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## AGENDA

**The City of Santa Fe  
And  
Santa Fe County**

### **Buckman Direct Diversion Board Meeting**

**THURSDAY, FEBRUARY 7, 2013  
4:00 PM  
CITY HALL  
CITY COUNCIL CHAMBERS  
200 Lincoln**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE JANUARY 3, 2013 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF

### **CONSENT AGENDA**

7. Update and discussion of BDD operations. (Gary Durrant)
8. Request for approval of Contract Amendment No. 3 to the PSA between the Buckman Direct Diversion Board and Harwood Consulting, LLP for specialized legal, environmental and permitting services for the amount of \$25,000.00 plus \$2,046.87 (NMGRT @ 8.1875%) for a total amount of \$27,046.87. (Rick Carpenter)

### **INFORMATIONAL ITEMS**

9. Presentation and status update on collaborative efforts between the BDD Project and NM Wildlife Federation for habitat restoration near the BDD intake along the east bank of the Rio Grande. (Rick Carpenter and Todd Caplan)
10. BDD Project wins National Design-Build Honor Award. (Rick Carpenter and Erika Schwender)

### **DISCUSSION AND ACTION ITEMS**

11. Request for approval of Budget Adjustment Requests to address professional services and supplies not included in the approved BDD O&M Budget for FY 2012/2013. These funds will be transferred from "Landfill Tipping Fees" for the amount of \$404,000.00. (Erika Schwender)
12. Election of Chair and Vice-Chair of the Buckman Direct Diversion Board. (Nancy Long)

### **MATTERS FROM THE PUBLIC**

### **MATTERS FROM THE BOARD**

**NEXT MEETING: Thursday, March 7, 2013**

**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**

**February 7, 2013**

This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Councilor Chris Calvert, Chair, at approximately 4:05 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

**BDD Board Members Present:**

Councilor Chris Calvert  
Commissioner Kathy Holian  
Ms. Consuelo Bokum  
Commissioner Miguel Chavez [late arrival]  
Councilor Patti Bushee, alternate [late arrival]

**Member(s) Excused:**

Councilor Carmichael Dominguez

**Others Present:**

Nancy Long, BDD Board Consulting Attorney  
Steve Ross, County Attorney  
Erika Schwender, Acting Facility Manager  
Gary Durrant, BDD staff  
Brian Snyder, City Public Utilities  
Rick Carpenter, City staff  
Pego Guerrerortiz, County Utilities

*[Exhibit 1: Sign-in Sheet]*

**3. APPROVAL OF AGENDA**

*[Exhibit 2: Agenda]*

Upon motion by Commissioner Holian and second by Member Bokum the agenda was unanimously [3-0] approved. [Commissioner Chavez and Councilor Bushee were not present for this action.]

**4. APPROVAL OF CONSENT AGENDA**

Commissioner Holian moved approval of the Consent Agenda and Member Bokum seconded. The Consent Agenda was approved without opposition.  
[Commissioner Chavez and Councilor Bushee were not present for this action.]

**5. APPROVAL OF MINUTES: January 3, 2013**

Commissioner Holian moved to approve the minutes as published. Her motion was seconded by Board Member Bokum and passed by unanimous [3-0] voice vote.  
[Commissioner Chavez and Councilor Bushee were not present for this action.]

**6. MATTERS FROM STAFF**

ERIKA SCHWENDER (Acting Facility Manager): Chairman Calvert, member of the Board, I would like to give you a brief update on the hiring procedures that are currently taking place at the BDD. We successfully now engaged two new BDD operators. They started working for the BDD this week. We have one additional BDD operator position that is vacant and will be posted within the next week.

The safety and training officer position has closed and we have invited four candidates to participate in the work-use testing, and we gave those eligible candidates to complete this process because we have two out-of-state candidates and two in-state candidates. So we anticipate possibly scheduling interviews for that position in early March.

The facility manager position also closed yesterday and HR is in the process of evaluation the applications. That is all I would like to say.

CHAIR CALVERT: Thank you.

**CONSENT AGENDA**

7. Update and discussion of BDD Operations (Gary Durrant)
8. Request for approval of contract Amendment No. 3 to the PSA between the Buckman Direct Diversion Board and Harwood Consulting, LLP for specialized legal, environmental and permitting services for the amount of \$25,000.00 plus \$2,046.87 (NMGRT @ 1875%) for a total amount of \$27,046.87 (Rick Carpenter)

## **INFORMATIONAL ITEMS**

### **9. Presentation and status update on collaborative efforts between the BDD Project and NM Wildlife Federation for habitat restoration near the BDD intake along the east bank of the Rio Grande (Rick Carpenter and Todd Caplan)**

RICK CARPENTER (City Staff): Thank you, Mr. Chair. Good afternoon, members of the Board, staff thought it might be time to give a brief update on the efforts for habitat restoration that we're required to due pursuant to the NEPA environmental documentation, primarily seven acres of riparian habitat down near the river. That has been temporarily suspended pursuant to an appeal of a related EA that the New Mexico Wildlife Federation is advancing, however, work that's unrelated to the riparian habitat, Mr. Chair, continues. And with that I'd stand for questions.

CHAIR CALVERT: Okay. Anybody have any questions?

COMMISSIONER HOLIAN: Mr. Chair, I have a question.

CHAIR CALVERT: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Rick. So are all efforts on hold right now while the appeal is going forward?

MR. CARPENTER: Mr. Chair, Commissioner Holian, no, not all efforts. Efforts that are directly related to the habitat restoration and the river that's indirectly related to the appeal, that is on hold. But the other things that we're doing, we're continuing with our technical support and cooperation with the federation and with BLM and with the Forest Service. The project that we call water for cows, which is putting up the fencing and the new drinker for the cattle and the wildlife, that is progressing as well. So where we can proceed we are proceeding, Commissioner.

COMMISSIONER HOLIAN: It mentions here in the memo that the forestry treatments are going forward. Are they occurring now as well?

MR. CARPENTER: Commissioner Holian, the Wildlife Federation's forestry treatments are scheduled to move forward as soon as the appeal is resolved, assuming it is resolved. The Buckman Direct Diversion portion of the forestry treatments will not be able to move forward because we've now missed our window of opportunity for this winter, so we'll have to wait till the next season rolls around, late fall of next year, to start our part of that.

COMMISSIONER HOLIAN: Okay. Thank you, Rick.

CHAIR CALVERT: Any other questions? Thanks, Rick. Welcome, Councilor Bushee and Commissioner Chavez.

COUNCILOR BUSHEE: I still have a question on #9.

CHAIR CALVERT: Go ahead.

COUNCILOR BUSHEE: The appeals that have been thrown in the mix, did you give an answer to that? Wasn't 9 the restoration project? The park, or whatever you call it?

CHAIR CALVERT: Yes.

COUNCILOR BUSHEE: So did you answer a question about where the appeals were at on that?

CHAIR CALVERT: Go ahead, Rick.

MR. CARPENTER: Mr. Chair, Councilor Bushee, the appeal is still under review from the Forest Service, has been under review for a few weeks now. I believe within about a week or so that answer should come out of the Forest Service. I don't know the exact date but we're all sort of in a holding pattern until then.

COUNCILOR BUSHEE: Okay, and then what? So they give a response, either a green light or a not?

MR. CARPENTER: That's correct.

COUNCILOR BUSHEE: Okay, and then there are no further opportunities for folks who have concerns?

MR. CARPENTER: As far as legal procedures concerned, my understanding is the appellants have the right to file a legal motion in federal district court, but I would leave that to legal counsel to comment on.

NANCY LONG (Contract Attorney): Yes. Mr. Carpenter is correct that the Forest Service is the first agency that receives the appeal and reviews it. They are set to issue their recommendation or decision at the end of next week, I believe. At the end of that time there would be a time period within which the decision to approve the mitigation efforts could be approved.

CHAIR CALVERT: If that were the decision, yes.

MS. LONG: As a court appeal, yes.

COUNCILOR BUSHEE: Thank you.

CHAIR CALVERT: Thanks, Rick.

#### **10. BDD Project wins National Design-Build Honor Award**

MR. CARPENTER: Thank you, Mr. Chair.

CHAIR CALVERT: Congratulations, because you were in charge of that project.

MR. CARPENTER: Well, the design-build portion of this project and the decision to go design-build as opposed to design-bid-build does date back probably eight years ago or so. But we do believe the project had a lot of successes due to the design-build delivery method and the Design-Build Institute of America also agrees, obviously, and in November at their national conference they did offer this award up, the national honor award for the Buckman Direct Diversion project. So staff also wants to thank the Board for all the support through that process as well and we wanted to make sure the Board was aware of this national award.

CHAIR CALVERT: And I think something – whatever we have – should probably be displayed at the Buckman in the lobby there.

MR. CARPENTER: I don't think we have a case, but if we start racking up awards we ought to find a trophy case I guess.

CHAIR CALVERT: Okay.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR CALVERT: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: Well, first of all, congratulations to you and to staff. It's really an achievement. But I was just wondering, have you put out a press release or anything like that?

MR. CARPENTER: No, Commissioner, we have not.

CHAIR CALVERT: Do we have that new position yet?

MS. SCHWENDER: Well, for the first part, it has not been publicly posted in the local papers but in some of the professional publications there was mention of the award and the second part, no, we do not have that position posted yet. We're currently working on finalizing the job description for that position.

CHAIR CALVERT: Okay. Well, maybe we could work with either the City or the County's people to get that out to the papers and they will aid you in doing that.

MS. SCHWENDER: We will take care of that, Mr. Chair.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR CALVERT: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Rick, on a national level, thinking back over the kind of bumpy road that the BDD has gone down, it was interesting. I was thinking back and there were two federal agencies that were scratching their heads about what to do with the sediment. That was the Interstate Stream Commission and the Bureau of Reclamation. And I think it took two trips to DC that I remember to get those two agencies to talk to each other more than they had in the past. So maybe to those agencies it would be good to get the message that we're moving along and that we have received these awards, because we're going to be working with them for many years to come, but I think the success of our project here should mean something on a national level. I just thought I'd throw that in there.

MR. CARPENTER: Thank you, Commissioner Chavez. That's a great suggestion. A lot of those same people are still in those same offices and we work with them. We'll make sure that they're aware of it.

CHAIR CALVERT: Along those lines, if I may, I think we should send a note to our delegation with this notice and thanking them for their participation in the process as well, because they did help. Yes.

BOARD MEMBER BOKUM: We should also thank our partners. They know about the award, don't they?

MR. CARPENTER: I hope on a staff level they do. I know we've been talking about it but I don't know if elected officials –

BOARD MEMBER BOKUM: I didn't mean elected officials; I mean the design-build contract.

MR. CARPENTER: That's a good suggestion too and I'll make sure that those parties are informed.

BOARD MEMBER BOKUM: For those of us who were around for it, we're thrilled.

CHAIR CALVERT: Yes, Councilor Bushee.

COUNCILOR BUSHEE: I just wanted to thank you, Rick, particularly, for your leadership. I know you came back to the City for that project and it was impressive when I got to tour it with some of the folks from the Office of the State Engineer, back a year or so ago, I guess. It's a pretty impressive facility and I think that was yeoman's work to see that through, all of the various processes that were involved.

MR. CARPENTER: Thank you, Councilor.

CHAIR CALVERT: Thanks again, Rick.

## DISCUSSION AND ACTION ITEMS

11. **Request for approval of Budget Adjustment Requests to address professional services and supplies not included in the approved BDD O&M Budget for FY 2012/2013. These funds will be transferred from "Landfill Tipping Fees" for the amount of \$404,000.00**

MS. SCHWENDER: Chairman Calvert, members of the Board, I would like to give you a brief introduction on why we're asking for this budget adjustment. During our negotiations and discussions during the budget development for fiscal year 13/14 our partners have requested for our BDD staff to review what type of projects we could address under the current budget that we originally had not included in the budget development for budget fiscal year 12/13.

We carefully reviewed projects that would be within the realm financially and time-wise to accomplish under this budget and we have identified several professional services that we would like to take advantage of in the purchase of various supplies. As it is well known about partners and the Board, the modeling utilized to determine funds requested in the budget development were not necessarily accurate and so during the first couple of years of operation in budget development we had certain areas that were overstated, like landfill fees for solids disposal. So we feel confident that based on the spendings and the time of the year that we could move some of those funds into other line items and still would cover the operation of the BDD.

And we would like to ask you to approve the following transfers and we could proceed therefore in recruiting those services.

CHAIR CALVERT: Okay. Any questions from the Board? Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I noted you touched on the transfer of the landfill tipping fees. So the transfer will be for the amount of the \$404,000?

MS. SCHWENDER: Chairman Calvert, Commissioner Chavez, that is correct. The funds calculated for solids disposal included landfill tipping fees and we generated that number based on a model, but we are only based on the past year, utilizing a fraction of that amount. So we feel safe to transfer \$404,000 out of landfill tipping fee line item.

COMMISSIONER CHAVEZ: Okay. So it's based on the assumption that if the numbers change through the course of the year will the budget be adjusted accordingly?

MS. SCHWENDER: The way we evaluated that it would be safe to transfer \$404,000 out of the current existing budget is we evaluated the amount of solids we have experienced and the amount of solids we already disposed of in the time since July of this fiscal year, and then applied the model, but adjusted for what we have actually experienced in the last year.

COMMISSIONER CHAVEZ: So it's more on actuals then in a sense.

MS. SCHWENDER: Yes. It's a hybrid between the modeling and the actual. But we wanted to make sure that we do have enough funds available in case we would experience, for example, heavy snowfall and therefore get a real heavy snowmelt



season as well. Weather is really unpredictable. We don't anticipate, unfortunately, to get that much snow, but on the other hand, for operations purposes we do need to be prepared for that.

COMMISSIONER CHAVEZ: Okay. Thank you, Mr. Chair.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR CALVERT: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: The \$197,000 for repair and maintenance system equipment – what would that include?

MS. SCHWENDER: The line items, the way I spelled them out right now are actually a summary of various services that we would be recruiting in those categories. For example, one item under that category would be the purchase and installation of isolation valves that would allow us to isolate certain ponds from the raw water basin, so we can perform maintenance in those ponds. So similar projects, parts for projects that we can already purchase now and then install in the next fiscal year would be included under that item.

COMMISSIONER HOLIAN: Thank you.

COMMISSIONER CHAVEZ: Follow-up.

CHAIR CALVERT: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: On Commissioner Holian's question, and not for this meeting but it may be more for my own background, but could you break down each of these? Put that in writing, the breakdown that you just described, an itemized list for each of these areas?

MS. SCHWENDER: We'd be happy to provide you with an itemized list for each of those areas.

COMMISSIONER CHAVEZ: It will help me in the future.

MS. SCHWENDER: Would you like us to provide that as a follow-up via email? Or would you really like to wait until the next Board meeting?

COMMISSIONER CHAVEZ: Either. Whatever. Either or both.

CHAIR CALVERT: Email I think would work. So what's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the budget adjustment.

BOARD MEMBER BOKUM: Second.

CHAIR CALVERT: Okay. Is there any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

## **12. Election of Chair and Vice-Chair of the Buckman Direct Diversion Board**

CHAIR CALVERT: Which brings us to the weighty issue of the election of chair and vice chair of the Buckman Direct Diversion Board. Nancy.

MS. LONG: Mr. Chair, members of the Board, this is an annual task that you all have and that is electing your chair and vice chair. Your rules of order for the Board provide that the chair and vice chair shall be from the two separate entities and that they shall rotate each year. So this last year we've had a City Councilor. Chairman Calvert has been the chair. So this year your chair must be from the County and the vice

chair would be from the opposite entity, the City. And I would recommend that your motion electing the chair and vice chair also include that the new officers will take up their duties at the next Board meeting so that the current chair may finish out the meeting.

CHAIR CALVERT: Okay. Member Bokum.

BOARD MEMBER BOKUM: Mr. Chair, I nominate Kathy Holian to be our next chair, in accordance with the rules of order that require that it be a County Commissioner.

CHAIR CALVERT: Okay. I'll second that nomination.

BOARD MEMBER BOKUM: And my motion includes the recommendation that we begin the next meeting in accordance with the suggestion.

CHAIR CALVERT: Okay. Is there any discussion?

COMMISSIONER HOLIAN: Mr. Chair.

COUNCILOR BUSHEE: Should we do the vice chair at the same time?

CHAIR CALVERT: Should we do it in one or two motions here?

MS. LONG: You may do it in one motion if you wish.

COMMISSIONER HOLIAN: Mr. Chair, I will accept the nomination but I would very much like, if possible, for Councilor Calvert to be the vice chair. I am chair of the Board of County Commissioners as well and I think I'm going to need extra help in this position, so it will be a great help to me if someone could be the vice chair who has experience with this Board.

BOARD MEMBER BOKUM: I will include that in my motion. If we're going to combine them I accept that as a friendly amendment.

CHAIR CALVERT: Likewise.

CHAIR CALVERT: Okay. So we have a motion for chair and vice chair for the next year. Any further discussion on this?

**The motion passed by unanimous [5-0] voice vote.**

### **MATTERS FROM THE PUBLIC**

CHAIR CALVERT: Is there anybody in the public wishing to address the Board? Please come down.

ELANA SUE ST. PIERRE: My name is Elana Sue St. Pierre. I'm spokesperson for Health Water Now ASAP. It's a network of healthcare advocates, child advocates that are looking for the health and safety of pregnant women and children. We have been coming to the Board meetings since 2006 and we're seeing new faces. Thank you all for being here and congratulations on the award. I know it's been a lot of hard work.

Healthy Water Now is one of the appellants for the restoration project and our concern is – some of you were not here last time that I spoke, is that in the information that we had been given there is a broad general statement that the contaminants that are found are background. And there are at least eight or nine measurements that are not background. And we are concerned that the testing and the information that is being provided to the public is minimized.

On the 14<sup>th</sup> – we're also concerned about worker safety and that there hasn't been enough sampling done. If you haven't seen our appeal we did provide it last month. So I

would really ask that you read this. We met with Sandy Hurlocker on the 14<sup>th</sup> of January and we talked about many, many different things, and during the conversation he asked – because one of the things that we are asking for is that there be signs, so that if there is going to be no cleanup, if it doesn't meet current statutes, that this is not hidden. And that as technology changes that the public are aware and that a pregnant woman and her family would be informed to go into the park area knowing what is there. I won't even say a risk because some people are saying it's not a risk. But to be informed.

I, as a parent, went in there in 2007, after spending a year on the board and hearing really a lot of alarm around the slough area where the contaminants were found three to four foot deep. And I went out very cavalier, thinking, oh, this is a safe area, with my son, who at the time was eight years old. He had waffle tennis shoes on, and we were hiking through there, and there were areas where there was scum of clay, the alluvial material that contaminants can stick to. And after we came up to the area where they were digging the hole where these contaminants were buried I suddenly had the realization that, oh, my God, I've taken my son to an area where there's nuclear waste, and I literally backed out and woke up.

And as we were going out I was having all sorts of wonderings, what have I brought my son into? And when we got back to town we had the privilege of having a Geiger counter, and I did my shoes and they were fine. Did some other people's shoes, and when we got to my son's shoes, the Geiger counter started screaming like crazy, and I felt really, really nauseated, and I threw the shoes away.

Now I wish today that I had the ability to test those shoes and find out what was really there. But this is where my concern came from. I work with pregnant women and children that don't have Geiger counters, and I know, today, new testing equipment is being established that can re-evaluate every test that's been done, and there might be something new found. And this Board has the ethical and moral responsibility to keep this information public and on top and in front. And so does every forest ranger, every Department of Energy person. And this is why I'm coming to you.

Sandy Hurlocker asked that we would create a sign. At first I said no, and I went back and I talked to people in Health Water Now and they said we're being asked to help. If not us, who? So we created a letter. It's created with the intention of respecting the statutes that are currently here, and respecting that all statutes change. Smoking standards change. Seatbelt laws change. Arsenic levels change. You used to be able to make green lumber in water and they found that you can't do that anymore. The contaminants that are lying within the eight-acre area have not been adequately tested. We met with a health physicist. He agreed that more testing – that when we showed him the map he couldn't say where it began and where it ended. And until we know where it begins and where it ends the job isn't done.

So this is part of our appeal, and I've brought you the letter that we have, and thank you for your time. *[Exhibit 3]*

The other area that I'd like to talk about briefly is this money that has turned up. Wow, when did money turn up? We the public, Health Water Now, would like some of that money allocated for testing the sediment ponds where it's accumulating, it's being emptied, it's accumulating, to make sure that those sediments, that the levels are not changing, that there isn't a concentration happening there. We would also like more frequent real-time testing of what's coming through, including the radioactive testing.

We'd also like to see an upgrading of the early warning system because the eight-acre area immediately around the BDD is not included in that early warning system so we would like to see funds allocated for that. Thank you very much.

CHAIR CALVERT: Thank you. Is there anybody else who would like to address the Board? Please come down.

JONI ARENDS: Good afternoon. My name is Joni Arends. I'm with Concerned Citizens for Nuclear Safety. I sent you a copy of the appeals from Healthy Water Now, from the multiple chemical sensitivity task force, from Basia Miller and from CCNS this morning, [Exhibit 4] and I also sent a link to the *Green Fire Times* article, and I brought some copies. [Exhibit 5] It was written by Basia Miller right here and I would like to pass those out. And we are one of the appellants in this, in issues we have been talking to the forest service about since the Buckman was first proposed through the National Environmental Policy Act process in 2002. We've recently written a letter to Secretary Martin with the Environment Department, citing sections of the consent order that would be applicable to contamination found off-site and the need for investigation of the area with the latest technologies for determining the levels of the radionuclides in the area.

So I believe this is on page 35 of the *Green Fire Times*.

CHAIR CALVERT: Okay. Is there anybody else to address the Board? Please come down.

MICHAEL AUNE: My name is Michael Aune. I've been here before you many times and I'm asking you to consider doing a joint resolution between the City Council and the County Commission and it's because of all the destructive floods that have occurred previously after the Las Conchas fire – Dixon orchard, Bandelier, Santa Clara Canyon. And I'm asking what the cost would be to rebuild, repair, restore the San Juan/Chama project in today's dollars if a similar flood or fire damage occurs in that area. [Exhibit 6]

And my review of the situation was kind of verified this past Thursday, a week ago today when I testified after the State Engineer's Office, before the New Mexico Senate Finance Committee. After I provided that testimony Director Lopez of the Interstate Stream Commission basically verified the accuracy of the statements I provided, the documentation I provided, that there is a potential risk for the San Juan/Chama project, and to his knowledge and the State Engineer's knowledge no one has actually addressed that or plans to address that. And that is in testimony before the Senate Finance Committee.

And I just want to read the gist of it into the record so the public knows what this says. It's a joint resolution requesting that the United States Bureau of Reclamation provide the City of Santa Fe and Santa Fe County with a full and detailed report of the operational conditions and status of all tunnels, diversions, pumping mechanisms, storage facilities and related infrastructure associated with the San Juan/Chama project, requesting the United States Bureau of Reclamation to establish and implement proactive best-management practices to maintain and preserve the infrastructure of the San Juan/Chama project in southern Colorado prior to any potential forest fire and resultant debris flow and flooding, requesting the United States Forest Service to establish and implement best-management practices to minimize watershed damage in all areas where

the citizens of Santa Fe and Santa Fe County depend on the life-sustaining element of water that originates within the National Forest.

All the whereases cite studies by groups such as the Bureau of Reclamation, the US Geological Survey – I don't need to read any of those things, your own City Hydrologist report for the City of Santa Fe, so I'm not going to talk about those. But I'm just asking you to please consider this. There is similar legislation; it's a memorial that's being introduced in the House of Representatives that's basically asking our United States congressional delegation to do the same kind of stuff. They're going to go to Washington, DC and you can imagine the bureaucratic process that's going to involve, to get the United States Forest Service, the Department of Agriculture, the Bureau of Reclamation and the United State Department of the Interior, then come back to New Mexico. And what I'm asking you to do is to take some steps now as a joint resolution, just asking them to provide you this information. Because I don't think anybody has it at the present time. Thank you.

CHAIR CALVERT: Thank you. Okay. Is there anybody else to address the Board?

### **MATTERS FROM THE BOARD**

CHAIR CALVERT: Are there any matters from the Board?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR CALVERT: Yes.

COMMISSIONER HOLIAN: Last time we had an update from Rick Carpenter about precipitation predictions and water resources, specifically the San Juan/Chama water resource, and he mentioned at the time that there was going to be a meeting in Albuquerque. I think it was in mid-January about this topic. And I just wondered if you have an update on what happened at that meeting.

MR. CARPENTER: Commissioner, that's correct. There was a meeting in Albuquerque. At that meeting at that time they basically reiterated that the flows, the deliveries from that project would be about 80 percent of normal, a 20 percent reduction. We went over some of the numbers that went into that calculation and talked about what some of the processes might be for allocating those flows or maybe saving some of them for next year should next year be as dry or drier, and also what some of the shortage sharing processes might be. Nothing was really resolved; it was more getting questions on the table than answers.

To get answers a second meeting has been scheduled which is for March 18<sup>th</sup>, so we will be attending that as well and we'll be happy to report back to the Board. I would also offer though that since that meeting that was in Albuquerque that watershed has received a couple or really big snowstorms. There's nothing formal that's come out of the Bureau of Reclamation but informally their modelers are starting to suggest that that 80 percent may not be quite so bad. It may actually be more close to the 100 percent allocation.

But the system as a whole is so stressed that if we don't get snow, precipitation and/or monsoonal activity that's well above normal, next year may likely be as challenging as this year.

COMMISSIONER HOLIAN: Thank you, Rick.

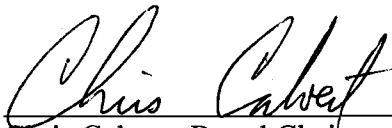
CHAIR CALVERT: Anybody else on the Board?

**NEXT MEETING: Thursday, March 7, 2013**

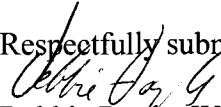
**ADJOURNMENT**

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

Approved by:

  
Chris Calvert, Board Chair


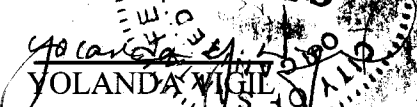
Respectfully submitted:

  
Debbie Doyle, Wordswork

**FILED BY:**

GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

ATTEST TO:

  
  
YOLANDA VIGIL  
SANTA FE CITY CLERK



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BUCKMAN DIRECT DIV MIN  
PAGES: 12

I Hereby Certify That This Instrument Was Filed for  
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Deputy \_\_\_\_\_ Witness By Hand And Seal Of Office  
Geraldine Salazar  
County Clerk, Santa Fe, NM

BDD-2/7/13  
SIGN-IN SHEET.



Gary Durrant	BDD
Todd Caplan	Geosystems Analysis Inc - BDD
Jennifer Sakshaug	Las Campanas
Gene Mroz	Las Campanas Water/Sewer Coop
P. GUERRERO RORTIZ	SFC UTILITIES
MICHAEL AYNE	VOTER + TAXPAYER
Rick Ulibarri	LANL
PETE MAGGIORE	NNSA - Los Alamos
Elaine Sue St Pierre	Healthy Water Now ASAP
JONI ARENDT	CCNS
Basia Miller	CCNS

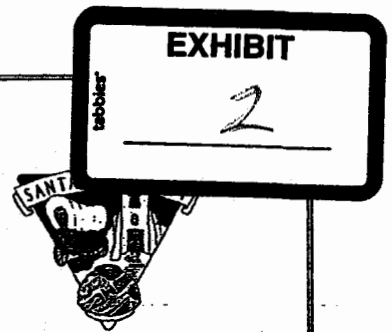


CITY CLERK'S OFFICE

DATE 1/30/13 TIME 3:55 PM

SERVED BY *Sharon of Lopez*

RECEIVED BY *[Signature]*



## AGENDA

The City of Santa Fe  
And  
Santa Fe County

**Buckman Direct Diversion Board Meeting**

**THURSDAY, FEBRUARY 7, 2013**

**4:00 PM**

**CITY HALL**

**CITY COUNCIL CHAMBERS**

**200 Lincoln**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE JANUARY 3, 2013 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF

### CONSENT AGENDA

7. Update and discussion of BDD operations. (Gary Durrant)
8. Request for approval of Contract Amendment No. 3 to the PSA between the Buckman Direct Diversion Board and Harwood Consulting, LLP for specialized legal, environmental and permitting services for the amount of \$25,000.00 plus \$2,046.87 (NMGRT @ 8.1875%) for a total amount of \$27,046.87. (Rick Carpenter)



### **INFORMATIONAL ITEMS**

9. Presentation and status update on collaborative efforts between the BDD Project and NM Wildlife Federation for habitat restoration near the BDD intake along the east bank of the Rio Grande. (Rick Carpenter and Todd Caplan)
10. BDD Project wins National Design-Build Honor Award. (Rick Carpenter and Erika Schwender)

### **DISCUSSION AND ACTION ITEMS**

11. Request for approval of Budget Adjustment Requests to address professional services and supplies not included in the approved BDD O&M Budget for FY 2012/2013. These funds will be transferred from "Landfill Tipping Fees" for the amount of \$404,000.00. (Erika Schwender)
12. Election of Chair and Vice-Chair of the Buckman Direct Diversion Board. (Nancy Long)

### **MATTERS FROM THE PUBLIC**

### **MATTERS FROM THE BOARD**

**NEXT MEETING: Thursday, March 7, 2013**

### **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.**

Healthy Water NOW ASAP :Addendum to Appeal  
1-20-2013

Trail-head/kiosk Public Information Draft (#2) for  
Rio Grande Corridor at Buckman Restoration and Recreation Enhancement Project

## Public Be Aware

The Rio Grande Corridor at Buckman Restoration and Recreation Enhancement Project is a collaborative project between the U.S. Forest Service, Bureau of Land Management, Buckman Direct Diversion Board, Santa Fe City and County Officials, New Mexico Wildlife Federation, Rio Grande Return and local environmental groups. This trail head map shows designated use areas, nature trails, boundaries and sampled test sites where nuclear bomb waste has been found.

### Read Below Carefully.

**Be Conscious** that the Buckman Direct Diversion (BDD) is a 220 million dollars facility that provides life giving water for the entire surrounding community. Be respectful of the importance all life this river supports down river.

**Be Conscious** that up river, 3 miles is Los Alamos National Laboratories (LANL). LANL continues its efforts with the Department of Energy (DOE) to restore and stabilize over 200 nuclear waste sites that drain into this area. Currently nuclear bomb waste from the 1940's found in this area has yet to be made a priority for remediation due to current statutes governing nuclear clean up by the Department of Energy. Health care advocates for pregnant women and children are concerned that current health and safety standards for nuclear waste exposure levels require frequent review based on updated human genome and epigenetic research. Further bio-remediation of these nuclear waste sites may be possible as these standards are upgraded and bio-remediation procedures expand. Aug 2008 test samples reported by New Mexico Environmental Department included finding Plutonium 238 at 3 times greater than background data set, Plutonium 239/240 at 8 times greater than BGUL and 30-50 times greater than LANL background data set, Cesium 137 at up to 3 times greater than BGUL references and 11-14 times greater than LANL background set, Uranium 234/235/238 at 2-3 times above background levels, Strontium 90 at 5 times the mean of LANL data set, Aluminum and Arsenic exceeding residential SSL, Manganese exceeding construction worker pathways limits. Results of specific testing of all site samples on this map can be found at [www.-----](http://www.-----) or on you phone appt-----.

**Be Conscious** that this map provides locations of test sites where nuclear bomb waste lies buried 3-10 foot deep. The nuclear waste was discovered in dry river bed clay deposits along the old over flow areas as indicated on the map and are clearly marked. Please do not dig or disrupt soil so that these nuclear wastes stay buried. Please report any holes dug by animals, large ant hills, or erosion patterns from off trail use to ph# ----- Pregnant women and families with children please be especially aware to stay within designated paths and access areas.

**Be Conscious** of the unique animal habitats and fragile river bank. Please stay on designated hiking paths to prevent disruption of this unique bio region. Use refuse containers provided.

**Be Conscious** that the Rio Grande River has served our ancestors and provided habitat for many species for centuries. Please protect this area for future generations to come. Report any concerns to [ph#-----](http://ph#-----) [www.-----](http://www.-----) -- Phoneapp [-----](http://-----)

Ms. Joni Arends  
Concerned Citizens for Nuclear Safety  
107 Cienega Street  
Santa Fe, NM 87501

11/26/12

Dear Ms. Arends,

Los Alamos National Lab is the oldest nuclear weapons production facility in the world. The plutonium triggers produced at the LANL are lethal on a global scale and the byproducts of these weapons pose a serious and ongoing threat to the health of our surrounding communities and environment. LANL also employs thousands and has many civil programs aimed at developing technologies for the betterment of the environment and humanity, but it is without question that the research, development and production of nuclear triggers at LANL represent an ongoing health risk to the communities and the environment in Northern New Mexico and beyond. We rely on organizations such as CCNS, Amigos Bravos and The Los Alamos Study Group for the oversight and the leadership they provide towards environmental protection and environmental justice.

We represent organizations and individuals committed to preserving, protecting and restoring the native ecosystems in Northern New Mexico. It is our hope that you share our vision and commitment as well. We should all be working together to ensure that our public lands--especially our rivers and forests--are healthy and accessible for future generations.

We have reviewed the Environmental Assessment for the cleanup, riparian restoration and recreational amenities at Buckman and Diablo Canyon. We understand the concerns raised by CCNS and yet we are confident that the U.S. Forest Service and the BLM have a sound understanding of the situation and that the actions articulated in the Environmental Assessment are needed to protect and enhance these environmentally significant areas. We also are confident that all of the actions approved by the USFS and BLM in the Buckman/Diablo Canyon Environmental Assessment will benefit the environment and local communities without putting anyone working or recreating in the areas at risk. In essence this project is simply designed to improve the health of the environment overall and improve habitat for native wildlife without disturbing the buried legacy contaminants.

It is your right to appeal the decision of the USFS and BLM with regard to the Environmental Assessment. However, the undersigned organizations and individuals support the Decision Notice and Finding of No Significant Impact by the USFS and BLM for the Rio Grande Corridor at Buckman Restoration and Recreation Project, and we would **not** support an appeal. This EA represents more than six years of careful planning, public outreach and coordination and we would like to see this project move forward toward implementation as soon as possible.

Sincerely,

**Rio Grande Return**

| Alan Hamilton, President

**New Mexico Wildlife Federation**

Jeremy Vesbach, Executive Director

**National Wildlife Federation**

John Gale, Regional Representative

**Wild Earth Guardians**

John Horning, Executive Director

**Sierra Club, Northern New Mexico Group**

Norma McCallen, Chair

**Audubon New Mexico**

Karyn Stockdale, Executive Director

**Trust For Public Land**

Greg Hiner, Project Manager

**Trout Unlimited**

Garrett O. VeneKlasen, Public Lands Coordinator NM

**Rio Grande Restoration**

Steve Harris, Executive Director

**Rocky Mountain Youth Corps**

Carl Colonius, Executive Director

**New Mexico Land Conservancy**  
Scott Wilber, Executive Director

**Santa Fe Conservation Trust**  
Charlie O'Leary, Executive Director

**New Mexico Sportsmen**  
Oscar Simpson, Chair

**River Source**  
Richard Schrader, Executive Director

**Key Stone Restoration**  
Steve Vrooman, President

**Ecotone**  
Jan-Willem Jansens, Owner

**Los Alamos Study Group**  
Greg Mello, Executive Director

**Thaw Charitable Trust**  
Sherry Thompson, Executive Director

**David Coss**  
Mayor of Santa Fe

**Rosemary Romero**  
Former City of Santa Fe Counselor

**Jack Sullivan**

Former County of Santa Fe Commissioner

**Denise Fort**

Professor of Law, UNM Law School

**Adrian Oglesby**

Natural Resource Legal Consultant Ltd

**William deBuys**

Conservationist/Writer

\*\* A full copy of the Green Fire Times is available in the BDDb minutes file of  
February 7, 2013 in the City Clerk's Office\*\*

# GREEN FIRE TIMES

NEWS & VIEWS FROM THE SUSTAINABLE SOUTHWEST



HEALTHY LIVING  
AND THE HEALING ARTS



TO: Buckman Board- City of Santa Fe Council Members, Santa Fe County Commis  
FROM: Michael Aune  
DATE: February 7, 2013 *Michael Aune*

Destructive floods occurred at Dixon Orchard, Bandelier National Monument, and Santa Clara Canyon after the Los Conchas fire. What has happened before can happen again.

**WHAT WOULD THE COST BE TO REBUILD/REPAIR/RESTORE THE SAN JUAN-CHAMA PROJECT IN TODAY'S DOLLARS WHEN FIRE/FLOOD DAMAGE OCCURS?**

I drafted the core content of the following last December at the request of a member of the NM House of Representatives and a variation is being considered now as a Joint Memorial. I request your serious consideration of this action on YOUR part on behalf of the citizens of the City of Santa Fe and Santa Fe County to protect our water sources, including obtaining factual data from the U.S. Bureau of Reclamation. Do you truly KNOW the condition of the San Juan-Chama Project? Do you truly know of ANY safeguards to protect the infrastructure from damage? If it becomes inoperable, where will our water come from? You have a responsibility to anticipate "worst case scenarios".

**A JOINT RESOLUTION**

REQUESTING THAT THE UNITED STATES BUREAU OF RECLAMATION PROVIDE THE CITY OF SANTA FE AND SANTA FE COUNTY WITH A FULL AND DETAILED REPORT OF THE OPERATIONAL CONDITION AND STATUS OF ALL TUNNELS, DIVERSIONS, PUMPING MECHANISMS, STORAGE FACILITIES AND RELATED INFRASTRUCTURE ASSOCIATED WITH THE SAN JUAN-CHAMA PROJECT; REQUESTING THE UNITED STATES BUREAU OF RECLAMATION TO ESTABLISH AND IMPLEMENT PROACTIVE BEST MANAGEMENT PRACTICES TO MAINTAIN AND PRESERVE THE INFRASTRUCTURE OF THE SAN JUAN-CHAMA PROJECT IN SOUTHERN COLORADO PRIOR TO ANY POTENTIAL FOREST FIRE AND RESULTANT DEBRIS FLOW AND FLOODING; REQUESTING THE UNITED STATES FOREST SERVICE TO ESTABLISH AND IMPLEMENT BEST MANAGEMENT PRACTICES TO MINIMIZE WATERSHED DAMAGE IN ALL AREAS WHERE THE CITIZENS OF SANTA FE AND SANTA FE COUNTY DEPEND UPON THE LIFE-SUSTAINING ELEMENT OF WATER THAT ORIGINATES WITHIN THE NATIONAL FORESTS.

WHEREAS, the San Juan-Chama Project provides water for domestic and agricultural use for a majority portion of the population within central New Mexico, including contractual allocations to the City of Santa Fe and Santa Fe County; and

WHEREAS, the U.S. Bureau of Reclamation began notifying San Juan-Chama water users in December, 2012, that they could see a 20% reduction in water due to depleted reserves, that is, Heron Lake and reduced flows in the Rio Blanco, Navajo, and Little Navajo rivers in southern Colorado; and

WHEREAS, the U.S. Forest Service (Future of America's Forests and Rangelands) and the U.S. Geological Survey (Impacts of Climate Change on Biodiversity, Ecosystems...) issued reports that



addressed the likelihood of increased size and frequencies of wildfire, decreased water yield, decreased precipitation and higher temperatures; and

WHEREAS, the United States Bureau of Reclamation, in conjunction with the City of Santa Fe Hydrologist, issued a joint report in November, 2012, that acknowledged experts agree on profound negative impacts including higher temperatures, less water flow from reduced snowpack, and more fires with probable flooding; and

WHEREAS, continued drought and reduced winter snow-pack means reduced flows through the San Juan-Chama Project and within the watersheds originating in National Forests throughout New Mexico, with a resultant increased risk of forest fire danger in those Colorado and New Mexico watersheds as more trees die; and

WHEREAS, probable ash and mud flows with debris after forest fires will damage and obstruct a) the series of tunnels and diversions that make up the San Juan-Chama Project, b) surface watersheds on which Cities and Counties depend, and c) acequias and other irrigation systems on which agriculture depends, such as happened in the recent flood damage at Dixon Orchard, Bandelier National Monument, and Santa Clara Canyon after the Los Conchas fire; and

WHEREAS, the New Mexico Office of the State Engineer, Bureau of Water Use and Conservation, reported that surveys of water storage reservoirs throughout New Mexico, including Santa Rosa Lake, Sumner Lake, Heron Lake, and Elephant Butte, show that water levels are significantly low; and

WHEREAS, the food-producing agricultural industry within New Mexico is at potential risk due to such stark conditions, therefore potentially further damaging the City and the County's economy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA FE AND THE COUNTY COMMISSION OF SANTA FE COUNTY that the United States Bureau of Reclamation and the United States Forest Service are requested to establish and implement proactive best management practices to maintain and preserve the infrastructure of the San Juan-Chama Project in southern Colorado and the headwaters of all New Mexico watersheds prior to any potential forest fire and resultant debris flow and flooding, to include consideration of a reduction of fuels to minimize intensity of fires, establishment of retention basins above-stream of the diversions and tunnels to catch ash/mud/debris flows, and to plant meadows/grasses to encourage rapid regeneration after fires, hold the soil, and encourage low-intensity ground-level fires, and that reports of that action be made back to the City of Santa Fe and Santa Fe County; and the United States Bureau of Reclamation provide the City of Santa Fe and Santa Fe County with a full and detailed report of the operational condition and status of all tunnels, diversions, pumping mechanisms, storage facilities and related infrastructure associated with the San Juan-Chama Project.