

## NOTICE OF PROPOSED RULEMAKING

The State of New Mexico, Energy, Minerals and Natural Resources Department (EMNRD), Forestry Division hereby give notice of the following proposed rulemaking. EMNRD proposes to amend their rule, 19.1.3 NMAC, Natural Heritage Conservation Act.

**Purpose of Amendment.** EMNRD propose the amendments to (1) amend definition of in-kind to include mineral remoteness reports, baseline documentation reports, stewardship funding, and staff time for due diligence in the list of transaction costs; (2) amend the evaluation criteria and matrix of factors in Subsection B and C of 19.1.3.12 NMAC; (3) add Subsection E of 19.1.3.12 NMAC for any changes to project scope, budget or expected outcomes are to be reported to the department; (4) add the baseline documentation report to list of documents to be provided the department; (5) remove the requirement that a baseline documentation report to be recorded with applicable county clerk; (6) add mineral remoteness reports, baseline documentation reports, reasonable contributions to restricted stewardship funds or documented labor costs to qualify as transactional costs; (7) revise language to allow to increase the percentage of project value from three to thirty percent that can be awarded for transaction costs; (8) remove the requirement that transaction cost awards not exceed ten percent of the grant or \$45,000, whichever is less; and (9) remove references to in-kind contribution as it relates to state tax incentive or credit.

**Legal Authority.** EMNRD proposes the rule amendments under the authority of Sections 9-1-5 and 68-2-16 NMSA 1978.

**The full text of the proposed rule amendments is available** from Carmen Austin at (505) 617-0119 or [carmelitam.austin@emnrd.nm.gov](mailto:carmelitam.austin@emnrd.nm.gov) or can be viewed on the EMNRD, Forestry Division's website at <https://www.emnrd.nm.gov/sfd/public-meetings-hearings/> or at the Forestry Division's office at 1220 South St. Francis Drive, Santa Fe, NM 87505 or at its offices in Chama, Cimarron, Las Vegas, Rio Rancho, Socorro, Capitan, and Silver City.

**Public Hearing and Comment.** EMNRD will hold a public hearing on the proposed rule amendments at 11:30 a.m. on July 30, 2025, at the Wendell Chino Building, Office of the Secretary Conference Room, 3<sup>rd</sup> Floor, 1220 South St. Francis Drive, Santa Fe, NM 87505. Those wishing to attend and participate virtually may join through using one of the following:

### Join Teams Meeting

Meeting ID: 239 988 137 870 9  
Passcode: wL9TK7eH

Dial in by phone  
+1 505-312-4308,,318398884# United States, Albuquerque  
Phone conference ID: 318 398 884#

### Find your local number

Those wishing to comment on the proposed rule amendments may make oral comments or submit information at the hearing or may submit written comments by July 30, 2025, by 1:30 p.m. by mail or email. Please mail written comments to Carmen Austin, EMNRD, Forestry Division, 1220 South St. Francis Drive, Santa Fe, NM 87505 or submit comments by email to [carmelitam.austin@emnrd.nm.gov](mailto:carmelitam.austin@emnrd.nm.gov).

### **Technical Information that served as a basis for the proposed rule amendments includes:**

Article 10 Natural Heritage Conservation Act , Sections 75-10-1 to 75-10-9 NMSA 1978.

Copies of the technical information can be obtained from Carmen Austin at (505) 617-0119 or [carmelitam.austin@emnrd.nm.gov](mailto:carmelitam.austin@emnrd.nm.gov) or can be viewed on the EMNRD, Forestry Division's website at <https://www.emnrd.nm.gov/sfd/public-meetings-hearings/>.

**If you are an individual with a disability** who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Carmen Austin at (505) 617-0119 or through the New Mexico Relay Network at 1-800-659-1779 two weeks prior to the hearing. Public documents can be provided in various accessible formats. Please contact Carmen Austin at (505) 617-0119 or by email at [carmelitam.austin@emnrd.nm.gov](mailto:carmelitam.austin@emnrd.nm.gov) if a summary or other type of accessible format is needed.