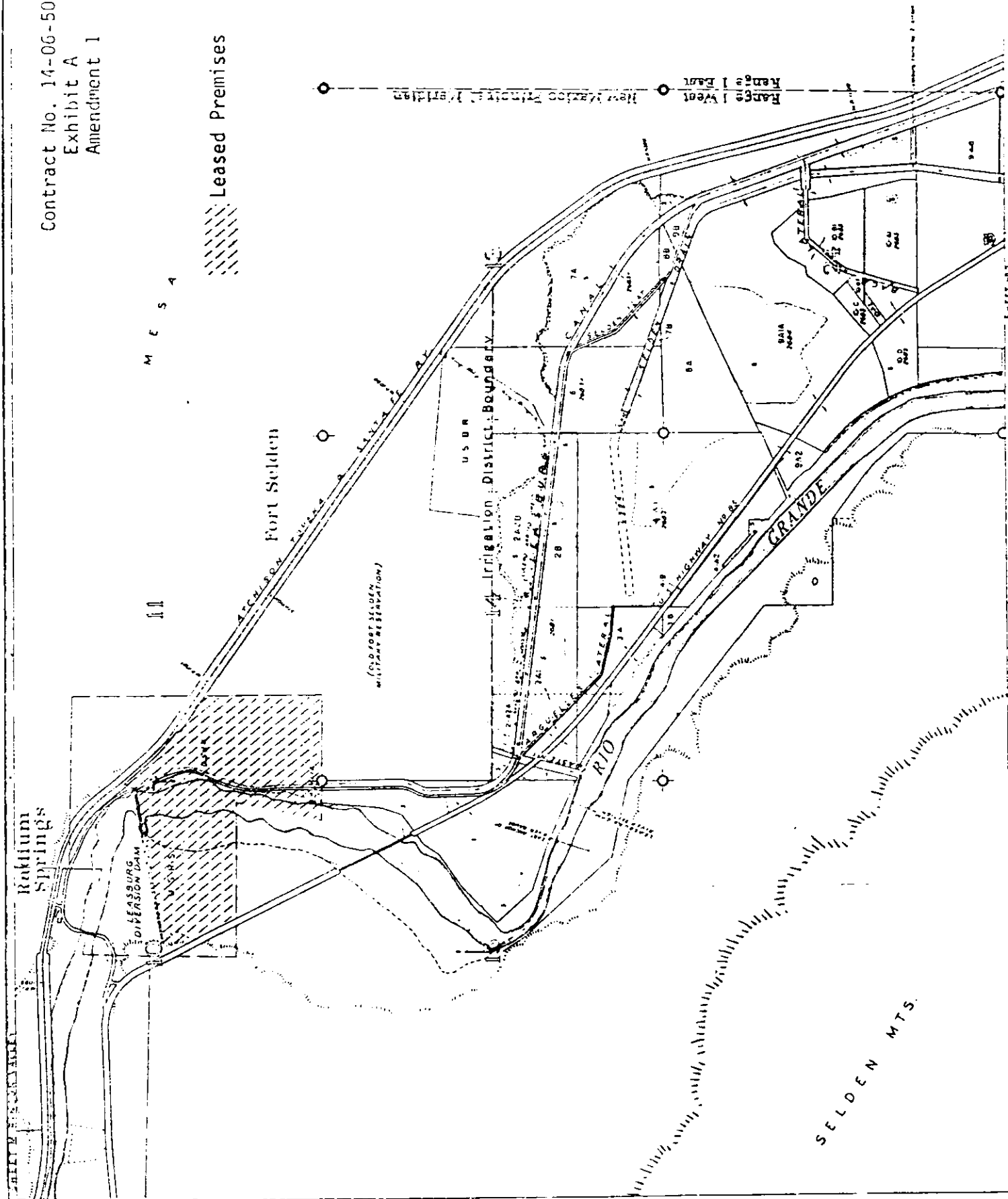
STATE OF NEW MEXICO  
Natural Resources Department

By Charles Martinez

Contract No. 14-06-500-1731  
Exhibit A  
Amendment 1

M E S A

Leased Premises



(FST110867)

Contract No. 14-06-500-1731

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

RIO GRANDE PROJECT, NEW MEXICO-TEXAS

AGREEMENT OF LEASE BETWEEN THE UNITED STATES OF AMERICA AND THE STATE OF NEW MEXICO, ACTING BY AND THROUGH THE NEW MEXICO STATE PARK AND RECREATION COMMISSION, FOR THE LEASE OF LANDS WITHIN THE LEASBURG DIVERSION DAM AREA AND THE PERCHA DIVERSION DAM AREA FOR DEVELOPMENT, OPERATION, AND MAINTENANCE FOR PUBLIC RECREATION PURPOSES

THIS AGREEMENT OF LEASE (herein called the Lease) made and entered into this 30th day of March, 1970, in pursuance of the Act of Congress of June 17, 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto (herein collectively called the Federal Act), by and between the UNITED STATES OF AMERICA (herein called the United States), acting by and through the Bureau of Reclamation of the United States Department of the Interior (herein called the Bureau), and the STATE OF NEW MEXICO (herein called the State), acting by and through the New Mexico State Park and Recreation Commission (herein called the Commission).

WITNESSETH THAT:

WHEREAS, the United States owns and the Bureau administers the Rio Grande Federal Reclamation Project (herein referred to as the Project), which includes certain lands, water areas, housing units, and other improvements and facilities in and adjacent to the Leasburg and Percha Diversion Dams, located in Sierra and Dona Ana Counties, New Mexico, as shown on Exhibits A and B attached hereto and by this reference made a part hereof; and

WHEREAS, the Bureau has determined that it is in the public interest to convey to the State a leasehold interest in a portion of the lands, water areas, units, improvements, and facilities now operated by the Bureau, which interests are identified on Exhibits A and B, and are herein called the Leased Premises; and

WHEREAS, Chapter 98 of the Emergency Laws Enacted by the Twenty-sixth Legislature of the State of New Mexico, 1963, being Senate Bill No. 196, approved March 6, 1963 (such statute and all laws amendatory thereof or supplementary thereto now in force being herein called the State Law), provides for the creation of the

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Commission, a State agency designated the State Park and Recreation Commission, and authorizes the Commission to develop, maintain, manage, and supervise all State parks and all recreation areas which are owned, or leased from the United States by the State; and

WHEREAS, the Commission is authorized under State Law, among other things, to acquire lands or interests in lands for State park or State recreational purposes by gift, donation, devise, or purchase for the use and in the name of the State and to develop, hold, maintain and operate such lands and interests in lands as State parks or State recreational areas in accordance with State Law, and the Commission is also authorized and empowered, upon the execution of a written agreement by the Commission with the United States therefor, to develop, protect, maintain, and operate federally owned lands leased to the Commission in accordance with such agreement, as State parks or State recreational areas; and

WHEREAS, the Commission has determined that it is in the public interest and desirable to acquire a leasehold interest in the Leased Premises from the United States for the purpose of carrying out, to the extent that funds therefor are made available to the Commission, the objectives and purposes of this Lease under the Federal Act and the State Law.

NOW, THEREFORE, the parties hereto agree as follows:

1. The United States, by virtue of the authority conferred under the Federal Act and in consideration of the observance and performance by the State of its contractual obligations under this Lease, hereby leases, for a period ending July 1, 2017, the water areas and lands and improvements in the vicinity of Leesburg and Percha Diversion Dams, as shown for State administration on the maps attached hereto and identified as Exhibits A and B, which lands are hereinafter referred to as the Leased Premises, for development and use as recreational areas; reserving, however, to the United States and its assigns, the right to operate the Diversion Dams for irrigation purposes without interference.

2. The State does hereby accept such Lease of the Leased Premises and will occupy, use, operate, maintain, develop, improve, manage, and supervise the Leased Premises in conformity with the terms and conditions of this Lease; provided however, that the Commission shall not be obligated to develop or improve the Leased Premises except to the extent that funds therefor are available to the Commission for such purpose.

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3. The State will not interfere with or impede the Bureau's operation and maintenance of, project reservoirs, diversion dams, and other facilities owned and operated by the United States as a part of the Rio Grande Irrigation Project.

4. The officers, employees, agents, contractors, and assigns of the United States will at all reasonable times and places have the right of ingress, passage over, and egress from and onto the Leased Premises for the purpose of operating and maintaining the Rio Grande Project, including the construction, operation, and maintenance of channels, drainage of ponded areas, clearing of phreatophytes, and conducting soil and water conservation activities. The parties hereto agree that all rights of the Commission acquired hereunder are inferior and subordinate to the right of the United States, its successors and assigns, to operate the diversion dams and reservoirs for project purposes. The construction of recreation facilities at or near Leasburg and Percha Diversion Dams shall not provide a basis for the allocation of water for recreation use or for the allocation of reservoir capacity for recreation use. The priority for irrigation use of water diverted through Leasburg and Percha Diversion Dams shall not be affected in any manner by the recreation facilities authorized herein. The State's leasehold interest acquired hereunder is subject to the right and power of the United States, its agents, successors, assigns, lessees, licensees, and permittees, to remove from the Leased Premises any material necessary for the construction, operation, or maintenance of the Rio Grande Project and all features of the Project and to prospect for and develop and produce oil, gas, and other minerals in the Leased Premises. The United States agrees that in its exercise of such rights and powers, it shall take or cause to be taken reasonable measures to avoid (1) impeding the occupancy, use, operation, maintenance, development, improvement, management, or supervision of the Leased Premises for public recreation purposes by the State or any of its concessionaires, licensees, permittees, or lessees, or (2) jeopardizing the security or the rights of the holders of any Bonds secured by this Lease. The United States further agrees that in order to enable the Commission to take appropriate protective measures with reference to the Leased Premises, the United States shall give or cause to be given to the Commission, to the extent feasible, reasonable advance notice of any projected exercise of such reserved rights or powers which may adversely affect the Leased Premises, the interest of the State therein, or the security or the rights of the holders of any Bonds.

5. The United States does not warrant title to the Leased Premises.

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6. The Leased Premises shall be occupied, used, operated, maintained, developed, improved, managed, and supervised in conformity with such reasonable rules and regulations for protection of the Project as are issued or approved by the Bureau. By mutual agreement the parties may adopt a management plan for all or any part of the area.

7. The State may, and it is hereby declared to be State's intent to, construct or cause to be constructed in and upon the Leased Premises such facilities, fences, signs, walls, piers, and other structures of any and all types useful or convenient for recreation purposes; may provide or cause to be provided such equipment, machinery, furnishings, and other facilities; and may perform or cause to be performed such landscaping, seeding, and planting work for and in connection with the Leased Premises as may be deemed desirable by the Commission, provided that all such construction, facilities, and other work shall be performed or furnished in accordance with plans and specifications therefor which are approved by the Bureau; and provided, further, that changes in any such plans or specifications so approved found necessary by the Commission may be made without approval thereof by the Bureau to the extent that such changes are determined to be minor in nature by the Commission and are consistent with this Lease and the Federal Law, and that the Bureau is promptly informed thereof.

8. The State may, to the extent feasible, and as it may hereafter determine, issue revenue bonds or assume other obligations to pay the cost of improvements and other structures and facilities necessary or desirable for the operation, development, and improvement of the Leased Premises for public recreation purposes and the operation and maintenance of the Leased Premises. The collection, administration, and expenditure of revenues and other moneys will be subject to requirements protecting the security of the Bonds, and the Bureau, to the fullest extent feasible and consistent with project administration, shall avoid any action with respect to the Leased Premises which would prejudice or impair the security of the Bonds to the detriment of the holders thereof.

9. The Commission may proceed with the development and improvement of the Leased Premises for public recreation purposes. The type, location, and design of any facilities proposed to be constructed by the Commission shall be approved by the Bureau prior to construction.

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10. a. The Commission may fix, charge, and collect reasonable fees, charges, tolls, and rents for the use or occupancy of land and improvements or for any services rendered by or through the Leased Premises.

b. All revenues received by the Commission from use of the Leased Premises, including rents and other income from concessions, licenses, permits, leases, and other contracts, shall be accounted for separately and shall be used by the Commission solely for the operation, maintenance, improvement, and development of the Leased Premises, including the acquisition or construction of additional recreation facilities; provided, however, that so long as the State shall have outstanding any Bonds or other obligations incurred in the development or improvement of the Leased Premises, such revenues, receipts, and income may be applied, used, administered, and otherwise maintained in conformity with any resolution of the Commission authorizing the issuance of such Bonds or assumption of obligations, or any trust indenture securing Bonds for the payment of the principal of and the interest on such Bonds and the establishment of reserves therefor in conformity with said resolution or trust indenture; provided, however, that whenever revenues are available in excess of all requirements for the aforesaid purposes, any balance may be deposited in a reserve account for accomplishing future public recreation development and improvement by the Commission. In no event shall such reserve fund exceed \$40,000. Any excess shall be promptly paid to the United States.

c. Promptly after the close of each fiscal year, the State will cause an audit to be made by qualified accountants of its books and accounts for the preceding fiscal year relating to the Leased Premises and shall submit to the Bureau within 120 days from the close of each fiscal year a report of each such audit setting forth the accountants' findings respecting the revenues, income, and other receipts, the expenditures for operation and maintenance, the number of visitors to the Leased Premises, the details of all Bonds and other obligations issued and outstanding, and other data and information respecting the use of the Leased Premises and all facilities in connection therewith.

11. a. The Comptroller General of the United States, or any of his duly authorized representatives, and the Bureau, or any of its duly authorized representatives, shall have access to and the right to examine any directly pertinent books, documents, papers, and

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records of the State and the Commission involving transactions related to this Lease, which right shall continue until 3 years after the termination of this Lease or any extension thereof. Pertinent books, documents, papers, and records shall be retained by the Commission for not less than 7 years.

b. The Commission shall include in all agreements of the State granting any concession, license, permit or leasehold or pertaining to the operation, maintenance, development, or improvement of the Leased Premises a provision permitting the Comptroller General of the United States, or any of his duly authorized representatives, and the Bureau, or any of its duly authorized representatives, until the expiration of 3 years after the termination of the respective agreement, to have access to and the right to examine any directly pertinent books, documents, papers, and records pertaining to such agreement and the Leased Premises. This provision shall not be applicable to (1) purchase orders not exceeding \$2500 and (2) agreements or purchase orders for public utility services at rates established for uniform applicability to the general public.

12. The Commission shall, within the limits of its authority, make and enforce such rules and regulations for the occupancy, use, operation, maintenance, development, and improvement of the Leased Premises as are necessary and desirable for public recreation purposes, securing any Bonds that may be issued, protecting the health and safety of persons using the Leased Premises and preserving law and order; provided, however, that such rules and regulations shall not be in conflict with this Lease.

13. The Commission shall, during the term of this Lease and to the extent of funds available therefor, maintain all trails and roads within the Leased Premises which are presently constructed, or which may hereafter be constructed by the Commission.

14. a. The Commission will pay to the United States the sum of Thirty-five Dollars (\$35.00) on the first day of each month, with the first payment due on January 1, 1971. The monthly payment to the United States is subject to periodic review and adjustment.

b. Every charge required to be paid to the United States under this contract and which shall remain unpaid after it shall have become due and payable shall be subject to a penalty of one-half of 1 percent per month from the date of delinquency; provided, that no penalty shall be charged to or be paid by the Commission unless such delinquency continues for more than 30 days.

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15. The Commission shall not do, or knowingly permit to be done by others, anything which may jeopardize the health or safety of any person on the Leased Premises or which may damage or destroy any property or improvements in or upon the Leased Premises. To the extent of its authority, the Commission shall save the United States harmless from any claim on account of death, personal injury, or property damage by reason of anything done, or knowingly suffered or omitted to be done, by the Commission in its exercise of the rights, powers, and privileges granted by this Lease. Nothing in this Lease shall be construed or interpreted as authorizing (1) the Commission, its agents or employees to act as the agent or representative of or on behalf of the United States or to incur any obligation of any kind on behalf of the United States or (2) the Bureau, its agents or employees to act as the agent or representative of or on behalf of the State or to incur any obligation of any kind on behalf of the State.

16. The Commission shall provide in its agreements with concessionaires, permittees, licensees, and lessees for carrying such public liability, fire, theft, vandalism, and other insurance as is customary for similar operations under comparable circumstances, which insurance shall be subject to the approval of the Commission. In the event of major or total destruction of any improvement constructed with Federal funds, the Bureau shall determine whether the insurance shall be paid to the United States or used for restoration.

17. The Commission shall be responsible for providing all electrical service, garbage service, water and other utilities necessary and desirable for recreation areas.

18. a. The State, through the Commission, accepts responsibility for administration, operation, and maintenance of the areas covered by this agreement.

b. This Lease Agreement shall cease and determine as of July 1, 2017; provided, however, that at the option of the United States, this Lease Agreement may be revoked and terminated in the event the State violates or breaches any of its obligations or covenants assumed in this agreement, and fails to correct, remedy, or eliminate such violation or breach to the satisfaction of the United States within a period of 180 days after notice in writing of the specific violation or breach is given to the Commission by the Bureau. The Bureau shall send a copy of any notices issued under this article to the Trustee under the trust indenture in the event bonds secured by such trust indenture are outstanding; however, failure to send such copy shall not affect the validity of the notice.

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c. Prior to the expiration of the initial term of this contract, the parties shall consider the desirability of an additional lease for the purpose of enabling the State to pay in full any bonds or other obligations (herein called the Bonds) which it may issue to pay the cost of any part of any development or improvement of the Leased Premises or any facilities for or in connection with the Leased Premises.

d. The Commission, at its option, may terminate this Lease by giving written notice to the Bureau, with or without assigning any cause or reason therefor; provided, however, that any such termination shall become effective on January 1 next succeeding the expiration of a period of not less than 1 year from the date such written notice is given. Upon the termination of this Lease, whether by expiration of the term, revocation or otherwise, the State shall promptly vacate the Leased Premises and return possession thereof to the United States, and within a period of 120 days from the date of such termination, or such longer period as the Bureau may in writing allow, the Commission may remove or cause to be removed from the Leased Premises all property and facilities, whether real or personal property, owned by the State or any concessionaire, licensee, permittee, or lessee of the State, and shall restore the Leased Premises or cause to be restored to a good and satisfactory condition without cost to the United States, and if the State shall fail or neglect to remove such property and facilities within the time specified, then said property and facilities shall become property of the United States to compensate anyone for or to pay damages in connection with such property or facilities so acquired by the United States. The inventory and condition report, herein marked Exhibit C and by this reference made a part of this Lease, lists in detail and describes the condition of the building which is hereby transferred to the State as a part of the Leased Premises. Upon the expiration, revocation, or termination of this Lease, a similar inventory and condition report shall be prepared and submitted by the State to the Bureau. Upon approval by the Bureau, the inventory and condition report shall constitute the basis for any settlement by the State for property of the United States transferred to the State under this Lease which is lost, damaged, or destroyed by reason of the State's negligence or other cause imposing liability upon the State.

19. The State shall not assign this Lease without the written consent of the United States. Any such assignment of this Lease consented to by the United States shall require that the provisions of this Lease apply to and be binding upon the assignee of the State.

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20. The Commission warrants that it has not employed any person to solicit or secure this Lease upon an agreement for a commission, percentage, brokerage, or contingent fee. Any breach of this warranty shall give the United States the right to annul the lease or, in its discretion, to deduct from any amount payable under this Lease by the United States to the State the amount of such commission, percentage, brokerage, or contingent fee.

21. a. The following clause b. is applicable unless this contract is exempt under the rules and regulations of the Secretary of Labor (41 CFR, Chapter 60). Exemptions include contracts and subcontracts (i) not exceeding \$10,000, (ii) not exceeding \$100,000 for standard commercial supplies or raw materials, and (iii) under which work is performed outside the United States and no recruitment of workers within the United States is involved.

b. During the performance of this contract, the Commission, hereinafter in this paragraph termed contractor, agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising that said labor union or workers' representative of the contractor's commitments under Section 202

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of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed or remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor.\* The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; Provided, however, That in the event the contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

\*c. Unless otherwise provided, the Equal Opportunity Clause is not required to be inserted in subcontracts below the second tier except for subcontracts involving the performance of "construction work" at the "site of construction" (as those terms are defined in the

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Secretary's rules and regulations) in which case the clause must be inserted in all such subcontracts. Subcontracts may incorporate by reference the Equal Opportunity Clause.

d. (1) Definitions: (i) the term contractor shall mean the employees, agents, lessees, sublessees, concessionaires, and contractors, and the successors in interest; (ii) the term facility shall mean any and all services, facilities, privileges, accommodations, and activities available to the general public and permitted by this agreement.

(2) The contractor shall not: (i) publicize any facility operated hereunder in any manner that would directly or inferentially reflect upon or question the acceptability of any person because of race, creed, color, ancestry, or national origin; (ii) discriminate by segregation or other means against any person because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person the use of any such facility.

(3) The contractor shall post the following notice in such a manner where any facility is available so as to ensure that its contents will be conspicuous to any person seeking employment or use of any facility. Such notice will be furnished the contractor by the Secretary.

#### NOTICE

THIS IS A FACILITY OPERATED IN AN AREA UNDER THE JURISDICTION OF THE UNITED STATES DEPARTMENT OF THE INTERIOR.

NO DISCRIMINATION BY SEGREGATION OR OTHER MEANS IN THE FURNISHING OF ACCOMMODATIONS, FACILITIES, SERVICES, OR PRIVILEGES ON THE BASIS OF RACE, CREED, COLOR, ANCESTRY, OR NATIONAL ORIGIN IS PERMITTED IN THE USE OF THIS FACILITY. VIOLATIONS OF THIS PROHIBITION ARE PUNISHABLE BY FINE, IMPRISONMENT, OR BOTH. COMPLAINTS OF VIOLATIONS OF THIS PROHIBITION SHOULD BE ADDRESSED TO THE UNITED STATES DEPARTMENT OF THE INTERIOR, WASHINGTON, D. C. 20240

(4) The contractor shall require in all of its contracts or other forms of agreement for the operation of a facility pursuant to this agreement, inclusion and compliance with provisions identical with those stated in subsections (1), (2), (3), and (4) herein.

22. The Commission hereby agrees as follows:

a. To comply with Title VI (Section 601) of the Civil Rights Act of July 2, 1964 (78 Stat. 241), which provides that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance," and to be bound by the regulations of the Department of the Interior for the effectuation thereof, as set forth in 43 CFR 17.

b. To obligate his subcontractors, subgrantees, transferees, successors in interest, or any other participants receiving Federal financial assistance hereunder, to comply with the requirements of this provision.

c. The Department of the Interior shall have the right to revert title to this property in the event of breach of the nondiscrimination conditions set forth in this provision during the period in which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. This provision shall be a covenant running with the land for the same period.

23. No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

IN WITNESS WHEREOF, the United States of America and the State of New Mexico hereto have executed this agreement as of the day and year first above written.

LEGAL APPROVAL:

By *Richard K. Saw*  
Field Solicitor

SEAL

ATTEST:

*[Signature]*  
Secretary

LEGAL APPROVAL:

*Thomas A. Danvelly*  
Special Asst. Attorney-General, State of  
New Mexico

THE UNITED STATES OF AMERICA

Department of the Interior  
Bureau of Reclamation

Acting By *Charles H. Clark*  
Regional Director, Region 5

STATE OF NEW MEXICO

New Mexico State Park and  
Recreation Commission

By *[Signature]*  
Chairman