

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

February 6, 2025

1. Call to Order

This meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Carol Romero-Wirth, BDD Board Chair, at 4:04 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
Councilor Jamie Cassutt
Commissioner Justin Greene
Commissioner Hank Hughes
Rolf Schmidt-Petersen, Citizen Member

Member(s) Excused:

T. Egelhoff, The Club at Las Campanas [non-voting member]

Alternates Present:

Commissioner Adam Johnson, County Alternate

Others Present:

Bradley Prada, Facilities Manager
Nancy Long, BDD Legal Counsel
Kyle Harwood, BDD Legal Counsel
Jesse Roach, City PUD Water Division Director
Delfin Peterson, BDD Administrative Assistant
Bernardine Padilla, BDD Public Relations Coordinator
Matt Sandoval, BDD Operations Superintendent
Walker Boyd, County Attorney
Jay Lazarus, Glorieta Geoscience, Inc.
Peter Hunt, Glorieta Geoscience, Inc.

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

3. Approval of Agenda

Commissioner Greene moved to approve the agenda as published. Councilor Cassutt

seconded and the motion passed by unanimous [5-0] voice vote.

4. Approval of Minutes

a. January 9, 2025 Buckman Direct Diversion Board Meeting

Councilor Cassutt moved to approve the minutes as presented. Commissioner Greene seconded and the motion passed by unanimous [5-0] voice vote.

5. Presentations and Information Items

a. Monthly Update on BDD Operations

MATT SANDOVAL (BDD Operations Superintendent): Thank you, Madam Chair, members of the Board. I'll be presenting the BDD operations report for the month of January, 2025.

Raw water diversions were 3.43 million gallons per day. Drinking water deliveries through Booster Station 4A/5A were 3.09 million gallons per day. Raw water delivery to Las Campanas at Booster Station 2A was .15 million gallons per day.

The BDD provided approximately 48 percent of the water supply to the City and the County for the month of January 2025. And you'll also note, I added two – page number 2 is new, it's an addition at the request of the Board from the last meeting and that is total potable production for the previous four years and also a projection for each month for 2025. The other addition that was added is the ENSO summary for La Niña conditions that are currently present. And with that, I'll stand for questions.

CHAIR ROMERO-WIRTH: Any questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you for putting some historical points in here. I'll learn to figure it out as best as possible.

MR. SANDOVAL: You're welcome.

CHAIR ROMERO-WIRTH: Any other questions? Mr. Rolf Schmidt-Petersen.

BOARD MEMBER SCHMIDT-PETERSEN: Thank you, Madam Chair. I want to thank you for including the El Niño and La Niña information. Adding that is good and kind of looks forward to what the likely climate situation is for New Mexico and also specifically for the Santa Fe area and it helps you or us if we know the snowpack numbers which from my experience right now are less than half of what we would want them to be for a La Niña year in Santa Fe. So it's really poor, probably as bad as the top three baddest/worse years in water supply that I have experienced in over 25 years of working. And so having the snowpack number and the El Niño information allows us and/or you to say, given what the National Weather Service is predicting or NRCS for snowpack, if you look at the drier side of it you get a better feel for what you're likely to experience. And so, I want to thank you for putting that in here but also to suggest, and I can talk to you later about looking at the NRCS forecast and interpreting that piece because I think it can help you in your planning for the coming year. And my concern really is Nichols and McClure are not likely to have much snow runoff at all and I'm not sure how much of that is tied into your projections into the upcoming months. So I'll leave it at that.

MR. SANDOVAL: Thank you.

CHAIR ROMERO-WIRTH: Okay; anything else? Thank you for being here.

b. Report from BDD Facilities Manager

BRADLEY PRADA (Facilities Manager): Madam Chair, Board members, thank you. There were no major changes to the report on the MRR Fund. Talks have started about the membrane module replacement project. Moving on to the rebuild project, the initial RFP, base effort to obtain an owner's representation through the design-build process was unsuccessful. Staff are now investigating the possibility that one or more of the engineering firms on contract with the City might be suitable and willing to serve as BDD owner's representative. We hope to bring a staff recommendation on this possibility to the Board next month.

Moving on to City staff or BDD staff in that context, BDD and City staff continue to work on filling vacancies. We are making this one of our top priorities. This past week was filled with interview and we are hopeful to fill some positions. That concludes my report.

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

COMMISSIONER GREENE: Thank you, Madam Chair. As I mentioned at the last meeting, you know, I get really nervous if we start making decisions about contractors when we don't have an owner's rep. And even if there's not – the ideal would be a permanent owner's rep from the beginning before you even write your RFP but we're – that car has left. So getting even just a minor consultant contract to make sure that we have that with support from Public Works, even support from Santa Fe County, if necessary, whatever we can do to make sure that we are looking at this way before so that we don't get too far down a contract and have somebody come in and – no continuity, some issues of, you know, you shouldn't have put that language in there and so on. So somebody who has done this before should be on our team already.

CHAIR ROMERO-WIRTH: So, just if I could maybe provide some context and you and I could talk about this some more. We do actually have outside consultants that are helping us; both an engineering firm and the lawyer who helped with the litigation. So while I think in a normal circumstance you're probably right but our interests are well represented with those two consultants as we're moving towards the design-build.

And I think this is good news that we may be able to piggyback on the procurement that has already been done in Finance to get somebody on faster so that we don't have to reissue again because I think we're getting to a place where we're going to, I'm hoping finally, really soon be able to bring on both of these things – the contractor for the design-build and have the owner's rep and have them in proximity to each other so that they can move forward together with one helping the other. We are well represented by other controls.

COMMISSIONER GREENE: I appreciate the creative thinking. Don't let perfect be the enemy of the good but we've got to keep it moving.

CHAIR ROMERO-WIRTH: Yes, I totally agree.

BOARD MEMBER SCHMIDT-PETERSEN: Can I follow up on that?

CHAIR ROMERO-WIRTH: Yes, please.

BOARD MEMBER SCHMIDT-PETERSEN: I wonder if there's a possibility of an executive session or some other session that's really just talking about that entire

process we need – the design-build and where the decision points and what the Board can talk about in open session and what we can't know about and then kind of the intermediate piece of that. The process here seems a little different from my experience but I'd like to understand it better.

CHAIR ROMERO-WIRTH: We can look into that. I defer to our attorney. We are in an active procurement, an RFQ and RFP, and as such until the bids have been made and there is an evaluation committee. And until they meet and select we don't get involved in that part. I know this is frustrating and it has been frustrating for me too because I know you all know that this has been going on and there's been stops and starts around it but there hasn't been anything that we can bring to the public because it's still part of both of these processes. I don't know if you have anything to add..

NANCY LONG (BDD Counsel): Madam Chair, that is correct. The process for the design-build procurement is still underway and it is confidential so there is nothing that we can talk about and there is nothing that we can bring to the Board unless and until we get to that negotiation stage on that. In terms of the process of procurement, we can always have some presentation on that, on how procurement works so long as we're not talking about a specific procurement that's ongoing now.

BOARD MEMBER SCHMIDT-PETERSEN: And, Madam Chair, I would say on that, I would really at this point in time I am not concerned so much about the specifics but the process because it is different than some of my experiences in state government and I would just like to understand that so I know what is coming up and I want to be in a place and understand where the Board members will be able to engage in order to have enough information to make good decisions, policy decisions.

CHAIR ROMERO-WIRTH: And I think you can probably speak to this a little bit and we do follow the state procurement process, so we're not making up our own little process and game here. Just so you know.

BOARD MEMBER SCHMIDT-PETERSEN: I'm not trying to imply that. It just seems a little different.

CHAIR ROMERO-WIRTH: It's an RFQ on the design so –

BOARD MEMBER SCHMIDT-PETERSEN: And an RFP –

CHAIR ROMERO-WIRTH: -- on the owner's rep. And I had never been through an RFQ either since this process which has been going on now for a couple of years. Ms. Long, do you want to add something?

MS. LONG: Perhaps we can include some aspect of procurement and the procurement procedures during our orientation.

BOARD MEMBER SCHMIDT-PETERSEN: That would be wonderful.

CHAIR ROMERO-WIRTH: For your comfort/knowledge, once there is a firm selected, the Board will approve that contract; correct?

MS. LONG: It will come to the Board for award of the contract.

CHAIR ROMERO-WIRTH: Can you talk a little bit more about that or should –

MS. LONG: It may unfold in a number of ways but certainly if there's some negotiating points that we need to discuss with the Board and of course you can take best and final offers to a board, but in this case I would suspect we would be able to work through the contract terms and negotiations and then we would bring it to the Board for award of the contract.

CHAIR ROMERO-WIRTH: I just want to put you at ease; you're not going to be blinded. When the time comes, when we get there, that will be the time to really brief everybody. But right now there is nothing that we can say about it and I know it is awkward and I hate it.

BOARD MEMBER SCHMIDT-PETERSEN: Thank you.

CHAIR ROMERO-WIRTH: Commissioner Greene.

COMMISSIONER GREENE: Thank you. Just as a question, what is our timeline for this? What do we expect? What's the fastest we could get an owner's rep and what is –

CHAIR ROMERO-WIRTH: Two days before that. [laughter]

MS. LONG: Yes, Madam Chair and Commissioner Greene, phase 2 of the design-build RFP has recently been finalized and is being delivered as part of that procurement. The proposers are allowed up to 90 days to submit a submittal as to what is required in that phase 2. And that still does not result in a contract and that starts the next phase of negotiation and a discussion about what is proposed. But at this point we're looking at a period of about 90 days for them to come up with technical solutions and perhaps a contract could be finalized in close proximity to that. We just don't know until we see what is submitted and it may be that it is not acceptable and that it never can become acceptable and then we have to start all over. But we all of course are hoping that that is not the case since we have already been through phase 1 and we do have qualified proposers.

COMMISSIONER GREENE: And that's one of those reasons like an owner's rep can sort of coach us. And so having whether the technical expertise in-house in whatever is useful to help, you know, fill the gaps of any proposal and make sure that they're like we wish that this was in the proposal – you're close but not quite perfect.

MS. LONG: Sure, and that's our goal to have an owner's rep before those submittals are made.

COMMISSIONER GREENE: Great.

BOARD MEMBER SCHMIDT-PETERSEN: Madam Chair, just one other question and I don't want to belabor things. But for Mr. Prada, I was wondering about the membrane module in the GAC replacement projects. And more specifically are those just replacements given the end of life expectancy or are they replacements in upgrades? Just a little bit more on this project.

MR. PRADA: Madam Chair and Board Member Schmidt-Petersen, they're on a cyclical replacement plan. So it's just part of the maintenance of the facility.

BOARD MEMBER SCHMIDT-PETERSEN: Thank you.

CHAIR ROMERO-WIRTH: Any other questions on this?

c. Los Alamos National Laboratory Sitewide Environmental Impact Statement

JAY LAZARUS (Glorieta Geoscience): Thank you, Madam Chair, Board. When we first were anticipating this Sitewide Environmental Impact Statement (SWEIS) we were going to be focusing on Los Alamos and Pueblo impacts and how they were going to be addressing contamination in Los Alamos and Pueblo canyons. When the SWEIS came out last month, it's a very broad far range document without specifics for Los Alamos or Pueblo canyon. And for the next item that Kyle and I will be presenting on our 2025 Water Quality

Impact Plan, the Sitewide Environmental Impact Statement is item #6 under tier 2 and really our recommendations are to continue review of this and if the Board chooses to submit comments. Comments are due March 11th. That would give us time to prepare comments and submit them to the Board at the next Board meeting for the Board's approval, should you want to submit comments. But basically, what we're going to be doing is pretty much the same things that we're doing in our Water Quality Workplan for 2025 and that's looking at the hexavalent chromium plume, PFAS contamination, water rights and groundwater discharges to the Rio Grande. That was a page document, something like that. But our Los Alamos and Pueblo canyons weren't specifically addressed but our hexavalent chromium plume, water rights, PFAS and groundwater discharge to the Rio Grande broadly were addressed and we suggest that we comment on that and limit our comments to that if the Board chooses for us to present comments.

CHAIR ROMERO-WIRTH: Okay, when is the opportunity for the Board to decide whether they want to make comments? I am assuming that that will a recommendation from you all and even at our next meeting is early March, March 6th –

MR. LAZARUS: Madam Chair, your comments are due on the 11th. If the Board chooses to today to direct us to prepare comments, we'll prepare comments but we will limit them to the items that we have here actually in item 6 of our 2025 Water Quality Workplan that Kyle will talk about in the next item on the agenda.

CHAIR ROMERO-WIRTH: Okay, and I don't know any reason why we wouldn't want comments on those matters.

BOARD MEMBER SCHMIDT-PETERSEN: I can think of reasons why we would.

CHAIR ROMERO-WIRTH: Yes, it seems like this is a given and we should be doing this.

MR. LAZARUS: I agree but we don't take steps like this without Board approval.

CHAIR ROMERO-WIRTH: Mr. Schmidt-Petersen, do you want to articulate why this is an important thing for us to comment on.

BOARD MEMBER SCHMIDT-PETERSEN: Madam Chair, if a motion is necessary, I would make that also. From my experience dealing with NEPA related activities that engagement at all of the appropriate steps could become critically important if you're challenging something at the end.

So coming in now and making LANL quite aware of and document what our issues are, I think is very important.

MR. LAZARUS: And, Madam Chair, I want to throw this over to Kyle briefly.

CHAIR ROMERO-WIRTH: And I want to go back to where we were really quickly on this. We were trying to get – we, mean you all – were trying to get this in place at the end of last year before the current one expired which maybe you can back us up on – and then we thought that maybe you guys would have something in the early part of the year and that's not happening so –

MR. LAZARUS: Different item.

CHAIR ROMERO-WIRTH: Oh, different item, okay.

KYLE HARWOOD (BDD Counsel): Let me clarify, Madam Chair. Sorry, these things all have similar acronyms. The Sitewide Environmental Impact Statement has

been delayed for many, many years. It is literally an all campus environmental impact statement and they were supposed to be prepared every 10 years. LANL hasn't done one in 18, I think it is. So this is something that we have been after the lab's point person for the SWEIS, when is it going to be released? When is it going to be released? And as Jay said, it was only just released last month. This is independent of the MOU that I think you're referring to. So I certainly agree with Member Schmidt-Petersen's comments and yours I believe as well, that if you don't participate in the process it's hard to – if you have issues you should participate through the process and I think it is fair to say the Board has earnest issues with the lab.

All of that being said, this is not on the agenda as an action item. Typically, for something like this we would just take the Board's direction now which is why it is here and then the Board action item would be at March to approve the submittal of the draft we bring in March. I hope that is consistent with your understanding.

CHAIR ROMERO-WIRTH: Thank you. That is very helpful. And you're right, I was confusing it with the memorandum of understanding. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. So next Tuesday, Wednesday and Thursday are public meetings for this. Sadly we have a County Commission meeting next Tuesday that conflicts with the Santa Fe presentation of this but I would encourage all of us that are interested in this to go on Tuesday and if you can't make Tuesday, I think Wednesday is in Española and Thursday is in Los Alamos. This is for the long overdue sitewide impact presentation. That's all, I just wanted to make people aware of that. And I hope that some of us can go.

MR. LAZARUS: Madam Chair, Commissioner Greene, we will attend.

COMMISSIONER GREENE: Great.

MR. LAZARUS: The royal we.

CHAIR ROMERO-WIRTH: Our consultants do attend even if the Board members can't. Commissioner Hughes.

COMMISSIONER HUGHES: I just want to add that I think it is very important that we submit comments on this in terms of direction.

CHAIR ROMERO-WIRTH: Yes, I agree. So you have direction. We do want to submit comments. So it sounds like you'll bring comments back at our March Board meeting for us to approve and then they'll be submitted in time for the deadline which is the 11th.

MR. LAZARUS: Madam Chair, that is correct. This is one of the few times that comments are due and it matches our meeting schedules.

CHAIR ROMERO-WIRTH: Okay, anything else on this? We'll move on then.

**d. Presentation of Rio Grande Water Quality Calendar Year 2025
Workplan pursuant to BDDB Resolution No. 2022-2**

MR. LAZARUS: Thank you, Madam Chair. Kyle will start.

MR. HARWOOD: Yeah, we're going to do a tag team presentation, Madam Chair, if that's okay. As I think many of you on the Board know if you've been through this process in prior years and I know we do have some new folks so I will just spend one moment noting that back in 2022, mostly at City Councilor Romero-Wirth's inspiration we

did prepare and the Board adopted the resolution, which is in your packet, which directs the preparation of this annual workplan.

I'm going to speak to the first two items and Jay's going to take the rest. Any questions of how we get to this plan before I go through this year's plan? Very good. Councilor, do you want to add anything else? Very good.

As many of you know and Councilor Romero-Wirth was just summarizing we are past due on a new memorandum of understanding with LANL. This Board did vote to extend that and actually, Councilor Romero-Wirth, I do have that extension document for you to sign today. We'll be bringing you an update at the March meeting. We do have a technical meeting with LANL that needs to be scheduled and we continue to work with our counterparts at LANL on getting through to a new MOU that we can recommend to this Board.

I would like to just say that the staff up at LANL have been responsive and good to work with. We have had a little bit of delay with the holidays and we hope to be back on track quickly. Should I wait for questions on that, Madam Chair?

CHAIR ROMERO-WIRTH: Let's do an overview of the whole thing and then we can take any items that are of an interest to the Board.

MR. HARWOOD: Very good. Item #2 on the workplan is a summary of a water right protest that this Board and separately Santa Fe County filed in response to a permit request to support the Chromium VI mitigation effort. The State Engineer's Office did grant an emergency application for this project and in the legal notice on a regular permit to support this project the Board and Santa Fe County independently both expressed concerns about the water right accounting that was being proposed under this project and we have been trying to work with the State Engineer's Office on the appropriate next step. The matter has not been set for hearing and we have discussed with the State Engineer and LANL on how to address this issue. As those of you who know and follow the hexavalent chromium topic, the actual proposed next steps in managing the plume have gone back and forth. They were moving forward and then they were stopped by an order of NMED. They have now been allowed to partially proceed again and some of that uncertainty that has made settling this matter a challenge because what they're actually going to be doing going forward is still a little unclear. So that item is sort of hanging out waiting for a little more information on exactly what the lab is going to be doing going forward. And I would certainly hope that in calendar year 2025 we could bring this mostly dormant item to rest. But it often – just to be honest – it often goes lower on the workplan for us and other agencies given this back and forth between the lab and NMED about what they're actually doing with the plume. I think I'll stop there and let Jay talk about the next item.

MR. LAZARUS: The one thing I'd like to add to what Kyle said about the hexavalent chromium plume protest is that right now their current application is for the 689 acre-feet. Their proposed change to increase the efficiency of the remediation takes it up to over 1,600 in the diversion. Previously, they had been injecting the same amount that they were withdrawing so we had Peter look at all the numbers per the bar graphs and show that it is in balance with injection and withdrawal. We don't know where they're going to get the water rights for the 1,600 acre-feet. There's San Juan-Chama waters currently leased, Los Alamos County San Juan-Chama water is currently leased to the Rio Chama Acequia Association. I don't know how many years that is going to do but I think the water rights under this thing is going to be the challenge in addition to the fact they really don't have the

boundaries of the plume defined well enough for either us, the Environment Department or the independent technical review team.

One of their options for taking the treated water is to land-apply it meaning sprinkle irrigate with it and even though that was in one of their alternatives, they said, that that's one of the alternatives but we're not going to do it. So if they go to land application it will be 100 percent consumptive use rather than a balance between injection and extraction.

PFAS, number 3 in tier 1, we've been talking with Brad, Matt and Danny about expanding the scope of the sampling at the intake to include PFAS sampling; also, on the rising and falling limits of the hydrographs on the river and the hydrographs that we're seeing in Los Alamos Canyon. But I think it's really for the Board and I'm reiterating what we explained to the Board last year was that the GAC that we have, granulated activated carbon, that we have as part of the treatment at the Buckman Diversion can handle the PFAS and remove it from any of the water that moves through it.

NPDES Primacy, this is a hot topic at the Roundhouse right now. The Environment Department has put – actually Senator Wirth and another co-sponsor have put forth Senate Bills 21 and 22 to both amend the Water Quality Act and then create an NPDES permitting program for the State of New Mexico. My crystal ball says it is probably going to pass, maybe not with the funding that they're asking for but that's my interpretation on it. But we need to pay attention to see where it goes, watch how regulations then get promulgated, developed at the Water Quality Control Commission because that will affect permitting at LANL and our current NPDES permits were sediment return to the Rio Grande. The double-edge sword for the state taking over NPDES permitting is financial. Right now with all the NPDES permitting being handled by the Region 6 EPA in Dallas no NPDES permittees in the State of New Mexico pay a permit fee. Once the state takes over the permitting program then everybody with an NPDES permit will be paying a fee and if it's going to be analogous to how they permit groundwater discharges the fees will be likely based on the amount of discharge, how many thousands of gallons a day or hundreds of thousands of gallons a day or millions of gallons a day facility discharges. But that will be down the line. It has to pass and be approved by the governor and then it goes to the Water Quality Control Commission for promulgation of the regulations.

Tier 2 issues, LANL pollutants and NPDES permits. EPA did make a determination even after Sackett that Los Alamos Canyon is a water of the U.S. and falls under NPDES jurisdiction. So our recommendation for this calendar year are to monitor these and other LANL permits. And then conjunctively follow this and see how it dovetails with NPDES – and I am sorry for all the acronyms, it's even getting to me – and see how it dovetails with NMED's quest for primacy.

Number 6, we talked about, Sitewide Environmental Impact Statement. The Consent Order has two or three issues. NMED and LANL actually entered into a settlement agreement on the Consent Order and what we're going to be doing is working with NMED to track the progress and we will be meeting with Brad, Kyle, Peter and myself to meet with the NMED lead of the Hazardous Waste Bureau to see how we can have the department help keep us current on what's going on with the Consent Order as it affects us and hopefully not have to scratch and crawl to get the information but set up a mechanism where they can get information to Brad and us.

Section 303(d)/305(b), Impaired Waters, for 2024 there was no action required. The next draft of the integrated report for 2026 and 2028 will be released for public comment late

this year. We were requesting that the report include Los Alamos Canyon be classified as municipal drinking water supply which we got very strong push back from NMED on because we are not directly diverting from Los Alamos Canyon. We would like to be treated that way. I don't feel a whole sense of optimism that it will be but we will continue to assess this and make our public comment in 2025 but meet with the Surface Water Quality Bureau while they're going through this process.

Number 9, municipal stormwater/sewer permit for Los Alamos County. We will be prepared to develop draft comment on a permit if released for the consideration. And then the Triennial Review, we provided comments to NMED on the 2024/2026 Surface Water Quality Standards and this process will begin again in 2025 and this sort of dovetails with the – integrated with the number 8 and 9 which could almost be thought of as one item as all of these items are integrated. But we'll work with NMED and their Surface Water Quality Bureau on the standards for the Pajarito Plateau and the Rio Grande as appropriate.

And Kyle and I will be happy to stand for any questions.

CHAIR ROMERO-WIRTH: Thank you. Questions from the Board. Yes, Board Member Schmidt-Petersen.

BOARD MEMBER SCHMIDT-PETERSEN: Madam Chair, thank you. I just have a couple of questions. First with regards to the hexavalent chromium, I think that aspects that they were historically doing the treating and then reinjecting and I'm not sure about commenting on anything like that but that seems to me to be a pretty good approach. I don't know if reinjecting right in the middle of the plume is the right thing but some type of reinjection so we're not depleting that much water. It's a very significant amount of water. It obviously needs to be cleaned up. But I think, at least from my perspective on that weighing in specifically maybe through the EIS process but also with the protest on this change in potential increase and the way that that is dealt with is pretty important for that entire area.

And then I would just also mention that I think with the sitewide EIS from some of my previous experience there with LANL and Pueblo Canyon and LA Canyon, some activities that looking at stabilization of banks which historically the sediment that has bound CCO and other types of radionuclides – and LANL is doing more work to try and maintain those in place and not allow them to be moved in large storm events –

MR. LAZARUS: Madam Chair, Member Schmidt-Petersen, we agree. The heavy metals in radionuclides bind to the fine grain sediment particles in the canyons. We've mapped a lot of this many years ago and it binds the fine grain particles. This is one reason why in the MOU the replacement of E-110.7 is really critical to us and not so much replacement but placing another gauge above it where it wouldn't get inundated by main stem Rio Grande flows like it did last year or in 2023. And what we want to do – what we've done is we review LANL's sediment sampling reports and then their plans for the next coming year. We use LANL's own language in our discussions with them where they want to look at sampling of water and sediment on the rising limb of the hydrograph, the peak of the hydrograph and the declining one of the hydrograph. And we're asking that the gauge as part of our MOU, we want the new gauge to be set up to sample the exact same way that they're talking about sampling the gauges they have in the other canyons for both sediment and water quality, Member Schmidt-Petersen. So, therefore, and to be consistent with how they're approaching it scientifically and then give guidance. A lot of this is really going to give guidance to Brad and Matt and their staff on how long the diversion is shutdown when

there are flows above 5 cfs in Los Alamos Canyon. So we're trying to get the lab to develop this monitoring system to help guide our operations. Did I get that right, Brad? Okay.

CHAIR ROMERO-WIRTH: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. So in terms of the hexavalent chromium water rights protest, Santa Fe County may be unfamiliar to the folks here that are focused on BDD but it all gets – it's all water that is all going to mix at some point. Santa Fe County has the Aamodt Settlement Pojoaque Basin Regional Water System that will come on line sometimes, hopefully within our lifetimes. And there is talk and we are potentially building an interconnection between the systems. So what this means is that our system which is not a surface water diversion but is a groundwater thing – my question goes, since it is a groundwater extraction and if the hexavalent chromium is going to reinject and the water is going to be reinjected and it could migrate, do we have any impact – do we know the impact that it could have on the wellfields at the point that we're going to be doing stuff for Santa Fe County but then if it has an interconnection with the BDD and the City's system and it's wheeled around is there – I just want us to understand the risks based on those interconnections because all of the mix of water. I think there is an understanding of the Pojoaque Basin Regional Water System might want to come to this Board to understand those impacts to the system in the next few sessions so that we can understand how that mix might happen and specifically to how the hexavalent chromium and other contaminants might impact that.

MR. LAZARUS: Madam Chair, Commissioner Greene, if the Board wants us to interact with the folks for the regional water – the Pojoaque Regional Water System and try and look at potential sources, we'll be happy to do that. If LANL does implement – wait, let me just backup. They weren't cleaning up the plume: they were extracting. But it also appeared to us that they were smearing it around by reinjecting it in the middle of the plume and don't have contaminate control at the edge of the plume especially by San I.

COMMISSIONER GREENE: Which is weird. The Pojoaque Basin is going to extracting and even though it is right at the river, it still once it gets to and if it's under the river and it is groundwater and potentially we could be –

MR. LAZARUS: We have to look to see what the groundwater discharge is from the body of the Pajarito Plateau right there by the intake for the regional water system.

COMMISSIONER GREENE: Correct.

MR. LAZARUS: And then in terms of the groundwater connection to surface water, we don't have enough time in the next few meetings to go through that.

COMMISSIONER GREENE: No, no. But it's groundwater, right? And the interconnections of the system especially for us here that might not understand what the County is doing with that whole big project there and how those systems might be interconnecting. There are definitely some impacts there that we should be aware of as the BDD Board. We are somewhat aware of it. At least it's in my district so I understand a lot more of it up in District 1 for Santa Fe County but everybody at the City should start to be aware of that resource and risk at the same time.

MR. LAZARUS: Okay, thank you.

COMMISSIONER GREENE: And then the second question is that for the New Mexico for the stuff at the legislature, I'm wondering if we could be briefed about it at the next meeting because those will be the closing two weeks when the rubber hits the road and it would be great if we had a position on it now to say give them more money, we

support this. I know it may be a big topic at the Roundhouse and I know there is somebody else's house that is in the room that it's a big topic of too. But we should definitely be advocating for whatever we think is the right thing. Whether it's more money to stand up that department or division at NMED but also to make sure that that bill goes through and gets signed by the governor.

MR. LAZARUS: Okay.

COMMISSIONER GREENE: Next meeting I guess is the next chance we have to hear that.

MR. LAZARUS: So at the next meeting you'd like an update on where SB 21 and SB 22 stand?

COMMISSIONER GREENE: And potentially at least a letter from us to endorse, you know, either we love it, we hate it or we want more money, whatever. The BDD recommends that this should be passed and funded fully.

MR. LAZARUS: Madam Chair, Member Greene, I am trying to think through the timing and the logistics of this and I'm not a Roundhouse regular but bills get introduced they get amended, they go to committee, they get amended, they go to committee, they get amended so I think the best we can do is whenever the Board packets are due we could include that in the packet of where they stand at the time. But this isn't an action item per se. I'm trying to figure out how to accommodate your request to support it and I think more goes to Nancy and Kyle in terms of the timing and how this goes. I am not trying to kick the can but –

CHAIR ROMERO-WIRTH: I think we probably need to have a conversation about this and about how historically this Board either has or hasn't gotten involved in legislation at the Roundhouse and again the nexus of these bills to us and our operation as wholesalers, I think we need to pull in our lawyers about this. I don't know want to put this all on you, Jay. I hear you and I think it can be something that we can talk about as to whether it's appropriate and how we could do it because I haven't seen us endorse legislation in the time I've been here which there are people in this room who precede me by many, many years. And that's a good thing.

MR. HARWOOD: Madam Chair, in the past we have brought you specific permitting steps like we did this evening and a summary to recommend Board involvement in something like the Sitewide EIS. On things of much more general nature like a general bill about primacy, what we've generally done in past decades is we have either informed City Councilors and County Commissioners for you all to work with your lobbyist at the Roundhouse on those really big topics. Not that it has to be done that way going forward but just to give you all a little sense of how we have done it in the past for your consideration.

CHAIR ROMERO-WIRTH: And I think that's an interesting point because the City and County may – I don't know where the County stands on this legislation, I don't know where the City stands on this legislation. So I don't know what our respective houses are going to think about that. So that's another consideration. Yes.

COMMISSIONER HUGHES: I think we passed a motion in favor of it.

COMMISSIONER GREENE: I don't think we actually got – we didn't know enough about it. But we have been updated about it and then we were waiting to see where it was going. And I think at our next meeting we will be probably taking unless – the insight from this body will come to us in May 5th [sic] and then the Santa Fe County's next meeting –

BOARD MEMBER SCHMIDT-PETERSEN: March 6th.

COMMISSIONER GREENE: March 6th sorry. And then Santa Fe County's next meeting will be like a week later or so and that's, you know, great there is still time to chime in on this. But I think that primacy is pretty important. There's very little legislation that goes through the legislature that actually matters to this body so it doesn't seem like it's that often that that would come up but this seems like it would be one that we should at least be prepared to support. And if we decide to stay quiet, that's our position as well.

MR. LAZARUS: Madam Chair, Commissioner Greene, the one thing I can share with you and several of the Board members and some staff know Abby Guidry of our staff who works with Peter and me, and she and I reviewed SB 21 and SB 22 for another client and there is specific language in 22 that matches the federal NPDES permitting program word for word and then there is additional language that doesn't match it. That's what I can say.

CHAIR ROMERO-WIRTH: Okay. I think this is to be continued, flag this. This is something that we need to continue talking about.

Anything else on this memo? And I would just comment that when I first joined this Board, all of this stuff used to come at us separately and it was really hard to get a 30,000-foot view over the things that we were interested in. And I think it is also something that as you spend some time with this Board we have a good story and there are lots of people who want to pull us into things and I think we, as a Board, I think we need to be careful where we use our influence or what things we care about not only from a staff perspective and from a budget perspective about how we use our resources but just also if we're always commenting on every single thing that flies through, it's like, oh year, there's that BDD Board again. I think we need to be strategic about where we weight in. And that has nothing to do with what you were talking about earlier but I just want you to know, sort of, what my thinking was in the resolution and in this memo. And I think, especially if you're new and we do have one member who is here who is brand new, the Commissioners have spent some time on this Board before, but I know when I was brand new and I was looking at all of this stuff that was coming independently, it was really hard. It's complex. Anyone of these things is complex but then to have it come one at a time and try to understand what it was or what it wasn't and why it was important, it just seemed to me that it is nice to have it all in one memo at the beginning of the year. It helps to outline where we're going to focus, what we care about, and what is important to the operations of the BDD which I think is a really important litmus test so that we don't get pulled into things and use our resources in places perhaps where we shouldn't just because we are a good story. We are, obviously, an important facility for this region and I just want us to use our influence carefully.

That was the thinking behind this work and I am delighted to see it again. So thank you everybody who brought this forward. And I think it helps give us a good picture of the water quality work that is going on and that is important to this operation.

All right; anything else on this? Thank you.

6. Action Items

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

Chair: CHAIR ROMERO-WIRTH: And for anybody who doesn't know, somebody who may be looking at these minutes later, our agreements between the City and County with

the Chair and the Vice Chair switch back and forth between City and County. Since I'm a City Councilor so I have been chair and this coming year it will move to the County side. So we just kind of trade off back and forth.

With that, I think what we do here is we take nominations; am I correct?

MS. LONG: Yes, Madam Chair. You would ask for nominations for a chairperson and a vice chair after the chair has been elected.

CHAIR ROMERO-WIRTH: So if we could entertain nominations for a Chair.

BOARD MEMBER SCHMIDT-PETERSEN: Madam Chair, I'd like to make such a nomination but I would first like to thank you for your service to the Board. I think you've done a wonderful job.

CHAIR ROMERO-WIRTH: Thank you.

BOARD MEMBER SCHMIDT-PETERSEN: And I very much appreciate it over the last eight months or so. But with that and with the required change, I wanted to make a nomination for Commissioner Greene. And I'd like to just explain that briefly. In the engagement over the last eight months I've been impressed with his just dedication to the Board and also his understanding of construction projects and design-related issues that I think will be very important going forward. But also he knows what the issues of the Board are right now so it can be very seamless. So that's why I would like to make that nomination.

COMMISSIONER GREENE: Thank you.

COMMISSIONER HUGHES: And I will second.

CHAIR ROMERO-WIRTH: And do we need seconds on nominations?

MS. LONG: We typically do.

CHAIR ROMERO-WIRTH: Okay.

COMMISSIONER GREENE: You probably need an acceptance and I'll accept.

CHAIR ROMERO-WIRTH: And typically you would say, are there any other nominations but we're just a small board I don't know where another nomination would come from.

We will then, I'm assuming we need a roll call vote on this.

MS. LONG: yes, Madam Chair.

CHAIR ROMERO-WIRTH: We have a motion and a second. Is there any more comment on this nomination for chair for the coming year? If not, let's have a roll call please.

The motion passed by unanimous roll call vote as shown:

Councilor Jamie Cassutt	Yes
Commissioner Justin Greene	Yes
Commissioner Hank Hughes	Yes
Rolf Schmidt-Petersen	Yes
Councilor Carol Romero-Wirth	Yes

Vice Chair CHAIR ROMERO-WIRTH: Congratulations. We'll go on now to vice chair.

COUNCILOR CASSUTT: Thank you, Madam Chair. I actually would like to nominate you to stay in the chair arena as vice chair. You're knowledge of this is very deep and Commissioner Greene, obviously does have an in-depth knowledge of these water issues as well but I think that given the newness of the Board, I know I would appreciate you

continuing in these leadership roles. So if you will accept, I would like to nominate you to that position.

COMMISSIONER GREENE: And if a second is necessary, I will second it.

CHAIR ROMERO-WIRTH: And I will accept. All right, this is all very congenial. Any other comments on that; can we have a roll call?

The motion passed by unanimous roll call vote as shown:

Councilor Jamie Cassutt	Yes
Commissioner Justin Greene	Yes
Commissioner Hank Hughes	Yes
Rolf Schmidt-Petersen	Yes
Councilor Carol Romero-Wirth	Yes

7. **Matters from the Public** – None were brought forward

8. **Matters from the Board**

CHAIR ROMERO-WIRTH: Yes, Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. In the back row or at least in the back of the room here we have our new County Attorney here, Walker Boyd. He is – actually I don't know enough to not butcher your resume but in all of our interactions he has been very knowledgeable of a lot of things and I'm sure that the lawyers in the room probably know him better than I do. So we're excited to have him at Santa Fe County and very happy to see him here and paying attention to this Board. So thank you for attending this today. If the Chair will allow him to introduce himself, that would be great. Sorry to put you on the spot.

WALKER BOYD: Sure, happy to speak. Hi, everyone. I'm Walker Boyd. I worked with Nancy before in my previous role at the State Ethics Commission as its general counsel. I'm excited to be here and working with all in my capacity as County Attorney for the County of Santa Fe. Water law is something that has always interested me and it's really great to get a chance to gain some firsthand exposure to it and see how this very important body works and attends to its business.

I will be working with Commissioner Hughes on issues related to the Sitewide Environmental Impact Statement at Los Alamos. I'm looking forward to meeting you all and getting to know you all. You will see more of me in these coming months.

I appreciate the introduction, Commissioner Greene, and I'll be here and happy to meet anyone here who wants to talk about BDD work. Thank you.

CHAIR ROMERO-WIRTH: Thank you.

COMMISSIONER GREENE: Thank you. If I may continue? Two more items, actually, one was already covered in the previous item. The second item is that this is not Santa Fe County's specific realm and it's probably not even BDD realm although it relates to water. As we've seen in the fires in California and as we've seen here in Santa Fe with low snowpack and then thirdly drawing down of our reservoirs at McClure and Two Mile Pond and Nichols, I'm wondering if there's a discussion to be had if, you know, the pros and cons of allowing those City assets to recharge themselves this year and not draw them down any further. I don't think that – we're getting a prediction of almost no runoff from the snowpack I would almost hope that we would recharge. Most specifically for, god forbid, for firefighting resources. And

so if we draw down those to the point where we can't use them for that, I think that that would be a loss to our community, both City and County.

I think this is probably something that is a conversation at the City, but I really want to encourage the City to think about that resource as a regional resource for us in the case of a fire.

CHAIR ROMERO-WIRTH: Any other matters from the Board? We can't get into, Commissioner, because it is not on the agenda.

I should have started here and I apologize, this is my last meeting as chair. But as you all know, now I'll be vice chair. I look forward to working with Commissioner Greene. But we do have new members and we should have introduced them at the front.

Commissioner Greene was an alternate and he is now the chair. Look what happens when you hang out long enough, suddenly you're in the hot seat.

Commissioner Hughes, welcome back. He was on the Board and then I think you became County Chair of the County Commission and you stepped away for a bit. So you haven't been with us for a bit but prior to being the Chair of the County Commission, you had been here and attending these meetings. So this isn't completely foreign to you.

COMMISSIONER HUGHES: And I was an alternate two years ago.

CHAIR ROMERO-WIRTH: Right, so welcome back.

COMMISSIONER HUGHES: Thank you.

CHAIR ROMERO-WIRTH: And then brand new commissioners, brand new member, we have with us in Commissioner Johnson, Adam Johnson. Welcome. He is an alternate to the County membership and on the City side we all stay the same. So we're the same two here and of course City Councilor Cassutt, myself and alternate who is Pilar Faulkner, Councilor Faulkner. So our side didn't change at all but your side changed quite a bit. I just wanted to point that out and welcome everybody.

9. **Next Meeting:** Thursday, March 6, 2025 at 4:00 p.m.

10. **Adjourn**

Chair Romero-Wirth adjourned this meeting at approximately 5:06 p.m.

Approved by:

Justin Greene, Board Chair

Respectfully submitted:

Wordswork

ATTEST TO

KATHARINE E. CLARK
SANTA FE COUNTY CLERK