



# Agenda

CITY CLERK'S OFFICE

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**SANTA FE RIVER COMMISSION**  
**Tuesday, August 21, 2012, 6:00 – 8:00 p.m.**  
**City Councilors' Conference Room, City Hall**  
**200 Lincoln Avenue, Santa Fe, NM**  
505.955.6840

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES FROM June 19, 2012
4. DISCUSSION/ACTION ITEMS
  - a. Presentation and Discussion: Presentation by representatives from the Santa Fe River Traditional Communities Collaborative regarding a Management Plan for the Santa Fe River Rural Protection Zone
  - b. Discussion: Santa Fe River Fund, status and alternatives for the Voluntary River Conservation Fund
5. MATTERS FROM COMMISSIONERS, MATTERS FROM SUB-COMMITTEES
6. MATTERS FROM STAFF
7. CITIZENS COMMUNICATION FROM THE FLOOR

ADJOURN

Persons with disabilities in need of accommodation, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

**Santa Fe River Commission**  
**Index**  
**August 21, 2012**

Topic	Action	Page #
Cover Page		1
Call To Order/Roll Call	Chair Jacobi called the meeting to order at 6:06 pm. Roll call did not constitute a quorum. A quorum was established at 7:00 pm upon Mr. Sam Gerberding's arrival.	2
Approval of Agenda No Changes	<i>Ms. Romero-Pike moved to approve the agenda as presented, second by Mr. Gerberding, motion carried by unanimous voice vote.</i>	2
Approval of Minutes – June 19, 2012	<i>No Changes. Mr. Gerberding moved to approve the minutes of June 19, 2012 as presented, second by Mr. Bove, motion carried by unanimous voice vote.</i>	2
Discussion Items: a. Presentation and Discussion – by representatives from the Santa Fe River Traditional Communities Collaborative regarding a Management Plan for the Santa Fe River Panel Protection Zone. b. Discussion: Santa Fe River Fund, status and alternatives for the Voluntary Conservation Fund.	Carl Dickens, President, La Cienega Valley Association and Felicity Broenan, Santa Fe Water Shed	3-9
Matters from Commissioners, Matters from Sub-Committees	<i>River Bed Improvements:  Mr. Bucsher made a motion to recommend to the City Council that we remove the parking spaces along the river between (Ortiz Street) - Galisteo and Don Gaspar, second by Mr. Gerberding, motion carried by unanimous voice vote.</i>	9-10

	Mr. Buchser will volunteer to get a sponsor to move this on to the City Council. It would be nice to remove the parking spaces and also recommend making a bike lane.	
Matters from Staff	Informational	10
Citizens Communication from the Floor	None	10
Adjournment	Ms. Romero-Pike moved to adjourn at 7:55 pm, second by Mr. Buchser, motion carried by unanimous voice vote.	10
Signature Page		11
Exhibits	A – Letter from SF River Traditional Communities Collaborative dated 8/8/12 and Management Plan – Santa Fe River Rural Protection Zone B – Q&A for legal consideration, August 2012 regarding options to utilize the River Fund for Alternate Purpose(s) (other than as described in the current ordinance.	Informational - Discussion

**SANTA FE RIVER COMMISSION**  
**Meeting Minutes**  
**Tuesday, August 21, 2012, 6:00 pm –**  
**City Councilors' Conference Room, City Hall**  
200 Lincoln Ave, Santa Fe, New Mexico 87501

**1. ROLL CALL**

The meeting of the Santa Fe River Commission was convened by the Chair at 6:06 pm, City Councilors' Conference Room, Santa Fe, New Mexico. A quorum was not present at this time.

Present:

Jerry Jacobi  
Phillip J. Bove  
John R. Buchser  
Melinda Romero-Pike  
Sam Gerberding - (arrived at 7:01 pm)

Not Present

Richard Ellenberg, Excused  
Jim Cutropia  
Dale Doremus

Others Present:

Brian Drypolcher – Staff Liaison  
Felicity Broenan, Santa Fe Water Shed  
Nicole Lichen  
Carl Dickens

**Quorum was established at 7:01 pm as Mr. Gerberding joined the meeting.**  
**Action items were voted on at that time.**

**2. APPROVAL OF AGENDA**

**No changes.**

*Ms. Romero-Pike moved to approve the agenda as presented, second by Mr. Gerberding, motion carried by unanimous voice vote*

**3. APPROVAL OF MINUTES – June 19, 2012**

*Mr. Gerberding moved to approve the minutes as presented, second by Mr. Bove, motion carried by unanimous voice vote.*

#### 4. DISCUSSION / ACTION ITEMS

- a. Presentation and Discussion: Presentation by representatives from the Santa Fe River Traditional Communities Collaborative regarding a Management Plan for the Santa Fe River Panel Protection Zone.

Carl Dickens, La Cienega Valley Association  
Felicity Broenan, Santa Fe Watershed Association  
On behalf of the Santa Fe River Traditional Communities Collaborative

We have been a part of a group in the lower part below the treatment plant. La Bajada and Cieneguilla has been a big topic of discussion. Ms. Broenan and Mr. Dickens have been co-chairing meetings. There are 150 acres of arable land and water is not reaching the growers because of the Rural Protection Zone. Claudia Borchert and Mr. Drypolcher have attended from the city, county representatives have also attended, and it has been great collaboration. There are beavers and they know how much water is being held back. This area has not been managed; it has been planted and grown. We have come today mostly to see what the possibilities are and to know more about what you had in mind on the Rural Protection Zone. In the last two years the water has become so dire for these communities. There are many controls on ecological zones, we are here to explain the situation and see if there is any potential to actively manage this site and also meet the needs of the downstream users.

Mr. Dickens: A portion of this restoration consists of a federally approved project. One of the things we are doing as the La Cienega Association is to go before the Santa Fe County Commissioners in August. Last year was the first time they did not have water in LaBajada, they did not plant as much as in years past because the water is not reaching them. Being able to sustain a consistent flow of water is extremely important to sustain our cultural principles. Many of the families that are farming there have been farming since the beginning of time. We are working to sustain culture and agriculture. We have the capacity and farmland to plant but we do not have the water. Farmers are doing drip irrigation, they are doing what they can to be resourceful. We are talking about a river restoration, it cannot be done by itself.

History: The area below the wastewater treatment plant, we don't call it a river restoration. In the year, sometimes the water would go below and supplied by bountiful springs along the river. The river doesn't have that flow below because it has been affected by the impact on the springs. We are addressing that as a community. What happened in the race track area was proliferation. There was a creation of 450 homes with no water requirements, no road requirements, no waste water requirement; it was lot split after lot split. Now we are sitting back knowing this is not right. What the county commission did in the 1990's, they took the La Cienega Watershed condition, were placed on

people's homes that came in after that. This means that once county water comes available in that area they have to hook up. We are working with the county commission to find funding to be able to do that. We are assuming our responsibilities to deal with very serious water issues. (Bureau of Geology and Mineral Resources) – Peggy Johnson, Senior Geo-Hydrologist has done a report, we are awaiting the report that has been done. They came through and did a report on how to age water. She went to source springs and was able to age that water. Old water does not get replenished as new water. When the report is acquired it will be presented to Mr. Drypolcher.

Chair Jacobi: You mentioned that there are 450 homes in the area that will hopefully be connected to county water. It was asked if they will be off well water.

Mr. Dickens: The cost to hook up to the county will also be addressed. The county will need to be involved regarding the use and restrictions on the use of wells should the well water be used for outdoor use.

Chair Jacobi: When the city of Santa Fe stopped the river from flowing back in the 50's you had the spring source that kept the agriculture going. And then the new wastewater treatment plant at Airport Road came in the early 80's and that put water into the system that had been taken out by the recent homes and so on. But now the rural protection zone has the Bosque so that is also taking water from that system.

Ms. Romero-Pike: I reaffirm the comments you made tonight for cultural, historical, social and ecological use. She was one of the original farmers and lives in the Village of Agua Fria. This date goes back to the 1200's as far as we know and we know that La Cineguilla is a land grant.

Mr. Buchser: Question on the newer homes, is it part of the deed requirement? Is it written in there that they need to retire their wells?

Mr. Dickens: Yes it is a deed requirement but they have not gotten in to detail.

Mr. Buchser: Does it give any requirements on the use of their wells?

Mr. Dickens will get back to the committee with an answer to this question.

Ms. Romero-Pike asked if there is representation from families in El Cañon.

Mr. Dickens said yes, the Rael family represents El Cañon. There is land there that was bought by BLM. There is probably about 10 acres of land left for farming that belongs to the Rael family.

It is important to know that the farmlands are organic, they do not use chemicals.

Mr. Bové – I think the lower Santa Fe River is volume 1 of the adjudication and I am wondering how the State Engineers office has communicated; have they adjudicated or made offers on any of this land.

Mr. Dickens: I don't think that they have yet.

Mr. Bove – Since there is not a vernal flow I don't know how they could figure that. When the Siler Road plant was there, which was taken out of service in 1981; they sold that grey water and had the effluent line that ran parallel to Cerrillos Road and to Airport Road. The return water, whatever there was, went towards the ponds by the Romero's which was on the south side of Agua Fria. Since the water that comes out of the treatment plant that has been sold doesn't go in to the river, it is not potable water. So the only water they are seeing is the left over.

Ms. Romero-Pike: I want to make a comment, when PNM owned the water system, they decided they were going to drill the Buckman wells, Bob Weil who lived there which is now Las Campanas, he owned that property. In order for PNM to get their right-of-way they bargained with him for approximately 300 hook-ups. Is that why Las Campanas has the rights now to get serviced water from the city? Ultimately now just this year, after people have been so successful conserving water, they are getting potable water to maintain their golf courses.

Mr. Dickens: When the city expanded the Buckman into the 4 wells, we are approving this and you now have to go to the farmers in La Cienega and Cineguilla and talk to them because you are off setting their water. We had been negotiating with the city, which is important. Las Campanas has come and spoken to us about what they have done. They have reduced the amount of land by 25%, improved their sprinkling system, and they bought raw water from the river to use there. But what has happened is that the Buckman diversion has gone down. It went down 2 to 3 times in the first few years of operation.

Mr. Dickens said it is important to discuss the Santa Fe River Rural Protection Zone. If there wasn't beaver protection what could this area be used for? We believe it could be used for a park. The beavers have been problematic; the farmers do not feel like the beavers have come up river from the mountains.

Mr. Bove asked if we had a report back from the Airport Manager as he also did not want the beavers there.

Mr. Buchser: It would seem that a potential solution, in part, would be to have a pipe line system of effluent that would get the water to where it is needed. This is expensive; has this been discussed in your group? I have made comments to the city on effluent program.

Ms. Romero-Pike asked how safe is the effluent water that is being filtered?

Mr. Buchser: Standards have been improved but we still have questions on regulations.

Mr. Dickens: They have talked about piping and pumping water back to the acequias. The city doesn't look favorably on this. They also could not use chlorinated water.

Mr. Bove: Grey water from Siler Rd. was all pipes so it didn't have the ability to be filtered. When we did the draft one of the last things we talked about the minimum release of 2.5 million gallons a day. We also addressed downstream water rights.

It was noted that this document never made it to the City Council. (Exhibit A)

Chair Jacobi asked when the last time the farmers were flooded out was. Ms. Broenan will get that answer for the committee.

Ms. Romero-Pike said that to her recollection the last major flood was in 1968.

Mr. Dickens has created a sub-committee to discuss the plan. Chair Jacobi said that the document needs to come back to the table. We should wait to see what the airport came back with their wildlife management.

Mr. Drypolcher: A lot of this will come down to process and how the next steps might unfold. It would be good to wait and see what comes out of the Airport wildlife assessment. There are many elements involved and Mr. Drypolcher suggests we wait to discuss when we see what scenario's play out. It could take a long time if we wait on the Airport. It may take some urging from the commission to get things unstuck. Brian has contacted the Airport Manager for an update and his response was that a final draft has been approved.

Suggestion from Mr. Buchser: The outcome of the new treated effluent plan is going to be key to having water. I would say stay very involved in the process. A river acts as a wonderful filtration system.

- b. Discussion: Santa Fe River Fund, status and alternatives for the Voluntary River Conservation Fund.**



Mr. Drypolcher shared content of an e-mail sent to Marcos Martinez, the Assistant City Attorney and the memorandum from Claudia Borchert on how the money could be spent. The River Fund has approximately \$200,000 in it. Mr. Drypolcher said that one of the concerns that he has; "is the River Fund ready to do the river any good?" I am not an expert in water right acquisition, water right application or transfer but am personally skeptical that the River Fund as it is currently structured would do the river any good. Next Question: Can the River Fund be used for alternative purposes? (Exhibit B) Q&A - (Read verbatim)

The Chair asked if we could buy water from the city with this River Fund. "As you remember, I had talked about this earlier, I would like to see flow for the river, and can we buy righted water. The City has rights for 5,040 acre feet of water. Can we buy some of that water with the river fund to put in to the river in addition to our 1,000 acre feet. What I am getting at is, there are 326,000 gallons of water in an acre foot. That is 326,000 gallon units. I conserve water, we talked about that before. It costs about \$5.15 for 1,000 gallons of water, you can buy an acre foot of water then for \$1,700. Could we not take some of that money and save for a weekend like the Fishing Derby and River Fiesta and let out 20 acre feet of water to satisfy the fishing and to have some flow and make this a Santa Fe River flow. That would cost us 5 acre feet per day, that would give us 2 ½ cfs per day on a top of what we are already living out. That would cost us \$34,000 to do that to put in 20 acre feet for 4 days. That would give us water for the Fishing Derby and the River Fiesta and that is about 1/6<sup>th</sup> of the \$200,000 fund that we have so we are accumulating about \$34,000 a year. Can we let some water out? At one time I was against turning the river on and off like a fountain, but we already have a base flow that we are letting out. Can we add some water on top of that from the City. I pay \$5.15 for 1,000 gallons of water; that is treated water. What would untreated water be worth? What could we buy, 20 acre feet of water and let it flow down the river. That on top of what we are letting out, we could adjust the flow, but that would give us a little more flow at a certain time. Is it possible to use that water for that purpose? Can we buy water from the City? The River Fund is to get water rights but can we buy righted water?"

Ms. Romero-Pike: "That is a good question and I agree with you."

Mr. Gerberding: "This would also make us self sustaining as well."

The committee feels that this is a great idea. It would also help maintain what is already in the river, i.e., planting and bugs.

Mr. Drypolcher could not answer at this time. There could be someone who would interpret buying water from itself. He will take this question back to the City Attorney and Water Division staff. The committee was disappointed with

the answers that came back from the Legal Department. The clear answer is, I don't know.

Chair reiterated, "you are buying water that has been righted." He conserves water and would like to see where it goes.

Nicole Lichen - Audience: I like the idea of being creative and getting water in to the river. The money could be used as a test to try to buy or lease water rights and that is a valuable concept. Even if we just bought an acre foot to see how it worked, it might be worth it. What efforts have we done to see if there are any water rights; we haven't? It would behoove us to find more water for the river, which was the intent of this ordinance to get more water for the river. People invested to get more water for our river.

John Buchser: I like your idea, I have a suspicion that it probably is not going to fly. I think it is certainly an interesting question to ask Legal staff. One thing I was a bit surprised when we passed the previous ordinance that we have been operating under for a year or two now is that for any water we allow to go down the river, because the consumption is required from water that comes out of the water shed, we are essentially taking a relatively inexpensive source of water and supplementing it with a much more expensive source, energy wise, in particular. I would like for us to keep in mind that we are trying not to pollute our planet with coal burning waste while at the same time we are supplementing a natural system that has existed for millions of years. I would like to see or offset any cost, so say we acquire 8 acre feet from your disposal of the city's 5,000 acre feet to go down the river that we then need to install an initial 8 acre feet of energy to get the water from the rio up to here so we don't improve one system and damage another. We may be setting a legal precedence, just go out and buy half of it to see how it fares out. Maybe we should explore how we get water.

Theoretical Question: Bryan Drypolcher: We have this money now that is over \$200,000 – let's put the word out there and buy water rights, what is going to be involved if you bought the water right to put in the river, there may be a test case that we are squandering water. Given how much wet water is in the system to move down the river, would there come a time that you would say, we bought \$200,000 in water rights, we spent down the fund, would you say, the fund isn't worth it anymore? Would you get to a point where you take it off the bill and change the ordinance? Where does the wet water come from? It comes from our reservoirs. The City has an ordinance on the books that say we will commit up to 1000 acre feet to move down the river system from reservoir management. Is the city going to be willing and able to put even more water that that down the river system through reservoir management?

Chair Jacobi: If it was paid for by the River Fund. Buy that water and let it out.

Bryan Drypolcher: It is our least expensive water and it is already in our portfolio of water resources.

Ms. Romero-Pike: It was also noted that seeing more water in the river might motivate people more to contribute. We are not the only ones looking for water rights and it would be nice to have answers to our questions.

Claudia Borchert: There is a finite supply of wet water and water rights. Unchanged predictions, both sides agree today that they were conservative when they made them, so 25-40% reduction in our service water flow. The city has a priority date for 50-40 acre feet that is 1509, which could mean that water rights purchased today may only be available half the time maximum. They may not always be available. There are physical limitations of water that is available.

S. Gerberding: Could you sunset the current river fund and create a new fund as money to say it is specifically to get water for the functions during the year?

Ms. Borchert: You could expand and broaden what it says right now. New money new purpose.

Mr. Bove: This would only be beneficial if the flows in the river you are going to supplement are positive. If you added extra water it still may not be reachable.

## **5. MATTERS FROM COMMISSIONERS, MATTERS FROM SUB-COMMITTEES**

Chair Jacobi went down to the Waste Water Treatment Plant and spoke to Bryan Romero and asked him how much water is being pumped and put in to the sewer line. He said he would have a handle on what is being pumped out of basements. He said that the El Dorado is having problems with water in their basement. Chair Jacobi will do some additional research.

Chair Jacobi took Mayor to the (name) Waterfall and he was very pleased to see it. Mayor Coss said we need to start looking at storm water run-off.

Ms. Romero-Pike: Reminder about the conference on Arroyos.

Mr. Gerberding: River bed improvements, do we know when it is going to get started. Mr. Drypolcher said that the Santa Fe River Park, contractor should have notice to proceed by next week. They want to have most of their concrete work done by mid-November. They will be starting at West De Vargas Park.

Me. Bucsher made the statement that recently a comment was made by one of the designers regarding parking; he said that our parking was way too cheap we ought to change more and be selective in the primo areas. The other was that parking all the cars along the river didn't make much sense; people only see cars, they don't see the river. Personally, I would like to see the block between Galisteo and Don Gaspar not have any parking on that side of the street. Possibly establish a bike lane. The visual impact of being able to see the river would be so beneficial

*Mr. Bucsher made a motion to recommend to the City Council that we remove the parking spaces along the river between (Ortiz Street) - Galisteo and Don Gaspar, second by Mr. Gerberding, motion carried by unanimous voice vote.*

Mr. Buchser will volunteer to get a sponsor to move this on to the City Council. It would be nice to remove the parking spaces and also recommend making a bike lane.

#### **6. MATTERS FROM STAFF**

Repair work: Mr. Bove and Mr. Drypolcher met with Engineers at the Bishops Garden diversion (waterfall east of Delgado). It is very unstable and stands a chance to collapse. We have asked Mr. Bove to keep tabs as to what the Engineers are designing. The plan is to get this repaired before the winter sets in. It is very important to us as a historic feature.

Date for the next effluent meeting? Claudia said they will bring a draft to the Public Utilities Committee and the second public meeting would be in October. It was suggested that it be in November after the election. Claudia will ask. PUC is early part of October.

#### **7. CITIZENS COMMUNICATION FROM THE FLOOR**

None

#### **8. ADJOURN**


*Ms. Romero-Pike moved to adjourn at 7:55 pm, second by Ms. Bucsher, motion carried by unanimous voice vote.*

**SANTA FE RIVER COMMISSION  
MEETING MINUTES  
AUGUST 21, 2012**

**SIGNATURE PAGE:**

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*Jerry Jacobi, Chair*



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*Fran Lucero, Stenographer*

*Exhibit A*

Santa Fe River Traditional Communities Collaborative  
PO Box 23947  
Santa Fe, New Mexico 87502

August 8, 2012

Brian K. Snyder, Director  
Public Utilities Department and Water Division  
801 W. San Mateo  
PO Box 909  
Santa Fe, NM 87504

RE: Reclaimed Water Allocation

Dear Mr. Snyder,

This letter is written in regard to the City of Santa Fe's ongoing process for allocating reclaimed water produced by the City's Wastewater Treatment Plant. The Santa Fe River Traditional Communities Collaborative (SFRTCC) respectfully requests that a priority be given to the release of sufficient water to sustain a natural flow for a healthy and living river and that the release provides plenty of water for the historic agricultural traditions of downstream users and tribes.

The SFRTCC understands that there are many demands for the City's reclaimed water and is aware that the City of Santa Fe holds the position that the reclaimed water is a product that is controlled by the City with no obligation to provide water for the historic agricultural traditions of the Lower Santa Fe River Watershed. SFRTCC is also aware that downstream users with senior water rights dispute that claim. As the City's water decisions over the last several decades have had a significant impact on water resources in the Lower Santa Fe River Watershed, the SFRTCC encourages the City of Santa Fe to recognize its unique capacity for participating in the protection and preservation of this vital water course.

The SFRTCC has begun an attempt to determine what a natural and functional flow of the river below the City's Wastewater Treatment Plant should be and acknowledges, after meeting with a number of flow experts, that it is a complex calculation affected by a number of variables. One factor complicating these essential calculations is the unknown impact of the City's Rural Protection Zone on the river's flow. SFRTCC has created a subcommittee to discuss a plan for the Rural Protection Zone, and seeks to support the City of Santa Fe in creating a plan for the area. At the same time the SFRTCC is aware of farmers and ranchers tired of the drawn out process in responding to their demonstrated need for water who are considering their own remedies to address those concerns.

In order to consider these many interests in a collaborative environment, the SFRTCC was established to assist in the restoration of the Santa Fe River from the village of La Cieneguilla to the community of La Bajada. A portion of this restoration consists of a federally approved

project. SFRTCC's role (based on Federal Advisory Committee Act) in the federal planning is to comment on site specific actions and proposals for the river restoration as well as serving as a source of data and information that will be considered in establishing a common vision and plan for the area. Beyond this role, the SFRTCC also considers the broader interests of the communities of this region, including traditional farming. SFRTCC members have agreed that any successful river restoration must include a certain and steady flow of water in the river.

SFRTCC includes representatives from; WildEarth Guardians, La Bajada Acequia Association, La Bajada Traditional Village Committee, La Cienega Valley Association, Santa Fe Watershed Association, State Representative Jim Hall, Acequia de La Cienega, El Guicu Ditch Association, Santa Fe-Pojoaque Soil and Water Conservation District, Pueblo de Cochiti and farmers and ranchers from La Cieneguilla, El Canon, La Cienega and La Bajada. Felicity Broennan, Executive Director of the Santa Fe Watershed Association and Carl Dickens, President, La Cienega Valley Association were selected to co-chair the SFRTCC.

Non-member governmental agencies and entities who attend SFRTCC meetings and provide support, guidance, advice and access to resources include the United States Forest Service, Bureau of Land Management, New Mexico Game and Fish, Office of the State Engineer, City of Santa Fe and Santa Fe County.

It should be noted that both the Santa Fe Board of County Commissioners through County Resolution Number 2011-101 and the New Mexico State Legislature through 2012 House Memorial 74 have formally recognized problems with water flows to traditional farms and ranches in the Lower Santa Fe River Watershed . SFRTCC must consider its responsibility in addressing these legislative initiatives during the river restoration planning process.

SFRTCC thanks you for considering our request in regard to City of Santa Fe's reclaimed water allocation. We believe it is a fair and honest request that respects the traditional communities in the Lower Santa Fe Watershed, provides appropriate habitat for wildlife and sufficient water for native vegetation. Please let us know if you need any additional information or if we can be of any further service. We look forward to working with you and ask that the SFRTCC be notified of any committee or council meetings concerning the reclaimed water allocation determinations. The SFRTCC is happy to arrange tours of the proposed restoration area and we encourage everyone to visit the Rural Protection Zone to see firsthand its impact on the flow of the Santa Fe River.

Sincerely,

*Felicity Broennan*

Felicity Broennan, Co-Chair

For the Santa Fe River Traditional Communities Collaborative

*Carl Dickens*

Carl Dickens Co-Chair

CC: Public Utilities Committee

MANAGEMENT PLAN  
SANTA FE RIVER RURAL PROTECTION ZONE

November, 2008  
(revised September 2010)

Santa Fe River Commission  
Peter Stacey, Chair, Preserve Subcommittee  
Gerald Jacobi, Chair, River Commission  
Tobe Bott-Lyons  
Philip Bové  
John Buchser  
Richard Ellenberg  
Matthew McQueen  
Melinda Romero-Pike  
Dana Strang

**INTRODUCTION**

The Santa Fe River Rural Protection Zone (originally known as the Santa Fe River Preserve) is located along the Santa Fe River Corridor, just downstream and southwest of the Santa Fe Wastewater Treatment Plant, on property owned by the City Municipal Airport. Initial efforts to restore this section of the Santa Fe River began in 1997, and in 2000 the Forest Guardians were awarded major funding by the New Mexico Environment Department (The Santa Fe River Restoration Project FY00-E0) to begin intensive revegetation, flood plain restoration and removal of non-native shrubs and trees. This program was the result of concerns that the Santa Fe River in this section of the River was polluted and that it violated State Water Quality Standards, particularly for dissolved oxygen and pH levels in the water column. In 2002, City of Santa Fe, New Mexico, Resolution 2002-77, established the preserve as a Rural



Protection Zone, and provided a mechanism for the continued restoration of the stream within that area, in consultation with various city, county and state agencies, and interested private landowners. The goal of the project was to restore native plant communities and natural ecological processes to the stream and riparian zone within the area. This in turn would positively affect water quality in the river as a result of increased nutrient and pollutant absorption and removal by the native vegetation, increased channel shading that would result in lower water temperatures, and reduced sedimentation rates during high flow periods through the stabilization of bare stream banks. Work under the contract was completed in 2004.

As a result of the restoration efforts, native vegetation within the Rural Protection Zone has been re-established, and a healthy stream and adjacent riparian floodplain is now developing in this section of the Santa Fe River Corridor. The increased vegetation has stabilized the stream banks and provided shade over the water column; this in turn has reduced erosion, lowered the amount of sediment in the stream, and lowered water temperatures. This is also expected to have a positive impact on the CWA §303 (d) listed impairments of dissolved oxygen and pH in this section of the river.

Santa Fe Resolution No. 2002-77, which established the Rural Projection Zone, also directed (in Section 4) that the Santa Fe River Commission would develop a management plan for the area, in consultation with the local community. Although this did not happen at the time the resolution was passed, due to the dissolution of the previous River Commission, the current River Commission has been asked to develop this plan. A committee of the River Commission was established to develop a draft plan. Members of the committee made a site visit to the Rural Protection Zone, along with City staff and representatives of the New Mexico State Environment Department and Forest Guardians (now known as WildEarth Guardians).

## **MANAGEMENT PLAN**

### **General Considerations**

#### **1. Name of the area**

The area under consideration was originally called the Santa Fe River Preserve. This name was changed to the Santa Fe Rural Protection Zone in 2002. However, the new designation has never been widely adopted by the community, and most people continue to refer to the area as the SF River Preserve. We therefore recommend that the name be changed back to the original name, but with the addition of “Santa Fe River-Airport Preserve”, to distinguish it from the existing Santa Fe River Canyon Preserve, which is located in the Santa Fe River Canyon above the city, as well as to recognize the land ownership contribution of the Santa Fe Municipal Airport.

#### **2. Current Condition of the Rural Protection Zone**

The vegetation planted in the initial restoration project has become well established, and ecological functioning has returned to the area to the point that new plants are likely to become established on their own. As a result, additional plantings of shrubs and trees may be helpful but not necessary in the future. In addition, the increased vegetation cover means that the normal geophysical processes of erosion and sediment deposition have also begun to occur within the channel and on the adjacent stream banks, which will result eventually in an active and healthy riparian flood plain. This has enabled the system to slow down flows during flooding, and reduce

the amount of erosion both within the preserve and further downstream<sup>1</sup>. For example, during the summer of 2008, there were several high flow events in the Santa Fe River that caused extensive erosion of the channel upstream of the Sewage Treatment Plant. However, once the stream reached the Rural Protection Zone, the water spread onto the flood plain, sediment was trapped by the vegetation, and the force of the water was reduced to the point where it no longer caused destructive erosion. This means that, except as noted below, and when necessary to protect human structures and safety, active restoration activities at the Rural Protection Zone probably are no longer necessary to obtain the desired values of reduced pollution levels and sediment control in this stretch of the Santa Fe River. However, to promote the long-term success of the restoration program, and allow for new potential benefits to the City of Santa Fe and the local community from a healthy stream and riparian ecosystem within the Rural Protection Zone, additional aspects of management will now be required.

### **Specific Management Practices**

1. Erosion control and protection of existing roads and culverts.

Several management actions and channel modifications have been undertaken in the past in order to protect Calle Debra, off of State Road 56 where it passes through the preserve, and in particular to insure the proper functioning of the culverts that carry the river under the road.

Should similar action be necessary again in the future, either here or in other parts of the Rural

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<sup>1</sup> For example, the Santa Fe Preserve was observed as a functioning floodplain/wetland during a large runoff event in 2008. During the early evening of August 4, a major flood of approximately 300-500 cfs was spilling over the concrete grade check at the lower end of San Ysidro Park below Caja Del Oro Grant Road. However, once the uncontrolled flow entered the upper end of the Preserve, it was quickly dissipated by branching and anastomosing throughout the riparian vegetation and soil of the 50 yard wide floodplain. Within a couple of hours of this major flow, approximately 100 cfs in the river channel left the lower end of the Preserve, followed by diminished flows throughout the following days. The floodplain had captured the unnaturally high flow and then slowly released it downstream (G. Z. Jacobi, SF River Commission, personal observation, 2008).

Protection Zone, the involved local or state agency will make a proposal for action to the SF River commission, after consultation with restoration ecologists and other interested parties. These will include the WildEarth Guardians, due to their long experience with the area and its restoration. Proposals will be presented to the River Commission for approval in order to insure that any proposed action is consistent with the overall management and ecological functioning of the preserve. In this context, it is particularly important to allow for the natural movement and migration of the channel within the flood plain, and that there be intervention only to the extent that it is necessary to protect the existing infrastructure and any new developments.

Routine cleaning of the culverts and similar activities to prevent flooding may be conducted as necessary without prior approval of the River Commission on an “as needed” basis.

## 2. Beaver and other wildlife management.

Beavers are keystone species in western riparian ecosystems, and they have an effect on almost all aspects of the stream and adjacent floodplain. They can play a particularly important role in trapping sediments and pollutants in their dams, and in reducing downstream flooding by slowing down the water during high flow events. Beaver control devices may be established at culverts (and near roads) if necessary to protect those structures, but except as described below, beavers will not be disturbed or removed when present elsewhere in the area.

Since the preserve is adjacent to the Santa Fe Airport, there may be instances when beaver or other wildlife occurring within the preserve must be managed in order to reduce the threat of hazards to aircraft using the airport and its facilities. Whenever a wildlife hazard, as defined under sections §139.337 (b) 1-4 of the FAA Regulations, or their equivalent, is detected by the airport, that involves wildlife that occur either primarily or principally within the

preserve, or that are dependent upon habitat within the preserve for their presence near the airport, the River Commission will work in cooperation with Santa Fe Airport to develop and help implement a Wildlife Hazard Management Plan as required under the Sections §139.337 of the FAA regulations. If immediate action is required to alleviate any wildlife hazard, as defined as under sections §139.337 (b) 1-4 of the FAA Regulations, the Santa Fe Airport will notify the River Commission before specific actions are taken. The overall goal of this management is to maintain a living and ecologically functioning Santa Fe River within the preserve, including the presence of a diverse wildlife community, while at the same time meeting the needs of the airport to alleviate any demonstrated wildlife hazards to aircraft that use the airport.

### 3. Routine maintenance.

From time to time, routine maintenance within the Rural Protection Zone may be required, including such activities as fence repairs, invasive species control, and trash removal. To the extent possible, these activities will be conducted through and integrated with youth groups in the City of Santa Fe.

### 4. Fire management.

Fire management within the Rural Protection Zone will be passive: fires will be controlled when they occur only if it is necessary to protect nearby structures or property. Tree thinning and removal of woody debris are not recommended, since these elements are important for the healthy functioning of the river, and help provide for a diverse and productive plant and animal community within the Rural Protection Zone.

## 5. Wildlife values.

The Rural Protection Zone will be managed to protect existing and developing habitat for all species of native wildlife. This management will primarily be passive in order to not conflict with other management goals. However, there are many native shrubs that would have historically occurred in this section of the Santa Fe and that are still generally absent within the Zone at the present time. These shrubs should be actively planted in the Zone in order to provide food and nesting cover for wildlife, including birds. Possible species to be restored include red-barked dogwood, New Mexico privet, raspberry, currant, chokecherry, false indigo bush, buffaloberry, and sumac.

## 6. Educational and Recreation Values

The Santa Fe River Rural Protection Zone will be considered an integral component of the restored Santa Fe River Corridor in the Santa Fe. Because of its location, the area may be subject to different management objective and public use demands than are other parts of the river closer to the City. An advisory group will be established to consider how the Rural Protection Zone could be integrated into the overall River corridor. The advisory group will consider the extent to which the preserve should be developed for educational and recreational opportunities. This area now comprises one of the most ecologically functional and diverse stretches of the river in the Santa Fe region, and could be valuable in demonstrating to both the general public and school children how the Santa Fe River might look if it was restored once again to a “living river”. Such programs could play a key role in developing public support for the restoration of other parts of the river corridor.

The advisory group will also consider the extent to which to preserve could be developed for low impact recreational activities, since the recreational use of river corridors in other parts of the United States has led to strong public support for the restoration and maintenance of healthy, living, rivers in urban areas. We emphasize, however, that any recreation uses be controlled so that it does not impact the ecological condition and functioning of the preserves, and will be limited to such non-consumptive activities as hiking, biking, picnicking, bird watching, etc. The area will remain closed to all hunting, firearm use, off-highway vehicle activities, and the stocking of non-native fish. These plans will be developed in cooperation with the Santa Fe Municipal Airport, and address the safety and security concerns of the airport.

Until an educational and recreational plan is fully developed, limited parking and a small footpath will be established within the preserve. This would provide safe access to the area without requiring visitors to park on the side of existing roads. A limited system of footpaths would help guide hikers through the area while reducing damage from off-trail activities.

## 7. Consumptive Uses

Whenever there is a request to harvest plant material or if there is any other request for any other type of consumptive use of the resources of the Rural Protection Zone, the requestor will present a proposal to the River Commission and the Santa Fe City River Commissioner. All requests will be considered on a case-by case basis, and will be reviewed to insure that they do not conflict with other uses and values of the Rural Protection Zone, and that they do not harm the long-term integrity and ecological functioning of the area.

## 8. River Flow

As is the case with other sections of the Santa Fe River, the continued health of the stream and the riparian area flood plain in the Preserve depends upon a continuous flow of water in the river channel. This flow is provided primarily by effluent from the Santa Fe Municipal Waste Water Treatment Plant, with additional flows occurring during storms and programmed releases from upstream reservoirs. In the future, there is likely to be increased demands to remove the sewage plant discharge from the river so that it can be used for other purposes. Any major diminution of the flows through the preserve are likely to have a profound impact on the river system, reducing the current healthy vegetation, increasing erosion, and encouraging the return of exotic species like salt cedar and Russian olives. Any period during which the stream would go completely dry throughout a substantial portion of its length through the Preserve will also necessarily lead to the death of individual fish and the loss of the currently existing healthy fish population within the preserve. In addition, these changes would be likely to cause the stream in the preserve to revert to the polluted conditions that existed before the restoration program began.

We therefore recommend that a minimum flow in the river be established below the Treatment Plant, and that this flow will have priority over other potential uses of the effluent.

At the present time, there are not sufficient data to allow for a determination of the exact amount of water that would need to be released from the Treatment Plant to prevent the stream from regularly drying up. However, some information is available. There is a record of the daily and monthly releases from the plant between 2001 and 2007. Minimum daily flows over this period (averaged across the entire month) have never dropped below 1.8 million gallons per day. The lowest discharges usually occurred in June, and over the last seven years the average of the minimum daily flows in June was 2.8 million gallons per day. The average for all other months



has been higher. Local residents have noted that the stream at the bottom of the preserve will be completely dry when daily releases from the plant are in the order of 1.9 million gallons per day. To insure that the level of water in the stream is sufficient to maintain the continued health of both the aquatic and terrestrial ecosystem throughout the preserve, we recommend that the city maintain a minimum daily release from the Treatment Plant of at least 2.5 million gallons per day. We recognize the uncertainty in this figure, and urge that research be undertaken to determine the exact amount of release that is required to maintain flows in the Santa Fe River throughout the preserve. We also recognize that this level of release from the Treatment Plant may not be sufficient to meet the needs of individuals that hold water rights downstream from the Preserve.

#### 9. Additional Data Collection

In addition to the information on water releases from the Waste Water Treatment Plant and minimum flow levels in the Santa Fe River throughout the preserve that was described in the previous section, water quality will be measured in the Rural Protection Zone on a regular basis as part of the overall city water quality monitoring plan. This is necessary to determine whether the River in this reach conforms to existing State Water Quality Standards.

*Exhibit B*

**Q and A for Legal Considerations, August, 2012**

**Regarding Options to Utilize the River Fund for Alternate Purpose(s) (other than as described in the current ordinance)**

- 1) **Q:** Is it possible to spend the River Fund money on river-related activities or improvements, but other than for the purchase or lease of SF River or Rio Grande water rights.

**A:** No, not viable. Ethical and political considerations aside, likely not permitted by law.

- 2) **Q:** Would it be possible for Council to repeal the current ordinance and enact a new ordinance to direct that funds already accumulated for purchase or lease of water rights shall now be used for a different river-related purpose.

**A:** No, not viable. Even considering governing body action, we are not able to change the purpose of the funds that have already been accumulated.

- 3) **Q:** Could Council repeal the current ordinance and, by new ordinance, all funds accumulated would be refunded to the donors.

**A:** This is theoretically possible, but only viable if the funds were collected in a manner that allows for accurate identification of donors back to date of inception. The communications and administrative burden make this impractical.

- 4) **Q:** Could Council enact a resolution (or ordinance?) to direct staff to suspend all future collections for the River Fund, spend down the current fund in a manner consistent with the initial ordinance, and repeal the River Fund ordinance.

**A:** Yes.