

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

**February 4, 2021**

1. This meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Councilor JoAnne Vigil Coppler, Chair, at approximately 4:00 p.m.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, and pursuant to the New Mexico Attorney General's Open Government Division Advisory during COVID-19, public entities are authorized to conduct virtual meetings. All votes were conducted by roll call.

[For clarity purposes, repetitive identification and confirmations of those on the line and their audibility have been eliminated and/or condensed in this transcript.]

2. Roll was called and the following members were present:

**BDD Board Members Present:**

Councilor JoAnne Vigil Coppler, Chair  
Commissioner Anna Hansen, Vice Chair  
Commissioner Anna Hamilton  
J.C. Helms, Citizen Member  
Councilor Carol Romero-Wirth  
Tom Egelhoff, Las Campanas [non-voting]

**Member(s) Excused:**

None

**BDD Board Alternate Members Present:**

Peter Ives, Community Alternate  
James Lightfoot, Las Campanas Alternate

**Others Present:**

Rick Carpenter, BDD Facilities Manager  
Nancy Long, BDD Legal Counsel  
Kyle Harwood, BDD Legal Counsel  
Bernardine Padilla, BDD Public Relations Coordinator  
Randy Sugrue, BDD Operations Superintendent  
Jamie-Rae Diaz, City Administrative Assistant  
Joe Abeyta, City IT  
Marcos Martinez, City Assistant Attorney  
John Dupuis, County Water Division Director  
Monique Maes, BDD Contract Administrator  
Jesse Roach, City Water Division Director

**Others Present** (cont.):

Daniela Bowman, BDD  
Bill Schneider, City Water Conservation  
Caryn Gross, City Project Administrator  
David Batts, EMPSi - Consultant  
Regina Wheeler, Public Works Director  
Joni Arends, CCNS

**3. APPROVAL OF AGENDA**

CHAIR VIGIL COPPLER: Are there any changes from staff?

RICK CARPENTER (Facilities Manager): Yes, there is one change. Staff, after considerable discussion today and yesterday, would like to recommend that Consent item 8.a. be removed from this agenda and be brought back in March. There are some unanswered questions that staff would like to discuss at the staff level before bringing this item back. So the recommendation is to take it off of this agenda and to move it to the March Board meeting.

CHAIR VIGIL COPPLER: Okay, thank you. Do I have a motion to approve the agenda as amended?

Commissioner Hamilton so moved and Mr. Helms seconded. The Chair requested a roll call vote and the motion passed unanimously [5-0].

**4. APPROVAL OF CONSENT AGENDA**

**8. b. Request for Approval to enter into a Service Agreement with TLC Company, Inc. in the amount of \$59,118.89 exclusive of NMGRT to replace and install a new chiller unit located at Booster Station 4A and 5A.**

**1. Request for Approval of a Budget Amendment Resolution (BAR) in the amount of \$64,108.00**

Commissioner Hamilton moved to approve (item 8.b.). Commissioner Hansen seconded. The motion passed by unanimous [5-0] roll call vote.

**5. APPROVAL OF MINUTES: January 7, 2021**

CHAIR VIGIL COPPLER: I will state for the record and our minutes that the only matters discussed during the executive session of our last Board meeting of January 7, 2021 was the matter as stated in the motion to go into executive session and no further action was taken.

Do I have a motion to approve the minutes of January 7<sup>th</sup>?

COMMISSIONER HANSEN: I move to approve the minutes of January 7<sup>th</sup>.

COMMISSIONER HAMILTON: Second.

CHAIR VIGIL COPPLER: Okay, it's been moved by Commissioner Hansen and seconded by Commissioner Hamilton to approve the January 7<sup>th</sup> minutes.

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

**6. MATTERS FROM THE PUBLIC**

CHAIR VIGIL COPPLER: I believe we have one person who would like to make a comment. So please let Ms. Arends in.

JOE ABEYTA (City IT): Ma'am, I will unmute her. Ms. Arends, you have the floor.

JONI ARENDS (CCNS): Hi, good afternoon. Thank you for this opportunity to speak. I am with Concerned Citizens for Nuclear Safety and we would appreciate an update about the incomplete application of the Department of Energy and Los Alamos County to the New Mexico State Engineer to transfer 679 acre-feet per year in water rights to the Hexavalent Chromium Plume Remediation Project at Los Alamos National Laboratory. Thank you in advance for your consideration of our request. Thank you.

CHAIR VIGIL COPPLER: Thank you for your public comment. We appreciate it.

**7. PRESENTATION/INFORMATIONAL ITEMS**

**a. Monthly Update on BDD Operations**

CHAIR VIGIL COPPLER: Randy Sugrue.

RANDY SUGRUE (Operations Superintendent): Thank you, Madam Chair, members of the Board. For January 2021, BDD diversions and deliveries averaged 1 million gallons per day. Raw water diversions were 4.3 million gallons per day average. Our drinking water deliveries through our Booster Station 4A/5A combined averaged about 4.14 million gallons per day. Las Campanas did not divert in January. Our onsite treated and non-treated water storage was about 160,000 gallons per day. BDD is providing approximately 69 percent of the water supply to the City and County for the month. Page 2 does have a regional demand drought summary and some updated storage information.

The BDD year to date diversions for the first part of the year now, for January, we're approximately 133 million gallons. That is essentially it. We've had it good in January considering weather and river flow. I stand for questions.

CHAIR VIGIL COPPLER: Are there any comments from the Board? Okay, thank you, Randy.

MR. SUGRUE: Thank you so much.

CHAIR VIGIL COPPLER: Great job on your report.

**b. Report from the Facilities Manager**

MR. CARPENTER: Thank you, Madam Chair and members of the Board. I don't have a whole lot to report out on at this meeting. It is sort of our slow time of year. I have been trying to keep the Board up to date on our efforts to fill several critical positions at the BDD; namely, the automation and security position that has been vacant for awhile.

Mackie's old position, financial administrator, and then the maintenance supervisor position. All three of those are in process. They are loaded up in the City's Munis system where they currently reside. They are pending further action by the City's HR Department. And that's all I have to update the Board on.

CHAIR VIGIL COPPLER: Okay, thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. I'm wondering, Rick, if at the next meeting we could have an update on the status of the MOU with LANL and the Triennial Review and the chromium six plume from LANL.

MR. CARPENTER: Yes, that's really timely. I think we have had some discussions at the staff level to do just that and it's on our radar to do that presentation at our next meeting.

COMMISSIONER HANSEN: Fantastic. Thank you so much.

MR. CARPENTER: Thank you.

CHAIR VIGIL COPPLER: Any other comments or questions for Rick?  
Okay, thank you, Rick.

### **c. Proposed San Juan-Chama Return Flow Pipeline Status Update**

JESSE ROACH (City Water Division Director): Madam Chair, member of the Board, thank you. I will share my screen and step through some slides that are also in the packet. These slides were presented to City Council about three weeks ago and so they may be a little bit familiar to the councilors.

We just wanted to provided sort of an update on where we are with our San Juan-Chama return flow pipeline and also a little bit of how we got here. We, as a water utility for the City, do engage in long-range planning on a regular basis and we've been doing that for at least 30 years, probably longer. And I wanted to point out some of the results that we have taken from our most recent efforts. In 2015, the Santa Fe Basin Study, we for the first time – and this was in collaboration with the County – took climate change consideration into the long-range planning process and a couple of the key results that came out of that was that if we do nothing, almost independent of demand, if we do nothing, climate change does represent a threat and a potential for shortages in our system. This graph is from the Basin Study update which showed sort of the timing of those potential shortages. One of the interesting things on this graph – and this is showing the annual shortage and thousands of acre-feet per year on the Y axis and the year on the X axis – there's a range of uncertainty in the shading which is representative of the uncertainty associated with global climate models, the GCMs. But also there's a large uncertainty in demand in terms of what will the demand for potable water be out into the future. But the takeaway is that we need to work towards being ready for a changing climate and potential growing demand. And the low-hanging fruit that came out of this study, as it had for multiple studies prior, was that the effluent that we generate at the Paseo Real Water Reclamation Facility is a key to our long-term resiliency.

So we followed that study up with a 2017 study called the Santa Fe Water Reuse Feasibility Study and this essentially was trying to answer the question of, what is the best way, the most resource efficient way, the best way from a triple bottom line evaluation to utilize that effluent. And returning water originating from the BDD to the Rio Grande was contemplated in the original BDD design and it's been identified in

multiple rounds of planning sort of as a preferred – well, it's been identified as an idea going back all the way to the '70s pre-BDD – but it is this 2017 feasibility study that identified a return flow credit as the preferred alternative for utilizing effluent to increase our potable water supply.

Another view of water resources from the four different sources in the City for the past – this is 2013 through 2019, so that's seven years of data – and we see that BDD is our largest single source at the City. And it has represented 45 percent of our potable water during that period. About one-third from Canyon Road, also surface water, and the remainder from our two groundwater supplies about equally split between them.

One of the key aspects to this return flow pipeline is it only is using – it's proposed use is only for San Juan-Chama water and San Juan-Chama water represents a portion of New Mexico's legal share of Colorado River water. I think everyone on this call is probably familiar with San Juan-Chama water but to repeat some of the main facts are the City's full allocation is about 5,230 acre-feet per year and we do have the right to fully consume that imported water.

If we look at the wheel here on the right is the same one I just showed before showing the distribution of water sources from where we have produced potable water from 2013 through 2019. In that same period, on an annual average basis almost two-thirds of that water is actually collected through the sewer collection system and flows to the Paseo Real Water Reclamation Facility. The other third is lost to outdoor use or leaks in the system. So we're looking at 5,600 acre-feet approximately of influent over that period of time of which 2,666 acre-feet a year on average were what we will call unconsumed San Juan-Chama water arriving at the reclamation facility.

Also, I should have said, I would be very happy if anyone interrupts me as I go. That helps me sort of understand what I'm explaining well and what I might need to explain a little bit further. So please feel free.

And then this is what, if we had this return flow pipeline in place, this is what the system would have looked like in that same seven years, 2013 through 2019. There still would have remained almost 2,000 acre-feet per year of discharge to the lower Santa Fe River which for comparison sake is about half of the total Santa Fe River resource that flows into McClure on an annual basis. And then there would have been this other amount available to return to the Rio Grande for a return flow credit.

So how does that look? When we talk about return flow credits what do we mean? And the goal is for us as the City to achieve full consumption of San Juan-Chama water by getting a credit for what we return to the river. We do not get any credit for what discharge that we make to the lower Santa Fe River. In the current situation any amount of water that the City wants to divert as San Juan-Chama water at BDD has to be released completely from upstream reservoirs and in addition a small carriage fee, so that's about 2 percent from Heron to BDD. So that is currently everything that we divert in the river from upstream reservoir releases.

The proposed return flow pipeline would for the same diversions – so these arrows are representative of the magnitude of the diversion – with the same diversion from the river could be supported with less of a release from the upstream reservoirs because the river essentially would be made whole from a quantity perspective by returning effluent to a point just downstream of the diversion location. So there would be somewhere on the order of hundreds of feet between the diversion and the return. So no

actual molecules of effluent that are being returned to the river would be diverted into the BDD facility. But the river itself if you look above the diversion and return complex there would be no change to native Rio Grande flows from above the diversion complex to below the diversion and return complex. Ultimately, we're trying to make the same diversions at BDD with a smaller release from upstream reservoirs and that's how we stretch our San Juan-Chama water.

This is kind of specific to some of the things that the City has done in the last year, a little bit more than a year now since December 2019 when a resolution was passed essentially calling for the water division to develop a 40, and 80-year water plans with public outreach and community input as important parts of shaping those plans. And that we look into implementing the design and construction of return flow pipeline. So from the planning perspective first, we have laid out a five-year planning process and we have made it through the first year of that planning process in which we have engaged with the public and have sort of finalized this five-year plan. This current calendar year, 2021, we are slated to develop supply and demand projections with the latest generation of climate change models and then next year utilize an updated water model, a water resources model, to evaluate what the shortages might look like without any action, without any new resource development. And then in the fourth year of the process, evaluate adaptation strategies and finally sort of formalize that in a plan.

This process is a process that the City and the County are working on in parallel so that we are working from the same set of underlying assumptions; although, we will each develop our own water resources plans and our own capital improvement project plans as outcomes from this and those will be independent.

When the cycle ends and an updated plan is in place then we can start again so we can have an updated plan every five to ten years depending on our needs. In addition, we have ongoing studies that can support our understanding of potential adaptation strategies. So some of the things that we will be looking at independent of the planning process are aquifer storage and recovery either along the Santa Fe River or potentially in some of the Buckman wells and some of the work going on at the Paseo Real Water Reclamation Facility.

And as I mentioned, we did do some public outreach this past year. We had 42 individuals at a couple of webinars in October. Another 18 individuals in breakout sessions and based on feedback we finalized a roadmap for this process and it is available on our website. This calendar gives a high level overview. Again, I mentioned the five years and what we're trying to get done in each of the years. And then this culls out opportunities for public engagement and public input and the specific deliverables that we're trying to generate from this process. We did generate the final five-year planning process documents, it's on our website. And now we'll be working on supply and demand scenarios and then sort of a project list of adaptation strategies and finally the plans.

That's kind of where we have been so far on the planning side and then some next steps, where are we going next on planning and design and permitting for the return flow pipeline. The yellow color represents a public process. We are working with the US BR on multiple fronts related to planning.

I'm going to home in on the return flow pipeline piece. We are ready with a request for proposals – I guess it's called something different now, so don't hold me to

that acronym. But we do have a document ready to go out to the street for engineering firms to develop engineering designs for the return flow pipeline. And we're getting ready to work with Reclamation on a cooperative funding agreement for technical services associated with environmental permitting. We'll have an agenda item related to that later in this agenda. And there will be public notice and scoping opportunities associated with the environmental permitting and there also will be public notice associated with the State Engineer return flow application.

The next slide here shows how these things layer together in time. We're sort of working on three fronts. There's an environmental permitting front, and again this is going to be the NEPA Environmental Assessment. There's a State Engineer permitting front and then there's a design front. So we're very close to being ready to initiate the public portion of all three of these. At this point these have flipped a little bit and I think that in early second quarter, early April right now we're targeting being ready to sort of roll all of these things out to the public and make this whole process public. And in terms of how long it will take, we're thinking a couple of years for the environmental permitting. The State Engineer, we're hopeful that that permit process will also be on a similar timeline and the design on a similar timeline as well. So by the end, near the end of 2022 we would be hopeful that we would have the permits in place and the design in place to go towards construction. And I think that is my last slide. So with that I'll go back to this one that has a little bit more information on it and I would be happy to stand for any questions.

CHAIR VIGIL COPPLER: Okay, thank you. I don't see everybody on the screen share – you might have to go back to the slide but we'll see what the questions are, Jesse. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair and Jesse. I have a number of questions. On the return flow pipeline, I haven't heard you mention the County's portion of the water in the return flow pipeline credit for us. Is that something that you are working on or considering?

DR. ROACH: Madam Chair and Commissioner Hansen, that is something that we are working on but it is not – we don't have anything formal. We don't have a formal agreement in place with the County yet so we don't have anything that we're able to share publicly. I can just say that we are on a promising trajectory in terms of having some involvement in this pipeline with the County I believe.

COMMISSIONER HANSEN: So, I just want to state for the record that this 2017 Carollo study it might have had the County's name on it but we were really not participants in that study. For some reason, our logo was used but not our expertise. I just wanted to say that.

One of the questions I have is that I represent the Village of Agua Fria and they have a mutual domestic with water rights and they have sewers that go to the Paseo Real. So their water once it leaves the village their water goes to the Paseo Real plant, so how are you calculating that part of the Village of Agua Fria's Mutual Domestic water credit and then how are you categorizing the water coming from, the sewer water coming from Aldea or Las Campanas that also has a sewer plant? So I'll let you answer those and then I'll go on.

DR. ROACH: Okay, those are very good questions. There is a certain amount of water that enters what is called a "sewer shed." There is a certain amount of

water in the sewer shed that is not sourced from the four potable City of Santa Fe sources that I mentioned. And we do have a handle on estimating that. There are domestic wells, Agua Fria as you mentioned, there are placed where water enters the sewer system from other sources. We estimate those at approximately 300 acre-feet per year and those inflows are taken into account when we account for how much unconsumed San Juan-Chama water is available for the return flow pipeline. So those returns will not end up in the return flow pipeline.

COMMISSIONER HANSEN: So will that be added to the downstream water users or into the river?

DR. ROACH: That water will go into either non-potable reuse/the purple pipe or the lower Santa Fe River.

COMMISSIONER HANSEN: Well, if it goes to the purple pipe and it's coming from the County then it seems like the purple pipe takes care of City parks and City facilities and if my mutual domestic water is going – I believe there should be some return flow credit from the mutual domestic for their water and I don't know how that would work, if it would work on the Santa Fe River for John D'Antonio, the State Engineer. But this has just been brought to my attention and I've been trying to think about what actually – what that does. I can imagine the citizens of Agua Fria would want that water to stay in the river wherever it went and especially since it's County water, I think that they would want it to stay in the County.

DR. ROACH: Commissioner, I apologize. I'm sorry to interrupt. I would like to answer that question. It is my understanding and perhaps somebody on the phone who knows it better can confirm that in the City and County Water Resources Agreement all effluent at the Paseo Real Water Reclamation Facility does belong to the City.

COMMISSIONER HANSEN: Okay, I'll have to read the Annexation Agreement again. I've only read it like three times, four times, or five times but I'll see what it says – and you may be right. But I was speaking with somebody who does water resources and they mentioned that mutual domestics have ability to have return flow credits.

BILL SCHNEIDER (City Water Resources Coordinator): Madam Chair, this is Bill Schneider speaking and that is correct. The ultimate goal in terms of holistic planning with respect to credits for releases of native water, not San Juan-Chama water, that would go to the lower Santa Fe River, are achievable for discharge credits. That is certainly something that we anticipate will come out of the City and County water planning efforts here over the next couple of years. So, certainly, that is of interest I think of all parties to your point.

COMMISSIONER HANSEN: Okay, well I just wanted to bring that up because I feel like it is an important point that I don't want it to be forgotten and I really have concern about this return flow credit pipeline.

One other item that Commissioner Hamilton and I are both concerned about I know and I might let her speak to it if she wishes to but is making sure that the pipeline goes close enough to the Buckman treatment plant that that water could then be used during a very severe drought for water to go back into the system for drinking and Commissioner Hamilton I can't see you but if you'd like to chime in, I'm happy to have your input.

COMMISSIONER HAMILTON: We've over time had plenty of interactions with the City with Bill Schneider and Jesse and all on potential for future DPR and I think those discussions are still on the table. And frankly could also, I assume, that they'll be integrated into the five- year cycle of water planning for consideration; is that a rational assumption Dr. Roach?

DR. ROACH: It is a rational assumption. I think the current alignment of the pipeline goes right back to BDD. At this time we don't have plans for DPR but should the technical and economic and hydrologic landscapes change sufficiently then it would be an option. It will always be an option that we would consider.

COMMISSIONER HAMILTON: And that would be the same for ASR for example, right? You indicated some studies of ASR that you anticipate to support the planning process.

DR. ROACH: Correct. And that's exactly where the planning process fits in. If we do have this return flow pipeline in place and we're able to stretch our water resources then the planning process also helps us look at in this sort of interim period where we have built for the future one of the best ways to look at utilizing aquifer storage and recovery, for example, on lower times in the year when there's less demand, so all of those ideas – no idea is off the table in the planning process and those ideas certainly have already filtered up to the top of things that we're considering.

COMMISSIONER HAMILTON: So just in that regard, and I'm sorry to take up your time Commissioner Hansen, but would that adding DPR as a near term future study might be a good idea if there's more information that is needed on it before it could be considered in the future.

DR. ROACH: Yes, I think – in my opinion and in the opinion of the feasibility study, at this time it is not an established enough technology and it's more resource efficient to move the water to the Rio Grande and then bring it back in – bring other water back in. It remains on the table for us if conditions change in any of those aspects enough. And if and when and ask that's happening in the planning process then additional study is certainly the right thing to do.

COMMISSIONER HAMILTON: And you're actually considering doing projections for future – climate change impacts and whatnot – to examine more closely – I mean the difference between demand and supply might be affected by hydrologic conditions which may or may not make the consideration of something like that and change its priority.

DR. ROACH: Yes, that's correct. So it will be interesting to see if when we look out 80 years into the future the latest stat of climate change models show a hydrologic condition that is different enough that in our planning model, DPR has a significant advantage over a return flow credit.

COMMISSIONER HAMILTON: Thank you. Thank you, Commissioner.

COMMISSIONER HANSEN: Thank you, Commissioner Hamilton. So I think for the public it would be really helpful for you to define DPR and ASR. We might know what it means but I think the public needs to understand those terms.

DR. ROACH: Yes, thanks, Commissioner. So DPR stands for Direct Potable Reuse and this would be the technology that essentially and as I understand it, it would probably involve reverse osmosis at this point. A very energy intensive process, which could allow you to treat effluent to potable drinking standards. So that's DPR,

direct potable reuse. And then ASR is Aquifer Storage and Recovery and the idea there is to enhance in some fashion recharge to an aquifer during periods where you have water available to do so, so that you can then extract that water later when you're in a drier condition.

COMMISSIONER HANSEN: So back to the Santa Fe River and the La Cienega, Cieneguilla and downstream. So that area of the Santa Fe River – residents are really quite concerned about their springs and their wells drying up and even my constituents in Agua Fria are complaining about their wells drying up. So I want to know how this is going to help them. How are we going to make sure that we do actually have aquifer restorative water in the lower Santa Fe River?

DR. ROACH: So from the perspective of Agua Fria which is upstream of Paseo Real Water Reclamation Facility I do actually believe that there's a benefit to Agua Fria as well with this return flow pipeline. Because the return flow pipeline gives us flexibility to utilize our Santa Fe River water differently. So one of the ideas that I mentioned is aquifer storage and recovery on the Santa Fe River. If we are able to get a permit for that, we may have more flexibility in how we release water. Currently, the Living River is just bypass flows. We don't release water from storage to support the Living River. With an aquifer storage and recovery program on the Santa Fe River, that could change and we could actually be able to release water from storage. So there's potential for flexibility with operations if we're able to utilize our San Juan-Chama water more efficiently.

In terms of the downstream users below Paseo Real Water Reclamation Facility, I believe that there's maybe two answers to your question. One answer is if the County, as we have had conversations with the County about their potential involvement in the return flow pipeline, the lower Santa Fe River is an issue that needs to be addressed as part of that potential partnership and some sort of a planning process on the lower Santa Fe River. So we'll have to standby for that, but that is one potential scenario. And then the other is we believe operationally, this is a perennial stretch of water. So there's constantly recharged to wells along this stretch of river and although historically in the last seven years there's been almost 4,000 acre-feet a year – no more than 4,000 acre-feet a year of discharge to the lower Santa Fe River, 2,000 acre-feet per year for irrigators and wetlands I believe is sufficient. If we can find a way to manage ours operationally use our native resources so that we are maintaining – so that we distribute this flow through the year in a way that is helpful to those downstream users.

COMMISSIONER HANSEN: Okay, I think that's all the questions I have for right now. Thank you, Madam Chair.

CHAIR VIGIL COPPLER: Thank you. I don't see any other hands. Does anyone have any other comments for Jesse? Jesse, I think your report is really nicely prepared. I like some of this software. Thank you.

DR. ROACH: Thank you.

**9. ACTION ITEMS: Discussion and Action**

**a. Discussion and Possible Action on BDD Board support for NEPA permit changes consistent with the Proposed SJC Return Flow Pipeline**

CHAIR VIGIL COPPLER: Kyle and Rick.

[Mr. Harwood shares his screen]

KYLE HARWOOD (BDD Counsel): Unfortunately, Jamie and I had a little bit of a crossfire with getting this memo into the packet. As Ms. Long pointed out, fortunately, it's not a very long memo. So you all got this memo earlier today and I'd like to just go ahead and walk through it briefly by way of introduction.

CHAIR VIGIL COPPLER: Kyle, excuse me. It looks to me to be the same thing we have in our packets. Are you saying that what's in our packets is not correct?

MR. HARWOOD: Councilor, you may have it in your packet. I don't know that it went out initially last week.

CHAIR VIGIL COPPLER: Okay, just in case anybody can't see it, it's in our packets. Thank you.

MR. HARWOOD: Thank you, Councilor. And I want to apologize for any cross wires.

[A discussion ensued regarding the location of the memo within either the Boarddocs or Primegov packets]

CHAIR VIGIL COPPLER: Okay, as long as we're all on the same page. Kyle, please do you want to continue.

MR. HARWOOD: Thank you, Madam Chair, and, again, I apologize for any confusion around the memo. It's before you as well on the shared screen.

The NEPA permits requested for the BDD projects 18 years ago requested and received coverage for up to 8,730 acre-feet per year of combined diversion of San Juan-Chama project water and what we call native pre-1907 Rio Grande water. Those NEPA permits are held and managed by the Board pursuant to the Board agreements to support the diversion of water rights under State Engineer permits that are held and managed directly by the project partners. The proposed San Juan-Chama pipeline that Dr. Roach has just finished describing to you contemplates increased San Juan-Chama project water diversions only with no changes to the BDD project intake, the BDD project rights-of-way and easements for the water treatment plant. In order to make the BDD project's NEPA permit changes consistent with the proposed SJC return flow pipeline, the City will make application to the relevant federal agencies and a scoping process with stakeholder input will be conducted.

To add one additional detail to this background and summary before I speak to the recommendation, with the construction of this pipeline that Dr. Roach has just finished describing to you, the BDD project will be asked to go over the 8,730 limit of its current permits. And what we want to make sure of is it is consistent with all of the other permitting that is going on with the project – I'm sorry, with the return flow project that the BDD project as it currently sits is asked to divert 8,731 acre-feet for that first addition acre-foot and everything above it is only San Juan-Chama water. We want to ensure that

those permissions that we sought some 18 years ago are made consistent with the proposed project that Dr. Roach has just described.

Board staff, counsel and consultants are all joining in this recommendation that the BDD Board vote, this is an action item on your agenda this evening, that the BDD Board vote to support those requested changes to the BDD permits consistent with the proposed pipeline. As Dr. Roach said, there is a scoping process with extensive stakeholder input that is contemplated in the near couple of week or a month or so and that will provide an ample and robust process for hearing and addressing all the concerns that the public wishes to raise.

I want to clarify for the Board that I have been thinking about the process project as components. I shared this mental model with Dr. Roach and I think it fits with his intent and that is that there's sort of the footprint of the new pipeline, that's one major component of this proposed project. There are obviously the Santa Fe River issues that have been raised at this meeting and other meetings. And then the third major component is discharging this water to the Rio Grande and then allowing for increased diversions out of the Rio Grande at the current BDD intake. So the issue before the Board this evening, is really just half of one of those thirds as an action item. Obviously, you all have asked extensive questions about the whole proposed pipeline as you will. But I just want to be very clear for the Board this evening that this action is really related to one-half of one-third of the elements of this proposed project. I'll go ahead and stop screen-share so people can actually see each other.

I also just want to note that in addition to Dr. Roach we do have John Dupuis who has Zoomed in as a participant and also the City's main environmental permit advisor and consultant, David Batts, who many of us have worked with on projects around New Mexico. He has a national practice on working on NEPA permitting. Okay, there he is with a smiling face, in front of another water project somewhere in the west. We stand for any questions that you may have. I will say that given the scoping process that Dr. Roach has mentioned we are asking for Board action on this matter this evening if that's what you wish to do. So with that I'll stop and stand for questions.

CHAIR VIGIL COPPLER: Thank you, Kyle. I see Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Madam Chair. So this makes sense and the scoping process, I've been involved with those, I get that. But I assume that they'll be the NEPA aspect of just this half of the third of the whole scoping process, but part of this will go to the State Engineer; right? And they'll be numbers associated with it that come with the scoping? Is that a correct assumption? That's just the prelude to the question. So in thinking about it, and this is a general ask right now but then the permit revision will be a specific ask so I'm wondering if we might make this so that we approve the processes going forward but then get a report back before the permit requests are submitted for a presentation and Board approval for actual submittal of the permit request or something along those lines. Make it a two-step process because there are no specific numbers associated with this. I can think of lots of reasons that it would be beneficial for water operations to alter this permit that, you know, we've been talking for awhile about this.

MR. HARWOOD: I'd like to hand the microphone to Dr. Roach because the City has been heading up its own discussions with the Office of the State Engineer

about the exact numbers that they're going to be seeking in both the State Engineer process.

CHAIR VIGIL COPPLER: Thank you. Jesse.

DR. ROACH: Madam Chair, Commissioner Hamilton, thank you. So we will have a specific number for our OSE permit. That OSE permit is sort of separate from this action but that number will be consistent with the Environmental permit that we're talking about here. We will have that number, I believe, and David please jump in and correct me if I'm wrong, but we will have that number once we sort of begin this process.

COMMISSIONER HAMILTON: The reason I'm asking – and thank you, David, but before you jump in – there's a number associated with the Environmental permit now but that number is going to be increased and it just makes some sense to me not to hamstring the process going forward but literally because the Board is approving an unscoped request which is fine, you need to do that now. But we could approve the unscoped request to get the scoping and then have it come back to us with the more complete information, just a thought. If there are serious procedural reasons not to do it, I would love to hear them. But I don't know what everybody else thinks. I'm throwing it out because it makes some sense to me.

CHAIR VIGIL COPPLER: Commissioner Hansen, are you going to respond to that because we have Councilor Romero-Wirth next.

COMMISSIONER HANSEN: Okay, fine, go ahead, Councilor.

COUNCILOR ROMERO-WIRTH: I'm sorry, Madam Chair. Did Dr. Roach want to answer the question about whether this would seriously hamstring things to come back to us. I don't think we got an answer to that.

CHAIR VIGIL COPPLER: Right.

DR. ROACH: I think I'm a bit over my head with the environmental permitting process side of things. So I don't know if Kyle or David has any answer – I don't think I have an answer to that specific question.

MR. HARWOOD: Sure, I was going to formally invite David to unmute his microphone and let us know what number he thinks might go into the application so we can perhaps progress on the question that has been raised.

DAVID BATTS (Consultant): Chair, we will be coming up with a number and I don't want to give a specific number without being able to consult with what I have here. I can probably look it up very shortly for you. But that number will be part of what we call our proposed action that will go out to the public that we can hear about and what it will be associated with. This is a very public process once it goes into the NEPA realm so we really have to have all our ducks in a row and we'll have to make sure that we have all of our understanding of what that maximum diversion amount could be and we'll have to explain how that San Juan-Chama water works to the general public because it is very confusing, obviously. So we'll have all of that laid out and how that looks from an accounting standpoint before we go to the public.

COMMISSIONER HAMILTON: I would just for the other Board members to clarify my thinking, this is a – the process is logical but it's technically the BDD Board holds the permit; right? So it wouldn't – I think it would be nice for us to hear it before it gets submitted. That's what I think is the only kind of issue that I'm

raising. It would be nice and I think it would be appropriate for that to be a part of the process we're approving or being asked to vote on.

MR. BATTS: I think that's fair and I hope I'm not speaking out of turn but I will tell you how we're thinking about this is that at this time we have a facility whose capability is far beyond its permit. We feel that we will probably be looking for a diversion somewhere near plant capacity so that we don't do this again until such time as we may want to expand plant capacity.

COMMISSIONER HAMILTON: And that makes sense.

MR. BATTS: So is that enough information or do we need to nail down a number? And if we do, I think we can come back but we would probably come right back at the next Board meeting.

COMMISSIONER HAMILTON: No, I wasn't asking for the nailed down number. I think just in the process I was asking before it goes – I mean, we vote on this tonight and it initiates the process but before it goes all the way through to changing the permit, since it is our permit, to hear the report back on what's been scoped and what's going to be presented. That's all.

MR. HARWOOD: I certainly expect for my part in supporting the work that is being done and not knowing what the outcome might be yet of the Board because the scoping is still to come, is that there would be regular reports back to the Board over the coming probably several quarters, right, David? If scoping is started in March or April they'll be some work to report back in the late spring and summer surely, right?

MR. BATTS: Absolutely. We will be giving periodic reports, so what we'll do are what we call, scoping reports. That will be one of our first outcomes and we'll be able to report to you what the public is saying about this proposal and then we'll have a draft document and we'll have that out for public review. It's about a six-month process once we officially kick it off. So you are correct, Kyle, we'll probably be able to come back every two months or so and give you some form of a viable update.

COMMISSIONER HAMILTON: That's acceptable to me. I would just like to confirm that the Board would see those reports and get a briefing on it and be incorporated in the ongoing process.

MR. HARWOOD: What I'd like to suggest Commissioner, if it's okay, is that we plan on coming back in April and June at a minimum so we can give you a sense of the scoping kickoff and then see how those updates go and how many more are consistent with the natural progression of the process. But certainly April and June seem like they're going to be heavy lift months for the public and stakeholder engagement part of the process. I'm volunteering Jesse's consultant David when I said that, but I think it's probably responsive to your request Commissioner.

COMMISSIONER HAMILTON: That would be.

MR. BATTS: And I would only just say maybe not specifically April – let's not promise April, let's promise the first Board meeting after we begin scoping. That gives us enough time to get information into the packet.

COMMISSIONER HAMILTON: I'm fine with that. That's responsive, I appreciate it.

CHAIR VIGIL COPPLER: Thank you. Councilor Romero-Wirth.

COUNCILOR ROMERO-WIRTH: I was just going to make a motion that we approve the staff recommendation as it is. Was that okay, Commissioner Hamilton, with the information that you got about the reporting?

COMMISSIONER HAMILTON: I would still like the reports but I don't feel any hard need for it to be in the motion. I trust the staff will bring it back to us and there will be real opportunity if the Board has substantive questions we'll have the opportunity to address them.

COUNCILOR ROMERO-WIRTH: So you're okay with the motion being just to move forward with the recommendation?

COMMISSIONER HAMILTON: I probably am, yeah.

COUNCILOR ROMERO-WIRTH: So then, Madam Chair, I would like to move the staff recommendation.

CHAIR VIGIL COPPLER: Do I hear a second?

MR. HELMS: Second.

CHAIR VIGIL COPPLER: Okay, it's been seconded by J.C. Helms. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. So at the moment on this agreement it says, receive coverage for up to 8,730 acre-feet per year of combined diversion of San Juan-Chama project water and native. So that covers, at the moment, that covers all of the water that the County and the City and our native water that we have access to and more than possibly we have access to?

MR. HARWOOD: Commissioner, that is a great question: 8,730 is made up of several constituent numbers. It was the City's projected need back in 2002 of 5,230 acre-feet and it was County's projected need of 1,700 acre-feet back at that time, and Las Campanas's projected need of 1,800 acre-feet as the private partner in the project. Those three numbers summed 8,730 and each of the different utilities has a little different composition of water rights within those projected needs and of course – certainly the City and County continue to do all of the out year planning that Jesse started his informational item with which is underpinning the proposed project. Does that help answer that question?

COMMISSIONER HANSEN: So does that number need to go up as these are 2002 numbers?

MR. HARWOOD: Well, the diversion capacity of 8,730 – that ceiling needs to be raised, yes, ma'am, in order to allow for the increased diversion of San Juan-Chama water at the intake.

COMMISSIONER HANSEN: So that is what you will do with this permit, right, raise the number?

MR. HARWOOD: Yes, ma'am. And the raising for that number just to be really clear and I think we've been consistent and I just want to underscore, the additional water over 8,730 will all be San Juan-Chama water only which in our current environmental permits was deemed to have a no affect on endangered species and other issues of concern downstream of the project. That's why all of the analysis that Jesse has described has really pointed at this to be the logical next step for really Santa Fe area water planning.

COMMISSIONER HANSEN: But the Buckman Board holds the environmental permit for this NEPA project; correct?

MR. HARWOOD: The Board currently holds the current project's NEPA permits and the individual utilities hold their State Engineer permits, yes, ma'am.

COMMISSIONER HANSEN: Okay, and it will stay that way?

MR. HARWOOD: There's nothing proposed to be changed about that arrangement with this proposed project.

COMMISSIONER HANSEN: Okay. I think I have answers to all my questions at the moment.

MR. HARWOOD: Wonderful.

CHAIR VIGIL COPPLER: Thank you. Any other discussion on this matter?

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

**b. Request for BDDB Acknowledgment of BDD Shared Pool Agreement between the City of Santa Fe and Santa Fe County**

JOHN DUPUIS (County Water Utility Director): Good evening, Madam Chair. The agreement has passed the City Council and County Commission. It was discussed previously that once that occurred, we would bring the agreement back for acknowledgment by the BDD Board. The agreement is attached to the packet materials and if there are any questions regarding it – I believe we have given a broad overview of it before, but if there are follow-up questions, I am more than willing to answer them. There are others who could help as well.

COUNCILOR ROMERO-WIRTH: Move to acknowledge.

CHAIR VIGIL COPPLER: Okay, do I have a second?

COMMISSIONER HAMILTON: Second.

CHAIR VIGIL COPPLER: Any discussion? Okay, thank you.

**The motion passed by unanimous [5-0] roll call vote as follows.**

**c. Election of Chair and Vice Chair of the Buckman Direct Diversion Board**

NANCY LONG (BDD Board Counsel): Yes, Madam Chair and members of the Board, as you all are aware, we annually elect a chair and a vice chair. That is provided for in the Joint Powers Agreement. Our rules of order provides that that election happens in February and that we rotate the position between the City and the County for the chair and then the vice chair shall be elected from the opposite entity. Since you, Madam Chair, are a City Councilor, the chair for this next ensuing term will be from the County and the vice chair from the City. So you may now ask for some nominations.

CHAIR VIGIL COPPLER: All right. I'm going to take the prerogative of the Chair and first speak and thank everyone for a wonderful year. I have to admit at first this Board just flew over my head because I'm not really an engineer water-scientific kind of person but I really have learned a lot and I enjoyed chairing the Board. It's just

been a great thing and I've loved working with all of you. So I'll still be here but obviously I won't be running the meetings – what a relief. Again, I appreciate all of you.

I would like to nominate Anna Hansen for Chair starting with the next meeting.

COMMISSIONER HAMILTON: I'll second that.

CHAIR VIGIL COPPLER: Okay. I think that's all we can do right now.

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

CHAIR VIGIL COPPLER: Okay, I think I see Commissioner Hamilton's hand up.

COMMISSIONER HAMILTON: Yes, first of all, thank you for your service this past year.

CHAIR VIGIL COPPLER: You're welcome.

COMMISSIONER HAMILTON: It was very much appreciated and very well done. And then I would like to nominate Councilor Carol Romero-Wirth for vice chair.

CHAIR VIGIL COPPLER: Okay, do I hear a second?

COMMISSIONER HANSEN: Second.

CHAIR VIGIL COPPLER: Seconded by Commissioner Hansen.

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

CHAIR VIGIL COPPLER: I just want everyone to know that we didn't use the Lyndon B. Johnson deal where he said, If nominated I will not accept and if elected I will not serve. You all are in, so that's it.

MR. HELMS: I would like to say one thing.

CHAIR VIGIL COPPLER: Yes.

MR. HELMS: I have really enjoyed having JoAnne as the Chair. I think she's fabulous and I like the fact that she's not a technical type. I'm not particularly a technical type either and I have enjoyed her high spirits and good sense of humor the whole way. Thank you for your service.

CHAIR VIGIL COPPLER: I appreciate that, J.C., thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Yes, I want to acknowledge you also Councilor Vigil Coppler. You have been a wonderful chair and it's been an honor to have worked with you also on this Board and so I'm grateful and I am looking forward to being chair of the Buckman Director Diversion Board. And I'm looking forward to working with Councilor Romero-Wirth and all the members of this Board as we move forward because we're going to have a big year. And every year seems to be a big year at the Buckman Direct Diversion and I think it will be really important for all the work that we do. So thank you everybody.

CHAIR VIGIL COPPLER: Thank you, Commissioner. Councilor Romero-Wirth.

COUNCILOR ROMERO-WIRTH: Councilor, I just want to say thank you for the last year of service on this Board and for leading the charge, appreciate it.

CHAIR VIGIL COPPLER: Thank you. I appreciate that too. Now don't forget I'll still be so when I show up next meeting don't kick me out. [laughter]

**10. MATTERS FROM THE BOARD**

CHAIR VIGIL COPPLER: Anyone have any Board matters? No more matters. I think this is the fastest that we've gotten out of this meeting in a long time and we don't have an executive session.

**11. NEXT MEETING: Thursday, March 4, 2021 at 4:00 p.m.**

**12. ADJOURNMENT**

Chair Vigil Coppler declared this meeting adjourned at approximately 5:15 p.m.

Approved by:

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JoAnne Vigil Coppler, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

**ATTEST TO**

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KRISTINE BUSTOS-MIHELIC  
SANTA FE CITY CLERK