

**MINUTES OF THE  
THREE THOUSAND FOURTEENTH REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT  
SEPTEMBER 11, 2017**

Directors having been duly notified, Chairman Kelly called the regular meeting to order at 3:01 pm at the MRGCD General Office. The following Directors and Staff were present:

**DIRECTORS:**

John P. Kelly	Chair	
Glen Duggins	Vice-Chair	
Joaquín Baca	Director	
Karen Dunning	Director	
Derrick J. Lente	Director	Absent
Beverly Romero	Director	
Valerie Moore	Director	

**STAFF:**

Mike A. Hamman	Chief Engineer/CEO
Chuck DuMars	Chief Water Counsel
Lorna Wiggins	General Legal Counsel
David M. Fergeson	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
David Gensler	Water Operations Manager
Ray Gomez	Engineer Supervisor
Sarah Avallone	Assessment/Collection Officer
Estella Gamboa	Assessment/Collection Clerk II
Doug Strech	GIS Supervisor
Yasmeen Najmi	Planner/RRA
Alicia Lopez	Engineer 1
Adrienne Martinez	Engineer 1
Becky Burnham	Budget Analyst
Joe Brem	Albuquerque Division Manager
Rick Altenberg	GIS/Mapping Technician
Rebecca Thompson	Assessment/Collection Clerk I

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

Jeff Willis, AMAFCA	John Thompson, MRGCD Lobbyist
Michael T. Sandoval, Pueblo of San Felipe	Pat McCraw
John Fleck, UNM	Amy Jones, UNM
Heather Byrne, UNM	Nabil Shaych, UNM
Emily Wolf, UNM	Louis Vottero, UNM
Viola Sanchez, BIA	

**AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE**

Chairman Kelly asked Mike Hamman to lead the Pledge of Allegiance.

Chairman Kelly took a moment of silence to reflect on 9/11, 16 years ago, and those affected by Hurricanes Harvey and Irma and also Montana battling wildfires.

Chairman Kelly welcomed the guests and declared a quorum.

**AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA**

Chairman Kelly called for approval of the Agenda.

Mike Hamman advised the Chairman that Jennifer Faler, BOR would not be in attendance, and Chairman Kelly added that Ms. Faler did sent a brief update on the SJ-C Diversions and Reclamation's Safety of Dams and requested it be read into the record.

Director Dunning made the **MOTION TO APPROVE THE AGENDA**. Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

**AGENDA ITEM NO. 3 – APPROVAL OF MRGCD PAYMENT RATIFICATION & ATTORNEY INVOICES**

- a. Consideration / Approval of Payment Ratification – September 11, 2017

Chairman Kelly called for approval of the September 11, 2017 Payment Ratification.

Chairman complimented that the detail and format of the ratification report was easier to read. The following questions were asked and responses and clarification were provided in detail.

1. Director Baca – Inquired about the Gopher Program and how effective is it.
2. Director Romero – Inquired about the Retiree Health Care Program
3. Chairman Kelly – Referenced Holman's Precision Training, and advised that MRGCD do not assume the role as Professional Engineers and Surveyors and utilize the District's On-Call Engineers and Surveyors.
4. Director Dunning – Inquired if the District has a surveyor on staff.

Director Moore made the **MOTION TO APPROVE THE PAYMENT RATIFICATION OF SEPTEMBER 11, 2017 AS PRESENTED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

- b. Consideration / Approval of August 2017 Invoice of Wiggins, Williams and Wiggins

Chairman Kelly called for approval of the August 2017 invoice for Wiggins, Williams and Wiggins.

Director Dunning made the **MOTION TO APPROVE THE AUGUST 2017 INVOICE FOR WIGGINS, WILLIAMS AND WIGGINS** Director Baca seconded the motion. The **MOTION CARRIED** unanimously.

- c. Consideration / Approval of August 2017 Invoice for Law and Resource Planning Associates

Chairman Kelly called for approval of the August 2017 invoice for Law and Resource Planning Associates.

Director Moore made the **MOTION TO APPROVE THE AUGUST 2017 INVOICE FOR LAW AND RESOURCE PLANNING ASSOCIATES**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

**AGENDA ITEM NO. 4 – APPROVAL OF THE MRGCD MEETING MINUTES**

- a. Consideration / Approval of Minutes for Regular Board Meeting – August 28, 2017

Chairman Kelly called for approval of the minutes for the Regular Board Meeting August 28, 2017.

Director Dunning inquired about the Montano Gap Levee Project with the alignment by the Flood Control Authority and asked are the Cottonwoods still going to be removed, is this one of the alternatives. Mr. Hamman responded that there are two different alignments, one will impact more trees than the other, but hoping to work with AMAFCA and COA to minimize the footprint, but some will be impacted.

Director Baca made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING AUGUST 28, 2017**. Director Duggins seconded the motion. The **MOTION CARRIED**. Director Dunning abstained.

**AGENDA ITEM NO. 5 – CONVENE BOARD OF EQUALIZATION**

## a. Reclassification Hearing – Sarah Avallone, MRGCD Assessment Officer

Chairman called for a motion to convene the Board of Equalization. Director Dunning made the **MOTION TO CONVENE THE BOARD OF EQUALIZATION**. Director Moore seconded the motion. The **MOTION CARRIED** unanimously.

Chairman Kelly introduced Ms. Sarah Avallone, Assessment Officer.

Ms. Avallone presented the 2017 Water Service Charge Reclassification Hearing, there were several protests submitted for all counties, Sandoval, Bernalillo, Valencia and Socorro, and this process may grant an exemption. This process is required in compliance of the NMSA 73-18-8.1. The process is lengthy, and prior to the protest hearing staff will investigate and conduct field inspections prior to making any determinations and recommendations. Those protests that are denied, those property owners have the opportunity to attend the hearing and presented their concerns regarding their protest being denied.

Chairman Kelly asked if there were any property owners in the audience present to protest their Water Service Charge Re-classification. Chairman Kelly stated for the record that there are no constituents present to protest.

Director Baca stated that there were several that filed for the exemption does the MRGCD advise them that they are losing their water right, and does the District offer them opportunities to put it in a Water Bank or anything else..

Dr. DuMars stated there is no connection between the assessments and giving up their water right. That's a misconception that if you do not pay the assessment, you lose your MRGCD water rights. If it's an MRGCD right, it's under 0620 or 1690 permits in the Conservancy Code. It is not capable of being abandoned.

Mr. Hamman commented that if it is classified irrigable it doesn't lose its assessment status. It also applies to irrigable with ground water, because there are some cases when people have transferred pre-1907 water rights into wells. If they sever their Pre-1907 water right that eliminates the requirement of paying the Water Service Charge they would then have to enroll in the Water Bank to bring water back on to the property and pay the lease fee and the water service charge.

There are a lot of nuisances to this process and Ms. Avallone does an excellent job of keeping it straight on all the different kind of contracts. There are also Water Service Contracts in this packet which amount to approximately 330 acres being brought in that were not paying WSCs in the past.

Director Moore asked how many acres are being taken out. Ms. Avallone responded that there are 200 acres taken out this year, and the new Water Service Contract acreage came in at about 330 acres.

Director Dunning asked if this is related to Green Belt. Ms. Avallone indicated yes it is related to the Green Belt and if a property owner asked for the exemption the counties are provided the final report and they make sure that the Green Belt status is reviewed and addressed.

Director Romero made the **MOTION TO APPROVE THE SUMMARY OF PROTEST FINDINGS & CONTRACTS AS DISCUSSED**. Director Moore seconded the motion. The **MOTION CARRIED** unanimously.

**AGENDA ITEM NO. 6 – RECONVENE REGULAR BOARD MEETING**

Chairman Kelly called for a motion to adjourn the Board of Equalization and Reconvene into the Regular Board Meeting.

Director Dunning made the **MOTION TO ADJOURN THE BOARD OF EQUALIZATION AND RECONVENE THE REGULAR BOARD MEETING**. Director Baca seconded the motion. The **MOTION CARRIED** unanimously.

#### **AGENDA ITEM NO. 7 – ITEMS FROM THE FLOOR**

Ms. Pat McCraw advised the Board that she has filed a complaint with the Attorney General, with violation of the Open Meetings Act. The purpose she stated for her complaint is to ask for an accurate and complete minutes, liked the discussion of using a court reporter that was brought up a couple meetings ago. Ms. McCraw stated that most government entities don't have any trouble with court reporters stopping the meeting, unless that reporter is a ten-year-old daughter of someone.

Ms. McCraw mentioned that the audio on the tape was difficult to hear and sometimes incomplete. Three or four months you said people can hear the complete minutes on the audio, what is correct.

She also discussed a situation a few years back with prior Board Members and there was a road acequia that controlled an MRGCD ditch. That Acequia sent out convicted felons to a private property with the sole purpose to traipse all over the property to determine whether or not the property could receive water. Two people were prevented from getting water to their property. The issue was brought to the Board and the Board took back its very own ditch. After the meeting Ms. McCraw stated that Jerry Ortiz y Pino's brother attempted to physically assault her, but she quickly stepped aside and he pushed another lady against the reception desk. She is telling about this situation because the Board needs to know that constituents give a lot to come to the Board meetings. Ms. McCraw continued and commented on the Open Meetings Act Resolution and she indicated that legal counsel said the Board put the Resolution on the agenda. Ms. McCraw said it was a false and incorrect statement, and stated she wants to see that we have accurate, correct, and complete minutes.

Chairman Kelly responded the Board strives to do their best to have accurate and concise board meeting minutes, and Ms. McCraw has watched the District very carefully over the years and has seen the extremes that the meeting minutes have gone through.

Ms. McCraw stated the last 14 years were really good.

#### **AGENDA ITEM NO. 8 – REPORT(S) FROM THE U.S. DEPARTMENT OF THE INTERIOR**

- a. Reports from the US Department of Interior – Jennifer Faler (NOT PRESENT)

Mr. Hamman read to the Board the following update that Ms. Faler provided in an email.

- San Juan Chama diversions were the second largest on record (since 1970) and to thank the District for its cooperation in working with Reclamation's Safety of Dams program and process in light of the development earlier this year. Those developments had to do with the amounts of storage in El Vado , and the District made arrangements to move 30,000 acre feet of SJ-C with the Albuquerque/Bernalillo County Water Utility Authority down to Abiquiu in order to minimize the amount of hydraulic head on the steel plate dam to minimize concerns of increased seepage, etc.
- BOR will start working with the District to plan a public meeting relative to the El Vado Safety of Dams Project.

Mr. Hamman stated there will be final set of recommendations that will be coming to the Board first and then to a public meeting to discuss.

Following is the BoR Water Report 09-11-17

1. Heron Summary

Content = 168,731 ac-ft (9/7)  
 Azotea tunnel: 5-10 cfs  
 Total SJC inflow year-to-date: 157,749 a.f.  
 Currently releasing 500 cfs  
 Current MRGCD storage: 24,176 ac-ft

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 9/7:  
135,105 ac-ft.
  - B. Native in El Vado  
98,912 ac-ft.
  - C. MRGCD's SJ-C storage in El Vado  
25 ac-ft.
  - D. P & P: 13,998 ac-ft
  - E. EDWA: 0 ac-ft
  - F. All other SJ-C contractors: 22,170 ac-ft
- Current release is 700 cfs    RG Inflow is 50-100 cfs

3. Storage in Abiquiu

Content = 141,168 ac-ft (9/7)  
 MRGCD's SJ-C storage= 29,955 ac-ft

Total water released for minnow to date in 2017: 10,512 ac-ft

**Snowpack Data:**

All SNOTEL sites melted out

b. Reports from BIA Designated Engineer, Viola Sanchez

Ms. Sanchez provided a graph for release from the Prior and Paramount water storage in El Vado, and discussed the graphs and what the different colored lines represent in depth. The red and light brown lines in the graph applies in a dry year when no tributaries are running, and the dark brown and light lines have not crossed therefore no release required from El Vado. Ms. Sanchez also discussed that the modification for the District's signature on September 7<sup>th</sup>, and after it has received the signed modification they will process payment with 2-3 after receipt of the signed modification.

Chairman Kelly asked how are the annual work plans and the pueblo by pueblo inspections going. Ms. Sanchez responded they are on-going, and is sending out updated spreadsheets and the first rounds of meetings have been conducted with every pueblo except Cochiti. Has divided the work plans into sections, this will show a true picture of what stage of the work plans.

- Previous Year Status
- Planning; projects that are long-term
- Maintenance
- Current Year Projects

Director Moore asked what is the Otowi Gage, Ms. Sanchez responded it's a river gaging station run by the USGS and it is a very important gage for purposes of the Rio Grande Compact, and because of the location we count that as the inflow into the Middle Valley.

**AGENDA ITEM NO. 9 – REPORT(S) FROM THE CHIEF ENGINEER - (Mike Hamman, MRGCD CEO/CE)**

Mr. Hamman introduced a new staff member to the District Adrienne Martinez, and stated that the District was fortunate to steal her away from UNM. Also recognized Michael T. Sandoval, former Governor of San Felipe Pueblo, back at work after recovering from a quadruple bypass surgery, nice to have him back.

Chairman Kelly wanted to note that Ms. Martinez worked at the Hydraulic Laboratory at UNM and also has her Masters in Civil Engineering in Hydraulics and Hydrology, but things are going to be a lot different than in the laboratory. Also "Governor Sandoval welcome back".

a. Water Report – David Gensler, MRGCD Water Operations Manager

Mr. Gensler stated that the District ran short of water last week, and over the past weekend in Belen and Socorro. Before Labor Day we couldn't give water away, there was very little demand and we were spilling back to the river and onto Bosque Del Apache Refuge. We kept reducing our storage releases and we still had too much water. Then the afternoon/evening shower stopped, and temperatures warmed up a lot over the Labor Day weekend. People started ordering water again, we increased our release from storage on Tuesday after Labor Day from Cochiti, but started at El Vado 2 days earlier, but we played catch-up all last week. Socorro had seen plentiful return flow from Belen, but those return flows essentially disappeared. Flows in Socorro main dropped, and by today flows in the Socorro Main were again back up around 150 cfs. Director Moore called with concerns. Thanks due to Belen Division helping shepherd that water down.

The Natural river flows have dropped, a lot and temperatures have risen, and there isn't much water making it to the MRG naturally, at least not without reservoir releases. In regards to hydrologic reality, Mr. Hamman and Mr. Gensler talked a lot about this, and it was the centerpiece of the information the District provided to the BA/BO consultation. Virtually every year there is some period of time during the summer or early fall when large portions of the Rio Grande will go dry. Now is that time. If it were not for the water management that occurs in the MRG, the inflow to the valley would be about 125 cfs today. In a year such as this, with a really strong snowpack and runoff relatively cool summer temperatures and some summer rains most of the Rio Grande would be dry. Reclamation is releasing water specifically for the minnow at points south of Albuquerque, ABCWUA is releasing water for delivery to Albuquerque, and the District is releasing water for delivery to irrigators throughout, all the way to Socorro County. The 925 cfs entering the valley, 660 cfs is coming from the District storage at El Vado, released to ensure something around 500 cfs arrives at Isleta Dam. Along the way the District water releases cover most of the incidental losses: evaporation, riparian consumption, and seepage loss, allowing Reclamations minnow water and ABCWUA's release to arrive where intended.

Mr. Gensler stated again as in previous meeting the expected Rio Grande Compact (RGC) shortfall for 2017. According to Mabil Shafike we should expect to owe Texas 83,000 ac. ft. at the end of the year. The good news is we have water to work with. We should have about 95,000 ac. ft. of Rio Grande still up at El Vado. The Prior and Paramount insurance policy, and ABCWUA offsets should erase about 25,000 of the shortfall. We also have to consider Article 8 water currently locked up in El Vado. If reading Article 8 correctly there may be no benefit to paying off our debt, and we might as well leave 20,200 debt since that much would be locked up again next year. 83,000 ac ft. minus 45,000, we should be expecting to send 38,000-40,000

down from El Vado at the end of the year to the RGC, which would leave approximately 50,000 ac. ft. for the remainder of 2017.

Chairman Kelly asked what is trigger date for the release. Mr. Gensler responded early November. The chairman commented it would be an opportunity for the farmers to make use of that water now in the warm months of September and October if we begin releasing it now. Mr. Gensler stated it is in the best interest of the District to keep that water upstream as long as possible. If we were to move it during this relatively hot time we are going to incur a lot of evaporative loss. So the longer we delay the release the better.

Chairman Kelly asked if the District had a spot to park 1,000 acre feet of water somewhere in the system that may help in those times of temporary water shortage down in Valencia County. Mr. Gensler in this case two-thirds of the way through at the Belen Division, for example would be a good spot, two-thirds of the way between Isleta and San Acacia and park 500 to 1,000 ac. ft. would make a big difference.

The Chairman asked are there any opportunities with our federal partners for a track of land where we could do this. Storage in the system that is off-line from Cochiti would be a good thing we should investigate. Mr. Gensler said there are a couple of places that would probably work well for that on private land and public land.

Mr. Hamman said that could be a summary statement for our next Water Smart Grant Application.

Director Duggins stated to Mr. Gensler when the ditches went dry and he received a lot of phone calls, and he continued with critical criticism to Mr. Gensler regarding the shortage of water in Socorro Division. In summary Director Duggins said that any shortage of water hurts a farmer a lot. A farmer has a banker breathing over the farmer, farming is very expensive, and don't think a farmer can't lose \$100 grand in a weeks' time. There are only a few farmers left. Several people wanted water, and it's disturbing to understand that the water is being dumped out on the south end while we have people wanting it, and it is your job to keep that water on.

Mr. Gensler thanked Director Duggins, and said he will remember that.

Chairman Kelly asked to move on to Item 9b. Dr. DuMars asked if he could briefly discuss a Memorandum Opinion that was placed on the dais. Judge Robert Brack ruled in this case that Wild Earth Guardians will be precluded from adding 4,300 more pages to the record after their record had closed. Under the Administrative Procedure Act, when the record is put together, it includes all the relevant documentation. Once the record was lodged, then the Wild Earth Guardians wanted to add 4,300 more pages. One of Dr. DuMars concerns they would try to re-litigate the issue of title and control of the District, and they offered up 100 pages about the history of the District and title in these documents, and Judge Brack said that none of them would be admitted under any exception.

- b. Rio Grande Silvery Minnow Population Monitoring Results for July 2017 – Yasmeen Najmi and David Gensler

Ms. Najmi provided the board with a Rio Grande Silvery Minnow Population Monitoring Results for July 2017. This is a Middle Rio Grande Endangered Species Collaborative Program Funded Research Project.

9b

RIO GRANDE SILVERY MINNOW POPULATION MONITORING RESULTS FROM JULY 2017

A MIDDLE RIO GRANDE ENDANGERED SPECIES COLLABORATIVE PROGRAM FUNDED RESEARCH PROJECT

Contract R17PC00028:  
Requisition 0040306655  
U.S. Bureau of Reclamation  
Albuquerque Area Office  
555 Broadway NE, Suite 100  
Albuquerque, NM 87102-2352

submitted to:

U.S. Bureau of Reclamation  
Albuquerque Area Office  
555 Broadway NE, Suite 100  
Albuquerque, NM 87102-2352

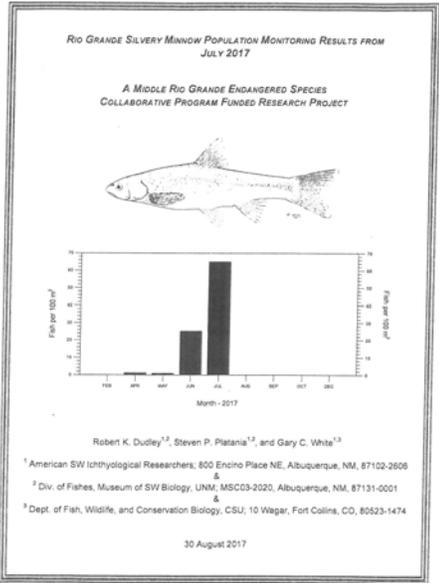
Robert K. Dudley<sup>1,2</sup>, Steven P. Platania<sup>1,2</sup>, and Gary C. White<sup>1,3</sup>

<sup>1</sup> American SW Ichthyological Researchers, 800 Encino Place NE, Albuquerque, NM, 87102-2606 &

<sup>2</sup> Div. of Fishes, Museum of SW Biology, UNM, MSC03-2020, Albuquerque, NM, 87131-0001 &

<sup>3</sup> Dept. of Fish, Wildlife, and Conservation Biology, CSU, 10 Wagar, Fort Collins, CO, 80523-1474

30 August 2017



Rio Grande Silvery Minnow population monitoring during 2017  
American Southwest Ichthyological Researchers, L.L.C. Month: July  
30 August 2017

SUMMARY OF JULY 2017 POPULATION MONITORING

The July population monitoring efforts were conducted at 20 sites throughout the Middle Rio Grande. Five sites were located in the Angostura Reach, six sites in the Isleta Reach, and nine sites in the San Acacia Reach. A list of collection localities is appended (Table A). Adult and juvenile fish were obtained by rapidly drawing a 3.1 m x 1.8 m small mesh (3/16<sup>th</sup> inch) seine through discrete mesohabitats. Larval fish were also collected with a 1.0 m x 1.0 m fine mesh (1/16<sup>th</sup> inch) seine in all seasons except winter. All fishes were identified to species and enumerated. We used length-age relationships to assign ages (i.e., age-0, age-1, and age-2+) to all Rio Grande Silvery Minnow collected. Age-0 individuals are, however, only present after annual spring spawning occurs (ca. April-June). Figures illustrating fish densities (i.e., fish per 100 m<sup>2</sup>) were prepared for the ten focal species to facilitate comparisons across reaches.

During July, sampling covered 10,824.3 m<sup>2</sup> (surface area) of water and yielded 10,876 fish. Cumulative fish density during July was 102.37 individuals/100 m<sup>2</sup> sampled. The three most common species were Rio Grande Silvery Minnow (n = 6,920), Red Shiner (n = 2,388), and Western Mosquitofish (n = 650). The 20 sampling sites yielded a total of 18 fish species. Rio Grande Silvery Minnow was present in 247 of the 344 seine hauls that yielded fish. We collected Rio Grande Silvery Minnow at 20 of the 20 sampling sites, and its overall density was 65.13 (n = 6,920) individuals/100 m<sup>2</sup> sampled. Densities of unmarked and marked individuals were 65.13 (n = 6,920) and 0.00 (n = 0) individuals/100 m<sup>2</sup> sampled, respectively. Densities of age-0, age-1, and age-2+ individuals were 63.61 (n = 6,758), 1.47 (n = 156), and 0.06 (n = 6) individuals/100 m<sup>2</sup> sampled, respectively.

Rio Grande Silvery Minnow that were stocked during autumn 2016 (ca. 66,000; Thomas P. Archdeacon, New Mexico Fish and Wildlife Conservation Office, pers. comm.) were present at low densities during the spring of 2017. Overwinter mortality of Rio Grande Silvery Minnow apparently resulted in substantial losses of individuals (both unmarked and marked). However, the abundance of Rio Grande Silvery Minnow in July 2017 was substantially higher than it was in July 2016. Ensuring reasonable summer flows will be crucial for the successful survival of Rio Grande Silvery Minnow during 2017.

Ms. Najmi said good news was we had a lot higher spring flows with multiple peaks between April and July, much longer duration of higher flows than we have seen in previous years. Silvery Minnow spawning is cued to a magnitude increase in flows and water temperatures between about 64 and 75 degrees Fahrenheit, which typically occur in spring. In effort to respond to recommendations from peer review there were additional ten monitoring sites added to the existing 20 in the Middle Rio Grande as of October last year. The July 2017 monitoring showed

Silvery Minnow were the most abundant fish captured in all of the reaches of the Rio Grande within the MRGCD. The highest densities were in the San Acacia reach, followed by Isleta and then lower numbers in Angostura. In July 2016 the densities of age zero fish were less than half this number.

Over the past two decades, the MRGCD has worked steadily with partners and with the Collaborative Program to implement conservation measures, and with the new BO we are going to continue to do so by working to construct fish passage at Isleta and San Acacia Dams with the next five to six years. We are continuing to work with the Bureau on conservation storage and timing of spring releases, along with working with our partners on additional habitat restoration up and down the river.

Director Dunning asked when they refer to marked and unmarked fish. I understood the fish they are finding come out of the hatchery instead of being naturally propagated. Does the Fish and Wildlife tell which fish come out of the hatchery.

Mr. Hamman responded all marked fish are from the hatchery, all marked fish are propagated outside the river and breeding facilities then added to the river in the fall typically. It is a small victory in the monitoring world that in general we were able to get the ten additional sites added into the equation. We are also hoping that through the collaborative program and adaptive management process that the monitoring program will begin to be designed specific to answering specific management questions that has been needed for advancing the science.

- c. "Draft" MRGCD Memorial to present to NM Legislative Water & Natural Resources Committee – Mike Hamman, MRGCD CEO

Chairman Kelly stated at the last meeting there was discussion about putting together a memorial extolling the virtues of the Middle Rio Grande agriculture and presenting that at the Water and Natural Resources Committee Meeting in Socorro. The Legislative Committee met and per the advice from our senior advisors, staff and Mr. Thompson, MRGCD Lobbyist, we have determined we would prepare and include the same facts and figures in a testimony that's given to the committee. Dr. DuMars has prepared a summary of our testimony that we will read into the record at that Natural and Resources Committee meeting. We will also be looking to sponsor a reception after the presentation to the Water and Natural resources Committee, and Mr. Thompson is going to take care of that. The date has not been determined for our presentation and MRGCD staff will update the Board. The draft testimony will be presented to the Board at the next board meeting.

- d. Grant Agreement (MOA) with the Nature Conservancy – Mike Hamman, MRGCD CEO

Mr. Chairman the Board was provided in their board packet a Memorandum of Agreement with The Nature Conservancy that outlines the method and process that we will use to send funds to the Nature Conservancy that we have set aside for watershed improvement activities that they are doing, that will help leverage lots of other funds that they have available to them to do that work. We will provide the funding payments into two installments, one in October and one in March. Progress reports and an annual report will be provided at the end of each work season along with a final report. This is for a four year term agreement in case we decide to continue the program going into the future, but we can terminate at any time.

Chairman Kelly stated there is \$50,000 designated for these types of improvements that are spelled out in Exhibit A, and we are not able to match what the Water Utility Authority is doing with a million dollars over a five year period, but I certainly support setting this up to where we would decide to budget this we have a vehicle to do it.

Director Moore; the Nature Conservancy is a nonprofit agency it makes millions and millions of dollars a year with donations that come into the Nature Conservancy. As being unknown of the

legalities, is the Nature Conservancy going to be binding and will they come back to the District with anything, i.e. if there was a shortage of water or similar circumstance will they come back to the District?. Ms. Moore indicated she is concerned with this private entity because she has had some experience with the Nature Conservancy.

Ms. Wiggins stated there is a termination for convenience provision, if either party start to predict that there might be a problem; it is a 30-day notice provision.

Director Baca asked is there a reason why they are the group we are using, I assume they are the fiscal agent, there isn't a local group that also would do this?

Mr. Hamman, the Nature Conservancy utilizes different avenues to get the work done and the way it is set up with all of the funds being leveraged, there is federal dollars involved and state dollars. The overhead percentage on this amount of funding is *de minimus* relative to the rest of the funding involved. There is really no overhead budget necessarily that has been outlined in this project. We have been given assurances that 99% percent of it is going on the ground and directly utilized for watershed improvement projects.

Legal Counsel has advised me that this is not on the agenda for approval and recommend we postpone until the September 25<sup>th</sup> Board meeting where it will be properly noticed for action.

- e. Report on Representative Lujan-Grisham Farm Bill Listening Session, August 29, 2017 – Mike Hamman, MRGCD CEO

Mr. Hamman discussed the letter of invitation from Representative Lujan-Grisham. There was a small group of 15 persons that were invited to represent conservation groups, land owner groups, ranching and farming groups, state land management, Agricultural Land Trust and Mr. Hamman for the irrigation districts in New Mexico. The purpose of the meeting was to provide direct feedback to a staff member that was organizing a list of important issues that the representative would take and use in the deliberations and hearings for the new Farm Bill. There was a lot of discussion, interest and support for the program, but there were a lot of suggestions how to modify to make it more effective for on the ground. Xavier Montoya, State Conservationist was representing Natural Resources Conservation Service (NRCS). We had a really good discussion about in-depth engagement between the local NRCS and MRGCD, as they design individual projects for farmers but have previously failed to coordinate with the District. Mr. Montoya also advised the committee there is a program where they can pool a number of farmers that might be in a particular area where we can leverage our investments into the system adding their investments in on-farm project to maybe make a whole area of our District more efficient to meet the goals of those farm delivery requirements.. It was very encouraging to have both the open meeting and then a sidebar conversation with Mr. Montoya, and I plan to be more engaged with NRCS. A lot of discussion about how do we bring in and keep farms viable, and keep dairy operations viable in this farm economy environment.

There was a big focus to streamline the process and do a little more outreach to get younger farmers involved and to educate them how they can leverage NRCS options into getting new starts, which is a growing need in the Middle Valley.

- f. Report on the MRGCD Pueblo Coalition Meeting, September 7, 2017 – Mike Hamman, MRGCD CEO

The MRGCD Pueblo Coalition Meeting was well attended, the MRGCD was on the agenda first and talked about the annual work plan in process and the concerns Ms. Sanchez discussed earlier. There needs to be a conservative effort to try to get more global planning on all our work, not only the pueblo work, but all of the work, so that we can prioritize and make sure that we are meeting the needs of the entire system. Mr. Hamman stated he has been harping on this matter with all of the pueblos and our Division Managers since becoming CEO of the MRGCD. So that is

moving in a good direction, we have key staff of all the pueblos working closely with us. We have Mr. Casuga from the District taking the lead on the work plan development.

The other discussion were about water operations and that window of opportunity to deliver water down to Elephant Butte, both the P&P and the water that we will have to release from El Vado in that window between November 1 and shut the gates at El Vado somewhere around December 22<sup>nd</sup>. There was a request from Reclamation to start the delivery on November 1<sup>st</sup>, even though some of the irrigation will linger on beyond November 1 with the pueblos as late as November 15.

g. Report on Isleta Dam Settlement Principals' Meeting, September 7, 2017 – Mike Hamman, MRGCD CEO

Mr Hamman stated in the Board packet there was an agenda of what was discussed with the principals, mainly Mr. Hamman, MRGCD as principal member, Governor Benavidez representing the Pueblo of Isleta, and Jennifer Faler representing Reclamation. This is a three-party Agreement, it involves BIA and the Department of Interior, and the Department of Justice will review the final documents. There was a settlement entered into, and had listed primary components to it.

1. Removal of legacy sedimentation that has accumulated on the reservation along several canals and laterals, and right at the heading areas where they have religious ceremonies. This has become an impediment over the years to negotiating the terrain to get down to the religious sites along the river or their ceremonial sites there at Isleta.

2. The lease of the site itself, the 17-acre site. It used to be 80 acres, but it now has been reduced down to 17 acres of land that have been designated for operation and maintenance of the dam. There was an agreement on that, and that was settled for \$5-million dollar payment by the United States that covered that the gap between 1986 and now as well as for the next 50 years with a renewal for an additional 50 years.

3. \$10M for improvements to the dam itself for both sediment transport through the dam, fish passage through the dam, and also another \$4 million dollars set aside for habitat improvement by the United States.

So, all in all, the District has put on the table \$2.5 million dollars over a five-year period to make improvements to the dam for the sediment management issues, as well as provide physical labor or contract labor and equipment to remove the legacy sediment.

The balance of the legacy sediment is somewhere round 80,000 yards that is now the MRGCD responsibility to complete that obligation in the next four and half years or so. The new two 20-yard dump trucks will be key components of that commitment. We may also be looking at a larger front-end loader to put in FY19 budget.

There are still discussion on clarifying MRGCD and BOR contribution activities. A lot of the discussion if we do work on the heading does that count. The agreement allows for us to do work on the heading and get reimbursed and equipment use, but not labor. So we are having discussion about that. We are thinking to do a little of bit of that work and hopefully they will be allowing us to claim that as part of our \$2.5 million contribution.

Director Dunning said there was on the agenda about the dam tender position, and that has been a real sore spot in the past.

Mr. Hamman responded the District made a commitment to authorize a new position in the Belen Division to seek to hire a tribal member that's a qualified member to become an ISO and future Dam Tender under training, but we were making it very clear that this is going to be an MRGCD employee. We will be meeting the Pueblo's HR staff to see how to advertise internal to their process to see if we can identify some candidates that we would interview under our normal HR procedures.

Discussion continued on the percentage of sediment, disposal site and the amount of truck loads it will take.

- h. Report on District Urban Issues and Legislative Committee Meetings, September 11, 2017 – Mike Hamman, MRGCD CEO (Please refer to agenda Item 10)
- i. Renaming Ceremony for Paseo Del Bosque Trail by City of Albuquerque, October 7, 2017 – Mike Hamman, MRGCD CEO

Mr. Hamman received a call from Barbara Taylor, who is the head of the Parks and Recreation Open Space Division of the City of Albuquerque and wanted to make sure that The District was aware that the Mayor and Dale Decker have been promoting the concept of renaming a stretch of the Paseo del Bosque Trail from central to Alameda in honor of longstanding Chair of the Open Space and Parks Advisory Commission, Mr. John Myers. Mr. Myers sadly has Parkinson's Disease, and he is and has been an avid biker for most of his career, and has biked to and from his residence to his office that very stretch of the trail for many years. So instead of waiting for a memorial situation, they thought it would be fitting to do it while Mr. Myers is still with us. They are planning to do this Re-naming Ceremony on October 7, 2017 at 11:00 a.m. at the Central end of the trail. I will update the board as soon as the planning is complete.

Chairman Kelly advised the Board this a Trail that was funded, designed, and built by the City of Albuquerque with funds they obtained, and is under the license agreement as part of the Rio Grande Valley State Park.

- j. Rio Grande/Rio Bravo Binational Forum El Paso, Texas November 7-8, 2017 – Mike Hamman, MRGCD CEO

There is an extensive handout in the board packet, discusses this long term plan. There will be a panel participating that will represent the Upper Rio Grande, and Mr. Hamman has been asked to be a part of that panel to discuss what is going on in the Middle Valley. It is going to be a unique, interesting opportunity to pull together with the panel to discuss issues going on the entire Rio Grande Basin. If any Board Member are interested in joining Mr. Hamman to contact him or Ms. Bustamante and they will get you signed up.

- k. Approved Licenses for August 2017 (For Informational Purposed Only)

#### **AGENDA ITEM 10 - REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS**

- a. Report on District Urban Issues Committee Meeting, September 11, 2017 – Directors Dunning, Baca and Duggins

Mr. Hamman reported that the Committee talked about putting together a committee chairperson. Director Baca volunteered to serve as Chair for the committee. The Committee members asked if there was any kind of Ditch Closure Policy that can be fine tune based on what has happened in the past or develop a policy if one doesn't exist. This was discussed in detail and will revisit the issue.

There was discussion on the gate process; and Director Dunning and Mr. Hamman met with Bernalillo Representatives Romero and Ruiloba on September 8, 2017. The Representatives requested to make the gate policy more transparent, available, and asked if they could be involved. Right now there are issues with the gate policy and needs to be addressed, so they will be working on this policy.

There was discussion on the work being done in Corrales, and how it could apply to any of our drains that we work on in the urbanizing areas that essentially a lot of habitat that has grown from a lack of maintenance over the years, and how we deal with that. Mr. Hamman updated the committee on the plan in the Corrales area on the Clear Ditch. Also talked about best management practices associated with herbicide management and how we need to move forward with that. They didn't have time to discuss the tree management issues. It was a pretty aggressive agenda for an hour meeting. The next meeting will be scheduled for 2 hours possibly on September 25<sup>th</sup> or early part of October.

Director Dunning said this fits into both committee, but it is something we may want to discuss if it belongs in this committee. Director Dunning stated she made a commitment when running for the Board that the MRGCD would talk to the two top Mayoral candidates before a runoff election, to discuss and explain the role of MRGCD and what we do.

Chairman Kelly agreed with the premise that these candidates don't know who the MRGCD is, but felt leery that we as an agency, it may be perceived as supporting one candidate or another, based on whatever questions we dream up to ask the panel. We would be better off getting with the transition team for the new Mayor coming in and making use of the contacts we have in City Hall to be sure we get involved with the right people on the transition team.

Mr. Hamman stated he was contacted by a UNM student who is working with Urban ABQ with candidates. This is set up to be a fast paced forum with Albuquerque's 2017 Mayoral candidates to address topics of community interest. We have been invited to have someone from MRGCD there to play a role somehow in asking questions or educating the candidates. This forum is scheduled for Wednesday September 13, 2017.

Director Baca said he was interested in participating in this forum. MRGCD Legal Counsel stated it wouldn't hurt to go.

Director Dunning commented that this forum is one of the mayoral candidates and founder of the organization that's having the forum.

b. Report of the Legislative Committee Meeting, September 11, 2017 – Chairman Kelly and Directors Dunning and Duggins

The Legislative Committee appointed Chairman Kelly to Chair the Legislative Committee. The Committee discussed the upcoming event with the Water and Natural Resources Committee meeting, and authorized Mr. John Thompson to put together a reception of the attendees after the presentation. This will be a catered event at one of the local restaurants or hotels. MRGCD representation at the Water and Natural Resources Committee meeting and siting at the table will be Chairman Kelly, and Mr. Hamman who will be making presentations to the Committee and Vice-Chair Duggins will close reading the testimony into the record.

Mr. Thompson advised the Board that the MRGCD will present on Thursday October 12, 2017 at New Mexico Tech.

The Committee also talked about Senator Ivy Soto's Bill. Mr. Thompson spoke with Senator Soto and he thinks he can get his Bill in on the Governor's call for the 30 day session, even though the Governor vetoed it last year.

Chairman Kelly indicated that the consensus of the Board was to keep the Qualified Elector per statute, but do not have consensus on moving the date of the election to October or November. Director Duggins felt very strongly about not changing it then, being it is harvest season. The Committee will discuss this issue further, and may bring it to the board for a vote among the Board members about how we address this one component of the proposed bill.

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

The meeting was adjourned at 5:20pm.

Approved to be the correct Minutes of the Board of Directors of September 11, 2017.

**Attested:**

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David M. Fergeson  
Secretary/Treasurer

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John P. Kelly,  
Chairman, MRGCD Board of Directors