MEMBERS PRESENT:
Cindy Padilla  Acting Chair, New Mexico Environment Department
Cheryl Bada  State Parks Division
Maxine Goad  Member-at-Large
Howard Hutchinson  Soil and Water Conservation Commission
Greg Lewis  Office of the State Engineer
Wayne Price  Oil Conservation Division
Tim Darden  Department of Agriculture
Fred Lujan  Member-at-Large
Steve Glass  City of Albuquerque – Municipal/County Representative
Peggy Johnson  Bureau of Geology and Mineral Resources

MEMBERS ABSENT:
Edward Vigil  Member-at-Large
Mike Sloane  Department of Game & Fish

OTHERS PRESENT:
Marcy Leavitt, NMED/SWQB  Heidi Henderson, NMED/SWQB
Terry Johnson  Elizabeth Shields
Caren Cowan  Lynnwood Brown
Cindy Padilla, Acting Chair, called the meeting of the WQCC to order at 10:05 a.m. Ms. Padilla, on behalf of the Commission, expressed her thanks to the Village of Cuba for allowing the Commission to meet in the Village Council Chambers and for their hospitality.

Item 1. Roll Call:

The Commission administrator took roll and noted a quorum was present.

Item 2. Approval of Agenda

Action: Mr. Glass moved to approve the agenda. Mr. Hutchinson seconded. The motion passed unanimously.

Item 3. Approval of the August 8, 2006 meeting minutes.

Mr. Glass and Ms. Goad noted amendments to be made in the August 8, 2006 meeting minutes.

There was discussion regarding clarification of a motion made by Mr. Glass relating to Item 5 on the August 8, 2006 agenda, WQCC 05-14 (R), Fish & Game Department Use of Piscicides to Restore the Native Fish Community and the manner in which water sampling would take place following the application of piscicides. The Chair suggested further discussion of this issue would be appropriate under Item 5, Other Business, on the current agenda.

Action: Ms. Bada moved to approve the August 8, 2006 meeting minutes as amended. Mr. Glass seconded. The motion passed. Ms. Johnson abstained from the vote.

Item 4. Hearing and possible decision In the Matter of the Appeal of the Rio Puerco TMDL, WQCC 06-06 (A). Tannis Fox, NMED/OGC; Ernest Torrez, Petitioner; Leroy J.
The Chair thanked the members of the public present at the hearing for their time and participation as well as those in attendance that submitted Notices of Intent to Present Technical Testimony and those that submitted public comment regarding the TMDL issue. Additionally, she pointed out that the timing of the Commission’s decision in this matter would depend upon how long the hearing took and whether or not it was completed today.

At 10:20 a.m., the Chair announced that the hearing would commence and that Ms. Felicia Orth would preside as Hearing Officer for this agenda item. She also announced that the hearing would be audio tape recorded. All Notices of Intent to Present Technical Testimony were timely filed and are available for review as well as public comment correspondence, additionally, the audio tapes of the meeting are also available in the office of the Commission administrator, 1190 St. Francis Drive, Harold Runnels Building Rm. N2150, Santa Fe, New Mexico 85705.

The hearing was continued until the October 10, 2006 meeting to be held in Cuba.

The meeting reconvened at 8:50 p.m.

**Item 5: Other Business**

The Chair brought up the earlier question of clarification of Mr. Glass’s motion regarding water sampling following the application of piscicides in WQCC 05-14 (R). It was acknowledged that the intent of the motion was to require sampling at one foot below the surface, mid-column, and one foot above the sediment. The Chair suggested discussing the issue with Mr. Shandler, Commission counsel, in connection with the preparation of the order.

Following the meeting Mr. Shandler was contacted and he deemed it appropriate to clarify the language to establish the intent of the motion as well as the language contained in the meeting minutes and in the order to be prepared in this case.

There was Commission discussion regarding a field trip to view the Rio Puerco. Discussion continued with respect to developing a time line for such a field trip to make sure it did not impact the time allotted to the remaining individuals who had filed Notices of Intent to Present Technical Testimony. The Chair noted that the trip would need to take place before the meeting convenes at 10:00 a.m. on the 10th. It was decided that arrangements would be made for a field trip, all members would be notified of those arrangements and any member wishing to take part in the trip would inform the Commission administrator.

**Item 6. Next Meeting – October 10, 2006, Cuba, New Mexico**
Item 7.  Adjournment:

Mr. Darden moved for adjournment. Ms. Bada seconded the motion. The motion for adjournment passed unanimously. The meeting adjourned at 9:05 p.m.

Chair of the Water Quality Control Commission