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HOUSE MEMORIAL 1

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Tomás E. Salazar

A MEMORIAL

REQUESTING THE INTERSTATE STREAM COMMISSION TO CONVENE A TASK FORCE TO MAKE RECOMMENDATIONS TO CORRECT DEFICIENCIES IN STATE AND REGIONAL WATER PLANNING PROGRAMS AND PROCESSES.

WHEREAS, legislative authority for regional water planning was enacted in 1987 and was compiled at Section 72-14-43 NMSA 1978, wherein the legislature found that "the future water needs of New Mexico can best be met by allowing each region of the state to plan for its water future"; and

WHEREAS, with the interstate stream commission, local government and private financial support, sixteen regions developed their own regional water plans during the period from 1995 to 2008; and

WHEREAS, during the thirty years that have elapsed since regional water planning was authorized, threats to the

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1 sustainability of New Mexico's water supplies have grown as
2 changing patterns of precipitation and increased demand have
3 reduced the availability of surface water, resulting in
4 unsustainable mining of ground water in many parts of the
5 state; and

6 WHEREAS, in 2013, the interstate stream commission
7 initiated a regional water plan update program that has been
8 largely implemented by interstate stream commission consultant
9 contractors assigned to every region working with pro forma
10 steering committees convened to provide input to and ratify
11 work products generated by those consultants; and

12 WHEREAS, concerns have been voiced around the state
13 regarding the process employed being driven by the state rather
14 than at the regional level, with the "common technical
15 platform" and with the "administrative water supply", resulting
16 in a failure to use best available science in the update and
17 thus making the regions potentially more vulnerable to future
18 impacts, including compact litigation; and

19 WHEREAS, ongoing integrated water resources planning tied
20 to monitoring and implementation is vital for ensuring the
21 future economic, ecological and cultural well-being of New
22 Mexico;

23 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
24 REPRESENTATIVES OF THE STATE OF NEW MEXICO that it affirm the
25 importance of water planning and implementation as intended in

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1 the 1987 legislation, while noting that a lack of adequate
2 definition of regional organizations, boundaries and scope of
3 authority has hampered the ability of existing regional
4 entities to fulfill their potential; and

5 BE IT FURTHER RESOLVED that the interstate stream
6 commission be requested to convene a volunteer task force
7 organized into at least three statewide working groups that
8 will focus on public and tribal participation, best available
9 technical data and adjudication to define how future water
10 planning should be accomplished in the state; and

11 BE IT FURTHER RESOLVED that the task force address
12 improvements in the following areas related to water planning:

- 13 A. governance and institutional arrangements;
- 14 B. strengthening planning linkages;
- 15 C. public participation;
- 16 D. tribal participation;
- 17 E. technical information; and
- 18 F. water rights adjudication; and

19 BE IT FURTHER RESOLVED that the task force develop,
20 through an open process, a detailed plan or proposal for
21 statutory, agency and regional action, to include the rationale
22 for and results expected from the water planning, specific
23 tasks, milestone schedules and estimated costs, to be presented
24 to the appropriate legislative interim committee not later than
25 July 1, 2018 for approval or modification; and

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1 BE IT FURTHER RESOLVED that the task force membership,
2 solicited through open invitation, include a diverse set of
3 participants from the sixteen planning regions, representing,
4 at a minimum, the following interests:

- 5 A. tribes;
- 6 B. agriculture;
- 7 C. the extractive industry;
- 8 D. urban users;
- 9 E. development and urban businesses;
- 10 F. environmental protection;
- 11 G. future water users;
- 12 H. county and municipal governments; and
- 13 I. current water rights holders;

14 as well as representatives from the interstate stream
15 commission and other invited state agencies, such as the office
16 of the state engineer, the department of environment and the
17 energy, minerals and natural resources department; and

18 BE IT FURTHER RESOLVED that the task force address
19 improvements in the following areas related to water planning:

- 20 A. institutional arrangements that encourage
21 collective learning and consideration of issues often reduced
22 to "externalities";
- 23 B. strengthening planning linkages among different
24 types and levels of plans and among planning and
25 administration;

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1 C. full engagement of a broader range of
2 stakeholders throughout the process;

3 D. meaningful and ongoing consultation with the
4 governments of federally recognized tribes under the State-
5 Tribal Collaboration Act;

6 E. credible hydrological and demographic data,
7 using common technical methodologies and working with local
8 experts; and

9 F. advancing adjudications by making them a
10 legislative priority, exploring alternative agencies and
11 reviewing the multiple roles of the office of the state
12 engineer; and

13 BE IT FURTHER RESOLVED that the task force consider the
14 legislature's encouragement of collaboration among neighboring
15 communities sharing common water sources or otherwise connected
16 hydrologically to develop shared strategies to improve their
17 resilience; and

18 BE IT FURTHER RESOLVED that copies of this memorial be
19 transmitted to the interstate stream commission, office of the
20 state engineer, department of environment, energy, minerals and
21 natural resources department, each Indian nation, tribe and
22 pueblo in New Mexico and the New Mexico water dialogue.