

12.15. EPILOGUE

12.15.1. Process to obtain input on the Draft Plan

After completing the Draft Plan and in keeping with the concept of involving the public, the Steering Committee determined to bring it to the public for review and comment, as well as to various local governments and governmental entities in an attempt to obtain endorsements.

The Middle Rio Grande Plan, the Subregional Plan and the Subregional Plan Summary were delivered to the Villages of Cuba, San Ysidro and Jemez Springs, as well as to the libraries in Jemez Springs and Cuba. The Subregional Plan and the Subregional Plan Summary were placed with Sandoval County, Torreon Chapter House, Jemez Pueblo, Zia Pueblo and the Cuba Soil & Water Conservation District office in Cuba. Newspaper articles were published to announce the Draft Plan as well as upcoming public meetings. Letters, emails and telephone calls were made to invite public officials to the Endorsement Workshops and Open Houses. Additionally, the same was done to invite the public to the Open Houses. In December 2003, the Steering Committee decided to include the comments received concerning the Draft Plan in an Epilogue, to be printed along with the plan.

The process to obtain input on the draft plan:

1. Two Endorsement Workshops for governmental entities were held - October 21 in Cañon at the Community Center, and October 22 in Cuba at the Community Center, both starting at 6 pm.
2. Two Open Houses were held - November 15, in Cañon at the Community Center from 10:00 to 12:00 AM, and in Cuba at the Community Center from 3:00 to 5:00 PM.
3. Articles were run in the *Jemez Thunder* and *Cuba News* announcing these events as well as that the Draft Plan was available for reading at various locations.
4. Approximately 175 flyers were sent to all who had attended one or more of the Workshops or Steering Committee meetings in the past 4 years.
5. Notices announcing the Open Houses were also posted in Cuba, Regina and La Jara..
6. Numerous telephone calls were made by members of the Steering Committees.
7. The Draft Plan was placed on the web site <http://www.watersassembly.org/9information/9_7.html>, with mailbox icons to enable those wishing to comment to click and respond. Announcements regarding the Endorsement Workshops, Open Houses, and other pertinent information were also placed on the web site.
8. Approximately 75 letters and emails were sent to:

- ★ Sandoval County and the Villages of Cuba, San Ysidro and Jemez Springs
- ★ 16 acequia associations
- ★ 15 mutual domestic water associations
- ★ Cuba Soil & Water Conservation District
- ★ Pueblo tribal officials at Zia, Jemez, Santa Ana, Laguna, and Isleta
- ★ Navajo tribal officials at Torreon Chapter House, Encino Chapter House, Star Lake Chapter House, White Horse Lake Chapter House and To'hajilee, and to Navajo officials in Window Rock
- ★ Federal agencies, including the Bureau of Land Management, Natural Resource Conservation Service, Bureau of Reclamation, Bureau of Indian Affairs, U.S. Forest Service offices in Cuba and Jemez Springs, Federal and State Senators and Representatives, USDA Farm Service Bureau, USDA Rural Development, USGS Water Resources Division, Army Corps of Engineers
- ★ State agencies, including Forestry, Ground Water and Surface Water Quality, Interstate Stream Commission, New Mexico Environment Department, Office of the State Engineer, Interstate Stream Commissioners, State Land Office , Mid-Region Council of Governments, and Cuba and Jemez Schools
- ★ numerous citizen groups, including Cattle Growers of New Mexico, Forest Guardians, Valles Caldera, Quivera Coalition, New Mexico Water Dialogue, and Regina Volunteer Fire Dept.

The letters advised the recipients of the Endorsement Workshops, the Open Houses, locations of the Draft Plan and how to access it electronically, and when the comment period on the Draft Plan would end. The information was also made available on the Río Puerco y Río Jemez Subregion web page, at http://www.waterassembly.org/9information/9_7.html.

The above-referenced memos, flyers, articles, and posters and can be found in the appendices

12.15.2. Input Received

At the Endorsement Workshops, the attendees were handed a copy of the Draft Summary which was reviewed. Approximately 11 people attended the Cañon meeting, and 17 attended the Cuba meeting.

At the Open House, the attendees were handed a brochure summarizing the plan, a comment sheet and then received an orientation from one of the Steering Committee members. The summary information was posted on science fair display boards, with each goal on one or more board, plus ones for the mission and goals, and the public welfare statement, all with comment sheets on the table in front of each board. The appendix contains the posters, as well as the individual comment sheet and brochure. Members of the Steering Committees were present to answer questions. Approximately 18 attended the Cañon meeting and 22 attended in Cuba.

Comments were transcribed. All of the comments were reviewed by the Steering Committees on December 8, in accord with the announced agenda. Rather than change the Draft Plan, it was

decided to include all of the comments in an Epilogue to be printed in the Final Subregional Plan.

12.15.2.1. Comments From Open Houses - 11/15/03

Public Welfare:

1. RP- Public Welfare in New Mexico should include a realization that the preservation of this unique state--- and our watershed, especially--- requires us to drop the American motto: “if it makes money, it’s good”. We can be made into Owens Valley if we don’t actually protect the cultures and character of our area. Developers need to be held at bay with legislation that recognizes preservation of customs, cultures, beliefs and practices takes precedent.

This would require the state to take the point of view that maintaining northern NM as a “traditional national treasurer”— of more value as it is, than as a site for greater economic development.

2. RP- Public welfare should be just that and not for the benefit only of those who profit from the labor of New Mexicans.

3. RJ- It seems as though the Principle #2 (*in the public welfare statement*) is not needed since it is already reflected in the authority of the St. Eng. to deny an application. I would delete #2, and split #3, moving “control of urban growth”, and developing another principle that reflects the importance of the use of water to enhance a rural agricultural economy as opposed to urban growth. Since Ag land is worth less in taxes than industrial/residential/subdivision land that it could be argued in the future that land uses that bring in higher tax revenues are more beneficial than open space/wildlife/and agriculture.

Mission & Goals:

4. RP- Education should come from those who use the water and the land after all they are the ones who have managed it.

Restore Watershed

5. RP- Water demand must include “demand” by aquifer- adequate recharge for supply sources (rivers & acequias & springs). Reducing water loss in acequias must be balanced against recharge needs (?).

6. RP- Apply prescribed fire judiciously, as needed
Educate public about fire prevention/management in forested areas
Use traditional water retention structures such as brush dams (effective, enduring, ultimately biodegradable).

7. RP- Priority of the dependence of water goes to the human being first. No animal is to take precedence over the lives of human beings.

8. RP- Humans must develop humanity & recognize interdependence of all beings. A truly healthy human community lives in a respectful harmony with non-human life as far as possible. (My spiritual belief.)

9. RP- Develop Job Corps Center (uniquely tailored to this area) as Natural Resources Education & Management Training Center.

10. RP- Develop legislation (requests to our reps) requiring new comers to adapt to the desert way of life (several native & colonial cultures did that!) and not to try to adapt the desert & mountains to a “water-rich” way of life.

11. RP- The goal assumes that the area residents are dumb or stupid or unable to manage water that has been entrusted to them for centuries. If any education comes it should be from those who use the water. It is offensive to me to be told that you have to educate these ignorant people.

12. RP- The original Rio Puerco basin was much healthier Re: plant life, water available year round, & bountiful animal species BEFORE European immigration to the area, misunderstanding, hence misusing the natural resources. Increased population & a much greater level of consumption (& expectation) of resources has caused the damage we now see. No one has been totally wise and totally knowledgeable. "Ecology" is a very new "science." We have much to learn & many attitudes & habits of lifestyle to reform!

Agricultural Traditions/Water Conservation:

13. RP- "Quantify" water usage isn't acceptable- this mountain watershed needs recharge and quantifying can lead to limitation for local use. NO parciente gets the acre feet actually allocated- EVER! Right now the recharge barely keeps springs & mountain streams flowing. Rather than quantify in the watershed- QUANTIFY in the urban areas! Stamp out non-local/native practices like huge green lawns, golf courses, swimming pools in every yard. Make it clear to downstream population that this is the DESERT!!!

14. RP- The ditches have worked well for centuries without lining or piping. To do so disturbs the flow of the water from the mountain. It also makes it too convenient for the cities to turn on the faucet to our nicely piped area. No thanks!!

15. RP- Laser level fields. At whose expense? Again they have worked well the way they are. Maybe we need to have a conversation with God as to why He made the land this way.

16. RP- Meter- Why? If we had excess water up here- MAYBE. But this is a precursor to taking water for downstream urban use which is EXTRAVAGANT. Why must people who have used/preserved/adapted to desert mountains for over 400 years or 1500 years in pueblos, adjust to provide non-conscious water-users with excessive water? Let us continue o[u]r practices and let down-stream users adjust their life styles.

17. RP- Operating efficiency must include adequate recharge.

18. RJ- What agency may provide assessment and info for individual use and construction of erosion and soil conservation structures. Funding available? How/who to contact. Seed, trees, plantings available?

19. RJ- Subsidies for gutters and water tanks to promote rainwater harvesting.

20. RJ- Provide info Re: plans and sources for greywater utilization systems.

21. Offer data on graywater recycling, and group rates for materials, installation, etc.

20. RP- What does it mean to use creative planning that does not require commuting?

21. RP- I agree that we need to manage growth by putting geographical or numerical limits on population. I agree with all the goals & objectives & feel that these are comprehensive & balanced.

22. RP- "Local" control sounds good, but what about "locals" who just want to sell their land to the highest bidder, regardless of what happens to the land & water after "they get theirs"? There are "locals" FOR ecological sustainability + rural lifestyle preservation + "locals" who either don't comprehend this or don't care. Ironically, sometimes a less personally "interested" (as in self-seeking(?)) party can take a less self-serving, more "common good" perspective on environmental care.

23. RP- Wells per section should be limited to prevent widespread developments, but the law must allow family lands to be developed for family members as needed. Otherwise the wealthy drive out the traditional inhabitants. Not in this watershed!

24. RP- We cannot tell a land owner that he is limited concerning his wells. Our family owns 80+ acres with 7 heirs that could potentially build on that land. It breaks down to 13 acres per person. Which of the 7 get no well?

25. RP- Both land & water are LIMITED resources. Population on the land is the joker in the deck. Over population = overuse & depletion of available natural resources. What's to be done?

Monitoring:

24. RP- Some equity must be established in water planning that gives priority to holders of ancient & prior water rights- not only to provide the ability to hold onto water in the face of economic pressure, but to listen to traditional practices that have kept water in this dry/drought cycled area. So there's public and public- give precedent to age. Avoid the "young Turk" cycle- listen to what works and practice that for a time before "improvements" are implemented which turn out to be counter-productive.

25. RP- Who will do the monitoring? It needs to be local.

Miscellaneous:

29. RJ - Items of Interest [Steve Neff 235-5064, s_neff@sulphurcanyon.com]

- (A) Spray or Reduce Non Native Growth
- (B) Grey Water
- (C) Pipe & sprinkler systems
- (D) Meter head gates of ditch users
- (E) Drought Season Based Water Distribution
- (F) \$ For Application (Not Just Study)

30. RJ- How do we get more people involved? We are the choir and we know the song already.

31. RJ- Plan looks good- especially steps toward limiting water rights transfers from rural to cities.

32. RJ- I think the plan has made great strides since I last looked at it. I think it is important & of value to us. I object to the apparent endorsement of the endangered species act at page 23. The act has become, in my opinion, the way by which many important public policy matters are drug out of the public square & into courtrooms for decision.

On Wed. night, the Jemez Springs City Council did not pass the proposed resolution in support of the plan based on the ref. to the E.P.A. This portion of the plan is, I believe, contrary to the opinion of the majority of our residents. I do not believe endangered insects, mice or minnows should be given such prominence in water issues, & I believe the plan would be much better & more representative of the public in the Jemez if we rejected the present interp. of the act & pressed for a change to moderate the scope of the act. (The city council & mayor were unanimous in their concern to not be seen as endorsing the act in its present state. [Dennis Smith]

33. The most interesting statistic to me was on page 6 of the synopsis of the draft plan (under pie graphs showing withdrawals & depletions) concerning household water usage. This short paragraph declares that urban households use 4 times more water on average than we suburban users do. (175 GPCPD vs 40 GPCPD) I would like to believe that living closer to the land makes us more aware.

The other issue I feel strongly about is that we have to link/limit new development (Rio Rancho, et al, for example) to available water supplies. We cannot continue to pump more & more water from the aquifer for them, if our springs & wells, & rivers are going dry.

12.15.2.2. Comments Received From Jack Leaf

COMMENTS RECEIVED FROM JACK LEAF

After reading the Regional Water Plan draft that you so kindly supplied, I find myself left with several questions and concerns.

Topmost of the questions must be the reasoning behind the Plan's cynosure being on preservation of tradition and spirituality in light of projections (within the draft) that Sandoval County's population will more than double within the next thirty years. It would seem that this change, along with the changes in demographics and economic development that it will in all likelihood entail, will require some shift in emphasis from traditionality to developing workable scenarios for both the present and the future.

Among the concerns, I must question the validity of some of the data upon which this draft appears to be based. Some appears merely to be noticeably out of date, while other appears to be less than accurate. An example of the former would be the precipitation levels of Regina; of the latter, Puerco withdrawals equaling depletion for both domestic and livestock in 2000. This would indicate no comprehension of sewage and septic systems (maximum water loss estimated at 50% or less) or the biological functioning of livestock, including urination, respiration and defecation.

Although this document made passing reference to the hydrological cycle, it appears the authors either do not or do not want to understand it. Besides what has been mentioned above, "lining" the acequias will be locally disruptive to that natural cycle. Obviously, erosion can have a similar impact, which can be most cost effectively controlled in many instances simply by decelerating the flow rate. Erosion can also be limited with selected vegetation. (Contact USDA on this; they've been at it for many decades and much of their research is excellent.)

As for domestic water, much of what is proposed is already mandated by state and/or federal laws. Of what remains, some is not feasible for New Mexico's many small water systems, such as increasing tankage and providing fire protection supplies, which require (minimally) six-inch lines. Without adequate usage, either results in stagnation and, ultimately, a contaminated water supply.

Lastly, I suspect that for New Mexico to adhere to "traditional agricultural practices" at all cost, as this draft seems to advocate, would work about as well here as it has in Ethiopia.

Thank you.

Sincerely,

Jack Leaf
PO Box 9
La Jara, NM 87027
(505) 289-0189

12.15.2.3. Additional comments from Jack Leaf, following November 15 Open House:

This is in response to requested comments on draft 50-year regional water plan. To avoid redundancy, the following all refer to that draft.

The projection that Sandoval County population will more than double by 2030 implies that within the 50-year scope of the plan it could well quadruple. Conservation alone will be wholly inadequate to meet such an increase in water needs.

Currently, regional water needs are met by tapping only to parts of the hydrologic cycle; local surface and ground waters. Both are already under considerable stress due to current demands, and this stress and ensuing depletion will increase proportionally with population growth. It is imperative that water sourcing be redirected to other parts of the hydrologic cycle to alleviate this stress and lessen the imbalance in the cycle that current practices have created.

With existing technologies, seawater desalination and distribution may well be the best option for meeting long-term increases in potable water demand. This will admittedly involve large investment in infrastructure, but these costs pale in comparison to the costs of doing without water. An aggressive program of cloud seeding has the potential to play a key role in meeting agricultural demands, further reducing stress on currently used sources and ultimately helping to restore lost balance in the regional and local hydrologic cycles. It is highly probable that over the life of the plan, these technologies will both evolve further and be augmented by new developments. The final plan must be flexible enough to allow incorporation of new innovations or it will, over its 50-year life, prove to be at least crippling.

“Traditional agriculture” is far from efficient in many ways including water utilization. At the same time, it is an important part of the region’s heritage. Aggressive cooperative efforts involving all the region’s land grant universities could lead to major improvements in both efficiency (including water use) and profitability while helping to meet the increasing demands of an increasing population. Creation of “museum ranches” would preserve the important agricultural legacy and tradition of the region.

Watershed protection must involve more than controlled burns, which are both costly and somewhat risky. An alternative worthy of consideration is logging. Current practices are ecologically friendly, have a substantial economic impact, provide erosion control advantages over burns, and improve firefighting access.

John D. Leaf, Operator (006610)
La Jara Water Users’ Association
PO Box 9
La Jara, NM 87027
(505) 289-8422

12.15.2.4. Comments Received From Don Buttry

COMMENTS RECEIVED FROM DON BUTTRY

After reviewing the draft plan, I noticed that the one thing mentioned and not addressed was that our “Water Demand exceeds our Supply”. I do believe that it would be in order for the plan to include some provision for additional supply. At the present time, we are tapping the hydrological cycle in two places, Surface Water and Ground Water. Two procedures come to mind that might be considered. 1) We could add more supply to this area by installing Desalination Plants and pipe water to the high use areas and 2) after we get the watersheds restored, we could implement a Cloud Seeding program.

We must do something to offset the projected increase in population, which in turn will increase the Demand for water. True, Rio Puerco and Rio Jemez watershed areas may be able to survive on their own by cleaning and restoring the watersheds and promoting conservation plans, but the larger use areas in the Middle Rio Grande cannot continue to withdraw water at the current rates without depleting the supply. If they do continue at this rate, it will start to affect the entire state. They will become desperate for water. We will see wells drying up and smaller communities will then be running out of water. There will be an increased demand for any water available at any price. Do we want to wait until this type of a crisis becomes a reality or do we plan for the future by starting to add some of the new sources now?

Yes, it will be expensive, but please note that life demands water and life is expensive. We could start some research on this new technology now and avoid the crisis that is sure to become a reality in the future. Please remember, this is a fifty-year plan.

Donald E. Buttry, Manager
Regina MDWCA, Inc.
PO Box 427
Regina, NM 87046

(505) 289-3544

12.15.2.5. Fifty Year Water Plan For Regina MDWCA, Inc.

FIFTY YEAR WATER PLAN FOR REGINA MDWCA, INC.

1. Support and encourage restoration and management of Watersheds on Public and Private Lands to enhance Water Retention and Quality and to reduce the threat of Wildfire.
2. Support the Cultural and Spiritual Values of Water and the Universal need for and importance of Water.
3. Ensure WATER and ACEQUIA Rights to preserve and protect the local Agricultural traditions.
4. Support Land and Water Use patterns that ensure a Rural Lifestyle and Economy.
 - Complete Phase II of the Upgrade project. Engineered and Surveyed. Funding pending since 2001.
 - Acquire the Land necessary for drilling a Second Well for use to accommodate the forecast increase in local population as well as the present waiting list for requested new meters. Include electrical power to that site, a Pump Building, a Booster Pump, a 10,000 gallon Tank, tie into the existing system and include an All Weather Road to that site.
 - Re-work and/or clean the San Jose and the South Spring after the drought period has ended. Neither of the Springs have produced any water after late November, 2002, after a gradual decrease in production from approximately 32 gallons per Minute, down to zero gallons per minute.
 - Replace any of the 27-year-old distribution system that is found to be defective and cannot be repaired.
 - Enlarge the size of the existing pipe of the distribution system as required by the increase in local population. At present, Regina has a moratorium on new meters due to lack of funding on Phase II of the upgrade project and the lack of sufficient water sources. We now have 62 on a waiting list for new meters. Regina cannot support economic growth without additional water and larger water lines.
 - Complete other Operation and Maintenance projects to include a Warehouse Building to accommodate storage of parts, parking of Backhoe and Service Truck and provide a point of bill collection and a meeting room. These O & M projects could also include replacement of service truck on a 5 to 10 year cycle per truck and replacement of system backhoe on a 15 year cycle.
 - Upgrade San Jose Trail to an All Weather road to allow access to the New 200,000 storage tank on a year around basis.
5. Support and Promote Conservation of Water
 - Continue our graduated rate system. Our current rate system is \$21.50 for the first 6,000 gallons, then \$10.00 per 1,000 gallons for the next 6,000 gallons, then \$30.00 per 1,000 gallons for all over 12,000 gallons.
 - Enhance our routine inspections for leaks and damage to the existing system, to ensure a minimum amount of water lost due to leaks.
 - Continue to remind customers to conserve on Water use and retain the current Per Capita use of less than 40 gallons per day per person.
6. Promote Education on Land Use, Water use and Environmental Health and Water Conservation.

Jan Brown, President
Regina MDWCA, Inc.

12.15.2.6. 50-Year Plan For La Jara Water Users Association

50-YEAR PLAN FOR LA JARA WATER USERS ASSOCIATION

Plan continues to encourage restoration and maintenance of watersheds in the context of respecting traditional values and traditions.

Plan is based on assumption that population will at least double over the next 50 years, and quite possibly triple. With continued promotion of water conservation the demand for water will at least double in that period.

Projected needs of La Jara Water Users Association include:

1. Development of additional water source(s).
2. Upgrade of distribution system, including additional lines and larger mains. Larger mains will be needed for additional fire protection.
3. Maintenance and upgrades of current physical assets to both maintain quality service and to comply with ever-evolving state and federal regulations.

With Respect,

Marcella Van Cleve, La Jara Water Users Assoc.
President.

12.15.2.7. Comments to Water Resources Board - December 17, 2003

Ernie Torrez' Comments to Rio Puerco Water Plan Introduction

The challenge in accomplishing a water plan where a strong agrarian culture exists requires the capacity to understand the value system of that culture and the integration of the components of those values within the sociopolitical realities of the area. Failure to address the value system creates conflict leading to legal remedies in order to protect property or compensate for takings of property.

There are numerous statements in the Rio Puerco sub region draft where the reader would surmise that ideas such as, "in-stream flow, restrictions on development, limited human populations," are acceptable and embraced by local citizenry. That is not the case. Another insult to the locals, that there is to be a "vision that takes advantage of modern innovation to accommodate a shift to an ethic that upholds respect for land, water, air and all living things," is insulting and disrespectful especially to those residents who have lived their lives in the region and are descendants of families dating back several generations.

A need to clarify/define terms and words is prevalent throughout the planning document. There exists no glossary in the planning document, which is troublesome when attempting to understand the probable baseline requirements which implementation would codify. For example, there is common knowledge which cattle growers and range biologists agree on regarding range plants in general and the impact of grazing on plant communities. Overgrazing is identified in the document and no definition or description is to be found.

Of special note is the absence of heavy industry or high density housing in the upper Rio Puerco area presently. The existing low population of residents would face more restrictions on growth including population controls. The mainstay of the current economy- agriculture- would also be regulated to a greater degree for reasons that are contradictory or mysteriously without definition. Quite simply, the implementation of the sub region plan with all its restrictions on the use of private property, easements, right of ways etc. would prevent a healthy economy. The danger in acknowledgment of the document as a "plan" is the perception of the reader that there is consensus within the sub region. Again that is not the case.

The sub region plan is fundamentally flawed and should not be endorsed

The following are comments on the fifty-year water plan for the Rio Puerco sub-regions.

Item page: 12.1-27

Objective: Decrease soil erosion and increase water retention and infiltration.

Actions: Reduce development and increasing use of unpaved roads.

Improve grazing management through methods such as fencing, pasturing and rotational grazing.

Comment: There are countless dirt roads alongside fence lines on federal state and private lands. Ranchers and irrigators utilize those roads when accomplishing the on-going fence repair usually caused by elk. Without question, the need to maintain fence lines is critical to any grazing regime however, the aforementioned actions are contradictory elements. There is a need for fence line roads so that fence repair occurs in a timely fashion. Pasturing and rotational grazing do not happen without good fences.

The elk population continues to increase every year and that fact is not acknowledged or identified/factored with any specificity when discussing grazing/overgrazing.

Item 12.1-28

Objective: Reduce, prevent and repair habitat loss along streams, arroyos, and in wetland and riparian areas.

Actions: Prohibit development in areas within flood plain. or which have hydrologic problems such as storm water ponding, poor drainage, and high water table. Prohibit development in wetlands or riparian areas.

Comment: How is this not a taking of property especially to families who divide property into lots for rightful heirs of family land?

12.1-28

Objective: Increase the bio-diversity and production on public and private lands including wild and domestic species.

Comment: Again the burgeoning elk population is, for all practical purposes-out of control and there is no mention of this under this topic/objective.

Actions: Seed with native grasses and plants.

Comment: While reseeding is a good idea native grasses are expensive and usually out of financial reach for most irrigators. (See attachment included in appendix)

Item page 12.1-30

Objective: Realize the spiritual benefits ... aside from the economic benefits.

Actions: All actions are noted here for comment

Comments: The cultural integrity of the acequia region is intact and most importantly regenerative. We do not need a plan of action to remind us to appreciate what we have and use. We celebrate our feast days based on church calendars.

Also, the region and leaders of the region carry on as descendant from a "long line" of people who will built the community. It is apparent the writer(s) of the plan will not credit the economic result of the cultural effort i.e. schools, churches, roads and homes. Culture and economy are integrated and inseparable.

12.1-30

Goal: Ensure treaty, water and... agricultural traditions.

Comment: At no point in this plan is the authority of the acequias identified. The governing authority of the acequias in unincorporated areas is guaranteed through state law. Each item listed under this goal would require individual endorsement from each acequia. The complexities inherent with implementation of any action within this goal would require a working relationship between the implementers and each acequia.

Item 12.1-32

Objective: Base regional growth, planning and zoning on retaining the health of the entire ecosystem.

Actions
and

Comments: Every action listed is unacceptable. Relative to the balance of the Mid Region it is safe to say the upper Rio Puerco has the highest percentage of Spanish, Mex.. and Native American people. "Putting geographical or numerical limits on population" is blatant racism.

12.15.3. Ms. Follingstad Comments on the Draft

NEW MEXICO INTERSTATE STREAM COMMISSION

MEMORANDUM

Date: December 18, 2003

To: Middle Rio Grande Council of Governments – Water Resources Board
and Middle Rio Grande Water Assembly

From: Mary Helen Follingstad, Manager, Regional Water Planning Program

CC: Rhea Graham, Estevan Lopez

RE: Comments on the Draft Middle Rio Grande Regional Water Plan –
Chapter 12, Draft Rio Puerco and Rio Jemez Subregional Water Plan

Chapter 12, *Draft Rio Puerco and Rio Jemez Subregional Water Plan* (Subregional Plan) of *The Middle Rio Grande Regional Water Plan*, submitted for agency review and comment in October 2003, is incomplete with respect to the Interstate Stream Commission *Regional Water Planning Handbook* (hereinafter referred to as “Handbook”).

The Rio Puerco and the Rio Jemez are tributaries of the Rio Grande. The two sub-regions (Rio Puerco and Rio Jemez) are part of the Middle Rio Grande Region, one of five regions in the Rio Grande Basin. The sub-regions are largely rural and were created to assure water planning specificity with respect to their relative isolation from the Rio Grande Valley. There is a considerable amount of government land ownership in the sub-regions and all or parts of several pueblos – Zia Pueblo, Jemez Pueblo and Santa Ana Pueblo. Some lands of the Navajo Nation are also present in the Rio Puerco sub-region.

The following comments are provided for your consideration in completing the Sub-regional water plan for acceptance by the Interstate Stream Commission (ISC).

In general, the Sub-regional Plan requires considerable editing and re-organization.

Some requirements of the ISC *Water Planning Handbook* (1994) are not addressed and others are not adequately addressed.

There is jargon in some of the sub-titles and text (example: “snippets”) and editorializing regarding the water supply and demand issues.

The Executive Summary – not submitted.

- 1) Introduction - no comment

- 2) Public Involvement Program – no comment
- 3) Background - This section describes the physical setting, the geology, and stream characteristics. This could be combined with the Historical section.
- 4) Historical Characteristics – This section describes Pueblo and Spanish settlement and current land uses and ownership. Land ownership map could be in color. This could be combined with the Background Section. Sub-sections describing water use and depletions and the tables illustrating this should be presented in the Water Demand Section.
- 5) Legal Issues – these are presented and combined with other issues in Section 12.11. The Legal Issues should be presented separately and a paragraph or two added regarding how these constrain the supply. Section 12.11 does not address how the Endangered Species Act affects the sub-regions.
- 6) Water Supply – The issue here is the lack of data in the *Middle Rio Grande Water Supply Study* (SSPA, 2000) specific to these tributaries. We suggest you investigate other data sources from the Office of the State Engineer library and the USGS. Issues presented in the introduction to this section should be combined, along with public concerns raised in the Issues and Constraints section (12.11), with the Background section or with the Public Involvement Program section since the Water Supply section should be confined to facts. In most regional plans, stream flow hydrographs are presented as appendices.

The discussion of drought belongs in the Water Demand section.

A discussion of water quality both for surface water and ground water belongs in this section. See Table 12.19

- 7) Water Use – see comment above on the Tables in Section 12.4. The Water Use Arrangements (12.6.5) should be in the Legal Issues section.

Discussion of Acequias, the Treaty of Guadelupe Hidalgo, Adjudications, Prior Appropriation doctrine, the Rio Grande Compact, and all other legal issues should be presented in the Legal Issues Section. Issues of public concern should be presented in the Public Involvement Section.

Section 12.6.6 appears to be a water use projection but the analysis is incomplete.

- 8) Water Demand – Population trends analysis does not isolate specific figures for the Sub-regions. There is editorializing about growth in Rio Rancho but no numbers regarding growth in the sub-regions. In order to address the public welfare of the sub-region, figures need to be presented that show how any shortages will be met by the various alternatives.

Section 12.8 does not actually quantify the projected demand but presents a number of methods. These methods belong in an appendix. The selected method and the result is what should be presented in this section. Again, there is editorializing about Rio Rancho. The sub-region plan should show the water needs for the sub-region. There are several pages of text that look like an analysis of the issues – these belong with the public involvement section. There is also redundant text.

The Tables on pp. 12.8-12 and 12.8-13 have a misleading subtitle – “Existing” Depletions. If these tables are the water use projections this should be changed to “Projected” Depletions. Analysis should be then be provided in the form of a water budget for the sub-regions.

Section 12.9 Mission, Goals and Alternatives. Mission and Goal statements are part of Public Involvement. All that is necessary for the Sub-region Plan is the statements. The process (evolutions) can be put into an appendix.

- 9) Alternatives – Process can be put into an appendix.

Section 12.10 –Scenarios/Vision – Summarize for the Executive Summary. Put the text in an appendix.

Tying the Goals to the Preferred Alternatives is a good step and Table 12.10.3 is a good list of action items. However, while the benefits of the actions are listed, there is no technical analysis of the alternatives provided, the time frame is vague, there is no estimated wet water yield pursuant to the alternatives, and there is no estimated costs of implementing these alternatives provided—especially those that are capital investments such as upgrading the ground water model, implementation of watershed management programs, impoundments, ditch improvements, measuring and metering programs, improvements to sewage treatment, and small water system improvements.

Section 12.11 – Issues and Constraints. This text belongs in the Legal Issues section and in the issues and concerns in the Public Involvement Section.

- 10) Section 12.12 - Tools, Ideas and Recommendations – incomplete
- 11) Section 12.13 – Sample Projects – incomplete
- 12) Appendices are not populated with text.

12.15.3.1. January 14, 2004 Meeting

Meeting with Mary Helen Follingstad, Mike Trujillo, Elaine Hebard, Steve Lucero, Emmett Cart, Bob Wessely, Bob Prendergast and Lora Lucero.

Reviewed comments. General consensus was that the draft plan underscored the absence of data for the subregions with which to adequately analyze the subregion's alternatives. Creating a mission statement, goals and objectives, and alternatives without data with which to analyze them was not sufficient. The draft plan represented a start at gathering the data so that such analysis could be forth coming. Suggestion was to submit request for funding to remedy this. General agreement was also to reorganize the draft, incorporating the suggestions as much as possible. Specific comments addressed included the reasoning for showing growth in the Middle Rio Grande in that it is a water user in the subregions, and that as its demands grow it is likely to affect the remaining supply. Also, suggestion was to remove the Future Water Use Projections chart since the land use acreages do not correlate with other documented acreage. It was left in for the time being, with the caveat that reliance on it would not be sound. Some material, such as the appendices, had not been submitted although were prepared. Sending a disc with the information was suggested.

12.15.3.2. Memo dated January 23, 2004 to Ms. Follingstad

Elaine Moore Hebard
1513 Escalante SW
Albuquerque, New Mexico 87104
(505) 247-8767

January 23, 2004

Ms. Mary Helen Follingstad
Interstate Stream Commission
PO Box 25102
Santa Fe, NM 87504-5102

Re: Río Puerco y Río Jemez Subregional Water Plan

Dear Mary Helen,

Here is a disc with the October Draft and Appendices for the subregional plan. In addition, there is the revised Summary and the Executive Summary (which is the text form of the handout prepared for the Open Houses and which I handed you on January 14). Section 13 includes the ICIP list from MRCOG, and I expect to update that yet again with project lists from the various entities in the region. I have included the Epilogue and its Appendix to give you an idea of the post-plan effort undertaken. Extra information is included in the Appendices file.

I hope that this provides you with some of the information you were seeking. I have not sent you the edited version, which will be used when incorporating your comments. I anticipate that this will be complete and sent to you, along with the MRG plan, in mid-February.

I also included the Public Involvement Report, which was the deliverable under the Scope of Work between the MRCOG and Cuba Soil & Water Conservation District. As you may know, the Scope of Work required finalizing the initial public involvement program, conducting a

public involvement program for the second phase, developing goals and objectives, and recommending water management alternatives. Given the paucity of subregional data, I felt that it would be difficult to meaningfully complete the tasks. We determined that a preliminary attempt would be made, which would help guide future activities. Hence, I undertook the task of research and writing the sections on supply, demand, population and so forth.

Clearly there are data and analysis gaps. Even so, as I have said many times, the Steering Committees did a tremendous job in reviewing and synthesizing the information. Their efforts are synthesized in the matrix found in Section 10 - solely prepared and modified by residents in the watersheds. All in all, I would say that the subregions, despite the problems mentioned by some, came in with a product that does them justice. I would hope that your office will look kindly at funding a request to fill in the data gaps and to obtain further analysis so as to provide benchmarks against to weigh the benefits of future actions.

Sincerely,

Elaine
encl. cd rom