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4 August 2025

Jennifer Salazar
New Mexico Office of the State Engineer
New Mexico Interstate Stream Commission (NMISC)

***RE: Rulemaking Public Comment Period for the Water Security Planning Act;
NMERT Project No. NMERT-4868***

Dear Ms. Salazar,

The New Mexico Department of Game and Fish (Department) has reviewed the Water Security Planning Act (WSPA) proposed New Rule (as of July 2025) and offers the following comments on the New Rule.

As stated in Section 3 of the Motion to Initiate the Rulemaking Process in the Matter of Proposed New Rule 19.25.16, the purpose of the proposed New Rule is to “provide the structure and support of regional Water Security Planning Councils (Councils) that will then gain an understanding of water data and forecasts, consider diverse populations, uses, and needs, and provide recommendations on what outcomes are most ready for funding and furthering.” In general, the Department supports the proposed New Rule and the Water Security Planning Act but wishes to see the needs of fish and wildlife considered and addressed by Councils and by regional water security plans.

The Department supports the inclusion of Subsection B.4 and C.2 under Section 19.25.16.14 that pertain to healthy upland and riparian habitats and both state and federal threatened and endangered species, respectively. However, under Subsection A of Section 19.25.16.14, the Department recommends adding the following additional statement that the Councils shall consider, with resources provided by NMISC staff, “best available science regarding the water needs of native fish, wildlife, and their habitats.” The Department feels strongly that fish and wildlife must be considered by Councils during the planning process. Failure to do so may result in more cases similar to that of the Rio Grande silvery minnow (*Hybognathus amarus*). This species’ water needs were neglected until the fish was seriously imperiled and water was overallocated

in the Middle Rio Grande, presenting serious challenges to the future survival of this species.

The Department also supports the inclusion of “watershed health” and “river and riparian habitat restoration” as Project, Program, or Policy (PPP) types in Subsection C.4 of Section 19.25.16.15. However, the Department recommends adding “environmental flows” as an additional PPP type. Environmental flows, referring to water allocated to remain in the river channel to benefit fish and wildlife species, are considered a beneficial use of water by the state of New Mexico and are an important tool for efforts to maintain water quality, river health, and ecosystem function. They also have been vital in the recovery of aquatic species such as the Colorado pikeminnow (*Ptychocheilus lucius*) and the razorback sucker (*Xyrauchen texanus*) in the San Juan River. Therefore, environmental flows should be added as a new PPP type to allow Councils the option to implement them if applicable.

Thank you for the opportunity to review the proposed New Rule. Please contact Jack Marchetti, Aquatic/Riparian Habitat Specialist, at jack.marchetti@dgf.nm.gov or 505-479-1269 if you have any questions.

Sincerely,

Virginia Seamster, Ph.D.
Assistant Chief for Technical Guidance
Ecological and Environmental Planning Section