

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

**September 29-30, 2022
Northern New Mexico College
Event Center
921 North Paseo de Oñate
Española**

The fourth meeting of the Water and Natural Resources Committee was called to order by Representative Matthew McQueen, co-chair, on September 29, 2022 at 9:00 a.m. at the Northern New Mexico College (NNMC) Event Center in Espanola.

Present

Rep. Derrick J. Lente, Co-Chair (9/29)
Rep. Matthew McQueen, Co-Chair
Sen. Elizabeth "Liz" Stefanics, Vice Chair
Sen. Pete Campos
Sen. Crystal R. Diamond* (9/29)
Rep. Pamelya Herndon (9/29)
Rep. Kristina Ortez (9/29)
Sen. Benny Shendo, Jr. (9/30)
Rep. James R.J. Strickler
Rep. Candie G. Sweetser
Sen. Peter Wirth*
Sen. Pat Woods
Rep. Martin R. Zamora

Advisory Members

Rep. Rod Montoya
Sen. Gerald Ortiz y Pino (9/30)
Sen. Shannon D. Pinto
Rep. Patricia Roybal Caballero

Absent

Rep. Gail Armstrong
Rep. Linda Garcia Benavides
Rep. Kay Bounkeua
Sen. Joseph Cervantes
Sen. David M. Gallegos
Rep. Susan K. Herrera
Sen. Stuart Ingle
Rep. Tara L. Lujan
Rep. Marian Matthews
Rep. Larry R. Scott
Sen. Jeff Steinborn

Rep. Jack Chatfield
Rep. Rebecca Dow
Rep. Candy Spence Ezzell
Sen. Ron Griggs
Sen. Carrie Hamblen
Rep. T. Ryan Lane
Sen. Linda M. Lopez
Rep. Roger E. Montoya
Rep. Greg Nibert
Rep. William "Bill" R. Rehm
Rep. Andrea Romero
Rep. G. Andrés Romero
Sen. Joshua A. Sanchez
Rep. Debra M. Sariñana

Sen. Antoinette Sedillo Lopez
Rep. Nathan P. Small
Sen. Mimi Stewart

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

*Appointed by the speaker of the house of representatives or the president pro tempore of the senate as a voting member for this meeting only.

Staff

Tom Kricka, Staff Attorney, Legislative Council Service (LCS)
D. Martin Fischer, Staff Attorney, LCS
Erin Bond, Researcher, LCS

Guests

The guest list is in the meeting file.

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.

Thursday, September 29

Welcome and Introductions (9:00 a.m.)

Representatives McQueen and Lente welcomed the committee, and the members introduced themselves. Vince Lithgow, vice president for finance and administration, NNMC, welcomed the legislators to NNMC.

Outdoor Recreation: Developments, Potential and Needs (9:17 a.m.)

Alyssa Renwick, deputy director, New Mexico Outdoor Recreation Division, Economic Development Department, spoke about the division's recent efforts regarding business and community development, conservation, education and equity. She highlighted the important role of outdoor recreation in the state, with 76% of New Mexicans considering themselves to be outdoor recreation enthusiasts. She did not request anything from the legislature on behalf of the division, but she expressed the division's appreciation for the legislature's support, especially the grant programs supporting trails, waters, youth outdoor access and the Outdoor Recreation Business Accelerator.

The 30 by 30 Initiative (10:10 a.m.)

Laura McCarthy, state forester, Forestry Division, Energy, Minerals and Natural Resources Department (EMNRD), presented about the core principles, process and goals of New Mexico's 30 by 30 initiative. Greg Peters, senior advocate, Lands, Water and Wildlife, Conservation Voters New Mexico, spoke about the 30 by 30 initiative as an essential, science-based global conservation vision necessary to conserve lands, waters and oceans and to mitigate the effects of climate change. Mr. Peters discussed the national and statewide popularity of 30 by 30; its voluntary, community-driven and diverse approach; and its priorities. Oriana Sandoval, chief executive officer, Center for Civic Policy (CCP), spoke about the CCP's recent efforts in support of the 30 by 30 initiative, such as several conservation phases of a community-led New Mexico blueprint grounded in tradition, culture, history, home and family. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=2>.

Conservation Funding Opportunities (11:21 a.m.)

Dylan Fuge, general counsel, EMNRD, spoke about the conservation programs of the various New Mexico state agencies, funding challenges, efforts to obtain sustainable funding and key lessons learned. Debbie Hughes, executive director, New Mexico Association of Conservation Districts, presented on conservation funding opportunities in New Mexico. She discussed the United States Department of Agriculture's Regional Conservation Partnership Program, grassland restoration projects, soil and water conservation districts, wildlife habitat and migration, healthy soils and various coalition efforts. Brittany Fallon, Ph.D., senior policy manager, Western Lands Program, Western Resource Advocates, presented about the New Mexico conservation fund proposal and opportunities for federal money and matching state-level funds, such as the State Supplemental Land and Water Conservation Fund. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=3>.

Surface Water Discharge Permitting Primacy (1:15 p.m.)

Shelly Lemon, chief, Surface Water Quality Bureau, Department of Environment, spoke about New Mexico's surface waters being at risk due to a lack of protection under the federal Clean Water Act. She discussed the need for a state surface water quality discharge permitting program due to the changing and narrowing federal definition of "waters of the United States" that has excluded a substantial amount of New Mexico surface waters from protection. Ms. Lemon stated that a state-level permitting program would ensure more certainty in protecting all waters of the state by empowering local administration and allowing greater flexibility and retention of fees.

Rachel Conn, deputy director, Amigos Bravos, presented about the importance of fully funding the surface water quality discharge permitting program since up to 96% of New

Mexico's waters have been unprotected by the federal Clean Water Act and New Mexico is one of two states nationwide that do not have a state-administered surface water quality discharge permitting program. Without protection, Ms. Conn explained that permits are not required and there is no regulatory mechanism to control polluted discharges into New Mexico's waters. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=4>.

Prescribed Burns: Opportunities, Practices and Precautions (2:20 p.m.)

Ms. McCarthy presented on prescribed burning and the Prescribed Burning Act. She discussed strategically using data on wind, temperature, precipitation and other factors to guide prescribed burning.

Melany Glossa, acting associate deputy chief, Fire and Aviation Management, United States Forest Service, United States Department of Agriculture, presented on a national review of prescribed burns that had led to wildfires. She discussed the main contributing factors leading to wildfires and the key takeaways for improvement.

Gwen Kolb, state coordinator, Partners for Fish and Wildlife, United States Fish and Wildlife Service, United States Department of the Interior, presented on the federal Partners for Fish and Wildlife Act that empowered the United States Fish and Wildlife Service to partner with private landowners to restore habitats and reduce fuels with properly controlled burns.

Eytan Krasilovsky, deputy director, The Forest Stewards Guild, presented about his organization's programs for protecting forests against wildfires, such as The Forest Stewards Youth Corps and the All Hands All Lands Burn Team. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=5>.

Fireworks, Drought and Wildfire Risk (3:37 p.m.)

Bruce Dile, interim bureau chief code enforcement captain, State Fire Marshal's Office, Homeland Security and Emergency Management Department, presented on fireworks licensing and safety laws, specifically in a drought. Ted A. Hart, mayor, City of Moriarty, presented on Moriarty's role as a hub of fireworks sales and the city's efforts to prevent wildfires, especially in drought conditions. He described having limited options available due to the current law. Jaome Blay, assistant chief, Fire Prevention and Risk Reduction, Santa Fe County, presented about a resolution to ban fireworks and the need for local governments to have more flexibility in regulating fireworks.

Recess

The meeting recessed at 4:17 p.m.

Friday, September 30

Wild Horse Management Legislation (9:10 a.m.)

Senator Woods introduced the topic of wild horse management, range use and his new wild horse management bill. Jessica Johnson, chief government affairs officer, Animal Protection Voters, spoke about the free-roaming wild horses in New Mexico that are not protected or managed by federal law and that fall under the current wild horse law. Ms. Johnson discussed the problems with the current law and suggested ways to improve it. Karen Herman, Ph.D., director, Sky Mountain Wild Horse Sanctuary and Mount Taylor Mustangs, LLC, presented on management methods of wild horses. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=7>.

Implementation of the Federal Recovering America's Wildlife Act of 2022 (10:20 a.m.)

Michael B. Sloane, director, Department of Game and Fish, presented about the proposed federal Recovering America's Wildlife Act of 2022 that seeks to greatly expand funding at the state level for wildlife conservation. Jesse Deubel, executive director, New Mexico Wildlife Federation, spoke about the condition of New Mexico's hunted wildlife. Mike Sullivan, senior advisor, Office of United States Senator Martin Heinrich, presented about New Mexico's need for the federal act and its anticipated benefits. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20092922%20Item%208%20RAWA-Game%20and%20Fish.pdf>.

State Parks: Improvements and Funding (11:05 a.m.)

Toby Velasquez, director, State Parks Division, EMNRD, presented about the State Parks Division team: who they are, what they do and their budget, expenditures, visitors and improvement projects. Neal Brown, owner, Marina Del Sur, and president, Lago Rico, Inc., spoke about Elephant Butte Lake State Park and suggested improvements to the park. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=WNR&Date=9/29/2022&ItemNumber=9>.

Plastic Use, Recycling and Responsibility (12:04 p.m.)

Marianne Dickinson, owner, Creative Design-Practical Solutions, spoke about replacing common single-use disposable plastics. Sarah Pierpont, executive director, New Mexico Recycling Coalition, presented about recycling in New Mexico, highlighting the main challenges

of access and plastic recycling. Karen Sweeney, co-chair, Eldorado/285 Recycles, presented about the problems with plastic and the benefits of the proposed Plastic Pollution Reduction Act, which she described as an inclusive, consistent statewide solution. The presentation can be found here:

<https://www.nmlegis.gov/handouts/WNR%20092922%20Item%2010%20Plastic%20Pollution%20Reduction%20Act%20.pdf>

Public Comment

There was no public comment.

Adjournment

There being no further business before the committee, the meeting adjourned at 1:15 p.m.