



Mid-Region Council of Governments

WATER RESOURCES BOARD

Wednesday, February 5, 2020

10:00 a.m. - Noon

MRCOG Board Room, 809 Copper Ave. N.W., Albuquerque, NM 87102

Steve Glass, Chair

Donald Lopez, Vice Chair

AGENDA

Call to Order:

The presence of a quorum will be noted.

Approval of Agenda for February 5, 2020

Tab 1 **Approval of Action Summary of November 6, 2019**

COMMENTS AND REPORTS

Tab 2 **Public Comments** [ANYONE WHO WISHES TO ADDRESS THE WRB MUST REGISTER WITH THE SECRETARY OF THE BOARD]

Tab 3 **Board Questions and Comments**

ACTION ITEMS

Tab 4 **Election of Officers**

DISCUSSION AND INFORMATION ITEMS

Tab 5 **Legislative Update**

Tab 6 **Update from the Oil and Gas Technical Advisory Group**

Adjournment

NOTES

Next Meeting:

Wednesday, May 6, 2020

10:00 a.m. to Noon

MRCOG Board Room

Anyone requiring special accommodations must notify the MRCOG office (247-1750) at least seven days prior to the meeting.



Mid-Region Council of Governments

Middle Rio Grande Water Resources Board Wednesday, November 6, 2019 10:00 a.m. - 11:30 p.m.

MRCOG Board Room, 809 Copper Ave. N.W. Albuquerque, NM 87102

Steven Glass, Chair

Donald Lopez, Vice Chair

	ORGANIZATION	PRESENT	MEMBER	PRESENT	ALTERNATE
1	City of Belen		Dale Tafoya		Vacant
2	City of Moriarty	X	Art Swenka		Ted Hart
	Valencia County		Gabriel Luna		Danny Monette
3	AMAFCA	X	Bruce Thomson		Other board members Cynthia Borrego
4	Town of Bernalillo	X	Jack Torres, Mayor		Ida Fierro
5	Bernalillo County		Charlene Pyskoty, Commissioner	X	Dan McGregor Phillip Rust
	Village of Bosque Farms		Vacant		Wayne Ake, Mayor
6	Village of Corrales		Pat Clauser, Councilor		
	Village of Los Lunas		Vacant		Vacant
7	Village of Los Ranchos de Albuquerque		Donald Lopez, Mayor, Vice Chair	X	Mary Homan
	Middle Rio Grande Conservancy District		Joaquin Baca		Joseph Griego
8	City of Rio Rancho		Marian Wrage		Steve Gallegos Jim Chiasson
9	Sandoval County		F. Kenneth Eichwald, Commissioner	X	Makita Hill
10	SSCAFCA		James Fahey		Vacant
11	ABCWUA		Mark Sanchez	X	Diane Agnew Kathryn Yuhas
12	Town of Edgewood		Vacant		Sherry Abraham
	Torrance County		Belinda Garland		
13	Town of Estancia		Ronnie Reynolds		Sylvia Chavez
14	City of Albuquerque	X	Ken Ziegler		
15	Ciudad Soil & Water	X	Steve Glass, Chair		Vacant
16	Coronado Soil & Water	X	Lynn Montgomery		Kathleen Groody
17	Edgewood Soil & Water		Brenda Smythe		
18	ESCAFCA		Sal Reyes		
19	EMWT		Bobby Ortiz		Kay Brown

EX-OFFICIO MEMBERS					
	ORGANIZATION	PRESENT	MEMBER	PRESENT	ALTERNATE
	Middle Rio Grande Water Assembly	X	Bob Wessley		Elaine Hebard John Brown
ELIGIBLE VOTING GOVERNMENTS NOT REPRESENTED					
	ORGANIZATION	PRESENT	MEMBER	PRESENT	ALTERNATE
	Cochiti Pueblo		Vacant		Vacant
	Isleta Pueblo		Vacant		Vacant
	Sandia Pueblo		Vacant		Vacant
	San Felipe Pueblo		Vacant		Vacant
	Santa Ana Pueblo		Vacant		Vacant
	Santo Domingo Pueblo		Vacant		Vacant
	Village of Cuba		Vacant		Vacant
	Village of Jemez Springs		Vacant		Vacant
	Village of San Ysidro		Vacant		
	Village of Tijeras		Vacant		
MRCOG STAFF AND OTHERS ATTENDING					
	Sandy Gaiser, Barbara Thomas, Susan Small (Valencia Soins & Water)				

AGENDA

Call to Order

The November 6, 2019 meeting of the Mid-Region Water Resources Board (MRWRB) was called to order at 10:06 a.m. by Chair Steven Glass. A quorum was present.

Approval of the Agenda for November 6, 2019

Action Taken:

Chair Glass, Ciudad Soil and Water, made a motion to:

MOVE "PUBLIC COMMENTS" TO BE HEARD WITH TAB 8 (UPDATE FROM THE OIL AND GAS TECHNICAL ADVISORY GROUP)

The motion was seconded by Ken Ziegler, City of Albuquerque, and passed unanimously.

Action Taken:

Mr. Glass made a motion to:

APPROVE THE AGENDA FOR NOVEMBER 6, 2019 AS REVISED

The motion was seconded by Art Swenka, City of Moriarty, and passed unanimously.

Tab 1 Approval of Action Summaries of May 1, 2019 and August 7, 2019

Action Taken:

Mr. Glass made a motion to:

APPROVE THE ACTION SUMMARIES OF MAY 1, 2019 AND AUGUST 7, 2019

The motion was seconded by Mr. Ziegler and passed unanimously.

PUBLIC COMMENT AND REPORTS

Tab 2 Public Comments

This item was moved to Tab 8.

Tab 3 Board Questions and Comments

Lynn Montgomery, Coronado Soil and Water, commented in opposition to the issue of fracking in the Permian Basin noting that people, land and water are being neglected. Mr. Montgomery said it is his belief that New Mexico would survive without the oil industry.

ACTION ITEMS

Tab 4 Approval of 2020 WRB Meeting Schedule

Action Taken:

Mr. Swenka made a motion to:

APPROVE THE 2020 WATER RESOURCES BOARD MEETING SCHEDULE

The motion was seconded by Dan McGregor, Bernalillo County, and passed unanimously.

Tab 5 **Approval of Ken Ziegler and Charles Barber to the Technical Advisory Group**

Action Taken:

Bruce Thomson, AMAFCA, made a motion to:

TO APPROVE MR. ZIEGLER AND MR. BARBER AS MEMBERS OF THE OIL AND GAS TECHNICAL ADVISORY GROUP

The motion was seconded by Mr. Swenka and passed unanimously.

Tab 6 **Approval of 2020 Legislative Priorities**

Sandy Gaiser, MRCOG Regional Planning Manager, noted that the previously approved 2019 Legislative Priorities for Water Policy were included in the agenda packet. A discussion followed and several changes were agreed upon.

The Water Policies, as agreed upon, are as follows:

- Encourage coordination of regional water plans, including policies, projects and programs specified in water plans
- Support State funding to capitalize the Water Trust fund
- Establish and maintain an aquifer measurement and monitoring program
- Support statewide water conservation strategies
- Support Forest and Watershed Restoration programs

Action Taken:

Mr. McGregor made a motion to:

APPROVE THE LEGISLATIVE PRIORITIES FOR WATER POLICY AS AGREED UPON BY THOSE WRB MEMBERS PRESENT

The motion was seconded by Mr. Ziegler and passed unanimously.

The Water Policy Legislative Priorities will be sent to the MRCOG Board for their final approval of the complete MRCOG 2020 Legislative Priorities.

DISCUSSION AND INFORMATION ITEMS

Tab 7 **Presentation Regarding the Role of the MRCOG**

Ms. Gaiser explained the role of the Mid Region Council of Governments in the work of the Oil and Gas Technical Advisory Group. She noted that the MRCOG serves as a neutral party which facilitates the work and gives them a place at the Water Resources Board table to present their work and updates on the issue.

Ms. Gaiser said that each person who signed up to speak on the subject would have two minutes per person for their comments.

Tab 8 **Update from the Technical Advisory Group**

Dan McGregor (Bernalillo County) and Ken Ziegler (City of Albuquerque) explained what the Advisory group has done to date. Mr. Ziegler said that work is moving along and that they have completed the first section and the legal section.

The group, Mr. Ziegler said, meets every other Monday. Their work is available on the MRCOG website and, as well, comments can be made through the MRCOG website.

Mr. McGregor said that the MRCOG is a venue for public comment and that the Group is cataloging all comments received.

Mr. Ziegler noted that the process is expected to take two years.

Mr. Montgomery asked that Valencia Soil and Water and Cuba Soil and Water be added to the membership.

Chair Glass noted that the WRB has made clear that this process is open and transparent.

Public comments were heard at this point.

Elaine Cimino said that she had sent out a "call to action" because she believes the Advisory Group is disingenuous and her group would like to have their own experts involved. She believes that the process is not transparent.

Mark LeClaire had signed up to comment but had left the meeting prior to this time.

Mike Neas, Placitas resident, said that there is undue influence on public officials and that the document is misleading. Mr. Neas went on to note the flaws he sees in the document as it is currently.

Will Herrera, Governor of Laguna Pueblo, described the letter from the Pueblos to the MRCOG Board of Directors. He requested that Laguna Pueblo be represented on the TAG as well as on the Water Resources Board and the MRCOG Board of Directors.

Mr. McGregor thanked everyone for their comments and said that the TAG will address their concerns.

Gregory Bergmark presented his comments in writing.

Dewey Cave, Executive Director of the MRCOG, said he appreciates all comments and explained that the work the TAG is doing is only to provide guidelines, not to write ordinances.

Mr. Swenka suggested getting input from the Land Grant organizations in Tarrant County and offered to get the contact information for those groups.

The meeting adjourned at 11:10 a.m.

Steve Glass, Chair
Mid-Region Water Resources Board

ATTEST:

Dewey V. Cave, Executive Director

2020 NM Legislature Bill Tracking (Keyword: Water / Screened for Relevance)

D. McGregor : as of 1/30/202

FUNDING BILLS / FINANCIAL

*HB 27	PUBLIC PROJECT REVOLVING FUND PROJECTS	Patricia A. Lundstrom Sheryl Williams Stapleton Roberto "Bobby" J. Gonzales	HOUSE APPROPRIATIONS & FINANCE COMMITTEE	2020 Regular
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Designates projects for funding statewide. Juan Tabo Hills estates public improvement district – Bernalillo County / Rio Communities –Valencia County / School of Dream Academy – Valencia County

HB 47	LOCAL GOVT PLANNING FUND APPROPRIATION	Tomás E. Salazar	HOUSE APPROPRIATIONS & FINANCE COMMITTEE	2020 Regular
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General funding for local entities for grant funding through NMFA for water and wastewater projects, water conservation plans, long-term master plans etc.

HB 167	WASTEWATER SYSTEM FINANCING	Randal S. Crowder	HOUSE AGRICULTURE & WATER RESOURCES COMMITTEE	2020 Regular
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General funding from the public project revolving loan fund (\$1,800,000) to wastewater facility construction land fund for FY2021 expenditure and subsequent years.

HB 223	AGRICULTURAL & NATURAL RESOURCES TRUST ACT	Nathan P. Small	HOUSE ENERGY, ENVIRONMENT & NATURAL RESOURCES COMMITTEE	2020 Regular
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SB 102	AG AND NATURAL RESOURCES TRUST ACT	Steven P. Neville Mimi Stewart	Senate Committees Committee	2020 Regular
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Creation of an Agricultural and Natural Resources Trust and related governing Board and Office to Administer a Grant Program to “conserve agriculture, wildlife, and natural resources” - includes receipt of gifts, grants, transfers, donations. Perpetual trust fund. Water enhancement project to improve stream and hydrological function, increase water supply, improve water quality, etc. Preservation or conservation through conservation easement. Habitat protection improvement and maintenance. Land and watershed management . Not for water rights acquisitions. Nine member board appointed by governor – one from each hydrologic region. – upper, middle, and lower Rio Grande as separate regions. Office is attached to the governor’s office with designated director. \$1,500,000 appropriation embedded.

HB 248	WATER ASSOCIATION INFRASTRUCTURE ACT	Susan K. Herrera	HOUSE AGRICULTURE & WATER RESOURCES COMMITTEE	2020 Regular
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Creates a Water Association Infrastructure Board – seven voting members: secretary of Finance, secretary of Environment, chief executive officer of the authority (New Mexico finance authority) appointees of president/speaker and minority lead from senate and house . To address applications submitted by **water associations for financial assistance (mutual domestic water consumers association or other association organized pursuant to the Sanitary Projects Act)**. Establishment of a trust fund, 10,000.000 annual from trust fund to the project funds. Severance tax bonds

HB 293	NMED GREENHOUSE GAS EVALUATIONS	Matthew McQueen	HOUSE ENERGY, ENVIRONMENT & NATURAL RESOURCES COMMITTEE	2020 Regular
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Appropriate \$150,000 to NMED to finalize evaluation of emission trends and proposed policies to reduce CO2 and other greenhouse gas emissions

*SB 19	WATER PROJECT FUND AUTHORIZATION	Jacob Candelaria Tomás E. Salazar	Senate Finance Committee	2020 Regular
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Authorization to NMFA to make loans and grants for specified projects: ABCWUA for water conservation or treatment, recycling or reuse projects. Claunch Pinto SWCD for project in Bernalillo, Santa Fe and Torrance County for water restoration and management projects / Regina MDWCA in Rio Arriba and Sandoval County for storage conveyance and delivery project / Sandoval County Arroyo Flood Control Authority for flood prevention project.

SB 55	CREATING NEW POSITIONS ON LAND GRANT COUNCIL	Sander Rue	Senate Conservation Committee	2020 Regular
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Funding of a Land Grant Council Land Surveyor and an Attorney position - \$1,000,000 for 2021-2025 to assist land grants in defining and defending their common lands statewide.

SB 69	DRINKING WATER SYSTEM FINANCING	Richard C. Martinez Susan K. Herrera	Senate Conservation Committee	2020 Regular
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Appropriate \$2,500,000 from project revolving loan fund to drinking water state revolving loan fund

SB 70	AUDIT SERVICES FOR WATER ORGANIZATIONS	Michael Padilla	Senate Conservation Committee	2020 Regular
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Appropriate \$2,000,000 to state auditor 2021-2022 to provide audit services to acequias, community ditch associations, land grants, and mutual domestics.

SB 148	WATER TRUST FUND	Joseph Cervantes Tomás E. Salazar	Senate Conservation Committee	2020 Regular
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Appropriate \$41 million to the water trust fund

OIL and GAS

HB 28	DIVISION OF LAND FOR OIL OR GAS OPERATIONS	Greg Nibert Cathrynn N. Brown	HOUSE RULES & ORDER OF BUSINESS COMMITTEE	2020 Regular
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Exempts oil and gas operations from the definition of “subdivision” so long as the land continues to be used for oil and gas operations

HM 29	ENERGY OPERATION BONDING AMOUNTS	Matthew McQueen	HOUSE ENERGY, ENVIRONMENT & NATURAL RESOURCES COMMITTEE	2020 Regular
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Memorial resolving to establish bonding amounts sufficient to cover remediation and reclamation costs and lease obligation, conduct a bond adequacy review, evaluate how to collectively ensure adequate bonding.

SB 104	PROHIBIT NEW HYDRAULIC FRACTURING PERMITS	Antoinette Sedillo Lopez Patricia Roybal Caballero	Senate Committees Committee	2020 Regular
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Prohibition on new permits allow hydraulic fracturing (no time period defined). Definition of hydraulic fracturing added to NMSA 70-2-33 Oil and Gas Act / Annual reporting from various state agencies on number of permits, greenhouse gas trends, recommendations for legislation and funding, actual and potential impacts on: agriculture, public health, public transportation infrastructure, surface and groundwater, tribal governments and tribal lands, worker injury claims,

GOVERNANCE

*HB 11	PRC REORGANIZATION & TRANSFER DUTIES	Nathan P. Small Linda M. Trujillo	HOUSE RULES & ORDER OF BUSINESS COMMITTEE	2020 Regular
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PRC regulates water and wastewater utilities. Bill lays out a reorganization for the PRC, creates a Chief of Staff, creates an office of public regulation commission regulatory affairs, sets up and organizational structure for the office of public regulation including a utility division.

MISCELLANEOUS

HB 124	PROHIBIT USE OF CHLORPYRIFOS IN AGRICULTURE	Daymon Ely	HOUSE RULES & ORDER OF BUSINESS COMMITTEE	2020 Regular
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Bans use of pesticides containing chlorpyrifos as active ingredients (organophosphate insecticide, acaricide, or miticide)

HB 165	STUDY GROUND WATER RESOURCES IN NE NM	Jack Chatfield	HOUSE AGRICULTURE & WATER RESOURCES COMMITTEE	2020 Regular
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Appropriation of \$200,000 to NMSUS Extension Service for groundwater resource study in Colfax, Harding, Mora, and Union County for determining appropriate land use.

HB 253	NMSU AGRICULTURAL PROGRAMS	Melanie A. Stansbury Gail Armstrong Candle G. Sweetser Kelly K. Fajardo Rebecca Dow	HOUSE AGRICULTURE & WATER RESOURCES COMMITTEE	2020 Regular
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SB 177	NMSU AGRICULTURAL PROGRAMS	Pete Campos	Senate Conservation Committee	2020 Regular
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Appropriation of \$250,000 for NMSU to assist soil and water conservation districts

WATER RIGHTS /OSE MATTERS

HB 169	WATER RIGHTS FOR CANNABIS PRODUCTION	Christine Chandler	HOUSE RULES & ORDER OF BUSINESS COMMITTEE	2020 Regular
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Requires cannabis producers to obtain valid water right for production as a condition of license to produce – and not use water from 72-12-1.1 or 72-12.1.2 permits (domestic wells and livestock wells). This is an emerging issue in Torrance County