

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

February 3, 2022

1. CALL TO ORDER

This regular meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Chair Anna Hansen at approximately 4:05 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 CALL: Roll was called and a quorum was present as shown:

BDD Board Members Present:

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

Member(s) Excused:

None

Others Present:

Rick Carpenter, BDD Facilities Manager
Nancy Long, BDD Legal Counsel
Kyle Harwood, BDD Legal Counsel
Bernardine Padilla, BDD Public Relations Coordinator
Jamie-Rae Diaz, City Administrative Assistant
Antoinette Armijo-Rougemont, BDD Financial Manager
Randy Sugrue, BDD Operations Superintendent
Monique Maes, City Finance
Greg Shaffer, County Attorney
Marcos Martinez, City Assistant Attorney
Michael Mikolanis, DOE - Environmental Manager Los Alamos Field Office

3. APPROVAL OF AGENDA

There were no changes to the agenda and Commissioner Hamilton moved to approve the agenda. Councilor Romero-Wirth and Mr. Helms seconded. The motion passed by unanimous [5-0] roll call vote.

4. MATTERS FROM THE PUBLIC

CHAIR HANSEN: Jamie-Rae, is there anybody from the public who wishes to speak?

JAMIE-RAE DIAZ (Administrative Assistant): Madam Chair, I did not receive any inquiries from the public about speaking today nor did I receive any emails.

CHAIR HANSEN: Okay, I will close matters from the public.

5. APPROVAL OF MINUTES

a. January 6, 2022 Buckman Direct Diversion Board Meeting

COUNCILOR VILLARREAL: Move to approve.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: I would like to add to the minutes and state for the record that, the only matter discussed during the executive session of our last on January 6, 2022, was the matter as stated in the motion to go into Executive Session and no action was taken. Does the motion maker and second agree to that?

COUNCILOR VILLARREAL: Is that an amendment, Madam Chair?

CHAIR HANSEN: Yes.

COUNCILOR VILLARREAL: Okay, yes.

COMMISSIONER HAMILTON: Yes.

The motion passed by 5-0 roll call vote.

7. PRESENTATION/INFORMATIONAL ITEMS

a. Monthly Update on BDD Operations

CHAIR HANSEN: Randy Sugrue, BDD Operations Superintendent, welcome.

RANDY SUGRUE: Thank you, Madam Chair, members of the Board. My report is on BDD operations for the month of January, 2022. Our raw water diversions averaged per day for the month 5.9 million gallons per day. Our drinking water deliveries through 4A/5A distribution points averaged 5.6 million gallons per day. Las Campanas did not divert water during the month of January. And our onsite treated and non-treated water storage varied in average from about 1.43 million gallon per day. BDD was providing approximately 84 percent of the water supply to the City and County for the month. Our year-to-date diversions are noted on the chart somewhat above our average for the last 11 years for a total of about 170 million gallons for the month. Page 2 are regional water overview, demand was around 6.1 million gallons per day for the month. Rio Grande flows at Otowi in January approximately 575 cubic feet per second

with quite a lot of variations through the month. Our treatment plant storage levels are around 70 percent, Nichols, 8.3 percent, McClure for a combined close to 19 percent. Watershed in-flow, the week I pulled the data was about .9 million gallon per day. We did have a graph of San Juan-Chama storage at the time close to 12 acre-feet. Our El Niño summary for January, about mid-January, was still certainly La Niña is present and we are seeing that in our dry winter and fortunate to have a little snow this week although it does make for wintery icy conditions. With that, I stand for any questions.

CHAIR HANSEN: Are there any questions from the Board?

COUNCILOR ROMERO-WIRTH: Madam Chair, I have my hand up.

CHAIR HANSEN: Councilor Romero-Wirth.

COUNCILOR ROMERO-WIRTH: Thank you, Madam Chair. I don't have that presentation in the packet; was that to be only verbal or is there an attachment in PrimeGov?

MR. SUGRUE: That should have been in the packet.

CHAIR HANSEN: It's in – for sure it is in the hard copy.

COUNCILOR ROMERO-WIRTH: Madam Chair, I don't get a hard copy and I don't see the presentation in PrimeGov.

COMMISSIONER HAMILTON: It was put up on BoardDocs so I got it. Do you want me to try and forward it to you now?

COUNCILOR ROMERO-WIRTH: Maybe staff can. On the City side we don't have access to BoardDocs.

COMMISSIONER HAMILTON: Yeah, I know you guys use the other one.

COUNCILOR ROMERO-WIRTH: But I don't have that presentation in PrimeGov; is don't know if Councilor Villarreal if you do.

COUNCILOR VILLARREAL: Madam Chair and Councilor Romero-Wirth, it wasn't in PrimeGov, but I looked at the attachments that Jamie-Rae sent up via email and it was in there. But I don't think there was a –

COUNCILOR ROMERO-WIRTH: Yeah, I'm just not seeing it in PrimeGov but I'll look for the email.

COUNCILOR VILLARREAL: Yeah, it's not in PrimeGov.

CHAIR HANSEN: My staff, Sara, puts everything on BoardDocs for us at the County. I don't know who is responsible over on the City side. But I believe that Jamie-Rae sent it out. Is that sufficient Councilor Romero-Wirth?

COUNCILOR ROMERO-WIRTH: I'll look for it in the email, thank you.

MS. DIAZ: Madam Chair and Councilor Villarreal and Councilor Romero-Wirth, it is not in PrimeGov. It is in the email. I'm sorry about that. I did not get that uploaded. But I'll get that sent out to you guys again.

COUNCILOR ROMERO-WIRTH: Thank you.

CHAIR HANSEN: Okay, thank you, Jamie-Rae. Are there any more questions from the Board on the monthly update?

6. b. Report from the Facilities Manager

MR. CARPENTER: Thank you, Madam Chair and members of the Board, just a couple of things. An update on our efforts to fill the administrative assistant position,

after a lot of work vetting, we were able to make an offer. That offer has been accepted and the appropriate documentation has been sent in to City and we hope to have that position occupied very soon. So that's a success.

CHAIR HANSEN: Congratulations.

MR. CARPENTER: Yes, Madam Chair. We are happy about it as well.

Thank you.

CHAIR HANSEN: It only took a year. That's fantastic.

MR. CARPENTER: It's not a record but we're in there. Another update of good news also. Mike Hamman has been named and hired as the new State Engineer for the State of New Mexico. Mike is an old friend of many of ours. He is well seasoned. He is extremely well qualified. He's been around and knows just about everything about western water especially New Mexico water. And to the extent that the City and the County want to interface with him, I think that will be successful, but also the BDD, either directly or indirectly. I think that that office will be up and running and doing good things again soon. So I just wanted to update the Board on that.

And then lastly – oh, I'm sorry, did someone have a question?

KYLE HARWOOD (BDD Counsel): I was going to suggest that he is well experienced not well seasoned.

MR. CARPENTER: That's a nuisance, Kyle. Thank you. He is both, actually.

CHAIR HANSEN: Okay, thank you, Mr. Harwood for that clarification.

MR. CARPENTER: As does Mr. Hamman. And then we've had a meeting lately, orientation of new Board members. Bernardine put together and myself conducted a power point presentation. We wanted to do a field tour that got postponed. We still would like to offer that up to anybody who would like to attend. The other part of that is what we call the Board Resources Binder, but it's not a binder anymore unless you want a hardcopy. But it can be delivered as a flash drive. It's a living document. We update it and it's in the process of being updated right now. In fact, one of the items on the agenda tonight is the new MOU so that will be uploaded. And what it is, it's all of the governing documents from day one of the BDD – all of the permits, MOUs, anything that is relevant in that category, most of which Mr. Harwood was the author of or the negotiator for and myself. And so we are offering that. When the Board members get their flash drive in their mailbox to sit down and have an orientation, it could take an hour or two depending on how many questions there are. And you can read through those documents and I encourage you to do that but there's background, contexts, nuances and things that could only come out through a dialogue. So we are offering to do that once you get your flash drive and then we'll set those meetings and Bernardine Padilla would help us coordinate that. So those are my comments and I would be happy to stand for questions.

CHAIR HANSEN: Are there any questions from the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: Not so much a question but that sounds like a fabulous idea and since we also have a new commissioner who is an alternate that might be a nice thing for him to receive also to get trained on BDD things.

MR. CARPENTER: Madam Chair, Board member Hamilton, we have every intention of sending that to him and extending that invitation.

COMMISSIONER HAMILTON: I knew that was a possibility. I thought I would double-check. Thank you.

BERNARDINE PADILLA (Public Relations Coordinator): Commissioner Hamilton, I do have an invite over to Commissioner Hughes and his liaison for our simple little BDD tour presentation. It's just a simple tour presentation that we would do and then go out in the plant. That is already set in place for the end of February. And then the one that Rick is talking about is the Board Resources Orientation as well, so it's a lot of information to give all in one visit and that's why we break it down because the Board resources is pretty complicated. So Rick does that for them. It's a good refresher for anybody else too.

COMMISSIONER HAMILTON: That sounds great. You guys are on top of it. Thank you very much.

MR. HARWOOD: I think we were intending on perhaps trying to do the Board orientation before the March meeting. I don't know how to handle schedules and of course if we exceed a certain number of participants we probably need to be Open Meetings Act compliant. I hope I didn't grab the microphone too early, Rick, but I think we need some guidance from the Board on exactly how they want to coordinate that, whether they want to do an email poll or something else.

CHAIR HANSEN: I know I spoke with Commissioner Hughes and he is looking forward to the tour. So I wonder if you did the alternates together to avoid any quorum issue and then Councilor Villarreal, if she was interested, maybe the three of them could do it at the same time without violating a quorum. Councilor Romero-Wirth.

COUNCILOR ROMERO-WIRTH: And you're including the City's alternate in that too, right?

CHAIR HANSEN: Yes, I would.

COUNCILOR ROMERO-WIRTH: Okay, great, perfect. Thank you.

CHAIR HANSEN: Of course.

MS. PADILLA: Maybe what I could do is look at Rick's calendar and then I can throw some dates out on a Doodle poll or maybe we could offer two different dates and see who accepts, and then if it goes over the quorum, then we could offer another date. The alternates would be non-voting; does that provide a quorum if a non-voting member shows up? Does that count as a quorum?

CHAIR HANSEN: No. Well, check with the parliamentarian from the City.

NANCY LONG (BDDDB Counsel): We'll check but if you would just find out who is interested in attending that session, Bernie, then we can figure that out.

MS. PADILLA: Okay, sounds good. Will do.

COUNCILOR VILLARREAL: Madam Chair, just a quick question. So we got a great overview presentation and background presentation from Rick and Bernardine, and I'm just curious, so you're saying that other than the tour of the facility there is another presentation that you want to give – what did you call it, Resources Presentation? Okay, and does that include the legal background?

MR. HARWOOD: Yes.

MS. LONG: We'll have a session on pending legal matters including the lawsuit.

COUNCILOR VILLARREAL: Okay, thank you.

MR. HARWOOD: And the way that Rick and I have done these orientations for about the last 15 years on occasion, it breaks into four basic categories. One is the environmental permitting, the summary of how water rights are handled, the construction – the old construction law stuff that is just now sort of the intake litigation and is a big topic which actually Marcos has worked on quite a bit since I left the City are the – and of course Nancy – is the Board governing documents; the JPA, the Facilities Operations and Procedures Agreement, the Project Management Fiscal Services Agreement. So it kind of breaks into four categories in an hour or two if there’s any amount of questions an hour or two goes by very quickly. And then what we’ve had in the past is individual Board members because as they identify their interest and their curiosity we’ll get the right people together to do anything a Board members wants.

CHAIR HANSEN: We haven’t done these in quite some time because we haven’t had actually a new board member for a number of years. The last time that this was done was when Councilor Romero-Wirth joined the Board. This doesn’t happen every year. Okay, if we’re finished, Rick, with all of the updates –

MR. CARPENTER: Madam Chair that is all I had for the Board. Thank you.

MR. HARWOOD: My calendar tells me we did this March 2nd of 2020, so this was just pre-Covid by the thinnest margin and we met I believe if I remember, we met at the Sangre de Cristo in the Paragua Conference Room as one of our last in-person meetings before the reality of the last two years.

CHAIR HANSEN: Okay, thank you, Mr. Harwood.

7. APPROVAL OF CONSENT AGENDA

8. ACTION ITEM: CONSENT

- a. Request for Approval of a professional service agreement for BDD access control systems with Intraworks, Inc in the amount of \$136,990.10 plus applicable gross receipts tax for FY22**

CHAIR HANSEN: What’s the pleasure of the Board?

BOARD MEMBER HELMS: Move to approve.

COUNCILOR ROMERO-WIRTH: Second.

CHAIR HANSEN: Okay, I have a motion from J.C. Helms to approve the consent agenda and a second from Councilor Romero-Wirth.

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

9. ACTION ITEMS: DISCUSSION AND ACTION

- a. Request for Approval of 2022 MOU between the US DOE, Office of Environmental Management, Los Alamos Field Office and the Buckman Direct Diversion Board Regarding Notification of Streamflow and Water Quality Monitoring in Los Alamos and Pueblo Canyons**

MR. CARPENTER: Thank you, Madam Chair and members of the Board. This is an important document as you all know. It took a lot of effort to negotiate

this and, Madam Chair, I'd like to thank you for your help and guidance especially pushing this across the finish line at the last minute. But I believe that it is a much improved document over the previous MOU. And I just wanted to thank you and all of the other members on our team for doing such a good job to create a much better agreement and I think Mr. Harwood has some comments. And we would be happy to step through it again, if you would like. You've seen it before. Mr. Harwood, do you have anything to add?

MR. HARWOOD: Just a few notes from the cover memo. This version in your packet has already been executed by Mr. Mikolanis, thank you for joining us today, Mr. Mikolanis and thank you for all of your help and cooperation from of your staff on the hard work that we've been doing the last couple of months.

As many of you know, the predecessor to this agreement originally expired in December of '20 and we extended it through calendar year '21 and then this Board extended it through next week of 2022. So this item is on your agenda and already approved by our partners at LANL and we are recommending it to the Board for approval today and –

CHAIR HANSEN: And thank you very much, Kyle and Rick, and James Bearzi and Director Mikolanis. I am incredibly grateful for everybody's really hard work on this document. It was a hard lift and we all worked really hard to make this happen and I am incredibly, incredibly grateful. This is a really important document to the BDD. So I really want to thank Michael Mikolanis, Director of EM-DOE for his working with us on this important document and all of his staff and along with all of our staff because it was a team effort for sure. Mr. Mikolanis, if you'd like to say a few words, I'd be honored to give you the floor.

MICHAEL MIKOLANIS (Manager DOE-EM LA): Thank you, Madam Chair. I'm just glad we could partner and thanks to the teams on both sides for working together. It was a lot of hard work and frankly I'm just glad that we could deliver and move on with this. So, again, thank you and thank you to the members of both teams for all of the hard work in getting us to where we are today.

CHAIR HANSEN: Thank you. With that, if there are no other questions from the Board, what's the pleasure of the Board.

COUNCILOR VILLARREAL: Madam Chair, I have a question.

CHAIR HANSEN: Okay, Councilor Villarreal.

COUNCILOR VILLARREAL: Thank you, Madam Chair. Just to clarify something that I wasn't sure about. Not the content but in Section E it talks about the agreement principles and agreements with the Pueblo San Ildefonso and it references that the Pueblo – that EM will consult with them as necessary. So I am just curious, does San I review this MOA and then provide some type of consent?

CHAIR HANSEN: We have met with them, both DOE EM has met with them and we are in discussion to further this part and they are aware of everything that is going on in the MOU or MOA that we have agreed to. And if anybody wants to correct me, maybe Kyle has a word or two he wants to say.

MR. HARWOOD: I was going to add to what Commissioner Hansen mentioned. There is a protocol involved, Councilwoman Villarreal, where data collected on the Pueblo goes through a very specific process and so one of the things we'll do at the orientation is we'll actually bring the 2014 agreement with San Ildefonso and so we

can talk about it more then. There are multiple intersections as Commissioner Hansen mentioned with the Pueblo given their landownership at the bottom of LA Pueblo Canyon. Hopefully, that's helpful.

COUNCILOR VILLARREAL: Yes. I think that that was kind of a follow up to my question. I realize that there's a 2014 memorandum of agreement with them. So that's a separate agreement and I just wondered if there's some type of consent for this particular agreement or they just read it and review it and there's no requirement.

MR. HARWOOD: They do not sign or approve this agreement between our entity and the LANL entity. But we have this language here to make sure that if you read this agreement you understand that there's an adjacent agreement that also needs to be followed. So the language you're referring to is referring to a separate agreement so that a person reading this agreement knows that there's another set of rights and responsibilities between other parties. So it's trying to be helpful in pointing that out and I think when we orientate you to the package of LANL issues, of which this MOU is obviously a big part, hopefully that'll become clear and we can provide any kind of update or summary if that's helpful.

COUNCILOR VILLARREAL: Yes, thank you. Thanks for the clarification. That's helpful. Just one other thing, under background in the third paragraph, it talks about – it says in the middle, “which may be transported downcanyon,” is down canyon one word?

MR. HARWOOD: I may have taken a little literary license with that word. I think it's kind of a cool word. I'll check.

COUNCILOR VILLARREAL: I just wanted to make sure. I thought, huh, maybe that's a word related to this that I don't know. But I just thought I'd correct it if –

CHAIR HANSEN: It might be like the word downstream.

COUNCILOR VILLARREAL: Okay.

MR. HARWOOD: The metaverse, that's a new one too. Thank you for catching that, eagle eye. Hopefully, it's clear.

COUNCILOR VILLARREAL: Yes, it is. I just didn't know if there was something specific that I missed there. That's all I have, thank you, Madam Chair.

CHAIR HANSEN: Thank you, Councilor Villarreal. Any other questions? If not, what's the pleasure of the Board?

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: I'll move to approve the LANL MOA with any editorial corrections to “down canyon” or not.

CHAIR HANSEN: Okay, and can I have a second.

BOARD MEMBER HELMS: Second.

COUNCILOR ROMERO-WIRTH: Second.

CHAIR HANSEN: We have two seconds from Councilor Romero-Wirth and J.C. Helms.

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

CHAIR HANSEN: Enthusiastically, yes. I am grateful to have this done after so many years and to be moving forward. So I am grateful to everyone for everything that you have done – so enthusiastically, yes.

b. Election of Chair and Vice Chair of the Buckman Direct Diversion Board

CHAIR HANSEN: I want to say that I have enjoyed and loved being Chair of this Board. I consider this one of our more important boards that both Commissioner Hamilton and I serve on to protect the drinking water for our constituents and our community. And I have it really important. I'm going to turn it over to Nancy Long as she had some things she wants to say.

MS. LONG: Yes, Madam Chair and members of the Board, it is at this February meeting that the Board elects its Chair and Vice Chair for the year and based on our rules of order, those positions rotate between the City and County members each year. Since your Chair this year was from the County, the Chair this year shall be from the City and the Vice Chair will be from the County. And typically it has been our practice to have the current Chair finish out the meeting and that's why we put this at the end of the agenda and the new Chair will begin the term as Chair and the Vice Chair will begin their term at the next meeting in March.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. Madam Chair, I would like to nominate Councilor Carol Romero-Wirth for Chair.

BOARD MEMBER HELMS: Second.

CHAIR HANSEN: We have a motion from Commissioner Hamilton and a second by J.C. Helms.

The motion to elect Councilor Romero-Wirth as Chair passed by unanimous [5-0] roll call vote. [Commissioner Hamilton's connection was lost momentarily and when she returned to the screen she offered her yea vote.]

CHAIR HANSEN: Congratulations, Councilor Romero-Wirth.

COUNCILOR ROMERO-WIRTH: Thank you.

CHAIR HANSEN: Next we will go onto election of Vice Chair for the Buckman Direct Diversion Board.

COUNCILOR ROMERO-WIRTH: Madam Chair, I would like to nominate Commissioner Hamilton to be Vice Chair.

CHAIR HANSEN: Okay, do we have a second?

BOARD MEMBER HELMS: Second.

CHAIR HANSEN: J.C. Helms seconded.

COMMISSIONER HAMILTON: Apparently, I am having connectivity problems. My apologies.

CHAIR HANSEN: We have nominated you for Vice Chair.

COMMISSIONER HAMILTON: Thank you.

CHAIR HANSEN: And we are going to the vote.

The motion to elect Commissioner Hamilton as Vice Chair passed by unanimous [5-0] roll call vote

CHAIR HANSEN: Thank you everybody.

10. MATTERS FROM THE BOARD

CHAIR HANSEN: Councilor Romero-Wirth.

COUNCILOR ROMERO-WIRTH: Thank you, Madam Chair. I believe at the last meeting we were told on our behalf there may be comments that were submitted to – and I'm looking through my notes but perhaps our attorney, Nancy Long, can help me. It was an environmental proceeding with NMED and we were going to get a copy of whatever was submitted and I'm just curious can we be updated on whether comments were made and if they were how we get a copy.

MR. HARWOOD: I should probably jump in there and say that that was on my list. We were trying to get a new list of all the new Board members and I don't know whether we got that new list and so I apologize for not getting that out to the current attendees. I will get that out now and we'll follow with anybody not on the new Board list as we need to. I apologize for that getting stuck in getting the new contact list.

COUNCILOR ROMERO-WIRTH: So, Madam Chair.

CHAIR HANSEN: Yes.

COUNCILOR ROMERO-WIRTH: Then comments were submitted on behalf of the Board?

MR. HARWOOD: That's right.

COMMISSIONER HAMILTON: Can you refresh on which comments we're talking about because –

COUNCILOR ROMERO-WIRTH: I was looking through my notes and –

MR. HARWOOD: These were comments submitted to NMED on the 303(d) and the 305 (b) integrated lists. So this is on the water quality standards that NMED uses to manage various stream segments. Specifically related to water called TMDLs, total maximum daily loads.

COUNCILOR ROMERO-WIRTH: Okay, I am concerned that we didn't get these in a timely fashion and that we're not even aware of what you've said with regard to that. I don't know – this may be something we want to have a presentation on next meeting so that we're all on the same page as to what was said on our behalf and it would be good to get those comments as soon as possible.

MR. HARWOOD: Yes, ma'am. Again, accept my apologies for the stumble there. I'll get them out to the members here today and we'll get them followed up to the new members when the full list gets updated. Thank you.

COUNCILOR ROMERO-WIRTH: Thank you.

CHAIR HANSEN: On comments, another matter, is the WOTUS rules comments. Deputy Secretary Roose was kind enough to share with me NMED's comments on WOTUS and the WOTUS rule changes and they do mention the BDD and I'm looking for the accumulative impact of the state ephemeral storm flow is undoubtedly detrimental to downstream water quality – one of the many examples in

New Mexico where accumulative effects are tangible is on the Pajarito Plateau near the town of Los Alamos. Many ephemeral streams that run through and adjacent to Los Alamos National Laboratory on the Pajarito Plateau are contaminated with pre-Clean Water Act legacy pollutants and the federal government activity dating back to the Manhattan Project leaves the ephemeral streams flow directly to the Rio Grande adjacent the Buckman Direct Diversion, the source of water intake for the City of Santa Fe and the County of Santa Fe's drinking water, accumulative impact of the drainages on the Rio Grande in downstream water supplies to be significant and threatening to health and the environment. Any eventual WOTUS rules must take a watershed approach to protecting water quality in account for accumulative impacts including accumulative impacts from the ephemeral and downstream waters.

And I just wanted to share that with you from the Environment Department. And also as an individual Commissioner present, I am also making comments on WOTUS and the rules and we're kind of following a similar to NMED and the layout of their comments with a few additional items. At present, I don't believe even though the Buckman Direct Diversion Board has commented on the past on the WOTUS Rule, these comments are due February 7th and I don't believe that there is time to make comments also. So I wanted to share that with everyone.

Are there any other matters from the Board?

COUNCILOR VILLARREAL: Madam Chair.

CHAIR HANSEN: Yes.

COUNCILOR VILLARREAL: I just wanted to thank Bernardine and Rick for getting us an update or a presentation to myself and Councilor Romero-Wirth and Councilor Chavez. I think it was a good refresher and I'm excited to be able to hear at these next presentations and hopefully a site visit soon. Thank you.

CHAIR HANSEN: Thank you, Councilor Villarreal. Any other comments from the Board? Hearing none, I will move on.

11. **NEXT MEETING: Thursday, March 3, 2022 at 4:00 p.m.**

12. **ADJOURN**

13. **EXECUTIVE SESSION**

- a. **In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding pending litigation in which the BDDB is a participant, specifically: *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial District Court Case No. D-101-CV-2018-0610**

CHAIR HANSEN: I'm going to go to Ms. Long for the motion for adjournment and executive session.

MS: LONG: Yes, Madam Chair, the motion would be to adjourn and go into executive session in accordance with the New Mexico Open Meetings Act, NMSA 1978, 10-15-1(H)(7), for a discussion regarding pending litigation in which the BDD is a participant, specifically for the case of *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial District Court Case No. D-101-CV-2018-0610.

CHAIR HANSEN: Can I have a motion to go into executive session.

COUNCILOR VILLARREAL: So moved.
COUNCILOR ROMERO-WIRTH: Second.

CHAIR ROYBAL: We have a motion by Councilor Villarreal and a second by Councilor Romero-Wirth. Can I have a roll call vote, please?

The motion to adjourn and go into executive session passed by unanimous [5-0] roll call vote as follows:

Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Councilor Romero-Wirth	Aye
Mr. J.C. Helms	Aye
Councilor Villarreal	Aye

BOARD MEMBER HELMS: Madam Chair, it all went by so quickly but I wanted to express my gratitude to you for your leadership of this outfit. I thought you were just great and I appreciated serving under you. So, God bless you.

CHAIR HANSEN: Thank you, J.C. I am always grateful for your support. I appreciate it.

The Board adjourned and met in executive session at approximately 4:50 p.m.

Approved by:

Anna Hansen, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO

KATHARINE E. CLARK
SANTA FE COUNTY CLERK