

Dear Stakeholder,

Thank you for your comments supporting the need for fairness and transparency in the evaluation of stakeholder proposals for use of the water and funding available to New Mexico in the 2004 Arizona Water Settlements Act. I have attempted to respond here to all of the comments and criticisms of the evaluation process that were received by the Interstate Stream Commission (ISC).

Many emails demanded public presence during the deliberations of the evaluation panel convened to assess applications. I will try to give you my perspective. Deliberations among evaluators can often become spirited. In fact, the diverse representation and viewpoints we have included on the panel are intentionally designed to generate discussion from dissimilar perspectives. To make sure that candid debate can freely occur, it's critical that the panel not be subjected to an affected party or interested public scrutinizing their every move or seeking to influence them. Applications must be evaluated solely on their merits and not become popularity contests. If the panel is not secluded, rankings could easily be tainted and the entire process subject to claims of bias and to litigation.

I completely understand the concern that the process be transparent and unbiased. Perhaps some background would help. The evaluation process adopted by the Commission employs elements, suggested by stakeholders, that are common to the selection processes of the NM Water Trust Board and the US Economic Development Administration: a two-tier evaluation process that first determines eligibility and applicability, and a second tier that assesses technical, legal, economic, and ecologic merit, etc. In each tier, the process includes preliminary review and reconsideration feedback loops that afford the applicants and the public ample opportunity to review the evaluation panel's work and thinking.

Rather than the standard process of using only internal evaluators, the Commission chose to invite representatives to serve on the panel from the New Mexico Environment Department; the Energy, Minerals, and Natural Resources Department; the New Mexico Department of Game and Fish; and Office of the State Engineer. The panel members bring diverse viewpoints and expertise and experience in the critical areas of conservation, hydrology, water infrastructure, ecology, and watershed restoration and management.

There is also an independent observer on the panel. The observer was chosen by consensus of all stakeholders, and his charge is to report to the stakeholders and applicants whether the evaluation panel's deliberations are conducted in a fair and unbiased manner. The observer provides an element of transparency not present in other state evaluation processes.

The Tier-1 evaluations that are already underway use process, criteria, and an independent observer all chosen by the stakeholders in the region. Prior to reaching agreement on the Tier-1 process, stakeholders and the ISC looked at a number of processes, including those used by the foundations that grant money to the Gila Conservation Coalition and other environmental non-governmental organizations. All of those grantors employ closed evaluations by internal personnel that directly result in final selections. There were no provisions for public involvement, applicant review, independent observers, or outside evaluators. Although these

foundations grant private funds, their closed evaluation processes are typical of state and federal processes. Though not formal evaluation processes, some federal initiatives such as Landscape Conservation Coalitions allow stakeholders to recommend how moneys that have already been allocated to a coalition be divided among the coalition. We had hoped the Southwest New Mexico Stakeholder Group would provide similar consensus recommendations for projects to the Commission, but that did not occur.

On June 22, 2011, in an open public meeting in Silver City, the Interstate Stream Commission adopted Tier-2 criteria and scoring. Those criteria are posted at http://www.ose.state.nm.us/isc_colorado_gila_sanfran_committee.html. As you can see, there is no distinction between diversion projects and conservation, nor is there any bias for diversion projects or against alternatives such as conservation. In fact, a conservation proposal that would increase supply by 1,250 acre-feet would garner the same number of points (500) as a diversion/storage project that would harvest 10,000 acre-feet. If anything, the scoring could be seen to favor conservation over diversion.

To enhance communication with stakeholders throughout the remaining planning process, the Commission approved funding for an interactive website, open to the public. We will post all ISC activities, data, work plans, reports, and studies, etc. on that website. The public may comment and their comments will be posted on the site along with responses from the ISC staff when appropriate. In addition, the Commission approved quarterly meetings open to the public where progress reports will be presented and public input captured. The Commission approved hiring professional facilitation for those meetings.

Importantly, the Interstate Stream Commission will arrive at any decision only in an open public meeting with ample opportunity for public and stakeholder comment. I cannot speak for the Commission, but I have always found that public input weighs heavily in their decisions.

In 2004, the Commission formally adopted a policy that mandates full consideration of the unique and valuable Gila ecology, consideration of present and future demand, and the best available science. That policy can also be found at the website listed above. In the spirit of that policy, we've gone far beyond what's required in order to provide a fair, unbiased, and transparent process while still honoring the integrity of evaluations.

If I can answer further questions, please don't hesitate to let me know. I can be reached (505) 827-6160 or by email at craig.roepke@state.nm.us.

Thanks, Craig Roepke
Interstate Stream Commission