

Responses to Comments on the May 11, 2018 Draft of *Making the Case for Change*
(reviewer #2's comments pertain to the final version)

Reviewer	Comment	HM1 Working Group's Response
Joseph Zupan	Add a sentence in item 3 that speaks to the importance of watershed health as a part of the overall equation.	Agree and modified.
2a	I like much of where you're headed with this document. Congrats to your team on sticking with a difficult challenge	Thank you.
2b	The tone of your document is negative in several places, and not always supported by evidence, possibly out of necessity. If reviewing this draft report as a scholarly paper, I would recommend rejection as written. Its conclusions are not all supported by verifiable data and/or models. Too many opinions are strongly-written, but not verified by evidence. Still it is a 90% improved draft over the draft I saw in late spring. Moreover, as an opinion piece, it might help open important debates over NM's water future.	<i>Making the Case for Change</i> would be unnecessary if New Mexico's water planning and management programs were not widely viewed as in need of substantial improvement. Addressing important but neglected problems first requires them to be named and described. MCC then presents a positive set of solutions to address these negative problems. Readability and brevity were deemed important for the intended audience—New Mexico's legislators and the engaged public.
Eileen Dodds	Nothing to add. Liked the report's succinct message.	Thank you.
Brenda Ekwurzel	The principles are sound for proposed solutions to the multiple stresses hindering successful NM water resource planning.	Thank you.
Brenda Ekwurzel	Replace the opening sentence with the last paragraph would make a stronger case.	Agree and modified.
Brenda Ekwurzel	Suggested moving the 4 high priority problems higher up in the document.	Agree and modified.
Tom Morrison	As a member of the Technical Team that developed the common technical platform, I was looking forward to seeing recommendations pertaining to the correction of deficiencies in the planning process. This is the purpose of HM 1.	Disagree. Approached water planning at policy level rather than attempting to fix technical problems; planning based on reliable data and model projections, not hypothetical gaps between supply and demand.
Tom Morrison	What the paper provides is an opinion from a group of volunteers on what it believes are the four high priority water problems in New Mexico.	Agree.
Tom Morrison	The paper indicates that there are significant flaws identified from the most recent attempt at regional planning, but does not identify these flaws, nor does it make recommendations to correct these flaws.	Agree. <i>Executive Guidance</i> covers flaws in detail.
Tom Morrison	I believe the most important goal of the water planning process is to identify gaps between water supply and demand, and develop solutions to remedy those gaps.	Agree!!!!
Tom Morrison	During the process to develop the methods to estimate water supply gaps, some decisions had to be made by taking available funding and project deadlines into account. Simplifying methods were adopted in some cases, but I feel we nailed down	Acknowledge the comment, but observe that the result was an unproductive expenditure of money and time.

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	the beginnings of a method to identify where and when the water supply gaps will occur. The method we applied had to recognize that there are two limits to water supply, legal and physical. Based on the principal that beneficial use defines a water right, we decided to use water use estimates as the basis for the legal limit (administrative water supply).	
Tom Morrison	It would have been useful if the volunteer team had requested input on the deficiencies and possible solutions from the Technical Team. This would have been a more appropriate start and would potentially lead to a document that would provide meaningful solutions to the deficiencies in the planning process.	Disagree. We attempted to coordinate with the ISC to the maximum extent the ISC permitted.
Tom Morrison	It would be useful if the paper detailed any flaws in the common technical platform and describe remedies. Does the team have any suggestions on how we could improve the estimation of administrative water supply? Any recommendation for revision should address how we are going to treat the water right limitations imposed by basin policies, courts, permits, declarations and the principle that a water right is defined by beneficial use. Physical limitations due to declining water levels should also be addressed by the team if it feels the water supply estimation is flawed.	Acknowledge the comment. The proposed approach to water planning, if implemented, will address the requested items.
6a	It may be better received and more efficient to allow the draft state water plan to come out, rather than begin a new dialogue just before or while the state water plan comes out.	Disagree. HM1 imposed a deadline.
6b	In order to draw in readers, I'd suggest starting the document with a positive paragraph or statement, rather than a negative. Even if it's suggesting a positive direction that NM is heading - greater awareness or simple acknowledgment of these water problems?	Agree and modified.
6c	I would prefer to see the problems identified as you have on pages 2-3, but with a specific solution to follow it. I don't know how exactly this could be fixed, but Problem #1 would be followed by specific Solution #1, Problem 2 - Solution 2, etc.	Disagree. Solutions do not neatly track one-to-one with the problems.
Sharon Hausam	The document does not seem to consider tribal water rights, sovereignty, or other tribal needs. It does not include a recommendation to address tribal water rights, specifically, and has only two cursory mentions of tribes.	Agree. See cover letter. Inappropriate for the HM1 Working Group to address tribal water rights.
Sharon Hausam	The recommendations emphasize Active Water Resource Management but do not comment on how it might be administered in relation to tribal water rights.	Agree. AWRM, as with any administrative regime, must be conducted within the constraints of tribal rights.
Sharon Hausam	They also emphasize compact compliance without referring to implications for tribal water rights negotiations.	Agree. See above.
Sharon Hausam	The recommendations call for improved data collection and accessibility but do not comment on the proprietary nature of tribal data.	Agree. See above.

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Sharon Hausam	They call for a planning advisory council to connect regional and state water planning but do not indicate how tribes would participate on the Council. The document also refers to "New Mexico's sovereign control of its water" without considering tribal control of certain waters within the state. I recommend that all of these issues be addressed in a revised version before the document is provided to the legislature.	Disagree. See above.
Sterling Grogan	One thing might make the document even more useful: The addition of an addendum of annotated references to specific bills, regulations, or other documents that would implement, or begin to implement, any of the solutions you recommend. Even if they failed to be implemented, their presence in the discussion is useful. [By "annotated" I mean a brief paragraph of text with the origin of the bill, legal history, perhaps any particularly controversial issues, etc. In my imagination, annotation goes beyond a citation to provide context for the item being cited.	Agree. We are working on draft legislation to enable implementation of these recommendations. The plan is to bring them to the Legislative Council Service in the near future.
Sterling Grogan	On page 1., one of the "...high priority water problems..." is "... New Mexico's laissez faire approach..." I would bet that you could find either a term other than "laissez faire", or some explanatory text, to help folks who may not be up to date on French clichés. I remember from political history that the term was once popular and in widespread use. I'm not sure that is still the case.	Agree and modified.
Sterling Grogan	The report's powerful suggestions for solving identified problems could be strengthened by reference to attempts already made to deal with those particular problems.	Agree. Faults of past efforts should be understood by the Executive, but it was beyond our scope to criticize past water planning efforts in detail.
Mary Helen Follingstad	Would the new governor sign any legislation?	We advocate for yes.
Mary Helen Follingstad	Implementation of plans that are adopted should be the priority for the \$. Water trust board seems to favor the little projects just like capital outlay.	Agree.
Mary Helen Follingstad	Water plan updates could have been more grass roots but that's water under the bridge now.	Agree!
10a	Good work and ideas.	Thank you.
10b	Identifies important problems and proposes reasonable solutions. Does not address the full range of NM water problems.	Agree.
10c	Document should say a more about the people and the process that produced it. The sentence about "a group of volunteer water planners" is sure to raise questions about who developed the document and how they did it.	Agree. See cover letter.

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10d	The primary focus of the document seems to be state and regional water planning. I am skeptical that even a greatly improved planning framework can effectively tackle the ongoing policy and management challenges the state faces. I am not suggesting that improved planning is a bad idea or a waste of time, only questioning whether it should be the main point of emphasis for addressing NM's water problems.	Acknowledge, but solutions to the state's water policy and management challenges require conversations best conducted in a planning setting.
10e	I like the focus on AWRM implementation, but I only see one line about the potential for AWRM to lead to locally generated agreements as an alternative to priority administration. I see that as a somewhat overlooked but potentially major benefit of AWRM, especially given the fear and loathing of priority administration in NM.	Agree and modified.
10f	I agree that unsustainable groundwater depletions are a big problem, and one that goes beyond new permitting. Is there a recommendation (other than planning) for addressing existing overdraft?	Agree and modified. See recommendations in the last two paragraphs of solution #2.
10g	Is it important to say that we've regressed? If not, I might suggest revising that opening line – it invites a debate about the recent past that I don't think is that necessary or helpful for the points you are making.	Agree and modified.
Jeffrey Sampson	The report is structured well and makes a strong statement about how poorly things have been managed.	Thank you.
12a	Comments generally on point .	Thank you.
12b	ISC administration & senior staff negligent in implementing AWRM.	Disagree. AWRM is regulatory and is in the OSE's domain.
12c	The WATERS database, which is a database of drilling permits issued statewide and in particular in the Lower River Grande, which the ISC is supposed to manage, is completely inaccurate and is not up dated to reflect actual drilling permits. We underestimate the number drilling permits that are in operation.	Not germane to this report.
12d	The number of State Water Planning regions need to be reduced from 15 or 16 to about 5 or 6 and possible aligned with the Council of Governments (COGs) to increase efficiency, Arizona and Colorado have about 6-7 Water Planning Regions.	Disagree. Water planning regions should be aligned with hydrological basins. Sub-regions or locales should be defined within the basins so that problems can be addressed at the appropriate levels.
12e	MRCOG, AMAFCA and other COGs need to be involved in the State Water Plan.	Agree!
12f	Brackish Water and deep aquifers need to be aggressively explored to provide needed water for the state. Possibly the state can consider a desalination plant -- in Tularosa, perhaps?	Outside the scope of HM1. (Use of deep and brackish waters would be experimental, limited, and extraordinarily resource intensive; the water planning process is where specific cases should be addressed.)
12g	The Irrigation Works and Construction Fund and the New Mexico Rio Grande Water Projects and Construction Fund money was authorized by the legislature for capital projects only. However, during the course of time, the ISC/OSE has used the money to pay for state employee salaries and for operations and Maintenance activities, such as sedimentation control, etc., which is a violation the statutory directive	Disagree. Our understanding is the reverse; the legislature has appropriated these special-use funds over the ISC's objections.

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Mike Hightower	Reads well.	Thank you.
Mike Hightower	Deficiencies in the solutions: I think you can strengthen if you could provide tactical recommendations to go along with strategic issues and recommendations. Tactical would include how much funding would be needed for each water plan. How much staff would be needed. How many water planning regions if based on water sheds. These would be more easily actionable than high-level recommendations. The example I always use; if you ask me to increase funding for x, and increase funding for x by 1\$, I can say I meet your proposed solution. This is not addressing the spirit of the need. I think if you can add some specifics in the solutions I think it will support the dilemma.	Acknowledged. Outside the scope of the HM1 Working Group.
Harold Trujillo and Enrique Romero	Include water sheds in your discussions. This is our main infrastructure of water supply.	Agree and modified.
Harold Trujillo and Enrique Romero	Needs to be local control in the development of AWRM plans. Locals offer valuable information.	Agree regarding AWRM alternative administration, which must be negotiated and agreed locally.
Brian Burnett	The BWTF believes that the Memorial unfairly characterizes the nature of the ISC's regional plan update program that started in 2013. It is our view that the ISC has appropriately structured and managed the process with the 16 planning regions around the state (Reference: Page 1 Lines 22-25 through Page 2 Lines 1-2)	Disagree. The HM1 Working Group roles did not include critiquing the unanimously passed HM1 (2017). We believe it correctly describes the situation.
Brian Burnett	The Memorial states that the "common technical platform" and "administrative water supply" are flawed and the ISC has ignored the "use of best available science." The BWTF believes that the background data used by the ISC was appropriate for the resources available. Further, the water supply and demand data and method developed by the OSE and ISC addressed the immediate need to identify existing and future potential water supplies, demands, and gaps for purposes of prioritizing water problems and providing a start for regions to develop policies, programs, and projects as regional solutions (Reference: Page 2 Lines 3-9)	Disagree. The common technical platform and the administrative water supply concepts are fatally flawed. See our responses to reviewer #5.
Brian Burnett	The Memorial states, "A lack of adequate definition of regional organizations, their boundaries, and scope of authority and continuity of functioning has hampered the ability of existing regional entities to fulfill their potential." The BWTF does not believe this to be the case, and instead views the ISC's work to manage the planning	We agree with the Memorial and disagree with the comment. No changes needed.

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	process as comprehensive and inclusive (Reference: Page 2 Lines 18-22).	
Brian Burnett	The Memorial spells out that the task force “will address improvements” to a number of areas related to water planning. The Task Force paper does not address these areas (Reference: Page 2 Lines 23-25 through Page 3 Lines 1-7).	Disagree. <i>Making the Case for Change</i> addresses numerous recommended improvements to a number of areas related to water planning.
Brian Burnett	The Memorial calls out other items for the Task Force to address. The Task Force paper does not address these items (Reference: Page 3 Lines 8-14).	Acknowledged. The HM1 Working Group made good faith efforts to address those areas in the companion <i>Executive Guidance</i> for regional water planning. No changes needed.
Brian Burnett	In the case of II.A and II.B (comments “c” and “d”) above, the document takes a broad leap from the Memorial’s general nature relating to water planning by proposing “high priority water problems” and “five core initiatives.” While important, we believe that the Task Force has inappropriately expanded what the Memorial was originally set out to accomplish.	Disagree. We believe <i>Making the Case for Change</i> is an appropriate response to HM1 (2017).
Brian Burnett	The Memorial spells out a list of participants in developing a response; the make-up of the Task Force writing the paper does not match this requirement (Reference: Page 3 Lines 15-25 through Page 4 Lines 1-7).	Acknowledge. The ISC did not convene the Task Force requested by HM1 (2017). No changes needed.
Brian Burnett	The Memorial calls out additional considerations about “collaboration among neighboring communities.” The Task Force paper does not address these items (Reference: Page 4 Lines 8-12).	Acknowledge. The ISC did not convene the Task Force requested by HM1 (2017). No changes needed.
Brian Burnett	Overarching Thesis: The BWTF acknowledges the critical importance of water planning for New Mexico’s future. We believe that the authority for this planning is the Interstate Stream Commission (ISC). In addition, such planning requires ALL constituents be the around the planning table, including the business sector. Finally, any state water plan must include a fair and balanced set of strategies.	Agreed. No changes needed.
Brian Burnett	Funding: Since water planning is so important, the ISC must receive increased funding for its work. However, no regional planning group should receive funds for them to act independently of the ISC’s oversight and direction.	Agreed. No changes needed.
Brian Burnett	Water Database: Building on previous work, a comprehensive inventory of all surface and sub-surface waters should be an end goal and funding appropriated to accelerate the collection of critical data needed for future water planning.	Agreed. No changes needed.
Brian Burnett	ISC’s Responsibility and Oversight: The ISC must be in charge of managing the outreach and the gathering of input from individuals and constituencies around the state. It is illogical to think that there can be a strong state water plan if all 16 planning regions act independently and without the overarching jurisdiction of the ISC.	Agreed. No changes needed.
Brian Burnett	Hydrologic Analysis and River/Stream Parameters: The ISC, in cooperation with the Office of the State Engineer, manages some very sophisticated water databases and computer-modeling infrastructure used to analyze the inflows and outflows in rivers	Agreed. No changes needed. However, the OSE/ISC should be required to improve the quality and veracity of water resources data and models, and these should be the foundation of water planning.

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	and streams around the state. It is illogical to think that independent and arbitrary modeling methods used by the 16 planning regions can ultimately yield a unified and technically sound assessment of the state's water conditions. The ISC must be the originator and arbitrator of any hydrologic and runoff analysis required to develop a State water plan.	
Brian Burnett	Public Involvement Representation and Coordination: We support the ongoing effort to seek-out and secure effective stakeholder representation in the planning process and the coordination of common strategies for neighboring communities and regions sharing water sources that are hydrologically connected.	Agreed. No changes needed.
Brian Burnett	Final Author of State Water Plan: It is illogical to think that a unified State water plan is achievable through the independent work of the 16 planning regions. The ISC must be the coordinator and final author of the State water plan.	Agreed. No changes needed.
Paul Tashjian	In general, I am supportive of your priorities.	Thank you.