

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

**November 21, 2016
Room 307, State Capitol
Santa Fe**

The fifth meeting of the Water and Natural Resources Committee was called to order by Representative Candy Spence Ezzell, chair, on November 21, 2016 at 9:15 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Rep. Candy Spence Ezzell, Chair
Sen. Peter Wirth, Vice Chair
Rep. Paul C. Bandy
Sen. Joseph Cervantes
Rep. Javier Martínez
Rep. Matthew McQueen
Sen. Sander Rue
Sen. Benny Shendo, Jr.

Absent

Rep. Randal S. Crowder
Rep. Dona G. Irwin
Rep. James Roger Madalena
Rep. Andy Nunez
Sen. Cliff R. Pirtle
Rep. Jeff Steinborn
Sen. Mimi Stewart
Rep. James R.J. Strickler
Sen. Pat Woods

Advisory Members

Sen. Ted Barela
Sen. Pete Campos
Sen. Lee S. Cotter
Rep. David M. Gallegos
Rep. Bealquin Bill Gomez
Sen. Ron Griggs
Rep. Jimmie C. Hall
Rep. Larry A. Larrañaga
Rep. Idalia Lechuga-Tena
Rep. Bill McCamley
Sen. Cisco McSorley
Sen. Mary Kay Papen
Sen. Nancy Rodriguez
Rep. James G. Townsend
Rep. Bob Wooley

Rep. Cathrynn N. Brown
Sen. Carlos R. Cisneros
Rep. Sharon Clahchischilliage
Rep. George Dodge, Jr.
Rep. Brian Egolf
Rep. Nora Espinoza
Sen. Stuart Ingle
Rep. D. Wonda Johnson
Sen. Gay G. Kernan
Sen. Carroll H. Leavell
Rep. Tim D. Lewis
Rep. Rick Little
Sen. Linda M. Lopez
Sen. Steven P. Neville
Sen. Gerald Ortiz y Pino
Rep. G. Andrés Romero
Rep. Tomás E. Salazar
Sen. William E. Sharer
Sen. John Arthur Smith

Rep. Don L. Tripp
Rep. John L. Zimmerman

Senators Griggs and McSorley were named as voting members by Senator Papen for the purpose of establishing a quorum at the meeting.

Staff

Jon Boller, Legislative Council Service (LCS)
Gordon Meeks, LCS
Jeret Fleetwood, LCS

Minutes Approval

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony can be found in the meeting file or on the New Mexico Legislature's website at www.nmlegis.gov.

Monday, November 21

Call to Order

Representative Ezzell began the meeting by having members of the committee and staff introduce themselves.

EXECUTIVE SESSION on Litigation Issues (closed meeting); Briefing on *Texas v. New Mexico and Colorado*, No. 141, Original

The committee met in executive session to discuss matters relating to litigation between New Mexico and Texas.

New Mexico Municipal League Water Use Recommendations (House Memorial 15) (2016)

In response to House Memorial 15 from the 2016 regular session, which requested municipal officials to design a series of recommendations for statewide efficient residential water use, Regina Romero, intergovernmental relations director, New Mexico Municipal League, provided the committee with a report regarding efficient residential water use. Several representatives from New Mexico municipalities also offered input to the committee.

Christine Chavez, water conservation manager, City of Santa Fe, began by providing the committee with an overview of Santa Fe's water conservation programs. She explained that a variety of measures, including a seasonal block-pricing structure that encourages conservation

and educational and outreach measures, have helped Santa Fe steadily reduce its water use from 168 gallons per capita per day (GPCD) in 1995 to less than 90 GPCD in 2015, which is one of the lowest consumption rates in the southwestern region. Single-family residential use in Santa Fe has been reduced to less than 55 GPCD in 2015, she added. However, she cautioned that GPCD is only one measure of a conservation program's effectiveness and that system resiliency and total production capacity must also be considered when evaluating a municipality's conservation program.

Katherine Yuhas, conservation officer, Albuquerque-Bernalillo County Water Utility Authority (ABCWUA), said that education was likely one of the biggest factors in improving Albuquerque's conservation efforts, noting that research has shown that water conservation education in schools is particularly effective. Ms. Yuhas also noted that successful conservation measures may result in less revenue for utilities. The ABCWUA stabilized its revenue by raising and restructuring its rates. Albuquerque has reduced its water use from 251 GPCD in 1995 to 127 GPCD in 2015, she said, with a single-family residential use of 58 GPCD in 2015.

Rhonda Diaz, water conservation program coordinator, City of Las Cruces, discussed conservation efforts in terms of outdoor water use. She explained that the city implemented staggered watering schedules and added administrative fees for excessive water use to help encourage conservation. She said that Las Cruces launched its water conservation program in 2005 and, in the past 10 years, it has reduced its water use from 201 GPCD in 2006 to 161 GPCD in 2015, with single-family residential use dropping from 134 GPCD in 2006 to 108 GPCD in 2015.

Steve Gallegos, acting utilities director, City of Rio Rancho, began by discussing incentives and rebates offered by Rio Rancho to encourage conservation. He also noted that the city began conducting water audits to find leaks and inefficiencies. Mr. Gallegos said that Rio Rancho conducted about 630 audits in fiscal year 2016, which resulted in saving about six million gallons of water, mostly in homes. He explained that Rio Rancho implemented its water resources management plan in 2004, which is a holistic approach to water management that includes reuse, source water protection, education, supply and infrastructure, economic development and enforcement. System-wide consumption stood at 112 GPCD in 2015, he said, with single-family residential use at 66 GPCD.

Questions and comments from the committee included:

- the memorial was intended for cities to provide input to help the legislature incentivize conservation;
- GPCD is only one measure of water conservation; different cities may find success through other efforts and measures;
- conservation education efforts by the Office of the State Engineer include radio advertisements;

- New Mexico needs to take action now to avoid a situation similar to the one that currently exists in California;
- different solutions will work in different cities across New Mexico, so it will be difficult for the state to develop one set of conservation incentives that will work statewide;
- the importance of educating water consumers;
- potential strategies for reducing industrial and commercial uses of water; and
- different communities measure water use in different ways.

On a motion made, seconded and passed, the minutes of the committee's October meeting were approved as submitted.

Discussion of Proposed Legislation

The committee heard testimony from Aubrey Dunn, commissioner of public lands, regarding a bill to create the State Trust Lands Restoration and Remediation Fund. The committee endorsed the bill, with Senator Cervantes voting NO.

Senator McSorley presented the committee with a bill authorizing the New Mexico Department of Agriculture to adopt rules for research on industrial hemp. He noted that it was the same bill endorsed by the committee in 2015. On a vote of 6-3, the committee endorsed the bill, with Representative Bandy and Senators Griggs and Rue voting NO.

Senator Wirth presented the committee with a bill changing the membership of the Interstate Stream Commission. He indicated that he was not seeking the committee's endorsement on the bill.

Senator Cervantes presented the committee with a bill regarding water rights in the Lower Rio Grande Public Water Works Authority. The committee unanimously endorsed the bill.

Senator Cervantes also presented the committee with a bill changing the membership of the Water Trust Board to allow for some members to be appointed by the legislature. He indicated that he was not seeking the committee's endorsement on the bill.

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