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**Sent:** Friday, July 08, 2005 10:55 AM

**Subject:** NM Phreatophyte Plan comment

July 8, 2005

**Comments:** NM Policy and Plan for Non-native  
Phreatophyte/Watershed Management  
New Mexico Department of Agriculture  
MSC 3189 Box 30005  
Las Cruces, NM 88003-8005

Dear Planners:

Thank you for the opportunity to comment on the "New Mexico Statewide Policy and Plan for Non-native Phreatophyte/Watershed Management". This document represents a substantial step forward in resolving policy questions which have surrounded the phreatophyte program since 2001. In particular, the Templates and Protocols offer a map to improved program performance. My principal comments concern areas where greater detail concerning proposed implementation of the Policy/Plan would be most valuable (reference to pages 20-24).

I should begin by observing that I have spoken with a number of stakeholders, including sister agencies to the NMDA, who have suggested that the Policy/Plan remains uncomfortably wedded to a water salvage objective. As a general critique, I believe that the Policy/Plan could be clearer regarding its dedication to ecological restoration.

The shared need to create a program to deal with the non-native phreatophyte control issue would seem to be a situation tailor-made for a productive collaboration between environmental groups and agricultural groups. Unfortunately, the opposite has been the case. To break the cycle of mistrust which has developed, I recommend the following:

- The Final Policy/Plan should include a statement assuring that NMDA will clearly have primacy for conduct of the Program. NMDA clearly recognizes its statutory mandate to provide administrative assistance to the Soil and Water Conservation Commission and the State's 47 individual Soil and Water Conservation Districts. This may have the effect of the agency actually deferring

to the Soil and Water Conservation Commission as policy decisions are instituted. Our question is: will its relationship with the SWCC allow NMDA to create an objective, rational process for awarding project funds?

- The Final Policy/Plan should include statement assuring that NMDA will attend to the task of priority- and criteria-setting at a very early date (say, by September 30, 2005). To be explicitly addressed would be such issues as:
  - Ø Relative preference to projects already in progress (e.g. at Santo Domingo, Socorro and Valencia SWCDs).
  - Ø Preference to projects which may require, and are ready for, revegetation efforts.
  - Ø Preference to projects addressing ESA or interstate Compact concerns.
  - Ø Preference to projects which may be eligible for federal matching funds (such as those which may be authorized under HR 489, if authorized).

If NMDA is unable to address these issues in the context of the Policy/Plan, a description of the process and timetable for resolving these items should be offered.

- Our original vision in recommending inclusion of the Technical Advisory Panel and its task list was that it obviously not be dominated by weed management interests, but include a fair representation from ecological science and non-SWCD restoration practitioners (along with SWCDs). The Final Policy/Plan needs to clearly address the appointment/composition of the Technical Advisory Panel. Is the new SWCC-appointed committee to be model for technical input throughout the life of the Program? If the SWCC committee is to be interim only, will an independent third-party panel be appointed? When?

- In the past projects appear to have been approved without reference to stated criteria, by parties whose qualifications might called into question. The Final Policy/Plan should forthrightly address the issue of project approval procedures. Will future projects be awarded through a "Request for Proposals" process, conducted by independent evaluators, as we would recommend? Should not an independent Technical Advisory Panel be the mechanism for evaluation? If so, should not this proposal evaluation task be added to the TAP's task list (Policy/Plan, P. 23)?

- Funding to implement the Policy/Plan presently seems to accessed primarily by SWCDs, which are positioned to conduct activities on private land. This would seem, *de facto*, to retard use of the funds in basins with a preponderance of tribal or public lands, as in the Middle Rio Grande Basin. This issue should be clarified. Are tribes or community groups to be accorded equal access to funding with SWCDs, as we would recommend? Can "public" land treatments be integrated programmatically with private land treatments? How?

- One underlying objective of engaging in the Policy/Planning process was to assure improved accountability for the projects undertaken with state funds. The Policy/Plan should address the desirability of progress reporting and set a “timely, transparent reporting” process.

Unfortunately these are substantive, residual issues with past conduct of the Program. Rio Grande Restoration deeply desires resolution of these issues so that they will not be perpetuated into the future. Should the New Mexico Statewide Policy and Plan for Non-native Phreatophyte/ Watershed Management remain ambiguous on these issues, the opportunity to build credibility and ease mistrust with parties such as ourselves, who have long standing interest in riparian restoration, will have been forfeited.

Therefore, I urge the NMDA and the Policy/Plan contractor to include more specific language addressing the concerns we have cited, prior to finalizing the document.

Sincerely,

Executive Director, Rio Grande Restoration