



Estancia Basin Water Planning Committee Regular Meeting

Draft AGENDA

Date and Time

Thursday
December 9, 2021
9:30 AM

Location

Torrance County Courthouse
Estancia, NM and by
Teleconference

Approval of Agenda

Membership Issues / Appointments:

Current Filled Positions: 12/13 Quorum: 7
Vacant Positions:
Santa Fe Governmental Rep
Bernalillo County Municipal/Utility Rep

Approval of Minutes of Previous Meetings:

Approval of Minutes of Regular Meeting of 10/14/2021
Approval of Minutes of Special Meeting of 11/04/2021 (*Abrahams and Thompson are recused*)

Financial Matters:

No additional activity since August 14, 2021 Meeting
PO Issued to Hydroresolutions for additional transition services (up to \$4,300)

Approval of Financial Report/ Invoices:

Motion for Approval

Correspondence:

Letter to Town of Edgewood regarding Campbell Ranch Master Plan sent. Response from Town of Edgewood – no further response until Dec 17th.

Prior NRCS reports sent to Manny Encinias

Guests/Public Comments:

Contractor/Subcommittee Reports:

Groundwater monitoring program update – JSAI status

Meetings Attended:

Unfinished Business:

Exploratory Well – Reports and Resources previously distributed.
No position on SRMDC board currently available.
Stacey Timmons has not been contacted.

40-year water planning – No update provided to City of Moriarty on available water plans.

New Business: None

Discussion Only Items : None

Announcements:

Next Meeting

Date: Thursday, February 10, 2022 12:00 AM

Location: Torrance County Administrative Offices, 205 Ninth Street, Estancia NM
Plus Zoom hybrid

Adjourn

Minutes of 10/14/2021 For Approval



ESTANCIA BASIN WATER PLANNING COMMITTEE

DRAFT Regular Committee Meeting Minutes
August 14, 2021

Members and Staff

Click or tap here to enter text.

<i>Member</i>	<i>Position</i>	<i>Term Expiration</i>	<i>Present</i>	<i>Absent</i>
Rik Thompson – Chair	Santa Fe Co. - Agriculture	March 2022	x	
Manny Encinas - Vice Chair	At Large	December 2022	x	
Daniel McGregor – Secretary/Treasurer	Bernalillo Co. – Government	March 2022	x	
Krista Bonfantine	Bernalillo Co – Municipal	December 2022	x	
Dierdre Tarr	Claunch-Pinto SWCD	July 2022	x	
Brenda Smythe	Edgewood SWCD	December 2023		x
Johnny Perea	East Torrance SWCD	March 2022		x
Sherry Abraham	Santa Fe Co. – Municipal	December 2023		x
Vacant	Santa Fe Co. – Government	Unfilled		
Rhonda King	Torrance Co. – Municipal	July 2022	x	
Steven Guetschow	Torrance Co. – Government	July 2022	x	
James Patcha	Torrance Co. – Agriculture	May 2023		x
William (Bill) Larson	Torrance Co. – Agriculture	July 2022	x	

Others/ Guests:

None

Call to Order:

Choose an item.

Held at: Hybrid Meeting per Meeting Notice: By Zoom hosted at Torrance County in Estancia

Called to Order at: 10/14/2021 9:35 AM **By:** Rik Thompson Chair

As: Quorum currently stands at 7. Met as Committee with Quorum

Notations: Bill Larson left the meeting at 10:34. A quorum was present throughout the meeting.

No motions/votes were made after Mr. Larson's departure from the meeting

Approval of Agenda:

Review of Agenda for Thursday, October 14, 2021

Motion: Approve the Agenda as presented

Motion Made:

Motion Seconded:

Notations/Amendments: None

Motion Vote: Roll Call Vote:

Membership Issues:

No Actions Taken. Santa Fe Government Position Remains Vacant. Quorum stands at 7.

Motion: Accept Appointment from Bernalillo County to fill an unexpired term: Krista

Bonfantine

Approval of Minutes:

Review of Minutes of September 12, 2021

Motion: Approval of the Minutes

Motion Made: Steven Guetschow **Motion Seconded:** Rhonda King

Notations / Amendments: Change next meeting date from Aug 14 to Sep 12, Note that Estancia has indicated they do not have a 40-year water plan.

Motion Vote: Roll Call Vote: Unanimous – Bonfantine abstaining (not present at 8/12/2021 meeting)

Financial Matters:

D. McGregor reports that the existing balance stands at \$24,952.44 including recent reimbursement from Santa Fe County and FY22 support from Bernalillo County, Estancia, and Edgewood.

Financial Report:

Review of Report of: Wednesday, October 13, 2021

Motion: Approval of the Financial Report

Motion Made: Bill Larson **Motion Seconded:** Dee Tarr

Notations / Amendments: None

Motion Vote: Roll Call Vote: Unanimous

Public Comments:

None

Correspondence:

Commissioner Pyskoty, Bernalillo County regarding Town of Edgewood Planning Council and amendments to the Campbell Ranch Master Plan.

Unfinished Business: Solicitation for Professional Services:

Dan McGregor reported that the initial transition was off to a slow start due to lack of proactive communication. Contact with John Shoemaker and Associates Inc. (JSAI) was made earlier in the week and initial e-mail exchange has occurred. David Chace has requested the EBWPC work out a payment method/strategy to ensure Hydroresolutions costs are covered prior to engaging in the transition. Data exchange appears doable, but physical change of keys and site visits still need to be worked out. JSAI will be provided with contact information for EWPBC members in event assistance with landowners is needed. Dee Tarr also mentioned the need for JSAI to also engage with SWCA for monitoring data exchange.

Deep Exploratory Well / Scoping Effort and Constraints

No progress to date. Dan McGregor to meet with Dee regarding SRMDC engagement and scoping and also needs to meet with Stacey Timmons to discuss NM Tech interests. Rik Thompson mentioned that there is some local fear regarding that a deep well might trigger an interest in oil and gas development. Bill Larson mentioned the previous NM Tech report regarding oil and gas potential in the basin, and Dan mentioned the NM Tech summary on data and conditions in the basin. Rik indicated that key question to be answered is “ wanting to see what is down really deep”, Krista Bonfantine and Dan McGregor clarified that key question is characterization of deeper aquifers and interaction. Rhonda King also mentioned potential drilling in north part of the basin and though there might have been NM Bureau of Mines available.

40-year Water Planning for Water Entities in the Estancia Basin (Subcommittee:
Abrams, Thompson, Guestchow, McGregor)

Dan McGregor recapped that the request was initiated by City of Moriarty to catalog what plans were available, and possibly assist where no plans existed. Dan McGregor, as secretary, needs to send an e-mail update on status of action to the City of Moriarty. Manny Encinas commented that there may be funding available for the smaller entities through Rural Economic Development funds. The new director for REC is Patricia Dominquez (formerly with Senator Udall). Dan McGregor will try to find Josh Sherman (NRCS) report and provide to members.

New Business:

Town of Edgewood/ Amendments to Campbell Ranch Master Plan

Rik Thompson indicated that he would be recusing himself from any vote or signature on committee action due to his being on the Entranosa Water and Wastewater Association Board, which is a likely supplier for Campbell Ranch. Rik also indicated this was necessary as there was an existing non-disclosure agreement in place with Campbell Ranch. Rik will be providing input/clarification on Entranosa policies if requested, but does not speak for Entranosa Board or for the OSE on Entranosa applications or other matters. Rik requested that Manny Encinas, Vice-chair, provide any necessary signatures.

Dan McGregor also pointed out that Sherry Abrams is in a similar situation and likely would need to recuse herself from any discussion as it could constitute ex parte communications should any of the issues come up to the Town of Edgewood council.

Others in the group identified past involvements in the matter, but did not request recusal. Dan McGregor mentioned his past role in the Aquifer Science matter and expert testimony to that affect. Krista Bonfantine clarified her past involvement with the Deep Well protest group and expressed her frustration that the water issues with Campbell Ranch has still not been addressed by the Town of Edgewood and that the amendments that had been proposed felt like an end run around the relevant water issues. Rhonda King mentioned that the King family (relations) were involved with various water rights sales and transfers. None asked for recusal based on these involvements.

Rik further clarified that Entranosa policy is that developers would have to come with “wet” water rights in hand and finance and construct any necessary infrastructure. Those water rights and infrastructure would then be transferred to Entranosa in exchange for Entranosa memberships (i.e. connections) and that Entranosa would provide water to the development as part of that agreement. Rik emphasized that Entranosa does not take a position, other than its own policies, with regard to development proposals.

Rik cautioned the committee to be careful on taking this matter and to remain apolitical and to focus on basin water issues only and to remain neutral and not take sides in the Town of Edgewood matters because the committee's credibility to all parties is everything, so stick to facts and then let chips fall where they may.

Rhonda King emphasized, as did Dan McGregor, that the EBWPC role in such matters is strictly advisory, and they also recapped the history of the Master Plan and Edgewood annexation. Rhonda expressed her appreciation that the role of the committee not become a political instrument and should remain advisory. Rhonda also stated that it's ultimately up to the deciding entity to make its own decisions on its own ordinances. Rhonda emphasized that it was important that the committee look at the whole scope of the issues surrounding water rights and issues, positive and negative, including the need to change existing water uses (irrigation) to help promote other economic development and basin sustainability. Rhonda emphasized the need to be looking at how best to preserve and extend the life of the basin.

Rhonda also stated that she felt that there was not enough information currently available (in the agenda packet) to make a decision to move forward or not, including not knowing what amendments Town of Edgewood planning council had approved and Town of Edgewood

processes involved, how that engaged or affected water matters or intersected with the EBWPC role, or how best to engage with Town of Edgewood, and whether the Town of Edgewood had been notified of Commissioner Pyskoty's request that the EBWPC evaluate and engage as appropriate. Rhonda indicated that more information on process and the Town of Edgewood's path forward on these matters would be.

Rik Thompson noted that the Town of Edgewood had not reached out to the committee and that the Town has no obligation to reach out to other entities, unlike the Counties as was suggested by Steve Guetschow. Rick also noted the lack of readily available resources (funds to hire consultants) as being a limited factor and that Dan and Steve typically contribute time as ancillary to their employment roles.

Krista Bonfantine commented that providing input on the District Court decisions and OSE processes might be appropriate advice. Rik and Dan both cautioned that unsolicited advise would likely be rejected.

Consensus decision (no motion or vote) was that a letter to the Town of Edgewood with cc to Commission Pyskoty was in order. The letter should explain that the EBWPC had been requested to evaluate the situation and that it was ready to advise Town of Edgewood. Also the letter should request clarification on what was approved, the basis for the approval and how Town of Edgewood perceives that water resources may be impacted, the approval and appeal process available, what information regarding water resources was provided to the Town of Edgewood in support of the request for amendment. It was also decided that Dan McGregor should draft a letter and distribute to individual members for comments (without cross communication from members). A special meeting can be held in November to ensure that all comments are made public and that changes to the draft are tracked, to ensure that public meetings act requirements are met and transparent.

Reports / Meetings Attended:

Monitoring Report: None.

EBWHR&M and Other: No report

Announcements: / Discussion only items:

Summary of Action Items: (Summarized post meeting)

Regarding exploratory wells, Dan McGregor to meet with Dee regarding SRMDC engagement and scoping and also needs to meet with Stacey Timmons to discuss NM Tech interests. Also to find the NM Tech report on the basin as well as the Oil and Gas potential report for the basin and provide to members.

Regarding 40-year Water Plans, Dan McGregor to provide update e-mail to City of Moriarty and find Josh Sherman's NRCS reports to send to Manny Encinas.

Dan McGregor to develop briefing packet on Town of Edgewood amendments and processes and provide to members, as well as to draft an "engagement" letter to be sent to Town of Edgewood.

Next Regular Scheduled Meeting **Date:** Thursday, December 09, 2021 12:00 AM
Location: Torrance County Administrative Offices, 205 Ninth Street, Estancia NM
Plus Zoom hybrid

Adjourn: With no further business,
Meeting Adjourned: 10/14/2021 12:00 AM

Respectfully submitted,
Dan McGregor EBWPC Secretary Treasurer

Reviewed and approved by: _____

Torrance County **Santa Fe County** **Bernalillo County**
"Coordinated water resource planning for the Estancia Underground Water Basin"

Record of Minutes of Special Meeting of 11/4/2021 for Approval



ESTANCIA BASIN WATER PLANNING COMMITTEE

Special Sub Committee Meeting Minutes
November 4, 2021

Members and Staff

[Click or tap here to enter text.](#)

<i>Member</i>	<i>Position</i>	<i>Term Expiration</i>	<i>Present</i>	<i>Absent</i>
Rik Thompson – Chair	Santa Fe Co. - Agriculture	March 2022	Excused	X
Manny Encinas - Vice Chair	At Large	December 2022	X	
Daniel McGregor – Secretary/Treasurer	Bernalillo Co. – Government	March 2022	X	
Krista Bonfantine	Bernalillo Co – Municipal	December 2022	X	
Dierdre Tarr	Claunch-Pinto SWCD	July 2022	X	
Brenda Smythe	Edgewood SWCD	December 2023		X
Johnny Perea	East Torrance SWCD	March 2022		X
Sherry Abraham	Santa Fe Co. – Municipal	December 2023	Excused	X
Vacant	Santa Fe Co. – Government	Unfilled		
Rhonda King	Torrance Co. – Municipal	July 2022	X	
Steven Guetschow	Torrance Co. – Government	July 2022	X	
James Patcha	Torrance Co. – Agriculture	May 2023		x
William (Bill) Larson	Torrance Co. – Agriculture	July 2022	X	

Others/ Guests:

Juan Torres – Deputy County Manager, Torrance County
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Call to Order:

Choose an item.

Held at: Hybrid Meeting per Meeting Notice: By Zoom hosted at Torrance County in Estancia

Called to Order at: 11/4/2021 9:34 AM **By:** Rik Thompson Chair

As: Quorum currently stands at 7. Met as Committee with Quorum

Notations: Rik Thompson and Sherry Abraham have recused themselves from the Campbell Ranch matters due to potential conflict of interest / concerns with ex parte communications and area excused.

Approval of Agenda: The special meeting was called for the sole purpose of addressing Commissioner Charlene Pyskoty's (Bernalillo County, District 5) request for the Committee to review and evaluate amendments to the Campbell Ranch Master Plan by the Town of Edgewood Planning and Zoning Commission.

Public Comments:

Mr. Torres is a former employee of the Town of Edgewood and offered summary comments of his understanding of the recent actions by the Town of Edgewood. He clarified that he was not speaking on behalf of Torrance County or on behalf of the Town of Edgewood, but solely to assist the committee by offering his personal understanding of the actions taken.

- Amendments removing the OSE requirements were made to make the process consistent with that for other subdivisions before the Town of Edgewood.
- Amendments indicating use of the 2019 ordinances were do add additional appeal mechanisms for future subdivision requests within the Master Plan and to shore-up holes in the 1999 ordinances
- His understanding that under the new amendments no building is authorized until the time of subdivision, at which time an approved water source would also be needed.

- Amendments were needed to allow for bulk platting actions and that the individual subdivision developer(s) would have to prove up water availability
- Regarding Village 1, the Town of Edgewood was not intending to exert its ETJ (extraterritorial jurisdiction rights)

There was no discussion and no questions of Mr. Torres by the committee.

Unfinished Business: Town of Edgewood/ Amendments to Campbell Ranch Master Plan. – Letter to Town of Edgewood

A draft letter had been prepared by Dan McGregor and distributed to the individual committee members prior to the meeting as part of the special meeting announcement. Only Manny Encinas had provided written comments back to Dan the morning of the meeting and the comments were minor editorial and/or typographical corrections. There had been no cross-communication between members of the board on the matter.

The letter was reviewed by the committee as a whole and changes/edits were recorded by Mr. McGregor for subsequent incorporation/revision of the letter and signature by Vice Chair Manny Encinas.

Following discussion, the following motion was offered:

To approve the Letter for signature and distribution, subject to incorporation of the comments and edits discussed and with copies to the parties discussed, to send the letter to the existing Town of Edgewood Council, and to resend the letter following January 1 to the new Town of Edgewood governing body.

Moved: Krista Bonfantine

Seconded: Steven Guetschow

Roll Call Vote: All members present voted in the affirmative (8 members present). Members Thompson and Abraham were self-recused from the matter and were not in attendance.

In lieu of detailed discussion minutes, a comparison version of the initial draft letter and the letter provided for signature to Mr. Encinas is attached, with the changes annotated for the member requesting the edit, clarification, or revision.

Summary of Action Items:

Dan McGregor is to revise the letter as noted/approved at the meeting and provide the letter for signature to Vice Chair Manny Encinas for signature, with copies provided to the EBWPC members. Once signed, Mr. McGregor is to distribute the letter as discussed and approved. (The final letter was submitted for signature on 11/4/2021)

Next Regular Scheduled Meeting **Date:** Friday, December 10, 2021 9:30 AM
Location: Torrance County Administrative Offices, 205 Ninth Street, Estancia NM
 Plus Zoom hybrid

Adjourn: With no further business,
Meeting Adjourned: 11/4/2021 10:34 AM

Respectfully submitted,
 Dan McGregor EBWPC Secretary Treasurer
 Reviewed and approved by: _____

Torrance County **Santa Fe County** **Bernalillo County**
"Coordinated water resource planning for the Estancia Underground Water Basin"

Correspondence Regarding Campbell Ranch Master Plan

RE: Estancia Basin Water Planning Committee - Request for Information/Clarification on Recent Planning and Zoning Commission Amendments to the ...



Dan McGregor

To ● Tim Dvorak; ● John Abrams

Cc ● Monet Chavez; ● Manny Encinias; ● Charlene Pyskoby; ● Joe Noriega; ● Brian J. Lopez; ● Jessica Nixon; ● Jeff Albright; ● Ken Martinez

↩ Reply

↩ Reply All

➡ Forward



Wed 11/17/2021 12:41 PM

Mr. Dvorak

Thank you for the prompt reply. The EBWPC appreciates your timeliness and appreciates the opportunity to avoid any confusion or misunderstanding regarding the inquiry, timeliness, and on-going expectations.

The EBWPC understands that the 3-day/15-day timeline is the statute-requirement for a formal "records request" pursuant to the cited statute. Because of its statutory standing, that response schedule has also become the default/ customary expectation for local governments to provide a timely response on many non-records matters as well. I appreciate your responding accordingly and acknowledge receipt of your response within the default/customary schedule context.

For clarity, the EBWPC request was not a "records request" made pursuant to NMSA 1978, Section 14-2-10 and that statute was not cited as the basis of the request. It was a request for clarification on recent Town of Edgewood actions from an advisory board with concurrent interests pursuant to the MOU cited in the initial request letter. Accordingly, the EBWPC anticipates that explanatory responses will be provided in the scheduled December 17, 2021 response from the Town of Edgewood for the non-records inquiries. More specifically, responses of "no records available" to the non-records inquiries would not be helpful to the EBWPC.

As stated in the EBWPC's initiating letter, the review of currently available records (minutes, ordinance, amendments already available to us), raised questions regarding the policy/process/interpretation/planning that the Town of Edgewood will be using to implement the approved amendments. The letter also inquires about which ordinances are applicable at which times in the process and the implications for water planning that various ordinances impose. The EBWPC realizes that this means that additional time for internal verification/discussion/and consultation may be needed to provide a responsive answer to the non-records questions posed.

Accordingly, we anticipate that the Town of Edgewood will be fully responding to our request on or before December 17, 2021

Respectfully

Dan McGregor
505-848-1578

RE: Estancia Basin Water Planning Committee - Request for Information/Clarification on Recent Planning and Zoning Commission Amendments to the ...



Dan McGregor

To: ● Tim Dvorak; ● John Abrams

Cc: ● Monet Chavez; ● Manny Encinias; ● Charlene Pyskoty; ● Joe Noriega; ● Brian J. Lopez; ● Jessica Nixon; ● Jeff Albright; ● Ken Martinez

Reply Reply All Forward

Wed 11/17/2021 12:41 PM

From: Tim Dvorak <tdvorak@pd.edgewood-nm.gov>

Sent: Tuesday, November 16, 2021 3:00 PM

To: Dan McGregor <dmcgregor@berncgo.gov>; John Abrams <jeabrams@edgewood-nm.gov>

Cc: Monet Chavez <Mchavez@edgewood-nm.gov>; Manny Encinias <manny@cattlemanagementservices.com>; Charlene Pyskoty <cpyskoty@berncgo.gov>; Joe Noriega <jnoriega@berncgo.gov>; Brian J. Lopez <bjlopez@berncgo.gov>; Jessica Nixon <jnixon@roblesrael.com>

Subject: RE: Estancia Basin Water Planning Committee - Request for Information/Clarification on Recent Planning and Zoning Commission Amendments to the Campbell Ranch Master Plan

CAUTION: This email originated from outside of Bernalillo County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Mr. McGregor.

I have attached the Town's preliminary response to the Estancia Water Basin Committee's request. I appreciate everyone's patience in allowing my department time to compile the applicable information. If anyone has questions in the meantime, please feel free to contact me at any time.

Thank you again, and have a wonderful evening.

Respectfully,

Tim Dvorak
Interim Planning & Zoning Administrator

Town of Edgewood

From: Dan McGregor <dmcgregor@berncgo.gov>

Sent: Monday, November 15, 2021 11:44:44 AM

To: John Abrams <jeabrams@edgewood-nm.gov>

Cc: Monet Chavez <Mchavez@edgewood-nm.gov>; Tim Dvorak <tdvorak@pd.edgewood-nm.gov>; Manny Encinias <manny@cattlemanagementservices.com>; Charlene Pyskoty <cpyskoty@berncgo.gov>; Joe Noriega <jnoriega@berncgo.gov>; Brian J. Lopez <bjlopez@berncgo.gov>

Subject: Estancia Basin Water Planning Committee - Request for Information/Clarification on Recent Planning and Zoning Commission Amendments to the Campbell Ranch Master Plan

Mayor Pro Tem Abrams

Please see the attached letter from the Estancia Basin Water Planning Committee (EBWPC). At the request of Bernalillo County Commissioner Charlene Pyskoty to the EBWPC, we are requesting information/clarification regarding the recent decisions of the planning and zoning commission regarding the Campbell Ranch Master Plan (Sept 28-29,2021).

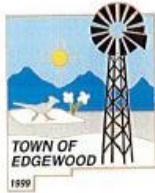
I've taken the liberty of including Town of Edgewood staff on the matter as I suspect it will be forwarded on to them to address the questions and information requested.

A hard copy will be sent US Mail in the next few days.

Thank you and the Town of Edgewood staff for assistance in this matter.

Respectfully

Daniel McGregor
Estancia Basin Water Planning Committee
Secretary/Treasurer



TOWN OF EDGEWOOD

Where the Mountains Meet the Plains
PLANNING & ZONING DEPARTMENT
171 A. NM 344
P.O. Box 3610
Edgewood, NM 87015
Phone: (505) 286-4518 Fax (505) 926-9061
www.edgewood-nm.gov

November 16, 2021
VIA EMAIL ONLY

Manny Encinias, PhD
Vice Chairman, Estancia Basin Water Planning Committee
P.O. Box 58
Estancia, NM 87106
[manny@cattlemanagementservices.com]

Re: Response to November 8, 2021 Letter re Request to Review and Comment on Amendments to Campbell Ranch Master Plan

Dear Dr. Encinias,

The purpose of this letter is to respond to your request submitted to the Town of Edgewood (hereinafter "Town") on November 8, 2021 to review and for records related to recent amendments to the Campbell Ranch Master Plan which were approved by the Town's Planning and Zoning Commission on September 29, 2021.

As allotted under NMSA 1978, Section 14-2-8(D), the Town will require more than the initial three (3) business days to respond to your request for public records. In fact, and in accordance with NMSA 1978, Section 14-2-10, the Town may need more than the regular fifteen (15) days to respond to your request. Although the Town cannot anticipate when the complete response and documents will be available at this time, the Town will produce them within a reasonable period of time. As such, the Town will provide you with an update as to its response and the records compiled pursuant thereto on or before the close of business on December 17, 2021.

Thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Timothy Dvorak
Town of Edgewood
Interim Planning & Zoning
Administrator

cc: Monet Chavez, Interim Town Deputy Clerk
Jessica L. Nixon Town Attorney

John Bassett
Mayor

Sherry Abraham
John Abrams
Linda Holle
Audrey Jaramillo
Town Councilors

Wm. H. White
Municipal Judge

Monet Chavez
Interim Deputy Clerk

Timothy Dvorak
*Interim Planning & Zoning
Administrator*



Estancia Basin Water Planning Committee

*P.O. Box 58
Estancia, NM 87016*

November 8, 2021

Mr. John Abrams (Mayor Pro Tem)
Town of Edgewood Council
PO Box 3610
Edgewood, NM 87105

Re: Request of Bernalillo County Commissioner Charlene Pyskoty to the Estancia Basin Water Planning Committee (EBWPC) to review and comment on recent Town of Edgewood amendments to the Campbell Ranch Master Plan with regards to potential impact on the water resources of the Estancia Basin.

Mayor Pro Tem Abrams and Council;

The Estancia Basin Water Planning Committee (EBWPC) was formed by a tri-county Memorandum of Understanding between Bernalillo County, Torrance County, and Santa Fe County. The EBWPC was established as a special-purpose, advisory planning committee to provide for the coordination of water planning activities affecting the Estancia Basin.

The EBWPC's assigned responsibilities include to "review and comment on major development proposals impacting water resources as appropriate and by request from any government agency with jurisdiction in the Estancia Basin." Commissioner Charlene Pyskoty (Bernalillo County District 5, Commission Chair, letter attached) has requested that the EBWPC review and comment on recent amendments to the Campbell Ranch Master Plan approved by the Town of Edgewood Planning and Zoning Commission on Sept 28-29, 2021.

The EBWPC is in possession or has access to a number of supporting documents including the Town of Edgewood Planning and Zoning minutes for the Sept 28-29, 2021 and the October 26, 2021 meeting packets (which include the adopted amendments), copies of the 1999 and 2019 Subdivision and Zoning Ordinances, and a copy of the initial Development Agreement from 2001 between the Town of Edgewood and Campbell Ranch. The EBWPC also has a copy of Entramosa's current expansion policies, though Campbell Ranch has not cited an intended provider and deferred that identification due to a reported non-disclosure agreement.

Germane to the EBWPC, the amendments included the removal of a requirement stated as:

Note that prior to subdivision platting, the State Engineer must issue a favorable opinion showing a 70-year supply of water for each subdivision

The statement was revised, at hearing and read into the record, to read as:

Note that prior to subdivision platting, the applicant must provide evidence of water availability consistent with the Town of Edgewood Planning and Zoning Ordinances in effect at the time of the time of subdivision approval.

To properly review and advise on the potential impact of that amendment on the water resources of the Estancia Basin, the EBWPC would appreciate clarification on several items and processes related to the recent amendments.

1. Given the recent closure of the Sandia Basin to new appropriations based on significant water level declines, recent court decision (under appeal) denying a new appropriation to supply Campbell Ranch, that the Sandia Basin may provide limited recharge to the Estancia Basin and the long standing closure of the Estancia Basin, can you please provide information on the intended water source(s) for the Campbell Ranch Master Plan at this time – will it be by a local utility provider, by private wells, or a combination of those two sources (and in what proportions)?
2. Can you please clarify whether all the proposed amendments in the Sept 28-29, 2021 meeting packet were approved, with additional revisions as read into the record, or were only those items read into the record adopted?
3. Does the 1999 Zoning Ordinance or the 2019 Zoning Ordinance (particularly regarding master plan requirements for water planning) govern the Campbell Ranch at this time?

The 2001 development agreement indicates that the ordinances in place at time of adoption (1999 Ordinance) would govern and there is no mention in the approved amendments indicating that the 2019 ordinances are to govern prior to subdivision application. Yet, statements in the meeting minutes indicated that the intent was to hold Campbell Ranch to the 2019 Ordinances, but final actions changed the language to read "*Town of Edgewood Planning and Zoning Ordinances in effect at the time of the time of subdivision approval.*"

4. It is unclear to the EBWPC which ordinances are now applicable and at what point various ordinances apply in the approval process. Can you please clarify:
 - a. At time of subdivision application, which of the water planning standards will be the required standard:
 - a written water supply plan and liquid waste disposal plan (per the 2019 Zoning ordinance) and/or;
 - a letter of commitment from the water provider (from the 2019 Subdivision ordinance)

- b. What criteria will the Town of Edgewood use to determine the adequacy of the proposed water and/or liquid waste disposal plan, or availability letter if an existing utility supplier is intended?
- c. What criteria will the Town of Edgewood use to determine the adequacy of the proposed water and/or liquid waste disposal plan if private wells and or septic systems is intended?
- d. At what point in the amended process will an updated written plan for water supply and liquid waste disposal be required and at what scale (master plan or subdivision)?

The 1999 Zoning Ordinance for Master Plan areas requires only a *“written statement regarding the impact of the Master Plan Zone on the surrounding community with respect to transportation, sources for water supply, disposal of solid and liquid waste ...”*.

By contrast the 2019 Zoning Ordinance for Master Plan zoning requires *“A written water supply plan and liquid waste disposal plan. This analysis will identify one or more sources of water to supply the proposed development, i.e., County or other utility, wells, water right transfers, point of diversion, etc. The analysis will also include estimated water budget (demand) by phase, total demand at full build out, including commercial uses, if applicable, and a water conservation plan.”*

The current requirement for a final plat for a subdivision is only *“a letter of commitment from: The water company that will provide service to the subdivision”* and *“The Town of Edgewood regarding possible offsite sewer availability”*. There is no description of the requirements if private wells or on-site wastewater systems (septic tanks) are to be utilized.

The recently amended plan now reads as *“Town of Edgewood Planning and Zoning Ordinances in effect at the time of the time of subdivision approval.”*


The specified ordinances (zoning, subdivision, or combination thereof) is unclear.

- 5. If the answers to the questions above are dependent on the Water and Wastewater Plans provided as appendices to the Master Plan in 2000 and accepted by the Town of Edgewood at that time:
 - a. What is the Town of Edgewood’s intent or mechanism regarding having those plans updated to recognize the recent basin closure and court decisions?
 - b. What is the Town of Edgewood’s intent to have the plans updated given the recent recognition by the Town of Edgewood Planning and Zoning Commission that the Town of Edgewood does not have jurisdiction of Village 1?

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- c. In the opinion of the Town of Edgewood, how does the lack of an approved master plan by the authority having jurisdiction for Village 1 (Bernalillo County) affect the phasing, total project water use, and total project reuse water available and water budgets used to support master plan and subdivision requests for Villages 2, 3, and 4 as required by the 2019 Zoning Ordinance?
6. The EBWPC was unable to locate a written and documented water conservation plan for the Campbell Ranch master plan for review, and the current subdivision ordinance does not have a requirement to provide such a plan at the time of subdivision application.
 - a. Can the Town of Edgewood locate and provide a copy of such plan to the EBWPC?
 - b. If no such plan exists, does the Town of Edgewood intend to require a written conservation plan, (as would seem to be required by the 2019 Zoning Ordinance for Master Plan zoned areas), and what process would the Town of Edgewood use to approve such a plan?

The EBWPC would appreciate, and respectfully requests, a response to the above questions and request for information so that we can properly review and advise the Town of Edgewood regarding potential impacts on the water resources of the Estancia Basin.

Sincerely



Manny Encinias, PhD

Vice Chairman, Estancia Basin Water Planning Committee

Attachment: Letter from Commissioner Charlene Pyskoty, Bernalillo County

Cc: Bernalillo County Board of County Commissioners, Charlene Pyskoty, Chair
Torrance County Board of County Commissioners, Ryan Schwebach, Chair
Santa Fe County Board of County Commissioner, Henry Roybal, Chair
Tim Dvorak, Town of Edgewood, Code Enforcement Officer/Planning Assistant

Attachment



October 12, 2021

Mr. Rik Thompson
Chair, Estancia Basin Water Planning Committee
P.O. Box 48
205 S. Ninth Street
Estancia, NM 87016

Re: Town of Edgewood, Amendments to Master Plan and Waiver of Ordinances

Mr. Thompson:

Under the provisions of the Estancia Basin Planning Committee (EBWPC) Memorandum of Understanding (Section 3, paragraph 2, Item E) between Bernalillo County, Santa Fe County, and Torrance County, the Committee's responsibilities include the following:

E. Review and comment on major development proposals impacting water resources as appropriate and by request from any government agency with jurisdiction in the Estancia Basin.

Bernalillo County is a signatory member to the MOU and has jurisdiction within Bernalillo County for areas either within or dependent on the water resources of the Estancia Basin.

Accordingly, I am requesting on behalf of Bernalillo County that the EBWPC review and comment on recent amendments to the Campbell Ranch Master Plan and waivers to the Town of Edgewood ordinances granted by the Town of Edgewood Planning and Zoning Commission in as much as such amendments and changes have the potential to impact the water resources of the Estancia Basin.

It is my understanding from reviewing the MOU that the goals of the EBWPC MOU are stated in Section 1 of the MOU. I am requesting that the board evaluate the Town of Edgewood amendments and waivers against the goals listed in Section 1, Items, B, C., D., F., G., and H. of the MOU as provided immediately below.

The general goal for this water planning process is to protect the quality and preserve the quantity of water resources of the Estancia Basin for future generations. Various objectives for achieving this goal include but are not limited to the following:

- A. Develop a geohydrologic model of the Basin in order to characterize ground-water flow and to calculate the basin's ground-water supply;
- B. Maintain a categorical inventory of water users in the Basin and continuously forecast the consumptive demands on Basin ground water;
- C. Establish a ground-water monitoring system for collecting data on water table changes, saline water intrusion, and contamination in Basin recharge areas;
- D. Reevaluate various techniques of land use management for reducing stresses to water resources, especially in vulnerable areas;
- E. Initiate and conduct a water resource information and education program designed to increase public knowledge of water laws and regulations, water conservation techniques, and the need to develop contamination prevention policies;
- F. Formulate water resource and conservation management policies for consideration by the various governments with jurisdiction in the Estancia Basin;
- G. Prepare a compilation of forty-year water development plans from all municipalities, counties, and public utilities operating water supply systems within the Estancia Basin; and
- H. Assess the future availability of usable water resources to maintain and expand existing residential and cultural uses.

In doing so, I am respectfully requesting that the board also review and act on its responsibilities as it best sees fits as laid out in Section 3. Committee Responsibilities, particularly with regards to Items C., D., E., F.

- C. Collect and compile all available data and information on the water resources of the Estancia Basin. Such data and information will be placed in a water resources library at the TORRANCE County Courthouse;
- D. Maintain communications with the respective Planning Commissions of the Counties of BERNALILLO, SANTA FE, and TORRANCE;
- E. Review and comment on major development proposals impacting water resources as appropriate and by request from any government agency with jurisdiction in the Estancia Basin;
- F. Investigate and recommend water resource management policies and strategies for consideration by the various governments with jurisdiction in the Estancia Basin;

While respectful of Town of Edgewood jurisdictional authorities over its annexed areas, Bernalillo County is concerned in as much as the Town of Edgewood is the sole arbiter of the use of regional water resources to supply the Master Plan area. Bernalillo County believes that because of its charge to perform regional water planning, the EBWPC is in the best position to advise the Town of Edgewood regarding water resources concerns that should be considered in its decision making.

Accordingly, Bernalillo County respectfully requests that the EBWPC evaluate and advise the respective Counties and the Town of Edgewood as the EBWPC determines appropriate and within the scope of its objectives and responsibilities.

Respectfully Requested,



Charlene E. Pyskory
Chair, County of Bernalillo Board of Commissioners
Bernalillo County Commissioner, District 5