

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

September 12, 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 4:30 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 [4:35 arrival]
Ms. Consuelo Bokum
Councilor Carmichael Dominguez

Member(s) Excused:

Commissioner Miguel Chavez

Staff Present:

Nancy Long, BDD Board Consulting Attorney
Rick Carpenter, BDD Project Manager
Shannon Jones, Acting Director
Stephanie Lopez, Staff Liaison

[Exhibit 1: Sign-in Sheet]

3. APPROVAL OF AGENDA

[Exhibit 2: Agenda]

SHANNON JONES (Acting Director): Madam Chair, members of the Board, staff would like to remove item 10 from the agenda and this item will be brought back at the October 3rd meeting.

COMMISSIONER HOLIAN: Remove item 10?

MR. JONES: Yes.

CHAIR HOLIAN: Okay. Do you want to remove anything else?

MR. JONES: Staff would also like to ask the Board to modify the caption for item 11. The caption should read: Request direction from the Buckman Direct Diversion Board to enhance the Buckman Direct Diversion Early Notification System.

CHAIR HOLIAN: Thank you. Any further changes?

COUNCILOR DOMINGUEZ: I have a question, Madam Chair.

CHAIR HOLIAN: Yes, Councilor Dominguez.

COUNCILOR DOMINGUEZ: I guess from Legal. Does it matter that we're changing the caption on the agenda? The title? Can we take action on that even though we've changed the title of the –

NANCY LONG (Consulting Attorney): Madam Chair, Councilor Dominguez, the item was noticed and the caption that is suggested by Mr. Jones accurately reflect the memo. So the specific item to be discussed and decided on still remains on the agenda and was advertised. So I think it's acceptable to make that modification.

COUNCILOR DOMINGUEZ: Okay.

CHAIR HOLIAN: Is there a motion for approval?

COUNCILOR DOMINGUEZ: So moved.

BOARD MEMBER BOKUM: Second.

CHAIR HOLIAN: Okay, there's a motion and a second for approval of the amended agenda.

The motion passed by unanimous [3-0] voice vote. [Councilor Calvert was not present for this action.]

4. APPROVAL OF CONSENT AGENDA

CHAIR HOLIAN: Are there any items that the Board members would like removed from the Consent Agenda? If not, is there a motion for approval?

COUNCILOR DOMINGUEZ: I'll move for approval.

BOARD MEMBER BOKUM: I'll second.

CHAIR HOLIAN: there's a motion and a second for approval of the Consent Agenda.

The motion passed by unanimous [3-0] voice vote. [Councilor Calvert was not present for this action.]

5. APPROVAL OF MINUTES: August 8, 2013

CHAIR HOLIAN: Any changes? Is there a motion?

COUNCILOR DOMINGUEZ: Move for approval.

BOARD MEMBER BOKUM: Second.

CHAIR HOLIAN: There's a motion and a second for approval of the minutes from the August 8, 2013 Buckman Direct Diversion Board meeting.

The motion passed by unanimous [3-0] voice vote. [Councilor Calvert was not present for this action.]

6. MATTERS FROM STAFF

MR. JONES: Madam Chair, members of the Board, I would like to give an update on the staff advisory group for a recommended process for selecting BDD project manager. Since the working group was created on August 8th the group has met twice. Staff has developed a work flow plan and set a calendar of meetings with dates and times to achieve the objective. Staff did attend a presentation by Randall Kippenbrock and Angelina Salazar from Santa Fe Solid Waste Management Agency where they discussed and

described the structure of the SWMA and some of the benefits and challenges. And the group is currently working to define the potential project managers.

CHAIR HOLIAN: Shannon, I have a question. When, according to the calendar, do they think that they will make a recommendation?

MR. JONES: Currently, based on the work flow plan, we'd be looking to come to the Board probably the February meeting of 2014.

CHAIR HOLIAN: Okay. Thank you. And I would like to note that Councilor Calvert is present. You didn't miss much, Councilor. Anything further?

MR. JONES: In addition, if the Board pleases, I can give a staffing update for the Buckman Direct Diversion.

CHAIR HOLIAN: Yes, please.

MR. JONES: Currently the Facility Manager position is still vacant and is still open awaiting to be filled. The Environmental Compliance position has closed and we have one candidate. That list of eligibles was picked up today and we'll be looking at conducting interviews next week. Awaiting work keys, we have the maintenance mechanic, also that just completed work keys and we should have a list of eligibles next week. The Safety and Training Administrator, work keys are due by September 27th. The vacant AWT position, work keys closes September 20th and the BDD charge position has been posted and will close on September 20th. In addition, the BDD's Public Relations Coordinator position, all the paperwork has been turned into HR and I'm expecting to see that position post next week.

CHAIR HOLIAN: Thank you. Any questions for staff? Thank you, Shannon. Oh, yes. Please proceed.

MR. JONES: And also the Board was promised an update on the Wild Earth Guardians' notice of intent. The case has not been filed because the collaborative program meeting in August was cancelled. They are scheduled to meet in September and we would like to bring that update in October.

CHAIR HOLIAN: Thank you very much.

CONSENT AGENDA

7. **Update and discussion of BDD operations**
8. **Request for approval to purchase products and services from Hach Company as follows:**
 - a. **Water Information Management Software (WIMS) for the amount of \$39,753.88 inclusive of NMGRT**
 - b. **Purchase of upgrade and replacement parts of existing instrumentation for \$38,763.48**
 - c. **Continuation of service and extended warranty agreement for \$42,069.79 inclusive of NMGRT**
9. **Drought, Monsoon and Water Resource Management**

INFORMATIONAL ITEMS

None were presented.

DISCUSSION AND ACTION ITEMS

11. Request direction from the Buckman Direct Diversion Board to enhance the Buckman Direct Diversion Early Notification System

MR. JONES: Madam Chair, members of the Board, as I tried to articulate in the memo you received we did run into an issue with the E109.9 station as far as the accessibility. The station is currently working. It has continued to work up to this point and the DOE did get a 90-day extension to maintain that site. What we began looking at is that the system will have to be enhanced; we do need to do something different on maintaining that gate. Upon becoming aware that the access could be limited, we went to a contingency plan. We began reviewing our contingency plan which is utilizing stations E50 and E60 as our Early Notification System. So that has been reviewed and is considered a potential option for this, as well as we have met with San Ildefonso Pueblo who has expressed interest in entering into a lease agreement with the Buckman Direct Diversion. So with that, I have come to the Board for direction on what is in the best interest of the Buckman Direct Diversion and pursuing these two options.

CHAIR HOLIAN: Any questions from the Board?

COUNCILOR DOMINGUEZ: I have a couple, Madam Chair.

CHAIR HOLIAN: Yes, Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Madam Chair. I guess in an effort to kind of start the discussion, with regards to item #2, have you anticipated any other costs other than – in terms of operational procedures? You're not going to need additional staff? You're not going to need – I know that the DOE said that they would install video surveillance equipment. Are there any other costs maybe that we need to be aware of with regard to item #2?

MR. JONES: Madam Chair, Councilor Dominguez, the only costs that have been identified is what would start the lease agreement. Currently, we are under a memorandum of understanding with LANL to maintain that site and that is still good through 2015. We are working to see what those maintenance costs are for that site as we look at that but currently that is still – the operation and management is still under the MOU.

COUNCILOR DOMINGUEZ: Okay, then in terms of item #1, that \$25,000 application fee? Who's that from? Who are we giving that to?

MR. JONES: The \$25,000 was the application fee that would come from the Buckman Direct Diversion to the San Ildefonso Pueblo as an application fee for the lease agreement.

COUNCILOR DOMINGUEZ: So that's their fee? That's the fee that they're charging us?

MR. JONES: That's correct.

CHAIR HOLIAN: Councilor Dominguez, I just would like to add to that, that's just the fee that they would be charging us to apply. There would also then be a continuing lease fee.

COUNCILOR DOMINGUEZ: Right. Right. That's what I was going to get to next was that there's the cost of the lease and the EA and the survey and the appraisal as identified or indicated in the option that need to be paid for and you have no idea what those costs might be.

MR. JONES: There's some questions on whether the environmental assessments that have currently been done could serve in that function. But I do believe until the survey and the appraisal were done that those were what would be used to determine the actual cost of the lease.

COUNCILOR DOMINGUEZ: Okay. And then option #2, so I jumped around a little bit here. When you talk about the redundancy that the ENS would lose, how do you quantify that? How does that –

MR. JONES: And really, what that comes from is the fact that that's going to the E50 and E60 gauging stations was the contingency plan in something would happen to E109.9. So now that we have gone to our contingency plan, what are the steps for developing a new contingency plan and making sure that those things are in place?

COUNCILOR DOMINGUEZ: Okay. Nothing else, Madam Chair.

CHAIR HOLIAN: Board Member Bokum.

BOARD MEMBER BOKUM: Yes. Could you review the MOU we have with Los Alamos and talk about who's responsible for what and who pays for what? Because I don't remember.

MR. JONES: Yes, Madam Chair, Board Member Bokum, I can try to do that. Right now really Los Alamos National Lab operates and maintains and repairs the stations. They also fund some sampling that we collect during those events. Right now, all the communications come from them so only as we receive those signals and into the program and how that triggers our shutdown, is right now the only part that we manage and oversee.

BOARD MEMBER BOKUM: So were we paying a fee to San Ildefonso Pueblo?

MR. JONES: No. I don't know that there was a cost associated with the MOU, and not to the BDD.

BOARD MEMBER BOKUM: Is that something we should be talking about with LANL? About should there be a shared cost?

CHAIR HOLIAN: Councilor Calvert.

COUNCILOR CALVERT: Yeah. After reviewing this, my recommendation would be to go with the option 2 because the costs of #1 are indeterminate. Two, the state seems to be heading toward that solution themselves anyway, and so that would put us in conformance with them. And then I think that, my understanding is that the costs associated with E109.9 are borne by LANL and therefore anything that was – so if that one was sort of allowed to lapse I guess if you would, they would not have a cost there but we would expect that what was required there that needs to be put at – what's the other one? 105 and 109? Or what is it? E50 and E60, that they would accommodate and pay the costs of moving those, whatever needs to be transferred if anything.

CHAIR HOLIAN: Councilor Calvert, I will note that there's some representatives from LANL here if you have any direct questions.

COUNCILOR CALVERT: Well, okay. It's a public hearing so I guess we can do that though.

CHAIR HOLIAN: Who would like to come forward? Mr. Maggiore.

PETE MAGGIORE: Good afternoon, Madam Chair, members of the Board. My name is Pete Maggiore. I'm the assistant manager of environment projects for

the Department of Energy at Los Alamos National Lab. With me is Jeffrey Mousseau. Jeff works for Los Alamos National Security, the contractor at the site and he has a similar role overseeing the cleanup activities at the lab.

COUNCILOR CALVERT: So did you hear what I was suggesting and saying? Did you have any concerns or problems with that arrangement?

MR. MAGGIORE: Madam Chair, Board Member Calvert, what I understood your comments to be was that would the Department of Energy be willing to move any resources necessary to the gauging stations E50 and E60 to kind of bring them up to the same level as E109.9. If that's correct, the answer is yes. Right now those two gauging stations are fully functioning with the absence of a video camera and the finalization of some of the telemetry and the work that we have done indicates that we could be successful with the telemetry and that we can install the video cameras there.

COUNCILOR CALVERT: Great. So then there would not be a problem with in essence abandoning 109 and transferring the necessary equipment to E50 and E60, right?

MR. MAGGIORE: Madam Chair, Board Member Calvert, that is correct.

COUNCILOR CALVERT: Okay.

CHAIR HOLIAN: Any further questions for Mr. Maggiore? Yes, Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Madam Chair. I guess – actually not for these gentlemen but for staff and maybe even Councilor Calvert. I guess – I certainly don't have any problems with going with option #2 but when we talk about losing redundancy and I guess the safety component and making the public safe. How does that all fit into the discussion? Would we have to build, I guess, redundancy into the system again? Or am I not asking the right question?

CHAIR HOLIAN: Gentlemen, do you have an answer to that? Would we be losing any capabilities?

MR. JONES: Madam Chair, Board Member Dominguez, so on each station they do have redundancy as far as flow level. If we were to lose one level sensor we do have addition. Adding the cameras to the site would be an additional redundancy to the site, as far as having the early notification in place. The redundancy that, again, that I'm referring to is if you were to lose – if something were to happen catastrophically to E50, what is our contingency plan?

COUNCILOR DOMINGUEZ: Okay. So there's already redundancy that's built into the system that's not necessarily being compromised. It's –

COUNCILOR CALVERT: Let me try that a different way.

CHAIR HOLIAN: Councilor Calvert.

COUNCILOR CALVERT: So E50 is on what canyon?

MR. JONES: Los Alamos.

COUNCILOR CALVERT: And E60 is what canyon?

MR. JONES: Pueblo Canyon.

COUNCILOR CALVERT: Okay. And so if we do away with 109 what canyon are we now not monitoring?

MR. JONES: We would not be monitoring Guaje Canyon.

COUNCILOR CALVERT: Okay. Is that a problem?

MR. JONES: That is not a problem for the Buckman Direct Diversion because the two canyons associated or identified as having contaminated sediment, legacy waste is Pueblo Canyon and Los Alamos Canyon.

COUNCILOR CALVERT: Okay.

MR. JONES: And if it pleases the Board, we do have some maps that we could hand out if that would shed light on where we're at and what we're talking about. *[Exhibits 3 and 4]*

CHAIR HOLIAN: Yes, please. In the meantime, Mr. Maggiore, I have a question. How long would it take to make the modifications at E50 and E60?

MR. MAGGIORE: Madam Chair, we believe that we can accomplish all of that work during the time extension period that we had requested from San Ildefonso Pueblo and they had granted us. So our – if indeed this is the option, we would plan on continuing to operate E109.9 as we always have through the remainder of the monsoon season. Typically, we shut off our sampling equipment at the end of October in anticipation of freezing and then prior to the expiration of the time extension granted us by San Ildefonso Pueblo we would do the remaining work to bring the E50 and E60 gauging stations on line in a manner similar to what E109.9 is currently.

CHAIR HOLIAN: Thank you. Councilor Calvert, any more questions.

COUNCILOR CALVERT: Not I. I think the redundancy that we might be talking about is – although we had 109.9 as primary and if it went out we still had capability at E50 and E60. But if E109.9 is no longer there then if anything happens to either one of those then we're going to lose the ability to monitor the canyon that they're on, I think. Is that correct?

MR. JONES: Yes, sir. That's correct.

COUNCILOR CALVERT: Okay. The only way to not lose anything, I guess would be to have E109.9 – looking at the map and I don't even know who's property that is but to move it directly, immediately after the confluence I guess if you will, of the two canyons. But that would entail a whole new set up.

CHAIR HOLIAN: Mr. Maggiore.

MR. MAGGIORE: Madam Chair, Board Member Calvert, we've looked at that option. We basically walked that entire length, and due to canyon geometry and landownership we don't feel that kind of replacing E109.9 with another location in that reach is really feasible. I appreciate the comment about redundancy. With the locations of E50 and E60 we feel that those locations are much less susceptible to any sort of catastrophic event that we might expect. There's less potential for a wildland fire up there. The tree density isn't great, and in terms of a lightning strike perhaps, we have replacement equipment all packaged and ready to go that can literally be substituted in. The only other type of catastrophic thing I could possibly think of would be an airplane crash or something like that. So I really think that the redundancy concept as it was applied for E109.9 relative to E50 and E60, that need really does not correlate or translate, given the duplicity of technologies that we have available at each of those locations and our ability to respond immediately, since these two other gauging stations are on LANL property. We have no restrictions to access the type of work we can do or when we can do them. We feel that any event that might occur can be addressed much more swiftly.

The motion passed by unanimous [4-0] voice vote.

- 13. Request for approval of amendment #1 to the PSA with Bradbury Stamm/Positive Energy for the BDD solar PV project for the total amount of \$137,800 exclusive of NMGRT**

MR. CARPENTER: Thank you, Madam Chair. This is a contract amendment for improved solar panels for the Buckman Direct Diversion solar project at Booster Station 2A. This item was brought to the Board at the last Board meeting as an information item and I went through the various improvements that would be as a result of this change order. I'll just summarize briefly. There'll be an improved warranty, an improvement in the financial solvency of the supplier that we'd be dealing with, improved electrical energy output, increased design life of the panels, and we think a likely increase in the renewable energy credits that we'd receive from PNM due to the improved efficiency, and a smaller footprint of the project. And the funding for this would come out of unexpended funds in the grant/loan program that's funding the overall project.

CHAIR HOLIAN: Any questions?

COUNCILOR CALVERT: Move for approval.

CHAIR HOLIAN: Is there a second?

COUNCILOR DOMINGUEZ: Second.

CHAIR HOLIAN: Any further discussion? Well, I just want to add that I think for all the reasons that he outlined in the memo, going to SunPower modules seems like a really good idea because even though there are slightly higher upfront costs it's going to pay off really in the long run, as far as maintenance costs and so on.

COUNCILOR CALVERT: Too bad that Commissioner Chavez isn't here because he would love the fact that these are now US panels and not Chinese panels.

CHAIR HOLIAN: True. That's another advantage. Okay, we have a motion and a second for the approval of amendment #1 to the PSA with Bradbury Stamm and Positive Energy.

The motion passed by unanimous [4-0] voice vote.

MATTER FROM THE PUBLIC

None were presented.

MATTERS FROM THE BOARD

None were presented.

NEXT MEETING: Thursday, October 3, 2013 @4:15 P.M.

REC'D BY: RECORDED 9/13/2013 1:13:00 PM

ADJOURNMENT

Having completed the agenda, Chair Holian declared this meeting adjourned at approximately 5:00 p.m.

Approved by:

Kathy Holian
Kathy Holian, Board Chair

Respectfully submitted:

Karen Farrell
Karen Farrell, Wordswork

ATTEST:

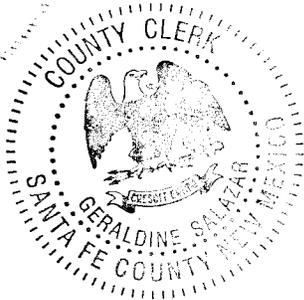
Geraldine Salazar

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

ATTEST TO:

YOLANDA VIGIL
SANTA FE CITY CLERK

1-3-2014



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
PAGES: 17

I Hereby Certify That This Instrument Was Filed for Record On The 3RD Day Of January, 2014 at 03:36:18 PM And Was Duly Recorded as Instrument # 1726913 Of The Records Of Santa Fe County

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

REC'D CLERK RECORDED 1/13/2014 11:43 AM

City of Santa Fe



New Mexico

CITY CLERK'S OFFICE

DATE 9/04/13 TIME 3:45p

SERVED BY *Stephane Lopez*

RECEIVED BY *[Signature]*



AGENDA

The City of Santa Fe
And
Santa Fe County

Buckman Direct Diversion Board Meeting

THURSDAY, SEPTEMBER 12, 2013

4:15 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 AUGUST 8, 2013 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF

CONSENT AGENDA

7. Update and discussion of BDD operations. (Gary Durrant)
8. Request for approval to purchase products and services from Hach Company as follows:

- a. Water Information Management Software (WIMS) for the amount of \$39,753.88 inclusive of NMGRT. (Gary Durrant)
 - b. Purchase of upgrade and replacement parts of existing instrumentation for \$38,763.48. (Gary Durrant)
 - c. Continuation of service and extended warranty agreement for \$42,069.79 inclusive of NMGRT. (Gary Durrant)
9. Drought, Monsoon and Water Resource Management Update. (Rick Carpenter)

INFORMATIONAL ITEMS

None

DISCUSSION AND ACTION ITEMS

10. Request for approval to change time of December 5, 2013 BDDDB meeting from 4:15pm to 2:00pm. (Stephanie Lopez)
11. Request for approval to Enhance the Buckman Direct Diversion Early Notification System (ENS) by replacing Gaging Station E109.9 with Gaging Stations E50 and E60. (Shannon Jones)
12. Request for approval of Amendment No. 2 to the PSA with Geosystems, Inc. for continued habitat restoration professional support and management for the total amount of \$35,800.00 exclusive of NMGRT. (Rick Carpenter)
13. Request for approval of Amendment No. 1 to the PSA with Bradbury Stamm/Positive Energy for BDD Solar PV Project for the total amount of \$137,800.00 exclusive of NMGRT. (Rick Carpenter)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: Thursday, October 3, 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.

BUCKMAN DIRECT DIVERSION BOARD MEETING

SIGN IN SHEET

September 12, 2013

NAME (Please print)

ORGANIZATION

| | |
|------------------|----------------------|
| Don Morsman | Las Campanas Coop |
| Gary Durrant | BDD |
| Erika Schwesler | NMED |
| Jen Sakshang | Club at Las Campanas |
| Rick Ylibarn | LANL |
| JEFF MOUSSEAU | LANL |
| PETE MAGGIORE | DOE/NNSA |
| CHERYL RODRIGUEZ | DOE/NNSA |
| Kyle S Harwood | BDD Board member |

BUCKMAN DIRECT DIVERSION BOARD MEETING

EXHIBIT

2

City of North York

1975

1975

1975

AGENDA

1975

1975

1975

Meeting of the Board of Directors

WEDNESDAY, SEPTEMBER 11, 1975

8:15 PM

CITY HALL

CITY COUNCIL CHAMBERS

100 Eglinton

INFORMATIONAL TEXTS

ANALYSIS OF THE TEXTS

MATERIALS FROM THE TEXTS

MATERIALS FROM THE TEXTS

ANALYSIS OF THE TEXTS

INDEX

PERSONS WITH DISABILITIES IN NEED OF
EMPLOYMENT OPPORTUNITIES
TO BE RECORDED

