

NOTICE OF PUBLIC HEARING FOR PROPOSED RULEMAKING

The New Mexico Oil Conservation Commission (Commission) gives notice of the following public hearing to be held commencing at 9:00 a.m. on June 3, 2022:

Case No. 22719: APPLICATION OF OIL CONSERVATION DIVISION TO AMEND RULES 19.15.2 AND 19.15.7 NMAC

Summary of Proposed Rule. The New Mexico Oil Conservation Division (OCD) proposes to amend 19.15.2 and 19.15.7 NMAC to make changes concerning procedural matters including the electronic submission of documents. The proposed rule changes include:

19.15.2 NMAC (General Provisions). OCD proposes to amend 19.15.2 to create an online process for the submittal of documents on the OCD's website and to require the filing of forms and other documents through the online portal. Also, OCD proposes to eliminate the specific locations of district offices and specific boundaries of districts within the rules and instead recognize the authority of the OCD Director to create organizational units and require information on such units to be placed on the website.

19.15.7 NMAC (Forms and Reports). OCD proposes to amend 19.15.7 to provide for the creation and filing of electronic forms and documents and to clarify the filing requirements for oil and gas operators working on federal and tribal lands.

Purpose of Proposed Rule. The proposed rule changes are intended to align the Commission's rules with the current and proposed procedures and practices of the OCD, particularly those related to the electronic submission of documents to the OCD and updates to provisions concerning OCD's structure and the potential for future changes in response to operational priorities.

Legal Authority. The proposed rule changes are authorized by the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38, and specifically Section 70-2-6 (authorizing the OCC to exercise jurisdiction, authority, and control of and over all persons, matters, and things necessary or proper to enforce the statute), Section 70-2-11 (authorizing the OCC to make rules to prevent waste, protect correlative rights, and to do whatever may be reasonably necessary to implement the statute), and Section 70-2-12 (enumerating the powers of the OCC and OCD). The public hearing is governed by the OCC's rule on rulemaking proceedings, 19.15.3 NMAC.

Availability of proposed rules. The full text of the proposed rule changes is available on the OCD Rules page at the Oil Conservation Division's website at <http://www.emnrd.nm.gov/ocd>, or by contacting the Commission Clerk, Florene Davidson at florene.davidson@state.nm.us.

Public Hearing. The Commission will conduct a public hearing on the proposed rule changes that will be held online and by telephone on June 3, 2022, at 9:00 a.m., and will be continued to the following day(s) if not completed. The public hearing will be transcribed and recorded. To access the public hearing on-line via the Webex platform and by telephone:

<https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=e0e0fcc48144a18f367f3ee30741a7c9b>

To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.

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Access code: 2497 646 1072

Written comments. Any person may submit written comments on the proposed rule changes by mail or delivery to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, or e-mailed to florene.davidson@state.nm.us. All written comments must be received by the Commission Clerk no later than 9:00 A.M. on June 3, 2022, unless the Commission or the Commission Chair extends this deadline.

Proposed Modifications, Technical Testimony, and Cross Examination. A person who intends to propose a modification to the proposed rules, to present technical testimony at the public hearing, or to cross-examine witnesses at the public hearing must file a Pre-Hearing Statement conforming to the requirements of 19.15.3.11(B) NMAC, no later than May 20, 2022, at 5:00 p.m. The Pre-Hearing Statement must be filed by mail, e-mail, or delivery to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, florene.davidson@state.nm.us. A person who presents technical testimony at the public hearing will be subject to cross-examination by the members of the OCC, the OCC's counsel, and other persons who filed Pre-Hearing Statements.

Oral Comments. A person who did not file a Pre-Hearing Statement may present non-technical testimony or make an unsworn statement at the public hearing. A person who wants to present non-technical testimony or make an unsworn statement at the public hearing must inform the commission. A person who presents non-technical testimony will be subject to cross-examination by the members of the Commission, the Commission's counsel, and other persons who filed Pre-Hearing Statements. A person may offer exhibits at the public hearing if the exhibits are relevant to the proposed rules and the person files the original exhibit and five copies conforming to the requirements of 19.15.3.12(C) NMAC prior the end of the public hearing. A person may file exhibits by mail, email, or delivery to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, florene.davidson@state.nm.us. Exhibits must be submitted by June 1, 2022, at 5:00 p.m.

Persons with Disabilities. A person with a disability who needs a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service, such as a summary or other accessible form of document, in order to attend or participate in the public hearing, must contact the Commission Clerk, Florene Davidson, at (505) 476- 3458 or florene.davidson@state.nm.us, or through the New Mexico Relay Network at 1-800-659-1779, no later than May 18, 2022.

Technical Information. There is no technical information for the proposed rule changes.