

Report to New Mexico Soil and Water Conservation Districts

*New Mexico Department of Agriculture, Agricultural Programs and Resources
Division*

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May 2020

June 1 Time Sensitive See Item 1 below	Pass annual mill levy rate resolution and submit to the SWCC for approval by June 1st.
April 30	WQ&C grant 3rd quarterly report and budget due to SWCC and NMDA Specialist
April 30	3rd quarterly budget report due to DFA-LGD (cc: SWCC, SWCC Region Commissioner, and NMDA Specialist)
June 1 Time Sensitive See Item 1 below	Appointed Supervisor Positions due to the SWCC by June 1st (cc: your NMDA specialist).
May 15th or July 1st (Depending on annual budget, see more information in item #7)	Independent Public Accountant (IPA) Recommendation Form and the Agreed Upon Procedures (AUP) contract must be signed and submitted to the State Auditor. This applies to Tiers 3-7.
June	Finalize annual work plan for coming fiscal year and submit to the SWCC.
June 1 Time Sensitive See Item 1 below	Budget and budget resolution for the coming fiscal year due to DFA-LGD, (cc: SWCC and SWCC Region Commissioner) by June 1st.
July 15	Point System Worksheet due.

COVID containment efforts in New Mexico have included restrictions on the size of social gatherings. As a result, it is possible that an event scheduled for the near future has been – or will be – postponed, canceled, or hosted online instead of in person. Because of the fluid nature of things in response to COVID, NMDA strongly recommends that you check with the host organization for the events contained in this report that the events have not changed in terms of their date or the manner in which they are to be hosted. We have included event websites to make this a simple step for you.

What is published below was current as of April 28, 2020.

1. Mill Levy Rate Resolutions and Appointed Supervisor Nominations

Please submit your Mill Levy Rate Resolutions, and Appointed Supervisor Nominations, to the SWCC **by June 1st**. Appointed Supervisor nominations should be submitted for **each** supervisor nominee wishing to occupy positions 6 and 7. Items such as this are considered “time sensitive”. As a result, they qualify under the Attorney Generals OMA Advice (see item 3 below) as a reason to proceed with a virtual meeting of the SWCD Board. Districts with mil-levies in place must have their mil-levy resolution approved by the SWCC before they can receive funding in the coming fiscal year. Please see Item #2 below for information on platforms that have been used to conduct virtual SWCD Board Meetings.

2. Electronic Meeting Options for SWCDs

Due to various state directives related to the COVID-19 situation, SWCDs that need to address time sensitive or emergency issues must meet electronically (teleconference and/or video conference). Your NMDA Soil and Water Conservation Specialist can help you get these platforms up and running for your SWCD. Here are a few options that have been the most successful:

- **Zoom** – This is a computer-based platform that allows participants the option to either connect through the internet with video and voice, or call in like a conference call using only voice.
 - While there is a free version, it does have a time limit of 40 minutes. This has caused problems for some SWCDs because the SWCD meetings typically lasts longer than 40 minutes.
 - The Pro Package is \$14.99 per month, and includes unlimited time, and up to 100 participants per meeting. It also includes cloud storage, the option to record the meeting, screen sharing, and other features. This should be sufficient for most SWCDs.
 - This is the link to the Zoom website <https://nmsu.zoom.us/pricing>
- **Webex** - is a similar video/phone conferencing option to Zoom, offering both free and prepaid plans.
 - Webex’s free plan, allows up to 100 participants in each meeting, there is not a time limit on meetings, and it also does not limit the number of meetings one can hold.
 - Webex allows both video conferencing and phone calls into the conference number. Which assists those who either do not have internet or internet that does not support video conferencing.
 - Currently Webex is offering a promotion that allows a free first month when you sign up for a paid monthly plan, and four months free when an annual plan is purchased. Use code **wecare2020** to access this offer.

Other options available with the paid Webex plans include cloud storage, the option to record the meeting, screen sharing, and other features. Paid plans start at \$13.50 per month. To view

what each plan includes, prices and frequently asked questions, visit:
<https://www.webex.com/pricing/index.html>

3. Office of the Attorney General OMA Advice

The Office of the Attorney General advises all public entities subject to OMA to first and foremost follow the guidance of the Department of Health and other health officials to ensure the health and safety of both members of the entity and the public. Accordingly, the most prudent thing to do to ensure compliance with OMA would be to postpone any non-essential public meeting during the pendency of the state of emergency. If, however, a public entity has an emergency or time-sensitive matter to attend to, it may proceed with a virtual meeting under the following guidelines:

- Notice of the meeting must still comply with the mandates of OMA, and it should contain detailed information about how members of the public may attend and listen via telephone, live streaming, or other similar technologies---this should include such detail as relevant phone numbers, web addresses, etc.;
- While provided by alternative means, the public must have some form of access to the meeting to substitute for the access it would during any normally scheduled public meeting subject to OMA;
- Where possible, videoconference is the best alternative method of holding meetings;
- At the start of the meeting, the chairperson should announce the names of those members of the public entity participating remotely;
- All members of the public entity participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public entity and to the public;
- The chairperson or person leading the meeting should suspend discussion if the audio or video is interrupted;
- All votes of the public entity should be by roll call vote;
- The public entity should produce and maintain a recording of the open session of the meeting.

Please also review the following link for additional guidance during this time:

<https://www.nmag.gov/uploads/Files/COVID-19/OpenGovernmentDivisionAdviceCOVID-19.pdf>

4. Rolling Quorums

NMDA would like to remind all SWCD and Watershed boards to be careful when emailing and conference calls during this time of limited interaction. A rolling quorum needs to be avoided. The definition and examples are stated below, directly from the Attorney General's Open Meetings Act Compliance Guide.

Rolling Quorums (Open Meetings Act Compliance Guide 2015 page 7):

The Act's requirement for open, public meetings applies to any discussion of public

business among a quorum of a public body's members. Usually, a quorum of a public body's members meets together to discuss public business or take action. However, a quorum may exist for purposes of the Act even when the members are not physically present together at the same time and place. For example, if three members of a five-member board discuss public business in a series of telephone or email conversations, the discussion is a meeting of a quorum. This is sometimes referred to as a "rolling" or "walking" quorum. The use of a rolling quorum to discuss public business or take action violates the Act because it constitutes a meeting of a quorum of the public body's members outside of a properly noticed, public meeting.

5. Soil and Water Conservation Commission Meeting

Based on the Public Health Emergency declared by the Governor, and guidelines for public gatherings set out by the Department of Health, as well as direction from the Attorney General, the New Mexico Soil & Water Conservation Commission (SWCC) will hold its 9:00am, May 7, 2020, regular meeting virtually. The SWCC will use the video conferencing and teleconferencing application Zoom. With this, you may join the meeting online or by telephone. Join via online, go to: <https://nmsu.zoom.us/j/98190684495>, or telephone: 1-669-900-6833, meeting ID: 981 9068 4495. The general public and interested parties are invited to attend and provide input. Public comments can also be emailed to swcc@nmda.nmsu.edu, or by calling (575) 646-2642. Public documents including agenda and minutes can be provided in various accessible forms.

6. Waters of the US Final Rule

On April 21, 2020, the Environmental Protection Agency (EPA) and the Department of the Army's Navigable Waters Protection Rule: Definition of "Waters of the United States" published in the *Federal Register*. This final rule establishes the scope of federal regulatory authority under the Clean Water Act. The Navigable Waters Protection Rule includes four simple categories of jurisdictional waters and provides specific exclusions for many water features that traditionally have not been regulated. **The final rule will become effective on June 22, 2020. Information about the rule can be found on the EPA's website at <https://www.epa.gov/nwpr>.**

7. Audit/Agreed-Upon Procedures Report Deadlines

SWCD **Audit/AUP contract** must be completed by July 1st. (Unless your annual budget is \$500,000 or more, then the due date is **May 15th**.) All contracts must also be completed online using the NM State Auditor's online portal OSA-Connect. For more information about OSA-Connect call Chris Garcia at (505) 476-3814 or Frank Valdez at the same number.

AUP reports should be completed and submitted to the NM State Auditor by December 15.

8. Additional Guidance from NMDA to SWCDs during COVID-19 Pandemic

The attached memo is informational and provides additional guidance to the New Mexico Soil and Water Conservation Commission (SWCC) and the New Mexico Soil and Water Conservation Districts (SWCDs) during the time of the response to the COVID-19 pandemic.

The most up to date orders issued by the Governor through the New Mexico Department of Health (NMDOH) can be found here:

<https://cv.nmhealth.org/public-health-orders-and-executive-orders/>

In addition to the information on the NMDOH website, the New Mexico Attorney General (NMAG) has also issued Open Meetings Act (OMA) guidance related to conduct of public meetings during the period of social distancing, which can be found at:

<https://www.nmag.gov/>

In part the NMAG states:

The Office of the Attorney General's Open Government Division (OGD) advises all public entities subject to OMA to first and foremost follow the guidelines of the Department of Health and other health officials to ensure the health and safety of both members of the entity and the public. Accordingly, the most prudent thing to do to ensure compliance with OMA would be to postpone /cancel a public meeting. If, however, a board or commission has a time-sensitive matter to attend to, it may proceed with a virtual meeting, provided it's notice of meeting contains detailed information (password, phone number, etc.) about how members of the public may attend and listen via telephone, live streaming or other similar technologies.

More specifically, if a public body decides to proceed with a virtual meeting, it should:

- At the start of the meeting, the chair should announce the names of those members of the public body participating remotely.
- All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and to the public.
- Members of the public should be afforded remote access, via live stream or other similar technology, if possible, or call-in number for listening by phone.
- Chair should suspend discussion if the audio or video is interrupted.
- All votes of the public body must be by roll call vote.

NMDA has provided all of the above information to SWCDs through its monthly report to SWCDs as well as through individual contact to each district. However, since this is a rapidly evolving situation, it bears repeating.

You are advised to conduct public meetings in a manner consistent with the public health orders and in compliance with the NMAG guidelines. This means that the meeting must be conducted in a manner that the public has access to participate through a conference call line allowing many interested publics to attend at once. All members of the public must be able to attend and must be allowed to participate in the meeting no matter which technology is

chosen. It is advised that no one gather for the meeting in observance of the order to stay socially distant. If meetings are conducted via teleconference or web-based conference service, there would be no need to gather.

In addition to compliance with the social distancing order, it is also important to respect that individuals with underlying health conditions (potentially members of the SWCD board, employees, or the public) may not want to gather whether the gathering complies with the not more than five individuals in a room even with the appropriate six feet of distance. Therefore, NMDA strongly urges you to conduct any meetings in strict accordance with the orders and guidelines issued by the State of New Mexico. The only current weapon the country has to curb the COVID-19 pandemic and assist the state with the response so that the medical community does not fall into a disaster is to observe the stay at home/social distancing order. Please consider this information and the guidelines as you decide to hold a public meeting. If you have questions, please contact NMDA staff at 575-646-2642 or call your specific SWCD specialist.

9. Local Food Supply Chain Response Fund

Grant funds are now available for New Mexico farmers, ranchers, and others who have been impacted by market disruptions brought on by COVID-19. For detailed information visit these links in [English](#) and [Spanish](#). (They can also be found under "Announcements" at NewMexicoFMA.org.)

The New Mexico COVID-19 *Local Food Supply Chain Response Fund (The Fund)* has been designed to provide funding to address gaps in and disruptions to the local food supply chain in New Mexico and is housed at the New Mexico Farmers' Marketing Association.

There are two types of project funding available through The Fund:

- Individual Producer Grants: Only New Mexico-based individual farmers and ranchers or farm and ranch operations are eligible to apply. Funding for these grants can range from \$500 - \$2500.
- Collaborative Grants: Nonprofits and federally-recognized tribes operating in New Mexico are eligible to apply. Funding for these grants can range from \$2,500 - \$15,000 and can be for up to 6 months, with the possibility of extension depending on the ever-evolving situation. Funds will be provided as unrestricted operating funds. Please share this email and above links about The Fund with your network.

10. Paycheck Protection Program

The Department of Treasury (Treasury) and Small Business Administration (SBA) released an [interim final rule on the Paycheck Protection Program \(PPP\)](#). **Agricultural producers are eligible to participate in the program and should reach out to their bankers and/or agricultural lenders to apply immediately.** While SBA still needs to confirm some administrative details, loans will be provided on a first-come, first-served basis and producers can get started on the application now.

- [For a top-line overview of the PPP program CLICK HERE](#)
- [Information for prospective borrowers can be found HERE](#)
- [The application for borrowers can be found HERE](#)

Below please find additional details about the PPP program. NASDA will provide additional updates once outstanding questions are answered by SBA.

1. Program Eligibility

- All businesses (including farm and ranch businesses) are eligible for a PPP loan if they (1) have fewer than 500 employees; (2) meet the definition of a “small business concern”; and (3) are subject to SBA’s affiliation rules (unless those rules were specifically waived in the CARES Act).
 - Waiting on SBA to clarify the definition of “small business concern” – do not anticipate any undue restrictions.
 - Waiting on SBA to confirm whether H2A workers are counted as “employees” for the purposes of determining size.
- Financial institutions, including the Farm Credit system, will be responsible for processing loan applications and administering the loan.

2. Loan Terms

- Loan amounts are calculated based on the payroll costs for all employees whose “principal place of residence” is in the U.S. Please note that this definition excludes H-2A workers, which will likely reduce the loan amount available to some agricultural producers.
- This loan has a maturity of 2 years and an interest rate of 1%. Loan payments will be deferred for the first six months.
- The loan will be fully forgiven if at least 75% of the funds are used for payroll costs, and the remainder is used for interest on mortgages, rent, and utilities.
 - Forgiveness is based on the employer maintaining or quickly rehiring employees and maintaining salary levels. Forgiveness will be reduced if full-time headcount declines, or if salaries and wages decrease.

- The best POC for questions on the Paycheck Protection Program is the Lender Relations Specialist in your local SBA Field Office. The local SBA Field Office may be found at <https://www.sba.gov/tools/local-assistance/districtoffices>.

11. NM Small Businesses in Financial Distress Encouraged to Apply for Loans

New Mexico small businesses in financial distress due to the coronavirus crisis are encouraged to apply as soon as possible for loans made available under the federal stimulus bill.

The stimulus bill, or Cares Act, allocates \$349 billion for loans to small businesses. But businesses have until only June 30 to access the money, and loans will be made on a first-come, first-serve basis.

“This money will go quickly, and New Mexico small businesses must act as soon as possible to obtain loans,” Economic Development Secretary Alicia Keyes said Saturday. “Many businesses struggling through this crisis need a financial bridge to help them survive and recover once this crisis eases.”

There are two loan programs for small businesses under the stimulus bill: the Economic Injury Disaster Loan Program and the Paycheck Protection Program.

Under the Economic Injury Disaster Loan Program, a small business can borrow up to \$2 million, with an immediate grant advance up to \$10,000 that can be distributed in three days to a business.

Small businesses can apply for the loans through the U.S. Small Business Administration at <https://disasterloan.sba.gov/ela/>

Applications also can be made through the SBA’s Small Business Development Centers. There are 19 centers in New Mexico, and they offer instruction and guidance on how to apply for the loans. The website for the centers is www.nmsbdc.org

Under the Paycheck Protection Program, a small business can borrow up to \$10 million, with an interest rate of 1 percent. The loan is deferrable for six months.

The SBA will forgive Paycheck Protection Program loans if all employees are kept on the payroll for eight weeks and the money is used for payroll, rent, mortgage interest or utilities. A small business must work through its lender to apply for a loan. For more information, go to www.sba.gov/paycheckprotection

In addition to the loans made available under the stimulus bill, the New Mexico Economic Development Department also has created loan-guarantee and no-interest loan programs for businesses. For more information, go to <https://gonm.biz/>

12. Helpful Tips for Ag Safety and Risk Management

Attention to routine safety practices during a pandemic can be key to providing risk management for all our employees. Attached are some handouts to help Ag producers in working with their employees to stay safe during this time.

13. “Buy for Tomorrow Today” Campaign

The New Mexico Economic Development Department has launched a website that pairs shoppers with products and services in a “Buy for Tomorrow Today” campaign to help sustain businesses through the COVID-19 health emergency.

The “Buy for Tomorrow Today website (www.BuyNMLocal.com) is another way for people to support New Mexico businesses during the emergency closures. The site offers direct access to individual websites where purchases can be finalized for products or services now, by delivery or take-out, or when the business reopens.

The website includes a registration link for businesses who want to participate. Shoppers can sort retailers by region to find a store near them. The State of New Mexico is not a party to the transactions.

Many businesses on the site are also offering discounts or additional value-added services with a purchase on the Buy Tomorrow website. New businesses are being added to the site daily, so check back often to find your favorite local retailer.

14. Elevate NM Agriculture

The New Mexico Department of Agriculture aims to connect consumers with New Mexico agriculture products. If you are a New Mexico producer/business that wishes to include your food, beverage or agricultural product and contact information on our online products-to-consumer database, please visit <http://www.nmda.nmsu.edu/ag-products-to-consumers/>. Once you submit your information, the NMDA staff will verify the submission, and once validated, it will be added to the list. Questions? Email ElevateNMAg@nmda.nmsu.edu.

Also, if you are interested in being listed in the USDA database, submit your information at the USDA's Local Food Directory Registration and Update at <https://www.ams.usda.gov/services/local-regional/food-directories-update>

15. Conservation Innovation Grants

New Mexico NRCS is requesting applications for Conservation Innovation Grants (CIG) to stimulate the development and adoption of innovative conservation approaches and technologies. Applications are accepted for projects located in New Mexico only. Eligible applicants are individuals, non-federal government and non-government organizations for projects between one and three years in duration. New Mexico will fund up to \$75,000 for fiscal year 2020. The funding floor for a single award is \$5,000 and the funding ceiling for a single award is \$75,000.

Learn more at <https://www.nrcs.usda.gov/wps/portal/nrcs/main/nm/programs/financial/cig/>

16. NM Watershed and Dam Owners Coalition

The New Mexico Watershed and Dam Owners Coalition spring workshop has been postponed.

For more information, please visit: <https://nmwsc.org/wp/news/spring-workshop-and-conference-event-in-raton-postponed/spring-workshop-and-conference-event-in-raton-postponed/>

17. 2020 Agrifuture: Your Future in Focus (May 18-20)

This conference has been postponed.

<http://www.nmda.nmsu.edu/2020-agrifuture-educational-institute/>

18. NM Groundwater Conference

The NM Groundwater Conference will be on July 20 and 21, 2020 at the State Bar of New Mexico, located at 5121 Masthead NE, Albuquerque, NM 87199. To register, please go to: <https://agwt.org/civicrm/event/info%3Fid%3D307%26reset%3D1>

Groundwater resources play an important role in New Mexico's drinking water supply in urban and rural areas. Additional water needs for mining, oil & gas, industry, agriculture, and for sustaining ecology add stress to an already limited supply. There are likely to be future constraints on stream flow dependability and aquifer recharge rates. Realistic water planning to achieve optimal use of the state's aquifers is essential if New Mexico is to achieve a long term sustainable supply/demand balance. The Annual New Mexico Groundwater Conference will explore the next frontiers in water planning and implementation.

19. 2018 NM Agricultural Statistics

The 2018 NM Agricultural Statistics were recently published and are available at:

<http://www.nmda.nmsu.edu/wp-content/uploads/2019/12/2018-NM-Ag-Statistics.pdf>

20. NMDA Strategic Plan 2019-2023

The New Mexico Department of Agriculture's Strategic Plan for 2019-2023 was recently published and is now available at:

http://www.nmda.nmsu.edu/wp-content/uploads/2020/01/Strategic-Plan_2019_final.pdf

21. GIS Training Available Free of Charge

The USDA SW Climate Hub is offering GIS training to NM Soil and Water Conservation Districts at no cost. The purpose of these trainings is to help SWCDs with spatial data management, analysis and interpretation. Training content will be delivered at SWCD locations and defined by SWCD needs. SWCDs will also be able to request single trainings or a series of sessions.

The trainer is Caiti Steele, Coordinator at the SW Hub., Dr. Steele is a geographer with over 20 years of research, teaching and applications experience in GIS and remote sensing for natural resource management.

To request GIS training, or further information please email caiti@nmsu.edu . Dates and locations still to be determined. It is anticipated this will be an ongoing thing that will happen

on a regular basis. The USDA SW Climate Hub will be responding to what is convenient for the SWCDs and whether they need one training or a series of training.

22. BLM and Forest Service Announce 2020 Grazing Fees

The Federal grazing fee for 2020 will be \$1.35 per animal unit month (AUM) for public lands administered by the Bureau of Land Management and \$1.35 per head month (HM) for lands managed by the USDA Forest Service. The 2019 public land grazing fee was \$1.35.

<https://www.blm.gov/press-release/blm-and-forest-service-announce-2020-grazing-fees>

23. Districts' Accomplishments in the News

NMDA is pleased to spotlight SWCDs, including the following district whose work earned them a bit of recent media coverage:

Upper Tijeras Creek Watershed-Based Plan and Ciudad SWCD

www.env.nm.gov/surface-water-quality/wp-content/uploads/sites/25/2017/06/ClearingTheWaters_Spring-2020-online.pdf

24. Meeting and Comments on National Forests in NM

All five of the National Forests in New Mexico are in various stages of completing their Forest Plan Revisions. For updates, please visit the National Forests' websites below for meeting times and comment opportunities.

- Cibola NF: http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=FSBDEV3_065627
- Carson NF: <http://www.fs.usda.gov/detail/carson/landmanagement/planning/?cid=stelprdb5443166>
- Santa Fe NF: <http://www.fs.usda.gov/detail/santafe/landmanagement/planning/?cid=stelprd3791442>
- Gila NF: <http://www.fs.usda.gov/detail/gila/home/?cid=STELPRD3828671>
- Lincoln NF: <http://www.fs.usda.gov/detail/lincoln/home/?cid=stelprd3814307>

NMDA encourages all SWCDs to stay active in the Forest Plan Revision process for all five national forests. We also encourage SWCDs to provide information as requested to make sure that SWCD information is included in the process.