

**MINUTES OF THE  
2,208th REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**FEBRUARY 12, 2024 - 3:00 PM**

Directors having been duly notified; Madam Chair Russo Baca called the regular meeting to order at 3:07 p.m. The following directors and staff were present including Director Sandoval who attended virtually:

**DIRECTORS**

Stephanie Russo Baca, Madam Chair	Present
Karen Dunning, Vice Chair	Present
John Kelly, Director	Present
Colin T. Baugh, Director	Present
Brian Jiron, Director	Present
Glen Duggins, Director	Present
Micheal 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
Eric Zamora	Chief Operations Officer
Anne Marken	Water Distribution Division Mgr.
Matt Martinez	Water Operations Division Mgr.

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

Alicia Lopez, MRGCD	Judge J. Miles Hanisee	Adam Turner
Casey Ish, MRGCD	Jerry Montano	Alexander Alvarnas
Josh Hind, MRGCD	Mike Lopez	Natalie Smead
Raquel Dawson, MRGCD	Dr. Ara Winter	Chance Mitchell
Yasmeen Najmi, MRGCD	Elaine Hebard	Marco Alarid
Danielle Feygin, MRGCD	Geri Rhodes	Morgan Pettit
John Thompson, MRGCD	Karen Raff	Annalisa Miller
Brittany Erdmann, MRGCD	Sharlyn Pimentel	Oscar Lorta
Rusty Swint, MRGCD	Genevieve Allan	Maddie D'Arezzo
Michael Padilla, MRGCD	Stefany Olivas	Paige Romero
Mitch Georgina, MRGCD	Oscar Simpson	M. Justin Niska
Angel Madera, MRGCD	Page	Matt Whitworth
Estella Gamboa, MRGCD	Claire Conrad	Kristin Guin
Christine Nardi, MRGCD	Cory Braxton	John Fleck
Judith McSweeney, MRGCD	Jasper	Jerry Reynolds
Josh Gamboa, MRGCD	David Montoya	Jacobo Sanchez
Amanda Molina, MRGCD	Martin Haynes	Nolan Meadows
Rhett Sanders-Spencer, MRGCD	K.A. McCord	Nora Quintal
Ashley Veihl, MRGCD	Chris Reedy	Anthony
Deirdra Velasquez	Rudy Perea	

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

Mila Baugh led the Pledge of Allegiance at today's meeting.

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

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

Director Kelly asked to move Item 4, Call to Order, before the Consent Agenda to swear in the newly selected board member.

Vice Chair Dunning made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE CHANGES**. Seconded by Director Kelly. **The MOTION CARRIED UNANIMOUSLY.**

**AGENDA ITEM NO. 4 - CALL TO ORDER**

**a. Oath of Office for Newly Appointed Board of Director - Honorable Judge J. Miles Hanisee, NM Court of Appeals**

**1. Bernalillo County Position No. 4 - Colin T. Baugh**

Honorable Judge J. Miles Hanisee swore in Colin T. Baugh as the Bernalillo County Position No. 4 and Director of the Board.



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

- a. Consideration/Approval of Payment Ratification - February 12, 2024**
- b. Consideration/Approval of January 2024 Invoice for Wiggins, Williams & Wiggins**
- c. Consideration/Approval of January 2024 Invoice for Law and Resource Planning Assoc.**
- d. Consideration/Approval of the Minutes for the Special Board Meeting - January 8, 2024**
- e. Consideration/Approval of the Minutes for the Regular Board Meeting - January 8, 2024**
- f. Consideration/Approval of the Minutes for the Special Board Meeting - January 26, 2024**
- g. Memo on MRGCD Approved Licenses for January 2024 (For informational Purposes Only)**

Vice Chair Dunning made the **MOTION TO REMOVE 3(c) FROM THE CONSENT AGENDA TO DISCUSS IN EXECUTIVE SESSION**. Seconded by Director Kelly. **The MOTION CARRIED UNANIMOUSLY.**

Director Kelly made the **MOTION TO APPROVE THE CONSENT AGENDA with the above changes**. Seconded by Director Duggins. **The MOTION CARRIED UNANIMOUSLY.**

**AGENDA ITEM NO. 5 - REPORT ON THE NEW MEXICO LEGISLATURE - John Thompson, MRGCD Lobbyist**

John Thompson, the MRGCD Lobbyist, stated the 2024 Legislative Session would be ending Thursday at noon and it was a unique session. He said there was a minimal amount of bills filed with slow action and little crossover, with 658 bills filed and only 78 crossed from their original

chamber and only three (3) making it up to the governor's desk. He added there were not a lot of water bills filed and the main purpose was passing a budget. He noted the Senate Finance Committee did pass the budget that afternoon, but he had not had time to review it yet. Mr. Thompson discussed House Bill 2, stating the Senate put in 75 million for matching that would benefit the District and other Conservancy irrigation districts. He stated there would be an additional \$58 million to DFA with a more restricted use, an \$100 million injection to the Water Trust Fund, a time extension period for 10 million dollars to the State Engineer's Office for river channel maintenance, and time extensions to water leasing from the Hickory Apache Nation for strategic water reserve, and recurring increases for staffing for the State Engineer's Office, and \$20 million injection to the State Engineer's Office for Indian water right settlements for expenditure through FY 27. He expressed the House Health Committee passed Senate Bill 3 to codify a family medical leave program for all employers in the state with the exception of those with less than five employees.

Vice Chair Dunning asked how the bill for matching funds worked. Mr. Thompson said he understood there would be some sort of application process and the fund received an additional \$300 million this year.

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

**Kathy McCord**

Ms. McCord talked about the Los Lunas Council meeting the week prior on the consideration of the expansion of the amount of water Niagara was allowed to divert. She said the mayor did not allow public comment but had Dr. Lee Wilson answer some questions. She expressed Dr. Lee said that Niagara was not compliant, and Niagara was taking more water than permitted and the Council still voted to approve them 600 acre feet per year on a 3 to 2 vote, even though everyone in the community said not to give them any more water. Ms. McCord said she wanted to let MRGCD know that was going on and asked for help, because this decision would impact everyone who relied on the water from the aquifer

**Deirdra Velasquez**

Ms. Velasquez, with Valencia Water Watchers, concurred with everything Ms. McCord stated and asked MRGCD to protest the water rights transfer for Niagara at the Office of the State Engineer. She added that in the face of unmitigated and continuing climate change, it was imperative that MRGCD file a protest to stop this. She stated it was a shared resource for everyone that extended beyond the chamber of the Village of Los Lunas Council.

**David Montoya**

Mr. Montoya said MRGCD was spending their tax money to help people block the ditches and it was happening everywhere. He stated he would like some attention to this issue.

**Rudy Perea**

Mr. Perea said he did not think Mr. Casuga was handling his job well. He stated he was not able to water for a month last year and then their water was overrunning the bathrooms and tables were underwater when they released water when the season was over. He expressed that the runoff was so much that it eroded the bank in Corrales almost all the way to the levee. He expressed that would not have happened if they had done the siphon instead of the pumps.

Mr. Perea added Mr. Casuga did not seem to know what he was doing and asked him to be replaced.

### Nolan Meadows

Mr. Meadows thanked Mike and the ditch riders and stated everything worked out pretty well for them last year in Peralta.

### Glen Duggins

Director Duggins made comment that he resigned from the New Mexico Certified Chile Board and discussed who would most likely be his replacement.

### Elain Hebard

Chair Russo Baca noted that they did receive Elaine Hebard's written comments:

MRGCD Board Meeting of February 12, 2024  
Public Comment - Elaine Hebard

Good afternoon, my name is Elaine Hebard and I reside in Bernalillo County. I am a former chemist, attorney and water planner, with decades of experience in working in the middle Rio Grande. My goal is to ensure sane water administration to enable a green valley. Understanding water may not be the only task of the Board, but it is a basic one.

One of the primary responsibilities of the MRGCD is to protect the water rights of its rate payers from encroachment by other users.

Back in 2004, the District hired Balleau and Associates to study the potential impacts of the then-proposed Drinking Water Project by the City of Albuquerque, which was done. In May of 2012, I came to the budget work session of the Board to ask for inclusion of \$10,000 to update the Study of Impacts of the DWP in the FY13 Budget.

On August 25, 2014, Balleau's firm presented to the Board a draft *Assessment of Hydrologic Effects to Surface-Water System From ABCWUA DWP*. Included in that was a preliminary "conclusion that the post-DWP depletion condition is more erratic and greater than the pre-DWP condition."

Again, I urged the completion of the report in 2015. A Board member at the time suggested that perhaps folks who wanted a deletions analysis should pay for it. Needless to say, I was stunned. What I don't know is whether that report was ever finished and if so, what the findings were. No matter what, ten years later, the study must be done again, and that expense should be included in the budget for FY25.

At the May 2012 meeting, and many times before and after, I also urged the Board to ensure that good water accounting was being implemented to protect all constituents.

For instance, the impacts of transferring water from agricultural to urban users are many. One which may not be well understood, or at least included in planning, is the loss of recharge. According to the Bureau of Reclamation's 1995 *Middle Rio Grande Water Assessment*, during 1993 and 1994, recharge from the Rio Grande, the riverside drains, canal seepage, and deep percolation from irrigated fields ranged from about 58,000 to 75,000 acre feet per year. In Bernalillo County east of the river and west of the river north of Bridge Street, the recharge probably moved toward wells. However, in the southwest valley and in the rest of the basin interior and riverside drains captured the deep percolation and returns it to the Rio Grande. ... The cumulative loss in annual recharge due to reduced irrigation in the valley from 1975 to 1995 was equivalent to the annual water use of more than 13,000 people at a per capita use rate of 200 gallons per day.<sup>1</sup>

That loss is huge. What are the recharge numbers now? Rather than use the OSE's usage numbers, which only include human diversions, a more nuanced and complete water accounting is needed.

Additional groundwater uses are ongoing or being proposed. Pumping for Intel is expected to increase by more than 3 kafy. Niagara was just granted additional pumping, leasing uncertain water rights from PNM to offset its depletions, and Maxeon's anticipated total average water consumption is estimated to be 5600 afy. What is the impact of those users on a river which was fully, if not over, appropriated by 1907? For

<sup>1</sup> *Land Use Trends and Their Effect on Water Use and the Hydrologic Budget in the Albuquerque Basin, New Mexico*, Supporting Document No. 14, Middle Rio Grande Water Assessment, Bureau of Reclamation, 1995

that matter, what is the impact of the tens of thousands of acre feet of vested water rights granted by the OSE to urban areas, of water for the District's reclaimed lands and of the thousands of domestic wells which have been drilled?

Additionally, while the region has significantly conserved water since 1995, due to projected temperature increases, surface water supply is projected to continue to decrease.

A water budget, including water rights, is needed in order to achieve the fiduciary responsibilities of the District. Such should be included in the FY25 budget as well.

This morning, Senate Conservation Committee Substitute for Senate Bill 294 was dropped. It calls for the creation of a Strategic Water Supply "to reduce reliance on limited freshwater resources while furthering clean energy and advanced manufacturing development that meaningfully contributes to the state achieving a measurable reduction in greenhouse gas emissions." It is to be paid for with severance bonds. The bill requires that the environment department consult with the office of the state engineer, the Indian affairs department and potentially impacted Indian nations, tribes and pueblos to determine that a brackish water treatment project will not impair existing water rights or adversely impact landowners when certifying the need for the issuance of bonds. The SCONG agenda lists it as the first bill to be heard tomorrow morning. The MRGCD should take a position on this bill.

Finally, I want to say a few words about the board selection process which I recently participated in. A board of directors makes many substantive decisions. Filling a board vacancy is one of the most important of all -- as you are replacing the voters' will with your decision. Therefore, board voting procedures must be open and transparent so that such decisions can be trusted.

Here, a process was laid out by email whereby candidates were to submit written answers and appear in an open public hearing as a part of the interviewing process. Public comment was to follow.

While not mentioned in the email, a process for accepting written comments was provided. I did not find out about this until too late. Based upon what I learned afterwards, prior to the hearing, at least one board member met with at least one candidate -- with at least one board member even making a prior commitment to support!

I didn't think, and still don't, that it was appropriate for Board members to speak with candidates separately -- rather, you should all hear from each of us at the same time. I *really* don't think it appropriate to make a support commitment beforehand. Indeed, it made me question why candidates would ever participate in such a charade. And made me wonder whether I should thank or apologize to my supporters.

You see, politicization doesn't only mean political parties -- it means politicizing the process ... which happened here. I do hope that, should the occasion arise again, procedures are put into place whereby such pre-selection conversations do not happen.

Thank you.

## **AGENDA ITEM NO. 7 - REPORT(S) FROM THE HUMAN RESOURCES DEPARTMENT - Christine L. Nardi, MBA**

### **a. Introduction of MRGCD New Hires**

Christine Nardi introduced the new MRGCD hires, including a promotion to heavy equipment operator in Albuquerque, two promotions and a new field maintenance tech hire in Belen, facility support tech in the ER&T, field maintenance tech in Cochiti Division, and new ISO hire in the general office. She noted the vacancy rate now sat around 8% and a year ago they were around 20%.

**Belen Division**

ANTHONY	WOODY	MEDIUM EQUIPMENT OPERATOR	01/22/2024 PROMOTION
TYLER	INGRAM	LIGHT EQUIPMENT OPERATOR	02/05/2024 PROMOTION
ERIK	GONZALES	FIELD MAINTENANCE TECHNICIAN	02/05/2024

**Albuquerque Division**

JESUS	HERRERA	HEAVY EQUIPMENT OPERATOR	02/05/2024 PROMOTION
VALENTINO	LOPEZ JR.	FIELD MAINTENANCE TECHNICIAN	01/22/2024

**Cochiti Division**

DARREN	TRANCOSA	FIELD MAINTENANCE TECHNICIAN	01/22/2024
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**Equipment Repair & Transportation Division**

JOHN	ARMIJO	FACILITIES SUPPORT TECHNICIAN	01/22/2024
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**General Office**

JOSEPH	BRITO	IRRIGATION SYSTEMS OPERATOR	02/05/2024
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**AGENDA ITEM NO. 9 - REPORT(S) FROM THE WATER OPERATIONS AND DISTRIBUTION DIVISIONS**

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

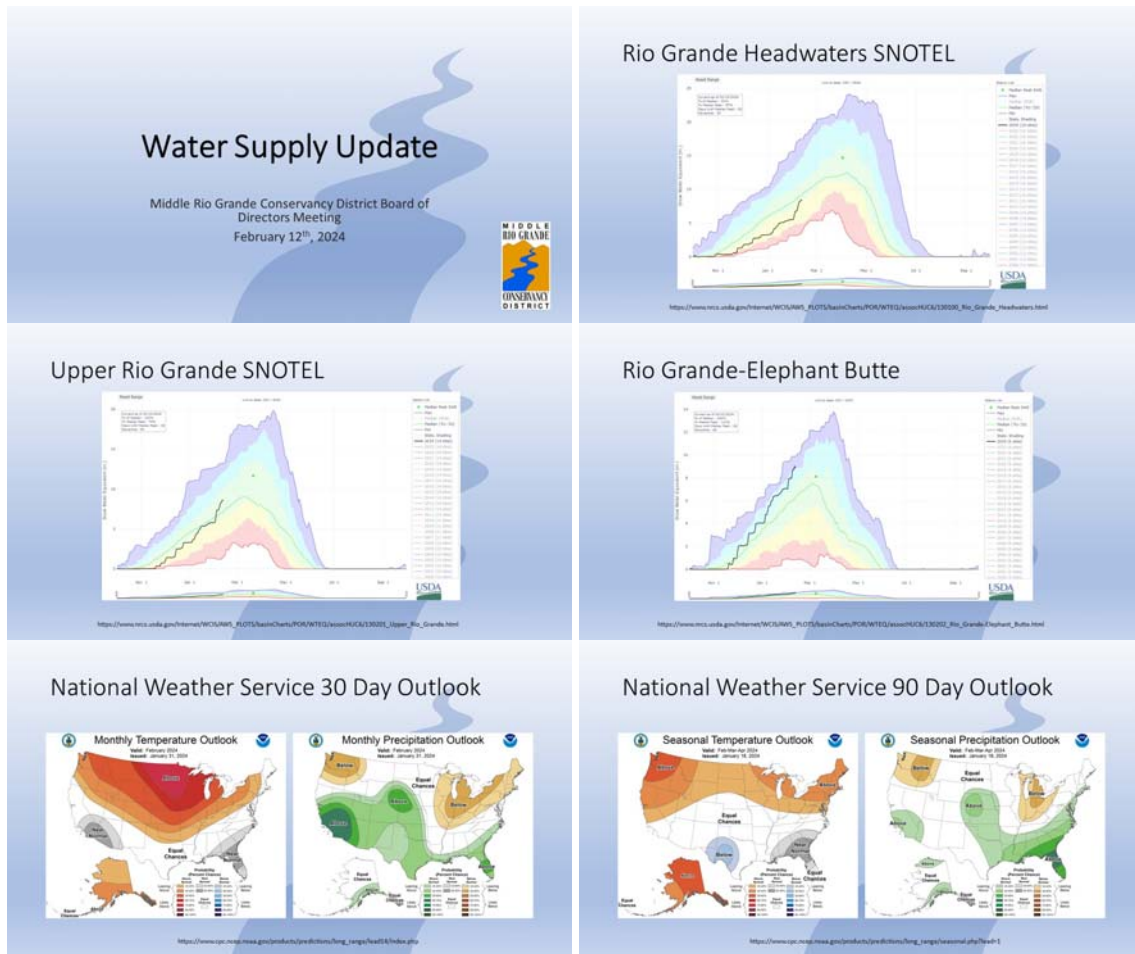
Ms. Marken stated snowpack conditions had improved and discussed the SNOTEL graph results, showing 103% of median and 66% of peak median conditions from the Rio Grande Headwaters, 138% of median and 83% of peak median in the Upper Rio Grande, and 134% of median and 103% peak median in the Rio Grande Elephant Butte. She discussed the February forecast, showing above average chances for a wetter February and equal chances for above or below average temperatures. The 90-day outlook showed equal chances for above or below precipitation and temperatures through April. Ms. Marken expressed the District would not be able to store native Rio Grande water in El Vado Reservoir due to BOR's Safety of Dams Program, but the staff was working to try to secure space in the Abiquiu Reservoir to store water. She noted the District would have its 2024 San Juan Chama allocation available for storage this year, but it was still too early to tell if they would have a full allocation or not, but she is optimistic. She added they would probably start to release San Jaun Chama water to augment low summer flows after spring runoff. She explained that New Mexico ended 2022 with 93,000 acre feet in debt and the estimated debt for the end of 2023 was 120,000 acre feet. She noted that if they continue to see storms like they have in the past couple weeks they could see an average spring runoff.

Director Kelly asked a few questions, including how much water the low flow conveyance channel was producing, what are the constraints and opportunities for them to be able to store a big chunk of water in the Jemez Reservoir and if they could split the storage, and why could they not park their Article 6 water in there and surplus for use.

Ms. Marken stated they were authorized by Congress and limited to flood control storage at this point. She said it was also a challenge that they are both on pueblo land and would need coordination with landowners.

Mr. Casuga added that they could do a presentation at a board meeting related to the constraints associated with working with the Corps facilities and the processes. He said they were seeking flexibility everywhere.

Dr. DuMars stated it was an election year and they might get Senator Heinrich, who is running for office, to put a small piece of legislation that says they should get storage in Cochiti Reservoir and Jemez.



**b. Overview of New MRGCD Gauging Website - Brittney Erdmann, Hydrology Technician II**

Ms. Erdmann gave an overview of the new MRGCD water gauge website. She said they purchased new software called Contrail to replace their software that was no longer supported to build a new site and create a user friendly tool for constituents, staff, and partners. She displayed a video showing how to navigate the new site and showed how to give feedback on the new site.

Director Duggins asked if they heard of the CFS coming out of the low flow.

Ms. Marken said up until five days ago, the gauge reported 140 CFS leaving the low flow and going to the river but encountered a power supply issue. She said right now they were in the middle of experimental operations with BOR, so there was currently about 40 CFS going out of the outfall, but it should be up and running again in the next day or so when power is restored.

Director Duggins asked if the drains would increase when irrigation starts.

Ms. Marken stated they should see some irrigation return flows in the low flow conveyance channel and agreed to an operation plan to allow them to release some water to the river.

Mr. Casuga added that the construction of the outfall came with compliance requirements, so they were working through the adaptive management plan. He said the point of their project was to have low flow always discharging water. He also said federal partners agreed to a plan to determine what the habitat needed.

Director Kelly asked what the critical habitat was for the flycatcher or the yellow-billed cuckoo or both. Mr. Casuga stated it was typically for the flycatcher.



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

Mr. Martinez stated they were two weeks away from the start of the irrigation season and would be opening diversions at Cochiti, Angostura, and Isleta on February 26<sup>th</sup> to begin charging the irrigation system. He noted Socorro Division would be using drain water and return flow to begin its season. He believed an early start would satisfy prior and paramount demands and help overcome any infrastructure setbacks as they begin irrigation deliveries. He stated the goal was to begin limited irrigation deliveries after all the main canals were charged and the water reached the end of each lateral or acequia, which they expect to be around mid-March. He noted the average date of the last front in the far north of the District was around April 15<sup>th</sup>, so they did not expect irrigators and farmers in the north to take much water until late March or early April. Mr. Martinez expressed that water users were highly encouraged to contact MRGCD assessment staff to verify their property status prior to the start of the irrigation season and ISOs will not schedule deliveries to properties with delinquencies or any other issues. He noted information on supply and scheduling type could be found on the website under the irrigation water delivery tab, and water users do not need to expect to get water the same day they ask for it and instead give a five days advanced notice. He stated ISO were available between 7 to 11 a.m. and 4 to 6 p.m., Monday through Saturday and 24-hours for emergencies and were still short-staffed. He reminded that even though they were starting to deliver water earlier they still needed to be conservative with water use.

Director Duggins inquired about not working on Sundays. He also asked them to consider giving ISOs that worked in the water running season the winter off.

Mr. Martinez they would be open for emergencies still on Sundays.

Mr. Casuga added ISOs are still people and there needed to be a work/life balance, because they have a lot of ISOs leave due to burnout.

Director Duggins stated having scheduling hours put them at risk of falling behind even more and farmers were struggling, but so were ditch riders and they were doing a good job.

**AGENDA ITEM NO. 9 - REPORT(S) FROM THE SECRETARY-TREASURER/CFO - Pamela Fanelli, CMA, CGFM**

**a. Consideration/Approval of the Resolution #M-02-12-24-206 for the Loan Agreement by and between the NM Finance Authority and the Middle Rio Grande Conservancy District**

Ms. Fanelli asked to approve Resolution M-02-12-24-206 to authorize the District to enter into the loan agreement in the amount of \$2.9 million with a 2.4% interest rate.

Director Colin Baugh made the **MOTION TO APPROVE RESOLUTION M-02-12-24-206**. Seconded by Director Kelly. The **MOTION CARRIED UNANIMOUSLY**.

**b. Consideration/Approval of the Revised MRGCD Travel Policy and the Report on the Finance Committee Meeting, February 12, 2024 - Chair Russo Baca, Vice Chair Dunning and Director Kelly**

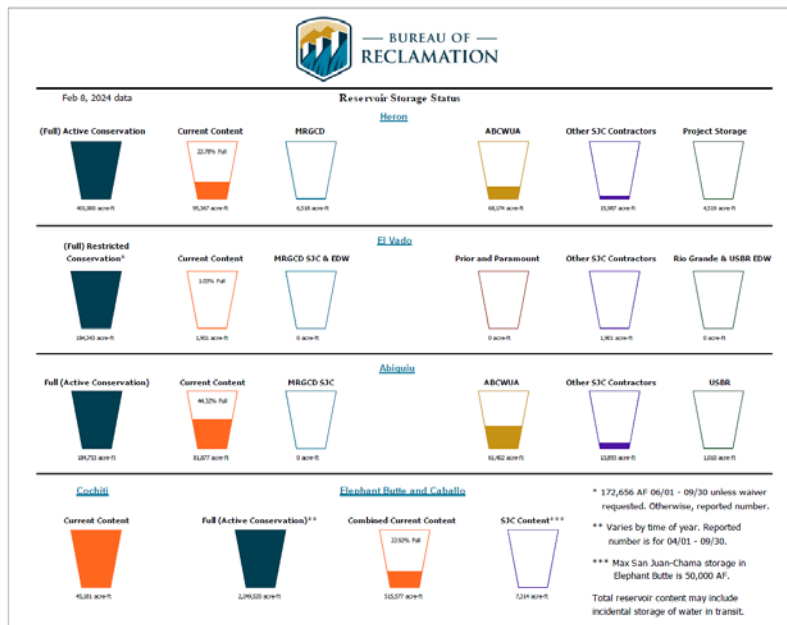
Ms. Fanelli asked to approve the revised travel policy that clarifies travel to Santa Fe.

Director Kelly made the **MOTION TO APPROVE THE MRGCD PER DIEM AND TRAVEL POLICY FOR EMPLOYEES, OFFICERS, AND ELECTED BOARD MEMBERS**. Seconded by Chair Russo Baca. The **MOTION CARRIED UNANIMOUSLY**.

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

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

Ms. Faler was not present for today’s meeting; although the BOR provided the reservoir storage status, better known as the “bucket”.





**b. Bureau of Indian Affairs - Dr. Sarah Delavan, Designated Engineer**

Dr. Delavan was not present for today's meeting.

**AGENDA ITEM NO. 11 - REPORT(S) FROM THE PUBLIC INFORMATION OFFICER - Amanda Molina**

Ms. Molina stated there had been some changes, including a new contact form, addition of the BOR video of their presentation about El Vado Dam, a new YouTube channel, and Farmers Meeting video. She also discussed the Valle Vista Elementary Project that will be kicked off with a cleanup session with students, parents, and some community members.

Chair Russo Baca thanked Ms. Molina for helping to facilitate the public meetings.

Director Kelly asked what they did different at the Bernalillo County meeting versus the Valenica meeting, because they got hammered.

Ms. Molina said they were able to go through their communication system and email some folks in Bernalillo County and ISOs also did a good job getting people there.

Director Baugh stated it was a good turnout and they got great feedback. He said the text message was very personable and people related to it. He suggested having an address or pictures uploaded also to have more to connect with.

Vice Chair Dunning asked where to meet for the cleanup. Ms. Molina answered at the school.

Director Duggins expressed he did not know why they did not buy lumber and metal for the kids to make signs to keep the bosque clean.

Madam Chair Russo Baca directed Ms. Fanelli and the Finance Committee to add that to the budget.

**AGENDA ITEM NO. 12 - REPORT(S) FROM THE CHIEF OPERATING OFFICER - Eric Zamora, PE****a. Report from the Equipment, Repair & Transportation (ER&T) Division Manager - Rusty Swint**

Rusty Swint, ER&T Division Manager, gave a quick rundown of what ER&T went through this year and an update on all the projects they are doing. He said they faced multiple challenges in implementing new use of current software, which will bring a more effective way of doing business and tracking repairs, costs, and schedule maintenances. He said they had to do a lot of cleanup and data entry to be effective and mechanics would be going paperless soon. He stated transport was implemented and went live with a service request module to better track transport requests and training went well. Mr. Swint expressed they were prepping for the equipment for the loan money approved but they were facing price increases. He said the ordering of parts had gotten a little better, but they were still facing long wait periods, some parts not being produced, and high shipping costs. He mentioned they had been down a couple of mechanics, so the workloads were increased. He said they would be replacing the current GPS systems and all units.

Director Kelly asked if they were going to run union requirements with the new GPS monitoring system.

Lorna Wiggins commented that she did not believe that this was an issue because it was considered past practice and not yet addressed at the union negotiation sessions.

Director Kelly inquired if their insurance provider gave a discount because of the system and safeguards implemented. Ms. Fanelli answered probably not.

Chair Russo Baca said it did help in the judicial sector.

Ms. Wiggins added the motivating factor in the GPS system was to ensure the safety of the workers and being able to constantly know their whereabouts if there is an emergency has been valuable for the District and private clients they represent.

Madam Chair Russo Baca asked if there was a training or program for students that would be new to the workforce for it.

Mr. Swint said he definitely wanted to do some type of education training.

Director Baugh asked about a meet the machine day for recruitment of new employees. Mr. Swint said it would be an awesome opportunity to have a conservancy rodeo for employees to get together.

**b. Off Season Updates - Eric Zamora, COO**

Mr. Zamora gave an overview of operations as they transition out of offseason work. He said their focus was now switching to burning ditches to make sure they're prepped and ready with no major obstructions. He went through each of the divisions' offseason work, including finishing the new check structure on the Augustine Lateral and a couple of turnout installations in Cochiti, completions of two projects in Sandia Pueblo and completing the Ruby Lateral in the Albuquerque Division, repairs on erosion and washout in Belen Division, and reconstruction of a culvert crossing in Socorro Division. Mr. Zamora expressed the Lands and Licensing Department was fully staffed and they were getting caught up on a lot of issues. He said they were experiencing issues with the coordination at Valencia County due to Valencia County Sheriff taking a backseat to them in responding to calls. He noted they were going to reach out to Valencia County emergency services and get the emergency response plan back up and running.

Director Kelly asked what they did with the material they used for the adobes in the Albuquerque Main Canal and if someone could buy it.

Mr. Zamora said they had stockpile locations throughout the District that will end up going into other projects as a resource.

Director Jiron asked if they would continue dredging until they start charging ditches.

Mr. Zamora, yes, the long reach excavators would be dedicated to dredging year round.

Director Jiron expressed the concerns of farmers he spoke to on the Belen Highline that had asked their ISO if they could open up their one turnout and irrigate through their piping system because it was dumping back into the drainage and were denied.. Director Jiron stated

hopefully this next season ISOs will allow farmers if water is passing to let the guy downstream start irrigating to use all the water efficiently.

Mr. Casuga explained the Belen Highline was unique and highly litigious right now and constrains them from a water delivery standpoint and cannot push as much water through there as they historically have. He said they were planning a separate project for a pump station to be able to augment water. He also discussed how water in Feeder 3 is used and the drain feeds heading south to drain at Seven Extension during certain times of year to make sure Socorro gets the appropriate share of water. He said it was hard to be able to say the specific reason without knowing the time and date the farmers asked the ISO about that.

Director Duggins pointed out he's heard the same complaints from farmers, and it was a problem.

Director Jiron stated he talked to other farmers that mentioned some pits that used to be on the west side of the highline that would collect water runoff. Mr. Casuga said he would answer that in executive session.

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

#### **a. Report on Construction Updates - Alicia Lopez, Mapping & Engineering Manager**

Alicia Lopez gave an update on construction, including lining 4500 feet of the canal with shotcrete lining and a connection to the Unit 7 Heading underneath the railroad. She noted Wilson & Company was advising CF Padilla every step of the way. She showed pictures of the construction. She explained that was phase one and they would be starting phase two in November.

Mr. Casuga reminded the Board this project was funded through the Water Trust Board funding and has been in the works for almost two years. He added they had two significant projects with the Water Trust Board, the Socorro Main and Corrales Siphon, and hoped not every section of the lining would always be the most expensive kind.

Ms. Lopez then discussed the Highway 147 Project, which would allow the Isleta Drain to continue to function as an outflow for some irrigation ditches, flowing underneath a large road and the Belen Highline. She displayed pictures of that project.

Director Kelly asked if the bore was complete under Highway 147. Ms. Lopez said yes, the bore was completed a couple weeks ago.

Ms. Lopez then talked about the Storey Wasteway Project that is funded by NFWF. She said they had Compass Engineering out there and showed pictures of the project. She stated they were well on their way to being ready for the Water Operations Team to set up the gauging.

Director Kelly suggested considering a short curb on either side of the bridge, so someone doesn't drive off of it. Ms. Lopez said they would do that.

Madam Chair Russo Baca asked if they would be having a ribbon cutting for Whitfield. Ms. Lopez stated it was in the plan to have one.

**b. Consideration/Approval of Abiquiu Storage Agreement and the Suballotment Agreement - Jason M. Casuga, CE/CEO & Casey Ish, Conservation Program Supervisor**

Casey Ish presented on two separate agreements for consideration and approval, the Abiquiu Storage Agreement and Suballotment Agreement. He explained the Abiquiu Storage Agreement contemplates storage within a column of San Juan Chama water not apportioned for storage to the Albuquerque Water Utility Authority inside Abiquiu and the Corps would be required to maintain about 29,100 acre feet of San Juan Chama contract space inside Abiquiu for non-water utility authority contractors. He stated MRGCD's apportionment would be approximately 2000 acre feet. He explained the Suballotment Agreement, which would increase the storage elevation by the Utility Authority by an additional 10 feet around the contour of the current reservoir pool, doing cultural compliance, environmental compliance, and purchasing an acquisition of easements by the Water Utility Authority. He said they now would need to sign the agreement to go in front of the Corps for ultimate review, and they were able to negotiate partial repayment of the water owed to the Water Utility Authority.

Mr. Casuga expressed it was a negotiating piece between MRGCD and ABCWA. He said getting the water control manual done and lining these things up at the same time gave them legal clearance for 40,000 acre feet, but it was a tremendous amount of work. He added he believes they only have begun to scratch the creative things that could be done with native storage in Abiquiu.

Vice Chair Dunning asked if they were going to repay some of the water owed to the Water Authority in the agreement now or in the future.

Mr. Ish explained they were basically doing a maximum daily storage volume accounting and would have 40,000 acre feet of total storage volume at the end of the calendar year they could potentially store inside Abiquiu under the agreement. He said they agreed to a 15% potential storage volume payment and half would go towards paying their debt.

Dr. DuMars added the agreement gave Mr. Ish and Mr. Casuga the ability to develop a relationship with the ABCWUA and that was very valuable.

Director Kelly made the **MOTION TO APPROVE THE WATER STORAGE AGREEMENT WITH THE ABCWA AND THE SUBALLOTMENT AGREEMENT WITH ABCWA**. Seconded by Director Colin Baugh. The **MOTION CARRIED UNANIMOUSLY**.

**c. Report on the SWCA Outfall Monitoring Project - Casey Ish, Conservation Program Supervisor**

Mr. Ish stated that as part of their cooperative agreement with the BOR and the National Fish & Wildlife Foundation, they worked on conducting monitoring at strategic outfalls to show results of the program to try to strike balance between Ag, Compact and ESA on the river. He said it also provided an opportunity to learn from management tactics and adapt for the next year. He explained that SWCA had been working for a while doing the outfall monitoring and that is now up. Mr. Ish expressed that all six outfall sites through Isleta Reach produced minnow and other fish.

Mr. Casuga added there was a requirement to create habitat and they would like to see an expansion.

Mr. Ish commented they were also looking to diversify how they do the sampling, including using EDNA.

**d. Introduction and Updates from the Bosque Ecosystem Monitoring Program (BEMP) - Dr. Ara Winter BEMP/Sevilleta Information Manager and Yasmeen Najmi, MRGCD Planner**

Dr. Ara Winter stated that they focus on community science, education, and stewardship on the bosque, and one of their core things is monthly monitoring. He explained they go out every month and take school kids with them. He expressed they wanted people to meet the bosque and understand it. He discussed what they monitored, including water quality, technology, and flooding. He said there are exotic removals and clearings, fires, river drying events and explained that fires have a big impact and hammers their native species. He noted that kochia and tumbleweed increase in plant cover year after year even if burned to the ground but could be crowded out by other plants. He talked about cottonwoods and the critical threshold for them, and stated they need to start thinking about how to collect data to help support better management decisions and support adaptive management. He did say there were a lot of ways to make corrections and changes for riparian vegetation and cottonwoods, such as swales, bank lowering, pole planting, and creating back channels. Dr. Winter explained that mosaic of vegetation allowed high resilience and native riparian plants need to be connected to groundwater.

Director Duggins stated he did not know how natural the bosque was because it never appeared until the Conservancy came into existence. He stated cottonwoods were more dangerous for fire if too thick and it might be better to have fewer healthy ones.

Dr. Winter said having a mosaic of cottonwoods made it more resilient and less fire prone than more open space with grass.

Director Duggins asked Dr. Winter to explain the groundwater level more. Dr. Wilson said it depended on where you were in the South Valley, and south of I-40 was when you see a big change in river geomorphology depending on where you are.

Mr. Casuga stated it was important to remember the cottonwood forest in the bosque today will likely not be the bosque of the future, but they are trying to gather data on how to best transition to a more mosaic bosque.

Director Duggins explained that he loves the bosque, but if it is too thick it will be unhealthy. He said from what he sees, the mistletoe is killing the bosque.

Dr. Wilson noted they had lots of data on thinning projects.

Vice Chair Dunning asked if they were doing fencing for the beavers to keep them from chopping the cottonwoods down.

Dr. Wilson explained they did not engage in restoration work but could gather data on it. Yasmeen Najmi added that at the bosque school, which is part of BEMP, students were doing wildlife research projects and one of them was on beavers.

Director Kelly asked what they needed to do to take the data and convince the world that heading towards a mosaic as the new river corridor was what they should be doing. He also

asked what they needed to add to the program to get the message out that replacing cottonwoods was a failed effort.

Dr. Winter said they had data they could get together to use for leverage on what they needed to get done.

*NOTE: Director Sandoval left the meeting at 5:51 p.m.*

**e. Report on the NM Water Dialogue 29th Annual Statewide Meeting, January 11, 2024 - Jason M. Casuga, CE/CEO and Chair Russo Baca**

Mr. Casuga discussed the NM Water Dialogue Meeting, stating they covered a lot relating to legislation and what was coming up in the 30-day session, including the governor's budget from a water standpoint, funding, and water dialogue.

Madam Chair Russo Baca added it was an interesting meeting and she talked to people about groundwater versus surface water diversion and the Socorro community.

**f. Report on the Sandoval County Farmers & Irrigators Meeting, January 22, 2024 - Jason M. Casuga, CE/CEO, Chair Russo Baca, Vice Chair Dunning, Directors Kelly and Duggins**

Mr. Casuga discussed the Sandoval County Farmers & Irrigators Meeting, stating they had a good contingent of Corrales folks there even though it was in Bernalillo and got a lot of positive feedback.

Vice Chair Dunning asked if there was an update or follow up with the Sandoval County Accessor's Office on not allowing agricultural exemption if people follow.

Mr. Casuga said the plan was to follow up and attend a county commissioners meeting and also talk to the county accessor. He said he did meet with Kathleen Cates about it.

**g. Report on the Bernalillo County Farmers & Irrigators Information Meeting, February 6, 2024 - Jason M. Casuga, CE/CEO, Chair Russo Baca, Directors Kelly, Sandoval and Baugh**

Mr. Casuga talked about the Bernalillo County Farmers & Irrigators Information Meeting, which had the best turnout for constituent participation. He said he appreciated the Q&A format.

**h. Report on the Pueblo of Isleta Farmers & Irrigators Information Meeting, January 30, 2024 - Jason M. Casuga, CE/CEO, Chair Russo Baca, Vice Chair Dunning and Director Jiron**

Mr. Casuga discussed the Pueblo of Isleta Farmers & Irrigators Information Meeting, stating they also had a good turnout. He said they heard a lot of items related to the Pueblo of Isleta and items from Valencia County. He discussed talking to a constituent about an employee of MRGCD having an unprofessional engagement with her one time but was very professional on every other occasion. He expressed to staff that no matter how many times you are professional to constituents, they will always remember the one time you were not, so it is important to be professional at all times. Mr. Casuga thanked the Pueblo of Isleta and said the participation was fantastic.

**i. Report on the Sandia Tribal Council Meeting, January 31, 2024 - Jason M. Casuga, CE/CEO, Chair Russo Baca, Vice Chair Dunning and Director Sandoval**

Mr. Casuga reported on the Sandia Tribal Council Meeting, where they discussed the Corrales Siphon. He explained there was coordination that involved a sovereign trail nation on land for construction and lining of the project, and there was a question about the floodway easement associated with the Pueblo of Sandia. He said they were not allowed to access the land and the only way to get access was to talk to the tribal council, and subsequently did get approval and that work was now taking place.

Vice Chair Dunning expressed thanks to Sandia Pueblo because they did not have to give them permission for that. She also reminded people it is a very complex project when working with another sovereign and MRGCD is doing the best they can.

**j. Report on the Six Middle Rio Grande Pueblo Coalition Meeting, February 8, 2024 - Jason M. Casuga, CE/CEO and Director Jiron**

Mr. Casuga discussed the Six Middle Rio Grande Pueblo Coalition Meeting, stating there was a lot of energy at the meeting and was happy that MRGCD no longer went first and answer questions they should not be. He said there was a question of why they were starting water so early, but he explained their startup plan met the negotiated contract. He stated he appreciates the work Dr. Delevan is doing and it is important. He added there was also a sense of better improvement on O&M.

Director Kelly made the **MOTION TO EXTEND THE MEETING PAST 6:07 PM.**  
Seconded by Vice Chair Dunning. The **MOTION CARRIED with one opposed.**

Chair Russo Baca	Yes	Vice Chair Dunning	Yes
Director Baugh	Yes	Director Duggins	No
Director Kelly	Yes	Director Jiron	Yes

Director Jiron said he thought the meeting was very informative.

Mr. Casuga also noted five of the six administration changed with Isleta being the only exception.

**k. Information on Upcoming Events**

- 1. Socorro Community Conservation on Water, Socorro Fairgrounds - February 17, 2024**
- 2. Land and Water Summit, Albuquerque, NM - March 6-8, 2024**
- 3. Law of the Rio Grande Conference, Santa Fe, NM - April 11-12, 2024**

Madam Chair Russo Baca gave information on the upcoming events.

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

Lorna Wiggins stated in the case of Adriana Villar, the criminal trial was moved to May 2nd and 3rd, and the civil trial was set for November 18-21, 2024.

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

a. **Report on the Legislative Committee Meeting, January 12, 2024 - Chair Russo Baca and Vice Chair Dunning**

Chair Russo Baca stated Mr. Thompson went over everything in his report that they went over in the Legislative Committee Meeting.

b. **Report on the Conservation Advisory Meeting, January 18, 2024 - Chair Russo Baca**

Madam Chair Russo Baca gave a report on the Conservation Advisory Committee, highlighting the following program, stating you can still enroll until February 16th.

c. **Report on the Food and Farms Day, NM Legislature, January 25, 2024 - Chair Russo Baca**

Madam Chair Russo Baca stated the Food and Farm Day highlighted the farming community and the food they grow.

d. **Report on the World's Largest Matanza, January 27, 2024 - Chair Russo Baca**

Madam Chair Russo Baca reported on the World's Largest Matanza, stating it was a really good event and wondered if it was something they could sponsor. She explained it was meant for scholarships for schools in Valencia County.

Director Duggins asked what it had to do with the MRGCD.

Madam Chair Russo Baca explained that as a public official, they needed to ensure they were supporting things that supported education and farmers.

e. **Report on the Los Lunas Village Council Meeting, February 8, 2024 - Chair Russo Baca and Director Jiron**

Madam Chair Russo Baca discussed the Los Lunas Village Council Meeting, specifically on the Niagara lease for water. She said it was something they could discuss further on what actions, if any, they want to take.

f. **Report on the Personnel Committee Meeting, February 12, 2024 - Chair Russo Baca, Vice Chair Dunning and Director Kelly**

Director Kelly said they were going to break down the eight pages of tasks for Mr. Casuga they made down to one page of high overarching goals. He stated the Personnel Committee was working with Jan Maples on that.

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

The chair requested a motion to go into the closed session at 6:16 p.m.

Director Kelly made the **MOTION TO GO INTO EXECUTIVE SESSION.** Seconded by Vice Chair Dunning. Rollcall vote was administered with all members voting yes.



Director Jiron	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Duggins	Yes
Chair Russo Baca	Yes	Director Baugh	Yes

**AGENDA ITEM NO. 16 - EXECUTIVE SESSION**

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

The chair requested a motion to back into regular session at 7:21 p.m.

Director Kelly made the **MOTION TO GO BACK INTO REGULAR SESSION.** Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY.**

Director Jiron	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Duggins	Yes
Chair Russo Baca	Yes	Director Baugh	Yes

Vice Chair Dunning stated they agreed there were things that needed to be discussed in open session during their closed session, including Item 3(c) from the consent agenda.

Vice Chair Dunning made the **MOTION TO APPROVE THE JANUARY 2024 INVOICE FOR LAW AND RESOURCE PLANNING ASSOCIATION** as if it was not pulled from consent agenda. Seconded by Director Kelly. The **MOTION CARRIED UNANIMOUSLY.**

Director Kelly made the **MOTION THAT MRGCD TAKE ACTIONS TO ISSUE RFPs FOR GENERAL COUNSEL AND CHIEF WATER COUNSEL FORTHWITH.** Seconded by Vice Chair Dunning. The **MOTION CARRIED.**

With no further comments, questions, or concerns, Madam Chair Russo Baca adjourned the meeting at 7:23 p.m.

Approved to be the correct Minutes of the Board of Directors of February 12, 2024.

**ATTESTED:**

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

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