

**MINUTES OF THE
2,195th REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

JANUARY 9, 2023 - 3:00 PM

Directors having been duly notified; Madam Chair Russo Baca called the regular meeting to order at 3:02 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	Present
Joaquin Baca, Director	Present
Glen Duggins, Director	Present
Michael T. Sandoval, Director	Present

STAFF

Jason Casuga	Chief Engineer/CEO
Lorna Wiggins	General Counsel
Dr. Charles DuMars	Chief Water Counsel
Pamela Fanelli	Secretary-Treasurer/CFO
Anne Marken	Water Distribution Division Mgr.
Matt Martinez	Water Operations Division Mgr.

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

Carol Van Dorn	Anthony Algermissen	Derek Jarner, MRGCD
Holly Dietz	Susan Navarro	Casey Ish, MRGCD
Hank Taliaferro, La Joya Acequia Association	Josh Hind, MRGCD	Rhett Sanders-Spencer, MRGCD
Linda Dietz	Judith McSweeney, MRGCD	Kathleen Holmes Cates
Luke Smith, Wilson & Co.	Ashley Veihl, MRGCD	Anders Lundahl, NMISC
Estella Gamboa, MRGCD	Paul Parmentier	Neal Hurley
Larissa Gorden	Peter Rice	Mike Apodaca, MRGCD
Page Pegram, NMISC	Yasmeen Najmi, MRGCD	Bernadette Sinclair
Roland Becenti, BIA	Danielle Feygin, MRGCD	Ray Hartwell

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Director Barbara Baca 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.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

There were no changes made to the agenda.

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

AGENDA ITEM NO. 3 - CONSIDERATION/APPROVAL OF 2023 OPEN MEETINGS ACT RESOLUTION BD-01-09-23-53 - Pamela Fanelli, Secretary/Treasurer-CFO

Pam Fanelli asked that the Open Meetings Act resolution to be approved. Jason Casuga added that counsel did review to which Lorna Wiggins stated there were no substantive changes from previous years.

Director Kelly made the **MOTION TO APPROVE THE OPEN MEETINGS ACT RESOLUTION BD-01-09-23-53**. Vice Chair Dunning seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

AGENDA ITEM NO. 4 - CONSENT AGENDA

- a. Consideration/Approval of Payment Ratification - January 9, 2023
- b. Consideration/Approval of December 2022 Invoice for Wiggins, Williams & Wiggins
- c. Consideration/Approval of December 2022 Invoice for Law and Resource Planning Assoc.
- d. Consideration/Approval of the Minutes for the Regular Board Meeting - December 12, 2022
- e. Consideration/Approval of Per Diem, Mileage & Expense Reimbursement regarding New Mileage Rates as of January 1, 2023
- f. Memo on MRGCD Approved Licenses for December 2022 (For Informational Purposes Only)

There were no questions or discussions.

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

AGENDA ITEM NO. 5 - REPORT ON PROPOSED LAND SALES - Eric Zamora, COO

- a. **MRGCD Map 87 Gabaldon Lateral Extension - Mike Lundmark**

Eric Zamora explained the properties were determined to be excess right-of-way; and introduced Ashley Veihl from the Lands and Licensing Department. She asked for approval for the excess land to be sold saying Mike Lundmark brought this to the District's attention when he applied to purchase it on behalf of his daughter. Ms. Veihl explained the land in question was the westerly 11 feet for the Los Chavez Interior Drain adjacent to Map 87, Tract C, owned by Kelly Lundmark. She continued to explain the 11 feet was part of the 16 feet purchased by the District in 1933 with the intent to be right-of-way for the Gabaldon Lateral Extension which was never executed. She also stated that per the MRGCD Land Sale Policy, the land to be sold shall be excess land and have no use for the District; because this land was purchased as additional right away for a project that was abandoned, and because the District has not had access to the land, for at least 30 years it is the staff's opinion that this land qualifies to be disposed of. Thanked the Board for their consideration.

Jason Casuga added that they were looking for agreeance that this Valencia County property qualified to be disposed of and that the approval for the sale itself would come at a later time once the process is done.

Director Kelly made the **MOTION THAT THE BOARD CONCURS THAT THIS RIGHT OF WAY IS SURPLUS TO THE NEEDS OF THE MRGCD AND IS SUITABLE FOR SALE**. Seconded by Madam Chair Russo Baca. The **MOTION CARRIED UNANIMOUSLY**.

- b. **MRGCD Map 93 Henderson Lateral - Mark Baca**

Mr. Rhett Sanders-Spencer, Licensing & Land Sales Right of Way Specialist, reported on the proposed land sale to Mr. Mark Baca which is described as an abandoned portion of the Henderson Lateral being a strip of land 60 feet wide between NM 314 and the Garcia Lateral

No. 1 right of way on MRGCD map 93 in Valencia County. He stated that staff recommended the entirety of the portion of the Henderson Lateral described by Receipt & Conveyance #5927 be approved for disposal with only water rights pertinent to the property reserved. Mr. Spencer also added that Sloan Washburn (Belen Division Manager) confirmed the property remained of no value to District O&M. He said that Mr. Baca was also the owner of an adjacent tract, submitted a letter of intent to purchase, completed the standard application for the land sale, and submitted the associated application fee.

Director Kelly inquired if the property was any part of an informal trail system or walking or equestrian path. Mr. Spencer answered not to their knowledge.

Director Kelly made the **MOTION THAT THE BOARD FINDS THE PROPERTY AS SURPLUS TO THE NEEDS OF THE MRGCD AND AUTHORIZES THE SALE OF SAME.** Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY.**

AGENDA ITEM NO. 6 - APPEALS REGARDING DENIAL OF MRGCD CLAIM AND/OR LICENSE REQUEST

a. Ray Rodriguez regarding Denial of Claim Adjacent to the Albuquerque Acequia

Although the claimant, Ray Rodriguez, was not present for the meeting, Eric Zamora explained the reasonings for the Board's denial. Mr. Zamora explained that while mowing and working on the acequia, due to the tall weeds, they did not see a small adobe wall next to the gate which is when the District initiated contact with Mr. Rodriguez. The services of Mr. Ray Gomez were acquired to conduct an investigation and was determined that this structure is not a licensed structure within their maintenance responsibility. He stated that Mr. Rodriguez appealed the denial of the claim, but they had not received any correspondence through the Lands and Licensing Department for a special license to permit any structures within the area from the claimant, Mr. Rodriguez.



Mr. Casuga added for clarification that while the claim was submitted that the District's staff struck the wall, there was no evidence found to show that staff did in fact hit the wall. Although they were in the area, Mr. Rodriguez nor others witnessed this.

Discussion ensued regarding the claims process.

Vice Chair Dunning made the **MOTION TO ACCEPT THE STAFF'S RECOMMENDATION TO DENY THE CLAIM FOR THIS PROPERTY.** Seconded by Director Kelly. The **MOTION CARRIED UNANIMOUSLY.**

b. Holly Dietz regarding Request for Ingress/Egress off the Barr Interior Drain

Holly Dietz, a south valley resident for over 20 years, returned to address the Board regarding the denial of her access to her property. She stated the south part is no longer legal. She provided two notarized letters from people who were on the property previously which stated that they had always used the drain's access for many years. She returned to again request access to her property. She mentioned that she considered getting an attorney after being told it would still be denied. Ms. Dietz reiterated that it was her livelihood and business to have the access. She added that everything on her property was built around that access so she would have to tear down buildings and trees to change the access to her property. She stated that some staff and some directors came out to assess her property which she appreciated the board members visiting and talking to her. Her daughter is her partner as well as a veterinarian and would like to see her assume the business and asked for suggestions.

She did mention that she has all her boarders sign a waiver and release of liability on a regular basis not only for riding horses on her property. She stated she hasn't been sued in the 24 years and felt she is very safety conscious.

November 1, 2022

ALBUQUERQUE EQUINE CLINIC, P.C.
6901 SECOND STREET, N.W.
ALBUQUERQUE, NEW MEXICO 87107
TELEPHONE 505-244-1131
FAX 505-945-1389

To Whom It May Concern,

In 1983 and 1984 I worked for Michelle Hermann, who was the owner of the residence at 400 Shirk Lane SW at the time. We used the ditch for access to the horses and the horse facility as it was the only way to get to that part of the property. The house and apartment have always taken up the front of the property making it necessary to use the ditch.

Regards,

Betsy McLelland

December 19, 2022

To whom it may concern:

I began equine veterinary practice as an employee of Zia Equine Clinic in June, 1978. Michelle Hermann was a client of the practice. Her residence was 400 Shirk Lane SW, Albuquerque, NM. Ms. Hermann bred and raised Arabian horses. The practice provided veterinary services to her horses at that property for the remainder of the years that she owned the property. Access to the horses was solely via an entrance off the adjacent ditch as there was no other access to that area of the property.

Regards,

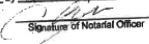

Bradley S. Root DVM

Subscribed to and sworn to before me, a Notary Public, on 11/21/22 (date).

Notary



For verification upon oath or affirmation.
State of New Mexico
County of Sandoval

Signed and sworn to (or affirmed) before me on December 19, 2022 by Bradley S. Root DVM
(Official Stamp)  Signature of Notary Public

STATE OF NEW MEXICO
NOTARY PUBLIC
CODY M. SMITH
COMMISSION # 1103196
COMMISSION EXPIRES 11/09/2025

COLEXI BRAZIER
Notary Public - State of New Mexico
Commission # 1127945
My Comm. Expires January 14, 2024

Director Duggins stated that he visited the property and did not know where else she could get access other than the ditch and suggested working with her to provide access.

Director Joaquin Baca said he also visited the property and did not see any viable alternative access and agreed they needed to figure something out. He also suggested locking the gate when not in use and a temporary permit issued.

Mr. Casuga reminded the Board that the gate policy, legal access was not defined by an access that exists today, legal access is defined by the ability to create access as well and ed and stated the Board had denied access to others who had to create new access on their properties.

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MRGCD has given 12 months to others to secure additional access in the same situation. He recommended if the board conceived a policy change then they need to discuss it in closed session on the implications valley wide, for all permits of similar and permits that have already been denied.

Director Joaquin Baca added they had discussed revisiting the policy multiple times and should do that within the next year since they keep running into gate issues.

Director Kelly stated he also went to visit the property. He said as the policy stood right now, he would have to support the denial.

Ms. Dietz said that adding alternative access would impede on her daughter building a house on the property she purchased. Ms. Dietz adds that she had sent an aerial map to their emails to see how the property was laid out.

Director Kelly said he concurred with Directors Duggins and Joaquin Baca to attempt to work it out and to allow her business to stay viable during the interim. He suggested doing a temporary license agreement to give them time to work it out and give Ms. Dietz time to look at what it would cost to purchase an access easement.

Lorna Wiggins stated that she was not certain the board had the sufficient factual record to make a decision as of yet. She said there were questions to chronology and questions that needed to be answered before they could adjudicate the question. She stated they needed to know when the real estate contract was entered into and what it provided to fully understand the ownership of the property.

Dr. Chuck DuMars said he agreed with Ms. Wiggins.

Vice Chair Dunning said that while she sympathized with Ms. Dietz, she could not support overturning the decision because they had already denied other similar licenses. She said they needed to stick to the policy, but she was open for future policy change discussions.

Vice Chair Dunning made the **MOTION TO TABLE THE ISSUE UNTIL THE MARCH MEETING TO GET MORE FACTS**. Seconded by Director Kelly. The **MOTION CARRIED UNANIMOUSLY**.

AGENDA ITEM NO. 7 - ITEMS FROM THE FLOOR (Comments are limited to six (6) minutes)

Hank Taliaferro

Mr. Taliaferro, current La Joya Acequia Association President, expressed gratitude for all the work that had been put in on the current relationship of the La Joya Acequia Association and the MRGCD. He stated also present was the mayordomo for the association, Matthew Sais. He continued as he believed they had a good community consensus and voted to enter into a memorandum of understanding with the MRGCD. He stated he was looking forward to getting expertise on the history and experience to bring together a huge amount of information into the future relationship. He reported that they will be needing to make a payment to the MRGCD in the form of a conveyance fee. He said they were in the process of raising money for their operation budget for the year. Mr. Taliaferro stated their current irrigation acreage amounts is \$42, and \$16 per acre for maintenance status lands. He mentioned that their budget was

strained and asked to *not* increase the conveyance fee for this irrigation season to allow them to finish operations this year.

Dr. DuMars added that if they could get the structure of the MOU going right away and decide on the components, it would give them a sense of how quickly to bring the La Joya Acequia Association within the boundaries of MRGCD. Then there might be some merit to the idea of deferring charges only because they're going to become a full-fledged member of the District at some point.

Jason Casuga suggested that after he does some groundwork for the board, discuss a recommended path at the February meeting.

Linda Dietz

Ms. Dietz stated she was the aunt of Holly Dietz and inquired about a memo Mr. Casuga sent to the board members earlier. She requested that Holly Dietz be able to review, the Board Liaison presented that memo to her at that time. She asked regarding how the board will determine the facts on her appeal, who should Holly Dietz talk to before the March hearing to set up what the board or legal counsel needs from her. She also inquired if there would be a public hearing on the matter of changing the policy.

Chair Russo Baca stated that the public has the ability to make comments on the policies or anything she would like whether in person or written. Discussion was had regarding when 30 days would begin in relation to the policy changes.

Glen Duggins

Director Duggins inquired about his son, Kyle Duggin's proposal from eight years ago about buying a piece of land that the board voted to proceed with. Jason Casuga reminded him the title transfer was not completed that long ago and staff had many actions and resolutions to review. Dr. DuMars added they were moving forward and would get to him on the list.

John P. Kelly

Director Kelly made public comment about the breakfast meeting of the Middle Rio Grande Flood Control Association. He stated each agency including the Bureau of Reclamation, all the local flood control people, the city, the state, the Corp of Engineers, and MRGCD had five minutes to speak. He recognized Alicia Lopez, MRGCD Engineering & Mapping Manager, for doing a great job on behalf of the District.

AGENDA ITEM NO. 8 - REPORTS FROM THE HUMAN RESOURCES DEPARTMENT - Christine L. Nardi, MBA

a. Introduction of MRGCD New Hires

Christine Nardi announced the new hires, including a new field maintenance tech for the Albuquerque Division; for the General Office, a new public information officer, a new accountant, two new irrigation system operators (ISOs) for the Belen service area. Lastly, she recognized Dale Straley who will transfer from an ISO after many years to a heavy duty mechanic in the Socorro Division. Ms. Nardi stated the vacancy rate was now at 13%.

AGENDA ITEM NO. 9 - REPORT(S) FROM THE CHIEF PROCUREMENT OFFICER - Richard DeLoia, CPO

a. Consideration/Approval of the Task Order for Three Phase Power Extension for HEI, Inc. through State Contract - Alicia Lopez, Engineering & Mapping Manager

Mr. DeLoia requested approval for contractor, HEI Electrical, per the New Mexico State Pricing Agreement for \$82,912.52. He said they would provide all parts, material, and labor to connect the three phase power electric for the irrigation pumps at the Corrales Siphon to complete the previously board approved PNM project.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE TASK ORDER FOR THREE PHASE POWER EXTENSION FOR HEI ELECTRICAL THROUGH STATE CONTRACT**. Seconded by Director Joaquin Baca. The **MOTION CARRIED UNANIMOUSLY**.

b. Consideration/Approval of the Socorro Main Canal North Channel Lining Design Phase (Water Trust Board Project) - Alicia Lopez, Engineering & Mapping Manager

Mr. DeLoia requested approval for the design phase of the Socorro Main Canal North Channel Lining Project. He stated MRGCD recommended award to Wilson & Company for \$587,411.74 with NMGR (New Mexico gross receipts tax).

Director Kelly stated it was a big, important project that was 85% grant funded. He also added Wilson & Company would have to break it into two contract packages to perform the work over one irrigation season. He said he reviewed the scope of work and fees and found it reasonable.

Director Kelly made the **MOTION TO APPROVE THE DESIGN PHASE SERVICES FOR THE SOCORRO MAIN CANAL NORTH CHANNEL LINING WATER TRUST BOARD PROJECT WITH WILSON & COMPANY**. Seconded by Madam Chair Russo Baca. The **MOTION CARRIED UNANIMOUSLY**.

c. Consideration/Approval for Tree Removal off Hale Lateral - Desert Gardens - Michael Padilla, Right of Way Specialist

Mr. DeLoia requested approval for the removal of up to 15 trees off Hale Lateral near Pueblo Solano Rd for an engineering project. The contractor, Desert Gardens, was obtained through the RFP process and is on MRGCD's on-call tree trimming & removal contract. He stated MRGCD staff recommended the award to Desert Gardens for \$60,631.56 with labor tax.

Director Kelly asked who would remove the stumps. Jason Casuga stated the stumps would come out as part of their portion of the project to rehabilitate and recut and raise the banks of the Hale Lateral.

Director Barbara Baca added that it was always sad to remove trees from the valley. She said the engineers met with the directors, along with adjacent property owners who pointed out the problems. It was something that was done with care and would be a good solution for the District as well as the adjacent properties.

Vice Chair Dunning made the **MOTION TO APPROVE TREE REMOVAL OFF HALE LATERAL WITH DESERT GARDENS**. Seconded by Director Barbara Baca. The **MOTION CARRIED UNANIMOUSLY**.

AGENDA ITEM NO. 10 - UPDATE ON THE UPCOMING 2023 IRRIGATION SEASON

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

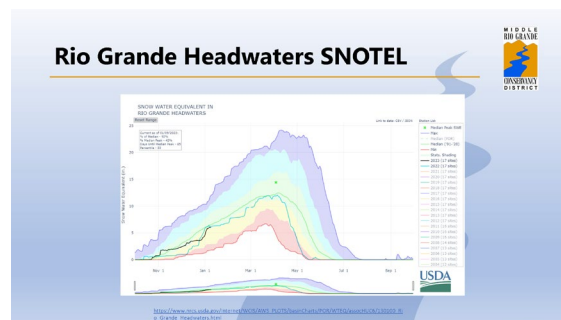
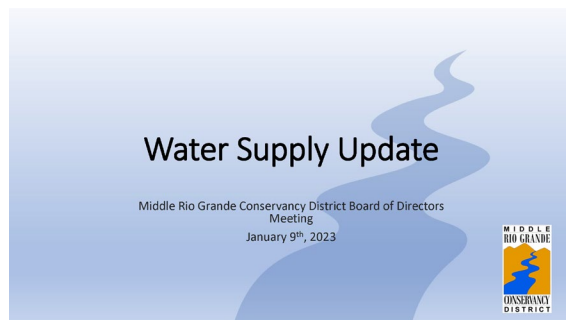
Anne Marken stated the NRCS January 1 Water supply forecast was projecting a 79% of median in flow to El Vado from March to July and 70% of median in flows to Otowi Gauge for the same period. She showed and explained the SNOTEL graphs which showed snowpack conditions up to 92% of median due to recent snowstorms.

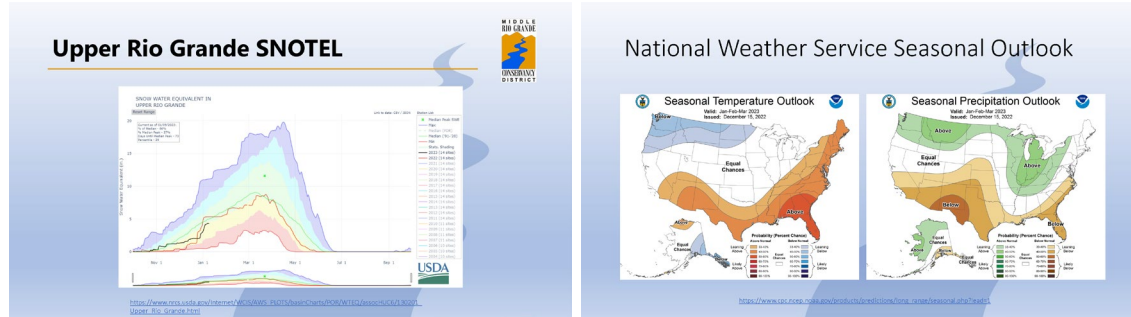
She said the current conditions in the watershed were 86% of median. Ms. Marken explained that soil moisture and groundwater conditions benefited from the 2022 monsoon season and would likely result in increased runoff efficiency for the 2023 spring runoff.

She said New Mexico ended 2022 in Rio Grande Compact debt, although final numbers had not been released. She also added that prior and paramount lands would be stored in Abiquiu in 2023. MRGCD carried over 2,000 acre feet of its San Juan Chama (SJC) project allocation into 2023. SJC project water is water imported from the San Juan basin through reclamation San Juan Chama project. Since this water does not originate in the Rio Grande Basin, it's not subject to Rio Grande compact storage restrictions. She reported that the snow-pack conditions in the San Juan Basin are about 117% of Median conditions for the State, which is promising but again, it's too early to tell what the MRGCD SJC project allocation will be.

Ms. Marken announced the National Weather Service's three month outlook indicated conditions through March would likely be warmer and drier than average. Regardless of snow-pack conditions. The only SJC water available for storage to MRGCD water users will be dependent upon monsoon rains. If supplies get tight in the summer, and there will be little water available to augment the natural flows into the Middle Valley. Monsoons have been good for the past 2 years, but they're difficult to predict, and can be a bit of a wild card in the middle valleys.

Ms. Marken also updated the board on the 2023 irrigation season startup plan. She said they planned to employ staggered startup strategy that was utilized in 2022 and diversions for charging would begin on March 6th. She said they would start in the south and work north but no deliveries would be made in any division while it was being charged. Ms. Marken announced they would not be delivering to newly planted seed or winter crops before any other crops this year and decided to adhere to a demand schedule that was reduced to 80% of full irrigation while the river is connected.





Jason Casuga added they are not prioritizing any cropping pattern this season. They plan to make deliveries from the top of the system to the bottom in any division and if farmers wanted available water, they would let them schedule and work their way through. He also reminded them that this is the startup plan and have limited water in the river, and can't dry it for environmental purposes.

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

Matt Martinez reported that after having limited time off during the irrigation season, many took well-deserved leave for an extended holiday break. Also, stating unfortunately, many took off time due to illness, but despite these absences, made progress on winter work during November and December. He stated that ISOs participated in the latest phase of the infrastructure assessment project with the goal of creating a GIS database to qualitatively assess and manage infrastructure assets. He added that it also allowed Albuquerque ISOs to get to know how the Belen Division irrigation worked. He said Belen ISOs were busy with the vegetation management project, Albuquerque ISOs were supporting turnout surveys and various structure maintenance, and Socorro and Cochiti ISOs helped knock out routine maintenance, structure repairs, and crossing installations. Mr. Martinez said they would be training on the next phase of the application pilot project and would be holding an annual training session on automatic gate operation and basic troubleshooting.

Mr. Martinez said they had reviewed the strength and weaknesses of last year's irrigation season startup plan and believed their 2023 plan was a good one. He stated they needed to gradually bring up the system again, and a staggered start was an effective way to charge the system and begin irrigation deliveries. He stated that once they complete charging, division irrigation deliveries would begin on a rotational basis to effectively share short supplies. He added that irrigators may begin contacting ISOs in early March to get more details.

Madam Chair Russo Baca asked when they would find out which ISO is assigned to which are for the ones who may not have one assigned yet. He said they would announce that to the farmers as soon as possible and have one more position to fill in the Belen service area.

Director Kelly asked why not start at the bottom and go up to switch it around this time, so the guy at the top did not have the advantage.

Director Duggins stated he thought it would be better to leave it all unsaid and give water as farmers needed it no matter if where they were. He added that if farmers planted seed and then got a little rain, they would be in trouble, so that's why it would be better to give the water as it is needed.

Jason Casuga again pointed out it was a startup plan to get them off the ground without drying the river. He said drying the river at the start of irrigation season would be bad for them environmentally. Mr. Casuga stated the reality was they do not have the water they used to have and do not have water on demand where someone can call for water and have it the next day.

Madam Chair Russo Baca suggested talking about it more in the Irrigation Committee.

AGENDA ITEM NO. 11 - REPORT(S) FROM THE DEPARTMENT OF INTERIOR

a. Bureau of Reclamation - Jennifer Faler, Area Manager

Ms. Faler wasn't present at today's meeting.

b. Bureau of Indian Affairs - Roland Becenti, Acting Designated Engineer

Mr. Roland Becenti introduced himself as the active designated engineer. He would be working with Viola Sanchez and Sandra Lucero for the next four months to help out. He stated the Omni Appropriation Bill was approved by congress and signed into law in December. He also said the Corps of Engineers approved to temporarily store P&P water and the board approved extension of the O&M agreement through 2023.

AGENDA ITEM NO. 12 - REPORT(S) FROM THE SECRETARY-TREASURER/CFO - Pam Fanelli, CMA, CGFM

a. Presentation/Approval of the 2nd Quarter Financial Statements for FY2023 and Report of the Finance Committee, Directors Kelly, Dunning and Barbara Baca

Director Kelly stated Ms. Fanelli provided a very extensive memo on the status MRGCD fiscal year, which showed they were in good shape. He said they did receive their tax distribution from Bernalillo County and were still waiting on Valencia County. Salary savings from about half million dollars although both herbicides and fuel costs are spiking. He felt we were well within range of what you'd expect in our budget, both on the revenue and expenditure sides at this point and had much grant money that would be coming through.

Director Kelly made the **MOTION TO ACCEPT THE 2ND QUARTER FINANCIAL STATEMENTS FOR FY2023 AND REPORT OF THE FINANCE COMMITTEE AS PRESENTED.** Seconded by Director Barbara Baca. The **MOTION CARRIED UNANIMOUSLY.**

AGENDA ITEM NO. 13 - REPORT(S) FROM THE CHIEF ENGINEER - Jason M. Casuga, PE

d. Report from the MRGCD Lobbyist of 2023 Legislative Session Matters - John Thompson

Mr. Thompson said the legislative session would kick off next Tuesday at noon. He said there would be a handful of issues to deal with in 2023, including Water Trust Board bill that has the Corrales Siphon in it and capital outlay request. He mentioned he found out you can't pick your legislator, that it would be picked based on location. He said he did not have many updates on the Secretary of State other than he did get her on the phone briefly and they were trying to get a meeting scheduled with the drafter. Mr. Thompson said he expected to see many water policy bills since the Water Policy Taskforce met and had many recommendations.

Director Duggins inquired about pesticides to see if Mr. Thompson watched for that. He replied he will add that topic to a tracking list and report back.

e. Presentation on the Willow Flycatcher and Yellow-billed Cuckoo Surveys in the Middle Rio Grande - S. David Moore, Bureau of Reclamation Wildlife Biologist

David Moore gave a brief background and continued with his presentation on the willow flycatchers and the yellow-billed cuckoo surveys in the Middle Rio Grande. He said yellow-billed cuckoos preferred the habitat of dense growth of native willows with water underneath. He said most of the time willow flycatchers would occupy salt cedar, but many times salt cedar didn't grow in many places that was suitable for flycatchers. He stated lack of water was a threat to the species, including altered flow regime, drought, and river alterations. He said they began doing cuckoo surveys in 2009 and the species was listed in 2014. He stated they had broken the Middle Rio Grande into seven study reaches. Mr. Moore explained that when he first started working with the willow flycatchers, they had a dozen to 15 territories for the first few years, but then it rapidly expanded after the Elephant Butte Reservoir started to recede. Mr. Moore also explained the yellow-billed cuckoo population fluctuated annually and they moved around much and occupied different habitats.



Threats include:

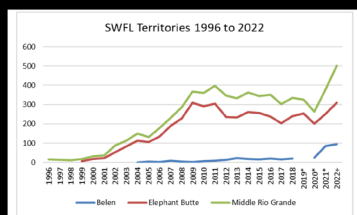
- Habitat loss and degradation due to:
 - River flow alterations
 - Overgrazing
 - Urbanization
 - Fire
 - Tamarisk beetle
- Depredation (mainly nests)
- Cowbird parasitism



- YBCU surveys started in 2009 (MRG) and 2014 (LRG)
- Species listed in 2014 and official survey protocol refined



- SWFL presence/absence survey results



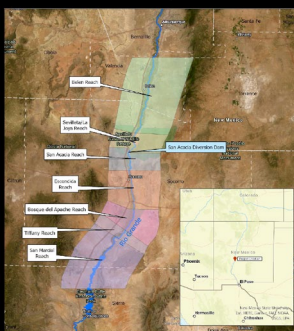
- Abo Arroyo



- Reclamation began SWFL protocol surveys along the Rio Grande in 1996 to maintain ESA compliance and add to range-wide population data
- Handful of sites originally – 250 miles today



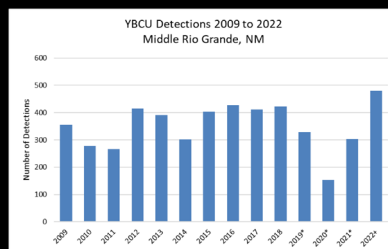
- MRG subdivided into 7 study reaches

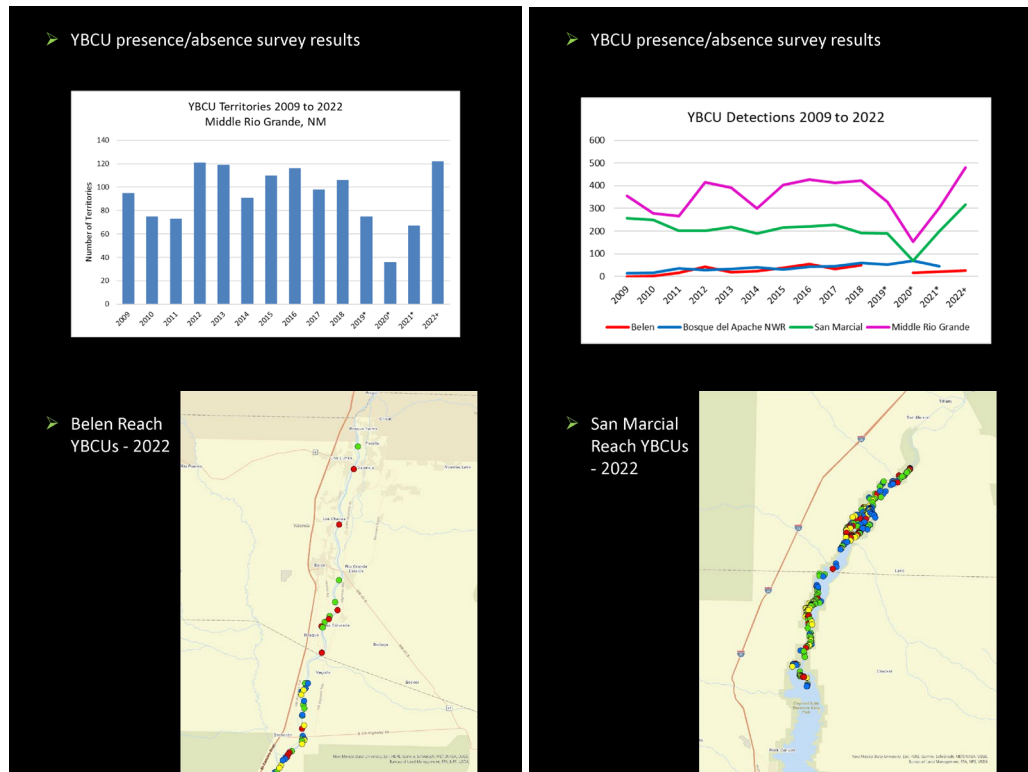


- Belen Reach



- YBCU presence/absence survey results





Vice Chair Dunning asked if either of those birds could get and carry avian bird flu. Mr. Moore stated while there had been instances of reported bird mortalities that attributed to bird flu, it was mostly domestic birds and had never been listed as a concern.

f. Report on the Bernalillo County Clerk's Coordination Meeting, January 6, 2023 - Jason M. Casuga, CE/CEO

Mr. Casuga stated that he and Director Barbara Baca attended a meeting with the county related to what we call LEA, the local elections act. There were many good questions about where the MRGCD stood. He reiterated as it sits today with the LEA, our election would be run by the counties; administering our election for us. The District would be only be responsible for providing a qualified electors list. He stated Bernalillo County did affirm the co-mingling of databases and confirmed it would be difficult. He said they talked about the effort that was being looked into because of the difficulty of implementing MRGCD's election. He said he came out with understanding that it may be possible in the future but not possible with the amount of time they have left for the upcoming election and an extension of time was needed to explore how to properly implement the LEA.

Director Barbara Baca stated it was really positive because it was the first time they were face to face with the clerks and they said they would support them and agreed to the idea of the Secretary of State moving forward on legislation to request an extension. She added that Bernalillo's technical person did say it was possible to do a technological look at merging the databases.

Director Kelly made the **MOTION TO APPROVE THE REPORT ON THE BERNALILLO COUNTY CLERK'S COORDINATION MEETING**. Seconded by Madam Chair Russo Baca. The **MOTION CARRIED UNANIMOUSLY**.

g. Report on the Colorado River Water Users Association (CRWUA) Conference, December 14-16, 2022 - Casey Ish, Water Resources Specialist

Casey Ish discussed the CRWUA Conference, where water managers across the west were focused on the second century of the Compact and rethinking water use in the need for unprecedented conservation. He said the conference comprised of serious conversations between upper and lower basin users, stating that Lake Powell and Lake Mead were two reservoirs quickly approaching critical low storage levels. He stated that 2020, demand for water on the Colorado River outpaced supply by approximately 1.5 times the annual average discharge of the Rio Grande at Otowi. Mr. Ish stated if additional conservation measures were not put in place by basing states, a scenario existed where Lake Powell and Lake Mead could both drop to or below minimum power pool elevations which would have implications for clean and inexpensive power supply for millions of people. He said that additional cuts are likely coming for users of Colorado River water, some voluntary and some involuntary. He stated that for MRGCD that meant there was likelihood that worsening precipitation conditions in the San Juan Chama Basin could force further diminishment of project water. Mr. Ish concluded by saying the hydrologic models on the Colorado River did not look good and there was much work to be done to keep the system stabilized; however, he stated he did come away from the CRWUA conference with a sense of encouragement and renewed focus.

Jason Casuga still said San Juan Chama was their most flexible water source, but the water source was diminished right now. He said it highlighted the need for them to continue to seek whatever paths they could to restore the balance related to the Compact debt and take advantage of every storage opportunity in the future. Mr. Casuga reiterated that the Rio Grande Basin was not Colorado and MRGCD was not in the situation they were in.

Dr. DuMars added the hydropower contracts belonged to the Department of Interior and if those contracts couldn't be fulfilled, the Interior would have to go into the private market to find alternative sources of power.

h. Set Date for Special Meeting to Determine Water Bank Lease Rates - Pamela Fanelli, CFO

Pam Fanelli said suggested they have the special meeting in February, right before the next regular meeting.

Madam Chair Russo Baca suggested having the meeting at 2:50 right before the regular February meeting.

i. Upcoming Events

- 1. Belen Water Shed Stakeholders Meeting, Belen Public Library - February 7, 2023**
- 2. Family Farm Alliance Annual Conference, Reno, NV - February 23-24, 2023**
- 3. Land & Water Summit, Indian Pueblo Cultural Center - March 2-3, 2023**
- 4. Farming in The Flyway Series, Soil Health Strategies for Salt-Affected Middle Rio Grande Soils Workshops, 164 NM-116, Bosque, NM - March 17 & May 12, 2023**

Madam Chair Russo Baca asked that everyone respond to DeAnna's email and RSVP if they planned to attend any of the events. She also added that the *World's Largest Matanza* will be held in Belen on January 28th, and the scholarship money will go to kids in Valencia County for higher education.

Mr. Zamora added there would be a Belen Water Shed stakeholders' meeting at the library at 2 p.m. and a public meeting from 5:30 to 7pm.

AGENDA ITEM NO. 14 - REPORT(S) FROM THE MRGCD Attorney(s) - Chief Water Counsel or General Counsel

Dr. DuMars stated he believed it was in his purview to file a responsive pleading on behalf of MRGCD to the Wild Earth Guardians. He asked for authority to do that. He stated Wild Earth Guardians would not agree to their intervention until they had seen the pleading.

AGENDA ITEM NO. 15 - REPORT(S) FROM THE BOARD

- a. **Report on the Middle Rio Grande Flood Control Association Annual Breakfast Meeting, December 13, 2022 - Madam Chair and Members of the Board**
- b. **Report on the NM Cattle Grower's Association Joint Stockmen's Convention, December 14-16, 2022 - Chair Russo Baca**

Madam Chair Russo Baca stated she liked to go to the annual meeting because they talked about legislation and policies that the cattle growers will be discussing and what would be coming from state and federal. She stated the farm bill would be a big issue coming up, so it was a good opportunity to talk and find out what the climate would be on that. She stated the Water Task Force would also be a big issue and how the recommendations would affect water users.

- c. **Report on the Valencia Soil & Water Conservation District Board Meeting, December 20, 2022 - Chair Russo Baca**

Madam Chair Russo Baca stated they discussed the bridge funding at Whitfield Wildlife. She said they received appropriation from the New Mexico Legislature. She added the whole project would be on MRGCD property and the design was complete with the next phase being construction.

- d. **Report on the Irrigation Committee Meeting, January 4, 2023 - Chair Russo Baca and Directors Duggins and Sandoval**

Madam Chair Russo Baca stated that she, Director Duggins, and Director Sandoval, Mr. Zamora, Mr. Casuga, and Mr. Ish were presented for the meeting. She said Mr. Martinez and Mr. Ish presented, as well as Mr. Casuga and Mr. Zamora on what the current policy was on the irrigation distribution policy. She stated she asked the team to put images with their policy and maybe revamp the irrigation policy to use it more as a guide to the ISOs and irrigators. She stated they wanted to encourage people to take advantage of their great programs but also give them time to take advantage of the programs. Madam Chair also said they would have degrees of enforcement to make it clear for ISO and constituents to follow what to do.

Dr. DuMars said if they were in litigation with Wild Earth Guardians and people were taking a day to irrigate a two acre field, it would be noticed and would be the worst kind of testimony against them as an entity that prides themselves in efficiency.

- e. **Report on the Legislative Committee Meeting, January 5, 2023 - Directors Barbara Baca, Russo Baca and Joaquin Baca**

Madam Chair Russo Baca stated the Legislative Committee discussed the upcoming legislative session and they would like to continue working with the New Mexico Secretary of State's Office

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

With no further comments, questions, or concerns, Madam Chair Russo Baca adjourned the meeting at 6:03 pm.

Approved to be the correct Minutes of the Board of Directors of January 9, 2023.

ATTESTED:

Pamela Fanelli, CMA, CGFM
Secretary/Treasurer

Stephanie Russo Baca, Madam Chair
MRGCD Board of Directors