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AGENDA



**THE CITY OF SANTA FE
And
SANTA FE COUNTY**

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, SEPTEMBER 2, 2010

4:00 PM

**City Council Chambers
200 Lincoln**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES FOR THE AUGUST 5, 2010 BUCKMAN DIRECT DIVERSION BOARD MEETING**
5. **APPROVAL OF CONSENT AGENDA**
6. **MATTERS FROM STAFF**
 - a. Introduction to Marie Susan Lee, BDD Project Financial Manager. (Rick Carpenter)
7. **FISCAL SERVICES AND AUDIT COMMITTEE REPORT**

CONSENT AGENDA

8. Project Manager's Monthly Project Exception Report. (Rick Carpenter)
9. Update by Rick Carpenter on Financial Status of Contracts. (Rick Carpenter)
10. Project Manager's Report on Staffing and Training Program Progress. (Rick Carpenter)

11. BDD Public Relations Report for August 2010. (Patti Watson and Lynn Komer)

DISCUSSION AND ACTION ITEMS

12. Request for Approval of Amendment No. 2 to the Professional Services Agreement Between the Buckman Direct Diversion Board and Norman Gaume, P.E. for the Amount of \$121,500.00 Plus \$9,947.81 (NMGRT @ 8.1875%) for the Total Amount of \$131,447.81 (Rick Carpenter)
13. Request for Approval of PNM Interconnection Agreement, Metering and Billing Agreement, and REC Purchase Agreement for BDD Solar Project. (Dale Lyons)

INFORMATION ITEMS

14. Update on the Habitat Mitigation MOA Between Pueblo San Ildefonso and the Buckman Direct Diversion Board. (Rick Carpenter and Chris Moquino (Tribal Administrator) **VERBAL PRESENTATION**)
15. BDD Project Staff Development, Training and Certification Plan. (Rick Carpenter & Steve Hoffman)
16. BDD Project Recruitment and Hiring Status Report. (Rick Carpenter & Steve Hoffman)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: THURSDAY, OCTOBER 7, 2010 @ 4:00 P.M.

ADJOURN

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.

MINUTES OF THE
CITY OF SANTA FE & SANTA FE COUNTY
BUCKMAN DIRECT DIVERSION BOARD MEETING

September 2, 2010

This meeting of the Santa Fe County/City Buckman Direct Diversion Board was called to order by Chair Rebecca Wurzburger at 4:00 p.m. in the Santa Fe City Council Chambers, Santa Fe, New Mexico.

Roll was called and the following members were present:

BDD Members Present:

Councilor Rebecca Wurzburger
Board Member Conci Bokum
Commissioner Virginia Vigil
Councilor Chris Calvert [arrives following agenda approval]

Member(s) Excused:

Commissioner Liz Stefanics

Others Present:

Brian Snyder, Water Division Director
Nancy Long, BDDDB Contract Attorney
Kyle Harwood, BDDDB Contract Attorney
Marcos Martinez, Assistant City Attorney
Mike Sanderson, Las Campanas
Mark Ryan, CDM, BDD Board Engineer
Teresa Martinez, County Finance Director
Neva Van Peski, League of Women Voters
Jeanette Yardman, PNM
Pablo Sedillo, Senator Bingaman's Office
Joni Arends, CCNS
Steve Hoffman, CDM
Marie Lee, BDD Project Financial Manager
Dale Lyons, Water Resource Coordinator

APPROVAL OF AGENDA

[Exhibit 1: Agenda]

Chairman Wurzburger announced that item 12, Request for Approval of Amendment No.2 to the PSA between the BDD Board and Norman Gaume, PE, was postponed and additional items were added to Matters from Staff.



SIC CLERK RECORDED 1/5/2010

There were no further changes to the agenda and Board Member Bokum moved to approve as amended. Her motion was seconded by Commissioner Vigil and passed by unanimous [3-0] voice vote. [Councilor Calvert were not present for this action.]

APPROVAL OF MINUTES: August 5, 2010

There were no changes to the minutes. Commissioner Vigil moved to approve the minutes as published. Her motion was seconded by Board Member Bokum and passed by unanimous [3-0] voice vote. [Councilor Calvert were not present for this action.]

APPROVAL OF CONSENT CALENDAR

8. **Project Manager's Monthly Project Exception Report**
9. **Update by Rick Carpenter on Financial Status of Contracts**
10. **Project Manager's Report on Staffing and Training Program Progress**
11. **BDD Public Relations Report for July 2010**

Board Member Bokum moved for approval and her motion was seconded by Commissioner Vigil. The consent agenda was approved by unanimous [3-0] voice vote. [Councilor Calvert was not present for this action and arrived immediately thereafter.]

MATTERS FROM STAFF

A. Introduction to Marie Susan Lee, BDD Project Financial Manager

BRIAN SNYDER: I'd like to introduce our new BDD Project Financial Manager. Her name is Marie Lee. She does have a resume in the packet and she started with the project on the 15th of August and been with us about two-and-a-half weeks. She has a steep learning curve and has come back week after week. She's spending a lot of time learning various city processes, meeting city and county staff, meeting with Meyners and going through the documentation for BDD.

CHAIR WURZBURGER: We welcome you. I read your resume and it's very impressive.

MARIE LEE: Thank you very much.

B. Scheduled First Diversion

BRIAN SNYDER: Than you. Currently a number of pieces of equipment are being tested at the water treatment plant and down at the river. It's not to say that we have diverted water. There is water going from the [inaudible] construction to the raw water lift station pumps and then back to the river but we don't officially count this as a diversion since the diversion doesn't go up to the OSE meters that we have at Booster Station 1A. But nonetheless, we expect to do that first official diversion mid-September around the 15th or so but this is kind of a floating date but we'll let staff know when that is going to occur so they can alert everybody.

CHAIR WURZBURGER: Is there going to be any kind of activity around that or do you want to wait to be sure it actually works?

MR. RYAN: There may be some press there to observe that but there really isn't anything to observe. I don't want to get anybody's hopes up you really can't see anything. There's no water that you can bubbling up – a bigger media event we will have is when water is finally is coming to the treatment plant and gushing into the presedimentation basin.

CHAIR WURZBURGER: Please keep us posted.

COMMISSIONER VIGIL: Mark, does that have anything to do with the email we received with the storm events?

MR. RYAN: No, they're completely separate.

C. Update on the Independent Peer Review

BRIAN SNYDER: Madam Chair, we have tentatively scheduled the next independent peer review meeting for September 30th at the GCCC from 6 to 8 p.m. The reason I say it is scheduled tentatively is because of Tom Widner's passing and making sure his team has come back up to speed of where we're at so that date may slip a little bit but since that was prior to the next Board meeting I wanted to let you know that's what is scheduled for now. I'll let you know of any updates.

CHAIR WURZBURGER: Thank you.

D. LANL – update

Awaiting the arrival of George Roybal, this item was moved to the end of the agenda.

FISCAL SERVICES AND AUDIT COMMITTEE REPORT

CHAIR WURZBURGER: There is no report and Councilor Calvert could you tell us why.

COUNCILOR CALVERT: Yes, it's because we meet on the first Tuesday and this month the first Tuesday falls after the first Thursday.

COMMISSIONER VIGIL: Excuse me, Madam Chair, I noticed our County Finance Director Teresa Martinez is here. Do you have anything to say about the fiscal? Okay, thanks.

DISCUSSION AND ACTION ITEMS

13. Request for Approval of PNM Interconnection Agreement, Metering and Billing Agreement, and REC Purchase Agreement for BDD Solar Project

DALE LYONS: Madam Chair, last week the City received three standard form agreements from PNM that PRC approved – they are the interconnection agreement, the standard metering and billing agreement, and the REC agreement. I've

forwarded those along to counsel as well the assistant City attorney and now have comments back from both of them and have forwarded their comments back to PNM for preparation.

What I am requesting is that the Board grant approval for the agreements pending resolution of those issues that the Board Counsel and assistant City attorney makes.

CHAIR WURZBURGER: Any questions about that?

BOARD MEMBER BOKUM: Should we be concerned about anything that they're asking for?

MR. LYONS: A number of the comments are not necessarily substantive, just clarifying the distinction between City and the Board and there are few comments that maybe, Nancy, you would want to speak to some of the specific comments that you thought might have the most resistance.

NANCY LONG (BDDDB Contract Counsel): We always seem concerned when we hear that we get a PRC approved agreement of their standard agreement because we tend to get a lot of resistance to changing those. But we do not know yet what the reaction of PNM will be to these comments. We have sent them on and we're hoping to be able to work out all of the issues.

I also wanted to note for the Board that there was a decision that came out of the PRC on the stipulation in the renewable case just this – we're still looking at that but it does impact our interconnection REC credit and it may require that we submit to the PRC our case for why we should be entitled to be grandfathered and get the 15 percent REC credit based upon reliance. A reliance demonstration that we spent money that we relied upon receiving that amount but we do what to go ahead with getting the interconnection agreements done because we think that will further bolster our case before the PRC.

CHAIR WURZBURGER: Thank you, Nancy. Yes, Councilor Calvert.

COUNCILOR CALVERT: Dale, on page 3 of this agreement.

MR. LYONS: Which one? There are three.

COUNCILOR CALVERT: The first one, standard metering and billing agreement, page three, item D, last sentence in D. It says, "if a new rate schedule or tariff is approved by the proper regulatory body the new rate schedule or tariff shall be applicable to this agreement upon the effective date of such rate schedule or tariff."

A couple of questions: proper regulatory body, are they talking about the PRC?

MR. LYON: Presumably.

COUNCILOR CALVERT: Is there any other? Should we just not say that? I don't know but I don't know why it's being so vague there when I don't know what other body that would be. I thought we were trying to lock in a certain rate – is this something that is changing? I thought that was part of this agreement to try and lock in a particular rate for a certain number of years and this makes it sound like that's not necessarily the case. It could change next week, next year, anytime.

MS. LONG: And this may well have been one of the comments that went forward to PNM. I think there will have to be some provision for changes by the PRC that neither side can control and we would have to monitor those procedures. But I think that is a good point that we are trying to lock this in for a 20-year term as we have with ACE as well.

COUNCILOR CALVERT: I don't know how to – I saw the analysis of the finances on this and they look favorable under the conditions that we thought we were

operating or would operate under but I don't know how sensitive they are some changes like this – I know a little bit about how sensitive and I think that this is a big –

MS. LONG: Big hole.

COUNCILOR CALVERT: Yeah, and it would make for considerable difference as to how – the pay back period for investments. So it's a matter of concern that I have.

MS. LONG: This is one of the comments that is going back to PNM so we'll report back on what the response is and how this is finalized.

COMMISSIONER VIGIL: I have a question for counsel. If we do go ahead and approve this based on language that Councilor Calvert has pointed out and we also give you direction to argue before PRC for our grandfathering and our reliance on that; are those two in conflict?

MS. LONG: No, they are not in conflict.

COMMISSIONER VIGIL: Okay.

MS. LONG: These agreements are required for the interconnection and then we're also asking the PRC to grandfather our previous reliance on the stipulation and the 15-cent rate.

COMMISSIONER VIGIL: This provision asserts and says straight forward that we will be responsible for any new tariff, so if we get the exception because I think there is a window of opportunity in that time that you look at it or being grandfathered in and this would be more reliant on all future tariffs.

MS. LONG: I think that's what this language is getting at but we would want to make sure that we are grandfathered in and that we continue that 15 cent rate.

COMMISSIONER VIGIL: That's the conflict I was concerned about. I want to be able to move forward because I think we need to take action on this today but there's a lot in the language that may prohibit us from keeping the grandfather status if in fact the arguments before the PRC allowed us to do that.

So do you think we're okay if we do that?

MS. LONG: I think so. We are still analyzing that decision that came out. We haven't had a chance to really fully understand all of the aspects of it. It just came out this week. We know that we're going to have to make an additional showing at the PRC if it stands. There will probably be motions to clarify and motions to reconsider and modify so we don't know exactly how it will finally look but if it stays the way it is we know we have to go and demonstrate on our reliance upon that and then we also want to make sure that we have some clarity and some ability to rely on that amount for the full term of our agreement base which is 20 years.

COMMISSIONER VIGIL: That begs the question for me, Nancy, should we approve this agreement or shall we wait until we gain more insight into what the consequences are of that decision and what the procedure is for the grandfathering in?

MS. LONG: I think because we want to proceed with the interconnection agreement and that we are seeking your approval subject to satisfactory legal review but we may very well be back here in October with a little bit different scenario saying we couldn't get these things modified or that the decision looks to us to change certain aspects of the agreement. So we're looking for approval subject to our review.

CHAIR WURZBURGER: My understanding of our prior meeting is that, again, if we're trying to make case that we have already committed money and we're on

this track by moving ahead with this that we're showing our commitment to a process that we think they were already part of.

MS. LONG: I think that may be helpful.

BOARD MEMBER BOKUM: Where does it – I see someplace it says we have a contract for some years. What concerns me is that this may override any existing contracts – it's troubling language.

MR. LYONS: I just want to point out is that I think you are referencing the standard metering and billing agreement. If you turn to what the actual REC purchase price is you will – you need to be looking at the REC purchasing. It isn't actually specified.

COUNCILOR CALVERT: For clarification, this particular part is not talking about REC this is talking about the rate we pay for the electricity which can change.

MR. LYONS: The importance of this agreement is because it's a net-metered project. Because we'll be paying for power at the same time we'll be selling power there's a separate agreement and I'll have to talk to Nancy as to whether that supersedes in anyway with any agreement you already have with PNM –

COUNCILOR CALVERT: My concern at this point is that they have a rate case before the PRC of – where this category which would significantly impact our finances on this if we were relying on the existing rate and they're going to double it, I think, within this category of use which is utilities. I guess I would be willing to approve subject to what was said and what I'm clarifying but if it's significantly impacts on our finances then I would hope that you would bring it back to us with that information otherwise I think I can rely on the fact that you will keep this resubmitted same deal that we have now that's going to be fine bit we've talked about a new road into – and that's another –

MR. LYON: Councilor Calvert, I just wanted to add if you'll recall the project was still viable with the REC as low as 8 cents per kilo/hour and the new final number just recently issued has offered us a view of the worse case which is 11 cents per billing hour. So I think even the worse case we can expect of the REC and that over – the threshold of the project is still viable.

COUNCILOR CALVERT: I understand that it's still viable but it does significantly impact the pay back decisions. That's where my concerns are. It could affect our investment base.

CHAIR WURZBURGER: Could we have a motion on this?

COMMISSIONER VIGIL: I'm going to ask Ms. Long to clarify how that motion should be made and to give legal the appropriate direction; would you state that?

MS. LONG: Yes, Madam Chair, Commissioner. I would recommend a motion to approve the three necessary agreements for interconnection for the facility subject to final approval and review by the Board's attorney as well as project management.

COMMISSIONER VIGIL: I will make that motion. Thank you for stating it.

COUNCILOR CALVERT: Second.

CHAIR WURZBURGER: Discussion?

COMMISSIONER VIGIL: I would just hope that within that motion there is a clear understanding that staff will be given direction to make the argument to grandfather for things based on the lines that we had and –

MS. LONG: I understand that is within that motion.

The motion passed by unanimous [4-0] voice vote.

INFORMATION ITEMS

14. Update on the Habitat Mitigation MOA Between Pueblo San Ildefonso and the Buckman Direct Diversion Board

SAN ILDEFONSO PUEBLO GOVERNOR PERRY MARTINEZ: Good afternoon, my name is Governor Perry Martinez from the Pueblo of San Ildefonso.

CHAIR WURZBURGER: Welcome.

GOVERNOR MARTINEZ: Thank you for allowing us to be here today and to make a presentation on the direct diversion project that we're currently underway and we just wanted to give you an overview of where we're at. Also, we wanted to inform you, as far as transparency, the project that was initially undertaken with Nagle Resources allocated to this project, on our end we under estimated based on the terrain, the location of the project. There is certain equipment that we could not get in there so the man hours really went up so we've been working very closely with Rick Carpenter and we actually did have a tour taken down to the location of where we're working. So we just wanted to give you an update status report. We are committed to moving this project forward, timelines are in place.

I do have Chris Moquino who is our tribal administrator will be giving the presentation. I have Sandra Maes behind me who is our contract's administrator, and then Shannon Vigil who is our assistant to our tribal administrator. Again, thank you for allowing us to be here.

CHAIR WURZBURGER: Thank you for coming and sharing with us. Welcome.

CHRIS MOQUINO (Tribal Administrator): Thank you Board and guests, basically, we had a power point presentation that was sent to Rick, and we understand that he had some family issue and we wish him the best, but thank you for allowing us this time to give you an update. As I understand Mr. Kyle Harwood is working on paper presentation for yourself.

As the Governor stated we did enter the contract with the BDD Board in 6/09 and beginning at that time the original amount was \$30,000 for 6.6 acres directly across from the operation – influx of the operation. The goals and objectives were to mitigate the effect of a small reduction of stream flow down stream of the BDD and removal of all non-native trees and replace with appropriate native plants. The agreement was executed and signed in January 09. We entered into a mitigation contract to fulfill a plan and scope of work with [inaudible]. The project started at that time with a scope of work and implementation. We have also entered into a contract agreement with the Chimayo Youth Conservation Corps. One thing that we want to make sure that the Board is aware of is that we did have some internal issues with our natural resources department and this

played a small but significant role as far as completion of timeline. There are three main areas that we will be addressing and requesting support for. One is the adjustment of time in two small areas which is reseeded of natural grass and just post monitoring of that. We will get into a discussion about the amount/cost it's going to take to complete the project. As the Governor stated we do stand committed to getting it done.

I'm on the page where there are the first pictures: as you can see the density within the area is lined salt cedar, a lot of other invasive species; elms, Russian olives, nab wood, thistle, and pepper wood. If you turn to the next page you can see the amount of work that done in the location as opposed to see about 10 yards in front of you, you can now see about 30 yards. I do want to indicate that 100 percent of the hard chopping and lopping was completed and has been completed as of August 31, 2010.

The next phase, the implementation that you'll see in the next slide is the implementation. Again, it's the removal of invasive species, clearing exotic wooded species by pulling and digging them up, by using a backhoe, chainsaw, and removal by hand. As the Governor indicated we have had issues with the road as far as maintaining with the runoff it's deteriorating our road heavily. We've asked for BIA assistance and we've also asked for LANL assistance. LANL was out there last week assessing our issue and hopefully it's going to be – we're going to get regular maintenance out there. At this point, again, the majority of the hard labor has been completed. What remains to be completed is the revegetation or the planting of the – a listing of the plants that's going to go down post monitoring and also natural seeding of the grass.

The next slide will show revegetation which will occur from September and October of this year. Once that occurs and where we're asking for the adjustment in the timeline for the scope of work is going to be the seeding of the grasses and a little over 3.2 acres which will be herbicide treatment. That has already occurred on 3.6 acres so we're moving ahead. In the revegetation we are broadcasting native grass seed is being done by hand, rooted seeds and sapling will be planted in the edges of the wetlands and river margin. Preparing transitional species will be planted on the terrace slope and low places where moisture collects on the upper terrace. It must be tended to the first few weeks after planting. It must also be planted in early spring or fall. Wetland planting of brushes and similar brushes can be performed in spring or fall. Again, just to keep on the timelines and the timeline is really the issue at this point – in mid-September to October, we have ordered the plants and they will be here in September and we also will be going down there and actually hand planting these within these areas. And if there's any comments or questions as we go along please feel free to ask.

With the original scope of work monitoring is required and that's premonitoring which is already occurred, during the project and post monitoring. The monitoring has occurred during the first season of planting and additional second year and I believe the original contract ends in December 1, 2010 so we are going to meet all deliverables within that time frame.

The data that is going to be collected must be collected on all sites of treatment and what that entails is data plats, photographs, densitometry readings, hand counts, hand counts of what planted vegetation has survived, what didn't, GPSing we're currently in the process of GPSing all the information that will be submitted in a full report to the BDD Board and to whatever entity needs that.

Maintenance should continue for three quarters after the growing season. Watering. Removing invasive plants and weeds by hand and herbicide. As I mentioned herbicide treatment has been done on half of it and it will be done again in early spring. We're looking at April, no later than April.

As mentioned the majority of the hard labor has been done. That's 100 percent of the 6.6 acres has been completed as part of the hand removal. October 10, planting. Jumping into the discussion as we've had with Mr. Rick Carpenter and Mr. Alan Hook with the City of Santa Fe and also Kyle has been made aware of this. The internal issues that we had were one with our NR Department, two was with our contracts administrator who are both no longer with us but we also in layman's terms and in all honesty and transparency, we thought and we believe and we've gotten opinions from the original \$30k that was appropriated was just not feasible or doable to complete the scope of work. As the Governor has indicated we have been talking with Rick Carpenter on addressing these issues. We hope to have a project in place for review for possible approval and hence move forth.

We welcome you to the Pueblo to see the landscaping and see what issues we're dealing with as far as the road maintenance and having trouble getting down there. I'll go ahead and turn it over to Sandra and she'll provide more information on this.

CHAIR WURZBURGER: Thank you and welcome.

SANDRA MAES (San Ildefonso Contract Administrator): Thank you, Madam Chair and members of the Board. Thank you so much for having us. Some of the species we are looking at have been identified by three [inaudible] --- and those species would include box elder, mahogany, cottonwood, some of the existing willows -- we will be taking the willow sheets from in existing areas. We do plan to plant those in the areas that are the most wetted at this time. We feel that if we complete that now in September/October we will be actually taking advantage of the hopeful snows that come in the winter to allow for those growths.

The seedlings have been identified as seed-mix with Indian ricegrass, blue grama, squirrel tail, galleta, sand drop seed, needle and thread, and green needle grass. We feel that those are adapted to both the soil type and the native area. As Mr. Moquino stated we are having a lot of runoff in areas that we are dealing with a lot of access capability at this time so we will be addressing those planting areas associated with those runoffs. We're using the indentation, the natural indentation, of the soil to put in the seed where we're going to accumulate the best and most natural moisture. And technically that's the aspect I've been working from as a technical aspect. Thank you.

CHAIR WURZBURGER: Thank you. Yes, Councilor Calvert has a question.

COUNCILOR CALVERT: Your vegetation goal for October -- because October is pretty much pushing the limits of planting and getting established before winter comes. I pass that to you to think on that. The 2011 panel identifies areas for herbicide treatments in the spring, what is the nature of the herbicide and what is the purpose? I'm familiar with the practice we do in the city which is cutting back invasive species and painting the stumps. I'm wondering if that's the same thing that you're talking about here -- the same technique.

MS. MAES: It's a similar technique, sir, Madam Chair. The technique is using the herbicide known as Garland and we plan to do is go in and reevaluate the area

of spring shoots, lock them, apply the Garland immediately upon that locking period and then also look at the areas that were not treated prior to that. So we have successfully treated this last 3.6 acres and we will continue to come back in the spring to address the 3 acres that were not previously addressed.

COUNCILOR CALVERT: I just want to make sure that the type of application technique that we're using is being used very specific and not in any kind of broadcasting herbicides but specifically on cut stumps and stuff like that.

MS. MAES: That's absolutely correct.

CHAIR WURZBURGER: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Thank you Governor Martinez and Sandra and Chris for being here. We really appreciate you taking the time to give us this update. My question is and I have constantly advocated and this probably goes more to our staff and I know Rick isn't here and he probably would be better equipped to address this. There are non-profits, there's also the US Forest Service that we at the County have partnered up with restoration and seedings particularly for our Santa Fe River project. So as we look at you needing additional dollars for budgeting for this project, and perhaps you have already been in discussion with Rick Carpenter on this and I'd be happy to get any kind of an update on that but I know the US Forest Service has provided a tremendous amount of support for seedlings. Also, they have made staff available to actually do the planting. We have non-profits throughout Santa Fe County that are willing to help with that. I don't know if that's the area in which you're needing more support financially but perhaps even if it isn't what you've got dedicated to that might be offset. So I would just suggest to staff and I'm happy to hear your up on this that they continue to pursue more partnerships in making this happen.

MR. MOQUINO: Thank you. I think the biggest part/biggest cost at this point is going to be within the original scope of work as the mastication – that's bringing down heavy equipment to basically tear it up, shred it up, and disperse it on the ground. And, unfortunately, again, we're dealing with the road situation. It was not a calculated or an educated calculation unfortunately on our behalf. So this is where at this point what we can commit to and again with continued discussions if we can get to that point we will but at this point this is where – that's going to be a major cost to get heavy equipment down there.

GOVERNOR MARTINEZ: And to this point, we did also have a gentleman come who works for a company and said he could get his masticator down there, anyplace, he told us he could get it down anyplace but once he saw the road and the location, he said he, "I can't get it down there." So if we had access to get equipment down there, the project would have gone a lot faster but we're having to do a lot of it manually because of the location, terrain, and just the access and that's why we would invite you and or any of your Board if they'd like to come down and actually take a look at that road. That's why we had Rick Carpenter and Allan come out to take a look at the road. We actually have to park the vehicles and walk in the equipment for probably about ½ mile. Those are some of the conditions that we're working with. And just with runoff that we've experienced lately the road has been washed out creating another obstacle for us.

COMMISSIONER VIGIL: Thank you for that update.

CHAIR WURZBURGER: We really appreciate your coming and look forward to welcoming Rick back and talk to him about the options. The other thing that I might mention as to groups is that we look at Youth Works to see if – have they already been contacted to see how we can work together.

GOVERNOR MARTINEZ: Thank you, again, Madam Chair, for allowing us to be here and again we just ask for favorable support when our request is brought forward.

15. BDD Project Staff Development, Training and Certification Plan

STEVE HOFFMAN: Thank you very much. I'm happy to report that the staff development-training plan and program are coming together well. I've met many times with Santa Fe Community College and –

CHAIR WURZBURGER: Excuse me. If Pablo is actually leaving we'll need to acknowledge him and take a moment to do something I should have actually done earlier. Pablo, if you're leaving we want to say thank you for being here and if you're not, we're glad you're staying. I should have acknowledged you much earlier from Senator Bingaman's office we always appreciate your support and taking time to be with us. We know you have been a great supporter of this project.

PABLO SEDILLO: Thank you very much, Madam Chair, and members of the Board. As you all said, Senator Bingaman was here just a couple of weeks ago and let me say publicly that he was very impressed with what he saw and the amount of work that's been done and by the budget and we're looking forward to the installation of those solar panels and we're all excited about it – and so am I.

CHAIR WURZBURGER: Thank you so much.

MR. SEDILLO: Thank you.

CHAIR WURZBURGER: Excuse me for interrupting you. Please go ahead.

MR. HOFFMAN: As I was saying I met with the people who are providing training on the project at Santa Fe Community College, the design-build contractor and members of the Board, and engineer staff as well as Norm Gaume. And that part of the project is going along well. We have training already underway and we also have training, quite a bit of training, scheduled in this month within the next couple of weeks. So that as far the training and development and certification plan goes. If there are any questions I would be glad to answer them and that's the update.

CHAIR WURZBURGER: Thank you so much for the work you've already accomplished. Questions from the Board? Yes, Councilor Calvert.

COUNCILOR CALVERT: Steve, so here's the bottom line question, is everything on schedule in terms of hiring so far?

MR. HOFFMAN: Yes, sir. We are on schedule. I'm going to address the hiring numbers here in just a minute and if you'd like me to jump into that I will.

CHAIR WURZBURGER: Any further questions on the training? Okay, let's go ahead then to item 16.

16. BDD Project Recruitment and Hiring Status Report

MR. HOFFMAN: In your Board packet you have a brief memo and I have some updates to that memo. But right now as of today we have commitments for people who will be coming aboard and we'll have 1/3 of our staff here by September 27th, actually almost 1/3 by September 13th, there's a couple of stragglers coming in later than that. We expect to hire – we expect to have a full contention of staff by late in October. So we're doing good on the hiring.

You've already met Marie and Marie has hit the ground running and Rick Carpenter and City staff has been all over this thing. They are so helpful in really driving this process of hiring the best staff we can find. The top staff that we have, Bob Molvey from Chandler, Arizona he's a well-qualified utility management professional. Gary Durant is coming in from Utah, he's going to be our chief operator. He is again a well-qualified person. Shelly Jones Larson is from Albuquerque. Erica Swinder is from the State of Washington and Eric Armstrong is a current City employee is going to come over as our automation superintendent. That leaves us one more at the top position to hire and make job offers for.

Our charge operators who are basically our front line supervisors for the operations of the plant will all be here by September 13th. So all the training we have in September on equipment and maintenance in the plant are going to be attended by employees of the Board. So we will be – that's a good thing. In other words, they don't have to vicariously receive the training later by video. That means they can actually be in the training so that's important.

The hiring of – as you know we've got a pretty rigorous process for screening candidates and selecting candidates and that's going well given that we are being so particular about it. And that's it for the hiring.

CHAIR WURZBURGER: Any questions on the hiring? Yes, Councilor Calvert.

COUNCILOR CALVERT: So, maybe I didn't hear it in your update but item two -- for the charge operator and the other operator occurred on Monday, August 23rd and 24th 12 individuals were interviewed for these positions. Did we get what we wanted?

MR. HOFFMAN: We did indeed. What we did was we interviewed the 12 and out of the 12 we had selected 5 that are going to be charge operators but the remainder of the 12 are still in the running for an AWT position so we didn't lose the investment in those candidates and we also are getting more applications for operator positions.

COUNCILOR CALVERT: And then it says minimum use for operators [inaudible] August; so it that the follow-up or is that different?

MR. HOFFMAN: That is the follow-up ones and those obviously have not occurred – well, part of them have occurred because the interview of 12 for 2 positions and we selected the five best ones, the most appropriate candidates for our charge operators. And based on all the components of the selection process.

MR. SNYDER: Madam Chair, and Councilor Calvert, as of yesterday and I'm not sure whether that was updated today, but as of yesterday, four of the five

candidates that we offered positions to had accepted and the fifth is I believe responding. We have made great strides in hiring.

MR. HOFFMAN: There is an update. I got an email since the meeting started and that fifth charge operator candidate is in.

CHAIR WURZBURGER: That's great. Any other comments? Thank you so much.

MATTERS FROM STAFF (con't)

KYLE HARWOOD: What I can tell you about this issue is that we're still hoping George will come. We have a plan to do the same presentation without him but if you have other things on your agenda –

CHAIR WURZBURGER: We have little left on the agenda. We are basically finished. So if you have a presentation that we need to see, you should be prepared to do so.

MR. HARWOOD: I will be ready momentarily.

MATTERS FROM THE PUBLIC

CHAIR WURZBURGER: I see we have public here; would anyone like to speak?

JONI ARENDS: Can we ask questions after the LANL presentation?

CHAIR WURZBURGER: Sure.

MATTERS FROM THE BOARD

COMMISSIONER VIGIL: I just wanted to thank staff and I'm sorry Pablo Sedillo is gone because I know he worked on organizing the ground breaking for the solar piece of this project and bringing over Senator Bingaman. This is an area of high interest for our senator and I thought that everything ran very, very smoothly and staff did a very nice job in making sure that the contractors that were there were available to answer any questions. And we had a microphone and it was televised and I'm sorry you couldn't make it. But it was a wonderful opportunity to showcase the progress of this project. And I was pleased to be a part of it. Thank you, Madam Chair.

CHAIR WURZBURGER: I should thank you, Commissioner Vigil, for covering for me. I had a family issue that had to be dealt with and Commissioner Vigil and I had planned to do that together but I know she was ably represented the Board. So thank you.

NEXT MEETING: Thursday, October 7, 2010 @ 4:00 – City Chambers

MATTERS FROM STAFF (con't)

d. LANL Early Notification System Initial Review Post August 15/16 and 23 Heavy Rain Event

MR. HARWOOD: As you know, Rick is out of pocket so he asked me to help coordinate with LANL particularly in making sure that these events that did do some damage to the gaging system that all of our activities are in accordance with the MOU that was signed earlier this year.

With that in mind, the main presentation will be made by Steve Veenis who is just behind me and he'll be up to present this for you. But that's just the quick introduction of the topic.

[Upon the Chair's direction, copies of the presentation were distributed to the audience]

STEVE VEENIS: I think I brought about 20 copies.

I appreciate the opportunity of allowing me to come down here and give you guys the update of not only the early notification system but what has happened recently with some rains up here. On the first page you can see a picture of a gage station called B-109.9, it's the lowest gage station in the system. The system is made up of three gages: 109.9, which is actually located on San I property; E050.1 which is in Los Alamos Canyon and, E060.1 which is in Pueblo Canyon. These gages were installed as part of the MOU agreement and we installed them to provide Buckman management with a decision tool to support decisions that they may make when flow is coming through – when stormwater flows are coming through the 109.9.

What the system is capable of doing is providing real time streamflow data. The data as you can see in the picture, the concrete structure is the flume itself; it's called a supercritical flume. It can measure stormwater discharges from one to 350 cfs per second/cfs. The network and the system also provides information on rainfall. It also collects stormwater samples and then the telemetry piece is the important piece which is the part that actually sends the signal to Buckman as part of the notification. The way this works is that the signal is literally sent electronically to a met tower at Los Alamos at TA 53, collects the information and then it allows Buckman staff to retrieve the information directly off of Tesuque Peak translator.

The recent storms, as the title suggest, happened about two weeks ago on the 15th, 16th and the 23rd of August. As it turns out, two of those three, the one on the 15th and the 23rd were two of the highest flows we've had on record since this flume was installed. If you turn to the next page you will start to see that this information is largely preliminary but it does give us some insights on what happened.

If you look at what's called a NEXRAD image, we don't have the rain measurement devices off lab property like we do on lab, so we use a NEXRAD which gives us from satellite imagery a pretty good idea of the intensity and the amount of rain fall. For this particular event that happened on August 15th you can see the little purple square that is located almost directly above the Tatovi Gas Station that we estimated to be a greater than a 200 year storm interval event and a 200 year one-hour event. So in that one hour it literally rained over four inches. It caused a tremendous amount of rainfall and a tremendous amount of stormwater runoff.

The next picture on the next page shows the storm that happened on the 23rd. The 23rd zoomed up a little bit more than the previous slide, but you can see that, again, almost in identical same area, this is just slightly east of there, it rained very hard and it was calculated to be about a 100 year one-hour event mostly over the Guaje drainage area. The Guaje is mostly over San I property. So both of these events were largely occurred east of the laboratory and the flows were measured though in 109.9. If you go to the next slide you can see what those kinds of flows can do. This is an August 17th photograph at 109.9. You can see that lots of sediment and boulders were flushed down the drainage but the good news is that the telemetry signal was sent and recorded. The flow measurement was recorded up to the point where the port got clogged by some of the sediment. So we knew that flow was occurring we just didn't know the amount at that point. We estimated that flow to be in the order of 750 cfs, so 750 cfs is the second highest on record at that gage which was installed I think in 2001 after the Cerro Grande Fire. We were able to collect a sample and within 72 hours we were able to get the flow measurement back and running and that the telemetry is running and the flow measurement capability is running. That's good news.

On the August 24th event you can see that the second event appeared not to have as much sediment in it and it really did a good job of cleaning out the sediment. And, although you can still see some boulders close by this actually helped create a situation of the flow measurement is a little more accurate. We also collected a sample on this event and the estimated flow on this one was actually larger with less range. Back to the previous slide where the highest rain was 2 to 2.5 inches versus the 4 inches of rain that this was created actually more peak flow because of the saturated conditions of the other rain events produced.

The other two gages, next slide, E050.1, this is the one that is located in Los Alamos Canyon. It's located right below a gabion structure that you can see if you're familiar with the Y as you go to White Rock, it's right there. Below that structure the telemetry worked just fine. The flow measurement downloaded and we got all that just fine. Unfortunately at this one we did not collect a sample. We later determined that the sampler – that the communications between the new software and the sampler wasn't fine tuned and we found that error and fixed that. And so it's operational and up. So everything is working perfectly at E050.1.

The next slide is E060.1 that's in Pueblo Canyon and that is the new gage directly below the new rate control structure that was built there. Only one of the three events created flow there and it was the one in the middle which is a little curious. But it's mainly because the event was more located over the lower pueblo. It ran perfectly. The signal was submitted. The flow was measured and the sample was collected. So we estimate that peak flow to be around 130 cfs.

You can see we had a range of flows. Most of the larger flows were down below Lab property on San I and the Totavi area. On the next slide it is more or less a summary of what we feel happened. The system was definitely tested. The system was installed and online roughly an April timeframe of this year and this was the first test of the system and it took two – the two highest flows that we've ever recorded and the system withstood it. I think that's real good news.

All of the telemetry is working and we have been enhancing it and making sure that everything is working correctly. The flow measurement devices that were damaged

Councilor Calvert put forward that this 750 cubic feet per second is a 200 year storm. I think it's important for the Board to understand how these flumes were designed and for what kind of flow and to find out if the laboratory is going to enhance the flumes in order to deal with these kind of storms.

From our perspective, we're concerned about if these flumes weren't there at this point in time how much contamination would be traveling down through the canyon and how much moved. If you compare the photo on 109.9 and the damage done to that unit in the storm from August 17th you can see that there's been a lot of damage and not necessarily to the cement structure but you can see that a lot of sediment has been transported through with the storm water.

I suggest that the Board go back and find out what type of storm events these flumes were designed for and then see if any enhancements could be made to address this level.

CHAIR WURZBURGER: We certainly appreciate your input and we'll follow up with staff.

MS. ARENDS: Thank you.

CHAIR WURZBURGER: Thank you for being here. Is there anyone else in the public?

ADJOURNMENT

Having completed the agenda, this meeting was declared adjourned at approximately 5:05 p.m.

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BUCKMAN DIRECT DIV MIN
PAGES: 29

Hereby Certify That This Instrument Was Filed for
Record On The 1ST Day Of November, 2010 at 10:38:24 AM
and Was Duly Recorded as Instrument # 1615591
of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

Respectfully submitted:

Karen Farrell
Karen Farrell, Wordswork

Approved by:

Rebecca Wurzburger
Rebecca Wurzburger, Co-Chair

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK



ATTEST TO:

Yolanda Vign
YOLANDA VIGN
SANTA FE CITY CLERK

2010 NOV 04 PM 04:23
CLERK RECORDED 10/14/2010

City of Santa Fe



New Mexico

CITY CLERK'S OFFICE

DATE 8-25-10 TIME 2:25

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AGENDA

THE CITY OF SANTA FE

And

SANTA FE COUNTY

BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, SEPTEMBER 2, 2010

4:00 PM

City Council Chambers

200 Lincoln

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES FOR THE AUGUST 5, 2010 BUCKMAN DIRECT DIVERSION BOARD MEETING
5. APPROVAL OF CONSENT AGENDA
6. MATTERS FROM STAFF
 - a. Introduction to Marie Susan Lee, BDD Project Financial Manager. (Rick Carpenter)
7. FISCAL SERVICES AND AUDIT COMMITTEE REPORT

CONSENT AGENDA

8. Project Manager's Monthly Project Exception Report. (Rick Carpenter)
9. Update by Rick Carpenter on Financial Status of Contracts. (Rick Carpenter)
10. Project Manager's Report on Staffing and Training Program Progress. (Rick Carpenter)

EXHIBIT

1

tabbies

SFC CLERK RECORDED 11/01/2010

11. BDD Public Relations Report for August 2010. (Patti Watson and Lynn Komer)

DISCUSSION AND ACTION ITEMS

12. Request for Approval of Amendment No. 2 to the Professional Services Agreement Between the Buckman Direct Diversion Board and Norman Gaume, P.E. for the Amount of \$121,500.00 Plus \$9,947.81 (NMGRT @ 8.1875%) for the Total Amount of \$131,447.81 (Rick Carpenter)
13. Request for Approval of PNM Interconnection Agreement, Metering and Billing Agreement, and REC Purchase Agreement for BDD Solar Project. (Dale Lyons)

INFORMATION ITEMS

14. Update on the Habitat Mitigation MOA Between Pueblo San Ildefonso and the Buckman Direct Diversion Board. (Rick Carpenter and Chris Moquino (Tribal Administrator) **VERBAL PRESENTATION**
15. BDD Project Staff Development, Training and Certification Plan. (Rick Carpenter & Steve Hoffman)
16. BDD Project Recruitment and Hiring Status Report. (Rick Carpenter & Steve Hoffman)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

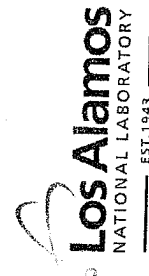
NEXT MEETING: THURSDAY, OCTOBER 7, 2010 @ 4:00 P.M.

ADJOURN

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.

Early Notification System Initial Review Post August 15, 16 and 23, 2010 Heavy Rain Events

Steve Veenis
LANS Project Manager, Los Alamos/Pueblo Canyons



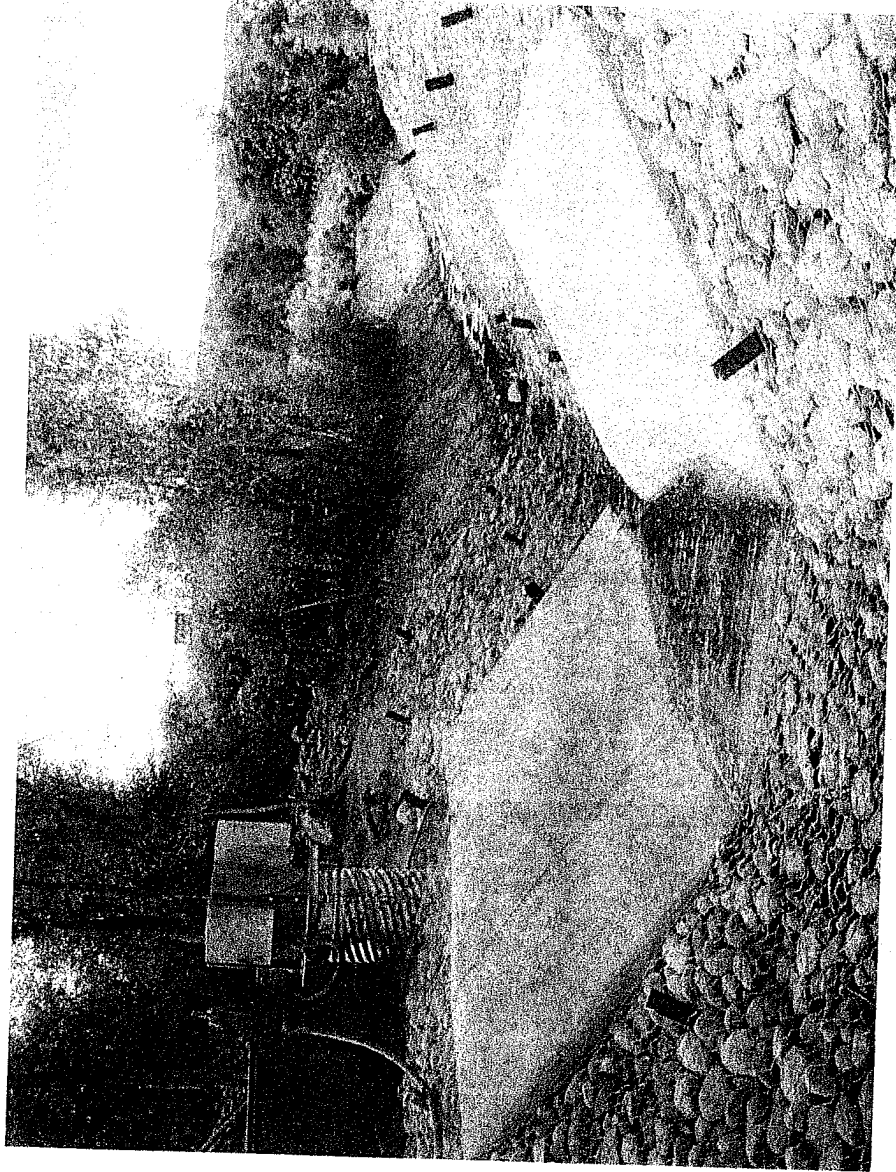
UNCLASSIFIED

Operated by Los Alamos National Security, LLC for the U.S. Department of Energy's NNSA



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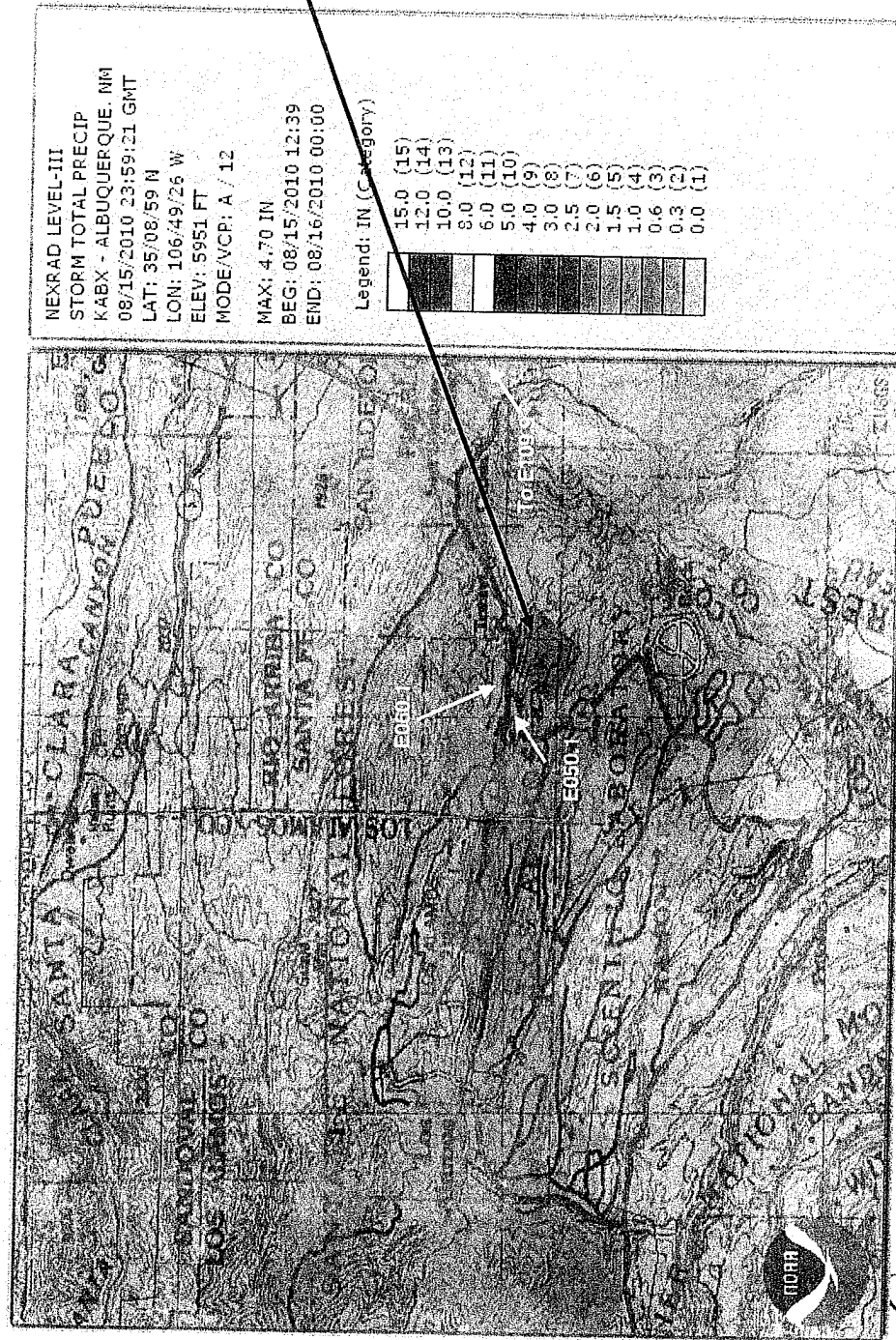
E109.9 Super Critical Flume – Operational April 2010



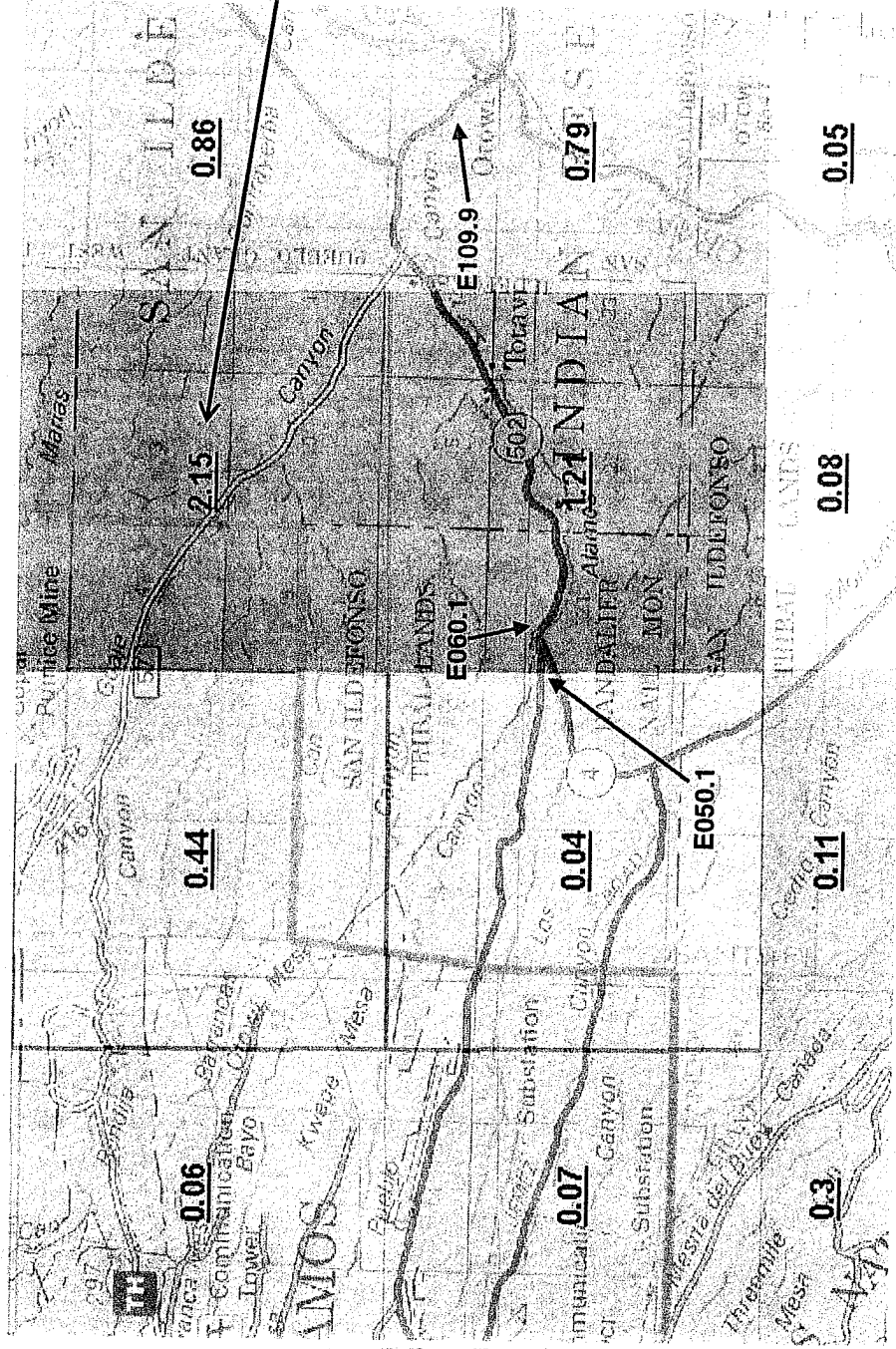
Purpose

- Early Notification System
- E050.1, E060.1 and E109.9 (replace gages E050, E060, and E110)
- Real-time Stream Flow Data
 - 1-350 cubic feet per second (cfs)
- Rain gage data
- Sample Collection
- Telemetry

NEXRAD* - August 15, 2010 Storm Event



NEXRAD* - August 23, 2010 Storm Event



*Satellite Imagery

August 17, 2010 Photograph, E109.9 – Aggraded channel with boulders



- Measurable flows August 15 and 16, 2010
- Telemetry signal sent
- Flow measurement port clogged and bubbler damaged during August 16th event
- Estimated Peak flow 750 cfs
- Sample collected August 15th
- Maintenance complete within 72-hours from August 15th event

Los Alamos
NATIONAL LABORATORY
EST. 1943

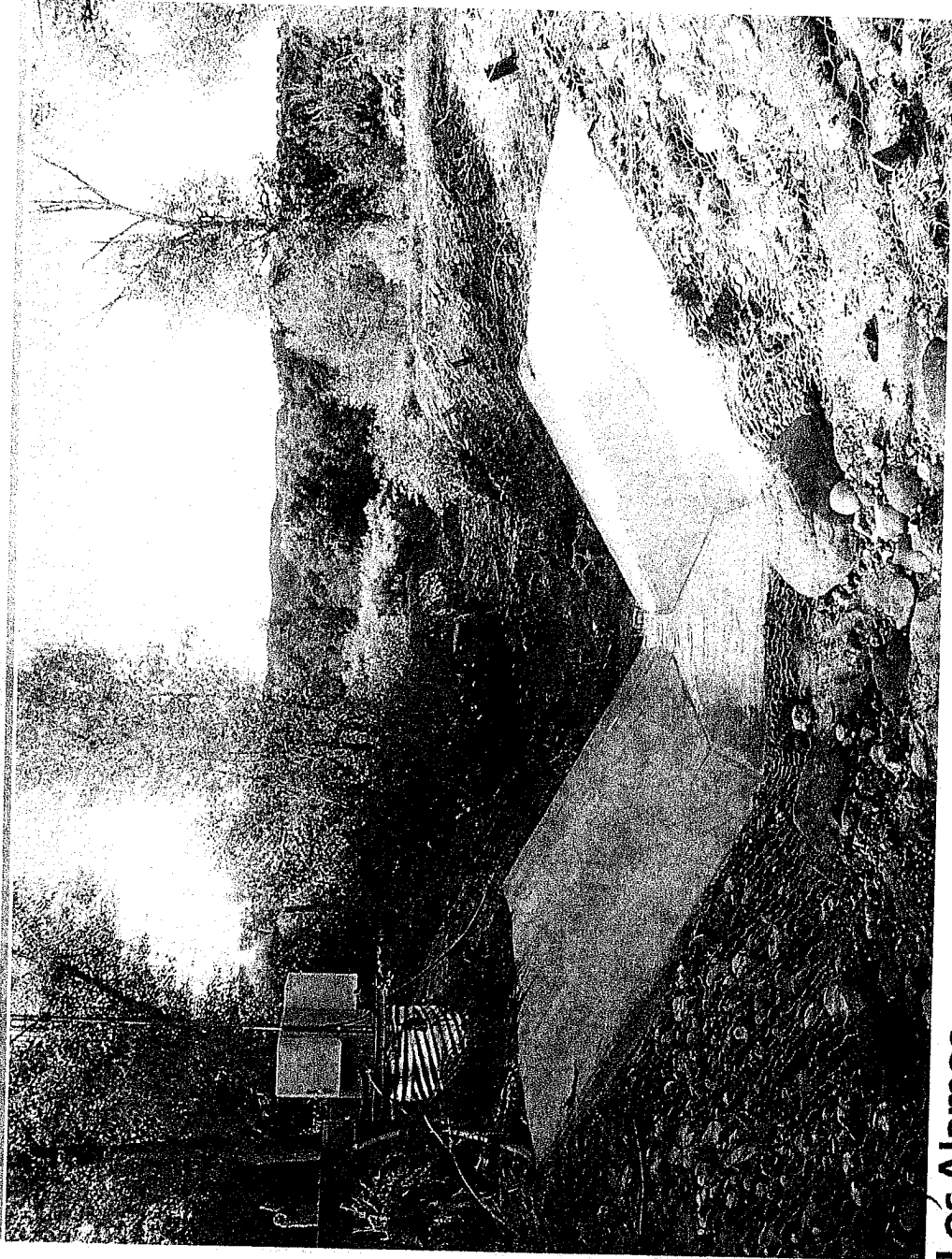
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Operated by Los Alamos National Security, LLC for the U.S. Department of Energy's NNSA

NNSA

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August 24, 2010 Photograph, E109.9 – Degraded channel with cleaned flume



- Telemetry signal sent during August 23rd event
- Flow measurement operational
- Sample collected
- Estimated Peak flow 780 cfs

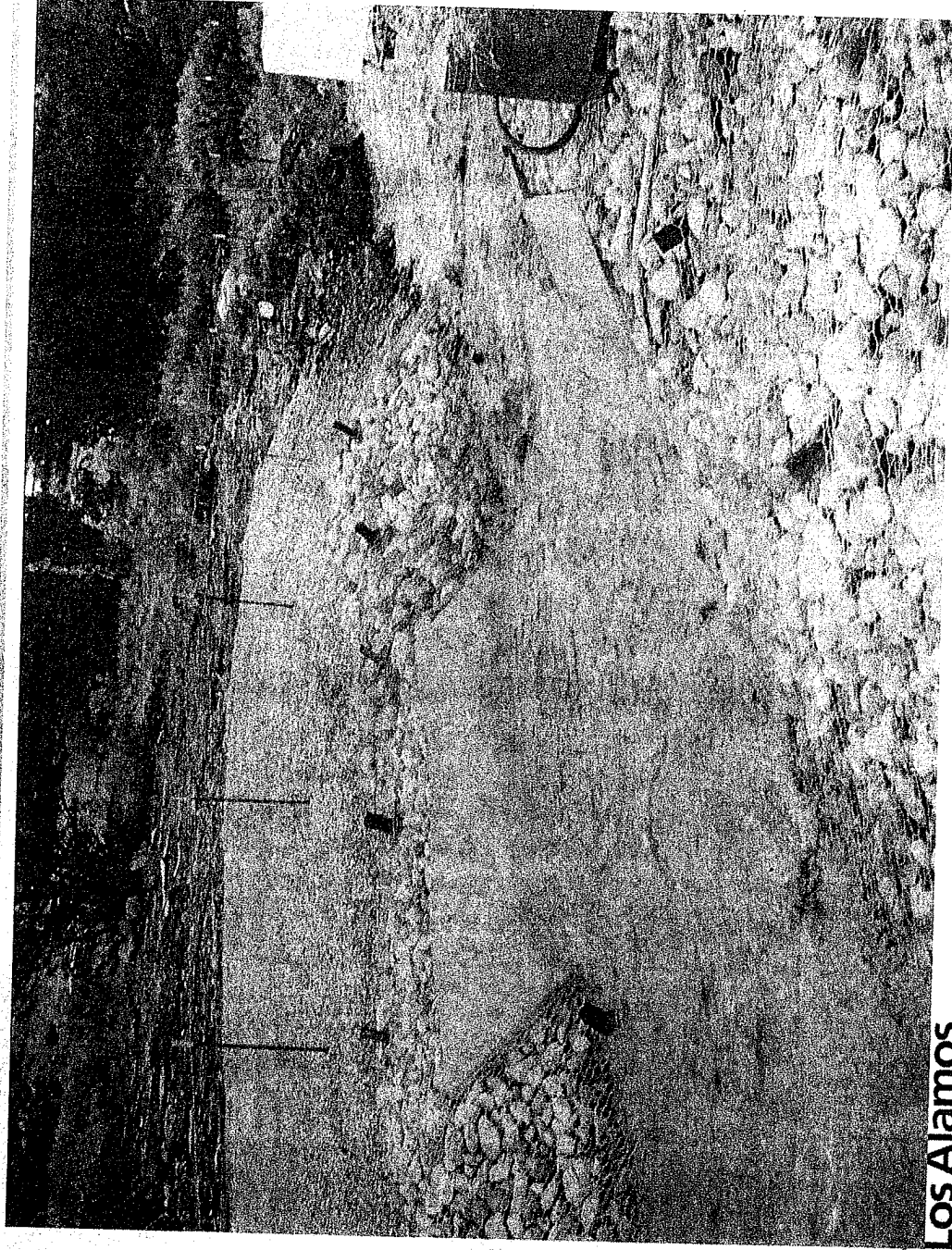
Los Alamos
NATIONAL LABORATORY
EST. 1943

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ANSA

August 16, 2010 Photograph - E050.1



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NATIONAL LABORATORY
EST. 1943

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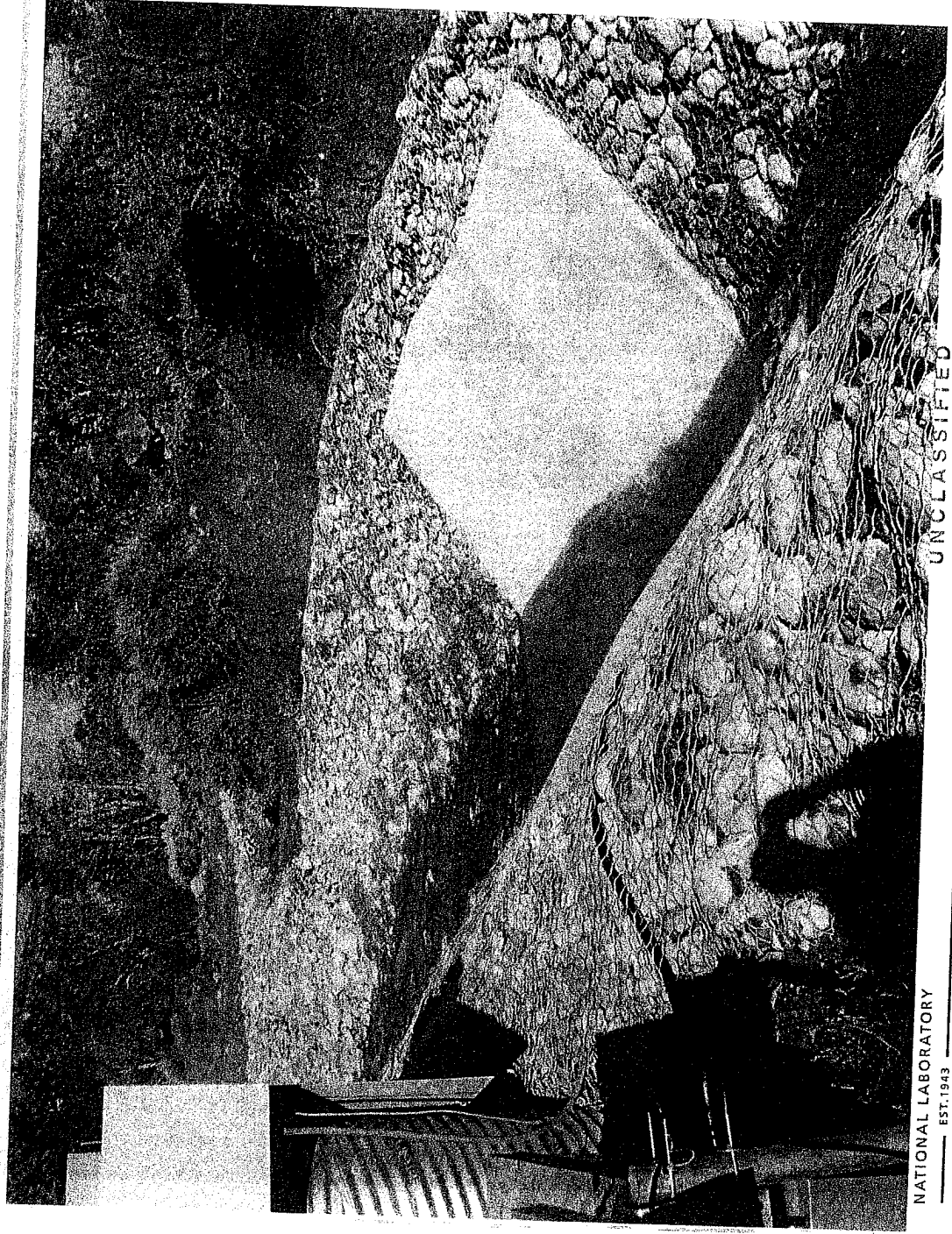
Operated by Los Alamos National Security, LLC for the U.S. Department of Energy's NNSA

- Telemetry signal sent during all three events
- Flow measurement operational
- No samples collected (sampler trouble)
- Estimated Peak flow 75 cfs
- Sample collection troubleshooting complete and fully operational by August 27, 2010

NSA

SFC CLERK RECORDED 11/01/2010

August 17, 2010 Photograph - E060.1



- Only measurable flow through flume on August 16, 2010
- Telemetry signal sent
- Flow measurement operational
- Sample collected
- Estimated Peak flow 130 cfs

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NNSA

Lessons Learned by August 2010 Storms

- System was “tested” with very large back-to-back storm events and performed as designed
- Telemetry:
 - signals from all locations sent upon detection of flow;
 - Telemetry software troubleshooting complete and is fully operational
- E109.9:
 - flow measurement devices damaged during the August 15th event
 - repaired within 72-hours
- E050.1:
 - sample collection system malfunction
 - troubleshooting complete and station fully operational August 27, 2010
- Communication with BDD within 24 hours of August 16th event
- System inspections have occurred as required by MOU
- System maintenance has occurred in accordance with the MOU



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August 15-16 & 23, 2010 Storm Events Los Alamos/Pueblo/Guaje Watersheds Summary

Precipitation in LA/Pueblo Rain Gages (Preliminary)

Rain Gage Location	August 15, 2010	August 16, 2010	August 23, 2010
Northern Community Rain Gage	.62" total w/.25" max 30-min intensity	1.15" total w/.46" max 30 min intensity	.74" total w/.44" max 30-min intensity
Acid Canyon Rain Gage 055.5	1.17" total w/.65" max 30-min intensity	1.62" total w/.94" max 30 min intensity	.89" total w/.47" max 30-min intensity
DP Canyon Rain Gage 038	1.21" total w/.70" max 30-min intensity	.95" total w/.61" max 30 min intensity	.50" total w/.39" max 30-min intensity
TA-53 Rain Gage	1.31" total w/.55" max 30-min intensity	.58" total w/.38" max 30 min intensity	.27" total w/.24" max 30-min intensity
Rain Gage @ E042.1	1.83" total w/.48" max 30-min intensity	.76" total w/.31" max 30 min intensity	.17" total w/.06" max 30-min intensity
	All max intensity occurred 3-5 p.m.	All max intensity occurred 2-3 p.m.	All max intensity occurred 6-7 p.m.
NEXRAD (Satellite) WhiteRock/Totavi/Buckman	2.5" to 4.5" total volume with max intensity occurring 10:15 and 11:00 pm	.5" to 2.0" total volume	.75" to 2.2" total volume with max intensity occurring 9:30 and 10:30 pm

Peak Flows (Preliminary)

Gage Station	Storm Event		
	August 15, 2010	August 16, 2010	August 23, 2010
E109.9	750 cfs	245 cfs	780 cfs
E050.1	30 cfs	75 cfs	2 cfs
E060.1	No Flow	130 cfs	No Flow

*Channel profiles were completed and high water marks were observed to establish peak flow estimates at E050.1, E060.1 and E109.9.

Storm Water Samples

Gage Station	Storm Event Date		
	August 15, 2010	August 16, 2010	August 23, 2010
E109.9	Sampled	Sampler not reset	Sampled
E050.1	Sampler malfunction (repaired 8/27/10)		
E060.1	Insufficient flow	Sampled	Insufficient flow