



# New Mexico Energy Minerals and Natural Resources Department

Mission, Resources and Structure

Prepared for the

**SCIENCE, TECHNOLOGY AND TELECOMMUNICATIONS COMMITTEE**

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New Mexico Energy, Minerals and Natural Resources Department

## MISSION, RESOURCES AND STRUCTURE

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## VISION, MISSION AND DEPARTMENT GOALS

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### Vision:

A New Mexico where individuals, agencies and organizations work collaboratively on energy and natural resource management to ensure a sustainable environmental and economic future.

### Mission:

To position New Mexico as a national leader in the energy and natural resources areas for which the Department is responsible.

### Department Goals:

To make our state a leader in developing reliable supplies of energy, and energy efficient technologies and practices, with a balanced approach towards conserving our renewable and non-renewable resources,

To protect the environment and ensure responsible reclamation of land and resources affected by mineral extraction,

To be effective in leading our state in growing healthy, sustainable forests and managing them for a variety of users and ecologically sound uses, and

To improve the state park system into a nationwide leader that protects New Mexico's natural, cultural and recreational resources for posterity and contributes to a sustainable economy statewide.

## AGENCY OVERVIEW

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The Energy, Minerals and Natural Resources Department (EMNRD) protects and conserves the state's natural resources and provides recreational opportunities throughout New Mexico.

The department was created in 1987 through a merger between the Natural Resources and Energy and Minerals departments; the agency employs a staff of more than 500 professionals.

The department is home to five programmatic divisions:

- Energy Conservation and Management (ECMD)
- State Forestry (SFD)
- Mining and Minerals (MMD)
- Oil Conservation (OCD)
- State Parks (SPD)

In addition, the Administrative Services Division (ASD) provides department-wide support, while the Office of the Secretary (OFS), headed by Cabinet Secretary Jim Noel, is the department's link to the Office of the Governor and provides agency-wide policy direction.

The OFS implements executive and legislative mandates and provides a point of contact for members of the public affected by EMNRD activities. Staff includes Deputy Secretary Karen Garcia and the Office of General Counsel, headed by General Counsel Bill Brancard.

The ASD provides the department's infrastructure (budget, procurement, personnel development, and information technology services) and operates EMNRD's data processing networks, which support electronic mail, voice mail and employee access to the World Wide Web.

The department also has administratively attached programs: the Waste Isolation Pilot Plant (WIPP) Transportation Safety Program, and the Youth Conservation Corps (YCC).

The YCC provides funding for the employment of New Mexicans between the ages of 14 and 25 to work on projects that will improve New Mexico's natural, cultural, historical and agricultural resources.

Secretary Noel is the Chair of WIPP's Radioactive Waste Consultation Task Force. The group's coordinator reports directly to the Deputy Secretary and acts as the primary liaison between the State of New Mexico and the Department of Energy on all issues concerning the safe transportation of transuranic waste through the state.

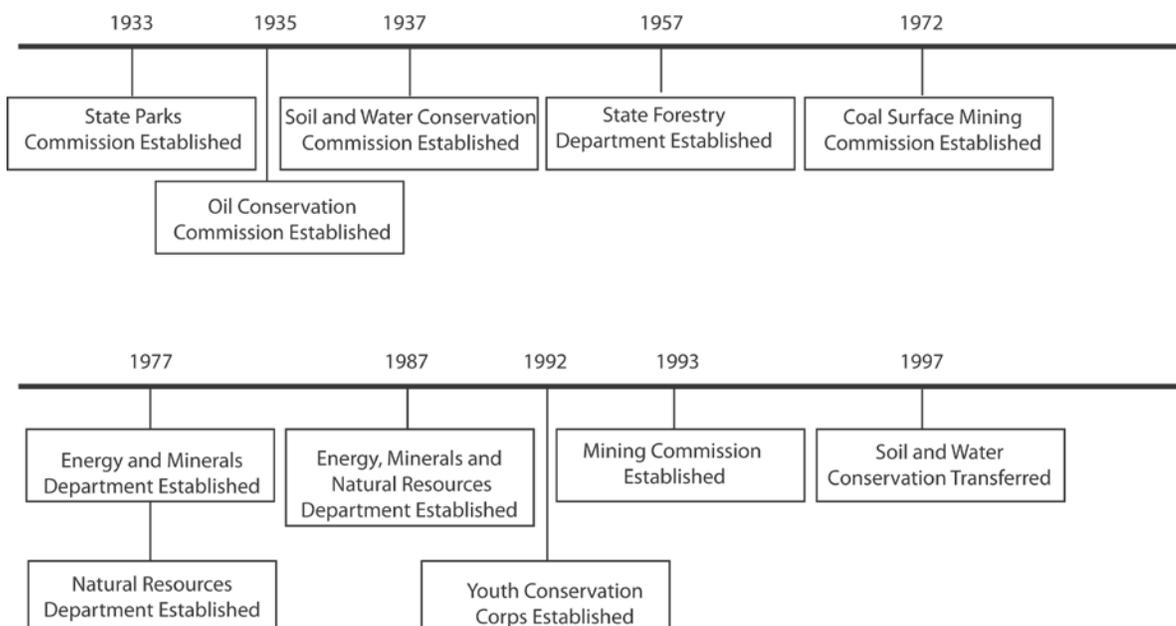
The Department of Game and Fish is administratively attached to the Energy, Minerals and Natural Resources Department, but does not have any budget support.

## HISTORY

Below is a historical timeline of the New Mexico Energy, Minerals and Natural Resources Department. In 1977, the Energy and Minerals Department was established, which included Oil Conservation, Soil and Water Conservation and Coal Surface Mining. Also in 1977, the Natural Resources Department was established, which included State Parks and State Forestry. These two departments were officially combined in 1987. In 1992 the Youth Conservation Corps was established and administratively attached; in 1993 the Mining Commission was established; and in 1997 Soil and Water Conservation was transferred.

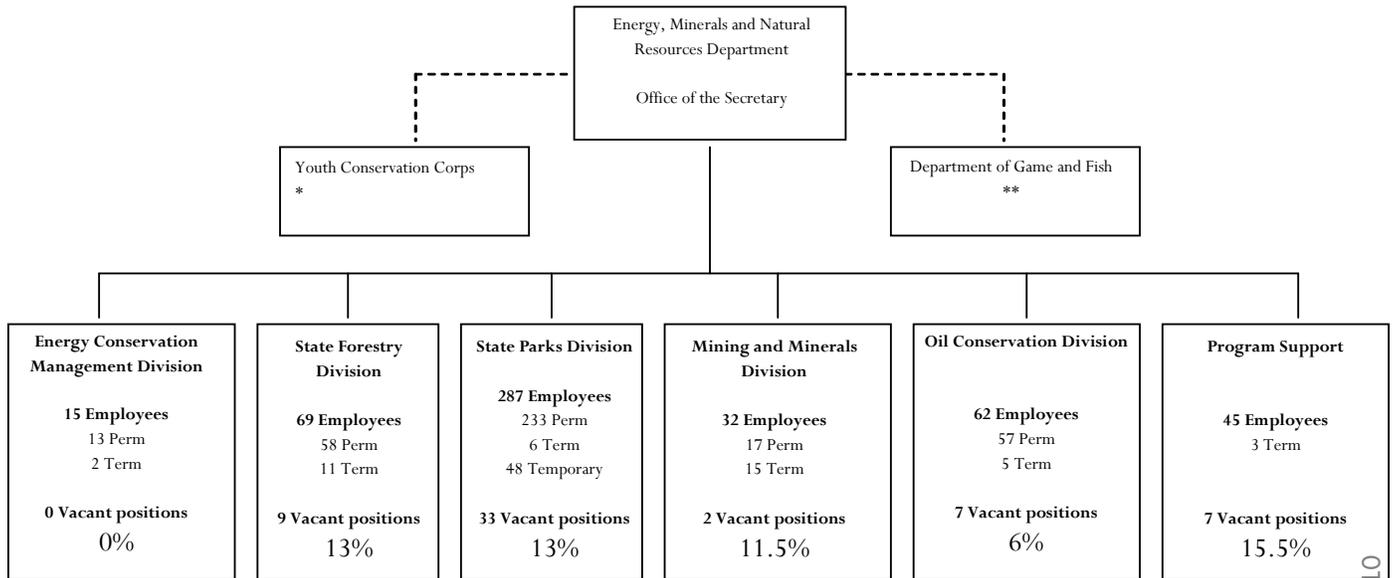


### New Mexico Energy, Minerals and Natural Resources Department History



# ORGANIZATIONAL CHART

The Energy, Minerals and Natural Resources Department has 510 positions, 420 of those are permanent full time employees (FTE) 42 are term positions, and 48 are temporary seasonal employees. Currently there are 58 vacant positions. The chart below provides a breakdown of the positions for each division.



\* Administratively Attached

\*\* Administratively Attached. No direct budget support from EMNRD

## DEPARTMENT EMPLOYEE TOTALS:

<b>Permanent</b>	<b>420</b>
<b>Term</b>	<b>42</b>
<b>Temp</b>	<b>48</b>
<b>Total Positions:</b>	<b>510</b>
<b>Current Vacancies:</b>	<b>58 (11%)</b>

# ENERGY CONSERVATION AND MANAGEMENT DIVISION

**Mission:** “Develop and implement effective clean energy programs—renewable energy, energy efficiency and conservation, alternative transportation and fuels—to promote environmental and economic sustainability for New Mexico and its citizens.”



The Energy Conservation and Management Division (ECMD) plans and administers clean energy programs, including those that focus on renewable energy, energy efficiency and conservation, and alternative transportation and fuels. Anticipated benefits resulting from ECMD’s programs are a reduction in energy consumption and expenditures; generation of new jobs and revenues; environmental protection and improvement (e.g., reducing emissions of air pollutants and greenhouse gases); enhancement of public health; decreased consumptive water use for power generation; lessened dependence on foreign oil; and greater energy security and independence.

Programs include:

**Renewable Energy:** Solar, wind, geothermal, biomass, and hydrogen technology applications in all sectors; distributed energy technologies such as fuel cells and district heating systems; co-generation (combined heat and power).

**Energy Efficiency and Conservation:** Technology applications such as energy control systems and efficient lighting, motors and appliances, as well as behavioral practices, that reduce energy use and costs in buildings and the transportation sector; residential and commercial building energy codes and standards.

**Alternative Transportation and Fuels:** Ridesharing and carpooling; park-and-ride programs; vehicles and infrastructure for clean-burning fuels such as compressed natural gas (CNG), propane, ethanol, electricity, and bio-diesel.

These ECMD programs are accomplished through policy research and planning; state and federal legislative activities; data collection and analyses; public education and outreach; technical assistance; administration of federal grants for technology deployment and demonstrations; project development, implementation and evaluation with public- and private-sector partners; intradepartmental/interagency cooperation and coordination.

## STATE FORESTRY DIVISION

**Mission:** The Forestry Division's central purpose is to promote healthy, sustainable forests in New Mexico for the benefit of current and future generations.”

The Forestry Division works in the following areas to accomplish its mission.



### Forest and Watershed Management

The Forestry Division provides leadership in New Mexico’s approach to managing its complex ecological needs. Although Forestry’s primary responsibility is to healthy and productive forests, the division recognizes the interrelatedness of forest lands and other vegetative landscapes, of watersheds and waterways, of land management practices, and of the many entities, state and other that are responsible for stewardship of the land. This understanding provides the foundation for Forestry’s efforts, which are collaborative, interdisciplinary, and focused on long-term sustainability.

Forestry provides technical assistance and promotes sound forest and watershed management toward statewide ecological balance. The division supports the development of community-based resource management plans and provides access to forest health project funding. Forestry also regulates the harvest of forest products through permits and law enforcement on private forestland. The division conducts habitat protection projects by studying plant species abundance, defining rare and unique ecosystems, acquiring easements and purchasing key properties.

### Community Forestry

The Forestry Division empowers New Mexico communities to protect, enhance and utilize their forest resources.

Forestry serves to enhance the economic viability of New Mexico communities while protecting their natural resources. Services include support for sustaining community-based urban forestry programs; assistance to communities vulnerable to damage from wildland fires, insects, invasive species and other natural processes; training on forest health principles; distribution of low-cost seedlings; and access to contractor labor and other resources. The division also provides assistance in developing sustainable forestry practices, including the development of value-added forest products industries that utilize thinning by-products.

### Wildland Fire Management

The Forestry Division has the responsibility to protect forests from wildfire and has the lead responsibility for wildland fire management on non-federal and non-municipal lands.

Forestry provides for fire fighter safety and community protection while promoting natural resource benefit. The division maintains appropriate fire suppression capability, including the development of qualified fire fighters and the maintenance of state-of-the art firefighting equipment.

### Capacity Development

The Forestry Division is committed to developing the resources necessary to provide outstanding service in each of the three areas above. The division works efficiently with its current resources and acts creatively to solve problems when resources are not available. Forestry’s capacity development efforts fall into three broad categories: planning, partnership, and public awareness.

Through careful planning the division develops strategic priorities for its work, which take advantage of current opportunities and available resources. Through collaborative planning efforts, increased synergy is developed between different entities working toward similar ends. Through partnerships Forestry is able to leverage the resources of all partners to achieve greater results for all. And through on-going public awareness efforts, the division grows understanding among New Mexico’s citizenry for the important work of ecological restoration and maintenance that will ensure support into the future.

## MINING AND MINERALS DIVISION

**Mission:** Promote the public trust by ensuring the responsible utilization, conservation, reclamation and safeguarding of land and resources affected by mining.

The Mining and Minerals Division (MMD) implements state and federal laws that regulate the operation and reclamation of mining facilities and reclaims abandoned mine sites. The New Mexico Mining Act, the Surface Mining Act, the Abandoned Mine Reclamation Act, and other state laws authorize the Division to regulate mining operations and reclaim abandoned mine sites. The Division is also responsible for



maintaining federal program approval so the state can maintain primary jurisdiction over coal mining operations and can continue to receive federal funds for abandoned mine reclamation.

Despite its small size, the Division is able to implement these varied and complex statutory and regulatory programs through a skilled and experienced workforce that is constantly seeking innovative solutions. The Division consists of the following programs with the following responsibilities:

### Office of the Director

Provides policy direction and administrative support for all the programs within the Division

The Mine Reclamation Bureau includes the following programs:

Abandoned Mine Lands program (AML) implements a federally funded program to safeguard and reclaim abandoned mine hazards caused by past mining.

Coal Mine Reclamation program regulates the operation and reclamation of coal mines under the Surface Mining Act to protect New Mexicans from the adverse effects of coal mining and to maintain primary jurisdiction over the regulation of coal mining and reclamation operations within New Mexico.

Mining Act Reclamation program implements the New Mexico Mining Act to ensure the responsible utilization and reclamation of all lands affected by hard rock mining activities.

Mine Registration and Reporting program maintains registration of all mines and mills in New Mexico, requires safeguarding of mine sites at closing to avoid risk of injury, and collects and provides information on the current status of New Mexico's mining industry to the public.

### Objectives:

- A. Review and administer permits for mining and reclamation operations; inspect permitted operations; and enforce state laws on permitted lands.
- B. Identify mining operations and unreclaimed mine areas and safeguard and reclaim hazardous abandoned mine lands.
- C. Inform and educate the public and provide them with opportunities for participation.
- D. Develop and embrace innovative approaches to implement our mission and objectives.

## OIL CONSERVATION DIVISION

**Mission:** "To assure the protection, conservation, management and responsible development of oil, gas and associated natural resources through professional, dynamic regulation and advocacy for the ultimate benefit of New Mexico."

The Oil Conservation Division (OCD) administers policy and regulations relating to the oil, gas and geothermal industry of New Mexico.

The Oil and Gas Act, the Water Quality Act, and the Geothermal Resources Conservation Act authorize OCD to enforce primary statutory mandates that include:

- Preventing waste of oil, gas and geothermal resources either underground or on the surface;
- Protecting correlative rights of mineral interest owners by providing each owner the opportunity to produce its share of oil and gas;
- Preventing loss or contamination of fresh water supplies and protection of human health and the environment during oil, gas or geothermal operations; and
- Collecting records and statistics on regulated operations.



OCD consists of four district offices and four bureaus. The district offices issue drilling permits, inspect wells and associated facilities, respond to spills, investigate violations and institute enforcement actions.

- The Engineering Bureau processes administrative drilling applications and conducts hearings.
- The Environmental Bureau develops and enforces environmental regulations.
- The Administrative Bureau provides administrative support for the division.
- The Automation and Records Bureau manages division records and information systems and processes production reports.

## STATE PARKS DIVISION

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**Mission:** “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.”

State Parks strives to conserve and manage natural and cultural resources for present and future generations, while meeting increasing public demand for a variety of recreational experiences.



The New Mexico State Park System includes diverse wonders: expanses of desert and plains, mountains, lakes, streams and historical sites. These places contain significant natural, cultural, recreational resources. Sight-seeing, camping, boating, fishing, hiking, cross-country skiing, and opportunities for education are all part of the attraction that brings nearly 4 million in- and out-of-state visitors to New Mexico State Parks each year. Representing 34 of the state’s top attractions, State Parks also play a prime role in sustainable economic development, especially for the state’s rural areas in which most state parks are located.

Parks personnel are dedicated to conserving resources, assuring quality customer service and protecting visitor safety. Parks maintains and improves facilities, assists visitors, conducts interpretive programs, generates and administers revenue and ensures compliance with statutes and regulations. Professional management of the park system and its facilities provides settings where visitors develop a special respect for and understanding of the enchanting natural resources of the state and its cultural diversity. Parks provides leadership in recreational opportunities and seeks innovative techniques for resource protection, environmental education and community public and private partnerships that contribute to using parks wisely today while preserving them in trust for the future.

## PROGRAM SUPPORT

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**Mission:** Program Support helps all divisions meet their goals and objectives by providing administrative services as well as policy direction and management.

Program Support consists of the Office of the Secretary (OFS), Administrative Services Division and the Information Technology Office, which provide administrative support functions—legal, human resources, fiscal and information technology. OFS also administers the Waste Isolation Pilot Project Transportation Safety Program and Youth Conservation Corps.

## OFFICE OF THE SECRETARY

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Jim Noel currently serves as cabinet secretary for the Energy, Minerals and Natural Resources Department. He has a broad educational and professional background. He began his career at Lawrence Livermore National Laboratory characterizing, inventorying and shipping research laboratory hazardous waste streams for permanent treatment and disposal. Subsequently he worked in the Environmental Restoration Program at the Portsmouth Uranium Enrichment Plant in Ohio, and then joined Los Alamos National Laboratory's Environmental Restoration Program, where he oversaw the project control team in the life-cycle planning and execution of that program. He left Los Alamos National Laboratory to attend law school. Jim was in private practice when he was tapped to serve as the Executive Director and General Counsel for the New Mexico Judicial Standards Commission, where he served for five and a half years. Jim left the Judicial Standards Commission to serve as the Deputy Secretary for New Mexico Energy, Minerals and Natural Resources Department, a post he held for a year, before being appointed as Cabinet Secretary.

As Cabinet Secretary, Jim Noel represents the State of New Mexico on a number of western regional organizations, such as Southwest Strategy (natural resource protection), various committees of the Western Governors Association (WGA) and the Western Interstate Energy Board (WIEB). Participation in WGA and WIEB activities and those of other groups allows EMNRD the opportunity to ensure that New Mexico's interests are protected and fairly represented. The Secretary also represents the state's interest in oil and natural gas issues through involvement with the Interstate Oil and Gas Compact Commission. Additionally, Jim represents the department on several state-level committees, boards and commissions, including the New Mexico Finance Authority, New Mexico Renewable Energy Transmission Authority, New Mexico Radioactive Waste Consultation Task Force, New Mexico Water Trust Board, New Mexico Drought Planning Task Force, the Governor's Finance Council, and New Mexico Youth Conservation Corps Commission.

The Office of the Secretary serves as the focal point for the department's communications with the Governor, other state agencies (including the Department of Game and Fish, which is administratively attached to EMNRD), and legislators. It establishes department policies and provides legal, programmatic, and public outreach direction to the divisions. The Information Technology Office and the Public Information Office were placed within the Office of the Secretary in 2004.

## RADIOACTIVE WASTE CONSULTATION TASK FORCE & THE WIPP TRANSPORTATION SAFETY PROGRAM

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**Mission:** To represent the interests of the state of New Mexico regarding the safe and uneventful transportation of nuclear waste through the state.

### Programs:

Under the Energy, Minerals and Natural Resources Department's leadership, and through the New Mexico Radioactive Waste Consultation Task Force, six other state agencies collaborate on the WIPP Transportation Safety Program:

- Department of Public Safety
- Department of Homeland Security and Emergency Management
- Department of Health
- Environment Department
- Department of Transportation
- State Fire Marshal's Office

The task force coordinator, through the Waste Isolation Pilot Plant (WIPP) Working Group, manages and implements the WIPP Transportation Safety Program. The WIPP Working Group is comprised of operations management staff in each of the participating agencies. The program includes the setting and updating of policies and operating procedures; training and equipping emergency responders along all New Mexico's WIPP shipping routes; keeping the public informed on radioactive materials issues; monitoring and maintaining highway safety; and inspecting all WIPP shipments at their point of origin or at the New Mexico ports of entry.

## YOUTH CONSERVATION CORPS

**Mission:** Promote the education, success and well-being of the youth in our communities and provide community benefits of lasting value through the conservation and enhancement of New Mexico's natural resources.



**Goals:** Together we strive for:

- Healthy natural resources and lasting community benefits
- Instilling values of hard work and accomplishments
- Promotion of education and training.

**Values:** We strive to be:

- Responsible stewards of the state's resources
- Positive role models for New Mexico's youth.

## FINANCIAL INFORMATION

### FY-11 Operating Budget Information

Energy Minerals and Natural Resources Department						
	GF	Adjusted GF	OSF	Internal Transfers	Adjusted FF	Total Sources
200	20,148.2	19,757.3	4,420.1	642.4	4,434.6	29,254.4
300	473.6	462.9	4,374.4	76.5	9,550.7	14,464.5
400	2,299.8	2,197.2	6,557.4	2,747.7	12,426.8	23,929.1
500	-	-	2,465.8	-	1,602.4	4,068.2
<b>Total</b>	<b>22,921.6</b>	<b>22,417.4</b>	<b>17,817.7</b>	<b>3,466.6</b>	<b>28,014.5</b>	<b>71,716.2</b>
				Authorized		Total FTE
FTE	Perm			420	-	420
	Term			42	-	43
	Temp			48		48
				510		511

Energy Conservation and Management Division						
	GF	Adjusted GF	OSF	Internal Transfers	Adjusted FF	Total Sources
200	999.2	985.8	-	178.6	199.0	1,363.4
300	7.8	6.8	-	5.0	-	11.8
400	52.9	47.5	-	10.8	22.5	80.8
Total	1,059.9	1,040.1	-	194.4	221.5	1,456.0
				Authorized		Total FTE
FTE	Perm			13		13
	Term			2		2
				15		15
State Forestry Division						
	GF	Adjusted GF	OSF	Internal Transfers	Adjusted FF	Total Sources
200	2,986.8	2,962.2	168.1	-	1,255.7	4,386.0
300	123.2	123.2	2.0	-	2,002.3	2,127.5
400	420.1	397.0	373.1	-	8,093.7	8,863.8
Total	3,530.1	3,482.4	543.2	-	11,351.7	15,377.3
				Authorized		Total FTE
FTE	Perm			58		58
	Term			11		11
				69		69
State Parks Division						
	GF	Adjusted GF	OSF	Internal Transfers	Adjusted FF	Total Sources
200	9,172.8	9,084.2	3,296.8	-	609.0	12,990.0
300	210.4	206.2	169.7	-	3,800.3	4,176.2
400	1,217.8	1,158.1	6,007.7	2,617.0	3,669.7	13,452.5
500		-	2,465.8	-	-	2,465.8
Total	10,601.0	10,448.5	11,940.0	2,617.0	8,079.0	33,084.5
				Authorized		Total FTE

FTE	Perm			233		233
	Term			6		6
	Temp			48		48
				287		287

**Mining and Minerals Division**

	<b>GF</b>	<b>Adjusted GF</b>	<b>OSF</b>	<b>Internal Transfers</b>	<b>Adjusted FF</b>	<b>Total Sources</b>
200	508.8	441.2	655.2	-	1,723.8	2,820.2
300	45.3	45.3	32.7	-	3,728.3	3,806.3
400	25.3	25.0	111.3	-	349.5	485.8
<b>Total</b>	<b>579.4</b>	<b>511.5</b>	<b>799.2</b>	<b>-</b>	<b>5,801.6</b>	<b>7,112.3</b>
				Authorized		Total FTE
FTE	Perm			17		17
	Term			15		16
				32		33

**Oil Conservation Division**

	<b>GF</b>	<b>Adjusted GF</b>	<b>OSF</b>	<b>Internal Transfers</b>	<b>Adjusted FF</b>	<b>Total Sources</b>
200	3,361.6	3,285.9	300.0	250.0	215.2	4,051.1
300	86.9	81.4	4,170.0	71.5	-	4,322.9
400	583.7	569.6	65.3	119.9	20.0	774.8
500		-		-	115.0	115.0
<b>Total</b>	<b>4,032.2</b>	<b>3,936.9</b>	<b>4,535.3</b>	<b>441.4</b>	<b>350.2</b>	<b>9,263.8</b>
				Authorized		Total FTE
FTE	Perm			57		57
	Term			5		5
				62		62

**Program Support**

	<b>GF</b>	<b>Adjusted GF</b>	<b>OSF</b>	<b>Internal Transfers</b>	<b>Adjusted FF</b>	<b>Total Sources</b>
200	3,119.0	2,998.0	-	213.8		3,643.7

					431.9	
300	-	-	-	-	19.8	19.8
400	-	-	-	-	271.4	271.4
500	-	-	-	-	1,487.4	1,487.4
Total	3,119.0	2,998.0	-	213.8	2,210.5	5,422.3
				Authorized		Total FTE
FTE	Perm			42		42
	Term			3		3
				45		45

### Department Special Funds

FUND DESCRIPTION	FUND TYPE	FUND CATEGORY	FUND AUTHORITY	STATUTORY CITATION	FUND PURPOSE
Renewable Energy Transmission	Fiduciary Fund	Agency Fund	Statutory	62-16A-6	To transfer money appropriated to the Renewable Energy Transmission Authority.
EMNRD - Operating Fund	Governmental Fund	General Fund	Administrative		Operating fund
Natural Lands Protection Fund	Governmental Fund	Special Revenue Fund	Administrative	16-2-11	Acquisition and protection of ecologically significant lands
State Parks	Governmental Fund	Special Revenue Fund	Administrative	16-2-19	Acquirement, development operating and maintaining state parks or rec areas, and operations of state parks division
Energy Efficiency Assess Revolv	Governmental Fund	Special Revenue Fund	Statutory	6-21D-6.1	To perform energy efficiency assessments
Emerg Fire/Insect & Disaster	Governmental Fund	Special Revenue Fund	Administrative		Forest fire fighting by Executive Order
GGRT - Debt Service	Governmental Fund	Debt Service Fund	Administrative	7-1-6.38, 16-2-29	Set aside to meet current and future debt service requirements
Motor Boat Fuel Tax	Governmental Fund	Special Revenue Fund	Statutory	16-2-19.1	Boating facility construction and improvement and general boating
Oil Reclamation Fund	Governmental Fund	Special Revenue Fund	Statutory	70-2-37	Well reclamation/energy education

PVE - Stripper Well	Governmental Fund	Special Revenue Fund	Administrative		To account for oil overcharge monies
Surface Mining Permit Fees	Governmental Fund	Special Revenue Fund	Statutory	69-25A-10	Administration of Surface Mining Act
Surface Mining Penalties	Governmental Fund	Special Revenue Fund	Statutory	69-25A-22	Escrow account
Conserv Planting Rev Fund	Governmental Fund	Special Revenue Fund	Statutory	68-2-21	Tree distribution - environmental enhancement
Forest Land Protection Fund	Governmental Fund	Special Revenue Fund	Statutory	68-2-28	Administration of Forest Conservation Act
EMNRD Capital Projects-GF/STB	Governmental Fund	Capital Projects Fund	Administrative		Capital project administration
Mining Act Fund	Governmental Fund	Special Revenue Fund	Statutory	69-36-19(A)	Implement NM Mining Act
EMNRD - Capital Projects/GGRT	Governmental Fund	Capital Projects Fund	Administrative	7-1-6.38	Capital project administration
State Reclamation Trst Fund	Governmental Fund	Special Revenue Fund	Statutory	69-25B-4	Set aside federal money to carry out the purposes of the Abandoned Mine Land Act
Hardrock Mining Reg Program	Governmental Fund	Special Revenue Fund	Statutory	69-36-19 B	To conduct reclamation activities on abandoned or inactive non coal mining areas
Boat Suspense Fund	Fiduciary Fund	Agency Fund	Administrative	66-12-6.1H	For improvements and maintenance of lakes and boating facilities and enforcement of the Boat Act
GGRT- Suspense Fund	Fiduciary Fund	Agency Fund	Statutory	Laws 1991, Ch. 08	For the purpose of receiving from other funds and paying to TRD the GGRT payment.
Oil Disposition Holding Fund	Fiduciary Fund	Agency Fund	Administrative		Holding fund to administer the Oil and Gas Proceeds Payment Act
Inmate Work Camp Fund	Governmental Fund	Special Revenue Fund	Statutory	33-13-8	Inmate conservation projects
ARRA Fund	Governmental Fund	Special Revenue Fund	Administrative	ARRA of 2009	To account for all the ARRA funds received by the Department
Youth Conservation Corp	Governmental Fund	Special Revenue Fund	Statutory	Laws of 1994, Ch 145	To implement the NM Youth Conservation Corps Act

## American Recovery and Reinvestment Grants

Program	Grant Name	Grantor	Award Amount	Match Requirements
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Energy Conserv. & Mgmt	State Energy Program	DOE	31,821.0	None
Energy Conserv. & Mgmt	Energy Efficiency & Conservation Block	DOE	9,593.5	None
Energy Conserv. & Mgmt	Energy Efficiency Appliance Rebate	DOE	1,904.0	None
Energy Conserv. & Mgmt	Energy Assurance Planning	DOE	382.1	None
Forestry	Hazardous Fuels Reduction Project	USDA	4,500.0	None
Forestry	New Mexico Forest Inventory & Analysis	USDA	4,000.0	None
Forestry	Santa Clara Pueblo Ecosystem	USDA	6,513.0	None
<b>Total</b>			<b>58,713.6</b>	

### Department Federal Grants

Division	Fund Number	Grant Name	Total Award	Grant Period
OFS	EMN10009	WIPP DOE - FY10-11	\$1,576,470.33	07/01/2010 - 06/30/2010
ECMD	EMN30400	State Energy Program	\$209,809.00	07/01/2010 - 06/30/2011
Forestry	EMN40121	Watershed Health Plan Phase 2	\$42,000.00	5/22/2008 - 12/30/2010
Forestry	EMN40151	USFW Smoke Management	\$5,000.00	3/25/2009 - 12/31/2010
Forestry	EMN40090	Hazardous Fuel	\$1,153,500.00	10/1/2006 - 12/31/2010
Forestry	EMN40146	FY 08 Hazardous Fuels Treatment	\$1,394,450.00	10/1/2008 - 12/31/2010
Forestry	EMN40149	FY 09 Hazardous Fuels Treatment on Non-Federal Lands	\$5,000,000.00	1/1/2009 - 12/31/2013
Forestry	EMN40175	FY09 Hazardous Fuels	\$1,277,000.00	6/1/2009 - 12/31/2013
Forestry	EMN40218	FY10 Hazardous Fuel Treatments on Non-Federal Lands	\$1,384,250.00	10/1/2009 - 12/31/2013
Forestry	EMN40177	FY10 NRCS Forest & Watershed Health Plan	\$199,961.53	8/26/2009 - 09/30/2011
Forestry	EMN40182	Pecos Sunflower Restoration & Protection Grant	\$68,000.00	10/1/2009 - 09/30/2012
Forestry	EMN40094	BLM Ready Reserve	\$100,000.00	9/17/2007 - 09/30/2013
Forestry	EMN40183	BLM Ready Reserve	\$47,000.00	8/15/2009 - 09/30/2013
Forestry	EMN40184	BLM Ready Reserve MO 4500011967	\$34,000.00	1/1/2010 - 09/30/2013
Forestry	EMN40068	Cooperative Federal Agreement FY07	\$2,930,732.00	10/1/2006 - 12/31/2010
Forestry	EMN40122	CFA FY08	\$2,915,816.00	10/1/2007 - 12/31/2010
Forestry	EMN40152	CFA FY09	\$3,502,501.00	10/1/2008 - 12/31/2012
Forestry	EMN40191	CFA FY10	\$3,314,047.00	10/1/2009 - 12/31/2013
Forestry	EMN40217	FY10 CFA Forest Legacy Program	\$25,000.00	10/1/2010 - 12/31/2012
Forestry	EMN40219	USFW FY10 Endangered Species Plant Program	\$72,000.00	7/1/2010 - 06/30/2011
Parks	EMN50001	FHWA La Cueva	\$33,082.35	7/20/2009 - 10/31/2012

Parks	EMN51004	FHWA Trails Grant FY00	\$911,437.00	10/1/2000 - 09/30/2010
Parks	EMN51005	FHWA Trails Grant FY01	\$754,105.00	10/1/2001 - 09/30/2011
Parks	EMN51006	FHWA Trails Grant FY02	\$895,953.00	10/1/2002 - 09/30/2012
Parks	EMN51007	FHWA Trails Grant FY03	\$868,464.00	10/1/2003 - 09/30/2013
Parks	EMN51008	FHWA Trails Grant FY04	\$1,001,584.00	10/1/2004 - 09/30/2014
Parks	EMN51009	FHWA Trails Grant FY05	\$1,026,452.00	10/1/2005 - 09/30/2015
Parks	EMN51010	FHWA Trails Grant FY06	\$1,170,298.00	10/1/2006 - 09/30/2016
Parks	EMN51011	FHWA TRAILS GRANT FED FY 07	\$1,106,998.00	10/1/2007 - 09/30/2010
Parks	EMN51012	FHWA Trails Grant FY08	\$1,336,352.00	10/1/2008 - 012/31/2012
Parks	EMN51013	FHWA Trails Grant FFY09	\$437,503.24	10/1/2009 - 09/30/2012
Parks	EMN53005	US DOT Coast Guard FY10	\$454,705.00	10/1/2009 - 09/30/2010
Parks	EMN53006	US DOT Coast Guard FY11	\$454,705.00	10/1/2010 - 09/30/2010
Parks	EMN52007	Land & Water FY07	\$534,165.00	11/1/2007 - 12/31/2012
Parks	EMN52006	Land & Water FY06-Panch Villa SP	\$200,000.00	10/1/2006 - 09/30/2010
Parks	EMN52009	Land & Water FY09	\$313,005.00	11/1/2009 - 12/31/2012
		Land & Water FY10	\$439,421.00	11/1/2010 - 12/31/2013
		Land & Water Special Reapportionment Account (SRA) FY09	\$64,742.73	10/1/2009 - 09/30/2010
Parks	EMN54001	Bureau of Reclamation Title 28	\$10,000,000.00	9/18/2003 - 09/30/2012
MMD	EMN60013	FY 09 AML GRANT	\$5,668,716.99	7/1/2008 - 06/30/2011
MMD	EMN60018	FY 10 AML GRANT	\$4,759,634.78	7/1/2009 - 06/30/2014
MMD	EMN60024	FY 11 AML GRANT	\$4,641,068.21	7/1/2010 - 06/30/2013
MMD	EMN60023	FY 11 COAL GRANT	\$884,000.00	7/01/2010 - 06/30/2011
MMD	EMN61001	FY10 USDA Forest Service Coop Agreement	\$58,300.00	11/12/2009 -10/31/2010
MMD	EMN62001	BLM Abandoned Mine Land Program FY10	\$988,000.00	1/1/2010 - 12/31/2012
OCD	EMN70006	FY 11 UIC Grant	\$338,000.33	07/01/2010 - 06/30/2011

## STATUTORY AUTHORITIES

### NMSA 1978, Section

#### 9-5A-1. Short title.

Sections 1 through 7 [[9-5A-1](#) to [9-5A-7](#) NMSA 1978] of this act may be cited as the "Energy, Minerals and Natural Resources Department Act".

#### 9-5A-2. Purpose.

The purpose of the Energy, Minerals and Natural Resources Department Act [[9-5A-1](#) to [9-5A-7](#) NMSA 1978] is to establish a single, unified department to administer laws and exercise functions formerly administered and exercised by the energy and minerals department and the natural resources department.

#### 9-5A-3. Department established.

A. There is created in the executive branch the "energy, minerals and natural resources department". The department shall be a cabinet department and shall include, but not be limited to, the following organizational units:

- (1) the administrative services division;
- (2) the state parks division;
- (3) the forestry division which shall include a soil and water conservation bureau;
- (4) the energy conservation and management division;
- (5) the mining and minerals division; and
- (6) the oil conservation division.

B. The state game commission is administratively attached to the department.

#### **9-5A-4. Divisions; duties.**

In addition to the duties assigned to each division of the energy, minerals and natural resources department by the secretary of energy, minerals and natural resources:

- A. the administrative services division shall provide clerical, recordkeeping and administrative support to the department in the areas of personnel, budget, procurement and contracting;
- B. the energy conservation and management division shall plan, administer, review, provide technical assistance, maintain records and monitor state and federal energy conservation and alternative energy technology programs;
- C. the forestry division shall enforce and administer all laws and regulations relating to forestry on lands within the state;
- D. the mining and minerals division shall enforce and administer laws and regulations relating to mine safety, coal surface mine reclamation and abandoned mine lands reclamation;
- E. the oil conservation division shall administer the laws and regulations relating to oil, gas and geothermal resources, except those laws specifically administered by another authority; and
- F. the state park and recreation division [state parks division] shall develop, maintain, manage and supervise all state parks and state-owned or state-leased recreation areas.

#### **9-5A-5. Secretary of energy, minerals and natural resources; appointment.**

- A. The administrative head of the energy, minerals and natural resources department is the "secretary of energy, minerals and natural resources", who shall be appointed by the governor with the consent of the senate and who shall serve in the executive cabinet.
- B. An appointed secretary of energy, minerals and natural resources shall serve and have all of the duties, responsibilities and authority of that office during the period of time prior to final action by the senate confirming or rejecting his appointment.

#### **9-5A-6. Divisions; directors.**

The secretary of energy, minerals and natural resources shall appoint, with the approval of the governor, directors of the divisions established within the energy, minerals and natural resources department. Division directors are exempt from the Personnel Act [10-9-1 NMSA 1978]

##### **9-5A-6.1. State parks division designation.**

As used in the NMSA 1978, "state park and recreation division" means the state parks division of the energy, minerals and natural resources department.

#### **9-5A-7. Bureaus; chiefs.**

The secretary of energy, minerals and natural resources shall establish, within each division of the energy, minerals and natural resources department, such bureaus as he deems necessary to carry out the provisions of the Energy, Minerals and Natural Resources Department Act [9-5A-1 to 9-5A-7 NMSA 1978]. He shall employ a chief to be the administrative head of each bureau. The chiefs and all subsidiary employees of the department shall be covered by the Personnel Act [10-9-1 NMSA 1978].

#### **9-5A-8. State alternative fuel program manager; creation; duties.**

A "state alternative fuel program manager" is created in the energy conservation and management division of the energy, minerals and natural resources department, and his duties shall include:

- A. promoting, coordinating and monitoring the implementation of state clean alternative fuel transportation programs, including a mass transit demonstration project and other demonstration projects that place New Mexico on the leading edge of new clean fuel technologies;
- B. coordinating and directing the provisions of the Alternative Fuel Conversion Act [[Chapter 13, Article 1B](#) NMSA 1978]; and
- C. mobilizing and coordinating necessary resources and expertise from government, education and the private sector to assist in clean alternative fuel transportation programs and projects.

### **9-5A-9. Renewable energy and fuel cell demonstration project; secretary of energy, minerals and natural resources; duties.**

The secretary of energy, minerals and natural resources shall conduct a practical demonstration of a grid-interconnected, real-time, net-metered, solar photovoltaic system and an ultra-high-efficiency co-generation fuel cell system powered by natural gas, propane, methanol or hydrogen to generate on-site electricity for government or public use. The solar photovoltaic electric generating system shall be sized and configured to comply with the federal energy management program's million solar roofs initiative. All demonstrations shall be accessible to the public. The secretary shall conduct an analysis that considers life-cycle costing of the new technologies, their appropriate uses and an evaluation of the economic and environmental benefits that might be derived from statewide introduction and application of the technology. The analysis shall also include price differentials of on-peak and off-peak electricity. Life-cycle costing shall be determined by computing the savings derived from the operation of the technology over its useful life, less purchase and operating costs. The goal of the project is to demonstrate a new generation of electric and fossil fuel technologies while providing an opportunity to evaluate their potential economic and environmental benefits. The secretary shall submit the results of the evaluations and recommendations to the second session of the forty-seventh legislature.

### **9-5A-10. Secretary of energy, minerals and natural resources; additional duties.**

The secretary of energy, minerals and natural resources shall develop a comprehensive watershed restoration strategy that sets guidelines for coordination with state and federal land management agencies and political subdivisions, including the soil and water conservation districts and other stakeholders. The strategy shall focus on removing the overabundance of woody vegetation, particularly non-native species of phreatophytes, that consume excessive amounts of water and on reestablishing the natural ecology of New Mexico. The strategy shall use:

- A. incentives to encourage the formation of businesses to clear vegetation;
- B. incentives to encourage biomass energy use; and
- C. the use of inmates from the corrections department to assist with watershed cleanup.

### **9-5B-1. Short title.**

This act [[9-5B-1](#) to [9-5B-11](#) NMSA 1978] may be cited as the "New Mexico Youth Conservation Corps Act".

### **9-5B-2. Purpose.**

The purpose of the New Mexico Youth Conservation Corps Act [[9-5B-1](#) to [9-5B-11](#) NMSA 1978] is to provide a process to employ young persons in public projects that conserve New Mexico's natural resources and provide community benefits of lasting value. New Mexico will benefit by having its natural and urban environments improved and enhanced and its youth instilled with an appreciation of natural resources, cooperation, hard work and accomplishment.

### **9-5B-3. Definitions.**

As used in the New Mexico Youth Conservation Corps Act [[9-5B-1](#) to [9-5B-11](#) NMSA 1978]:

- A. "commission" means the New Mexico youth conservation corps commission;
- B. "corps" means the New Mexico youth conservation corps;
- C. "corps member" means a person enrolled in the corps;
- D. "department" means the energy, minerals and natural resources department;

- E. "nonprofit organization" means any organization that has been granted an exemption from federal income tax by the United States commissioner of internal revenue as an organization described in Section 501(c) of the United States Internal Revenue Code of 1986, as amended or renumbered;
- F. "project" means an activity that can be completed in six months or less, results in a specific identifiable service or product that otherwise would not be accomplished with existing funds and does not duplicate the routine services or functions of the sponsor;
- G. "resident" means an individual who has resided in New Mexico for at least six months before applying for employment with the corps; and
- H. "sponsor" means any local unit of government, state agency, federal agency, nonprofit organization or federally recognized Native American tribe.

#### **9-5B-4. Project objectives.**

Corps members shall generally be involved in projects in New Mexico that:

- A. preserve, maintain and enhance natural resources;
- B. rehabilitate and improve cultural, historical and agricultural resources;
- C. benefit recreational areas and parks by improving their use and access
- D. assist in emergency operations, including fires, floods and rescue of lost or injured persons;
- E. beautify, improve and restore urban areas; and
- F. renovate community facilities, including those for the elderly or indigent.

#### **9-5B-5. Commission created; membership; appointments; terms; vacancies; compensation.**

- A. There is created a nine-member "New Mexico youth conservation corps commission" which is administratively attached to the department. The commission consists of the following members:
  - (1) the superintendent of public instruction or his designee;
  - (2) the commissioner of public lands or his designee;
  - (3) the secretary of energy, minerals and natural resources or his designee;
  - (4) the secretary of the youth authority [children, youth, and families department] or his designee; and
  - (5) five members of the general public appointed by the governor to reflect the geographic diversity of the state, one of whom is knowledgeable in the current policies of the United States forest service and one of whom is Native American.
- B. One of the members of the commission shall be appointed by the governor for a one-year term, two members shall be appointed for two-year terms, two members shall be appointed for three-year terms and all subsequent appointments shall be made for three-year terms.
- C. The public members shall serve at the pleasure of the governor. Vacancies on the commission shall be filled by appointment by the governor for the unexpired term within sixty days of the vacancy. Commission members shall serve until their successors have been appointed.
- D. A majority of the members of the commission constitutes a quorum for transaction of business. The commission shall elect a chairman from its membership.
- E. Members of the commission shall be compensated as provided in the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978] and shall receive no other compensation, perquisite or allowance.

#### **9-5B-6. Commission; powers and duties.**

- A. The commission may:
  - (1) accept gifts, devise, grants and donations from others to carry out the provisions of the New Mexico Youth Conservation Corps Act [9-5B-1 to 9-5B-11 NMSA 1978];
  - (2) request assistance and staff support from the department;
  - (3) employ such personnel as necessary to carry out the provisions of the New Mexico Youth Conservation Corps Act;

- (4) delegate responsibility for the administration and implementation of conservation projects, corps members' employment and supervision, project coordination and other program matters;
- (5) establish work camps and long-term residential facilities to house corps members and their supervisors; and
- (6) contact potential sponsors and funding sources for support.

B. The commission shall:

- (1) adopt rules and regulations that are necessary for the proper administration of the New Mexico Youth Conservation Corps Act [[9-5B-1](#) to [9-5B-11](#) NMSA 1978];
- (2) administer and enforce the provisions of the New Mexico Youth Conservation Corps Act and rules and regulations adopted pursuant to Paragraph (1) of this subsection;
- (3) develop and approve corps work projects, activities and contracts with project sponsors;
- (4) establish standards, procedures and policies for selecting, hiring, providing compensation for and other personnel matters involving corps members and other personnel;
- (5) foster partnerships and cooperation between the corps and New Mexico's secondary and post-secondary schools to assist corps members in obtaining education and job training; a comprehensive work plan; and
- (6) hire a program manager, who shall be the administrative officer of the corps.

### **9-5B-7. Application for project approval; considerations for approval.**

A. Sponsors shall apply to the commission for project approval.

B. A sponsor's application shall include:

- (1) a complete project cost estimate;
- (2) the number of corps members required; and
- (3) The commission shall examine the following in considering a project for approval or rejection:
- (4) the estimated time necessary to complete the project.

C. The commission shall examine the following in considering a project for approval or rejection:

- (1) the opportunities the project provides in the development of skills, discipline and good work habits; (2) the degree of difficulty in carrying out the project;
- (3) the project's compliance with conservation and community service objectives, as set forth in Section 4 [[9-5B-4](#) NMSA 1978] of the New Mexico Youth Conservation Corps Act;
- (4) the sponsor's ability to contribute the necessary financial and human resources to the project; and
- (5) the project's compatibility with concurrent corps projects, including the availability of the required corps work force.

D. A project shall not be approved if its implementation would result in the displacement of currently employed workers, including a partial displacement, such as reduction in hours or benefits. Participating sponsors shall not terminate, lay off or reduce the working hours of any employee in order to use a corps member to perform the employee's duties.

### **9-5B-8. Eligibility requirements; benefits.**

A. Persons eligible for enrollment as corps members are persons who:

- (1) are unemployed;
- (2) are between the ages of fourteen and twenty-five years old;
- (3) are New Mexico residents; and
- (4) meet any additional eligibility standards for employment as deemed necessary by the commission

B. Corps members are not entitled to any employee benefits provided to state employees under the Personnel Act [[10-9-1](#) NMSA 1978]. Corps members shall be entitled to receive workers' compensation benefits provided by the commission.

### **9-5B-9. Education; training.**

A. Corps members shall be encouraged to increase their opportunities for employment by education and training. Corps personnel shall seek cooperative agreements with community colleges, vocational schools and other institutions of higher learning in an effort to aid corps members in achieving their educational goals. Corps personnel

shall provide opportunities for corps members to achieve basic education, literacy and high school or equivalency diplomas

B. On completion of employment, a corps member who has twelve full months of employment as a corps member during a period not to exceed forty-eight months and who has received satisfactory evaluations throughout the corps member's employment is entitled to receive as additional compensation five hundred dollars (\$500) or a one thousand five hundred dollar (\$1,500) educational tuition voucher at a New Mexico institution of higher education. The educational tuition voucher is valid for two years. If the corps member receives a satisfactory employment evaluation and the program manager determines that the corps member's employment was less than twelve months in a four-year period due to circumstances beyond the corps member's control, the program manager may authorize a partial compensation payment or a partial educational tuition voucher to that corps member.

### 9-5B-10. Fund created; disposition.

A. The "New Mexico youth conservation corps fund" is created in the state treasury. All appropriations, gifts, devises, grants and donations received shall be deposited in the fund. Money in the fund is appropriated to the commission for the purpose of carrying out the provisions of the New Mexico Youth Conservation Corps Act [9-5B-1 to 9-5B-11 NMSA 1978]. Any interest accruing to the fund shall remain in the fund. Money in the fund shall not revert at the end of a fiscal year.

B. The fund shall be administered by the department. Disbursements from the fund shall be made only upon warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the chairman of the commission or his designee for the purpose of carrying out the provisions of the New Mexico Youth Conservation Corps Act.

### 9-5B-11. Report by commission.

At least forty-five days prior to each legislative session, the commission shall submit a report concerning its activities, the projects implemented and any recommendations to the governor and the legislature

## DIVISION AUTHORITIES

Division	Authority	Programs	Authority
<i>NMSA 1978 §</i>			
Energy, Conservation and Management Division	9-5A-3(4)	Energy efficiency and renewable energy technology programs	9-5A-4.B
State Forestry Division	Chapter 68-2	Healthy Forests Program (Wildfire and Forest Management)	Forest Conservation Act, Chapter 68-2-1 through 34, NMSA 1978
	Chapter 33-13	Inmate Work Camp Program	Forestry Inmate Work Camp Act, Chapter 33-13-1 through 13
	Chapter 75-5	Natural Lands Protection Act (NLPA), In EMNRD's statute, but Forestry has some implementation responsibility, along with OFS  Endangered Plants, In EMNRD's statute, but Forestry has implementation	Natural Lands Protection Act, Chapter 75-5-1 through 75-5-6, NMSA 1978

		responsibility  Land Conservation Incentives, In EMNRD's statute, but Forestry has some responsibility, along with OFS	Endangered Plants Act, Chapter 75-6-1, NMSA 1978
	Chapter 75-6	Forest and Watershed Health Restoration Strategic Plan; In EMNRD's statute, Forestry is the lead implementing entity	Land Conservation Incentives Act, Chapter 75-9-1 through 6, NMSA 1978
	Chapter 75-9		Secretary of Energy, Minerals and Natural Resources; additional duties, Chapter 9-5A-10, NMSA 1978
	Chapter 9-5A		
Mining and Minerals Division	9-5A-3(5)	Coal Mine Reclamation	Surface Mining Act, 69-25A-1 to 69-25A-36;
		Mining Act Reclamation	NM Mining Act, 69-36-1 to 69-36-20
		Abandoned Mine Lands	Abandoned Mine Reclamation Act, 69-25B-1 to 69-25B-12;
		Mine Registration and Reporting	69-5-7; 69-11-1 to -3; 69-26-1 to -3; 69-27-
Oil Conservation Division	NMSA 70-2	Oil and Gas Regulation	Oil and Gas Act
	NMSA 74-6	Water Quality	Water Quality Act
	40 CFR 146	UIC	Safe Drinking Water Act by delegation from EPA.
State Parks Division	9-5A-3; 9-5A-4; 9-5a-6.1;	State Parks Operation and Management  Recreational Trails  Land & Water Conservation Fund	16-1-1 to 16-3-9; 16-4-9 to 16-4-17
Radioactive Waste Consultation  Task Force WIPP Transportation Safety Program		WIPP Transportation Safety Program	Radioactive and Hazardous Materials Act 74-4A-8
Youth Conservation Corps	9-5B-1 to 9-5B-11	Employ youth to improve NM's natural resources and provide community benefits of lasting value.	Youth Conservation Corps Act, 9-5B-1 to 9-5B-11