New Mexico Land Grant Council (NMLGC)
February 10, 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 10:08am. Roll call of the Council members: Macario Griego, Rita Padilla-Gutiérrez, and Juan Sánchez, were present. Lee Maestas and Leonard Martínez were absent.

2. Introduction of Guests

Juan Sánchez (NMLGC); Macario Griego (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Wayne Sandoval (San Antonio de las Huertas LG); Lisa Rivera Morrison (BLM); Marlo Aragón (Office of the Attorney General); Brittany Martínez (Office of the Attorney General); Michelle Jacquez-Ortiz (Office of U.S. Senator Tom Udall); Sebastian Martínez (Juan Bautista Baldez LG); Arturo Archuleta (staff – NMLGC/UNM-LGSP); Jacobo D. Baca (staff - NMLGC/UNM-LGSP); Cheyenne Trujillo (staff – NMLGC/UNM-LGSP); Cris Graham Chávez (NRCS); Chris Chávez (USFS); Anna Jaramillo Scarborough (USFS)

3. Approval of Agenda

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

4. Approval of Meeting Minutes from Regular Council Meeting of January 13th, 2017

Councilor Macario Griego motioned to approve the meeting minutes of the January 13th, 2017 Council meeting; Councilor Rita Padilla Gutiérrez seconded the motion. Motion was approved unanimously.

5. Discussion and Possible Action on BLM Update

Lisa Morrison reported that the Rio Grande del Norte National Monument management plan alternatives will be sent to cooperating agencies by late February. After 30 days, the plan alternatives will be shared with the public. The BLM will publish a scoping report on the Verde Transmission Line that includes public comments. On January 24th, the BLM held a meeting regarding public access to the Rio Grande del Norte National Monument. Arturo Archuleta reported that a San Miguel del Bado LG election will take place in April and the BLM can contact the newly elected board to work on the cemetery issue.

6. Discussion and Possible Action on Forest Service Update

Anna Jaramillo Scarborough (USFS) reported that the Jesusita Sandoval case is complete and the BLM issued a patent on January 27th. The Santa Fe National Forest is planning a signing ceremony. The Carson National Forest and the Cristobal de la Serna LG will be co-

hosting an open house regarding Miranda Canyon on February 25 from 2-4pm. Chairman Sánchez requested information on the water rights for the Skull Ranch, which the Forest Service purchased. The San Joaquín del Río de Chama Land Grant is interested in renting the water rights from the Forest Service to carry out agricultural projects. Mr. Archuleta mentioned that the Carson National Forest is hosting a panel on the significance of the Hassell Report to forests in New Mexico. The Santa Fe and Cibola Forest will participate as well. The Carson NF will also host a workshop for a limited number of stakeholders on March 24, 25 and 26. He will attend on behalf of the NM Land Grant Council. The Santa Fe National Forest is holding plan component meetings as part of their plan revision process. It will have a meeting specifically for land grants on February 16 from 6:00-8:00pm at the Santa Fe National Forest headquarters in Santa Fe.

7. Discussion and Possible Action on Support for Merced de Sánta Barbara CFRP Grant

Mr. Archuleta reported that the Santa Bárbara Land Grant is pursuing a CFRP (Collaborative Forest Restoration Program) planning grant. Their application is due February 23rd and they are looking for letters of support. They may need technical assistance and the Council could get involved in the administration of the grant, which could generate revenues. Because Chairman Sánchez serves on both the CFRP panel and the NMLGC, he may have to recuse himself from both votes, if the Council does decide to serve as a partner and send a letter of support. Chairman Sánchez commented that the CFRP usually funds 3 planning grants, 2 utilization grants and the rest are implementation grants. The Council can also consider partnering with the Santa Bárbara Land Grant to provide administrative support contingent on their needing the Council's help.

A motion was made by Councilor Griego, authorizing the NMLGC to partner with the Santa Bárbara LG, providing administrative support, contingent on their needing the aid of the NMLGC, and authorizing Chairman Juan Sánchez to sign off on a letter stating this support. The motion was seconded by Councilor Padilla Gutiérrez. Motion was approved unanimously.

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

Marlo Aragón commented that the Treaty Division was thankful and honored to serve as a co-sponsor for Treaty Day. She reported that the Division visited the Tomé LG on January 29th and were impressed by their service and history. They will visit the Abiquiú LG on February 11th, the Tierra Amarilla LG on February 18th, and the Don Fernando de Taos LG on February 19th. They will also meet with the Santa Bárbara Land Grant soon. The Atrisco LG is requesting a meeting regarding House Bill 66. The Treaty Division also met with the staff of the NMLGC (A. Archuleta & J. Baca) and David Benavides and Enrique Romero of New Mexico Legal Aid regarding work plans and discussed working with the Anton Chico LG regarding elections. Ms. Aragón reported there was a recent court hearing regarding the Anton Chico Land Grant. The Court made a statement that land grants are political subdivisions *in elections only*. The Treaty Division will review the written opinion and will report back. The Treaty Division also learned that the Tierra Amarilla LG was referred to the Attorney General's office years ago, before the Division was staffed, and they are consulting other divisions to find documents relating to this referral. The Treaty Division

also is working with the Chililí LG regarding zoning. Mr. Archuleta mentioned NM Legal Aid will report regarding legal services to land grants after the Treaty Division Report at future meetings. Chairman Sánchez asked if the Treaty Division had received any news regarding funding; Ms. Aragón responded that they had not.

9. Discussion and Possible Action on Council FY 2017 Budget

Mr. Archuleta presented a budget update (*handout);* the NMLGC budget will likely take another 1% cut. The DFA administrative fee will adjust as well. The Council may absorb this cut through defunding the publishing line item.

10. Discussion and Possible Action on UNM Contract

Mr. Archuleta reported that pay request No. 5 for a total of $15,787.73 has hit a snag because the Council was over budget on supply line item by $165 for first 6 months of FY 2017 (handout).

Councilor Padilla Gutiérrez made a motion to approve revised pay request No. 5; Councilor Griego seconded the motion. Motion was approved unanimously.

Mr. Archuleta also presented pay request No. 6 (handout); the balances presented on pay request No. 6 need to be amended because the form was locked by DFA.

Councilor Griego made a motion to approve pay request No. 6, and to authorize Chairman Sánchez to sign said pay request when the balances are corrected on the form. Councilor Padilla Gutiérrez seconded the motion. The motion was passed unanimously.

11. Discussion and Possible Action on Legal Services Contract

The contract for legal services has been signed by New Mexico Legal Aid and UNM. UNM incorrectly issued purchase order to the "State of New Mexico IT Department"; UNM Purchasing canceled this purchase order and will re-issue purchase order to correct vendor by early next week.

NM Legal Aid was also approached by UNM Law School Natural Resources Law Clinic to advise and oversee students aiding communities, including land grants, with legal services. Intake forms have been received by the Tierra Amarilla LG regarding a property dispute and the Tajique LG and Santa Barbara LG regarding water declarations.

12. Discussion and Possible Action on Land Grant Support Fund

Mr. Archuleta presented Tajique LG's amended Land Grant Support Fund agreement (handout). Councilor Padilla-Gutiérrez made a motion to approve the amended support fund agreement for the Tajique Land Grant. Councilor Griego seconded the motion. The motion passed unanimously.

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

Mr. Archuleta shared the program from the Treaty Day commemoration (Feb. 2, 2017) at the New Mexico State Capitol. Included was the text of the speech made by Mr. Robert

Tórrez and a letter from Congresswoman Michelle Luján Grisham. Mr. Adelicio Herrera of the Cañón de Carnué LG and Mr. Charlie Chacón of the San Joaquín del Río de Chama LG were presented with Lifetime Service Awards. The New Mexico Attorney General's office served as a co-sponsor and Attorney General Hector Balderas delivered remarks. Chairman Sánchez noted that Treaty Day 2018 falls on Native American Day and the Council and Consejo will need to plan ahead for shared time with Native American groups organizing.

14. Discussion and Possible Action on Federal and State Legislation

Federal Legislation – Michele Jácquez-Ortiz commented that Sen. Tom Udall has been working on EQUIP legislation for land grants and acequias since 2011. Sen. Udall plans to introduce the EQUIP legislation as a re-authorization of the Farm Bill or through another vehicle. Chairman Sánchez commented that acequias use NRCS community partnership funding for their projects. Ms. Jácquez-Ortiz added that Antonio Sedillo is moving from Sen. Udall's staff to the Committee Staff for the Indian Affairs Committee, of which Sen. Udall is the ranking member.

Mr. Archuleta reported that Nick Maestas (Congressman Ben Ray Luján's office) has been in correspondence on the traditional use rights legislation. He asked questions regarding which statute (49-1-1 or 49-8-4) provides a definition for land grants; Mr. Archuleta responded that both statutes are needed to include all land grants. Mr. Maestas also asked for clarification on the approval process for land grants to be established as state entities. He asked if there was a statute that outlines how the state recognizes a land grant-merced. Mr. Archuleta stated that most land grants are older that the state and land grants can be recognized by the state in various ways and that there is no statute that outlines how the state recognizes land grants. Mr. Maestas also asked for a definition of "land grant merced governing body"; if there were any historic or modern land grants that have former lands in federal possession other than those managed by the Department of Agriculture or Department of Interior; and for advise on notice and comment requirements for each land grant, i.e., whether agencies needed to contact all heirs or if they would work with land grant governing bodies. Mr. Maestas also informed Mr. Archuleta that he plans to meet with the Congressional Legislative Council Service next Wednesday (February 12, 2017).

State Legislation – The New Mexico State Legislature now has a standing committee partially devoted to land grant issues. The committee is the House Local Government, Elections, Land Grants and Cultural Affairs Committee, and is chaired by Representative Miguel García. The following legislation has been acted upon:

- **HB 35 - Partitions as Land Grants-Mercedes** - Sponsored by Representatives Tomás Salazar and Miguel García. This bill recognizes partitioned grants as land grants. The bill passed the Local Government, Elections, Land Grants and Cultural Affairs Committee.
- **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. The bill was tabled by a tie vote in the Local Government, Elections, Land Grants and Cultural Affairs Committee.

- **SB 12 - Legal Services for Land Grants, Acequias & Colonias** - Sponsored by Senator Gerald Ortiz y Pino & Representatives Miguel García and Sarah Maestas Barnes.
- **HJM 3 – Regarding Alternative Designation for Lands Proposed to be a part of the Pecos Wilderness Expansion** - Sponsored by Representatives Miguel García and Sarah Maestas Barnes – This bill asks the Forest Service to consider alternative designations that protect traditional use access. The bill passed the Local Government, Elections, Land Grants and Cultural Affairs Committee and may be heard on floor today or Monday (Feb 13th).
- **SB 119 – Allowing Land Grant-Merced Boards of Trustees to Approve Comprehensive Plans** – Sponsored by Sen. Jacob Candelaria – The bill passed the Senate Conservation Committee and is headed to the Senate Judiciary Committee.
- **HB 188 (regarding Engineer and Surveyor Requirements); HB 189 (regarding the Engineering & Surveyor License Board); and HB 352 (State Engineer Advanced Mapping) – all sponsored by Rep. Larry A. Larrañaga** – Each of these bills relate to surveying and are being reviewed to see if they are applicable to land grants.

15. Discussion and Possible Action on Land Grant Registry

Jacobo Baca (NMLGC) reported that the Santa Bárbara Land Grant submitted copies of letters sent to the New Mexico Attorney General's office and the Taos County Assessor.

16. Discussion and Possible Action on Correspondence Received by the Council

Mr. Archuleta reported that he has received a letter from the Questa Ranger District regarding a NEPA for stream restoration at the Valle Vidal. He also received a letter from Del Gonzales of the Mesita de Juana López Grant; Mr. Gonzales was referred to the NMLGC by Nick Maestas of Congressman Ben Ray Luján's office.

Mr. Archuleta also commented on research in the Leyes de las Indias regarding land grant governance. Under Spain, both land grants given to communities and those granted to individuals emphasized settlement. Both private and community grants had common lands, and private grantees were required to settle communities within four years to have their grant fully confirmed. The main difference was that private grantees were given the title of hidalgo and governance duties, appointing the cabildo and serving as both the alcalde and juez.

17. Discussion and Possible Action on Staff Assignments

Cheyenne Trujillo (NMLGC / UNM LGSP) requested approval to redesign the NMLGC website (lgc.unm.edu). Councilor Padilla Gutiérrez made a motion approving NMLGC staff to redesign the NMLGC website; Councilor Griego seconded the motion. The motion was passed unanimously.

18. Public Comments – discussion only
Sebastián Martínez of the Juan Bautista Baldez LG reported that he has worked on retracing the original route of the Old Spanish Trail, part of which went through the Juan Bautista Baldez LG. Councilor Padilla Gutiérrez reported that she resigned from the Tomé Land Grant Board effective January 29th, 2017. She served over twenty years and wanted to allow other land grant members, including her siblings, the chance to serve on the Tomé Land Grant Board. Mr. Archuleta announced the James Melonas has been named the new forest supervisor for the Santa Fe National Forest. The Carson NF will also hold a meeting on February 28th in Cañones regarding the Piedra Lumbre Visitors Center.

19. Date and Location for next Council Meeting
The Council will next meet on Friday, March 10, 2017 in Santa Fe, NM at the New Mexico State Library.

20. Adjournment
Councilor Padilla Gutiérrez made a motion that the meeting adjourn. Councilor Griego seconded the motion. Motion passed unanimously. The meeting adjourned at 11:37pm.

Approved:

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Chair Date