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March 20, 2024

Board of County Commissioners
Bernalillo County, New Mexico

Attention: Elvira Lopez, ellopez@bernco.gov

Dear Madam Chair Baca and Commissioners:

These public comments pertain only to the Water Management chapter entitled *Environmental Protection and Infrastructure Water Management*, pages 241 through 256 of the **Bernalillo County Comprehensive Plan For review by the Board of County Commissioners on March 19, 2024, March 8 Draft: "Blue Sky Edition" ("Clean")**.

Overarching comments.

1. The water management chapter does not recognize the current water crisis enveloping New Mexico driven by global warming. Climate variability is not an accurate descriptor. The real issue is severe and worsening water scarcity apparently unknown to the authors of the draft water management chapter concepts and language.

The crisis is both one of surface and groundwater hydrology and of federal and state law (Rio Grande Compact).

2. The goals Mr. Hamm orally presented seem exactly right to me. I appreciate all the hard work that staff has done and totally agree with Mr. Hamm's stated goals for the comp plan. I noted these.
 - a. Reflects current conditions.
 - b. Creates stability and predictability for development.
 - c. Looks forward.
3. The water management chapter does not reflect current conditions and therefore overlooks a current condition that looking only 1 to 3 years into the future will require a huge change the status quo. That condition is Middle Rio Grande Compact compliance because we are annually consuming water that is legally

apportioned for use south of Elephant Butte Dam. Regardless of the source of the corrections required, either internal to New Mexico or external forced by interstate litigation, it will be destabilizing and will create an unpredictable future until solutions are agreed and implemented or imposed.

4. The fundamental problem is that water supply is down, and water uses are not. This means the Middle Rio Grande is using its all its legally apportioned share plus water that is apportioned for use downstream.

The water management chapter is blind to this unbalance and calls for greater imbalance due to greater urban demand limited by paper permits and water rights and not by wet water that is vastly oversubscribed by the plethora of existing state permits and water rights.

Leap Ahead Analysis. The water management chapter prominently cites the [Leap Ahead Analysis](#) and cites facts from it but internalizes none of its conclusions. I highly recommend Bernalillo County's planners watch the many short videos in which the contributing authors powerfully inform us of the arid future and its consequences on our water and other natural resources. The final water management chapter should be cognizant of and incorporate the findings of this effort, initiated as part of the 50-year water plan and integral to its genesis.

50-year Water Action Plan. The governor's release of the long-delayed 50-year water plan was indeed political, as County Natural Resources staff observed in an email included in the packet for the March 19 hearing. [Talking points](#) prepared by the NM Water Ambassadors address changes made by the Governor's office.

2022 State Engineer Water Policy and Infrastructure Task Force. The water management chapter was prepared without cognizance of this report. The two paragraphs below are quoted from State Engineer Mike Hamman's January 18, 2023, [transmittal letter to the Governor](#). Emphasis added.

The report is organized by providing an Executive Summary, a description of the current drought and predicted climatological impacts to temperature rise, the organization and process of the Task Force's work, identified problems and proposed solutions, long-term opportunities, the Task Force's view on the draft 50-Year Water Plan, and the technical appendices. **This work defines comprehensive and impactful solutions to water resources problems that have been plaguing New Mexicans for decades that will only get worse if corrective actions are not taken starting today and well into the future**

utilizing an **"all of government" approach**. Capacity development is a common theme identified within all three of the major categories investigated and it is the hope of this membership that the current level of state and federal resources is dedicated in a thoughtful and well-planned approach setting up long-term benefits that secures New Mexico's water future well into the next century.

The Water Policy and Infrastructure Task Force has achieved its Phase 1 goals in developing these recommendations and conveying them to the decision makers. Phase 2 of our work will now shift to serving as Water Ambassadors in their respective regions conveying the findings of our work and advocating for implementation and they offer their support to the Governor's Office to assist in advancing New Mexico's water policy and infrastructure agenda going forward.

The tone of the Water Management chapter contradicts the [Task Force Report](#), which begins,

New Mexico enters 2023 in a water crisis. But with unprecedented peril comes unprecedented opportunity. To address that challenge, and those opportunities, a diverse task force of stakeholders from across New Mexico came together from June to November 2022, studying the problems and coming to broad, shared conclusions: our challenges are dire, but there are things we can do if we act now.

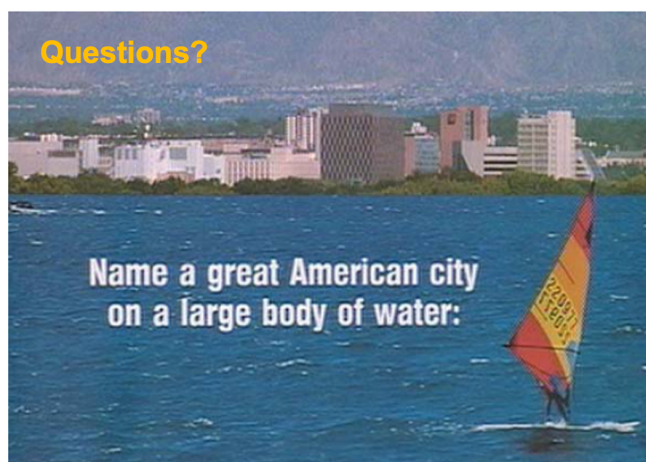
New Mexico is the driest it has been in over 1,000 years. Warming and related aridification from climate change are exacerbating water shortages. Consequently, many of New Mexico's reservoirs are nearly empty, many of our aquifers are declining, rivers are drying, irrigation ditches are running dry when crops most need water, and our forests spent the summer of 2022 burning. Driven by drought and climate change, New Mexico's water crisis has laid bare water policies and processes that users, practitioners, and lawmakers agree are not meeting the 21st century needs of New Mexicans under the stress of drought, aging infrastructure, and climate change. Beyond that, many small communities lack the resources to manage the systems they have. State agencies lack the resources to carry out the jobs they already have been given, with little capacity to address the new challenges.

That is the peril.

2023 Water Security Planning Act. The need for a new regional water planning statute was an unanimously approved Water Task Force recommendation, as were all the recommendations of the Water Management and Planning task force work group. I co-chaired that working group with Liz Anderson, then chief planner for the Water Utility Authority, and Dr. Ladona Clayton, Executive Director of the Ogallala Land and Water Conservancy, a project sponsored by Curry County and the City of Clovis.

After the task force work was complete at the end of October 2022 but before the Governor's office review and approval for the State Engineer to transmit the report to the Governor, other task force members joined me to draft the bill that became the 2023 Water Security Planning Act. That bill became a State Engineer bill and passed the 2023 Legislature unanimously. The 2023 Legislature made substantive changes focused on each regions requirement to determine its shared values expressed as an agreed statement of public welfare of the region as it pertains to water management, based on the facts of the water supply.

This is the future. Myths, such as the Albuquerque favorite below, are not yet dispelled. In a sense, the Santolina claim that its water could be provided by the Water Authority if the Water Authority would only relax its standards, with the only problem being capital investment for service, shows this myth survives. The water management chapter, in a sense, shows that, too.



Albuquerque Living – October, 1984

Implementation of that Act in the Middle Rio Grande is putting first things first. First, we need to begin with end in mind. Then we need to identify and devote resources to implementation, putting first things first.

Objectivity and acceptance of facts is crucial to a water secure future of the Middle Rio Grande. Our problem is not “climate variability.” Because economic security requires water security as a prerequisite, getting our minds around the facts and dealing with them are literally existential priorities, because the status quo will give us no security at all.

We live in New Mexico, not Florida. New Mexico acknowledges climate change as a driver of aridity and water scarcity. The Bernalillo County Comprehensive Plan must, too. Climate variability is a bogus concept, like Albuquerque’s underground Lake Superior.

Request. Please schedule a time prior to the Board of County Commissioners April 9 public hearing continuation so that an expert colleague who is not a member of the Water Advocates and I can review the facts with you. I intend to invite fellow NM Water Ambassador Phil King, Ph.D., P.E., recently retired from the Civil Engineering faculty at NMSU, long-time expert for the Elephant Butte Irrigation District Board, and now senior technical advisor to the State Engineer and Interstate Stream Commission. Dr. King is an expert in water management, groundwater, irrigation, a contributing author of the [Leap Ahead Analysis](#), and a member of the State Engineer’s 2022 [Water Policy and Infrastructure Task Force](#).

Incorporated herein by reference. The Water Advocates newsletter published yesterday includes facts, charts, and commentary that are relevant to these public comments and are incorporated here by reference. The charts appear below. Note that as used in the titles of the first two charts I generated yesterday for the hearing, *cumulative* credit/debits and *accrued* credit/debits have identical meaning. <https://mailchi.mp/mrgwateradvocates.org/march-update-and-2023-rio-grande-compact-report>

Please do not hesitate to contact me by phone or email or for a Zoom meeting if you have any questions or need for me to clarify the data and comparisons I am submitting for your consideration and reply.

Board of County Commissioners

March 20, 2024

Page 6 of 8

Best regards,

/s/

Norm Gaume, P.E. (ret.)

Water Policy Engineer

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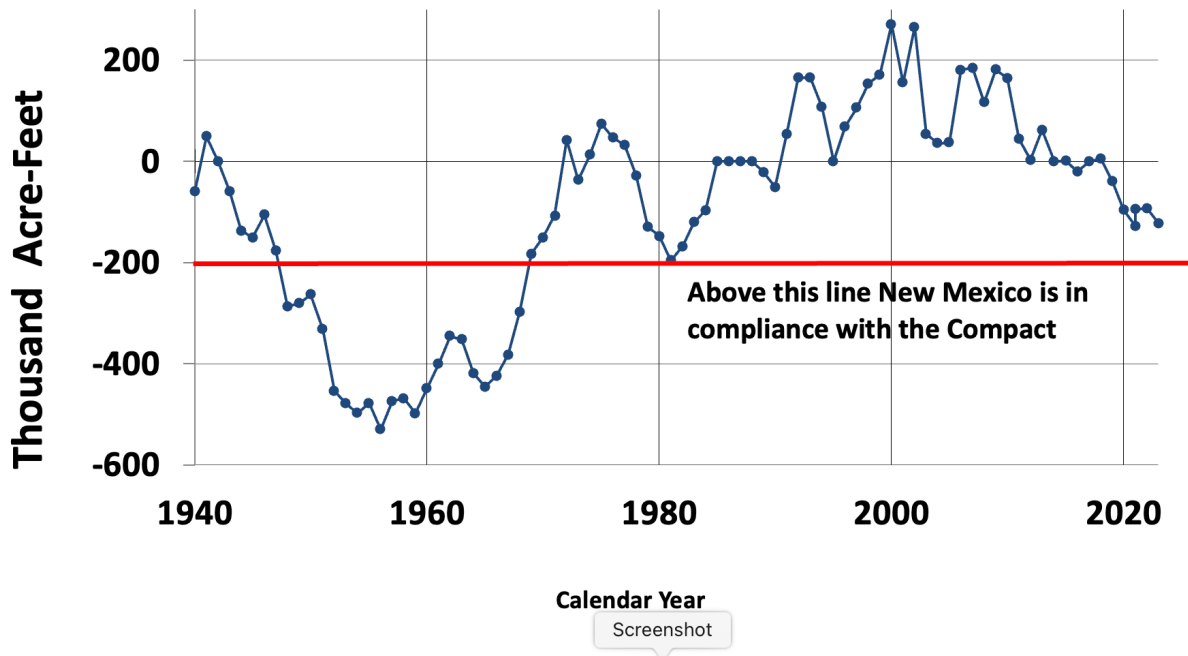
Director, New Mexico Interstate Stream Commission, 1997-2002

c: Phil King

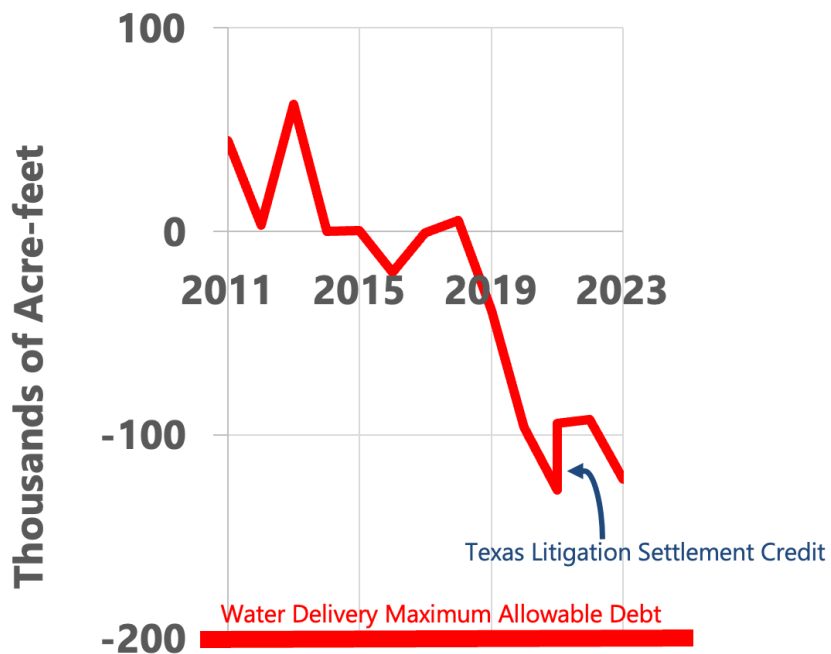
Ladona Clayton

Andrew Erdmann

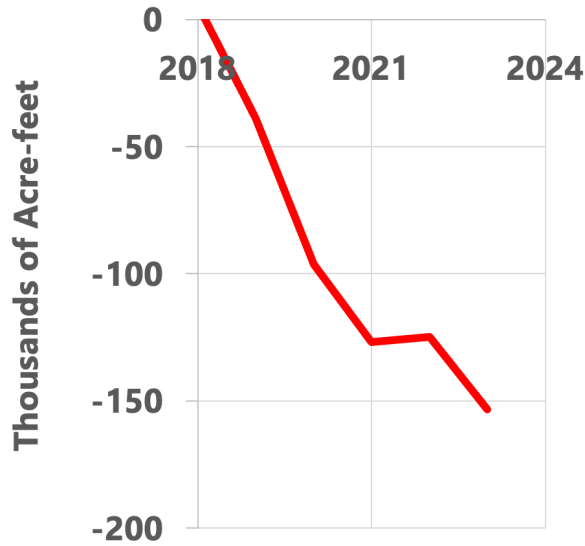
Middle Rio Grande Compact Water Delivery Cumulative Credits and Debits



Middle Rio Grande Compact Deliveries to Lower Rio Grande Accrued Credits / Debits



Middle Rio Grande water uses 2018-2023 included 153,200 acre-feet of the Lower Rio Grande's water. Whatever we are doing isn't working. Texas won't allow the trend to continue. If not stopped by New Mexico, the change will soon pass the threshold to be illegal under federal and state law.



Middle Rio Grande Actual Water Delivery to Elephant Butte 2011-2023
Annual Credit or Debit pursuant to the Rio Grande Compact
Thousands of Acre-Feet

