

Concepts for New Mexico's Regional Water Planning Program

The rules (and guidelines) for a robust regional water planning program, as required by the Water Security Planning Act, should at a minimum meet the following criteria:

- Regional water planning must deliver tangible results
 - Actionable guidance, not shelf reports
 - Viable solutions to current and future water shortfalls
 - Ongoing provision for communication and collaboration
 - Transparent timelines, deliverables, and accountability for implementation
 - Clear connection to available funding streams (state, federal, private)
- The regional planning process is voluntary – so it must be perceived to have value:
 - To the participants
 - To the legislature
 - To the agency (ISC)
 - To local communities and future generations
- Core values include:
 - Equitable representation of the region's diverse interests
 - Face-to-face interaction and dialogue
 - Clear understanding of challenges and solutions to regional water problems
 - Mechanisms to mitigate the water problems; be resilient
 - Vetted/prioritized infrastructure projects
 - Statewide objectives to support regional economic health and compact compliance
 - Preservation of local water traditions and cultural practices
 - Use of credible, science-based hydrologic data integrated with community knowledge

We suggest a close approximation of the four paragraphs x.xx.xx.6, .10, .12, and .16. on the following pages are necessary in order to make the full set of rules meet the above criteria.

We recognize that the x.xx.xx.16 paragraph has rather elaborate requirements to lay out the regional planning processes. Should the ISC perceive those requirements to be too elaborate for inclusion in the rules, we believe the portions that are NOT highlighted in yellow, while important for meeting the criteria, could be demoted to be included within the guidelines.



The rules should lay out an overall purpose for conducting regional water planning. The following x.xx.xx.6 OBJECTIVE constitutes a first approximation of how such a purpose could be stated.

x.xx.xx.6 OBJECTIVE: To establish the criteria and procedures to develop, approve and maintain regional water plans, pursuant to the Water Security Planning Act, Section 72-14A-1et seq. NMSA 1978, and establish the administrative law requirements applicable to the commission and regional councils to implement a program of regional water security planning across New Mexico. The overall purpose of the Water Security Planning Act is to develop regional water plans whose implementation will provide long term water resilience for the region. The purpose of these rules is to empower diverse regions of the state and their constituent communities to solve or mitigate bona fide water problems within the region. This will entail a broad public and tribal process to develop and then maintain a preferred alternative program of policies and projects that together

- A. take full cognizance of the hydrologic reality of the region
- B. have been fully vetted with scientific integrity, evaluated, and prioritized
- C. are consistent with statewide objectives, including adequate water for current and future generations' economic well-being, resilience of aquifer systems, as well as compliance with interstate compacts, the endangered species act, and congressionally authorized tribal water settlement acts

The rules should provide the constraints within which each region needs to establish the membership of its water planning Council. The following x.xx.xx.10 COMPOSITION... constitutes a first approximation of how constraints upon such membership establishment could be stated.

These words address how big the Council should be, how it should achieve interest balancing, and how to deal with perceptions of non-representation.

x.xx.xx.10 COMPOSITION OF REGIONAL WATER SECURITY PLANNING COUNCIL:
Membership of a regional council shall be determined within the region with support as needed from the commission, subject to the following:

- A. **Membership Quantity:** A regional council shall be self-selected and composed of at least six individual members and not more than twenty individual members having needed expertise. Each member may designate an alternate with similar interests to serve in the member's absence
- B. **Interest Balancing:** The set of members collectively must represent water interests in the region, balanced for the region, among residential, community, commercial, agricultural, natural, technical, and institutional interests, including water right owners and groundwater permit holders who depend on the shared water supplies of the region.:
- C. **Membership Conflict Resolution:** In the event of conflict about membership balance or quantity within a region, the commission shall mediate, or arbitrate, if necessary, to resolve the controversy.
- D. **Staff Support:** Regional councils may hire planning, technical and administrative staff

The rules should provide a mechanism to enforce the requirements that are placed upon regional planning Councils. The following x.xx.xx.12 APPROVAL... constitutes a first approximation of how such an enforcement mechanism could be stated.

These words present criteria to confirm that resulting regional water plans were developed following an adequate planning process and that the resulting regional water plans' content achieve the goals of the overall regional planning program.

x.xx.xx.12 APPROVAL FOR IMPLEMENTATION OF REGIONAL WATER SECURITY PLAN:

In order to be approved by the commission, a regional plan or interim plan element must demonstrate to the commission that:

A. there was an **Adequate Planning Process**: the regional council prepared its regional plan or interim plan element through a coherent planning process that demonstrated:

(1) fairly balanced participation: the regional council sought, documented, considered, and acted upon stakeholder and public voices,

(2) transparency: the regional council regularly brought the water security planning program work and progress to the public and facilitated public participation and comments

(3) a scientific foundation: water security planning has taken full cognizance of the scientific foundation for planning provided by the commission and the regional plan demonstrates scientific integrity,

(4) formal evaluation: proposed policies and projects that have been well vetted and grouped into alternative programs, including a no action alternative, from which a preferred alternative program has been selected,

(5) public welfare: the regional council's planning developed and adhered to a statement of current and future public welfare as specified in x.xx.xx.13,

(6) tribal sovereignty: the regional council's planning took into account ongoing cognizance of tribal sovereignty and interests within the particular region, and,

(7) natural water uses: the regional planning identified groundwater/aquifer, riverine and riparian habitat impacts and addressed how those impacts would be limited and balanced under reduced water availability due to increasing temperatures and aridity.

B. there is **Adequate Planning Content**: implementation of the preferred alternative program in regional plan would:

(1) close the gap between overall regional water demand and regional water supply,

(2) address any significant intraregional gaps between supply locations and demand locations,

(3) increase the long-term viability of the water planning region's water supplies and the water adaptability for current and future generation users,

(4) provide for reliable domestic water supplies for at-risk communities within the region,

(5) protect riverine and riparian habitat and species values,

(6) include groundwater management plans,

(7) for regions containing perennial streams, include surface water management plans,

(8) for regions containing interstate perennial streams, assure ongoing compliance with interstate compacts,

(9) achieve long term water availability,

(10) achieve consistency with community, municipal and institutional water plans within the region, and,

(11) provide for the regional council to lead and manage regional plan implementation, monitor and report the outcomes, and prepare amendments and updates to the approved regional plan.

C. it is possible to **Adjust for Inadequacies**: Whenever the commission determines a submitted regional plan or interim plan element does not meet the minimum criteria stated in x.xx.xx.12.A and x.xx.xx.12.B, the commission and the regional council shall negotiate and assist with establishing a process, schedule, and funding for changes to bring the submitted regional plan or interim plan element up to adequacy.

The rules should lay out a set of guardrails or constraints within which the regional Councils must conduct their planning mission. The following x.xx.xx.16 REGIONAL COUNCIL REQUIREMENTS... constitute a first approximation of how bounds for the Councils' planning processes could be stated.

These words present boundaries or guardrails for how the Council's planning work should take place. They address criteria for self-organization of the Council, need for coordination, need to apply for funding, the necessity to engage communities within the region, the conduct of the planning process, dealing with urgent issues, developing a documented plan, reporting to the agency, and needed post-plan monitoring and updates.

x.xx.xx.16 REGIONAL COUNCIL REQUIREMENTS FOR REGIONAL AND COMMUNITY WATER SECURITY PLANNING: This paragraph and its subordinates establish the rules requiring each planning council to conduct a robust water security planning program, and that are not explicitly covered in paragraphs x.xx.xx.8 through x.xx.xx.14. Each regional council shall:

A. **Organize Itself:** Establish and update as needed its own operating rules or adaptation of commission-supplied templates for conducting water security planning including:

- (1) terms and term limits of membership,
- (2) methods for membership succession,
- (3) mechanisms to assure membership balance consistent with x.xx.xx.10.B,
- (4) meeting and operating rules for the regional council,
- (5) identifying needs for planning, technical and administrative staff,
- (6) procedures for administrative and financial management,
- (7) criteria for making water planning decisions, and,
- (8) obtaining means to accept, manage and disburse funds.

B. **Conduct Interactions:** Maintain cooperation and coordination with internal and external organizations including:

- (1) political subdivisions of the state located partially or totally within the region,
- (2) self-identified communities located partially or totally within the region,
- (3) tribal entities located partially or totally within the region, including incorporation of inputs from the Water Security Tribal Advisory Council (WSTAC), and,
- (4) negotiating of organizations' planning attributes to assure compliance with regional constraints including ongoing compact compliance and shared aquifer protection.

C. **Propose Planning Work Effort:** Prepare and deliver to the commission proposals for funding grants to conduct all or part of the necessary regional water security planning effort and develop a resultant plan of action, in recognition of the commission's proposal evaluation criteria in x.xx.xx.15.E. Such proposals shall include:

- (1) the regional council's work plans and plans for progress reporting,
- (2) embedded communities' work plans,
- (3) needs for planning, technical and support staff,
- (4) schedule milestones, and,
- (5) funding requirements.

D. **Seek External Funds:** Try to obtain regional water security planning funds from outside of the commission.

E. **Enable Community Level Planning:** Support and facilitate community level water security

planning to include:

- (1) public outreach and education to create and engage community planning groups,
- (2) provide water security planning guidance,
- (3) provide funds in response to well-organized requests,
- (4) provide or obtain commission technical support as requested,
- (5) monitor communities' financial and planning progress, and,
- (6) incorporate communities' planning information into the regional plan.

F. Conduct Regional Planning: Conduct an ongoing process to enhance water security across the region. The process should include:

- (1) establishing a quantitative understanding of the legal, hydrologic, and demand attributes of the region, yielding knowledge of its water situation and problems,
- (2) extensive iterative interaction with the commission, public and communities by providing interim work products and ingesting inputs throughout the planning process,
- (3) developing a coherent statement of public welfare of the region in accordance with x.xx.xx.14,

- (4) ensuring scientific integrity in the planning through use of data and models,
- (5) requesting technical support from the commission as needed,
- (6) identifying potential infrastructure projects and administrative policies at regional and community levels to enhance regional water adaptability

- (7) evaluating, such projects and policies for:

- (a) technical feasibility,
- (b) cost,
- (c) compliance with the statement of public welfare of the region,
- (d) recognition of scientific and hydrologic reality,
- (e) social impacts and benefits,
- (f) riverine and habitat impacts and benefits,
- (g) impacts and benefits to the regional economy,
- (h) contribution to closing gaps between regional demand and supply,
- (i) contribution to closing gaps between intraregional demands and supplies,
- (j) contribution to community water adaptability, and,
- (k) adaptability for future generations.

- (8) prioritizing such projects and policies in accordance with their evaluations,
- (9) packaging groups of prioritized projects and policies into various alternative programs,
- (10) modeling or otherwise evaluating the various alternative to programs to verify that, if implemented, they would meet the statewide goals and outcomes in x.xx.xx.15.A,
- (11) selecting a preferred alternative program that best meets the declared public welfare of the region, and,
- (12) creating a detailed plan for implementation of the preferred alternative program.

G. Promote Interim Plan Elements: Only if the regional council determines that implementation of a duly evaluated high-priority project or policy is sufficiently urgent, the regional council may pursue an interim plan element for that project or policy to be acted upon sooner than completion and implementation of the full regional plan. The interim plan element shall:

- (1) contain the urgency and priority justifications for being treated in advance of the full regional plan,
- (2) contain a description of the project or policy,
- (3) contain a summary of the project or policy evaluations, and,
- (4) be submitted to the commission for approval, and if needed be subject to negotiated changes to obtain commission approval for implementation.

H. Prepare Regional Plan: Develop a regional plan in recognition of the commission's approval criteria stated in x.xx.xx.12 including:

- (1) the region's hydrological situation,
- (2) the statement of public welfare of the region,
- (3) description of the planning process that led to the regional plan,
- (4) a description of each recommended policy and project,
- (5) a summary of the project and policy evaluations,
- (6) a prioritized list of recommended infrastructure projects for the region,
- (7) a prioritized list of recommended administrative policies for the region,
- (8) the preferred alternative program for the region, and,
- (9) the implementation plan for the preferred alternative program.

I. **Seek Approval of the Regional Plan:** Submit the regional plan to the commission for approval, and if needed negotiate changes to obtain commission approval for implementation.

J. **Conduct Ongoing Planning:** After approval of the initial water security plan, perform a continued publicly interactive planning process to include:

- (1) proposing work plans and funding requirements to the commission,
- (2) monitoring of project and policy implementation progress,
- (3) monitoring of water supply and demand changes,
- (4) addressing newly recognized issues at community and regional levels, and,
- (5) developing and submitting updates to the regional plan.

K. **Report to Commission:** Throughout the planning processes, provide semi-annual summary reports to the commission reflecting:

- (1) use of funds,
- (2) progress to date,
- (3) any difficulties encountered,
- (4) cost or progress deviations from the proposed processes,
- (5) cost to complete, and,
- (6) near term plans.