

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Michelle Lujan Grisham**  
Governor

**Sarah Cottrell Propst**  
Cabinet Secretary

**Todd E. Leahy, JD, PhD**  
Deputy Cabinet Secretary

**Adrienne Sandoval**, Division Director  
Oil Conservation Division



## **Revised - State Fire Restriction**

**May 19, 2020**

In Response to the New Mexico State Forestry's issuance of Revised Order 2020-02 SMOKING, FIREWORK, CAMPFIRE, AND OPEN FIRE RESTRICTIONS FOR NEW MEXICO (Attachment 1), the Oil Conservation Division (OCD) is updating its process of reviewing Applications for Exceptions to the No-Flare Rule 19.15.18.12 (C-129) on non-municipal, non-federal, and non-tribal lands statewide.

Going forward from the order effective date of May 19, 2020 until order is rescinded, in order to process C-129 applications the OCD will now require affirmative statement that all conditions outlined by the New Mexico State Forester have been met. See newly added confirmation statement "E" included in APPLICATION FOR EXCEPTION TO NO-FLARE RULE 19.15.18.12 (Attachment 2). If an exemption is required from Forestry, the exemption request and approval from New Mexico state Forester must be provided for OCD to process C-129 application. Attachment 3 of this notice lays out the step by step process to obtain an exemption from the State Forester. Without affirmative confirmation on C-129 and exemption documentation where applicable, OCD will deny all C-129 applications.

***Excerpt from Revised 2020-02 SMOKING, FIREWORK, CAMPFIRE, AND OPEN FIRE RESTRICTIONS FOR NEW MEXICO as related to Flaring:***

Flaring of gas is prohibited. The State Forester grants an automatic exception to the prohibition on open fires for the flaring of natural gas when the conditions are met for each of the following categories:

1. Flaring is needed for safety purposes and/or short term unplanned operational needs.
2. Flaring is planned and the facility is manned:
  - a. the day is not designated a "red flag day" as determined by the National Weather Service and the sustained wind is not in excess of 25 miles per hour in the area; and

- b. the local fire department and county dispatch are notified at least 24 hours in advance of anticipated releases that will result in flaring; if flaring is done by an automated system then the schedule of flaring shall be provided to the local fire department and county dispatch; and
- c. c. 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 should also be equipped with a shovel and a water backpack pump or other equipment to deliver water to suppress a fire; and d. the area is mowed and maintained at a length not to exceed 4 inches and all other flammable products or debris shall be cleared in the area for a distance of one and one-half times the height of the stack.

3. Flaring is planned and the facility is unmanned:

- a. the day is not designated a “red flag day” as determined by the National Weather Service and the sustained wind is not in excess of 25 miles per hour in the area; and
- b. the area around the flare stack is mowed and maintained at a length not to exceed 4 inches and all other non-facility related flammable products or debris shall be cleared in the area for a distance of three times the height of the stack.

### **C-129 SUBMITTAL PROCESS**

Correspondence relating to drilling, completions, production and engineering that have previously been submitted via hard copy must now be submitted by operators in the OCD online E-Docs system in lieu of submitting paper copies.

Electronic C-129 files can be uploaded [here](#) using your OCD Online credentials (login and password).

Submit pdf files only. The pdf submission should include the C-129 Application together with the exemption approval from the State Forester.

Submissions by contractors will not be accepted. Provide complete and correct information; OCD will reject noncompliant submittals. OCD will notify you if your submittal is rejected, and you will have to resubmit.

For Sundries: Select the file type as “Well File” and enter the API number as the reference ID.

For Forestry details and the legal restriction notification, go to [www.emnrd.state.nm.us/SFD/](http://www.emnrd.state.nm.us/SFD/) or call (505) 476-3325.

For questions regarding flaring contact the local New Mexico Oil Conservation Division Office: Artesia/Hobbs: (575) 626-0857; or Aztec, Brandon Powell (505) 320-0200.

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*The Energy, Minerals and Natural Resources Department provides resource protection and renewable energy resource development services to the public and other state agencies.*

<http://www.emnrd.state.nm.us>

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**Laura McCarthy**  
State Forester  
Forestry Division



**2020-02**

**REVISED SMOKING, FIREWORK, CAMPFIRE, AND OPEN FIRE RESTRICTIONS FOR  
NEW MEXICO**

Due to abnormally warm temperatures, low humidity, high winds, and the abundance of dry, fine fuels, fire danger throughout much of New Mexico is high. Fire incidents for all wildland fire agencies are increasing daily. Pursuant to NMSA, 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, has placed the following restrictions on non-municipal, non-federal, and non-tribal lands statewide.

**SMOKING, FIREWORKS, CAMPFIRES, OPEN BURNING, AND OPEN FIRES ARE  
PROHIBITED UNLESS THE FOLLOWING CONDITIONS ARE MET:**

**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 exceptions to the ban on fireworks where they are a part of a public exhibit approved by the local fire department.

**Campfires are prohibited** unless the following exceptions are met. An exception is granted 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 and New Mexico Department of Game and Fish lands are included in this prohibition. For more information regarding New Mexico State Parks contact the local State Park Superintendent or Manager or visit the website at [www.nmparks.com](http://www.nmparks.com).

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.

**Open burning**, i.e., burning of cropland, fields, rangeland, debris burning, slash piles, prescribed burning, or weed burning, is prohibited. The State Forester grants an exception to open burning when all 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;
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.

**Flaring of gas** is prohibited. The State Forester grants an automatic exception to the prohibition on open fires for the flaring of natural gas when the conditions are met for each of the following categories:

1. Flaring is needed for safety purposes and/or short term unplanned operational needs.
2. Flaring is planned and the facility is manned:
  - a. the day is not designated a “red flag day” as determined by the National Weather Service and the sustained wind is not in excess of 25 miles per hour in the area; and
  - b. the local fire department and county dispatch are notified at least 24 hours in advance of anticipated releases that will result in flaring; if flaring is done by an automated system then the schedule of flaring shall be provided to the local fire department and county dispatch; and
  - c. 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 should also be equipped with a shovel and a water backpack pump or other equipment to deliver water to suppress a fire; and
  - d. the area is mowed and maintained at a length not to exceed 4 inches and all other flammable products or debris shall be cleared in the area for a distance of one and one-half times the height of the stack.
3. Flaring is planned and the facility is unmanned:
  - a. the day is not designated a “red flag day” as determined by the National Weather Service and the sustained wind is not in excess of 25 miles per hour in the area; and

- b. the area around the flare stack is mowed and maintained at a length not to exceed 4 inches and all other non-facility related flammable products or debris shall be cleared in the area for a distance of three times the height of the stack.

**Other exceptions may be requested.**

The State Forester may allow additional exemptions upon receiving a written request and granting subsequent approval in writing. You may apply for exemptions other than those listed above for flaring or agricultural burning on the Forestry Division website at <http://www.emnrd.state.nm.us/SFD/>. The exemptions provided above in this Fire Restrictions Order for flaring and agricultural burning do not require written approval so long as the conditions listed are met.

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

These revised restrictions become effective at 12:00 p.m. Tuesday, May 19, 2020 and will remain in effect until rescinded.

DONE THIS 19th DAY OF MAY 2020



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**Laura McCarthy, State Forester  
Forestry Division**



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

District I  
1625 N. French Dr., Hobbs, NM 88240  
District II  
811 S. First St., Artesia, NM 88210  
District III  
1000 Rio Brazos Road, Aztec, NM 87410  
District IV  
1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico  
Energy Minerals and Natural Resources

Oil Conservation Division  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

Form C-129  
Revised May 13, 2020

Submit one copy to appropriate  
District Office

NFO Permit No. \_\_\_\_\_  
(For Division Use Only)

**APPLICATION FOR EXCEPTION TO NO-FLARE RULE 19.15.18.12**

(See Rule 19.15.18.12 NMAC and Rule 19.15.7.37 NMAC)

- A. Applicant \_\_\_\_\_,  
whose address is \_\_\_\_\_,  
hereby requests an exception to Rule 19.15.18.12 for \_\_\_\_\_ days or until  
\_\_\_\_\_, Yr \_\_\_\_\_, for the following described tank battery (or LACT):  
Name of Lease \_\_\_\_\_ Name of Pool \_\_\_\_\_  
Location of Battery: Unit Letter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Number of wells producing into battery \_\_\_\_\_
- B. Based upon oil production of \_\_\_\_\_ barrels per day, the estimated \* volume  
of gas to be flared is \_\_\_\_\_ MCF; Value \_\_\_\_\_ per day.
- C. Name and location of nearest gas gathering facility:  
\_\_\_\_\_
- D. Distance \_\_\_\_\_ Estimated cost of connection \_\_\_\_\_
- E. Confirmed compliance with conditions required by New Mexico State Forestry's issuance of Order 2020-01  
SMOKING, FIREWORK, CAMPFIRE, AND OPEN FIRE RESTRICTIONS FOR NEW MEXICO issued May 13,  
2020 (Circle one) **Yes** **No**
- F. This exception is requested for the following reasons: \_\_\_\_\_  
\_\_\_\_\_

<p><b>OPERATOR</b> I hereby certify that the rules and regulations of the Oil Conservation Division have been complied with and that the information given above is true and complete to the best of my knowledge and belief.</p> <p>Signature _____</p> <p>Printed Name &amp; Title _____</p> <p>E-mail Address _____</p> <p>Date _____ Telephone No. _____</p>	<p><b>OIL CONSERVATION DIVISION</b></p> <p>Approved Until _____</p> <p>By _____</p> <p>Title _____</p> <p>Date _____</p>
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\* Gas-Oil ratio test may be required to verify estimated gas volume.

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## Fire Restrictions Exceptions Procedures

For the State Forester to consider an exception to the State of New Mexico's Smoking, Firework, Campfire, and Open Fire Restrictions to conduct an open fire activity on non-municipal, non-federal, and non-tribal lands statewide, you must provide the following information in your emailed request:

- Landowner's or Operator's name
- Name and contact information of person in charge
- Number of personnel on site to monitor and maintain control
- Location of open fire activity including latitude and longitude if available
- Legal location of open fire activity (township and range)
- County where open fire activity will take place
- Equipment on site during the open fire activity, if applicable
- How you will notify the local fire department and Forestry Division before ignition.

The information that you provide will be beneficial in providing a timely response to your exception request.

If you have any questions or are requesting an exception, please email and carbon copy or telephone the following individuals:

Vernon Muller [VernonJ.Muller@state.nm.us](mailto:VernonJ.Muller@state.nm.us) (505) 690-1069  
Robert Brown [Robert.Brown@state.nm.us](mailto:Robert.Brown@state.nm.us) (505) 660-5705  
Wendy Mason [Wendy.Mason@state.nm.us](mailto:Wendy.Mason@state.nm.us) (505) 690-8210

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