

**MINUTES OF THE
REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
AUGUST 27, 2018**

Directors having been duly notified, Chairman Duggins called the regular meeting to order at 3:02 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS

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

STAFF

Mike Hamman	Chief Engineer/CEO
Lacy Daniel	Chief Water Counsel
Bruce Wiggins	General Counsel
David M. Fergeson	Secretary-Treasurer Absent
Jeanette Bustamante	Administrative Officer/CPO
David Gensler	Water Operations Manager
Becky Burnham	Budget Analyst
Alicia Lopez	Engineer 1
Willie West	Assist. Albuquerque Division Mgr.
Yasmeen Najmi	Planner/RRA
Christine Nardi	Human Resource Director
Jason Casuga	Engineer Manager
Mike Lopez	Construction QC Manager
Rebecca Thompson	Assessment Clerk II

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

Bobby Baca	Michael T. Sandoval, Pueblo of San Felipe
Gabariel Baca	Jeff Willis, AMAFCA
Sabrina Huerena	Viola Sanchez, BIA
Scott Edeal	Dennis Muscari
Guy Dicharry	
Elizabeth Dicharry	

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Former Governor Michael Sandoval led the Pledge of Allegiance.

Chairman Duggins welcomed the guests and declared a quorum.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Since there is no update on 4.a. and 4.c., those items will be tabled and deferred to a future Board Meeting.

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

AGENDA ITEM NO. 3 – ITEMS FROM THE FLOOR

Viola Sanchez, Designated Engineer, U.S. Bureau of Indian Affairs

In speaking with the State Engineer's Office, regarding the proof of beneficial use, she found you could file without including the Indian Lands. The State Engineer does require some kind of proof. She would like to learn about what type of proof MRGCD is using on the Indian Lands, as far as acres irrigated. She would like to continue the conversation with the District and speak with Mr. Hamman regarding this topic.

Director Dunning thanked Ms. Sanchez for her email regarding the new Assistant Secretary for Indian Affairs. Director Dunning wondered if MRGCD could send the new Assistant Secretary a letter of congratulations from Vice-Chair Lente, inviting her to meet with MRGCD whenever she is in the area. Ms. Sanchez responded that would be well received.

Chairman Duggins wanted to give a shout-out to the "Conservancy Boys," specifically Lorenzo Benavidez, Manager from Socorro, and Julian Navalos. Director Duggins told a story about how they found and returned his wallet to him, just as he was about to pay in the line at the local Super Mart. He wanted everyone to hear about the example of the quality of people MRGCD has working.

Dennis Muscari

Mr. Muscari is a film location scout. He is here to ask if the Board would consider a sliding fee schedule. Currently, MRGCD charges \$1,000/day, regardless of the task.

David Fergeson placed an "FYI" set of pages that included the fee schedules for other areas around the state, just for comparison.

Director Dunning is open to having staff review the current fees and come up with another cost structure and bring it back to the Board.

Director Lente asked why we are not charging more due to the staff time when they have to run out to the film site for whatever reason. He believes we are in the business of getting water to constituents not filming. If staff will look at the changing the fee schedule, he would like to make sure that they account for things that are supposed to be doing as opposed to trying to help out this endeavor.

Director Baca asked that this be taken to the Urban Issues Committee for discussion.

Director Moore also wants staff time and costs to be added to the mix.

David Fergeson reported that MRGCD will keep the costs the same until the Urban Issues Committee can meet and discuss.

AGENDA ITEM NO. 4 – REPORT(S) FROM THE MRGCD CHIEF ENGINEER - Mike Hamman, CE/CEO

OLD BUSINESS (ITEMS DEFERRED FROM A PREVIOUS BOARD MEETING)

- a. Joint Powers Agreement Between the Village of Los Lunas and MRGCD to Jointly Manage the Rio Grande Bosque Lands within City Boundary - Ongoing, Yasmeen Najmi, MRGCD Planner**

Since no update, this topic is tabled and deferred to a future meeting.

b. Use of Goat Herds for Vegetation Monument Pilot Program - Ongoing, Yasmeen Najmi, MRGCD Planner

Yasmeen Najmi reported that there was no update on this topic due to Sterling Grogan still being out of the country. Mr. Grogan has experience with this topic, and Ms. Najmi would like to speak to him before attempting to develop the pilot program.

Robert Baca was at today's meeting, offering up his 200 head of goat for the project. Director Kelly asked about fencing. Mr. Baca is willing to invest in the electric fencing and imagines that he would be fencing off an area where the goats will be kept, and he will move the fence as each area is complete. Mr. Baca noted that there is no concern of the goats crossing the river because they stay away from water.

Yasmeen Najmi will continue to work this issue. It will be on an upcoming agenda soon.

c. Authorization for Staff and Chief Water Counsel to Develop and File Proof of Beneficial Use Application with the State Engineer - Ongoing, Dr. DuMars, Chief Water Counsel

Since no update, this topic is tabled and deferred to a future meeting.

d. Authorization for MRGCD Staff to Work with the NM Department of Game and Fish to Establish an Elk Population Management Programs within District Lands in Southern Valencia and Socorro Counties to Reduce Impacts to Affected Farmlands - Bruce Wiggins. General Counsel

Bruce Wiggins reported that the Resolution, as it stands, is ready to be adopted. Mr. Wiggins reported that there will still be some ongoing discussion with the State regarding the liabilities clause of the Resolution.

Director Moore asked if landowners would have the ability to opt out. Bruce Wiggins responded that private landowners can prevent anybody from going onto their private land.

Director Moore further asked Mr. Wiggins if he thought that the Board should approve this Resolution. Mr. Wiggins responded that he still has one issue in terms of insurance coverage, but this is just an authorization to develop a program. He thinks things will be discussed, and then we will have a better idea of where things stand. For the purposes of the Resolution, it is okay to sign today.

Directors Kelly and Dunning went over a few typographical errors on the Resolution and asked for those to be corrected.

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT
AUTHORIZING THE MRGCD STAFF TO WORK WITH THE NEW MEXICO
DEPARTMENT OF GAME AND FISH TO ESTABLISHING AN ELK POPULATION
CONTROL PROGRAM WITHIN DISTRICT LANDS IN SOUTHERN VALENCIA AND
SOCORRO COUNTIES TO REDUCE IMPACTS TO AFFECTED FARMLAND**

M-08-27-18-158

WHEREAS, the Middle Rio Grande Conservancy District ("MRGCD") and the NM Department of Game and Fish ("NMDGF") have overlapping but compatible interests in the development of an elk population control program within the southern portion of the middle Rio Grande valley in order to limit farmland degradation due to the growing number of elk herds grazing and occupying farmlands adjacent to or near the Bosque lands of the MRGCD; and,

WHEREAS, for the last year the MRGCD and the NMDGF have been engaging in discussions as to the optimal method for developing a joint management plan to permit hunters to reduce the elk population over time; and,

WHEREAS, the NMDGF has the authority and direction from the NM State Game Commission to implement the E-PLUS program within the middle Rio Grande valley (MRGV) that provides for private landowners to either issue a regulated quantity of permits themselves or work with NMDGF to allow for the Department to manage the permit allocation process; and,

WHEREAS, the MRGCD staff and Urban Issues Committee met with the NMDGF staff that included game wardens from that area to discuss the program options, to tour the impacted farmlands to better understand the problem, and to get assurance that the Department will provide the resources necessary to make sure that scheduled hunts are properly managed and that the safety of the public is a top priority if MRGCD were to implement an elk population control program within its lands; and,

WHEREAS, the MRGCD is not in a position at this time to manage the permit program itself so of the options described in a letter provided to the MRGCD dated August 30, 2017 attached to this resolution, staff is recommends that MRGCD and the NMDGF work to implement option 2 and MRGCD will also assist NMDGF in implementing option 3 by providing appropriate landowner information as requested; and,

WHEREAS, the MRGCD is concerned about the proximity of developed properties and homes in the vicinity of proposed hunt areas with the proposed MRGV Hunt Zone and wish to limit hunts to areas away from more densely developed areas; and

WHEREAS, the MRGCD Urban Issues Committee and staff are recommending implementation of an initial one year elk population control program within MRGCD under the conditions discussed with NMDGF to the full Board that includes a full review of the program after the initial hunt program is completed; and

WHEREAS, the NMDGF has assured MRGCD staff, the Urban Issues Committee, and the full Board of Directors that all liabilities and enforcement matters related to the implementation of the MRGV elk population reduction program will be the responsibility of the State of New Mexico.

NOW THEREFORE IT IS RESOLVED BY THE BOARD OF DIRECTORS OF THE MRGCD that Staff is hereby authorized to work with the NM Department of Game and Fish to finalize an elk population control program within the boundaries of MRGCD lands termed "bosque" for the 2018/19 hunting year in an area bound to the north by the southern city limits of Belen to the north city limits of Socorro and from the south city limits of Socorro to the north boundary of Bosque del Apache. The program is to be completely managed by the NMDGF including setting bag type, weapon choice, hunt periods in each sub-zone permit issuance within the months of December and January and performing all necessary enforcement actions to protect landowner property and the public.

BE IT FURTHER RESOLVED that the NMDGF will provide a hunt plan to the Board of Directors and staff at least 30 days prior to the start of the hunt so that MRGCD can adequately inform it's constituents of the program. The NMDGF will report the findings of the program back to the Board of Directors within 60 days following the completion of the first year so that continuation of the program can be discussed and evaluated by the Board. The MRGCD reserves the right to discontinue the program if it is not deemed beneficial to the MRGCD or its constituents and further reserves the right to choose other options for performing this program in future years.

PASSED, APPROVED AND ADOPTED this 27th day of August, 2018.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Glen Duggins, Chairman of the Board

ATTEST:

David M. Fergeson, Secretary/Treasurer

Director Kelly a made the **MOTION TO APPROVE THE AUTHORIZATION FOR MRGCD STAFF TO WORK WITH THE NM DEPARTMENT OF GAME AND FISH TO ESTABLISH AN ELK POPULATION MANAGEMENT PROGRAM WITHIN DISTRICT LANDS IN SOUTHERN VALENCIA AND SOCORRO COUNTIES TO REDUCE IMPACTS TO AFFECTED FARMLANDS.** Director Dunning seconded the motion. The **MOTION CARRIED.**

NEW BUSINESS

Minutes of Middle Rio Grande Conservancy Board Meeting
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e. Water Report - David Gensler, Water Operations Manager

Mr. Gensler reported that he was pretty sure we were going to be out of water today, he thought we were going to be out ten days ago, and he thought we were going to be out five days ago, but we keep getting little shots of water here and there, tiny little rainfall events, and we keep tweaking the reservoirs. And, we manage to keep kicking the can down the road. He got the ERGWOM model from Reclamation five minutes before the meeting, and we still have 1,900-acre feet as of midnight last night.

We are going to be able to keep running for about three more days. He thinks, unfortunately, it looks like the rains have just about shut off, but you never know. We probably will be running the last of our stored water, he is guessing, by late Wednesday night, Thursday morning. Changes in storage at the reservoirs will change in operations at the reservoirs about two days before it hits the middle valley. He does, however, think we' are going to coast through till about September 1st.

We made it into September, more or less, and, as of this moment, things are operating still pretty much normally. We are diverting 130 at Cochiti, 130 at Angostura, about 380 at Isleta today, and we're actually diverting over 200 this afternoon down at San Acacia. A lot of these storms have been running right up and down the west side of the state, filling up those Rio Puerco drainages. Thursday evening, in the Rio Puerco, there must have been 1,000 CFS, really running, and that water is now down at San Acacia.

Good news for the folks in Socorro County. We did lift the water bank restrictions Saturday morning. Water bank is good to go again down in those areas south of San Acacia Dam for a few more days.

Mr. Gensler also reported that there will be a big influx of water into Socorro County. Everybody will get watered up, and everybody should be in great shape.

As far as Compact deliveries, as of the end of July, we were sitting at about 20,000 to 24,000 in the negative. We have made up ground since then and Mr. Gensler is cautiously optimistic that we will end the year in the black.

Scott Edeal was in attendance today and noted that they were told that they would not be able to schedule water, even though some of the ditches were overflowing. He is concerned that he has five different ditch riders, and they told him there was no scheduling. Mr. Gensler assured the Board that that was not the case and that the ditch riders were asked to take names and that we would release water as available. It is on the website and there are press releases to the media. Chairman Duggins reiterated that he received some calls from people in Valencia County that they had been told that water was being shut off. Again, Mr. Gensler repeated that we don't know when the end of the season will occur. Mr. Edeal went on to say that it has been "ridiculous" that the MRGCD has not been able to keep their ditch riders. He said the MRGCD needs to figure out a way to keep them. Mr. Gensler will look into Mr. Edeal's concerns.

AGENDA ITEM NO. 5 – REPORT(S) FROM THE MRGCD ATTORNEY(S) (Chief Water Counsel and/or General Counsel)

a. Discussion and Approval of Draft Resolution M-08-27-18-158, Authorizing the MRGCD Staff to Work with the New Mexico Department of Game and Fish to Establish an Elk Population Control Program within District Lands in Southern

Valencia and Socorro Counties to Reduce Impacts to Affected Farmland – Bruce Wiggins, General Counsel

Please see Item 4.d. above.

AGENDA ITEM NO. 6 – REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

a. Report on EPA Region 6 Storm Water Conference, Held in Albuquerque, August 19-23, 2018 - Director Kelly

Director Kelly attended the four-day long EPA Storm Water Quality Conference here in Albuquerque, which includes all of Region 6, which is Louisiana, Arkansas, Texas, New Mexico, and Oklahoma. He was pleased to see Alicia and Adrian there. Jason Casuga spoke on a panel discussion. This was on the nexus between agriculture and storm water. What was notable, was Jason Casuga and Jerry Lovato from the Albuquerque Flood Control Authority made a point to talk about the cooperation between the District and all the flood control agencies up and down the river. While EPA might have been looking for an avenue to perhaps upset our exemption we enjoy as an agricultural agency, the discussion went the other way and talked about how integral we were to the flood control solution in the valley. Director Kelly wanted to give a shout out to Jason for his hard work.

Director Kelly passed around a flyer for the New Mexico Water Law. Mr. DuMars will be speaking at that conference. He believes it is a good idea for the board members to attend the conference. Jeanette Bustamante will check with every board member regarding their attendance.

AGENDA ITEM NO. 7 – EXECUTIVE SESSION

**a. NMSA 1978 Open Meetings Act, Section 10-15-1(H)7
1. Threatened or Pending Litigation**

Bruce Wiggins reported there no items for Executive Session.

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

The meeting was adjourned at 3:49 p.m.

Approved to be the correct Minutes of the Board of Directors of August 27, 2018.

ATTESTED:

David M. Ferguson
Secretary/Treasurer

Glen Duggins, Chairman
MRGCD Board of Directors