

Office of the State Engineer and Interstate Stream Commission perspectives on WOTUS Changes, NPDES delegation, and a permitting program for WOTS

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The Office of the State Engineer

The State Engineer (OSE) has authority over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries.

OSE permits surface and groundwater diversions

The New Mexico Interstate Stream Commission

The ISC has broad powers to investigate, protect, conserve, and develop New Mexico's waters, including both interstate and intrastate stream systems.

Authority under state law includes negotiating with other states to settle interstate stream controversies.

Authorized by statute to investigate and develop the water supplies of the state and institute legal proceedings in the name of the state for planning, conservation, protection and development of public waters.

The ISC does not issue permits.

Support for the State Discharge Permitting Program – NPDES Delegation and the State Gap Program

Reduce uncertainty after Sackett ruling

Local control and local solutions to NM-specific issues

Potential for State Program to be easier for water users to navigate than EPA Program

Surface Water Advisory Panel (SWAP) process allowed for in-depth discussions from multiple perspectives to help in program development.

Another avenue for greater coordination among State natural resources agencies

Projects that interest the OSE & ISC that could come under a state discharge program

Our purview is water utilization, water rights, and water movement.

We do not have authority over water quality.

Interested in reviewing discharge permits that relate to changes in points of discharge, projects that hold water – stormwater retention projects and beaver dam analogs, and projections that may result in a depletion – habitat restoration or creation projects.

OSE & ISC funded projects that would need to comply with a state discharge permitting program

- Indian Water Rights Settlement projects
- Arizona Water Settlements Act (AWSA) projects
- Rio Grande projects
- Other projects reviewed by OSE that may be subject to state discharge permitting:
 - Water Project Fund projects
 - Colonias Infrastructure Fund Projects
 - Capital Outlay Projects

Questions?

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