

ATTACHMENT C—ORGANIZING THE WRITTEN COMMENTS

In addition to the oral comments offered during the hearing and reflected in the transcript and summary, three sets of written comments were timely submitted for the Commission's consideration in promulgating the Proposed Rule:

1. Written comment submitted during the public comment period ending September 27, 2025, and filed with the Commission Administrator on October 1, 2025. They are Bates-stamped "NMISC Exhibits" pp. 01744-2004, and pp. 02041-02049. In Attachment B, when page numbers are cited for revisions by commenters, the citation is to the Bates number without the beginning '0.' An index is below.
2. Written comment submitted between October 1-14, 2025, and filed with the Administrator on October 14 as a Supplemental Filing of Comments. These are not paginated, and include only a comment by David King of the Tri-County Soil and Water Conservation District on behalf of the Estancia Basin Water Planning Committee; comments by Lt. Governor Kevin C. Montoya of the Pueblo of Santa Ana and Governor Lambert Pino of the Pueblo of Zia; and several documents submitted by Mr. Wessely and Mr. Gaume of New Mexico Water Advocates. In Attachment B, when page numbers are cited, it is the page or pages by count. An index is below.
3. Written comment submitted at the hearing between October 15-17, 2025, filed with the Administrator on November 6, and paginated as "PC001—PC133." An index appears at the front of the filing and below. In Attachment B, when page numbers are cited for revisions by commenters, the citation is to the 'PC' number in the lower right corner of the page.

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Several comments were submitted with substantial suggested Rule adjustments that were not submitted in redline/strikeout or with specific in-line edits. See especially:

EMNRD Forestry Division: 1. The rule should explicitly recognize the impacts of recent and historic large-scale wildfires on regional water security. 2. The rule should require the Councils to evaluate wildfire risk using the best available modeling for watersheds where major water infrastructure is located. 3. The rule should encourage Councils to integrate existing tools and plans that already address wildfire and watershed risks, such as Community Wildfire Protection Plans, the U.S. Forest Service's Watershed Condition Framework, BAER assessments, USGS post-fire hydrology studies, and the 2020 New Mexico Forest Action Plan. Pp. 1837-1838.

Ramona Goolsby from Rio Rancho: The Rule should be changed or paused due to-- 1. Undermining Decentralization and Regional Autonomy. 2. Lack of Clear Strategic Direction and Measurable Outcomes. 3. Insufficient Emphasis on Scientific Integrity and Data Standards. 4. Inadequate Governance, Transparency, and Enforcement. 5. Limited Inclusivity and Holistic Evaluation. See pp. 1861-1864.

Catron County: The rule should grant local governments a decisive role in regional water planning and permitting processes, including the establishment of local water advisory boards composed of elected members to oversee water resource management. Local government must be notified of all interstate and federal water development actions that may impact water rights or uses prior to initiating such actions. The rule should require that local ordinances and water plans are given significant weight in state and regional decision-making. The rule should include mechanisms for the protection of private property and water rights. The rule should formalize the requirement to coordinate with local governments, including mandatory notification and consultation processes. The rule should incorporate Catron County's emphasis on custom, culture, and community values, and establish clear guidelines for emergency management that align with County procedures. Compensation for affected property owners must be included. The rule should improve dispute resolution mechanisms, with binding outcomes if agreed upon by parties involved. See pp. 1844-1847.

Trout Unlimited, in addition to some in-line proposed edits, had more general comments: It is crucial that NMISC work with the state legislature and other partners to create a dedicated, sustainable source of state funding for implementation of programs, projects, and policies identified in approved regional water security plans. State funding allocated to projects prioritized by regional water councils should be available to non-governmental organizations (NGOs) as eligible entities. See pp. 1936-1940.

Environmental Defense Fund (EDF), beyond some specific proposed edits, set out several overarching recommendations related to certain Sections of the Rule:

In Section 10, EDF suggests that the ISC provide a standardized framework with technical assistance that includes: A facilitated process for each council to establish regional public welfare values; clear process for councils to consider public welfare values at all stages of the regional planning process and updates; a facilitated process for determining the water uses and needs of future generations of New Mexicans in the region, including technical support, best available science, data and metrics that should be applied; providing a clear minimum planning timeframe that accounts for ‘future generations’ of New Mexicans in the region; and additional guidance which supports councils in establishing written operating principles.

In Section 10, EDF recommends the Rule authorize councils to enter Memoranda of Understanding as a mechanism to ensure accountability for plan development, tracking, and implementation. In Sections 10 and 11, EDF suggests adding clarity about funding mechanisms and fiscal agents for PPP execution and how funds may be utilized for planning activities.

In Sections 10 and 11, EDF recommends aligning timeframes for plan development with ongoing advancements in regional and statewide water science and data - including aquifer characterization and mapping data - as well as updated water rights adjudication information. The Rule should also explicitly reference regional water balance data among the technical support and best available data and science that ISC staff are required to provide to councils, and explicitly reference the Water Data Act and the data available through collaboration with the New Mexico Institute of Technology’s Bureau of Geology and Mineral Resources.

In Sections 7, 10, 11, and 13, EDF recommends that the Rule improve timeframes for plan development, plan updates, and council meeting frequency to ensure consistency. Six time-related recommendations are set out in narrative form on p. 1888. See pp. 1882-1891.

Erwin Melis of John Shomaker & Associates: On behalf of the Estancia Basin Water Planning Committee, it's frustrating to have the previous planning regions be subsumed into larger ones that have a more logical breakdown of surface water drainages. The EBWPC is an important clearing house for groundwater data in the Estancia Basin, where unique conditions apply. These conditions are different from conditions in the Tularosa Basin, to the south, which has now been added as a part of a larger planning region. It is difficult enough to get people and governmental agencies to cooperate on (ground) water conservation in the Estancia Basin; a larger planning region, logistically, will be difficult to get together, manage, formulate a meaningful policy, and communicate to those in the region. See p. 1896.

Elaine Hebard: No planning process is included; the Rule must provide a template. There is a lack of content as to what plans must contain, and what specifically will ISC help with? It is crucial to have up-to-date data on water supply and water demand; that must be a part of the technical support, along with developing a regional water budget which includes a spatial component to assist with Compact compliance and land use planning. Implementation guidance is crucial to ensuring plans are successful, and plans must include funding mechanisms. What happened to adjudication and priority administration? One representative for MRGCD, which straddles 4 counties, and one for San Ysidro, with fewer than 200 residents, does not seem equitable. Conservation groups are included, but not non-municipal water rights owners. Please include in the definitions what is meant by "established water rights." More guidance on public welfare values is needed, and more on balancing water uses and the needs of future generations. Rather than readiness as a prioritization criterion, PPPs should be evaluated for implementing the regional plan, such as quantifiable reductions in water overuse or improving climate resiliency. Implementation must also be included in the Rules. Plans must include funding mechanisms, monitoring, update of data and water budgets, and accountability to ensure follow-through. The Rule calls for submission of PPPS even if the data is not there to support them. That could create a huge loophole, should be omitted. See Ms. Hebard's attachments with information responsive to a Commissioner's question. See PC047-082.