

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**NOTICE**

**Title 19- Clarification of State of New Mexico Authority Regarding Federal Minerals**  
12-11-2023

Given several recent incidents, the New Mexico Oil Conservation Division (“OCD”) wishes to remind operators regarding the administrative requirements related to wells on federal lands or minerals in the State of New Mexico. OCD has concurrent jurisdiction with the federal government over those wells/facilities. OCD’s authority is referenced under 19.15.7.9.(C) NMAC which states:

**C. All such forms filed with the BLM involving federal lands or minerals are subject to division approval in the same manner and to the same extent as the corresponding division forms.** All forms approved or processed to completion by the BLM for wells on federal lands or accessing federal minerals shall be filed with division for approval using the online application process on the division’s website no later than the time period in the rules for the equivalent division form or five business days after the BLM approves or processes to completion if no deadline is provided, except:

- (1) for subsequent reports of work performed that are first reported to the BLM on a C-103 or a C-105 equivalent, if within 30 days of submittal, the BLM has not approved or processed to completion such submittal, the operator shall within 10 days file the state equivalent form with the division; and
- (2) once the BLM processes to completion or approves the federal submittal, the operator shall file within ten business days the submittal processed to completion or approved by the BLM.

Prior to any work commencing on federal land or minerals, the Operator must have a Notice of Intent or APD approved by both BLM and OCD. For State and Private land and minerals the operator must have an approved Notice of intent or APD from OCD prior to commencing work. Failure to comply may result in issuance of sanctions to the operator, including but not limited to civil penalties or requirements to take corrective actions prior to continued production of the well(s). OCD considers the disregard of those requirements and obligations a serious violation of its rules.