



NEW MEXICO LEGISLATURE

**WATER AND  
NATURAL RESOURCES  
COMMITTEE**

2022 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE  
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## INTERIM SUMMARY



## **Water and Natural Resources Committee 2022 Interim Summary**

The Water and Natural Resources Committee held five in-person meetings in 2022 in Santa Fe, the Pueblo of Sandia, Clovis and Espanola and focused on issues relating to water, energy, natural resources, conservation and outdoor recreation.

During the 2022 interim, the committee spent a considerable amount of time hearing about issues related to water. The committee received two updates from the Office of the Attorney General on the ongoing litigation in *Texas v. New Mexico* and heard presentations on climate change and water management, Native American water use, the water pipeline to To'hajiilee, the Ute Pipeline Project, the Middle Rio Grande Compact, the New Mexico Unit Fund, environmental flows, the implementation of the Water Data Act and the risk of flooding after wildfires. The committee also heard a presentation on per- and polyfluoroalkyl contamination of ground water and received an update from the Water Policy and Infrastructure Task Force.

On the topic of energy, the committee heard presentations on electrical transmission, public power options, home and building electrification standards, electric vehicle charging, geothermal developments and opportunities, green hydrogen, methane regulations, the solar market development tax credit, orphaned and abandoned well cleanup and the modernization of the Oil and Gas Act.

Regarding natural resources and conservation, the committee received testimony on the implementation of the federal Recovering America's Wildlife Act of 2022, the recycling of plastics, wild horse management, the implementation of the environmental database, prescribed burns and conservation funding opportunities. The committee also heard presentations on the development of outdoor recreation and improvements to and funding for state parks.

At the final meeting of the interim in Santa Fe, state agencies with concerns relating to water, energy and natural resources presented fiscal year 2024 budget requests and staffing needs. The committee did not consider any legislation for endorsement this interim.





## WORK PLAN AND MEETING SCHEDULE



**2022 APPROVED  
WORK PLAN AND MEETING SCHEDULE  
for the  
WATER AND NATURAL RESOURCES COMMITTEE**

**Members**

Rep. Derrick J. Lente, Co-Chair	Rep. Tara L. Lujan
Rep. Matthew McQueen, Co-Chair	Rep. Marian Matthews
Sen. Elizabeth "Liz" Stefanics, Vice Chair	Rep. Kristina Ortez
Rep. Gail Armstrong	Rep. Larry R. Scott
Rep. Kay Bounkeua	Sen. Benny Shendo, Jr.
Sen. Pete Campos	Sen. Jeff Steinborn
Sen. Joseph Cervantes	Rep. James R.J. Strickler
Sen. David M. Gallegos	Rep. Candie G. Sweetser
Rep. Susan K. Herrera	Sen. Pat Woods
Sen. Stuart Ingle	Rep. Martin R. Zamora

**Advisory Members**

Rep. Jack Chatfield	Sen. Gerald Ortiz y Pino
Sen. Crystal R. Diamond	Sen. Shannon D. Pinto
Rep. Rebecca Dow	Rep. William "Bill" R. Rehm
Rep. Candy Spence Ezzell	Rep. Andrea Romero
Sen. Ron Griggs	Rep. G. Andrés Romero
Sen. Carrie Hamblen	Rep. Patricia Roybal Caballero
Rep. T. Ryan Lane	Sen. Joshua A. Sanchez
Rep. Raymundo Lara	Rep. Debra M. Sariñana
Sen. Linda M. Lopez	Sen. Antoinette Sedillo Lopez
Rep. Rod Montoya	Rep. Nathan P. Small
Rep. Roger E. Montoya	Sen. Mimi Stewart
Rep. Greg Nibert	Sen. Peter Wirth

**Approved Work Plan**

The Water and Natural Resources Committee was created by the New Mexico Legislative Council on April 26, 2022. The committee will focus on the following topics, as scheduling permits:

A. reports from water- and natural resources-related executive agencies, including the Office of the State Engineer, the Energy, Minerals and Natural Resources Department, the Department of Environment and the Department of Game and Fish, regarding initiatives, legislation passed and budget and staffing needs;

B. topics concerning water, including:

1. statutory reports from the Office of the State Engineer and the Interstate Stream Commission;

2. implementation of the Water Data Act;
3. the status of drought in the state and policy to address drought conditions, including weather modification;
4. climate and water administration challenges;
5. water system governance status and reform;
6. the development and implementation of regional water systems;
7. brackish water and desalination;
8. implementation of the Abeyta Settlement Agreement;
9. Middle Rio Grande water use and compliance with the Rio Grande Compact;
10. water quality and quantity concerns of communities downstream of wastewater treatment facilities;
11. plans to transfer water from the Mississippi River to the southwest;
12. initiatives to protect 30 percent of the world's oceans, lands, rivers, lakes and wetlands by 2030;
13. state and regional water planning;
14. environmental flows;
15. an update on the New Mexico Unit Fund;
16. water deliveries to Indian nations, tribes and pueblos and the status of Indian water rights litigation and settlements;
17. the strategic water reserve;
18. issues pertaining to acequias, including the Acequia and Community Ditch Infrastructure Fund;
19. contaminated ground water sites;
20. surface water protections, including discharge permitting and the impacts of the federal Clean Water Act of 1977;

21. updates on *Texas v. New Mexico* and other water-related litigation;
22. water quality and supply issues in areas affected by wildfire;
23. water line easements across state land;
24. water usage in cannabis production;
25. an update on the Ute Pipeline Project;
26. the water pipeline to To'hajiilee; and
27. per- and polyfluoroalkyl substances (PFAS), including a study of PFAS present in water in New Mexico;

C. topics concerning energy, including:

1. green hydrogen development and potential;
2. implementation of the Community Solar Act;
3. geothermal developments and opportunities;
4. public power in New Mexico;
5. electric vehicle charging;
6. an update on the implementation of the Community Energy Efficiency Development Block Grant Program;
7. state-based appliance standards and savings;
8. carbon capture sequestration costs and effectiveness;
9. resources needed for orphan well cleanup;
10. the status of the merger between Avangrid and the Public Service Company of New Mexico;
11. methane regulations;
12. hydrogen hub development;
13. the state solar tax credit;

14. building codes and building electrification;
15. home electrification funding and needs;
16. reform of electrical transmission;
17. modernization of the Oil and Gas Act;
18. blue hydrogen development and potential;
19. implementation of the Clean Car Rule; and
20. an update on produced water; and

D. topics concerning natural resources, conservation, agriculture, land management and animals, including:

1. the Food, Farm and Hunger initiative;
2. fire coordination and federal compensation for fire losses;
3. state support for farming and ranching management tools;
4. issues involving land for grazing, including the meadow jumping mouse;
5. plans for a Rio Grande Trail;
6. climate-informed reforestation efforts and watershed restoration projects;
7. state parks improvements and recommendations;
8. plans to help farmers and ranchers;
9. the development and potential of outdoor recreation;
10. the use of pesticides;
11. fireworks, drought and wildfire risk;
12. wild horse management legislation;
13. the use of off-highway vehicles;
14. implementation of the federal Recovering America's Wildlife Act;

15. prescribed burn opportunities, practices and precautions;
16. state funding for conservation and restoration projects;
17. a proposed green amendment;
18. state funding for environmental regulations;
19. an update from New Mexico State University College of Agricultural, Consumer and Environmental Sciences on weather stations, education and research centers;
20. new state environmental standards;
21. climate change and building resiliency in New Mexico;
22. climate change on Indian nations, tribes and pueblos;
23. state climate legislation;
24. climate change, oil and gas extraction and health;
25. the status and needs of uranium mine cleanup;
26. plastic use, recycling and responsibility;
27. policies and practices to address the use of plastics and plastic pollution;
28. riparian habitats along the Gila River and feral cattle;
29. an update on the stream access rule litigation;
30. outdoor recreation; and
31. the Environmental Database Act.

**Water and Natural Resources Committee  
2022 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
May 23	Santa Fe
July 25-26	Pueblo of Sandia
August 25-26	Clovis
September 29-30	Los Luceros
October 27-28	Santa Fe



# AGENDAS AND MINUTES







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

**May 23, 2022  
State Capitol, Room 307  
Santa Fe**

The first meeting of the Water and Natural Resources Committee for the 2022 interim was called to order by Representative Derrick J. Lente, co-chair, and Representative Matthew McQueen, co-chair, on Monday, May 23, 2022, at 1:07 p.m. in Room 307 of the State Capitol in Santa Fe.

**Present**

Rep. Derrick J. Lente, Co-Chair  
Rep. Matthew McQueen, Co-Chair  
Sen. Elizabeth "Liz" Stefanics, Vice Chair  
Rep. Gail Armstrong  
Rep. Kay Bounkeua  
Sen. Joseph Cervantes  
Sen. David M. Gallegos  
Rep. Susan K. Herrera  
Sen. Stuart Ingle  
Rep. Tara L. Lujan  
Rep. Larry R. Scott  
Rep. Martin R. Zamora

**Advisory Members**

Sen. Crystal R. Diamond  
Sen. Shannon D. Pinto  
Rep. Andrea Romero  
Rep. Patricia Roybal Caballero  
Rep. Debra M. Sariñana  
Sen. Antoinette Sedillo Lopez  
Sen. Peter Wirth

**Absent**

Sen. Pete Campos  
Rep. Marian Matthews  
Rep. Kristina Ortez  
Sen. Benny Shendo, Jr.  
Sen. Jeff Steinborn  
Rep. James R.J. Strickler  
Rep. Candie G. Sweetser  
Sen. Pat Woods  
  
Rep. Jack Chatfield  
Rep. Rebecca Dow  
Rep. Candy Spence Ezzell  
Sen. Ron Griggs  
Sen. Carrie Hamblen  
Rep. T. Ryan Lane  
Rep. Raymundo Lara  
Sen. Linda M. Lopez  
Rep. Rod Montoya  
Rep. Roger E. Montoya  
Rep. Greg Nibert  
Sen. Gerald Ortiz y Pino  
Rep. William "Bill" R. Rehm  
Rep. G. Andrés Romero  
Sen. Joshua A. Sanchez  
Rep. Nathan P. Small  
Sen. Mimi Stewart

**Guest Legislator**

Sen. Nancy Rodriguez

**Staff**

Tom Kricka, Staff Attorney, Legislative Council Service (LCS)

Sabina Gaynor, Staff Attorney, LCS

Sara Wiedmaier, Research Assistant, 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 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.

**Monday, May 23****Welcome and Introductions (1:07 p.m.)**

Representative McQueen welcomed the members of the committee to the first interim meeting and then asked individual members of the committee to introduce themselves.

**Discussion of 2022 Interim Work Plan and Meeting Schedule (1:14 p.m.)**

Members of the committee discussed the contents of the proposed work plan and meeting schedule for the 2022 interim. The proposed work plan and meeting schedule can be found here:

<https://www.nmlegis.gov/handouts/WNR%20052322%20Item%201%20proposed%20work%20plan.22.pdf>.

**EXECUTIVE SESSION (Closed Meeting): Update on *Texas v. New Mexico* (1:31 p.m.)****Adjournment**

There being no further business before the committee, the meeting adjourned at 3:10 p.m.

Revised: July 22, 2022

**TENTATIVE AGENDA  
for the  
SECOND MEETING  
of the  
WATER AND NATURAL RESOURCES COMMITTEE**

**July 25-26, 2022  
The Event Center at Sandia Golf Club  
30 Rainbow Road NE  
Albuquerque**

**Monday, July 25**

- 9:00 a.m.           **Call to Order**  
—Representative Derrick J. Lente, Co-Chair, Water and Natural Resources  
Committee (WNRC)  
—Representative Matthew McQueen, Co-Chair, WNRC
- 9:15 a.m.           (1)   **Welcome**  
—Stuart Paisano, Governor, Pueblo of Sandia
- 9:30 a.m.           (2)   **History, Present and Future of Native American Water Use**  
—Dr. Crystal Tulley-Cordova, Principal Hydrologist, Navajo Nation  
Department of Water Resources  
—Sam DesGeorges, President, Taos Valley Acequia Association  
—Stuart Paisano, Governor, Pueblo of Sandia  
—George Toya, Farm Program Manager, Department of Environmental and  
Natural Resources, Pueblo of Nambé  
—TBD, Coalition of Six Middle Rio Grande Pueblos (invited)  
—Daryl Vigil, Water Administrator, Jicarilla Apache Nation (invited)
- 10:30 a.m.          (3)   **Status of Indian Water Rights Litigation and Settlements**  
—Nat Chakeres, General Counsel, Office of the State Engineer (OSE)  
—Josh Mann, Attorney, Mann Water Law
- 11:30 a.m.          (4)   **Water Pipeline to To'hajiilee**  
—Jimmy Secatero, President, To'Hajiilee Chapter, Navajo Nation  
—Andrew Robertson, P.E., Director, Souder, Miller & Associates  
—George Mihalik, P.E., Project Engineer, Souder, Miller & Associates
- 12:00 noon           **Lunch**

- 1:00 p.m. (5) [\*\*Water Management in an Era of Decreasing Supply: Increased Use and the Effect of Groundwater Depletions and Climate Change\*\*](#)  
—Mike Hamman, State Engineer, OSE  
—Dr. David Gutzler, Professor Emeritus, Department of Earth and Planetary Sciences, University of New Mexico  
—Dr. Maurice Hall, Vice President, Climate Resilient Water Systems, Environmental Defense Fund  
—Adrian Oglesby, Director, Utton Transboundary Resources Center, University of New Mexico
- 2:15 p.m. (6) [\*\*The Legal and Regulatory Framework of Environmental Flows in New Mexico\*\*](#)  
—Paul Tashjian, Director of Freshwater Conservation, Audubon New Mexico  
—Adrian Oglesby, Director, Utton Transboundary Resources Center, University of New Mexico
- 3:00 p.m. (7) [\*\*The Strategic Water Reserve: Status, Needs and Reform\*\*](#)  
—Hannah Riseley-White, Deputy Director, Interstate Stream Commission (ISC)  
—Kristina Fisher, Associate Director, Think New Mexico
- 3:45 p.m. (8) [\*\*Risk of Flooding from Wildfires\*\*](#)  
—Shawn L. Penman, Ph.D., C.F.M., G.I.S.P., New Mexico Coordinator, Cooperating Technical Partners Program, Federal Emergency Management Agency; Manager, New Mexico Resource Geographic Information System Clearinghouse, Earth Data Analysis Center, and Adjunct Assistant Professor, Department of Anthropology, University of New Mexico

4:30 p.m. **Public Comment\***

5:00 p.m. **Recess**

**Tuesday, July 26**

- 9:00 a.m. (9) [\*\*Water System Governance and Reform\*\*](#)  
—Mike Hamman, State Engineer, OSE  
—Norm Gaume, President, Middle Rio Grande Water Advocates  
—Mindy Bridges, Project Manager, Environment, Energy and Transportation Program, National Conference of State Legislatures



- 10:30 a.m. (10) **Water Use in Cannabis Production**  
—Linda Trujillo, Superintendent, Regulation and Licensing Department  
—Mike Hamman, State Engineer, OSE  
—John Romero, P.E., Director, Water Resource Allocation Program, and  
Director, Water Rights Division, OSE  
—Paula Garcia, Executive Director, New Mexico Acequia Association
- 12:00 noon **Lunch**
- 1:00 p.m. (11) **Middle Rio Grande Water Use and Compliance with the Rio Grande Compact**  
—Mike Hamman, State Engineer, OSE  
—Page Pegram, New Mexico Rio Grande Compact Engineer Advisor, ISC  
—J. Phillip King, P.E., Ph.D., Engineering Consultant, Elephant Butte  
Irrigation District  
—Jason M. Casuga, P.E., Chief Executive Officer and Chief Engineer,  
Middle Rio Grande Conservancy District  
—Norm Gaume, President, Middle Rio Grande Water Advocates
- 2:15 p.m. (12) **New Mexico Unit Fund: Process, Access and Status**  
—Priscilla Lucero, Board Member, Water Trust Board; Executive Director,  
Southwest New Mexico Council of Governments  
—Marquita Russel, Chief Executive Officer, New Mexico Finance  
Authority  
—Rolf Schmidt-Petersen, Director, ISC
- 3:00 p.m. (13) **EXECUTIVE SESSION (Closed Meeting): Update on *Texas v. New Mexico***  
—Hector Balderas, Attorney General, Office of the Attorney General  
—Cholla Khoury, Chief Deputy Attorney General of Civil Affairs, Office of  
the Attorney General  
—Mike Hamman, State Engineer, OSE  
—Nat Chakeres, General Counsel, OSE  
—Rolf Schmidt-Petersen, Director, ISC
- 4:00 p.m. **Adjourn**

\*This meeting will be webcast and can be viewed by clicking the video icon beneath the meeting agenda on the Water and Natural Resources Committee [web page](#). Members of the public may make comments during the public comment portion of the meeting by following instructions under the "Extra Information" portion of the [web page](#).



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

**July 25-26, 2022  
The Event Center at Sandia Golf Club  
30 Rainbow Road NE  
Albuquerque**

The second meeting of the Water and Natural Resources Committee for the 2022 interim was called to order by Representative Derrick J. Lente, co-chair, on Monday, July 25, 2022, at 9:13 a.m. at the Event Center at Sandia Golf Club in Albuquerque.

**Present**

Rep. Derrick J. Lente, Co-Chair  
Rep. Matthew McQueen, Co-Chair  
Sen. Elizabeth "Liz" Stefanics, Vice Chair  
Rep. Gail Armstrong  
Rep. Kay Bounkeua  
Sen. Pete Campos  
Rep. Pamelya Herndon (7/25)  
Rep. Susan K. Herrera  
Sen. Stuart Ingle (7/25)  
Rep. Tara L. Lujan  
Rep. Marian Matthews  
Rep. Kristina Ortez  
Rep. Larry R. Scott  
Sen. Benny Shendo, Jr.  
Rep. James R.J. Strickler  
Rep. Candie G. Sweetser (7/25)  
Sen. Pat Woods  
Rep. Martin R. Zamora

**Advisory Members**

Sen. Crystal R. Diamond (7/26)  
Rep. Rebecca Dow  
Sen. Linda M. Lopez  
Sen. Gerald Ortiz y Pino  
Sen. Shannon D. Pinto  
Rep. Patricia Roybal Caballero  
Sen. Joshua A. Sanchez (7/26)  
Sen. Mimi Stewart (7/25)

**Absent**

Sen. Joseph Cervantes  
Sen. David M. Gallegos  
Sen. Jeff Steinborn

Rep. Jack Chatfield  
Rep. Candy Spence Ezzell  
Sen. Ron Griggs  
Sen. Carrie Hamblen  
Rep. T. Ryan Lane  
Rep. Rod Montoya  
Rep. Roger E. Montoya  
Rep. Greg Nibert  
Rep. William "Bill" R. Rehm  
Rep. Andrea Romero

Rep. G. Andrés Romero  
Rep. Debra M. Sariñana  
Sen. Antoinette Sedillo Lopez  
Rep. Nathan P. Small  
Sen. Peter Wirth

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

### **Staff**

Tom Kricka, Staff Attorney, Legislative Council Service (LCS)  
Sabina Gaynor, Staff Attorney, LCS  
Sara Weidmaier, Research Assistant, LCS  
Hexuan Li, Intern, LCS

### **Guests**

The guest list is in the meeting file.

### **Handouts**

Copies of all handouts and 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 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.

## **Monday, July 25**

### **Welcome and Introductions (9:13 a.m.)**

Stuart Paisano, governor, Pueblo of Sandia, welcomed the members of the committee to the second meeting of the interim. Representative Lente asked individual members of the committee to introduce themselves.

### **History, Present and Future of Native American Water Use (9:31 a.m.)**

Dr. Crystal Tulley-Cordova, principal hydrologist, Navajo Nation Department of Water Resources; Sam DesGeorges, president, Taos Valley Acequia Association; Mr. Paisano; and George Toya, farm program manager, Department of Environmental and Natural Resources, Pueblo of Nambé, provided a presentation regarding the historic, current and projected water use of tribal lands. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20072522%20Item%202%20TVAA.pdf>.

**Status of Indian Water Rights Litigation and Settlements (10:38 a.m.)**

Kelly Brooks Smith, deputy general counsel, Bureau for Tribes, Pueblos and Nations, Office of the State Engineer (OSE), and Josh Mann, attorney, Mann Water Law, provided a presentation regarding the state of settlements and litigation related to Indian water rights. Specifically, the presenters addressed the Taos Valley Water Rights Settlement. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20072522%20Item%203%20OSE%20Indian%20Water%20Rights%20Settlements%207%2022%2022.2.pdf>.

**Water Pipeline to To'hajiilee (11:33 a.m.)**

Andrew Robertson, P.E., director, Souder, Miller & Associates, and George Mihalik, P.E., project engineer, Souder, Miller & Associates, provided a presentation regarding the water pipeline to To'hajiilee.

**Approval of Minutes (12:01 p.m.)**

Senator Stefanics moved for approval of the May 23, 2022 minutes, seconded by Representative Armstrong.

**Water Management in an Era of Decreasing Supply: Increased Use and the Effect of Ground Water Depletions and Climate Change (1:03 p.m.)**

Mike Hamman, state engineer, OSE; Dr. David Gutzler, professor emeritus, Department of Earth and Planetary Sciences, University of New Mexico; Dr. Maurice Hall, vice president, Climate Resilient Water Systems, Environmental Defense Fund; and Adrian Oglesby, director, Utton Transboundary Resources Center, University of New Mexico, provided a presentation on state water management. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=7/25/2022&ItemNumber=5>.

**The Legal and Regulatory Framework of Environmental Flows in New Mexico (2:53 p.m.)**

Paul Tashjian, director of freshwater conservation, Audubon New Mexico, and Mr. Oglesby provided a presentation regarding environmental flows and legal tools to promote them. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20072522%20Item%206%20Environmental%20flows%20Audobon.pdf>.

**The Strategic Water Reserve: Status, Needs and Reform (3:23 p.m.)**

Hannah Riseley-White, deputy director, Interstate Stream Commission (ISC), and Kristina Fisher, associate director, Think New Mexico, provided a presentation regarding past strategic water reserve legislation and reform needs. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=7/25/2022&ItemNumber=7>.

**Risk of Flooding from Wildfires (3:44 p.m.)**

Shawn L. Penman, Ph.D., C.F.M., G.I.S.P., New Mexico coordinator, Cooperating Technical Partners Program, Federal Emergency Management Agency, manager, New Mexico Resource Geographic Information System Clearinghouse, Earth Data Analysis Center, and adjunct assistant professor, Department of Anthropology, University of New Mexico, provided a presentation regarding the flooding resulting from wildfires occurring in the state in 2022.

Committee members expressed concerns about communication issues among landowners, agencies and telecommunication organizations following the fires and flooding that occurred in Las Vegas in 2022.

**Public Comment (4:10 p.m.)**

The committee received public comment in person and via Zoom. The following people provided public comment:

- Ralph Vigil, chair, Acequia Commission, expressed the need to use funding to rehabilitate acequias, stating that money in a fund for adjudication should be used for that purpose, and encouraged the committee to work with other funding sources to meet the needs of rehabilitating acequias; and
- Paula Garcia, executive director, New Mexico Acequia Association, made a comment via email to Representative Lente on the failures of the Federal Emergency Management Agency to respond to those affected by the fire and flooding in Las Vegas.

**Recess**

The meeting recessed at 4:24 p.m.

**Tuesday, July 26**

**Reconvene**

The meeting reconvened at 9:02 a.m.

**Water System Governance and Reform (9:08 a.m.)**

Mr. Hamman; Norm Gaume, president, Middle Rio Grande Water Advocates; and Mindy Bridges, project manager, Environment, Energy and Transportation Program, National Conference of State Legislatures, provided a presentation regarding water system governance and reform. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=7/25/2022&ItemNumber=9>.

**Water Use in Cannabis Production (10:38 a.m.)**

Linda Trujillo, superintendent, Regulation and Licensing Department; Mr. Hamman; John Romero, P.E., director, Water Resource Allocation Program, and director, Water Rights Division, OSE; and Ms. Garcia provided a presentation regarding water use in cannabis production. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20072522%20Item%2010%20OSE%20Cannabis%20Act.pdf>.

**Middle Rio Grande Water Use and Compliance with the Rio Grande Compact (1:01 p.m.)**

Mr. Hamman; Page Pegram, New Mexico Rio Grande Compact engineer advisor, ISC; J. Phillip King, P.E., Ph.D., engineering consultant, Elephant Butte Irrigation District; Jason M. Casuga, P.E., chief executive officer and chief engineer, Middle Rio Grande Conservancy District; and Mr. Gaume provided a presentation regarding the use of Rio Grande water and state compliance with the Rio Grande Compact. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=7/25/2022&ItemNumber=11>.

**New Mexico Unit Fund: Process, Access and Status (2:32 p.m.)**

Priscilla Lucero, board member, Water Trust Board, and executive director, Southwest New Mexico Council of Governments; Marquita Russel, chief executive officer, New Mexico Finance Authority; and Rolf Schmidt-Petersen, director, ISC, provided a presentation regarding the New Mexico Unit Fund. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20072522%20Item%2012%20ISC%20NM%20Unit%20Fund.pdf>.

**EXECUTIVE SESSION (Closed Meeting): Update on *Texas v. New Mexico* (3:10 p.m.)**

The committee went into executive session to discuss ongoing litigation.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 3:50 p.m.





Revised: August 24, 2022

**TENTATIVE AGENDA  
for the  
THIRD MEETING  
of the  
WATER AND NATURAL RESOURCES COMMITTEE**

**August 25-26, 2022  
Clovis Civic Center  
801 Schepps Boulevard  
Clovis**

**Thursday, August 25**

- 9:30 a.m.           **Call to Order, Welcome and Introductions**  
—Representative Matthew McQueen, Co-Chair, Water and Natural Resources Committee (WNRC)  
—Representative Derrick J. Lente, Co-Chair, WNRC  
—Mike Morris, Mayor, City of Clovis
- 9:45 a.m.           (1) **Update on Per- and Polyfluoroalkyl Substances Contamination**  
—James C. Kenney, Secretary, Department of Environment (NMED)  
—William Grantham, Assistant Attorney General, Consumer and Environmental Protection Division, Office of the Attorney General  
—Art Schaap, Owner, Highland Dairy
- 10:45 a.m.           (2) **Update on the Ute Pipeline Project**  
—Mike Hamman, State Engineer, Office of the State Engineer  
—Mike Morris, Mayor, City of Clovis, and Chair, Eastern New Mexico Water Utility Authority
- 11:15 a.m.           (3) **Electrical Transmission in and Through New Mexico: Streamlining the Process While Protecting Local Interests**  
—Cynthia B. Hall, Chair, Public Regulation Commission  
—Stephen Fischmann, Commissioner, District 5, Public Regulation Commission  
—Fernando Martinez, Executive Director, New Mexico Renewable Energy Transmission Authority  
—Jeremy Turner, Director, New Mexico Project Development, Pattern Energy  
—Danielle Garcia, Field Manager, ReNew Mexico
- 12:15 p.m.           **Presentation from the Future Farmers of America**
- 12:30 p.m.           **Lunch**

- 1:30 p.m. (4) [\*\*Municipal, County and Tribal Public Power Options\*\*](#)  
—Erin Dayl, Energy Lead, Public Power New Mexico  
—Jay Levine, Board Member, Renewable Taos  
—Jonathan Juarez-Alonzo, Policy Lead, Youth United for Climate Crisis Action  
—Les Rubin, Finance Director, Pueblo of Picuris
- 2:30 p.m. (5) [\*\*Home and Building Electrification: Funding, Appliance Standards and Building Codes\*\*](#)  
—Patricia Sullivan, Associate Dean, Outreach and Recruitment, College of Engineering, New Mexico State University (NMSU)  
—Dr. Olga Lavrova, Associate Professor of Electrical and Computer Engineering, College of Engineering, NMSU  
—Robin Ribble-Harder, Senior Manager, ICF International  
—Steve Hale, Executive Director, Build Green New Mexico
- 3:30 p.m. (6) [\*\*Electric Vehicle Charging in New Mexico\*\*](#)  
—Paul Montoya, Program Director, Department of Transportation  
—Mary Jane Parks, Solar Energy Innovator Fellow, Public Regulation Commission  
—Alaric Babej, Manager, Customer Program Marketing and Development, Public Service Company of New Mexico

4:30 p.m. **Public Comment\***

5:00 p.m. **Recess**

### **Friday, August 26**

- 9:00 a.m. (7) [\*\*Geothermal Developments and Opportunities\*\*](#)  
—Senator Gerald Ortiz y Pino, District 12  
—Tom Solomon, Electrical Engineer and Co-Coordinator, 350 New Mexico  
—Dr. Shari Kelley, Senior Geophysicist and Field Geologist, Bureau of Geology and Mineral Resources, New Mexico Institute of Mining and Technology (NM Tech)
- 9:45 a.m. (8) [\*\*Green Hydrogen Development and Potential\*\*](#)  
—Dave Warren, Principal, The Warren Group, LLC  
—Troy A. Semelsberger, Technical Staff Member, Los Alamos National Laboratory (invited)
- 11:15 a.m. (9) [\*\*Carbon Capture Sequestration Costs and Effectiveness\*\*](#)  
—Robert Balch, Director, Petroleum Recovery Research Center, NM Tech  
—Adrienne Sandoval, Director, Oil Conservation Division, Energy, Minerals and Natural Resources Department (EMNRD)

12:00 noon

**Lunch**

1:00 p.m.

(10) **[Methane Regulations: Recent Developments and Next Steps](#)**

—Sarah Cottrell Propst, Secretary, EMNRD

—Adrienne Sandoval, Director, Oil Conservation Division, EMNRD

—John Smitherman, Senior Policy Advisor, New Mexico Oil and Gas Association

—Jon Goldstein, Senior Director, Regulatory and Legislative Affairs, Environmental Defense Fund

—James C. Kenney, Secretary, NMED

—Lara Katz, Assistant General Counsel, NMED

2:30 p.m.

(11) **[Orphaned and Abandoned Well Cleanup and Bonding Sufficiency](#)**

—Adrienne Sandoval, Director, Oil Conservation Division, EMNRD

—Dr. Mahmoud Reda Taha, Regents' Lecturer and Chair, Department of Civil Engineering, University of New Mexico

3:30 p.m.

(12) **[Modernization of the Oil and Gas Act](#)**

—Tannis Fox, Senior Attorney, Western Environmental Law Center

4:30 p.m.

**Adjourn**

\*This meeting will be webcast and can be viewed by clicking the video icon beneath the meeting agenda on the Water and Natural Resources Committee [web page](#). Members of the public may make comments during the public comment portion of the meeting by following instructions under the "Extra Information" portion of the [web page](#).



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

**August 25-26, 2022**  
**Clovis Civic Center**  
**801 Schepps Boulevard**  
**Clovis**

The third meeting of the Water and Natural Resources Committee for the 2022 interim was called to order by Representative Matthew McQueen, co-chair, on Thursday, August 25, 2022, at 9:37 a.m. at the Clovis Civic Center in Clovis.

**Present**

Rep. Matthew McQueen, Co-Chair  
Sen. Elizabeth "Liz" Stefanics, Vice Chair  
Sen. Pete Campos  
Rep. Tara L. Lujan  
Rep. Kristina Ortez  
Rep. Larry R. Scott  
Sen. Benny Shendo, Jr. (8/25)  
Rep. James R.J. Strickler  
Rep. Candie G. Sweetser (8/25)  
Sen. Pat Woods  
Rep. Martin R. Zamora

**Advisory Members**

Rep. Jack Chatfield  
Sen. Ron Griggs  
Sen. Gerald Ortiz y Pino  
Sen. Shannon D. Pinto  
Rep. William "Bill" R. Rehm (8/26)  
Sen. Antoinette Sedillo Lopez  
Sen. Mimi Stewart

**Absent**

Rep. Derrick J. Lente, Co-Chair  
Rep. Gail Armstrong  
Rep. Kay Bounkeua  
Sen. Joseph Cervantes  
Sen. David M. Gallegos  
Rep. Pamelya Herndon  
Rep. Susan K. Herrera  
Sen. Stuart Ingle  
Rep. Marian Matthews  
Sen. Jeff Steinborn

Sen. Crystal R. Diamond  
Rep. Rebecca Dow  
Rep. Candy Spence Ezzell  
Sen. Carrie Hamblen  
Rep. T. Ryan Lane  
Sen. Linda M. Lopez  
Rep. Rod Montoya  
Rep. Roger E. Montoya  
Rep. Greg Nibert  
Rep. Andrea Romero  
Rep. G. Andrés Romero  
Rep. Patricia Roybal Caballero  
Sen. Joshua A. Sanchez  
Rep. Debra M. Sariñana  
Rep. Nathan P. Small  
Sen. Peter Wirth

**Guest Legislator**

Rep. Randal S. Crowder

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

**Staff**

Tom Kricka, Staff Attorney, Legislative Council Service (LCS)

D. Martin Fischer, Staff Attorney, LCS

Sabina Gaynor, Staff Attorney, LCS

Sara Wiedmaier, Research Assistant, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Copies of all handouts and 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 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, August 25****Welcome and Introductions (9:37 a.m.)**

Representative McQueen welcomed the members to the meeting and then asked individual members of the committee to introduce themselves. Mike Morris, mayor, City of Clovis, also provided a brief introduction.

**Update on Per- and Polyfluoroalkyl Substances Contamination (9:56 a.m.)**

James C. Kenney, secretary, Department of Environment (NMED); William Grantham, assistant attorney general, Consumer and Environmental Protection Division, Office of the Attorney General; and Art Schaap, owner, Highland Dairy, provided a presentation regarding state efforts to address per- and polyfluoroalkyl substances contamination. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20082522%20Item%201%20NMED%20PFAS.pdf>.

### **Update on the Ute Pipeline Project (11:03 a.m.)**

Mike Hamman, state engineer, Office of the State Engineer, and Mr. Morris, chair, Eastern New Mexico Water Utility Authority, provided an update on the status of the Ute Pipeline Project. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=8/25/2022&ItemNumber=2>.

### **Electrical Transmission in and Through New Mexico: Streamlining the Process While Protecting Local Interests (11:47 a.m.)**

Cynthia B. Hall, chair, Public Regulation Commission; Stephen Fischmann, commissioner, District 5, Public Regulation Commission; Fernando Martinez, executive director, New Mexico Renewable Energy Transmission Authority; Jeremy Turner, director, New Mexico Project Development, Pattern Energy; and Danielle Garcia, field manager, ReNew Mexico, provided a presentation regarding state and community stakeholder interests related to energy development. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=8/25/2022&ItemNumber=3>.

### **Presentation from the Future Farmers of America (12:49 p.m.)**

The committee received presentations from students from the Future Farmers of America.

### **Approval of Minutes (2:02 p.m.)**

The minutes from the July 25-26, 2022 meeting of the committee were approved.

### **Municipal, County and Tribal Public Power Options (2:10 p.m.)**

Erin Dayl, energy lead, Public Power New Mexico; Jay Levine, board member, Renewable Taos; Jonathan Juarez-Alonzo, policy lead, Youth United for Climate Crisis Action; and Les Rubin, finance director, Pueblo of Picuris, provided a presentation regarding local options for power. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=8/25/2022&ItemNumber=4>.

### **Home and Building Electrification: Funding, Appliance Standards and Building Codes (3:22 p.m.)**

Patricia Sullivan, associate dean, Outreach and Recruitment, College of Engineering, New Mexico State University (NMSU); Dr. Olga Lavrova, associate professor of electrical and computer engineering, College of Engineering, NMSU; Robin Ribble-Harder, senior manager, ICF International; and Steve Hale, executive director, Build Green New Mexico, provided a presentation regarding residential and commercial property electrification. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=8/25/2022&ItemNumber=5>.

**Electric Vehicle Charging in New Mexico (4:19 p.m.)**

Paul Montoya, program director, Department of Transportation; Mary Jane Parks, solar energy innovator fellow, Public Regulation Commission; and Alaric Babej, manager, Customer Program Marketing and Development, Public Service Company of New Mexico, provided a presentation regarding electric vehicle charging across the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=8/25/2022&ItemNumber=6>.

**Recess**

The meeting recessed at 3:10 p.m.

**Friday, August 26****Reconvene**

The meeting reconvened at 9:07 a.m.

**Geothermal Developments and Opportunities (9:10 a.m.)**

Senator Ortiz y Pino; Tom Solomon, electrical engineer and co-coordinator, 350 New Mexico; and Dr. Shari Kelley, senior geophysicist and field geologist, Bureau of Geology and Mineral Resources, New Mexico Institute of Mining and Technology (NM Tech), provided a presentation regarding the potential for state geothermal energy sourcing. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=8/25/2022&ItemNumber=7>.

**Green Hydrogen Development and Potential (10:12 a.m.)**

Dave Warren, principal, The Warren Group, LLC, provided a presentation to the committee regarding green hydrogen development and potential. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20082522%20Item%208%20Green%20Hydrogen-%20Warren.pdf>.

**Carbon Capture Sequestration Costs and Effectiveness (11:40 a.m.)**

Robert Balch, director, Petroleum Recovery Research Center, NM Tech, and Adrienne Sandoval, director, Oil Conservation Division, Energy, Minerals and Natural Resources Department (EMNRD), provided a presentation regarding the expense and efficacy of carbon capture sequestration. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20082522%20Item%209%20Balch%201.pdf>.



**Methane Regulations: Recent Developments and Next Steps (12:56 p.m.)**

Sarah Cottrell Propst, secretary, EMNRD; Ms. Sandoval; John Smitherman, senior policy advisor, New Mexico Oil and Gas Association; Jon Goldstein, senior director, Regulatory and Legislative Affairs, Environmental Defense Fund; Secretary Kenney; and Lara Katz, assistant general counsel, NMED, provided an update regarding methane regulations.

**Orphaned and Abandoned Well Cleanup and Bonding Sufficiency (2:25 p.m.)**

Ms. Sandoval and Dr. Mahmoud Reda Taha, regents' lecturer and chair, Department of Civil Engineering, University of New Mexico, provided a presentation regarding efforts to clean up and secure orphaned and abandoned oil and gas wells. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=8/25/2022&ItemNumber=11>.

**Modernization of the Oil and Gas Act (3:46 p.m.)**

Tannis Fox, senior attorney, Western Environmental Law Center, provided a presentation regarding proposed legislation to update the Oil and Gas Act. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20082522%20Item%2012%20Oil%20&%20Gas%20WELC.pdf>.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 4:26 p.m.



Revised: September 28, 2022

**TENTATIVE AGENDA  
for the  
FOURTH MEETING  
of the  
WATER AND NATURAL RESOURCES COMMITTEE**

**September 29-30, 2022  
Northern New Mexico College  
Event Center  
921 North Paseo de Onate  
Española**

**Thursday, September 29**

- 9:00 a.m.           **Call to Order, Welcome and Introductions**  
—Representative Matthew McQueen, Co-Chair, Water and Natural Resources Committee (WNRC)  
—Representative Derrick J. Lente, Co-Chair, WNRC  
—Vince Lithgow, Vice President for Finance and Administration, Northern New Mexico College
- 9:15 a.m.       (1)   **Outdoor Recreation: Developments, Potential and Needs**  
—Alyssa Renwick, Deputy Director, New Mexico Outdoor Recreation Division, Economic Development Department  
—Cisco Guevara, Founder and President, Los Rios River Runners
- 10:15 a.m.       (2)   **The 30 x 30 Initiative**  
—Laura McCarthy, State Forester, Forestry Division, Energy, Minerals and Natural Resources Department (EMNRD)  
—Greg Peters, Senior Advocate, Lands, Water and Wildlife, Conservation Voters New Mexico  
—Oriana Sandoval, Chief Executive Officer, Center for Civic Policy
- 11:15 a.m.       (3)   **Conservation Funding Opportunities**  
—Dylan Fuge, General Counsel, EMNRD  
—Debbie Hughes, Executive Director, New Mexico Association of Conservation Districts  
—Brittany Fallon, Ph.D., Senior Policy Manager, Western Lands Program, Western Resource Advocates
- 12:15 p.m.       **Lunch**

- 1:15 p.m. (4) [Surface Water Discharge Permitting Primacy](#)  
—Shelly Lemon, Chief, Surface Water Quality Bureau, Department of Environment  
—Rachel Conn, Deputy Director, Amigos Bravos
- 2:15 p.m. (5) [Prescribed Burns: Opportunities, Practices and Precautions](#)  
—Laura McCarthy, State Forester, Forestry Division, EMNRD  
—Melany Glossa, Acting Associate Deputy Chief, Fire and Aviation Management, United States Forest Service, United States Department of Agriculture  
—Gwen Kolb, State Coordinator, Partners for Fish and Wildlife, United States Fish and Wildlife Service, United States Department of the Interior  
—Eytan Krasilovsky, Deputy Director, The Forest Stewards Guild
- 3:45 p.m. (6) [Fireworks, Drought and Wildfire Risk](#)  
—Ted A. Hart, Mayor, City of Moriarty  
—Jaome Blay, Assistant Chief, Fire Prevention and Risk Reduction, Santa Fe County  
—Bruce Dile, Interim Bureau Chief Code Enforcement Captain, State Fire Marshal's Office, Homeland Security and Emergency Management Department

5:00 p.m. **Recess**

**Friday, September 30**

- 9:00 a.m. (7) [Wild Horse Management Legislation](#)  
—Senator Pat Woods  
—Jessica Johnson, Chief Government Affairs Officer, Animal Protection Voters  
—Karen Herman, Ph.D., Director, Sky Mountain Wild Horse Sanctuary and Mount Taylor Mustangs, LLC
- 10:00 a.m. (8) [Implementation of the Federal Recovering America's Wildlife Act of 2022](#)  
—Michael B. Sloane, Director, Department of Game and Fish  
—Jesse Deubel, Executive Director, New Mexico Wildlife Federation (invited)  
—Mike Sullivan, Senior Advisor, Office of United States Senator Martin Heinrich
- 11:00 a.m. (9) [State Parks: Improvements and Funding](#)  
—Toby Velasquez, Director, State Parks Division, EMNRD  
—Neal Brown, Owner, Marina Del Sur; President, Lago Rico, Inc.

12:00 noon (10) [Plastic Use, Recycling and Responsibility](#)  
—Marianne Dickinson, Owner, Creative Design-Practical Solutions  
—Sarah Pierpont, Executive Director, New Mexico Recycling Coalition  
—Karen Sweeney, Co-Chair, Eldorado/285 Recycles

1:00 p.m. **Public Comment\***

1:30 p.m. **Adjourn**

\*This meeting will be webcast and can be viewed by clicking the video icon beneath the meeting agenda on the Water and Natural Resources Committee [web page](#). Members of the public may make comments during the public comment portion of the meeting by following instructions under the "Extra Information" portion of the [web page](#).



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

**September 29-30, 2022  
Northern New Mexico College  
Event Center  
921 North Paseo de Oñate  
Española**

The fourth meeting of the Water and Natural Resources Committee was called to order by Representative Matthew McQueen, co-chair, on September 29, 2022 at 9:00 a.m. at the Northern New Mexico College (NNMC) Event Center in Espanola.

**Present**

Rep. Derrick J. Lente, Co-Chair (9/29)  
Rep. Matthew McQueen, Co-Chair  
Sen. Elizabeth "Liz" Stefanics, Vice Chair  
Sen. Pete Campos  
Sen. Crystal R. Diamond\* (9/29)  
Rep. Pamelya Herndon (9/29)  
Rep. Kristina Ortez (9/29)  
Sen. Benny Shendo, Jr. (9/30)  
Rep. James R.J. Strickler  
Rep. Candie G. Sweetser  
Sen. Peter Wirth\*  
Sen. Pat Woods  
Rep. Martin R. Zamora

**Advisory Members**

Rep. Rod Montoya  
Sen. Gerald Ortiz y Pino (9/30)  
Sen. Shannon D. Pinto  
Rep. Patricia Roybal Caballero

**Absent**

Rep. Gail Armstrong  
Rep. Linda Garcia Benavides  
Rep. Kay Bounkeua  
Sen. Joseph Cervantes  
Sen. David M. Gallegos  
Rep. Susan K. Herrera  
Sen. Stuart Ingle  
Rep. Tara L. Lujan  
Rep. Marian Matthews  
Rep. Larry R. Scott  
Sen. Jeff Steinborn

Rep. Jack Chatfield  
Rep. Rebecca Dow  
Rep. Candy Spence Ezzell  
Sen. Ron Griggs  
Sen. Carrie Hamblen  
Rep. T. Ryan Lane  
Sen. Linda M. Lopez  
Rep. Roger E. Montoya  
Rep. Greg Nibert  
Rep. William "Bill" R. Rehm  
Rep. Andrea Romero  
Rep. G. Andrés Romero  
Sen. Joshua A. Sanchez  
Rep. Debra M. Sariñana

Sen. Antoinette Sedillo Lopez  
Rep. Nathan P. Small  
Sen. Mimi Stewart

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

\*Appointed by the speaker of the house of representatives or the president pro tempore of the senate as a voting member for this meeting only.

### **Staff**

Tom Kricka, Staff Attorney, Legislative Council Service (LCS)  
D. Martin Fischer, Staff Attorney, LCS  
Erin Bond, Researcher, 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 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 29**

### **Welcome and Introductions (9:00 a.m.)**

Representatives McQueen and Lente welcomed the committee, and the members introduced themselves. Vince Lithgow, vice president for finance and administration, NNMC, welcomed the legislators to NNMC.

### **Outdoor Recreation: Developments, Potential and Needs (9:17 a.m.)**

Alyssa Renwick, deputy director, New Mexico Outdoor Recreation Division, Economic Development Department, spoke about the division's recent efforts regarding business and community development, conservation, education and equity. She highlighted the important role of outdoor recreation in the state, with 76% of New Mexicans considering themselves to be outdoor recreation enthusiasts. She did not request anything from the legislature on behalf of the division, but she expressed the division's appreciation for the legislature's support, especially the grant programs supporting trails, waters, youth outdoor access and the Outdoor Recreation Business Accelerator.



### **The 30 by 30 Initiative (10:10 a.m.)**

Laura McCarthy, state forester, Forestry Division, Energy, Minerals and Natural Resources Department (EMNRD), presented about the core principles, process and goals of New Mexico's 30 by 30 initiative. Greg Peters, senior advocate, Lands, Water and Wildlife, Conservation Voters New Mexico, spoke about the 30 by 30 initiative as an essential, science-based global conservation vision necessary to conserve lands, waters and oceans and to mitigate the effects of climate change. Mr. Peters discussed the national and statewide popularity of 30 by 30; its voluntary, community-driven and diverse approach; and its priorities. Oriana Sandoval, chief executive officer, Center for Civic Policy (CCP), spoke about the CCP's recent efforts in support of the 30 by 30 initiative, such as several conservation phases of a community-led New Mexico blueprint grounded in tradition, culture, history, home and family. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=2>.

### **Conservation Funding Opportunities (11:21 a.m.)**

Dylan Fuge, general counsel, EMNRD, spoke about the conservation programs of the various New Mexico state agencies, funding challenges, efforts to obtain sustainable funding and key lessons learned. Debbie Hughes, executive director, New Mexico Association of Conservation Districts, presented on conservation funding opportunities in New Mexico. She discussed the United States Department of Agriculture's Regional Conservation Partnership Program, grassland restoration projects, soil and water conservation districts, wildlife habitat and migration, healthy soils and various coalition efforts. Brittany Fallon, Ph.D., senior policy manager, Western Lands Program, Western Resource Advocates, presented about the New Mexico conservation fund proposal and opportunities for federal money and matching state-level funds, such as the State Supplemental Land and Water Conservation Fund. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=3>.

### **Surface Water Discharge Permitting Primacy (1:15 p.m.)**

Shelly Lemon, chief, Surface Water Quality Bureau, Department of Environment, spoke about New Mexico's surface waters being at risk due to a lack of protection under the federal Clean Water Act. She discussed the need for a state surface water quality discharge permitting program due to the changing and narrowing federal definition of "waters of the United States" that has excluded a substantial amount of New Mexico surface waters from protection. Ms. Lemon stated that a state-level permitting program would ensure more certainty in protecting all waters of the state by empowering local administration and allowing greater flexibility and retention of fees.

Rachel Conn, deputy director, Amigos Bravos, presented about the importance of fully funding the surface water quality discharge permitting program since up to 96% of New

Mexico's waters have been unprotected by the federal Clean Water Act and New Mexico is one of two states nationwide that do not have a state-administered surface water quality discharge permitting program. Without protection, Ms. Conn explained that permits are not required and there is no regulatory mechanism to control polluted discharges into New Mexico's waters. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=4>.

### **Prescribed Burns: Opportunities, Practices and Precautions (2:20 p.m.)**

Ms. McCarthy presented on prescribed burning and the Prescribed Burning Act. She discussed strategically using data on wind, temperature, precipitation and other factors to guide prescribed burning.

Melany Glossa, acting associate deputy chief, Fire and Aviation Management, United States Forest Service, United States Department of Agriculture, presented on a national review of prescribed burns that had led to wildfires. She discussed the main contributing factors leading to wildfires and the key takeaways for improvement.

Gwen Kolb, state coordinator, Partners for Fish and Wildlife, United States Fish and Wildlife Service, United States Department of the Interior, presented on the federal Partners for Fish and Wildlife Act that empowered the United States Fish and Wildlife Service to partner with private landowners to restore habitats and reduce fuels with properly controlled burns.

Eytan Krasilovsky, deputy director, The Forest Stewards Guild, presented about his organization's programs for protecting forests against wildfires, such as The Forest Stewards Youth Corps and the All Hands All Lands Burn Team. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=5>.

### **Fireworks, Drought and Wildfire Risk (3:37 p.m.)**

Bruce Dile, interim bureau chief code enforcement captain, State Fire Marshal's Office, Homeland Security and Emergency Management Department, presented on fireworks licensing and safety laws, specifically in a drought. Ted A. Hart, mayor, City of Moriarty, presented on Moriarty's role as a hub of fireworks sales and the city's efforts to prevent wildfires, especially in drought conditions. He described having limited options available due to the current law. Jaome Blay, assistant chief, Fire Prevention and Risk Reduction, Santa Fe County, presented about a resolution to ban fireworks and the need for local governments to have more flexibility in regulating fireworks.

### **Recess**

The meeting recessed at 4:17 p.m.

## **Friday, September 30**

### **Wild Horse Management Legislation (9:10 a.m.)**

Senator Woods introduced the topic of wild horse management, range use and his new wild horse management bill. Jessica Johnson, chief government affairs officer, Animal Protection Voters, spoke about the free-roaming wild horses in New Mexico that are not protected or managed by federal law and that fall under the current wild horse law. Ms. Johnson discussed the problems with the current law and suggested ways to improve it. Karen Herman, Ph.D., director, Sky Mountain Wild Horse Sanctuary and Mount Taylor Mustangs, LLC, presented on management methods of wild horses. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=7>.

### **Implementation of the Federal Recovering America's Wildlife Act of 2022 (10:20 a.m.)**

Michael B. Sloane, director, Department of Game and Fish, presented about the proposed federal Recovering America's Wildlife Act of 2022 that seeks to greatly expand funding at the state level for wildlife conservation. Jesse Deubel, executive director, New Mexico Wildlife Federation, spoke about the condition of New Mexico's hunted wildlife. Mike Sullivan, senior advisor, Office of United States Senator Martin Heinrich, presented about New Mexico's need for the federal act and its anticipated benefits. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20092922%20Item%208%20RAWA-Game%20and%20Fish.pdf>.

### **State Parks: Improvements and Funding (11:05 a.m.)**

Toby Velasquez, director, State Parks Division, EMNRD, presented about the State Parks Division team: who they are, what they do and their budget, expenditures, visitors and improvement projects. Neal Brown, owner, Marina Del Sur, and president, Lago Rico, Inc., spoke about Elephant Butte Lake State Park and suggested improvements to the park. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=9>.

### **Plastic Use, Recycling and Responsibility (12:04 p.m.)**

Marianne Dickinson, owner, Creative Design-Practical Solutions, spoke about replacing common single-use disposable plastics. Sarah Pierpont, executive director, New Mexico Recycling Coalition, presented about recycling in New Mexico, highlighting the main challenges

of access and plastic recycling. Karen Sweeney, co-chair, Eldorado/285 Recycles, presented about the problems with plastic and the benefits of the proposed Plastic Pollution Reduction Act, which she described as an inclusive, consistent statewide solution. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20092922%20Item%2010%20Plastic%20Pollution%20Reduction%20Act%20.pdf>

**Public Comment**

There was no public comment.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 1:15 p.m.

Revised: October 24, 2022

**TENTATIVE AGENDA  
for the  
FIFTH MEETING  
of the  
WATER AND NATURAL RESOURCES COMMITTEE**

**October 27-28, 2022  
State Capitol, Room 307  
Santa Fe**

**Thursday, October 27**

- 9:00 a.m.           **Call to Order, Welcome and Introductions**  
—Representative Matthew McQueen, Co-Chair, Water and Natural Resources Committee (WNRC)  
—Representative Derrick J. Lente, Co-Chair, WNRC
- 9:15 a.m.           (1)   **Department of Game and Fish Budget and Staffing Needs**  
—Michael B. Sloane, Director, Department of Game and Fish
- 9:45 a.m.           (2)   **Office of Natural Resources Trustee**  
—Maggie Hart Stebbins, Natural Resources Trustee, Office of Natural Resources Trustee
- 10:00 a.m.          (3)   **Energy, Minerals and Natural Resources Department (EMNRD) Budget and Staffing Needs**  
—Sarah Cottrell Propst, Secretary, EMNRD
- 10:45 a.m.          (4)   **Office of the State Engineer Budget and Staffing Needs**  
—Mike Hamman, State Engineer, Office of the State Engineer
- 11:30 a.m.          (5)   **Implementation of the Water Data Act**  
—Stacy Timmons, Associate Director, Hydrogeology, Bureau of Geology and Mineral Resources, New Mexico Institute of Mining and Technology
- 11:45 a.m.          (6)   **Implementation of the Environmental Database**  
—Judy Calman, Director of Policy, Audubon New Mexico
- 12:00 noon           **Lunch: Demonstration of Environmental Database (Room 305)**
- 1:00 p.m.           (7)   **Public Regulation Commission (PRC) Budget and Staffing Needs**  
—Wayne Propst, Chief of Staff, PRC  
—Renada Peery-Galon, Director, Administrative Services Division, PRC

- 1:30 p.m. (8) [Update from the Water Policy and Infrastructure Task Force](#)  
—Mike Hamman, State Engineer, Office of the State Engineer  
—TBD
- 2:15 p.m. **Public Comment**
- 2:45 p.m. **EXECUTIVE SESSION (Closed Meeting): Update on *Texas v. New Mexico***  
—Hector Balderas, Attorney General, Office of the Attorney General  
—Cholla Koury, Chief Deputy Attorney General of Civil Affairs, Office of the Attorney General  
—Malaquias "JR" Rael, Chief Administrative Officer, Office of the Attorney General
- 3:45 p.m. **Recess**

**Friday, October 28**

- 9:00 a.m. (9) [Department of Environment Budget and Staffing Needs](#)  
—James C. Kenney, Secretary, Department of Environment
- 9:45 a.m. (10) [Solar Market Development Tax Credit Administration](#)  
—Louise Martinez, Director, Energy Conservation and Management Division, EMNRD
- 10:45 a.m. (11) [Regional Water Systems](#)  
—Senator Peter Wirth  
—Representative Susan K. Herrera  
—Ramon Lucero, Regional Field Manager, Rural Community Assistance Corporation  
—Rick Martinez, Chief Executive Officer, The Apricot Tree-Government Consultants, LLC
- 12:00 noon **Adjourn**

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

**October 27-28, 2022  
State Capitol, Room 307  
Santa Fe**

The fifth meeting of the Water and Natural Resources Committee for the 2022 interim was called to order by Representative Matthew McQueen, co-chair, on Thursday, October 27, 2022, at 9:03 a.m. in Room 307 of the State Capitol in Santa Fe.

**Present**

Rep. Derrick J. Lente, Co-Chair  
Rep. Matthew McQueen, Co-Chair  
Sen. Elizabeth "Liz" Stefanics, Vice Chair  
Rep. Linda Garcia Benavides  
Rep. Kay Bounkeua  
Sen. Pete Campos  
Rep. Pamelya Herndon  
Rep. Susan K. Herrera  
Sen. Stuart Ingle (10/27)  
Rep. Tara J. Lujan  
Rep. Kristina Ortez (10/27)  
Sen. Benny Shendo, Jr.  
Sen. Jeff Steinborn  
Rep. Candie G. Sweetser  
Sen. Pat Woods

**Advisory Members**

Sen. Crystal R. Diamond  
Rep. Rebecca Dow  
Sen. Ron Griggs  
Sen. Linda M. Lopez  
Rep. Andrea Romero  
Rep. Patricia Roybal Caballero  
Sen. Antoinette Sedillo Lopez  
Sen. Mimi Stewart  
Sen. Peter Wirth

**Absent**

Rep. Gail Armstrong  
Sen. Joseph Cervantes  
Sen. David M. Gallegos  
Rep. Marian Matthews  
Rep. Larry R. Scott  
Rep. James R.J. Strickler  
Rep. Martin R. Zamora

Rep. Jack Chatfield  
Rep. Candy Spence Ezzell  
Sen. Carrie Hamblen  
Rep. T. Ryan Lane  
Rep. Rod Montoya  
Rep. Roger E. Montoya  
Rep. Greg Nibert  
Sen. Gerald Ortiz y Pino  
Sen. Shannon D. Pinto  
Rep. William "Bill" R. Rehm  
Rep. G. Andrés Romero  
Sen. Joshua A. Sanchez  
Rep. Debra M. Sariñana  
Rep. Nathan P. Small

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

### **Staff**

Tom Kricka, Staff Attorney, Legislative Council Service (LCS)

Martin Fischer, Staff Attorney, LCS

Cristina Vasquez, Staff Attorney, 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 webcast for 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, October 27**

### **Welcome and Introductions (9:03 a.m.)**

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

### **Department of Game and Fish Budget and Staffing Needs (9:09 a.m.)**

Michael B. Sloane, director, Department of Game and Fish, discussed the budget and staffing needs of the Department of Game and Fish.

### **Office of Natural Resources Trustee (9:46 a.m.)**

Maggie Hart Stebbins, natural resources trustee, Office of Natural Resources Trustee, discussed the budgetary needs and projected workload for the Office of Natural Resources Trustee in fiscal year 2024. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20102722%20Item%202%20ONRT.pdf>

### **Energy, Minerals and Natural Resources Department (EMNRD) Budget and Staffing Needs (10:14 a.m.)**

Sarah Cottrell Propst, secretary, EMNRD, and Matthew Lovato, director, Administrative



Services Division, EMNRD, spoke about the budget and staffing needs of the EMNRD. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20102722%20Item%203%20EMNRD%20FY24.pdf>

**Office of the State Engineer Budget and Staffing Needs (10:58 a.m.)**

Mike Hamman, state engineer, Office of the State Engineer, and Rolf Schmidt Petersen, director, Interstate Stream Commission, Office of the State Engineer, provided information on the budget and staffing needs of the Office of the State Engineer. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20102722%20Item%204%20OSE%20ISC%20BUDGET%20STAFFING.pdf>

**Implementation of the Water Data Act (11:43 a.m.)**

Stacy Timmons, associate director, Hydrogeology, Bureau of Geology and Mineral Resources, New Mexico Institute of Mining and Technology, presented an update on the New Mexico Water Data Initiative. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/27/2022&ItemNumber=5>.

**Implementation of the Environmental Database (12:01 p.m.)**

Judy Calman, director of policy, Audubon New Mexico, discussed the implementation and capabilities of the environmental database.

**Working Lunch: Demonstration of Environmental Database (12:07 p.m.)**

**Public Regulation Commission (PRC) Budget and Staffing Needs (1:04 p.m.)**

Wayne Propst, chief of staff, PRC, and Renada Peery-Galon, director, Administrative Services Division, PRC, spoke about the budget and staffing needs of the PRC. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20102722%20Item%207%20Public%20Regulation%20Commission.pdf>

**Update from the Water Policy and Infrastructure Task Force (1:41 p.m.)**

Mr. Hamman; Marquita Russel, chief executive officer, New Mexico Finance Authority; Norm Gaume, president, Middle Rio Grande Water Advocates; and Ms. Calman gave updates on the Water Policy and Infrastructure Task Force and recommendations to mitigate future water infrastructure issues. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20102722%20Item%208%20Water%20Policy%20Infrastructure%20Task%20Force.pdf>

**EXECUTIVE SESSION (Closed Meeting): Update on *Texas v. New Mexico* (2:42 p.m.)**

The committee went into executive session to discuss ongoing litigation.

**Recess**

The meeting recessed at 3:56 p.m.

**Friday, October 28**

**Reconvene**

The meeting reconvened at 8:59 a.m.

**Department of Environment Budget and Staffing Needs (9:00 a.m.)**

James C. Kenney, secretary, Department of Environment; Rebecca Roose, deputy secretary, Administration, Department of Environment; and Stephanie Stringer, deputy secretary, Operations, Department of Environment, provided information on the budget and staffing needs of the Department of Environment. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20102822%20Item%209%20NMED%20WNRC%20FY24%20Budget%20Factsheet.pdf>.

**Approval of Minutes (10:15 a.m.)**

The committee approved the minutes of the August 25-26, 2022 and September 29-30, 2022 meetings without objection.

**Solar Market Development Tax Credit Administration (10:16 a.m.)**

Louise Martinez, director, Energy Conservation and Management Division, EMNRD, and Mr. Lovato presented on the solar market development tax credit program. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20102822%20Item%2010%20Solar%20Market%20Development%20Tax%20Credit.pdf>.

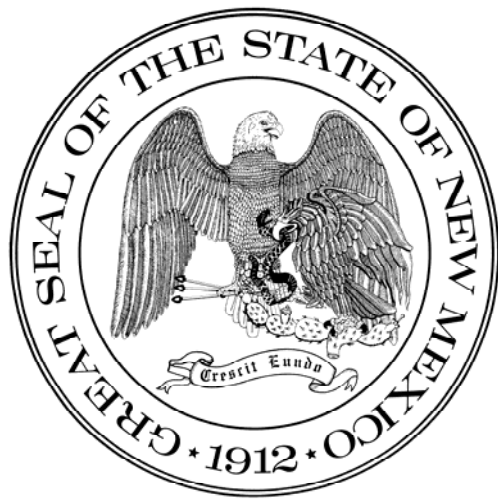
**Regional Water Systems (11:02 a.m.)**

Senator Wirth; Representative Herrera; and Ramon Lucero, regional field manager, Rural Community Assistance Corporation, discussed regional water system needs and proposed writing a bill to give water and wastewater systems the legal mechanism to join together with other systems, if they choose.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 12:01 p.m.





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