

**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, 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.