

MINUTES OF THE
SANTA FE COUNTY
WATER POLICY ADVISORY COMMITTEE

December 14, 2017

Santa Fe, New Mexico

I. This meeting of the Santa Fe County Water Policy Advisory Committee (WPAC) was called to order at approximately 5:10 p.m. by Mary Helen Follingstad, Chair, on the above-cited date at the Santa Fe County Projects Complex, 901 W. Alameda, Santa Fe, New Mexico.

II. The following members were present:

Members Present:

Mary Helen Follingstad, Northern Planning, Chair
Steve Rudnick, District 5, Vice Chair[telephonically]
Denise Fort, BDD Board
Bryan Romero, District 1
Jesse Roach, District 4
Shann Stringer, Soil & Water Conservation
Martha Trujillo, Acequia Association

Member(s) Absent:

Ken Kirt, District 2
[Four vacancies]

Staff Present:

Jerry Schoepner, Utilities Division, Hydrogeologist

III. Approval of Agenda

Ms. Fort moved to approve as published. Mr. Roach seconded and the motion passed without opposition.

IV. Approval of Minutes: November 15, 2017

Mr. Roach noted that on page 2 and 3, "Corollo" Engineering, who conducted the City's reclaimed water feasibility study, was misspelled.

With that correction, Mr. Romero moved to approve. Mr. Roach seconded and the motion passed by unanimous voice vote.

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V. Matters from the Public
No public was in attendance.

VI. Action Item

A. 2018 Meeting Calendar/Draft Resolution for BCC [See page 5]

Mr. Schoepner said that typically the calendar is presented to the BCC at the second meeting in January, which would be by the 30th. The last calendar was presented in 2016. A draft of 2017, which was neither finalized nor presented to the BCC, was provided in redline format.

A potential work task list was compiled via email. To date, only Commissioner Roybal has responded. December 19th was established as a deadline for submitting ideas. Utility Director Dupuis has not submitted any.

Items 1 through 3 were provided by Mr. Romero and Ms. Trujillo; items 4 through 7, Commissioner Roybal, and 8 and 9, Ms. Fort.

1. SLDC Chapter 7 - Home Energy Rating System
 - a. The Home Energy Rating System (HERS) Index is the industry standard by which a home's energy efficiency is measured. It's also the nationally recognized system for inspecting and calculating a home's energy performance.
 - b. There is no incentive at the county level to build a more energy-efficient home. The state offers a tax credit and the county imposes a mandate on the homeowner.
 - c. The process is a hardship - potentially adding \$30K more to cost of building, one needs to hire two professionals; one for building and one for oversight.
 - d. The process is too hard, it is a give up attitude, buy an already built home "trailer," but have a fire trap.
 - e. Property Tax base drops in an area already faced with the Aamodt ticket. Create a poor community, no appreciation in home but depreciation instead. NO NEW JOBS
2. In addition: the building permit fee, monies distributed for public services (fire department). In our area, the casinos have a 300% increase in service protection.
3. The pueblos do not contribute to the building fee (fund).
So how does this relate to water? No homes, no client base for regional water system

The relevancy of HERS (Home Energy Rate System) 1 through 3 was discussed.

- SLDC Chapter 7.13 relates to water and should be within this Committee's purview. However, 7.14 (HERS standards) may serve as background but is not specially related to WPAC's charge
 - The HERS requirement creates a hardship for the low-income population
 - It could be relevant with regard to who is paying for and hooking up to the water system in the valley
- 4. WPAC review the SLDC's water restriction on accessory dwelling units, the Aamodt issue requires beneficial use and the SLDC conflicts with that.**

[Items 4 through 7 relate to Aamodt.]

- The SLDC has a water restriction .25 acre-foot per dwelling and the Aamodt is .50 acre-foot per dwelling
- The question is whether the settlement trumps the SLDC
- Aamodt mandates the owner of water rights to prove beneficial use
- If unable to prove up to .7 acre-foot the right will be .5 acre-feet
- Some issues may be under the OSE's purview
- Commissioner Roybal's point is that not allowing additional dwelling units on the property will prohibit the beneficial use
- An accessory dwelling must be detached and have a kitchen and at least one bathroom
- A geohydro survey is required to exceed .25 acre-feet
- At this point there is a contradiction – and the question is whether the settlement trumps the SLDC. If not, then the SLDC requires modification to single out the Aamodt settlement area.
- In the Aamodt settlement area there are 500 pre-basin water rights which can be transferred to acequia water rights

5. The SLDC needs to encourage development in the Aamodt area and incentivize people to connect to the RWS. At this point, constituents are unable to develop their properties. [5 & 6 are connected]

- Once well election information is submitted, the service area will be tweaked to reach people wanting to hookup
- Outside the service area the hookup fee trust may be useful
- The question is how many undeveloped properties are out there lacking water rights that could be developed
- The area is zoned agricultural
- Do residents within the service area want development?
- SLDC encourages development in Zone 1 because of its proximity to infrastructure; the SLDC makes development more challenging in Zones 2 and 3
- Residents in the service area who have agricultural water rights are now under pressure to use it or lose it
- Could the County take a bill to the legislature to protect these water rights?
- Modify “needs to encourage”
- Perhaps the Board could exam mechanisms by which water rights holders could preserve water rights for future decision making – possibly legislative answers
- Encourage development to connect to the water system.
- Reframe the original language of item 4.
- OSE and the County have been discussing this and concessions may have been reached
- A recent concession was keeping one's well and hooking up to the system

6. There is also a setback from acequias within the SLDC that should be reviewed, this setback review is critically important, especially for the rural areas where there are irrigators. [5 & 6 are connected]

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- The SLDC has a 20-foot setback from acequias which could conflict with acequia bylaw
- Acequia access could be restricted by the SLDC
- Recommend that the SLDC include an overlay map of the service area and the acequia and where the setback affects the building envelope
- A hydrographic map will be required March 2018 to show OSE what lands will be irrigated
- The County needs to GIS the area
- Item 6 appears to be more of a land use issue
- The setback will not change acequia water use
- Perhaps #6 can be merged into #5 which will be reframed and rephrased
- There are 27 acequias within Nambe-Pojoaque-Tesuque (NPT) Basin
- Rewrite to focus on water and weave in the land use issues

The tasks require prioritizing.

7. Educational outreach related to utilizing acequia water rights to protect them from pueblo's priority calls is essential (The SLDC issues appear to be within the committee's purview).

- The pueblos have priority call on 1,900 acre-feet of surface water coming down the river
- Non-pueblo property owners have a certain amount of time to use their own water before it is priority-called by the pueblos
- Although state law indicates that without utilization of water rights within a five-year timeframe, the rights can be lost to a priority call
- Losing water rights on the ditch reduces the water supply and threatens ditch users downstream
- The ditch associations will need to be educated on how to protect their water rights and the mayordomos may take on the role of accountant
- The State's Water Bank is designed for short-term and would not serve the NPT Basin
- The agreement requires proof that the land has not gone fallow

8. How the County decides to extend service to new areas and on what terms (e.g., Hyde Park).

9. The related question of where the County should or should not extend pipelines.

- Resolution 2015-121, (a resolution adopting procedures governing the acquisition, integration, and provision of technical assistance to community water and wastewater systems; and creating community systems technical advisory committee) established a process in which WPAC plays a role
- WPAC is charged to review and develop a recommendation regarding the acceptance of a mutual domestic water system
- 2015-121 was created following the County's acceptance of Hyde Park Estates, Cañoncito and Chupadero

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- Currently the City provides water to Hyde Park Estates and has elected not to take over that system
- Revisit the notion that the County takes over these systems -
- Hyde Park Estates requires further review and should logically be with the City
- Discussions regarding Cañoncito include locating an alternate water supply with treatment and/or discussions with Eldorado
- Consider collaborations and partnerships with mutual domestics
- The Committee should have a voice and not be passive regarding water issues

There was consensus to discuss and place this on the work plan, and develop a recommendation.

VI A. 2018 Meeting Calendar/Draft Resolution for BCC [cont.]

In order to submit a plan to the BCC on January 30th, a resolution needs to be ready by January 17th. WPAC needs feedback from the County Commissioners to determine priorities.

Thursday, January 4th at 5 p.m. was selected as the next meeting; however, the following meetings will be held on the second Thursday. The calendar, as well as the work plan, are flexible.

B. Response to the City of Santa Fe's Reclaimed Water Feasibility Study (FS)

Mr. Schoeppner said that following the completion of the FS, the City requested support letters from the stakeholders to take to BOR for phase two funding. The County responded that they had concerns and were not prepared to issue a support letter. Ms. Fort said the City did not receive the grant from BOR.

In February 2017, staff was directed to develop a position paper for the Commission's signature. The paper was circulated and nothing came of it: recently, the paper has been recirculated.

Ms. Fort said she understood the City has made a commitment to an alternative, based on very limited public participation. There are many perspectives on why the chosen alternative is not a good idea, starting with the downstream effect on Santa Fe County. The City has contracted with Corollo to press forward with the chosen alternative. Not receiving the BOR funding may provide opportunities for public participation regarding the other alternatives. She supported the BCC asking the City to evaluate the alternatives and weigh the downstream effects on Santa Fe County, and the effects on the river within the County.

There was consensus to include this item on the work plan.

C. Review of the City of Santa Fe's Resolution Concerning Regionalization

This item was discussed at the November WPAC meeting which resulted in agreement that the topic requires further dialogue with the City. This too should be placed on the work plan.

Mr. Roach said that it appears the City does not see benefit in combining efforts with the County.

Chair Follingstad suggested mapping as a first step.

Initiating discussion with the City and clearly delineating the pros and cons was agreed upon as a good idea.

Chair Follingstad said the conversation on regionalization ties back into items 8 and 9 on the work list. The County should consider what regionalization looks like.

Mr. Rudnick recalled that the original WPAC decided not to discuss regionalization.

VII. Discussion Items

A. Items from the November 16, 2017 Meeting

a. Regionalization – discussed above

b. Water Master Plan Scope of Work (SOW)

Mr. Schoeppner said the SOW was built into the RFP and responses are due within the next few weeks. He asked what part, if any, of the SOW does the Committee want to review. The RFP was emailed to WPAC.

As a Committee established to advise the County Commission on water policy, Chair Follingstad said the entire scope should be reviewed. Mr. Schoeppner said the RFP has already been released but WPAC's review may be valuable. Chair Follingstad said WPAC's comments may be useful when interviewing the respondents. There was general consensus that WPAC would like to be informed.

Mr. Schoeppner said he will not be a member of the RFP evaluation committee. Utilities Division Director Dupuis will be the lead evaluating the RFP responses.

The scope of work includes a rate study. An internal rate study went before the BCC a few years ago and did not pass.

c. BCC Items for the WPAC's 2018 Work plan – discussed

B. Discussion of future work efforts – discussed earlier

VIII. Matters from the Committee

None were presented.

IX. Matters from County Staff

None were presented.

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X. Adjournment

Having completed the agenda and with no further business to come before this Committee, this meeting adjourned at approximately 6:40 p.m.

Approved by:

Mary Helen Follingstad
Mary Helen Follingstad, Chair

Respectfully submitted by:

Karen Farrell, Wordswork



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 23RD Day Of May, 2019 at 10:06:01 AM
And Was Duly Recorded as Instrument # 1886961
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy *Estrella Masterson* Geraldine Salazar
County Clerk, Santa Fe, NM

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