

**New Mexico Regional Water Planning
Governance Study Group
Issue Paper**

Introduction and Summary

DRAFT December 4, 2015

On July 28, 2015, the New Mexico Water Dialogue¹ hosted a meeting to discuss regional water planning at the Sevilleta National Wildlife Refuge. The meeting was well attended by water planners, Dialogue board members, and Interstate Stream Commission staff.

Among other topics, participants discussed the concept of “governance” as it relates to water planning and water management in the state. According to Merriam-Webster online, governance is “the way that a city, company, etc., is controlled by the people who run it.” Wikipedia offers more thorough definitions: 1) "all processes of governing, whether undertaken by a government, market or network, whether over a family, tribe, formal or informal organization or territory and whether through laws, norms, power or language" (Bevir 2013); and 2) “the processes of interaction and decision-making among the actors involved in a collective problem that lead to the creation, reinforcement, or reproduction of social norms and institutions" (Hufty 2011).

The topic of governance is closely linked to democracy and public participation, subjects of great importance in our culture. It is tied to considerations of decentralization and sharing of responsibilities, and to opportunities for broad participation that promotes collective learning, cooperation, and partnerships among government entities and members of civil society.

In regional water planning, questions of governance revolve around who participates in the regional water planning process, how steering committees are formed and operate, how planning frameworks reflect and address the needs of multiple levels of jurisdiction, and how inter-regional concerns are addressed. They must also consider how the plans are implemented – whether by local governments, regions, federally-recognized tribes, or the state – to resolve critical issues.

Participants at the Sevilleta meeting agreed to form a Regional Water Planning “Governance Study Group” (GSG) to discuss these issues and make recommendations for improvements. The GSG researched examples of regional water governance in and outside the state and used them as a basis for recommended improvements in New Mexico. GSG members drafted papers on the institutional arrangements for water planning, linkages among different types of plans and among planning and administration, public participation, tribal participation, technical information, and the impact of water rights on planning processes. The GSG met by video and

¹ The New Mexico Water Dialogue is a non-profit organization with a mission “to promote the wise stewardship of water resources in New Mexico through support of community-based forums for education, communication, and development of common ground.”

conference call to discuss the group's process, clarify the definition of "governance," and refine drafts.

Based on its research, the GSG recommends the following improvements to regional water planning:

- Statutory establishment of a new and permanent form for regional water planning entities, with authority for some aspects of water governance, distinct from but coordinating with the Interstate Stream Commission (in a model of "polycentricity")
- Overlapping regional boundaries, based on true "political and hydrologic" realities, to improve communication and coordination
- Consistency among regional water plans with shared boundaries, the state water plan, and other types of plans, such as forest and rangeland, environmental protection, transportation, land use, and economic development plans
- Institutional arrangements that encourage collective learning and consideration of issues often reduced to "externalities," such as ecosystem services and climate change
- Full engagement of a broader range of stakeholders in regional water planning entities
- Explicit consideration of frequently-omitted constituencies, such as future generations, riverine environments, water rights holders, tribal governments, etc.
- Formal acknowledgement of public comments
- Opportunities throughout the planning process for participation by the general public
- Best practices in public participation, such as a clearly-crafted message, multiple communication tools, availability, transparency, partnerships, neutral facilitators, and funding
- Meaningful and ongoing consultation with the governments of federally-recognized tribes under the New Mexico State-Tribal Collaboration Act, with explicit discussion of improvements that might support tribal participation in regional water planning, such as new forms of tribal representation on committees, long-term relationships, staff participation, tribal information and traditional knowledge, reduced inequities, and collaborative implementation of projects
- Enhancing the role of the tribal liaison in the New Mexico Office of the State Engineer
- Credible hydrological and demographic data, using common technical methodologies and working with local experts in each region
- Meaningful analysis of the impacts of water rights ownership on water planning
- Advancing adjudications by making them a legislative priority, exploring alternative agencies, and reviewing the OSE's multiple roles
- Resolution of other disconnects in water administration, which create inconsistencies that affect planning. Disconnects are evident between ISC obligations and OSE regulations, surface and ground water regulations, paper and wet water, water rights and actual water use, methods of accounting for water, impacts of shortages on senior and junior users, transfers from surface agricultural use to urban ground water use, state and regional public welfare, and water quality and quantity.
- Support for implementation of water plans, with funding and requirements for adherence to the plans

Details are included in the attached papers:

Governance and Institutional Arrangements, page 4

Strengthening Linkages, page 12

Public Participation, page 18

Tribal Participation, page 24

Technical Information, page 28

Water Rights Adjudication, page 30

References Cited

Bevir, Mark. 2013. *Governance: A very short introduction*. Oxford, UK: Oxford University Press.

Hufty, Marc. 2011. "Investigating Policy Processes: The Governance Analytical Framework (GAF). *In*: Wiesmann, U., Hurni, H., et al. editors. *Research for Sustainable Development: Foundations, Experiences, and Perspectives*. Bern: Geographica Bernensia: 403–424

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