



Compilation of Input on New Mexico Water Security Planning Act Discussion Draft Rule and Guidelines

May 2025



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Introduction

The [Water Security Planning Act \(WSPA\)](#) is New Mexico's guiding legislation for regional water planning and management with a goal to secure a resilient water future. It creates a roadmap for regionalized water planning and implementation that prioritizes local communities' unique needs, makes use of the best available science and data, and maintains compliance with federal and state laws.

Robust engagement is an essential feature of the WSPA rule and guideline development. This report documents the results of an online questionnaire conducted by the New Mexico Interstate Stream Commission (NMISC) during early 2025. The questionnaire elicited feedback on the Discussion Draft of the Rule (Appendix II) and Guidelines (Appendix III), which proposed the framework for regional water planning, including governance structures, public welfare considerations, and new regional water planning boundaries.

The Discussion Draft language was developed by NMISC and incorporated feedback received during an extensive engagement process conducted during 2024. The 2024 engagement process was led by NMISC with support from consultants at Brendle Group and Media Desk and included 16 in-person open house events and an online survey with a combined 2,310 participants. Two reports developed by Brendle Group summarize the engagement results, observations, and considerations:

- [Engagement Report](#): Compendium of engagement results and themes
- [Observations and Considerations Report](#): Observations and interpretation of the engagement results. This report offers preliminary considerations to inform rulemaking and the Discussion Draft Rule and Guidelines.

NM WSPA- Discussion Draft Rule and Guidelines Survey

Rule for the Water Security Planning Act

Please review this rule section and indicate your level of support for the language as currently written.

Discussion Draft Rule Language

WATER SECURITY TRIBAL ADVISORY COUNCIL

A. Subject to available funding and resources, the commission shall provide administrative support and facilitation, in consultation with the office of the state engineer and Indian affairs department, for the establishment and operation of a water security tribal advisory council ("WSTAC") comprising representatives of New Mexico pueblos, tribes and nations.

B. The purpose of the WSTAC is to provide a forum for input from New Mexico pueblos, tribes and nations to ensure that their sovereignty, water rights, water needs, and other viewpoints are considered and incorporated in the regional water planning process or other activities as determined by the commission.

C. The participating pueblos, tribes and nations shall determine their own procedures and operating principles.

☐ Support with no edits

☐ Support with edits

☐ Do not support

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Figure 1. Screenshot of Discussion Draft Rule and Guidelines question.

This Compilation Report, contracted to Brendle Group, provides a synopsis of the responses received to the Draft Rule and Guidelines Questionnaire. The questionnaire included draft rule/guideline language for review, followed by a question about level of support (i.e., support with no edits, support with edits, do no support). An open-ended comment box provided the opportunity for those who responded “support with edits” or “do not support” to elaborate on their response. The final question included an opportunity for participants to upload documents such as letters and informational resources. Several documents were also emailed directly to the NMISC for consideration.

The results presented in this report are organized by rule section and guideline. The data summarized in charts and figures reflect questionnaire respondents’ level of support for the discussion draft language. The overall number of responses was not statistically meaningful, and the input received includes a blend of individual and institutional responses. The range of the input is indicative of the spectrum of perspectives on water security planning but does not necessarily reflect the distribution of those perspectives. The report also includes responses to the open-ended questions together with comments provided in documents uploaded to the questionnaire or emailed directly to the NMISC, where the input provided was specific to a Rule section or Guideline. These open-ended comments are categorized as “specific” (i.e., comments that provide direct suggestions for revisions), “general” (i.e., comments that do not provide direct suggestions for revisions), or “other” (i.e., comments that do not relate to the rule section or guideline in question). The categorization is designed to facilitate review and consideration of the comments by NMISC.

Where documents uploaded to the questionnaire or emailed directly to the NMISC included input on specific sections of the rule or guidelines, they are also provided in this report. A summary of the emailed/uploaded documents is provided in this introduction, and the full documents are included in Appendix I.

The responses in this report are exactly as originally provided via the questionnaire or uploaded/emailed documents and have not been edited, including for spelling or grammar.

Summary of Responses

The Discussion Draft Rule and Guidelines questionnaire was initially open from January 21 to February 21, 2025, and received 76 responses during that time. Due to strong interest in the questionnaire and requests for additional time to engage in the review process, it was reopened from March 13 to April 30 and received an additional 27 responses, bringing the total number of responses to 103.

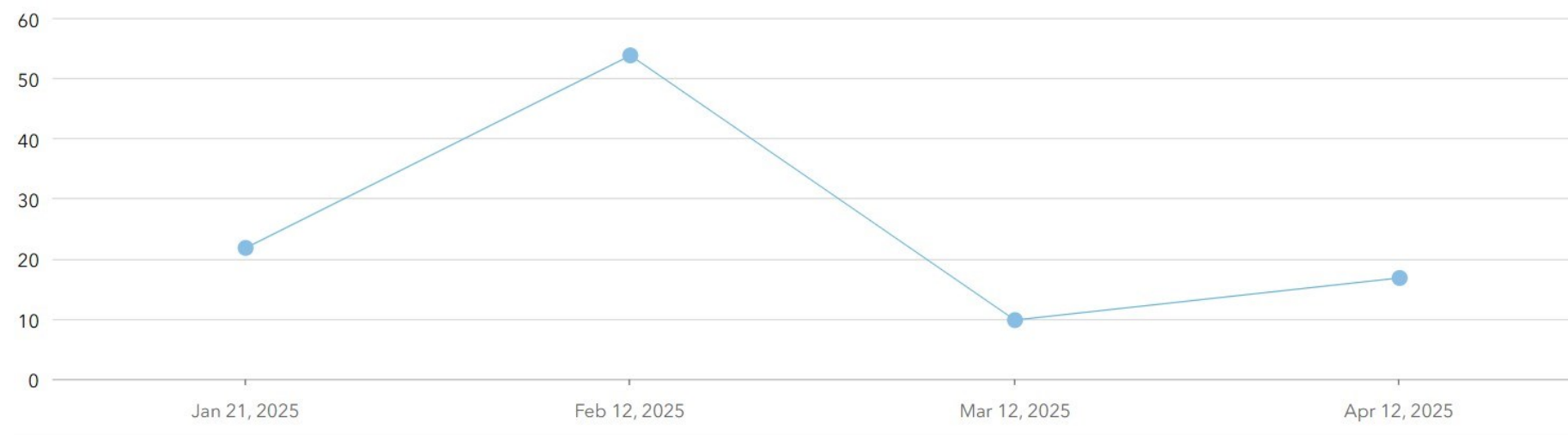


Figure 2. Graph showing Discussion Draft Rule and Guidelines input responses over time.

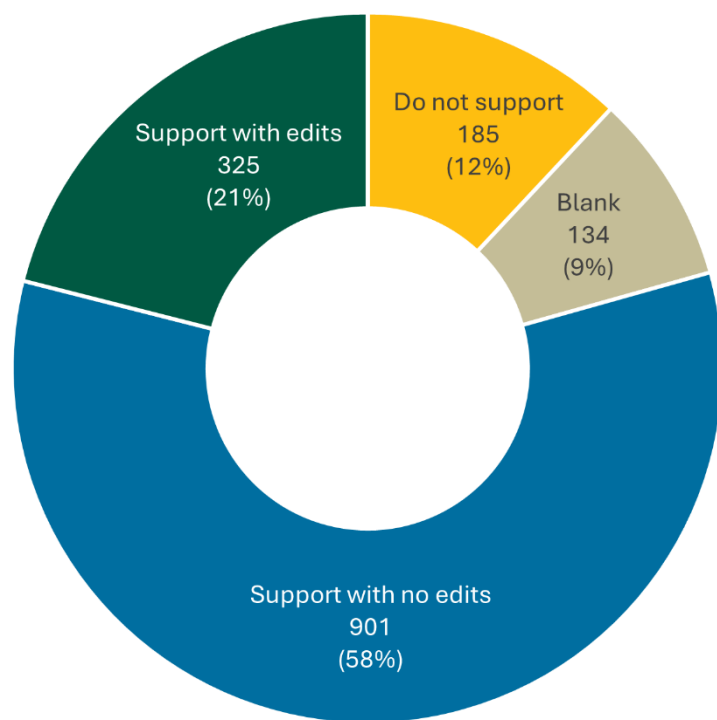


Figure 3. Summary of responses across all rule sections and guidelines. Results reflect questionnaire responses received and are not statistically significant.

Across all rule sections and guidelines, 58% of responses indicated support for the discussion draft language with no edits, 21% of responses supported the language with edits, and 12% indicated that they did not support the rule and guideline language.

Summary of Uploaded and Emailed Documents

The questionnaire included an option for participants to upload supplemental documents such as letters and informational resources, and the NMISC also accepted emailed documents received during the input period. A total of 24 documents were uploaded to the questionnaire and an additional 8 were emailed directly to the NMISC. Where the uploaded or emailed documents included input specific to a rule section or guideline, that is reflected in the relevant section of this report. General or overarching comments are not reproduced in this report, but all documents are included in full in Appendix I. A summary of all documents is provided in the table below.

Uploaded Documents

Document Name	Topic Summary
Norm Gaume Comments	Comments expressing no support and providing detailed comments and edits on the Discussion Draft Rule language along with a recommendation that much of the guideline content should be inserted into the Rule.
Mark Kelly Comments	Letter recommending more background information on the intent of the councils, rule, guideline, and projects, programs and policies.
Adjudication	Question related to if/how the completion of decades-long water rights adjudication will impact water security.
Bernalillo Greenprint criteria spreadsheet	Copy of Bernalillo County Greenprint goals, criteria, methodology, data, and sources.
Bernalillo County Public Works Letter	Letter providing general comments, accompanied by detailed edits. Comments are related to the western boundary of the Middle Rio Grande Council, council member representation structure and identification, funding and resource allocation and details, plan update requirements, requirements for the consideration of public welfare, and public input processes.
Ten-Year Cloud Seeding Plan for New Mexico	Report examining the anticipated increase in water demand across New Mexico, exploring the impact of water on the state's economy, and introducing cloud seeding as a practical and cost-effective alternative for boosting water supply.
Estancia Basin Water Planning Committee	Letter expressing general support for the proposed region boundaries and a proposal that Estancia Basin remain separated from closed basins to the South rather than be integrated into the Central Basin Council.

Document Name	Topic Summary
EDF	Letter providing comments on Rule Section 12. Recommendations include the establishment of clear overarching statewide goals and objectives for regional planning and the identification of specific considerations that must be included in plans to achieve established goals and objectives, including improved groundwater management. The letter proposes specific revised language for Rule Section 12.
New Mexico Acequia Association Redlines	Detailed redlines, including the proposed creation of an Acequia and Rural Water Security Advisory Working Group.
General Comment	Comment requesting revisions to clarify the elements required in water security plans, the process for evaluating plans, and engagement processes.
Guiding Principles for NM Regional Water Security Planning	Document outlining core principles and recommendations for regional water planning.
Laurie McCann Letter	Letter expressing gratitude and appreciation for the discussion draft rule and guidelines and emphasizing the importance of NMISC supporting decision making among regional stakeholders and the development of trust and mutual respect. The letter addresses different forms of consensus-based decision making and suggests introducing the concept of modified consensus.
Claunch-Pinto Soil and Water Conservation District Letter	Letter expressing general support for the proposed region boundaries and a proposal that Estancia Basin remain separated from closed basins to the South rather than be integrated into the Central Basin Council.
Approaches to Planning Water Resources Paper	2021 paper published in the Journal of Water Resources Planning and Management summarizing and organizing technical approaches to water resources planning.
New Mexico Land Grant Council Redlines	Detailed redlines, including the proposed creation of an Acequia and Rural Water Security Advisory Working Group.
Patrick McCarthy Thornburg Letter	Document providing detailed overarching and specific comments on the discussion draft rule and guideline language.

Document Name	Topic Summary
Elaine Hebard Comments	Letter providing comments and questions related to the discussion draft language, including a request for another draft for comments, consideration of sub-basins, and clarification of the rationale and objectives of regional water planning along with the consequences for not meeting requirements. The letter references the following attachments a. Template from the 2004 Regional Water Planning Handbook (pages 3-7), b. Table of Contents from the 2004 Water Plan for Region 12 (Middle Rio Grande) (pages 7-16), c. 2004 Water Plan for Region 12 10 Recommendations (pages 8-19), and d. ISC Meeting of January 21, 2025 - Public Comment -- Elaine Hebard (pages 19-22).
eNGO Letter	Letter providing detailed specific comments and edits to the discussion draft rule and guidelines language. Specific emphasis is placed on the importance of a consensus-driven approach, defining the process for considering future generations of New Mexicans, concerns about some rule sections being identified as subject to future funding availability, clarification of the difference between the rule and guidelines, and the need for additional details on project prioritization criteria and evaluation.
Simplify	Comment recommending simplified lists of suggestions and requirements for regional water planning, consideration of planning council size, and consensus-based decision making that is unanimous or free of major conflict.
New Mexico Water Advocates Markup	Document providing a summary of NMWA recommendations and detailed mark-ups to the discussion draft language, including removal of the guidelines.
Cathie R Eisen Comments	Letter expressing concern related to potential future constraints on water use and calling for additional publication of opportunities to engage in the rule and guideline development process.
EB Minimum Conservation Pool Report	Paper developed by the Elephant Butte Chamber of Commerce and Visitor Center calling for the establishment of a minimum conservation pool to protect the ecosystem at Elephant Butte Reservoir.
South Valley Regional Association of Acequias	Letter describing three objections to the Rule and Guidelines related to Acequia representation on the proposed regional councils, the consideration of water as a commodity rather than a common resource, and the development of a Regional Public Welfare Statement.
NMWA Concepts for Regional Water Planning	Document providing recommended minimum criteria for a regional water planning program, together with a re-write of several rule sections and proposed additional rule and/or guideline language on how regional water planning should work.

Emailed Documents

Document Name	Topic Summary
San Juan Water Commission Rule Comments	Detailed comments and redlines submitted by the San Juan Water Commission (SJWC) on the discussion draft rule.
San Juan Water Commission Guidelines Comments	Detailed comments and redlines submitted by the SJWC on the discussion draft guidelines.
Eric Olivas BernCo Letter	Letter providing overarching recommendations for revisions to the discussion draft rule and guidelines.
NCAC - RWP - NMAC edits	Detailed redlines, including the proposed creation of an Acequia and Rural Water Security Advisory Working Group.
New Mexico Acequia Commission Letter	Letter introducing redlines provided in a separate document (NCAC - RWP - NMAC edits)
New Mexico Water Advocates Letter	Letter providing overarching comments on the rule and guidelines and referencing a version of the draft rule provided separately to the NMISC as part of this feedback process.
City of Raton Comments	Letter from the City of Raton and Raton Water Works expressing support for the principle of regional water planning and project prioritization, concurring with the proposed Canadian Council geographical configuration, and providing recommendations on regional water council representation.
Hebard Regional Water Planning Comments	Letter emphasizing the need for a template for regional water planning and providing comments specific to several rule sections and guidelines.

Rule Results Summary

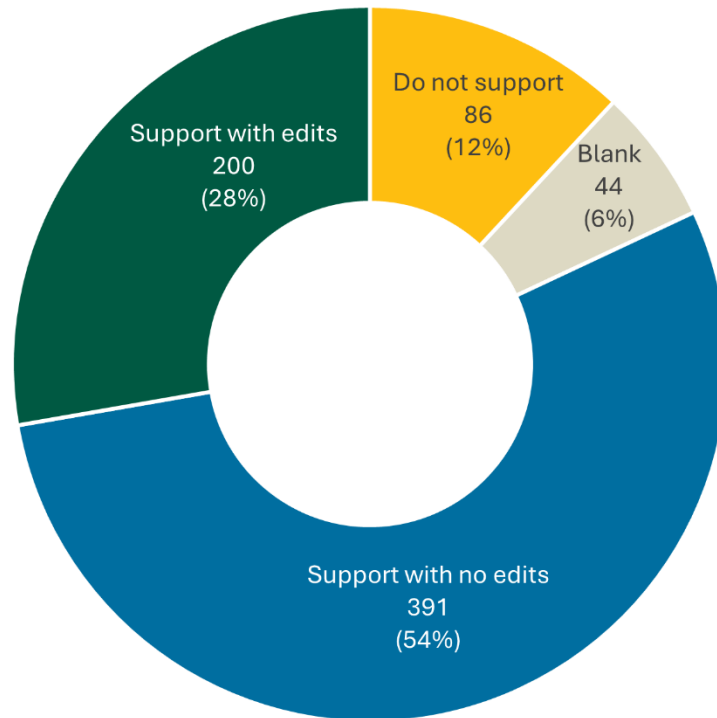


Figure 4. Summary of responses across all seven discussion draft rule sections. Results reflect questionnaire responses received and are not statistically significant.

Across all seven of the discussion draft rule sections, 54% of responses were “Support with no edits” as shown in Figure 4, indicating majority support for rule language. Of responses received, 28% were “Support with edits” and 12% were “Do not support”.

A summary of questionnaire responses by rule section, showing how responses varied by rule section, is provided in Figure 5 on the next page. The highest level of support with no edits was for Rule Section 8 (Water Security Tribal Advisory Council) at 68% and the lowest level of support with no edits was for Rule Section 10 (Composition of Regional Water Security Planning Council) at 43%.

This section of the report then provides a summary of responses and categorized open-ended comments provided for each rule section.

Rule Results Summary

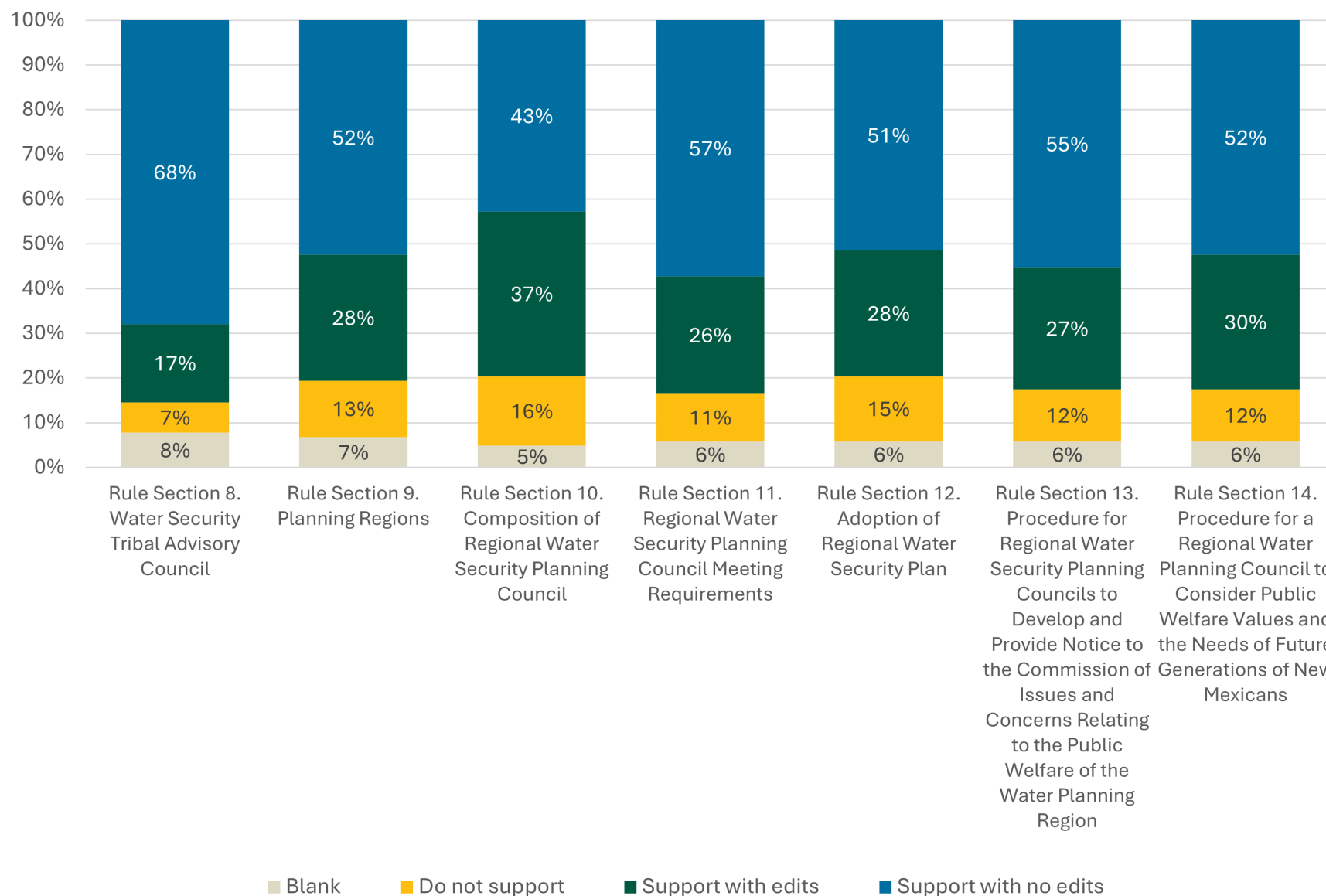


Figure 5. Summary of questionnaire responses by rule section. Results reflect questionnaire responses received and are not statistically significant.

Rule Section 8: Water Security Tribal Advisory Council

Discussion Draft Language

WATER SECURITY TRIBAL ADVISORY COUNCIL

- A. Subject to available funding and resources, the commission shall provide administrative support and facilitation, in consultation with the office of the state engineer and Indian affairs department, for the establishment and operation of a water security tribal advisory council ("WSTAC") comprising representatives of New Mexico pueblos, tribes and nations.
- B. The purpose of the WSTAC is to provide a forum for input from New Mexico pueblos, tribes and nations to ensure that their sovereignty, water rights, water needs, and other viewpoints are considered and incorporated in the regional water planning process or other activities as determined by the commission.
- C. The participating pueblos, tribes and nations shall determine their own procedures and operating principles.

Summary of Questionnaire Responses

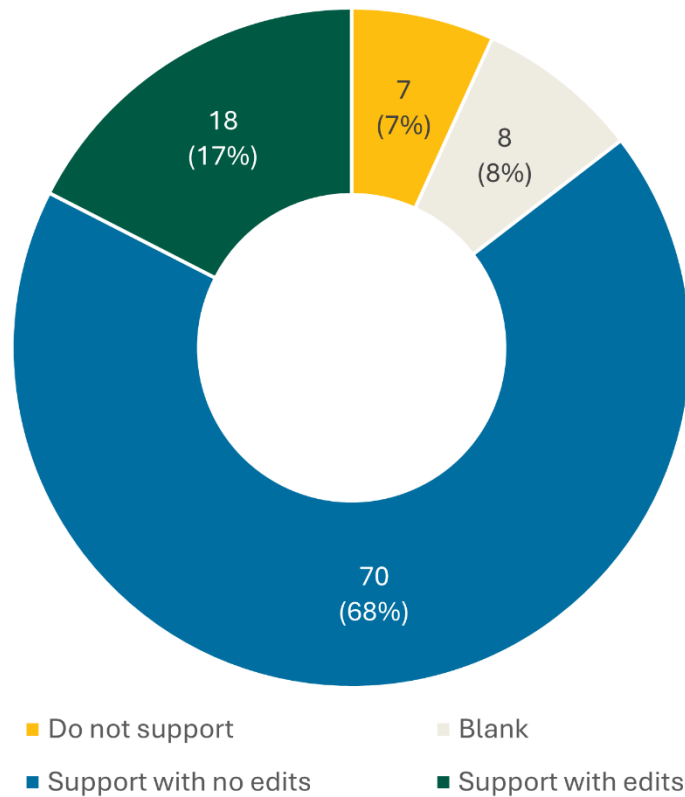


Figure 6. Summary of questionnaire responses for Rule Section 8. Results reflect questionnaire responses received and are not statistically significant.

Rule Section 8 had the highest level of support with no edits among the discussion draft rule sections at 68%.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Centering tribal leadership regardless of funding and resources
- Collaboration and consistency in regulations
- Enforcement of existing rules and regulation
- Inclusion of Acequia communities

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	This cannot be "subject to available funding and resources". Centering tribal leadership is non-negotiable and cannot be at the mercy of available funding. This part of the sentence should be removed so it states clearly that "The comission shall provide..."
Specific	<p>A. The commission shall provide administrative support and facilitation, in consultation with the office of the state engineer and Indian affairs department, for the establishment and operation of a water security tribal advisory council ("WSTAC") comprising representatives of New Mexico pueblos, tribes and nations.</p> <p>B. The purpose of the WSTAC is to provide a forum for input from New Mexico pueblos, tribes and nations to ensure that their sovereignty, water rights, water needs, and other viewpoints are incorporated in the regional water planning process and other activities.</p> <p>C. The participating pueblos, tribes and nations shall determine their own procedures and operating principles.</p>
Specific	Not subject to available funding and resources—should be a permanent allocation
Specific	<p>Add new section</p> <p>ACEQUIA AND RURAL WATER SECURITY ADVISORY WORKING GROUP - See attached file for full comments.</p> <p>A. Subject to available funding and resources, the commission shall provide administrative support and facilitation for the establishment and operation of the Acequia and Rural Water Security Advisory Working Group ("ARWSAWG") comprised of the appointed representatives of each Regional Water Security Planning Council that represents acequias, mutual domestics or community regional water systems, and land grant-mercedes in pursuant to section x.xx.xx.11 COMPOSITION OF REGIONAL WATER SECURITY PLANNING COUNCIL of this rule in addition to representatives from the New Mexico Acequia Commission, New Mexico Acequia Association, New Mexico Rural Water Association, and New Mexico Land Grant Council.</p> <p>****See attached file for full section amendment. Character Limit did not allow for full suggested edits and commentary.</p>
Specific	NMWA SUPPORTS WITH EDITS: In WSTAC x.xx.xx.8, the "subject to funding" words should be purged. They don't belong.in the rules; this applies throughout the rule set. We also don't see a requirement for products

Categorization	Open Ended Response
	<p>from WSTAC to be ingested into the regions' planning processes. Our recommended edits are in x.xx.xx.8 of our markup file.</p> <p>NMWA SUPPORTS WITH EDITS: The minimalist statement of OBJECTIVE in Section x.xx.xx.6 is far insufficient. The Objectives should include developing actionable preferred plans to achieve current and future water resilience in each region. Our recommended edits are in x.xx.xx.6 of our markup file.</p> <p>NMWA SUPPORTS WITH EDITS: The minimal set of DEFINITIONS in Section x.xx.xx.7 are insufficient. Our recommended edits are in x.xx.xx.7 of our markup file.to include key words such as program, policy, project, rules, guidelines, and others.</p>
Specific	This section shall not marginalize Acequia communities. Acequia have pre-1907 water rights that they should be name directly without using indirect words like "nations" to refer to all those entities that are not Pueblo-Native. I recommend to include "Acequia communities" explicitly.
Specific	Use official state agency names including "New Mexico."
Specific	C. Participants shall determine their own procedures and operating principals within a working framework with each and every entity.
General	The current use and needs for water are not totally traditional and therefore need to be subject to the same restrictions as non tribal users
General	Pueblos have often very senior rights and can make "calls' on junior rights...we need to work together to ensure everyone gets water in times of shortage. a good living sharing agreement is key and regional recharge from "mountain' Acequias must be considered...mountain recharge helps everyone down stream with groundwater.
General	Section C - The entire state would be better served if we all had common procedures and principles.
General	The rules are mandatory and place a significant burden on local members, all volunteers, with no obligation by the state to provide funding or administrative support to the Councils.
General	The New Mexico tribes, nations, and pueblos along with farmers and irrigation districts share in equal access to water security. The water rights and needs of users are equal.
General	The headwaters of the Pecos River are not included in the Pecos jurisdiction. They are in the Canadian jurisdiction. How will that affect decisions on water use apportionment and down stream delivery if the population living on the upper Pecos are not represented?
General	<p>Objection 1: Acequia representation</p> <p>We object to the minimal space provided for Acequia participation on the proposed regional councils. While Acequia numbers may vary by region, it is incumbent that the Interstate Stream Commission give space equal</p>

Categorization	Open Ended Response
	to that provided to municipalities, agribusiness, industrialists, developers, and Pueblos. Where the presence of Acequias is evident, their participation should be recognized, encouraged, and supported by the ISC.
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
General	New Mexico already has the ability to do this with the Office of the State Engineer. If they would just in force the rules and regulations that they currently have. I don't agree with creating more rules and spending more tax dollars on trying to fix a problem that could be fixed with the current administration if it had the proper leadership.
General	Water rights are owned by the land owner let them be stewards Not a individual/group of people who have NO skin (ownership) in some kind of game you want to play.
General	The document anticipates that Native American issues will be incorporated. They should not have that control. Their control should be limited to treaty and settlement obligations. Beyond that, they should have no higher rights than anyone else.
Other	Gigantic water rights grab, by our Government.

Comments from Documents Provided

Letter	Comments
San Juan Water Commission Rule Comments	<p>Added content in bold:</p> <p>B. The purpose of the WSTAC is to provide a forum for input from New Mexico pueblos, tribes and nations to ensure that their sovereignty, water rights, and water needs, and other viewpoints are considered and incorporated in the regional water planning process or other activities as determined by the commission."</p> <p>Explanatory comment:</p> <p>Section 72-14A-4(B) of the Water Security Planning Act does not refer to "other viewpoints" and expressly states the advisory council should take into account "tribal sovereignty, tribal water rights and the water needs of tribal communities.</p>

Rule Section 9: Planning Regions

Discussion Draft Language

PLANNING REGIONS

A. The nine (9) Regional Water Security Planning Regions ("Planning Regions") are shown in Exhibit A (map).

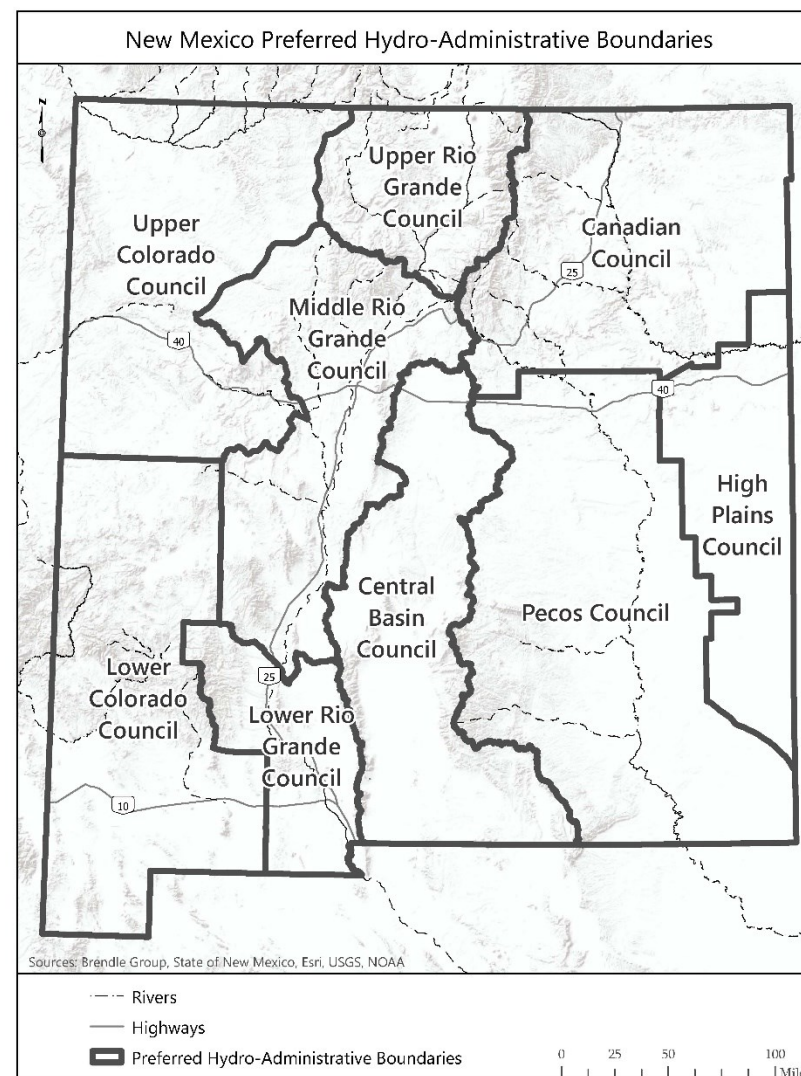
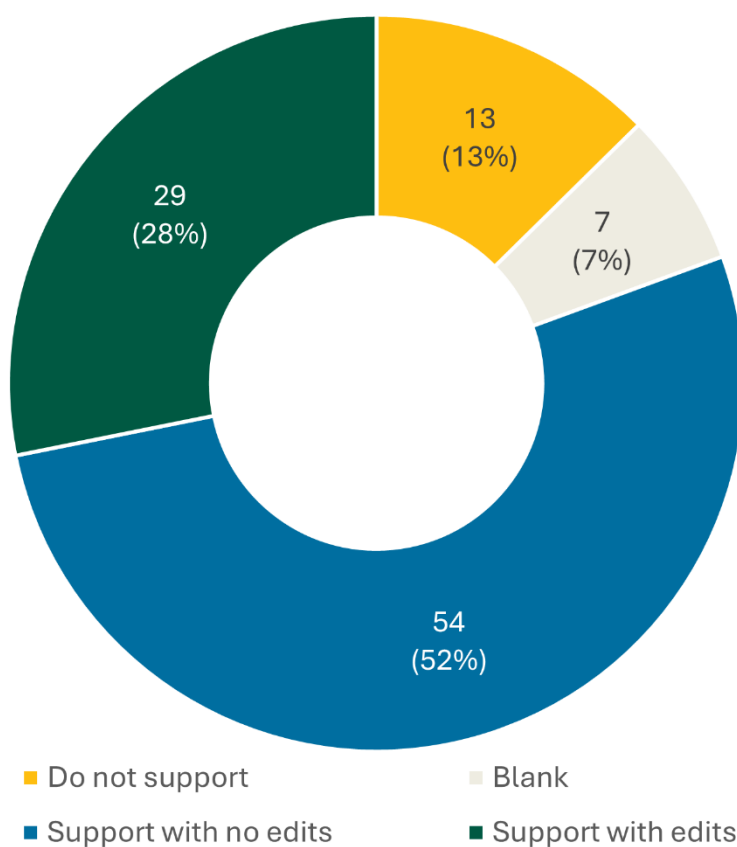


Figure 7. Exhibit A in the Discussion Draft Rule and Guidelines.

Summary of Questionnaire Responses



Rule Section 9 relates to the boundaries for regional water planning and 52% of responses indicated support with no edits. This section also invited respondents to indicate areas for edits to the regional boundaries using an interactive map.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Specific boundary locations
- Region naming
- Map clarity
- Region size

Figure 8. Summary of questionnaire responses for Rule Section 9. Results reflect questionnaire responses received and are not statistically significant.

The questionnaire invited respondents to view the Discussion Draft boundaries using an interactive map and to identify the location to which their comments pertain. Figure 9 shows the location of respondent-placed pins.

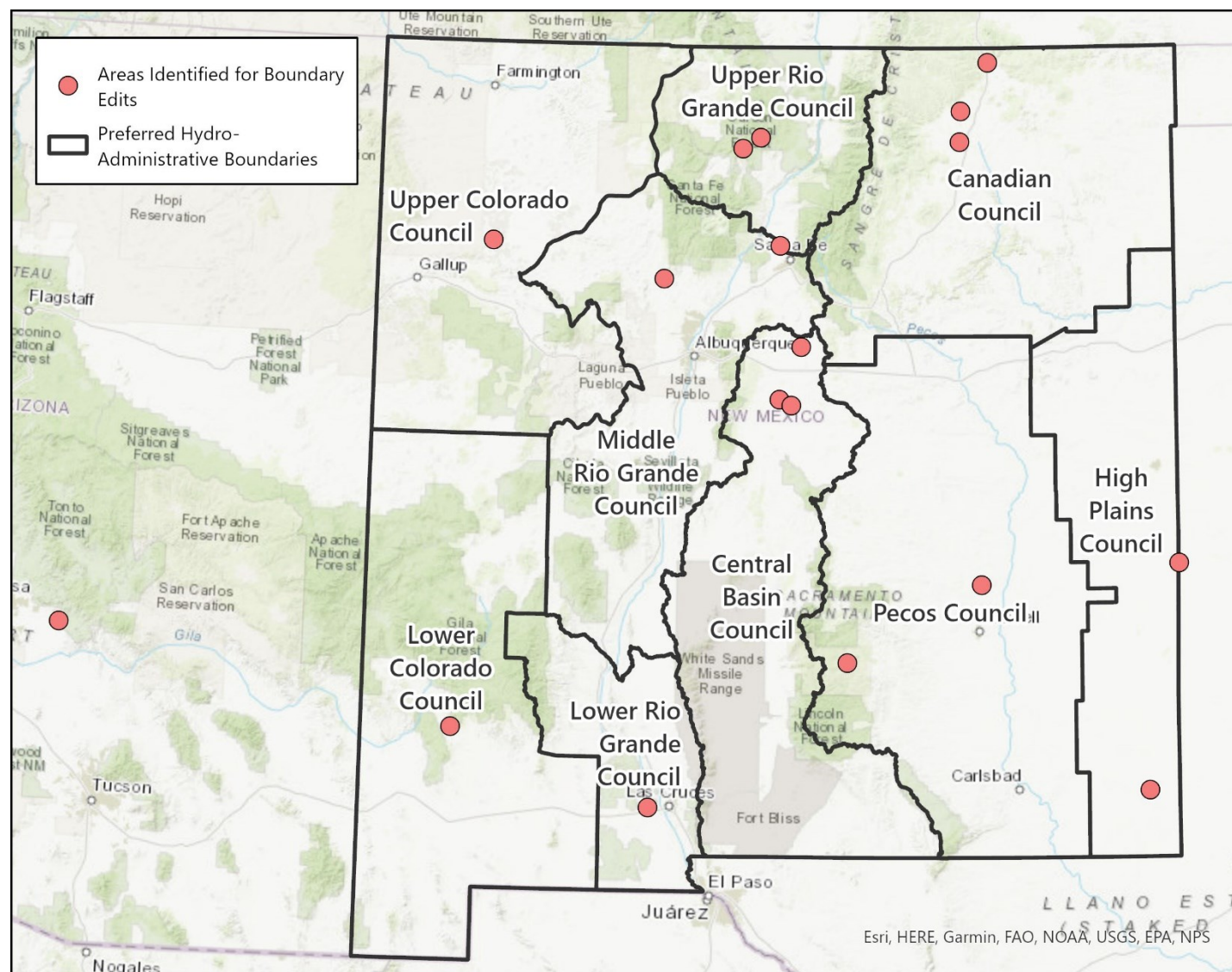


Figure 9. Map showing the location of respondent pins, indicating the area on which they had comments related to regional boundaries.

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	Separating the Middle Rio from the Upper Rio at Otowi makes sense from a gauging perspective, however, from an operations perspective, you have a lot of co-mingled operations along the Rio Chama that are directed by entities within the Middle Rio (ABCWUA/MRGCD/other San Juan Chama Contractors/6 MRG Pueblos). I would suggest more discussion about creating a "Middle Rio Grande-Rio Chama Council" with a boundary at the confluence of the Chama and Rio Grande for the Upper Rio Grande Council
Specific	I propose that North Central Council be named: Northern Rio Grande Council
Specific	It seems to me that the region from Eunice to Jal, having no significant surface drainages, yet supplied with Ogallala Aquifer water is best served by being included in the High Plains Council, rather than the Pecos Council. This region is not necessarily agriculture focused as in the Pecos Council and its main use of water. Sure, there is farming from Hobbs to Clovis, but the source is groundwater from the High Plains aquifer, only. Irrigation water sources in the Pecos Council is from reservoirs, from wells, shallow and deep, and overall lit is very different from the region further west.
Specific	The Jornada del Muerto needs to be separated from the Lower Rio Grande Council
Specific	I support updating Regional Water Planning Boundaries to reflect hydrologic boundaries but am concerned with the Estancia Basin being included with the southern closed basins (Tularosa, Salt, Sacramento). The area proposed, south of Estancia Basin, is an area that was made up of 3 previous planning water regions, all of which had surface water and compacts. Using the "Preferred Hydro-Administrative Boundaries" as-is would be detrimental to the Estancia Basin community as the Estancia Basin Water Panning Committee has stayed active in Regional Water Planning since 1995.
Specific	At least two of the regions sort of the in middle have no name. and it you put the name with each word below the other and mostly within its region, it would be much easier to determine which region has which name.
Specific	Albuquerque and Santa Fe should be a separate council as their water use priorities are generally not that of the rural areas they are lumped in with.
Specific	EBWPC Supports with edits. The committee supports updating Regional Water Planning Boundaries to reflect hydrologic boundaries. Though, the committee is concerned with Estancia Basin being included with the southern closed basins (Tularosa, Salt, Sacramento). The area proposed, south of Estancia Basin, is an area that was made up of 3 previous planning water regions, all of which had differing and separate surface waters and

Categorization	Open Ended Response
	associated compacts. Using the “Preferred Hydro-Administrative Boundaries” as-is would be detrimental to the Estancia Basin Community as this committee has stayed active in Regional Water Planning since 1995.
Specific	I think the Canadian and Pecos Councils should contain their entire stream system from headwaters to the border. Rio San Jose should be in the MRG Council.
Specific	The Estancia Basin Water Planning Committee (EBWPC) supports updating Regional Water Planning Boundaries to reflect hydrologic boundaries. However, the committee is concerned with Estancia Basin being included with the southern closed basins (Tularosa, Salt, Sacramento). The area proposed, south of Estancia Basin, is an area that was made up of 3 previous planning water regions, all of which had differing and separate surface waters and associated compacts. Using the “Preferred Hydro-Administrative Boundaries” as-is would be detrimental to the Estancia Basin Community as this committee has stayed active in Regional Water Planning since 1995.
Specific	CPSWCD supports updating the Regional Water Planning Boundaries to reflect hydrologic boundaries. Though, the district is concerned with Estancia Basin being included with the southern closed basins (Tularosa, Salt, Sacramento). The area proposed, south of Estancia Basin, is an area that was made up of 3 previous planning water regions, all of which had differing and separate surface waters and associated compacts. Using the "Preferred Hydro-Administrative Boundaries" as-is would be detrimental to the Estancia Basin Community as this committee has stayed active in Regional Water Planning since 1995.
Specific	An additional layer of existing Declared underground basins on this map may help illustrate those relationships. Is it the intent that representatives from “split” stakeholders be represented in each of the councils where overlaps occur? Will Councils that have Sub-regions be able to draw their own boundaries?
Specific	The current planning regions should track better with the administration that will be in charge of implementing the funding that will follow the completion of the plans. Either with the Councils of Governments, the Office of the State Engineer’s Administrative District Offices, or other possible administrators of the funds.
Specific	The current planning regions should track better with the administration that will be in charge of implementing the funding that will follow the completion of the plans. Either with the Councils of Governments, the Office of the State Engineer’s Administrative District Offices, or other possible administrators of the funds.
Specific	<p>General comments:</p> <ol style="list-style-type: none"> 1) There is a gap between the support for regional water planning that needs to start in a subwatershed scale (e.g. HUC 10 or HUC 8 in some regions) and these proposed larger regions. 2) Support is also critical for community members who are not paid staff to participate - at times and locations that are convenient for these communities 3) Several regions that have diversity on multiple levels have been combined, for example in the Upper Rio

Categorization	Open Ended Response
	Grande Council, three regions now are combined, Rio Chama, Taos, and half of Jemez y Sangre. As well, the previous regions were already much larger than communities typically collaborate, which is often at the subwatershed HUC 10 level. I recommend that subwatersheds within the basins of each region be subcommittees and the Regional Council be given the option to choose HUC 10 or HUC 8 levels, and given the option to join HUC 10s together as desired.
Specific	NMWA SUPPORTS WITH EDITS: The MAP generally looks good. We suggest the north edge of the Pecos Council region be extended a little northward to encompass the headwaters of the Pecos River.
Specific	Subregions should be delineated and supported.
Specific	Recommend the Canadian Council be divided so that the Pecos Headwaters are differentiated from the Canadian River
Specific	My comment applies to the entire map. Please enhance the map to show political or jurisdictional boundaries (i.e. counties and/or cities) to allow for a better understanding of the entities that will be represented in each of the proposed planning regions.
Specific	Would it make more sense to have the boundary for the Middle Rio Grande area slightly altered so that San Ildefonso and Tesque Pueblos were in one district, not split into two?
Specific	Headwaters of the pecos should be in the Pecos designated area.
General	Until the issue of over development and population growth is addressed in the santa metropolitan area, a lot of restrictions are needed
General	The ability for the upper rios chama watershed historical Acequias to irrigate and contribute to recharge is crucial for ground water beyond the region boundaries...Restricting irrigation usage in mountain watershed recharge zones may prove to be devastating for wells further South. Pre 1906 Aceqias have been part of the recharge that the State depends upon in all of its surveys...Restricting irrigation in these mountain zones may totally change ground water availability.
General	<p>I think the regions are good but the map is not clear about boundaries. I think Santa Fe is in the Upper Middle 'Rio Grand but the maps are confusing on this.</p> <p>I have no idea were Elephant Butte fits into the map of the regions. These are graphics issues I think not a real problem.</p>
General	The boundaries appear inconsistent, with some areas being significantly larger than others. What criteria were used to determine them?

Categorization	Open Ended Response
General	central council too long to include northern half with southern half....too much social/economic/geological/hydro difference.
General	More time is needed to consider these changes. I want to see how your plans incorporate the Special Irrigation Districts and the needs of their users are represented.

Do Not Support

Categorization	Open Ended Response
General	Water rights belong to land owner
General	As a representative of a Water & Sanitation District, it concerns me greatly that there isn't a specific designated representative from large district's required for each council. Many W&SD's are just as large and operate exactly like traditional city municipalities. Additionally, because the Middle Rio Grande Council is so large, I'm concerned that my district will not have the opportunity to be well-represented and will be overshadowed by the two largest cities in the state.
General	These regions are huge. The needs of one area in this region differ from those in other parts of the region. So will familiarity with concerns.
Specific	In regard to the planning regions for the Water Security Planning Act, we do not support the 9 regions in their current state, particularly the Central Basin Council. The Estancia Valley is a closed, flat floored basin, which does not connect to any part of the basins found in the Southern parts of the current map. The only outlet for precipitation that falls in the basin is through evaporation. This basin has no relation or impact in any surrounding areas and should therefore be in its own planning region. There are no streams or rivers meaning all the water found here is groundwater. This basin is unique in the irrigation and residential water usage when compared to other parts of the state and should be treated that way.
Specific	The new boundaries encompass too large of areas, within which there are vastly different experiences, cultures and needs. The old 16 regions were more accurate and useful for real community organizing, action and change.
Specific	Our rural NENM municipalities and counties will be paired up with huge population areas and counties and have no real power or voice. We have already experienced Raton being split in half for voting purposes. That redistricting hurt us badly. We have no voice. We can't even consolidate as a town. This is the same problem. Lumping small rural NENM with Albuquerque and Santa Fe is not remotely fair and we have nothing in common with these areas. Our issues and our strengths are different. STRONGLY OPPOSE

Categorization	Open Ended Response
Specific	The regions are too big. The way that the Office of the State Engineer has the districts in New Mexico is more accurate because it is based on the way the water moves in the State. The regions in the above map do not make sense.
Specific	The Estancia Basin is isolated with no direct connection to the other basins in the proposed planning area
Specific	I support the establishment of a smaller hydrologic unit boundary that encompasses the Rio San Jose basin, which reflects the geography and legal framework of the Rio San Jose Indian Water Rights Settlement region. An "Upper Colorado Council" region extending to the Colorado border is overbroad and would obscure settlement-specific planning needs and water usage within a degraded and depleted Rio San Jose basin and watershed.
Other	Again Government take over.

Comments from Documents Provided

Letter	Comments
Bernalillo County Public Works Department Letter	<p>1. The suggested boundaries have an intuitively correct feel and balance with respect to river compacts, watersheds, geology, and grouping of declared groundwater basin. If the desire is to limit the number of regional planning counsels, this is probably a good blend and compromise of various considerations. An additional indicator of existing Declared underground basins on this map may help illustrate those relationships.</p> <p>2. In several instances, counties, soil water and water conservation districts, and regional councils of governments may be split or included within two or more council areas. Is it the intent that representatives from “split” stakeholders be represented in each of the councils where overlaps occur? And is it the Commission’s intent for an individual to sit on multiple regional water planning Councils?</p> <p>3. It is unclear in some instances how the transition boundaries between planning councils may have been determined such as at the junction of the Middle Rio Grande with the Lower Colorado and Lower Rio Grande Council, and southeast boundary of the Upper Colorado Council and Middle Rio Grande Council.</p> <p>4. In the Discussion Draft, there is some language establishing the possibility of a Sub-Region if a Council chooses, but there is no mention of Sub-Regions in the rules. If a Sub-Region is deemed necessary for a RWSP Council, the avenue for that must be included in the Composition section. For example, the concern is with having Santa Fe, Rio Rancho, and Albuquerque all within one planning region that then extends and includes Socorro and smaller river communities as well. The concern is that heavy municipal interests may be over-represented against more rural and agricultural interests. This may also make tribal and pueblo coordination a bit easier for all parties.</p>
New Mexico Acequia Association Redlines	The current planning regions should track better with the administration that will be in charge of implementing the funding that will follow the completion of the plans. Either with the Councils of Governments, the Office of the State Engineer’s Administrative District Offices, or other possible administrators of the funds.

Letter	Comments
Estancia Basin Water Planning Committee	<p>The Committee supports the refined basin boundaries based upon hydrological rather than political boundaries. We appreciate the efforts of the ISC to broaden and strengthen local networks and develop new opportunities for funding water management at the local level. However, we would like to propose that the Estancia Basin remain separated from other closed basins to our south, rather than becoming part of the Central Basin Council. While the proposed region groups closed basins that are all reliant on groundwater and lack surface water, there are no significant social ties between the Estancia Basin and the other closed basins. The Estancia Basin is also adjacent to major population centers and has been managed collaboratively for the last 30 years. Wrapping the Estancia Basin into the proposed Central Basin Council would be detrimental to the long-term regional water planning process that has already been established in the Estancia Basin. The EBWPC has gained significant ground in co-managing the limited groundwater resources of the Estancia Basin over our 30-year history. We appreciate your consideration of our history and progress as you evaluate the draft rule.</p>
Estancia Basin Water Planning Committee	<p>The Committee supports the refined basin boundaries based upon hydrological rather than political boundaries. We appreciate the efforts of the ISC to broaden and strengthen local networks and develop new opportunities for funding water management at the local level. However, we would like to propose that the Estancia Basin remain separated from other closed basins to our south, rather than becoming part of the Central Basin Council. While the proposed region groups closed basins that are all reliant on groundwater and lack surface water, there are no significant social ties between the Estancia Basin and the other closed basins. The Estancia Basin is also adjacent to major population centers and has been managed collaboratively for the last 30 years. Wrapping the Estancia Basin into the proposed Central Basin Council would be detrimental to the long-term regional water planning process that has already been established in the Estancia Basin. The EBWPC has gained significant ground in co-managing the limited groundwater resources of the Estancia Basin over our 30-year history. We appreciate your consideration of our history and progress as you evaluate the draft rule.</p>

Letter	Comments
Claunch-Pinto Soil and Water Conservation District Letter	<p>The district supports the refined basin boundaries based upon hydrological rather than political boundaries. We appreciate the efforts of the ISC to broaden and strengthen local networks and develop new opportunities for funding water management at the local level. The district is looking forward to participating in four of the new councils (Middle Rio Grande Council, Proposed Estancia Council, Central Basin Council and the Pecos Council) proposed by the ISC. The district supports the EBWPC's request that the Estancia Basin remain separated from other closed basins to our south, rather than becoming part of the Central Basin Council. Wrapping the Estancia Basin into the proposed Central Basin would be detrimental to the long-term regional water planning process that has already been established in the Estancia Basin for the past thirty years. The EBWPC has gained significant ground in co-managing the limited groundwater resources of the Estancia Basin over our 30-year history. The district appreciates your consideration of the EBWPC history and progress as you evaluate the draft rule.</p>
Elaine Hebard Comments	<p>While I agree with the proposed Boundary map, there needs to be support for sub-basins (ex, it is a long way from Moriarty to the Salt Basin!) as well.</p>
City of Raton Comments	<p>We concur that the proposed Canadian Council planning region is configured geographically to facilitate cooperation and planning in our part of New Mexico.</p>

Rule Section 10: Composition of Regional Water Security Planning Council

Discussion Draft Language

COMPOSITION OF REGIONAL WATER SECURITY PLANNING COUNCIL

A. The commission shall invite representatives from the following entities located within each Planning Region, except as otherwise provided for in sections C and D below, to establish the Regional Water Security Planning Council ("Council" or "Planning Council"). Each entity is entitled to have a representative serve on the council for any Planning Region that it is located within. The commission shall convene the representatives with the goal of establishing the members of a Council by consensus, or, if no agreement is reached, the commission shall determine the initial members of the Council. A Council can also self-organize provided the criteria below are met. Council membership will be based on the following:

- (1) one representative appointed by the governing body of each municipality;
- (2) one representative appointed by the governing body of each county;
- (3) one representative appointed by the governing body of each irrigation or conservancy district;
- (4) one representative appointed by the governing bodies of each Pueblo, Tribe, or Nation;
- (5) one representative appointed by the governing body of each council of government;
- (6) one representative appointed by the governing bodies of each soil and water conservation district;
- (7) one acequia or community ditch representative for each county located in whole or in part within the planning region, who shall be appointed by the governing body of the New Mexico Acequia Commission; and
- (8) one representative for mutual domestic or community regional water systems for each county located in whole or in part within the planning region, who shall be appointed.

B. Each Council shall invite ten at-large members, located within the region, to represent the following stakeholders or stakeholder groups:

- (1) agricultural producers;

- (2) a public higher education institution;
- (3) environmental or conservation organizations with water security concerns in the Planning Region;
- (4) recreational interests;
- (5) industrial water users; and
- (6) five additional at-large members.

C. Each council shall invite three non-voting representatives for entities outside the Planning Region. Representatives appointed pursuant to this shall not be required to reside within the borders of the planning region.

D. If a qualified or willing representative cannot be identified to serve as a representative for any entity or stakeholder described in sections 4.A or 4.B, the commission may select a replacement non-voting member who is knowledgeable about water resources in the Planning Region.

E. The council shall adopt written operating principles that describe the following, at a minimum, and shall provide their operating principles to the commission upon request:

- (1) the roles and responsibilities of the council members;
- (2) the duration of the term for representatives on the council; and
- (3) the grounds and process for removing a representative from the council.

F. Subject to the commission director's determination of adequate funding and staffing, a commission staff member who resides within shall act as the commission's liaison to the council for the purpose of ensuring the proper coordination of commission information, policies, and resources.

G. The commission shall provide administrative support and facilitation for up to three (3) meetings of the Council per calendar year.

Summary of Questionnaire Responses

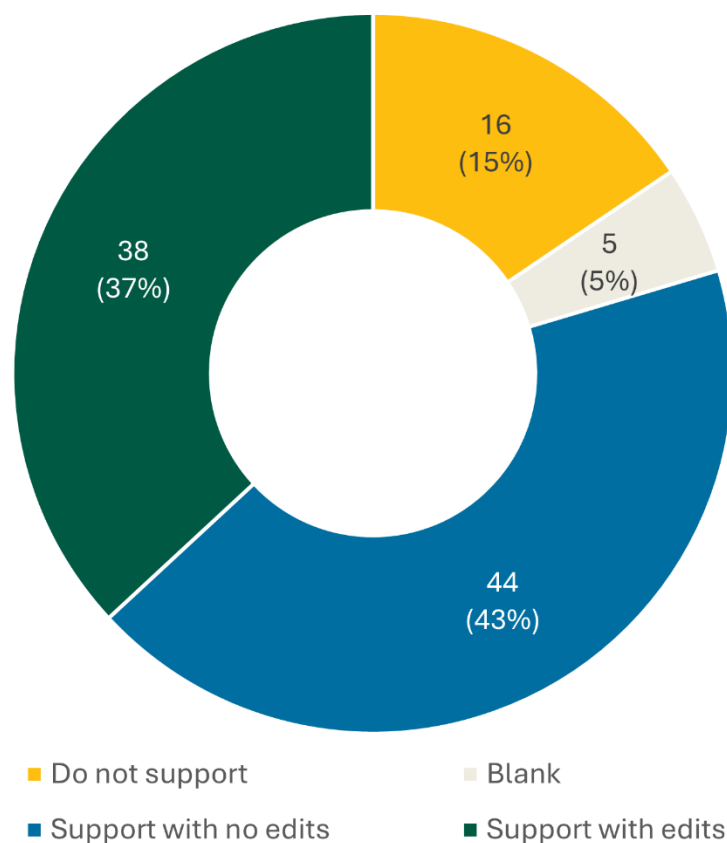


Figure 10. Summary of questionnaire responses for Rule Section 10. Results reflect questionnaire responses received and are not statistically significant.

Rule Section 10 relates to composition of the regional water planning councils and had the lowest level of support with no edits among the rule sections at 43%.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Participation by specific entities
- Recommendations to reduce the council size
- Clarification of roles and responsibilities

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	Not sure about the reason for C. It would seem that this would create an overlap across Planning regions Why?
Specific	<p>Section 10.B: The rule should clarify at-large membership. It appears the intent is for each of the first 5 groups have at least 1 member and that 5 at-large members can represent any group. However, it only prescribes there be 10 members that represent the 5 groups.</p> <p>NMDA suggests adding "at least one representative from" to 4.B.1 through 4.B.5. and ", provided they represent diverse interests" to the end of 4.B.6.</p> <p>Section 10.C: Are these state or federal agency staff? Or delegates from upstream/downstream councils? Suggest clarifying or allowing councils to appoint flexible number of non-voting members.</p> <p>Section 10.D: "sections 4.A or 4.B" should be "sections 10.A or 10.B"</p> <p>Section 10.E.2: Can each region's council members have different term limits? Will this be problematic? ISC should consider putting guidelines.</p> <p>Section 10.G: It would be helpful for staff to regularly exchange lessons & challenges as councils become established.</p> <p>Sections 10.G & H: Re-letter to sections F & G.</p>
Specific	I think ground water recharge zones should have a voice as well, ignoring recharge for the State and just running as much water as possible down stream may prove to be devastating for Southern municipalities and area water systems and wells. From what I can tell, the Northern mountains' are key to recharge for the majority of the State's groundwater. Recharge moves and stores water underground, protected from evaporation. Restricting mountain Acequias usage will impact beyond the boundaries on your map.
Specific	Clarification of roles and responsibilities of specifically a non-voting member would be appreciated. Increasing representation is important but there are challenges with achieving quorum.
Specific	1. Section B on at large members should include mention of youth representation, as youth deserve a voice in planning for their own futures.

Categorization	Open Ended Response
	<p>2. Regarding A-7 "one acequia or community ditch representative for each county located in whole or in part within the planning region, who shall be appointed by the governing body of the New Mexico Acequia Commission" - this is insufficient representation for such vital and widespread entities. There should be one acequia representative per Acequia Regional Association, of which there may be several in a given county. The New Mexico Acequia Association maintains a list of each Regional Association for reference. Furthermore, each Regional Acequia Association should have the power to delegate their own representative directly, rather than giving this power to the NM Acequia Commission which may or may not have adequate knowledge to choose the best representative.</p>
Specific	In D, you mention 4 A or 4 B. Are you referring to A 4 and B 4?
Specific	<p>B. Each Council shall invite ten at-large members who are full-time residents of the council boundary, to represent the following stakeholders or stakeholder groups 2 each:</p> <ul style="list-style-type: none"> (1) local ranchers (land and livestock owned by rancher member); (2) local farmers (land owned by farmer member); (3) 1 water policy expert and 1 environmental policy expert from public higher education institutions operating in the council boundary; (4) non-profit environmental or conservation organizations with board living within the council boundary and water security concerns in the Planning Region; (5) recreational interests owned and run by a full-time resident of the council boundary. <p>REMOVE -C. Each council shall invite three non-voting representatives for entities outside the Planning Region... They can have influence over their own councils, but should have NO influence outside of them.</p> <p>REMOVE D This opens up the possibility of interference from outside interests.</p>
Specific	In Section B, a representative from a local community group focusing on responsible development (e.g. Registered or Community Organizations in Santa Fe County) should be explicitly listed.
Specific	everyone needs water to live... participation on these boards/etc needs to include or, at least, notify everyone.
Specific	<p>(5) one representative appointed by the governing body of each council of government; This should be removed. The council of governments are made up of municipalities and counties that are already on this list and available for membership on the water security planning council.</p> <p>C. Each council shall invite three non-voting representatives for entities outside the Planning Region. This should be a may statement not shall.</p>

Categorization	Open Ended Response
Specific	<p>The proposed composition for the Regional Water Security Planning Council has the potential to result in a group of 60+ members, depending on the region. Recommend dividing municipalities and water systems by size with a representative of each size category on the council, with guidelines on how the representative would engage other municipalities/systems in their role on the council. The planning council needs to be a size that is able to make decisions and be successful.</p> <p>The draft rule states that the commission will invite representatives to serve on the planning council. For consideration is a pathway for the council to make recommendations to the commission for council members or an application process that can include letters of support from the council as well as stakeholders. Rather than have three non-voting representatives on the council, it may be more productive to have a subcommittee of those representatives to make recommendations to and inform council decisions.</p>
Specific	<p>EBWPC Supports with edits. Clarification of roles and responsibilities of specifically a non-voting member would be appreciated. The EBWPC does support increasing representation but is also aware of the realities of achieving quorum. Full representation from each member type mentioned would triple the size of the committee.</p>
Specific	<p>Recommend adding a 9th class of representatives under Section A as follows:</p> <p>(9) one land grant-merced representative for each county located in whole or in part within the planning region, who shall be appointed by the governing body of the New Mexico Land Grant Council.</p> <p>Land grant-mercedes (LG-Ms) are political subdivisions of the State (NMSA 1978, §§ 49-1-1 & 49-4-4, NMSA 1978), with regulatory and protective authority over the common waters of the LG-M (NMSA 1978, §§ 49-1-3H(H), 49-1-16, 49-4- 5(H), 49-4-17). LG-Ms have authority over land-use, comprehensive planning, zoning, and infrastructure development over their common lands. 27 LG-Ms recognized as political subdivisions of the State, collectively manage over 200,000 acres of land in the watersheds of at least ten counties. Given their local government and land and water management status they should be incorporated into the planning process.</p> <p>The NM Land Grant Council is a state agency (§49-11-1 et. seq., NMSA 1978).</p>
Specific	<p>Section A) Suggested language: one representative appointed by (the entity that is the watershed group/ entity) for every organized watershed (e.g. HUC 10s)</p> <p>Reasoning: This process needs to support every subwatershed so they can start or continue a watershed scale</p>

Categorization	Open Ended Response
	<p>water planning process and create a watershed group or entity.</p> <p>Section C) Change shall to “may”. Recommend to not specify a number, give more guidance on the purpose of these participants. We assume this is to include representatives whose interests overlap into this region’s.</p> <p>Section E) ISC shall provide a template operating principals with options for Regions to select and modify.</p> <p>Section F) Insert who “ideally” resides - so as to ensure that all regions can receive support regardless of staffing patterns.</p> <p>Section G) Subwatersheds need ongoing support to have the capacity to engage the Regional process. Recognizing ISC’s limited capacity they will collaborate with other agencies to provide support to subwatersheds.</p>
Specific	<p>The regional planning council membership, as outlined, may number as high as several dozen -- far too large to serve as an effective planning team. I suggest limiting the number of members to 15, dropping the requirement to include representative from each county of municipalities, acequias, mutual domestic associations, etc. Also drop representatives of institutions of higher education -- a better role is for them to serve as technical advisors -- and drop the requirement that conservation organizations have "water security concerns in the Planning Region." (For no other group is this a requirement, inexplicably.)</p>
Specific	<p>Specify appointment of elected County Commissioners from each county.</p>
Specific	<p>Water right owners should have a major voice on the council. As written, there is not even a mandatory position designated for the owner of water rights.</p>
Specific	<p>The district would expect clarification of roles and responsibilities of specifically a non-voting member would be appreciated. The district does support increasing representation but is also aware of the realities of achieving a quorum. Full representation from each member type mentioned would triple the size of the committee.</p>
Specific	<p>The district would expect clarification of roles and responsibilities of specifically a non-voting member would be appreciated. The district does support increasing representation but is also aware of the realities of achieving a quorum. Full representation from each member type mentioned would triple the size of the committee.</p>
Specific	<p>Section A - Who is the appointing authority for the members in subsection 8? Section B - How will the 5 "at-large" members be selected? Section C - Provide some guidance on what type of entities or representation might be needed here.</p>
Specific	<p>A (7) suggest that a community ditch member should be appointed by NM Acequia Commission</p> <p>Concern: Community ditches or private ditch companies have no interaction with Acequia Commissions or communities</p> <p>Suggestion: Leave the Acequia portion as is and add another line item to address</p>

Categorization	Open Ended Response
	community or private ditch companies not falling under the umbrella of an Acequia Commission -- perhaps have the member selected by the collective governing bodies of each community or private ditch company (have the boards get together and pick their own representative).
Specific	"staff member who resides within" ... resides where?
Specific	Oil and gas should NOT have a seat at the table. Others should set the rules and oil and gas does what they are told.
Specific	In item G, I would suggest up to four (4) meetings per year rather than three.
Specific	B. Indigent population base takes precedence over representatives of non-indigent enterprises, organizations for profit and non-profit organizations.
Specific	If the council should allow public input during 3 meetings, should be mentioned in this that public input is always important.
Specific	Section F should identify a "commission staff member who resides within _____" the region? state? to act as the commission's liaison. . .
General	Agricultural producers remain remain a chemically dependent monoculture. In 1947, Aldo Leopold presented the alternative of integrating with existing native plants and wildlife. This was rejected. A farmer boasted to me that he shoots everything that moves. USDA and NMDA pander to the most destructive forms of farming, including hazmat suits. As an organic farmer who restores native plants and protects wildlife, I am horrified. Furthermore, local farmers shoot migratory birds within minutes of their landing. New Mexico Game and Fish is one of the most reactionary and uninformed organizations possible. You need to shift your focus back at least a million years. Cranes have been migrating here for 10. The Pueblo see rivers as sacred, the Spanish as community and the Anglo as commodity. You are still thinking like Anglo settlers.
General	Clarification of roles and responsibilities of specifically a non-voting member would be appreciated. The EBWPC does support increasing representation but is also aware of the realities of achieving quorum. Full representation from each member type mentioned would triple the size of the committee.
General	The commission will invite the representatives, but it does not address how the council will develop the list of parties that will be invited – will the commission solicit a list of potential representatives from those entities or will the invitation be made to the entities (rather than individual persons)? Will the invitation process be transparent and public? 10 (8) is particularly vague. Will a given representative be the same person on multiple councils where entities that span multiple regions or are separate representatives for each entity envisioned? And, must the representative for an entity reside within the planning region to which they are appointed .

Categorization	Open Ended Response
	Would it make more sense if the representative resides in or actively works or has actively worked in the planning region? The list of entities and stakeholders is wide reaching. However, this list may result in a planning council that could have upwards of 50 members in some planning councils such as the Middle Rio Grande.
General	<p>On B-6 I am concerned about who appoints the 5 at large members and who they would represent.</p> <p>On A, I'm from Santa Fe County and we have a new thing called the ROCOCO. I think one member from there would be good. We have 38 Traditional Communities (places over 100 years in existence) and 7 Traditional Historic Communities (meeting requirements of the state statute of the same name). Traditional Communities all have Acequias and Mutual Domestics but are looking at things bigger than those narrow interests. Plus the Santa Fe County representative can not possibly know what the 38 communities need.</p>
General	I don't have specific language to suggest, but I see two issues: (1) there is not enough technical expertise (hydrologists, climatologists) and (2) the council may end up with dozens of members, making it unwieldy.
General	In the MRG, the membership looks to exceed 60 folks, if every municipality has a seat! Becomes a bit skewed inf MRGCD has 1 seat.
General	<p>majority to be from agriculture, minority from municipalities unless you want to kill agriculture in NM</p> <p>Acequias appointed by their local group, no statewide directing appointments.</p>
General	<p>Objection 1: Acequia representation</p> <p>We object to the minimal space provided for Acequia participation on the proposed regional councils. While Acequia numbers may vary by region, it is incumbent that the Interstate Stream Commission give space equal to that provided to municipalities, agribusiness, industrialists, developers, and Pueblos. Where the presence of Acequias is evident, their participation should be recognized, encouraged, and supported by the ISC.</p>
Other	Please see attached document for redline edits.
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
Specific	<p>A.8. 1. should be one representative for EACH Mutual Domestic not one Mutual Domestic in a County - They don't all get along, yet each has water rights and should have the right to participate since they will be directly affected and represent their users. 2. why are you including people or organizations that have no water rights but like to tell others what to do?</p> <p>C. should be removed - why involve people that aren't affected - but most likely a political choice?</p> <p>D. Same comment as C.</p>
Specific	A council of approximately 18 voting members and 3 non-voting members depending on how many municipalities, countries, tribes, irrigation districts, etc. are in each region is entirely too large to accomplish business effectively and efficiently. The terms, responsibilities, and grounds for removal of the council members are to be set by each individual council allowing for major discrepancies and inconsistencies throughout the state. The terms, responsibilities, and grounds for removal should be consistent for each regional council.
Specific	The potential number of council members is unmanageable and unrealistic with the concerns of one basin having no bearing on the concerns of another
Specific	<p>" NMWA DOES NOT SUPPORT: We don't believe such a massive membership on the Councils permits achieving anything productive. Each region should set its own membership quantities, under broad, balanced representation criteria.</p> <p>We believe the rules should include qualification criteria for members or for the Council membership as a whole. The detailed directives, and especially Subsection G, suggest that ISC envisions a top-down role in the planning process; not good. Our recommended edits are in x.xx.xx.10 of our markup file to provide constraint boundaries, rather than detailed directives."</p>
General	Excluding the voices of Hispanic parciantes (water rights owners) is unacceptable and fails to represent all acequias. This lack of inclusivity undermines the fairness and integrity of the process.
General	I don't with having a commission when the Office of the State Engineer already has the ability to regulate the water in the state. This is crazy.
General	<p>Although not the intention, it seems that from a practical point of view the general public and the commercial sector will be shut out of the process.</p> <p>Governmental entities are playing to large a role IMO.</p>

Categorization	Open Ended Response
General	<p>I oppose this entire idea.</p> <p>Those with water rights should have primary voices. Those with water utilities should have primary voices. We already work with agricultural producers. This high number of "at large reps" and others with special interests is unacceptable. No special interest groups should be allowed. Nothing happens in meetings like this with too many voices and voices who don't see the entire picture or have any investment in the infrastructure. They do not have the knowledge or know-how and definitely don't have the water rights. Water is serious business to sustain the life of our communities. Many of us have spent millions if not more in today's dollars developing and investing in our water infrastructure. Municipal water supply should have local control only.</p>
General	Water/Land belong to the same
General	<p>As a representative of a Water & Sanitation District, it concerns me greatly that there isn't a specific designated representative from large district's required for each council. Many W&SD's are just as large and operate exactly like traditional city municipalities. Additionally, because the Middle Rio Grande Council is so large, I'm concerned that my district will not have the opportunity to be well-represented and will be overshadowed by the two largest cities in the state. Additionally, there is significant 'gray area' with subsection F of section 10. How can we expect commission support with funding? How will subsection G will implemented without support financially and administratively? We are setting these councils up to fail.</p>
General	These are clauses that need more scrutiny to ensure that the interests of those with water rights are not overshadow by special interests.
Other	Government take over.

Comments from Documents Provided

Letter	Comments
Bernalillo County Public Works Department Letter	<p>.10 A</p> <p>1. It indicates that the commission will invite the representatives, but it does not address how the council will develop the list of parties that will be invited – will the commission solicit a list of potential representatives from those entities, or will the invitation be made to the entities (rather than individual persons)? Will the invitation process be transparent and public? 10 A (8) is particularly vague.</p> <p>2. Is the intent to have a given representative be the same person on multiple councils where entities that span multiple regions or are separate representatives for each entity envisioned? And must the representative for an entity reside within the planning region to which they are appointed. Would it make more sense if the representative resides in or actively works or has actively worked in the planning region?</p> <p>3. The list of entities and stakeholders is wide reaching. However, this list may result in a planning council that could have upwards of 50 members in some planning councils such as the Middle Rio Grande. That seems cumbersome to coordinate and facilitate for the Commission. Is there a way to consolidate the individual municipal representatives or county representatives or the soil and water conservation districts to have one representative on the council? If a group of municipalities chose one individual to represent them, would that representative have a vote for each municipality?</p> <p>.10B</p> <p>1. Is the intent to have one representative per each of the listed stakeholders (if they exist within the planning counsel area). Could there be multiple at-large members that represent a similar group of stakeholders, i.e., 2 or 3 representatives for public higher education (UNM, CNM, NMT in the Middle Rio Grande).</p> <p>2. Though perhaps a local matter, how does that commission envision existing planning committees such as the Estancia Basin planning committee be utilized or is there a need for such pre-existing committees to continue forward or should they be dissolved? While they could still be used on a sub-council basis, I suppose, that seems like a redundancy and duplication of effort and time to retain those committees.</p> <p>.10F</p> <p>1. While expedient geographically, having ANY ISC staff member that resides within the council region to be the liaison to the commission seems off somehow – so say the chair of the commission vs a technical staff member of the commission serving as liaison from different councils seems very unbalanced regarding hierarchy and representation back to the commission. With the proposed schedule, would it be</p>

Letter	Comments
	<p>a better strategy to have a dedicated staff liaison that actively worked and coordinated these council meetings? In that way there would be equal facilitation between Councils and Commission.</p> <p>.10G</p> <p>1. Will the funding for the planning effort for each region be limited to only using that funding for the administrative support and facilitation for up to the three meetings, or will that support be in addition to other dedicated funding for each region? Does facilitation include moderation and conflict resolution?</p> <p>2. Are meetings to be held virtually, in person, or hybrid? Will there be grants available for travel reimbursement for council membership who may need to travel and/or take off work to conduct RWP activities?</p>
Patrick McCarthy Thornburg Letter	<p>COMPOSITION OF REGIONAL WATER SECURITY PLANNING COUNCIL</p> <p>The regional planning council membership, as outlined, may number as high as several dozen -- far too large to serve as an effective planning team. I suggest limiting the number of members to 15, dropping the requirement to include representative from each county of municipalities, acequias, mutual domestic associations, etc. Also drop representatives of institutions of higher education -- a better role is for them to serve as technical advisors -- and drop the requirement that conservation organizations have "water security concerns in the Planning Region." (For no other group is this a requirement, inexplicably.)</p>
eNGO Letter	<div style="border: 1px solid black; padding: 10px;"> <p>B. Each Council shall invite ten at-large members, to be reviewed and confirmed by the commission, located within the region, to represent the following stakeholders or stakeholder groups:</p> <ul style="list-style-type: none"> (1) agricultural producers; (2) a public higher education institution; (3) environmental or conservation organizations with water security concerns in the Planning Region; (4) recreational interests; (5) industrial water users; and (6) domestic well users; (7) water quality monitoring or protection interests; (8) a social or environmental justice organization; and (9) two five additional at-large members. </div>

Letter	Comments
	<p>10.b - We understand the interest in representing broad water perspectives on the council, and delegating appointments to the local level makes sense. However, we believe that the commission has a responsibility to ensure that the invitations sent by these appointed members are consistent with the requirements in the rule. Therefore we included a requirement that at-large members are confirmed by the commission.</p> <p>10.b - It is also unclear why the "environmental or conservation organization" representative has qualification language included when no other at-large member is required to prove that they have direct concerns in the region other than residing there. We request that this language is removed, or alternatively similarly required for all at-large members</p> <p>10.b - We respectfully question the inclusion of higher education institutions as a named at-large member. While they may represent major interests and water users in some regions, this is not the case in all regions. We believe higher education is better placed as a non-voting technical expert or an open at-large seat when applicable.</p> <p>10.b - We also see that agricultural and industrial users will likely be represented both in the appointed positions and at-large positions. To maintain a more balanced council, we suggest some additional named at-large positions while reducing the number of un-named positions, keeping the net number of positions the same.</p> <div data-bbox="426 865 1921 1057" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>C. A member may be appointed to represent more than one entity or interest, however in such cases that member will only retain one vote or similar decision making power as any single member.</p> <p>D. Each council shall invite three non-voting representatives for entities outside the Planning Region. Representatives appointed pursuant to this shall not be required to reside within the borders of the planning region.</p> </div> <p>10.c [NEW] We understand from presentations from ISC staff that there is the possibility that individuals may represent more than one interest as an appointed member - for example multiple acequias or tribes might elect to be represented by a single person. We would like clarity on what the decision-making implications of that be - i.e does that individual then have 1 vote or do they have the number of votes of the entities they represent? We included language to clarify that.</p>

Letter	Comments
	<div data-bbox="426 232 1917 375" style="border: 1px solid black; padding: 10px;"> <p>E. If a qualified or willing representative cannot be identified by the council or commission to serve as a representative for any entity or stakeholder described in sections 104.A or 104.B, the commission may select a replacement non-voting member who is knowledgeable about water resources in the Planning Region.</p> </div> <p>10.e - We understand the pressure between the desire for local expertise and control, and the reality that each region will have widely different capacity to fill each position. We believe that adding commission review and approval of non-voting members adds another layer of certainty that sufficient effort will be made to find voting representation for each position, and that non-voting members will be as close as reasonable to local experts.</p> <div data-bbox="426 578 1917 1065" style="border: 1px solid black; padding: 10px;"> <p>F. The council shall adopt written operating principles that describe the following, at a minimum, and shall provide their operating principles to the commission upon request:</p> <ul style="list-style-type: none"> (1) the roles and responsibilities of the council members, including non-voting members; (2) the duration of the term for representatives on the council; and (3) the grounds and process for removing a representative from the council, and (4) Process by which the Council will achieve consensus on actions and priorities; (5) Process by which each Council members was selected; <p>G. The Council's adopted written operating principles must, at a minimum, include</p> <ul style="list-style-type: none"> i Each voting member of the Council shall be entitled to one and only one vote, and; ii The Council will seek consensus in decision making and document dissenting opinions when consensus cannot be reached. </div> <p>10.f - This section gives broad agency to each council to organize as they see fit, which reflects the feedback ISC received that councils needed to be able to adapt to each region's needs. However, we believe that requiring some minimum standards is reasonable to ensure consistency across regions and equity within each council.</p> <p>10.f - In particular, we strongly support a consensus based decision making model, as the best way to ensure that diverse voices are given a real seat at the table, that the rule makes clear that each individual is entitled to one vote, and that councils define the roles that non-voting members have in the planning process.</p>

Letter	Comments
	<div data-bbox="428 228 1927 711" style="border: 1px solid black; padding: 10px;"> <p>H. Subject to the commission director's determination of adequate funding and staffing, A commission staff member who resides within the region shall act as the commission's liaison to the council for the purpose of ensuring the proper coordination of commission information, policies, and resources. If a staff member does not reside within the region, then the director shall work with the council to support staffing from one of the members listed in 10.A. or through other means.</p> <p>I. The commission shall provide administrative support and facilitation for up to three (3) meetings of the Council per calendar year.</p> <p>J. The commission shall provide councils with technical support and resources to ensure councils have access to the best available data and science, including previously developed local water planning plans and processes.</p> <p>(I) The commission shall provide councils with administrative support to ensure councils have support identifying funding sources to implement projects identified by the councils.</p> </div> <p>10.h - We support ISC's commitment to providing local support to each planning group, and recommend adding a requirement that the ISC work with the appointing bodies described in 10.A, or other contracting mechanisms, to ensure that each council has sufficient support and connection to commission staff.</p> <p>10.j - Access to best available science will be critical to the success of each council, and we recommend ISC staff be directed in rule to assist in making sure existing data and tools are made available.</p>

Letter	Comments
New Mexico Acequia Association Redlines	<p>Added content in bold:</p> <p>A Council can also selforganize provided the criteria below are met. Council membership will be based on the following:</p> <ul style="list-style-type: none"> (1) one representative appointed by the governing body of each municipality; (2) one representative appointed by the governing body of each county; (3) one representative appointed by the governing body of each irrigation or conservancy district; (4) one representative appointed by the governing bodies of each Pueblo, Tribe, or Nation; (5) one representative appointed by the governing body of each council of government; (6) one representative appointed by the governing bodies of each soil and water conservation (7) one representative of each regional acequia association in the planning region, or, if no regional association exists in a county or basin within the county, one acequia or community ditch representative who shall be a current or former commissioner or mayordomo of an acequia or community ditch established pursuant to Chapter 73, Articles 2 and 3 NMSA 1978; for each county located in whole or in part within the planning region, who shall be appointed by the governing body of the New Mexico Acequia Commission ; and (8) one representative for mutual domestic or community regional water systems for each county located in whole or in part within the planning region, who shall be appointed by [?].; and (9) one land grant-merced representative for each county located in whole or in part within the planning region, who shall be appointed by the governing body of the New Mexico Land Grant Council. <p>Explanatory Comment:</p> <p>This will provide for equitable acequia involvement and meent the following sections of the Water Security Planning Act §72-14A-1 et seq., NMSA 1978: SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER PLANNING--RULES--GUIDELINES.—Subsection C.:</p> <p>“(5) provide engagement with acequia communities;</p> <p>(6) provide for the engagement of rural communities;”</p> <p>SECTION 5. REGIONAL WATER PLANNING ENTITIES.—Subsection C.:</p> <p>“(4) assist in the funding, development and incorporation of plans for rural communities;”</p> <p>SECTION 3. CONDEMNATION OF WATER RIGHTS.—</p> <p>"Nothing in the Water Security Planning Act shall be construed as permitting the condemnation of water rights or as determining, abridging or affecting in any way the water rights of water right owners in the state."</p>

Letter	Comments
	<p>Explanatory Comment:</p> <p>Land grant-mercedes are political subdivisions of the State (NMSA 1978, §§ 49-1-1 & 49-4-4, NMSA 1978), with regulatory and protective authority over the common waters of the land grant-merced (NMSA 1978, §§ 49-1-3H(H), 49-1-16, 49-4-5(H), 49-4-17). In addition, land grant-mercedes have authority over land-use, comprehensive planning, zoning, and infrastructure development within their common lands. The twenty-seven land grant-mercedes recognized as political subdivisions of the State, collectively manage over 200,000 acres of land in the watersheds of at least ten counties. Given their local government and land and water management status they should be incorporated into the planning process. Adding representation of land grant-mercedes, encompasses the spirit of the Water Security Planning Act, §72-14A-1 et seq., NMSA 1978, specifically sections: SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER PLANNING--RULES--GUIDELINES.—Subsection C.: “(6) provide for the engagement of rural communities;”</p> <p>SECTION 5. REGIONAL WATER PLANNING ENTITIES.—Subsection C: “(4) assist in the funding, development and incorporation of plans for rural communities;”</p>

Letter	Comments
New Mexico Acequia Association Redlines	<p>Added content in bold:</p> <p>B. Each Council shall invite ten at-large members, located within the region, to represent the following stakeholders or stakeholder groups:</p> <ul style="list-style-type: none"> (1) agricultural producers; (2) a public higher education institution; (3) environmental or conservation organizations with water security concerns in the Planning Region; (4) recreational interests; (5) industrial water users; and (6) two members of watershed restoration organizations; and (7) three additional at-large members. <p>G. The commission shall provide administrative support and facilitation for up to four (4) meetings of the Council per calendar year.</p> <p>Explanatory Comment:</p> <p>There are many watershed restoration organizations in each region that have developed or are developing water plans and data. This will help to meet the following of the Water Security Planning §72-14A-1 et seq., NMSA 1978: SECTION 5. REGIONAL WATER PLANNING ENTITIES.—Subsection C:</p> <p>“(6) review existing water plans and data sets of municipalities, counties and other entities within the water planning region and use them as appropriate.”</p>
San Juan Water Commission Rule Comments	<p>Added content in bold:</p> <p>A. . . . to establish the Regional Water Security Planning Council (“Council” or “Planning Council”). Each entity is entitled to have a representative on the cCouncil for any Planning Region that it is located within. The commission shall convene the representatives with the goal of establishing the members of a Council by consensus, or, if no agreement is reached, the commission shall determine the initial members of the Council. A Council can also self-organize provided the criteria below are met. Council membership will be based on the following:</p> <p>(5) one representative appointed by the governing body of each council of government,</p> <p>(9) one representative from each additional political subdivision located in whole or in part within the planning region not falling within the previous membership categories.”</p> <p>Explanatory comment:</p>

Letter	Comments
	<p>“Council” is referenced in the definition of Regional Water Security Planning Council and thus is not needed here. The term “Planning Council” is not used elsewhere in the rule and should therefore not be included. “Council of government” is undefined and confusing. All political subdivisions not falling within the other listed categories of representatives should be included, such as SJWC.</p>
Laurie McCann Letter	<p>One of the hallmark manifestations of effective process – making decisions by consensus – appears several times in the Rules and Guidelines. By which I understand you mean full consensus or unanimous consensus. On the surface, yes indeed – reaching consensus is be a powerful arrow in the quiver of process tools.</p> <p>However, there is not just one form of consensus. There are various forms of modified consensus, the parameters of which are determined by the participants. Many groups that practice consensus decision making do not use unanimity as their decision for reaching closure. Some use “unanimity minus one,” others adopt 80% as an acceptable level of agreement. All such groups see themselves as sincere practitioners of consensus decision making. Hallmarks include that no single member has personal veto power, but also that individual voices wield significant influence – enough to ensure that the group will engage in a genuine process of thinking and feeling together. This principle (restated) comes from the [Facilitator’s Guide to Participatory Decision-Making, produced and published by Community at Work 2014].</p> <p>In brief, I am suggesting that it might be helpful, at this time, to introduce people to the concept of modified consensus. As stakeholders in the regions become accustomed to this possibility, the form of consensus becomes a decision on the menu of choices that they will be empowered to make together.</p>
Simplify	<p>Form the council, using good common sense and including as many relevant entities as possible. However, the size of that group in most regions will be way too unwieldy and may never reach a reasonable decision.</p> <p>Consensus is not enough for something this important. The planning and the ultimate plan for each large region needs to be if not unanimous, then without major conflict.</p>
South Valley Regional Association of Acequias	<p>We object to the minimal space provided for Acequia participation on the proposed regional councils. While Acequia numbers may vary by region, it is incumbent that the Interstate Stream Commission give space equal to that provided to municipalities, agribusiness, industrialists, developers, and Pueblos. Where the presence of Acequias is evident, their participation should be recognized, encouraged, and supported by the ISC.</p>

Letter	Comments
NMWA Concepts for Regional Water Planning	<p>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.</p> <p>These words address how big the Council should be, how it should achieve interest balancing, and how to deal with perceptions of non-representation.</p> <p>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:</p> <p>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</p> <p>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.:</p> <p>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.</p> <p>Staff Support: Regional councils may hire planning, technical and administrative staff</p>
NCAC - RWP - NMAC edits	Suggested addition to Rule 10 B: two members of watershed restoration organizations and/or regional acequia associations or acequia association if a regional is not able or willing to serve within the region; and
City of Raton Comments	As the council representation is organized, we would like to emphasize the importance of water right owner representation on the council. Our priority is to ensure that any planning or implementation efforts will respect and protect existing property rights and water rights to protect generations of investment and cultivation of our municipal water supply. These rights are foundational to our community, and all communities, and must be honored throughout all phases of the planning and funding process.

Rule Section 11: Regional Water Security Planning Council Meeting Requirements

Discussion Draft Language

REGIONAL WATER SECURITY PLANNING COUNCIL MEETING REQUIREMENTS

- A. Meetings shall be held at least three (3) times per year during periods of plan development or update.
- B. Councils must provide reasonable notice of meetings or other activities to council members, the public, and the commission.
- C. Subcommittee meetings may be held and may or may not be supported by commission staff and resources.

Summary of Questionnaire Responses

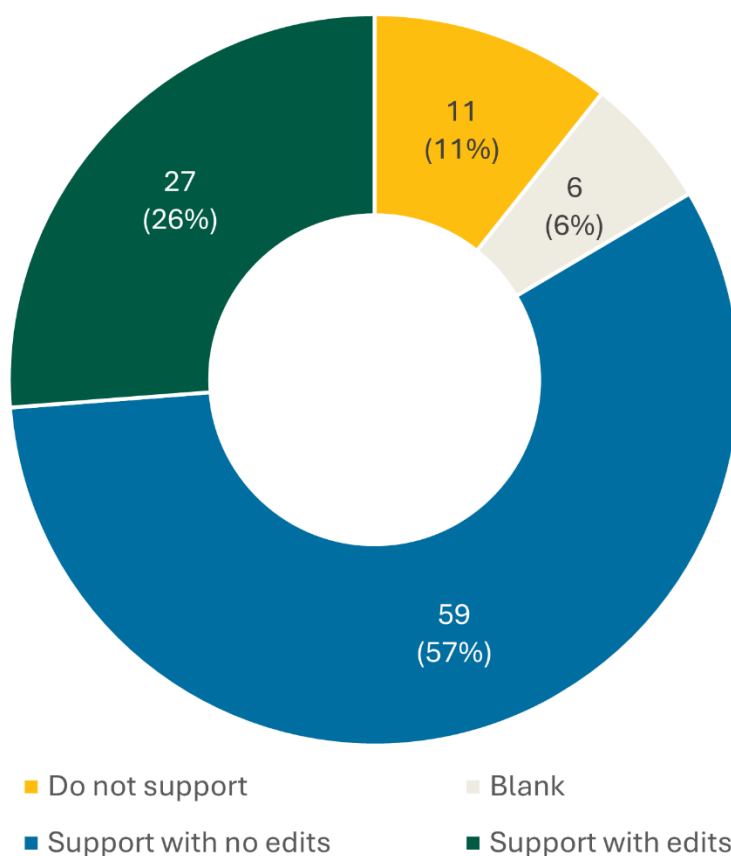


Figure 11. Summary of questionnaire responses for Rule Section 11. Results reflect questionnaire responses received and are not statistically significant.

Rule Section 11 relates to the frequency and notice requirements for regional water security planning councils. Of respondents, 57% indicated that they support the discussion draft rule language with no edits.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Recommendations to move the meeting frequency to quarterly
- Process and timeline for giving notice of meetings
- Meeting format and location
- Scope of volunteer council responsibilities

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	Meetings should be at the least quarterly, so 4 times per year during periods of plan development or update.
Specific	Section 11.B: ISC may want to clarify that these councils are subject to the Open Meeting Act and this provides a minimum period for reasonable notice.
Specific	Quarterly meetings at a minimum
Specific	<p>B. Councils must provide 30 days notice of meetings and meeting purpose, and reasonable notice of other activities and their purpose, to council members, the public, and the commission.</p> <p>C. Subcommittee meetings may be held and supported by commission staff and resources.</p> <p>D. All meetings will have the option for council members, the public, and the commission to attend remotely.</p> <p>Changes to D. allows for higher attendance rate for rural members, the public, and the commission.</p>
Specific	Meetings of any sort may be virtual or hybrid in structure.
Specific	In general I support this document. I do not see anywhere, maybe I missed it, where there is a deadline date for a completed water plan even if it includes the ability to make changes for the future. I think a completed water plan is a necessity.
Specific	Please see attached document for redline edits. Shall meet 4 times a year.
Specific	Recommend that meetings be held quarterly
Specific	<p>The larger planning units and the representation implies that much work will need to occur to bring to these 3 meetings, we recommend that this process needs to also support that work. Examples could include stipends for organizations that have a representative can apply to support their planning work.</p> <p>Sample suggested language: Subwatersheds (e.g. HUC 10s) within the regions will be identified before the first regional meeting. Each subwatershed will receive a budget and ISC or other agency staff support to prepare for representing the need of their area in the larger regional water planning meetings of the region.</p> <p>Reasoning: Since the watershed regions recognizes the importance of the watershed approach, we recognize that the local communities need to be supported in taking a watershed approach. The consolidated basins</p>

Categorization	Open Ended Response
	based on watersheds are so large and comprised of many subwatersheds. Each community needs to be able to look at their water on the watershed scale.
Specific	That the council will meet a minimum of three times is too infrequent. I suggest at least quarterly.
Specific	Clearly subcommittee meetings will be needed, along with data collection, etc. Support should include such meetings and activities.
Specific	Define "reasonable notice"
Specific	Section B - Please define "reasonable notice." New Mexico Open Meetings timelines? Section C - Would be helpful to have some sort of explanation of what type of circumstances "may or may not be supported by commission staff and resources."
Specific	B. Councils must provide reasonable notice of meetings or other activities to council members, the public, and the commission. Do these meetings fall under the NM Open Meetings Act? If so, state this. C. Same for subcommittees. Does the public need to be aware of them?
Specific	Suggest reasonable notice should include an initial announcement then follow-up reminders perhaps a week than the day before the event
Specific	See the earlier comment about the number of meetings per year; if that were to be changed (e.g. to 4 instead of 3), I would also change it here.
Specific	C. All meetings of subcommittees must adhere to open-meeting formats with ad hoc members of other subcommittees present.
Specific	Point C should be reframed so subcommittees are also supported.
Specific	Please define reasonable notice for item B. under meeting requirements.
General	Curious about the language of "shall be held at least three times per year..." should this be contingent on ISC providing funding for facilitation and technical support?
General	HOW will notice be given? This should be stated clearly to ensure sufficient and meaningful community notice, such as requiring posting in community spaces and via mail, not just in online forums.
General	Section x.xx.xx.11.B Regional Water Security Planning Council Meeting Requirements needs to be revised to define "reasonable notice" Without this defined in the rule, there will be significant variability across planning regions and therefore inconsistent engagement with residents of the planning region.
General	This is a good section to add in an Open Meetings Act requirement
General	Communication regarding water is essential, but this schedule and structure places a heavy burden on rural agricultural areas with very few people. The significant obligations on the council of notice, multiple meetings

Categorization	Open Ended Response
	and the keeping and maintenance of records all fall on the volunteer council. There is no obligation on the state to provide staffing or administrative support.
General	Is there any break down of how subcommittee will work?
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
Specific	<p>NMWA DOES NOT SUPPORT: There's no indication of how there will be exchange of information between the public and the planning. Three annual MEETINGS, especially for a large Council is a recipe for total inaction. There doesn't appear to be any instruction about what the Councils should do (besides meet). Again, subsection C suggests commission top-down meddling.</p> <p>Fundamentally, there is no statutory requirement for specifying meeting quantities. We believe it should be up to each Regional Council to determine its own operating procedures, enforced by meeting the regional plan approval criteria for an acceptable public process, as in the suggested our markup file revised x.xx.xx.12. Our recommended edits are in x.xx.xx.11 of our markup file. They declare simply that Regional Councils are not subject to the Open Meetings Act (maybe a legal question).</p>
Specific	I agree with the regional water security planning. The regions are too big and what might be good planning for one area might drastically hurt another area. There needs to be more local planning.
General	In many cases this will render the Subcommittee meeting irrelevant
General	No council. Period.
General	It is imperative to increase the number of meetings and hold them in the rural areas where parciantes reside. Ensuring that information is accessible to all stakeholders is essential. The current top-down approach appears to marginalize water rights owners, which is unacceptable.
Other	And again Government taking.

Comments from Documents Provided

Letter	Comments
Patrick McCarthy Thornburg Letter	That the council will meet a minimum of three times is too infrequent. I suggest at least quarterly.
eNGO Letter	<div style="border: 1px solid black; padding: 10px; margin-bottom: 10px;"> <p>x.xx.xx.11 REGIONAL WATER SECURITY PLANNING COUNCIL MEETING REQUIREMENTS</p> <p>A. Meetings shall be held at least three (3) times per year during periods of plan development or update.</p> <p>B. Councils must provide reasonable notice of meetings or other activities to council members, the public, stakeholders, and the commission in a manner consistent with the guidelines laid out by the commission and the Open Meetings Act.. Councils must provide reasonable notice of meetings or other activities to council members, the public, and the commission.</p> <p>C. Subcommittee meetings may be held and may or may not be supported by commission staff and resources.</p> </div> <p>11.b - If regional water planning is to have the impact we hope on the organization and prioritization of water projects throughout the state, we believe strongly that openness and transparency are critical. Without such protections, plans risk being seen as politicized and biased. We recommend including requirements that councils conform to the rules of the Open Meetings Act.</p>
New Mexico Acequia Association Redlines	<p>Added content in bold:</p> <p>Meetings shall be held at least four (4) times per year during periods of plan development or update.</p>

Letter	Comments
San Juan Water Commission Rule Comments	<p>B. Councils must provide reasonable notice of meetings or other activities to council members, the public, and the commission.</p> <p>C. Subcommittee meetings may be held and may or may not be supported by commission staff and resources.</p> <p>Explanatory comment: Subsection B should be revised to specify what constitutes “reasonable notice” of meetings or other activities. Otherwise, members of the public or disgruntled Council members may have a legal basis to challenge any regional plan adopted by the Council. “May” does not require the support of commission staff and resources.</p>

Rule Section 12: Adoption of Regional Water Security Plan

Discussion Draft Language

ADOPTION OF REGIONAL WATER SECURITY PLAN

In order to be approved by the commission, regional plans must meet the following criteria:

- A. Plans shall include a list of projects, programs and policies in order of priority.
- B. Councils shall seek and document in the plan Water Security Tribal Advisory Council (WSTAC) involvement, input and endorsements, as applicable.
- C. Councils shall seek and document in the plan public input in the development, vetting and prioritization of regional water planning activities and proposals.
- D. Councils shall seek and document and incorporate comments received from stakeholders consistent with the guidelines laid out by the commission.
- E. Plans shall provide documentation of comments received from, and coordination with, state and federal agencies.
- F. Councils shall review existing water plans and data sets of municipalities, counties, and other entities within or relevant to the Planning Region and use them as appropriate.
- G. The outcomes sought by each Regional Water Security Plan shall:
 - (1) be established through broad public input;
 - (2) consider public welfare values, balancing water uses and the needs of future generations of New Mexicans;
 - (3) comply with state water law;
 - (4) be developed using the best available science;
 - (5) recognize and respect federally recognized or reserved tribal water rights;
 - (6) consider access to water for domestic use; and

(7) comply with applicable federal water law.

(8) consider the water needs of healthy fish and aquatic and riparian habitats

H. Councils must report to the commission by June 30 of each year on the progress of Planning Activities and outcomes of Regional Water Security Plan implementation.

I. Plans shall be updated at least once every ten years and may be updated more frequently. The commission will maintain and publish all water security plans developed by Planning Councils.

Summary of Questionnaire Responses

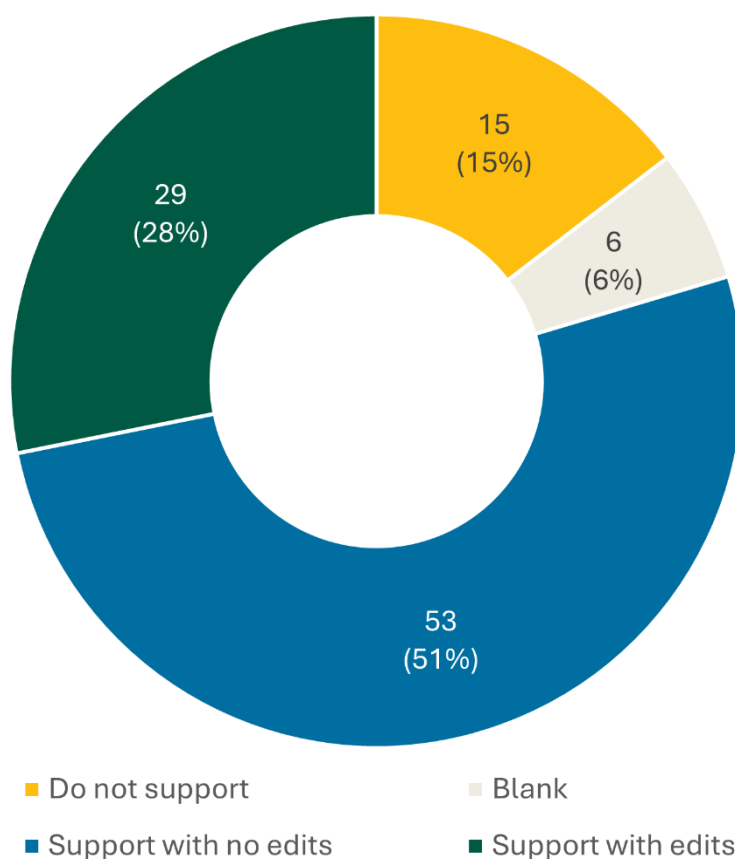


Figure 12. Summary of questionnaire responses for Rule Section 12. Results reflect questionnaire responses received and are not statistically significant.

Rule Section 12 relates to the criteria for approval of regional water security plans. Of respondents, 51% indicated that they support the discussion draft rule language with no edits.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Plan update frequency
- Climate change and environment
- Clarity of direction on the role of councils
- Clarity and rigor in adoption criteria

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	Under G, can you add "9) consider vulnerability to climate change and ways to improve resilience"
Specific	Section I. Plans shall be updated at least once every FIVE years and may be updated more frequently. The commission will maintain and publish all water security plans developed by Planning Councils.
Specific	<p>Section 12.A: Minor clarification—insert “proposed or existing” in front of projects, programs and policies.</p> <p>Sections 12.C & 12.D: NMDA recommends further clarifying the appropriate documentation requirements of 12.C & 12.D in or near section 3 of the guidelines (and possibly section 9.6).</p> <p>Section 12.G.3: NMDA recommends adding “, including respect for established water rights” to dispel and misconceptions about the powers of these planning councils.</p> <p>Section 12.G: NMDA recommends inclusion of an eighth outcome: (8) Support regional food security and agricultural resilience</p> <p>This objective is intended to allow communities to self-determine how to balance the preservation of traditional ag. systems, rural economic development, food production, and water conservation in their region.</p> <p>Section 12.I: NMDA recommends considering moving these planning updates onto a 5-year cycle, with annual review, for operation and effect. Otherwise, such documents may sit on a shelf collecting dust.</p>
Specific	<p>G. (2) Recognize established water uses, embrace conservation where possible, consider public welfare, and the likely needs of future New Mexicans</p> <p>G. (4) Be cognizant of the best and most up-to-date available water-resource data, and recognize a wide range of predictive climate scenarios</p>
Specific	Define "broad public input" and "public welfare values"
Specific	comply with the Endangered Species Act
Specific	G 8 should read something more broad such as - "consider the water, and inherent right to health of natural ecosystems, including aquatic and riparian habitats

Categorization	Open Ended Response
Specific	B. Councils shall seek and document in the plan Water Security Tribal Advisory Council (WSTAC) involvement, input, and endorsements (as applicable).
Specific	<p>Section x.xx.xx.12.A indicates that projects will be included in the plan but the rule does not define how a council will receive, review, and prioritize projects in the planning region. Without this outline in the rule, there is the potential for imbalance within a region given the variety of resources available to allocate to water project planning.</p> <p>Section x.xx.xx.12.C. Adoption of Regional Water Security Plan is general and could be revised to be more specific on how the public input will be engaged (e.g., frequency of public meetings/town halls, etc.) and what is meant by “vetting.” Recommend defining basic requirements for public outreach and input engagement.</p> <p>Recommend “stakeholders” be added to x.xx.xx.7 Definitions.</p> <p>Section x.xx.xx.12.G(2) Adoption of Regional Water Security Plan may be difficult to measure to verify that this requirement has been met during plan development.</p>
Specific	<p>Lots of additions needed here.</p> <p>Where is there any discussion of the why are we doing this? In 2004, the MRG's plan was built around the knowledge that we were using too much with the goal being to "balance use with renewable supply."</p> <p>Where is the planning process? When will the Council deal with the identification of the problem, goals and objectives, and clarifying the consequences for not meeting goals?</p> <p>Some additional topics:</p> <ul style="list-style-type: none"> Water Resources Assessment for the Planning Region <ul style="list-style-type: none"> Water Supply Water Demand Future water uses by 40 year planning horizon Water Plan Alternatives Legal Issues Alternatives (each proposed alternative must be evaluated technical feasibility, political feasibility, social and

Categorization	Open Ended Response
	<p>cultural impacts, financial feasibility as well as physical, hydrological and environmental impacts)</p> <p>Implementation schedule</p> <p>(plus see my written comments, already submitted.)</p>
Specific	<p>Recommend adding to new outcome under Sec. G as follows:</p> <p>(9) recognize and respect acequia, mutual domestic, and land grant-mercedes water rights and management authority;</p> <p>(10) meet the water needs of rural and agricultural communities.</p>
Specific	<p>F. Councils shall review existing water plans and data sets of municipalities, counties, and other entities within or relevant to the Planning Region and use them as appropriate.</p> <p>"existing water plans" as informed by whom? The Commission? Are they all accessible?</p>
Specific	<p>The list on item G looks like it needs revision. For example, the 8th point on that list looks like it was added later and is missing ending punctuation, and (6) and (7) are still formatted as if they were the penultimate and final items on the list. The wording on (6) and (8) doesn't sound quite right to me. Finally, the order does not seem to flow as coherently as it could. I would suggest reorganizing/rewording it as follows:</p> <p>(1) be established through broad public input;</p> <p>(2) consider public welfare values, balancing water uses and the needs of future generations of New Mexicans;</p> <p>(3) comply with state water law and applicable federal water law;</p> <p>(4) recognize and respect federally recognized or reserved tribal water rights;</p> <p>(5) be developed using the best available science;</p> <p>(6) consider access to water for domestic use; and</p> <p>(7) take into account water needs to support healthy fish and aquatic and riparian habitats.</p>
Specific	G. 8. Should include waterfowl and birds residing in or migrate through the area.
Specific	Upper Pecos River is in the Canadian designated area and should be in the Pecos designated area.
Specific	G. Assimilation of all data will be formatted, by AI or comparable computer model into a synopsis of progress by all entities on a yearly basis.

Categorization	Open Ended Response
General	Again, until the ultimate number and restrictions placed on the over development of cities in New Mexico is determined this is all window dressing.
General	So far in the time from summer of 2024 until now, there's a monumental drought in NNM. Seems like this process would benefit from making emergency plans for a severe drought.
General	This section needs to provide some clearer direction for the councils. They are to make a list- for what? why? What will the list be used for?
General	Please clarify best available science and include recognition and projects that plan for climate resiliency. The guidelines state PPP lists should be updated at least every 5 years. Should that be included in the rule?
General	I think a G-9 would be appropriate that refers to historical and cultural traditions. Such as a having water in the Santa Fe River in accordance with the Living River Ordinance that achieves a River Blessing on San Isidro Day on May 15th.
General	The criteria for acceptance of regional water plans need clarification and rigor. Earlier efforts at NM regional water planning are widely understood to have failed, and this rubric does not address the causes of this failure, including: insufficient integration with the state water plan; failure to require sustainable funding plans for each PPP; no explicit linkage between PPPs and state funding vehicles such as the Water Trust Fund and capital outlay, and few to no criteria for project selection; lack of attention to the principles and practices of integrated water resources management (i.e., collaborative management of all water resources—surface water, groundwater, wastewater, and stormwater—to maximize economic, social, and environmental benefits, and coordination across different sectors and jurisdictions to address water challenges holistically); and no requirements, or state technical or financial support, for development of a consistent and rigorous scientific foundation.
General	Though we strongly support the intention that Regional Water Security Plans (Regional Plans) should be locally-driven by public input to the Regional Water Security Planning Councils, establishing clear overarching goals and objectives for Regional Plans in the Rule is critical to ensuring that all Regional Plans are able to consistently make and measure progress toward water security benchmarks. Furthermore, in section 12.G, we suggest that an additional outcome be added to address the crucial importance of groundwater management to the success of any Regional Water Security Plan. For our complete comments on these items, please see the attached comments we have submitted through this survey.
General	Plans (projects, policies and programs) will require significant professional expertise to develop. It appears that the burden, financial and administrative, is entirely on the volunteer council. This is not a sustainable approach.

Categorization	Open Ended Response
General	General - Is the commission going to provide a template for the Planning Councils so that consistency is maintained across the regions?
General	<p>Objection 2: Commodity or common resources</p> <p>The proposed rules and guidelines ignore the planning process and the common resources and focus only on the outcome. It is a recurrent problem that policy makers such as the Office of the State Engineer and the Interstate Stream Commission give preferential treatment to interests that consider water a commodity rather than a common resource. Policy makers neglect to fully consider water a resource bestowed upon us by the natural laws of creation for the common good of all life. While the Indigenous, traditional, and environmental stewards make every effort to consider the spiritual tenets of water, our worldviews are relegated to a footnote; nothing is further from the truth. The sacred common resource must be given paramount attention as a special gift for all life.</p>
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
Specific	Section G must include consideration for agricultural usages and historic water rights in the region
Specific	The regions are too big
Specific	<p>The focus on projects, programs, and policies in A is premature, with the requirements that need to drive those PPPs de-emphasized and buried in subsections of G.</p> <p>The status of the regional water supply must be established and documented before the expensive and extensive planning of PPPs goes forward. The rule needs to establish this science-based process.</p>
Specific	The current approach fails to recognize the rights of Hispanic water rights owners under the Treaty of Guadalupe Hidalgo. While securing water for tribes is essential, it is equally important to address the entitlements of Hispanic communities to ensure equitable water distribution for all stakeholders.
Specific	<p>" NMWA DOES NOT SUPPORT: The APPROVAL criteria are weak. There doesn't appear to be` any indication of what planning or plans should accomplish (besides providing shelf documents). We believe "approval" is a better word than "adoption" in the title of this paragraph</p> <p>We expect that in order to be approved, regional plans must lay out an evaluated and prioritized program of preferred actions (projects and policies), that when implemented, will achieve regional water resilience, now and in the future. Our recommended edits are in x.xx.xx.12 of our markup file. They delineate plan approval criteria - separately for the region's processes, and for the region's resultant plan content The criteria in that</p>

Categorization	Open Ended Response
	text serve as the enforcement mechanism for the bulk of the rules imposed on the Regional Planning Council in x.xx.xx.16 of our markup file."
General	Not sure how you can move forward with all this when the lawsuit with Texas is still going and the supreme court seems to want to try and let the federal government rule all water and potentially ruin progress in the lower portion of the Rio Grande
General	The number of unrelated closed basins makes this impractical. I don't see how this could work with unrelated concerns from one basin to the next.
General	Those with water rights decide on their water. Period. Anything else is illegal.
	Water rights belong to land owner NOT some committee
General	If this is truly a planning initiative, there are no specifics listed here for annual updates to the Commission and this inherently contradicts the 10-year requirement listed in subsection I which also doesn't list any specific requirements, goals, or initiatives for conservation, water quality, or funding plans to be produced. What is the long-term goal? Water planning is defined as the process of directing activities to achieve important goals related to the optimal use of available water resources, involving estimation of needs, evaluation of solutions, and aiming to improve quality of life through economic, environmental, and social contributions. Where is the science in this rule-making? How will we improve the quality of life in the desert through economic, environmental, and social contributions without structure and funding clearly outlined? It's like this state has not learned anything from its ancestors. We need comprehensive and collaborative plans across agencies.
General	<p>Livestock and farming are not adequately included. They should be, not just T&E species.</p> <p>This task is enormous. Who will do this? Paid staff with the ISC? Are you certain it is necessary? It smacks of being a workload simply to check the box.</p>
Other	Government GRAB.

Comments from Documents Provided

Letter	Comments
Patrick McCarthy Thornburg Letter	<p data-bbox="342 284 1018 316">ADOPTION OF REGIONAL WATER SECURITY PLAN</p> <p data-bbox="342 321 1932 743">The criteria for acceptance of regional water plans need clarification and rigor. Earlier efforts at NM regional water planning are widely understood to have underperformed, and this rubric does not address the structural causes of the plans' shortfalls, including: insufficient integration with the state water plan; insufficient attention to, and documentation of, practical and sustainable funding for each PPP, including plans that specify funding sources, amounts, and sequencing; little documentation of explicit linkages between PPPs and state funding vehicles such as the Water Trust Fund and capital outlay, and few to no criteria for project selection; lack of attention to the principles and practices of integrated water resources management (i.e., collaborative management of all water resources—surface water, groundwater, wastewater, and stormwater—to maximize economic, social, and environmental benefits, and coordination across different sectors and jurisdictions to address water challenges holistically); and few requirements, or state technical or financial support, for development of a rigorous and consistent scientific and technical foundation for each regional plan that meets statewide standards.</p>

Letter	Comments
eNGO Letter	<p>x.xx.xx.12 ADOPTION OF REGIONAL WATER SECURITY PLAN: In order to be approved by the commission, regional plans must meet the following criteria:</p> <p>A. Plans shall include a list of projects, programs and policies in order of priority and each project, program, or policy shall:</p> <ul style="list-style-type: none"> (1) Document how it will support water security in the region and improve public welfare, balance of water uses, and the needs of future generations of New Mexicans; (2) Provide an estimate of readiness including when possible a path to implementation, necessary funding, and required permits, (3) and address potential social justice issues and environmental impacts related to implementation of the PPP. <p>B. Councils shall seek and document in the plan Water Security Tribal Advisory Council (WSTAC) involvement, input and endorsements, as applicable.</p> <p>C. Councils shall seek and document in the plan public input in the development, vetting and prioritization of regional water planning activities and proposals in a manner consistent with the guidelines laid out by the commission.</p> <p>D. Councils shall seek and document and incorporate comments received from stakeholders in a manner consistent with the guidelines laid out by the commission.</p> <p>E. Plans shall provide documentation of comments received from, and coordination with, state and federal agencies.</p> <p>F. Councils shall review existing water plans and data sets of municipalities, counties, and other entities within or relevant to the Planning Region and use them as appropriate to, at minimum, summarize regional water sources, uses, and needs.</p> <p>This section gives broad agency to each council to organize and plan as they see fit, which reflects the feedback ISC received that councils needed to be able to adapt to each region's needs. However, we believe that some minimum standards are reasonable to require to ensure consistency across regions and equity of opinion within each plan. Without some minimum standards, plans could easily avoid difficult questions of feasibility and sustainability, and fail to meet the requirements in statute that they consider the public welfare, and needs of future generations.</p>

Letter	Comments
	<div data-bbox="359 224 1923 800" style="border: 2px solid black; padding: 10px;"> <p>G. The outcomes sought by each Regional Water Security Plan shall:</p> <ul style="list-style-type: none"> (1) be established through broad public input; (2) consider public welfare values, balancing all water uses including consumptive and nonconsumptive water use and the needs of future generations of New Mexicans; (3) comply with state water law; (4) be developed using the best available science; (5) recognize and respect federally recognized or reserved tribal water rights; (6) consider access to water for domestic use; and (7) comply with applicable federal water law; and (8) consider the water needs of healthy aquatic and riparian life and ecosystems fish and aquatic and riparian habitats. </div> <p>12.g.2 - While the attorney general has clearly indicated that in-stream/nonconsumptive water rights can be counted as beneficially used, there is still confusion by the public on this fact. We recommend clarifying that balancing water use includes all beneficial uses, consumptive and nonconsumptive.</p> <p>12.g.8 - We recommend language changes in this section to represent a more holistic understanding of the diversity of species and ecosystems that depend on our river and groundwater resources.</p>

Letter	Comments
New Mexico Acequia Association Redlines	<p>Added content in bold:</p> <p>B. Councils shall seek and document in the plan Water Security Tribal Advisory Council (WSTAC) and the Acequia and Rural Water Security Advisory Working Group (ARWSAWG) involvement, input and endorsements, as applicable.</p> <p>Explanatory Comment:</p> <p>The involvement, input, and endorsements of the Acequia and Rural Water Security Advisory Working Group will meet the requirements laid out in the Water Security Planning Act §72-14A-1 et seq., NMSA 1978 and ensure that no water rights are affected:</p> <p>SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER PLANNING--RULES--GUIDELINES.—Subsection C.: “(5) provide engagement with acequia communities; (6) provide for the engagement of rural communities;”</p> <p>SECTION 5. REGIONAL WATER PLANNING ENTITIES.—Subsection C.: “(4) assist in the funding, development and incorporation of plans for rural communities;”</p> <p>SECTION 3. CONDEMNATION OF WATER RIGHTS.— “Nothing in the Water Security Planning Act shall be construed as permitting the condemnation of water rights or as determining, abridging or affecting in any way the water rights of water right owners in the state.”</p>
New Mexico Acequia Association Redlines	<p>Added content in bold:</p> <p>G. The outcomes sought by each Regional Water Security Plan shall:</p> <p>(1) be established through broad public input; (2) consider public welfare values, balancing water uses and the needs of future generations of New Mexicans; (3) comply with state water law; (4) be developed using the best available science; (5) recognize and respect federally recognized or reserved tribal water rights; (6) recognize and respect acequia, mutual domestic, and land grant-mercedes water rights and management authority; (7) consider access to water for domestic use; and (8) comply with applicable federal water law;. (9) meet the water needs of rural and agricultural communities; and (10) consider the water needs of healthy fish and aquatic and riparian habitats.</p>

Letter	Comments
	<p>Explanatory Comment: The incorporation of this language will meet the following requirements of the Water Security Planning Act §72-14A-1 et seq., NMSA 1978: SECTION 3. CONDEMNATION OF WATER RIGHTS.— "Nothing in the Water Security Planning Act shall be construed as permitting the condemnation of water rights or as determining, abridging or affecting in any way the water rights of water right owners in the state."</p> <p>Explanatory Comment: This sought outcome will meet the following requirement of the Water Security Planning Act §72-14A-1 et seq., NMSA 1978 and ensure that the needs of rural communities are not left out: SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER PLANNING--RULES--GUIDELINES.—Subsection C.: “(5) provide engagement with acequia communities; (6) provide for the engagement of rural communities;” SECTION 5. REGIONAL WATER PLANNING ENTITIES.— Subsection C.: “(4) assist in the funding, development and incorporation of plans for rural communities;”</p>

Rule Section 13: Procedure for Regional Water Security Planning Councils to Develop and Provide Notice to the Commission of Issues and Concerns Relating to the Public Welfare of the Water Planning Region

Discussion Draft Language

PROCEDURE FOR REGIONAL WATER SECURITY PLANNING COUNCILS TO DEVELOP AND PROVIDE NOTICE TO THE COMMISSION OF ISSUES AND CONCERNS RELATING TO THE PUBLIC WELFARE OF THE WATER PLANNING REGION

A. Identifying Public Welfare Issues and Concerns for Water Planning Region: Each Council shall establish a process for identifying the issues and concerns relating to the public welfare of the Council's water planning region. The process shall comply with the following requirements:

- (1) All water rights holders or other interested parties who may be affected by a Council's determination shall be given a full and fair opportunity to participate in the process.
- (2) Any member of the public or member of a Council may suggest a possible issue and concern related to public welfare for consideration by a Council.
- (3) A Council shall not act on any suggestion until the requirements of notice and opportunity for participation under this rule have been met.
- (4) In determining whether a particular issue or concern rises to the level of the public welfare of the water planning region, a Council is not required to reach unanimous consensus, but the Council shall include a clear description of the positions of any opponents when it transmits its determination to the Commission.
- (5) Issues and concerns relating to the public welfare of a water planning region identified by a Council under the procedures outlined in this rule shall not be duplicative of the water rights evaluation factors set forth in the state engineer's authorizing statutes (i.e., impairment of existing water rights, contrary to conservation of water within the state, or detrimental to the public welfare of the state).

B. State engineer consideration of regional issues of public welfare in permitting decisions:

(1) The state engineer, in its permitting decisions, may consider issues of public welfare of a water planning region identified by a Council if the state engineer determines that such regional issues are related to or may impact the public of the welfare of the state.

(2) The state engineer shall not be bound by any determination of a Council.

(3) In reviewing applications that implicate a given issue or concern identified by a Council as relating to the public welfare of a water planning region, the state engineer shall explain its reasoning related to such issue or concern if the state engineer determines that it is relevant to the public welfare of the state.

C. Notification of Council's Determination:

(1) When a Council has determined that an issue or concern relates to the public welfare of a water planning region, the Council shall notify the Commission;

(2) The notification shall include the information contained in Subsection A of this Section;

(3) The Commission's staff shall notify the state engineer district office(s) within the relevant water planning region of the Council's determination and shall provide all relevant documentation relating to the determination.

Summary of Questionnaire Responses

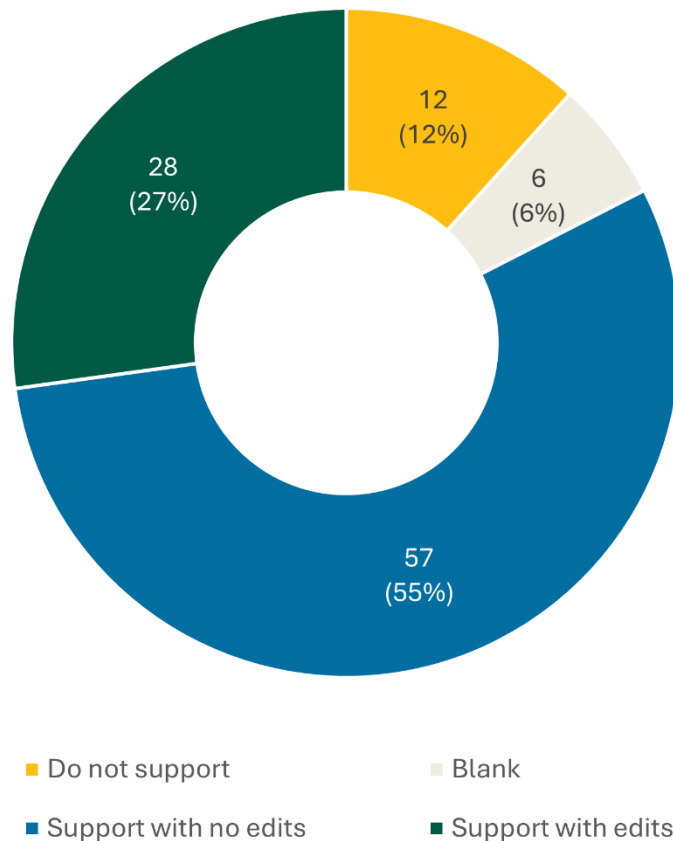


Figure 13. Summary of questionnaire responses for Rule Section 13. Results reflect questionnaire responses received and are not statistically significant.

Rule Section 13 relates to the processes for the identification, consideration, and notification of issues and concerns related to public welfare. Of respondents, 55% indicated that they support the discussion draft rule language with no edits.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Scope and role of the State Engineer in decision making
- Processes for resolution of disagreements between councils and State Engineer
- Recognition of Land Grants and Acequias

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	<p>Section 13.A.3: ISC may want to clarify that these councils are subject to the Open Meeting Act and this provides minimum period for reasonable notice and participation.</p> <p>Section 13.A.4: Without a requirement for unanimous consensus, do councils set the voting threshold for identifying the public welfare issues and concerns? Or is it implicitly by simple majority? Given the potential impacts to water rights, NMDA urges a high threshold.</p>
Specific	<p>A process to examine and accept or overturn a state engineers decision(s) should exist within the commission level as required.</p> <p>-- If a state engineer wishes to approve or disapprove a permitting request against the wishes of a council and the two entities can't resolve it amongst themselves, then a commission "overturn or acceptance" process should be allowed.</p> <p>--- Why have a local council if one person or office can over-ride all council/stake holder wishes???</p>
Specific	<p>What are the checks on the state engineers powers? It seems unjust and inadequate that the state engineer does not have to be bound by a Councils finding on public welfare violations. There needs to be checks and balances on the state engineer - or else they can abuse power and fail to meaningfully respond to public welfare concerns.</p>
Specific	<p>Section x.xx.xx.14.A Procedure for a Regional Water Planning Council to Consider Public Welfare Values and the Needs of Future Generations of New Mexican's references Section 12 as outlining procedures for determining public welfare values but there is no language in Section 12, as currently written, that references public welfare values.</p> <p>Section x.xx.xx.14.B Procedure for a Regional Water Planning Council to Consider Public Welfare Values and the Needs of Future Generations of New Mexican's defines public welfare values that must be considered by the planning council and all of three values listed are specific to determinations by the NMISC and NMOSE. It is assumed that this information will be provided as part of the State Agency Collaboration outlined in the draft guidelines but it should be clearly stated in the rule.</p>
Specific	<p>I don't understand the intent of A(5). Shouldn't we want the issues identified to be consistent with water rights evaluation factors? Avoiding duplication between issues identified and water rights evaluation factors seems</p>

Categorization	Open Ended Response
	weird. Suggest changing "shall not be duplicative of the water rights evaluation factors" to "shall not be inconsistent with the water rights evaluation factors".
Specific	Policy Council should have some teeth - "If it is in conflict with a water right or a law" then non-binding.
Specific	B (1) do you mean "the public or the welfare of the state?" Or did mean the welfare of the public of the state?
Specific	Section A - Please provide more specific clarification on what is meant by "full and fair opportunity to participate in the process." Section B - State engineer should provide a written response in all cases, especially when or if the state engineer, in their opinion, determines that the council's concerns have no relevancy to the public welfare of the state.
Specific	B(1) "may impact the public of the welfare of the state." maybe 'public welfare of the state' ?
Specific	Should time frames for notification (Section C) be included, i.e., within a week, or a certain number of days?
Specific	<p>The phrase that introduces the list in part B could be reworded and formatted to match the other two letter items.</p> <p>Suggestion:</p> <p>B. Consideration of Regional Issues of Public Welfare by the State Engineer in Permitting Decisions:</p> <p>Also, in keeping with the formatting of items A and B, should the semicolons at the end of C.1 and C.2 be changed to periods?</p>
Specific	See G. From previous section concerning full disclosure of data into a comprehensive computer model.
General	I think at this stage we need a 'controlling body' which dictates to the users what they may have. Everyone can make demands and arguments based on their heritage, needs, tradition etc but at the rate of demand growth for water SOMEONE ' IS GOING TO HAVE TO DICTATE ALLOWANCES. Without a reduction in house development , industry all these arguments are mute. The expansion of cities like those around Albuquerque and the south side of Santa Fe are going to take the lions share of the available water. Controlling the cities growth will eliminate a lot of the water issues
General	Need to protect existing water rights
General	"(2) The state engineer shall not be bound by any determination of a Council." What is the point of the council if their determinations are not binding? This would allow the state engineer to dismiss concerns of councils upstream to cow-tow to industry concerns downstream. We need to have enough power in the councils to protect their water.

Categorization	Open Ended Response
General	how are drought emergencies managed?
General	How do local public welfare concerns are to interplay with state engineer prerogatives such as “contrary to water conservation of water within the state”
General	<p>Seems like it gives the State Engineer too much power---just one person. Historically, the SE was often under the influence of the Santa Fe Ring. Perhaps having a consultation with the Interstate Stream Commission would be valuable.</p> <p>How does the whole process work within the existing 13 Adjudications?</p>
General	Any planning is a good idea, but Priority Date and Senior water right must be respected
General	<p>Since RWPs have to be approved by the ISC, why not bind the SE to the Council's public welfare statement?</p> <p>(1) The state engineer, in its permitting decisions, [may] SHALL consider issues of public welfare of a water planning region identified by a Council [if the state engineer determines that such regional issues are related to or may impact the public of the welfare of the state.</p> <p>(2) The state engineer shall not be bound by any determination of a Council.]</p> <p>Delete all material between [].</p>
General	Again, a significant burden is being placed on an all-volunteer council to gather, investigate and present issues or concerns raised. How to pay for staff, professional expertise, carrying out the process of presenting the issues to the Commission and State Engineer?
General	I support the OSE determination of public welfare however, how the Commission and the OSE communicate that determination needs to be more clearly articulated in these rules.
General	More of a question than a comment. How will we deal with the over allocation of our available water resources?
General	In all cases, support Senior water rights and not be contrary to the NMOSE rules and laws of NM Constitution.
General	<p>Objection 3: Public Welfare and Conservation</p> <p>The rules and guidelines are contradictory in that the State Engineer has a role in the development of the Regional Public Welfare Statement and can then ignore it. Acequia welfare and conservation continues to be skewed to the detriment of Indigenous and traditional communities. Despite our putting forth every effort to consider the well-being of our communities and our lands, we keep getting challenged and forced to do more. The same sense of stewardship must be demanded and imposed upon the unchecked water usage of</p>

Categorization	Open Ended Response
	municipalities and developers, industrialists, and agribusiness. The Public Welfare Statement must provide the same protection for Acequia as for endangered species. We cannot allow policy makers to continue ignoring and neglecting the priceless and sacred role that our acequias have for our survival. Thank you for listening to our concerns.
Other	Please see attached document for redline edits.
Other	please see attached letter

Do Not Support

Categorization	Open Ended Response
Specific	<p>NMWA DOES NOT SUPPORT: The section appears to conflate “issues and concerns” with the needed statement of “public welfare of the region.”. Issues and concerns are problems or obstacles that might come up during the planning process and should be reported to the commission. They deserve their own paragraph. Our recommended edits for Issues and Concerns are in x.xx.xx.13 of our markup file.</p> <p>On the other hand, the statement of “public welfare of the region” deserves its own paragraph. The statement of public welfare of the region, containing the region’s goals and values, should serve as one of the criteria for the Region’s vetting ultimate proposed programs of actions in the regional water security plan. Our recommended edits for Public Welfare are in x.xx.xx.14 of our markup file.</p> <p>Also, we recommend deleting subsection B. These ISC rules should not guide or constrain the OSE.</p>
General	<p>A.(4) The following is not fair: a Council is not required to reach unanimous consensus, but the Council shall include a clear description of the positions of any opponents when it transmits its determination to the Commission. Comment: How can a Council prepare and send it determination if a unanimous consensus or at least a majority of consensus isn't provided?</p> <p>A.(5). What exactly does the paragraph mean?</p>
General	Stakeholders likely will be driven by self-interest and not be concerned with the rights of neighboring properties or the welfare of the public a whole. This will result in endless debate that has will needlessly bog down any process
General	The current approach fails to recognize land grants and acequias as political subdivisions of the state, as established under New Mexico law. This oversight disregards their legal status and undermines their authority in managing land and water resources. It is imperative to acknowledge and respect the rights and governance structures of these entities to ensure equitable representation and resource management.
General	No committee, land and water belongs to one

Categorization	Open Ended Response
General	What's the point of the work? To be heard? Why can't the State Engineer hear people without this bureaucracy?
General	If the state engineer shall not be bound, then what does it matter that all of this work if it can be dismissed by the state engineer.
Other	Too much Government.

Comments from Documents Provided

Letter	Comments
Bernalillo County Public Works Department Letter	<p>.13 (A)</p> <p>1. This section needs some work, and it is unclear how local public welfare concerns are to interplay with state engineer prerogatives such as “contrary to water conservation of water within the state”. I do realize that we are threading a needle here, but it seems like that consideration of public welfare as developed locally is going to be subordinate to the state engineer determinations on other factors. Contrary to public welfare is also a factor that must be considered by the state engineer in case determinations. For instance, the OSE defines any beneficial use of water (such as a golf course) as consistent with public welfare, whereas the district court with jurisdiction for the Sandia Basin has indicated that public welfare is not served by such use because that water use is contrary to water conservation.</p> <p>2. Should this be an area where the ISC can advise a given council on issues identified in the leap ahead analysis? This would give Councils a starting point to build upon and refer to. Will the ISC reject/advise certain PPPs? When developing PPPs will Councils have support with navigating permitting hurdles? Early funding opportunities to address data gaps. Contingency projects for emergencies or unforeseen changes. A project list for the next water planning round.a. ISC Commission also identifies existing funding mechanisms as well as identify grants</p> <p>.13 (B)</p> <p>1. The issue is with 13.B (1)- this should be changed to a “shall” from the current “may” and the dependent “if” clause should be deleted. The state engineer needs to clearly define how the consideration was made and the basis for the decision on whether and how a decision on that matter was determined – and yes, that will make it up for legal challenges. (3) Frankly, I am more concerned with the State Engineer’s reason for determining why a local welfare concern ISN’T going to be considered. The basis for decision needs to be elucidated in either case.</p>

Letter	Comments
eNGO Letter	<div data-bbox="422 228 1923 537" style="border: 2px solid black; padding: 10px;"> <p>x.xx.xx.13 PROCEDURE FOR REGIONAL WATER SECURITY PLANNING COUNCILS TO DEVELOP AND PROVIDE NOTICE TO THE COMMISSION OF ISSUES AND CONCERNS RELATING TO THE PUBLIC WELFARE OF THE WATER PLANNING REGION</p> <p>A. Identifying Public Welfare Issues and Concerns for Water Planning Region: Each Council shall establish a process for identifying the water-specific issues and concerns relating to the public welfare of the Council's water planning region. The process shall comply with the following requirements:</p> </div> <p>13.a - We are generally supportive of this section, especially the discussion of consensus requirements. We recommend including "water-specific" to clarify that this public welfare discussion is limited to water-related topics. This would avoid potential straying into important but ultimately not relevant topics that impact life and welfare.</p>
San Juan Water Commission Rule Comments	<p>Added content in bold:</p> <p>B. State engineer consideration of regional issues of public welfare in permitting decisions:</p> <p>(1) The state engineer, in its permitting decisions, may consider issues of public welfare of a water planning region identified by a Council if the state engineer determines that such regional issues are related to or may impact the public of the [sic] welfare of the state.</p> <p>(2) The state engineer shall not be bound by any determination of a Council.</p> <p>(3) In reviewing applications that implicate a given issue or concern identified by a Council as relating to the public welfare of a water planning region, the state engineer shall explain its reasoning related to such issue or concern if the state engineer determines that it is relevant to the public welfare of the state.</p> <p>....</p> <p>(C) Notification of Council's Determination:</p> <p>....</p> <p>(3) The Commission's staff shall notify the relevant state engineer district office(s) of the Council's determination and shall provide all relevant documentation relating to the determination.</p> <p>Explanatory comment:</p> <p>Under state law, the ISC has no authority over the State Engineer's permitting decisions. Further, the Water Security Planning Act, Section 72-14A-4, establishes the scope of the ISC's authority under the Act. The Act does</p>

Letter	Comments
	not address the State Engineer's consideration of regional public welfare issues in permitting decisions. In fact, Section 72-14A-3 of the Act states that nothing in the Act shall be construed "as determining, abridging or affecting in any way the water rights of water right owners in the state." (Emphasis added.) It therefore is improper to adopt a rule indicating what information the State Engineer "may" consider when making a permitting decision and requiring the State Engineer to explain the reasoning concerning public welfare considerations. Subsection B should therefore be deleted in its entirety. For the same reasons, subsection C(3) should be deleted.
South Valley Regional Association of Acequias	The rules and guidelines are contradictory in that the State Engineer has a role in the development of the Regional Public Welfare Statement and can then ignore it. Acequia welfare and conservation continues to be skewed to the detriment of Indigenous and traditional communities. Despite our putting forth every effort to consider the well-being of our communities and our lands, we keep getting challenged and forced to do more. The horrendous Compact "debit" makes it obvious that monied interests are permitted to reap great profits at the expense of our common well-being. The State cannot be allowed to continue to ignore the extraordinary sacrifices our communities have already made to comply. The same sense of stewardship must be demanded and imposed upon the unchecked water usage of municipalities and developers, industrialists, and agribusiness. The Public Welfare Statement must provide the same protection for Acequia as for endangered species. We cannot allow policy makers to continue ignoring and neglecting the priceless and sacred role that our acequias have for our survival.
City of Raton Comments	Section 13.A.1 reads "All water rights holders or other interested parties who may be affected by a Council's determination shall be given full and fair opportunity to participate in the process." The word "participate" is vague, and we would like this language to be strengthened. Water rights holders should have the primary say in their own water resources and not be threatened by others in the region who might have differing interests.

Letter	Comments
Hebard Regional Water Planning Comments	<p>Rule 5. Identifying Public Welfare Issues and Concerns</p> <p>(1) All water rights holders or other interested parties who may be affected by a Council's determination shall be given a full and fair opportunity to participate in the process.</p> <p>What does participate mean? Vote? Veto?</p> <p>(5) Issues and concerns relating to the public welfare of a water planning region identified by a Council under the procedures outlined in this rule shall not be duplicative of the water rights evaluation factors set forth in the state engineer's authorizing statutes (i.e., impairment of existing water rights, contrary to conservation of water within the state, or detrimental to the public welfare of the state).</p> <p>What then is the purpose of a regional public welfare statement? The regional public welfare may well include a statement about non-impairment, etc., which may be deemed contradictory. Is that a problem, since under the next section the SE gets a chance to weigh in on the regional public welfare statement itself?</p>
Hebard Regional Water Planning Comments	<p>B. State engineer consideration of regional issues of public welfare in permitting decisions:</p> <p>(1) The state engineer, in its permitting decisions, may consider issues of public welfare of a water planning region identified by a Council if the state engineer determines that such regional issues are related to or may impact the public of the welfare of the state.</p> <p>(2) The state engineer shall not be bound by any determination of a Council.</p> <p>(3) In reviewing applications that implicate a given issue or concern identified by a Council as relating to the public welfare of a water planning region, the state engineer shall explain its reasoning related to such issue or concern if the state engineer determines that it is relevant to the public welfare of the state.</p> <p>The SE can comment during the planning process on the regional public welfare, especially as to whether that interferes with the state's authorizing statutes. So why is the SE not bound by the accepted regional public welfare statement?</p>

Rule Section 14: Procedure for a Regional Water Planning Council to Consider Public Welfare Values and the Needs of Future Generations of New Mexicans

Discussion Draft Language

PROCEDURE FOR A REGIONAL WATER PLANNING COUNCIL TO CONSIDER PUBLIC WELFARE VALUES AND THE NEEDS OF FUTURE GENERATIONS OF NEW MEXICANS

A. Regional Water Planning Council may consider public welfare values of the water planning region after such values have been determined pursuant to the procedures set forth in Section 12 of this rule.

B. Regional Water Planning Council shall consider the following public welfare values of the state in their regional water planning activities:

(1) The state's ability to meet its obligations under interstate compacts;

(2) The state's ability to comply with the Endangered Species Act, or otherwise prevent significant harm to the habitats of endangered or threatened species; and

(3) Regional water rights settlements, including tribal water rights settlements and alternative administration plans under the Active Water Resources Management program.

C. Procedure for a Regional Water Planning Council to consider the needs of future generations of New Mexicans:

(1) The Regional Water Planning Council shall use the best science, data and models related to water resource planning and shall use them with scientific integrity and adherence to principles of honesty, objectivity, transparency and professionalism, as specified in NMSA 1978, Section 72-14A-4(C)(7);

(2) Regional Water Planning Council shall utilize such data and models to consider the needs of future generations of New Mexicans in their regional planning activities.

Summary of Questionnaire Responses

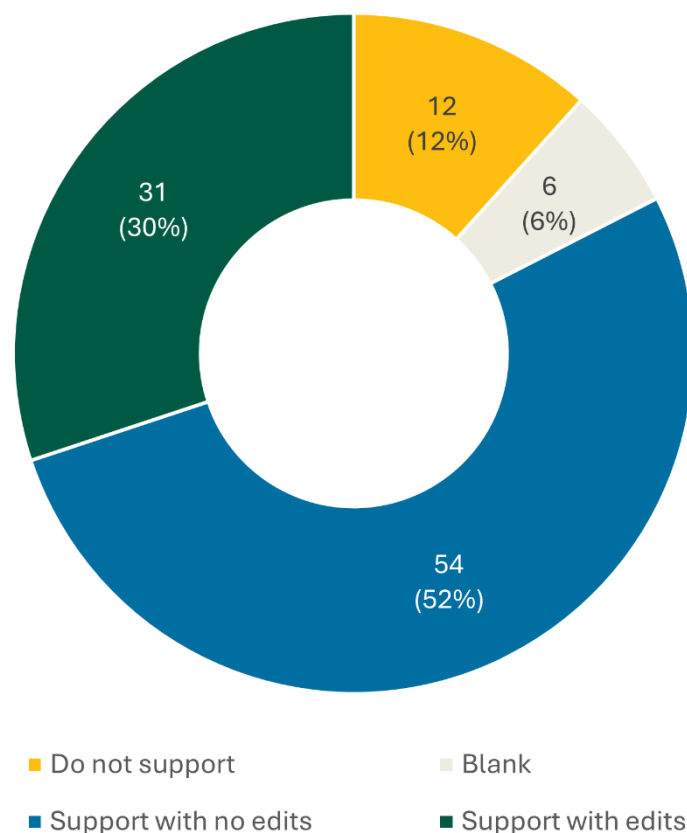


Figure 14. Summary of questionnaire responses for Rule Section 14. Results reflect questionnaire responses received and are not statistically significant.

Rule Section 14 relates to the procedures for consideration of public welfare issues and future generations of New Mexicans. Of respondents, 52% indicated that they support the discussion draft rule language with no edits.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Need for technical support
- Recognition of Land Grants and Acequias
- Water quality protection
- Definition of public welfare

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	Under C, "using the best science, data and models" will require technical support. Will ISC be providing that support?
Specific	Section 14.B: Given OSE/ISC's statutory roles, NMDA is assuming that regional water planning and priority PPPs are only (or primarily) intended to address water quantity, not quality. Otherwise, it might be worth mentioning compliance with Clean Water Act.
Specific	C (1) "...data and, where applicable models..."
Specific	(3) Regional water rights settlements, including tribal water rights settlements, acequia rights settlements, and alternative administration plans under the Active Water Resources Management program.
Specific	In Section C, climate modeling should be explicitly referenced (unless it is included elsewhere in regards to "water resource planning").
Specific	<p>Section x.xx.xx.14.A Procedure for a Regional Water Planning Council to Consider Public Welfare Values and the Needs of Future Generations of New Mexican's references Section 12 as outlining procedures for determining public welfare values but there is no language in Section 12, as currently written, that references public welfare values.</p> <p>Section x.xx.xx.14.B Procedure for a Regional Water Planning Council to Consider Public Welfare Values and the Needs of Future Generations of New Mexican's defines public welfare values that must be considered by the planning council and all of three values listed are specific to determinations by the NMISC and NMOSE. It is assumed that this information will be provided as part of the State Agency Collaboration outlined in the draft guidelines but it should be clearly stated in the rule.</p>
Specific	According to the drafts I have, the public welfare values are determined in Section 13, not Section 12.
Specific	<p>Add to Sec. B</p> <p>(4) The water security of rural and agricultural communities including tribal, Pueblo, acequia, land grant-mercedes, colonias, and other rural communities; and</p> <p>(5) The health of watersheds, ecosystems, and hydrological systems that support the viability of both urban and rural communities.</p>
Specific	Suggested language: Recognizes the right of future generations to clean and ample water.

Categorization	Open Ended Response
Specific	<p>Add to Section B: (4) The state's ability to plan for climate change and the other threats to our water supplies, and take action to secure water resources for the communities, economies, and the ecosystems they support. Particular areas of concern are:</p> <ul style="list-style-type: none"> ·Water supply, including both surface storage and groundwater aquifers; ·Generation of hydroelectric power and other forms of energy; ·River flows to maintain ecosystems and water quality; ·Recreational use of lakes and rivers; and ·Protection from extreme events, including floods, wildfire, and persistent drought. <p>(Adapted from the federal SECURE Water Act of 2010.)</p>
Specific	<p>Section B-2 ESA- Human needs are of course higher than that of an animal or its habitat. Water use should always regard human uses and agriculture food production higher than supporting an animal or its habitat that is not used for human consumption.</p>
Specific	<p>With respect to the public welfare procedures, please see my comments on the previous page.</p> <p>With respect to C, how does the data fit with the activities of the Councils? How are the Councils to use the models? There should be a template included in these rules so that the regions don't have 9 different solutions.</p>
Specific	<p>Unless there is a specific reason not to include the definite article, using "The Regional Water Planning Council..." at the begin of items A, B and C.2 looks and sounds more pleasing.</p>
Specific	<p>Regional Water Planning Council shall also utilize the "best science," data and models "when considering" the needs of future generations of New Mexicans in their regional planning activities.</p>
General	<p>Re: C - How will future generations of New Mexicans be modeled? Does future generations consider immigration from other states and out migration from our state?</p>
General	<p>Recognition and respect for historical Acequia rights. Not just Tribal rights. These have been a factor in hydrological surveys throughout the State. Taking their water is taking everyones water! Please protect the States groundwaters and recharge zones!</p>
General	<p>Be sure to protect existing rights</p>
General	<p>Regional Water Planning Council shall consider the following public welfare values of the state in their regional water planning activities:</p> <p>water quality</p>

Categorization	Open Ended Response
General	The Bosque del Apache, for one example, is a top birding site not only in North America but the world. It is important to note that future generations of New Mexicans should include a much larger view inclusive of animals and birds and insects. My land adjacent to the Rio Grande is teeming with life-giving life. My neighbors are still intent on killing it. I agree with Deb Harland that the Rio Grande should be a wildlife corridor. Please stop obsessing with your own children and nothing else.
General	where's the priorities? For instance, if rationing is needed.
General	How does the whole process work within the existing 13 Adjudications?
General	A very complex process which requires lots of professional expertise. How will this be accomplished by a volunteer council?
General	Council recommendations can not conflict with the custom and culture of the regions, not conflict with the present economic investment use of the water and present proposed plans to the local county commission of the area for their review. as the municipal demands increase, the consideration of agriculture usage should be governing.
General	Refer to: compilation of data into a comprehensive computer model yearly.
Other	Please see attached document for redline edits.
Other	Please see attached letter
Other	As explained before

Do Not Support

Categorization	Open Ended Response
Specific	<p>NMWA DOES NOT SUPPORT: Also see our x.xx.xx.13 comment. Our recommended edits for PUBLIC WELFARE are in x.xx.xx.14 of our markup file. In the discussion draft text:</p> <p>The subsection A reference to approval criteria in x.xx.xx.12 doesn't make sense.</p> <p>Subsection B omits other statewide objectives such as aquifer protection and economic viability</p> <p>Subsection B.(3) alternative administration is a product of planning, not a statewide objective</p> <p>Subsection C.(1) "integrity" should be much broader than "consideration of future generations"</p> <p>NMWA SEES A KEY OMISSION: Requirements for an effective planning process with ISC actions and regional council actions are both absent. Our recommended additions are in x.xx.xx.15 and x.xx.xx.16 of our markup file. They also serve to delineate responsibilities between ISC and the Regional Planning Councils. These requirements are enforced through x.xx.xx.12.</p>
Specific	Section B needs to include water-related uses that are economic drivers in the region.

Categorization	Open Ended Response
General	C.(1). Will the Regional Water Planning Council be ok with outside experts having access and analyzing the data and models to make sure honesty, objectivity, transparency and professionalism is held?
General	<p>The concept of Public Welfare shown here is way too narrow.</p> <p>It seems to benefit special interests.</p> <p>I do not think the ISC is ready to define Public Welfare. Doing so should be a separate activity. This should not be under the control of the OSE/ISC.</p>
General	The current approach fails to recognize land grants and acequias as political subdivisions of the state, as established under New Mexico law. This oversight disregards their legal status and undermines their authority in managing land and water resources. It is imperative to acknowledge and respect the rights and governance structures of these entities to ensure equitable representation and resource management.
General	No committee leave water rights to land owner
Other	Again, to much Government.

Comments from Documents Provided

Letter	Comments
Bernalillo County Public Works Department Letter	<p>.14 (A)</p> <p>1. This seems misplaced due to its reference to the procedures in section 12. I think the problem here is “may consider” as the steps in section 12 are a “consideration. I would suggest the language here be changed to “may adopt” “or ‘may include public welfare within the plan”</p> <p>.14 (B)</p> <p>1. I think what is being done here is an issue of primacy and trying to set boundaries on how far the councils can go with the public welfare statements. If that is truly the case, then state it as a constraint not as a consideration.</p>
Patrick McCarthy Thornburg Letter	<p>PROCEDURE FOR A REGIONAL WATER PLANNING COUNCIL TO CONSIDER PUBLIC WELFARE VALUES AND THE NEEDS OF FUTURE GENERATIONS OF NEW MEXICANS Add to Section B: (4) The state's ability to plan for climate change and the other threats to our water supplies and take action to secure water resources for the communities, economies, and the ecosystems they support. Areas of concern are: • Water supply, including both surface storage and groundwater aquifers; • Generation of hydroelectric power and other forms of energy; • River flows to maintain ecosystems and water quality; • Recreational use of lakes and rivers; and •</p>

Letter	Comments
	Protection from extreme events, including floods, wildfire, and persistent drought. (Adapted from the federal SECURE Water Act of 2010.)
eNGO Letter	<div data-bbox="420 337 1927 1347" style="border: 1px solid black; padding: 10px;"> <p>x.xx.xx.14 PROCEDURE FOR A REGIONAL WATER PLANNING COUNCIL TO CONSIDER PUBLIC WELFARE VALUES AND THE NEEDS OF FUTURE GENERATIONS OF NEW MEXICANS</p> <p>A. Regional Water Planning Council may consider public welfare values of the water planning region after such values have been determined pursuant to the procedures set forth in Section 12 of this rule.</p> <p>B. Regional Water Planning Council shall consider the following public welfare values of the state in their regional water planning activities:</p> <ul style="list-style-type: none"> (1) The state's ability to meet its obligations under interstate compacts; (2) The state's ability to comply with the Endangered Species Act, to avoid additional listings of species, or otherwise prevent additional degradation to habitats and ecosystems significant harm to the habitats of Federal- and State-endangered or -threatened species; and (3) Regional water rights settlements, including tribal water rights settlements and alternative administration plans under the Active Water Resources Management program. <p>C. Regional Water Planning Council shall consider needs of future generations of New Mexicans in their regional water planning activities. Procedure for a Regional Water Planning Council to consider the needs of future generations of New Mexicans:</p> <ul style="list-style-type: none"> (1) The Regional Water Planning Council shall use the best science, data and models related to water resource planning and shall use them with scientific integrity and adherence to principles of honesty, objectivity, transparency and professionalism, as specified in NMSA 1978, Section 72-14A-4(C)(7); (2) Regional Water Planning Council shall use and document the use of utilize such data and models to consider the needs of future generations of New Mexicans in their regional planning activities. (3) Using the information developed from the above methods, The Regional Water Planning Council shall document the long-term sustainability and impacts of any proposed projects, including an estimate of how long any benefits achieved from a project are expected to remain. </div> <p>14.b - We strongly support the inclusion of Endangered Species Act compliance, and recommend mirroring ISC's goals in the Strategic Water Reserve - to prevent the listing of future species. We also recommend a broader definition of habitats beyond just federal and state listed species.</p>

Letter	Comments
	<p>14.c - The Water Security Planning Act requires that the rules define a procedure for the council to consider the needs of future generations. We believe that Section 14 needs to provide a minimum standard for what this consideration is. The use of best available science, while critical to planning in general, does not address or describe the needs of future generations by default. We recommend these changes to ensure that future generations are meaningfully considered in the planning and prioritization process.</p>
<p>New Mexico Acequia Association Redlines</p>	<p>Added content in bold:</p> <p>B. Regional Water Planning Council shall consider the following public welfare values of the state in their regional water planning activities:</p> <p>(1) The state's ability to meet its obligations under interstate compacts;</p> <p>(2) The state's ability to comply with the Endangered Species Act, or otherwise prevent significant harm to the habitats of Federal- and State-endangered or -threatened species; and</p> <p>(3) The state's ability to meet the needs of future generations of New Mexicans;</p> <p>(4) Regional water rights settlements, including tribal water rights settlements and alternative administration plans under the Active Water Resources Management program;</p> <p>(5) The water security of rural and agricultural communities including tribal, Pueblo, acequia, land grant-mercedes, colonias, and other rural communities; and</p> <p>(6) The health of watersheds, ecosystems, and hydrological systems that support the viability of both urban and rural communities.</p> <p>Explanatory Comment to B.(5):</p> <p>This additional value is critical to meet the following requirements in the Water Security Planning Act §72-14A-1 et seq., NMSA 1978 and ensure that the plans are equitable:</p> <p>SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER PLANNING--RULES--GUIDELINES.—Subsection B:</p> <p>"B. The commission shall establish a procedure, in consultation with the Indian affairs department, to establish an advisory council for taking into account in the regional water security program tribal sovereignty, tribal water rights and the water needs of tribal communities."</p> <p>Subsection C.:</p> <p>"(4) provide engagement with Indian nations, tribes and pueblos, including through the use of the State-Tribal Collaboration Act;</p> <p>(5) provide engagement with acequia communities;</p> <p>(6) provide for the engagement of rural communities;"</p>

Letter	Comments
	<p>SECTION 5. REGIONAL WATER PLANNING ENTITIES.—Subsection C.: “(4) assist in the funding, development and incorporation of plans for rural communities;”</p>
<p>New Mexico Acequia Association Redlines</p>	<p>Added content in bold: C. Procedure for a Regional Water Planning Council to consider the needs of future generations of New Mexicans: (1) The Regional Water Planning Council shall use the best science, data and models related to water resource planning and shall use them with scientific integrity and adherence to principles of honesty, objectivity, transparency and professionalism, as specified in NMSA 1978, Section 72-14A-4(C)(7); (2) Regional Water Planning Council shall utilize such data and models to consider the needs of future generations of New Mexicans in their regional planning activities. (3) The Regional Water Planning Council shall conduct surveys and collect data from the youth in each region to include their water concerns, needs, wishes, and future ways of life in the planning process. (4) The Regional Water Planning Council shall recognize the right of future generations to clean and ample water.</p> <p>Explanatory Comment to C.(3): This additional procedure will provide each council with substantive data to evaluate the needs of future generations of New Mexicans and meet the following requirement of the Water Security Planning Act §72-14A-1 et seq., NMSA 1978: SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER PLANNING--RULES--GUIDELINES.— Subsection C: “(e) the procedure for a regional water planning entity to consider public welfare values and the needs of future generations of New Mexicans;” SECTION 5. REGIONAL WATER PLANNING ENTITIES.—Subsection B: (2) consider public welfare values, balancing water uses and the needs of future generations of New Mexicans;</p> <p>Explanatory Comment to C.(4): This additional procedure will provide each council with the need of future generations to have ample and clean water to prosper in New Mexicans and meet the following requirement of the Water Security Planning Act §72-14A-1 et seq., NMSA 1978: SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER PLANNING--RULES--GUIDELINES.— Subsection C:</p>

Letter	Comments
	<p>“(e) the procedure for a regional water planning entity to consider public welfare values and the needs of future generations of New Mexicans;”</p> <p>SECTION 5. REGIONAL WATER PLANNING ENTITIES.—Subsection B:</p> <p>(2) consider public welfare values, balancing water uses and the needs of future generations of New Mexicans;</p>
San Juan Water Commission Rule Comments	<p>Added content in bold:</p> <p>B. Regional Water Planning Councils shall consider the following public welfare values of the state in their regional water planning activities:</p> <p>(1) The state’s ability to meet its obligations under interstate compacts;</p> <p>(2) The state’s ability to comply with the Endangered Species Act, or otherwise prevent significant harm to the habitats of Federal- and State-endangered or threatened species; and</p> <p>(3) The state’s ability to comply with congressionally authorized tribal water settlement acts.”</p> <p>(3) Regional water rights settlements, including tribal water rights settlements and alternative administration plans under the Active Water Resources Management Program.</p> <p>Explanatory comment:</p> <p>The proposed changes more closely track the language of Section 72-14A-4(C)(9), which does not refer to preventing “significant harm” to endangered species and specifically refers to “congressionally authorized tribal water settlement acts.” Further, Section 72-14A-4(C)(9)(c) does not require that regional water planning entities consider alternative administration; rather, it requires the ISC to “support” planning entities in the “development of a proposal for alternative administration through active water resources management, if prioritized by the region . . .” (Emphasis added.)</p>
Elaine Hebard Comments	<p>Why was the Objective1 so limited?</p> <p>From §72-14A-4:</p> <p>3. (7) ensure, by using the integrated water data and information platform developed pursuant to the Water Data Act [72-4B-1 to 72-4B-4 NMSA 1978] and collaborating with the bureau of geology and mineral resources of the New Mexico institute of mining and technology and the water resources research institute, that the best science, data and models relating to water resource planning are available to the regional water planning entities and are used with scientific integrity and adherence to principles of honesty, objectivity, transparency and professionalism in developing, vetting and prioritizing proposals;</p>

Letter	Comments
	<p>There is no inclusion as to how this water data and information platform gets integrated into the regional process.</p>
<p>Hebard Regional Water Planning Comments</p>	<p>B. Regional Water Planning Council shall consider the following public welfare values of the state in their regional water planning activities:</p> <p>(1) The state's ability to meet its obligations under interstate compacts;</p> <p>(2) The state's ability to comply with the Endangered Species Act, or otherwise prevent significant harm to the habitats of Federal- and State-endangered or -threatened species; and</p> <p>(3) Regional water rights settlements, including tribal water rights settlements and alternative administration plans under the Active Water Resources Management program.</p> <p>The Regional Water Planning Council shall consider regional water rights settlements! But this seems to go further in suggesting that it is in the State's interests for the region to consider alternative administration plans. Why not also include in the public welfare statement that it is in the State's as well as the regions' interests for current laws to be administered.</p> <p>(1) The Regional Water Planning Council shall use the best science, data and models related to water resource planning and shall use them with scientific integrity and adherence to principles of honesty, objectivity, transparency and professionalism, as specified in NMSA 1978, Section 72-14A-4(C)(7);</p> <p>This is frankly about the only place where there is any reference to what might be in the basis of the plans, but there is still nothing about process. Nor is there any mention as to how these models, etc. will be acquired and used.</p> <p>(2) Regional Water Planning Council shall utilize such data and models to consider the needs of future generations of New Mexicans in their regional planning activities.</p>

Guidelines Results Summary

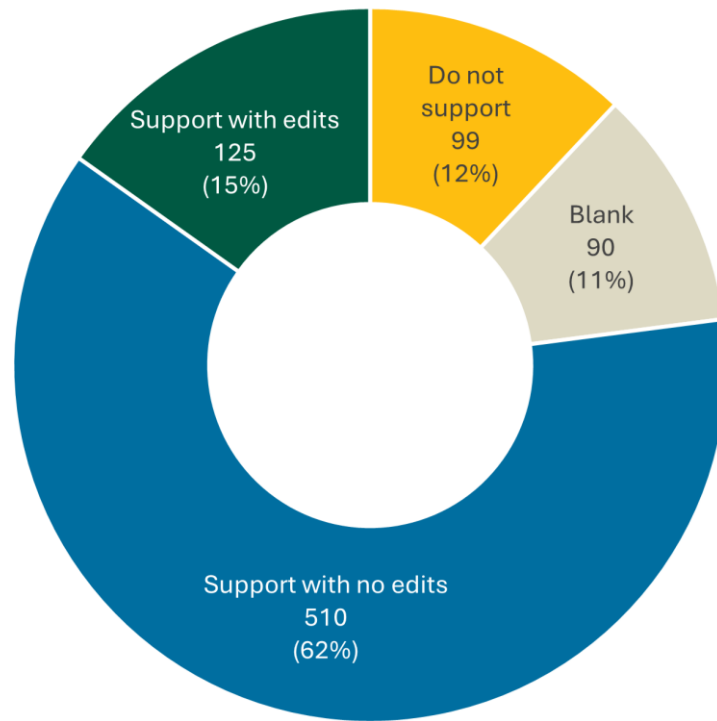


Figure 15. Summary of responses across all eight discussion draft guidelines. Results reflect questionnaire responses received and are not statistically significant.

Across all eight of the discussion draft guidelines, 62% of responses were “Support with no edits” as shown in Figure 15, indicating majority support for rule language. Of responses, 15% were “Support with edits” and 12% were “Do not support”.

A summary of questionnaire responses by guideline, showing how responses varied by rule section, is provided in Figure 16 on the next page. The highest level of support with no edits was for Guideline 2 (Identification of Regional Stakeholders and Opportunities for Stakeholder Collaboration) at 68% and the lowest level of support with no edits was for Guidelines 8 and 9 (Schedule for Implementation of Regional Water Planning, Including Integration with Statewide Objectives and Commission Approval of Regional Water Security Plans) at 54% each.

This section of the report then provides a summary of responses and categorized open-ended comments provided for each guideline.

Guidelines Results Summary

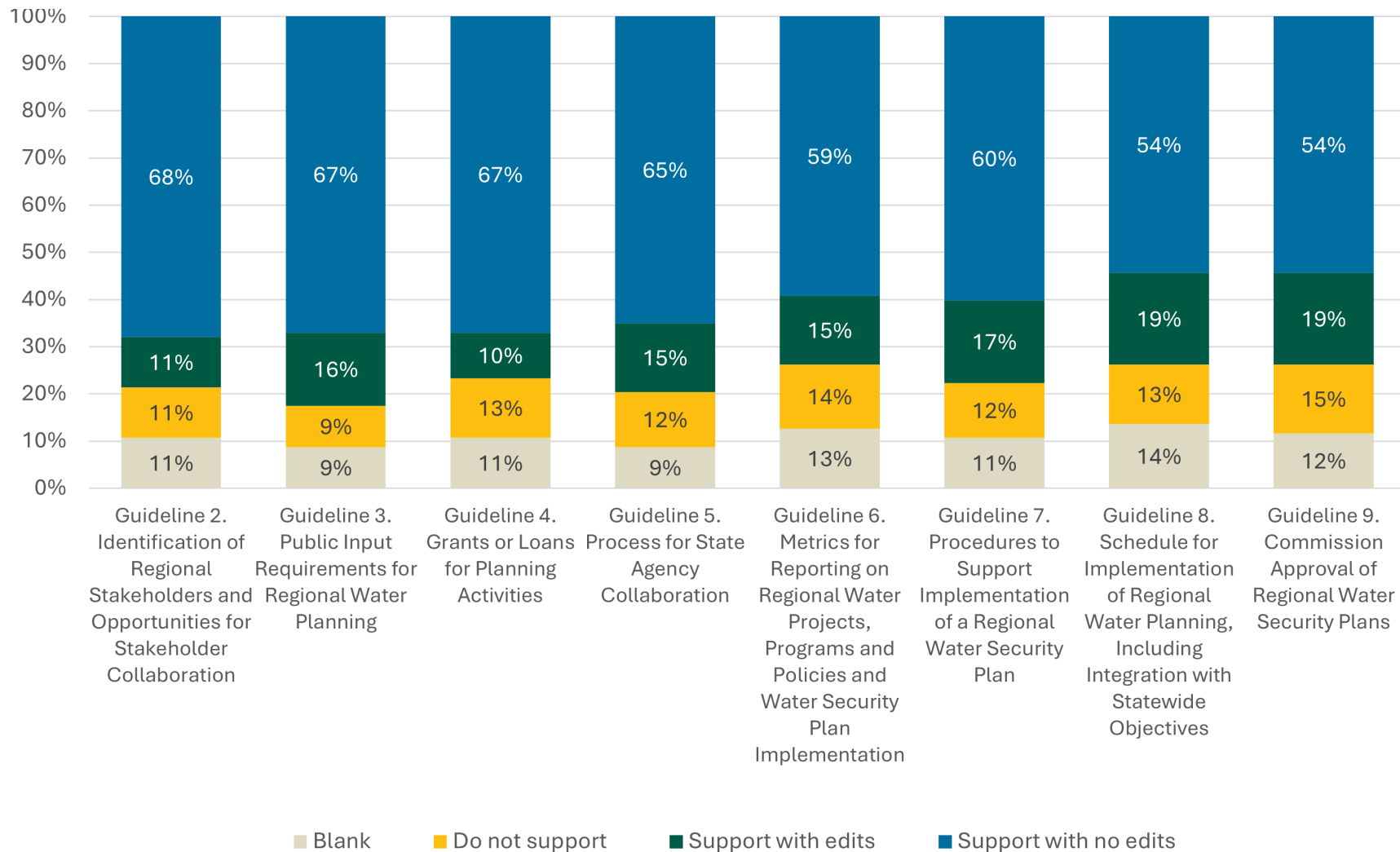


Figure 16. Summary of questionnaire responses by guideline. Results reflect questionnaire responses received and are not statistically significant.

Guideline 2: Identification of Regional Stakeholders and Opportunities for Stakeholder Collaboration

Discussion Draft Language

2.0 IDENTIFICATION OF REGIONAL STAKEHOLDERS AND OPPORTUNITIES FOR STAKEHOLDER COLLABORATION

2.1 Stakeholders shall be consulted in the development of any RWSP. Stakeholders shall have a voice in the planning process but do not have final say in the decisions regarding water planning in a region.

2.2 Planning Councils must establish a method for Stakeholders to enter into and engage in the planning process. At a minimum, the identification of Stakeholders shall include:

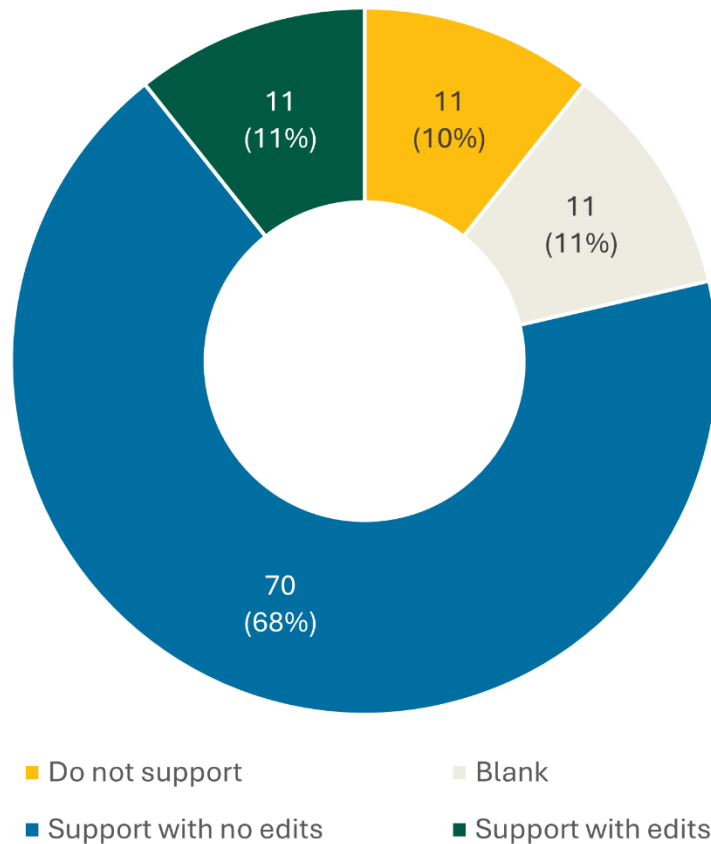
- a. documentation that the Stakeholder lives within the region or has provided a statement of interest.
- b. a point of contact for the Planning Council.

2.3 Planning Councils shall conduct adequate notice and maintain a distribution list for Stakeholders. Stakeholders may elect to receive information by email, USPS First Class mail, or other methods approved by the Planning Council. Members of the Stakeholder list should be notified of the following opportunities:

- a. to support/endorse council members.
- b. to provide comments on proposed plan language.
- c. to provide notice of dissent to the NMISC at the time of plan submission for consideration.
- d. notice of Planning Council meetings and in-person or remote attendance options.

2.4 Additional opportunities can be developed at the discretion of the Planning Council.

Summary of Guideline Questionnaire Responses



Guideline 2 relates to the identification and notification of stakeholders consulted in the development of a regional water security plan. This guideline had the highest level of support for the discussion draft language without edits at 68%.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Role of experts vs. volunteer council
- Procedures for defining council membership
- Amount of volunteer council responsibilities

Figure 17. Summary of questionnaire responses for Guideline 2. Results reflect questionnaire responses received and are not statistically significant.

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	d. notice of Planning Council meetings and in-person and remote attendance options.
Specific	Subsection 2.2 - what "documentation" constitutes proof of residence? It would be better to state a "written statement of interest" rather than a "statement of interest."
Specific	2.2 Allows for non region stakeholders to exist provided a letter of interest is provided Concern: This allows for individuals and or groups without a direct connection to the water planning region to become a stakeholder, perhaps for purposes not in the best interest of the water planning region Suggestion: Remove the possibility of becoming a stakeholder via interest and leave it solely to the actual stakeholders residing within the region
Specific	You dropped "Regional" from Planning Council. Whenever acronyms are used they should be spelled out the first time they are used, with the acronym in (). Don't make people guess what they mean.
Specific	3.1a - Should "regular intervals" be more specific for consistency across councils?
Specific	3.4 list of projects, programs and policies ("PPPs") should spell out projects, programs and policies () in 3,1 the first time you use PPP. Add Regional to "Planning Councils."
Specific	3.1.a: "Inform Stakeholder list" sounds awkward. "Inform the list of stakeholders"? 3.1.b. if the development of the RWSP is a multi-year process, it may be worth specifying a more concrete time interval for the public meetings (e.g. two public meetings per year). 3.2.a. suggest changing "sign" to "sign language" or "ASL".
General	This is not good!: "Stakeholders shall have a voice in the planning process but do not have final say in the decisions regarding water planning in a region. " You'll pretend to listen but you are not really listening. Makes it look participatory and democratic but it's not.
General	Section 2.3 indicates that there will be a method for deciding council members, stating that stakeholders must be provided an opportunity to support/endorse council members. Neither the draft rule or guidelines define

Categorization	Open Ended Response
	how membership will be determined and approved by the commission It is also not clear why the council would be responsible for informing stakeholders of council member changes when that is wholly the responsibility of the commission.
General	Complex structure and significant recordkeeping obligations, with no obligation of state funding or support. How will this be carried out by a volunteer council?
General	Water right holders should have first priority
General	All councils shall provide an interactive model of WIP (work in progress) on a yearly basis.
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
Specific	At this stage in history ,we need experts to TELL us what we can have ,not a bunch of groups arguing why their needs are superior to others. TELL the city councils you have x amount and no more. The same for every user.
Specific	<p>NMWA DOES NOT SUPPORT</p> <p>Guidelines should provide “how-to” recommendations for interpreting the Rules. Rules are the place for presenting requirements.</p> <p>The Rules should specify a process for planning and developing plans, within which Guidelines provide recommendations on how the rules might be implemented.</p> <p>The logical content of many of the Guidelines in the discussion draft should migrate into in the Rules. Until we see how that migration plays out, further comment on the Guidelines would not be productive.</p> <p>We believe we have accomplished most, if not all of that migration in our markup of the discussion draft.</p>
Specific	The current approach fails to recognize land grants and acequias as political subdivisions of the state, as established under New Mexico law. This oversight disregards their legal status and undermines their authority in managing land and water resources. It is imperative to acknowledge and respect the rights and governance structures of these entities to ensure equitable representation and resource management.
General	NO leave water rights to the land owner
Other	Everything the Goverment is involved in is a Disaster.

Comments from Documents Provided

Letter	Comments
eNGO Letter	<div data-bbox="401 293 1955 821" style="border: 2px solid black; padding: 10px;"> <p>2.0 IDENTIFICATION OF REGIONAL STAKEHOLDERS AND OPPORTUNITIES FOR STAKEHOLDER COLLABORATION</p> <p>2.1 Stakeholders shall be consulted in the development of any RWSP. Stakeholders shall have a voice in the planning process but do not have final say in the decisions regarding water planning in a region.</p> <p>2.2 Planning Councils must establish a method for Stakeholders to enter into and engage in the planning process. At a minimum, the identification of Stakeholders shall include:</p> <ul style="list-style-type: none"> a. documentation that the Stakeholder lives within the region or has provided a statement of interest. b. a point of contact for the Planning Council. c. what group the stakeholder represents. </div> <p>2.2 - In this section, it is somewhat unclear whether meeting the listed minimum requirements is the responsibility of the stakeholder or the council. We are taking it to mean the minimum required information that the council must gather about stakeholders, but this could be clarified.</p> <p>2.2.b - For this requirement in particular, it is unclear if this is a point of contact in the stakeholder organization, or among Council members.</p> <p>2.2.c - We support the requirements for documentation of the stakeholder engagement process, and as a part of that, we recommend an additional point requiring documentation of what interest or group the stakeholder represents. This may be self-identified.</p>

Letter	Comments
	<div data-bbox="394 224 1948 893" style="border: 2px solid black; padding: 10px;"> <p>2.3 Planning Councils shall conduct adequate notice and maintain a distribution list for Stakeholders. Stakeholders may elect to receive information by email, USPS First Class mail, or other methods approved by the Planning Council. Members of the Stakeholder list should be given, at minimum, sixty days notice notified of the following opportunities:</p> <ul style="list-style-type: none"> a. to support/endorse council members: a. to provide comments on proposed plan language. b. to provide notice of dissent to the NMISC at the time of plan submission for consideration. <p>And thirty days notice of the following opportunities:</p> <ul style="list-style-type: none"> a. to support/endorse council members b. notice of Planning Council meetings and in-person or remote attendance options. </div> <p>2.3 - We feel that the intent of this section is extremely important to ensure adequate public and stakeholder engagement. Because these are guidelines, we feel it is an appropriate place to provide specific minimum notice times. We recommend splitting this section into two groups, such that “members of the Stakeholder list should be given, at minimum, sixty days notice” of opportunities under 2.3.b and 2.3.c, and “thirty days notice” of opportunities under 2.3.a and 2.3.d.</p>

Letter	Comments
San Juan Water Commission Guidelines Comments	<p>Added content in bold:</p> <p>2.1 Planning Councils shall consult Stakeholders shall be consulted in the development of any RWSP. Councils shall have final decision making authority Stakeholders shall have a voice in the planning process but do not have final say in the decisions regarding water planning in a region.</p> <p>2.2 Planning Councils must establish a method to provide notice to for Stakeholders of the opportunity to enter into and engage in the planning process Planning Activities. At a minimum, the identification of Stakeholders shall include: notice shall comply with the Rule.</p> <p>a. documentation that the Stakeholder lives within the region or has provided a statement of interest.</p> <p>b. a point of contact for the Planning Council.</p> <p>Explanatory comment:</p> <p>SJWC has proposed that minimum notice requirements be set forth in the Rule. Also, SJWC's proposed definitions of "stakeholder" and "public" eliminate the need for a statement of interest or proof of residency here.</p>
San Juan Water Commission Guidelines Comments	<p>Added content in bold:</p> <p>2.3 Planning Councils shall conduct adequate notice and maintain a distribution list for of Stakeholders that have requested an opportunity to monitor or participate in Planning Activities. Stakeholders may elect to receive information by email, USPS First Class mail, or other methods approved by the Planning Council. Members of the Stakeholder list should be notified of the following opportunities:</p> <p>a. to support/endorse council members.;</p> <p>b. to provide comments on proposed plan language.;</p> <p>c. to provide notice of dissent to the NMISC at the time of plan submission for consideration.;</p> <p>d. to participate in notice of Planning Council meetings, including and in-person or and remote attendance options.</p> <p>2.4 Additional opportunities for Stakeholders to participate in Planning Activities may be developed at the discretion of the Planning Council.</p>

Guideline 3: Public Input Requirements for Regional Water Planning

Discussion Draft Language

3.0 PUBLIC INPUT REQUIREMENTS FOR REGIONAL WATER PLANNING

3.1 RWSPs must include ample opportunities for the public to be involved in the development of the plan and the development of the prioritization of PPPs. During the development of any regional water security plan, the Planning Council must, at a minimum:

- a. Inform Stakeholder list and distribute information regionally about the development of the plan, including opportunities for input, at regular intervals.
- b. Host two public meetings, with support for both in-person and virtual opportunities for participation.
- c. Provide a minimum of sixty days for the public to comment in person, via email, or through a web site on a draft water security plan.
- d. Provide an opportunity for public comments to be reviewed ahead of finalization of a water security plan.

3.2 Additional opportunities for input may include, but are not limited to:

- a. Providing materials in languages in common use within the region (e.g., sign, Spanish, Tewa, Navajo).
- b. Hosting additional meetings, focus groups, listening sessions, open house events, etc.

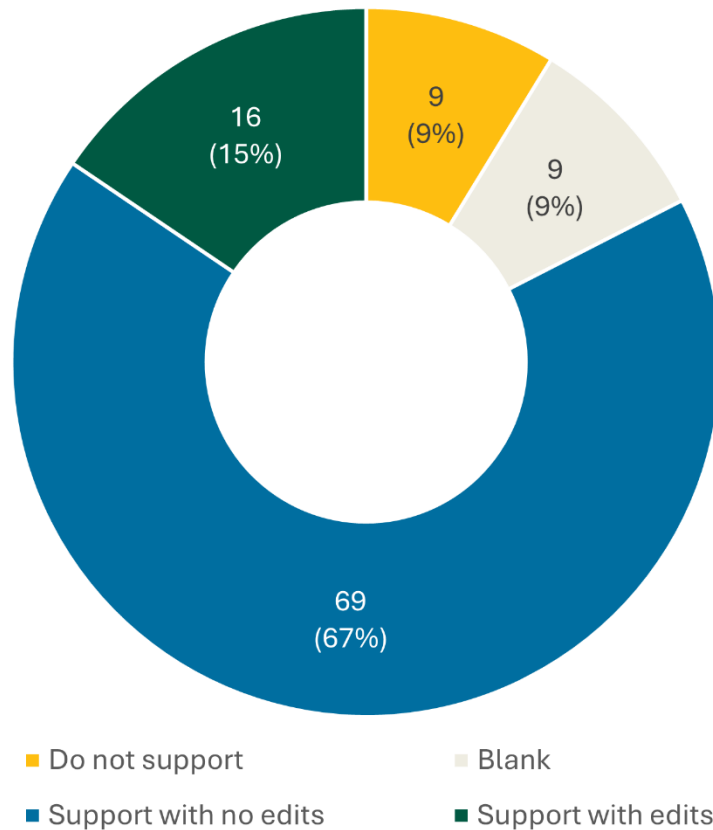
3.3 WSPA emphasizes engaging rural communities, therefore the Planning Council may consider a range of participation options that eliminate barriers such as access to a stable internet connection or lengthy travel. This could include, for example:

- a. providing engagement resources (e.g., presentations, paper surveys) to local community partners with existing connections in rural areas.
- b. multiple in-person opportunities distributed throughout larger regions.
- c. meeting spaces or computer access for remote participation.

3.4 Planning Councils may create working groups to increase opportunities for participation or to address water security planning topics of concern that are particular to a geographic sub-region, Stakeholders, or other sector. Regardless of the number of working groups within a Planning Region, a prioritized list of projects, programs and policies ("PPPs") must be consolidated into a single list for the Regional Water Security Plan.

3.5 Planning Regions or sub-regions are encouraged to coordinate and share information or resources with other Planning Regions or sub-regions.

Summary of Guideline Questionnaire Responses



Guideline 3 relates to the requirements and methods of public engagement in regional water security planning. Of respondents, 67% indicated that they support the discussion draft language with no edits.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Meeting notice period and format
- Planning timeline and public participation frequency
- Amount of volunteer council responsibilities

Figure 18. Summary of questionnaire responses for Guideline 3. Results reflect questionnaire responses received and are not statistically significant.

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	Meetings should be advertised in a newspaper
Specific	<p>Section 3.1.b: What is the timeframe in which these plans will be developed and the two required public meetings will take place? There should be at least annual opportunities for public participation. NMDA is concerned that there could be only two public opportunities over the initial six-year development phase and each ten-year subsequent phase. Also, you may want to clarify that the public will also automatically be able to attend and provide comment in the regular regional council meeting per the NM Open Meeting Act (assuming this is the case).</p> <p>Section 3.1.d: NMDA suggests adding a protocol for formal responses to public comments, including specification of what constitutes substantive comments. This will provide transparency that they were reviewed and diligently considered.</p>
Specific	<p>Certainly support 3.2; however, a caveat should be added that if nontraditional methods are required they should be requested.</p> <p>-- If nontraditional methods are requested the Commission should provide the resources to fulfill these request.</p>
Specific	define PPP's up front (Section 3.1) not in Section 3.4
Specific	Should read: At least two public meetings per Planning Council. More public meetings should be scheduled as needed.
Specific	<p>a. providing engagement resources (e.g., presentations, paper surveys) to local community partners with existing connections in rural areas.</p> <p>b. multiple in-person opportunities distributed throughout larger regions.</p> <p>c. meeting spaces or computer access for remote participation.</p> <p>d. remote participation available for ALL meetings.</p>
Specific	<p>For a two-year planning process, there should be more than two opportunities for public comment. Suggest that 3.1 b. "Host two public meetings, with support for both in-person and virtual opportunities for participation."</p> <p>should be changed to</p> <p>"Host four public meetings, with support for both in-person and virtual opportunities for participation."</p>

Categorization	Open Ended Response
Specific	Given the size of some districts, there is likely to be a wide variation of PPPs. It might be more useful to support the development of PPPs to address the issues of sub-basins.
Specific	4.1 Addendum: all grants or loans will be approved or rejected by a representative of each group of stakeholders.
General	One of the updated plans that was put forth, was not agreeable to the Lower Rio Grande Water Users Organization but the approvers ignored and it was just approved without support. Need to make sure this doesn't happen again. Many in the area felt the state rammed it down everyone's throat. It would be better to get agreement. May be a Trust issue now that needs to be fixed.
General	Guidelines, and rule, need to define "adequate notice" or at least provide a minimum period of time that would be considered as having met this requirement. Without this clarification, there will be significant variability across planning regions and therefore inequity in engagement of public.
General	THis sounds like a full-blown administrative hearing structure, requiring professional expertise and many hours of time. How can this be carried out by a volunteer council?
General	I'm assuming that the proposal requirements and approval process will include some sort of "allocation transparency" to promote fairness and transparency. That priorities will be set by need or alignment with statewide objectives.
General	Be more specific here. What would be the goals of the grant program? What might be the restrictions? Set out some boundaries here in this document that will better guide the commission. For example, oil and gas or other industrial users should not be eligible for grants.
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
General	NMWA DOES NOT SUPPORT: As explained in our Guideline 2.0 comment, it is premature to draft Guidelines. As recommendations for implementing Rules, Guidelines should be drafted after we have quasi-final or approved Rules.
General	Limiting the consultation process to only two meetings is a significant affront to all water rights owners and the broader public who depend on water for farming and agriculture in their communities. This minimal engagement fails to provide adequate opportunities for meaningful input and disregards the essential role these stakeholders play in water resource management.
General	NO committee leave water rights to land owner

Categorization	Open Ended Response
General	This section is so vague. Where is the funding coming from? Who is going to be responsible for administering it? How is ISC/OSE going to enforce technical and meaningful project planning development? Knowing the variability of appropriations from the legislature, how could New Mexicans really believe that these initiatives will ever be taken seriously and get off the ground?
General	There is considerable economic disparity among regions and within a region. This will aggravate that disparity. Wealthy areas will have the resources to have a grant writer. Poor ones will not. Wealthy areas will receive priority. Poor ones will not.
Other	Keep Government out.

Comments from Documents Provided

Letter	Comments
eNGO Letter	<p>3.1 RWSPs shall must include ample opportunities for the public to be involved in the development of the plan and the development of the prioritization of PPPs. During the development of any RWSP regional water security plan, the Planning Council must, at a minimum:</p> <ul style="list-style-type: none"> a. Inform Stakeholder list and distribute information regionally about the development of the plan, including opportunities for input, at regular intervals. b. Host two public meetings, with support for both in-person and virtual opportunities for participation. c. Provide a minimum of sixty days for the public to comment in person, via email, or through a web site on a draft or final versions of water security plan. d. Provide an opportunity for public comments to be reviewed ahead of finalization of a water security plan. <p>3.1 - For consistency and formality, we recommend changing “must” to “shall”.</p> <p>3.1 - We value the inclusion of both the minimum number of Council meetings and minimum number of public meetings per year, because we feel a working Council meeting (while potentially being open to the public) has a very different purpose than a public education and update meeting. As it stands, this section does not clarify if there is a</p>

Letter	Comments
	<p data-bbox="363 215 1978 289">difference between these meeting types, or define what a public versus council meeting is. We recommend establishing a minimum of two public meetings in addition to the three Council meetings required in rule.</p> <div data-bbox="380 302 1961 561" style="border: 2px solid black; padding: 10px;"> <p data-bbox="411 321 1856 362">3.2 ISC will support aAdditional opportunities for input, which may include, but are not limited to:</p> <ul style="list-style-type: none"> <li data-bbox="531 386 1927 472">a. Providing materials in languages in common use within the region (e.g., sign, Spanish, Tewa, Navajo). <li data-bbox="531 496 1829 537">b. Hosting additional meetings, focus groups, listening sessions, open house events, etc. </div> <p data-bbox="363 573 1978 654">3.2 - We feel that the opportunities for input in 3.2 are very important for fair and equitable engagement. We suggest that the ISC commit to supporting these items.</p> <div data-bbox="380 667 1961 1162" style="border: 2px solid black; padding: 10px;"> <p data-bbox="411 686 1885 813">3.3 WSPA emphasizes engaging rural communities, therefore the Planning Council may consider a range of participation options that eliminate barriers such as access to a stable internet connection or lengthy travel. This could include, for example:</p> <ul style="list-style-type: none"> <li data-bbox="531 837 1839 919">a. providing engagement resources (e.g., presentations, paper surveys) to local community partners with existing connections in rural areas. <li data-bbox="531 943 1801 1070">b. multiple in-person opportunities distributed throughout larger regions, and expanded strategies for community engagement, e.g. through local radio broadcasts to alert communities about engagement opportunities. <li data-bbox="531 1094 1451 1135">c. meeting spaces or computer access for remote participation. </div> <p data-bbox="363 1174 1978 1356">3.3 - We recommend distributing relevant meeting opportunity information through a wide range of communication channels to ensure awareness and participation in remote areas of the state. For example, some communities that lack reliable internet access may rely more heavily on local radio broadcasts or other communications channels that are more accessible in these regions. We encourage the ISC to take full advantage of these alternate communication outlets.</p>

Letter	Comments
	<div data-bbox="384 224 1957 427" style="border: 2px solid black; padding: 10px; margin-bottom: 10px;"> <p>3.5 Planning Regions or sub-regions are encouraged to coordinate and share information or resources with other Planning Regions or sub-regions, especially those upstream or downstream of each planning region.</p> </div> <p>3.5 - The public indicated the importance of hydrology in the geographic organization of the planning process. Most regions have the potential to be strongly impacted by the activities in upstream and downstream regions, and collaboration between these hydrologically neighboring regions will be of great value.</p>
San Juan Water Commission Guidelines Comments	<p>Added content in bold:</p> <p>3.1 RWSPs must be established through broad public input, including opportunities for the public to be involved in the development of the plan and the development of the prioritization of PPPs. During the development of any regional water security plan RWSP, the Planning Council must, at a minimum:</p> <ul style="list-style-type: none"> a. Inform Stakeholder list and d Distribute information regionally about the development of the plan, including opportunities for public input, at regular intervals. d. Provide an opportunity for public comments to be reviewed by the Planning Council ahead of finalization of a water security plan <p>3.2 Additional opportunities for input may include, but are not limited to:</p> <ul style="list-style-type: none"> a. Providing materials in languages in common use within the region (e.g., sign, Spanish, Tewa, Navajo). b. Hosting additional meetings, focus groups, listening sessions, open houses, or other similar events <p>3.3 WSPA emphasizes engaging rural communities, therefore the Planning Council may consider a range of participation options that eliminate barriers such as lack of access to a stable internet connection or lengthy travel. This could include, for example:</p> <ul style="list-style-type: none"> a. Providing engagement resources (e.g., presentations, paper surveys) to local community partners with existing connections in rural areas. b. Providing multiple in-person opportunities distributed throughout larger regions. c. Providing meeting spaces or computer access for remote participation. <p>3.4 Planning Councils may create working groups to increase opportunities for participation or to address water security planning topics of concern that are particular to a geographic sub-region, Stakeholders, or other sector. Regardless of the number of working groups within a Planning Region, a prioritized list of projects, programs and policies ("PPPs") must be consolidated into a single list for the Regional Water Security plan.</p>

Letter	Comments
	<p>Explanatory comment: ote: because of the distinction between Stakeholders and the public provided in the Rule, and as proposed by SJWC in the definitions, Section 2.0 applies to Stakeholders and Section 3.0 applies to the public in general</p>

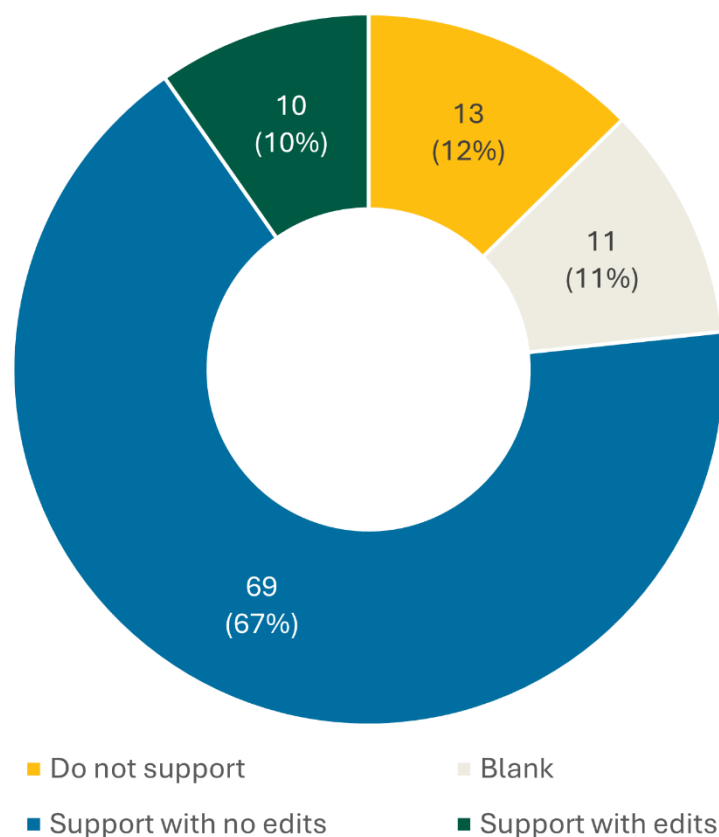
Guideline 4: Grants or Loans for Planning Activities

Discussion Draft Language

4.0 GRANTS OR LOANS FOR PLANNING ACTIVITIES

4.1 Subject to appropriations from the legislature, the Commission will develop a Regional Planning Grant Program with proposal requirements for grants or loans for Planning Activities and an approval process.

Summary of Guideline Questionnaire Responses



Guideline 4 relates to proposal requirements for grants or loans for planning activities. Of respondents, 67% indicated that they support the discussion draft language with no edits.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Loan repayment processes
- Region size and capacity
- Role of volunteer councils in grant applications
- Funding mechanisms

Figure 19. Summary of questionnaire responses for Guideline 4. Results reflect questionnaire responses received and are not statistically significant.

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
General	The regions are too big. So smaller rural communities will be competing with larger communities.
General	Consider developing the grant program such that the legislature has something to appropriate funds to, rather than the other way around
General	It is unclear if the planning council will facilitate applications to the grant program or if that will be the responsibility of a project sponsor. It is also unclear how appropriations will be requested for this program and for the PPP lists across the different planning regions.
General	We think this is a great idea to encourage engagement and to create meaningful change at the local level.
General	<p>"Or loans". Seems like such language is sure to scare off some Councils from even getting started.</p> <p>Frankly, there needs to be a steady stream of annual funding for all of the regions to be able to plan. Since it is not in any one entity's mission--and may actually conflict with some-- local governments are not likely to provide funding.</p>
General	Is it anticipated that the volunteer members of the council will prepare and apply for these grants? Grant applications are complex, time consuming and not something that a group not experienced in the preparations of such applications is likely to have much success with. Also, the monitoring and reporting on any grants received is complex and time consuming. Rural areas will be at a terrible disadvantage to regions with large urban populations and more expertise with grant writing and administration.
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
Specific	Grants alone are not sufficient to fund the major investments needed for our water supply. Other funding mechanisms like fees or taxes or annual appropriations from the legislature need to be authorized.
Specific	NMWA DOES NOT SUPPORT: As explained in our Guideline 2.0 comment, it is premature to draft Guidelines. As recommendations for implementing Rules, Guidelines should be drafted after we have quasi-final or approved Rules.

Categorization	Open Ended Response
Specific	<p>A grant program that requires proposals, presumably under a competitive process, could favor planning regions with readily available technical resources, notably the Middle Rio Grande, Upper Rio Grande, and Lower Rio Grande, where NM's population and financial and technical resources are concentrated. Consider instead allocating Commission funds directly to each region commensurate with their need for such resources. Distribution of the funds would be contingent on agreement by councils to (a) develop a foundation of baseline scientific and technical information that meets Commission-established criteria for scientific rigor and (b) coordinate the development of this hydrologic/economic/ecological baseline with state agencies and higher education institutions (notably NM Tech and the Bureau of Geology). I am concerned that planning councils would develop information resources -- for example, assessments of current and future supply and demand -- that are widely variable in quality.</p>
General	<p>What is the basis for a planning council to repay a loan? Are planning councils going to have taxing authority?</p> <p>This is a can of worms.</p>
General	<p>Providing loans to acequias under the guise of assistance may, in reality, undermine their traditional self-governance and autonomy. Historically, acequias have functioned as local democratic institutions, managing water resources collectively for centuries. However, their designation as "political subdivisions of the state" has, at times, restricted their autonomy, imposing uniform standards that may conflict with local customs and practices. OBJ</p> <p>Introducing financial dependencies through loans can further erode the acequias' ability to operate independently, potentially subjecting them to external control and bureaucratic oversight. This shift not only threatens the preservation of cultural heritage but also jeopardizes the effective, community-based management of vital water resources.</p> <p>It is crucial to recognize and respect the traditional governance structures of acequias, ensuring that any support provided enhances rather than diminishes their autonomy.</p>
Other	<p>Already Government wanting more of your money. Stop NO</p>

Comments from Documents Provided

Letter	Comments
Patrick McCarthy Thornburg Letter	<p>4.0 GRANTS OR LOANS FOR PLANNING ACTIVITIES</p> <p>A grant program that requires proposals, presumably under a competitive process, could favor planning regions with readily available technical resources, notably the Middle Rio Grande, Upper Rio Grande, and Lower Rio Grande, where NM's population and financial and technical resources are concentrated. Consider instead allocating Commission funds directly to each region commensurate with their need for such resources. Distribution of the funds would be contingent on agreement by councils to (a) develop a foundation of baseline scientific and technical information that meets Commission-established criteria for scientific rigor and (b) coordinate the development of this hydrologic/economic/ecological baseline with state agencies and higher education institutions (notably NM Tech and the Bureau of Geology). I am concerned that planning councils would develop information resources -- for example, assessments of current and future supply and demand -- that are widely variable in quality.</p>
eNGO Letter	<div style="border: 2px solid black; padding: 10px; margin-bottom: 10px;"> <p>4.1 Subject to appropriations from the legislature, the Commission will develop a Regional Planning Grant Program with proposal requirements for grants or loans for Planning Activities and an approval process. The receipt or administration of Regional Planning Grants or Loans shall not entitle a governing entity to greater say in Planning Activities beyond that of their voting representatives.</p> </div> <p>4.1 - Due to New Mexico's anti-donation clause, any funds directed to the ISC to provide councils with grants or loans will need to be awarded to and administered by one of the local governing entities represented in the council. We recommend including language that ensures that the award of a grant or loan to an entity is not taken to indicate that that entity has greater say in the planning process.</p>

Guideline 5: Process for State Agency Collaboration

Discussion Draft Language

5.0 PROCESS FOR STATE AGENCY COLLABORATION

5.1 State agencies can:

- a. provide comments on draft RWSPs to the NMISC and the Planning Council developing the RWSP, including:
 - i. highlighting permit requirements should a given project be funded.
 - ii. highlighting areas of conflict between proposed projects and state of NM goals.
 - iii. estimating time commitment for State Agency staffing.
 - iv. identifying opportunities for leveraging or accessing funding and expertise.
 - v. Identifying any other issue the State Agency finds relevant to a region's proposed plan.
- b. Identifying a person or group to act as the liaison for their agency and provide NMISC with up-to-date contact information for the person or group.

5.2 Regional Water Security Planning Councils will:

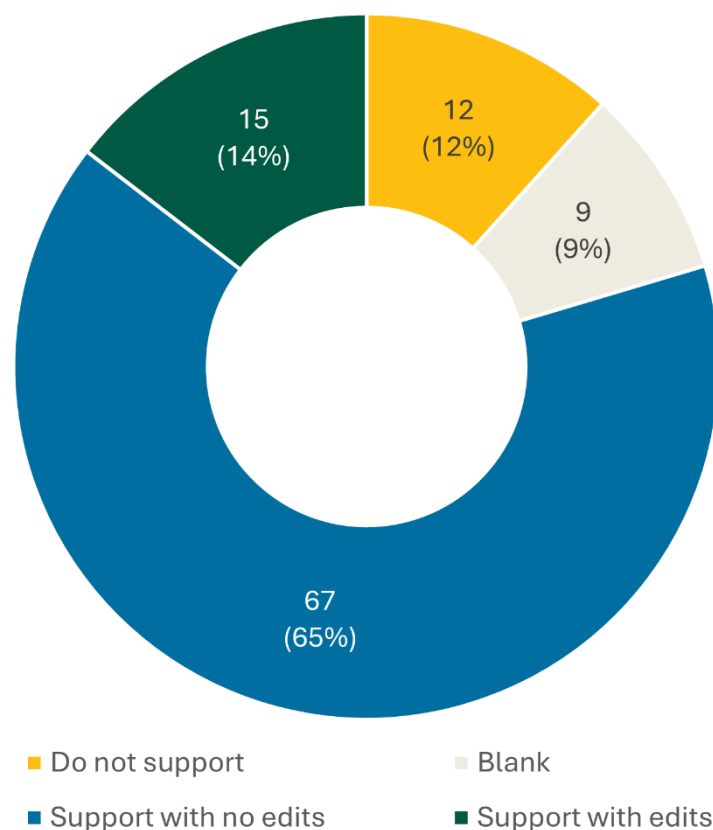
- a. consider all agency comments and input to ensure compliance with regulations.
- b. document all agency comments and their resolution in an Appendix in the region's water security plan.

5.3 NMISC Planning Program will:

- a. serve as an informational resource for topics associated with planning, such as various state and federal funding sources, the best available scientific tools/models, or opportunities to connect projects that may have multiple benefits.
- b. act as a liaison between agencies and Councils.
- c. provide agency comments to the Councils.

- d. endeavor to maintain a list of agency partners for regional consultation.
- e. provide a forum for state agencies and planning entities to meet and collaborate.
 - i. at the request of an agency or Planning Council.
 - ii. at an annual coordination meeting.
 - iii. or as needed.

Summary of Guideline Questionnaire Responses



Guideline 5 relates to the processes for collaboration between state agencies, regional water security planning councils and NMISC's planning program. Of respondents, 65% of indicated that they support the discussion draft language with no edits.

Open ended comments provided to elaborate on "Support with edits" and "Do not support" responses are provided by category on the following pages. Key themes include:

- Role of the state in decision making
- Adding timelines for state action
- Role of volunteers vs. state staff

Figure 20. Summary of questionnaire responses for Guideline 5. Results reflect questionnaire responses received and are not statistically significant.

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	Section 5.1: It might be worth adding explicitly that state agencies can “participate in regional council meetings as non-voting ex officio members.” Active participation throughout the process would be more valuable than comments at the end.
Specific	5.2 Where regulations are not impinged upon, agency comments are suggestive and not mandatory. 5.3 c. provide TIMELY agency comments to the councils.
Specific	5.1 State agencies MUST:... Add timelines to all, ie within 30 days of request.
Specific	Recommend changing "State agencies can:" to "State agencies will:"
Specific	5.1 b. Identifying a person... change to identify
Specific	For 5.3, adding "The" before "NMISC Planning Program" makes it easier to read, unless there is a specific reason not to do this. 5.3.e could be written without the additional list items as: e. provide a forum for state agencies and planning entities to meet and collaborate, either at the request of an agency or Planning Council, at an annual coordination meeting, or as needed.
General	Again, i think you should have more authority and not swayed by groups or individuals. Water is a necessity not a democratic issue. Looking at the miserable snowfall this season, tell people what they use , not spend hours listening to whinging and whining about sentimental reasons they should have more than others
General	Who is responsible in an emergency?
General	5.2 Regional Water Security Planning Councils will: There should be more info here on what these councils will do. What is the goals of having these councils?
General	5.3e - How will NMISC track outcomes and ensure progress from these collaborative sessions/activities?
General	Protect existing water rights
General	All of the above: maintain an interactive model through flowcharts, diagrams and/or charts to allow full participation of all stakeholders in the ongoing WIP (work in progress), thus preventing a cumbersome, unwieldy product available to all parties, including the general public.

Categorization	Open Ended Response
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
General	NMWA DOES NOT SUPPORT: As explained in our Guideline 2.0 comment, it is premature to draft Guidelines. As recommendations for implementing Rules, Guidelines should be drafted after we have quasi-final or approved Rules.
General	It is crucial to recognize and respect the traditional governance structures of acequias, ensuring that any support provided enhances rather than diminishes their autonomy.
General	The burden rests on the council to flesh out, develop professional plans, carry forward and monitor regional plans. More than a full time job for the ISC and OSE. How can this be done by a volunteer council?
General	NO committee necessary leave water rights to land owner
General	There is no technical oversight listed in this session. Will ISC be responsible for giving feedback to contractors on projects or collate comments from other agencies? Who is going to act as the check-and-balance system across the state to weed out productive projects from basic ideas?
General	This will not be the work of a volunteer. It is an extensive undertaking. What are your options to pay for it?
Other	NO GOVERNMENT.

Comments from Documents Provided

Letter	Comments
eNGO Letter	<div data-bbox="365 289 1934 938" style="border: 2px solid black; padding: 10px;"> <p>5.1 Councils are encouraged to collaborate with State agencies, who maycan:</p> <ul style="list-style-type: none"> a. provide comments on draft RWSPs to the NMISC and the Planning Council developing the RWSP, including: <ul style="list-style-type: none"> i. highlighting permit requirements should a given project be funded. ii. highlighting areas of conflict between proposed projects and state of NM goals. iii. estimating time commitment for State Agency staffing. iv. identifying opportunities for leveraging or accessing funding and expertise. v. Identifying any other issue the State Agency finds relevant to a region's proposed plan. b. Identifying a person or group to act as the liaison for their agency and provide NMISC with up-to-date contact information for the person or group. </div> <p>5.1 - We appreciate and strongly agree with the inclusion and input of state agency experts in the regional planning process, However, because state agencies are limited by capacity and funding across the board, we recommend clarifying that Councils need to be active partners in seeking agency guidance and expertise.</p>

Letter	Comments
	<div data-bbox="363 215 1932 922" style="border: 2px solid black; padding: 10px;"> <p>5.3 NMISC Planning Program will:</p> <ul style="list-style-type: none"> a. serve as an informational resource for topics associated with planning, such as various state and federal funding sources, the best available scientific tools/models, previously developed related water planning documents, or opportunities to connect projects that may have multiple benefits. b. act as a liaison between agencies and Councils. c. provide agency comments to the Councils. d. endeavor to maintain a list of agency partners for regional consultation. e. provide a forum for state agencies and planning entities to meet and collaborate. <ul style="list-style-type: none"> i. at the request of an agency or Planning Council. ii. at an annual coordination meeting. iii. or as needed. </div> <p>5.3 – There are a wide variety of existing local, regional, and statewide water planning documents. While some of these plans may be focused on specific topic areas, such as drinking water supply or fire resilience through headwater restoration, we encourage the ISC to support councils in using existing plans to inform newly developed regional water plans. Utilizing previously developed plans may help streamline planning processes, ensure that regional water plans incorporate multiple perspectives and multiple benefits, and identify already vetted and robustly supported water projects.</p>

Letter	Comments
San Juan Water Commission Guidelines Comments	<p>Added content in bold:</p> <p>5.1 State agencies can may:</p> <ul style="list-style-type: none"> a. provide comments on draft RWSPs to the NMISC and the Planning Council developing the RWSP, including: <ul style="list-style-type: none"> i. Highlighting permit requirements should a given project be funded. ii. Highlighting areas of conflict between proposed projects and state of NM goals. iii. Estimating the time commitment for State-A Agency staffing. iv. Identifying opportunities for leveraging or accessing funding and expertise. v. Identifying any other issue the State-A Agency finds relevant to a region's proposed plan. b. Identifying a person or group to act as the liaison for their agency and provide NMISC with up-to-date contact information for the person or group. <p>5.2 Regional Water Security Planning Councils will:</p> <ul style="list-style-type: none"> a. Consider all agency comments and input to ensure compliance with regulations. b. Document all agency comments and their resolution in an Appendix in the region's water security plan. <p>5.3 NMISC Planning Program will:</p> <ul style="list-style-type: none"> a. serve as an informational resource for topics associated with planning, such as various state and federal funding sources, the best available scientific tools/models, or opportunities to connect projects that may have multiple benefits. b. Act as a liaison between agencies and Councils. c. Provide agency comments to the Councils. d. Maintain a list of agency partners for regional consultation. e. Provide a forum for state agencies and planning entities to meet and collaborate.: <ul style="list-style-type: none"> i. at the request of an agency or Planning Council.; ii. at an annual coordination meeting.; iii. as otherwise needed

Guideline 6: Metrics for Reporting on Regional Water Projects, Programs and Policies and Water Security Plan Implementation

Discussion Draft Language

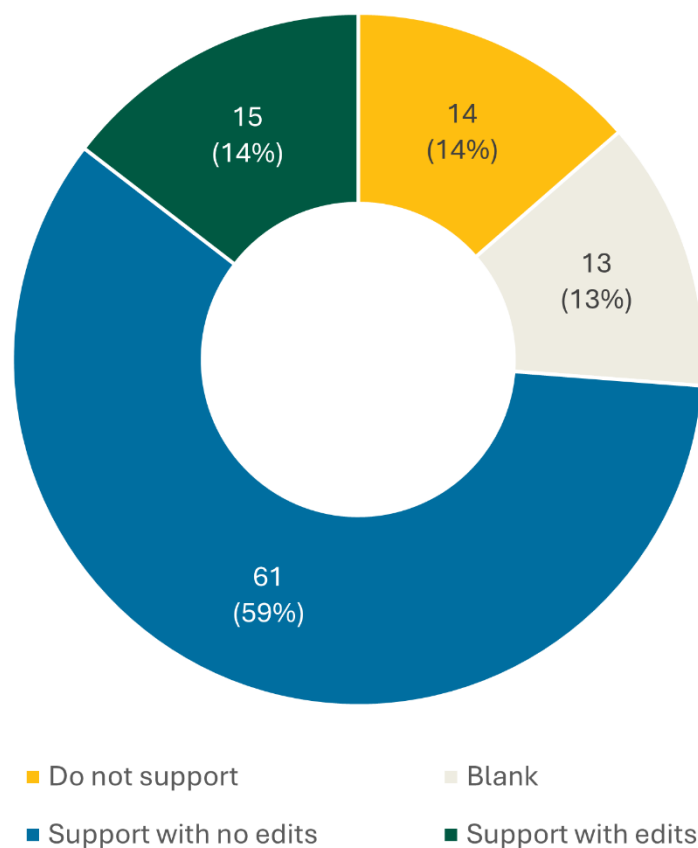
6.0 METRICS FOR REPORTING ON REGIONAL WATER PROJECTS, PROGRAMS AND POLICIES and WATER SECURITY PLAN IMPLEMENTATION

6.1 The Planning Program will develop a template for Planning Councils to use for their required reporting to the Commission by June 30 each year. The template will include metrics and measures for reporting on implementation of projects, programs, or policies.

6.2 Planning Councils shall utilize tools and support provided by groups including the Planning Program to evaluate and report on regional water balance. Water balance reporting shall:

- a. utilize the best available science with NMISC support, and
- b. not conflict with statewide objectives.

Summary of Guideline Questionnaire Responses



Guideline 6 relates to the development of templates and tools to support tracking and reporting on metrics. Of respondents, 59% indicated that they support the discussion draft language with no edits.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Climate change resilience
- Clarity around definition of water balance
- Conflict resolution
- Technology needs
- Role of the councils

Figure 21. Summary of questionnaire responses for Guideline 6. Results reflect questionnaire responses received and are not statistically significant.

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	The template should include language that addresses climate change and the pending impacts, vulnerabilities and how PPPs will increase the resilience to climate change
Specific	I support this section as long as part of the 6.2-b...statewide objectives is to preserve and protect ground water recharge zones...ie...Northern Mountain regions and the historical uses of irrigation that provides for said recharge.
Specific	6.2 a utilize the most current available data with NMISC support
Specific	Water balance including surface and groundwater? You will need agreement with all the water users on what they are using and or returning.
Specific	A software system is needed. There are commercially available perhaps even open source software that can be utilized. We need consistency to some extent..
Specific	statewide objectives should take regional issues and annual precipitation amounts into consideration
Specific	Section 6.2 lacks clarity and detail. Consider this guidance: "Analyses to support...investments in water resources should utilize the best available science, data, analytical techniques, procedures, models, and tools in hydrology, engineering, economics, biology, ecology, risk and uncertainty, and other fields to the extent that sufficient funding is available. To the extent feasible, it is appropriate to quantify the effects of water resources projects. The level of detail required to support...investments in water resources may vary, but should not be greater than needed to inform the decision making process efficiently and effectively. The level of detail, scope, and complexity of analyses should be commensurate with the scale, impacts, costs, scientific complexities, uncertainties, risks, and other sensitivities (e.g., public concerns) involved in potential decisions." (See https://obamawhitehouse.archives.gov/sites/default/files/final_principles_and_requirements_march_2013.pdf .)
Specific	<p>The template is the core of the planning process and should be included in these Guidelines. Instead, it was punted to a different process.</p> <p>The ISC's Planning Program developed the last Template. Read the comments about the process and see the lack of implementation of the plans to know that that did not work.</p> <p>This section needs to add the Template as a minimum. (Again, see my submitted comments.)</p>

Categorization	Open Ended Response
Specific	6.2 (b) -- Describes that reporting will not conflict with statewide objectives Concern: Honest reports of various items may well conflict with statewide objectives (not sure what the hypothetical would be, but certainly a possibility) Suggestion: Provide a method to explain conflict and possible resolution
Specific	6.1 When will the Planning Program make the template available to the Planning Councils for their required reporting on June 30? Suggest putting a date when it will be provided. 6.2 Some explanation & clarification on "statewide objectives" may be necessary to assist the council's reporting so as not to have unintentional conflicts.
General	What is regional water balance?
General	This is where its historically gotten sticky. Regions tend to look upstream to solve their water (im) balances, and get conflicted with statewide, or upstream regions. PPPS should look first to work with in means, and find "New Water" through conservation and reduction.
General	If the state wide objectives override the work of the Planning Councils, then no work will actually matter if the state does not value the suggestions.
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
Specific	Item 6.2 is necessary but insufficient. More details are needed on what water balance reporting data shall be included in evaluations and reports, which need to be comprehensive. Also, what is meant by "reporting shall: ... not conflict with statewide objectives"? Is the intent to censor data and reports that don't agree with objectives? Surely not, but that is how it reads to me.
General	If human objectives conflict with science, then some rational must be used to determine the anticipated outcome of the conflict and inform the effects to humans, the environment, or otherwise.
General	There is not one shoe that will fit everything in new mexico. The regions are too big
General	NMWA DOES NOT SUPPORT: As explained in our Guideline 2.0 comment, it is premature to draft Guidelines. As recommendations for implementing Rules, Guidelines should be drafted after we have quasi-final or approved Rules.

Categorization	Open Ended Response
General	while standardized reporting aims to ensure consistency and alignment with state objectives, it may inadvertently impose burdens on Planning Councils, particularly those with limited resources, and could lead to inefficiencies and less effective water management strategies.
General	Again, huge responsibility for a volunteer council. Who is going to be able to seek out and evaluate "best available science" and "statewide objectives" ; how is the time and cost necessary to do such an analysis going to be supported by the volunteer councils?
General	No planning by committee leave water rights to land owner
General	What metrics and measures? If this is just a list of projects and fiscal costs then ISC has truly lost its way. And what does 'no conflict with statewide objectives' mean? Does this mean ISC can veto projects if they do not align with a governor's plans?
General	"Regional water balance" is what? Is it simply an opportunity for a wealthy region along the Rio Grande corridor to take water from other regions?
Other	STOP, NO MORE GOVERNMENT.

Comments from Documents Provided

Letter	Comments
Patrick McCarthy Thornburg Letter	<p>6.0 METRICS FOR REPORTING ON REGIONAL WATER PROJECTS, PROGRAMS AND POLICIES and WATER SECURITY PLAN IMPLEMENTATION</p> <p>Section 6.2 lacks clarity and detail. Consider this guidance: "Analyses to support...investments in water resources should utilize the best available science, data, analytical techniques, procedures, models, and tools in hydrology, engineering, economics, biology, ecology, risk and uncertainty, and other fields to the extent that sufficient funding is available. To the extent feasible, it is appropriate to quantify the effects of water resources projects. The level of detail required to support...investments in water resources may vary but should not be greater than needed to inform the decision-making process efficiently and effectively. The level of detail, scope, and complexity of analyses should be commensurate with the scale, impacts, costs, scientific complexities, uncertainties, risks, and other sensitivities (e.g., public concerns) involved in potential decisions." (See https://obamawhitehouse.archives.gov/sites/default/files/final_principles_and_requirements_march_2013.pdf.)</p>

Letter	Comments
eNGO Letter	<p>6.2 - We agree that understanding and reporting on regional water balance is a critical yet complex component of effective regional planning, and that councils will require support, especially technical hydrological expertise, to adequately meet this need. However, we are concerned with the lack of clarity and definitions in this section, especially given the inherent complexity and challenge of accurate and scientifically sound water balance analysis. We feel that it will raise several questions that must be addressed in the guidelines.</p> <p>Who are the supporting “groups” besides the Planning Program? We feel that this may make reporting of the water budget vulnerable to being skewed or otherwise misrepresented, hindering adherence to the “best available data and science”.</p> <p>What kind of tools and support are envisioned? Support tools and data should have some kind of vetting process and be cited clearly in reports to ensure adherence to the “best available data and science”.</p> <p>What is included and how in-depth is this water balance? We suggest that the ISC specifically recommend minimum components and require any deviation from the recommended water-balance reporting be explained by the council.</p> <p>Is this reporting to be included in or in addition to the approved plan? We suggest that water balance reporting be a required part of the approved plan and it be referenced in this WSPA-required reporting process, so that planning is clearly based on and informed by the water balance.</p> <p>6.2.a - We appreciate that there may be important intent behind this point, but feel it is confusing as worded, because the physical reality of the water balance either does or does not align with statewide objectives, regardless of reporting.</p> <p>6.2.a - We feel that establishing statewide objectives as part of the guidance for Regional Water Planning is extremely important, but if those objectives have been defined somewhere, we are not aware of it. Statewide objectives need to be clearly defined and consistently referenced.</p>
San Juan Water Commission Guidelines Comments	<p>Added content in bold:</p> <p>6.2 Planning Councils shall utilize tools and support provided by groups, including the Planning Program, to evaluate and report on regional water balance. Water balance reporting shall:</p> <ul style="list-style-type: none"> a. utilize the best available science with NMISC support;; and b. not conflict with statewide objectives.

Letter	Comments
Hebard Regional Water Planning Comments	<p data-bbox="428 217 1919 289">Guidelines: 6.0 Metrics For Reporting On Regional Water Projects, Programs And Policies And Water Security Plan Implementation</p> <p data-bbox="428 334 1919 451">6.1 The Planning Program will develop a template for Planning Councils to use for their required reporting to the Commission by June 30 each year. The template will include metrics and measures for reporting on implementation of projects, programs, or policies.</p> <p data-bbox="428 496 1919 568">The Template is simply how to report implementation of projects, programs, or policies. What about all the steps before that?</p> <p data-bbox="428 613 1919 721">6.2 Planning Councils shall utilize tools and support provided by groups including the Planning Program to evaluate and report on regional water balance. Water balance reporting shall: a. utilize the best available science with NMISC support, and b. not conflict with statewide objectives.</p>

Guideline 7: Procedures to Support Implementation of a Regional Water Security Plan

Discussion Draft Language

7.0 PROCEDURES TO SUPPORT IMPLEMENTATION OF A REGIONAL WATER SECURITY PLAN

7.1 Responsibilities of Planning Councils:

- a. With the support of NMISC:
 - i. Develop a water security plan with the support of the NMISC planning team per the schedule in section 8.
 - ii. Update a Regional Water Security Plan at least every 10 years.
 - iii. Update the prioritized PPP lists at least once every 5 years.
- b. The PPP's identified sponsor is responsible for implementing PPPs from the prioritized lists.

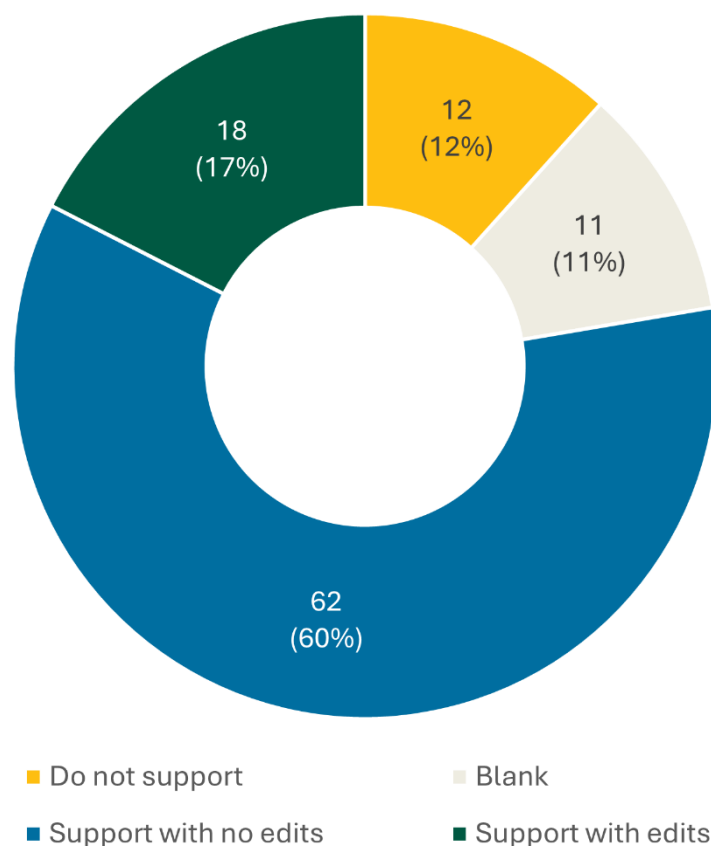
7.2 Responsibilities of the Planning Program:

- a. Subject to appropriation of funding by the legislature, administer the RPGP.
- b. support Planning Councils in developing an initial RWSP per the timeline and process in section 9.
- c. Help connect Planning Councils to other resources by:
 - i. serving as a liaison between Planning Councils and potentially other partner state and/or federal agencies.
 - ii. identifying knowledgeable local resources.
 - iii. informing Planning Councils about other funding opportunities.
 - iv. supporting development and utilization of up-to-date science/data/models.
- d. informing Planning Councils about statewide objectives.
- e. providing support identified elsewhere within these Guidelines.

f. Planning Program or NMISC responsibilities do not include:

- i. acting as a fiscal agent,
- ii. Managing any grant or loan, or
- iii. project management.

Summary of Guideline Questionnaire Responses



Guideline 7 relates to the role of planning councils and the NMISC Planning Program in developing regional water security plans. Of respondents, 60% indicated that they support the discussion draft language with no edits.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Frequency of plan updates
- Funding source reliability
- Clarity in definitions
- Process clarification
- Roles and responsibilities

Figure 22. Summary of questionnaire responses for Guideline 7. Results reflect questionnaire responses received and are not statistically significant.

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	Do you want to say "providing funding when available to support the development of RWSP"
Specific	7.ii. Update a Regional Water Security Plan at least every FIVE years. This timeframe is necessary for federal administration change timelines - which could greatly impact federal funding availability at the state level.
Specific	<p>Section 7.1.a.i: Can these regional entities self-organize? It is a little unclear if they can take the reins or if ISC is needed to facilitate the process on a set timeline.</p> <p>Section 7.1.a.ii: To be really effective, the Plan should be updated at least once every five years. Ten years is too long to make changes that may be needed.</p> <p>Section 7.1.a.iii: To be really effective, there should be an annual review for operation and effect, such that progress and priorities can be monitored and changes made as necessary.</p> <p>Section 7.2: Should "section 9" be "section 8"?</p>
Specific	7.2 c. iv. needs to be beefed up to provide data on past, current, and future water availability, usage, and balance to help Councils establish a basis for future plans and investments.
Specific	I think PPP might have been defined elsewhere but it does not hurt to spell it out in this statement then use the abbreviation.
Specific	<p>7.1 b. The PPP's identified sponsor is responsible for implementing PPPs from the prioritized lists.</p> <p>This makes it sound like PPPs are an entity. Maybe "The identified sponsor of PPPs is responsible..."</p>
Specific	Given increasing temperatures with possible reduced snow pack and yearly precipitation, the RWSP perhaps should be reviewed at least every five years
Specific	<p>Capitalize the first word in 7.2.b ("Support...")</p> <p>7.2.f.ii. use a lowercase letter on the first word ("manage") in keeping with the rest of the formatting.</p>
General	Trying to determine what is the difference between regional water security planning council and the region water plans themselves?

Categorization	Open Ended Response
General	short term emergencies?
General	<p>7.1 Responsibilities of Planning Councils:</p> <p>a. With the support of NMISC:</p> <p>i. Develop a water security plan with the support of the NMISC planning team per the schedule in section 8.</p> <p>What should be in the water security plan? This is too ambiguous.</p>
General	<p>The guidelines lack description of how the planning councils will identify and prioritize projects to be included in the Regional Water Security Planning Council.</p> <p>It is not clear in the guidelines how the regional water security plan and PPP lists will account for (or at least consider) existing water plans within a given planning region.</p>
General	Define the level of support from the NMISC within the water security plan development
General	How does the whole process work within the existing 13 Adjudications?
General	<p>Members of the Council don't have the ability to implement the plan. Nowhere is there any responsibility for implementation of the plan. While specific PPPs may be within the mission of a specific entity, how does the regional water balance get attained/maintained?</p> <p>However, if it is accepted by the ISC, why couldn't the Council act when the balance is at risk? Could a member protest a water transfer or a new use?</p> <p>Another concern is that the ISC's responsibilities do not include "iii. project management." When Ms. Follingstad was the ISC water planner, she not only reviewed and critiqued all of the plans, but she kept after the regions, much like a project manager. I would suggest that the ISC keep that role.</p>
General	7.1 - How will NMISC "support" the Planning Councils? (scientific resources? technical expertise?) Is NMISC going to tell the councils that the science they are looking at is the "best available?"
General	Any and all progress shall be subject to perusal of the Office of the NM State Water Engineer to insure accountability of all stakeholders involved.
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
General	Funding for these planning councils is subject to legislative appropriations. What happens when the legislature does not choose to fund the councils?
General	NMWA DOES NOT SUPPORT: As explained in our Guideline 2.0 comment, it is premature to draft Guidelines. As recommendations for implementing Rules, Guidelines should be drafted after we have quasi-final or approved Rules.
General	<p>This structure appears negative in several ways:</p> <ol style="list-style-type: none"> 1. Lack of Direct 2. Funding Uncertainty 3. Top-Down Control Without Local Autonomy 4. No Guarantee of Implementation 5. Bureaucratic Complexity <p>Overall, this approach places significant responsibility on Planning Councils while limiting their autonomy and resources, making it difficult to achieve meaningful water security solutions.</p>
General	With the proposed obligations, responsibilities, financial commitments and time commitments set out in the Draft, it is going to be almost impossible to get people to volunteer for the councils in rural areas.
General	NO guide lines NO committee
General	As expressed earlier, this section divorces ISC from performing any truly supportive and meaningful role in the planning. There are no clear funding mechanisms even for the internal ISC planning program and therefore, no consistent project management support. Projects will fail without consistent oversight and guidance from the state.
General	Again, who is going to do this on a Council? Do you expect this to be done as a volunteer?
Other	No Government.

Comments from Documents Provided

Letter	Comments
eNGO Letter	<p>7.1 - We suggest that this section and overall outcomes of the regional water planning process would greatly benefit from better clarification on the role and responsibilities of the council in the implementation of PPPs. As written, we feel that this section suggests that the council has no responsibilities beyond reporting, and if that is the intention, that this is inadequate. We are concerned that this lack of responsibility will result in a disconnect between planning and implementation to the detriment of both components of this process.</p> <p>7.1.a.iii - We agree that regularly updating the list of prioritized PPPs is of great importance and that this requirement belongs in rule, rather than guidelines. We suggest that this requirement may be enforced by making councils with out-of-date PPP lists ineligible for programmatic grants and loans.</p> <p>7.1.b - We understand the intent of this is to ensure that no PPP is proposed without someone dedicated to its implementation, but putting all of the responsibility for implementation on a single sponsor will, by design, prioritize projects coming from sponsors with broad capacity or authority, which are also the projects most likely to get funded outside of the regional planning process. We suggest that guidance be given for more distributed responsibilities beyond a single sponsoring entity or grant-recipient.</p> <p>7.2.f - While we understand the importance of clarifying that these activities fall outside of the responsibility of the ISC, we suggest that guidance is needed on whom these responsibilities do fall. If it is a sponsor, we suggest a new section of the guidelines be devoted to defining who a PPP sponsor is and what their responsibilities are.</p>

Letter	Comments
San Juan Water Commission Guidelines Comments	<p>Added content in bold:</p> <p>7.2 Responsibilities of the Planning Program:</p> <ul style="list-style-type: none"> a. Subject to appropriation of funding by the legislature, administer the RPGP. b. Support Planning Councils in developing an initial RWSP per the timeline and process in section 98. c. Help connect Planning Councils to other resources by: <ul style="list-style-type: none"> i. Serving as a liaison between Planning Councils and potentially other partner state and/or federal agencies. 6 ii. Identifying knowledgeable local resources. iii. Informing Planning Councils about other funding opportunities. iv. Supporting development and utilization of up-to-date science/data/models. d. Informing Planning Councils about statewide objectives. e. Providing support identified elsewhere within these Guidelines. f. Planning Program or NMISC responsibilities do not include: <ul style="list-style-type: none"> i. Acting as a fiscal agent,. ii. Managing any grant or loan,; or iii. Project management.

Guideline 8: Schedule for Implementation of Regional Water Planning, Including Integration with Statewide Objectives

Discussion Draft Language

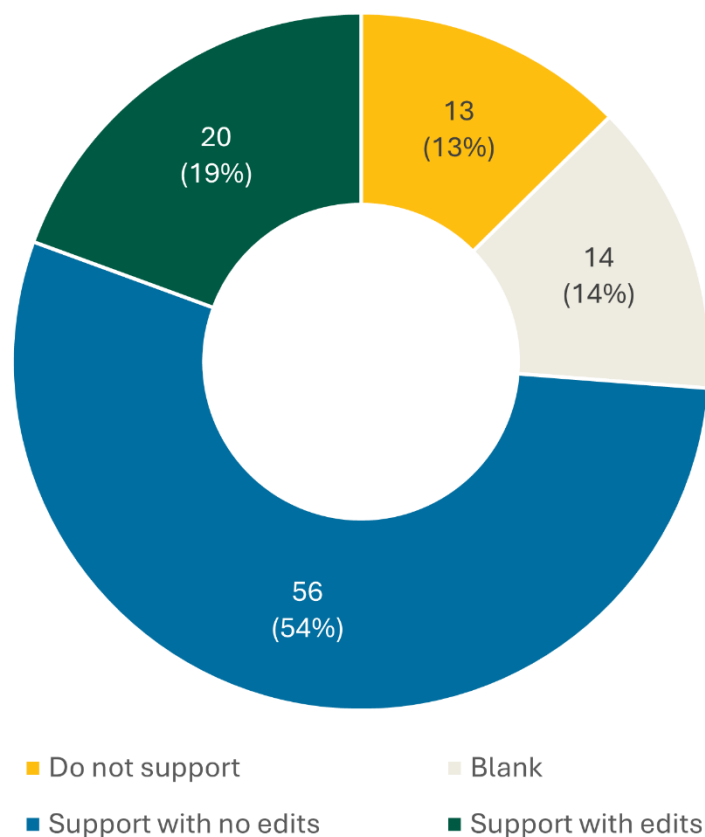
8.0 SCHEDULE FOR IMPLEMENTATION OF REGIONAL WATER PLANNING, INCLUDING INTEGRATION WITH STATEWIDE OBJECTIVES

8.1 Initial plan development phase. The goal of the initial drafting phase is to develop water security plans for each region in the state. This phase will last for six years, and the Planning Regions will be addressed three-at-a-time with a two-year time period for each. NMISC will ensure that initial plans for all regions are completed before a subsequent planning cycle is initiated for any region.

8.2 Subsequent phases. After the initial drafting phase, NMISC will support each Planning Council during the updating each regional water security plan. NMISC will undertake no more than 3 plan updates at time, for two years at a time.

8.3 Integrating with statewide objectives. Statewide objectives will need to be reviewed and adhered to.

Summary of Guideline Questionnaire Responses



Guideline 8 relates to schedule and phasing for developing regional water security plans. Of respondents, 54% indicated that they support the discussion draft language with no edits.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Rationale and process for staggering regional plan development
- Timeline for plan development
- Urgency of need
- Schedule changes associated with changes to region number and boundaries

Figure 23. Summary of questionnaire responses for Guideline 8. Results reflect questionnaire responses received and are not statistically significant.

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	<p>Section 8.1: Is there any reason why each council can't move forward on their own and draft their plans? This could greatly shorten the timeframe to get all plans drafted. Per this schedule, will regions be prioritized? If so, what is the priority based on?</p> <p>We acknowledge the capacity limitations for a planning program staff of two. However, per discussion draft rule Section 10.F, the ISC will attempt to staff each Council with an ISC liaison located in the planning region. It may be worth allowing entities to self-organize, if hands-on ISC facilitation is not required or can be appropriately handled by local ISC staff.</p> <p>Section 8.2: Again, it would be preferable to allow councils to update on a more efficient timeframe, if resources and local capacity exist.</p>
Specific	<p>Are there six Regions?</p> <p>I understand the need to stagger the review of plans but it is not clear how this system will work. Defining the sequence might clarify and might be useful to the extent that everything is interconnected.</p>
Specific	<p>8.3 needs clarification and detail. What statewide objectives? 50-year water plan? State water plan? Other documents? Consider guidance not only for regional water planning, but for FUNDING, IMPLEMENTATION, and MONITORING of regional water plans once they are completed and approved. The rules and guidelines do not provide much, if any information about when, how, and by whom the plans will be implemented, nor about the role of the planning councils in supporting and coordinating plan implementation, including (a) development and implementation of sustainable financing (i.e., public and/or private funds) plans for PPPs and other plan elements, (b) PPP implementation, and (c) monitoring, evaluation, and learning about PPP implementation and impacts. This is a critical gap in the rules and guidelines and thus presents a potential pitfall -- one that the previous regional water plans clearly fell into. See, for example, the 2024 LFC evaluation of state-funded water projects.</p>
Specific	<p>8.1 Can you explain how you will determine which regions will be selected first and why? (urgent needs first?)</p> <p>8.3 Aren't these "statewide objectives" constantly changing? This ambiguity will make compliance more difficult for councils. Does this approach promote proactive management and adaptability?</p>

Categorization	Open Ended Response
Specific	8.2. in keeping with the way other numbers are written in this section, recommend spelling out the number 3 ("NMISC will undertake no more than three plan updates at time, for two years at a time.")
Specific	... and include interstate ramifications of actions proposed.
Specific	There should be a better break down on planning, design work, procurement etc. in this section. Project planning is a key piece for implementation of water planning. Once a water plan is produced and funding provided having the proper management of making sure those funds are appropriated properly and projects produce and follow standards (engineering, specs, etc.) is important. This is a loose section of the plan and should have more subsections on how the Implementation phase will work.
General	<p>Critical areas must be addressed now.</p> <p>To satisfy the litigation, promises have been made that the LRG will reduce its consumptive use now by roughly 18 kafy -- will there metrics in the plan to be developed over the next 6 years to do so?</p> <p>Same with the MRG -- consumptive uses must be cut by 20 kafy now. We can't wait!</p>
General	Is ISC facilitating/funding the work of the planning councils? If not, it isn't clear why they are done 3 at a time.
General	Again...Statewide objectives need to recognize the importance of the mountain recharge zones and actively protect the historic Acequias role in providing groundwater for the State.
General	Same comment at 7 - seems like this is extra work? or will this take the place of regional plans?
General	If the Estancia Basin was able to remain independent, would this schedule change?
General	<p>The reason past plans didn't come to fruition was primarily because they took too long to develop and new administrations scrapped them. The drafting phase should be no more than a year to have any chance of completion.</p> <p>"8.2 Subsequent phases. After the initial drafting phase, NMISC will support each Planning Council during the updating of each regional water security plan. NMISC will undertake no more than 3 plan updates at time, for two years at a time." that is a glacial pace that will never be able to keep up with bad actors.</p>
General	The EBWPC is lobbying to continue being a separate planning region from the rest of the Central Basin Council. Does the defined schedule change if there are 10 planning regions instead of the proposed 9? It seems the schedule is contingent on 9 planning regions.
General	again, how to manage emergencies?
General	If the final number of planning regions changes it seems like the schedule would also be impacted.

Categorization	Open Ended Response
General	The district supports the EBWPC lobbying to continue being a separate planning region from the rest of the Central Basin Council. Does the defined schedule change if there are 10 planning regions instead of the proposed 9? It seems the schedule is contingent on 9 planning regions.
General	statewide objectives should be reviewed and revised to reflect regional issues and annual precipitation
General	I don't think you can eat the elephant in phases because of the inter relationships and connectivity. Are you going to tackle Upper, Mid, and LRG together?
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
Specific	Six years is a long time to wait for plans to be approved. Given the low water volume in the state now. Three years should be the longest time. This needs to be a priority.
General	1. There is no mention of defining the current status, issues, and problems before diving in and developing the plans. 2. There is no mention of prioritization of Planning Regions. With nine regions, three regions won't be able to start work for at least four years; how will the first, second, and third sets of three regions be chosen? Again, some identification of initial status is needed.
General	NMWA DOES NOT SUPPORT: As explained in our Guideline 2.0 comment, it is premature to draft Guidelines. As recommendations for implementing Rules, Guidelines should be drafted after we have quasi-final or approved Rules.
General	the schedule prioritizes process over urgency, limits local autonomy, and risks leaving some regions without updated or responsive plans for extended periods.
Specific	NO committee No phases leave water rights to land owners
Specific	Why is the ISC limiting it's support? Only three plans at a time? There are nine regions so how is that going to allow for consistent plan updates in a timely manner?
Specific	Due to unavailability of resources, poor regions do not have the staff to accomplish this. That will put them at a permanent disadvantage relative to those who do. If the legislature wants this work, the legislature should fund it equitably.
Other	No government, all will be geared towards the cities. NO STOP IT.

Comments from Documents Provided

Letter	Comments
Patrick McCarthy Thornburg Letter	8.0 SCHEDULE FOR IMPLEMENTATION OF REGIONAL WATER PLANNING, INCLUDING INTEGRATION WITH STATEWIDE OBJECTIVES 8.3 needs clarification and detail. What statewide objectives? 50-year water plan? State water plan? Other documents? Consider guidance not only for regional water planning, but for FUNDING, IMPLEMENTATION, and MONITORING of regional water plans once they are completed and approved. The rules and guidelines do not provide much, if any information about when, how, and by whom the plans will be implemented, nor about the role of the planning councils in supporting and coordinating plan implementation, including (a) development and implementation of sustainable financing (i.e., public and/or private funds) plans for PPPs and other plan elements, (b) PPP implementation, and (c) monitoring, evaluation, and learning about PPP implementation and impacts. This is a critical gap in the rules and guidelines and thus presents a potential pitfall -- one that the previous regional water plans clearly fell into. See, for example, the 2024 LFC evaluation of state-funded water projects.
eNGO Letter	8.1 - We recognize that this section may be intended to outline the planning timeline statewide, but clarification is also needed at the regional level. In particular, the statement "This phase will last for six years" raises the need for clarification on when implementation of PPPs can start, because six years is too long a delay for many regions' more pressing water needs. 8.3 - Again, we feel it critical that "statewide objectives" be clearly defined, as this term is used in several locations and seems to carry considerable weight. We recommend this includes adherence to the Endangered Species Act, interstate compact compliance, not infringing on existing water rights, and improving public welfare.
San Juan Water Commission Guidelines Comments	Added content in bold: 8.2 Subsequent phases. After the initial drafting phase, NMISC will support each Planning Council during the updating of its each regional water security plan. NMISC will undertake no more than three (3) plan updates at time, for two (2) years at a time. Explanatory comment: ISC should propose a timeline for this process

Guideline 9: Commission Approval of Regional Water Security Plans

Discussion Draft Language

9.0 COMMISSION APPROVAL OF REGIONAL WATER SECURITY PLANS

To be presented for Commission approval, RWSPs must contain the following elements, in addition to meeting the requirements set forth in the Rule:

9.1 Prioritized list of PPP requests from the region. This list includes multiple, sub-lists organized based on readiness with project types and sponsor noted for each individual PPP.

- a. Each of these readiness-based sub lists is independently prioritized, ranking each PPP at an individual level relative to all other PPPs on that list (region-wide).
- b. Project readiness includes 3 categories:
 - i. ready to implement/proceed (like shovel ready).
 - ii. needs planning (one step away from shovel ready).
 - iii. needs scoping (one step away from being planned).
- c. Each proposed PPP must list the sponsor(s) that intends to obtain the funding for and implement the PPP.
- d. PPP types include, but are not limited to:
 - i. watershed health
 - ii. drinking water
 - iii. storm water
 - iv. dam maintenance
 - v. water conservation resulting in reduction of total water use

- vi. education
- vii. efficiency
- viii. water reuse
- ix. aquifer storage and recovery
- x. aquifer recharge

e. Additional information for each PPP that would strengthen its case for prioritization includes:

- i. Documentation/Proof of existing funding match commitments for identified PPP's on the prioritized list if that exists.
- ii. Other items that may strengthen the case for specific PPP.

f. Planning councils may elect to repeat PPP list items in subsequent iterations of RWSP's.

9.2 A statement of public welfare values and the needs of future generations of New Mexicans.

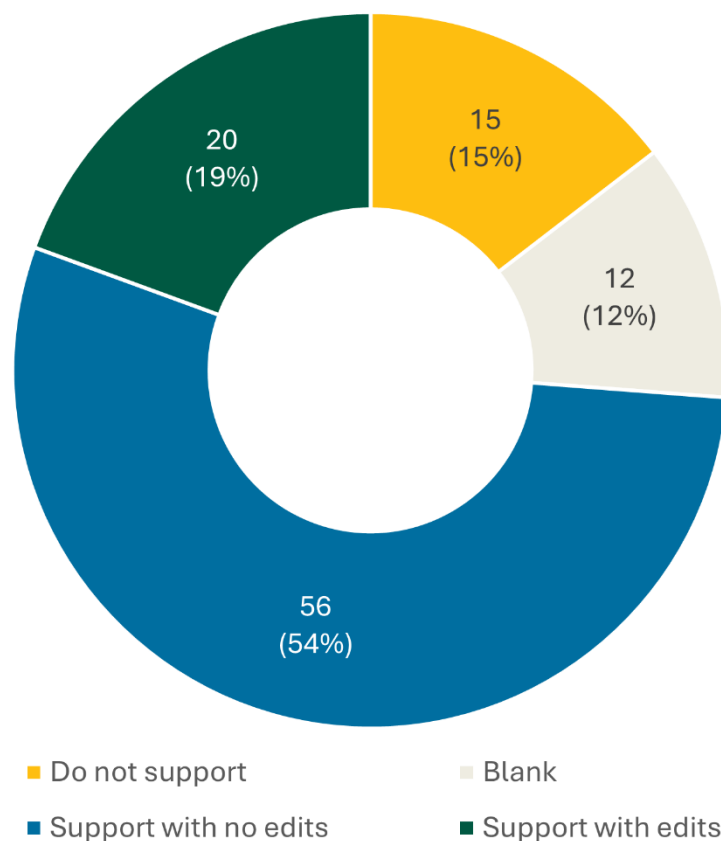
9.3 Documentation of working groups within a Planning Region.

9.4 Any additional requirements for the composition of the Planning Council beyond those specified in the Rule.

9.5 Acknowledgement and discussion of regional water balance including reductions in projected water availability and decision-making practices adapted for increasing uncertainty.

9.6 Documentation of outreach conducted to encourage participation in regional planning. This could be a website, newsletter, presentations, or articles.

Summary of Guideline Questionnaire Responses



Guideline 9 relates to criteria and requirements for Commission approval of regional water security plans. Of respondents, 57% indicated that they support the discussion draft language with no edits.

Open ended comments provided to elaborate on “Support with edits” and “Do not support” responses are provided by category on the following pages. Key themes include:

- Agricultural and climate change resilience
- Regional capacity and funding
- Process for project identification and prioritization
- Specific project types

Figure 24. Summary of questionnaire responses for Guideline 9. Results reflect questionnaire responses received and are not statistically significant.

Open Ended Comments

Support With Edits

Categorization	Open Ended Response
Specific	Under 9.1 e, add "iii. demonstrate how the PPP will improve the resilience to climate change"
Specific	<p>Section 9.1.b.i: Strike "like"</p> <p>Section 9.1.d: NMDA recommends adding "agricultural resilience" to PPP types. While this is implicitly involved in some of the other project types (efficiency, conservation, aquifer recharge), this would be good to explicitly include given agriculture's use of water in most basins. Ideally, it would be great for ag. working group to come up with lists of PPPs that can support farming communities while addressing regional needs.</p> <p>Section 9.7: Consider adding new element (probably appropriate as appendix to plans): Documentation of public, stakeholder and agency input and council response to such input</p>
Specific	Regionally appropriate wastewater management (such as produced water disposal)
Specific	Suggest redefining "PPP" for clarity
Specific	9.1 addresses PPP, in subsection d. item iv. "dam maintenance" is too narrow a term to address infrastructure issues and should be broadened to " water retention and delivery infrastructure"
Specific	9.3 Documentation of working groups and/or Sub-Regions within a Planning Region.
Specific	My comments in the previous section pertain also to section 9.1. Consider adding a requirement that each project, program, and policy have a sustainable funding plan that identifies funding sources, amounts and names a single organization or individual that has committed to serving as a funding lead. Moreover, consider requiring that the funding programs named in the PPP list (e.g., Water Trust Board) have reviewed the PPPs and have determined that they meet the minimum agency/program eligibility requirements. This would increase both the rigor of the PPP lists and their integration with agency funding programs.
Specific	9.1 d- Protect and encourage storm water catchment systems both public and private. Fundamentally, the water is contained for a limited time and again released to the natural water cycle recharging groundwater.
Specific	9.1 Would a clear definition of "shovel-ready" be useful here? How will comparability across regions be handled?
Specific	9.1 b. Project readiness includes 3 categories:

Categorization	Open Ended Response
	<p>i. ready to implement/proceed (like shovel ready). ii. needs planning (one step away from shovel ready). iii. needs scoping (one step away from being planned).</p> <p>Reverse the order.</p> <p>e (i) Drop 's from PPP so it is PPPs</p>
Specific	<p>9.1 Suggest removing the comma between "multiple" and "sub-lists". 9.1.a. for consistency, add the hyphen in "sub-lists" here. 9.1.c. for grammatical accuracy whether in singular or plural, recommend adding (s) to "intends": "Each proposed PPP must list the sponsor(s) that intend(s) to obtain the funding for and implement the PPP."</p>
Specific	<p>9.1: vi. Mandatory education at secondary level public schools to promote continued success of the water policies.</p>
Specific	<p>Under 9.1.(d) PPP types, add "maintenance of environmental, or instream flows"</p> <p>9.5 Acknowledgement and discussion of regional water balance, "including tribal water rights within the region," projected water availability and decision-making practices adapted "to address data gaps and uncertainties."</p>
General	<p>Are all the projects going to need match? Some drinking water entities don't have a lot of money, causing them to have to raise the already high rates while conserving, which causes an increase in the rates automatically.</p>
General	<p>The guidelines lack description of how the planning councils will identify and prioritize projects to be included in the Regional Waster Security Planning Council.</p> <p>It is not clear in the guidelines how the regional water security plan and PPP lists will account for (or at least consider) existing water plans within a given planning region.</p> <p>This section needs to be substantially revised to make it clear how planning councils should generate project lists, prioritize selected projects, and then implement projects. Language should be added to establish that these projects could be eligible for grant funding mentioned earlier in the guidelines.</p>
General	<p>Before any discussion of PPPs --only one end product of planning-- there must be a plan -- with identification of the problem, goals and objectives, an assesement of the water resources, and alternative, themselves selected</p>

Categorization	Open Ended Response
	<p>after going through rigorous evaluation of technical feasibility, political feasibility, social and cultural impacts, financial feasibility as well as physical, hydrological and environmental impacts/</p> <p>There also needs to be a way to evaluate whether the PPPs have made a difference. Thus, there needs to be funding to maintain the Council, the data, the models and the process.</p> <p>Finally, because depletions are causing such problems in the LRG and MRG, and likewise elsewhere, there must be a specific evaluation of aquifer levels and stream flow depletions, connected with climate change projections.</p>
General	9.5 very much nessary
General	Protect existing water rights
General	9.1 d viii has had FAR too much attention and funding for "re-use" of produced water. This is a fallacy we must not commit. Disclosure of contaminants, reduction of production of "produced" water and re-use IN THE OIL FIELDS is the only solution to that pollution. \$.02
Other	Please see attached letter

Do Not Support

Categorization	Open Ended Response
Specific	<p>9.1 d. Need to include agriculture water technology support</p> <p>9.2 A statement of public welfare values and the needs of future generations of New Mexicans. This should include agricultural impact because the future generations of New Mexicans will continue to need food and fiber.</p>
Specific	The existing problems need to be defined and documented before rushing to list and prioritize PPPs. A common, agreed-upon baseline for what the problems are is needed, before the large Council can meaningfully prioritize potential solutions (PPPs).
General	<p>d does not specifically include ways to increase the water supply. This is a bias in the overall planning process.</p> <p>d. does not focus on agriculture.</p> <p>I realize that the wording includes " but are not limited to:" that is a cop out.</p>

Categorization	Open Ended Response
	Are costs addressed in the PPP?
General	The Water Trust Board fulfills much of this already. Do not circumvent the process. Local control is the priority. Those with water rights decide about their own water and know best their needs.
General	NMWA DOES NOT SUPPORT: As explained in our Guideline 2.0 comment, it is premature to draft Guidelines. As recommendations for implementing Rules, Guidelines should be drafted after we have quasi-final or approved Rules.
General	This guideline is problematic because it adds bureaucracy, limits regional control, and may disadvantage smaller communities. The strict ranking system for projects reduces flexibility, and requiring pre-existing funding could exclude rural areas. The approval process centralizes power at the state level, leaving less room for local input, including traditional water rights holders like acequias. While conservation is emphasized, historical water rights are not. Overall, the process seems overly complex, slow, and not fully inclusive of all stakeholders.
General	Huge list of tasks, responsibilities, commitments to be undertaken by a volunteer council. The ISC has been working on similar planning efforts for decades, with full time professional staff.
General	NO encouragement NO committee stay out of water/land ownership
General	Overall Comment: I've been in government long enough to see that someone already had a plan and this effort is just trying to "check" the public input box because no one I've talked to agrees with this at all. These measures encroach upon local control and local water rights, not to mention decades of monies spent by individuals, municipalities, and counties to protect and improve water resources. This is a bad plan. Period.
General	The 'project readiness' scale is not clearly defined. Look to WTB to fill out this section with more detail.
General	And what if a landowner elects not to put his or her water project on the list that gets submitted? Isn't this going to foreclose them from doing such work?
Other	No government.

Comments from Documents Provided

Letter	Comments
Patrick McCarthy Thornburg Letter	9.0 COMMISSION APPROVAL OF REGIONAL WATER SECURITY PLANS My comments in the previous section pertain also to section 9.1. Consider adding a requirement that each project, program, and policy have a sustainable funding plan that identifies funding sources, amounts and names a single organization or individual that has committed to serving as a funding lead. Moreover, consider requiring that the funding programs named in the PPP list (e.g., Water Trust Board) have reviewed the PPPs and have determined that they meet the minimum agency/program eligibility requirements. This would increase both the rigor of the PPP lists and their integration with agency funding programs
eNGO Letter	<p>To be presented for Commission approval, RWSPs must contain the following elements, in addition to meeting the requirements set forth in the Rule:</p> <p>9.1 Prioritized list of PPP requests from the region. This list includes <u>multiple, sub-lists</u> organized based on readiness with project types and sponsor <u>noted</u> for each individual PPP.</p> <ul style="list-style-type: none"> a. Each of these readiness-based sub lists is independently prioritized, ranking each PPP at an individual level relative to all other PPPs on that list (region-wide). b. Project readiness includes 3 categories: <ul style="list-style-type: none"> i. ready to implement/proceed (like shovel ready). ii. needs planning (one step away from shovel ready). iii. needs scoping (one step away from being planned). c. Each proposed PPP must list the sponsor(s) that intends to obtain and administer the funding for and implement the PPP. <p>9.1.c - To ensure that sponsors follow through on administration of any grant funding they receive, we recommend an addition to this point so that it reads "Each proposed PPP must list the sponsor(s) that intends to obtain and administer the funding for and implement the PPP."</p> <p>9.1.d - We appreciate that this point clarifies that PPPs are not limited to the types listed. However, because of the considerable need and potential funding pathways for environmental restoration in our waterways, we suggest that "river and riparian corridor restoration" be added to the list of PPP project types.</p>

Letter	Comments
	<p>9.1.e - We agree that guidelines should provide councils with a basis for what kinds of documentation and factors may strengthen a PPP's case for prioritization, in part because this will inform members of the public regarding their support or dissent of plans, as well as the legislative budget process. However, we feel this section, as written, is too incomplete to provide these benefits. We suggest that a broader menu of factors be presented to councils.</p> <p>9.2 - We feel that this point, as written, substantially undermines the intent of the WSPA. We don't agree that the statute requires that public welfare and needs of future generations be defined together as a statement, but rather that councils evaluate projects against their impact on future generations (i.e sustainability, long-term impacts, etc) separately from impacts on current public welfare, especially because public welfare definitions may vary from region to region. We strongly recommend that, at the very least, the guidelines define a minimum standard for what review of the needs of future generations entails. For example, both the governor's water plan and leading statewide science on future water supplies focus on a 50-year timespan. We suggest that the minimum standard include, but not be limited to addressing PPPs' 50-year impacts on water quality, ecosystem services, water availability, and access to water for cultural and economic activities.</p> <p>9.5 - We strongly support the requirement that councils consider the impacts of an uncertain and variable water future. We recommend being more direct about the causes of such uncertainty and specifically direct councils to refer to the state's most comprehensive resources on the impacts of climate change on our water systems.</p>
San Juan Water Commission Guidelines Comments	<p>Added content in bold:</p> <p>9.1 Prioritized list of PPP requests from the region. This list may includes multiple, sub-lists sublists organized based on readiness, with project types and sponsor noted for each individual PPP.</p> <p>a. Each of these readiness-based sublists is shall be independently prioritized, ranking each PPP at an individual level relative to all other PPPs on that list (region-wide).</p> <p>b. Project readiness shall be identified as 3 categories:</p> <p>i. ready to implement/proceed (like shovel ready).;</p> <p>ii. needs planning (one step away from shovel ready).; or</p> <p>iii. needs scoping (one step away from being planned).</p> <p>e. Additional information for each PPP that would strengthen its case for prioritization, including, if available, includes:</p> <p>i. Ddocumentation/P proof of existing funding match commitments. for identified PPP's on the prioritized list, if that exists.</p> <p>ii. Other items that may strengthen the case for specific PPP.</p>

Letter	Comments
	<p>Explanatory comment: In 9.d please add ";" after each subitem the proposed change incorporates (i) and (ii) in subparagraph (e)</p>