

**MINUTES OF THE
2,175th REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

MAY 10, 2021

**COVID-19 Response: This meeting was held telephonically.
The Office is Closed to the Public for General Board Meetings**

Directors having been duly notified, Madam Chair Dunning called the regular meeting to order at 2:00 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	Present	Dr. Chuck DuMars	Chief Water Counsel
John Kelly, Director	Present	Lorna Wiggins	General Counsel
Valerie Moore, Director	Present	Jason Casuga	Chief Operations Officer
Michael T. Sandoval, Director	Present	Pamela Fanelli	Secretary-Treasurer
Barbara Baca, Director	Absent	Mike Lopez	Water Distribution Div. Manager
Stephanie Russo Baca, Director	Present	Anne Marken	Hydrologist
		DeAnna Philips	GIS Tech/Board Liaison

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

James Grieco, LRPA	Alicia Lopez, MRGCD
Ernie Marquez, Automated Election Services	Marie Vandergeest, MRGCD
Paul Strasser, Automated Election Services	Rick Altenberg, MRGCD
Julia L. Maccini, Board Candidate	Francesca Shirley, MRGCD
Alandren Etlantus, Bohannan Huston Inc.	Judy McSweeney, MRGCD
Simon (Scooter) Haynes, Board Candidate	Yasmeen Najmi, MRGCD
Michelle Olsen, OSE	Dan Arquero, MRGCD
Anders Lundahl, NM ISC	Christine Nardi, MRGCD
Tricia Snyder, Wild Earth Guardians	Matt Martinez, MRGCD
Theresa Davis, Albuquerque Journal	Marta Moerch, MRGCD
Matt Henkel	Estella Gamboa, MRGCD
Darrel Kundargi, SW Region Wildlife Refuges	Casey Ish, MRGCD
Miguel Hidalgo	Adrienne Martinez, MRGCD
Viola Sanchez, BIA	

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Chuck DuMars led the Pledge of Allegiance at today's meeting.

Madam Chair Dunning declared a quorum with Director Baca being absent. During the meeting, it was noted that Director Sandoval was on the call but kept getting dropped. She noted that the meeting was publicly noticed. MRGCD is following the New Mexico Governor's health and safety guidelines. The meeting was held telephonically for the general public with some Board Members and some staff present at the MRGCD main office and some Board Members on telephone/video conference., Members of the public that called in were asked to identify themselves, identify their phone numbers, as well as note if they intended to address the Board under "Items from the Floor."

Since today's meeting is being held telephonically, all votes taken by the Board for today's meeting will occur via rollcall vote.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

There were no changes to today's agenda besides Director Moore stating she did not attend the Conservation Advisory meeting held on April 15th.

Director Moore made the **MOTION TO APPROVE THE MEETING AGENDA**. Vice Chair Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

AGENDA ITEM NO. 3 – CONSENT AGENDA

- a. Consideration/Approval of Payment Ratification - May 10, 2021
- b. Consideration/Approval of April 2021 for Wiggins Williams & Wiggins
- c. Consideration/Approval of April 2021 Invoice for Law & Resource Planning Associates, PC
- d. Consideration/Approval of Minutes for Regular Board Meeting - April 12, 2021
- e. Memo on MRGCD Approved Licenses for April 2021 (For Informational Purposes Only)

Director Kelly noted an error in the minutes on line 363. The vote for Vice Chair Baca should be listed as "absent," since he had left the room during the vote, instead of "abstain." He also recognized Marta Moerch, one of the District's HR Generalists, for a good job for her continuing education.

Director Moore made the **MOTION TO APPROVE THE CONSENT AGENDA**. Director Kelly seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

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

There were no persons wishing to provide public comment at today's meeting.

Director Kelly referenced a handout from the Board Member packet entitled "Items from the Floor, Item #4." He asked that Mr. Hamman or Jason Casuga update the Board on the ATV trespass issues. Mike Hamman responded that the Chair, himself, and staff have been in contact with the group referenced via email. MRGCD's Albuquerque Division Manager, Willie West, has gone out and reviewed the area. MRGCD has repaired some fence enclosures and areas near gates, which will hopefully keep some of the ATV traffic out of the area. MRGCD will be scheduling a follow-up meeting with Bernalillo County and City Open Space to engage with the community a little better in specific to their area. MRGCD will also work with Bernalillo County Sheriff's Office to see if some sort of enforcement action or review of the area periodically would help cut down on some of the illegal access and use of our facilities. Madam

Chair Dunning (with Mr. Hamman's assistance) will send a response by June 30. Hopefully, Albuquerque Open Space will respond as well.

MRGCD BOARD OF DIRECTORS

Thank you for an opportunity to speak at the May 10th, 2021 MRGCD Board of Directors Meeting. We're here today to share our concerns for the Rio Grande Valley State Park (RGVSP) and ask for your help in resolving them. The Park is being systematically destroyed by motorized vehicles operated illegally within Park boundaries. The people signing this letter love and use the Park lawfully and the way it was intended to be used for non-motorized recreation. We are directly affected by the illegal activity. Our properties are on the west side of the north/south drainage ditch that runs south of the Rio Bravo bridge and parallels the Rio Grande River.



21 April 2021 4:45 PM Illegal ATV on drainage ditch outside home on Entrada Bonita



Two residents' pets have been killed by the ATVs. Another resident had a window in her home shot with a bee gun. She questioned a young man driving a tractor, pulling another man on top of some kind of attachment. (He said they were making a track for their horses down the center median between the drainage ditch and the levee). Another resident, while out for a morning run, was physically threatened when an ATV rider encircled him, spraying him with dirt and noise. He had reminded the illegal rider that motorized vehicles are prohibited. A resident of our neighborhood had graffiti painted on one of her fence posts.



Residents whose property is adjacent to the Park should not be tasked with enforcing Park rules. Yet, because the rules are not being enforced, we have had to confront the illegal activity and begin photographing the offenders. This puts everyone at risk.

Here are more of our concerns:

FLOOD CONTROL

Because the levee and jetty jacks were installed years ago by the Army Corps of Engineers, most residents in our neighborhood do not carry expensive flood insurance. According to the Bosque Action Plan, adopted by the MRGCD in 1991, "The principal use of the area within the Rio Grande levee roads shall be recognized for conveyance of water for beneficial use and as a floodway." The levee roads currently seem to function as a race track for illegal motorized vehicles. If the levee is seriously compromised by the ATVs, who will be liable for the damage if there is a flood?

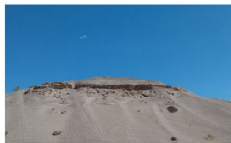
ILLEGAL MOTORIZED VEHICLES

The number of motorized vehicles operating illegally in the Park is increasing. We now have ATVs daily tearing up and down the levee and also on the ditch road, which is only five feet from our back yards. In addition to the ATVs, we have had dirt bikes, motorcycles, mopeds, dune buggies and vehicles that appear to be half car, half ATV/dune buggy. One has lights mounted on top that flash like those of a law enforcement vehicle. Motorized vehicles even zoom by our homes after dark with their lights on. Riders are male, female, adult, and juvenile. Sometimes the vehicles contain whole families. There is already dedicated space for off road vehicles, the Montessa Off Road Vehicle area. That's where people who enjoy off road riding should be going. This is

Park regulation enforcement is assigned to the "Open Space Rangers" (City of Albuquerque) and the MRGCD "Bosque Patrol Officers." (1993 Bosque Action Plan, 1997 Joint Powers Agreement). Enforcement calls for a \$300 fine or 90 day jail sentence as a consequence for violating the regulations.

Despite multiple violations over many years, to our knowledge, no one has ever been apprehended, fined or jailed. Have they? When we call Open Space or MRGCD to report the violators, no one comes or they come too late to apprehend the illegal riders. After hours, when government agencies responsible for monitoring the Park and enforcing the regulations are closed, we call the county sheriff department's non-emergency number. By the time anyone arrives, if they arrive, the violators are gone.

what the Montessa ATV Park looks like (below left). Is it what the Rio Grande Valley State Park will look like soon if Park regulations are not enforced? (below right)



Montessa Park Off-Road Vehicle Area



Damage from ATV use at RGVST

Motorized vehicles terrorize the wildlife and destroy fragile ecosystems.. They race back and forth on the levee at top speed.

A drainage ditch runs perpendicular to ours enters the Park north of Tobacco Road. The entrance is clearly marked with signage stating motorized vehicles are prohibited.



Park regulations posted at an entrance



How ATV riders circumvent Park gates at the entrance

ENVIRONMENTAL DAMAGE

The bosque, ditch and river are home to multiple species of birds and other wildlife. We have seen large catfish, ducks, geese, muskrats, and turtles in the drainage ditch. The Sand Hill Cranes, who migrate here for the winter, fly over our homes nightly to roost on the islands in the river. On morning walks, we have seen porcupines sleeping in trees and bushes.



Turtle in the drainage ditch



Porcupine asleep in a tree in RGVSP

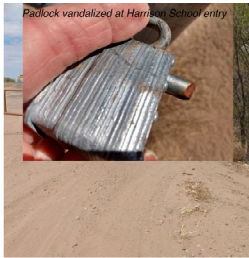
The ditch is gated on its south side, but not on the North. The ATVs come down the un-gated North side and turn South onto our drainage ditch road, bypassing the gated entrance to the Park, spewing clouds of dust into our yards and homes and noisily disturbing our peace. Farther down our ditch road, they can and do connect to the levee and continue their wild riding.

At the northernmost entrance to our area of the Park, the riders have created an off levee road that runs under the bridge on Rio Bravo and enables them to enter and leave the park circumventing the gate installed there. Another point of entry is behind Harrison Middle School, where they have filed off a lock and dismantled a turnstile type entrance gate. It's now impossible to lock the gate.

VANDALISM

Signage at lateral ditch to Park entrance N of Tobacco Road in Albuquerque's South Valley

The illegal riders have vandalized or completely destroyed some Park signage. We have seen the signs' remains tossed into the bosque from the levee. This post along the ditch behind Harrison Middle School near the foot bridge used to support a Park regulations sign. It's been missing for more than



two years. How many gates and signs have been destroyed? How much does it cost to replace or repair them? What about erecting new signs within existing enclosures to protect them, such this (below right)



We are seeing increased amounts of garbage being illegally dumped in the Park. It's impossible to determine if the dumping is from the illegal motorists or from an encampment of homeless people who seem to have taken up residence in the bosque and under the Rio Bravo bridge. Here's a photo of some we found on a recent morning walk. The drainage ditch contains discarded soft drink bottles and other debris.



Signage post vandalized by Harrison Middle School.



Could Park signage be enclosed here?



Garbage strewn in the Bosque near Rio Bravo



Garbage in drainage ditch

ENFORCEMENT

The Albuquerque area has 29,000 open space acres. The Rio Grande Valley State Park is the second largest of these designated open spaces (4,027 acres—second only to Volcanes). Proportionally, the Park should therefore receive more resources and be the target of greater enforcement activity. We have yet to see motorized vehicles at the Open Space Center or in the areas where the Park runs through northern, more affluent communities. Why is it being tolerated in our neighborhood?

Graffiti is another problem for the Park. The example below is scrawled across a barrier at the Park entrance nearest to Rio Bravo.

GARBAGE

We agree with the Park rules as posted. We would like to add vehicle impoundment to the fine and jail term penalties. Once warned, fined, and/or jailed, repeat offenders should have their vehicles confiscated. Additionally, those operating ATVs and other motorized off road vehicles should be subject to the same safety precautions as other drivers: helmets, seat belts, a license displayed on the vehicle etc.

We would like a written response, no later than June 30, 2021, detailing how the MRGCD will address these problems and commit to better enforcement of Park regulations in our area.

Sincerely,

Some of the concerned neighbors in the South Valley

Carl Tsosie, 1227 Entrada Bonita SW

Harriette Tsosie, 1227 Entrada Bonita SW

Earl Dressel, 1231 Entrada Bonita SW

John Padilla, 1237 Entrada Bonita SW

James Brewer, 1215 Entrada Bonita SW

Jeff Brewer, 1217 Entrada Bonita SW

Noah Dudley, 1241 1/2 Entrada Bonita SW

Tiffany Brown, 1241 1/2 Entrada Bonita SW

AGENDA ITEM NO. 5 – REPORT(S) FROM THE DEPARTMENT OF INTERIOR

a. Bureau of Reclamation - Jennifer Faler, Area Manager

Jennifer Faler was not in attendance.


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


Minutes of Middle Rio Grande Conservancy Board Meeting
May 10, 2021


Viola Sanchez was not in attendance.

AGENDA ITEM NO. 6 – UPDATE ON THE 2021 MRGCD BOARD OF DIRECORS ELECTION
- Ernie Marquez, Election Director, Automated Election Services

Ernie Marquez reported that Mr. Orlando Lucero from Sandoval County dropped from the race. Therefore, Michael T. Sandoval is the sole candidate in that race. For the Bernalillo County Director, Position No. 4, (where Simon T. Haynes and Joaquin Baca are the candidates), Simon T. Haynes' name is now changed to Simon T. (Scooter) Haynes.

SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE	 <p>OFFICIAL ELECTION BALLOT - BOLETA OFICIAL DE ELECCIÓN BOARD OF DIRECTORS ELECTION ELECCIÓN DE DIRECTORES DE LA JUNTA MIDDLE RIO GRANDE CONSERVANCY DISTRICT DISTRITO CONSERVANCIA DEL MEDIO RIO GRANDE June 8, 2021 - 8 de junio de 2021</p>	<p>SOCORRO COUNTY</p>
	<p>INSTRUCTIONS: To vote complete the oval to the LEFT of your choice, like this (●). INSTRUCCIONES: Para votar complete el óvalo a la IZQUIERDA de su selección, como esto (●).</p>	
	<p>SOCORRO COUNTY DIRECTOR DIRECTOR DEL CONDADO DE SOCORRO POSITION NUMBER 6 - POSICIÓN NUMERO 6 FOUR YEAR TERM - PLAZO DE CUATRO AÑOS VOTE FOR ONE - VOTE POR UNO</p>	
	<p><input type="radio"/> STEVEN SICHLER</p> <p><input type="radio"/> GLEN DUGGINS</p>	

SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE	 <p>OFFICIAL ELECTION BALLOT - BOLETA OFICIAL DE ELECCIÓN BOARD OF DIRECTORS ELECTION ELECCIÓN DE DIRECTORES DE LA JUNTA MIDDLE RIO GRANDE CONSERVANCY DISTRICT DISTRITO CONSERVANCIA DEL MEDIO RIO GRANDE June 8, 2021 - 8 de junio de 2021</p>	<p>BERNALILLO COUNTY</p>
	<p>INSTRUCTIONS: To vote complete the oval to the LEFT of your choice, like this (●). INSTRUCCIONES: Para votar complete el óvalo a la IZQUIERDA de su selección, como esto (●).</p>	
	<p>BERNALILLO COUNTY DIRECTOR DIRECTOR DEL CONDADO DE BERNALILLO POSITION NUMBER 3 - POSICIÓN NUMERO 3 FOUR YEAR TERM - PLAZO DE CUATRO AÑOS VOTE FOR ONE - VOTE POR UNO</p>	
	<p><input type="radio"/> KAREN DUNNING</p> <p><input type="radio"/> JULIA L. MACCINI</p>	
SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE	<p>BERNALILLO COUNTY DIRECTOR DIRECTOR DEL CONDADO DE BERNALILLO POSITION NUMBER 4 - POSICIÓN NUMERO 4 FOUR YEAR TERM - PLAZO DE CUATRO AÑOS VOTE FOR ONE - VOTE POR UNO</p>	
	<p><input type="radio"/> SIMON T. (SCOOTER) HAYNES</p> <p><input type="radio"/> JOAQUIN BACA</p>	

SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE SAMPLE	 <p>OFFICIAL ELECTION BALLOT - BOLETA OFICIAL DE ELECCIÓN BOARD OF DIRECTORS ELECTION ELECCIÓN DE DIRECTORES DE LA JUNTA MIDDLE RIO GRANDE CONSERVANCY DISTRICT DISTRITO CONSERVANCIA DEL MEDIO RIO GRANDE June 8, 2021 - 8 de junio de 2021</p>	<p>SANDOVAL COUNTY</p>
	<p>INSTRUCTIONS: To vote complete the oval to the LEFT of your choice, like this (●). INSTRUCCIONES: Para votar complete el óvalo a la IZQUIERDA de su selección, como esto (●).</p>	
	<p>SANDOVAL COUNTY DIRECTOR DIRECTOR DEL CONDADO DE SANDOVAL POSITION NUMBER 7 - POSICIÓN NUMERO 7 FOUR YEAR TERM - PLAZO DE CUATRO AÑOS VOTE FOR ONE - VOTE POR UNO</p>	
	<p><input type="radio"/> MICHAEL T. SANDOVAL</p>	

Mr. Marquez reported early voting is set with polling places lined up. Although they are still lacking some poll officials, he promised it should be taken care of by election day.

Director Kelly asked about the COVID provision that was added to his contract (increased fees for supplies). Mr. Marquez did not have the number in front of him, but some supplies were added to the invoice that included masks, gloves, sanitizer, and shields. Chair offered the District's sympathy as Mr. Marquez' father passed away the week before.

AGENDA ITEM NO. 7 – REPORT FROM THE CFO/SECRETARY-TREASURER - Pamela Fanelli, CMA, CGFM

a. Presentation of the FY22 Budget - Pamela Fanelli, CFO/Secretary-Treasurer

Pamela Fanelli went over the FY22 budget books that were handed out to the Board of Directors prior to the meeting. She highlighted and pointed out the highlights of the FY21 surplus and the FY22 operating budget.

Discussion ensued and clarifications were made regarding the budget.

b. MRGCD Finance Committee Report and Recommendation, April 27, 2021 - Directors Kelly and Moore

Director Kelly thanked the Finance Committee, Ms. Fanelli and Becky Burnham for their work and continued to report on how they decided to come up with the FY22 budget, which Pamela Fanelli presented. It is the Finance Committee's recommendation that the Board approve the FY22 budget; proposing that any surpluses that may be realized from FY21 should be moved to the Capital Reserve Fund and used in the future for Capital equipment and infrastructure needs.

Director Moore added that she appreciates the new Secretary-Treasurer's accounting system which is easier to follow.

Discussions ensued regarding other areas of the District's revenues, etc.

Vice Chair Baca made the **MOTION TO APPROVE THE FINANCE COMMITTEE REPORT, APRIL 27, 2021**. Director Moore seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

c. Consideration/Approval of FY22 Budget Resolution BA-05-10-21-83 - Pamela Fanelli, CFO/Secretary-Treasurer

Director Kelly pointed out that there was a typo in the third recital of the budget document regarding the date.

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
BUDGET ADOPTION FISCAL YEAR 07-01-2021 TO 06-30-2022**

No. BA-05-10-21-83

WHEREAS, the staff of the Middle Rio Grande Conservancy District, State of New Mexico (the "District"), has prepared a budget for fiscal year 2021/2022; and

WHEREAS, said budget was developed on the basis of need following consultation with all departments, department supervisors and the Finance Committee of the Board of Directors; and

WHEREAS, the Board of Directors, being the Governing Body of the District, discussed and evaluated the budget at a regular meeting held on May 10, 2021; and

WHEREAS, the Board of Directors has determined that the assessed property tax mill rates will remain unchanged for the fiscal year 2021/2022 budget, and

WHEREAS the Water Service Charge provided for under Section 73-18-8.1 (C) NMSA 1978 provides for the District to increase the Water Service Charge by a parity index or an appropriate inflation index at year end which the District implemented beginning with FY 2015, and

WHEREAS, the District has increased the Water Service Charge annually in recent years in accordance with Board of Directors Resolution No. BA-05-27-14-67 when the Board first authorized the "catch up" rate of a \$3.00 annual increase to the current charge of \$43.83 per acre to bring it more in line with the inflation index increases that should have occurred since 1995, and

WHEREAS, due to severe drought conditions and the impact on the farm economy, the Finance Committee recommends suspending the statutorily authorized inflation indexing of Water Service Charge in FY22 and keeping the rate at \$43.83 for the upcoming year with the understanding it will be reviewed prior to the FY23 budget submittal.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, being the Governing Body of the Middle Rio Grande Conservancy District, hereby adopts the fiscal year 2021/2022 budget as presented, and directs the Chief Executive Officer and Treasurer of the District to request approval from the Local Government Division of the Department of Finance and Administration with mill rates of 5.0693 mills for Residential Property and 6.3334 mills for Non-residential Property (unchanged from fiscal year 2021/2022) and the Water Service Charge remaining at \$43.83 per acre to be effective January 1, 2022.

Director Kelly made the **MOTION TO APPROVE THE FY22 BUDGET RESOLUTION, BA-05-10-21-83**. Director Moore seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED**.

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

AGENDA ITEM NO. 8 – REPORT(S) FROM THE CHIEF ENGINEER - Mike A. Hamman, PE

a. Report on Water Supply Conditions - Mike Hamman, CE//CEO, and Anne Marken, Hydrologist

Ms. Marken reported that the May 1 forecast was released, and things have not improved since the April forecast. The 50% forecast for the Otowi Bridge Gage from May to July is 205,000-acre feet, which is about 42% of average. Inflows to El Vado from May to July are forecasted to be about 70,000-acre feet, which is 46% of average. There are a few snow cell sites above 10,000 feet that are still reporting some snow. The Cumbres Trestle has 4" of snow-water equivalent, but that's about 25% of average for this time of year. The total upper Rio Grande

Basin is at about 11% of average for snowpack. With a little more snow melt to contribute, we are likely experiencing the peak of it all right now.

The only water we currently have in storage is for Prior and Paramount purposes. They did overstore about 5,000-acre feet, which they will be releasing over the coming days. As the inflows begin to decline, they will be augmenting releases from El Vado until they have released all the overstored waters for Prior and Paramount purposes. Outside of that, we do not have any water at our disposal in storage. We are going to be at the mercy of the weather and the river after we get through this period of runoff. We do expect to experience drying in the Albuquerque reach of the river (forecasts show in July), which has not occurred since 1983.

There is about 2100 CFS entering the middle valley today, and we're diverting 122 at Cochiti, 100 CFS at Angostura, and, with return flows from Cochiti, that's about 130 CFS in the Albuquerque Main Canal. The Isleta Diversion is at 360, and there's some return flows from Albuquerque on the west side. The Socorro Main Canal has 165 CFS, which is mostly being supplied by the Unit 7 drain and augmented by a diversion of 10 CFS from the river. We are currently calling demand 700 in the valley. And we are going to be able to bump that up to 750 by the end of the week. By the end of May, we will be able to call our demand 800 CFS. That is based on the demand curve that we committed to stick to with the NM Interstate Stream Commission.

In the absence of any ability to manipulate or manage flows this season, we need our deliveries' efficiencies to Elephant Butte to stay high through this brief runoff period, so we can chip away at our debt to Texas. At this point, we are hoping for the promising prediction surrounding the monsoon season to materialize.

Mike Hamman added it is pretty rare for the National Weather Service to show any kind of monsoon. Usually they just say equal chances, but come July, August, September outlook, they show a green blob coming out of the Sonora Desert up into Arizona and western New Mexico. Oftentimes, that is a good harbinger of good monsoon events here in the Middle Valley.

He further added that there is that interim period before rains produce themselves where we will be in a recessionary mode, probably by mid-June, based on the way the runoff is tracking, exactly like last year in terms of the snowmelt. It is just almost right on the same curve. When it runs out, about three or four weeks earlier than the average time when the snowpack actually recedes, we usually have a couple of weeks of recessionary tail-out of the runoff, which will get us into mid-June. We will have to grin and bear it for a while and see if we can get some moisture support from the monsoon season.

b. Status Report on Water Distribution - Mike Lopez, Water Distribution Division Manager

Mike Lopez reported that we are currently in full swing scheduling and delivering water. Things seem to be running relatively smooth. Early in the season, the ISOs were given a standard set of scheduling guidelines, which they have been following, and it seems to be working out.

He reported that the MRGCD has a couple of ISO vacancies. Mr. Lopez is currently in the process of interviewing some great candidates. He thanked Steve (Kinberger) in HR for his help with the process. Mr. Lopez reported that he is pulling some staff from current positions to have them backfill temporarily the vacant positions. He believes that within a couple of weeks, they will be fully staffed and operating efficiently.

Madam Chair Dunning asked if MRGCD was having problems with finding people for the vacancies. Mr. Lopez responded that a few weeks ago, that may have been the case, but currently, there are several outstanding candidates to choose from.

Madam Chair Dunning further asked about pulling retirees in to backfill temporarily when needed. Mr. Lopez responded that they are looking at the process. His goal is to be able to pull, for example, someone from maintenance group or the Division staff to backfill an ISO position. It provides some job opportunities to maybe a field laborer or just anybody that maybe wants to enhance their career and try something new.

Madam Chair Dunning is pleased that during the toughest year we've had since 1956, things are going as well as they are and thinks Mr. Lopez deserves some of the credit for it.

NOTE: Director Sandoval joined the meeting stating he was having connectivity difficulties.

c. Discussion/Approval of a Bosque Closure Plan due to Drought Conditions and Fire Risk - Mike Hamman, CE/CEO, and Yasmeen Najmi, MRGCD Planning Specialist

Mike Hamman started by reporting that since we are facing very dry conditions that we get ahead of the surge in recreational activities (Memorial Day weekend) and decide how we will coordinate activities for the open space areas. We will probably face closures at some point this summer, at least until it starts to rain. Mr. Hamman is asking the Board if it is comfortable with authorizing staff to move forward with closures under a plan developed with the other fire departments and other public safety entities. This way, MRGCD is not just doing it unilaterally, and the decision would be made in coordination with other local governments.

Chair Dunning clarified that he is asking for approval on something that isn't known yet as to the drought conditions and the other agencies wishes, but we are working together with the other agencies to go along with their recommendations. Mr. Hamman agreed with her summary.

Director Kelly suggested that maybe we should be looking at restrictions throughout the week of the Rio Grande State Park. During the weekend, we look to our partners to show up with a firefighting presence and an enforcement presence. This will enable things to open up a little bit more on the weekend.

Mike Hamman did not disagree. He thought maybe the initial phase would be restricted with notification of the typical things of no campfires or cooking in the parks. All of that would be initially banned, so that any kind of sources of ignition are controlled to start with, and then it might get phased a little tighter if dry conditions continue. Then, maybe full closure would be required in really sensitive areas that have much undergrowth. We would take the lead from the experts for each of the areas in what would be called a risk management or fire hazard plan.

Further discussion ensued regarding the number of fires throughout the bosque, and Director Russo Baca added that whatever is done, adequate signage is necessary.

Director Kelly made the **MOTION TO AUTHORIZE MR. HAMMAN TO IMPLEMENT COUNTY-SPECIFIC BOSQUE CLOSURES AS NECESSARY TO PREVENT DAMAGE TO OUR BIGGEST RESOURCE, IN CONJUNCTION WITH OUR LOCAL PUBLIC SAFETY AND FIRE PROFESSIONALS.** Vice Chair Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

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

d. Infrastructure Assessment Updates - Alicia Lopez, Engineering & Mapping Manager and Alandren Etlantus, Bohannon Huston, Inc.

Alicia Lopez presented the infrastructure pilot project. They are trying to understand where our structures are and analyze the current operational states. The goal is to gain a broad level view of the state of the infrastructure within our rights of way. Up until now, MRGCD engineering and construction needs have largely identified through structure failures, basically, anything that inhibits our ability to convey water. Because of this emphasis on emergency or urgent work, there has been a limited opportunity for us to proactively plan our construction and rehabilitation efforts. This past off season, we had two ISO (Irrigation Systems Operator) staff collect the full extent of Corrales, also known as the ISO zone A03. Our goal is to collect this District-wide within the next one to two years. The product is a living GIS layer, updated as construction and repairs occur. This will help us to prioritize our off-season construction. This assessment could also serve as a platform for many different functions.

Alandren Etlantus with BHI, presented a slide show of how they have collected data from all pieces of infrastructure including turnouts, crossing structures, check structures, returns/outfalls, weirs, flumes, gates and others into one database. Using an application called Survey123, the ISOs inventoried and provided updated information and pictures on every piece of infrastructure within this area. Ms. Etlantus also showed the Board how each piece was categorized as red, yellow or green to show the condition of each structure. The database has a huge amount of information to manage infrastructure assets. She is hoping once done, to hand this off to Jason Casuga and Alicia Lopez, where they will continue to update and track each piece within the database. Mr. Casuga stated in the beginning phases, the updates will be done through a work request process or an engineering project.

Chair Dunning asked whether or not the licenses will be reviewed for these structures. Jason Casuga responded that will be part of the project and that Bohannon Huston completed the evaluation of the structures themselves. In the future, this process will allow the District to parse out public crossings, private crossings, then private crossings without paperwork.

Chair Dunning questioned how gates installed for recreational use will be managed. Mr. Casuga replied that they will be doing one more pass and capture every gate since the MRGCD is entering a period where we won't have private gates anymore. They'll all be the District's to maintain going forward. Mr. Hamman added that there aren't many control gates in Corrales currently.

MRGCD Irrigation Infrastructure Pilot Project

MRGCD Regular Board Meeting
May 10, 2021
3:00pm
Alandren Edantus, BHI

Overview/Project Goals

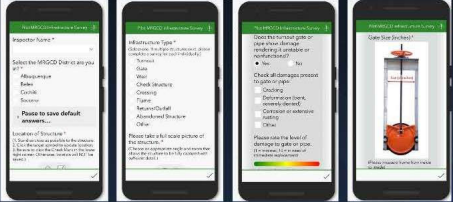
- Pilot project beginning with Corrales (ISO Zone A03)
- Develop a process for collecting infrastructure data
- Collect data
- Process Data
- Create database to manage infrastructure assets
- Expand to all ISO zones

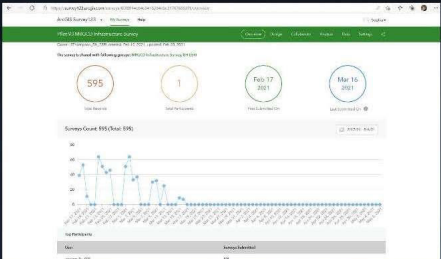










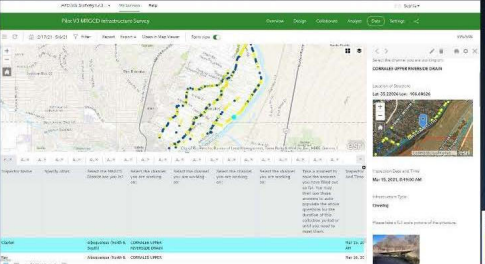
Survey123

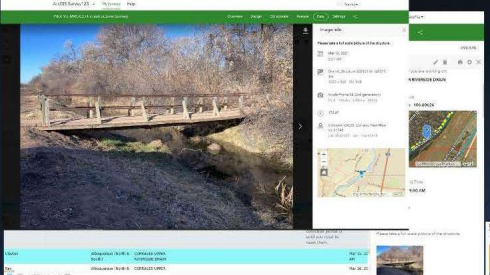















Weirs

- Red, Yellow, Green framework still in development
- 5 structures total
- 0 damaged





Bohannon & Huston

Flumes

- Red, Yellow, Green framework still in development
- 4 structures total
- 0 damaged





Bohannon & Huston

Gates

- Red, Yellow, Green framework still in development
- 2 structures total
- 0 damaged





Bohannon & Huston

Abandoned Structures

- Red, Yellow, Green framework still in development
- 21 structures total
- 9 in the flow path








Bohannon & Huston

Other


- 6 structures total

Bohannon & Huston

Next Steps


- Finish review of all points to accuracy of damage and damage related rankings
- Finalize Red, Yellow, Green ranking for all structure types
- Update training materials
- Expand to other ISO Zones
- Create plan for updating the database as infrastructure is updated



Bohannon & Huston

Results

- 593 points collected
- 359 Turnouts
- 114 Crossing Structures
- 63 Check Structures
- 19 Returns/Outfalls
- 5 Weirs
- 4 Flumes
- 2 Gates
- 21 Abandoned Structures
- 6 Other



Data Evaluation & Rating


- Review of data for each point collected
 - Use pictures verify data collected
- Red, Yellow, Green ranking system for condition
 - Customize to each type of infrastructure and what is important for that type
 - Example: Turnouts
 - Others are in development

Bohannon & Huston Bohannon & Huston

Turnouts


- 359 structures total
- 287 wood backed (80%)
- 126 obstructed (35%)
- 62 damaged (17%)

Green – concrete backing & not damaged
 Yellow – wood or damaged
 Red – wood & damaged



Crossing Structures

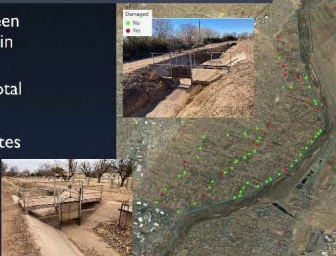
- Red, Yellow, Green framework still in development
- 114 structures total
- 95 culverts
- 9 structures with wood parts
- 38% of culverts obstructed
- 38% damaged (red)



Bohannon & Huston Bohannon & Huston

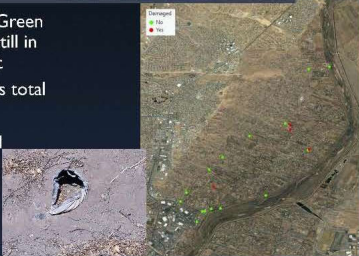
Checks

- Red, Yellow, Green framework still in development
- 63 structures total
- 13% damaged
- 6 with wood gates



Returns/Outfalls

- Red, Yellow, Green framework still in development
- 19 structures total
- 4 damaged
- 1 obstructed



Bohannon & Huston Bohannon & Huston

e. Report on the Six Middle Rio Grande Pueblo Coalition Meeting, April 16, 2021 - Mike Hamman, CE/CEO

Mike Hamman reported that the pueblos were very cooperative in the delay for one month, and they were very appreciative of the way that our staff focused on the startup. Most pueblo lands are at the headings of these facilities. Their farmers were not complaining at all because they were well informed by their own staff and by our communications. We were able to get their systems up and running in a very efficient way. There was some concerns about the P&P calculations and releases as we get into to the later season. The pueblos are still a little nervous about when the river dries, is there going to a major efficiency loss and delivery of the P&P water through the system. We reassured them that the upper end should have some

residual water in it for quite some time, but when you get down into the middle valley, below Angostura, we will be running everything in the drains to Isleta Diversion Dam in order for Isleta Pueblo to get their fair share. For the most part, they agreed that we are all in this together and that we will cooperate and work through it.

f. Report on the Annual Law of the Rio Grande Conference, April 22-23, 2021 - Mike Hamman, CE/CEO

Jason Casuga reported the biggest takeaways for him is what’s going on down south. The legal counsel from EBID chimed in during a presentation and asked what folks in northern New Mexico are doing about water and what the State Engineer's role in ensuring that we don't have debits to the Rio Grande Compact, and essentially the effects on the farmers. He discussed one other interesting piece was understanding reclaimed water, salinated water, the vast amounts of water that sits beneath New Mexico that are brine but untapped.

Vice Chair Baca added that he would have liked to attend the meeting in person, but maybe next year if possible. Director Russo Baca included handouts that she thought most pertinent to the MRGCD, i.e., “Prior Appropriation Along the Rio Grande in NM” and “Climate Change: Future Development”. She agreed with Vice Chair hoping to attend in-person next year.

Director Moore made the **MOTION TO APPROVE THE REPORT ON THE ANNUAL LAW OF THE RIO GRANDE CONFERENCE, APRIL 22-23, 2021.** Director Kelly seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

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

g. Report on the CESOSS Spring Acequia Meeting, April 28, 2021 - Mike Hamman, CE/CEO

Mike Hamman gave a brief presentation at the CESOSS Spring Acequia Meeting regarding the drought and impacts there might be in the middle valley. Mr. Hamman believes that there is a pretty good understanding that this irrigation season will be tight. A couple of the candidates for MRGCD Board made various statements at the meeting. Madam Chair Dunning listened in and was happy that there wasn't anger expressed considering the drought conditions. She stated there was concerns for protecting the water rights which she feels is an important issue for the acequias. Ending with elections matter and encouraged people to go vote.

Vice Chair Baca was in attendance and found it informative although he felt they changed their announcement as a candidate type forum. He stated that they both had their time to speak.

h. Report on Meeting Called by Representative Dow Regarding Elephant Butte Lake Level Concerns, May 7, 2021 - Mike Hamman, CE/CEO

Mr. Hamman reported that he and John Thompson, the MRGCD Lobbyist, were on two conference calls including the State Engineer, ISC, Pat Gordon from his last day as the Texas Commissioner from the Rio Grande Compact. His replace is a farmer of longstanding in that organization.

Also on the call were people with recreation interests: the Elephant Butte Lake marina owner, Neil Brown, and Representative Rebecca Dow. She represents the T or C area and is very concerned (as many people are) about the drop in the lake. Many people do not accept the fact that Elephant Butte recreational use is an incidental benefit to an irrigation only reservoir (true of all of our reservoirs in New Mexico). It's not guaranteed unless one purchases water and makes a minimum pool (which last occurred in the 1980s). No one has taken the initiative in the last 20 years, after the last drought that drained the lake down to almost zero, to do anything about it. Now they want somebody up here to do something about it. The only water that's available is San Juan-Chama water up in Heron/Abiquiu. Obviously, we just got the little pool of P&P water in El Vado. There's some 80,000-acre feet or less in Abiquiu. There are people suggesting a rebalance of the storage to send some water down to Elephant Butte. Nobody really understands that the water has been bought and paid for by all San Juan-Chama contractors that includes MRGCD as well as the Utility Authority and 16 other San Juan-Chama contractors.

Mr. Hamman went through a lengthy conversation about these issues with the folks from Elephant Butte and Rep. Dow. Mr. Hamman's message to everybody is MRGCD's number one priority is irrigation, meeting irrigation demands to the extent that we can, meeting our Compact deliveries, and also honoring our commitments under the Biological Opinion. We're not using water for specific recreational purposes. We're not required to make any additional deliveries other than what is required under the Compact for incidental recreation. He discussed how the farmers are undergoing hardship due to the dry winter and explained the rationale for the early turnoff and late startup to get ahead of the Compact debit status.

Mr. Hamman noted that we are asking for \$30-million federal dollars to jumpstart construction and outfall repairs so that we can efficiently deliver water down through the system when we have high-flow events and other purposes.

Director Kelly asked Mike Hamman if there was anything we could be doing now to enhance the chance of this \$30-million project coming to fruition? Mike Hamman responded that there are several things going on. Reclamation with the BO partners and the Bosque Del Apache, along with the regulatory arm of the Fish and Wildlife Service, who are engaged in a planning effort to identify what would be the ideal focus. We already know more or less what we would like to see, and we've submitted those as our recommendations, which is to get a really good outfall constructed (and everything that is associated to that). From the standpoint of getting the federal money, Mike Connor is working for MRGCD until he gets appointed as the next head of the Army Corps of Engineers (maybe in a couple of months). He is already working on a letter specific to the delegation to make the request. There are several western water infrastructure programs going on. MRGCD is going to get its items included in a western states infrastructure list.

We are going to be in a letter from the New Mexico Interstate Stream Commission that is going to have pointed requests for MRGCD and other basins that are struggling in the state of New Mexico. Mr. Hamman pointed the people down at Elephant Butte to get a hold of the ISC to see if there is anything specific that the Elephant Butte lake people would like to put in the budget request there.

We see quite a few hearings going on the House and the Senate side. Now is the time to get these request letters and lists into the process so that we can be highlighted in that process. There's some pressure already being applied by a couple of congressional delegates (Herrell and Lujan), weighing in to make a very specific request to Reclamation for that \$30-million for that lower reach activity.

Mr. Hamman added more specifics. There seems to be a lot of misunderstanding about how the system works. He speaks to many people to explain how it all works. He believes it was an eye-opener for Rep. Dow about how complicated and complex the system is and that everybody is suffering this year. He thinks that the big message is it's not only Elephant Butte, boat users and businesses down there; it's farmers and Silvery Minnows likely to suffer tremendously. A big point made was that all of this is hoisted on the back of only New Mexico.

AGENDA ITEM NO. 9 – REPORT(S) FROM THE MRGCD ATTORNEY(S) - Chief Water Counsel and/or General Counsel

a. Report Regarding the State Seeks Supreme Court Hearing on San Juan River Case - Dr. Charles DuMars

Chuck DuMars updated the Board on a hearing in the Court of the Appeals. The personnel and the Court who took the case decided they would grant a Petition for Certiorari. Dr. DuMars is hoping they grant a rehearing, and he does not feel anything significant will occur. He discussed the article titled “NM may lose ownership of its water rights...State seeks Supreme Court hearing on San Juan River case and federal control” in the Albuquerque Journal published on April 24, 2021, although he stated he doesn't like to try a case in the media.

AGENDA ITEM NO. 10 – REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

a. Report on the MRCOG Executive Meetings, March 19 and April 16, 2021 - Director Baca

Due to Director Baca not being in attendance of today's meeting, Madam Chair Dunning will ask that this report be sent in writing, and it will then be forwarded to the Board. Approval of the report can then happen at the June Board Meeting.

b. Report on the Conservancy Advisory Meeting, April 15, 2021 - Director Moore

Casey Ish updated the Board on the environmental water leasing program regarding the full season leasing program which increased to over 570 acres in total and the partial season leasing program is still open through May 21 which stands at 165 acres. MRGCD and Reclamation have put together an accounting scheme and documentation he felt will be a good way to track how MRGCD delivers water to the outfalls. Mr. Ish continued with updates on the infrastructure projects that are funded through the NFWF grant.

He said they also discussed the on-farm program, which is the next step after we complete the irrigation delivery projects. Irrigation delivery projects are designed to provide inflow and outflow data. By knowing what's going in and what's going out, they will begin to isolate fields and farms that are outside the irrigation policy. This is an on-farm program and is an attempt at contacting and providing financial and technical resources for farmers that are outside of our irrigation policy. They have come up with a project description document that will, hopefully make its way to the Board soon. They are also closing in on the final RCPP grant proposal, or a NRCS grant which he's hoping to get a final draft to the Board for review soon as well.

c. Announcement for an Upcoming Virtual Conference: Women in Agriculture Leadership Conference, May 25-26, 2021

Director Moore stated she would like to attend, and Director Russo Baca has already registered for the virtual conference.

Mike Hamman reminded the Board about the San Ysidro Day (blessing of the water ceremony) on Saturday, May 15, 2021, at 10 a.m. at Sanchez Farm. Arcie Chapa will be filming to help supplement the acequia/MRGCD documentary project that the MRGCD helped fund.

AGENDA ITEM NO. 11 – EXECUTIVE SESSION

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

1. Threatened or Pending Litigation

Madam Chair Duning requested a motion to move into Executive Session.

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

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

Madam Chair Dunning adjourned the meeting at 5:42pm.

Madam Chair Dunning reconvened the meeting at 6:06pm in which she requested a motion to move back into the regular Board meeting.

Director Moore made the **MOTION TO RETURN TO REGULAR SESSION.** Vice Chair Baca seconded the motion. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

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

During Executive Session, updates were given on threatened or pending litigation. No decisions were made, nor any votes taken during Executive Session.

With no further comments, questions or concerns, Madam Chair Duning adjourned the meeting at 6:08 p.m.

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

ATTESTED:

Pamela Fanelli, CMA, CGFM
Secretary/Treasurer

Karen Dunning, Madam Chair
MRGCD Board of Directors