

New Mexico Fire Planning Task Force

Meeting Minutes

December 3, 2019

1. Opening

A meeting of the New Mexico Fire Planning Task Force (Task Force) was called to order at 9:00 a.m. on December 3, 2019 in Santa Fe by Laura McCarthy, State Forester, Energy, Minerals and Natural Resources Department (EMNRD), Forestry Division.

- **Task Force Members and Delegates Present:**

Laura McCarthy, State Forester, EMNRD, Forestry Division, Task Force Chair
Keegan King, Department of Indian Affairs
Donnie Quintana, Director Local Government Division, Department of Finance and Administration
Raymond Torres, State Fire Marshal's Office (SFMO)
Joseph Martinez, Regulation and Licensing Department, Construction Industries Division (CID)
Joy Esparsen, Deputy Executive Director, New Mexico Counties
Craig Brashear, NM Fire Chief's Association, Municipal League
Joe Kenmore, Director, Lincoln County Office of Emergency Services
Judy Palmer, Southwest Region Fire Director, United States Department of Agriculture (USDA), Forest Service (USFS)

- **Task Force Members Absent:**

State Land Office
United States Department of the Interior, Bureau of Land Management (BLM)

2. Welcome

Laura McCarthy, State Forester, recognized the Task Force, public members, and guests. Task Force members and invited non-voting participants introduced themselves via round robin.

3. Task Force Business

- **Approval of Agenda**

The meeting proceeded to the approval of the agenda. Laura McCarthy suggested the agenda be amended with the merger of the Legislative Update and Agency Update as a round robin after the Community Wildfire Protection Plan(CWPP) Subcommittee Report to save time. Joe Kenmore moved to amend of the agenda as proposed, which was seconded by Joy Esparsen. The Task Force unanimously approved the December 3, 2019 agenda as amended.

- **Approval of Minutes**

The meeting proceeded to the approval of the minutes. Joy Esparsen moved to approve the minutes as written, which was seconded by Ron Burnham. The Task Force unanimously approved the minutes.

4. Election of Officers

Current Task Force Chair Donald Griego and State Forester Laura McCarthy offered the opportunity for any volunteers to take over the position of Chair of the Task Force for 2020. Laura referred to the Task Force bylaws, which state that the vice-chair typically moves into the Chair position, but it did not appear that this has happened in the history of the Task Force and Laura wanted to be clear on this point for anyone choosing to become vice-chair. Joy Esparsen pointed out that the State Forester has been designated as Task Force Chair since its inception, which has worked out well for the committee. Joy Esparsen moved to nominate Laura McCarthy as the Fire Planning Task Force Chair, which was seconded by Joe Kenmore. The Task Force unanimously approved the election of Laura McCarthy as Chair.

Laura McCarthy offered the opportunity for a volunteer to take over the position of vice-chair. Craig Brashear nominated Joe Kenmore as vice-chair, which was seconded by Joy Esparsen. The Task Force unanimously approved the election of Joe Kenmore as vice-chair.

5. CWPP Subcommittee Report

Joy Esparsen provided background on CWPPs to the Task Force, which includes new members as of December 3, 2019. Joy explained that CWPPs have become a mechanism for the Task Force to make recommendations for changes on the Communities at Risk (CAR) list for the State of New Mexico. The legislation that formulated the Fire Planning Task Force did two things: tasked the group with (1) developing the CAR plan, and (2) looking at code enforcement for wildland fire in the state. At the time the Task Force was being formed, New Mexico Counties (NMC) and BLM were launching a grant program specific to wildfire that is targeted to county-wide CWPPs. At the time there were only eight CWPPs, including some tribes and pueblos, in the state and not all were county-wide. Since then, NMC and the BLM have issued approximately \$11 million in funding for CWPPs, fuel treatments, etc. Completed CWPPs are reviewed by a subcommittee, which then provides recommendations to the Task Force each year to approve or disprove them. Joy also explained the CWPP criteria to Task Force members before moving on to the CWPPs pending before the Task Force for 2019. Joy provided a report on behalf of the CWPP Subcommittee stating the sub-committee met and is requesting the approval of plans pending the requested changes of the sub-committee. A separate handout with the proposed action and requested changes were provided to each member of the Task Force.

Joy Esparsen cited to review four CWPPs:

- **Lincoln County**

Recommended for approval, but one sub-committee member questioned why Ruidoso Downs was not on the signature list. Joe Kenmore told the Task Force that Ruidoso Downs had not responded initially to a request to add them, but this has been remedied and they will be added via a separate signature document. Powerlines will also be added into the “critical infrastructure” of the CWPP. The discussion also included question on whether the Mescalero Apache was included as a signatory, but the tribe already has its own CWPP.

Donnie Quintana moved to approve the Lincoln County CWPP, which was seconded by Judy Palmer. The Task Force unanimously approved the Lincoln County CWPP.

- **Mora County**

Recommended for approval provided the following needs are met:

- Identify Values at Risk and Critical Infrastructure

Vernon Muller pointed out that the prior CWPP was partial and this will make it a full, county-wide CWPP. The Las Vegas Forestry Division District Office has also been notified to request that the recommendations for approval be completed and submitted to the Forestry Division as soon as possible.

Joe Kenmore moved to approve the Mora County CWPP, which was seconded by Craig Brashear. The Task Force unanimously approved the Mora County CWPP.

- **San Miguel County**

Recommended for approval provided the following needs are met:

- provide a table of priorities;
- add a key for chart on page 7 of the CWPP; and
- CWPP references risk rating in original document, but the original does not include them.

Craig Brashear moved to approve the San Miguel County CWPP, which was seconded by Joy Esparsen. The Task Force unanimously approved the San Miguel County CWPP.

- **Sierra County**

Recommended for approval provided the following needs are met:

- adjust risk ratings to high, medium, and low (not extreme).

Joseph Martinez moved to approve the Sierra County CWPP, which was seconded by Joe Kenmore. The Task Force unanimously approved the Sierra County CWPP.

Vernon Muller provided an overview of the CAR Plan CWPPs and risk ratings, which are 62 CWPPs completed and 814 communities assessed and received a determination, 362 are rated high risk, 307 are rated moderate risk, and 145 are rated low risk. A total of 31 of 33 counties have county-wide CWPPs, two others (Bernalillo and San Juan) have partial CWPPs. Joy pointed out that San Juan County has not been able to get the Navajo Nation on board so they could not be designated as a county-wide CWPP. Instead the applied under the San Juan Basin for a partial CWPP. Bernalillo County has potentially all but the West Mesa included in individual CWPPs, including the Middle Rio Grande Conservancy District and East Mountain Area.

Tribes/Pueblos/Chapters with known CWPPs include Santa Clara, Taos, Candy Kitchen, Ramah Navajo, and possibly Mescalero Apache. Keegan King said the Department of Indian Affairs can reach out to these communities, including the Navajo Nation, to get more participation in CWPPs throughout the state. Laura pointed out that this outreach could open up opportunities for technical assistance, potential funding opportunities, and resources for communities for CWPPs on tribal land. Laura suggested the Task Force consider outreach to tribes that don't have CWPPs when considering the 2020 guidelines. Joy Esparsen said NMC has, and continues to, provide funding to tribes and chapter houses who have approached them using NMC's programs.

7. Guideline Updates

Joy Esparsen briefed the Task Force on changes the CWPP Subcommittee would like to see added to the current CWPP Guidelines, including clarifying "critical infrastructure" (e.g. water towers, fuel lines, hazmat, things governments/communities need to be aware of) and a summary of endangered species in the area. Joe Kenmore brought up radio repeaters as critical infrastructure that had been recently threatened by wildfire in the Capitan area. Vernon Muller suggested this could be used as an example in the CWPP Guidelines.

In regard to process, Joy Esparsen said NMC convened a State Cultures Group that included representation from the Forestry Division, the Forest Stewards Guild, Department of Agriculture, Department of Game and Fish, State Land Office, USFS, and BLM. Members made minor adjustments, including technology for digital maps. NMC will help facilitate Guideline updates with the Forestry Division. The Guidelines would then be reviewed by the Task Force in the spring, around April pre-fire season.

Judy Palmer asked what the intention of the summary of endangered species is. Donald Griego explained that it helps to have these areas pre-identified for the Fire Management Assistance Grant (FMAG) process (cost recovery post fire) so that FMAGs can be submitted to the Department of Homeland Security and Emergency Management (DHSEM) in a timely manner.

Joe Kenmore discussed being approached by insurance companies asking for a “Wildfire Protection Class” (WPC) to ultimately determine homeowner’s insurance coverage (prominent in Northeastern U.S.). Joy said New Mexico does not have a WPC, but this may be the ultimate discussion that some type of “wildland code” would have to be adopted in the future. New Mexico operates on a “blended code” and only a couple of counties have adopted a wildland code (Taos and possibly Otero full, Bernalillo partial). Laura suggested that if these counties have not found it difficult to enforce a “wildland code” and that these could be promoted as positive success stories to encourage other counties to consider. Joy offered to investigate and present findings at the next Task Force meeting.

Joseph Martinez with CID discussed code enforcement difficulties when administrations change hands. Joy said that NMC feels it’s seeing some code enforcement inadvertently as they see home assessments come in on CWPP funding requests for fuel treatment projects.

8. Legislative and Agency Updates

Forestry Division

- Laura McCarthy briefed the Task Force on the Forest and Watershed Restoration Act (FAWRA) fund passed by the legislature in early 2019. It provides \$2 million per year in recurring funding for projects. The CWPPs can be helpful in determining what the priorities are.
- House Memorial (HM) 42 in the 2019 session created a working group to look at the enabling conditions for the use of prescribed fire on private land. National Forest lands, agricultural, and acequias (shared irrigation canals for agriculture) are not included. The Forestry Division is working closely with the Office of the Superintendent for Insurance to cover liability protection, training, and certification, and whether insurance is achievable and affordable. The HM42 group will develop recommendations and provide a report to the legislature in June 2020. This could result in recommendations for legislation in 2021 session that focus on liability protection and training associated with it.
- The Forestry Division is working on a revision of the Forest Action Plan (FAP). A statewide assessment of current conditions has been commissioned to help the Division and stakeholders to determine statewide strategies. Two FAP workshops for stakeholders are scheduled for January 17, 2020 and April 17, 2020 (review of draft).
- The State of New Mexico signed a Shared Stewardship Agreement with the USFS that established the state as a partner to jointly set priorities for the program of work.
- Utility rights of way through forested land are typically 20-40 feet and the 2018 Farm Bill Authority allows the right of way clearing to be up to 200 feet without having to legally change the right of way itself. Also, rights of way language in the Appropriations Bill from

2018 provides a categorical exclusion from the National Environmental Policy Act vegetation management along utility right of ways. Both could be beneficial as a tool for the Fire Planning Task Force. The Forestry Division has been in discussions with the Rural Electric Cooperative Association and formulated an idea of having New Mexico declared a pilot state to get the 200 foot right of way authority. Early statewide mapping has identified that the San Miguel/Mora and Otero County Co-ops are two that currently carry a significant risk. The Forestry Division is working to get this moving over the next several months.

USDA Forest Service Region 3

- Judy Palmer discussed many internal changes to the agency at the national level, Ervin “Sonny” Purdue is now Secretary of USDA. The USFS is more engaged with the USDA than it ever was.
- The “Dingle Act” will help improve technology.
- Southwest Region 3 Forester is moving to the Washington D.C. office in summer 2020.
- Working on biological opinions in relation to the Mexican spotted owl injunction with no response back from courts on interpretations of the wording of the injunction.

New Mexico Counties

- Joy Esparsen briefed the Task Force on NMC’s fire priority/fire emergency management effort to increase funding for the EMS Bureau with House Bill 2. There is a lack of support for EMS services statewide, no standard of care in rural communities. The Department of Health does not have a line item for EMS. NMC has asked them to set aside \$5 million in House Bill 2 for the EMS Bureau that would include an assessment of what standards might look like and what resources are available.
- After House Bill 4 swept the Fire Fund local governments were concerned about the vulnerability of that funding. The SFMO and Department of Homeland Security (DHSEM) are in flux due to changes in leadership. SFMO was at 40% of staffing. NMC is currently waiting to hear from the Governor’s Office on whether the Governor will decide if SFMO will be moved to the Department of Homeland Security. NMC is hearing that the Governor’s Office was making this a priority.
- The BLM Field Office has individual funds for field office projects. There is currently a \$450,000 project for South Central Mountain RCND in Timberon, NM. This large landscape scale project is a first for NMC.

Department of Finance and Administration (DFA)

- Donnie Quintana spoke about the E-911 Program, which DFA has absorbed back from the Department of Information Technology.
- DFA has hired a bureau chief and two program managers for a staff of five. The program has been stabilized and all grant agreements are out and they are working hard to ensure they are moving forward with the “next gen”, basically moving the program towards more video response and data.
- Conducted a survey to all counties and municipalities, approximately 800 recipients trying to identify issues at the local level, procurement, funding, capacity. Some responses apply to the Task Force, which can add value to the Task Force.

State Fire Marshal's Office

- Raymond Torres discussed the many changes taking place at the SFMO. They are waiting to find out what will happen to the office (whether it's moving to DHSEM), but they will do everything they can to work with the Task Force to help protect the state.

Construction Industries Division

- Joseph Martinez briefed the Task Force on new leadership at CID, Clay Benton new Director, and for the Regulation and Licensing Department, Superintendent Marguerite Salazar began her position in January 2019.

Department of Indian Affairs

- Keegan King is new to the group representing DIA and said their will be leadership changes at many of the pueblos are taking place and to let him know if the Task Force needs anything.

NM Fire Chief's Association (FCA)/Municipal League

- Craig Brashear told the Task Force that Otero, Eddy, Lea, and Chaves Counties are in fairly close contact and when something is happening in their area of the state, they all want to help. He stressed that it's important for this relationship to remain close in the event of a large wildfire incident so they can share resources before, during, and after the fire. James Salas of the Dexter Fire Department was re-elected as Chief for the FCA and Manny Gomez from Hobbs is the President Elect. The FCA and Municipal League are working on the Fire Department Accreditation Program. The Fire Service Conference is expected to be at the end of September or beginning of October.

Forestry Division, Resource Protection Bureau

- Vernon Muller provided details on the fire program gearing up for the upcoming fire season with training currently underway across all districts. The Forestry Division has a Volunteer Grant Coordinator position open, which will be considered through a competitive hiring process.
- Donald Griego gave details on a new agreement with the NM Department of Transportation that will provide heavy equipment and water tenders for initial attack on wildfires around the state.

9. Schedule Next Meeting (done early as two Task Force members had to leave for other obligations)

The next meeting of the full Task Force will be March 10, 2020, at 1:30 p.m. (cancelled due to COVID-19 restrictions)10. Other Business

- No other business discussed.

Adjournment

Joe Kenmore moved to adjourn the meeting of the Task Force, which Craig Brashear seconded. The Task Force unanimously voted to adjourn.

Minutes submitted by: Wendy Mason

Approved by: Laura McCarthy