

**MINUTES OF THE  
TWO THOUSAND NINETY NINTH REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT  
October 24, 2016**

Directors having been duly notified, Chairman Lente called the regular meeting to order at 3:00 pm at the MRGCD General Office. The following Directors and Staff were present:

**DIRECTORS:**

Derrick J. Lente	Chair
Glen Duggins	Vice-Chair
Adrian Oglesby	Director
Karen Dunning	Director
John P. Kelly	Director Absent
Chris Sichler	Director
Beverly Romero	Director Absent

**STAFF:**

Michael A. Hamman	Chief Engineer/CEO
Charles T. DuMars	Chief Water Counsel
Bruce & Lorna Wiggins	General Legal Counsel
David Fergeson	Secretary-Treasurer
Jeanette Bustamante	Administrative Officer
Ray Gomez	Engineer Supervisor
Christine Nardi	HR Director
Jason Casuga	Engineer I
Alicia Lopez	Engineer Technician
David Gensler	Hydrologist
Sloan Washburn	Belen Division Manager

The following individual(s) were interested viewers and/or participants:

Jeff Willis, AMAFCA John Thompson, MRGCD Lobbyist Patrick Redmond, LRPA	
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**AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE**

Chairman Lente requested that Director Dunning lead the Pledge of Allegiance.

Chairman Lente welcomed the guests and declared a quorum.

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

Chairman Lente called for approval of the agenda. Mr. Hamman requested that Chairman Lente and Director Duggins be added to agenda item 8b to report on the Isleta Diversion Dam Settlement.

Director Dunning made the **MOTION TO APPROVE THE OCTOBER 24, 2016 AGENDA AS AMENDED**. 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 – October 24, 2016

Chairman Lente called for approval of the October 24, 2016 Payment Ratification. Director Dunning had a question on unemployment insurance rates and Mr. Fergeson answered accordingly. Director Dunning had a question on lighting in the General Office and Mr. Hamman responded that PNM will be coming in to do an assessment in the near future on lighting and the HVAC system.

Director Dunning made the **MOTION TO APPROVE THE PAYMENT RATIFICATION OF OCTOBER 24, 2016 AS PRESENTED.** Director Sichler 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 – October 10, 2016

Chairman Lente called for approval of the minutes for the Regular Board Meeting October 10, 2016. Director Dunning had one revision.

Director Dunning made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING OCTOBER 10, 2016 AS AMENDED.** Director Sichler seconded the motion. Director Oglesby abstained. The **MOTION CARRIED.**

**AGENDA ITEM NO. 5 – ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)**

There were no Items from the Floor.

**AGENDA ITEM NO. 6 – REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR**

- a. Bureau of Reclamation – Jennifer Faler, Area Manager

The following summary report was received electronically from the Bureau of Reclamation.

1. Heron Summary

Content = 90,759 ac-ft. (10/20)  
Azotea Tunnel: 0 cfs  
Total SJ-C inflow year-to-date: 94,469 ac-ft.  
Currently releasing: 100 cfs  
Current MRGCD storage: 20,096 ac-ft.

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 10/20:  
46,007 ac-ft.
- B. Native in El Vado  
0 ac-ft.
- C. MRGCD SJ-C storage in El Vado  
16,731 ac-ft.
- D. MRGCD EDWA:  
0 ac-ft.
- E. NMISC EDWA:  
335 ac-ft.
- F. P&P:  
13,187 ac-ft.
- G. All other SJ-C contractors:  
15,754 ac-ft.

Current release is 200 cfs      RG Inflow is 50-70 cfs

3. Storage in Abiquiu

Content = 123,446 ac-ft. (10/20)  
MRGCD SJ-C storage = 0 ac-ft.

Total water for minnow released to date in 2016:      18,050 ac-ft. (+784 ac-ft. from Audubon pool + 803 from ISC EDWA poll in El Vado).

b. Bureau of Indian Affairs

Bureau of Indian Affairs informed Chairman Lente they would not be available for this meeting.

**AGENDA ITEM NO. 7 – REPORT(S) FROM THE CHIEF ENGINEER (Michael A. Hamman, MRGCD CEO/CE)**

b. Bid Abstract(s) – Jeanette Bustamante, MRGCD Administrative Officer

1. Herbicide FY2017

Ms. Bustamante presented details of the bid abstract.

Requests for Bid were advertised on September 30 and October 2, 2016. Four (4) Requests for Bid were issued to herbicide dealers and on October 12, 2016, two (2) bids were received follows;

<b>VENDOR</b>	<b><u>HERBICIDE</u> ROUND UP CUSTOM</b>	<b><u>SURFACTANT</u> LI-700</b>	<b>FREIGHT</b>
<b>CROP PRODUCTION SERVICES</b>	<b>\$14.92 PER GALLON</b>	<b>\$19.00 PER GALLON</b>	<b>NO FRT</b>
HELENA CHEMICAL	\$15.25 PER GALLON	NO BID	NO FRT
XSAG	NO RESPONSE		

After thorough review, staff is recommending award to the Lowest Responsible Bidder, Crop Production Services, for a one (1) year price agreement, based on unit cost for use District wide.  
MRGCD FY2017 BUDGET (ALL DIVISIONS) - \$152,000.00

Directors Sichler and Duggins asked questions regarding the separate purchase of surfactant and Mr. Hamman and Sloan Washburn, MRGCD Belen Division Manager furnished additional information. Discussion followed.

Director Sichler made the **MOTION TO APPROVE STAFF RECOMMENDATION ON HERBICIDE FY2017 TO CROP PRODUCTION SERVICES IN THE AMOUNT OF \$152,000.00.** Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

2. Treated Lumber FY2017

Ms. Bustamante presented details of the bid abstract.

Treated Lumber bids were advertised on September 30 and October 2, 2016. Four (4) Requests for Bid were issued to lumber suppliers, and on October 13, 2016 one (1) bid was received as follows;

<b>VENDOR</b>	<b><u>SCHEDULE I:</u> ALBUQUERQUE DIVISION</b>	<b><u>SCHEDULE II:</u> BELEN DIVISION</b>	<b><u>SCHEDULE III:</u> SOCORRO DIVISION</b>	<b><u>SCHEDULE IV:</u> COCHITI DIVISION</b>	<b>GRAND TOTAL</b>
<b>HUNTER BOWER LUMBER</b>	<b>\$812.00</b>	<b>\$12,860.00</b>	<b>\$7,034.70</b>	<b>\$980.14</b>	<b>\$21,686.84</b>

After thorough review, staff is recommending award for Treated Lumber to the Lowest Responsible Bidder, Hunter Bower Lumber for Schedules I, II, III & IV for a grand total amount of \$21,686.84.

Director Dunning made the **MOTION TO APPROVE STAFF RECOMMENDATION ON TREATED LUMBER FY2017 TO HUNTER BOWER LUMBER IN THE AMOUNT OF \$21,686.84**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

### 3. Steel & Iron Lumber FY2017

Ms. Bustamante presented details of the bid abstract.

Request for Bid was advertised on September 30 & October 2, 2016. Five (5) Requests for Bid were issued to steel suppliers and on October 13, 2016 two (2) bids were received as follows;

<b>VENDOR</b>	<b><u>SCHEDULE I:</u> ALBUQUERQUE DIVISION</b>	<b><u>SCHEDULE II:</u> BELEN DIVISION</b>	<b><u>SCHEDULE III:</u> SOCORRO DIV.</b>	<b><u>SCHEDULE IV:</u> COCHITI</b>	<b>GRAND TOTAL</b>
<b>CHOICE STEEL</b>	<b>\$1,770.50</b>	<b>\$1,075.75</b>	<b>\$2,655.30</b>	<b>\$1,807.60</b>	<b>\$7,309.15</b>
<b>RELIANCE STEEL</b>	<b>\$1,882.60</b>	<b>\$1,191.60</b>	<b>\$2,504.29</b>	<b>\$2,032.20</b>	<b>\$7,601.69</b>

After thorough review, Staff is recommending award to the Lowest Responsible Bidder, Choice Steel, for Schedule I, II, III & IV for a grand total amount of \$7,309.15.

Director Oglesby made the **MOTION TO APPROVE STAFF RECOMMENDATION ON STEEL & IRON FY2017 TO CHOICE STEEL IN THE AMOUNT OF \$7,309.15**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

#### a. Water Report – David Gensler, MRGCD Hydrologist

Mr. Gensler said there is not a lot to report. He said irrigation demands have been relatively light they've been making due with what's in the river; overall things are going smoothly. Mr. Gensler said the river has been quite low, today at Embudo 140 cfs, La Puente gage is 45 cfs and less than 300 cfs is going through the system. He said there is 450 cfs in the Middle Valley today and that is mostly coming out of Reclamation's supplemental water pool. Mr. Gensler said the MRGCD is diverting 105-110 cfs at Cochiti for the Pueblos and once it gets down to Angostura the diversion is approximately 150 cfs, about 250 cfs and that is resulting in about 120 cfs arriving at the Central Avenue gauge and so the MRGCD is seeing losses of approximately 150 cfs in the Albuquerque area. He said there is enough flow out of the wasteway at Central Avenue and Reclamation is adding quite a bit of supplemental water once it gets down to Isleta, and there is a comfortable supply for this time of year; approximately 250-270 cfs. Mr. Gensler said this wraps up the year and staff will begin shutting down the canals beginning on Saturday. He said once the MRGCD is off, he thinks that Reclamation will be adjusting the minnow releases, but he's not entirely certain; there may not be enough water. He said there is a chance of rain today, tonight and tomorrow and there may be a

turn around. Mr. Gensler said they are not releasing from storage and managed to keep all of the San Juan-Chama water and he will be discussing this with the Board later as to what they want to do with that water.

Director Sichler asked about the San Juan-Chama water in El Vado and is that the San Juan allocation from last year and Mr. Gensler went on to explain the totals. Director Sichler inquired about the water in Abiquiu and Mr. Gensler said the MRGCD wound up exchanging that back up stream "on paper". Director Dunning asked about a recent meeting she heard of regarding the San Juan-Chama water managers and did Mr. Gensler attend the meeting and what was the outcome. Mr. Gensler responded that he did attend that meeting and provided details of agenda items and speakers. Chairman Lente asked if the MRGCD had received a letter from the Pueblos requesting an extension of the irrigation season and Mr. Gensler said yes that Mr. Hamman had received that request from the Coalition for an extension through November 15<sup>th</sup>. Mr. Hamman said the MRGCD received the same request last year and not all of the Pueblos needed the water and the system was able to be shut down a little earlier. He said he has only heard from a couple of Pueblos and that they will need the water through the 15<sup>th</sup> of November on some of their ditches, however, not all.

c. NM Water & Natural Resources Committee Agenda – Mike Hamman, MRGCD CEO

Mr. Hamman reported that the NM Water & Natural Resources Committee will be meeting later this week in Socorro on the 26<sup>th</sup> and Roswell on the 27<sup>th</sup> & 28<sup>th</sup>. He said the Board has the agenda and there are some interesting topics that will be discussed at the Socorro meeting; they are welcome to attend. Mr. Hamman said he is on the agenda on the afternoon of the 27<sup>th</sup> in Roswell and along with other agencies they will discuss how they were able to operate and manage the river this year to maximize the opportunities presented to them through several events. He said he will use his time to encourage the Federal government to expand its authority in the operation of the Rio Grande by the reauthorization of Cochiti so it is fresh on their minds as they begin the next legislative session. He said hopefully they will be able to speak with them regarding some memorials to keep this on the front burner of ESA operations in the Rio Grande. Dr. DuMars added comments regarding the agenda item "Lower Rio Grande Alternative Administration & Ground Water Management".

d. Update on Corps of Engineers Bernalillo to Belen Levee Project – Mike Hamman, MRGCD CEO

Mr. Hamman reported that they are winding down the last phase of the last segment of Phase I of the San Acacia Levee Project. He said there is some extra funding associated with the project that may help with the upfront costs associated with the Bernalillo to Belen Levee project and he supplied additional information on the project. He said at a recent meeting with the Corps and other agencies, the Corps reviewed the project and reported the total cost will be \$240 million to build 48 miles of levees. Mr. Hamman said the Corps is looking for a 25% cost share during the project timeframe. Mr. Hamman provided additional information on this meeting; including possible funding requirements. Director Sichler said the MRGCD really needs to work hard to get Reclamation to release title to the levees the MRGCD has now and he said that Director Kelly brought up the fact, at one time, that a lot of these levees in the Bernalillo area are actually engineered levees and are waiting to be certified. Discussion followed on some of the remaining issues with the current Bernalillo/Corrales levees. Director Sichler brought up the excessive costs for the proposed levee projects and discussion followed. Chairman Lente shared his concern, from a safety standpoint, of the folks in the Town of Bernalillo and the cost of flood insurance. Mr. Hamman said the Corps needs to research and analyze other options of protecting residents from flood issues.

Director Duggins said he was approached by the Mayor of Socorro regarding the status of the construction on the San Acacia project; it seems to be stalled. Mr. Hamman said he doesn't have all the details, however, he understands there is a dispute between the Corps and the original contractor, Kirkland Construction, doing Phase I of the project. Director Sichler requested this issue be an agenda item for the November 7<sup>th</sup> meeting and perhaps Mr. Hamman can inquire if the Mayor of Socorro could be present to the meeting as well and Mr. Hamman agreed.

- e. Update on Jackson Lateral/West Bosque Loop Crossing Project w/Village of Bosque Farms – Jason Casuga, MRGCD Engineer I

Mr. Casuga reported he and Mr. Hamman attended a Village of Bosque Farms town meeting where the Village voted to approve the Intergovernmental Agreement on the project. He said the Village did have a few questions; however, on the whole they were very supportive and appreciative of the partnership. He said the agreement is set to be signed this week and the project is ready to move forward.

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

- a. Final Action / Approval of MRGCD 2017 Board of Directors Election – Rule 20 – Lorna Wiggins MRGCD General Counsel

Ms. Wiggins said at a recent meeting of the Board there was discussion on revisions to Rule 20 and Rule 20 was then posted on the MRGCD website to present an opportunity for the public to comment on those revisions. She said she would like to inform the Board there were no comments received during that 30 day period and Rule 20 as presented to the Board is ready for final approval.

Director Duggins made the **MOTION TO APPROVE REVISED RULE 20 AND NOTE THAT THIS MOTION AND ANY BOARD ACTION ON THIS MOTION FOLLOWS THE PERIOD OF PUBLIC COMMENT FROM SEPTEMBER 12 THROUGH OCTOBER 13, 2016 WHERE NO PUBLIC COMMENTS WERE RECEIVED.** Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

- b. Update – Isleta Diversion Dam Settlement Agreements – Dr. Charles T. DuMars, Law & Resource Planning Associates

Dr. DuMars said he is happy to say the final documents were exactly as represented; there were a few attempts during the last week to try to modify with comments from Salt Lake; there were some technical issues and he gave those examples. He said he is very confident that everything that was done was consistent with the law, consistent with the Conservancy Code and he feels it is a very good outcome. Mr. Hamman reviewed the financial investment the MRGCD would be making and some of the projects and requirements involved in the agreement. He said in general this agreement is as good as it could be for the MRGCD from the standpoint of getting a serious problem resolved as well as for the United States and the Pueblo of Isleta. He said this agreement is a strong commitment on the part of all parties involved. Director Duggins said he is glad this is behind us and it is a good deal. He thanked Dr. DuMars, Mr. Hamman and MRGCD staff and said it is good for the Pueblo and good for the MRGCD. Chairman Lente said he concurs with all of these comments and thinks this is a great example of the collaboration on behalf of a lot of people and agencies. He said the signing was a bigger production than he thought it was going to be, there was news coverage and a lot of people were pleased with the outcome. He said this goes a long way to reaffirm the MRGCD's commitment to agriculture, the Pueblos, to non-Pueblos and how everyone moves forward with the ESA and the fish. He said this is a good thing and he is proud to have been a part of the resolution. Mr. Hamman said he would like to thank Doug Strech, MRGCD GIS Supervisor. He did a tremendous amount of work on the history of this whole topic helping to determine that the MRGCD wasn't involved in trespass and he thinks this was a kind of a swaying moment expertly unveiled by the MRGCD attorney in a way that was an impetus to a more solutions based approach; Doug was key in this as well. He said that having a tangible fish passage project included in this agreement will certainly appeal to the ESA side and the Fish & Wildlife Service is quite pleased with the MRGCD as far as its commitment to making something happen.

c. Update – ESA Consultation Issues – Patrick Redmond, Law & Resource Planning Associates

Mr. Redmond said at the last meeting he indicated that the deadline for the BA partners (Reclamation, BIA, MRGCD and the NMISC) to submit their comments on the draft Biological Opinion (BO) was October 14, 2016. He said those comments were worked on pretty intensively over the weeks and were submitted timely. Mr. Redmond provided a summary to the Board of the “Big Picture” issues. Mr. Hamman said he also e-mailed to the Board a letter from Reclamation to the Fish & Wildlife Service (Service) regarding these comments to the draft BO. Mr. Redmond then read off the first four “Big Picture” issues summarized in the comments document. He said what they plan to do over the coming weeks, possibly months, is to work with the Service on solutions. Director Sichler said the comments have been submitted and the Service will be taking those comments into consideration and working with the BA partners to come to a solution and that is what everyone is hoping for. Mr. Redmond said that is what everyone is anticipating. He said it is a very complex system and the Service’s expertise is not with hydrology or how the system operates, it is with biology. He said there is a real need to translate the biological goals that the Service wants to reach with hydrological reality. Director Oglesby inquired about the timeline and Mr. Redmond said the Service is anticipating December, however, there were many pages of serious comments and he feels it might be into early next year.

### **AGENDA ITEM NO. 9 – REPORTS FROM THE BOARD OF DIRECTORS**

a. Report – MRCOG Executive Committee Meeting – October 13, 2016 – Director Dunning

Director Dunning said this meeting was reviewing and providing recommendations for their surplus and those recommendations go to their Board for approval and they approved those recommendations. She said they also reviewed budget updates from the recent special legislative session and John Thompson, MRGCD Lobbyist provided some additional information on the projects in Valencia and Socorro counties.

Director Oglesby made the **MOTION TO APPROVE THE REPORT BY DIRECTOR DUNNING ON ATTENDANCE AT THE MRCOG EXECUTIVE COMMITTEE MEETING ON OCTOBER 13, 2016**. Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

### **AGENDA ITEM NO. 10 – EXECUTIVE SESSION**

- a. NMSA 1978 Open Meetings Act, (Section 10-15-1(H)7)
  1. Threatened or Pending Litigation
- b. NMSA 1978 Open Meetings Act, (Section 10-15-1(H)2)
  2. Limited Personnel Matters

Chairman Lente requested a motion to move into Executive Session.

Director Oglesby **MADE THE MOTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO NMSA 1978 OPEN MEETINGS ACT (SECTION 10-15-1(H)7) & (SECTION 10-15-1(H)2)**. Director Dunning seconded the motion.

Chairman Lente requested a roll call vote:

Vice Chairman Duggins	Yes	Director Dunning	Yes
Director Oglesby	Yes	Chairman Lente	Yes
Director Kelly	Absent	Director Sichler	Yes
Director Romero	Absent		

The **MOTION CARRIED** unanimously.

Chairman Lente adjourned the meeting at 4:25 pm.

Vice-Chairman Duggins reconvened the meeting at 4:55 pm.

Vice Chairman Duggins requested a motion to move back into the regular Board meeting. Director Oglesby made the **MOTION TO MOVE BACK INTO REGULAR SESSION**. Director Sichler seconded the motion.

Chairman Lente rejoined the meeting.

Vice-Chairman Duggins requested a roll call vote:

Vice Chairman Duggins	Yes	Director Dunning	Yes
Director Oglesby	Yes	Chairman Lente	Yes
Director Kelly	Absent	Director Sichler	Yes
Director Romero	Absent		

The **MOTION CARRIED** unanimously.

Vice Chairman Duggins said for the record that only discussion was had and no action was taken.

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

The meeting was adjourned at 4:52 pm.

Approved to be the correct Minutes of the Board of Directors of October 24, 2016.

**Attested:**

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David M. Ferguson  
Secretary/Treasurer

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Derrick J. Lente, Chairman  
MRGCD Board of Directors