

**MINUTES OF THE
THREE THOUSAND NINTH REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
JUNE 26 2017**

Directors having been duly notified, Chairman Kelly called the regular meeting to order at 3:02 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	Absent
Valerie Moore	Director	

STAFF:

Michael A. Hamman	Chief Engineer/CEO
Dr. DuMars	Chief Water Counsel
Lorna Wiggins	General Legal Counsel
David M. Fergeson	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
Ray Gomez	Engineer Supervisor
Doug Strech	GIS Supervisor
Alicia Lopez	Engineer Technician
Christine Nardi	Human Resource Director
Jason Casuga	Engineer I
David Gensler	Water Operations Manager
Joe Brem	Albuquerque Division Manager

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

Jeff Willis, AMAFCA
Katherine Yuhas, ABCWUA
Leroy Baca, Tome, NM
Elizabeth Reitzel, US Rep Lujan Grisham
Viola Sanchez, BIA

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Chairman Kelly requested that Director Duggins lead the Pledge of Allegiance.

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.

Director Moore made the **MOTION TO APPROVE THE June 26, 2017 AGENDA AS MODIFIED**. Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

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

a. Consideration / Approval of Payment Ratification – June 26, 2017

Director Moore asked for clarification on what a garnishment was, and Mr. Fergeson provided an explanation. Chairman Kelly stated the District spent almost \$17,000 hauling rock down in the Socorro and Belen areas for levee repairs. Mr. Hamman responded that several sites were

repaired in various spots throughout the high flow period, and through the process we established a good partnership with Reclamation and they got the rock free from their site. The actual hauling was out-sourced and hauled from Socorro to Bosque Farms and Los Lunas the main areas of concern; and in some areas of the levee in Socorro.

Chairman Kelly called for approval of the June 26, 2017 Payment Ratification.

Director Dunning made the **MOTION TO APPROVE THE PAYMENT RATIFICATION OF MAY 8, 2017 AS PRESENTED**. Director Baca seconded the motion. The **MOTION CARRIED** unanimously.

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

- a. Consideration / Approval of Minutes for Special Meeting Canvassing – June 9, 2017

Chairman Kelly called for approval of the minutes for the Special Canvassing Meeting June 9, 2017. Director Dunning had one correction.

Director Dunning made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING JUNE 9, 2017**. Director Moore seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 5 – DISCUSSION AND ASSIGNMENT OF NEW MEMBERS SUB-COMMITTEES – Chairman Kelly

Chairman Kelly provided the list of the existing committee members and advised the Board that he was establishing a District Urban Issues Committee. Chairman Kelly proceeded and read off the updated committee member assignments as follows: Please note there was lengthy discussion on the MRCOG assignment.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT
BOARD COMMITTEES**

IRRIGATION/WATER BANK AND ILLEGAL IRRIGATORS COMMITTEE

Director Duggins
Director Moore
Director Lente

PERSONNEL COMMITTEE

Director Dunning
Director Moore
Director Romero

LEGISLATIVE COMMITTEE

John Thompson, MRGCD Lobbyist
Chairman Kelly
Director Dunning
Director Duggins

BUDGET COMMITTEE

All Board members attend Budget Sessions

FINANCE/AUDIT EXIT COMMITTEE AND ENDOWMENT FUND

Director Moore
Chairman Kelly
Director Romero

BIA NEGOTIATIONS COMMITTEE

Dissolved 06-26-17

ELECTION COMMITTEE

Director Dunning
Director Moore
Director Baca

WATER PROTECTION /USBOR / FWS & ESA COMMITTEE

Director Lente
Director Duggins
Director Baca

DISTRICT URBAN ISSUES COMMITTEE (ESTABLISHED 06-26-17)

Director Dunning
Director Baca
Director Duggins

MRCOG REPRESENTATIVES

Mid-Region Council of Governments
Director Dunning, Executive Committee
Director Baca, Alternate
Mike Hamman, TPTG

AGENDA ITEM NO. 6 – ITEMS FROM THE FLOOR

- a. Leroy Baca advised the Board as a spokesperson for a group that gathers monthly to discuss issues and concerns regarding their ditches in Valencia County. He expressed that he has spoken with Mr. Hamman and Director Romero, and they would schedule a meeting in Valencia with five irrigators. Some of their concerns are regarding ISO turnover, herbicide, pesticides and distribution of water, weeds, etc. Mr. DuMars also discussed the Rio Grande Compact and the impacts.

AGENDA ITEM NO. 7 – REPORT(S) FROM THE U.S. DEPARTMENT OF THE INTERIOR

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

Following is the BoR Water Report 06-26-17

1. Heron Summary

Content = 193,584 ac-ft (6/22)
Azotea tunnel: 600-700 cfs
Total SJC inflow year-to-date: 135,453 a.f.
Currently releasing 200 cfs
Current MRGCD storage: 20,900 ac-ft

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 6/22:
139,984 ac-ft.
- B. Native in El Vado
124,040 ac-ft.

C. MRGCD's SJ-C storage in El Vado
0 ac-ft.

D. P & P: 14,244 ac-ft

E. EDWA: 0 ac-ft

F. All other SJ-C contractors: 1,700 ac-ft

Current release is 100 cfs RG Inflow is 400-500 cfs

3. Storage in Abiquiu

Content = 147,256 ac-ft (6/22)

MRGCD's SJ-C storage= 30,840 ac-ft

Total water released for minnow to date in 2017: 0 ac-ft g

Snowpack Data:

All SNOTEL sites melted out

b. Reports from BIA Designated Engineer, Viola Sanchez

Ms. Sanchez provided the Board with several handouts and provided a detailed historical explanation of each document provided.

1. 2017 Prior and Paramount Water Supply and Demand Chart
2. USGS Cochiti East Side Main Canal at Cochiti Dam
3. USGS Sili Main Canal
4. MRGCD Augustine Lateral Flow chart, Santo Domingo Pueblo

Ms. Sanchez commented that the pueblos are getting more and more open to having water measurement devices, and that will help BIA plan the flows into the future. She expressed they will be working with the District to address all the issues that were discussed. The pueblos have things they need to do, and coordination and communication must take place and they are working on improving.

Chairman Kelly thanked Ms. Sanchez for her report and expressed he would like Ms. Sanchez, Mr. Hamman and David Gensler to look at all that was presented and have a report back to the board collectively.

AGENDA ITEM NO. 8 – REPORT(S) FROM THE CHIEF ENGINEER (Michael A. Hamman, MRGCD CEO/CE)

- a. Rescind Approval to 4-Rivers Equipment for 2 each Rotary Mowers; and Request Approval to Titan Machinery for one (1) each Rotary Mower



Memorandum

**To: MRGCD Chairman Lente and Board of Directors
Mike A. Hamman, CEO/CE
David Ferguson, Secretary-Treasurer**

From: Jeanette Bustamante, Chief Procurement Officer

Richard DeLoia, Purchasing Agent RD

Date: June 21, 2017

Re: ROTARY MOWER FY2017

Staff is requesting to rescind the Board of Directors June 12, 2017 approval of two (2) each Rotary Mowers to 4-Rivers Equipment. After further review of their bid and several discussions with 4-Rivers it has been determined the unit they have proposed does not meet the required specifications to operate the mower wings independently as required, and that the units operation could be a safety hazard. As a result of these findings we request that the approval be rescinded; and hereby request approval to Titan Machinery for one (1) each Rotary Mower for Socorro Division in the amount of \$34,789.00

VENDOR	ROTARY BATWING MOWER	GRAND TOTAL
TITAN MACHINERY	\$34,789.00	\$34,789.00
4 RIVERS EQUIPMENT	<p style="text-align: center;">\$17,253.00</p> <p style="text-align: center;">DOES NOT MEET THE MANDATORY BID SPECIFICATIONS</p>	

Budget amount - \$30,000.00

- b. Information Item – MRGCD Switching Disability Insurance carrier – Christine Nardi, Human Resource Director

Ms. Nardi advised the Board that the District will be converting the Short and Long Term Disability and Group Life Insurance from Reliance Standard Life Insurance Company to UNUM Life Insurance Co. The District will see savings with this move, and UNUM has exemplary customer service. Chairman called for questions and there were none.

- c. Water Report – David Gensler, MRGCD Water Operations Manager

Thing can change quickly on the Rio Grande, just two weeks ago Mr. Gensler reported the runoff was winding down, sort of predicted the District may ride it out through mid-July, and then the bottom dropped out. Temperatures soared, flows dropped and deliveries from Colorado plummeted from 3,000 cft to less than 600 cfs. As of June 25th El Vado operations went to by-pass and we stopped storing. Total storage at El Vado is just over 140,000 ac. ft. The District storage at Abiquiu is 30,000 ac. ft. bring the total storage to 170,000 a-f at both reservoirs.

Demand for water was very high last week. San Acacia Dam was checked and we started diverting water. Deliveries from Belen were becoming increasingly unpredictable with 100 degree heat, and San Acacia was needed to stabilize supply for Socorro.

The sediment upstream of the dam was substantially affected by this spring's high flows, and we washed out a lot of sand down the river this spring. It is very a noticeable difference.

The Minnow Acton Team concluded that the best course of action for the remainder of the season is to use a specific quantity of minnow water, roughly 20,000 ac. ft., and use that water directed through the District's diversion dams and from MRGCD outfalls to maximize the extent of habitat available for fish and capitalize on the young-of-year fish production this year.

Mr. Hamman emphasized that there's a lot of decisions that are discussed and made between David Gensler, Bureau of Reclamation and the Corp of Engineers relative to the river operations. David is constantly working hard to achieve these multiple goals.

- d. Report on testimony at Senate Subcommittee on Water and Power, June 14, 2017 – Mike Hamman, MRGCD CEO



WITNESS LIST

**U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Water and Power**

Pending Legislation

**Wednesday, June 14, 2017 — 2:00 p.m.
Room 366, Dirksen Senate Office Building, Washington D.C.**

Mr. Scott Cameron
Acting Assistant Secretary for Water and Science
U.S. Department of the Interior

Mr. Mark A. Gabriel
Administrator and CEO
Western Area Power Administration

The Honorable Jeff Sell, Mayor
City of Harlowton, Montana

Mr. Tom Davis
General Manager
Yuma County Water Users' Association

Mr. Tom Fisher
President
Patterson Lake Homeowners Association

Mr. Mike Hamman
Chief Engineer/CEO
Middle Rio Grande Conservancy District

Mr. Christopher Wynn
Vice President, Northeast Operations
Brookfield Renewable Energy Group

Mr. Hamman emphasized in the testimony that the bill itself allows for the two agencies; the Corps of Engineers and the Bureau of Reclamation who we work with all the time here in the Middle Valley to actually have more flexibility in their ... authorities than they currently enjoy for their reservoirs, as well as other operating and funding flexibilities to reallocate funds to help with water smart grants that we've already taken advantage of. If we had more flexibility to store and retain natural flow and release it at opportune times, we could go from meeting the

desired spawn and recruitment flows from one out of every three years, more or less, to maybe move it towards two out of every three years, we could easily meet our long-term ESA commitment relative to the silvery minnow and other species of interest, like the two endangered birds as well.

Senator Heinrich asked about our efforts to work with the Bureau of Reclamation and the National Fish and Wildlife Foundation, and start some kind of a pilot leasing program for pre-1907 water rights. That's of utmost interest to Senator Heinrich and Senator Udall to get something like that going.

We will be utilizing some grant funds to do an inventory of the available pre-1907 water rights, and then to design an outreach program to query the interest of folks to actually park water in the water bank in lieu of outright sale and actually severing the water from the land. It has two benefits to the District: One, keeping the water on the land for potential future use down the road, as well as providing an opportunity for third-party leases to meet whatever demands we might have for pre-1907 water, whether it's for ecosystem maintenance or even other farmers might want to take advantage of that water supply.

We will have to work with the State Engineer's Office to get the bank sanctioned as a way to park water rights there, so that they will be guaranteed that they won't lose ownership of those rights, assuming the State is willing to do so. And the other side of it will be to try to convert a portion or all of those pre-1907 water rights to some kind of a storage right so that they can be used in a very specific way, like we talked about earlier, where you're actually targeting a flow for a period of time to keep a dry river, or dry section wet or whatever the case may be.

Director Dunning asked if the study was left in the Bill. Mr. Hamman responded it was, but that was one of the things that got watered down from the study perspective by our southern neighbors, Elephant Butte Irrigation District had language inserted that would prohibit the analysis of Elephant Butte as part of the study, which kind of blows up the whole study from the standpoint of how does a whole basin function when you don't have Elephant Butte in the equation?

Director Moore asked, if the pre-1907's, would be designated for the minnow. Mr. Hamman stated, not necessarily for the minnow but water could be leased for that purpose as there's pre-1907 rights being sold and leased within the District already. And, basically, what we're trying to do is provide another opportunity for landowners to park their rights in a water bank, that the District would manage as a broker, if you will, to allow for them to receive some kind of an income stream off of those rights in lieu of selling them outright and severing rights from the land.

There was additional discussion of this bill.

e. Report on NMISC Meeting On June 20, 2017 – Mike Hamman, MRGCD CEO

Mr. Hamman attended a meeting with ISC that was primarily to go over the Rio Grande Basin Work Plan. Rolf Peterson-Schmidt recommended that the \$600,000 that has been set aside for future levee work at San Acacia be used essentially to pay a proportional share of the District's payment for the Bernalillo to Belen Levee Project. The District funds already spent on the San Acacia Levee Project would be replaced by ISC funds and square up the account to allow the Corps of Engineers to have more resources to shift funds possibly to the Bernalillo to Belen Levee project. The Commission approved that use of those funds, and this will allow the completion of the entire feasibility phase of the Bernalillo to Belen without requiring the District to provide any more funding for that portion.

Chairman Kelly asked what the status of the Letter of Map Revision that would take those 1,500 parcels out of the flood plain. There is only one opportunity for them to put together all those density tests, the inspection reports and everything else that has to go into that FEMA submittal, and if not done at the right time, it will be archived and will be difficult pulling it out of archives.

Mr. Hamman responded that the District is working diligently with the Corp to get what they need done to close out the final phase to get that letter done.

- f. Report – Meeting with Secretary of NM Energy, Minerals and Natural Resources, Ken McQueen – NM Rio Grande Trail –Mike Hamman, MRGCD CEO

Mr. Hamman stated he has been keeping an eye on this project since they put together the Rio Grande Trail Commission. He has attended three separate meetings and signed up to be on the Alignment Committee to be involved in the discussions.

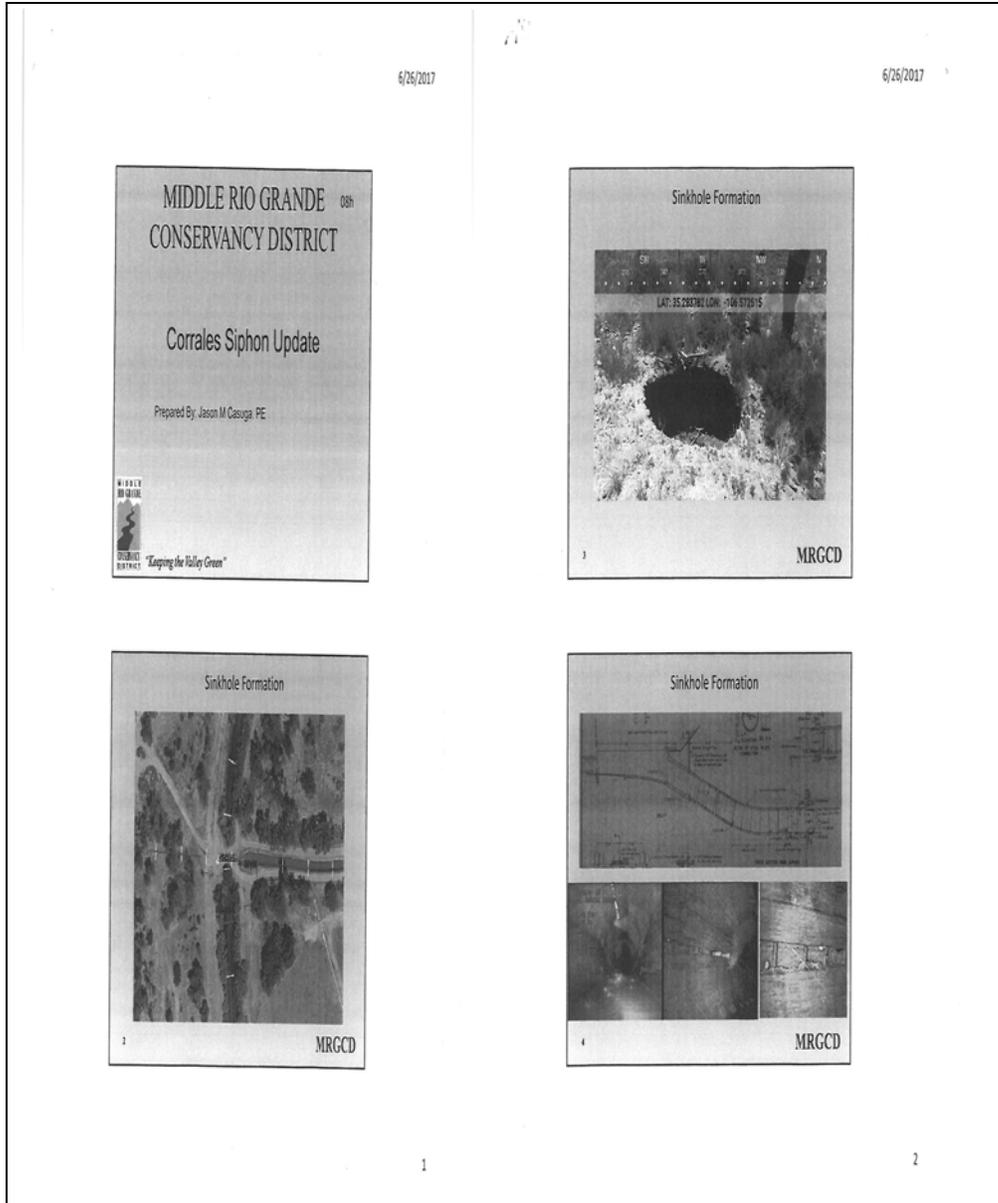
The Governor appointed the Rio Grande Trail Commission to the Secretary of New Mexico Energy, Minerals and Natural Resources, who he assigned the actual chair role to Christy Tafoya, who is the Director of State Parks and Recreation. They hired a consulting group to get discussions going on the various alignment proposals.

The MRGCD is in the mix because of the 150 miles of river and related facilities that could be used for part of the trail. There are obvious controversies such as the lands of the Six Middle Rio Grande Pueblos and how does the overall scheme and focus of the trail affect the District. Mr. Hamman was asked to meet with Secretary, Christy Tafoya and their Consulting facilitator, Rosemary Romero. Mr. Hamman has worked with Ms. Romero over the years and he stated she would essentially to do the right thing in terms of outreach and getting familiar with all the players and all issues.

Mr. Hamman advised the Secretary and Ms. Tafoya that a full presentation would have to be made to the MRGCD Board of Directors.

- g. Report – North Valley Coalition of Neighborhood Assoc. Meeting, June 22, 2017 – Yasmeen Najmi – DISCUSSION MOVED TO ITEM 10B
- h. Update on Corrales Siphon Issues – Mike Hamman, MRGCD CEO and Jason Casuga, Engineer I

Jason Casuga provide a detailed power point presentation as follows:



Mr. Casuga advised the board that the local vendor AUI who is currently under a Cooperative Agreement will be submitting their revised proposal for the repair of the Siphon and their emergency contingencies i.e., to have multiple parts to accommodate an emergency scenario. Those emergency parts would be the pumping needed to continue to ... pumping water from the river to supply water to Corrales in the event we have to shut down the siphon and also upstream bypass and pumping.

As you can imagine, we don't want to cut the water off to Sandia. So, there will still be water in the canal upstream of them, but there will have to be some bypass pumping to put the water into a drain that's right there. The same drain that it overflows into.

The presentation given by Mr. Casuga was very thorough regarding the existing status of the Corrales Siphon and what is being recommended for the repair, etc. There were several questions from the Board and Mr. Casuga and Mr. Hamman responded to each of them thoroughly.

- i. Chama Area Tour logistics for July 13-14, 2017 –Mike Hamman, MRGCD CEO

Mr. Hamman advised the board that we had four confirmations from Directors that will be attending the Chama Tour, and there would also be MRGCD Staff that would be attending. Mr. Hamman provided a verbal itinerary of the tour stops, and that the lodging had been set up at the Chama River Bend Lodge. Updated the Board on the transportation up to Chama, the District would be renting a couple of large SUV's or Vans and Mr. Hamman would also be driving his company vehicle. The time of departure was set for 7:30 a.m. from the General Office. On the return on Friday Mr. Hamman indicated that they would make a couple of tour stops but would be back in Santa Fe by 3:00-3:30 and in Albuquerque by 5:30 to return the rental units by 6:00.

AGENDA ITEM 9 - REPORT(S) FROM THE MRGCD ATTORNEY(S) Chief Water Counsel and General Counsel

- a. Schedule Special Meeting for New Board Members Orientation – Lorna Wiggins, General Counsel

Lorna advised the Board she will provide dates and times when she will be out-of-town and try to schedule a day that will work with everyone's schedule. Lorna also extended this orientation process to the current Board Members as well.

Chairman Kelly said he would like to attend and suggested also discussion on proper parliamentary procedure.

- b. Update on Current Legal Issues – Dr. DuMars, Chief Water Counsel

Dr. DuMars provided a handout which he considers to be the best document for understanding the history of the District and how it functions. This document gives you an idea of the extent of power the Board has. The second document is a summary of the current litigation that the District is involved in. It explains what's going on in each case in detail, and describes the important facets of the District, and what are the key and central points.

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

- a. Report – North Valley Neighborhood Association Meeting on Campbell ditch, June 13, 2017 – Directors Kelly, Dunning and Baca

Director Dunning stated this special recall meeting was called by several neighborhood associations because there was rumor circulating that the District was closing the Campbell Ditch. The people attending expressed that they still irrigate and would like to continue irrigating and also be able to use it for recreational access. Mr. Hamman provided a lot of explanation about district policies and that certain people have been irrigating without paying for years. The response was they want to continue irrigating and are fine with paying their fair share.

Director Baca stated the next step is the EPC Meeting and they will look at the city's traffic flow study analysis

Director Moore wanted clarification if the District was looking into the people that aren't paying to irrigate. Mr. Hamman responded that the District has implemented a process of identifying every piece of ground that is being irrigated and people are coming in to square the books. The Irrigation Committee will need to meet and talk about a minimum charge for the small parcels. Anything under a quarter acre is not charged. So that will be a policy matter that needs to be addressed.

Director Moore made the **MOTION TO APPROVE THE REPORT ON THE NORTH VALLEY NEIGHBORHOOD ASSOCIATION MEETING, JUNE 12, 2017**. Director Duggins seconded the motion. The **MOTION CARRIED** unanimously

b. Report – North Valley Coalition Meeting June 22, 2017 – Director Dunning

Director Dunning said that Mr. Hamman and Yasmeen Najmi provided all the discussion so this meeting does not require an approval. This North Valley Coalition Meeting was with people from all the neighborhood association and the agenda item they were concentrated on was the I-40 Development. The group had a lot questions and Mr. Hamman was grilled. They also had questions on the use of herbicides, and Mr. Hamman explained the policy on that matter.

Ms. Najmi advised the group that they are redoing the Comprehensive Plan for the City of Albuquerque, and then it will go to the County. This plan will have language that actually setbacks for how close you can put things to the ditch, and we all have these encroachments. So what this plan will do in Bernalillo County if it passes nobody will be allowed to encroach with these minimum setbacks. However those existing encroachments will still be there.

Mr. Hamman stated that Ms. Najmi also reported on the Bosque Action Plan to the group.

AGENDA ITEM NO. 11 – EXECUTIVE SESSION

- a. NMSA 1978 Open Meetings Act Section 10-15-1-(H)2
 - 1. Limited Personnel Matters – In the Matter of the Election for the Board of Directors of the Middle Rio Grande Conservancy District

Chairman Kelly requested a motion to move into Executive Session at 5:22 pm.

Director Dunning made the **MOTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO NMSA 1978 OPEN MEETINGS ACT (SECTION 10-15-1(H)7)**. Director Duggins seconded the motion.

Chairman Kelly requested a roll call vote:

Director Dunning	Yes	Director Baca	Yes
Director Duggins	Yes	Chairman Kelly	Yes
Director Moore	Yes		

The **MOTION CARRIED** unanimously.

Chairman Kelly requested a motion to move back into the regular Board meeting.

Director Dunning **MADE THE MOTION TO MOVE BACK INTO REGULAR SESSION**. Director Baca seconded the motion.

Chairman Kelly requested a roll call vote:

Director Dunning	Yes	Director Baca	Yes
Director Duggins	Yes	Chairman Kelly	Yes
Director Moore	Yes		

The **MOTION CARRIED** unanimously.

Chairman reconvened the regular meeting at 5:26 pm.

Chairman Kelly said for the record that only discussion was had and no action was taken. Director Dunning has a couple of comments before we adjourn.

Director Dunning stated that Director Sichler felt very strongly to have the Board packets delivered, he enjoyed talking to the ISO or staffer who delivered his packet. Dunning continued to say that we have a Board where everybody has access to computer and would like to ask if there was a way that the Board could receive the packets electronically it would save staff time, etc.

Chairman Kelly expressed he enjoys his conversation with Mr. Montano and finds it hard to read on the computer. Directors Duggins expressed he prefers having the packets delivered and acknowledges it cost a little bit of money, but he wants to stay in touch with the staff. Director Moore agreed with Director Duggins.

Chairman Kelly asked that this be tabled and pondered on a while.

Director Dunning's second item was inquiring about the Sandoval County Informational Meeting. Mr. Hamman stated he would have to confer with the Sandoval County Board Member.

With no further questions Chairman Kelly asked for a motion to adjourn. With no further comments, questions or concerns, Director Baca made the **MOTION TO ADJOURN THE MEETING**. Director Duggins seconded the motion and the **MOTION CARRIED** unanimously.

The meeting was adjourned at 5:34pm.

Approved to be the correct Minutes of the Board of Directors of June 26, 2017.

Attested:

David M. Ferguson
Secretary/Treasurer

John P. Kelly,
Chairman MRGCD Board of Director