

Bio-Regional Planning in the South West

In the Middle Rio Grande region of New Mexico water planning is taking on a significant character that is open and inclusive. The 50 year plan worked on for 7 years by the Middle Rio Grande Water Assembly has been submitted to the Interstate Stream Commission for its approval. We worked with the regional Water Resources Board of the Middle Region Council of Governments (MR COG) and maintained the direction and intent of the plan. It has been approved by the 15 municipalities of the region, some with particular caveats included in their memoranda of agreement. Hundreds of individuals from environmental groups, advocacy groups, real estate interests, water managers of utilities, planners, administrators and specialists in hydrology and geo-hydrology have participated and actively engaged the communities in the region for input on recommendations and preferred scenarios.

The result is a plan over 400 pages long with 44 recommendations, and a preferred scenario. <http://www.waterassembly.org> In the implementation of the plan working teams are being developed to assist in the monitoring, lobbying, public education and coordinating with local officials. State law authorizing the development of a state water plan alludes to the active role of the 16 regional plans that have been developed or are in the process of being developed.

Proposals dealing with issues ranging from water quality to conjunctive management of surface and ground waters, and from establishing funding sources for water programs to increasing water supply and decreasing water demand have all been incorporated into the recommendations. Conservation of urban individual and large-scale users withdrawals, improving irrigation efficiency of agricultural users and development of growth management in urban areas to integrate land use and transportation planning with water management are addressed by the plan and provide it with a holistic approach. Water planning will never be the same in the US.

In his review of the planning process in the middle Rio Grande, John R. Brown wrote: "The open negotiating arena suggested here offers the likelihood of improvement over the ad hoc response to water resource issues. For those who are ready to work on solutions, the Water Assembly's work to date provides an essential foundation of shared knowledge about the action situation- the fundamental issues that underlie the specific problem situations all the user interests' face- and a range of alternative actions and policy proposals whose potential impacts have already received some analysis. It offers the possibility that operational level agreements that may be made between parties within the broad framework of a regional plan can be supplemented and enhanced by being embedded in a context that allows for or encourages institutional innovation. They are in a position to advocate and facilitate changes in the collective choice and constitutional arenas of action that can advance cooperation and promote governance arrangements that are scaled appropriately to the problems at hand." "Whiskey's fer Drinkin, Water's fer Fightin' Is It? Resolving a Collective Action Dilemma in New Mexico" NATURAL RESOURCES JOURNAL, Winter 2003, Vol 43, No. 1. p.221. UNM SCHOOL OF LAW, Albuquerque, NM.)

Swimming Upstream in Water Law

The issue of water in the Southwestern United States is bound up in a multitude of jurisdictions. There are defined state constitutional rights, Rio Grande Compact Federal obligations to guarantee delivery to downstream states, protections accorded by the Treaty of Guadalupe-Hidalgo that includes acequias, Federal guarantees for Native American pueblos and nations, protections provided by the Endangered Species Act, and local agreements with irrigators. Strictly speaking there is no one body of water law that reigns supreme outside of Federal law and treaties, but even these are subjected to ongoing litigation.

Into this array of statutes and treaties is the role of priority administration of water based on senior water rights for all takings. The failure to adjudicate senior water rights in the Middle Rio Grande has forestalled efforts in the past at making quantitative evaluations on allocations and diversions. Failure to meter private wells and the repeated issuing of well permits further limit the ability to quantify the water resource in a manner needed for effective water management. Failure to guarantee priority administration to protect senior water rights holders leave the local municipality of Albuquerque with little to restrain its patterns of growth and development.

The Great Urban User vs. Economic Development Conflict: Or is it all just about Urban vs. Rural?

Three additional constituency groups were formed within the Middle Rio Grande Water Assembly in 2001, four years after the formation of the Assembly. These groups reformed the structure of the Assembly. They were added to the already existing groups of specialists, managers and reconfigured a broader group for those impacted by water management. (Brown, pp. 201, 202) These groups were defined as: Agricultural, Cultural and Historical Users, Environmental Advocates, and Urban Users and Economic Development Advocates (UUEDA).

These constituency groups provided self-defined structures that were represented in the Action Committee, the governing body of the Assembly. All constituency groups were given 5 representatives on the Action Committee. This provided for advocates of the various stakeholder interests to provide input into the writing of the plan, to review the recommendations being proposed and to provide representation of the various stakeholders in the decision-making process of the Water Assembly.

The composition of the UUEDA group was to prove problematic from the beginning. Once engaged in the water planning process, developers, real estate attorneys, and commercial realtors took an active interest in seeking to dominate UUEDA's representation on the Action Committee. This brought them into conflict at a very basic level with urban users, such as me, who represented Greens in the region as stakeholders, and others who were urban residents in Albuquerque.

For two consecutive years, the developers were able to sustain a monopoly of representatives by sending people to the Annual Assembly where elections were held. In 2003, they were defeated in a similar effort and two non-development advocates, one from the National Council of Churches and one from 1000 Friends of New Mexico, were elected to the Action Committee. UUEDA was a stable and functional entity throughout this time, although some urban users left while others came forth.

Policy discussions and reviews of projected usage created many heated discussions. Sustained advocacy by urban users, agricultural, environmental, specialists and managers in developed a working alignment that effectively negated plans tailored to promote real estate interests within the Action Committee. That occurred because these groups accepted values that included the preservation of agriculture in the region. Public opinion on this matter was demonstrated by a public opinion poll sponsored by UNM, which showed agricultural use as the 2nd in priority of most in the region.

Going with the Flow Instead of Against It

Now that this process is merging with the efforts of local municipalities in the implementation and monitoring of the plan, developers have moved in search of other, more hospitable venues. They left making a statement declaring that they see no water crisis facing the region. They have moved on to happier hunting grounds where they will have more influence through lobbying and contact with public officials. Unfortunately for them, they left little behind in the plan itself.

Growth management was integrated into the recommendations of the plan's language approved by the Water Assembly. These recommendations (Sec. 10.2.2; R2-12 Land Use Management and Planning) included: "Increase urban building densities and in-fill development through adoption of local government land use policies, incentives, and regulations. Higher-density development would reduce the relative footage of landscaping and associated water use." "Prepare and adopt water budgets which provide specific annual targets/limits for new development based on known available water resources. Water budgets should be reviewed annually and revised as necessary." "Adopt policies to integrate land use and transportation planning and water resource management in all government jurisdictions in the Middle Rio Grande water planning region; and take water supply availability into account when making land use development decisions. Adopt policies that coordinate water impact considerations with all land development and other uses of water." "Develop a sustainable and coordinated growth management plan for adoption and implementation by local governments in the middle Rio Grande region in order to: 1) reduce water consumption; 2) minimize impact on water resources; 3) encourage conservation-oriented economic development and 4) ensure adequate water supplies for any proposed development. Local governments and/or the state Legislature should establish a review process so that each new industrial, commercial, residential and municipal development be reviewed to ensure ongoing availability of adequate water supplies, including recognition of cumulative impacts on water." "Establish, assess and collect development impact fees that include the marginal full cost of extending the water service area and the marginal full cost to purchase and transfer associated water rights."

All things considered it was a very productive exercise and stands on its own as a process that effectively promoted Green values and integrated them with bio-regional planning. Green efforts need to be prioritized to gain the most in the shortest amount of time. We need to work in processes that will provide regional engagement on green issues. Greens could have worked for years to elect the entire state legislature and we would not have produced a more effective array of policy proposals that are integrated with local and state governments.

This is not a panacea. It is not intended to represent some grand strategy that Greens should implement in place of electoral work. It is simply a process that has produced results that are consistent with Green Values. Our ability to work with a variety of stakeholders is dependent on listening to them and defining our own priorities within the process. We were all able to stand firm against efforts by the Regional Council of Governments to delete Goal K of the Water Assembly: Balance growth with renewable supply. We were able to maintain the goals described above regarding Growth Management in spite of the Water Resources Board of MRCOG opposing those listed after the first bullet.

It is necessarily a long process that not everyone will be able to sustain. It is important that such planning be authorized at the state level to empower it upon completion. It is a learning experience that helps people identify actively engaged people of the region, as well as learning local movers and shakers that often work behind the scenes for the developers. It helps provide a self-education in hydrology and forces people to become more informed on the resource.

It is also democracy at work at the most fundamental level and in the most fundamental area of policy determination impacting on water management. We can begin to learn from this process and we can begin to define a new Green agenda while the window of opportunity is open. For Greens, it's like floating downstream in a mountain stream.

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