



Notes

Monday, October 3, 2022

10:00am – 2:00pm

Zoom

Attendees

Task Force Executive Committee

Mike Hamman, State Engineer, Office of State Engineer

Hannah Riseley-White, Deputy Director, Interstate Stream Commission

Rebecca Roose, Deputy Cabinet Secretary of Administration, NM Environment Department

Marquita Russel, CEO, NM Finance Authority

Task Force Members

AJ Forte, Executive Director, NM Municipal League (not present)

Aron Balok, Water Resource Specialist, Pecos Valley Artesian Conservancy District

Aaron Chavez, Executive Director, San Juan Water Commission

Debbie Romero, Cabinet Secretary, NM Dept. of Finance & Administration

Dr. Ladona Clayton, Executive Director, Ogallala Land and Water Conservancy

Dr. Nelia Dunbar, NM Tech Professor, Leap Ahead Analysis

Elizabeth Anderson, Chief Planning Officer, ABCWUA

Jennifer Bradfute, Senior Counsel, Marathon Oil Company (not present)

Joy Esparsen, Deputy Executive Director, New Mexico Association of Counties

Kyle Harwood, Water Rights Attorney, Santa Fe

Norm Gaume, President, MRG Water Advocates

Patrick McCarthy, Water Policy Officer, Thornburg Foundation

Paul Tashjian, Director of Freshwater Conservation, Audubon

Paula Garcia, Executive Director, NM Acequia Association

Priscilla Lucero, Executive Director, SWNMCOG; Water Trust Board

Ryan Swazo-Hinds, Environmental Biologist, Pueblo of Tesuque Department of Environment & Natural Resources

Debbie Romero, Cabinet Secretary, NM Department of Finance and Administration

Todd Leahy, Tribal Liaison, NM Energy Minerals & Natural Resources; proxy for Secretary Sarah Cottrell Propst

Lt. Governor Carleton Bowekaty, Zuni Pueblo

Lynn Trujillo, Cabinet Secretary, NM Indian Affairs Dept.; Laurie Weahkee, Proxy

Bill Conner, NM Rural Water Association (not present)

Ralph Vigil, President, NM Acequia Commission; William Gonzales, Proxy

Michael Sloane, Director, Department of Game and Fish Director (not present)

Daryl Vigil, Water Administrator, Jicarilla Apache Nation

Dr. Phil King, Retired NMSU Professor and Consultant to EBID
Kirk Patten, Chief of Fisheries, Dept of Game and Fish
Jeff Witte, Director/Secretary of NM Department of Agriculture

Others

Danielle Gonzales, Executive Director, NM First
Theresa Cardenas, Civic Engagement & Policy Manager, NM First
Kenn Rodriguez, Technical Support, NM First
Eleanor Hasenbeck, Recorder, NM First
Lynne Canning, Task Force Design and Facilitation, NM First
Adrian Oglesby, Executive Director, Utton Center
John Fleck, Utton Center
Judy Calman
Cally Carswell
Abigail Tiarks, Proxy for AJ Forte
Rolf Schmidt-Petersen
Katherine Crociata

Opening:

The meeting opened with an update on how many participants voted on Work Group 1 & 2 recommendations. Only 24 out of 29 members voted.

An announcement was made to the whole task force that Work Group 3 to have more time to refine recommendations over the week.

The focus of this meeting was for New Mexico First to facilitate a discussion on problematic language in Work Group 1 & 2 recommendations.

The following comments are from Task Force members who contributed to the discussion:

Rec. 2.4: What does equity and sustainability mean?

- Strategy 1: no redundancy, more resources available
- Add word “conservation”
- I agree with him. Sustainability is not achievable in the circumstances he describes. The achievable goal is greatly increased resilience
- USGS definition: Groundwater sustainability is the development and use of groundwater resources to meet current and future beneficial uses without causing unacceptable environmental or socioeconomic consequences.” This could mean extending the lifespan of an aquifer while recognizing that it will eventually run out.
- I agree. Our current process for evaluating water rights applications includes “public welfare”. Having more staff at NMOSE to communicate with the public

would be beneficial for ensuring greater awareness and involvement in evaluating applications. Replace “sustainability with “resilience”.

- The existing language is “Consideration of equity and sustainability”.
- The OSE must consider the public welfare and the influence of additional groundwater appropriations on the other water users thus this analysis leads to the resilience of the resource perspective.
- I am okay with the OSE wanting to revise the language. We aren’t looking for the word “support”
- There should be a Neutral ombudsman, resources to protestants in legal cases
- Help should be provided (nonlegal guidance)
- Just as long as we are not gatekeeping
- Rural communities need to be kept abreast of the nuances where there is no legal counsel to inform, on the other hand, fully appropriated regions are still participating in multiple protests, this takes resources away from professionals and legal resources. If there was an ombudsman to help applicants, this would ease the burden on the applicants

(This recommendation received 96% yes from the vote) REC 2.4 at 11:30am. Votes from absent members will be collected at another time.

Group discussion on Recommendation 1.1 (comments from task force members on revisions)

- Get rid of preamble part
- Conditional yes from one task member who had a problem with creating a new entity.
- This is a statement. Doesn’t track construction. This is an observation, not an action statement. Whoever reads this, will not understand this recommendation.
- The actual recommendation is in the action.
- We want a standalone entity because we want a nonpartisan entity, and the scope is larger than one agency can do.
- Will this new entity be a new source of funding and an umbrella for all the other agencies that help here?
- Is this new entity going to rank projects?
- I suggest that green infrastructure be added to the list of infrastructure types in the first bullets.
- Green infrastructure is included by virtue of including stormwater projects in the language.
- Does the recommendation subsume the project implementation effort at the ISC?
- Green infrastructure—important to define, everyone uses it differently
- Dam and acequia and community ditch projects?
- I think the term green infrastructure is broad than a subset of storm infrastructure, but if the term green infrastructure was left out, it won’t change my vote for the recommendation.

- Is the Consensus of the group that the previous vote was for the preamble and the WIPA creation?
- Does WIPA have its own source of funding? Is WIPA going to rank and how does that intersect with existing ranking processes? In CO should WTB be added there and also ISC, OSE?
- Votes should have been on the full rec language that was sent out Friday and not just the language in the survey. If that was not clear, we can discuss it in the meeting today.
- Why is it called “quasi-governmental”? Is it an agency or governmental entity?
- Response: it would be created by state statute, but funding would be different (see PFSA). Independent board that would govern its activities, Non-partisan
- If we are funding through the state, it is a state agency, if we are getting a funding source, it is no longer a quasi-governmental entity, it is actually an agency. This will be an uphill battle to convince, will be hard for the legislature to get behind.
- PSFA has a dedicated stream, Finance authority too, but is independent

Suggestion: Given that some people are no longer here or able to vote, how would the best use of our time be spent? Rather than voting, if NM First could put together a packet with the revisions and voting list. For example, if changes makes a voter change to “no” from “yes”, please speak up.

Group discussion of Recommendation 1.3

- We need to have cross-referencing
- I agree. Utton Center can try to cross-reference in the final product
- The acequia cross-reference is in WG2 Recc 4 strategy 5

Group discussion of Recommendation 1.5

- Keep the focus on water & wastewater systems
- Let’s add a recommendation or strategy to WG2 about local capacity for irrigation system management and operations
- I don’t think that irrigation belongs here wither. The focus needs to remain on water and wastewater (3 members agree)
- I think that it could fir in WG2 Recc 6

Group discussion of Recommendation 2.2

- Conditional yes/no votes, suggested comments or edits
- No planning; see conflict between planning and Rec 1.1. (this prioritization and vetting would be done without planning. This would give a risk of pursuing projects not adequately weighed against alternatives)
- Plans? There needs to be state-level oversight, make more project-driven
- Intersections of regional planning and WIPA; how would regional planning factor into new entity’s project management and vice versa?

- Status quo regional water planning pursuant to the 1987 defensive statute must change!
- This is addressed in Recc 5, strategy 1
- I think the point is the need for reducing water depletions—but, as in Recc 2.5 it is nested under the regional planning recommendation
- How will we achieve cross-workgroup integration, synthesis, priority setting, and identification of key messages? All are needed for the task force’s final report to be understandable and effective. Does the Utton Center take the lead?
- Ag needs a lot of support to help provide transitions to a drier future. Prior appropriation is the default way to deal with shortage. Alternative administration gives us ways to come up with alternatives to prior administration, but priority is the foundation.
- I think water budgets are somewhat confusing to the average citizen
- I don’t think the recommendation 2.3 would support NMED and NMFA match for Clean Water and Drinking Water State Revolving Fund. There are specific federal requirements for what we can count as non-federal match for those programs and we’ likely still have to pull in state funds to our agencies, through the Public Projects Revolving Fund, Capital Outlay or general fund, too in order to provide full match. For CWSRF, NMED estimates \$23 Million from FY24-FY 27 including match for Bipartisan Infrastructure Law funding. Implementation of recommendation 2.3 “as is” will likely require NMED and NMFEA to educate legislators on why we need separate funding source for our match requirements.

Closing announcements:

- Stay tuned for draft report from Utton on Wednesday.
- Submit comments, recirculated before Oct. 13th meeting

Meeting End: 2:00pm