

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

**December 5, 2024**

**1. Call to Order**

This meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Carol Romero-Wirth, BDD Board Chair, at approximately 4:00 p.m. in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

**2. Roll Call: Roll was called and a quorum was present as shown:**

**BDD Board Members Present:**

Councilor Carol Romero-Wirth, Chair  
Commissioner Anna Hansen  
Commissioner Anna Hamilton  
Rolf Schmidt-Petersen, Citizen Member

**Member(s) Excused:**

Councilor Jamie Cassutt  
Tom Egelhoff, The Club at Las Campanas [non-voting member]

**Alternates Present:**

Commissioner Justin Greene, County Alternate  
Peter Ives, Citizen Member Alternate

**Others Present:**

Bradley Prada, Facilities Manager  
Nancy Long, BDD Legal Counsel  
Kyle Harwood, BDD Legal Counsel  
Valerie Romero, BDD Accounting Supervisor  
Bernardine Padilla, BDD PR & C Officer  
Jesse Roach, City PUD Water Division Director  
Jonathan Montoya, City, Source of Supply Operations Manager at Canyon Road  
Jay Lazarus, Glorieta Geoscience, Inc.  
Peter Hunt, Glorieta Geoscience, Inc.  
Abby Guidry, Glorieta Geoscience, Inc.  
Joni Arends, Concerned Citizens for Nuclear Safety

[Chair Romero-Wirth read the agenda captions throughout the meeting.]

**3. Approval of Agenda**

There being no changes recommended by staff or the Board, Commissioner Hansen moved to approve the agenda as published. Commissioner Hamilton seconded and the motion passed by unanimous [4-0] voice vote.

**4. Approval of Consent Agenda**

Commissioner Hansen noted that neither she nor Commissioner Hamilton will be on the Commission in 2025 and the County will not have appointed representation to the Buckman Direct Diversion Board until their January 14<sup>th</sup> meeting. Chair Romero-Wirth said she would take that under advisement.

Commissioner Hansen moved to approve the Consent Agenda noting that on January 9, 2025, the County will not have appointed their primary representatives. Commissioner Hamilton seconded and the motion passed by unanimous [4-0] voice vote. [See page 12]

**5. Approval of Minutes**

**a. September 5, 2024 Buckman Direct Diversion Board Meeting**

Chair Romero-Wirth stated for the record and for the minutes that, the only matter discussed during the Executive Session of the September 5, 2024 BDD meeting was the matter as stated in the motion to go into Executive Session and no action was taken in that Executive Session.

Commissioner Hansen moved to approve the minutes including the statement provided by the Chair.

Board Member Schmidt-Petersen noted the following corrections:

Page 3: MEMBER SCHMIDT-PETERSEN: Thank you, Madam Chair. Just a question about upcoming river flows. I understand the Middle Rio Grande Conservancy is going to be out of ~~stormwater~~ stored water, maybe even right now.

Page 4: MR. MONTOYA: ... The other thing is our LANL MOU, we're still continuing work on that, on negotiating the successor agreement...

Commissioner Hansen accepted those changes and moved to approve as corrected.

Commissioner Hamilton seconded and the motion passed by unanimous [4-0] voice vote.

**6. Executive Session**

**a. In accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1(H)(2), discussion regarding the hiring and assignment of specific applicants for the position of Facilities Manager**

CHAIR ROMERO-WIRTH: I would state and make a motion that in accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1(H)(2),

we are going into executive session to have a discussion regarding the hiring and assignment of specific applicants for the position of Facilities Manager. And if I could get a second to that motion.

COMMISSIONER HAMILTON: Second.

The motion to go into executive session passed by unanimous [4-0] roll call vote as follows:

Councilor Carol Romero-Wirth	Yes
Commissioner Anna Hansen	Yes
Commissioner Anna Hamilton	Yes
Rolf Schmidt-Petersen	Yes

[The Board met in Executive Session from 4:10 to 4:38]

CHAIR ROMERO-WIRTH: I'm going to make another motion that pursuant to the Open Meetings Act Section 10-15-1, that the Buckman Direct Diversion Board reconvene in open session and state for the record that the matters discussed in closed session were limited to those specified in the motion for closure. And I do need a second.

COMMISSIONER HANSEN: Second.

That motion passed by unanimous [4-0] voice vote.

7. **Presentations and Information Items**  
a. **Announcement of New BDD Facilities Manager**

CHAIR ROMERO-WIRTH: We have Director Roach with us to make a very important announcement.

MR. ROACH: Thank you, Madam Chair, members of the Board. I think no one will be surprised by this announcement but it is my pleasure to announce that Brad Prada has been offered and accepted the position of Facilities Manager at BDD. I want to thank Brad for his tenure so far at BDD and his excitement at taking on the reins. He is a local Santa Fean. He, after high school continued on to New Mexico State where he received an associate's degree in water technology and he joined BDD pretty much on the ground floor. He started working there before any water was moving through the plant. So he's working there since 2011. He started as an entry-level operator and worked his way up the chain, up the operator ladder and then moved into management on the maintenance side of things where he has been for the last couple of years and in that role has overseen efforts that we have made to begin to address some shortcomings that we have seen in the solids handling process, particularly centrifuges and to continue to work on the pumps at the raw water lift stations – Stations 1A and 2A. Under his oversight, we saw water being moved from the river up toward the plant, up toward Las Campanas and the plant at a rate of approximately 14.5 million gallons per day earlier this summer. So that's a tribute to what Brad has been able to do in his previous role as manager of the maintenance side of things.

So I am very excited to welcome Brad and share his vision for transitioning, especially with the settlement funds, the next chapter of BDD which will be, again, the premier of advanced water treatment technology plant in the region. Thank you, Brad.

[Mr. Prada received a round of applause.]

CHAIR ROMERO-WIRTH: Okay, and we'll be hearing from Brad in a moment.

**b. Monthly Update on BDD Operations**

BRAD PRADA (BDD Facilities Manager): Matthew Sandoval is out sick and I will be filling in for him.

This is the update for the operation report. BDD diverted 7.19 mgd in September, 6.34 mgd in October and 4.16 mgd in November.

A correction needs to be made to 1.b, so the actual numbers would be for September 6.34 mgd, October is 5.83 mgd and November is 4.04 mgd. Raw water delivery to Las Campanas was 0.59 mgd in September, 0.37 mgd in October and zero for November.

BDD provided approximately 55.3 percent of the water supply to the City and the County for the month of September; 54.5 percent for the month of October; and, 65.3 percent for November.

The BDD year-to-date comparison – there's a graph there so you can see – regional water overview, daily metered regional demand for each month averaged approximately 10.7 mgd for the month of September, 9.4 mgd for the month of October and, 4.9 mgd for the month of November. There may be a discrepancy there with that number that we will update if it happens to be there at the next board meeting.

If you continue there, Rio Grande flows, 280 cfs for September on an average and 407 cfs for October; 650 cfs for November.

Reservoir storage: Nichols is obviously zero. For those of you who don't know, we are doing some renovations there. McClure is at 52 percent in September, 51 percent in October and 55 percent in November. Watershed inflow is 7.9 mgd in September, 3.3 mgd in October and 2.4 in November.

City/County/Las Campanas storage as updated by partners as of August 1, 2024: City of Santa Fe Abiquiu San Juan-Chama storage is about 5,671 acre-feet. As of August 1, 2024, the City of Santa Fe has been allocated 5,230 acre-feet of 5,230 acre-feet, and Santa Fe County has been allocated 358 acre-feet of 375 acre-feet of San Juan-Chama project water.

Below that is just a graph and that will conclude the report for operations.

CHAIR ROMERO-WIRTH: Thank you. Do we have questions from the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: I do see that the Rio Grande flows are coming up a bit in the fall and that makes sense. You may not be able to answer the question but given how much it has or has not come up in October and November, do you think we're seeing effects of La Niña and drier conditions? Would you have expected the flows to come up a little bit more?

MR. PRADA: Not necessarily.

COMMISSIONER HAMILTON: So you don't think so.

MR. PRADA: No.

COMMISSIONER HAMILTON: That's good. Thanks.

CHAIR ROMERO-WIRTH: I'm going to go to Board Member Schmidt-Petersen because he had his hand up first and then we'll go to you Commissioner Hansen.

BOARD MEMBER SCHMIDT-PETERSEN: Madam Chair, just two questions for Brad. One is, I'm wondering why in August the City was allocated a full allocation of its San Juan-Chama water for the year but the County was not? Do you know if they were just allocated that 375 later?

MR. PRADA: I'm not sure about that. We can defer that to later or Jesse Roach –

MR. ROACH: Member Schmidt, Madam Chair, I noticed that as well and I think that that's a mistake because in all of the allocations that I've ever seen, all of the contractors received the same percentage allocation. Once a full allocation has been made everyone has received the full allocation.

BOARD MEMBER SCHMIDT-PETERSEN: Thank you. I guess the other question I had is understanding that the Rio Chama is almost fully blocked now with a sediment plug and I'm wondering if people are talking to you about what that might mean for releases of water from Abiquiu Reservoir.

MR. PRADA: Absolutely, those conversations have occurred and I'll refer to Kyle.

KYLE HARWOOD (BDD Board Counsel): Thank you, Brad. We are proposing to get an update out on the Rio Chama sediment plug at the end of the year. We are working with the Interstate Stream Commission who has been working diligently with Albuquerque Bernalillo County Water Utility Authority to get that channel open.

Just a quick update, it's my understanding that they've got a narrow channel opened through the southern plug and the release out of Abiquiu – to try to get that sediment moving and get the channel reopened. But it is going to be a real issue going forward. Member Ives was asking for an update the other day and so we do have a goal for getting to get an update done here by the next meeting.

BOARD MEMBER SCHMIDT-PETERSEN: Great, thank you.

CHAIR ROMERO-WIRTH: Okay, I think we probably need the error corrected in these documents and perhaps just send out to the Board if that's possible.

MR. PRADA: We could do it in the next agenda, if that's okay?

CHAIR ROMERO-WIRTH: Maybe sooner. It seems like it should be reflected that there's an error in the report.

MR. PRADA: It's up to you. We could email it. [Email sent 12/12/24 – correct numbers are shown in minutes as stated by Mr. Prada]

CHAIR ROMERO-WIRTH: We should email. Commissioner Hansen.

COMMISSIONER HANSEN: In the past we've gotten a report on El Niño and La Niña in the water report here and I don't see it here.

MR. ROACH: Madam Chair and Commissioner, I will take that one. In the transition to Matt Sandoval as the Operations Superintendent, I told him to strip away those things that he was not very familiar so that we could get back to having a report that was responsive to your needs. Now that you've asked about it, that will be something that we will add back.

I appreciate the question and it was at my direction that we simplified it to make sure we were presenting items that are of interest to the Board.

COMMISSIONER HANSEN: I think that that's of interest to the Board, thank you.

CHAIR ROMERO-WIRTH: So noted. Other questions on this operations report. Yes, Board Member Ives.

MR. IVES: Thank you, Madam Chair. Just coming back to the Rio Grande flows going from 380 cfs in September to 650 in November; it seems an oddly dramatic increase especially if you look at the reservoir storage inflow figures which show a decrease over those same three months from 7.9 mgd down to 2.5 mgd. So I don't know if that increase flow is based upon where they measure it or do we have more background as to why that was so dramatic?

MR. PRADA: I don't want to take a guess at this point but I think it has something to do with snow that we had and then it melted and then I think they're trying to prep for the clog situation that we have going on in the river.

CHAIR ROMERO-WIRTH: And we've got Director Roach behind you –

COMMISSIONER HANSEN: Madam Chair.

CHAIR ROMERO-WIRTH: Yes, hold on just a second. Let me get Director Roach.

MR. ROACH: Member Ives, I would offer also that generally along the river and I'm sure that Member Schmidt-Petersen may weigh in on this as well, but we do expect that those flows to rebound fairly dramatically in November because all of the irrigation systems go off. So essentially you'll see in Colorado they stopped diverting, in Velarde they stopped diverting, up in Chama they stopped diverting. So independent of what's being stored in the reservoirs there's suddenly a whole lot more money that is not being diverted in the system.

CHAIR ROMERO-WIRTH: Member Schmidt-Petersen, did you want to add to that?

BOARD MEMBER SCHMIDT-PETERSEN: I would just add that Jesse's correct in that right now Colorado is delivering every drop of water that is coming out of their mountains to the state line and that's what you start seeing in November up until April 1.

CHAIR ROMERO-WIRTH: Board Member Ives, back to you.

MR. IVES: Thank you. And first of all, thank you for those responses and that clarity on that point. The other question I had was the reference to the San Juan-Chama storage, 5,671 acre-feet, my recollection is that a year ago we were looking at some 14,000 acre-feet of storage and so just wondering about the dramatic drop and when that occurred and why?

MR. ROACH: Thank you, Member Ives. I believe that the 14,000 that you may be referring to was in Heron and Abiquiu and I believe the number that is in that report is Abiquiu only. I had noticed when I was looking at it recently that on a year-to-year basis we were down about 2,000 acre-feet compared to last year in San Juan-Chama total storage. And I think that's a combination of losses and using it and also we have updated our storage agreement with Albuquerque and in order to store water in Abiquiu we do provide some amount of wet water to Albuquerque to pay for that. So for a time it hadn't been being paid and now it is being paid again. So I think those are the reasons and I certainly can provide more accuracy than that if you want.

MR. IVES: Please.

CHAIR ROMERO-WIRTH: Commissioner Greene.

COMMISSIONER GREENE: Okay, just as a point for going forward, if it's possible, to show those trends like a moment in time for this year is great, but showing them back three years might show relative to – and some of the graphs shows some of those things but it would be great to see those things so we would be able to see, oh, it's 14,000 now, and 5,000 and so on. I know that it's data that is pretty easy to compile in a way to show year over year and it would be great for people to see that.

CHAIR ROMERO-WIRTH: And I think that can be communicated to the operations manager who is again our operations superintendent and who is also new on the job. So I ask us to give him a moment to get up to speed as well. All right, other questions on this report?

**c. Report from BDD Facilities Manager**

MR. PRADA: The Major Repair & Replacement, MR&R, Fund, there were no major replacement items in September, October or November. The LANL MOU negotiations are still ongoing and nearly completion. Staff are hopeful of bringing a new agreement forward to the Board for approval soon.

The BDD staff are continuing to work on the rebuild project and procurement progress of selecting the design-build firm. The first phase of this process has been completed. The procurement process for the owner's representative portion of this project has also commenced and a selection team has been appointed. Staff will provide further information as it becomes available.

Partner billing update, we have completed quarter four of FY24 and we're on track to catch up and billing on a regular billing cycle.

Current job vacancies, obviously we have a facilities manager that is filled by yours truly. Operations Superintendent has been filled by Matthew Sandoval. Maintenance Planner Scheduler has been filled by Dan Righter. The Safety and Training Administrator, that job has been filled and he will start as I was notified today, that he will be starting on Monday, December 9<sup>th</sup>. We also have an equipment repairman that I was notified about today and that's why it's not in here and he will also be starting on Monday, December 9<sup>th</sup>. Water Operator entry an offer was made and it's pending HR. Water Operator Advanced, a candidate has been selected and we are moving through the process internally at this point for the selection. Equipment Repairman entry is pending interviews, Water Operator intermediate, pending interviews and Journeyman Electrician, has since closed and with no applicants in process.

CHAIR ROMERO-WIRTH: Questions on that report? Commissioner Hamilton.

COMMISSIONER HAMILTON: Didn't the RFP, the response time for the owner rep close two months ago?

NANCY LONG (BDD Counsel): If I could answer that, Madam Chair.

CHAIR ROMERO-WIRTH: Yes.

MS. LONG: Yes, Madam Chair, Commissioner Hamilton, I believe it was approximately two months ago. There is a selection committee for that procurement. As you know, losing Monique who was our procurement manager and she was the procurement manager on this procurement as well as the design-build procurement. So that has delayed us as well. But the committee is meeting next Wednesday, I believe.

COMMISSIONER HAMILTON: Do we know how many responses we got? Can the Board know whether we got any responses at all?

MS. LONG: We did get responses but I think at this point I can't –

CHAIR ROMERO-WIRTH: I don't think you can reveal that yet.

MS. LONG: No, we cannot yet. But we are moving forward with that one next week. And Valerie has stepped in as our procurement manager probably for both procurements.

COMMISSIONER HAMILTON: Because presumably if we didn't get adequate responses we have to go back out so we'll get those updates –

MS. LONG: That is correct. We will know once the evaluation committee completes their work next week whether we have anyone that qualifies in the committee's opinion.

COMMISSIONER HAMILTON: Okay, thank you.

CHAIR ROMERO-WIRTH: Other questions? Board Member Schmidt-Petersen.

BOARD MEMBER SCHMIDT-PETERSEN: Madam Chair, I just have a comment and that's that it is nice to see for the job vacancies how many of them have been filled and how much progress is being made in that regard.

CHAIR ROMERO-WIRTH: I totally agree.

COMMISSIONER HAMILTON: Agree. And having a report with that detail, I really appreciate it.

CHAIR ROMERO-WIRTH: Commissioner Hansen.

COMMISSIONER HANSEN: Yes, thank you, Brad and welcome. It's just disappointing after two years of waiting for procurement on a design-build firm and the owner's operator and I just have to say that for the record because I won't be here and I think that myself and Commissioner Hamilton have worked really, really hard on trying to protect the Buckman Direct Diversion and to see us still waiting all of time is really disappointing.

CHAIR ROMERO-WIRTH: Other questions, comments from the Board on this report? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair and Brad. Question, just having done big construction projects – not nearly as big as a \$7 million rebuild here but significant ones – an owner's rep comes on before you hire a design-build firm and they should be part of that selection process so that they know they have that on them. It would be my ideal. I know that we're trying to get these things there but I would really prioritize the owner's rep before I would, you know, because you end up then coming in too late behind the ball and I think they're stuck behind. So that's more of a comment but a recommendation to say, please expedite that part over choosing a design-build firm. That's from my experience.

Secondly, for the LANL audit, do you have a date? Do we have a critical timeline? Do we expect it within a week?

CHAIR ROMERO-WIRTH: We're going to talk about that in one of the agenda items.

COMMISSIONER GREENE: Perfect.

CHAIR ROMERO-WIRTH: So we can do that when it comes up.

COMMISSIONER GREENE: That's fabulous. Then third question, I know that we all submitted audits this week; did we get our audit in on time?

CHAIR ROMERO-WIRTH: It is not due until the 15<sup>th</sup>.

COMMISSIONER GREENE: Ours is not – okay. That’s wonderful.

CHAIR ROMERO-WIRTH: But as far as I know it’s on track to be on time.

COMMISSIONER GREENE: Okay. I thought state audits were due  
December 2<sup>nd</sup>.

CHAIR ROMERO-WIRTH: Fifteenth.

COMMISSIONER GREENE: Fifteenth, okay.

CHAIR ROMERO-WIRTH: Board Member Ives.

MR. IVES: Thank you, Madam Chair. Just a quick question on the BDD  
rebuild project progress. The second sentence says, the first phase of this process has been  
completed; but I don’t have any clue as to what the first phase of this process was. I am just  
hoping to get clarity on what might have been completed and how many phases remain.

MR. PRADA: Madam Chair and board members, I have not been directly  
involved in this so I will leave this question to Jonathan Montoya or to Nancy.

CHAIR ROMERO-WIRTH: We’ll go to general counsel.

MS. LONG: Yes, Madam Chair and Member Ives, the design-build process  
contemplated a two-phase procurement. So phase one is getting qualified offerors without  
regard to any specific design proposals. So that is the first phase that has been completed.  
So there were submittals for that phase of it and they were deemed qualified to move to the  
next phase. So now we’re into the technical aspect of it of a document that will go out to the  
offerors so that we can get their proposal on some proposed design solutions.

MR. IVES: Thank you.

CHAIR ROMERO-WIRTH: Other questions, comments? And just on the  
audit the 15<sup>th</sup> is when it is due and the 15<sup>th</sup> fall on a Sunday. Therefore, the actual due date  
this year will be Monday, the 16<sup>th</sup>.

**d. Presentation regarding 2024 Compliance Order Between the New Mexico  
Environment Department and the U.S. Department of Energy**

CHAIR ROMERO-WIRTH: We have our consultant here and why is this  
reflected differently?

JAY LAZARUS (Glorieta Geoscience): Madam Chair, Jay Lazarus with  
Glorieta Geoscience which a division of GZA.

CHAIR ROMERO-WIRTH: Okay, that’s a change. And then we’ve got  
Kyle Harwood who works with Nancy in providing legal counsel and this is one of his  
projects. So, please, take it away.

MR. LAZARUS: Thank you, Madam Chair, Board, at the end of August the  
Environment Department and LANL signed a consent agreement to settle longstanding  
litigation between the two parties over legacy waste at the lab. And what I tried to do was  
highlight the topics in this 127 page document rather than try and go through it. But what  
I’ve done here is provided the URL in the link in the second paragraph for those of you who  
want to look at the whole document. Really the consent order came about because they  
wanted to avoid years and years for both costly and uncertain litigation outcomes from both  
sides. And I think you know me well enough [inaudible] so after the general purposes, there  
are five issues that I’ve summarized – both the corrective action, hazardous waste permit,  
stormwater runoff, exclusions and public participation. I think that for me one of the bigger

items on this is the hazardous waste permit because the Environment Department is going to regulate the lab both under this consent order and then five items that are separated from the consent order that include new releases, closure/post closure, long-term monitoring, corrective action and newly created solid waste management units or areas of concern. I think that the public participation portion of this is somewhat following what the lab has been doing over the past several years with annual public meetings and quarterly meetings to discuss the progress on the consent order.

Our recommendations are that we meet with – so both the lab and the Environment Department have a designated agency manager to implement the consent order. So our recommendations, that we hope the Board will agree with, is that we meet with the NMED Hazardous Waste Bureau designated agency manager and Peter and I will schedule with Brad to meet with this individual at NMED. Monitoring the clean-up efforts, as we always have been at LA and Pueblo Canyons. And then attend and participate in quarterly meetings. And I will be happy to answer any questions.

CHAIR ROMERO-WIRTH: Mr. Harwood, did you have anything to add to that? Questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Jay, I appreciate your compiling this and I do think and hope that you will continue to meet with the Hazardous Waste Bureau and with anybody else you can meet with at NMED and attend the public meetings. I think you know that I attend them on a regular basis. I don't think that that will change --

MR. LAZARUS: I was anticipating that we would see you there.

COMMISSIONER HANSEN: -- considering that I've been at these meetings for 20, 30 years or something like that. But I do appreciate your putting everything together and I just hope that the Board will continue to be involved because I think it really is important to protect our drinking water especially with the Ketterer Report and the plutonium that has been identified. There is always hazardous waste coming from off the hill and the more that they dig things up and the more things are exposed, the more we -- you know.

MR. LAZARUS: Madam Chair, Commissioner Hansen, thank you.

CHAIR ROMERO-WIRTH: Other comments, questions? Board Member Schmidt-Petersen.

BOARD MEMBER SCHMIDT-PETERSEN: Just one, Madam Chair. I'm wondering with the consent order and the MOU that we're passing to look at an extension of, is there something missing that we should be made aware where there's something that might create a threat relative to water supply that isn't being addressed?

MR. LAZARUS: We believe that we're addressing everything that is related to threats to the water supply, Board Member Schmidt-Petersen.

BOARD MEMBER SCHMIDT-PETERSEN: Thank you.

CHAIR ROMERO-WIRTH: Commissioner Greene.

COMMISSIONER GREENE: Do we have a date that we think that this will all be completed, the MOU?

MR. HARWOOD: That's the later topic.

COMMISSIONER GREENE: That's still the later topic.

CHAIR ROMERO-WIRTH: We're going to get to it, I promise. All right, any other questions or comments? Thank you, thank you for this work.

MR. LAZARUS: Thank you.

e. **Presentation regarding the Settlement Agreement filed 11/19/24 in the case Wild Earth Guardians vs. U.S. Fish and Wildlife Service 1.22-cv-00914-GJF-JMR**

MR. HARWOOD: Thank you Madam Chair, members of the Board. I am here today to update you on minnow news. There was a case filed several years ago by Wild Earth Guardians alleging a bunch of failures by the parties to the biological opinion regarding the status of the minnow and it was kept very tightly under wraps until the day it was filed with the court. The court has since acted on the motion adopting the settlement agreement. In short, this means that the Bureau and Fish and Wildlife Service are reinitiating what's called "consultation." They've given themselves a three-year window to hammer out a new biological opinion. This is of great interest to the Buckman project. In our project biological opinion we are mandated to participate in the collaborative program and that has worked well for us in the past in terms of making sure that we understand how the minnow is going to be managed and also made aware of any water ops, water operations, changes that may impact how we call for delivered water at the Buckman Direct Diversion Project.

That is my quick summary and I would be happy to stand for any questions, thank you.

CHAIR ROMERO-WIRTH: Questions from the Board? Member Ives.

MR. IVES: Thank you, Madam Chair. Kyle, I struggled a little bit to understand as San Juan-Chama is non-native Rio Grande water and how that relates to flows in the river in connection with the biological opinion.

MR. HARWOOD: So we talk about the water having a different color, it doesn't obviously physically have a different color, but it gets brought into the Chama Rio Grande system and managed in a different way. Probably the most important thing to know is that – and Jesse, I'm happy for you to answer this if you prefer – but the City's portion of the diversion out of the BDD is entirely San Juan-Chama water. The County's is maybe 20 percent of their permitted volume of the BDD. Eighty percent is native and 20 percent is San Juan-Chama. All of the Las Campanas water portfolio diverted to BDD is native. So we took that mix of different colors of water when we proposed the project and because of that mix of different colors of water we receive a set of operating constraints in our project's biological opinion. And that's the permit that the Board holds on behalf of the partners.

There are separate rules that are associated with managing the water rights themselves which is managed by the City staff and the County staff and the Las Campanas staff. Those are the water right rules. These, the ones I'm talking about now are the project's environmental permit.

As a result of that mix of water, we received a mix of conditions in our project biological opinion and San Juan-Chama water is generally considered sort of off-the-table when it comes to constraints on San Juan-Chama water for the minnow because it is imported to our system from outside the watershed. But obviously, San Juan-Chama water is voluntarily used a lot to support the minnow. The bureau has a supplemental water by-pipe program contractor of San Juan-Chama water and it's key water that has been used to keep the minnow alive. Does that help?

MR. IVES: Yes, although I would love to get a copy of the project biological opinion.

MR. HARWOOD: Oh, it's a great read. [laughter]

CHAIR ROMERO-WIRTH: Board Member Ives loves that kind of stuff.

MR. HARWOOD: As do I. We are effectually water nerds – some of us are. Very good. Other questions – I'm sorry, Madam Chair.

CHAIR ROMERO-WIRTH: Other questions? Board Member Schmidt-Petersen.

BOARD MEMBER SCHMIDT-PETERSEN: Thank you, Madam Chair. And, Kyle, thank you for the report. I guess we really won't know what this re-initiation means until the bureau requests re-initiation officially.

MR. HARWOOD: They have.

BOARD MEMBER SCHMIDT-PETERSEN: They have and so do you have a document?

MR. HARWOOD: I have letters saying, hey, we need to reinitiate and, hey, by the way we agree we have to reinitiate. There's an exchange of letters to that effect. They are not very sophisticated. The collaborative program has gone through a lot of changes and I'm happy to provide updates now or later as you wish. The long-time third-party manager called WEST was let go earlier this year and now a new organization at UNM who is acting as ARID affectionately has been hired to be the third-party manager with some of the same humans who were in the previous structure. With the release of the settlement agreement we are, the collaborative program members, are starting a new round of intensive work. Last time leading into the 2016 biology opinion, and you remember this Board Member Schmidt-Petersen because you were at one of the lead agencies involved in this matter, it was three years of work to get the 2016 biological opinion and it was some heavy lifting.

In other related news, we're expecting a listing position for the Rio Grande cutthroat trout shortly. And in other, other news while Earth Guardians has chosen to sue over the Rio Grande shiner even though that was a decision scheduled for the summer of '25, next summer. So there continues to be a fair amount of activity in this case and I will continue to make myself available to the City, County and Las Campanas water managers for more detailed updates as they need.

BOARD MEMBER SCHMIDT-PETERSEN: Thank you, Madam Chair, may I add one thing on there. I kind of think having been heavily involved in those processes for 20 years that BDD has a great opportunity now for this re-consultation beginning to really show that the operations of the facility itself are not observable in the downstream flows under almost all circumstances. And there's now a record to do that and when the initial biological opinions were put in place and so on it was in that record. So there was a lot of speculation and now there is data.

COMMISSIONER HAMILTON: That's a really good point.

MR. HARWOOD: We've had a tremendous turnover in people involved in these issues so we're hoping that we can maintain the posture that we've had with respect to the federal agencies and all the other stakeholders on the river.

CHAIR ROMERO-WIRTH: Thank you for that historical knowledge. Other questions for Mr. Harwood? All right, we're going to keep clipping along here.

8. **Action Items: Consent Agenda**
  - a. **Request for Approval of the 2025 Buckman Direct Diversion Board Meeting Dates [See Page 2]**
  
9. **Action Items: Discussion Agenda**
  - a. **Request approval to delegate to the BDD Board Chair to execute an Amendment to the “Memorandum of Understanding between the US Department of Energy, Office of Environmental Management, Los Alamos Field Office and the Buckman Direct Diversion Board regarding Notification of Streamflow and Water Quality Monitoring in Los Alamos and Pueblo Canyons “extending the termination date and allowing additional time to negotiate a new MOU**

CHAIR ROMERO-WIRTH: The item all of you were waiting for. Mr. Harwood you are on this agenda item as is our facilities manager Mr. Prada. I will kick this back to you.

MR. HARWOOD: Thank you, Madam Chair and members of the Board. I am not going to go into the details of the MOU negotiation because of the nature of the negotiation. We've had some delays through this year and I know we're all disappointed that we don't have a new MOU here by December 10<sup>th</sup> as we had originally hoped and scoped but we've had a number of details and my counterpart at LANL was out recently so we weren't able to bring you the actual amendment. But the recommendation from the team that is working on it and frankly our counterparts at LANL is that we do a short-term amendment of several months to allow some technical discussions to occur and bring back an MOU to the Board that both parties are recommending to their clients in the first quarter of next year.

So my suggestion to you, Madam Chair, is that if there is going to be a motion – well, there needs to be a motion – that the motion be to delegate that authority to you to sign that amendment not to exceed April 10<sup>th</sup>.

CHAIR ROMERO-WIRTH: And if I can, just to be clear, what this is doing is keeping what we have in place because the idea, and just to catch the Board up in case you're not familiar, my understanding was that the agreement we have is due to expire December 10<sup>th</sup> and we trying, you all were trying to negotiate a new deal to be put in place and signed prior to the expiration. That's not going to happen so now we'll keep the current agreement in place for a few months longer with the idea that you're close and you'll be able to bring something back with a few months more lead time.

MR. HARWOOD: The intention is to bring back a new three-year MOU in the next couple of months.

CHAIR ROMERO-WIRTH: Okay. Questions from the Board, comments from the Board? Thoughts from the Board. Yes, Commissioner Greene.

COMMISSIONER GREENE: Is there a reason for the April 10<sup>th</sup>? Is it just so there's a four-month time. We have an April 3<sup>rd</sup> first meeting in April would you expect that we would have it by April 3<sup>rd</sup>?

MR. HARWOOD: The recommendation to pick the 10<sup>th</sup> day of the month is because it is always a little after that month's meeting which is always in the first 10 days of the month depending on how the calendar falls. So that's the recommendation for the 10<sup>th</sup>.

There is a planned technical meeting vaguely on the books for January so we would hope to bring back the MOU at the February, March or April meetings. We'll bring it back as soon as we can.

COMMISSIONER GREENE: Thank you.

CHAIR ROMERO-WIRTH: Any other questions or thoughts? If not, is there a motion?

COMMISSIONER HAMILTON: Madam Chair, I would move to approve this. It makes sense to me.

BOARD MEMBER SCHMIDT-PETERSEN: Second.

CHAIR ROMERO-WIRTH: We have a motion from Commissioner Hamilton and a second from Board Member Schmidt-Petersen. I need a roll call on this, right?

MS. LONG: Madam Chair, we would recommend that.

The motion passed by unanimous [4-0] roll call vote as follows:

Councilor Carol Romero-Wirth	Yes
Commissioner Anna Hansen	Yes
Commissioner Anna Hamilton	Yes
Rolf Schmidt-Petersen	Yes

CHAIR ROMERO-WIRTH: Thank you Mr. Harwood for your work on this.

#### **10. Matters from the Public**

CHAIR ROMERO-WIRTH: Good evening.

JONI ARENDS: Good evening. My name is Joni Arends and I'm with Concerned Citizens for Nuclear Safety. I am very pleased to meet Mr. Prada this evening and to learn more about all of his experience here at the Buckman and Mr. Montoya. It's really an honor that this transition has been completed before the end of the year – these transitions.

I also want to acknowledge, I have kind of a list, acknowledge that this is being aired by the City so that the public can have access to it and I appreciate the closed captioning as well. And it's really good public policy. Having been on the phone with Bernie on November whatever it was – the 8<sup>th</sup>, about whether or not there was going to be a meeting. So I think it's really important that this procedure, this public policy continue by the City. Especially as we move into expanded pit production at LANL in terms of documenting what this Board does and documenting the dedication by the Board members going forward because we always know that if there's any problem up at LANL that the blame gets shifted onto other agencies. So just a word of caution.

And I do want to thank Commissioner Hamilton and Commissioner Hansen for their eight years of dedicated service to this Board through all the ups and downs. It's quite an accomplishment in terms of how much has gotten done and specifically I want to acknowledge Commissioner Hansen's work on getting the monitoring station working with staff and Kyle and others and Mr. Mikolanis to get that on the pueblo, to get that monitoring station. More oversight is needed when more money comes into the laboratory. If you don't know, the budget has doubled to over \$5 billion in the last five, six years and it's probably going to expand more January 20<sup>th</sup>.

So those are my comments this evening and thank you to the Commissioners and thank you for all of your service and I hope it's a good transition to Commissioner Greene moving forward. It's a big responsibility because it is the drinking water for as we saw today over 53 percent for the City and the County. So thank you.

CHAIR ROMERO-WIRTH: Thank you. Other members of the public who would like two minutes to be heard. Seeing none we'll move on. Oh, do we have somebody on Zoom?

MS. LONG: No, nobody on Zoom.

## **11. Matters from the Board**

CHAIR ROMERO-WIRTH: There are a number of things that we need to do this evening and I know that a number of my colleagues will probably be focusing on. So I just want to start off with a couple of things. First I want to welcome Brad Prada as our new facilities manager. I wish him well and look forward to working with you. I want to thank Jonathan Montoya for being interim and for the work that you've done at the plant. I have been hearing great things and I hope that there are ways that we can keep you as part of the team and helping with the transition and the work that is going to be needed going forward.

I want to acknowledge the tragic passing of Monique Maes. Just really awful. It's just an incredible loss for the work that we've been doing here. She was a really important piece of getting the work done here and I want to acknowledge the importance, hard work, her service. I am just really, really sad that we've lost her. I wish her mother and her children well and – just deeply sorry by this loss. I hope everybody at BDD is hanging in there because this is a big one.

And then I just want to acknowledge that Commissioner Hansen and Commissioner Hamilton this is your last meeting. That's hard to believe. Instead of just one pair of big shoes we are losing two pairs of big shoes. I hope we'll be able to continue to call on you as we move forward. I know that you'll find ways to continue to be involved and I just want to say it has been a pleasure to work with both of you and thank you for your service to this Board and your continuing to really care about how it runs, how it functions and that we're doing it in a good way. I know that it has had its struggles over the years and you all have been part of the ups and downs and I think your work, as was noted by a public speaker, there's a lot of successes that you all have been critical players in. I thank you for that. We will try and carry on and call on you as we can, I hope to because that institutional knowledge is not small and it is important. So, again, I just want to acknowledge that. Thank you for your service, we really, really appreciate it.

I took that privilege as chair. Usually, the chair goes last but I decided to jump out in front of this. But I will now take other matters from the Board. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you so much for that. I just wanted to say that of all of the things that I did and participated in as a Commissioner, participating on the BDD Board and with all of the things that we try and do jointly as the City and the County has been one of the most important and one of the most fulfilling. At times very challenging but one of the things I held to be very important and I'm very grateful that I was able to continue that for the eight years of my term. It's been a privilege and really wonderful to work with all of you and knowing full well that you'll carry on fabulously and I'm very grateful to have been able to make some contribution. I really want to thank you for making it a wonderful working experience for me.

CHAIR ROMERO-WIRTH: Thank you, Commissioner. Commissioner Hansen.

COMMISSIONER HANSEN: Ditto to everything that she said. I've been involved with this Board since 2006. Since the early days even before that maybe in 2004 during the hearings that we had and so my history and knowledge of this was with my involvement with Concerned Citizens for Nuclear Safety and making sure that we have a diversion. Because if it wouldn't have been for Concerned Citizens for Nuclear Safety we would not have a diversion on the Rio Grande in the way that that water is brought into the facility. And I consider that a really important effort.

I do think that serving on this Board is one of the most important things that I could do as a Commissioner to protect our drinking water. There is nothing more important to everyone and we do have a national lab above us and that every single site where there is a national lab throughout the United States is contaminated. There is not one nuclear site or national laboratory that is not contaminated. We are not the exception. We are in there like everyone else. So therefore it means that we even have to be more vigilant on our responsibility to our constituents and the drinking water that we provide for them.

I was honored to be able to fight for new lawyers when we came to the point of suing about the diversion. I am a fighter. I am a warrior. I think everyone knows that about me and that was a really important step that we took. And as Kyle likes to say, we batted above our weight. But we did and we made a difference and we made \$70 million to protect the drinking and you know get a new diversion. I hope that Jesse and John and Brad and Jonathan, you take good care of that money and not misuse it in any way and you make sure that it is put to good work to protect our water and that we build a diversion that will last for a long time. I think that there are many things that we, Commissioner Hamilton and myself have done on this Board and I am honored to have served with her. Together I think that we have made some really important decisions and provided real leadership for this Board that it didn't always get. So I am incredibly honored to have been a Commissioner for the last eight years serving on this Board and a number of other boards that I have served on.

I also am incredibly hurt, heartfelt for Monique Maes and her family. I would leave the BDD meetings and go to Natural Grocers where she also worked. And I would always visit with her so I had this other kind of personal relationship with her outside of BDD. It's just heartbreaking to me. She also when I went to the memorial/viewing her mother was so kind. I didn't realize any of that time that Monique and her family lived in Area 1B which has to do with annexation and her mother thanking me for fighting for them. And I was like so taken aback by that. I loved Monique and I felt like she was a friend and I'm really sorry for everything that has happened to her. It is an incredible loss to all of us. And I did say some words at our Board meeting also for her when that happened and thank you for saying something, Madam Chair, for her.

So I want to thank Rick for his years of service and he's not here. I want to thank Kyle and Jay and Jim Bearzi for all of their work in supporting me on my belief of protecting the water and protecting us from LANL. I think that's so important. And Peter and others that work with you, Jay. I am grateful. And thank you, Nancy, for your good advice. Thank you Bern and all of the staff for everything that you do and for how hard you work and how dedicated you are to the Buckman Direct Diversion. It gives me solace to know that you are here and as Madam Chair said, both Commissioner Hamilton and I live in this community. I am a city resident. I get Buckman Direct Diversion water at my house. I want to make sure that it

is safe for everyone who drinks it and I'm just honored to have been on this Board and worked with all of you. I wish you all the best. Brad, truly, I think it is great that we hired somebody who is coming up from the bottom who has worked in the facility since it started and has a lot of different knowledge and certainly a different set of experiences. And I am sure that the new Board and staff will be there to help you every step of the way. So I wish you completely the best in working here and congratulations on your promotion. And, thank you, Karen, for every single meeting that you have been at with us. You've been here a lot longer than many of us – so thank you for all of your work. Thank you, Madam Chair, for allowing me that time.

CHAIR ROMERO-WIRTH: Thank you. Other matters from the Board? Board Member Ives.

MR. IVES: Thank you, Madam Chair. I wanted to echo thanks to those folks who have filled positions on an interim basis. That is such an important job and a difficult one to come in, pick up something where it is in process and to carry it forward as well as everybody who has served in that position has. So thank you for that.

For our new folks, what a joy. I very much look forward to working with you and maybe someday hearing some stories about Buckman over the years because I suspect that you have more of that history, Brad, than anybody else in this room at least in terms of operations at the plant. And you know being a citizens alternate it is kind of like being a first cousin once removed but I will say that it has been a privilege and an honor to work with the Commissioners who are at this point leaving. I have been sort of in that position but there are always opportunities to remain involved and stay involved. So I am looking forward to that and that extends obviously far beyond Buckman.

But I would note that in our years of service together we agreed most of the time. There were certainly times when we didn't disagree but we always were able to do that with respect and civility and I think always with the interest of the citizens of the City and the County held out in front of us as the people we serve. So I would say that you both have acquitted yourselves so well in terms of your service on the Buckman, thank you. And I know it's not a sort of sexy board where you hear a lot about it in the media but I agree with the comments that it is a tremendously significant one. So thank you both for your service and all continuing employees and folks involved I look forward to continuing on and thank you for all that you do as well. Thank you, Madam Chair.

CHAIR ROMERO-WIRTH: Thank you. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Just to reiterate a lot of what's been said. Welcome Brad. Thank you team for filling in. We look forward to a great working experience and a great succession plan and how to build a team. So good, congratulations.

To my two fellow commissioners, it is very sad. This has sort of been a long good-bye for the last few weeks and so this is one of those steps in the process. To Commissioner Hamilton thank you very much. I've earned a friend I think, I'm pretty sure, over these last two years that I have been serving with you on the Board and then a year here on BDD. Your insight is always amazing and super valuable. And, Commissioner Hansen, I wouldn't be here without you and I really want to acknowledge that. And thank you for so many reasons and as being mentor to me over the years and thank you for your service. I'll keep this short and sweet but thank you, both of you, for supporting me and making me a better commissioner and a board member for BDD. And I know that they are very large shoe to fill. I only wear a size 9

but I will do my best to represent the County and if you ever have some input that you want you have my telephone number so please feel free to call. Thank you.

CHAIR ROMERO-WIRTH: Okay, other matters from the Board.

MS. LONG: Madam Chair, I think Bernardine wanted to make a few comments.

CHAIR ROMERO-WIRTH: Yes, thank you.

BERNARDINE PADILLA (BDD PR & C Officer): First of all, I want to reiterate everything that everyone has said about the Commissioners, especially Peter Ives because he was a former Board member as well as citizen member and so a lot of you have a lot of history here.

I want to thank you on behalf of the staff for supporting the staff, supporting the Board and for the service and time you put in and the passion and the support. We really appreciate it as staff because we need that other input and that outside input as well as what we can provide. So we appreciate everything that you have supported us in. We take that to heart and we see what you do and we recognize everything that you do for us.

On behalf of the BDD staff and the BDD Board I have some gifts for you on the side of your chairs that I had promised you – being here instead of being over there it is hard for me to maneuver and I've been maneuvering around a lot today. But while you were in executive session I put your gifts there. As you know we have your engraved water bottles with GAC which makes a very nice conversational piece in your office.

COMMISSIONER HANSEN: It really does have our names on it.

MS. PADILLA: Yes, ma'am.

COMMISSIONER HAMILTON: I'm very impressed.

MS. PADILLA: I know that you loved that so much and every time that somebody has left we have provided that to them and I know that you liked it. And we got our new hats and some new swag that we had. If you don't like that color let me know.

COMMISSIONER HAMILTON: Thank you so much.

MS. PADILLA: You are welcome. It's just a little small token and then the cards that are in there are from the Board as well.

COMMISSIONER HAMILTON: Thank you so much. That was very slick getting those to us.

COMMISSIONER HANSEN: Yes, thank you very, very much.

MS. PADILLA: We appreciate you. It's a little memento from Buckman. I'm not sure if anybody else has anything to say but I would like to take a moment to recognize Monique from the staff level in addition to the Board level.

On behalf of the BDD staff I would like to recognize and celebrate the memory of Monique Maes our co-worker and our friend. Monique dedicated her career of over 25 years to the City of Santa Fe. She started shortly after high school at the Genoveva Chavez Center. She got promoted to the finance department and then thereafter advancing as the contracts administrator at BDD.

It's not often an employee stays at one organization for their whole career but Monique was dedicated to the City and saw the value of working in government as she followed the footsteps of her mom, Rita Maes. Monique loved working at BDD. She worked at BDD for the last five years of her City career and she loved being out at the facility surrounded by the beauty of nature and the calmness of the water of our basins and our ponds – that was her favorite place to go to sort of de-compress and just have peace.

Monique was a dedicated mom and was looking forward on focusing 100 percent of her time on her kids and was preparing to retire and focus on her children's well being, education and more gardening. Monique's strength came from her family and her faith. She enjoyed going to Mass with her kids. She was also looking forward to traveling more and she was counting the days and had the retirement day circled on calendar in her office.

We each miss Monique at BDD in our own way. I miss laughing about silly things for our mid-day break chats and the support we provided each other when things got a little stressful at work. It is always nice to have somebody that you go talk to in private or laugh with and just confide with and she was one of those people for many of us. Our hallway is quieter and dimmer without her beautiful smile and her calm presence but we're grateful for the time we spent with Monique and the time that she dedicated to BDD. Thank you.

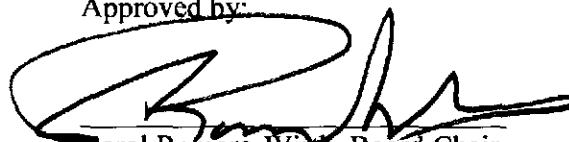
CHAIR ROMERO-WIRTH: Thank you. And, again, very, very sorry for that loss. It is felt on multiple levels. Anybody else?

12. **Next Meeting:** Thursday, January 9, 2025 at 4:00 p.m.

13. **Adjourn**

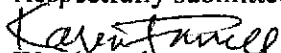
Wishing all happy holidays and having completed the agenda, Chair Romero-Wirth adjourned this meeting at approximately 5:50 p.m.

Approved by:



Carol Romero-Wirth, Board Chair

Respectfully submitted:



Wordswork

**ATTEST TO**



ANDREA SALAZAR  
CITY OF SANTA FE CLERK