



Agenda

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SANTA FE RIVER COMMISSION
Thursday, October 11, 2012, 6:00 – 8:00 p.m.
City Councilors' Conference Room, City Hall
200 Lincoln Avenue, Santa Fe, NM
505.955.6840

1. ROLL CALL
 2. APPROVAL OF AGENDA
 3. APPROVAL OF MINUTES FROM SEPTEMBER 18, 2012
 4. DISCUSSION/ACTION ITEMS
 - a. Discussion: Invitation, by Santa Fe River Traditional Communities Collaborative, to take a tour of sites and activities along the lower Santa Fe River, below the city's waste water treatment plant. (Felicity Broennan, Santa Fe Watershed Association)
 - b. Discussion: Santa Fe River Fund, status and alternatives for the Voluntary River Conservation Fund (Brian Drypolcher)
 5. MATTERS FROM COMMISSIONERS, MATTERS FROM SUB-COMMITTEES
 6. MATTERS FROM STAFF
 7. CITIZENS COMMUNICATION FROM THE FLOOR
- ADJOURN

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**Santa Fe River Commission
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Call To Order/Roll Call	Chair Jacobi called the meeting to order at 6:00 pm, a quorum was present.	2
Approval of Agenda	<i>Motion made by Ms. Romero-Pike approve the agenda as presented, second by Mr. Gerberding, motion carried by unanimous voice vote.</i>	2
Approval of Minutes – September 18, 2012 Corrections: Page 4, 5 th paragraph: Correction under Melinda Pike-Romero comments: <i>Let's assume that the water is coming from the reservoir through the by-pass in to the river which would have made it already the purified water and not the well water.</i>	<i>Mr. Gerberding moved to approve the minutes as amended, second by Ms. Melinda Romero-Pike, motion carried by unanimous voice vote.</i>	2
Discussion Items a. Discussion: Invitation, by Santa Fe River Traditional Communities Collaborative, to take a tour of sites and activities along the lower Santa Fe River, below the city's waste water treatment plant. (Felicity Broennan, Santa Fe Watershed Association) a-1 Update on Santa Fe River	a. Staff Follow Up, no formal motion. Suggested Date and Time: October 29 th – 3:00 pm – 5:00 pm. Brian will take care of the posting with the City Clerk's Office. Meet in the parking lot at San Mateo Water Div. a-1 – Informational with staff follow up. b) No formal action, staff	3-8

Commission Community Collaborative. b. Discussion: Santa Fe River Fund, status and alternatives for the Voluntary River Conservation Fund (Brian Drypolcher)	follow up.	
Matters from Commissioners, Matters from Sub-Committees	Informational Staff Follow Up regarding Parking Meter statistics.	8-9
Matters from Staff	Informational – Commissioners to follow up on call back to SF University for the Arts on documentary for Agua Fria.	9
Citizens Communication from the Floor	None	9
Adjournment	There being no further business to come before the Santa Fe River Commission, Mr. Gerberding moved to adjourn at 7:05 pm and second by Mr. Buchser, motion carried by unanimous voice vote.	9
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Exhibits	Exhibit A-Motion and next steps for Santa Fe River Fund	Exhibit A

**SANTA FE RIVER COMMISSION
MINUTES
Thursday, October 11, 2012, 6:00 – 7:05 p.m.
City Councilors' Conference Room, City Hall
200 Lincoln Avenue, Santa Fe, NM**

1. ROLL CALL

The meeting of the Santa Fe River Commission was convened by the Chair at 6:00 pm, City Councilors' Conference Room, Santa Fe, New Mexico. A quorum was present at time of roll call.

Present:

Jerry Jacobi
Phillip J. Bove
John R. Buchser
Melinda Romero-Pike
Sam Gerberding
Dale Doremus

Not Present

Richard Ellenberg, Excused
Jim Cutropia

Others Present:

Claudia Borchert
Felicity Broennan
Brian Drypolcher – Staff Liaison
Anna Serrano for Fran Lucero, Stenographer

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES FROM SEPTEMBER 18, 2012

Page 4, 5th paragraph: Correction under Melinda Pike-Romero comments: *Let's assume that the water is coming from the reservoir through the by-pass in to the river which would have made it already the purified water and not the well water.*

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

4. DISCUSSION/ACTION ITEMS

- a. Discussion: Invitation, by Santa Fe River Traditional Communities Collaborative, to take a tour of sites and activities along the lower Santa Fe River, below the city's waste water treatment plant. (Felicity Broennan, Santa Fe Watershed Association)

Felicity Broennan stated that they would like to give the River Commission a tour and some background. Ms. Broennan said that they are gaining momentum on the talks that they shared with the commission a couple months back. The idea would be to have the commission get a look at what really is happening to the rural protection zone and really hear and see what is taking place at some of the farms there. The commission would be able to see what the beavers are doing, how the water flow is affecting the farms and see what the farmers are trying to do there. Ms. Broennan said that for her personally, when she gets a tour and talks to the farmers it is such an incredibly informative experience. As the River Commission is in charge of the management of that rural protection zone, everybody from the meeting was interested to see if the commission would be willing to come down and take a look at what is going on instead of it being one big abstraction. The idea is to travel together and to spend approximately 2 hours on this tour.

The Chair asked if it was still the intent to go to La Bajada or the bottom end.

Ms. Broennan said that might be difficult at this time but she would very customize the trip to encompass other areas the commission would like to see.

Ms. Broennan said that if the commission was amenable to this idea she would welcome date and time options which could be sent to her by e-mail. It was recommended that possibly the tour be in lieu of a River Commission meeting in order to adhere to the open meetings law and the possibility of having a quorum. It was discussed to visit anywhere in the preserve and the farm land.

Times for consideration:
Melinda Romero-Pike (Monday and Tuesdays)
Sam Gerberding (Monday afternoon)

Claudia said that Conservation has a Van and she would check in to it. Dale and Brian offered to shuttle people. Approximately 9 will attend.

Suggested Date and Time: October 29th – 3:00 pm – 5:00 pm. Brian will take care of the posting with the City Clerk's Office. Meeting place will be the parking lot at San Mateo (Water Division).

Brian added that a lot of the discussion at one of the Santa Fe River Commission Community Collaborative meetings today and preceding meetings is about the Rural Protection Zone Management Plan. This particular group is very interested

in working on a plan; they are interested in re-working the current plan and moving it forward. Brian stated that in the future he would like to talk about the process, i.e., the resolution creating the Rural Protection Zone which talks about the development of the management plan has specific material in it regarding the role of the Commission. There is also language which talks about putting together a scientific panel and the kind of representation that should be on that panel and engaging with communities. This is a 2002 Resolution and there are bits and pieces of a process already described in that resolution and then there is new community interest in working on a plan and getting the plan passed, specific to the rural protection zone. The community feels strongly about this, it is very important to them for the way they are running their lives, the economics of the farming they are doing; we really should look at this and try to move something forward in response to what they are asking for. Brian said he wasn't so sure, as a practical matter how much can be done at the rural protection zone to address so many of what their concerns are.

Brian asked the Commission to think about what the process would be to respond to their concerns. The Chair commented that they already submitted the first plan and got stopped. Brian said that today when they talked they said that there are probably some threads going on and some of those threads are already represented in section of the current plan, one of them being vegetation management. The Airport has a role here, another being a section on fire and a section on beavers. Some of the hot buttons that are coming up for that group right now are fire risk, beavers, hold back too much water and vegetation – holding back too much water. Another section of the current plan is how much water is getting out of the wastewater treatment plan and back in to the river and moving down river. Some of those threads, one of them which is the Airport; we will not be able to resolve that until the water rights hazard assessment is completed, until the water rights hazard assessment is vetted through the FAA and their response comes back to the city and the city responds to their response; that could take many months. Likely, not be resolved immediately. The community knows that will take time to resolve and the reclaimed water use plan, which will take time to play out and go to Council, which is a separate channel but will play in to the development of the Rural Protection Zone Plan. Given those things that maybe we cannot resolve in the near future, there are some things we can resolve in the near term that demonstrates movement. At the next meeting we could possibly talk about the process and what could we address now; even if there is a sorting process – what can and cannot be addressed.

Ms. Doremus asked for clarification on the above mentioned ordinance. Brian clarified that there is an ordinance that is in the form of a resolution; Resolution 2002 and it says the plan should be ready for the Public Works Committee meeting in March, 2003. The Resolution got signed in November, 2002. Claudia said things were easier back then. Ms. Doremus asked that this resolution be sent to the Commissioners for review. Brian noted that it never got to Council. It was also revised in 2010. Part of the 2010 effort, part of it was political and part of it was

practical. From the city side, the city already knew that the Wildlife Hazard Assessment was going forward and perhaps there would be some things that would come out of that which were mandated by FAA which the city could say; “no never mind we aren’t going to do what the FAA tells us.” Now with the Airport, it is important and a different situation with the water piece going on now.

It states, the Airport beavers and the governing body of the city of Santa Fe that.....Section 3, City Staff with the direction of Public Works Department, the Public Utilities Department and the State Engineer’ office shall study the project and determine when and if water gauges will be a benefit and a vital source of information.

Mr. Bové said that at the time of this meeting it would be important to know or recording of how much grey water is being released from the waste water treatment plan for a couple of years.

Ms. Borchert said that what they have now is not necessarily going to be what is out from there.

Mr. Bové said it would at least give the commission a feel for how much is there and they know that the water is being used in other places.

Ms. Borchert said that there is a table available and she will send it out to the commissioners.

Thank you.

b. Discussion: Santa Fe River Fund, status and alternatives for the Voluntary River Conservation Fund (Brian Drypolcher)

Update with respect to the Santa Fe River Fund; there was a motion considered and a motion passed which I believe takes the form as a recommendation for what the city should consider or entertain doing next for the River Fund. (Exhibit A) - Top part is actual motion and bottom portion are the next steps from Brian for the commission to consider:

- 1) Prepare a draft for amendment of the current ordinance to reflect the Commission’s recommendation (as above, to improve the flow of water in the Santa Fe River). Circulate draft for review. Seek sponsor(s) for amendment to carry it forward.
- 2) City staff to publish/advertise the city’s interest in acquiring water rights in a manner consistent with the Commission’s recommendation and the current ordinance and administrative procedures. City staff to pursue appropriate structure, disposition and permitting (as may be appropriate) to allocate water (as acquired via the water right acquisition) to support river flows.

In discussion with staff on these two items and specifically with Bryan Snyder who supervises the legal staff who would take care of #1, all of this actually. Brian's said what he would like to do next with the concurrence of the commissioners is draft an amendment. Work with our city legislative liaison staff, work with Marcos Martinez from Legal and draft the amendment that reflects the commission's recommendations and get it circulated again. We would look for sponsors for the Amendment. We should check with the Mayor and see what he thinks about sponsorship or any other councilor's that might be interested. I think this turns in to a longer story than this, half way to what it takes to get an amendment, but basically this is what we need to do. Once the draft is out, who knows what will happen.

Second part is what the ordinance already says for the most part. Again, in talking with Bryan Snyder it seems like we can publish and advertise that the city is interested in acquiring rights and start down the path. There is a difference with respect to what the ordinance says and what the Commission recommendation. The Commission's recommendation is specifically for the Santa Fe River, the ordinance is water rights for the Rio Grande as well. If we go forward with just the Commission's recommendations at this point, we will be a little bit more constrained than what the ordinance says as to what kind of rights we go after.

Ms. Romero-Pike: Question, you mention Rio Grande, is that because it is a vehicle by which they convey waters from San Juan Chama, why the Rio Grande?

Brian responded that he was not around when the ordinance was written, he can speculate but could not give a response to this question.

Ms. Borchert: This idea of a check off program originated out of the Silvery-Minnow law suit on the Rio Grande. It was conceived that this would be one of the ways in which to help – mitigate the impact of their water management on the Silvery-Minnow and go through a check off program on the Rio Grande and back to the site for water in the Rio Grande. *(Inaudible portion on Claudia's comment)*. Part of the reason that the language is so awkward in the first place is because it was cookie cutter from here and there, no stats include past and results. That is why we put the Rio Grande because the original had come from that document.

Mr. Bové: Are we going to worry about; let's say we get some water rights and it is water for the river. Going back to the old question of beneficial use which there is no previous legal basis for that; is that going to be one of the steps that we go after in order to get the State Engineer to agree?

Brian: My own feeling about that is that is what we are doing here is to test that. Test first and get permit then apply and get the State Engineer's approval.

Mr. Bové said that the State Engineer's made it clear about water and that is the first step as far as her knows. Maybe part of that stuff would be, say it was going to

be on the edge of Frenchys' field, part of the river bank, it is in our interest to keep our plants alive and we have lots of city land along the river. That would be a good way to do it. I have put feelers out and I haven't gotten answers from these two other people. I remember something in the past way back that was happening in Taos where they were having some sort of initiative to leave a certain amount of water and water rights; no one that I have talked to remembers that. It would only make sense if we had the water rights to put them along the river bank and city proper. I think that would hold us in any testing or legal defense.

Claudia asked how we would advertise when we say we are buying water rights. Brian said that he would have this conversation with Marcos on the specifics. Part of the conversation is in the universe of water rights what are the flavors that can actually end up on the Santa Fe River, that is the first thing to ask. Brian said that his current thing is no; that is not one of the questions because we are going to present this possibility to see what comes up and that might provide some direction and we would find out that the only responses that are coming in are down yonder. We talk about moving uphill and we say, not only is it legally and administratively kind of challenging, politically it is probably not a good idea. Here we are already embroiled in some future with downriver communities and it will not feel too good to take water from there.

Mr. Gerberding: I left the meeting last time feeling that this is broad net to start the whole dialogue at any level. I don't think we decided what we wanted to do; did we want to respond to what the public expectation is.

Claudia said that it would also bring forth the question on agricultural water rights.

Ms. Borchert: For example, does that mean that the first step is to ask these persons if they want to sell their water rights before we even advertise. Brian said he would not be calling anybody; direction needs to come from the legal department. Claudia said the ad she saw was for La Cienega water rights for sale with a phone number. The Chair said it would be good to find out. Claudia reiterated that La Cienega is the source but it ends up in the Santa Fe River if it doesn't get diverted. Mr. Bové said that the springs are getting lower and lower so there isn't any wasted water. That water has a different flavor to it than the Santa Fe River water, but it doesn't come out of the Santa Fe River although something might get to the Santa Fe River, but more than likely it doesn't. Claudia said that right now the La Cienega spring is going in to the Santa Fe River, is it templed, is it seasonal, is it long term, is it a drought or non-drought year; all of those things come in to every single purchase. Mr. Bové said to remember that La Cienega water is very highly charged. Claudia said in response that Santa Fe River water is as well.

Claudia asked if this is a staff assignment to make contact on the sale of the water rights. It was reiterated that Marcos from Legal should make the decision if this call should be made. The Chair feels that we need to start somewhere. Claudia

reiterated, is this a water right of interest? It was noted by John Buchser that if it is within the Santa Fe Watershed that would be a good criteria to use. Brian said his question to Marcos would be, “in the universe of water rights, what are the water rights that can end up in a way that will allow us to support application to use the water in the Santa Fe River.”

John Buchser said that the Espanola Basin would be the next expansion of that. If you start with the Santa Fe Watershed itself and then go to the Espanola Basin for survival purpose as your next step.

Mr. Bové said he would make the call on the Ad to inquire.

5. MATTERS FROM COMMISSIONERS, MATTERS FROM SUB-COMMITTEES

- The Chair provided an update on supporting the city’s position to reclassify sections of the river by motion and second. After that he contacted Mr. Alex Puglisi and told him to add a couple of sentences in there about the River Commission in support of the city’s position and he said he did.
- High Country News was here about 2 weeks ago and I was in attendance of the Board meeting where I championed the fact that the city of Santa Fe was unique and gave all the reasons pertaining to my statement. I gave them some contacts and I heard back from them; they said they would keep us in mind.
- When will the work along the river commence? Brian said it already has and suggested they look at W. DeVargas Park.
- John Buchser received a call from Councilor Calvert related to the parking suggestion on the stretch off of Alameda. Picking the closing point of this discussion, Councilor Calvert did not want this to turn in to a parking vs. river discussion. His questions were along the lines of who use that parking, staff or local businesses, how often does it turnover; license plates – are the parkers local or visitors, questions that would probably take someone else from the city to prepare the user statistics. Councilor Calvert did not know that the meters get bagged on weekends and nights, he had no idea when that started or why it started. He didn’t know if this was preferential treatment doing that, he was curious of this action. Mr. Gerberding said he has never seen the bags; maybe it is the next block. Mr. Buchser said he needed more clarification on what the commission would like for him to proceed with; who would do the monitoring, will the city assist in providing the reasons for the bags and to which area is this service provided. The Councilor would like this information before, if in fact, this request would come to the Council. Brian said that there are some people who buy monthly slots. He will contact the Parking Division to see how they can assist with information. Mr. Gerberding said, that contrary to his rules as General Manager as obviously it would be nice to have a clean open view from the hotel for that part of the river which will of course soon be illustrious and beautiful; but keeping in context of parking vs. river conversation, that might be a lot of energy spent on something that may take away from the importance of the river. What do we gain in the end, which would be a few spaces; it is really

the whole corridor that is used to be a by-pass for people on bikes riding up and down which would be a wonderful way to compliment the river but then we get in to the question; where do we stop?

6. MATTERS FROM STAFF

- Claudia – Received a call from the theatre Professor at Santa Fe University for Art and Design who is doing a documentary drama on water and was interviewing people. He was focusing on Agua Fria and asked Melinda if they had been in contact with her. The class wants to interview people and take their stories and integrate them in to the documentary. The Chair asked Claudia to send an e-mail to the commissioners and they will provide suggestions to the contact person on who would be good to provide information.

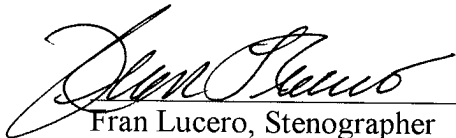
7. CITIZENS COMMUNICATION FROM THE FLOOR

8. ADJOURN

There being no further business to come before the Santa Fe River Commission, Mr. Gerberding moved to adjourn at 7:05 pm and second by Mr. Buchser, motion carried by unanimous voice vote.

Signature Page:

Jerry Jacobi, Chair



Fran Lucero, Stenographer

About the future of the Santa Fe River Conservation Fund

River Commission, September 18, 2012

Motion regarding the Santa Fe River Fund:

MOTION: Mr. Ellenberg moved: 1) That we ask the council to amend the ordinance to allow the fund monies to be used for anything that improves the flow of water in the Santa Fe River in a way that would enhance the ecosystem of water in to the Santa Fe river, 2) that we use the existing funds to acquire some water rights in a way that will allow us to support the application to use the water in the Santa Fe River as a release or change of location to determine whether or not we might lawfully use water for the benefit of the Santa Fe River, second by Ms. Romero Pike, motion carried by unanimous voice vote.

Next steps:

- 1) Prepare a draft for amendment of the current ordinance to reflect the Commission's recommendation (as above, to improve the flow of water in the Santa Fe River). Circulate draft for review. Seek sponsor(s) for amendment to carry it forward.

- 2) City staff to publish/advertise the city's interest in acquiring water rights in a manner consistent with the Commission's recommendation and the current ordinance and administrative procedures. City staff to pursue appropriate structure, disposition and permitting (as may be appropriate) to allocate water (as acquired via the water right acquisition) to support river flows.

Exhibit A.