

**MINUTES OF THE  
2,191st REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**SEPTEMBER 12, 2022 - 3:00 PM**

Directors having been duly notified; Madam Chair Russo Baca called the regular meeting to order at 3:03 pm. The following Directors and Staff were present:

**DIRECTORS**

Stephanie Russo Baca, Madam Chair	Present
Karen Dunning, Vice Chair	Present
Barbara Baca, Director	Present
John Kelly, Director	Absent
Joaquin Baca, Director	Present
Glen Duggins, Director	Absent
Michael T. Sandoval, Director	Present

**STAFF**

Chief Engineer/CEO
General Counsel
Water Counsel
Secretary-Treasurer/CFO
Chief Operating Officer
Water Distribution Division Mgr.
Water Operations Division Mgr.

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

Larissa Gordon, Ag of NM	Tyler Ashton, Wilson & Co.	Rudy Perez
Peter Rice, Downtown Albuquerque News	Glen Selover, Wilson & Co.	Michael Padilla, MRGCD
Neal Hurley	Adam Lauer	Ashely Veihl, MRGCD
Max Henkels, NMDA	Benjamin Bartley	Greg Bacon
Judy McSweeney, MRGCD	Jacobo Sanchez	Tiffany Rivera
Alicia Robinson-Welsh	Alicia Lopez, MRGCD	Rhett Sanders-Spencer
LeeAnn Corwin, MRGCD	Michael Goff, Pattern Energy	Thomas Padilla, MRGCD
Doug Strech, MRGCD	Ashokra Farm	Julian Avalos, MRGCD
Elaine Hebard	Bobby Wagner, MRGCD	Tiffany Rivera
Yasmeen Najmi, MRGCD	Estella Gamboa, MRGCD	Reba Thomas
Ernest Marquez, AES	Daniel Timmons, Wild Earth Guardians	Josh Hind, MRGCD

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

Director Sandoval led the Pledge of Allegiance at today's meeting.

Madam Chair Russo Baca declared a quorum, and the meeting was publicly noticed. This meeting was a hybrid meeting; Dr. DuMars attended virtually.

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

Director Dunning asked that she be added to agenda item 13.b. as she attended also. No other revisions were made.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE CHANGES**. Director Barbara Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

**AGENDA ITEM NO. 3 - CONSENT AGENDA**

- a. Consideration/Approval of Payment Ratification - September 12, 2022
- b. Consideration/Approval of August 2022 Invoice for Wiggins, Williams & Wiggins

- c. **Consideration/Approval of August 2022 Invoice for Law and Resource Planning Assoc.**
- d. **Consideration/Approval of the Minutes for the Regular Board Meeting - August 8, 2022**
- e. **Memo on MRGCD Approved Licenses for August 2022 (For Informational Purposes Only)**

Madam Chair Russo Baca made the **MOTION TO APPROVE THE CONSENT AGENDA**. Seconded by Director Sandoval. The **MOTION CARRIED UNANIMOUSLY**.

#### **AGENDA ITEM NO. 4 - CONVENE BOARD OF EQUALIZATION**

##### **a. Reclassification Hearing - Estella Gamboa, Assessment Clerk III**

The Chair convened the Board of Equalization and turned it over to Estella Gamboa at 3:11 pm.

Ms. Gamboa stated that the 2022 water service charge contracts and protests were reviewed and completed by staff, and that landowners had the opportunity to protest. She also explained that if any protestor did not agree with the recommendations, they were able to call in and show cause of why it should be reconsidered.

Chair asked if any attendees would like to appeal but there weren't any responses.

Vice Chair Dunning inquired how the rate of lost acreage compared to previous years. Ms. Gamboa replied the increase of the exemptions that were approved were due to water rights being sold.

#### MEMORANDUM



TO: MADAM STEPHANIE RUSSO BACA & BOARD OF DIRECTORS  
 THROUGH: JASON CASUGA, CEO/CE & PAMELA FANELLI, CFO/TREASURER/SECRETARY  
 FROM: ESTELLA GAMBOA, ASSESSMENT/COLLECTIONS CLERK III  
 DATE: SEPTEMBER 12, 2022  
 SUBJECT: 2022 Water Service Charge Reclassification Protest Hearing

The 2022 Water Service Charge (WSC) protests have been reviewed by staff and the staff recommendations are detailed on the attached pages.

As per Section 73-18.8.1 NMSA 1978, and Rule 24, the individuals filing the protests have been notified of the proposed recommendations.

Staff recommendations have been indicated in the **'Approved Exemption Acreage'** column on the far-right hand of the page. Any Protestor who disagrees with the MRGCD staff recommendations are given the opportunity to appear before the Board and show cause as to why the Water Service Charge reclassification recommendation is incorrect and should be changed. Any protest will not be approved, until outstanding balances have been paid. (Per Water Service Charge Resolution M-09-12-11-113)

Staff recommends removing 284.84 acres from the Water Service Charge assessment. Using the current assessment amount of \$43.82 per acre, this will reduce revenues by \$12,481.69.

In addition, Water Service Charge contracts totaling 77.90 acres have been added to the assessment base for 2022. This will add \$3,413.58 to the revenues using the \$43.82 per acre fee.

The net revenue decrease is -\$9,068.11.

**STAFF RECOMMENDS APPROVAL OF THE SUMMARY OF PROTEST FINDINGS REFLECTED ON THE ATTACHED PAGES.**

COUNTY	APPROVED EXEMPTION	WSC ACREAGE ADDED
SANDOVAL	5.26	6.82
BERNALILLO	49.94	21.70
VALENCIA	64.89	36.63
SOCORRO	164.75	12.75
TOTALS	284.84	77.90

P.O. Box 581  
 87103-0581  
 1901 Second St. SW  
 Albuquerque, NM  
 87102-4515  
 505.247.0234  
 Fax # 505.243.7308

Madam Chair Russo Baca made the **MOTION TO ACCEPT THE STAFF'S RECOMMENDATION MADE FOR TODAY'S RECLASSIFICATION HEARING** Director Barbara Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY.**

### **AGENDA ITEM NO. 5 - RECONVENE REGULAR BOARD MEETING**

The Chair reconvened the regular meeting of the Board of Directors at 3:12 pm.

### **AGENDA ITEM NO. 6 - UPDATE ON THE CORRALES SIPHON PROJECT**

#### **a. Consideration/Approval for Resolution M-09-12-22-193 Authorizing of the 2023 Water Trust Board Funding Application for the Corrales Siphon Project - Eric Zamora, COO**

Eric Zamora presented a request for consideration to submit a Water Trust Board application for improvements to the Corrales Siphon Project. He stated they found damage to the siphon in 2022 on the east side of the bosque and hired a consultant to inspect it. He stated they installed temporary diesel pumps that burn around 500 gallons diesel every couple of days. Mr. Zamora added that Wilson & Company engineers helped with an evaluation and received analysis on many factors. He said the preferred alternative they would be bringing forth would be the horizontal directional drilling (HDD). Mr. Zamora played a video as an example for the Board that explained the technology and the HDD process. He stated the District has the estimate, the plan and requested the Board's consideration of submitting the application to the Water Trust Board for funding the Corrales Siphon replacement project.

CONSTRUCTION ITEM		UNIT	QUANTITY	UNIT COST	TOTAL COST
<b>GENERAL ITEMS</b>					
1	MOBILIZATION/DEMOBILIZATION	LS	1	\$ 400,000.00	\$ 400,000.00
2	CONSTRUCTION STAKING, CIP	LS	1	\$ 46,200.00	\$ 46,200.00
3	DEMOLITION	LS	1	\$ 150,000.00	\$ 150,000.00
4	SWPPP	LS	1	\$ 75,000.00	\$ 75,000.00
5	MATERIAL TESTING	LS	1	\$ 26,700.00	\$ 26,700.00
6	SUBSURFACE UTILITY LOCATING	LS	1	\$ 7,500.00	\$ 7,500.00
7	CLEARING AND GRUBBING	LS	1	\$ 15,000.00	\$ 15,000.00
8	UTILITY ALLOWANCE	AL	1	\$ 15,000.00	\$ 15,000.00
<b>HORIZONTAL DIRECTIONAL DRILLING</b>					
9	PRODUCT PIPE	LF	1,600	\$ 250.00	\$ 400,000.00
10	INSTALLATION BY HDD	LF	1,600	\$ 2,000.00	\$ 3,200,000.00
11	CONNECTION TO CORRALES MAIN CANAL	EA	2	\$ 300,000.00	\$ 600,000.00
12	DEWATERING	LS	1	\$ 500,000.00	\$ 500,000.00
				<b>Construction Cost Subtotal:</b>	<b>\$ 5,435,400.00</b>
				<b>Contingency (20%):</b>	<b>\$ 1,087,080.00</b>
				<b>NMGRT @ 7.8125%:</b>	<b>\$ 509,568.75</b>
				<b>Total Bid Amount:</b>	<b>\$ 7,032,048.75</b>
<b>ENGINEERING SERVICES</b>					
13	TOPOGRAPHIC SURVEY/GEO-TECH (3.0%)	LS	1	\$ 60,000.00	\$ 60,000.00
14	ENGINEERING DESIGN (10%)	LS	1	\$ 703,205.00	\$ 703,205.00
15	ENGINEERING - BID PHASE (0.25%)	LS	1	\$ 17,581.00	\$ 17,581.00
16	ENGINEERING - CONSTRUCTION MANAGEMENT	LS	1	\$ 562,564.00	\$ 562,564.00
17					\$ -
				<b>Engineering Subtotal:</b>	<b>\$ 1,343,350.00</b>
				<b>NMGRT @ 7.8750%:</b>	<b>\$ 105,788.81</b>
				<b>Engineering Total:</b>	<b>\$ 1,449,138.81</b>
				<b>PROJECT TOTAL:</b>	<b>\$ 8,481,187.56</b>

Letter of support from Mayor James Fahey was submitted to the Board also.



## VILLAGE OF CORRALES

PHONE (505) 897-0502  
4324 CORRALES ROAD  
CORRALES, NEW MEXICO 87048  
FAX (505) 897-7217  
EMAIL: info@corrales-nm.org  
WEBSITE: www.corrales-nm.org

JAMES F. FAHEY, JR., M.D.  
MAYOR

August 23, 2022

Water Trust Board Members  
New Mexico Finance Authority  
207 Shelby Street  
Santa Fe, NM 87501

Re: Letter of Support for the Middle Rio Grande Conservancy District Corrales Siphon Replacement Project – 2023 Water Trust Board Funding Application

Dear Water Trust Board Members:

On behalf of the Village of Corrales, I am writing in support of the funding application submitted by the Middle Rio Grande Conservancy District (MRGCD) for the 2023 Water Trust Board Program, as funded through New Mexico Finance Authority. The MRGCD is seeking funds of \$7,080,000 for the design and construction of the Corrales Siphon Replacement in Corrales, New Mexico.

The broken Corrales Siphon is detrimental to Village irrigators that rely on the MRGCD for delivery of water for crops, farms, and orchards. The Corrales siphon serves 1,000 irrigated acres in the Village, but it was inoperable for the 2022 irrigation cycle. Irrigators that have had farms and orchards for decades, including Wagner Farms, Alay Farm, and Corrales Orchards, to name a few, were on the brink of losing their livelihood due to the failure of this infrastructure. The MRGCD recognizes this emergency and has provided a stopgap remedy for the broken siphon, but the temporary solution still provides several unsustainable challenges for irrigators and community members. Investment in a permanent fix for the siphon is the only way to ensure the survival of these agricultural mainstays in the Village of Corrales.

The Village applauds the MRGCD for seeking funding for a permanent solution to replace the Corrales Siphon and is requesting the support of the Water Trust Board to fund this important project. The Corrales Siphon is a critical part of infrastructure not only for the MRGCD but also for its Village of Corrales constituents. Funding for this project will ensure the MRGCD can deliver available water to Corrales irrigators, enabling farmers to continue to support their businesses, families, and the Corrales community.

Thank you for your consideration and please do not hesitate to contact me at 505-897-0502 EXT 220 or corralesmayor@corrales-nm.org.

Sincerely,

James F. Fahey, Jr MD  
Mayor

RICK MIERA BILL WOLDMAN MEL LAWLOR KNIGHT JOHN P. ALSOBROOK, II ZACHARY BURKETT STUART MURRAY  
COUNCIL DIST. 1 COUNCIL DIST. 2 COUNCIL DIST. 3 COUNCIL DIST. 4 COUNCIL DIST. 5 COUNCIL DIST. 6

Vice Chair Dunning asked about the width of the right of way and asked if they would need any more right of way for set up.

Jason Casuga replied that they did not expect to need a new right of way but would not know for sure until the design was done and may have further discussions regarding a larger staging area on the east side of the river. Discussion was had regarding preventing fires and taking all safety measures.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE RESOLUTION M-09-12-22-193**. Director Sandoval seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

## AGENDA ITEM NO. 7 - ITEMS FROM THE FLOOR

### Alicia Robinson-Welsh

Alicia Robinson-Welsh, an Albuquerque resident and farmer, spoke about the special use license application for Ashokra Farms that was denied. She asked the Board to please reconsider and to add the issue to the October agenda for formal review.

### Antonia (Perez)

Antonia (Perez), worker at Ashokra Farms, asked several questions including what the process for reversing a staff decision is. She stated they would like to know how the District had not corrected this discriminatory decision to block use of the ditch access road. She also asked for the detailed criteria on how they decide who does or does not have access to the road. She proceeded to inquire how the District will allow white male farmers to use the ditch access roads

in other areas, but this farm could not. She also made allegations of inappropriate behavior by Directors Dunning and Barbara Baca during a visit to the farm. She concluded by stating she was looking forward to a more detailed discussion next month.

### **Elaine Hebard**

Elaine Hebard, resident within the benefited area in Bernalillo County, stated on February 14, she submitted comments to the Board with respect to suggested changes to voting boundaries and the definition of a "qualified voter." At that time, she mentioned that a special taxing district may make property ownership a qualifier and that such are allowed in many states -- Arizona even has special Noxious Weed Districts. And there are options to the population-based voting, such as weighting the vote or even basing it upon acres rather than people (both done in Arizona).

She also had suggested that these options be discussed by the Board during a special workshop where various opinions are able to be considered. She renewed this suggestion prior to the legislative session, so that the situation which happened last year -- with a bill being dropped without discussion-- can be avoided.

Ms. Hebard also suggested that any maps being considered or changes to voting should be posted on the web site prior to any decisions being made. The City of Albuquerque and Bernalillo County both posted the draft redistricting maps of and solicited public comments.

Which led to her second point. Many times, references are made to items in the agenda packet. However, the packet is not made available, unlike with other governmental entities. She requested to please include the items in the packet on-line.

Lastly, she stated the MRCOG's Water Resources Board is considering the concept of One Water. Brought up at their July meeting, there will be a more robust discussion at the October meeting, and she urged the MRGCD to consider being a part of such an effort. While One Water is a nation-wide program, it is unique to each region, with each able to define what it entails. One idea would be to have a One Water Budget, which could help reduce consumption -- clearly needed given the current Compact deficit.

### **Doug Strech**

Doug Strech thanked the Board for recognizing his efforts doing the conversion of the Assessments system and wanted to express his appreciation of the Key Contributor Award received in July.

## **AGENDA ITEM NO. 8 - REPORT(S) FROM THE HUMAN RESOURCES DEPARTMENT**

### **a. Introduction of MRGCD New Hires - Christine L. Nardi, MBA**

Christine Nardi announced the new hires and promotions. She also thanked her staff, stating they have done a terrific job recruiting.



# Memorandum

To: MRGCD Chair Russo Baca and Board of Directors  
 Through: Jason M. Casuga, Chief Engineer/CEO  
 From: Human Resources  
 Date: September 12, 2022  
 Re: Introduction of New Hires and Promotions

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## Albuquerque Division

NOAH	SANCHEZ	MEDIUM EQUIPMENT OPERATOR	09/06/2022
JUSTIN	GONZALEZ	HEAVY EQUIPMENT OPEATOR	8/22/22 PROMOTION
DOMINIC	MONTOYA	HEAVY EQUIPMENT OPERATOR	8/22/22 PROMOTION
JOHN	STUMP	HEAVY EQUIPMENT OPERATOR	8/22/22 PROMOTION

## General Office

ALBERTO	MELENDEZ	IRRIGATION SYSTEMS OPERATOR	8/22/2022 PROMOTION
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## Socorro Division

MARLEINA	SIERRA	DIVISION CLERK	09/06/2022
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### b. Employee Award Presentation - Christine L. Nardi, MBA, Jason M. Casuga, CE/CEO and Chair Russo Baca

Ms. Nardi also announced and presented the Excellence Award to Bobby Wagner, District Irrigation Systems Operator. She stated that he was tasked with managing the operation of the diesel pumps. She said it was an emergency situation that went beyond his normal job duties, making routine visits during the day, late at night, and on the weekend. Ms. Nardi expressed that Mr. Wagner willingly took on the assignment and did so with a good attitude and has proven to be a positive role model to his fellow ISOs.

Jason Casuga added that Corrales stood on par with the greater part of Albuquerque and the number of irrigations received even during the drought period. He said the pumps stayed on and that was largely due to Mr. Wagner.

Vice Chair Dunning said Mr. Wagner was tasked with something no other ISO had been tasked with and he had to deal with very unhappy people because they were not getting the water they were used to getting. She said Mr. Wagner handled it with fairness and his customer service and relationship with the community was outstanding.

Madam Chair Russo Baca thanked Mr. Wagner for his leadership and leading by example to other ISOs.



L to R: Bobby Wagner, Jr. receiving his award from Christine Nardi, HR Director.

**c. Discussion/Approval of New Staff Positions, Public Relations Specialist/Public Information Officer (PRS/PIO), and Heavy Equipment Operators**

Jason Casuga stated MRGCD has changed the way they go about business and how they engage with the community. He stated the new positions would help get out all the information to the public and how it's received. Mr. Casuga added that this was also presented to the Personnel Committee.

Vice Chair Dunning, as part of the Personnel Committee, stated they discussed it in their meeting and agreed, stating they did not need to task regular staff with that. She said as the District's mission has grown the committee recommended that the Board accept the recommendation.

Mr. Casuga added the MRGCD accept the O&M responsibilities for the Low Flow Conveyance Channel from San Acacia Diversion Dam to the northern boundary of Bosque Del Apache, explaining that one of the reasons for that being that they felt the facility had a future for the Compact and all Middle Valley users to operate in a more environmentally sound way. She said they needed to provide support to the Socorro Division by increasing employee counts to take on the two facilities.

Director Barbara Baca said Jason (Casuga) did a good job of explaining the division will have more responsibilities and the Personnel Committee agreed on that. She explained the new PIO position would be important for communication with receiving and providing information about the District.

Director Barbara Baca made the **MOTION TO APPROVE THE THREE POSITIONS.** Vice Chair Dunning seconded the motion. The **MOTION CARRIED UNANIMOUSLY.**

**d. Status Update regarding Transition and Conversation from PERA SmartSave 457(b) Deferred Comp Plan to new MRGCD 457(b) Deferred Comp Plan and the Report on the Personnel Committee Meeting, September 12, 2022 - Vice Chair Dunning and Directors Kelly and Barbara Baca**



Christine Nardi gave an update on the transition from the PERA SmartSave 457(b) Deferred Comp Plan to the new MRGCD customer 457(b) plan. She said they were in the conversion period and were getting ready to move all funds and plan records over to the new plan. She said Legacy Financial Group had been with them every step of the way helping with the transition. Ms. Nardi discussed the blackout period, meaning no money would be coming in or out during that period. She said an email was sent to all current participants notifying them of the transition and change. She said once they are notified that everything is good to go, they would coordinate meetings with Legacy Financial Group and would be coming in to meet with employees to provide assistance.

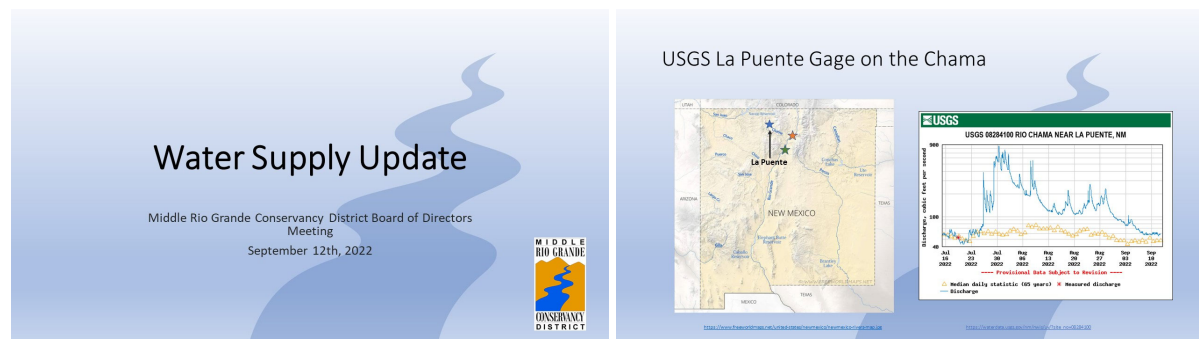
## **AGENDA ITEM NO. 9 - UPDATE ON THE 2022 IRRIGATION SEASON**

### **a. Report on the Water Supply Conditions - Anne Marken, Water Ops Division Manager**

Anne Marken stated they had monsoon rainstorms since the last meeting that resulted in elevated river flows and more reliable diversions. She said the Albuquerque Reach experienced river channel drying for the first time in decades at the end of July but was short lived due to rainstorms bringing inflows into the Middle Valley and reconnected the river to Elephant Butte. However, drying was being observed in San Acacia and Isleta Reaches now due to several weeks of minimal rain and high temperatures. Ms. Marken discussed the Otowi Gauge, which she stated was a good indicator of the total amount of water entering the Middle Valley. Ms. Marken said temperatures were expected to be warmer than average with equal chances for above or below average precipitation. She said the next few days looked good for rain, but less promising after that. She said if conditions remained dry and hot, inflows would continue to drop and could return to difficult supply conditions for irrigators. Ms. Marken added that debt grew in 2022 but New Mexico was able to gain some ground by overdelivering 8000 acre feet to Texas in August.

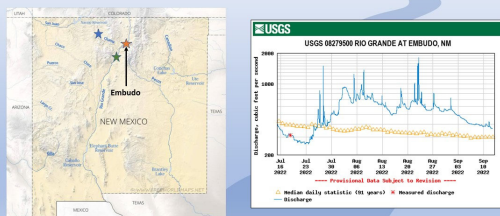
Jason Casuga added that if the year ended then, they would be 157,000 acre feet in debt, but the number would not be calculated until the end of the calendar year. Mr. Casuga also added that while they had been seeing more water above their demands, they had the potential to move back extremely as they go into fall. However, he said the District remains open for business and they would be delivering water as long as they had water to deliver. He said right now they did not have water to supplement the system and are completely bound by rain they get.

Madam Chair Russo Baca reiterated that they were clear at the beginning of the irrigation season that the Board would not make a decision to end the irrigation season early and was still not what they planned on doing.

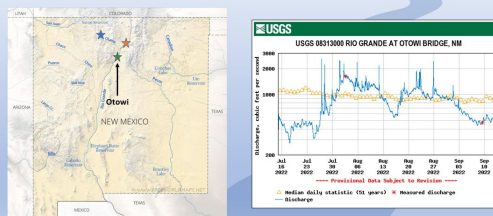




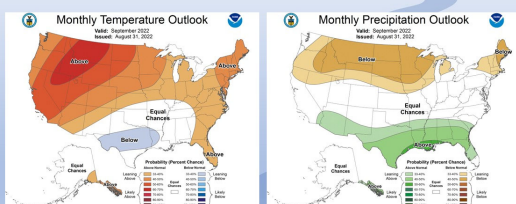
USGS Embudo Gage on the Rio Grande



USGS Otowi Gage on the Rio Grande



National Weather Service 30 Day Outlook



Questions?

## b. Status Report on Water Distribution - Matt Martinez, Water Distribution Division Manager

Mr. Martinez expressed his gratitude to all the ISOs and supervisors for their hard work this season, with a special thanks to Bobby Wagner. He said August brought cooler temperatures and significant rainfall to ease irrigation demand, boost river flows, stabilize diversion, and allow for flexibility in irrigation deliveries. He said dry conditions returned the first week of September and flows dropped by 50% since August, which has made the diversions less stable. He noted that irrigation would continue through October 31<sup>st</sup> depending on the availability of the natural river flows. He said even though there was a decent chance of rain forecast they could not guarantee the number or frequency of water deliveries, and farmers should take that into consideration when making decisions this fall.

Vice Chair Dunning expressed admiration for the ISOs hard work and said it was good to see water running.

Mr. Martinez added that they tried to provide as much advance notice as possible for runoff pulses but sometimes they come quickly, and they try to take advantage of it.

## **AGENDA ITEM NO. 10 - REPORT(S) FROM THE DEPARTMENT OF INTERIOR**

- a. Bureau of Reclamation - Jennifer Faler, Area Manager
- b. Bureau of Indian Affairs - Sandra Lucero, BIA/SWRO/Water Resources

Neither Ms. Faler nor Ms. Lucero could attend; no reports provided.

## **AGENDA ITEM NO. 11 - REPORT(S) FROM THE CHIEF ENGINEER/CEO - Jason M. Casuqa, PE**

- a. Water Trust Board Project #5675-Socorro Main Canal North Channel Lining

1. Consideration/Approval for Resolution M-09-12-22-192 Authorizing the Acceptance of Water Trust Board Project #5675-WFP Funding Offer; Water Storage, Conveyance and Delivery Project; Socorro Division Conveyance Project from the NM Finance Authority -- Eric Zamora, COO
2. Consideration/Approval of Phase 1 Task Order-Planning for total cost of \$330,438.39. Cost includes NMGR at 7.875%.

Mr. Zamora stated they were required by the Water Trust Board to submit resolutions during various stages of the funding with the Corrales Siphon Project. He said they were still in the application stage with Corrales and at the acceptance stage with the Socorro Project. He said they were required to submit a resolution accepting the funding. Mr. Zamora said during the design process, they would evaluate hard surfacing alternatives. He talked about the \$330,000 contract with Wilson & Company that would provide for the planning phase of the project.

Jason Casuga said staff recommended the approval and acceptance of the Water Trust Board funds. He said they thought it was a great way to fund projects and were excited to get started.

Vice Chair Dunning made the **MOTION TO APPROVE THE RESOLUTION M-09-12-22-192**. Seconded by Director Joaquin Baca. The **MOTION CARRIED UNANIMOUSLY**.

**b. Consideration/Approval for Contract between MRGCD and Wilson & Co. to Plan and Design Socorro Main Canal Improvements - Eric Zamora, COO**

Madam Chair made the **MOTION TO APPROVE THE CONTRACT BETWEEN MRGCD AND WILSON & CO.** Seconded by Director Barbara Baca. The **MOTION CARRIED UNANIMOUSLY**.

**c. Consideration/Approval for SunZia Transmission Crossings within MRGCD Facilities - Eric Zamora, COO and Francesca Shirley, Lands & Licensing Supervisor**

Francesca Shirley stated they were submitting 14 of 17 licenses for the SunZia transmission, an aerial utility crossing. She said they were just facilities outside of the riverside drains in the bosque and a river crossing would be considered after they've gotten the BLM Environmental Impact statement. She stated that after reviewing the crossings submitted, they did meet the MRGCD standard detail requirements for utility crossings, but that did not include long term permanent access.

Jason Casuga added that access for construction would be separate from access for long term O&M and had been separated from the actual infrastructure license also.

Dr. DuMars asked about the status of the NEPA analysis and what else would take place. Mr. Casuga answered that the crossings would be all crossings not tied to the river or riverside drains. He said these were crossings that are of irrigation or interior drain facilities.

Dr. DuMars suggested deferring the licenses to look at whether there's any case law or circumstance where they could include them to put leverage on the outcome of the NEPA process. He said it may be useful to defer it until the next meeting.

Jason Casuga stated they were trying to be supportive of Pattern Project's schedule. He also said it was his understanding that delaying the crossings would jeopardize the financing they were seeking to construct the project.

Director Barbara Baca asked how it would play out if they did an approval with the language from staff that was contingent upon the release of the environmental impact statement. She also asked what the possibilities of EIS coming back were. She also asked of the location of the transmission line would be collocated with the existing transmission line.

Jason Casuga said they could not stop Pattern from constructing a pole on private property, but they could say none of the lines could hang across their property. He said all of the poles would reside outside of MRGCD right of way. In terms of the existing transmission line, Mr. Casuga stated it would be separate poles that are parallel to the previous crossing approved by the Board.

Vice Chair Dunning expressed she was nervous about granting them the license. She said by granting them the license, they would be doing more than saying they meet the requirements. She asked if they could give some assurance because she thinks it could be problematic if they give them the license and then do not get NEPA approval from BLM.

Jason Casuga said his understanding was that the alignment they were on was all on the alignment at the river crossing. He added that all of the right of way was purchased for private property to allow lines to be on private property. He said they had no control over where the poles go on private property and had already been negotiated. He said all they were asking for from them are the crossings shown. He said they did not have to approve it, but there could be substantial impacts to a project that far down in the process.

Michael Goff, Pattern Energy, stated they had the intent of splitting them out with the knowledge there was a risk that the outline three would be handled at a later date and would still be under MRGCD's review to go through their standard process. He said their motivating factor was not just financing, but also the construction timeline itself. He said the licenses were holding up the process they have to go through to move their renewable energy project forward. Mr. Goff said the process had to be finished before they could seek financing and were in full compliance with the NEPA process and BLM was aware they were seeking these approvals. He also added that the river licenses were the only federal tie.

Vice Chair Dunning expressed her concerns with granting a license and wondering what they could potentially be sued for. She asked who would be at fault.

Lorna Wiggins weighed in stating that issue was whether they demonstrated their ability to meet the MRGCD requirements and they have. She said staff indicated there was no procedural process within MRGCD to deny the license approval.

Jason Casuga added that often times people go get permits with the local agencies ahead of NEPA completion to show they comply with NEPA process. He stated that MRGCD protected the process and said they would not consider the river crossing until they have seen the document because the federal government still has control over endangered species and over the floodway. He said all they were asking for was a line to go over.

Dr. DuMars asked if EIS was evaluating or what they were looking at. Mr. Goff replied the route was the preferred route by BLM. He said this was the route BLM directed them to and was on

the draft EIS already. He said construction would not begin unless everything was in alignment and all approvals were in.

Dr. DuMars asked if MRGCD were to get sued as a defendant because of the issuance of the licenses, would they be prepared to indemnify the MRGCD. Mr. Goff said he would leave the indemnification process and response to their counsel.

Jason Casuga said indemnification of the District was already included within the general provision of their license.

Director Barbara Baca said the staff recommendation clearly said the licenses were made contingent upon the submittal of the mitigation plan to the District after the release of BLMSs environmental impact statement.

Director Joaquin Baca said Director Barbara Baca had a good point and he agreed with Counsel's assessment. He said he did not think it was a stretch to think about getting sued considering the amount of protestors they had on the subject, but said he was fine with counsel's direction on it.

Madam Chair made the **MOTION TO APPROVE THE SUNZIA TRANSMISSION CORSSINGS WITHIN MRGCD FACILITIES**. Seconded by Director Joaquin Baca. The **MOTION CARRIED UNANIMOUSLY**.

**d. Report on the Local Election Act (LEA) Meeting with Maggie Toulouse Oliver, NM Secretary State, August 24, 2022 - Jason M. Casuga, CE/CEO, Doug Strech, Systems & Data Integration Manager, Chair Russo Baca and Director Barbara Baca**

Jason Casuga said they had a deferred timeframe for the implementation and were now looking at their elections having to comply with the Local Elections Act in November 2023. He said they had a meeting to lay out the groundwork that needed to be done before November 2023.

John Thompson stated he reached out to the Secretary of State stating MRGCD would like to come and have a meeting to meet and start dialogue and establish network communications. He said it was a very productive meeting. He thanked Mr. Strech for being a volume of knowledge of the history and was glad he was there. Mr. Thompson reached out to the Secretary of State's Office after the meeting and thanked them and agreed they would meet again.

Director Barbara Baca said it was very important for them to up there and talk face to face with them. She said they were slated by law to hold their next election with the local elections in November. She said wanted to hear from constituents as they move forward and would reach out when they had more information.

Madam Chair Russo Baca added that it was a fabulous meeting, and she appreciated all the staff that attended from the Secretary of State's Office. She said she believed they now had a better understanding of how complicated MRGCD elections were. She also said it was also the perfect time to add the PRS or PIOs to work in tandem with Mr. Thompson to make sure the public was apprised of how the elections would look.

Jason Casuga added that one more thing to keep in mind was they were trying to start the process early. He said the list would have to be updated every 30 days after, so they would have to work through and get the process down. He said they also agreed to take the lead from the Secretary of State's Office in terms of how they would integrate and coordinate.

Dr. DuMars said there was difficulty with the voting with people showing up to vote but were not on the qualified electors list. He asked what they should do about that and suggested they challenge that.

Lorna Wiggins stated they would deal with that when they showed up to request a ballot and did not have one and would sort out those issues after the election.

Vice Chair Dunning asked Jason if he would bring that up at the next Pueblo Coalition Meeting.

Vice Chair Dunning said they brought that up to the Secretary of State's Office. Jason Casuga added that they were only scratching the surface of all the details.

Madam Chair made the **MOTION TO APPROVE THE BOARD REPORT**. Seconded by Director Barbara Baca. The **MOTION CARRIED UNANIMOUSLY**.

**e. Report on the MRGCD Staff Drawing for the 2022 Elk Depredation Hunt - Casey Ish, Water Resources Specialist**

Casey Ish reported the results for the MRGCD staff drawing earlier via email to the Board Liaison as follows: Cochiti Division – Gerald Ortiz, Albuquerque Division – Nathan Kaiser, Belen Division – Felix Salas and Socorro Division – Dominic Zamora. The archery tag winners were Daniel Schorr, from the Belen Division and William Garcia from the Albuquerque Division.

Mr. Ish said one of the winners asked to regift their tag to another MRGCD employee and that was the only change on the staffing side. He said the first hunt started last week and was mostly the same landowners from last year, with the exception of two, which resulted in a reduction hunting area, but all the remaining landowners were still participating. He said they did show there was some success in archery relative to muzzleloader, so they pushed to extend archery season and the number of tags, and they agreed.

Jason Casuga said he would like to put some data together in a small report to provide to the Board of the impact of the hunts, whether positive or negative, to make an informed decision at the effort.

Vice Chair Dunning stated they started these hunts because landowners were having problems with too many elk in their areas.

**f. Discussion of the Authorization to Loan the Village of Los Ranchos Funds received through the NM Environment Department (NMED) Construction Programs Bureau (CPB) for improving Water Efficiency Measures - Jason M. Casuga, CE/CEO and Gabriella Coughlin, Soil Scientist/Agronomist**

Ms. Coughlin discussed that she had been trying to find use for the loan agreement MRGCD received from NMED for \$500,000. She said it had pretty much sat untouched. She said Village of Los Ranchos were also in the process of going out to RFP for their 40-acre

Paseo Del Norte property. She said a lot of the dirt ditches were in need of repair and concrete and hazardous tree removal. She saw that as an opportunity to be able to pilot that with another government entity, so they had been working together.

Jacobo Sanchez, contract farmer for Village of Los Ranchos, stated they put 32.7 acres into the following program to address some issues of trees, old infrastructure, and getting into underground irrigation pipe, land leveling, etc. He said the village set aside \$100,000 of their own money to combat those efforts. He showed many properties that the village was eager to utilize with their money and explained how they would use it and what the goals were. Mr. Sanchez stated he looked forward to working together to make it more efficient.

Vice Chair Dunning asked how much of the \$500,000 would be going to Los Ranchos. Ms. Fanelli explained it was \$500,000 loan and would go to the Village of Los Ranchos and would have to repay it over 10 years and charging 2% interest.

Vice Chair Dunning asked if they would have to pay the \$500,000 back to the Environment Department. Ms. Fanelli said they would pay the village and then immediately request a reimbursement from NMED. She said the village would pay them and then they would pay NMED.

Jason Casuga added it was a really safe way to explore the program and get the kinks worked out.

Vice Chair Dunning asked if they had to take any trees down instead of trim them, would they replant them. Mr. Sanchez replied that there would always be the option to replant any trees they would have to take down. He said the the goal was to trim the trees along the fence line to allow equipment to get through.

Director Barbara Baca asked how the \$100,000 from the village would be used. Mr. Sanchez said that money was budgeted this year just for that.

**g. Notice of Funding - MRGCD was Awarded an FY23 NMDA Healthy Soil Grant for “Soil Health Strategies for Middle Rio Grande Salt-Affected Soils” in partnership with Bernardo Wildlife Management Area - Gabriella Coughlin, Soil Scientist/Agronomist**

Ms. Coughlin said the MRGCD was recently awarded a \$43,000 from NMDA Healthy Soils Grant, which was the first time MRGCD was eligible to apply. She said the grant began August 15th and would go until May 15, 2023. She said the project was on a 10-acre demonstration plot on the Bernardo Wildlife Management area dealing with effected soils. She said there would also be monthly and quarterly recording that she would share.

**h. Report on the Socorro Soil & Water Conservation District Meeting Regarding NRCS Projects, August 15, 2022 - Jason M. Casuga, CE/CEO and Eric Zamora, COO**

Jason Casuga said it was a very energetic meeting. He said there were projects implemented in Socorro that resulted in a net reduction efficiency of farmers and how they're using the NRCS program to irrigate. He said NRCS was worried about sharing private information, so they had chosen not to coordinate. He said they started to realize that NRCS did not actually understand how their system operated, so the meeting was a good opportunity to

engage. He said they believe they've started down a path with NRCS to coordinate and clear the air and hopefully the relationship was on an upward trajectory.

Dr. DuMars said they needed to make it clear to them that we needed approval of all their designs and how they were going to do it. Jason Casuga agreed.

**i. Report on the La Joya Acequia Association Meeting, August 25, 2022 - Jason M. Casuga, CE/CEO, Dr. Charles DuMars and Chair Russo Baca**

Madam Chair Russo Baca said she thought it as a very productive meeting and were able to clear up some of the concerns.

Dr. DuMars said it felt like a great meeting. He said they made it clear if they if they did not join, they would have to pay water service charge and ad valorem tax.

Jason Casuga added that he was hesitant to spend any more time doing hypothetical research that they don't know is going to go anywhere. He said they had counsels present and the message was conveyed that we wanted to be sound in the way they analyze it. He said their hope would be an MOU in place to document the process prior to the next irrigation season and the next time the Board has to take up the idea of their rate under the current contract.

Madam Chair made the **MOTION TO APPROVE THE BOARD REPORT**. Seconded by Director Barbara Baca. The **MOTION CARRIED UNANIMOUSLY**.

**j. Report on the Six Middle Rio Grande Pueblos Coalition Meeting, September 1, 2022 - Jason M. Casuga**

Jason Casuga said few governors and staff were present. Discussion ensued regarding a much better water report because of the rain and for September to be prepared and sticking with the current BIA rotation schedule.

**k. Upcoming Events & Programs**

1. NM Water Law Conference, La Fonda on the Plaza, Santa Fe, September 29-30, 2022.
2. The Great NM Chile Taste-Off, Socorro Rodeo Complex, October 8, 2022
3. NM Watershed & Dam Owners Coalition, Isleta Resort & Casino, October 12, 2022.
4. National Latino Farmers and Ranchers Congress, Isleta Resort & Casino, October 27-29, 2022.
5. Rio Grande Agricultural Land Trust 25<sup>th</sup> Anniversary Celebration, Cinco Estrella Chile Farm, November 5, 2022
6. 2023 Environmental Water Leasing and Fallowing Program

**AGENDA ITEM NO. 12 - REPORT(S) FROM THE MRGCD Attorney(s) - Chief Water Counsel or General Counsel**

Lorna Wiggins reported that Judge Murphy from the 7<sup>th</sup> Judicial District Court granted the motion for the temporary restraining order after they presented evidence. She said the critical parts of it was to ensure the safety of their employees.

**AGENDA ITEM NO. 13 - REPORT(S) FROM THE BOARD**

**a. Report on the Willie Chavez Park Meeting, August 16, 2022 - Chair Russo Baca**



Madam Chair Russo Baca discussed the Willie Chavez Park Meeting. She stated Francesca Shirley did some research and they met with Molly Madden virtually to see what could potentially happen with the park .

**b. Report on Congresswoman Stansbury Press Conference on the Rio Grande Water Security Act and the Water SMART Access for Tribes Act, August 17, 2022 - Chair Russo Baca**

Madam Chair Russo Baca said Congresswoman Stansbury had a press conference on Tingley Beach to talk about WaterSmart Access for Tribes Act. Madam Chair Russo Baca added that she also made a statement there.

Vice Chair Dunning discussed the bipartisan bill and hoped that western legislators would put the pressure on because it would really help a lot of the western states impacted by drought.

Madam Chair Russo Baca said she put the language in the written report for anyone who wanted to take a look. She said it was now in the Senate.

**c. Report on the Conservation Advisory Committee Meeting - August 18, 2022 - Chair Russo Baca**

Madam Chair Russo Baca said the report was fabulous and she put took the below picture and said it was a great turnout.



L to R: Gabriella Coughlin, Henry & Edward Hartwell, Francesca Shirley, Casey Ish, Santiago Maestas, Enrique LaMadrid, Ray Hartwell & Quinn Martine

**d. Report on the Legislative Committee Meeting, September 7, 2022 - Chair Russo Baca and Directors Barbara Baca and Joaquin Baca**

Director Barbara Baca said they had a very good meeting and are still gathering data as a legislative committee working with research and polling.

**e. Report on Press Conference with Melanie Stansbury and Xochitl Torres Small - Chair**

Madam Chair Russo Baca said the press conference was a great turnout of pueblo governors there. She said the pueblo was able to give a statement that was really about rural issues but mostly about broadband.

**f. Report on the Ground Breaking of City of Albuquerque's New Bike Trail, 2<sup>nd</sup> St & Alameda Blvd - Chair Russo Baca and Director Barbara Baca**

Madam Chair Russo Baca said Francesca Shirley were able to give a comment on the bike trail. She said the licensing department was currently working with them on that bike trail. She said she was excited to see what happens with it.

**g. Report on the Finance Committee Meeting, September 12, 2022 - Vice Chair Dunning and Directors Kelly and Barbara Baca**

Vice Chair Dunning stated Director Kelly was not there but approved what was presented. She said they entered into a contract with GPA because they were going to start investing some reserves for the endowment fund. She said they did an analysis that said showed what the risks were and came up with a recommendation. She said the Finance Committee agreed with the recommendation and did not need approval from the Board.

Madam Chair made the **MOTION TO APPROVE ALL THE REPORTS FROM THE BOARD**. Seconded by Director Barbara Baca. The **MOTION CARRIED UNANIMOUSLY**.

**AGENDA ITEM NO. 14 - EXECUTIVE SESSION**

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

**1. Threatened or Pending Litigation**

Madam Chair Russo Baca made the **MOTION TO GO TO INTO EXECUTIVE SESSION** at 5:51 pm. Director Barbara Baca seconded. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Barbara Baca	Yes	Vice Chair Russo Baca	Yes
Director Sandoval	Yes	Director Duggins	Absent
Director Kelly	Absent	Director Joaquin Baca	Yes
Madam Chairwoman	Yes		

Madam Chair Russo Baca made the **MOTION TO GO BACK INTO OPEN SESSION** at 6:18pm. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Barbara Baca	Yes	Vice Chair Russo Baca	Yes
Director Sandoval	Yes	Director Duggins	Absent
Director Kelly	Absent	Director Joaquin Baca	Yes
Madam Chairwoman	Yes		

During Executive Session, updates were given on threatened or pending litigation. No decisions were made, nor any votes taken.

With no further comments, questions, or concerns, Madam Chair Russo Baca adjourned the meeting at 6:19 pm.

Approved to be the correct Minutes of the Board of Directors of September 12, 2022.

**ATTESTED:**

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

\_\_\_\_\_  
Stephanie Russo Baca, Madam Chair  
MRGCD Board of Directors