



Agenda

**For Presentation at the
2,216th Regular Meeting of the Board of Directors of the
Middle Rio Grande Conservancy District**



October 14, 2024 – 3:00 p.m.

Zoom Meeting Link:

<https://zoom.us/j/2765069278?pwd=V2d0SWppTkxGTTFMb0g5RFhmeERjZz09>

Meeting ID: 276 506 9278 and Passcode: 504470

MRGCD General Office * 1931 Second Street SW * Albuquerque, New Mexico
Meetings are held on second Mondays/month. Any questions please call the Board Liaison at (505) 247-0234.
For more information, visit our website at www.mrgcd.com

All items on Agenda are Subject to Action and times shown are approximate and are subject to change.

- 2:00 1. **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
 - 2. Threatened or Pending Litigation
- 3:00 2. **Pledge of Allegiance**
- 3:01 3. **Approval of the Agenda**
- 3:03 4. **Consent Agenda**
 - a. Consideration/Approval of Payment Ratification – October 14, 2024
 - b. Consideration/Approval of September 2024 Invoice for Wiggins, Williams & Wiggins
 - c. Consideration/Approval of September 2024 Invoice for Law and Resource Planning Assoc.
 - d. Consideration/Approval of August 2024 Invoices for Spencer Fane LLP
 - e. Consideration/Approval of September 2024 Invoices for Spencer Fane LLP
 - f. Consideration/Approval of the Minutes for the Regular Board Meeting – September 9, 2024
 - g. Report from the Public Information Officer, Amanda Molina (For Informational Purposes Only)
 - h. Memo on MRGCD Approved Licenses for September 2024 (For Informational Purposes Only)
- 3:10 5. **Consideration/Approval of the Collective Bargaining Agreement with AFSCME – Jason M. Casuga, CE/CEO**
- 3:25 6. **Consideration/Approval of the Abiquiu Agreement between ABCWUA, BOR & MRGCD – Jason M. Casuga, CE/CEO**
- 3:35 7. **Items from the Floor (Comments are limited to three (3) minutes)**
- 3:45 8. **Consideration/Approval of the Amended Resolution M-07-08-24-210.1 Regarding the Use of Electric-Assisted Bicycles (e-Bikes) and powered Micromobility Devices on MRGCD Lands and Facilities – Jason M. Casuga, CE/CEO**
- 3:55 9. **Report(s) from the Water Operations and Distribution Divisions**
 - a. Report on Water Supply Conditions – Anne Marken, Water Ops Division Manager
 - b. Status Report on Water Distribution – Matt Martinez, Water Distribution Division Manager
- 4:05 10. **Report(s) from the Department of the Interior**
 - a. Bureau of Reclamation– Jennifer Faler, Area Manager
 - b. Bureau of Indian Affairs – Patrick Taber, Acting Designated Engineer

- 4:15 11. **Report(s) from the Human Resources Department** – Christine L. Nardi, MBA
- a. Introduction of MRGCD New Hires
- 4:25 12. **Report(s) from the Chief Procurement Officer** – Richard DeLoia
- a. Consideration/Approval of the following items:
 - 1. Automatic Control Gate Purchases
 - 2. Low Flow Conveyance Channel San Lorenzo Crossing Design
 - 3. Las Cercas Pilot Project
- 4:40 13. **Report(s) from the Secretary-Treasurer/CFO** – Pamela Fanelli, CMA, CGFM
- a. Consideration/Approval of the First Quarter Financial Statements and Finance committee report – Pam Fanelli, CFO and the Report on the Personnel/Finance Committee Meetings, September 24, 2024 – Directors Kelly, Dunning and Russo Baca
- 4:50 14. **Report(s) from the Chief Engineer/CEO** – Jason M. Casuga, PE
- a. Report on the Six Middle Rio Grande Pueblos Coalition Meeting, September 5 & October 10, 2024 – Director Sandoval, Chair Russo Baca, Jason M. Casuga, CE/CEO
 - b. Report on the Tribal Water Law Conference, September 9-10, 2024 – Jason M. Casuga, CE/CEO, Eric Zamora, COO, Chair Russo Baca and Directors Jiron, Sandoval and Baugh
 - c. Report on the NM Water Law Conference, September 26, 2024 – Director Baugh
 - d. Report on the Coalition of Rio Grande Water Users 2024 Conference, October 1 – 3, 2024 – Jason M. Casuga, CE/CEO, Eric Zamora, COO, Casey Ish, Conservation Program Supervisor, Chair Russo Baca, Vice Chair Dunning and Directors Baugh and Sandoval
 - e. Report on the San Juan-Chama Project Contractor Association Annual Fieldtrip, October 9-11, 2024 – Jason M. Casuga, CE/CEO and Casey Ish, Conservation Program Supervisor
 - f. Information on Upcoming Events
 - 1. National Water Resources Association (NWRA) Annual Conference and Leadership Forum, November 6-8, 2024 – The Clyde Hotel, Albuquerque, NM
 - 2. 25th Annual Congreso de las Acequias, November 15-16, 2024 – Highlands University
 - 3. Valencia County Farmers & Irrigators Informational Meeting, November 21, 2024, TBD
 - 4. Colorado River Water Users Association (CRWUA) 2024 Conference, December 4-6, 2024 – Las Vegas, NV
- 5:15 15. **Report(s) from the MRGCD Attorney(s) – Chief Water Counsel or General Counsel**
- 5:25 16. **Report(s) from the Board**
- a. Report on the Centennial Committee Meeting, September 11, 2024 – Chair Russo Baca, Vice Chair Dunning and Director Baugh
 - b. Report on the Meeting with Explora regarding their USDA Grant, September 13 & 20, 2024 – Director Baugh
 - c. Report on the La Joya Site Visit, September 13, 2024- Chair Russo Baca
 - d. Report on the Conservation Advisory Committee Meeting, September 19, 2024 – Chair Russo Baca

THE PUBLISHING OF THIS AGENDA DOES NOT PRECLUDE THE CONSIDERATION OF OTHER MATTERS.

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Board Liaison at (505) 247-0234 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various formats.

- e. Report on the Alamos de los Gallegos Acequia Association Meeting, September 21, 2024 – Director Baugh
- f. Report on The VCSWCD Annual Desert Willow & Pollinator Festival, September 21, 2024- Chair Russo Baca
- g. Report on the Vasquez Agriculture Advisory Group Meeting, September 26, 2024- Chair Russo Baca
- h. Report on the NM Water Law Conference, September 26, 2024 – Director Baugh
- i. Report on the NM Chile Festival, October 5, 2024 – Chair Russo Baca
- j. Report on the Legislative Committee Meeting, October 7, 2024 – Chair Russo Baca, Vice Chair Dunning and Director Baugh
- k. Report on the Farmers for Future Farmers Meeting, October 8, 2024, Chair Russo Baca, Director Jiron
- l. Report on the Meeting with City of Albuquerque Parks & Recreation / MRGCD: e-Bikes Paved Multi-Use Trails, October 9, 2024- Chair Russo Baca
- m. Report on the Urban Issues Committee Meeting, October 14, 2024 – Directors Kelly, Dunning and Baugh

6:00 17. **Executive Session (cont.)**

- 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
 - 2. Threatened or Pending Litigation

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MIDDLE RIO GRANDE CONSERVANCY DISTRICT
October 14, 2024
Payments for the Period September 01, 2024 through September 30, 2024

4a

Warrant	Vendor Name	Amount	Description	Location
EFT	NEW MEXICO TAXATION & REVENUE DEPARTMENT	22,071.49	AUGUST 2024 WITHHOLDING TAX	
EFT	PAYROLL	315,661.36	PAY PERIOD 18	
EFT	PERA	114,246.41	PAY PERIOD 18	
EFT	IRS	41,537.99	PAY PERIOD 18	
EFT	VOYA DEFERRED COMP	7,866.16	PAY PERIOD 18	
EFT	PAYROLL	319,540.71	PAY PERIOD 19	
EFT	PERA	113,514.53	PAY PERIOD 19	
EFT	IRS	42,999.19	PAY PERIOD 19	
EFT	VOYA DEFERRED COMP	11,666.16	PAY PERIOD 19	
TOTAL PAYROLL		989,104.00		
151455	CHAVEZ, MATTHEW D.	(1,060.00)	VOIDED CHECK DATED 06.20.24	
ACH				
8	UNICOR	390.78	JUL24- SHRED BINS PICKUP	ACCOUNTING
Checks				
152150	4 RIVERS EQUIPMENT	97,242.71	COMPACT EXCAVATOR W/HYDRAULIC COUPLER	ALBUQUERQUE DIVISION
152151	CASUGA, JASON	23.74	EXPENSES RIO GRANDE HEADWATERS TOUR	EXEC TEAM
152152	CHAVEZ, MATTHEW D.	1,060.00	RODENT MANAGEMENT -BELEN HIGHLINE	BELEN DIVISION
152153	CHILD SUPPORT ENFORCE	1,086.40	PAYROLL GARNISHMENT	NON DIVISION
152154	MARTINEZ, MATT	23.74	EXPENSES RIO GRANDE HEADWATERS TOUR	WATER DISTRIBUTION DIV
152155	POSTMASTER	350.00	USPS ANNUAL PERMIT	ACCOUNTING
152156	STATE OF NEW MEXICO	258.21	PAYROLL GARNISHMENT	NON DIVISION
152157	VALENCIA COUNTY CLERK	25.00	RELEASE OF LIEN	ACCOUNTING
152158	4 RIVERS EQUIPMENT	58.08	BUMPERS, LOCK NUTS & WASHERS	ALBUQUERQUE DIVISION
152158	4 RIVERS EQUIPMENT	1,034.52	LINK UNIT 37107	COCHITI DIVISION
152159	A & A LOCK & KEY	1,920.00	REPLACE FRONT DOOR HANDLE & EXIT PUSH BAR	ALBUQUERQUE DIVISION
152160	A-1 QUALITY REDI-MIX	540.00	CONCRETE/SHOTCRETE	SOCORRO DIVISION
152161	ACUITY INSURANCE	97,210.50	FY25- Q1 INSURANCE	NON DIVISION
152162	ADVANCE AUTO PARTS	984.62	AUTOMOTIVE	INVENTORY
152163	ALBUQUERQUE GRAVEL P	703.50	CONCRETE/SHOTCRETE	ALBUQUERQUE DIVISION
152163	ALBUQUERQUE GRAVEL P	936.00	CONCRETE/SHOTCRETE	BELEN DIVISION
152164	AMAZON CAPITAL	140.48	HOOKS & CHAIN REPAIR LINKS	EQUIPMENT REPAIR & TRANS
152164	AMAZON CAPITAL	264.77	I.T. SUPPLIES	INFORMATION SYS
152165	ATMAX EQUIPMENT CO	1,795.57	BLADE BAR & SKID SHOES	ALBUQUERQUE DIVISION
152166	CENTURY EQUIPMENT	114.90	BUSHINGS	ALBUQUERQUE DIVISION
152166	CENTURY EQUIPMENT	4,402.24	MOWER BLADES	INVENTORY
152167	CONSTRUCTION RENTAL	9.19	NEEDLE CAGE	ALBUQUERQUE DIVISION
152168	DESERT GREENS EQUIP	166.65	MISC. JOHN DEERE TRACTOR PARTS	COCHITI DIVISION
152168	DESERT GREENS EQUIP	1,060.71	WINDSHIELD & WEATHERSTRIP	SOCORRO DIVISION
152169	FLEETPRIDE	785.75	POWER TAKE OFF/PTO	SOCORRO DIVISION
152170	GEOTEL CORPORATION	1,721.08	AUG24- PRESS CLIPPING SERVICE	ADMINISTRATION
152171	INTERWEST SAFETY	6,253.80	NO CAMPING OR OVERNIGHT PARKING SIGNS	LICENSING & LAND SALES
152172	INTRAWORKS, INC.	739.99	SERVICING ALARM IN BUILDING	SOCORRO DIVISION
152173	IRON HORSE WELDING,	43.20	IRON HORSE MICHAEL	BELEN DIVISION
152174	LARRY H. MILLER CASA	350.00	INSTRUMENT CLUSTER	ALBUQUERQUE DIVISION
152175	OCCUPATIONAL HEALTH	475.70	SCREENINGS & DOT RECERTIFICATIONS	ALBUQUERQUE DIVISION
152175	OCCUPATIONAL HEALTH	312.10	SCREENINGS & DOT RECERTIFICATIONS	WATER DISTRIBUTION DIV
152176	PRUDENTIAL OVERALL S	50.00	FY25- UNIFORM RENTAL	BELEN DIVISION
152176	PRUDENTIAL OVERALL S	144.54	FY25- UNIFORM RENTAL	EQUIPMENT REPAIR & TRANS
152177	STAPLES ADVANTAGE	321.73	SUPPLIES	ALBUQUERQUE DIVISION
152177	STAPLES ADVANTAGE	176.73	SUPPLIES	GENERAL OFFICE
152178	TECHNOLOGY INTEGRATION	4,697.99	FY25- SOPHOS ANTIVIRUS ANNUAL RENEWAL	INFORMATION SYS
152178	TECHNOLOGY INTEGRATION	27,601.77	FY25- VMWARE ANNUAL RENEWAL	INFORMATION SYS
152179	ABCWUA	1,382.96	AUG 24	ALBUQUERQUE DIVISION
152179	ABCWUA	754.73	AUG 24	GENERAL OFFICE
152180	BENAVIDEZ, CAROL	519.79	SEPT24 RETIREE	HUMAN RESOURCES
152181	BOR UC REGION: UPPER	52,875.00	BOR MOA	NON DIVISION
152182	CARR, RIGGS & INGRAM	14,958.80	FY25 AUDITOR CONTRACT- BILLING #1	ACCOUNTING

Warrant	Vendor Name	Amount	Description	Location
152183	CENTURY LINK	80.89	AUG24	BELEN DIVISION
152184	CITY OF SOCORRO	303.61	STATE 1 RD: WATER & GAS	SOCORRO DIVISION
152185	FRANK'S SUPPLY CO	447.30	1/2" AIR IMPACT WRENCH & ADAPTERS	COCHITI DIVISION
152186	GENSLER, DAVID	268.48	AUG 24 RETIREE	HUMAN RESOURCES
152187	GOVERNMENT PORTFOLIO	968.26	JULY 24 INVESTMENT SERVICES	ACCOUNTING
152188	GREENWOOD, JEFFREY C	370.92	SEPT24 RETIREE	HUMAN RESOURCES
152189	JARAMILLO, DANNY A.	1,419.74	SEPT24 RETIREE	HUMAN RESOURCES
152190	JIVE COMMUNICATIONS	2,541.20	SEPT24	GENERAL OFFICE
152191	MAINTENANCE SERVICE	414.10	SEPT24	ALBUQUERQUE DIVISION
152191	MAINTENANCE SERVICE	2,036.03	SEPT24	GENERAL OFFICE
152192	MARQUEZ, DENNIS M	1,394.21	SEPT24 RETIREE	HUMAN RESOURCES
152193	MORA, RUBEN	600.72	SEPT24 RETIREE	HUMAN RESOURCES
152194	NEW MEXICO GAS CO	34.02	AUG24	BELEN DIVISION
152195	OLGUIN TAMMY	191.77	SEPT24 RETIREE	HUMAN RESOURCES
152196	PENA BLANCA SANIT	94.39	WATER, SEWER, REFUSE	COCHITI DIVISION
152197	PNM	695.44	AUG24	ALBUQUERQUE DIVISION
152197	PNM	1,072.50	AUG24	BELEN DIVISION
152198	PREVENTIVE PEST	235.06	JULY24 PEST CONTROL	EQUIPMENT REPAIR & TRANS
152199	V-VARGAS, ERMELINDA	511.96	SEPT24 RETIREE	HUMAN RESOURCES
152200	WEX BANK	100,982.70	SEPT24: UNL \$28,567 DSL \$72,376 FEES \$39.99	DIVISIONS/MULTIPLE DEPTS
152201	BANK OF AMERICA	1,446.48	BENTLEY VIRTUOSITY ENGINEERING LICENSE	INFORMATION SYS
152201	BANK OF AMERICA	525.95	HAMPTON INN RIO GRANDE HEADWATERS TOUR	EXEC TEAM
152201	BANK OF AMERICA	525.95	HAMPTON INN RIO GRANDE HEADWATERS TOUR	WATER DISTRIBUTION DIV
152201	BANK OF AMERICA	525.95	HOLIDAY INN PAGOSA RIO GRANDE HEADWATERS	CONSERVATION/PLANNING
152202	BERNALILLO COUNTY CL	50.00	RELEASES OF LIENS	ACCOUNTING
152203	HOME DEPOT CREDIT	8.96	2 GALLON BUCKETS	EQUIPMENT REPAIR & TRANS
152203	HOME DEPOT CREDIT	46.25	A/C PARTS	COCHITI DIVISION
152203	HOME DEPOT CREDIT	14.88	FIELD ITEMS	WATER OPERATIONS
152203	HOME DEPOT CREDIT	432.97	GARDEN CART	COCHITI DIVISION
152203	HOME DEPOT CREDIT	342.90	MISC. SHOP ITEMS	EQUIPMENT REPAIR & TRANS
152203	HOME DEPOT CREDIT	38.98	PAINT	ALBUQUERQUE DIVISION
152203	HOME DEPOT CREDIT	115.75	SHOP SUPPLIES	ALBUQUERQUE DIVISION
152203	HOME DEPOT CREDIT	795.69	SHOP TOOLS, CONSTRUCTION SUPPLIES	BELEN DIVISION
152203	HOME DEPOT CREDIT	31.84	SHRINK WRAP	ALBUQUERQUE DIVISION
152203	HOME DEPOT CREDIT	62.42	TRASH CAN W/LID	EQUIPMENT REPAIR & TRANS
152204	ISH, JAMES CASEY	64.40	EXPENSES RIO GRANDE HEADWATERS TOUR	CONSERVATION/PLANNING
152205	MCT INDUSTRIES, INC.	51,587.50	FY24 EQUIP LOAN-TRAILER	CAPITAL INV FUND BELEN
152206	SANDOVAL COUNTY CLERK	50.00	RELEASE OF LIEN	ACCOUNTING
152207	SOCORRO ELECTRIC	8,769.00	AUG24	SOCORRO DIVISION
152208	4 RIVERS EQUIPMENT	7,835.20	FY24 EQUIP LOAN - BRUSH HOG ATTACHMENT	CAPITAL INV FUND SOCORRO
152208	4 RIVERS EQUIPMENT	335.16	FILTERS	ALBUQUERQUE DIVISION
152208	4 RIVERS EQUIPMENT	2,617.52	MISC PARTS UNIT 67303	SOCORRO DIVISION
152209	A & A LOCK & KEY	30.00	DUPLICATE KEYS - UNIT 44420	ALBUQUERQUE DIVISION
152210	ACTION HOSE INC.	234.40	1 1/2 HOSE FOR HERBICIDE PUMP	ALBUQUERQUE DIVISION
152210	ACTION HOSE INC.	38.65	AIR FITTINGS	ALBUQUERQUE DIVISION
152210	ACTION HOSE INC.	91.86	HOSE	ALBUQUERQUE DIVISION
152210	ACTION HOSE INC.	280.89	HYDRAULIC HOSE ASSEMBLY	ALBUQUERQUE DIVISION
152210	ACTION HOSE INC.	1,364.82	HYDRAULIC HOSE ASSEMBLY UNIT 47019	ALBUQUERQUE DIVISION
152210	ACTION HOSE INC.	38.91	HYDRAULIC HOSE ASSEMBLY UNIT 47312	ALBUQUERQUE DIVISION
152211	ADVANCE AUTO PARTS	706.38	AUTO SUPPLIES	INVENTORY
152212	ALBUQUERQUE BOLT	124.00	BOLTS & LOCK WASHERS	INVENTORY
152212	ALBUQUERQUE BOLT	10.00	STAINLESS BOLTS, LOCK & FLAT WASHERS	EQUIPMENT REPAIR & TRANS
152213	ALBUQUERQUE SEWING	1,350.00	TARP & SEAT REPAIRS	ALBUQUERQUE DIVISION
152214	AMAZON CAPITAL	3,991.99	COMPUTERS AND SUPPLIES	INFORMATION SYS
152214	AMAZON CAPITAL	259.99	CUTTING ROD	EQUIPMENT REPAIR & TRANS
152215	ANM, INC.	1,377.60	ANM - MS PROJECT LICENSES - ANNUAL	INFORMATION SYS
152216	ARBOR METALS	366.00	ALUMINUM ANGLE	WATER OPERATIONS
152217	ATMAX EQUIPMENT CO	5,405.30	FILTERS	INVENTORY
152218	BETSY ROSS FLAG GIRL	406.50	USA & NEW MEXICO FLAGS	NON DIVISION
152219	BOBCAT OF ALBUQUERQUE	283.65	THERMOSTAT, DRAINS & SWITCH	ALBUQUERQUE DIVISION

Warrant	Vendor Name	Amount	Description	Location
152220	BOHANNAN HUSTON	9,979.55	TASK# 5- FEEDER 3 PUMP STATION	ENGINEERING & MAPPING
152220	BOHANNAN HUSTON	32,186.12	AUG24- BHLIC DESIGN CONCEPTS	BELEN DIVISION
152220	BOHANNAN HUSTON	6,799.35	IRRIGATION INFRASTRUCTURE ASSESSMENT	ENGINEERING & MAPPING
152220	BOHANNAN HUSTON	4,821.85	SAN ACACIA LEVEE CERT	ENGINEERING & MAPPING
152221	BOHANNAN HUSTON	7,696.38	B TO B - MOUNTAINVIEW PH 1	GRANTS FUND GO
152222	BOOT BARN	5,527.64	FY25 BOOT VOUCHERS	ALBUQUERQUE DIVISION
152222	BOOT BARN	268.99	FY25 BOOT VOUCHERS	BELEN DIVISION
152222	BOOT BARN	444.49	FY25 BOOT VOUCHERS	COCHITI DIVISION
152222	BOOT BARN	127.49	FY25 BOOT VOUCHERS	EQUIPMENT REPAIR & TRANS
152222	BOOT BARN	150.00	FY25 BOOT VOUCHERS	SOCORRO DIVISION
152223	BUSTED STEM	370.60	TIRE REPAIR/SERVICE CALL	ALBUQUERQUE DIVISION
152223	BUSTED STEM	188.35	TIRE REPAIRS	ALBUQUERQUE DIVISION
152224	CHACON, MARK	19.94	SEPT24 RETIREE	HUMAN RESOURCES
152225	CINTAS FIRST AID	55.00	SEPT24 WATER COOLER RENTAL	BELEN DIVISION
152225	CINTAS FIRST AID	45.00	SEPT24 WATER COOLER RENTAL	COCHITI DIVISION
152225	CINTAS FIRST AID	45.00	SEPT24 WATER COOLER RENTAL	EQUIPMENT REPAIR & TRANS
152225	CINTAS FIRST AID	45.00	SEPT24 WATER COOLER RENTAL	SOCORRO DIVISION
152226	CITY OF BELEN	1,221.21	25 GENERAL EDWARD BACA AUG24	BELEN DIVISION
152227	CONSERVANCY OIL CO	3,412.20	OIL AND DEF	INVENTORY
152228	CONSTRUCTION RENTAL	1,664.05	STIHL PRODUCTS	INVENTORY
152229	CONTINENTAL BATTERY	301.92	BATTERIES	ALBUQUERQUE DIVISION
152229	CONTINENTAL BATTERY	226.44	BATTERIES	SOCORRO DIVISION
152230	CRAIG INDEPENDENT	212.48	TIRE	WATER DISTRIBUTION DIV
152230	CRAIG INDEPENDENT	48.20	TIRE REPAIR ON UNIT#54016	BELEN DIVISION
152230	CRAIG INDEPENDENT	118.62	TIRE UNIT#53468	WATER DISTRIBUTION DIV
152230	CRAIG INDEPENDENT	42.20	UNIT#54016 TIRE REPAIR	BELEN DIVISION
152230	CRAIG INDEPENDENT	383.69	MOUNTED NEW TIRES	BELEN DIVISION
152230	CRAIG INDEPENDENT	49.44	OVERSIZED TIRE REPAIR	BELEN DIVISION
152230	CRAIG INDEPENDENT	55.54	TIRE REPAIR	BELEN DIVISION
152230	CRAIG INDEPENDENT	22.21	TIRE REPAIR	WATER DISTRIBUTION DIV
152231	CRITTERS OIL CHANGE	75.00	OIL CHANGE	WATER DISTRIBUTION DIV
152232	DESERT GARDENS	1,592.81	VEGETATION REMOVAL	LICENSING & LAND SALES
152233	DESERT GREENS EQUIP	5,410.90	JD FILTERS	INVENTORY
152234	EPRAXIS, LLC.	8,500.00	AI TRAINING- 50% DOWN	NON DIVISION
152235	FINANCE AUTHORITY	28,197.53	SEPT24	DEBT SERVICE
152235	FINANCE AUTHORITY	18,104.14	SEPT24	DEBT SERVICE
152235	FINANCE AUTHORITY	13,209.70	SEPT24	DEBT SERVICE
152236	FLEETPRIDE	1,242.30	MISC PARTS - UNIT 74803	EQUIPMENT REPAIR & TRANS
152237	GENUINE NAPA	225.98	AIR BRAKE VALVE	BELEN DIVISION
152237	GENUINE NAPA	652.61	PARTS & REPAIRS	BELEN DIVISION
152237	GENUINE NAPA	162.04	SHOP SUPPLIES	BELEN DIVISION
152238	GOMEZ, RAY	1,724.48	SEPT24 RETIREE	HUMAN RESOURCES
152239	GPS, LLC	24.23	REPAIR-UNIT# 80021 2022 FORD F150	SOCORRO DIVISION
152239	GPS, LLC	24.23	REPAIR-UNIT# 80021 2022 FORD F150	SOCORRO DIVISION
152239	GPS, LLC	118.92	SERVICE-UNIT# 80031 2022 FORD F150	SOCORRO DIVISION
152240	GRAINGER	73.26	ORIFICE LINE	WATER OPERATIONS
152240	GRAINGER	20.13	PRESSURE SWITCH	BELEN DIVISION
152241	HACIENDA HOME CENTER	107.98	EXTENSION CORD & SURGE STRIP	EQUIPMENT REPAIR & TRANS
152241	HACIENDA HOME CENTER	773.91	FIRST AIDE KITS	INVENTORY
152242	HM LIFE INSURANCE	1,476.75	SEPT24 - DAVIS VISION	NON DIVISION
152243	HUB INTERNATIONAL	16.00	ADD INSURANCE FOR HAMM TRENCH	NON DIVISION
152243	HUB INTERNATIONAL	205.00	INSURANCE FOR NEW EQUIPMENT UNIT 47114	NON DIVISION
152243	HUB INTERNATIONAL	57,764.08	PROFESSIONAL LIABILITY INSURANCE	NON DIVISION
152244	HUNTER BOWER LUMBER	1,457.28	CONCRETE	INVENTORY
152245	INLAND KENWORTH INC.	85.70	ELECTRIC HORN	ALBUQUERQUE DIVISION
152245	INLAND KENWORTH INC.	127.78	SEAT COVER & HOSE	ALBUQUERQUE DIVISION
152245	INLAND KENWORTH INC.	598.38	TORQUE RODS	EQUIPMENT REPAIR & TRANS
152246	INTERWEST SAFETY	384.00	BOSQUE SIGNS	LICENSING & LAND SALES
152246	INTERWEST SAFETY	11,425.00	SIGNS FOR LICENSING	LICENSING & LAND SALES
152247	JOSE M. AGUILAR J.A	289.96	SERVICE CALL TO MOUNT NEW TIRE	BELEN DIVISION

Warrant	Vendor Name	Amount	Description	Location
152247	JOSE M. AGUILAR J.A	351.45	TIRE REPAIR	BELEN DIVISION
152248	LARRY H. MILLER CASA	600.64	SWITCH & CLOCK SPRING	ALBUQUERQUE DIVISION
152249	LEGALSHIELD	615.45	AUG24	NON DIVISION
152250	MARQUEZ, BELLINA C	718.05	SEPT24 RETIREE	HUMAN RESOURCES
152251	MCT INDUSTRIES, INC.	725.28	MISC PARTS	BELEN DIVISION
152251	MCT INDUSTRIES, INC.	249.16	TARP PULL ROD	ALBUQUERQUE DIVISION
152252	MELLOY FORD LOS LUNAS	643.37	MISC PARTS	WATER DISTRIBUTION DIV
152253	MESA OIL, INC	89.16	FLEET PRODUCT DISPOSAL	EQUIPMENT REPAIR & TRANS
152254	NAPA AUTO PARTS	12.99	AUTO SUN SHADE	CONSERVATION/PLANNING
152254	NAPA AUTO PARTS	206.48	BRAKE PADS & MISC PARTS/SUPPLIES	ALBUQUERQUE DIVISION
152254	NAPA AUTO PARTS	44.67	MISC PARTS/SUPPLIES	EQUIPMENT REPAIR & TRANS
152254	NAPA AUTO PARTS	155.65	MISC PARTS	WATER DISTRIBUTION DIV
152254	NAPA AUTO PARTS	96.40	MISC SUPPLIES	WATER OPERATIONS
152255	NED'S PIPE & STEEL	181.76	HINGES, MISC SUPPLIES	BELEN DIVISION
152255	NED'S PIPE & STEEL	314.60	MATERIAL FOR YARD GATE PROJECT	SOCORRO DIVISION
152256	NEW MEXICO GAS CO	85.89	AUG24	COCHITI DIVISION
152257	NEW MEXICO MUTUAL	27,948.09	INSTALLMENT, AUDIT & DEDUCTIBLE	NON DIVISION
152258	NEW MEXICO TRACTOR SUP	271.74	CHAIN SAW PARTS, MISC PARTS	BELEN DIVISION
152259	O'REILLY AUTO PARTS	42.77	MISC PARTS & SUPPLIES	BELEN DIVISION
152259	O'REILLY AUTO PARTS	233.64	MISC PARTS & SUPPLIES	INVENTORY
152259	O'REILLY AUTO PARTS	54.28	SPARK PLUGS	ALBUQUERQUE DIVISION
152260	PARTS AUTHORITY	925.00	5 GAL BUCKET GREASE	INVENTORY
152260	PARTS AUTHORITY	488.30	BALDWIN FILTERS	INVENTORY
152260	PARTS AUTHORITY	2,750.00	KEGS OF GREASE	INVENTORY
152261	PNM	7,296.01	AUG 24	ALBUQUERQUE DIVISION
152261	PNM	232.32	SEPT 24	COCHITI DIVISION
152262	POWER EQUIPMENT	749.32	A/C CONDENSER & SCREWS	ALBUQUERQUE DIVISION
152262	POWER EQUIPMENT	719.13	VOLVO FILTERS	INVENTORY
152263	PRUDENTIAL OVERALL	50.00	UNIFORM RENTAL	BELEN DIVISION
152263	PRUDENTIAL OVERALL	52.13	UNIFORM RENTAL	EQUIPMENT REPAIR & TRANS
152264	PURCELL TIRE COMPANY	219.00	TIRE	WATER DISTRIBUTION DIV
152264	PURCELL TIRE COMPANY	103.91	TIRE REPAIR	COCHITI DIVISION
152265	QUADIANT, INC.	453.71	FY25 - Q1 POSTAGE METER LEASE	NON DIVISION
152266	RAILROAD MANAGEMENT	379.14	RAILROAD LICENSE FEE - FY25	NON DIVISION
152267	RAKS BUILDING SUPPLY	12.98	5 GALLON BUCKETS	ALBUQUERQUE DIVISION
152267	RAKS BUILDING SUPPLY	15.97	MATERIAL NEEDED FOR HEADWALLS	SOCORRO DIVISION
152268	RANCHERO BUILDERS	49.38	6"X6" T-POST, DANGER TAPE	BELEN DIVISION
152268	RANCHERO BUILDERS	36.48	SHOP AND WELDING SUPPLIES	BELEN DIVISION
152269	REAL TIME SOLUTIONS	26,583.38	LEASING APPLICATION - GRANT	GRANTS FUND GO
152270	RELEVANT INDUSTRIAL	287.34	HYDRAULIC HOSE ASSEMBLY	ALBUQUERQUE DIVISION
152271	ROBERTS TRUCK CENTER	57.94	AIR TANK CABLES	ALBUQUERQUE DIVISION
152271	ROBERTS TRUCK CENTER	1,393.22	CLUTCH KIT, HOSE, BRAKE & BEARING UNIT 54420	BELEN DIVISION
152272	RUSH TRUCK CENTERS	56.90	SEAT COVER	ALBUQUERQUE DIVISION
152272	RUSH TRUCK CENTERS	182.80	SWITCHES	ALBUQUERQUE DIVISION
152273	SAN ACACIA MDWCA	21.52	WATER SAN ACACIA SEPT24	SOCORRO DIVISION
152274	SANDOVAL COUNTY LAND	1,395.90	AUG24 LANDFILL	ALBUQUERQUE DIVISION
152275	SIGNPLEX LLC	512.00	HIRING BANNERS	HUMAN RESOURCES
152276	SOUTHERN TIRE MART	303.04	TIRES	BELEN DIVISION
152277	SOUTHWEST GENERAL TIRE	684.20	TIRES	BELEN DIVISION
152278	SOUTHWEST LANDFILL	2,613.86	AUG24 LANDFILL	ALBUQUERQUE DIVISION
152279	SOUTHWEST PIPING SUPPLY	742.06	PARTS NEEDED FOR REPAIR ON UNIT#54601	BELEN DIVISION
152280	SPECIALTY COMMUNICATE	161.44	AUG24 MONTHLY RADIO	NON DIVISION
152281	STAPLES ADVANTAGE	58.66	OFFICE SUPPLIES	ACCOUNTING
152281	STAPLES ADVANTAGE	15.40	OFFICE SUPPLIES	GENERAL OFFICE
152281	STAPLES ADVANTAGE	71.74	OFFICE SUPPLIES	WATER DISTRIBUTION DIV
152282	TAS SECURITY SYSTEMS	37.61	SEPT24 ALARM BELEN	BELEN DIVISION
152283	TERRALOGIC DOCUMENT	977.24	ANNUAL MAINT/SUPPORT AGREEMENT	ACCOUNTING
152284	THE PRINTERS PRESS	277.00	WATER SERVICE CHARGE ENVELOPES	NON DIVISION
152285	THOMPSON SAFETY LLC	720.00	SAFETY VESTS	INVENTORY
152286	TIRES TO YOU, LLC.	280.00	TIRE REPAIR	ALBUQUERQUE DIVISION

Warrant	Vendor Name	Amount	Description	Location
152286	TIRES TO YOU, LLC.	125.00	TIRE REPAIR	WATER DISTRIBUTION DIV
152286	TIRES TO YOU, LLC.	770.00	TIRES	ALBUQUERQUE DIVISION
152287	TRACTOR & EQUIPMENT	2,565.00	MOWER BLADES	INVENTORY
152288	TRANSCRIPTION	837.57	BOD MINUTES & TRANSCRIPTIONS	BOARD OF DIRECTORS
152289	UNICOR	260.52	SHRED BINS PICKUP	ACCOUNTING
152290	UNIFORMS & MORE	120.00	SHIRTS NEW EMPLOYEE	ALBUQUERQUE DIVISION
152291	UNUM LIFE INSURANCE	9,209.79	AUG 24	NON DIVISION
152291	UNUM LIFE INSURANCE	7,275.83	SEPT24	NON DIVISION
152292	USA EXPRESS	585.00	TINT	SOCORRO DIVISION
152293	WAGNER EQUIPMENT CO.	290.33	CAT FILTERS	INVENTORY
152294	WASTE MANAGEMENT	278.18	SEPT24 WASTE MANAGEMENT	COCHITI DIVISION
152295	WILSON & COMPANY	8,879.55	SOCORRO MAIN CANAL N. SECT	GRANTS FUND SOC
152296	WIPER SUPPLY INC	148.53	OFFICE SUPPLIES	EQUIPMENT REPAIR & TRANS
152297	CASUGA, JASON	40.00	REIMBURSE PARKING FEE	EXEC TEAM
152298	CHILD SUPPORT ENFORCE	1,086.40	PAYROLL GARNISHMENT	NON DIVISION
152299	MRGCD PETTY CASH	10.86	REPLENISH PETTY CASH JUL24	ALBUQUERQUE DIVISION
152300	POSTMASTER	188.00	ANNUAL MAIL BOX SERVICE	SOCORRO DIVISION
152301	STATE OF NEW MEXICO	258.21	PAYROLL GARNISHMENT	NON DIVISION
152302	VALENCIA COUNTY CLERK	50.00	RELEASE OF LIEN	ACCOUNTING
152303	4 RIVERS EQUIPMENT	15.36	SEALS	COCHITI DIVISION
152303	4 RIVERS EQUIPMENT	456.91	WINDOW	SOCORRO DIVISION
152304	ACTION HOSE INC.	101.19	HYDRAULIC HOSE	COCHITI DIVISION
152304	ACTION HOSE INC.	128.37	MISC PARTS	ALBUQUERQUE DIVISION
152305	ADVANCE AUTO PARTS	1,182.15	FILTERS	INVENTORY
152305	ADVANCE AUTO PARTS	334.16	MISC PARTS	WATER DISTRIBUTION DIV
152306	AWARDS ETC	7.50	NAME PLATE	GENERAL OFFICE
152307	BAKER UTILITY SUPPLY	360.00	MISC PARTS	BELEN DIVISION
152308	BUSTED STEM	242.17	TIRE REPAIR	ALBUQUERQUE DIVISION
152308	BUSTED STEM	178.68	TIRE REPAIR	EQUIPMENT REPAIR & TRANS
152309	CENTURY EQUIPMENT	6,704.96	SPINDLE, NUT & BLADE BAR - UNIT 8425.21	SOCORRO DIVISION
152310	CF PADILLA, LLC	56,822.41	SOCORRO MAIN CANAL PHASE I CHANGE ORDER	GRANTS FUND SOC
152311	CITY OF ALBUQUERQUE	209,842.47	SEPT24 - HEALTH INSURANCE	NON DIVISION
152312	CONTINENTAL BATTERY	292.74	BATTERIES	ALBUQUERQUE DIVISION
152312	CONTINENTAL BATTERY	198.28	BATTERIES	BELEN DIVISION
152313	FLEETPRIDE	112.12	MISC PARTS	ALBUQUERQUE DIVISION
152314	GENUINE NAPA	125.74	HYDRAULIC HOSE & FITTING	BELEN DIVISION
152314	GENUINE NAPA	529.01	MISC PARTS & SUPPLIES	BELEN DIVISION
152315	IMSCO DIVISION	228.17	2002 LOCKS	ALBUQUERQUE DIVISION
152316	INLAND KENWORTH INC.	518.61	MISC PARTS	INVENTORY
152317	JIFFY LUBE	167.98	OIL CHANGE	COCHITI DIVISION
152317	JIFFY LUBE	36.25	WINDSHIELD CHIP REPAIR	BELEN DIVISION
152318	LEGALSHIELD	615.45	SEPT24	NON DIVISION
152319	NAPA AUTO PARTS	168.79	MISC PARTS	ALBUQUERQUE DIVISION
152319	NAPA AUTO PARTS	399.00	MISC PARTS	SOCORRO DIVISION
152319	NAPA AUTO PARTS	25.65	MISC PARTS & SUPPLIES	BELEN DIVISION
152319	NAPA AUTO PARTS	59.45	MISC PARTS & SUPPLIES	EQUIPMENT REPAIR & TRANS
152320	O'REILLY AUTO PARTS	(65.48)	CREDIT 2930-394612 20250464	WATER DISTRIBUTION DIV
152320	O'REILLY AUTO PARTS	66.22	MISC PARTS	BELEN DIVISION
152320	O'REILLY AUTO PARTS	35.46	MISC PARTS	WATER DISTRIBUTION DIV
152321	POWER EQUIPMENT	155.38	FILTERS	ALBUQUERQUE DIVISION
152321	POWER EQUIPMENT	350.64	WINDOW	ALBUQUERQUE DIVISION
152322	PREVENTIVE PEST	160.36	PEST CONTROL SPRAY	GENERAL OFFICE
152323	PURCELL TIRE COMPANY	194.41	TIRE REPAIRS	ALBUQUERQUE DIVISION
152323	PURCELL TIRE COMPANY	26.75	TIRE REPAIRS	WATER DISTRIBUTION DIV
152323	PURCELL TIRE COMPANY	142.44	WHEEL-MOUNT-DISMOUNT	ALBUQUERQUE DIVISION
152324	RANCHERO BUILDERS	101.89	WATER HOSES & NOZZLE	BELEN DIVISION
152325	RELEVANT INDUSTRIAL	125.05	MISC PARTS & SUPPLIES	BELEN DIVISION
152326	ROBERTS TRUCK CENTER	374.50	MISC PARTS	ALBUQUERQUE DIVISION
152327	SECURITY SOURCE	180.00	KEYS	BELEN DIVISION
152328	SOUTHWEST GENERAL TIRE	828.20	TIRES	WATER DISTRIBUTION DIV

Warrant	Vendor Name	Amount	Description	Location
152329	STATE OF NEW MEXICO	302,515.00	FY2025 GENERAL LIABILITY COVERAGE	NON DIVISION
152330	USA EXPRESS	1,160.00	WINDOW TINT	ALBUQUERQUE DIVISION
152330	USA EXPRESS	149.99	WINDOW TINT	EQUIPMENT REPAIR & TRANS
152331	WATER STRATEGIES	9,000.00	SEPT24 CONSULTING	NON DIVISION
152331	WATER STRATEGIES	2,000.00	SPONSORSHIP COALITION OF RIO GRANDE WATER	NON DIVISION
152332	WIPER SUPPLY INC	116.94	MISC SUPPLIES	ALBUQUERQUE DIVISION
Credit Card Payment				
900009	WELLS FARGO BANK	1,697.82	MANURE HOOKS	NON DIVISION
		2.16	AUG24 SUBSCRIPTION	INFORMATION SYS
		650.00	COALITION OF RIO GRANDE WATER USERS CONF.	ADMINISTRATION
		3,250.00	COALITION OF RIO GRANDE WATER USERS CONF.	BOARD OF DIRECTORS
		650.00	COALITION OF RIO GRANDE WATER USERS CONF.	CONSERVATION/PLANNING
		1,300.00	COALITION OF RIO GRANDE WATER USERS CONF.	EXEC TEAM
		650.00	COALITION OF RIO GRANDE WATER USERS CONF.	LICENSING & LAND SALES
		650.00	COALITION OF RIO GRANDE WATER USERS CONF.	WATER OPERATIONS
		312.93	COSTCO-SUPPLIES	GENERAL OFFICE
		250.00	DAWSON R. REGISTRATION DFA CONFERENCE	ACCOUNTING
		240.74	DEPOSIT HOTEL CRGWU SANTA FE	BOARD OF DIRECTORS
		240.74	DEPOSIT HOTEL CRGWU SANTA FE	EXEC TEAM
		118.39	EMAIL & TEXT MESSAGING SYSTEM	ADMINISTRATION
		255.14	HORIZONTAL ENGINE	SOCORRO DIVISION
		39.96	INTERMEDIA ANNUAL	INFORMATION SYS
		50.40	JC - EXPENSES RIO GRANDE HEADWATERS TOUR	EXEC TEAM
		40.90	MISTER CARWASH CEO UNIT 13423	EXEC TEAM
		280.00	PAM FANELLI GFOA ANNUAL RENEWAL	EXEC TEAM
		133.51	SNAGIT RENEWAL	INFORMATION SYS
		215.24	STORAGE CABINET /ER&T	EQUIPMENT REPAIR & TRANS
		300.00	TOWING SERVICES	LICENSING & LAND SALES
		1,253.00	TRAINING - ENGINEERING	ENGINEERING & MAPPING
		989,104.00	TOTAL PAYROLL	
		1,273,537.77	TOTAL CHECKS/EFT - GENERAL FUND	
		59,511.37	TOTAL CHECKS - DEBT SERVICE FUND	
		99,981.72	TOTAL CHECKS - GRANTS FUND	
		59,422.70	TOTAL CHECKS - CAPITAL INVESTMENT FUND	
		<u>\$ 2,481,557.56</u>	GRAND TOTAL	
<div> <div>Pamela S. Fanelli, CFO</div> <div>Stephanie Russo Baca, Chair</div> </div>				

**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, Madam 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

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

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

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
Madam Chairwoman

Yes
Yes

Director Baugh

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
Director Kelly
Director Duggins
Madam Chairwoman

Yes
Yes
Yes
Yes

Vice Chair Dunning
Director Jiron
Director Baugh

Yes
Yes
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.

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

123
124 Director Jiron pointed out that on the graph it has E-bikes at a lower speed and
125 traditional bikes at a faster speed, but E-bikes are going to travel faster and further, and
126 someone pedaling a traditional bike will get tired, so the numbers do not make sense.

127
128 Mr. Carroll agreed that is a valid question. He stated he typically rides an analog bike for
129 8 miles and an E-bike 15 miles, but that did not affect his speeds.

130
131 Director Baugh asked about the difference in weight and cost between the two bikes.

132
133 Mr. Carroll answered that the average Class 1 E-bike weight is around 45 pounds, and
134 heavier for Class 2 and 3. A traditional bike is probably 25 to 30 pounds.

135
136 Director Baugh inquired on how fast an E-bike can get to its top speed compared to a
137 traditional bike.

138
139 Mr. Carroll said it depends on how fast someone pedals. He expressed there are three
140 modes to an E-bike, eco mode, trail mode, and turbo mode, and all cut off at 20 mph.

141
142 Director Baugh asked about the number of E-bike accidents on an annual basis.

143
144 Mr. Carroll did not know, but he would look into that and let them know.

145
146 Director Baugh questioned if there was a study on if people can tell the difference
147 between Class 1, 2, and 3.

148
149 Mr. Carroll replied it is almost impossible to tell from a visual inspection, but a Class 2
150 bike will usually not go with a Class 1 bike would.

151
152 Madam Chair Russo Baca asked if there was a study within their area and if not, if he
153 believed riders within the area would submit data.

154
155 Mr. Carroll said there is not, but Parks and Rec have planned on doing studies for that.

156
157 Madam Chair Russo Baca then inquired on if there have been any criminal or civil cases
158 on E-bikes that have occurred in their jurisdiction. She also said it would be nice to have
159 one in the boardroom with a presentation for visual aid.

160
161 Mr. Carroll answered that he is not aware of any and will have E-bikes there next month.

162
163 Director Duggins asked if riding an E-bike is any different from riding a horse on a ditch
164 bank, and said he would much rather be hit by a 20 mph E-bike than a horse.

165
166 Mr. Casuga explained that because there was not public input done, MRGCD has
167 restricted the use of E-bikes on all lands owned and/or operated by MRGCD.

168
169 Madam Chair Russo Baca read a statement by Director Kelly, stating the MRGCD is
170 responsible for the Bosque and have taken many actions to protect the Bosque and
171 ditch system. He said MRGCD needs to prioritize the aspects of the Bosque and ditch
172 system and protect the assets for traditional uses, not a new class of recreational
173 cyclists.

174
175

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 Pomeroy
E-MTB Policy and
Program Manager
PEOPLEFORBIKES

EMTB Week 2023
for trailbikes.com/newsletter
National Outdoor Recreation Center



Dr. Rami
FOREST DIRECTOR,
NATIONAL FOREST
U.S. FOREST SERVICE

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 uphills 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

Planes to Miles: 10 mph use trail systems in California between Nevada City and Truckee

Table 2: Comparison of Ride Log speeds from Strava and Trail Forks (Strava and Trail Forks are popular trail tracking apps)

Planner Trail Sections	Top 10 Average Speed Class 1 E-Bike 19.3 mph	Top 10 Average Speed Traditional MTB 15.3 mph	Top 10 Average Speed Class 2 E-Bike 13.8 mph	Top 10 Average Speed Traditional MTB 14.8 mph	App
Leprechaun Ridge (Strava)	-	-	-	-	Strava
Whispered Canyon (Strava)	-	-	-	-	Strava
Whispered Canyon (Trail Forks)	-	-	-	-	Trail Forks
Whispered Canyon (Trail Forks)	-	-	-	-	Trail Forks
Whispered Canyon (Trail Forks)	-	-	-	-	Trail Forks
Whispered Canyon (Trail Forks)	-	-	-	-	Trail Forks
Whispered Canyon (Trail Forks)	-	-	-	-	Trail Forks
Whispered Canyon (Trail Forks)	-	-	-	-	Trail Forks
Whispered Canyon (Trail Forks)	-	-	-	-	Trail Forks
Whispered Canyon (Trail Forks)	-	-	-	-	Trail Forks

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." (E2 Connect analysis)
- Speeds are not significantly different
- Trail accidents
- No reported eMTB – equestrian accidents
- One reported eMTB – hiker accident; 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.

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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 OHV's, as well as in 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 OHV's 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

SENATE 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 Grandbury'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's office, Martin Heinrich's office, Madeline Kathleen Kates, also in attendance was our very own Mike Hansen. All spoke positively & were willing to help.

At the Corrales meeting, board member Kelly said that having too many complications that he feels the siphon could still be done by next year. (midwinter season), I am also optimistic that it can be done if the assessment were approved soon.

I again thank you all.
Tony 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.



Back Country Horsemen of New Mexico
PO Box 4324
Santa Fe, NM 87506

9/11/2024

Middle Rio Grande Conservancy District
1801 2nd St SW
Albuquerque, NM 87102

Dear Board of Directors:

Back Country Horsemen of New Mexico members are dedicated to the enjoyment of riding horses in New Mexico's public lands, and to ensure that public lands remain open to recreation use. As Back Country Horsemen are proud to have served as volunteers to public lands agencies for the past thirty-two years and represent eight chapters throughout the state of New Mexico, those living in the Albuquerque area.

I appreciated the chance to speak on Monday, September 9th at the meeting. This issue means a great deal to our members. We appreciated the openness of Dean Carroll's presentation. However, we found his data to be flawed, and we clarified some of his comments below. We also applaud your efforts to include the public in an upcoming venue. E-bike concerns for our membership include:

- 1) E-bikes are motorized assisted by an electric motor. It is not a bicycle! This designation is recognized as such by our national and state agencies.
- 2) Today, there are so many types of e-bikes, it would be impossible to enforce.
- 3) On dirt trails they are mostly undeveloped, and vegetation is much thicker which will cause line of sight issues for hikers, hikers, and horseback riders.
- 4) Many e-bikes sold on the market today are built with an appearance similar to the three classes of e-bikes addressed in the proposed amendment and some still, a search on YouTube yields dozens of tutorials on how to "hack" or override the

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.

10) E-bikes can travel over 20 mph, a horse or equine is 4 mph. E-bikes are now being marketed to younger audiences to foster a bike.

11) There are 400 miles of bikeways and multi-use trails in Albuquerque alone (citing.gov)

12) The past August, an equestrian rider was injured when a cyclist started the "green" timer in the Conservancy. The bike turned but never stopped and the woman sustained two broken ribs, one fractured rib, and a bruise extending from her back down her right leg. She was taken to the hospital for her injuries. -- Conservancy Comment 8/2/24 -- Safety is key issue!

13) People of Color Coalition has 27 full-time employees and a budget of 3.7 million a year to advocate. They also give access to e-bikes to potential agencies when decisions are being made on these trails.

14) To clarify on a PRF comment: E-bikes are not allowed on non-motorized trails in National Forest lands. The BLM leaves it up to the manager. Realizing e-bikes are on AEG Open Space is up to the Dept of Recreation.

15) Please read the article on "Ecological impacts of (historically assisted) mountain biking" from Global Ecology and Conservation, Vol. 4, August 2022. 402475 done in Europe on Mountain bikes vs E-bikes



<https://www.sciencedirect.com/science/article/pii/S2351986423001105>

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. Speed along with visual presence is the biggest issue for safety and should contribute 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

BCNHM Public Lands Chair

(505) 401-4881

cc: Stephanie Russo Bica

Karen Dunning

Jane Bully

Colin Baugh

Brian Joon

Glen Duggins

Michael Simboul

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.

332 **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.

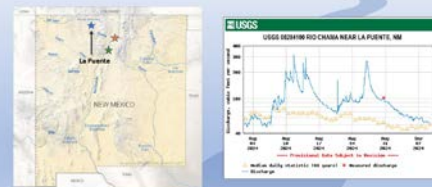
Mr. Casuga answered that is accounted for on a monthly basis of the volume going out and there is a specific calculation for shorting that volume.

Water Supply Update

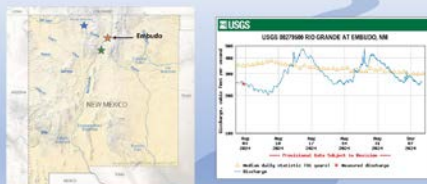
Middle Rio Grande Conservancy District Board of Directors Meeting
September 9th, 2024



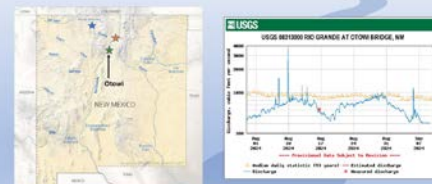
USGS Rio Chama Near La Puente



USGS Rio Grande at Embudo



USGS Rio Grande at Otowi Bridge



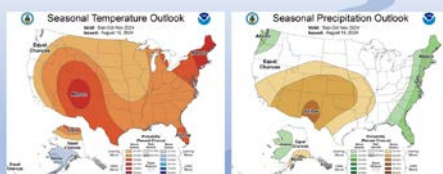
2024 New Mexico Monsoon Rainfall Percent of Average Precipitation



National Weather NM Temperature and

Location	Maximum Temperature							Probability of Precipitation						
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Albuquerque	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Santa Fe	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Farmington	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Gallup	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Grants	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Clayton	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Raton	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Las Vegas	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Moriarty	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Tucuman	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Chama	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Socorro	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Chama	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Tuba	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Angel Fire	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Los Alamos	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Redondo	81	81	81	81	81	81	81	10	10	10	10	10	10	10
Questa	81	81	81	81	81	81	81	10	10	10	10	10	10	10

National Weather Service 90 Day Outlook



Questions?

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.

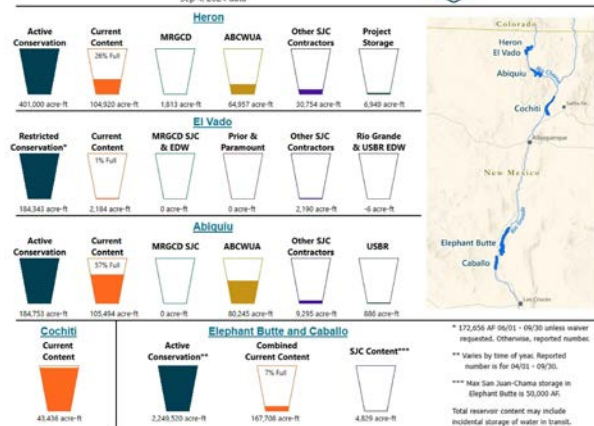
Rains in Southern Colorado brought additional inflow to Heron Reservoir. Reclamation will make a final allocation on September 15 which will be a full allocation for 2024.

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.

Reservoir Storage Status

Sep 4, 2024 data

**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 the 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.

Messages received through Facebook and MRGCD Contact Us Form:

Jeanette Rodriquez via Facebook

Good afternoon,

After seeing the map of allowed trails it seems as tho we have traveled backwards and not moved towards a solution for all citizens of the community. We are all tax payers and have a right to an appropriate amount of the trails to enjoy. I am disappointed in the way this was handled. There absolutely needs to be more trails opened up for everyone to enjoy and not discriminated against. I felt as tho we were gracious enough to have Jason along to see that E Bikes are not what people are making them out to be just to have it thrown out the window. It will be interesting to see tax payers dollars wasted policing the trails unnecessarily while there are bigger problems in the community that need policing. Please do your due diligence and do the work needed to open more trails that is what I want to see tax payer dollars pay for not a lazy solution.

Thank you
Jeannette Rodriquez
bozosglade@yahoo.com

Message 2 Jeanette Rodriquez via Facebook

Below is an experience from a rider..now we have people in danger. This needs to be fixed now!

On Monday a friend and I rode our ebikes in the east side Bosque trail from Sandia res till the dirt trail ended near Montano, hopped on the paved path till Montano then went back into the Bosque when the dirt trail started back up again. In all that time in the Bosque we saw a whopping 2 people (together) and zero horses. There was also zero signage anywhere that ebikes weren't allowed and nether of us knew that the ban had gone into effect already. Once we went back into the Bosque after Montano, as we were going down the trail for a bit, a guy on a 10 speed up on the paved trail started yelling and screaming at us. We couldn't understand what he was screaming about and neither of us had any interest in finding out. We weren't going fast, until that man started screaming, so naturally we did speed up to get away from the potential situation. We went a ways further down the trail then from behind us we heard that crazy man still screaming his head off and FLYING down the trails after us, FAR faster than we had been going. We felt unsafe being chased by a hostile person like that so booked it out of the Bosque and zipped over to Rio Grande Blvd, where there would hopefully be witnesses/help if this guy continued pursuing us.

Perhaps that was his way of trying to convey that the ban was now in effect but that's definitely not the way to do so!

All that to say, be careful everyone, there's clearly some hostile, unhinged people out there.

Also, as an equestrian, I've ridden my horse in the Bosque for many years and have never had an issue with an ebike rider, in fact, in my experience they've been more aware of their surroundings as well as more courteous than other bike riders.

The trails are supposed to be for everyone to be able to enjoy!

Shawn Fricke via Facebook

I am incredibly disappointed to find out about the resolution you passed to restrict all e-bikes from the Bosque and Alameda drain trails in Albuquerque. I understand safety issues around speeds over 20 mph, but those speeds can also be attained on a non ebike and I see it all the time, particularly on the Bosque trail. Instead of simply restricting the speed, you instead decided to target ebike owners. I've ridden these trails for 20 years, but with some medical issues arising in my 50s I do not have the physical capacity to commute during the week and carry our small kids on trails in the weekend without the use of an e bike. Riding the Bosque trail, one of the most beautiful in the city, has been something we've loved to do as a family, even with my in laws who are now in their 70s and have come back to their love of cycling, again, though e-bikes. Now we're banned from all but the most urban of trails which aren't well maintained and are usually full of trash and shady people or forced out onto the streets which are not safe in Albuquerque. Again, while I understand that some people on ebikes are irresponsible and rude with their speed and create safety issues, I also know that many cyclists on road bikes on these trails act the same way. I think you should reconsider this resolution as, at its core, it's ableist and discriminatory and relegates those with disabilities and/or medical conditions to less accessible and more dangerous routes in the city or to give up commuting and using non-gas vehicles for recreation. That certainly doesn't seem to align with your conservation message and mission. I will not be in town for your next meeting, but would like to request that either this message be entered into the public record or that you could provide me an appropriate email or physical address to submit my feedback on this. Thank you.

Phil Clark via Facebook

Your ebike ban on the paved trails along 2nd St and the Paseo Del Bosque is unwelcome, and intrusive. It negatively affects hundreds of commuters and recreational cyclists that use these trails safely everyday.

Banning micromobility on these trails discriminates against those that cannot afford automobiles and don't wish to get mowed down on our hostile city streets, as well as the elderly that wish to keep cycling for exercise, but need assistance due to pain and joint issues.

Please honor the City of Albuquerque's request, and immediately exempt these paved trails from your ebike ban.

I plan on attending your next board meeting to add my voice to the majority of ABQ area residents that don't support your arbitrary and needless degradation of our quality of life in this city.



Eric Haselby via Contact Us Form

Good morning, MRGCD members. My name is Eric Haselby and I am an Albuquerque resident, retired AF veteran, Sandia National Labs employee, and avid runner and cyclist (traditional, not e-bike). I first became active in following the MRGCD board meetings to receive updates to the El Vado reservoir; I own property in El Vado. I have since become interested in following the e-bike presentations and rulings. Although I thank Mr. Carroll for providing a presentation on e-bikes, I don't feel the appropriate message was delivered, and there were key points that were not addressed. Please note that this entire message is specifically addressing class 1 e-bikes (pedal assist only), not class 2 or class 3.

First, on the discussion of ride speeds and abilities to go long distances, Mr. Carroll solely spoke to his age and ability. I ride with many cycling groups in Albuquerque, none of which ride e-bikes, and we typically ride 35-100 miles during our group rides and often average 18-22mph for those distances (I'm happy to provide data to support). To say that e-bikes have an increased danger due to their increased exposure (longer rides) on trails does not take into account the hundreds of able bodied traditional cyclists who currently cycle for hours on end and can maintain the speeds at which e-bikes no longer provide motor assist. We should celebrate the fact that people can experience the outdoors and have the ability to enjoy those experiences for longer durations.

Second (and I feel most importantly), New Mexico is currently ranked as one of the most dangerous states to operate a vehicle. On my daily commute in my vehicle, I experience speeders, red light runners, distracted drivers, and the obvious chemical or alcohol impaired driver; so much so that I have invested in a dash cam in both of my vehicles. I bring this up because as a cyclist (whether biking for fitness or commuting), I take every opportunity to not ride in traffic. Albuquerque has done some great things with bike lanes, but there are still MANY areas of the city that riders are forced to share the road with these irresponsible and dangerous drivers. If Albuquerque drivers scare you when you are in your car, secured by a seatbelt, and surrounded by air bags, you should try to share the lane with them wearing nothing but a helmet when they are going three times faster than you. Many riders (analog and e-bike) use the paved Bosque path for this exact purpose; it is an extremely safe route to get from the north to the south, or vice versa. Not allowing class 1 bikes on the paved path will push more cyclists onto our streets; many of which are not cycling friendly. According to the Pedalcycle Crash Statistics report, Albuquerque averaged about 188 bicycle crashes per year (between 2016 and 2020), and 97% involved a vehicle. I personally have been

assaulted multiple times while riding my bike in the bike lane or on a shared lane. In fact, just last weekend when I was using an official “bicycle blvd” (shared bike and car lane), I had a water bottle thrown at me and they yelled at me to get off the road (but used much fouler language). Cyclists, including e-bike riders, are not subjected to this type of dangerous behavior when utilizing the paved Bosque path.

Third, as Mr. Carroll expressed, e-bikes provide people the ability to ride longer and further when they do not have the fitness or abilities to ride a traditional bike. I see these folks on almost every single one of my rides, and I promise you the majority of them are not attempting to do the 20mph maximum that the bike motor will assist. The vast majority of them are just cruising at low speeds and enjoying the ability to get outdoors and be active. You might be asking yourself why I am so passionate about this topic when I ride a traditional bike (actually many bikes, I currently have 7); my wife rides a class 1 e-bike. This gives her the opportunity to ride with me when she would not be able to otherwise. Due to the large elevation changes throughout the city, she used to have to get off her traditional bike and push it up almost every hill, making it a less than enjoyable experience, and is the reason she stopped traditional cycling. When we ride together, we are not zipping through people and accelerating at breakneck speeds as your members have assumed. We ride conservatively (often around 12-15mph), make frequent stops for coffee/breakfast, and really enjoy the outdoors and everything the Bosque has to offer. We also use our bikes when commuting between our home (Volcano Vista) and our rental property (the bluffs on Coors and I-40). Her only option now is to ride down Coors Blvd... would you ride a bicycle on Coors between Montano and I-40??? When your ruling was made, and my wife realized she was unable to use the Bosque paved path as a viable way to traverse the city minimizing vehicle exposure, she said will not be riding much anymore. I’m sure she is not the only one that will make this decision.

Fourth, the price of e-bikes came up in the discussion. People seemed amazed at how much they cost, but if you do your research, and \$800 e-bike is less than half the cost of a normal road or mountain bike that folks were ride the same distances. The price should not have any weight in this discussion as it provides no value to the environmental and safety discussion.

Lastly, a few members mentioned knowing someone who was hit by and e-bike and the bike fled, or seeing an e-bike crash. As someone who spends MANY hours each week cycling on the roads and paths in Albuquerque for the last few years, I have only seen one bike vs pedestrian accident, and it was not an e-bike. It was on the paved Bosque trail and the pedestrian was looking at their phone when they stepped out onto the trail and into the oncoming cyclist. Unless there is actual data to support this

argument, making these claims is downright dangerous because the audience may now feel that these big bad e-bikes are a threat. Get real data from real cyclists/pedestrians and keep the “my friend said” stories out of the discussion.

I’m angry, confused, and heart broken by the rulings made by the MRGCD. Whether you know it or not (and whether you care or not), you have greatly impacted the cycling community, and not in a good way. You obviously have no knowledge on the subject and made very little effort to inform yourselves prior to the ruling. There are hundreds of cyclists throughout Albuquerque that would be more than happy to provide education, via statistics and their experiences, but you never asked the public for their input. Although I’m an advocate for allowing class 1 e-bikes anywhere a traditional bike is allowed, I’m asking you to reconsider and allow class 1 e-bikes on paved paths in the MRGCD jurisdiction (at a minimum).

If the paved Bosque path wasn’t the safest north-south cycling route, I might have a different stance on the matter. I am more than happy to provide additional information, expertise, experience, and thoughts. I know everyone is trying to do what is best for the conservancy district, but to be brutally honest, you're making an uninformed ruling affecting hundreds, if not thousands, of people.

Christy Campbell via Contact Us Form

As a resident who lives adjacent to the bosque trail I would like to voice my opposition to the closure of this main lane of travel and recreation to ebikes.

As I read this ordinance there was to be a speed limit set, but not a sudden ban of all ebikes.

The implementation of the ban has been confusing. It might have been more understandable if there was a notification through signage-that there was to be this drastic change in the future. This affects many people using this trail. We have seen paper signs erected over the past week, and now this morning they were not there. Honestly it was really discouraging and upsetting to see these signs appear. This is disruptive to daily activity in the bosque recreation area.

My husband and I have enjoyed riding our ebikes through this area for several years with no problems with other bikers, ebikers, walkers, horse riders. We also walk several times a day to the river and have encountered no issues. Please understand that we love living in this area and a big reason is the way we can enjoy the bosque daily throughout the year.

We oppose a ban to ebikes on the bosque paved trails and to the wide crusher gravel trails.

Please let me know who else I might contact to voice my opposition.

Ron Neher via Contact Us Form

It is the rider and not the bike. Announce that you wish to pass and pass at low speed differential.

Strava has segments for some of your trails. For example, Alameda to I-40 is <https://www.strava.com/segments/4329462>

On paved roads, set a speed limit of 20MPH and install some speed monitors that show your speed and flash when over 20MPH. Similar to what is done on Rio Grande Blvd.

Amy Elrod-Lahti via Contact us Form

Hello there,

I am writing to encourage all members of the MRGCD to immediately vote to allow e-bikes on the paved areas of the Bosque trail.

I have an e-bike due to a heart condition, and asthma, that makes it difficult for me to ride a regular bike - the exertion stresses my heart, and causes me to go into atrial flutter. I had nearly given up on riding bikes until I got an e-bike, and figured out that it allowed me to resume a hobby I enjoy very much. My e-bike has a top speed of 20 mph and is "pedal assist," I cannot ride it without pedaling.

If you do not allow e-bikes on the paved areas of the Bosque trail, you are cutting off access to that trail to people like me, who have a documented health condition. People with health conditions and disabilities should not be prevented from biking the Bosque trail because we ride e-bikes. I believe the prohibition of e-bikes on the Bosque trail is an ADA issue, and someone (maybe me!) will sue over it. To prevent costly and lengthy legal entanglements, please vote at your next meeting to allow e-bikes on the paved sections of the Bosque trail.

Thank you!

Amy Elrod-Lahti

Taxpayer

Frank Horine via Contact Us Form

Good Morning:

As a brief introduction, I have lived in the Albuquerque area since 1958 and, for the last 32 years, in the North Valley community of Alameda. I ride e-bikes for pleasure and practical commuting between Alameda and Albuquerque.

Thank you and your staff at MRGCD for the great care and preservation you give to our gorgeous Bosque along the Rio Grande River. These areas are necessary homes for wildlife, and diverse and interesting spaces for walkers.

We have all reached the 4-way intersection where e-bike use and safety, preservation of the environment, off-road e-bikes, and transportation-caused pollution meet, creating either positive opportunity for change or negative and regressive attitudes and behavior.

The he world-wide rapid adoption of e-bikes and their numerous advantages has created this 4-way intersection of often-opposing values for many cities- some of these cities have aggressively outlawed e-bikes; other more-progressive cities have put in the hard work to create practical solutions for allowing e-bike use while still maintaining sound environmental practices.

Our beloved Paseo del Bosque multi-use trail is now at this intersection-of-usage point, with difficult decisions to be made by your group on how to proceed. As both an avid e-bike urban rider and as a walker in the Bosque open-space areas, I very much hope the MRGCD arrives at progressive and practical decisions that will allow e-bike usage on the Paseo del Bosque trail and still maintain the necessary preservation of flora and fauna in the Bosque.

Many other American cities have successfully merged e-bike usage with their environmental concerns- I am very certain we can do the same. Please contact me if you feel I could be of service to you toward a positive win-win goal of allowing e-bike usage on the Paseo del Bosque while maintaining our Bosque environment.

Thank you for your valuable time in reading this e-mail.

With Kindness from:

Frank Horine

James Duran via Contact Us Form

James Duran here. I was born in albuquerque and have lived here most of my life. I am an avid cyclist. I ride the Bosque almost every Sunday. Ebikes provide a way for people to get out and become part of the community. Give the people more opportunities to enjoy our land.

Martha Cook via Contact Us Form

I am a bike rider and own an e-bike and regular bike that is powered by me. I am 73 and got my e-bike when I turned 70.

I use the north diversion channel and bosque trail regularly throughout the year. For years I rode my non e-bike on both trails . The bike trails are for walkers, runners , and bikers. All age groups should have a chance to enjoy the trails. If folks would use common courtesy and follow rules that have speed limits these paths could provide people with a wonderful resource .

I strongly support e-bikes on the paved routes.

I personally don't drive my e-bike on the non paved paths and don't have a strong opinion on how that should be handled.

Definitely support e-bikes on paved trails . Riding my e-bike is an important part of my lifestyle and those public paths are part of Albuquerque 's appeal and it will be a great loss of e-bikes can't use them

Martha Cook

Esther Fredrickson via Contact Us Form:

Dear MRGCD Board,

I am an irrigator and a resident of the South Valley, and I am writing today to express my opposition to the e-bike ban on the bosque trail through Albuquerque. The City of Albuquerque recently voted to allow all classes of e-bikes on paved trails, with a reasonable speed limit. I believe the MRGCD board should respect and defer to this decision on the lands they manage that are within the Albuquerque city limits.

One year ago, my healthy 37-year-old husband suffered a terrifying and life threatening episode of sustained ventricular tachycardia, which nearly killed him. It was a completely unexpected cardiac condition, and after many weeks of tests and doctors' visits, he had surgery and now has a pacemaker/defibrillator implant. This shocking health development (and the six weeks of recovery) lead us to make a resolution together to stay fit, and to incorporate bicycle commuting into our busy lives.

We live in the South Valley, so the bosque trail is our only bike access to downtown, the North Valley, and really any point in the city of Albuquerque. Soon after his recovery, he purchased a pedal assist e-bike. He is a construction contractor, and works long hard days on the jobsite. The e-bike allows him to get 30 miles of good cardio every day he commutes by bike, while also having the energy to do physical work on the job. He carries with him some small tools, plus food and water. Given the demands of his work, this commute would be entirely unreasonable on a normal bike, but the e-bike has made it possible. It has absolutely improved his quality of life, and fitness.

I would like to highlight the fact that there is *no alternative route* to make this commute safely on a bike. There are no other bike lanes or paths connecting our part of the South Valley to Albuquerque.

I would respectfully ask the MRGCD board to defer to the recently passed e-bike ordinance in the City of Albuquerque. MRGCD's main focus should continue to be irrigation.

Thank you for taking the time to consider my letter. Sincerely,

Esther Fredrickson

Kent Seis via Contact Us Form

To whom it may concern, I am 68 years old and use my bike to commute to the West side on the paved trails from Candelaria to Coors. Both Montano and by i40. I also enjoy riding my bikes through the trees in the Bosque. I am always very courteous to everybody I see on the trails and most people I see are also courteous. I see no more damage done by E bikes, then regular bikes, or people trampling where they're not supposed to be by foot. I also do not know of anybody who's been hurt by an E bike. I pay a lot of taxes to middle Rio Grande conservancy district, And hope very much you leave the trails open to all of us with no discrimination. it's wrong to perceive E bikes, being more dangerous than regular bikes or they're going to tear up the land more it's just not right. E bikes allow me to otherwise go places I couldn't go before because of age related problems And I always pedal when I can for exercise. Thank you for allowing us to ride our bikes this land belongs to all of us. People who ride E bikes, or not bad people!



MEMORANDUM LICENSING AND LANDS DEPARTMENT

F.Y.I.

TO: Jason M. Casuga, P.E., Chief Executive Officer/Chief Engineer

THRU: Eric Zamora, P.E., Chief Operations Officer

FROM: Michael Padilla, Right-of-Way Supervisor

DATE: October 14, 2024

RE: M.R.G.C.D. Executed Licenses for September 2024

1. 265-2023 – License with Albuquerque Bernalillo County Water Utility Authority to install and maintain the southside water reclamation plant outfall restoration project within the Rio Grande floodway right-of-way.
2. 093-2024 – License with Vexus Fiber to install and maintain an aerial utility crossing within the Alameda Lateral right-of-way.
3. 094-2024 – License with Vexus Fiber to install and maintain an aerial utility crossing within the Alameda Lateral right-of-way.
4. 095-2024 – License with Vexus Fiber to install and maintain an aerial utility crossing within the Alameda Lateral right-of-way.
5. 096-2024 – License with Vexus Fiber to install and maintain an aerial utility crossing within the Alameda Lateral right-of-way.
6. 160-2024 – License with Public Service Company of New Mexico to install and maintain an aerial utility crossing within the Duranes Acequia right-of-way
7. 198-2024 – Special Use License with Kiwanis Club of Corrales to conduct the 2024 Corrales Ditch Run which includes a 5k, 10k and half marathon run within the Corrales Main Canal and Corrales Acequia rights-of-way.
8. 253-2024 – License with Public Service Company of New Mexico to install and maintain an aerial utility crossing within the Duranes Acequia right-of-way.
9. 265-2024 –License with Public Service Company of New Mexico to install and maintain a parallel aerial utility and three poles within the outer Easterly 5’ of the Las Cercas Acequia right-of-way.
10. 274-2024 – Special Use License with NM Underground Utilities, Inc., to remove existing utility from MRGCD right-of-way and cap both East and West sides of a 4” Ø steel waterline that crosses the Albuquerque Riverside Drain per the Albuquerque Bernalillo County Water Authority Huning neighborhood waterline replacement project.
11. 280-2024 – Special Use License with Titan Electric Inc. to replace ten poles, bore for new conduit and install wire for PNM Projects 345206 and 345208 within the Griegos Lateral right-of-way.

12. 287-2023 – License with New Mexico Gas Company to install and maintain a buried utility crossing within the New Belen Acequia right-of-way.
13. 314-2024 – License with Public Service Company of New Mexico to install and maintain a parallel aerial utility within the outer Westerly 5' of the Chamisal Lateral right-of-way.
14. 315-2024 – License with Public Service Company of New Mexico to install and maintain an aerial utility crossing within the Chamisal Lateral right-of-way.
15. 322-2024 – Special Use License with Rio Grande High School to conduct the Rio Grande High School Invitational Cross Country Race.

1 AGREEMENT BETWEEN
2 the
3 UNITED STATES OF AMERICA
4 DEPARTMENT OF THE INTERIOR
5 BUREAU OF RECLAMATION
6 and the
7 MIDDLE RIO GRANDE CONSERVANCY DISTRICT
8 and the
9 ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY
10 TO RETAIN AND STORE RIO GRANDE SYSTEM WATER IN ABIQUIU RESERVOIR

11 THIS AGREEMENT, made this _____ day of _____, 2024, between the UNITED
12 STATES OF AMERICA, hereafter styled the United States, acting through the Secretary of the
13 Interior (Secretary), Bureau of Reclamation (Reclamation), acting pursuant to the Act of June 17,
14 1902 (ch. 1093, 32 Stat. 388) and Acts amendatory thereof or supplementary thereto, particularly
15 the authority granted the Secretary under Section 14 of the Reclamation Project Act of August 4,
16 1939 (ch.418, 53 Stat. 1197; 43 U.S.C. § 389), and the Act of June 13, 1962 (76 Stat. 96), and the
17 Act of December 27, 2020 (P.L. 116-260, Sec 337), which amended P.L. 97-140 and P.L. 100-
18 522, to authorize concurrent storage of native Rio Grande system water and San Juan Chama
19 Project (SJCP) water in Abiquiu Reservoir; and the MIDDLE RIO GRANDE CONSERVANCY
20 DISTRICT, a body corporate and political division of the State of New Mexico, (MRGCD); and
21 the ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY, a political
22 subdivision of the State of New Mexico, (Water Authority) or (Contractor). Reclamation, MRGCD
23 and the Water Authority may be collectively referred to as the Parties.

24 WITNESSETH THAT:

25 EXPLANATORY RECITAL

26 A. WHEREAS, Congress passed the Act of March 13, 1928 (45 Stat. 312) (1928 Act),
27 recognized prior and paramount (P&P) rights of Pueblo lands and funded construction and
28 betterment of works for the benefit of Pueblo lands; and

29 B. WHEREAS, on August 20, 1930, the New Mexico State Engineer approved a
30 storage permit (Permit 1690) of 198,110 acre-feet (AF) for El Vado Dam to MRGCD for flood
31 control and storage purposes and to be used to supplement the natural flow of the Rio Grande
32 during the irrigation season (MRGCD Usable Water); and

33 C. WHEREAS, El Vado Dam was constructed by MRGCD in 1934-1935 and was
34 rehabilitated by Reclamation in 1954-1955. Responsibility for operation and maintenance (O&M)
35 of El Vado Dam was transferred to MRGCD under Contract No I78r-423 dated September 24,
36 1951 (Repayment Contract), as amended; and

37 D. WHEREAS, Congress authorized the Secretary to rehabilitate El Vado Dam
38 through the Flood Control Acts of 1948 (62 Stat. 1171, 1179), and 1950 (64 Stat. 163, 176); and

39 E. WHEREAS, on May 28, 1963, in accordance with the terms of its Repayment
40 Contract, MRGCD did grant and convey to the United States the rights, titles and interests for
41 Permit 1690; and

42 F. WHEREAS, in 1981 the United States entered into an agreement for the Procedures
43 for the Storage and Release of Indian Water Entitlements of the Six Middle Rio Grande Pueblos
44 (P&P Water) at El Vado Dam; and

45 G. WHEREAS, under Article VI of the Rio Grande Compact, New Mexico shall retain
46 water in storage to the extent of its accrued debit (Compact Debit Water); and

47 H. WHEREAS, Reclamation operates El Vado Dam to retain and store native Rio
48 Grande water as P&P Water, Compact Debit Water, and MRGCD Usable Water; and

49 I. WHEREAS, Congress authorized the Secretary of the Army in the Act of
50 December 29, 1981 (P.L. 97-140, 95 Stat. 1717) to store up to 200,000 AF of San Juan-Chama
51 Project (SJCP) water in Abiquiu Reservoir; and

52 J. WHEREAS, Congress authorized the Secretary of the Army in the Act of
53 December 27, 2020 (P.L. 116-260, Sec 337), to concurrently store native Rio Grande system water
54 and SJCP water in Abiquiu Reservoir up to a maximum elevation 6230.00 NGVD29 without an
55 acre-foot limit with 29,100 AF of storage reserved for San Juan-Chama contractors other than the
56 Water Authority; and

57 K. **WHEREAS**, the Act of December 27, 2020 (P.L. 116-260, Sec. 337) further
58 requires that the storage of native Rio Grande system water will be authorized only if the
59 necessary water ownership and storage rights have been acquired by the entity requesting such
60 storage; and
61

62 L. **WHEREAS**, as part of the storage rights necessary to effectuate its ability to store
63 water pursuant to P.L. 116-260, Sec 337, the Water Authority acquired real property at Abiquiu
64 Reservoir up to the elevation 6230.00 NGVD29 in the form of fee simple ownership and water
65 storage easements which permit permanent inundation and storage of water including SJPC and
66 native Rio Grande system water (the Water Authority's "Property");

67 M. WHEREAS, under its **Contract** entered on the June 26, 2024, with the U.S. Army
68 Corp of Engineers (USACE) (the "USACE Water Storage Contract"), the Water Authority is
69 authorized to concurrently store Rio Grande system water and SJCP water in Abiquiu Reservoir
70 within its Property up to a maximum elevation of 6230.00 NGVD29; and
71

72 N. WHEREAS, Reclamation has commenced Safety of Dams Corrective Action
73 construction on El Vado Dam which will prevent the usual annual retention and storage of native
74 Rio Grande water until construction is completed; and

O. WHEREAS, P&P Water, Compact debit water, and MRGCD Usable Water that would usually be retained or stored in El Vado Reservoir requires retention or storage in Abiquiu Reservoir until the completion of Safety of Dams related construction at El Vado Dam; and

P. WHEREAS, a temporary change of point of diversion of Permit 1690 was granted by the New Mexico Office of the State Engineer for storage of up to 60,000 AF in Abiquiu during Safety of Dams related construction at El Vado Dam and expires on December 31, 2025; and

Q. WHEREAS, the Water Authority and MRGCD are parties to a settlement agreement from June 2002 (the 2002 Settlement) that resulted in an obligation of MRGCD to repay a loan from the Water Authority of 70,000 AF of SJCP water, of which 35,000 AF is still owed to the Water Authority; and

R. WHEREAS, the Water Authority desires to assist Reclamation and MRGCD in the management of the native Rio Grande system water through the duration of the Safety of Dams related construction at El Vado Dam; and

S. WHEREAS, the Water Authority is willing to assist Reclamation and MRGCD in this Agreement to retain and release P&P Water and store and release Compact Debit Water and MRGCD Usable Water on the Water Authority's Property and such assistance is deemed essential by the Parties in carrying out the intent of this Agreement; and

T. WHEREAS, MRGCD and the Water Authority separately negotiated an agreement to grant the MRGCD a suballotment of the Water Authority's contracted storage space under the USACE Water Storage Contract, and this Agreement is intended to supersede and negate that prior effort; and

U. WHEREAS, MRGCD and the Water Authority separately negotiated an additional agreement that allowed MRGCD's to store on the Water Authority's Property its proportional share of the 29,100 acre-feet of the total storage space contemplated by P.L 100-522 that was set aside for non-Water Authority Abiquiu Reservoir Contractors and this Agreement is intended to supersede and negate that prior effort

THEREFORE, IT IS MUTUALLY AGREED AMONG THE PARTIES AS FOLLOWS:

MUTUAL UNDERSTANDINGS OF THE PARTIES

1. The Recitals are incorporated herein by reference.

2. a. This is a one-time, temporary Agreement for the express purpose of facilitating the retention and storage of native Rio Grande P&P Water, Compact Debit Water and MRGCD Usable Water upon the Water Authority's Property and within the Water Authority's allotted storage space under the USACE Water Storage Contract during Safety of Dams related construction project at El Vado Dam.

b. The Parties understand that the Water Authority has existing sub-allotment agreements with other agencies and SJCP contractors that authorize storage within the Water

Authority's allotted storage space and that coordination with other sub-allotment holders to help ensure storage compatibility amongst all users may be required.

c. The Parties understand that in any year of this Agreement, the actual, total quantity of native Rio Grande water retained or stored will vary depending on hydrologic conditions and the applicable restrictions and conditions of the Rio Grande Compact.

d. The Parties understand the quantity of P&P Water retained in each year of the Agreement will be determined by the Bureau of Indian Affairs and be called for retention and release by Reclamation at the direction of the Bureau of Indian Affairs. In connection therewith, the Parties agree to follow the 1981 Procedures for the Storage and Release of Indian Water Entitlements of the Six Middle Rio Grande Pueblos, as applicable.

e. The Parties understand the quantity of Compact Debit Water stored in each year of the Agreement will be determined by Reclamation and MRGCD and released at the direction of the Rio Grande Compact Commissioner(s), as allowed by the Rio Grande Compact.

f. The Parties understand the quantity of MRGCD Usable Water stored in each year of the Agreement will be determined and called for storage and release by Reclamation and MRGCD in coordination with the Water Authority.

g. Nothing in this Agreement will be construed as creating any liability on the part of the Water Authority in the event that the retention and storage of water contemplated under this Agreement is not possible due to the use of space already contracted for or set aside for use by other SJCP contractors for the storage of their SJCP water or for the water storage needs of the Water Authority; and

h. Any water retained or stored under this Agreement in Abiquiu Reservoir shall suffer its proportional share of evaporative losses as determined using existing hydrologic accounting methods in the Upper Rio Grande Water Operations Model.

i. The Parties agree to hold monthly coordination meetings during the months of February through September to determine storage plans and coordinate water operations.

WATER AUTHORITY DELIVERABLES

3. a. The Water Authority agrees to review sub-allotment agreements and initiate coordination with the parties to those agreements on their respective storage plans to accommodate anticipated storage needs under this Agreement to the greatest extent possible.

b. The Water Authority agrees to provide Reclamation and MRGCD permission to store P&P Water, Compact Debit Water, and MRGCD Usable Water on the Water Authority's Property and within the Water Authority's allotted storage space under the USACE Water Storage Contract following the storage plans developed as described under Section 2.a, with the following limitations:

i. The combined volume of P&P Water and MRGCD Usable Water is not to exceed 100,000 acre-feet.

ii. In any year where the total volume of water stored under this Agreement is greater than 100,000 AF, the volume stored in excess of 100,000 AF will be released within 365 days of the initial day of exceedance.

iii. Nothing in this Agreement permits combined volume of P&P Water, Compact Debit Water, and MRGCD Usable Water to reduce the Water Authority's SJCP storage below 50,000 acre-feet during the months of November through February and 30,000 acre-feet during the months of March through October, and any such water impeding on or preventing these minimums, as determined within the sole discretion of the Water Authority, will be released

c. The Water Authority will coordinate and cooperate, as needed, with Reclamation and MRGCD regarding releases of water from Abiquiu Reservoir under this Agreement.

RECLAMATION DELIVERABLES

4. As consideration for this Agreement:

a. Reclamation agrees to inform the Water Authority and MRGCD of all relevant information needed for retention, storage and releases of native Rio Grande water under this Agreement.

b. Reclamation agrees to account for all water retained, stored, or released under this Agreement in the Upper Rio Grande Water Operations Model, including setting up new accounts or other coding or methodologies needed to accurately track the water.

c. Reclamation agrees that the retention and storage of the P&P Water, Compact Debit Water, and MRGCD Usable Water is subject to the limitations set forth above in paragraph 3.b. Reclamation agrees that nothing in this Agreement revises or amends any existing storage agreement between USACE and the Water Authority, nor any other agreement between the Parties.

d. Reclamation will furnish copies of the signed Agreement to all Parties and collect and disseminate information required under the terms of this Agreement to all Parties.

e. Reclamation agrees to provide a long-term waiver during the term of this Agreement to the Water Authority for its SJCP water stored in Heron Reservoir, and to credit the Water Authority with the equivalent of its evaporation losses for its first year of storage.

f. Reclamation agrees to provide a long-term waiver to MRGCD for its SJCP water stored in Heron Reservoir, if needed.

g. Reclamation agrees to provide long-term waivers to any SJCP contractors displaced by the retention and storage of water in Abiquiu Reservoir under this Agreement for their SJCP water in Heron Reservoir, if needed.

h. Reclamation agrees to consider in future National Environmental Policy Act analysis of the Water Authority's storage and release of native Rio Grande system water whether tiering such analysis off broader analysis regarding Middle Rio Grande environmental effects would be supportable as set forth in 43 CFR Section 46.140.

i. Reclamation agrees to work with MRGCD to submit an application for a temporary change in point of diversion to the New Mexico Office of the State Engineer for Permit 1690, prior to the expiration of the temporary change currently in place at the time of execution of this Agreement.

MRGCD DELIVERABLES

4. a. When MRGCD has access to usable storage in Abiquiu Reservoir under this Agreement in excess of 10,000 acre-feet, MRGCD agrees to maintain flows of 200 cubic feet per second (cfs) or greater within the Rio Grande at the streamflow gage Rio Grande at Albuquerque (USGS 08330000). MRGCD and Reclamation recognize the significance of this deliverable to the Water Authority in entering this Agreement based on the Water Authority's interest in consistent carry-water to operate its Raw Water Pump Station.

b. MRGCD will provide payment to the Water Authority in the form of wet SJCP Water or wet native Rio Grande water in an amount equal to 10% of the stored MRGCD usable water volume under this agreement based on the Maximum Daily Stored Volume during the calendar year. The wet water payment will be credited toward repayment of the outstanding water debt owed to the Water Authority by MRGCD under the 2002 Settlement. Notwithstanding the foregoing, MRGCD's payment obligation under this agreement is separate and distinct from any obligations established under the 2002 Settlement, and nothing in this Agreement shall be construed to relieve the MRGCD of its repayment obligation, or any other obligation under the 2002 Settlement except to the extent that those obligations are reduced by this credit. The Parties agree that MRGCD's existing obligations under the 2002 Settlement do not represent a change in operations.

c. MRGCD agrees to work with Reclamation to submit an application for a temporary change in point of diversion to the New Mexico Office of the State Engineer for Permit 1690, prior to the expiration of the temporary change currently in place at the time of execution of this Agreement.

TERMINATION, EXTENSION, OR AMENDMENT

5. a. This Agreement shall terminate on December 31, 2029, with an option to extend annually, for up to an additional 5 years, if agreed to by all Parties in writing.

b. Any Party may terminate this Agreement for any reason by providing notice to each of the other Parties. This Agreement will terminate upon the expiration of 60 days from the date such notice is received by the last Party to receive the notice, unless the Parties each agree

that amending the Agreement would be preferable to termination pursuant to the process identified in subsection 5e. below.

e. In case of a request for termination by any party, the Parties will meet and confer as to the desirability of amending the terms of this Agreement for any remaining years instead of terminating.

NO NULLIFICATION

6. No party may, by termination of this Agreement, nullify obligations already incurred before the date such notice of desire for termination is received, nor prior to the effective date of termination.

ENVIRONMENTAL COMPLIANCE

7. The Parties will comply with applicable federal environmental law.

CONFIRMATION OF CONTRACT

8. Promptly after the execution of this Agreement, the Contractor will provide evidence to the Contracting Officer that, pursuant to the laws of the State of New Mexico the Contractor is a legally constituted entity and the contract is lawful, valid, and binding on the Contractor. This contract will not be binding on the United States until the Contractor provides evidence to the Contracting Officer's satisfaction. In addition to other forms of evidence to meet the requirements of this Article, the Contractor may provide or the Contracting Officer may require a certified copy of a final decree of a court of competent jurisdiction in the State of, confirming the proceedings on the part of the Contractor for the authorization of the execution of this contract.

NOTICES

9. a. Any correspondence to the Water Authority should be directed to:

Albuquerque Bernalillo County Water Utility Authority
Attention: Mr. Mark S. Sanchez, Executive Director
PO Box 568
Albuquerque NM 87102

b. Any correspondence to Reclamation should be directed to:

Bureau of Reclamation
Albuquerque Area Office
Attention: ALB-XXX
555 Broadway NE, Suite 100
Albuquerque NM 87102-2162

c. Any correspondence to MRGCD should be directed to:

Middle Rio Grande Conservancy District
Attention: Chief Engineer / Chief Executive Officer
PO Box 581
Albuquerque, NM 87103

d. The above addresses may be changed by written notice to the other Parties.

e. Notices sent by certified mail, return receipt requested, postage prepaid, shall be deemed delivered on the date stated on the certified mail return receipt. Notices sent by regular first-class mail shall be deemed delivered on the date of delivery by the postal carrier. Notices sent by overnight delivery using a nationally recognized overnight courier shall be deemed delivered upon confirmation from such courier. Notices sent by personal delivery to a responsible person with written confirmation of such delivery shall be deemed delivered upon the date stated.

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

10. The expenditure or advance of any money or the performance of any obligation of the United States under this Agreement shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this Agreement. No liability shall accrue to the United States in case funds are not appropriated or allotted.

OFFICIALS NOT TO BENEFIT

11. No Member of or Delegate to the Congress, Resident Commissioner, or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

CHANGES IN CONTRACTOR'S ORGANIZATION

12. While this Agreement is in effect, no changes may be made in the Contractor's organization, by inclusion or exclusion of lands or by any other changes which may affect the respective rights, obligations, privileges, and duties of either the United States or the Contractor under this Agreement including, but not limited to, dissolution, consolidation, or merger, except upon the Contracting Officer's written consent.

ASSIGNMENT LIMITED—SUCCESSORS AND ASSIGNS OBLIGATED

13. The provisions of this Agreement shall apply to and bind the successors and assigns of the Parties hereto, but no assignment or transfer of this contract or any right or interest therein by either party shall be valid until approved in writing by the other party.

BOOKS, RECORDS, AND REPORTS

14. The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including the Contractor's financial transactions; water supply data; project operation, maintenance, and replacement logs; project land and rights-of-way use agreements; the water users' land-use (crop census), land-ownership, land-leasing, and water-use data; and other matters that the Contracting Officer may require. Reports shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this Agreement shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this Agreement.

PROTECTION OF WATER AND AIR QUALITY

15. (a) The United States does not warrant the quality of the water delivered to the Contractor and is under no obligation to furnish or construct water treatment facilities to maintain or improve the quality of water delivered to the Contractor.

(b) The Contractor will comply with all applicable water and air pollution laws and regulations of the United States and will obtain all required permits or licenses from the appropriate Federal [, State, or local] authorities necessary for the delivery of water by the Contractor; and will be responsible for compliance with all Federal[, State, and local] water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractor facilities or project water provided by the Contractor within its Project Water Service Area.

(c) This article will not affect or alter any legal obligations of the Secretary to provide drainage or other discharge services.

WATER CONSERVATION

16. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this Agreement, the Contractor shall develop a water conservation plan, as required by subsection 210(b) of the Reclamation Reform Act of 1982 and 43 C.F.R. 427.1 (Water Conservation Rules and Regulations).

EQUAL EMPLOYMENT OPPORTUNITY

17. The following language is required by Executive Order No. 11246 of September 24, 1965, in all government contracts unless and until it is superseded or amended.

During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advancements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The Contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Contracting Agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The Contractor will include the provisions of paragraphs (1) through (5) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

18. (a) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (Pub.

L. 88-352; 42 U.S.C. § 2000d), the Rehabilitation Act of 1973 (Pub. L. 93-112, Title V, as amended; 29 U.S.C. § 791, et seq.), the Age Discrimination Act of 1975 (Pub. L. 94-135, Title III; 42 U.S.C. § 6101, et seq.), [Title II of the Americans with Disabilities Act of 1990 (Pub. L. 101-336; 42 U.S.C. § 12131, et seq.)] [Title III of the Americans with Disabilities Act of 1990 (Pub. L. 101-336; 42 U.S.C. § 12181, et seq.)], and any other applicable civil rights laws, and with the applicable implementing regulations and any guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(b) These statutes prohibit any person in the United States from being excluded from participation in, being denied the benefits of, or being otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation on the grounds of race, color, national origin, disability, or age. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(c) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article and that the United States reserves the right to seek judicial enforcement thereof.

(d) Complaints of discrimination against the Contractor shall be investigated by the Contracting Officer's Office of Civil Rights.

CERTIFICATION OF NONSEGREGATED FACILITIES

19. The Contractor hereby certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments and that it does not permit its employees to perform their services at any location under its control where segregated facilities are maintained. It certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments and that it will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Contractor agrees that a breach of this certification is a violation of the Equal Employment Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas,

parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, disability, or otherwise. The Contractor further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Employment Opportunity clause; that it will retain such certifications in its files; and that it will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR
CERTIFICATIONS OF NONSEGREGATED FACILITIES

A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Employment Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually). Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. § 1001.

CONTRACT DRAFTING CONSIDERATIONS

20. This Agreement has been negotiated and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this Agreement pertains. Articles 1 through 5 of this Contract have been drafted, negotiated, and reviewed by the parties, and no one party shall be considered to have drafted the stated articles.

488 IN WITNESS WHEREOF, the Parties hereto have hereunto affixed their names, the date
489 and year first above written.

490 AGREE:

491 UNITED STATES OF AMERICA

Approved as to Legal Sufficiency:

492 _____
493 Albuquerque Area Manager
494 Bureau of Reclamation
495 Interior Region 7 – Upper Colorado Basin

Attorney-Advisor

496 MIDDLE RIO GRANDE CONSERVANCY DISTRICT

497 _____
498 Jason M. Casuga, PE
499 Chief Executive Officer/ Chief Engineer

500 ALBUQUERQUE BERNALILLO COUNTY
501 WATER UTILITY AUTHORITY

502 _____
503 Mark S. Sanchez
504 Executive Director

505 Acknowledged:
506 U.S. ARMY CORPS OF ENGINEERS

507 _____
508 Lt. Col. Matthew Miller
509 LTC District Commander

1 **AMENDED RESOLUTION OF THE BOARD OF DIRECTORS**
2 **OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

3
4 **REGARDING THE USE OF ELECTRIC-ASSISTED BICYCLES (E-BIKES) AND POWERED**
5 **MICROMOBILITY DEVICES ON MIDDLE RIO GRANDE CONSERVANCY DISTRICT (MRGCD)**
6 **LANDS AND FACILITIES**

7
8
9 **M-07-08-24-210.1**

10 **WHEREAS**; the mission of the MRGCD is to maintain and manage irrigation, drainage and river flood
11 control in the Middle Rio Grande Valley, promote efficient and responsible water management, protect
12 the environment, wildlife and endangered species in cooperation with other local, state and federal
13 agencies and provide multi-use recreational opportunities within the Middle Rio Grande valley in
14 partnership with local governments; and

15
16 **WHEREAS**; the MRGCD owns and manages 30,000 acres of bosque in Sandoval, Bernalillo, Valencia
17 and Socorro Counties, including the Rio Grande Valley State Park, Corrales Bosque Preserve, Los
18 Lunas Bosque Open Space Preserve and Socorro Riverine Parks, which are co-managed with local
19 government entities for low impact and non-motorized recreation opportunities; and

20
21 **WHEREAS**; the Rio Grande and adjacent bosque are a continentally significant ecosystem supporting
22 over 400 wildlife species, including five Federally threatened and endangered species; and

23
24 **WHEREAS**; e-bike and micromobility devices have grown in popularity and could provide
25 transportation and recreation opportunities for mobility-challenged and other cyclists; and

26
27 **WHEREAS**; e-bikes and micromobility devices are equipped with motors and are commonly heavier
28 with larger tires than conventional bicycles, with potentially greater impacts to trails and top speeds of
29 almost 30 mph that present a documented danger to other trail users and wildlife, particularly on
30 shared use trails with limited sight distance such as those in the bosque; and

31
32 **WHEREAS**; City of Albuquerque Council Bill No. C/S O-24-14 states that "Bicycles, class 1,2 and 3
33 e-bikes and powered micromobility devices are not permitted in areas, trails, paths, roads or
34 racecourses that have shared use agreements or co-management responsibilities without permission
35 from the partner organizations(s) and unless a sign has been posted indicating such use is allowed;"
36 and

37
38 **WHEREAS**; The MRGCD has partner agreements with the City of Albuquerque and Bernalillo County
39 for the operations and management of the Paseo Del Bosque paved trail and the Alameda Drain paved
40 trail on lands controlled by the MRGCD; and

41
42 **NOW THEREFORE, BE IT RESOLVED** that the MRGCD Board of Directors delegates the authority
43 to approve and regulate the use of e-bikes and micromobility devices on the Paseo Del Bosque and
44 the Alameda Drain paved trails and future paved trails to the respective government entities authorized
45 to manage these trails.

46 **NOW THEREFORE, BE IT FURTHER RESOLVED** that the MRGCD Board of Directors does hereby
47 prohibit the use of (riding) e-bikes and micromobility devices on all other trails, paths, areas, or roads
48 on MRGCD-owned and controlled lands and facilities not covered by the delegated authority as
49 described above. The MRGCD Board of Directors may consider proposals to permit the use of e-bikes
50 and micromobility devices on designated, **unpaved** recreation trails managed by local government
51 entities on MRGCD lands, pending the results of public input processes and trail manager support and
52 approval.

DATED AND RESOLVED this 14th day of October 2024.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Stephanie Russo Baca, Chair of the Board

ATTEST:

Jason M. Casuga, CE/CEO

DRAFT



City of Albuquerque

Parks & Recreation Department

Timothy M. Keller, Mayor

September 20, 2024

Stephanie Russo Baca, Chair
MRGCD Board of Directors
PO Box 581
Albuquerque, NM 87103

Re: Request to allow e-bike operation on the paved Paseo del Bosque and Alameda Drain/2nd Street trails

Dear Chair Russo Baca:

The City of Albuquerque recently enacted an update to City Ordinances (O-24-14) that allows the use of the 3-class system of e-bikes (bicycles with an electric motor under 750 watts and a top speed of 28 mph) and powered micromobility devices (i.e. e-skateboards, e-scooters, and one-wheels) on paved and unpaved trails within the City of Albuquerque, subject to certain limits.

Under City Ordinance, e-bikes are now permitted on all paved multi-use trails and unpaved trails, except (1) on trails for which the City has shared use agreements or co-management responsibilities but lacks permission from the partner organization(s) for such use and/or (2) on trails that the Parks and Recreation Department (PRD) has closed for safety, resource management, or other reasons. Micromobility devices are permitted only on paved trails and are also subject to the two restrictions listed above.

The City Ordinance change also established a maximum speed limit of 20 mph on all City trails and gave the City the authority to set a lower speed limit where appropriate. All trail uses, including "analog bikes" (solely human-powered), e-bikes and micromobility devices are subject to speed limits, which PRD believes is a major key to trail safety (along with trail user education and proper trail behavior/etiquette).

Therefore, paved and unpaved trails managed by PRD that are on MRGCD land (e.g. trails in the bosque and on other MRGCD facilities) remain closed to e-bikes and micromobility devices at the present time, since the City Ordinance prevents it. MRGCD also took action to clarify that it has not authorized such uses and that MRGCD will go through a process to consider such use prior to any authorization of e-bike use on its lands. PRD, of course, agrees with and respects this approach and looks forward to working with MRGCD and the public to decide if, where, and how such use is appropriate.

1801 4th Street NW
Albuquerque, NM 87103
505-768-5353

The City is now beginning the first phases of implementing the new Ordinances. In places where the PRD and MRGCD have use agreements and co-management responsibilities and for which MRGCD will conduct its own process of decision-making, PRD believes it is prudent to distinguish a bit between paved and unpaved trails. In particular, PRD feels that a decision process with respect to paved trails on MRGCD property can and should be addressed first and expedited.

During the course of developing the Ordinance for consideration by the City Council, PRD did extensive research on e-bike use and management on paved and unpaved trails by municipalities, especially in cities like Albuquerque that have extensive trail systems and a thriving outdoor activity lifestyle. While approaches vary, especially as it pertains to managing e-bikes on unpaved, natural surface trails, PRD research confirmed widespread authorization and adoption of e-bike use on multi-use paved trails in municipalities across the country. In addition, PRD research and trail user stakeholder input during a year-long process, as well as the public input during the six-month process as O-24-14 moved through City Council, also confirmed broad support for managed e-bike use on paved multi-use trails in Albuquerque. The maximum speed limit of 20 mph in the City Ordinance (and the ability to set lower speed limits in certain areas and on unpaved trails as appropriate) is based on the experiences of other municipalities as well as national trail design and safety standards.

PRD also notes that the New Mexico State Legislature enacted a statewide e-bike law that took effect in July 2023 (New Mexico Statutes, Chapter 66; Motor Vehicles, Articles 1 and 3) that allows Class 1 e-bikes on a bicycle or pedestrian path where bicycles are allowed, while also allowing local jurisdictions to customize their own local law that does not conflict with the state law.

At present, PRD manages two popular and heavily-used paved, multi-use trails on MRGCD land: the Paseo del Bosque Trail and the Alameda/2nd Street Trail. These trails are covered by our Joint Use Agreement for the management of Rio Grande State Park or a specific License Agreement. The Paseo del Bosque Trail is 16-mile greenway and transportation corridor that allows a variety of trail users to safely travel between the South Valley and Alameda Blvd with no at-grade roadway crossings. It also makes important connections to the Rio Bravo Trail, I-40 Trail, Mountain Rd, and Alameda Blvd for recreationalists and commuters. The Alameda/2nd Street Trail has similar benefits as a safer paved recreation and alternative transportation route.

During the recent Bikeways and Trails Plan Update process, the City conducted surveys regarding comfort of bikeway facilities and e-bike use. Albuquerque has one of the highest rates of pedestrian fatalities in the nation. Cyclists ranging from youth to our active aging population responded to surveys indicating that off-street paved trails provided the highest level of comfort and feelings of safety. While the City works towards Vision Zero goals on our streets, part of the solution is to increase the quality and access of the existing trail network to all users. A well-connected trail network that permits analog and e-bike use, especially with respect to the two paved trails on MRGCD lands,

Stephanie Russo Baca
September 20, 2024
Page 3 of 3

promotes recreation and wellness, reduces the need to drive to reach outdoor recreation opportunities, and encourages active transportation options.

The average age of e-bikes users is older than the average cyclist at 48 years of age and some surveys have shown that over 90% of e-bike owners and those interested in purchasing e-bikes are over the age of 45. E-Bikes allow older people and those with minor health issues like cardiac issues, injuries, and arthritis better equitable access to recreate and move around our City without an automobile.

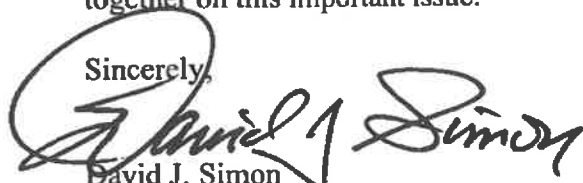
Again, PRD supports a process for considering e-bike use on MRGCD lands. PRD shares MRGCD's concern for the natural and cultural values of the bosque, as well as for the safety of all trail users and visitors to the bosque. Given, however, the existing and rapidly expanding use of e-bikes, the widespread local support for their use on paved trails, and the City's imposition of safe speed limits and implementation of other strategies that apply to all trail users, PRD respectfully requests that the MRGCD Board of Directors authorize as soon as possible the operation of Class 1, 2, and 3 e-bikes and powered micromobility devices on the paved Paseo del Bosque Trail and Alameda Drain/2nd Street Trail in an approach that is consistent with City Ordinance.

E-bike use is already occurring, and it is growing. While PRD is trying to get the word out about where e-bikes are permitted and not permitted, with the passage of the new City law, the public generally understands that paved trails are open to e-bikes. PRD believes that the framework established in City Ordinance provides right now for safe and appropriate management of e-bikes and micromobility devices on paved trails on MRGCD property where MRGCD and the City have shared use agreements or co-management responsibilities.

The question of e-bike use on unpaved, natural surface trails on MRGCD property covered by our agreements, however, involves some different considerations, more complicated management issues, and a wider spectrum of views. PRD favors a more cautious approach to decision-making about unpaved trails.

Thank you for considering this request. PRD appreciates our strong partnership with MRGCD and looks forward to discussing this subject further with the MRGCD Board and staff, and working together on this important issue.

Sincerely,



David J. Simon
Director

cc: Jason Casuga, Chief Engineer & CEO, MRGCD

City of Albuquerque Parks and Recreation Department Priorities

RE: E-Bikes and Powered Micromobility Vehicles on Trails

Speed Limits on Trails

- Proposed 20 mph maximum speed is based on research and experiences in other places.

Location	Speed Limit	Notes/Enforcement
Denver, Colorado	15 mph	Radar monitoring of trails showed cyclists at speeds of 18, 20, 23, 24, and 27 mph
Marin County, California	15 mph	Mt Tam Watershed approved pilot program for e-bikes in September 2024
Missoula, Montana Oklahoma City, Oklahoma	20 mph "No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing." And "No person shall operate any electric-assisted bicycle at a speed greater than the speed limit posted by official signs or markings. At no time, however, shall a person operate an electric-assisted bicycle at a speed or in such a manner that is unsafe or that poses a hazard or risk of injury to the operator or to other persons in the vicinity of the operator."	Allows Class 1, 2 and 3 E-bikes
Bloomington, Indiana	20 mph	E-bikes and similar are allowed as long as they are operated at a maximum speed of 20 mph.
Kenosha County, Wisconsin Tempe, Arizona and State of Arizona	20 mph 20 mph	Must slow to 5 mph and give audible notice when passing other trail users.
Nevada	20 mph	Speed limit applies to e-bikes
Portland, OR Texas State	"use safe speeds" No maximum speed	Promotes trail etiquette Class 1 and 2 e-bikes under 100 lbs and 20 mph
Park City, Utah	15 mph speed limit	e-bikes on paved multi-use trails and soft-surface trails over 5 feet in width
Rails to Trails Conservancy	Shared-Use paths be designed for speeds at least as fast as the fastest common user.	Cyclists tend to travel 13-15 mph, but can ride at speeds of 20 – 25 mph.
FHWA (Federal Highway Administration)	Shared-use paths should be designed for a minimum design speed of 20 mph. On unpaved paths, a lower design speed of 15 mph is appropriate.	The City uses FHWA Shared-Use Path design standards whenever ROW accommodates.

From: [Keith Stubbs](#)
To: [Phelan, Whitney A.](#)
Subject: Fwd: [Advocacy] Fwd: E-Bikes on the Paved Paseo del Bosque Trail
Date: Wednesday, October 9, 2024 8:03:33 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Whitney,

Our position, particularly after observing the CABQ ordinance deliberation process, is that the use of e-bikes on paved trails is sufficiently non-controversial that MRGCD should feel confident in taking prompt action to allow e-bikes on paved trails such as the Bosque Trail and Alameda Drain Trail.

While we understand if MRGCD hesitates to act swiftly regarding unpaved trails, it's important to note that a lengthy public comment process already took place at the City level. We also want to emphasize Councilor Bassan's statement that, ultimately, e-bikes are bikes. Furthermore, the City's approach focuses on regulating behavior rather than equipment.

At a minimum, MRGCD should defer final authority over unpaved trails in areas where jurisdiction overlaps with CABQ Parks and Recreation, as those trails have already undergone recent public engagement. The remainder of the Bosque could benefit from further public input, in the interest of good governance, but we are in favor of permitting e-bikes on those trails as well.

Thanks,

Keith Stubbs
BikeABQ Board Secretary
Social Media Manager
keith@bikeabq.org

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AN ACT

RELATING TO TRANSPORTATION; AMENDING THE CHILD HELMET SAFETY
ACT; DEFINING "ELECTRIC-ASSISTED BICYCLE"; PROVIDING
STANDARDS FOR THE REGULATION AND USE OF ELECTRIC-ASSISTED
BICYCLES; AMENDING AND ENACTING SECTIONS OF THE MOTOR VEHICLE
CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 32A-24-2 NMSA 1978 (being Laws 2007,
Chapter 66, Section 2) is amended to read:

"32A-24-2. DEFINITIONS.--As used in the Child Helmet
Safety Act:

A. "bicycle" means a human-powered vehicle with
two wheels in tandem designed to transport, by the act of
pedaling, one or more persons seated on one or more saddle
seats on its frame and includes an electric-assisted bicycle
and a human-powered vehicle designed to transport by the act
of pedaling, which has more than two wheels when the vehicle
is used on a public roadway, public bicycle path or other
public road or right of way, including a tricycle;

B. "electric-assisted bicycle" means a bicycle
with fully operable pedals and an electric motor not
exceeding seven hundred fifty watts of power;

C. "minor" means a person under eighteen years of
age;

1 D. "operator" means a person under eighteen years
2 of age who travels on a bicycle seated on a saddle seat from
3 which that person is intended to and can pedal the bicycle,
4 or who propels the person's self by way of using inline
5 skates, roller skates, a skateboard or a scooter;

6 E. "passenger" means a person under eighteen years
7 of age who travels on a bicycle or scooter in any manner
8 except as an operator;

9 F. "protective helmet" means a piece of headgear
10 that meets or exceeds the impact standard for protective
11 helmets set by the United States consumer product safety
12 commission federal safety standard and those standards
13 developed by the American national standards institute, the
14 Snell memorial foundation or the American society for testing
15 and materials;

16 G. "public bicycle path" means a right of way
17 under the jurisdiction and control of the state or a local
18 political subdivision for use primarily by bicyclists and
19 pedestrians;

20 H. "public roadway" means a right of way under the
21 jurisdiction and control of the state or a local political
22 subdivision for use primarily by motor vehicular traffic;

23 I. "public skateboard park" means an area of
24 public property set aside, designed and maintained for
25 recreation by persons using bicycles, scooters, skateboards

1 or skates;

2 J. "scooter" means a wheeled vehicle, regardless
3 of the number or placement of those wheels, that has
4 handlebars, designed to be stood on by the operator or
5 passenger and used to glide or propel the operator or
6 passenger over the ground;

7 K. "skateboard" means a set of wheels attached to
8 a platform or flat surface, regardless of the number or
9 placement of those wheels, and used to glide or propel the
10 operator over the ground; and

11 L. "skates" means a pair of devices worn on the
12 feet with a set of wheels attached and used to glide or
13 propel the user over the ground and may be either inline or
14 roller, but "skates" does not include a pair of devices,
15 similar to a pair of common shoes, that has one or more
16 wheels embedded in the sole of each device."

17 SECTION 2. Section 66-1-4.5 NMSA 1978 (being Laws 1990,
18 Chapter 120, Section 6, as amended) is amended to read:

19 "66-1-4.5. DEFINITIONS.--As used in the Motor Vehicle
20 Code:

21 A. "electric-assisted bicycle" means a vehicle
22 having two or three wheels, fully operable pedals and an
23 electric motor. Electric-assisted bicycles are classified as
24 follows:

25 (1) "class 1 electric-assisted bicycle"

1 means an electric-assisted bicycle equipped with a motor not
2 exceeding seven hundred fifty watts of power that provides
3 assistance only when the rider is pedaling and that ceases to
4 provide assistance when the bicycle reaches a speed of twenty
5 miles per hour;

6 (2) "class 2 electric-assisted bicycle"

7 means an electric-assisted bicycle equipped with a motor not
8 exceeding seven hundred fifty watts of power that provides
9 assistance regardless of whether the rider is pedaling but
10 ceases to provide assistance when the bicycle reaches a speed
11 of twenty miles per hour; and

12 (3) "class 3 electric-assisted bicycle"

13 means an electric-assisted bicycle equipped with a motor not
14 exceeding seven hundred fifty watts of power that provides
15 assistance only when the rider is pedaling and that ceases to
16 provide assistance when the bicycle reaches a speed of
17 twenty-eight miles per hour;

18 B. "electric mobility device" means a two- or
19 three-wheel vehicle with an electric motor for propulsion
20 that does not meet the definition of an electric-assisted
21 bicycle and is capable of exceeding a speed of twenty miles
22 per hour on motor power alone;

23 C. "electric personal assistive mobility device"

24 means a self-balancing device having two nontandem wheels
25 designed to transport a single person by means of an electric

1 propulsion system with an average power of one horsepower and
2 with a maximum speed on a paved level surface of less than
3 twenty miles per hour when powered solely by its propulsion
4 system and while being ridden by an operator who weighs one
5 hundred seventy pounds;

6 D. "essential parts" means all integral and body
7 parts of a vehicle of a type required to be registered by the
8 provisions of the Motor Vehicle Code, the removal, alteration
9 or substitution of which would tend to conceal the identity
10 of the vehicle or substantially alter its appearance, model,
11 type or mode of operation;

12 E. "established place of business", for a dealer
13 or auto recycler, means a place:

14 (1) devoted exclusively to the business for
15 which the dealer or auto recycler is licensed and related
16 business;

17 (2) identified by a prominently displayed
18 sign giving the dealer's or auto recycler's trade name used
19 by the business;

20 (3) of sufficient size or space to permit
21 the display of one or more vehicles or to permit the parking
22 or storing of vehicles to be dismantled or wrecked for
23 recycling;

24 (4) on which there is located an enclosed
25 building on a permanent foundation, which building meets the

1 building requirements of the community and is large enough to
2 accommodate the office or offices of the dealer or auto
3 recycler and large enough to provide a safe place to keep the
4 books and records of the dealer or auto recycler;

5 (5) where the principal portion of the
6 business of the dealer or auto recycler is conducted and
7 where the books and records of the business are kept and
8 maintained; and

9 (6) where vehicle sales are of new vehicles
10 only, such as a department store or a franchisee of a
11 department store, as long as the department store or
12 franchisee keeps the books and records of its vehicle
13 business in a general office location at its place of
14 business; as used in this paragraph, "department store" means
15 a business that offers a variety of merchandise other than
16 vehicles, and sales of the merchandise other than vehicles
17 constitute at least eighty percent of the gross sales of the
18 business; and

19 F. "explosives" means any chemical compound or
20 mechanical mixture that is commonly used or intended for the
21 purpose of producing an explosion and that contains any
22 oxidizing and combustive units or other ingredients in such
23 proportions, quantities or packing that an ignition by fire,
24 friction, concussion, percussion or detonator of any part of
25 the compound or mixture may cause such a sudden generation of

1 highly heated gases that the resultant gaseous pressures are
2 capable of producing destructive effects on contiguous
3 objects or of destroying life or limb."

4 SECTION 3. Section 66-1-4.11 NMSA 1978 (being Laws
5 1990, Chapter 120, Section 12, as amended) is amended to
6 read:

7 "66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle
8 Code:

9 A. "mail" means any item properly addressed with
10 postage prepaid delivered by the United States postal service
11 or any other public or private enterprise primarily engaged
12 in the transport and delivery of letters, packages and other
13 parcels;

14 B. "manufactured home" means a movable or portable
15 housing structure that exceeds either a width of eight feet
16 or a length of forty feet, constructed to be towed on its own
17 chassis and designed to be installed with or without a
18 permanent foundation for human occupancy;

19 C. "manufacturer" means every person engaged in
20 the business of constructing or assembling vehicles of a type
21 required to be registered under the Motor Vehicle Code;

22 D. "manufacturer's certificate of origin" means a
23 certification, on a form supplied by or approved by the
24 department, signed by the manufacturer that the new vehicle
25 or boat described in the certificate has been transferred to

1 the New Mexico dealer or distributor named in the certificate
2 or to a dealer duly licensed or recognized as such in another
3 state, territory or possession of the United States and that
4 such transfer is the first transfer of the vehicle or boat in
5 ordinary trade and commerce;

6 E. "moped" means a two-wheeled or three-wheeled
7 vehicle with an automatic transmission and a motor having a
8 piston displacement of less than fifty cubic centimeters,
9 that is capable of propelling the vehicle at a maximum speed
10 of not more than thirty miles an hour on level ground, at sea
11 level;

12 F. "motorcycle" means every motor vehicle having a
13 seat or saddle for the use of the rider and designed to
14 travel on not more than three wheels in contact with the
15 ground, including autocycles and excluding a tractor;

16 G. "motor home" means a camping body built on a
17 self-propelled motor vehicle chassis so designed that seating
18 for driver and passengers is within the body itself;

19 H. "motor vehicle" means every vehicle that is
20 self-propelled and every vehicle that is propelled by
21 electric power obtained from batteries or from overhead
22 trolley wires, but not operated upon rails, including an
23 electric mobility device, but does not include an electric-
24 assisted bicycle; for the purposes of the Mandatory Financial
25 Responsibility Act, "motor vehicle" does not include "special

1 mobile equipment"; and

2 I. "motor vehicle insurance policy" means a policy
3 of vehicle insurance that covers self-propelled vehicles of a
4 kind required to be registered pursuant to New Mexico law for
5 use on the public streets and highways. A "motor vehicle
6 insurance policy":

7 (1) shall include:

8 (a) motor vehicle bodily injury and
9 property damage liability coverages in compliance with the
10 Mandatory Financial Responsibility Act; and

11 (b) uninsured motorist coverage,
12 subject to the provisions of Section 66-5-301 NMSA 1978
13 permitting the insured to reject such coverage; and

14 (2) may include:

15 (a) physical damage coverage;
16 (b) medical payments coverage; and
17 (c) other coverages that the insured
18 and the insurer agree to include within the policy."

19 SECTION 4. Section 66-1-4.13 NMSA 1978 (being Laws
20 1990, Chapter 120, Section 14, as amended) is amended to
21 read:

22 "66-1-4.13. DEFINITIONS.--As used in the Motor Vehicle
23 Code:

24 A. "odometer" means a device for recording the
25 total mileage traveled by a vehicle from the vehicle's

1 manufacture and for so long as the vehicle is operable on the
2 highways;

3 B. "off-highway motor vehicle" means any motor
4 vehicle operated or used exclusively off the highways of this
5 state and that is not legally equipped for operation on the
6 highways of this state, but does not include an electric-
7 assisted bicycle;

8 C. "official printout" means any record supplied
9 by the division or a similar agency or government entity that
10 indicates the lienholders of record or owners of record of a
11 vehicle or motor vehicle registered within that government's
12 jurisdiction or indicates information about a driver's
13 license or identification card, including traffic violation
14 history or status;

15 D. "official traffic-control devices" means all
16 signs, signals, markings and devices consistent with the
17 Motor Vehicle Code placed or erected, by authority of a
18 public body or official having jurisdiction, for the purpose
19 of regulating, warning or guiding traffic;

20 E. "operational design domain" means the specific
21 conditions under which a given automated driving system or
22 feature of the system is designed to function;

23 F. "operator" means driver, as defined in Section
24 66-1-4.4 NMSA 1978; and

25 G. "owner" means a person who holds the legal

1 title of a vehicle and may include a conservator, guardian,
2 personal representative, executor or similar fiduciary, or,
3 in the event that a vehicle is the subject of an agreement
4 for conditional sale or lease with the right of purchase upon
5 performance of the conditions stated in the agreement and
6 with an immediate right of possession vested in the
7 conditional vendee or lessee, or, in the event that a
8 mortgagor of a vehicle is entitled to possession, then such
9 conditional vendee or lessee or mortgagor."

10 SECTION 5. Section 66-3-1 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 21, as amended) is amended to read:

12 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--
13 EXCEPTIONS.--

14 A. With the exception of vehicles identified in
15 Subsection B of this section, every motor vehicle,
16 manufactured home, trailer, semitrailer and pole trailer when
17 driven or moved upon a highway and every off-highway motor
18 vehicle is subject to the registration and certificate of
19 title provisions of the Motor Vehicle Code except:

20 (1) any such vehicle driven or moved upon a
21 highway in conformance with the provisions of the Motor
22 Vehicle Code relating to manufacturers, dealers, lien-holders
23 or nonresidents;

24 (2) any such vehicle that is driven or moved
25 upon a highway only for the purpose of crossing the highway

1 from one property to another;

2 (3) an implement of husbandry that is only
3 incidentally operated or moved upon a highway;

4 (4) special mobile equipment;

5 (5) a vehicle that is propelled exclusively
6 by electric power obtained from overhead trolley wires though
7 not operated upon rails;

8 (6) a freight trailer if it is:

9 (a) properly registered in another
10 state;

11 (b) identified by a proper base
12 registration plate that is properly displayed; and

13 (c) identified by other registration
14 documents that are in the possession of the operator and
15 exhibited at the request of a police officer;

16 (7) a freight trailer or utility trailer
17 owned and used by:

18 (a) a nonresident solely for the
19 transportation of farm products purchased by the nonresident
20 from growers or producers of the farm products and
21 transported in the trailer out of the state;

22 (b) a farmer or a rancher who
23 transports to market only the produce, animals or fowl
24 produced by that farmer or rancher or who transports back to
25 the farm or ranch supplies for use thereon; or

1 (c) a person who transports animals to
2 and from fairs, rodeos or other places, except racetracks,
3 where the animals are exhibited or otherwise take part in
4 performances, in trailers drawn by a motor vehicle or truck
5 of less than ten thousand pounds gross vehicle weight rating
6 bearing a proper registration plate, but in no case shall the
7 owner of an unregistered trailer described in this paragraph
8 perform such uses for hire;

9 (8) a moped;

10 (9) an electric personal assistive mobility
11 device;

12 (10) a vehicle moved on a highway by a
13 towing service as defined in Section 59A-50-2 NMSA 1978;

14 (11) an off-highway motor vehicle exempted
15 pursuant to Section 66-3-1005 NMSA 1978; and

16 (12) an electric-assisted bicycle.

17 B. A certificate of title required pursuant to
18 Subsection A of this section is not required for a vehicle of
19 a type subject to registration owned by:

20 (1) the government of the United States; or

21 (2) a carrier that is from a jurisdiction
22 that is not a participant in the International Fuel Tax
23 Agreement, that is authorized by the United States government
24 or an agency of the United States government to conduct
25 cross-border operations beyond the commercial border zone

1 pursuant to the provisions of the United States-Mexico-Canada
2 Agreement and that identifies New Mexico as the carrier's
3 base jurisdiction.

4 C. A person who violates the provisions of this
5 section is guilty of a penalty assessment misdemeanor. A
6 person charged with violating this section shall not be
7 convicted if the person produces, in court, evidence of
8 compliance valid at the time of issuance of the citation."

9 SECTION 6. A new section of the Motor Vehicle Code,
10 Section 66-3-708 NMSA 1978, is enacted to read:

11 "66-3-708. ELECTRIC-ASSISTED BICYCLES--LABELS--
12 STANDARDS.--

13 A. Every manufacturer or distributor of new
14 electric-assisted bicycles intended for sale or distribution
15 in New Mexico shall permanently affix to each electric-
16 assisted bicycle, in a prominent location, a label that
17 contains the classification number, top assisted speed and
18 motor wattage of the electric-assisted bicycle. The label
19 shall be printed in arial font in at least nine-point type.

20 B. A person shall not knowingly modify an
21 electric-assisted bicycle so as to change the speed
22 capability or motor engagement of the electric-assisted
23 bicycle without also appropriately replacing, or causing to
24 be replaced, the label indicating the classification required
25 by Subsection A of this section.

1 C. An electric-assisted bicycle shall comply with
2 the equipment and manufacturing requirements for bicycles
3 adopted by the United States consumer product safety
4 commission and codified at 16 CFR 1512 or its successor
5 regulation.

6 D. A class 2 electric-assisted bicycle shall
7 operate in a manner so that the electric motor is disengaged
8 or ceases to function when the brakes are applied. Class 1
9 and class 3 electric-assisted bicycles shall be equipped with
10 a mechanism or circuit that cannot be bypassed and that
11 causes the electric motor to disengage or cease to function
12 when the rider stops pedaling.

13 E. A class 3 electric-assisted bicycle shall be
14 equipped with a speedometer that displays, in miles per hour,
15 the speed that the electric-assisted bicycle is traveling."

16 SECTION 7. A new section of the Motor Vehicle Code,
17 Section 66-3-709 NMSA 1978, is enacted to read:

18 "66-3-709. OPERATION OF ELECTRIC-ASSISTED BICYCLES.--

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

25 B. A person shall not ride a class 2 or class 3

1 electric-assisted bicycle on a bicycle or pedestrian path
2 unless:

3 (1) the path is within a street or highway;
4 or

5 (2) a political subdivision of the state
6 permits the operation of a class 2 or class 3 electric-
7 assisted bicycle on a path under its jurisdiction.

8 C. A person under sixteen years of age shall not
9 operate a class 3 electric-assisted bicycle upon any street,
10 highway or bicycle or pedestrian path, except that a person
11 under sixteen years of age may ride as a passenger on a class
12 3 electric-assisted bicycle that is designed to accommodate
13 passengers.

14 D. This section does not apply to a trail that is
15 specifically designated as non-motorized and that has a
16 natural surface tread that is made by clearing and grading
17 the native soil with no added surfacing materials. A
18 political subdivision of the state or a state agency having
19 jurisdiction over a trail described in this subsection may
20 regulate the use of an electric-assisted bicycle on that
21 trail."

22 SECTION 8. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2023. _____

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AN ACT

RELATING TO TRANSPORTATION; AMENDING THE CHILD HELMET SAFETY
ACT; DEFINING "ELECTRIC-ASSISTED BICYCLE"; PROVIDING
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of pedaling, which has more than two wheels when the vehicle
is used on a public roadway, public bicycle path or other
public road or right of way, including a tricycle;

B. "electric-assisted bicycle" means a bicycle
with fully operable pedals and an electric motor not
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age;

1 D. "operator" means a person under eighteen years
2 of age who travels on a bicycle seated on a saddle seat from
3 which that person is intended to and can pedal the bicycle,
4 or who propels the person's self by way of using inline
5 skates, roller skates, a skateboard or a scooter;

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7 of age who travels on a bicycle or scooter in any manner
8 except as an operator;

9 F. "protective helmet" means a piece of headgear
10 that meets or exceeds the impact standard for protective
11 helmets set by the United States consumer product safety
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15 and materials;

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17 under the jurisdiction and control of the state or a local
18 political subdivision for use primarily by bicyclists and
19 pedestrians;

20 H. "public roadway" means a right of way under the
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2 J. "scooter" means a wheeled vehicle, regardless
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22 having two or three wheels, fully operable pedals and an
23 electric motor. Electric-assisted bicycles are classified as
24 follows:

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1 means an electric-assisted bicycle equipped with a motor not
2 exceeding seven hundred fifty watts of power that provides
3 assistance only when the rider is pedaling and that ceases to
4 provide assistance when the bicycle reaches a speed of twenty
5 miles per hour;

6 (2) "class 2 electric-assisted bicycle"

7 means an electric-assisted bicycle equipped with a motor not
8 exceeding seven hundred fifty watts of power that provides
9 assistance regardless of whether the rider is pedaling but
10 ceases to provide assistance when the bicycle reaches a speed
11 of twenty miles per hour; and

12 (3) "class 3 electric-assisted bicycle"

13 means an electric-assisted bicycle equipped with a motor not
14 exceeding seven hundred fifty watts of power that provides
15 assistance only when the rider is pedaling and that ceases to
16 provide assistance when the bicycle reaches a speed of
17 twenty-eight miles per hour;

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19 three-wheel vehicle with an electric motor for propulsion
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25 designed to transport a single person by means of an electric

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20 (3) of sufficient size or space to permit
21 the display of one or more vehicles or to permit the parking
22 or storing of vehicles to be dismantled or wrecked for
23 recycling;

24 (4) on which there is located an enclosed
25 building on a permanent foundation, which building meets the

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2 accommodate the office or offices of the dealer or auto
3 recycler and large enough to provide a safe place to keep the
4 books and records of the dealer or auto recycler;

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6 business of the dealer or auto recycler is conducted and
7 where the books and records of the business are kept and
8 maintained; and

9 (6) where vehicle sales are of new vehicles
10 only, such as a department store or a franchisee of a
11 department store, as long as the department store or
12 franchisee keeps the books and records of its vehicle
13 business in a general office location at its place of
14 business; as used in this paragraph, "department store" means
15 a business that offers a variety of merchandise other than
16 vehicles, and sales of the merchandise other than vehicles
17 constitute at least eighty percent of the gross sales of the
18 business; and

19 F. "explosives" means any chemical compound or
20 mechanical mixture that is commonly used or intended for the
21 purpose of producing an explosion and that contains any
22 oxidizing and combustive units or other ingredients in such
23 proportions, quantities or packing that an ignition by fire,
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16 or a length of forty feet, constructed to be towed on its own
17 chassis and designed to be installed with or without a
18 permanent foundation for human occupancy;

19 C. "manufacturer" means every person engaged in
20 the business of constructing or assembling vehicles of a type
21 required to be registered under the Motor Vehicle Code;

22 D. "manufacturer's certificate of origin" means a
23 certification, on a form supplied by or approved by the
24 department, signed by the manufacturer that the new vehicle
25 or boat described in the certificate has been transferred to

1 the New Mexico dealer or distributor named in the certificate
2 or to a dealer duly licensed or recognized as such in another
3 state, territory or possession of the United States and that
4 such transfer is the first transfer of the vehicle or boat in
5 ordinary trade and commerce;

6 E. "moped" means a two-wheeled or three-wheeled
7 vehicle with an automatic transmission and a motor having a
8 piston displacement of less than fifty cubic centimeters,
9 that is capable of propelling the vehicle at a maximum speed
10 of not more than thirty miles an hour on level ground, at sea
11 level;

12 F. "motorcycle" means every motor vehicle having a
13 seat or saddle for the use of the rider and designed to
14 travel on not more than three wheels in contact with the
15 ground, including autocycles and excluding a tractor;

16 G. "motor home" means a camping body built on a
17 self-propelled motor vehicle chassis so designed that seating
18 for driver and passengers is within the body itself;

19 H. "motor vehicle" means every vehicle that is
20 self-propelled and every vehicle that is propelled by
21 electric power obtained from batteries or from overhead
22 trolley wires, but not operated upon rails, including an
23 electric mobility device, but does not include an electric-
24 assisted bicycle; for the purposes of the Mandatory Financial
25 Responsibility Act, "motor vehicle" does not include "special

1 mobile equipment"; and

2 I. "motor vehicle insurance policy" means a policy
3 of vehicle insurance that covers self-propelled vehicles of a
4 kind required to be registered pursuant to New Mexico law for
5 use on the public streets and highways. A "motor vehicle
6 insurance policy":

7 (1) shall include:

8 (a) motor vehicle bodily injury and
9 property damage liability coverages in compliance with the
10 Mandatory Financial Responsibility Act; and

11 (b) uninsured motorist coverage,
12 subject to the provisions of Section 66-5-301 NMSA 1978
13 permitting the insured to reject such coverage; and

14 (2) may include:

15 (a) physical damage coverage;
16 (b) medical payments coverage; and
17 (c) other coverages that the insured
18 and the insurer agree to include within the policy."

19 SECTION 4. Section 66-1-4.13 NMSA 1978 (being Laws
20 1990, Chapter 120, Section 14, as amended) is amended to
21 read:

22 "66-1-4.13. DEFINITIONS.--As used in the Motor Vehicle
23 Code:

24 A. "odometer" means a device for recording the
25 total mileage traveled by a vehicle from the vehicle's

1 manufacture and for so long as the vehicle is operable on the
2 highways;

3 B. "off-highway motor vehicle" means any motor
4 vehicle operated or used exclusively off the highways of this
5 state and that is not legally equipped for operation on the
6 highways of this state, but does not include an electric-
7 assisted bicycle;

8 C. "official printout" means any record supplied
9 by the division or a similar agency or government entity that
10 indicates the lienholders of record or owners of record of a
11 vehicle or motor vehicle registered within that government's
12 jurisdiction or indicates information about a driver's
13 license or identification card, including traffic violation
14 history or status;

15 D. "official traffic-control devices" means all
16 signs, signals, markings and devices consistent with the
17 Motor Vehicle Code placed or erected, by authority of a
18 public body or official having jurisdiction, for the purpose
19 of regulating, warning or guiding traffic;

20 E. "operational design domain" means the specific
21 conditions under which a given automated driving system or
22 feature of the system is designed to function;

23 F. "operator" means driver, as defined in Section
24 66-1-4.4 NMSA 1978; and

25 G. "owner" means a person who holds the legal

1 title of a vehicle and may include a conservator, guardian,
2 personal representative, executor or similar fiduciary, or,
3 in the event that a vehicle is the subject of an agreement
4 for conditional sale or lease with the right of purchase upon
5 performance of the conditions stated in the agreement and
6 with an immediate right of possession vested in the
7 conditional vendee or lessee, or, in the event that a
8 mortgagor of a vehicle is entitled to possession, then such
9 conditional vendee or lessee or mortgagor."

10 SECTION 5. Section 66-3-1 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 21, as amended) is amended to read:

12 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--
13 EXCEPTIONS.--

14 A. With the exception of vehicles identified in
15 Subsection B of this section, every motor vehicle,
16 manufactured home, trailer, semitrailer and pole trailer when
17 driven or moved upon a highway and every off-highway motor
18 vehicle is subject to the registration and certificate of
19 title provisions of the Motor Vehicle Code except:

20 (1) any such vehicle driven or moved upon a
21 highway in conformance with the provisions of the Motor
22 Vehicle Code relating to manufacturers, dealers, lien-holders
23 or nonresidents;

24 (2) any such vehicle that is driven or moved
25 upon a highway only for the purpose of crossing the highway

1 from one property to another;

2 (3) an implement of husbandry that is only
3 incidentally operated or moved upon a highway;

4 (4) special mobile equipment;

5 (5) a vehicle that is propelled exclusively
6 by electric power obtained from overhead trolley wires though
7 not operated upon rails;

8 (6) a freight trailer if it is:

9 (a) properly registered in another
10 state;

11 (b) identified by a proper base
12 registration plate that is properly displayed; and

13 (c) identified by other registration
14 documents that are in the possession of the operator and
15 exhibited at the request of a police officer;

16 (7) a freight trailer or utility trailer
17 owned and used by:

18 (a) a nonresident solely for the
19 transportation of farm products purchased by the nonresident
20 from growers or producers of the farm products and
21 transported in the trailer out of the state;

22 (b) a farmer or a rancher who
23 transports to market only the produce, animals or fowl
24 produced by that farmer or rancher or who transports back to
25 the farm or ranch supplies for use thereon; or

1 (c) a person who transports animals to
2 and from fairs, rodeos or other places, except racetracks,
3 where the animals are exhibited or otherwise take part in
4 performances, in trailers drawn by a motor vehicle or truck
5 of less than ten thousand pounds gross vehicle weight rating
6 bearing a proper registration plate, but in no case shall the
7 owner of an unregistered trailer described in this paragraph
8 perform such uses for hire;

9 (8) a moped;

10 (9) an electric personal assistive mobility
11 device;

12 (10) a vehicle moved on a highway by a
13 towing service as defined in Section 59A-50-2 NMSA 1978;

14 (11) an off-highway motor vehicle exempted
15 pursuant to Section 66-3-1005 NMSA 1978; and

16 (12) an electric-assisted bicycle.

17 B. A certificate of title required pursuant to
18 Subsection A of this section is not required for a vehicle of
19 a type subject to registration owned by:

20 (1) the government of the United States; or

21 (2) a carrier that is from a jurisdiction
22 that is not a participant in the International Fuel Tax
23 Agreement, that is authorized by the United States government
24 or an agency of the United States government to conduct
25 cross-border operations beyond the commercial border zone

1 pursuant to the provisions of the United States-Mexico-Canada
2 Agreement and that identifies New Mexico as the carrier's
3 base jurisdiction.

4 C. A person who violates the provisions of this
5 section is guilty of a penalty assessment misdemeanor. A
6 person charged with violating this section shall not be
7 convicted if the person produces, in court, evidence of
8 compliance valid at the time of issuance of the citation."

9 SECTION 6. A new section of the Motor Vehicle Code,
10 Section 66-3-708 NMSA 1978, is enacted to read:

11 "66-3-708. ELECTRIC-ASSISTED BICYCLES--LABELS--
12 STANDARDS.--

13 A. Every manufacturer or distributor of new
14 electric-assisted bicycles intended for sale or distribution
15 in New Mexico shall permanently affix to each electric-
16 assisted bicycle, in a prominent location, a label that
17 contains the classification number, top assisted speed and
18 motor wattage of the electric-assisted bicycle. The label
19 shall be printed in arial font in at least nine-point type.

20 B. A person shall not knowingly modify an
21 electric-assisted bicycle so as to change the speed
22 capability or motor engagement of the electric-assisted
23 bicycle without also appropriately replacing, or causing to
24 be replaced, the label indicating the classification required
25 by Subsection A of this section.

1 C. An electric-assisted bicycle shall comply with
2 the equipment and manufacturing requirements for bicycles
3 adopted by the United States consumer product safety
4 commission and codified at 16 CFR 1512 or its successor
5 regulation.

6 D. A class 2 electric-assisted bicycle shall
7 operate in a manner so that the electric motor is disengaged
8 or ceases to function when the brakes are applied. Class 1
9 and class 3 electric-assisted bicycles shall be equipped with
10 a mechanism or circuit that cannot be bypassed and that
11 causes the electric motor to disengage or cease to function
12 when the rider stops pedaling.

13 E. A class 3 electric-assisted bicycle shall be
14 equipped with a speedometer that displays, in miles per hour,
15 the speed that the electric-assisted bicycle is traveling."

16 SECTION 7. A new section of the Motor Vehicle Code,
17 Section 66-3-709 NMSA 1978, is enacted to read:

18 "66-3-709. OPERATION OF ELECTRIC-ASSISTED BICYCLES.--

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

25 B. A person shall not ride a class 2 or class 3

1 electric-assisted bicycle on a bicycle or pedestrian path
2 unless:

3 (1) the path is within a street or highway;
4 or

5 (2) a political subdivision of the state
6 permits the operation of a class 2 or class 3 electric-
7 assisted bicycle on a path under its jurisdiction.

8 C. A person under sixteen years of age shall not
9 operate a class 3 electric-assisted bicycle upon any street,
10 highway or bicycle or pedestrian path, except that a person
11 under sixteen years of age may ride as a passenger on a class
12 3 electric-assisted bicycle that is designed to accommodate
13 passengers.

14 D. This section does not apply to a trail that is
15 specifically designated as non-motorized and that has a
16 natural surface tread that is made by clearing and grading
17 the native soil with no added surfacing materials. A
18 political subdivision of the state or a state agency having
19 jurisdiction over a trail described in this subsection may
20 regulate the use of an electric-assisted bicycle on that
21 trail."

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

Greater Albuquerque Active Transportation Committee (GAATC)
Recommendations for Class 2 Electric Bike Access on City of Albuquerque Paved
Multi-Use Trails

WHEREAS, GAATC advises the City and its agency partners on the needs of people who walk, bike, and ride public transit on projects, policies, and programs that improve active transportation facilities in and around Albuquerque.

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.

WHEREAS, GAATC discussed the distinguishing features and usage of the various classes of electric bikes on paved multi-use trails in the City of Albuquerque during a meeting held on June 12, 2023.

WHEREAS, Class 2 electric bikes provide multiple benefits to City residents including, but not limited to: providing essential transportation, advancing accessibility to cycling, improving riders' sense of safety on trails, providing economic benefits and promoting Albuquerque as a bike-friendly city.

WHEREAS, GAATC received unanimous support from members of the public in the form of both written and live comments to allow Class 2 electric bikes on the City's paved multi-use trails.

THEREFORE, BE IT RESOLVED, GAATC recommends to the City of Albuquerque to:

- Take urgent action to pass legislation that would allow the use of Class 2 e-bikes on the City's paved multi-use trails in accordance with the provisions of Senate Bill 69, and;
- Coordinate, where applicable, with other regional governing bodies to similarly address the allowance of Class 2 e-bikes on contiguous paved multi-use trails.

Approved this day 12 of June 2023, by a vote of a quorum of members, 4 for and 0 against.

Ryan Mast (Acting Chair): _____ For _____

Naomi George: _____ For _____

Josiah M Hooten: _____ Excused _____

Richard Meadows: _____ For _____

Lanny Tonning: _____ For _____

Aaron Hill: _____ Excused _____

From: [Christopher Miller](#)
To: [Hermanson, Valerie](#)
Subject: CABQ E-Bike Throttle Comments for Today's meeting.
Date: Monday, June 12, 2023 3:39:47 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Hi there,

I have some thoughts pertaining to the discussion of class-2 e-bikes with throttles. I use this type of bike regularly as it is my primary mode of transportation due to vision and other limitations. It's my hope that part of this or the entirety would be read into today's meeting record.

Firstly I would like to express that when it comes to multi use roads and paths, such as the Paseo Del Bosque trail and the North Channel trail, that I recognize other users of those trails as I ride my bike through them. Their safety is as important to me as my own because we all have equal rights to use the trail.

But, if safety is the primary concern, then I would suggest to any governing body that placing the restrictions solely on the bikes or the users of those bikes may not be the best solution. I would suggest instead that speed limitations and speed signs be posted. Or perhaps, requiring the use of a bell or other audible instrument for any mode of transportation on those trails.

Class 2 bikes have a top speed of 20mph. From my personal experience, I have been passed by many bicycle riders, who often do not use bells or give me other signals when passing me. From what I can tell they are riding regular non-electric bikes when doing so.

Placing limitations of use solely on class 2 e-bikes would not accomplish the larger goal of protecting everyone's safety.

I personally give everyone the courtesy of ringing the bell on my bike as I pass by. Additionally, the sound that a bicycle makes as its motor is engaged is louder than a person riding a regular bicycle. So, requiring the use of a bell or other audible device would benefit joggers and walkers when being passed by any bicycle rider.

Again, I would encourage any governing body to think more broadly when the topic of safety comes up for multi purpose lanes.

Thank you for your consideration,

-Christopher Miller

From: [sandra.penn](#)
To: [Hermanson, Valerie](#)
Subject: Class 2 E Bikes
Date: Monday, June 12, 2023 3:52:56 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.
I'm the happy owner of a Rad e-bike. At 84 I found that I was riding infrequently. Now I'm back on my bike instead of getting into my car.

I was able to lease a bike before I bought one. It helped me decide that it was a reasonable choice. I am a strong supporter and hope that we in albuquerque do more to support e-bikes.

Thank you.

Sandra F Penn, MD

505-980-0569

sandra.penn@gmail.com

Sent from my iPhone=

From: [Cozy Ace](#)
To: [Hermanson, Valerie](#)
Subject: Class 2 E-bike Comment
Date: Monday, June 12, 2023 4:05:10 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Hi Valerie,

Here is the comment I would like to contribute for the record during the 4pm meeting today.

"My name is Cozy K Ace. I am a resident of Albuquerque in the International District area. I regularly use an e-bike for transportation all across the city (in addition to walking and using the bus & light rail). I've spent a significant amount of time riding a class 2 ebike all around town on safe paved bike paths as well as in traffic when once isn't available. To be frank, it is seriously dangerous to be a bicyclist in Albuquerque. I have almost been mowed down by inattentive drivers many times now and having a throttle is very literally the reason I'm still alive, because it allows me to control my own safety around motor vehicles.

I think specifically allowing class 2 ebikes on multi-use trails is the choice that supports alternative transit the most—why? Because using a un-motorized bicycle full-time in Albuquerque is more treacherous than a class 2, and I try to use Separated Multi-Use Trails as much as possible for my own safety and the safety of car drivers as well. Not to mention that if you actually want to bike far in ABQ, you'll need Lance Armstrong level physical conditioning—this is not possible with full-time work and family life. A class 2 e-bike is the only way I'm getting up some of these hills and staying safe on the road. You think a bike bell works around cars to announce my presence? It doesn't.

Access to these trails is essential. I've only ever had positive experience making space for other bicyclists or pedestrians on multi-use trails.

I adamantly support all ebikes, including class 2 ebikes, to be used on CABQ multi-use trails."

Cheers!

-Cozy

From: [Marquita George](#)
To: [Hermanson, Valerie](#)
Subject: Class 2 e-bikes on multi use trails
Date: Monday, June 12, 2023 4:04:42 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

My wife and I are retired citizens who have ridden our local multi use trails for many years. I am now 81 years old and my wife is a bit younger. We used to have conventional bikes but as we got older they became more difficult to ride so we got to a point that we did not ride them at all. We have recently purchased class 2 e-bikes and are enjoying the trails once again.

I cannot understand why you would want to restrict e-bikes from these trails. I have never heard of, been involved in, or seen an occasion where a e-bike was involved in or caused an accident. I have had several occasions where conventional bike riders have passed me at great speeds causing me to startle and nearly wreck my own bike.

I firmly believe, regardless of other reasons you come up with, that the purist bike riders do not feel that an e-bike is in reality a real bike and provides little exercise. I can assure you that at my age, a 10 mile bike ride is in fact a hell of a lot of exercise.

Without the protection of the off road bike trails in Albuquerque, we would need to ride on the roads with vehicles. That will work well with senior citizens, not.

We pay taxes like everyone else. Taking this right away from us would decrease our quality of life. Thank you for listening.

John A. George

Tony and Marquita George Sent from my iPad

From: director@endeavornm.org
To: [Hermanson, Valerie](#)
Subject: Class-2 Ebikes Comment
Date: Monday, June 12, 2023 3:09:17 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

I am the co-director of endeavorOR New Mexico, the state's outdoor recreation business alliance. Here is my public comment for the discussion today around Class-2 ebikes.

Ebikes are important to the advancement of New Mexico's OR economy and their ability to enable more residents to get outdoors. Many outdoor recreation businesses are relying on ebikes to grow their revenue and hire more employees (e.g. tour operators, guides, bike maintenance). Ebikes by their very nature are inclusive. Ebikes also provide an alternative to day-to-day transportation, replacing cars and reducing our carbon footprint. Because of the numerous benefits associated with ebikes, sales can now represent up to 50 percent or more in a local bike shop. Lastly, regulating speed is the critical factor regarding any type of transportation rather than preventing usage of a type of vehicle such as a Class-2 ebike. We don't prevent a Porsche from driving through a school zone because it can top out at 200 mph. We have laws in place that control excessive and unsafe speeds. This is the approach that should be taken with all modes of transportation including Class-2 ebikes.

Jim

James Glover
Co-Director
505.501.1330
endeavornm.org



From: [Camille Johnson](#)
To: [Hermanson, Valerie](#)
Subject: Comment for CABQ Active Transportation Committee Zoom Meeting
Date: Monday, June 12, 2023 3:29:54 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Hi Valerie,

Here is the comment I would like to be read into the record for today's 4pm meeting. I've never made a comment like this before so I'm not exactly sure what I'm supposed to say so hopefully this is okay.

"My name is Camille Johnson. I am a resident of Albuquerque. I do not own a car and I primarily use an ebike for transportation when I can't walk or take the bus. A class 2 ebike is essential to getting around town as having a throttle gives me a lot more power to get out of unsafe situations quickly. Allowing class 2 ebikes on multi-use trails would mean I can have one ebike that allows me to get around the city for daily needs as well as to enjoy nature on the weekends using the multi-use trails. I have certain health limitations which make it very hard to use a regular bike on multi-use trails. Access to these trails and the outdoors has a huge positive affect on my well-being. I've never had a problem making space for other bicyclists or pedestrians on these trails. For these reasons, I highly support all ebikes, including class 2 ebikes, to be used on CABQ multi-use trails. Thank you."

Thank you so much!

Camille Johnson

From: [Kat Tyme](#)
To: [Hermanson, Valerie](#)
Subject: Comment on E-Bikes with Throttle
Date: Monday, June 12, 2023 4:13:16 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Dear members of the Albuquerque City Council,

I stand before you today as a resident of our beloved city and an avid user of e-bikes. I want to address an issue that has direct implications on my daily life and potentially the lives of many others in our community: the use of throttle-assisted e-bikes in our city.

I'm sure we can all agree that Albuquerque has shown great progress in becoming a bike-friendly city. We have made strides in encouraging alternative, greener modes of transportation, which not only reduce our carbon footprint but also promote a healthier lifestyle among our citizens.

My e-bike, equipped with a throttle, is one such mode of transportation. The throttle on my e-bike is not about speed, but rather safety and convenience. It provides me with the necessary momentum to navigate through traffic, particularly in intersections where maintaining speed is essential for safety.

As a parent, I often tote my child on my e-bike, and in these instances, being able to quickly gain momentum through a throttle is not just a convenience, but a necessity. My child's safety and mine depends on our ability to move through intersections swiftly and smoothly, something that may be challenging when solely relying on pedaling.

Throttle-assisted e-bikes are not motorbikes, nor are they a way to skirt the rules of the road. They are a practical tool for many residents like me, helping us balance our commitments to family, work, and the environment.

I urge you, the members of this council, to continue supporting the use of e-bikes with throttle in our city. Doing so will not only bolster Albuquerque's image as a progressive, bike-friendly city, but it will also show your commitment to the safety and wellbeing of all residents, including those of us who rely on alternative modes of transportation.

Thank you for your time and consideration.
Kat Tyme

From: [Gmail](#)
To: [Hermanson, Valerie](#)
Subject: E Bike Throttles - Read into record
Date: Monday, June 12, 2023 3:04:29 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Allow E-Bikes with throttles on trails! Enforce speed limits instead. Throttles are secondary to pedal-assist, which is the primary power source as a person pedals an e-bike. Road bikers riding at training speeds routinely pass e-bikes. Speed is problem, not throttle per se, as throttles can be used at slow speeds too. **Allow E-Bikes with throttles on trails! Enforce speed limits instead.**

Sent from [Mail](#) for Windows

From: [RON LEHMAN](#)
To: [Hermanson, Valerie](#)
Subject: E bikes with throttle.
Date: Monday, June 12, 2023 3:12:30 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

To whom it may concern

I have an E bike with throttle which I use it is my main means of transportation. I have a disability that makes it hard for me to walk any distance,also have a handicap permit.the only time I use the throttle is on very steep hills and to cross busy intersections or if I am just very tired and then only at a speed not to exceed 10 mph. I am 81 years old and the E Bike is a great way to get around and the throttle is handy to have in a pinch. Would like to be able to continue to use this on city bike trails as it is dangerous to ride on ABQ city streets.

Thanks for the opportunity to comment.

Ron

From: [Roland Penttila](#)
To: [Hermanson, Valerie](#)
Subject: I support Class 2 E-bikes on trails
Date: Monday, June 12, 2023 3:07:02 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

I'm a 74 year old retiree who owns and uses an e-bike mostly for exercise. It is the only form of exercise that I seem to be able to do on a consistent basis. I do not feel comfortable riding on busy streets, but I will do it to get to trails. I fully support allowing Class 2 e-bikes the full use of all bicycle trails in the city consistent with following the rules of the trail that apply to all.

Roland Penttila
Albuquerque, New Mexico

From: [Alex Applegate](#)
To: [Hermanson, Valerie](#)
Subject: Please allow class 2 on trails
Date: Monday, June 12, 2023 3:55:34 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Hi Valerie!

Here's my comments (in case I can't make them on Zoom):

Hi My Name is Alex Applegate and I am the chair of the Transportation and Housing Working Group of the EJC and we whole heartedly support Class 2 ebikes on trails. The Transportation sector is the largest and fastest growing contributor to climate change and eBikes are going to be a major tool in changing this trajectory. Our city needs to encourage, not discourage their use.

Class 2 eBikes are limited to 20MPH. I am an old man of 59. I am fortunate enough with my old man legs that I can still do 20 MPH on my 1973 Raleigh 10 speed. Even 30 if I'm going downhill. eBikes with throttles allow people with disabilities and health issues to ride with their friends. It doesn't allow them to go faster but allows them to keep up with them. Don't discriminate against people, please.

Fiinally, not everyone can afford a car, and we have very limited and underfunded bus service in this city. An eBike, including class 2 ebikes, can extend the distance that a person can go to get to a job. And, because we have poor biking infrastructure with no protected bike lanes, it is often safer for riders to use the trails to get where they are going. If you don't fix our city to allow them to safely travel where they are going, and you limit where they can safely ride in the city, you are going to cause accidents and deaths that could be prevented.

Please allow class 2's on the trails.

Thank you for your time.

Alex

PS They are getting rid of 2 lanes on part of 4th street and adding PARKING????

Phelan, Whitney A.

From: DK (kempd@bouldercolorado.gov, Boulder CO) (NACTO)
<kempd@members.nacto.org>
Sent: Tuesday, August 10, 2021 9:11 AM
To: Phelan, Whitney A.
Cc: Cities-for-Cycling
Subject: Re: Electric bicycles on greenways

External

Hi Rochelle,

The [City of Boulder](#) allowed e-bikes on its paved multi-use path (greenways) system in 2014 with a 15mph speed limit. Our Open Space Mountain Parks department does not allow e-bike use on soft surface trails; however, this policy may be revisited within the next year. Some regional trails are soft surface and would serve people well who choose to commute/recreate with an e-bike. [Boulder County](#) has made recent changes to its e-bike policy to allow e-bikes on several regional soft surface trails.

Colorado State Law now makes it legal to ride an e-bike on any paved multi-use path unless a municipality decides to opt out.

I looked up my hometown of St. Louis and checked out [Great Rivers Greenways](#)- a system likely comparable to Nashville's. They allow e-bikes (though they are referred to as motorized bikes) on the greenways system.

In terms of conflict amongst path users, there's more a perceived sense of conflict rather than actual crashes. We receive close call reports from time to time, but have not had any crash reports involving e-bikes. Policy makers are sometimes concerned that introducing new forms of micromobility will only add on to existing safety concerns/issues. That hasn't been the case for Boulder and e-bikes have only improved mobility options for people of all ages and abilities without causing additional safety issues. Why is that? We've found that the e-bike users are typically a more responsible type of cyclist. We see a lot of regional e-bike commuters and families who use cargo e-bikes to transport children. E-bikes also provide a transportation option for older people where other modes fall short, plus there's the recreation and associated health benefits too- important ingredients for our aging population. Multi-use paths provide the vehicle traffic-free environment that most people who ride bikes prefer.

Hope this helps!

-DK

Dave "DK" Kemp (He)

Senior Transportation Planner



Memorandum

To: MRGCD Chair Russo Baca and Board of Directors

Through: Jason M. Casuga, Chief Engineer/CEO

From: Human Resources

Date: October 14, 2024

Re: Introduction of New Hires and Job/Title Changes

Belen Division

TRISTIAN	ARAGON	LIGHT EQUIPMENT OPERATOR	09/16/2024 PROMOTION
RICARDO	RIOS	MEDIUM EQUIPMENT OPERATOR	10/14/2024

Albuquerque Division

RICHARD	LENTE	MEDIUM EQUIPMENT OPERATOR	09/30/2024
NOAH	SANCHEZ	HEAVY EQUIPMENT OPERATOR	10/28/2024
ANTHONY	TAPIA	FIELD MAINTENANCE TECHNICIAN	10/28/2024
TONY	LOVATO	FIELD MAINTENANCE TECHNICIAN	10/28/2024

General Office

LAURA	CHAMBERS	ASSESSMENT & COLLECTION CLERK I	09/30/2024
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Memorandum

**To: MRGCD Chair Russo Baca and Board of Directors
Jason Casuga, CEO/CE**

From: Richard Deloia, Chief Procurement Officer

Date: October 3rd, 2024

Re: Automatic Control Gate Purchases

MRGCD staff is seeking approval to purchase up to four (4) automatic water control gates from Aqua Systems 2000 Inc. These gates will be acquired through MRGCD price agreement Contract obtained through the competitive bidding process.

Proposed Gate Purchases:

1. Belen Highline Canal - \$87,770.00

This gate will replace an existing automatic control and measurement gate that is over 20 years old and exhibiting significant signs of aging. The Belen Highline gate is crucial for regulating water flow at the head of the Belen Highline Canal at the Isleta Diversion Dam, supplying water to nearly 25,000 acres in the Belen and Socorro Divisions. Proactively replacing this gate will help prevent in-season failures that could disrupt irrigation deliveries.

2. 240 Feeder Canal - \$75,275.00

This gate will replace an aging automatic control and measurement gate, also over 20 years old and deteriorating. The 240-Feeder Canal diverts water from the Belen Highline Canal, located 4.54 miles downstream from its diversion point on the Rio Grande. It is essential for managing water flow, especially during intense rain events that pose flooding risks, and supports endangered species through intentional water releases to the river. Replacing this gate during the offseason will prevent potential disruptions to irrigation deliveries in the Belen Division.

3. Lower Peralta 2 Drain Gate - \$99,400.00

This gate will replace an automatic control and measurement gate over 20 years old and showing signs of deterioration. It regulates water flow at the junction of the Lower Peralta Drain and the San Juan Main Canal, ensuring optimal water distribution for irrigation. Additionally, this location is vital for water delivery to the

river to support endangered species. Timely replacement will mitigate the risk of in-season failures.

4. **Peralta Main Canal 715+00 - \$80,650.00**

This project involves replacing a manual radial gate with an automatic control and measurement gate at station 715+00 on the Peralta Main Canal. Automating this gate will help maintain optimal water surface elevation, enhancing irrigation efficiency and preventing overtopping during surges. The addition of measurement capabilities at this location will provide critical data for informed water distribution decisions.

Cost and Funding:

The total cost for the gate purchases will be up to \$343,095.00 plus \$9,500.00 for shipping, for a **Grand Total of up to \$352,595.00**. Funding will be sourced from the Clean Water State Revolving Loan Fund Program.

Recommendation

MRGCD staff recommends approving the purchase of these gates to ensure efficient water management and safeguard irrigation deliveries.



5, 4006 - 9 Avenue North
Lethbridge, Alberta T1H 6T8
Phone: (800) 315-8947
Phone: (403) 380-2724

1 October 2024

Middle Rio Grande Conservancy District
1931 Second St. SW
Albuquerque, NM 78102

Attention: Anne Marken

RE: Langemann Gate Quotations

Further to our recent e-mails, the following is our quotation for the supply of the following equipment and services:

- **Belen Highline Canal Heading - Automated Langemann Gate -** **\$87,770.00**
 - 20.0 feet wide x 4.2 feet high.
- **Peralta Main Check 17- Automated Langemann Gate -** **\$80,650.00**
 - 13.5 feet wide x 5.5 feet high.
- **The Madrone Gate- Automated Langemann Gate -** **\$99,400.00**
 - 9.0 feet wide x 9.9 feet high.
- **240 Feeder Canal- Automated Langemann Gate -** **\$75,275.00**
 - 6.5feet wide x 7.5 feet high.
- **Description:**
 - 3CR12 Stainless steel gate frame, leaves and side plates.
 - Mild steel with Amerlock® 400 epoxy coating:
 - for sprockets boxes, main strut and enclosure.
 - Side seals – gate to side plates.
 - Vertical rising mast.
 - Waterproof roller chain in an omega configuration.
 - Nord helical worm speed reducer c/w ¼ HP – 12 Vdc motor.
 - Electrical includes panel, ammeter, limit switches, overload relay reversing motor starters, switches, fuse and terminal blocks
 - 60-watt solar panel c/w solar regulator.
 - CDI Controller.
 - Control – level or flow control
 - 4- 20 mA gate position.
 - Does not include assembly, installation, batteries, field wiring, commissioning & training.
- **Shipping – Prepay & Charge** **\$9,500.00**
- **Total this Quotation -** **\$352,595.00**
 - Currency: US\$
 - Estimated delivery: 18 to 20 weeks

Thank you for the opportunity to quote on this project. If you wish to discuss, please call me at 1-403-382-9425 (Cellular – working from home).

Sincerely,

A handwritten signature in cursive script, reading "Gerald D. Robinson".

Gerald D. Robinson
Aqua Systems 2000 Inc.



Memorandum

To: MRGCD Chair Russo Baca and Board of Directors
 Jason Casuga, CEO/CE
 Pam Fanelli, CFO

From: Richard DeLoia, Chief Procurement Officer *RD*

Date: October 1, 2024

Re: Low Flow Conveyance Channel San Lorenzo Crossing Design

MRGCD staff is requesting approval of the Low Flow Conveyance Channel San Lorenzo Crossing Design Task Order in the amount of \$320,656.44 including NMGRT. This task order will be awarded through CES Cooperative Professional Engineering On-Call Price Agreement Contract #2023-01-C2114-ALL obtained through the Request for Proposals process. This project will be funded from the Improvements to the Low Flow Conveyance Channel Agreement between the New Mexico Office of the State Engineer and Middle Rio Grande Conservancy District Grant #3734.

VENDOR	TOTAL & NMGRT	GRAND TOTAL
WILSON & COMPANY	\$297,938.62 + \$22,717.82 NMGRT	\$320,656.44

September 23, 2024

Jason M. Casuga, P.E.
CEO/Chief Engineer
Middle Rio Grande Conservancy District
1931 Second St. SW
Albuquerque, NM 87102

Re: San Lorenzo Crossing Design CES 2023-01-C2114-ALL

Dear Mr. Casuga

Wilson & Company has prepared a Task Order for the above referenced project. The Task Order will provide professional services for the design of the Low Flow Conveyance Channel San Lorenzo Crossing. This crossing was noted to need additional capacity to convey flows within the Low Flow Conveyance Channel. The intent of the Task order is to prepare plans and specifications for the construction of additional crossing pipes to allow for additional capacity. A hydraulic analysis will be completed and reviewed to determine the new capacity for the crossing. Currently the crossing passes approximately 500 cfs. This task order includes the following items.

Task 1 Coordination and Project Management

Coordination will take place with MRGCD and others as needed for the design and approval for the project. This will include site visits, phone calls and in persons meetings as needed. It is expected there will be 10 coordination/update meetings with MRGCD, and 2 meetings with other Federal and State Agencies as needed.

Task 2 Design

Design of the project will be based on the previous BOR plans and the H&H analysis completed in the DAR task. Elements of the design will include the following items:

- Cover Sheet
- General Notes (MRGCD and applicable agency notes)
- Horizontal Control
- Typical Sections
- Grading Plan
- Pipe and Crossing Plan and Profiles
- Headwall Details
- Cost Estimate
- Construction Specifications

Design submittals will be made at 30%, 60%, 90%/100% for review and comment by MRGCD.

Task 3 Design Analysis Report (DAR)

A Design Analysis Report will be generated that documents the process and calculations for the design of the project. The report will also determine and document the capacity that is needed and will control the design of the pipe based on review of existing information and proposed changes. A written narrative along with all backup calculations will be submitted for review and comment. Comments will be address and a final report will be submitted.

Task 4 Environmental

A biological survey is also required to support the project, to provide compliance with MBTA and the ESA. It is assumed that there will be no effects to threatened and endangered species. A cultural

survey assumes there will be 1-3 cultural & historical sites whose documentation needs to be updated. It is assumed no Clean Water Act 404 Nationwide or individual permit will be required – i.e., no dredge or fill activity will be occurring in the Rio Grande or any adjacent wetlands.

Task 4 Survey

Our surveying/mapping department will map the project limits. Our field survey will consist of locating the channels, pipes and features that are visible. Control will be based on NAD 83, New Mexico Central Zone, NAVD 88 and will be scaled to ground around (0,0). Our team will set 10 aerial targets and collect 14 check shots for the sUAS flight. The final deliverable will be a Civil 3D drawing along with a PDF of the mapping and location of the orthophoto.

Task 5 Bidding Services

Once the design is complete Wilson will assist MRGCD with bidding services. Wilson will attend and run the pre bid meeting and keep track and distribute plans and specifications. During the bidding any needed addenda will be prepared and distributed to all potential bidders. Wilson will attend the bid opening and prepare the bid tabulation, analyze the bids and finally make a recommendation of award.

Fees Breakdown:

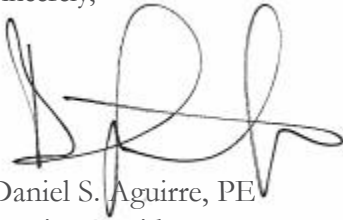
San Lorenzo Crossing Design:

Coordination and Project Management	\$ 29,074.64
30% Design	\$ 52,485.37
60% Design	\$ 43,467.41
90%/100% Design	\$ 36,240.40
Cost Estimates	\$ 7,981.12
Design Analysis and Hydraulic Analysis Report	\$ 36,593.20
Construction Specifications	\$ 15,417.36
QA/QC	\$ 3,990.56
Bidding Assistance	\$ 11,438.56
Design Sub-total	\$236,688.62
Mileage	\$ 500.00
Survey	\$ 13,750.00
Geotech	\$ 22,000.00
Environmental	\$ 25,000.00
Project Sub-total	\$297,938.62
NMGRT 7.625%	\$ 22,717.82
Project Total	\$ 320,656.44

Attached is a fee break down based on Exhibit 'A' and 'B' of the on call Agreement. Total requested budget of **\$320,656.44 (including NMGRT)**. If you should have any questions or comments concerning this letter or any aspect of this project, please call at your convenience at cell no. 400-0507 or office no. 348-4053.

Thank you for considering Wilson & Company.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Aguirre', with a stylized, cursive script.

Daniel S. Aguirre, PE
Sr Vice President

cc. file, TJA

San Lorenzo Design							
Prepared for MRGCD							
Description/Personnel	T. Ashton	G. Selover	Inspector	L. Smith	I. Jojola	CADD	Admin
Rate \$\$/hr	\$267.54	\$231.28	\$176.40	\$170.52	\$151.90	\$146.02	\$127.40
Classification	P6	P5	FC6	P4	P3	PD4	SP3
Project Management(2hrs/wk for 18 wks)	36						
Coordination meetings							
MRGCD coordination/update meetings(10mtgs)	20	20		20	20		
Other Federal and State Agencies Coordination (2 mtgs)	4	4		6			
30% Plans							
Kick off meeting(1)	2	2		2			
Pipe and Crossing Plan and Profiles	1	8		12	24	24	
Headwall Structures(2)	0.5	4		6	6	12	
Details		2		6	12	24	
Grading plans	2	8		16	24	80	
30% Plans(cover, demo, general notes)	1	2			16	32	
60% Plans							
Review Meetings(1)	2	2		2			
Addressing 30% Comments	1	2		4	8	16	4
Pipe and Crossing Plan and Profiles	1	4		6	20	40	
Headwall Structures(2)	0.5	2		4	4	8	
Details		1		3	6	12	
Grading plans	2	6		8	20	60	
60% Plans(cover, demo, general notes)		2			8	16	
90% 100% Plans							
Review Meetings(1)	2	2		2			
Addressing 60% Comments	1	2		4	8	12	4
Pipe and Crossing Plan and Profiles	1	2		4	24	20	
Headwall Structures(2)		2		2	2	4	
Details		1		2	4	8	
Grading plans	2	4		6	10	40	
90% Plans(cover, demo, general notes)		2			4	8	
Final 100% plans	2	2		8	8	16	
Cost Estimate(30, 60, 90, and Final)	4	8		12	16	4	
DAR							
Hydraulic Analysis	4	10		40	40		
DAR Draft	2	8		16	40	12	
DAR Update to Final	2	8		8	20	4	
Construction Specifications	4	10	20	20			40
QA/QC	8	8					
Bidding Assistance							
Pre bid meeting	4	4					4
Plan distribution/Tracking		1					8
Addenda	4	4				8	8
Bid Opening	2	2					2
Bid Tabulation	1	2					4
Recommendation of Award	1	1					4
Total Man Hours	117	152	20	219	344	460	78
Unit Cost	\$31,302.18	\$35,154.56	\$3,528.00	\$37,343.88	\$52,253.60	\$67,169.20	\$9,937.20
Total Labor Cost							\$236,688.62
Mileage							\$500.00
Survey							\$13,750.00
GeoTech							\$22,000.00
Environmental							\$25,000.00
Total Expenses							\$61,250.00
Total Project Cost							\$297,938.62
Tax							7.625% \$22,717.82
Proposed Project Cost with NMGR							\$320,656.44



Memorandum

To: MRGCD Chair Russo Baca and Board of Directors
Jason Casuga, CEO/CE
Pam Fanelli, CFO

From: Richard DeLoia, Chief Procurement Officer *RD*

Date: October 1, 2024

Re: Las Cercas Pilot Project

MRGCD staff is requesting approval for the Las Cercas Pilot Project. Bids were requested from the three (3) MRGCD On-call Farm Infrastructure Construction Contractors, who were obtained through the RFP process in 2023, and the lowest responsible bidder was Lopez Precision LLC, for a Grand Total of \$99,433.31 w/NMGRT.

VENDOR	GRAND TOTAL
LOPEZ PRECISION LLC	\$99,433.31 w/ NMGRT
SDV CONSTRUCTION	\$358,796.00 w/NMGRT
AUI INC.	No Response



LAS CERCAS PILOT PROJECT - ENGR24-001
ENGINEERS ESTIMATE & Lopez Precision, LLC Quote
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
P.O. BOX 581
ALBUQUERQUE, NM 87103
9/30/2024

MRGCD FUNDED

ITEM	DESCRIPTION	QUANTITY	UNIT	ENGINEER ESTIMATE (UNIT PRICE)	LOPEZ PRECISION, LLC (UNIT PRICE)	ENGINEER ESTIMATE (TOTAL)	LOPEZ PRECISION, LLC (TOTAL)	DIFFERENCE MRGCD-LLC (TOTAL)
1	MOBILIZATION / DEMOBILIZATION	1	LS	\$4,500.00	\$4,500.00	\$ 4,500.00	\$ 4,500.00	\$0.00
2	REMOVAL AND DISPOSAL	1	LS	\$1,250.00	\$1,250.00	\$ 1,250.00	\$ 1,250.00	\$0.00
3	EXCAVATION	510	CY	\$30.00	\$45.00	\$ 15,300.00	\$ 22,950.00	-\$7,650.00
4	CONCRETE PAVEMENT-6" THICKNESS	78	SY	\$153.00	\$153.00	\$ 11,934.00	\$ 11,934.00	\$0.00
5	STRUCTURAL CONCRETE	14	CY	\$1,777.00	\$1,777.00	\$ 24,878.00	\$ 24,878.00	\$0.00
6	HAND PLACED RIPRAP 6"-9"	33	CY	\$165.00	\$165.00	\$ 5,445.00	\$ 5,445.00	\$0.00
7	TRAFFIC CONTROL	1	LS	\$750.00	\$1,200.00	\$ 750.00	\$ 1,200.00	-\$450.00
8	SURVEY/ TESTING	1	LS	\$2,310.00	\$3,500.00	\$ 2,310.00	\$ 3,500.00	-\$1,190.00
SUBTOTAL (ITEMS 1-8) WITHOUT NMGR						\$ 66,367.00	\$ 75,657.00	-\$9,290.00
NMGR (ITEMS 1-8) 8.43%						\$ 5,591.42	\$ 6,374.10	-\$782.68
TOTAL (ITEMS 1-8) WITH NMGR						\$ 71,958.42	\$ 82,031.10	-\$10,072.68
BID ALTERNATIVE								
9	48" CULVERT PIPE	50	LF	\$288.00	\$137.00	\$ 14,400.00	\$ 6,850.00	\$7,550.00
10	INSTALLATION OF GATES	1	LS	\$10,000.00	\$9,200.00	\$ 10,000.00	\$ 9,200.00	\$800.00
GRAND TOTAL (ITEMS 9-10) WITHOUT NMGR						\$ 24,400.00	\$ 16,050.00	\$8,350.00
GRAND TOTAL NMGR (ITEMS 9-10) 8.43%						\$ 2,055.70	\$ 1,352.21	\$703.49
GRAND TOTAL (ITEMS 9-10) WITH NMGR						\$ 26,455.70	\$ 17,402.21	\$9,053.49
GRAND TOTAL								
SUBTOTAL (ITEMS 1-10) WITHOUT NMGR						\$ 90,767.00	\$ 91,707.00	-\$940.00
CONTINGENCY 8.00%						\$ 7,261.36		
GRAND TOTAL WITHOUT NMGR						\$ 98,028.36	\$ 91,707.00	\$6,321.36
GRAND TOTAL NMGR (ITEMS 1-10) 8.43%						\$ 7,647.12	\$ 7,726.31	-\$79.19
GRAND TOTAL (ITEMS 1-10) WITH NMGR						\$ 105,675.48	\$ 99,433.31	\$6,242.17

NOTES:

1. CONTRACTOR SHALL CORDINATE WITH ALL UTILITY COMPANIES TO VERIFY LOCATION AND DEPTH OF ANY UTILITES WITHIN THE WORK AREA.
2. CONTRACTOR SHALL SURVEY THE WORKSITE TO ENSURE PROPER HORIZONTAL AND VERTICAL ALIGNMENT OF THE PIPE CROSSING AS WELL AS LOCATION OF INLET AND OUTLET WORKS.



**LOPEZ
PRECISION, LLC**

Las Cercas Pilot Project- ENG24-001
Quote
Lopez Precision, LLC
92 Dark Canyon Rd/Po Box 1040, Magdalena NM 87825
9/18/24

Item	Description	Quantity	Unit	Unit Price	Total
1	Mobilization/Demobilization	1	LS	\$4,500.00	\$4,500.00
2	Removal and Disposal	1	LS	\$1,250.00	\$1,250.00
3	Excavation and Backfill	510	CY	\$45.00	\$22,950.00
4	Concrete Pavement 6" Thickness	78	SY	\$153.00	\$11,934.00
5	Structural Concrete	14	CY	\$1,777.00	\$24,878.00
6	Hand Placed Riprap 6" -9"	33	CY	\$165.00	\$5,445.00
7	Traffic Control	1	LS	\$1,200.00	\$1,200.00
8	Survey/Testing	1	LS	\$3,500.00	\$3,500.00
Subtotal (Items 1-8)					\$75,657.00
NMGRT (Items 1-8) 8.425%					\$6,374.10
Total (Items 1-8)					\$82,031.10
Bid Alternative					
9	48" Culvert Pipe	50	LF	\$137.00	\$6,850.00
10	Installation of Gates	1	LS	\$9,200.00	\$9,200.00
Subtotal (Items 9-10)					\$16,050.00
NMGRT (Items 9-10) 8.425%					\$1,352.21
Total (Items 12-25)					\$17,402.21
Grand Total					
Grand Total (Items 1-10) Without NMGRT					\$91,707.00
Grand Total NMGRT (Items 1-10) 8.425%					\$7,726.31
Grand Total (Items 1-10) With NMGRT					\$99,433.31

Notes:

- Contractor shall cordinate with all utility companies to verify location and depth of any utilities within the work area.
- Contractor shall survey the worksite to ensure proper horizontal and vertical alignment of the pipe crossing as well as location of inlet and outlet works



LAS CERCAS PILOT PROJECT - ENGR24-001
ENGINEERS ESTIMATE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
P.O. BOX 581
ALBUQUERQUE, NM 87103
9/11/2024

MRGCD FUNDED

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	MOBILIZATION / DEMOBILIZATION	1	LS	\$ 25,149.00	\$ 25,149.00
2	REMOVAL AND DISPOSAL	1	LS	\$ 29,953.00	\$ 29,953.00
3	EXCAVATION	510	CY	\$ 48.72	\$ 24,846.00
4	CONCRETE PAVEMENT-6" THICKNESS	78	SY	\$ 430.34	\$ 33,566.00
5	STRUCTURAL CONCRETE	14	CY	\$ 5,610.62	\$ 78,549.00
6	HAND PLACED RIPRAP 6"-9"	33	CY	\$ 1,055.54	\$ 34,833.00
7	TRAFFIC CONTROL	1	LS	\$ 24,334.00	\$ 24,334.00
8	SURVEY/ TESTING	1	LS	\$ 8,120.00	\$ 8,120.00
SUBTOTAL (ITEMS 1-8) WITHOUT NMGR					\$ 259,349.00
NMGR (ITEMS 1-8) 8.425 %					\$ 21,850.00
TOTAL (ITEMS 1-8) WITH NMGR					\$ 281,199.00
BID ALTERNATIVE					
9	48" CULVERT PIPE	50	LF	\$ 931.63	\$ 46,582.00
10	INSTALLATION OF GATES	1	LS	\$ 24,985.00	\$ 24,985.00
GRAND TOTAL (ITEMS 1-10) WITHOUT NMGR					\$ 330,916.00
GRAND TOTAL NMGR (ITEMS 1-10) 8.425 %					\$ 27,880.00
GRAND TOTAL (ITEMS 1-10) WITH NMGR					\$ 358,796.00

NOTES:

1. CONTRACTOR SHALL CORDINATE WITH ALL UTILITY COMPANIES TO VERIFY LOCATION AND DEPTH OF ANY UTILITES WITHIN THE WORK AREA.
2. CONTRACTOR SHALL SURVEY THE WORKSITE TO ENSURE PROPER HORIZONTAL AND VERTICAL ALIGNMENT OF THE PIPE CROSSING AS WELL AS LOCATION OF INLET AND OUTLET WORKS.

Rubicon Pilot Project – Las Cercas Pilot Project ENGR24-001

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PROJECT DESCRIPTION:

The Las Cercas project, located in Los Lunas, NM, at the Peralta Main Canal Station 412+75, aims to enhance water management by replacing outdated gates with automated control gates equipped with telemetered water measurement data. This upgrade will support the Distribution Division in making informed decisions about water movement within the MRGCD irrigation network and provide water control that will result in more efficient water delivery to the Las Cercas Acequia and Peralta Main Canal.

The project includes the installation of concrete paving and structural concrete for the Peralta Main Canal, as well as the placement of riprap at the entrance of the Las Cercas Acequia. The contractor will be responsible for laying riprap, forming concrete structures, paving, and installing Rubicon gates and pipe connections.

PROJECT TIMELINE:

An on-site meeting was held on August 29, 2024, at 1:30pm

On-call Quote was provided on September 18, 2024

Start Date: Mid-December 2024

Rubicon gate: Delivery EST December 25, 2024

Project Timeline – November 2024 to March 2025

The project must be completed prior to the irrigation season on March 1, 2024.

PROJECT LOCATION:

Los Lunas, NM.

Peralta Main Canal Station 412+75. South of NM6

ATTACHMENTS:

Draft Plan Set with Rubicon Gate Details

Bid Item Form

MIDDLE RIO GRANDE CONSERVANCY DISTRICT
LAS CERCAS PILOT PROJECT
ENGR24-001

PERALTA MAIN CANAL - STA. 413+50



VICINITY MAP

SHEET	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES
3	CONSTRUCTION LIMITS
4	SITE PLAN
5 - 8	SECTION VIEWS
9	GATE DETAILS
10	CHANNEL DETAILS
11	BENCHMARKS

APPROVED BY:
Jason M. Casuga, P.E.
CEO/ Chief Engineer
MRGCD

DRAWN BY: MC

CHECKED BY: JMC

REV #

DATE

DESCRIPTION

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

LAS CERCAS PILOT PROJECT

COVER - SHEET 1/11

PERALTA MAIN CANAL - STA. 413+50

MIDDLE

RIO GRANDE

CONSERVANCY

DISTRICT

GENERAL NOTES:

1.

ALL WORK DETAILED ON THESE PLANS TO BE PERFORMED UNDER CONTRACT SHALL, EXCEPT AS OTHERWISE STATED OR PROVIDED FOR HEREON, BE CONSTRUCTED IN ACCORDANCE WITH THE NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION, 2019 EDITION.
2.

ALL COORDINATES SHOWN ON THE PLANS, HEREIN (N,E,Z) REFER TO GRID COORDINATES AND ARE RELATIVE TO LOCAL BENCHMARKS SET BY THE MRGCD.
3.

LIMITS OF WORK ARE SHOWN ON THE PLANS. THE CONTRACTOR SHALL CONFINE OPERATIONS WITHIN THE PROJECT LIMITS UNLESS OTHERWISE NOTED OR PERMITTED. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY AGREEMENTS NECESSARY OR DAMAGE BY HIS OPERATION TO PUBLIC OR PRIVATE PROPERTY INCLUDING UTILITIES.
4.

FILL MATERIALS FROM EXCAVATION OR BORROW WHICH REQUIRE MORE THAN ONE HANDLING PRIOR TO FINAL PLACEMENT, INCLUDING STOCKPILING AND BLENDING TO MEET GRADATION REQUIREMENTS OR STOCKPILING FOR LATER DISPOSAL, WILL BE CONSIDERED INCIDENTAL TO THE CONTRACT UNIT PRICE FOR UNCLASSIFIED EXCAVATION. NO SEPARATE PAYMENT SHALL BE MADE FOR BLENDING OR MULTIPLE HANDLING AND FINAL PAYMENT SHALL BE MADE ON THE BASIS OF QUANTITIES REMOVED FROM ORIGINAL LOCATION.
5.

THE CONTRACTOR SHALL NOT DISTURB ANY PERMANENT SURVEY MONUMENTS WITHOUT THE CONSENT OF THE CITY SURVEYOR AND THE ENGINEER. THE CONTRACTOR SHALL BEAR THE EXPENSE OF REPLACING ANY THAT MAY BE DISTURBED WITHOUT PERMISSION. REPLACEMENT SHALL BE DONE ONLY BY THE CITY SURVEYOR. WHEN A CHANGE IS MADE IN THE FINISHED ELEVATION OF ANY ROADWAY IN WHICH A PERMANENT SURVEY MONUMENT IS LOCATED, CONTRACTOR SHALL, AT HIS OWN EXPENSE, ADJUST THE MONUMENT COVER TO THE NEW GRADE UNLESS OTHERWISE SPECIFIED.
6.

MINOR CHANGES IN ELEVATIONS AND SLOPES FOR EXCAVATION AND FILL MAY BE MADE TO SUIT FIELD CONDITIONS, AS APPROVED BY THE ENGINEER.
7.

PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE AND VERIFY THE HORIZONTAL AND VERTICAL LOCATIONS OF ALL OBSTRUCTIONS. SHOULD A CONFLICT EXIST, THE CONTRACTOR SHALL NOTIFY THE ENGINEER SO THAT THE CONFLICT CAN BE RESOLVED WITH A MINIMUM AMOUNT OF DELAY.
8.

TWO (2) WORKING DAYS PRIOR TO ANY EXCAVATION, CONTRACTOR MUST CONTACT N.M. ONE-CALL SYSTEM, (505) 260-1990, FOR LOCATION OF EXISTING UTILITIES.
9.

IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT BUILDING STRUCTURES ADJACENT TO THE PROJECT NOT BE DAMAGED DUE TO ANY CONSTRUCTION ACTIVITIES. DAMAGE CAUSED TO ANY BUILDING STRUCTURE WILL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR, INCLUDING ALL COSTS INCURRED IN RESTORING/REPAIRING SAID DAMAGE PER NMDOT SPEC. SECTION 617.
10.

THE CONTRACTOR SHALL MAINTAIN AN UP TO DATE SET OF AS-BUILT PLANS FOR THE PROJECT. THESE PLANS SHALL BE KEPT CURRENT AT ALL TIMES AND SHALL BE SUBJECT TO REVIEW BY THE PROJECT MANAGER. THE FINAL AS-BUILT PLANS SHALL BE SUBMITTED TO THE PROJECT MANAGER.
11.

THE CONTRACTOR SHALL INCLUDE IN THE CONSTRUCTION SEQUENCE PROVISIONS WHICH WILL ALLOW FOR THE SAFE PASSAGE OF WATER FROM ARROYOS, DITCHES, AND DRAINS THROUGH THE PROJECT SITE WITHOUT DAMAGE TO FACILITIES BEING CONSTRUCTED, COMPLETED FACILITIES, OR ADJACENT PRIVATE PROPERTY.
12.

ALL STORM WATER DISCHARGES FROM THE PROJECT SITE SHALL MEET THE REQUIREMENTS OF THE REGULATIONS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) AS WELL AS APPLICABLE STATE AND LOCAL REGULATIONS.
13.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR VEHICLE TRACKING, SEDIMENT, AND DUST CONTROL. MEASURES SUCH AS SILT FENCING, MATS, AND ROCK PADS SHOULD BE IMPLEMENTED. SPECIFIC DETAILS AND LIMITATIONS SHALL BE DISCUSSED AT THE PROJECT KICKOFF MEETING.

14.

WATERING, AS REQUIRED FOR CONSTRUCTION AND DUST CONTROL, SHALL BE CONSIDERED INCIDENTAL TO CONSTRUCTION AND NO MEASUREMENT OR PAYMENT SHALL BE MADE. CONSTRUCTION AREAS SHALL BE WATERED FOR DUST POLLUTION ABATEMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND SUPPLYING WATER AS REQUIRED. THE COST FOR REQUIRED CONSTRUCTION OF AIR QUALITY MITIGATION SHALL BE INCIDENTAL TO THE PROJECT COST.
15.

SEVEN (7) WORKING DAYS PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL SUBMIT TO THE PROJECT MANAGER A DETAILED CONSTRUCTION SCHEDULE.
16.

STRUCTURES SHALL BE CLEAN AT THE TIME OF FINAL PROJECT ACCEPTANCE. THIS WORK WILL BE CONSIDERED AS INCIDENTAL TO THE COMPLETION OF THE PROJECT AND NO SEPARATE MEASUREMENT OR PAYMENT WILL BE MADE THEREFORE.
17.

CONTRACTOR SHALL MAINTAIN A GRAFFITI-FREE WORK SITE. CONTRACTOR SHALL PROMPTLY REMOVE ANY GRAFFITI FROM ALL EQUIPMENT, WHETHER PERMANENT OR TEMPORARY. THIS WORK IS INCIDENTAL TO TRAFFIC CONTROL BID ITEM.
18.

ALL EXCAVATION, TRENCHING AND SHORING ACTIVITIES MUST BE CARRIED OUT IN ACCORDANCE WITH OSHA 29CFR 1926.650 SUBPART P.
19.

THE CONTRACTOR WILL BE RESPONSIBLE FOR DISPOSING OF ALL DEBRIS, INCLUDING, NOT LIMITED TO HAZARDOUS WASTE AT DISPOSAL SITES APPROVED BY GOVERNMENTAL AGENCIES REGULATING THE DISPOSAL OF SUCH MATERIALS.
20.

IT WILL BE THE CONTRACTOR'S SOLE RESPONSIBILITY TO PROTECT AND MAINTAIN, IN SERVICE, ALL EXISTING UTILITIES. THE CONTRACTOR SHALL ADEQUATELY SUPPORT AND PROTECT EXISTING UTILITIES AFFECTED BY THE CONTRACTOR'S TRENCHING ACTIVITY. IN THE EVENT THAT EXISTING UTILITIES ARE DAMAGED BY THE CONTRACTOR'S OPERATIONS, THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT MANAGER, PROMPT REPAIR BY THE RESPECTIVE UTILITY AND SHALL BEAR THE COST OF THE REPAIRS.
21.

THE CONTRACTOR SHALL COORDINATE WITH THE LOCAL PUBLIC WORKS AUTHORITY AS NECESSARY SEVEN (7) DAYS IN ADVANCE OF PERFORMING WORK THAT WILL AFFECT THE PUBLIC WATER OR SANITARY SEWER INFRASTRUCTURE.
22.

THE CONTRACTOR SHALL ENSURE THAT THE ACTIVE CONSTRUCTION SITE IS CLOSED TO THE PUBLIC, BOTH VEHICULAR AND PEDESTRIAN. BARRICADES, TRAFFIC CONTROL AND CONSTRUCTION SIGNS SHALL BE ERECTED AND MAINTAINED BY THE CONTRACTOR. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL CONSTRUCTION SIGNING UNTIL PROJECT IS COMPLETE AND HAS BEEN ACCEPTED BY THE MRGCD.
23.

THE CONTRACTOR SHALL PROVIDE AND INSTALL WATERSTOPS AT ALL CONSTRUCTION JOINTS AND ADJACENT FACES OF SEPARATE MONOLITHIC CONCRETE STRUCTURES.
24.

THE CONTRACTOR SHALL ENSURE THAT ALL INLETS, OUTLETS, AND JOINTS ALONG CULVERTS ARE WATERTIGHT PER NMDOT SPEC 570.
25.

CURRENT WATER SURFACE ELEVATIONS AND WATER TABLE LEVELS WILL BE AGREED UPON AND DISCUSSED DURING THE PROJECT KICKOFF MEETING. ONCE THESE INITIAL ELEVATIONS ARE DETERMINED, DEWATERING DEPTHS AND COSTS WILL BE BASED OFF OF THOSE REFERENCE ELEVATIONS.

MRGCD GENERAL NOTES:

1.

NO WORK IS TO BE DONE ON FACILITIES OR STRUCTURES BELONGING TO, OR OPERATED BY, THE MRGCD BETWEEN MARCH 1 AND OCTOBER 31 INCLUSIVE. HOWEVER, WORK MAY BE PERMITTED BY THE MRGCD. IF IT CAN BE SHOWN THAT THE WORK WILL NOT INTERFERE WITH OPERATIONS OF THE MRGCD FACILITY. ALL WORK TO BE DONE WITHIN THE MRGCD FACILITIES MUST BE APPROVED BY THE MRGCD ENGINEER PRIOR TO COMMENCING WORK.
2.

THE CONTRACTOR SHALL NOT STORE EQUIPMENT, NEW MATERIALS OR DEBRIS WITHIN DISTRICT RIGHT OF WAY WHICH MAY INTERFERE WITH OPERATIONS AND MAINTENANCE OF THE MRGCD FACILITY.
3.

THE CONTRACTOR SHALL NOT SERVICE VEHICLES OR EQUIPMENT WITHIN MRGCD RIGHT OF WAY.
4.

DISTURBED AREAS WHICH REQUIRE RE-SEEDING WITHIN MRGCD RIGHT OF WAY SHALL BE TREATED AND STABILIZED USING MRGCD SEEDING SPECIFICATIONS. NO MEASUREMENT OR PAYMENT WILL BE MADE THEREFORE.
5.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING PERMISSION FROM INDIVIDUAL LAND OWNERS TO ACCESS THE PROJECT SITE BY WAY OF PRIVATE CROSSINGS AND PROPERTY.
6.

THE CONTRACTOR IS RESPONSIBLE FOR REPAIR AND OR REPLACEMENT OF ANY STRUCTURES REMOVED AND OR DAMAGED DUE TO THE CONTRACTORS ACTIVITIES WITHIN THE MRGCD RIGHT OF WAY. ANY STRUCTURES SUCH AS TURNOUTS, CULVERT PIPES, EMBANKMENTS, FENCING, AND OTHER LICENSED INFRASTRUCTURE WHICH ARE DAMAGED DURING CONSTRUCTION ACTIVITIES, SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE. REPAIRS AND OR REPLACEMENTS WITHIN THE MRGCD RIGHT OF WAY MUST COMPLY WITH NMDOT STANDARD SPECIFICATIONS.
7.

ALL SALVAGEABLE CULVERTS, IRRIGATION GATES, ETC. MUST BE RETURNED TO THE MRGCD
8.

TEMPORARY INSTALLATIONS SHALL BE REMOVED BEFORE OR UPON PROJECT COMPLETION SUCH THAT THE FINISHED WORK WILL NOT INTERFERE WITH MRGCD OPERATIONS AND MAINTENANCE ACTIVITIES.

PIPE INSTALLATION NOTES:

1.

PIPE JOINTS SHOULD NOT BE PLACED DIRECTLY OVER UTILITIES OR UNDER WHEEL WELL LOCATIONS.
2.

EXISTING PIPE SHALL BE INSPECTED BY THE CONTRACTOR AND SHALL DETERMINE THE INTEGRITY OF THE PIPE IF DEEMED SUFFICIENT FOR REUSE. IF NEW PIPE SEGMENTS ARE REQUESTED BY THE CONTRACTOR, THE MRGCD WILL SUPPLY NEW PIPE.

GENERAL CONSTRUCTION NOTES:

1.

LOCATION AND EXTENTS OF EXISTING INFRASTRUCTURE ARE APPROXIMATED.
2.

APPROPRIATE SIGNAGE AND TEMPORARY BARRICADES SHALL BE ERECTED AT ALL ACCESS POINTS TO THE CONSTRUCTION ZONE TO PREVENT PUBLIC ACCESS INTO THE ACTIVE CONSTRUCTION ZONE.
3.

AT A MINIMUM, SIGNAGE AND BARRICADES SHALL BE PLACED AT ALL MAINTENANCE ROADS, AS INDICATED ON THE CONSTRUCTION LIMITS PLAN.
4.

ANT TEMPORARY CROSSING TO BE CONSTRUCTED FOR CONSTRUCTION ACCESS AND MOBILITY SHALL HAVE A 95% MINIMUM COMPACTION.
5.

IF LOCATION AND CONDITION OF EXISTING INFRASTRUCTURE VARIES FROM WHAT IS SHOWN ON THE CONSTRUCTION LIMITS SHEET, THE ENGINEER PROJECT MANAGER SHALL BE CONTRACTED PRIOR TO PROCEEDING.
6.

THE CONTRACTOR SHALL COORDINATED WITH RUBICON WATER PRIOR TO THE INSTALLATION THE RUBICON GATES. RUBICON WATER WILL SUPPLY TECHNICAL STAFF TO CONDUCT THE SUPERVISION OF THE INSTALLATION OF THE RUBICON GATES.

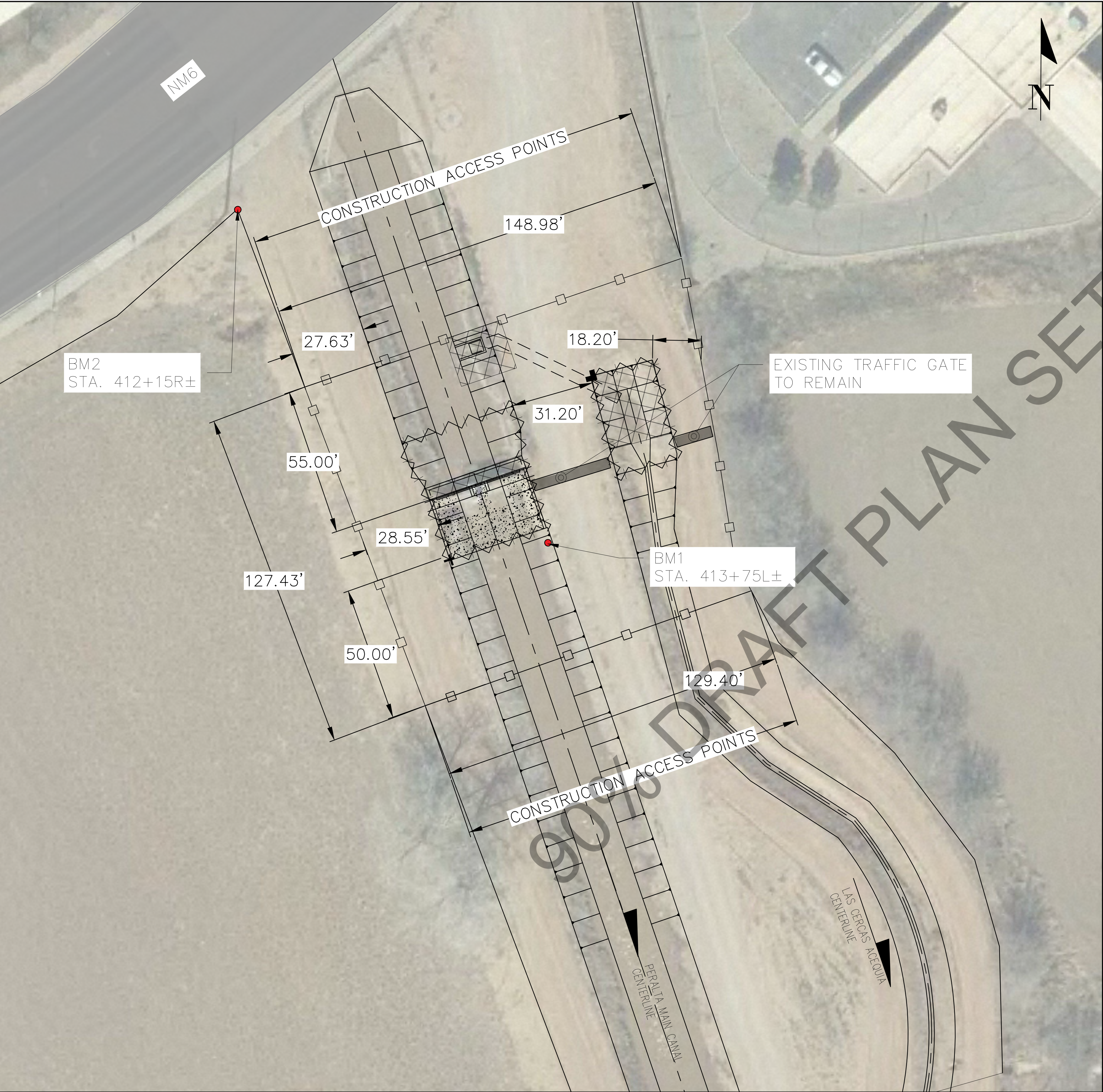
MIDDLE RIO GRANDE CONSERVANCY DISTRICT

LAS CERCAS PILOT PROJECT

GENERAL NOTES - SHEET 2/11

PERALTA MAIN CANAL - STA. 413+50





LEGEND

- EXISTING CONCRETE
- DEMOLITION LOCATION
- FACILITY CENTERLINE
- BURIED PIPE TO BE RELOCATED
- CONSTRUCTION LIMITS
- LIMITS OF CHANNEL WORK

CONSTRUCTION LIMIT PLAN
SCALE: 1"=20'

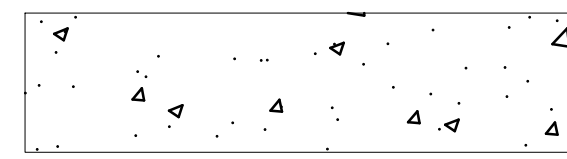
MIDDLE RIO GRANDE CONSERVANCY DISTRICT

LAS CERCAS PILOT PROJECT
CONSTRUCTION LIMITS - SHEET 3/11
PERALTA MAIN CANAL - STA. 413+50

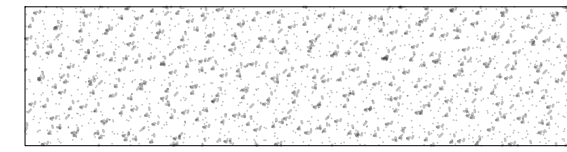
MIDDLE
RIO GRANDE
CONSERVANCY
DISTRICT



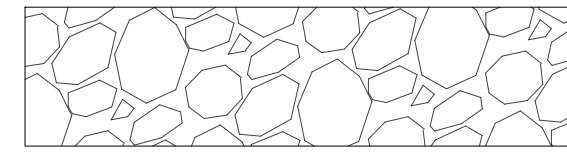
LEGEND



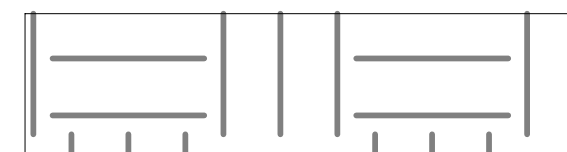
EXISTING CONCRETE



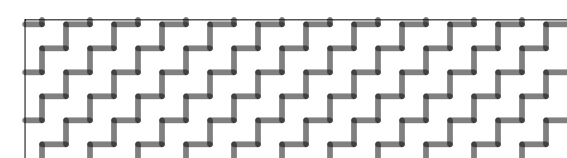
PROPOSED CONCRETE



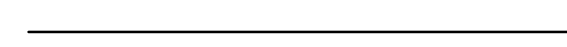
RIPRAP CHANNEL LINING



EARTH MATERIAL



TRAFFIC GATES



PROPOSED CHANNEL



PROPOSED PIPE



FACILITY CENTERLINE



EXISTING CHANNEL

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

LAS CERCAS PILOT PROJECT

SITE PLAN - SHEET 4/11

PERALTA MAIN CANAL - STA. 413+50

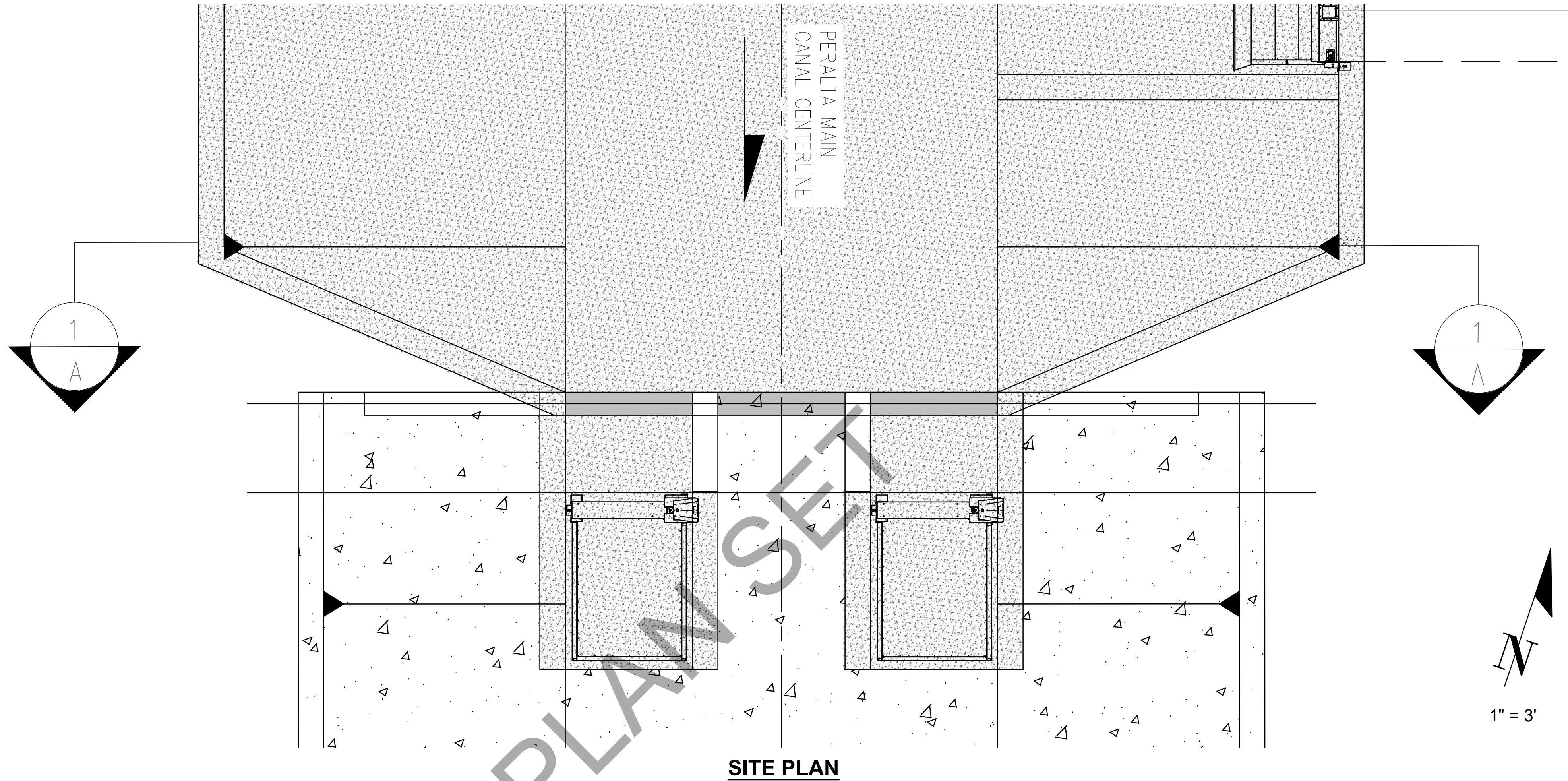
MIDDLE
RIO GRANDE



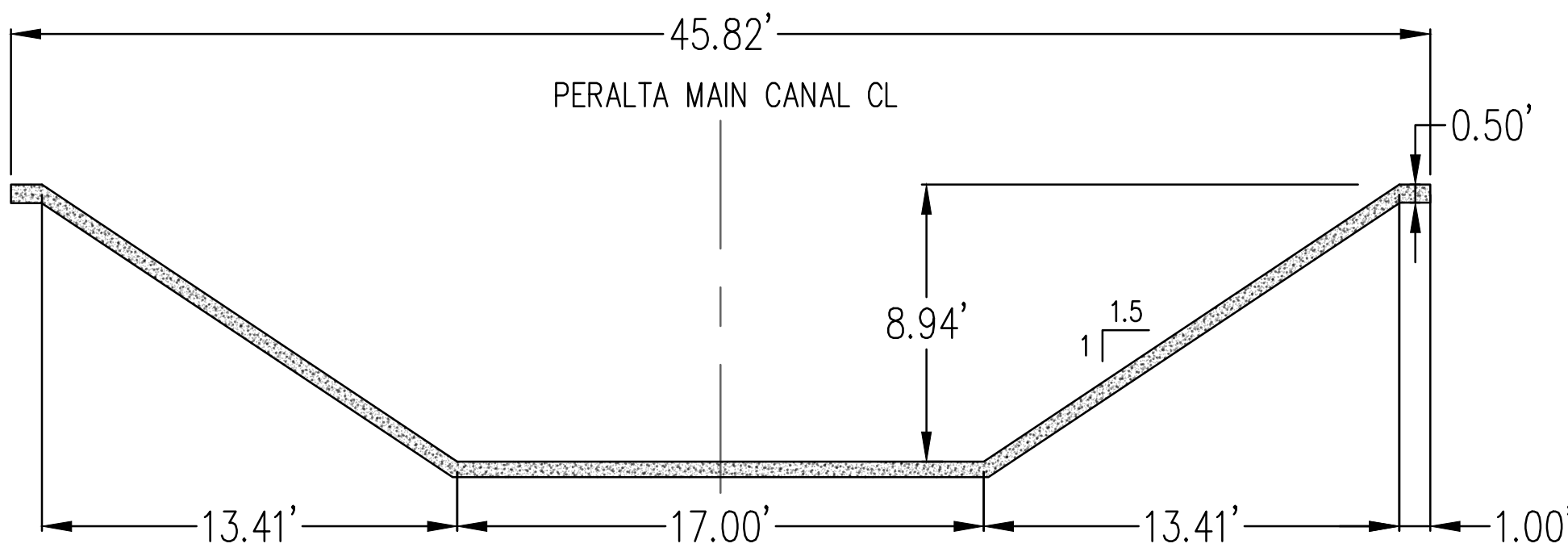
CONSERVANCY
DISTRICT

LEGEND

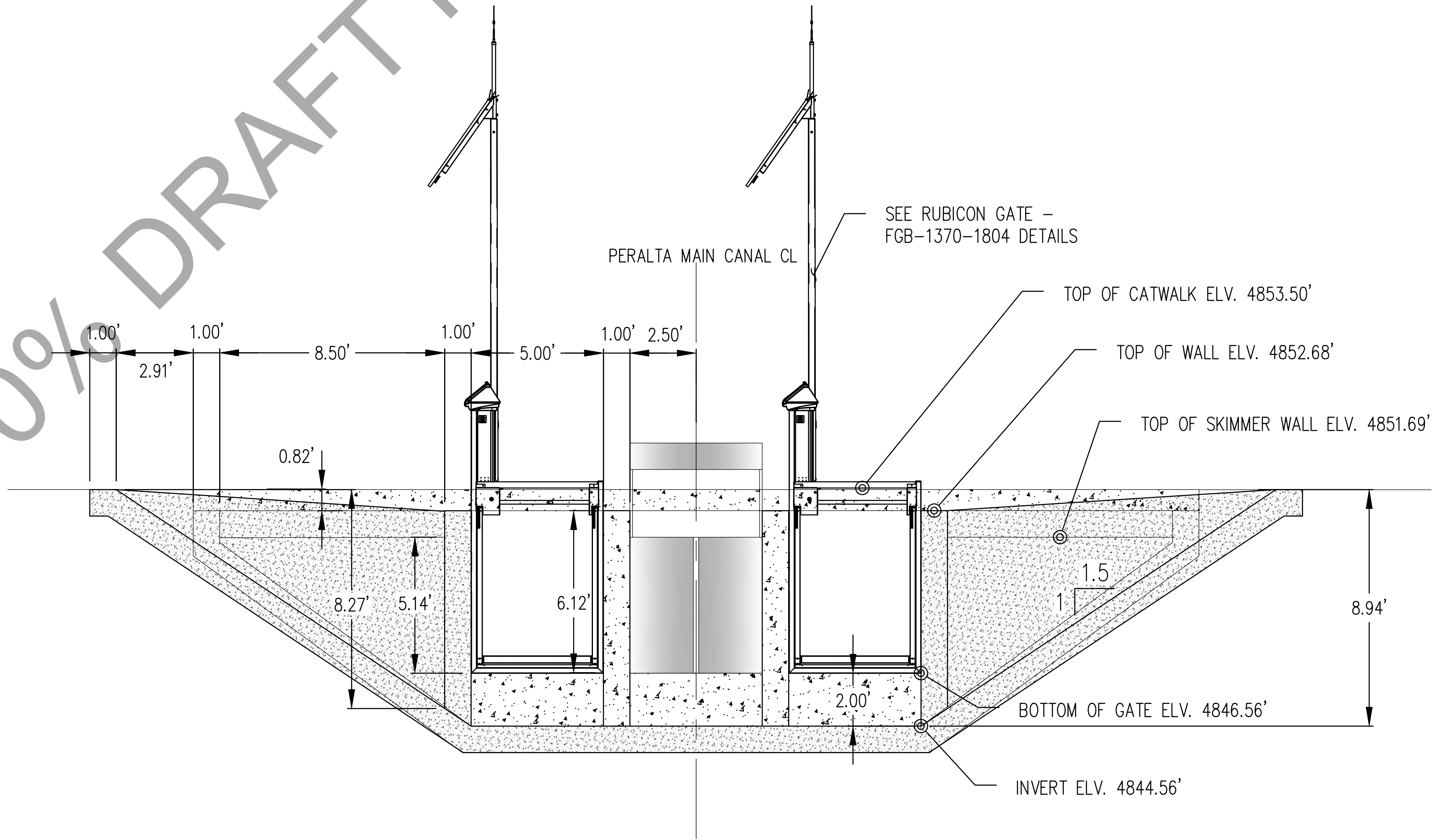
- EXISTING CONCRETE
- PROPOSED CONCRETE
- RIPRAP CHANNEL LINING
- EARTH MATERIAL
- PROPOSED CHANNEL
- PROPOSED PIPE
- FACILITY CENTERLINE
- EXISTING CHANNEL



SITE PLAN



PERALTA MAIN CANAL CHANNEL CROSS SECTION
1" = 5'



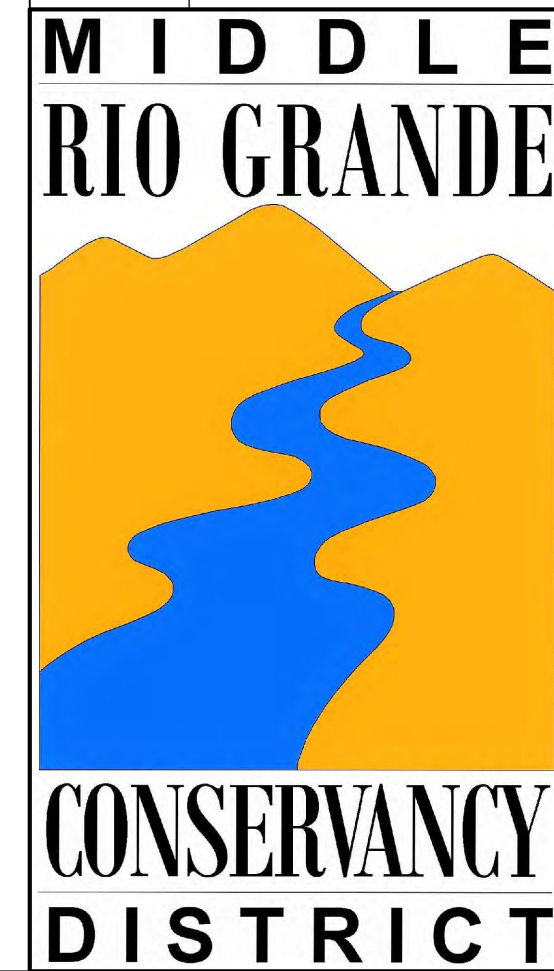
SECTION A-1: PERALTA MAIN CANAL CHECK #10
1" = 3'

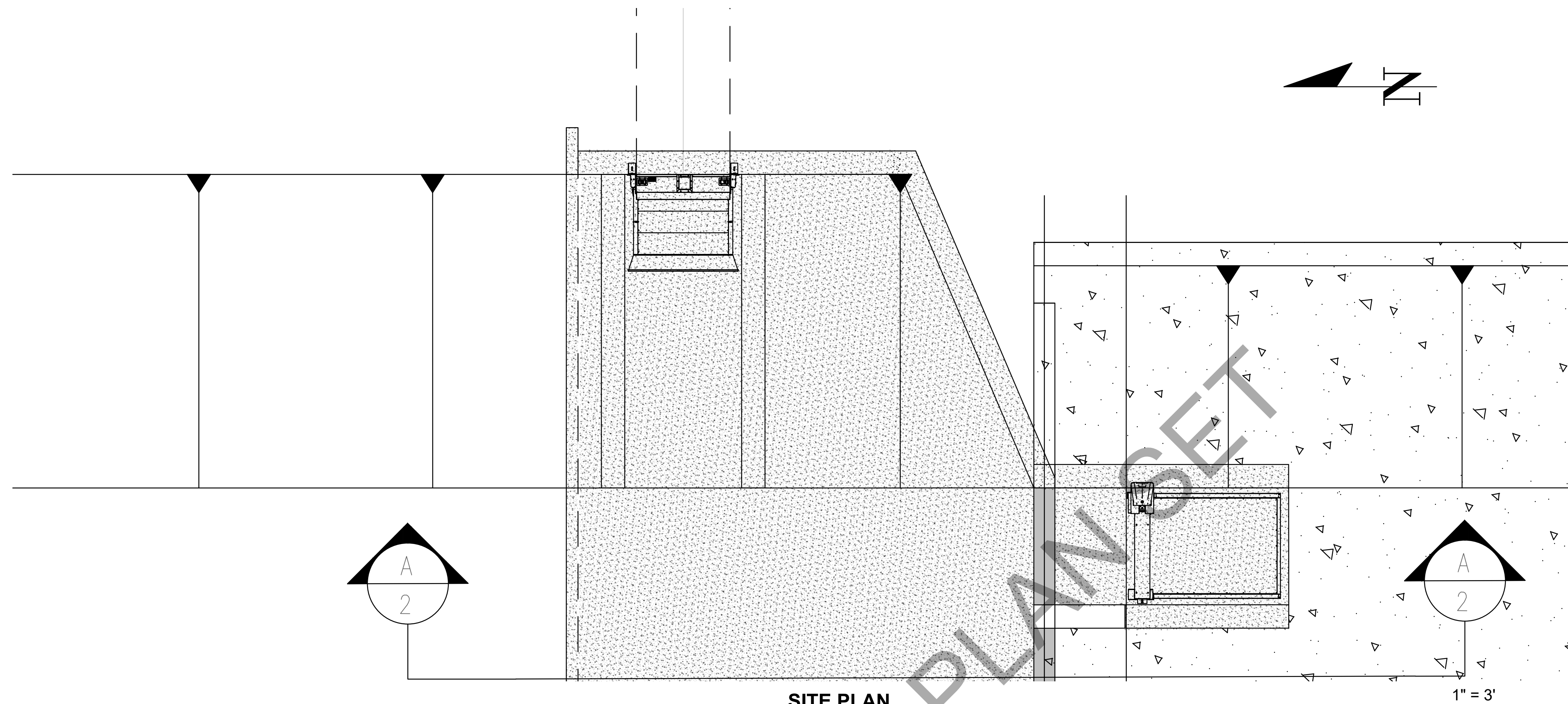
MIDDLE RIO GRANDE CONSERVANCY DISTRICT

LAS CERCAS PILOT PROJECT

SECTION VIEWS - SHEET 5/11

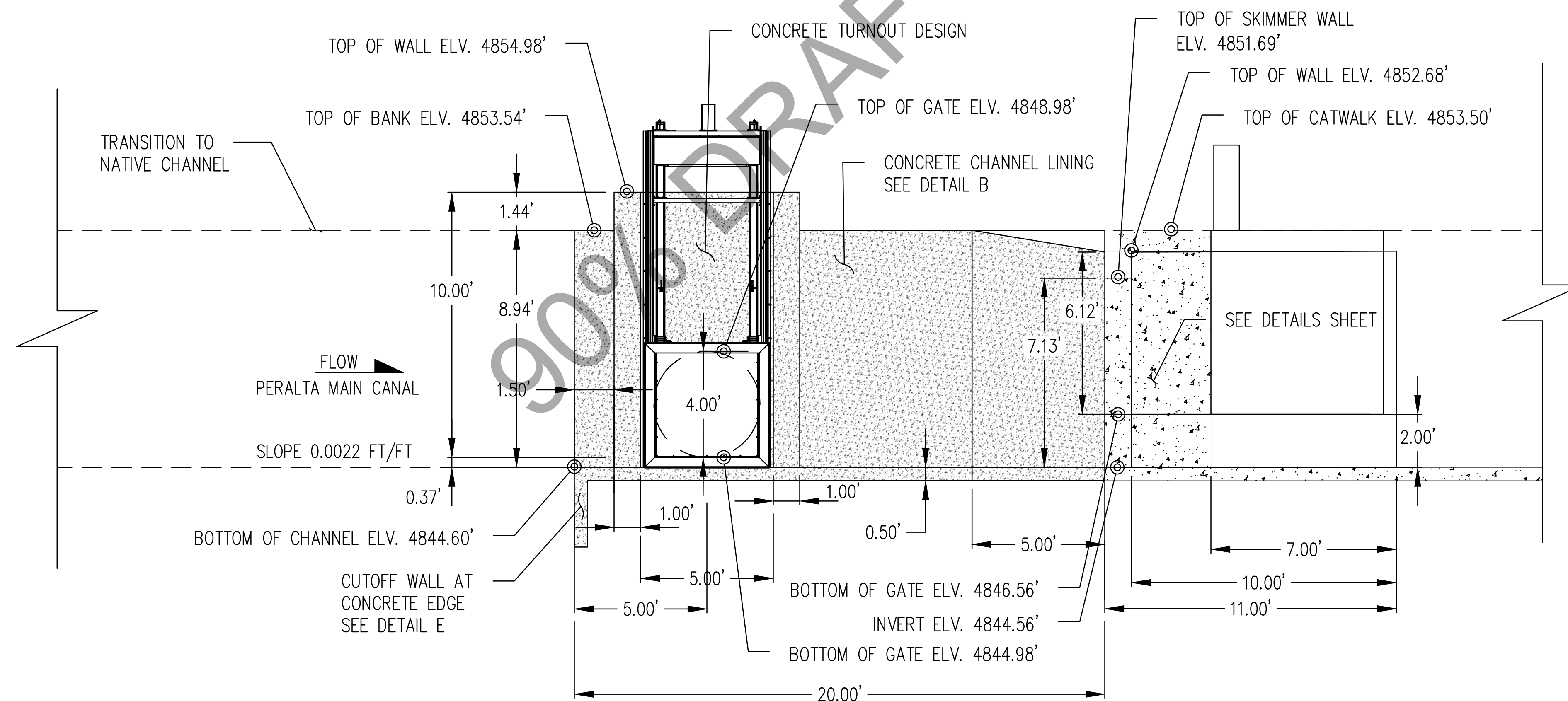
PERALTA MAIN CANAL - STA. 413+50





LEGEND

- EXISTING CONCRETE
- PROPOSED CONCRETE
- RIPRAP CHANNEL LINING
- EARTH MATERIAL
- PROPOSED CHANNEL
- PROPOSED PIPE
- FACILITY CENTERLINE
- EXISTING CHANNEL



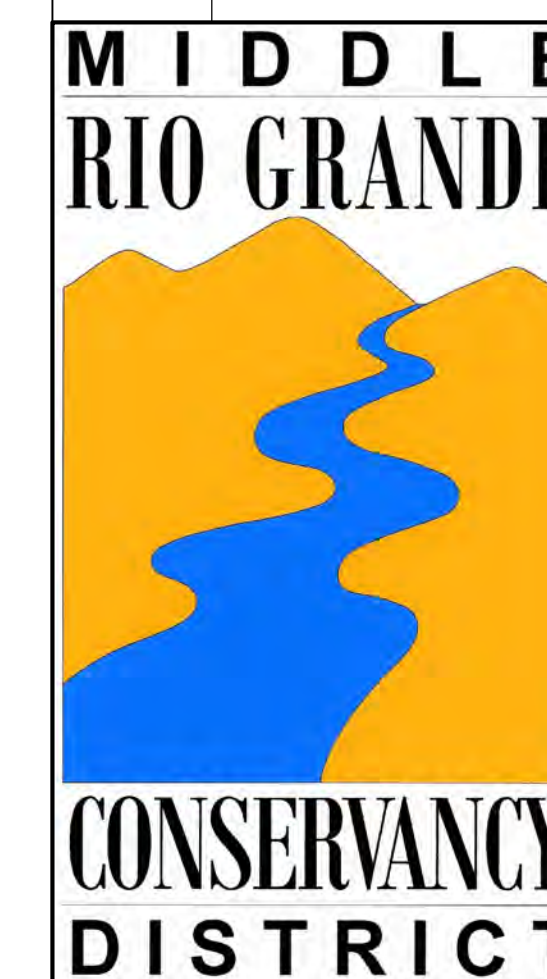
SECTION A-2: PERALTA MAIN CANAL CROSS SECTION
1" = 3'

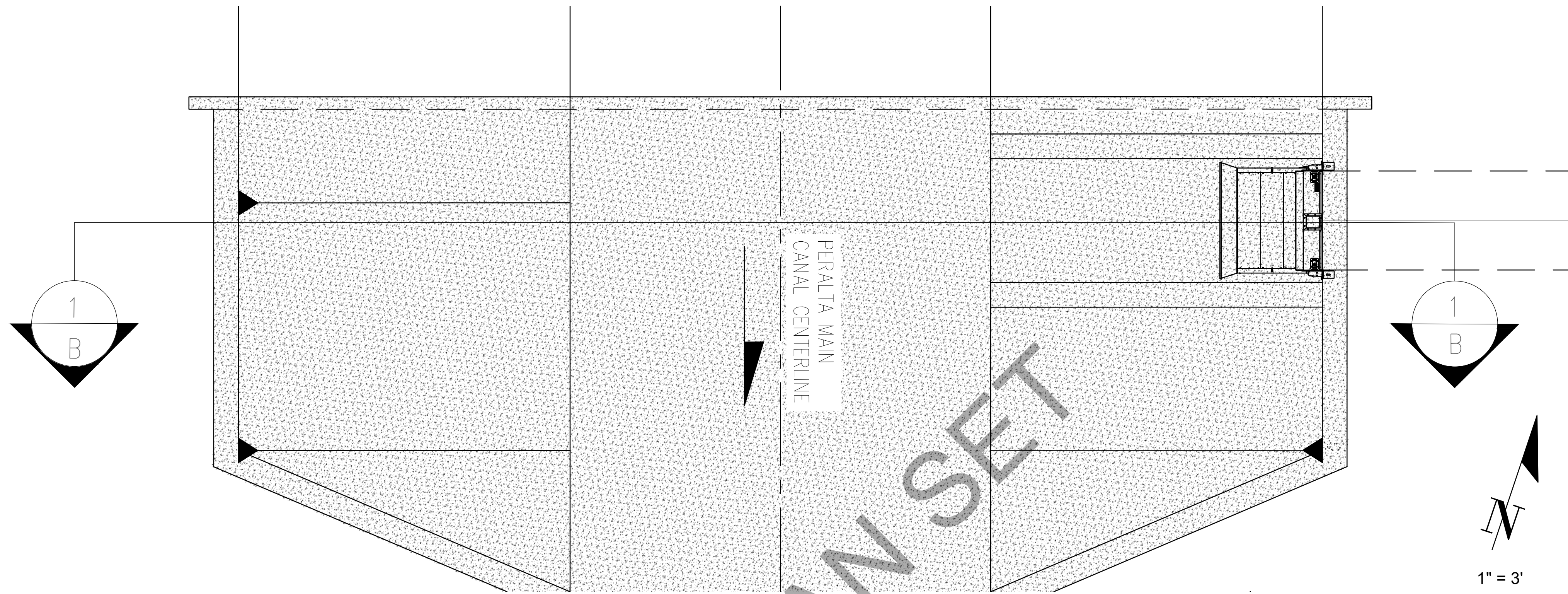
MIDDLE RIO GRANDE CONSERVANCY DISTRICT

LAS CERCAS PILOT PROJECT

SECTION VIEWS - SHEET 6/11

PERALTA MAIN CANAL - STA. 413+50


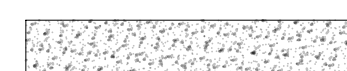








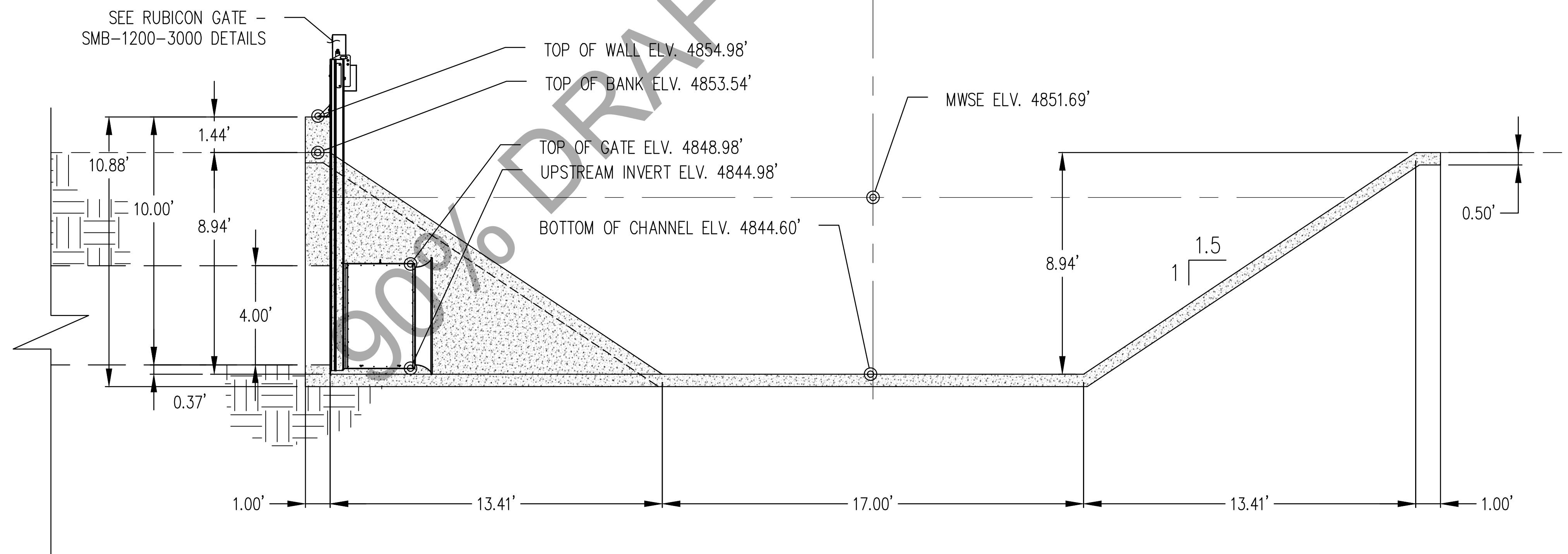


SITE PLAN

PERALTA MAIN CANAL CL

LEGEND

-  EXISTING CONCRETE
-  PROPOSED CONCRETE
-  RIPRAP CHANNEL LINING
-  EARTH MATERIAL
-  PROPOSED CHANNEL
-  PROPOSED PIPE
-  FACILITY CENTERLINE
-  EXISTING CHANNEL



SECTION B-1: LAS CERCAS ACEQUIA HEADING CROSS SECTION
1" = 3'

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

LAS CERCAS PILOT PROJECT

SECTION VIEWS - SHEET 7/11

PERALTA MAIN CANAL - STA. 413+50

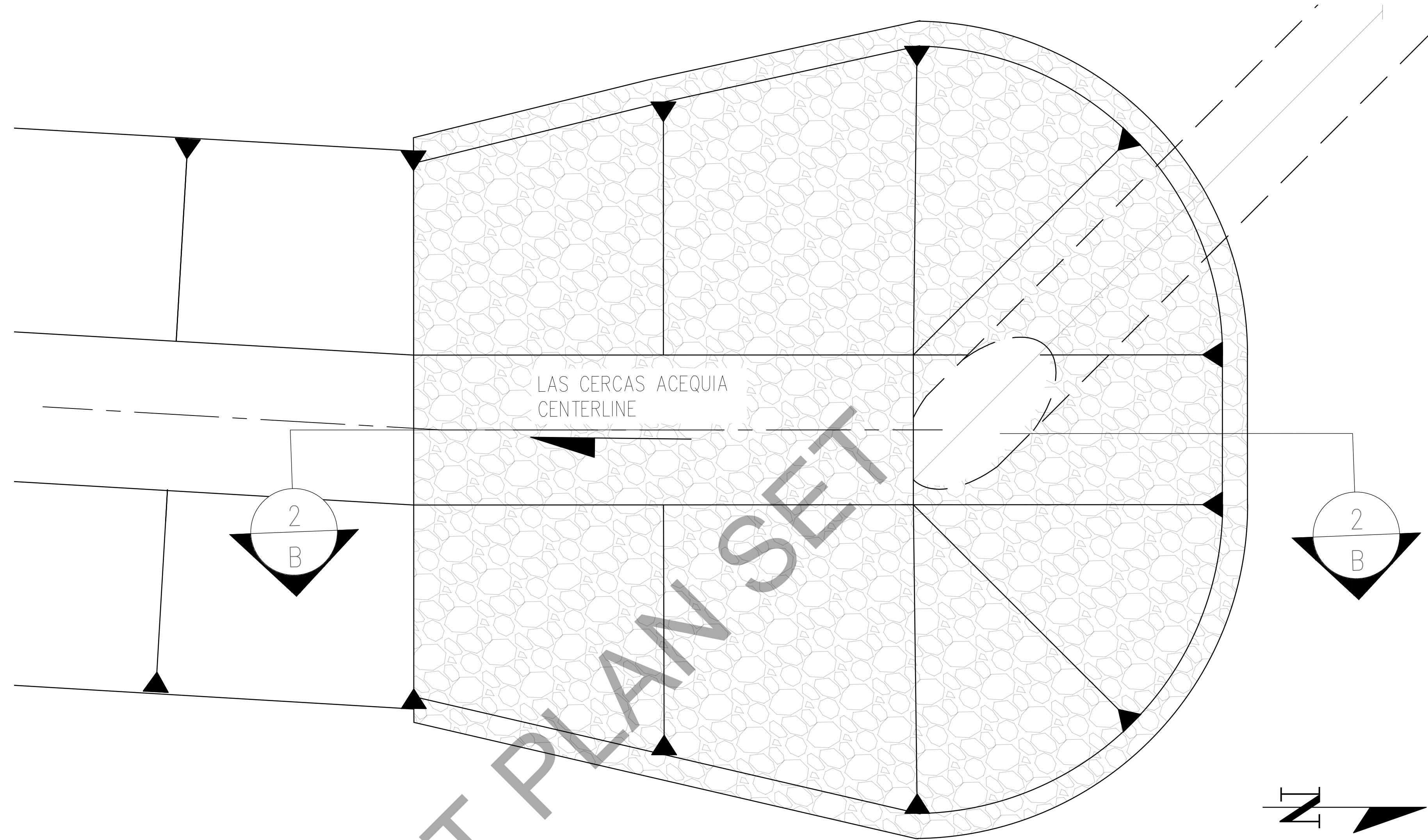
**MIDDLE
RIO GRANDE**



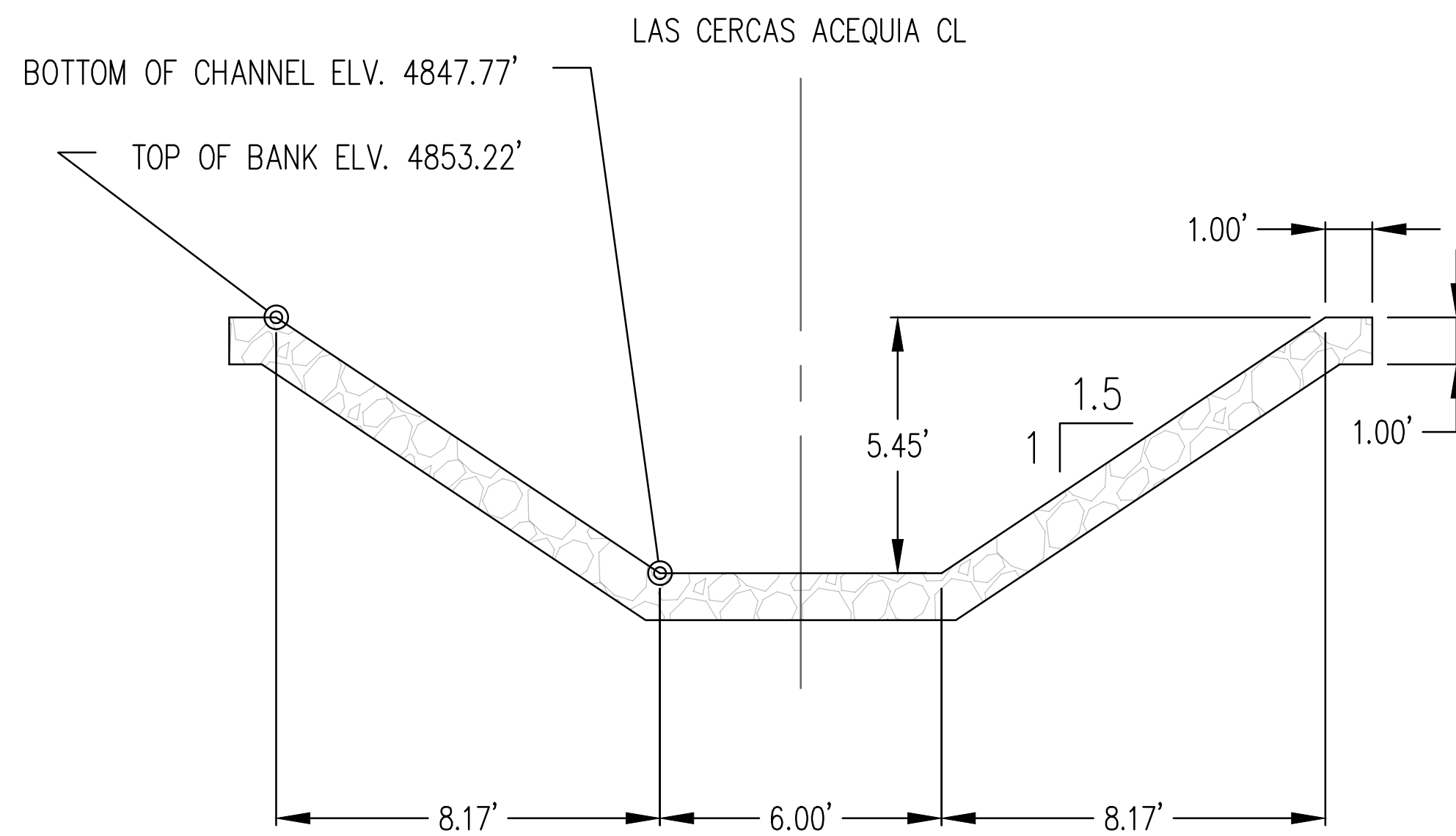
**CONSERVANCY
DISTRICT**

LEGEND

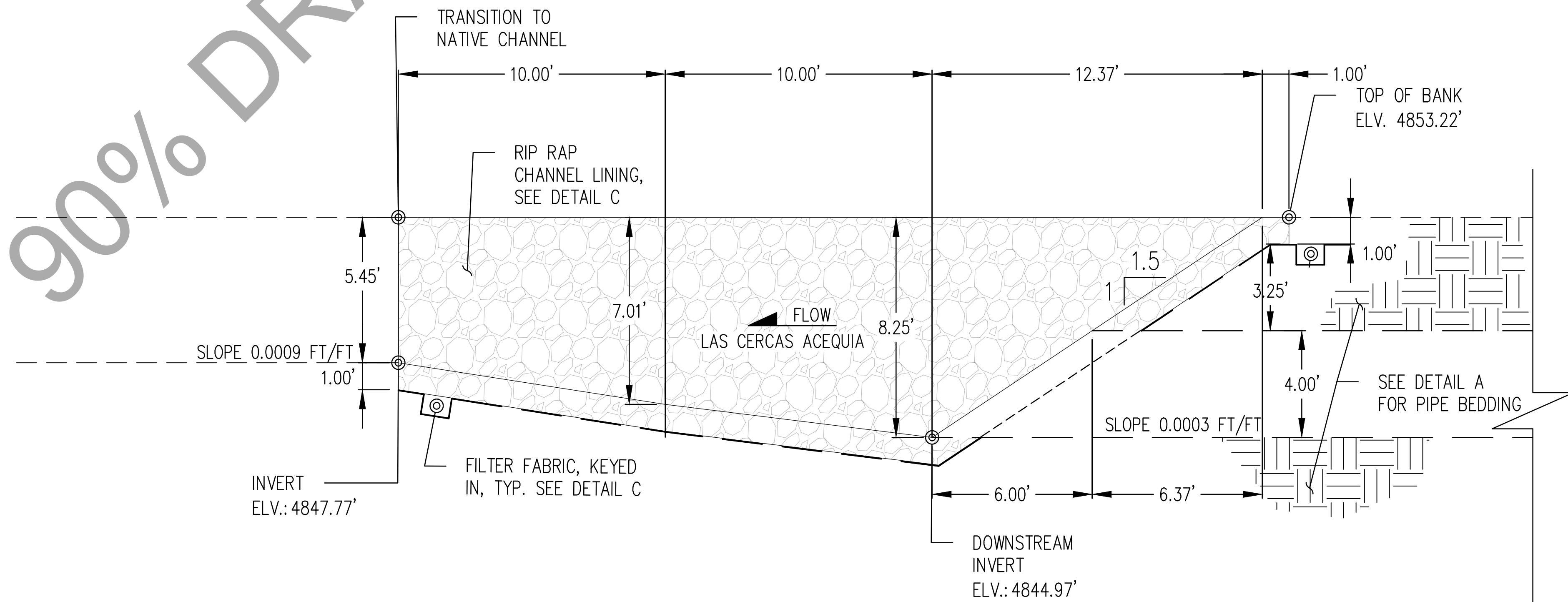
- EXISTING CONCRETE
- PROPOSED CONCRETE
- RIPRAP CHANNEL LINING
- EARTH MATERIAL
- PROPOSED CHANNEL
- PROPOSED PIPE
- FACILITY CENTERLINE
- EXISTING CHANNEL



SITE PLAN



LAS CERCAS ACEQUIA CHANNEL CROSS SECTION
1" = 3'



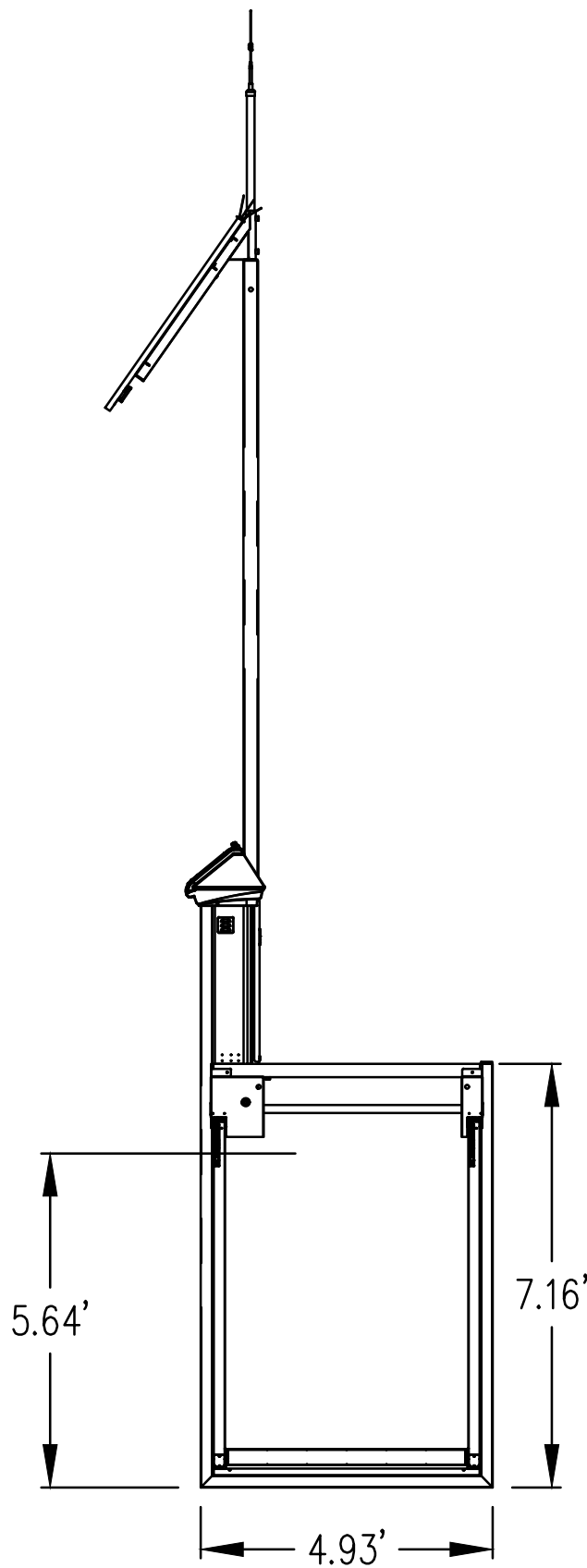
SECTION B-2: LAS CERCAS ACEQUIA OUTFALL CROSS SECTION
1" = 3'

MIDDLE RIO GRANDE CONSERVANCY DISTRICT
LAS CERCAS PILOT PROJECT
SECTION VIEWS - SHEET 8/11
PERALTA MAIN CANAL - STA. 413+50

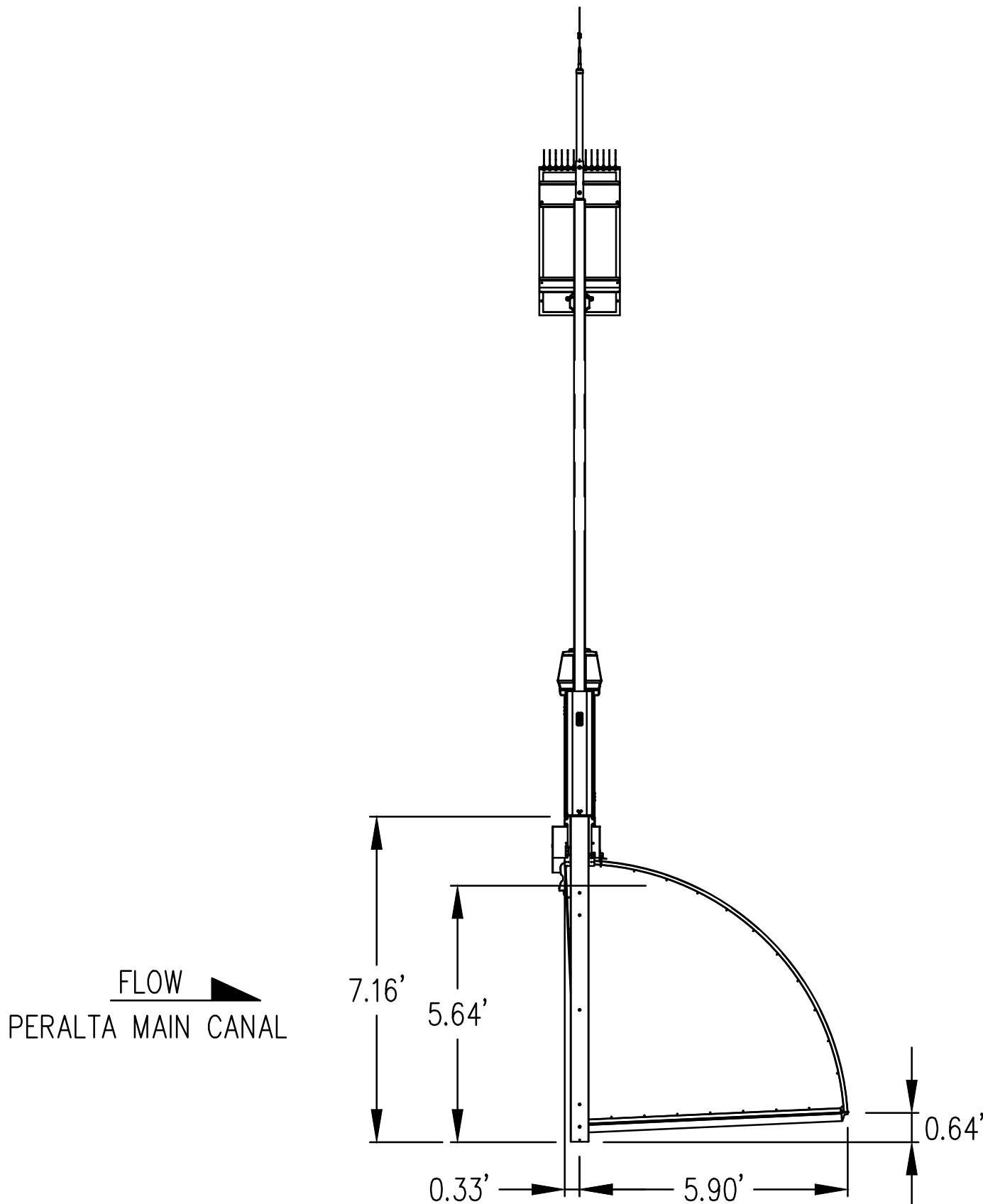


NOTE:

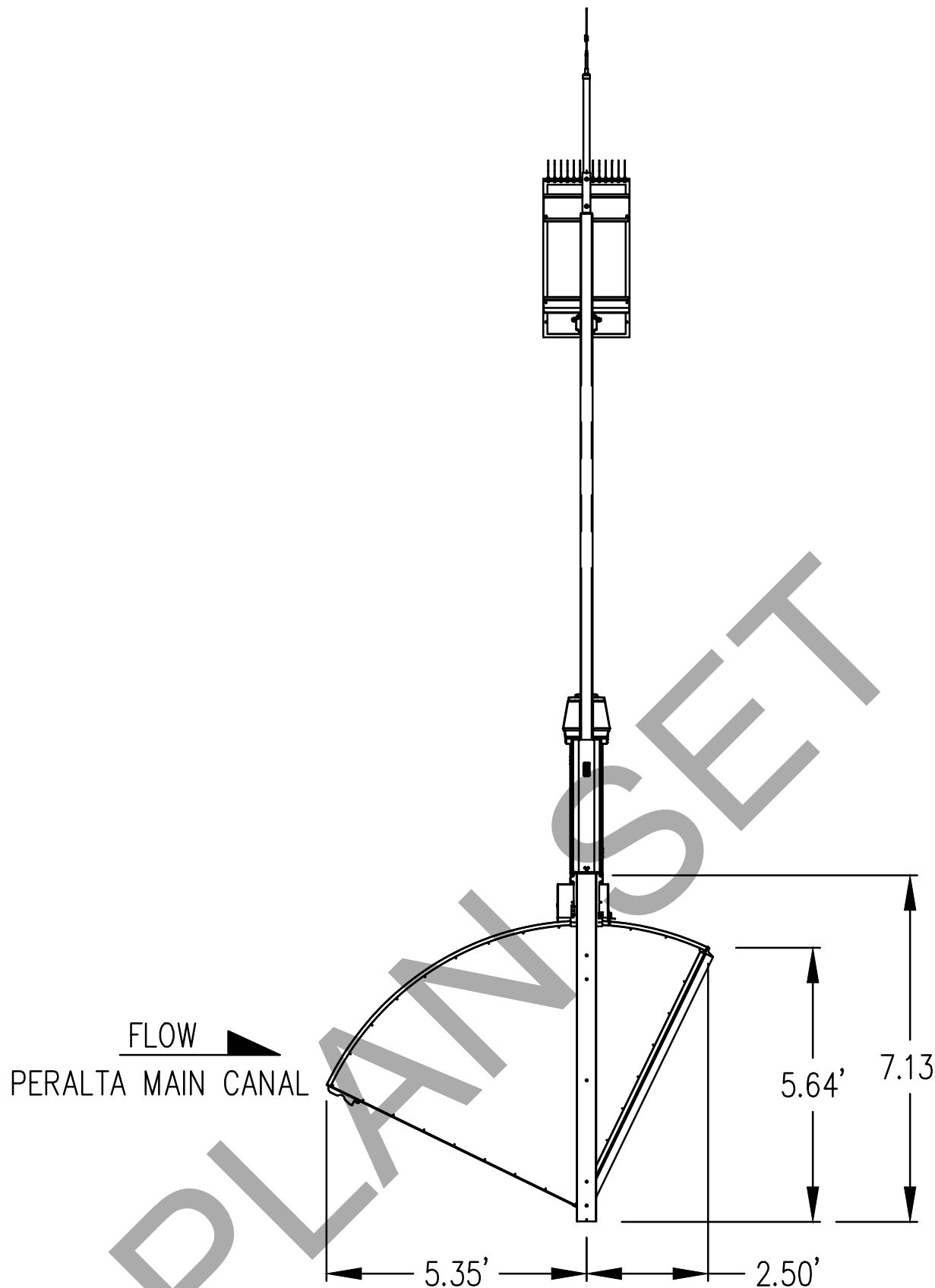
- 1. GATE DETAIL WERE TAKEN FROM RUBICON'S GATE DIMENSIONAL DATA AND SELECTION DRAWING.
- 2. THE CONTRACTOR SHALL COORDINATED WITH RUBICON WATER PRIOR TO THE INSTALLATION OF THE RUBICON GATES. RUBICON WATER WILL SUPPLY TECHNICAL STAFF TO CONDUCT THE SUPERVISION OF THE INSTALLATION OF THE RUBICON GATES.



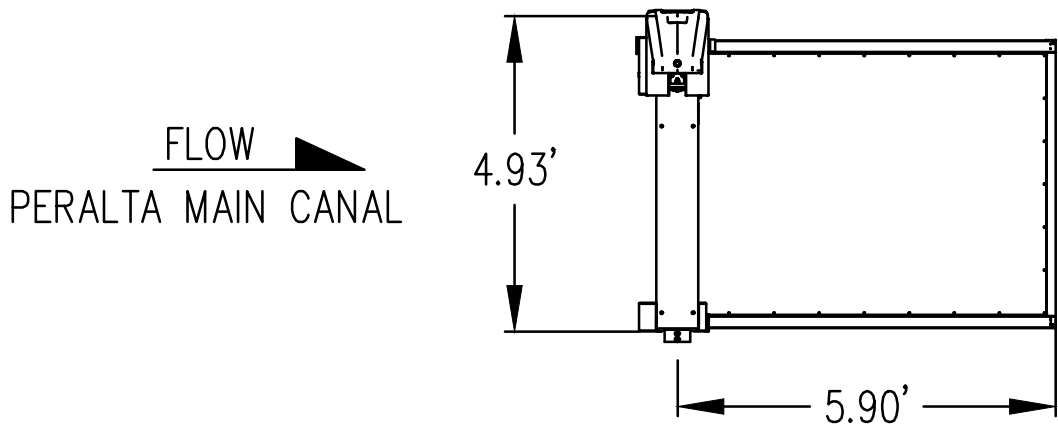
RUBICON GATE - FGB-1370-1804 - FRONT VIEW
1" = 3'



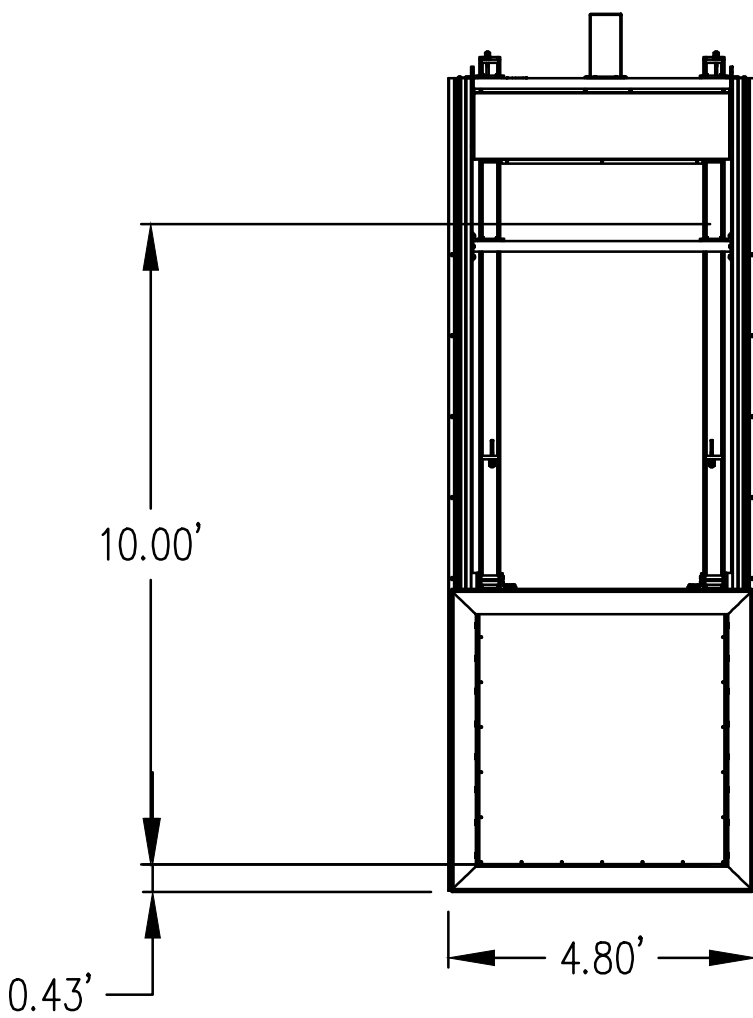
RUBICON GATE - FGB-1370-1804 - SIDE VIEW 1
1" = 3'



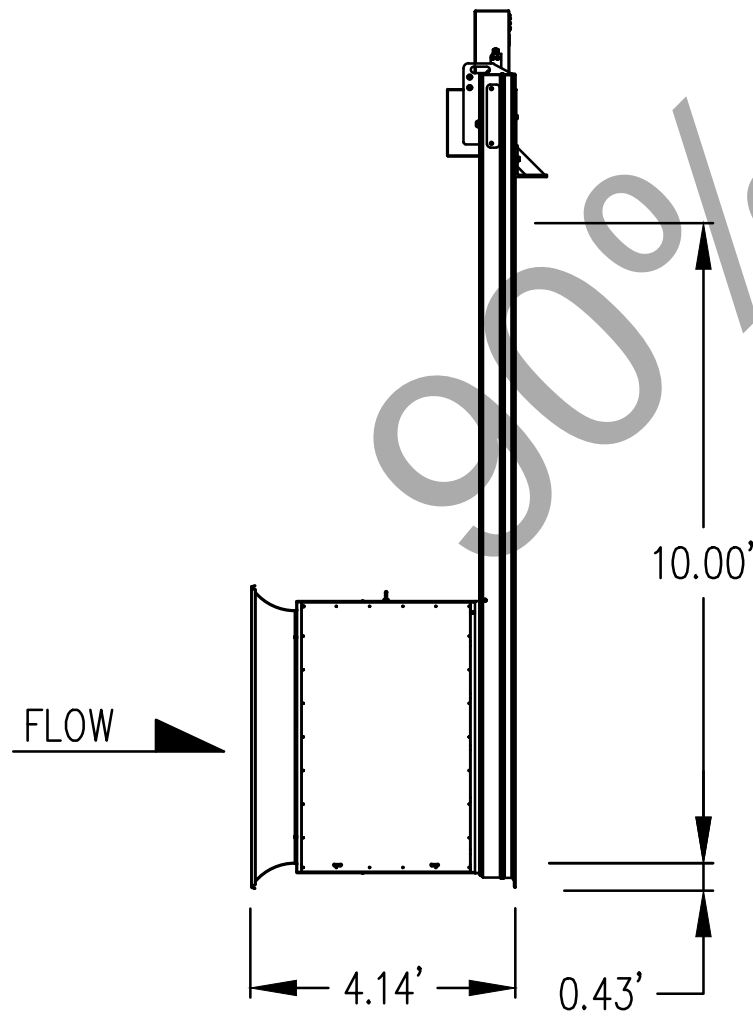
RUBICON GATE - FGB-1370-1804 - SIDE VIEW 2
1" = 3'



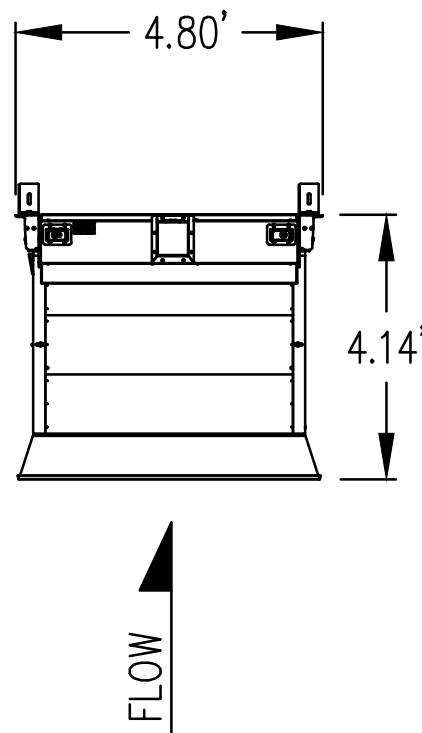
RUBICON GATE - FGB-1370-1804 - PLAN VIEW
1" = 3'



RUBICON GATE - SMB-1200-3000 - FRONT VIEW
1" = 3'



RUBICON GATE - SMB-1200-3000 - SIDE VIEW
1" = 3'



RUBICON GATE - SMB-1200-3000 - PLAN VIEW
1" = 3'

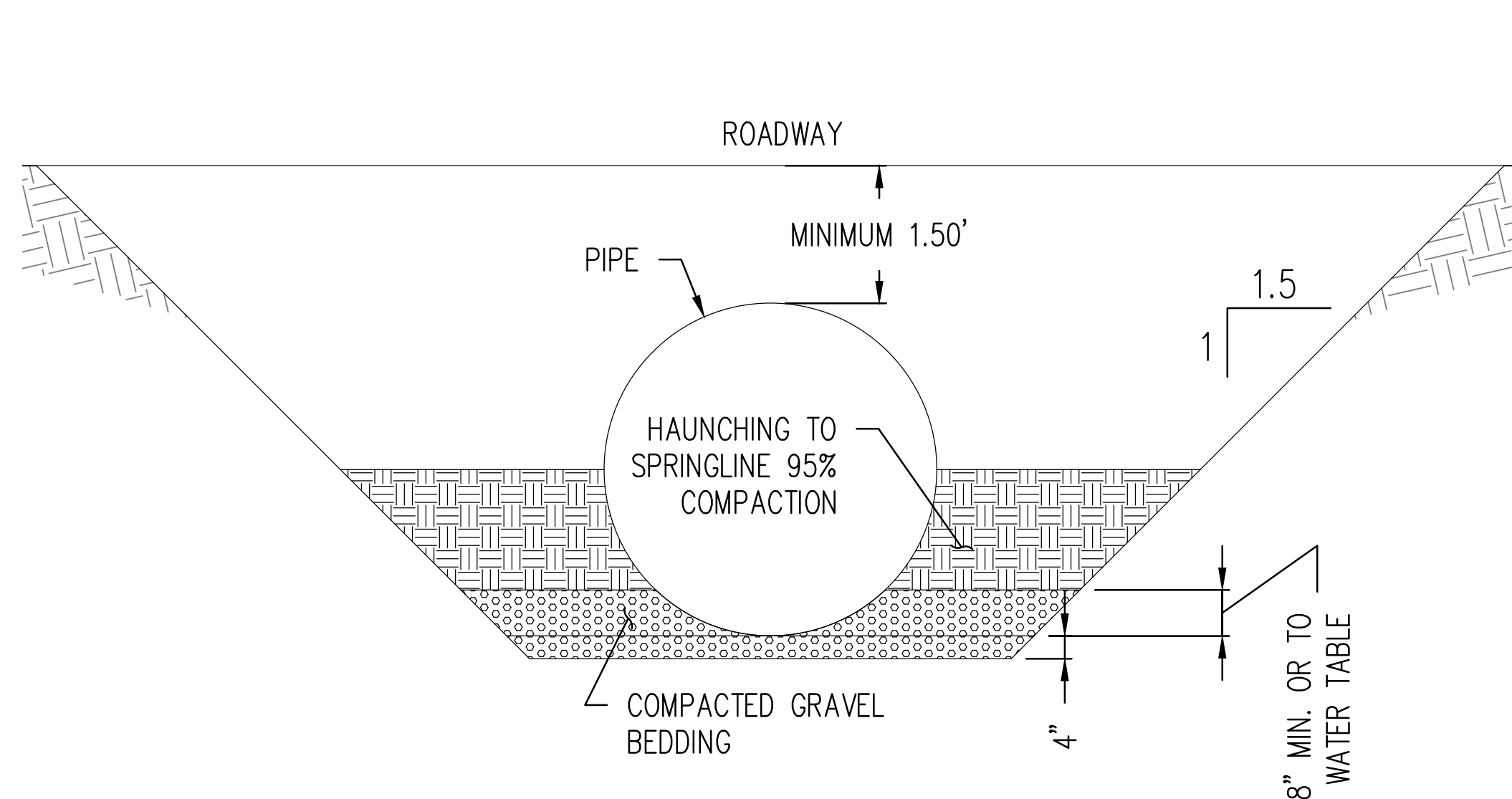
MIDDLE RIO GRANDE CONSERVANCY DISTRICT

LAS CERCAS PILOT PROJECT

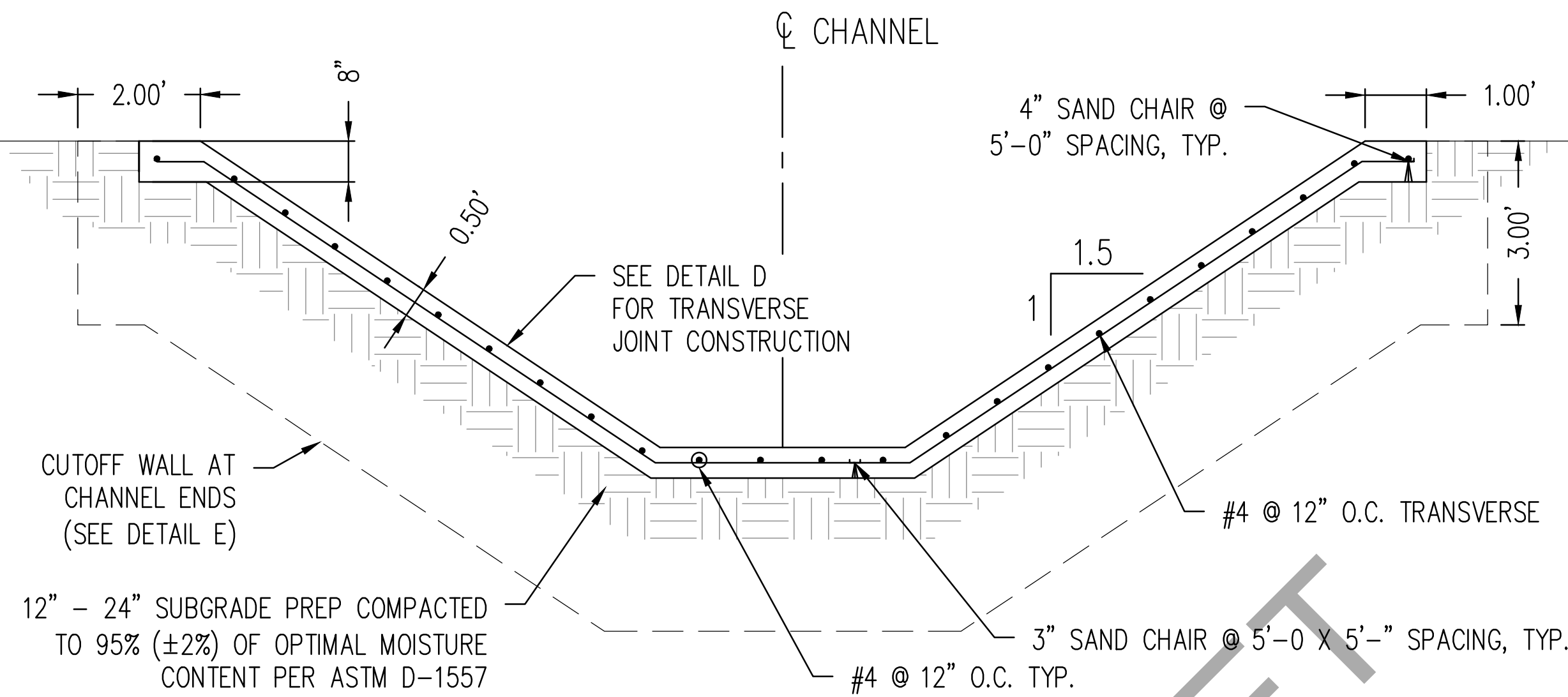
GATE DETAILS - SHEET 9/11

PERALTA MAIN CANAL - STA. 413+50

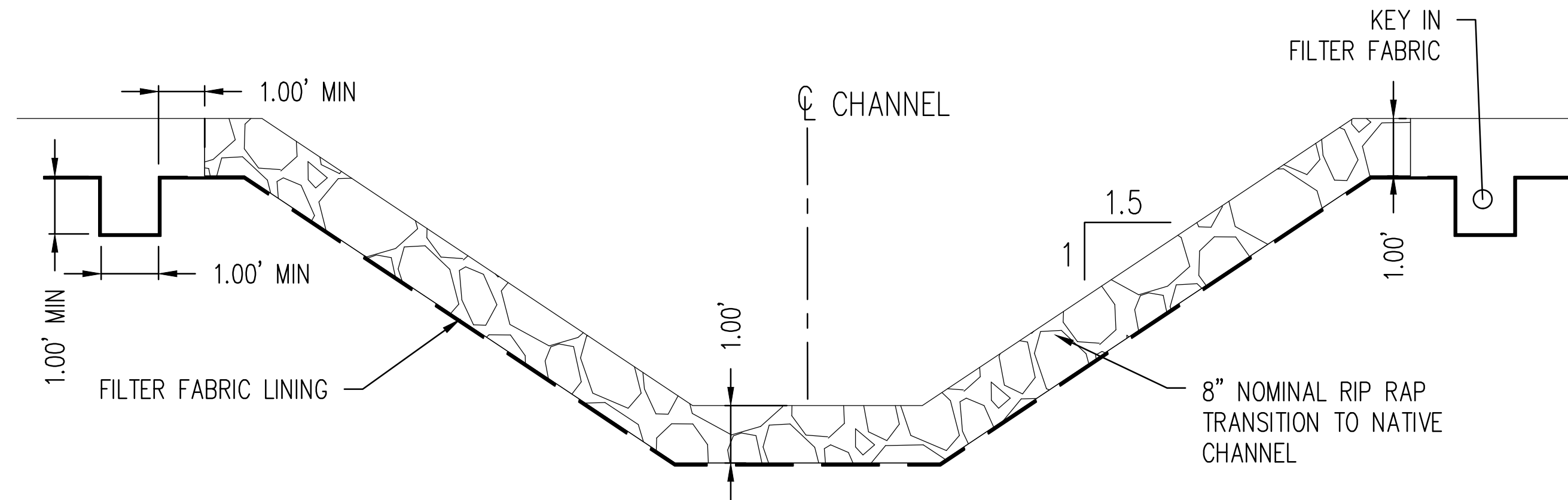




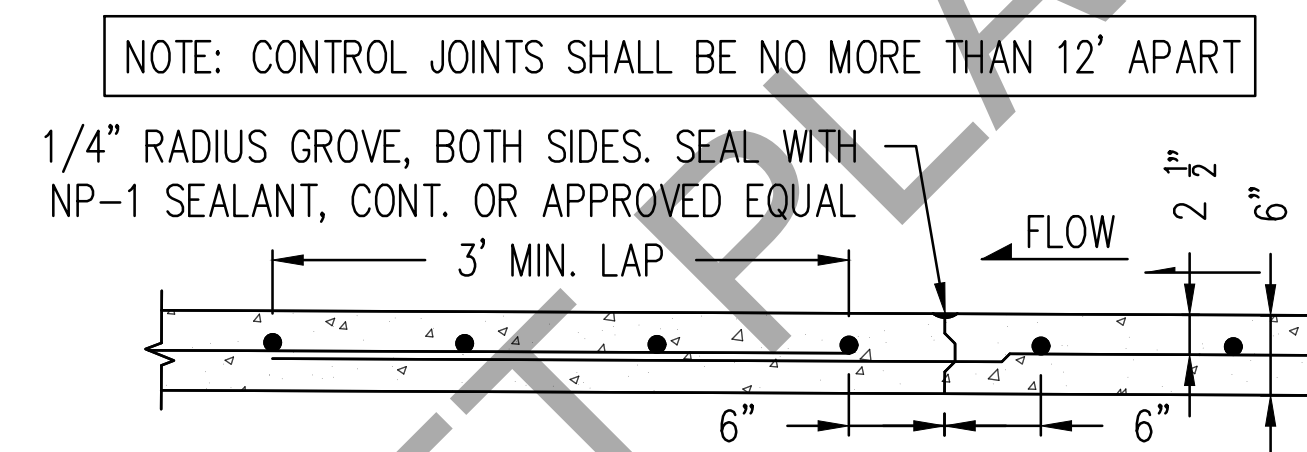
DETAIL A: PIPE BEDDING DETAIL



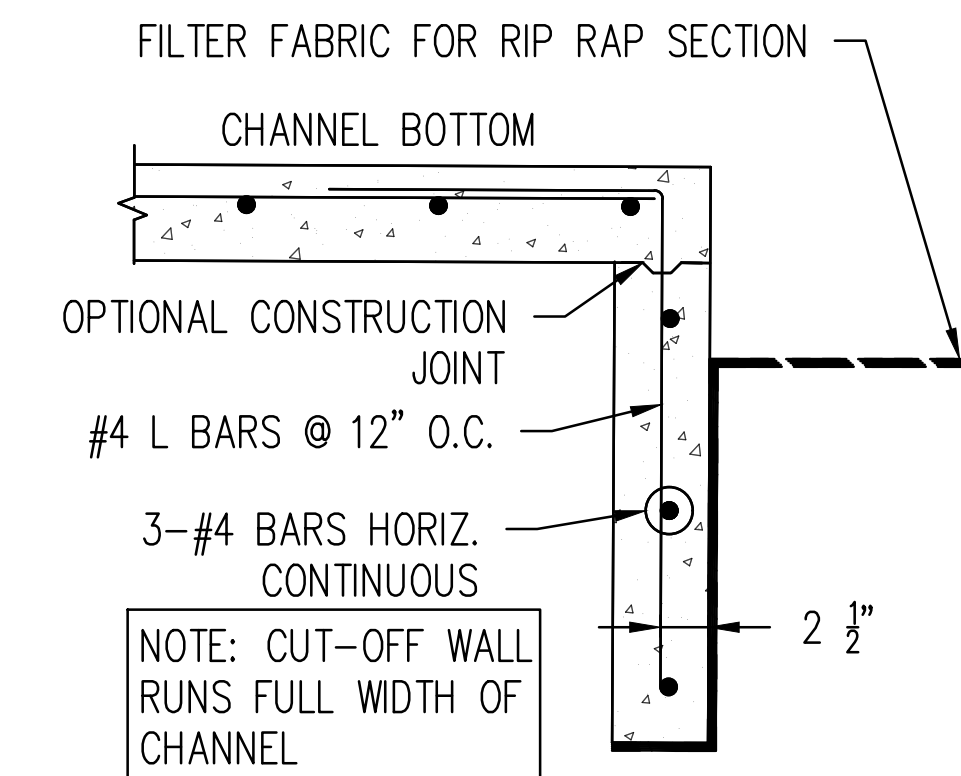
DETAIL B: CONCRETE CHANNEL LINING



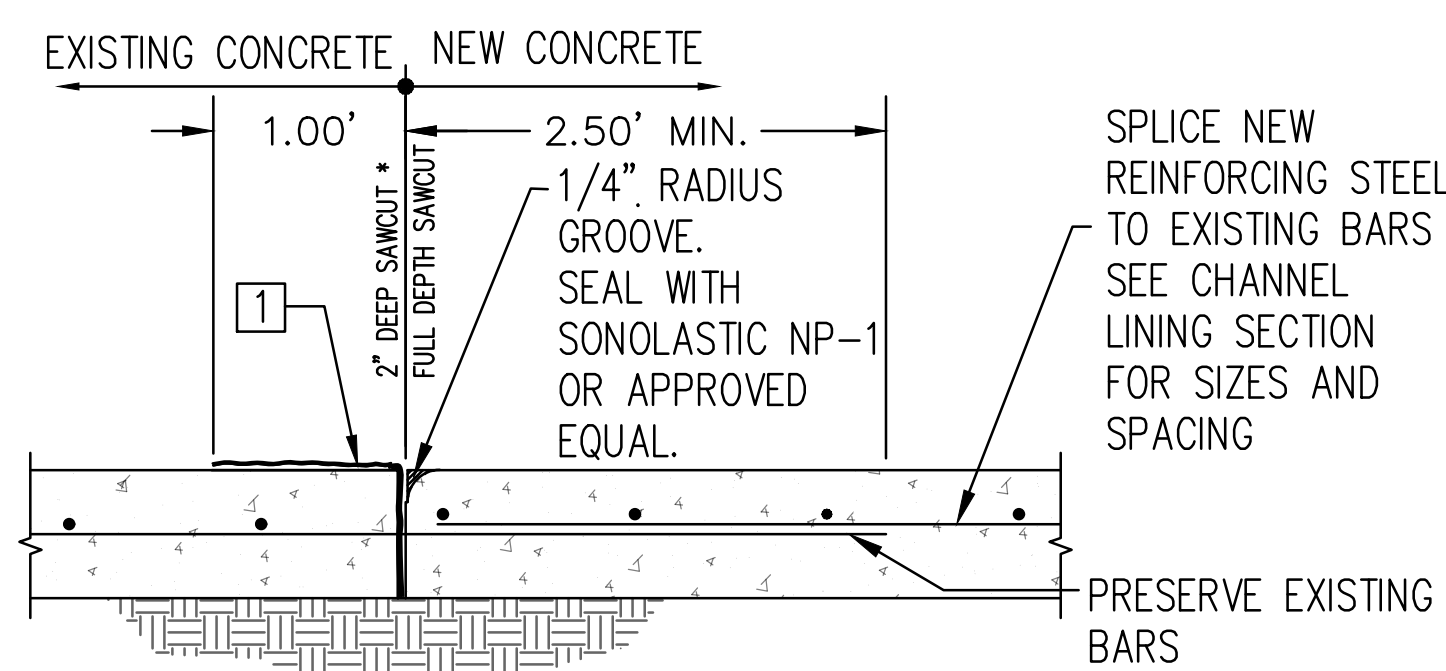
DETAIL C: RIP RAP LINING



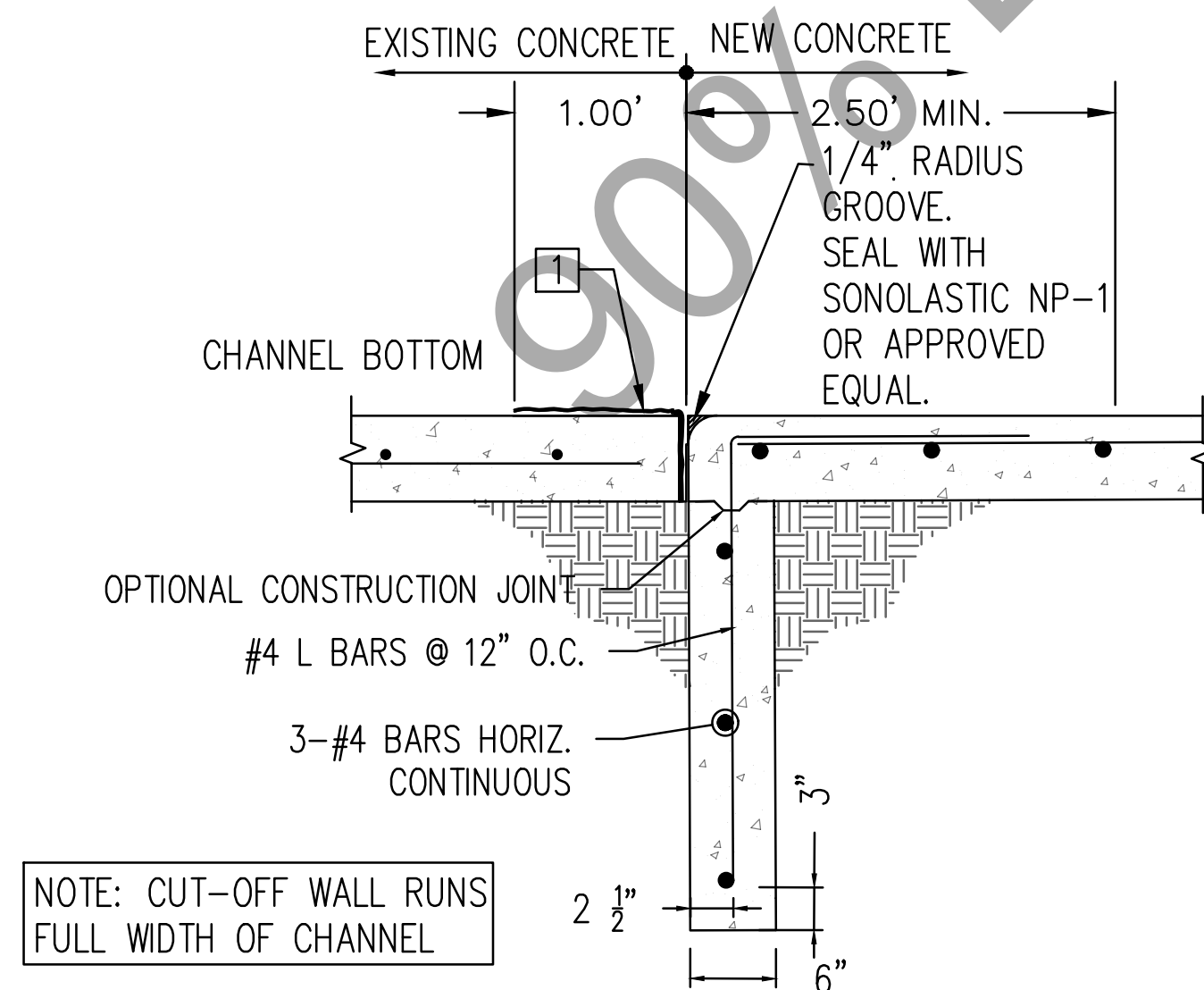
DETAIL D: TYPICAL TRANSVERSE CONSTRUCTION JOINT



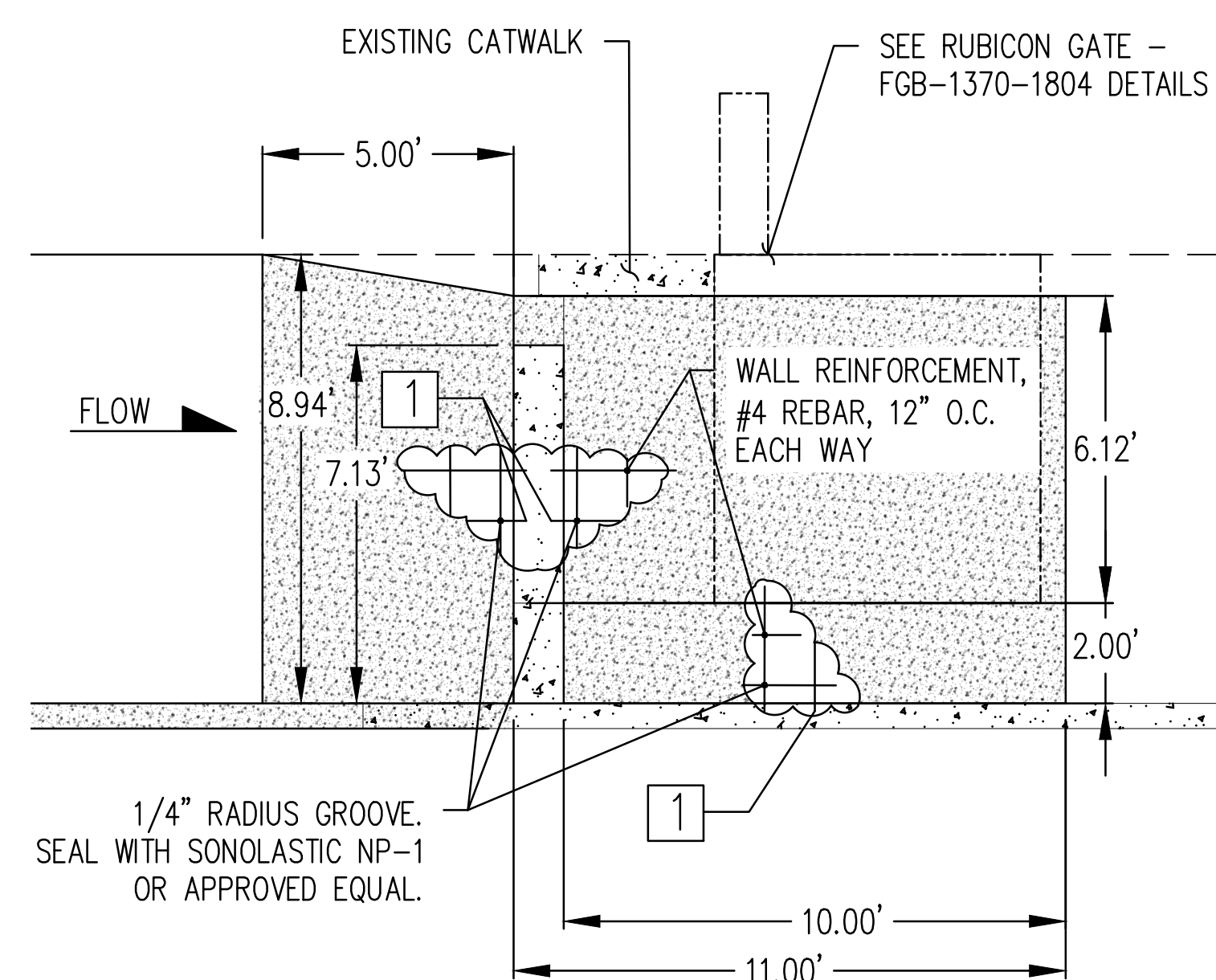
DETAIL E: TYPICAL CUTOFF WALL SECTION



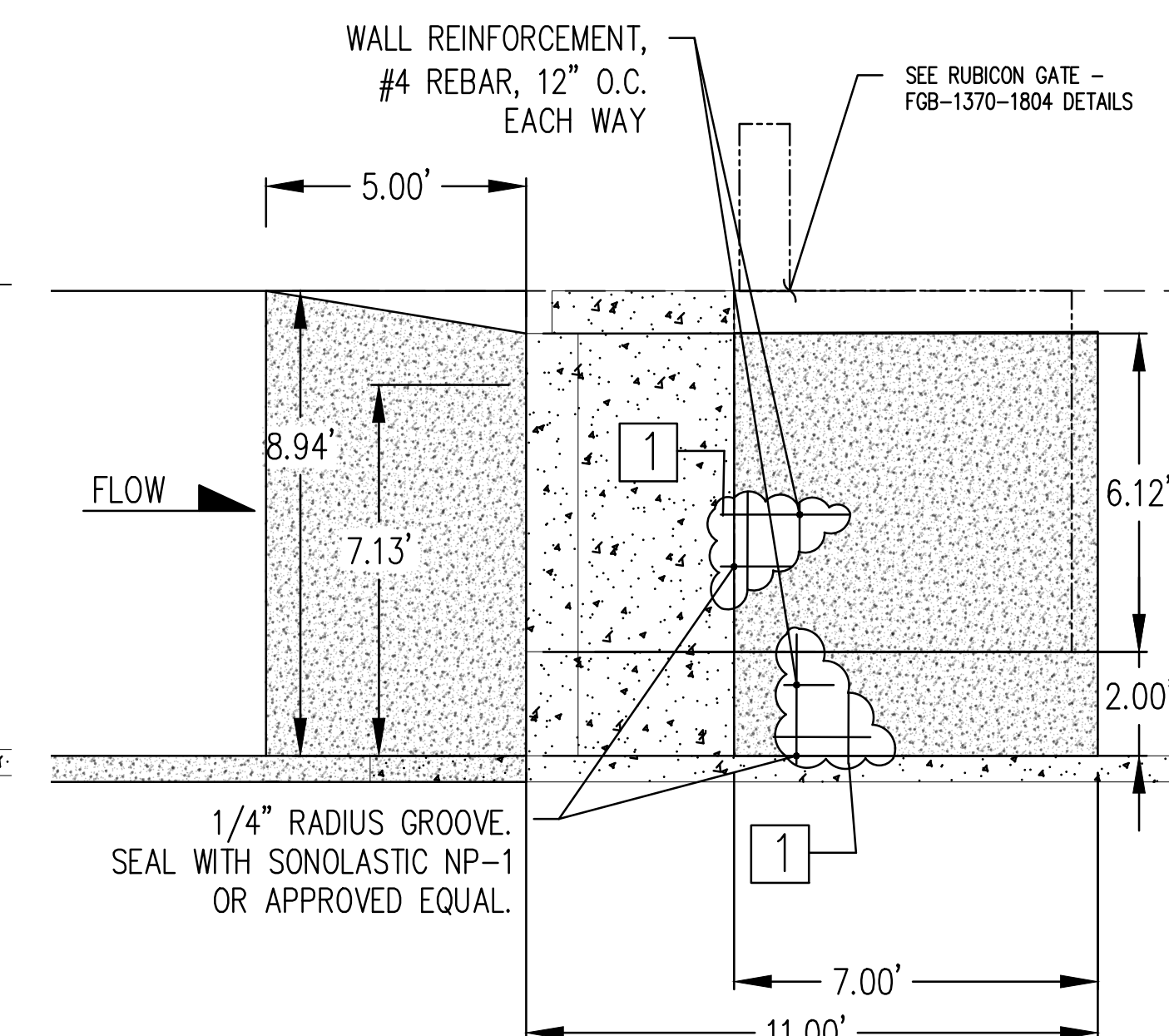
OPTION 1: NEW TO EXISTING CHANNEL LINING CONSTRUCTION ANCHORING



OPTION 2: NEW TO EXISTING CHANNEL LINING CUTOFF WALL



PERALTA MAIN CANAL CHECK OUTER WALL EXTENSION DETAIL



PERALTA MAIN CANAL CHECK INNER WALL EXTENSION DETAIL

GENERAL NOTES:

- FOR NEW TO EXISTING CONCRETE CONNECTIONS, THE ENGINEERING DEPARTMENT SHALL BE NOTIFIED TO INSPECT THE EXISTING CONCRETE AND STEEL REINFORCEMENT TO DETERMINE THE USE OF ONE OF THE FOLLOWING OPTIONS:

OPTION 1: THE EXISTING CHANNEL LINING SHALL BE SAWCUT AS FAR BACK AS NECESSARY (2.5' MINIMUM) UNTIL A CLEAN AND STABLE END SECTION CAN BE ACHIEVED. THE NEW CHANNEL LINING CAN THEN BE CONSTRUCTED AND TIED TO THE EXISTING CONCRETE.

OPTION 2: IF IT IS NOT FEASIBLE TO TIE INTO THE EXISTING CHANNEL LINING, A CUTOFF WALL SHALL BE CONSTRUCTED AT THE END OF THE CONCRETE SECTION, ABUTTING THE EXISTING CONCRETE.

KEYED NOTES:

- EUCO ARC LITHIUM NITRATE COATING OR APPROVED EQUAL APPLIED TO VERTICAL SURFACE AND 12" OF TOP SURFACE OF EXISTING CONCRETE TO REMAIN.



VICINITY MAP

BENCHMARKS:

BENCHMARK 1 (BM1):
BENCHMARK 1 IS LOCATED ON EXISTING CONCRETE NEAR EXISTING CHECK STRUCTURE AT STATION 413+75L± ON THE PERALTA MAIN CANAL. BM1 IS MARKED WITH WHITE PAINT AS SHOWN IN FIGURE 1 AND VICINITY MAP.
ELEVATION: 4853.69'
NORTHING: 1383725.2429'
EASTING: 1503260.9147'

BENCHMARK 2 (BM2):
BENCHMARK 2 IS LOCATED ON EXISTING SURVEY STAKE AT STATION 412+15R± ON THE PERALTA MAIN CANAL. BM2 IS MARKED WITH A SILVER CAP LABELED WC 2.50 AS SHOWN IN FIGURE 2 AND VICINITY MAP
ELEVATION: 4852.05'
NORTHING: 1383848.8317'
EASTING: 1503140.6185'

BENCHMARK 3 (BM3):
BENCHMARK 3 IS LOCATED ON EXISTING CONCRETE CHECK STRUCTURE AT STATION 17+50R± ON THE LAS CERCAS ACEQUIA. BM3 IS MARKED WITH WHITE PAINT AS SHOWN IN FIGURE 3 AND VICINITY MAP
ELEVATION: 4851.05'
NORTHING: 1382524.2871'
EASTING: 1503675.6001'



FIGURE 1

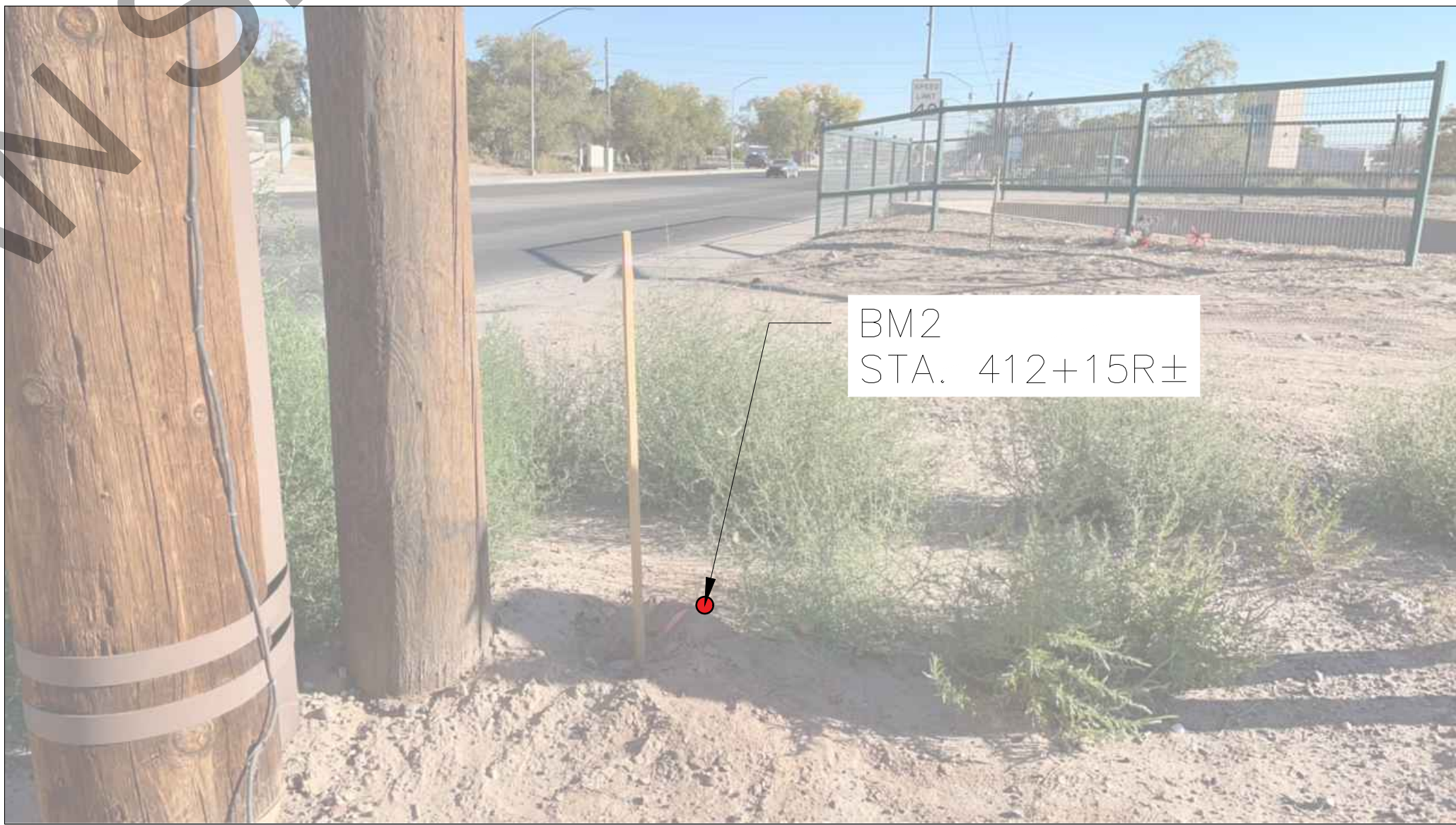


FIGURE 2



FIGURE 3

MIDDLE RIO GRANDE CONSERVANCY DISTRICT	LAS CERCAS PILOT PROJECT BENCHMARKS - SHEET 11/11 PERALTA MAIN CANAL - STA. 413+50
MIDDLE RIO GRANDE CONSERVANCY DISTRICT	

To: Finance Committee
 From: Pam Fanelli
 Date: 10/9/24
 Subject: YTD 1Q FY2025 Financial Information

Budget to Actual - General Fund

The District budgeted for a balanced General Fund, with \$1,042,649 in carry-forward encumbrances. These encumbrances will be recognized as actual expenses in the current fiscal year, but will be offset against the corresponding encumbrance reserve in the fund balance. Additionally, a budget adjustment will be necessary for a settlement agreement expected in November 2024.

1Q FY25 General Fund - Summary of Revenues and expenditures and changes in fund balance, Budget to Actual, and Budget to Actual Comparison to 1Q FY24

Actual revenues, excluding other financing sources, total \$1,109,611. This includes ad valorem revenues from July and August. Given the early stage of the fiscal year, it is premature to assess the accuracy of the budgeted versus actual ad valorem revenues.

Expenditures, excluding transfers, totaled \$5,932,561, a slight increase from \$5,923,720 in 1Q FY24 (+\$8,841). Salaries and fringes are \$184,413 higher than 1Q FY24. Should the Board approve the current union proposal, additional budget adjustments will be required, particularly the removal of funds allocated to equipment purchases to cover these unbudgeted expenditures. A few other unbudgeted items will also need to be reflected in upcoming budget adjustments.

1Q FY2024 Long Term Assets Fund (Levee) - Budget to Actual

Revenues, excluding other financing sources, total \$15,506, primarily from quarter-to-date interest on cash held in the LGIP. Expenditures were minimal at \$98, covering bank fees from the LGIP.

1Q FY2024 Debt Service Fund - Budget to Actual

Revenues, excluding other financing sources, total \$5,268, driven by interest earned on cash held with NMFA. Expenditures totaled \$242, mainly from LGIP bank fees. Debt service expenses are recorded when funds are withdrawn from NMFA accounts to pay debtors, though monthly transfers are made from the Capital Investment Fund to cover debt payments. A total of \$169,280 in transfer revenue has been recorded in Fund 7 for these debt service payments.

1Q FY2024 Grant Fund - Budget to Actual

A prior-year accrual was reversed, resulting in negative revenue, though the grant billing will be processed in October. Grant revenues and expenditures will align once all grants have been billed in the next quarter. Current quarter-to-date expenditures total \$107,317, with total FY25 budgeted expenditures of \$36,940,005. We anticipate higher expenditures in the second quarter.

1Q FY2024 Capital Investment Fund - Budget to Actual

Revenues, excluding other financing sources, total \$67,083, which includes ad valorem revenues from July and August. It remains too early in the fiscal year to forecast the accuracy of budgeted versus actual ad valorem revenues.

Expenditures, excluding transfers, total \$476,214. Transfers to the Debt Service and Grant Funds total \$170,230. The majority of these expenditures are related to equipment encumbered in FY2024.

Middle Rio Grande Conservancy District
Budget to Actual - General Fund (1) FY2025
For the Periods Ending September 30, 2024

Line		Original Budget	Encmbr rolled forward	Original Budget + Encmbr RF	Budget Adjustment	Revised Budget	Actual	Encumbrances	(Under)/Over
REVENUES									
1	Ad Valorem Taxes & Interest- Sandoval County	2,364,000		2,364,000		2,364,000	11,559	-	(2,352,441)
2	Ad Valorem Taxes & Interest- Bernalillo County	15,467,000		15,467,000		15,467,000	245,239	-	(15,221,761)
3	Ad Valorem Taxes & Interest -Valencia County	4,671,000		4,671,000		4,671,000	103,084	-	(4,567,916)
4	Ad Valorem Taxes & Interest-Socorro County	662,500		662,500		662,500	10,765	-	(651,735)
5	Water Service Charges	2,725,449		2,725,449		2,725,449	107,399	-	(2,618,050)
6	Alternative Curtailment Location Fees	30,000		30,000		30,000	-	-	(30,000)
7	Licensing Fees	54,000		54,000		54,000	15,390	-	(38,610)
8	Interest on investments	600,000		600,000		600,000	175,641	-	(424,359)
9	Realized gains/(loss) on investments	-		-		-	7,357	-	7,357
10	Unrealized Gain/(loss) on investments	-		-		-	195,696	-	195,696
11	Project Contract Revenue - Federal	850,000		850,000		850,000	212,500	-	(637,500)
12	Project Contract Revenue - Local	350,000		350,000		350,000	-	-	(350,000)
13	Operating and Capital Grants	-		-		-	-	-	-
14	Other	138,000		138,000		138,000	24,981	(200)	(113,219)
15	Total revenues	27,911,949	-	27,911,949	-	27,911,949	1,109,611	(200)	(26,802,538)
EXPENDITURES									
16	Salaries	11,556,046		11,556,046		11,556,046	2,334,411	-	(9,221,635)
17	Employee Benefits	4,744,975		4,744,975		4,744,975	1,062,169	9,234	(3,673,572)
18	Employee & Board Related Costs	499,810	379	500,189		489,934	105,986	132,814	(251,134)
19	General & Administrative Expenses	577,389	116,749	694,138		694,975	80,827	213,568	(400,580)
20	Professional Services	652,363	106,610	758,973		650,973	67,983	285,818	(297,172)
21	Insurance & Legal Services	1,597,369		1,597,369		1,597,369	749,257	724,794	(123,318)
22	Technology & Communication	835,912	15,448	851,360		849,558	192,207	96,624	(560,727)
23	Ad Valorem Collection Fees	479,338		479,338		479,338	9,148	-	(470,190)
24	Utilities	147,440		147,440		147,440	31,283	1,865	(114,292)
25	Facility Maintenance	100,000		100,000		100,000	21,623	37,121	(41,256)
26	Division Maintenance, Const, Rehab	1,388,150	138,382	1,526,532		1,528,963	249,384	251,244	(1,028,335)
27	Vehicle & Equipment O&M	2,113,825	36,237	2,150,062		2,149,453	442,155	67,591	(1,639,707)
28	Conservation Program	50,000	844	50,844		50,844	-	844	(50,000)
29	Safety Program	27,090		27,090		27,090	-	3,913	(23,177)
30	Federal O&M Services	1,763,367		1,763,367		1,763,367	247,954	1,515,414	1
31	Govern/Assoc Agreements, Community Outreach	485,875		485,875		485,875	114,875	43,875	(327,125)
32	Watershed Management	-		-		100,000	-	-	(100,000)
33	Projects	150,000		150,000	-	158,000	20,245	1,201	(136,554)
34	Endangered Species Act Projects	150,000		150,000		150,000	-	-	(150,000)
35	Grants Wages & Fringes	-		-		-	-	-	-
36	Grants Other Expenditures	-		-		-	-	-	-
37	Loan Portion of Grant Expenditures	-		-		-	-	-	-
38	District Match for Grant Expenditures	-		-		-	-	-	-
39	Debt Service Principal retirement	-		-		-	-	-	-
40	Debt Service Interest	-		-		-	-	-	-
41	Capital expenditures	880,000	628,000	1,508,000	-	1,517,398	203,054	828,540	(485,804)
42	Total expenditures	28,198,949	1,042,649	29,241,598	-	29,241,598	5,932,561	4,214,460	(19,094,577)
43	Excess (deficiency) of revenues less Expenditures	(287,000)	(1,042,649)	(1,329,649)	-	(1,329,649)	(4,822,950)	(4,214,660)	(7,707,961)
OTHER FINANCING SOURCES (USES)									
44	Loan Proceeds	-		-		-	-	-	-
45	Lease Financing	-		-		-	-	-	-
46	Equipment disposition proceeds	50,000		50,000		50,000	-	-	(50,000)
47	Transfers in	200,000		200,000		200,000	-	-	(200,000)
48	Transfers out	-	-	-	-	-	-	-	-
49	Transfers in - Indirect overhead Grants Fund	37,000		37,000		37,000	-	-	(37,000)
50	Total other financing sources and (uses)	287,000	-	287,000	-	287,000	-	-	(287,000)
51	Net change in fund balance	-	(1,042,649)	(1,042,649)	-	(1,042,649)	(4,822,950)	(4,214,660)	(7,994,961)

Middle Rio Grande Conservancy District
General Fund - Comparison of FY 25 to FY 24 Actual Revenues & Expenditures
For the Periods Ending September 30, 2024

Line	2024 Actual	2025 Actual	Increase (Decrease) FY25 over FY24
REVENUES			
1 Ad Valorem Taxes & Interest- Sandoval County	19,632	11,559	(8,073)
2 Ad Valorem Taxes & Interest- Bernalillo County	203,197	245,239	42,042
3 Ad Valorem Taxes & Interest-Valencia County	78,838	103,084	24,246
4 Ad Valorem Taxes & Interest-Socorro County	9,043	10,765	1,722
5 Water Service Charges	113,323	107,399	(5,924)
6 Alternative Curtailment Location Fees	284	-	(284)
7 Licensing Fees	15,640	15,390	(250)
8 Interest on investments	213,791	175,641	(38,150)
9 Realized gains/(loss) on investments	7,238	7,357	119
10 Unrealized Gain/(loss) on investments	(133,589)	195,696	329,285
11 Project Contract Revenue - Federal	189,497	212,500	23,003
12 Project Contract Revenue - Local	-	-	-
13 Operating and Capital Grants	-	-	-
14 Other	37,848	24,981	(12,867)
15 Total revenues	754,742	1,109,611	354,869
EXPENDITURES			
16 Salaries	2,247,434	2,334,411	86,977
17 Employee Benefits	964,733	1,062,169	97,436
18 Employee & Board Related Costs	116,456	105,986	(10,470)
19 General & Administrative Expenses	117,558	80,827	(36,731)
20 Professional Services	90,725	67,983	(22,742)
21 Insurance & Legal Services	620,876	749,257	128,381
22 Technology & Communication	218,243	192,207	(26,036)
23 Ad Valorem Collection Fees	6,463	9,148	2,685
24 Utilities	32,757	31,283	(1,474)
25 Facility Maintenance	17,666	21,623	3,957
26 Division Maintenance, Const, Rehab	234,062	249,384	15,322
27 Vehicle & Equipment O&M	441,451	442,155	704
28 Conservation Program	-	-	-
29 Safety Program	8,624	-	(8,624)
30 Federal O&M Services	349,420	247,954	(101,466)
31 Govern/Assoc Agreements, Community Outreach	40,642	114,875	74,233
32 Watershed Management	-	-	-
33 Projects	70,473	20,245	(50,228)
34 Endangered Species Act Projects	-	-	-
35 Grants Wages & Fringes	-	-	-
36 Grants Other Expenditures	-	-	-
37 District Match for Grant Expenditures	-	-	-
38 Loan Portion of Grant Expenditures	-	-	-
39 Debt Service Principal retirement	-	-	-
40 Debt Service Interest	-	-	-
41 Capital expenditures	346,137	203,054	(143,083)
42 Total expenditures	5,923,720	5,932,561	8,841
43 Excess (deficiency) of revenues less Expenditures	(5,168,978)	(4,822,950)	346,028
OTHER FINANCING SOURCES (USES)			
44 Loan Proceeds	-	-	-
45 Lease Financing	-	-	-
46 Equipment disposition proceeds	-	-	-
47 Transfers in	-	-	-
48 Transfers out	(532,593)	-	532,593
49 Transfers out - Grants	-	-	-
50 Transfers in - indirect overhead grants fund	-	-	-
51 Total other financing sources and (uses)	(532,593)	-	532,593
52 Net change in fund balance	\$ (5,701,571)	\$ (4,822,950)	\$ 878,621

Middle Rio Grande Conservancy District
Budget to Actual - Long-Term Assets Fund (4) FY2025
For the Periods Ending September 30, 2024

Line		Original Budget FY25	Encmbr rolled forward	Original Budget + Encmbr RF	Budget Adjustment	Revised Budget	Actual	Encumbrances	(Under)/Over
REVENUES									
6	Interest on investments	50,000		50,000		50,000	10,506	-	(39,494)
7	Realized gains/(loss) on investments	-		-		-	-	-	-
8	Unrealized Gain/(loss) on investments	-		-		-	-	-	-
9	Project Contract Revenue - Federal	1,368,000		1,368,000		1,368,000	5,000	-	(1,363,000)
10	Project Contract Revenue - Local	-		-		-	-	-	-
11	Operating and Capital Grants	-		-		-	-	-	-
12	Other	-		-		-	-	-	-
13	Total revenues	1,418,000	-	1,418,000		1,418,000	15,506	-	(1,402,494)
EXPENDITURES									
17	General & Administrative Expenses	-		-		-	98	-	98
18	Professional Services	-		-		-	-	-	-
19	Insurance & Legal Services	-		-		-	-	-	-
20	Technology & Communication	-		-		-	-	-	-
21	Ad Valorem Collection Fees	-		-		-	-	-	-
22	Utilities	-		-		-	-	-	-
40	Total expenditures	-	-	-	-	-	98	-	98
8	Excess (deficiency) of revenues less Expenditures	1,418,000	-	1,418,000	-	1,418,000	15,408	-	(1,402,592)
OTHER FINANCING SOURCES (USES)									
9	Loan Proceeds	-		-		-	-	-	-
10	Lease Financing	-		-		-	-	-	-
11	Equipment disposition proceeds	-		-		-	-	-	-
12	Transfers in	-		-		-	-	-	-
13	Transfers out - Capital Investment Fund	(2,055,000)		(2,055,000)		(2,055,000)	-	-	2,055,000
14	Transfers out-Grants	-		-		-	-	-	-
15	Total other financing sources and (uses)	(2,055,000)	-	(2,055,000)	-	(2,055,000)	-	-	2,055,000
16	Net change in fund balance	(637,000)	-	(637,000)	-	(637,000)	15,408	-	652,408

Middle Rio Grande Conservancy District
Budget to Actual - Debt Service Fund (7) FY2025
For the Periods Ending September 30, 2024

FUND 7

Line	Original Budget	Encumbrances rolled forward	Original Budget + Encmbr RF	Revised Budget	Actual	Encumbrances	(Under)/Over
REVENUES							
1 Interest on investments	16,500		16,500	16,500	5,268	-	(11,232)
7 Realized gains/(loss) on investments	-		-	-	-	-	-
8 Unrealized Gain/(loss) on investments	-		-	-	-	-	-
2 Other	-		-	-	-	-	-
3 Total revenues	16,500	-	16,500	16,500	\$ 5,268	-	\$ (11,232)
EXPENDITURES							
40 Debt Service Principal retirement	691,185		691,185	691,185	-	-	(691,185)
41 Debt Service Interest	115,421		115,421	115,421	242	-	(115,179)
42 Capital expenditures	-		-	-	-	-	-
43 Total expenditures	806,606	-	806,606	806,606	242	-	(806,364)
8 Excess (deficiency) of revenues less Expenditures	(790,106)	-	(790,106)	(790,106)	5,026	-	795,132
OTHER FINANCING SOURCES (USES)							
9 Loan Proceeds	-		-	-	-	-	-
10 Lease Financing	-		-	-	-	-	-
11 Equipment disposition proceeds	-		-	-	-	-	-
12 Transfers in	806,606		806,606	806,606	169,280	-	(637,326)
13 Transfers out	-		-	-	-	-	-
14 Transfers out-Grants	-		-	-	-	-	-
15 Total other financing sources and (uses)	806,606	-	806,606	806,606	169,280	-	(637,326)
16 Net change in fund balance	\$ 16,500	\$ -	\$ 16,500	\$ 16,500	\$ 174,306	-	\$ 157,806

Middle Rio Grande Conservancy District
Budget to Actual - Grants Fund (8) FY2025
For the Periods Ending September 30, 2024

Line	Original Budget	Encumbrances rolled forward	Original Budget + Encmbr RF	Budget Adjustments	Revised Budget	Actual	Encumbrances	(Under)/Over
REVENUES								
6 Interest on investments	-	-	-	-	-	-	-	-
7 Realized gains/(loss) on investments	-	-	-	-	-	-	-	-
8 Unrealized Gain/(loss) on investments	-	-	-	-	-	-	-	-
9 Project Contract Revenue - Federal	-	-	-	-	-	-	-	-
7 Project Contract Revenue - Local	-	-	-	-	-	-	-	-
Operating and Capital Grants								
1 Federal	1,807,794		1,807,794	-	1,807,794	12,463	-	(1,795,331)
2 State & Local	31,209,957		31,209,957	-	31,209,957	(35,140)	-	(31,245,097)
3 Other	-	-	-	-	-	-	-	-
4 Total revenues	33,017,751	-	33,017,751	-	33,017,751	(22,677)	-	(33,040,428)
EXPENDITURES								
5 Grants Wages & Fringes	-	-	-	-	-	-	-	-
6 Grants Other Expenditures	32,780,751	1,513,641	34,294,392	-	34,309,192	106,363	(7,943,310)	(42,146,139)
7 Loan Portion of Grant Expenditures	1,741,188		1,741,188		1,741,188	4	-	(1,741,184)
8 District Match for Grant Expenditures	2,181,066		2,181,066		2,202,266	950	(20,250)	(2,221,566)
9 Project Match for Grant Expenditures	-	-	-	-	-	-	-	-
37 Debt Service Principal retirement	-	-	-	-	-	-	-	-
38 Debt Service Interest	-	-	-	-	-	-	-	-
39 Capital expenditures	-	-	-	-	-	-	-	-
10 Total expenditures	36,703,005	1,513,641	38,216,646	-	38,252,646	107,317	(7,963,560)	(46,108,889)
11 Excess (deficiency) of revenues less Expenditures	(3,685,254)	(1,513,641)	(5,198,895)	-	(5,234,895)	(129,994)	7,963,560	13,068,461
OTHER FINANCING SOURCES (USES)								
12 Loan Proceeds	1,741,188		1,741,188		1,741,188	(3,897)	-	(1,745,085)
11 Lease Financing	-	-	-	-	-	-	-	-
13 Equipment disposition proceeds	-	-	-	-	-	-	-	-
14 Transfers in - Match from Cap Inv Fund	2,181,066		2,181,066		2,181,066	950	-	(2,180,116)
15 Transfers out - Indirect Overhead to Gen Fund	(37,000)		(37,000)		(37,000)	-	-	37,000
16 Transfers out- Direct Admin Charges to Gen Fund	(200,000)		(200,000)		(185,200)	-	-	185,200
17 Total other financing sources and (uses)	3,685,254	-	3,685,254	-	3,700,054	(2,947)	-	(3,703,001)
18 Net change in fund balance	\$ -	\$ (1,513,641)	\$ (1,513,641)	\$ -	\$ (1,534,841)	\$ (132,941)	\$ 7,963,560	\$ 9,365,460

Middle Rio Grande Conservancy District
Budget to Actual - Capital Investment Fund (9) FY2025
For the Periods Ending September 30, 2024

Line	Original Budget	Encumbrances rolled forward	Original Budget + Encmbr RF	Budget Adjustment	Revised Budget	Actual	Encumbrances	(Under)/Over
REVENUES								
1a Ad Valorem Taxes & Interest- Sandoval County	421,480		421,480		421,480	1,512	-	(419,968)
1b Ad Valorem Taxes & Interest- Bernalillo County	2,867,790		2,867,790		2,867,790	35,471	-	(2,832,319)
1c Ad Valorem Taxes & Interest-Valencia County	864,220		864,220		864,220	12,033	-	(852,187)
1d Ad Valorem Taxes & Interest-Socorro County	121,304		121,304		121,304	1,485	-	(119,819)
3 Water Service Charges	-				-	-	-	-
4 Water Bank Fees	-				-	-	-	-
5 Licensing Fees	-				-	-	-	-
6 Interest on investments	-		-		-	16,582	-	16,582
7 Realized gains/(loss) on investments	-				-	-	-	-
8 Unrealized Gain/(loss) on investments	-				-	-	-	-
3 Other	-				-	-	-	-
4 Total revenues	4,274,794	-	4,274,794		4,274,794	67,083	-	(4,207,711)
EXPENDITURES								
20 Ad Valorem Collection Fee	-		-		-	-	-	-
7 Ad Valorem Collection Fees	88,711		88,711		88,711	1,396	-	(87,315)
8 Projects	690,000	5,891	695,891		695,891	69,285	484,093	(142,513)
9 Capital expenditures	3,010,000	1,211,092	4,221,092	-	4,221,092	405,533	1,137,199	(2,678,360)
10 Total expenditures	3,788,711	1,216,983	5,005,694	-	5,005,694	476,214	1,621,292	(2,908,188)
11 Excess (deficiency) of revenues less Expenditures	486,083	(1,216,983)	(730,900)	-	(730,900)	(409,131)	(1,621,292)	(1,299,523)
OTHER FINANCING SOURCES (USES)								
12 Loan Proceeds	-		-	-	-	-	-	-
13 Lease Financing	-		-		-	-	-	-
14 Equipment disposition proceeds	-		-		-	-	-	-
15 Transfers in	2,055,000		2,055,000	-	2,055,000	-	-	(2,055,000)
16 Transfers out	(2,987,672)		(2,987,672)		(2,987,672)	(170,230)	-	2,817,442
18 Total other financing sources and (uses)	(932,672)	-	(932,672)	-	(932,672)	(170,230)	-	762,442
19 Net change in fund balance	(446,589)	(1,216,983)	(1,663,572)	-	(1,663,572)	(579,361)	(1,621,292)	(537,081)