

MINUTES OF THE
SANTA FE COUNTY
WATER POLICY ADVISORY COMMITTEE
MEETING

October 10, 2024

Santa Fe, New Mexico

1. A. This meeting of the Santa Fe County Water Policy Advisory Committee (WPAC) was called to order at approximately 4:00 p.m. by Chair Shann Stringer on the above-cited date in the Plaza Conference Room, 100 Catron Street Santa Fe, New Mexico. The meeting was conducted as a hybrid with people attending in person and on line.

B. A quorum was achieved with the following members present:

Members Present:

Shann Stringer, Chair
Amy Jordan [Webex]
Peter Gowen
Laird Graeser
James Mike Henry
John Kadlecek
Darrin Muenzberg
Stephen Schmelling

Member(s) Excused:

Jeff Montoya
Commissioner Bustamante [non-voting
member]
Emily Wolf

County Staff Present:

Sara Smith, Manager's Office, Operations Manager
Cristella Valdez, Assistant Attorney
Hvtce Miller, Intergovernmental Outreach Coordinator
Michael Carr, Public Works, Compliance Officer [Webex]
Leandro Cordova, Deputy Manager [Webex]
Brett Clavio, Planning Manager
Alexandra Ladd, Growth Management Director
Andrew Harnden, Open Space Resources
Travis Soderquist, Utilities Deputy Director [Webex]
Brittney Montoya, Constituent Services Liaison

Others Present:

Carl Dickens, Pipeline Coalition
Casey Cook, Molzen Corbin for Cañada de los Alamos [Webex]

Others Present (cont.):

Chita Gillis, Cañada de los Alamos [Webex]

Paul White, Public

Jamie Davis, Public

[There were some audio issues with those participating by Webex]

C. Approval of Agenda

There were no changes and Mr. Gowen moved to approve the agenda as published. Mr. Kadlecek seconded and the agenda was unanimously approved.

D. Introduction of WPAC Guests

Paul White and Jamie Davis were introduced as interested citizens.

2. Approval of Meeting Minutes

A. September 5, 2024

Mr. Graeser moved approval. Mr. Schmelling seconded and the motion passed without opposition.

3. Discussion Items – None were presented

4. Miscellaneous Action Items

A. Consideration of Approval of WPAC Report Pursuant to Resolution No. 2015-121, Concerning the Application of Cañada de los Alamos Mutual Domestic Water Consumers and Mutual Sewage Works Association for Bulk Water Service from Santa Fe County

Mr. Gowen presented the report developed to accept the application that was presented in full by Cañada at the September meeting. The draft report was distributed early October via email for review and suggestions and edits were solicited.

Mr. Schmelling noted a discrepancy in the numbering of attachments and Mr. Gowen offered to correct that.

Mr. Muenzberg complimented the efforts that went into putting the report together. In terms of the conditions for acquisition, he said from the perspective of traditional communities and existing water right holders on the Santa Fe River there could be perceived a potential conflict between traditional users and new development within the County.

Mr. Muenzberg proposed this report could be an opportunity to establish a position on sustainable development in terms of water policy and planning. He raised the following points:

- This project is solely for the benefit of the Cañada de los Alamos and the 25 requests on their waiting list

- Continued development in the area should be limited because of the scarcity of resources
- Diffuse the threat to traditional users by conditioning the 440 new homes that this pipeline will serve to provide a portion of wet water to the lower Santa Fe River for those who rely on surface water for agriculture and domestic water
- This agreement is an opportunity to start catching up on 100 years of over appropriation of water and create more balance and equity going forward

Mr. Muenzberg expressed apprehension regarding the future connectors within the area that the pipeline is crossing through and intentionally oversized to serve. Traditional users suffer from the accumulated effects of upstream over appropriation. If the County is building infrastructure that promotes development with the use of wet water then there needs to be a commitment to return wet water back to the lower Santa Fe River.

In response to a question of a return-flow pipeline, Mr. Muenzberg said his recommendation was in principle not how it is feasibly executed or implemented.

Mr. Schmelling didn't disagree with Mr. Muenzberg's proposal but emphasized it was not appropriate for this application/report. It will stall Cañada's project and hold them hostage to the condition. Mr. Graeser agreed adding that this project needs to move forward and that the return-flow pipeline is a high priority in the work plan.

Chair Stringer suggested adding it as a "suggestion" to the BCC to consider while building the delivery pipeline they add a return-flow pipeline.

Ms. Jordan supported the report and moving it forward without adding more conditions.

A condition of acquisition needs to be accomplished before the project moves forward. Mr. Gowen said he could not support additional conditions outside the purview of this specific project. However, the suggestion/condition is appropriate under "Divergence of Opinion."

Mr. Muenzberg said he did not want to impede service to Cañada. He understood the pipeline overdesign may be justification for cost effectiveness; however, development in that area has not been deemed sustainable. In fact, adding the pipeline serves as an incentive to build in the area. Perhaps develop conditions applicable to those benefitting from the line being oversized.

Mr. Graeser suggested that he, Mr. Muenzberg, and Mr. Gowen work on the language.

Mr. Gowen moved to permit a "divergence of opinion" of the proposed acquisition to be submitted by Mr. Muenzberg that could be included in the report without further consideration. Mr. Schmelling seconded. The motion passed by majority voice vote with Mr. Kadlec casting the sole nay vote. He qualified his dissenting vote stating he wanted to read the opinion.

Chair Stringer recommended that the divergent opinion be sent to Sara Smith for dissemination to the committee.

Assistant County Attorney Valdez said that to the extent it is sent out to the entire Committee,

there should be no further comments or revisions.

Chita Gillis advised the committee that it was the County Utilities Department that wanted the design to include larger sized pipe to serve the people in the area of the Old Santa Fe Trail that have deep wells that are going dry or contain uranium. The Department anticipated that once the pipe was being installed the area residents would request water. New development was never mentioned.

Mr. Graeser offered a “supplemental” comment regarding financing that would not amend the report. He noted the project will require about \$12.5 million of County funds and suggested the County Finance Department work with the state who recently received \$479 million from the infrastructure law for water projects. That adds to the state’s contribution to the Water Trust Fund for allocations. He suggested a formula for using and obtaining financing. He noted that Ms. Gillis has successfully tapped every source available including USDA which are restricted to small communities.

There was no disagreement with including Mr. Graeser’s suggestions under “additional finance suggestions.”

Mr. Gowen explained that an MOU will not be developed until this report is approved by WPAC and the BCC approves the project moving forward. This report reflects approval of the preliminary application. WPAC will have an opportunity to review the MOU and the final application.

Mr. Muenzberg moved to approve the report as submitted with the addition of the finance suggestions and the additional comments to be wordsmithed. Mr. Kadlecek seconded. The motion passed by unanimous voice vote.

Mr. Gowen said the additional comments will be finalized and then submitted to the BCC. He offered to assist in formulating the language with Mr. Muenzberg. Mr. Muenzberg’s language should be part of the process for future hookups. Any Santa Fe County water rights that can be returned back to the Santa Fe River is a bonus to the downstream users, stated Chair Stringer.

Mr. Gowen received a round of applause for his work on this topic.

Chair Stringer said Resolution 2015-121 has the process backwards and needs to be fixed.

4. Miscellaneous Action Items

A. Discussion and Finalization of the Water Policy Advisory Committee’s 2025 Work Plan for Presentation to the Board of County Commissioners

[List available on Boarddocs]

Ms. Smith said an email request to complete the form ranking the initiatives was tallied. There were eight responders. Mr. Gowen also presented a spreadsheet and scoring by urgent, important, somewhat important and not important and consider in 2026.

The question of whether urgent and important should be separated came up. The consensus was no, it serves to identify relative importance.

Without having goals it is difficult to determine appropriate measures.

Regarding review of the PFAS report, Mr. Dickens reported that a contractor for the Army National Guard – not a Guard member – made a presentation to the La Cienega community a few weeks ago. The Guard is not willing to take the investigation further than what is currently happening.

Mr. Kadlecek said he recently applied for an NMED state program for testing of PFAS for his MDWCA.

The County is currently working with NMED through their grant program to do a study with regard to characterization of the PFAS, stated Ms. Valdez.

Chair Stringer said he had hoped to elevate the level of concern with the BCC to declare a state of emergency and start laying pipe to provide clean water to those residents.

Mr. Dickens said a substantial percentage of people in the La Cienega area do not know there is a PFAS situation, especially within the Spanish-speaking population. He encouraged the County to educate people by snail mail in a bilingual newsletter. Chair Stringer said that for years WPAC has been advocating for an outreach coordinator.

With regard to primacy, Mr. Gowen said the state is actively planning for permitting responsibilities and has the funding to do so. He saw a presentation on state law concerning data that is driving different agencies to work together with NM Tech and create a database that works across all agencies.

Chair Stringer said a database of coordinates for septic tanks may be possible through the Environmental Health Bureau.

Ms. Jordan said she has been in touch with NM Tech to get some local wells onto the aquifer mapping program.

Ms. Jordan identified the policy and procedures for the countywide domestic well monitoring program as urgent and said she was available to provide assistance.

In response to Mr. Dickens' statement that the County has not been involved in the Santa Fe 2100 plan, Deputy Director of Utilities Soderquist said part of the MOA with the City includes the Lower Santa Fe River planning RFP. That plan will be incorporated into the SF 2100 plan. The County is actively working with the City to move forward incorporating the County's needs into the model. He said the County has biweekly meetings with the City that includes more than the 2100 plan and is active in the process.

Create working groups/subcommittees and designate a chair responsible for moving forward.

Subcommittees proposed by Mr. Graeaser:

- Organization, planning, data outreach and support
- Water quality and quantity for 7 generation ahead water plan
- Analyze and make recommendations concerning wastewater management
- Stormwater and emergency management agricultural issues
- Climate change driven county impact.

Sustainability is the watchword for all that WPAC does. Climate change and sustainability should be within all work plans.

To be consistent with the enabling resolution, Ms. Valdez recommended “working groups” rather than subcommittees.

It’s overly optimistic to consider all 19 priorities. Many of the suggestions came from staff and presumably they would be easier with staff’s assistance. Urgent is now and important could be tackled over the next year or two.

The work plan should be ready for submittal to the BCC in December.

Added to the priority work plan would be “other items as needed.”

Mr. Gowen moved to adopt the priority list for the 2025 work plan. Mr. Muenzberg seconded and the motion passed by voice vote without opposition.

5. Matters from the Public

Paul White said he had been a resident of Chupadero when that community petitioned the County to take over their failing water system. There was a thought that the Aamodt/Pojoaque pipeline could assist but determined not cost effective. Mr. White said it made sense to him that the communities surrounding the Chupadero area all have the pipeline option available.

Jamie Dagan, Tesuque, and part of a community action group making sure Bishop’s Lodge is doing what they’re supposed to do, offered WPAC a suggestion to consolidate their priority list to eight. Also, identify an entity that can provide PFAS test results faster.

Mr. Dickens provided a history of the Pipeline Coalition that was created as a response to the City’s return-flow pipeline. The pipeline is expected to reduce the flow in the Santa Fe River by 50 percent. A group led by the Santa Fe River Traditional Communities Collaborative, acequia association and Wild Earth Guardian composed of 21 organizations in all worked to develop the RFP for the facilitator; unfortunately, that did not pan out. The Pipeline Coalition is now known as the Santa Fe Water Coalition to create a broader scope. The Coalition has a successful process using subcommittees to flesh out the topic and then bring recommendations back to the Coalition for action. To date, they have been unsuccessful in getting the area pueblos involved in the process. La Cienega Valley Association has developed an RFP for spring restoration.

6. **Matters from Staff**

In regards to the work plan, Mr. Clavio recommended thinking of the priorities as “programs” with goals and utilization of the Results-Based Accountability/RBA.

7. **Matters from the Committee**

Mr. Graeser mentioned a 9/21/24 article in the *Santa Fe New Mexican* about two Taos County water systems that cited the 2023 Regional Water System Resiliency. Peñasaco and Duarte’s mutual domestics are taking advantage of the Act and are combing their systems. He also mentioned a landmark move where the EPA requires removal of all U.S. lead pipes within a decade.

Mr. Graeser noted the Sept/Oct *Green Fire Times* which was very interesting with a focus on water and agriculture. A 2015 water report categorized the water appropriations within Santa Fe County and irrigated agriculture was more than 50 percent. What WPAC can do to assist the farm community could be considered within the priorities.

There were some questions about the Resilience Act and Mr. Graeser offered to send it to Ms. Smith for dissemination. Ms. Valdez said it is preferable that it is posted so the public can see what the committee is looking at.

Mr. Kadlecek mentioned that the County has a 2006 resolution for agriculture revitalization and Ms. Smith offered to look for it.

Mr. Kadlecek mentioned that he talked to the watermaster at the OSE about interacting with WPAC and he was referred to another individual who said he would pass on the request. Perhaps with a specific topic, a representative from the OSE would attend.

Mr. Gowen and Mr. Muenzberg began wordsmithing the proposed “Divergent Opinion language.

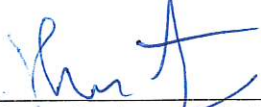
8. **Next WPAC Meeting: November 14, 2024**

Agenda idea: Subcommittee development and attacking specific priorities

9. **Adjournment**

Following a motion by Mr. Graeser and second by Mr. Kadlecek, this meeting adjourned at approximately 6:00 p.m.

Approved by:



Shann Springer, Chair

Respectfully submitted by:
Karen Farrell, Wordswork

DRAFT

SUBJECT TO APPROVAL