MINUTES OF THE 2,194th REGULAR MEETING OF THE **BOARD OF DIRECTORS OF THE** MIDDLE RIO GRANDE CONSERVANCY DISTRICT

DECEMBER 12, 2022 - 3:00 PM

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

DIRECTORS			STAFF
Stephanie Russo Baca, Chair	Present	Jason Casuga	Chief Engineer/CEO
Karen Dunning, Vice Chair	Present	Lorna Wiggins	General Counsel
Barbara Baca, Director	Present	Dr. Charles DuMars	Chief Water Counsel
Kelly, Director	Present	Pamela Fanelli	Secretary-Treasurer/CFO
Joaquin Baca, Director	Present	Anne Marken	Water Distribution Division Mgr.
Glen Duggins, Director	Present	Matt Martinez	Water Operations Division Mgr.
Michael T. Sandoval Director	Present		

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

Jennifer Faler, USBR	Leann Woodruff, USBR	Rosanne Vigil, USBR
Chris Ellis, USBR	Dustin Bennetts, USBR	Tyler Magill, USBR
Cord Everetts, USBR	Adam Howes, USBR	Joels Malama, USBR
Sandra Lucero, BIA	John Thompson, MRGCD Lobbyist	Holly Dietz
Linda Dietz	Ray Rodriguez	Julie Luna
Ronnie Carillo	Bob Oberdorfer, Sites Southwest	Gabriella Coughlin

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Jennifer Faler was asked to lead the Pledge of Allegiance at today's meeting.

Madam Chair Russo Baca declared a quorum, and the meeting was publicly noticed.

AGENDA ITEM NO. 2 - APPROVAL OF THE AGENDA

No changes were made to the agenda.

Madam Chair made the MOTION TO APPROVE THE MEETING AGENDA. Director Joaquin Baca seconded the motion. The MOTION CARRIED UNANIMOUSLY.

AGENDA ITEM NO. 3 - CONSENT AGENDA

- a. Consideration/Approval of Payment Ratification December 12, 2022
- b. Consideration/Approval of October 2022 Invoice for Wiggins, Williams & Wiggins
- c. Consideration/Approval of October 2022 Invoice for Law and Resource Planning
- d. Consideration/Approval of the Minutes for the Regular Board Meeting November
- e. Memo on MRGCD Approved Licenses for November 2022 (For Informational Purposes Only)

Vice Chair Dunning commended LeeAnn Corwin for setting up the safety/self-defense class as sometimes personnel can find themselves working alone along ditch rights of way, at times.

Madam Chair Russo Baca made the MOTION TO APPROVE THE CONSENT AGENDA AND ACCEPT THE AMENDED MINUTES. Seconded by Director Joaquin Baca. The MOTION CARRIED UNANIMOUSLY.

AGENDA ITEM NO. 4 - ITEMS FROM THE FLOOR (Comments are limited to six (6) minutes)

Ray Rodriguez

Mr. Rodriguez addressed the Board regarding a denial of claim where an MRGCD mower fractured his backyard's retaining wall adjacent to the westside of a ditch. He stated that he contacted the District for the repair. He expressed that the wall was already there when he moved there and did not know who installed it. He stated that he submitted an IPRA request as he didn't understand the process, the meaning of prescriptive easement and felt for the time allotted he wasn't getting anywhere. He sought outside legal counsel to help write a letter to the District. Upon receiving this rebuttal, he started receiving documentation but not all. Mr. Rodriguez was concerned that the independent valuer sent to assess the damage was a previous MRGCD employee and was not independent or a third party. Lastly, he felt he was not receiving all the documents from his IPRA request and didn't understand why the valuer was being protected.

Holly Dietz

Holly Dietz, a South Valley resident, addressed the Board regarding a notice received from the District that the access to the back of her property was not legal access. She stated she has been able to access her property along the ditch for 24 years for her breeding, training and veterinary facility. She has no other way to access the back of her property as her structures are inhibiting her access. The previous owner accessed the property in the same manner for over 20 years also. Ms. Dietz has spoken with staff prior to the meeting; she was appealing to the Board to have one of the directors come out and inspect the issue.

Jason Casuga spoke regarding both these items and explained he's counseled the individuals in the process to take; that the District has rules and policies which are implemented. He encouraged them to address the Board on their issues and that would typically lead to an actual agenda item at a follow up meeting to ultimately decide whether the District's staff implemented policy correctly or not.

Linda Dietz

Linda Dietz spoke about the new Assessments payment format which she was not too happy with. She asked the Board why they spent money to redo the taxpaying format, because the older way was much easier. She stated that the newer one's typing was very small and hard to read.

Ronnie Carillo

Ronnie Carillo, a Bosque resident, stated that three years ago he requested a bigger headgate as his 12" was taking too long to irrigate. He stated that it was worked on, but it was not

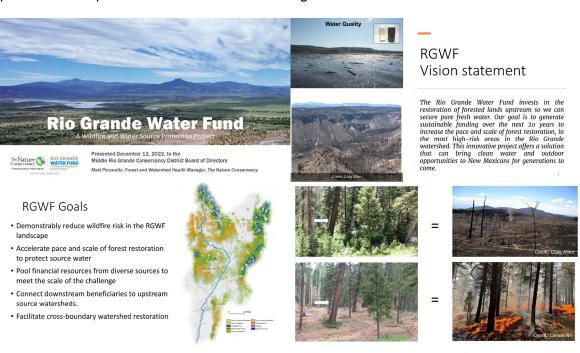
completed they way they had talked about prior. He said was told by several staff members it was too high and that they would fix it, but nothing was done, and those members have since retired. He requested a check and said he was scheduled for a site visit on the 15th.

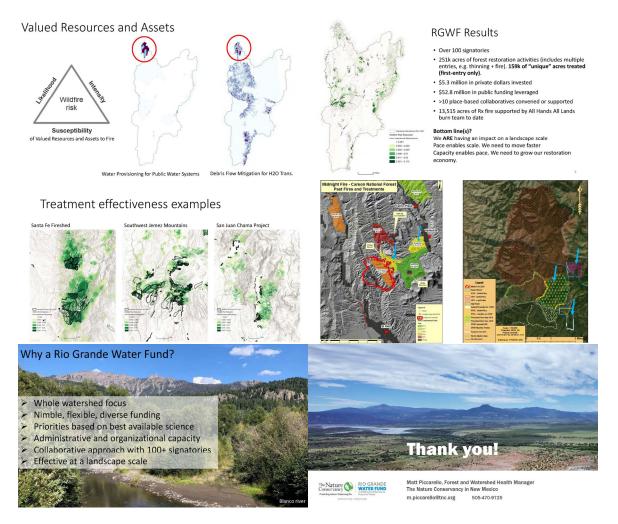
Glen Duggins

Director Glen Duggins spoke about the meaning of Christmas and the special time of year. He stated it was time to reflect. He suggested offering kids in the neighborhood a job to help keep them busy. He also wished everyone a Merry Christmas with peace, health, prosperity, and water.

<u>AGENDA ITEM NO. 5 - RIO GRANDE WATER FUND UPDATE FROM THE NATURE</u> <u>CONSERVANCY</u> - Matthew Piccarello, Forest and Watershed Health Manager

Matthew Piccarello presented to the Board about the Rio Grande Water Fund, a wildfire and water source protection project. He stated the goal was to generate sustainable funding over the next 20 years to increase the pace and scale of forest restoration. He said they wanted to reduce wildfire risk in the landscape. Mr. Piccarello said to treat lands, they would need a mix of sources of funding. He also discussed facilitating cross boundary watershed restoration. He stated when risk reduction and fuel mitigation was done, fire was allowed to play a role in helping. He stated that Water Fund recently did some updated modeling of risk and treatment effectiveness. He showed some examples of the results of that, which showed the impact it had on the landscape scale. One example he gave was that the Alamosa prescribed fire enabled the Francisquito Fire to be a managed wildfire. Mr. Piccarello said they were able to put money on the ground quickly where it needed to be and said non-federal funding from MRGCD provided an important match for federal funding.





Vice Chair Dunning asked about how the wood got used. Mr. Piccarello answered that depending on where the treatments occurred, sometimes it was left on site to burn, but most of the time it was used for firewood.

Director Kelly thanked Mr. Piccarello for his presentation. He stated MRGCD funded the program with \$50,000 a year for on ground treatments and said he would continue to support that but made a proposal regarding the Albuquerque Bernalillo County Water Utility Authorities contributions.

Jason Casuga added they could push ABCWUA but said the federal dollars coming in to treat the forest came with a cost share. He said there would be a struggle to match non-federal dollars to federal dollars to make an impact. He suggested having a conversation as they went into the budget season next year and to challenge ABCWUA to up their game as well.

Vice Chair Dunning asked for an update on the latest studies about whether the forest restoration was increasing the water that goes into the river. Mr. Piccarello said probably not to the extent they would like. He said it was not something he would say they needed to do to get more water by doing forest treatments but was not out of the question to say the hydrologic system would function better.

Director Duggins asked if they allowed grazing or encouraged it. Mr. Piccarello said they had no say in grazing. However, he did add there was an interesting history with the exclusion of fire relative to grazing because grass carries fire.

AGENDA ITEM NO. 6 - REPORT(S) FROM THE HUMAN RESOURCES DEPARTMENT -Christine L. Nardi, MBA

a. Introduction of MRGCD New Hires

Christine Nardi announced new hires and promotions.

Belen Division

ERIC MIRANDA FIELD MAINTENANCE TECHNICIAN 11/28/2022
JOSHUA BERNIGER FIELD MAINTENANCE TECHNICIAN 11/28/2022
ANTHONY WOODY FIELD MAINTENANCE TECHNICIAN 11/28/2022
JACOB LOPEZ HEAVY EOLIPMENT OPERATOR

HEAVY EQUIPMENT OPERATOR 11/28/2022 PROMOTION

General Office

MADERA ENRIQUEZ ENGINEER I ANGEL 12/12/22 JOB/TITLE CHANGE

Albuquerque Division

MANUEL VIGII FIELD MAINTENANCE SUPERVISOR 11/28/2022 PROMOTION

She stated that the vacancy rate did go up from 9% to 10.9%, but only because they had promotions. However, she said she was very optimistic they would fill those positions quickly.

b. Consideration/Approval of the 2023 Holiday Schedule

Christine Nardi stated she met with the Personnel Committee members and sought approval for the proposed 2023 MRGCD holiday schedule.

HOLIDAY	APPROVED DATE
New Year's Day (observed)	Monday, January 2
Martin Luther King, Jr. Birthday	Monday, January 16
Memorial Day	Monday, May 29
Independence Day	Tuesday, July 4
Labor Day	Monday, September 4
Veteran's Day (observed)	Friday, November 10
Thanksgiving Day	Thursday, November 23
Day after Thanksgiving Day	Friday, November 24
Christmas Day	Monday, December 25
Day After Christmas Day	Tuesday, December 26

In addition, the Personnel Committee discussed the option of permitting flexibility for employees to take a personal holiday on a recognized Federal holiday of their choice, the Committee directed staff to grant each eligible MRGCD employee a Flex Federal Holiday for the 2023 Calendar Year. Staff recommends this Flex Federal Holiday be granted to eligible MRGCD employees under the following conditions:

This Flex Federal Holiday must be used for **one** of the following recognized Federal holidays and must be declared/requested two-weeks in advance for operations planning purposes: President's Day, Monday, February 20th, Juneteenth, Monday, June 19th, or Indigenous Peoples' Day, Monday, October 9th.

Minutes of Middle Rio Grande Conservancy Regular Board Meeting December 12, 2022

Director Barbara Baca made the MOTION TO APPROVE THE 2023 HOLIDAY SCHEDULE. Seconded by Vice Chair Dunning. The MOTION CARRIED UNANIMOUSLY.

<u>AGENDA ITEM NO. 7 - CONSIDERATION/APPROVAL OF THE 2023 BID AWARDS</u> - Richard DeLoia, CPO

a. Machine Mowers for Albuquerque and Belen Divisions

Richard DeLoia requested approval for Machine Mowers to ATMAX Equipment Co. for two machine mowers for a total of \$516,650.20. He stated they went to Texas to make sure they were acceptable to use. He explained they would also have an attachment available. He stated it was narrower than a tractor with a mower attachment and would work very well in their facilities.

Director Kelly made the MOTION TO APPROVE THE MACHINE MOWERS WITH THE AMOUNT OF \$550,000 FOR ATTACHMENTS. Seconded by Madam Chair Russo Baca. The MOTION CARRIED UNANIMOUSLY.



Memorandum

To: MRGCD Chair Russo Baca and Board of Directors

Jason Casuga, CEO/CE Pam Fanelli, CFO

From: Ricardo Varela, Purchasing Agent RV

Date: November 16, 2022

Re: REQUESTING BOARD APPROVAL FOR MACHINE MOWERS

MRGCD staff is requesting approval for two (2) Machine Mowers; This was formally bid out in compliance with the NM State Procurement Code. Bid was advertised on 10/28/22 and 10/31/22. Three (3) bid packets were sent out and one bid was received as follows;

<u>VENDOR</u> <u>MACHINE MOWERS</u> <u>TOTAL</u> <u>GRAND TOTAL</u>

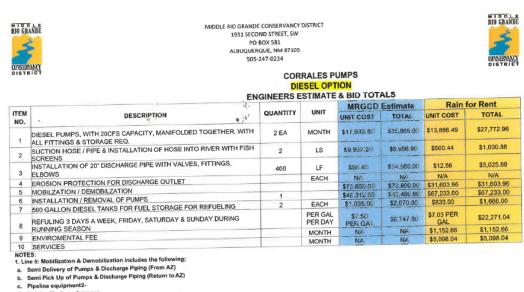
After thorough review staff is recommending award to the lowest Responsible Bidder, ATMAX Equipment Co.

Albuquerque Division: \$258,325.10 Belen Division: \$258.325.10

b. Corrales Siphon Pumping Project - Alicia Lopez, Engineering & Mapping Manager

Mr. DeLoia discussed the Request for Bid for Irrigation Pumps to supply water to the Corrales Main Canal. They were advertised on November 10th and November 11th, 2022, four

(4) bid packets were issued to pump rental suppliers, and one (1) Bid was received by the deadline 10:00 am on November 22nd, 2022. After thorough review and evaluation, MRGCD staff recommended award of a one-year price agreement contract with the option of three (3) additional years (if needed) between the MRGCD and Rain for Rent. MRGCD Staff will make a final determination on Pumps needed, either Electric or Diesel, in coordination with PNM and their delivery of electricity to the Pump area.



Director Kelly made the MOTION TO APPROVE THE RENTAL AGREEMENT WITH RAIN FOR RENT. Seconded by Vice Chair Dunning. The MOTION CARRIED UNANIMOUSLY.

c. Low Flow Conveyance Channel River Mile 60 Gate Automation Project - Anne Marken, Water Operations Division Manager

Anne Marken gave the project background saying the State of New Mexico ended 2021 with a cumulative 127,000 acre-foot Rio Grande Compact debt to Texas. This debt, along with El Vado Dam construction, has prevented MRGCD from storing native Rio Grande water in its upstream reservoir in 2021 and 2022. These restrictions on storage have impacted the ability of MRGCD to reliably meet the needs of irrigators after spring runoff.

MRGCD staff believes it is critical to work towards improving deliveries to Elephant Butte so when El Vado construction is completed New Mexico will have reduced its Rio Grande Compact debt enough that MRGCD will be able to store and access native Rio Grande water in El Vado.

The US Bureau of Reclamation (Reclamation) is working on a project that can help increase the amount of water delivered to Elephant Butte reservoir by improving the efficiency of water delivered through the Low Flow Conveyance Channel (LFCC) in the San Acacia reach of the Rio Grande. Reclamation will be constructing an outfall to the river from the LFCC near river mile 60, south of Bosque Del Apache, in the spring of 2023. This outfall to the river is intended to be temporary until a plan to improve the river channel through the Lower San Acacia reach is developed and constructed.

Installing automation, gaging and telemetry on the LFCC outfall project was not a part of Reclamation's original project plans. MRGCD staff believes that automating this project will help to maximize its functionality and efficiency and offered to purchase and install automated actuators, stage and discharge gaging, and telemetry equipment that will tie into MRGCD's existing telemetry system on the LFCC outfall gates. Once the outfall is removed by Reclamation, MRGCD will retain

Suction Hosing w/scre

Delivery of heavy equipment to install setup

possession of the purchased equipment and can/will be reinstalled on infrastructure within MRGCD's system.

Richard DeLoia gave the procurement summary: Request for bid for the Automation of Canal Gates was advertised on November 21st and November 23rd, 2022, per NM State Procurement Code. Four (4) bid packets were issued to Automation Suppliers, and on December 5th, 2022, by the 10:00 am deadline, one (1) bid was received and after thorough review, staff recommended the award for Automation of Canal Gates to the lowest responsible bidder, Aqua Systems 2000 Inc. for a grand total amount of \$61,450.00.

Vice Chair Dunning made the MOTION TO APPROVE AUTOMATION INSTALLATION FROM AQUA SYSTEMS. Seconded by Director Michael T. Sandoval. The MOTION CARRIED UNANIMOUSLY.

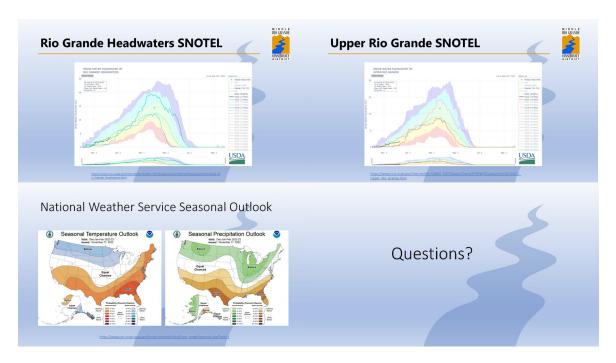
Director Kelly expressed that he went to the location and was stunned at the amount of work Bureau of Reclamation had done from San Marcial down to where the Low Flow Conveyance Channel disappeared.

AGENDA ITEM NO. 8 - UPDATE ON THE 2022 IRRIGATION SEASON

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

Anne Marken stated there was more than 1100 CFS at the Otowi Gauge. She said you could see the flow had been elevated at the gauge for the past month due to the release of water stored for Prior and Paramount lands in Abiquiu. She stated that MRGCD was not able to store any native water in El Vado the past year due to the dam construction and Rio Grande Compact restrictions. Ms. Marken explained that they ended the irrigation season with about 2000-acre feet of San Juan Chama water left in storage and New Mexico would likely end 2022 with about 100,000-acre feet of Rio Grande Compact debt. She showed the NRCS SNOTEL graph, but expressed it was too early to look at snowpack conditions and make any assessments yet. Ms. Marken said the National Weather Service's temperature and precipitation outlook were below average for precipitation and above average for temperatures.





Status Report on Water Distribution - Matt Martinez, Water Distribution Division Manager

Matt Martinez stated as of November 15th, the 2022 irrigation season concluded for all MRGCD water users. He said the team would now be focused on off season maintenance, special projects, training, and filling staff vacancies. He stated their startup plan for last season worked well and would likely do the same for the upcoming season. He discussed the pilot program that would document water deliveries by mobile phone app. He said they learned it worked well with a larger device, so they would be purchasing tablets and would be installing cellular signal boosters in the ISO trucks to ensure connectivity. He stated the next phase of the pilot group would expand to include all ISOs in the Belen Division. Mr. Martinez said he thought of the three things leadership could do to help their team succeed, which consisted of provide suggestions on how to recruit and maintain high qualify employees, assist in development of a procedure to enforce water distribution policy violations, and review and refine pumping criteria.

Director Duggins asked who would be making the decisions of water waste, because sometimes what looks like a flood is sometimes perfect irrigation on flat ground. Mr. Martinez said they would discuss it further in the future meetings.

AGENDA ITEM NO. 9 - REPORT(S) FROM THE DEPARTMENT OF INTERIOR

a. Bureau of Reclamation - Jennifer Faler, Area Manager

Jennifer Faler said they work side by side with MRGCD to tackle any issues they can help with and felt MRGCD represented their irrigators and farmers well. She said they were not receiving federal funding yet, but she was hopeful. She celebrated the title transfer, but also reminded the Board there was still a federal interest in the Middle Rio Grande Conservancy District lands north of the title transfer. She said she believed the Texas v. New Mexico litigation would settle. She said they had been sued again but had not had the chance to speak with the Department of Justice about it yet. Ms. Faler added that the federal government

convened a federal assessment team for the Six Middle Rio Grande Pueblos to consider an Indian water right settlement.

1. El Vado Update

The Bureau of Reclamation Team gave a presentation on El Vado Dam: Safey of Dams Modification project and gave an overview of what had been happening since they came to the Board last. Joels Malama stated they were awarded the project and mobilized in April to start construction. He discussed that the El Vado dam and spillway carried high risks for failure under normal operation and that's why they were trying to repair the facility.

Chris Ellis, Geotechnical Engineer, stated that from a seepage reduction standpoint, they had seepage that was concerning. He stated they would be bringing foundation grouting to address the seepage through the foundation. He also said they would be placing a geomembrane liner over the top of the steel when they were finished. Mr. Ellis said the plan did not go perfectly and found an area where depth of rock dove off and became much deeper than anticipated. He stated they went in and placed emergency fill in to make sure they did not cause any instability and saw the need to collect more information, including test pitting and drilling. He discussed the various issues they encountered throughout the project. Mr. Ellis stated the weight of the grout attributed to some of the bulging they experienced so they would be pursuing low density permeable grouts.

Tyler Magill, Civil Engineer, added that he would be doing modifications to the service spillway and crest of the dam. He stated they would first modify the spillway by demolishing the existing spillway and replacing with a new one that would reinforce with concrete structure. He said they would also be putting in a new spillway gate excavating to a shallower slope. Mr. Magill stated they would have walkways down both sides of the spillway and a maintenance access road from the bottom to help with maintenance inspections. He said the next part of the project would be modifying the dam crest and replacing it with a concrete parapet wall, along with excavating and lowering the crest. He added that the last part would be constructing a dike across the emergency spillway.

Mark Caruso, Resident Engineer, spoke about the construction of the project. He said they came across about 1300 steel faceplate repairs which significantly increased the scope of that portion of the project from 50 days to 150 days. He showed pictures of the construction that would help set up the foundation for a concrete cap at the top, and more earthen material in the middle. Mr. Caruso said due to the unforeseen issues they encountered, they had to do backfill grouting and placed grout behind the steel faceplate. He stated they had to start at water elevation and work their way down to grout below there, which was not want they wanted to do. Mr. Caruso mentioned that they started noticing bubbles in certain spots that ended up being grout leakage through cracks or pit holes below the water line. He said they also encountered problems in phase two of grouting, which made them halt work. He said due to the conditions of the grout and work safety they had to stop work and would come back to the project in the spring.

Dustin Bennetts stated he worked in a construction management group that worked closely with Mark and the office people to help manage construction schedules and plan projects. He said due to all of the unforeseen issues, they dates were flagged to be determined but were looking at 12 months behind schedule with a completion date of November 2024 with an estimated date of water storage in 2027.

Cord Everetts, Project Manager, explained that there were two reservoir restrictions. He said the deepest one was 6785, but once they got to the spillway they would not need as much restriction so they would be looking at 6859.



Construction: Excavation – Left Abutment





Construction: Excavation - Left Abutment

Construction: Excavation – Left Abutment





Construction: Excavation – Left Abutment











Construction: Excavation – Right Abutment



Construction: Excavation – Right Abutment





Differing Site Conditions





Differing Site Conditions





Geologic Exploration

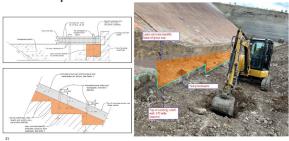








Grout Cap – Modification



Grout Cap – Modification



Backfill Grouting - Need for Change







- Grouting typically performed "bottom up"
- Site conditions required grout to be injected from the top above the water line

Construction: Backfill grouting - Phase I





Catwalk and turbidity curtain

Construction: Uplift Monitoring





Construction: Observance of Bulging/Bubbles









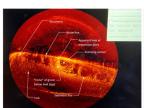


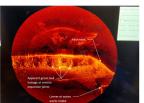






Underwater Survey





Phase I Progress Monitoring





Evidence suggested grout level filled above the water surface

Construction: Backfill grouting - Phase II















Backfill Grouting Options

Continued observation of faceplate bulging









Seepage Reduction Modification Schedule

Winter Shutdown (7-DEC 2022 to Spring 2023)

Activities	Baseline Completion	Revised Completion**
Mobilization	April 2022	N/A
Backfill Grouting	November 2022	~November 2023
Foundation Grouting	November 2023	~June 2024
Geomembrane Placement	August 2023	~August 2024
Project Complete	November 2023	~November 2024
**Revised Completion date	s are TBD	

• Elevation 6785 Reservoir Restriction through 2024



Spillway Modification Schedule

Activities	Estimated Completion	Revised Completion**
Mobilization	September 2023	Fall 2024 or Spring 2025
Spillway Chute	July 2025	~TBD
Spillway Inlet/Crest	August 2025	~TBD
Dam Crest & Bridge	May 2026	~TBD
Project Complete	October 2026	~TBD
**Revised Completion	lates are TRD	

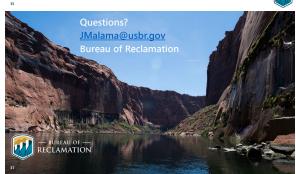
• Elevation 6859 Reservoir Restriction through 2027

STILLING BASIN REPAIRS

- 2001 During an O&M Review was listed as needing to be repaired
- · Safety of Dam (SOD) Program is limited to maintain the safety of the Dam from issues resulting from
 - Seismic and Hydrologic loadings and state of the art designs
- · SOD funding cannot be used for Issues resulting from Age, normal deterioration or normal O&M activities
- Project Costs, Estimate \$3-\$6 Million







Jason Casuga added it would be a progressive process to fill storage. He said once they were done with the seepage on the faceplate and abutments and working on the spillway, the dam would be functional, but they would not have full access to full storage. Mr. Casuga stated the El Vado Project had a great team and were gathering the best information they could.

Director Kelly noted the presentation was one of the best technical briefings he had sat through on the Board. He said however the funding came out, they had to work it in and get the design done. Jennifer Faler added they would exhaust all options to get it done in the most effective manner possible.

Chair Russo Baca thanked them for their presentation and stated to keep in the back of their minds that once they were able to store more Article VII restrictions out of the Rio Grande

Compact, it would be contingent on storage and finishing the project. She said for farmers to be able to irrigate mid-season during the time to store debt was hinging on it.

b. Bureau of Indian Affairs - Sandra Lucero, BIA/SWRO/Water Resources

Sandra Lucero stated the Army Corps of Engineers was able to obtain approval to deviate from their authorization to temporarily restore P&P water in the Abiquiu Reservoir through 2024 during construction. She said the Rio Grande Compact supported it and capped the P&P storage at 20,000--acre feet per year. She stated she still had the engineer vacancy but would try to keep advertising until they could fill it permanently. However, she noted that the Water Resource Office allowed an engineer, Roland Becenti, from their office to be in the position for 120 days, whom she introduced. She added that BIA was currently working to review and prioritize when to work on pueblo lands. Ms. Lucero say they started the new O&M agreement preliminary negotiations in October and Pam and Jason did a great job presenting the District's proposals. She said she had a few concerns after the first O&M agreement meeting, one being time to complete negotiations to draft a new agreement by the end of the month, and the present budget for the new irrigation agreement. However, she said the contracting officer extended the O&M agreement one more year to cover the 2023 irrigation season. Ms. Lucero requested that the Board consider expanding the existing agreement just one more year while negotiations continued for the 2024 irrigation season.

AGENDA ITEM NO. 10 - DISCUSSION/APPROVAL OF 1-YEAR EXTENSION OF THE CURRENT BUREAU OF INDIAN AFFAIRS O&M AGREEMENT - Jason M. Casuga, CE/CEO

Jason Casuga stated they presented a robust financial analysis, and they understood there were constraints. He stated he believed signing the extension was the best way to go and at least would get them moving. He also said he believed BIA was putting in a good faith effort to move in that direction. Jason recommended approval of the current contract status quo again for the 2023 Irrigation Season.

Vice Chair Dunning made the MOTION TO EXTEND THE CURRENT BUREAU OF INDIAN AFFAIRS O&M AGREEMENT. Seconded by Madam Chair Russo Baca. The MOTION CARRIED UNANIMOUSLY.

<u>AGENDA ITEM NO. 11 - REPORT(S) FROM THE SECRETARY-TREASURER/CFO</u> - Pam Fanelli, CMA, CGFM

a. Report of the Exit Interview for Fiscal Year 2022 Audit with Ricci & Company, December 12, 2022 - Pam Fanelli, CFO

Ms. Fanelli stated that they had their exit conference that day at 11 a.m., and the audit would be delivered on time by December 15th. She said she expected to receive an unmodified opinion.

AGENDA ITEM NO. 12 - REPORT(S) FROM THE CHIEF ENGINEER - Jason M. Casuga, PE

a. Consideration/Approval of the Isleta Drain Trail Plan - Robert Oberdorfer, Sites Southwest and Yasmeen Najmi, Planner

Bob Oberdorfer, Sites Southwest, presented the Isleta Drain Trail Plan. He said they had been working with Bernalillo County, Yasmeen Najmi, AMAFCA, and Wilson & Company. He said they started back in June 2021 and came up with the draft in June 2022 and had been

finalizing it for the past few months. He said the trail plan was to provide a safe functional corridor to connect community destinations, allow nature and wildfire viewing, create an accessible ADA compliant trail for recreation and exercise, and create a sense of stewardship for the shared water system and role the ditches play in that. He stated the trail alignment ran from central all the way down to almost to the Isleta Pueblo boundary. He said it would go through a design review with the Board to make sure they were not stepping on any toes or impinging on maintenance. Mr. Oberdorfer showed maps and images of what the details of the trail would be.

Yasmeen Najmi added that it was just a concept and would be going before the Bernalillo County Commission the following day. She believed the county and consultants were looking for approval from the Board so they could move forward with county commission approvals to finalize the plans and to then start implementation.

Director Barbara Baca made the **MOTION TO APPROVE THE ISLETA DRAIN TRAIL PLAN.** Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY**.

b. Consideration/Approval of Resolution M-12-12-22-197 for Participation in Capital Outlay Program Administered by NM Department of Transportation - Jason M. Casuga, CE/CEO

Jason Casuga stated there was appropriated dollars for Bernalillo County for the purpose of traffic control devices, and for MRGCD to access the NMDOT money, they would be required to have a resolution and have that resolution authorize them to sign a grant agreement.

Resolution of the Board of Directors of the Middle Rio Grande Conservancy District Participation in Capital Outlay Grant Program Administered By New Mexico Department of Transportation

WHEREAS, in the Laws of 2022, SB212, Chapter 53, Section 36, Subsection 18, the New Mexico Legislature (Legislature) made an appropriation to the New Mexico Department of Transportation (OT), and funds from the appropriation have been granted to the Middle Rio Grande Conservancy District to purchase, install and equip traffic control devices in Bernallilo County (the Grant Frojed). WHEREAS, the Middle Rio Grande Conservancy District and the DOT desire to enter into a Grant Agreement for the expenditure of funds for the Grant Project. WHEREAS, the total cost of the Grant Project will be \$20,000 to be funded by the parties hereto a) New Mexico Department of Transportation's share shall be 100% or (\$20,000) an
 b) Middle Rio Grande Conservancy District's proportional matching share shall be 09 The total project cost is \$20,000; Middle Rio Grande Conservancy District shall pay all costs which exceed the total grant amount of \$20,000. NOW THEREFORE. BE IT RESOLVED in official session that Middle Rio Grande Conservancy That the Grant Project is hereby approved and has a priority standing That the Grant Agreement terminates on June 30, 2026 (for Laws of 2022) and the Middle Rio Grande Conservancy District incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the Grant Agreement. BE IT FURTHER RESOLVED by the Middle Rio Grande Conservancy District authorizes its CEO/Chief Engineer to enter into the Grant Agreement (Control Number C3223100 with the New Mexico Department of Transportation for Capital Outlay (Laws of 2026)) to purchase, install and equip traffic control devices within the control of the Middle Rio Grande Conservancy District in Bernalillo County, New Mexico. DATED AND RESOLVED this 12th day of December 2022. MIDDLE RIO GRANDE CONSERVANCY DISTRICT Stephanie Russo Baca, Chair ATTEST: Pamela Fanelli, CMA, CGFM

Director Kelly made the MOTION TO APPROVE RESOLUTION M-12-12-22-197. Seconded by Director Barbara Baca. The MOTION CARRIED UNANIMOUSLY.

c. Update on the Meeting with the Secretary of State regarding the Local Election Act (LEA) Implementation for the 2023 Election, December 5, 2022 - Jason M. Casuga, CE/CEO, Director Barbara Baca, Director Joaquin Baca and John Thompson, MRGCD Lobbyist

Jason Casuga gave an update on the meeting with the Secretary of State's Office regarding LEA implementation. He stated there was a unanimous understanding that it would be difficult for the counties to implement LEA, including from the clerk's office. He explained that the Secretary of State proposed an extension of time to implement the LEA led by her office. He said they were working through the process of connecting now and looking at getting that legislation written in draft form and would be presented to the District to discuss and have a position on it by January. He felt the only major discussion that came out is that it is *status quo*, meaning that the full election would be handed back to the District if the legislation were to pass. If so, no discussion was had regarding an election date. He also said if it were extended, they would have to give a different election date because the county clerks were in agreement and did not want it on the same day as the regular election.

Chuck DuMars asked why they would not be able to repeal the revision to the LEA if the clerks did not want to do it and it made no sense.

Jason Casuga stated the State was saying because of COVID they did not have the ability to work appropriately to determine the best way to implement it, so they wanted an extension to figure that out. He said he believed they still wanted to implement it but needed time to figure that process out.

Madam Chair Russo Baca suggested being able to see the legislation when it was drafted and before the vote was taken so they could have a meeting to discuss so they would not be put in a pinch like years prior and expected to make a statement.

Mr. Thompson stated he would try to move that at the board meeting but cautioned things would move slow until they moved very fast.

Madam Chair Russo Baca called to put an election committee together to work on it. Vice Chair Dunning also suggested considering a mail in vote to save money and increase participation.

Madam Chair Russo Baca made the **MOTION TO BOARD REPORTS.**Seconded by Director Kelly. The **MOTION CARRIED UNANIMOUSLY**.

d. Report on the Water Leadership Workshop, November 30 - December 1, 2022 - Jason M. Casuga, CE/CEO

Jason Casuga said it was one of the better workshops he had attended. He said there was much discussion on infrastructure, and they had a great tour to the San Acacia Diversion Dam.

e. Report on the December Levee Task Force Meeting, December 7, 2022 - Jason M. Casuga, CE/CEO

Jason Casuga said they talked about setting goals for the Levee Task Force and one thing they talked about was the new assessment for insurance, called Risk 2.0. He said they were going to be trying to bring clarity so all participants could report back to their elected officials to properly inform elected officials and constituents what it meant to flood insurance.

He said their goals were to try to get someone from FEMA there to explain presentation material, funding, and a discussion on whether or not the taskforce should push forward for some levee safety type involvement from the state. Mr. Casuga said 2.0 would reflect more a true risk to property and overall value of the property to determine the appropriate insurance rate.

f. Upcoming Events

- 1. Middle Rio Grande Flood Control Association Annual Breakfast, Albuquerque Country Club December 13, 2022
- 2. Family Farm Alliance Annual Conference, Reno, NV February 23-24, 2023
- 3. Land & Water Summit, Indian Pueblo Cultural Center March 2-3, 2023

Mr. Casuga said they needed to know if anyone was interested in attending the Family Farm Alliance. He also announced he would not be able to make the CRWA (Colorado Rural Water Association) Conference, but Casey Ish would still be attending.

AGENDA ITEM NO. 13 - REPORT(S) FROM THE MRGCD Attorney(s) - Chief Water Counsel or General Counsel

Charles DuMars talked about the Clean Water Act and the new case in the 9th Circuit that said you could lose your exemption if you combined municipal drainage water with irrigation water, but the 11th and 2nd Circuit ruled the other direction and the 10th Circuit hadn't ruled at all. Dr. DuMars said he did not think they needed to take any action on that. He also discussed the notice of intent filed by Wild Earth Guardians against BOR, US Fish & Wildlife, and MRGCD. He stated they would need authorization from the Board to allow them to file a motion to intervene in the case.

Jason agreed that they needed to be at the table.

Madam Chair Russo Baca made the MOTION TO DIRECT LEGAL STAFF TO FILE A MOTION TO INTERVENE AS THE REAL PARTIES OF INTEREST IN CASE 1-2-2-CV00914. Seconded by Director Kelly. The MOTION CARRIED UNANIMOUSLY.

Dr. DuMars also discussed the brief before the judge also that also involved the Wild Earth Guardians challenging discretion of the state engineer to issue a notice of intent to allow MRGCD the opportunity to an extension of time to do the proof of beneficial use. He said they tried to explain the history with the Wild Earth Guardians and Forest Guardians and was successful because they did not participate.

AGENDA ITEM NO. 14 - REPORT(S) FROM THE BOARD

a. Report on the CEO Review Process Scoping Meeting, November 15, 2022 - Chair Russo Baca

Chair Russo Baca wrote there was discussion regarding conducting a formal process for a performance review of CEO/Chief Engineer, Jason Casuga.

 Report on the Valencia County Commission Meeting, November 16, 2022 - Chair Russo Baca

Chair Russo Baca wrote she spoke in favor of items 8 & 9 regarding the Belen Watershed & Flood Prevention Project with Middle Rio Grande Conservancy District and Consideration of MOU with the Middle Rio Grande Conservancy District for Participation in the USDANRCS WFPO – Watershed & Flood Prevention Operations Program, Specifically the

Belen Watershed Flood Protection Project. The Valencia County Commission approved both items.

c. Report on the Conservation Advisory Committee, November 17, 2022 - Chair Russo Baca

Chair Russo Baca sent her report as follows:

November 17, 2022, Conservation Advisory Committee, virtual.

Rio Grande Compact News - Casey Ish

· Credit Water Agreement reached between Compact States on the Rio Grande, resulting in

a one -time credit adjustment. On December 31st 2022 the Compact Debit owed by New

Mexico will be adjusted (reduced) by 32,500 AF.

· NM OSE-ISC is expecting end of year compact debit to mirror the value we started with

in 2022 (~125-135,000 AF) prior to the one-time adjustment.

· Does not result in a "wet water" for New Mexico.

Leasing Program Update - Ray Hartwell and Casey Ish

• 2023 Enrollment Window is now open. We received our first application on 11/16/22.

Link to the application page can be found below.

https://www.mrgcd.com/fallowing-program/

On-Farm Program - Applicant Cost Share Discussion

· Irrigation Committee approved of the preliminary design for the OFP Cost Share and

directed staff to present a final Cost Share & Program Design to the Board's Finance

Committee in December or January.

No December CAC Meeting

Report on the 350NM Speaker Series on Water, "New Mexico's Water Future", November 29, 2022 - Chair Russo Baca

Chair Russo Baca sent her report, as follows:

November 29,2022, 350NM Speaker Series on Water, "New Mexico's Water Future" virtual. https://youtu.be/gG-IPu-G5a4.

"New Mexico's Water Future: Equitably managing our water in a drying climate" presented by Norm Gaume and Kyle Harwood.

The video recording of the talk is now on YouTube at this link: Water Future Video.

The water report referenced by Norm and Kyle is at this link: Leap Ahead Analysis report https://geoinfo.nmt.edu/ClimatePanel/report/home.html

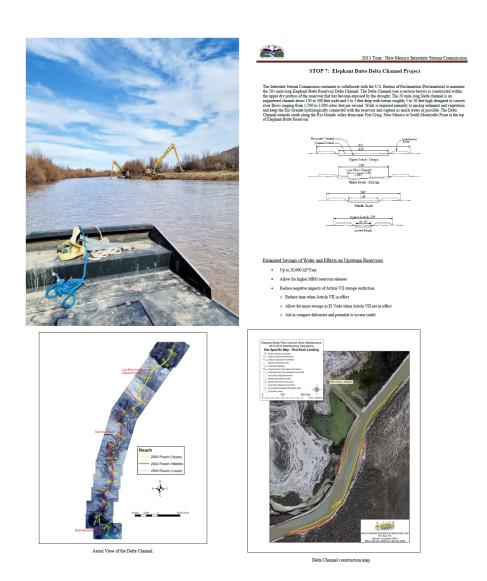
or you can view the Leap Ahead videos on YouTube

https://www.youtube.com/playlist?list=PLhYUVgMh7jgmTAStZPkg053p5r1FpcrC6

e. Report on the NM Water Leaders Workshop, Elephant Butte Delta Channel Project, November 30 and December 2, 2022 - Chair Russo Baca

Chair Russo Baca wrote her report as follows:

Anders Lundahl with NM ISC presented about the work being done on the Elephant Butte Delta Channel then we toured the river channel via airboat to see the amphibious excavators.



December 2, 2022, NM Water Leaders Workshop

Discussion of the 50-year water plan - Next steps / actions (Andrew Erdmann, ISC) as well as the Water Policy and Infrastructure Task Force recommendations (Mike Hamman OSE, and Hannah Riseley-White, ISC, Rebecca Roose, NMED and Marquita Russel, NMFA)

There was further discussion regarding adaptation and resilience / systems thinking (Dagmar Llewellyn, USBOR)

In the afternoon we went into breakout sessions. I discussed water sharing, agricultural water issues and alternative water source issues.

f. Report on the Finance Committee Meeting, November 30, 2022 - Director Kelly, Vice Chair Dunning and Director Barbara Baca

Director Kelly said they discussed the project schedule and the need to increase the mill levy to cover a small part of their outstanding identified needs. He said they looked at the first draft of the project schedule and five-year forecast. He stated if they tried to do everything on the project schedule, they would have to increase the mill levy by three or four mills, but if they

looked at other funding services in the way of grants and capital outlay, they could do it with one mill increase.

g. Report on the Middle Rio Grande Water Advocates: NM Water Recommendations - Chair Russo Baca

Chair Russo Baca sent her report as follows

December 8, 2022, 350NM Speaker Series on Water Part 2: "New Mexico's Water Future, equitably managing our water in drying climate, Water Task Force Recommendations and 2023 Legislation"

Water Task Force Recommendations regarding the Health of Rivers, Watersheds, and Aquifers, and Increasing Community Capacity to Plan, Build, Operate and Maintain Water-Related Infrastructure. There was discussion about how the drying climate is going to affect water resources in NM including how it will affect all users including agriculture, environmental uses, as well as the forests and bosque.

Panelists:

Mike Hamman, P.E., New Mexico State Engineer, Water Task Force Chair. Rachel Conn, Deputy Director, Amigos Bravos; Task Force Consulting Expert and MRGWA Board Member. Laurie Weahkee, Owner, Laurie Weahkee and Associates; Consultant, NM Indian Affairs Department; Water Task Force Proxy for Members Secretary Lynn Trujillo and Daryl Vigil.



h. Report on the 2022 Congreso De Las Acequias, December 9-10, 2022 - Chair Russo Baca and Director Barbara Baca

Director Barbara Baca thanked the Congreso for allowing her to attend. She said it was really important, a very good gathering, and they appreciated their attendance.

Chair Russo Baca sent her report as follows

December 9 & 10, Congreso De Las Acequias

The annual Congreso de las Acequias is a vibrant gathering of acequias and our supporters from throughout New Mexico and Southern Colorado. We gathered to celebrate our culture, share knowledge, and plan for our collective future. This two day gathering included special workshops, as well as our Congreso main event with music, art, teatro, presentations, and the beloved bendición de las aguas. Topics included:

Pala Power: Working Together to Heal the Land

El Agua se Defiende: Acequia Strategies to Protect Water

Funding for Disaster Recovery and Acequia Infrastructure

Youth Leadership and Advocacy

On Friday discussions included acequia governance, water sharing as well as funding and other opportunities. Additionally there was a round table discussion on the recovery efforts from the devastating fires.

Saturday's events started off with the blessing of the water from acequias from all over NM including those in the middle rio grande.

 Report on the Personnel Committee Meeting, December 12, 2022 - Vice Chair Dunning, Directors Kelly and Barbara Baca

Director Kelly said they would be gearing up to review Mr. Casuga's performance for the last year and bring to the board on February 13th. He recommended having an executive committee meeting starting at 1:30 that day. He also suggested starting the regular meeting on March 13th early to have a 90-minute session to look at organizational goals for the District.

Chair Russo Baca made the **MOTION TO APPROVE THE REPORTS FROM THE BOARD.** Seconded by Director Kelly. The **MOTION CARRIED UNANIMOUSLY**.

With no further comments, questions, or concerns, Madam Chair Russo Baca adjourned the meeting at 6:45 pm.

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

ATTESTED: Pamela Fanelli, CMA, CGFM Secretary/Treasurer Stephanie Russo Baca, Chair MRGCD Board of Directors