

**MINUTES OF THE
2,215th REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

SEPTEMBER 9, 2024 - 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, Chair	Present
Karen Dunning, Vice Chair	Present
Brian Jiron, Director	Present
John Kelly, Director	Present
Glen Duggins, Director	Present
Micheal T. Sandoval, Director	Present
Colin T. Baugh, Director	Present

STAFF

Jason Casuga	Chief Engineer/CEO
Lorna Wiggins	General Counsel
Christina J. Bruff	Chief Water Counsel
Pamela Fanelli	Secretary-Treasurer/CFO
Eric Zamora	Chief Operating 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

Jeff Wechsler	John Thompson, MRGCD	Amanda Molina, MRGCD
Ally Dabney	Casey Ish, MRGCD	Rochelle Times, MRGCD
Santiago Maestas	Judy McSweeney, MRGCD	Josh Gamboa, MRGCD
Jane	Steve Kinberger, MRGCD	Josh Hind, MRGCD
Daniel Timons	Steve Chavez, MRGCD	Angel Madera Enriquez , MRGCD
Tiffany Riviera	Derek Jarner, MRGCD	April
John Fleck, UNM	LeeAnn Corwin, MRGCD	Julian Avalos, MRGCD
Joan Hashimoto	Doug Strech, MRGCD	Mike Apodaca, MRGCD
Estella Gamboa, MRGCD	Charie Reeders	Dolores Tafoya
Edwina Tafoya	Rima L. Benson	Nettie L. Jones
Dean Carroll	David Chavez	Rick Miera
Jerry Montano	Kaleb Brooks	Annie Sanchez
Carl Martinez	Christopher O'Connor	Terry Storch
Karl Kiser	Peggy Norton	Oscar Simpson
Amari Becker	Craig Hoover, BHI	Whitney Phelan

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Jeff Wechsler 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

Director Duggins requested moving his reports 16 (a) and (b) up earlier for those who may want to talk on it. The Board moved it to right before Item 8. Mr. Casuga added Item 7(c) for Terry Storch to speak on e-bikes.

Vice Chair Dunning made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE CHANGES**. Seconded by Director Duggins. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Jiron	Yes
Director Duggins	Yes	Director Baugh	Yes
Madam Chairwoman	Yes		

AGENDA ITEM NO. 3 - CONSENT AGENDA

- a. **Consideration/Approval of Payment Ratification - September 9, 2024**
- b. **Consideration/Approval of August 2024 Invoice for Wiggins, Williams & Wiggins**
- c. **Consideration/Approval of August 2024 Invoice for Law and Resource Planning Assoc. 2024**
- d. **Consideration/Approval of the Minutes for the Regular Board Meeting - August 12, 2024**
- e. **Memo on MRGCD Approved Licenses for August 2024 (For informational Purposes Only)**
- f. **Report from the Public Information Officer, Amanda Molina (For Informational Purposes Only)**

Vice Chair Dunning made the **MOTION TO APPROVE THE CONSENT AGENDA**. Seconded by Director Glen Duggins. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Jiron	Yes
Director Duggins	Yes	Director Baugh	Yes
Madam Chairwoman	Yes		

AGENDA ITEM NO.4 - CONVENE BOARD OF EQUALIZATION

- a. **Reclassification Hearing - Estella Gamboa, Assessment & Collections Supervisor**

Ms. Gamboa stated that the 2024 Water Service Charge contacts and 2024 protests were completed and reviewed by staff. They submitted for recommendations the reclassification of the protested properties and entering new irrigable properties. She noted that landowners have the opportunity to file a protest by May 31st. Any protestor that disagrees with MRGCD's recommendations have the opportunity to appear before the Board today to show cause why it should be reconsidered. There were no comments from the public.

Director Dunning asked if there was any way to get out of the original granted easements.

Mr. Casuga answered they are looking for properties that have a physical connection and ability to irrigate with an easement that allows them to connect to one of their facilities to receive water. He added they are not necessarily looking for easements in perpetuity, but if it has a way to connect to the system to irrigate at the date of the protest.

AGENDA ITEM NO.5 - RECONVENE REGULAR BOARD MEETING

The chair requested a motion to go back into regular session at 3:14pm.

Madam Chair Russo Baca made the **MOTION TO RECONVENE THE REGULAR BOARD MEETING**. Seconded by Vice Chair Dunning. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Jiron	Yes
Director Duggins	Yes	Director Baugh	Yes
Madam Chairwoman	Yes		

AGENDA ITEM NO. 6 - DISCUSSION/APPROVAL OF THE NOVEMBER 2024 BOARD MEETING SCHEDULE

Mr. Casuga stated that Veteran's Day falls on a regular board meeting day this year. The Board decided to move the meeting to November 13th, at 3:00 p.m.

Madam Chair Russo Baca made the **MOTION TO CHANGE THE NOVEMBER 2024 BOARD MEETING TO WEDNESDAY, NOVEMBER 13th, AT 3:00.** Seconded by Director Baugh. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Jiron	Yes
Director Duggins	Yes	Director Baugh	Yes
Madam Chairwoman	Yes		

AGENDA ITEM NO.7 - E-BIKE UPDATES

a. Presentation on Pedal-Assist Electric Mountain Bikes on Trails - Dean Carroll

Dean Carroll, member of the New Mexico E-Bikers Association, first discussed a research-based program between the National Opinion Research Center (NORC) and People for Bikes, that states E-bike riders are generally for the older population, who mostly purchase them for transportation or fitness. He shared they reported improved health, lower transportation costs and increased fun. He discussed the purchasing of E-bikes increasing, with 1 in 5 bikes sold in 2023 being E-bikes. Mr. Carroll expressed that 48 states have adopted the three tier process, which consists of Class 1, 2, and 3. He explained that a Class 1 E-bike is basically a mountain bike with a pedal-assist with a cutoff point of 20 mph, Class 2 is generally cruiser bikes with a throttle with a cutoff point of 20 mph, and Class 3 is like a road bike that is destined to go fast, with a topping speed of 28 mph. He talked about common assumptions about E-bikes and a study done on Pines to Mines Trail in California. He added a study done by the Forest Service Staff that showed E-bikes and mountain bikes demonstrated similar top speeds. Mr. Carroll stated that both E-bike and mountain bike riders both act the same on a trail and E-bikes show no impact to wildlife and/or difference in terrain. He discussed challenges for land management to figure out if E-bikes have a different environmental impact and if they have a difference source of impact. Mr. Carroll voiced that the US Forest Service deemed E-bikes as motorized vehicles, which means before the National Forest can integrate E-bikes, they must get EPA approval. The Bureau of Land Management has allowed E-bikes on mostly all paths that traditional bikes are allowed, and New Mexico passed Class 1's and Class 2's and Class 3's with restrictions. He noted that Class 4 E-bikes have now come into play and have unlimited speed.

Vice Chair Dunning asked if E-bikes make noise to warn people they pass.

Mr. Carroll responded that they make a slight hum, but technology is evolving to where there are some you cannot hear at all.

Vice Chair Dunning stated the data from the Pines to Mines study seemed old and did not know if they could trust that data. She also noted that the presentation claimed there have been no E-bike related accidents, but she personally knows of a couple.

Mr. Carroll said that information was from the time period of the study.

Director Jiron pointed out that on the graph it has E-bikes at a lower speed and traditional bikes at a faster speed, but E-bikes are going to travel faster and further, and someone pedaling a traditional bike will get tired, so the numbers do not make sense.

Mr. Carroll agreed that is a valid question. He stated he typically rides an analog bike for 8 miles and an E-bike 15 miles, but that did not affect his speeds.

Director Baugh asked about the difference in weight and cost between the two bikes.

Mr. Carroll answered that the average Class 1 E-bike weight is around 45 pounds, and heavier for Class 2 and 3. A traditional bike is probably 25 to 30 pounds.

Director Baugh inquired on how fast an E-bike can get to its top speed compared to a traditional bike.

Mr. Carroll said it depends on how fast someone pedals. He expressed there are three modes to an E-bike, eco mode, trail mode, and turbo mode, and all cut off at 20 mph.

Director Baugh asked about the number of E-bike accidents on an annual basis.

Mr. Carroll did not know, but he would look into that and let them know.

Director Baugh questioned if there was a study on if people can tell the difference between Class 1, 2, and 3.

Mr. Carroll replied it is almost impossible to tell from a visual inspection, but a Class 2 bike will usually not go with a Class 1 bike would.

Madam Chair Russo Baca asked if there was a study within their area and if not, if he believed riders within the area would submit data.

Mr. Carroll said there is not, but Parks and Rec have planned on doing studies for that.

Madam Chair Russo Baca then inquired on if there have been any criminal or civil cases on E-bikes that have occurred in their jurisdiction. She also said it would be nice to have one in the boardroom with a presentation for visual aid.

Mr. Carroll answered that he is not aware of any and will have E-bikes there next month.

Director Duggins asked if riding an E-bike is any different from riding a horse on a ditch bank and said he would much rather be hit by a 20 mph E-bike than a horse.

Mr. Casuga explained that because there was not public input done, MRGCD has restricted the use of E-bikes on all lands owned and/or operated by MRGCD.

Madam Chair Russo Baca read a statement by Director Kelly, stating the MRGCD is responsible for the Bosque and have taken many actions to protect the Bosque and ditch system. He said MRGCD needs to prioritize the aspects of the Bosque and ditch system and protect the assets for traditional uses, not a new class of recreational cyclists.

Mr. Carroll commented that this is always going to come back around and is inevitable.

Innovation, Adaptation, & Access: Leading the Way for Pedal-Assist Electric Mountain Bikes on Trails



Rachel Hovatt
E-MTB Policy and
Program Manager
PEOPLEforBikes



Matt Moxley
E-MTB Policy and
Program Manager
PEOPLEforBikes

What is PeopleforBikes

National advocacy group bringing together millions of people and hundreds of communities to support biking.
National trade association that represents over 335 member companies that manufacture + distribute bicycles (including e-bikes) and 1.5 million citizen advocates. Ensure bikes are prioritized + positioned as a real solution to improve health, connect communities, boost local + state economies, strengthen our nation, + protect our planet.



DEMOGRAPHICS

- Electric bicycle consumers generally older than average population although trends point toward increasing age diversity
- Above average education and income
- Most common motivation behind electric bicycle purchases are fitness & transportation
- Most electric bicycle consumers report improved health, lower transportation costs, and increased fun



E-bikes economics.

SALES

- Electric bicycles are still the fastest growing category of bicycle sales in the USA (Source: Circana)
- Nearly all major bicycle manufacturers have introduced electric bicycles in various categories
- 2023 estimated volume of about 1.35M electric bicycles sold in the US through all channels (over 5 million sold in Europe)
- One-in-five (19.4%) Americans who rode a bike in 2023 rode an electric bicycle at least once.

(Source: Physical Activity Council Single Sport Reports)

Industry analysts estimate that more than **13.5 million** electric bicycles will be sold in the United States between 2020 and 2030.
(Source: S&P Global Bicycle Industry Risk & Opportunity Forecast produced for PeopleforBikes)

> E-bikes are here to stay, they aren't going away <

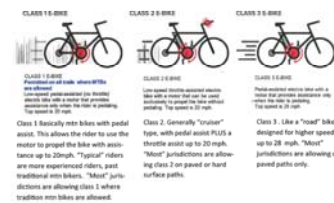
STATE ELECTRIC BICYCLE LAWS

- States regulate the use of electric bicycles on streets and bikes paths, and determine issues such as licensing and registration.
- PeopleforBikes created harmonized standards for state electric bicycle regulation using the three classes.
- 48 states regulate electric bicycles like bicycles, of which 43 have defined the three classes.
- 2 others have no electric bicycle definition, and require licensing, registration and/or insurance. Alaska and Rhode Island

STATE PARK EMTB POLICIES

- Variable: agencies are beginning to address e-bikes and reviewing their current rules + considering new policies.
 - 15 state parks (and growing) allow at least Class 1 eMTBs on non-motorized trails:
- Arkansas, Arizona, Colorado, Florida, Idaho, Kansas, Louisiana, Minnesota, North Carolina, Utah, Pennsylvania, Virginia, Washington, West Virginia, and Wyoming

By establishing the 3 classifications it allows land managers and law makers to better regulate where and what bikes can be best suited for what trails.



Electric mountain bikes are an evolution of the MTB culture that provides greater options for riders to enjoy off-road cycling. There are many benefits to electric mountain bikes for both beginner and advanced riders, from providing pedal assistance for those still building their strength and endurance on the uphill to allowing more experienced riders to travel farther.

Assumptions, perceptions, analysis, and research

> Some assumptions and perceptions:

- E-MTBs are faster
- E-MTBs will create more trail conflict a safety hazards
- E-MTBs will have a big impact on trail tread, soils and wildlife

Speed E-MTBs are faster than traditional bikes

Phares to Miles (34-mile out-and-back loop in California between Nevada City and Yreka)

Table 2: Comparison of Ride Log speeds from Survey and Trail Tools (Survey and Trail Tools are popular rider tracking apps)

Measure	Trail Sections	Top 10 Average Speed Class 1 E-Bike	Top 10 Average Speed Traditional MTB	App
Minimum Segment Speed in Wilderness (No Road)		16.3 mph	12.2 mph	14.3 mph
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Speed

- East Zone Connectivity analysis – conducted by Forest Service staff riders
- Speed predominantly governed by sight lines and trail design
- On flat or mostly flat terrain, eMTB and MTB demonstrate similar top speeds of 16 to 19 MPH
- On downhill terrain, eMTB and MTB demonstrate similar top speeds
- On uphill terrain, MTB riders experienced speeds of 5.2 - 6.3 MPH and eBike obtained a top speed approximately 9 MPH in "trail" mode (med).
- There was not a discernible difference in stopping distance between an eBike and MTB to stop

Existing Studies: U.S. DOT FHWA

US Department of Transportation Federal Highway Administration. E-Bikes in Public Lands: A Human Factors Field Study. August 2023.

STUDY

In locations identified as higher risk for potential conflicts along an unpaved, multiuse trail:

- Analyses show that e-bike riders travel slightly faster on average than conventional bike riders.
- Results show approximately one mile per hour increase in median speed for e-bike riders.
- However, the sex of the rider predicts a greater increase in speed (males average 2.51 mph increase) than whether they are using a conventional or electric bicycle.
- Distributions of e-bike and conventional bike rider speeds overwhelmingly overlap with one another: both exhibit similar extremes at the high and low ends of the speed spectrum.

SAFETY

Safety

- "There was ~~not~~ a discernible difference in stopping distance between an eBike and MTB to stop." (EZ Connect analysis)
- Speeds are not significantly different
- Trail accidents
- No reported eMTB – equestrian accidents
- One reported eMTB – biker accidents; no serious injuries
- No reported eMTB – MTB accidents

Existing Studies: U.S. DOT FHWA

US Department of Transportation Federal Highway Administration. E-Bikes in Public Lands: A Human Factors Field Study. August 2023.

STUDY

Conventional and e-bike rider behavior is similar at locations with higher risk of conflict.

- Both e-bike and conventional bike riders reduce speeds and exhibit similar precautionary behaviors:
 - at vehicle conflict points
 - in narrow sections of trail
 - when passing other trail users.

ENVIRONMENTAL IMPACTS

Environmental Impacts – Pines to Mines

- Wildlife – Effects on terrestrial wildlife and/or their habitats have been shown to be insignificant.
- Soils - Not expected to result in any significant effects to soils or hydrology. Class 1 E-Bikes are not considered to be a significantly different use than multiple uses currently impacting the trail which include traditional mountain bikes.

Specifically, impacts to trails in terms of tread wear, soil movement, erosion, and contribution to sediment delivery have been shown to be similar between traditional mountain bikes and Class 1 E-Bikes

(Wilson and Seney 1994; Weaver and Dale 1978; IMBA 2015). California trail system

Environmental Impacts – East Zone

- FINDING OF NO SIGNIFICANT IMPACT DETERMINATION
- Class 1 E-bikes do not represent a meaningfully different use than traditional mountain bikes
- Several Biological Evaluations (Terrestrial Wildlife, Aquatic Wildlife and Botanical Resources) prepared by USFS (and concurred on by USFWS)
- Numerous Mitigation Measures and Best Management Practice (BMP's) for wildlife species, trail design and construction

USER PERCEPTIONS

Existing Studies: University of Vermont

University of Vermont, Center for Rural Studies. 2023. Pilot study on the use of Class 1 pedal-assist eMTBs on natural surface singletrack trails on Hinesburg Town Forest in VT.

STUDY

- The goal of the pilot was to study and develop knowledge around:
 - User perceptions and perceived impacts Class 1 eMTBs have on trails compared to analog MTBs
 - Considerations for initiating education outreach opportunities about eMTBs
 - Accessibility and inclusion implications
 - Create a blueprint for local and regional groups to utilize in their decision making process

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CHALLENGES FOR LAND MANAGERS

- Is an e-MTB a "motorized vehicle"?
- Does an e-MTB have different environmental impacts than traditional MTBs?
- Does an e-MTB have different social impacts than traditional MTBs?

What is a "Motorized Vehicle"?

- Spring of 2019, Tahoe NF interpreted this definition to not include Class 1, e-MTBs and published recommended trails for use of Class 1, e-MTBs
- Fall of 2019, Tahoe NF sued by Backcountry Horsemen and Wilderness Society for not following travel management regulations
- Spring of 2020, Forest Service Washington Office settled the lawsuit, de facto defining e-MTBs as motorized vehicles
- 2021 Forest Service published formal regulations defining all e-bikes as motorized vehicles, thus subject to the Travel Management Regulations

So What Does all of that Mean for eMTBs?

- It means in order to officially allow e-MTBs on a non-motorized trail, the Forest Service must go through a formal planning process, following the travel management regulations and complying with NEPA.

And, the new regulations also say...

- Consider emerging technologies (such as e-bikes) that are changing the way people access and recreate on NFS lands. For example, where suitable for use, e-bikes may provide new opportunities for individuals who might otherwise be prevented from experiencing an NFS trail without assistance from an electrical motor.

USFS considers all types and classes of e-bikes motorized and they are not allowed on non-motorized trails.

E-Bikes on BLM-Managed Public Lands

Bureau of Land Management (BLM) allows e-bikes on many of its public lands. E-bikes are permitted on all trails and roads that are open to OHVs, as well as on areas designated as OHV open under land use plans. E-bikes can also be used on roads and trails that are only for bicycles and non-motorized travel if a BLM manager issues a written decision authorizing it. BLM offices can also identify non-motorized trails that could be used for e-bikes.

The public lands should be accessible to as many Americans as possible, including people who use e-bikes. E-bikes help make public lands more accessible to more people. An e-bike is a bicycle with a small electric motor of not more than 750 watts (one horsepower) which assists in the operation of the bicycle and reduces the physical exertion demands on the rider. E-bikes may have two or three wheels and must have fully operable pedals.

BLM-managed public lands offer many opportunities for riding e-bikes, including any area or trail where OHVs are currently allowed. BLM offices also have the authority to identify which non-motorized trails could be used for e-bike use on BLM-managed lands. BLM District and Field Managers are encouraged to consider authorizing e-bike use in accordance with applicable laws and regulations, including the e-bike rule.

SENATE BILL 69

10TH LEGISLATURE: STATE OF NEW MEXICO - FIRST SESSION, 2023

A person may ride a class 1 or class 2 electric assisted bicycle on a bicycle or pedestrian path where bicycles are authorized to travel provided that a political subdivision of the state may prohibit the operation of a class 1 or class 2 electric-assisted bicycle on a bicycle or pedestrian path within its jurisdiction.

SECTION 8. EFFECTIVE DATE.—The effective date of the provisions of this act is July 1, 2023.

WHEREAS, the State of New Mexico Legislature in early April 2023, passed Senate Bill 69 that allows Class 1 electric bicycles or e-bikes where traditional bicycles are permitted and gives municipalities the permission to allow Class 2 e-bikes on bicycle and pedestrian paths within their jurisdiction.

As of August 8, 2024, Albuquerque, New Mexico has a new ordinance that allows all classes of e-bikes on multi-use trails in the city's Open Space lands, unless prohibited by a posted sign or online map.

Class 1: Only operates when pedaling and under 20 mph

Class 2: Operates when pedaling or on throttle and under 20 mph

Class 3: Only operates while pedaling and traveling under 28 mph, and the bicycle must have a speedometer

The ordinance also sets a 20 mph speed limit for all trails, but the Parks and Recreation Department can lower the limit on any open space trail if needed. Devices must run on less than 750 watts of power.

KEY FINDINGS

Overall, perceptions of eMTB usage were more positive than negative and indicated a general willingness and even motivation to enable further integration of eMTBs into the sport.

- TRAIL ETIQUETTE:** 75% of respondents noted positive experiences with eMTBs, sharing the sentiment that it is the rider and not the bike or technology.
- ACCESSIBILITY:** "Accessible" as both physical and financial means. Emphasis against limiting eMTB riders to those with a proven disability or designating them to specific trails only.
- SAFETY:** Emphasis on decisions of the individual rider, regardless of the technology.



Electric Mountain Bike Pilot Project Toolkit for Land Managers



The sources for the Electric Mountain Bike Pilot Project Toolkit for Land Managers are explicitly mentioned in the document.

The sources for the Electric Mountain Bike Pilot Project Toolkit for Land Managers are:

- University of Vermont, Center for Rural Studies
 - U.S. Department of Transportation Federal Highway Administration
 - U.S. Forest Service
 - PeopleForBikes
 - Existing studies conducted by the Forest Service staff riders
 - Studies conducted by the U.S. DOT FHWA on e-bikes in public lands
- These sources were utilized to gather information, conduct studies, and provide insights into the perceptions, impacts, and regulations related to electric mountain bikes on trails.

b. Updates on MRGCD & City of Albuquerque Public Outreach Process - Jason M. Casuga, CE/CEO and Yasmeen Najmi, Planner

Mr. Casuga said MRGCD has begun to do some coordination with the city and reminded everyone that no E-bikes are allowed within the Bosque at this time. He stated they believe the conversation about the Bosque versus paved trails will need to be two separate conversations.

Yasmeen Najmi explained the Bosque and other cross-jurisdictional areas of open space sharing jurisdiction with the Park Service or Forest Service are closed, pending on the required administrative and planning process. She said a big question is how people will know which areas are open and closed, so the City developed a map to show those places. She shared that they are in the process of implementing signage and they have a press release pending. Ms. Najmi spoke with the city and county about a public process going forward specific to MRGCD lands, and MRGCD was asked to delay doing the press release until there is more information about the ordinance and a map. She expressed talks of starting a public survey and public meeting and see where things fall.

Mr. Casuga talked about his ride with Mr. Carroll's group. He said the community was passionate with a desire to go out and be able to enjoy the outside and they are seeking an opportunity to enjoy that. He added that they had a lot of conversation on etiquette, and said he could not tell the difference between passing E-bikes or traditional bikes.

c. Terry Storch Letter

Terry Storch thanked the Board their position on E-bikes. She said that if they decide to allow some E-bike usage, careful planning is required to determine where and how they can be used. She warned to regard the industry push for E-bikes with caution and see out information from jurisdictions that have limited or disallowed E-bikes. She noted that limiting or barring E-bikes from the Bosque trails would not prevent anyone from accessing or enjoying the Bosque. Ms. Storch suggested issuing permits to less-abled users to use the trails on E-bikes, but not others who can walk, ride a horse, or ride a bicycle not be allowed. She also noted that the price of E-bikes dials down the diversity and inclusivity argument. She recommended creating a data collection system for people to report online when they have encounters with E-bikes, horses, and bicycles.

Director Dunning asked legal counsel what kind of enforcement options they have if they forbid E-bikes and there is one on the right of way.

Ms. Wiggins stated they are very limited on the ability to police this, but they can come to the Board if there is a problem.

Mr. Casuga added the right of way team has done a lot of work coordinating with law enforcement to deal with violations of overnight camping in the Bosque and cleaning it out, so it would probably be a similar process in dealing with and E-bike on the right way,

Director Baugh invited Mr. Carroll and Ms. Storch to the subcommittee to hash out some details to get a working idea of how to engage the public and listen to both sides to come to a mutual agreement.

***Note that Director Duggins reports from the board (see Items 16a & 16b) were moved up and discussed here.*

AGENDA ITEM NO. 8 - ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)

David Chavez

Mr. Chavez is the landowner of the property blocked with the boulder by MRGCD. He said this is a 30-year-old road and asked why it is suddenly being blocked with no notice. He said his trash cannot be picked up because the road is blocked. He shared that he moved the rocks, but they were moved back. He wants to know why he has to purchase a gate and why they are picking on just one road.

Annie Sanchez

Ms. Sanchez, an irrigator in the Village of Los Ranchos, thanked Director Duggins for coming out and fixing her problem. She said they have been suffering with this for a really long time, but it just keeps getting pushed. She explained her installed pipe is crooked and too high, and it needs to be changed out. She added that the slope slopes down to her property and not back out to MRGCD like it used to before it was installed.

Jerry Montano

Mr. Montano explained that back in July he was scheduled to water on a Thursday, so he fertilized Wednesday. However, he was told by his ISO Thursday morning he could not irrigate because they were sending the water to the Bosque drain for Socorro. He said he received water four days later and finished. Around 20 days after that, he was irrigating and was stopped completely when he was only half done on the field, and it was turned off and did not get to finish until two days later. Mr. Montano suggested coordinating with the ISOs and people sending water to Socorro to keep this from happening again. He said this is also happening to other farmers and the water is going to the Bosque Drain back to Socorro.

Director Jiron added this has happened to Mr. Montano before and is happening one too many times. He said the ISO did not explain the problem well to Mr. Montano and gave him water knowing he would not have it long enough to finish. He asked what would happen in scenario like this with the acre an hour process. He added this does not look good for the District.

Director Duggins explained that the irrigator put fertilizer out knowing he would have water the next day, and fertilizer is very expensive now. If that does not get watered, you will lose it, and the crop is going to suffer. He said too much water is probably worse than not enough.

Karl Kiser

Mr. Kiser thanked the Board for having a public input meeting on the E-bikes. He shared that they have naturalness with the Bosque with plants and animals that emphasize a slower pace. He said not all uses belong in all places and trails must be safe for all. He urged looking at the line of sight and whether there is going to be high traffic. He agreed that the data given was old and ads on their Facebook have a lot of nonstandard bikes. He noted that you can also unlock standard E-bikes for higher performance and People for Bikes are not a neutral party.

Rick Miera

Mr. Miera, Counselor in Corrales, came to discuss water issues. He explained they were having problems with the county assessors in different communities to look at present law in different ways. He said people with tax abatement are in jeopardy. He asked for the Board's support in dealing with the issue and will work with his and the Board's legislative liaison to move the bill on this matter forward.

Edwina Tafoya

Ms. Tafoya stated that her father purchased land in Corrales 75 years ago and they have irrigated since, but it has been a mess the last three years with the siphon. She said they have a lot of trees and heirloom flowers no longer living. She also read a letter from her brother, Tony Tafoya to the Board.

On Sept. 4, 2024, many farmers, very small & large parcels of land met to find out if our letter writing, phone calling, e-mails & other forms of communication had been heard by our elected delegation.

Former rep. Damon Fly read a letter from Stanbury's office, what I took from the letter is that the BIA will be looking into this matter and we should be hearing from the BIA within two weeks. Others present at the meeting were Ben Ray Lejans office, Martin Heinrich's office, Madeline and Kathleen Kates, also in attendance was our very own Mike Hamon. All spoke positively willing to help.

At the Corrales meeting board member Kelly said that having the many complications that he feels the siphon could still be done by next years irrigation season, I am also optimistic that it can be done if the easement were approved soon.

I again thank you all
Edwina Tafoya

Peggy Norton

Ms. Norton, President of the North Valley Coalition, stated they voted to support the petition that was presented to City Council to have more public process, input, and information on E-bikes. She noted that 20 mph is faster on an unpaved trail. She made clear she was not representing the Coalition in her personal comments. She commented that it was surprising to have this legislation come up without collaborating with MRGCD, Open Space Advisory Board, and the US Forest Service. She said they were also supposed to be doing monitoring reports.

Rochelle Times

Ms. Times is new to the District and agreed with getting more information on the E-bikes. She said she owns E-bikes and uses them for the sake of her reconstructive knee surgery. She voiced that the average people she knows with E-bikes do it for enjoyment and to be safe. She felt there should be discourse regarding the perception of E-bikes in general.

Oscar Simpson

Mr. Simpson commented that he has lots of experience of recreating, hiking, and horseback riding in the Bosque. He said the population has increased so the risk factors have increased and there is no enforcement. He expressed that they have to have safety factors and protect the conservation and resource of the Middle Rio Grande. He asked the Board to evaluate this, get public input, and develop a policy to protect the public, conservation, and environment.

Maresa Pryor-Luzier

Ms. Pryor-Luzier spoke on the E-bike issue on the MRGCD trails. She stated that E-bikes are motorized and there are many E-bikes that would be impossible to enforce. She pointed out that line of sight is a real issue on single track trails, and while E-bikes can travel over 20 mph, a horse only travels 1 to 4 mph. She said safety is key in this situation and someone on a horse was injured by a bike this past August. Ms. Pryor-Luzier noted that E-bikes have a higher potential for ecological impacts on soil, vegetation, and wildlife. She asked MRGCD to not allow E-bikes on these trails that are meant to enjoy peace and tranquility.



speed constraints programmed into nearly every e-bike from any manufacturer. These facts make it impossible to adequately monitor or enforce e-bike use on non-motorized trails.

- 5) E-bikes can travel over 20 mph, a hiker or equestrian 1-4 mph. E-bikes are now being marketed to younger audiences to foster e-bikes.
- 6) There are 400 miles of bikeways and multi-use trails in Albuquerque alone (citing.gov)
- 7) This past August, an equestrian rider was injured "when a cyclist started the girth's release" in Corralles. The biker turned but never stopped and the equestrian sustained a bruised rib, one fractured rib, and a laceration extending from her back down her right leg, she was taken to the trauma unit for her injuries. -- Corralles Community 9/2/24 - Safety is key issue!
- 8) People's Utilities Coalition has 27 full-time employees and a budget of 3.7 million a year to advocate. They also give access to a bike to potential agencies when decisions are being made on their behalf.
- 9) To clarify on a PFD comment: E-bikes are not allowed on non-motorized trails in National Forest lands. The BLM leaves it up to the manager. Final say on E-bikes access on BLM Open Space is up to the Dept of Recreation.
- 10) Please read this Article on "Ecological impacts of (electrically assisted) mountain biking" from Global Ecology and Conservation, Vol. 44, August 2023, #52675 done in Europe on Mountain bikes vs E-bikes.



<https://www.scribd.com/document/452619842/20211120>

- 11) We support expanding recreational opportunities on our public lands; e-bikes do indeed have their place. However, it is simply wrong to increase motorized e-bikes on dirt non-motorized trails.
- 12) Families, joggers, hikers, birdwatchers, and equestrians use these trails in the Conservancy. Some to enjoy the peace and tranquility, others to watch a yellow warbler in the warmer months, or Sandhill cranes in the fall, or to count how many porcupines are in the trees during the winter season. This is what the conservancy is about!

Our members hope you will take into consideration the difference in non-motorized and motorized on dirt trails. Spend along with visual presence is the biggest issue for safety and should constitute separation of trails for both entities.

We at Back Country Horsemen of New Mexico thank you for your time and commitment to our open public lands. If you have any questions, feel free to contact me.

With Best Regards,

Maresa Pryor-Luzier

Maresa Pryor-Luzier
BCHNM Public Lands Chair
(505) 451-4881

cc: Stephanie Russel Baco
Karen Dunning
Julia Kelly
Colin Baugh
Brian Jinn
Glen Duggins
Michael Sandoval

Glen Duggins

Director Duggins announced the passing of friends, farmers and specifically former board member, Gordon "Corky" Herkenhoff. He felt he had more knowledge of the San Acacia area of the dam and farming within the middle Rio Grande valley. He suggested that the board write a proclamation as he felt they were a big part of this agriculture community. He said that there's nobody following behind these people and that the board needs to keep in mind when making policies, dealing with farming, dealing with the pueblos. He expressed they need to meet everyone's needs as best as they can and not put each other against one another.

Elaine Hebard submitted written comments:

My name is Elaine Hebard. With respect to e-bikes, I agree with Director Baugh that the Urban Issues Committee should take this up. I would expand the Committee to include residents in the urbanizing areas as well. After an in-depth discussion as to what types and what speeds might be allowed on what types of trail, the committee could suggest some rules and guidelines to the Board.

With respect to the Depletion Reduction Programs and the Rio Grande Compact -- as the State Engineer wrote, "Ultimately, ... reducing depletions and managed shortage sharing, as well as improving infrastructure, are the best avenues for maintaining Compact compliance and avoiding catastrophic curtailment." That message is germane to all in the MRG.

In its response of August 7, the MRGCD mentioned that it was "assessing approximately 170 miles of primary canal infrastructure throughout our service area for lining." While such lining may reduce losses to MRGCD, it will represent a huge loss to the aquifer, and those thousands of domestic wells served in part by them. What impacts would such an action have on the wells of the ABCWUA? What impacts might such lining have on the trees throughout the valley?

Of course, what impact does allocating thousands of acre feet of groundwater to new users and uses have on other users? On the Compact? Unless decreased, as river flows decline due to climate change and the allotment is reduced but depletions are not, the percentage which depletions represent will increase, impacting other users and uses even more. Depletions can only be reduced with a reduction in groundwater withdrawals.

Less water to serve more demands. How will it be shared? That should be the outcome of the regional water plan. But the various committees of the MRGCD could begin these discussions now. For instance, the Urban Committee could talk about what the urban valley would look like without the irrigation system -- or if it were operated as efficiently as possible? ¹

Certainly these will be topics for the Coalition of Rio Grande Water Users 2024 Conference. Another topic should be the creation and maintenance of a regional water budget. The 1997 Water Budget, developed for the 2004 MRG Regional Water Plan, showed how the region was over-consuming our renewable supply, which in turn provided impetus for taking actions. And many actions were taken. Urban usage as measured by gallons per capita per day has declined, and agricultural diversions have as well.

But the model was not spatially based - so use of water rights, or transfer of them, was not included and tracked. Tracking and reducing depletions will require such a model.

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 gave a report on the Water Supply Conditions. She stated that MRGCD stopped releasing water from storage on Friday and now they only water available is the 2024 San Juan Chama allocation. New Mexico's Rio Grande Compact debt is about 122,000-acre feet, but the official Compact number will be at the end of 2024, and Ms. Marken is optimistic on where that number may be at the end of the year. Irrigators will now rely on the natural flow of the basin and river flow through Albuquerque is expected to drop significantly over the next month since storage releases have stopped. Ms. Marken stated that La Puente Gauge native flows measured 50 CFS, Embudo Gauge measured 250 CFS and Otowi Gauge measured 410 CFS. She said there is a pretty big gap right now between what is available and what is needed. BIA assessed prior and

paramount demand at 150 CFS, leaving 160 CFS available for non-prior and paramount lands. She noted that a good monsoon season have help extend storage water availability longer than anticipated. She shared that next week's forecast looks dry and warm, and the National Weather Service's 90-day outlook is predicting above average temperatures and below average precipitation through November.

Director Jiron asked if the Pueblos are able to call for P&P waters right now.

Ms. Marken responded that they have about twice what BIA calls P&P demand, but it is BIA's decision.

Director Jiron stated that every time he brings up a question about Pueblos, the numbers are set too high with BIA, and those numbers needed to be re-allocated or reassessed, because they never get the P&P water.

Mr. Casuga noted that the Department of Interior helped open up this conversation at the Six Middle Rio Grande Coalition Meeting to be able to talk about what the water is and is not. He said P&P water is native water stored as a guarantee that the Pueblos will get the volume associated with their P&P lands and not a right at this point in time, but the desire of the Coalition is to have a storable right. He expressed that the Six Middle Rio Grande Pueblos are working with a designated engineer on what flow rates will look like. MRGCD is honoring the request to be silent on this issue.

Director Jiron explained that they did not have issues with prior and paramount when El Vado was functioning, and things just keep adding up. He said there was a time when MRGCD was making the calls, and they also did not get their water until the very end of September then either.

Mr. Casuga expressed the only call he made was to follow the well-established delivery procedure to look at native water in the Rio Grande. He was asked for his opinion, but BIA was still the decision maker on the designated engineer.

Ms. Marken added that the words that Department of Interior used was "Insurance policy", which is a good way to think of it to ensure you will get the volume of water associated with P&P water.

Madam Chair Russo Baca stated it is the trust responsibility of the federal government to the tribes, who have the ability to make that determination with the tribe, but the law is written to say there is no ability to store year to year.

Director Baugh said they have an opportunity with having two directors that represent two of the Pueblos to get relevant information to answer some of the misunderstandings with regard to how water comes to the Pueblos in time of need.

Director Duggins asked where the water from the Low Flow Channel in Socorro is going.

Mr. Marken answered there is about 125 CFS that goes into the breach channel and this morning there was about 80 CFS going out to the river.

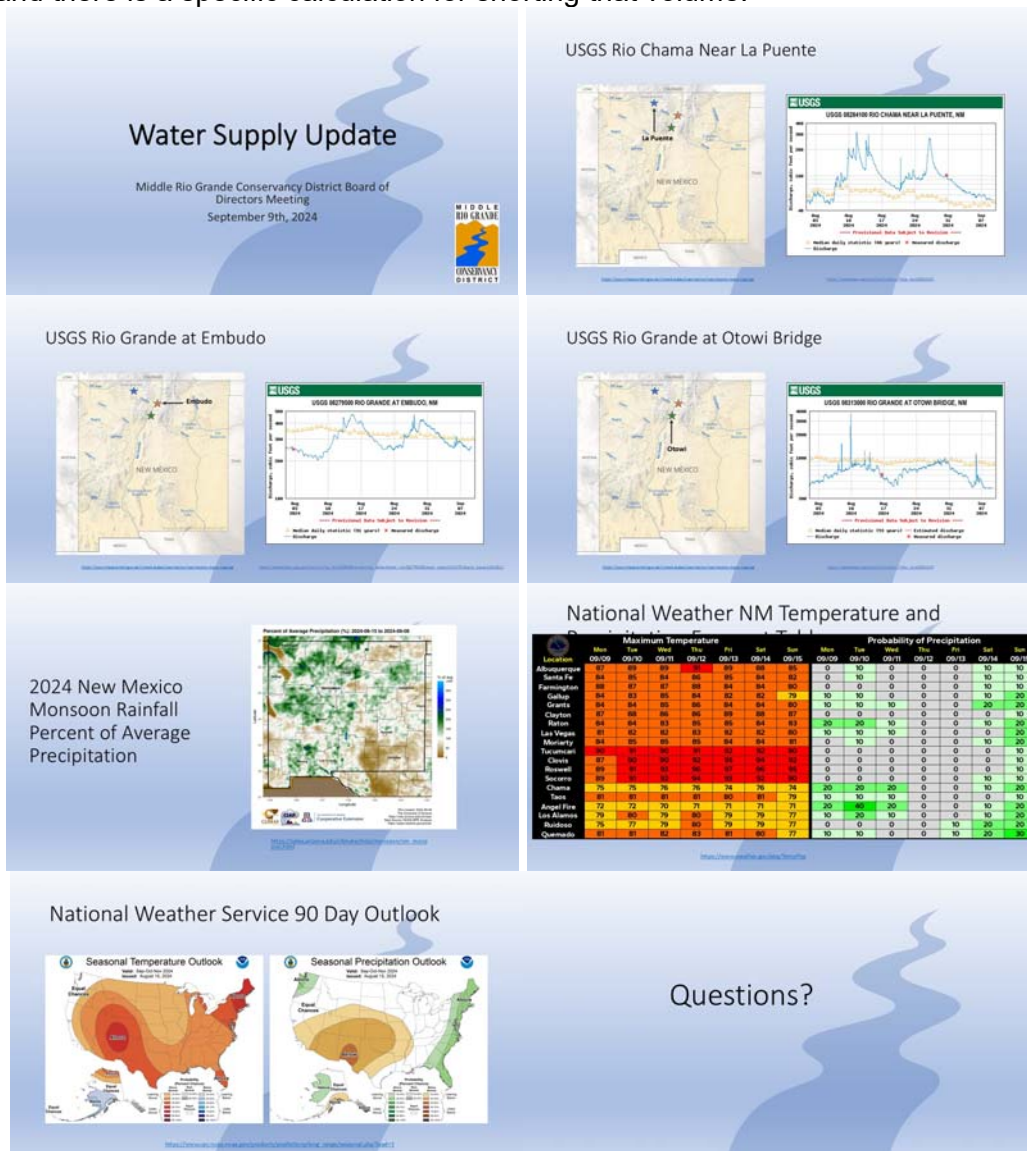
Director Duggins stated the farmers are being threatened that they could be cut off completely aside from the Pueblos for a year, but the federal government has wasted water enough water to pay our debt with no water rights.

Madam Russo Baca explained that even though they did not have enforcement ability , the State Engineer does, and they made that clear in their letter that they want to ensure the laws are enforced.

Mr. Casuga said the State understands MRGCD's position, which is that they have a difficult time being a political subdivision in a special district and be silent on this issue. He said the State is seeking to have a conversation with him and water counsel going forward.

Director Duggins asked if the outfalls from the Environmental Leasing Program are being shorted since there is not enough water to meet demand.

Mr. Casuga answered that is accounted for on a monthly basis of the volume going out and there is a specific calculation for shorting that volume.



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

Mr. Martinez gave a report on Water Distribution. He said they appointed Eric Gonzales to zone B11 to operate the lower Belen Highline and Garcia Extension. He apologized to Mr. (Jerry) Montano on the delivery interruption and said it is common for the lower Belen Highline and Feeder 3 irrigators to experience interruptions when they take precautions during monsoon season, but he was not aware of the second incident until today and will investigate that. Mr. Martinez reported that they were fortunate to have reliable water supply during the recent period of storage releases to allow them to make meaningful irrigation deliveries into September, but they are now transitioning to low flow conditions. He noted that by September 5th, water levels at the Corrales Pumping Station fell below the minimum operating threshold and pumps were shut down following the completion of ongoing deliveries. However, that night, a high intensity rainstorm impacted the Cochiti Division and surrounding areas, and arroyo inflows created a substantial pulse with 4000 CFS with the San Felipe River Gauge, which lead to problems of flooding and debris. He assured that the Cochiti team is actively assessing and repairing facility damages and working to restore normal operations. Mr. Martinez recognized the dam operators and supervisors for managing diversions during recent rain events and effectively adjusting canal operations on short notice. He said the Corrales pumps have been shut down due to low river levels to avoid the risk of causing further damages to newly repaired pumps, and they are working with their contractor to ensure that both pumps are in good working condition. He expressed it will take sustained rain inflow to restore the pump operation, charge the canals, and make deliveries again this season. He also explained that during shortages, prior and paramount lands of the Pueblos will receive water over other lands and any water exceeding the prior and paramount demand will be distributed to other MRGCD lands as efficiently and equitably as possible.

Director Baugh asked if the pump service was so high because they were down two out of three.

Mr. Martinez responded that his is not privy to those details, but the chief procurement officer is working with the contractor to reduce those costs while pumps are down.

Mr. Casuga added they are always billing one month back, so it should be reflected on the next one.

Director Jiron asked if they were going to mow and maintain the irrigation canal, they have the plug on, on Hwy 314, because he was told it could not be unplugged in a timely manner due to all the debris and trees there.

Mr. Martinez said he needs to review the incident report before commenting on that but agrees MRGCD should be accountable and prevent those types of incidents.

Vice Chair Dunning made the **MOTION TO APPROVE EXTEND THE MEETING PAST 6:00**. Seconded by Madam Chair Russo Baca. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Jiron	Yes
Director Duggins	Yes	Director Baugh	Yes

Madam Chairwoman Yes

AGENDA ITEM NO.10 - REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR
a. Bureau of Reclamation - Jennifer Faler, Area Manager

Madam Chair Russo Baca read a letter from Ms. Faler:

From Jennifer Faler, Bureau of Reclamation

River drying began on July 14 near Fort Craig (RM 64.4) and reached a maximum of 25.6 miles. The river re-connected on July 21 and disconnected Aug 1, reconnected again on Aug 30, disconnected on Sept 1.

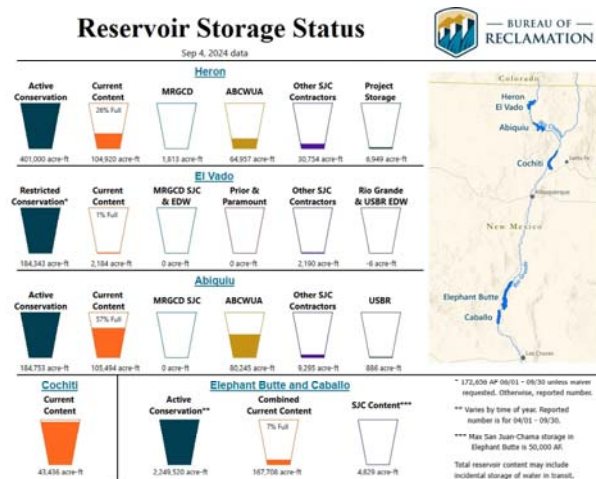
Today, about 19.9 miles are dry in the San Acacia reach and the Isleta reach is connected. The Isleta bypass is 40 cfs and the San Acacia bypass is 20 cfs.

MRGCD stopped releasing SJCP water from Abiquiu Saturday and Reclamation's release of supplemental water went to ~90 cfs in an effort to keep the Angostura connected. Reclamation has released about 3,700 ac-ft of supplemental water this year.

Rains in Southern Colorado brought additional inflow to Heron Reservoir. Reclamation will make a final allocation on September 15 which will be a full allocation for 2024.

There will be a Value Planning Study on El Vado Dam alternatives September 17-19. Thanks to MRGCD for helping with this study.

Reclamation would also like thank MRGCD, the Albuquerque Bernalillo County Water Utility Authority, and the City of Santa Fe for helping to coordinate storage options and offer water for the first fill plan at El Vado. Under this plan, storage in El Vado will be increased in stages in late 2024 and the performance of the dam will be evaluated. If all goes well, El Vado may hold about 20,000 ac-ft into 2025.



b. Bureau of Indian Affairs - Patrick Taber, Acting Designated Engineer

Patrick Taber was not present at today's meeting.

AGENDA ITEM NO. 11- REPORT(S) FROM THE HUMAN RESOURCES DEPARTMENT - Christine L. Nardi, MBA

a. Introduction of MRGCD New Hires

Ms. Nardi announced new hires and promotions for the District; stated that the vacancy rate is just under 10%.

Albuquerque Division

GREGORIO	HERRERA	WELDER I	08/19/2024 PROMOTION
CISDEL	DEALISON	LIGHT EQUIPMENT OPERATOR	08/19/2024

General Office

CALVIN	JIRON JR.	ISO II-ZONE B14 (ISLETA DAM OPERATOR/ISO)	08/19/2024
ESTELLA	GAMBOA	ASSESSMENT AND COLLECTION CLERK SUPERVISOR AND TRAVEL COORDINATOR	09/02/2024 PROMOTION
ERIK	GONZALES	IRRIGATION SYSTEMS OPERATOR	09/02/2024 PROMOTION
ROCHELLE	TIMES	ACCOUNTANT	09/03/2024
MICHAEL	CHAVEZ	IRRIGATION SYSTEMS OPERATOR	09/16/2024
CARMELINA	COON	ACCOUNTS RECEIVABLE/ACCOUNTS PAYABLE CLERK	10/14/2024

Lorna Wiggins, MRGCD's General Counsel, introduced Ally Dabney to her office. She said that Ms. Dabney was a UNM grad of law school and undergrad. She will be admitted and sworn in on September 30th.

AGENDA ITEM NO. 12- REPORT(S) FROM THE CHIEF PROCUREMENT OFFICER - Richard DeLoia

a. Consideration/Approval of the Socorro Channel Lining Phase 2.

Mr. DeLoia presented for the Socorro Main Canal lining phase two project, requesting approval to Vital Consulting Group for \$6,044,913.13 with tax, funded through the Water Trust Board Grant #6297. The award was recommended by Wilson & Company.

b. Consideration/Approval of the Socorro Channel Lining Construction Management

Mr. DeLoia presented approval to the Socorro Main Canal lining phase two construction administration task order, also part of the #6297 Water Trust Board Grant, with a reward to Wilson & Company for \$235,423.77 with tax, which is awarded through the on-call engineering contacts.

Madam Chair Russo Baca read a comment from Director Kelly that stated he is in full support of approval of both 12(a) and 12(b).

Director Duggins made the **MOTION TO APPROVE AWARDS TO APPROVE BOTH PROCUREMENTS**. Seconded by Director Jiron. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Jiron	Yes
Director Duggins	Yes	Director Baugh	Yes
Madam Chairwoman	Yes		

AGENDA ITEM NO. 13 - REPORT(S) FROM THE CHIEF OPERATING OFFICER - Eric Zamora

a. Consideration/Approval of Land Sale Resolution M-09-09-24-214

Mr. Padilla summarized Resolution M-09-09-24-214, which would allow them to move forward with the first land sale under the policy. Ms. Nettie Jones submitted her application in February, and they surveyed the property and got an appraisal that came in \$2000. He

said the approval still has to go to the Department of Finance for approval. He is asking MRGCD to move forward and approve the Resolution.

Chair Russo Baca made the **MOTION TO APPROVE RESOLUTION M-09-09-24-214**. Seconded by Vice Chair Dunning. A rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Jiron	Yes
Director Duggins	Yes	Director Baugh	Yes
Madam Chairwoman	Yes		

b. Update on Labor Day Bosque Closures within Valencia County

Mr. Zamora explained this was a closure of the Bosque in the Rankin Road area that has had a bevy of activity this summer where they have had several incidents of illegal activity, including the use of firearms, dumping, and illegal ATV activity. He said they made attempts in the summer to repair gates on a weekly basis and some were cut within a matter of hours after. Mr. Ish, Fish & Wildlife, and Mr. Otero did a field visit of the river to assess the impact of ATV activity within the river channel, where they found shallow pools developing with silvery minnow. They believed it is in the best interest of the Bosque to have an informational weekend and they will be working with Fish & Wildlife, the Sheriff's Office, and other agency partners for more formal enforcement action. Mr. Zamora noted good success for the weekend with no cut gates, and it was much quieter.

c. Update on Ditch Bank Maintenance

Mr. Zamora gave an update on the ditch bank maintenance. He said they have been continuing to work extra hours and some weekends to keep mowers and spray truck out to try to keep up with the maintenance activities.

AGENDA ITEM NO. 14 - REPORT(S) FROM THE CHIEF ENGINEER - Jason M. Casuga, PE

a. Modeling Update on the Belen Highline Canal Emergency Overflow Design - Craig Hoover, Bohannon Huston, Inc.

Craig Hoover, of Bohannon Huston, said they have broken down the initial work they are nearing completion into a study, and they have a proposal for the design of the first part of the improvements to come out of the study. He explained that they did a lot of coordination with MRGCD and the Four Daughters Farm. He said they agreed on where the location of the first overflow should be. He went over the hydraulic modeling results and recommended to go with the narrower width dimensions for the first inflow and improve a portion of the bank in addition to the dredging that's already planned to be done. Mr. Hoover discussed different ideas they have for the overflow structure. He expressed the next steps would be finalizing the hydraulic modeling, develop cost estimates for the overflow 1, and work with MRGCD staff to select a preferred configuration. They will then move into design and construction of the first overflow.

Director Duggins asked if they were confident to have this done by March 1st. Mr. Casuga responded they will get it done.

Madam Chair Russo Baca read a comment from Mr. Kelly stating that he reviewed the item and fully supports to design a project that needs to work singularly and in combination with the other overflow, and it is a reason to build it as soon as possible.

Director Duggins asked if there was a storage upstream from this.

Mr. Hoover answered that is an option they are looking at is to have storage and a sediment pond upstream as part of the first phase.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE BELEN HIGHLINE CANAL EMERGENCY OVERFLOW DESIGN**. Seconded by Vice Chair Dunning. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Jiron	Yes
Director Duggins	Yes	Director Baugh	Yes
Madam Chairwoman	Yes		

Mr. Casuga discussed a task order to move them into design. He explained the fee is not just designing the one outlet but designing others and other elements as well. The recommend award to move forward from the analysis phase into design at \$252,753.01, including gross receipts tax.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE TASK ORDER**. Seconded by Director Colin Baugh. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Jiron	Yes
Director Duggins	Yes	Director Baugh	Yes
Madam Chairwoman	Yes		

b. Report on the Rio Grande Headwaters Tour with Bureau of Reclamation, August 20, 2024 - Jason M. Casuga, CE/CEO

Mr. Casuga gave a report on the Rio Grande Headwaters Tour. This tour showed them what Colorado does to ensure New Mexico's portion of the Compact makes it to New Mexico. He said there are things they can learn as a state by going up there and see how they do things.

c. Report on the Water & Natural Resources Meetings, August 26 & 27, 2024 - Jason M. Casuga, CE/CEO and Chair Russo Baca

Mr. Casuga reported on the Water & Natural Resources Meeting in Socorro. He was asked to participate in the Low Flow Conveyance Channel and Rio Grande Compact panels. He said the information was worthwhile and they are showing people at EBID and New Mexico they want to know what is going on down there. He stated there were a lot of conversations about physical storage and he believes they will get the negotiation with ABCWA and BOR for physical storage space done by the end of the year. He expressed that they would see a 25% reduction in surface water over the next 50 years, and being able to store water and being in Compact compliance will be important for all

of their missions. Mr. Casuga added it was shocking to people to see how much water is sitting up above Elephant Butte at river mouth 60.

Vice Chair Dunning commented that the word is not getting out and farmers do not understand that it is not just El Vado, but also the Compact.

Mr. Casuga voiced that he believes they are consistent with their messaging to the public. He said the Compact is also controversial because their narrative is to be in Compact compliance as a conservation measure. He said he does not see how they bring transformative change to how they deal with water in the state while there is water ponded at River Mile 60.

d. Report on the State, United States and MRGCD - Six Middle Rio Grande Pueblos Settlement Meeting - Jason M. Casuga, CE/CEO and Chair Russo Baca

Mr. Casuga stated a federal assessment team has been assigned and MRGCD and other entities have submitted letters of support to the federal government to seek and assign a negotiation team. He vowed to keep them posted as they get into the process.

e. Report on the Six Middle Rio Grande Pueblos Coalition Meeting, September 5, 2024 - Jason M. Casuga, CE/CEO, Eric Zamora, COO, Anne Marken, Water Ops Division Manager and Chair Russo Baca

Mr. Casuga shared there were a lot of questions around water, and they answered questions about their work order process that they have begun to allow them to meet the strategic objective in their BIA contract to allow Pueblos to enter their own work plan directly into the system as a service request that will track it from service request to completion. He added this will improve accountability.

Director Baugh asked if it is the District's role to say how many facilities were maintained servicing.

Mr. Casuga responded that MRGCD's role will be varied and there will be a lot of non-tribal interesting negotiation.

f. Information on Upcoming Events

- 1. Desert Willow and Pollinator Festival, September 21, 2024 - Whitfield Wildlife Conservation Area**
- 2. Coalition of Rio Grande Water Users 2024 Conference, October 1-3, 2024 - Santa Fe, NM**
- 3. Colorado River Water Users Association (CRWUA) 2024 Conference, December 4-6, 2024 - Las Vegas, NV**
- 4. Family Farm Alliance Annual Conference, February 2025 - Reno, NV**

Madam Chair Russo Baca reported on the upcoming events and added the Congreso of the New Mexico Safety Association on November 15th and 16th, at the Highlands in Las Vegas, New Mexico.

AGENDA ITEM NO. 15 - REPORT(S) FROM THE MRGCD ATTORNEY(S) - Chief Water Counsel or General Counsel

Ms. Wiggins reserved her comments until executive session.

Ms. Bruff also stated she had nothing to report outside of the closed session.

AGENDA ITEM NO. 16 REPORT(S) FROM THE BOARD

a. Report on the Meeting with Ronnie & Annie Sanchez, Irrigators off the Chamisal Lateral, July 10, 2024 - Director Duggins

Director Duggins explained he was contacted by Annie Sanchez off the Chamisal Lateral, who was having a problem. He said in his view, the turnouts are installed too high. Director Duggins put a patch on it for her, but it needs be installed better. He warned that in his opinion, if it is not fixed it will spill out and create a big hole.

b. Report on the Meeting with David Chavez, an irrigator off the Socorro Acequia, July 21 & July 30, 2024 - Director Duggins

Director Duggins showed a drone video of the canal and the access points to the ditch. He stated that only one person has been singled out to cut traffic down.

Director Jiron also went out there to look at the issue. He said there are multiple roads that access that ditch bank. He talked about the District putting up big boulders. He brought up that they were told an irrigator installed the crossover to go over the ditch, but that is the District's responsibility.

Mr. Casuga said he was happy to clarify historical existing policy and information on the plat and easements. He stated it is historical that a person can build a private driveway or crossing with MRGCD right of way. He shared they would go through how this property was analyzed and show consistency of the way they have done this. Mr. Casuga expressed that once they understand the policy and time it has taken to understand the policies of MRGCD, they will understand why they do what they do. He commented that if the Board deems the policy inequitable, they have the ability change the policy. He noted that they gave this to their lawyer for legal opinion and provided that to Director Duggins.

Director Duggins said they are irrigators and need access to the canal just like everybody else. He also asked who was liable if someone gets hurt on the boulders.

Director Jiron asked Mr. Casuga if he was asked to go and look at this before it being brought up.

Mr. Casuga responded that he has been asked but has not been out there.

Madam Chair Russo Baca suggested having a reviewing of the policy. It was decided the Irrigation Committee would do that.

Director Jiron agreed they need to review policies but does not see how one road is singled out in the policies.

Vice Chair Dunning made the **MOTION TO APPROVE ALL BOARD REPORTS**. Seconded by Director Baugh. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Kelly	Yes	Director Jiron	Yes
Director Duggins	Yes	Director Baugh	Yes
Madam Chairwoman	Yes		

c. Report on the Farmers for Future Farmers Meeting, August 13, 2024 - Chair Russo Baca

Refer to Appendix I for the chair's written reports.

d. Report on the Conservation Advisory Committee Meeting, August 15, 2024 - Chair Russo Baca

Refer to Appendix I for the chair's written reports.

e. Report on the Interview at the Gutierrez Hubbell House, August 27, 2024 - Director Baugh

Director Baugh reported that he was interviewed, and they applied makeup to his face.

f. Report on the "We are Acequias" NM Acequia Association Meeting, September 3, 2024 - Chair Russo Baca

Refer to Appendix I for the chair's written reports.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE REPORTS FROM THE BOARD**. Seconded by Vice Chair Dunning. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Duggins	Yes	Director Jiron	Yes
Madam Chairwoman	Yes	Director Baugh	Yes

The chair requested a motion to go into closed session at 6:57 pm.

Madam Chair Russo Baca made the **MOTION TO GO INTO EXECUTIVE SESSION**. Seconded by Vice Chair Dunning. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Duggins	Yes	Director Jiron	Yes
Madam Chairwoman	Yes	Director Baugh	Yes

AGENDA ITEM NO. 14 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

. Madam Chair Russo Baca made the **MOTION TO GET OUT OF EXECUTIVE SESSION** at 7:48pm. Seconded by Vice Chair Dunning. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

Director Sandoval	Yes	Vice Chair Dunning	Yes
Director Duggins	Yes	Director Jiron	Yes
Madam Chairwoman	Yes	Director Baugh	Yes

During the closed session, various matters were discussed; no decisions were made.

With no further comments, questions, or concerns, Madam Chair Russo Baca adjourned the meeting at 7:48 pm.

Approved to be the correct Minutes of the Board of Directors of September 9, 2024.

ATTESTED:

Pamela Fanelli, CMA, CGFM
Secretary-Treasurer/CFO

Stephanie Russo Baca, Madam Chair
MRGCD Board of Directors

Chair Russo Baca Board Reports September 9, 2024

Report on the Farmers for Future Farmers Meeting, August 13, 2024

This meeting occurs on the second Tuesday of the month at 6 p.m. at 4 Daughters Land and Cattle in Tome. The discussion continued about the status of El Vado Reservoir, the plug on the Rio Chama, and how long the San Juan Chama water allocation will last for the season. Additionally, there was a discussion on irrigation water supply and other assistance for farmers throughout the district.

Report on the Conservation Advisory Committee Meeting, August 15, 2024

Topics of Discussion

Current Hydrology Update – Ashley Veihl

Del Norte (S L Valley) –512 (July) – 687 (August)
 Lobatos (NM/CO Line) –120 (July) – 187 (August)
 La Puente (Chama) –60 (July) – 174 (August)
 Below Abiquiu (Chama) –295 (July) – 300 (August)
 Otowi (Main Stem) –433 (July) – 772 (August)
 Below Cochiti –263 (July) – 599 (August)
 Bosque Farms –103 (July) – 38 (August)
 Narrows (Just above EB) –44 (July) – 79 (August)

- Sediment plugin Chama restricting flows

Peralta WW OCS Update

- Gates have been purchased.

2024 IDM-EWLP – Ashley Veihl and Ray Hartwell

- Outfall updates (Ashley)
- EWLP and IDM accounting (Ray)

Report on the Water and Natural Resources Committee Meeting, August 26 & 27, 2024- Jason M. Casuga, Chair Russo Baca.

https://www.nmlegis.gov/committee/Interim_Committee?CommitteeCode=WNR You can find the agenda, handouts, and future meetings by following the link above. Mr. Casuga presented on both days on behalf of MRGCD. The topics included the Low Flow Conveyance Channel, Rio Grande Compact Compliance, and Conservation Policies and Water Management in Agriculture.

Report on State, United States, and MRGCD – Six Middle Rio Grande Pueblos Settlement Meeting, August 28, 2024- Jason M. Casuga, Chair Russo Baca.

This meeting was an introductory and informational meeting and an opportunity for MRGCD to ask questions about the settlement process.

Report on the “We are Acequias” NM Acequia Association Meeting, September 3, 2024- Chair Russo Baca.

Please see the agenda below. There was a discussion on the Middle Rio Grande water, policy issues, and MRGCD water supply. There was also a discussion about the upcoming NMAA Congreso: <https://lasacequias.org/https://lasacequias.org/>

We Are Acequias! **Juntos en Defensa del Agua**

September 3, 2024

- **6:00p** Welcome from SVRAA of NMAA and regional delegates - introductions
- **6:10p** Teatro Acequero - "El Aceite y El Agua No Mezclan"
By Dabi Garcia and Yolanda Jaramillo
- **6:30p** South Valley Regional Association of Acequias
- **6:45p** Center for Social Sustainable Systems (CESOSS)
- **7:00p** New Mexico Acequia Association
 - a. Overview of Congreso, structure, regional delegates
 - b. Policy update from NMAA
 - c. Importance of acequia unity in the face of Chevron water symposia
 - d. A look ahead on MRG water policy issues



Report on the Six Middle Rio Grande Pueblos Coalition Meeting, Sept 5, 2024 – Jason M. Casuga, Eric Zamora, Anne Marken, Chair Russo Baca, Director Sandoval

There was continued discussion about NM SOS Maggie Toulouse Oliver's presentation during the last coalition meeting on the MRGCD elections and the Local Election Act and what the future may hold regarding whether the elections will be returned to MRGCD to run or, if there is no legislation to change otherwise, whether the counties will have to run the MRGCD election. Additionally, Mr. Casuga and Ms. Marken presented the water supply conditions, the sediment plug on the Chama, and maintenance updates.