

**MINUTES OF THE
THE CITY OF SANTA FE & SANTA FE COUNTY
BUCKMAN DIRECT DIVERSION BOARD MEETING**

August 4, 2022

1. CALL TO ORDER

This regular meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Chair Carol Romero-Wirth at approximately 4:05 p.m. in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL: Roll was called and a quorum was present as shown:

BDD Board Members Present:

Councilor Carol Romero-Wirth, Chair
Commissioner Anna Hansen
Commissioner Anna Hamilton
Councilor Renee Villarreal
J.C. Helms, Citizen Member
Tom Egelhoff, Las Campanas [non-voting]

Member(s) Excused:

None

BDD Board Alternate Members Present:

Hank Hughes, Commission Alternate

Others Present:

Rick Carpenter, BDD Facilities Manager
Nancy Long, BDD Legal Counsel
Kyle Harwood, BDD Legal Counsel
Jamie-Rae Diaz, Administrative Manager
Antoinette Armijo-Rougemont, BDD Financial Manager
Monique Maes, BDD Contract Administrator
Randy Sugrue, BDD Operations Superintendent
Bernardine Padilla, BDD Public Relations Coordinator
Jeff Young, County Attorney
John Dupuis, County Utilities Director
Michelle Hunter, County Water Resource Manager
Caryn Grosse, City Project Administrator Senior
Bill Schneider, City Water Resources Manager
Jay Lazarus, Glorieta Geoscience

3. APPROVAL OF AGENDA

Councilor Villarreal moved to approve as published. Mr. Helms seconded and the motion passed by unanimous [5-0] voice vote.

4. APPROVAL OF CONSENT AGENDA

There was a request to remove items a and b from the consent agenda.

Councilor Villarreal moved to approve the consent agenda as amended. Her motion was seconded by Commissioner Hamilton. The motion passed by unanimous [5-0] voice vote.

Consent Agenda Items:

- a. **REMOVED** [See page 11]
- b. **REMOVED** [See page 12]
- c. **Request for approval to re-authorize unexpended funds in the amount of \$292,744.00 from the BDD Major Repair and Replacement Fund from FY2022 to FY2023**

5. APPROVAL OF MINUTES

- a. **July 7, 2022 Buckman Direct Diversion Board Meeting Minutes**

No changes were offered and Mr. Helms moved to approve the minutes as published. Commissioner Hamilton seconded and the motion passed by unanimous [5-0] voice vote.

6. PRESENTATION/INFORMATIONAL ITEMS

- a. **Monthly Update on BDD Operations**

RANDY SUGRUE (Operations Superintendent): Thank you, Madam Chair and members of the Board, this is my report for the month of July 2022. Our raw water diversions averaged 6.75 million gallons per day. Drinking water deliveries through Booster Station 4A/5A averaged 6.28 million gallons per day. Las Campanas diverted on average .37 million gallons per day on average. Our on-site non-treated water in storage was about 100,000 gallons average per day. BDD is providing about 57 percent of the water supply to the City-County for this month, the month of July. Our diversions are noted on the graph as being, again, slightly above our average for 11 years.

On page 2, we have updated the drought and demand summary. Average demand for the month of July was 11 million gallons per day because of our rainfall. The Rio Grande flows were quite varied but averaged 475 to 500 cubic feet per second, but at times due to storm events rose over 2,000 cubic feet per second for several hours at a time.

Nichols and McClure combined storage was a bit over 20 percent. I believe that is a little higher as of today because of stormwater inflow. The San Juan-Chama project storage graph was not updated when I submitted the report a couple of weeks ago but just for your information I checked this morning and in Abiquiu it is close to 13,500 acre-feet

in storage. Our El Niño summary is of course, La Niña is still present and chances are good that it will continue into the fall. And with that, I stand for any questions.

CHAIR ROMERO-WIRTH: Questions from the Board? Seeing none, thank you.

MR. SUGRUE: Thank you so much.

COMMISSIONER HANSEN: Madam Chair.

CHAIR ROMERO-WIRTH: Yes, Commissioner.

Commissioner Hansen introduced Laura Jagles, a member of Tesuque Pueblo, who will be serving as her new constituent liaison for Santa Fe County District 2. The Board welcomed Ms. Jagles.

b. Report from the Facilities Manager

RICK CARPENTER (BDD Facilities Manager): Thank you, Madam Chair, members of the Board. Just a couple of items: some good news, the City held a rapid hire event this past Saturday and we signed up for the possibility of hiring an administrative assistant. Monique and Antoinette and Cesar Garcia our safety officer attended that so that we could conduct interviews and it was a several hour event. But it paid off. We were able to make an offer. It has been accepted and the paperwork is in process as we speak. That was a job well done by those guys to make that hire on the spot.

We have been struggling with turbidity for the last several weeks with the thunderstorm activity. May and June was pretty easy going but July has been pretty difficult. The turbidity can shoot up very rapidly and then sometimes falls right back off just as rapidly but we're dealing with. We are used to it this time of year but I thought I would mention that.

More good news, the E-110, it used to be called the E-1099 gage up at LANL, that's the new one that was negotiated as part of the MOU, that has been installed. And presently as we speak there is a contractor there working on the communications so we can get it up and running and I think it is going to be a matter of days before we can start using that. As you know, it's a vital part of the early notification system, so that's a big step as well.

That concludes my updates. I would be happy to stand for questions.

CHAIR ROMERO-WIRTH: Questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Congratulations on getting the monitoring station up and running, Kyle, James and Rick. I think that is fantastic. I look forward to it when it is actually working. So you're saying in the next couple of days?

MR. CARPENTER: That's what I'm told and, Madam Chair, I should have mentioned that we'll be back in September with an actual presentation, a standalone presentation to give you more details on that and maybe an update on how it is working.

COMMISSIONER HANSEN: Thank you so much.

CHAIR ROMERO-WIRTH: Other questions from the Board?

c. Report on the August 2, 2022 Fiscal Services Audit Committee - FSAC

ANTOINETTE ARMIJO-ROUGEMONT (BDD Accounting Supervisor): Good afternoon, Madam Chair and members of the Board. And that meeting was actually held on August 2nd it was rescheduled from the 21st. Present was Rick Carpenter, Commissioner Hamilton, Nancy Long, Monique Maes, Tom Egelhoff, Ron Spilman and myself. We discussed one item on the agenda. It was the request for approval to reauthorize unexpended funds in the amount of \$292,744.00 from the BDD Major Repair and Replacement Fund from FY2022 to FY2023. That amount comprises of two items. The first item in the amount of \$217,342 is the remaining balance to replace pump number four at the raw water lift station which the Board approved last August. Monique brought that amendment for fiscal year 23 to the Board in July for approval. The second item is for the maintenance work truck in the amount of \$75,402 and we were unable to secure a truck last fiscal year due to the supply-chain issue which still exists. So hopefully we're hoping to be able to secure a truck this coming fiscal year. That concludes my report. Are there any questions?

CHAIR ROMERO-WIRTH: Questions from the Board? I don't see any, thank you.

d. Update on San Juan Chama Return Flow Pipeline Permit

KYLE HARWOOD (BDD Legal Counsel): Good afternoon, Board. As we've done in the past I just sort of do a little introduction for this matter for the Board. As you know, this matter has come before the Board several times over the last two years. Bill is going to do the heavy lifting on his presentation and I'm grateful for his participation this evening to update you on the status of the project. The Board's interest in this project, of course, are with the successful implementation of the return flow project, the City and County hope to be able to divert additional water through the Buckman Project. For that, Rick and I stay in close conduct with our colleagues with the City Water Division staff to make sure that the permitting changes that will be necessary for those increased diversions are consistent with the Board's interest and with that I'm going to turn it over to Mr. Bill Schneider. Thank you.

CHAIR ROMERO-WIRTH: Thank you. Welcome, Bill.

BILL SCHNEIDER (City Water Resources Manager): Thank you, Madam Chair, members of the Board and thank you Kyle. I would like to thank you for the opportunity to sort of provide a status update on some recent milestones that we have achieved on the project. Please interrupt with any questions or I am happy to answer them at the end of the presentation. [A power point presentation was displayed]

The focus of today's update is to hit on five key milestones that we have achieved with the project. This is a project that really evolved out of the joint County-City, Bureau of Reclamation Santa Fe Basin Study published in 2015 which looked at supply and demand comparisons projected out into the future under climate change scenarios.

So here we are in 2022 and this project is moving, I guess I would say, being managed and operated on parallel tracks and what I mean by that I will touch on here shortly but ultimately five key things. One is that we have essentially received notification of a \$6

million award, it's a Congressionally-authorized award for the Title XVI project and we will be receiving it this federal fiscal year. The benefit of this obviously is to keep the project moving but also to obtain key technical support on the permitting and engineering design. Secondly, we have submitted an application for return flow credits with the State Engineer's Office and I'll provide a status update on where that stands. We've also submitted an RFP, posted it, for competitive bids for engineering designs for 100 percent completion of the project. We received four proposals and I'll touch on sort of some of the details of where the status is and how that dovetails into all of the aspects of this project which are quite complicated. We're underway with preliminary NEPA. So under the NEPA we're looking at, because this is a federal project, any types of environmental impacts that this project may impose on either the Santa Fe River or on the Rio Grande or through the land of which this project would go which is a utility corridor in many places shared with BDD infrastructure.

And then lastly, I just want to touch on the status of the Lower Santa Fe River planning process which sort of evolved out of the feedback that we received out of the joint City-County Santa Fe 2100 planning process but also evolved out of an agreement that the City and County reached on this particular project and I think as everyone on the Board knows the County is a 7 percent partner on this project.

So from that standpoint, I'd like to just provide a status. Start with the grant. The intention of it is to have the award in place. We are negotiating the final terms and conditions and so how under Title XVI these are competitively bid, very technical. We got the \$6 million award but we are eligible for more and how Title XVI works is that this project you're able to recoup 25 percent of the total cost of the project. So at this point, at the time of 2019 when we submitted the application we anticipated that the cost would be \$24 million. Obviously, with today's sort of climate for all the multitude of reasons as Rick sees and lives every day, I anticipate the cost will rise but we are doing our best to keep this project on track.

Another benefit of this, just to share for the Board, we're able to retroactively recoup expenditures from the time of the award announcement, so going back a year for permitting and design.

Shifting now to permitting, this is being managed on parallel tracks, obviously I had mentioned NEPA and all of the permits associated with all of the environmental side, but also and this obviously has a nexus with the Buckman Direct Diversion is the ability to achieve credit for flows of the San Juan-Chama portion of the effluent that would be routed through this pipeline and returned to its origin the Rio Grande. And so an application was submitted in November, the opportunity for protest has now closed and we've received only two protests. And I give a lot of credit to the leadership of the City and the County that had worked us through some of the issues that we'll continue to navigate primarily through the Lower Santa Fe River planning process. The two protests, one from a citizen and then one was from the Wildearth Guardians.

I remind the Board that under this process with the State Engineer's Office is that they're evaluating the application in terms of what impairments of water rights exist on the Santa Fe River. San Juan-Chama water is federal contract water. The City and County have unique and separate contracts with the federal government for this water so our expectations are the issues raised under this protest will be served and addressed under NEPA. We have to go through the process.

What we essentially submit with our application is a return-flow plan. What that effectively achieves is the ability to demonstrate the timing and quantities of water that would be routed so that the City effectively can achieve its credit. So this involves a lot of monitoring, measuring, reporting through a hydrologic accounting procedure.

The next step –

CHAIR ROMERO-WIRTH: Bill, just a second. Commissioner Hansen.

COMMISSIONER HANSEN: I just feel like even though I don't see any issue with this moving but I do feel that I must bring up the fact that today in the paper it was noted that we are not even going to get our allocation of San Juan-Chama from the Colorado River. So if we're not even getting our full allocation, how are we going to achieve getting our credit?

MR. SCHNEIDER: Thank you for the question, Commissioner. I like to kind of flip that question around from the standpoint that if you think about it when the City and the County divert their San Juan-Chama water through the BDD and it goes through our system now, we estimate and we have very good records, that about 30 to 35 percent of that water is consumed. It is lost to the system. But the remainder, that 65 percent, goes to the sewer shed and arrives at the Paseo Real Water Reclamation Facility. The key point that I would make is that currently after a joint investment of over a quarter of a billion dollars to build the BDD, 65 percent of San Juan-Chama water is released to the Lower Santa Fe River not being utilized and reclaimed. So the whole intention of this project as aligned with the basin study of adaptation strategies is that this is a way to build more resiliency in our system – even if there is less San Juan-Chama water available to us to divert, we need to maximize that resource. This project provides that ability. And I guess that simply would be my response. We're going to see shortages for many years looking ahead on all of our sources of supply. This is a step towards maximizing those to build that resiliency.

CHAIR ROMERO-WIRTH: Okay, please go ahead.

MR. SCHNEIDER: Thank you for the question. The OSE process at this stage now is that we have to have a docket assigned through the hearing unit of the State Engineer. This is now, correct me, a legal matter at this stage; correct? [Mr. Harwood nods in the affirmative.] Thank you.

We're going to have this administrative hearing proceeding initiated and that starts the clock. At that point then we'll get a schedule in place and I would need a crystal ball to know the pace of which this will go. The hearing examiner will have the ability to maybe even initiate mediation to see if these issues can be resolved. There's questions of standing in terms of the water rights impairment. So I can only share with you where we are in the process is a waiting to get this case assigned a docket and then at that point I can probably come back to you and give an update.

Probably one of a lot of interest and I could spend a lot of time on time and I think it is of importance particularly in some recent developments with respect to the fire, the Hermits Calf Creek Fire, is the availability of the agencies. This is a federal project and just coincidentally it involves three agencies. We've got the Bureau of Reclamation, the nexus with San Juan-Chama water. We've got the Forest Service who owns the strip of land where the BDD intake structure resides and where the riparian restoration is. And then we have the BLM where the pipeline routing through that sort of utility corridor resides.

So we were able to achieve through all of these challenges, Covid and the fire, final contracts, if you will, collective funding agreements with all three agencies. And this was a

big lift and I have a million people to congratulate to get us to that point. But the thing I wanted to share is that the way this is structured is that the Bureau of Reclamation is going to be lead agency. And at this stage, BLM and Forest Service will be cooperating agencies as long as our Environmental Assessment, which is at the stage this process is, complies with all of the regulations of all three agencies and they do differ.

At this stage, where we are in the process, and I just want to kind of emphasize this, is we've completed the cultural and biological surveys. This is a highly disturbed area in terms of the utility corridor. We all know the pipe and infrastructure, gas and fiber optics, etc. One thing that we have undertaken in the process of going through a multitude of review cycles engaging Santa Fe County staff is completing a hydrological report on the Lower Santa Fe River. And there's a multitude of information and the real benefit of this is so that as we evolve into the NEPA that we can establish what a baseline looks like. What is the current flow regime in the Lower Santa Fe River. Obviously, a large portion of flows are contributed from the Paseo Real. It's a human construct from that effluent-derived system but there are other sources. There are seep sinks/traditional uses and so we're trying to develop a water budget. As part of that effort then if I shift to the next steps, is we're trying to essentially achieve an evaluation, what's called an Impacts Assessment. So what that does is with the project in place what are the impacts? What does the flow regime look like on the Lower Santa Fe River in the future? Usually it is part of NEPA as a requirement is the need to monitor. To make sure that our assumptions that were made, to ensure that the analysis was completed properly and adequately, is that we monitor after the project has been put in place so that we can basically do a comparative and ensure that there was no failed assumptions.

One of the things that we're doing with the project descriptions is how the plant would operate with all the sources of supply to achieve goals, and there are many that will sort of land with the planning process, of meeting the needs for cultural, for environmental and for irrigation demands on the Lower Santa Fe River.

These are the next steps and they are all sort of being run on the sub-task level. There are a lot of do-loops coming in. It certainly has been a multitude of disciplinary efforts on many people's parts.

So engineering design, as I mentioned we had four proposals. We had a unanimous selection of one firm. We're negotiating a best and final in terms of the scope of work, the schedule and the budget. But the expectation is that this engineering design can be completed in one year. We're going to do the typical milestones of 30, 60, 90 percent design phases. Our agreement with Santa Fe County on the project is they'll get opportunities to review the engineering design to ensure that we're complying with the needs of the community.

This graphic was created just to give you a general sense and I don't have a pointer but on my left is where the blue line and purple line, that's the Paseo Real Water Plant which discharges to the Santa Fe River and then we're going to follow this existing utility corridor. The purple line represents the pipeline routing all within existing disturbed areas. The intention of the design is that we put in the RFP is to minimize obstructions. It really is only a pipe and pump. In many respects it is the most unglamorous project I have ever managed from an engineering perspective. However, there's a lot of unique capacities; how we integrate it into the Buckman system, where it gets placed so we don't disturb the

riparian vegetation and how it aligns with the intake and the sediment return. All of those things will get worked through under this design.

That leads me to the fifth milestone and this to many would say it has taken awhile but I think it is working at its own pace in the sense it has included a lot of community engagement. It's at the stage where it is a County-led effort and the County has done an amazing job of working with what we call, The Lower Santa Fe River Coalition, it is a multitude of folks mostly from the County that have a vested interest in wanting to put a value and a future on what the Santa Fe River will look like moving forward. So there's an RFP being reviewed and hopefully it will be on the street – I talked to John Dupuis just recently and I'm thinking it will be posted here in a month or two hopefully and we'll start seeing some progress in terms of meeting.

I put this graphic together just as sort of a closing slide just to give a visual sense/a spatial sense and I really do thank the County for acquiring this high-resolution GIS that we were able to grid to show the topography of the Lower Santa Fe River system. What this graphic simply illustrates, and if you can see at the bottom of the figure that escarpment, that's the La Bajada. So you can see the black line driving up the I-25 corridor, what I'm trying to emphasize is the San Juan-Chama return project is being evaluated from a NEPA perspective on the Santa Fe River. And then we have this enormous tributary, it's a dendritic system as we like to say. It looks like a tree branch of all the tributaries that feed into La Cienega Creek. We superimposed all of the water wells that are in the State Engineer's database and to try to illustrate where we think this Lower Santa Fe River planning process is, is how we can improve the hydrologic system and really looking for a lot of community input and hope to have some good successes through that process.

With that, I stand for questions and thank you.

CHAIR ROMERO-WIRTH: Thank you. Questions from the Board? Mr. Helms.

MEMBER HELMS: I think I know the answer but I'd like to hear it from you. Why is it that the water is not returned to the Rio Grande just via the Santa Fe River and instead we build a big ole pipeline going up the so called utility corridor? I'm sure there's a reason and I'd like to hear it from you.

MR. SCHNEIDER: Thank you. Thank you for that very insightful question. Madam Chair and members of the Board, this graphic actually helps illustrate some of the challenges with that. So the Santa Fe River – the question is even historically before the City of Santa Fe grew into a large capital city is was the Santa Fe River always hydrologically connected to the Rio Grande. And what we see is that dark blue line that represents the Santa Fe River and if anyone has ever had the opportunity and a lot of it is private land but through that canyon is really beautiful, but then when it hits that flat area as it goes through the La Bajada, that step, it turns into the Rio Grande flood plain and so what ends up happening is that the Santa Fe River effectively infiltrates and just goes subterranean. It feeds into the groundwater system. It's lost. Most of it does not reach the Rio Grande. The challenge is under the return flow plan application process is the need to demonstrate to get the credit, that that water molecule reached that river. That's on pueblo lands, Santo Domingo and Cochiti, and so the difficulty is being a robust monitoring system, the ability to demonstrate that.

I want to point out, Mr. Helms, this conversation has come up a multitude of times with the Interstate Stream Commission, the State Engineer's Office – we even presented this

project to the State of Texas where right now under the Texas vs. New Mexico we have a case in the Supreme Court and they didn't protest. They see the value of this project of the City and the County maximizing its contract water for the sake of leaving as much native water into the system under its natural conditions. Thanks you, sir.

CHAIR ROMERO-WIRTH: Other questions, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. First, can you share this power point with us?

MR. SCHNEIDER: Absolutely.

COMMISSIONER HANSEN: Okay, so we can see it. Thank you also for the presentation. You know, both the City and the County have passed resolutions to protect the Caja del Rio so I'm glad that you're only using the utility easement that already exist because I think the Caja is a beautiful sacred place and we need to protect it as much as possible.

Then, of course, there is still the plan for the connection to the Buckman for re-potable use water.

MR. SCHNEIDER: Thank you, Commissioner, for reminding me because I had in my mind when the graphic was up and given your question, I'll quickly go back to it.

One of the key advantages of the project and again to just advocate for some of the benefits, this purple line and you'll see a star [Mr. Harwood acts as the cursor]. Thank you, Kyle. Is that this pipeline conveniently and this is not by coincidence, it is by design, will be going essentially adjacent to the Buckman water treatment facility. One of the concepts to the Commissioner's point would be that the City and the County have already made an enormous investment to have a state-of-the-art water treatment system, as the regulatory process of the permitting and the technology advances there may be a point where the City and the County may make a decision to pivot to utilize the Buckman water treatment facility for direct potable. The pipeline essentially already lands us with that opportunity in the future.

COMMISSIONER HANSEN: So there will be a T and crossing over?

MR. SCHNEIDER: I believe that is in our agreement with the County on the

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COMMISSIONER HANSEN: And with BOR?

MR. SCHNEIDER: Yes, so BOR will be exploring this engineering design as part of their NEPA, if that's the question? Is it a NEPA question? I guess I don't understand the question about BOR, I'm sorry.

COMMISSIONER HANSEN: This will be approved as part of the plan.

MR. SCHNEIDER: Yeah, so the City maintains the engineering design, so, yes, Reclamation's only role will be to develop the NEPA report.

COMMISSIONER HANSEN: Okay, and then – I as we all consider every single drop of water as precious especially in this high desert, the wastewater plant, the Paseo de Real plant is quite old and does not function probably as well as it could and I would highly suggest that the City look into replacing that plant. I know this might sound odd but when I go to NACo, National Association of Counties, or any big conference that has a tour of a wastewater plant that's one of the first things I sign up for. Las Vegas, Nevada, has one of the best wastewater plants that I have ever seen in my life. It is state-of-the-art and I think it would behoove us to think about that as we move forward because I do not believe that we are getting all the water that we could out of the Paseo Real plant. I

believe that investing in a state-of-the-art wastewater plant would help us utilize all of the water that we already have here. So I would like to know what the City is thinking about that plant and where and what might happen in the near future because I know that plant needs work.

MR. SCHNEIDER: Madam Chair, members of the Board, thank you for that question. The City is completing a \$13million project on the aeration basins so those are complete rebuilds. Right now we are going through the optimizations. The intention is we are working on an RFP to redesign and completely replace what's called the headworks, the front end of the plant that removes the large materials. Thereafter, I met with Shannon Jones who basically is working with me to get an RFP out to replace the entire filtration and UV system. So the City recognizes the challenges of a dated system.

I will say that we had an RFP out on the street and I believe we received three bids to complete a master plan to integrate all of these components. So, Commissioner, I feel that the City is responsive to the needs of the community. We are in compliance with our NPDES permit but as you noted and advised, we can always do better.

COMMISSIONER HANSEN: Thank you, Madam Chair.

CHAIR ROMERO-WIRTH: Other questions from the Board?
Councilwoman Villarreal.

COUNCILOR VILLARREAL: Thank you, Madam Chair. The last slide that you showed us, the map -- the turquoise dots; did you say what those were?

CHAIR ROMERO-WIRTH: Wells.

COUNCILOR VILLARREAL: All wells?

MR. SCHNEIDER: Yeah, so what we have done, Councilor Villarreal, is we've essentially pulled a time series record of water wells and we've built like a simulation -- and I didn't bring it today, but my next time I will -- where you can see the propagation. It really aligns itself with how land use has changed in the La Cienega system. So you can see this advent and expansion of domestic wells. Again, I cannot speak for Santa Fe County. I am sure that having read the 2015 La Cienega/Cieneguilla Master Plan is opportunities to remedy the impacts on groundwater is potentially to bring water lines into certain communities as one solution. We've seen a lot of success with Eldorado and even taking the penitentiary off line saw immediate response on groundwater levels. So things are trending in the right direction and really this planning process is really hopefully even going to take us further.

COUNCILOR VILLARREAL: Did you say, take them off wells?

MR. SCHNEIDER: Yeah. So the idea would be not unlike what happened where we basically -- kind of like with the Aamodt Settlement where we bring in surface water and ask for people to basically not use their wells. This is one solution and this is all for discussion. That's why we do the planning process.

COUNCILOR VILLARREAL: And the areas that are blue there is that mostly La Cienega? I'm just looking at the northeast part of the map.

MR. SCHNEIDER: What this graphic illustrates and what I was trying to emphasize is the La Cienega system is a tributary to the Santa Fe River. So with all of these changes, land use changes, more groundwater pumping we have seen depletions of spring flows and stream flow in the Cienega system to the point where La Bajara which is downstream has had impacts. The idea of this planning process is to work as a community to develop mitigation measures which could hopefully achieve that glorious win-win of

improving groundwater conditions, restoring water levels in the system and one way to achieve that, and there are many, would be in concentrated areas where people are pumping groundwater to bring them surface water. That is a proven method.

COUNCILOR VILLARREAL: If it's there.

MR. SCHNEIDER: If it's there. This pipeline project brings that opportunity to the community.

COUNCILOR VILLARREAL: The other question I had is about the advocacy groups and the different stakeholders that have come together – they have a name but I am blanking on that, the Coalition. How is the Coalition interacting or intersecting with your work on in these next phases?

MR. SCHNEIDER: They have been very active reviewing the County led planning process. This RFP that I mentioned that is going to go out and is going to be developing the road map or the guidebook that we're going to use to plan and plan the future under climate change, under land development changes, they have been very active.

COUNCILOR VILLARREAL: And so what's their role in these next stages that you're talking about that need to happen; what will their role be?

MR. SCHNEIDER: You know, I think that is to be defined under this planning process. The County has taken the initiative to hire a facilitator and then this RFP is laying out the issues, metering being a key one. Right now this system is poorly understood in many respects because the irrigators don't have meters on their ditches. In many respects, all of those wells and many of them don't have meters, so that's one solution. Their role I think hopefully will be to be a productive and contributing to solutions but really to even assign value to water: what will the Lower Santa Fe River look like in the future from the position of this project, what does it look like without San Juan-Chama water in the river.

COUNCILOR VILLARREAL: Thank you.

CHAIR ROMERO-WIRTH: Other questions from the Board? All right. Thank you, Mr. Schneider.

7. ACTION ITEMS: CONSENT

CHAIR ROMERO-WIRTH: We'll go on to the items from consent. And I believe Commissioner Hamilton, you pulled this for discussion.

- a. **Request for approval OF Professional Services Agreement with Snell & Wilmer, LLP in the amount of \$180,000 plus applicable gross receipts tax for Legal Services in FY2023**

COMMISSIONER HAMILTON: Yes, and I just thought it would be useful to explain what this is going to tie into and what it is for. I don't see any problem with it at all.

MONIQUE MAES (Contractor Administrator): Madam Chair, members of the Board, this is an extension. This is a new contract that was procured via sole source. We have our attorney Nancy Long who works closely with the vendor so she can provide more contexts but basically it's an extension for the post-litigation. I'll refer any other questions to Nancy or have her explain further.

NANCY LONG (BDD Counsel): Madam Chair and Commissioner Hamilton, Monique is correct. It's an extension of Snell & Wilmer's work post litigation so that we might tap into Dan Frost's knowledge that he has gained over the last four years about the failures and difficulties with the project through the lawsuit and then he can help us interface with our consulting engineers, that we're working to procure now, as well as ideas for reprourement of any design work and the actual construction work that will take place. He'll be basically on-call. He'll be attending our technical committee meetings. He has met with Wright Water Engineers who we're attempting to get under contract.

We thought it would be beneficial just to keep him available. It's an up to amount with a budget that he came up with so we want to keep him on contract and be able to call on him when we need him.

COMMISSIONER HAMILTON: Yes, I found it very useful to know that and I wanted the other Board members to know. I would be happy to move to approve this.

COMMISSIONER HANSEN: I'll second with discussion.

CHAIR ROMERO-WIRTH: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Commissioner Hamilton for pulling this. Yes, I think that it is very helpful and will be a good reference since he has spent so much time already working on this project. It would be a shame to lose his knowledge. Thank you, Madam Chair.

CHAIR ROMERO-WIRTH: Thank you, Commissioner. Any other comments on this matter?

MS. LONG: Madam Chair, I forgot to mention that I learned that Snell & Wilmer's contract because we were able to settle the litigation in the spring, there was approximately \$800,000 to \$900,000 on last year's contract that wasn't expended so that didn't get billed to the partners. So it makes us feel better about this amount on this contract.

CHAIR ROMERO-WIRTH: Other questions? We have a motion and a second.

The motion passed by unanimous [5-0] voice vote.

b. Request for Approval of Amendment #2 to United States Forest Service Permit ESP 104603 for Solar Arrays at Buckman Direct Diversion Raw Water Lift Station to add archaeological monitoring

CHAIR ROMERO-WIRTH: Caryn Grosse is the senior project manager on this and Commissioner Hansen you pulled this.

COMMISSIONER HANSEN: Thank you and thank you, Caryn, nice to see you. I just want a little update over how it's going out there with the archaeology contract and how you're going to fence this project? At the County we don't fence our projects and so I think that's one of the reasons why we had such a big issue over on La Tierra and so I'm wondering – not that this is near neighbors so you're lucky in that regard. But I am concerned about the archaeological work.

CARYN GROSSE (City Project Administrator Senior): Thank you Chair Romero-Wirth and Commissioner Hansen. I appreciate the question. We are planning to fence in this array, chain link as we have done with all of the others. This particular location, the Forest Service had not fully looked at the archaeological components of it when they had provided the permit last fall. When they realized this, they asked us to hold off on starting work. They did their review quickly and presented us with this contract amendment #2. It does not have any impacts on our site location or the perimeter of the work. What it does impact slightly is our starting schedule for the solar at the raw water lift station as well as some additional cost for the archaeological monitoring that they have requested.

So far, the work at Buckman Booster Station 1A is going very well. We've had great communication back and forth between the Forest Service, the monitoring company Tierra Right-of-Way, and I believe also with the BDD staff and so far we're complying with all requirements and will continue to do so. I get out there frequently to monitor myself and I think all of that is going very well at the moment. I do not anticipate any problems with the raw water lift area. I just think this is more just to make sure we don't encounter a similar problem to what we had previously had.

COMMISSIONER HANSEN: Thank you. So – like I know I believe it is 60 percent of the City's greenhouse gas emissions come from water treatment. I could be off on that, I'm not up to date completely on the City's numbers. So this facility is for Buckman.

MS. GROSSE: It's for BDD.

COMMISSIONER HANSEN: It's for BDD, unlike the one at La Tierra which is –

MS. GROSSE: City Buckman.

COMMISSIONER HANSEN: And what is the one on La Tierra for?

MS. GROSSE: That is for Buckman Booster Station 4 which is part of the City's wellfield system.

COMMISSIONER HANSEN: Okay, I appreciate that answer. I did not have that previously. I appreciate that. But it is for the water system throughout the City?

MS. GROSSE: Yes, ma'am.

COMMISSIONER HANSEN: Thank you. And with that I'll move to approve.

CHAIR ROMERO-WIRTH: Is there a second?

COUNCILOR VILLARREAL: Second.

CHAIR ROMERO-WIRTH: We have a motion and a second. Further discussion, Mr. Helms.

MEMBER HELMS: Is there a monetary aspect to this request?

MS. GROSSE: Yes, there is. We already have a proposal from Tierra Right-of-Way and have generated a purchase order for them to provide the monitoring on this.

MEMBER HELMS: What is the size of it?

MS. GROSSE: The monitoring will be a little under \$9,000 and it will be ultimately paid for by the contractor.

MEMBER HELMS: Okay, thank you.

CHAIR ROMERO-WIRTH: Other questions by the Board? Seeing none --

The motion passed by unanimous [5-0] voice vote.

8 MATTERS FROM THE PUBLIC - None were presented

9. MATTERS FROM THE BOARD - None were presented

10. NEXT MEETING: Thursday, September 1, 2022 at 4:00 p.m.

11. ADJOURN

Having completed the agenda and with no further business to come before the Board, Chair Romero-Wirth declared this meeting adjourned at approximately 4:52 p.m.

Approved by:

Carol Romero-Wirth, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO

KRISTINE BUSTOS-MIHELIC
SANTA FE CITY CLERK