



# New Mexico Energy, Minerals and Natural Resources Department

Government Restructuring

Prepared for the

Water and Natural Resources Committee

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New Mexico Energy, Minerals and Natural Resources Department

## GOVERNMENT RESTRUCTURING

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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 and one supportive division:

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

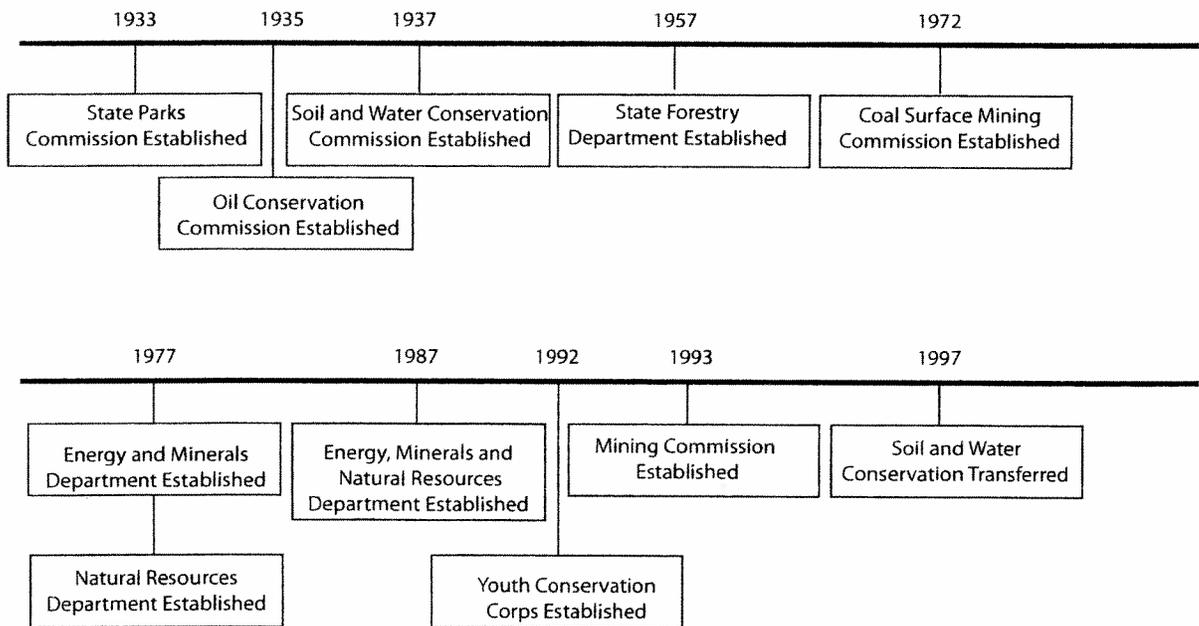
The Department of Game and Fish is administratively attached to the Energy, Minerals and Natural Resources Department, but does not have any budget support.

# 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.

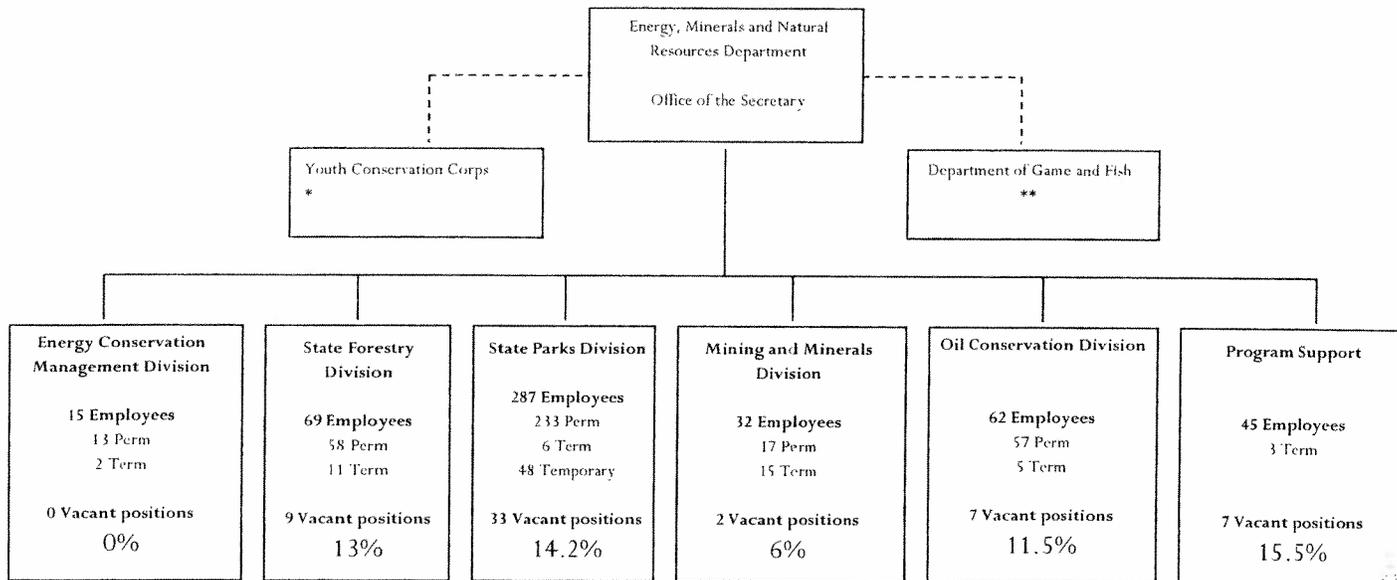


## New Mexico Energy, Minerals and Natural Resources Department History



# 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:

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

New Mexico Department of Energy, Minerals and Natural Resources - Organizational Chart - 2011

# DEPARTMENT VACANCY REPORT

Currently there are 58 vacant positions.

Program Support Vacancies				
Position Name	Working Title	Status	Grade	Sal Plan
Division Director II	ASD Director	GOVEX	32	GOVX
PARALEGL & LGL ASST-A	Legal Assistant	PERM	60	CLSS
IT APPS DEV 3	Applications Developer II	PERM	85	CLSS
IT GENERALIST 1	IT System Design Spec	PERM	75	CLSS
IT GENERALIST 2	IT System Design Spec	STRM	85	CLSS
IT GENERALIST 2	Network & Security Admin	PERM	85	CLSS
FINANCIAL COORD-A	Contracts Specialist	PERM	75	CLSS
HR,TRAIN & LBR SPC-A	HR Admin Senior	PERM	65	CLSS

Mining and Minerals Division Vacancies				
Position Name	Working Title	Status	Grade	Sal Plan
Division Director II	Division Director	GOVEX	32	GOVX
MINE/GEOL SPEC-NL-O	Project Manager	STRM	70	CLSS
ENVIRON ENG-PE-A	Coal Engineer	STRM	75	CLSS
MINE/GEOL SPEC-NL-O	Reclamation Specialist	PERM	70	CLSS

Forestry Vacancies				
Position Name	Working Title	Status	Grade	Sal Plan
FORESTER-A	Entomologist	PERM	65	CLSS
LINE II	Law Enforcement Chief	PERM	70	CLSS
A/O II	Chama District Forester	PERM	85	CLSS
FORESTER-O	District Forester	PERM	60	CLSS
FORESTER-A	Timber Management Officer	STRM	65	CLSS
FORESTER-O	Timber Management Officer	PERM	60	CLSS
FORESTER-A	Forest Health Specialist	PERM	65	CLSS
FORESTER-O	IWC Crew Supervisor	PERM	60	CLSS

Oil Conservation Division Vacancies				
Position Name	Working Title	Status	Grade	Sal Plan
Division Director II	Division Director	GOVEX	32	GOVX
ENVIRON SPEC-NL-O	Hydrologist	PERM	70	CLSS
GEN I	Environmental Bureau Chief	PERM	90	CLSS
MGT ANALYST-O	Management Analyst	PERM	60	CLSS
BUS OPS SPEC-O	Office Manager	PERM	55	CLSS
COMPLNCE OFFICER-B	Field Rep	STRM	50	CLSS

COMPLNCE OFFICER-B	Field Rep	STRM	50	CLSS
COMPLNCE OFFICER-O	Field Rep	PERM	55	CLSS
LINE II	Line Manager	PERM	70	CLSS

**State Parks Division Vacancies**

Position Name	Working Title	Status	Grade	Sal Plan
OFFICE CLRK, GEN-B	Office Clerk	TEMP	25	CLSS
ELECTRICIAN-A	Electrician	PERM	55	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
MAINT & REPAIR WKR-A	Maintenance Worker	PERM	50	CLSS
EXEC SEC& ADM ASST-O	Administrator	PERM	50	CLSS
FOREST&CONSRV WKR-A	Park Tech	PERM	50	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
NAT SCI COORD-O	Law Enforcement Officer	PERM	55	CLSS
NAT SCI COORD-O	Law Enforcement Officer	PERM	55	CLSS
FOREST&CONSRV WKR-B	Seasonal Laborer	TEMP	40	CLSS
FOREST&CONSRV WKR-O	Park Tech	PERM	45	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
NAT SCI COORD-O	Law Enforcement Officer	PERM	55	CLSS
OFFICE CLRK, GEN-B	Office Clerk	TEMP	25	CLSS
WTR & LIQ WASTE TR-A	Water Tech	PERM	55	CLSS
NAT SCI COORD-A	Law Enforcement Officer	PERM	60	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
STAFF	Law Enforcement Officer	PERM	75	CLSS
FOREST&CONSRV WKR-B	Temporary Grounds crew	TEMP	40	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
EXEC SEC& ADM ASST-O	Administrator	PERM	50	CLSS

FOREST&CONSRV WKR-B	Temporary Grounds crew	TEMP	40	CLSS
NAT SCI COORD-A	Law Enforcement Officer	PERM	60	CLSS
LINE II	Law Enforcement Officer	PERM	70	CLSS
INSTRUCT COORDNTR-A	Park Ranger	STRM	65	CLSS
NAT SCI COORD-A	Law Enforcement Officer	PERM	60	CLSS
NAT SCI COORD-O	Law Enforcement Officer	PERM	55	CLSS
LINE II	Law Enforcement Officer	PERM	70	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
FOREST&CONSRV WKR-A	Park Ranger	PERM	50	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LINE II	Law Enforcement Officer	PERM	70	CLSS
FOREST&CONSRV WKR-B	Temporary Grounds crew	TEMP	40	CLSS
FOREST&CONSRV WKR-B	Temporary Grounds crew	TEMP	40	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
NAT SCI COORD-A	Law Enforcement Officer	PERM	60	CLSS
NAT SCI COORD-A	Law Enforcement Officer	PERM	60	CLSS
NAT SCI COORD-O	Law Enforcement Officer	PERM	55	CLSS
NAT SCI COORD-O	Law Enforcement Officer	PERM	55	CLSS
FOREST&CONSRV WKR-A	Park Ranger	PERM	50	CLSS
STAFF	Park Superintendant	PERM	75	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
ZOOLGST/WLDLFE BIO-O	Zoologist	PERM	60	CLSS
ZOOLGST/WLDLFE BIO-O	Zoologist	PERM	60	CLSS
LANSCAPING & GRNDS-B	Seasonal Laborer	TEMP	30	CLSS
NAT SCI COORD-A	Law Enforcement Officer	PERM	60	CLSS
LINE II	Park Manager	PERM	70	CLSS
NAT SCI COORD-O	Law Enforcement Officer	PERM	55	CLSS
NAT SCI COORD-O	Law Enforcement Officer	PERM	55	CLSS
LINE II	Park Manager	PERM	70	CLSS
LINE II	Law Enforcement Officer	PERM	70	CLSS

# ELIMINATED POSITIONS FROM HB-2

These 24 positions were eliminated from the Energy, Minerals and Natural Resources Department in the 2010 legislative session based on HB-2.

Division	Department & Location	Position No.	Job Title	FTE	Grade
Parks	0502000000 Administration	5497	HR, TRAIN & LBR SPEC-A	1	65
Parks	0503000000 Field Operations	5510	CONST & REL WRKR-O	1	45
Parks	0511007000 Hyde Memorial	5681	FOREST & CONSRV WKR-O	1	45
Parks	0521000000 Region 2 Office	5722	WTR & LIQ WASTE TR-A	1	55
Parks	0511005000 Bluewater Lake	5824	FOREST & CONSRV WKR-O	1	45
Parks	0521010000 Vietnam Vets	73241	FOREST & CONSRV WKR-A	1	50
Parks	0521011000 Pecos Canyon	10105300	LINE II	1	70
Parks	0521011000 Pecos Canyon	10105302	NAT SCI COORD-A	1	60
Parks	0521011000 Pecos Canyon	10105303	NAT SCI COORD-A	1	60
Parks	0521011000 Pecos Canyon	10105304	NAT SCI COORD-O	1	55
Parks	0521011000 Pecos Canyon	10105305	FOREST & CONSRV WKR-A	1	50
Parks	0521011000 Pecos Canyon	10105306	FOREST & CONSRV WKR-A	1	50
Parks	0501000000 Office of the Director	5496	EXEC SEC & ADM ASST-A	1	55
OCD	0710000000 Santa Fe	5438	INFO CLERK-O	1	40
OCD	0710000000 Hobbs	5457	BUS OPE SPEC-O	1	55
OCD	0710000000 Hobbs	5451	GEO & PET TECH-O	1	50
OCD	0710000000 Hobbs	5462	COMP OFF-O	1	55
OCD	0710000000 Aztec	5486	COMP OFF-O	1	55
OCD	0710000000 Hobbs	5437	COMP OFF-O	1	55
Forestry	0410000000 Santa Fe	10103584	GEN 1	1	90
Program Support	0110000000 Santa Fe	10101720	URAN PLANNER-A	1	65
Program Support	0120000000 Santa Fe	5298	IT TECH SPPT 3	1	70
Program Support	2000000000 Santa Fe	5291	FIN SPEC-A	1	55
Program Support	1100000000 Santa Fe	33720	POLICY ANALYST	1	GOX-EX

# FY-11 OPERATING BUDGET INFORMATION

- L. What was the total amount of the agency's appropriation reduction from fiscal 2010 for fiscal year 2011? How is the reduction budgeted in each program of the agency, by expenditure category? How will the reductions affect program delivery to clients?

The agency's budget reduction from FY10 Operating Budget (after EO2009-044) to the FY11 Operating Budget is approximately \$5.5 million. Of this reduction \$1.4 million was General Fund and the remaining portion was from Other State Funds. Although yearly revenues remain stable for the most part, much of the department's fund balances have been depleted. Funding of \$1.7 million was reduced from salaries and benefits category which, along with the hiring freeze, is forcing the agency to keep positions vacant for longer periods of time than preferred. With reduced resources in all categories, the agency is struggling to manage state parks with increased visitation, inspecting fewer oil and gas wells and facilities, and may be less responsive to community requests related to fire planning and other forestry related projects.

## Energy, Minerals and Natural Resources Department

Energy, Minerals and Natural Resources Department					
	General Fund	OSF	Internal Transfers	Federal Funds	Total Sources
200	19,757.3	4,420.1	642.4	4,434.6	29,254.4
300	462.9	4,374.4	76.5	9,550.7	14,464.5
400	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>22,417.4</b>	<b>17,817.7</b>	<b>3,466.6</b>	<b>28,014.5</b>	<b>71,716.2</b>
					Total FTE
FTE	Perm				420
	Term				42
	Temp				48
					510

## Energy Conservation and Management Division

Energy Conservation and Management Division					
	General Fund	OSF	Internal Transfers	Federal Funds	Total Sources
200	985.8	-	178.6	199.0	1,363.4
300	6.8	-	5.0	-	11.8
400	47.5	-	10.8	22.5	80.8
Total	1,040.1	-	194.4	221.5	1,456.0
					Total FTE
FTE	Perm				13
	Term				2
					15

## State Forestry Division

Healthy Forest					
	General Fund	OSF	Internal Transfers	Federal Funds	Total Sources
200	2,962.2	168.1	-	1,255.7	4,386.0
300	123.2	2.0	-	2,002.3	2,127.5
400	397.0	373.1	-	8,093.7	8,863.8
Total	3,482.4	543.2	-	11,351.7	15,377.3
					Total FTE
FTE	Perm				58
	Term				11
					69

State Parks Division

State Parks Division					
	General Fund	OSF	Internal Transfers	Federal Funds	Total Sources
200	9,084.2	3,296.8	-	609.0	12,990.0
300	206.2	169.7	-	3,800.3	4,176.2
400	1,158.1	6,007.7	2,617.0	3,669.7	13,452.5
500	-	2,465.8	-	-	2,465.8
<b>Total</b>	<b>10,448.5</b>	<b>11,940.0</b>	<b>2,617.0</b>	<b>8,079.0</b>	<b>33,084.5</b>
					Total FTE
FTE	Perm				233
	Term				6
	Temp				48
					287

Mining and Minerals Division

Mining and Minerals Division					
	General Fund	OSF	Internal Transfers	Federal Funds	Total Sources
200	441.2	655.2	-	1,723.8	2,820.2
300	45.3	32.7	-	3,728.3	3,806.3
400	25.0	111.3	-	349.5	485.8
<b>Total</b>	<b>511.5</b>	<b>799.2</b>	<b>-</b>	<b>5,801.6</b>	<b>7,112.3</b>
					Total FTE
FTE	Perm				17
	Term				15
					32

Oil Conservation Division

Oil Conservation Division					
	General Fund	OSF	Internal Transfers	Federal Funds	Total Sources
200	3,285.9	300.0	250.0	215.2	4,051.1
300	81.4	4,170.0	71.5	-	4,322.9
400	569.6	65.3	119.9	20.0	774.8
500	-	-	-	115.0	115.0
<b>Total</b>	<b>3,936.9</b>	<b>4,535.3</b>	<b>441.4</b>	<b>350.2</b>	<b>9,263.8</b>
					Total FTE
FTE	Perm				57
	Term				5
					62

Program Support

Program Support					
	General Fund	OSF	Internal Transfers	Federal Funds	Total Sources
200	2,998.0	-	213.8	431.9	3,643.7
300	-	-	-	19.8	19.8
400	-	-	-	271.4	271.4
500	-	-	-	1,487.4	1,487.4
<b>Total</b>	<b>2,998.0</b>	<b>-</b>	<b>213.8</b>	<b>2,210.5</b>	<b>5,422.3</b>
					Total FTE
FTE	Perm				42
	Term				3
					45

Youth Conservation Corp

Youth Conservation Corp					
	General Fund	OSF	Internal Transfers	Federal Funds	Total Sources
200	-	158.1	-	-	158.1
300	-	2,986.4	-	-	2,986.4
400	-	52.8	-	-	52.8
500	-	350.0	-	-	350.0
Total	-	3,547.3	-	-	3,547.3
					Total FTE
FTE	Perm				2
	Term				-
					2

## 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
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

## RESPONSE TO COMMITTEE QUESTIONS

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2. *What options have been explored or are under consideration by your agency to become more efficient and cost-effective in the face of a continuing decline in revenue? Please report all possible options, including programmatic, fiscal and contractual modifications.*

**ECMD** – administers state and federal clean energy programs that provide opportunities for state government, as well as citizens and businesses statewide, to reduce operating costs through energy efficiency and renewable energy technology. The programs administered by ECMD help make state agencies more efficient and cost-effective.

**Forestry** – will continue to maintain its vacancy rate, with the exception of critical positions and will continue to focus on mission critical job assignments, such as those tied directly to federal funding and statutorily mandated activities and programs.

**Parks** – will continue with ongoing vacancy savings; replacement of solid waste contracts with parks solid waste operations; park closures and/or area closures; more use of teleconference and video-conference technology to reduce travel; increased use of volunteers; continued installation of energy conservation improvements and renewable energy technology; fleet conversion to higher efficiency vehicles; increased use of statewide price agreements for certain contracting and construction projects, where possible.

**MMD** – is continuing the process of converting to electronic permitting, allowing the submission and processing of “paperless” permits, reducing the time to administratively process the permits and reducing the costs associated with reproduction and mailing. MMD has also pursued conversion of its vehicle fleet to more fuel efficient hybrid vehicles, replacing older vehicles. Additionally, MMD has increased timeframes for replacement of all cyclically disposable infrastructures, such as computers, printers, and other office supplies, switching to a longer timeframe between replacements to reduce annual costs. Finally, MMD has reduced the amount of travel, and instituted carpooling to further reduce costs associated with travelling.

**OCD** – We no longer participate as actively in the Interstate Oil and Gas Compact Commission and have ceased paying dues, resulting in a savings of \$39,000 per year. We are currently exploring moving OCD Artesia Field Office into a much more efficient office space, with expected savings of \$50,000 per year. OCD has consolidated our financial positions into Santa Fe from the District offices, resulting in the reduction of the expense of 2 FTE. OCD has explored not making verbatim transcripts for uncontested hearings in an attempt to save approximately \$10,000 per year in court reporting fees. Due to scheduling problems, this was not a successful effort.

**Program Support** – YCC has turned to using a web based reporting system to reduce the number of hours and travel YCC staff must use in monitoring contractor information reporting. The system has been designed to produce reports in Excel from the information entered into the system by the contractors. Continued improvement to the reporting system may assist in improved time management.

- (a) What technological changes could be instituted to make the agency more effective and efficient?

**ECMD** – Recommends that the billing process for utilities expenses (electricity, natural gas, propane) of state agencies should be streamlined so that major state government entities (e.g., executive, legislative, judicial) pay one periodic bill to each utility (PNM, Xcel, El Paso Electric, coops, municipalities). In addition, the energy usage records accompanying the utility billings should be made available to state agencies for better management of energy-related operating costs.

**Forestry** – Will use conference calls and on line meeting services, such as GoToMeeting and Webinar in place of in person meetings. It will also continue to use cooperating federal agencies web conferencing capabilities when available.

**Parks** – More electronic fee collection and point-of-sale technology (requires budget to invest in this, however); continued installation of energy conservation improvements and renewable energy technology; fleet conversion to higher efficiency vehicles.

**MMD** – is pursuing electronic record archiving to become more efficient and cost-effective. Following completion, this cost will be expected to be recovered at an annual rate of approximately \$15,000 per year. Implementation would take place through contractual services; existing paper records will be scanned and filed electronically; development of electronic files will be subject to internal Quality Assurance/Quality Control oversight.

**OCD** – EMNRD ITO, on OCD behalf is exploring streamlined frame relay cost reductions with the potential to save \$12,000 per year. This has not been approved by DoIT. OCD is moving off the ONGARD system, which will save \$20-40,000 per year. The frame relay option and ONGARD changes listed above

**Program Support** – through its *Information Technology Unit* is in the process of implementing server virtualization, which is expected to reduce hardware requirements and energy consumption while improving the reliability, manageability and recoverability of the departments' servers. It is researching desktop power management which should permit agency-wide enforcement of power saving settings, reducing the department's energy consumption. It is in the process of implementing multiple desktop management enhancements which should allow greater efficiencies in staff utilization, including automated patch deployment, tighter security controls, user managed password resets and other features and capabilities which allow higher reliability, security and increased efficiency of employee's desktop computers. It has begun a test implementation of remote data collection of water usage statistics by State Parks' water treatment systems. This will permit real-time collection of data for reporting and water management, while reducing the time staff spends collecting and managing the data. IT has implemented a central HelpDesk reporting and tracking system which improves the efficiency of IT staff resources. It has implemented Norton Ghost desktop computer image deployment software which has resulted in substantial savings of IT staff time. Standardized IT purchasing has saved the department time, headaches and expenses by insuring only supported, standardized hardware and software are purchased and deployed. IT has implemented web conferencing solutions that allow reductions in travel for meetings with department staff and the public as well as reduced IT support response time.

(b) Can changes be made to the agency's procurement/contracting services to save money?

Each division in the New Mexico Energy, Minerals and Natural Resources Department follows requirements outlined by the Department of Finance and Administration and the Procurement Code. A review and redesign of the state procurement process could contract approval. OCD accomplished the consolidation of financial positions in the Santa Fe Office and no longer distributes invoices to their district offices; thus reducing the amount of time required to process invoices as well as the number of individuals handling them. They have also moved to annual payments for what used to be monthly invoices on recurring costs.

(c) Is a program outdated, and can a major, or minor, overhaul of that program create a more efficient and effective state government?

**ECMD** – A major overhaul of utilizing Energy Performance Contracting (EPC) to upgrade state facilities is needed, without the need for new legislation. Two existing statutes—the Public Facilities Energy Efficiency and Water Conservation Act and the Energy Efficiency and Renewable Energy Bonding Act—can be applied now to state facilities to reduce operating costs while upgrading heating, cooling, and lighting systems of buildings. ECMD administers EPC projects, which include many successful projects in schools universities and towns. However, at the current time there is little action occurring. EPC is ideal for upgrading buildings in lean economic times. The General Services Department, with a significant amount of the state building stock under its control, is eligible to participate in EPC.

**Forestry** – The Healthy Forest program is up-to-date and continues to be a relevant, important program for New Mexico.

**Parks** – The State Parks program is more relevant than ever for New Mexico, especially recently during the recession, when visitors have flocked to state parks as a prime option for low-cost, high-value, close-to-home, family-friendly recreation. State park visitation climbed 14 percent in FY-09 and then increased another 5 percent above during FY-10. State Parks has already implemented several changes to increase efficiency as it has dealt with significant staffing shortages at many parks, and is continually striving to maintain agency standards and meet public expectations with diminished resources.

**MMD** – All Programs operated within MMD are active current programs. MMD has already implemented several changes to increase efficiency, such as pursuing electronic permitting. MMD is not aware of any further programs changes that could be made to further reduce costs that would not impact the ability of MMD to meet statutory obligations.

**OCD** – As OCD moves ONGARD to the Internet, we have enhanced it to meet our full business needs, while still meeting the needs of our partner agencies.

**Program Support** – No.

(d) Is the program better suited to another governmental level (e.g., municipalities, counties, school districts) or is it a program that should not be provided by the public sector?

*Federally funded - easier to distribute*

**ECMD** – No. The two EPC statutes are intended to be administered by a state entity for the benefit of municipalities, counties, and school districts.

**Forestry** – No, the program is statutorily assigned to the Forestry Division of EMNRD, and the jurisdiction is statewide. Additionally, the Forestry Division serves as a conduit to funnel federal and state resources to local government entities.

**Parks** – No.

**MMD** – No. MMD Programs have a statewide focus, both statutorily and through Primacy with the federal government. Primacy for the Surface Mine Control and Reclamation Act cannot be granted to any other government entity other than a state. Therefore the programs implemented by MMD are not suitable to be transferred to another governmental level.

**OCD** – No. OCD has not identified any potential for this transfer.

**Program Support** – No.

(e) Could the services be provided more effectively by another state agency?

**ECMD** – No. ECMD has the clean energy expertise to administer EPC programs.

**Forestry** – No. The Healthy Forests program is appropriately placed.

**Parks** – No.

**MMD** – No. There is no other state agency that has the expertise to manage or implement the MMD programs in a more effective manner. It is likely that transfer of the MMD programs could result in the loss of over 5 million annually in federal funding and would result in less effective, i.e., more costly, programmatic implementation.

**OCD** – No other agency has any specialized expertise necessary to accomplish the mission and objectives of the OCD.

**Program Support** – No.

*Other land or resource management could be brought in*

(f) Can some programs be consolidated with others to save on administrative costs?

**ECMD** – No. The two EPC statutes are already administered by one agency, ECMD.

**Forestry** – No.

**Parks** – No.

**MMD** – Yes, there might be one way to save \$500 per year for per diem if the Coal Commission and the Mining Commission could be combined as they have separate, but overlapping responsibilities. This would require amending the NM Mining Act, 69-36-1 to 69-36-20 and the Surface Mining Act, 69-25A-1 to 69-25A-36. However this would not result in an increase or decrease in FTE's. This could potentially reduce costs as previously mentioned by \$500 per year by reducing the per diem rate to commissioners and these costs would be recurring. To make this possible, it would require legislative amendment of the two Acts. This merger was proposed as part of SB 231 and HB 213 in the 2010 Legislative Session, but neither bill passed.

**OCD** – No.

**Program Support** – No.

(g) Is there a new revenue source that should be examined for a program?

**ECMD** – Yes. ECMD is considering how to include incentive payments from cost-reducing clean energy projects in future budgets as income. Two types of incentive payments now available from utilities are for energy efficiency programs and renewable energy certificates. ECMD could receive these incentive payments for funding clean energy projects. This income could be combined with the Clean Energy Revenue Bonding program to provide a sustainable capital projects program. Such a program would make state government facilities more efficient and reduce operating costs. However, there would need to be some state capital projects support to see the program.

**Forestry** – No.

**Parks** – Some fee increases are long overdue. On-line sales and revenue generation can be enhanced, with proper investments. New and expanded concessions—such as construction of rental cabins could generate new revenue. Several states have gone to a system of funding state parks through new mechanisms, such as sales tax and motor vehicle fees.

**MMD** – MMD currently charges fees for all permitting applications and pursues monetary penalties as appropriate. MMD could pursue increasing permitting fees, subject to the approval of the Mining Commission and Coal Commission respectively.

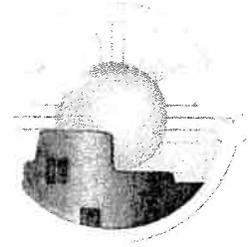
**OCD** – One possibility is to charge a fee for processing Applications for Permits to Drill and Administrative Order Applications for non-standard locations, which has the potential to bring in \$520,000 per year.

**Program Support** – No.

# 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 un-reclaimed 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

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**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.

## STATUTORY AUTHORITIES

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### 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, devises, 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	Natural Lands Protection Act, Chapter 75-5-1 through 75-5-6, NMSA 1978
	Chapter 75-6	Endangered Plants, In EMNRD's statute, but Forestry has implementation responsibility  Land Conservation Incentives, In EMNRD's statute, but Forestry has some responsibility, along with OFS  Forest and Watershed Health Restoration Strategic Plan; In EMNRD's statute,	Endangered Plants Act, Chapter 75-6-1, NMSA 1978

	Chapter 75-9  Chapter 9-5A	Forestry is the lead implementing entity	Land Conservation Incentives Act, Chapter 75-9-1 through 6, NMSA 1978  Secretary of Energy, Minerals and Natural Resources; additional duties, Chapter 9-5A-10, NMSA 1978
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