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Lucy Moore

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**REGIONAL WATER PLANNING IN NEW MEXICO:  
AN OPPORTUNITY FOR CITIZEN INVOLVEMENT IN STATE GOVERNMENT**

**Lucy Moore  
Partner  
Western Network  
Santa Fe, New Mexico**

**Sustainable Use of the West's Water  
Natural Resources Law Center  
University of Colorado School of Law  
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**Regional Water Planning In New Mexico:  
An Opportunity for Citizen Involvement in State Government**

**Lucy Moore**

**I. Introduction:**

**A. Summary**

Water planning in New Mexico is a schizophrenic affair. The two components are a water resources assessment, quantifying water supplies throughout the state, and the development of regional water plans in 13 regions. The water resources assessment is in the hands of the State Engineer Office; the regional water planning is in the hands of the Interstate Stream Commission (ISC), a companion body on which the State Engineer sits as Secretary, and which is responsible for state water compacts and regional planning, But the picture is more complex than this. Although the institutional framework has been dictated by the State Legislature and agencies from above, a volunteer body of citizen-planners has grown from below, at the regional and community levels. Is there a place for this kind of citizen participation in the scenario established by the State for water planning?

**The Beginning of Regional Water Planning in New Mexico:**

It was the question of the sustainability of New Mexico's water supply that led to the current water planning effort in the state. The 1987 New Mexico Legislature authorized the Interstate Stream Commission (ISC) to fund regional water planning efforts in the state. The legislation responded to the federal district court's decision in El Paso v. Reynolds that the pre-1982 New Mexico statute prohibiting export of the state's groundwater was unconstitutional. If the state was to successfully block El Paso's groundwater permit applications, it would have to prove that water supplies within the state were needed by New Mexican citizens for purposes of economic development, cultural preservation, or environmental enhancement. The State's regional water planning process was initiated to identify the current use and future need of these waters. The State also committed to

producing a state water plan, which would be grow out of two major efforts: the water resource assessment, and the regional water plans developed by regional water planning committees throughout the state.

The ISC struggled with regional boundaries, knowing that either politically-based or hydrologically-based boundaries can produce problems for the planner. In New Mexico, regions are allowed to identify themselves on the basis on common political, economic and hydrologic interests, in hopes that the plans will both make sense and be implementable. Grants between \$25,000 and \$75,000 have been awarded to the 22 regions which have stepped forward since 1987. There was little guidance for the regions about what a water plan should look like. Planning processes should be "appropriate", costs and time tables "reasonable", water conservation "adequate", etc.

#### **B. References**

Available from Western Network, 616 Don Gaspar, Santa Fe, New Mexico 87501:

Checchio, Elizabeth; Moore, Lucy; Nunn, Chris, Regional Water Planning on the Pecos Basin: The Experience of Three Regions, October 1992.

New Mexico Interstate Stream Commission, Regional Water Planning Handbook, December 1994.

Regional Water Planning Dialogue, Dialogue, a newsletter edited by Chris Nunn and Lisa Robert, published 2 or 3 times a year, 1993, 1994, 1995.

Robert, Lisa, Profiles of Water Management in Middle Rio Grande and Estancia/Sandia Basin Communities, Chris Nunn, ed., December 1994.

Smalley, Jennifer H., An Overview of Water Planning in Four Western States: Montana, North Dakota, Kansas, and New Mexico, 1993.

## **II. The Development of Regional Water Plans:**

With their relatively small grants, each region behaved differently. Some, like Taos and Socorro Counties, hired a consultant engineer to prepare their plan for them. Some, like

the Middle Rio Grande Council of Governments, absorbed the funds into an existing entity, and prepared a water plan in-house. The citizen and community involvement in the planning processes varied, depending on the inclination of the grantee entity and the interest in the public. For some, like the Mora-San Miguel region in northern New Mexico, the citizens and community became the planners.

### **III. The New Mexico Regional Water Dialogue Project:**

#### **A. The Beginning**

In the fall of 1991, Western Network and the Natural Resources Center at the University of New Mexico received a grant from the Ford Foundation to explore ways of supporting the regional water planning process in New Mexico. Both grantor and grantees saw two important opportunities:

- 1) to enhance the preservation and wise use of precious water resources in New Mexico;
- 2) to empower regions to play a significant role in determining their futures.

The New Mexico Regional Water Planning Dialogue has provided a forum for regional water planners -- bureaucrats, elected officials, community leaders, consultants, special interests and citizens -- to come together, learn from each other, and develop a common agenda. This "dialogue" has become The Dialogue, a movement which is hard to define and yet which can show clear products and progress toward a unified regional water planning effort. All the activities of the Dialogue are based on the belief that the water planning expertise in New Mexico lies with those who have been involved in the effort over the past several years. They are a valuable source of advice to others: they are models of -- or at least lessons in -- cooperative water planning. Another guiding principle is that of inclusiveness. There is no one excluded from the label "water planner"; it is a self-identifying group, just as the regions themselves are.

## **B. The Pecos Case Study and Roundtable:**

The project began with a case study and roundtable meeting which brought together regional water planning committees in the Pecos River Basin. Reluctant to talk substance and suspicious of each other's motives, the traditional Hispanic acequia irrigators from Mora and San Miguel counties in the north met with the ranching and municipal interests of the south for the purpose of exchanging experiences about the water planning process. Staff prepared case studies of each regional experience based on lengthy interviews with those who led the planning efforts, so that when the groups faced each other across the table they could see their own experiences and their neighbors' experiences side by side.

Participants told each other of the priorities and values underlying their planning process, of the obstacles encountered and lessons learned along the planning path, and of their hopes for implementation of their plans. The State was a force often mentioned -- a force which many felt held the fate of the water plans. A Mora resident was distressed about the future of their plan which addressed such a broad range of issues affecting the community's future. "We don't know what will happen to our plan. We don't even know if they [the State] got it. They never even said thank you!"

Participants found that they had more in common than they expected. Both large irrigation districts and small acequia association representatives expressed fear that their agricultural way of life was doomed. Both focused on municipal growth as a threat. Both were suspicious of the State's role in water planning, and yet dependent on the State for implementation. Both had faced some similar challenges in the planning process, such as data collection and interpretation and effective public participation.

This Pecos River Roundtable model proved valuable to the participants, many of whom wanted to continue the planning discussion with other regions. The project expanded to cover the



entire state, using variations on the case study and roundtable discussion model.

**C. The Statewide Meetings:**

The commitment to an inclusive process drove the Dialogue to reach out beyond the Regional Water Planning Committees themselves. In some cases the committees were not representative of their region's interests, by design or accident. To extend the reach of the Dialogue and include all interested citizens, the project holds two statewide meetings per year. These meetings draw planners from every region, and are open to anyone. Over 350 people have attended at least one of those meetings, representing every region and every interest in the state. A core of about 50 people attends every meeting, representing tribes, federal agencies, state and local government, agriculture (big and small), industry, the environment, and recreation and ranching interests.

**D. The Dialogue Newsletter:**

The Dialogue Newsletter began with a request from regional planners for information about the water scene in New Mexico. They particularly needed to understand the complex web of water-related projects in the state, all with titles and boards and purposes looking very much alike. The first issue served as a directory of these projects, including of course the Dialogue itself. Subsequent issues have dealt with the planning process, legislative updates, substantive issues like endangered species or the groundwater hydrology in the middle Rio Grande. Every issue welcomes columns by readers with certain perspectives on water in New Mexico, and every issue has a calendar of upcoming meetings, conferences, etc. in the area.

**III. The State and the Dialogue: a Delicate Relationship**

The Dialogue's relationship with the State has been like a roller coaster ride at times as both sides tried to define their roles. With little precedent for a good working relationship, and no structure in place for such a relationship, both the State and the citizens assumed the worst of each other at times. To the

State the Dialogue must have seemed chaotic, unaccountable, and unauthorized -- citizens on a rampage. To the Dialogue the State seemed to be secretive, confused, and giving mixed messages. The Dialogue participants wanted to be taken seriously by the State, and wanted to work with the State for a better planning process, both regionally and at the state level. The State admitted that it needed help, evolving from the regional plans to a state plan, but it was hard to trust this non-governmental volunteer project.

The State agencies were also wary of allying themselves with such a self-selected group, and often suggested that there were other interests not included in the Dialogue process. The Dialogue never claimed to represent all water interests in the state, since it was a voluntary and informal process, but as they became more organized and effective, they gave the impression of being the citizen voice for regional water planning in New Mexico. And in the absence of any other citizen body, advisory commission, or whatever, they in effect became that voice.

The State and the Dialogue still have a healthy tension between them, but there is also evidence of a good working relationship. In the fall of 1994, the ISC formed a Template Subcommittee of mostly Dialogue Advisory Board members and gave it the task of producing guidelines for regional planners. Planners had been frustrated from the beginning with the lack of basic guidance about what a regional water plan should look like; the State was increasingly frustrated that the regional plans were not consistent in content or format, and were not answering the basic questions of water supply, water need, and demographic projections. The Template Subcommittee negotiated through several meetings, and eventually agreed by consensus on a template for regional water planners, the Regional Water Planning Handbook. The ISC gave credit to the Dialogue for setting the stage and preparing the players for this kind of cooperation among interests and between citizens and the State.

#### **IV. Keys to Success:**

##### **A. Readiness for Participation:**

Citizens throughout the state who had participated in their regional water planning processes were above all concerned that their plans would not be honored and implemented at the State level. This was a big motive for participation in some kind of forum aimed at unifying the regional voice and aiming it at the State. The State was also ready. Eluid Martinez believed in a greater degree of local self-determination than his predecessor. He was a native Hispanic New Mexican, and had an understanding and sympathy for the often disenfranchised parts of the state. Shoved onto the planning path by the courts and the legislature, the State saw a chance to incorporate local planning and state resource assessment into the development of the State Water Plan. With no structured format for this cooperation, they were willing -- although often reluctant -- to open the process to citizen involvement.

##### **B. A Well-Staffed Effort Separate from the State:**

Most participants in the Dialogue Project made it clear that their participation hinged on the non-governmental nature of the effort. The independence of the project appealed to those suspicious of state or federal manipulation or takeover. There was some concern about the agenda of the foundation and staff supporting the work. Much of that concern diminished as the project began to demonstrate its willingness to allow the participants to dictate the goals for the project and the methods of operation.

The staff of the Dialogue was key in identifying the project as independent and citizen-driven. From the beginning staff took direction from regional planners, asking "What do you need to do better planning for your community?" If the answer was information about water efforts and events in the state, staff produced the Dialogue newsletter. If the answer was a chance to get together and learn from each other, staff organized roundtables and statewide meetings. This kind of responsiveness

to citizen needs, and absence of personal agenda led to the development of trust in the staff, and the development of initiative in the participants.

Staff also engendered trust by articulating principles and enforcing them. These included principles of inclusiveness, fairness, equality, cooperation, respect, and the seeking of common ground. Participants understood that these principles protected their own rights in the process and guarded against power plays by any single interest.

**C. A Loosely Knit, Informal Process:**

Dialogue participants were attracted to the Dialogue process because of its informality and loose structure. As the project begins to try to define itself after three years, there are strong voices among Dialogue leadership to "be careful and not get too organized." They urge that whatever evolves from the project preserve the informal feeling and meandering course that has characterized the project from the beginning. The simple groundrules seemed sufficient to keep the process moving, and the lack of formal structure was comforting to many who were wary of being officially identified with something they might regret. Any participant is free to come and go from the process; there is a mailing list for the Dialogue but no membership list. Tribal participation was higher because of the informality of the process. Had it been necessary to join an association, sign on some dotted line, or pay dues, many tribes would have considered it a risky proposition -- one which might compromise their sovereignty down the road, or in some way end up working against them.

**D. The Use of Consensus:**

Dialogue participants knew that the greater unity they had as a group, the more influence they would wield with the State. They looked for common ground with each other in order to send the strongest possible message to the State. They were able to agree on many planning recommendations to the State, including the importance of implementation of plans, of an inclusive and

broad-based process, and of a continuing process. One of the most powerful messages lay in the consensus process which the group used to make these recommendations. In all meetings facilitators lead discussions to a point where consensus is reached, or the topic is left with clearly defined different points of view. In three years of meetings there has never been a vote cast.

**V. Is there a role for a citizen and community-based planning group in state decision-making?**

The Dialogue experience is a hopeful one. It seems that the State and regional planners have developed a relationship where there is a level of trust adequate for some serious partnership. The experience of the Template Subcommittee, where the ISC designated Dialogue members, and others, to work with them to develop the Regional Water Planning Handbook was a very positive one, and that working group continues to meet with ISC staff to tackle other specific tasks. Clearly it is an advantage to the State agency to have this kind of citizen involvement, both for image and for an improved product. And clearly the State would have great difficulty pulling this kind of group together. The question now seems to be: Will the State's new partner be able to stick around?

The Dialogue Advisory Board -- ad hoc, volunteer, and self-identifying -- is struggling now in 1995 with questions about its future. Foundation funding for the project is coming to an end, and the board is debating its own future. They have adopted a mission and goals, and endorsed the statewide meetings and the newsletter as important activities to continue. The biggest challenge is structure. There is a balance they are trying to strike as they create themselves, between the loose, unthreatening, accessible nature of the Dialogue, and a traditional hierarchical structure, incorporated and with bylaws. "We want to be a kind of civic conscience for the State," said a Dialogue member. Dialogue members hope that the new State Engineer Tom Turney and the ISC appreciate this "conscience."

