City of Santa Fe

Agenda

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**Santa Fe River Commission Agenda**
**Thursday, January 12, 2017 (Round House Room), 6 pm to 8 pm**
**City Offices at the Market Station Building at the Railyard**
**500 Market Street, Suite 200, Santa Fe, NM**
**505-955-6840**

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES FROM DECEMBER 8, 2016**
4. **COMMUNICATION FROM OTHER AGENCIES /COMMITTEES**

5. **INFORMATION/DISCUSSION/ACTION:**
    - **Action Item: Santa Fe River Recommendations to the Governing Body on the Santa Fe River Target Ordinance Flows**

6. **MATTERS FROM COMMISSIONERS**
7. **MATTERS FROM STAFF**
8. **CITIZENS' COMMUNICATION FROM THE FLOOR**
9. **SUB-COMMITTEE BREAKOUT SESSION**
    - **Outdoor Economy**
    - **Promoting a Living River**
    - **Watershed Revitalization**
    - **Species Resiliency**

10. **ADJOURN**

**Next Scheduled for the River Commission is February 9, 2017**
**Captions & Packet Material are due by January 31, 2017**
***Persons with disabilities in need of accommodations, contact the City Clerk's office at (505) 955-6521 five (5) working days prior to the meeting date.***

Santa Fe River Commission
Meeting Index
January 12, 2017

**Santa Fe River Commission**
Meeting Minutes-**January 12, 2017**
500 Market Street Santa Fe, New Mexico
6:00 p.m.-8:00 p.m.

## CALL TO ORDER

Chair Buchser called the meeting of the Santa Fe River Commission to order at 6:03 p.m. at 500 Market Station (Railyard Station), Santa Fe, NM. A quorum was established will roll call.

## 1. ROLL CALL

**Present**
John R. Buchser, Chair
Phil Bové, Vice Chair
F.M. Patorni
Luke Pierpont
Jerry Jacobi
Anna Hansen
Zoe Isaacson
Dale Doremus
Emile Sawyer

**Not Present/Excused**

**Others Present**
Councilor Peter Ives
Melissa McDonald, City of Santa Fe Staff
Andy Otto, Executive Director Santa Fe Watershed Association
Bob Findling, The Nature's Conversancy
Raquel Baca- Tompson, Santa Fe Watershed Association
Alan Hook, City Water Division
Linda Vigil, Stenographer
Don Charhag, Cerro Gordo Acequia
Michael Gonzales, Mayordomo of Cerro Gordo Acequia
Bruce Reitz, Cerro Gordo Acequia
Melia Spaid-Reitz, Cerro Gordo Acequia
Dan Guy, Acequia Madre
Neil Williams, The Nature's Conservancy
Wayne Ureonas, Concerned Citizen
Eleanor Bové, Acequia Madre

## 2. APPROVAL OF THE AGENDA

***MOTION:*** Ms. Isaacson moved to approve the agenda as presented with a second from Ms. Hansen which passed by voice vote.

## 3. APPROVAL ON MINUTES FROM DECEMBER 8, 2016

***MOTION:*** Ms. Hansen moved to defer and approve the minutes of December 8, 2018 to the next meeting with a second from Mr. Jacobi which passed by voice vote.

## 4. COMMUNICATION FROM OTHER AGENCIES/COMMITTEES

There were not any communications to report.

## 5. INFORMATION/DISCUSSION/ACTION

- **ACTION ITEM: Santa Fe River Recommendations to the Governing Body on the Santa Fe River Target Ordinance Flows**

Chair Buchser stated the River Commission will not get involved with the business between the Acequias and the City. They will try to collaborate with them once this issue has been resolved.

Chair Buchser mentioned there is a lot of discussion on the background info of this matter and the facts must be set straight. The document in review tonight was sent to all Santa Fe River Commissioners to make comments. All were handed in earlier this afternoon except for Ms. Hansen who submitted hers previously. Chair Buchser thanked Ms. Doremus and Ms. McDonald for gathering them.

Chair Buscher would like to review the document with each Commissioner's comments and Mr. Hook's and then allow the members of the public to comment or ask questions.

Chair Buscher explained he would like to get the document as clear as possible for the City Council. Chair Bucsher has asked Ms. Doremus help facilitate review of the document tonight.

Ms. Doremus stated she had some help from Mr. Pierpont to streamline the document. (See Exhibit A) There was a City Council meeting on December 14, 2016 where it was clear these items need to be clarified. The objectives are to make sure there is information about the needs of the preserve and to clarify the issues in the ordinance.

The Santa Fe Watershed Association also handed in a letter (See Exhibit B) with their comments and suggestions.

Introductions were made by all guests present.

***Review of document****: Santa Fe River Commission Recommendations to the Santa Fe City Council on the Santa Fe River Target Ordinance Flows*

Changes to Background:

Ms. Doremus explained one of Mr. Hook's comments was to change "channel flows" to bypass flows throughout the whole document. Mr. Hook explained they are intermingled.

A discussion was held about the change to Living River Bypass Flows.

Ms. Doremus added to the second paragraph, community events along the middle and lower reaches of the river. Ms. Hansen stated she attended a meeting in La Cienega and they would like to meet with the Commission and discuss the possibility of getting more water.

Ms. Doremus discussed changing the Santa Fe Canyon Preserve in the document, she understood that was the term for the area owned by the Nature Conservancy. Mr. Findling explained the 525 acres of land they own and how it is broken up.

A discussion was held about printing a map to show the area. Ms. McDonald explained she would need it by Tuesday.

Changes to Limitation and Challenges:

A brief discussion about the word "snowpack" and if it can be changed to precipitation.

A discussion was held about changing floodflows passed under Cerro Gordo bridge. Mr. Hook stated even a large stormflow could cause a problem, there is so much sediment there.

Changes to Recommendations:

A discussion was held about the concern for using administrative procedures.

For the near term recommendation, it was decided to continue as before and direct the flow to the bypass channel per the administrative procedure

There was a discussion of the conservancy purchasing or leasing raw water during times of shortages.

Mr. Hook explained in the report there needs to be clarification for the administrative procedures that show the time frame that water can be used.

A discussion was held about defining the amount of water to be released. Mr. Jacobi explained the new outlet system doesn't allow it to produce that minimal amount. Perhaps the best language to use is "seek to maintain".

A discussion was held about the RFP that has not yet been awarded. Mr. Hook will get the Commission a copy of the scope of work once it is determined.

It was suggested to list the goals in the original ordinance when getting public input.

A brief discussion was held about the fiscal impact, the Public Utilities Committee will need to know and it may need to go through the Finance Committee as well. Ms. Doremus will add in the language "various options".

Mr. Bove discussed his comments. Mr. Bove has researched the issue and understands there needs to be a legal water right to have water in the pond.
Mr. Bove suggested the City use the pipe from Nichols to the filtration plant, without being in the position of letting in water without a water right.

Another idea is to lease from the Acequia del llano, that would not take much to get the water there and that would not change the water diversion.

Mr. Pierpont thinks the approach and asking the council asking for the study to be done is the best way to go. The study of the water balance will help them understand the loss from the channels.

Ms. Hansen is interested in the Acequia del llano idea. Mr. Bove suggests the legal staff can find out if the pond has a water right.

After the Public comments under item 8 the motion was made.

***MOTION:*** Ms. Hansen moved to approve the Santa Fe River Commission Recommendation to the Santa Fe City Council on the Santa Fe River Target Flow for a Living River Ordinance with the changes discussed, with a second from Mr. Pierpoint which passed by voice vote.

**6. MATTERS FROM COMMISSIONERS**

**7. MATTERS FROM STAFF**

Ms. McDonald announced the Reuse Public Forum next week.

**8. CITIZEN'S COMMUNICATION FROM THE FLOOR**

Mr. Otto submitted his comments in writting (See Exhibit B). Mr. Otto explained there were more studies that were not mentioned in the staff report.

In order for Acequia Cerro Gordo to use city treated water, there needs to be requirements met.

Mr. Otto explained in the resolution there is a section where it states the city manager has the authority to call an emergency.

A discussion was held about the amount to be released. It was decided to add mention that the ordinance has provisions during severe water shortage.

Mr. Otto agrees with public outreach ideas and the Watershed Association is willing to help where they can.

Mr. Otto discussed the idea of the original head gate be relocated to the original location. The infrastructure is already there. The cost would be less than rebuilding.

A discussion was held about having the solutions or ideas for the RFP be part of a regular meeting. Mr.

Hook does not thing the City Manager will allow them to work on an RFP that has gone out.

Mr. Williams is happy to see the people from Acequia Cerro Gordo here tonight. He has studied the area and believes the solution could be restoring the Acequia to its original location. It should be studied at least.

Mr. Gonzales discussed the river channel would also be the bypass channel in reality. That was where the overflow deposited.

Mr. Williams explained when PNM owed it they told the engineers it would restore itself naturally and it didn't happen.

Chair Buchser asked if it can be looked into as an outstanding issue, Mr. Hook explained the permit has been closed.

Mr. Findling explained the Nature Conservancy does not have a budget to buy or lease water from any one. They would have to raise money. There was work done years ago with the Audubon Center and they may still have surplus rights. The Nature Conservancy appreciates the living river ordinance and the preserve and hope there is a solution that can find a way to achieve the goals.

Ms. McDonald explained the next meeting this document would go to is actually Public Works which meets on February 2, 2017 then if approved on to Public Utilities in March then on to City Council.

**9. SUB COMMITTEE BREAK OUT SESSION**

- Outdoor Economy
- Promoting a Living River
- Watershed Revitalization
- Species Resiliency

**10. ADJOURN**

***MOTION***: There being no further business to come before the Santa Fe River Commission Mr. Jacobi moved to adjourn at 8:11 p.m. with a second from Mr. Sawyer which passed by voice vote.

**SIGNATURES**

John Buchser, Chair

Linda Vigil, Stenographer

**SANTA FE RIVER COMMISSION RECOMMENDATIONS TO THE SANTA FE CITY COUNCIL ON THE SANTA FE RIVER TARGET FLOW FOR A LIVING RIVER ORDINANCE ~~FLOWS~~**

Background:

The Santa Fe River Target Flow Ordinance, Ordinance No. 2012-10 provides for a target flow within the Santa Fe River to support and enhance the Santa Fe River as a living river system. The Target Flow Ordinance provides up to 1,000 acre-feet per year ("AFY"), depending on the annual water ~~supply~~ yield from high elevation snowpack in the upper Santa Fe River watershed, for the benefit of the Santa Fe River system and the community of Santa Fe. The Target Flow Ordinance scales the ~~release of~~ "Living River Target Flow" water in years with 75% or less of the average Santa Fe River watershed yield based on the percentage of projected annual streamflow yield, down to 300 afy. Living River Target Flows ~~releases~~ are further limited by, and cannot exceed, the amount of water, or bypass flows, flowing in to McClure Reservoir at any one time.

**Comment [DD1]:** This address AH comment on defining bypass flows and not describing Living River Target Flows as a "release".

Within the Santa Fe Canyon the Santa Fe River flows either through the Preserve along what the Nature Conservancy has termed the "historic channel," and which provides water to the Ppreserve's habitat, or through the "bypass channel" located on the southern boundary of the Preserve. The City Water Division currently uses the bypass channel to supply two downstream acequias, the Acequia Madre and Acequia Cerro Gordo, both of which have senior water rights to the City of Santa Fe's storage facilities. Deliveries to the Acequia Madre and Acequia Cerro Gordo are both limited by the inflow into McClure Reservoir, as the City of Santa Fe is not required to deliver water to the acequias out of storage. In addition to the acequia deliveries, the City Water Division has cited the efficiency of the bypass channel as necessary for Living River bypass flows ~~Target Flow releases~~ to reach as far as possible downstream when available to support riparian plantings, ~~and~~ wildlife habitat and community events along the middle and ~~in the~~ lower reaches of the river.

The Santa Fe Canyon Preserve (Preserve), located immediately downstream of Nichols Reservoir on the Santa Fe River, relies on Living River bypass ~~Target~~ flows ~~releases~~ to maintain the environmental values and characteristics of the Preserve. The Preserve is owned and maintained by the Nature Conservancy and is open to limited public access for education, recreation, and other purposes compatible with the fragile ecology and history of the site. Among other elements, the Preserve includes the Old Stone Dam from Santa Fe's first reservoir known as Two Mile Reservoir, and Two Mile Pond, which retains approximately ~~less than~~ 10 acre-feet of water or less. Within the Preserve ~~the Santa Fe River and~~ the Living River bypass flows help ~~Target Flow releases~~ support a diverse riparian habitat, including a healthy population of beaver, a cornerstone species for riparian ecosystems.

**Comment [DD2]:** AH: This is confusing, are you saying Old Stone Dam is the same as Two-Mile Reservoir Dam, because they are two different structures.

Limitations and Challenges:

Under certain conditions, primarily during irrigation season, significant amounts of the Living River bypass flows ~~Target Flow releases~~ are conducted through the bypass



Ex. A

channel rather than through the historic channel. Flows through the historic channel provide a greater benefit to the riparian ecosystem of the Santa Fe Canyon Preserve. However, there are administrative and physical limitations to the historic channel's ability to convey Living River- bypass flows~~Target Flow releases~~, acequia releases, stormflows and flood flows of~~in~~ the Santa Fe River. This discussion does not purport to be a comprehensive summary of the challenges in managing bypass flows and the limitations of the historic channel, but is rather intended to provide a brief overview of the situation.

Below the Santa Fe Canyon Preserve the historic channel passes under Cerro Gordo Road through a culvert, which is insufficient to carry the capacity of a 100-year flood, while the bypass channel has the capacity to handle flood flows under the Cerro Gordo Road bridge. The lack of capacity of the historic channel, in its current configuration, to convey significant storm~~flood~~ flows past Cerro Gordo Road limits its utility as the main channel of the Santa Fe River.

**Comment [DD3]:** AH: I changed this because my understanding is that if two-mile pond did not exist, even a large stormflow would overtop the low elevation crossing of Cerro Gordo. The river doesn't even need to get to flood stage for the utility of the culvert to be overwhelmed

Currently the Acequia Cerro Gordo diverts directly off of the bypass channel just below~~at~~ Cerro Gordo Road Bridge. The two downstream acequias, the Acequia Madre and Acequia Cerro Gordo have water rights senior to those of the City of Santa Fe, and the City is obligated to deliver Santa Fe River water to those acequias when inflow to McClure Reservoir is sufficient. The location of the intake structure for the Acequia Cerro Gordo and the associated requirement of delivery by the City of Santa Fe presents an additional limit on the ability to use the historic river channel as the main channel of the Santa Fe River. Additionally, City of Santa Fe staff have described that the historic river channel is subject to greater conveyance losses than the bypass channel, although some seepage to the Preserve occurs from acequia water deliveries that are conveyed~~is delivered~~ through the bypass channel. If the historic river channel is, in fact, subject to greater losses, less water would be available for Acequia diversions as well as downstream Living R~~r~~iver bypass flows.

The Santa Fe River Commission supports further study to determine the water requirements for the Preserve to maintain a healthy riparian ecosystem; determine impacts of using the historic channel versus the bypass channel on the Preserve and downstream reaches of the river; and to determine the fiscal impact of various water management options.

Recommendations:

1. The Santa Fe River Commission makes the following near-term recommendations:
    - Direct Living River bypass flows~~Target Flow releases~~ to the Preserve via the historic channel at the rates provided for in the Administration Procedures adopted pursuant to Ordinance No. 2012-10.
    - The City of Santa Fe should pursue an agreement with The Nature Conservancy to allow The Nature Conservancy the option to purchase or lease raw (untreated) water from the City to augment the Preserve during

**Comment [DD4]:** AH: I think this recommendation needs to be clarified, because the Admin Procedures speak to low flows for the 'Upper River' (see definition of the 'Upper River') during the winter months; however, there is no similar provision establishing specific flows to the 'Upper River' for the period from early May to mid-September (See Dec 14, 2016 City's Water & Living River Report, City Attorney's Office).
DD: It is understood that the AP's need to be clarified on this point (Recommendation #6) but this is a placeholder on how to proceed in the short-term while seepage and other studies are conducted and public input is sought.

periods when Living River bypass flows ~~Target Flow releases~~ are unavailable.

2. The Santa Fe River Commission supports and will provide input to the planned water balance/seepage study of the Santa Fe Canyon Preserve area ~~currently underway~~ by the City Water Division. This study is critical to determining channel efficiency and conveyance losses ~~as~~ between the historic channel and the bypass channel and will inform future management options for the area.
3. The Santa Fe River Commission recommends and offers assistance to the Water Division to solicit public input on the impact of current hydrologic conditions on Living River bypass flows ~~Target Flow releases~~ and possible options to maintain the goals of the Target Flow Ordinance. The Santa Fe River Commission will report the results of this public outreach effort to the City Council.
4. The Santa Fe River Commission recommends that the City initiate a Request for Proposals to study the feasibility and options associated with restoration of the historic river channel and infrastructure improvements to accommodate all river flows, including flood flows, through the historic channel. The study should analyze operational, environmental, ecological, recreational and fiscal impacts to the Preserve and downstream reaches of the river for the various options considered.
5. The Santa Fe River Commission recommends that the City consider the options and feasibility of aquifer storage and recovery, and the effect of Living River bypass flows ~~Target Flow releases~~ on groundwater levels along the Santa Fe River.
6. The Santa Fe River Commission recommends making ~~make~~ necessary revisions to the Administrative Procedures for Santa Fe River Target Flows that are based on results of the new water balance/seepage studies and existing data combined with input from the public, City staff, and the Santa Fe River Commission.

We thank you for considering the above recommendations, and look forward to the opportunity to respond to any questions that the Council may have.

Santa Fe River Commission

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January 12, 2017

To: City of Santa Fe River Commission
RE: Santa Fe Watershed Association Recommendations to the City of Santa Fe River Commission Recommendations to the Santa Fe City Council on the Santa Fe River Target Ordinance Flows Report

Dear River Commissioners:
We would like you to consider, by insertion into your recommendations, the following items into the amended (by TNC) Recommendation Letter referred to above:
Under "Background":
At the end of the first paragraph add "per Article VII of the Rio Grande Compact".

Under "Limitations and Challenges"
1) Since the City does not own the Bypass Ditch, they should not assume that they can use it.
2) There have been other studies completed on the hydrology of this reach and they should be included in the report.
3) The Acequia Cerro Gordo has the infrastructure in place to use City treated water.
4) The Santa Fe Watershed Association also supports further study to determine the water requirements for the Preserve.

Under "Recommendations":
At Number 1:
At the first bullet point add: Section 4.8.1 of Resolution 2012-28 already allows City Manager authority to operate under a "Water Emergency".
At the second bullet point: Delete the words "from the City" as there may be other options.

At Number 3: The Santa Fe Watershed Association agrees to assist the River Commission with any public input.

We would like to add a Number 7: The Santa Fe River Commission recommends that the Acequia Cerro Gordo headgate be located back to it's original location below the Two Mile Pond on City property by the existing outlet structure with a new 'ditch' (pipeline) being constructed to the current headgate downstream of Cerro Gordo Road.

Thank you for any consideration you can give to these recommendations,
Andy Otto, Executive Director

*Our River - Our Water - Our Future*

Ex. B