

# FACING NEW MEXICO'S 21ST CENTURY

# WATER

## CHALLENGES

A REPORT OF THE  
NEW MEXICO WATER POLICY  
AND  
INFRASTRUCTURE TASK FORCE

DECEMBER 2022



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# EXECUTIVE SUMMARY

## Crisis and Opportunity

*New Mexico enters 2023 in a water crisis. But with unprecedented peril comes unprecedented opportunity.*

To address that challenge, and those opportunities, a diverse task force of stakeholders from across New Mexico came together from June to November 2022, studying the problems and coming to broad, shared conclusions: our challenges are dire, but there are things we can do *if we act now*.

New Mexico is the driest it has been in over 1,000 years. Warming and related aridification from climate change are exacerbating water shortages. Consequently, many of New Mexico's reservoirs are nearly empty, many of our aquifers are declining, rivers are drying, irrigation ditches are running dry when crops most need water, and our forests spent the summer of 2022 burning. Driven by drought and climate change, New Mexico's water crisis has laid bare water policies and processes that users, practitioners, and lawmakers agree are not meeting the 21st

century needs of New Mexicans under the stress of drought, aging infrastructure, and climate change.<sup>1</sup>

Beyond that, many small communities lack the resources to manage the systems they have. State agencies lack the resources to carry out the jobs they already have been given, with little capacity to address the new challenges.

### **That is the peril.**

But we also enter 2023 with focused attention from state leaders, and an influx of state and federal funding. Those are the opportunities - the convergence of urgent need, growing political will, and unprecedented levels of state and federal funding to address needed water management reform and infrastructure investments.

### **A window of opportunity is open before us.**

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1 Dunbar et al., 2022, Climate change in New Mexico over the next 50 years: Impacts on water resources: New Mexico Bureau of Geology and Mineral Resources, Bulletin 164.



## The Water Policy and Infrastructure Task Force

To help address these issues, Governor Michelle Lujan Grisham authorized the State Engineer to form a Water Policy and Infrastructure Task Force of water and natural resources experts, senior state agency staff, and stakeholders from around New Mexico to study the problems and recommend actions the state can take.

Working together, the 29 Water Task Force members, representing diverse expertise, geographies, and community interests, examined New Mexico water management and governance challenges.

### They identified core problems in four areas:

Water Supply	State Government Capacity	Community Capacity	Watersheds and Aquifers at Risk
Coping with the reality of climate change impacts on our already overallocated rivers and aquifers.	State water agencies lack programs, technology, and resources to protect the public welfare of the state, thus helping New Mexico's communities improve our resilience, and equitably adapt to substantially less water.	Massive wildfires, deep and lasting drought, and warming; hammering communities that lack the resources to adapt.	Jeopardizes the health of our beloved forests, rivers, aquifers, and those of us who depend on their services.

The Task Force came to a shared consensus on a set of hopeful opportunities – steps that can be taken now. New Mexico can advance policies and programs to address entrenched inequities in communities across the state that do not have the necessary resources and capacity to take full advantage of funding opportunities.

The notion of *equity* underpins much of what follows. In using the word, the Task Force adopted the definition of the U.S. Water Alliance:

### Water equity occurs when all communities:

Have access to safe, clean, affordable drinking water and wastewater services.	Share in the economic, social, and environmental benefits of water systems.	Are resilient in the face of floods, drought, and other climate risks. <sup>2</sup>
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<sup>2</sup> The Pillars of Water Equity, US Water Alliance, <http://uswateralliance.org/wec/framework>

This Report provides a path to modernize our 20th century water management systems to confront the 21st Century problems they face – most importantly, a projected 25 percent decline in surface water and groundwater recharge over the next 50 years.<sup>3</sup> Put simply, we must meet our needs with less water, and protect the quality of the water that we have.

But our governments’ currently available tools to do that – to exercise equitable and sustainable stewardship over our state’s reduced water supply – are inadequate for the size of the job. The problems are complex, and proposed solutions run the gamut from tweaks of existing systems to major initiatives. The proposed solutions cluster in five key areas:

### Definitions of The Five Key Areas that Need Solutions

Capacity	<i>The ability of existing state and local entities to cope with the growing scale and complexity of the problems.</i>
Funding	<i>The lack of resources to fix the problems we know we have, including the resources needed to effectively spend the bounty of federal and state money now available.</i>
Science, Data, and Planning	<i>Major gaps in our scientific understanding of New Mexico's water resources should be filled by hydrogeologic investigations and aquifer research.</i>
Community Engagement	<i>Solutions cannot be imposed from above, they must draw on knowledge and values of those closest to the problems and potential solutions.</i>
Water Conservation	<i>We all will need to use less water.</i>

<sup>3</sup> Dunbar et al., op. cit.

Money alone will not solve these problems. New Mexicans face hard choices about tradeoffs in a water-constrained future. But there are ways in which money can help, with targeted investments that build capacity and improve upon existing programs and tools within our current legal system. **The Task Force members, supported by experts from within and outside state and local governments, broke into three expert workgroups to focus their attention on three areas:**

Community drinking water, wastewater, and stormwater infrastructure capacity and finance.

Water resources management and planning.

River, aquifer, and watershed health.

## Lack of Capacity

Time and again in its deliberations, Task Force members identified a lack of capacity, the people needed at all levels of government - Tribal, state, and local – as well as the private sector and non-governmental organizations, to do the work needed to move New Mexico forward toward an equitable and more sustainable water future.

### **We need more boots on the ground to:**

- Measure and manage how our water is being used today.
- Plan, design and construct the water and wastewater systems our communities need and maintain them as they age.
- Protect watersheds and groundwater supplies from pollution, and clean up contamination where it already exists.
- Help our smallest communities with water management tasks that they are not equipped to complete on their own.
- Allocate and distribute streamflow and groundwater to users in accordance with the law, approved plans, and the public welfare of the state.
- Protect and restore our forests.
- Respond to the climate change-driven emergencies that are increasingly sweeping across our state.
- Help communities across the state access funds for critical water projects, oversee those investments, and ensure that all New Mexicans have access to clean, safe, and affordable drinking water.





# KEY RECOMMENDATIONS

Here are the key recommendations from the three Water Task Force Workgroups. More detail can be found in the appendices detailing the Task Force's recommendations.

In Brief:

## Community Drinking Water, Wastewater and Stormwater Capacity, Infrastructure and Finance

*Many of New Mexico's aging water, wastewater, and stormwater systems have been left behind. This leaves communities' health and well-being at risk. **Key recommendations:***

1. Create a Water Infrastructure Projects Authority (WIPA) with a dedicated funding stream to provide communities with the resources and support they need to help them meet current needs and adapt to climate change.
2. Promote and incentivize regional collaboration – from informal to formal arrangements – by drinking water and wastewater systems through administration of existing funding programs, prioritization of technical assistance investments, and clear laws and processes that preserve local flexibility.
3. Tackle local capacity challenges through predictable state investments in expanded technical assistance and strategic actions to grow the water workforce of the future.
4. Close the gap for drinking water and wastewater systems that need targeted funding to address emergency needs, such as short-term water outages brought on by wildfires and extreme drought.

# Water Resources Management and Planning

*New Mexico's climate has changed. The state is experiencing higher temperatures resulting in greater aridity and less available water. New Mexico lacks numbers of agency professional staff, programs, policies, accountability, and in some cases, the authorities suited to the magnitude of the response needed.*

*New Mexico's reservoirs, rivers, and aquifers are at or near record lows, and scientists project an additional 25% decrease in streamflow and aquifer recharge over the next half century, even as New Mexico's population and economy change and grow. This threatens human and environmental uses of water. Watershed degradation compromises streamflow and groundwater supplies, exacerbating the gaps between water supplies and water demands and the overuse of aquifers, accelerating their decline.*<sup>4</sup> **Key recommendations:**

1. Equip state agencies, especially the Office of the State Engineer (OSE), the Interstate Stream Commission (ISC), and the New Mexico Environment Department (NMED), to effectively address New Mexico's 21st Century emerging water security challenges and help New Mexicans across the state improve their water resilience and adaption to reduced water supplies. Set targets and ensure accountability through regular reporting by agencies.
2. Elevate water planning, through statutory clarification of its purpose, and proper funding of its work, and through empowerment of regional and local water agencies, to set clearly identified goals for permanent and escalating reductions in water use over the coming decades.
3. Support the resilience of the state's diverse agricultural communities with effective water rights administration by the Office of the State Engineer (OSE), inclusion of agricultural stakeholders in water management, and consideration of equity, conservation, and sustainability.
4. Advance our scientific understanding of groundwater through measuring, monitoring, and models to protect the quantity and quality of groundwater resources.
5. Capitalize a new state fund needed to capture and leverage the bounty of federal funding currently available for needed state and local water infrastructure.

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<sup>4</sup> Dunbar et al., op. cit.

## River, Aquifer, and Watershed Health

*New Mexico's rivers, aquifers, and watersheds are experiencing unprecedented stress, depletion, and degradation as we navigate a warming and drying climate. Increasing incidences of drought conditions, intense precipitation events, catastrophic wildfires, and associated destructive erosion and sedimentation threaten our forest and watershed health, and surface and groundwater resources. **Key recommendations:***

1. Fully fund and staff the Strategic Water Reserve and River Stewardship Program.
2. Fund New Mexico Environment Department to take over surface water quality regulation from the federal government.
3. Review modifications to New Mexico groundwater law to enable New Mexico to increase the resilience of the state's groundwater supplies and groundwater-dependent users.
4. Modernize forest management programs, both preventative and post-fire response.
5. Fund programs that help educate decision-makers and the public on water issues.



## Conclusion

Many of these recommendations focus on strategies that involve working with natural systems (such as natural and green infrastructure\*) to build New Mexico's water resilience and provide communities with equitable and sustainable access to water resources. Strategies that use natural and green infrastructure are well positioned to access federal funding.

The Task Force developed an extensive list of actions that, taken now, can help. Some of the steps can be taken through executive action, some require legislation, many require funding. The table, below, provides an overview of the recommendations developed by the Task Force. For a full list of recommendations and strategies to carry them out, as voted on by the Task Force, please see Appendices A, B, and C.

There are immediate actions to be addressed during the 2023 legislative session, but this report is designed for the long view, to be implemented over the next several years to best position New Mexicans for the known and unknown challenges ahead.

All the proposed efforts require engagement with the communities themselves who are at the heart of New Mexico's water future.



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\* Green infrastructure is an approach to water management that protects, restores, or mimics the natural water cycle. Green infrastructure incorporates both the natural environment and engineered systems to provide clean water, conserve ecosystem values and functions, and provide a wide variety of benefits to people and wildlife.



# RECOMMENDATIONS

Number	Recommendation
1.1	<p>Create the Water Infrastructure Projects Authority (WIPA), a coordinated entity to:</p> <ul style="list-style-type: none"><li>• Vet, prioritize, fund, plan, design, and construct complete drinking water, wastewater, stormwater, irrigation, green and dam infrastructure projects using dedicated funding from severance tax bond proceeds.</li><li>• Provide navigation services for communities that need to plan, design and/or construct water projects.</li></ul>
1.2	<p>Promote and incentivize regional collaboration – from informal to formal arrangements – by drinking water and wastewater systems through administration of existing funding programs, prioritization of technical assistance investments, and clear laws and processes that preserve local flexibility and ensure safe harbor for systems that consolidate.</p>
1.3	<p>Expand technical assistance services for drinking water and wastewater systems by providing a consistent level of funding for Technical Assistance Providers.</p>
1.4	<p>Establish an emergency fund to be used for immediate funding support during emergency events with clear protocols and strategies to mobilize resources.</p>
1.5	<p>Enact legislation with requisite appropriations to grow the water workforce to meet the demands of all water and wastewater systems for certified operators, staff, and volunteers.</p>



Number	Recommendation
2.1	Ensure a water resilient future for New Mexico by empowering state water management agencies. Transform and fund agencies to meet the growing challenges of the 21st Century: water scarcity, aridification, supply and demand imbalances, contaminants of emerging concern, and equity.
2.2	Elevate regional planning in the face of increasing water scarcity to promote equity and build capacity to govern and manage water.
2.3	Increase water resilience by leveraging federal funds -particularly currently available federal funds - to ensure New Mexico's water infrastructure is modernized for 21st century needs.
2.4	Support the resilience of the state's diverse agricultural communities with effective water rights administration by the Office of the State Engineer (OSE), inclusion of agricultural stakeholders in water management, and consideration of equity, conservation and sustainability.
2.5	Include agricultural and rural stakeholders in the creation of regionally-adapted, locally-developed strategies to address water conservation and supply/demand imbalances.
2.6	Increase the availability and accessibility of infrastructure improvement funding to irrigation entities.
2.7	<div> <p>Provide sufficient capacity to fulfill existing statutory mandates by utilizing existing authorized tools:</p> <ul style="list-style-type: none"> <li>• State Water Plan Act</li> <li>• Strategic Water Reserve</li> <li>• Active Water Resource Management (AWRM)</li> </ul> </div> <div> <ul style="list-style-type: none"> <li>• Acequia Water Transfer authority and Acequia Water Banks</li> <li>• Water banks</li> <li>• Water Data Act</li> <li>• Water Quality Act</li> <li>• State Tribal Collaboration Act (STCA)</li> </ul> </div>



Number	Recommendation
2.8	Advance scientific understanding and monitoring to support protection of the quantity and quality of groundwater resources.
3.1	River Health: Create and support programs that increase river system health and resilience to bolster community water security.
3.2	Aquifer Health: Expand knowledge and improve management of groundwater resources, which are in near-universal decline, and which New Mexico relies on more than any other southwestern state.
3.3	Watershed Health: Address climate change impacts to forested watersheds and critical water source areas through strategic investments and better agency coordination and partnership with tribes and impacted communities.
3.4	Water Education and Information for Decision-Makers and the Public: Rebuild and fund the New Mexico Bureau of Geology and Mineral Resources water education programs for policymakers, leaders, and managers. Explore the creation of new or repurposed public water education programs.

# FACING NEW MEXICO'S WATER FUTURE



New Mexico has always been a dry state, and the struggle to build lives in this arid land has shaped our culture and communities since time immemorial. Our indigenous, land-based cultures have endured challenges and struggles, and there is much to learn from their lasting success. But climate change in 2022 is pushing us toward a breaking point.

1. New Mexico endured an unprecedented wildfire season, including the two largest wildfires in the state's recorded history, which devastated watersheds and communities in Sandoval, Catron, Hidalgo, Mora, and San Miguel counties.<sup>5</sup>
2. Rio Grande flows have been below average for all but four years in the last two decades, with the river through central New Mexico at its lowest flows in recorded history. To put an exclamation point on the crisis, the river dried in the summer of 2022 through Albuquerque, the state's largest city, for the first time in four decades. New Mexico is getting dangerously close to a Rio Grande Compact debit violation affecting water users in both the middle and lower Rio Grande valleys.
3. Total water storage in the Rio Grande's major reservoirs entered the third decade of the 21st century at its lowest levels since the drought of the 1950s.<sup>7</sup>

<sup>5</sup> Interagency New Mexico Fire Information, <https://nmfireinfo.com/>, retrieved Sept. 27, 2022

<sup>6</sup> USGS, Rio Grande at San Felipe, Gage 08319000

<sup>7</sup> USBR Basin Status, [https://www.usbr.gov/uc/water/hydrodata/status\\_maps/](https://www.usbr.gov/uc/water/hydrodata/status_maps/)

Accelerated decline of many of the state’s major aquifers is the result of pumping water to make up for our chronic shortages of rain and snow while adding additional demands as our population increases. Gaps in our groundwater monitoring network leave us with no clear picture of the status of our aquifers in many parts of the state. Several communities have seen their wells go dry, forcing them to take emergency measures such as trucking in water.

Aging water infrastructure, especially in New Mexico’s smaller communities, is under increasing pressure to meet the challenges posed by the climate crisis. Decaying infrastructure and lack of community capacity to repair, replace, and manage water and wastewater systems threaten equitable access to the basic necessity of clean, safe drinking water.<sup>8</sup>

Climate change is making things worse, as noted in the “Leap Ahead” report prepared at the request of Governor Michelle Lujan Grisham. The Governor directed the 50-Year Water Plan be guided by science. To carry out this directive, the Interstate Stream Commission requested the New Mexico Bureau of Geology and Mineral Resources convene an interdisciplinary team of leading New Mexico scientists.

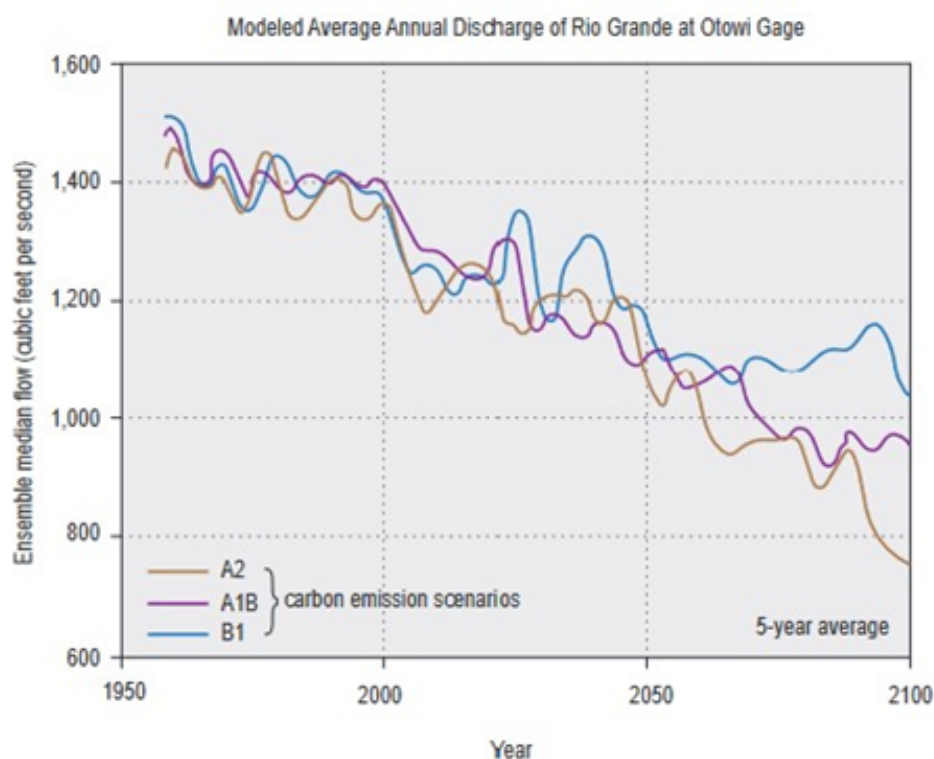


Figure 2. Projections of declining Rio Grande flows. Dunbar et al., 2022

<sup>8</sup> Brunner et al., New Mexico Rural Infrastructure Needs Study, 2021



Their review of the latest science literature represents our best understanding of the probable impacts of climate change to New Mexico's water resources:

[T]he climate will continue to warm over the next 50 years without a likely increase in precipitation, leading to greater statewide aridity. Hydrological modeling indicates declines in both runoff and recharge going forward, amounting to 3 to 5% per decade for both quantities. Historical trends in runoff indicate significant year-to-year variability, as do trends in soil moisture and recharge. But all are generally decreasing, consistent with the results of climate models that project a drying climate. Combining the historical trends with modeling of future changes, significant decreases in runoff and recharge seem very likely...<sup>9</sup>

While there will be regional variability, all water users in the state should expect decreased water availability as a warming climate turns what were once droughts – due to end with the next wet years - into something more permanent, which scientists have begun calling “aridification”.<sup>10</sup> This reflects not merely the need to adjust to a “new normal”, but rather a need to adapt to an inexorable downward trend in New Mexico's water supplies.

The state agencies responsible for working on these problems have long been starved for resources – too many ongoing projects to effectively oversee, too many water users to effectively monitor, too many potential sources of contamination to effectively police.<sup>11</sup>

Local agencies, especially among small communities, face similar struggles: too many small water systems dependent on volunteers, too few technical experts to provide the help to design and manage the construction of new projects, and too few resources to maintain existing infrastructure.

Many water users themselves have delayed adapting to changing circumstances, as they recall the bounty of supplies during the “fat and happy” period of 1979-2000 and being bailed out year upon year by proactive water management of meager winter snowpacks and sporadic monsoons. But realization is setting in and worried mindsets can lead to conflict unless trust and compromise are pursued.

In this crisis lies opportunity. We have a once-in-a-generation chance to make transformational change in the policies and processes we inherited from the 20th century – policies and process that need serious review and change to provide the tools necessary to rise to the task of addressing persistent drought overlain with climate change.

With this backdrop, Gov. Michelle Lujan Grisham asked State Engineer Mike Hamman to convene a task force of leaders and experts from across the state, representing state agencies charged with dealing with these issues, and communities affected by them. Meeting over the summer and fall, the group identified the most pressing problems, the key obstacles to dealing with them, and steps that can be taken – both quickly to deal with immediate crises, and in the long run to help build an equitable, sustainable, and resilient future.

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<sup>9</sup> Dunbar et al., op cit

<sup>10</sup> Colorado River Research Group, When is a Drought Not a Drought? Drought, Aridification, and the “New Normal”, March 2018, [https://www.usu.edu/colorado-river-research-group/files/crrg\\_aridity\\_report.pdf](https://www.usu.edu/colorado-river-research-group/files/crrg_aridity_report.pdf)

<sup>11</sup> Testimony before Interim Water and Natural Resources Committee, Sept. 8, 2021,

<https://www.nmlegis.gov/handouts/WNR%20090721%20Item%206%20Water%20Governance%20Imperatives%20and%20Solutions.pdf>

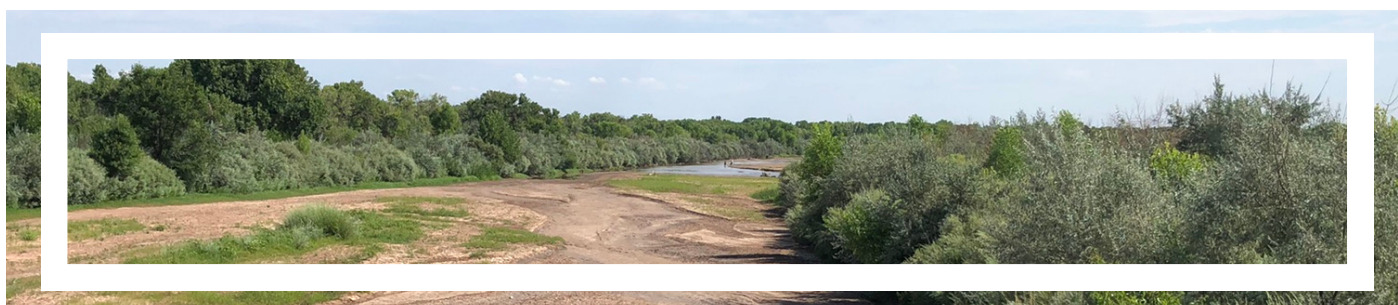
New Mexico First facilitated the discussion among the Task Force and smaller workgroups using a consensus-based process, ensuring that each Task Force member had the opportunity for their own voice to be heard, and to hear the voices and perspectives of others. After a series of meetings, facilitated discussion and deliberations in small workgroups and as a full task force, task force members voted to approve each recommendation.

The portions of this report that are the formal, approved language of the Task Force include:

1. The Task Force’s definition of the problems, found in the “problem statements” sections of the document’s “Problems and Solutions” section.
2. The Task Force’s formal recommendations, found in their approved forms in Appendices A through C.
3. The Task Force charter, found in Appendix D.
4. The Task Force’s formal comments on the 50-Year Water Plan.

In addition, summaries of the Task Force’s main findings and recommendations, intended for policymakers, were prepared by the Utton Center at the University of New Mexico School of Law. These summaries, which include input from Task Force members, can be found in the section of this report entitled “Problems and Solutions.”

The deliberation and voting process ensured broad support for the ideas but does not imply that every Task Force member is in support of every recommendation, nor does it imply that every task force member – Tribal, water agency, local government, or non-governmental organization – spoke for all of New Mexico’s members of each group. Fifteen of the seventeen recommendations received affirmative support by 85 percent or more of the Task Force’s members. The other two, noted in the appendices, received at least 74 percent support.



## Legislative Advisors and Their Role

In order to ensure development of viable policy recommendations, the Water Task Force Executive Committee invited eight legislative advisors, and one alternate, to engage in the Water Task Force process. These legislative advisors were encouraged to join in discussion at meetings, provide comment on draft recommendations and coordinate on next steps. Legislative advisors brought valuable expertise related to their communities and constituents, as well as the policy-making process. Ultimately, this final set of Water Task Force recommendations is just a first step. Continued coordination between the legislative advisors, together with other legislators, Water Task Force members and communities across the state will be necessary to bring these ideas to fruition.

### **Legislative Advisors included:**

Rep. Gail Armstrong (Water and Natural Resources Committee (WNRC),  
Legislative Finance Committee (LFC)

Rep. Jack Chatfield (WNRC advisory, LFC)

Rep. Tara Luján (WNRC, LFC designee)

Rep. Nathan Small (WNRC advisory, LFC)

Sen. Ron Griggs (WNRC advisory, LFC designee)

Sen. Liz Stefanics (WNRC)

Sen. Peter Wirth (WNRC advisory, LFC designee)

Sen. Pat Woods (WNRC, LFC)

Rep. Susan Herrera, alternate advisor (WNRC, LFC designee)

The Executive Committee and Workgroup leads will continue to work closely with our advisors to utilize Task Force recommendations to help develop an actionable legislative agenda to address the three major categories identified. It is critical to develop a longer-term action plan developed between the Executive and the Legislature to fully leverage federal resources is critical in setting New Mexico on a path toward resiliency in the face of persistent drought and increasing aridity.

# Task Force Membership and Support Team

## Executive Committee

Member Name	Role
Mike Hamman	State Engineer, Office of the State Engineer
Hannah Riseley-White	Deputy Director, Interstate Stream Commission
Rebecca Roose	Deputy Cabinet Secretary of Administration, New Mexico Environment Department
Marquita Russel	Chief Executive Officer, New Mexico Finance Authority

Executive Committee members also served as full members of the Task Force.

## Task Force

Member Name	Role
Elizabeth Anderson	Chief Planning Officer, Albuquerque Bernalillo County Water Utility Authority
Aron Balok	Superintendent, Pecos Valley Artesian Conservancy District
Carleton Bowekaty	Lieutenant Governor, Zuni Pueblo
Jennifer Bradfute	Senior Counsel, Marathon Oil Company
Aaron Chavez	Executive Director, San Juan Water Commission



## Task Force cont.

Member Name	Role
Dr. Ladona Clayton	Executive Director, Ogallala Land and Water Conservancy
Bill Conner	Executive Director, New Mexico Rural Water Association
Dr. Nelia Dunbar	State Geologist, New Mexico Bureau of Geology and Mineral Resources
Joy Esparsen	Executive Director, New Mexico Counties
A.J. Forte	Executive Director, New Mexico Municipal League
Paula Garcia	Executive Director, New Mexico Acequia Association
Norm Gaume	President, Middle Rio Grande Water Advocates
Kyle Harwood	Water Rights Attorney, Santa Fe
Dr. Phil King	Retired NMSU Professor & Consultant, Elephant Butte Irrigation District
Todd Leahy	Deputy Cabinet Secretary and Tribal Liaison, New Mexico Department of Energy, Minerals, and Natural Resources
Priscilla Lucero	Executive Director, SWNMCOG

## Task Force cont.

Member name	Role
Patrick McCarthy	Water Policy Officer, Thornburg Foundation
Debbie Romero	Cabinet Secretary, New Mexico Dept. of Finance & Administration
Michael Sloane	Director, New Mexico Department of Game and Fish
Ryan Swazo-Hinds	Biologist, Environment Department, Pueblo of Tesuque
Paul Tashjian	Director of Freshwater Conservation, Audubon
Lynn Trujillo	Cabinet Secretary, New Mexico Indian Affairs Department
Daryl Vigil	Water Administrator, Jicarilla Apache Nation
Ralph Vigil	New Mexico Department of Game and Fish, Chair of the New Mexico Acequia Commission
Jeff Witte	Cabinet Secretary, New Mexico Department of Agriculture

## Support Team

### New Mexico First

Member Name	Role
Lynne Canning	Task Force Design and Facilitation
Solana Cummings	Photographer
Theresa Cardenas	Civic Engagement and Policy Manager, Lead
Corina Gomez	Recorder
Danielle Gonzales	Executive Director
Eleanor Hasenbeck	Recorder
Valerie Rangel	Civic Engagement Assistant

### Utton Center

Member name	Role
John Fleck	Writer in Residence
Adrian Oglesby	Director
Sairis Perez-Gomez	Administrative Assistant
Stephanie Russo Baca	Staff Attorney
Lauren Rust	Program Coordinator

## Support Team cont.

Experts contributing to workgroups and/or serving as proxies for task force members

Member name	Role
Jonas Armstrong	Director of Office of Strategic Initiatives, NMED, Proxy for Deputy Secretary Rebecca Roose
Cally Carswell	New Mexico Legislative Finance Committee
Nat Chakeres	New Mexico Office of the State Engineer, General Counsel
Rachel Conn	Deputy Director, Amigos Bravos
Max Henkels	Natural Resource Policy/Planning Analyst, Proxy for Secretary Jeff Witte, New Mexico Department of Agriculture
Heather Himmelberger	Southwest Environmental Finance Center
Ramon Lucero	Rural Communities Assistance Corporation
Joseph Maestas	New Mexico Public Regulation Commission
Laura McCarthy	New Mexico State Forester, Energy, Minerals and Natural Resources Department
Kirk Patten	Proxy for Michael Sloane, New Mexico Department of Game and Fish



# Support Team cont.

Experts contributing to workgroups and serving as proxies for task force members

Member name	Role
John Rhoderick	Acting Water Protection Division Director, New Mexico Environment Department
Scott Sanchez	Legislative Finance Committee
Abigail Tiarks	New Mexico Municipal League Policy Analyst, Proxy for A.J. Forte
Stacy Timmons	New Mexico Bureau of Geology
Laurie Weahkee	Proxy for Secretary Lynn Trujillo, New Mexico Indian Affairs Dept.
Bob Wessely	Past President, Middle Rio Grande Water Advocates

While financially supported by the Thornburg Foundation, the Water Policy and Infrastructure Task Force is solely responsible for all content.



# PROBLEMS AND SOLUTIONS

These summaries of the Task Force’s key findings and recommendations were prepared by the Utton Center to provide a road map for policymakers to the Task Force’s work. For the full language of these findings, as approved by the Task Force, see Appendices A through C.

## Community Drinking Water, Wastewater and Stormwater Capacity, Infrastructure and Finance

### The Problem

Water and wastewater systems are essential for quality of life. Many of New Mexico’s aging water and wastewater systems have been left behind and many communities lack adequate and resilient stormwater infrastructure. This leaves communities’ health and well-being at risk as they struggle with the growing impacts of climate change.

**The challenges these communities face are manifold:**

1. Aging and frequently inadequate infrastructure.
2. A lack of local and Tribal government capacity – technical, managerial, and financial – to operate and maintain current systems, let alone plan for their upgrade or replacement.
3. Needed infrastructure investments for reuse, aquifer storage and recovery, water conservation (e.g., leak reduction) and energy efficiency, which may be more acute needs for larger water systems.
4. A shortage of needed private sector capacity among engineering firms and others.

This problem is growing, even as New Mexico provides proportionately more non-federal dollars for water infrastructure problems than any other state.

Many critical projects go unfunded or underfunded due to factors beyond issues of local and Tribal government capacity, including:

# Problems of Community Drinking Water, Wastewater and Stormwater Capacity, Infrastructure and Finance

## Problem 1

*The current state capital outlay process.*

## Problem 2

*Unpredictability of funding levels in any given year.*

## Problem 3

*Major gaps in our scientific understanding of New Mexico's water rights should be filled by hydrogeologic investigations and aquifer research.*

## Problem 4

*Added stress on infrastructure and water supply associated with increased drought, flooding and severe weather conditions, which may exacerbate the scale and scope of needed infrastructure improvements.*

## Problem 5

*A tangle of funding programs at the state and federal levels with differing requirements and selection criteria that leave small communities lost and unable to find a way through the morass to get the help they need.*

## Problem 6

*A lack of prioritization of funding by policymakers.*

## Problem 7

*The challenge of coordination across state agencies, Tribal governments, and with the federal government.<sup>12</sup>*

<sup>12</sup> State-Funded Water Projects, Legislative Finance Committee Report #21-02; Infrastructure Funding for Community Water Systems in New Mexico, Including Tribal Community Systems. Southwest Environmental Finance Center, 2022

# Recommendations for Community Drinking Water, Wastewater and Stormwater Capacity, Infrastructure and Finance

1. Create a Water Infrastructure Projects Authority to assist small communities.
2. Support regional water system collaboration.
3. Enhance technical assistance support to small communities.
4. Create an emergency relief fund to help communities like those hit by fires and post-fire flooding in 2022.
5. Grow the water workforce.

## Water Infrastructure Projects Authority

Many communities lack resources and economies of scale and need a capital investment model that encompasses the planning, project management, and execution of water infrastructure projects, services not provided by the Department of Finance and Administration (DFA), Water Trust Board (WTB), Colonias Infrastructure Fund, New Mexico Finance Authority (NMFA), New Mexico Environment Department (NMED), or Indian Affairs Department (IAD).

Creation of a new Water Infrastructure Projects Authority (WIPA), a state government entity, would help these communities by vetting, prioritizing, funding, planning, designing, and constructing drinking water, wastewater, stormwater, irrigation, and dam infrastructure projects using a dedicated stream of state funding from severance tax bond proceeds. The WIPA would also provide navigation services to help communities navigate the range of other possible funding sources and support Technical Assistance Providers that currently assist communities with these challenges.

## Regional Collaboration

Collaboration among small drinking water and wastewater systems – ranging from informal to formal arrangements – can help them overcome the lack of economies of scale that larger systems take for granted. Steps to incentivize such collaboration include:



Legislative direction that drinking water and wastewater finance programs prioritize and incentivize regional collaboration.

Creation, by NMED, of a list of drinking water and wastewater systems that might benefit from some form of regionalization, to be provided to state infrastructure finance program managers.

## **Technical Assistance**

New Mexico has a network of technical assistance providers, e.g., Regional Councils of Government, Southwest Environmental Finance Center, New Mexico Rural Water Association, New Mexico Rural Community Assistance Corporation, which help address gaps in local and Tribal capacity, including governance, planning, and certified operator training. Recurring appropriations are needed to bolster this system to ensure small, local communities have the help they need.

## **Emergency Fund**

The wildfires of 2022 and the flooding that followed exposed the need for a more robust way of helping communities respond to such emergencies. Establishment of an emergency fund with clear protocols and strategies to mobilize resources would help. Legislative establishment of such an emergency fund is needed, with a direction to DFA to administer the fund and coordinate with other state agencies for technical assistance in allocation of money and project oversight.

## **Water Workforce**

Legislation, with appropriations to support it, can help grow the water workforce to meet the demands of water and wastewater systems for certified operators, staff, and volunteers. Allowing PERA and ERB retirees to return to the workforce, creation of an apprenticeship program, and supporting educational programs to strengthen local water systems could all play critical roles.

**Detailed recommendations can be found in Appendix A.**

## The Problem

New Mexico's climate has changed. The state is experiencing higher temperatures resulting in greater aridity and less available water. New Mexico lacks institutional tools suited to the scale of the response needed. New Mexico's reservoirs, rivers, and aquifers are at or near record lows, and scientists project an additional 25% decrease in streamflow and aquifer recharge over the next half century, even as New Mexico's population and economy change and grow. This threatens human and environmental uses of water. Watershed degradation compromises surface and groundwater supplies, exacerbating the gaps between water supplies and water demands.

**Among the resulting challenges are:**

### Problems of Water Demand and Supplies

On paper and in practice, demands placed on rivers and aquifers by human extraction of water outpace supply, draining aquifers and drying up rivers. In some areas of the state, surface water and groundwater are over-appropriated and/or under-regulated.

Resulting problems include:

#### Problem 1

*New Mexico's ability to comply with interstate compacts given increasing scarcity and competing demands between New Mexico and neighboring states as well as the subsequent need for significant funding for legal defense and/or settlement negotiations.*

#### Problem 2

*The lack of clarity of Tribal and non-Tribal water rights due to many unadjudicated stream systems and unresolved Tribal and Pueblo water right settlements.*

#### Problem 3

*Threats to all forms of agriculture - commercial and cultural, large and small, rural and urban, irrigated and dryland.*

**Problem 4**

*Threats to the water supplies that sustain municipalities and industry.*

**Problem 5**

*The disproportionate impact to communities both in the amount of water available during drought and times of shortage, and the socioeconomic impact of water right transfers from agriculture to other uses, particularly in rural and acequia communities. In consideration of equity and private property rights, this must be balanced with the need to move water around via water banking, transfers, and markets to adapt.*

**Problem 6**

*The need to augment supply regionally, through such tools as brackish groundwater desalination, wastewater reuse, and treated or recycled produced water.*

**Problem 7**

*The need to conserve water across sectors with investment in innovative conservation technology.*

# Problems of Inadequate, Underused or Under-resourced Management Tools

## **Underused and under-resourced existing institutional tools include:**

Integrated science including the New Mexico Data Initiative.

Active Water Resources Management (AWRM) voluntarily negotiated shortage sharing agreements, and other mechanisms for water management during drought.

Aquifer recharge (AR) and aquifer storage and recovery (ASR).

Wastewater reuse.

The Strategic Water Reserve.

Equitably structured, regulated, and managed water banks and water markets.

Basin adjudications and adequate resources for parties to reach negotiated settlements.

State agency structures and resources that are inadequate to address 21st century challenges, including the lack of coordination or integration between water quantity and quality administration. Lack of adequate funding or funding mechanisms to address surface and groundwater storage, dam safety, irrigation infrastructure improvements and natural infrastructure as well as increase the capacity to deploy federal funds include:

### **Problem 1**

*Data driven mechanisms to adequately assess impairment of existing water rights in the water transfer process and modernized public notice that protects due process.*

### **Problem 2**

*State agencies that lack the capacity to enforce, or enforcement mechanisms, sufficient to ensure compliance with regulatory and permit requirements and to restrict diversions that exceed permitted appropriation.*

### **Problem 3**

*The need for increased monitoring, including measurement of diversions, metering wells, and a clear understanding of the amount of water in aquifers. Including the need for clarity in statutory, rulemaking, and permit authority among state agencies when adopting new rules and regulations, particularly surrounding new water conservation programs and initiatives.*



# Recommendations for Water Resources Management and Planning

## State Agencies

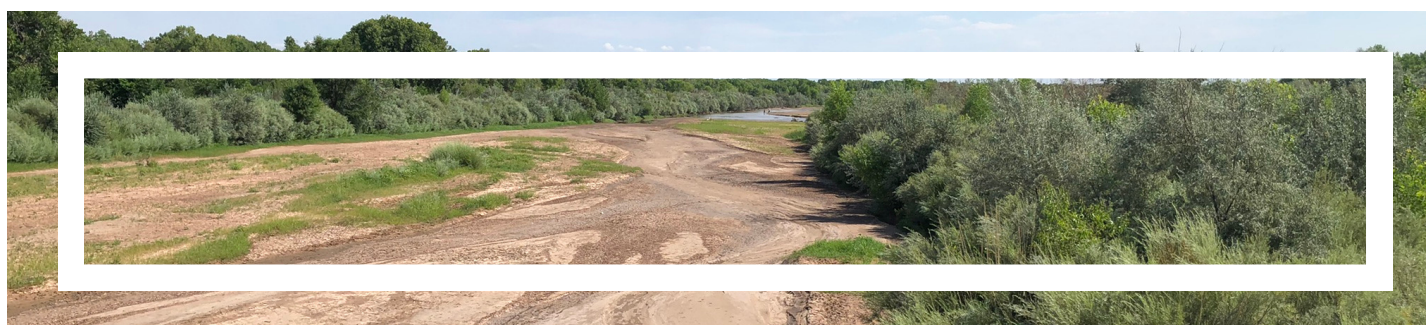
To ensure a water resilient future for New Mexico, we must empower state water management agencies, transforming and funding them to meet the growing challenges of the 21st Century.

This will require legislation to implement the Task Force’s recommendations and the state engineer’s priorities, as well as funding to carry out the jobs we have given the state’s water management agencies.

Such legislation must update the mission and functions of the OSE and the ISC to address emerging challenges, including climate-driven water scarcity and sufficient staffing to accomplish water resilience, sustainability, and equity goals enacted by the legislature.

We must ensure adequate state agency capacity to carry out the water management jobs we have given them – ensuring a water resilient future – including:

1. Enforcing against illegal water use.
2. Providing certainty of water rights through adjudication and settlements.
3. Modernizing the use of science and data to support decision making and planning.
4. Protecting groundwater from contamination.



# Recommendations for Water Resources Management and Planning (cont.)

## Planning

We must empower state agencies and regional/local water planning entities to set clearly identified goals for permanent and escalating reduction in water use over the coming decades. This requires decision support tools, the development of inclusive and well-supported plan development processes, and commitment of resources to ensure plan implementation and systematic evaluation of outcomes.

Like recommendations associated with community infrastructure, we must increase local capacity for water resources management planning and implementation in Tribal, acequia, and rural communities.

## Using Existing Tools

We must ensure state water agencies are given the support they need to carry out existing statutory mandates, for which current funding levels are inadequate:

- State Water Plan Act
- Strategic Water Reserve
- Active Water Resource Management
- Acequia Water Transfer authority and Acequia Water Banks
- Water banks, Active Water Resource Management (AWRM) General Rules
- Water Data Act
- Water Quality Act
- State Tribal Collaboration Act (STCA)

This will require amending the 1987 regional water planning statute section 72-14-44 to state goals, objectives, outcomes, and desired impacts for regional and community water planning processes, particularly ISC and planning entity respective authorities and criteria for acceptable plans.

As we do this, the state must include agricultural and rural stakeholders in the creation of regionally adapted, locally developed strategies to address water conservation and supply/demand imbalances.

## Leveraging Federal Funding

Create and build a state fund sufficient to provide some or all of the required non-federal match to use and leverage federal water investments. Move quickly to organize and support New Mexico's efforts to use federal funding before it expires to build or rehabilitate infrastructure that will improve water resilience.

# Recommendations for Water Resources Management and Planning (cont.)

## Supporting New Mexico Agriculture

We must improve the Office of the State Engineer's administrative procedures and capacity for processing water rights transfers to improve the input process for agricultural communities and respect any special authorities of local entities. We must also finalize Indian water rights settlements and basin adjudications to provide water rights certainty, and support Acequias' water resilience and sustainability by increasing resources for existing state programs.

We also must improve access to infrastructure funding for irrigation entities and develop disaster response and recovery programs specifically for irrigation entities (acequias, small ditches, etc.).

## Groundwater

New Mexico should create a strong proposal to capture enough current federal infrastructure funding to develop an essential, modern, and dedicated monitoring network for groundwater to equip our state to address the lack of existing coverage and risks of climate impacts in water resources planning and management. Leveraging federal funds would allow installation of a state-wide network of monitoring wells, providing essential data for planning and administration, now and in the future.

**Detailed recommendations can be found in Appendix B**



## The Problem

New Mexico's rivers, aquifers, and watersheds are experiencing unprecedented stress, depletion, and degradation as we navigate a warming and drying climate. Increasing incidences of drought conditions, intense precipitation events, catastrophic wildfires, and associated destructive erosion and sedimentation threaten our forest and watershed health, and surface and groundwater resources. The over-allocation of surface water rights, depletion of groundwater reserves, impaired surface and groundwater quality, fire suppression, and manipulation of the land magnify New Mexico's water issues. The current conditions and anticipated stressors in coming decades imperil New Mexico (including, but not limited to our agricultural communities), threaten many species and associated ecosystems, and impact traditional cultural users of the river by residents, indigenous, and acequia communities, and may contribute to public health hazards.

New Mexico's history of resilient communities, adapting to their environments, and practicing equitable water management, serves as a model for all levels of governance. We need to better manage watershed, aquifer and forest health, allocate and sustain long-term funding, practice more stewardship, partnership, and collaboration. We must address the lack of data needed to better understand water quantity and quality, planning, infrastructure, and staff/capacity. Prioritization of watersheds that are important to upper watershed health and natural resources with management decisions being inclusive of tribal, traditional, and local communities and advocacy groups. With regard to the recommendations presented below, the government-to-government relationships we have established with Tribes, Pueblos, and Nations must continue to guide and influence how we are evolving New Mexico's water policy. The recommendations offered here are inclusive of all New Mexico communities as we work to build our collective water resilience. Working together to protect the health of our rivers, aquifers and watersheds is a demonstration of our resilience.

## Recommendations In Brief on River, Aquifer and Watershed Health

1. Better management of watershed, aquifer and forest health, allocate and sustain long-term funding, practice more stewardship, partnership, and collaboration.
2. Address the lack of data needed to better understand water quantity and quality, planning, infrastructure, and staff and human capacity.
3. Prioritization of watersheds that are important to upper watershed health and natural resources with management decisions being inclusive of tribal, traditional, and local communities and advocacy groups.



## **Recommendations for River, Aquifer and Watershed Health**

With regard to the recommendations presented below, the government-to-government relationships we have established with Tribes, Pueblos, and Nations must continue to guide and influence how we are evolving New Mexico's water policy. The recommendations offered here are inclusive of all New Mexico communities as we work to build our collective water resilience. Working together to protect the health of our rivers, aquifers and watersheds is a demonstration of our resilience.

### **River, Stream, and Wetland Health**

New Mexico is one of three states nationally that relies on the U.S. Environmental Protection Agency (EPA) for water quality permitting. This leads to disconnects between our state's laws and national program requirements. The New Mexico Environment Department (NMED) is only funded to sample surface water quality every decade, leading to gaps in our understanding of contaminant issues and action to remedy water quality impairments, posing a public health risk and degrading our river and watershed health.

Creation of a fully funded state water quality permitting program to control and regulate discharges of contaminants into state waters would allow New Mexico to close these gaps. This would include funding for additional NMED staff to manage, monitor, and regulate water quality impacts and implement river, riparian, and wetland restoration programs to protect communities and ecosystems from pollution, flooding, and insufficient instream flows. Additional capacity would allow NMED to increase sampling frequency in New Mexico's rivers, streams, lakes, and reservoirs from once every 9-10 years to at least once every 4-5 years.

This would also entail support for Tribal water quality sampling programs to improve water quality by advocating with our federal partners for an increase in U.S. Environmental Protection Agency (EPA) Clean Water Act section 106 funding and EPA assistance to Tribes, Pueblos and Nations to establish eligibility to receive section 106 funding.

Sufficient funding and robust staffing are needed, on a consistent basis, for the Strategic Water Reserve administered by the Interstate Stream Commission, and the River Stewardship Program administered by the Environment Department to carry out their already-established missions.

### **Aquifer Health**

Funding is needed for research, including a feasibility analysis of managed aquifer recharge and aquifer storage and recovery. The Office of the State Engineer and/or Interstate Stream Commission should evaluate needed modifications to New Mexico groundwater law, regulations and administration that would enable New Mexico to increase the resilience of the state's groundwater supplies and groundwater-dependent users. Better science also is needed to manage our aquifers, with full funding for the New Mexico Bureau of Geology and Mineral Resources's (NMBGMR) Aquifer Mapping Program and development of an integrated statewide monitoring program.

Adequate funding also is needed for NMED's groundwater quality program to increase monitoring, permitting, compliance, enforcement, and abatement activities and improve the state's response to emerging contaminant issues such as PFAS plumes. Authorization and funding for increased local capacity for groundwater management would help communities better understand and take responsibility for their own resources and water future. This should include an amendment to the New Mexico water code (Section 73-1-1 NMSA 1978) to allow for all declared groundwater basins (not just limited to artesian basins) to form locally managed conservancy districts. A stand-alone fund should be created, or existing funds should be used to support local communities in implementing enhanced groundwater management of shared resources.

## **Watershed Health**

To address the impact of climate change on our watersheds, we must authorize and increase capacity at the Energy, Minerals and Natural Resources Department (EMNRD) Forestry Division to (a) conduct activities needed to mitigate the effects of climate change on, and help adapt, forests and watersheds, and (b) coordinate agile and effective post-wildfire watershed response and recovery in coordination with New Mexico's communities. Modernization of the Forest Conservation Act (Section 68-2-2 to 68-2-25 NMSA 1978) is needed to authorize post-wildfire watershed response and recovery activities and support the Forestry Division in addressing climate change impacts to forested watersheds and critical water source areas. Changes in forestry workforce classification, and the creation of internship and certificate programs, are needed to enhance the workforce.

We must accelerate the pace and scale of forest and watershed adaptation by removing barriers created by the patchwork of watershed ownership – private, local, state, and federal. Strategies include a request for an opinion from the New Mexico Office of the Attorney General on the need for an amendment to the anti-donation clause of the New Mexico Constitution (Article IX, Section 14) to permit the state to expend state funds for the purpose of thinning, treating, or restoring forests on privately-owned property to prevent, mitigate or minimize wildfire risks or respond to the impacts of wildfires on forests and watersheds.

## **Water Education and Information for Decision-Makers**

We should fund and implement NMBGMR decision-makers workshops (including field tours) to inform water leaders, including elected officials, acequia and irrigation system managers, tribal representatives, drinking water system managers, and other professionals and volunteers about hydrology, water policy and law, and water resources management. We should also request that water management agencies (OSE, ISC, NMED, others) explore the creation of new or repurposed public water education programs and provide recurring appropriations to design and implement them.

# LONG-TERM OPPORTUNITIES

Given the broad scope of the Task Force’s mission and the time-bound nature of the Task Force, many issues emerged that fell beyond the group’s most immediate priorities. They arose from the deliberations of the Task Force Workgroups but were not brought before the full Task Force for consideration. But they are nevertheless important, offering important opportunities to address New Mexico’s water challenges.

## Community Drinking Water, Wastewater and Stormwater Capacity, Infrastructure and Finance

- Amend the Sanitary Projects Act to provide clearly defined statutory requirements for mutual domestic associations and better enable the NMED to support the work of community volunteers in finding solutions to successfully operate and maintain a water or wastewater system that is organized under the Sanitary Projects Act.
- Coordinate between the Legislative Finance Committee and DFA to develop guidance for local governments and legislators on how to use Capital Outlay to provide funding for drinking water and wastewater systems to repay outstanding debts if they demonstrate hardship or inability to pay.
- Use state funds to better leverage federal infrastructure funds by establishing dedicated state funds and associated procedures to cover a portion of increased project costs associated with federal program requirements, such as Buy America provisions.
- Incentivize regional collaboration through an appropriation to an existing agency (possibly NMED, DFA or NMFA) to administer small grants or contracts for communities that need administrative and legal support to establish a regional authority.
- Streamline water rights application processes at the Office of the State Engineer to expedite creation or expansion of regional authorities.

## Water Resources Management and Planning

- Pursue alternative water sources (e.g., desalination and recycled water).
- Pursue enhanced aquifer recharge, storage, and recovery.
- Reform capital outlay process for state-funded water projects in line with Legislative Finance Committee’s August 2022 recommendations.



## River, Aquifer, and Watershed Health

- Request that the Water Data Initiative and implementing agencies explore how to expand and fund data collection, technology, analysis, and information sharing in partnership with Pueblos, Tribes, Nations and traditional acequia communities to gather data and analyze environmental changes resulting from climate change that impact their social and cultural aspects, way of life, work, traditional practices, and access to ancestral homelands.
- Support Tribal water sampling program focused on water sources used traditionally, such as springs and seeps.
- Establish new programs or increase funding for existing programs that sample domestic water quality.
- Identify locations and develop plans that conjunctively address ecosystem and societal needs (“ecosystem services”) e.g. flood control and healthy floodplain forests; groundwater recharge and spring system flows, and research documenting recharge of aquifers by acequias and earthen ditches and include acequias in mapping of locations that support ecosystem services.
- Increase funding to the Water Trust Board to fund natural distributed storage projects, which can be defined as projects in a watershed that enhance natural water storage, improve ecosystem function, and influence the timing and quality of streamflow to benefit downstream users. Co-benefits include increasing economic resilience by providing cost-effective mechanisms to restore degraded lands, improving profitability of operations, and carbon sequestration.
- Conduct a gap analysis of the Forest Action Plan, and state, federal and tribal plans regarding forest stewardship. Collaborate with a team of state, federal, and all tribal representatives, acequia and land grant communities to identify priority projects.
- Apply data and planning to prioritize upper watersheds that are important to downstream communities and ecosystems’ health, and work with government and NGO partners to identify and prioritize riparian habitats, streams, and wetlands for restoration for potential beaver translocation. Improve habitats so that they are suitable for beaver reintroduction and translocate beavers to these areas once conditions give them a high chance of survival.
- Promote innovation in agricultural, rangeland, urban stormwater, and headwater management practices through incentives to increase the state’s water resilience to emphasize that water is vital to ecosystems, wildlife, aquatic organisms, and human needs.
- Collaborate and consult in the decision-making process to include tribal, traditional advisors, local communities, and advocacy groups at the state, county, regional and local planning levels.
- Fund tribal and community-led initiatives to create the plans and incorporate measuring or metering to inform, implement, and manage the agreements.
- Fund the evaluation of the state’s 16 water planning regions and the feasibility of their implementation goals by the ISC.
- Create a land suitability analysis to identify areas for aquifer recharge and dedicated lands suitable for future development, support landowners willing to incorporate innovation, and encourage low-impact development to decrease impervious surfaces (i.e., concrete & asphalt) and utilize green infrastructure techniques by creating more catchment basins (e.g., rain gardens, green roofs, bioswales).
- Dedicate floodplains for the benefit of capturing and infiltrating water for aquifer recharge and allow overbank flooding onto the floodplain to slow and spread water.

- Make funding available to political subdivisions of the state including special districts and soil and water conservation districts to utilize best practices to assist in flood control within their district.
- Promote water conservation statewide, funding planning at all levels with equitable practices in the process for funding applications for infrastructure, agricultural irrigation, stormwater capture and storage, and address maintenance and sustainability.
- Incentivize and coordinate stakeholder meetings to develop and implement water shortage-sharing agreements among water rights owners during times of shortage.
- Identify the impacts to cultural uses of water by funding data collection, technology, analysis, and information sharing in partnership with Pueblos, Tribes, and Nations and traditional acequia communities.
- Fund community-led initiatives to create plans for periods of severe drought, then require and fund water-use measuring or metering to inform and implement agreements.
- Increase local capacity through training, grant writing, stewardship, partnerships, and collaboration.
- Utilize grey water for landscaping (i.e., golf courses, parks, construction, dust abatement). Encourage xeriscaping and less high-water consumptive landscaping (i.e., grass).
- Integrate public water supply and sanitation planning with the separate planning processes for agriculture/ land use, transportation, and economic development. Promote water conservation and healthy ecosystems within all those efforts.
- Determine how we can use water for dust control (what type) most efficiently and for the benefit of the environment.
- Increase public awareness of and appreciation for the services provided by beavers for New Mexico's communities and ecosystems, including downstream water availability, mitigating wildfire impacts, flood protection, and drought and climate resilience.
- Develop tools and strategies for human and beaver coexistence.
- Increase water costs. Higher water prices for continued maintenance, processing, and delivery promotes less water use.
- Create programs to prepare for large-scale precipitation and improve flood control.
- Planning at all levels to address maintenance and sustainability to endure intense precipitation events. Equity principles should be used in application of funds for infrastructure.
- Fund programs at the county level using best practices to maximize the benefits of water flow to increase water harvesting through more efficient storm water management.
- Build rain capture projects, reclaimed wastewater, brackish water, surface water storage, and small-to-large-scale stormwater catchment systems across the state that protect, restore, and mimic the natural water cycle to recharge aquifers and protect surface water quality.
- Sustain funding for technical support, expertise in planning, and specialized training for staff capacity and training at the county level and apply practices to range management.
- Fund staff capacity to conduct emergency response sampling for flooding and other natural disasters and unplanned emergency events.
- Fund DOT and programs to grade roads as a way to capture water and maintain sediment levels.
- Plan for emergency management/response in collaboration with federal and local entities.
- Fund green infrastructure pilot projects to demonstrate the benefits for water quality and aquifer recharge of capturing and infiltrating flood waters.
- Develop a fund (perhaps the Water Trust Board) to encourage and support local capacity and innovation.



- Provide communities and responders with funding, resources, and support to help them prepare for, respond to, and recover from disasters.
- Evaluate current infrastructure that may not be necessary to or benefiting aquatic ecosystems or serving its intended purpose and fund the removal of structures when necessary and continue to fund monitoring for the integrity of structure and water quality.
- Sustain funding for the maintenance and repairs of existing earthen dams.



# 50-YEAR WATER PLAN

In addition to the specific Task Force’s own analysis and recommendations, the group reviewed the Interstate Stream Commission’s 50-Year Water Plan and submitted the following statement in support, based on the draft version the group reviewed in summer 2022. Central to responding to the Plan’s recommendations, the Task Force found, was the overarching problem of state natural resource agency capacity – the ability to do the work needed to address New Mexico’s water challenges.

The following language reflects the approved, consensus position of the full Task Force.

## **New Mexico Water Policy and Infrastructure Task Force Consensus Feedback in Support of Gov. Michelle Lujan Grisham’s 50-Year Water Plan**

Over the summer of 2022, the 29 members of the Water Policy and Infrastructure Task Force assembled by State Engineer Mike Hamman under Governor Michelle Lujan Grisham’s direction reviewed the scientific issues and recommendations developed as part of the state’s 50-Year Water Plan.

The Task Force was assembled to wrestle with the formidable challenges currently posed to water management in New Mexico. Primary among those is climate change – a decline over the next half century of 16 to 28 percent in surface water supplies and groundwater recharge (with large regional variability)<sup>13</sup> at a time when New Mexico’s water use already outstrips the available supply. At the request of the New Mexico Interstate Stream Commission, review of the 50-Year Water Plan has been one of the Task Force’s main objectives.

The Task Force’s membership represents the breadth of New Mexico’s geography and water using communities, from acequias to the oil and gas industry, from community water suppliers to agricultural water agencies and environmental groups, from rural communities to cities and Pueblos, Tribes, and Nations.

**The Task Force offered its broad support for the Plan’s three guiding principles:**

<sup>13</sup> Dunbar et al, Climate Change in New Mexico Over the Next 50 Years, New Mexico Bureau of Geology, 2022



# 50-YEAR WATER PLAN

## Guiding Principles of the 50 Year Water Plan

1. Stewardship

2. Sustainability

3. Equity



Based on a survey responded to by 19 Task Force members and discussions at multiple meetings and webinars, the Task Force highlighted the following 50-Year Water Plan recommendations as its top priorities for action:

### **Protect Groundwater Health**

With our underground aquifers providing a critical alternative supply as river flows decline, they must be protected. This applies to both water quality – preventing contamination and remediating in the places where it has already happened – and water quantity – ensuring that we bring demand into line with the available supply.

### **Improve Upland Watershed Health**

As the disastrous fires of the summer of 2022 and the flooding that has followed have illustrated, maintaining, improving, restoring, managing risk, and recovering the health of the upland watersheds from which our rivers emerge will be one of the state’s defining water management challenges in the 21st century.

### **Continue to Innovate in Water Conservation**

New Mexico, with traditions of water management and use dating to before European colonization, has long been a water conservation innovator. Our traditional communities – Pueblos and acequias – have long led the way, building lives of resilience based on a rich body of traditional ecological knowledge. Our modern farmers and cities have followed in these traditions.

That innovation must continue. By “innovation” we do not mean sweeping away old ways with new ones but rather preserving and building upon the best of what New Mexico’s traditional communities have always done well while learning the technological and water management lessons that will be needed to adapt to a changing climate.

## **Modernize Water Infrastructure**

Maintaining and, when necessary, improving New Mexico’s aging infrastructure, including drinking water, wastewater, irrigation, and stormwater – will be a critical challenge. Reuse and aquifer storage and recovery must play a growing role, as does the measuring, monitoring, and analysis of our water resources so crucial to successful water management. This problem affects us all but is especially acute for smaller communities, Pueblos, Tribes, Nations, and those communities far from the state’s major population centers.

## **Modernize Administrative Practices for Water**

This covers a broad range of issues that connect with all the state’s other water challenges – managing the mismatch between supply and demand in our current water use, ensuring the capacity in state and local agencies to carry out the ideas and effective tools developed in the 50-Year Water Plan and elsewhere, and ensuring that we can act on the opportunity presented by the influx of federal and state funding currently before us.

In addition to prioritizing the Plan recommendations listed above, the Task Force recognizes that none of the Plan recommendations can be fully implemented without a concerted effort to increase both state agency capacity and community capacity across the state. All actions to implement Plan recommendations must be centered in equity. These considerations are prerequisites for success.

Beyond this consensus feedback provided by the Task Force as a whole, many individual Task Force members provided valuable review and input to the draft Plan.





# APPENDICES

**APPENDIX A....45**

**APPENDIX B....53**

**APPENDIX C....70**

**APPENDIX D....81**

**APPENDIX E....87**



# APPENDICES

*The appendices that follow reflect the final language approved by the Task Force. The Task Force recognizes that there is some overlap between strategies. If time would have permitted, more effort to integrate and organize across workgroups could have been accomplished.*

## Appendix A: Community Drinking Water, Wastewater and Stormwater Capacity, Infrastructure and Finance

Many communities lack resources or economies of scale and need a capital investment model that encompasses the planning, project management, and execution of water infrastructure projects, services not provided by the DFA, Water Trust Board, Colonias Infrastructure Fund, New Mexico Finance Authority (NMFA), NMED or IAD.

### **Recommendation 1.1: Create the Water Infrastructure Projects Authority (WIPA), a coordinated entity to:**

- Vet, prioritize, fund, plan, design, and construct complete drinking water, wastewater, stormwater, irrigation, green and dam infrastructure projects using dedicated funding from severance tax bond proceeds.
- Provide navigation services for communities that need to plan, design and/or construct water projects.

Strategies:

- A.** Enact legislation that provides the power to WIPA and provides a source of funding.
- i. Create WIPA as a quasi-governmental entity, a non-partisan agency focused on the planning and construction of water infrastructure projects. This agency would be governed by an independent board comprised of executive and legislative appointees and would not replace existing funding sources or agencies.
  - ii. Establish the definition of project eligibility to ensure and maximize efficient use of existing and potential resources.
  - iii. Build upon a targeted review of the efficacy of Public School Facilities Authority (PSFA), an existing model for statewide standards-based approach, to identify gaps and coordinate to draft the legislative proposal.
  - iv. Establish clear standards-based criteria for vetting and prioritization of projects to advance public health outcomes, equity, resilient infrastructure and systems, and compliance.

- B.

As a navigator service, WIPA will:

  - i. Catalog all agencies that deal with water infrastructure including their water authorities and responsibilities and convene agencies as needed to coordinate funding and services.
  - ii. Review current project eligibility requirements and compliance/access barriers of all; drinking water and wastewater infrastructure funding sources and propose approaches to streamline program procedures and increase access.
  - iii. Conduct public education and outreach to increase understanding of available sources of funding and technical assistance for infrastructure projects; and
  - iv. Coordinate with Rural Ombudsman at DFA.
- C.

Analyze impacts of creation of WIPA on other funding entities, e.g., NMED, DFA, IAD, and Office of the State Engineer/Interstate Stream Commission, and ensure ongoing investment in the programs and staff managed by these agencies.

Action Required 1.1

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	✓		
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)	Timeline for Implementation of Action (e.g., near, mid, long term)
WIPA, DFA	Near-term action to form entity

**Recommendation 1.2: Promote and incentivize regional collaboration – from informal to formal arrangements – by drinking water and wastewater systems through administration of existing funding programs, prioritization of technical assistance investments, and clear laws and processes that preserve local flexibility. Implementation strategies include:**

Strategies:

- A.** Request that the Legislature direct all applicable drinking water and wastewater infrastructure finance programs to prioritize and incentivize regional collaboration.
- B.** NMED to use objective criteria, including data related to drought and wildfire risk and compliance data, to prepare annual list of drinking water and wastewater systems that would benefit from a regionalization feasibility study and distribute the list to all applicable infrastructure finance program managers.
- C.** Use strategic and targeted legislation to eliminate barriers to regionalization, including granting necessary authority to regional systems and addressing liability concerns (e.g., safe harbor), while maintaining broad flexibility for systems to tailor solutions to local needs and without creating new local administrative burdens in the process.
- D.** Identify and fund needed resources at state agencies to support these and other strategies to strengthen drinking water and wastewater systems through capacity building and collaboration approaches (e.g., provide recurring funding for new NMED Regionalization Coordinator).
- E.** Connect to “Grow Workforce,” recommendation #5: Evaluate opportunities to expand and strengthen New Mexico Water/Wastewater Agency Response Network (<https://nmrwa.org/nmwarn/>).

## Action Required 1.2

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	✓		
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

**Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)**

**Timeline for Implementation of Action (e.g., near, mid, long term)**

Lead: NMED; NMFA  
Supporting: CIB, IAD, OSE,  
NMFA, Technical Service  
Providers

Near-term; Legislation and  
appropriation in 2023  
  
Modifications to funding and  
TA programs in 2023 and  
2024

**Recommendation 1.3: Expand technical assistance services for drinking water and wastewater systems by providing a consistent level of funding for Technical Assistance Providers.**

Strategies:

- A.

Increase recurring appropriations to DFA for expanded outreach from Councils of Government.
- B.

Establish recurring appropriations to DFA to increase community technical assistance from providers such as New Mexico Rural Water Association, New Mexico Rural Community Assistance Corporation, and Environmental Finance Center, to address gaps in local and Tribal capacity, including governance, long-term planning, implementation of asset management, and certified operator training.
- C.

Expand the scope and increase funding to the NMFA Local Government Planning Fund to support regionalization studies, alternatives analyses, and plans for the implementation of those studies and plans.

**Action Required 1.3**

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	✓		
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)	Timeline for Implementation of Action (e.g., near, mid, long term)
DFA, NMFA	Near-term; Legislation and appropriation in 2023



**Recommendation 1.4: Establish an emergency fund to be used for immediate funding support during emergency events with clear protocols and strategies to mobilize resources.**

Strategies:

- A.

Enact legislation to create the emergency fund and authorize DFA to administer the fund and coordinate with other state agencies for technical expertise in allocation of funds and project oversight. This legislation will complement existing funding for water and wastewater systems without duplication.
- B.

Request that the Legislature appropriate to the emergency fund when established.

**Action Required 1.4**

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	✓		
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)	Timeline for Implementation of Action (e.g., near, mid, long term)
DFA	Near-term; Legislation and appropriation in 2023

**Recommendation 1.5: Enact legislation with requisite appropriations to grow the water workforce to meet the demands of all water and wastewater systems for certified operators, staff, and volunteers through implementation of the following strategies.**

Strategies:

- A.** Allow PERA and ERB retirees to return to the workforce.
- B.** Create an apprenticeship program for certified operators by working with community, rural, tribal institutions, and state colleges to include development of water and wastewater programs.
- C.** Integrate water and wastewater management education into K-12 curriculums in low-capacity areas to meet demand.
- D.** Explore student loan forgiveness and/or rural relocation incentives for people who pursue jobs as staff of drinking water wastewater systems or as certified operators.
- E.** Develop work and learning program to include work in the classroom and field training under the direction of a certified operator.
- F.** Work with Department of Workforce Solutions to assist in recruitment and retention.
- G.** Support efforts by soil and water conservation districts and agricultural extension services to engage community members in water and wastewater educational opportunities.
- H.** Strengthen local water systems by developing water governance programs, mentorship, and technical assistance. Establish a mentoring program for small system board members.

### Action Required 1.5

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	✓		
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

**Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)**

**Timeline for Implementation of Action (e.g., near, mid, long term)**

DWS, PED, HED, NMED, SPO, UOCP, DFA

Near-term; Legislation, appropriation and executive action in 2023

## Appendix B: Water Resources Management and Planning

**Action:** Equip state agencies, especially the Office of the State Engineer (OSE), the Interstate Stream Commission (ISC), and the New Mexico Environment Department (NMED), to effectively address New Mexico’s 21st Century emerging water security challenges and realize resilient adaptation through enhanced agency capacity, organizational alignment, cross-agency coordination, modernized business processes, information systems, and accountability.

**Recommendation 2.1: Ensure a water resilient future for New Mexico by empowering state water management agencies. Transform and fund agencies to meet the growing challenges of the 21st Century:** Water scarcity, aridification, supply and demand imbalances, contaminants of emerging concern, and equity.

Strategies:

**A.** Pass legislation to implement state engineer priorities and task force recommendations.

**B.** Provide sufficient funding for agencies to help ensure our resilient water future.

**C.** Agency Capacity: Establish state agency capacity, and accountability for the productive utilization of that capacity, for New Mexico’s protection of water resources, addressing resilient adaptation to climate change, dwindling supplies, and increasing demands. For example, provide the capacity to:

- i. Enforce against illegal water use (i.e., use without a permit, overuse, and waste).
- ii. Provide certainty of water rights through adjudication and settlements.
- iii. Modernize the quality, utilization, management, and availability of science and data, to support decision making and planning (i.e., Water Data Act, monitoring well networks, etc.)
- iv. Support local, regional, and tribal efforts to plan, design, and implement infrastructure and water conservation projects and programs.
- v. Support local, regional, and tribal efforts to plan, design, and implement infrastructure and water conservation projects and program.

- vi. Protect groundwater from contamination, and clean up existing contamination (NMED, ONRT).
- vii. Integrate water quantity/quality and groundwater/surface water management, including for example, a possible NMED environmental determination as a cross-check in some permitting processes.
- viii. Streamline the statutory authority and rules for aquifer storage and recovery (ASR), reuse, and water importation projects.

**D.** Enable state water agencies to compete in recruiting, securing, and retaining qualified and experienced staff, especially Science, Technology, Engineering, and Math (STEM).

**E.** Protect water supplies in aquifer systems and river basin segments where demand exceeds the sustainable supply by implementing Active Water Resource Management (AWRM) or other community-led/developed shortage-sharing agreements.

**F.** Enable the OSE to develop accurate annual regional water use and consumption reports (by sector and geography) and water budgets, using modern tools and resources.

#### OSE/ISC Agency Mission and Organization:

**A.** Pass legislation to update the mission and functions of the OSE and the ISC to address emerging challenges, including climate-driven water scarcity.

**B.** Reorganize OSE and ISC to align their divisions and ensure sufficient staffing (as recommended by the state engineer) to accomplish water resilience, sustainability, and equity goals enacted by the legislature.

**C.** Emphasize in the reorganization process enforcement against illegal water use, technical support for all agency functions, and support of local communities to implement water resilience projects.



Local Capacity:

- A.** Increase local capacity for water resources management planning and implementation in Tribal, acequia, and rural communities.
- B.** Empower and incentivize alternative, community-driven shortage sharing, demand management, and groundwater resilience solutions entered into voluntarily by water rights owners. Create a dedicated unit within the OSE/ISC to provide scientific (hydrology), technical (conveyance & delivery), legal (water rights administration), and social (mediation) support.

Accountability:

- A.** Create new resilience metrics for long-term, adaptive resources management under climate change and aridification.
- B.** Set and achieve measurable goals and objectives to assess and publicly report the effectiveness of funded initiatives.

Action Required 2.1

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	✓		
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		
Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)	Timeline for Implementation of Action (e.g., near, mid, long term)		
OSE, ISC, NMED, EMNRD, NMBGMR, SPO, DFA/LGD	2023 Leg. Session/Ongoing		

## **Recommendation 2.2: Elevate regional planning in the face of increasing water scarcity to promote equity and build capacity to govern and manage water.**

**Action:** Empower state agencies and regional/local water planning entities to set clearly identified goals for permanent and escalating reduction in water use over the coming decades. Provide data and decision tools, develop inclusive and well-supported plan development processes, and establish pathways and commit resources to ensure plan implementation and systematic evaluation of outcomes.

### Strategies:

- A.** Amend the 1987 regional water planning statute section 72-14-44 to state goals, objectives, outcomes, and desired impacts for regional and community water planning processes, particularly ISC and planning entity respective authorities and criteria for acceptable plans. The goals, objectives, and outcomes sought should be developed through broad public input and shared values, including non-economic values, focused on equity to ensure that the present generation does not consume more water than is available to future generations.
- B.** Leverage record surpluses to fully fund a robust, state-led regional water planning program that consolidates existing water planning vehicles, community-driven shortage-sharing agreements developed legally, including as alternative administration plans for Active Water Resource Management, or as regional water plans. Develop local capacity and grassroots participation in planning and implementation processes.
- C.** Develop community-based and science-informed sustainable groundwater management plans. Provide technical support and guidance preferentially to underserved tribal governments and disadvantaged communities.
- D.** Develop protocols for integrating reliable science and data in planning processes, identify and address data gaps, and ensure planning is informed by robust hydrologic analyses.
- E.** Establish water conservation, resilience and sustainability criteria for state funding and approval of regional water plans.

**F.** Commit state matching funds to implement state-approved regional water plans.

**G.** Implement a technical support program through the ISC to:

- i. Build capacity for water resources management planning and implementation in Tribal, acequia, and rural communities.
- ii. Provide direct technical support for water project planning, funding, and implementation.

**Action Required 2.2**

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Requires Leg. Appropriation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Requires Executive Action	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)</b>	<b>Timeline for Implementation of Action (e.g., near, mid, long term)</b>
OSE, ISC, NMED, NMBGMR	2023 Leg. Session/Ongoing

**Recommendation 2.3: Increase water resilience by leveraging federal funds - particularly currently available federal funds - to ensure New Mexico's water infrastructure is modernized for 21st century needs.**

**Action:** Create and build a state fund sufficient to provide some or all of the required non-federal match to utilize and leverage federal (i.e., IIJA, IRA, and other) water investments. Move quickly to organize and support New Mexico's efforts to utilize federal funding before it expires to build or rehabilitate infrastructure that will improve water resilience.

Strategies:

- A.** Leverage current state windfall revenues to help secure New Mexico's future.
- B.** Expand and consolidate mechanisms to vet proposed projects and commit state-matching funds based on applications from political subdivisions of the state.
- C.** Prioritize and earmark funding for infrastructure projects identified in state-led/state-supported/state-convened regional plans, and require that regional plans include descriptions, objectives, and budgets (that identify state matching fund amounts) for community-supported water projects.

### Action Required 2.3

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	✓		
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

**Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)**

**Timeline for Implementation of Action (e.g., near, mid, long term)**

OSE, ISC, NMED, NMFA, DFA, EMNRD, NMBGMR

Near-term; Appropriation and executive action in 2023



**Recommendation 2.4 : Support the resilience of the state’s diverse agricultural communities with effective water rights administration by the Office of the State Engineer (OSE), inclusion of agricultural stakeholders in water management, and consideration of equity, conservation and sustainability.**

**Action:** Improve the OSE’s administrative procedures and capacity for processing water rights transfers to improve the input process for agricultural communities and respect any special authorities of local entities. Finalize Indian water rights settlements and basin adjudications. Support Acequias’ water resilience and sustainability.

Strategies:

- A.** Provide an ombudsman to better inform rural entities and answer questions with regard to the water transfer application and protest process.
- B.** Provide the OSE with the technical resources and staffing necessary to ensure statutory public notice, due process procedures, and adequate analysis in water right transfer applications. The OSE should include the viability and varying legal authorities of agricultural systems, irrigation entities (i.e., acequias, irrigation districts, etc.), and rural communities in its analysis of water right transfer applications.
- C.** Support the capacity of rural entities to evaluate and respond to water right transfers with funding for access to experts through grants or other programs.
- D.** Finalize Indian water rights settlements and basin adjudications to provide water rights certainty.
- E.** Increase resources for Acequias and Regional Associations of Acequias for water rights adjudication, administration, and governance through NMDA’s Acequia and Community Ditch Fund, and ISC’s Acequia and Community Ditch Infrastructure Fund, and DFA’s Acequia and Community Ditch Education Program.

## Action Required 2.4

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority			✓
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

**Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)**

OSE, ISC, DFA, NMDA

**Timeline for Implementation of Action (e.g., near, mid, long term)**

2023 Leg. Session/Ongoing

**Recommendation 2.5 : Include agricultural and rural stakeholders in the creation of regionally adapted, locally-developed strategies to address water conservation and supply/demand imbalances.**

**Action:** Ensure that demand management programs developed and implemented by the Office of the State Engineer (OSE) and Interstate Stream Commission (ISC) include opportunities for input from all water use sectors (including agricultural communities and Tribes, Nations and Pueblos) and support the viability of agricultural industries and rural communities.

Strategies:

- A.** Advance dialogue, data, and scientific analysis across all water use sectors that consider transformation of water use (agricultural, environmental, recreational, and DCMI) to regionally balance supply and demand given climate change.
- B.** Include all water-use sectors in OSE/ISC demand management programs to reduce consumptive use equitably and protect food security.
- C.** Provide technical and financial support for agricultural water conservation practices and technology, including increasing the testing and adoption deployment of soil health practices through NMDA's Healthy Soil Program; expanding the use of irrigation technologies and practices that could conserve water at a basin scale; encouraging experimentation with alternative cropping systems; and increasing the use of drought-resilient, low water use crops and varieties.
- D.** Design voluntary rotational fallowing programs for drought mitigation with local input on how to best support agricultural resilience, protect soil health, and maintain land in food production.
- E.** Invite the participation of irrigation entities in the development of Active Water Resource Management (AWRM) District Specific Regulations, including shortage sharing, offsets, transfers, banking, and marketing.
- F.** Improve water supply forecasting and communication to irrigation entities and water users to support coordinated planning for shortage.

## Action Required 2.5

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority		✓	
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

**Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)**

OSE, ISC, NMDA

**Timeline for Implementation of Action (e.g., near, mid, long term)**

Near-term; Appropriation and executive action in 2023

## Recommendation 2.6 : Increase the availability and accessibility of infrastructure improvement funding to irrigation entities.

**Action:** Improve access to infrastructure funding for irrigation entities. Develop disaster response and recovery programs specifically for irrigation entities (i.e., acequias, small ditches, etc.)

### Strategies:

- A.** Utilize Irrigation Works Construction Fund (IWCF) for its statutory purpose, which is to plan, design, and construct irrigation infrastructure.
- B.** Coordinate irrigation infrastructure funding among state agencies to streamline access to state funds, accommodate local capacity challenges, provide technical support to rural entities, and maximize leveraging related federal programs (through BOR, USACE, NRCS, and others).
- C.** Create a disaster recovery fund or an earmark in existing programs specifically for irrigation entities to address the increased drought, flooding and fire threats posed by climate change.
- D.** Allocate resources toward efforts to grow local workforce capacity for irrigation system management and operations.



## Action Required 2.6

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	✓		
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)	Timeline for Implementation of Action (e.g., near, mid, long term)
OSE, ISC, NMDA	2023 Leg. Session/Ongoing

## Recommendation 2.7 : Provide sufficient capacity to fulfill existing statutory mandates by utilizing existing authorized tools:

**Action:** Put existing tools to work for a water resilient future:

State Water Plan Act

Strategic Water Reserve

Active Water Resource Management

Acequia Water Transfer authority and Acequia Water Banks

Water banks, Active Water Resource Management

Water Data Act

Water Quality Act

State Tribal Collaboration Act

### Strategies:

- A.** Provide capacity to prepare a high-quality update of the State Water Plan, due in 2023, focusing on increasing water resilience.
- B.** Fund, staff, and deploy the Strategic Water Reserve at a scale commensurate with basin- or region-specific supply-demand imbalances.
- C.** Understand and deploy the comprehensive capacity of the Active Water Resource Management (AWRM) framework and rules to increase New Mexico's water supply resilience.
- D.** Increase New Mexico Environment Department (NMED) capacity to modernize Water Quality Act permitting processes, review and/or expand water reuse and aquifer storage and recovery (ASR) regulations and guidance and expand compliance and enforcement efforts to maximize water quality benefits of these regulatory programs.

E.

Fully fund the 2019 Water Data Act (NMSA 1978, § 72-4B) with recurring and nonrecurring funding needs set forth in the most recent Water Data Initiative annual plan, thereby making reliable water data and information widely available for water resource problem solving.

i. Request that the Water Data Initiative and implementing agencies develop data that meet the criteria of findability, accessibility, interoperability, and reusability, consistent with FAIR Data Principles.

ii. Request that the Water Data Initiative and implementing agencies explore how to expand and fund data collection, technology, analysis, and information sharing in partnership with Tribes, pueblos, and nations and traditional acequia communities to gather data and analyze environmental changes resulting from climate change that impact their social and cultural aspects, way of life, work, traditional practices, and access to ancestral homelands.

F.

Educate key stakeholders about what these existing authorities and tools do.

#### Action Required 2.7

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority			✓
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)	Timeline for Implementation of Action (e.g., near, mid, long term)
OSE, ISC, NMED, EMNRD, NMBGMR	Near-term; Appropriation and executive action in 2023

## **Recommendation 2.8 : Advance scientific understanding and monitoring to support protection of the quantity and quality of groundwater resources.**

**Action:** Capture enough current federal infrastructure funding to develop an essential, modern, and dedicated monitoring network for groundwater to equip New Mexico to address the lack of existing coverage and risks of climate impacts in water resources planning and management.

### Strategies:

- A.** Create a strong proposal for near-term submission to appropriate federal funding agencies.
- B.** Build networks of wells based on a carefully designed monitoring system, using existing wells where appropriate.
- C.** Build a prioritized regional approach for enhanced groundwater monitoring networks in New Mexico to capture and analyze data on groundwater levels and water quality, including salinity and known contaminants.
- D.** Enhance technical capacity within the New Mexico Water Data Initiative, the collaborative team working to address the goals of the Water Data Act.
- E.** Raise the awareness of water data challenges the state faces and take steps to fill one of the many gaps in state water information.
- F.** Require modern data reporting to state agencies and fully fund agencies to develop and maintain modern data management systems.
- G.** Publicize agency-generated, understandable compilations and interpretations of raw data.

- H.** Implement metering of all wells in critical groundwater basins.
- I.** Propose federal infrastructure funding, with state match, to meter and provide modern reporting of Domestic, Commercial, Municipal, and Industrial (DCMI) and irrigation wells within groundwater basins deemed critical by the State Engineer.

#### Action Required 2.8

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority		✓	
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		
<b>Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)</b>	<b>Timeline for Implementation of Action (e.g., near, mid, long term)</b>		
OSE, ISC, NMBGMR, NMED, EMNRD	Near-term; Appropriation and executive action in 2023		



## Appendix C: River, Aquifer, and Watershed Health

### Recommendation 3.1 : Advance scientific understanding and monitoring to support protection of the quantity and quality of groundwater resources.

**Action 1:** Enhance surface water quality monitoring and create a state surface water quality permitting program.

**Context:** New Mexico is one of three states nationally that relies on the U.S. Environmental Protection Agency (EPA) for water quality permitting. This leads to disconnects between our State's laws and national program requirements. The New Mexico Environment Department (NMED) is only funded to sample surface water quality every decade, leading to gaps in our understanding of contaminant issues and action to remedy water quality impairments, posing a public health risk and degrading our river and watershed health.

#### Strategies:

- A.** Fully fund future NMED appropriation requests to develop a state surface water quality permitting program to control and regulate discharges of contaminants into state waters. *Recommended appropriation: \$1-2 million/year recurring, unless NMED calculates a different need to fulfill this strategy.*
- B.** Fund additional NMED staff to manage, monitor, and regulate water quality impacts and implement state river, riparian, and wetland restoration programs to protect communities and ecosystems from pollution, flooding, and insufficient instream flows. Increase sampling frequency in New Mexico's rivers, streams, lakes, and reservoirs from once every 9-10 years to at least once every 4-5 years. *Recommended appropriation: \$700,000/year recurring, unless NMED calculates a different need to fulfill this strategy.*
- C.** Support Tribal water quality sampling programs to improve water quality by advocating with our federal partners for an increase in U.S. Environmental Protection Agency (EPA) Clean Water Act section 106 funding and EPA assistance to Tribes, Pueblos and Nations to establish eligibility to receive section 106 funding.

## Action 2: Expand and fund existing river health and water security programs.\*

### Strategies:

- A.** Fully fund future NMED appropriation requests to develop a state surface water quality permitting program to control and regulate discharges of contaminants into state waters. (Recommended appropriation: \$1-2 million/year recurring, unless NMED calculates a different need to fulfill this strategy).
- i. Provide sufficient and consistent funding to the Strategic Water Reserve (SWR), which is administered by the New Mexico Interstate Stream Commission (NMISC), to mitigate water scarcity, help meet interstate water compact obligations, and increase river health, including recovery of threatened, endangered, and at-risk species, and prevention of additional species listings. Consistent funding will require either recurring funds or the establishment of a non-reverting fund specific to the SWR. **Recommended appropriation: \$15 million in 2023 and \$3 million per year thereafter unless the agency calculates a different need to fulfill this strategy.**
  - ii. Create and fund a dedicated position within the NMISC to manage the Strategic Water Reserve.
  - iii. Amend the enabling legislation for the SWR to allow for greater flexibility in the use of the program to mitigate the harmful effects of aridification, persistent drought, and water scarcity on river and watershed health and resilience.
  - iv. Designate additional river basins for use of the SWR according to need and opportunity, based on hydrological and ecological data and criteria established in the SWR enabling legislation.
  - v. Investigate the feasibility of using federal funding, including Inflation Reduction Act and IIJA grants, to match state and private funds for SWR transactions.
- B.** Expand the River Stewardship Program to restore and protect rivers and streams.
- i. Establish recurring appropriations to the NMED River Stewardship Program. to increase the pace and scale of river restoration across New Mexico, including projects that benefit communities and ecosystems in severely burned watersheds or on tribal lands that are already eligible. **Recommended appropriation: \$5 million per year unless NMED calculates a different need to fulfill this strategy.**
  - iii. Create and fund a dedicated position within NMED to support implementation of the expanded program.

\* Passed with "strong majority" support, meaning 74-84 percent of the Task Force members. All other recommendations passed the Task Force's "consensus" threshold of 85 percent or more support.

### Action Required 3.1

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	✓		
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)	Timeline for Implementation of Action (e.g., near, mid, long term)
IAD, ISC, NMED	Near-term; Appropriation executive action and possible legislation in 2023

**Recommendation 3.2 : Aquifer Health: Expand knowledge and improve management of groundwater resources, which are in near-universal decline, and which New Mexico relies on more than any other southwestern state.**

**Action 1:** Research and explore groundwater management and policy solutions that address emerging challenges to community water security and water system resilience.

Strategies:

- A.** Fund research, including a feasibility analysis, and development of a comprehensive set of best practices for managed aquifer recharge and aquifer storage and recovery. This includes capture methodologies, injection methodologies, water compatibility studies, current research about the role of acequias and irrigation districts in aquifer recharge, and other State programs designed to improve aquifer recharge and recovery. Propose revisions to current ASR regulations as necessary. [Recommended appropriation: \\$500,000 to the New Mexico Water Resources Research Institute, unless the implementing agency calculates a different need to fulfill this strategy.](#)
- B.** Request that the Office of the State Engineer and/or Interstate Stream Commission evaluate needed modifications to New Mexico groundwater law, regulations and administration that would enable New Mexico to increase the resilience of the state's groundwater supplies and groundwater-dependent users. The process would include public meetings around the state, in part associated with state-led water planning activities, and interviews with relevant parties, including New Mexico's tribal and acequia communities. The product would be a detailed report with specific recommendations. [Recommended appropriation: \\$300,000 a one-time, non-recurring appropriation unless the NMOSE calculates a different need to fulfill this strategy.](#)

## **Action 2:** Expand monitoring and analysis to inform management of groundwater resources.

### Strategies:

- A.** Fully fund the New Mexico Bureau of Geology and Mineral Resources (NMBGMR) Aquifer Mapping Program (AMP) to better understand the state's aquifers. **Recommended appropriation: \$400,000 per year, unless the implementing agency calculates a different need to fulfill this strategy.**
- B.** Develop an integrated and comprehensive program to monitor quantity and quality of groundwater state-wide. This initiative will require partnerships among state agencies, Tribes, Pueblos and Nations, the NMBGMR AMP, the U.S. Geological Survey, and the New Mexico Water Resources Research Institute (NMWRRRI), and others. Lead agency NMBGMR Aquifer Mapping Program (**recommended appropriation: \$250,000 non-recurring, unless the agency calculates a different funding need**) to complete ongoing analysis of groundwater level monitoring needs in the State; recurring appropriation for new wells and monitoring equipment (**Recommended appropriation, pending agency reassessment: \$2 million per year.**) This program would be part of, and contribute to, the comprehensive and strategic statewide monitoring network that is described in Water Resources Management Recommendations 2.3 and 2.8.
- C.** Provide adequate funding to NMED's groundwater program to increase monitoring, permitting, compliance, enforcement, and abatement activities and improve the state's response to emerging contaminant issues such as PFAS plumes. This increased investment is critical to NMED's capacity to conduct frequent reviews of the best available science and prepare science-based updates to regulations as needed to protect the environment and public health. **Recommended appropriation: \$1.5-2.0 million per year recurring unless NMED calculates a different need to fulfill this strategy.**



### Action 3: Authorize and provide incentives for more resilient and sustainable local groundwater management.\*

#### Strategies:

- A.** Authorize and fund increased local capacity for groundwater management including studies to better understand shared resources and the ability to establish governance mechanisms, such as local groundwater management districts.
- i. Amend New Mexico water code (Section 73-1-1 NMSA 1978) to allow for all declared groundwater basins (not just limited to artesian basins) to form locally managed conservancy districts.
  - ii. Create a stand-alone fund, or identify other funds, to support local communities in implementing enhanced groundwater management of shared resources.

#### Action Required 3.2

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	✓		
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)	Timeline for Implementation of Action (e.g., near, mid, long term)
OSE, NMBGMR, NMED	Near-term; Legislation, appropriation and executive action in 2023

\* Passed with "strong majority" support, meaning 74-84 percent of the Task Force members. All other recommendations passed the Task Force's "consensus" threshold of 85 percent or more support.

**Recommendation 3.3: Watershed Health: Address climate change impacts to forested watersheds and critical water source areas through strategic investments and better agency coordination and partnership with tribes and impacted communities.**

**Action 1:** Authorize and increase capacity at EMNRD Forestry Division to (a) conduct activities needed to mitigate the effects of climate change on, and help adapt, forests and watersheds, and (b) coordinate agile and effective post-wildfire watershed response and recovery in coordination with New Mexico's communities.

Strategies:

- A.** Modernize the Forest Conservation Act (Section 68-2-2 to 68-2-25 NMSA 1978) to authorize post-wildfire watershed response and recovery activities and support EMNRD Forestry Division in addressing climate change impacts to forested watersheds and critical water source areas.
- i. Update the Forestry Division's authority to carry out provisions of acts of Congress such as post-fire slope stabilization, erosion control, riparian restoration, seeding and reforestation of burned areas.
  - ii. Update the Forestry Division's statewide responsibility for forest fire protection and conservation of forests and forest resources, including post-fire activities to maintain watershed function.
- B.** Establish and fund a state nursery in collaboration with New Mexico State University, New Mexico Highlands University and University of New Mexico, as presently allowed through a Memorandum of Agreement.
- i. Amend the Forest Conservation Act (Section 68-2-6 NMSA 1978) to authorize support for tree nurseries.
  - ii. Provide State capital funding to expand tree nursery and seed storage facilities. Funding for these purposes should be provided to New Mexico State University, New Mexico Highlands University, and University of New Mexico.
- C.** Create a new technical job series for foresters within the State Personnel Office classification system that requires a bachelor's degree or higher or an equivalent level of training, knowledge, and experience. This change will enable the NMERD Forestry Division to recruit and retain qualified foresters who have the skills and training necessary to design and implement complex forest and watershed restoration and recovery projects.
- i. Provide competitive salaries for the new job series.
  - ii. Repurpose the existing general schedule "forester" classification descriptor for wildland fire fighters that require a high school education for a basic qualification.

- D.** Create State-funded internship and certificate programs to provide technical skills (e.g., design and construction of one-rock dams and other stream control structures, tree planting, and mechanized tree thinning) to address climate change impacts to forested watersheds. These programs should be administered by New Mexico Highlands University and tribal institutions of higher learning in partnership with State and federal agencies throughout New Mexico.
- E.** Build trust and expand shared stewardship agreements through outreach to local communities and tribes prior to and after wildfires and associated post-fire flooding events.
- F.** Use the State Tribal Collaboration Act (STCA) to consult with Tribal governments on the protection of cultural sites and to coordinate post wildfire and watershed recovery activities.
- G.** Provide adequate funding for these efforts, including necessary staffing.

**Action 2:** Accelerate the pace and scale of forest and watershed adaptation in high-productivity source watersheds and groundwater recharge areas by removing barriers to cross-boundary projects that mitigate or minimize wildfire damage.

Strategies:

- A.** Request an opinion from the New Mexico Office of the Attorney General on the need for an amendment to the anti-donation clause of the Constitution (Article IX, Section 14) to permit the state to expend state funds for the purpose of thinning, treating, or restoring forests on privately-owned property to prevent, mitigate or minimize wildfire risks or respond to the impacts of wildfires on forests and watersheds.
- B.** Enable and fund EMNRD Forestry Division to plan and implement projects across landownership types at the large scale needed to mitigate or minimize the damaging effects of wildfire on watershed function.
  - i. Use the 2020 Forest Action Plan, top 500 watershed analysis and maps as the guide for investment until 2030; and use subsequent 10-year Forest Action Plan updates to guide priority investments.

- C.** Encourage EMNRD Forestry Division to coordinate with the federal agency partners to plan and implement projects across landownership types at large scales. Support enhanced capacity in soil and water conservation districts to conduct forest and watershed restoration and adaptation initiatives.

**Action 3:** Increase capacity for forest and watershed restoration and adaptation by expanding exemptions from the state procurement code to better allow non-governmental entities to receive federal grant funds through contracts with EMNRD Forestry Division.

Strategies:

- A.** Remove process barriers and accelerate timelines so that non-governmental entities eligible for federal grant funds under the Cooperative Forestry Assistance Act of 1978 receive funding more quickly and efficiently.
- B.** Amend the State Procurement Code (Section 13-1-98 NMSA 1978) (being Laws 1984, Chapter 65, Section 71, as amended)) to provide for procurement code exemptions that cover contracts entered into by EMNRD Forestry Division to grant federal funds to non-governmental entities for projects related to watershed restoration, rural fire defense, community wildfire prevention or protection, urban and community forestry, forest conservation, forest and watershed restoration and protection, reforestation and economic development projects to advance the use of trees and wood biomass for hazardous fuel reduction and forest and watershed restoration.

### Action Required 3.3

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority	✓		
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)	Timeline for Implementation of Action (e.g., near, mid, long term)
EMNRD, NMDA, HED	Near-term; Legislation, appropriation and executive action in 2023



**Recommendation 3.4: Water Education and Information for Decision-Makers and the Public: Rebuild and fund the New Mexico Bureau of Geology and Mineral Resources water education programs for policymakers, leaders, and managers. Explore the creation of new or repurposed public water education programs.**

**Action:** Enhance understanding of New Mexico’s critical water resources, and water management challenges, for decision-makers and the public.

Strategies:

- A.

Fund and implement NMBGMR decision-makers workshops (including field tours) to inform water leaders, including elected officials, acequia and irrigation system managers, tribal representatives, drinking water system managers, and other professionals and volunteers about hydrology, water policy and law, and water resources management. [Recommended appropriation: \\$175,000 per year unless NMBGMR calculates a different need to fulfill this strategy.](#)
- B.

Request that water management agencies (OSE, ISC, NMED, others) explore the creation of new or repurposed public water education programs and provide recurring appropriations to design and implement them.

**Action Required 3.4**

Action	Yes	Maybe	No
Requires New/Revised Leg. Authority			✓
Requires Leg. Appropriation	✓		
Requires Executive Action	✓		

Lead Implementer (e.g., the agency(s) or other entity(s) who would own the action)

Timeline for Implementation of Action (e.g., near, mid, long term)

NMBGMR, OSE, ISC, NMED, EMNRD

Appropriation in 2023 session

# Appendix D: New Mexico Water Policy and Infrastructure Task Force Center

Charter, as formally approved by the Task Force



**LET'S GO BIG OR GO HOME;**  
**TIME TO ROLL UP OUR**  
**SLEEVES TOGETHER**  
**AND GET TO WORK**

## Purpose

New Mexico has a generational opportunity to make major inroads toward transformational change on established water policies and processes that users, practitioners, and lawmakers all agree are not currently meeting the 21st century needs of New Mexicans under stress resulting from persistent drought, aging infrastructure, and other pressures. This opportunity stems from the convergence of urgent need, growing political will, and unprecedented levels of state and federal funding to address needed water management reform and infrastructure investments. New Mexico can advance policies and programs to address entrenched inequities in communities across the state that do not have the necessary resources and capacity to take full advantage of funding opportunities.

To help address these persistent and pervasive issues, the Office of the Governor has authorized the State Engineer to form a Water Policy and Infrastructure Task Force (Water Task Force) of water and natural resources experts and scientists, senior state agency staff, and stakeholders from around New Mexico to:

1. Utilize numerous reports, academic publications, and presentations to aid in the review of existing policies and regulations and the development and protection of the State's water and related resources to determine if and how recommended changes can improve current and future water management objectives in the face of 21st century needs and hydrologic realities.



2.

Reach consensus regarding Water Task Force actionable recommendations for improving and implementing policies to be reflected and published in the 50-Year Water Plan in the fall of 2022 and documented in the Water Task Force report to be delivered to the Governor and the Legislature for use by Interim Committee process and the 2023 60-day Legislative Session.

3.

Identify and analyze common barriers, including root causes, associated with financing infrastructure projects in the State.

4.

Investigate means and propose recommendations to efficiently and deliberately manage State and federal funding to prioritize, optimize, and target programs to equitably fund improvements to irrigation delivery, drinking water, stormwater, wastewater, and natural infrastructure systems, including watershed health initiatives, across the State emphasizing assistance to under-resourced communities.

5.

Serve as ambassadors and subject matter experts for each region by conveying to the Water Task Force information from constituents and the public regarding priorities of interest on water and infrastructure funding concerns, and by carrying information from the Water Task Force back to members' communities to support transformational change.



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## **Term**

The Water Task Force will hold an inaugural meeting on June 1, 2022. Unless otherwise determined through consensus of the members, meetings will last through December 2022. The Chair may request members provide intermittent support for Water Task Force initiatives in 2023, such as providing testimony related to Water Task Force recommendations during the 2023 legislative session, or engagement in member communities throughout the State.

## **Membership**

The Water Task Force is chaired by the State Engineer, or his designee, with a vice-chair to be named by the Chair. Membership includes representatives of key state natural resources, finance and agricultural agencies staff as designated by the leadership of the New Mexico Environment Department, the New Mexico Energy, Minerals and Natural Resources Department, the New Mexico Interstate Stream Commission, the New Mexico Department of Agriculture, the New Mexico Department of Game and Fish, the New Mexico Indian Affairs Department, the New Mexico Finance Authority, and the New Mexico Department of Finance and Administration.

In addition, membership includes appointed volunteers from across the state that have knowledge and experience in all aspects of water and related infrastructure management. Members represent the agriculture sector; municipal and domestic water users; Tribes, Pueblos, and Nations; New Mexico's acequia communities; environmental advocates; oil and gas interests; philanthropy; and academic and research institutions.

The Water Task Force will work closely with, and determine appropriate avenues to incorporate input from, representatives from the New Mexico State Legislature so as to ensure development of viable policy recommendations. This includes each Task Force member's role as ambassadors with regions and communities across the State to inform those legislators of the process and progress of the Water Task Force. The Water Task Force may create opportunities to brief, and hear from, legislative representatives at the discretion of the Chair. In order to support successful outcomes, legislative representatives may be invited to relevant briefings and/or other opportunities for cross coordination will be determined.

## **Support Team**

The Water Task Force is supported by New Mexico First, the Utton Center for Transboundary Resources at the University of New Mexico School of Law, and the Thornburg Foundation. New Mexico First provides support through facilitation, consensus building, logistics, documentation, report writing, and public outreach. Utton Center provides support through educational and research needs. Funding for the Water Task Force is provided by the Thornburg Foundation and the New Mexico Interstate Stream Commission. Additional support may be garnered as necessary and determined by the Water Task Force.

## Process

The Water Task Force performs its work through a consensus-driven process. This step-wise process initiates through the development of problem statements, proposals, and recommendations by the full Water Task Force and Water Task Force workgroups. The process continues through discussion by the Water Task Force to reach consensus on problem statements and to carefully evaluate proposals and recommendations. The process provides for members to express their respective views and positions that allow for the group to either:

1. Agree to move the proposal/recommendation forward.
2. Drop the proposal/recommendation.
3. Place the proposal/recommendation in a 'bike rack' for future consideration. A consensus-driven process does not require that all individuals fully accept the proposal or recommendation, but that they can live with it as a group decision.

Workgroups may be tasked to work through specific topics and to report progress and/or make recommendations to the larger body for consideration. Facilitation support is available for this process. Support from the facilitation team led by New Mexico First will be explained further in workgroup materials and can be adjusted based on the needs of the Water Task Force. The Utton Center is available upon request to provide research support for the workgroups. Each workgroup will select two co-leads who will coordinate the workgroup, with support from New Mexico First and the Executive Committee. Co-leads are responsible for coordinating with New Mexico First for meeting logistics, facilitation, consensus gathering, and recordkeeping, which may be supported by the Utton Center. The co-leads are also responsible for keeping the Executive Committee apprised of workgroup activities between Water Task Force meetings. For example, workgroup co-leads will seek the advice and direction of the Executive Committee, as needed, to meet the objectives and timelines set forth by the Water Task Force. Workgroup co-leads may organize the workgroup into subcommittees to refine problem statements, discuss topics, and propose recommendations for workgroup consideration.

Individuals who are not Water Task Force members (non-TF members) may participate in workgroups subject to the following parameters:

- Water Task Force members may request and/or suggest non-TF members to workgroup co-leads in order to provide additional expertise related to key topics addressed by the workgroup or to provide greater coverage from the Water Task Force member's organization/agency.
- Non-TF members may participate in workgroup activities at the invitation of the workgroup co-lead(s) or a member of the Executive Committee.
- Non-TF members invited to participate in workgroup activities may actively participate in workgroup discussions, contribute to workgroup materials, and otherwise share their expertise.
- Non-TF members who participate in workgroups will not vote on workgroup decisions, e.g., related to selecting recommendations to present to the full Water Task Force or any other decision subject to the consensus-driven process described above.



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Given the limited timeframe for this Water Task Force, it is important for individual members and the group to stay focused and engaged.

**Every meeting and every voice counts.**

Work between meetings, such as through workgroups or individual efforts as citizen ambassadors in regions throughout the State, will be necessary.

This is a dynamic process. This Charter can be adapted based on the needs or interests of the Water Task Force. Any member may propose Charter revisions to the Chair.

**Mission and Outcomes**

The membership will be tasked with two major objectives:

**Objective 1) 50-Year Water Plan Input and Support**

Review, comment, and develop Water Task Force consensus input to the Governor's 50-Year Water Plan. This will occur beginning with the inaugural meeting on June 1 through additional meetings into August, to assist the NMISC with completion of the plan in fall of 2022. This work culminates a two-year effort of a climate assessment (conducted by the New Mexico Bureau of Geology and Mineral Resources), a significant public outreach effort that includes the Tribal Water Work Group convened with support from the NIndian Affairs Department, and state agency review and comment. Separate from Water Task Force review and input, the NMISC will make the draft plan available for public review and comment.

**Objective 2) Water Policy and Infrastructure Recommendations**

The second mission of the Water Task Force is to review and develop recommendations on existing and potentially new water management policies that can be region, basin, or sector specific to help address long-term drought and related impacts, to fine tune or change existing policies and regulations to solve specific concerns or inconsistencies within current laws and/or regulations, and to consider how and what will be necessary for driving toward optimization and resiliency of the State's water resources in light of the challenges already being experienced. This will be tied into the issues of equity through the known lack of access to resources needed to address gaps in resiliency in underserved communities across our State, including insufficient capacity across all levels of government and the private sector.

The Water Task Force will look at funding policies and programs in order to develop recommendations for utilization of available state and federal funding for all types of eligible infrastructure projects.

Work on Objective 2 will begin in mid-July and result in a Water Task Force report being issued by September 30, 2022, for consideration by the Governor and Legislature as they plan for the 60-day session and beyond.

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## Meeting Logistics and Public Involvement

Meeting frequency, location, and platform to be determined by second meeting.

The Water Task Force is not subject to Open Meetings Act requirements. New Mexico First will create and maintain a Water Task Force website through which foundational documents (such as this charter and member roster), activity updates, meeting agendas and notes, photos, videos, and other information regarding the progress and work of the Water Task Force will be publicly available.

Furthermore, the Water Task Force adopts the following model for public involvement:

- The Water Task Force website will include a public inquiry form for visitors to contact the Task Force with questions and/or to share ideas and concerns related to the Water Task Force's work. New Mexico First will compile all public input and questions and make this available to all members on a routine basis, at least monthly.
- New Mexico First will create and manage a notification list and use the list for dissemination of Water Task Force updates, including when new information is added to the website and announcements of upcoming public presentations by Water Task Force members.
- New Mexico First will respond to requests from non-members to participate in Water Task Force meetings by conveying that meeting participation is limited to members, sharing the website (with assistance and instructions for accessing online information), and offering to add the interested non-member to the notification list.
- All Water Task Force members should share publicly available information about the Water Task Force, i.e., all information available on the website, with their colleagues, communities, and constituencies. Water Task Force members will consult the Executive Committee and/or New Mexico First before sharing internal Water Task Force materials outside of the Task Force, workgroups or the member's respective agency or organization.
- The Public Information Officer (PIO) of the Office of the State Engineer, in coordination with the Executive Committee, will promptly respond to all media inquiries and direct them to all available website content, with an opportunity to be added to New Mexico First's list for notifications. In addition, the PIO will provide opportunities for interested members of the media to interview Water Task Force members and receive briefings on Water Task Force meetings. Any Water Task
- Force member who receives an inquiry about the Water Task Force by any member of the media (print, radio, television, online, etc.), will refer the inquiry to the PIO to proceed with responding to the request. Responses will be handled on a case-by-case basis with the goal of furthering open discussion of the Water Task Force with the media and the public.
- Consistent with the model outlined above, all other public involvement inquiries or requests will be reviewed and managed promptly by New Mexico First and the Executive Committee.

Date of adoption by the Water Task Force: Aug. 15, 2022

## Appendix E: References

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2018 New Mexico State Water Plan, New Mexico Interstate Stream Commission, 2018







# CONCLUSION

The Task Force developed an extensive list of actions that, taken now, can help. Some of the steps can be taken through executive action, some require legislation, many require funding. The table, below, provides an overview of the recommendations developed by the Task Force. For a full list of recommendations and strategies to carry them out, as voted on by the Task Force, please see Appendices A, B, and C.

There are immediate actions to be addressed during the 2023 legislative session, but this report is designed for the long view, to be implemented over the next several years to best position New Mexicans for the known and unknown challenges ahead.

All the proposed efforts require engagement with the communities themselves who are at the heart of New Mexico's water future.



**Photo Credit: John Fleck**



