

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

Public Participation

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There is a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process. – Arnstein 1969

What is Public Engagement?

Public engagement can be described in a variety of ways. The unique aspects of each dictate what form to employ and when. Reminding ourselves of what and why may prove useful to this discussion (ILG 2015, also see Arnstein 1969).

- Public information/outreach: characterized by one-way local government communication to residents and other members of the community to inform them about a public problem, issue or policy matter. (Examples: online articles, mailings, presentations to community groups)
- Public consultation: instances where local officials ask for the individual views or recommendations of residents about public actions and decisions, and where there is generally little or no discussion to add additional knowledge and insight and promote an exchange of viewpoints. (Examples: public hearings, council or board comment periods, resident surveys, polls)
- Public participation: processes through which the public receives new information and through discussion and deliberation prioritizes or agrees on ideas and/or recommendations intended to inform the decisions of local/state officials. (Examples: conversations that provide information and ask participants to discuss community priorities, confront real trade-offs, and craft their collective recommendations; the development of representative groups that draw on community input and suggest elements and ideas.)

Why Engage the Public?

A successfully engaged public can be highly beneficial to planning and implementation efforts. Outcomes of effective public involvement include (ILG 2015):

- Better identification of the public's values, ideas, and recommendations
- More informed residents (the state's challenges are my challenges)
- Improved decision-making, actions, impacts and outcomes

- More buy-in and less combativeness (participation generates ownership)
- More civil discussions and decision-making
- Faster implementation
- Enhanced trust, confidence, understanding, and cooperation
- Higher rates of participation
- Leadership building opportunity

New Mexico has recognized that engaging the public in water planning is more critical than in any other area because of water's vital role in every aspect of life (D'Antonio 2006). In addition, because the waters of New Mexico belong to the people of New Mexico, public involvement, with information exchange and debate, is essential. Local experts can also provide the "credible set of hydrological and other technical data" that is at the foundation of wise water planning. (See the Governance Study Group's *Regional Technical Information* issue paper for more details.) Furthermore, the behavioral change required for water conservation and environmental protection are only possible through broad public awareness and participation. Although accepting compromise is never easy, it is possible to understand and move forward with difficult alternatives if the process of reaching them is open and shared by all affected parties.

Challenges to Participation

The public's willingness to participate is affected by many factors (Hausam 2015):

- Level of interest in the overall topic (water)
- Awareness of the program or project (regional water planning)
- Representation by someone else on their behalf
- Trust that input will truly be incorporated into the final product
- Other, possibly better, options, for getting their point across (e.g., lawsuits)
- Constraints on availability (time/day, length of meetings, location, transportation, child care)
- Appropriateness of method of input (e.g., individual meetings, small groups, large groups)
- Need for confidentiality
- Relationships among participants and facilitators (major conflicts, past histories, personalities)
- Presentation of information (language, level of technical data, jargon, etc.)

Public Engagement in New Mexico's Regional Water Planning

Despite the many challenges inherent in broad public involvement, it has long played a central role in the State's regional water planning. The role of public engagement is clear in the 1994 Regional Water Planning Handbook (NM ISC 1994):

- Purpose of Regional Water Plans: Broad public participation is necessary in the development of regional water plans to enhance their acceptance locally and to increase their potential contribution to state decision making in regard to "public welfare" and

"conservation" determinations;

- Required Assumptions: An adequate plan for public participation shall be a prerequisite for regional water planning; and
- General Guidelines: A critical element of the regional water plan is public participation in the planning process. Planners must demonstrate that reasonable and diligent efforts have been made to reach the public so as to invite, value and reflect public comment. These efforts may be tailored in their specifics to fit the particular regions.

New Mexico's regional water planning emphasizes the role of regional water planning committees, as representative groups of stakeholders, in ensuring broad-based public participation. However, the committees themselves may not adequately represent all interests, and without a larger effort to engage the public at large, many voices may go unheard.

This has appeared to be a problem in the latest round of regional water planning. Although the importance of public engagement was apparent in the December 2013 of the *Handbook*, given the lack of funding for the updates, the Interstate Stream Commission (ISC) resurrected the remnants of earlier regional entities to achieve stakeholder participation (NM OSE 2013, New Mexico First 2014). However, not all entities were composed in the same manner as in the previous round. There have been concerns about an increasingly top-down approach, especially in the Mid-Region, where the Water Assembly, a community-based group that prepared the previous water plan in coordination with the Mid-Region Council of Governments, was not given a seat on the new steering committee (Brown 2015, Moore 2015). There has been limited support for meaningful public engagement across the state in this update process thus far, and upcoming efforts, without effective steering committees, are likely to fall short.

Successful Examples

In addition to the model from the 1994 Regional Water Planning Handbook, other states have defined structures for regional water planning committees that may better support a wide range of stakeholders' participation. Colorado, for example, has "roundtables" that facilitate discussions on water issues and encourage locally-driven, collaborative solutions (Bunyak and Kelly 2013). Oregon's integrated water resource management planning groups call for a public involvement process that allows members of the general public to be involved in plan development and implementation. California requires that integrated watershed management plans include a public process that provides an opportunity to participate in plan development and implementation. In Texas, the public has opportunities to participate at different stages of the planning process. Finally, Washington's Watershed Management Act requires that planning units "develop a process to assure that water resource user interests and directly involved interest groups at the local level have the opportunity, in a fair and equitable manner, to give input and direction to the process." All states require representation from certain specified groups, but allow for additional participation (OWRD 2014).

Recommendations for Improvements

In order to be fully successful, New Mexico's regional water planning process should make a true commitment to public participation, beginning at the start of the planning effort.

The foundation of public involvement is the regional water planning entities. Entities should have broad-based stakeholder representation. The state should promote – and safeguard against the exclusion of – certain stakeholders, particularly those who may have less political or economic standing, such as community-based groups, or who may be less familiar, such as federally-recognized tribes (see the Governance Study Group’s issue paper on tribal participation). Regional water planning entities should be statutorily defined and funded as ongoing groups, able to build trust and effectively engage with the public.

As regional water planning entities work to engage the public, they should use the following best practices (Bender-Keigly 2013):

- Craft the message. Make clear from the beginning that regional water planning has many facets, ranging from water quality, water rights, basic human rights, culture and tradition, and economic opportunity (and a much broader range of topics that fit under these headings). Repeat the message at every meeting during the planning and review stages. The message needs to be clear to all stakeholders, decision-makers, the legislative body, and the general public.
- Employ various communication tools. Although email listservs and posting to websites are commonly used, direct mailings, phone calls, print and electronic newsletters, press releases, videos, webinars and social media tools were all employed in addition to meetings and live presentations. (Particularly critical in New Mexico to communicate in Spanish as well as English.)
- Be available. Meeting people on their turf, although time consuming and costly, seems to offer great payback with increased public participation, creative solution options and support.
- Be transparent. Public should be invited to attend all meetings. Website postings of all agendas, meeting minutes, recommendations and draft reports provide the public with easy access to information and allow all water users to feel involved in the process.
- Capitalize on partnerships. Partner agencies, non-governmental organizations, water districts, member organizations, and other stakeholders can help send the message that this is a collaborative process. Side benefit: It is cost effective to use partners to advertise the planning, post water planning information, and help with meetings in each region.
- Use neutral facilitators. State agencies that played a secondary role in planning meetings found that the public viewed the process as being more collaborative. Local facilitators help build trust.
- Establish and follow the framework. Regional planning allows flexibility to meet needs of each area. Since the result is a statewide plan, a framework that guides the process is essential. Facilitators for each area need to follow the same guidelines, and rules for such things as data collection need to be identified and followed in order to meld into a

statewide plan. Living documents encourage greater trust and involvement and allow changing needs to be addressed as they arise.

- Funding is extremely helpful to the process. In Colorado, each Basin receives \$2,000/year for education and outreach, and additional funds are available through a grant process.

It's difficult, but not *that* difficult. Just keep Jason John's points in mind. Resolve to learn a little about each other. Meet regularly, whether there's a "crisis" or not. Strive to accommodate the grassroots. Build on what you've learned. Make a long-term commitment to continue. Uncertainty wants not a calcified map, but an ongoing practice that fosters relationship, allows for the circulation of emerging data, and supports continuous appraisal of evolving conditions in real time. From such soil, tailor-made partners and sage actions arise. Process is the plan (Robert 2015).

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