

**MINUTES OF THE
2,159th REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
FEBRUARY 10, 2020**

Directors having been duly notified; Madam Chair Dunning called the regular meeting to order at 3:06 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS		STAFF	
Karen Dunning, Madam Chair	Present	Mike Hamman	Chief Engineer/CEO
Joaquin Baca, Vice-Chair	Absent	Dr. Chuck DuMars	Chief Water Counsel
John Kelly, Director	Present	Lorna Wiggins	General Counsel
Valerie Moore, Director	Present	David Gensler	Water Operations Manager
Michael T. Sandoval, Director	Call-In	Becky Burnham	Budget Analyst
Barbara Baca, Director	Absent	DeAnna Phillips	GIS Tech/Board Liaison
Stephanie Russo Baca, Director	Present	Yasmeen Najmi	Planner/RRA
		Jason Casuga	Engineering Manager
		Daniel Arquero	Cochiti Division Manager
		Matt Martinez	License & Land Sale Coord.
		Casey Ish	Water Resource Specialist
		Johana Estrada	Water Ops Division Clerk
		Josh Hind	Systems Admin

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

Julie Cummings, Office of State Engineer	Adam Renz, Pattern Energy
Jeffrey Peterson, Office of State Engineer	Jeremy Turner, Pattern Energy
Fernando Martinez, NM RETA	Allen Wynn, Pattern Energy
Lynn Mostoller, NM RETA	Brian Crawford, Los Arboles NW
Anders Lundahl, Interstate Stream Commission	Duana Draszkiwicz, Los Lunas
Santiago Maestas, SVRAA	K.A. McCord, Los Lunas
Viola Sanchez, Bureau of Indian Affairs	

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Director Moore led the Pledge of Allegiance at today's meeting.

Madam Chair Dunning declared a quorum and welcomed guests, as well as noted that the meeting was publicly noticed. Director Sandoval and Vice Chair Baca are on travel and will attempt to call in for the meeting, depending on cell phone signal.

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

Since Director Sandoval and Vice Chair Baca are absent today, it is recommended that Items 7.f., 7.g., 7.h., 9.b., and 9.c. be deferred until the next meeting.

Director Kelly made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE-NOTED CHANGES**. Director Russo Baca seconded the motion. The **MOTION CARRIED unanimously**.

AGENDA ITEM NO. 3 – CONSENT AGENDA

- a. Consideration/Approval of Payment Ratification - February 10, 2020
- b. Consideration/Approval of January 2020 Invoice for Wiggins Williams & Wiggins
- c. Consideration/Approval of January 2020 Invoice for Law & Resource Planning Associates, PC
- d. Consideration/Approval of Minutes for Special Board Meeting - January 13, 2020
- e. Consideration/Approval of Minutes for Regular Board Meeting - January 13, 2020
- f. Memo on MRGCD Approved Licenses for January 2020 (For Informational Purposes Only)
- g. Consideration/Approval of Conservation Program Brochure

Director Moore made the **MOTION TO APPROVE THE CONSENT AGENDA**. Director Sandoval seconded the motion. The **MOTION CARRIED unanimously**.

AGENDA ITEM NO. 4 – WESTERN SPIRIT TRANSMISSION LINE PROJECT UPDATE -
Fernando Martinez Executive Director, Renewable Energy Transmission Authority (RETA)

Fernando Martinez was at the meeting with General Counsel Lynn Mostoller and Adam Renz, Jeremy Turner, and Allen Wynn with Pattern Energy. Mr. Martinez went over his personal background and how he came to be the Executive Director of RETA. In 2007, RETA was put into place to plan, finance, construct and acquire, develop transmission and energy storage projects. He said their mission is to do that while promoting economic development for the state.

Mr. Martinez continued to explain what RETA is and went on to present one project in particular, the Western Spirit Transmission Line, which is a 155-mile line that runs through Torrance, Socorro, Valencia, and Bernalillo Counties. One hundred percent of this power is going to come from renewable sources from Central New Mexico. RETA owns the transmission line, and Pattern Energy is their co-developer who is constructing the line. At the end of the project, they have approval by the Public Regulation Commission to sell it for PNM. They will be paying fair market value for this, anywhere from \$359M-\$400M, which will not cost ratepayers a dime. The cost of the transmission project will be paid by wind farms that are transmitting energy along the line. This route of the project was initiated under a 2010 study conducted at Los Alamos National Laboratories. It's going to end up providing 800 MW of renewable power. It will also add to the tax base, \$28M in property tax payments over the next 40 years. At the end of it, about 590,000 homes will be powered by clean, renewable energy.

Director Russo Baca asked how many homes of the 590,000 will be in New Mexico. Mr. Martinez responded that effectively, the electrons are going to be used in New Mexico, purchased from California and the power technically goes to California, even though the electrons are here.

Madam Chairwoman asked about eminent domain. Mr. Martinez responded that eminent domain is always a last resort. He explained their process of going through a Board of Directors similar to here which are appointed by the Governor, the president of the Senate, the Speaker of the House and other members from other agencies. Reporting to the NM Finance Authority Oversight Board. He then explained a couple of categories where it has been used to date and only after all steps have been exhausted would eminent domain be used.

Director Moore asked if RETA was connected with Sun Zia. Mr. Martinez responded that RETA does not have the same partnership with Sun Zia as they do with Western Spirit; however, they

do have a Memorandum of Understanding in place and are affiliated with that project as well. Jeremy Turner added that Pattern Energy does have an agreement with Sun Zia being the anchor tenant for the first 1500 megawatts of Sun Zia. They are two separate projects and will have a windfarm associated with Western Spirit and a second windfarm associated with Sun Zia.

Director Kelly asked about the carrying capacity of the line, in other words, how big a pipe will be installed. Mr. Martinez responded that it will be a 345 KB line. Mike Hamman added that this project has gone through the complete NEPA process and the ESA review.

Director Moore asked about the number of transmission lines or permits, etc. Mr. Martinez responded it is for one 3 kb line with H-frame structure (not a big lattice tower).

Director Russo Baca added that she understands the importance of renewable energy, and she is doing her part in her home. However, her concern is why could the lines not be buried. Mr. Martinez responded that after ten years of working through various state and federal permit approvals, this method was decided upon for several factors. Burying a 345 KB line is not easy.

Director Russo Baca also asked about the comment that she had heard that a representative from Pattern stated that this area was the path of least resistance. She wanted clarity on what that meant. Mr. Martinez believed that the comment was intended on having the least impact to the environment, wildlife, and people.

Director Moore asked how the line will tie into PNM. Jeremy Turner responded that the line will interconnect at two of PNM's substations (in Clines Corner and Pajarito). From there, they will use existing PNM lines to get to Four Corners and then to California. They will be using existing lines.

Director Russo Baca asked in 20 to 30 years from now, who will be maintaining and enforcing that this is going to be properly maintained. Mr. Martinez responded that this is going to be a line that's going to be acquired by the Public Service Company of New Mexico once it's in service; so, at that point, it will fall under PNM's operations and maintenance schedule.

Madam Chair Dunning thanked Mr. Martinez for his presentation.

AGENDA ITEM NO. 5 – ITEMS FROM THE FLOOR (Comments are held to six (6) minutes)

Santiago Maestas

Mr. Maestas is with the South Valley Regional Association of Acequias. He wanted to inform the Board of a water transfer application that was filed with the State Engineer for approximately 11-acre feet of surface diversion rights from the Angostura Diversion and almost 3½ to 4-acre feet from the Isleta Diversion. It appears to be transferred to Facebook although it doesn't say on the application giving an address in Belen. He was hoping MRGCD would help in protesting it.

Madam Chair Dunning responded that MRGCD only protests when water is being transferred out of the basin. She deferred to Chuck DuMars for explanation. Dr. DuMars concurred with her statement and said he would be glad to review the transfer and provide a report at the next Board Meeting. Director Kelly added that it was his understanding that the transfers MRGCD has protested in the past have not been the people's ability to transfer that private right, but it's been on the impact to the remaining MRGCD irrigators and to the MRGCD itself. It has also been a tool to bring some of these larger municipalities, such as Rio Rancho and Santa Fe, into

a regional dialogue about water rights and water supply. To simply call it a protest of the transfer is not what our intent is on protesting these types of transfers. Dr. DuMars agreed. Director Kelly believes that MRGCD must be consistent with the grounds upon which it protests. Madam Chair reminded Mr. Maestas that the SVRAA has the right to protest. Dr. DuMars will report back at the next Board Meeting.

Brian Crawford

The question was raised if there was an update on the collapsed return under 12th Street and the waterline relocation project. Jason Casuga responded that MRGCD Engineering Department has met with ABCWA and the folks working on the roadway. They have accepted MRGCD's comments, and they are reworking it. Mr. Casuga does not know when construction will begin, but this will not be a dead-end ditch to a broken pipe. It will be incorporated as part of their project.

AGENDA ITEM NO. 6 – REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR

a. Bureau of Reclamation - Jennifer Faler, Area Manager

Ms. Faler was not in attendance of today's meeting.

b. Bureau of Indian Affairs - Viola Sanchez, Designated Engineer

Viola Sanchez reported that as far as O&M goes, we are in the last month, plus we will probably go past March 1 before starting up in the northern parts of the Pueblo. Ms. Sanchez had her coalition meeting, and there were no problems or issues raised. There were some questions at Santo Domingo as far as upcoming projects and who pays for them. Ms. Sanchez will be meeting with them this week to review. There are only a few turnouts left to do. Some of the bigger projects will slide over into next year.

As far as the water operations, the Prior and Paramount water that was stored for the previous irrigation season was stored during Article Seven Restrictions. So, it was released to the Compact in November. They are storing again with native water for this coming year. The forecast inflow to El Vado, March to July, is 78% of normal. BIA does not do their computation until after the May 1 forecast is in, because things typically change quite a bit between now and then. However, if 78% holds up, it would result in about 25,000-26,000-acre feet of storage required for the Pueblos. Together with about roughly 39,000-40,000 of debit to Texas, that leaves a smaller amount, if you abide by the 114,000 recommended capacity for El Vado.

Ms. Sanchez is working on the new O&M contract. She has gone to four counties to download their information on taxes, because the payment of the BIA is going to be based on how much the non-Indians pay. Sandoval County is the only county that has given her all of the information.

Director Kelly asked if there were any surprises during construction. Ms. Sanchez reported that the pipe project in Santo Domingo set them back some because of the clay soil.

Mike Hamman reminded Ms. Sanchez to contact Doug Stretch to help save some work when dealing with the counties data to isolate the District land.

AGENDA ITEM NO. 7 – REPORT(S) FROM THE CHIEF ENGINEER (Mike A. Hamman)

a. Report on Water Supply Conditions - David Gensler, Water Operations Manager

2020 will be another interesting year. So far, our snowpack looks good, not exceptional, not poor. By all indicators, we seem to be looking at a more or less average year. That's at least as far as the information goes at the second week in February, and we know there's a lot of winter yet to come.

SNOTELs around the various basins range from around 80% of average to up as much as about 130% of average. They are kind of all over the map, depending on what mountain range you're in. SNOTEL up at Cumbres Trestle was reporting 99% of average today, with about 17.6" of water. Not a bad place to be in early February, assuming that we continue to get our typical weather patterns.

This morning the February forecast was showing 175,000-acre feet, March through July, on the Chama, and 560,000-acre feet at Otowi.

Where this all gets interesting, of course, is at El Vado. We released every last drop of our Rio Grande storage last fall in an attempt to bring our Rio Grande Compact obligation to zero. We failed, unfortunately. It looks like we are going to wind up owing approximately 37,000-acre feet. The information from ISC is they are probably going to expect us to hold approximately 36,000-acre feet of water in El Vado through the summer. So that will be the first water that goes into storage up El Vado.

The BIA will make their typical Prior and Paramount reserve calculation, and some water will be set aside for that as well. We paid back 10,000-acre feet of San Juan Chama water to the Water Utility Authority last fall. We are starting off 2020 with almost no water in storage. There is approximately 12,000-acre feet right now of 2019 San Juan Chama water. There has been an initial allocation of about 8,000-acre feet of 2020 San Juan water. We are, therefore, starting the year with 20,000-acre feet in the bank, so to speak.

There is lot of empty space up at El Vado right now, not as much as we wish. Of course, we have these big obligations that effectively reduce the supply even more. We have roughly 115,000-acre feet of potential storage at El Vado this year, with the storage restrictions due to the dam. We slice 36,000, plus an estimated 20,000 for BIA. That's 55,000 right off the bat that we do not have access to this year in terms of our storage. That leaves us roughly 60,000-acre feet. We have 12,000-acre feet sitting of San Juan water, which the hope is to move that downstream to Abiquiu. Best case, we've got the potential to store 60,000-65,000-acre feet of Rio Grande water this year. Again, not a horrible place to be.

We are cautiously optimistic that that would be enough water to get us through the year. We will have to run a tight ship, obviously. But 60,000-70,000-acre feet of Rio Grande in storage, plus as we go through the season, we can expect some of that P and P reserve to be relinquished back to the District. We will have that San Juan water to access too. So, probably all total 90,000-95,000-acre feet available to us this year. It seems like a reasonable number. We don't know what the weather will do to us this year, but we will see what happens.

The only other thing to mention is that there is nothing unusual to report about this spring startup. We are planning to start running water March 2nd. It seems like soil moisture is good. This makes for a pretty easy startup for us. The river should provide enough water through March and at least the first half of April to run comfortably.

Madam Chair Dunning asked when can irrigators in Bernalillo County expect to be able to take water. Mr. Gensler responded that MRGCD likes to have at least the first two to three weeks off

limits to irrigators. When we run our canals, we need that push of water through there. If we are trying to run a particular lateral off a main canal and somebody opens up and starts watering, suddenly our water supply goes away. If people have realistic needs for water, we are usually able to accommodate them, if they will schedule with their ditch riders (let them know well in advance that they have a need). It is kind of unusual to have real consumptive use needs in March. The needs that we do see are farming practice related, putting down fertilizer, etc.

Director Kelly asked that, looking on the Rio Grande side of the equation here, does Mr. Gensler see any trends in the San Luis Valley, to where that flow is being reduced because of increased agricultural use, is it going the other way, or is that a question that the pumping up there sort of keeps at a constant number? He also asked what does Mr. Gensler see coming across the state line as a trend, if you take out the ups and downs of the winter seasons we've had? Mr. Gensler responded that the State of Colorado has become very, very good at managing their compact deliveries. They hit it right down to the wire almost every year. They do that throughout the course of the irrigation season. They'll get a little bit of high or they'll get a little bit low, but they compute on maybe a daily basis, maybe a weekly basis. He is not sure what their deliveries are running. They will increase or decrease their allocations as the season goes on. If they're getting ahead on their deliveries, they will let their irrigators consume a little bit more water, quite literally park it in the ground up there. If they are getting behind, they will start to decrease their allowed diversion rates and catch up a little bit. They manage it very carefully, to use every last drop that they're allowed to use.

Director Kelly asked, with the conjunctive system up there, between the groundwater and the surface water, they are just banking any excess that we could hope for? Mr. Gensler responded they are making sure that exactly the required amount comes across the state line, whether they need it or not. They probably expand or decrease their operations somewhat to take that into account.

Mike Hamman added that Colorado is going through an extensive process called the subdistrict process, where they look at groundwater operations. They are trying to optimize their higher and best agricultural uses. The ones that are more marginal, they offer them a payment in lieu of irrigation in a particular year.

David Gensler introduced the newest member of the Hydrology Department, Johana Estrada.

b. Update on the Bernalillo to Belen Levee Project - Mike Hamman, CE/CEO

Mike Hamman reported that there had been a lot of progress regarding this project. Mr. Hamman has not seen the full report yet, but they have asked for a couple of extensions of the three-year period. One of the last reasons for the delay, the Mountainview Reach of the levy system was falling just below the BC ratio of one. Now ironed out, Mountainview and Isleta West would be the first two segments being designed and constructed. The Chief's Report is due to be signed in March, which means everything would be ready to go forward. The District has paid its \$1.5M share of the \$3M part of the 3/3/3 Plan (\$3 million, three years and three inches). They have asked in their work plan for design funds in the 2020 budget cycle of \$400,000 to start work in the later part of the federal fiscal year, which means we will have to enter into a design agreement at the current 35% cost share. Mr. Hamman has been working with Senator Udall's office to get language inserted. The Corps has provided the drafted language that would essentially grandfather MRGCD under the old cost share of 25%. Mike Connor is working on this language with his contacts. On January 22nd, the Assistant Secretary

for Civil Works, Mr. James, who is a farmer from the Missouri Valley and sympathetic to our situation, will advocate for our request.

Things are looking good, but Mr. Hamman does not know exactly how it will play out once the process begins. He has been invited to join Lt. Col. Caswell at the Chief Signing Report the third week in March. A trip to DC that would include some delegation meetings could occur.

Madam Chair Dunning asked about the percentage of payment on cost shares. Mike explained the various options that may be available and how moneys could be split and moved.

Chuck DuMars added that Mike Connor has been extremely helpful on this project. Mr. Connor is extremely knowledgeable and also avails himself to Dr. DuMars and Mr. Hamman. Dr. DuMars feels like MRGCD is making good progress, and if when this is done, including title transfer, excluding the Pueblos, this will be a huge benefit to the MRGCD.

Director Kelly asked about discussions with the Corps about taking that project out to low qualified bidder rather than a set aside contractor. Mr. Hamman responded that he will exert as much influence over the process as possible. Director Kelly noted that it would be nice to brief the constituents down in Socorro regarding the Letter of Map revision and which properties come out of the flood plain at the February 24th out-of-office Board Meeting to be held in Socorro.

c. Update on the Status of the El Vado Dam Corrective Action Schedule - Jason Casuga, Engineering Manager, and Mike Hamman, CE/CEO

Jason Casuga reported that he believes we are still looking at federal fiscal year '22 (late calendar year '21) is the goal for the project. Mr. Casuga and Mike Hamman have been receiving financial reports and other types of reports to mull over. Mr. Hamman is working with the folks on the repayment agreement as well.

Design is basically nearing completion. There will be another round of public meetings where they discuss design. Storage-wise, it is where it was at the end of last storage season. Mr. Casuga explained the faceplate deformation and settling. Mr. Casuga thinks the construction period is going to be a little different with some reprioritizing occurring including the road closure.

Mike Hamman added details of the grouting of the left abutment, capping and covering of outcropping, etc. The timing would be through the runoff spring '22, and the lake would come back down after that. It will take them a year-and-a-half to two years to fix the spillway. So, we will be in the same type of restrictions we are currently in. The facing should be complete, and the lake will come back to us the runoff of '23.

Director Kelly added that he has been invited to the Rio Chama Congreso at the end of February. Mr. Casuga will brief Director Kelly so that he can speak on behalf of the District at the Congreso.

Director Moore asked for a written timeline; however, since project leads have not put anything in writing since the environmental documents have not been finalized, he was reluctant to do so. However, once there is a formal timeline produced, he will share with the Board.

Director Kelly asked if there would be enough room for 115,000-acre feet for the one year. Mr. Hamman responded that it would be close. Abiquiu continues to decline, and San Juan-Chama

water is not being added. Mr. Hamman added that he will be working with Reclamation to keep as much San Juan-Chama water as possible at Heron as well.

d. Report on the 2020 Legislative Session and Capital Outlay Process - John Thompson, MRGCD Lobbyist

Madam Chair talked with Mr. Thompson on Saturday, and they decided that his time is better spent with him staying in Santa Fe than for him to get to this meeting. Therefore, Madam Chair delivered the report.

Madam Chair reported that all of the capital outlay requests got in by the deadline. Mike Hamman added that the one request as far as sponsorships is the Alameda/Loretta Road intersection is probably the hardest for Mr. Thompson to get support on because the thinking was that Bernalillo County ought to take a more prominent role in that. MRGCD explained that it has a major impact, however, on the MRGCD facilities if we are going to do a really good recreational area.

Mr. Hamman said as far as specific legislation, the tweaking to the Election Act keeps happening. He doesn't know where it will end up ultimately, but it has to do with redistricting language. Patty Williams will take a look at it.

Mr. Hamman discussed that there were a few other interesting bills, i.e., the Agricultural and Natural Resources Land Trust. He believes it has gotten so complex with such a broad group of interests. He believes it is being vetted and will come up again during the 60-day session. It has some real benefits for the standpoint of watershed and all the items that MRGCD is interested in (i.e., riparian lands, agricultural land trust, and preservation of ag lands, etc.).

e. Report on the U.S. House Bill HR 4891, the Western Water Security Act - Mike Hamman, CE/CEO

Mike Hamman reported that this is the House version of Udall's Bill that he will be pushing through the Senate. This is being carried out by Xochitl Torres Small. This is essentially bolstering a lot of the Water Smart grants and direct appropriations to pivot off of the NFWF grant that we already have to help with long-term water issues in the Middle Rio Grande. It also has a southwest focus, western states focus, but it contains language in there that's Rio Grande specific.

It has support. Gary Esslinger from EBID was asked to testify. He focused on the lower Rio Grande but did add some comments that folks up north could benefit from the work being done for endangered species management, which is a critical issue for us. The bill was received well by the democratic side of the committee, however, not so well on the republican side. Dr. DuMars believes that we have a pretty good chance of getting something out of there but through the compromise process.

f. Report on the 8th Annual Irrigation Operations & Management Training Workshop, January 29-30, 2020 - Jason Casuga, Engineering Manager

Item deferred to next meeting.

g. Report on the National Fish and Wildlife Foundation Grant Application for Phase II of the MRGCD Conservation Program, January 30, 2020 – Mike Hamman, CE/CEO and Casey Ish, Water Resources Specialist

Item deferred to next meeting.

- h. Report on the Approval of State Engineer Permit to Change Point of Diversion and Place and/or Purpose of Use of Surface Water for Acequias Norteñas to Store Water at El Vado Reservoir – Mike Hamman, CE/CEO**

Item deferred to next meeting.

- i. Report on the Coalition of the Six Middle Rio Grande Pueblos, February 6, 2020 – Mike Hamman, CE/CEO**

Mike Hamman reported that he and Director Sandoval attended the Coalition meeting. At the meeting, they discussed water operations for the coming irrigation season, O&M and construction, work over the winter, work period. The Pueblos seem very satisfied. They are coming to speed with the Dropbox system that Jason Casuga has put into place for updating their O&M and construction lists.

MRGCD is honoring the contract obligations under the BIA agreement and then some. The relationship with BIA has continued to grow over time. Several of the staff of all the Pueblos, we're more friends than we are colleagues, and we can candidly discuss issues and get things addressed at the Pueblo leadership if we need to with their help.

MRGCD will continue to work hard and will keep the Pueblos in the loop insofar as discussions with the State and on any new developments.

- j. Announcements: Family Farm Alliance Conference February 20-21; Socorro Informational Board Meeting at the Socorro County Commission Office February 24 at 3 pm; Land and Water Summit February 27-28; Law of the Rio Grande Conference (La Fonda, Santa Fe) April 7-8, 2020; Rio Grande Compact Commission Colorado Texas NM Annual Meeting April 8 (La Fonda, Santa Fe)**

Discussion ensued about the various events with some Directors voicing interest in attending the different meetings. All Directors were encouraged to attend any conference(s) of their choosing. Any interested in going to any of the above conferences were advised to let DeAnna Philips know as soon as possible.

Director Moore had a list of things she would like to see included on the agenda for the Socorro Informational Meeting. She is going to send that list out in email to the Board. She reminded Mr. Hamman about the NRCS and Socorro Soil and Water Conservation giving presentations on funding for farm improvements. Director Moore mentioned how the agenda could be advertised, i.e., the Socorro newspaper as well as the radio station so that it has a good turnout.

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

- a. Update on the Blue Buffalo/City of Santa Fe Water Rights Transfer Protest – Dr. Charles DuMars, Chief Water Counsel**

Charles DuMars gave a brief history about the Protest. Dr. DuMars, Mr. Hamman, and Tanya Scott came up with an alternative system. We can begin a process and collaborate and come up with a methodology to evaluate each of these applications as they come up, so that we don't

have to protest every time, then that would be a really good thing. If the City of Santa Fe and if the MRGCD Board both agree, we will use that process in lieu of protesting. Dr. DuMars said we reserve the right to challenge the validity of any right that is going up there so it's not an effected new appropriation.

The language is almost finalized. Once it is finalized, it will be brought before the Board for approval, and if approved, it will go to the City Council of Santa Fe. Dr. DuMars thinks this is a much better approach as the two entities then collaborate.

Mike Hamman added that he has learned through this process that the City of Santa Fe is consciously deciding to move towards acquiring or going through additional acquisitions to obtain any pre-1907s. Also, the City of Santa Fe's new water division manager, Jesse Roach, understands the overall water balance situation and is working on a policy recommendation to the Santa Fe's City Council.

Director Kelly noted that although the City of Santa Fe is different, he believes we should be consistent with what we did with the City of Rio Rancho. He noted that the City of Rio Rancho actively manages their side of the Bosque and is able to do some habitat projects, where the City of Santa Fe does not have that option that benefits MRGCD's needs under the Biological Opinion. Chuck DuMars noted that the City of Santa Fe now has their own Biological Opinion that was approved by the Fish and Wildlife Service, which suggests that what they do will not have a negative effect on the species.

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

Discussion ensued halfway through reports of this section regarding written reports from Directors and reimbursement of per diem. Per Lorna Wiggins, the Governance Handbook dictates that in order to be reimbursed for per diem, a written report must be given attached to the minutes. In the past, it is duly noted that Directors have given oral reports at meetings so that the public can hear about the meeting, and it also makes a written report in that the oral report is contained within the minutes. Today, discussion ensued (and may be looked at later) regarding absent Directors providing a written report prior to the meeting (per diem would be reimbursed) or they may have someone else give the oral report for them at the Board Meetings (again, per diem would be reimbursed).

a. Report on the Conservation Advisory Meeting, January 23, 2020 – Director Moore

Director Moore reported on different items discussed at the meeting including an educational program that will occur at the Acequia Madre de Atrisco on March 14th; there will be a workshop on March 13th and 14th about land grants, acequias, and the law. (Director Russo Baca will be presenting at that workshop and has brochures if anyone is interested in going.) The Valencia County Extension Agent suggested a pre-irrigation checklist for farmers. NFWF and BOR are asking for more funding for different pilot programs (outfalls and grants, measurement devices, delivering water to the river for habitat, late season leasing program, etc.).

Director Moore thanked both Yasmeen Najmi and Casey Ish for their hard work on the brochure that was developed in both English and Spanish. It will be handed out at the information meeting in Socorro.

Director Kelly made the **MOTION TO APPROVE THE REPORT ON THE CONSERVANCY ADVISORY MEETING, JANUARY 23, 2020**. Director Russo Baca seconded the motion. The **MOTION CARRIED unanimously**.

b. Report on the Meeting with the BioPark Staff to Discuss Projects of Interest to MRGCD – Director Baca, Mike Hamman, CE/CEO and Yasmeen Najmi, Planning Specialist

Due to Director Baca being absent from today's Board Meeting, Yasmeen Najmi and Mike Hamman gave the report on her behalf.

Mike Hamman reported that the BioPark staff reached out to meet with Director Baca, Mike Hamman, and Yasmeen Najmi to discuss specific items. Mr. Hamman also wanted to discuss with them the tail end of the Duranes ditch, which has a culvert that goes underneath one of the BioPark buildings. MRGCD is interested in abandoning that culvert and taking the discharge through Heritage Farm and relocate it to the Atrisco drain.

BioPark staff and MRGCD attendees also discussed the BioPark getting rid of their train and going to a trolley car, which would go through one of MRGCD's right of way.

Yasmeen Najmi reported that the big discussion was around the life experience for elephants at the zoo. BioPark staff would like to get the elephants out and walking around more. They asked about the possibility of using their old train tracks and redeveloping it as a walkway to take the elephants out and under the tunnel to the BioPark and back. They were also interested in looking at the drain next to the country club, not necessarily for the elephants, but perhaps some trails (something adjacent to the Kit Carson Park). They also discussed possibly moving some of the fence back and developing something more than could connect Alameda Drain.

Ms. Najmi reported that everybody is excited about these discussions. Of course, more discussions are necessary and will be ongoing.

Director Kelly shared his thoughts about the elephants being brought out and feels we should think bigger about this project.

Director Kelly made the **MOTION TO APPROVE THE REPORT ON THE MEETING WITH THE BIOPARK STAFF TO DISCUSS PROJECTS OF INTEREST TO MRGCD**. Director Moore seconded the motion. The **MOTION CARRIED unanimously**.

c. Report on the Bernalillo County Acequia Meeting, January 27, 2020 – Director Baca

Due to Director Baca not attending today's meeting, Yasmeen Najmi provided the report on her behalf. Ms. Najmi stated the Acequia Committee was formed at the behest of the South Valley Acequia and some of the community members to get the county to act on one of their policies or actions in the Southwest Area Plan to form an acequia committee. There was attendance by County Commissioners, county staff, and MRGCD folks. It is facilitated by the New Mexico Acequia Association.

At the last meeting, we really focused on what would this committee look like, how would it function, and who would nominate members. Committee members will more than likely be nominated by County Commissioners from each of the Districts. MRGCD would have a seat on that committee, as well as possibly the City. Community members and others would have an opportunity in the nomination process to send forth recommendations to County Commissioners. The original language was reviewed regarding the Southwest Area Plan about the formation of the committee and the items it would take on.

She then said Director Baca discussed the Atrisco Acequia de Madre project.

Director Kelly made the **MOTION TO APPROVE THE REPORT ON THE BERNALILLO COUNTY ACEQUIA MEETING, JANUARY 27, 2020.** Director Moore seconded the motion. The **MOTION CARRIED unanimously.**

d. Report on the NM Legislative Session, January 30, 2020 – Vice Chair Baca

Item deferred to next meeting or Vice Chair Baca will provide this report in writing.

e. Report on the MRCOG Water Resources Board Meeting, February 5, 2020 – Vice Chair Baca

Item deferred to next meeting or Vice Chair Baca will provide this report in writing.

f. Report on the NM Food Farms Day, February 6, 2020 - Director Russo Baca

Director Russo Baca attended the event. She took her daughter, Cortez, who was asked to testify in front of the Ag Committee on Ag education. It was a great event with a lot of kids and people celebrating food and the farms that grow them. She encouraged everyone to attend in the future. She believes they are held every session.

Director Moore made the **MOTION TO APPROVE THE REPORT ON THE NM FOOD FARMS DAY, FEBRUARY 6, 2020.** Director Kelly seconded the motion. The **MOTION CARRIED unanimously.**

AGENDA ITEM NO. 10 – EXECUTIVE SESSION

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

1. Threatened or Pending Litigation

Chair Dunning requested a motion to move into Executive Session.

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

Rollcall vote was administered:

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

The **MOTION CARRIED.**

Chair Dunning adjourned the meeting at 5:47 pm.

Chair Dunning reconvened the meeting at 6:09 pm.

Director Kelly made the **MOTION TO RETURN TO REGULAR SESSION.** Director Moore seconded the motion.

Roll call vote was administered.

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

The **MOTION CARRIED.**

Chair Dunning said discussion was had and no decisions were made.

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

The meeting was adjourned at 6:10 p.m.

Approved to be the correct Minutes of the Board of Directors of February 10, 2020.

ATTESTED:

Mike A. Hamman, CE/CEO

Karen Dunning, Madam Chair
MRGCD Board of Directors