

ALBUQUERQUE BERNALILLO COUNTY  
WATER UTILITY AUTHORITY

Wednesday, August 17, 2022, 5:03 p.m.

(Via Video Conference)

A P P E A R A N C E S

COUNCILOR KLARISSA PENA, Chair,

COMMISSIONER DEBBIE O'MALLEY, Vice Chair

COMMISSIONER STEVEN MICHAEL QUEZADA, Member

COUNCILOR TAMMY FIEBELKORN, Member

COUNCILOR TRUDY JONES, Member (Excused)

COMMISSIONER CHARLENE E. PYSKOTY, Member

TRUSTEE GILBERT BENAVIDES, Ex-Officio Member

MAYOR TIM KELLER, (Excused)

LAWRENCE RAEL, Alternate Member (Excused)

BEFORE: PAUL BACA PROFESSIONAL COURT REPORTERS  
500 4th Street, Northwest  
Albuquerque, New Mexico 87102

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TRANSCRIPT OF PROCEEDINGS

CHAIR PENA: Welcome everyone. I'd like to call this August 17, 2022, meeting of the Albuquerque Bernalillo County Water Utility Authority to order.

Councilor Jones is excused from tonight's meeting, as well as CAO Lawrence Rael. All other members are present this evening via video conference. So welcome everyone.

We are on Item Number 2, moment of silence, followed by the Pledge of Allegiance, led by Commissioner Quezada.

(Whereupon, there was a moment of silence.)

(Whereupon, the Pledge of Allegiance was led by Commissioner Quezada.)

CHAIR BARBOA: Thank you, Commissioner. We are now on approval of the minutes. I make a motion to approve the June 29th, 2022, minutes. Is there a second?

VICE CHAIR O'MALLEY: Second.

CHAIR PENA: Second by Commissioner O'Malley.

Ms. Salas, will you please call the roll.

MS. SALAS: Councilor Fiebelkorn.

1 COUNCILOR FIEBELKORN: Yes.

2 MS. SALAS: Vice Chair O'Malley.

3 VICE CHAIR O'MALLEY: Yes.

4 MS. SALAS: Chair Pena.

5 CHAIR PENA: Yes.

6 MS. SALAS: Commissioner Pyskoty.

7 COMMISSIONER PYSKOTY: Yes.

8 MS. SALAS: Commissioner Quezada.

9 COMMISSIONER QUEZADA: Aye.

10 MS. SALAS: That passes unanimous.

11 (5-0 vote. Agenda Item 3 approved.)

12 CHAIR PENA: Thank you.

13 Now we are on proclamations and awards.

14 Under A, quarterly employee recognition awards. We  
15 have several, so I'll read them out. I don't know if  
16 anyone's watching via video conference, but I just  
17 want to congratulate you all for going above and  
18 beyond the call of duty. So I will start with the  
19 list.

20 We have Ms. Jessica Ortiz, Monique Ness,  
21 Jonathan Herrera will you receiving \$75 each.

22 Joshua Brown, Anthony Gabaldon, Arlo  
23 Gonzales, Senior, 250 each.

24 Then we have Martin Sanchez, Daniel  
25 Cerrillo, Ernest Unale, Darryl Pacheco, Carlos Sena,

1 Steven Gonzales, Francis Small, Phillip Trujillo,  
2 Gilbert Marin, Rudolph Madrid and Adrian Anaya, \$75  
3 each.

4 Marty Baca, 150 plus eight hours.

5 Hal Hardin, Christopher Gustafson and  
6 Edwin Berger, 150.

7 Charles Trujillo and Kelsey Bicknell,  
8 300 each, plus 800 -- I mean, eight hours each. Wow.

9 And then Jude Gurule, 150.

10 Anthony, \$75.

11 Ron Montano, Damien Luna and Cody  
12 Pickard, 150 each.

13 Joshua Towery, 75, plus eight hours.

14 Rudy Apodaca, Chris Garcia, Isidro  
15 Padilla, Jorge Trujillo, all 150.

16 And Michael Richardson, 200.

17 And then finally Alan Barney, \$75.

18 So, again, thank you on behalf of the  
19 Water Utility board of directors, the staff. Thanks  
20 for, you know, going above and beyond, again.

21 So with that, we will go on to public  
22 comment. And, Ms. Salas, do we have anyone signed up  
23 to speak this evening?

24 MS. SALAS: Yes. We have one.

25 CHAIR PENA: Will you please call the

1 speaker.

2 And you will have three minutes to  
3 speak, with a warning at two and a half minutes.

4 MS. HEBBARD: Thank you for allowing both  
5 oral and visual input from the public. Usually me,  
6 as you know.

7 So as a retired chemist and attorney and  
8 water planner, I have tried to provide for several  
9 years information and insights to the utility staff,  
10 TAC, TCAC and board members. And I notice that  
11 there's a TCAC vacancy, and I hope that that will be  
12 filled soon.

13 So I've submitted written comments to  
14 flesh out these remarks, the point of which is that  
15 we must do a lot more regarding conservation and  
16 climate change, both as a utility and as a region.

17 Today's news that the Colorado River  
18 users have been asked to cut out 15 percent of their  
19 uses applies to us because we also get Colorado River  
20 water. Not to mention that the Rio Grande is already  
21 stretched so far, it went dry in July for the first  
22 time in four decades.

23 Pumping groundwater has increased during  
24 these drought years. For the ABCWUA, the groundwater  
25 pumping for the first seven months of this year and

1 for the period of 2020 through 2022 has been higher  
2 than that for 2014 through 2019. That has resulted  
3 in higher depletions in the river flows at the same  
4 time as you have river flows already being less  
5 because of climate change.

6 We are approaching the third rail of the  
7 Rio Grande Compact, which happens when we have a  
8 debit of more than 200,000 acre feet, and which would  
9 lead to catastrophic consequences. At the end of  
10 last year, the debit was 127,000 acre feet. At the  
11 end of July, the state engineer reported that it was  
12 167,000, 40,000 more than at the end of last year.  
13 We cannot go to 200,000.

14 Current water demands exceed the legally  
15 available water supply in the Middle Rio Grande. We  
16 have to go on a diet. And so the current idea of  
17 conservation where we're going to get to 110 gallons  
18 per capita per day by 2037 requires already one unit,  
19 one gallon per capita per day unit, to be reduced  
20 from here till 2037 just to make the conservation  
21 program. That doesn't necessarily reduce enough out  
22 of our diet. I would say that we have to work as a  
23 region.

24 The MRCOG has looked into this One Water  
25 idea and will be talking about it again at their next

1 meeting. I think it has some merit. There's also  
2 the basin study, which is really going to start  
3 getting underway, which has -- will develop  
4 strategies to cope with climate changes. I would  
5 urge that the utility rejoin that.

6 We can't add more demands, we can't add  
7 more depletions. We've got to go on a diet. Thanks.

8 CHAIR PENA: Thank you, Ms. Hebbard.

9 Ms. Salas, do we have anyone else?

10 MS. SALAS: No.

11 CHAIR PENA: Thank you.

12 VICE CHAIR O'MALLEY: Madam Chair.

13 CHAIR PENA: Yes.

14 VICE CHAIR O'MALLEY: I hope that -- maybe  
15 we have someone other than -- and the director, as  
16 well, because I can't -- I can only see a couple of  
17 people on the screen -- but a response to  
18 Ms. Hebbard.

19 We're just getting one bad report after  
20 another. The news reports and then what's happened,  
21 as you said, to reduce consumption. And what -- you  
22 know, we don't have to have a long explanation, but I  
23 think it would be important for the public to know  
24 what we're going to -- you know, what -- do we have a  
25 big concern, and if so, how are we going to address

1 it?

2 CHAIR PENA: Thank you, Commissioner  
3 O'Malley.

4 Mr. Sanchez, before you start, I think  
5 she makes a tremendous, valid point, as does  
6 Ms. Hebbard. You know, I always appreciate the  
7 public comment. I think that, you know, the water  
8 utility and our staff and the employees there at the  
9 water authority are doing a bunch of great work.

10 So if you could, you know, give your  
11 comments, but maybe at a subsequent meeting, we could  
12 actually have a presentation about everything we're  
13 doing and striving to do in terms of water  
14 conservation, preservation and some other -- the  
15 reinjection projects that you have, as well. So,  
16 Mr. Sanchez.

17 MR. SANCHEZ: Madam Chair, actually, that  
18 was going to be my suggestion, that in September, we  
19 do a comprehensive update about what's going on with  
20 the Colorado, the drought situation, the conservation  
21 and planned projects. And I think that will give you  
22 a better and fuller picture of what's going on.  
23 Because that -- that takes a little bit of time.

24 CHAIR PENA: Thank you.

25 VICE CHAIR O'MALLEY: Thank you, Madam



1 Chair.

2 CHAIR PENA: Commissioner O'Malley, that's  
3 sufficient? Okay.

4 Okay. Thank you. I appreciate that,  
5 because I do agree, you know, we're always hearing  
6 these presentations that the water utility is doing,  
7 but maybe if we just do some kind of comprehensive  
8 public announcement about all the good work and what  
9 we're striving to do, we can, you know, make sure the  
10 public knows.

11 So anyway, with that, we'll move on to  
12 announcements and communications. Our next scheduled  
13 meeting will be September 21st, 2022, at 5:00 p.m.  
14 via video conference.

15 And then technical customer advisory  
16 committee vacancy. There's a vacancy on the  
17 technical customer advisory committee. If their  
18 board members have any nominations, please direct  
19 them to the online application on the water  
20 authority's website at [www.abcwua.org](http://www.abcwua.org).

21 And then, with that, we'll move on to  
22 introduction of legislation. There is none this  
23 evening, so we're on to the consent agenda.

24 So I'd like to make a motion to approve  
25 to consent agenda. We have on there three items.

1 One of them is R-22-22, authorizing the removal of  
2 certain uncollectible debt from Albuquerque  
3 Bernalillo County Water Utility Authority accounts  
4 receivable records FY 2018 and prior.

5 And then B, which is C-22-32, approval  
6 of two vendors for tire and tire services.

7 And then finally C, which is C-22-33,  
8 approval of fiscal year 2022 annual inventory  
9 certification.

10 There's a motion, and a second by  
11 Commissioner O'Malley.

12 Ms. Salas, will you please call the  
13 roll. Unless there's any questions. No. Would you  
14 please call the roll.

15 MS. SALAS: Councilor Fiebelkorn.

16 COUNCILOR FIEBELKORN: Yes.

17 MS. SALAS: Councilor Jones.

18 VICE CHAIR O'MALLEY: Yes.

19 MS. SALAS: Chair Pena.

20 CHAIR PENA: Yes.

21 MS. SALAS: Commissioner Pyskoty.

22 COMMISSIONER PYSKOTY: Yes.

23 MS. SALAS: Commissioner Quezada.

24 COMMISSIONER QUEZADA: Aye.

25 MS. SALAS: Passes unanimously. Thank you.

1 (5-0 vote. Agenda Item 8 approved.)

2 CHAIR PENA: Thank you, Ms. Salas.

3 So now we are on to the consent  
4 agenda -- I mean, on to approvals. We have A,  
5 R-22-23, approval of the fiscal 2022 unaudited fourth  
6 quarter financial report, year ending June 30th,  
7 2022.

8 And we have Mr. Stan Allred.

9 MR. ALLRED: I'll go through this quick. I  
10 know this is dry information, so I'll try to make it  
11 quick and painless.

12 Year to date operating revenues has been  
13 consistent with the last three fiscal years. FY18 is  
14 the last time we had a rate increase. It was also a  
15 very high consumption year. Consumption levels have  
16 dropped off dramatically since then.

17 And so we're staying pretty consistent  
18 with -- with revenue. And, again, could see a spike  
19 in that as we had a rate increase for this fiscal  
20 year '23 of 5 percent.

21 Next slide, please.

22 Operating expenses are staying pretty  
23 flat. The big green line on the top of each fiscal  
24 year is basically what we transfer to debt service  
25 and for capital. There's always a slight increase

1 every year for capital as we increase what we pay for  
2 cash, for capital.

3 And the decrease has been -- we are  
4 beginning to start paying off our debt service. And  
5 you will see a bigger shift in that in the next three  
6 years, as we pay off the San Juan debt for building  
7 the drinking water plant.

8 Next slide.

9 Operating expenses, this is just -- we  
10 just take off expenses and flesh it out over a year.  
11 And, again, we've been pretty consistent under what  
12 budget in June and -- June has been a little bit  
13 higher than July. We tend to use a lot more  
14 chemicals and power in the high water months, during  
15 those months.

16 Next slide, please.

17 Days cash on hand, again, we're about  
18 460 days cash on hand. Again, this is preaudit.  
19 There will be a debt service payment that went out  
20 July 1st, which will drop that balance down to some  
21 degree. But we're still, based on policy, staying  
22 about 420 days plus, based on the policy of the  
23 board.

24 Next slide, please.

25 Year-to-date capital expenses, we had a

1 big push in FY20 and FY21 for a lot of our capital.  
2 We're not really reducing what we spend for capital,  
3 we just didn't spend as much as what we wanted to in  
4 FY19 and 18, spent what we didn't spend in those  
5 fiscal years in 2021, and now we're back to normal in  
6 FY22 with what the board has appropriated for us to  
7 spend.

8 Next slide.

9 On the debt coverage ratio, so we're  
10 still at 1.6, 1.65. Our ratio, it needs to be at  
11 about 1.33. So from a debt coverage perspective, we  
12 are still sitting pretty good. With a rate increase,  
13 we will probably see an increase in our coverage  
14 levels, which is good, based on our covenants with  
15 our bond ordinance. And also, as debt service  
16 decreases, then we will see a shift upwards in this  
17 ratio, as well.

18 Next slide, please.

19 Water use production, pretty consistent  
20 with prior years. There's a spike in May on this  
21 chart. I just want to touch on it real quick.

22 We knew we were going to turn off the  
23 water treatment plant, so we took as much water as we  
24 could from the water plant, from the river, and  
25 stored it in our reservoirs. So we were able to fill

1 the reservoir so we would have a supply of water from  
2 the river that we wouldn't have to use by pumping  
3 from the aquifer. So that is a spike in May. That  
4 was taking extra river water when we could, storing  
5 it in our reservoirs and in using that in June to  
6 offset our depletions from the aquifer.

7 Next slide.

8 Water consumption, so water consumption  
9 stays fairly consistent. June was a very dry month  
10 as far as, you know, not as much precipitation. It  
11 was a little bit higher. Again, we have been well  
12 below the FY18 levels. And we're maintaining what we  
13 have in the last several years.

14 Next slide.

15 And precipitation, just a real quick  
16 picture of, again, the rain started picking up  
17 towards the end of June, but at the end of May and  
18 beginning of June, it was dry, and consumption levels  
19 went up a little bit. But we have used a lot less  
20 water than we have in the past. And we continue to  
21 reduce. The public continues to do its part in its  
22 reduction in water usage.

23 And that concludes my presentation, and  
24 I stand for any questions.

25 CHAIR PENA: Are there any questions?

1 Commissioner O'Malley.

2 VICE CHAIR O'MALLEY: Would you show that  
3 graph again about the use. It had the graph of the  
4 different use.

5 MR. ALLRED: So this is billed consumption.  
6 This is what we actually bill. This is the  
7 consumption our customers use. So this is based off  
8 of what we've actually charged customers, the  
9 consumption levels we charge customers for each year.  
10 The slide before that was what we actually produce  
11 from the ground or from the river.

12 VICE CHAIR O'MALLEY: Okay. And then if you  
13 want to just keep going with the slides.

14 MR. ALLRED: So this one will tell you what  
15 we pull from the wells, and from the -- the red  
16 lines, from the surface water plan, and the blue is  
17 the precipitation. And the little black line is  
18 nonpotable water, so that would be water that we  
19 probably pull off from north side reuse on the upper  
20 end. And we have turned on and started -- we haven't  
21 used it yet, but we're starting to make sure that we  
22 can, if we need to, the aquifer storage that we have  
23 here at surface water plant.

24 VICE CHAIR O'MALLEY: Okay. Thank you.

25 CHAIR PENA: Okay. Thank you, Commissioner.

1                   So with that, if there are no additional  
2       questions, I would -- did I make the motion already,  
3       Ms. Salas? I apologize. I make a motion for  
4       approval of R-22-23.

5                   VICE CHAIR O'MALLEY: Second.

6                   CHAIR PENA: Motion seconded by Commissioner  
7       O'Malley.

8                   Ms. Salas, could you please call the  
9       roll.

10                  MS. SALAS: Councilor Fiebelkorn.

11                  COUNCILOR FIEBELKORN: Yes.

12                  MS. SALAS: Vice Chair O'Malley.

13                  VICE CHAIR O'MALLEY: Yes.

14                  MS. SALAS: Chair Pena.

15                  CHAIR PENA: Yes.

16                  MS. SALAS: Commissioner Pyskoty.

17                  COMMISSIONER PYSKOTY: Yes. And I'd also  
18       like to say for that last vote for the consent  
19       agenda, I was over on the attendees side. But my  
20       vote was a yes. So if you could just make a note of  
21       that. Thank you.

22                  CHAIR PENA: Thank you. Thank you, we will.

23                  MS. SALAS: Yes, thank you. We'll record  
24       it. Thank you.

25                  Commissioner Quezada.



1 COMMISSIONER QUEZADA: Aye.

2 MS. SALAS: Passes unanimously.

3 (5-0 vote. Agenda Item 9.A approved.)

4 CHAIR PENA: Okay. Thank you. We're now on  
5 C-22-34, approval of the 2022 collective bargaining  
6 agreement between Local 3022 of the American  
7 Federation of State, County and Municipal Employees  
8 and the Albuquerque Bernalillo County Water Utility  
9 Authority.

10 Mr. Sanchez.

11 MR. SANCHEZ: Madam Chair, Members of the  
12 Utility, this contract is identical to the two  
13 previous contracts you've approved. It's a 5 percent  
14 increase for fiscal year '23, and a \$1,000 lump-sum  
15 payment. Following year will be 2 percent and a \$750  
16 lump-sum payment. And the third and final year will  
17 be a 2 percent and a \$500 lump-sum payment. That's a  
18 three-year agree with Local 3022, which is the  
19 management union.

20 I'd stand for any questions.

21 VICE CHAIR O'MALLEY: Madam Chair, I move  
22 approval.

23 CHAIR PENA: So there's a motion and a  
24 second for approval of R-22-34. So are there any  
25 other questions?

1 I just -- I'd like to say just  
2 congratulations on working out these contracts and  
3 operating with good faith with our employees. I  
4 think it's very encouraging, especially, you know,  
5 5 percent is -- obviously, we always want to strive  
6 for more, but I'm hearing from some of the employees  
7 that were really pleased to see that the  
8 administration worked with them really well during  
9 the negotiating process for all the different  
10 standards in terms of the management and the other  
11 additional employees.

12 I just would like to add, though, that  
13 you know, while we're giving the lump sum of 1,000,  
14 750 and 500, I know this is a three-year contract,  
15 but hopefully, you know, as time moves forward, we  
16 can look at just -- you know, in terms of percentage.  
17 Because the lump sums I did hear from some employees  
18 that it's -- you know, and I told them I don't get  
19 into negotiation. But the noncompounding, obviously  
20 we were part of the union, as well, when my husband  
21 worked for the City of Albuquerque, so, you know, the  
22 noncompounding affects employees, you know, long  
23 term. So just wanted to kind of mention that, as  
24 well.

25 But thank you. Thank you guys. I think

1 you did a great job on this.

2 So with that, Ms. Salas, can you please  
3 call the roll.

4 MS. SALAS: Councilor Fiebelkorn.

5 COUNCILOR FIEBELKORN: Yes.

6 MS. SALAS: Vice Chair O'Malley.

7 VICE CHAIR O'MALLEY: Yes.

8 MS. SALAS: Chair Pena.

9 CHAIR PENA: Yes.

10 MS. SALAS: Commissioner Pyskoty.

11 COMMISSIONER PYSKOTY: Yes.

12 MS. SALAS: Commissioner Quezada.

13 COMMISSIONER QUEZADA: Aye.

14 MS. SALAS: Passes unanimously. Thank you.

15 (5-0 vote. Agenda Item 9.B approved.)

16 CHAIR PENA: Thank you. So we are now on to  
17 other business. That was pretty quick. So we have  
18 OB-22-15, the drought update.

19 Mr. Bustos.

20 MR. KELLY: Madam Chair, Members of the  
21 Board, unfortunately, Carlos is not with us today.  
22 He's traveling. So you got me. I'm Mark Kelly. I'm  
23 the water resources division manager. I hope that I  
24 will do Carlos some justice for the monthly drought  
25 update.

1                   Next slide.

2                   CHAIR PENA: Thank you, Mr. Kelly. Well, he  
3 was out of town last time, and we told him that  
4 that's what caused the rain. So if he's still out of  
5 town and it's still raining, it's a good thing.

6                   MR. KELLY: Well, fingers crossed.

7                   As you can see, we've had a pretty high  
8 monsoon effect since our last board meeting in June.  
9 In June, we were in exceptional drought. And now,  
10 we've moved into severe drought for all of Bernalillo  
11 County. That change was due to some monsoon rains  
12 that we'll get into a little bit later.

13                   Our gallons per capita per day is  
14 holding steady at 127 gallons per person per day.  
15 But we're still at 113 percent of our annual  
16 operating plan in terms of groundwater pumping.

17                   Next slide.

18                   This is showing how our temperatures  
19 have been lately from the start of the year. The  
20 normal temperature band is showing brown, and the  
21 high is -- the records are in red. And the record  
22 lows are in blue. The first seven months of this  
23 year, we've had six record heat days, and, you know,  
24 in the last month or so, we've dropped into more of  
25 our normal temperatures, due to those monsoon rains.

1                   Next slide.

2                   This shows our accumulated  
3 precipitation, which is the green line, compared to  
4 the brown line of normal almost up to a normal level  
5 of precipitation. But as you can see, we got that  
6 really recently in late June and July with really big  
7 monsoon rains. You know, we got about an inch in  
8 July in two weeks. In June, we got two and a half  
9 inches for almost five inches in June. So it's  
10 looking like monsoon rains are stronger than we  
11 anticipated them to be this year. But we're still a  
12 little bit under I guess a normal amount of  
13 precipitation.

14                  Next slide.

15                  For river flows, you know, it was news  
16 that the Rio Grande went dry in late June. We had  
17 four days of no measurable flows at central. The  
18 blue lines are central flows in this year, and the  
19 green lines represents the flows at central last  
20 year. And then the red line on there is our  
21 threshold to use the water treatment plant. So we  
22 have had higher flows than that threshold, but  
23 they've come pretty recently.

24                  Looking forward to the seasonal outlook,  
25 it's showing that drought will remain, but will

1 improve, as we've seen in the last few months where  
2 things are getting a little better. But we are still  
3 predicted to be in drought and not have our drought  
4 status be removed.

5 Next slide.

6 So our actions during our drought watch  
7 stage that we're in are to continue with our Three  
8 Steps to Landscape Success classes, where customers  
9 can take online classes and get a \$20 rebate. We  
10 continue to double our water waste fees, and we're --  
11 we have extra personnel to do enforcement of water  
12 waste. We're increasing public outreach, focusing on  
13 xeriscaping. We are also reaching out to our top  
14 5 percent of residential users, as well.

15 Next slide.

16 So the xeriscape program has done really  
17 well this year. We're at about 575,000 square feet  
18 of turf removed. And that blows by where we were  
19 last year, with 272,000 square feet. So I think the  
20 customers are taking advantage of the xeriscape  
21 rebates and using them, and we should be seeing  
22 decreased demand due to that.

23 Next slide.

24 We're also reaching out to our top  
25 5 percent of the residential users. So we send them

1 a letter. We talk to them in the letter that --  
2 informing them that, hey, we are in a drought,  
3 talking to them about how their average monthly usage  
4 is much higher than comparable residences in their  
5 neighborhood, in their ZIP code. It encourages them  
6 to schedule a free irrigation consultation that we  
7 provide to help see if there are leaks, or also  
8 improve their irrigation practices. It's also a good  
9 way for us to talk to customers about all the rebate  
10 programs that we have that can help them save water.  
11 So far this year, we've done 225 of those  
12 consultations.

13 Next slide.

14 So we've had a really good effect from  
15 those letters and those consultations where we found  
16 that after sending the letters we've seen a 13  
17 percent reduction on average in each house. Some of  
18 the other -- some ZIP codes have much higher than  
19 that, but on average, it's been about 13 percent.  
20 And it's led to, this year, saving about 221 million  
21 gallons.

22 So I think it's been a really effective  
23 program. And it's taken staff that we have doing  
24 these consultations already and just added a little  
25 bit more of sending out letters. We've sent about

1 8,000 letters out. So very good results for not too,  
2 too much work on our part to do that.

3 And that's all I have for the drought  
4 update. Are there any questions that I can answer?

5 CHAIR PENA: Commissioner Quezada.

6 COMMISSIONER QUEZADA: Yeah, Mr. Kelly. I  
7 have a couple. You know, I've noticed that, you  
8 know, we're -- we're a swamp cooler kind of state.  
9 And I've never really seen, like, data on the effects  
10 of us running our swamp coolers 24/7. I can see from  
11 the top of my roof, you know, I can see all the air  
12 conditioners, and when I'm out at night, they're  
13 running all night. And I get it, because it's hot up  
14 here on the mesa. You know, what's the water use  
15 on -- on swamp coolers.

16 And is there incentives for people to go  
17 to refrigerated air? I know that refrigerated air  
18 becomes expensive on the electricity side, so I don't  
19 know if it's really a great thing for, you know, low  
20 income families, but I'd like to kind of see a  
21 comparison from, you know, one to the other than what  
22 kind of rebates we can do to conserve water.

23 I'm very -- you know, our speaker this  
24 evening talked about reducing to 15 percent, and  
25 according to your graph, we've already reduced 13



1 percent. So, I mean, we're already on track to that.  
2 And so I'm just kind of wondering what that is, what  
3 that looks like, and would that make a difference.

4 MR. KELLY: Madam Chair and Commissioner  
5 Quezada, the 13 percent is just for the folks that we  
6 sent those targeted letters to --

7 COMMISSIONER QUEZADA: Oh, okay.

8 MR. KELLY: -- so that's not everyone.  
9 That's just the people that we're targeting with  
10 those letters.

11 But in terms of swamp coolers, yeah,  
12 swamp coolers do utilize water through the  
13 evaporation process. And we don't have any --  
14 currently have any rebates to incentivize switching  
15 from swamp coolers. But I think one of the things  
16 that we can try and get people to do and incentivize  
17 is maintaining their swamp coolers and making sure  
18 that they're not leaking, you know, because that is  
19 where we're going to be losing a lot more water than  
20 just using it for cooling, is the people that, you  
21 know, have the -- you can see the streaks down their  
22 roof of where it's been leaking for a long time.

23 So I think we need to focus on the  
24 leaking swamp coolers and maybe getting to the  
25 conversions at some later date.

1           COMMISSIONER QUEZADA: Okay. I would just  
2 like to know how much water a day a swamp -- I guess  
3 maybe that's what I'm looking at.

4           MR. KELLY: I don't have that off the top of  
5 my head, but we can get that for you.

6           COMMISSIONER QUEZADA: Oh, yeah, at another  
7 time.

8                     And then so where are we at on watering  
9 trees?

10           MR. KELLY: Trees, we're still in the Water  
11 by the Numbers three days a week for outdoor  
12 watering. And we are encouraging people to keep  
13 their trees maintained and to water their trees. But  
14 we also have a tree rebate that we call a Tree-Bate  
15 that folks can use for any kind of tree health, tree  
16 maintenance, and they can get a rebate from us for  
17 that.

18           COMMISSIONER QUEZADA: So I learned from my  
19 neighbor about watering trees, and we've never had  
20 this discussion. And if public are listening, you  
21 know, I used to go out there and just blast it with  
22 water and think that I watered the tree. And my  
23 trees weren't doing that well. And I was sticking to  
24 the, you know, Water by the Numbers plan, and I was  
25 having difficulty.

1                   So what I learned from a neighbor is  
2     that you want to water outside where the roots are,  
3     and you want to water slow. He said low and slow, is  
4     what he said. And I said, "Well, see us people on  
5     the west side we drive our cars low and slow, so  
6     maybe we need to learn how to water low and slow."  
7     And so that you actually get the advantage of the  
8     water and that you're not blasting and it's just  
9     running off and just running down the street.

10                  And I know that you give classes and  
11     maybe I should have taken the class. So what I'm  
12     publicly saying here, that if you're trying to grow  
13     trees, because we need desperately, you know, I mean,  
14     because we're going to xeriscape the rest of it,  
15     we're going to need trees, so I'm just encouraging  
16     people to learn. Because you know, you think you  
17     know, and then you find out you don't know nothing,  
18     like me.

19                  And so I just wanted to publicly say  
20     that, in a I've learned a valuable lesson and low and  
21     slow and outside where the roots are. Because me and  
22     Carlos always had discussions about, you know, the  
23     watering and the watering process. And since he  
24     wasn't here, you had to fill in for him, and I  
25     appreciate it.

1           MR. KELLY: Yeah, and that's -- great tips,  
2   Commissioner Quezada. And you can tell where the  
3   roots are usually is where the canopy of the tree is,  
4   so if you look at where the branches reach out to,  
5   that's where the canopy is, and you do get the best  
6   most efficient watering at the edges there. Not  
7   just -- it's not that great to water at the trunk.

8           CHAIR PENA: Thank you.

9           Are there any additional questions?  
10   Well, with that, I just wanted to ask -- and I think,  
11   I'm not real sure, who gauges the water? I guess we  
12   gauge rainfall at the airport. Is that the only  
13   place where we gauge rainfall here in Albuquerque?

14          MR. KELLY: I think the airport is like the  
15   gold standard, but there are many other weather  
16   stations around town, Madam Chair.

17          CHAIR PENA: Okay. Just because I know that  
18   just a couple weeks ago, it rained here on the West  
19   side, and the news reported that there was no  
20   rainfall today, and yet we were drowning over here on  
21   the west side, so I just thought that was  
22   interesting. And I don't know if it's something that  
23   we should do to have additional sites where they  
24   measure water. Because it's kind of rainfall that  
25   doesn't get accounted for.

1           MR. KELLY: And, Madam Chair, we do have a  
2 program where customers can get rebates to get what  
3 we call smart controllers, where their sprinklers  
4 will be adjusted to rainfall that is hyper-local.  
5 And they can connect to weather stations that are not  
6 at the airport, that are in their neighborhood that,  
7 say, if it's raining only on the west side and you're  
8 on the west side with a smart controller, it will  
9 know and it will cut back on your watering to do  
10 that. And we do have a rebate for that, as well.

11           CHAIR PENA: Oh, awesome. So you learn  
12 something new every day.

13                    So thank you, Mr. Kelly. Appreciate the  
14 update.

15                    With that, we'll move on to -- does  
16 someone else have a question?

17           COUNCILOR FIEBELKORN: Sorry, Madam Chair.  
18 This is Councilor Fiebelkorn. I had a question, and  
19 I don't think you see my hand up for some reason.

20           CHAIR PENA: Sorry, I apologize for that. I  
21 didn't.

22           COUNCILOR FIEBELKORN: I don't think it's  
23 up, but it's up on my end. I'm sorry. So can I just  
24 jump in real quick?

25           CHAIR PENA: Sure.

1 COUNCILOR FIEBELKORN: I just wanted to  
2 follow up on Commissioner Quezada. You know, the new  
3 efficient evaporative coolers use about 2.5 gallons  
4 an hour, and that is actually less than it costs to  
5 create energy for an HVAC unit. And so I would just  
6 encourage us to -- you know, if people are  
7 comfortable in their homes with evaporative cooling,  
8 that is by far the best environmental answer.

9 However, with climate change and  
10 excessive days of 100-plus temperatures, evaporative  
11 coolers are not being as effective as they were for  
12 the rest of -- you know, 20 years I've lived here,  
13 they were great, and the last two years, it's been  
14 terrible.

15 There are incentives from PNM and  
16 through the Efficient Use of Energy Act that gives  
17 people incentives not to go to HVAC units, not air  
18 cooling unit, but to go to a heat pump which is much,  
19 much more efficient in terms of energy use. And  
20 those are available through PNM. So I just wanted to  
21 offer that information.

22 CHAIR PENA: Thank you, Councilor  
23 Fiebelkorn. Appreciate that.

24 With that, we will move on the OB-22-16,  
25 Southside Water Reclamation Plant Outfall Project.

1 And this was with Diane Agnew and former commissioner  
2 Maggie Hart Stebbins.

3 MS. AGNEW: We'll want to start with  
4 Maggie's slide, the beginning --

5 MS. HART STEBBINS: Sorry, I was waiting for  
6 some signal to begin.

7 So, Madam Chair, Members of the Board,  
8 Members of the Water Utility Authority staff, my name  
9 is Maggie Hart Stebbins. And I want to thank you for  
10 the invitation to be here with you tonight. It is --  
11 I have to say, being a member of the water authority  
12 was really one of the highlights of my time as a  
13 county commissioner. So it's great to be back, even  
14 if I'm on the side of the virtual dais.

15 I am here to talk to you about a  
16 potential -- a project that we are planning to do in  
17 partnership with the Water Utility Authority. And I  
18 think -- if it is okay with you, Madam Chair, what I  
19 usually do is start out by explaining what the Office  
20 of Natural Resources Trustee does, and then move to  
21 the specifics of the project, the Southside reuse  
22 project, if that's okay with you.

23 All right. Again, my name is Maggie  
24 Hart Stebbins. I about New Mexico's Natural  
25 Resources Trustee. And the Office of Natural

1 Resources Trustee was created because Congress and  
2 the New Mexico Legislature recognized that where  
3 natural resources are critical assets, valuable  
4 assets for the states in the country as a whole, you,  
5 as members of the water authority board, are aware  
6 that water quality and availability is really  
7 essential to everything we do, and that applies  
8 statewide.

9 New Mexico residents depend on natural  
10 resources for their livelihoods, health, recreation,  
11 culture, quality of life, or tourism industry and  
12 recreational industries, outdoor recreational  
13 industries, depend on our natural resources,  
14 unspoiled landscapes, clean water, forests and our  
15 other natural resources.

16 But at the same time, I think we  
17 recognize that the extractive industries,  
18 manufacturing and our national defense installations  
19 are important economic drivers in this state.

20 So next slide, please.

21 And I think as you know, unfortunately,  
22 accidents do happen, contaminants are released into  
23 New Mexico's environment. This photo, I'm sure  
24 you'll recognize, a photograph of the Animas River  
25 following the Gold King Mine spill that happened back



1 in 2015.

2 So my office has a very important role  
3 in responding when there is a release of hazardous  
4 substance or oil.

5 Next slide please.

6 So following a release, what happens  
7 next? Under both federal and state law, natural  
8 resource restoration is an essential component of our  
9 state's ability to hold polluters accountable when  
10 toxic substances have polluted our natural resources.  
11 And when I talk about resources, we talk about  
12 groundwater, surface water, drinking water, wildlife,  
13 fish, biota, which is the, you know, ecosystem of a  
14 particular area, aquatic or terrestrial habitat, soil  
15 or air.

16 Our laws require, first of all, a  
17 complete and timely cleanup to protect public health.  
18 And then secondly, the laws require the natural  
19 resources to be restored to the way they were  
20 precontamination. And that includes compensation for  
21 lost natural resources and the services they provide.  
22 And that can include cultural services that are  
23 provided by our natural resources.

24 Next slide, please.

25 So when there is a release of

1 contamination into the environment, two agencies  
2 respond. The New Mexico Environment Department  
3 responds. They are responsible for remediation. And  
4 that is, the cleanup to protect public health. And  
5 the Office of Natural Resource Trustee is responsible  
6 for restoration. So that -- so once the cleanup is  
7 completed or concurrent with the cleanup, we are  
8 responsible for returning natural resources to the  
9 precontamination condition. And when that's not  
10 possible, replacing or acquiring equivalent resources  
11 and ensuring that communities that have been affected  
12 by these releases are compensated for the loss of  
13 natural resources and the loss of use and the  
14 services they provide.

15 Next slide, please.

16 So following the release of some  
17 contaminant oil into the environment, ONRT follows a  
18 process that has been laid out by federal law under  
19 the Superfund act, also known as CERCLA, and the Oil  
20 Pollution Act. So we work with the environment  
21 department and the EPA to assess and measure the  
22 injury to natural resources. Then the next step, we  
23 identify who is responsible. The next step is to  
24 work with the responsible party to determine what the  
25 appropriate -- how much money it will take to fix the

1 problem, to restore the resources. We ask the  
2 responsible party for compensation that will allow us  
3 to do that.

4 The next step, so once we reach a  
5 settlement or in the rare instance where we have to  
6 go to court to sue for that compensation, we then  
7 work with communities that have been affected to ask,  
8 like, "What types of projects do you think will" --  
9 "are best suited for restoring the injured resource  
10 or compensating your community for the losses that  
11 you've sustained."

12 So we develop a restoration plan, and  
13 then use the money to contract with either local  
14 governments or private entities to restore the  
15 natural resources.

16 Next slide.

17 Since ONRT was created by the  
18 legislature in 2000, it has recovered more than  
19 \$43 million for the State of New Mexico. There is a  
20 list here that shows all of the different settlements  
21 that have happened during that time. If you look at  
22 the first three bullets, Gold King Mine spill, Fort  
23 Wingate Army Depot and the Fronk Oil cases. Just  
24 since the beginning of 2020, ONRT has recovered  
25 \$12.6 million for the state.

1           And then I have sort of highlighted in  
2       these red circles two settlements that are the reason  
3       why I'm here tonight.

4           So next slide, please.

5           This is a quick slide. I'm not going to  
6       spend a lot of time on it. But this shows our many  
7       diverse partners that we work with and project  
8       locations. So these are both cases where we have  
9       reached settlements, and also where we are in the  
10      process of doing an investigation that we hope will  
11      lead to a settlement. You see the Albuquerque  
12      Bernalillo County water authority is there.

13          Next slide, please.

14          This slide, very quickly, identifies  
15      some of the natural resource restoration projects  
16      that we have underway. We are working with the  
17      Village of Questa with some funding that was received  
18      through a settlement with the Chevron MolyCorp mine  
19      outside of Questa. So we've got \$3.5 million left of  
20      that money. We are investing in a drinking water  
21      well that will benefit the Village of Questa. We are  
22      paying for the extension of their sewer  
23      infrastructure to protect groundwater. And we have  
24      funded an aquatic habitat restoration project on the  
25      Red River through the Village of Questa. We are

1 working with the Town of Silver City.

2 And then on the right-hand side of the  
3 slide are four projects that we are funding with the  
4 \$1 million that we received from the mining  
5 defendants in the Gold King Mine case. So we reached  
6 that settlement in 2021. ONRT, it was a \$11 million  
7 settlement to the State of New Mexico, 1 million came  
8 to the Office of Natural Resources Trustee. So we  
9 have worked with the community to identify projects  
10 that the people who live there want us to fund.

11 Next slide, please.

12 Very quickly, so I had talked about  
13 settlements that have already been reached. This  
14 slide shows cases where we are currently doing an  
15 investigation, where we have -- the current cases we  
16 have already notified the responsible parties that we  
17 will bring a natural resource claim.

18 And then the second set of bullet are  
19 potential new cases. So you're probably familiar  
20 with the PFAS issue that is a problem nationwide. We  
21 anticipate that there will be a natural resource  
22 damage claim that we will have to pursue there. The  
23 Grants Mining District where uranium mining has been  
24 taking place over the last several decades, we  
25 anticipate we'll have additional cases there. And,

1 again, PFAS of the other military installations  
2 around the state. So our work is pretty much spread  
3 statewide.

4 Next slide, please.

5 And this slide gives you an idea of what  
6 our cases look like, what the complexity is in these  
7 natural resource injury cases that we pursue. So,  
8 you know, the work at Los Alamos over the last seven  
9 decades has resulted in contamination of groundwater,  
10 soil surface. And the contaminants are radiological  
11 substances, heavy metals, organic compounds. You  
12 know, if you just look at that slide, there's kind of  
13 every contaminant hazardous substance that has been  
14 identified by the EPA all at this one site.

15 We work with a number of co-trustees,  
16 the pueblos that surround Los Alamos, we have federal  
17 partners, the U.S. Forest Service, and actually, the  
18 department of energy is a co-trustee with us. They  
19 are also the responsible party, so we have a working  
20 relationship to try to bring this case to a  
21 conclusion.

22 Okay. Next slide.

23 Okay. And finally, the reason I'm here.  
24 Back the early 2000s, ONRT, the Office of Natural  
25 Resources Trustee, reached two natural resource

1 settlement at two Superfund sites in the South  
2 Valley. One was the ATSF site. The other was the  
3 South Valley Superfund site. These cases settled in  
4 the 2000s.

5 ONRT worked with affected communities in  
6 the South Valley and identified projects to be  
7 funded. Those went into a restoration plan. So all  
8 of those projects that had been identified in the mid  
9 2000s have been implemented and completed, and  
10 there's funding left over for groundwater restoration  
11 activities.

12 So when I joined this office in late  
13 2019, that was one of the things that I identified,  
14 that there was this money sitting in the ONRT bank  
15 account, and I began to reach out to potential  
16 partners to see what water quality projects existed  
17 in the South Valley.

18 One aspect when we receive settlement  
19 moneys, both federal and state law say that money can  
20 only be used for restoration. The legislature can't  
21 reappropriate it, you can't spend it on salaries. It  
22 has to be used for restoration.

23 So I reached out to as many partners as  
24 I could identify. And the Water Utility Authority  
25 really presented the best option for a partnership.

1 So this is where I turn it over to Diane.

2 MS. AGNEW: Thank you, Maggie.

3 So I'm going to go into more detail of  
4 what the project is. I have to say this is an  
5 exciting project for me for many reasons, one of them  
6 is getting to continue to work with Maggie and the  
7 Office of Natural Resources Trustee. But also, this  
8 project has a sweet spot of -- it's going to be done  
9 in a short enough time frame where we all can be out  
10 there for a ribbon-cutting ceremony and we can give  
11 you all a tour within the next two years.

12 And it's also tangible. So many of our  
13 projects are really critically important, but they  
14 take place underground. And so this is something we  
15 all can enjoy and has quite a bit of benefit to the  
16 community and species.

17 Next slide.

18 Just as some background, our treated  
19 effluent from our Southside Water Reclamation Plant,  
20 or wastewater treatment plant, is discharged into the  
21 Rio Grande. This water is treated, it's sampled,  
22 it's monitored and it's permitted. And then also,  
23 the Rio Grande, as we all know, is a heavily managed  
24 river system.

25 In the '60s, quite a bit of



1 infrastructure was built, including jetty jacks,  
2 which are what they sound like, giant jumping jacks  
3 made out of iron. And as a result of management  
4 infrastructure, and these jetty jacks in particular,  
5 there's been quite a bit of sediment accumulation  
6 along the Rio Grande, and if you stand out here, our  
7 effluent, you can kind of see it in this photo,  
8 you're always looking down into the river. So  
9 there's a pretty sharp embankment and then several  
10 feet, you can see the river water even during spring  
11 high flows. So there is not a floodplain environment  
12 in this stretch of the river any longer.

13 So there is a need for restoration, and  
14 we need to connect the floodplain. That floodplain  
15 is critical for all the Middle Rio Grande species, in  
16 particular, the Rio Grande silvery minnow. And we  
17 also need to improve the water quality in the river.  
18 The Rio Grande tends to be very high in sediment  
19 load. So there's a need to do a project to improve  
20 the water quality generally in the river to enhance  
21 the quality of life, but also help species  
22 propagation and downstream users of the water.

23 Next slide.

24 So through working with ONRT, we  
25 developed three primary objectives for this project.

1 First and foremost is improving water quality in the  
2 Rio Grande. Secondary to that is improve habitat for  
3 endangered species. Our focus on the species front  
4 is the Rio Grande silvery minnow. Here in the top  
5 right corner, that's a minnow we talk about quite a  
6 bit that is endangered, and it is very much reliant  
7 on floodplain habitats for population recovery.

8 But we also are going to be having a  
9 positive benefit on this cute little New Mexico  
10 meadow jumping mouse, here in the lower left corner.  
11 And then also we want to increase public access to  
12 the bosque around the outfall. This is a community  
13 that doesn't have as much access to the bosque. We  
14 have trail systems that are fairly broken up in the  
15 area. This project has the objective of connecting  
16 those trail systems and making it more accessible to  
17 the South Valley residents.

18 Next slide.

19 Here's a map of the project. This is  
20 south of Rio Bravo along the Rio Grande. So our  
21 actual treatment plant is on second south of Rio  
22 Bravo, and this is just due west of the treatment  
23 plant. And the colors on here, the reddish orange,  
24 those are actually existing restoration areas. So  
25 the Army Corps was out here previously. They've done

1 some restoration work. And our project is in the  
2 blue, so you can see our project is actually going to  
3 connect into those existing restoration areas. So  
4 through this project we'll be creating a continuous  
5 stretch of floodplain habitat that is much needed in  
6 this area, and then the yellow squiggly lines are the  
7 new trail systems that we'll be building to connect  
8 existing trails in the area.

9 Next slide.

10 And here's a schematic of the concept of  
11 the project. So like I said, if you go out there  
12 right now, it's like you're standing on the cliff  
13 looking into the river. So that means that no matter  
14 what the flows are in the Rio Grande, this area won't  
15 see that flooding that needs to happen in the spring  
16 for bosque health, but also no Rio Grande silvery  
17 minnow.

18 So we're going to go out into this  
19 project area and we're going to regrade the  
20 embankment on the Rio Grande. And so you can see in  
21 this graphic that now when we're done, we'll have a  
22 more gentle slope into the Rio Grande. This will be  
23 designed to flood under certain flow conditions. So  
24 we will identify what flow conditions are best for  
25 the Rio Grande silvery minnow and make sure that we

1 construct it in a way where it floods under those  
2 flow conditions.

3 There's another component of this, is  
4 that we know that the minnow needs floodplain to  
5 spawn. We also know the minnow needs floodplain to  
6 grow old enough so it can go out into the river and  
7 propagate. So we will be designing to be able to  
8 meet both of those needs for the minnow.

9 You'll also see on here that we have the  
10 rootwad revetments. This is a rehabilitation  
11 technology that's been used in other river systems,  
12 and it's literally dead trees that will be placed  
13 into the embankment of the river. And these things  
14 do a couple things for us.

15 One of them is a crisp bank  
16 stabilization, which means that there will be less  
17 prone to erosion over time. But then it also creates  
18 really great habitat for fish. So any of the fish  
19 species in the Rio Grande can use these rootwad  
20 revetments as a place for shelter, for spawning, for  
21 eggs and nursery. So it has a very positive benefit.

22 And then you can see in here the color  
23 coding. So the bluish color on here is our  
24 wastewater effluent. We know, based on the  
25 monitoring that we do in the river every spring, that

1 fish really like our effluent. There's some  
2 combination I think of the temperature of the water  
3 and the fact that this water comes out very clean.  
4 It has virtually no sedimentation in it. But we are  
5 building this project to take advantage of that  
6 water.

7 So you'll see in this graphic, that  
8 effluent is moving downstream, but it's also moving  
9 into the floodplain habitat, so that we'll be mixing  
10 our clean effluent in with the more sediment laden  
11 Rio Grande natural flows and creating an improved  
12 water quality, which is improved habitat and improved  
13 overall water quality in the river.

14 Next slide.

15 This project really is a collaborative  
16 project. We couldn't do it without our partners.  
17 The Office of Natural Resources Trustee is a critical  
18 partner, and we've been working with them from the  
19 very beginning. But also, this requires us to work  
20 very closely with our partner agencies, like  
21 reclamation and MRGCD, as well as working with the  
22 Fish & Wildlife Service and IAC and the Albuquerque  
23 open space. So we've been doing quite a bit of  
24 outreach with all these agencies, coordinating with  
25 them for site access.

1                   For example, Fish & Wildlife Service,  
2                   they've been really great. We've been meeting with  
3                   them. They, actually, were the ones that identified  
4                   that we were focused on the fish, but this project  
5                   will create the most continuous habitat for the  
6                   New Mexico meadow jumping mouse in the Middle  
7                   Rio Grande, something that they're really excited  
8                   about, because they think that continuous habitat  
9                   could actually do quite a bit for population  
10                  recovery.

11                  And then the IAC is doing restoration  
12                  projects in the Middle Rio Grande, so we're  
13                  coordinating with them so that we actually can make a  
14                  cohesive restoration of habitat in the Middle  
15                  Rio Grande benefiting community, species, and the  
16                  call of the Rio Grande River -- of the Rio Grande.

17                  Next slide.

18                  So our current status is we're in  
19                  project design. We just kicked off project design in  
20                  July of this year. And that means we're also  
21                  initiating permitting. So we have to go through  
22                  NEPA. We have to do Endangered Species Act  
23                  consultations.

24                  But we also are completing our funding  
25                  needs. The ONRT funding, as Maggie said, is 550,000

1 that we will be applying to construction. That left  
2 us with the need to get additional funding to cover  
3 permitting and project design, which we've been able  
4 to do through capital outlay funding. Thanks to many  
5 of our state legislators, we've completely covered  
6 that task.

7 So that we have roughly 3.1 million that  
8 we need to complete project construction to the full  
9 scale, full project build-out. And we just submitted  
10 on Monday of this week, an application know River  
11 Stewardship Program Grant. That a program through  
12 NMED. They received \$10 million in appropriations  
13 from the bipartisan infrastructure, so that's a great  
14 opportunity for us that we're excited about. We'll  
15 be also pursuing water trust board funding, and have  
16 continued our efforts with the state legislature. So  
17 we're close to being able to fully build out this  
18 project.

19 One thing that is really great is that  
20 this can be done in phases. So we're going full  
21 speed ahead with project design. We'll make as much  
22 progress as we can with construction and hope --  
23 we're also working pretty, I don't want to say  
24 aggressively, but pretty assertively to make sure we  
25 get the full funding in place so that we can all get

1 out there and enjoy it.

2 And, like I said, ongoing public  
3 outreach. We've been reaching out to the Pueblo of  
4 Isleta. Anyone who wants to take a tour, we're very  
5 happy to give a tour, or at least I am. I like going  
6 to the site and showing the project area and talking  
7 about what this is going to do for the Middle  
8 Rio Grande.

9 And we are aiming to have construction  
10 begin in late 2023.

11 Next slide.

12 And with that, Madam Chair, I'd stand  
13 for any questions.

14 CHAIR PENA: Thank you, Ms. Agnew and thank  
15 you, Ms. Stebbins for the presentations. We really  
16 appreciate it.

17 I don't know if there are any questions.

18 VICE CHAIR O'MALLEY: Madam Chair.

19 CHAIR PENA: Yes, Commissioner O'Malley.

20 VICE CHAIR O'MALLEY: Well, I'm really glad  
21 to hear that there's an effort to clean, to improve  
22 the quality of water in the river. I mean, it's a --  
23 we've been -- the river has been polluted. I don't  
24 know how you do that when there's so many different  
25 discharges. Like, Rio Rancho discharges their



1 effluent into the river. I mean, once in a while you  
2 see a dead cow floating by and stuff like that. I  
3 mean, I don't know how you do that.

4 But I'll tell you what, before all this  
5 industry and all this pollution came about, we used  
6 to have a lot of wildlife in the river. It would  
7 come through the acequias. You know, and I'm an  
8 irrigator and people run the acequias, and it looks  
9 pretty dead to me. Maybe there's something in there.  
10 I'm not sure. But at one time, I saw a snake.

11 But in the old days, there used to be  
12 tadpoles and all the turtles that came in. It was  
13 really wonderful, you know, to have this little piece  
14 of the natural world come into the urban center.  
15 Which is why many of us are so committed to making  
16 sure the acequias remain and that we preserve that  
17 and make sure that that happens for future  
18 generations. So I'm glad to see that. You know, it  
19 seems like a very tough thing to do.

20 And I was just reminded of all of the  
21 pollution that's occurred to the groundwater over the  
22 years and how it's affected our communities of color,  
23 in particular. Sawmill was one of them. We worked  
24 very hard to clean up the groundwater there, took a  
25 lot of resources. But now, of course, you know, it's

1 a redeveloped area.

2 But yeah, I was just remembering all of  
3 that and, you know, the hard work that has been done  
4 by communities to clean up, their efforts. And  
5 they're the ones that have brought attention to it  
6 and worked hard to get resources to it.

7 San Jose was another one that worked  
8 really hard. That was a serious, serious -- what was  
9 that called? It was one of the serious areas.  
10 Superfund site. You know, as a result of all the  
11 oils that were spilled and everything else.

12 But quite frankly, before we started to  
13 clean up the groundwater in Sawmill, some people were  
14 dying because of liver damage and things like that,  
15 so...

16 And this is good work. As much as you  
17 can engage communities and their efforts to help --  
18 help their own communities, right, and get the work  
19 done, that's great.

20 Thank you very much.

21 CHAIR PENA: Thank you, Commissioner  
22 O'Malley. I seen your hand raise Councilor  
23 Fiebelkorn, but it's not raised anymore. Did you  
24 have a question?

25 COUNCILOR FIEBELKORN: Yes, Madam Chair.

1 Thank you. Sorry for my technical problems tonight.

2 CHAIR PENA: That's okay.

3 COUNCILOR FIEBELKORN: I just wanted to say,  
4 I really love this project and very thankful that  
5 we're really considering how to support endangered  
6 species recovery. I just had a question. And it's  
7 really a basic question.

8 But we talked earlier about river flows  
9 being extremely low. Do we have enough river flow to  
10 actually flood this area and keep this area flooded  
11 long enough for silvery minnow to grow in that area.  
12 I just -- I want to make sure we've thought through  
13 these new conditions that we're in.

14 MS. AGNEW: Madam Chair, Councilor  
15 Fiebelkorn, yes. That is actually a key part of our  
16 analysis. One of the things that's been -- that's  
17 plagued restoration sites in the Middle Rio Grande is  
18 they've all gone with this 1500 cubic feet per second  
19 flood flow, which means that the river has to exceed  
20 1500 cfs for a month or more in order for it to  
21 benefit the species. And we just don't see those  
22 flows in this reach of the river that consistently.

23 So we participate in the Middle  
24 Rio Grande endangered species collaborative program,  
25 a very concise name, and as part of that, we've

1 learned quite a bit about the species. And one of  
2 the things we've learned is not only do they need the  
3 extra time in the floodplain to do the nursing part  
4 of their growth pattern, but they -- we know that we  
5 need to change how we've been designing these sites.  
6 And we know what kind of flows we've been seeing on  
7 average, and so all of that's going to be accounted  
8 for in the project design.

9 I don't have that number because we're  
10 going to model it and we're going to take a little  
11 bit of data from the Middle Rio Grande agencies that  
12 monitor for the Rio Grande silvery minnow to inform  
13 our design.

14 The other thing that we know from the  
15 study of the fish is we know that they spawn in April  
16 and late in May, and so we -- all of the information  
17 that we have in hand indicates that we will get flows  
18 that are -- we'll get spring flows that will be  
19 happening earlier, but we can account for that in  
20 this design, as well. So we'll be targeting the flow  
21 that we know -- we're fairly confident we can hit  
22 with the projected surface water conditions, and to  
23 be able to maintain a flooded habitat an inundated  
24 habitat for a sufficient time to support the species.

25 And that's really thanks to this

1 partnership with the Middle Rio Grande collaborative  
2 program. And then we'll be working directly with the  
3 Fish & Wildlife Service. They have an expert on the  
4 Rio Grande silvery minnow to make sure we hit it.

5 CHAIR PENA: Thank you, Councilor  
6 Fiebelkorn.

7 And I see Trustee Benavides with his  
8 hand up.

9 MR. BENAVIDES: Yeah, I think I may have had  
10 a similar question in regard to the trade-off between  
11 increasing our floodplain, and what does that mean  
12 for the water that makes it into our aquifer versus  
13 how much flows downstream.

14 And I recognize that this is just a  
15 small section of the river and it's probably not  
16 likely to make much difference, but is that something  
17 that's being considered?

18 MS. AGNEW: Madam Chair, we -- I'm sorry.  
19 Yeah, Mr. Benavides, so we don't -- we know that  
20 there's enough benefit that when the floodplains work  
21 as they would without a heavily engineered river,  
22 that there is a benefit to groundwater. And there's  
23 actually even a benefit to groundwater quality then  
24 those systems are connected.

25 This project doesn't have a goal, an

1 objective to change the groundwater quantity or that  
2 connectivity, though it is expected that as we  
3 improve water quality for surface water, that we'll  
4 see -- that we know inherently when this floodplain  
5 is operating properly, that groundwater will benefit.

6 MR. BENAVIDES: All right. Thank you.

7 CHAIR PENA: That answered your question?  
8 Okay. Thank you.

9 Are there any additional questions?

10 Commissioner Quezada, it looked like you  
11 wanted to say something.

12 COMMISSIONER QUEZADA: You know, I just  
13 reiterate the thankfulness for the project. And, you  
14 know, definitely something, you know, will benefit  
15 here in Bernalillo County. And we're extremely  
16 grateful for the work. We know it's not easy. And,  
17 you know, I know it's going to be part of the design  
18 in order for it to be successful, so, you know,  
19 that's why it's expensive and time consuming, to make  
20 sure the design is, you know, applicable. And so I'm  
21 just grateful.

22 And it looked really good. What a great  
23 presentation and, you know, we're really excited to  
24 see that moving forward. And if you need us to  
25 advocate for you next session, it would be my

1 pleasure to do that. Because I would like to see  
2 this be the first of many to come as we look up and  
3 down the Middle Rio Grande. Thank you.

4 CHAIR PENA: Thank you, Commissioner. I  
5 would agree with your comments in terms of, you know,  
6 whatever we can do, right?

7 And I really want to say that I  
8 appreciate Commissioner O'Malley's comments, you  
9 know, just, you know, as a person of color and part  
10 of the, you know, families of original settlers that  
11 were here, you know, and the Native American  
12 community that were here, that, you know, that  
13 predates all of us, is that one of the things that we  
14 always learned growing up is that we reused -- you  
15 know, we talk about, you know, sometimes as a  
16 community how now, you know, people talk about fresh  
17 vegetables and they talk about recycling, and  
18 communities of color were forced to do those things.

19 I mean, those are how we were raised.  
20 We recycled everything, we reused everything. You  
21 know, and knowing that as time has gone on, as  
22 Commissioner O'Malley stated, with industry coming in  
23 and seeing how it's impacted the Rio Grande and all  
24 those same memories that she has a child with a  
25 tadpoles and all -- you know, it's the same memories

1 that we had growing up. And I'm just really happy to  
2 see that we're putting an emphasis, especially in the  
3 South Valley, that's been most impacted. Obviously  
4 that's a Superfund site.

5 So I appreciate that work. I look  
6 forward to seeing more like that. And thank you all  
7 for being here this evening. And with that, we'll  
8 adjourn this meeting. Thank you. Have a good  
9 evening.

10 (Proceedings adjourned at  
11 6:17 p.m.)  
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1 AFFIRMATION OF COMPLETION OF TRANSCRIPT

2  
3 I, Kelli Gallegos, DO HEREBY AFFIRM that on  
4 August 17, 2022, the Albuquerque Bernalillo County  
5 Water Utility Authority meeting was taken before me  
6 via video conference at the request of the Albuquerque  
7 Bernalillo County Water Utility Authority.

8 I FURTHER AFFIRM that I did report in  
9 stenographic shorthand the proceedings as set forth  
10 herein, and the foregoing is a true and correct  
11 transcript of the proceedings to the best of my  
12 ability.

13 I FURTHER AFFIRM that I am neither employed  
14 by nor related to any of the parties in this matter  
15 and that I have no interest in the final disposition  
16 of this matter.

17 

18 Kelli Gallegos

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20 500 4th Street, NW - Suite 105  
21 Albuquerque, New Mexico 87102  
22  
23  
24  
25

**[& - adjourn]**

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[charlene - construction]

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[identify - known]

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[photograph - pyskoty]

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[seconded - stabilization]

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