

License No.: _____
Expiration Date: _____
Annual Rental: _____

**APPLICATION FOR ENCROACHMENT LICENSE FOR COMMUNITY BOAT DOCK
NEW MEXICO INTERSTATE STREAM COMMISSION: UTE RESERVOIR**

Name of Community Boat Dock Applicant: _____

Address: _____

(H) Phone: _____ (W) Phone: _____ Fax: _____

FEES: A Non-Refundable Encroachment License Application Fee of \$500.00 made payable to the New Mexico Interstate Stream Commission must accompany this completed application.

Legal Description of ISC Property Identified for Community Boat Dock (include a map of the parcel and area of ISC lands (fee and/or easement) that are being encroached upon):

Submit completed application and fee to:
New Mexico Interstate Stream Commission
Attn: Jonathan Martinez, Canadian Basin Manager
P.O. Box 25102
Santa Fe, NM 87504-5102

For official use only:

ISC Decision, Encroachment License _____

_____ Approved

Not Approved

Date

Comments: _____

**INSTRUCTIONS FOR ENCROACHMENT LICENSE APPLICATION FOR COMMUNITY BOAT DOCK
NEW MEXICO INTERSTATE STREAM COMMISSION; UTE RESERVOIR**

1. General Policy. Encroachment license applications will be reviewed and considered by the New Mexico Interstate Stream Commission (ISC) at the same time a community boat dock application is reviewed and considered by the State Parks Division, ENMRD. Both applications will be considered for approval according to the ISC's Ute Reservoir Shoreline Management Plan (2010) and Title 18, Chapter 17 NMAC. Water quality protection, general public use of ISC public property, public safety, and protection of Ute Reservoir for drinking water supply will not be compromised by improvements located on ISC property.
2. Application. Community boat dock application packets are available by contacting Ute Lake Park Superintendent, P.O. Box 52, Logan, NM 88246, (575) 487-2284 and may be picked up at the Ute Lake State Park office during regular business hours. The ISC encroachment license application is attached to the community boat dock application. Completely fill out the community boat dock application and ISC encroachment license application forms. Separate submittals and agreement(s) are required for community boat docks.
3. Submittals Required for Initial Review. An encroachment license application must be accompanied by the following required submittals:
 - (a) Check or money order for the entire amount of the non-refundable Application Fee made payable to the "New Mexico Interstate Stream Commission." Mail the completed application and fee directly to the NMISC, Attn: Jonathan Martinez, Canadian Basin Manager, P.O. Box 25102, Santa Fe, NM 87504-5102.
 - (b) Map, plat, or survey (drawn to scale and acceptable to the EMNRD/State Parks Division and ISC staff) showing property and proposed use attached as Exhibit A. Exhibit A must depict area of encroachment upon ISC lands (fee and/or easement).
 - (c) 8½ x 11 inch depiction of the property and the proposed use. This depiction must be acceptable to EMNRD/State Parks Division and ISC staff, must clearly show the location of the property and the proposed use, and attached as Exhibit B. A reduced copy of the required map, plat, or survey, required in (b) above, may be appropriate. Simple hand-drawn sketches will not be sufficient.
 - (d) Any previous licenses or permits attached as Exhibit C.
 - (e) A copy of the bylaws and articles of incorporation or articles of association or like organizational documents for the residential community group that is applying for the community boat dock or other documents establishing that the group is a homeowners association or similar residential organization and a plat of the residential community of which the group is comprised attached to the application as Exhibit D. A community boat dock by definition is a private, non-commercial boat dock for use by the owner-members or other authorized residents of a residential community, such as a planned unit development or condominium development, and is not available for commercial use.

Homeowners associations or other similar organizations shall not include members that do not own property shown in the plat of the residential community. At least one lot in or portion of the common area of the residential community must adjoin Ute Reservoir in such a way that the community boat dock may be located, used, and maintained without trespass or encroachment on any other property that adjoins Ute Reservoir.
 - (f) Proof (i) that a member of the community group owns the land that is adjoining the proposed location of the community boat dock and has authorized the members of the community group to cross such land to access the community boat dock or (ii) that the community group owns the

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

- (g) Proof that the applicant has also submitted a community boat dock permit application to EMNRD State Parks Division attached to the application as Exhibit F.

4. Review Process.

- (a) All applications will be treated as public documents. Completed applications should be submitted directly to: NMISC, Attn: Jonathan Martinez, Canadian Basin Manager, P.O. Box 25102, Santa Fe, NM 87504-5102.
- (b) Upon receipt of an application, ISC staff will review the application for completeness and compliance with the ISC Shoreline Management Plan. Incomplete or noncompliant applications will be returned and the applicant notified in writing for reasons the application is being returned.
- (c) Upon State Parks Division's approval of a community boat dock application and the Division's notification of such approval to the ISC, the encroachment license applicant will be notified and the applicant must provide the following:
 - (i) Check or money order in the full amount for the Annual Encroachment License Fee (non-refundable) made payable to the "New Mexico Interstate Stream Commission". The first year's annual fee will be pro-rated so that all licenses will have the same anniversary date. Subsequent annual fee statements will be mailed every October, with fees due every December 1st.
 - a. Annual fees will be assessed at a rate of \$0.50 per square foot of encroachment upon ISC fee or easement property. A surety bond is also required in an amount of \$10,000 or \$5 per square foot of encroachment, whichever is greater.
 - (ii) A Community Boat Dock Encroachment License Agreement signed by the applicant's authorized representative.
 - (iii) Certificate of insurance in the amounts and in the form specified in the encroachment license agreement(s);
 - (iv) Surety Bond in the amount specified in the encroachment license agreement.
 - (v) Other items as may be required by the State Parks Division or ISC to ensure public health and safety, water quality, or for specific conditions and specified in the encroachment license agreement.

- 5. Encroachment License. All community boat dock encroachment licenses will be subject to all of the terms, covenants, and conditions of the license agreement and the ISC's Ute Reservoir Shoreline Management Plan. The license agreement contains detailed provisions regarding fees, term, termination, and other requirements of permit. A valid Community Boat Dock Permit must also always be in place. Failure to have a valid Community Boat Dock Permit shall result in termination of the Community Boat Dock Encroachment License Agreement.

- 6. Term. All encroachment licenses for community boat docks will be for a period of up to five (5) years and will have an anniversary date of January 1st, except for the first year which will be pro-rated to the anniversary date.

- 7. Transferability. Encroachment licenses for community boat docks are not transferable. See the license agreement(s) for particulars.

- 8. Concurrent Jurisdiction. Applicants seeking licenses may be required to obtain permits or approvals from other governing entities for proposed construction or installation. Applicants shall be responsible

for determining what, if any, such permits or approvals are required, and for obtaining any necessary additional permits or approvals.

9. Modifications. Modifications to licensed encroachments upon ISC fee or easement lands will require the Applicant to submit a new application to and obtain approval from the New Mexico Interstate Stream Commission.

Questions may be directed to:

Rex Stall, Ute Dam Caretaker
NM Interstate Stream Commission
PO Box 281
Logan, NM 88426-0281
(575) 487-2292

OR

Jonathan Martinez, Canadian Basin Manager
NM Interstate Stream Commission
PO Box 25102
Santa Fe, NM 87504-5102
(505) 827-6134