

**STATE OF NEW MEXICO  
OIL CONSERVATION COMMISSION**

**APPLICATION OF NEW MEXICO OIL CONSERVATION  
DIVISION TO AMEND RULES 19.15.2 AND 19.15.7 NMAC**

**CASE No. 22719**

**NEW MEXICO OIL CONSERVATION DIVISION'S  
PRE-HEARING STATEMENT**

The New Mexico Oil Conservation Division (“OCD”) submits this Pre-Hearing Statement in accordance with 19.15.3.11(B) NMAC.

**I. STATEMENT OF THE CASE**

The New Mexico Oil Conservation Division (OCD) proposes to amend 19.15.2 and 19.15.7 NMAC to make changes concerning procedural matters including the electronic submission of documents. The proposed rule changes include:

19.15.2 NMAC (General Provisions). OCD proposes to amend 19.15.2 to create an online process for the submittal of documents on the OCD’s website and to require the filing of forms and other documents through the online portal. Also, OCD proposes to eliminate the specific locations of district offices and specific boundaries of districts within the rules and instead recognize the authority of the OCD Director to create organizational units and require information on such units to be placed on the website.

19.15.7 NMAC (Forms and Reports). OCD proposes to amend 19.15.7 to provide for the creation and filing of electronic forms and documents and to clarify the filing requirements for oil and gas operators working on federal and tribal lands.

The proposed rule changes are intended to align the Commission’s rules with the current and proposed procedures and practices of the COD, particularly those related to the electronic

submission of documents to the OCD and updates to the provisions concerning OCD's structure and the potential for future changes in response to operational priorities.

## **II. TESTIMONY AND EXHIBITS**

### **Testimony**

Mr. Brancard is the Hearings Bureau Chief of OCD. Mr. Brancard also served as General Counsel to EMNRD from 2009 through 2021, and previously as Director of the Mining & Minerals Division of EMNRD from 2003 through 2010. Mr. Brancard graduated cum laude from Harvard Law School, has taught Oil and Gas Law at the University of New Mexico Law School, and has extensive experience in state rulemaking, commissions, and the operation of the OCD within the parameters of the Oil and Gas Act. His qualifications are further outlined in Exhibit 1. Mr. Brancard will testify as to the statutory authority for OCD's proposed amendments, informal stakeholder engagement, and the general purpose and structure of OCD's proposal. He will offer Exhibits 1, 3, 4, and portions of 5. OCD estimates that Mr. Brancard will testify for 30 minutes.

Mr. Powell is the chief of OCD's Engineering Bureau. He has served with OCD in various positions for more than 16 years, including district supervisor, staff manager, inspection/enforcement supervisor, and environmental specialist. Prior to joining OCD, he was a facility manager and environmental technician for an environmental services company. His qualifications are described in Exhibit 2. Mr. Powell will testify regarding the proposed rules in Parts 2 and 7, with an emphasis on the current operational structure of the OCD and the process and storage of forms and other operator submissions. He will offer Exhibits 2 and portions of 5. OCD estimates that Mr. Powell will testify for 30 minutes.

**Exhibits**

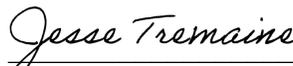
Exhibit 1	Curriculum Vitae of William R. Brancard
Exhibit 2	Curriculum Vitae of Brandon Powell
Exhibit 3	OCD’s Proposed Modifications – Part 2
Exhibit 4	OCD’s Proposed Modifications – Part 7
Exhibit 5	PowerPoint Presentation
Exhibit 6	New Mexico Register – Notice of Public Hearing for Proposed Rulemaking
Exhibit 7	Proof of Publication
Exhibit 8	Copy of Legal Notice Publication in Albuquerque Journal
Exhibit 9	Excerpt of New Mexico Register Vol. XXXIII, Issue 9 May 3, 2022
Exhibit 10	Notice to Persons on the OCC Rulemaking List

OCD reserves the right to call rebuttal witnesses and offer rebuttal exhibits.

**III. PROCEDURAL MATTERS**

As of the time of this filing, OCD is not aware of any procedural matters to be resolved prior to the hearing.

Respectfully submitted,



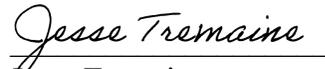
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this pleading and exhibits were mailed electronically on May 18, 2022, to:

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