

MINUTES OF THE
SANTA FE COUNTY
WATER POLICY ADVISORY COMMITTEE

November 12, 2015
Reviewed and adopted January 14, 2016

Santa Fe, New Mexico

I. This meeting of the Santa Fe County Water Policy Advisory Committee (WPAC) was convened at 5:00 p.m. by Chair Charles Nylander on the above-cited date at the Santa Fe County Public Works Building Conference Room, 424 NM 599, Santa Fe, New Mexico.

II. The following members were present and a quorum was established:

Members Present:

Charles Nylander, District 2
Bill King, Soil & Water Conservation
Mary Helen Follingstad, Northern Planning Area
Steve Rudnick, District 5
Sigmund Silber, Central
Rita-Loy Simmons, District 3
Martha Trujillo, Acequia Association

Member(s) Excused:

Consuelo Bokum, BDD Board
Anna Hamilton, District 4
Rik Thompson, Estancia Basin
Water Planning Committee
[Two vacancies]

Staff Present:

Claudia Borchert, Public Utilities Division Director
Sandra Ely, Aamodt Manager

Others Present:

José Varela López, Santa Fe-Pojoaque Water Soil Conservation District

III. **Approval of Agenda**

Upon motion by Mr. Silber and second by Ms. Simmons, the agenda was unanimously approved.

IV. **Approval of Minutes: September 30, 2015**

Ms. Simmons advised the recorder of a few corrections prior to the meeting and those were incorporated into the recorded minutes.

Mr. King moved to approve the September 30, 2015 minutes as correct and Ms. Simmons seconded. The motion passed without opposition.

SFC CLERK RECORDED 05/24/2016

V. Matters from the Public

José Varela López was present from Santa Fe-Pojoaque Soil and Water Conservation District and deferred his participation until the next agenda item.

VI. Action Items

A. Develop and Approve WPAC recommendation regarding the proposed County creation of Office of County Flood Commissioner

Chair Nylander reminded the committee that at the previous meeting, upon BCC's request, they reviewed background information regarding the creation of a Flood Commissioner position and the County's interest in doing so. In the interim, he reviewed the enabling statutes for both the Flood Commissioner and the Soil and Water Conservation District (SWCD). As a result of that review, he determined it was not a good idea to encourage the BCC to adopt/create a new Flood Control Commissioner. Rather, he recommended encouraging the BCC to engage with the local SWCD and make the most of the tools available from them in regard to flood control. The SWCD can levy taxes to conduct their work and the Flood Commissioner appears duplicative of that sound existing program. SWCD Act was created in the 1960s.

The BCC should take advantage of the existing tools available in the SWCD and develop a joint program to identify areas in jeopardy of flooding.

Ms. Trujillo asked about the Nambe/Pojoaque Basin (NPB) river bed that will connect the Nambe Dam through Pojoaque and end in El Rancho. She asked whether there were flood situations that SWCD was addressing in that area.

Mr. Silber, a supervisor of the Santa Fe-Pojoaque SWCD, said they maintain seven dams and while only one is within Santa Fe County all seven protect the County. He has requested that County GIS identify the number of residences that are protected. The dams were designed for 50-year lives and that period has expired. He discussed the problems relative to flood control with forest fires, flooding and then sedimentation coming in, reducing the useful life of the dam. He said obtaining funding is difficult.

José Varela López introduced himself as having served on the Santa Fe-Pojoaque Water Soil Conservation District for 12 years and the State Soil and Water Conservation Commission – which oversees 47 of the State's 48 districts – for nine years. Six of the seven flood control dams that Santa Fe-Pojoaque SWCD maintains are within Rio Arriba County and provide flood protection for residents in Rio Arriba as well as Santa Fe County. The La Puebla dam is in Santa Fe County. He estimated the different Water and Soil Conservation Districts in the state maintain 96 to 100 flood control dams since being built.

Mr. Varela López acknowledged that there is a lack of information regarding what soil and water conservation districts do in regards to dams. The dams are regulated by the Dam Safety Bureau through the OSE. Most of the dams were built in the 1960s with the primary purpose to prevent saltation of downstream farmland. Over time, as the population grew, the

low-hazard dams evolved into high-hazard dams. In the past the dams protected property from saltation and now the dams' protection includes people.

SWCD needs to talk to Santa Fe County to understand what they envision the Flood Commissioner offering and to share the district's desire to create a watershed district, stated Mr. Varela López. In response to Ms. Trujillo's concerns, he noted that the Nambe Dam is federal and the district has little to do with that; however, once the water leaves the pueblo it is within the district's purview.

Ms. Trujillo said her area is dealing with jurisdictional issues. Properties have been washed out from erosion as a result of flooding and identifying which entity to address the issues for assistance is challenging.

It was noted that a flood commissioner could impose a levy not to exceed 1.5 mill and for Santa Fe Countywide, that would be over \$9 million.

Mr. Varela López said the Santa Fe-Pojoaque District has not levied a tax. Santa Fe County has provided funding over the years to accomplish rudimentary maintenance. Funds have been acquired for dam rehabilitation from federal agencies providing 65 percent with local district providing 35 percent. There is no federal money for maintenance.

Mr. King said Edgewood has cost-share programs with its membership for flood control that he recalled has been in existence since his childhood. He noted that hundreds of erosion control dams were built in the 1950s and 1960s. The people in his district have already paid a mill and he asked whether the County's Flood Commissioner mill would impose an additional tax.

Ms. Simmons remarked that she was surprised that the Town of Edgewood elected to not be part of the Edgewood Soil and Water Conservation District. Ms. Simmons invited Mr. Varela López to attend a Town of Edgewood Council meeting where she serves as a councilor to discuss Water Soil Conservation Districts in regard to flood control.

Chair Nylander pointed out that the Flood Commissioner serves a two-year term, is appointed by the Governor's office and receives an annual salary of \$1. He understood from the statute that the mill was levied on properties within five miles of either side of a stream, river or an arroyo – which covers just about everybody in Santa Fe County.

Chair Nylander said the SWCD Act is user-friendly and collegial as far as working with landowners to solve problems. He recommended that the County focus on working with the SWCD rather than creating the flood commission and a new tax. Ms. Simmons said she would be pleased to see Santa Fe County cooperating at a higher level with SWCD.

Mr. Varela López thanked the task force for their time and excused himself.

Ms. Trujillo said the flooding issues in her area are extremely frustrating. She hoped the County was looking at the Flood Commissioner in an attempt to be pro-active in helping the residents. She added that the trespass and easement issues are very real in the area.

Mr. Silber said there are real trespassing issues with Soil and Water Conservation District dams.

Mr. Rudnick asked whether the County could propose an amendment to the 1921 Flood Commissioner enabling legislation making it more palatable and solve some of the current issues. Chair Nylander said he understood the County's interest had more to do with climate change and possibility of severe flood events during a long-term drought. The County has very complete regulations on stormwater management and flood damage prevention. Working directly with the SWCD would serve the County.

Mr. Silber suggested creating a task force to identify the issues and develop means for dealing with them. "We should all be working together to solve these problems," stated Mr. Silber.

Along with the final recommendation to the BCC to not pursue a Flood Commissioner at this time and rather work with the SWCD, the following points were offered to include in the Chair's memo to the BCC:

- Recommend the County work with/discuss flood control related issues with SWCD especially those that may impact the District's land use plan
- Mention that the Santa Fe-Pojoaque SWCD maintains seven dams that all protect Santa Fe County residences
- Ask the BCC to consider the creation of a task force to map Santa Fe County properties that are protected by the dam(s)
- Santa Fe-Pojoaque SWCD does not levy taxes but has that ability
- SWCD has no land use jurisdiction below their dams and partnering could be synergistic
- Clarify tax stacking implications
- Advise that there are three different SWCDs that have an impact on the Estancia Basin: East Torraine, Ciudad, and Edgewood

Ms. Trujillo pointed out that the acequia concept is thriving in the northern part of the state. Chair Nylander concurred and said the New Mexico Acequia Association is holding its annual Congreso de las Acequias and they recently expanded their abilities to seek funding for repair of acequia infrastructure. He characterized it as a robust cultural practice. Ms. Trujillo said they are currently working to revive acequias that have been covered for a period of time.

Mr. King recalled that the Santa Fe County Land Code granted Water and Soil Conservation Districts authority to look at floodplains within property use.

It was mentioned that there was an overlap between erosion control and flood control.

Mr. King offered to provide additional information about his SWCD collection of about \$500,000 annually from three counties: \$350,000 out of Santa Fe County and an additional \$150,000 from Bernalillo and Torraine counties. He mentioned that once a mill is levied the Water Soil Conservation District is required to have audits, staff, a building, etc.

Chair Nylander noted that according to the enabling legislation, supervisors may invite the legislative body of any municipality or county within, near or comprising part of the district to designate a representative to advise and consult with supervisors on matters affecting property, water distribution or other matters of interest to the municipality or county.

There appeared to be consensus that the aim is to encourage joint discussions on how to better work together.

Mr. King moved to approve the recommendation as outlined by the Chair within the memo dated 11/12/15 with the amendments as discussed. Ms. Simmons seconded and the motion passed without opposition.

B. Review and Approve Draft WPAC 2016 Work Plan

Chair Nylander reviewed the tasks identified for 2016. Following review the tasks were modified and approved as follows:

Task 1: Provide input to and review the County's water policies and work products on the Aamodt Settlement and the County-owned portion of the Pojoaque Basin Regional Water System

Task 2: Review preliminary and final applications for retail and wholesale water and/or wastewater service pursuant to Resolution 2015-121, a resolution adopting procedures governing acquisition, integration, and provision of technical assistance to community water and wastewater systems (ongoing).

Task 3: Ongoing review of SLDC.

Task 4: Provide input to and review the County's water and wastewater master plans and provide recommendations regarding the master plans and how they address regional water planning needs and issues.

Task 5: Review water allocation status in Santa Fe County and develop/review draft water allocation policies.

Activity: WPAC presentation of ~~recommendation(s) with a proposed resolution regarding review of the County's water policies~~ a status report on work products and recommendations on the Aamodt Settlement and the County-owned portion of the Pojoaque Basin Regional Water System as appropriate.

Regarding task 4, Chair Nylander said Commissioner Stefanics is interested in the Committee working on this to ascertain how and if it addresses regional water planning needs.

Ms. Ely referred to the Aamodt timeline and key statutory dates. She reviewed a document that summarizes what has happened and what is anticipated to happen over the next several years. Currently, there is a discussion regarding the placement of a half million gallon water tank in Tesuque. An education video on the well election is under production.

Ms. Ely proposed providing an overall scope of the Aamodt project at the January WPAC meeting. The Committee welcomed that information.

Following a discussion about the inclusion of WPAC's recommendations, Task 3 was created with direction to staff to keep the Committee advised of SLDC movement. Mr. King said he'd like the opportunity to review the code ahead of time rather than review what is already approved. Once passed, there is a six-month review of the SLDC, stated Ms. Borchert.

It was noted that Task 3 informs the BCC that the WPAC is actively discussing the SLDC.

Mr. Rudnick moved to approve the revised 2016 work plan. Ms. Follingstad seconded and the motion passed without opposition.

VII. Discussion Items

A. Update from WPAC Sustainable Land Development Code Working Group

Chair Nylander stated that Mr. Schoeppner collated the WPAC's suggestions and will be working with the Planning Department. Ms. Borchert said those suggestions were passed on to the planning staff – Robert Griego and Paul Olafson – and she was unsure what was being incorporated but understood it was not much.

Mr. King said the only real change he saw in the recent SLDC draft was the inclusion of "light industrial" as a new land use category.

Ms. Borchert said the ordinances for community plans and Development of Countywide Impacts (DCIs) passed. The square footage requirement related to water use has been substituted with water budget requirements that now trigger different actions.

B. Update from WPAC Development Working Group

Having not met in the interim, there was no formal report. Ms. Ely did state that she has attempted to meet with planning staff to ensure that what is reflected in the development flow charts is accurate with the SLDC but Planning staff is unable to dedicate time at this point. A meeting with developers to discuss water issues within the new SLDC and the WPAC's suggestions is still in the planning.

VIII. Matters from the Committee

None were presented.

IX. Matters from County Staff

A. New Santa Fe County Public Works Director

Mike Kelley was unable to attend this meeting.

B. Status of member vacancies on WPAC

The press release seeking new members went out during the week. The representative vacancies are within District 1 and the Mutual Domestic Association.

X. Adjournment

The next meeting was scheduled for January 14, 2016 at 5 p.m.

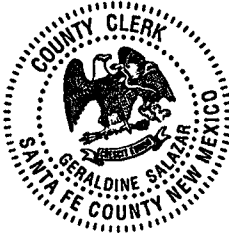
Having completed the agenda and with no further business to come before this Committee, Chair Nylander declared this meeting adjourned at approximately 7:00 p.m.

Approved by:

Charles Nylander
Charles Nylander, Chair

Respectfully submitted by:

Karen Farrell
Karen Farrell, Wordswork



COUNTY OF SANTA FE) WATER POLICY ADVISORY
STATE OF NEW MEXICO) ss PAGES: 7

I Hereby Certify That This Instrument Was Filed for
Record On The 24TH Day Of May, 2016 at 11:13:24 AM
And Was Duly Recorded as Instrument # 1794333
Of The Records Of Santa Fe County

Deputy Estrella Martinez)
Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM