

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

**APPLICATION OF OIL CONSERVATION DIVISION
TO ADOPT 19.15.27 NMAC AND 19.15.28 NMAC,
AND TO AMEND 19.15.7 NMAC, 19.15.18 NMAC, AND
19.15.19 NMAC; STATEWIDE**

CASE NO. 21528

CLIMATE ADVOCATES' OPPOSITION TO NMOGA'S MOTION TO STRIKE

Center for Civic Policy, Conservation Voters New Mexico Education Fund, Diné C.A.R.E., Earthworks, Natural Resources Defense Council, San Juan Citizens Alliance, Sierra Club, and 350 New Mexico ("Climate Advocates") come now and oppose the New Mexico Oil & Gas Association ("NMOGA")'s motion to strike the proposed 19.15.27.8.G(4) NMAC ("Motion").

The Motion should be denied, because there are factual questions as to whether the proposed 19.15.27.8.G(4) NMAC will advance the Commission's mission of preventing waste. NMOGA baldly asserts that a requirement to report vented and flared volumes to royalty interest owners will impose an "additional burden" while contributing "no incremental benefit to the goal of reducing volumes of gas vented or flared." Mot. at 6. These are classic assertions of fact. It is hardly self-evident that reporting venting and flaring data to royalty owners imposes any meaningful burden. If royalty owners can simply be carbon-copied on an email to the Oil Conservation Division, the burden is trivial. Nor can it be determined, without evidence, whether the requirement is likely to reduce waste. It is certainly plausible that royalty owners will pressure operators to reduce waste if they receive timely information about how much waste is occurring.

If NMOGA believes the proposed 19.15.27.8.G(4) NMAC should be omitted from the final rule, it must present evidence at the hearing showing that the provision will impose a meaningful burden, provide little benefit, and not further the Oil Conservation Commission's statutory

mandate to “prevent waste.” NMSA 1978, § 70-2-11.A. Other parties will then have the opportunity to cross-examine NMOGA’s witnesses, and, if they wish, to present rebuttal evidence. For example, a party might present rebuttal testimony from a royalty owner, explaining what steps a royalty owner can take to pressure operators to reduce waste if they receive timely notification that waste is occurring. The Commission will then have the opportunity to resolve the question on the basis of an adequately developed record.

For the foregoing reasons, the Motion should be denied.

Respectfully submitted,

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Certificate of Service

I certify that the foregoing was served by email to the following counsel of record on:
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