

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

February 2, 2023

1. CALL TO ORDER

This regular meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Councilor Carol Romero-Wirth, Chair, at approximately 4:07 p.m. in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

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

BDD Board Members Present:

Councilor Carol Romero-Wirth, Chair
Commissioner Anna Hamilton
Councilor Renee Villarreal
Commissioner Anna Hansen
Peter Ives, Alternate for Citizen Member

Member(s) Excused:

J.C. Helms, Citizen Member
Tom Egelhoff, Las Campanas [non-voting]

Others Present:

Rick Carpenter, BDD Facilities Manager
Nancy Long, BDD Legal Counsel
Kyle Harwood, BDD Legal Counsel
Bernardine Padilla, BDD Public Relations Coordinator
Monique Maes, BDD Contracts Administrator
Delfin Peterson, BDD Administrative Assistant
Jeff Young, County Attorney

[Chair Romero-Wirth read the agenda captions throughout the meeting.]

3. APPROVAL OF AGENDA

Chair Romero-Wirth noted that in the absence of BDD Operations Superintendent Randy Sugrue, Rick Carpenter will provide the BDD Monthly Operations Report.

There were no other changes to the agenda and Commissioner Hamilton moved to approve the agenda with that change. Commissioner Hansen seconded and the motion passed by unanimous [5-0] voice vote.

4. APPROVAL OF CONSENT AGENDA

Commissioner Hansen had a question regarding the one consent agenda item and thus there was no action necessary.

5. APPROVAL OF MINUTES: January 5, 2023

There were no changes to the January 5, 2023 BDD Board meeting minutes. Commissioner Hansen moved to approve as presented. Commissioner Hamilton seconded and the motion passed by [3-0] voice vote. Mr. Ives and Councilor Villarreal abstained.

6. PRESENTATION/INFORMATIONAL ITEMS

a. Monthly Update on BDD Operations

RICK CARPENTER (Facilities Manager): Thank you, Madam Chair. So the monthly update on BDD operations raw water diversions averaged 3.44 million gallons per day. Onsite treated water storage averaged 1.42 million gallons per day and that's a little low, you may notice, but demand has been down quite a bit. BDD is providing approximately 32 percent of the overall water supply for the City and the County. Year-to-date monthly diversions are normal, nothing out of the ordinary and is tracking closely to previous months and years. Daily metered regional water demand is 6.3 mgd. Canyon Road storage and Nichols and McClure: Nichols is 65.7 percent; McClure is 33.3 percent, 38.8 combined. That's a little higher than I would like to see at this time of the year but they are working to vacate a little more space to make room for snowmelt runoff which is right around the corner.

SJC water stored in Heron and Abiquiu is 12,700 acre-feet. So that's good. That's a lot of water in storage. And with that, Madam Chair, I would stand for questions.

CHAIR ROMERO-WIRTH: Okay. Questions from the Board?
Commissioner Hamilton.

COMMISSIONER HAMILTON: I was going to – and I think you might have answered part of it but I was just going to ask – the 32 percent sounds a little lower than average and you even said that the withdrawals were lower but that the demand was down. Is that expected?

MR. CARPENTER: Demand is down. It's 6.3 million gallons per day. That's pretty low. It will start creeping back up. What I was referring to that was lower than we – higher than we like to see is the storage in the reservoirs at 38.8 percent. I would like to see that around 30 percent right now.

COMMISSIONER HAMILTON: So we have to use that water instead of BDD to –

MR. CARPENTER: That's right and that's why BDD has not been producing so much water because Canyon Road is treating a bunch to make room in the reservoirs.

COMMISSIONER HAMILTON: Got it. Thank you.

CHAIR ROMERO-WIRTH: Other questions – what do I call you? Councilor? Former Councilor? Counselor? Board member and Councilor Ives.

MR. IVES: Thank you, Madam Chair. Rick, a couple of questions and you sort of answered this but not specifically but with regards to the daily metered regional water demand, is that demand consistent with prior years for this time of year?

MR. CARPENTER: It's about – well, this time of year we should see that start to creep up. So it is a little low but it has been cold. And it's nothing too out of the ordinary.

MR. IVES: And just given all the, shall we say, reporting on the Colorado, I noted here that there has been no allocation of any of the City or County's acre-feet of this SJC water. At this point in the year what would the norm have been say in the past five or ten years in terms of allocations being made?

MR. CARPENTER: We have received close to our 5,230 which is what our contract stipulates. And the reason we haven't had any deliveries this year it's just that we're really early in the year. The next delivery I think is set for late March or early April.

MR. IVES: Yes, this says April 15th. And given what is happening on the Colorado, California just weighed in yesterday on their plans to reduce usage; any sense of what a conservative prediction might be?

MR. CARPENTER: I was wondering when he would show up –

KYLE HARWOOD (BDD Board Counsel): Good afternoon. My name is Kyle Harwod and I'm another one of your attorneys. I have the privilege of representing the San Juan-Chama Contractors Association which includes Santa Fe and other utilities that use water from the San Juan-Chama project. So the goings on on the Colorado are significant. The deadline to submit proposals on how to deal with the mega-drought are being developed. We don't know yet, Citizen Member Ives, how the sharing of shortages on the Colorado may affect the San Juan-Chama project yet. But there is a team of folks working primarily with the Interstate Stream Commission and you may recognize this name, Estevan Lopez is the Governor's appointee to what's called the UCRC, the Upper Colorado River Commission and he has been critical in monitoring how the agreements on the Colorado might affect New Mexico's share of the Colorado of which the San Juan-Chama project is a critical part.

So we're looking forward to learning more in the coming months and if this Board would like any kind of an update on that I can work with Rick to figure out an appropriate way to get that information to you.

MR. IVES: Personally, I would love to have an update as this develops. There seems to be some push by administrators involved in the Colorado to push for greater conservation measures. And that raises an issue in my mind – I can't remember what our, if you will, certified average daily usage is at this point in time. It had been vacillating between about 107 down to well below 100 at different points.

MR. HARWOOD: The way we've talked about it is from 1971 until approximately eight years ago, Heron always had sufficient water to make 96,400 acre-

feet of delivery to all of the 21 contractors. In the last eight years we've had years where that has dipped down to 85 percent including last year. That's a significant but not huge relatively speaking reduction. We are anxious about how the systemic drought and the sort of changing climate is going to affect deliveries in the Heron and then of course we have a set of agreements that regulate drawing water out of Heron.

I can say right now that the snowpack is remarkably good right this moment. Obviously the spring wind and summer temperatures have a huge impact on how much sublimates, how much is released to the stream system. So it's looking like this will not be one of the more dire years but we're obviously looking at the whole sequence because we're talking about reservoir – refilling the reservoirs, that's one of the biggest issues now with a year like this. And that's particular true for Powell which regulates so much of what's going on but it's obviously very important for Heron for all the San Juan-Chama contractors.

MR. IVES: Part of the reason I wondered about where we were on the daily average usage and our own conservation efforts is demanding on how – first, if that becomes part of the algorithms to determining water allocations from the Colorado, we should be in a good stead from the perspective of having implemented many conservation measures that ensure that we do use our water wisely. But I have no idea whether or not and I certainly be interested to see if that is part of the discussion by the people participating in what's going to happen on the Colorado because I would love to try and make sure that the City's good efforts in that regard are recognized and we're not penalized if that is part of the algorithm for making those decisions.

MR. HARWOOD: You raise some really good points. We should be penalized for our progressive conservation that we have done. As you can imagine, everyone who uses water on the Colorado has a talking point about how they should not be cut. One of the biggest strengths of the San Juan-Chama project is that it supplies cities, agriculture and several tribal water settlements. So it is a unique project even in the Colorado system. It's a huge complicated system given the number of beneficiaries and the silvery minnow really credits its current success, which we can talk about another day, but San Juan-Chama water has been critical to maintaining that environmental flow as well. So it's really a multi-sector use of water in New Mexico. And we're hoping that we can get the Heron Reservoir refilled for the future under the rule set that is coming.

But there is a lot of reconfiguring of the Colorado going on in people's minds right now trying to come up with agreements for the future and we are vigilant on that front.

MR. IVES: I recall that the Department of the Interior studying back probably about seven, eight years ago, maybe not even that long ago, on the Colorado and of course one of the propositions was pumping water from the Mississippi Basin across the Rockies using nuclear power plants. And, of course, that appeared miraculously again in the paper this morning. So it's fascinating what folks are coming back to.

MR. HARWOOD: And then the Mississippi has been unable to move its barge traffic because of low flows. So it's a system without a magic bullet is one observation. But a lot of hard work is going into managing it and it is something that I do talk to Rick about and mostly report Jesse and Bill on and of course the County as well about what to expect from San Juan-Chama water.

MR. IVES: Got you. Thank you.

CHAIR ROMERO-WIRTH: Thank you. Any other questions from the Board? All right we'll move on.

B. Report from the Facilities Manager

MR. CARPENTER: Thank you, Madam Chair. I have just a few items to update the Board on. One piece of good news we received just on Wednesday – I have been working for months to try and coordinate with Bureau of Land Management mostly out of their Taos office to see if or how the BDD might go about clearing some defensible space around some of our facilities in case there's a large wildfire. Currently, there are some places that it really does need to be cleared. Didn't make much progress for a long time but just found out that, yes, they're going to assign someone to this. He's going to drive down and we're going to do a site visit and proceed from there. So that's progress in part a long time coming.

One other thing I wanted to update the Board on is Daniela Bowman who was serving the BDD as our compliance officer has retired. So she has vacated that position and we'll be working hard to get it proactively filled. In the meantime, however, I have assigned several staff members to fill in those things that she would have been doing for us. It's not a permanent fix but we'll be okay in the near future.

Lastly, the Board has been hearing from time to time about the water quality memo. We had hoped maybe to bring it to the Board this month but it will definitely come to the Board in March and I just wanted to give that update as well. I don't know if there's any comments on that or questions. But as you know, Mr. Harwood is also in the room if you have any questions on that.

CHAIR ROMERO-WIRTH: Questions from the Board? Commissioner Hansen?

COMMISSIONER HANSEN: Mr. Harwood, where are we on the water quality –

MR. HARWOOD: Working hard on it.

COMMISSIONER HANSEN: Okay, that sounds good. Do you have more to say?

MR. HARWOOD: We're excited to present it in March. I think Jay will be helping with the presentation and we have a broad landscape of topics to update the Board on pursuant to the resolution that we all worked so hard on last year.

COMMISSIONER HANSEN: That's fantastic.

MR. HARWOOD: Yes, we are excited to do it.

COMMISSIONER HANSEN: Thank you.

CHAIR ROMERO-WIRTH: Other questions from the Board? Councilor – man of many hats, Mr. Ives.

MR. IVES: Thank you, Madam Chair. Rick, a number of months ago – and I wasn't sure if you were through with your report so forgive me if you have other subjects yet to cover that might –

MR. CARPENTER: My apologies to the Board, yes that concludes my report.

MR. IVES: And I had asked for just updates for what's happening with the settlement funds and the facility and one question that I think I asked four or five months ago was, do the things that are happening on the Colorado impact what our thinking is and if so how?

MR. CARPENTER: Board member Ives and members of the Board, that thinking is evolving. We have an RFP out on the street as we speak for the first phase of engineering and planning and some of that will be to address concerns like that. It is a little premature, but maybe in a month or two once they're up to speed and running whoever gets chosen, we can start giving more substantive reports to this Board on that topic.

MR. IVES: So what is the RFP seeking?

MR. CARPENTER: I didn't catch the question.

MR. IVES: What is the RFP asking for? Proposals to –

MR. CARPENTER: It's an engineering firm to help plan and initiate the larger scale which would be full scale design and construction. So this first phase is to plan, organize, coordinate, help with procurement, prioritize, make a preliminary schedule. Everything that any engineering firm or project manager would do in the initial phases of the project. Getting a \$70 million project designed and constructed is not a small feat.

MR. IVES: So have we given significant input on the guidelines for the design or is that going to be basically up to the firm?

MR. CARPENTER: That's to be determined. I have quite a few of my own ideas but I want them to weigh in as well.

MR. IVES: Got you. Thank you.

CHAIR ROMERO-WIRTH: Other questions from the Board?

7. ACTION ITEM: CONSENT

A. Request for Approval of Annual Payment to the Bureau of Land Management in the amount of \$70,372.56 Right-of-Way Rental Fees

CHAIR ROMERO-WIRTH: We don't have the person who is on the agenda but I am sure we have somebody who can answer Commissioner Hansen's question. Commissioner, you pulled this item.

COMMISSIONER HANSEN: Yes. I just wondered why it went up \$2,000.

MR. CARPENTER: Commissioner Hansen and members of the Board, that is based on an appraisal that the BLM will do from time to time. We're sort of at their mercy on what they say their land is worth and therefore what they charge us in rent. So it could go up. It could go down but that's just what their latest appraisal suggested.

COMMISSIONER HANSEN: We can blame it on inflation like everything else. Okay, that was my only question so I move to approve.

CHAIR ROMERO-WIRTH: Hold on. Is there a second?

COUNCILOR VILLARREAL: Second.

CHAIR ROMERO-WIRTH: Okay, we have a motion and a second. And further questions, Board member Ives.

MR. IVES: Thank you, Madam Chair. My recollection is that in the past the Board has wondered about the possibility of acquiring the property from the BLM to eliminate the need for annual payments. What happened with those discussions and are they still active and is there the possibility of that?

MR. CARPENTER: Board member Ives and members of the Board, those types of discussions were pretty significant and intense in the early years, as you're recalling. As time went on the BLM showed really not much interest in selling us the land. I think they prefer having a consistent revenue stream. That said, within a matter of days I will have one of their land managers in a pickup truck with me all day long and I will raise that topic and I will have a captive audience.

MR. IVES: I was going to say, if everything is relying on the rather political front it would appear to be a propitious time to pursue that. So, thank you for doing that.

COMMISSIONER HANSEN: So, Madam Chair.

CHAIR ROMERO-WIRTH: Hold on a second. Are you done, Board member Ives?

MR. IVES: Yes.

CHAIR ROMERO-WIRTH: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I think this is an interesting concept to buy the right-of-way but, you know, there is a strong movement to try and protect the Caja which this runs through. Being out there the other day and looking at the issues with the shooting range it is very clear that Cochiti Pueblo and possibly some of the other pueblos really want protection out there and I don't think the pueblos would – and I can't speak for them of course – but they are very concerned about where things are put and I think they feel that they didn't have enough input when that easement was put through on the Caja. And now they are much more vocal, especially Cochiti.

CHAIR ROMERO-WIRTH: Okay. Other questions or comments from the Board? Okay we have a motion and a second. Can we get a roll call; do we need one?

NANCY LONG (BDD Counsel): You don't need one.

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

8. ACTION ITEMS: DISCUSSION AND ACTION

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

CHAIR ROMERO-WIRTH: I, of course, am a City Councilor and per our rules we go back and forth between the Chair being a City Councilor or a County Commissioner. So we will be electing a County Commissioner as Chair. I guess I have one question, and we'll do these independently. We'll do the Chair and then the Vice Chair?

MS. LONG: Yes, Madam Chair.

CHAIR ROMERO-WIRTH: Okay. So I think we need a nomination for Chair. Is that how you would recommend moving forward?

MS. LONG: Yes, I would recommend nominations.

CHAIR ROMERO-WIRTH: Can we get a nomination for Chair and that would have to be a County Commissioner.

COUNCILOR VILLARREAL: But the nomination can come from anybody, correct?

CHAIR ROMERO-WIRTH: Yes.

COUNCILOR VILLARREAL: So I nominate for Chair Commissioner – I was trying to think of the feminine version of commissioner, but Commissioner Hamilton.

CHAIR ROMERO-WIRTH: I don't think it is gender specific.

COMMISSIONER HAMILTON: I don't think it is.

COMMISSIONER HANSEN: It is not gender specific. So I second that.

CHAIR ROMERO-WIRTH: Okay, I guess I need to ask Commissioner Hamilton if she is willing to accept that nomination.

COMMISSIONER HAMILTON: Yes I am. Thank you very much.

CHAIR ROMERO-WIRTH: Terrific and I don't think a nomination needs a second. It's not a motion. Now that you've made the nomination and she's accepted it, if we could get a motion to approve the Commissioner as the new Chair.

MR. IVES: Move to approve Commissioner Hamilton as the new Chair of the BDD.

COUNCILOR VILLARREAL: Second.

CHAIR ROMERO-WIRTH: All right. We have a motion and a second to elect Commissioner Hamilton as the new chair of the BDD for the next year. Do we need a roll call for this?

MS. LONG: You do not.

The motion to elect Anna Hamilton as BDD Board Chair passed by unanimous [5-0] voice vote.

CHAIR ROMERO-WIRTH: Then we are on to election of Vice Chair. I believe this goes back and forth too.

MS. LONG: Yes.

CHAIR ROMERO-WIRTH: So the Vice Chair has to be from among the City and we need a nomination for a Vice Chair. Commissioner Hansen.

COMMISSIONER HANSEN: I would like to nominate Councilor Villarreal and –

CHAIR ROMERO-WIRTH: City Councilor Villarreal, will you accept?

COUNCILOR VILLARREAL: I actually want to have a discussion about this. Carol and I, Councilwoman Romero-Wirth and I were talking about this and I'm new to BDD and I had some vacillations with this. I know it is not a major role like the Chairwoman but I do have very limited bandwidth in my two jobs and I have been struggling with this. We didn't get to talk about this and I know my contributions don't need to be in a vice chair position and I actually think that it would be best for all of you because of my bandwidth and I am dealing with some physical issues right now. And I don't know what this year how this year is unfolding but it hasn't unfolded well since the beginning. I had Covid. I injured myself and I'm just feeling really vulnerable right now. I hate to say that but a vice chair is just a title and I feel like I can contribute in other ways so I am going to decline as vice chair at this point and there's other opportunities potentially for next year.

So I will decline and nominate Councilwoman Carol Romero-Wirth. Especially because I just put this caveat, that there are more meetings that are going to be taking place other than this BDD Board. There are other meetings that you all will be starting to look at the planning and the RFPs and I have another job and it's very, very tight right now and it just seems to get tighter and tighter with just obligations.

Thank you for the nomination, I appreciate it. And I'll be contributing because my worth is not in a position title. I'll just leave it at that. Thank you.

CHAIR ROMERO-WIRTH: Thank you. Thank you for your vulnerability and for your honesty, honestly. And I would be honored to accept that and I also look forward to the contributions that we all make regardless of title because it does sort of take the whole board to make this work. So now I need a motion.

COMMISSIONER HANSEN: Madam Chair, I move to approve Councilwoman Carol Romero-Wirth for Vice Chair.

COMMISSIONER HAMILTON: Second.

CHAIR ROMERO-WIRTH: We have a motion and a second. All those in favor.

The motion to approve Councilor Romero-Wirth as Vice Chair passed by unanimous [5-0] voice vote.

CHAIR ROMERO-WIRTH: That motion passes.

9. MATTERS FROM THE PUBLIC – None were presented.

10. MATTERS FROM THE BOARD

COMMISSIONER HANSEN: Madam Chair.

CHAIR ROMERO-WIRTH: Commissioner Hansen.

COMMISSIONER HANSEN: I think everyone knows that J.C.'s wife passed away. I think it would be really good of us to send a card, to send something to him from the Board. I think this has been really rough for him as it was very unexpected. I just think it would be good if we did something in recognition.

CHAIR ROMERO-WIRTH: We can work on doing something.

BERNARDINE PADILLA (BDD Public Relations Coordinator): Sure we can circulate a card, definitely. We will figure that out and I'm not sure if you want to send flowers. I don't know the details; I'll have to look them up.

MS. LONG: I think he had told me the memorial would be delayed and maybe happen sometime in May when family could be here and that might be a good time to send something for that event.

COMMISSIONER HANSEN: I didn't know that but I agree that maybe at that time. But at the same time I do think we can send a card letting him know our concern for him.

CHAIR ROMERO-WIRTH: Thank you for bringing that up. I think it was unexpected and obviously has been difficult. I did speak with him earlier this week and I think it's a great idea, thank you.

Other matters from the Board?

11. NEXT MEETING: Thursday, March 2, 2023 at 4:00 p.m.

Commissioner Hamilton recognized Councilwoman Romero-Wirth for her "truly outstanding" job as Chair of the BDD Board this past busy year and she received a round of applause from those in attendance.

12. ADJOURN

Having completed the agenda and with no further business to come before the Board, Chair Romero-Wirth declared this meeting adjourned at approximately 4:40 p.m.

Approved by:

Carol Romero-Wirth, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO

KRISTINE BUSTOS-MIHELIC
SANTA FE CITY CLERK

D R A F T

- subject to approval -