

New Mexico PACE Enabling Laws

N.M. Stat. Ann. §§ 75-10-1 to 75-10-9
Current through the 2019 First Regular Session

Article 10 Natural Heritage Conservation (§§ 75-10-1 — 75-10-9)

75-10-1. Short title.

This act [75-10-1 to 75-10-9 NMSA 1978] may be cited as the “**Natural Heritage Conservation Act**”.

History: Laws 2010, ch. 83, § 1.

75-10-2. Purpose.

The purpose of the Natural Heritage Conservation Act [75-10-1 NMSA 1978] is to protect the state’s natural heritage, customs and culture by funding conservation and agricultural easements and by funding land restoration to protect the land and water available for forests and watersheds, natural areas, wildlife and wildlife habitat, agricultural production on working farms and ranches, outdoor recreation and trails and land and habitat restoration and management.

History: Laws 2010, ch. 83, § 2.

75-10-3. Definitions.

As used in the Natural Heritage Conservation Act [75-10-1 NMSA 1978]:

- A. “committee” means the natural lands protection committee;
- B. “conservation entity” means a private nonprofit charitable corporation or trust authorized to do business in New Mexico that has tax-exempt status as a public charity pursuant to the federal Internal Revenue Code of 1986 [26 USCS § 1 et seq.] and that has the power to acquire, hold or maintain land or interests in land;
- C. “conservation project” means the acquisition of conservation or agricultural easements from a willing seller or a land restoration project;
- D. “department” means the energy, minerals and natural resources department;
- E. “fund” means the natural heritage conservation fund; and
- F. “qualified entity” means a state agency, a state educational institution named in Article 12, Section 11 of the constitution of New Mexico, a political subdivision of the state or, for conservation projects wholly within New Mexico, an Indian tribe or pueblo.

History: Laws 2010, ch. 83, § 3.

75-10-4. Department; powers and duties.

A. The department may:

- (1) after consultation with landowners, conservationists and other interested persons, adopt and promulgate rules to carry out the provisions of the Natural Heritage Conservation Act [75-10-1 NMSA 1978];
- (2) enter into contracts;
- (3) enter into joint powers agreements pursuant to the Joint Powers Agreements Act [11-1-1 NMSA 1978] to carry out the provisions of the Natural Heritage Conservation Act [75-10-1 NMSA 1978];
- (4) make grants to qualified entities for conservation projects;
- (5) apply for and receive in the name of the department, any public or private funds available to the department to carry out the purposes of the Natural Heritage Conservation Act [75-10-1 NMSA 1978];
- (6) acquire conservation or agricultural easements by itself or with a conservation entity or qualified entity; and
- (7) do all other things necessary or appropriate to carry out the provisions of the Natural Heritage Conservation Act [75-10-1 NMSA 1978].

B. The department shall:

- (1) establish a competitive application process for grants from the fund; and
- (2) establish criteria and priorities for funding conservation projects.

History: Laws 2010, ch. 83, § 4.

75-10-5. Fund created; purpose; expenditures.

The “natural heritage conservation fund” is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants, donations, bequests, income from investment of the fund and any other money credited to the fund. The fund shall be administered by the department, and money in the fund is appropriated to the department to fund conservation projects. Expenditures from the fund shall be by warrants of the secretary of finance and administration upon vouchers signed by the secretary or the secretary’s authorized representative.

History: Laws 2010, ch. 83, § 5.

75-10-6. Conservation projects; procedures.

A. All conservation projects shall be maintained to protect the public health and welfare and shall be for:

- (1) preserving and conserving water quality and quantity;
- (2) protecting agricultural production on working farms, ranches and other agricultural lands;
- (3) protecting and restoring New Mexico’s forests and watersheds;
- (4) conserving wildlife habitat;
- (5) maintaining natural areas;
- (6) providing outdoor recreation opportunities, including hunting and fishing; or

(7) preserving cultural and historic sites with natural resource heritage value.

B. The department, working with the committee, landowners, conservationists and other interested persons, shall establish criteria for evaluating possible conservation projects. Criteria shall include:

- (1) the degree to which the conservation project serves the purposes of the Natural Heritage Conservation Act [75-10-1 NMSA 1978];
- (2) the amount of matching financial support for the conservation project from sources other than the state;
- (3) the technical qualifications of the applicant and its ability to complete and maintain the proposed conservation project;
- (4) the degree to which the conservation project fosters and integrates with existing conservation plans, strategies and initiatives;
- (5) the potential for benefits at landscape and ecosystem scale;
- (6) the potential for improved public access for outdoor recreation opportunities, including hunting and fishing;
- (7) the potential for economic benefits of the completed conservation project; and
- (8) other measurements and requirements required by the department and the committee.

C. The committee shall receive applications for conservation projects and shall evaluate them against the department's criteria. The committee may reject any incomplete applications or applications that do not meet the established criteria. After review, the committee shall make its recommendations on all evaluated conservation projects to the department.

History: Laws 2010, ch. 83, § 6.

75-10-7. Conservation projects; public-private projects.

A. The department may acquire conservation or agricultural easements and hold them in the name of the state.

B. When approving a conservation project that is the acquisition of a conservation or agricultural easement by a conservation entity, the department shall require the conservation entity to:

- (1) acquire no less than ten percent of the easement, and title to the easement shall be held by the conservation entity and a qualified entity as cotenants having undivided interests in proportion to each one's share of the acquisition; and
- (2) submit a plan for the management of lands for which the conservation entity and the qualified entity are responsible. The department, in consultation with the committee, shall review the plan to ensure compliance with the purposes of the Natural Heritage Conservation Act [75-10-1 NMSA 1978].

C. When approving a conservation project that is for land restoration by a conservation entity, the department shall require that the conservation entity provide at least ten percent of the cost of the conservation project.

History: Laws 2010, ch. 83, § 7.

75-10-8. Conservation projects; limitations.

The department may acquire or receive by gift or bequest conservation or agricultural easement interests in real property to advance the purposes of the Natural Heritage Conservation Act [75-10-1 NMSA 1978]. No easement interests, water rights or other rights of access shall be acquired pursuant to the Natural Heritage Conservation Act through exercise of the state's power of eminent domain or any other condemnation process. Land adjacent to any land subject to a conservation or agricultural easement that was acquired pursuant to the Natural Heritage Conservation Act shall not be subjected to any rules or restrictions as a result of such easement acquisition.

History: Laws 2010, ch. 83, § 8.

75-10-9. Annual report to the governor and the legislature.

The department and the committee shall report annually to the governor and the legislature on the status of applications and funded conservation projects.

History: Laws 2010, ch. 83, § 9.

<https://laws.nmonesource.com/w/nmos/Chapter-75-NMSA-1978#!b/a10>