



AGENDA

BUCKMAN DIRECT DIVERSION BOARD
DECEMBER 02, 2021 AT 4:00 PM
ATTEND VIRTUALLY



SPECIAL PROCEDURES FOR BUCKMAN DIRECT DIVERSION BOARD MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings in excess of those permitted in the current Public Health Order, and the need to incorporate technology and practices to re-institute in-person meetings consistent with the limitations established by the Order, the Buckman Direct Diversion Board meeting will be conducted virtually.

Viewing: Members of the public may join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/83635379435?pwd=cHZqOU45V2hleWZLN29Ec2gzNm5Cdz09>

Passcode: 931565

Attendees should use the "Raise Hand" function to be recognized by the Chair to speak at the appropriate time.

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 253 215 8782 - Webinar ID: 871 4262 7365 - Passcode: 931565**

Phone attendees should press *9 to use the "Raise Hand" function to be recognized by the Chair to speak at the appropriate time.

The agenda and packet for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

Public Comment: To provide live public comment during the Public Comment section, you must join the Zoom meeting by internet or phone, as follows: Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/83635379435?pwd=cHZqOU45V2hleWZLN29Ec2gzNm5Cdz09>

Passcode: 457921

Attendees should use the "Raise Hand" function to be recognized by the Chair to speak at the appropriate time.

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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **MATTERS FROM THE PUBLIC:**

To provide a live comment you must join the Zoom meeting by internet or phone, please e-mail or call Jamie-Rae Diaz, Administrative Manager, Public Utilities, jldiaz@santafenm.gov, 955-4233 by 1 :00 p.m. the day of the meeting for the meeting link and/or call in number. To provide written comment please email Jamie-Rae Diaz, Administrative Manager, Public Utilities, jldiaz@santafenm.gov, 955-4233 by 1 :00 p.m. the day of meeting, emails must identify the submitting party's name. These comments will be distributed to the Board for review prior to the meeting and placed in the minutes of the meeting

5. **APPROVAL OF CONSENT AGENDA**
6. **APPROVAL OF MINUTES**
 - a. Approval of minutes from the November 3, 2021 Buckman Direct Diversion Board Meeting.
7. **PRESENTATION/INFORMATIONAL ITEMS**
 - a. Monthly Update on the BDD Operations. (Randy Sugrue, BDD Operations Superintendent, rcsugrue@santafenm.gov, 955-4501)
 - b. Report from the Facilities Manager (Verbal) (Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507)
8. **ACTION ITEMS: DISCUSSION AND ACTION**



AGENDA

**BUCKMAN DIRECT DIVERSION BOARD
DECEMBER 02, 2021 AT 4:00 PM
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- a. Citizen Member and Alternate Citizen Member appointments. (Nancy R. Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)
- b. Update on BDD Board LANL MOU. (Kyle Harwood, BDD Legal Counsel, kyle@egolfaw.com; Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507)

9. **MATTERS FROM THE BOARD**

10. **NEXT MEETING: Thursday, January 6, 2022 at 4:00 PM**

11. **ADJOURN**

12. **EXECUTIVE SESSION**

- a. In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding pending litigation in which the BDDDB is a participant, including, without limitation: Buckman Direct Diversion Board v. CDM Smith, et al., First Judicial District Court Case No. D-101-CV-2018-01610. (Nancy R. Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

MINUTES OF THE
THE CITY OF SANTA FE & SANTA FE COUNTY
BUCKMAN DIRECT DIVERSION BOARD MEETING

October 7, 2021

1. CALL TO ORDER

This meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Chair Anna Hansen at approximately 4:15 p.m.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, and pursuant to the New Mexico Attorney General's Open Government Division Advisory during COVID-19, public entities are authorized to conduct virtual meetings. All votes were conducted by roll call.

[For clarity purposes, repetitive identification and confirmations of those on the line and their audibility have been eliminated and/or condensed in this transcript.]

2. ROLL CALL: Roll was called and a quorum was present as shown:

BDD Board Members Present:

Commissioner Anna Hansen, Chair
Councilor Carol Romero-Wirth
Commissioner Anna Hamilton
J.C. Helms, Citizen Member
Councilor JoAnne Vigil Coppler

Member(s) Excused:

Tom Egelhoff, Las Campanas

Others Present:

Rick Carpenter, BDD Facilities Manager
Kyle Harwood, BDD Legal Counsel
Bernardine Padilla, BDD Public Relations Coordinator
Randy Sugrue, BDD Operations Superintendent
Antoinette Armijo-Rougemont, BDD Financial Manager
Monique Maes, BDD Contract Administrator
Jay Lazarus, Glorieta Geoscience
Marcos Martinez, City Assistant Attorney
Greg Shaffer, County Attorney
Regina Wheeler, City Public Works Director
Caryn Grosse, City Project Administrator
Michael Mikolanis, DOE-EM-LA, Manager
Cheryl Rodriguez, DOE-EM-LA, Program Manager

3. APPROVAL OF AGENDA

Councilor Vigil Coppler moved to approve the agenda and Mr. Helms seconded. The motion passed by unanimous [5-0] roll call vote.

4. MATTERS FROM THE PUBLIC

CHAIR HANSEN: As I mentioned earlier, Mr. Mikolanis is trying to join the meeting but he does not have the Zoom link invite. He has the links to all the documents but no Zoom ID number or password to the meeting.

KYLE HARWOOD (BDD Board Counsel): Madam Chair, Cheryl is in the meeting and perhaps what we can do is ask Cheryl to coordinate with her supervisor Mr. Mikolanis while we proceed through the agenda. There is a little bit of time before we get there.

CHAIR HANSEN: Is that possible Cheryl, can you help with that?

CHERYL RODRIGUEZ (DOE-EM-LA, Program Manager): Yes.

MR. HARWOOD: As you might know we don't really have this item set up for a LANL presentation.

CHAIR HANSEN: It's not a LANL presentation but they requested to be at the meeting. Okay, so are there matters from the public? Did anybody call in or ask for – is there anybody who would like to make comments under matters from the public?

BERNARDINE PADILLA (Public Relations Coordinator): Jamie-Rae indicated that there was no emails that she received based on matters from the public.

CHAIR HANSEN: Okay. I'm going to close matters from the public.

5. APPROVAL OF CONSENT AGENDA

There were no items presented under Consent Agenda.

6. APPROVAL OF MINUTES

a. October 7, 2021 Buckman Direct Diversion Board Meeting

There were no changes offered and Mr. Helms moved to approve. Commissioner Hamilton seconded. The motion passed by unanimous [5-0] roll call vote.

MR. HARWOOD: Madam Chair.

CHAIR HANSEN: Yes.

MR. HARWOOD: Madam Chair, as you know, I am serving both in my normal role on specific topics but also for Ms. Long as she is out of town this week. I would like to just remind you that we do need to make a statement into the minutes regarding our last executive session. Would you like me to read that into the minutes or would you like –

CHAIR HANSEN: That happens at the end, Kyle.

MR. HARWOOD: Well, it is actually better here, Madam Chair.

CHAIR HANSEN: Okay. Nancy usually has us do it at the end. I am happy to add it now.

MR. HARWOOD: Would you like me to do it or would you like to read that statement?

CHAIR HANSEN: I don't have that statement so if you would please read it into the record that would be great.

MR. HARWOOD: Okay, very good. I would like to state for the record in these minutes that the only matters discussed in the executive session of the October 7, 2021, BDD Board meeting were the matters contained in the motion for closure and in the public notice and that no action was taken.

CHAIR HANSEN: And so do I have a – oh, we don't need to approve anything? You are just stating it for the record.

MR. HARWOOD: That's correct, Madam Chair.

CHAIR HANSEN: Okay, thank you, Mr. Harwood.

7. PRESENTATION/INFORMATIONAL ITEMS

a. Monthly Update on BDD Operations

CHAIR HANSEN: Mr. Randy Sugrue, welcome, and we look forward to hearing your monthly presentation.

RANDY SUGRUE (Operations Superintendent): Thank you, Madam Chair, members of the Board. My BDD operations report for the month of October 2021, consists of raw water diversions of approximately 5.68 million gallons per day, drinking water deliveries through our Booster Stations 4A and 5A about 5.28 million gallons per day. Raw water delivery to Las Campanas from Booster Station 2A was about 170,000 gallons of water per day. Our onsite treated and non-treated storage about 230 million gallons per day. BDD provided about 67 percent of the water supply to City and County for the month.

Our year-to-date diversions are seen on the graph on page 1. Item 4, our regional demand drought summary is shown on page 2. The metered regional water demand for the month of October 2021 was approximately 9 million gallons per day. Rio Grande flow for October 2021, averaged around 375 cubic feet per second. That is increasing. Earlier today it was up to 442 cubic feet per second. Water quality is good. Turbidity is quite low in the vicinity of 15 to 25 NTU, so treatment is reasonably good and chemical usage down a bit. The storage in McClure and Nichols reservoirs have shown approximately a bit earlier in the month, watershed inflow a bit over 1 million gallons per day. Our total San Juan-Chama storage is shown in the graph for October and our El Niño summary dated October 18th shows that we are now continuing into a La Niña period for this fall and early winter. On page 3, we see our annual numbers and with that I am open for questions.

CHAIR HANSEN: Okay, are there any questions from the Board? Okay, seeing no questions. Thank you very much, Randy.

MR. SUGRUE: You're welcome.

7. b. Report from the Facilities Manager

CHAIR HANSEN: Rick Carpenter, welcome, nice to see you.

RICK CARPENTER (BDD Facilities Manager): Thank you, Madam Chair and good evening members of the Board.

A couple of updates from the Facilities Manager the first of which has to do with some vacancies. I had an extended meeting yesterday with the City's Human Resources Department on a number of vacancies that we have and not the least of which are the maintenance repairman intermediate and basic, that's been a topic of discussion for awhile. The information I got back from HR was that by next week they would have what we need in order to go ahead and advertize those positions, I hope. Then the instrumentation and control technician, I've reported on that to the Board in the past a couple of times, that is moving forward. If the Board will recall, we've had a hard time filling that position. People just don't apply for it and we've asked to increase the salary and that has been reviewed and management approved the process at the City. So that's good news as well. Also, the administrative assistant that we have discussed many times at this Board actually advertised and is out and hopefully we'll get a response of potential candidates and I will report back to the Board on that. But that is actually moving forward, Madam Chair, and I know that was an important position that you have raised many times. And then lastly we have a vacancy in our operations group, an operator basic and that was just filled. The gentleman will be starting in a little bit less than two weeks from now. So we are moving forward on all of those fronts.

One more update, the City and County had two scoping meetings pursuant to NEPA requirements for the return-flow pipeline project they are proposing. They were well attended and there was a lot of feedback from the public. A lot of comments from the City and the County to work through with their consultant. And it is my understanding that when that takes a little bit more form that they will report to the Board on the status of that project. With that, Madam Chair, I would stand for questions.

CHAIR HANSEN: Are there any questions from the Board? Thank you, Rick. I am very happy to hear that we have advertised the administrative assistant and that we are moving forward with as many hires as possible in this difficult time.

MR. CARPENTER: Thank you.

CHAIR HANSEN: Any other updates? I see no questions. Okay, thank you.

8. ACTION ITEMS: DISCUSSION AND ACTION

a. Update on Solar and Lighting Improvements at Buckman Direct Diversion Project

CHAIR HANSEN: Regina Wheeler, I see that you are on. Welcome and thank you for joining us.

REGINA WHEELER (City Public Works Department Director): Thank you so much, Madam Chair and members of the Board. Actually, Caryn Grosse is the project administrator for this project and she'll be giving you the update.

CARYN GROSSE (Project Administrator): Thank you. Good afternoon, Madam Chair and members of the Board. Periodically, we like to provide updates on the progress for this project. As you know, there will shortly be voting on the permit for these additional solar at BDD Booster 1A and the raw water lift station. So the Forest Service reviewed the applications, we made separate applications for each site. They opted to combine them into a single permit. The annual cost that is anticipated for this additional permit is \$87.25 per year. There are some additional bills related to cost recovery for the permit application, the construction monitoring and then 2021 land use fee which will be paid for out of the project. So we wanted to bring this to you and give you a little bit of an update on the progress that we've made. So we've actually started implementing some of the water conservation measures that were part of this bigger package since the BDD facility is already being water efficient in terms of restroom fixtures. We do not need to make any updates there. We will be doing some lighting retrofits at your facility next year to update any ones that are not already LEDs inside the building.

So that's the gist of the three-page memo that we included in your packets. I would be happy to provide more details or answer any questions you might have.

CHAIR HANSEN: Are there any questions from the Board? I was very happy to see that the permit is so reasonable.

MS. GROSSE: As were we.

1. Discussion and possible approval of U.S. Department of Agriculture Forest Service Special Use Permit for solar projects at BDD Booster Station 1A and BDD Lift Station, for a twenty (20) year term with an annual fee of \$87.25

CHAIR HANSEN: If there's no questions, then we have a discussion and possible approval of the U.S. Department of Agriculture Forest Service Special Use Permit for solar projects at BDD Booster Station 1A and BDD lift station for a 20-year term with an annual fee of \$87.25. What is the pleasure of the Board?

COUNCILOR ROMERO-WIRTH: Move to approve.

MR. HELMS: Second.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Okay, I have a motion by Councilor Carol Romero-Wirth. A second by Commissioner Hamilton and JC Helms. Could you please take a roll call vote, Karen.

The motion passed by unanimous [5-0] roll call vote.

b. Consideration and Possible Action on an Extension to the 2017 LANL MOU from December 1, 2021 until February 9, 2022

CHAIR HANSEN: This is the Facilities Manager and Kyle Harwood.

MR. HARWOOD: Thank you, Madam Chair. Bernie, can you enable the screen share for me?

MS. PADILLA: I believe I did.

MR. HARWOOD: Okay. Sure enough you did. Is that convenient for everybody to see the revised version that was sent out? Madam Chair, can you see that?

CHAIR HANSEN: Yes, if you wanted to make it a little bit bigger but I think everybody can read it. Does anybody have any issues?

MR. HARWOOD: How's that? Let me just remind the Board quickly, we are currently coming up on the end of the fourth year of our three-year MOU. We did extend the MOU last year to December 1st of this year. And we are working hard with the Environmental Management staff up at the Los Alamos field office in conjunction with that staff we have identified that we do need to do another extension in order to allow for the lab to fully respond to our latest draft MOU. And so since the current extension expires on December 1 we have this on your agenda for today because there's not another meeting between now and December 1.

This is a little different than the one that went out in the packet last week. I'm sorry for any confusion around that. There were some edits requested by LANL that I did not get out to the Board until today. They are all in the nature of correcting addresses and job titles. The only substantive change that you'll see in this version is that instead of extending until March of next year, we decided to extend to about the Wednesday after our February Board meeting. So we're hoping that between December, January and February Board meetings we can get through to an executable replacement MOU with LANL. We anticipate bringing you the draft MOU in December and hopefully we can act on it in January or February.

So this is a shorter term extension than the one we've been operating under for 2021. With that I would stand for any questions that the Board may have.

CHAIR HANSEN: Thank you, Kyle. I wanted to let everyone know that I have actually met our new Environmental Management, Mike Mikolanis. He came to the town hall that I held on nuclear weapons transport and I have talked to him a few times and it sounds like we are moving forward in a positive way for this MOU to be done as soon as possible. With that, could I have a motion please or if there is any more discussion.

MR. HELMS: Move to approve.

CHAIR HANSEN: Okay, a motion to approve by J.C. Helms.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Second by Commissioner Hamilton. Other discussion? Okay, I hear nothing under discussion. With that, Karen, can I have a roll call vote and can we go back to the full screen? Thank you.

The motion passed by unanimous [5-0] roll call vote.

MR. HARWOOD: Madam Chair, I don't know if you noticed but Mr. Mikolanis did join our meeting.

CHAIR HANSEN: Yes. I don't know if he wants to say anything but Mr. Mikolanis would you like to say a few words to the Board?

MICHAEL MIKOLANIS (DOE-EM-LA): Thank you, ma'am. It's a pleasure to observe and participate as a member of the public. I think you captured it correctly per our last conversation. We are working to try and finalize the MOU itself. You indicated what your timetable was and we are very interested. And we understand

that the Board is and we at the Department are interested in supporting it and we will get this in place as rapidly as we can. I appreciate the opportunity to speak. It's a pleasure to see everybody, thank you.

CHAIR HANSEN: Thank you very much, Mr. Mikolanis. We look forward to working with you on this MOU and I believe we will be bringing forward a copy at our next Board meeting. That was at least what Kyle and I spoke about earlier that we could provide a copy at our next meeting.

MR. MIKOLANIS: Thank you.

9. MATTERS FROM THE BOARD

None were presented.

10. NEXT MEETING: Thursday, December 2, 2021 at 4:00 p.m.

CHAIR HANSEN: Thank you all for being so efficient and getting through this meeting in record time. I am grateful.

11. ADJOURN

Commissioner Hamilton moved to adjourn and Councilor Vigil Coppler seconded. The motion passed by unanimous voice vote and this meeting adjourned at approximately 4:40 p.m.

Approved by:

Anna Hansen, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO

KATHARINE E. CLARK
SANTA FE COUNTY CLERK



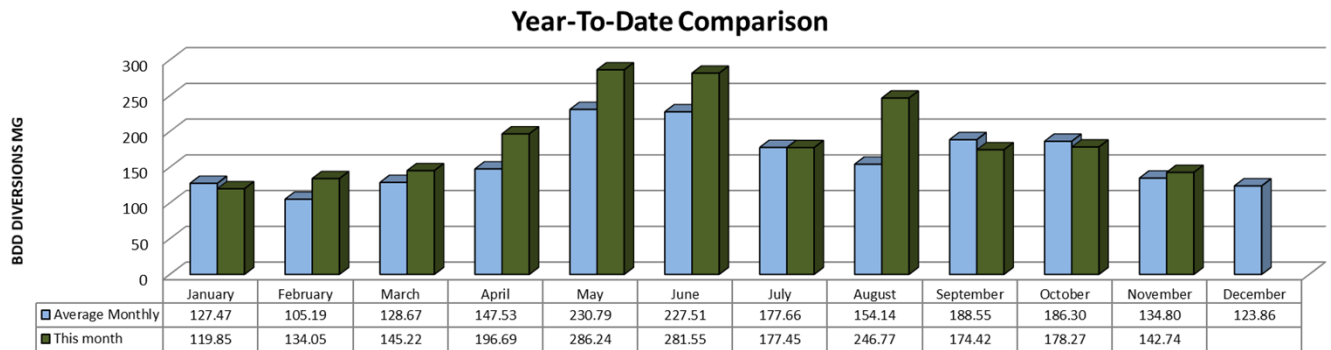
Date: December 2, 2021
To: Buckman Direct Diversion Board
From: Randy Sugrue, BDD Operations Superintendent
Subject: Update on BDD Operations for the Month of November 2021

ITEM:

1. This memorandum is to update the Buckman Direct Diversion Board (BDDDB) on BDD operations during the month of November 2021. The BDD diversions and deliveries have averaged, in Million Gallons Per Day (MGD) as follows:
 - a. Raw water diversions: 4.76 MGD.
 - b. Drinking water deliveries through Booster Station 4A/5A: 4.69 MGD.
 - c. Raw water delivery to Las Campanas at BS2A: 0.18 MG on 11/1/21.
 - d. Onsite treated and non-treated water storage: 0.07 MGD Average.

2. The BDD is providing approximately 75% percent of the water supply to the City and County for the month.

3. The BDD year-to-date diversions are depicted below:



4. Regional Demand/Drought Summary and Storage-see page 2.



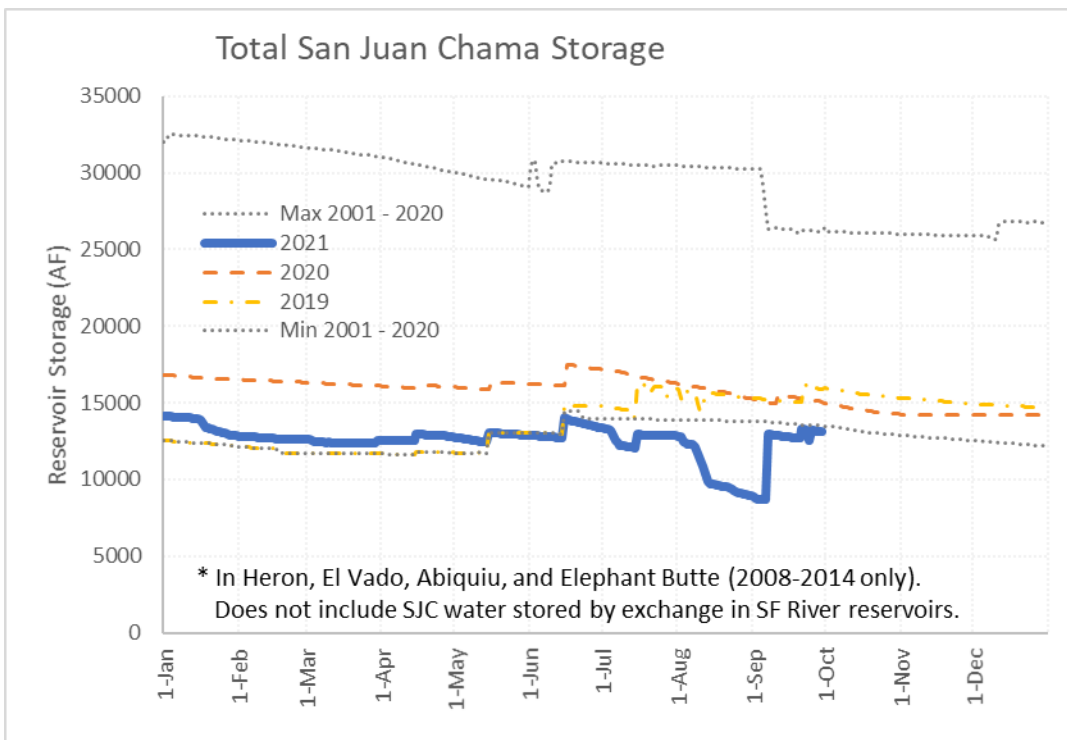
Regional Water Overview

Daily metered regional water demand for the month of November 2021 is approximately 6.3 MGD.

Rio Grande flows for November 2021 averaged approximately 575 CFS (cubic feet per second.)

CRWTP reservoir storage: Nichols: 70%/McClure: 13.5% (23% combined) Watershed Inflow: 0.68 MGD

City/County/LC Storage- as updated by partners.



ENSO Summary

November 22, 2021

ENSO Alert System Status: La Niña Advisory

La Niña is present.*

Equatorial sea surface temperatures (SSTs) are below average across the central and east-central Pacific Ocean.

The tropical Pacific atmosphere is consistent with La Niña conditions.

La Niña is likely to continue through the Northern Hemisphere winter 2021-22 (~90% chance) and into spring 2022 (~50% chance during March-May).



Buckman Direct Diversion Monthly SJC and Native Diversions

Nov-21							
In Acre-Feet							
Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	378.548	42.119	0.000	336.429	336.429	0.000	3.456
FEB	408.601	191.550	0.000	217.051	217.051	0.000	2.229
MAR	442.832	442.832	0.000	0.000	0.000	0.000	0.000
APR	624.282	506.349	0.000	117.933	117.933	0.000	1.195
MAY	868.184	483.518	0.000	384.666	384.666	0.000	2.477
JUN	879.493	302.801	0.000	576.692	576.692	0.000	3.555
JUL	562.156	-17.518	0.000	579.674	579.674	0.000	2.767
AUG	758.665	-0.154	0.000	758.819	758.819	0.000	3.757
SEP	542.059	-49.305	0.000	591.364	591.364	0.000	2.930
OCT	553.705	-22.895	0.000	576.600	576.600	0.000	5.614
NOV	438.210	383.033	0.000	55.177	55.177	0.000	0.543
DEC	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL	6,456.735	2,262.328	0.000	4,194.406	4,194.406	0.000	28.523

In Million Gallons

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	13.720	0.000	108.306	108.306	0.000	122.026
FEB	62.394	0.000	69.875	69.875	0.000	132.269
MAR	144.245	0.000	0.000	0.000	0.000	144.245
APR	164.934	0.000	37.971	37.971	0.000	202.906
MAY	157.498	0.000	123.871	123.871	0.000	281.369
JUN	98.632	0.000	185.788	185.788	0.000	284.420
JUL	-5.706	0.000	186.765	186.765	0.000	181.059
AUG	-0.050	0.000	244.396	244.396	0.000	244.346
SEP	-16.060	0.000	190.470	190.470	0.000	174.409
OCT	-7.458	0.000	185.724	185.724	0.000	178.266
NOV	124.766	0.000	17.973	17.973	0.000	142.740
DEC	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL	736.915	0.000	1,351.139	1,351.139	0.000	2,088.054



Buckman Direct Diversion Monthly SJC and Native Diversions

Dec-20							
In Acre-Feet							
Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	438.797	134.433	0.000	304.364	298.249	6.115	2.759
FEB	396.508	218.194	0.000	178.314	178.314	0.000	1.679
MAR	357.764	185.598	0.000	172.165	172.165	0.000	1.621
APR	372.408	187.945	0.000	184.463	122.188	62.275	1.737
MAY	641.374	529.897	0.000	111.477	111.477	0.000	0.889
JUN	637.220	509.818	0.000	127.402	1.618	125.784	1.017
JUL	784.520	0.000	0.000	784.520	784.520	0.000	3.663
AUG	886.856	12.503	0.000	874.354	839.919	34.435	4.214
SEP	762.357	0.000	0.000	762.357	682.674	79.683	3.556
OCT	593.109	0.000	0.000	593.109	539.638	53.472	5.845
NOV	390.743	353.481	0.000	37.261	37.261	0.000	0.345
DEC	392.394	355.317	0.000	37.077	37.077	0.000	0.377
TOTAL	6,654.050	2,487.186	0.000	4,166.864	3,805.100	361.764	27.701

In Million Gallons

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	43.789	0.000	98.103	96.304	1.975	141.892
FEB	71.073	0.000	57.454	57.454	0.000	128.527
MAR	60.456	0.000	55.473	55.473	0.000	115.928
APR	61.220	0.000	59.435	39.440	20.101	120.655
MAY	172.605	0.000	35.812	35.812	0.000	208.417
JUN	166.065	0.000	40.927	0.520	40.407	206.992
JUL	0.000	0.000	252.754	252.754	0.000	252.754
AUG	4.073	0.000	281.681	271.072	11.113	285.754
SEP	0.000	0.000	245.686	219.960	25.726	245.686
OCT	0.000	0.000	191.019	174.109	17.252	191.019
NOV	115.140	0.000	12.008	12.008	0.000	127.148
DEC	115.738	0.000	11.937	11.937	0.000	127.676
TOTAL	810.158	0.000	1,342.289	1,226.843	116.574	2,152.447



Date: December 2, 2021
To: Buckman Direct Diversion Board
From: Nancy R. Long
Subject: Appointment of Citizen Member and Alternate Citizen Member

Item and Issue:

Appointment of the citizen member and alternate citizen member to the Buckman Direct Diversion Board (BDDDB).

Background and Summary:

The Joint Powers Agreement (“JPA”), as amended, establishing the BDDDB, provides for the appointment of a citizen member and alternate citizen member to the BDDDB by a majority vote of the four other voting members of the BDDDB. The current Citizen Member is J.C. Helms and the Alternate Citizen Member is Peter Ives. The term of the citizen member and alternate citizen member is two years, and the current members were appointed for a two-year term in February 2020. The current terms for both the Citizen Member and Alternate Citizen Member expire on February 6, 2022.

During the last selection process, the BDDDB staff advertised for the citizen member position and alternate citizen member position by placing public notices in the *Santa Fe New Mexican*, and on the BDDDB's, the City's and County's websites. Then, a committee consisting of a City member, a County member, the BDDDB attorney and the Facilities Manager, held interviews of the applicants and made recommendations to the full board. The selection process this time could follow the same process or proceed otherwise as the Board determines.

Action Requested:

The BDDDB staff and attorney seek direction on the appointment of the citizen members.





Date: November 19, 2021

To: Buckman Direct Diversion Board

From: Rick Carpenter, BDD Facility Manager

Kyle Harwood, BDD Legal Counsel

Re: Update on BDD Board LANL MOU

Item and Issue:

The current BDD Board LANL MOU was extended last month to an expiration date of February 9, 2022.

Background:

BDD Board staff, consultants and counsel have been discussing changes to the current MOU with LANL Site office counterparts. We will present the agreed upon edits and the changes that do not have consensus at the Board meeting.

Attached to this memo is the current MOU and extension letter approved at the last Board meeting in November.

Recommendations:

To be determined by the BDD Board.



Michael Mikolanis, Manager
U.S. Department of Energy, Office of Environmental Management
Los Alamos Field Office
1200 Trinity Drive, Suite 400
Los Alamos, New Mexico 87544

cc: John Evans, Counsel, Environmental Management, Los Alamos Field Office
Cheryl Rodriquez, Program Manager, Environmental Management, Los Alamos Field Office

November 5, 2021


Re: Extension of the Memorandum of Understanding between the U.S. Department of Energy and the Buckman Direct Diversion Board Regarding Notification and Water Quality Monitoring

On November 20, 2017, the BDD Board and Doug Hintze, Manager, Environmental Management, Los Alamos Field Office executed a Memorandum of Understanding between the U.S. Department of Energy and the Buckman Direct Diversion Board Regarding Notification and Water Quality Monitoring (MOU). The MOU has a provision that allows for the extension of the MOU for an optional three (3) year period (see Article I. Period of Agreement, Modification or Termination).

On November 19, 2020, the BDD Board and DOE extended the MOU from December 1, 2020 to December 1, 2021. The Parties now agree to extend the MOU to February 9, 2022. This extension will not preclude the Parties' ability to agree to further extensions as contemplated by Article I (up to three (3) years).

Upon the advice of counsel, the Parties' signature below by the BDD Board Chairperson and the Manager, Environmental Management, Los Alamos Field Office extend the November 20, 2017 MOU until February 9, 2022.

Buckman Direct Diversion Board



Anna Hansen, BDD Board Chairperson

11/9/2021
Date

Department of Energy

Michael A. Mikolanis Digitally signed by Michael A. Mikolanis
Date: 2021.11.15 17:06:34 -07'00'

Michael Mikolanis, Manager
Environmental Management, Los Alamos Field Office

Date

1 *MEMORANDUM OF UNDERSTANDING BETWEEN THE*
2 *U.S. DEPARTMENT OF ENERGY AND THE BUCKMAN DIRECT DIVERSION BOARD*
3 *REGARDING NOTIFICATION AND WATER QUALITY MONITORING*

4 **A. Parties**

5 The Parties to this MOU are the Buckman Direct Diversion Board (BDD Board) and the U.S. Department
6 of Energy (DOE).

7 **B. Background**

8 The Buckman Direct Diversion (BDD) is designed to divert water from the Rio Grande for use by the City
9 and County of Santa Fe water utilities in the Santa Fe area and to provide a source for the water supply
10 systems of Santa Fe County, the City of Santa Fe and the Club at Las Campanas. The diverted water is
11 San Juan-Chama Project water (a U.S. Bureau of Reclamation interbasin water transfer project) and
12 native New Mexico state waters regulated by the State of New Mexico.

13 The point of diversion for the BDD is on the east bank of the Rio Grande in northern New Mexico, near
14 the historic Buckman townsite. The point of diversion is approximately 15 miles northwest of the City of
15 Santa Fe and is located about three miles downstream from the confluence of the Rio Grande and Los
16 Alamos Canyon (where Route 502 crosses the Rio Grande at Otowi Bridge).

17 The Los Alamos National Laboratory (LANL) is owned and operated by DOE and is located on the Pajarito
18 Plateau above the Los Alamos/Pueblo Canyon watershed. The Los Alamos/Pueblo Canyon system
19 intermittently and infrequently flows to the Rio Grande just below the Otowi Bridge and upstream of
20 the BDD Project point of diversion. The Los Alamos/Pueblo Canyon watershed contains sediments with
21 LANL-origin contamination from historic releases from LANL. Rain events may cause the transport of
22 sediments, and these sediments have in the past and may in the future be transported to the Rio
23 Grande and then to the BDD intake. The Los Alamos/Pueblo system has been investigated under the
24 2005 Compliance Order on Consent between DOE and the State of New Mexico Environment
25 Department and which has been superseded by the 2016 Compliance Order on Consent. Measures
26 have been implemented (including infrastructure installation) to reduce the transport of contaminated
27 sediment.

28 The New Mexico legislature encouraged the BDD Board and DOE to memorialize their agreement to
29 certain activities relating to the mitigation and monitoring of LANL-origin water quality contaminants.
30 The BDD Board requested a written agreement with LANL and DOE in 2007 and the New Mexico
31 legislature passed resolutions in 2009 and 2010 that ultimately resulted in the Memorandum of
32 Understanding that was executed on May 13, 2010 (the 2010 MOU). The 2010 MOU represented an
33 agreement between the Parties that water quality management and monitoring are mutual priorities
34 and that the activities described were consistent with, and would be carried out subject to, the policies,
35 regulations, and applicable laws that pertain to the Parties. On January 12, 2015, the parties executed a
36 second and renegotiated MOU to further govern operations of the BDD Project. Upon the execution of

37 this MOU, the 2015 MOU will be terminated in accordance with Section J of that 2015 MOU and this
38 MOU shall evidence the consent of the Parties to the termination.

39 **C. Objective**

40 This MOU establishes roles and responsibilities with regard to coordination of notification activities by
41 the DOE and their contractor in Los Alamos and Pueblo Canyons and with regard to water quality
42 sampling by the BDD at the BDD intake in relation to operation of the BDD Project. The primary
43 objectives of this MOU include the following:

- 44 1. To continue the relationship developed between DOE and the BDD, and
- 45 2. To maintain the Early Notification System (ENS) to enable BDD staff to make decisions regarding
46 facility operations, and
- 47 3. To support water quality surveillance monitoring at the BDD Project location as part of its
48 sampling program.

49 **D. Authorities**

50 The Parties represent that they have the authority to enter into this MOU and are able to meet the
51 respective commitments herein to the extent permitted by law.

- 52 1. DOE. DOE is authorized to enter into this MOU pursuant to the Atomic Energy Act, as amended
53 (Title 42 U.S.C. 2011, et seq.).
- 54 2. BDD Board. The BDD Board is authorized to enter into this MOU pursuant to the March 7, 2005,
55 Joint Powers Agreement between Santa Fe County and the City of Santa Fe and associated state,
56 county, and municipal laws.

57 **E. Agreement Principles**

58 **E.1 Memorandum of Agreement and Protocols between DOE and the Pueblo** 59 **de San Ildefonso**

60 The Parties recognize that DOE must comply with the requirements of the 2014 Memorandum
61 of Agreement between DOE and the Pueblo de San Ildefonso (Pueblo), as amended in 2015, and the
62 associated *Protocols for Access to Pueblo Lands and for Protecting Confidential Pueblo Information*
63 pertaining to activities on, and information gathered by, DOE on Pueblo property. DOE will consult with
64 the Pueblo as necessary regarding the use of information gathered pursuant to this MOU, and provide
65 an update to BDD Project Staff.

66 **E.2 Los Alamos / Pueblo Canyons Early Notification System**

67 The ENS will continue to provide real time stream flow data or visual verification of flow to the BDD at
68 the following gage station locations to enable the BDD staff to make decisions regarding facility

69 operations, including temporarily ceasing diversion of water from the Rio Grande. The ENS includes the
70 following parts:

- 71 • LANL Gage Station E050.1 in Los Alamos Canyon above the Pueblo Canyon confluence,
- 72 • LANL Gage Station E060.1 in Pueblo Canyon above the Los Alamos Canyon confluence,
- 73 • Station E062 in the narrow canyon below the confluence of Los Alamos and Pueblo Canyons
74 (visual verification of flow only), and
- 75 • Station E099 in Guaje Canyon on Pueblo property above the confluence of Los Alamos canyon
76 (transducer flow verification only). Date transmission to BDD is dependent upon BDD obtaining
77 a permit from the Pueblo to receive the data.

78 LANL ENS stations E050.1 and E060.1 will be equipped with gaging (flow measurement) capabilities,
79 real-time conveyance of stream-flow data (telemetry), and camera capability to act as a visual
80 verification and backup (or secondary flow indication) for the gaging capabilities. Flows at the LANL
81 gage stations E050.1 and E060.1 are measured within a trapezoidal supercritical-flow flume design as
82 reported in “Techniques of Water-resources Investigations of the United States Geological Survey,
83 Chapter A14, Use of Flumes in Measuring Discharge” (F.A. Kilpatrick and V.R. Snyder, 1983), and
84 between approximately 1 and 350 cubic feet per second (cfs). The system shall be capable of a low flow
85 trigger stage of 5 cfs (adjustable).

86 Secondary flow indication at stations will consist of either a visual (camera) or transducer signal as
87 confirmation of storm water flows. Note that stations E062 and E099 provide primary flow verification
88 only. Maintenance of the flow indication equipment shall be the responsibility of DOE.

89 Should force majeure destroy or render inoperable some or all of the identified ENS stations, or if
90 operational costs become excessive for some or all of the identified stations, DOE shall have the
91 prerogative to utilize the most cost effective and technologically advanced techniques to provide BDD
92 with equivalent flow data to meet the objective of the ENS.

93 The BDD Board will, at its discretion, consult with the Pueblo regarding the installation of a real-time
94 flow indicator(s) at the lower Los Alamos Canyon and the Rio Grande and to obtain permission for data
95 transmittals from ENS station E099.

96 **E.3 Rio Grande at BDD Project Location Sampling Program**

97 The purpose is to provide both base-flow and event-based sampling of the Rio Grande when triggered
98 by notification of flows in Los Alamos and/or Pueblo Canyons or as determined by the BDD Board for the
99 purpose of water quality sampling of the Rio Grande at BDD in the search for operational criteria for
100 ceasing diversion (BDD Project Location Sampling Program).

101 DOE shall pay up to \$96,000 in sampling and analytical costs per year for each of the three (3) years
102 under this MOU (2018, 2019, and 2020) toward the BDD Project Location Sampling Program at the BDD
103 intake. The BDD Board shall be responsible for any additional sampling and analytical costs, and the
104 BDD Board is responsible for all maintenance, inspection and repair of the sampling station located at

105 the BDD intake. DOE will seek funding via a grant to the BDD Board for the sampling and analytical costs,
106 and provide an update to the BDD Project Staff.

107 **E.4 TREAT Study**

108 BDD Board will fund a continuation of the Contaminant Fate Analysis that was started under the 2010
109 MOU under "The Removal Efficiency and Assessment of Treatments" (TREAT) Study. The TREAT Study
110 will continue to examine the treatment efficiency of the conventional and advanced treatments at the
111 BDD with respect to contaminants in order to help determine the BDD operational criteria for diversion
112 from the Rio Grande. The TREAT Study will focus on the capabilities of the BDD with respect to removal
113 of contaminants as they are found to occur in the Rio Grande at the BDD intake.

114 **E.5 Analysis**

115 The BDD Board will evaluate the BDD Project Sampling Program results and TREAT data and make a
116 determination on operational parameters or criteria on whether or when to cease diverting waters from
117 the Rio Grande.

118 **F. BDD Project Data Sharing**

119 Real-time flow data and visual verification data from the ENS stations shall be provided by DOE and their
120 contractors to BDD Project as specified in Section E.2. Analytical results from the BDD intake will be
121 made available to both the BDD Board and DOE via the Intellus database as soon as they are available.

122 The BDD Board will make records available to the DOE consistent with requirements specified in the
123 grant.

124 **G. Coordination**

125 DOE and the BDD Board will coordinate as necessary with the Pueblo on any issues related to the
126 implementation of this MOU, and will engage in any consultation required to accomplish the purposes
127 of this MOU.

128 Coordination between the Parties shall be to the mutual benefit of both Parties and shall include data
129 sharing (as above), technical assistance, and data and analysis reviews. Both Parties should allow at
130 least one week for response when requesting technical assistance or data and for analysis reviews.
131 Additional coordination will occur on an as needed basis.

132 **H. Contacts**

133 All notices, correspondence, and communications arising under this MOU shall be provided to the
134 representatives listed below and any notice, demand, request, or information authorized of related to
135 this MOU shall be deemed to have been given if mailed (return receipt requested), hand-delivered, or
136 faxed (with confirmation of transmission) as follows:

- 137 • **DOE**
138 Douglas E. Hintze
139 Manager
140 DOE, Environmental Management
141 Los Alamos Field Office
142 1900 Diamond Drive, MSM984
143 Los Alamos, NM 87544
144 Phone: 505-665-5658
145 Cell: 505-695-5103
146 Email: douglas.hintze@em.doe.gov
147
148 With copy to:
149 DOE Counsel
150 Ben Underwood
151 Phone: 505-667-4995
152 Email: ben.underwood@em.doe.gov
153
154 • **BDD Board**
155 Charles Vokes
156 BDD Facility Manager
157 Buckman Direct Diversion
158 341 Caja De Rio Road
159 Santa Fe, NM 87506
160 Phone: 505-955-4507
161 Email: cmvokes@ci.santa-fe.nm.us
162
163 With copy to:
164 BDD Board Counsel
165 Nancy Long
166 Long, Komer & Associates
167 2200 Brothers Road
168 P.O. Box 5098
169 Santa Fe, NM 87502
170 Cell: 505-470-2158
171 Email nancy@longkomer.com
172

173 **I. Period of Agreement, Modification or Termination**

174 This MOU is effective upon the signature of the BDD Board and DOE as shown below. This agreement is
175 intended to address 2018, 2019 and 2020 and shall expire on December 1, 2020, UNLESS both Parties

176 agree to extend this MOU for an optional three (3) year period. This optional extension may be
177 executed by a re-signed copy of the signature page by the respective authorized parties to this MOU.

178 The Parties may modify this MOU by written amendment and in the same manner as this MOU was
179 executed. Either Party may unilaterally terminate this MOU before the date of expiration, provided the
180 Party seeking termination provides written notice to the other Party's representative 90 days before the
181 intended termination date.

182 **J. Dispute Resolution**

183 If the Parties disagree over any issue related to this MOU, representatives of the Parties shall present
184 their differences in writing to the Points of Contact for the other Party. If the Parties fail to resolve their
185 differences within 30 days, the BDD Project Facility Manager and the DOE, Environmental Management,
186 Los Alamos Field Office (EM-LA) Manager shall prepare a written description of the dispute and the BDD
187 Board Chair and the DOE EM-LA Manager, along with appropriate staff, shall meet to reconcile the
188 dispute. These representatives shall use alternative dispute resolution methods such as negotiation,
189 facilitation, and mediation to resolve the dispute.

190 **K. Other Provisions**

191 Nothing in this MOU is intended to conflict with requirements of the Parties or applicable laws. Any
192 such conflicting terms shall be invalid, but the remainder of this MOU shall remain in effect. If a term is
193 deemed invalid, the Parties shall take appropriate action, including amendment or termination. The
194 activities described in this MOU are consistent with, and will be carried out subject to, all known
195 policies, regulations, and applicable laws that pertain to the Parties.

196 This MOU in no way restricts the Parties from participating in any activity with other public or private
197 agencies, organizations, or individuals.

198 Activities described in this MOU are subject to the availability of appropriated funds. Both the BDD
199 Board and DOE EM-LA Manager shall make the appropriations of funds for the activities described in this
200 MOU a priority when seeking regular or project specific funding requests.

201 This MOU describes the basis on which the Parties will cooperate on the topics described herein. This
202 MOU is NOT a financial obligation that serves as a basis for expenditures, and any financial obligations
203 necessary to carry out the activities described herein shall be addressed in other documents internal to
204 each Party. Expenditure of funds, human resources, equipment, supplies, facilities, training, public
205 information, and technical expertise will be provided by each Party as necessary to fulfill its obligations
206 under this MOU.

207 This MOU is neither a fiscal nor a funds obligation document. Nothing in this MOU authorizes or is
208 intended to obligate the parties to expend, exchange, or reimburse funds, services, or supplies, or
209 transfer or receive anything of value. Any requirement for the payment or obligation of funds by DOE

210 established by the terms of this MOU shall be subject to availability of funds and Secretarial discretion,
211 and no provision herein shall be interpreted to require obligation or payment of funds in violation of the
212 Anti-Deficiency Act, 31 U.S.C. §1341.

213 This MOU is not legally enforceable and shall not be construed to create any legal obligation on the part
214 of either Party. This MOU shall not be construed to provide a private right, or cause of action, for or by
215 any person or entity.

216 L. Signatures

217 NOW, each of the BDD Board and DOE has caused this MOU to be executed and delivered by its duly
218 authorized representatives as of the last date shown below,

219

220 BDD Board

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228 DOE

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Henry Roybal, BDD Board Chair

Date 10/12/17



Douglas E. Hintze, Manager
Environmental Management, Los Alamos Field Office

Date 20 Nov 2017

This Memorandum of Understanding expires on December 1, 2020.

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