

MIDDLE RIO GRANDE WATER ASSEMBLY

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BOARD OF DIRECTORS MEETING

Mario's Pizza, Albuquerque, NM

Minutes—April 24, 2017

Present: Bob Wessely, Elaine Hebard, John Brown, Carolyn Kennedy, Lynn Montgomery, Judith Phillips, Don Rudy, Ed Singleton, Patricia Bolton, Mike Neas, Larry Shore and Elizabeth Chestnut.

Call to Order – Presence of a quorum was noted and the meeting was called to order at approximately 6:05 p.m.

Approval of Agenda: Ms. Kennedy made a motion to approve the agenda, Mr. Singleton seconded the motion, and the agenda was approved unanimously.

Approval of Minutes: Ms. Hebard noted re Business Item d, that the Sevilleta meeting was held on July 29, 2015, and Ms. Kennedy noted re Business Item f that the next report to the Secretary of State will be due 11/15/17, not 12/31/17. Ms. Hebard moved that the minutes of the January 30, 2017, meeting be approved as corrected, Ms. Bolton seconded the motion, and the corrected minutes were approved unanimously.

Business Items:

a. Schedule Next Board Meeting: July 31, 2017, at 6:00 p.m., at Mario's Pizza.

b. Report and Discussion—House Memorial 1—Status and Next Steps: Ms. Hebard summarized the history leading up to HM1, beginning with regional water plan update problems discussed at the Sevilleta meeting, which led to the formation of the Governance Study Group (GSG). Subsequently, the GSG met about 10 times and published six white papers, which are posted on the Water Dialogue's website. Mr. Wessely made a presentation on behalf of the GSG at the Interim Legislative Committee on Water and Natural Resources meeting October 25-26, 2017, at which Rep. Tomas Salazar said he'd like to introduce a memorial to reflect the GSG proposal, which he did. As it was introduced prior to the beginning of the session, it became HM1. It requests that a task force be convened to look at how to improve the current regional water planning process. Last week the GSG met with ISC Director Deborah Dixon to discuss the roles of the ISC and the task force, since the ISC has developed a charter for a state water plan, which has to be completed by June 2018. HM1 requires the task force to have a product completed by July 1, 2018. The roles of the two entities do not overlap. A draft letter outlining the role of the task force was given to the ISC, which Ms. Dixon was requested to review and get back to the GSG by the end of this week. HM1 specifies that a detailed proposal be presented to the 2019 legislature on how water planning should be done, without a priori constraints. Those interested in regional water planning should think seriously about volunteering to participate when the task force invitation is issued. If they wish to assist, the ISC will send out the invitation letter, and it will be published on the WA listserv. The ISC was asked for a list of Steering Committee members and the invitation will be sent to them as well as Soil and Water Conservation Districts. Entities receiving the invitation will be asked to propagate it to their distribution lists.

c. Report, Discussion—Progress on WaterSMART Basin Proposal Study: Ms. Hebard noted that at the last meeting a letter of commitment was approved increasing the MRGWA in-kind contribution to \$10,000 for the basin study. As background, last January, on behalf of the MRGCD, Mike Hamman submitted a formal letter of application, and the team was asked to submit a proposal by April 20, 2017, which, as far as she knows, was done. The main players are MRGCD working with the Bureau of Reclamation. The WaterSMART grant for a basin study is basically to develop and utilize best data (USGS has a separate source of funds to work on more robust data for primarily the main stem); it will look at what the projections of climate change mean for the basin and formulate scenarios on actions that could be taken. The basin extends from the Colorado border to Elephant

Butte, way larger than the MRG planning region. Ms. Hebard has suggested looking at strategies both above and below the gauge at Otowi, because the Compact divides the way the water is apportioned between the two districts. Above the gauge no more water can be used than in 1929; below the gauge a sliding scale is used depending on the amount coming across the gauge, but no more than 405K AF. We will know mid-July whether the proposal for a basin study was accepted. BOR wanted to get that proposal submitted right away, before the plan of study was submitted, which is not due till the end of June. Ms. Hebard asked Bruce Thomson about the status of the WRRRI water budget but he didn't know because he's no longer working on the project. The state is not participating in the basin study, but is participating in the Drought Contingency Task Force. The ABWUA might join. She noted that neither MRGCD nor EBID participated in the state water plan update. A plan of action should be an agenda item for the next meeting. This is not a grant-funded program and is unlikely to be cut. It's a \$1M project, with \$500K from BOR operating funds and the remainder coming from in-kind contributions.

- d. Discussion, Action—Bylaw Changes for Advocacy/Interest Group Change:** Mr. Brown made a motion to change the name of the groups to “Interest/Advocacy Groups,” Mr. Rudy seconded the motion, and the motion was approved unanimously.
- e. Report and Discussion—Status of Jensen Outreach Project, Next Steps:** Ms. Hebard has not heard from Mr. Jensen to date, but the project should remain ongoing. It was suggested that Tom Heller be queried to see if he knew of a student that might be interested in taking on the project under the auspices an instructor at the Water Resources program at UNM. Mr. Singleton will ask Edwin McCorkindale, also a student, concerning his thoughts on who to contact. Mr. Brown suggested that the WA could fund a regular newsletter and updates to the website on the order of 5/10 hours/week. It was suggested that WA board members should take it as an assignment to try and find someone, maybe by the fall semester, and report at next meeting. She will attend the next Water Network meeting, which was started by Mr. Heller, to see if someone would agree to track current water issues and post them on the website..
- f. Report, Discussion, Action—Support for Creating Local Oil and Gas Ordinances:** Mike Neas, resident of Placitas, Sandoval County, requested the Assembly's assistance in supporting quality oil and gas ordinances in the Albuquerque Basin. These need to be in place before something catastrophic occurs, as EPA under the current administration is rolling back regulations and defunding projects and there are no local government regulations currently in place. The NM OCD can assess fines but can't collect them. SB307, which would have addressed some of these concerns, was not passed in the legislature this year. This issue should be brought to the attention of mayoral candidates and others, such as the Water Protection Advisory Board. Mr. Rudy mentioned that the mineral rights under private property can be transferred without the property owner's approval and that individual property owners need to be protected. In addition, our water resources are extremely limited and a single hydrocarbon pollution event would be catastrophic. Mr. Singleton suggested that the greatest single protection for Sandoval County, including the Placitas area, would be the release of the BLM Rio Puerco Resource Management Plan (RMP), which would exempt parts of the County, including Placitas, from oil and gas exploration because it withdraws the subsurface mineral estate and closes it off to mineral interests. The hangup is that BLM has proposed about 200 acres of gravel mining, worth about \$1B, on the Buffalo Tract abutting the Al Baca operation, and gravel mining is vocally opposed by some Placitas residents. This would be an important taxpayer asset, as the tribes control most of the gravel mining now, and would be a small price to pay to protect everything else. The RMP also sets development limitations for sand and gravel and oil and gas throughout Sandoval County and would protect all of Placitas. An advocacy group is needed to push for the plan to be released. Mr. Neas stated in conclusion that, because local governments have the ability to regulate, he requests a resolution or letter of recommendation from the Water Assembly and for the word to be spread through various forums and meetings. Ms. Hebard suggested in addition that he go to the City Council or contact Steve Glass to get on next MRCOG Water Resources Board meeting. Mr. Singleton noted that oil and gas potential in this area is low, and a no-development zone could be designated. Ms. Hebard then made a motion stating that the MRG Water Assembly actively supports enactment by the three counties in the Middle Rio Grande region, including the inherent subdivisions of the state, of comprehensive regulatory oil and gas ordinances, Mr. Brown seconded the motion, and the motion was approved unanimously. The Water Assembly's support could be disseminated through a Press Release and posted on its website.

- g. Report and Discussion—Results of 17th Water Assembly and Potential Actions:** Deferred. Ms. Hebard suggested that we begin thinking about the 18th Assembly. She suggested two topics—(1) given that the region is overconsuming its apportioned amount of water (in 2016 there was a deficit of 3000 AF, and Elephant Butte is only 18% full), what does the Compact mean to us and what does the deficit mean? (2) Revisit land use and water linkage, with a discussion of the disconnects and addressing how we might reconnect. Mr. Wessely suggested a broader topic, such as Can we meet all the promises made; i.e., unfulfillable promises? This can't wait till the next meeting on 7/31, as speakers have to be contacted, etc. Mr. Montgomery, Mr. Brown, Ms. Chestnut and Mr. Shore volunteered to serve on a planning team and Ms. Hebard will contact them in a month and a half; she would like to have something ready to go by the July 31 meeting. Perhaps the pueblo coalition could be contacted also.

Ms. Hebard then made a motion to define July 31 as the Annual Business Meeting, to be held at 6pm, place to be determined, and Mr. Montgomery seconded the motion, which passed unanimously.

- h. Discussion—What Follow-up, If Any, with State Auditor:** Ms. Hebard stated that Sarita Nair, General Counsel, has returned and that any follow up should be done before the mayoral race heats up, perhaps in June. The problem remains of how to couple water auditing with money.

Officers and Directors Comments and Announcements: None

Public Comments and Announcements: None.

Adjourn: The meeting was adjourned at approximately 7:55 p.m.

Minutes by Carolyn Kennedy

Bob Wessely, President