



Agenda

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SANTA FE RIVER COMMISSION

Tuesday, August 16, 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 July 19, 2011
4. DISCUSSION/ACTION ITEMS
 - a. Discussion: Regarding the drafting of the proposed administrative procedures and 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)
 - b. Information: Regarding Santa Fe River Rural Protection Zone below City Wastewater Treatment Plant; river flows and concerns of irrigators and others down river. (Jerry Jacobi and Brian Drypolcher)
5. MATTERS FROM COMMISSIONERS, MATTERS FROM SUB-COMMITTEES
6. MATTERS FROM STAFF
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**

August 16, 2011

INDEX	ACTION TAKEN	PAGE(S)
Cover Sheet		1
Call to Order	The meeting was called to order by the Chair at 6:00 pm in the City Council Conference Room. A quorum was declared by roll call.	2
Approval of Agenda	<i>Mr. Ellenberg moved to approve the agenda as presented, second by Mr. Bove, motion carried by unanimous voice vote.</i>	2
Approval of Minutes <i>July 2011 Correction: Page 3 – Under Brian Drypolcher, 4th line from the bottom of the paragraph,” the bill would remain silent below the water,” should read: the bill would remain silent on the disposition of the water downstream from where it is measured.</i>	<i>Mr. Ellenberg moved to approve the minutes of July 19, 2011 as amended, second by Ms. Melinda Romero-Pike, motion carried by unanimous voice vote.</i>	2
Discussion Items a. Discussion: Regarding the drafting of the proposed administrative procedures and 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) b. Information: Regarding Santa Fe River Rural Protection Zone below City Wastewater Treatment Plan; river	Informational. Follow up meeting scheduled for August 29th, 1:30 pm with the Mayor and City Attorney	3-4

flows and concerns of irrigators and others down river. (Jerry Jacobi and Brian Drypolcher)		
Matters from Commissioners	<i>Informational</i>	5
Matters from Staff	None	5
Citizens Communication from the Floor	None	
Adjournment and Signature Page	<i>Dale Doremus moved to adjourn at 6:50 pm, second by Ms. Romero-Pike, motion carried by unanimous voice vote.</i>	5
Exhibits:	None	

**SANTA FE RIVER COMMISSION
MINUTES**

**Tuesday,
August 16, 2011
6:00 PM – 8:00 PM**

- I. Roll Call** - The meeting was called to order by the Chair, Jerry Jacobi at 6:10 pm in the City Councilor's Conference Room, City Hall, Santa Fe, New Mexico

Roll Call constituted a quorum.

Present:

Jerry Jacobi, Chair
Phil Bove
Dale Doremus
Melinda Romero-Pike
Richard Ellenberg
Samuel Gerberding

Absent:

John Buchser, Excused
Jim Cutropia

Others Present:

Mayor David Coss, Hello
Brian Drypolcher, Staff Liaison
Claudia Borchert
Rick R. Carpenter, Water Resources and Conservation Manager
Fran Lucero, Stenographer

II. Agenda

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

III. Approval of Minutes – July 19, 2011

Correction: Page 3 – Under Brian Drypolcher, 4th line from the bottom of the paragraph," the bill would remain silent below the water," should read: the bill would remain silent on the disposition of the water downstream from where it is measured.

Mr. Ellenberg moved to approve the minutes of July 19, 2011 as amended, second by Ms. Melinda Romero-Pike, motion carried by unanimous voice vote.

IV. Discussion /Action Items

a. Discussion: Regarding the drafting of the proposed administrative procedures and 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)

Mr. Drypolcher and Mr. Ellenberg had a meeting with City Attorney, Marcus Martinez to discuss the language as discussed at the last meeting regarding the 1000 ac. ft. of water, "*The 1000 acre feet volume of water shall not include water...that is otherwise utilized for a purpose other than creating river flows.*" There was hope that wording could be agreed on working off this phrase. Mr. Martinez still sees difficulty in enforceability of language and what it represents in putting in a bill where the city would have an obligation for delivery that steps beyond those obligations that the city already has.

Mr. Ellenberg said that Mr. Martinez was reluctant in having the discussion with them. Mr. Martinez said he would have to get more instructions from the Mayor before he can again sit down and tell a group of us; Richard Ellenberg, Jim Cutropia, Brian Drypolcher and Bryan Schneider what it is that he wants the legislature to do. Hopefully at that time Marcos would work on the wording. Mr. Ellenberg left the meeting very disappointed.

They have set another meeting for the 29th of August at 1:30 pm with the Mayor and Marcos Martinez. Mr. Ellenberg said that he believes the Mayor at this meeting will make his statement and that Geno Zamora and Marcos Martinez will hopefully hear specifically what the Mayor has to say in order to get this phrase in words. Mr. Ellenberg said that this is a situation where under normal circumstances he would be able to work this situation and word smiting out with the attorney coming out with an agreement and that didn't work.

Mr. Jacobi said he would like to see this move forward. Mr. Ellenberg said that other than this small phrase, which could account for 15% – 20% of the water, we would like to get this resolved. He also extended the invitation to members of the board to attend the meeting if they would like.

b. Information: Regarding Santa Fe River Rural Protection Zone below City Wastewater Treatment Plant; river flows and concerns of irrigators and others down river. (Jerry Jacobi and Brian Drypolcher)

Mr. Drypolcher shared the article on - Battle with Beavers from the Albuquerque Journal below the Wastewater Treatment Plant. Brian said that he had received a call from a Mayordomo complaining about the water downstream. A number of people down river from the Wastewater Treatment Plant had a meeting sharing their concerns about the water that they are not

getting and said it could be due to the beavers, vegetation or others drawing water from the effluent. That meeting led to other meetings resulting in a joint meeting with City Water Division, Game and Fish Department, Santa Fe County and Brian Drypolcher. What came out of the series of meetings were comments that there was probably not much that could be done. A lot of solutions were against anti-donation laws and other alternative things looked at were the rural protection zone. Question asked, "Is it true that those trees could be drinking that much water and if so what do they do about it?" There were short term solutions regarding the beavers and the vegetation. All of the options were listed in an outline for review; the city feels that there is no intervention they can participate in. Parallel to this, the airport has an FAA mandated Wildlife Hazardous Plan underway. If it is true that we cannot intervene in the rural protection zone, it may be that in years to follow we do get involved in the rural protection zone. One of the main concerns is that there are downstream irrigator users that are not getting enough water.

Mr. Jacobi said that one option could be similar to what has been done in Taos, bring in the otters that can eat the beavers. Mr. Ellenberg said if we move to remove beavers we could enter into litigation.

It was noted that there are a combination of factors but more important is the drought, we do not have enough water.

The Chair asked if information is available from the County. Brian did not have an update.

V. Matters from Commissioners, Matters from Sub-Committees

Monitoring of the River Flow Committee: Ms. Doremus said that they have not met formally. Dale Doremus and Mr. Jacobi have both spoken to others interested and a meeting will be set in the very near future for this purpose of discussion.

Ms. Borchert asked if the Monitoring Sub-Committee was going to provide feedback for the administrative procedures. It was stated that the idea was to map out an ideal monitoring plan and identify grant resources. It was also set to answer the question, "When do you decide if it is working."

Mr. Gerberding asked how the walk from Camino Real to the River went with the Mayor. Brian reported that the walk went very well.

Mr. Ellenberg said that the next walk down the river will be on August 25th, 9:30 am and the walk will be led by Brian Drypolcher. Plan is to walk downriver. Meeting will be posted with the city clerk's office.

VI. Matters from Staff
None

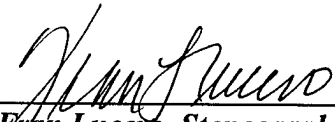
VII. Citizens Communication from the Floor
None

VIII. Adjourn

*Dale Doremus moved to adjourn at 6:50 pm, second by Ms. Romero-Pike,
motion carried by unanimous voice vote.*

Signature Page:

Jerry Jacobi, Chair



Fran Lucero, Stenographer