



Village of Wagon Mound  
Special Meeting Agenda

**Tuesday, June 28, 2022 – 5:30PM**

Presiding Mayor Andres Martinez

\* - Indicates an action item

During this meeting the Mayor and Council may convene into Executive Session  
as allowed by Section, 10-15-1, H 1-10. NMSA 1978

---

- I. Call to Order and Pledge of Allegiance
- II. Roll Call: Mayor Andres Martinez, Mayor Pro Tem Eldie R. Cruz, Councilor Adrian A. Clouthier, Councilor Paul A. Miera, and Councilor Claudia M. Martinez.
- III. \*Approval of Agenda
- IV. Business Matters
  - 1.\*Discussion: Gravel mining operations near Santa Clara Springs and potential impacts to Village water supply.
  - 2.\*Discussion/Approval/Disapproval: Resolution 2022-06 – Opposing Gravel Mining Operations Near Santa Clara Springs.
- V. Adjourn



I. Call to Order and Pledge of Allegiance

II. Roll Call was taken by Deputy Clerk Colleen Engelhardt. Mayor Andres Martinez, Mayor Pro Tem Eldie R. Cruz, Councilor Adrian A. Clouthier, Councilor Miera, and Councilor Claudia M. Martinez were present.

III. \*Approval of Agenda

**Motion to approve the agenda was made by Councilor C Martinez louthier, seconded by Mayor Pro Tem Cruz. (Vote 4-0) Motion carried with all in favor.**

IV. Business Matters

1. \*Discussion: Gravel mining operations near Santa Clara Springs and potential impacts to Village water supply.

- Mayor Martinez stated about a week and a half ago he was alerted to the operations occurring west of town at a location where a gravel pit was initiated about 20 years ago and at that time operations were stopped due to the potential impacts to the water supply at the Santa Clara Springs. The Mayor stated after he learned of these operations, he and the Utilities Superintendent visited the Springs, and it appeared to be flowing normally. Then, he stated, they went to the gravel pit location to speak with the workers, and the person he spoke with stated they were scheduled to start blasting to produce gravel. The Mayor informed him of the location of the Springs and asked if they could stop operations until the Village has time to ensure the safety off the Springs. Mayor Martinez stated the Village has since been in communication with several State agencies, and he stated the Village is concerned the blasting could impact the fractures in the bedrock in a way that diverts water away from the Springs. The Mayor stated he does not believe the appropriate analysis has been conducted to make a determination.
- Deputy Clerk Colleen Engelhardt stated the Village has contacted the Office of the State Engineer (OSE), the Attorney General (AG), and a variety of offices within the NM Environment Department (NMED) including the Groundwater Bureau and the Drinking Water Bureau. She stated the Village has asked many questions and little information have been provided.
- Mayor Martinez stated he has been in contact with the Attorney General, and the AG's office will be looking into the permitting processes because the Village believes the appropriate licenses and permits have not been obtained to open the pit and blast for gravel.
- Colleen stated through the OSE the Village has obtained a blasting analysis document Fisher Sand & Gravel has provided them. She stated the document shows the impact of the blasting on the bedrock in the area. She stated the document appears to be cursory, and the Village remains concerned for the potential impacts to the Springs. She stated the Village is working with a geologist, Dr. Kate Zeigler, who has conducted much work in this region. Colleen stated, after a cursory review, Dr. Zeigler's thoughts mirror the Village's concerns in that the blasting could cause either new fractures or shifting in the bedrock potentially diverting water away from the Springs. She stated Dr. Zeigler also stated the opposite could happen with the blasting opening the fractures to allow more water to flow to the Springs. Colleen stated Dr. Zeigler's greater concern is the potential for contamination of the groundwater in the form of diesel, gasoline, hydraulic fluid, explosive residue, etc, which would take some time before reaching the Springs. Colleen stated Dr. Zeigler also suggested the operations may not have any impact on the

Springs, and made the point that, through analysis, she can get a good picture of the geology to make predictions for the outcome. However, Colleen stated Dr. Zeigler's view is that we really don't know what will happen. Colleen stated Dr. Zeigler's suggestion is to plan for the worst possible outcome.

- Colleen stated the Village also contacted Mora County. She stated the Planning & Zoning (P&Z) Director informed her that Fisher Sand & Gravel does not have a County Business License to operate a gravel pit. She stated the process of obtaining this license would be initiated by the company a proposal for the operation along with an environmental impact report. She stated the P&Z Committee would then review the proposal, property owners within 1,200 feet of the operation would be notified, a Public Hearing would be held, the P&Z Committee would meet to review comments and make a recommendation to the County Commission for approval or disapproval, and finally the Commission would make the final decision on issuing the permit. She stated it is a bit of an involved process.
- Colleen stated she just spoke with someone in the NMED Air Quality (AQ) Bureau who clarified the different AQ permits issued. She stated she learned if the emissions are 10 tons or less per year, no permit is required, but an application for operation is required. Colleen stated the permit process is required when emitting more than 10 tons per year. Colleen stated the Village does not know what the proposed operations entail.
- Colleen stated the purpose of this meeting is to provide the public with as much information as possible, to make the public aware of the information the Village has gathered, and to limit any misinformation. Colleen stated the Village, along with two other entities, hold water rights to the Springs, and she stated we are here to discuss our municipality's water rights. She stated this is a very concerning issue for the Village, and we are trying to be as proactive as possible. Colleen stated the Mayor has recommended the Council consider a resolution stating the Village's position regarding protecting the Santa Clara Springs.
- Mayor Martinez invited people representing different parties involved to introduce themselves:
  - Jim Ball with the mineral and surface owner
  - Brian Gambrel with Fisher Sand & Gravel
  - Attorney from Modrall Sperlberg representing Yates
  - Justin Quintana with NM Department of Transportation (NMDOT) – Mr. Quintana stated he is in attendance to identify Fisher as a company crushing material for a repaving project on I-25, and he's hoping he can answer questions.
  - Brad Sena, P&Z Director for Mora County
  - Joseph Griego, Mora County citizen
  - Tim Farmer with District 7 for OSE – Mr. Farmer stated the OSE has one gauging station on the Daniels' land and one on Harper's land affiliated with the Springs. He stated he will be sending a crew on Thursday morning to calibrate and perform some work on the stations in order to more closely monitor the flow.
  - Veronica Serna, Mora County Commissioner
  - Tom Blaine with Harper Cattle
- Mayor Martinez opened the floor to public comment:
  - Mr. Quintana (NMDOT) stated he has the role of ensuring permits and licenses are in place from the contractor. He stated this is a normal operation, and he was unaware of the Village's water concerns. He stated he also received the blast analysis. He stated the project will run about three months, and the company should have permission from the landowner to operate. He stated the company has their permits posted at the entrance to the gravel pit.

- Mayor Martinez acknowledged the AQ permit, but he stated that is the only one posted. He stated it does not appear the company is permitted through the County, and he asked if this is required before initiating work. Mr. Quintana stated if the required permits are not in place, the NMDOT would shut-down operations. He stated he works at the State level, and the operating company, Fisher, is required to have permission from the landowner. He stated Fisher has provided an agreement with the landowner to extract x-amount of material for this given project. Mayor Martinez asked if NMDOT was notified of the proximity of the location of the Village's drinking water, and Mr. Quintana stated he was not aware. The Mayor stated a similar operation was shut-down about 20 years ago at the same location due to the concerns for the water quality and productivity at the Springs. He asked who the responsible party is if something happens. He asked if the State will be responsible. Mr. Quintana stated he can't answer that question, but he is here to assist the Village with ensuring all the appropriate permits are in place. Mayor Martinez asked if all the permits need to be in place before blasting occurs, and Mr. Quintana stated he was not aware of blasting operations occurring as of now.
- Colleen asked if the NMDOT has been made aware of either Fisher or the landowner displaying compliance with the Clean Water Act, the requirements of the Mine Safety and Health (MSHA), and/or the requirements of NM Energy, Mineral, and Natural Resources Department (EMNRD). Mr. Quintana stated he will look into them, and stated he will provide his contact information for a follow-up.
- Colleen asked Brian Gambrel the same question, and Mr. Gambrel stated all have been considered. He stated he has applied for and received the AQ permit, he has informed MSHA of the drilling and blasting activities, and he will be submitting to EMNRD once the crusher is ready to operate after material extraction has occurred. Mr. Gambrel stated the Stormwater Pollution Prevention Plan (SWPPP) has been done, and the company is in the process of determining the actions needed to prevent water from leaving the site.
- Colleen asked Mr. Gambrel if he's familiar with the Mora County Business License process, and he stated Fisher was issued a license last year for another project. He stated his office was contacted yesterday by Mora County asking for a copy of the license because they couldn't find theirs. Colleen asked if the license issued was for gravel pit operations, and Mr. Gambrel stated yes it was. Mayor Martinez asked if the license needs to be renewed annually, and Mr. Gambrel stated they are determining when the license was issued to ensure it is current. Mayor Pro Tem asked if the Mora County Business License is issued by location or does it cover both this pit as well as the pit in Golondrinas. Mr. Gambrel stated, to the best of his knowledge, it is a Business License to operate county-wide. Mr. Quintana stated the contractor carries a Business License through the State, and he does not believe they are required to obtain a local Business License because they maintain a Business License as a contractor through the State of New Mexico. Mayor Martinez clarified that the State overrules the local rules, and Mr. Quintana stated no that his statement was based on the fact that when a contractor out of Albuquerque is hired to work on a building in another locations, they are not required to maintain the local Business License.
- A citizen brought up Don Schutz's gravel pit, and the Mayor asked why the gravel needed for the project could not be obtained there. Mr. Gambrel stated Fisher tried obtaining gravel from Mr. Schutz, but they were informed the pit is under lease for last 4 or 5 years. Mr. Gambrel stated the pit west of Wagon Mound is an existing pit.
- Citizen Sofia Martinez stated the State cannot overrule County regulations. She stated it is her understanding that gravel permits are movable throughout the State. She stated the

Schutz pit has never posed an issue because it is situated such that the Village does not encounter much dust from it, and they provide their own water. She stated a large volume of water is required to mine gravel.

- Mayor Martinez asked where Fisher will obtain water for the project. Mr. Gambrel stated they will be purchasing from a private individual located about 8 miles to the south. He stated Fisher contacted the Village, and the water rate was too expensive.
- Colleen stated the discussion has been centered on permits and licensed. She stated the Village's concern is not centered on the permits and licenses are in place. She stated the reason the Village is concerned is the reasons why the licenses and permits are required which are to ensure surrounding entities are not negatively impacted by the operations. She stated the Village is not here to be a bully or to simply stop business enterprise. She stated we are here to confirm the Village's intentions to protect the Village's municipal water supply at the Santa Clara Springs. Colleen stated she has learned more about the operations in the last 30 minutes than she had been made aware of. She stated information is helpful to feel confident that the safety and health of the Springs is secure.
- Mayor Pro Tem Cruz stated he is concerned with who will take responsibility if there is a negative impact on the Springs, and he asked if Fisher is bonded to cover this kind of issue. Mr. Gambrel stated Fisher operates throughout the state, and they are bonded. Mayor Pro Tem Cruz asked what happens if a negative impact is not discovered for years. Mr. Gambrel stated he can take that question back to his office, and the Mayor Pro Tem stated this is a real concern for the community.
- Tom Blaine stated he is a former State Engineer in New Mexico, and he stated he looks at the recharge of the aquifer which primarily comes from the Turkey Mountains located to the southwest. He stated the gravel operation is located between the Turkeys and the Springs. He stated he has reviewed the vibration analysis, which he stated, is a good analysis if you are concerned with the stucco on a house cracking. Mr. Blaine stated the issue is not stucco on a house. He stated he is concerned about seismic activity that could propagate some different fracturing that could cause a loss of our water. He stated, in his experience, more fractures result in a reduced flow of water. He stated he is concerned that a change in the fracturing today will not become apparent for a number of years. He stated, in that case, the burden of proof will become that of the entities with water rights to the Springs. He stated we will have to prove where the damage originated, and he stated this is very difficult. Mr. Blaine recognized New Mexico water law does not cover an issue such as this, but he stated it is incumbent upon the applicant to demonstrate they will not affect another source with State water law. He stated he has many unanswered questions with this project. He stated several years ago the Village created a Source Water Protection Plan following the guidance of the NMED, which looked at a 1,000-foot radius around the water source. He stated, in retrospect, if he were advising the Village today, he would recommend a larger radius, not because it is some random distance but because it involves a fractured formation. He stated we do not know how the fractures are situated other than they are parallel with bedding planes geologically. He stated there are a lot of complicated issues to consider. He stated he does not feel we are in a position to take the risk. He stated Harper Cattle has license to appropriate almost 800-acre feet of water. In reference to bonding and responsibility, he asked what is the value of water? He stated Harper Cattle has one or two wells supplying the entire cattle operation because they have drilled so many wells that have gone dry. He stated some wells drilled have been shallow and others have been drilled in excess of 800 feet. He stated water availability is a real concern here.
- Colleen asked Mr. Blaine's thoughts on sediment contamination, and if it is a concern.

- Mr. Blaine stated due to the travel time between the gravel operation and the Springs, he does not believe sediment would be a problem. He stated the concern for contamination is in relation to hydrocarbons and any other chemicals used in the mining operation.
- Mayor Martinez confirmed that this kind of contamination may not be detected for 3-5 years, and Mr. Blaine stated it may even take longer to be detected.
- Colleen stated in the Village's research she found pertinent state law. She read NMSA 1978 §3-27-3 which provides for the municipality to protect its source water and water facilities from pollution, and the jurisdiction of the municipality is extended to include all territory occupied by the water facilities to all reservoirs, streams, and all other sources supplying the stream or reservoir to include 5 miles above the point from which the water is taken whether this location falls inside or outside Village limits. Colleen stated this gives confidence for the Village having jurisdiction to be concerned with these matters and asking these questions.
  - Mayor Martinez stated work will need to be done to provide answers and to determine whether or not the gravel pit operations are allowable. He stated the State should be responsible for any future contamination. He stated the Village is here to discuss our concerns regarding fracturing of the bedrock or contamination that may occur.
- Citizen John Quintana asked why this pit being opened when a pit already and Business License already in place in Golondrinas.
  - Mr. Gambrel stated the gravel production ran out at the Golondrinas pit, and he stated the highway was broken up with the trucks hauling material. He stated Fisher had to repair the road, and they did not want to break up the road again.
  - Colleen asked if Hwy 120 will experience the same damage with hauling from this pit.
  - Mr. Gambrel stated damage could occur, but if it does, they are required to repair it.
  - John Quintana asked about the Matthews pit near Las Vegas. Mr. Gambrel stated the material from that pit meets standard requirements, but it is borderline. He stated the material is of a poorer quality from that pit. He stated that material was used in a prior project, and that stretch of highway is falling apart. He stated they are having to repave that stretch in less than 10 years.
- Mayor Martinez asked if Fisher and/or the property owner evaluate the situation of the closeness of the Village's water source.
  - Citizen Joey May asked how close the operation is to the Springs, and Colleen stated it is under ½ mile away.
  - Citizen Zeke Trujillo asked where the gravel pit is located in relation to the flow of water, and Mayor Martinez stated the Springs are located downstream.
  - Mr. Gambrel stated the distance between the blasting location and the water source is 4,600 feet. Mr. Blaine referenced the blast analysis provided by Fisher and the distance was noted as approximately 3,960 feet. Mr. Gambrel stated the blasting will occur on the west side of the pit, and it will move toward the west.
  - Mr. Ball stated 3,900 is not less than ½ mile, and Mayor Martinez stated he believes anything under 2 miles is too close.
  - The Mayor stated the entire community depends on that water, and we can't take chances of something going wrong. The Mayor stated there is no amount of money or mitigation that would compensate the three entities that rely on the Santa Clara Springs. He stated the Village would disappear without water.
  - Colleen stated while the linear distance between the Springs and the operation is an important number to consider, it is even more important to consider other factors as well including what lies between those two locations. She stated that area is the bedrock through which the groundwater flows to feed the Springs, and this area has the potential to

be impacted by the blasting vibrations. Additionally, Colleen stated this spring is more than just a water source to which three entities hold water rights. She stated it is an historical spring, and it is the reason why life exists in this area. She stated it is the reason why travelers along the Santa Fe Trail stopped here, it is the reason why native populations live and have lived here, it's the reason why beautiful wildlife exist in this area.

- Mayor Martinez referred to Fisher's blasting analysis report. He stated it shows a straight line from the blasting site. He stated a blast will impact everything moving out in a circle.
- Citizen Joey May asked about the geology, and Colleen stated Dr. Zeigler has provided the Village with a cursory assessment. Colleen stated the geology in this area is not necessarily well known. She referred to Mr. Blaine's comment about Harper Cattle drilling well after well because they go dry after a period of time. Colleen stated often when the term aquifer is used, we tend to think of a big swimming pool underground. However, she stated what Dr. Zeigler's work has identified is an aquifer in this region may be more the size of a bucket, a teacup, or a puddle. Colleen stated D. Zeigler's work looks at recharge rates of wells in this area are not naturally recharging. Colleen stated Dr. Zeigler is able to determine this by the presence of tritium which is a byproduct of the atomic bomb testing in Los Alamos. Colleen stated through this testing, Dr. Zeigler has determined that many wells in this area are not recharging. However, Colleen stated, Dr. Zeigler's studies have identified the Santa Clara Springs as a site that appears to be recharging, even if it is not recharging at the same rate as it has previously. Colleen stated this is another reason for the concerns and closely protecting the Springs because it is not as simple as drilling a new well at a new site.
- Mora County Citizen Joseph Griego asked when the project is supposed to start. Mr. Quintana (NMDOT) stated they have been approved to start at any time, and they need to have the project completed by October 15<sup>th</sup>. Mr. Griego asked if the can the project be delayed until all of the questions and concerns have been addressed, and he asked the DOT will guarantee covering the cost of mitigation should the water become contaminated or negatively impacted in the future. Mr. Quintana (NMDOT) stated he is only in charge of this particular project, and Mr. Griego asked him to please take these concerns back to his office. Mr. Quintana (NMDOT) stated the issue lies between the contractor, the landowner, and the Village. He stated where the contractor gets their materials is not important to the NMDOT as long as the contractor has provided all of the required paperwork and documentation. Mr. Griego asked who has oversight at the DOT, and Mr. Quintana (NMDOT) stated Chirs Urioste who is the District Engineer for Construction as well as James Gallegos who oversees all of District 4.
- Mr. Gambrel stated he was unaware of the water. He asked if there was an issue with this pit 20 years ago, wouldn't the NMDOT have condemned the pit? He stated he is aware of other gravel pits in the State that have been condemned. He stated this designation would have been immensely helpful from Fisher's perspective. He also noted that he is wondering if the operations 20 years ago were abandoned due to water concern because materials remain at the site. Mr. Gambrel stated if the operations had been shut-down the company would have moved every bit of material.
  - Mayor Martinez stated the Village was never notified off the operations, and he stated had the Village been made aware of the proposed project, we would have tried to supply Fisher with that information. Mayor Martinez asked Laudente Quintana, Jr, former Mayor of Wagon Mound, if he recalls what occurred, and Mr. Laudente Quintana stated he did not recall the specific details.
- Citizen Sofia Martinez with the Concerned Citizens of Wagon Mound and Mora County stated her organization has been involved in this issue since 2000, and she stated long before that

time different administrations have had to address concerns to clarify water rights. She stated three entities maintain water rights to the Santa Clara Springs. She stated she believes what needs to be taken back to the NMDOT office is the Village's opposed to the operations and the County supports this position. Ms. Martinez stated the Village has gone to court several times to protect the water rights with an original guarantee. She stated it is a good question to ask who will be responsible if damages occur, but she stated it is a moot question because if a water source becomes contaminated or a new fracture occurs, it cannot be returned to its original state. Ms. Martinez stated she recalls the Utilities Superintendent reporting the Springs are not recharging like they once did. She stated the Village needs to come out strong stating we will not allow the operations.

- Citizen Joey May asked if blasting did occur several years ago, did it impact the Springs, was there contamination, and how many times did they crush? Ms. Martinez stated it is unknown, and there are no guarantees regardless of insurance. She stated blasting did occur because some residents reported hearing it. She stated the County supported the Village at that time and has supported the Village with other water rights concerns.
- Citizen Inez May directed a question to the people representing the Yates/Ojo Feliz Ranch. She asked given the size of the ranch, is it possible to move the operation?
  - Mr. Ball stated he thinks it is possible there is another location on the property, but there is no known location currently. He stated he isn't certain how long it would take to locate a new pit. Mr. Ball asked what distance is far enough away? He stated he is concerned that the distance of less than ½ mile was stated by the Village. He stated that is not true, and the actual distance is a little less than a mile, which has been measured by tons of people. He stated he does not believe the operation 20 years ago, run by La Farge, was stopped. He stated these two pieces of information stated today are very concerning to him. Mr. Ball stated they have a hand-dug well located about 2200-2300 feet from the pit that has shown no sign of damage. He stated it is still producing.
  - Citizen John Quintana stated La Farge did blast, and now the Springs are not recharging at the rate it did 20 years ago. He asked could this be a result of the blasting and crushing?
  - Mr. Ball stated this has all hit in the last few days. He stated he is concerned about the resolution when there are not a lot of facts. He stated, yes, it is possible to go out and find a new location, but he asked how much time and new permitting would be needed. He stated Yates is just the mineral and surface owner, and they do have the legal right to extract the resources. But, he stated, they love this community, and it is his hope that there is no resolution because he has been hearing things that he does not believe to be true.
  - Colleen stated, with regards to the ½ mile distance statement, the Village stands corrected if we miscalculated the distance. She stated the distance that needs to be considered is under a mile. Colleen reiterated that the linear distance from the operation to the Spring may not be the measurement that needs to be identified. She stated we may also need to identify the distance between the blasting location and the bedrock through which groundwater flows to feed the Springs.
- Citizen Anita Romero stated she has lived in Wagon Mound her entire life except when she lived in Nevada. She stated the issue very simple. She asked, do we as a Village, want to take a chance that our water supply is either contaminated or lessened resulting in a decrease of a quality of life. She stated, we as a Village, have been here for hundreds of years, and we want to protect what we have. She stated blasting may take it away from us, and then a what are we supposed to do?
- Citizen Ricardo Valentine Martinez asked about the children. He asked what will our children and grandchildren drink if the water becomes contaminated? He stated why don't you go drill in



- your backyard. He stated take water from your kids not from ours. He stated I want them to live here like I have lived here with good water. He asked for it to be put in writing to take responsibility and guarantee our kids will be safe, or he asked, are you just wanting to put money in your pocket.
- A Mora County resident stated he was on the County Commission during the fight over the landfill. He stated the people of Wagon Mound have jurisdiction out 10 miles in terms of the welfare, health and safety of the people.
    - Mayor Martinez asked if there is a County ordinance stating that? Ms. Martinez stated at one point the County was considering an ordinance in relation to oil and gas drilling to approve a 10-mile buffer around Wagon Mound, but she stated she did not believe it passed. She stated it may have passed with a 3-mile buffer, but she wasn't certain. She stated the Village can pass an ordinance to include a buffer zone.
    - Mayor Martinez stated this current pit is located 3.1 miles from the Village. He stated the buffer would need to be at least 5 miles in order to protect the Village.
    - Mr. Gambrel stated a 5-mile buffer would eliminate Mr. Schutz's pit as well, and he stated, he would have gone with Mr. Schutz's pit had it been available.
  - Mayor Pro Tem Cruz stated Dr. Zeigler is also doing work for the Soil & Water Conservation District, and he referred to Mr. Blaine's statement that the Springs are recharged from the Turkey Mountains. He stated the pit is located west, slightly northwest of the Springs, and he read a statement from Dr. Zeigler's work performed for the Soil & Water Conservation District explaining that many springs in this area are recharged from the west and northwest. He stated this is why he is concerned because of the location of the Spring in relation to the pit.
  - Citizen Ricardo Maritnez stated he would like to see a document signed and notarized stating responsibility will be taken if negative impacts occur at the Springs.
  - Mr. Blaine stated the contract for this project wen to the lowest bidder, and the proposed bid included obtaining the material for a certain geographic location. He stated he believes it is incumbent upon the NMDOT to evaluate this, and a change order is necessary to allow Fisher to obtain material from a different pit. He stated this can be accomplished with additional funding from the State to obtain the material from a different location. He stated he doesn't believe it matters to Fisher where they obtain the material. Mr. Blaine stated he believes there is an easy resolution to this matter, but it lies with the NMDOT at this point. He stated it is also incumbent upon the water right holders to the Santa Clara Springs to make this known to the Attorney General. He stated he is preparing a letter to the AG's office that will go out this week, and he will be carbon copying the OSE, NMED, and County agencies.
    - Mr. Quintana (NMDOT) stated it isn't that easy for the NMDOT to do what he is suggesting. He stated they have already committed \$10M to this project, and Mayor Martinez asked if \$10M is worth more than our water. Mr. Quintana (NMDOT) stated that is not what he is suggesting. He stated he works for the State which means he works for the people, and his pay does not come from the contractor. He stated he is here to help. Mayor Martinez again expressed the Village's concerns, and he stated these are the reasons we are fighting for our water rights.
  - Citizen Joey May stated Yates has chain of custody of title for the pit, therefore, making them responsible for the pit. He stated it isn't really an issue for the State or Fisher.
    - Mr. Blaine stated Fisher is the company with the contract with the State, and Fisher chose this particular location for the pit.
    - Mr. Quintana (NMDOT) stated the State is not concerned with where the materials are coming form. He stated it is up to the contractor to source their material.

- o Citizen Lily Martinez stated she believes the bottom line is there is no amount of money that could compensate Wagon Mound if our water becomes contaminated. She stated she believes we should really consider just telling them no.
- Mayor Martinez asked for any other comments, and no one spoke.

2.\*Discussion/Approval/Disapproval: Resolution 2022-06 – Opposing Gravel Mining Operations Near Santa Clara Springs.

- Mayor Martinez asked the Deputy Clerk to read the draft resolution. She read the draft resolution in full, and asked if the Governing Body was in concurrence with the draft language.
- Mayor Martinez asked for a motion to approve Resolution 2022-06.
- Citizen Joey May asked he can make a comment before the resolution is passed, and Mayor Martinez stated it will have to wait. Mr. May stated he is going to leave because he's tired of hearing all this. He began commenting on the location of the blasting, and he asked with regards to contamination what about cow manure around the Springs. Mayor Martinez stated the the Council is in the process of considering this resolution, and he asked Mr. May to leave.

**Motion to adjourn was made by Mayor Pro Tem Cruz, seconded by Mayor Miera. (Vote 4-0)**  
**Motion carried with all in favor.**


**ROLL CALL: Clouthier = Yes; Cruz = Yes; C Martinez = Yes; Miera = Yes**

V. Adjourn

**Motion to adjourn was made by Mayor Pro Tem Cruz, seconded by Councilor Clouthier. (Vote 4-0)**  
**Motion carried with all in favor.** The meeting adjourned at 6:54PM

Approved and attested this 12<sup>th</sup> Day of July, 2022.

  
\_\_\_\_\_  
Andres Martinez, Mayor

Attest:   
\_\_\_\_\_  
Amber L. Alcon, Clerk Treasurer

