

1 SENATE BILL 94

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Jeff Steinborn and Crystal R. Diamond

5
6
7
8
9
10 AN ACT

11 RELATING TO OUTDOOR RECREATION; TRANSFERRING ADMINISTRATION OF
12 THE RIO GRANDE TRAIL COMMISSION AND THE RIO GRANDE TRAIL FUND
13 FROM THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT TO
14 THE ECONOMIC DEVELOPMENT DEPARTMENT; PROVIDING DUTIES TO THE
15 NEW MEXICO OUTDOOR RECREATION DIVISION OF THE ECONOMIC
16 DEVELOPMENT DEPARTMENT TO COMPLETE THE RIO GRANDE TRAIL; MAKING
17 AN APPROPRIATION.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. Section 9-5C-1 NMSA 1978 (being Laws 2015,
21 Chapter 20, Section 1) is amended to read:

22 "9-5C-1. RIO GRANDE TRAIL COMMISSION CREATED--
23 MEMBERSHIP--FUND CREATED--~~[ENERGY, MINERALS AND NATURAL~~
24 ~~RESOURCES]~~ ECONOMIC DEVELOPMENT DEPARTMENT.--

25 A. The "Rio Grande trail commission" is created to

.223203.4

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 establish the Rio Grande trail to run the length of the state
2 from Colorado to Texas. The Rio Grande trail shall be a
3 recreation trail for New Mexico residents and visitors to enjoy
4 the natural beauty of New Mexico and the Rio Grande and learn
5 about the culture and history of New Mexico. The trail shall
6 be established in a manner that seeks to minimize environmental
7 impacts and preserve sensitive habitat. The commission shall
8 define and recommend viable path routes of the Rio Grande
9 trail, mitigate challenges related to its establishment and
10 define and recommend other features, facilities and
11 enhancements needed on the trail. The commission shall also
12 make recommendations to the legislature as needed and report
13 annually to the governor and the appropriate interim committees
14 that deal with water and natural resources and rural and
15 economic development. The commission shall consist of members
16 appointed by the ~~[secretary of energy, minerals and natural~~
17 ~~resources]~~ director of the New Mexico outdoor recreation
18 division of the economic development department and shall
19 include:

20 (1) the secretary of energy, minerals and
21 natural resources or the secretary's designee;

22 (2) the ~~[secretary]~~ director of the New Mexico
23 outdoor recreation division of the economic development
24 department or the ~~[secretary's]~~ director's designee;

25 (3) the secretary of Indian affairs or the

.223203.4

underscored material = new
[bracketed material] = delete

1 secretary's designee;

2 (4) the secretary of transportation or the
3 secretary's designee;

4 (5) the secretary of tourism or the
5 secretary's designee;

6 (6) a representative from each of the
7 following:

8 (a) an organization with trail
9 management experience;

10 (b) the state parks division of the
11 energy, minerals and natural resources department;

12 (c) an organization that specializes in
13 river ecology and conservation, with specific experience in the
14 stated area of the organization's expertise; and

15 (d) an organization that specializes in
16 bird ecology and conservation, with specific experience in the
17 stated area of the organization's expertise; and

18 (7) two members of the public interested in
19 the Rio Grande trail development.

20 B. The ~~[secretary]~~ director of the New Mexico
21 outdoor recreation division of the economic development
22 department or the director's designee shall ~~[appoint the chair~~
23 ~~from among the members]~~ serve as the chair of the commission
24 and invite federal entities to be a part of the commission as
25 non-voting members, including the:

.223203.4

underscored material = new
[bracketed material] = delete

- 1 (1) bureau of land management;
- 2 (2) bureau of reclamation;
- 3 (3) international boundary and water
- 4 commission;
- 5 (4) national park service;
- 6 (5) United States army corps of engineers;
- 7 (6) United States fish and wildlife service;
- 8 (7) United States forest service; and
- 9 (8) [~~the~~] offices of the New Mexico
- 10 congressional delegation.

11 C. The commission shall collaborate and cooperate
12 with the national park service's historic trails project for
13 the El Camino Real historic trail from Mexico to northern New
14 Mexico when appropriate.

15 D. The commission shall be administratively
16 attached to the economic development department and staffed by
17 the [~~energy, minerals and natural resources department~~] New
18 Mexico outdoor recreation division. Members of the commission
19 are entitled to per diem and mileage as provided in the Per
20 Diem and Mileage Act and shall receive no other compensation,
21 perquisite or allowance, contingent upon money being available
22 for this purpose.

23 E. The commission shall:

- 24 (1) meet at least three times annually;
- 25 (2) define and recommend viable path routes of

underscoring material = new
~~[bracketed material] = delete~~

1 the Rio Grande trail that shall be contiguous where possible
2 and include only land that is expressly authorized by the
3 owner, including Indian nations, tribes or pueblos, for
4 inclusion in the Rio Grande trail and not to be acquired by
5 eminent domain;

6 (3) mitigate challenges related to the Rio
7 Grande trail's establishment, including facilitating
8 negotiations and discussions with landowners and jurisdictions
9 surrounding the Rio Grande;

10 (4) define and recommend other features,
11 facilities and enhancements needed on the Rio Grande trail;

12 (5) identify [~~appropriate~~] opportunities for
13 river recreation along the trail;

14 (6) establish a Rio Grande trail commission
15 [~~web site~~] website to publish meeting notices, meeting minutes,
16 commission trail recommendations and other appropriate
17 materials;

18 (7) ensure that any recommended designation,
19 construction and use of the trail will minimize environmental
20 impacts;

21 (8) endeavor to avoid areas of significant
22 habitat value and ensure that any recommended designation,
23 design, construction or use of the trail will minimize the
24 impact on habitat;

25 (9) consider the impacts on private and

.223203.4

underscoring material = new
~~[bracketed material] = delete~~

1 commercial interests;

2 (10) make recommendations to the legislature
3 as needed;

4 (11) prepare and report annually to the
5 governor and the appropriate interim legislative committees
6 related to water and natural resources and economic
7 development;

8 (12) consult with representatives of the
9 following regarding issues within their jurisdiction in
10 development of the Rio Grande trail:

11 (a) each of the conservancy or
12 irrigation districts served by water in the Rio Grande;

13 (b) acequias adjoining the Rio Grande;

14 (c) counties adjoining the Rio Grande;

15 (d) land grants adjoining the Rio
16 Grande;

17 (e) municipalities adjoining the Rio
18 Grande; and

19 (f) Indian nations, tribes or pueblos
20 adjoining the Rio Grande;

21 (13) actively engage the public in the
22 planning process of the Rio Grande trail and display meeting
23 notices, meeting minutes and official commission trail
24 proposals on the Rio Grande trail commission's ~~[web site]~~
25 website;

.223203.4

underscored material = new
[bracketed material] = delete

1 (14) where feasible, develop multiple options
2 of trail routing, construction design and potential
3 enhancements;

4 (15) prior to making any final decisions
5 regarding trail designation, design ~~[and]~~ or construction, hold
6 public meetings ~~[to solicit public input]~~ and allow for a
7 written comment period to solicit public input;

8 (16) make a final recommendation based on all
9 factors, including public comments and environmental impacts
10 ~~[In implementation of the Rio Grande trail, the secretary of~~
11 ~~energy, minerals and natural resources shall describe and~~
12 ~~publish any variance from commission recommendations on the~~
13 ~~commission's web site]~~;

14 (17) to the extent feasible, select existing
15 trails for the route of the Rio Grande trail;

16 (18) to the extent feasible, in the case of
17 non-motorized existing trails, avoid widening these trails;

18 (19) in the case of new trails on public
19 lands, construct the trails for non-motorized use; provided,
20 however, that such trails may, but are not required to, be open
21 to power-driven mobility devices for individuals with mobility
22 impairments; and

23 (20) to the extent possible, avoid
24 introduction of non-native material on the trail.

25 F. The New Mexico outdoor recreation division shall

.223203.4

underscored material = new
[bracketed material] = delete

1 actively work to complete the Rio Grande trail, including
2 identifying and pursuing trail segment designations,
3 facilitating construction of new trail segments, shelters and
4 other infrastructure needed to support short- and long-distance
5 use of the Rio Grande trail and educating entities with
6 potential trail segments about the Rio Grande trail and
7 actively seeking their support.

8 [F.] G. Eminent domain shall not be used to
9 establish or construct the Rio Grande trail or features,
10 facilities or enhancements associated with the trail.

11 [G.] H. The "Rio Grande trail fund" is created in
12 the state treasury. The fund consists of appropriations,
13 donations, grants to the fund, income from investment of the
14 fund and money otherwise accruing to the fund. Money in the
15 fund shall not revert to any other fund at the end of a fiscal
16 year. The [~~energy, minerals and natural resources~~] economic
17 development department shall administer the fund, and money in
18 the fund is subject to appropriation by the legislature to the
19 [~~energy, minerals and natural resources~~] economic development
20 department for the New Mexico outdoor recreation division to
21 develop, establish and support the Rio Grande trail. Money in
22 the fund shall be disbursed on warrants signed by the secretary
23 of finance and administration pursuant to vouchers signed by
24 the secretary of [~~energy, minerals and natural resources~~]
25 economic development or the secretary's authorized

.223203.4

underscored material = new
~~[bracketed material] = delete~~

1 representative.

2 I. For the purposes of this section, "commission"
3 means the Rio Grande trail commission."

4 SECTION 2. TEMPORARY PROVISION--TRANSFER OF
5 APPROPRIATIONS, RECORDS AND CONTRACTS TO THE ECONOMIC
6 DEVELOPMENT DEPARTMENT.--On the effective date of this act:

7 A. all functions, appropriations, money, records
8 and files of the energy, minerals and natural resources
9 department relating to the Rio Grande trail commission and
10 establishment of the Rio Grande trail shall be transferred to
11 the economic development department;

12 B. all contractual obligations of the energy,
13 minerals and natural resources department relating to the Rio
14 Grande trail commission and establishment of the Rio Grande
15 trail shall be binding on the economic development department;
16 and

17 C. the rules, orders and decisions of the energy,
18 minerals and natural resources department relating to the Rio
19 Grande trail commission and establishment of the Rio Grande
20 trail shall remain in effect until repealed or amended.

21 SECTION 3. APPROPRIATION.--Two hundred twenty-five
22 thousand dollars (\$225,000) is appropriated from the general
23 fund to the economic development department for expenditure in
24 fiscal year 2024 for personnel and operational expenses needed
25 to support the development of the Rio Grande trail and

.223203.4

1 management of the Rio Grande trail commission. Any unexpended
2 or unencumbered balance remaining at the end of fiscal year
3 2024 shall revert to the general fund.

underscored material = new
[bracketed material] = delete

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25