

**MINUTES  
of the  
FOURTH MEETING  
of the  
WATER AND NATURAL RESOURCES COMMITTEE**

**September 26-27, 2024  
Alta Vista Elementary School  
HWY 522, #4 Wildcat Road  
Questa**

The fourth meeting of the Water and Natural Resources Committee was called to order by Representative Matthew McQueen, chair, on September 26, 2024 at 9:18 a.m. at the Alta Vista Elementary School gymnasium in Questa.

**Present**

Rep. Matthew McQueen, Chair  
Sen. Elizabeth "Liz" Stefanics, Vice Chair  
Rep. Gail Armstrong  
Rep. Joanne J. Ferrary  
Rep. Tara L. Lujan (9/26)  
Rep. Kristina Ortez (9/26)  
Rep. Debra M. Sariñana  
Sen. Pat Woods  
Rep. Martin R. Zamora

**Advisory Members**

Sen. Cliff R. Pirtle (9/26)  
Rep. William "Bill" R. Rehm  
Sen. Peter Wirth

**Absent**

Sen. Pete Campos  
Rep. Kathleen Cates  
Sen. Joseph Cervantes  
Rep. Miguel P. García  
Rep. Susan K. Herrera  
Rep. Marian Matthews  
Sen. Steven McCutcheon II  
Rep. Andrea Romero  
Rep. Larry R. Scott  
  
Rep. Christine Chandler  
Rep. Jack Chatfield  
Sen. Crystal Brantley  
Rep. Candy Spence Ezzell  
Rep. Jenifer Jones  
Sen. Linda M. López  
Rep. Rod Montoya  
Sen. Gerald Ortiz y Pino  
Rep. Cristina Parajón  
Sen. Shannon D. Pinto  
Rep. G. Andrés Romero  
Rep. Patricia Roybal Caballero  
Sen. Antoinette Sedillo Lopez  
Sen. Benny Shendo, Jr.  
Rep. Nathan P. Small  
Sen. Jeff Steinborn  
Sen. Mimi Stewart

## **Guest Legislator**

Sen. Roberto "Bobby" J. Gonzales (9/27)

(Attendance dates are noted for members not present for the entire meeting.)

## **Staff**

Sara Wiedmaier, Researcher, Legislative Council Service (LCS)

Tom Kricka, Staff Attorney, LCS

Angela Dakan, Staff, LCS

## **Guests**

The guest list is in the meeting file.

## **Handouts**

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

## **References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the recorded webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

## **Thursday, September 26**

### **Welcome and Introductions (9:18 a.m.)**

Representative McQueen welcomed everyone to the meeting, and the committee members and staff introduced themselves.

### **Welcome (9:23 a.m.)**

John Ortega, mayor, Village of Questa, discussed economic development goals, including supporting locally owned businesses, promoting the village as a fishing destination and inviting clean energy industries. John Maldonado, superintendent, Questa Independent School District, discussed enrollment and the challenge of providing affordable housing for teachers.

### **Species of Greatest Conservation Need (SGCN): Funding and Uses (9:46 a.m.)**

Jon Hayes, vice president and executive director, Audubon Southwest, and Kevin Bixby, founder and senior advisor, Wildlife for All, talked about balancing the state's growing outdoor economy with the protection of native and migrating species. Mr. Hayes recommended revising the State Wildlife Action Plan (SWAP), dedicated support for SGCN and non-game species and more biologist positions at the Department of Game and Fish (DGF). Mr. Bixby presented recommendations for preventing extinctions, including dedicated funding, removing restrictions on federal Pittman-Robertson Wildlife Restoration Act funding and updating the SWAP.

Michael Sloane, director, DGF, stated that the DGF is directed under the Wildlife Conservation Act to study and develop programs for the management of endangered species and that adequate, consistent funding is needed for long-term programs and additional employees. He listed projects the department has undertaken related to SGCN in the past year, including a statewide system to monitor songbird and migratory bird movement. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=2>.

### **DGF and State Game Commission Reform (10:57 a.m.)**

Jessica Johnson Shelton, senior program and policy strategist, Animal Protection New Mexico (APNM), advocated for providing the DGF with the authority and funding it needs to accomplish its mission and to assist in the APNM's goal of building a wildlife management system that will benefit all animals, not just game and fish.

Director Sloane said that he finds it difficult to speculate on proposed legislation and the Wildlife Conservation Act gives the DGF authority to work on a breadth of species. He stated that the department's priority is to establish dedicated and sustained funding so that it can develop programs, hire and dedicate biologists to long-term projects and have the resources to ensure biodiversity into the future.

Jesse Deubel, executive director, New Mexico Wildlife Federation, discussed ways in which the State Game Commission could be reformed and highlighted issues within the commission. He said that broader funding is needed but that the DGF could also increase state licensing fees to leverage federal match dollars, an option that he said would be supported by most hunters of the public trust wildlife. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=3>.

### **State Parks: Broad Canyon Report and Proposed Fee Increases (11:53 a.m.)**

Toby Velasquez, director, State Parks Division (SPD), Energy, Minerals and Natural Resources Department (EMNRD), introduced the team of SPD presenters, and he spoke about the importance of engaging the public, increasing state park fees and working with the University of New Mexico on an economic impact study of the state's 35 state parks.

Jared Langenegger, chief, Field Operations Bureau, SPD, EMNRD, discussed proposed fee increases to supplement the SPD's budget, which has not been increased since 2010. He presented the division's proposed initial fee increases, projected to supplement the division's budget by \$4.8 million, and stated that the public has responded mostly in favor of the proposals.

Colleen Baker, deputy director, SPD, EMNRD, presented on the feasibility study of establishing Broad Canyon Ranch as a state park, as required by Senate Memorial 38 (2023). She discussed the area's history and the division's preferred approach of limited development as a day-use state park, estimated to cost up to \$6 million.

Selena Connealy, chair, State Parks Advisory Board, said that the advisory board stands in support of the fee and rule changes proposed by the SPD and commended the division for good governance and including public voices in the rulemaking process. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=4>.

### **Beaver Management and Restoration (1:32 p.m.)**

Karen Menetrey, director, Ecological Opportunities, Rio Grande Return; Emily Fairfax, Ph.D., ecohydrologist and assistant professor, Department of Geography, Environment and Society, University of Minnesota; Director Sloane; and Chris Smith, wildlife program director, WildEarth Guardians, presented on the many benefits that beavers provide in the management and restoration of waterways and ecosystems.

Ms. Menetrey spoke about efforts to mimic beaver activities using minimally invasive restoration techniques. Ms. Fairfax said that due to their ability to buffer hazards, beavers should be carefully managed as a natural resource. Director Sloane noted that the DGF added beavers to the list of SGCN and that significant work and resources are needed to improve the status of the species. Mr. Smith discussed the importance of a fully developed statewide beaver management plan, as requested by Senate Memorial 4 (2014). The panel emphasized that beaver population restoration and utilizing beaver system engineering could improve the state's water supply and quality, perennial streams, wetlands and watersheds, aquifer recharge, carbon storage and wildfire mitigation. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=5>.

### **Land of Enchantment (LOE) Legacy Fund: Progress and Challenges (2:21 p.m.)**

Jacob Pederson, chief, Resource Management Bureau, Forestry Division, EMNRD; Sam Ferguson, river stewardship program coordinator, Department of Environment; Katie Goetz, co-lead, Healthy Soil Program, New Mexico Department of Agriculture (NMDA); AJ Jones, deputy director, New Mexico Outdoor Recreation Division, Economic Development Department; and Director Sloane discussed the programs funded by the LOE Legacy Fund at their respective agencies, including Natural Heritage Conservation Act projects, the River Stewardship Program, the Healthy Soil Program, the Noxious Weeds Program, the Outdoor Recreation Trails+ Grant program and the SGCN designation initiative.

Jonathan Hayden, executive director, New Mexico Land Conservancy, presented on the fund's investment strategies, the agencies that are eligible for funding and a map of project locations around the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=6>.

**Wildlife: Corridors and Crossings; Impacts from Solar Development (3:52 p.m.)**

Michael J. Dax, western program director, Wildlands Network, discussed implementation of the Wildlife Corridors Action Plan and the effectiveness of wildlife crossings in reducing vehicle collisions and wildlife fatalities. He also talked about interactions between wildlife and solar energy developments, wildlife-friendly fencing and balancing habitat impacts with the transition to renewable energy. He noted that more data is needed on land use of wildlife near developments.

James Hirsch, wildlife coordinator, Department of Transportation (DOT), and Trent Botkin, manager, Natural Resources Section, DOT, discussed plans for overpasses and underpasses along important wildlife corridors on United States Route 550 and the funding needed to begin construction in 2026. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=7>.

**Recess**

The meeting recessed at 4:44 p.m.

**Friday, September 27**

**Reconvene**

The meeting reconvened at 9:04 a.m.

**Stream Access Enforcement (9:07 a.m.)**

James Grayson, chief deputy attorney general, State Department of Justice, discussed the *Adobe Whitewater Club v. State Game Comm'n* case, in which the New Mexico Supreme Court held that barriers on public waters are unconstitutional because waters of the state belong to the public. He explained that the department is working with property owners and law enforcement to prevent conflict and trespassing and address noncompliance.

Mr. Deubel noted the importance of the ruling to uphold the public right of access to waters, which he said had been denied for decades. He discussed the New Mexico Wildlife Federation's education campaigns to foster cooperation, avoid conflict and promote stewardship of public waters and easements.

Sherry Barrett, chair, New Mexico Paddlers Coalition, described the impenetrable and hazardous barriers that are still in place on rivers, such as the Pecos River, that prevent safe public access. She gave examples of paddler-friendly fencing that can be separated to remove the danger of entrapment and drowning. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=8>.

#### **Preserving Dark Skies in New Mexico (10:15 a.m.)**

Peter Lipscomb, vice chair, New Mexico Chapter, DarkSky International, and Galen Gisler, council member, New Mexico Chapter, DarkSky International, discussed issues related to light pollution and proposed changes to the Night Sky Protection Act, including expanding the purpose, removing exemptions and recognizing the principles of responsible lighting. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=9>.

#### **Pesticides: Aerial Spraying and Neonics (11:08 a.m.)**

Steve Baca, assistant director, Division of Agricultural and Environmental Services, NMDA, discussed NMDA authority and responsibility under the Pesticide Control Act, which includes overseeing aerial application of pesticides and neonicotinoid insecticides, conducting impact surveys and pollinator-related support work.

Sharon Selvaggio, specialist, Pesticide Program, The Xerces Society for Invertebrate Conservation, discussed the diversity of insects in the Southwest and the economic value of sustaining their populations. She recommended upholding right-to-know principles, better public land management and protecting biodiversity and watersheds from harmful pesticides.

Charles Hibner, owner and range manager, Hibner Ranch, talked about managing land for cattle and having to spray pesticide in order to protect his forage and meadows from grasshopper damage. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=10>.

#### **Impacts of Lead Bullets and Tackle (12:45 p.m.)**

Mr. Deubel discussed the need for more public education about the dangers of lead bullets and for hunting and gun safety training courses to include lessons on these dangers. He also stated that the DGF should demonstrate the state's commitment to wildlife conservation by becoming an official member of the North American Non-Lead Partnership and that the sporting community should only use lead-free ammunition to prevent wildlife poisoning.

Dan Roper, New Mexico program lead, Trout Unlimited, said that the state should invest in data collection on the levels of lead in its water supply, consider funding wildlife rehabilitation centers to test for lead toxicity and launch targeted campaigns to encourage the use of non-lead tackle and ammunition alternatives. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=11>.

### **Equine and Animal Welfare Trust Fund (1:13 p.m.)**

Jessica Johnson Shelton, senior program and policy strategist, APNM; Stacie Voss, director, Animal Welfare, Farmington Regional Animal Shelter, and chair, Animal Shelter Committee, Board of Veterinary Medicine; and Karen Herman, Ph.D., director, Sky Mountain Wild Horse Sanctuary, discussed the challenges for understaffed, underfunded and overpopulated animal shelters and horse sanctuaries across the state. They recommended creating an animal welfare trust fund to address critical animal welfare and population control issues, improve animal control services, save taxpayer dollars and protect public safety and health.

Belinda Garland, executive director, New Mexico Livestock Board, discussed potential Anti-Donation Clause and Inspection of Public Records Act issues with creating an animal welfare trust fund that provides public money to private entities. She clarified the board's functions of controlling movement of livestock, determining ownership and controlling disease but not range management or jurisdiction over free-roaming animals. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=12>.

### **Terrero Mine Proposal and Protecting the Upper Pecos Watershed (2:01 p.m.)**

Ralph Vigil, northern New Mexico organizer, New Mexico Wild, gave a brief history of the area proposed for new mining and discussed how surrounding communities, trout populations and taxpayers were affected by past mining operations. He gave reasons for protecting the area and updating the New Mexico Mining Act.

Mr. Roper discussed the implications of mineral extraction for the development of clean energy sources. He explained that the Pecos River is not an appropriate place for a new mine, as there is strong community opposition to a new mine, the area has only recently recovered from past mining operations and its near designation as a superfund site, the area is popular among anglers and it provides critical habitat for the Rio Grande cutthroat trout. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/26/2024&ItemNumber=13>.

**Public Comment**

There was no public comment.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 2:33 p.m.