

Report to New Mexico Soil and Water Conservation Districts

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

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June 2022

June	Finalize annual work plan for coming fiscal year and submit to the SWCC.
June 1	Budget and budget resolution for the coming fiscal year due to DFA-LGD by June 1st, (cc: SWCC and SWCC Region Commissioner). Option: submit preliminary budget by June 1st; final budget with budget resolution by July 31st.
June 3	Pre-proposals for \$3 Million due (refer to item #1).
June	Districts who received WQ&C grant funding last year, must submit any final invoices by the 1st week in June.
July 15	Point System Worksheet due (refer to item #4).

OMA Notification Requirements

Remember that if you have to hold a district board meeting at a place, time or location that deviates from the information you advertised in your open meetings act resolution, you must advertise it accordingly. Here are the guidelines:

Regular Meeting – 10 Days Prior

Special Meeting – 3 Days Prior

Emergency Meeting – 24 Hours Prior

As COVID containment efforts continue, it is possible that an event scheduled for the near future could be postponed, canceled, or hosted online instead of in person. Because of the fluid nature of things in response to COVID, NMDA 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.

1. \$3 Million SWCD Legislative Appropriation: Submit Pre-proposals to NMDA by **June 3**

During the 2022 legislative session \$3 million dollars were allocated to Soil and Water Conservation Districts (SWCDs). The New Mexico Soil and Water Conservation Commission (SWCC) is responsible for providing leadership for the development of

guidelines for the expenditure of the funding, and for providing advice to the New Mexico Department of Agriculture (NMDA) for the optimal expenditure of the funds.

The funding must be expended by the end of FY2025 (June 30, 2025).

Potential projects should fit within the purpose of Soil and Water Conservation Districts as defined in the Soil and Water Conservation District Act. That purpose is to:

- 1) control and prevent soil erosion;
- (2) prevent floodwater and sediment damage;
- (3) further the conservation, development, beneficial application and proper disposal of water;
- (4) promote the use of impounded water for recreation, propagation of fish and wildlife, irrigation and for urban and industrial needs; and
- (5) by the application of these measures, conserve and develop the natural resources of the state, provide for flood control, preserve wildlife, protect the tax base and promote the health, safety and general welfare of the people of New Mexico.

In order to expedite the awarding of funds to the SWCDs, the SWCC is asking interested SWCDs to submit pre-proposals. Below are the guidelines for the submission of the pre-proposals:

- Pre-proposals must be submitted in Microsoft Word, via email to the SWCC at swcc@nmda.nmsu.edu. Pre-proposals are due by **4:00pm on June 3, 2022**.
- Pre-proposals are limited to 2 pages, including any pictures, maps, etc.
- SWCDs may submit more than one pre-proposal.
- Pre-proposals may address long-range (5-year) plans and/or annual plans to document resource concerns within District boundaries, as well as the planning, implementation, and monitoring of on-the-ground projects.
- On-the-ground projects should include an outreach component and stakeholder involvement.
- Pre-proposals that are for project planning, and do not have an immediate on-the-ground component, will only be accepted during the first year of the funding cycle. Those projects must demonstrate a clear path to an on-the-ground project to be implemented in the second year, and projected planning budgets shall not exceed \$20,000.
- Consideration of landscape scale projects wherein multiple SWCDs can participate regionally to accomplish scaled projects should be considered as a high priority.
- Projects which leverage additional state, federal, or private funding will be considered favorably.

Technical merit will be a key factor in the review of the Pre-proposals. Be specific and concise in describing the project.

- Pre-proposals should include the Name of the SWCD, as well the contact information for the SWCD point of contact.
- Pre-proposals should include the following information at a minimum:
 1. Detailed Project Overview.
 2. Agencies, governmental entities, and other partners involved, and their roles in completing the proposed project.
 3. The location of the project site, and the number of acres involved.

4. Draft estimated budget, including any anticipated in-kind, or hard cash match as well as cost per acre if applicable.

Once in receipt of the pre-proposals the SWCC will choose the most competitive pre-proposals to be resubmitted for funding as full formal proposals. If you have any questions please contact your NMDA Soil and Water Conservation Specialist.

2. SWCC June Meeting

The SWCC will be meeting June 22nd, via zoom. The meeting notice will be advertised and sent to all SWCDs.

Please make sure all documents needing SWCC approval are submitted the first week in June.

The meeting zoom link: <https://nmsu.zoom.us/j/94704197637>.

If you have any questions on the upcoming meeting, please contact your specialist.

3. July 21: NMDA hosts mandatory grantee training for SWCDs implementing (and/or supporting) Healthy Soil Program grants in FY23

Did your district *apply for* a Healthy Soil Program grant for a project it intends to implement in Fiscal Year 2023? Did your district *support* a project that an Individual Applicant intends to implement in FY23? Either way, if a project associated with your district is selected for funding, an authorized representative from your district will be **required to attend an online training for FY23 grantees (and supporting SWCDs) on Thursday, July 21.**

Please mark your calendar and stay tuned for information about the times the trainings will be offered that day. The training will come just a few weeks before the **August 15 deadline to return a signed Memorandum of Agreement (MOA) to NMDA** so that work on FY23 projects to improve soil health can begin as soon as that very day.

For important reminders such as this, please subscribe to the Healthy Soil Program e-newsletter. The form to subscribe is at the bottom of the program's website:

<https://nmdeptag.nmsu.edu/agricultural-programs-and-resources/healthy-soil-program.html>

4. Agricultural Workforce Development Program

The New Mexico Department of Agriculture (NMDA) Agricultural Workforce Development (AWD) Program grant application period **will open June 10, 2022** and continue until funds are fully allocated or by March 31, 2023, whichever comes first. Internships can begin July 1, 2022 and must be completed by May 31, 2023.

NMDA's AWD Program offers incentives to the state's agricultural businesses to hire interns. The AWD Program is intended to provide hands-on educational opportunities for

students aspiring to careers in agriculture, as well as young or beginning farmers and ranchers.

The AWD Program is the result of the [Agricultural Workforce Development Program Act](#), which was signed into law in 2019.

NMDA will reimburse qualified agricultural businesses up to 50 percent of the actual cost of hiring a qualified intern, not to exceed \$15,000 per internship. An agricultural business may request funding to hire as many as three interns per calendar year. Each intern must be provided with **at least one hundred thirty (130) hours** of work experience, not exceeding one (1) year in duration per intern.

1. The period for agricultural businesses to apply is from June 10, 2022 to March 31, 2023 **or until funds are fully allocated**. NMDA will award funding to agricultural businesses based on: **a)** their compliance with program requirements; and **b)** funding availability.
2. Internships must occur between July 1, 2022 and May 31, 2023.

Please note:

- NMDA will **not** match agricultural businesses with potential interns.
- Agricultural businesses must identify an intern prior to applying for funding.
- Interns must be 18 years or older by the start of the internship.
- Immediate family members of the agricultural business are NOT eligible to participate.
- Participating agricultural businesses must pay minimum wage (or higher) to each intern, as well as carry workers' compensation insurance for each intern.

For more information, please visit <https://nmdeptag.nmsu.edu/agricultural-workforce-development.html>.

5. Livestock owners missing animals should call officials/Ag Related Assistance due to wildfires

Owners should call New Mexico Livestock Board or county sheriff's office.

Livestock owners who are missing livestock as a result of the wildfires in New Mexico – or who are unsure whether their animals are located where they are supposed to be – should contact either the New Mexico Livestock Board at 505-841-6161 or their county sheriff's office.

Livestock owners may also call their local New Mexico Livestock Board Inspector directly.

For other agriculture-related assistance needed as a result of the wildfires, visit the state of New Mexico's wildfire resource page: <https://www.nmdhsem.org/2022-wildfires/>.

6. WQ&C Final Invoices

Any districts who received WQ&C grant funding last year, must submit any final invoices by the 1st week in June.

If a district has any remaining funding they are not able to spend, please contact Patricia Depner ASAP, by phone (575) 646-2642 or by email pdepner@nmda.nmsu.edu.

7. 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 in positions 6 and 7.

8. FY21 Point System Worksheet – All Items Must be Complete for Full Funding

The Soil and Water Conservation Commission voted the FY21 Point System Worksheet to require all items, 1-9, to be completed in order to receive full funding. Due date is on or before July 15. The worksheet will require 100 points to be accrued to receive full funding. The worksheet can be found at: <https://nmdeptag.nmsu.edu/agricultural-programs-and-resources/soil-and-water-conservation-districts/references-and-resources-for-swcd.html>.

If there are questions about the worksheet or if you need any assistance, please contact your SWCD Specialist.

9. Energy, Minerals and Natural Resources Department Fire Restrictions

Energy, Minerals and Natural Resources Department Cabinet Secretary Sarah Cottrell Propst and State Forester Laura McCarthy signed a new Fire Restrictions Order (2022-02) prohibiting smoking, fireworks use, campfires, open fires, open burning, and operation of certain equipment (i.e. chainsaws, cutting torches, welders, grinders, and other similar equipment). Order 2022-02 **applies to all non-municipal, non-federal, and non-tribal lands** in New Mexico. The attached order 2022-02 outlines the rules and exceptions. This order supersedes any previous orders

10. 2022 Windmill Technology Certification Workshop

Join us at noon Wednesday, June 1, through noon Saturday, June 4, for a comprehensive training workshop in traditional windmill water lifting applications. Conducted by several of the industry's leading experts, with classroom, shop laboratory and field demonstration instructional settings. Topics covered include:

- Windmill vs. solar PV water yields and costs
- Planning and sizing windmill water systems
- Water well construction and pollution protection
- Complete assembly and construction of windmills and towers

- Maintenance and repair of windmills
- Hands-on field installation of windmill and down-hole components

Registration fee is \$450. For more information and to register, visit:

<https://aces.nmsu.edu/ces/windmill/2022-workshop-registrati.html>. The workshop will take place on the Las Cruces campus at the Ag Institute/campus police, 725 College Drive.

11. NM Environment Department Request for Information PFAS Contamination

The New Mexico Environment Department issued a Request for Information (RFI) seeking information relevant to the disposal and destruction of PFAS that will support strong policy and science-based decision-making during implementation of Phase 2 of the Removal Plan. NMED is seeking the best scientific and technical information available related to studies, technology testing, active research projects, and policy considerations from the general public, scientific/research community, private industry, academia, government agencies, and non-governmental organizations.

Topics covered in the RFI include, but are not limited to, data, reports, narratives, or other information related to PFAS-contaminated livestock, composting PFAS-contaminated livestock carcasses, PFAS destruction, incineration of PFAS-contaminated material, and data from placing PFAS-contaminated material in a hazardous waste landfill or associated research into short- and long-term risks. Responses to the RFI must be submitted through the NMED Public Comment Portal by July 18, 2022.

For more information and to read the entire News Release, please see the attachment.

12. BLM seeks public input and will host public meetings on the environmental impacts for the SunZia Southwest Transmission Project

The Bureau of Land Management has opened a 90-day public comment period to collect public comments on the potential environmental impacts associated with proposed amendments to the SunZia Southwest Transmission Project authorized by the BLM in 2015. The BLM will also hold three virtual public meetings on the proposal.

The proposed project consists of two planned 500 kV transmission lines that would cross approximately 520 miles of federal, state, and private lands between central New Mexico and central Arizona. This project would transport up to 4,500 megawatts of clean energy from New Mexico to homes and businesses in Arizona and California. The comment period will end on July 28, 2022.

The public meetings will be held via the Zoom virtual platform. The dates and times of these meetings will be announced at least 15 days in advance through local media, newspapers, and the BLM website at: <https://eplanning.blm.gov/eplanning-ui/project/2011785/510>.

The BLM encourages substantive comments concerning the proposed SunZia Southwest Transmission Project, meaning comments that are factual and specific; describe the significance of the impacts and how they affect you, others, places, and activities; provide any new information that is relevant to the project (e.g., potential affected resources); and discuss modifications to existing alternatives or suggest other reasonable alternatives with justification.

To have your comments on the Draft Environmental Impact Statement considered for inclusion in the Final Environmental Impact Statement, the BLM must receive them by July 28, 2022. Comments can be provided in the following ways:

- Submit a verbal comment via the hotline: 1-888-959-2510
- Submit your comments electronically via the ePlanning site: <https://eplanning.blm.gov/eplanning-ui/project/2011785/510>
- Mail your comments to BLM New Mexico State Office at the below address, *Attention: SunZia Southwest Transmission Project*

Documents pertinent to this proposal may be viewed on ePlanning or examined at the BLM New Mexico State Office, 301 Dinosaur Trail, Santa Fe, NM 87508 and BLM Arizona State Office, One North Central Ave., Suite 800, Phoenix, AZ 85004.

For further information, contact BLM Project Manager Adrian Garcia by phone at 505-954-2199.

13. 2022 Animas and San Juan Watersheds Conference

The New Mexico Water Resources Research Institute is pleased to host the 2022 Animas and San Juan Watersheds Conference: *Collaborations, Perspectives, and Science across the Watersheds*, which will be held June 8-9, 2022.

Since the inception of this conference after the 2015 Gold King Mine Spill, much has been learned, both about the spill itself, along with a broad scope of watershed health and management issues. However, much is still to be learned and shared about the Animas and San Juan watersheds to ensure their health in years to come. Collaborations and understanding across the communities that depend on the rivers has been and will continue to be critical for management and future planning.

This year's conference will take place in a simultaneous hybrid format June 8-9, 2022, at the San Juan College Henderson Fine Arts Center in Farmington, NM, and online. Like previous years, the program will include both oral and poster presentations, as well as field trip presentations to be announced.

Registration is not open yet. Stay tuned to: <https://web.cvent.com/event/2716fa3f-b7cc-4765-aa75-c3cac302da3f/summary> .

14. NM Organic Farming Conference Offering Grant Scholarships

Educational grant opportunities are now being offered to New Mexico organic producers through the New Mexico Organic Farming Conference (NMOFC). This opportunity comes in lieu of the traditional conference, which is no longer being offered. Instead, organic producers may apply to receive grant scholarships. These funds will be distributed in an effort to support educational opportunities and advance organic production knowledge and education through conference or workshop attendance.

Up to 18 scholarships will be granted to separate applicants, at up to \$1,500 per applicant. Awards will be granted to applicants no more than one time per year, however, more than one applicant may come from a singular organic-producing farm. Scholarship funds are only applicable for organic educational programs in the continental U.S. Funding may be used for both in-person and virtual events. NMOFC committee members and their families are not eligible for funding.

If you are interested in applying for a grant scholarship to fund an organic educational program, please email NMOFC@mail.com to request an application. Applications are reviewed monthly by the NMOFC committee and will be accepted and reviewed until all funding is allocated and distributed.

The New Mexico Department of Agriculture (NMDA) also has a number of organic program resources available to producers in the state. NMDA staff is dedicated to ongoing organic education, support and promotion of all new and continuing New Mexico organic operations. To schedule a consultation or learn more about organic operations within the state, visit the [Organic Program page](#) on the NMDA website.

15. NM Fire Information: Stay Informed about Fires & Fire Restrictions

New Mexico Fire Information (<https://nmfireinfo.com/information/>) is an interagency effort by federal and state agencies in New Mexico to provide timely, accurate, fire and restriction information for the entire state. The agencies that support the site are the Bureau of Indian Affairs, Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, State of New Mexico, and U.S. Forest Service. The site is updated as often as new information is available from the Southwest Coordination Center, individual forests, national parks, state lands, tribal lands and BLM offices. The aim is to provide one website where the best available information and links related to wildfire and restrictions can be accessed.

16. River Stewardship Program Request for Proposals

The goal of the River Stewardship Program is to fund projects that enhance the health of rivers by addressing the root causes of poor water quality and stream habitat. Each year the New Mexico Legislature appropriates capital outlay funds for the River Stewardship Program to design and construct projects that improve surface water quality or river habitat statewide and to provide state matching funds required by the terms of any federal grant under the Clean Water Act. Annual funding has ranged from \$500,000 to \$2,300,000.

The River Stewardship Program builds on the success of past efforts with Clean Water Act funding and state funding for watersheds, rivers and wetlands. The objectives of the River Stewardship Program include:

- Enhancing the economic benefits of healthy river systems, such as improved opportunities to hunt, fish, float and view wildlife.
- Restoring or maintaining the hydrology of streams and rivers to better handle overbank flows and reduce flooding downstream.
- Providing match required to leverage federal grants, ensuring that New Mexico continues to receive these funds.

NMED has prepared [Frequently Asked Questions \(FAQ\)](#) about the River Stewardship Program.

New Mexico has set standards to ensure that surface waters are of sufficient quality to support fish and other aquatic life as well as human use for recreation, irrigation, and municipal water supplies. Many of New Mexico's streams and rivers fail to meet these water quality standards. The River Stewardship Program will address these problems and help ensure water quality for these economically important uses.

The River Stewardship Program will reduce flood hazard in downstream communities. A natural river system includes a channel (with a recognizable bed and banks) and adjacent flood plains. Even in steep canyons some flood water is temporarily stored in small floodplains, reducing the flow as a flood proceeds downstream.

Project contractors and partners have leveraged past state restoration funds on a greater than 1:1 basis with federal grants, private funds or in-kind contributions. Past state restoration funding supported the work of 68 contractors, of which 94% were New Mexico businesses or individuals.

River Stewardship Program projects are to be distributed statewide. There is broad eligibility for applying for funding. Eligible applicants include: towns, cities, counties, soil and water conservation districts, irrigation districts, for-profit organizations, Indian Nations, Pueblos and Tribes. Federal agencies and state agencies are not eligible. Projects are selected through [Requests for Proposals \(RFP\)](#) using the state procurement system. Evaluation criteria ensure that projects are technically sound, community-based and stakeholder driven. Evaluation criteria favor projects that improve water quality, enhance fish and wildlife habitat, support local economies, and that reduce downstream flood hazard. The proposal evaluation committee consists of representatives of the NMED Surface Water Quality Bureau and other natural resource management agencies.

The RFP opened May 26th and will close July 26th. To view the RFP, visit: <https://www.env.nm.gov/surface-water-quality/river-stewardship-program/>

17. \$1 Billion America the Beautiful Challenge to Support & Accelerate Locally Led Conservation & Restoration Projects

The America the Beautiful Challenge is anchored by an initial commitment of \$440 million of Federal resources over the next five years to a new public-private grant program, [administered](#) by the National Fish and Wildlife Foundation (NFWF), that will support locally led ecosystem restoration projects that invest in watershed restoration, resilience, equitable access, workforce development, corridors and connectivity, and collaborative conservation, consistent with the [America the Beautiful Initiative](#). The historic Bipartisan Infrastructure Law is a major source of the initial Federal investments for the America the Beautiful Challenge.

The America the Beautiful Challenge will offer states, Tribes, territories, local groups, non-governmental organizations (NGO), and others the opportunity to apply for multiple grant programs through a single application that is managed by NFWF. This one-stop-shop solicitation will streamline the grant application process and facilitate the coordination of funding for projects across landscapes, watersheds, and seascapes to achieve larger and more durable benefits on the ground.

The America the Beautiful Challenge will seek to advance conservation and restoration projects that are consistent with the principles outlined in the [Conserving and Restoring America the Beautiful report](#) and that focus on at least one of the following core areas of need:

- Conserving and restoring rivers, coasts, wetlands, and watersheds
- Conserving and restoring forests, grasslands, and other important ecosystems that serve as carbon sinks
- Connecting and reconnecting wildlife corridors, large landscapes, watersheds, and seascapes
- Improving ecosystem and community resilience to coastal flooding, drought, and other climate-related threats
- Expanding access to the outdoors, particularly in underserved communities

America the Beautiful Challenge proposals are due July 21, 2022. For more information, please visit: <https://www.whitehouse.gov/ceq/news-updates/2022/04/11/biden-harris-administration-launches-1-billion-america-the-beautiful-challenge-to-support-and-accelerate-locally-led-conservation-and-restoration-projects/>

18. Public Hearing: Designation of Waters of the Rio Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters

NEW MEXICO WATER QUALITY CONTROL COMMISSION NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.6.4.9 NMAC STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS

DESIGNATION OF WATERS OF THE RIO GRANDE, RIO HONDO, LAKE FORK, EAST FORK OF THE JEMEZ RIVER, SAN ANTONIO CREEK, AND REDONDO CREEK AS OUTSTANDING NATIONAL RESOURCE WATERS,

NO. WQCC 21-62 (R)

The New Mexico Water Quality Control Commission (“Commission”) will hold a **public hearing on Tuesday, June 14, 2022**, and continuing on subsequent days, as necessary, via the WebEx video conferencing platform. The purpose of the hearing is to consider amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4.9 NMAC, **Designation of Waters of the Rio Grande, Rio Hondo, Lake Fork, East Fork of the Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters**. The Commission will begin its regular monthly meeting at 9:00 a.m. MDT, and the public hearing will begin at the conclusion of its regular business. Information for attending the virtual hearing via the WebEx conferencing platform will be available on the New Mexico Environment Department (“NMED”) Events Calendar at <https://www.env.nm.gov/eventscalendar/?trumbaEmbed=view%3Devent%26eventid%3D158027518> at least 30 days prior to the hearing.

The proposed amendments to 20.6.4.9 NMAC, as petitioned for by the Outdoor Recreation Division of the New Mexico Economic Development Department (“Petitioner”), and docketed as No. WQCC 21-62 (R), propose designation of certain surface waters of the Rio Grande, Rio Hondo, Lake Fork, East Fork of The Jemez River, San Antonio Creek, and Redondo Creek as Outstanding National Resource Waters (“ONRWs”).

The petition and proposed amendments are available on the Commission’s website, at <https://www.env.nm.gov/opf/docketed-matters/>. The petition may also be obtained electronically by contacting Pamela Jones, Commission Administrator, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 660- 4305, or Pamela.Jones@state.nm.us.

The hearing will be conducted in accordance with the New Mexico Water Quality Act, NMSA 1978, § 74-6-6; the Rulemaking Procedures for the Water Quality Control Commission, 20.1.6 NMAC; and the Scheduling Order issued January 19, 2022. A copy of the Scheduling Order is available at <https://www.env.nm.gov/opf/docketed-matters/> or may be obtained from the Commission Administrator at the address and phone number above. All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce relevant exhibits and to examine witnesses testifying at the public hearing.

19. NMSU Extension Hosts NM Youth Ranch Management Camp

The 2022 New Mexico Youth Ranch Camp will be held June 12-17. This year the camp will be held at the CS Ranch near Cimarron, NM.

The camp, designed for New Mexico youth ages 15-19, is an effort to reverse the aging trend in ranching. Nationally, the average age in the ranching community continues to increase as more young people are opting to leave the ranch for careers outside of production agriculture.

As a result, the fabric of rural economies, as well as ranching tradition and cultures, are in jeopardy. In a rural state like New Mexico, the situation has significant implications.

For more information or to apply visit: <http://nmyrm.nmsu.edu> . If application is accepted, there is a \$300 camp fee.

20. NM Livestock Board – NMDA Notice of Proposed Rulemaking

NOTICE IS HEREBY GIVEN that the New Mexico Livestock Board (NMLB) will hold an in-person and video/telephonic rulemaking hearing on June 13, 2022 at 1:00 p.m. at the Ruidoso Convention Center 111 Sierra Blanca Drive, Ruidoso, NM 88345 Meeting Room 4A. The hearing will be held via an in-person and virtual format. Instructions on how to join the virtual rulemaking hearing will be posted on the NMLB's website, www.nmlbonline.com.

The NMLB will consider proposed new Rules. The purpose of the proposed rules adoption is to provide NMLB regulatory authority over the In-State Meat and Poultry Inspection Program. See generally 21.33.2.1 through 21.33.2.8 NMAC to TITLE 21, AGRICULTURE AND RANCHING; CHAPTER 33, ABATTOIRS, MEAT DEALERS AND STORAGE PLANTS; PART 2 FOOD SAFETY, MEAT AND POULTRY INSPECTION.

Full copies of text of the proposed new rules can be obtained from the agency's website at www.nmlbonline.com. To request a copy of the proposed rule by mail, contact the NMLB at (505)841-6161. Visit www.nmlbonline.com for instructions on how to attend the virtual public hearing.

Interested persons may submit written comments on the proposed Rules 21.32.2.1 through 21.33.2.8 NMAC at www.nmlbonline.com or individuals may mail written comments to: NMLB/Rule Comments, 2105 Osuna Rd NE Building South, Albuquerque, NM 87113. Comments are due by 4:30 p.m. on Friday, June 10, 2022. The final proposed rules will be voted on by the Board during the public hearing on Monday, June 13, 2022. Interested persons may also provide data, views or arguments, orally or in writing, at the in-person and virtual public rule hearing to be held on June 13, 2022 at 1:00 p.m. at the Ruidoso Convention Center 111 Sierra Blanca Drive, Ruidoso, NM 88345 Meeting Room 4A. All written comments will be posted on the agency's website within three (3) days of receipt.

Legal authority for this rulemaking can be found in the Livestock Code 77-2-7, et seq. NMSA 1978; Livestock Board's power to establish rules and regulations 77-2-7, et seq. NMSA 1978.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the agency at (505) 841-6161 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the NMLB at (505) 841- 6161 if a summary or other type of accessible format is needed.

21. Science Says Thinned Forests are Healthy Forests

“The new [Forest Service](#) strategy on [Confronting the Wildfire Crisis](#) outlines the agency’s plan for increasing fuels and forest health treatments to create healthier forests and reduce the risk to communities.”

Overgrown forests are one of the key contributing factors to the current wildfire crisis in the West. The new Forest Service strategy on Confronting the Wildfire Crisis outlines the agency’s plan for increasing fuels and forest health treatments to create healthier forests and reduce the risk to communities.

To review the plan and more information on the Forest Service’s plan to thin, visit: <https://www.fs.usda.gov/features/science-says-thinned-forests-are-healthy-forests>

22. Extended: Partnerships for Climate-Smart Commodities

The USDA has extended the application date:

The new deadlines to apply via [Grants.gov](#) by 11:59 p.m. ET:

- First Funding Pool – May 6, 2022
Proposals from \$5 million to \$100 million
- **Second Funding Pool – June 10, 2022**
Proposals from \$250,000 to \$4,999,999

USDA announced details of the Partnerships for Climate-Smart Commodities opportunity on February 7, 2022. Through this new program, USDA will finance partnerships to support the production and marketing of climate-smart commodities via a set of pilot projects lasting one to five years. Pilots will provide technical and financial assistance to producers who implement climate-smart practices on a voluntary basis on working lands; pilot innovative and cost-effective methods for quantification, monitoring, reporting and verification of greenhouse gas benefits; and market the resulting climate-smart commodities.

A wide range of public and private entities may now apply for Partnerships for Climate-Smart Commodities. Eligible entities include:

- County, city or township governments.
- Special district governments.
- State governments.
- Small businesses.
- For-profit organizations other than small businesses.
- Federally recognized Native American tribal governments.
- Native American tribal organizations other than Federally recognized tribal governments.
- Nonprofits that have a 501(c)(3).
- Nonprofits that do not have a 501(c)(3).
- Private institutions of higher education.
- Public and state-controlled institutions of higher education.

The primary applicant/recipient must be an entity, not an individual. Please note that agricultural producers and forest landowners will not apply for this program directly but may receive incentives through awarded projects via partner groups.

While grant agreements under this funding opportunity will be made with a single entity, USDA encourages multiple partners to coordinate on project proposals.

Learn more about the evaluation criteria and proposal deadlines at <https://www.usda.gov/climate-solutions/climate-smart-commodities>. The due date is June 10, 2022.

23. Thornburg Foundation RFP Funding Opportunity

There is a Request for Proposals for a new opportunity for New Mexico non-profits and community groups to get help pursuing federal funding opportunities for **water resources management** and **food and agriculture** programs. This new grant program is intended to assure that New Mexicans benefit from the influx of new - and existing - funding programs related to ARPA, the Investment Infrastructure and Jobs Act, and other funding opportunities. (See this [federal guidebook to the bipartisan infrastructure law](#) and this [guide to federal funding opportunities for climate and water resilience](#).)

The Thornburg Foundation is offering grants of \$5,000 to \$25,000 for:

- A. **Grant Proposal Writing** for community and nonprofit group applicants with identified grant opportunities and an understanding of the funding agency's requirements, priorities, and conditions for mandatory partners, if any
- B. **Collaborative Planning and Funding Search/Scan** for community and nonprofit groups with shared agenda and/or specific project that need additional resources (e.g., experts, consultants, grant writer) to support collaborative/collective planning, community organizing or stakeholder engagement, and/ or conducting a funding scan to identify and pursue targeted grant opportunities
- C. **Other identified unmet needs related to a government funding application and reporting**, including requirements for private matching funds, evaluation, or post- award management including complex data collection methods/systems

Thornburg funding priorities include:

- **Water resources management programs** with a particular focus on projects that advance collaborative water planning, water infrastructure, water sharing, watershed health, and clean water access for disadvantaged communities.
- **Food and agriculture programs** with a focus on supporting historically disadvantaged farmers, utilization of conservation practices, agricultural planning or advancing innovative low water-use irrigation techniques in agriculture.

Grantees must be based and/or working in New Mexico. Applications from Tribal and Hispanic communities are encouraged. Proposals will be considered from community or

nonprofit organizations and/or collaborative groups with projects aligned with the funding priorities and a lead applicant meeting the following criteria:

- 501(c)(3) or other grant-eligible entity (may be a fiscal sponsor or intermediary for the collaborative project) including local government or tribal entities pursuing federal or state funding for the community they serve.
- Organizations operating for at least three years with average annual gross revenues of at least \$500,000 for the two most recently completed fiscal years,

Applications will be accepted on a rolling basis between now and June 30, 2022, or when the funds are depleted. For more information and to apply, visit: <https://www.santafecf.org/rfp-federal-funding>.

24. Records Management and Recording of Meetings during the Pandemic

Records Management Division provided some recommendations and guidance as to how long a recording of a district meeting needs to be held on file. The response by the Records Management Division was given:

Our recommendation for the recordings of the meetings, once the audio has been transcribed, the recording becomes non-records and can be destroyed at any time. The transcribed document shall become the official record and retained permanently.

For more information, or if you have questions, please contact Records Management Division at (505) 476-7921, or email Tanya Vigil at Tanya.Vigil@state.nm.us.

25. 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 last 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>

26. Guidance from NMDA to SWCDs during COVID-19 Pandemic

The 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 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. 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.

27. Rolling Quorums

NMDA would like to remind all SWCD and Watershed District boards to be careful when emailing and hosting 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.

28. Assistance Programs posted on NMDA's Website

NMDA has compiled a list of all state and federal assistance programs available during the COVID 19 Pandemic. Please look over these assistance programs and feel free to pass along any of this information that might be beneficial to individuals or groups within your SWCD.

Please visit: <https://nmdeptag.nmsu.edu/assistance-programs.html>.

29. 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.

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Laura McCarthy
Forestry Division Director



2022-02

SMOKING, FIREWORKS USE, CAMPFIRE, OPEN BURNING, OPEN FIRE, AND CERTAIN EQUIPMENT USE RESTRICTIONS FOR NEW MEXICO

Due to widespread drought conditions, extreme fire danger, fire frequency, and fire behavior, fire incidents pose threats to public safety, life, property, and natural resources. These heightened threats require the imposition of additional restrictions.

Pursuant to Section 68-2-16 and other sections of the Forest Conservation Act, NMSA 1978, Section 68-2-1 to 68-2-25, and 19.20.3 NMAC, Restrictions for Fire Prevention, the Energy, Minerals and Natural Resources Department, Forestry Division, State Forester, is updating the previous Fire Restrictions Order # 2022-01 and has placed the following restrictions on smoking, fireworks use, campfires, open fires, open burning, and operation of certain equipment (i.e. chainsaws, cutting torches, welders, grinders, and other similar equipment). Such activities as outlined below are prohibited, unless they are undertaken as outlined below or pursuant to the State Forester's prior written approval, on non-municipal, non-federal, and non-tribal lands statewide. This order supersedes any previous Orders.

SMOKING AND CAMPFIRES ARE PROHIBITED UNLESS THE FOLLOWING CONDITIONS ARE MET AND FIREWORKS USE, OPEN BURNING, OPEN FIRES, AND CERTAIN EQUIPMENT USE ARE PROHIBITED OR RESTRICTED UNLESS THE FOLLOWING CONDITIONS ARE MET OR INDIVIDUAL WRITTEN EXCEPTIONS ARE OBTAINED:

"Open fire" means the use of any cooking, heating or ignition device using natural or artificial fuel that has either an open flame or requires that the heat source be placed physically within the device.

For purposes of the restrictions below, red flag fire danger days (red flag days) will be determined based on forecasts found on the National Weather Service Fire Weather Forecast for New Mexico website: <https://www.weather.gov/abq/forecasts-fireweather>.

Smoking is prohibited except in enclosed buildings, within vehicles equipped with ashtrays, and on paved or surfaced roads, developed recreation sites, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.

Fireworks use is prohibited on lands covered wholly or in part in timber, brush, grass, grain, or other flammable vegetation. The State Forester is allowing entities seeking to hold public fireworks displays to request a written exception to this ban on fireworks, but only where the applicable local fire department approves the public fireworks display.

Campfires are prohibited, except as provided for herein. The State Forester grants an exception where cooking or heating devices use kerosene, white gas, or propane as a fuel in an improved camping area that is cleared of flammable vegetation for at least 30 feet or has a water source. New Mexico State Parks, State Game Commission lands managed by the Department of Game and Fish, and state trust lands managed by the State Land Office are included in this prohibition. For more information on your New Mexico State Parks, please visit <https://www.emnrd.nm.gov/spd/> or call 1-888-667-2757.

The State Forester is also allowing exceptions for charcoal grills and wood and coal stoves within yards associated with a residence or on the premises of a business (this exception for yards associated with a residence or on the premises of a business does not apply to those located within New Mexico State Parks, State Game Commission lands managed by the Department of Game and Fish, and state trust lands managed by the State Land Office).

Open burning, (i.e., burning of cropland, fields, rangeland, debris burning, slash piles, prescribed burning, or weed burning) is prohibited.

The State Forester may grant an exception to open burning of irrigated croplands, upon written request, if the following conditions are met:

1. the cropland is irrigated (this exception does not apply to non-irrigated croplands, fields, or rangelands);
2. burning is done with adequate planning and the local fire department and county dispatch are notified at least 24 hours in advance of any anticipated burning;
3. adequate personnel are present to monitor and control the burn to assure that it will not become an uncontrolled fire;
4. the burn area is secured from becoming uncontrolled at the end of daily operations; and
5. at the beginning of each day, before ignition, the person responsible for the burn notifies the local fire department responsible for fire protection and follows all local burning guidelines and 20.2.60.111 NMAC, Open Burning of Vegetative Material, related to state air quality.

If the State Forester grants a written request for an exception to open burning of

irrigated croplands the exception shall be contingent upon the burning day not being a red flag day as determined by the National Weather Service and the sustained wind not exceeding 25 miles per hour in the area.

Flaring of gas is prohibited, except as outlined below.

1. Flaring that is needed for safety purposes, emergencies, and/or malfunctions as defined by **19.15.27 NMAC and 19.15.28 NMAC** is not prohibited.
2. **When ALL** the following conditions are met, if flaring for purposes of **19.15.27.8(D) NMAC and 19.15.28.8(D) NMAC**, the State Forester is allowing an exception without prior written approval:
 - the day is not designated a red flag day as determined by the National Weather Service and the sustained wind does not exceed 25 miles per hour in the area; and
 - the operator notifies the local fire department and county dispatch at least 24 hours in advance of anticipated flaring; if flaring is done by an automated system, then the operator shall provide the flaring schedule to the local fire department and county dispatch; and
 - at least one adult is on site with communications equipment adequate to reach county dispatch and the local fire department in the event of a fire; the individual shall also be equipped with a shovel and a water backpack pump or other equipment to deliver water to suppress a fire; and
 - the area is mowed and maintained at a length not to exceed four inches and all other flammable products or debris are cleared in the area by a distance one-and-one-half times the height of the flare stack.
3. If flaring is to take place at an **unmanned facility**, the State Forester may grant an exception, **through written request**, to the prohibition on open fires for the flaring of natural gas for **purposes defined under 19.15.27.8(D) NMAC and 19.15.28.8(B) NMAC** under the following conditions:
 - the day is not designated a red flag day as determined by the National Weather Service and the sustained wind does not exceed 25 miles per hour in the area; and
 - the area around the flare stack is mowed and maintained at a length not to exceed four inches and all other non-facility related flammable products or debris are cleared in the area by a distance three times the height of the flare stack.

Closures and restrictions on equipment use.

Fuelwood cutting, timber harvesting, and thinning activities. All fuelwood cutting, timber harvesting, and thinning activities are prohibited on red flag days. On non-red flag days, fuelwood cutting, timber harvesting, and thinning activities are prohibited

during the most dangerous burning period between 10:00 am to 8:00 pm. The State Forester may grant exceptions on a case-by-case basis provided a written request is submitted for review.

The following requirements must be met and addressed in a submitted exception request for the State Forester to grant an exception request for prohibited or restricted fuelwood cutting, timber harvesting, and thinning activities.

1. At all times, equipment using combustible fuel must have a properly functioning spark arrester and a fire extinguisher and a shovel must be immediately available for each piece of operating equipment.
2. Chainsaws may not be operated between 10:00 am to 8:00 pm, except they may be used until 2:00 pm on landings cleared to mineral soil.
3. Loading is authorized to continue until 2:00 pm on landings cleared to mineral soil.
4. Operations on mineral soil involving road excavation, watering, grading, surfacing, and equipment maintenance may continue between 10:00 am and 8:00 pm.
5. A patrol must be posted on site during operations and for at least two hours after all equipment operations are completed. The patrol must be able to detect within five minutes, fires that may originate at the site of the equipment operation and be able to report a fire to the responsible protection agency within 15 minutes of detection.

Use of equipment for other purposes. Use of equipment that generates or may generate sparks (such as welders, cutting torches, grinders, or power saws), has an open flame, or uses combustible fuel in areas covered by timber, brush, grass, grain, or other flammable vegetation for a purpose other than fuelwood cutting, timber harvesting, or thinning is prohibited on red flag days. For non-red flag days use is prohibited during the most dangerous burning period between 10:00 am to 8:00 pm. unless the area is cleared of flammable vegetation for at least 30 feet and a water source is available on hand.

The State Forester may grant an exception when a written request ensures the following.

1. At all times, equipment using combustible fuel has a properly functioning spark arrester.
2. A fire extinguisher and shovel are immediately available for each piece of operating equipment.

3. A patrol is posted on site during operations and for at least two hours after all equipment operations are completed. The patrol must be able to detect within five minutes fires that may originate at the site of the equipment operation and be able to report a fire to the responsible protection agency within 15 minutes of detection.

Requesting exceptions.

The State Forester may allow exceptions upon receiving a written request and granting subsequent approval in writing. Information on how to request an exception is available at <https://www.emnrd.nm.gov/>.

An exception does not relieve a person from any civil or criminal liability associated with an uncontrolled fire, including costs associated with wildland fire suppression.

These restrictions become effective at 8:00 am, May 19, 2022 and will remain in effect until rescinded.

DONE THIS 19TH DAY OF MAY 2022



Laura McCarthy, State Forester
Forestry Division



Sarah Cottrell Propst, Cabinet Secretary
Energy, Minerals and Natural Resources Department

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

NEWS RELEASE*For Immediate Release***May 19, 2022**

The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

Contact: Matthew Maez, Communications Director
New Mexico Environment Department
505.670.8911 | matthew.maez@state.nm.us

New Mexico assists Clovis family dairy farm with PFAS contamination

State seeking information to guide next steps on hazardous waste disposal of PFAS-laden carcasses

SANTA FE — A fourth generation New Mexico dairy farmer who lost his entire herd as a result of contamination from perfluoroalkyl and polyfluoroalkyl substances (PFAS) is on the path to recovery after receiving assistance from the New Mexico Environment Department.

Highland Dairy in Clovis is a prime example of how the U.S. Department of Defense failed the communities around Cannon Air Force Base. PFAS-contaminated groundwater from Cannon Air Force Base migrated offsite and resulted in contamination of thousands of cows at Highland Dairy. Testing showed that the cows and their milk contained PFAS at levels the U.S. Food and Drug Administration deemed unsafe for human consumption. As a result, the owner of the dairy was unable to sell products from the farm and was ultimately forced to humanely euthanize 3,665 cows – the entire herd -- with direction from the State Veterinarian and the New Mexico Livestock Board. The current estimated cost of this loss of revenue and increased expenses is \$5,946,462, which does not account for upcoming costs associated with the on-farm composting of animal mortalities and final disposal.

“The Department of Defense poisoned Highland Dairy’s cows and the loss is devastating and heartbreaking,” said **Environment Cabinet Secretary James Kenney**. “Rather than take responsibility for its PFAS pollution, the Department of Defense put a family farm out of business and has the audacity to continue its litigation against New Mexico – forcing New Mexicans to pay for clean-up and legal costs. As a result, we are now assisting Highland Dairy in managing dairy cow carcasses as hazardous substances and seeking input from experts on treatment and disposal options.”

“Cannon Air Force Base knows what they have done to the groundwater,” said **Highland Dairy owner Art Schaap**. “They expect military personnel to have integrity, but what they are doing to the Clovis community and the farms near the base does not demonstrate integrity. They need to own the pollution.”

During routine water well testing, water containing PFAS above the acceptable standard level was detected at the well supplying water to Highland Dairy in 2018. The New Mexico Department of Agriculture obtained milk samples from the dairy and sent those samples to FDA for testing. Simultaneously, the milk was kept off the market until test results were finalized. When the milk tested above the FDA’s screening level, all milk from that dairy was pulled off the market.

NMED is the state agency overseeing Highland Dairy's plan for disposal of PFAS-contaminated livestock, which is required for the dairy to qualify for cow indemnity under U.S. Department of Agriculture's (USDA) Dairy Indemnity Payment Program. The program, which USDA expanded late last year, provides payments to dairy producers for the lost value of their herd due to contamination from livestock exposure to chemicals, like PFAS.

In the first phase of the plan, the dairy will compost all PFAS-contaminated carcasses on the farm property in accordance with USDA conservation practice standards and provisions of the plan. In Phase 2, the Dairy will conduct PFAS analysis of the composted material and associated impacted material, such as soil at the compost site, in order to determine final removal and disposal options.

The Highland Dairy removal plan is the first of its kind nationally for addressing PFAS-contaminated cows as a hazardous waste and was developed in consultation with the USDA Farm Service Agency, the USDA Natural Resources Conservation Service, the State Veterinarian of New Mexico, the New Mexico Department of Agriculture and NMED. A copy of the Highland Dairy Removal Plan is available [here](#).

"I support NMED's science-based approach to ensure that livestock and other agricultural sectors are safe," said **Agriculture Cabinet Secretary Jeff Witte**. "We, unfortunately, already witnessed how PFAS contamination affected a New Mexico dairy."

Today the New Mexico Environment Department issued a Request for Information (RFI) seeking information relevant to the disposal and destruction of PFAS that will support strong policy and science-based decision-making during implementation of Phase 2 of the Removal Plan. NMED is seeking the best scientific and technical information available related to studies, technology testing, active research projects, and policy considerations from the general public, scientific/research community, private industry, academia, government agencies, and non-governmental organizations.

Topics covered in the RFI include, but are not limited to, data, reports, narratives, or other information related to PFAS-contaminated livestock, composting PFAS-contaminated livestock carcasses, PFAS destruction, incineration of PFAS-contaminated material, and data from placing PFAS-contaminated material in a hazardous waste landfill or associated research into short- and long-term risks. Responses to the RFI must be submitted through the [NMED Public Comment Portal](#) by July 18, 2022.

While New Mexico continues to lead on PFAS regulation and enforcement, the U.S. Department of Defense continues to ignore state authority resulting in increased risks to surrounding communities, drinking water, and local economies. Further, the Department of Defense has saddled New Mexicans with the cost of PFAS investigation and cleanup around Cannon and Holloman Air Force Bases.

In addition to the payment sought by Highland Dairy from USDA, NMED has allocated up to \$850,000 of its hazardous waste emergency fund for expenses associated with the proper disposal of PFAS-contaminated hazardous carcasses and associated wastes. The hazardous waste emergency fund is used for clean-up of hazardous substance incidents and replenished through civil penalties collected under the New Mexico Hazardous Waste Act. Including this funding, the State of New Mexico estimates it has now spent and committed over \$6M to protect the communities from PFAS – expenses that should have been incurred by the U.S. Department of Defense. A copy of NMED's hazardous waste management fund authorization is available [here](#).

PFAS are a group of man-made chemicals that are used for a wide range of purposes including food packaging, cleaning products, stain resistant carpet treatments, nonstick cookware and firefighting foam, among other products since the 1950s. They are found in the bodies of people and animals all over the world, and in ground and surface water, because of their widespread use.

###

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the

Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kathryn Becker, Non-Discrimination Coordinator | NMED | 1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502 or (505) 827-2855 or nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator.

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