

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

Table of Contents

Executive Summary	2
Agency Overview & Background	3
Mission Statement	3
Agency Overview by Division	3
EMNRD’s Tribal Collaboration/Consultation policy in addition to STCA (11-18-4.C (1))	5
Agency Contacts/Tribal Liaison Information	5
Current and Planned Efforts by Division	5
Training	8
Programs, Services, and Funding by Division	9
Employee Notification Method	11
Appendix: EMNRD tribal consultation policy	12

Executive Summary

The New Mexico Energy, Minerals and Natural Resources Department (EMNRD) protects, conserves, and manages the state's natural resources and provides recreational opportunities statewide.

The department officially adopted the "Protecting and Promoting New Mexico's Environment Groups, Tribal Communication and Collaboration Policy" on December 18, 2009. The policy was updated in August 2019 to better align EMNRD with federal laws and policies and to clearly distinguish between consultation and collaboration.

Fiscal Year 2026 (FY26) included significant collaborations with tribes regarding shared forest stewardship and planning, projects in state parks, and the creation and hiring of full-time FTEs focused on tribal consultation and coordination.

Agency Overview & Background

Mission Statement

The Energy, Minerals and Natural Resources Department strives to become a national model for an energy and natural resource agency with deep policy expertise, transparent processes, and a cohesive mission that balances conservation and development. The five divisions housed in EMNRD - Energy Conservation and Management, Forestry, State Parks, Oil Conservation, and Mining and Minerals - all play a crucial role in managing natural resources for future generations, ensuring responsible development, and expanding renewable energy.

Agency Overview by Division

The New Mexico Energy, Minerals and Natural Resources Department (herein EMNRD) manages, protects, and conserves the state's natural resources and provides recreational opportunities throughout the state. EMNRD was created in 1987 through a merger between the Natural Resources and Energy and Minerals Departments. The agency includes over 500 full-time employees across six divisions.

The department is home to five programmatic divisions, one support division, two administratively attached departments, and one affiliated program:

- Energy Conservation and Management Division (ECAM)
- Forestry Division (FD)
- Mining and Minerals Division (MMD)
- Oil Conservation Division (OCD)
- State Parks Division (SPD)
- Program Support Division
- Affiliated Program
 - WIPP Transportation Safety Program
- Administratively Attached Agencies (not covered by this report)
 - New Mexico Department of Game and Fish
 - Youth Conservation Corps

Energy Conservation and Management Division (ECAM)

ECAM develops and implements effective clean energy programs including renewable energy, energy efficiency and conservation, and alternative transportation and fuels. ECAM promotes environmental and economic sustainability for New Mexico and its citizens. To achieve this, the division provides technical assistance and administers state and federally mandated clean energy programs. ECAM also regulates all high-temperature geothermal activities in the state.

The division houses one of EMNRD's affiliated programs, the Waste Isolation Pilot Program (WIPP) Transportation Safety Program. WIPP is a cooperative effort among corridor states, tribes, local officials, and the United States Department of Energy (DOE) to ensure the safe and uneventful transportation of radioactive materials.

Forestry Division (FD)

FD promotes healthy, sustainable forests in New Mexico for the benefit of current and future generations. The division assists communities by evaluating those areas most vulnerable to wildfire and forest insect diseases. Additionally, the division develops forest management programs and implements mitigation projects to improve the health of the state's forests and watersheds.

The division has statutory authority for wildfire suppression on all non-federal, non- municipal, and non-tribal lands (approximately 43.5 million acres) It also provides technical assistance to private landowners and tribal nations on forest and watershed management. FD is divided into nine field offices: Bernalillo, Capitan, Chama, Cimarron, Las Vegas, Los Lunas, Silver City, Socorro, and Santa Fe. It also manages the New Mexico Forest and Watershed Health Office in Albuquerque and the Smokey Bear Historical Park in Capitan.

Mining and Minerals Division (MMD)

MMD promotes public trust by ensuring the responsible utilization, conservation, reclamation, and safeguarding of lands and resources affected by mining. The division regulates coal and hard rock mining, reclaims abandoned mine lands, and provides public information on mining.

Oil Conservation Division (OCD)

OCD ensures the protection, conservation, management, and responsible development of oil, natural gas, and associated natural resources through dynamic regulation for the benefit of all New Mexicans.

The division regulates oil and gas production activities, serves as a clearinghouse for production data, issues permit for new wells, establishes operational rules, and monitors underground injection wells while maintaining a robust and extensive environmental oversight program. OCD operates five field offices in Albuquerque, Artesia, Aztec, Hobbs, and Santa Fe.

State Parks Division (SPD)

SPD protects and enhances natural and cultural resources, provides high-quality recreational and educational opportunities, and promotes public safety to benefit of all visitors.

Outdoor recreation is a significant driver of New Mexico's economy and SPD plays a vital role in this sector. With thirty-five parks across the state, many rural communities rely on these facilities as key sources of economic development.

SPD employs dedicated staff to ensure that parks are professionally maintained and preserved.

Program Support Division (PS)

PS assists all other divisions to meet their goals and objectives by providing administrative services, policy direction, and management support. PS includes the Office of the Secretary (OFS), Administrative Services Division (ASD), Office of General Counsel (OGC) and Information Technology Office (ITO).

These units provide legal, human resources, fiscal, and information technology support for the entire department.

EMNRD's Tribal Collaboration/Consultation policy in addition to STCA (11-18-4.C (1))

EMNRD's most recent tribal consultation policy revision was completed on October 11, 2022, now codified as OFS-139. **See Appendix A.**

Agency Contacts/Tribal Liaison Information

Program Support Division Matthew Lovato 505.490.5892 matthew.lovato@emnrd.nm.gov	Energy Conservation and Management Division Puck Stair 505.476.3315 rebecca.stair@emnrd.nm.gov
State Forestry Division Laura McCarthy 505.476.3340 laura.mccarthy@emnrd.nm.gov	Mining and Minerals Division Drew Roybal-Chavez 505.618.0858 drew.roybalchavez@emnrd.nm.gov
Oil Conservation Division Albert Chang 505.490.1828 albert.chang@emnrd.nm.gov	Office of the Cabinet Secretary Deputy Cabinet Secretary & Tribal Liaison Ben Shelton 505.487.6648 benjamin.shelton@emnrd.nm.gov
State Parks Division Toby Velásquez 505.476.3366 toby.velasquez@emnrd.nm.gov	Office of the Cabinet Secretary Acting Cabinet Secretary Erin Taylor erin.taylor@emnrd.nm.gov

Current and Planned Efforts by Division

Current and planned efforts to implement the agency's STCA policy, including communication, collaboration, consultation, and relationship-building activities with Tribes, Pueblos, and Nations.

Energy Conservation and Management Division (ECAM)

All ECAM's tax incentive programs are available to all New Mexicans including native-owned businesses and individual members of Nations, Pueblos, or Tribes. These include:

- New Solar Market Development Tax Credit,
- Clean Car and Charging Unit Tax Credit,
- Energy Conserving Products,
- Sustainable Building Tax Credit,
- Advanced Energy Equipment Tax Credit,
- Agricultural Biomass Income Tax Credit,
- Geothermal Electricity Generation Tax Credit, and
- Geothermal Ground Heat Pump Tax Credit.

In addition, ECAM stewards state-funded (Electric Grid Modernization, Community Energy Efficiency

Development, and Solar New Mexico) and federal-funded (Energy Rebates, POWER - Preventing Outages while Enhancing Resilience, and Climate Pollution Reduction Grants) grant programs that are available to native-owned businesses and individual members of nations, pueblos, or tribes.

Forestry Division (FD)

- The Division engaged in numerous and ongoing outreach regarding Forestry Division programing and partnership development opportunities to Pueblo of Taos, Pueblo of Picuris, Pueblo of Nambe, Pueblo of Tesuque, Pueblo of Laguna, Pueblo of Acoma, Pueblo of Cochiti.
- New forestry Memorandum of Agreement's (MOA) executed with the Pueblo of Santa Ana and Pueblo of Picuris; new forestry MOA currently in review for the Pueblo of Nambe and a fire MOA (first of its kind) with the Pueblo of Zuni.
- \$22,250 grant awarded to the Pueblo of Sandia for Invasive Species management and removal within 90 acres of Bosque, 10 acres of the project includes planting and reseeding.
- Two active thinning projects with the Pueblo of Santa Clara, one 180-acre fuel treatment project and a separate 600-acre upland forest thinning project.
- FAWRA funding for a Pueblo of Sandia paid for a Phase 2: invasive species removal project. This project involves treatment of resprouting phreatophytes. Currently 81 acres have been completed utilizing a cut stump and herbicide spray treatment; in addition, goat grazing is also being utilized for larger resprouts; adding another 38 acres of completion in FY26.
- The Division funded and provided technical assistance for a reforestation project with the Pueblo of Jemez. 4,000 Ponderosa pine and Douglas fir seedlings were planted during FY26 within the Cerro Pelado and Las Conchas burn scar. The Division also funded seed cone collection training for Pueblo's forestry crew.
- We are currently engaged in an active project with the Mescalero Apache Tribe for post-fire restoration within the South Fork and Salt fires, burn scar areas.
- Supported planning for the Stewards of the Southwest Summit. This is an annual conference covering topics related to Tribal fire, forestry, and wildlife management. 19 New Mexico Tribes/Pueblos/Nations were represented at the summit hosted by Santa Ana Pueblo in March 2026.
- The Division co-manages planning and coordination of the New Mexico Tribal Fire and Forestry Working Group (<https://www.nmtribalfireforest.org/>). In FY26, three in-person meetings were hosted, with an average attendance of 35 people during each meeting representing 10 Pueblos and the Navajo Nation

Mining and Minerals Division (MMD)

The New Mexico Mining and Minerals Division (MMD) is organized into three primary programs that collectively administer the state's mining regulatory and reclamation responsibilities. The Mining Act Reclamation Program (MARP) implements the New Mexico Mining Act, regulating hard rock mining reclamation activities and most mineral extraction, while also addressing legacy uranium mining impacts. The Abandoned Mine Lands (AML) Program and the Coal Mine Reclamation Program (CMRP) were both established under the Surface Mining Control and Reclamation Act. AML focuses on reclaiming abandoned coal mines, with an estimated 15,000 sites statewide, while CMRP regulates active coal mining operations on all non-tribal lands within New Mexico.

State Parks Division (SPD)

The Division Directorate, Program Support Bureau, Design and Development Bureau, Field Support Bureau, and Law Enforcement and Boating Safety Bureau are dedicated to collaborating with tribal governments. The Division's primary Tribal collaboration efforts result from park improvement projects originating in the Design and

Development Bureau, for which the Program Support Bureau conducts cultural compliance, including tribal consultation. The Design and Development Bureau also prepare Park Management Plans and Feasibility Studies which require tribal consultations, and the Program Support Bureau also manages the Land and Water Conservation Fund federal grant for New Mexico which involves direct tribal outreach including hosting meetings and attending tribal events.

Training

The EMNRD policy is designed and implemented to ensure that all EMNRD agency managers and employees who have ongoing communication with tribal government entities complete the training provided by the State Personnel Office. Employees will be trained and certified to promote effective communication and collaboration between state and tribal governments.

Additionally, EMNRD has developed its own training program to supplement those offered by the State Personnel Office and the Indian Affairs Department. This training focuses on EMNRD-specific situations that involve the natural resources of tribes, nations, and pueblos.

To ensure that all employees are aware of EMNRD's policy pursuant to the State-Tribal Collaboration Act, the policy is posted on the department's intranet and is included in each employee onboarding packet.

EMNRD divisions reported a total of 16 staff having taken the SPO provided training.

Programs, Services, and Funding by Division

Energy Conservation and Management Division

ECAM staff working with Nations, Pueblos and Tribes (NPTs) have engaged in the SPO State Tribal Collaboration Act Cultural Competency Training, SoNM-2019-10. Approximately ten ECAM staff have completed the training. ECAM does not offer trainings around working with NPTs.

FY 2027 goals/objectives involving current programs, services, or initiatives provided to or directly affecting NPTs:

Solar for New Mexico

ECAM is receiving applications from NPTs (until June 15, 2026) for the development of Solar for New Mexico projects to help ECAM increase solar power deployment in the state and advance the clean energy economy in New Mexico. The Notice of Funding Opportunity is [here](#); \$5 million total is available to fund one or more NPTs. Selected projects will be completed in fiscal year 2027. These grid-tied solar energy production and associated energy storage projects entail the use of a large solar photovoltaic system that provides power as well as environmental and economic benefit(s) to multiple community members, especially low- and moderate-income (LMI) residents. Projects will serve one or more goals of the state's shared solar program:

- Lower electricity bills for LMI residents (less than 80% Area Median Income); as the energy transition increases utility costs;
- Support resilience, clean energy development, and state-based solar industry; and
- Reduce greenhouse gas emissions.

Projects with NPTs

1. ECAM has a contract in place (through December 2027) to provide \$2+ million to the Nambe Pueblo Housing Entity for planning, managing and implementing a Community Energy Efficiency Development Project and to provide energy efficiency and conservation improvements to residential housing units on the Pueblo.
2. ECAM is committing 2.5 million dollars to the Jicarilla Apache Nation for the exploration of geothermal resources on tribal lands near Dulce, NM.
3. ECAM is supporting a US DOE grant application in support of geothermal on San Ildefonso Pueblo by committing 2 million dollars of State funds to the Pueblo for the exploration of geothermal resources on tribal lands near White Rock. ECAM expects this well to greatly contribute to subsurface knowledge in a largely unexplored area of Northern New Mexico.
4. ECAM has a contract in place (through December 2027) to provide \$1.5 million to the Ojo Encino Chapter of the Navajo Nation for planning, managing and implementing a Community Energy Efficiency Development Project and to provide energy efficiency and conservation improvements to residential housing units in the Navajo Nation.
5. ECAM has a contract in place (through June 30, 2028) to provide \$273,000 to Picuris Pueblo for the completion of a shovel-ready microgrid design. Additional grid modernization grants may include NPT's in fiscal year 2027; the deadline for applying is August 15, 2026 and the link to apply is [here](#); grid modernization grants are open. Grid modernization projects are those that make improvements to electric distribution or transmission infrastructure to accommodate or facilitate the integration of renewable electric generation resources with the electric distribution grid or otherwise enhance electric distribution or transmission grid reliability, grid security, demand response capability, customer service or energy efficiency

or conservation. Eligible applicants include municipalities and county governments; state agencies; state universities; public schools; post-secondary education institutions; and NPTs.

Climate Adaptation and Resilience Grants

ECAM is developing a grant program to support local and NPTs government climate adaptation and resilience planning, as well as support the implementation of pilot projects that meet climate adaptation and resilience needs.

Tribal Resilience Working Group

ECAM's Climate Adaptation and Resilience Plan Team convened the first meeting of the Tribal Resilience Working Group in June 2026 and will continue this effort in FY27. The group has about 25 participants and includes NPTs' environmental and community development staff and representatives from related organizations. The purpose of the group is to:

- Provide space for NPTs to share priorities, identify climate impacts on lands and communities, and guide New Mexico's efforts to develop meaningful and effective Tribal resilience support;
- Ensure New Mexico's climate adaptation and resilience efforts reflect NPTs' needs, values, and ongoing work; and
- Provide tailored technical assistance for adaptation planning or project development by the CARP NPT-focused subcontractor.

Climate Action Plan (CAP) Tribal Government Coordination and Outreach

The CAP Team collaborated with NPTs primarily through the New Mexico Inter-Tribal Resource Advisory Council. The CAP Team attended two Council meetings to present updates and solicit feedback, focusing on measures that directly impact Tribal communities. These discussions aimed to optimize benefits and mitigate potential negative impacts of the CAP. The CAP Team also held in-person and virtual meetings with staff of NPTs to further discuss the CAP's development and explore collaboration opportunities. A meeting was held with the Navajo Nation Climate Change Program in Window Rock, Arizona, in February 2025, to exchange information on climate initiatives and potential partnerships. Additionally, the City of Albuquerque coordinates monthly meetings for all Climate Pollution Reduction Grant (CPRG) recipients in New Mexico, which include the Navajo Nation; Pueblo of Sandia; Pueblo of Santa Ana; and Pueblo Coalition of Tesuque, which includes Nambé Pueblo, Picuris Pueblo, and Pueblo de San Ildefonso. The CAP Team will continue to use these meetings in fiscal year 2027 to provide updates on the CAP and facilitate mutual support and collaboration among participating entities.

Forestry Division

- 1 workplan was developed for a phase 3 of Sandia Pueblo invasives treatment, this work slated for initiation in fall FY27.
- There is a project workplan currently being development for a 431-acre fuels treatment that includes a 10-acre fuel break with the Pueblo of Picuris. This project is slated for implementation in FY27.

Employee Notification Method

To ensure that all employees are aware of EMNRD's policy pursuant to the State-Tribal Collaboration Act, the policy is posted on the department's intranet and is included in each employee onboarding packet.

Appendix: EMNRD tribal consultation policy

POLICY AND PROCEDURE OFS-139

SUBJECT: General Tribal Government Consultation and Communication

PURPOSE: Promote effective communication and collaboration between the Energy, Minerals and Natural Resources Department (EMNRD) and Indian nations, tribes, or pueblos; promote positive government-to-government relations between EMNRD and Indian nations, tribes, or pueblos; promote cultural competency in providing effective services to American Indians or Alaska Natives; and to notify EMNRD employees of the provisions of the State-Tribal Collaboration Act and this policy.

APPLICABILITY: All EMNRD divisions and employees.

POLICY: EMNRD's policy is to work with tribal governments to create a positive government-to-government relationship and to promote effective communication and collaboration.

REFERENCES: Governor's Executive Order 2005-004
State-Tribal Collaboration Act, NMSA 1978, § 11-18-1 *et seq.*
New Mexico Climate Change Task Force Climate Equity Principles Policy

PROCEDURES:

- I. Background
- II. Definitions
- III. Principles
- IV. Tribal Liaison
- V. Procedures
- VI. Annual Report
- VII. Limitations

APPROVAL: _____
Cabinet Secretary or Designee

DATE: _____

BACKGROUND

- A. This consultation and communication policy establishes the Energy, Minerals and Natural Resources Department (EMNRD's) commitment to work with tribal governments to create government-to-government relationships and to promote coordinated collaboration.
- B. This policy establishes a framework to jointly address issues of concern and to establish

a meaningful consultation process with Indian nations, tribes, and pueblos in New Mexico.

- C. This policy applies to all federally recognized tribes with traditional use or occupancy in New Mexico.

II. DEFINITIONS

- A. “American Indian or Alaska Native” means: (1) individuals who are members of any federally recognized Indian tribe, nation, or pueblo; (2) individuals who would meet the definition of “Indian” pursuant to 18 U.S.C. 1153; or (3) individuals who have been deemed eligible for services and programs provided to American Indians and Alaska Natives by the United States Public Health Service, the United States Department of the Interior, Bureau of Indian Affairs, or other federal programs.
- B. “Consultation” means the process of government-to-government dialogue between EMNRD and tribal governments regarding EMNRD’s programmatic actions or proposed actions that affect or may affect the tribal government’s interest, to resolve those concerns.
- C. “Communication” means verbal or written interactions between governments or government entities.
- D. “Indian nation, tribe, or pueblo” means any federally recognized Indian nation, tribe, or pueblo located wholly or partially in New Mexico.
- E. “Programmatic actions” means any EMNRD rulemaking, policy, guidance, legislative proposal, grant funding changes, or operational activity that may have a direct effect on an Indian nation, tribe, or pueblo including, but not limited to: (1) tribal cultural practices, lands, resources, or access to traditional areas of cultural or religious importance; (2) the ability of an Indian nation, tribe, or pueblo to govern or provide services to its members; and (3) any action that impacts an Indian nation, tribe, or pueblo’s relationship with EMNRD.
- F. “Tribal government” means the governing structure of a sovereign, federally recognized tribe, pueblo, band, or nation within the United States.
- G. “Tribal liaison” means the EMNRD employee designated by the Secretary to serve as a contact person for issues pertaining to tribal government consultation and communication. EMNRD, through cooperation with the Department of Indian Affairs (DIA), shall, on an annual basis, contact tribal governments to ensure that the consultation process is effective, and that tribal liaison contact information is updated.

III. PRINCIPLES

- A. The state and tribal governments are sovereign governments.
- B. Tribal governments are unique, and each has its own governmental structure, process, and protocols. To maintain government-to-government relationships, EMNRD shall work with tribal governments to develop mutually acceptable protocols for consultation.
- C. Some tribal governments claim locations within New Mexico as traditional use or occupancy and therefore, hold significant concerns related to the lands and resources under EMNRD's jurisdiction even though located elsewhere.
- D. EMNRD shall work in good faith with tribal governments to address and mutually resolve expressed tribal government concerns.
- E. Meaningful consultation requires direct two-way communication and effort to respond to requests in a timely manner. Communication, consultation, and collaboration with tribal governments shall be a fundamental principle of all EMNRD operations.

IV. TRIBAL LIAISON

The EMNRD tribal liaison shall report directly to the Secretary or designee and assist EMNRD with:

- A. developing and ensuring implementation of this policy;
- B. serving as a contact person who shall maintain ongoing communication between EMNRD and affected Indian nations, tribes, or pueblos; and
- C. ensuring that training is provided to EMNRD staff as specified in NMSA 1978, § 11-18-4(B).

Nothing in Section IV shall preclude the tribal liaison from providing or facilitating additional training.

V. PROCEDURES

- A. Identification: Programmatic actions requiring consultation shall be identified by EMNRD or tribal governments as early as possible to give sufficient time for meaningful consultation.
- B. When adopting rules or policies addressing climate change mitigation or adaptation actions, EMNRD shall consider the New Mexico Climate Change Task Force Climate Equity Principles Policy as it may relate to EMNRD's interactions with tribal governments and where practicable incorporate those principles into consultation and communication with tribal governments.
- C. Initiating Consultation: EMNRD shall consult with tribal governments upon:

1. written request for consultation by one or more tribal governments to EMNRD; or written invitation for consultation by EMNRD to one or more tribal governments.
- D. Written Notification: The written notification for consultation shall:
1. be timely;
 2. identify the proposed programmatic action to be consulted upon and provide relevant information regarding the action; and
 3. identify the tribal liaison authorized to consult on behalf of EMNRD and request names for authorized consultants from the tribal government.
- E. Inclusion: Tribal governments shall have the opportunity to provide input and recommendations on the proposed programmatic actions to EMNRD officials responsible for the final action.
- F. Final Decision Making: The EMNRD tribal liaison and the consulting tribal government or governments shall develop a timeframe for consultation between EMNRD and tribal governments on EMNRD's proposed programmatic actions to include a date when EMNRD shall make a final decision as to how to proceed with the proposed action.
- G. Representation at Consultation: Government-to-government consultation shall be between tribal and EMNRD officials. Each time a programmatic action requires compliance with this policy, employees shall notify the Office of the Secretary. While EMNRD employees are encouraged to maintain regular communication and cooperation with tribal governments, official consultation occurs through the Office of the Secretary. Consultation meetings may be held wherever practical, including tribal government locations.
- H. Scope: EMNRD shall consult appropriate to the scale of the undertaking in compliance with all applicable state and federal laws.
- I. Confidentiality: Successful consultation is dependent upon EMNRD protecting confidential information provided by tribal governments to the extent allowed by applicable federal and state laws, including the New Mexico Public Records Act, and the Inspection of Public Records Act. EMNRD will protect and exhibit a high degree of respect and sensitivity regarding the confidential information provided by tribal governments and will ensure confidentiality whenever possible.

VI. ANNUAL REPORT

No later than July 31 of every year, EMNRD shall submit a report to the DIA on EMNRD activities pursuant to the State-Tribal Collaboration Act. The report shall include:

- A. the policy EMNRD adopted pursuant to the State-Tribal Collaboration Act;

- B. the names of and contact information for the EMNRD employees who are responsible for developing and implementing EMNRD programs that directly affect American Indians or Alaska Natives;
- C. EMNRD's current and planned efforts for implementing this policy;
- D. a certification by the State Personnel Office of the number of EMNRD managers and employees who have completed the training required by Section IV.C. of this policy;
- E. a description of current and planned programs and services provided to or directly affecting American Indians or Alaska Natives and the amount of funding for each program; and
- F. the method EMNRD established for notifying EMNRD employees of the provisions of the State-Tribal Collaboration Act.

VII. LIMITATIONS

- A. This policy creates no benefit, substantive or procedural right, or entitlement, enforceable by law, for any tribal government or tribal official, and state government or state official.
- B. This policy shall not diminish any administrative or legal remedy otherwise available by law to EMNRD or a tribal government.
- C. This policy shall not be construed to waive the sovereign immunity of the State of New Mexico or a tribal government, or to create a right of action by or against the State of New Mexico or tribal government or its officials for failure to comply with this policy.
- D. This policy does not prevent EMNRD and tribal government from entering into Memoranda of Understanding, Intergovernmental Agreements, Joint Powers Agreements, or established administrative procedures and practices mandated by federal, state, or tribal laws or rules or regulations.
- E. EMNRD retains the final decision-making authority with respect to actions undertaken by EMNRD.

ATTACHMENT A



NEW MEXICO CLIMATE CHANGE TASK FORCE

CLIMATE EQUITY PRINCIPLES POLICY

I. BACKGROUND

- A. As chairs of the Climate Change Task Force (CCTF) established by Executive Order 2019-003, the Cabinet Secretaries of the Energy, Minerals and Natural Resources Department (EMNRD) and the New Mexico Environment Department (NMED) are committed to developing climate mitigation and adaptation policies that are just and equitable.
- B. In an effort to formally integrate equity priorities into state climate policy action, the CCTF co-chair agencies convened a climate equity working group with community advocates and environmental justice experts from around the state in the summer of 2021. The goal of this working group was to bring together representatives of disproportionately impacted communities and organizations that work with them to develop Climate Equity Guiding Principles.
- C. In the fall of 2021, the principles were reviewed by state leadership and approved by the Governor's Office.

II. CLIMATE EQUITY PRINCIPLES

- A. **Engage Overly Burdened Communities.** The CCTF must make measurable efforts to solicit and incorporate the ideas, concerns, and solutions from overly burdened communities and their leadership in creating and implementing climate policy, including the process of aligning policies with these equity principles. Where possible and permitted by law and available funding, the CCTF will compensate and recognize communities for their time and intellectual labor.
- B. **Respect Tribal Sovereignty and Require Collaboration and Consultation.** Climate policy must respect tribal sovereignty and be created with tribal collaboration, and where appropriate, consultation with New Mexico's Nations, Tribes, and Pueblos. Collaboration and consultation will support indigenous well-being, health, energy independence, traditional knowledge, and cultural sustainability. The CCTF recognizes that consultation may not equal consent and will engage early and often with the state's Nations, Tribes, and Pueblos in this work.
- C. **Maintain Accountability and Transparency.** CCTF policies must be measured against these equity principles, including input from overly burdened communities, in providing

publicly available reporting, the CCTF must explain how equity principles were or were not adhered to, including the methodology and the extent to which data collected or used in policymaking represents overly burdened communities.

- D. **Incorporate Traditional Knowledge and Experience.** While advancing science-based climate solutions, the CCTF shall consider overly burdened communities' historical, cultural, and environmental experience and knowledge of the land, water, plants, medicine, and peoples, including New Mexico's Nations, Tribes, and Pueblos. When developing climate policy, the CCTF shall encourage policymakers to honor and protect the values and intention of overly burdened communities as an integral part of envisioning a just transition.
- E. **Advance Equitable Economic Transition.** The CCTF shall advance economic policies that support a just transition for overly burdened New Mexicans in rural and extractive-industry dependent communities by providing adequate job training and placement for living wage and leadership positions, workforce development opportunities, and early investments in economic diversification initiatives and infrastructure.
- F. **Prioritize Creating and Maintaining Universal Access to Utilities.** When decarbonizing energy or increasing the resilience of infrastructure, the CCTF shall prioritize strategies that:
 - i. create and maintain overly burdened communities' full access to sustainable utility infrastructure, including running water, renewable electricity, safe roads with multimodal transportation options, and broadband;
 - ii. ensure that these communities are not further underserved, burdened, or harmed;
 - iii. reduce the energy burden on low- and no-income households; and
 - iv. provide adequate funding and technical support for climate change adaptation in these communities.
- G. **Reduce Health and Environmental Impacts.** CCTF policies must assess any potential unintended consequences to overly burdened communities, including health impacts and racial disparities.³ The benefits of climate policies cannot result in increased negative health impacts or environmental degradation of overly burdened communities experiencing the effects of climate change. Instead, CCTF policies should reduce or eliminate these burdens to the furthest extent practicable and maximize benefits to impacted communities to achieve equity objectives.

V. PROCEDURES

- A. Going forward, the CCTF will evaluate proposed and in-progress climate action strategies against these principles and report on progress as outlined in the principle on accountability and transparency.
- B. The CCTF will continue to engage in ongoing conversation with the working group participants and other community members in order to carry forward and refine the

work that was accomplished in these workshops, and to revisit the principles periodically for relevance and comprehensiveness.

VII. LIMITATIONS

- A. These principles are intended to complement and do not supersede existing environmental justice and other policies state agencies may have as a result of applicable federal or state legal requirements. Individual agencies retain the final decision-making authority for all actions effecting their agencies.

APPROVAL:


Cabinet Secretary of the Energy, Minerals
and Natural Resources Department

DATE: 8/29/22

APPROVAL:

Cabinet Secretary of the New Mexico
Environment Department

DATE: