

**MINUTES OF THE  
2,168<sup>th</sup> REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT  
OCTOBER 12, 2020**

**COVID-19 Response: For this meeting, Board Members, legal counsel, and a limited number of staff members were physically in the conference room, socially distanced. All other attendees (whether guest speakers or constituents) attended via telephone.**

Directors having been duly notified; Madam Chair Dunning called the regular meeting to order at 3:01 pm at the MRGCD General Office. The following Directors and Staff were present:

<b>DIRECTORS</b>		<b>STAFF</b>	
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	Present	David Gensler	Water Operations Manager
Stephanie Russo Baca, Director	Present	DeAnna Philips	GIS Tech/Board Liaison
		Yasmeen Najmi	Planner

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

Veronica Lovato	Judy McSweeney, MRGCD
Bon Bagley, Corrales resident	Alicia Lopez, MRGCD
Stewart Murray, Corrales Councilor	Marie Vandergeest, MRGCD
Ms. Fish	Rebecca Thompson, MRGCD
Patty Flanagan	John Thompson, MRGCD Lobbyist
Anthony Martinez	Sonny Cooper, Weston Solutions

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

Director Sandoval led the Pledge of Allegiance at today's meeting. Director Sandoval added some words in his native language regarding Indigenous Peoples Day, as well as an added prayer.

Madam Chair Dunning declared a quorum and noted that the meeting was publicly noticed. Due to COVID-19, the meeting was held telephonically, with all Board Members and staff present at the MRGCD main office, and other speakers and the public on the phone. 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."

Madam Chair Dunning expressed the Board's sympathy and condolences to Lorenzo Benavidez (District Manager of Socorro Division), on the passing of his twin brother (Alfonso Benavidez) in a tragic car accident. Sympathy and condolences were also expressed to Director Russo Baca on the passing of her grandmother and her husband's grandmother in the last couple of weeks.

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

Madam Chair Dunning asked that Item 9.d. (Report on the Finance Committee Meeting Discussing First Quarter Financials, October 12, 2020) be rolled into Item 6.a. (Report on FY 20201 First Quarter Financials).

Mike Hamman asked to add Item 7.k., Brief Update on Legislative Matters from John Thompson, the MRGCD Lobbyist.

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

## **AGENDA ITEM NO. 3 – CONSENT AGENDA**

- a. Consideration/Approval of Payment Ratification - October 12, 2020
- b. Consideration/Approval of September 2020 Invoice for Wiggins Williams & Wiggins
- c. Consideration/Approval of September Invoice for Law & Resource Planning Associates, PC
- d. Consideration/Approval of Minutes for Regular Board Meeting - September 14, 2020
- e. Memo on MRGCD Approved Licenses for September 2020 (For Informational Purposes Only)

Madam Chair Dunning asked for a correction to the September 14<sup>th</sup> meeting minutes due to bad audio. On page 29, it was noted, "Since today's meeting is being held telephonically, all votes taken by the Board for today's meeting will occur via rollcall vote." She asked that that be stricken from the minutes. Discussion ensued regarding other matters within the consent agenda.

Director Kelly made the **MOTION TO APPROVE THE CONSENT AGENDA WITH THE ABOVE NOTED CHANGE TO THE MINUTES**. Vice Chair Baca seconded the motion. The **MOTION CARRIED, unanimously**.

## **AGENDA ITEM NO. 4 – DISCUSSION AND APPROVAL OF THE NOVEMBER AND DECEMBER 2020 BOARD MEETING SCHEDULE** - Mike Hamman, CE/CEO

- a. **November 9 and December 14, 2020 are the regular meeting dates with Wednesday, November 11, 2020, as Veteran's Day observed this year.**

Mr. Hamman recommended leaving the schedule on second Monday of the month as is for this holiday season. Therefore, the next two regularly-scheduled Board Meetings will fall on November 9<sup>th</sup> and December 14<sup>th</sup>. No vote was necessary.

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

### **Stewart Murray**

Mr. Murray is the Counselor from District 6 within Corrales. He has design issues with gates that were installed on Romero Road and one where the inlet is located. He will defer his further comments to Patty Flanagan and Bonnie Bagsley, who will also be addressing the Board today.

### **Patty Flanagan**

Ms. Flanagan is the President of the Champ Membership Group, which is a private group of Corrales horse and mule people. She submitted letters from Elizabeth MacQuigg, Katherine Arce and Sally McGrath to the Board, which will be included as part of the official record of the meeting. Ms. Flanagan cited several concerns of various horses having issues with the size and height of the new gates. She discussed comparison of the gates on 2<sup>nd</sup> Street that seem to work great versus the Romero Road gates, that are the issues in Corrales.

Elizabeth J. MacQuigg  
105 Madeline Court  
Corrales, NM 87048

Patti Flanagan  
P.O. Box 11883  
Albuquerque, NM 87192

Subject: July 24th Horse Injury Due to Blue Gates

To whom it may concern:

The intention of this letter is to ask that the blue access gates to the bosque on Romero Road be taken down or at least that an alternative access be put back at those points that allows horses and cyclists to the trails and river frontage at that trailhead. The new blue painted steel gates are dangerous, ineffective, and have caused a lot of issues with people on horseback, including myself recently.



On July 24th I went riding with a friend in the bosque. My horse is sound minded and a fantastic all-around great horse. He is willing to try anything that I ask him to and is an exceptionally confident horse. I have had no problems taking him on trail rides down Corrales road and in and around the Village of Corrales in the past. On this particular summer day our plans were to ride to the river and back and enjoy some of the New Mexico sunshine and a good-long trail ride. This trail access point is nearest my house.



When I first saw the blue gates that replaced the old gates I must admit that I noticed that they were rather narrow and that the bottom has a very high step over. As I prepared to negotiate this obstacle with my horse, I realized that I needed to make sure that my toes were pointed forward and that my knees were tucked in tightly to my horses' sides so that I wouldn't knock or twist my knees due to the narrow passage. Although I have never seen this style of pass-through gate I decided to try using it as it was intended and ride my horse right over/through it. I never in a million years would have predicted that my horse would stop half way through the blue gate and try to back out because he felt it was too narrow to safely pass through. He felt the squeeze of the narrow passageway as I had and second-guessed

going through and in doing so got the rail of the gate caught against his leg and pulled the gate up off the ground and into his chest. In a matter of seconds he scooped the gate up with his front leg because he was unable to clear his non-shod hoof over the metal base of the gate. The result was a panicked horse, I had to dismount quickly, and his injuries, although superficial wounds this time, could have been worse if his leg remained against the rail as he pulled, which would likely have broken his bone.

I have inserted documentation of the injuries below. I am grateful that all we had to deal with were scrapes, a minor cut and our pride bruised. I have had to work this horse several times now over rails in my own arena to ensure he does not remain insecure about stepping through such things. I feel it could have been somewhat a better outcome if the gates were fastened to the post, but because the gates were not securely fastened to the posts, when my horse did hang-up on the rail, he was not able to get his hoof free from the bottom of the gate because the rail rose up on the post with his leg. I am also exceptionally grateful that he wasn't wearing shoes at the time because it would have ended completely differently with steel on steel. I am positive it would have been a wreck because the metal base of the gate that cut his leg would certainly have hung up on a shoe, potentially pulling the shoe off or tripping the horse down to his knee.



I really recommend that these pass through gates are retrofitted or replaced with agricultural approved and tested assemblies. I am not the first nor will be the last horse rider to become trapped in the narrow and too high rails and this impediment to my access to the Rio Grande Bosque has made it so that I rarely ride those trails lately unless I move down river to Alameda or farther north to a more traditional access point.

Sincerely,

Elizabeth MacQuigg

September 30, 2020

To Whom It May Concern,

The purpose of my letter is to request that the ground log entrance to the Bosque be re-installed on Romero Road. While I appreciate the sleek look and the reasoning behind the installation of the new blue gates, the design itself doesn't provide inclusive user functionality in the same way as the previous log entry did. The logs were a design that provided for "universal" access to the Bosque, and the new gates have actually complicated the accessibility to the important recreational resources that so many people enjoy.

I would like to address how the recreational experience has changed for riders of bikes and horses after these gates were installed. Currently only able-bodied, seasoned horses, and bicyclists with great upper body strength to lift their bikes are able to access the narrow opening of the "pass through" in the gates. Horseback riders who feel uncomfortable with the "pass through" may choose to dismount and walk the horse through the gate opening, but since there are two gates on Romero Road, they may have to dismount twice. (For riders with certain physical conditions- or age- the act of dismounting and mounting can be difficult.)

Regarding the design of the gates, the "pass through" opening is simply too high at the bottom for a horse to comfortably step through with a rider on their back, and the width is too narrow. The design gives a "squeeze chute" feeling for both rider and mount. When the ground logs were present, they were navigable by ponies and horses of all sizes and training levels. There was no fear of a mounted rider knocking their knees or toes, no need to dismount, and no claustrophobic experience for anyone.

With the installation of these new blue gates, there now exists a Bosque accessibility problem on Romero Road. I feel that it is important to understand the discriminatory constraints put on users with limitations, and I implore you to empathize with the people who are adversely affected by the gate design. These gates are now a barrier for the average person on bike or on horseback, so the fair and equitable access to the Bosque from Romero Road has been diminished.

So to summarize the purpose of my letter: The new gates are visually appealing, but the previous log entrance- though rustic in design- allowed more inclusive access. I ask that you please provide the log entry option in addition to the blue gates, and allow users to choose their method of entrance.

Thank you for reading my letter,

Katherine Arce  
114 Veronica Ct  
Corrales, NM 87048

sambabamba@hotmail.com

Dear Patti,

We rode down to the new gate at Romero today. My horse is very calm and usually goes anywhere but he did not like the new gate.

He started to go through but then one of his shoes hit the metal and it startled him. I didn't try to force him to go through because I had already found out what I needed to know. I think that they should leave the southern walk through for pedestrians and tear out the northern one and replace it with an old fashioned wooden log structure. I got the impression that it was narrower than the one at Dixon Road. We just measured the one at Dixon and it's inside measurement is 70 inches.

I suggest replacing the north one instead of the south one because it is farther away from the concrete ditch.

Hope this is helpful.

Sally

## **Anthony Martinez**

Mr. Martinez is the Fire Chief of the Corrales Fire Department. He logged into the meeting in case anyone had questions regarding the gates in Corrales, so he stayed on the line.

## **Bon Bagley**

Ms. Bagley has worked with various agencies regarding the recreational use of the bosque. She suggested a successful solution for horse and for any equestrian use of the trail systems what she called styles, or a cavaletti (a thick, big pole sometimes as large as telephone poles in segments that make a two-step entrance) to be used in the new gates. She offered herself for questions or to work with MRGCD for the design of the new gates.

Mr. Hamman responded to the Corrales equestrian group by noting that the gate near Romero Road is not an MRGCD gate. It was designed and installed by SSCAFCA (Southern Sandoval County Flood Control Authority). Mr. Hamman will work with SSCAFCA regarding options for this gate and will get back with the Corrales community.

Director Kelly expressed he has a good professional relationship with Charles Thomas, the Executive Engineer, at SSCAFCA, and will discuss these concerns known that the MRGCD expects SSCAFCA to make modifications very quickly.

**AGENDA ITEM NO. 6 – REPORT(S) FROM THE CHIEF FINANCIAL OFFICER - Pamela Fanelli, Secretary/Treasurer**

**a. Report on FY 2021 First Quarter Financials**

Ms. Fanelli reported that water bank fees are slightly lower in the first quarter of '21, compared to the first quarter of '20. She estimated the budgeted amount of \$395,000 for FY 21 will not be realized due to the projected water shortage for this upcoming season. Continues to state the interest on investments has decreased since the first quarter of '20. If interest remains constant throughout the entire fiscal year, she's projecting a budget shortfall of \$180,000. It is too early in the fiscal year to know about operating expenditures; however, at this point there may be deficits in salaries and benefits, maintenance, construction, rehabilitation, and ER&T. They are taking proper steps to control operating expenditures. We have incurred some unbudgeted expenditures because of insurance premiums, utilities, and emergency water purchases, which have been taken out of discretionary funds and capital outlay budgets. She stated she will have a better idea of where the District will stand at the end of the second quarter.

Director Kelly noted that he and Directors Moore and Baca reviewed/discussed the first quarter report. The committee feels that it is too early in the budget year to make any rash decisions, but MRGCD is looking at a potential half-million-dollar shortage between interest payments and water service charges that may not come to pass.

Director Moore expressed her appreciation of the Assessments Department's hard work.

Director Kelly made the **MOTION TO ACCEPT THE REPORT ON THE FY 2021 FIRST QUARTER FINANCIALS, AS PRESENTED.** Director Baca seconded the motion. The **MOTION CARRIED, unanimously.**

**b. Resolution BA-10-12-20-80.1, Adjustment to Resolution BA-05-11-20-80, Adjusting Budgeted Water Service Charge from \$43.83 to \$43.82 Per Acre**

Director Kelly reported there was a rounding error which caused the penny difference; however, the correct amount must be shown for accuracy.

Director Kelly made the **MOTION TO APPROVE RESOLUTION BA-10-12-20-80.1.** Director Baca seconded the motion. The **MOTION CARRIED, unanimously.**

**c. Report on DHSEM FEMA Grant Related to COVID-19**

Ms. Fanelli reported that the District received a grant from DHSEM related to COVID-19 for \$6,811.86. The total cost claim to DHSEM for the qualified expenditures totaled \$9,082.48 (DHSEM covered 75% of the expenditures). The items covered included PPE and disinfection supplies. She continued to discuss their rules and regulations.

**d. Review and Approval of the Per Diem and Travel Policy for Employees, Officers, and Elected Board Members**

Ms. Fanelli reported that Jeanette Bustamante created a thorough documented policy regarding Per Diem Travel for Employees, Officers, and Elected Board Members (complete documentation did not exist). Most of the document contains policies that are not new.

Director Moore made the **MOTION TO APPROVE PER DIEM AND TRAVEL POLICY FOR EMPLOYEES, OFFICERS, AND ELECTED BOARD**. Director Sandoval seconded the motion. The **MOTION CARRIED, unanimously**.

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

**a. Report on the End of Irrigation Season and Preparation for Off-Season Activities - David Gensler, Water Operations Division Manager**

David Gensler reported that the 2020 irrigation season has officially ended except for the pueblos; stating as of October 5<sup>th</sup>, the District stopped deliveries for all water users throughout the valley. The water supply has dwindled to barely anything now. We have no more stored water. All of the P&P storage reserve has been either released or put back into storage. There is only 90-acre feet left.

He informed that the Rio Grande at the Colorado state line is flowing an amazingly low, two cubic feet per second today. On the Rio Chama, it is about 25 CFS this afternoon. We continue to see record low numbers in our river systems. The natural flow at Otowi is probably something around 180 cubic feet per second. There is a significant loss between there and Cochiti. For all practical purposes, about 125 cubic feet per second actually in the middle valley. There is a little bit of water on top of that San Juan Chama water or the Water Utility Authority and Bureau of Reclamation minnow water. We have about 200 cubic foot per second released from Cochiti Reservoir.

Mr. Gensler stated the District diverted 85 CFS today at Cochiti. We continue to serve pueblos in that area. 90 CFS at Angostura and 120 CFS at Isleta.

The big news now is the river and our Rio Grande Compact deliveries. The river is doing remarkably well in spite of these low flows. Reclamation and the Water Utility Authority have been adding some water from storage to help prop up the flows, about 35 CFS to be released for that purpose. The District is doing a big part with this too. We are helping them manage that water and diverting it, putting it in our canals and then leading it back out to the appropriate places to give the river a shot in the arm and keep it tracking along. It really has worked pretty well. So far, we have not dropped substantially below 100 cubic foot per second at Albuquerque for any length of time. On average, we have stayed well above that number.

As far as Rio Grande Compact deliveries are concerned, we are very far behind the curve. The only good thing about a year like this is while we don't have much water, we don't waste water either. Preliminary estimates from the ISC suggests that they expect we will wind up in 100,000 acre feet in debt at the end of the year. Mr. Gensler is optimistic that we will do a little bit better. We're doing our part right now without water.

One of the things that we are doing right now that's kind of interesting is we are not wasting any water on the parts of the river that are currently dry. Normally, when we shut down for the off-season, all the water goes down the river. Now that we are shut down, the water is going down through our canals and drains as far south as we can possibly take it. So, we are not putting it out there to evaporate. This appears to be working well too. We have water down in San Marcial now, about 150 cubic feet per second, which is pretty good, considering where the water is entering the valley. It remains to be seen how much of that gets to the Butte. The channel at the lower end of the low flow just sort of obliterated it as it peters out into the bosque. It looks like the narrowest gauge in the river, kind of at the head of the Butte, is starting to rise. So, that water is finding its way down there.

One upside of an early shutdown and warm condition is the ability to do a lot of off-season work. Unfortunately, COVID-19 conditions have put a damper on some of our normal construction activities. It is kind of difficult to have people out at construction sites within close proximity to each other and working physically very close. Currently, we have crews out, kind of doing dispersed maintenance, where they can be out on canals and relatively isolated situation. Engineering is working on a couple of larger structures this winter. Once those are in place and have started, and the other structures deemed essential for running water, we will talk about putting some of our ISOs (Irrigation System Operators) on those crews this winter.

Dr. Chuck DuMars asked if there were any numbers available regarding the minnow sampling. Mr. Gensler reported that it is too early for the numbers, and they should be ready about end-October to beginning-November.

**b. Report on the Bureau of Reclamation Farm Efficiency Conservation Project Grant - David Gensler, Water Operations Division Manager**

David Gensler gave a presentation on projects wherein MRGCD has helped individual water users make changes to their existing infrastructure for water efficiency. Discussion ensued amongst all the Board Members, David Gensler, Jason Casuga and Mike Hamman regarding the importance of this type of work within the District for the future.

<p>Report to MRGCD Board of Directors</p> <p>On-Farm Efficiency Project Reclamation Grant</p> <p>David Gensler</p> <p>October 12 2020</p>   <p>Simple: Eliminate inefficiencies in the delivery system that were incurring energy (head) loss, and decreasing delivery rate.</p> <p>There was no one particular cause, just many many small losses that had a cumulative effect.</p> <p>Turnouts too small Pipes set at wrong elevation Abrupt directional flow changes Delivery point(s) on the field constricted</p>	<p>This project grew out of a small farm investigation we did over the winter of 2015/16</p> <p>An irrigator had contacted us about inability to complete irrigation. Water never reached the end of one field (0.9 acres). The other field (0.4 acres) took 4 hours to irrigate. Mr. Hamman allowed staff to do some work “on-farm” to determine the cause.</p> <p>It was quickly apparent that the delivery rate was less than the soil uptake rate. So how to increase the delivery rate?</p> <p>End product: Larger turnout, shorter pipe, short concrete channel allowing sidespill “weir” delivery onto field.</p>  <p>Result: Irrigation time reduced to 1 hour, field completely irrigated, delivery/event reduced from &gt;12”, to 4.5”</p>
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End product: Larger turnout, shorter pipe, smooth concrete transition to existing concrete farm ditch.



Result: Irrigation time reduced to 20 minutes, delivery/event reduced from >11", to 4",

Overall reduction on farm for entire project was 9.8 AF annually

Thomas Farm Turnout: Historically slow irrigation, 24 hours for 3 acres. Frustrated irrigator. Over-checking of ABQ Main Canal for delivery to one turnout. Operational risk!



Goal of 3 hours to irrigate, achieved with larger turnout/delivery pipe, smooth transition to earthen farm ditch, more improvements possible now.

Los Poblanos Farm Pad: Historically slow irrigation, 8+ hours for 2 acre field. Open space parking lot complicating delivery.



Result: Triangular "farm delivery pad" for high volume, low erosion delivery, delivering 4 cfs for irrigation in about 2 hours.

The Bachechi Open Space is a Bernalillo County owned and operated recreational facility. It originated from a historic farm, and attempted to preserve the farm heritage of Albuquerque's North Valley.

Unfortunately, development in the nearby area, and the design of Bachechi itself, had made irrigation very inefficient, to impossible.

Consequently, 3 projects were implemented at Bachechi to restore irrigation functionality.

Bachechi may now be used as an educational facility for irrigation efficiency in the wider community.

Success with this first experiment in on-farm efficiency improvements led to a Grant Proposal to Reclamation for funding.

Proposed for 5 to 10 projects, over 2 year period.

Later extended 1 year.

7 Projects completed

Beckham Lateral LCW: Slow irrigation at Sunset Seva farm, investigation showed farm system good, highly variable water supply arriving at farm. SSF is only large farm on Lateral



Result: LCW installed at heading of Beckham lateral, along with measuring flume. ISO can now set desired rate of delivery to SSF, flow stability produces efficient irrigation at farm

Eileen Hall Farm Pad: Irrigator purchased a high flow turnout upgrade previous year. Could not keep water (about 4.8 cfs) contained, due to size (1 acre) and shape of field/orientation of discharges.



Result: Triangular "farm delivery pad" for high volume, low erosion delivery, allowing water to spill on field gently, in the "right direction", no spill irrigation in less than 1 hour.

Bachechi Arboretum, BCW in Lane Lateral: Non-functional irrigation due to development-induced modifications to lateral



Result: Small BCW in canal produces head for turnout, arboretum now irrigable, BCW passes 100% flow of lane lateral without overtopping of upstream channel



**c. Consideration/Approval of Resolution #M-10-12-20-166, Regarding Recreational Uses on the MRGCD Facilities - Director Barbara Baca and Mike Hamman, CE/CEO**

Chair Dunning reported that the Urban Committee didn't meet but did review it. Director Baca reported that the updated version that the Board now has is not a substantial change from the one discussed in the prior meeting stating that this document is to address the increase in recreational use in the Middle Rio Grande Valley and on MRGCD properties and facilities. It directs staff to move forward and take an active role in educating the public, work toward more partnerships with local communities, and also to work with our state legislators. Discussion ensued regarding a duplication of language within the document and the state legislative update is needed.

Director Baca made the **MOTION TO APPROVE RESOLUTION #M-10-12-60-166, Regarding Recreational Uses of the MRGCD Facilities.** Director Russo Baca seconded the motion. The **MOTION CARRIED unanimously.**

**d. Approval of Rock Hauling Service for the Emergency Work at the Corrales Siphon - Mike Hamman, CE/CEO**

Mike Hamman reported that another project was implemented at the Corrales Siphon to extend the work done by MRGCD and the Bureau of Reclamation in 2016. Mr. Hamman gave a presentation of the final product from the prior project, the new siphon exposure that had occurred, and the work that is currently in progress. More rock hauling is needed, however, over and above Mr. Hamman's authority and requested approval for increasing funds for the rock hauling service contract.



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT  
411 JEFFERSON PLAZA  
ALBUQUERQUE, NEW MEXICO

September 28, 2020

Regulatory Division

SUBJECT: No Permit Required - Action No SPA-2020-00234, Corrales Siphon in Sandoval County, New Mexico

Mike Hamman  
Middle Rio Grande Conservancy District  
1931 Second Street SW, P.O. Box 581  
Albuquerque, NM 87102-4515

Dear Mr. Hamman:

This letter responds to your request for a determination of Department of the Army (DA) permit requirements for the proposed action regarding the Corrales Siphon located at approximately latitude 35.282013 North, longitude -106.596397 West, in Sandoval County, New Mexico. The work, as described in your submittal, would consist of extending a previously constructed stone weir located immediately downstream of the Corrales Siphon approximately 200 feet across the Rio Grande to protect the irrigation system and address safety concerns. We have assigned Action No. SPA-2020-00234 to this project. Please reference this number in all future correspondence concerning the project.

The U.S. Army Corps of Engineers (Corps) evaluation process for determining if a DA permit is required is based on whether or not the proposed project is located within or contains a water of the United States, and whether or not the proposed action involves an activity regulated under Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act. If both conditions are met, a DA permit would be required.

Based on the information provided, we have determined that a DA permit is not required since the proposed activity is exempted from regulation by a specific provision of the Clean Water Act at 33 CFR 323.4(a). However, it should be noted that this determination applies only to the proposed action, and other project proposals would require a new determination. As such, please contact our office for a reevaluation of permit requirements if your plans change.

It is also important to note that the fact your project is not regulated by the Corps does not obviate the need to obtain other federal, state, or local authorizations required by law. Further, this letter does not constitute approval of project design features, nor does it imply that the construction is adequate for its intended purpose.

It should also be noted that the Corps Albuquerque District-Civil Works, Water Management Section, conducts water control operations which may affect flow levels within the Rio Grande basin. For current river basin flow data within the Albuquerque District, please visit the Water Management Section website at <https://hd.spa.usace.army.mil/ViewData/CurrenConditions.htm>. For more detailed and historic flow data, please visit the Corps Water Control website at <https://www.spa.usace.army.mil/Missions/Civil-Works/Water-Control/>.

I am forwarding a copy of this letter to Abe Franklin and Wendy Pierard of the New Mexico Environment Department, Andy Dean of the U.S. Fish Wildlife Service, John R. D'Antonio Jr., New Mexico State Engineer, and Brad Sibleston, County Floodplain Manager.

If you have any questions, please contact Forrest Luna at (505) 342-3678 or by e-mail at [Forrest.Luna@usace.army.mil](mailto:Forrest.Luna@usace.army.mil).

Sincerely,

*Chris Parrish*

Chris Parrish  
Chief, M/MTX Branch  
Regulatory Division



United States Department of the Interior

BUREAU OF RECLAMATION  
Albuquerque Area Office  
655 Broadway, NE, Suite 103  
Albuquerque, NM 87102-2552



Mr. Michael A. Hamman  
Chief Executive Officer / Chief Engineer  
Middle Rio Grande Conservancy District  
P.O. Box 581  
Albuquerque, NM 87103

Subject: Coverage of Proposed Corrales Siphon Modification by the 2018 Middle Rio Grande Unapproved Operation

Dear Mr. Hamman:

The Middle Rio Grande Conservancy District (MRGCD) has informed us of its proposed modifications to the Corrales Siphon in response to the Reducing Flow in the Rio Grande, which is expected to result in exposure of the wooden structure. Our understanding is that the modifications will consist of placement of riprap alongside the siphon, extending from the riprap previously placed on the west bank, across the entire river and ending into the east bank. This is the MRGCD's project and Reclamation has no control or authority over the project.

We acknowledge this project will be covered for Endangered Species Act compliance under Reclamation's 2018 Middle Rio Grande Biological Opinion (2018 BO). MRGCD is responsible for compliance with the Best Management Practices in the 2018 BO. Also, MRGCD is responsible for directly notifying and coordinating with the U.S. Fish and Wildlife Service and including the project in MRGCD's section in the annual report to the Service, as required by Terms and Condition 1.3 of the 2018 BO. Any other required environmental or cultural compliance is the responsibility of MRGCD.

If you have any questions, please contact Ann Denton at (505) 462-3654 or email [adenton@usda.gov](mailto:adenton@usda.gov), or my staff. For the hearing impaired please call the Federal Relay System at (800) 877-8339 (TTY).

Sincerely,

*Jennifer Faler*  
Jennifer Faler, P.E.  
Area Manager



Memorandum

To: Mike A. Hamman, CE/CEO  
From: Richard DeLois, Chief Procurement Officer /P  
Date: September 15, 2020  
Re: APPROVAL FOR ROCK HAULING

MRGCD staff is requesting approval for Rock Hauling Service. Bid was advertised on August 31, 2020 & September 2, 2020. Five (5) bid packets were issued, and two (2) bids were received as follows:

ROCK HAULING SERVICE

VENDOR	TOTAL PER TON
MONTENEGRO TRUCKING LLC	\$6.50 PER TON
STRICKLAND SERVICES LLC	\$22.50 PER TON

MRGCD Staff is recommending award to the lowest responsible bidder, Strickland Services LLC at \$22.50 per ton. Montenegro notified MRGCD Chief Procurement Officer by phone and email, that they were withdrawing their Bid due to them not understanding the scope of work (language comprehension issue)

*Mike Hamman*  
Mike Hamman, CE/CEO Contract Authority

9-16-20  
Date

**Corrales Siphon Protection Project**

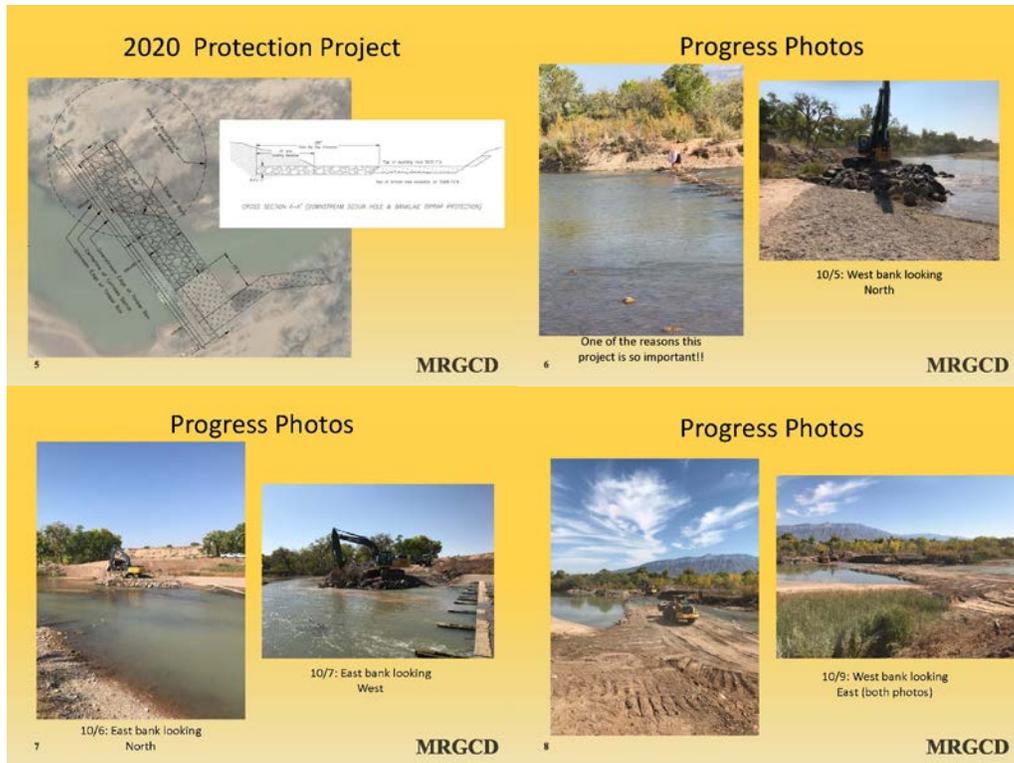
Purpose: Protect the Corrales Siphon from channel bed lowering.

**MRGCD**

**Corrales Siphon**  
PROJECT LOCATION

**Sept. 2020 Photos**

**MRGCD**



Director Kelly made the **MOTION TO ACCEPT THE WITHDRAWAL OF THE BID BY MONTE NEGRO TRUCKING LLC, AS MATERIAL MISUNDERSTANDING OF THE SCOPE OF WORK.** Director Moore seconded the motion. The **MOTION CARRIED unanimously.**

Director Kelly made the **MOTION TO USE THE ROCK HAULING SERVICE BY STRICKLAND SERVICES LLC AT THE CORRALES SIPHON, OVER THE \$60,000 PORTION ALREADY PROVIDED, TO BE DONE AT THE SAME RATE OF \$22.50/TON, UP TO CONCLUSION OF THE JOB.** Vice Chair Baca seconded the motion. The **MOTION CARRIED unanimously.**

**e. 2020/2021 Elk Population Control Program in Valencia and Socorro Counties - Mike Hamman, CE/CEO**

Mr. Hamman reported that last year's program was a success although there was room for improvement. A net has been cast to a larger area to entice additional landowners to participate in the program, which will allow more hunters to control the elk population. MRGCD and the Department of Game and Fish drafted a letter that is more explicit on the rules for the landowners. The hunts will take place from early November through the end of February. There will be MRGCD staff drawings for permits, as last year; however, Mr. Hamman is refining the rules for the drawings for MRGCD staff this time to make sure that at least one entry for every division is selected and then it will be the luck of the draw for the remainder.

**f. Update on Phase 1 Title Transfer Process that Requires a Public Hearing in October - Mike Hamman, CE/CEO**

Mr. Hamman reported that things are moving along as scheduled, and the NEPA process is wrapping up. There will be a public hearing soon, which will be advertised as a Zoom or video conferenced meeting for public comments.

Isleta Pueblo is fully on board and agrees with maps that were provided on the subject title areas being transferred. They understand that none of their assets are included in the transfers. Mr. Hamman is reaching out to the other five pueblos for their support.

Director Russo Baca attended a meeting with Representative Torres Small with a total of approximately 40 individuals saying that this was one of the biggest topics and that Congresswoman said that she can continue to be helpful with this matter.

**g. Update on El Vado Dam Safety Remediation Project and Related Repayment Contract - Mike Hamman, CE/CEO**

Mike Hamman reported that a sole source contract in place is with a firm named Carpi. They will perform the foundation grouting along the west abutment, fill the voids behind the face plates and rock structure behind it, and place vinyl covering over the top.

The schedule is as follows:

- Issue the contract and notice to proceed August 2021.
- Work through spring runoff of 2022.
- Empty the reservoir and run at minimum elevation through the winter of 2023.
- In 2023, issue contracts and get started on reconstructing the spillway and spillway gates, placing fuse plug berm at emergency spillway and work on realigning the road on the westside of the dams.
- Set to complete late 2025 to early 2026 for the entire project.

The cost will exceed the \$80M first thought and will probably exceed \$110M. MRGCD will repay it's 15% of the total cost over a 50-year period at 0% interest. The belief is that once the work is done, it will restore El Vado's capacity and will make it a good safe operation for another 100 years. Director Kelly, Jason Casuga, the team, and Mr. Hamman are to negotiate a graduated payment plan.

**h. Report on Off-Season Workplan - Jason Casuga, Chief Operating Officer**

Mr. Casuga reported that there is a drastic change in how off-season work will be planned this year. There will be three criteria's: 1) if we don't do the project, does it hurt MRGCD's ability to deliver irrigation water to farmers? 2) Does the project satisfy some sort of legal claim or settlement? 3) Is the project tied to a grant that MRGCD is unable to get an extension due to COVID-19? MRGCD staff should be protected from potential exposure as much as possible particularly if the project is not absolutely necessary this off-season.

Mr. Casuga explained how the crews are working during the pandemic only dealing with emergencies and other "have tos". This off-season, staff will be working on the Peralta Main Canal outfall into the Peralta Riverside Drain; the Isleta settlement which is a project to construct/move a Langeman gate on the Peralta Main right at the diversion point, and the other project is the Garcia Ditch on the Sandia Pueblo. He stated there may be others that arise such as huge trees and many turnouts but those three are the main focus.

**i. Update on Bosque Access Control Efforts with Law Enforcement - Yasmeen Najmi, Planner**

Ms. Najmi reported that on July 1<sup>st</sup>, the bosque was closed (suspending the vehicle permit program) by MRGCD in Belen and Cochiti Divisions due to the dry environment of the bosque. She stated the program was reopened on October 5 or 6 and permits are again being issued. Sloan Washburn, the Belen Division Manager, and Ms. Najmi met with the Valencia County Sheriff and the Los Lunas Chief of Police. Law enforcement indicated that they would be able to assist with sporadic patrols of the bosque and bridge areas. Valencia County Sheriff issued about ten citations. Los Lunas does not have the resources to patrol the bosque; however, they have made an effort to stop and cite OHVs and non-street legal vehicles.

Mike Hamman and Ms. Najmi met with the Mayor of Belen, Jerah Cordova. The City of Belen is interested in opening up the defunct Willy Chavez Park and is interested in partnering with MRGCD in regard to protecting the bosque.

Los Lunas is having a major issue with homeless camps. There were about ten fires this year, largely due to the camps. Parks and Rec is working with the police in Los Lunas to come up with a long-term plan to deal with the issue. Director Russo Baca volunteered to participate in any future meeting pertaining to Los Lunas or Belen.

**j. Report on the Six Middle Rio Grande Pueblo Coalition - Mike Hamman, CE/CEO**

Mike Hamman reported that the last Coalition meeting was in September and they have not been consistently held due to COVID concerns. The pueblos have been extremely supportive with MRGCD regarding water management this year. The pueblos see themselves as partners and constituents of the District. Irrigation is starting to wind down on the pueblos, and they have committed to not go beyond November 3<sup>rd</sup> with their season this year.

Director Sandoval echoed Mr. Hamman's words and added that the pueblos are currently harvesting their crops.

**k. Brief Update on Legislative Matters - John Thompson, MRGCD Lobbyist**

Mr. Thompson reported that exactly how the 2021 legislative session will be conducted is still up in the air. Several options are being discussed but nothing set in concrete until after the election.

The state's budget is the most paramount issue currently as New Mexico is running anywhere from \$1.5B to \$2B short each day. There will be impacts on spending, which have a direct impact on capital outlay.

In regard to drafting a bill regarding MRGCD recreational liability, now is the time to get a legislator to sign off on the draft. It doesn't necessarily mean that legislator is sponsoring the bill, but that gives a green light to open a file or start.

Mr. Thompson recommended getting language together, which he can shop it around but if he's not allowed in the building, it would be difficult to pass a bill through four committees and two floor votes if there's nobody there to shepherd it. Discussion ensued regarding the steps necessary to take this forward. Mike Hamman will meet with Mr. Thompson and legal counsel to discuss the best path forward.

Director Sandoval left the meeting as to get back to the San Felipe pueblo due to their curfew.

During the discussions of Item 7.k., it was noticed that the meeting was going past 6:00 o'clock. This policy was made when MRGCD was having two meetings per month. Now, with only one meeting per month, the meetings tend to go past the 6:00 o'clock time limit. Madam Chair Dunning would like to revisit this policy at the next Board Meeting.

Director Moore made the **MOTION TO CONTINUE THE MEETING UNTIL COMPLETED**. Director Russo Baca seconded the motion. The **MOTION CARRIED unanimously**.

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

Dr. Chuck DuMars gave a history lesson illustrating the remarkable position MRGCD is in with the Bureau of Reclamation in regard to the El Vado Dam project. He had a few more topics he wanted noted during the meeting. He has been talking with Chris Lendean about how to begin to implement the retroactive PBU, the right to file a proof of beneficial use, that was retroactive back to the '70s challenges has been kicked out of the courts. With respect to the La Joya Acequia, Mike Hamman and Dr. DuMars are still planning on sending a response letter; however, it is moot currently since there is not water available. Dr. DuMars has also been working with Mike Hamman on the discussions with the pueblos and Santa Fe.

Lorna Wiggins had no reports for this meeting.

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

**a. Report on the Conservation Advisory Meeting, September 17, 2020 - Director Moore**

Director Moore reported that the Partial Leasing Program ended with 260 acres and 10 irrigators. She made a suggestion that the acequias and the commercial farmers in the Valley could work together to promote agriculture in the Valley. She requested that Casey Ish work with the GIS Department to look into creating a map layer that shows acequias, the community ditches, and private ditches in the District.

Vice Chair Baca made the **MOTION TO APPROVE THE REPORT ON THE CONSERVATION ADVISORY MEETING, SEPTEMBER 17, 2020**. Director Kelly seconded the motion. The **MOTION CARRIED unanimously**.

**b. Report on the 28<sup>th</sup> Annual NM Water Law Virtual and Online Conference October 1, 2020 - Director Russo Baca**

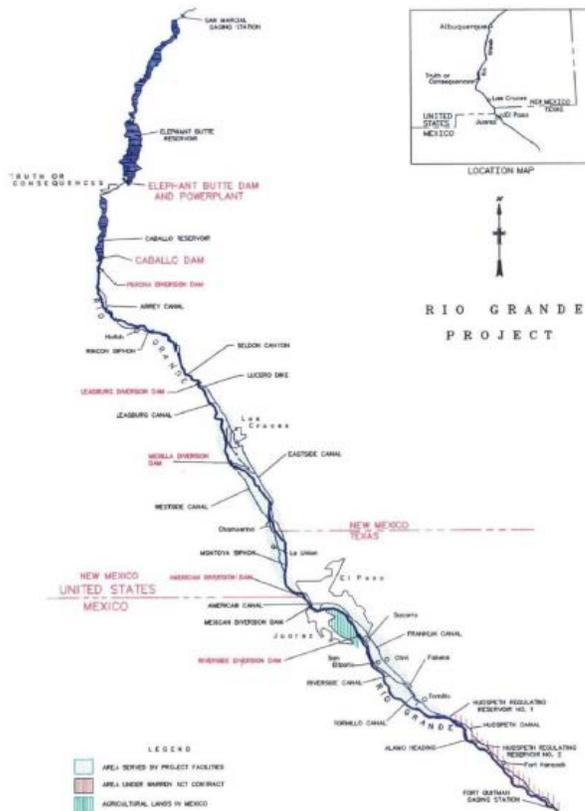
Director Russo Baca sent a Texas vs. New Mexico Presentation prepared by Stuart L. Somach, Somach Simmons and Dunn to the Board. No further discussion ensued.

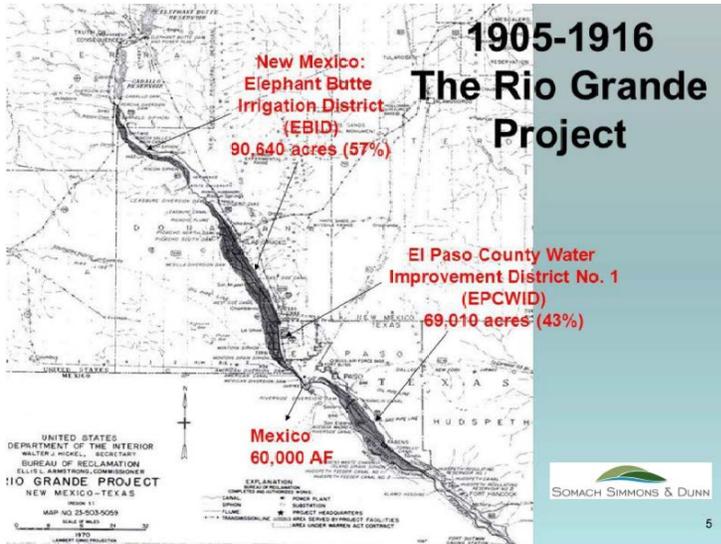
## Supreme Court Jurisdiction

The Supreme Court of the United States (Court or SCOTUS) has exclusive and original jurisdiction over actions among or between states. The exercise of that jurisdiction, however, is discretionary. As a consequence, a state must petition the Court for permission to file a complaint against another state. If the Court grants the motion, it will appoint a Special Master to act as a Trial Court. The Special Master provides recommendations to the Court on how it believes matters before it should be resolved. The parties then File "exceptions" to the report (assuming parties disagree with all or part of the report). The Court then reviews those exceptions and issues its Order. The Court may, but does not always, hold oral arguments on the exceptions prior to ruling.

Texas filed its petition for leave to file a complaint against New Mexico and Colorado in January of 2013. The Supreme Court granted permission in January of 2014, with leave for New Mexico to file a Motion to Dismiss.

Essence of allegations: Violations of provisions of the 1938 Rio Grande Compact.





Vice Chair Baca made the **MOTION TO APPROVE THE REPORT ON THE 28TH ANNUAL NM WATER LAW VIRTUAL AND ONLINE CONFERENCE OCTOBER 1, 2020**. Director Baca seconded the motion. The **MOTION CARRIED unanimously**.

**c. Report on the MRCOG Executive Board Meeting, October 8, 2020 - Director Baca**

Director Baca reported that this meeting changed from October 8<sup>th</sup> to September 30<sup>th</sup>, which was not a full executive board. She is still learning and trying to figure out where, perhaps, MRCOG can provide planning services in our rural areas of the Valley.

Director Russo Baca made the **MOTION TO APPROVE THE REPORT ON THE MRCOG EXECUTIVE BOARD MEETING SEPTEMBER 30, 2020**. Director Moore seconded the motion. The **MOTION CARRIED unanimously**.

**d. Report on the Finance Committee Meeting Discussing First Quarter Financials, October 12, 2020 - Directors Kelly, Moore, and Baca**

This report was rolled into Item 6.a. (Report on FY 20201 First Quarter Financials). Since the meeting was held on the same day as the Board Meeting, approval was not needed for the Report.

With no further comments, questions or concerns, Madam Chair Dunning adjourned the meeting at 6:18 p.m.

Approved to be the correct Minutes of the Board of Directors of October 12, 2020.

**ATTESTED:**

\_\_\_\_\_  
Pamela Fanelli, CMA, CGFM  
Secretary/Treasurer

\_\_\_\_\_  
Karen Dunning, Chair  
MRGCD Board of Directors