

New Mexico's Planning Areas Versus Management Areas: Is There a Difference?

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Blane is from both Isleta and Acoma Pueblos. He is the first Pueblo/Tribal person appointed by a Governor of New Mexico in 2003 as a member of the Interstate Stream Commission. Blane is also the first Pueblo/Tribal person to have earned a Master of Water Resources from the University of New Mexico in 2005. His college education foundation comes from a BS in agriculture in 1981 from New Mexico State University. With over 30 years of combined education, professional, and personal experience related to but not limited to Pueblo natural and water resources management, environmental protection, education, and economic development, Blane has worked directly or indirectly with all 19 Pueblos. Blane continues to dedicate his efforts toward working with and on behalf of all Native American Tribal Governments, their Tribal members and others in the those areas. He would like to play a role in helping mentor and develop the next generation of tribal leaders and professionals.



Editor's note: The following paper represents an unedited version of the speaker's remarks at the conference.

Greetings everybody. Thank you for this opportunity to speak at the 54th annual New Mexico water conference. As always, I have to put forth my disclaimer that my talk reflects only my opinion and does not represent the positions of either the Interstate Stream Commission (ISC), or any pueblo or tribe. A lot has transpired since I last spoke at the 44th annual water conference. Back then, I challenged New Mexico to place a tribal member on the Interstate Stream Commission. In 2003, that challenge was answered by Governor Richardson when he appointed me as the first tribal member of the ISC. In addition, and to Governor Richardson's credit, a number of tribal members were also appointed and integrated into state government. Thank you Governor Richardson.

I have had the pleasure of seeing many significant accomplishments while with the ISC including the first State Water Plan and several water rights settlement agreements reached involving the Navajo Tribe in the San Juan Basin

and settlements involving the pueblos of Nambe, San Ildefonso, Zuni, and Taos. Now comes the hard part of funding and implementing these settlement agreements. Other significant accomplishments include the Gila River Settlement, the completion and acceptance of all 16 regional water plans, and most recently, the signing of the Pecos settlement and implementation. Much credit goes to Office of the State Engineer (OSE) and the ISC staff, and to citizens who volunteered their time and effort to make these accomplishments come about. However, all this planning sidestepped the question of following boundaries and thus provided us with a challenge in managing our water resources. I recall some college coursework that emphasized watershed planning and management based on the boundaries of that defined system, hence my topic: New Mexico Planning Areas Versus Management Areas: Is There a Difference? (Fig. 1)

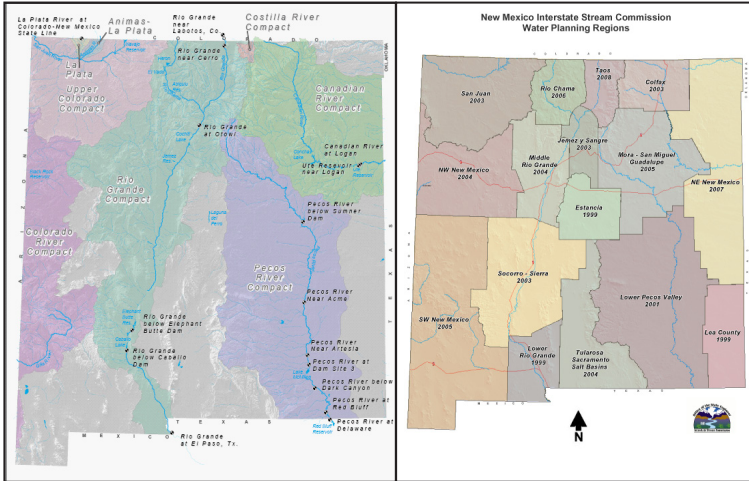


Figure 1. New Mexico Planning Areas Vs. Management Area: Is There a Difference?

A tremendous amount of work and effort has gone into the 16 regional water plans and I've always wondered why the planning boundaries were not based on hydrologic boundaries, instead of artificial county boundary lines. While looking at other states' water plans and other planning efforts, I noticed that some states like Arizona and Utah have their planning areas defined for the most part by water boundaries, although Arizona fudged on some of the water boundaries. Figure 2 is a map of Arizona's water planning areas. The state is divided into groundwater basins and sub-basins, and Arizona's active management areas are a corollary to New Mexico's active water resource priority basins. The red arrow indicates that Arizona's planning areas do include and denote the presence of tribal reservations.

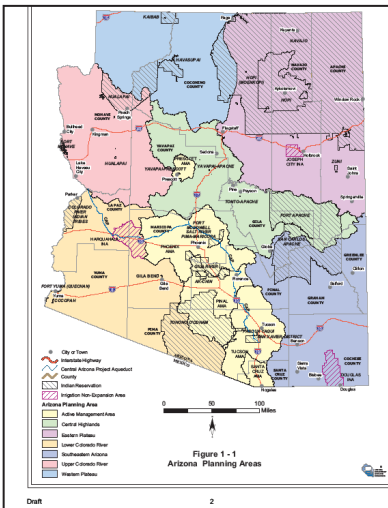


Figure 2. Arizona Planning Areas

New Mexico water planning regions are shown on Figure 3. With the exception of the San Juan Basin and San Juan region, the boundaries are county delineated. Taos and Rio Chama come close but do not follow the exact hydrologic boundaries. Note that this regional water planning map excludes New Mexico's reservation lands. To qualify that statement, some of the regional water plans containing reservations within their planning area boundaries have noted their presence. Given the change in state and tribal relationships during this administration, hopefully in the next revision of the State Water Plan, the tribes and reservation boundaries will be given due credit in the planning areas. As you can see from Figure 4, the New Mexico hydrologic code of basin delineates watershed boundaries. If you point at any of the basins, you would get a description of the area encompassed within them.

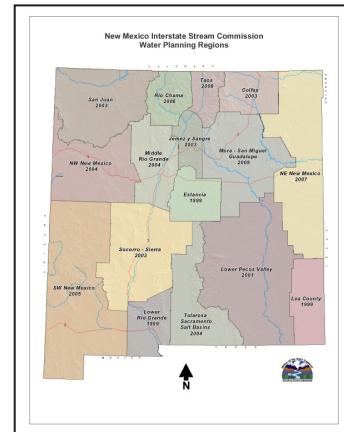


Figure 3.

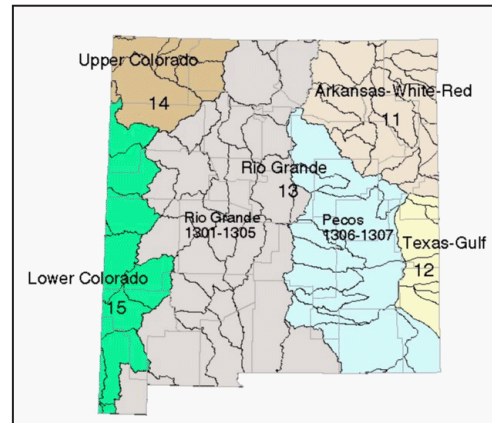


Figure 4.

The following slides were taken from New Mexico Water Resource Atlas. In looking through the atlas, maps reflect the hydrologic delineation based on identified watershed basins. Figure 5 shows the New Mexico river basins governed by interstate stream compacts, which directly impacts management. For the most part, New Mexico is covered by basin compacts, with the exception of those areas that have no connection to any compact or are closed basins. Nonetheless, each of these areas has distinct boundaries for consideration in planning and management attempts. Figure 6 shows New Mexico's basins and sub-basins and are identified with water contours. Again, distinct hydrologic boundaries are identified.

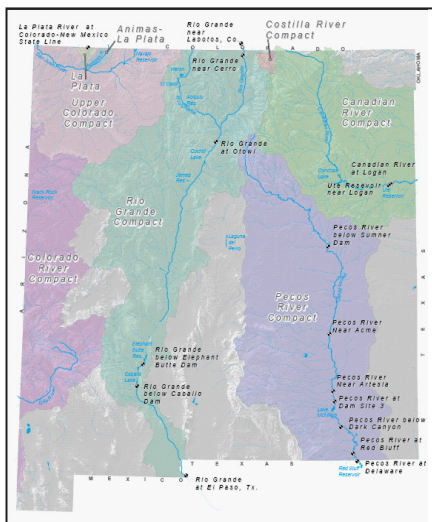


Figure 5.

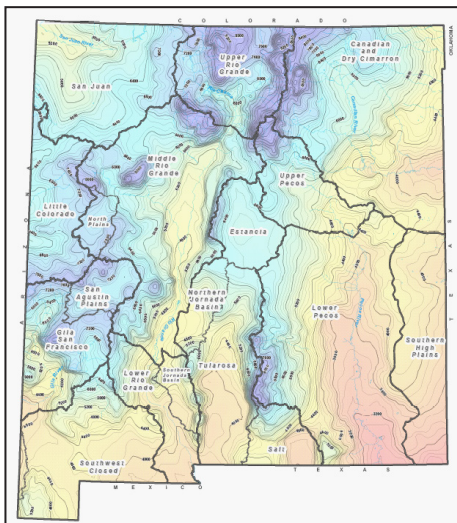


Figure 6.

Thomas Springer wrote a paper in March 2006 when he served on an ISC ad hoc planning group and I would like to quote from that paper. "Watershed management: The issue is, at the time 15 of the 16 New Mexico regional water plans addressed the need for preserving and improving watersheds, the key factors in achieving this goal include increasing surface absorption, the prevention of catastrophic fires, soil erosion, surface runoff, and silt in reservoirs. The coordination of and cooperation between federal, state, and tribal, local and regional plans is a necessity for the success of water management plans." The key here is the identification of the watershed and hydrologic boundaries. The report went on to indicate that OSE/ISC leadership and guidance is necessary in watershed management to enhance the quality and quantity of state's water supply. Findings indicated that current watershed management in New Mexico is piecemeal, with no single agency sponsoring a comprehensive water management program. Implementation of the State Water Plan mandates that the ISC, the State Engineer, and the Water Trust Board provide leadership to watershed restoration efforts, and that has not occurred. A Memorandum of Understanding does not exist between the state's land and water managers, federal and state entities, and tribal and local governments that expressly supports implementation strategies as established in the New Mexico State Water Plan, the New Mexico regional water plans, New Mexico Forest and Health Plan, and the New Mexico Non-native Phreatophyte/Watershed Management Plan.

The group recommended that the OSE and ISC coordinate state and federal agencies to collaborate on watershed restoration efforts. The ISC should enter into a Memorandum of Understanding for data sharing and partnerships with federal land managers, and state, and local governments including tribes. The ISC should support and implement the strategies and appropriations identified in New Mexico watershed, forestry health, and planning and the Non-native Phreatophyte/Watershed Management Plan. Again, the emphasis is on watershed management.

Figure 7 looks at the Middle Rio Grande region showing the different tribal lands of Isleta, Zuni, Acoma, Sandia, San Felipe, San Domingo, Cochiti, Santa Ana, Zia, Jemez, and some Navajo land. A lot of tribal land exists within the boundaries. In planning for the Middle Rio Grande, I propose that we take a look not only at our regional water

plans, but also at all regional plans - not just the Middle Rio Grande – and give a second thought to having our planning regions based on hydrologic boundaries or basin boundaries.

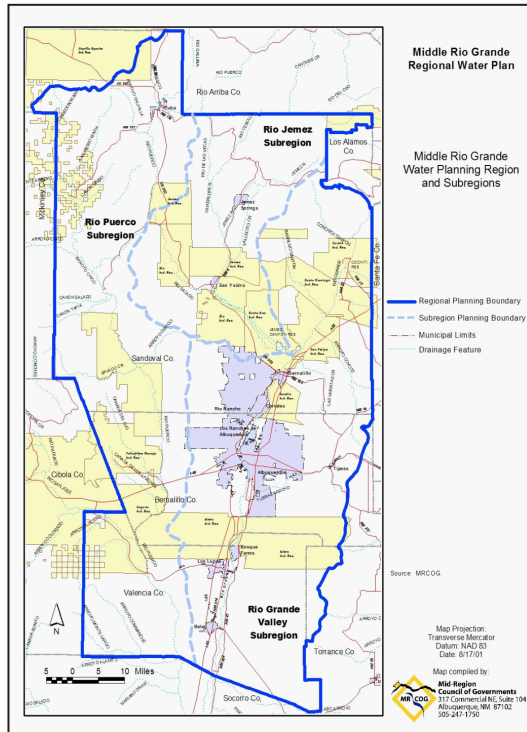


Figure 7. Middle Rio Grande Water Planning Region and Subregions

Implementation of a regional plan and ultimate distribution of water resources are dependent upon the hydrologic properties of that basin. The state has utilized basin delineation to implement Active Water Resources Management, managed by hydrologic basins but planning by non-hydrologic boundaries. A difference does exist between planning and management. Although I know this concept will probably not gain support because of the amount of work that currently is going into regional water planning with the existing boundaries, I believe that to plan and manage our water resources correctly, we need to rethink the boundaries that we are planning and managing for.

I want to move to a related subject. I always try to include something to do with tribal water resources. The theme of this conference is water planning in a time of uncertainty, and let me talk about tribal water planning in a time of uncertainty. The New Mexico State Water Plan sets a policy for formal consultation between state and tribal agencies and the regional water plans provide

for tribal participation. The Office of the State Engineer has hired a full-time liaison to work on water issues and to create a tribal water initiative to address water planning and related issues. The state/tribal group met on August 17 and it was the 22nd meeting in the State Water Plan update. The public outreach was created specifically for tribal input. Part of the importance of tribal participation resulted in House Bill 37, which amended a subdivision act to provide for tribal notification. This offers even more opportunity for tribes to collaborate in planning. The tribal liaison, Byron Armijo, emphasized the importance of tribal input and cited the passing of House Bill 37 as an example of the effect of state tribal bodies can have on water planning.

Also, there was a question asked about whether the tribal water plans will be integrated into the State Water Plan. The ISC director responded that the OSE will not dictate any amount of integration, but that it would be the tribe's decision to share and determine what should be included. The policy director noted that any part of the update process is subordinate to the Tribal Water Plan. I think that is a pretty significant statement. Another comment was made that the State Water Plan does not address water quality and several pueblos have water quality standards. I was involved in water quality for a number of years. I don't know what is happening in terms of state/tribal relations on water quality, but in terms of the regional plans, the State Water Plan should emphasize tribal water quality standards and there should be a clear policy on how coordination will occur between the state and tribes. Mr. Bill Hume, the governor's assistant, also noted that Governor Richardson has only one year left in office and the more we can implement now the better.

As part of the initiative meeting, most participants expressed an interest in workshops outlining issues concerning water transfer processes, effects on both areas, dedications and a gap analysis. The water initiative is moving forward to address these concerns and create such a workshop. I'm sure others are out there ready to address state and tribal water concerns.

Another comment noted that questions were framed toward the state and regions, not toward the pueblos individually or collectively. Each tribe should have to answer the questions individually as they are their own entity and outside of regional boundary or state restraints. The ISC director responded that tribes are able to execute policy,

projects, and programs within their jurisdictional boundaries and the state or region may not have any input. However, tribal perspective can shed light on conditions statewide or regional efforts that will affect all constituencies. One statement made by the State Engineer is that the Rio Grande adjudications need to be carefully planned and he made a direct connection to Section E of the State Water Plan that indicates that a policy must be formulated before any type of adjudication or negotiated settlement is done as part of the planning process. That will go a long way to address water adjudication in the Middle Rio Grande by providing a policy and formulating a process that can be undertaken, which will hopefully smooth out the issues that will surely come up in such a process.

Planning for tribes is more essential than ever. Changes in climate, the economy, coupled with natural resources protection and economic development, and population growth makes planning essential. Unfortunately, the continued premise is that planning cannot be done because certain sensitive information would be given, or planning cannot be done without full adjudication. In my opinion, those are the wrong reasons not to plan. For the pueblos in the Middle Rio Grande, water planning should not be premised on an un-quantified supply, but rather on identifying the uses of the water resources that ultimately will require a quantified amount. By not planning on use, how can the amount of water required be substantiated? Anyway you look at it, whether under the current Middle Rio Grande planning area delineation or based on my proposal of basin hydrologic boundaries, pueblos should ultimately be the driving force behind planning in this region, not only for uses within the reservation boundary, but also to ensure that off-reservation areas will be able to meet their prior and paramount needs and uses.

Rather than planning on what to do with the water resource after it has been quantified and how much you might get, plan now to start using the water resource because the longer you wait, the less resource there will be for you to use. I hope I have the continued opportunity to participate in future New Mexico Water Conferences. I am coming to the end of my second year on the ISC. I anticipate, look forward, and welcome the next tribal member to follow me in this position. As a member of the elite 10 percent of the population out there, I hope I can use what I have learned to contribute to the

planning and management of our shared resources, whether in tribal or non-tribal settings.

Thank you.