

REPORT ON DETERMINING THE DRAFT OBJECTIVE OF THE 2018 NEW MEXICO STATE WATER PLAN

PREPARED BY
EMILY GEERY & ADRIAN OGLESBY
FOR
THE INTERSTATE STREAM COMMISSION

Determining the objective of the 2018 State Water Plan is imperative to the development of the State Water Plan Charter and State Water Plan. Information related to the objectives and priorities of the State Water Plan Act, 2003 New Mexico State Water Plan, 2008 State Water Plan Review and Proposed Update, and State Water Plan 2013 Review are briefly summarized below to help provide context and parameters for the 2018 State Water Plan. Common issues identified during the 2016 Regional Water Planning process were also included in this analysis. We have attempted to consolidate and update the priorities or issues of these State and Regional Water Plan documents in order to provide a consistent foundation for the 2018 and future updates.

This report recommends continuing to use the purposes mandated in the State Water Plan Act as the objective for the 2018 State Water Plan. The report also includes additional draft recommendations for Planning Priorities for the 2018 State Water Plan.

We first provide a preliminary comment on the semantics of planning terminology used in past State Water Planning documents.

The State Water Plan Act states the *Purposes* of the Plan.

The 2003 State Water Plan sets forth its *Priorities, Goals, and Objectives*.

The 2008 State Water Plan Update reviewed the success of the 2003 State Water Plan, the progress made since 2003, and what conditions had changed since 2003. It did not add any new planning terminology.

The 2013 State Water Plan Review was cast as a summary of the current status of water management and a review of the 2003 State Water Plan *Directives* (although this term is not used in the 2003 State Water Plan).

The terms *purposes, priorities, goals, objectives, and directives* seem to be interchangeable in these documents. We have now been charged with identifying the *objective* of the 2018 State Water Plan Update.

It may be useful to review the plain definitions of these terms.

Directives refer to official instructions.

Purposes and *objectives* both refer to the reason why something is done.

Goals are desired results. Reaching *goals* helps one to achieve their *purposes* and *objectives*.

Priorities refer to what is most important. Prioritizing goals helps one achieve their purposes and objectives efficiently.

We are deriving our *objective* from the *directives* in the State Water Planning Act. The primary *directives* for the Interstate Stream Commission are to create and regularly update a State Water Plan that shall not be construed as granting or condemning water rights or affecting Indian water rights.¹

The State Water Planning Act also provides specific *goals* for the State Water Plan process. This includes collaborative development of a State Water Plan that includes work plans and strategies for some specific *goals*.²

The State Water Plan Act does not set forth *priorities*.

Because the terms *purpose* and *objective* have the same meaning, we suggest the Interstate Stream Commission base the 2018 Update *objective* on the *purposes* explicitly set forth in the State Water Planning Act.

Proposed Objective

The objective of the State Water Plan, per the Legislature's directive,³ is to implement a strategic management tool for the following purposes:

- (1) Promoting stewardship of the state's water resources;
- (2) Protecting and maintaining water rights and their priority status;
- (3) Protecting the diverse customs, culture, environment and economic stability of the state;
- (4) Protecting both the water supply and the water quality;
- (5) Promoting cooperative strategies, based on concern for meeting the basic needs of all New Mexicans;
- (6) Meeting the state's interstate compact obligations;
- (7) Providing a basis for prioritizing infrastructure investment; and,
- (8) Providing statewide continuity of policy and management relative to our water resources.

Priorities

In an effort to help the Interstate Stream Commission determine its 2018 State Water Plan priorities, we reviewed the 2003 State Water Plan, the 2008 and 2013 State Water Plan Reviews, and the recently completed Regional Water Plans to identify past and current priorities and issues. Our intent was to create a common foundation of priorities for future planning updates.

¹ §72-14-3.1(A),(I)&(J).

² §72-14-3.1(D).

³ §72-14-3.1(B).

2003 State Water Plan

The 2003 State Water Plan begins by explicitly setting forth its “Common Priorities, Goals and Objectives.” It did not distinguish between what on the list was considered to be a priority, a goal, or an objective. They are all set forth here with reference to the State Water Plan’s stated objectives.⁴

Ensuring that water is available for the continued and future economic vitality of the State;

- This is related to objectives (1), (3), (4) & (6).

Ensuring a safe and adequate drinking water supply for all New Mexicans;

- This is related to objective (4).

Developing water resources to expand the available supply;

- This might be related to objectives (1) & (4) but seems to be a new addition. This item is somewhat ambiguous and may be controversial. The 2013 SWP Review says that there is “little” to “no” new surface water and groundwater supplies are very limited. It emphasizes that there is an opportunity to develop methodologies and tools to estimate the longevity of water supplies around the state.

Promoting conservation and the efficient use of water;

- This is related to objective (1).

Promoting drought planning;

- This is related to objectives (1), (4), (5) & (8).

Protecting, maintaining, and enhancing the quality of the State’s waters;

- This is related to objective (4).

Providing for fish and wildlife habitat preservation and maintenance and for river restoration;

- This is related to objective (3).

Protecting senior water rights;

- This is related to objective (2).

Maintaining and enforcing interstate stream compact compliance;

- This is related to objective (6).

Preserving state administrative authority over the State’s waters; and

- This is related to objective (8).

Completing water rights adjudications.

- This is related to objective (2).

⁴ *Id.*

2008 State Water Plan Review and Proposed Update

In 2008 the Interstate Stream Commission produced a Review and Proposed Update for the State Water Plan. Although not an actual update, the document did review progress made on some, but not all, of the purposes and priorities identified in the 2003 State Water Plan. It also listed, in no particular order, priorities for the Proposed Update. They are all set forth here with reference to the State Water Plan's stated objectives.

Emphasize conservation;

- This is related to objective (1).

Recognize impacts of the energy / water nexus;

- This is related to objectives (1) & (5).

Implementation of Active Water Resource Management;

- This is related to objectives (1), (2), (4), (6) & (8).

Progress in licensing or adjudicating of water rights;

- This is related to objective (2).

Integrate, revise, and improve water budgets;

- This is related to objectives (1), (4), (6), (7) & (8).

Improve understanding of water supply and demand;

- This is related to objectives (1), (4), (6), (7) & (8).

Define consistent terms and standards for water budgets;

- This is related to objectives (1), (4), (7) & (8).

Critical infrastructure needs, including information necessary to prioritize;

- This is related to objectives (1), (4), (6), (7) & (8).

Water settlements;

- This is related to objectives (1) & (2).

Detailed State Water Plan Implementation schedule including responsibilities, schedules and costs;

- This is related to objectives (1), (4), (6), (7) & (8).

Impact of climate change on water resources;

- This is related to objectives (1), (3), (4), (6) & (7).

Water quality

- This is related to objective (4).

2013 State Water Plan Review

In 2013 the Interstate Stream Commission prepared another State Water Plan Review. Like the 2008 Review, this document was not an actual update. It proposed updating the State Water Plan by the end of 2015 and provided a detailed review of progress made on a number of water management issues. The 2013 Review focuses on infrastructure and extreme precipitation events by emphasizing “the infrastructure required to incentivize economic growth in our water planning regions and to insulate the economy from extreme precipitation events.”

The description of the water management issues were not categorized according to the objectives of the State Water Plan Act, but rather in accord with a limited number of the goals set forth in the Act. They are all set forth here with reference to the State Water Plan’s stated objectives.

Extreme Precipitation Events: Planning for Droughts and Floods

- This is related to objectives (1), (7) & (8).

Active Water Resource Management

- This is related to objectives (1), (2), (4), (6, & (8).

Developing Water Sources

- This is related to objectives (1) & (4).

Preserving Water Quality

- This is related to objective (4).

Water Rights Adjudications

- This is related to objective (2).

Indian Water Rights Settlements

- This is related to objectives (1) & (2).

Endangered Species

- This is related to objectives (1), (3),& (4).

Water Use and Conservation

- This is related to objectives (1) & (4).

Water Infrastructure and Management

- This is related to objective (7).

Planning for New Mexico’s Water Demand

- This is related to objectives (1), (4), (6), (7), & (8).

2016 Regional Water Plans

One outcome of the 2016 Regional Water Planning process was the identification of Key Collaborative Strategies that reinforced some of the 2003 and 2013 State Water Plan Reviews' priorities. These strategies continue to be analyzed and are subject to refinement. Newly identified Key Collaborative Strategies represented in many of the Regional Water Plans include:

Protecting forest and watershed health; (Identified in 14 of 16 RWPs)

- This is related to objectives (1), (3), (4) & (7).

Water and waste water infrastructure management;(Identified in 13 of 16 RWPs)

- This is related to objectives (1), (4), (6) & (7).

Flood and hazard mitigation planning (to be resilient under climate change) (Identified in 6 of 16 RWPs) and,

- This is related to objective (1), (3), (4), (6), (7) & (8).

Improve understanding of resources. (Suggestions related to this topic identified in almost all RWPs)

- This is related to objectives (1), (3), (4), (6), (7) & (8).

Integrated Historic and Current Priorities

In order to see a full picture of what the past state water and regional planning documents have considered priorities, the priorities identified above have been nested below within the objectives mandated in the State Water Plan Act to which they are most closely related. Recognizing that many of these priorities pertain to more than one element of the proposed objective, we attempted to identify under which objective each priority fell most directly. This consolidated list of priorities reflects the most current evolution of New Mexico's water planning priorities.

(1) Promoting stewardship of the state's water resources.

- Ensuring that water is available for the continued and future economic vitality of the State;
- Promoting conservation and the efficient use of water;
- Promoting drought planning;
- Improve understanding of resources; and,
- Recognize impacts of the energy / water nexus.

(2) Protecting and maintaining water rights and their priority status.

- Protecting senior water rights;
- Progressing in licensing of water rights; and,
- Completing water rights adjudications and water settlements (including Indian water rights).

(3) Protecting the diverse customs, culture, environment and economic stability of the state.

- Providing for fish and wildlife habitat preservation and maintenance and for river restoration, including endangered species;
- Protecting forest and watershed health;

- Flood and hazard mitigation planning; and,
 - Improve understanding of resources.
- (4) Protecting both the water supply and the water quality.
- Ensuring a safe and adequate drinking water supply for all New Mexicans;
 - Protecting, maintaining, and enhancing the quality of the State’s waters;
 - Understanding the impact of climate change on water resources; and,
 - Protecting forest and watershed health.
- (5) Promoting cooperative strategies, based on concern for meeting the basic needs of all New Mexicans.
- No priorities from past State Water Planning efforts fell directly under this objective.
- (6) Meeting the state’s interstate compact obligations.
- Maintaining and enforcing interstate stream compact compliance.
- (7) Providing a basis for prioritizing infrastructure investment.
- Water and waste water infrastructure management;
 - Critical infrastructure needs, including information necessary to prioritize; and,
 - Planning for extreme precipitation events (droughts and floods).
- (8) Providing statewide continuity of policy and management relative to our water resources.
- Preserving state administrative authority over the State’s waters;
 - Implementation of Active Water Resource Management;
 - Integrate, revise, and improve water budgets;
 - Improve understanding of water supply and demand;
 - Define consistent terms and standards for water budgets; and,
 - Detailed State Water Plan Implementation schedule including responsibilities, schedules and costs.

Draft Recommendations for Planning Priorities for the 2018 State Water Plan

In reviewing the objectives in the State Water Plan Act, we looked through the lens of what does this mean to us now? The suggested priorities identified below are nested within those objectives in the State Water Planning Act that reflect water management issues that we believe currently address changing conditions and have momentum or the opportunity to gain momentum.

Reviewing past water planning documents and the regional water plans was the foundational part of the process to identify these draft planning priorities for the 2018 State Water Plan. The suggested priorities include water management issues prioritized in the past State Water Planning documents and the Key Collaborative Strategies developed through the Regional Water Planning process.

These selected priorities are also influenced by specific historic priorities that have repeatedly been identified as priorities in past and current planning documents. The proposed priorities

relate most directly to objectives 1, 6, 7, and 8 in the State Water Plan Act. (The numbers below continue to correspond with the Act's enumeration for reference.)

These proposed priorities are intended to serve as a basis for consideration of water planning priorities and we anticipate will be refined based on the perspectives of Interstate Stream Commission staff.

- (1) Promoting stewardship of the state's water resources.
 - Ensuring that water is available for the continued and future economic vitality of the State;
 - Promoting conservation and the efficient use of water;
 - Promoting drought planning [also relates to (4), (5) & (8)];
 - Improve understanding of resources; and
 - Promoting watershed restoration.

- (6) Meeting the state's interstate compact obligations.
 - ISC's historic role in managing Compact compliance and the current Supreme Court litigation.

- (7) Providing a basis for prioritizing infrastructure investment
 - Water and waste water infrastructure management.
 - Watershed planning.
 - Conservation planning.

- (8) Providing statewide continuity of policy and management relative to our water resources.
 - Preserving state administrative authority over the State's waters.
 - Strengthening process for State and Regional Water Planning.