

MINUTES OF THE
SANTA FE COUNTY
WATER POLICY ADVISORY COMMITTEE

February 14, 2019

Santa Fe, New Mexico

I. This Santa Fe County Water Policy Advisory Committee (WPAC) meeting was called to order at approximately 5:00 p.m. on the above-cited date at the Santa Fe County Projects Complex, 901 W. Alameda, Santa Fe, New Mexico.

II. A quorum was established with the following members present:

Members Present:

Mary Helen Follingstad
Ken Kirk, District 2
Bryan Romero, District 1
Shann Stringer, Soil & Water Conservation

Member(s) Absent:

Denise Fort, BDD Board
Steve Rudnick, District 5 [excused]

Staff:

Jerry Schoeppner, Utilities Department
Anjali Bean, Utilities Department

III. Approval of Agenda

The agenda was accepted by consensus.

IV. Approval of Minutes: January 2018

Mr. Stringer's name was misspelled on page 3.

Mr. Kirk moved to approve as corrected. Mr. Romero seconded and the motion passed without opposition.

V. Introduction of WPAC members, staff and guests - Deemed unnecessary

VI. Matters from the Public - None were offered

VII. Action Items -Item merged with VIII

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VIII. Discussion Items & Possible Action Items

A. Discussion of 2019 work plan and meeting calendar

Mr. Schoepner said WPAC's work plan and calendar has been reviewed by the Manager's Office and the Legal Department and will be presented to the BCC at its 2/26 meeting.

The following points were offered:

- Develop an overlay zoning district for the NPT Basin within the SLDC with a WPAC support document
- Review previous WPAC recommendations that were not incorporated into the SLDC
- Agreement and/or adjudications in NPT complicate the imposition of the SLDC; County planning and utilities staff need to review acequia adjudications/agreement to ensure consistency with the Code. There are 25 to 30 acequias in NPT
- Most of the acequia bylaws are filed with the OSE and the County. Many of the bylaws have been updated. According to state law, if the acequia bylaws define water rights in a certain manner, the court will uphold that and the water transfer to the PBRWS is not the State Engineer's decision. The New Mexico Acequia Association has been instrumental in helping acequias establish bylaws and obtain capital improvement money
- The pueblos agreed not to make a priority call on a certain amount of water rights – if the rights are being used
- Wells within the Settlement area have precedence over the SLDC and as simple as, "the Settlement prevails over the SLDC" may suffice
- An incentive program to tie into the PBRWS could start with input from the acequia associations within the basin

Mr. Romero moved to approve the work plan and Mr. Kirk seconded. The motion passed without opposition.

B. Discuss the Water Supply Shortage Draft Resolution

Speaking from her 30 years experience as a planner, Chair Follingstad said she reviewed the resolution and the County needs to have rules, restrictions and regulations developed before an emergency is called. The ordinance needs to be based on a policy and that will take time to develop.

The Restated and Amended Water Resource Agreement ties the County utility at the hip to the City, stated Mr. Schoepner.

Citing from the resolution, Chair Follingstad emphasized that a policy framework is necessary to impose an ordinance.

1. *If the City Manager declares a water emergency and promulgates regulations, rules, restrictions, and temporary water rate surcharges to address that emergency, the County Manager shall propose an ordinance to the Board of County Commissioners establishing*

regulations, rules, restrictions and temporary water rate surcharges at least as stringent as promulgated by the City.

If the PBRWS is tied to the City, it needs to clearly be identified in the resolution.

Mr. Kirk said at the February 12th City Water Conservation Committee meeting there was a discussion about future joint meetings and the topics of conservation and Chapter 25 were identified.

Mr. Schoepner said the City is planning on revising their entire Chapter 25 which drought management is a portion of. The County would be at the table with the City regarding drought management. The resolution is expected to serve as an umbrella document.

The document should identify where backup water supply is available stated Mr. Romero and

Regarding penalties, Chair Follingstad said Eldorado organizes theirs as a warning system.

Mr. Kirk said this discussion would be valuable and appropriate to have in the joint meeting.

Mr. Schoepner said the notion behind the document is to recognize that Santa Fe County and City are dipping into the same pool and restrictions have to be relatively the same.

Chair Follingstad said greater thought is needed for preparation of a drought emergency and she mentioned the mega-drought slide that Bill Schneider presented.

Mr. Schoepner said the WRA (Water Resource Agreement) requires the two entities to work together.

In terms of backup water, Mr. Romero noted that the entire Aamodt area was left out.

Ms. Bean noted that the not yet formed regional water authority for the Aamodt is not a County-managed authority; the County is one of five representatives. The County is tapping into the state's funding for drought planning for the authority.

Mr. Romero said drought conservation efforts differ from an emergency situation. In an emergency people are not being warned but forced to stop. In a drought situation there is an opportunity to address the situation.

Mr. Schoepner concurred that following a declaration of drought something needs to happen and that has not been adequately defined. Chair Follingstad proposed that a drought management plan be developed and section #1 be rewritten.

Mr. Kirk advocated making this a priority on the joint meeting schedule and develop a plan together. He noted that the enforcement of drought restrictions on domestic wells are really difficult.

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While surface water is usually the most affected by drought, Ms. Bean said the NPT is different surface water than the BDD and the population base is significantly smaller.

It was suggested that the WPAC develop a drought management plan for presentation to the joint committee as well as a revision to Chapter 25. A review of other drought management plans was suggested as a starting point.

Mr. Romero said the northern communities already have too many people directing their water situation and including the City would be over the top.

Mr. Schoeppner recommended shelving the document while details are worked out and shared with the City.

Mr. Stringer asked how the mutual domestics could be included in this adding that there are agencies considering monitoring groundwater levels and usage rates. Mr. Schoeppner said getting the involvement of 30 entities would be difficult.

Mr. Stringer introduced a motion to work with the City Water Conservation Committee to expedite the drought management plan within Chapter 25. Mr. Kirk seconded and the motion passed without opposition.

C. Discussion of revisions to the WPAC Resolution

Ms. Follingstad said the changes propose an update to the purpose and activities and she noted that drought management was not included in the original activities.

The following points were offered regarding the resolution:

- Water reuse is typically synonymous to wastewater management and reuse is the preferable term. The treatment level for contaminants are absurdly low and treating for the unregulated contaminants will make the water too expensive to drink.
- The Holloman and Canon's water contamination issues are cause of great concern.
- WOTUS could remove regulations on ephemeral streams in New Mexico; however if New Mexico is successful at getting primacy the entire federal rule can be subverted. The Governor has a line item in the budget seeking primacy.
- Water management should be retained and reuse can be added.
- Drought management and stormwater were recommended for addition. Regarding stormwater the MS4 permit is expected to be enacted.
- Under 10.a, eliminating the reference to Santa Cruz River was agreed upon.
- Under the Resolved section, add "recommendations" to the BCC; for continuity elect chair and vice chair biannually rather than annually; change the physical meeting place to this location on W. Alameda; and add 6.i. that would allow for alternative membership types.
- Item 9.g, (10.g) was removed by consensus.
- A new number 9 fleshes out one of the whereas statements regarding recommendations to the BCC.

- Item 8 remained unchanged not including the added language
- Item 10 was changed to read the “committee” can make changes to the work plan

Regarding the pipeline the City is proposing with BoR assistance, Mr. Kirk mentioned that many believe the City’s first priority should be rehabilitating and upgrading the treatment plan rather than the pipeline. There were four options presented by Carollo and those should be further fleshed out. Mr. Romero said the plant periodically has been upgraded; however, there are violation issues. The reuse/pipeline project may assist the City in meeting requirements.

Mr. Stringer said the instream requirements, where it would be put back into the Santa Fe River, are extremely low because it is considered an ephemeral stream. He advocated a combination of the multiple options which provides additional ways to deal with upcoming scenarios that have not been considered.

A discussion regarding flood water ensued. Mr. Schoeppner recalled that the SLDC required that the runoff of over 2,500 square feet of roof material had to be collected in a cistern. OSE said a permit was required and that that was not the individual’s water. Mr. Stringer recalled resolution was reached regarding that requirement and suggested a series of reservoirs where the runoff can be held for 96 hours to soak in.

Mr. Schoeppner asked if the committee wanted to tackle flooding. It is another source of water for infiltration and recharge.

Mr. Romero championed the diversity of the committee to expand upon perspectives.

Chair Follingstad offered to reach out to Commissioner Garcia and suggested staff prepare an announcement for additional members.

Chair Follingstad offered to email the whitepaper/legislation that was developed by Mr. Nylander regarding regional authority boards. Mr. Stinger noted that from the state’s perspective a bill is not necessary to regionalize; however, he understood there were some good details in it that could be fleshed out further.

In regards to the discussion about needing dedicated staff, Mr. Kirk offered to contact Christine Chavez the City person for the WCC and find out how much of her time is committee business.

Mr. Kirk moved to approve the WPAC resolution with the changes discussed. Mr. Stringer seconded and the motion passed without opposition.

Mr. Schoeppner said he would make the changes, forward it to the Legal Department and bring it back to the committee if issues are identified.

D. Discussion of Draft Water Utility Master Plan

Mr. Romero said the agenda heading reads as though there is a master plan for the entire county while it is for the SDA1.

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Mr. Schoeppner said the draft plan was submitted by the consultant and will be reviewed by staff before it is made public. He said the draft is an engineering master plan and is extremely complicated. Chair Follingstad asked whether WPAC was considered part of internal review.

Chair Follingstad said the committee could serve as “Napoleon's idiot” or savant to look over the plan for defects.

There was agreement to include this item within the Staff updates.

E. Discussion Joint City-County meeting on future cooperation and coordination

1. Review February 5, 2019 meeting

According to the information provided at the last WCC meeting, Councilor Romero Wirth and Commissioner Hamilton have not worked out details for the next meeting, stated Mr. Kirk. The Councilor hoped to have another meeting late March or early April.

Mr. Stringer said the presentations should be available on the website.

Chair Follingstad said having “regional” appear in the agenda caused concern with some stakeholders. It was noted that it may have produced more attendance.

Chair Follingstad asked about project examples for backup and questioned the City use of the County’s native supply. Ms. Bean said this year, with the expectation of a gap, as a staff decision the City and County decided they could swap some water. Mr. Stringer said there were other municipalities along the Rio Grande that were trying to manage water that way. Ms. Bean said if native water is not used, it’s gone, while SJC water can be stored. This concept was presented to WPAC within a list of potential ideas. As a matter of practice, the County has always used native rights first.

Chair Follingstad asked that the County’s presentation come back to WPAC as an agenda item for further discussion. As a drought management matter it needs to be in a plan rather than a staff handshake.

In regards to joint meetings, the consensus was to continue them.

IX. Matters from the Committee

Mr. Stringer repeated a suggestion he made at a previous meeting that, item X be moved up the agenda to be heard following approval of the minutes. Ms. Bean thanked him and said it was probably better that she stayed for the entire meeting.

X. Matters from County Staff
A. Update on Aamodt Regional Water System

Ms. Bean said there is an amended appropriation bill being introduced and the state may be providing more money.

B. Update on Community Systems

There were no changes to report. The County has approved the Hyde Park agreement and is awaiting Hyde Park's final review.

C. Status of Member Vacancies

Staff was asked to advertise for members.

XI. Adjournment

Having completed the agenda, the meeting adjourned at approximately 7:00 p.m.

Approved by:



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 27TH Day Of June, 2019 at 01:55:28 PM
And Was Duly Recorded as Instrument # **1889875**
Of The Records Of Santa Fe County



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

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