

# Now, Actually Make the Case for Change

## The Legislative Path

Presentation at the Water Advocates' 18<sup>th</sup> Council



**Bob Wessely**  
**(505) 259-7842**  
**Wessely@SciSo.com**

# **Cause the Five MCC Solution Initiatives to Happen:**

## **Reminder – The five MCC solution initiatives were:**

- Strengthen leadership and capacity in appropriate state agencies
- Use Compact constraints to drive water administration
- Reform water planning to be an effective management tool
- Base decisions on hydrologic and analytic reality
- Fund the reforms with a significant one-time two year appropriation

**Need Bills for the 2019 Legislative Session**

# HM1 Proposal - Enabling Legislation

## We Are Envisioning Four Bills:

- Require implementation of AWRM in LRG and MRG
- Appropriation
- Cabinet level evaluation on processes and agency structuring
- ISC mission reform

**Currently Being Drafted by Legislative Council Service**

# Bill #1

## Require implementation of AWRM in LRG and MRG

OSE Obligations – with deadlines in each region:

- Require government to government tribal consultation regarding NM's administration for its RG Compact compliance
- Complete all requirements to implement priority administration pursuant to the AWRM statute (72-2.3.1)
- Participate and facilitate planning for alternative administration

ISC Obligations – with deadlines:

- Establish Planning Regions (Otowi to EB, EB to TX Line)
- Develop and publicize science-based groundwater and surface water flow models
- Fund and facilitate locally developed, voluntary plans for alt. admin. including. effective water banking/leasing

OSE and ISC Reporting Obligations:

- Establish schedules for meeting the above; report quarterly to WNRC, LFC

**Avoid Draconian Lawsuits**

## Appropriation

One-Time, Two-Year Appropriation for Multiple Purposes:

- Restore and improve agency leadership and capacity (OSE, ISC)

- Perform cabinet level evaluation of agencies and issues

- Implement AWRM components

- Interagency plan to materially improve our scientific basis for decisions:  
measuring, monitoring, models and public access to data.

- Develop template or handbook for sub-regional and regional water planning

- Propose ongoing water planning and management funding sources

- Initial regional water planning efforts

**No Unfunded Mandates**

# Bill #3

## Cabinet Level Evaluation on water processes and agency structuring

Establish a cabinet level team(s) including diverse expertise to accomplish:

Evaluate how the state should organize its agencies to deal with water:

- Plan for aridification

- Easing the impact of those who are harmed

- Planning for the future

- Administration of resources

Evaluate whether or not NM should adopt a new model water code or correct the current patchwork code; code to address at least:

- State engineer and ISC director qualifications, terms, and appointment processes

- Protect closed basin aquifers

- Require water conservation and prohibit water waste; penalize overuse

- End acceptance of rights declarations after one year

- Impose universal metering and public reporting

**Review the System as a Whole**

# Bill #4

## ISC Mission Reform

Augment ISCs statutory mission for regional water planning

Use *Executive Guidance for Water Planning* as a basis which means:

- Establish ongoing planning with permanent entities

  - (locale or sub-regional, basin or regional)

- Define adequate funding mechanisms for each level

  - (sub-regional, regional, and state)

- Structure appropriate levels of ISC oversight

- Require available, relevant, credible, science based data and modeling

- Define objectives and benefits of sub-regional and regional water planning

- Include alt. admin., sustainability, and conservation in planning

- Require coordination among planning processes

- Require transparency and public involvement throughout in policy decisions

- Mandate ISC approval and implementation support for regional plans

- Establish planning advisory committee, water planners from across the state

**Place Importance on Water Planning**

# Thank You

## Presentation at the Water Advocates' 18<sup>th</sup> Council



**Bob Wessely**  
**(505) 259-7842**  
**Wessely@SciSo.com**