New Mexico Land Grant Council (NMLGC)
January 13, 2017 - 10:00 am
UNM Continuing Education – Room D
1634 University Blvd. NE
Albuquerque, NM 87102

Minutes - FINAL

Regular Council Meeting

1. Call to Order and Roll Call

Council Chair Juan Sánchez called the meeting to order at 10:10am. Roll call of the Council members: Leonard Martínez, Rita Padilla-Gutiérrez, and Juan Sánchez, were present. Lee Maestas and Macario Griego were absent.

2. Introduction of Guests

Juan Sánchez (NMLGC); Leonard T. Martínez (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Lisa Rivera Morrison (BLM); Ericka Luna (USFS); Marlo Aragón(Office of the Attorney General); Brittany Martínez (Office of the Attorney General); Michelle Jacquez-Ortiz (Office of U.S. Senator Tom Udall); Nicholas Maestas (Office of U.S. Rep. Ben Ray Luján); Patricia Dominguez (Office of U.S. Senator Martin Heinrich); Elizabeth Reitzel (Office of U.S. Rep. Michelle Luján-Grisham); Sebastian Martínez (Juan Bautista Baldez LG); Arturo Archuleta (staff – NMLGC/UNM-LGSP); Jacobo D. Baca (staff - NMLGC/UNM-LGSP)

3. Approval of Agenda

Councilor Rita Padilla-Gutiérrez motioned to approve the agenda; Councilor Leonard Martínez seconded the motion. Motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of December 16th, 2016

Councilor Martínez motioned to approve the meeting minutes of the December 16, 2016 Council meeting; Councilor Rita Padilla-Gutiérrez seconded the motion. Motion was approved unanimously.

5. Discussion and Possible Action on Forest Service Update

Ericka Luna (USFS) reported that a new forest supervisor for the Santa Fe National Forest will be named within the next week. Retired Santa Fe NF Supervisor María García will have a retirement party on January 18th at 11:30 at the Santa Fe NF headquarters in Santa Fe. Joe Norrell is the acting supervisor. Tammy Malone retired as the Camino Real District Ranger. Ericka Luna and Ana Jaramillo Scarborough will serve as acting ranger. Ms. Luna also reported that Ms. Jaramillo Scarborough will attend the next two New Mexico Land Grant Council meetings on behalf of the USFS.

Ms. Luna then updated on Cibola Forest Plan revision process. An additional, chartered, cooperative group discussing the wilderness component at the Natural Resources Conservation Service office at 10:00am on January 25th. This will also include FACA 101

and NEPA 101 trainings to help update participants on the legal authorities that the Forest Service must follow. Councilor Martínez noted that the NMLGC has yet to sign on as a cooperative agency agreement with the Santa Fe National Forest. Chairman Sánchez also noted that the NMLGC needs to update its MOU with the Forest Service Regional Office. Ms. Luna reported that she would work with Mr. Archuleta to revise and update.

Mr. Archuleta reported on a meeting that took place on January 11th between the Carson National Forest and northern New Mexico land grants. Land grants represented included the San Antonio del Río Colorado, Santa Bárbara, Cristobal de la Serna, Petaca, San Joaquín del Río de Chama and Las Trampas land grants. Michelle Jacquez-Ortiz (Sen. Tom Udall's office), Patricia Domínguez (Sen. Martin Heinrich's office), Nicholas Maestas (U.S. Rep. Ben Ray Luján's office) and Marlo Aragón and Brittany Martínez of the Treaty Division attended as well. James Durán and Mr. Archuleta served as co-conveners on behalf of the Carson NF and the NMLGC, and Jim Upchurch, the Assistant Regional Forester for Region 3, attended. Councilor Martínez commented that the meeting was constructive; Mr. Maestas stated it was reflective of 10 years of work and a growing constructive relationship between the forest service and land grants. Ms. Jacquez-Ortiz complimented that the Forest Service community outreach has improved, and added that Jennifer Ruyle, who is in charge of forest plan revision statewide for the USFS, attended the meeting. Mr. Archuleta added that the Carson National Forest will hold a meeting March 23-25th with invited community partners; he will attend on behalf of the NMLGC.

Mr. Archuleta reported on the Piedra Lumbre Visitors Center. The NMLGC has been awaiting a letter from the Carson National Forest. Alicia Gallegos, Canjilón Ranger, reported at the Questa meeting that a Buddhist Center in Santa Fe and the Georgia O'Keeffe Museum have also expressed interest in the property. The NMLGC will have a follow up meeting with the Ms. Gallegos on February 28th regarding the PLVC. The meeting packet contains a copy of a letter to James Durán regarding the Piedra Lumbre Visitors center, expressing the opinion of the Council that the land grants in the area should be considered before outside interests. Councilor Padilla Gutiérrez questioned whether these new interests would be a hurdle; Mr. Archuleta responded that a sale or transfer to a government to government transaction, which may be easier, and Councilor Martínez commented he was concerned that legislation may be necessary to allow for payments over time. Sebastian Martínez, (Juan Bautista Baldez LG), commented that the Juan Bautista Baldez LG has a vision for the PLVC as an education center to teach about the Santa Fe Trail and other historical topics, and that Hebrew University in Jerusalem. The focus would be on education about the land grant, and history and art education. Councilor Martínez made a motion to approve a letter to James Durán, regarding the Piedra Lumbre Visitors Center. Councilor Padilla Gutiérrez seconded the motion.

Mr. Archuleta reported that the Santa Fe NF has started their plan revision process. Included in the packet is a schedule of forest wide community meetings. Land grants can participate in meetings in their region and formulate comments. There will be a larger meeting specific to land grants in February. The NMLGC staff has continued research into the FS acquisition of the northern half of the Juan José Lobato and the El Pueblo tract of the Anton Chico land grants. The land was purchased by the Resettlement Administration for

the sole purpose of benefitting local communities and was transferred to the 1950s with conditions attached. Dr. LM García y Griego has found documents at the Library of Congress and at NARA and the Land Grant Studies Program's FOIA request was fulfilled, providing over 42,815 pages of documents regarding forest acquisition of former land grant common lands. The hope is that NMLGC analysis can help inform the FS plan revision process. The New Deal era acquisition of former land grant lands focused on community and stewardship rather than environment and science. Ericka Luna commented that the FOIA staff were happy to comply with the LGSP request.

Patricia Domínguez (office of Sen. Martin Heinrich) reported that she spoke with Maya Hermann, of Senator Heinrich's Washington DC office, regarding cemeteries on federal lands, which is also an issue in other western states. Ms. Domínguez suggested that perhaps multiple cemeteries can be conveyed at once. There is an authority that allows such a transfer, but it requires purchase from the federal government. Mr. Archuleta commented that a note about cemeteries is also considered in the language of the traditional use rights bill, but prefer language in authority that allows for cemetery expansion, both inside and outside of forest land. Councilor Martínez asked if other religious sites, like *calvarios*, might be considered in the bill; Ms. Domínguez asked that Councilor Martínez send an e-mail describing other religious sites.

Regarding the PVLC, Ms. Domínguez commented that the future plans for the PVLC will change the conveyance, whether it is transferred or purchased. She asked if the Master plan for the PVLC developed by the Resource Center for Raza Planning was available; Mr. Archuleta said that he would share the master plan, and commented that there is also further investigation at UNM's planning school. He further commented that there is a need for both educational and economic drivers in the region, and monies made from the PVLC will be re-invested back into land grant communities by land grant boards of trustees.

Mr. Archuleta and Ms. Domínguez then presented an update on the water diversion issue on the San Antonio de las Huertas LG. Ms. Domínguez spoke with Elaine Kohrman (Forest Supervisor, Cibola NF) and Wayne Sandoval (President, San Antonio de las Huertas LG) asked for a formal letter from the Forest Service. Ms. Kohrman reported that the Forest Service legal office was taking a look into the matter and communicated that removal of construction of an unpermitted structure followed a specific legal process. Mr. Archuleta commented that the manipulation of waterways on Forest Service land is an ongoing issue for many land grants, as is whose authority governs such use. The issue may need further legal research for clarification, perhaps a workgroup exploring the issue of water rights. Ms. Morrison commented that the issues take place on BLM land as well.

Councilor Martínez asked Ms. Luna if the Forest Service would consider selling/transferring the acre feet of water that they own to the San Joaquín del Río de Chama LG, so that they do not leave the area. Ms. Luna said that she would forward the question to her superiors and noted that they would likely need to bring the Office of the State Engineer into the conversation. She stated that the water legal group come to address a NMLGC meeting. Sebastián Martínez commented that the Juan Bautista Baldez LG has the desire to re-introduce native fish into the Cañones Creek, and has been working with the

NM Department of Game and Fish to do so, and to ensure waters below creek are not being diverted to harm the wildlife. Ms. Luna mentioned that Mr. Archuleta and Mr. Benny Shendo of Jemez Pueblo were recently on a forest service panel, where Mr. Shendo mentioned collaboration with the Forest Service on Pueblo youth projects. She states that Chas Robles with Conservation Legacy is well positioned to go after federal and private monies for youth leadership programs.

6. Discussion and Possible Action on BLM

Lisa Morrison (BLM) reported that Councilor Martínez is now on the RAC Team for the Farmington District of the BLM. Regarding the Río Grande del Norte National Monument, alternatives will be sent to cooperating agencies (NMLGC and San Antonio del Río Colorado LG) in February. There will be a 30 day comment period before the alternatives go public. There will also be a public open house to discuss issues relating to the Rio Grande del Norte National Monument on January 24th, from 3:00-7:00pm at the Taos Convention Center. Mark Ames of the Farmington BLM office also sent a note to Councilor Martínez regarding scoping meetings, February 1st at San Juan College and February 2nd at the Shiprock Chapter House.

Ms. Morrison also reported that the scoping sessions for the Verde Transmission Line are done and a report is being put together and will be released soon. A draft EIS will be released by the summer of 2018. Lease sales are now available online. Four parcels totaling 842 acres are available in Rio Arriba and Cibola Counties. These are lands identified by oil and gas companies which the BLM studies and, if approved, the BLM allows an online sale. New Mexico Gas Company wants to reroute a gas line near Rinconada and Pilar because of concern of potential landslides; BLM is reviewing their proposal through an Environmental Assessment and, if approved, NM Gas Co. will reroute the line rehabilitate former lands. Ms. Morrison also reported that the Sabinoso Wilderness in San Miguel County will be inaccessible for a while. The Wilderness Land Trust donated parcels of land to ease access. Two grazing allotments will be nixed through a land use amendment if this area is added to wilderness.

7. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division

Marlo Aragón (Treaty Division) reported that the Treaty Division has been active reviewing local land grant concerns. They have recently met with Cañón de Carnué and Chililí. They will meet with the Tierra Amarilla Grant on January 21st and the Town of Tomé Grant on January 29th. Adverse possession and the *US v. Sandoval* case are common issues, and the Division discusses Open Meetings Act compliance with each grant. Ms. Aragón reported that the Attorney General would like for the Treaty Division to co-sponsor Treaty Day, and can issue public release. Attorney General Hector Balderas plans to attend the Treaty Day commemoration. Ms. Aragón also reported that she and Brittany Martínez met with Arturo Archuleta and Jacobo Baca regarding the education component and outreach. Councilor Martínez and Mr. Archuleta commented that the NMLGC, Treaty Division, Forest Service and BLM should collaborate together on a youth program. The Treaty Division will also meet with New Mexico Legal Aid to examine a work plan and identify separation of work. Brittany Martínez reported that the Treaty Division has been asked to send a letter

to land grants that are not political subdivisions of the state and collaborate in the orientation of new Forest Service and BLM employees.

8. Discussion and Possible Action on Council FY 2017 Budget
Mr. Archuleta presented a budget update (*handout)* and discussed CY 2016 totals for NMLGC councilor travel.

9. Discussion and Possible Action on UNM Contract
Mr. Archuleta presented pay request No. 5 for a total of $15,787.73, and described the elements of the pay request, including personnel, travel expenses, supply expenses, and 20% facility and administrative fees. Councilor Martínez requested that a budget item be considered to aid land grants in purchasing software and updates, perhaps via user licenses from UNM; Mr. Archuleta responded that he would look into it.

Councilor Martínez motioned to approve the billing request for $15,787.73. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

Mr. Archuleta reported on the amendment to agreement between DFA, the NMLGC and UNM regarding the FY 2017 contract. It reduces the amount from $211,931 to $199,930.80. After NMLGC approval, it needs signatures from the NM Attorney General's office and Chairman Sánchez.

Councilor Martínez motioned to approve the budget amendment, reducing the contract from $211,931 to $199,930.80. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

10. Discussion and Possible Action on Legal Services Contract
Mr. Archuleta reported that the contract for legal services with NM Legal Aid is at the UNM procurement office and should be released soon. Tajique has requested assistance from NM Legal Aid to move their transfer station further from community center on land provided by Tajique Land Grant. There is push back from Torrance County and Estancia Valley Solid Waste; this may be something that UNM law school students and the law clinic can assist with.

Councilor Padilla-Gutiérrez motioned to approve Tajique's request for legal assistance from NM Legal Aid. Councilor Martínez seconded the motion. The motion passed unanimously.

11. Discussion and Possible Action on Land Grant Support Fund
Mr. Archuleta reported that land grant support fund agreements are signed and submitted before Christmas. W-9s need to be signed and submitted to DFA so 4 grants in question can execute the grant fund agreements. Tajique asked to amend their request for funds, in light of lower price for materials; Tajique asked to expend monies on additional items, including a plaque for cemetery and electrical improvements to the community center. We may need to amend contract, with direction from DFA, provided the Council approves this adjustment today.

Councilor Rita Padilla-Gutierrez made a motion to approve the Tajique Land Grant's request to adjust their land grant support fund funding request. Councilor Leonard Martínez seconded the motion. Motion passed unanimously.

Mr. Archuleta also presented land grant support fund brochure designed by Cheyenne Trujillo (UNM LGSP / NMLGC).

12. Discussion and Possible Action - Treaty of Guadalupe Hidalgo Day at NM Legislature

The New Mexico Attorney General's office will now co-sponsor Treaty Day. Former State Historian Robert Tórrez will offer the keynote address and entertainment will be provided by the matachines from Carnuel and Baile Ilusión from Las Vegas. Lifetime Service Awards will be presented to Adelicio Herrera of Cañón de Carnué LG and Charlie Chacón of San Joaquín del Río de Chama LG.

Councilor Martínez motioned for the New Mexico Land Grant Council to officially sponsor Treaty Day. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

13. Discussion and Possible Action on Federal and State Legislation

Federal Legislation –

Nick Maestas of Rep. Ben Ray Luján's office has taken over some of Sissy García's portfolio while she is on maternity leave. He will work with Mr. Archuleta on how the legislation will work in practice and provide examples to clarify for legislative counsel how the process will work. He is also working with New Mexico Acequia Association, Paula Garcia and David Benavides on acequia aspects of the bill, and will discuss cemetery issue and whether it should be added to traditional use rights bill or be a separate bill. Mr. Archuleta commented that the Consejo leadership recently met to discuss the verbiage and intent of the draft traditional use rights bill and will work with Mr. Maestas to discuss the bill further later today.

Elizabeth Reitzel of Congresswoman Michelle Luján Grisham's office reported their office is still working on EQUIP funding for land grants. Michellle Jácquez Ortiz (Sen. Tom Udall's office) stated that a visit to Washington DC offices to clarify 2017 priorities could be useful. Mr. Archuleta commented that there may be the need to include other federal agencies, including the Army Corps of Engineers and the Bureau of Reclamation, in the language of the bill. For land grants, the BLM, Forest Service, and US Fish and Wildlife Department were the first in mind because they manage land. With the Heron, El Vado, and Abiquiu Dam Reservoirs, there may be the possibility for traditional uses. The Tierra Amarilla Grant, for example, lost access to areas and resources near Heron Lake and the Abiquiu Dam Reservoir is on the common lands of the Piedra Lumbre Grant. The impact of the Army Corps of Engineers and the Bureau of Reclamation on acequias is obvious. Ms. Jácquez-Ortiz commented that the traditional use rights bill should contain a consultation mandate to federal agencies for land grants and traditional communities on projects that could affect land grants and acequias. Ms. Domínguez commented that and language should not be too specific and exclusive and should direct *any* federal agency to consult

land grants when undertaking projects. Mr. Archuleta commented that facilitation for access for use is the most important part of the bill and worried that adding consultation may further slow legislative process. Councilor Martínez commented that a broader water policy discussion needs to take place, as waters are destined to leave land grant communities and go south to Albuquerque and larger markets, and that perhaps the attorney general should facilitate this discussion.

State Legislation – Chairman Sánchez commented that session starts next week. Pre-filed bills include

- **HB 35 - Partitions as Land Grants-Mercedes** - Sponsored by Representatives Tomás Salazar and Miguel García
- **HB 66 - Certain Land Grant Regulations Restrictions** - Sponsored by Representatives Miguel García and Tomás Salazar - This bill would eliminate language applied solely to the Atrisco Land Grant in the Land Grant General Provisions
- **SB 12 - Legal Services for Land Grants, Acequias & Colonias** - Sponsored by Senator Gerald Ortiz y Pino & Representatives Miguel García and Sarah Maestas Barnes

14. Discussion and Possible Action on Land Grant Registry
Jacobo Baca (NMLGC) reported that the San Joaquín del Río de Chama LG submitted a copy of the San Joaquin del Río de Chama Land Grant Conservation Plan, which was submitted to the Coyote Ranger District of the USFS.

15. Discussion and Possible Action on Staff Assignments
-none

16. Public Comments – discussion only
-none

17. Date and Location for next Council Meeting
The Council will next meet on Friday, February 10th, 2017 in Albuquerque, NM, at the UNM Continuing Education Building, Room D.

18. Adjournment
Councilor Martínez made a motion that the meeting adjourn. Councilor Padilla-Gutiérrez seconded the motion. Motion passed unanimously. The meeting adjourned at 12:46pm.

Approved:

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Chair Date