

**MINUTES OF THE
2,150th REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
JUNE 24, 2019**

Directors having been duly notified, Madam Chair Dunning called the regular meeting to order at 3:04 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS		STAFF	
Karen Dunning	Madam Chair	Mike Hamman	Chief Engineer/CEO
John Kelly	Director	Bruce Wiggins	General Counsel
Valerie Moore	Director	Dr. Chuck DuMars	Chief Water Counsel
Michael T. Sandoval	Director	David M. Ferguson	Secretary-Treasurer
Barbara Baca	Director	Jeanette Bustamante	Administrative Officer/CPO
Stephanie Russo Baca	Director	David Gensler	Water Operations Manager
		Becky Burnham	Budget Analyst
		Alicia Lopez	Engineer I
		Adrienne Martinez	Engineer I
		Yasmeen Najmi	Planner/RRA
		Christina Nardi	Human Resources Director
		Jason Casuga	Engineer Manager
		Joe Brem	Albuquerque Division Manager
		Rebecca Thompson	Assessment Clerk II
		Doug Stretch	GIS Manager
		John Thompson	MRGCD Lobbyist
		Rusty Swint	ER&T Manager
		Lorenzo Benavidez	Socorro Division Manager

The following names of individuals were interested viewers and/or participants:

Michael Vollmer, USBR
Theresa Davis, Albuquerque Journal
Viola Sanchez, BIA

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Alicia Lopez led the Pledge of Allegiance.

Madam Chair Dunning welcomed the guests, declared a quorum, and noted that the meeting was publicly noticed.

AGENDA ITEM NO. 2 – APPROVAL OF THE MRGCD BOARD MEETING AGENDA

Madam Chair Dunning asked to insert a new Item 7.i., "Corrales Update," which would move the current Item 7.i., to 7.j. "Notification of Reclassification of Land."

Mike Hamman asked to add an item as well, Item 7.k., "Announcement of Board Member Photographs."

Director Kelly made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE NEWLY-ADDED ITEMS**. Director Moore seconded the motion. The **MOTION CARRIED** unanimously.

Director Moore noted that she will need to leave today's meeting at 5:30.

AGENDA ITEM NO. 3 – APPROVAL OF MRGCD MEETING MINUTES

a. Consideration/Approval of Minutes for Regular Board Meeting - June 10, 2019

There were no additions, changes, deletions to the Minutes of the Regular Board Meeting, held on June 10, 2019.

Director Sandoval made the **MOTION TO APPROVE THE MEETING MINUTES FOR THE REGULAR BOARD MEETING, JUNE 10, 2019**. Director Russo Baca seconded the motion. The **MOTION CARRIED**.

AGENDA ITEM NO. 4 – ITEMS FROM THE FLOOR (Comments are held to six (6) minutes)

There were no public comments at today's meeting.

AGENDA ITEM NO. 5 – DISCUSSION ITEM - BOARD OF DIRECTORS MEETING SCHEDULE FOR 2019

Discussion ensued among all Directors about their thoughts about reducing meeting occurrence from two meetings per month to one meeting per month, possibly adding field hours on-site in the various counties, and possibly adding "consent agenda," wherein all regular items (i.e., minutes, payment ratifications, etc.) could be voted as one topic, which would save time. MRGCD history and past experiences were also shared.

It was decided that a more specific plan will be discussed at the next Board meeting, and then a vote could possibly take place to change the meeting occurrence and meeting structure, perhaps, in a month.

AGENDA ITEM NO. 6 – FORMATION OF BOARD COMMITTEES - Madam Chair Dunning

Madam Chair Dunning receiving response back from the Directors regarding the committees in which they were interested in serving. She appointed the following committees and their members:

IRRIGATION/WATER BANK AND ILLEGAL IRRIGATORS COMMITTEE

Director Moore
Director Sandoval
Director Russo Baca

LEGISLATIVE COMMITTEE

John Thompson, MRGCD Lobbyist
Director Kelly
Director Dunning
Director Baca

ELECTION COMMITTEE

Director Kelly
Director Baca
Director Russo Baca

WATER PROTECTION /USBOR / FWS & ESA COMMITTEE

Director Sandoval
 Vice Chair Baca
 Director Russo Baca

PERSONNEL COMMITTEE

Director Dunning
 Director Kelly
 Director Russo Baca

BUDGET COMMITTEE

All Board members attend Budget Sessions

FINANCE/AUDIT EXIT COMMITTEE AND ENDOWMENT FUND

Director Moore
 Director Kelly
 Director Baca

DISTRICT URBAN ISSUES COMMITTEE

Director Dunning
 Vice Chair Baca
 Director Baca

BIA NEGOTIATION COMMITTEE (REINSTATED)

Vice Chair Baca
 Director Sandoval
 Director Russo Baca

MID-REGION COUNCIL OF GOVERNMENTS (MRCOG) REPRESENTATIVES

Director Baca, Executive Committee
 Director Dunning, Alternate
 Mike Hamman, TPTG

AGENDA ITEM NO. 7 – REPORT(S) FROM THE MRGCD CHIEF ENGINEER - Mike Hamman, CE/CEO**a. Review and Approval of Procurement of Equipment with FY19 Budget Surplus**

Jeanette Bustamante was requesting to purchase three more pieces of equipment. Director Moore and Director Kelly asked about the size of the water tank and if it was attached or had to be retrofitted. Rusty Swint responded that it's a 4,000-gallon tank, and it does come with purchase.

David Ferguson reported that all the organizations were polled on their most important equipment needs. Mr. Ferguson met with Mr. Swint, which is how they arrived at the list of recommended purchases.

Director Kelly made the **MOTION TO APPROVE PROCUREMENT OF RECOMMENDED EQUIPMENT WITH FY 19 BUDGET SURPLUS**. Director Baca seconded the motion. The **MOTION CARRIED** unanimously.

b. Consideration of Approval of Contract Renewals Legal Counsel, Mike Hamman, CE/CEO**1. Law and Resource Planning Associates, PC, Chief Water Counsel**

No questions or discussion ensued pertaining to the approval of the contract renewal for Law and Resource Planning Associates, PC.

Director Moore made the **MOTION TO APPROVE CONTRACT RENEWAL OF LAW AND RESOURCE PLANNING ASSOCIATES, P.C., CHIEF WATER COUNSEL**. Director Sandoval seconded the motion. The **MOTION CARRIED** unanimously.

2. Wiggins, Williams, and Wiggins, PC, General Counsel

Madam Chair Dunning noted the contract specifically called out attendance by Wiggins, Williams, and Wiggins on the "second and fourth Mondays of each month." She asked if the verbiage could be changed to something more general. She also asked if the contract should note that at certain times the law firm accepts payment on behalf of MRGCD during litigation. Bruce Wiggins responded that that is covered in his duties as counsel, per the State Bar.

Director Kelly made the **MOTION TO APPROVE CONTRACT RENEWAL OF WIGGINS, WILLIAMS AND WIGGINS, P.C., GENERAL COUNSEL**. Director Moore seconded the motion. The **MOTION CARRIED** unanimously.

c. **Water Operations and River Flow Outlook - David Gensler, Water Operations Division Manager**

We are starting to see some change. Mr. Gensler believes that we are clearly past the peak, and things are starting to settle down a little bit. There is still high elevation snow. Cumbres Trestle has melted out, but there's still about 13" of water sitting up on Wolf Creek Pass. This winter has hung around a long time, and that much snow this late in June means that our river is going to keep running strong for a long time this summer.

The Rio Chama is now at about 1,000 CFS. Corps of Engineers is evacuating flood storage from Abiquiu, which should be finished by approximately July 1. That water will not get hung up because Otowi will stay above the point where they can continue to release. Mr. Gensler thinks the Chama will continue to make good water through July and probably beyond the summer. The Rio Grande is now at 5,300 cubic feet per second at Otowi Gauge, about 1,500 of that is coming down from the Chama, with the Abiquiu release on top of La Puente Gauge, and the remainder is mostly flowing out of Colorado.

Otowi peaked last week at around 6,500 cubic feet per second. Mr. Gensler expects it will stay well above 1,500 CFS, possibly a lot above that, all through July and maybe even into August. There's also some indication that monsoonal flow is setting up now. What we have today is snowmelt driven, but we're getting to the time of year where it's possible that we can add some summer thunderstorms on top of that and see our river pop back up because of rain storms. This makes for one of the easiest years on record for the MRGCD, at least in terms of water supply and water delivery.

We have a lot of water in storage, probably more than we can keep, due the Rio Grande Compact obligations and our storage restriction at El Vado Reservoir. Mr. Gensler does not expect we are going to need much of that storage this year, possibly not even any of it. We will also have our full San Juan-Chama allocation this year.

The biggest news right now is that we are above our water bank triggers, both for storage and flow. The way things have set up this year, we are not likely to go into any curtailments.

With a lot of water come some different problems. Mr. Hamman and Mr. Gensler were advised by engineering staff last Tuesday that the levee and drain problems were increasing exponentially. This was after the Corps of Engineers increased Cochiti outflow, first to 6,000

then 6,300, and then finally 6,600 CFS. That increase in release from Cochiti really seemed to tip the balance in the river's favor, and our crews believed that they just couldn't keep up with the developing problems any longer. That afternoon we requested an immediate decrease from the Corps of Engineers in their Cochiti release, which they did, followed up by three more decreases over the next few days to get us back down to 5,500 CFS, total release, which is where we are currently. The Corps of Engineers has about 3,000-acre feet of flood storage stuck in Cochiti. As soon as that's evacuated, they will start to make some additional cuts and follow the Otowi Gauge back down as flows begin to recede.

Things are all working pretty well for us at our diversions. We are diverting about 160 CFS at Cochiti right now, a little higher than normal, about 130 CFS at Angostura, again, a little higher than normal, and somewhere between about 430 and 450 CFS at Isleta Dam. We still have no diversions at San Acacia right now.

Director Moore asked Mr. Gensler about San Acacia last week. There simply is no need to divert at San Acacia. We collect a very large amount of river leakage into our riverside drains, and we actually have more than we can use that arrive down at San Acacia. So, we wind up having to dump some excess water back into the river there at the dam. It's an issue that comes up every year when we don't use San Acacia, especially when flows are high. We have more water down there than we need. Really, our problem is how to get rid of it all. We don't need to be diverting anymore. We definitely want to keep that sand and silt going down the river and not have it wind up trapped behind our dam or worse in our canals or on our farmers' fields.

Also, worth noting is that sediment issues have lessened overall. We're still cleaning daily at Isleta, but the river is visibly cleaner now, and the volume being dredged is much less. There's a big effort this year by some consulting engineers to monitor sediment, volume, and transport through the dam. Mr. Gensler talked with those guys early last week, and they had the same observation. It's kind of surprising, but flows went up, and the sediment seemed to actually get better down there at the dam. There's a lot less sand to deal with now than we had back in May.

Madam Chair Dunning asked about status of the Duranes Lateral (after receiving many complaints). David Gensler responded that they have made some personnel changes at the lateral.

Director Sandoval asked if the 160 that was being diverted at Cochiti was both Sile Main and Cochiti Main, to which David Gensler answered in the affirmative.

d. Levee Status - Jason Casuga, Engineering Division Manager

Jason Casuga showed a slide show that contained pictures of the ongoing levee work on various parts of the system. He reported that MRGCD has spent approximately \$900,000 at last glance, and he expects it to go well over a million dollars before too long. Rock work will be ongoing throughout the winter months for maintenance.

Director Moore asked that, since there have been these unexpected increases in maintenance costs, if the budget will need to be relooked at. David Ferguson responded that he believes the budget is fine for this fiscal year. Next fiscal year, they may add more to that line item, but it will be looked at that time.

Madam Chair Dunning questioned if MRGCD is better prepared to handle big storm events this fall and summer. Jason Casuga responded that he believes so. He believes that staff has been around for a long time and knows how to handle things better. Concerning the monsoon events on the river, Mr. Casuga believes that the river has quite a bit more channel capacity for something quick moving through it. When it sticks around for months is when there are issues.

Director Moore further asked if the water coming off the mesas (at the high lines) were more unpredictable than the river water. Jason Casuga responded that the storm events are definitely more unpredictable than runoff.

Director Kelly asked if there were any issues on the brand-new levee down in San Acacia. Jason Casuga responded that they have not heard from Lorenzo Benavidez, Socorro Division Manager, nor seen anything yet.

Director Kelly also asked Mike Hamman if anybody was looking in the flood plain for spawning minnows, spawning willow flycatchers, meadow jumping mouse, the yellow billed cuckoo, and documenting all the positive environmental benefits of this over banking we've had. Mike Hamman responded that we don't know the response yet; however, people are out there looking at those things. David Gensler also stated it's been difficult to get out there.

e. Update on El Vado Dam Corrective Action Study - Mike Hamman, CE/CEO

Mike Hamman gave a presentation with pictures and details on the El Vado Dam Corrective Action Study showing the emergency spillway channel, the service spillway, etc. A dike will be constructed across the emergency spillway channel.

Director Kelly asked if we were still looking at a cost share arrangement being a 50-year repayment contract at 0%. Mike Hamman responded that those details would come out in the economic review. Director Kelly then asked if there would be any consideration of a new cathodic protection system below elevation 6,795, and Mr. Hamman replied that there would be cathodic protection. Director Moore expressed her concerns with the monies.

f. Initiation of the NEPA Process for the El Vado Dam Corrective Action - Michael Vollmer, Project Manager, U.S. Bureau of Reclamation

Mike Vollmer explained the NEPA process. The category rating for El Vado currently is an "environment assessment (EA)," which indicates that we are putting the dam back to its intended function. This will be about a six-month process. They are not required to get public comment; however, it is encouraged. A public forum was held in Albuquerque and in Chama. The biggest concerns seem to be the road (access, construction) and also what will happen to the water. The goal is that by next irrigation season, the lining will be in place to start storing.

Mr. Vollmer noted that during the EA process, MRGCD will have a chance to comment on the final designs, which would include the process, when to do construction, how to do the road, etc.

Chuck DuMars asked how much the capacity would increase once the temporary filler is in. Mr. Vollmer responded that once it's replaced the capacity would go back to its original at 6790. Dr. DuMars stated the dam provides water downstream to the acequias and may cause arguments with cultural consequences.

g. Authorization for Chief Water Counsel Travel to Washington, D.C., as Co-Counsel on Klamath Irrigation District v. U.S. and Meet with Reclamation Officials on Title Transfer - Mike Hamman, CE/CEO and Dr. Charles DuMars, Chief Water Counsel

Chuck DuMars gave the history on this case. Recently, due to the good quality of Dr. DuMars' amicus brief, the other (several) attorneys in this case asked Dr. DuMars to co-argue the water rights portion in front of the Court of Appeals. While he is up there, Dr. DuMars would also like Bob Snow, the solicitor he has worked with for several years, talk to the Commissioner of Reclamation, Brenda Berman, to get an update, and work on other title transfer issues.

Dr. DuMars is requesting the MRGCD approve/pay for his travel expenses (not his time) to represent the District.

Discussion ensued regarding what Dr. DuMars would be arguing insofar as the title transfer.

Viola Sanchez with BIA stated that if we take into account what we could see is the problem ahead of time we will be fine with further discussion on staying outside the historical land grant boundary. She will forward her write up on the subject.

Director Kelly made the **MOTION TO APPROVE REIMBURSEMENT OF CHIEF WATER COUNSEL'S TRAVEL EXPENSES AND APPROVE TIME CHARGES WHEN HE IS MEETING WITH BOR.** Director Russo Baca seconded the motion. The **MOTION CARRIED** unanimously.

h. Resolution of the Board of Directors Authorizing Change in Signature Authority - David Fergeson, Secretary/Treasurer

No discussion or questions ensued for the resolution of the Board of Directors authorizing change in signature authority.

Director Kelly made the **MOTION TO APPROVE RESOLUTION FOR CHANGE OF SIGNATURE AUTHORITY, AS LAID OUT IN THE DIRECTIVE.** Director Baca seconded the motion. The **MOTION CARRIED** unanimously.

i. (Newly-Added by Madam Chair Dunning) Corrales Update - Mike Hamman, CE/CEO

Mike Hamman, CE/CEO, discussed local government or group support on licensing policy specifically concerns regarding a stretch of Romero Road which falls within District right-of-way. The District is willing to license it but it is on pause until further notice from Corrales Comment and input from concerned citizens.

Director Kelly then discussed recycled asphalt pavement (rap) being a very cost effective way to treat roads but to be careful of the source.

Director Baca asked if work is done before the license is granted then what happens. Mr. Hamman stated the work done on Romero Road was at the District's request. Jason Casuga stated it's not uncommon especially working with municipal partners and the District follows through with the licensing helping to get their work done.

j. Notification of Reclassification of Land (For Informational Purposes Only)

Board members received the information in their board packets. No discussion ensued regarding this topic.

k. Announcement - Board Member Portraits - Mike Hamman, CE/CEO

Mike Hamman, CE/CEO, announced the meeting of July 8, 2019, for the three new board members and any other board members, portraits will be taken prior to the orientation and the regular board meeting.

AGENDA ITEM NO. 8 – REPORT(S) FROM THE MRGCD ATTORNEY(S) (Chief Water Counsel and/or General Counsel)

Neither chief water counsel nor general counsel had reports for today's meeting.

AGENDA ITEM NO. 9 – REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

a. Report on MRCOG Comprehensive Economic Development Strategy for Rural Areas Meeting, 06/04/19 - Madam Chair Dunning

Madam Chair Dunning reported that MRCOG is updating their comprehensive economic development strategy. During their public outreach, they strongly noted that rural areas have different economic needs than urban areas. There was a slide show put together. Anyone who wants a copy should feel free to ask Madam Chair, and she will email it.

Director Kelly made the **MOTION TO APPROVE THE REPORT ON MRCOG COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY FOR RURAL AREAS MEETING, 6/4/19**. Director Sandoval seconded the motion. The **MOTION CARRIED** unanimously (Directors Baca and Moore were not present for the vote.)

b. Report on Conservation Taskforce Workshop, 6/11/19 - Vice Chair Baca and Director Moore

Since Vice-Chair Baca and Director Moore were not present for their report, Mike Hamman delivered the report. Mr. Hamman said they had a good turnout and reported talking about in depth issues that the District has and how it relates to our goals for getting some kind of pilot leasing project up and going. In the process of doing the building blocks so the community can brainstorm and look at various alternatives that may work. Chuck DuMars has offered to help the general manager from Imperial Irrigation District. Mr. Hamman also stated that they're already receiving interesting recommendations from committee members and constituents that have different interests.

Director Kelly made the **MOTION TO APPROVE THE REPORT ON CONSERVATION TASKFORCE WORKSHOP, 6/11/19**. Director Baca seconded the motion. The **MOTION CARRIED** unanimously (Vice-Chair Baca and Director Moore were not present for the vote.)

AGENDA ITEM NO. 10 – EXECUTIVE SESSION

Director Sandoval made the **MOTION TO GO TO INTO EXECUTIVE SESSION.** Director Russo Baca seconded the motion. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

Director Baca	Yes	Vice-Chair Baca	Absent
Director Sandoval	Yes	Director Russo Baca	Yes
Madam Chair	Yes	Director Kelly	Absent
		Director Moore	Absent

a. NMSA 1978 Open Meetings Act, Section 10-15-1(H)7
1. Threatened or Pending Litigation

Executive session was not needed after all as per Counsel.

Madam Chair Dunning requested a motion to move back into the regular Board meeting. Director Russo Baca made the **MOTION TO RETURN TO REGULAR SESSION.** Director Sandoval seconded the motion. Madam Chair requested a Roll call vote.

Director Baca	Yes	Vice-Chair Baca	Absent
Director Sandoval	Yes	Director Russo Baca	Yes
Madam Chair	Yes	Director Kelly	Yes
		Director Moore	Absent

The **MOTION CARRIED.**

With no further comments, questions or concerns, Director Sandoval made the **MOTION TO ADJOURN THE MEETING.** Director Russo Baca seconded the motion and the **MOTION CARRIED** unanimously.

The meeting was adjourned at 5:52 p.m.

Approved to be the correct Minutes of the Board of Directors of June 24, 2019.

ATTESTED:

 David M. Fergeson
 Secretary/Treasurer

 Karen Dunning, Madam Chair
 MRGCD Board of Directors