

MINUTES
of the
FIFTH MEETING
of the
WATER AND NATURAL RESOURCES COMMITTEE

November 6-8, 2023
State Capitol, Room 307
Santa Fe

The fifth meeting of the Water and Natural Resources Committee was called to order by Senator Elizabeth "Liz" Stefanics, chair, on Monday, November 6, 2023, at 10:02 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Sen. Elizabeth "Liz" Stefanics, Chair
Rep. Matthew McQueen, Vice Chair
Sen. Pete Campos
Rep. Kathleen Cates
Sen. Joseph Cervantes
Rep. Joanne J. Ferrary
Rep. Miguel P. García (11/6, 11/7)
Rep. T. Ryan Lane (11/6, 11/7)
Rep. Tara L. Lujan
Rep. Marian Matthews (11/6)
Rep. Kristina Ortez (11/6, 11/7)
Sen. Shannon D. Pinto (11/7, 11/8)*
Rep. Debra M. Sariñana
Rep. Larry R. Scott
Sen. Antoinette Sedillo Lopez*
Sen. Peter Wirth*
Sen. Pat Woods
Rep. Martin R. Zamora (11/6, 11/7)

Advisory Members

Rep. Christine Chandler (11/6,11/7)
Rep. Jack Chatfield
Sen. Linda M. López (11/7)
Rep. Rod Montoya
Sen. Gerald Ortiz y Pino (11/7)
Rep. Cristina Parajón (11/6, 11/7)
Rep. William "Bill" R. Rehm (11/7, 11/8)
Rep. Patricia Roybal Caballero
Sen. Mimi Stewart (11/6, 11/7)

Absent

Rep. Gail Armstrong
Rep. Susan K. Herrera
Sen. Cliff R. Pirtle
Rep. Andrea Romero
Sen. Benny Shendo, Jr.
Sen. Jeff Steinborn

Sen. Crystal Diamond Brantley
Rep. Candy Spence Ezzell
Rep. Jenifer Jones
Rep. Greg Nibert
Rep. G. Andrés Romero
Rep. Nathan P. Small

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

*Appointed by the president pro tempore of the senate as a voting member for this meeting only.

Staff

Sara Wiedmaier, Researcher, Legislative Council Service (LCS)

Tom Kricka, Staff Attorney, LCS

Sheila Keleher, Researcher, LCS

Erika Falance, Committee Coordinator, LCS

Minutes Approval

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

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, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Monday, November 6

Welcome and Introductions (10:02 a.m.)

Senator Stefanics and committee members introduced themselves and welcomed the public and presenters to the meeting.

Department of Environment (NMED): Legislative Priorities, Budget and Staffing Update (10:09 a.m.)

James Kenney, secretary, NMED, and Danielle Gilliam, deputy secretary, Operations, NMED, provided a presentation on the current state of the NMED and the department's requests for the 2024 legislative session. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20110623%20Item%201%20NMED%20Updates.pdf>.

Approval of Minutes (11:30 a.m.)

On a motion made and seconded, and without objection, the committee approved the minutes of the October 3-5, 2023 meeting.

Advanced Clean Cars and Trucks Rule and Electric Vehicle Tax Credits (11:30 a.m)

Michelle Miano, director, Environmental Protection Division, NMED; Carlos Garcia, member, New Mexico Auto Dealers Association; Stephanie Schardin Clarke, secretary, Taxation and Revenue Department; and Camilla Feibelman, director, Rio Grande Chapter, Sierra Club, provided a presentation on the current state of electric vehicle sales and charging capacity, as well as how the Clean Cars and Clean Trucks rule adopted by the Environmental Improvement Board in November 2023 will affect sales of new vehicles in the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=11/6/2023&ItemNumber=2>.

Public Comment (1:36 p.m.)

A list of individuals making public comment is available in the meeting file.

Energy, Minerals and Natural Resources Department (EMNRD): Legislative Priorities, Budget and Staffing Update (2:11 p.m.)

Sarah Cottrell Propst, secretary, EMNRD, provided updates on the following divisions of the EMNRD: Forestry Division; State Parks Division; Oil Conservation Division; Energy Conservation and Management Division; and Mining and Minerals Division. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20110623%20Item%203%20EMNRD%20Updates.pdf>.

Update on Land and Water Conservation Fund Stateside Program (2:56 p.m.)

Robert Stokes, Ph.D., chief, Program Support Bureau, State Parks Division, EMNRD; Colleen Baker, chief, Design and Development Bureau, State Parks Division, EMNRD; Jonathan Hayden, senior policy analyst, Western Lands, Western Resources Advocates; and Keegan King, founder and chief executive officer (CEO), Native Land Institute, provided an update on projects funded by the federal Land and Water Conservation Fund Stateside Program and funding opportunities for upcoming projects, as well as challenges tribal communities face when trying to get funding. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=11/6/2023&ItemNumber=4>.

Department of Game and Fish (DGF) Reform (4:11 p.m.)

Judy Calman, New Mexico policy director, Audubon Society; Jesse Deubel, executive director, New Mexico Wildlife Federation; Max Trujillo, commissioner, District 3, San Miguel County Board of County Commissioners; and Michael Sloane, director, DGF, provided a presentation on the challenges facing the DGF and the commission.

Recess

The meeting recessed at 4:46 p.m.

Tuesday, November 7

Reconvene

The meeting reconvened at 9:09 a.m.

**Office of the State Engineer (OSE) and the Interstate Stream Commission (ISC):
Legislative Priorities, Budget and Staffing Update (9:09 a.m.)**

Mike Hamman, P.E., state engineer, OSE, and Hannah Riseley-White, director, ISC, provided a presentation on the current operations of the OSE and the ISC, as well as opportunities for the future and legislative involvement. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20110623%20Item%206%20OSE%20ISC%20Updates.pdf>.

EXECUTIVE SESSION: *Atencio, et al. v. State of New Mexico* (10:15 a.m.)

On a motion made, seconded, and without objection, the committee entered a closed executive session to discuss ongoing litigation. On a motion made, seconded, and without objection, the committee ended the executive session and the regular meeting resumed.

Indian Water Rights Settlements (11:31 a.m.)

Dominic Gachupin, governor, Pueblo of Jemez; Wilfrid Herrera, governor, Pueblo of Laguna; Arden Kucate, governor, Pueblo of Zuni; Larry Phillips, governor, Ohkay Owingeh; Benjamin Salas, lieutenant governor, Pueblo of Zia; Wendell Chino, first lieutenant governor, Pueblo of Acoma; Mr. Hamman; and Nathaniel "Nat" Chakeres, general counsel, OSE, provided a presentation on the progress and status of Indian water rights settlements, including statements of support from the representatives of each pueblo. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=11/6/2023&ItemNumber=8>.

Working Lunch: New Mexico Unit Fund Update (1:14 p.m.)

Ms. Riseley-White; Marquita Russel, CEO, New Mexico Finance Authority; and Priscilla Lucero, executive director, Southwest New Mexico Council of Governments, provided a presentation on the current status of the New Mexico Unit Fund and the Water Trust Board's goals for fiscal years 2024 and 2025. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20110623%20Item%207%20ISC%20NMFA%20Unit%20Fund%20Update.pdf>.

Water Security Planning Act, Regional Water Planning and 2023 State Water Plan Review (2:08 p.m.)

Ms. Riseley-White; Andrew Erdmann, manager, Water Planning Program, ISC; Norm Gaume, president, Middle Rio Grande Water Advocates; and Ladona Clayton, Ph.D., executive director, Ogallala Land and Water Conservancy, provided a presentation on the next steps for the Water Security Planning Act and the 2023 update to the state water plan and discussed the importance of water governance. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=11/6/2023&ItemNumber=10>.

Climate Investment Center (3:26 p.m.)

Beth Beloff, executive director, Coalition of Sustainable Communities, and Christian Casillas, director, Policy Development and Research, Coalition of Sustainable Communities, provided a presentation on the New Mexico Climate Investment Center that their organization created as a nonprofit in collaboration with the state. The center's goals include prioritizing underserved and vulnerable communities and increasing climate resiliency. They discussed the partnerships, business model and time line the center will use to meet these goals. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=11/6/2023&ItemNumber=11>.

Geothermal Energy (4:26 p.m.)

Senator Ortiz y Pino; Tom Soloman, co-coordinator, 350 New Mexico; and Shari Kelley, Ph.D., senior geophysicist and field geologist, Bureau of Geology and Mineral Resources, New Mexico Institute of Mining and Technology, provided a presentation on geothermal energy development opportunities and hurdles in New Mexico. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20110623%20Item%2011%20Geothermal%20Energy.pdf>.

Public Comment (5:04 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The meeting recessed at 5:06 p.m.

Wednesday, November 8

Reconvene

The meeting reconvened at 9:10 a.m.

Committee Discussion of Bills (9:10 a.m.)

Committee members discussed legislation for endorsement. The legislation proposed for endorsement can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=11/6/2023&ItemNumber=13>.

The committee voted to endorse the following legislation:

- [.226849.1](#), that would provide for a transfer to the Water Trust Fund;
- [.226730.1](#), that would create a center of excellence for geothermal resources; and
- [.226779.1](#), relating to geothermal tax credits.

Letter to the Legislative Finance Committee (LFC) (11:29 a.m.)

On a motion made by Senator Wirth, seconded by Senator Pinto, and without objection, the committee voted to send a letter to the LFC in support of an appropriation to the Indian Water Rights Settlement Fund.

Letter to the New Mexico Congressional Delegation (11:31 a.m.)

On a motion made by Senator Pinto, seconded by Senator Sedillo Lopez and by a vote of nine in the affirmative with Representative Scott and Senator Woods voting in the negative, the committee voted to send a letter to the New Mexico congressional delegation in support of federal funding for Indian water rights settlement payments.

Public Comment (11:36 a.m.)

A list of individuals making public comment is available in the meeting file.

Adjournment

There being no further business before the committee, the meeting adjourned at 11:36 a.m.