

**LFC Requester:**

**Austin Davidson**

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** January 29, 2025

*Check all that apply:*

**Bill Number:** HB175

Original X Correction         
Amendment        Substitute       

**Sponsor:** Rep. Harlan Vincent, Rep.  
Kristina Ortez, Rep. Luis M.  
Terrazas, Rep. Rebecca Dow

**Agency Name and Code Number:** 305 – New Mexico  
Department of Justice

**Person Writing Analysis:** Jocelyn Barrett, AAG

**Short Title:** FOREST & WATERSHED  
BUFFER PROJECTS

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

FY25	FY26	FY27	3 Year Total Cost	Recurring or	Fund Affected

					<b>Nonrecurring</b>	
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

HB 175 proposes amendments to 68-4-2 and 68-4-5 of the Forest and Watershed Restoration Act.

**Section 1** proposes the addition of the following definitions to 68-4-2 NMSA:

B. "buffer" means an area treated to reduce wildfire fuel in order to act as a barrier between properties to limit and halt the spread of wildfire and provide a safe zone for firefighters to engage with wildfires;

D. "high-risk area" means an area having a high probability of wildfire that is likely to spread to projects, structures or wildland-urban interfaces;

E. "project" means: .... (2) a project that creates or maintains a buffer in or around a wildland-urban interface;

G. "structure" means a constructed object, including residential or commercial buildings and outbuildings such as barns and sheds; and

H. "wildland-urban interface" means the area, line or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetation fuels.

**Section 2** proposes the following substantive changes to 68-4-5 NMSA:

Change the title as follows: USE OF FOREST [AND WATERSHED RESTORATION] LAND PROTECTION REVOLVING FUND--PROJECT EVALUATION AND PRIORITIZATION.

Add the following subsections to 68-4-5(B)

B. A project is eligible for funding:

(1) if the project is for a public benefit and:

....

(e) will create or maintain a buffer in or around a wildland-urban interface;

(2) when a project meets the requirements of Paragraph (1) of this subsection and includes treatment of private lands and the division makes a written determination that

the incidental benefit to a private landowner is outweighed by the fire reduction or watershed restoration benefits to the state.

Add the following subsection to 68-4-5(C):

C. A project that is eligible for funding in accordance with Subsection B of this section shall be given priority for funding by the division if the project:

....  
(5) is identified by the board as a high-risk area.

#### **FISCAL IMPLICATIONS**

None.

#### **SIGNIFICANT ISSUES**

None.

#### **PERFORMANCE IMPLICATIONS**

None.

#### **ADMINISTRATIVE IMPLICATIONS**

None.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relationship:

Senate Joint Memorial 1, which requests Energy, Minerals, and Natural Resources Department and the Economic Development Department to jointly study and make recommendations to expedite forest restoration through economic development in New Mexico.

Senate Bill 108, which would make an appropriation to the Department of Environment to plan, design and construct projects to improve river, stream and wetland habitat and surface water quality.

Senate Bill 33, which relates to forest conservation, creating the wildlife prepared program and fund, and adding members and duties to the fire planning task force.

#### **TECHNICAL ISSUES**

As drafted, it appears as though the intention is for any approved project to satisfy both subsections 68-4-5 (B)(1) *and* (2). However, subsection (2) is not applicable in all potential situations. If a project does not have to satisfy both subsections, it is unclear when subsection (2) is applicable.

#### **OTHER SUBSTANTIVE ISSUES**

None.

#### **ALTERNATIVES**

(1) if the project is for a public benefit and:

[(1)] (a) is part of a current state forest and watershed health plan or forest action plan, a community wildfire protection plan, other comprehensive forest and watershed treatment

plan or wildlife conservation or habitat improvement plan approved by the board;  
[(2)] (b) incorporates actions recommended by current plans or, where new plans are developed, seeks to integrate forest, fire and water management with community and economic development plans;  
[(3)] (c) protects watersheds that are the source of drinking or irrigation water;  
[(4)] (d) targets [an area at high risk of catastrophic wildfire] a high-risk area;  
(e) will create or maintain a buffer in or around a wildland-urban interface; or  
[(5)] (f) has obtained all requisite state and federal permits and authorizations necessary to initiate the project, if the project is other than a planning project; and

(2) when a project meets the requirements of Paragraph (1) of this subsection, and includes treatment of private lands and the division makes a written determination that the incidental benefit to a private landowner is outweighed by the fire reduction or watershed restoration benefits to the state.

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

#### **AMENDMENTS**

None.