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6 **MINUTES OF THE**
7
8 **THE CITY OF SANTA FE & SANTA FE COUNTY**
9
10 **BUCKMAN DIRECT DIVERSION BOARD MEETING**

11
12 **December 1, 2022**
13

14 **1. CALL TO ORDER**

15 This regular meeting of the Santa Fe County & City Buckman Direct Diversion
16 Board meeting was called to order by Councilor Carol Romero-Wirth, Chair, at
17 approximately 4:00 p.m. in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa
18 Fe, New Mexico.
19

20 **2. ROLL CALL:** Roll was called and a quorum was present as shown:
21

22 **BDD Board Members Present:**

23 Councilor Carol Romero-Wirth, Chair
24 Commissioner Anna Hansen
25 Councilor Renee Villarreal
26 Commissioner Hank Hughes [alternate]
27 Peter Ives, Citizen [alternate]
28 Tom Egelhoff, Las Campanas [non-voting]
29

Member(s) Excused:

Commissioner Anna Hamilton
J.C. Helms, Citizen Member

30 **Others Present:**

31 Rick Carpenter, BDD Facilities Manager
32 Nancy Long, BDD Legal Counsel [via Zoom]
33 Kyle Harwood, BDD Legal Counsel
34 Jamie-Rae Diaz, City Public Utilities Administrative Manager
35 James Bearzi, BDD Consultant
36 Jay Lazarus, Glorieta Geoscience
37 Joni Arends, Concerned Citizens for Nuclear Safety, Executive Director
38

39 **3. APPROVAL OF AGENDA**
40

41 There were no changes to the agenda and Commissioner Hansen moved to
42 approve as published. Councilor Villarreal seconded and the motion passed by
43 unanimous [5-0] voice vote.
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2 **4. APPROVAL OF MINUTES**
3

4 There were no changes to the minutes of the October 6, 2022 BDD Board
5 meeting. Commissioner Hansen moved to approve as presented. Mr. Ives seconded and
6 the motion passed by [4-0] voice vote with Councilor Villarreal abstaining.
7

8 **5. PRESENTATION/INFORMATIONAL ITEMS**

9 **a. Monthly Update on BDD Operations**

10
11 RICK CARPENTER (BDD Facilities Manager): Thank you, Madam
12 Chair and members of the Board. I will fill in for Randy. He is out this week.

13 CHAIR ROMERO-WIRTH: Okay, great. Thank you.

14 MR. CARPENTER: Yes, ma'am. Raw water diversions averaged 3.41
15 million gallons per day and that's about what we expect for this time of year. Raw water
16 delivery to Las Campanas was 0.21 million gallons. We delivered an average of 3.07
17 million gallons to the 4A/5A and the BDD is providing approximately 44 percent of the
18 overall water supply for the City of Santa Fe. Operations and maintenance are nothing
19 out of the ordinary to report out and that's always good news. San Juan-Chama
20 deliveries are tracking pretty closely to what they were last year. Hopefully, we will get
21 our full allocation but we are sort of holding our breath. And with that, Madam Chair,
22 members of the Board, I would be happy to answer questions.

23 CHAIR ROMERO-WIRTH: Questions from the Board? Sounds like
24 we're good. Thank you. Do you have a facilities report as well?
25

26 **b. Report from the Facilities Manager**
27

28 MR. CARPENTER: Yes, thank you, Madam Vice Chair. I have a couple of
29 items. One is good news. We were recently able to place a gentleman named Bradley
30 Prada to position of maintenance and repair superintendent. That is a very important
31 position within the BDD and is very hard to fill. It's been vacant for a while but he is in
32 place. He is a few days into the job but he hit the ground running. He's got a lot of energy
33 and good background and I've enjoyed working with him so far. So that's good news to
34 report out to the Board.

35 The other item I wanted to signal to the Board, it's recent news but everybody is
36 probably aware of it but nonetheless I'll bring it up. We, myself, staff and consultants are
37 tracking a recent complaint filed yesterday actually by Wild Earth Guardians in federal
38 district court asserting that the 2016 biological opinion is invalid for the purposes of the Rio
39 Grande silvery minnow and the Federal Endangered Species Act. We'll be tracking that. It
40 is still very new, obviously. I am happy to try and answer any questions you may have and
41 Mr. Harwood is in the audience as well and he has been following this very closely. So
42 we're happy to stand for questions on that.

43 CHAIR ROMERO-WIRTH: Questions from the Board?

44 COMMISSIONER HANSEN: Madam Chair.

45 CHAIR ROMERO-WIRTH: Yes, Commissioner Hansen.

1 COMMISSIONER HANSEN: Thank you, Madam Chair. Mr. Harwood,
2 does this have any effect on the Buckman and does it have to do with the height of the Rio
3 Grande?

4 KYLE HARWOOD (BDD Legal Counsel): Thank you, Commissioner and
5 members of the Board. Fortunately, the complaint that was filed yesterday only lists the
6 U.S. Fish and Wildlife Service and the Bureau of Reclamation as defendants. As we know
7 these complaints can get amended over time so we don't want to – we want to be mindful
8 that that's a possibility. Interestingly, the notice of intent that was filed some six months
9 ago, there were other parties listed including Middle Rio Grande Conservancy District and
10 the Bureau of Indian Affairs. They are not listed as defendants in what was filed in district
11 court yesterday. So the most natural expansion of defendants would be those other partners
12 to the minnow biological opinion. As I think we have talked to the Board in the past, we
13 have a facility biological opinion and we have facility NEPA coverage that is independent
14 of the more general silvery minnow program but this Board is a signatory to the Middle Rio
15 Grande Collaborative program which is a large group of interagency entities, state
16 government entities including the Attorney General's Office, the Interstate Stream
17 Commission as well also non-governmental organizations like Audubon and some
18 organizations that reside at UNM. So that collaborative program is going to be very focused
19 on this complaints and what it asserts and alleges. It is still very early, obviously, it was
20 filed only 24 hours ago. But we will be monitoring it for whether it might impact our
21 facility and our operational window. We don't yet know how that is going to unfold.

22 What I would like to do with the permission of the Board is plan on bringing you a
23 fuller update probably something like the February or March timeframe after things kind of
24 settle down and we figure out who's being staffed on this lawsuit. We can also talk to our
25 colleagues at the Interstate Stream Commission and see if they can come and perhaps
26 address a session of this Board. They are usually on the frontline of this particular sort of
27 issue in the state given their role and they are colleagues that Rick and I work with very
28 regularly. With your permission, I'd like to either as an agenda item or through Rick's
29 matters from the facilities manager, find out what you all would like to see and bring you
30 that information over the coming months. These lawsuits do not move quickly.

31 COMMISSIONER HANSEN: Thank you, Kyle. I don't think we have any
32 room to make any motion or anything but I think that sounds great to me and thank you for
33 keeping an eye on this. Thank you, Madam Chair.

34 CHAIR ROMERO-WIRTH: Councilor Ives and then we'll go back to you
35 Councilwoman.

36 MR. IVES: Thank you, Madam Chair. I know it has been the City's
37 position in the past with regards to its San Juan-Chama diversion water that that not being
38 native to the Rio Grande system presumably might fall outside the biological opinion or at
39 least not affected by potentially such issues. So I'd love to see that considered as part of any
40 reporting back in terms of where this thing is going.

41 MR. HARWOOD: Yes, thank you for that question, Mr. Ives. Yes, the
42 general perspective of all of the San Juan-Chama contractors is pursuant to some federal
43 language that was added many years ago actually into an appropriations bill that San Juan-
44 Chama water cannot be used for Endangered Species Act compliance without the consent of
45 the contractor. So many of the San Juan-Chama contractors do lease their water back to the
46 Bureau for minnow purposes and it's an important principle that that water cannot be taken

1 without the consent of those contractors for that use. Anything can happen as we know and
2 lawsuits have a weird way of bouncing around and perhaps creating unintended
3 consequences but I think everyone's hope is that that principle regarding San Juan-Chama
4 water will be preserved and maintained.

5 MR. IVES: A follow-up question to that is whether or not the City of Santa
6 Fe is one of those contractors who has obligated its San Juan-Chama water back in any way
7 that would be impacted by this litigation?.

8 MR. HARWOOD: Not that I'm aware of. We should probably ask Jesse
9 Roach or Bill Schneider to speak to that question at a future Board meeting and I don't
10 know whether Marcos has had a chance to take a look at the lawsuit yet. But as you know,
11 the BDD Board does hold the environmental permits for the project and the two utilities
12 manager their water right portfolios and make water available at the intake for the diversion
13 and treatment and delivery so we usually let the utilities themselves speak for to their water
14 right portfolios and any issues like that. Often I will coordinate, obviously, with my
15 colleagues at the City and County on that so we are efficient and can message the same
16 thing. So I think that will unfold over the coming months as this lawsuit moves forward.

17 MR. IVES: Thank you, Madam Chair.

18 CHAIR ROMERO-WIRTH: Councilwoman Villarreal.

19 COUNCILOR VILLARREAL: Thank you, Madam Chair. My questions
20 are clarifications. You said the defendants were U.S. Fish and Wildlife and who was the
21 other one?

22 MR. HARWOOD: U.S. Bureau of Reclamation. And I should have offered
23 this initially, I'm sorry, Councilor, if you would like I can send out the complaint to you all.

24 CHAIR ROMERO-WIRTH: That would be helpful.

25 COUNCILOR VILLARREAL: That would be great. And I'm not a water
26 lawyer so I didn't quite understand the whole San Juan-Chama cannot be of is not affected
27 by the lawsuit; can you say more about that in layman-laywoman terms-layperson terms.

28 MR. HARWOOD: Yes, I'd be happy to speak to layman/woman/
29 person/they/them terms, the rubric for about the last 15 years has been that San Juan-Chama
30 water may not be taken by the federal government for use in silvery minnows purposes. A
31 lot of the San Juan-Chama contractors, typically not the City of Santa Fe or the Santa Fe
32 County because we are very actively using the water at the Buckman Direct Diversion, but
33 some of the other San Juan-Chama contractors – the one that comes to mind is Los Alamos
34 County, for example, they don't have an active project utilizing their San Juan-Chama
35 allocation. So they frequently lease their water back to the Bureau and then the Bureau uses
36 it for compact compliance and minnow purposes.

37 I hope this is more clear, Councilor, that the concern with these lawsuits is whether
38 they're going to adversely affect the water supply that we use for our projects and I hope this
39 answers a little clearer. I apologize that I wasn't clear the first time. But the theory is that
40 that water cannot be taken from contractors without their consent.

41 And, again, I do work for the San Juan-Chama contractors as a group, so I am
42 familiar with some of these issues but I don't want to insert answers that the City or County
43 Council would want to give this Board or the respect City and County entities because they
44 are much closer to representing their contracts.

45 COUNCILOR VILLARREAL: Thank you. I thought Nancy logged on to
46 say something else.

1 CHAIR ROMERO-WIRTH: No, she's just attending remotely and her
2 screen presence changed.

3 NANCY LONG (BDD Board Counsel): That's correct, Madam Chair.

4 COUNCILOR VILLARREAL: Okay, thank you. And then the other
5 question was back to Rick Carpenter's report on Bradley Prada; what's his title again?

6 MR. CARPENTER: Madam Chair, members of the Board, Councilwoman,
7 Bradley Prada's title is BDD Maintenance and Repair Superintendent.

8 COUNCILOR VILLARREAL: Got it. Excellent, I wish him luck. I knew
9 his brother. Thank you, that's all I had, Madam Chair.

10 CHAIR ROMERO-WIRTH: Other questions from the Board on this
11 presentation? Mr. Carpenter, did you have anything for us?

12 MR. CARPENTER: Madam Chair, I don't have anything else to report out.

13 CHAIR ROMERO-WIRTH: Okay, terrific. And, Mr. Harwood, you're
14 good as well. All right, I got the thumbs up.

15
16 **6. ACTION ITEMS: Discussion and Action**

17 **a. Discussion and Possible Action on a Resolution Concerning the**
18 **Mission, Goals and Values of the BDD Board regarding Rio Grande**
19 **Water Quality**
20

21 MR. CARPENTER: Madam Chair, if I could just make a few
22 introductory comments and probably pass it off to Kyle. And we do have technical
23 experts here if we need them. This document or these documents represent no small
24 amount of effort. It was a team effort and I thank you for your input as well through this
25 process. I think that they are good documents, very sound, and I think they bring a lot of
26 value to the Board going forward. And I think all of us would be more than happy to
27 answer any questions. I think there may be some proposed minor edits, I'm not sure
28 where we'll end up with this but we are happy to accommodate the wishes of the Board.

29 CHAIR ROMERO-WIRTH: Mr. Harwood, do you want to add onto that?

30 MR. HARWOOD: Yes, Madam Chair, if it pleases the Board. Yes, this
31 was an initiative that came forward from the Chair and the Vice Chair in the spring to
32 develop a policy document that would inform the Board's decision on Rio Grande water
33 quality going forward. It was a delightful experience to work with both Jay and James
34 who are here in the audience today for technical questions on the resolution. So what
35 you'll note are a number of "whereases" that just kind of layout the circumstances under
36 which the operative provisions of the resolution operate. As I know all of you know, the
37 Board is active on Rio Grande water quality issues both state, federal and regional issues
38 of concern while we want to be careful talking about water quality issues we know that
39 the water treatment plant is capable of treating a huge range of water quality parameters
40 in order to provide safe and reliable drinking water to citizens and the residents of the
41 City and County water system and Las Campanas as well. So this is really about
42 preserving the source water quality to be as clean as possible so that the expense of the
43 treating that water to drinking water standards can be managed as reasonably as possible.

44 We have a couple of goals articulated on the bottom of page 1 and the top of 2
45 and then a number of values. The intent, I think in going forward, as described in the
46 memo is that in the first quarter of each year, and that's typically when we do have our

1 leadership changeover is in the first quarter of the calendar year, that staff would come to
2 this Board and provide a quick memo and presentation on the water quality topics of the
3 preceding year so that in the course of that leadership everybody can be on the same page
4 about what the Board has engaged with in the prior year and then to lay out the work plan
5 and the necessary resources for what's expected the coming year knowing that there will
6 often or sometimes be issues that are not anticipated and so furthermore the cover memo
7 to the resolution does describe bringing any updates to the Board as appropriate as new
8 issues arise.

9 I will say that we did get not public comment through the normal public comment
10 channel for the Board meeting but I did receive some comments from Joni Arends with
11 Concerned Citizens for Nuclear Safety proposing a number of small edits to the
12 resolution which I am happy to walk through quickly if the Board would like me to do so.
13 And there's been another suggestion that this first quarter of the year reporting on the
14 prior year and looking at the coming year, that that concept be added into the resolution
15 itself. It's really up to the Board. Staff and consultants, legal and technical, are all quite
16 confident that we know we can bring this to you each quarter if you would like but it is
17 also, I think fine for it to go in the resolution if the Board decides to direct us to do that.
18 I'll stop there and see what your direction is, Madam Chair.

19 CHAIR ROMERO-WIRTH: Okay. And I want to give Nancy Long an
20 opportunity to speak if there is something that you want to add.

21 MS. LONG: Yes, Madam Chair and members of the Board, I worked
22 with this group to come up with the contents of this resolution with the goals and values
23 of the Board with the idea of being able to focus the Board's efforts because there is a lot
24 that is presented to us that has been over the years and we thought that this would be a
25 helpful way to get the most for those efforts and stay focused on really what will have the
26 most impact to the water that the Board diverts.

27 CHAIR ROMERO-WIRTH: Thank you. And I will just speak –
28 Commissioner Hamilton couldn't be with us – the memo that we got this year that I
29 believe Mr. Harwood prepared was very helpful and I wish I had had it when I was first
30 on the Board because I think when you come on here new and some of the people on this
31 dais have served for a long time and know quite a bit, when you come on here new
32 basically there is no – well, there was an orientation but in terms of the things that we're
33 involved in and the stuff that we're watching there wasn't anything put together in a
34 concrete package. So I think this statement of goals and objectives and a mission and
35 what we can do with it will help as this Board changes overtime. And I also think that it
36 is really important for our budgeting that we put forward – that we use our money
37 effectively to the things that matter most to our job. So I think that this will be helpful in
38 providing direction and giving us sort of an overarching sense of what our mission is,
39 what we're supposed to be doing, what we're looking out for. With that, I don't know –
40 do you want to review things, would the Board like to ask questions, how do you want to
41 handle this but I am open to suggestions? Commissioner Hansen.

42 COMMISSIONER HANSEN: So I have a number of recommendations
43 and questions about wording.

44 CHAIR ROMERO-WIRTH: Okay.

45 COMMISSIONER HANSEN: And some of them are from Joni and also
46 from me.

1 CHAIR ROMERO-WIRTH: Let's hold on that for just a second. Before
2 we get into the wordsmithing let's just make sure that everybody is clear on the overall
3 piece. Councilor Ives.

4 MR. IVES: Thank you, Madam Chair. Just on the one point of – and the
5 resolution deals with water quality issues, so I agree it's helpful to have it as part of any
6 packet for any new member but it's one part of what the Board does.

7 CHAIR ROMERO-WIRTH: Correct.

8 MR. IVES: I just wanted to note that.

9 CHAIR ROMERO-WIRTH: Yes, correct. Absolutely. Councilwoman
10 Villarreal.

11 COUNCILOR VILLARREAL: I just have wordsmithing.

12 CHAIR ROMERO-WIRTH: All right. We are going to do lots of
13 wordsmithing.

14 MR. HARWOOD: Can I add one other observation, Madam Chair?

15 CHAIR ROMERO-WIRTH: Sure.

16 MR. HARWOOD: I think this is going to be a real addition to the staffs
17 working framework that we have and so I think what I've shared with you previously is
18 that a little bit of a slap on the forehead realizing after we got into this process and going
19 through it that this really is overdue and I think it's going to be a very useful tool going
20 forward.

21 CHAIR ROMERO-WIRTH: Great. Do you have all the changes from
22 Joni Arends? Did you guys talk?

23 COMMISSIONER HANSEN: Yes.

24 MR. HARWOOD: I have them as well. If you'd like me to go through
25 them or whether you'd like to go through them.

26 CHAIR ROMERO-WIRTH: Why don't we let Mr. Harwood go through
27 them and then if there are things in addition that you want to jump in on we can do that.

28 COMMISSIONER HANSEN: Sounds good.

29 CHAIR ROMERO-WIRTH: And we'll make sure we loop you in as well.
30 Back to you, Mr. Harwood.

31 MR. HARWOOD: Thank you, Madam Chair. I'll be on page 1, line 35, I
32 had used a word here "Santa Fe metropolitan area," which is not appropriate. The
33 suggestion is to change that to the "City and County of Santa Fe utilities service area as
34 they exist now and may be amended over time." So it is clear that that is the service area
35 of the BDD water and gets away from the word "metropolitan" that could be confusing to
36 some audiences. May I go on?

37 CHAIR ROMERO-WIRTH: Yes.

38 COMMISSIONER HANSEN: Yes.

39 MR. HARWOOD: The next change is on line 39, to just add a
40 clarification that we are talking about the Buckman Direct Diversion Water Treatment
41 Plant and not any other treatment plant. And that was an oversight on my part. I
42 apologize.

43 Line 50, is to add the "Environmental Protection Agency" to the list of regulators
44 which was an unintended omission so that would be a great thing to add in.

45 The next change is on line 54, which is to add in possible sources of "pollution,"
46 contamination and treatment challenges. So just to be very clear that we are adding the

1 word “pollution” into that list of things that get promptly identified and addressed in that
2 goal. May I continue?

3 CHAIR ROMERO-WIRTH: Yes.

4 MR. HARWOOD: Same change on line 2 of page 2, to just add
5 “pollution” in there between contamination and fire so it is very clear that that is intended
6 to be something that is addressed.

7 The next change is on line 9 and to just simply add in “regional” to the list of
8 federal, state and local.

9 I’m skipping over what I don’t know is the suggestion for value number 3. So I
10 do know that there is some interest in editing value number 3 on lines 12 through 15 but I
11 am not entirely clear on what change that is.

12 So let me just jump to the last change that I do have which is line 17 which is to
13 say to sustain the water quality of the Rio Grande “above and at” the BDD intake.

14 All of those are appropriate changes and I appreciate Joni providing those.

15 COUNCILOR VILLARREAL: Madam Chair, can you repeat the last
16 one?

17 MR. HARWOOD: I’m sorry. Thank you. Line 17 on page 2, Rio Grande
18 “above and at” the BDD intake. Just emphasizing that the water quality are of interest is
19 the water quality coming to the intake.

20 CHAIR ROMERO-WIRTH: Okay, Commissioner Hansen, you had
21 additional –

22 COMMISSIONER HANSEN: I did. The metropolitan one was my
23 concern also and I’m glad we can change that. But I also was thinking that maybe we
24 add in after values, we add in the recommendations.

25 CHAIR ROMERO-WIRTH: It would be helpful to give a page and line.

26 COMMISSIONER HANSEN: We go add it at 23 on page 2 and then just
27 take the recommendations from the memo, those three recommendations and add them
28 in. We have goals, values and recommendations.

29 CHAIR ROMERO-WIRTH: Okay, so when you say recommendations
30 you mean –

31 COMMISSIONER HANSEN: We have those three recommendations.

32 MR. HARWOOD: Those three recommendations, if I can just interject
33 for clarity, are really process recommendations. So they are Board process steps. So the
34 suggestion, as I understand it, is to take those three process recommendations out of the
35 memo and put them in the resolution at the end of the language where it now ends just
36 before the “passed and approved” on line 25, and to go ahead and list these process
37 recommendations after the values are completed and before the passed and approved
38 language. Is that right?

39 COMMISSIONER HANSEN: Yes.

40 CHAIR ROMERO-WIRTH: I’m just going to read these in case anybody
41 is following along who doesn’t have them in front of them. So you’re suggesting that on
42 line 23, page 2, we add three recommendations that basically the Board will review the
43 prior year’s water quality issues and BDDB actions in the first calendar quarter of each
44 year; that’s one. Then the second one, receive a presentation of anticipated water quality
45 issues and prioritize the BDDB’s engagement with those issues in the first calendar
46 quarter of each year. And then, receive periodic updates at appropriate milestones or

1 when new issues arise, such as a new permit application, new litigation – like we’ve seen
2 tonight – policy initiatives of other stakeholders or requests from the public.

3 So those are the three things that you want to add into the resolution. I guess I
4 would just ask Nancy Long if there’s any reason why that would be something that we
5 wouldn’t want to do? I mean is it – it seems harmless but I don’t know. Do we typically
6 put board process in resolutions?

7 MS. LONG: Yes, Madam Chair, members of the Board. I was just
8 thinking about that. I don’t know that we usually do but I think we could include these
9 but we should not call them recommendations.

10 CHAIR ROMERO-WIRTH: Right, we’d have to word them differently.

11 MS. LONG: The Board –

12 COMMISSIONER HANSEN: Madam Chair, what would you call them?

13 MS. LONG: Let’s see, we’ve got goals and values. We could call them
14 something like implementing actions or implementation process or something like that to
15 implement those goals and values.

16 CHAIR ROMERO-WIRTH: The way this is structured is we have goals
17 and then we have values, could we just say process or procedure?

18 MS. LONG: I like procedure.

19 CHAIR ROMERO-WIRTH: Or is there some way to say –

20 COMMISSIONER HUGHES: Madam Chair.

21 CHAIR ROMERO-WIRTH: Yes, Commissioner.

22 COMMISSIONER HUGHES: I was thinking I also would like to have in
23 here who is going to do it. Maybe staff and board actions, something like that.

24 MR. HARWOOD: Staff and Board procedure?

25 COMMISSIONER HUGHES: Staff and Board procedure would work.

26 CHAIR ROMERO-WIRTH: Nancy, are you okay with that?

27 MS. LONG: Staff and Board Procedures, yes. I think that’s okay.

28 MR. HARWOOD: And Mr. Bearzi has just suggested we revise the
29 second bullet to say receive a presentation “from staff.”

30 I think the edit that Commissioner Hughes has proposed and the small edit that we
31 have just heard, I do think that the language is fine and it is in the packet and the public is
32 on notice of it. So I think it is a fairly straightforward matter to just cut and paste from
33 the memo to the end of the resolution. I know you’re jumping back and forth and I
34 apologize, Madam Chair, that it didn’t come to you in this form. But I do think it is a
35 fairly straightforward edit given that we’re not needing to draft these process pieces.

36 CHAIR ROMERO-WIRTH: Yes. Okay, I assume you have other
37 changes, Commissioner.

38 COMMISSIONER HANSEN: Madam Chair, I don’t know how you
39 wanted to change the lines 12, 13 and 14 on item 3, Joni? Did you want clarification on
40 that and what do you mean by clarification? Do you want to come up to the microphone?

41 CHAIR ROMERO-WIRTH: Technically, we don’t do this – how about
42 let’s just read what number 3 is: “To foster public confidence through clarity, honesty, and
43 transparency, particularly with respect to communication of Rio Grande water quality sampling
44 and monitoring being a crucial element of the Board's efforts to educate the public and our
45 community partners.” Kyle, do you want to speak to that or Nancy or Rick?

1 MR. HARWOOD: It is a mouthful. There may be a grammar hiccup in there
2 somewhere. But I too am not entirely clear on what Ms. Arends would like to see different or
3 whether it is material. I think it conveys a really wonderful principle.
4 CHAIR ROMERO-WIRTH: Yes, who could argue with clarity, honesty and
5 transparency?
6 COMMISSIONER HUGHES: Madam Chair.
7 CHAIR ROMERO-WIRTH: Yes, Commissioner.
8 COMMISSIONER HUGHES: I think you could either cross out
9 everything starting with the word “being” because that’s rather duplicative. I think that
10 would be the simplest way or you need to make that a separate sentence. And Councilor
11 Villarreal and she is a much better editor than I am.
12 CHAIR ROMERO-WIRTH: And she is the queen of wordsmithing; that
13 is true. So you’re suggesting that, the “BDD Board shall foster public confidence through
14 clarity, honesty, and transparency, particularly with respect to communication of Rio Grande
15 water quality sampling and monitoring,” and then putting a period there.
16 COMMISSIONER HUGHES: Yes, I think that is the best.
17 COMMISSIONER HANSEN: Putting a period and then “being a critical
18 element of the BDD’s efforts to educate the public and our community partners.”
19 COMMISSIONER HUGHES: No, just cross that out because you’ve
20 already said that in the first part of the sentence, pretty much.
21 CHAIR ROMERO-WIRTH: By fostering public confidence you’re going
22 to have to educate the public and community partners. Councilor Ives.
23 MR. IVES: Thank you, Madam Chair. That is goal number 2.
24 CHAIR ROMERO-WIRTH: Yes, “support federal, state, and local efforts
25 to manage the water quality of the Rio Grande” – yes, the goal.
26 COMMISSIONER HANSEN: We added it –
27 CHAIR ROMERO-WIRTH: Yes. “Foster the BDD’s engagement with
28 key stakeholders,” yes. Is everybody okay if we strike as Commissioner Hughes is
29 suggesting to the end of the sentence?
30 MR. HARWOOD: I see Commissioner Hughes wants it to be a net no-
31 change of words.
32 COMMISSIONER HUGHES: I’m trying to hold your fees down, Mr.
33 Harwood. [laughter]
34 MR. HARWOOD: We had a joke about the total number of words in the
35 resolution.
36 CHAIR ROMERO-WIRTH: Nancy, are you okay with that?
37 MS. LONG: Yes, Madam Chair. I think it was a little cumbersome
38 before.
39 CHAIR ROMERO-WIRTH: Everybody all right with that change?
40 Okay.
41 MR. HARWOOD: Can I add some other language?
42 CHAIR ROMERO-WIRTH: Yes.
43 MR. HARWOOD: I think that because this is the first time we’ve done
44 this and I think it is a big step forward, I think we know that as we work under this new
45 framework, we’re going to learn things and so it will be easy to come back to the Board
46 based on what we learn and suggest changes as needed. I think this represents a great

1 version of the resolution and I think we're going to learn quite a bit as we work through
2 the actual water quality topics in light of this new framework.

3 CHAIR ROMERO-WIRTH: Yes. Back to you Commissioner Hansen,
4 you had more changes.

5 COMMISSIONER HANSEN: I'm good at the moment.

6 CHAIR ROMERO-WIRTH: Mr. Egelhoff.

7 MR. EGELHOFF: Madam Chair, I was just curious about the timing of
8 the report being in the first quarter. How does that affect budgeting? Would it be more
9 beneficial if the report was in the fourth quarter and then budget could reflect what is on
10 the report?

11 CHAIR ROMERO-WIRTH: I'll speak to that and then I'll let Nancy
12 Long speak to that because she's been involved doing this longer than I have and present
13 company excluded. I think the idea was that it would coincide with the change of the
14 chair. It is still in time for budget and kind of the first of the year is when you look at
15 what your work plan for the year is going to be. Nancy, would you agree with that?

16 MS. LONG: Yes, Madam Chair, I would. I think Commissioner Hughes
17 makes a valid point about the budgeting process but it is ongoing at that time especially if
18 this report comes through at the beginning of that quarter when we are in the process of
19 sending it out to the respective bodies. So I think there is time to handle any budget
20 issues which are going to have to be fairly general but it will be based on past experience
21 with some of these initiatives. It should not be a difficult assessment unless it is
22 something completely new to us that we haven't handled before.

23 CHAIR ROMERO-WIRTH: Me. Egelhoff, does that answer your
24 concern?

25 MR. EGELHOFF: I get confused with when the budget cycle is.

26 CHAIR ROMERO-WIRTH: The new budget year starts July 1st and both
27 the County and the City adopt their new budgets –

28 MR. EGELHOFF: And this report would be the first quarter in January.

29 CHAIR ROMERO-WIRTH: Yes, my sense it should come January,
30 February latest.

31 MR. EGELHOFF: Okay.

32 MR. HARWOOD: We typically have the chair overseeing the February
33 meeting until the end and then the new chair coming on in March. That's our typical
34 process and that's why it says calendar year, Mr. Egelhoff. So I think if we're doing
35 these presentations in February and March, it should be able to accommodate the budget
36 cycle that has the Board sending its budget to the City and the County in March and April
37 and then adopt it.

38 CHAIR ROMERO-WIRTH: I think this also speaks to what you were
39 saying, Mr. Harwood, about we'll kind of see, right. The reason this is on our meeting
40 now is that this is the last meeting of 2022 for this board and we wanted to get it in place
41 so that we could try it out in the new year and I think we'll see how that works. We may
42 find, as Mr. Harwood has said, that we need to tweak this in some way in terms of the
43 timing and how we bring things forward and when. You're good?

44 MR. EGELHOFF: Yeah.

45 MR. HARWOOD: Madam Chair, I just want to check whether there are
46 any questions for the technical experts because they were involved in this process. They

1 have been advising us on these kinds of matters. Jay and James are here and I don't think
2 we need to ask them questions if you don't have questions of them. But I just wanted to
3 see if there were any technical questions.

4 CHAIR ROMERO-WIRTH: I want to finish with the edits and then we'll
5 go back to the overall. Councilwoman Villarreal and then I think Councilor Ives.

6 COUNCILOR VILLARREAL: Thank you, Madam Chair. If you go to
7 the first page where it says, "the BDD Project is a critical component of regional Santa Fe
8 conjunctive water resource management, diversifies" there's a weird – it doesn't jump to
9 the next sentence. Diversifies doesn't fit. I was trying to figure out if it should say, "the
10 BDD Project a critical component of regional Santa Fe conjunctive water resource
11 management, diversifies the regional water supply, etc. etc." Or keep the "is" but then
12 you need to say something in front of "diversifies" like it; do you see what I mean?

13 CHAIR ROMERO-WIRTH: Uh-huh, as to qualify it.

14 COUNCILOR VILLARREAL: Correct.

15 MR. HARWOOD: So we're removing "is" and inserting a comma –

16 COUNCILOR VILLARREAL: Either you take out "is" – The BDD
17 project, a critical component – Whereas, the BDD project, a critical component of
18 regional Santa Fe conjunctive water resource management diversifies the regional water
19 supply under normal and drought conditions, decreases reliance on groundwater pumping
20 that otherwise would not be sustainable comma and thereby allows for the provision of a
21 regional drought reserve."

22 MR. HARWOOD: Very good. I have those changes. Thank you,
23 Councilor.

24 COUNCILOR VILLARREAL: And then the second whereas right after
25 that on line 31, it says, "whereas, the quality of water that is diverted is of paramount
26 importance and priority to the BDDB," just add "and priority." Is everyone okay with
27 that?

28 And then line 37 on the same page, "Whereas, the BDDB's proactive water
29 quality initiatives provide the additional benefits of" – and then take out "of allowing the
30 BDDB." So it will read: "Whereas, the BDDB's proactive water quality initiatives
31 provide the additional benefits to manage the cost and the technical challenges of treated
32 Rio Grande water at the –

33 CHAIR ROMERO-WIRTH: We changed that.

34 COMMISSIONER HANSEN: BDD water.

35 COUNCILOR VILLARREAL: Correct. Just take out "of allowing the
36 BDDB."

37 CHAIR ROMERO-WIRTH: Let's just read it one more time without
38 what you want to take just to make sure.

39 MR. HARWOOD: Do you want me to read it?

40 CHAIR ROMERO-WIRTH: Yeah, that would be great.

41 MR. HARWOOD: "The BDDB's proactive water quality initiatives
42 provide the additional benefit to manage the cost and technical challenges of treating Rio
43 Grande water at the BDD Water Treatment Plant." Is that okay?

44 COUNCILOR VILLARREAL: Yes.

45 MR. HARWOOD: I'm gathering that all of these changes so far are
46 consensus.

1 CHAIR ROMERO-WIRTH: Yes, I haven't heard anybody – well, if you
2 don't agree let's talk about it. But I think we're all coming along here.

3 COUNCILOR VILLARREAL: And then the last one on page 2, line 17,
4 number 4, so we're talking about words like, one says manage, two says support, three
5 says foster, four should say "sustain" instead of "seek to." So to say, "sustain the water
6 quality of the Rio Grande above and at the BDD intake by continuous monitoring and
7 consideration of the impact by upstream water quality."

8 This sentence is kind of funky so I'm like, can this be separated into two or – it is
9 just a long one. I was trying to figure out what we're trying to get out. We're talking
10 about sustain the water quality above and at the BDD intake by continuous monitoring
11 and consideration of the impact by upstream water quality and provide – I think we need
12 some kind of, well, either a separate point or say something like, "provide proactive
13 awareness of how water quality may change in the future as more users will come to rely
14 on the Rio Grande for their water needs and this climate change becomes more severe." I
15 took out "drought" because I thought climate change included drought.

16 I guess I'm asking the Board, there are two ways to say this: separate it or make a
17 very long sentence like it is now with it look at two different points. One is sustain the
18 water quality and we're talking about continuous monitoring and impact of the upstream
19 water quality and then the second point is to provide proactive awareness on how water
20 quality may change in the future as more users come to rely on it blah blah blah.

21 COMMISSIONER HANSEN: I support making it two points. We could
22 – there's no reason why we can't have five points under value.

23 CHAIR ROMERO-WIRTH: So where would you break it off?

24 COUNCILOR VILLARREAL: Do you want me to read what I was
25 thinking?

26 CHAIR ROMERO-WIRTH: Yeah.

27 COUNCILOR VILLARREAL: Okay, so it would read: "Sustain the
28 water quality of the Rio Grande above and at the BDD intake by continuous monitoring
29 and consideration of the impact by upstream water quality." And the second one, 5 would
30 be: "Provide proactive awareness of how water quality may change in the future as more
31 users will come to rely on the Rio Grande for their water needs." I took out "inevitably."

32 CHAIR ROMERO-WIRTH: I don't know. Is that what we're trying to
33 say?

34 MR. HARWOOD: I think provide proactive awareness of how water
35 quality may change in the future as more users –

36 CHAIR ROMERO-WIRTH: It's bigger than us; isn't it? I'm not sure it's
37 our responsibility.

38 COUNCILOR VILLARREAL: Acknowledge how water quality may
39 change in the future as more users come to rely –

40 CHAIR ROMERO-WIRTH: This is tricky language.

41 COUNCILOR VILLARREAL: The way it is written now I just – it's
42 confusing. There are two different concepts going on here. So I was trying to break it up
43 or if we put it together it would need more edit.

44 CHAIR ROMERO-WIRTH: I don't know that you can break it up. The
45 question is, how can we say it more clearly?

1 JAY LAZARUS (Glorieta Geoscience): One thing I would suggest on
2 line 19 where it says, “Rio Grande water quality as affected by upstream water
3 Quality” it is really affected by upstream discharges. And those discharges affect the
4 water quality of the river. I think it would read better to take out on line 19 and replace
5 “water quality” and change that to “discharges.”

6 In terms of having more straws in the river upstream, I really think it is going to
7 be more climate related – because I represent a lot of those upstream municipalities also,
8 and there’s not the appetite financially or operationally to do direct diversions like
9 Buckman further upstream.

10 So I think really the focus is the quality will change as flows in the Rio Grande
11 are diminished because we don’t have the dilution effect. I’ll be happy to have you guys
12 wordsmith whatever that is but I really think we should change “water quality” to
13 “discharges” because that’s what affects the water quality.

14 MR. HARWOOD: So that’s a change. Let me go ahead and try and give
15 this a read now, if that’s okay, Madam Chair.

16 “Sustain the water quality of the Rio Grande above and at the BDD intake by
17 continuous monitoring and consideration of how water quality is affected by upstream
18 discharges.” Then I think –

19 MS. LONG: Can we take out “and considering?” Continuously
20 monitoring how water quality is affected. I’m trying to shorten it up.

21 MR. HARWOOD: Continuous monitoring and I had it consideration of
22 how water quality is affected by upstream discharges. Is that okay, Nancy?

23 And then I was just going to suggest for simplicity a second sentence in this value
24 or it could be number 5 that says, “provide proactive monitoring” – awareness I think is
25 also a good word but I think monitoring is more of a typical phrase for us – “provide
26 proactive monitoring of how water quality may change in the future” – and I’m almost
27 thinking that some of this other language can come out. “Provide proactive monitoring
28 of how water quality may change in the future as climate change and drought become
29 more severe.”

30 CHAIR ROMERO-WIRTH: Councilor Ives is trying to jump in here. I
31 don’t know is it on this point? Yes, Councilor.

32 MR. IVES: On this point, I wondered if we couldn’t simply remove a
33 portion of the sentence so that – and I do have another change using this language –
34 “seek to sustain the water quality of the Rio Grande at the BDD intake by continuously
35 monitoring and considering how water quality is affected by upstream discharges and the
36 effects of climate change.”

37 MR. EGELHOFF: I guess I have a question.

38 CHAIR ROMERO-WIRTH: Yes, Mr. Egelhoff.

39 MR. EGELHOFF: How do we sustain water quality?

40 CHAIR ROMERO-WIRTH: And I think we got rid of “seek to” right?
41 So we were just saying sustain the water quality –

42 MR. IVES: Madam Chair, I do have a few other changes along –

43 CHAIR ROMERO-WIRTH: Does that go to this question?

44 MR. IVES: Yes.

45 CHAIR ROMERO-WIRTH: Mr. Egelhoff, are you okay if Councilor Ives
46 – I don’t want to lose that concept that you just brought up.

1 MR. IVES: I agree with the concept and I propose in that regard to have
2 the sentence begin with “maintain the drinkability and high quality” to characterize what
3 type of water quality we’re talking about and establishing clearly that drinkability is an
4 essential characteristic.

5 CHAIR ROMERO-WIRTH: Is drinkability a term of art? What does that
6 mean drinkability? Is my drink the same as your drink? I don’t know.

7 MR. HARWOOD: I’m now visualizing bourbon. [laughter] I think that
8 we don’t usually use the word “drinkability.”

9 CHAIR ROMERO-WIRTH: Yes, I have trouble with that.

10 MR. HARWOOD: I think we all know what it means but I don’t think it’s
11 typically a phrase that we use but I understand the spirit of that – potable.

12 CHAIR ROMERO-WIRTH: Commissioner.

13 COMMISSIONER HANSEN: Maintain high water quality to sustain –
14 never mind.

15 MR. HARWOOD: It is not simple.

16 COMMISSIONER HANSEN: Madam Chair, I like sustain the water
17 quality of the Rio Grande above and at the BDD intake by continuous monitoring and –
18 continuous monitoring and --

19 COUNCILOR VILLARREAL: Well, I had changed it to continuous
20 monitoring and consideration but then Kyle had another shortened version. Can you read
21 that again, Kyle?

22 MR. HARWOOD: And consideration of how water quality is affected by
23 upstream discharge. I think that part of the value is pretty settled.

24 COMMISSIONER HANSEN: I think that’s good. Then that’s period.

25 MR. HARWOOD: The question then before the Board is, is that enough
26 to leave it there or would we like to have an additional attribute of this value to say that
27 we are – I think the key of the second half of number 4 is the climate change and drought
28 that we know that we’re monitoring that. Perhaps the simplest way to do it is to say,
29 “water quality is affected by upstream discharge and climate change and drought.” And
30 just leave it at that. Is that okay with everyone?

31 CHAIR ROMERO-WIRTH: Uh huh.

32 COMMISSIONER HANSEN: Yes, I think that we can – as long we
33 leave, I would like to leave “drought” in. I know that climate change – but drought kind
34 of defines what we’re –

35 CHAIR ROMERO-WIRTH: Climate change has lots of implications.

36 COMMISSIONER HANSEN: Right and drought has other implications.

37 MR. HARWOOD: The way the Governor’s task force is looking at it is
38 that climate change is increasing the reification which is the baseline and droughts still
39 occur against the baseline. That’s the language that we’re using in that context.

40 So I think, if it’s okay, Madam Chair, what I would like to suggest if the Board is
41 comfortable you take a vote on these edits. We bring this back, we distribute it and we
42 can when we bring you our retrospective and prospective memo at our February meeting
43 we can see whether we need to make any tweaks to this resolution. I don’t know whether
44 you’re comfortable with that approach. But one idea would be to take a vote, adopt it,
45 have it in the packet for February along with our updates and see if we wish to make any
46 changes at that time.

1 CHAIR ROMERO-WIRTH: So I guess what the question would be is,
2 how would this read? Where are we on this? Maybe if you could go slowly.
3 COMMISSIONER HANSEN: Madam Chair, I think that we're almost
4 there and I would like to possibly approve this tonight with all the changes so that we can
5 have it for the new year.
6 MR. HARWOOD: With that in mind, let me go ahead and read what I
7 have.
8 MR. IVES: Madam Chair, I had one more.
9 CHAIR ROMERO-WIRTH: Hold on real quick. Councilor Ives.
10 MR. IVES: Thank you, Madam Chair. I had one more proposed change
11 and that was to number 2 in the values as opposed to just "support federal, state and local
12 efforts," I would say, "be an active participate in."
13 CHAIR ROMERO-WIRTH: Well, that changes things, I think.
14 MR. IVES: From what we've seen of the state's effort, from what we've
15 seen of federal efforts, they have been lacking. We still don't have water quality
16 standards.
17 CHAIR ROMERO-WIRTH: I know, but again that to me is an expansion
18 of scope that I'm not sure we can take on.
19 COMMISSIONER HANSEN: Okay, but we also added in "regional" on
20 number 2 – "regional, federal, state and local efforts to manage the water quality of the
21 Rio Grande."
22 MR. HARWOOD: I think maybe to Mr. Ives's point; I think this Board
23 can determine how it supports those efforts. I don't know if that helps, Mr. Ives. So
24 maybe that is not a consensus change?
25 CHAIR ROMERO-WIRTH: I'm not sure. I think we would need to have
26 more conversation about that.
27 MR. HARWOOD: Okay. What I have for number 4, if I can read that
28 one slowly. "The BDD Board shall," so that's just the preamble, "sustain the water
29 quality of the Rio Grande above and at the BDD intake by continuous monitoring and
30 consideration of how water quality is affected by upstream discharge, climate change and
31 drought."
32 CHAIR ROMERO-WIRTH: Seems simple.
33 MR. EGELHOFF: Madam Chair.
34 CHAIR ROMERO-WIRTH: Mr. Egelhoff.
35 MR. EGELHOFF: I just don't know how we can sustain water quality
36 just be monitoring what goes by. I mean, I know we need to know what goes by but are
37 we really doing anything by monitoring what goes by? How does that sustain the water
38 quality?
39 CHAIR ROMERO-WIRTH: My layman sense of this would be that if we
40 know what goes by probably what we're going to do about it depends on what is going
41 by.
42 MR. EGELHOFF: But what if you can't change what goes by?
43 CHAIR ROMERO-WIRTH: Well, you may not be able to.
44 MR. EGELHOFF: So then we're saying we're going to sustain it but
45 maybe we can't.

1 CHAIR ROMERO-WIRTH: But I think you have to realize our role in
2 this; right. We're wholesalers; correct, Mr. Harwood?

3 MR. HARWOOD: Yes, Madam Chair.

4 CHAIR ROMERO-WIRTH: And there are lots of factors that impact
5 things, that some of them, that are beyond our control. We can certainly, you know, say
6 we don't like what might be happening but we aren't the regulators. It's not our role so
7 there's not much more – I'm not sure what more we can do.

8 MR. HARWOOD: If I could just speak to Mr. Egelhoff's point.

9 CHAIR ROMERO-WIRTH: Sure.

10 MR. HARWOOD: I think the way to perhaps think about it, Mr.
11 Egelhoff, is to say that the value that we have is that we want to sustain the water quality.
12 And what comes after the "by" is one of the techniques that we're proposing to use but
13 that the value statement is the first ten words of the line. Our value is to sustain the water
14 quality of the Rio Grande above and at the BDD intake.

15 I think where it then gets complicated is we try to say how and your point is that
16 monitoring doesn't really tell us how we sustain it. But I really feel that if we focus on
17 the value being that we're hoping to sustain the water quality of the Rio Grande, think of
18 that as being the value, what comes after the comma at the end of line 17 is just the initial
19 way that we're keeping an eye on sustaining water quality. If that's helpful, Madam
20 Chair.

21 CHAIR ROMERO-WIRTH: I'm going to go back to Mr. Egelhoff.

22 MR. EGELHOFF: Maybe we could read what we're proposing.

23 CHAIR ROMERO-WIRTH: Sure, no problem. Mr. Harwood can you
24 read again how that item will read.

25 MR. HARWOOD: So it starts with line 4, values, "The BDD Board shall
26 sustain the water quality of the Rio Grande above and at the BDD intake by continuous
27 monitoring and consideration of how water quality is affected by upstream discharge,
28 climate change and drought."

29 MR. EGELHOFF: If you guys are all right with "sustain," that's fine.

30 CHAIR ROMERO-WIRTH: Let me take some of these other hands that
31 are jumping up in the air. Commissioner Hughes.

32 COMMISSIONER HUGHES: I just have one simple suggestion and I'm
33 sure you said it but I think it should be "discharges" plural.

34 MR. HARWOOD: Discharges.

35 CHAIR ROMERO-WIRTH: Commissioner Hansen.

36 COMMISSIONER HANSEN: And I think in the goals, we say "foster the
37 BDD engagement with key partners, stakeholders and regulators including the U.S.
38 Department of Energy, the EPA, Los Alamos County and the New Mexico Environment
39 Department," directly links to how we're going to sustain because we're fostering the
40 value in four. I'm linking two to four.

41 CHAIR ROMERO-WIRTH: I don't know whether that helps Mr.
42 Egelhoff.

43 COMMISSIONER HANSEN: Well, I am just trying.

44 CHAIR ROMERO-WIRTH: It's fine, I am just asking. Can you talk to
45 Kyle because I can't really take – oh, okay. Of course.

1 MR. LAZARUS: We are not going to be able to sustain the water quality
2 of the Rio Grande.

3 CHAIR ROMERO-WIRTH: Correct.

4 MR. LAZARUS: So what I would suggest is that, “the Board shall adapt
5 to the changing water quality of the Rio Grande,” which then the next resultant action of
6 that would betwixt two, the treatment train in the plant; okay.

7 So we’re not going to be able to sustain the water quality of the river. But we can
8 adapt to that changing water quality.

9 MR. EGELHOFF: I was just trying to find another word for “sustain” to
10 be honest with you.

11 CHAIR ROMERO-WIRTH: Mr. Harwood, how then with that idea
12 would you read it.

13 MR. HARWOOD: I’m trying to first answer Mr. Egelhoff.

14 COMMISSIONER HANSEN: Mr. Egelhoff is happy with “adapt.”

15 CHAIR ROMERO-WIRTH: Yes, but I’m not clear how adapt would be
16 put into the sentence. I understand the concept of what is being discussed up here but I
17 am not sure it’s in the verbiage yet.

18 MR. HARWOOD: So the suggestion was the verb to be adapt instead of
19 sustain, adapt to. Again, this is a value so it is not necessarily a technique. So the value
20 is that we want to preserve and – we like the relatively clean water that we have. We
21 don’t want to see it degrade. So that is the value. So if there is a better word than sustain
22 – I think we want to maintain or manage the water quality of monitor; I don’t know.

23 CHAIR ROMERO-WIRTH: You don’t like “adapt to” the water quality
24 of the Rio Grande.

25 MR. HARWOOD: We do that and will do that because we have to meet
26 drinking water standards.

27 CHAIR ROMERO-WIRTH: Yeah, because we have to meet the
28 standards that are directed at us and they change. So you’re not –

29 MR. HARWOOD: I think we need to just go back to the fact that this is a
30 value. The first value is to manage our public funds. The second one is to support all
31 these efforts to manage the water quality. The third is to foster public confidence. And
32 the third is to, right now the way we have it right now is to “sustain the water quality of
33 the Rio Grande above and at the BDD intake” –

34 MR. EGELHOFF: How about monitor?

35 MR. HARWOOD: I’m sorry. So it would be monitor the water quality of
36 the Rio Grande above and at the BDD intake “in light of” upstream discharges, climate
37 change and drought. Or with “close attention to” upstream discharges, climate change
38 and drought?

39 COMMISSIONER HUGHES: Madam Chair.

40 CHAIR ROMERO-WIRTH: Commissioner Hughes.

41 COMMISSIONER HUGHES: We could say, keeping it as a value,
42 “sustain to the extent possible” the water quality which acknowledges that we don’t have
43 that much control over it. It’s a little better than just adapting perhaps.

44 CHAIR ROMERO-WIRTH: Tom, did you have something else you were
45 trying to add there? Kyle, maybe you did.

1 MR. HARWOOD: One possible path forward is to take number 4 out for
2 tonight.

3 COMMISSIONER HANSEN: No.

4 MR. HARWOOD: Okay, well I thought I would give it a try. I was going
5 to bring it back, Madam Commissioner. I didn't realize that we were going to have such
6 a hard time with number 4.

7 The value again, our value is that we want to sustain the water quality of the Rio
8 Grande above and at the BDD intake. We could just end it there.

9 CHAIR ROMERO-WIRTH: There are all kinds of things that will impact
10 it. We don't have to list them all.

11 MR. HARWOOD: That would be my simplest suggestion, Madam Chair.
12 Just simplify number 4 to be, "sustain water quality of the Rio Grande above and at the
13 BDD intake." We all know that that requires monitoring discharges and adapting to
14 climate change and drought. And if we want to make a change to this provision I think
15 maybe we can –

16 CHAIR ROMERO-WIRTH: That would at least let us go forward
17 tonight.

18 COMMISSIONER HANSEN: Madam Chair, I just worry about in the
19 future if we don't include this continuous monitoring. To me, monitoring is the only
20 thing that we have.

21 MR. HARWOOD: I will say, Madam Commissioner, we do have the
22 monitoring in the goal. To your point earlier –

23 CHAIR ROMERO-WIRTH: Monitor and ensure adequate surveillance
24 of, which has been your big work, right.

25 MR. HARWOOD: The goals and the values do fit together as the
26 Commissioner pointed out on number 2. I kind of feel like the goal has the monitoring in
27 it and perhaps we can be comfortable taking it out of the value.

28 COMMISSIONER HANSEN: Madam Chair, do we still have climate
29 change and drought somewhere?

30 MR. HARWOOD: Well, we do have climate change and drought on goal
31 number 4 on line 2 of page 2.

32 CHAIR ROMERO-WIRTH: "Maintain the capacity to substantively
33 address unforeseen water quality issues as they might arise, including those related to
34 contamination, fire," – I think we threw "pollution" in there – "climate change and
35 drought." So yes we do.

36 MR. HARWOOD: So I think that might argue for simplifying the value
37 statement which was obviously –

38 CHAIR ROMERO-WIRTH: So can we try that – just try shortening it? Is
39 everybody okay with that? All right. So we'll move on with that. You're okay with
40 that?

41 COMMISSIONER HANSEN: I'll live with it.

42 CHAIR ROMERO-WIRTH: Fantastic. I love your flexibility.
43 Councilwoman.

44 COUNCILOR VILLARREAL: All I'm going to say is that a lot of our
45 values are basically goals and I'm not making any changes to it. I am just letting you
46 know. They kind of – they're both. The values are actually more goals than values. I

1 don't want to change it but I am just letting you know that they are actually goals and
2 they're values too.

3 CHAIR ROMERO-WIRTH: Well the other thing that we could do is say
4 "values and goals" and just list them all.

5 MR. HARWOOD: Run them all together?

6 COUNCILOR VILLARREAL: Sounds good to me.

7 CHAIR ROMERO-WIRTH: That's an easy fix. Nancy, are you all right
8 with that?

9 MS. LONG: Yes, Madam Chair, I don't think we have to separate them
10 out. Makes sense to run them together and take another look at how they look that way
11 when we bring it back.

12 CHAIR ROMERO-WIRTH: I'm not sure we're bringing it back.

13 MR. HARWOOD: We'll bring it back in February just as the framework
14 that we're giving you our report with.

15 CHAIR ROMERO-WIRTH: Right and it probably would be a good idea
16 to send it out before then just with the changes in case somebody sees something leap off
17 the page at them.

18 How would we introduce the goals and values section? It would be the goals and
19 values of the BDDB with respect to water quality are?

20 MR. HARWOOD: Yep, yep.

21 CHAIR ROMERO-WIRTH: Or shall be?

22 MR. HARWOOD: We have now the goals of the BDD Board with
23 respect to water quality are to –

24 CHAIR ROMERO-WIRTH: The BDD shall.

25 MR. HARWOOD: So if we think of these as goals and values, we would
26 have, to focus, to foster, to monitor, to maintain, to manage, to support, to foster and to
27 sustain.

28 CHAIR ROMERO-WIRTH: Yes, I am just wondering what is the lead
29 in?

30 MR. HARWOOD: The same lead in on line 44 of page 1, Madam Chair.

31 CHAIR ROMERO-WIRTH: But I'm hearing some folks want "shall"
32 instead of "are."

33 MR. HARWOOD: Oh, I see.

34 CHAIR ROMERO-WIRTH: The goals of the BDDB with respect to
35 water quality "shall be."

36 MR. HARWOOD: "Shall be to," we need "to."

37 CHAIR ROMERO-WIRTH: Shall be to."

38 COMMISSIONER HANSEN: So do we have that in there somewhere?

39 CHAIR ROMERO-WIRTH: Exactly it will be the goals and values of the
40 BDDB with respect to water quality shall be to. Yeah, we are a little verbose. Okay, is
41 everybody okay with that?

42 MR. HARWOOD: We accommodated the Councilor's suggestion there
43 even though she said she didn't want any changes. But we've got it fixed.

44 CHAIR ROMERO-WIRTH: Okay, anything else? Commissioner.

45 COMMISSIONER HANSEN: I want to make a motion. Okay, so I'm
46 going to make a motion to approve this resolution 2022 of the Buckman Direct Diversion

1 Board concerning the missions, goals and values of the Board regarding the Rio Grande
2 water quality with all the change that have been incorporated and provided tonight and
3 with Kyle's expert interpretation.

4 CHAIR ROMERO-WIRTH: Is there a second?

5 MR. IVES: Second.

6 CHAIR ROMERO-WIRTH: Is there more discussion? Everybody okay
7 for now? Do we need to take a roll call on this? Okay, we have a motion and a second
8 could we get a roll call please.

9
10 The motion passed by unanimous [4-0] roll call vote as follows:

11 Councilor Carol Romero-Wirth Yes

12 Councilor Renee Villarreal Yes

13 Commissioner Hank Hughes Yes

14 Commissioner Anna Hansen Yes

15 Mr. Peter Ives Yes

16
17 CHAIR ROMERO-WIRTH: Okay. Thank you everybody. That was
18 hard work but we did it.

19
20 **7 MATTERS FROM THE PUBLIC**

21
22 CHAIR ROMERO-WIRTH: Ms. Arends has joined us.

23 JONI ARENDS (Concerned Citizens for Nuclear Safety, Executive
24 Director): Good evening. I wanted to thank the Board for a very successful year. And
25 specifically with regard to the settlement this year and also for working through this difficult
26 Covid period of the last two and half or three years. I can't imagine how difficult it has been
27 with all of the responsibilities that you have on so many different levels and taking care of
28 water quality has been really important. And also the staff, Rick and everybody else. It's
29 been a good year and it seems like a good day to start celebrating the end of a good year and
30 move on to 2023. Thanks.

31 CHAIR ROMERO-WIRTH: Thank you. Are there other matters from the
32 public?

33
34 **8. MATTERS FROM THE BOARD**

35
36 COUNCILOR VILLARREAL: I want to wish everyone happy holidays,
37 merry Christmas and whatever you celebrate. And thanks to staff for all your hard work this
38 year. Thanks.

39 MR. CARPENTER: It is always a pleasure.

40 COMMISSIONER HANSEN: Yes, I also want to thank Rick for diligently
41 working to get staff hired. I know how hard that is. I also want to wish everyone happy
42 solstice, December 21st, the return of the light. And I love serving on this Board so thank
43 you for the opportunity.

44 CHAIR ROMERO-WIRTH: Thank you. And I just want to say thank you
45 to everybody. Happy holidays and good work. This is our last meeting of 2022.
46

1 **9. NEXT MEETING:** Thursday, January 5, 2022 at 4:00 p.m.

2
3 **10. ADJOURN**

4
5 Having completed the agenda and with no further business to come before the Board,
6 Chair Romero-Wirth declared this meeting adjourned at approximately 5:25 p.m.

7
8 Approved by:

9
10
11
12
13 _____
14 Carol Romero-Wirth, Board Chair

15 Respectfully submitted:

16
17 Karen Farrell, Wordswork
18

19
20 **ATTEST TO**

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24 _____
25 KRISTINE BUSTOS-MIHELIC
26 SANTA FE CITY CLERK
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D R A F T

- subject to approval -