



## **Notes**

**Monday, September 26, 2022**

**10:00am – 2:00pm**

**Embassy Hotel, Albuquerque, NM**

**Hybrid- online 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

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

Aaron Chavez, Executive Director, San Juan Water Commission (not present)

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

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

Kyle Harwood, Water Rights Attorney, Santa Fe (not present)

Norm Gaume, President, MRG Water Advocates (online)

Patrick McCarthy, Water Policy Officer, Thornburg Foundation

Paul Tashjian, Director of Freshwater Conservation, Audubon (not present)

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 (not present)

Lt. Governor Carleton Bowekaty, Zuni Pueblo (online)

Lynn Trujillo, Cabinet Secretary, NM Indian Affairs Dept. (not present)

Laurie Weahkee, Proxy

Bill Conner, NM Rural Water Association (not present)

Ralph Vigil, President, NM Acequia Commission; William Gonzales, Proxy (not present)  
Michael Sloane, Director, Department of Game and Fish Director (not present)  
Daryl Vigil, Water Administrator, Jicarilla Apache Nation (not present)  
Dr. Phil King, Retired NMSU Professor and Consultant to EBID (online)  
Kirk Patten, Chief of Fisheries, Dept of Game and Fish (online)  
Jeff Witte, Director/Secretary of NM Department of Agriculture (not present)

### **Others**

Danielle Gonzales, Executive Director, NM First  
Theresa Cardenas, Civic Engagement & Policy Manager, NM First  
Valerie Rangel, Civic Engagement Assistant, NM First  
Lynne Canning, Task Force Design and Facilitation, NM First  
Adrian Oglesby, Executive Director, Utton Center  
John Fleck, Utton Center  
Stephanie Russo Baca, Utton Center  
Senator Pat Woods  
Representative Gail Armstrong  
Jaimie Park, Acequia Association

### **Review of next steps**

The next weeks are critical:

- Last chance for all task force members, support teams, legislative advisors to provide input
- Refine drafts
- Most recent versions sent out over weekend by HRW, please review and add comments no later than 12pm Sept. 27, 2022
- Oct. 3; review draft report by Utton
- Oct. 13; vote on final report
- After the report has been released to the public, Task force members will:
  - Act as ambassadors and attend legislative interim committee meetings during the month of October
  - Participate & take lead in setting up strategy sessions
  - Take input from legislators and report from work sessions
  - Set up series of additional meetings with legislators over the next months
  - Hold listening/strategy sessions in communities
  - Gather community input on next steps

Looking to co-leads to take on the ambassador commitment. Other members are welcome to participate as well

Any questions? None

## **Gallery Walk Activity**

This activity affords task force members the opportunity to walk around the room to read and review of each of the three Water Task Force work groups' recommendations, on display in the format of paper posters hung on the walls.

Instructions to task force members:

- Task force members count off 1, 2, 3 to form random groups
- Each group will have 30 minutes, starting at one work group's wall of posters, use sticky notes to provide feedback and engage in discussion, ask questions, then rotate to the next Work group's wall of posters and repeat the exercise until all work groups have been visited
- online participants were given a document containing all work group recommendations and instructed to send their feedback via email to work group co-leads.
- Members participating in-person will use sticky notes to:
  - write down details/feedback of what it would take to reach consensus
  - Weigh-in with more detail, specific reasons why not in support

Note: The Pink large size notecards note the recommendation that the work group feels needs more work and refinement

## **Group 1 – Feedback for Workgroup 3 (River, Aquifer, and Watershed Health)**

Recommendation 3, Action 3

- Workgroup 2 has similar recommendations to Workgroup 3
- Second bullet is not something Workgroup 2
- Development of shortage sharing agreements under AWRM and not under traditional practices (yes, overlap there)
- It makes sense to include in both because they address different goals
- AWRM—My part of the state is adjudicated, AWRM is bad, a substitute for prior appropriation, I understand where it can work
- Prior appropriation works if you don't come up with an alternative solution, this is the incentive (shortage sharing, etc.) when you say implement AWRM, others hear that we are trying to make alternative
- These shortage sharing agreements should be voluntary, local, and in areas that are un-adjudicated (original purpose)
- Make sure that AWRM is not imposed on areas that are not adjudicated
- The adjudication is already a complicated shortage sharing agreement

- Pecos serves as a model
- AWRM shouldn't always be used because it isn't always needed, shortage sharing should come from the ground up
- There's a lack of understanding of what do you do when there's not enough water to go around
- The conversation is complicated
- We have a finite amount of water, what do we do when people are no longer getting their water?
- How do we decide who gets the water?
- Senior/junior users come together, there needs to be something in return, voluntary
- Action 3 and equivalent in Workgroup 2, this is very important.
- Community generated agreements. Priority, shows that this is important.
- Would a roundtable model support this type of model?
- How the state doesn't have to appropriate a lot of funding if it is regional
- Creation of small regional groundwater districts
- The Pecos district formed out of necessity, consensus that something has to be done. Local funding was the source that allows us to do what we have tried to do to keep our system operating
- Even in Clovis-Portales area, this water will be gone. Groundwater mgmt. district could soften that landing as they transition to dryland farming
- Seems like a logical move
- How to incentivize the formation of those local district?
- Pushed from a local level, we are unique in that respect
- Can be borrowed and elsewhere (model that could be used)
- Every roundtable would get a little pot so that someone was getting some funding every year
- Recommendation 4: Tribal consultation and coordination with the state to hear what projects are most important, what funding is grant, federal, non-profit, etc. for environmental issues will be important and must include the input of all tribes because they are so different. Water quality sampling for cultural purposes is an important project. Many tribes do want to share data and capture what's happening with water levels and climate change impacts.
- Is there an entity who tracks the overlapping issues of tribal, state and federal restoration/stewardship projects?
- There's a lot here that is shared with both workgroups (emerging themes)
- Executive team and Utton will have to deal with how to handle the detail and redundancy
- Suggestions for final report of task force recommendations:

- Strategies may look alike across workgroups in major themes like capacity building (community and state level), funding, science, water conservation, community engagement
- Include a preamble to identify those things and threaded throughout
- Rather than artificially trying to combine
- Let the redundancy reflect the importance
- We are working with a water system; we have broken into pieces for convenience sake
- Deeply interconnected systems (ecological, human, etc.)
- Tie the recommendations to a problem statement, this will be helpful

## **Group 2 – Feedback for Workgroup 2**

- Gaps in agencies' ability to protect, manage, administer water resources in state
- Identify gaps and suggest
- Water quantity issues to water quality issues to address
- We need to support USDA, ONRT, other agencies to support with their capacity issues
- At state and local levels
- Aquifer storage and recovery, reuse, and importation strategies
- Overlap:
  - Funding
  - Agency Capacity
  - State agencies and local (regional) capacity
- Tools to do jobs efficiently, fill vacancies faster, pay enough to fill positions
- Question: 3 state entities listed; do we need to add more? Do we want to specify the bureau?
  - Dept. of Agriculture
  - OSE, IND, ISC
  - ONRT
- Have this vague or a complete list, so we aren't backing ourselves in a corner- Don't limit
- Make sure agencies are held accountable
- AWRM to protect water resources in aquifer systems
  - Identify who will get the water, sharing
  - State must take the lead on this
  - Doesn't require additional legislation, just staff
  - Water budgets?
- Agency Mission & Organization
  - Emphasize against illegal water use

- Identify gaps, maybe there are other gaps in other agencies (for example, NMED)
- Unavailable/unequitable water use
- Water resilience projects (other areas?)
- What if we created, local DA office as liaisons to local enforcement
- Instead of using enforcement, what about “administer water use and water rights”
- Administration/Enforcement
- Authority with OSE
  - Illegal irrigators
- Local capacity
  - Social mediation, getting out and working with people
  - A key thing that needs, incentivize the negotiation because there are many entities that feel they are better off without negotiation of shortage sharing agreement. We need something to coax participation at the table
  - Comment Lucero: automatic mediation, mandatory piece?
  - We must have plans in place, we have to have something consistently done by state, state-led planning effort
  - Need resources to be able to do that
- Accountability
  - 50-year water plan, surveys are shocking, longer-term investment

### **Group 3 – Feedback for Workgroup 1**

#### Recommendation 1

- Recommendation in Workgroup 2—is the idea to create two entities?
- Would these two things be combined into one water-related fund?
- Also in Workgroup 3—funding
- Funding itself and the capability, internal/external resources (ability to compete for these resources)
- Workgroup 1: creating a structure with people who are supporting communities to get water/wastewater projects complete
- Root causes around capacity
- Difficulty navigating application process
- Capital outlay issues
  - Create a dedicated funding sources (possible for overlap in other workgroups, ours is working in a different way)

- We may see a clear focus, are there elements within other workgroups among funding infrastructure that could be incorporated
- HRW: Fund as Workgroup 2; large funding pool that could be used to match federal funding, but this wouldn't provide the mechanism
  - This recommendation is about the process by which people could access those funds and supporting community capacity building, accessing funds
  - Question: does this replace or addition to current mechanism? Is this another pathway?
  - How does it streamline and consolidate versus making multiple pathways that may create confusion?
- Presentation Marquita (9 existing sources of funding); capital outlay— dedicated funding would come off the top, would reduce amount of total funding available, it wouldn't preclude a legislator with capital outlay, still could do a water project in constituent community, but the community would have a better pathway because they would have more support
  - Doesn't replace WTB, TIF or colonias infrastructure
  - Solving capital outlay problem
  - Improving quality of assistance for community
  - Support from cradle to grave on a project
  - Use dollars to hire contractor for construction, oversight, etc.
- The entity would be operated by this entity, different from how the other
  - Infrastructure through entity
  - PFSA has been doing this for pub schools in the 90s
- HRW: Both workgroups 2 and 3 have recommendations that are related to regional planning
  - This new entity would do planning, what is the relationship between a re-enhanced regional planning in ISC, for instance?
  - Issue of planning at community levels needed; different pathways for folks to get assistance?
  - If you don't know what the entity needs—complete assessments
    - Confusion at local level
    - Educational component
- “Establish clear objective criteria”—regional plans as input/source of data that goes into how entity vets and prioritize projects
  - Compliance status, for instance, as another input
  - Ties into regional planning
- HRW: Additional language to incorporate regional planning should be added

Recommendation 2:

- Phil King: micro perspective, regionalization doesn't quite work like it does at macro
  - Need to maintain some autonomy
  - Every small water system is different, we have to maintain autonomy
- Rebecca Roose: nothing in recommendation that mandates consolidation
  - Regionalization could be like setting up a contract to share an operator/bookkeeper, for instance
  - There is flexibility, but we need to capture it in the language of this recommendation

#### **Group 4 – Feedback for Workgroup 2**

Recommendation 3: Funding plan, but looking at increasing water resilience

- Modernize
- Changed over time; originally create \$1B, \$4.5B of needed funding
- Take \$ off the table? By taking it off the table, we may be able to get more buy-in
- Create & build a state fund
- To match federal water investments
  - Move quickly to utilize federal funding that will expire, don't lose out on federal monies

Feedback

- Could we have a list of current federal funding projects that need state match to complete them before timeline expires? So people could see how much money is needed for the projects that are already going on
- Make more money than just infrastructure, expand
- How about funding for when there is no federal match? Could we fund that at all? What if that's a local but no state match?
- Catalog all federal funding out there? State-wide needs assessment?
- DFA is already cataloging
  - We will reference this in the plan
- Last paragraph, state-led, state-supported, state-convened. Delete this phrase and defer who is leading and supporting to the regional planning recommendation
  - Don't address this here. It belongs in Recommendation #2
  - "Infrastructure projects in regional plans"
- Work with Workgroup 3, funding could be connected
  - How does this overlap with WTB?
  - Audubon; state trust all together
  - This is a bigger picture
  - ICIP; capital process in a limited process to go and request
  - Colorado concept (ongoing funding that is always there)

- If the idea is to simplify things, and creating two new funds, that is not simplifications
  - By not having a dedicated fund, we don't have leverage
  - Better not to assign a number to things
- This matches the Workgroup 2, this will come out in the process
- Keep it separate for now, leaving money on the table
- Highlight, water resiliency in systems, it has to be done in a way that has an eye towards the problem
- Focus; last clause "and require..." this should be moved into Rec 2
  - Highlighted in Rec 2
  - Do we want them in both places
  - Rec 2 is the explanatory side and Rec 3 is the earmarking side

### **Observations & Questions by whole task force**

- (online participant) Hard time hearing because of the background noise, will get together and look at documents to provide responses that way. Apologies to not be in person.
- Comment on Workgroup 1, Recommendation 1
  - Rationale for new entity as opposed to an existing entity, I want to discuss this. Can a summary of feedback around that issue be sent via email?
  - (Response) We got great feedback from all four groups. One of the themes: whether a new entity should be created as part of a state agency or a standalone. Pros/cons shared. All feedback is welcome.
  - Now, it is an open question. It is not specified as of yet.
  - A number of models, no one particular approach is spelled out
  - If you have strong feelings one way or another, or a good model to look at to make a decision to figure out fine tuning, please get that to us ASAP
- For Workgroup 2, appreciate feedback. Recommendation #3.
  - Do we need to have a prioritized list of actual current water infrastructure needs to be funded with state match?
  - Statewide needs assessment? Catalog of federal funding opportunities?
  - This exists already
  - Feedback: ideas, questions, document them
  - Answers found
  - Going outside of infrastructure needs, talk about this as a team
  - Funds that may not be federal funds, we need \$ (local match vs state match, what if no match is available?)
  - Documented all questions and comments brought up
  - Will strengthen entire recommendation
  - We did not find any group that didn't support need for Recommendation 3

- Workgroup 2 Recommendation 1: Agency capacity, strengthen state water mgmt. agencies
  - OSE, ISC, NMED
  - There are other agencies that need strengthening and capacity support (NM Dept. Ag, Office of Trustees)
  - Removing the level of detail as to which agencies need to be supported and strengthened
  - Be broader
  - Don't lose focus (enforcement, project mgmt. for community infrastructure improvements)
  - Get together with co-leads on this as well, send something in writing to co-leads
  - Good landing place with other recommendations, try to consolidate. Good place to insert and consolidate
  
- Work Group 3- good feedback, discussion among LFC and group members—how this all overlaps, what does it mean, and is input reflecting into the overall Utton report
  
- Workgroup 1, thank you for insight and questions
  - Takeaway: we knew walking in here that this is a big concept to create a new entity or model to change some funding for water/wastewater projects are built
  - We know it is lacking specificity, some pieces need to be better thought out
  - Help us refine, core of recommendation concept
  - This will evolve for greater clarity
  - Figure out places where we need to be less specific and allow things to gel and take place more, to make sure it is a recommendation people can rally behind

**Overall reflection of all recommendations:**

- Detail vs redundancy
- Should be a preamble or introduction that gives a high-level overview of the emergent themes and why they are emergent and important
- Recommendations and details behind these, the redundancy indicates their importance across water use sectors

There are at least five areas that emerged as common themes in the work groups:

1. Capacity (state and local level), projects, design, mgmt. across all sectors
2. Funding

3. Science, data, planning (turn more to data including measurement, monitoring, regulation) should be integrated. Evidence based water mgmt.
4. Community engagement, building engagement in underserved communities (planning, implementation, funding, etc.)
5. Water conservation, balancing supply and demand, balance water use across the state

**The executive committee would like to hear more from participants—to what extent we should be endeavoring to consolidate and to what extent we should be letting them be in all these recommendations - Any comments?**

Comments:

- We are producing a document that we are proud of, but we want to produce something people will read. The bigger it is, less chance of reading it. Find a happy medium. I want legislators and state leaders to pay attention. Make a document that is readable.
- We could have it both ways. Redundancy is not useful. Synergy is useful. If something is coming up in multiple working groups, we should highlight this importance. We can write a condensed version of what we are working on. Make this clear what was repetitive. Don't lose any of the detail of what we have done. A synthesized report with appendices as part of the full report will be important.
- Commonality: create a new fund (state already has many funds)
- Get ahead of potential critics; yes—we are suggesting the repetition, point it out (find where there are synergies and common themes, own it) Make sure we have thought it through
- This is not a lack of coordination, this is deliberate
- We should do consolidating for reading purposes. We also need to discuss the needs to streamline and consolidate the efficiencies of elevating the strategies. They need to coincide with one another. Otherwise, it will be hard to sell multiple funds and multiple agencies. Figure out how what we know what we know, where does the information reside? How are we pulling that information together? We must think about capacity issues.
- I like the concept of topics. It should appear at most 1 page and probably in large type. Have a second page with guidance to all the other recommendations and strategies. Definitions, etc.
- We need to think about how the recommendations will look to the rest of the legislature. Will they be hammered on with a completed bill. We need to think about what is competing against each other when bills are moving against each other, competition between bills.

- I sit on LFC, not happy that legislators are not voting members. There are others that aren't happy about that. WTF has no control over this. Hopeful for transparency moving forward. General public is upset about lack of transparency.
- The executive committee talking about this. We will continue to talk about this point. If within the structure we have, the paradigm for task force members voting. What is the best way to receive and obtain benefit of Legislative advisor input and giving that to the public? Any recommendations we can document, legislative advisor input is not counted in the same way. We can publish this in the report. Letters, written feedback, other models on how to present this to include in the report. We want to address the same issue.
- People concerned that there are no legislators on the WTF. Chairwoman made her ask and it went unheard. I hear you and respect that, but this will be a tough sell to the LFC as far as the chairwoman is concerned. We will be sending a letter on our comments. We can't vote on it. We will be making our recommendations via email by noon Sept 27, 2022.

**Announcement:**

Any further comments or concerns on recommendations may be emailed to workgroup co-leads

**Timeline:**

- Sept 22 deadline (by noon), for just the feedback.
- To and for ongoing recommendations. This is good in the form of a letter.
- Note, there is more time to put together something that WTF could include in the final task force report.

**Closing comments:**

We welcome everyone's input; the executive committee is thinking through how to incorporate legislative advisors' input. Given the timeframe, see if there is a level of consolidating that would be possible for Workgroup 2 and 3 this week.