

This rule was filed as 19 NMAC 1.1.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 1 NATURAL RESOURCES GENERAL PROVISIONS
PART 2 ADMINISTRATION OF THE NATURAL LANDS PROTECTION ACT

19.1.2.1 ISSUING AGENCY: Energy, Minerals and Natural Resources Department
[11-30-95; Recompiled 12/31/01]

19.1.2.2 SCOPE: These rules govern the role of the state of New Mexico and New Mexico not-for-profit corporations whose primary purpose is the preservation and conservation of unique and ecologically significant lands.
[11-30-95; Recompiled 12/31/01]

19.1.2.3 STATUTORY AUTHORITY: This rule is made pursuant to the Natural Lands Protection Act, Section 78-5-1 et seq. NMSA 1978 (NLPA), and Section 9-1E NMSA 1978.
[8-9-89; Recompiled 12/31/01]

19.1.2.4 DURATION: Permanent. [unless a later date is cited at the end of a Section]
[11-30-95; Recompiled 12/31/01]

19.1.2.5 EFFECTIVE DATE: August 9, 1989.
[11-30-95; Recompiled 12/31/01]

19.1.2.6 OBJECTIVE: These rules govern the role of the energy, minerals and natural resources department (EMNRD) in joint acquisition and protection of unique and ecologically significant lands in New Mexico by the state of New Mexico and New Mexico corporations. No lands or rights of access shall be acquired through the state's power of eminent domain or any other condemnation process.
[8-9-89, 11-30-95; Recompiled 12/31/01]

19.1.2.7 DEFINITIONS:

- A. "Access" means authorization for use, observation, visitation and study.
- B. "Acquisition" means obtaining a recordable interest in land by warranty, quit claim or easement and all reasonable costs associated therewith.
- C. "Consultation" means suggestion, recommendation or discussion.
- D. "Cotenant" means joint tenants, tenants in common or entities holding other undivided interests in land.
- E. "Destruction" means diminishment, obliteration or elimination of existing conditions.
- F. "Education" means an act or process of imparting knowledge.
- G. "Habitat" means the natural place or environment of a species of plant or animal.
- H. "Lands" mean real property located within the state of New Mexico.
- I. "List of projects" means a prioritized list of lands to be acquired pursuant to the NLPA.
- J. "Management plan" means a document with appropriate discussion, maps and illustrations adopted or approved by the secretary setting forth objectives, policies and standards to guide protection, use, observation, visitation and study of acquired lands.
- K. "Preservation" means the management of the natural environment in such a way as to ensure the viability of a species of plant or animal.
- L. "Rare, threatened or endangered species" means any plant or animal species protected under the provisions of the New Mexico Endangered Plant Species Act of 1985 (Section 75-6-1 NMSA 1978), the New Mexico Wildlife Conservation Act of 1974 (Sections 17-2-37 through 17-2-46 NMSA 1978 (1995 Repl. Pam.)), and the federal Endangered Species Act of 1973 (16 U.S.C. 1531-1543) all as may be amended from time to time.
- M. "Research" means scholarly or scientific investigation or inquiry conducted on acquired lands pursuant to a management plan and under written arrangements.

N. "Secretary" means the secretary of the energy, minerals and natural resources department or a person designated in writing by the secretary.
[8-9-89, 11-30-95; Recompiled 12/31/01]

19.1.2.8 ADMINISTRATION:

- A.** The secretary of EMNRD shall administer the NLPA and shall serve as chair of the committee.
- B.** The secretary shall call meetings as necessary and shall prepare, keep and distribute the committee's record of activities.
- C.** The secretary, by annual public notice and solicitation, beginning in 1990, shall request nominations for potential lands acquisition for as long as funding is available for the acquisition of lands under the NLPA.
- D.** The secretary shall develop and maintain a prioritized listing of lands qualified under the Act. The secretary shall review and deliver the list to the committee at least annually.
- E.** The secretary shall assist the committee with deposit, management and payment of funds for lands acquisition under the NLPA.
- F.** No lands shall be acquired except from a willing seller and until completion of necessary land purchase procedures including acquisition of land appraisals; title insurance; boundary surveys; requisite title insurance; boundary surveys; requisite investigative reports, clearances, adjunct rights and agreements and improvements needed to protect the property for the purposes defined in the NLPA are completed.
- G.** For all acquired lands, the secretary may adopt a management plan submitted by the corporation. The secretary may restrict access to the land by the general public to visits conducted under the direct supervision of an employee or designated representative of the managing corporation.
- H.** No land shall be acquired unless a corporation, as provided in the Act, jointly acquires at least ten percent interest in the land as a cotenant with the state of New Mexico. The secretary shall select a corporation to participate in land purchases under the NLPA. The secretary may assign responsibility for the completion of certain tasks defined in Sections 8.6 and 8.7 [now Subsections F and G of 19.1.2.8 NMAC] to said corporation. A participating corporation shall annually pay to the state and its political subdivisions a sum equal to an amount which would have been paid by a private landowner in taxes, levies and assessments.
- I.** In no event shall lands be acquired for greater than fair market value as determined by a qualified appraiser.
[8-9-89, 11-30-95; Recompiled 12/31/01]

HISTORY OF 19.1.2. NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives:
ENMRD-OFS 89-1, Rules Governing Administration of the Natural Lands Protection Act, 8-24-89.

History of Repealed Material: [RESERVED]