

Talking Points For Comments On Draft State Water Plan

These are some preliminary things to think about when commenting on the draft 2018 State Water Plan. The New Mexico Environmental Law Center will have an extensive set of comments ahead of the August 25th deadline for comment and will share those when we have submitted them.

- The 2018 Draft State Water Plan fails to “establish a clear vision and policy direction for active management of the state’s waters” as required by the NM State Water Plan Act. Merely providing an un-prioritized summary of Regional Water Plan recommendations fails to satisfy this requirement.
- The 2018 Draft State Water Plan fails to meaningfully integrate public participation and public input as required by the NM State Water Plan Act. For example, the Draft State Water Plan minimizes or omits outright recommendations from the 2017 State Water Planning Town Hall. Just two examples are the recommendation in the Town Hall Report to work toward legislation or regulations that decrease the likelihood of water speculation in New Mexico or the repeated emphasis in the Town Hall Report on conservation, reuse, and other strategies to develop resilience in the face of climate change.
- The draft State Water Plan misconstrues the statutorily mandated purpose of a State Water Plan, which is to serve as a strategic management tool. The purpose of the State Water Plan is not to serve as a mere “educational tool and resource guide”. The State Water Plan is required to identify and implement strategies designed to reach particular objectives in light of available resources and operating environments. Even as an educational tool, the draft State Water Plan fails to provide vision and policy guidance for future water management, since it’s stated aim is “to support and advance the current policies, procedures, and programs.”
- The draft State Water Plan fails to develop water conservation strategies and policies, as well as a drought management plan, as required by the NM State Water Plan Act. In fact, the draft State Water Plan is based upon the erroneous premise that New Mexico currently has an adequate water supply.
- The draft State Water Plan fails to meaningfully address Climate Change impacts to New Mexico’s water supplies as required by the NM State Water Plan Act.
- The draft State Water Plan alarmingly includes a recommendation to limit due process in permit approvals for new appropriations of water and transfers of use, in violation of the State Water Plan Act’s mandate that existing water rights’ priority be protected.
- The draft State Water Plan fails to meaningfully implement NM Interstate Stream Commission policy and process of Tribal Consultation as required by the NM State Water Plan Act.

- The draft State Water Plan fails to include work plans and strategies for addressing any changed conditions since the last SWP update and for implementing recommendations, as required by the State Water Plan Act.
- The draft State Water Plan fails to identify what the changed/changing conditions are in NM that it is responding to, particularly when it states in the introduction to Part I: Policies that “the state as a whole has adequate supply to meet its current demands” and gives the impression that any changing conditions would be in the future.