



STATE-TRIBAL COLLABORATION ACT
2023 AGENCY REPORT

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STATE-TRIBAL COLLABORATION ACT 2023 AGENCY REPORT

I. EXECUTIVE SUMMARY

New Mexico Department of Agriculture (NMDA) looks forward to continuing to work with its tribal partners through formal solicitations of services as well as through increased outreach efforts.

II. AGENCY OVERVIEW AND BACKGROUND

A. Mission Statement

NMDA promotes a fair marketplace, food protection, marketing, and economic development; supports the beneficial use and conservation of natural resources; and works cooperatively with the public and private sectors.

B. Agency Overview

New Mexico's food and agriculture industry continues to be an economic driver across the state and is one of the most diverse in the nation. As such, NMDA is responsible for a broad variety of laws, regulations, and programs that protect the consumer, enhance food safety, and provide unique and creative marketing programs to assist New Mexico's producers and processors (Table 1). NMDA is under the New Mexico State University (NMSU) Board of Regents. NMDA serves on the NMSU President's Cabinet, Vice President's Council, and Administrative Council.

Additionally, the Director of NMDA serves as the Secretary of Agriculture on the Governor's Cabinet. The Director/Secretary is the agriculture industry's official representative to the state and federal government. This unique role as a Cabinet-level agency and member of the NMSU community allows NMDA to combine regulatory functions with research and extension initiatives with colleges across the university.

For transparency and accountability to its constituents, NMDA uses performance-based budgeting within the NMSU system, publishes a biennial report, and sends weekly highlights to the Governor's office. Through approaches that use the latest science, technology, and economic strategies, NMDA advocates and promotes New Mexico's agricultural industries. NMDA collaborates with over fifty-five state and national boards, commissions, and organizations. This includes providing technical assistance, finalizing marketing and promotion assistance, and providing regulatory oversight and service.

C. Additional Tribal Collaboration/Consultation Policy

None

Table 1. NMDA’s division/industry programs and their primary areas of responsibilities

DIVISION/PROGRAMS	PRIMARY AREAS OF RESPONSIBILITIES
Agricultural and Environmental Services (AES) Division	Inspections, permits, licensing, surveys, and consumer protection services related to pesticides, exports of raw agricultural products, THC compliance in hemp, and plant pests.
Agricultural Programs and Resources (APR) Division	Analytical services provided to stakeholders regarding state and federal environmental regulations and natural resource issues.
Agricultural and Production Services (APS) Division	Inspections, licenses, and consumer protection services related to dairy; feed, seed, and fertilizer; and produce. Advise and administer programs related to agricultural biosecurity.
Laboratory Division	Analysis services related to petroleum; metrology; feed, seed, and fertilizer; and pesticides.
Marketing and Development (MD) Division	Development of national and international marketing programs for state agricultural businesses, organic certification program, and fruit and vegetable inspections.
Standards and Consumer Services (SCS) Division	Inspections, permits, and consumer protection services related to weights and measures, petroleum, and other consumer items.
Veterinary Diagnostic Services (VDS) Division	Diagnostic services related to livestock, domestic animals, and wildlife.
Industry and Agency Programs	Liaison services between agricultural industries and state agencies.
Legislative and Governmental Affairs	Provide support for agricultural-related legislation.

III. AGENCY EFFORTS TO IMPLEMENT POLICY (11-18-4.C (1)(3))

- A. NMDA continued the outreach initiative between NMDA and all New Mexico tribes, pueblos, and nations. The Tribal Liaison actively participated in Tribal Liaison meetings coordinated by New Mexico Indian Affairs Department (IAD).
- B. NMDA provided tribes and pueblos with contact information linking them to the United States Department of Agriculture (USDA) disaster assistance and recovery programs.
- C. The Director/Secretary and Deputy Director/Secretary participated in the annual tribal summit, which provided an opportunity to interact with our tribal partners while providing education on services and opportunities available through NMDA.

- D. NMDA’s AES Division continued to address tribal members’ questions regarding pesticide-related testing, certification, and licensing procedures with EPA.
- E. The NMDA/USDA cooperative feral hog eradication team continued interaction with the Mescalero Apache Tribe.
- F. NMDA’s MD Division maintains a longstanding relationship with Navajo Agricultural Products Industry (NAPI), continually working with their leadership to develop new markets while also enhancing existing ones. This past year the division continued efforts to collaborate with NAPI’s staff in the development of their international and domestic marketing programs through participation in various marketing events and trade activities; most recently at the SIAL Americas Trade Show in Las Vegas, NV. In conjunction, NAPI participated in a WUSATA Global Buyer mission consisting of B2B meetings with buyers from Mexico, China, and Korea. NAPI also participated in a WUSATA Export Readiness Training. Staff recently provided green chile roasting training at NAPI in preparation for their upcoming chile harvest. MD also continued to fund and support two Specialty Crop Block Grant Program projects related to educating Native American farmers and consumers on growing and incorporating specialty crops into their diets (food access).
- G. NMDA’s SCS Division conducts inspections by request of tribal governments.
- H. NMDA’s SCS Division has a working Letter of Understanding that gives NMDA a permit to access Kewa Pueblo (formerly Santo Domingo Pueblo) lands and to inspect Pueblo Gas, Inc.’s fuel and fuel dispensers.
- I. NMDA’s SCS Division has a working understanding that gives NMDA permission to inspect retail businesses located on the Isleta Pueblo.
- J. NMDA’s VDS Division has a longstanding working relationship with veterinarians from the Navajo Nation. VDS continues to collaborate with numerous tribal entities on the diagnosis of diseases that affect livestock, pets, and wildlife.
- K. NMDA’s APS Division has collaborated with the New Mexico Emergency Operations Center (EOC) to provide emergency preparedness and emergency response assistance support to tribes and pueblos. Through NMDA’s role as the Emergency Support Function (ESF) #11 coordinating entity, NMDA works with numerous entities including local, state, and federal agencies as well as non-governmental organizations to address situations ranging from food safety to natural hazard mitigation.
- L. The 2019 Healthy Soil Act states the purpose of the Healthy Soil Program (HSP) is “to promote and support farming and ranching systems and other forms of land management that increase soil organic matter, aggregate stability, microbiology and water retention to improve the health, yield and profitability of the soils of the state.” The legislation directs NMDA to administer the HSP “with support and advice” from the New Mexico Soil and Water Conservation Commission. The Healthy Soil Act established that only “Eligible Entities” could receive grant funds, defining eligible entities as “local governmental [agencies] with proven land management capacity,” including:
- Nations, tribes, and pueblos
 - Land grants

- Acequias
- Soil and water conservation districts
- NMSU’s Cooperative Extension Service

Because there are two applicant types that can apply for Healthy Soil Program funding – 1) Eligible Entities like those named above, as well as 2) Individual Applicants (individuals, businesses, and nonprofits engaged in farming, ranching, or other forms of land management) – NMDA bifurcates its outreach efforts to reach each applicant type with targeted information.

In Fiscal Year 2023, NMDA's Healthy Soil Program (HSP) awarded grants to two Pueblos - Pueblo of Santa Ana and Pueblo of Tesuque - to help them improve their land. Staff attended various tribal events around the state to offer information about soil health and NMDA's HSP to tribal land managers - via formal presentations and also tabling with written information. NMDA's HSP contracted services of a tribal natural resources expert in order to better reach pueblos, tribes, and nations, as well as individual tribal land managers - all in an effort to stimulate their interest in applying for Health Soil Program grants to improve their land.

NMDA continues to welcome indigenous perspectives as the program develops, particularly when grant applications are evaluated. NMDA’s panel of application reviewers includes a tribal liaison from a sister agency.

Tribal leaders and land managers are invited to learn more about NMDA's Healthy Soil Program by visiting <https://nmdeptag.nmsu.edu/healthy-soil-program.html>, where they can subscribe to our free soil health newsletter, delivered weekly by email.

IV. CURRENT AND PLANNED PROGRAMS AND SERVICES FOR NATIVE COMMUNITIES (11-18-4.C (5))

NMDA will continue outreach to ensure collaboration and access to NMDA programs and resources.

Agricultural and Environmental Services Division

- Pueblo: Navajo
- Interaction: As requested by tribal members and under agreed-upon conditions, NMDA will provide inspection and document services in support of international exports of agricultural products and services related to pesticide training and compliance.
- Type: On-site and remote inspections, issuance of federal- and state-related phytosanitary documents.
- Contact: NAPI
- Date: As requested by tribal members or their approved representatives.
- Pueblo: Navajo
- Interaction: NMDA Pesticide Compliance staff provided cross training with Navajo EPA staff during routine field inspections.
- Date: February 22, 2023

Pueblo: Isleta, Jemez, and Sandia pueblos

Interaction: NMDA Pesticide compliance staff provided pesticide safety training to 13 participants. The training took place at the Valle Del Oro National Preserve in Albuquerque.

Type: Education

Contact: Isleta, Jemez, and Sandia

Date: September 2, 2022

Pueblo: Isleta, Laguna, and Jemez pueblos, and Eight Northern Tribal Council staff.

Interaction: NMDA Pesticide Compliance staff provided safety training to ten participants. The training took place at the San Ildelfonso Pueblo, El Rancho property.

Type: Education

Contact: Isleta, Laguna, and Jemez pueblos and Eight Northern Tribal Council

Date: May 11, 2023

Marketing and Development Division

Pueblo: Jemez, Isleta, and Zuni pueblos

Interaction: Interactions included a virtual site visit in November 2022 for their ongoing Specialty Crop Block Grant Program that was awarded in 2021. Other ongoing interactions included regular invoicing and reporting associated with the project.

Type: Specialty Crop Block Grant Program - Ongoing Projects

Contact: Emma Dewey, Center of Southwest Culture, Inc.

Date: Ongoing throughout the year 2022-2023

NMDA maintains a longstanding relationship with Navajo Agricultural Products Industry (NAPI), continually working with their leadership to develop new markets and enhance existing ones. This past year the division continued efforts to collaborate with NAPI staff in the development of their international and domestic marketing programs. We also funded and supported two Specialty Crop Block Grant Program projects related to educating Native American farmers and consumers on growing and incorporating specialty crops into their diets (food access). Additionally, partners associated with NMDA led Local Food Purchase Assistance (LFPA) Agreement regarding products available for distribution throughout the New Mexico emergency food network.

Pueblo: Navajo

Interaction: Interactions included a virtual site visit in November 2022 for their ongoing Specialty Crop Block Grant Program that was awarded in 2021. Other ongoing interactions include regular invoicing and reporting associated with the project.

Type: Specialty Crop Block Grant Program - Ongoing projects

Contact: Raphael Nevins, Healthy Futures, Inc.

Date: Ongoing throughout the year 2022-2023

Pueblo: Navajo/Navajo Agricultural Products Industry (NAPI)
 Interaction: Answered questions regarding potato defects. Asked if NAPI would be needing inspection services, contact has not followed up with an answer.
 Type: NMDA Fruit and Vegetable Inspection Program
 Contact: Dineh John
 Date: December 1, 2022 - June 8, 2023, and Ongoing throughout 2022-2023

Pueblo: Navajo/NAPI
 Interaction: NAPI participated in a WUSATA Inbound Mission. They participated in b2bs and met with six buyers from Canada.
 Type: WUSATA Inbound Mission
 Contact: Vincent Cowboy and Rae Degroat, NAPI
 Date: August 2022

Pueblo: Navajo
 Interaction: Attendance at the Specialty Crop Block Grant workshop in January 2023 and then continual interaction associated with revisions to her application and later notice of award for her project in early 2023.
 Type: Specialty Crop Block Grant
 Contact: Mary Ben, Bidii Baby Foods
 Date: Beginning January ongoing throughout 2023

Pueblo: Navajo
 Interaction: Attendance at the Specialty Crop Block Grant workshop in January 2023 and then continual interaction associated with revisions to her application and later notice of award for her project in early 2023.
 Type: Specialty Crop Block Grant
 Contact: Mary Ben, Bidii Baby Foods
 Date: Beginning January ongoing throughout 2023

Pueblo: Navajo/NAPI
 Interaction: Discussions with Procurement Specialists from The Food Depot through the Local Food Purchase Assistance (LFPA) Agreement about purchasing their products for distribution through the New Mexico emergency food network; Invitation to participate at the National Restaurant Association Trade-show within the NM Pavilion in Chicago, Illinois.
 Type: Marketing and Development
 Contact: Mary Ben, Bidii Baby Foods, Vincent Cowboy, NAPI
 Date: March 2023

Pueblo: Various
 Interaction: Meeting to discuss the possibility of a shared cheese-making facility in central New Mexico for artisan cheeses using cow, goat, and sheep milk. Other attendees included NMEDD, Delicious NM, South Valley Economic Development Department, and Rio Grande Community Development Center. Hosted Ranch-to-Institutional Market Summit and IPCC, paid for banquet room space and catering.

Type: Marketing and Development
Contact: Marianne Billy, Indian Pueblo Cultural Center
Date: May 2023

Pueblo: Navajo
Interaction: Through the LFPA Agreement overseen by NMDA MD division and is the fiscal agent for the Procurement Specialists from The Food Depot (subgrantee) have entered a memorandum of understanding with Shiprock Alliance for produce boxes to be distributed through the New Mexico emergency food network. Communications are ongoing between the Procurement Specialists and associated members from Shiprock Alliance; Invitation to participate at the Americas Food and Beverage Tradeshow within the NM Pavilion in Miami, Florida; NAPI participated in a WUSATA Inbound Mission wherein they hosted a delegation of four ingredient buyers from Mexico. The site visit included business meetings and a farm tour.

Type: Local Food Purchase Assistance, Marketing and Development
Contact: Chili Yazzie-Shiprock Alliance, Vincent Cowboy and Rae Degroat-NAPI
Date: June 2023

Veterinary Diagnostic Services Division

Pueblo: Navajo Nation
Interaction: VDS
Type: VDS receives specimens from Navajo Nation's veterinarians multiple times each month.
Contact: Bureau of Indian Affairs
Date: Throughout the year

Standards and Consumer Services Division

Pueblo: San Felipe
Interaction: Received a consumer complaint and spoke with the station manager, Salomia. He wanted inspection services, but he requested approval from San Felipe Tribal Government. Salomia sent the agreement to the tribal government but has not received a response. SCS division called the tribal government, permission was denied.
Type: Inspections
Contact: Salomia - Station Manager; San Felipe Tribal Government
Date: February 6, 2023

Pueblo: Sandia
Interaction: Received a consumer complaint regarding the "Xcrgtq"mqcvgf "cv'322"Dkqp"O wt" Ft,"P G.'Crdws wgtswg."P O ": 93350Eqpvcevgf "Vtkdnl qxgtpo gpv'q"qdcip" r gto kukqp"q"eqpf wcv'j wr uclucpf kcr vgdrtq(pup0wuleqpvcevwul". r gto kukqp"was denied.
Type: Inspections
Contact: Sandia Pueblo Tribal Government
Date: October 21, 2022

Pueblo: Santo Domingo
Interaction: Received a customer complaint regarding the Santo Domingo Tribal gas station. SCS Inspector Sechrist stopped by the station to speak with Herman Quintana at Santo Domingo. The Santo Domingo Tribal Government was contacted but permission to inspect was not given.
Type: Inspections
Contact: Santo Domingo Tribal Governement
Date: October 12, 2022

V. TRAINING AND EMPLOYEE NOTIFICATION (11-18-4 (4)(6))

All NMDA upper management and other employees who have ongoing communication with Indian nations, tribes, or pueblos actively participate in the cultural trainings, as they are available.

NMDA's tribal liaison and other NMDA staff regularly attend scheduled Tribal-Liaison meetings with IAD.

NMDA notifies employees of the State Tribal Collaborations Act provisions and policy as an ongoing agenda item during its monthly leadership meetings. We also notify employees through e-mail notification regarding IAD/State Personnel office training opportunities.

VI. KEY NAMES AND CONTACT INFORMATION (11-18-4.C (2))

Jeff M. Witte, Director/Secretary

Anthony J. Parra, Deputy Director/Tribal Liaison

Candie Sweetser, Government Affairs Manager

Brad Lewis, Division Director, Agricultural and Environmental Services

Julie Maitland, Division Director, Agricultural and Program Resources

Dustin Cox, Division Director, Agricultural Production Services

Jason New, Division Director, Marketing and Development

Roxanne Chepsongol, Division Director, Standards and Consumer Services

Tim Darden, Division Director, Laboratory Division

Dr. John Ragsdale, Acting Division Director, Veterinary Diagnostic Services

Larry Dominguez, Director, Industry and Agency Programs

Physical Address

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Mailing Address

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VII. RELEVANT STATUTES AND MANDATES

NMDA is responsible for the administration of over thirty state statutes and the rules and regulations promulgated under them.

APIARIES

Bee Act, Chapter 76, Article 9
Commercial Apiaries, 21.27.2 NMAC

CHILE LABELING

New Mexico Chile Advertising Act, Chapter 25, Article 11
New Mexico Chile Labeling, 21.16.7 NMAC

DAIRY

Dairy Act, Chapter 25, Article 7
Dairy Product Act, Chapter 25, Article 7A
Dairy Establishment Sanitation Act, Chapter 25, Article 7B
Raw Milk, Chapter 25, Article 8
Pasteurized Milk Ordinance, 21.34.3 NMAC
Administrative Penalties under Dairy Act, 21.34.14 NMAC
Animal Drug Residue Enforcement Procedures, 21.34.4 NMAC
Open Date Labeling for Dairy Products, 21.34.5 NMAC
Standards of Identity for Frozen Desserts, 21.34.6 NMAC
Retail Sale of Raw Milk, 21.34.2 NMAC

EGGS

Egg Grading Act, Administrative Penalties, 21.34.13 NMAC
Grades and Standards for Shell Eggs and Reports Covering Information, 21.34.8 NMAC
Egg Inspection Fees, 21.34.7 NMAC
Egg Grading Act, 25-6-1 through 16, NMSA 1978

FEED, SEED, AND FERTILIZER

Commercial Feed Act, Chapter 76, Article 19A
Commercial Feeds, 21.18.3 NMAC
Seed Law, Chapter 76, Article 10
Seed Standards and Classifications, 21.18.4 NMAC
New Mexico Fertilizer Act, Chapter 76, Article 11
Fertilizer Products, 21.18.2 NMAC

GENERAL PROVISIONS

NMDA Rulemaking Procedures, 21.1.1 NMAC
Parental Responsibility Act Compliance, 21.1.3 NMAC
New Mexico Agricultural Workforce Development Program, Chapter 76, Article 26, 1

HEMP RESEARCH

Industrial Hemp Research and Development Program, Chapter 76, Article 24
Hemp Manufacturing, Chapter 76, Article 24, 2
Hemp Cultivation Rule, 21.20.2 NMAC
Hemp Manufacturing Rule, 21.20.3 NMAC

MARKETING AND PROMOTION

New Mexico Produce Marketing Act, Chapter 76, Article 15
New Mexico Commodity Commission Act, Chapter 76, Article 21
New Mexico Specialty Crops Act, citation unknown
New Mexico Sheep and Goat Council Act, Chapter 77, Article 8A
New Mexico Beef Council Act, Chapter 77, Article 2A

NATURAL RESOURCES

Noxious Weed Control Act, Chapter 76, Article 7, 1-22
Noxious Weed Act of 1963, Chapter 76, Article 7, 22-30
Noxious Weed Management Act, Chapter 76, Article 7D
Rangeland Protection Act, Chapter 76, Article 7B
Range Management Plans, Chapter 76, Article 7C
Taylor Grazing Act Funds, Distribution, Chapter 6, Article 11, 5
Farm and Range Improvement Fund, Chapter 6, Article 11, 6
Predatory Wild Animals and Rodent Pests, Chapter 77, Article 15, 1-5
Acequia and Community Ditch Fund Act, Chapter 73, Article 2A, 1-3
Ditches to which applicable, Chapter 73, Article 2, 27
Watershed District Act, Chapter 73, Article 20, 1-24
Healthy Soils Act, Chapter 76, Article 25, 1
Soil and Water Conservation District Act, Chapter 73, Article 20, 25-48

ORGANICS

Organic Production Act, Chapter 76, Article 21A
Organic Agriculture, 21.15.1 NMAC

PESTICIDES

Pesticide Control Act, Chapter 76, Article 4
Pesticides, 21.17.50 NMAC
Control of Wood Destroying Pests, 21.17.51 NMAC
Continuing Education Units for Pesticide Applicators, 21.17.53 NMAC
Restricted-Use Pesticides, 21.17.56 NMAC
M-44 Capsules and the Livestock Protection Collar, 21.17.57 NMAC

PINON NUTS

Pinon Nut Act, Chapter 25, Article 10

PLANT PROTECTION AND QUARANTINE

Pest Control Act, Chapter 76, Article 6
Plant Protection Act, Chapter 76, Article 5, 11-28
Grasshopper and Other Range Pest Control Act, Chapter 76, Article 5, 2-10
Cotton Boll Weevil Control Act, Chapter 76, Article 6A
Harmful Plant Act, Chapter 76, Article 7A
Pink Bollworm Control Act, Chapter 76, Article 6B

Plant Nursery Licensing and Inspection, 21.17.2 NMAC
Cotton Pest Emergency Action, 21.17.32 NMAC
Cotton Boll Weevil Quarantine, 21.17.42 NMAC
Pink Bollworm Permanent Plowdown, 21.17.31 NMAC
Japanese Beetle Exterior Quarantine, 21.17.27 NMAC
Pecan Weevil Exterior Quarantine, 21.17.28 NMAC
Pepper Weevil Interior Quarantine and Plow-down, 21.17.29 NMAC
Red Imported Fire Ant Interior Quarantine, 21.17.33 NMAC
Pecan Buyers Licensure Act, Chapter 47, Article 16
Pecan Buyers Licensure, 21.19.2 NMAC
Fees for Documents and Services, 21.1.2 NMAC

PRODUCE SAFETY

Food Safety Modernization Act Compliance, Chapter 76, Article 1, Section 2M

WEIGHMASTERS

Weighmaster Act, Chapter 57, Article 18
Weighmaster Act Administrative Penalties, 21.16.12 NMAC
Weighmaster Bonding Requirements, 21.16.9 NMAC

- Weighmaster Act, Registration Requirements
- Weighmaster Act, Weight Certificate Requirements
- Weighmaster Act, Bonding Requirements

WEIGHTS AND MEASURES – Consumer Services

Weights and Measures Law, Chapter 57, Article 17
Weights and Measures Law Administrative Penalties, 21.16.11 NMAC
Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices, 21.16.2 NMAC
Not Sealed Not Legal for Trade Under the Weights and Measures Law, 21.16.3 NMAC
Bonding and Registration of Service Technicians and Service Establishments for Commercial Weighing or Measuring Devices, 21.16.5 NMAC
Checking the Net Contents of Packaged Goods, 21.16.10 NMAC
Price Representations, 21.16.6 NMAC
Method of Sale of Commodities, 21.16.4 NMAC

- Examination Procedures for Price Verification
- Price Verification Manual
- Double-Draft Vehicle Weighing
- Fees for Weights and Measures Services
- Full-Service Weights and Measures Establishment, Registration Requirements
- Full-Service Weights and Measures Establishment, Bonding Requirements

WEIGHTS AND MEASURES – Petroleum Standards

Petroleum Products Standards Act, Chapter 57, Article 19
Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices, 19.15.103 NMAC
Standard Specifications/Modifications for Petroleum Products, 19.15.104 NMAC
Labeling Requirements for Petroleum Products, 19.15.105 NMAC
Octane Posting Requirements, 19.15.106 NMAC
Applying Administrative Penalties, 19.15.107 NMAC
Bonding and Registration of Servicemen and Service Establishments for Commercial

Petroleum Weighing or Measuring Devices, 19.15.108 NMAC

Not Sealed Not Legal for Trade, 19.15.109 NMAC

- Security Seals
- LPG Method of Sale Memo to Owners
- Biodiesel Mandate Information
- Diversion of Measured Liquid
- Petroleum Products Standards Act, Registration Requirements
- Fees for Petroleum Standards Laboratory Services
- Petroleum Products Standards Act, Bonding Requirements

VIII. AGREEMENTS

Kewa Pueblo (formerly Santo Domingo Pueblo): Permit to access and inspect fuel and fuel dispensers at Pueblo Gas, Inc.

Navajo Nation: Scale Testing at NAPI

Navajo Nation: Weigh Master at NAPI