MINUTES OF THE

THE CITY OF SANTA FE & SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

January 3, 2013

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Chris Calvert, Chair, at approximately 4:00 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:
Councilor Chris Calvert
Commissioner Liz Stefanics
Ms. Consuelo Bokum
Councilor Carmichael Dominguez [4:10 arrival]
Commissioner Kathy Holian

Member(s) Excused:
None

BDD Support Staff:
Nancy Long, BDD Board Consulting Attorney
Steve Ross, County Attorney
Stephanie Lopez, Staff Liaison
Erika Schwender, BDD staff
Gary Durrant, BDD staff
Brian Snyder, City Public Utilities
Rick Carpenter, City staff
Carole Jaramillo, County Finance
Shannon Jones, BDD staff
Mel Morgan, City Finance
Kimberly Block, BDD Staff

[Exhibit 1: Sign-in Sheet]

COUNTY CLERK GERALDINE SALAZAR SANTA FE COUNTY NEW MEXICO

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
PAGES: 27

I Hereby Certify That This Instrument Was Filed for Record On The 11TH Day Of February, 2013 at 10:01:42 AM And Was Duly Recorded as Instrument # 1696140 Of The Records Of Santa Fe County

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

3. APPROVAL OF AGENDA

[*Exhibit 2: Agenda*]

CHAIR CALVERT: Staff, do you have any changes to the agenda:

ERIKA SCHWENDER (Acting Director): Chairman Calvert, yes. We would like to request to cancel items 11 and 13 and to bring them forward to the Board at a later time.

CHAIR CALVERT: Okay. So you want to pull 11 and 13. So we'll withdraw 11 and 13 to a future meeting. Okay.

COMMISSIONER HOLIAN: Mr. Chair.
CHAIR CALVERT: Yes.
COMMISSIONER HOLIAN: I move for approval of the agenda as amended.
CHAIR STEFANICS: I'll second.
CHAIR CALVERT: Okay. Any further discussion?
MS. SCHWENDER: Yes, I also would like to request to move number 7, FSAC meeting report, to be addressed just before discussion and action item #14, since the two items are closely related.
CHAIR CALVERT: That's fine. Is the maker of the motion fine with it?
COMMISSIONER HOLIAN: Yes. That's fine with me.
CHAIR CALVERT: And the seconder?
CHAIR STEFANICS: Yes, I'm fine.

The motion passed by unanimous [4-0] voice vote. [Councilor Dominguez was not present for this action.]

4. APPROVAL OF THE CONSENT AGENDA

CHAIR CALVERT: Anybody have any concerns with that?
CHAIR STEFANICS: I'll move for approval.
COMMISSIONER HOLIAN: Second.
CHAIR CALVERT: Okay. Any further discussion?

The motion passed by unanimous [4-0] voice vote. [Councilor Dominguez was not present for this action.]

CONSENT AGENDA

8. Update and Discussion of BDD Operations

5. APROVAL OF MINUTES: December 6, 2012

CHAIR CALVERT: Any changes from staff?
MS. SCHWENDER: No changes from staff.
COMMISSIONER HOLIAN: Mr. Chair, I move for approval.
CHAIR STEFANICS: I'll second.
CHAIR CALVERT: Any further discussion, comments?

The motion passed by unanimous [4-0] voice vote. [Councilor Dominguez was not present for this action.]

6. MATTERS FROM STAFF

MS. SCHWENDER: Chairman Calvert, we would like to provide you with a quick update on the staffing and recruitment of positions. We would like to inform

you that the one AWT operator position has been filled. We promoted a BDD operator position to the AWT operator position and the promotion has been effective as of December 22nd. We also had two BCC operator positions which we had made offers; the offers were accepted and we are in the process of finalizing the paperwork and negotiating a start date for those two positions.

We also have the safety officer position that is currently posted. The position posting will close on January 7th and at that time I will receive an update on eligible applicants that have submitted their application.

Unfortunately, I also would like to inform you that we received the resignation from our financial manager and business administrator. His last day of employment will be tomorrow, January 4th. We are fast-tracking the recruitment process. The paperwork has already been submitted to HR and we're working on it.

CHAIR CALVERT: Is that Brian?

MS. SCHWENDER: Brian Shelton. Yes. And that is all the updates I have as of now.

CHAIR CALVERT: Okay.

9. Review of BDD Insurance Coverage and Requirements

NANCY LONG (BDDB Contract Attorney): Mr. Chair, members of the Board you have a memo in your packet and I also handed out the attachment to the PMFSA which is directed to the insurance requirements that was not at your packet. *[Exhibit 3]* At the last Board meeting there was a request made just to provide an overview of the type of insurance, the kinds of insurance that the Board and the Buckman project has. It really can be divided into two categories. The requirements of the PFMSA are the requirements that the Board have of its project manager and fiscal agent and that being the City.

That is a document that was approved by the Board, this Attachment B with the insurance requirement, several years ago in consultation with our insurance consultant, Don Waddell. As it turned out most of the insurance coverage that he recommended that was required also by the JPA was already provided by the City, except there was an umbrella policy that he recommended, and there was also increased crime and dishonesty insurance that the Board has.

After projects operations you'll recall that the Board went out with an RFP for an insurance broker. Daniels Insurance presented at a meeting. It was awarded that contract, so they procured insurance – I believe it was with the same carrier that the City has for Board property that the Board owns and as part of the project and some additional coverage that they recommended.

Pursuant to the contract with Daniels, they also are to provide, I think there was a question by Commissioner Stefanics about risk management services, and they are to provide those kinds of services as well as consultation in addition to procuring our insurance. And they have procured insurance for us. Their contract expires the end of July 2015. They have not provided to my knowledge any consultation but should be available to do that should the Board need it as well as should there be any claims that wouldn't be covered under our PMFSA that would not be City covered claims, we would present those to our insurance carrier through Daniels. Thank you.

CHAIR CALVERT: Okay. Does anybody have any questions or concerns they want to address?

CHAIR STEFANICS: Yes. Thank you, Mr. Chair. Nancy, have we – I understand that the City has a great deal of coverage and Daniels has assisted us with others. Have we actually compared lines of coverage. Not the amounts of coverage but the lines of coverage with other large water entities?

MS. LONG: Commissioner Stefanics, I know that our insurance consultant when he was arriving at recommended coverages was looking at large municipal projects. I don't know that it was specifically water projects but I assume that it was.

CHAIR STEFANICS: Okay, so Mr. Chair, I would recommend that in the future, when another bid is sought or another coverage, that maybe the Albuquerque/Bernalillo water project could be used as a comparison, just to see if we're missing lines of coverage.

CHAIR CALVERT: Okay.

MS. LONG: Thank you. That's a good recommendation.

CHAIR STEFANICS: Boiler and some other things. It just would be handy to compare.

MS. LONG: And we could recommend that Daniels look at that, I think, when our coverage is renewed I believe this summer, next fiscal year.

CHAIR STEFANICS: Okay. Thank you.

CHAIR CALVERT: Thank you.

10. Update on Status of Drought Conditions and Water Resources

RICK CARPENTER (Water Resources Manager): Good evening, Mr. Chair and members of the Board. City staff presents once a month to the City's Public Utilities Committee a monthly update on this topic and staff thought it might be timely and informative to briefly provide the same sort of update to the Board. With that said, I'm sure the Board is aware that we have been suffering through a pretty severe regional drought. In fact the last two consecutive years have been record drought and record heat.

[Councilor Dominguez joined the meeting.]

Recently the National Oceanographic and Atmospheric Administration updated its monthly model runs with regard to the El Nino prediction. Through the summer and early fall those models were showing that we would most likely have an El Nino condition and receive above normal amount of precipitation. That has been downgraded recently and the model projections are for most likely normal. Although here we are in January and we find ourselves below normal.

Surface flows on the Rio Grande and its tributaries are well below normal and storage levels in regional reservoirs are currently also very low. In fact recently the Bureau of Reclamation announced that deliveries from the San Juan-Chama project will likely be curtailed to about 80 percent of normal firm yield. There's also a meeting next week in Albuquerque where we'll get an update on that projection as well.

So the Buckman Board, City and County have invested in the Buckman Direct Diversion project. The City also has Canyon Road reservoirs. The City also has two separate groundwater fields and we've been resting those wells the last several years. We

also have several years worth of stored San Juan-Chama project water in reservoirs upstream and downstream from the BDD. So decision makers and water managers have options available to them in order to deal with this but just some updated figures. As of January 2nd reservoir levels in the canyon were 38.6 percent. The three-year average for the previous three years on this date was 57.3 percent, so much lower.

Snow levels and inflow are about the same but that's only due to the recent storms we've just had. So storage is the big issue. And Erika Schwender can add some comments if she wishes. I would invite her to do so with regard to what this might mean for new term operations of the BDD and I'd be happy to stand for questions.

MS. SCHWENDER: Chairman Calvert, members of the Board, we at the BDD do not anticipate curtailment – well, possible curtailment of the San Juan-Chama water to impact our deliveries of the water to our partners since most of our partners have a great portfolio of San Juan-Chama and native water rights. Las Campanas have native water rights as well as San Juan-Chama rights that they recently procured. The City, as Rick already explained has stored water that would be substituting the potential 20 percent loss for the City's San Juan-Chama water. The majority of the water that we are delivering and diverting for the County is actually native water rights-based anyway.

So we do not anticipate for the upcoming year a major impact due to the drought conditions regarding the BDD operation.

CHAIR CALVERT: Questions? Yes, Member Bokum.

MEMBER BOKUM: I just wondered if the County, the City and Buckman – we're all in this together – are talking about increasing conservation. Because we might have enough to deliver next year but that doesn't mean in subsequent years where the drought continues that we're using up storage, and that maybe we should be looking for – rather than this and this, we should be doing something to prepare for that.

MR. CARPENTER: Mr. Chair, Board Member Bokum, if I could address that. That's a topic that comes up regularly at the City's Conservation Committee. They meet once a month as well. We debate the merits of going into some sort of drought restrictions versus not. Currently we don't believe that that's something we need to contemplate at this time although we need to keep a very close eye on it. One thing that we are doing, we are aggressively updating our website, our outreach, our public education and we're in the process, although City Councilors don't know it yet, of staffing up as well in the conservation office. So those are things that we are undertaking.

MEMBER BOKUM: I guess just a little additional comment. Even if the three bodies decide not to do anything mandatory when we get our public information person we really should use that person to encourage conservation and educate people about what – that this isn't the status quo.

CHAIR STEFANICS: Mr. Chair, on that point.

CHAIR CALVERT: Sure.

CHAIR STEFANICS: Oftentimes incentives are a good driver for people to pick up new habits, such as recycling or conservation, so we might want to hear any recommendations about that as well, because I believe that sometimes we do a really good job with staff educating, but sometimes there just needs to be an incentive, sometimes.

CHAIR CALVERT: Well, yes. And on that point I know that the City does have those incentives, rebates and stuff that they provide for their water customers

to conserve, like a new water-conserving washing machine or something like, provide those kinds of incentives to conserve. So I think – I don't know if you're suggesting that this body provide those. I don't know.

CHAIR STEFANICS: Well, I think that one of the things, and this goes back to staff and it goes back to budget, because usually incentives affect the pocketbook and affect the bottom line of our budget. So it might be that if we come to the point where we do not believe there is enough conservation we might want to do a full-on press with some type of financial incentive. And it might be a once a year financial incentive or it might be ongoing, but it's not something to ignore for the future.

CHAIR CALVERT: Yes.

MEMBER BOKUM: I just want to make a comment. I've done a fair amount of work in conservation and it's a very complicated – there are all kinds of options and pluses and minuses. The good thing about incentives for things like washing machines is that it locks in the savings. It's absolute. It's not dependent on behavior. You're just using less water. So I think it requires a lot of analysis and I think that the fact that our Conservation Committee is ongoing and the staff has spoken upon conservation means we can get the benefits and at some point we may really need to up our conservation efforts, depending on what they recommend and the committee recommends.

CHAIR CALVERT: Okay. Any other questions or concerns?

DISCUSSION AND ACTION ITEMS

12. Request for approval of a Professional Services Agreement with Maintenance Connection, Inc. to transition BDD CMMS (Computerized Maintenance Management System) from Antero to Maintenance Connection, Inc. for the amount of $72,492 plus $5,935.28 for a total of $78,427.28

SHANNON JONES (Maintenance Superintendent): Mr. Chair, members of the Board, as I tried to articulate in the memo provided, our current computerized maintenance management system cannot meet the needs of the Buckman Direct Diversion's maintenance section. Really, in order for us to move forward to meet the goals and the vision of the section we need to transition to a computerized maintenance management system that can provide these functions. So I will stand for questions.

CHAIR CALVERT: Okay.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR CALVERT: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. I'm just wondering, who's going to train staff to use this maintenance system?

MR. JONES: In the RFP that was issued there was a built-in tiered training requirement by the supplier, a proposal that would computerize the computer system. They would provide tiered training for day-to-day users all the way up to the support staff and IT Department.

COMMISSIONER HOLIAN: Thank you.

CHAIR STEFANICS: Mr. Chair.

CHAIR CALVERT: yes, Commissioner Stefanics.

CHAIR STEFANICS: Two questions. The warranty on the new system?

MR. JONES: Commissioner Stefanics, members of the Board, the current CMSS system was spec'ed based on the regional computer system being used. So it's not that the system doesn't function, that it's broken. I think just the direction and the vision we're trying to achieve, the level of standard that we're looking for is beyond what this computerized maintenance management system is capable of doing.

CHAIR STEFANICS: And that leads to my second question, Mr. Chair, is is this system appropriate to be built upon so that once it's utilized for a year or two, if we wanted further capacity or further reports or further analysis that it could do that?

MR. JONES: Mr. Chair, members of the Board, the system that we're looking at is built on what they call modules and while there are hundreds of modules that are available the chief ones that we are looking at that if in the future we choose to pick up other modules those are a quick add-on that plug and play directly with the system.

CHAIR STEFANICS: Thank you very much.

CHAIR CALVERT: I guess I think this is somewhat the same question, phrased in a slightly different way. Is there any liability on the project engineer's part for the system that we do have or is it just that it wasn't anticipated the needs that we are currently identifying?

MR. JONES: Mr. Chair, members of the Board, again, the system does function as far as preventative maintenance. It's really what it was designed to do, and at that level we do perform the preventative maintenance. What we're looking at is right now it's not a paperless system so there's functionality there that also requires a lot of data entry, because you are having to transpose that information. So again, not that the system isn't functioning but as we try to elevate that and the higher standard of what we're trying to achieve, there's additional functionality that we need in order to do so.

CHAIR CALVERT: So it wasn't anticipated.

MR. JONES: Yes. That's correct.

CHAIR CALVERT: Thank you. All right. Anybody –

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER HOLIAN: I move for approval.

CHAIR CALVERT: Okay.

CHAIR STEFANICS: I'll second

CHAIR CALVERT: All right. Any further discussion?

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

7. Report on the FSAC Meeting

CHAIR CALVERT: In terms of 7, the Fiscal Service Audit Committee meeting, basically we reviewed the revisions to the budget after City, County and Las Campanas staff talked it over and it was presented with a modified budget and we discussed – we asked questions and discussed any concerns and seemed to be fairly in agreement with what had been presented though no action was taken because it was not that type of a meeting. So does anybody else have anything else? Okay.

CHAIR STEFANICS: We did make – Mr. Chair, I should comment that we did make one – we discussed the fact that it was great if the budget stayed flat. We didn't necessarily expect it to continue to decrease because we want to make sure that we take care of all the needs. So just, for example, if we have this different computer system that we need to acknowledge or we have some other different kinds of testing or a different way of running the water, that we need to take all of that into account for our customers, rather than just saying we will always decrease the budget. That's all.

CHAIR CALVERT: And I think we also identified some areas for further discussion in the coming year in terms of how we manage certain funds within the budget. So we'll be probably seeing those coming to us later in the year.

14. Proposed FY 2013/2014 Budget

a. Discussion of the FY 2013/2014 BDD Operational Budget

b. Public Comment

c. Request for possible action to recommend approval of the FY 2013/2014 BDD Operational Budget

CHAIR CALVERT: Do you want to make a brief presentation?

MS. SCHWENDER: Mr. Chair, members of the Board, I would like to briefly summarize the outcome of our discussions with our last all partners meeting which included members from the City of Santa Fe, County of Santa Fe, as well as Las Campanas and BDD staff members. During our initial presentation of the draft budget we had not come to an agreement on what the final budget numbers should be but we also were still in discussion of identifying certain funds that could potentially move into a contingency fund or should be included in the budget.

So after the previous Board meeting and our last discussion then based on all members participation we came to a conclusion that it would be possible to reduce the overall proposed budget to $7,037,603, and we discussed funds that would be reduced from the initial proposal to the current proposal which would be covered not by an additional contingency fund but could be covered by the other already established funds such as the emergency repair, major repair, or the 90-day cash on hand funds.

As Chairman Calvert already expressed earlier, we will be working on establishing policies and definitions for those funds in the upcoming months that would establish rules for how those funds could be accessed, under which conditions. We would bring that forward to the Board as soon as we have a draft version of those policies.

And leaving it at this I would like to open it to questions for you and I would like to answer any questions that you have.

CHAIR CALVERT: Okay. Does anybody have any specific questions on this? Councilor Dominguez.

COUNCILOR DOMINGUEZ: Thank you, Mr. Chair. Just real quick, I know we talked about this last time but what's the timeline for this in terms of getting a budget approved? Is that something that runs with the respective governing bodies or is that separate from them?

CHAIR CALVERT: No, I think we want to – my understanding is we want to approve this budget as soon as possible so that the respective bodies can plan

their budgets accordingly come this spring. So I think that's why we set these dates that we have so that it will fit in with the budget processes of the other bodies.

COMMISSIONER HOLIAN: Mr. Chair, so then as I understand it, we could actually move to recommend approval today.

CHAIR CALVERT: Yes. That will be under c. I'm going to give the public a chance, at this point I'm going to give the public a chance to comment. If anybody wants to comment on the budget this is the opportunity to do so. So is there anybody in the audience that has any comments or that they wanted to offer on the budget itself? Okay. Thank you. All right. So now we are on 14.c which is the action if we so choose. Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I move that we recommend approval of the BDD operating budget for fiscal year 2013/2014.

CHAIR CALVERT: Okay.

CHAIR STEFANICS: I will second.

CHAIR CALVERT: Okay. All right. Is there any further discussion? Councilor Dominguez.

COUNCILOR DOMINGUEZ: So, Mr. Chair, just so that I can understand this a little bit more. We are anticipating a reduction in the overall operation and maintenance budget, correct? To the tune of $1.4 million.

MS. SCHWENDER: We are anticipating an overall reduction compared to the approved budget for 2012/2013 as well as the approved budget for 11/12. When we developed the budget we took into consideration the actual expenses experienced for the fiscal year 11/12 and adjusted for additional costs. So overall, it is a reduction. Yes, absolutely.

COUNCILOR DOMINGUEZ: And so then let me just ask this, and I'm not quite sure this is the appropriate question to ask right now, since we're on the verge of approving a budget, but was there any discussion on reducing fees, or not fees, but costs to the consumer? In other words, theoretically, with a reduction in operations we have less need to generate that much revenue.

CHAIR CALVERT: Councilor, I don't think that's a question for this body. That will be the question for the respective governing bodies if they so choose based upon this budget input. Because this body doesn't set any kind of rates.

COUNCILOR DOMINGUEZ: No, I understand. I'm just – I guess what I'm thinking is that – the reality is that there's so much water that comes from BDD that the City of Santa Fe customer ratepayers pay. And part of our rate increases were to accommodate that service.

CHAIR CALVERT: And a lot of it was for the construction.

COUNCILOR DOMINGUEZ: Right. Right. I understand that, but I'm just – when you look a the City of Santa Fe's portfolio long term it is anticipated that the increase in the rates was going to pay for sum of BDD. So I was trying to make that correlation. If there's going to be a reduction in the budget in BDD how does that correlate to rates for the City of Santa Fe ratepayers? So again, it's probably not an appropriate question to ask now since we're just on the verge of approving it.

CHAIR CALVERT: I think as chair of the City Finance Committee you can bring that up during the budget process.

CHAIR STEFANICS: Mr. Chair, I believe that the City and the County have totally different venues for how they recoup the costs of BDD. And it's well known that we don't have enough customers to pay the cost of the BDD so that the County has to utilize other sources of funds. So the question I hear you asking, I really see as separate for our local government bodies.

COUNCILOR DOMINGUEZ: I agree. I agree. I'm just trying to – as we're talking about this particular budget I'm trying to make that connection to the respective governing bodies. Let me think about it some more. I'll support it but when we get to the City to decide I want to probably take a look at that.

MS. LONG: Mr. Chair, just on the process, there was a question about that. There is the action that is requested is recommendation to the respective governing bodies, and it will come back, the budget then would come back here for formal adoption should it be approved by both of those bodies, the County Commission and the City Council.

CHAIR CALVERT: And I think that was how Commissioner Holian stated the motion, to recommend.

MS. LONG: Thank you.

CHAIR CALVERT: Okay.

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

15. Consideration and possible action on Resolution 2013-1, determining reasonable notice for public meetings of the Buckman Direct Diversion Board

MS. LONG: Mr. Chair, members of the Board, it's that time of year again when we are required as a public body to consider and make a decision regarding the notice that we will provide for our public meetings by state statute, known as our Open Meetings Act Resolution. This year's resolution is really identical to last year's. It has been reviewed by staff and it does reflect the process that the Board follows for its open meetings and its agendas and we recommend the Board approve this resolution which will establish our requirements for our meetings this year and it rescinds our prior year resolution.

CHAIR CALVERT: Okay. Any discussion by the Board? What's the pleasure?

COMMISSIONER HOLIAN: Mr. Chair, I move that we approve Resolution 2013-1, the Open Meeting Act Resolution.

CHAIR STEFANICS: I'll second.

CHAIR CALVERT: Okay. Any further discussion?

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

MATTERS FROM THE PUBLIC

CHAIR CALVERT: Anybody from the public wishing to speak to the Board on any matter that wasn't on the agenda, please come down.

ELANA SUE ST. PIERRE: I have copies of letters. I don't know if you want me to hand them to you now or afterwards. *[Exhibit 4]* My name is Elana Sue St. Pierre. I'm an occupational therapist here and I'm also in – I work for New Vistas and I work with children that have special needs in our community, and I'm the spokesperson for Healthy Water Now, which represents those that cannot speak because they are in the womb and they're little ones.

I came specifically to talk about the decision and notice and findings of no significant impact of the Rio Grande Corridor of the Buckman restoration and recreation campsite project. And I see that these were taken off the agenda, but this is my only opportunity to speak. Unfortunately, Thursdays are no longer for me to be here.

We are appealing this decision that there is no significant impact to the Rio Grande. In 2006 – I'm going to read part of the letter but I'm not going to read it all. In 2006, we – myself – representing Healthy Water Now, have attended collaborative planning meetings representing stakeholders, pregnant women and children asking that full facts be presented to the public about the existence of nuclear and heavy metals as reported in the August 2008 Los Alamos Laboratory legacy contamination studies of the Buckman Direct Diversion project. Testing in this report shows that plutonium-238 is found to be three times greater than background dataset, plutonium-239, 240, eight times greater than BGUL and 30 to 50 times greater than LANL background dataset. Cesium-137 is up to three times greater than BGUL references and 11 to 14 times greater than LANL background set. Uranium-234, 345, 238 is two to three times above background levels. Strontium-90 is five times the mean of LANL background set. Aluminum and arsenic exceed residential SSL levels. Magnesium exceeds construction worker pathway limits. We continue to ask that these facts be incorporated into public information for construction workers, park safety and pregnant women and babies if this plan proceeds.

None of this has been made public in the records that we have been seeing. They state instead there is existence of known contamination to at very low background levels. This is false information that's being put out and I want you as the Board to know this is over a $220 million project and people are moving forward which I do not see are accredited in nuclear waste remediation. They are park rangers with good intention. It's not that I do not support this program. I think it would be wonderful to have a beautiful park there, but we're talking about nuclear waste and under the consent it needs to be cleaned up.

It's time for the Board to step up and say, what are you doing? What is going to be unearthed next to this facility? And that's what I ask you. Be aware. The appeal is here. And you need to be a part of this process. You need to know who's going to be doing this and how it's going to be affecting the water and who will be accountable if there are accidents because of this.

The notice of decision said things like this is a non-controversial area. This is a highly controversial area and you know this. For six years since 2006 I have seen the Board go through many different ways of thinking it's fine and being very concerned and it is highly controversial. And all of the plans were made before our historic fire. There are tons of ash, there are thousands of acres that are totally deforested and this area, the immediate area where these greens [inaudible] are, it is not under the early warning system. There's no early warning system there. And how is it going to be monitored?

We're recommending that there be – the whole re-evaluation of this, looking at it as a research opportunity and that there is no earth moved until we know what the new flood patterns will be and that there is an emphasis on containment, isolation and finding out what's going to be happening with the rains when the ash comes down into the slough area. The slough area is a runoff area. It comes when there's flash floods and how is this going to affect our facility and how are you going to protect it?

CHAIR CALVERT: Okay. I think you said you had something you wanted to give us?

MS. ST. PIERRE: Yes. Thank you very much. This is a point by point address of the letter that is made by Sanford Hurlocker and it's available if you need that too. Thank you.

CHAIR CALVERT: Thank you.

JONI ARENDS: Good afternoon. My name is Joni Arends with Concerned Citizens for Nuclear Safety, and CCNS has been following the National Environmental Policy Act process on the Buckman since 2002, so we've passed a decade of watching this project. We also appealed the final environmental assessment on this for a number or reasons and I wanted to make sure that you all understood what our reasoning was. I do want to compliment Rick Carpenter and Todd Kaplan who met with us about our concerns. Unfortunately, they're not going to be able to address some of the worker safety issues that we brought forward through this process but maybe when we have the negotiations. Right now they're tentatively scheduled for Monday, January 14th in the afternoon.

The US Forest Service weighed very heavily on this micro-R radiation monitoring that was done out at this area and we have very many concerns about the data coming back. One is that Dave Ingler, who is one of the New Mexico Environment Department people who we trust – we trust him – he mentioned that the samples were not done at a low detection limit and that's an issue, especially for an area that everybody is claiming that it's low levels, when you don't do the right kind of analysis to find out what's happening at the low levels. So I didn't really say that right. When you do the analytical method you want to do the detection method for what you're looking for, and they didn't use the right detection method and that raises concerns.

And then the people did the sampling and looked at the analysis from the administrative record, some of the email traffic said "Help", with many ten or 20 exclamation points. "I hope the paper record provides a secret decoder ring" about how they looked at the data.

Another one, another staff said "Attached is the excel spreadsheet. The paper report is in transit. Unfortunately to me the results are as clear as Rio Grande sediment. And this is a report they rely very heavily on, the Forest Service relies very heavily on, to say that there's no risk, there's no cumulative impacts, there's no impacts to public health and safety. But when you did into the administrative record you see a different story taking place with regard to the contamination.

We raised concerns about the school children and the educational opportunities. We're very concerned about kids going out there, kids playing in the dirt. We're concerned about burrowing animals bringing the contamination to the surface. So in some LANL reports that we cite, and I'll email you our comments, the plutonium in the legacy waste is basically four to six feet down in this one area, based on the samples that

have taken place. One of the things that we've asked for through you and others is a grid analysis to make sure that all the plutonium in legacy LANL contaminants are discovered so that workers can be protected. And I'll talk about that in just a minute.

But with respect to – pocket gophers can go 4.9 feet and bring dirt up. Mice can go down 6.6 feet. And then harvester ants will go down 8.2 feet into the soil and bring dirt up. And I don't have those volumes of the dirt, but you can think of a gopher in your yard bringing dirt up. And we know that there's wildlife out there because there's – like these animals – pocket gophers and harvester ants because there's birds out there. So there's a ready supply. So we're concerned about this. We cite that.

Then we also know that the consent order between the state and DOE and LANL says that if they find any contamination offsite DOE is required to investigate it. But the New Mexico Environment Department has not required LANL to come down and investigate it. The Environment Department has investigated but LANL and DOE have not. So we would encourage you all to write a letter saying come down and investigate it under Section 4 of the consent order, as you're required. And that's in these comments.

We also think that DOE and LANL have special expertise under NEPA and they should be required by the Forest Service and the BLM to come down and look at this area and do the investigation under the consent order. They should be a cooperating agency under this NEPA process. Because the Forest Service, based on these quotes that I just read you, and their contractors don't have the expertise necessary to understand, or the knowledge that it takes or the technical expertise to be able to understand these materials.

We've also asked about the occupational protection for the workers, because if the whole area is not – and I'm speaking specifically of the area to the north of the Buckman Diversion project. That the workers need to have pre- and post-restoration biological assessments done – blood tests. They need urine tests, those kinds of things, to see if they were actually exposed. There needs to be air monitoring. They need to be wearing a lapel pin for air monitoring. There needs to be generalized air monitoring in that area. We think that they should be wearing respirators. They should be trained properly to be able to do this work in a nuclear waste dump.

Any soils removed from the ground with an auger or other thing, it needs to be laid out on a tarp and then it needs to be put back in the hole at the same horizons that it was taken out, because if there's plutonium in there it needs to go back down where it was. We want confirmatory grid sampling which we've talked to you about for a number of years. And we want permanent signage that discloses to the public that LANL legacy waste is buried in the area and that burrowing animals, based on LANL reports are known to bring contaminated soils to the surface. And the signage should include restrictions on children playing on the ground and eating soil which is called pica behavior – children eating soil. Restrictions should also be placed on bicycle riding within that area where's there's known LANL legacy contamination. And then all public educational material – brochures, website, etc. should include those kinds of disclosure statements.

And then one of the biggest concerns, another big concern is that there's no contingency plan in the proposal. And if they do come across through the sampling, air monitoring, and they find these concentrations as Elana explained about background three to five times, there needs to be a plan in place before hand about what people are going to do, and the supervisors are going to do.

We also found – and this is my last point – we, CCNS collected signatures for 11 people and we submitted those by certified mail to the Forest Service, return receipt requested to the Forest Service, and those comments were not included in the administrative record. So we think that there's a major violation of the NEPA process. I look forward to sitting down and talking about the negotiations with the Forest Service and others. I think Rick is going to be there and others, about how to resolve this. But we remain very concerned about this project going forward. When we looked on the Forest Service website a few months ago it said that this wasn't going to happen until 2014 so we were very surprised to receive the notice on December 15th that this project was moving forward. So with that I say thank you and if you have any questions please let me know.

CHAIR CALVERT: Thank you. Anybody else to address the Board? Please come down.

MICHAEL AUNE: Good afternoon, Mr. Chair, Board members. I want to first thank you for your item #10 that you put on the agenda regarding the drought. I'm Michael Aune. I'm a voter and a taxpayer, and as you know from things I've given you in the past, photographs of the Oso Diversion, the lack of the snowpack, minimal rainfall, I've been very concerned about this drought issue for quite a long time.

I appreciate Mr. Carpenter coming here. I think that was the first time that you've had that type of thing on the agenda. I appreciate it very much and I hope that you continue to do so.

What I want to talk to you just a little bit is where is the money going to come to rebuild the San Juan-Chama project – the tunnels, the diversions, those types of things. It cost a minimum of $35 million in the 1960s when it was built on the Rio Blanco, the Navajo and the Little Navajo rivers. What's going to happen if it ends up like Cochiti Canyon when it wiped out the Dixon orchard, or when the flood came through Bandelier National Monument or Santa Clara Canyon? What's that facility going to look like? They're looking right now at 6 ½ million gallons as of the December 30 report that came, probably through the Buckman Direct Diversion because it was treated at the Buckman water treatment plant.

If the Buckman system is not receiving any water from the San Juan drainages, where's the water going to come from? I know you're doing some of the things regarding offsets, purchasing water rights downstream like the recent one in Socorro, but those types of discussions need to be made more public prior to them happening and why you're going about doing it. Public information has happened with item #10 today. There needs to be much more discussion.

My concern for the San Juan-Chama project is there is going to be a large fire up there and I urge you to work with the Bureau of Reclamation, which manages the project, and the US Forest Services which manages the fire zone in the forests above those drainages to do some best-management practices and not like the ones Los Alamos National Labs did after Las Conchas fire a year and a half ago or so. They actually had a public meeting regarding their stormwater management practices and they showed how those practices failed. They presented slides and photographs how they failed after the fact.

So what I'm asking you to do and providing some information, let's look at this before there are fires. Let's mitigate these high intensity fires. Let's minimize the

potential for ash and debris flows. There's ways that can be done. Let's do it now before it happens because otherwise – you already saw the photographs I gave you on Heron Lake. There's no water going into it. El Vado Lake is low. Abiqui Lake and the remaining water in El Vado Lake are the only supplemental reservoirs upstream that you have to draw down in case of emergency. Even though they are not part of the San Juan-Chama project. So that's all I had to say right now. Thank you very much. I'm going to give you some information. *[Exhibit 5]*

CHAIR CALVERT: Okay. Is there anybody else that wished to address the Board at this time?

MICHELLE DELONG: Hi. My name is Michelle Delong. I'd like to thank the Board for this opportunity to come before you. I'm here to voice my concern about this park project based on the information that I have read about the land where this project will be. I would like to echo what Joni said about signage I think that as citizens we have the right to know what we are stepping into, if it's a potential health issue for us or other people, and I think that to create a recreational area that doesn't let people know that there is legacy waste in that area is really not a very inviting opportunity for people to come and enjoy New Mexico. And I think that the mitigation that's required to make this area safe needs to really be addressed, and it may turn out that there isn't a safe way to do this.

As someone who likes to go out hiking, if I was out in an area and after I had been there I found out that there was nuclear waste close to the surface, possibly at the surface due to animals and land moving and all of that I would be pretty upset with the state for providing access to an area, inviting me into an area that was potentially dangerous. I also think that to create a park area where children are going to come, where there's the danger of kids eating dirt, which they do, playing in the dirt, I think is something that can be really very firm knowledge that if children are there digging down into the dirt a foot that they're not in danger.

If I had children or invited people who had children to come out for a picnic and found out later that this area was potentially toxic I would really feel that it was irresponsible that this area was even open to the public, especially without really, really, really adequate signage. And that would need to be on websites and when you enter the area, so that anyone who comes in really has full knowledge of what they're possibly exposing themselves to.

As someone who's relatively new to the area, I've lived here four years. I lived here in the nineties as well, I think that for many of us we have a sense that we're safe here and that there aren't any issues coming from Los Alamos Lab that we need to be concerned about, but I don't think that that's really the truth. And I think that we really need to examine these issues. We need to examine them in terms of the ash that's still on the land from the fires and runoff and all those issues that really are crucial when we're dealing with a laboratory that has toxic, deadly materials that are being exposed to the public in various ways. And to create a park and recreational area I think is really a great idea but I think that there really needs to be a guarantee of safety to anyone who would enter into that area and I would hope that the Board really examines this and forces the various agencies that should be playing a part in this that has more knowledge than the average park and recreation kind of bureau to participate in this. And if we have an opportunity for Los Alamos to take responsibility for pollution in the land and to clean it

up, I think we really have to use that and create maybe a whole new future around legacy waste and cleaning them up. So I would just hope that the Board kind of steps aside a little bit from our usual – oh, we know Los Alamos is right there on the hill and whatever economic benefits we derive from it that we really look deeper and see if us citizens of the area, visitors of the area, if we are not endangering ourselves in any way and if we are to do whatever we can to clean it up. So thank you very much.

CHAIR CALVERT: Thank you.

ANNA HANSEN: My name is Anna Hansen. I am a parks commissioner for the City of Santa Fe and so I am concerned. I don't believe that this park or area would be under the City of Santa Fe's jurisdiction, but there's still workers that would be. And I have lived her for 40 years and I have seen the river move and change, the Rio Grande and that area is one of the main areas where runoff comes down from LANL, where there is high amounts of contamination. It is a known fact and proven that there is plutonium in the Rio Grande in many different places. This is one of the definite deposit areas, so I am concerned. I would like to encourage this Board to write letters to DOE and to LANL and to clean up this area. Cleanup is the most important thing that we can do for the citizens of New Mexico, so I wish to encourage you to do that. Thank you.

CHAIR CALVERT: Anybody else wishing to address the Board at this time. Okay. Thank you.

MATTERS FROM THE BOARD

CHAIR CALVERT: Are there any? Commissioner Stefanics.

CHAIR STEFANICS: Thank you, Mr. Chair. Mr. Chair, we used to have a representative from LANL at our meetings. Do we still have that happening?

CHAIR CALVERT: No, we don't. We haven't for a while.

CHAIR STEFANICS: Well, I do believe that there are some occasional issues that we would want to engage their responses in, so perhaps some of the issues about the remediation of the land for the park, for example, that's a high one. So we might want to think about when there's expected issues, or maybe ask them to come to respond occasionally, but we might want to put that back on.

The other issue is when the County dealt with fracking and oil and gas mining, it was before I was on the County Commission. But one of the things that the health – all of the health research shows is that there does need to be some pre- and post testing. And in that case it was of the water table, so that we would know that there wasn't going to be any harm to the water. I certainly would not want to impose testing of our staff against their wills, but if staff who were working on projects felt that there might be some harm that would come their way it might be something that we should plan for, to allow them to be pre-tested for an environmental work condition. And that then brings up potential liability. So I want to put that on the table. It ties back to some of our other risk management issues, but if we felt, and if we heard from experts that there could be some environmental hazard we might want to offer that opportunity to our staff.

The other item I wanted to bring up is I think Erika said our Finance Manager was leaving and I would like to offer a thanks from the Board for those services. That's all. Thank you.

CHAIR CALVERT: Okay. Thank you, Commissioner.

NEXT MEETING: Thursday, February 7, 2013 @4:00 P.M.

ADJOURNMENT

Having completed the agenda, Chair Calvert declared this meeting adjourned at approximately 5:05 p.m.

Approved by:

Chris Calvert, Board Chair

Respectfully submitted:

Debbie Doyle, Wordswork

FILED BY:

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

ATTEST TO:

YOLANDA VIGIL
SANTA FE CITY CLERK

[redacted]

BUCKMAN DIRECT DIVERSION BOARD MEETING

SIGN IN SHEET

January 3, 2013

NAME (Please print)	ORGANIZATION
JONI ARENDS	CCNS
MICHAEL AUNE	VOTER / TAXPAYER
David Bacon	CCNS
Jen Slickshaug	Las Campanas
Wendell T. Egelhoff	The Club at Las Campanas
Phil Nowlin	LC Water Coop
Mark Silbert	The Club at Las Campanas
Tom Gallegos	Citizen
K Bloch	City of SF Resident
Gary Durrant	BDD
Carole Jaramillo	Santa Fe County.
Rick Carpenter	City of Santa Fe
Mel Morgan	City Finance
Bill Loeb	Old Santa Fe Assoc,

City of Santa Fe
New Mexico

CITY CLERK'S OFFICE
DATE 12.20.12 TIME 3:20 pm
SERVED BY Stephanie Lopez
RECEIVED BY

EXHIBIT 2

CITY CLERK RECEIVED 12/21/2012

AGENDA

The City of Santa Fe
And
Santa Fe County

Buckman Direct Diversion Board Meeting

THURSDAY, JANUARY 3, 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 DECEMBER 6, 2012 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF
7. REPORT OF BDAC MEETING

CONSENT AGENDA

8. Update and discussion of BDD operations. (Gary Durrant)

INFORMATIONAL ITEMS

9. Review of BDD insurance coverage and requirements. (Nancy Long)

and Erika Schwender) **VERBAL**

11. Presentation and status update on collaborative efforts between the BDD Project and NM Wildlife Federation for habitat restoration near the BDD intake along the east bank of the Rio Grande. (Rick Carpenter and Alan Hamilton)

DISCUSSION AND ACTION ITEMS

12. [illegible]

13. [illegible]

PSA TO BE HANDED OUT AT MEETING

14. Proposed FY 2013/2014 BDD Operations Budget. (Erika Schwender)

a. Discussion of the FY 2013/2014 BDD Operational Budget.
b. Public comment.
c. Request for possible action to recommend approval of the FY 2013/2014 BDD Operational Budget

15. [illegible]

DISCUSSION

None.

MATTERS FROM THE PUBLIC
MATTERS FROM THE BOARD
NEXT MEETING: Thursday, February 7, 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.

[redacted]

PMFSA

ATTACHMENT B

INSURANCE REQUIREMENTS

1. Insurance Coverage. The Project Manager shall obtain, pay for and maintain the insurance coverage listed below during the term of the PMFSA in connection with the Project Manager's duties and responsibilities:

	Limit
Commercial General Liability –	
General Annual Aggregate Limit (Other than Products/Completed Operations)	$2,000,000
Products/Completed Operations Aggregate Limit	$2,000,000
Personal Injury Limit	$1,050,000
Each Occurrence Limit	$1,050,000
Automobile Liability	
Limit for Each Accident	$1,050,000
Coverage to include all owned, non-owned, and hired vehicles	
Public Entity Management Liability	
Each Wrongful Act	$4,000,000
Total Limit	$4,000,000
(Public Officials or Directors and Officers Liability)	
(Professional Liability)	
Excess Liability	
Annual Aggregate	$3,000,000
Valuable Papers & Records	$ 500,000
Workers' Compensation	
Coverage A	Statutory limits
Employers Liability:	
Bodily Injury by accident	$1,000,000 each accident
Bodily Injury by disease	$1,000,000 each employee
Bodily Injury by disease	$1,000,000 policy limit
Crime Insurance	$5,000,000

- Employee Dishonesty – Faithful Performance Bond
- Depositors Forgery or Alteration
- Theft, Disappearance and Destruction or Money, Securities and other Property
- Computer and Funds Transfer Fraud
- Money Orders and Counterfeit Currency.

2. Additional Insureds. The Project Manager shall name the BDD Board, the City, the County, Las Campanas LP and their officials, officers, employees, agents, and each member of the BDD Board as Additional Insureds on Commercial General Liability and Excess Liability policies.

3. Insurance Certificates. The Project Manager shall provide to the Board satisfactory certification by an authorized representative of the insurer(s) that the Project Manager's insurance complies with all provisions in this Attachment B. The certificates need only reference current annual policies, but shall be replaced at or prior to renewal to ensure compliance with the requirement of maintaining the required insurance in accordance with this Attachment. Qualifying statements on insurance certificates that the carrier "will endeavor" to provide notice to the Board or that "failure to mail such notice shall impose no obligation or liability upon the insurance company, its agents or representatives," are not acceptable.

4. Non-Recourse Provision. All insurers shall have no recourse against the Additional Insureds for payment of any premium or assessment. The coverages provided by insurance policies required pursuant to the PMFSA shall be the primary source of any restitution or other recovery for any injuries to or death of persons or loss or damage to property incurred as a result of an action or inaction of the Project Manager, of their respective suppliers, employees, agents, representatives, or invitees, that fall within these coverages and also within the coverages of any liability insurance or self-insurance program maintained by the Board.

5. Subcontractors. The Project Manager shall be responsible for assuring that all Subcontractors of the Project Manager performing work, secure and maintain all insurance coverages (including workers' compensation insurance) and other financial sureties required by the laws of the State in connection with their presence and their performance of their duties pursuant to the PMFSA.

6. Project Manager Property. At all times during the performance of the Project Manager's responsibilities as detailed in the PMFSA, the Project Manager shall insure on a broad form basis any real and personal property, including valuable papers and records, including electronic media and data, and other equipment owned, leased or used by the Project Manager. All such insurance shall include an insurer's Waiver of Subrogation. The Project Manager hereby releases and holds harmless the Board for any loss or damage to the property.

7. Specific Provisions for Workers' Compensation Coverage. At all times during the performance of the Project Manager's Work duties and responsibilities under the PMFSA and for 24 months following the date of the termination of the PMFSA, the Project Manager shall maintain Workers' Compensation and Employer's Liability coverage in compliance with the applicable statutory requirements. Such insurance shall include an insurer's Waiver of Subrogation in favor of the Board, the County and Las Campanas LP their officials, officers, employees, agents, and each member of the BDD Board.

8. Specific Provisions for Professional Liability Insurance (Errors and Omissions). At all times during the performance of the Project Manager Work, the Project Manager shall maintain Professional Liability insurance for loss or damage alleged to be as a result of errors,

omissions or negligent acts of the Project Manager. This Professional Liability Insurance shall be maintained for a period of five (5) years after the end of the term of the PMFSA.

9. Required Policy Provisions. All policies shall contain a provision for 30 days advance written notice, except for non-payment of premium in which case the advance written notice period shall be 10 days, by the insurer(s) to the Board of any cancellation, non-renewal and, except for erosion of limits by claims, notice of any material reduction of coverage. All policies shall contain a provision stating that the Project Manager's policies are PRIMARY insurance and that insurance of the Board or any additional insured's shall not be called upon to contribute to any loss except as excess insurance over any insurance carried by the Project Manager.

10. Additional Insurance Provisions. The foregoing requirements as to the types and limits of insurance coverage to be maintained by Project Manager, and any approval of said insurance by the Board, or its representatives are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Project Manager pursuant to this PMFSA. If at any time during the life of the PMFSA, the Project Manager fails to maintain in full force any insurance required by the PMFSA, the Board may acquire the necessary insurance for the Project Manager and charge the Project Manager for the same.

11. Qualifications of Insurers. All policies required shall be issued by acceptable insurance companies, as determined by the Board, which satisfy the following minimum requirements:

(1) The insurance carrier shall be authorized to do business in the State of New Mexico and maintain an agent for process within the State. Such insurance carrier shall have not less than an "A-" policyholders rating and a financial rating of not less than Class VII according to the latest Best's Key Rating Guide, or

(2) A Lloyds of London program provided by syndicates of Lloyds of London and other London insurance carriers, providing all participants shall be qualified to do business in the State and the policy provides for an agent for process in the State.

Healthy Water NOW ASAP
Elana Sue ST. Pierre (Spokes Woman
700 Calle De Leon
Santa FE NM 87505

Sanford Hurlocker, District Ranger
Espanola Ranger District
PO 3307, Fairview Station
Espanola, NM 87533

Respectfully to Sanford Hulocker
We appeal the Decision Notice and Finding of No Significant Impact for the Rio Grande Corridor at Buckman Restoration and Recreation Enhancement Project (File Code 1950. Date Nov 19, 2012).

Background

Since 2006 we have attended collaborative planning meetings representing primary stakeholders, pregnant women and children, asking that full facts be presented to the public about the existence of nuclear and heavy metal contamination as reported August 2008, in the Los Alamos National Laboratory Legacy Contaminant Study at the Buckman Direct Diversion . Testing in this report shows that Plutonium238 is found to be three times greater than background data set, Plutonium 239/240 eight times greater than BGUL and 30-50 times greater than LANL background data set,Cesium 137 is up to 3 times greater than BGUL references and 11-14 times greater than the LANL background set, Uranium 234/235/238 is 2-3 times above background levels, Strontium 90 is 5 times the mean of LANL data set, Aluminum and Arsenic exceed residential SSL ;Manganese exceeds the construction worker pathways limits. We continue to ask, how will these facts be incorporated into public information and safety for construction workers, park staff and pregnant women and babies as plans proceed?

There is nuclear bomb waste buried 3-6 foot deep within the 8 acres up river form the Buckman Direct Diversion (BDD) with in the recreation enhancement areas. We are appealing Plan A and B because this report minimizes potential adverse impacts to families that may be playing in riverbank sands that will be eroding over time. We are appealing because current monitoring requirements and mitigation measures are inadequate to give real life protection. These plans could allow many people to unknowingly come into contact with invisible radioactive and heavy metal contamination. Medical conditions can take years to be expressed after exposure to this type of contamination....so cause and effect is difficult to trace for individuals, and medical intervention complicated, yet genetic research shows safety standards are not enough to protect pregnant women and children. Who would guess a romp in this park could lead to a grand child' s birth defect years down the road. Plans A and B also do not address these complex medical scenarios. Also plans A and B do not take into account half-life longevity toxicity levels which go beyond more generations that you can count. How does Plan A or B protect future generations? Plan A and B were also made before the historical wild fire...has it been up graded since the fire. We appeal for more current post-fire flash flood Environmental Impact Studies and how ash will be appearing along the river banks.

Findings Required by other Laws and Regulations

We appeal because this Decision Notice :

- Falsely states that "the existence of contamination is known to be at very low levels(background)" page 2,Alternative A. There are numerous levels in the August 2008 Contamination Study , as quoted above, which exceed background levels and exceed construction workers pathway limits. This falsely misleads the public and may indicate that risk factors have been totally overlooked or worse yet purposefully hidden and minimized. Restoration plans are again not truthfully or clearly representing health and safety risks to the public. Are restoration planners , engineers , and workers Credentialed by appropriate accredited institutions which offer degrees in Nuclear Wasted BioRemeditation?How could such risk factors be overlooked?
- Current nuclear and heavy metal Safety Standards have not been upgraded in decades and are not current with medical genetic research that now recognizes pregnant women and children are more vulnerable than current safety standards provide. This Official Decision

of Notice of Findings about the proposed Rio Grande Corridor at Buckman Restoration and Recreation Enhancement Project must keep actuate detailed information in public records. As safety standards are upgraded to meet the special protection which pregnant women and children truly need, this nuclear waste site must have safety upgrades made, as laws for safety improve. We appeal that Precautionary Principles reinforced by President Obama be followed. Do not allow pregnant women and children to be harmed by unknowingly playing , digging ,and possibly eating dirt,(as kids will do) by river bank sand contaminated with nuclear bomb waste. It is your responsibility and lawful duty to keep our most vulnerable safe. Since current safety standards do not truly protect pregnant women and children signs should be posted with true information about the actual levels of nuclear and heavy metal contamination that these families will be playing with .

Finding of No Significant Impact

Based on the mis- information this entire report is dependent upon , we will appeal each following factors presented in File code 1950 page 4-5:

1.Alternative A, minimizes contamination levels as recorded August 2008, in the Los Alamos National Laboratory Legacy Contaminant Study at the Buckman Direct Diversion so conclusions are faulty and need revision.

2.Impacts to public health and safety do not follow Precautionary Principles and may need review by Accredited Professional with Degrees in Nuclear BioRemidiation. Impact to Health and Safe must reconsidered.

3.The unique characteristics of the area have undergone dramatic environmental changes due to the historic fire surrounding all the up river run off patterns since the plans for the restoration were started. How will thousands of deforested run off tributaries, and tons radioactive ash eroding into and old river overflow area(the slough) affect plan A or B. How will further disruption an unstable area directly above a multi million dollar water treatment facility(BDD)possibly affect contaminated silt that this infra structure will have to decontaminate?.

4.We appeal that this is a highly controversial area. There has been no independent peer review by qualified Engineers to determine how flooding in an area with nuclear contamination will affect the BDD infra structure nor how restoration could disrupt contamination potentials, or how eroding of contaminated soil during a flood could affect Santa Fe's drinking water? Peer review by ChemRrisk did not review flash flood water in this contamination area or the area know as the "slough" which is a river overflow site.. We appeal Alternative A and B, until a licensed engineer reviews floodwater and post -fire flash flood effects on our multi million dollar water treatment facility. And how this restoration plan will effect public drinking water.

5.The effects on human environment are highly uncertain,involve unique unknown risks as evidenced by the environmental consequences of a historical fire in the surrounding areas which may result in unpredictable flash flooding in the contaminated slough. The Forest Service has never experienced this type of flash flooding in a nuclear contamination site and a new body of general research with specialist consulted should be completed. We appeal for a full Environmental Impact Statement so we know how eroding radioactive ash will be eroding on to the restoration area and effect the BDD.

6.The precedent for successfully implementing nuclear bioremediation in the Santa Fe Forest restoration requires special consideration. We appeal until qualified independent experts in the field of nuclear bioremediation review and carry out any remediation in the area surrounding the BDD. Action of Plan A and inaction of B sets a precedent for all future generations that will effect anyone entering the restoration area, as well as, all who drink water from the BDD.

7. Any action taken (Plan A) or not taken (plan B) in the area surrounding the BDD will have significant cumulative impact. It can affect the lives of many, whoever drinks public water from the BDD. You are talking about nuclear and heavy metal contamination that can have sever cumulative effects in the human body and that of all wild life .We appeal that cumulative effects are being minimized and must be reconsidered.

8.We appeal that actions taken may possibly have unplanned destruction on significant scientific resources since there have been inadequate research on the animals living in this nuclear

contamination site to date. How has wild life been affected by living in a nuclear waste site since the 40's? We have asked that genetic studies be conducted on burrowing animals, birds and animals that dig for food,and aquatic life so that we understand more fully what this contamination site is really doing to the surrounding habitat and migratory animal's health.

9.Wildlife was not tested for genetic mutation or DNA abnormalities. If it was, the information was not made public in any easily accessible way. So we appeal that it is unknown if wildlife will or will not be adversely affected genetically when such studies were not presented in the environmental assessment.

10.We appeal that actions planned violates Precautionary Principles of protecting the environment. Using herbicides and disrupting nuclear waste sites near drinking water in flash flood areas we appeal..

Administrative Review And Implementation

We appeal Plan A and B . We respectfully request that an alternative Plan C be considered .We request a Plan C include:

-gird sampling of entire flood plain of the slough and surround BBD before any earth is disturbed by independent nuclear waste clean up specialist with appropriate educational credentials

-restoration around the slough be focused on nuclear waste isolation, containment,and stabilization; further research of all post-fire flash flood patterns, habitat effects and,state of the art BioRemeditation (where is research using mycelium and anaerobic bacteria, there is funding elsewhere why not here?)

- focus of any earth moving done is to stabilize run off and river bed erosion patterns in this nuclear waste site

- greater worker protection, education, biomedical testing pre and post work if moving earth proceed against our appeal, all workers provided signed inform forms of nuclear risks

-we appeal that signs are posted clearly stating what has lied buried here since the 40's ;we appeal that this story be explained and preserved in language that mothers and fathers can understand before letting their precious children and grandchildren play in a hidden nuclear waste site for it can affect generations yet to come in incredibly harmful ways that current medical research documents yet currently safety standards do not yet protect.

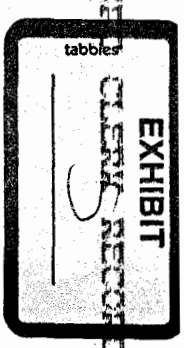
The cumulative effects of unknowingly being exposed to nuclear and heavy metal waste must be re-considered since this report stated "...I am satisfied that none of the cumulative effects will be significant"...clearly an over-site we intend to help you reconsider and re mediate.

It is our appeal, hope, and prayer, that You will take full responsibility for the harm or well being of children yet unborn(your grandchildren) that will play in this park. Actions taken now will determine whether they are exposed to or protected from risks this restoration and recreation plan may cause. Please understand that we currently have no adequate safety standards, and over time they will change as we have seen with smoking and arsenic treated wood. You are Now the Protector of this Future. We are your Voice of Consciousness. We appeal for those who yet have no voice. Please proceed using Precautionary Principles, Ethical Choices and Safe Actions for generation yet to come. We will support you in this. Please let us help form Plan C.

With Hope for Our Futures
Elana Sue ST. Pierre
Healthy Water NOW ASAP, Spokes Women
700 Calle De Leon
Santa Fe NM 87505
12-31-2012
Please send confirmation receipt. elanasue@aol.com Copy with signature faxed/ mailed today

Elana Sue St Pierre

San Juan-Chama Project: Need for Functional, Proactive Best Management Practices
1/3/2013 prepared by Michael Aune



INTRO:
In winter of 2011 I spoke at LANL Stormwater Public Hearing about their failed "Best Management Practices" after the Los Conchas Fire. In February of 2012, I began publically discussing the low water flow within the San Juan-Chama Project. I provided reports and photos to media in September and October 2012, as well as to the Buckman Direct Diversion Board. The New Mexican, The Journal, and the SF Reporter showed no interest. The November 2012 issue of Green Fire Times showed part of that effort after I led a number of interested people and showed them there was no water at the Oso Diversion.

NEED:
1. San Juan-Chama Project provides 5,605 acre-feet of water to Santa Fe and Santa Fe County from southern Colorado via Heron Lake, the Rio Grande and the Buckman Direct Diversion.
2. Heron Lake is the only dedicated storage reservoir for the San Juan-Chama project, though El Vado Lake and Abiquiu Lake will probably be used as emergency back-up water supplies. Heron Lake was at about 34% capacity in September 2012, and El Vado Lake is below capacity as well.
3. Continued drought and reduced winter snow-pack means reduced flows through the San Juan-Chama Project. It also means increased risk of forest fire danger in those Colorado watersheds as more trees die.
4. Probable ash/mud flows with debris after fires will damage/obstruct series of tunnels and diversions that make up the San Juan-Chama Project. Recent flood damage at Dixon Orchard, Bandelier National Monument, and Santa Clara Canyon are similar examples where this has already occurred.

HOW MANY MILLIONS OF DOLLARS DID THE SAN JUAN-CHAMA PROJECT ORIGINALLY COST? Approximately/minimum $35 million was allocated in mid-1960's per Bureau of Reclamation.

WHAT WOULD THE COST BE TO REBUILD/REPAIR/RESTORE SAN JUAN-CHAMA PROJECT IN TODAY'S DOLLARS WHEN FIRE/FLOOD DAMAGE OCCURS?

THE ISSUES ARE REAL:
1. The U.S. Forest Service (Future of America's Forests and Rangelands) and the U.S. Geological Survey (Impacts of Climate Change on Biodiversity, Ecosystems…) issued reports that addressed increased size and frequencies of wildfire, decreased water yield, decreased precipitation and higher temperatures.
2. The U.S. Bureau of Reclamation began notifying San Juan-Chama water users in December, 2012, that they could see a 20% reduction in water due to depleted reserves, i.e. Heron Lake and reduced flows in the Rio Blanco, Navajo, and Little Navajo rivers in southern Colorado.
3. Santa Fe City Hydrologist and Bureau of Reclamation in November acknowledged that "experts" agree on higher temperatures, less water flow from reduced snowpack, and more fires with probable flooding.
4. December 30, 2012, City Water Statistics show Santa Fe Canyon reservoir storage at 28.7%. On that day, City wells produced 310,000 gallons of water. The Buckman Water Treatment Plant produced 6,580,000. No water was produced by the Buckman wells. Hence, most of that 6 ½ million gallons came from the Buckman Direct Diversion. Precipitation at Santa Fe Airport for 2012 was reported at 6.54" annual year-to-date (Dec. 30) with "normal" annual precipitation being 13.51".

WHAT IS BEING DONE:
1. City is buying Rio Grande water rights below Santa Fe (recent example: Soccoro) to provide "offsets".
2. The City (April, 2012) minimized or eliminated emergency water restriction policies.
3. Current: The Buckman Board is hiring a Public Information Specialist. (truth or spin?)

WHAT SHOULD BE DONE NOW:
1. City/County get Bureau of Reclamation and U.S. Forest Service to implement PROACTIVE "Best Management Practices" in San Juan-Chama watersheds, i.e. reduce fuels to minimize intensity of fires; build large retention basins above tunnels/diversions to catch ash/mud/debris; plant meadows/grasses to encourage rapid regeneration after fires, hold the soil, and encourage low-intensity ground level fires.
2. Though water conservation is encouraged, encourage it even more. Educate public ACCURATELY.
3. Minimize approvals of expanded water end-use (development), especially high water users (politics).
4. Support Resolution/Memorial that New Mexico acknowledges current potential for water crisis.