



Agenda

DATE 3/6/13 TIME 12:48pm

SERVED BY Brian Drypolcher

RECEIVED BY [Signature]

SANTA FE RIVER COMMISSION
Thursday, March 14, 2013, 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 FEBRUARY 28, 2013
4. INFORMATION

NO ITEMS

5. DISCUSSION/ACTION ITEMS
 - a. Discussion: Current projections for snow pack and 2013 season runoff. (City Staff)
 - b. Discussion: Preliminary information regarding Water Division infrastructure projects and other City of Santa Fe Capital Improvement Projects (CIP) and coordination with river flows. (City Staff)
 - c. Discussion: Recent and pending activities related to the Santa Fe River Conservation Fund. (Brian Drypolcher)
6. MATTERS FROM COMMISSIONERS, MATTERS FROM SUB-COMMITTEES
7. MATTERS FROM STAFF
8. 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
March 14, 2013**

<u>INDEX</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
Cover Page		1
Call to Order	Call to order by Chair, Gerald Jacobi at 6:00 pm	2
Roll Call	A quorum was declared, one excused absence.	2
Approval of Minutes – February 28, 2013	<i>Mr. Ellenberg moved to approve the Minutes of February, 2013 as presented, second by Mr. Cutropia, motion carried by unanimous voice vote.</i>	2
Approval of the Agenda	<i>Mr. Cutropia moved to approve the agenda as amended, second by Mr. Ellenberg, motion carried by unanimous voice vote.</i>	2
Discussion Items		
<p>a. Discussion: Current projections for snow pack and 2013 season runoff. (City staff) Exhibit (B) includes: Memo dated March 14, 2013 to the River Commission from Alan G. Hook, Water Resources Analyst, March NRCS National Water & Climate Center Report and 2013 Hydrograph: 600 Target Allocation. Anticipated watershed yield = 60 avg. inflows.</p>	Informational – Exhibit B	2-5
<p>b. Discussion: Preliminary information regarding Water Division infrastructure projects and other City of Santa Fe Capital Improvement Projects (CIP) and coordination with river flows. (City Staff)</p>	Informational – Exhibit A	
<p>c. Recent and pending activities related to the Santa Fe River</p>	Informational – Exhibit C	

Conservation Fund. (Bryan Drypolcher)		
Matters from the Commissioners	Informational	5
Matters from Staff	Informational	5-6
Citizens Communication from the Floor	Informational	6
Adjournment and Signature Page	There being no further business to come before the Santa Fe River Commission, Mr. Ellenberg moved to adjourn at 7:00 pm, second by Mr. Cutropia, motion carried by unanimous voice vote.	6
Exhibits (A-B-C)	Attached	

**SANTA FE RIVER COMMISSION
MINUTES
Thursday, March 14, 2013 - 6:00p.m. – 7:00 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
Richard Ellenberg
Phillip J. Bove
Dale Doremus
Jim Cutropia
Sam Gerberding
John R. Buscher
Dale Doremus

Not Present

Melinda Romero-Pike, Excused

Others Present:

Claudia Borchert, Staff
Brian Drypolcher – Staff Liaison
Meghan Bayer, Santa Fe County
Felicity Broennan, Santa Fe Watershed
Alan G. Hook, Water Division

Fran Lucero, Stenographer

2. APPROVAL OF AGENDA

Recommended Amendment: 5-A to be heard after 5-B

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

3. APPROVAL OF MINUTES FROM FEBRUARY 28, 2013

Mr. Ellenberg moved to approve the Minutes of February, 2013 as presented, second by Mr. Cutropia, motion carried by unanimous voice vote.

4. Information

No Items

5. DISCUSSION/ACTION ITEMS

- a. Discussion: Current projections for snow pack and 2013 season runoff. (City staff) Exhibit (B) includes: Memo dated March 14, 2013 to the River Commission from Alan G. Hook, Water Resources Analyst, March NRCS National Water & Climate Center Report and 2013 Hydrograph: 600 Target Allocation. Anticipated watershed yield = 60 avg. inflows.**

Comments: Mr. Hook read directly from the attached memorandum and addressed the first attachment which is the March National Resources Conservation Service stream

flow forecast for March. Mr. Hook highlighted in blue; for the coming March – July they are anticipating the stream flow forecast for the Santa Fe River above the reservoir will only be 41% for the 30 year average and the 30 year average covers 1981 – 2010. That is relevant in the fact that when Brian tries to figure out our target flows if it still remains at that 41% we would look at 400 ac. ft. out of the Santa Fe River target flows.

Secondly, right now we are about 500 ac. ft. for the 2012 target flows which will go through April 14th; that is about 100 ac. ft. left. We were looking at the timeline for construction on the Canyon Road Water Treatment plant temporary pipe line that needs to be put in; structurally they are looking at April 15th. Water Division staff discussed this; our projected flows were about .6 to 1 cfs in the middle of March. We were going to increase that on Monday to 1 ½ cfs for a 2 week period, possibly 3 weeks – the first week in April and that would be about 56 acre feet so we would be getting closer to the 600 ac. feet total. With the timing of this construction, the Water Division needs at least 1-2 weeks depending on the weather to have that channel not be entirely saturated before they go in. After that there would be a window for what Mr. Drypolcher was discussing on the restoration project he would be doing in May-June if there is still a deficit of that 2012 to apply that to that period or roll it over before he starts in May. So if there is a period where April 15th they are done in 2 weeks, beginning of May we could then finish that first 600 ac. ft. of flow and match that target flow for the 2012 period and then go on to the 2013. Right now the outlook is for 400 ac. ft. for 2013 it would still be them using the spring pulse flow this period in between projects to keep the channel wet. That is primarily what we wanted to bring forward and again it would be 1 to 1.5 cubic feet for second starting Monday and last about 2 to possibly 3 weeks.

Mike Gonzalez from the Canyon Road Water Treatment plant was saying that Nichols is just now thawing out along the tower so he wants to make sure by Monday that the inside of the tower is thawed out so they could start the work on the by-pass and this is a safety factor. Also, because Nichols is at 80% full, this will help the Water Division because we want to create a spill board so we are not filling over especially when we are trying to put a 24" line and not have that area saturated. So the period of 2-3 weeks flow will actually help and create a good capacity.

Ms. Doremus asked how long of time was estimated for the area to dry up.

Mr. Hook said about 1-2 weeks and it is not going to entirely dry out it will back up in to the channel where it is saturated.

Mr. Buscher: If the inflow was to increase would it make sense to increase the flow?

Mr. Hook: It could, we could discuss that possibility.

Mr. Bucsher: According to all these schedules, I know we are limited to what is coming in, it would seem nice to mirror what is coming in and you might actually hit your 100 acres.

Mr. Hook: That could certainly be a possibility if it was over the 1 ½ cfs, we wouldn't want to add that much more to Nichols.

Claudia Borchert: Do you have any idea what the flow in to Nichols is?

Mr. Hook stated that he did not have that information right now.

Ms. Doremus: Do we know if those pismometers are still in place? Has there been any thought to look at it and compare figures? Ms. Doremus interest is to know how frequently it dries out. If we could possibly check them now, after the first pulse and maybe after the summer. Ms. Doremus would be interested in what it captured before it dried up.

Mr. Drypolcher said that it is doable. Volunteers would be welcomed to work on this. Felicity Broennan from the Watershed offered to put the word out to get volunteers. Mr. Drypolcher confirmed that Watershed West is not contracted to do these readings. Mr. Drypolcher has the locations mapped and will share that with Ms. Broennan. Ms. Doremus also offered to help. It would be important to conduct this study prior to March 18, 2013.

b. Discussion: Preliminary information regarding Water Division infrastructure projects and other City of Santa Fe Capital Improvement Projects (CIP) and coordination with river flows. (City Staff)

Bryan Drypolcher: (Exhibit A)
(Presentation to the Commission directly from the handout.)

Order of Discussion: Goals (1-7)

Preliminary Timeline (1-8)

Background Mr. Drypolcher urged the Commission to read the Background comments courtesy of the Water Division staff as it re-enforces that the pipe is in bad shape.

Comments/Questions:

Mr. Bové: On #4 under the Timeline – when they are working on the structures, are they going to want the river dry? Mr. Drypolcher said yes. Mr. Bové asked if there would be any releases during that time. That is correct; May-June – no target flow releases, no rain fall. Mr. Bové said that he could deliver through Frenchy’s ditch. Mr. Drypolcher said that they could think about that as a possibility. Mr. Bové said that the first part of May they get water that is below the reservoirs. That actually could help keep that gate open during May-June so if we do get some rain we could go the ditch way instead of the river way. Mr. Bové said that there are three arroyos that run pretty regularly in May during a good year.

Mr. Ellenberg: When the outlet begins at Nichols you want to make sure you don’t go so fast to create erosion. I know that target is to finish in May but meeting that timeline might be problematic.

Mr. Drypolcher noted that the permit requires getting the work down the river and given that we are in a drought cycle and hopefully our local eco-system are ecologically adapted to wet and dry cycles they/it has a dry cycle it has to get through soon. If it weren’t for the strong concern about the Bishop structure, the thing to do would be to wait until October.

The Chair asked if someone has been keeping an eye on the Bishop structure. Mr. Bové and Mr. Drypolcher said that it is already dangerous.

Also, the spring rush is when the plants need the water; the time you are looking at closing it down might not be good for the foliage.

Mr. Drypolcher said that time wise he is in hopes that 2 months is enough time to work on structures, Bishop's Garden Acequia Diversion and the structure above St. Francis stream gage.

c. Discussion: Recent and pending activities related to the Santa Fe River Conservation Fund. (Bryan Drypolcher)

Exhibit C: Copy of memo dated March 1, 2013 to Mayor David Coss from the River Commission. Subject: Acquisition and Use of Water Rights

The Mayor conveyed to B. Drypolcher that this information needed to go back to the Council. One conduit which is in policy and/or secondly finding a city councilor to sponsor a resolution. Mr. Drypolcher said that through his past experience it would be important to have the wording be very precise and actionable items need to be worded clearly. Action needed. Mr. Ellenberg will create this draft and included that he will request to use the water funds money.

6. MATTER FROM COMMISSIONERS

Paper work – Mr. Gerberding suggested and offered the use an overhead projector for all paperwork distributed to the commissioners to stay green. Everyone liked this idea and Mr. Drypolcher will bring all documents to the commission electronically. It was noted that the stenographer will need hard copies when attached as an Exhibit.

The Chair advised that he will not be in attendance at the next scheduled meeting for medical reasons.

7. MATTERS FROM STAFF

Mr. Drypolcher asked Meghan if she could give a brief update for Santa Fe County. Meghan Bayer, Project Manager – Santa Fe River Greenway for Santa Fe County. We have a lot of projects going on starting at the county line, as Bryan mentioned, from Frenchy's field we are working on final design for the recreation trail. In that section of the river we are working on acquisition issues. The County bond that passed in November has construction funding for that portion of the river but it will be at least 1 year before we go to construction. From Siler to San Isidro Crossing we are in conceptual design of that portion of the river, we should be done in May and we will then go in to acquisition. We have finished most of the grading in the channel. Our priorities are Frenchy's to Siler.

Ms. Borchert asked about the conceptual trail. Ms. Bayer said that the trail will be on the north side of the river from Frenchy's and will connect and continue and cross over by Cottonwood but we are still working that out.

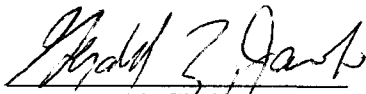
8. CITIZENS COMMUNICATION FROM THE FLOOR

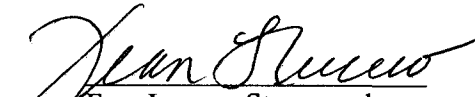
Felicity reported that "Love Your River Day" was a great success. There were 66 volunteers and pulled 117 bags of garbage out of the river in a 2 hour timeframe. Felicity stated that they have started some Adopt the Arroyo projects with 22 students.

9. ADJOURN

There being no further business to come before the Santa Fe River Commission, Mr. Ellenberg moved to adjourn at 7:00 pm, second by Mr. Cutropia, motion carried by unanimous voice vote.

Signature Page:


Jerry Jacobi, Chair


Fran Lucero, Stenographer

Proposed Timeline, Hand-out for Santa Fe River Commission, March 14, 2013

- Proposed Schedule for 2012 – 2013 Santa Fe River Target Flows
 - Santa Fe River and City Water Division Infrastructure Projects
-

Goals:

- 1) Complete "delivery" of 2012, 600 acre feet (af) target flow
 - 2) Make full delivery of 2013 target flow (probably 400af)
 - 3) Install interim pipe (replacement for current, damaged pipe) for water supply delivery from Nichols Reservoir to treatment plant (see "Background" below)
 - 4) Stabilize "at-risk" grade control structures on the Santa Fe River
 - Grade control structure at Bishop's Garden Acequia Diversion
 - Grade control structure at the Above St. Francis stream gage
 - 5) Construct new, permanent pipe for Nichols to treatment plant transmission
 - 6) Construct new outlet works at Nichols Reservoir
 - 7) Construct new outlet works at McClure Reservoir
-

Preliminary Timeline:

1. Mid-March to April: increase target flow to 1 to 1.5cfs ("Roll-over" balance due (if any) from 2012 to 2013)
2. First half of April: Install interim 24" pipe
3. Second half of April: two-week spring pulse target flow
4. May and June: Work in river channel to repair the grade control structures
5. July to October: Resume 2013 target flows; watch the river flow with summer storm waters
6. Fall, 2013: Replace Nichols tower and outlet works
7. Fall 2014: Replace McClure tower and outlet works
8. Timing/date to be determined: Install permanent 24" pipe

Background:

City of Santa Fe Water Division staff has identified extensive damage in a 2300 foot long segment of the 24 inch raw water supply pipeline that feeds the Canyon Road Water Treatment Plant (CRWTP) with water from the Santa Fe watershed. The CRWTP provides up to 40% of the City's water supply. The CRWTP is out of service due to the pipeline failure as this pipeline is the sole source of supply to the water treatment plant.

The above ground portion of the pipeline consists of approximately 2300 linear feet of spiral welded 24" mortar lined steel pipe supported on concrete pipe supports and is located in the Santa Fe River channel. Pipeline failures at 41 out of 56 pipe joints (73%) have been identified and the pipeline can no longer convey water. City staff believes these failures are due to freezing temperatures, creating ice that pushed pipe supports out of alignment resulting in pipeline failures.

The emergency installation of 2,300 feet of a 24" HDPE DR32.5 DIPS bypass pipeline will enable the City of Santa Fe to temporarily restore the CRWTP back into operation to meet spring and summer water demand and to minimize or eliminate Nichols Reservoir spills (currently at 79% capacity). In order to expedite installation, the pipeline will not be buried but will lie on the ground along the existing pipeline alignment.

The bypass pipeline will be located on City property and in easements through privately owned lands of Audubon and The Nature Conservancy (TNC). The City has contacted Audubon and TNC staff as well as the Canyon Neighborhood Association regarding the need for the bypass pipeline. The City will continue to work with Audubon, TNC, and the neighborhood.

City of Santa Fe, New Mexico

memo

Date: March 14, 2013

To: River Commission

Via: Brian Drypolcher, River & Watershed Coordinator
Rick Carpenter, Water Resources & Conservation
Brian Snyder, Public Utilities Dept. & Water Division Director

From: Alan G. Hook, Water Resources Analyst

RE: 2013 Santa Fe River Runoff Estimates and Target Flows

ITEM AND ISSUE: As of March 1st, the Natural Resources Conservation Service's (NRCS) forecast for the Santa Fe River is 41% of the 1981-2010 average of streamflow runoff for this spring (see the attached report). If the Santa Fe River basin's streamflow forecast remains at approximately 40% of the 30yr streamflow average by April 15th, the 2013 Santa Fe River target flows would amount to 400 acre-feet.

Presently, the 2012 Santa Fe River Target Flows have accrued to approximately 500 acre-feet with about one month remaining in the target flows allocation year.

BACKGROUND AND SUMMARY: In mid-April 2012, the annual target flow allocation was set at 600 acre-feet based upon the projections for the year's anticipated watershed yield to be 60% of the 30yr streamflow average. (see the attached hydrograph). To date, with record heat and two years of drought conditions, the Water Division has bypassed approximately 500 are-feet of target flows due to lower than normal reservoir inflow from the upper Santa Fe River.

Santa Fe River projects at the end of the 2012 river year and the beginning of the 2013 river will impact the target flows. A temporary, raw water pipeline for Canyon Road Water Treatment Plant (CRWTP) is tentatively scheduled to start April 15, 2013 and be completed by May 1, 2013. Santa Fe River restoration projects are scheduled to start by early May and be completed by the end of June. With these projects in mind, the Water Division and the River & Watershed Coordinator recommend increasing the previously approved target flows to 1-1.5 cubic feet-per-second (cfs) on Monday, March 18, 2013 until approximately 1-2 weeks prior to the CRWTP project begins.

Staff recommends applying the lost 2012 Santa Fe River target flows, as a result of the CRWTP Project, to an early spring pulse of river flows in 2013. This additional flow is calculated as 54.0 acre-feet (1.5 cfs for 3 weeks). The 2013 spring pulse of flows to the Santa Fe River will be scheduled for early May, 2013, after the CRWTP Project is completed and prior to the river restoration project.

20130301_Mar NRCS Rio Grande Basin FINAL Strmflw Frct

JSDA NRCS National Water & Climate Center

* - DATA CURRENT AS OF: March 06, 2013 06:05:10 PM

- Based on March 01, 2013 forecast values

Northwestern Rio Grande in Colorado

Forecast Point	period	50% (KAF)	% of avg	max (KAF)	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg
Rio Grande at Thirty Mile Bridge	2APR-JUL	83	73	118	96	71	54	113
	APR-SEP	95	74	138	111	80	60	129
Rio Grande at Wagon Wheel Gap (2)	APR-SEP	245	72	370	290	200	147	340
San Rio Grande at South Fork (2)	APR-SEP	89	70	130	104	75	56	127
Rio Grande nr Del Norte (2)	APR-SEP	360	70	550	430	295	210	515
Saguache Ck nr Saguache (2)	APR-SEP	22	69	38	28	16.7	10.2	32
Alamosa Ck ab Terrace Reservoir	APR-SEP	48	71	70	57	40	30	68
La Jara Ck nr Capulin	MAR-JUL	6.0	67	10.2	7.6	4.6	2.9	8.9
Platoro Reservoir Inflow (2)	APR-JUL	42	75	58	48	36	29	56
	APR-SEP	46	74	64	53	39	31	62
	APR-SEP	138	71	200	162	116	88	194
San Antonio R at Ortiz	APR-SEP	7.2	46	13.4	9.5	5.2	2.9	15.6
Los Pinos R nr Ortiz	APR-SEP	45	62	69	54	37	26	73
Rio Grande nr Lobatos Obs	APR-JUL	68	34	148	97	44	18.7	200

Northeastern Rio Grande in Colorado

Forecast Point	period	50% (KAF)	% of avg	max (KAF)	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg
Jete Ck nr Fort Garland	APR-SEP	6.4	50	11.3	8.2	4.8	2.9	12.8
Sangre de Cristo Ck (2)	APR-SEP	5.3	33	11.9	7.7	3.4	1.33	16.3
Trinchera Ck ab Turners Ranch	APR-SEP	6.0	48	8.8	7.0	5.0	3.8	12.6
Culebra Ck at San Luis (2)	APR-SEP	9.9	43	19.2	13.3	7.0	3.6	23
Costilla Reservoir Inflow (2)	MAR-JUL	7.6	68	12.2	9.3	6.0	4.1	11.1
Costilla Ck nr Costilla (2)	MAR-JUL	16.3	63	29	21	12.1	7.1	26

Middle Sangre Mtns in New Mexico

Forecast Point	period	50% (KAF)	% of avg	max (KAF)	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg
Red R bl Fish Hatchery nr Questa	MAR-JUL	25	74	39	30	20	13.8	34
Rio Hondo nr Valdez	MAR-JUL	13.5	73	22	16.8	10.6	6.9	18.4
Rio Lucero nr Arroyo Seco	MAR-JUL	8.3	76	14.0	10.4	6.4	4.1	10.9
Rio Pueblo de Taos nr Taos	MAR-JUL	10.7	63	19.6	14.0	7.9	4.5	17.0
Rio Pueblo de Taos bl Los Cordovas	MAR-JUL	17.0	47	39	25	10.8	4.2	36
Embudo Ck at Dixon	MAR-JUL	25	52	54	35	16.5	7.2	48
Santa Cruz R at Cundiyo	MAR-JUL	9.7	53	16.1	12.1	7.6	4.9	18.3
Hambe Falls Reservoir Inflow (2)	MAR-JUL	3.3	51	5.5	4.1	2.6	1.65	6.5
Resuque Ck ab diversions	MAR-JUL	0.68	51	1.40	0.94	0.46	0.22	1.34
Santa Fe R nr Santa Fe (2)	MAR-JUL	1.75	41	3.0	2.2	1.34	0.84	4.3

El Vado, Jemez

Forecast Point	period	50% (KAF)	% of avg	max (KAF)	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg
El Vado Reservoir Inflow (2)	MAR-JUL	123	55	210	155	95	60	225
	APR-JUL	111	54	193	142	84	51	205
Jemez R nr Jemez	MAR-JUL	15.7	37	28	20	11.7	6.9	42
Jemez R bl Jemez Canyon Dam	MAR-JUL	10.0	29	21	13.9	6.7	3.1	34

Mainstem Routings

Forecast Point	period	50% (KAF)	% of avg	max (KAF)	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg
rio Grande at Otowi Bridge (2)	MAR-JUL	395	55	680	500	300	188	720
rio Grande at San Marcial (2)	MAR-JUL	200	39	480	300	121	40	510

Pecos								
Forecast Point	period	50% (KAF)	% of avg	max (KAF)	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg
Pecos R nr Pecos	MAR-JUL	27	47	48	35	20	11.8	57
Pecos R nr Anton Chico	MAR-JUL	22	35	55	34	12.8	3.7	63
Gallinas Ck nr Montezuma	MAR-JUL	4.5	46	11.3	6.9	2.6	0.78	9.8
Pecos R ab Santa Rosa Lk	MAR-JUL	20	36	51	31	11.5	3.3	56

Ruidoso and Mimbres								
Forecast Point	period	50% (KAF)	% of avg	max (KAF)	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg
Rio Ruidoso at Hollywood	MAR-JUN	2.8	42	6.9	4.2	1.61	0.48	6.7
Mimbres R at Mimbres	MAR-MAY	0.76	51	2.3	1.26	0.41	0.120	1.50

Max (10%), 30%, 50%, 70% and Min (90%) chance that actual volume will exceed forecast.
Averages are for the 1981-2010 period.
All volumes are in thousands of acre-feet.

footnotes:

- 1) Max and Min are 5% and 95% chance that actual volume will exceed forecast
- 2) streamflow is adjusted for upstream storage
- 3) median value used in place of average

2012 HYDROGRAPH: 600 af Target Allocation, anticipated watershed yield = 60% avg. inflows

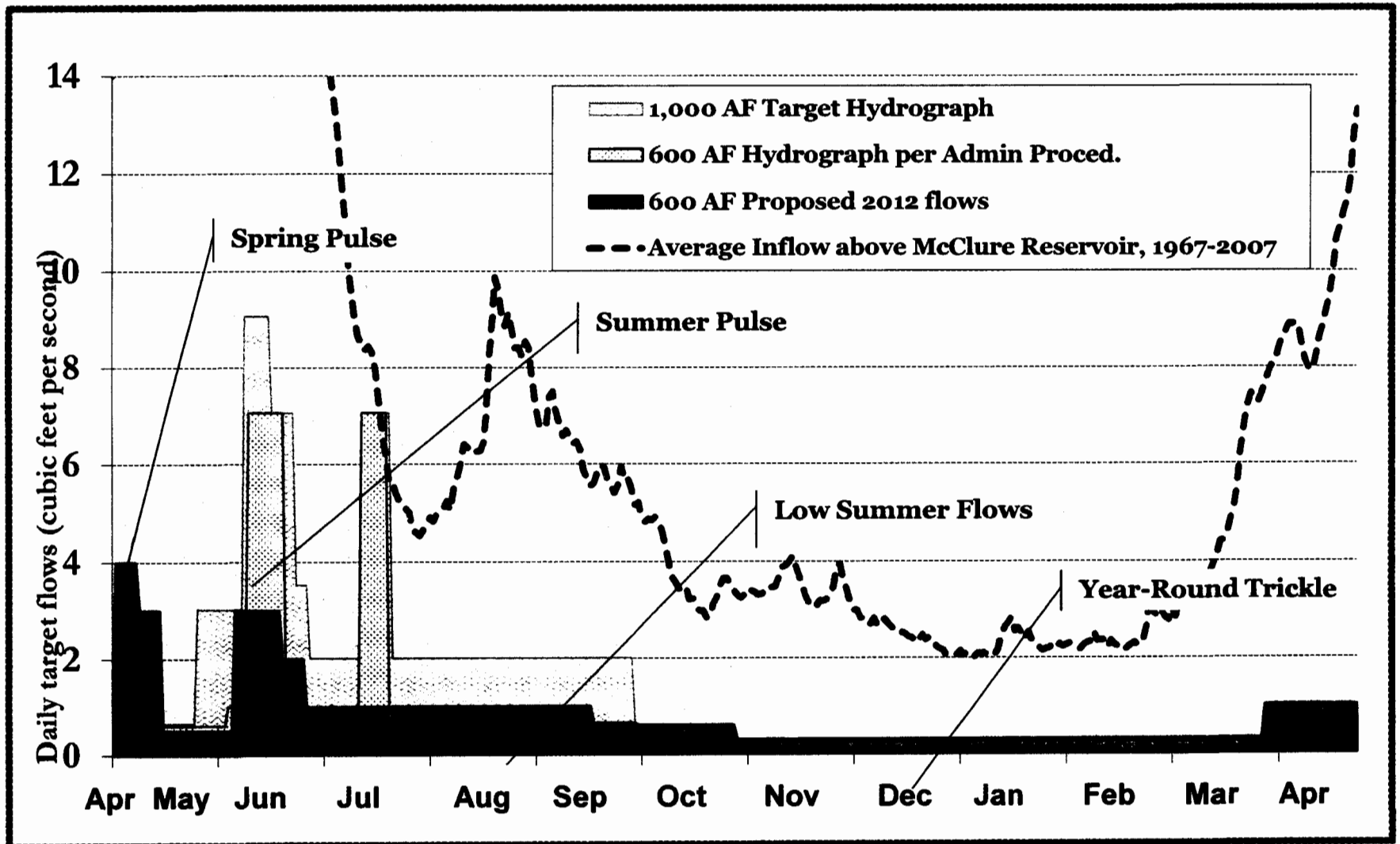


Exhibit C

TO: Mayor David Coss
City of Santa Fe

FROM: Gerald Z. Jacobi
Chairman, Santa Fe River Commission
Santa Fe, New Mexico

VIA: Brian Drypolcher
River and Watershed Coordinator

DATED: 1 March 2013

REGARDING: Acquisition and Use of Water Rights

At our meeting last night, The Santa Fe River Commission unanimously approved Commissioner Ellenberg's motion of a resolution requesting that the City of Santa Fe seek the approval of the Office of the State Engineer to acquire and use water rights for release in the Santa Fe River, and to confirm that the water may be released for river flows; and retain special counsel to prosecute the application for such approval.