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FISCAL IMPACT REPORT

ORIGINAL DATE 02/22/13

SPONSOR Herrell LAST UPDATED _____ HM 65

SHORT TITLE Watershed Health Planning and Management SB _____

ANALYST Chavez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to Senate Memorial 52

SOURCES OF INFORMATION

LFC Files

Responses Received From

Energy, Mineral and Natural Resources Department (EMNRD)

New Mexico Environment Department (NMED)

SUMMARY

Synopsis of Bill

House Memorial 65 requests the US Forest Service to engage with New Mexico state agencies and local governments in meaningful watershed health planning and management; requests that the Attorney General and the State Forester be requested to take necessary steps to enforce the obligation of the United States, under the Organic Act of 1897, to provide for and protect watershed health in New Mexico’s forests; requests that the US Forest Service (USFS), the Federal Bureau of Land Management (FBLM), the US Army Corps of Engineers (USACE), and the Federal Bureau of Reclamation (FBR) integrate range and forest planning with the New Mexico state water plan and the New Mexico forest and watershed health plan, as well as integrating local, state and tribal watershed plans and management with state agencies.

SIGNIFICANT ISSUES

According to the memorial, 38 percent of New Mexico land is managed by the federal government; under the Organic Act of 1897, the USFS and the FBLM are primarily obligated to “improve and protect the forest within the reservation for the purposes of securing favourable conditions of water flows.”

The memorial further adds that wildfires covering 100 thousand to 250 thousand acres have had large-scale negative impact on the public trust water of New Mexico through the post-burn effects of massive evaporation and water runoff across burned soil and landscapes, and that the USFS has a duty to cooperate with state and federal agencies, tribal governments, stakeholders and holders of valid water rights to provide mutually beneficial programs for restoring, maintaining and utilizing water resources.

The New Mexico Environment Department (NMED) attests to the damage that wildfires have caused to New Mexico watersheds:

Given the experiences seen with the 2012 Little Bear fire which affected watersheds for Ruidoso and Alamogordo and the 2011 Track fire in Raton, small communities can lose drinking water supplies due to sediment and other water quality impacts after a fire. The NMED has seen first-hand the consequences of forest fires on drinking water supplies for small communities and supports efforts for watershed planning across the state. The watershed planning and associated prescribed burns and thinning that have occurred in the Santa Fe Municipal watershed provide an example of the type of activities that can help to avoid the disastrous impacts of these types of fires.

The NMED also addresses their current working relationship with the United States Forest Service on watershed planning issues:

The Surface Water Quality Bureau of NMED works closely with the United States Forest Service on water quality and watershed planning issues. NMED and the USFS have established a memorandum of understanding (MOU) to guide our joint activities. As part of this effort the USFS has funded a position to serve as a liaison to NMED and Surface Water Quality Bureau staff meet monthly with this person to discuss water quality and watershed planning issues. In addition, the USFS hosts an annual meeting that bring together all of the hydrologist and aquatic resource specialists working for each of the National Forests in New Mexico with relevant Surface Water Bureau staff. In the area of planning, the Surface Water Bureau has several watershed-based plans complete or in development that include Forest Service lands in the watershed.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The NMED notes that Senate Memorial 52 makes a similar request to the USFS to assist local partners to treat and implement activities to reduce the impact of a catastrophic fire and to prepare and plan for post-fire situations, but is focused exclusively on the Gallinas Watershed.

OTHER ISSUES

SM 65 states on page 5, lines 14-16 that “The forest and watershed health office of the Energy, Minerals and Natural Resources Department has developed and adopted 40 community wildfire protection plans.” However, EMNRD notes that “Forest and Watershed Health Office” should be replaced with “forestry division” and the number “40” with the number “61”.

KC/blm