



2. Public Participation

Public participation has been an important component of the Taos regional planning effort. This section describes the public participation process that guided the development of the regional water plan and provides the public welfare statement that was developed as part of the planning process. Early in the planning process, a public participation plan was developed to encourage and provide various opportunities for participation by the public (Appendix C1). The plan specified four components: (1) the identification of local, state and federal agencies and citizens groups concerned about regional water planning, (2) written information, (3) public notification, and (4) public workshops. This plan was followed throughout the regional water planning process.

2.1 Public Involvement in the Planning Process

Water planning efforts in the region have been overseen by the Taos Regional Water Planning Steering Committee, which has representation from:

- County government
- Municipalities
- Community water systems, including mutual domestic water consumer associations (MDWCAs) and water and sanitation districts
- Taos Soil and Water Conservation District
- Farming and ranching groups, including the Taos Valley Acéquia Association and other acéquia representatives
- U.S. Forest Service
- Bureau of Land Management
- Watershed groups
- New Mexico State agencies
- Nonprofit organizations
- Mining and commercial (including recreational) enterprises
- The general public, including agricultural and watershed interests



The steering committee has overseen all aspects of the regional water planning process and has been active in the development of this document.

Pueblos were also informed of the regional water planning process and invited to serve on the steering committee, but chose not to participate in the steering committee. The Pueblos located in the planning region are sovereign nations, and the information and recommendations provided in this plan do not presume to speak on behalf of those Pueblos.

As discussed in Section 4.5.3 of this regional water plan, the Abeyta adjudication (*State of New Mexico ex rel. State Engineer v. Abeyta* and *State of New Mexico ex rel. State Engineer v. Arellano*, Civil Nos. 7896-BB and 7939-BB consolidated) is currently pending in the United States District Court for the District of New Mexico (Court). To resolve significant claims and issues in the Abeyta adjudication, Taos Pueblo, the 55 member acéquias of the Taos Valley Acéquia Association and their parciantes, all 12 Taos-area MDWCAs and their members, the Town of Taos, and El Prado Water and Sanitation District (EPWSD) entered into a Draft Settlement Agreement (DSA) on May 31, 2006 (Section 4.5.3.1). Together, the parties to the DSA represent the vast majority of the surface water and groundwater users and appropriators in the Taos Valley.

Settlement negotiations among the parties to the DSA were occurring simultaneously with development of the regional water plan. Unfortunately, due to a gag order entered by the Court, the parties to the DSA were not able to fully participate in development of the regional water plan (i.e., confidential information could not be revealed) until the DSA was signed. After that time those parties were able to fully participate in the regional water planning process.

Since this phase of water planning was initiated in May of 2005, 13 steering committee meetings have been held through June 2007. All steering committee meetings have been open to the public, and members of the public who attended any of the meetings were added to the mailing list so that they would receive advance notice of all future water planning meetings. In addition to the steering committee meetings, two series of public meetings were held to present water planning information and to solicit input on water planning strategies. The steering committee and public meetings were held throughout the region (in Taos, Questa, Red River,



Ojo Caliente, and Peñasco) and were advertised well in advance of the meeting dates through direct mailings, press releases to local media that resulted in newspaper articles and public service announcements, and flyers posted in public venues and distributed throughout the region. The public involvement plan, example meeting notices, and minutes for each of the meetings are provided in Appendix C.

Public involvement in the regional water planning process was further facilitated by providing access to a draft water plan in public locations, including libraries and/or government offices in each county and on the internet (at www.dbstephens.com). Fact sheets on the regional water planning process, population projections, water supply, water demand, water budgets, and selected strategies were also prepared and distributed at public meetings and steering committee meetings and were available on the DBS&A web site.

2.2 Vision and Goals

Early in the planning process, the steering committee established the following vision and goals to guide the regional planning process:

- Vision
 - *Preserve Taos regional water for Taos citizens.* Keep water in the area, both physically and legally, to meet the needs of the communities.
 - *Live within one's water means.* Conserve water for future uses and do not import water.

- Goals
 - Protect traditional communities
 - Preserve and protect traditional lands
 - Promote health and productivity through stewardship
 - Use water wisely
 - Develop regional solutions without losing individual identities (centralization without homogenization)
 - Educate the public



- Respect tribal sovereignty/water quality standards
- Promote sustainable use
- Restore and protect watersheds
- Protect agriculture
- Plan so that policies are fair to people who can't afford to buy water rights

These goals were used to help the steering committee prioritize strategies for meeting future water demand. These strategies, discussed in Section 8, consist of actions that the region plans to pursue to ensure that the goals are realized. Additional discussion of the public process used to define the strategies is provided in Section 8.1.

2.3 Public Welfare Statement

In 1987, the New Mexico legislature amended a number of water statutes to give the State Engineer the authority to deny an application for a new water right or a water right transfer if it is contrary to the conservation of water within the State or detrimental to the public welfare of the State. The legislature did not define “public welfare of the State” or the term “contrary to the conservation of water within the State,” nor have the OSE or the ISC. Nonetheless, adoption of public welfare and/or conservation statements by a region could provide guidance to the OSE when processing water rights applications. Should a proposed water right application appear to be contrary to a regionally defined public welfare criterion, the OSE could potentially rely on this criterion to deny or place a condition on the application.

2.3.1 Public Welfare Statement

A draft public welfare statement was initially developed by the Public Welfare Subcommittee. The subcommittee presented the draft statement at multiple steering committee and public meetings. Input from each of those meetings was incorporated into the draft statement, which as a result, went through multiple versions. A separate draft conservation statement was also prepared by the subcommittee. In December 2007, when consensus about the statements had still not been reached within the region, a mediated process was initiated to find compromise among the various interests. A group of elected officials designated to represent the interests of the region met through the first months of 2008 (Appendix C3), and agreement was reached on



March 7, 2008. The resulting Public Welfare Statement is provided in its entirety below. This statement includes conservation values and replaces the previous drafts of both the public welfare and conservation statements.

TAOS REGIONAL WATER PLAN PUBLIC WELFARE STATEMENT

Vision and Values

Agua es Vida – Water is Life

Siete Partidas, Leys 3: “Las cosas que son de todas – son l’agre, sol, uvia, agua y el mar.”

“The things which belong in common to all the living creatures of the world are the air, sun, rain, water, the sea, and its shores; for every living creature may use them according to his wants.”

I. INTRODUCTION:

Water is one of the most fundamental natural resources sustaining the communities and environment of the Taos Region.

The Taos Region is an area of unparalleled natural beauty and cultural wealth. The integrity of our surface water and groundwater resources is inextricably interwoven with the continued health of our natural environment and the viability of our traditional communities.

The traditional cultures of the Taos Region have revered water as the lifeblood of their communities. The Taos Region’s traditional communities established effective systems of community governance and management of water. These systems evolved to protect the long-term sustainability of local water resources, and they reflect the centrality of those water resources in maintaining the social fabric of local communities. Water was, and to some extent continues to be, viewed as a community resource, belonging to the community, for the people, for the land, for the animals. From our earliest communities subsequent inhabitants of the Taos Region have inherited this ethic of respecting our local natural resource base and of cultivating truly sustainable communities by living within the limits of our natural water supply.

Thus, the Taos Region has a long history of managing water as a shared community resource and living within the means of the local naturally occurring water supply, while providing good quality water for domestic, agricultural, municipal, and industrial uses and preserving healthy watershed conditions and wildlife habitat to a high degree. This tradition of managing water in a manner that is harmonious with nature and designed to sustain the long-term viability of local communities represents a central element of the Taos Region’s heritage. This tradition stands alongside the more recent legal practice of treating the right to use water beneficially as a private property right that came into play following the United States’ conquest of New Mexico in the mid-nineteenth century.



Today this backdrop of traditional wisdom offers valuable guidance for the governance of water resources in the Region and the State.

Notwithstanding the wisdom of historical water management in the Taos Region, the Region's residents are concerned that growth pressures from outside and within the Taos Region could create problems in terms of diminished surface water flows, lowered water tables, and degraded water quality.

To the extent that it is consistent with their authority, all local governmental entities and political subdivisions in the Taos Region should seek to maximize the Public Welfare in water by adopting and enforcing land use, zoning, and other local measures that tend to prevent the creation of additional problems with surface and ground water resources in the Region.

This Public Welfare Statement is intended to be a living document that reflects the wishes of the public in the Taos Region. Further, it is intended to be reviewed and revised as changing circumstances warrant.

II. DEFINITION OF THE PUBLIC WELFARE:

A. Scope:

The following criteria, which define the Public Welfare within the Taos Region, should be considered by the State Engineer in assessing whether granting an application is detrimental to the Public Welfare of the state, or is contrary to conservation of water within the state.

B. Individual Criteria of the Public Welfare:

1. Cultural Protection:

The residents of the Taos Region's multicultural communities have always had a deep cultural and spiritual connection with the local waters around which their communities were first organized and in relation to which these communities have developed their distinctive social and cultural fabric.

Our cultural heritage is one of the Taos Region's and the State's greatest assets. The diversity and mutual enrichment of the Region's Native American, Hispanic, and other cultures have been nurtured over centuries and millennia by the Region's scarce water resources.

The Taos Region's cultural wealth and diversity, especially its acéquia-based communities, have made it a magnet for people from around the United States and the world. As such, they are an essential component of the Region's and State's economic and social vitality. Thus, the Region's communities recognize the importance of protecting their water resources.

In order to sustain and enhance this cultural wealth, local water resources must be maintained in terms of local water quality and available water supply sufficient to support the local communities and enable them to grow over the long term.



2. Agrarian Character:

The traditional agrarian character of the Region's land and communities continues to be a vital part of the Taos Region's social and cultural fabric. Traditional land based communities keep water connected to the land and within the local watershed.

Subsistence and pastoral agriculture have provided local sustainability for many years. Small scale farming and ranching continue to be a vital part of the local culture and economy, providing income and sustenance for many residents of the Region. Local agriculture provides food security for some of the most impoverished communities in the region.

In order to maintain this local agrarian character, residents of the Region have a strong policy preference for maintaining the connection between land and water for agricultural uses. Acéquias have existed in the Taos Region for hundreds of years; they are part of the historical environment, and contribute to its local sustainability.

3. Ecological Health: Vitality of Watersheds and Ecosystems:

The natural environment of the Taos Region, particularly the health of the Region's watersheds, is central to the physical, cultural, and spiritual health of local residents.

The watersheds of the Sangre de Cristo Mountains are the primary source of water for the Taos Water Planning Region. As such, they are the underpinning of the diversity of living things and the quality of the environment in the Taos Region and neighboring regions. The residents of the Taos Region have repeatedly affirmed that protecting and enhancing the long-term health and sustainability of these watersheds and the ecosystems they support is essential to the Public Welfare of the region.

In addition, the health of the Region's watersheds and aquifers allows them to perform vital ecological services that sustain the human communities as well as the flora and fauna of the Region. Vital ecological services provided by our healthy watersheds include: a clean and sustainable water supply; flood, drought and fire mitigation; ecosystem maintenance; and the provision of wildlife and fish habitat. Acéquias also are a vital part of the Taos Region's landscape and watersheds that contribute to the Region's ecological health.

4. Long-Term Community and Economic Development Potential:

The Taos Region has grown rapidly over the past few decades and clearly is on a path towards continued growth, in terms of both residential and commercial development. The protection and development of sustainable local water supplies through comprehensive water resource planning to support the Region's likely long-term growth and economic development, including increased residential, commercial, municipal, and industrial use, is essential to the Region's continued vitality.

5. Recreational Tourism:

The stunning beauty of the Taos Region has long played a major role in the physical, cultural, and spiritual life of people residing in the Region's communities, and in making the Taos Region a destination for tourists. Recreational tourism that depends on adequate quantities and quality of water is a major, growing component of the Region's economy.



Visitors from around the United States and the world flock to the Taos Region for such outdoor pursuits as skiing, snowshoeing, whitewater rafting, kayaking, fishing, birding, hiking, and hunting.

The Region's continued ability to attract and support these activities is vital to ensuring that the Region has an economically and socially healthy future. These recreational opportunities are directly dependent on the protection of our local waters, both in terms of quality and quantity.

6. Public Information and Educational Outreach:

The water resources of the Taos Region bind the individual communities within the Region together and sustain them all. The viability of all communities in the Region depends on our limited, interconnected local waters.

The ability of local communities within the Taos Region to gather, share, and analyze geologic, hydrologic and water rights information on which they depend is critical to our communities' ability to use and protect those waters effectively. Thus, the gathering and dissemination of high quality information about the capacity and condition of local water resources within the Region would significantly enhance the Public Welfare of the Region.

To achieve that goal, local and state entities are encouraged to work together to obtain, share and disseminate comprehensive reproducible data concerning all water resources in the Taos Region.

7. Conservation:

The Taos Region recognizes that water is a precious and limited resource. The Taos Region realizes that in a fully appropriated system that water conservation and reuse may be one of the few alternative sources of supply.

It is imperative that we conserve the resource by implementing Best Management Practices (BMPs), to reduce water waste. Furthermore, the Taos Region acknowledges the importance of conservation when managing and administering water supplies.

8. Water Supply Management:

The Taos Region acknowledges that water supply management depends on conservation while maintaining a sustainable balance between recharge to aquifers, available supplies and groundwater withdrawals.

The Taos Region recognizes the importance of sustainable surface water supply management. Maintaining streams and watercourses is important to the region, as well as downstream users. Likewise, maintaining and restoring watersheds is important to sustaining community water supplies.

Because of the interconnection between streams and their underlying aquifers, the Taos Region supports comprehensive monitoring and managing of both surface and ground water to maintain the balance of uses from both sources (conjunctive management).



To enhance its water supply management, the Taos Region continues to support hydrologic studies, aquifer mapping, and a comprehensive system of monitoring and measurement.

9. Minimizing Water Contamination:

The contamination of surface water and groundwater resources has been documented and is a matter of considerable concern in the Taos Region.

Higher water quality in the Region promotes health, safety and the public welfare.

Improvements to water quality in the Region will promote the Public Welfare.

2.3.2 Public Welfare Statement Implementation

In addition to crafting the Public Welfare Statement, representatives of the decision-making bodies developed a plan for implementing the statement, as follows.

Public Welfare Statement Implementation Outline

Local civic participation - In the regional water planning process many residents of the Taos region emphasized the strong value of ensuring that the criteria contained in the public welfare statement are applied at a local and regional level.

The region's public welfare will be best safeguarded by encouraging local awareness and civic participation in decisions affecting the region's waters.

To satisfy this widely held value, local governmental entities and political subdivisions in the region will implement processes for informing themselves and the public about water resources and transfers in the Region.

Provide full information and education to local public - Each local governmental entity and political subdivision will obtain its own expertise on matters related to water issues. Each local governmental entity and political subdivision may have its own strategies of implementing water planning and public welfare. Each entity can take its own approach to meeting its own needs, but it was generally agreed that it would be desirable to see broad collaboration in pursuing the goals of the Regional Water Plan.

Educational/informational repository - The repository will include a collection of all available relevant technical information, planning documents and reports. The Taos Soil and Water Conservation District will consider assuming responsibility for maintaining the repository for information. The specific makeup of the repository and funding will be discussed at the first annual meeting.



Provide/publish website links – Local governments will provide links on their websites to the New Mexico Office of State Engineer (OSE), New Mexico Environment Department (NMED), and other relevant websites.

Annual water users/stakeholders meeting, in July - All water users and stakeholders, including all local governmental entities and political subdivisions will meet once a year. These one-day meeting will be publicized well in advance.

100-year planning horizon - The Public Welfare Statement is a living document. Furthermore, the Region recognizes that growth and changing water needs may call for revised public welfare, conservation and implementation strategies; such changes must be based upon opportunities for public participation and input and a consideration of all values regarding water uses. This is not a formal ISC process; it is up to the localities to develop ordinances and regulations for implementation.

2.3.3 Public Meeting Template

In conjunction with the agreement reached on March 7, 2008, the decision-making group proposed a template for the annual water users/stakeholders meetings, as follows:

- Develop structure of meeting

- Introductions, review goals and achievements, legislative requests
 - Presentations and decisions by Principals

- Roundtable discussions on water issues:
 - Legislative funding
 - Conservation measures
 - Watershed presentations and issues
 - Water quality presentations and issues
 - Additional topics from attendees

- List of transfers in previous year (approved and pending)

- Regional water plan update/revisions, process for changes