



Agenda

CITY CLERK'S OFFICE

DATE 6-15-11 TIME 10:49am

SERVED BY Brian Drypolcher

RECEIVED BY [Signature]

SANTA FE RIVER COMMISSION

Tuesday, June 21, 2011 6:00 – 8:00 p.m.

City Councilors' Conference Room, City Hall

200 Lincoln Ave, Santa Fe, New Mexico 87501

505.955.6840

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES FROM April 19, 2011 and May 17, 2011
4. DISCUSSION/ACTION ITEMS
 - a. River Commission review and discussion regarding the drafting of the administrative procedures for the proposed ordinance to formalize the City of Santa Fe's commitment to bypass target flows in the Santa Fe River below Nichols Reservoir (Brian Drypolcher)
5. MATTERS FROM COMMISSIONERS, MATTERS FROM SUB-COMMITTEES
6. MATTERS FROM STAFF
 - a. Update regarding 2011 Santa Fe River target flows
7. CITIZENS COMMUNICATION FROM THE FLOOR

ADJOURN

Persons with disabilities in need of accommodation, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

**Index Summary of Minutes
Santa Fe River Commission
June 21, 2011**

| INDEX | ACTION TAKEN | PAGE(S) |
|--|---|----------------|
| Call to Order | The meeting was called to order by the Chair at 6:05 pm in the City Council Conference Room. A quorum was declared by roll call. | 2 |
| Approval of Agenda | Request to add: Roll of Staff and the Co-Working Group, and Two River Projects under Staff Report. <i>Mr. Ellenberg moved to approve the agenda as amended, second by Mr. Buchser, motion carried by unanimous voice vote.</i> | 2 |
| Approval of Minutes: April 19, 2011 and May 17, 2011 <u>Corrections</u> | Ms. Romero-Pike moved to table the minutes of May 17, 2011 to allow time for review, second by Mr. Ellenberg, motion carried by unanimous voice vote. Minutes of April 19, 2011 <i>Mr. Ellenberg moved to approve the minutes as presented, second by Ms. Romero-Pike, motion carried by unanimous voice vote.</i> | 2 |
| Discussion Items a. River Commission review and discussion regarding the drafting of the administrative procedures for the proposed ordinance to formalize the City of Santa Fe's commitment to bypass target flows in the Santa Fe River below Nichols Reservoir. (Brian Drypolcher) | Commissioner Ellenberg and Commissioner Cutropia will work together with Brian Drypolcher. | |

| | | |
|--|---|-----|
| Matters from Commissioners, Matters from Committees | <p><i>Mr. Ellenberg made the motion to reconvene with the core working group with the issue on the table. Withdrew his motion.</i></p> <p><i>Mr. Bucsher moved to assure that the specific set of language as stated, "The 1000 acre-feet volume of water shall not include water that passes through Nichols Reservoir, that exceeds municipal reservoir storage capacity is released for flood control or is otherwise utilized for a purpose other than creating river flows, provided that nothing in this section shall require the release of by-pass water if the release might jeopardize the City's right under License 1677, " to reinsert the language in the ordinance, second by Mr. Gerberding, motion carried by unanimous voice vote.</i></p> | 4-7 |
| Matters from Staff | | 7 |
| a. Update regarding 2011 Santa Fe River target flows. | No action taken, informational. | |
| Citizens Communication from the Floor | None | 7 |
| Adjournment and Signature Page | <i>Ms. Romero-Pike moved to adjourn at 7:45 pm, second by Mr. Gerberding, motion carried by unanimous voice vote.</i> | 8 |
| Exhibits: | None | |

**Santa Fe River Commission
June 21, 2011
City Councilor's Conference Room
200 Lincoln Avenue, Santa Fe, New Mexico**

MINUTES

1. Roll Call – The meeting was called order by the Chair at 6:00 pm.

Present:

Jerry Jacobi, Chair
Phil Bove
Melinda Romero-Pike
Sam Gerberding
John Buchser
Richard Ellenberg

Excused

Jim Cutropia
Dale Doremus

Others Present:

Brian Drypolcher
Alan Hook, Water Resource Analyst for the Water Division, City of Santa Fe
Rick Carpenter, Water Division, City of Santa Fe
Fran Lucero, Stenographer

2. Approval of Agenda

Request to add: Roll of Staff and the Co-Working Group, and Two River Projects under Staff Report.

Mr. Ellenberg moved to approve the agenda as amended, second by Mr. Buchser, motion carried by unanimous voice vote.

3. Approval of Minutes from April 19, 2011 and May 17, 2011

Ms. Romero-Pike moved to table the minutes of May 17, 2011 to allow time for review, second by Mr. Ellenberg, motion carried by unanimous voice vote.

Minutes of April 19, 2011

Mr. Ellenberg moved to approve the minutes as presented, second by Ms. Romero-Pike, motion carried by unanimous voice vote.

4. Discussion Items

- a. **River Commission review and discussion regarding the drafting of the administrative procedures for the proposed ordinance to formalize**

Santa Fe River Commission
June 21, 2011
City Councilor's Conference Room
200 Lincoln Avenue, Santa Fe, New Mexico

MINUTES

the City of Santa Fe's commitment to bypass target flows in Santa Fe River below Nichols Reservoir (Brian Drypolcher)

Mr. Ellenberg stated that he reviewed the minutes of the co-working group and Alan Hook's modifications. He send wording to Brian Drypolcher and Commission members via e-mail. (Read verbatim and noted for Mr. Drypolcher to make changes in original document). Brian D. asked if there was a particular spot in the document where it should be inserted. Mr. Ellenberg said after D in 4.1.

- Alan Hook said that natural habitat was too vague.
- The Chair is concerned over the wording; "all of Santa Fe."
- Mr. Ellenberg said that the natural objective is to keep it alive.
- Mr. Gerberding asked if it was correct to say "all of Santa Fe" vs. "Santa Fe Corridor." Mr. Ellenberg said it probably would be better stated if we said "Santa Fe Corridor."

Brian D. said that on the first pulse they got beyond Siler Rd. above ground. Mr. Bove said that it is very dry and we haven't gotten to Santa Fe Trail yet. It would be nice to send a pulse with a good head of water, but the upper reach of the river is really trashy and we can't get it out of the way.

The Chair said it is too bad that we can't have more of a pulse, i.e., a flushing pulse. In the hydro graph it looks like we are exceeding above McClure (ref. page 10). Today the gauge above McClure was showing 3cfs.

Brian D. said that in studying the hydrographs and watching the flows he had picked 4cfs. He stayed in sync with the Water Division to make the decision when to do the pulse. He said they missed the 4cfs threshold for watching it and it should have been done sooner than later.

Mr. Gerberding asked if there was a plan to open up and clean the part of the river that was in question. Mr. Ellenberg and Mr. Bove said they clean as much as they can but they can't keep up with it.

The Chair asked if the water is being delivered through the bypass or through the 2 mile pond. Allan Hook said that now it is being flowed through the bypass.

Santa Fe River Commission
June 21, 2011
City Councilor's Conference Room
200 Lincoln Avenue, Santa Fe, New Mexico

MINUTES

Mr. Bove asked the question regarding the natural conservancy and asked if there was any word from the OSE? Mr. Carpenter said it was his understanding that OSE said it was allowable.

Brian D. said that part of the development of the Administrative Procedures is resolving what's in them as well as what is in the ordinance. He would like the commission to decide how they would like to be involved in the continued work necessary to change the ordinance. Brian D. said there is enough resolution as to what is in the Administrative Procedures that need to be in the Ordinance. There is enough concrete information available to allow Brian D. to do the first draft of the ordinance; he could bring the draft to the commission. It is important to have the commission or any member from the commission work with him to create the outline.

The Chair asked if the ordinance is going to be written like previous ordinances. Brian D. said that we have enough information to create the draft. Mr. Ellenberg said that with the information from the administrative procedures and so much information available from the resolutions, Brian can take a first hit of the draft ordinance with Commissioner Ellenberg and Commissioner Cutropia. Brian clarified that there was no need for an outline; the continued work should be done from the resulted work in the administrative procedures and older resolution wording. Mr. Ellenberg and Mr. Cutropia's names were presented to work with Brian as they were part of the core group.

5. Matters from Commissioners, Matters from Sub-Committees

Staff role with the work of the core working group and the commission.

Mr. Ellenberg was concerned on the e-mail exchange from the last meeting. His major concern is communication and transparency. The three drafts of the ordinance had wording about water not being used for river purposes would be added back. Mr. Ellenberg brought to the Commissions attention that in the Administrative Procedures there was wording that was not included and he was told that the City Attorney felt it fit best in the ordinance. Mr. Ellenberg said that he had brought this to Brian's attention and Brian had sent the ordinance back to Mr. Ellenberg and he noticed the exclusion. Mr. Ellenberg and the Commission felt that this language was important and it was deleted without the commission being told. Changes of this importance that weren't discussed at the core working group and then taken out by the city attorney are not acceptable. Mr. Ellenberg said that if they are going to comment to the press they should have good disclosure. Brian D. said that staff should be advocating for the River

Santa Fe River Commission
June 21, 2011
City Councilor's Conference Room
200 Lincoln Avenue, Santa Fe, New Mexico

MINUTES

Commission. Mr. Ellenberg's focus is on the disclosure. He wants to make sure that the commission is well informed on what is going to the Mayor and Council.

Ms. Romero-Pike said that she supports Mr. Ellenberg in his position on disclosure and transparency.

Mr. Ellenberg said that all the members give a lot of time to civil service and there have been disappointments in the process of decisions but he believes that transparency is very important. He is concerned when there is no transparency on decisions.

Brian D. said that he did not have all the versions and could not answer at this time. He, also at the last meeting made the comment that he wanted everyone to be apprised of each decision made and always asks for participation. Brian D. said that here again he is apologizing and will continue to work hard on disclosure and transparency. It is not the role of all staff to advocate for the commission, but it is the role as the staff liaison. He has colleagues that he works with, he has staff in the water division and the city attorney's office and he is a part of that team. When called upon to stand up in front of city council or committees, he advocates for the River Commission.

Mr. Ellenberg said that the Commission's job is to advise the public and the governing body. Therefore when changes are being made it is important to know what those changes are before they become public knowledge.

The Chair asked if the co-working group needs to be reconvened more so with Brian D. saying that he wants to work with the commission on disclosure and transparency. Mr. Ellenberg said that we should go back to the core working group with the concern and felt that there is a need to re-engage with the facilitator.

Mr. Gerberding asked for clarity regarding the 1000 ac. ft. vs. the reference made to the 100 ac. ft. Mr. Ellenberg said that the purpose of creating the hydrographs was to assure that there was 1000 ac. ft. for the river. Mr. Gerberding was grateful for the explanation as the transparency is related to the changes made and presented to the council and not keeping the commission informed.

Mr. Ellenberg said, "The purpose of this discussion is not only the merit it is also transparency to the public."

Santa Fe River Commission
June 21, 2011
City Councilor's Conference Room
200 Lincoln Avenue, Santa Fe, New Mexico

MINUTES

Brian D. said that the resolutions from the past did not require a public hearing. Today a public hearing is part of the ordinance process which will involve and allow public input.

The Chair stated that is it recommendable for Mr. Ellenberg and Mr. Cutropia to meet with the Core Working Group before they, on behalf of the commission, meet with Brian D. to create the ordinance.

The Chair asked if there is money left to reconvene the core working group. There is not money available.

Mr. Ellenberg made the motion to reconvene with the core working group with the issue on the table. Withdrew his motion.

Discussion: Mr. Gerberding asked if it would better to have Mr. Ellenberg and Mr. Cutropia work with Brian D. before putting him in a position to go back and ask for money to reconvene the core working group and the facilitator.

The Chair said this is bothersome and he wants to make sure it stays at 1000 ac. ft.

The Chair asked Brian D. if he would champion assuring the 1000 ac. ft. vs. 900 ac. ft. Brian D. talked about the long range water plan, current demand for 1000 ac. ft. pass-thru below Nichols. For the purpose of a living river or supporting a living river, given the long range supply of water, the city would support and manage 1000 ac. ft. There is a big difference in managing the budget side right under Nichols, it isn't management of the budget it is management of the 1000 ac. ft.

Mr. Bove said that the round number of 100 ac. ft. is the number for the water rights in the acequias; all of them other than Llano have water rights through the city and you multiply by 5.5 at the head gate. It is going to be hard to quantify into the ordinance. Mr. Ellenberg said that if staff wants to argue at 900 ac. ft. and it should be 1000 ac. ft. and he believes the Mayor's direction was 1000 ac. ft. and if it is 900 ac. ft., we have to revisit this.

Mr. Bucsher asked if we know how much water is taken by these acequias. Totally independent of the ordinance we could pass a resolution to give the council and then request that the city independently keep track of deliveries to the acequias and it be kept separate from any water delivered to the river. Mr. Ellenberg said that he spoke to Claudia Borchert about this but she has not had permission to work on this from Brian D. Mr. Bucsher said this is a problem

Santa Fe River Commission
June 21, 2011
City Councilor's Conference Room
200 Lincoln Avenue, Santa Fe, New Mexico

MINUTES

throughout the State on how much water is delivered to these water users. There is a system of hundreds of meter stations put in by the OSE and the costs are not as high as they use to be due to the magnitude of the project. Mr. Bucsher said personally he would like to see more money spent on the metering for acequias.

The Chair said that we have two different issues that we are talking about. He looks at the 1000 ac. ft being for the river and we also need to know how much is going in to the acequias.

Mr. Bove said that the Acequia Madre would prefer to take its water on an irrigation schedule and separate from this ordinance. Mr. Ellenberg agreed with Mr. Bove.

Under the current management regime almost all the water the city provides is not coming out of what is set aside for the river. But if the language changes in the ordinance and says the acequia could take their water when needed.

Mr. Bucsher moved to assure that the specific set of language as stated, "The 1000 acre-feet volume of water shall not include water that passes through Nichols Reservoir, that exceeds municipal reservoir storage capacity is released for flood control or is otherwise utilized for a purpose other than creating river flows, provided that nothing in this section shall require the release of by-pass water if the release might jeopardize the City's right under License 1677, " to reinsert the language in the ordinance, second by Mr. Gerberding, motion carried by unanimous voice vote.

Mr. Carpenter said that he will be the advocate to convene the Water Division staff to see if they will accept inserting the wording back in to the ordinance and report back at the next meeting through Brian D.

Mr. Bove brought in the Elements magazine; Global Water Sustainability is one of the articles and provided it as a point of reference and information.

6. Matters from Staff

a. Update regarding 2011 Santa Fe River target flows.

The water is not getting very far; it took about 1 week to get to Patrick Smith Park. There is some standing water by Delgado and one of the things we can do in the future is do our release earlier.

Mr. Hook said that we were at 148 ac. ft. on the 13th so we probably have about another 2 weeks to get to 100 ac. ft. It started out at 1 ½ and the

Santa Fe River Commission
June 21, 2011
City Councilor's Conference Room
200 Lincoln Avenue, Santa Fe, New Mexico

MINUTES

second day it was at about 2 and today it is at about 2.8. We may not be exactly at what the flow is coming in but we want to capture the 100 ac. ft. We are just below it so we can manage it for a week, so we are holding it at 2.7 and it is coming in at 2.8.

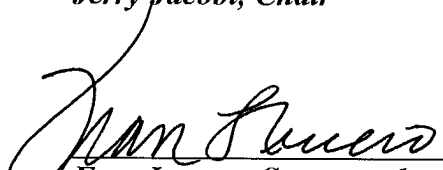
7. Citizens Communication from the Floor
None

8. Adjourn

Ms. Romero-Pike moved to adjourn at 7:45 pm, second by Mr. Gerberding, motion carried by unanimous voice vote.

Signature Page:

Jerry Jacobi, Chair



Fran Lucero, Stenographer