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The Energy, Minerals and Natural Resources Department - Forestry Division, repeals its rule entitled "Tree Harvesting and Forest Regeneration, 19.20.2 NMAC, filed 12/31/1996, effective 04/10/2018.

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**STATEMENT OF REASONS FOR REPEAL OF RULE 19.20.2 NMAC, TREE HARVESTING
AND FOREST REGENERATION**

This Statement of Reasons provides the basis upon which the Energy, Minerals and Natural Resources Department (EMNRD), Forestry Division repeals 19.20.2 NMAC, Tree Harvesting and Forest Regeneration.

I. Statutory Authority

The Forestry Division adopts rules pursuant to NMSA 1978, Section 68-2-16, which authorizes it to make regulations governing commercial forest practices. On January 1, 2002, the Forestry Division adopted 19.20.4 NMAC, which regulate timber harvesting activities the Forestry Division has permitted since January 1, 2002.

Prior to 2002, the Forestry Division issued harvest permits for timber harvesting on non-municipal and non-federal lands and regulated timber harvesting pursuant to 19.20.2 NMAC, Tree Harvesting and Forest Regeneration. The Forestry Division initially adopted the rules in 19.20.2 NMAC in 1989. The rules were recompiled into a different rule format in 1996 and recompiled in the current rule format in 2001. The Forestry Division did not repeal 19.20.2 NMAC in January 2002 because there were harvest permits the Forestry Division had issued pursuant to 19.20.2 NMAC that had not yet expired.

The Forestry Division proposed to repeal 19.20.2 NMAC as all harvest permits the Forestry Division issued pursuant to 19.20.2 NMAC and were ongoing in 2002 have since expired or were canceled and 19.20.2 NMAC no longer applies to timber harvesting activities. 19.20.4 NMAC regulates timber harvesting activities the Forestry Division has permitted since January 1, 2002.

II. Process

Notice of the rulemaking and a public hearing was published in the Albuquerque Journal on January 22, 2018 and in the New Mexico Register on January 30, 2018. In addition, the Forestry Division distributed notice of the rulemaking by e-mailing to the Legislative Council Service on January 19, 2018, posting on the Department of Information Technology's Sunshine Portal and on the Forestry Division's website, and posting in the Forestry Division's Santa Fe and district offices. On March 21, 2018, the Forestry Division held a public hearing on the proposed rule repeal at 9:15 a.m. in Porter Hall at the Wendell Chino Building, 1220 S. St. Francis Drive, in Santa Fe. The Forestry Division did not receive any public comments regarding the proposed repeal of 19.20.2 NMAC.

III. Conclusion

The Forestry Division considered the potential impacts of the rule on small businesses and determined that there do not appear to be any negative impacts as all harvest permits the Forestry Division issued pursuant to 19.20.2 NMAC have expired or been canceled.

After conducting a public meeting in Santa Fe, the Forestry Division repeals 19.20.2 NMAC, Tree Harvesting and Forest Regeneration as all harvest permits the Forestry Division issued pursuant to 19.20.2 NMAC have expired or been canceled. The attached repeal of 19.20.2 NMAC shall become effective on April 10, 2018.

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Ken McQueen

Ken McQueen, Cabinet Secretary

Date: March 26, 2018