

**MINUTES OF THE  
THE CITY OF SANTA FE & SANTA FE COUNTY  
BUCKMAN DIRECT DIVERSION BOARD MEETING**

**May 2, 2013**

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by, Commissioner Kathy Holian, Chair, at approximately 4:05 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

**BDD Board Members Present:**

Commissioner Kathy Holian  
Councilor Chris Calvert  
Commissioner Liz Stefanics  
Ms. Consuelo Bokum  
Councilor Patti Bushee [alternate]

**Member(s) Excused:**

Councilor Carmichael Dominguez

**Others Present:**

Nancy Long, BDD Board Consulting Attorney  
Steve Ross, County Attorney  
Rick Carpenter, City Water Resources Director  
Erika Schwender, BDD Acting Director

*[Exhibit 1: Sign-in Sheet]*

**3. APPROVAL OF AGENDA**

*[Exhibit 2: Agenda]*

Member Bokum asked for discussion of Consent Agenda item 8, and Commissioner Holian wanted to isolate item 9.

Councilor Calvert moved to approve the agenda as amended and Commissioner Chavez seconded. The motion carried by unanimous [5-0] voice vote.

**4. APPROVAL OF CONSENT AGENDA**

Both items were isolated for discussion.

REC. CLERK RECORDED 05/24/2013

**5. APPROVAL OF MINUTES: March 7, 2013**

Upon motion by Councilor Calvert and second by Commissioner Chavez the minutes were approved as submitted 4-0 with Member Bokum abstaining.

**6. MATTERS FROM STAFF**

ERIKA SCHWENDER (Acting Director): Madam Chair, members of the Board, I would like to give you a brief update on the recruitment process at the BDD. We have various positions vacant at this point and I just want to run briefly through the recruitment process for each position.

The financial manager position was posted internally and we received no applicants but at the time we received six external applicants. Those applications were rolled over into the pool of applicants of the external posting. So after the external posting closed, I think it was April 25<sup>th</sup>, we received a total of 18 applicants for that position. HR is in the process of reviewing those applications and we'll be moving forward as fast as possible.

The BDD operator position closed its recruitment. We'll close the application process on the 10<sup>th</sup> of May. The planner/scheduler position is posted externally until the 20<sup>th</sup> of May. The industrial journeyman electrician position was posted also internally. We received an internal applicant and we will be interviewing that applicant shortly.

The public information/public education officer position has been – is in its final steps. We completed the creation of the job description. It was forwarded to HR and HR is working on its review and will let us know which and if changes will be necessary and we hope to post the position as soon as possible.

And the facility manager position was posted a third time. It closed on the 9<sup>th</sup> of April. We received five applicants; none of them were eligible. None of them met the minimum qualifications and further discussion will take place.

CHAIR HOLIAN: Okay. Thank you. Any questions? Seeing none, we will move on to item 7.

**7. REPORT ON APRIL 25<sup>TH</sup> FISCAL SERVICES AUDIT COMMITTEE**

MS. SCHWENDER: Madam Chair, members of the Board, representatives of the County, the City and the BDD and the Board met on the 25<sup>th</sup> to discuss the emergency reserve fund. During our budget meetings and discussions we have decided that it would be necessary to review the established policies and actually clarify and define procedures on how to access and how to replenish the fund in case we would have to access the fund. We have forwarded draft versions to our partners and during the FSAC meeting we reviewed the draft version. It has been decided that we have come to consensus among the partners. We would like to generate a final version and present that to the Board in June for your approval.

We also briefly discussed an asset management project that the BDD would like to engage in and would like to recruit the help of a consultant. The approach of how to follow through with that and how to secure funding for that, how to carry over funds was discussed during the FSAC meeting and we parted with the take-home that we

would be collecting information on anticipated pricing for those consulting services and bring that forth to the Board in June, hopefully, and at that point discuss how to secure and carry forward funding from this year's budget into next for that particular budget.

CHAIR HOLIAN: Thank you. Any questions?

### **ISOLATED CONSENT ITEMS**

#### **8. Update and Discussion of BDD Operations**

MS. SCHWENDER: Madam Chair, members of the Board, Gary Durrant, our chief operator is on vacation and I would like to stand for any questions. I understand Ms. Bokum pulled the item and I would like to help you with that.

BOARD MEMBER BOKUM: I don't have – it's not so much a question, it's more of a comment. I think things are getting much more difficult in terms of providing water with the drought and everything and it seems to me that this #8 is a really important document in terms of providing information, but I think now that there's less flexibility in the system it would be helpful to have more information. So I would ask that this be put as an action item next time since we can't really talk about content, but I would like to make some suggestions and maybe other people can and we can move towards having this have more substance in it in the future.

The specific thing I wondered about was #4 talks about how much water was diverted by BDD and I think it would be important to be clear about what we're entitled to and break it down by San Juan/Chama and water rights of the City and County and Las Campanas have bought, to be clear about what's been provided to each of those parties, what portion of their share of entitlements they've taken each month, and sort of keep a running track in terms of accessing our full entitlement. It may be that when other people look at this and especially the staff I think there's some other things we may want to do to beef up this report and have more information that it has in it currently.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you, Conci. We have the chart here [*Exhibit 3*] and I'm not sure how much it's related to the questions that Conci's related. Do you have that chart in front of you?

CHAIR HOLIAN: Commissioner, we're going to talk about this in –

COMMISSIONER CHAVEZ: I understand that, but the question is being raised now so I'm wondering if it would be appropriate to review this and answer some of these questions now and take a note of it and we can get to that at that point. I just wanted to refer to it now. Thank you, Madam Chair.

MS. SCHWENDER: Madam Chair, Commissioner Chavez, I appreciate you connecting the two items. They're very closely related. I do understand and I do also appreciate the request for more information. I think that would be very valuable. At this point I could give you some more information regarding the utilization of water rights at the BDD and the process and then prepare a more detailed presentation for next month. Regarding the chart, I would really suggest at this point to wait with this chart until we come to item #9 because this chart really mostly relates forward-looking water diversions and deliveries, especially considering the months of June, July, August and forward, whereas the questions regarding water rights for BDD-related are not represented in this chart, because this is a chart that reflects water production within the

city groundwater usage, but it does not reflect what type of water rights are being used at the BDD. Therefore I would recommend to wait with this chart until we come to item #9.

Regarding water rights usage at the BDD, as a general concept that is being utilized based on experience throughout the last two years we have learned that what we call an optimized water rights accounting system, which is somewhat a pooling of the water rights. The San Juan/Chama water permit calls for calling for the water release in advance to the actual diverse because there's travel time from the reservoirs down to the diversion structure, then taking that into consideration, in changing conditions between especially the County's water usage and what we anticipate in a water call. Each year, all partners provide us with a projection of how much water the partner will use on an average, on a daily basis in month-X.

So the way water usage and deliveries are calculated at the BDD for the County are really depending on the overall water usage which is determined at the end of the month when we take meter readings. We know every day how much water we divert but not on a daily basis how much water is really taken up by the County to the County's customers. So therefore we may be calling for 10 million gallons of San Juan/Chama water and let's say .3 million gallons of native water for the County. But it just happens so that the County may have only taken .2, so there's .1 million gallons of water that will be allocated to the City. But the City only called for 10 million gallons of San Juan/Chama water. So there is a deficiency between the call and the actual diversion, and that is due to not being able to meter exactly what is being delivered every day.

At the end of the month we calculate out what was delivered to the County and subtract that from what was diverted and that is then credited towards native water rights from the County. Because it's a complex system on a day-to-day basis and it is very difficult to really hit it on the spot how much San Juan/Chama water we may need at any time. The partners have agreed to create a combined pool and the BDD adjusts on a frequent basis, on a weekly, biweekly basis so no partner owes too much water to the other partner. Basically, City has only San Juan/Chama water rights and the County mainly relies on native water rights.

So we have a practical water rights management on how much water we're calling for to be released so it's available, but we also have a bookkeeping water rights management so we make sure that all partners are still being charged the right amount to the appropriate water right. So it would be difficult to give you right now without being prepared, an update of where we are standing, but I'd be glad to appropriate that into a more detailed presentation next month and include that as an information item.

CHAIR HOLIAN: Thank you, Ms. Schwender. Member Bokum, do you have any other suggestions for the kind of information that should be included in this item?

BOARD MEMBER BOKUM: Well, when I was thinking about this, it's a little hard because I think like this has information about City wells, the City has to manage its water and its got different sources of water from the County and the County manages its water differently as a result. And BDD is sort of an intersection. So it's hard to know – I wasn't able to sort out for myself exactly what's appropriate for what we need and what the City or the County might need that's additional. Because certainly there are questions and we should be – if we're having trouble getting the water down in

the river in the summer, which this may have in the summer, we need to optimize taking Buckman water out at other times. Unfortunately other times are the winter when the demand is down.

So I think we need to start getting a sense of the numbers and what the supply and demand is at different times, so we can start – it would just help all of us to understand how the system works and maybe what our responsibilities are or what questions we should be asking in terms of management. If that’s clear at all. I just think that part of it is wanting to know what’s going on and part of it’s a planning question. You can’t plan until you understand how the system works and what the variables are, and obviously the variables are changing in ways we didn’t really anticipate. So I just think it will be helpful to start thinking through what kinds of information would help us, additional information would help us understand what’s going on and help us plan for the future, which is getting more uncertain as we go along.

CHAIR HOLIAN: Councilor Bushee.

COUNCILOR BUSHEE: In relationship to that, I think Conci brings up something that we may take for granted, those of us who have been following and participating in water issues for years. A lot of the public, they see ads in the paper for the City wanting to buy water rights, or what’s happening and then they see drought and then they remember back to the years when they were killing their yards and we were giving water to a golf course or we were doing what have you. And I guess what I’m trying to articulate is that sort of an educational overall purpose for what we’ve been doing here when we took on the San Juan/Chama water and why we would need water rights and for what reason. There’s still a real hue and cry out there in the public to try and understand the correlation between growth and tying that to our water supply.

So they see an ad for we want more water rights and they immediately see some mischievous goal. And so I think it’s just for me, kind of translating from Conci, I think there’s just a need for some public education. So whatever report we can put out we can really explain our sources of supply, our future needs, our present needs, our demands, and try and make some kind of picture, a chart, maybe, but some way to define maybe and fill in the blanks for people.

CHAIR HOLIAN: Okay. Thank you. Any other comments, questions?

**9. Drought, Monsoon and Water Resource Management Update**

CHAIR HOLIAN: I understand that Rick Carpenter gave a presentation at the City Public Utilities Committee meeting yesterday evening and I thought it would be good for him to make a presentation to this Board as well. Rick.

RICK CARPENTER (City Water Resources Manager): Thank you, Madam Chair and good afternoon, members of the Board. You have a two-page memo in your packet that was presented last night to the City’s Public Utility Committee and you also have a supplemental graph that was handed out. That’s the one with all the blue on it that you were just discussing. That sort of emphasizes some of the points that are in the memo. The memo is intended to update officials on the severity of the drought as it progresses and the way we manage our water resources, and in particular this Board oversees the Buckman Direct Diversion project and so if I could just emphasize a couple

of the points in the memo and go into detail on some of the more salient ones as they relate to this Board I think it might be helpful.

So overall, I'm sure the Board is aware that we're in the middle of a very severe drought. In fact the last two years have been the hottest and driest on record, and we're in the middle of the third consecutive year, and that's going to present a lot of significant challenges for water purveyors and irrigators up and down the various drainages in the state, not the least of which is the Rio Grande – perhaps especially the Rio Grande.

We've met recently with members from the Bureau of Reclamation, and the Army Corps of Engineers and they have shared with us some recent model runs that they have made. And some of the results are pretty significant. For the purposes of this Board, the second page of your memo, there were two sections, the San Juan Basin and the Rio Grande Basin. I'll start with the San Juan. If there's a bright spot, I guess, in all of this, if you'll remember a couple of months ago the Bureau of Reclamation was projecting only about 80 percent of normal deliveries from the San Juan/Chama project. After that, the San Juan Basin received a couple, two or three pretty significant snow storms and they revised that forecast and they are telling us now that we should expect 100 percent or our allocation of San Juan/Chama water.

They caution us though that reservoir levels are at historically low levels up and down the river, and so even though we're going to get 100 percent of our allocation this year there will be no carry over in the next year. And the monsoon isn't looking so good. The set up is at best neutral and if we don't get significant snow next winter the next water year will be much worse than what we're facing right now. But we will get 100 percent of our San Juan/Chama deliveries.

It's a little more complicated than that. In fact it's a lot more complicated than that. It's really an issue of availability versus accessibility. Available in a sense that there will be water in the reservoir, San Juan/Chama water, but not necessarily accessible. And there are some reasons for that and they relate back up to the previous section under the heading of Rio Grande Basin. The model runs are projecting about 30 percent of normal in the Rio Grande at Otowi Gauge. That's just upstream from the BDD this year, which is significantly low. It may even be lower than that by the time we get there; we don't know. But that's going to set into motion a lot of things, very complicated things that tend to exacerbate one another.

We're told by the federal water managers that the 2003 biological opinion that is intended to protect and preserve endangered species, willow flycatcher, silvery minnow, in the Middle Rio Grande will probably be placed in jeopardy or we might even have an outright take of silvery minnow by the time we get through this year. There will probably be significant stretches on the Rio Grande that just dry up, and so that places agencies like the Fish and Wildlife Service on high alert.

Now the Buckman Direct Diversion has its own biological opinion. We negotiated that in 2007 and so we have coverage under the Endangered Species Act specific to this project, but it's not bullet-proof. It has in it things that we call re-openers. And so if there are significant changes in condition or it looks like the fish is in jeopardy, or if the biological opinion just downstream from us has been busted, Fish and Wildlife Service may start applying pressure in some form or another to this project. We certainly will be scrutinized.

Another thing to note would be that in our biological opinion there are diversion curtailments, so when native flows in the river drop below 325 cfs we have to begin curtailing diversions of native flows. We've seen some graphs lately that indicated that in the most critical months of this coming summer – July, August and September – native flows in the river are going to be very low. The chart goes up and down as you track it through time, but it's right around 300, 350 cfs June, July and August – well, the last half of June, July, August and September. So we're going to be right on the very edge as far as native flows are concerned.

The other thing that's exacerbating all of this is that the Middle Rio Grande Conservancy District, big irrigator downstream, is projecting that they will physically run out of water to divert, to call for and divert San Juan/Chama water, about mid-June. When that happens Albuquerque-Bernalillo County Water Authority may and in fact probably will choose to stop calling for its San Juan/Chama water. And the reason is the less water in the river the more water you lose due to carriage loss as the water travels from the point of release to the point of diversion.

In years past there's an administrative construct that we follow along the river to manage the river that at least for us in this stretch of the river that carriage loss is two percent. We're told that this year is so extraordinary the hydrologic reality of that is probably more like a 20 percent loss, perhaps even more. So you'll see bigger uses, MRGCD in Albuquerque in particular – we're very small compared to them in a relative sense – choosing not to call for their water because the losses, carriage losses along the way are just simply too great.

So for the BDD, what that could mean is in July or August or September, or maybe all three of those months, we could have critically low flows of native water, and nobody else is calling for San Juan/Chama water. So if the Board or the managers decide to call for our San Juan/Chama water it may not get here at all or a significantly diminished amount would get here, or we'd have to call for significantly more amount of water than we can actually divert just to make sure that it does get here. So at some point it makes sense to maybe not call for water at all as well.

So these are some of the challenges I think we're going to be facing as we get into these critical months, July, August and September. So with all the gloom and doom I would call your attention to the graph that I passed out. *[Exhibit 3]* That's the blue and yellow one we were all looking at earlier. Us water geeks have been contemplating all of the variables and scenarios that we can think up and permutations thereof but for this presentation I thought I would show you what I think are the two basic scenarios, or maybe the bookends of what we might expect in the coming months.

Scenario 1, which is the solid colors, is assuming that the BDD continues to divert water all summer. It assumes that there's water in the river and we're choosing to find a way to get it here. Scenario 2 which is the dotted pattern – and, oh, by the way, that's what the graph looks like and there's extra ones by the door where that gentleman just walked in. So if the BDD does not divert during those three critical months, July, August and September, that's what the dot pattern represents.

So there are a couple of take-home messages in addition to some of the complicated nuances we can talk about if you wish, but a couple of the take-home messages are that even if the BDD does not divert for whatever reason, July, August and September, if you follow that black wiggly line at the top, which is intended to represent

our projected demand, we can still meet demand. That's one take-home message. The other thing to understand though, is in order to do that, if you take a look at the graph, what happens when the BDD is not diverting is that the City does a couple of things. It starts to release in large quantities water that it's currently storing – rainy day water – because we're not diverting it now, from the Canyon Road water treatment plant, the upper Santa Fe River. And for those three months we rely heavily on that water instead of BDD water.

It doesn't get us all the way there so we have to make the other decision to turn on a lot of wells, probably the Buckman wells, and pump them very hard for those months. But that's how we're able to meet demand. And so I think maybe, Madam Chair, I would stand for questions.

CHAIR HOLIAN: Thank you, Rick. Councilor Bushee.

COUNCILOR BUSHEE: So the water that will go down the river – I mean are we needing to look at a future different way to store water? Are we ever going to look at aquifer storage or any other deep – this is probably going to be the scenario for some time to come, right?

MR. CARPENTER: Unfortunately, it could be the new normal. Councilor, Madam Chair, members of the Board, aquifer storage and recovery is one option and it's such a good option in fact, that the Pojoaque Basin regional water project – we know it as Aamodt – that's part of their – I believe it's still part of their proposal to have ASR wells, just to pump water in the ground and have it there when you need it. The City's long-range water supply plan contemplates I think 24, 25 different options to meeting future demand, which is something else, by the way, we should report to this Board on pursuant to your question. Three or four of those options, as I recall, at least three of them contemplate various ways of using ASR wells to store water and then call on it when you need it.

COUNCILOR BUSHEE: In the short term, what will be the ramifications of pumping those well so hard? We had some subsidence at one point. I know we've been trying to recover the aquifers.

MR. CARPENTER: Councilor Bushee, that's a good question. In the short term it won't affect things very much. We don't know exactly what the sustainable yield of that aquifer is. It's probably in the 3,000 to 4,000 acre-foot per year range.

COUNCILOR BUSHEE: Per year?

MR. CARPENTER: Per year. When there was the subsidence out there we had been pumping between 5,000 and 6,000 acre-feet and it was hot and dry like it is now, but we'd been doing that for a long time. So we wouldn't be pumping it that hard – we might have to go to 5,000 acre-feet for a year or two, at least this year. But we've been resting those wells since the BDD came on line. We've been pumping that aquifer only 1,000 or a little over 1,000 acre-feet since the BDD came on line in 2010. So they're in good shape. We could pump them hard for a while and not see any adverse effects.

COUNCILOR BUSHEE: So then my final question would just be – and I guess it's to the policy makers. Are we going to look at the demand side in any other new equation, in terms of mandatory restrictions and/or what have you? Because I do believe this is the new normal, unfortunately, and other expensive ways of dealing with things, they always come with a hitch, as we just learned with our new expensive



imported surface water. There's a lot of variables that don't necessarily allow for the deliver of the capacity that we expected. So that's just my question thrown out there to the universe, I guess.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you. I wanted to just follow up or maybe expand on the few points that have been made earlier, regarding education. I think this could be another part of an educational campaign that ties in with some questions about being able to provide the water. Most people are questioning or understanding that we are in a drought and that it will continue. So that would be one of the educational pieces. And then the other piece is maybe some type of water restriction, countywide that could mirror that educational campaign and try to do more if we can. I know we're doing a lot already.

But driving up this morning, along West Alameda, the City, in this case, was watering the grass along the way and there was a lot of fugitive water. And so I think we've been talking a little bit about leading by example and I think that was one case where we need to do better, both as maybe local governments and if citizens, the residents and businesses can do more, if we can squeeze a little bit more, I guess that's one thing that we need to do because we've been good at it, but the situation that we're faced with is maybe going to require that we notch that up a little bit more.

Commissioner Holian and I have been having some brief discussions about the concept of water restrictions of some type in the county. So I just thought I would bring that up and maybe we could expand on that in our discussions as well.

CHAIR HOLIAN: Thank you, Commissioner. Member Bokum.

BOARD MEMBER BOKUM: I don't know where to start; it's all difficult. First of all I want to thank Rick, because he's, one, provided us with a lot of information and two, there's obviously some thought going into what are we going to do in response to this, which is really critical, which – it seems to me the Board has been managing Buckman and now, the City, the County and Buckman need to be doing a lot of planning, I think. And I think you start with facts. I think at some point we need to figure out how – and we've got three bodies and the City has different resources than the County, and we only have a piece of the overlap. So some of these discussions clearly need to be happening, not just here but in the City and the County. And then we've got to figure out what that means for managing Buckman.

But I just feel like we need to move into – and Rick's already done it – move into some planning mode. And maybe we need the plan to plan. We need to figure out how we're going to do it in a way that we have all the information we need and we figure out how to make some of these difficult decisions that you've brought to us and we're facing.

And I agree with Patti. I think demand needs to be a piece of this. We can't just look at supply, how we're going to deal with the supply. So I don't know what to say. Do we want to have – well, first of all I would say we need to have these presentations every time we meet. I think we have a lot to learn and things are changing and we need to know what's going on. So, thank you, Rick and I think we need to continue this.

I would also like to say we shouldn't panic. The facts are what the facts are and we're going to have to learn how to live with them and we should try and figure out the best way we can do to this without getting hysterical or getting divisive. So I would like

to start this process as quickly as we can and be as thoughtful as we can to try and do this as cooperatively as we can.

CHAIR HOLIAN: Thank you, Member Bokum. I just wanted – on that point, I was talking to Rick and Erika earlier and there is some planning that is starting now and I wondered if one of you might comment on the discussions that have been going on among the County, the BDD and the City.

MS. SCHWENDER: Madam Chair, members of the Board. Yes, indeed we have been meeting individually with our partners. We also have had three meetings already since this week, one with the BOR and all partners were present. We also had meetings with the County and the City and today, this morning, we also had another all partners meeting to discuss what our partners’ needs are, what our thought processes are, how to approach this situation, and how to move forward, and that will continue. And by all means, these discussions have not just started in the last week. We have been monitoring this situation and discussing with our partners and within the BDD and the state and federal water managers on a frequent basis. So this is not a new development that we are just now paying attention to but maybe by presenting that information on a more frequent and more detailed basis that will shed more light on it and give you a better understanding of how involved we are.

CHAIR HOLIAN: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: I’m good.

CHAIR HOLIAN: Thank you, Rick. I think.

MR. CARPENTER: Thank you.

COUNCILOR CALVERT: That was the same comment I made yesterday.

**INFORMATIONAL ITEMS**

**10. Update on Status of Riparian Habitat Restoration Work Neat the BDD Project Intake Structure at the Rio Grande**

SANDY HURLOCKER: Good afternoon, Madam Chair and the Board. I’m Sandy Hurlocker, I’m the district ranger at the Espanola Ranger District of the Santa Fe National Forest. Our district includes land up behind Santa Fe as well as the Caja and he access to the river. And so in my time there, I think that I came about 11 years ago into the district as a planner, working on the Buckman project so I’ve got a fairly long history with the Buckman project and our planning. So I thought I would give you a little bit of context, move through this then give the floor to Alan to talk about the actual work.

Some background on this anyway is that this goes back to the decision that was made to allow for use of national forest for the Buckman project and part of that was a mitigation measure for lost habitat. The agreement was to improve some of that wildlife habitat around the riparian area near the project. I think it was about six acres that was part of that and in the big picture that wasn’t very much. And so we had the work that was obligated under the Buckman decision, but it was also we knew that that would be a little piece of a bigger issue down there.

We also consider recreation issues down at the river since it’s the only place in the Espanola District that you can actually get to the Rio Grande. Our planning process didn’t really allow us to include a lot of recreation improvements. We wanted to focus

on the Buckman project itself and so that was our intention for the construction and operation of the Buckman project was to focus on that.

So around the time we were making the decision and shortly after, Alan came along and offered to help us augment some of the work that could be done down there, including the restoration. Alan Hamilton is with the New Mexico Wildlife Federation and we took him up on it once we were kind of far enough along with the Buckman project that we could keep them kind of similar but different. And so we welcomed Alan's addition to our abilities to be able to do the restoration down there that we needed to do, not only for the Buckman project but for it to make more sense along the river.

So Alan got a grant to help with the funding to do the planning, because from the Forest Service standpoint, as welcome as that project is it was not one of the highest priorities for the forest. So his ability to come along with the grant money was very welcome. At the same time he was also able to help us look at the recreation situation that existed and look at kind of out years and what it could be, kind of coming with a vision. We worked with him and the community to really look hard at what that area could be, and I think with the planning we did over the last couple years, which came to a decision last November we were able to start actually implementing some of that improvement down there.

The last thing I would say before I turn it over to Alan is the decision was made in November; it was appealed. Not all the community bought off on all the parts of the decision, and so we are in the process. We did get a resolution of the appeal, but it instructed us to continue to talk to the community members who were not satisfied, and that's what we're in the process of doing. So I'll turn it over to Alan but I'll be here for questions.

CHAIR HOLIAN: Thank you, Mr. Hurlocker. Mr. Hamilton.

ALAN HAMILTON: Madam Chair, members of the Board, thanks for allowing me to come, give you an update. This has been a long process that started probably six years ago and I think the first Board I presented to, it's completely changed at this point. Okay. Just a brief, just to follow up on what Sandy was saying about history, the way this came about, it was really driven by a vision from the Eugene Thaw, from the Thaw Charitable Trust and from the McCune Foundation, foundations here in our community that really saw this as an important resource that was really falling into disrepair because unfortunately, our land use agencies aren't given the funds necessary to maintain them well. So they asked me to be the project manager to see if I could help develop – do some enhancement of the recreation area and restore the riparian areas.

So six years ago we started this process and started it by developing a restoration management plan which then became – we gave to the Forest Service our recommendations on the proposed actions on the environmental assessment. That's taken a long time to get resolved but we knew we were getting close, and in September the Sierra Club, Audubon, New Mexico Wildlife Federation, the City, the County, the BDD, we all got together and arranged the first of two pretty significant cleanup days, because EPA won't allow us to go in and do any enhancement before the trash and the garbage is cleaned up.

So in September we went out there and cleaned up the southern half of the area, mostly south of the diversion and picked up about two tons of garbage and recycled all the glass and the aluminum. And in January we did another cleanup day – again, this one

was sponsored by Audubon and Sierra Club and BDD, thank you vmm, you gave us a dumpster this time and some recycling containers, and we filled the dumpster. So there was another two tons of garbage that we collected and the area was cleaned up and read to go.

So when the decision finally came from the Forest Service, towards the end of February it didn't give us much time because we needed to have the restoration done before the birds start nesting mid-April, and fortunately I found a contractor who could move quite quickly, and this was Wild Earth Guardians, Jim Madison, who is probably the best restoration contractor around anyway, and we immediately started harvesting plant materials down at Bosque del Apache. When we finally got the green light from the Forest Service to go in we worked until probably around the first of April. We cleared and treated about 8.2 acres of very dense Russian olive, salt cedar and Siberian elm. There's a map that I passed out to everybody. [Exhibit 4] You can see this is on Forest Service, a bit of private land, and BLM.

On those lands out there, after clearing and treating those invasive trees on about 2900 linear feet of the river we planted about 2,000 willows, about 750 cottonwoods, and many choke cherries and New Mexico olive. And the really great part about getting Wild Earth Guardians as the contractors for this is that they're hand crew. They don't come in with big machines and just quickly move through the area and we were really able to preserve a lot of the understory. And there was a lot more understory than we had anticipated, and all that's starting to leaf out now and I'd love an opportunity to take any of you, all of you down there for a tour.

We have a little bit of money for the Rocky Mountain Youth Corps to do some additional work down there and I think what we're going to do is put up some raptor platforms and build some bat boxes. I would like to maybe use some of that money for designating some trailheads, maybe some interpretive signs, and most importantly to really figure out ways to curtail the OVR use that's continuing to be a problem out there. They've already torn down the fences we've put up.

I'm working now with a realtor. We're trying to get the family that owns the piece of private land down there that may be interested in donating it. And in ten years there should be a beautiful native bosque there and it's been a long, hard, arduous process but I'm happy to say that it's now probably one of most satisfying jobs, projects I've worked on. So I'd stand for any questions that you might have.

CHAIR HOLIAN: Thank you, Mr. Hamilton. It's a real achievement. First of all, I have a question. For the new trees and shrubs that were planted, given that we're in a drought, are they being watered at all?

MR. HAMILTON: Madam Chair, members of the Board, the studies we did initially, we knew where the water table was and we planted in areas where – willows and cottonwoods will grow from poles. And so these poles that we harvested from Bosque del Apache were probably 15 to 20 feet long, both the willows and the cottonwoods, and so we had a big excavator with an auger which we drilled down and get these poles into the water. So I'm quite confident that we'll have very good success rate with them.

CHAIR HOLIAN: Thank you. Councilor Calvert.

COUNCILOR CALVERT: Thank you. Well, I just wanted to thank you for all your efforts and determination on this project. I know it's been sort of long slog to

get to this point but I appreciate your perseverance and all your efforts to bring this to fruition. I've been on one of those projects and worked the auger and I know that at the end of the day there are going to be some parts of the body that are out of whack when you're done. But it is quite rewarding and it is a great accomplishment so I just wanted to thank you for all your efforts, and for all those other people, like Wild Earth Guardians that were helpful in the process.

MR. HAMILTON: Thank you, Councilor.

CHAIR HOLIAN: Thank you, Mr. Hamilton and Mr. Hurlocker.

## **DISCUSSION AND ACTION ITEMS**

### **11. Consideration of and Possible Action as to Resolution 2013-2: a resolution determining reasonable notice for public meetings for the Buckman Direct Diversion Board and rescinding Resolution 2013-1**

NANCY LONG (BDDDB Attorney): Madam Chair, members of the Board, although the Board will recall that the Open Meetings Act was passed as we always do at the first meeting of the year, January this year, our legislature this year passed some amendments to the Act that go into effect June 14<sup>th</sup> of this year. So we are presenting to you an amended Open Meetings Act Resolution that would conform with those amendments that the Governor has signed.

The two substantive changes are a requirement that agendas be made available 72 hours ahead of a meeting instead of 24 hours. Our agendas are made available about six days ahead at least, so this isn't really a change that affects how we do business, but we do need to have our Open Meetings Act comply with the legal requirements.

Additionally, if we have an emergency meeting, and I don't know that we ever have and we hopefully won't have to, but if we have an emergency meeting, that emergency meeting needs to be reported to the Attorney General's Office on any action taken within 10 days, so we've included that. And we made a few sort of cleanup changes. So we are requesting that you pass Resolution 2013-2 so that we are in compliance. Thank you.

CHAIR HOLIAN: Thank you. Any questions? Councilor Calvert.

COUNCILOR CALVERT: Yes, I would move for approval.

CHAIR HOLIAN: And I will second that. Is there a question?

COMMISSIONER CHAVEZ: Well, I appreciate the efforts of the legislature, I appreciate the clarity in the time, 72 hours, because I guess there was some question about working over that time frame. And honestly, we really didn't have any debate in this bill, the drafting of the bill or I don't know if anyone went to any of the committee hearings. So that's one piece. So the other piece I'm concerned about though is paragraph 6, participation by conference telephone. It says a member of the Board may participate in a meeting of the Board by means of conference telephone or other similar communication equipment when it is difficult or impossible for the member to attend in person.

And I think that that should be used only if and when it's difficult or impossible, not on an ongoing, regular basis, number one. And number two, in my experience when I was a Commissioner, in the Commission Chambers that we're using that used to be an old courthouse, it's similar to the building that we're in that used to be an old school.

And so the building and the equipment don't always mesh and so it's – and the acoustics aren't right, so it's often hard. It's been very difficult for me to hear the question that's being asked or comment being made, and it's even more difficult for those in attendance or those listening via radio or other forms of broadcasting. They're not getting it.

I think Commissioner Stefanics pointed out, or maybe it was you, Commissioner. I don't remember. But in our minutes, when you refer to the minutes there's so many blanks in the minutes because it's inaudible. You can't hear. I don't think that's in the spirit of public meetings or public participation. So I wanted to have some discussion about that before we move forward because I don't know if it's going to work for this Board. I think we may have to make it work, but only in those cases where it's really difficult or impossible for one of us to attend.

The other thing is we have alternates, first alternates, second alternates, so I think that that should cover the attendance for us, for the Board.

CHAIR HOLIAN: Yes.

COUNCILOR CALVERT: I think Commissioner Chavez brings up a good point. I might offer to amend that to say it's allowable only when you need it to meet a quorum. I think that would be a compromise. That way it would be very rare that you would do it, because like you said, we have all alternates.

CHAIR HOLIAN: Actually, I have a question. Has anybody ever called in for a BDD meeting?

MS. LONG: Not in my tenure here. I don't think we have ever had to have someone on the phone. If someone would need to attend to meet a quorum the law allows that but as Commissioner Chavez has pointed out, it should only be used if it would be impossible to attend in person. The idea is to have everyone in the same room and you have to be able to hear each other and hear the questions. The law requires that to. But I think because we have alternates it just has not been a problem. So I think Councilor Calvert's suggestion would work fine for us, that it would be allowable only when needed to make a quorum.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I think we need to be flexible but again, if we have an alternate system set up I thought that that would address the issue of a lack of a quorum. But if it doesn't something's not right.

CHAIR HOLIAN: Do you want to make a motion?

COMMISSIONER CHAVEZ: Well, I think that in this case, Councilor Calvert, I think that we need to stay a little more rigid and be firm on that and allow it only if it's difficult or impossible, or in the event that we may have to have and post a special emergency meeting, and one would have to attend by conference call. That would be perfectly fine, because there's an emergency and if we needed a quorum for that then I think in those cases it should work. But for our normal business I don't think it's appropriate and I would rather leave it out.

CHAIR HOLIAN: Member Bokum.

BOARD MEMBER BOKUM: For a quorum, if I remember correctly, we require three.

COUNCILOR CALVERT: Well, it's not just three.

BOARD MEMBER BOKUM: Oh, I know. It has to be – there has to be at least one City Councilor and one County Commissioner. So we have for each side we

have two delegates and two alternates. So I think it would happen so rarely and I think some times it's important to conduct business in an orderly manner. We've never had to do it so far, so I would argue to accept your criticism that we want to change this, but I think it would be sufficient to say the only time we would do it is if we needed a quorum and the likelihood of that happening ever is – given that we have the system we have – is really minimal. So I think we're safe accomplishing what you want to accomplish but also making sure that we can have orderly meetings.

CHAIR HOLIAN: Any more comments? Commissioner Chavez.

COMMISSIONER CHAVEZ: If we leave the language in the way it's worded, and we've had some discussion, I think that in the spirit of having that flexibility I think we can leave the language in but stress that it shouldn't be done on a regular basis and that we should attend and not abuse this cause so that it's only for difficult or impossible –

CHAIR HOLIAN: So Commissioner, do you have a suggestion for an amendment?

COMMISSIONER CHAVEZ: No. I'm not going to amend it. I'm going to go ahead and leave it.

CHAIR HOLIAN: Member Bokum.

BOARD MEMBER BOKUM: I think we – I would say we only want to do it in the case of a lack of a quorum, and that we expect people – it's only when it's difficult to attend. When there's something keeping people from attending and we need a quorum.

CHAIR HOLIAN: So Councilor Calvert, do you have a suggested amendment?

COUNCILOR CALVERT: Well, I think, as I stated earlier, I think that we would only – the amendment would be that we would only exercise this Section 6 in the event that we needed it for a quorum.

COMMISSIONER CHAVEZ: So if I could then, Madam Chair, Councilor Calvert, then I guess, and I'll refer to our legal, could we then, since it already has language that says it's allowed, a Board member may participate via telephone or similar communication equipment when it is difficult or impossible for the member to attend, that's in there. So could we add language that would say, or in the event that there's lack of a quorum?

COUNCILOR CALVERT: My amendment would be, but only to meet a quorum.

COMMISSIONER CHAVEZ: Where would it be?

COUNCILOR CALVERT: I'd put a comment after person at the very end of that, and then to say but only to meet a quorum. But Nancy can tell me if that would cover it.

MS. LONG: Yes, that's one way to cover it and we could also include at the end of that sentence, and only when needed to meet a quorum, which is the same thing. And you can make your notice requirements and participation requirements stricter than state law requires; those are minimal requirements. So this is allowable and I think considering our history, it will work so that you can still conduct your business and keep within the spirit of what you're trying to accomplish.

CHAIR HOLIAN: Commissioner, is that acceptable to you?

COMMISSIONER CHAVEZ: Yes.

CHAIR HOLIAN: Okay. Councilor Bushee.

COUNCILOR BUSHEE: Besides, in this particular committee, there are a lot of charts and graphs and things that are handed out just as you're here. It's a much harder thing to comprehend without your physical presence.

COMMISSIONER CHAVEZ: Right.

CHAIR HOLIAN: That's a good point. Very good. Okay.

COUNCILOR CALVERT: So to be clear then, the original motion includes that amendment.

CHAIR HOLIAN: And I as the seconder accept that. So we have a motion for an amended resolution and a second.

**The motion passed by unanimous [5-0] voice vote.**

**12. Request for Approval to Procure Laboratory Services from Seven Vendors in the Amount Not to Exceed \$80,000 inclusive of NMGRT under a State Price Agreement**

MS. SCHWENDER: Madam Chair, members of the Board, as you probably recall, the BDD is required to conduct compliance testing, and we also engage in extensive process control as well as river quality and stormwater monitoring program. The samples for those tests are usually being sent out to independent laboratories, especially certified laboratories and for that purpose we include various laboratories. We have been greatly utilizing the services of Hall Environmental Laboratory in Albuquerque to support a local business, as well as for having great success with that laboratory. They've been compliant and very accommodating.

Under the state agreement, which actually has a pricing agreement with seven laboratories, we would be greatly benefiting on discount pricing, on analytical costs and it also would allow us to actually participate or send to laboratories other than Hall Environmental. So in case of a backup or an emergency service that we would require, we do have the alternative contract already in place with other laboratories and that particular contract was approved last year and the state extended its contract and we would like to request your approval to allow the BDD to recruit those services again for the upcoming fiscal year.

I would like to point out though that the state services contract is really only in place until the end of May, so services for the month of June would have to be covered in a different manner unless the contract would be extended again and we would bring it back in front of the Board.

CHAIR HOLIAN: Councilor Calvert.

COUNCILOR CALVERT: When you say May, that's May 2014.

MS. SCHWENDER: That is correct.

COMMISSIONER CHAVEZ: Okay. So we're going to come up a little shy at the end of the fiscal year, right? As to coverage.

MS. SCHWENDER: That is correct. However, I made sure that funding is available for the additional services in June.

CHAIR HOLIAN: Any further questions?



COMMISSIONER CHAVEZ: So the deliverables would be water sampling?

MS. SCHWENDER: The deliverables are actually analytical services. We conduct our own sampling, and send the samples to the laboratory.

COMMISSIONER CHAVEZ: Ah, got it. Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Is there a motion?

COUNCILOR CALVERT: Move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second for approval of the price agreement.

**The motion passed by unanimous [5-0] voice vote.**

### **MATTERS FROM THE PUBLIC**

CHAIR HOLIAN: Is there anyone here from the public who would like to address the Board? Please come forward and state your name for the record.

MICHAEL AUNE: Madam Chair, Board members, I'm Michael Aune. I worked for 24 years as an executive and manager in government. I'm a voter and a taxpayer now in Santa Fe County. 1992 is when I first became concerned about government entities approving development in the face of dwindling water resources. That's when I was in the deputy director's capacity – different job title – with the City of Phoenix Community and Economic Development Department. And I acted over three years from within the system. In 1995 I left working within government and I continued my concerns with water issues outside of government.

A few years ago I said I swore off of it. I wasn't going to do this anymore. After the Las Conchas fires and I saw the flooding at Bandelier and Santa Clara Canyon and other areas I became very concerned about the infrastructure of the San Juan/Chama project. And as you know, I've been before this Board many times over the past year and a half I've give you photographs expressing those concerns. Before you, you have on your desks – there's at least six copies up there so there should be an extra one – that says New Mexico State legislature. [Exhibit 5] That was one letter that went to Senator Tom Udall. There were five total letters, one to each member of New Mexico's United States congressional delegation.

You'll also notice that particular one relates to HJM 24. HJM 24 first passed the House Agriculture and Water Resources Committee, the full house, it passed the Senate Conservation Committee, the Senate Rules Committee and then the full Senate. It address specifically the San Juan/Chama project. Initially it included all of the national forests within the state of New Mexico. Unfortunately, the State Engineer, when we first did this in February kind of stood in opposition to it thinking it was too big a task to undertake.

I'm thankful now that he did that because it provoke much more conversation about why aren't the national forests being addressed, and that resulted in HM 64 and HM 65. I've previously given you a letter of the copy of HM 65. It went also to our United States congressional delegation. This particular letter, you'll notice in the other

letters that I sent to various people across the state of New Mexico, I refer to what the state legislature called me as their expert witness. I wrote this particular letter. I wrote HJM 24. I have a little bit of a clue. I appreciate very much what Ms. Bokum has been talking about. I appreciate very much that Rick Carpenter at a public meeting finally has addressed the kinds of things that I've been saying and providing photographs of.

This past Tuesday morning I was at the Clear Creek Falls, which is where Spring Creek and Clear Creek come close together and that's one of the northern-most tributaries to the Rio Grande, 25 miles north and west of Creek, Colorado. I was looking south. That means I'm looking at the north sides of the mountains. There's no snow there. Only the tops of the 12,000 and 13,000-foot peaks have snow. Three miles from that particular point is where those two tributaries flow into the Rio Grande where the Rio Grande exits the mountains. So when you're looking at water in the Rio Grande, the snowfall doesn't exist. I also was in the area of the San Juan drainage, the Little Navajo, the Navajo, the Rio Blanco last weekend. I stayed that Blanco campsite on Heron Lake. I've been to El Vado dam again, as I do every three to four weeks. And I implore you – I could give you more photographs but you don't pay any attention to those. Go there and look for yourself. Ms. Bokum, you can do it. Arrange a trip. Go to El Vado dam. Go to the state park down at the bottom and you stand where water is, you're looking up 100 feet to where the water is supposed to be. If it was full you'd be under 100 feet of water in El Vado Lake.

The Army Corps of Engineers runs Abiqui Lake. And Abiqui Lake is primarily set up or the Albuquerque-Bernalillo Water Authority. And you may be able to draw some water down from there but the Chama Valley times has talked about there is no water. El Vado Lake and Heron Lake is almost empty. That's their word, the people that live up there.

So all I'm asking you to do is to pay attention, not to panic. There are constructive things that we can do. HJM 24 is one of those. HM 65 is another. The letter that you see there addressing watershed plans within various counties is another. There's a whole lot of things that can be done. So thank you, Ms. Bokum for speaking out. Thank you, Mr. Carpenter, if you're still here. He's not. We do have a serious situation. It's a worst-case scenario. And what makes this drought different, one last statistic, since 1960 CO<sub>2</sub> is up to 400 parts per million in the atmosphere. That's a 16 percent rise in the last 50 years. CO<sub>2</sub> in the atmosphere means less snow, less rain, changing weather patterns. It's real. It's different. We need to address it.

CHAIR HOLIAN: Thank you, Mr. Aune. Is there anyone else who would like to address the Board? Seeing none, we will move on to Matters from the Board.

**MATTERS FROM THE BOARD**

CHAIR HOLIAN: Does anybody have any issues? Actually, I would like to just mention something that I think is relevant to the discussion that we have had today and that is that at our last Board of County Commissioner meeting we voted to create a Water Policy Advisory Committee, and the purpose of that committee is to make recommendations to the Board of County Commissioners about various water planning topics. For example, they will be making recommendations regarding the new Sustainable Land Development Code, which we are in the process of drafting, with

regard to the water policy that's in there. They will be making recommendations on how to grow our water/wastewater utility, which is just now getting off the ground. They will be looking at an aquifer storage pilot project as well in the county. That's moving forward and the County has actually allocated money for that at this point.

They will also be studying the concept of possibly creating at some point in the future a regional water authority and they will also be making recommendations on various water plans, like our 40-year water plan in the county. So I thought that might be of interest to this Board. Councilor Bushee.

COUNCILOR BUSHEE: Well, and since the City has a Water Conservation Committee I wonder if one shouldn't merge them and put them under this authority in some way. I guess what's missing is the communication between the two committees. We had something – I actually created something a million years ago through the RPA and that now has been abandoned sort of 100 times over, so I just wonder if there shouldn't be some – and I assume this is a citizen committee of some kind.

CHAIR HOLIAN: Yes, indeed. It is. I think the plan is to bring all different entities into this committee. There are 12 members on it.

COUNCILOR BUSHEE: Is it a Commission board?

CHAIR HOLIAN: No, it's a committee of citizens.

COUNCILOR BUSHEE: But I mean under the County?

CHAIR HOLIAN: Yes.

COUNCILOR BUSHEE: I just wondered if there wasn't some way to make it more City-County or regional in its focus. I'm just saying you have an effort, we have an effort.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: That's a good point and remembering back even before the RPA, Councilor Bushee, there was at one time and it may still have been under the County auspices, the Metropolitan Water Board. But maybe we could – right. Exactly. He's gone on. But maybe – I think that on the regional perspective, maybe that would be a way to bring all of the parties together, both local governments, right? Plus the management of the BDD to be in the same place at the same time having the same discussion. Maybe not every month but at least on a quarterly basis or something like that.

COUNCILOR BUSHEE: And it might even lead to the sort of beginnings of the regional authority that we need to have that we sort of waffle on.

CHAIR HOLIAN: And I think that this committee is envisioned to be regional in nature because they're bringing in members who will represent mutual domestics and water associations and so on and so forth.

COUNCILOR BUSHEE: Well, we have regional transit and transportation groups already formed for years and we don't really have any – we have the Jemez y Sangre and other groups out there planning but we don't have any that fall under the authority of either the City or the County or both, and I think it's really a missing piece of the puzzle. But I applaud your efforts and would love to see us somehow grow them and join them.

CHAIR HOLIAN: Good point. Thank you. Anything?

COUNCILOR BUSHEE: Rain. Please have some rain.

REC. CLERK RECORDED 06/24/2013

CHAIR HOLIAN: Can we put that as an agenda item for our next meeting: Rain.

COUNCILOR CALVERT: To at least phone in.

**NEXT MEETING: Thursday, June 6, 2013 @4:00 P.M.**

**ADJOURNMENT**

Having completed the agenda, Chair Holian declared this meeting adjourned at approximately 5:25 p.m.

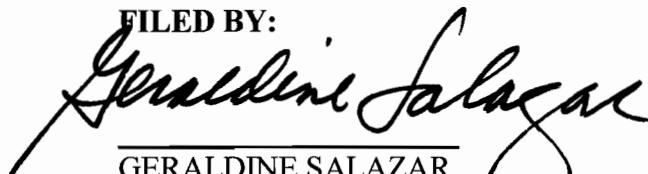
Approved by:

  
Kathy Holian, Board Chair

Respectfully submitted:

Debbie Doyle, Wordswork

**FILED BY:**

  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK  
6/21/2013

**ATTEST TO:**


  
YOLANDA VIGIL  
SANTA FE CITY CLERK



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BUCKMAN DIRECT DIV MIN  
PAGES: 29

I Hereby Certify That This Instrument Was Filed for Record On The 24TH Day Of June, 2013 at 02:54:43 PM And Was Duly Recorded as Instrument # 1709928 Of The Records Of Santa Fe County

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



**BUCKMAN DIRECT DIVERSION BOARD MEETING**

**SIGN IN SHEET**

**May 2, 2013**

**NAME (Please print)**

**ORGANIZATION**

<i>E. Andrea Carlson</i>	<i>Las Campanas Water &amp; Sewer Co.</i>
<i>MICHAEL AUNE</i>	<i>VOTER/TAXPAYER</i>
<i>David Bacon</i>	<i>HSFR rd 10 LOK</i>
<i>Don MORSMAN</i>	<i>Los Campanas Water Sewer Co.</i>
<i>PAUL KARAS</i>	<i>CDM SMITH</i>
<i>Sandy Hurlocker</i>	<i>Forest Service - Santa Fe National Forest</i>
<i>Alan Hamilton</i>	<i>New Mexico Wildlife Federation</i>
<i>Rick Carpenter</i>	<i>City of Santa Fe - Water</i>
<i>MARCOS A. TAPIA</i>	<i>City of Santa Fe - Fin</i>
<i>JEN Sakshang</i>	<i>Club at Las Campanas</i>
<i>Wendell T. Egethoff</i>	<i>The Club at Las Campanas</i>
<i>Rick Whbarri</i>	<i>LANZ</i>

REC. CLERK RECORDED 05/24/2013

City of Santa Fe



New Mexico

CITY CLERK'S OFFICE

DATE 4/25/13 TIME 10:30

SERVED BY Stephanie A. Lopez

RECEIVED BY [Signature]

EXHIBIT

2



**AGENDA**

**The City of Santa Fe  
And  
Santa Fe County**

**Buckman Direct Diversion Board Meeting**

**THURSDAY, MAY 2, 2013  
4:00 PM  
CITY HALL  
CITY COUNCIL CHAMBERS  
200 Lincoln**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE MARCH 7, 2013 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF
7. REPORT ON APRIL 25, 2013 FISCAL SERVICES AUDIT COMMITTEE

**CONSENT AGENDA**

8. Update and discussion of BDD operations. (Gary Durrant)
9. Drought, Monsoon and Water Resource Management Update. (Rick Carpenter)

CITY CLERK RECORDED 06/24/2013

**INFORMATIONAL ITEMS**

10. Update on Status of Riparian Habitat Restoration Work Near the BDD Project Intake Structure at the Rio Grande. (Alan Hamilton and Sandy Hurlocker)  
**VERBAL**

**DISCUSSION AND ACTION ITEMS**

11. Consideration of and possible action as to Resolution 2013-2. A resolution determining reasonable notice for public meeting for the Buckman Direct Diversion Board and rescinding Resolution 2013-1. (Nancy Long)
12. Request for approval to procure laboratory services from seven (7) vendors in the amount not to exceed \$80,000.00 inclusive of NMGRT under State Price Agreement 10-805-00-06789. (Erika Schwender)

**MATTERS FROM THE PUBLIC**

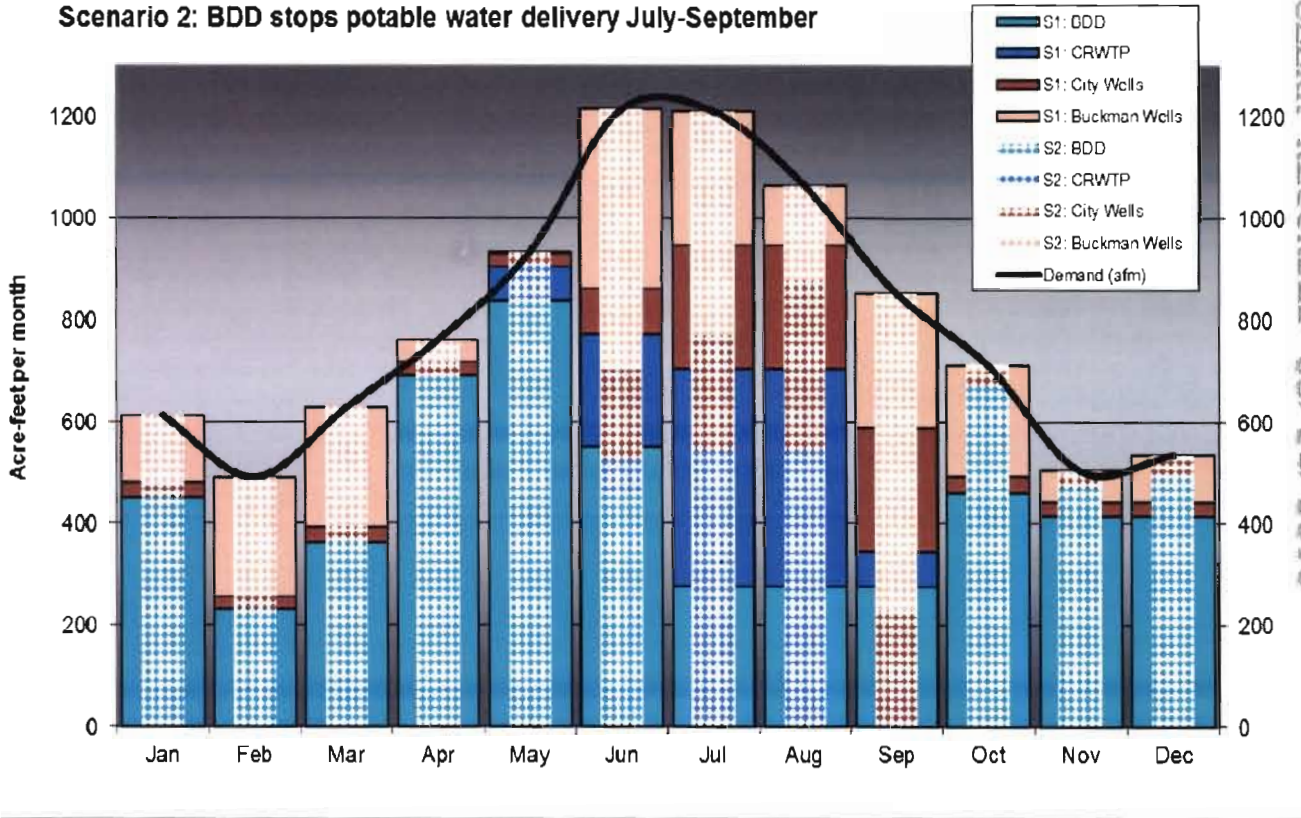
**MATTERS FROM THE BOARD**

**NEXT MEETING: Thursday, June 6, 2013**

**ADJOURN**

**PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.**

**Scenario 1: BDD continues to divert all summer**  
**Scenario 2: BDD stops potable water delivery July-September**



CLEAR RECORDED 05/24/2013



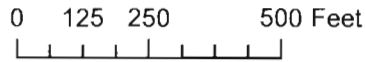
### BDD Riparian Maintenance Area

#### NMWF Treatments

#### Ownership

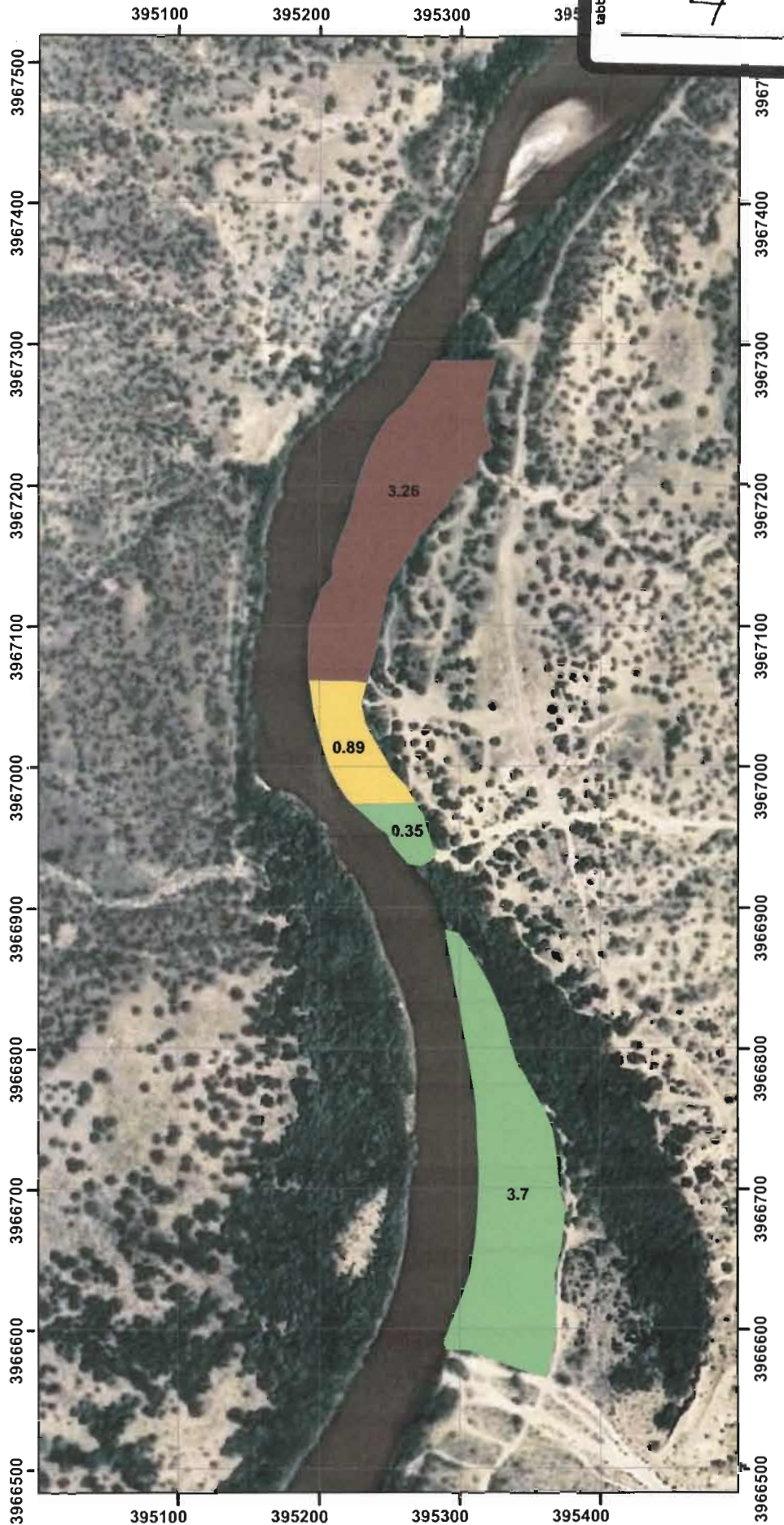
- BLM
- Private
- USFS

Treatmet Area - 8.20 acres  
BLM - 3.26 acres  
Private - 0.89 acres  
USFS - 4.05



Map Created by Todd Caplan  
GeoSystems Analysis  
April 2013

Grid Projection  
UTM NAD 1983 Zone 13N



FILED  
RECORDED  
2013 APR 24 10:15 AM  
CLERK



EXHIBIT  
5

# New Mexico State Legislature

STATE CAPITOL  
Santa Fe

April 10, 2013

The Honorable Tom Udall  
United States Senate  
110 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Udall:

The New Mexico Legislature is forwarding 2013 House Joint Memorial 24 (HJM 24), which passed both the house and senate with unanimous bipartisan approval, to the New Mexico congressional delegation and to federal land managers associated with the United States San Juan-Chama Project in New Mexico and southern Colorado. It should be noted that during this process, HJM 24 passed the House Agriculture and Water Resources Committee, the Senate Rules Committee, and the Senate Conservation Committee with no dissenting votes.

It is the concern of the New Mexico Legislature that, because of recent catastrophic wildfires on public lands that resulted in significant damage to watersheds including through Bandelier National Monument, Cochiti Canyon and Santa Clara Canyon, the San Juan-Chama Project watersheds in southern Colorado are at major risk of similar damage. It is the desire of the New Mexico Legislature that proactive best management practices be initiated prior to any potential wildfire and flooding in the headwaters region for the San Juan-Chama Project.

The San Juan-Chama Project provides a primary source of water for domestic and agricultural use for a majority of the population within central New Mexico. With the ongoing drought, it is critical that the San Juan-Chama Project region be protected in order to maintain this water supply, and to prevent disruption to this water supply caused by damage to the infrastructure. It is imperative that such damage be prevented in advance due to the even higher cost of major repair or replacement for the San Juan-Chama Project infrastructure.

Therefore, the New Mexico legislative leadership seeks to have you, as part of New Mexico's United States Congressional delegation, to request the United States Department of Interior, Bureau of Reclamation, and the United States Department of Agriculture, Forest Service, establish a work group of the appropriate water, land and emergency management agencies to work with New Mexico state agencies to proactively protect the San Juan-Chama Project diversions, conveyance and storage facilities from wildfire and flood damage.

RECORDED  
56/21/5813

The Honorable Tom Udall  
April 10, 2013  
Page 2

Sincerely,



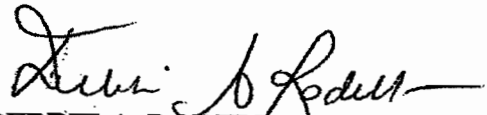
CARL TRUJILLO  
State Representative, District 46



PETER WIRTH  
State Senator, District 25  
Chair, Senate Conservation  
Committee



NANCY RODRIGUEZ  
State Senator, District 24



DEBBIE A. RODELLA  
State Representative, District 41



BRIAN F. EGOLF, JR.  
State Representative, District 47



JIM R. TRUJILLO  
State Representative, District 45



STEPHANIE GARCIA RICHARD  
State Representative, District 43



LUCIANO "LUCKY" VARELA  
State Representative, District 48

cc: The Honorable Susana Martinez, Governor of New Mexico  
Sally Jewell, Secretary, United States Department of Interior  
Tom Vilsack, Secretary, United States Department of Agriculture

CT/PW/NR/DAR/BFE/JRT/SGR/LV(mja)

MICHAEL AUNE WROTE THIS + CORE OF SJM24  
FOR REP. CARL TRUJILLO, FACILITATED SIGNATURES AND  
MAILINGS TO EACH OF THE FIVE MEMBERS OF NM  
U.S. CONGRESSIONAL DELEGATION.

3800 CLERK RECORDED 05/24/2013

EXAMPLE OF INFORMATION THAT  
HAS NM-WIDE DISTRIBUTION.  
April 23, 2013

Representative Dona G. Irwin  
420 South Slate  
Deming, NM 88030

Hello, Congresswoman Irwin:

I met you at the NM Legislature when I was the expert witness for Rep. Trujillo's HJM 24 and testified in favor of Rep. Salazar's HM 64 and Rep. Herrell's HM 65 before the House Agriculture and Water Resources Committee. I am providing you a resource you may use or modify to help your counties (Grant, Hildalgo, Luna) gain a better, more credible seat at the table when watershed plans are discussed with federal land managers as called for in that legislation

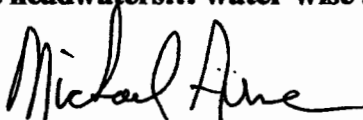
I have enclosed:

- a) NM Legislative bi-partisan letter to U.S. Congressional delegation on HM 65;
- b) sample/model draft resolution for counties to use to develop the local watershed planning process if counties want to be involved as called for in HM 65, i.e. **"integrate local, state, and tribal watershed plans"**, when I'm pretty sure most of those local entities do NOT have such plans in place, or if they do, have they been modified since the drought and wild fires;
- c) letter I've prepared to U.S Congressional delegation on HJM 24, the process I began a year and a half ago (Note: I worked within government for over 24 years. I understand the "process");
- d) a little info on the kinds of things I have done so you know better about my efforts. I am unpaid and do not represent any organization, just New Mexicans who like/need water.

It may be a good idea for you and/or another local NM Representative or Senator to take this Resolution to the local County Commissions because of the benefits for local legislators relative to the County Resolution on a local watershed planning process that includes all of our public lands. You are the only one for your counties that is getting this. This is YOURS.

- 1) NM legislators AND the County Commissions can show constituents you/they are acting on their behalf when it comes to their drinking water and agricultural water needs, the economic impact of reduced water, as well as "native water" for wildlife habitat and fisheries;
- 2) NM legislators interaction as an agenda item with the County Commission can show that the State Legislature has taken this issue very seriously, and that they support the County Commission in addressing this at the local level so their concerns may be heard by the interim Water and Natural Resources Committee through their own locally-originated plan;
- 3) NM legislators and the County Commissioners can cite this interagency coordination you all have originated within your counties, their legislative District, and possibly the Soil and Water Conservation Districts on this critical issue as the above plans come together;
- 4) all of this can be discussed when you, NM legislators, or the County Commission presents at any town hall meetings or public forums.

It is my hope that the three work groups identified within the Resolution will enable the local communities to take ownership of this watershed plan process so that all voices may be heard in the counties and presented at the federal level. After all, YOU all own these "public lands". This is yours. I'm not dictating what the resultant watershed plan may look like. That's up to the County participants. I'm providing you with this tool so you may try and preserve your water resources beginning at the headwaters... water-wise and people-wise. Best wishes!

  
Michael Aune  
P.O. Box 32625  
Santa Fe, NM 87594

MY HOPE: EMPOWER  
OTHER PEOPLE TO  
HAVE A VOICE AND  
TAKE ACTION. MJA

OFFICE CLERK RECORDED 05/24/2013

Caren Cowan, Executive Director  
New Mexico Cattle Growers Association  
P.O. Box 7517  
2231 Rio Grande Blvd., NW  
Albuquerque, NM 87194

April 23, 2013

Hello, Ms. Cowan:

I met you at the NM Legislature when I was the expert witness for Rep. Trujillo's HJM 24 and testified in favor of Rep. Salazar's HM 64 and Rep. Herrell's HM 65 before the House Agriculture and Water Resources Committee. I am providing you a resource you may use or modify to gain a better, more credible seat at the table when watershed plans are discussed with federal land managers as called for in that legislation. I think that the Cattle Growers Association is an essential component due to your industry and the water issues addressed.

I have enclosed:

- a) NM Legislative bi-partisan letter to U.S. Congressional delegation on HM 65;
- b) sample/model draft resolution for counties to use to develop the local watershed planning process if counties want to be involved as called for in HM 65, i.e. **"integrate local, state, and tribal watershed plans"**, when I'm pretty sure most of those local entities do NOT have such plans in place, or if they do, how have they been modified since the drought and wild fires;
- c) letter I've prepared to U.S Congressional delegation on HJM 24, the process I began a year and a half ago (Note: I worked within government for over 24 years. I understand the "process");
- d) a little info on the kinds of things I have done so you know better about my efforts. I am unpaid and do not represent any organization, just New Mexicans who like/need water.

It may be a good idea to get a local NM Representative or Senator to take this Resolution to the local County Commissions because of the benefits for local legislators relative to the County Resolution on a local watershed planning process that includes all of our public lands:

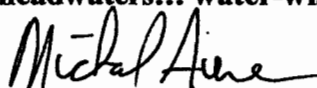
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It is my hope that the three work groups identified within the Resolution will enable the local communities to take ownership of this watershed plan process so that all voices may be heard in the counties and presented at the federal level. After all, YOU all own these "public lands". This is yours. I'm not dictating what the resultant watershed plan may look like. That's up to the County participants. I'm providing you with this tool so you may try and preserve your water resources beginning at the headwaters... water-wise and people-wise. Best wishes!

  
Michael Aune  
P.O. Box 32625  
Santa Fe, NM 87594

REC'D  
SERIAL RECORDED  
65/21/2013