

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

**October 3-5, 2023
Corbett Center Student Union, West Ballroom
New Mexico State University
1600 International Mall
Las Cruces**

The fourth meeting of the Water and Natural Resources Committee was called to order by Senator Elizabeth "Liz" Stefanics, chair, on Tuesday, October 3, 2023, at 9:15 a.m at the West Ballroom of the Corbett Center Student Union at New Mexico State University (NMSU) in Las Cruces.

Present

Sen. Elizabeth "Liz" Stefanics, Chair
Rep. Matthew McQueen, Vice Chair
Sen. Pete Campos (10/3, 10/4)
Rep. Kathleen Cates (10/3)
Sen. Joseph Cervantes
Rep. Joanne J. Ferrary
Rep. Susan K. Herrera (10/3, 10/4)
Rep. T. Ryan Lane
Rep. Tara L. Lujan (10/5)
Rep. Debra M. Sariñana
Rep. Larry R. Scott
Sen. Jeff Steinborn (10/3, 10/5)
Sen. Pat Woods
Rep. Martin R. Zamora

Advisory Members

Sen. Shannon Pinto (10/4, 10/5)
Rep. Nathan P. Small

Absent

Rep. Gail Armstrong
Rep. Miguel P. García
Sen. Stuart Ingle
Rep. Marian Matthews
Rep. Kristina Ortez
Sen. Cliff R. Pirtle
Rep. Andrea Romero
Sen. Benny Shendo, Jr.

Rep. Christine Chandler
Rep. Jack Chatfield
Sen. Crystal Diamond Brantley
Rep. Candy Spence Ezzell
Rep. Jenifer Jones
Sen. Linda M. Lopez
Rep. Rod Montoya
Rep. Greg Nibert
Sen. Gerald Ortiz y Pino
Rep. Cristina Parajón
Rep. William "Bill" R. Rehm
Rep. G. Andrés Romero

Rep. Patricia Roybal Caballero
Sen. Antoinette Sedillo Lopez
Sen. Mimi Stewart
Sen. Peter Wirth

Guest Legislator

Sen. William P. Soules (10/3, 10/4)

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

Staff

Erika Falance, Legislative Council Service (LCS)
Sheila Keleher, Researcher, LCS
Nicole Waguespack, Researcher, LCS
Sara Wiedmaier, Researcher, LCS

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

Tuesday, October 3

Welcome and Introductions (9:15 a.m.)

Senator Stefanics welcomed everyone to the meeting, and committee members introduced themselves, shared their appreciation for Las Cruces and thanked NMSU for the university's hospitality.

Welcome and Updates from NMSU (9:16 a.m.)

Jay Gogue, Ph.D., president, NMSU, provided a presentation on the history and recent progress of NMSU and its programs.

Approval of Minutes (9:54 a.m.)

Upon a motion made by Senator Campos and seconded by Representative Sariñana, the committee approved the minutes of the August 7-9, 2023 meeting.

Implementing the Consent Decree for the *Texas v. New Mexico* Settlement (9:54 a.m.)

Nathaniel "Nat" Chakeres, general counsel, Office of the State Engineer; Hannah Riseley-White, director, Interstate Stream Commission; Jeff Wechsler, attorney at law,

Montgomery and Andrews Law Firm, and general counsel of record for the state of New Mexico in *Texas v. New Mexico*; and Samantha Barncastle, general counsel, Elephant Butte Irrigation District (EBID), provided a presentation on how the state can implement the consent decree per the *Texas v. New Mexico* settlement. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/3/2023&ItemNumber=2>.

Southern New Mexico Water Concerns and Efforts to Meet Rio Grande Compact Compliance (11:21 a.m.)

Mike Hamman, P.E., state engineer, Office of the State Engineer; Ms. Riseley-White; Jason Casuga, chief engineer and chief executive officer (CEO), Middle Rio Grande Conservancy District; Gary Esslinger, manager, EBID; and Jennie Bierner-Shepperd, chair, San Miguel Community Ditch, provided a presentation on how the organizations are working together to comply with the Rio Grande Compact and meet the climate challenges the state is facing. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/3/2023&ItemNumber=3>.

Water Data Act Implementation Update and Next Steps (1:12 p.m.)

Stacy Timmons, associate director, Hydrogeology, Bureau of Geology and Mineral Resources, New Mexico Institute of Mining and Technology; John Rhoderick, director, Water Protection Division, Department of Environment (NMED); Kevin Myers, senior reclamation specialist, Mining Act Reclamation Program, Energy, Minerals and Natural Resources Department (EMNRD); and Ms. Riseley-White provided an update on implementing the Water Data Act. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/3/2023&ItemNumber=4>.

Public Comment (2:06 p.m.)

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

White Sands Test Facility Plume Update (2:11 p.m.)

Kate Girard, executive director, Office of Natural Resources Trustee (ONRT); Rick Shean, director, Resource Protection Division, NMED; Gill Sorg, supervisor, Dona Ana Soil and Water Conservation District; and James Dyer, water resources professional III, ONRT, provided an update on the White Sands Test Facility plume and possible corrective actions to remediate the site. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/3/2023&ItemNumber=5>.

2023 Farm Bill and Updates on State and Federal Agriculture Policy (2:53 p.m.)

Jeff M. Witte, director, New Mexico Department of Agriculture; Belinda Garland, executive director, New Mexico Livestock Board; Rebecca Dow, executive assistant, New Mexico Association of Conservation Districts; Allen Malone, Ed.D., associate director, Cooperative Extension Service, NMSU; and Pam Roy, coordinator, New Mexico Food and Agriculture Policy Council, and executive director, Farm to Table, provided a presentation on the 2023 federal farm bill, soil health in New Mexico and the state's meat and poultry inspection programs. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20100323%20Item%206%202023%20Farm%20Bill%20and%20Ag.%20Policies.pdf>.

New Mexico Agriculture: Growers, Consumers and the New Mexico Food, Farm, and Hunger Initiative (4:10 p.m.)

Mr. Witte; Kendal Chavez, food and hunger advisor, Public Education Department; Lorenzo Alba, Jr., executive director, Casa de Peregrinos Food Pantry; Travis Day, executive director, New Mexico Chile Association; and Chris Goblet, executive director, New Mexico Wine, provided a presentation on New Mexico agriculture, including opportunities for investment and the food initiative framework. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20100323%20Item%207%20NM%20Agriculture%20and%20Food,%20Farm%20and%20Hunger%20Initiative.pdf>.

Recess

The meeting recessed at 4:53 p.m.

Wednesday, October 4

Reconvene

The meeting reconvened at 9:19 a.m.

Companion Animal Rescue, Population Management and Veterinary Training Opportunities (9:27 a.m.)

Jessica Johnson Shelton, chief government affairs officer, Animal Protection Voters; Ms. Garland; Samantha Uhrig, DVM, chair, Board of Veterinary Medicine; and Heather Romero, financial aid manager, Higher Education Department, provided a presentation on the current veterinarian shortage and the Western Interstate Commission on Higher Education's Loan-For-Service VetMed Program. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/3/2023&ItemNumber=8>.

Public Regulation Commission (PRC): Legislative Priorities, Budget and Staffing Update (10:38 a.m.)

Cholla Khoury, chief of staff, PRC; Pat O'Connell, commissioner and chair, PRC; and Miranda Mascareñas, chief financial officer, PRC, provided updates on the PRC's legislative priorities, budget and staffing. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20100323%20Item%209%20PRC%20Updates.pdf>.

Solar for All, Low-Income Solar Funding and the Community Solar Act (11:32 a.m.)

Rebecca "Puck" Stair, director, Energy Conservation and Management Division, EMNRD; Christopher Worley, director, Public Policy, Sunrun; Ms. Khoury; Kevin Cray, mountain west senior director, Coalition for Community Solar Access; and Christian Casillas, director, Policy Development and Research, Coalition of Sustainable Communities, provided a presentation on ways to offer more solar options to communities and progress on this initiative in New Mexico thus far. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/3/2023&ItemNumber=10>.

Innovations for Future Energy Reliability: Grid Modernization Plans, Utility-Scale Storage and Distributed Energy Resources (1:24 p.m.)

Mr. O'Connell; Jim DesJardins, executive director, Renewable Energy Industries Association of New Mexico; Seth Nelson, director, Development, GridLiance, NextEra Energy Transmission, LLC; Vince Martinez, senior government relations advisor, Tri-State Generation and Transmission Association, Inc.; and Abbas Akhil, principal, Renewable Energy Ventures, LLC, provided a presentation on grid modernization from several different organizations. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/3/2023&ItemNumber=11>.

Meeting Energy Transition Act (ETA) Standards: Renewable Energy Replacement Options and Integrated Resource Plans (2:33 p.m.)

Craig Johnson, director, Renewable Energy Office, State Land Office (SLO); Laura Sanchez, executive director, Government and Public Affairs, Public Service Company of New Mexico; Zoë Lees, regional vice president, Xcel Energy; and Alex DeGolia, director, State Legislative and Regulatory Affairs, U.S. Region, Environmental Defense Fund (EDF), provided a presentation on ETA emissions analyses and Renewable Energy Office renewables, solar leases and wind projects. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/3/2023&ItemNumber=12>.

Community Energy Efficiency Development Block Grant Program and Low-Income Utility Rates (4:26 p.m.)

Ms. Stair; Tammy Fiebelkorn, New Mexico representative, Southwest Energy Efficiency Project; Gabe Pacyniak, professor of law, University of New Mexico (UNM) School of Law, and faculty supervisor, Natural Resources and Environmental Law Clinic, UNM School of Law; and Dawn Z. Hommer, CEO, Community Action Agency of Southern New Mexico, provided a presentation on UNM energy equity and the community energy efficiency development block grant. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/3/2023&ItemNumber=13>.

Public Comment

There was no public comment.

Recess

The meeting recessed at 5:15 p.m.

Thursday, October 5

Reconvene

The meeting reconvened at 9:02 a.m.

Oil and Gas Act Enforcement: Setbacks, Orphaned Wells and Methane Rules (9:02 a.m.)

Dylan Fuge, director, Oil Conservation Division, EMNRD; Sunalei Stewart, deputy commissioner of operations, SLO; Tannis Fox, senior attorney, Western Environmental Law Center; and John Smitherman, senior advisor, New Mexico Oil and Gas Association, provided a presentation on protecting state lands, oil and gas facility setbacks and orphaned well plugging and site remediation. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/3/2023&ItemNumber=14>.

Water Augmentation Possibilities for the West (10:58 a.m.)

Mr. Rhoderick; Greg Gates, P.E., water resources practice lead, Hazen and Sawyer; Pei Xu, Ph.D., Department of Civil Engineering, NMSU; Zacariah Hildenbrand, Ph.D., chief scientific officer, Infinity Water Solutions; Bruce Thomson, Ph.D., professor emeritus, Department of Civil, Construction and Environmental Engineering, UNM; and Sam Fernald, Ph.D., professor, Watershed Management, Department of Animal and Range Sciences, and director, New Mexico Water Resources Research Institute, NMSU, provided a presentation on

closed-loop water recycling, the challenges of developing deep, brackish water as a source of supply and a water reuse and augmentation regulatory path. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=10/3/2023&ItemNumber=15>.

Statewide Soil Health and Carbon Management Strategies (12:26 p.m.)

Leslie Edgar, Ph.D., associate dean and director, Agricultural Experiment Station, NMSU; Rajan Ghimire, Ph.D., associate professor, Plant and Environmental Sciences Department; faculty, Clovis Agricultural Science Center, NMSU; and John Idowu, Ph.D., professor, Extension Plant Sciences Department; research director, Leyendecker Plant Science Research Center, NMSU, provided a presentation on carbon sequestration and the use of biochar to improve soil health. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20100323%20Item%2016%20NMSU%20Soil%20Health%20and%20Carbon%20Mgmt.pdf>.

Public Comment

There was no public comment.

Adjournment

There being no further business before the committee, the meeting adjourned at 1:06 p.m.