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# NEW MEXICO LAND GRANT COUNCIL

## Annual Report FY 2021



# New Mexico Land Grant Council Annual Report FY 2021



## **Council Members:**

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## **EXECUTIVE SUMMARY**

In this last fiscal year, the New Mexico Land Grant Council has continued to hold to its mission: to establish and maintain a land grant support program, which provides advice and assistance to land grants; and to serve as a liaison between land grants and other federal, state and local governments (49-11-3 (A), NMSA 1978). In fiscal year 2021 the New Mexico Land Grant Council received a \$296,900.00 General Fund appropriation from the New Mexico Legislature. Information about the Council's FY 2021 budget expenditures can be found in the Council's Activities and Expenditures Section starting on page 14. The Council's FY 2022 approved budget can be found on page 31 and the Council's FY 2023 budget request and narrative can be found starting on page 33.

The Land Grant Council provided direct services and support to community land grants-mercedes throughout New Mexico in the following areas (detailed descriptions of each can be found starting on the pages noted in parentheses): Technical Assistance to Land Grants-Mercedes (pg 15); Liaison Work (pg 21); and Policy Work (pg 25). Land grants-mercedes that received services or support from the Council in FY 2021 included: Town of Tomé Land Grant; Merced de Los Pueblos de Tierra Amarilla; Santa Bárbara Land Grant; Juan Bautista Baldés Land Grant; Don Fernando de Taos Land Grant; Merced del Pueblo de Tajique; Merced del Manzano; Chililí Land Grant; Cañón de Carnué Land Grant; Abiquiú Land Grant; Anton Chico Land Grant; San Antonio de Las Huertas Land Grant; San Joaquín del Rio de Chama Land Grant; Tecolote Land Grant; Town of Torreón Land Grant; Cristóbal de la Serna Land Grant; San Miguel del Bado Land Grant; and Santo Domingo de Cundiyo.

## **STATE OF LAND GRANTS-MERCEDES**

In FY 2021, New Mexico's land grant-merced communities continued to work with local, state and federal agencies and engage in creating and shaping policies affecting their communities, including the crisis caused by the COVID-19 pandemic. Land grants-mercedes continued engaging federal agencies and participated in the forest land management plan revision process for the Carson, Cibola and Santa Fe National Forests. Several land grants-mercedes, with the assistance of the New Mexico Land Grant Council, submitted comments on the draft forest plan during the last round of public comments in November of 2019 and the 2021 fiscal year was relatively quiet as plan revision teams reviewed comments and released their final draft plan. The New Mexico Land Grant Council and several land grant representatives engaged with Region 3 of the U.S. Forest Service regarding an injunction on forest management activities, which initially included personal wood gathering, imposed by a federal lawsuit by an environmental group, the Wild Earth Guardians. While aimed at protecting the Mexican Spotted Owl, the lawsuit resulted in a broad injunction that put a halt to all forest management activities on 9 million acres of U.S. Forest Service lands, despite the fact the only 2 million acres were previously identified as Mexican Spotted Owl habitat. This critically impacted land grant communities that depend on fuelwood to heat their homes through the winter, especially as the injunction went into effect in the fall of 2019, when land grant communities were in the midst of hauling fuelwood. The injunction was lifted in October 2020 when the U.S.

Forest Service, U.S. Fish and Wildlife Service, and Wild Earth Guardians agreed to a six part plan to monitor the Mexican Spotted Owl population across National Forests in New Mexico (Carson, Cíbola, Santa Fe, Lincoln, and Gila) and the Tonto National Forest in Arizona.

While fuelwood gathering for personal use was excluded from the injunction relatively early, the New Mexico Land Grant Council worked with land grants leaders and pursued fuelwood opportunities with the Bureau of Land Management and the State Land Office, including two projects serving four land grant communities. The Copper Hill Project between Peñasco and Dixon, is headed by the Santa Bárbara Land Grant with funding from Taos County and the New Mexico Land Grant Council, and provides fuelwood for Santa Bárbara and Trampas Land Grant heirs. The Cebolla project served heirs from the Tierra Amarilla and San Joaquín del Río de Chama land grants.

Many land grants-mercedes share boundaries with federally managed lands and are affected by wildfires. The Chililí Land Grant was once again hit with wildfires with the Ojo de los Casos fire in July 2020. Precipitation in the late fall and winter helped moderate fire conditions and the 2021 fire season was relatively mild. A cold 2020-2021 winter created a greater need for firewood in a season shortened by the COVID pandemic (the Santa Fe and Carson National forests did not open the forests and issue fuelwood permits until June of 2020, very late in the typical fuelwood season, which gives wood less time to dry sufficiently for burning in the fall and winter).

Additionally, land grants continue to work with other state and federal agencies that are currently managing their former common lands and resources. This includes the Bureau of Land Management, the New Mexico Game Commission and Department of Game and Fish, the Office of the State Engineer, the New Mexico State Land Office and the Forestry Division of the New Mexico Energy, Minerals and Natural Resources Department. They have looked to partner whenever possible with other government agencies like the New Mexico Attorney General's Office and the Office of the State Auditor.

The number one issue facing land grants-mercedes is a lack of financial resources. Unlike other local government entities land grants-mercedes do not have any guaranteed revenue streams, such as a tax base from which they receive a guaranteed annual income. Despite this lack of financial resources, land grants-mercedes undertake the massive task of managing of their common lands and providing services to their land grant's communities, while complying with governance requirements. For this reason, securing guaranteed revenue streams for these local government entities is still a top priority for land grants-mercedes. All land grant-merced boards of trustees serve as volunteer elected officials whose duties include not only the management of common lands but also providing community services and complying with reporting requirements mandated by state statute. Most land grants-mercedes are tier 1 entities meaning their annual budgets are below \$10,000 with a few land grants categorized as tier 2 entities with budgets between \$10,000 to \$50,000. Furthermore, COVID-19 pandemic dealt a significant blow to land grants that make revenues on rental of community facilities for gatherings and celebrations. For some land grants, this loss of revenue amounted to

thousands of dollars and 75% of their annual revenue. With these limited resources land grant boards of trustees often find it difficult to properly protect and manage their common lands, provide additional community services and comply with all necessary laws and regulations, including costly audits or agreed upon procedures and financial reports when they receive capital outlay appropriations. A guaranteed revenue stream for land grants would afford them the opportunity to obtain professional service contracts, hire staff, maintain and improve existing facilities and reacquire former common lands up for sale on the open market or at tax auction. It would also provide an important financial safety net, so land grants are not left in such a desperate state. It will also allow the land grants to make necessary technological upgrades as deficiencies were laid bare during this pandemic and many land grant communities struggled to expand their wireless hotspots for heirs and children schooling at home.

The Land Grant Interim Committee endorsed legislation in the 2021 Legislative Session to create a guaranteed revenue stream for land grants that would be based on a very small percentage (.05) of the gross receipts tax revenues collected by the State. The money would go into a fund that would be distributed annually to qualifying land grants-mercedes. The amount available in the fund would fluctuate with the annual amount of gross receipts collected by the State, therefore the fund would automatically adjust with downturns or upticks in the economy. This is useful as it does not require a specific amount be set aside each year but rather tracks with the economic trends of the state to estimated by New Mexico Department of Taxation and Revenue to be around \$1.2 million. This estimate was made prior to the economic downturn caused by the COVID-19 Pandemic. Therefore, the amount of revenues generated for this fund will be less in 2021 depending on the amount of gross receipts taxes collected by the State during the pandemic. Overall, the fiscal impact to the State would be very minimal; however, the funds distributed to land grants would go a long way and would be utilized by the individual land grants for general operations, increased community services, recovery of land, payment of property taxes and insurance liability coverage, management and protection of common lands and natural resources, purchase of goods and services and as leverage for other fund sources such as federal natural resources conservation program grants that require a cash match.

Land grants-mercedes continue to struggle to protect their common lands. Illegal encroachments and quiet title suits continue to threaten the preservation of their common lands. Taxation of the common lands also continues to be an issue and land grant-mercedes still have the obligation to pay property taxes on their common land. Common lands often being assessed to multiple parties other than just the land grant-merced. There needs to be a better process for County Assessor's to work with land grants-mercedes as local government entities to properly identify and assess lands within the exterior boundaries of those active land grants. One challenge they face is the differing assessment values for vacant lands that are essentially the same in terms of their use. Many land grants-mercedes have successfully applied for agricultural exemptions on the common lands but as counties become stricter about what lands are eligible for agricultural exempt status some are at risk of losing this cost saving opportunity. Land grants-mercedes that have smaller parcels of land may not qualify for the agricultural

exemption due to counties having minimum parcel size requirements. In addition, land grant-merced parcels that contain buildings like community centers can be assessed at a commercial rate, even though the activities associated with that parcel are community services and these are not business properties.

A solution to this problem is to develop a standardized taxation rate/exemption specific for land grant-merced common lands. The rate would be similar to the agricultural exemption and qualification for this rate would not require continual proof of eligible agriculture uses but rather that the land is simply owned and managed by the land grant-merced. The taxation rate could include categories of land use that would allow for rate differences among different parcels depending on their use. For example, all vacant lands used in common would be taxed at the lowest rate. In addition, land grant owned parcels with buildings/structures aimed at community services like community centers, parks, community water system etc., could also be taxed at the lowest rate or exempted from property taxes altogether since they provide a community service function exactly the same as similar properties owned by county or municipalities. Land grant-merced parcels that are part of the common lands but are leased for affordable housing could be taxed at a land grant-merced residential rate which could be set lower than standard residential rates since the purpose is to provide affordable housing opportunities for community members to remain in their communities. Lastly, parcels used for commercial type ventures can be taxed at the highest rate for a land grant-merced but lower than typical commercial properties since any revenues generated from such commercial ventures provides funding for reinvestment into community services. The overall fiscal impact to the State for creating a new tax rate for land grant common lands would be minimal considering the fact that currently all active land grants-mercedes combined pay less than \$50,000 per year on approximately 200,000 of common land. In addition, a new tax rate/exemption for land grants would help ensure that any former common lands reacquired by a land grant-merced, particularly those that had been tax delinquent, will not become alienated from the tax roles in the future. This will help counties and the State maintain favorable bond ratings.

Land grants-mercedes have a continued need for legal services. The New Mexico Land Grant Council works to coordinate legal services for land grant communities, matching the particular needs of the land grant communities with various legal service providers. The primary legal service provider for the Council is New Mexico Legal Aid, who the Council contracts with yearly. The University of New Mexico Law School Natural Resources and Environmental Law Clinic and the Treaty of Guadalupe Hidalgo Division of the Attorney General's Office are also providing limited legal services and support to land grants-mercedes. Despite the efforts of the Council and the above-mentioned legal service providers to maximize legal assistance for land grant communities, there is still a vast need for legal services. Currently all three entities are at maximum capacity to provide services and there are still legal issues facing land grants-mercedes that have yet to be addressed. This is despite the fact that the legal services contract with NMLA was increased and they had contracted additional staff to assist with litigation. The passage of the Community Governance Attorney Act in 2018 and junior money appropriations did provide additional resources. While implementation was problematic, internships were

provided to students at UNM Law School, New Mexico Legal Aid hired a post graduate law student and the law firm of Holland and Hart was contracted to provide services relating to the purchase of the Piedra Lumbre Visitors Center. Holland and Hart has graciously continued to work beyond their contract pro bono and has committed to see their legal service through the completion of the PLVC purchase.

Surveying services are also key to help protect the common lands of land grants-mercedes. The Council has a small contract with a veteran surveyor, which has already had a crucial and positive impact, helping several grants contest injurious sales and in litigation. Land grants need to have professional surveys of the existing common lands as well as the ability to have a professional surveyor review surveys conducted on lands adjacent to land grants-mercedes to ensure their accuracy and that claims do not encroach on land grant common lands. In addition to the protection of the existing common lands, land grants-mercedes continue to reacquire former common lands lost through adjudication, delinquent tax forfeiture and privatization by third party interests. The need for reacquiring common lands is necessary to protect the surrounding natural environment of these centuries old land-based communities, which includes the watersheds and natural resources found on those lands. These mountain communities need healthy watersheds that are resilient to naturally occurring fires and changes in climate. As local government entities, land grants-mercedes need to have the most accurate knowledge and sufficient tools to plan for and implement restoration projects to enhance and protect the common lands. Just like tribal communities, land grant-merced communities have a vested interest in the protection of their common lands for not only environmental conservation but also for the preservation of their cultural heritage and lifeways. The more common lands managed and controlled by the land grants-mercedes the better for the overall health of the surrounding community, regional watershed, wildlife habitat and greater public.

Youth development continues to be a priority area for land grants-mercedes. Land grant communities throughout the state have recognized the strain that the substance abuse epidemic has had on their communities. To combat this problem, they have recognized the need for more local youth development programs. Both the New Mexico Land Grant Council and the UNM Land Grant Studies Program have identified this as a priority work area as well. The Land Grant Studies Program has prioritized establishing a land grant youth development program that will provide culturally relevant leadership development opportunities. Youth development programming has included quarterly youth leadership engagements held in conjunction with meetings with the New Mexico Land Grant Consejo. This has expanded into individual land grant youth workshops hosted by various land grants, but was halted due to the COVID pandemic and difficulty in gathering youth for youth development sessions.

LGSP staff also worked with Georgia Roybal and Roberto Mondragón to discuss curriculum from Aspectos Culturales and Semos Unlimited, which was ultimately purchased. The Program assisted Ms. Roybal, who initially wanted to restore online access to their works by upgrading their website, but continued to collaborate with the Digital Initiatives and Scholarly Communication program at the University of New Mexico



Library to digitize and archive some of Aspectos Culturales publications, particularly those relating to education. The Land Grant Studies Program and New Mexico Land Grant Council have also worked with the Ancestral Lands Program in order to develop a land grant-merced youth conservation program aimed at hiring land grant youth to engage in traditional land conservation management projects. Projects were identified in collaboration with several Manzano Mountain regional land grants and the LGSP and Ancestral Lands worked on an application to the Outdoor Recreation Trails + Grant program from the New Mexico Economic Development Department's Outdoor Recreation Division. The \$25,000 application includes seven land grants (Tajique, Torreón, Chililí, Manzano, Cañón de Carnué, Town of Tomé and San Antonio de las Huertas), Ancestral Land Conservation Corps, the New Mexico Land Grant Council, the UNM Land Grant Studies Program, and the UNM School of Architecture and Planning and leverages more than \$56,000 in matching funds, cash and in-kind. The Council also partnered with the Land Grant Studies Program and the Merced Land Education and Conservation Trust on an additional grant application to the the Northern Rio Grande National Heritage Area Grant, which funded an intergenerational youth oral history project, where youth from Taos County interviewed elders from the Cristóbal de la Serna and Arroyo Hondo Arriba Land Grants.

While the above paragraphs have detailed the predominant issues facing land grant mercedes statewide, each land grant has their own unique set of issues, their own priorities, and their own projects. Below is rundown of some of the challenges faced and projects being undertaken in the past year by land grants- mercedes around the State. While the information below is by no means comprehensive and does not cover every single active land grant in the State of New Mexico it is a good sampling of the types of issues faced and initiatives being pursued by land grants-mercedes.

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***La Merced del Pueblo Abiquiú*** (Abiquiú Land Grant) has discussed the wood poaching situation on the grant with the Río Arriba County undersheriff, who would be willing to patrol the grant under a joint powers agreement provided the grant fund the deputy. The Santa Fe National Forest finally agreed to a seasonal road closure that would help protect their lands from wood poaching. The Merced has also been working on developing more community and economic development opportunities. This includes successfully obtaining a \$170,000 capital outlay appropriation in 2018 for the renovation of a community facility located right off of the highway, where they may house a Río Arriba County Sheriff's Department substation. The grant recently completed the Agreed Upon Procedures engagement as required by the State Audit Act and is nearing the end of the process, allowing them to spend their awarded capital outlay monies. The Merced has also continued to negotiate with the Office of the State Engineer concerning the adjudication of the water rights owned by the land grant. The New Mexico Land Grant Council been providing the land grant support on this matter through its staff and its contract with New Mexico Legal Aid.

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The ***Anton Chico Land Grant*** is continuing to struggle to protect its natural resources from exploitation, especially the illegal quarrying of rock, which damages common lands and is never remediated. The grant has attempted to assess payments from rock haulers that have not paid for their permits for years but continue to take rock from the common lands. It is estimated that hundreds of thousands of dollars in rock has been removed from the land grant common land in the past ten years without any compensation to the land grant. The UNM Natural Resources Law Clinic drafted sample legislation that addressed the commissioning of natural resource officers, but the legislation was pulled by its sponsor at the 2021 New Mexico Legislative Session. The NMAG's office discussed this with local sheriffs and the Land Grant has clarified that they want these officers to patrol their lands and are not asking for general policing authority. The land grant has been working with the UNM School of Law Natural Resources and Environmental Law Clinic on the matter. The Land Grant continued to engage in conversations with several companies on the potential development of renewable wind energy projects on the common lands of the land grant. The Anton Chico Land Grant also held a hotly contested election in April 2021 with support from the New Mexico Land Grant Council, which assisted to ensure that the election ran smoothly and was conducted according to state statute.

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***La Merced de Cañón de Carnué*** (Cañón de Carnué Land Grant) continues to actively pursue economic development initiatives through use of their common lands and facilities. This has included the lease of common lands for placement of a landscaping business and the lease of a portion of their land grant hall for a craft brewery tap room. The Land Grant has also been working on the remediation of an old gravel pit operation including rehabbing a section for placement of an RV Park. The Land Grant has also been actively engaged in several watershed restoration projects to remove invasive plant species from several riparian areas. The land grant has also completed the renovation of their land grant hall in order to make it more appealing as a rental space for community functions such as receptions and dances. The Cañón de Carnué Grant will also participate in the New Mexico Economic Development Department's Outdoor Recreation Division Trails + program application, which will be submitted and funded in FY 2022.

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***La Merced del Pueblo de Chililí*** (Chililí Land Grant) is recovering from the effects of 2020's Ojo de los Casos Fire in July of 2020. The Grant is still continuing to recover from the effects of the 2016 Dog Head Fire. At least 30% of the Land Grant's common lands were burned in the Dog Head Fire. The Grant filed a claim against the U.S. Forest Service in prelitigation proceedings but was rejected and will receive no compensation for the fire, which started on the Cíbola National Forest and spread to the Isleta Pueblo Reservation and Chililí common land. Recovery continues and has included the need to constantly maintain the roads and replace culverts due to damage from flooding after rainfalls. This led to the land grant prioritizing the purchase of a bulldozer for their 2019

capital outlay request, which they were successfully received. The land grant has continued its work on the construction of a fire station facility as an addition to their existing multipurpose center. The facility will allow for the housing of a fire truck as well as shower bays for hosting wildlands firefighting crews in the event of any future wildfires. The Chililí Land Grant has joined East Mountain Land Grants (Tajique, Torreón and Manzano) in their mutual concern with the regional water plan proposed by EMWT. Finally, La Merced del Pueblo de Chililí will also participate in the New Mexico Economic Development Department's Outdoor Recreation Division Trails + program application, which will be submitted and funded in FY 2022.

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The ***Cristóbal de la Serna Land Grant*** has moved forward with the purchase of *liñas* with a capital outlay appropriation. The Grant is still trying to protect what is left of the common lands, including 5,000 acres of lands that were mapped for tax assessment purposes into long narrow strips of land stretching from the valley floor to Picuris Peak. These properties, known as *liñas* have been the cause controversy for the community for several generations. Senate Joint Memorial 1 from the 2018 session requested that the Treaty Division of the Attorney General's Office study the matter and report back to the legislature as to their findings. The goal is to return the lands in questions to the status of common lands of the land grant. The Grant's primary goal is preserving the mountain from development and abuse for their heirs and the greater community.

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The ***Don Fernando de Taos Land Grant*** received capital outlay monies to purchase and furnish a land grant office. The Don Fernando de Taos Land Grant is in the process of utilizing its \$185,000 in capital outlay appropriations to purchase an administrative building.

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***La Merced Comunitaria Juan Bautista Baldes*** (Juan Bautista Baldes Land Grant) is presently engaged in a lawsuit as the defendant in a case brought by an individual who is claiming common land as private property. The individual attempted to sell the property and the Juan Bautista Baldes Land Grant intervened to condemn the sale. Legal assistance was provided by the NMLGC's contract attorney, David Benavides, esq, of New Mexico Legal Aid, and the Council has provided additional assistance in the form of historical research and interpretation by its professional staff and surveyor services by the NM Land Grant Council's contracted surveyor. The Grant also signed on as a cooperative agency in the proposed and later cancelled land exchange between the BLM and the New Mexico State Land Office. The Grant also partnered with the San Joaquín del Río De Chama Land Grant and La Merced de los Pueblos de Tierra Amarilla to complete purchase the Piedra Lumbre Visitor's Center from the U.S. Forest Service (a celebration was held in early fiscal year 2022).

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**La Merced del Manzano** purchased a historic community center building in the middle of the plaza and is working to renovate it as the land grant administrative office and multipurpose center for use by the community. The Grant, with all the other East Mountain Land Grants (Manzano, Torreón, Tajiique and Chililí) has continued in voicing in their opposition to the plan of the Estancia, Moriarty, Willard, Torrance County Water Utility Authority (EMWT) The EMWT plan includes the placement of water infrastructure lines and wells in each of the land grant communities. The land grant communities were never consulted, and they are concerned of the effect of the system on their water supplies. The Merced also continues to negotiate with the Manzano Spring and Ditch Association for the control of the Manzano Lake, which sits atop Land Grant land, and continues to implore the U.S. Forest Service to communicate with the Grant when using water to fight forest fires. The Merced del Manzano made a presentation to the Land Grant Interim Committee in August 2020 on these and other water issues. The Manzano Grant will also participate in the New Mexico Economic Development Department's Outdoor Recreation Division Trails + program application, which will be submitted and ultimately funded in FY 2022.

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**La Merced de la Comunidad de San Antonio de Las Huertas** (San Antonio de Las Huertas Land Grant) continues to fight the diversion and impoundment of waters by developers and trespass of their communal lands by non-heirs, typically for recreation purposes. The Grant presented to the Land Grant Interim Committee at their August 2020 meeting, discussing the land grant's rights to common waters and disputes with local acequias and the mutual domestic, both of which grew out of the land grant but has since split with the land grant. The Grant is also working to develop a community health clinic and is partnering with First Choice Community Health to plan and build this important asset for the heirs and the broader community in Placitas. The Grant continues to develop an outdoor recreational space to serve as a rental space for community functions. The Land Grant Community continues to face concerns with overgrowth of the Sandia Wilderness which is immediately adjacent to their common lands and the community of Placitas and has continued to participate in the plan revision process of the Cíbola National Forest. The main concerns are the threat of catastrophic wildfire and the depletion of their natural springs all due to overgrowth of the forest. La Merced de la Comunidad de San Antonio de Las Huertas will also participate in the New Mexico Economic Development Department's Outdoor Recreation Division Trails + program application, which was submitted and awarded in FY 2022.

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The **San Joaquín del Río de Chama Land Grant** had previously provided fuelwood to their heirs and communities by partnering local timber harvesters on the Collaborative

Forest Restoration Projects. This came to a halt because of an injunction on all forest management activities because of the MSO. The grant was able to secure the purchase of decks from the USFS in the Jemez Mountains and shared the fuelwood with other communities. San Joaquín del Río de Chama has continued to work on the renovation of their community facilities, including renovations to their Land Grant Hall (roof repairs, window replacement, rotted floorboard replacement and bathroom upgrades). The Land Grant has also been actively involved in the Forest Plan Revision Process for the Carson and Santa Fe National Forests and submitted comments to the BLM regarding traditional uses and their former common land as part of the Resource Management Plan for the BLM Farmington-Mancos-Gallup RMP Amendment. The Land Grant continues to work on the development of a community farming project proposal for submittal to the Santa Fe National Forest for an area of their former common lands now managed by the U.S. Forest Service in the original settlement in the Cañón de Chama. The Land Grant is also partnering with the Merced del Los Pueblos de Tierra Amarilla Land Grant and the State Land Office on the fuel woods project near the community of Cebolla. Additionally, the Land Grant is interested in pursuing ownership or easement rights to a historic cemetery in the community of Las Llaves. The San Joaquín del Río De Chama partnered with the Merced de los Pueblos de Tierra Amarilla and Juan Bautista Baldés Land Grants to complete purchase the Piedra Lumbre Visitor's Center from the U.S. Forest Service (a celebration was held in early fiscal year 2022).

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The ***San Miguel del Bado Land Grant*** has been working on renovations and upgrades to their community center building in San Miguel. The Center serves as a senior meal site for senior citizens in the valley. The needed improvements include security upgrades, parking lot improvements and needed kitchen equipment. The Land Grant received an \$18,000 capital outlay appropriation in 2018 and received an additional \$60,000 in the 2020 session. They also received a Land Grant Support Fund Grant of \$2,000 to aid in the upkeep of their building.

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***La Merced de Santa Bárbara*** (Santa Bárbara Land Grant) continues to engage the Carson National Forest on a number priority issues for their community especially the desire to engage in forest restoration project work aimed at protecting the watershed and reducing the risk of catastrophic wildfire. The grant has been actively engaged in the Carson National Forest Plan Revision process. Their main concern was the identification and potential designation of the Río Santa Bárbara as a Wild and Scenic River, creating restrictions on treating the watershed that feeds the communal acequias. The grant has continued to engage in identifying former common lands that are not currently assessed on the Taos County Tax roles in order to place those properties in the name of the land grant-merced. They have also protested the illegal impoundment of waters of the Río Santa Bárbara to the Office of the State Engineer. Finally, the Santa Bárbara Land Grant has worked to provide fuelwood opportunities for their heirs and worked to identify

alternative sources to U.S. Forest Service lands whose projects were halted by the MSO injunction. The Grant is working on the Copper Hill Forest Mayordomo Project with the State Land Office and Taos County on State Trust Land near Peñasco.

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***La Merced de los Pueblos de Tierra Amarilla*** achieved a significant victory in October when the defendants in the lawsuit filed by the New Mexico Attorney General on behalf of the Grant and the greater public accepted a court approved settlement, which allowed the Grant to regain 215 acres of former common land, which they have named *la colonia de José María Martínez*. La Merced continues to work with the New Mexico State Game Commission and the Department of Game and Fish to transfer the 40-acre parcel and Laguna del Campo to the Tierra Amarilla Grant. The property comes with both a storage water right and an irrigation water right, which the Department of Game and Fish wants to retain as a valuable asset and lease the right to the Merced. The Merced has also discussed the issue with the local acequia which supports keeping water rights under local control. The Merced also partnered with the San Joaquín del Río De Chama and Juan Bautista Baldés Land Grants to complete purchase the Piedra Lumbre Visitor's Center from the U.S. Forest Service (a celebration was held in early fiscal year 2022). They are also partnering with the San Joaquín del Río de Chama Land Grant and the State Land Office on a fuelwood project on State Trust Land near Cebolla. They continue to work to gain access and traditional use rights to former common lands that are now managed by the State of New Mexico and advocate for the local community against the development of the area by outsiders.

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The ***Town of Tomé Land Grant*** has continued enriching the lives of Tomé and surrounding communities, serving as a community gathering space and hosts a variety of activities throughout the year including farmers markets, community meetings, and youth activities. Their history museum and genealogical library are typically open to the public and used by the local community and regional historians and have remained open as COVID-19 restrictions have allowed. Most of the typical community functions were put on hold because of the COVID-19 pandemic and restrictions on large gatherings. This had a significant impact on their finances as hall rentals account for the majority of their revenues. The Grant still maintains and protects the sacred Tomé Hill, an annual pilgrimage site during Holy Week. The Grant continued to endeavor to reacquire former common lands lost through an illegal land sale in the 1970's and when a lawsuit halted a December 2019 sale of tax abandoned properties on failed subdivisions, the Town of Tomé Grant pivoted and acquired a property with the historic Town of Tomé jail on the Tomé plaza which they are renovating to preserve both the history of site and to potentially utilize as a revenue generator in the future. The Tomé Grant also prepared for a Healthy Soils Grant application and New Mexico Economic Development Department's Outdoor Recreation Division Trails + program application that were submitted and funded in FY 2022.

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**La Merced del Pueblo de Tajique** (Tajique Land Grant) has continued to provide services to the local and surrounding communities out of their community center, despite the COVID pandemic. During distance learning, families parked in the community center parking lot to use the wireless internet to complete school assignments. This community center serves as a focal point for community events and activities including: serving as a summer meal site for local youth; as a site for youth art programs; serving as a community rental facility for weddings, graduations, showers and funeral receptions; providing a playground and basketball court. The Merced typically earns a modest but essential income from renting their community hall, but the COVID pandemic has disallowed public gatherings and rentals have ceased. The Land Grant received a 2018 capital outlay appropriation to renovate and improve the community center. The Land Grant has also been involved in a zoning dispute with Torrance County over the placement of a cellular tower in the middle of the community which detracts from the character of traditional and historic village. The Land Grant is also concerned with the regional water system plan being proposed by EMWT. Merced del Pueblo de Tajique ended FY 2021 preparing to submit the successful application to the New Mexico Economic Development Department's Outdoor Recreation Division Trails + program, on which Tajique will take the lead.

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The **Tecolote Land Grant** completed the repair and renovation their community center roof, for which they received a \$50,000 capital outlay appropriation in the 2018 session. The Land Grant will require additional funding in order to complete other needed renovations, including upgrading their septic system. They also face an issue with their acequia system as they need to build a dam to be able to continue to divert waters for irrigation. The community has also been working with FEMA and the New Mexico Acequia Association to try and address the issue. The Tecolote Grant continues to fight land claims related to the Montoya Case, which was a significant victory in that it negated a family's claim to common land. The Grant was asked to sign a final stipulated order but has taken issue with the boundary descriptions and asked that the Council provide surveyor assistance to ensure that the final stipulated order follows the decision of the courts. They also found that an individual sold a piece of property to an outsider based on a claim supposedly supported by an old Mexican document. The Grant maintains that the patent to Tecolote should extinguish other antagonistic claims and the New Mexico Land Grant Council provided legal services to assist the grant in fighting this claim.

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Lastly, there are several land grants-mercedes with active boards of trustees that are not recognized as political subdivisions of the State. This is since the origin of these land grants does not begin with Spain or Mexico but rather is the result of a sub-grant of the common lands of a larger land grant for communal management by a local community. While their origins mostly begin in the American Period, these sub-grants land grants

function in the exact same manner as other active land grants. They have an elected board of trustees that manages the common lands for the benefit of their local communities. Several examples of such land grants exist. They are the Arroyo Hondo Arriba Land Grant, the El Carmen Land Grant, the Lower Gallinas Land Grant, the Los Vigiles Land Grant, the San Agustín Land Grant and the San Geronimo Land Grant. Many of these land grants have continued to exist and actively manage common lands even after their mother land grants have ceased to function. These land grants have governing boards elected separately from their mother land grants and they all own the property they manage fee simple apart from the mother land grant. Recognition of these land grants will not have any adverse impacts on the mother land grants. They would not be taking away any land, control or authority from the mother grants as they already own, manage and control their properties apart from the mother land grant. Furthermore, the fee simple land ownership by the partition land grants have all be recognized by courts of competent jurisdiction. The 2020 Land Grant Interim Committee endorsed a bill that will be introduced in the 2021 Legislative Session that will address this issue.



## NEW MEXICO LAND GRANT COUNCIL ACTIVITIES AND EXPENDITURES OVERVIEW

### FY 2021 APPROVED BUDGET AND ACTUAL EXPENDITURES

In fiscal year 2021 the New Mexico Land Grant Council received a \$296,900 General Fund appropriation from the New Mexico Legislature. Expenditures for FY 2020 totaled \$278,352. This included; \$215,146 in an intergovernmental services agreement with the University of New Mexico to provide program support and staff to the Council as well as to contract with a professional surveyor for assistance to land grants and to cover UNM Natural Resources and Environmental Law Clinic Fee for land grants receiving services from the clinic; \$35,804 in a contract with New Mexico Legal Aid to provide legal services for land grants-mercedes; \$16,814 in direct financial support to land grants-mercedes for small capital and administrative expenses through the Land Grant Support Fund; \$5,280 in in-state travel expenses for the Council members to attend monthly meetings; \$2,008 in administrative fees to the Department of Finance and Administration; \$3,300 in the purchase of 4 books (*Land Grant and Lawsuits in Northern New Mexico*; *Four Square Leagues*; *Advocates for the Oppressed*; and *Pueblo Sovereignty*) for distribution to land grants.

Table 1 – FY 2021 Budget vs. Actual Expenditures

FY 2021 Budget Line Items	FY 2021 Budgeted Expenditures	FY 2021 Actual Expenditures	Unexpended Balance
DFA Admin Fee	\$4,454.00	\$2,007.81	\$2,446.19
Support Fund	\$20,000.00	\$16,813.86	\$3,186.14
Legal Service Contract	\$47,595.00	\$35,803.83	\$11,791.17
Publishing	\$3,300.00	\$3,300.00	\$0.00
In State Travel	\$6,405.00	\$5,280.11	\$1,124.89
Out of State Travel	\$0.00	\$0.00	\$0.00
UNM IGSA*	\$215,146.00	\$215,146.00	\$0.00
F&A	\$35,858.00	\$35,857.58	\$0.42
Staff Salary & Fringe	\$135,842.00	\$136,190.88	-\$348.88
Personnel In State Travel	\$925.00	\$924.45	\$0.55
Personnel Out of State Travel	\$0.00	\$0.00	\$0.00
Surveyor Contract	\$40,500.00	\$40,500.00	\$0.00
Law Clinic Fee Waiver	\$400.00	\$400.00	\$0.00
Copies, Printer Maintenance	\$400.00	\$307.43	\$92.57
Supplies	\$696.00	\$696.00	\$0.00
Postage	\$400.00	\$269.66	\$130.34
Meeting Expense	\$125.00	\$0.00	\$125.00
<b>Totals</b>	<b>\$296,900.00</b>	<b>\$278,351.61</b>	<b>\$18,548.39</b>

\* Line items below the UNM IGSA are the Inter-Governmental Services Agreement budget line items specific to Council contract with UNM. All these line items roll up into the \$215,146 total shown for UNM IGSA.

## **COUNCIL ACCOMPLISHMENTS IN FY 2021**

In fiscal year 2021 the Council held regular monthly meetings. Due to COVID-19 all meetings except for the June meeting were held virtually via Zoom. The June meeting was the first and only meeting held in person in FY 2021. That meeting was held at the Tomé Dominguez Community Center in Tomé. The meeting was a hybrid meeting held both in person and virtually. The Council has continued to have hybrid meetings throughout the first half of FY 2022. The Council utilizes its meetings to interface with Federal and State partners, consider issues facing land grants-mercedes, determine policy positions and set work priorities. The Land Grant Council also oversees the New Mexico Land Grant Registry and it utilizes its meetings to formally recognize items that have been submitted by land grants-mercedes to the Registry. Items received into the Registry in fiscal year 2021 include: Bylaws updates from the Don Fernando de Taos, Anton Chico, San Joaquín del Río de Chama; Elected official updates from the Don Fernando de Taos, Santo Tomás Apostól del Río de Las Trampas, Santa Bárbara, Tierra Amarilla, Cubero, Abiquiú, and San Joaquín del Río de Chama.

Throughout the fiscal year the Council focused its work on a variety of areas. These areas included: direct technical and financial assistance to land grants-mercedes; serving as a liaison for land grants-mercedes with other government entities and dissemination of information; policy review and development at both the state and federal level;. Additional information about work completed within each category can be found below.

## **DIRECT TECHNICAL & FINANCIAL ASSISTANCE TO LAND GRANTS-MERCEDES**

The Council provides direct technical assistance to land grants in a variety of areas. The goal of this technical assistance is to help land grants to better serve their communities and build their governance capacity. In addition, the Council provided direct financial support to land grants for small capital purchases through the Land Grant Support fund. Below are specific details about direct technical and financial assistance work conducted by the Council in FY 2021.

**Capital Outlay** - Throughout the FY 2021 the New Mexico Land Grant Council, through its staff, provided direct assistance to numerous land grants related to Legislative Capital Outlay projects. This work included assisting land grants with the application for and expending their capital outlay appropriations. This work included assisting land grants with completing their legislative capital outlay request forms, filling out Board of Finance Bond Severance Tax Bond questionnaires, procuring goods, services, and real property, filling out and submitting necessary paperwork to the Department of Finance and Administration (DFA) for drawing down the funds. At the close of the 2021 Legislative Session there was a total of \$270,000 in new capital outlay projects for land grants-mercedes. This included: \$50,000 for the Chilili Land Grant for the construction of a volunteer fire department building; \$70,000 for the Tierra Amarilla Land Grant for land acquisition; \$50,000 for the Don Fernando de Taos Land Grant for real property acquisition; \$100,000 for the Town of Tomé Land Grant for a historic property renovation. The Council also assisted two land grants to secure funding they received during the 2019 legislative session that was potentially up for reversion if they did not meet the minimum

spending requirements. In addition, the Council assisted land grants with the completion and submittal of \$355,000 in capital outlay reauthorization requests. These included: \$120,000 for the San Antonio de Las Huertas Land Grant to rehab a community building for a health clinic; \$185,000 for the Don Fernando de Taos Land Grant for real property acquisition; \$50,000 for the Manzano Land Grant for community center renovations and real property acquisition. In total, the Council provided assistance to 13 land grants-mercedes during fiscal year 2021, this included: Tecolote, Cristóbal de la Serna, Manzano, Don Fernando del Taos, Tajique, San Joaquín del Río de Chama, Santa Bárbara, Chililí, Torreón, Tierra Amarilla, Juan Bautista Baldés, San Antonio de Las Huertas, and Town of Tomé. Also during the fiscal year the Council participated in the testing and review of the new Legislative Capital Outlay online request system. This was performed at the request of the Legislative Council Service.

**Infrastructure Capital Improvement Plans** - In fiscal year 2021 the Council assisted 18 land grants-mercedes with the completion of their 2022 ICIP. This included: assistance with inputting information about capital projects and priorities into the online database; ensuring all required documentation was completed and submitted to DFA by the deadline; and providing assistance with making any corrections to the ICIP requested by DFA. The land grants-mercedes that received assistance included: Abiquiú, Anton Chico, Cañón de Carnué, Chililí, Cristóbal de la Serna, Cubero, Don Fernando de Taos, Juan Bautista Baldés, Manzano, San Antonio de Las Huertas, San Joaquín del Río de Chama, San Miguel del Bado, Santa Bárbara, Tajique, Tecolote, Tierra Amarilla, Torreón and Tomé.

**Financial Reporting** - The Council also sent out reminders to land grants-mercedes about State Auditor financial reporting deadlines during the fiscal year. This was followed up with assistance to several land grants-mercedes relating to reporting. This included: providing information to the San Antonio de Las Huertas Land Grant regarding financial reporting timelines for fiscal years that coincide with the calendar year; assisting the Tierra Amarilla Land Grant with the submittal of their tier 1 certification to the Office of the State Auditor; and providing information to the Abiquiu Land Grant about tier 4 reporting requirements.

**Virtual Meetings** - Because of COVID-19 meeting restrictions, the Council like many other state agencies was forced to move to a virtual meeting platform for nearly all of fiscal year 2021. Land grants-mercedes were also forced to move their meetings to a virtual platform. A few land grants-mercedes required assistance in making this transition. The Council provided support to land grants-mercedes that did not have the technological capabilities to successfully host virtual meetings. The Council utilized the Zoom platform provided through the Council Intergovernmental Services Agreement with the University of New Mexico to set up and host meeting for the Anton Chico, Tierra Amarilla, and Chililí land grants multiple times throughout the fiscal year. These meeting setups were for board of trustee meetings as well as meetings with other entities and agencies related to the business of the land grant-merced.

**Legal Services Work** - During the Fiscal Year the Council continued to provide legal services support and assistance to land grants-mercedes. This was accomplished through a

combination of a legal services contracts with New Mexico Legal Aid, a partnership with the UNM Natural Resources and Environmental Law Clinic, and support from the Office of the New Mexico Attorney General's Treaty of Guadalupe Hidalgo Division. The Council supported these efforts through both direct funding and in-kind support through use of staff time. Through these efforts the Council was able to provide assistance to the following 7 land grants-mercedes: San Antonio de Las Huertas Land Grant; Juan Bautista Baldés, Tierra Amarilla, Tajiue, Cristóbal de La Serna, Santa Bárbara, Abiquiu. Legal assistance ranged from legal advice and analysis to full on litigation. The Council's staff supported legal services efforts by providing research, analysis and input on issues as needed. In addition, the Council helped coordinate meetings between land grants and their respective legal services provider. In FY 2021 legal services efforts led to a negotiated settlement that resulted in the return of 216 acres of common land to the Tierra Amarilla Land Grant.

**Surveyor Services** - During the fiscal year the Council contracted professional surveyor services for land grants-mercedes. This contract resulted in survey work for 5 land grants-mercedes. This included: completion of a survey plat and deed update for the parcel of common land owned by Town of Tomé Land Grant; a road easement and survey plat for a common road owned by the San Antonio de Las Huertas Land Grant; deed review and input for the Cristóbal de La Serna Land Grant relating to a real property acquisition; deed research and field evaluation of the Santo Tomás Aposotól del Río de Las Trampas Plaza; deed research, survey review, field work and written report on common lands owned by the Juan Bautista Baldés Land Grant.

**Land Grant Support Fund** - The Council also provided direct financial assistance to 7 land grants-mercedes in the form of small grants from the Council's Land Grant Support Fund. This included: \$4,000 to the Cubero Land Grant for the purchase of office furniture and equipment; \$1,300 to the Don Fernando de Taos Land Grant for the purchase of computer equipment; \$3,000 to the San Antonio de Las Huertas Land Grant for the installation of fencing around a portion of the common lands; \$1,000 to the Santa Bárbara Land Grant for the purchase of tort liability coverage; \$3,700 to the San Joaquín del Río de Chama Land Grant for an electrical upgrade to their community center; and \$4,000 to the Town of Tomé Land Grant for community center renovations and repairs to their commercial refrigerator.

**Outdoor Recreation Grant** - During the fiscal year the Council also worked with the land grant-mercedes of Chililí, Tajiue, Manzano and Tomé along with the UNM Land Grant Studies Program to submit a Outdoor Recreation Opportunities funding application to the NM Economic Development Department. The project was not funded. However, in FY 2022 the Council again assisted four land grants-mercedes and also added the Torreón, Cañón de Carnué, and San Antonio de Las Huertas Land Grants-Mercedes to the application. The application was funded and will result in public park improvements for Tomé, Torreón, Tajiue as well as trail work for Chililí, Manzano, San Antonio de Las Huertas and Cañón de Carnué.

**Other Direct Support to Individual Land Grants-Mercedes** - Throughout the fiscal year the Council provided direct technical assistance and support to a variety of land grants-mercedes. Below are details about support provided to each land grant-merced.

**Tierra Amarilla** - The Council provided continued support to the Merced de Los Pueblos de Tierra Amarilla concerning the transfer of the Laguna del Campo property from the New Mexico Game Commission. More details about this work can be found under the Laguna del Campo subsection. During the fiscal year the Council also assisted the Tierra Amarilla Land Grant with reviewing the agricultural property tax exemption process for Rio Arriba County. This related to a real property acquisition occurring as a result of litigation pursued by the Office of the New Mexico Attorney General on behalf of the land grant-merced. In addition, the Council helped the land grant-merced to identify short-term financing options for acquiring the property as part of a negotiated settlement agreement. Last, the Council also provided assistance to the land grant with preparation of comments to the New Mexico Department of Game and Fish concerning non-navigable stream access permits up for review by the New Mexico Game Commission.

**San Joaquin del Rio de Chama** - During the fiscal year the Council provided assistance to the land grant-merced with reviewing the Bureau of Land Management Farmington-Mancos Resource Management Plan Amendment. This work was in support of the land grant-merced preparing comments to the draft plan. This work included reviewing the plan, attending several virtual meetings with the land grant and helping draft comments for adoption by the San Joaquin del Rio de Chama Land Grant and the Council. The Council also assisted the land grant-merced with the updating their bylaws. This included reviewing their existing bylaws and providing feedback on necessary and recommended changes. The Council also provided support to the San Joaquín del Río de Chama Land Grant with a letter to the New Mexico Motor Vehicle Division concerning their status as a political subdivision of the State in order to register a recently purchased truck with government tags. The Council also assisted the land grant-merced with revising Freedom of Information Act materials received from the U.S. Forest Service. Last, the Council also provided support to the San Joaquín del Río de Chama Land Grant with production of materials for their annual meeting and board of trustees election.

**Manzano** - During the fiscal year the Council provided support to the Manzano Land Grant concerning issues relating to the management of the Manzano Lake. This included requesting assistance from the New Mexico Acequia Association to help convene a meeting with the Manzano Spring and Ditch to develop a joint management agreement. Work included: attending community meetings and providing research on statutes pertaining to acequia governance.

**Anton Chico** - During fiscal year 2021 the Council provided support to the Anton Chico Land Grant with the potential development of a wind energy project. This included helping set up several public information meetings about a potential project via zoom as well as setting up a meeting with the Board of Finance (BOF) to get information about BOF lease approval requirements. Additionally, the Council provided support and assistance to the land grant-merced with their 2021 board of trustees election. This assistance included helping guide the land grant-merced with compliance with statutory requirements for elections. Including assisting with preparation of necessary documentation, required meetings and conducting the election in April of 2021. In addition to the election of members to the board of trustees. The election also included a question concerning the

electorates support for a proposed wind energy project.

**Town of Tomé** - During the fiscal year the Council also assisted the Tomé Land Grant with a CARES funding application to the New Mexico Humanities Council for their museum. In addition, the Council assisted the Town of Tomé Land Grant with an application for funding from the Healthy Soils Program from New Mexico Department of Agriculture. The CARES application was not funded, however the NMDA Healthy Soils grant was funded. The Council also assisted the Town of Tomé land grant with researching requirements for submitting 1099S forms to the IRS relating to the land grant-merced's recent property acquisition.

**Juan Bautista Baldés** - The Council continued assisting the legal services contractor concerning the Juan Bautista Baldés Land Grant pending litigation. In fiscal year 2021 this included researching, reviewing and interpreting historical documents relating to the origin of the land grant-merced.

**San Antonio de Las Huertas** - The Council assisted the San Antonio de Las Huertas Land Grant with negotiations pertaining to water storage and delivery infrastructure located on the Land Grant common lands managed by the Las Acequias Acequia and Mutual Domestic Water Consumer's Association. This included reaching out and working with the UNM Law School Natural Resources Environmental Law Clinic and the New Mexico Acequia Association. It also entailed reviewing historical water declarations and doing site visits to understand the issues facing both the land grant and acequia. The Council also assist the land grant-merced with the statutory steps necessary for conveyance of real property.

**Santa Bárbara** - During fiscal year 2021 the Council assisted the Santa Bárbara Land Grant with a fuelwood project located on State Trust Lands. This work included providing feedback on the project Memorandum of Understanding as well as assisting them with obtaining Tort Liability Coverage from the State Risk Management Division.

**Cristóbal de la Serna** - During the fiscal year the Council assisted the Cristobal de La Serna Land Grant-Merced by providing advice and assistance related to government to government property transfers and information concerning elk and hunting permits issued by the Department of Game and Fish.

**Tecolote** - The Council also provided advice to the Tecolote Land Grant regarding best practice procedures for terminating a contract as well as advice relating to an electrical utility easement through the land grant common lands.

**Torreón** - In fiscal year 2021 the Council also begin providing assistance to the Torreon Land Grant to help bring them into compliance with requirements under the Land Grant General Provisions. This included reviewing statutory requirements for land grant-merced elections and assisting the land grant-merced with starting the steps necessary to hold an election. The Council also assisted the land grant-merced with historical research relating to their patent.

**Tajique** - During fiscal year 2021 the Council also provided assistance to the Tajique Land

Grant relating to analysis of the Torrance County Zoning Code update. This included reviewing the comprehensive plan update and comparing it to language in the previous plan.

**Cebolleta** - During the fiscal year the Council also provided information to the Cebolleta Land Grant concerning statutory changes to the definition of heirship and qualified voting members participation.

**Cañón de Carnué** - During this period the Council also began assisting the Cañón de Carnué Land Grant with pulling together their requirements. This included correspondence with DFA to determine what assistance the Land Grant needed and meeting with land grant to begin going over their financial records. They also provided contact information for the Bureau of Land Management to the Cañón de Carnué Land Grant in order for it to pursue a property transfer under Federal Public Lands Management Act.

**Cubero** - The Council assisted the Cubero Land Grant with the process for filing Non-Transferable Tax Certificates in order to purchase goods tax free.

**Jacona & La Cieneguilla** - Staff also participated in a call with the representatives of the Jacona Land Grant and the Cieneguilla Land Grant to provide them with information about requirement under the Land Grant General Provision and the process for being recognized in that statute.

**Research** - In FY 2021 the Council also conducted historical research in support of several land grants. This included: researching and distributing of United States patents issued for the Chililí and Tajique land grants-mercedes; providing historical research support to the Juan Bautista Baldés; San Joaquín del Río de Chama, Tecolote and Santa Bárbara Land Grants relating to their original granting documentation.

**Mapping** - During this period Council staff also continued work on updating a series of land grant-merced traditional use maps. These maps include technical data and support historical documentation for each land grant-merced mapped.

**Resource Material Distribution** - In fiscal year 2021 the Council completed distribution of the Land Grant-Merced Law Book and General Governance Appendix. These resources were compiled and printed by the Council in FY 2020. The Law Book contains all the relevant State and Federal laws pertaining to land grants-mercedes and the appendix contains general governance statutes that pertain to land grants. Also in FY 2021 the Council purchased and distributed copies of Land Grants and Lawsuits in Northern New Mexico, Land Grants and the Law, and Tierra Amarilla Land Grant a History of Chicanery.

**Piedra Lumbre Visitor's Center Acquisition** - Throughout fiscal year 2021 the Council provided support to the collective regional land grant-merced effort to acquire and redevelop the Piedra Lumbre Visitor's Center property in Rio Arriba County. This project is a joint effort between the land grants-mercedes of San Joaquín del Río de Chama, Juan Bautista Baldés and Tierra Amarilla. Work on this project included: coordination of the final purchase between the land grants-mercedes, U.S. Forest Service and the Department

of Finance and Administration; Working with DFA on processing grant agreements and pay requests for the purchase; coordinating pro bono legal services to assist the three land grants with review of purchase agreements and developing an ownership agreement and operating structure; helping coordinate a celebratory event to commemorate the property acquisition and transfer; coordinating meetings with future project partners, including Ghost Ranch. The Council also assisted the land grants-mercedes with successfully applying for a NM Economic Development Department Frontier and Native American Communities Initiative grant. The grant will provide 18 months of technical assistance to the land grants-mercedes for further planning and development of the site.

## **LIAISON WORK**

In fiscal year 2021 the Council served as a liaison between land grants and a variety of different state and federal agencies as well as other non-governmental organizations. Below is more detailed information concerning that work and is broken-down by the different entities interacted with throughout the year. Also, during its regular monthly meetings the Council has included standing items on its agenda that allow for ongoing interactions with the New Mexico Congressional Delegation, United States Forest Service, Bureau of Land Management, State Land Office, and the Office of the New Mexico Attorney General Treaty of Guadalupe Hidalgo Division.

**Office Of the Governor** - In FY 2021 the Council staff contacted and met virtually with the Governor's Legislative Director to provide the Governor's office with information about legislation relating to land grants introduced during the 2021 legislative session. In addition, the Council provided informational updates on all legislation making its way to the Governor for signature, including capital outlay funding tied to land grant-merced projects. Council staff also provided input on bill analysis conducted by the Governor's Office when requested.

**Office of the New Mexico Attorney General** - During the report period the Council continued to provide liaison support to the Attorney General's Office regarding litigation of a property dispute concerning the Tierra Amarilla Land Grant. This work included helping coordinate meetings between the Board of Trustees and the Attorney General's legal team. The Council has also provided input to the Attorney General related to natural resources equity. This input was related to traditional uses and access of former common lands now managed as state and federal public lands as well as existing land grant-merced community fuelwood projects. As a result of the input provided, the Attorney appointed a member of the Council's staff to serve on the Attorney General's Natural Resources Equity Advisory Council. To date, the Natural Resource Equity Advisory Council has convened several times and heard presentations from the New Mexico Economic Development Department Office of Outdoor Recreation and the New Mexico Department of Game and Fish. In FY 2021 the Council also provided information about the Anton Chico Land Grant, as requested by the Attorney General's Office. The information pertained to the Land Grant's most recent election held in April of 2021. The request was related to the Attorney General's Office doing investigatory follow up work on a complaint filed with their office. Lastly, the Council also provided input, suggested language and support to the Attorney General's Office



regarding statutory changes to the Treaty of Guadalupe Hidalgo Division Statute.

**Office of the State Auditor** - During the report period the Council also complied and sent out information to land grants concerning Tier System reporting requirements to the Office of the State Auditor. The Council also provided information to the Office of the State Auditor concerning a request for information relating to annual reports for the Anton Chico Land Grant.

**Department of Finance and Administration** - Throughout FY 2021 the Council corresponded with the Department of Finance and Administration Local Government Division in relation to several land grants-mercedes mostly related to the expenditure of capital outlay appropriations and submittal of Infrastructure and Capital Improvement Plans.

**New Mexico Department of Transportation** - During the report period the Council contacted the DOT to find out status of DOT hardship equipment auction. At the request of the DOT the Council contacted the land grants-mercedes that were approved for participation in the auction to provide them notice of award and inform them that the auction has been postponed due to COVID-19 restrictions. To date no hardship auction has taken place.

**NM Department of Game & Fish** - In fiscal year 2021 the Council served as a liaison between the Department of Game and Fish and Tierra Amarilla and Manzano Land Grants relating to the Laguna del Campo Transfer and potential fish opportunities in the Manzano Lake, respectively. Below are more detail concerning each.

*Laguna del Campo* - Throughout FY 2021 the Council continued to provide assistance to the Tierra Amarilla Land Grant regarding the transfer of the Laguna del Campo property from the New Mexico Game Commission. The lake was approved for transfer by the New Mexico Game Commission back in 2018. In 2019 the New Mexico Legislature approved the transfer as required by law. Specific work by the Council included: helping coordinate and participating in meetings between the Department of Game and Fish (Game and Fish) and the land grant to discuss status and options relating to transfer; reviewing proposed transfer options documentation provided by Game and Fish in order to provide feedback and assistance to the land grant; helping coordinate and participating in a meeting with the La Puente Community Ditch to discuss concerns with water rights; attending meetings and presenting to the New Mexico Game Commission. Negotiations are on going and have continued into fiscal year 2022. In anticipation of the eventual transfer the Council has also engaged discussions with the Utton Transboundary Law Center regarding possible funding for future dam repairs.

*Manzano Lake* - The Council provide input to the Department of Game and Fish concerning the Manzano Lake. The Department was seeking information regarding the property ownership status of the lake. The Lake was closed to the public during the Covid-19 pandemic. The Lake is owned by the Manzano Land Grant. In the past the Department has stocked the lake in exchange for allowing the public access to the lake. The agreement for stocking the Lake expired over 10 year ago and in order to begin restocking the lake as a

public fishery the Department must enter a new agreement with the land grant.

**State Land Office** - In FY 2021 the Council continued to work with the State Land Office and land grant of San Joaquín del Río de Chama on the development of a fuelwood gathering project on State Trust Lands within the region. This work included coordinating virtual meetings between all interested parties and attending field visits to the proposed project location. In addition, the Council also assisted the SLO with set up of meetings with the San Miguel del Bado Land Grant for a potential SLO fuelwood project near Villanueva and with the Chililí, Manzano and Tajique Land Grants for a potential fuelwood project in the East Mountains.

**New Mexico Livestock Board** - In fiscal year 2021 the Council provided background information on land grants-mercedes to the New Mexico Livestock Board at their request. The Council also provided specific information about the Cebolleta and Cubero Land Grants as requested by a member of the New Mexico Livestock Board.

**State Forestry** - During the period Council staff also met with the State Forestry Division to get information about natural resources management funding programs available throughout the Division.

**New Mexico Department of Agriculture** - During the fiscal year the Council worked with the NM Department of Agriculture relating to their Healthy Soils Grant Program. This included outreach to land grants to inform them about the grant program as well as having a staff member serve on the application review panel. Leading up to the application release the Council also served on the application steering committee to provide input and feedback about how to improve the application process. Following the application review panel workshop the Council provided additional feedback on how to further improve the application process for future cycles.

**Department of Information Technology** - During fiscal year 2021 the Council provided feedback and assistance to the Department of Information Technology regarding their efforts to increase broadband accessibility statewide. The Council provided them with information about active land grants-mercedes that are political sub-division of the state including their location, communities served, community owned assets and contact information. The Department presented before the Council on two occasions and the Council helped disseminate information for DOIT to land grants-mercedes on their broadband efforts.

**New Mexico Economic Development Department** - A representative of the New Mexico Economic Development Department regularly attends the meetings of the New Mexico Land Grant Council and provides input on Department programs and activities that may be of interest to land grants-mercedes.

**Bureau of Land Management** - The Bureau of Land Management has appointed a liaison for the Department that regularly attends all regular meetings of the Council. The liaison provides important information concerning BLM management plans, fuelwood permits and other BLM programs and activities. The Council also requested that a staff member submit

an application to serve on the BLM Northern New Mexico Resource Advisory Council (RAC) to represent the interest of the Council and land grants-mercedes in general. The RAC is a federal advisory council organized under the Federal Advisory Committee Act. The application for service on the RAC was submitted but is still pending final selection of members.

**US Forest Service** - The Council continued to serve as a cooperating agency with the Carson, Cibola and Santa Fe National Forests, relating the Forest Land Management Plan Revision, throughout fiscal year 2021. As a cooperating agency, the Council attending plan revision cooperator meetings held by the Carson and Santa Fe National Forest to get status updates and review changes made to plans based on public comments submitted to the U.S. Forest Service. Aside from the plan, Council staff also attended an informational workshop on the implementation of terms reached from the settlement of a Federal Lawsuit concerning the Mexican Spotted Owl. In addition, the Council was in discussion with the U.S. Forest Service on the development of a Master Stewardship Agreement for fuelwood projects adjacent to land grant-merced communities. The Council engaged the Department of Finance and Administration and the State Forester's Office to garner support for moving forward with an agreement. Although draft agreements have been circulated the exact type of agreement for accomplishing the objective of providing fuelwood to local communities has not yet been determined. In the meantime, the Council also engaged in discussions with agency staff relating to Wood Innovation Program which is aimed at assisting communities with retrofitting community facilities in rural communities with wood burning heating systems. This Program funding may be available for land grant-merced communities. A liaison from the U.S. Forest Service regularly attends the Land Grant Council monthly meeting and occasionally Forest Supervisors or the Regional Forester will attend meetings as well. The Council had a standing agenda item for updates and potential action on U.S. Forest Service matters. Last, Council staff presented before a virtual convening of Carson National Forest personnel on the topic of natural resources equity for communities of color.

**Trainings Conducted** - During the fiscal year the Council also coordinated a Natural Resources Funding Workshop Webinar held on June 9th, which consisted of presenters from New Mexico Department of Agriculture, New Mexico State Forestry Division and the USDA-Natural Resources Conservation Service. Work on this included coordinating presenters, collecting presentation, developing agenda, and advertising the event.

**Community Governance Attorney Program** - Throughout the fiscal year the Council continued to provide support for the development of the Community Governance Attorney Program created by the legislature in 2019. This included helping coordinate meetings between the UNM School of Law, Legislative Finance Committee staff and the Higher Education Department concerning the implementation of the Community Governance Attorney Act. The Council participated in meetings to provide input and guidance on establishing the Program. Once in place the Program will provide low-cost legal assistance to Land Grants, Acequias, and Colonias communities. The Program is designed to cover the cost of a law student's third year of law school in exchange for two years of work following their graduation and passage of the Bar. The Program is slated to select its first law student

in Spring of 2022. In support of this the Council has dedicate FY 2022 funding toward the hire of Law Student Externs in order to began developing a pool of applicants for the first round of the Program.

**New Mexico Land Grant-Merced Consejo** - During the report period Council also ensured that staff attended the quarterly virtual convenings of the New Mexico Land Grant-Merced Consejo, a statewide land grant leadership network, to provide an update of the Council's activities as well as gather input on the needs of land grants. These interactions help to not only inform land grants about the work of the Council but also provide an opportunity for the Council to gather important information to inform policy decisions.

**ABC News Story** - During FY 2021 the Council was contacted by ABC News' *Nightline* regarding the development of a story on land grants. The Council assisted the *Nightline* production crew by providing background information on land grants, helping coordinate interviews and filming in land grant communities, helping to coordinate interviews with New Mexico Congressional Delegation and NM Attorney General, and escorting filming crew to land grant locations, including Cañón de Carnué, Manzano, Tajique, Chililí, Tomé, Tierra Amarilla and Abiquiu. The Council also provided additional research materials and provided input to ABC News Nightline for the production of their story on land grants which aired on September 30, 2021.

**Response to Info Requests** - Throughout the course of the year the Council responds to various requests for information concerning land grants. In FY 2021 this included: requests for information about the Tajique, Chililí, San Miguel del Bado, Cubero, Town of Tomé, Abiquiú and Cañón de Carnué land grants. In addition, the council provided a list of active land grants that are political subdivisions to DFA-Local Government Division, New Mexico Environment Department, NM Department of Information and Technology and GSD-Risk Management Division. The Council also responded to questions about the Antonio Martinez Land Grant from the Taos County Assessor's Office. In addition, the Council also assisted the Office of the State Board of Surveyors with questions relating to land grants-mercedes.

**Dissemination of Info** - Throughout the fiscal year the Council disseminated information to land grants-mercedes throughout the state via the Council's official email. Information disseminated includes: Press and informational releases from Federal and State agencies; press and informational releases from the NM Congressional Delegation; weekly federal grants advisories; U.S. Forest Service advisories on forest closures; fuelwood permit opportunities, prescribed burns, wildfire updates and Forest Plan Revision status updates; BLM and USDA updates and activities; state funded grant natural resources opportunities; information on federal and state legislative and administrative policy updates; important due date reminders for ICIP, Capital Outlay, financial reporting, DOT hardship auction, etc; Opportunities for service on federal advisory panels and committees; COVID-19 and CARES Act updates and resources; Meeting reminders for legislative hearings and Council meetings; Federal and State job postings.

## **POLICY WORK**

In Fiscal year 2021, the Council worked on a several policy issues relating to land grants. This included both legislative and administrative policy work at both the federal and state level. Below is detailed information about policy work broken-down into specific focus areas.

**State Legislative Policy** - During the fiscal year the Council provided input to the Land Grant Interim Committee for the 2020 and 2021 Interim Sessions. This including meeting with the Committee leadership and providing information about issues relevant to land grants-mercedes for consideration as agenda topics as well as providing a list of potential presenters. In addition, the Council gave support to the Legislative Council Service with coordination of the Land Grant Interim Committee hearings. This included assistance with identifying potential meeting locations for the 2021 interim session and providing contact information for potential presenters and relevant land grants-mercedes. The Council had representatives at every committee hearing held either virtually or in person and also provided testimony on topic areas as requested when necessary. Topics presented by the Council included natural resources protections, youth development programing, and legislative priorities for the Council. Throughout the Interim the Council provided support to land grants-mercedes making presentations before the Committee. This included assisting the Manzano, San Antonio de Las Huertas and Tierra Amarilla Land Grants. The Council also helped provide technical assistance to the land grants with attending virtual hearings. In addition, Council staff worked with LCS attorney on the development and review of draft legislation for consideration by the Committee. This included: updates to the Land Grant General Provisions and Chilili Statutes relating to elections and protection of common land and common waters; guaranteed revenue streams for land grants; increased funding for surveying and legal services for land grants and traditional use access for the Tierra Amarilla Land Grant on 43,000 acres of New Mexico Game Commission owned properties.

During the period, the Council also worked with the New Mexico Attorney General's Office and the Legislative Council Service on the development of legislation to amend statutory language relating to the Treaty of Guadalupe Hidalgo Division of the Attorney General's Office. The Council also provided, upon request from the Treaty Division, all the potential state legislative policy issues that the Council may work on during the 2021 Legislative Session.

During the 2021 Legislative Session the Council provided information to bill analysts from the legislative committees and state agencies as requested. Specifically the Council provided input relating to House Bills 41, 78, and 229, and Senate Bills 68, 85 and 111. In addition, the Council served as expert witness before legislative committees when requested by bill sponsors and worked with Legislative Council Service to refine any necessary bill amendments arising from committee debate and discussion. The Council also analyzed and reviewed HB 4 the NM Civil Rights Act and HB 95 Water Administration Changes, to determine what if any impact they would have on land grants-mercedes. In addition, the Council begin providing legislative updates to land grants via email, regarding the status of land grant related bills making their way through the session. The Council provided information to the general public about individual bills when requested. At the

close of the legislative session the Council provided information on bills that passed the session, land grant related capital outlay, and legislative appropriations to the Council to the Governor's office. The Council also provided information to DFA, the Attorney General and the Governor on HB 41 as requested.

Below is a breakdown of all land grant-merced related legislation introduced during then 2021 Legislative Session.

**Senate Bill 68 (SB68)- CANVASSING BOARDS FOR CHILILI LAND GRANT-** Introduced by Senator Linda Lopez. This bill was endorsed by the Land Grant Interim Committee. The purpose of the bill is to amend Chapter 49 Article 1 - Land Grant General Provisions and Article 4 - Chilili Land Grant. The purpose of the amendments is to clean up language relating to the appointment of canvassing boards, by the Board of Trustees of a land grant-merced, in order to count votes cast in a land grant-merced election. In addition, the bill seeks to update the Chilili Land Grant statute to parallel changes that have been made to the General Provisions in recent years. The bill was assigned to the Senate Conservation and Senate Rules Committee but did not advance. The bill died at the close of the 2021 Legislative Session in the Senate Rules Committee.

**Senate Bill 85 (SB85) - LAND GRANT-MERCED ASSISTANCE FUND-** Introduced by Senator Liz Stefanics. This bill was endorsed by the Land Grant Interim Committee. The purpose of the bill is to create a guaranteed revenue stream for land grants-mercedes. It is identical to the bill that was introduced for this purpose in the 2020 Legislative Session. The bill would create a Land Grant-Merced Assistance Fund that would receive a small portion of gross receipts tax revenues collected by the State. Those funds would then be distributed to eligible land grants-mercedes on an annual basis. The bill was passed by the Senate Conservation Committee and was assigned to the Senate Finance Committee. The bill did not receive a hearing in Senate Finance and failed to advance. The bill died at the end of the 2021 Legislative Session in the Senate Finance Committee.

**Senate Bill 111 (SB111) - HIRE OF NM LICENSED SURVEYOR AND ATTORNEY -** Introduced by Senator Linda Lopez. This bill was endorsed by the Land Grant Interim Committee. The purpose of the bill is to fund the New Mexico Land Grant Council over a 5-year period so that the Council may hire an attorney and a professional surveyor that can provide legal assistance and professional surveying services to eligible land grants-mercedes. The bill was passed by the Senate and made it through one committee in the House but was tabled in House Appropriations and Finance. The bill died at the end of the 2021 Legislative Session

**Senate Bill 157 (SB157) - ACEQUIAS AND LAND GRANTS IN PUBLIC EDUCATION -** Introduced by Senator Pete Campos. This bill is aimed at providing a \$75,000 appropriation to New Mexico Highlands University to study and develop recommendations for curriculum and teacher development that will support integration of acequias and land grants into multicultural education in New Mexico Public Schools. This bill was passed by the Senate Indian, Rural and Cultural Affairs

Committee and was then assigned to the Senate Finance Committee. The bill died at the end of the 2021 Legislative Session in the Senate Finance Committee.

**House Bill 41 (HB41) – ESTABLISH CERTAIN LAND GRANTS-MERCEDES** – Introduced by Representative Miguel Garcia. This bill has been endorsed by the Land Grant Interim Committee. The purpose of the bill is to provide political subdivision status to certain community sub-land grants-mercedes that have been in existence and that have managed common lands independently for at least 20 years prior to enactment of the Act. The bill is intended to recognize existing communities that have deed or title to common lands recognized by the courts and that operate with a board of trustees independent from any patented land grant. The legislation will not allow for any new partitions or separations of common lands owned or managed by a Land Grant-Merced operating under Chapter 49 of the New Mexico Statutes. It is only intended to recognize approximately 6 communities that have functioned for all intents and purposes as a land grant-merced since the before 2000. The bill requires that communities wishing to seek political subdivision status under Chapter 49 Article 1 must meet certain criteria that is verified by the New Mexico Attorney General’s Office. This criteria includes providing that they have been established through a partition of land grant common land for the specific purpose of establishing a separate community; they hold deed or title to the partitioned lands that has been recognized by a state or federal court; and the conveyance was to heirs of the original land grant-merced. The bill was heard and passed by both the House and Senate and was sent to the Governor for signature. The bill was pocket vetoed.

**House Bill 78 (HB78) – TIERRA AMARILLA TRADITIONAL USE LAND MGMT.** – Sponsored by Rep Miguel Garcia. This bill has been endorsed by the Land Grant Interim Committee. The purpose of this bill is to provide for the traditional use access to and eventual transfer of approximately 45,000 acres of lands owned and managed by the New Mexico Game Commission to the Merced del Los Pueblos de Tierra Amarilla. The lands in question are all part of the former common lands of the Tierra Amarilla Land Grant. The bill would provide for the joint development of a traditional use plan by the Land Grant, Department of Game and Fish and the State Forestry Division. The plan would be used to provide the land grant community access to the properties for traditional use purposes as well as provide them with joint stewardship opportunities. As currently drafted the bill would provide the for the eventual return of the lands to the land grant for management with the provision that the lands remain open to the general public. The bill has been assigned to the House Local Government, Land Grant and Cultural Affairs Committee as well as the House Energy, Environment and Natural Resources Committee. It was not scheduled for a hearing. The bill died at the close of the 2021 Legislative Session in the House Local Government, Land Grant and Cultural Affairs Committee.

**House Bill 189 (HB189) – COMMUNITY GOVERANCE ATTORNEY PGM MAX SALARY** – Introduced by Rep. Miguel Garcia. This bill amend the Community Governance Attorney Act passed in 2019 to allow for the Community Governance Attorney Commission to adjust the maximum allowable salaries for attorney as needed to adjust for inflation.

The Community Governance Attorney Act established a fund that would allow for the repayment of loans for the third year of law school for students who serve as a community governance attorney for two years after graduation. Community Governance Attorneys are required to provide services to land grants-mercedes, acequias and colonias communities. While the fund was established in 2019 it has not yet received an appropriation to allow for the program to begin. The bill was passed by both the House and the Senate and was signed into law by the Governor.

**House Bill 229 (HB229) – LAND GRANT NATURAL RESOURCE PROTECTION –** Introduced by Rep. Ambrose Castellano. This bill provides for more clarity on the enforcement authority that the board of trustees of a land grant-merced as with regard to regulation and protection of natural resources owned and managed by the land grant-merced. In addition, this bill provides a clear definition of land grant common lands and common waters in the Land Grant General Provisions. This bill has been assigned to the House Local Government, Land Grant, and Cultural Affairs Committee as well as the House Judiciary Committee. This bill was not scheduled for a hearing. The bill died at the close of the 2021 Legislative Session in the House Local Government, Land Grant and Cultural Affairs Committee.

**House Bill 4 – New Mexico Civil Rights Act** – This Act will allow for civil rights lawsuits to be brought against the State of New Mexico and certain political subdivisions of the State of New Mexico. The bill was passed by both the House of Representatives and the Senate and was signed into law by the governor. The final version of the bill includes an exemption for land grants-mercedes, acequias, and mutual domestic water consumers associations and soil and water conservation districts from being sued under the Act.

**House Bill 265 – Natural Resources and Land Protect** - This bill was introduced by Rep. Kristina Ortez for the purpose of amending the Natural Lands Protection Act to expand the funding opportunities and management of lands acquired through funding under the program. As originally intended the Act created a potential funding stream to acquire land for natural resource protection and research. This bill allowed for recreation that is compatible with Natural Resources protection on land acquired under the program. The bill also made political subdivisions of the state, including land grants-mercedes, eligible to apply for the program. Concerns were raised about the potential impact the bill could have on land grant communities. As a result, the bill was amended on the House Floor to provide that in a representative of the Land Grant Council and Acequia Commission serve on the committee that reviews and oversees the program. In addition, the Council worked with the bill proponents to negotiate an additional amendment that would provide for traditional uses by land grant communities and tribal nations on any land acquired. In addition, an amend was included to make traditional uses a consideration factor in awarding funding. The amendment was not adopted because the bill failed to receive a hearing. This bill died at the close of the 2021 Legislative Session in the Senate Judiciary Committee.

**Federal Legislative** - Throughout the fiscal year staff continued to work with the New



Mexico Congressional Delegation on the passage of HR 3682 the Land Grant and Acequia Traditional Use Recognition and Consultation Act. Work in this area included reviewing and providing comments to proposed House Natural Resources Committee amendments, developing a quote on behalf of the Council for Congressman Lujan's Office to use in press releases concerning the bills committee passage and reviewing and commenting on the draft committee report. Council staff also worked with congressional staff to help coordinate attendance of Congressman Lujan at the August meetings of the Council. Staff also had discussions with Senator Udall's office concerning the potential for moving the bill through the U.S. Senate. The bill was heard and passed on the floor of the United States House of Representative in December of 2020. Following the bills passage the Council participated in a celebratory virtual event. The bill did not make it through the United States Senate prior to the end of the 115th Congress. Since the bill did not pass the Council began introductory discussions with the Office of Congresswoman Ledger Fernandez regarding the reintroduction of the Land Grant-Merced Traditional Use Recognition and Consultation Act. This work included developing a briefing paper on the Council's recent federal policy work and compilation of materials from their review. The Council also began discussion with the Office of Senator Luján's concerning the introduction of the Traditional Use Legislation in the United States Senate. As part of those discussions the Council provided Senator Ben Ray Luján's office with language relating to boundary recognition for inclusion in the new draft. The bill has been reintroduced in the 116th Congress in both the United States House and United States Senate as H.R. 5493 and S.R. 2708 respectively.

In addition to work on the Land Grant-Merced Traditional Use Recognition and Consultation Act the Council also reviewed and distributed copies of federal legislation related to the withdrawal of federal lands from disposal or mining in the upper Pecos watershed. The Council also corresponded with Senator Heinrich's Office concerning the reintroduction of legislation relating to the mineral rights withdrawal of a BLM property. The Council also developed and submitted a Congressionally Directed Spending Request to the United States Senate for establishing a land recovery fund for conservation. The request was submitted to the Offices of Senators Heinrich and Luján. The Council also met with the Office of Congresswoman Melanie Stansbury to provide an update of federal activities and request a future meeting with the Congresswoman.

**Bureau of Business and Economic Research Property Tax Study** - In FY 2021 the Council provided input to the UNM Bureau of Business and Economic Research relating to a property tax study. The Council provided input relating to taxation of land grant-merced common lands. In addition to providing input the Council reviewed the draft and provided feedback.

**Policy Conversations with New Mexico Wilderness Society** - During the period Council staff engaged in conversations with the New Mexico Wilderness Society about 30 by 30 campaign and the Equity in Place Names Act to determine relevance and impact on land grants-mercedes. Also during the period Council staff participated in a listening session concerning Public Lands Equity put on by the New Mexico Wilderness Society.

**Cannabis Regulations** - During the Council also reviewed the New Mexico Acequia

Association NMAA comments on New Mexico Cannabis regulations and adopted a letter in support of the NMAA that was sent to the Regulation and Licensing Department. The Council provided input on the cannabis legalization legislation passed in the 2021 session and has followed the regulation development to determine any potential impacts to land grant-merced communities.

### **FY 2022 BUDGET AND FY 2023 REQUEST**

In FY 2022 the Council received a \$296,900 legislative general fund appropriation as part of its base budget (See Table 2) as well as an additional \$200,000 in one-time junior money for a total budget of \$496,900. This additional funding has been targeted for expanding legal services, surveying services and natural resources management services for land grants. The Council is requesting a budget of \$650,000 in FY 2023, which represents a budget increase of 119% above its base budget but only a 31% increase above its combined base budget plus junior one-time appropriation. The purpose of the increase is to allow the Council to provide for expanded services offered in 2022. This level of funding will provide adequate resources for the Council to ensure high quality, direct technical assistance and support to land grants-mercedes in fulfillment of its statutory mission.

Table 2 – FY 2022 Approved Budget - *\*Line items below UNM Intergovernmental Services Agreement all roll up into the \$370,846 contract total.*

<b>Budget Line Item</b>	<b>Budget</b>
<b>DFA Admin Fee</b>	<b>\$3,300</b>
<b>Support Fund</b>	<b>\$30,000</b>
<b>Legal Service Contract</b>	<b>\$60,000</b>
<b>Publishing</b>	<b>\$4,000</b>
<b>In State Travel</b>	<b>\$9,000</b>
<b>Out of State Travel</b>	<b>\$5,600</b>
<b>Unbudgeted</b>	<b>\$14,154</b>
<b>UNM Intergovernmental Services Agreement*</b>	<b>\$370,846</b>
F&A	\$61,808
<b>Project Personnel (Includes Salary &amp; Fringe)</b>	\$172,226
Personnel In State Travel	\$5,000
Personnel Out of State Travel	\$3,500
Office Supplies General	\$865
Non Capital Equipment	\$1,500
<b>Tagged Non Capital Equipment (Computers)</b>	\$4,268
Postage	\$300
YCC Natural Resources Projects	\$25,000
Law Clinic Fee Waiver LG	\$500
Professional Surveyor Contract(s)	\$77,300
Law School Externs	\$14,880
Facility Rental	\$1,500
Copies, Printer Maintence	\$2,200
<b>Totals</b>	<b>\$496,900</b>

Currently there are approximately 25 community land grants-mercedes that are political subdivisions of the State, spread across 12 counties in New Mexico. The Council is tasked with providing land grants-mercedes with support and assistance. Community land grant-merced boards of trustees are responsible for managing land grant common lands for the benefit of their heirs as well as for looking out for the health, safety and general welfare of their communities. In addition, boards of trustees are responsible for meeting all statutory requirements delegated to units of government in New Mexico. Unlike most units of government in this state, land grants-mercedes have no guaranteed revenue stream and they pay property taxes on their common lands. The members of the boards of trustees are elected officials that serve on a volunteer basis. Over 85% of all community land grants have annual operating budgets of less than \$10,000. In total, community land grant boards of trustees manage more than 200,000 acres of common land across the state. The boards of trustees must also protect the interests of the heirs on millions of additional acres of former common lands now considered public land managed by various federal and state agencies. Protecting those interests includes ensuring that heirs continue to have access to those public lands for traditional uses such as, timber harvesting, fuelwood and herb gathering, grazing and religious and cultural purposes.

Increasing the Council's budget will ensure that the necessary staffing and professional service contracts are in place to assist community land grants-mercedes with: management and protection of their common lands, community and economic development, expenditure of capital outlay; legal assistance; professional surveying; and compliance with laws and regulations pertaining to units of local government.

## FY 2023 BUDGET REQUEST

Table 3. Detailed FY 2023 Budget Request Breakdown

<b>Budget Line Item</b>	
<b>DFA Admin Fee</b>	<b>\$3,300</b>
<b>Land Grant Support Fund</b>	<b>\$30,000</b>
<b>Publishing/Book Purchases</b>	<b>\$4,000</b>
<b>In-State Travel Council</b>	<b>\$10,000</b>
<b>Out-of-State Travel Council</b>	<b>\$5,600</b>
<b>Legal Services Contract</b>	<b>\$60,000</b>
<b>Tort Liability, Bonds, &amp; Insurance Coverage Fund</b>	<b>\$30,000</b>
<b>Intergovernmental Service Agreement (IGSA) UNM - Line items below roll up into IGSA Total</b>	<b>\$507,100</b>
Salaries & Fringe	\$354,359
Personnel In-State Travel	\$15,000
Personnel Out-of-State Travel	\$4,000
Supplies, Non Capital Equipment & Miscellenous	\$4,424
Computers, computer software & supplies	\$4,000
Postage	\$300
Copy Printing Binding	\$2,500
YCC Natural Resources Contract	\$25,000
Natural Resource Environmental Law Clinic Fee Waiver	\$500
Facility rental (meetings)	\$1,500
Surveyor equipment rental	\$10,000
Government Fee Expense (Surveying)	\$1,000
20% - F&A	\$84,517
<b>Total FY 2023 Budget Request</b>	<b>\$650,000</b>

## **FY 2023 BUDGET JUSTIFICATION NARRATIVE**

### **DFA Administrative Fee - \$3,300**

**Purpose:** To provide Department of Finance and Administration Local Government Division an opportunity to recuperate costs associated with financial administration and oversight of the New Mexico Land Grant Council activities conducted by DFA-LGD in accordance with the Council being administratively attached to DFA.

**Benefit:** Administrative fees provides the Council with administrative support to handle indirect administrative overhead costs such as process financial expenditures.

**Deliverable:** Processing of: per diem and mileage for Council members; Land Grant Support Fund payments to land grants; and payments to third party contractors and vendors as requested by the Council.

### **Land Grant Support Fund - \$30,000**

**Purpose:** To provide direct financial support to community land grants that are organized as political subdivisions of the State.

**Benefit:** provide resources to community land grants for a variety of projects, including: community and economic development projects addressing land, water, wastewater and housing issues; land-use planning & zoning projects, including development and/or updates comprehensive plans, master plans and zoning ordinances; common land management services related to forest and watershed health, agricultural development, conservation, ecological monitoring, range management and environmental reviews, assessments and clearance for NEPA compliance; historic and cultural preservation work such as archeological and cultural reviews, assessments, testing, excavation, and clearances as required by state or federal law; land acquisition and related services including but not limited to professional fees for appraisals, title closings, title insurance; may include land purchases; outreach & community education; small infrastructure capital purchase including building materials, equipment and supplies.

**Deliverables:** Provide financial support to at least 6 community land grants-mercedes per fiscal year.

### **Publishing/Book Purchases - \$4,000**

**Purpose:** To publish/purchase books/materials for distribution to land grants-mercedes, elected officials, federal and state agencies and to the general public.

**Benefit:** Publication/purchase of books/materials that increase capacity of land grants-mercedes and provide information about land grants-mercedes to other relevant entities.

**Deliverables:** Publication/purchase of book/materials relating to land grants-mercedes during the fiscal year.

### **In-State Travel Mileage & Per Diem for Council - \$10,000**

**Purpose:** Provides funding for the Land Grant Council members to receive mileage and per diem for meetings.

**Benefit:** Funding will allow the Council to meet at least monthly in order set policy and provide direction to Council staff in the fulfillment of the Council's statutory requirements under 49-11-1 through 49-11-5, NMSA 1978. This includes:

- (1) facilitate the exchange of experience and advice among land grants;
- (2) serve as a liaison between land grants and federal, state and local agencies;
- (3) promote cooperation between land grants and, by consultation and advice, assist in the coordination of land grant programs;
- (4) provide board development opportunities and technical assistance to the governing boards of land grants;
- (5) provide short- and long-range planning assistance to land grants;
- (6) conduct training sessions for land grants on topics of interest, such as: (a) local, state and national zoning trends and concerns and other land - use issues; (b) state requirements for political subdivisions on such topics as open meetings, public records, procurement, risk management, tort claims and financial account ability; and conservation; (c) techniques of historical research; (d) grant writing; (e) economic development strategies; (f) rangeland management and water;
- (7) disseminate information to relevant federal, state and local agencies on land grant issues and activities and, when requested, on the status of individual land grants;
- (8) review state and federal policies, plans and legislation affecting land grants in New Mexico;

**Deliverable:** 12 regular meetings and any necessary special meetings of the New Mexico Land Grant Council.

### **Out-of-State Travel & Per Diem for the Council - \$5,600**

**Purpose:** Provides funding for the Land Grant Council members to travel to Washington D.C. to meet with congressional offices, federal

executive branch agencies and to provide testimony before congressional committees on issues and legislation pertaining to land grants-mercedes.

**Benefit:** Funding will allow the Council to meet its statutory mission, as found in §49-11-4-C-8, which is to develop and promote federal legislation for an appropriate congressional response to longstanding community land grant claims in New Mexico.

**Deliverable:** At least one trip to Washington D.C. during the fiscal year.

#### **Legal Services Contract - \$60,000**

**Purpose:** Provide legal support and assistance to land grants-mercedes.

**Benefit:** Most land grants-mercedes lack the budgetary capacity to obtain the legal services necessary to properly utilize and protect the common lands of the land grant-merced. This includes issues relating to real property disputes, contracts and negotiations, legal research and advice, compliance with federal and state law, and policy formulation. Funds would be utilized to contract legal services for land grants-mercedes.

**Deliverable:** On-call legal services contract for support to the Council and land grants-mercedes as designated by the Council.

#### **Tort Liability, Surety Bonds and Insurance Coverage Fund - \$30,000**

**Purpose:** Provide financial support and assistance to land grants-mercedes with statutory requirements to carry tort liability coverage for every risk for which immunity has been waived under the Tort Claims Act (§41-4-20, NMSA 1978) and surety bonds for the Treasurer and other members of the Board of Trustees (49-1-8, NMSA 1978). The purpose of the fund would also be to provide financial support to land grants for acquisition of property and general liability coverage.

**Benefit:** Most land grants-mercedes lack the budgetary capacity to maintain the necessary coverages to protect the assets of the land grant-merced as well as to ensure that members of the board, any employees have proper bonding and coverage protection in the event of a lawsuit. Proper insurance coverage also ensures that the general public has a mechanism for recovery of damages in the event of an accident resulting in harm.

**Deliverable:** Provide access to tort liability coverage and governmental surety bonds for approximately 25 land grants-mercedes that are political subdivisions of the State.

## **University of New Mexico Intergovernmental Service Agreement - \$507,100**

**Purpose:** Provide staffing and other administrative support to the New Mexico Land Grant Council.

**Benefit:** Allows the Council to fulfill its statutory mission through contracted services.

**Deliverables:** Details about specific deliverables will be broken down below by Intergovernmental Services Agreement budget line items.

### **Staff Salary & Fringe - \$354,359**

To provide staff positions to support the Council in fulfillment of its mission to provide a program of support to land grants-mercedes. The positions would consist of: principal investigator, program manager, research historian/archivist; administrative assistant; land grant support outreach coordinator; surveyor; cartographer/natural resources technician; Graduate interns [law student(s), planning student(s)]. Several positions (program manager, research historian/archivist, youth and land grant support coordinator, administrative assistant) will be shared positions with the University of New Mexico Land Grant Studies Program. Therefore, only a portion of the salary for these positions will be covered by the Council. Below are additional details about the positions, including amount needed for each position, purpose, benefit and deliverable for each. All staff will also provide general administrative support to the Land Grant Council as needed in the areas of drafting agendas, securing meeting locations, posting meetings notices, development of meeting minutes, coordinating activities with the Department of Finance and Administration (DFA), programmatic administration of Land Grant Support Fund, oversee and administer contracts awarded by the Council, develop correspondence on behalf of the Council and disseminate information to land grants and to other entities as needed.

#### **A. Principal Investigator - \$1,013**

**Purpose:** UNM requires at least 1% effort by a Principal Investigator to serve as main point of contact between UNM and Council regarding Intergovernmental Services Agreement.

**Benefit:** Ensure compliance with Intergovernmental Services Agreement terms and conditions.



**Deliverables:** Ensure all administrative steps necessary at UNM are completed to allow for execution of all Intergovernmental Services Agreement objectives.

**B. Program Manager (.75 FTE)- \$55,459**

**Purpose:** The program manager supervises all Council employees, works on policy analysis and development of federal and state policies relating to land grants and represents the Council in meetings with state and federal agencies. The program manager also ensures that Council resources are fully utilized, and that the Council's mission is fulfilled.

**Benefit:** Provide oversight of day-to-day operations of the Council to ensure accomplishment of statutory mission; provide policy analysis, development and recommendations that will have positive impacts on land grants-mercedes; serve as main point of contact for Council with state and federal agencies.

**Deliverables:** Ensure completion of annual report to Governor and Legislature; ensure the proper expenditure of New Mexico Land Grant Council annual budget; ensure needed services are being provided land grants-mercedes statewide; Ensure that state and federal policies affecting land grants are reviewed and that the Council provides official responses; Ensure that the Council and land grants-mercedes are represented at relevant meetings and during official government required processes.

**C. Research Historian/Archivist (.6 FTE) - \$33,251**

**Purpose:** The research historian/archivist will oversee the New Mexico Land Grant Registry, conduct historical research on land grants as it pertains to policy analysis or legal services as well as provide direct support to land grants-mercedes with archiving their grant documentation. The research historian/archivist will serve as the custodian of records for the Council and will be in charge of keeping minutes of the Council meetings. The research historian also represents the Council in meetings with state and federal agencies.

**Benefit:** Provide accurate record keeping for the New Mexico Land Grant Registry and New Mexico Land Grant Council. Provide historical research to support policy initiatives of the Council. Provide support to land grants-mercedes with historical research and archiving their records. Serves as a point of contact for Council with state and federal agencies.

**Deliverables:** Maintain and update the New Mexico Land Grant Registry records and issue letters of receipt to land grants-mercedes for documents

received by the registry; completion of monthly New Mexico Land Grant Council meeting minutes in timely manner; Ensure compliance with the Inspection of Public Records Act; assist at least 2 land grants-mercedes with historical research or archiving services. Helps to ensure that state and federal policies affecting land grants are reviewed and that the Council provides official responses; Helps to ensure that the Council and land grants-mercedes are represented at relevant meetings and during official government required processes.

**D. Unit Administrator (.25 FTE)- \$11,380**

**Purpose:** The Administrative assist will provide administrative support to the Council and staff throughout the fiscal year.

**Benefit:** To assist with the processing of council related expenditures including payroll and equipment and supply purchases, etc.

**Deliverable:** Administrative support during the fiscal year.

**E. Land Grant Support Outreach Coordinator (.6 FTE) - \$22,243**

**Purpose:** To coordinate direct technical assistance to land grants with: completion of ICIP's; expenditure of capital outlay; and assistance to Land Grant Support Fund award recipients.

**Benefit:** To help land grants more effectively and efficiently plan and complete capital projects.

**Deliverables:** Provide assistance to at least: 10 land grants with completion of ICIP; 5 land grants with expenditure of Capital Outlay appropriations; 4 land grants with Land Grant Support Fund sponsored projects.

**F. Natural Resource Technical Assistance Provider/Cartographer (1.0 FTE) - \$42,266**

**Purpose:** To direct technical assistance to land grants with management of natural resources including: planning and implementation of projects, applying for and administering natural resources management funding and developing GIS mapping for land grants.

**Benefit:** To help land grants more effectively and efficiently manage their common lands and natural resources.

**Deliverables:** Provide assistance to at least: 5 land grants with natural resources management concerns and projects and develop GIS maps as needed for distribution to land grants and the general public.

**G. Surveyor (.75 FTE) – \$62,400**

**Purpose:** To provide professional surveying services to land grants-mercedes to properly locate boundaries of existing common lands in order to decrease illegal encroachments and to review surveys conducted by private parties within or adjacent to exterior boundaries of land grants-mercedes.

**Benefit:** Since the original patent boundary surveys were completed of the exterior boundaries of land grants in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, few land grants have had the means to conduct boundary surveys for lands within the exterior boundaries. As a result, most surveys within the exterior boundaries have been conducted by private individuals, often times to the detriment of the common lands. The cost of land surveys is still a factor prohibiting most land grants from being able to conduct surveys on the common lands they still possess.

**Deliverables:** Provide surveying services to at least 4 land grants throughout the fiscal year.

**H. Graduate Interns – Law Student(s) - \$22,500 for 2 - 4 students (2 year-long or 2 per semester for total of 4)**

**Purpose:** To provide additional legal support to land grants through internship with students from UNM School of Law, while at the same time providing exposure of law students to land grant-mercedes.

**Benefit:** Low-cost legal assistance to land grants while utilizing internships to vet students for placement in the Community Governance Attorney Program, which provides loan forgiveness for 3<sup>rd</sup> year law students that commit to serve as a community governance attorney for two years after passing the BAR exam.

**Deliverables:** Provide at least 2 law student interns to work directly with the Council's legal services provider, there-by increasing amount of legal assistance to land grants-mercedes.

**I. Graduate Intern – Planning Student - \$11,200**

**Purpose:** To provide additional technical support to land grants in the area of natural resources and community development planning through internship with graduate student for the UNM School of Architecture and Planning.

**Benefit:** Low-cost planning and technical assistance to land grants through utilization of graduate interns.

**Deliverables:** Provide at least 1 Community and Regional student intern to work directly with the land grants on natural resources and community/economic development planning and implementation.

**J. Fringe Benefits - \$92,647**

**Purpose:** To cover employer portion of federal and state payroll salary deductions, employee health insurance and other employee benefits.

**Benefit:** Provide employee benefits as required by law.

**Deliverables:** Ensure compliance with federal and state deduction requirements.

**Personnel Travel In-State – \$15,000**

**Purpose:** Travel throughout New Mexico to provide direct technical assistance to eligible community land grants and to attend meetings with state and federal agencies, legislative hearings and other land grant council related business.

**Benefit:** Ability for Council staff to provide direct assistance to land grants in their communities. Also provides Council staff the ability to attend land grant related meetings around the state.

**Deliverables:** Attend meetings of: land grant boards of trustees; federal and state agency partners; attend meetings of the Legislative Land Grant Interim Committee and other legislative hearings; provide in the field direct assistance to at least 8 eligible community land grants; attend NM Land Grant Council meetings located outside of Albuquerque; travel to Santa Fe for delivery of Council related materials to the Department of Finance and Administration as needed.

**Out-of-State Travel – Personnel - \$4,000**

**Purpose:** Provides funding for the Land Grant Council staff to travel to Washington D.C. to meet with congressional offices, federal executive branch agencies and to provide testimony before congressional committees on issues and legislation pertaining to land grants-mercedes.

**Benefit:** Funding will allow the Council to meet its statutory mission, as found in §49-11-4-C-8, which is to develop and promote federal legislation for an appropriate congressional response to longstanding community land grant claims in New Mexico.

**Deliverable:** At least 1 trip to Washington D.C. during the fiscal year.

### **Supplies, Non-Capital Equipment & Miscellaneous - \$4,424**

**Purpose:** To purchase necessary office supplies, surveying supplies, orthographic photos (relating to survey work), office equipment, office keys and security codes.

**Benefit:** Provide materials necessary such as copy paper, staples, paper clips, surveying supplies, office equipment, etc., related to supporting the Council and land grants-mercedes throughout New Mexico.

**Deliverables:** Ability to produce work products by the Council directly to land grants-mercedes or for distribution to land grants-mercedes, federal and state agencies and the general public.

### **Computers, computer software and supplies - \$4,000**

**Purpose:** To purchase computers, computer supplies and software relating to the conduct of Council business.

**Benefit:** Provide equipment and software necessary related to supporting the Council and land grants-mercedes throughout New Mexico.

**Deliverables:** Ability to conduct work by the Council staff.

### **Postage - \$300**

**Purpose:** To purchase necessary postage relating to the conduct of Council business.

**Benefit:** Provide for mailing of materials such as Land Grant Registry receipt letters and materials distributed to land grants-mercedes throughout the year.

**Deliverables:** Disseminate information to community land grants, federal and state agencies and the general public via mail.

### **Printing and Copy Maintenance - \$2,500**

**Purpose:** To maintain copy machine through a maintenance service contract.

**Benefit:** Allow for coping of materials related to conducting business of the Council and for providing land grants with copies of materials as requested.

**Deliverables:** In house production of small-scale materials produced by the Council for use in daily operations and distribution to land grants and general public. Provide copying services to at least 4 land grants-mercedes throughout the fiscal year.

### **YCC Service Contract- \$25,000**

**Purpose:** To provide funding for Land Grant Youth Conservation Corps through partnership with Ancestral Land Conservation Corps.

**Benefit:** Provide opportunities for land grant youth to participate in conservation projects in land grant communities that help protect and preserve land grant-merced natural resources and community assets.

**Deliverables:** 5 weeks of work from a 5-person youth work crew.

#### **UNM Natural Resources and Environmental Law Clinic (NRELC) Fees - \$500**

**Purpose:** To cover minimal client and materials fee for land grants-mercedes receiving assistance from UNM Natural Resources and Environmental Law Clinic.

**Benefit:** Give land grants-mercedes access to free legal services from UNM Law School students while providing law students an opportunity to practice law and learn about land grants-mercedes.

**Deliverables:** Cover the client and materials fee for land grants-mercedes receiving services from the NRELC throughout the fiscal year.

#### **Meeting Expense - \$1,500**

**Purpose:** Allows the Council to pay for rental space to host monthly Council meeting.

**Benefit:** Provides adequate meeting space for council meetings.

**Deliverable:** The Council will hold 12 regular monthly meetings and any necessary special meetings throughout FY 2023.

#### **Surveyor Equipment Rental - \$10,000**

**Purpose:** Allows the Council to pay for rental of surveyor equipment.

**Benefit:** Provides equipment and tools necessary to properly conduct land surveying. Rental of equipment is necessary due to the high cost of direct purchase of equipment. Surveying equipment on average can run upward of \$50,000 to \$60,000 not including any necessary annual subscriptions to maintain updated software. At the moment it would be more cost effective for the Council to rent equipment than to purchase.

**Deliverable:** Provide professional land surveying services to at least 5 land grants throughout the fiscal year.

#### **Government Fee Expenses - \$1,000**

**Purpose:** To cover fees charged by governmental entities for copies and filing.

**Benefit:** Allow Council's surveyor and other staff to obtain copies of deeds and other relevant records as well cover filing fees for recording deeds and surveys.

**Deliverables:** Obtain/file records for at least 4 land grants-mercedes throughout FY 2023.

#### **Facilities and Administration Fee to University of New Mexico -\$84,517**

**Purpose:** To allow the Council to enter into an agreement with the University of New Mexico for administrative and support services related to fulfilling the Council's mission. Approved F & A rate for contracts between the University of New Mexico and the Department of Finance and Administration is 20%.

**Benefit:** F & A provides the Council with office space at the University of New Mexico as well as general administrative support from UNM.

**Deliverable:** Office space at the UNM main campus; hosting of Council website; administrative support for Council, staff and Council approved contracts; e-mail and internet access for Council and staff; general accounting and grants management services, purchasing and procurement services, access to legal services related to IGSA.

# **Appendix-1**

## **FY 2021 Meeting Agendas**





**New Mexico Land Grant Council**  
1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106  
Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

**COUNCIL MEETING**  
**Virtual Meeting,**  
**Zoom – Meeting I.D. 921 2441 3572**  
**July 13, 2020 - 10:00 am**

**Agenda**

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Council Meeting of June 25, 2020
5. Discussion and Possible Action on Capital Outlay for Cristóbal de La Serna Land Purchases
6. Discussion and Possible Action on U.S. Forest Service Update – Including Master Stewardship Agreement & Manzano Lake Issue.
7. Discussion and Possible Action on BLM Update
8. Discussion and Possible Action on Federal and State Legislative Updates
9. Discussion and Possible action on FY 2019 Land Grant Capital Outlay Updates
10. Discussion and Possible Action on State Forest Action Plan Update
11. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
12. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update & Requests
13. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
14. Discussion and Possible Action on Council FY 2020 & FY 2021 Budget
15. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020 & FY 2021
16. Discussion and Possible Action on Land Grant Support Fund
17. Discussion and Possible Action on Anton Chico Land Grant Issue
18. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
19. Discussion and Possible Action on Laguna del Campo
20. Discussion and Possible Action on Land Grant Registry
21. Discussion and Possible Action on Land Grant Studies Program Update
22. Discussion and Possible Action on Correspondence
23. Discussion and Possible Action on Staff Assignments – Service as expert witness
24. Public Comments – discussion only
25. Miscellaneous Announcements
26. Date and Location for August Council Meeting
27. Adjournment



## New Mexico Land Grant Council

**Mailing:** MSC02 1680, 1 University of New Mexico, Albuquerque, NM 87131

**Physical:** 1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106

**Email:** nmlandgrantcouncil@unm.edu ♦ **Website:** www.lgc.unm.edu

### COUNCIL MEETING Virtual Meeting, Zoom – Meeting I.D. 977 7569 5487 August 4, 2020 - 10:00 am

#### Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Council Meeting of July 13, 2020
5. Discussion and Possible Action on Federal and State Legislative Updates - Including Presentation by Congressman Luján.
6. Discussion and Possible Action on BLM Update
7. Discussion and Possible Action on U.S. Forest Service Update
8. Discussion and Possible action on Land Grant Capital Outlay Update
9. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget
10. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
11. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update & Requests
12. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
13. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2021
14. Discussion and Possible Action on Creation of Land Grant Institute at UNM
15. Discussion and Possible Action on Land Grant Support Fund
16. Discussion and Possible Action on State Land Office Forestry Projects
17. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
18. Discussion and Possible Action on Laguna del Campo Update
19. Discussion and Possible Action on Land Grant Registry Update
20. Discussion and Possible Action on Land Grant Studies Program Update
21. Discussion and Possible Action on Correspondence
22. Discussion and Possible Action on Staff Assignments
23. Public Comments – discussion only
24. Miscellaneous Announcements
25. Date and Location for September Council Meeting
26. Adjournment



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### COUNCIL MEETING

Virtual Meeting,

Zoom – Meeting I.D. 935 4418 5933

September 17, 2020 - 10:00 am

### Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Council Meeting of August 4, 2020
5. Discussion and Possible Action on BLM Update
6. Discussion and Possible Action on U.S. Forest Service Update – Including Master Stewardship Agreement
7. Discussion and Possible Action on Federal and State Legislative Updates
8. Discussion and Possible Action on Stewardship Agreement with State Land Office
9. Discussion and Possible Action on Open Meetings Act Resolution
10. Discussion and Possible Action on Land Grant Capital Outlay Update
11. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget
12. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
13. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update & Requests
14. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
15. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2021
16. Discussion and Possible Action on Creation of Land Grant Institute at UNM
17. Discussion and Possible Action on Land Grant Support Fund
18. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
19. Discussion and Possible Action on Laguna del Campo Update
20. Discussion and Possible Action on Land Grant Registry Update
21. Discussion and Possible Action on Land Grant Studies Program Update
22. Discussion and Possible Action on Correspondence
23. Discussion and Possible Action on Staff Assignments
24. Public Comments – discussion only
25. Miscellaneous Announcements
26. Date and Location for October 2020 Council Meeting
27. Adjournment



## New Mexico Land Grant Council

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### COUNCIL MEETING

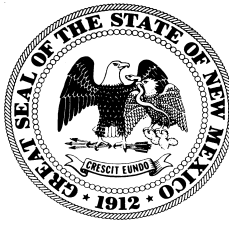
#### Virtual Meeting

**Zoom – Meeting I.D. 973 4121 0080**

**October 22, 2020 - 10:00 am**

### Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Council Meeting of September 17, 2020
5. Discussion and Possible Action on U.S Forest Service Update
6. Discussion and Possible Action on Federal and State Legislative Updates
7. Discussion and Possible Action on BLM Update
8. Discussion and Possible Action on Stewardship Agreement with State Land Office
9. Discussion and Possible Action on Cristóbal Nieto Land Grant
10. Discussion and Possible Action on Council FY 2021 Budget
11. Discussion and Possible Action on Land Grant Support Fund
12. Discussion and Possible Action on Creation of Land Grant Institute at UNM
13. Discussion and Possible Action on Land Grant Capital Outlay Update
14. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests – Santo Tomás de Río de las Trampas Land Grant, San Antonio de las Huertas Land Grant.
15. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update
16. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
17. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2021
18. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
19. Discussion and Possible Action on Laguna del Campo Update
20. Discussion and Possible Action on Land Grant Registry Update
21. Discussion and Possible Action on Land Grant Studies Program Update
22. Discussion and Possible Action on Correspondence
23. Discussion and Possible Action on Staff Assignments – Appointment to AG Equity Advisory Council; NM Dept Ag Health Soils Program Grant Review Committee
24. Public Comments – discussion only
25. Miscellaneous Announcements
26. Date and Location for November Council Meeting
27. Adjournment



## New Mexico Land Grant Council

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### COUNCIL MEETING

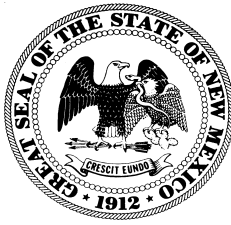
Virtual Meeting,

Zoom – Meeting I.D. 953 8873 2007

November 12, 2020 - 10:00 am

### Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Council Meeting of October 22, 2020
5. Discussion and Possible Action on Federal and State Legislative Updates
6. Discussion and Possible Action on BLM Update
7. Discussion and Possible Action on U.S Forest Service Update – Including Master Stewardship Agreement
8. Discussion and Possible Action on State Land Office fuelwood projects
9. Discussion and Possible Action on Cristóbal Nieto Land Grant
10. Discussion and Possible Action on Council FY 2021 Budget
11. Discussion and Possible Action on Land Grant Support Fund Update
12. Discussion and Possible Action on Creation of Land Grant Institute at UNM Update
13. Discussion and Possible Action on Land Grant Capital Outlay Update
14. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
15. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
16. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update
17. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2021
18. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
19. Discussion and Possible Action on Laguna del Campo Update
20. Discussion and Possible Action on Land Grant Registry Update
21. Discussion and Possible Action on Land Grant Studies Program Update
22. Discussion and Possible Action on Correspondence
23. Discussion and Possible Action on Staff Assignments
24. Public Comments – discussion only
25. Miscellaneous Announcements
26. Date and Location for December Council Meeting
27. Adjournment



## **New Mexico Land Grant Council**

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### **SPECIAL COUNCIL MEETING** **Virtual Meeting,** **Zoom – Meeting I.D. 947 9912 7868** **November 18, 2020 - 10:00 am**

#### **Agenda**

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
5. Adjournment



## **New Mexico Land Grant Council**

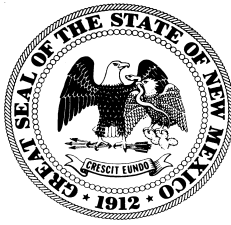
**Mailing:** MSC02 1680, 1 University of New Mexico, Albuquerque, NM 87131  
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### **COUNCIL MEETING** **Virtual Meeting,** **Zoom – Meeting I.D. 917 3172 3312** **December 17, 2020 - 10:00 am**

#### **Agenda**

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from 11/12/20 & Special Meeting Minutes from 11/18/20
5. Discussion and Possible Action on BLM Update
6. Discussion and Possible Action on USFS. Update – Including Master Stewardship Agreement
7. Discussion and Possible Action on Federal and State Legislative Updates
8. Discussion and Possible Action on State Land Office fuelwood projects
9. Discussion and Possible Action on Cristóbal Nieto Land Grant
10. Discussion and Possible Action on Council FY 2021 Budget
11. Discussion and Possible Action on Land Grant Support Fund Update
12. Discussion and Possible Action on Creation of Land Grant Institute at UNM Update
13. Discussion and Possible Action on Land Grant Capital Outlay Update
14. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
15. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
16. Discussion and Possible Action on Treaty Division Update – Including Amendments to Statute
17. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2021
18. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
19. Discussion and Possible Action on Laguna del Campo Update
20. Discussion and Possible Action on Land Grant Registry Update
21. Discussion and Possible Action on Land Grant Studies Program Update
22. Discussion and Possible Action on Correspondence – Request for support Federico Reade
23. Discussion and Possible Action on Staff Assignments
24. Public Comments – discussion only
25. Miscellaneous Announcements
26. Date and Location for January Council Meeting
27. Adjournment





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### COUNCIL MEETING

Virtual Meeting,

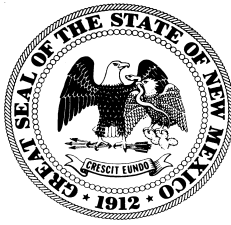
Zoom – Meeting I.D. - 915 4187 3757

January 21, 2021 - 10:00 am

### Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from December 17, 2020
5. Discussion and Possible Action on U.S. Forest Service Update
6. Discussion and Possible Action on Bureau of Land Management Update
7. Discussion and Possible Action on Federal and State Legislation
8. Discussion and Possible Action on 2021 Treaty of Guadalupe Hidalgo Day
9. Discussion and Possible Action on Council FY 2021 Budget – Including BAR
10. Discussion and Possible Action on Land Grant Support Fund Update
11. Discussion and Possible Action on Creation of Land Grant Institute at UNM Update
12. Discussion and Possible Action on Land Grant Capital Outlay Update
13. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
14. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
15. Discussion and Possible Action on Treaty Division Update – Including Amendments to Statute
16. Discussion and Possible Action on UNM Intergovernmental Services Agreement - FY 2021
17. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
18. Discussion and Possible Action on State Land Office fuelwood projects
19. Discussion and Possible Action on Laguna del Campo Update
20. Discussion and Possible Action on Land Grant Registry Update
21. Discussion and Possible Action on Land Grant Studies Program Update
22. Discussion and Possible Action on Correspondence
23. Discussion and Possible Action on Staff Assignments
24. Public Comments – discussion only
25. Miscellaneous Announcements
26. Date and Location for February Council Meeting
27. Adjournment





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### COUNCIL MEETING

Virtual Meeting,

Zoom – Meeting I.D. - 935 5418 7603

February 18, 2021 - 10:00 am

### Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from January 21, 2021 Council meeting
5. Discussion and Possible Action on Bureau of Land Management Update
6. Discussion and Possible Action on U.S. Forest Service Update
7. Discussion and Possible Action on Federal and State Legislation
8. Discussion and Possible Action on Council FY 2021 Budget
9. Discussion and Possible Action on Land Grant Support Fund Update
10. Discussion and Possible Action on Creation of Land Grant Institute at UNM Update
11. Discussion and Possible Action on Land Grant Capital Outlay Update
12. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
13. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
14. Discussion and Possible Action on Treaty Division Update
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16. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
17. Discussion and Possible Action on State Land Office fuelwood projects
18. Discussion and Possible Action on Laguna del Campo Update
19. Discussion and Possible Action on Land Grant Registry Update
20. Discussion and Possible Action on Land Grant Studies Program Update
21. Discussion and Possible Action on Correspondence
22. Discussion and Possible Action on Staff Assignments
23. Public Comments – discussion only
24. Miscellaneous Announcements
25. Date and Location for March 2021 Council Meeting
26. Adjournment



## New Mexico Land Grant Council

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### COUNCIL MEETING

Virtual Meeting,

Zoom – Meeting I.D. – 923 0038 3536

March 25, 2021 - 10:00 am

### Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from February 18, 2021 Council meeting
5. Discussion and Possible Action on Presentation from Land Commissioner Garcia Richard
6. Discussion and Possible Action on U.S. Forest Service Update
7. Discussion and Possible Action on Bureau of Land Management Update
8. Discussion and Possible Action on Federal and State Legislative Update
9. Discussion and Possible Action on State Forestry, Heathy Soils and USDA Programs
10. Discussion and Possible Action on Anton Chico Land Grant Election Oversight
11. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget
12. Discussion and Possible Action on Land Grant Support Fund Update
13. Discussion and Possible Action on Creation of Land Grant Institute at UNM Update
14. Discussion and Possible Action on Land Grant Capital Outlay Update
15. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
16. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
17. Discussion and Possible Action on Treaty Division Update
18. Discussion and Possible Action on UNM Intergovernmental Services Agreement - FY 2021
19. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
20. Discussion and Possible Action on Laguna del Campo Update
21. Discussion and Possible Action on Land Grant Registry Update
22. Discussion and Possible Action on Land Grant Studies Program Update
23. Discussion and Possible Action on Correspondence
24. Discussion and Possible Action on Staff Assignments
25. Public Comments – discussion only
26. Miscellaneous Announcements
27. Date and Location for April 2021 Council Meeting
28. Adjournment



## **New Mexico Land Grant Council**

**Mailing:** MSC02 1680, 1 University of New Mexico, Albuquerque, NM 87131

**Physical:** 1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106

**Email:** nmlandgrantcouncil@unm.edu ♦ **Website:** www.lgc.unm.edu

### **COUNCIL MEETING**

**Virtual Meeting,**

**Zoom – Meeting I.D. – 927-6701-1058**

**April 22, 2021 - 10:00 am**

### **Agenda**

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from March 25, 2021 Council meeting
5. Discussion and Possible Action on U.S. Forest Service Update
6. Discussion and Possible Action on Bureau of Land Management Update
7. Discussion and Possible Action on Federal and State Legislative Update
8. Discussion and Possible Action on State Land Office Projects
9. Discussion and Possible Action on Natural Lands Protection Act Committee Recommendations
10. Discussion and Possible Action on State Forestry, Heathy Soils and USDA Programs
11. Discussion and Possible Action on Anton Chico Land Grant Election Oversight
12. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget
13. Discussion and Possible Action on Land Grant Support Fund Update
14. Discussion and Possible Action on Land Grant Capital Outlay Update
15. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
16. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
17. Discussion and Possible Action on Treaty Division Update
18. Discussion and Possible Action on UNM Intergovernmental Services Agreement - FY21 & FY22
19. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
20. Discussion and Possible Action on Laguna del Campo Update
21. Discussion and Possible Action on Land Grant Registry Update
22. Discussion and Possible Action on Land Grant Institute/Land Grant Studies Program Update
23. Discussion and Possible Action on Correspondence
24. Discussion and Possible Action on Staff Assignments
25. Public Comments – discussion only
26. Miscellaneous Announcements
27. Date and Location for May 2021 Council Meeting
28. Adjournment



## **New Mexico Land Grant Council**

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### **COUNCIL MEETING**

**Virtual Meeting,**

**Zoom – Meeting I.D. – 997 9893 3873**

**May 20, 2021 - 10:00 am**

### **Agenda**

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from April 22, 2021 Council meeting
5. Discussion and Possible Action on Bureau of Land Management Update
6. Discussion and Possible Action on U.S. Forest Service Update
7. Discussion and Possible Action on Federal and State Legislative Update
8. Discussion and Possible Action on State Land Office Projects
9. Discussion and Possible Action on State Forestry, Heathy Soils and USDA Programs
10. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget
11. Discussion and Possible Action on Land Grant Support Fund Update
12. Discussion and Possible Action on Land Grant Capital Outlay Update
13. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
14. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
15. Discussion and Possible Action on Treaty Division Update
16. Discussion and Possible Action on UNM Intergovernmental Services Agreement - FY21 & FY22
17. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
18. Discussion and Possible Action on Laguna del Campo Update
19. Discussion and Possible Action on Land Grant Registry Update
20. Discussion and Possible Action on Land Grant Institute/Land Grant Studies Program Update
21. Discussion and Possible Action on Correspondence
22. Discussion and Possible Action on Staff Assignments
23. Public Comments – discussion only
24. Miscellaneous Announcements
25. Date and Location for June 2021 Council Meeting
26. Adjournment



## New Mexico Land Grant Council

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### COUNCIL MEETING In-Person + Virtual Meeting, Tomé Dominguez Community Center, Tomé Zoom – Meeting I.D. – 992 5113 7865 June 24, 2021 - 10:00 am

#### Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from May 20, 2021 Council meeting
5. Discussion and Possible Action on State Land Office Projects
6. Discussion and Possible Action on Bureau of Land Management Update
7. Discussion and Possible Action on U.S. Forest Service Update
8. Discussion and Possible Action on Federal and State Legislative Update
9. Discussion and Possible Action on Department of Information Technology Broadband Access
10. Discussion and Possible Action on Cannabis Presentation by Robert Sanchez
11. Discussion and Possible Action on Cannabis Regulation Input Letter
12. Discussion and Possible Action on State Forestry, Heathy Soils and USDA Programs
13. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget
14. Discussion and Possible Action UNM Intergovernmental Services Agreement - FY21 & FY22
15. Discussion and Possible Action on Land Grant Support Fund Update
16. Discussion and Possible Action on Land Grant Capital Outlay Update
17. Discussion and Possible Action on Legal Services for Land Grants Update & Requests
18. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
19. Discussion and Possible Action on Treaty Division Update
20. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
21. Discussion and Possible Action on Laguna del Campo Update
22. Discussion and Possible Action on Land Grant Registry Update
23. Discussion and Possible Action on Land Grant Institute/Land Grant Studies Program Update
24. Discussion and Possible Action on Correspondence
25. Discussion and Possible Action on Staff Assignments
26. Public Comments – discussion only
27. Miscellaneous Announcements

28. Date and Location for July 2021 Council Meeting

29. Adjournment

## **Appendix-2**

# **FY 2021 Meeting Minutes**

New Mexico Land Grant Council (NMLGC)  
July 13, 2020 – 10:00am  
Virtual Meeting  
Zoom ID: 921 2241 3572

**Minutes – Final**  
**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:05am. Roll call of the Council members: Andrea Padilla, Rebecca Correa Skartwed, Steve Polaco, Juan Sánchez were present. (Councilor Leonard Martínez joined the meeting late).

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla ( NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Novela Salazar (Office of the New Mexico Attorney General); LM García y Griego (NMLGC/LGSP); Kris Graham Chávez (NRCS); Renee Ward (Deputy Cabinet Secretary, DFA); Carmen Morin (Special Service Bureau, DFA); Dillon Fisher-Ives (Deputy General Counsel, DFA); Jeanatte Gallegos (Special Service Bureau Chief, DFA); Scott Wright (Community Development Bureau Chief, DFA); Sofía Sánchez (Office of Congresswoman Deb Haaland); Lisa Morrison (BLM); Michelle Kavanaugh (Office of Sen. Tom Udall); Eric Chavez (Office of Congressman Ben Ray Luján); Patricia Domínguez (Office of Sen. Martin Heinrich).

**3. Approval of Agenda**

Councilor Andrea Padilla made a motion to approve the agenda; Councilor Rebecca Correa-Skartwed seconded the motion.

Roll call vote: Councilor Padilla - aye  
                  Councilor Correa-Skartwed - aye  
                  Councilor Polaco - aye  
                  Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from Council Meeting of June 25, 2020**

Councilor Correa-Skartwed made a motion to approve the meeting minutes of the June 25, 2020 Council meeting; Councilor Steve Polaco seconded the motion.

Roll call vote: Councilor Padilla - aye  
                  Councilor Correa-Skartwed- aye  
                  Councilor Polaco - aye  
                  Chairman Sánchez – aye

The motion was passed.



## **5. Discussion and Possible Action on Capital Outlay for Cristóbal de la Serna Land Purchases**

Mr. Arturo Archuleta discussed the 2019 capital outlay appropriation (\$50,000.00) for the Cristóbal de la Serna Land Grant for the purchase of land. Some questioned the status of the Cristóbal de la Serna Land Grant because of an old court case that found the grant to be private. The 1990s case involved the land grant association and was flagged by Legislative Council Service (LCS) staff, who opined that the case barred the Grant from receiving public monies. Since the capital outlay appropriation was awarded, NMLGC staff has worked with the Department of Finance and Administration (DFA)'s Local Government Division staff to issue a grant agreement, which was first sent directly to the Cristóbal de la Serna Land Grant, whose officers did not sign off on the grant, fearing loss of the monies. The grant agreement was then to be reissued to the Council but was delayed. In May, the spending freeze slowed the signing of grant agreement and funds were included in final sweep of funds by the governor's office after the 2020 special legislative session. Entities whose appropriation was included in the sweep have 90 days to encumber 5% of their appropriation and Mr. Archuleta has worked with Scott Wright of DFA to spend this money.

Despite the opinion of the LCS staff member, the Cristóbal de la Serna is a community grant. In the 1930s, Taos County and the New Mexico Taxation and Revenue Department did a plain table survey of community lands to assess taxes on common land. Taos County assessed 300 families long narrow strips, called "liñas," from the river (Río Grande del Rancho) to Picuris peak. These liñas are 5 miles long and 3 feet to 300 feet wide. Families were assigned liñas on which they paid taxes. This scheme allowed land speculators to get portions of common lands by buying properties of communal land that was never meant to be owned by individuals. Both sellers and purchasers used tax payments as evidence of ownership. Starting in the 1970, developers got huge swaths of contiguous properties and the 1990s court case that determined that the Grant was private derives from the expanded claim of outside interests from a 90 acre parcel to 5,000 acres. The family that speculated in the grant lands wished to develop the property, but eventually sold the land to the U.S. Forest Service. HJM 1 directed the New Mexico Attorney General's office to study the Cristóbal de la Serna liñas issue and the NMAG recommended that the Grant purchase properties as the best solution to demonstrate that the grant is a community grant with interest in the commons. The 2019 capital outlay appropriation of \$50,000 was for the purchase of liñas and the Grant has identified owners of liñas that are interested in selling to the Grant.

The community is afraid of losing these monies. Prior to the May 2020 freeze, NMLGC staff provided information to Scott Wright of DFA; Mr. Wright stated that there was an issue with the NMLGC serving as fiscal agent. Jeanette Gallegos, Scott Wright, and Dillon Fisher-Ives commented that the issue was the NMLGC's administrative attachment to DFA, which had fiscal implications where DFA cannot make a payment to itself, as well as other budgetary issues. Ms. Gallegos also stated that usually groups receiving monies are vendors in the DFA system and the NMLGC does not have a tax id nor bank account, so DFA cannot set the NMLGC up as a vendor on their system. Funds are typically issued as a reimbursement and DFA cannot reimburse itself. DFA determined that the money goes to the Cristóbal de la Serna Land Grant and that the NMLGC would serve as fiscal agent, but grant agreement stays with grantee, the Serna Land Grant., which needs to be compliant with Executive Order 6 issues. Mr. Archuleta responded that the Grant is

cash and land poor and would request advanced payment; Ms. Gallegos responded that funds can be advanced with a 5 day window to complete the purchase. Chairman Sánchez commented that he was glad that this is finally working out as the Council and Grant have been waiting for a long time. Mr. Wright asked if the Grant had agreed upon procedures, which, if up-to-date, can move the process more quickly. Mr. Archuleta responded that they have less than \$10,000 per year in revenue and need only to complete the certification; he will check with Grant president Beverly Armijo to see that this have been submitted. He also asked if the language in the capital outlay request, specifically naming the New Mexico Land Grant Council, will be an issue; Ms. Gallegos responded that she checked with the DFA CFO and that it is fine for the NMLGC to continue to serve as the fiscal agent. Mr. Archuleta followed asking that if the NMLGC were to receive an appropriation, would this be an issue in the future, or if this is an issue just because this money was received on behalf of another entity; Ms. Gallegos responded that the issue is that the Council is receiving the monies on behalf of a land grant. Mr. Archuleta added that in 2009, the legislation creating the NMLGC specifically stated that the NMLGC could serve as a fiscal agent, recognizing that land grants are cash poor and that the NMLGC may need to help land grants in these situations. This is the first time that NMLGC has tried to do this and is something that the NMLGC needs to explore. The Council has also discussed proper place for the NMLGC and have explored UNM as a possible place to house the Council. Since its inception, the NMLGC has grown in services it provides to land grants, despite constraints inhibiting its growth. Ms. Gallegos responded that she agrees and that the discussions need to continue, specially on how to move forward on fiscal agent agreements. Land grants generally do not have money go to a fiscal agent but need oversight to ensure that the monies are spent properly.

## **6. Discussion and Possible Action on U.S. Forest Service Update - Including Master Stewardship Agreement and Manzano Lake Issue**

Mr. Archuleta commented that discussions with the U.S. Forest Service have continued n how best to meet the needs of land grant communities. There communities most often have issues with obtaining fuelwood and the three northern forests (Carson, Cíbola, Santa Fe) hope to replicate the community-based forestry model used in the Cerro Negro Project and in Las Trampas. To expand these projects, an overarching agreement at the regional level may be necessary. Chairman Sánchez and Councilor Martínez were members of the Council when such an agreement was attempted in 2012 under the Martínez administration, but was blocked when DFA did not want to take on the administration of federal grants and did not approve of new funds coming into communities. The Council decided not to pursue another agreement until a change in administration. Governor Michelle Luján Grisham's administration is interested in these agreements. The draft Master Stewardship Agreement (MSA, in packet) would allow for the three northern forests to engage in local stewardship agreements with communities through SPAs (Supplemental Project Agreements). Even in tough financial times, these agreements are important where there are excess monies that can be put toward these approved projects. At the end of the fiscal year, the USFS can move funding from firefighting and other projects to these local community projects, like fuelwood projects. The SPAs themselves are agreements with local communities and the NMLGC may serve as fiscal agent or may simply help local communities administer these funds. The NMLGC staff has worked with the USFS to revise and update the 2012 MSA and the next step is going to DFA to discuss further. Mr. Ives-Fisher asked what justification was provided by DFA in negating this agreement in 2012. Mr. Archuleta responded that the NMLGC created under Richardson administration and was actually staffed by

DFA (Jimmy Rodríguez of the Capitol Projects Bureau) but that the Martínez administration did not prioritize staffing nor funding the Council and at one point, wanted to issue the Council its budget via a lump sum payment until they figured that they could not do so. They reluctantly decided to issue budget to NMLGC, which contracted their own staff while DFA provided limited administrative and fiscal support for the Council. In the case of the 2012 MSA with the USFS, DFA decided they did not want to take on this extra work. The Council was set to sign the MSA and, at the 11<sup>th</sup> hour, immediately before the Council meeting, DFA decided that they would not sign off on the agreement. The NMLGC backed off and the Forest Service did not pursue, and the MOU between the Council and the USFS expired in 2016. A new MOU has not moved forward under the Trump administration.

Councilor Polaco asked if the agreement would apply to state lands, as he wants to make sure the Tierra Amarilla Land Grant is not left out; Mr. Archuleta responded that it only applied to federal lands of which the USFS was the manager. The Legislative Land Grant Interim Committee did discuss the possibility of traditional uses on state owned properties and LCS stated that it will be on the agenda for the 2020 interim session. Ms. Gallegos (DFA) stated that she does not know the history of the previous MSA and that it would be beneficial to see to know what was involved and to approach the new DFA leadership to see what it entails. The CFO of DFA has stated that the NMLGC does not have authority to receive funds outside of funding received from HB 2. The Council would need to work with the Administrative Services Division and the Budget Division to see how to get authority for any funding outside of HB 2. This could as simple as a budget adjustment request. Mr. Archuleta also stated that the NMLGC is awaiting its final 2021 budget from DFA, so the Council can adjust budget for FY 2021. Budget requests for 2022 are typically due in September and the NMLGC usually discusses this in the July and August meetings. The Governor's administration recommended increasing the Council budget in the 2020 Legislative Session and at the end of the session, Local Government Division director Donnie Quintana asked that DFA and the NMLGC discuss the Council's budget jointly. Where other departments and agencies are taking cuts on growing budget, the NMLGC is taking cuts on flat budget. The Council will typically ask for growth as it is understaffed.

Ms. Gallegos responded that DFA does not anticipate a budget cut for the NMLGC for the FY 2021 budget. The current agency official draft (which has yet to be approved) does not include a cut as cuts have been prioritized for programs that did receive increases. FY 2022 requests are due to the LFC by September. In her opinion, FY 2022 will not include any increases, but she also does not anticipate any additional cuts for FY 2021. Mr. Archuleta thanked Ms. Gallegos for the update and stated that the Council will likely not meet until the middle of August, meaning that the Council might have a special meeting in late July or early August to discuss the FY 2022 budget and hold a workshop to create a recommendation. He asked what the "drop-dead" date for a budget recommendation to DFA was. Ms. Gallegos responded that a collaborative budget developed and submitted to DFA by early August would work. Councilor Martínez commented that last time the Council did an MSA, it took lots of time and effort and DFA blocked it and did not want to waste time and budget when funds are low if this type of agreement will not be approved. Resources from the federal government would help, especially in projects benefitting land grant communities. The San Joaquín del Río de Chama Land Grant is expending monies and effort to procure firewood. Mr. Archuleta suggested that DFA and the USFS have a meeting that includes the New Mexico State Forester, to go over the MSA, so everyone has an understanding of

the agreement. Chairman Sánchez suggested to Mr. Archuleta that he share a copy of the 2012 MSA with DFA; Mr. Archuleta responded that the draft MSA is in the meeting packet but that he can also share separately and asked Ms. Gallegos to share the names and contact information for DFA staffers that would need to review the agreement. Mr. Fisher-Ives commented that DFA will give do credit and review and does not want to waste anyone's time; the MSA may possibly be easy and DFA will look at this with a new set of eyes. Regarding other revenue sources, if discussing federal funds, which are received outside of HB 2, there might be more flexibility. He asked if transfer authority was being discussed as well and questioned what other funding sources were discussed. Ms. Gallegos responded that, per Elena Tercero and Miranda Mascareñas of ASD, the NMLGC does not have the authority to receive funds and would need a budget authority adjustment. LM García y Griego (LGSP) commented that in 2012, the NMLGC was invited to apply for grant with the federal Economic Development Administration and left more than \$100,000 on the table in light of the 2012 MSA decision by the previous administration. He expressed his appreciate that DFA is looking into this as it is important to not have roadblocks.

#### *Manzano Lake issue*

Mr. Archuleta reported that the Manzano Land Grant asked the USFS for information regarding the Manzano Lake because water use was negotiated with only Manzano Spring and Ditch and not the Manzano Land Grant, which had a separate statute but is now governed under §49.1. The Grant inquired about the lake as their due diligence as owner of the property and on behalf of the heirs of the Manzano Land Grant. The USFS staff initially questioned the standing of the Manzano Land Grant to inquire and did not respond to the FOIA request. The Forest Service also found an alternative source and approached the Apple Valley Ranch for water for firefighting. The small water source at the Ranch only allowed for 2 dips and in the Ojo de los Casos Fire burning in Chililí, the USFS went back to the Manzano Lake and ignored issues over the ownership of the lake and its waters. There are also concerns that the Manzano Spring and Ditch is not operating legally as it has not had elections for years. The USFS responded to the Manzano Land Grant's FOIA request and issued information, some or which is included in packet and other parts shared with Council members. Some parts were redacted, protecting privacy of individuals. The Manzano Spring and Ditch was organized under the acequia statute and needs to be public in its operations. Mr. Archuleta was disappointed that the Forest Service went to another source rather than addressing the community concerns in the water use agreements for the Manzano Lake. Chairman Sánchez reported that the Ojo de los Casos Fire burned more than 200 acres, including 20 acres on the burn scar of the Dog Head Fire (2016), which prevented the fire from spreading.

## **8. Discussion and Possible Action on Federal and State Legislative Updates**

### *Federal*

Mr. Archuleta reported that he discussed H.R. 3682 with Levi Patterson of Rep. Ben Ray Luján's Washington office. The report for the appropriation bill included language that mentioned land grants and discussed the Mexican Spotted Owl issue. This might elevate the issue, the Mutual Stewardship Agreement and access to other similar agreements.

### *State*

Council staff has learned that the Interim Land Grant Committee will have meetings via WebX, but are not sure what topics will be discussed and how many meetings will be held. Committee staffer Mark Edwards reached out to Mr. Archuleta and Paula Garcia of the NM Acequia Association for potential topics. Mr. Archuleta sent Mr. Edwards the following list: Revision of the Treaty Division statute, including cleaning up language; clarification of the natural resources protection authority of land grants; recognition of the Cristóbal de la Serna Land Grant and update; guaranteed revenue streams for land grants; traditional use access or transfer of state lands to land grants; natural resource management, including youth projects; the NMLGC in the State Forest Action Plan; Legal and professional services update; Laguna del Campo update; Piedra Lumbre Visitors Center update; future home of the NMLGC; NMLGC update; LGSP update; and federal legislative updates.

If Mr. Edwards and Land Grant Council sets up conference call, the NMLGC will need to designate 2 members to be on call with chair and vice-chair of the Interim Land Grant Committee. Councilor Padilla asked that the an topic be added, to discuss the MRGCD (Middle Rio Grande Conservancy District) and how larger land owners are getting water and smaller land owners are not. The Tomé Grant had access to the middle of the river. She asked if these should be discussed in the Interim session or should be discussed further in a Council meeting. Mr. Archuleta responded that he did mention water management and land grants as a potential topic, citing examples of the Manzano and San Antonio de las Huertas Land Grants. The Interim Land Grant Committee may have panel discussion and Tomé could be included. Eric Chávez (Office of Congressman Ben Ray Luján) again mentioned that language in appropriation bills ask the Secretaries of Interior and Agriculture to recognize traditional uses of recognized land grants and acequias in to consider and plan for these traditional uses in the land management plans. This bill will pass the U.S. House or Representatives this month and the Congressman hopes to get feedback from the committee on the traditional use legislation (H.R. 3682). These both are big steps forward to have these uses recognized by the federal government. Regarding the MSO injunction, Congressman Luján's office has raised concerns with the Forest Service and will be on a call soon. He has also asked for flexibility in deadlines for the CFRP & CFRLP because of the MSO injunction. Councilor Polaco thanked Mr. Eric Chávez for his work supporting traditional uses, which are important for the Tierra Amarilla Land Grant.

## **9. Discussion and Possible Action on FY 2019 Land Grant Capital Outlay Updates**

Mr. Archuleta reported that NMLGC staff hope to get the Cristóbal de la Serna Grant moving to ensure that they have everything prepared to spend their 2019 capital outlay appropriation. The San Joaquín del Río de Chama, Tierra Amarilla and Juan Bautista Baldes Land Grants were able to sign off on purchase and sale agreements for the Piedra Lumbre Visitors Center. The USF now has to complete their environmental assessments. The San Joaquín del Río de Chama Grant will serve as the fiscal agent. Money has not yet been budgeted and Scott Wright of DFA said that they will notify when monies are available, at which time the Grants can encumber \$600,000 to complete the purchase. The Tecolote Land Grant is working to ensure they encumber 5% of the \$50,000 received to repair the Tecolote Community Center. The Cañón de Carnué Land Grant received \$68,000 for an RV park but are lacking agreed upon procedures reported to the State Auditor. NMLGC has contacted their president, who is working on compliance. The Merced de Manzano has completed the purchase of old tiendita and now have a community center building, the Town of Tomé Grant completed their purchase of the old jail site and the Chililí Grant



purchased a bulldozer. The Council and Mr. Archuleta extended their appreciation to Venessa Chávez, NMLGC staff member, who has done an amazing job of working with land grants to ensure they get capital outlay and land grant support fund awards expended.

Councilor Martínez asked about the timeframe to expend the \$300,000 remaining after the purchase of the PLVC. The San Joaquín del Río de Chama LG boards wants to ensure that contracts for cleaning work, etc., are ready to go as soon as the property is officially acquired. Mr. Archuleta responded that the USFS required that agreement be signed by July 4 to hold appraisal price and now the USFS needs to complete its environmental assessment and finish clean up with the hope of closing later this summer. The EA process is often slow but hope to have the encumbrance in anticipation or purchase, where grants can get estimated costs. As we get closer to purchase, grants can get quotes ready to get this work done. Councilor Polaco asked Councilor Martínez to let the Tierra Amarilla Land Grant know when they are soliciting quotes so that they can be included and perhaps discuss with contractors in Tierra Amarilla, to help get the best quotes. Councilor Martínez responded that all decisions will include all three land grants.

Jason Quintana (president, Merced de Manzano) added that the Merced de Manzano has encumbered all funds and purchased the facility and thanked the NMLGC and its staff for the help, adding that the grant should get the deed soon. Any money left over to do some remodel will be discussed in a land grant meeting. Also, monies for project at Punta de Aguahave not moved forward. Mr. Archuleta commented that the NMLGC wanted to ensure the Merced de Manzano building purchase as completed first before discussing the Punta de Agua project with DFA as the project involves a mutual domestic that is not organized as a unit of government and involves the Merced de Manzano insofar as it agreed to serve as fiscal agent. He stated that he will discuss this with Scott Wright and Donnie Quintana of DFA (who is on loan with the Department of Health) on how best to proceed. Councilor Padilla asked if the Council has heard anything about the bond sale for capital outlay; Mr. Ives-Fisher (DFA) responded that he has heard nothing and that inquiries should go to the Board of Finance, which makes these decisions. Carmen Morin agreed and stated that the Board of Finance has meeting on July 21, but she does not know if the bond sale is on their agenda. Mr. Archuleta stated that he would look into it and ask Mr. Wright of DF when they discuss the Punta de Agua appropriation.

## **10. Discussion and Possible Action on State Forest Action Plan Update**

Chairman Sánchez discussed comments on the draft New Mexico State Forest Action Plan developed by NMLGC staff. Comments were shared with Council in the June meeting and members opted to defer action until this July meeting. (Comments were submitted to the New Mexico Forestry Division on May 29, 2020, the comment deadline).

Councilor Correa-Skartwed made a motion to approve New Mexico Forest Action Plan comments submitted on behalf of the New Mexico Land Grant Council; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

## **7. Discussion and Possible Action on BLM Update**

Lisa Morrison of the BLM reported that the final EIS for the Rio Puerco Field Office management plan will be published in early August, after which a 30 protest period for those that submitted comments and 60 day consistency review period will follow. The BLM hopes to have a Record of Decision in early October. A virtual public scoping meeting for Horse Thief Mesa's travel management plan will take place on July 22; the area is north of Arroyo Hondo. The comment period for the Farmington-Mancos RMP has been extended to August 25. The Farmington Office will hold meetings in mid to late August. Councilor Martínez had a meeting and would like to set up a meeting with M. Archuleta and Mr. Jacobo Baca (staff to the Council) to go over the plan. Mr. Chacón wants a time to go over the plan, sometime in July being best.

## **11. Discussion and Possible Action on Professional Surveyor Services Contract - Updates and Requests**

Mr. Archuleta commented that he is glad to hear that the Council budget will not be cut for FY 2021. Once we have final confirmation, the Council can move forward with adopted budget and get surveyor services under way. At Anton Chico, the Grant may need clarification on one of their boundaries, but not a costly full-blown survey of entire land grant. They may need a survey of areas related to wind energy lease for purposes of moving forward on lease. A contract for surveyor services is in place and the NMLGC just needs an amount to allow the contractor to draw down.

## **12. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division – Updates and Requests**

Mr. Archuleta asked if there was any legislation that the Division has been asked to review a the Interim Committee is not yet up and running and mentioned that they may need to review the Treaty Division statute as an area cited has been repealed. Novela Salazar (Treaty Division, New Mexico Attorney General's Office) commented that she has reached out to Mr. Archuleta to see if there are any areas where NMAG Treaty Division can assist. Mr. Archuleta commented that the Anton Chico Land Grant board is awaiting a report regarding alleged misconduct by the board. Detractors continue to disparage the Grant and the Board is looking for something to show the community and get these issues behind them. Ms. Salazar responded that she has finished her report and is waiting for executive approval, which needs to review and clarify any issues that need to be resolved. Either Attorney General Hector Balderas Deputy Attorney General Tanya Maestas need to review before the report is made public. Mr. Archuleta stated that a group calling themselves the Eastern Slopes of Sangre de Cristo Committee made the complaint. They are composed of heirs and possible heirs of the Mora, Las Vegas, San Miguel del Bado, and Anton Chico Land Grants, that are not all board members and includes many individuals disruptive at past public meetings. The Anton Chico Land Grant has had hundreds of thousands of dollars worth of resources removed without just compensation to land grant and the community. Many rock haulers have wrought destruction and people are not paying for their permits and/or remediating rock pits. A delegation of rock haulers attended NMLGC meeting in the past and are a part of this group. DFA has reached out regarding monies issued to the Anton Chico Land Grant or Anton Chico Economic Development, a separate group housed at Anton Chico Land Grant's

offices that is trying to good projects for the community. The Anton Chico Land Grant feels harassed as they need a meeting to renew grazing contracts, which will happen in person soon. They would like for findings, if there are some, identified rather than drawing out process and allowing for false accusations without cause.

### **13. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

Mr. Archuleta asked Carmen Morin of DFA if the New Mexico Legal Aid contract had been executed; Ms. Morin responded that she did reach out to her and the contract as in the process of getting approved, which takes longer than normal. She will update as soon as she finds out. NMLA is accustomed to this gap and are working on the lawsuit involving the Juan Bautista Baldes Grant. Their contractor hired with SB 244 monies might carry over after June. Jacobo Baca (Council staff) and Chris Chávez (contracted surveyor) have worked on the lawsuit as well.

### **14. Discussion and Possible Action on Council FY 2020 & FY 2021 Budget**

#### *FY 2020*

Mr. Archuleta presented an update on the FY 2020 budget (in packet p. 37). DFA left \$1,830.65 in administrative expense, which will revert. \$3,907 will revert from the Land Grant Support Fund. The NM Legal Aid contract was fully expended, publishing – 99.5%, Council travel – 100% after transfer and the copier purchase budget reverted \$3,181.76 after purchase. Under the UNM Contract, \$4,445.51 reverted and \$211,500.49 was spent. The Council spent 95.5% of its 2020 budget, \$283,516.24 of \$296,900 spent.

#### *FY 2021*

Staff will update once we receive word from DFA on the Council's final budget.

#### *FY 2022*

Chairman Sánchez stated that the Council will need to either have special meeting in July or an early August 2020 meeting to ensure a FY 2022 budget plan is submitted to DFA on time. All Council members agreed that the first week of August was preferable and that August the 4<sup>th</sup> at 10:00am worked best.

### **15. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020 & FY 2021**

Mr. Archuleta presented the final pay request for FY 2020, Pay Request 11. This included the PI salary, planning work and all contracts. All supplies were delivered, except chairs and meeting expenses for two meetings (\$120.00) were included. The balance remaining for the UNM Contract (Intergovernmental Agreement) was \$4,445.51.

Councilor Polaco made a motion to approve pay request 11 for \$42,778.20; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Correa-Skartwed- aye
- Councilor Polaco - aye



Chairman Sánchez – aye

The motion was passed.

### **16. Discussion and Possible Action on Land Grant Support Fund**

Mr. Archuleta referenced as spreadsheet prepared by Ms. Chávez that is included in the packet. The Don Fernando de Taos Land Grant reverted \$3,301.93 as it was unable to complete the ground penetrating radar at the cemetery site and could not buy a microfilm machine nor office supplies on time. The Manzano Land Grant spent all but \$5.97 of its award (\$2,994.03 of \$3,000); the San Antonio de las Huertas Grant spent all \$2,000 of its LGSF award; Councilor Correa-Skartwed thanked the Grant's community members and the Council for the award, which completed a venue that can be rented to bring in revenue for the Grant. The San Miguel del Bado Grant spent their entire award of \$2,000 for community center improvements. The Tierra Amarilla Land Grant spent \$3,400.68 of \$4,000.00 to purchase equipment for the maintenance of the Laguna del Campo. Councilor Polaco commented that the Board made several trips to Lowes Hardware in Española but checks were still being denied. In total, \$3,907.22 was reverted. Once the Council received final word on the FY 2021 budget applications for the LGSF can be posted and distributed.

### **17. Discussion & Action on Anton Chico Land Grant issue**

Discussed above.

### **18. Discussion & Action on Piedra Lumbre Visitors Center Update**

Discussed above.

### **19. Discussion and Possible Action on Laguna del Campo**

Mr. Archuleta reported that he reached out to the New Mexico Department of Game and Fish as they were supposed to collaborate with the Office of the State Engineer in researching water rights to the Laguna del Campo. COVID placed the transfer in a holding pattern as this could not be done. The Department will send documentations to the Tierra Amarilla Land Grant and the New Mexico Land Grant Council for review. Once reviewed, all parties will discuss.

### **20. Discussion and Possible Action on Land Grant Registry**

Mr. Baca reported that the San Antonio de las Huertas Land Grant submitted the results of their election of June 18, 2020. Update requests are currently being sent out to all land grants operating as political subdivisions of the State of New Mexico

### **21. Discussion and Possible Action on Land Grant Studies Program Update**

Director LM García y Griego reported that an advisory committee meeting is scheduled for Wednesday July 15, which will include discussion of the establishment of a land grant institute. Mr. Archuleta commented that this is important as UNM may assist or inhibit the Council's growth. Councilor Correa-Skartwed asked Mr. García y Griego if the Council could receive monthly updates on his work on the U.S. Surveyor General records, provided at Council meetings for the benefit of all land grants. Mr. García y Griego responded that this would be difficult as he has been focusing on redesigning courses to be taught in fall semester. He will summarize some of this work in the CLE and could discuss some in the August or September Council meeting.

Councilor Correa-Skartwed responded that she was anxious to see his work and to be sure that it is not lost.

## **22. Discussion and Possible Action on Correspondence**

The Council received a copy of the request for intervention from the Eastern Slope Land Grant group that was submitted to various entities and was discussed above. It is not well organized but can be looked into further if there are questions. Lorenzo Flores, the Chairman of the group, sent messages to Eric Chávez of Congressman Luján's office regarding the traditional use hearing, commenting that it was good but that he did not like Mr. Archuleta nor his testimony.

## **23. Discussion and Possible Action on Staff Assignments – service as expert witness**

Councilor Martínez made a motion for Jacobo Baca to serve as an expert witness on the Juan Bautista Baldes case (discussed above); Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Correa-Skartwed- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

## **24. Public Comments – Discussion only**

Councilor Martínez updated on the San Joaquín del Río de Chama fuelwood project. 110 of 188 cords have been hauled off of the mountain. The Annual meeting of the grant will be held at Echo Park as the camp sites in the Cañón are occupied and have been so for months. Elections will be held. Councilor Correa-Skartwed asked for the address of the wood lot, as members of her community would like to purchase fuelwood from the grant.

## **25. Miscellaneous Announcements**

Chairman Sánchez commented that Carmen Morin of DFA invited people to join ICIP web-training series, which includes four trainings, including ICIP 101 on July 22. Council staff will do one on one sessions with grants rather than a virtual workshop.

## **26. Date and Location for August Council Meeting**

The August 2020 Council meeting will take place virtually on August 4, 2020 at 10:00am.

## **26. Adjournment**

Councilor Polaco made a motion to adjourn; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Correa-Skartwed- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 12:39pm MDT.

**Approved:**

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Chair

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Date

New Mexico Land Grant Council (NMLGC)

August 4, 2020 – 10:00am

Virtual Meeting

Zoom ID: 977 7569 5487

**Minutes – Final**

**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:06am. Roll call of the Council members: Andrea Padilla, Leonard T. Martínez, Juan Sánchez, Steve Polaco and Rebecca Correa-Skartwed.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Congressman Ben Ray Luján; Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Eric Chávez (Office of Congressman Ben Ray Luján); Levi Patterson (Office of Congressman Ben Ray Luján); Isis Zamora López (Office of Congressman Ben Ray Luján); Adan Serna (Office of Congressman Ben Ray Luján); Novela Salazar (Office of the New Mexico Attorney General); LM García y Griego (NMLGC/LGSP); Kris Graham Chávez (NRCS); Sofía Sánchez (Office of Congresswoman Deb Haaland); Lisa Morrison (BLM); Michelle Kavanaugh (Office of Sen. Tom Udall); Patricia Domínguez (Office of Sen. Martin Heinrich); Michele Jáquez-Ortiz (Office of Sen. Tom Udall); Lisa Van Theemsche (Office of Sen. Tom Udall); Macario Griego (Cañón de Carnué LG heir); Chris Chávez (Territorial Land Surveying); Patricia Domínguez (Office of Sen. Martin Heinrich); Samantha Ender (Vice President for Programs, Carol Petrie Foundation); Matthew E. Ortiz, (Director, New Mexico Administrative Law Division, NMSRCA) – *Mr. Ortiz did not identify himself when prompted; he was identified by his telephone number.*

**3. Approval of Agenda**

Councilor Steve Polaco made a motion to approve the agenda; Councilor Rebecca Correa-Skartwed seconded the motion.

Roll call vote: Councilor Padilla - aye  
Councilor Polaco – aye  
Councilor Correa-Skartwed - aye  
Councilor Martínez - aye  
Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from Council Meeting of July 13, 2020**

Councilor Polaco made a motion to approve the meeting minutes of the July 13, 2020 Council meeting; Councilor Leonard Martínez seconded the motion.

Roll call vote: Councilor Padilla - aye  
Councilor Polaco – aye

Councilor Correa-Skartwed - aye  
Councilor Martínez - aye  
Chairman Sánchez – aye

The motion was passed.

## **5. Discussion and Possible Action on Federal and State Legislative Updates – Including presentation by Congressman Luján**

### *Federal*

Congressman Ben Ray Luján thanked the members and staff of the New Mexico Land Grant Council for their work on behalf of New Mexico's land grant-merced communities and for their work on H.R. 3682 and their collaboration with his staff in developing the traditional-use legislation. He also thanked the New Mexico Land Grant Consejo and New Mexico Acequia Association for their assistance in developing the bill. Congressman Luján reported that aspects of H.R. 3682, the Land Grant and Acequia Traditional Use Recognition and Consultation Act, were built into the appropriation process as well and thanked Senator Tom Udall and his staff for their work in this process. The House was able to build on through the appropriation bill and also passed the House Interior appropriation bill, which added language to ensure that the Secretaries of Interior and Agriculture recognized land grants and acequias, which will provide for the recognitions of fuelwood gathering and other traditional uses. This bill passed the House, but it is likely that Sen. Mitch McConnell will not take on new appropriation bill and that the federal will continue working on two continuing resolutions, meaning that the appropriation process will move into next year, 2021. The House Committee and Natural Resources passed H.R. 3682 just last week. Amendments to H.R. 3682 are being worked through with colleagues from the House Natural Resources Committee, including Congressman Rob Bishop of Utah, who voices opposition. Congressman Luján wanted to pass the bill through committee on voice vote alone, which allows it to be on a consensus calendar. Getting it passed out of House allows for work with future congresses and would allow for the bill to be included in an omnibus bill if passed by the Senate by the end of the year.

Congressman Luján stated that the House will be back in session after Labor Day and would need 2/3 support to pass the bill and he will push for that when Congress returns. This bill will direct the Secretaries of Agriculture and Interior to issue guidance on traditional historical use. It would require that agencies provide for and evaluate for impact on traditional use by a qualified land grants-mercedes during federal actions and land management planning. For acequias, it would provide for a negotiated rule making and would allow for the recognition of special use permits. He has received positive news on how rule changes are working for acequias but wants to codify this. There is still work to be done to get this through the House floor, if not now, that to get it ready for 2021. Congressman Luján hopes to take this up in the Senate during the next Congress and stated that he spoke with Teresa Leger Fernandez and Representatives Deb Haaland and Xochitl Torres Small and they all committed their support. Governor Michelle Luján Grisham, when in Congress, worked to get land grants eligible under the Farm Bill and he remains hopeful to seeing a path to get this adopted. Chairman Sánchez thanked Congressman Luján for his hard work for acequias and land grants. Councilor Polaco thanked Congressman Luján and asked if the bill would apply to former Tierra Amarilla Land Grant land in Colorado that is part of the Rio Grande National Forest, as there is little federal land that was part of the Tierra Amarilla Land Grant in New Mexico. Congressman Luján replied that the bill applies to

the planning processes for lands managed by the Department of Interior and Department of Agriculture, including lands outside of New Mexico. Levi Patterson (Office of Congressman Ben Ray Luján) added that it depends on how the Forest Service implements this bill and that there may be concern as to which land grants are qualified, but that the bill supports Councilor Polaco's concerns. Congressman Luján added that land grant heirs lived on both side of the border and that he will discuss this with former Secretary of the Interior Ken Salazar and his brother John. If former Vice President Joe Biden is President in 2021, this conversation can continue into 2021 and we can continue to work on this and perhaps (fmr) Secretary Salazar can discuss this with the Council.

Councilor Martínez added that in San Joaquín del Río de Chama's land grant communities, the drought is worse than ever. The forest is so overgrown that it needs to be thinned and ojitos are not running. He would like to see the injunction (relating to the Mexican Spotted Owl) end so that forest can be thinned so that it does not burn down. The San Joaquín del Río de Chama Land Grant bought wood from the U.S. Forest Service this year, but more coordination with land grant communities is needed. Luckily there are no bad fires this year, but herbs are not growing and land grant heirs continue to maintain and work this land. He asked Congressman Luján what he would do as a U.S. Senator regarding the injunction. Congressman Luján replied that he needs to have a meeting with Councilor Martínez and Chairman Sánchez and with community leaders and federal partners to get this accomplished. Regarding lawsuits, he was in a call with Carson National Forester (James Durán) and the USFS Regional 3 forester regarding the MSO injunction and discussed the effect of injunction of the injunction as lumber mills are not operating and how this work of the landscape is not being worked. Farmers and ranchers are also affected by punitive decisions by USDA, saying that acequias do not qualify for programs because they think that they are fed through wells. This shows a lack of understanding and the need for the perspective of farmers and ranchers of the north. We need resolution on how USDA is paying farmers for harvests in Rio Arriba County and how they are being singled out. He urged Councilor Martínez to work with his office and the Congressman stated that he is happy to reach out to members of the delegation to discuss this further. Councilor Martínez mentioned that there is an earthquake in Capulín and that acequias have been dry since June. LM García y Griego asked for clarification regarding the timeline of the bill (H.R. 3682) and the language in the Interior Appropriation bill; Congressman Luján clarified that the appropriation bill likely won't pass until 2021, but that H.R. 3682 got out of committee onto the House for a vote. This was worked out with House Natural Resource Committee Chairman Raúl Grijalva. The bill now is on the suspension calendar and once it is reported out by House Natural Resource Committee, then he can fight for floor time. Congressman Luján added that he is confident that we can pass bill in 2020. It will then move it to Senate for action during lame duck session and will be prepared as a non-controversial bill, though there may need to be negotiation on the bill or riders to get this through.

Michelle Kavanaugh (Office of Senator Tom Udall) added that it is unlikely that Senator McConnell will allow it to be heard when it passes house, but that the bill is in a great position to be re-introduced next year if not included in Senate omnibus bill. Mr. Archuleta thanked the Congressman for his hard work on the legislation over the past 5-7 years. He thanked the Congressman's staff and commented that the markup that came out of the committee demonstrated how the Council and Congressman's office worked together and that his staff

working hard to ensure that critical aspects of bill remain intact. The federal process is new to the Council and its staff and while we are familiar with legislation at the state level, the federal process was new and the Congressman's staff's help to negotiate the process for the passage of the bill was important. Chairman Sánchez thanked Congressman Luján for his work on behalf of land grants and for his service to the nation. Congressman Luján thanked the Council and committed that he will continue to work to position this bill for passage, possibly as part of an omnibus package.

### *State*

Mr. Archuleta reported that the Interim Land Grant Committee hearings have been set. The Committee will hold three meetings, including the November session, virtually via WebEx. There will only be two substantive hearings through the web format and no two-day hearings. Most hearings will only be half-day. Hearings will be held on August 13, 1-5pm; October 24<sup>th</sup> and November 23<sup>rd</sup>, which will be the last meeting where legislation is endorsed. The Committee might take up bills that have already been heard. The Committee wants the first meeting to be a coordinated response to fire and discuss with the USFS how land grants are dealing with land management. They also want a presentation regarding the Master Stewardship Agreement and may bring in the New Mexico State Forester, Laura McCarthy to discuss the state forest action plan and the inclusion of land grants. They want to talk about common water issues and Council staff discussed issues faced by communities, including the San Antonio de las Huertas and Manzano Land Grant, both having acequia infrastructures on common land. The Committee was made aware of the Tierra Amarilla spigot issue and the Tomé Land Grants access to the bosque via MRGCD. They may take some of these topics up later and we are not sure that legislation will come out of these meetings because of short interim session. Legislation also often takes multiple sessions to refine before proposed at the legislature. The situation at Anton Chico may be discussed as managing natural resources and interaction with the courts and the management authority of land grants. The debate regarding qualified immunity, where police cannot be sued for their acts, also extends to units of government under the tort claims act. Legislators will have to ensure that they are addressing this carefully as the tort claims act protects teachers, social workers, and local units of government and could mean exposure if the act is repealed. We hope to receive information on August 13 meeting soon regarding the WebEx meeting and Mark Edwards of the Interim Committee will reach out to participants soon.

### **6. Discussion and Possible Action on BLM Update**

Lisa Morrison (BLM) reported that online permits for wood cutting are available from the Farmington and Taos Field Offices. Councilor Martínez commented that heirs from Albuquerque often buy a permit to help supply their families living in the grant. He asked if people can buy a permit for the Farmington District in the Albuquerque office. Ms. Morrison responded that she was not sure but would check. She reported that the Rio Puerco RMP has still not moved. And is being reviewed by the New Mexico State office and Washington DC office. Councilor Correa-Skartwed asked Ms. Morrison what the projected release date of the Rio Puerco RMP was and if it was going to be stalled for another month or two. Ms. Morrison responded that it is in the Washington DC office and though they supposed the RMP might get advanced in a meeting last Friday, it is still in review. Once it is approved, it goes into Federal Register, which takes one to two weeks, and then the 30-day protest period starts. Councilor Correa-Skartwed added that she would like to meet with Ms. Morrison to discuss tapping into the Recreation and Public Purposes



Act. Ms. Morrison also reported that the Farmington Field Office will issue a press release regarding their plan, discussing more workshops and radio show appearances in the Farmington area regarding the RMP in August. She added that the Kasha-Katuwe Tent Rocks National Monument is temporarily closed while the BLM is working with Cochiti Pueblo on the number of people visiting the monument. Typical visitation in a week is 50,000 but is pushing more than 100,000 per week as people are looking for outdoor recreation in light of COVID-19 restrictions. The BLM is looking at using online permitting system, via recreation.gov, to control visitation. Councilor Martínez reported that the San Joaquín del Río de Chama Land Grant is working with NMLGC staff member Jacobo Baca to develop and submit comments for the Farmington-Mancos RMP.

### **7. Discussion and Possible Action on U.S. Forest Service Update**

Mr. Archuleta reported that no one from the USFS has been assigned to the NMLGC as Ericka Luna is on detail. The Master Stewardship Agreement has been forward to the Department of Finance and Administration, but we have not heard anything. We are working to schedule follow-up and can have meeting with USFS and DFA to discuss. Regarding the Manzano Lake issue, there is no resolution in discussion between USFS and the Manzano Land Grant. The USFS was contacted and they stated that the agreement was with the Manzano Spring and Ditch association, but that they were no longer going to use the Manzano Lake as a source and that they had reached a new agreement with Apple Valley Ranch. The Ojo de los Casos Fire in Chililí started and water from the Apple Valley Ranch was not sufficient and water was drawn from Manzano Lake. The president of the Manzano Grant contacted the USFS to say that they approved the use of water but wanted to ensure that payment was not made to the Spring and Ditch. The Manzano Land Grant was concerned that they are not in conversation and that the Manzano Spring and Ditch are not a valid operating board as they have not held an election for at least 4 years where they are supposed to hold elections every two years. Mr. Archuleta also spoke with Enrique Romero, the New Mexico Acequia Association attorney, which has worked with the Spring and Ditch on elections and helped with NRCS funding that improved spring and ditch ditches. The NMAA reached out to the Manzano Spring and Ditch. Their board was going to meet and work then to meet with the Manzano Land Grant. They want to work government to government and ensure that the USFS does business with entities that support local communities. The NMLGC might need to issue a letter to USFS, encouraging that they work with local communities.

### **8. Discussion and Possible Action on Land Grant Capital Outlay Update**

Mr. Archuleta reported that any land grant that does have capital outlay monies need to spend their capital outlay. There is continued discussion of a possible second round of sweeps. 2019 appropriations have until September 24 to be sure that they have 5% of funds encumbered. The NMLGC staff has worked with the Tecolote, Cañón de Carnué, and Cristóbal de la Serna Land Grants make sure that they are on track. Tecolote is working to ensure reports are submitted to the State Auditor; the Cristóbal de la Serna Grant is working in the new online system to submit information; and the Cañón de Carnué Land Grant is a tougher case as they have more to do and need to meet their agreed upon procedures and reports need to be submitted to the New Mexico State Auditor's office. Land grants are encouraged to reach out to Council staff if you need help. Venessa Chávez, in particular, is very knowledgeable about process, especially encumbrances. Councilor Martínez thanked Venessa Chávez for her hard work. The San Joaquín Grant has



received \$58,000 for the sala and the contractor is moving forward with work. He also spoke with new and former Abiquiú land grant presidents, Veronica García and David Archuleta. They reported that they are caught up with audits. Mr. Archuleta stated that he will follow up with the Abiquiú Land Grant to see if they need help. He added that the bonds for the 2020 projects sold. There was a June sale and many land grant projects were sold and should be receiving grant agreements soon. CPMS (Capitol Projects Monitoring System) reporting has to be done monthly to keep the project. Chairman Sánchez added that reporting should be done between the 20<sup>th</sup>-25<sup>th</sup>, as it is the best time, as the system is not bogged down. Councilor Polaco asked if monies that haven't been spent can it be diverted to other land grant projects. Mr. Archuleta reported that monies deriving from the general fund will return to the state and monies coming from bonds are likely repaid to note holder. Money can only be reauthorized by an act of the legislature. In DFA trainings, DFA reported that there may be a small chance for capital outlay and they maybe be able to do some from severance tax bonds, but none from the general fund. Finally, ICIPs are due September 4. They are usually due in July and are allowed extensions, but this time, September 4 is a hard deadline. If land grants need assistance with updating or adding projects to their ICIP, let us know. Land grants will need to do a resolution passed by the board and staff can help prepare these and other forms.

## **9. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget**

### *FY 2021*

Mr. Archuleta presented budget scenarios, which were included in the meeting packet. DFA gave word that the NMLGC will not take a hit. Because of the general cut, UNM has frozen budgeted staff salary increases. The OVPR asked for exception but it was not approved. There will be some overage from LGSP as students did not continue through the end of June because they graduated in May. The \$7,000 decrease in funding is balanced by a \$10,000 carry over; since budget was not hit but monies were budgeted to go to salaries, need to adjust budget to ensure that we do not revert. We might be able to put more resources into communities. Mr. Archuleta discussed adjusting items in the budget, including: DFA has for three years reverted a portion of its DFA administrative fee; the Council could change the budgeted fee from 1.5% to 1.1% which is in line with actual use. The fee at 1.5% is \$4,454, while \$3,266 is closer to actual use. This would in part allow an increase in the support fund from \$20,000 to \$24,000. This increase would come also from in state travel by Council members. The monthly cost for in-state travel for council members to travel to monthly Council meetings is \$700 per meeting. Moving monies from \$9,000 to \$6,080 is based on virtual meeting through October 2020. Changing monies within the IGSA (Intergovernmental Services Agreement) is more difficult as it would need to be re-signed. Because it is an election year, we need to revisit budget in December and can decide how to adjust budgets then. Out of state travel might also have to be moved, possibly to go to legal services.

In publishing, the Council could publish something, or purchase books from Malcolm Ebright, who told Chris Chávez had several boxes of books and asked if land grants would be interested in purchasing copies of books at discounted price. The UNM contract stays flat. Salaries will have saved more than \$7,000, as mentioned above. Personnel travel dropped from \$7,000 to \$5,000 as we are not sure of travel is even allowable by UNM. The out of state travel for personnel was dropped from \$3,500 to \$2,000. These savings can increase the surveyor contract and move the amount from \$28,500 to \$40,000. We have not yet increased or signed contract because did not

know what budget would be. Clinic fees remain flat as we are not sure how the law clinic might change, so \$400 should be sufficient. See packet for changes to other budget items, including copier and printer maintenance, supplies, postage and meeting expense. Mr. Archuleta suggested that all of these savings be moved to surveyor services. Salaries were budgeted, based on a 4% increase, which was taken away. Salary adjustments, in light of the 4% raise not going through and Jacobo Baca's reclassification being stopped have led to a \$7,535 savings in salaries. We will probably have more adjustments to make as we negotiate COVID.

Councilor Padilla asked if there was a way that the staff could get bonus, not a raise, for something that they done. Mr. Archuleta responded that he didn't know but that this was limited by the FTE (Full time employment) total. We can ask the human resources manager at the OVPR, but it is highly unlikely as the Provost has rejected other staff raises. LM Garcia y Griego commented that the intent was to reclassify the position because of his education (Mr. Baca holds a doctorate), experience, level of expertise and level of effort, which is substantially beyond his job description or classification. The Council can either cut back on requests so that work is in line with his job description or change job description and reclassify. He stated that every time that requests for assistance are made to Mr. Baca, we are going beyond the scope of his duties. Moving forward through reclassification, we will continue to try, as his experience and doctorate is sufficient for the expanded scope of work that he is presently working. This process was only stopped because of COVID and the accompanying economic fallout. He commented that he has never heard of bonus. Staff typically get an increase without re-class is through a 1.25 FTE, which he is doing right now by teaching through CCS. We have refrained from hiring students and work asked of Jacobo Baca does go beyond the scope of his duties. Mr. Archuleta asked if there were exceptions or differences in salary increases or reclassifications. Dr. Garcia y Griego commented that both increases and reclassifications have been halted and this is an uphill battle. There is a new Associate VPR, Mary Jo Daniels, but the possibility of this going through is small.

Mr. Archuleta presented two recommendations that will go to DFA, one with a flat staff salary and another with an 8% increase in budget. LGSP overages have allowed some flexibility but this is going away and will do so rapidly if more cuts are made in subsequent years. This budget includes 4% increases for Venessa Chavez and Jacqueline Alderete and none for Mr. Archuleta. Mr. Baca's salary would increase to either \$54K at .6 FTE at the 8% budget increase or \$52K at .58 FTE at the flat salary; in both scenarios, the Council would have to cover more of his salary. Councilor Correa-Skartwed asked if there was a possibility to create a service contract for Mr. Baca outside of UNM to be sure that he is compensated fairly. She noted that the surveyor contract increased. Mr. Archuleta responded that the surveyor contract is a third-party contract and is different than a salary increase. UNM cannot do a separate contract to Mr. Baca. It may be possible to do so with DFA, but the process is convoluted and the scope of work performed would have to be entirely separate to what is done as a UNM employee. Moving the Council budget out of the UNM contract would be burdensome and would mean a renegotiate the agreement. DFA also would take some time to process the new contract, which DFA would have to approve. Mr. Archuleta and Dr. García y Griego stated that we would need to be sure that this does not violate UNM's moonlighting policy.

The reclassification is the preferred route, to align the duties performed with compensation. The concern remains that any salary increases fits within the budget and that it is sustainable. Mr. Baca commented that he appreciated the work and is happy working with land grants. He added that his adjunct teaching opportunities with the Chicana and Chicano Studies Department were likely drying up as they have hired more full-time faculty, making the salary drop that he accepted when leaving his previous position less manageable. LM García y Griego stated that they will try and move forward with the reclassification and that the OVPR does support this action. Mr. Archuleta added that while it needs to discuss further, the Council needs to take action on the budget now. Personnel are long term commitments that we need to budget for, where contracts are year to year. We need to move forward on some budget decisions, especially items outside of the UNM contract. Items in UNM contract, will need to do adjustments and may need to adjust monthly. Councilor Padilla commented that the Council needed to take action, based on Mr. Archuleta's recommendation. Mr. Archuleta commented that the Council could move forward with the surveyor's contract at \$28,500 and amend the contract later in the year and increase it to \$40,000 and increase the percentage of Venessa Chavez's time from .25 to .30, more reflective of her effort.

Councilor Correa-Skartwed made a motion that the NMLGC propose a reduction in the DFA administrative fee from \$4,454 to \$3,266 for FY 2021. Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Martínez - aye  
Chairman Sánchez - aye  
Councilor Polaco - aye

The motion was passed.

Because of COVID-19 restrictions four Council meetings will be held virtually.

Councilor Martínez made a motion to decrease the in-state travel budget for Council members from \$9,000 to \$6,080. Councilor Correa-Skartwed seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Martínez - aye  
Chairman Sánchez - aye  
Councilor Polaco - aye

The motion was passed.

The Council can take the excess funds created by the actions above and increase the support fund or legal services by the \$4,108 saved by motions above. Councilor Padilla and Councilor Correa-Skartwed agreed that legal services should be the priority. Mr. Archuleta stated that he would need to contact Carmen Morin at DFA and ask if the contract was already executed and if it can be adjusted.

Councilor Polaco made a motion that the \$4,108 be moved to legal services contract; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Martínez - aye  
Chairman Sánchez – aye  
Councilor Polaco – aye

The motion was passed.

Mr. Archuleta added that the Council may need to move monies down the road from out of state and in state travel and that if the Council moves more monies to legal services, the cap is \$60,000 total contract to stay within procurement.

Regarding areas within the UNM contract, we need to increase the percentage of Venessa Chavez's time. We can determine if Mr. Baca's reclassification will go through and can refigure the budget based on this. We also want to move on getting the contract in place at \$28,500 for surveyor's contract.

*FY 2022*

2 budget scenarios were discussed. The Council can consider submitting a budget with no increase or submit a budget with an 8% increase. The 8% increase from \$296,900 to \$321,682 is a \$24,782 increase. This amounts to a 4% increase over last 2 years, which is reasonable. This would keep the DFA administrative fee at 1.1 percent; increase the support fund and legal services contract, and the UNM contract would increase as salaries and surveyor contract increase. The other scenario is flat budget, where there would be no PI salary and Mr. Archuleta could serve as PI, 4% increases for Ms. Chavez and Ms. Alderete and a less substantial increase for Mr. Baca. The Council can submit for an 8% increase, a flat budget, or both and see what DFA says. Councilor Padilla proposed sending the 8% increase; Councilors Martínez and Correa-Skartwed agreed and stated that the Council should only submit a flat budget if needed.

Councilor Polaco made a motion that the Council submit the proposed budget with an 8% increase (\$321,682 total budget); Councilor Martínez seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Martínez - aye  
Chairman Sánchez – aye  
Councilor Polaco – aye

The motion was passed.

## **10. Discussion and Possible Action on Professional Surveyor Services Contract - Updates and Requests**

Mr. Archuleta stated that the Council can move forward with the \$28,500 budget for surveyor services and will adjust as time goes on. Chris Chávez (Territorial Land Surveying) provided an update: he found that a person claimed land grant lands in Tomé since 2000, which he wants to

survey unknown ownership and quiet title, but needs legal advice; he discussed the Juan Bautista Baldes Land Grant case with attorney Joe Lennihan; work on the San Joaquín del Río de Chama Grant is complete; his planned 2-day trip to Abiquiú was delayed; and he needs time to rethink and revisit the surveying of the Anton Chico Grant. Councilor Martínez stated that the San Joaquín Grant is ready to move forward with filing of survey of the Cañón de Chama. He assumes that this will involve litigation down the road. The Grant is also ready to do markings of original acequia in Cañón de Chama. Mr. Archuleta added that the whole Anton Chico survey is long process, but that wind energy development might necessitate some surveying. Councilor Polaco asked what recording of the patent means and asked if the Tierra Amarilla Grant has recorded their patent. Mr. Archuleta responded that the Tierra Amarilla patent is in file and is in the first deed book for Rio Arriba County. Some land grants have refiled these patents as claim to valid title and sometimes cloud a title, but Tierra Amarilla does not need to refile. The case of San Joaquín del Río de Chama is a different process. For the Tierra Amarilla Land Grant, the patent was issued to Martinez, not to the Tierra Amarilla Grant, and there may be a disadvantage to filing the patent. Mr. Chávez added that for land grants the issue remains that lands have not been surveyed and that it is hard to know what is left for projects. Councilor Polaco added that developers are building an airstrip in Ensenada close to where a ski area was proposed and wondered if filing a patent can help the process. Mr. Chávez offered that heirs of the Sevilleta de la Joya grant have used the land grant patent to make a title claim on lands, which has some validity, though it is a stretch. He suggests getting legal counsel on board to discuss

### **11. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division – Updates and Requests**

Novela Salazar (NMAG – Treaty Division) stated that she had no other updates, but did have a question for Mr. Archuleta, asking if Orlando López from the Manzano Spring and Ditch has responded to the Manzano Land Grant’s request for information. Mr. López thought that they did not have to respond because of their complaint against the Merced de Manzano. She told Mr. López that they did have to respond and stated he that Mr. Archuleta made the records request. Mr. Archuleta clarified that he did not make a request but did support Merced de Manzano and will review official request letter.

### **12. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

DFA has not executed contract for New Mexico Legal Aid as of yet. David Benavides is still working on issues, including the briefing on the Tajique cell tower issue, which is happening in the next month. New Mexico Legal Aid also plans to retain the services of Joe Lennihan on the Juan Bautista Baldes case. There is also a need to work on the LGSP budget to see if there is funding to hire a student, an internship or fellowship, with a 3<sup>rd</sup> year law student to assist a land grant under supervision of NMLA. This would not be until the Spring 2021 semester as we are still unsure how law school services might work.

### **13. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2021**

Mr. Archuleta reported that everything in place and a new index has been assigned. All monies have thus far been charged to LGSP index. In the September meeting, Councilors will approve July and August expenses.



#### **14. Discussion and Possible Action on Creation of Land Grant Institute at UNM**

Mr. Archuleta discussed the NMLGC at UNM, which was once a part of IPEAR. When IPEAR was discontinued, NMLGC was moved to SHRI, where the LGSP is attached. Creating an institute would institutionalize land grants at UNM and would include LGSP and NMLGC. The LGSP did have an advisory committee meeting, which Councilor Correa-Skartwed attended as a member. The advisory committee approved the move to an institute and the process next moves to the OVPR at UNM and may go before the faculty senate. We are at a critical time where we need to expand but with accountability for both NMLGC and LGSP monies to the communities that we serve. DFA- LGD director Donnie Quintana discussed the Council returning to DFA and higher ups at DFA have discussed NMLGC independence and separation from DFA. Mr. Archuleta proposes a workshop to discuss where the Council will end up. How land grants are impacted is important and we want to have discussion with the larger collaborative and all land grants.

LM García y Griego added that his understanding is that Council wants to stay at UNM but retaining independence like the Sentencing Commission. The Land Grant Institute proposal submitted to the OVPR has a zero-budget increase and seeks to move the LGSP and NMLGC from SHRI to a unit that reports directly to VP for research. The director of SHRI told the OVPR that she would rather not have oversight over the LGSP and NMLGC, which have a larger budget than SHRI. OVPR needed to hear from the faculty and public advisory committee to approve this as they need to hear from more than the director. At the meeting, Derek Hamilton brought this up and advisory unanimously approved this move, assuming that Council approved a similar move. The Council does not need to take action, but a motion expressing support would be helpful. The OVPR was concerned how SHRI felt about this move. Dr. García y Griego spoke with Irene Vasquez, who supports the creation of the Institute and endorsed the idea wholeheartedly in a meeting with Associate VP for Research Derek Hamilton. There was fear that LGSP and SHRI would compete for funds, but it was discussed that LGSP legislative support largely comes from membership of the ILGC, not those legislators that support RPSPs like SHRI. There is a specific policy at UNM, which would mean that UNM would commit itself to supporting land grants across the state and not sure that the F&A rate would decrease significantly. He is confident that the OVPR will support this move and that the outgoing VPR, Gabriel López, who is a land grant heir, in particular, will support this. He asked if the Council endorsed the creation of an Institute.

Councilor Correa Skartwed stated that she supports the creation of the Institute and needs to move forward with this. She commented that the meeting of the advisory committee was good and was impressed by the advisory committee members. Councilor Padilla agreed. Mr. Archuleta cautioned that he was not sure that a motion is a commitment on the part of the Council to join the institute. He believed that the Council should be knowledgeable of the process, what an institute is, how it functions, how it works, etc. The Council could continue like this, as part of the Institute, or continue as its own unit like the sentencing commission. The Council's decision needs to be fully informed. Dr. Garcia y Griego agrees that there needs to be a mechanism that includes land grants, council members, etc., to discuss how the two units could work and are housed together. For today, Council support in principal for the institute is important. The LGSP Advisory Committee action was also support in principle and there are no guarantees. The OVPR will not move the proposal to the provost, faculty senate, and so on, without the Council supporting the concept, in principle, knowing details need to be worked out. Councilor Polaco commented that the institute is a good idea, but that the Council needs to learn

more that role we have, we should move on it, but we need more information before we move on it. Chairman Sánchez stated that a workshop is necessary that discusses what the institute will do for the Council.

### **15. Discussion and Possible Action on Land Grant Support Fund**

Mr. Archuleta reported that the Council approved a \$20,000 budget for support fund with a deadline for applications has been October 31<sup>st</sup>. Getting agreements in place is important to ensure that funds are encumbered, which is more likely if deadline is moved up. Chairman Sánchez commented that it is best to post as soon as possible. Mr. Archuleta commented that if the deadline for applications was moved to Sept. 30, applications could be approved in the October meeting and agreements would avoid the holiday lag in time for signatures and processing. Council members voiced their support for moving date up to September 30<sup>th</sup>. Venessa Chávez has worked to help land grants do their CRS applications, which allows for a tax waiver on goods, but not on services. Some challenges are that some LGs had EIN numbers before they were political subdivisions and may need to change registration and status. This tax exemption helps land grants save monies and Council staff can include this on the notice that goes out in e-mail regarding the support fund.

Councilor Correa-Skartwed asked if land grants, as units of government, pay lodgers taxes. Sandoval County wants people that stay on the San Antonio de las Huertas property to pay the lodgers tax. Mr. Archuleta stated that he would ask Tax and Revenue. Councilor Martínez commented that the San Joaquín Grant has a tax id number from before their political subdivision status and have a CRS number and are in good standing, but cannot do anything with it until we change our EIN number or tax status and that they need help to get this done.

### **16. Discussion & Action on State Land Office Forestry Projects**

The New Mexico State Land Office is interested in forestry projects that would allow fuelwood collection on State Land Office managed properties. They will hold a meeting and visit field sites on August 7. One site near the San Joaquín del Río de Chama Grant is a lease of state lands held by Gerald Chacón of the San Joaquín del Río de Chama Grant. This would provide projects for fuelwood near Cebolla, with the hope that the State Land Office can fund a youth conservation corps project when youth can pile cut slash that lessees can later burn when fire conditions allow. Also, Taos County WUI Coordinator J.R. Logan is working on Santa Bárbara Land Grant on projects with Taos County and the State Land Office to provide fuelwood for the local community. The NM State Forester is interested in working on this and collaborating with the State Land Office. There is not a lot of opportunity on these projects as the State Land Office does not have too many land grant properties except for those effected by *US v. Sandoval* and others that did not receive their full patent. Allotments of land (the 9th and 16th squares of Township and Range grid) were made to the state and avoided federal lands, including those that were former land grant land. Other former land grant lands that are now state lands may have been acquired by the state after it was lost by those communities.

### **17. Discussion & Action on Piedra Lumbre Visitors Center Update**

Mr. Archuleta reported that all paperwork was submitted to the Forest Service. We do not know if environmental assessments were submitted and need to know as once they are completed, the three land grants need to complete the purchase within six months. The grant agreement will be

issued to the San Joaquín del Río de Chama Grant as fiscal agent. Councilor Martínez stated that the three grants need to contracts in line, set up bids, to get work done and tie up monies. The property needs demolition and removal of buildings, repaving, fencing and rehabilitation of the property as it is worn down. Councilor Polaco agreed, particularly because of the rat infestation. Mr. Archuleta stated that the USFS did some cleanup on rat infestation and that the grants can set up a meeting and can start getting quotes. These need to be estimates and the land grants can plan and can select from quotes once property is transferred. We also need to know the cost of projects to know if the sealed bid process is necessary. Councilor Martínez asked how long a bid is good for. Mr. Archuleta and Chairman Sánchez said that it depends on the contractor. Councilor Martínez said the staff needs to set up a meeting for us.

### **18. Discussion and Possible Action on Laguna del Campo Update**

Mr. Archuleta commented that the meeting packet includes a report from the Office of the State Engineer clarifying water right issues, transfers, etc., relating to the Laguna del Campo. The OSE memo (report) stated the lake can exist with evaporation (22-acre feet) allowed that can be put back into the system without returning into the downstream ditch. There was concern that any water that went into the lake had to be returned to the acequia. One option is that the OSE splits the right into a storage right and a diversion right. The OSE would lease to the diversion right to the Tierra Amarilla Land Grant and could issue a 99-year lease rather than a 10-year lease. The NM Game and Fish can ensure that the land grant does not divert water to detriment of downstream users, including the La Puente Ditch. The other option, called 'no action' is that the NM Game and Fish would transfer the right as is to the Tierra Amarilla Land Grant and there would be no change, meaning the Tierra Amarilla Grant could divert up to the 21 acre feet and New Mexico Game and Fish would be free from the process in the future. Both would require that there is an agreement between the three parties, NM Game and Fish, La Puente Ditch and the Tierra Amarilla Land Grant. We suggested that if land and water was transferred completely, could not the Tierra Amarilla Land Grant engage in a negotiation with downstream user, the acequia, directly separately from NM Game and Fish. Tierra Amarilla Land Grant will have to do some due diligence to reach out to acequia to discuss. Councilor Polaco added that people are leaning to the second option, leaving as is, as the land grant will be a water user and people are parcientes. The Tierra Amarilla Land Grant will be meeting August 16 to discuss. The only questions remaining are the cleanout on the screen and the 1939 lease agreement between NMG&F and the Manzanares family.

### **19. Discussion and Possible Action on Land Grant Registry Update**

Mr. Baca stated that update requests have been sent out to all land grants operating as political subdivisions of the State of New Mexico. The following has been submitted to the Registry:

- Santa Barbara Land Grant - Results of the election of April 6, 2020 and organization of board
- Trampas Land Grant - Copy of the bylaws for the Merced de Santo Tomás Apóstol del Río de las Trampas dated May 15, 2016; current membership of the board of trustees, including organization and terms of office for the Merced de Santo Tomás Apóstol del Río de las Trampas.
- Don Fernando de Taos Land Grant - Copy of the bylaws for the Don Fernando de Taos Land Grant-Merced, dated March 17, 2004, amended on February 21, 2016 and further approved March 10, 2016. - Results of the election of June 28, 2020, including advertisement



information and election certificates for elected board of trustee members and organization of the board.

Councilor Polaco asked if the Tierra Amarilla Land Grant has submitted its information; Mr. Baca responded that they had not; Councilor Polaco responded that he will make sure it is sent promptly.

## **20. Discussion and Possible Action on Land Grant Studies Program Update**

Mr. Archuleta reported that Venessa Chavez is working on youth videos to share with communities. This is done in lieu of meeting with youth as COVID-19 restrictions prohibit meeting in person. The Studies program completed purchase of Aspectos Culturales materials from Georgia Roybal and Roberto Mondragón. They still have more copies of their textbook. The LGSP will pull materials from the textbook to work into lessons. The purchase also included a copy of all printed volumes of their newsletter. There is also the potential to get land grant history books from Malcolm Ebright. Jacobo Baca reported that LGSP staff is continuing to do research on to support land grants but this is difficult because of government shutdowns. Councilor Martínez added that Councilor Correa-Skartwed asked LGSP director LM García y Griego for a report of his research but one has not yet been provided. He stated that we need an update on work and need to issue a formal letter to him. Councilor Correa-Skartwed stated that she agreed and mentioned that Dr. García y Griego stated that he is overwhelmed preparing for online classes and that perhaps he can report in the September meeting.

## **21. Discussion and Possible Action on Correspondence**

The NMLGC and LGSP have fielded several inquiries, many relating to land grant generally rather than a specific land grant or issue. Mr. Baca reported that the inquiries demonstrate a lack of public understanding of the history of land grants and the misperception that New Mexico's lands are vacant and available to be claimed. Heirs of old colonial private grantees and Anglo territorial governors have contacted asking how to get access to their land or their money. Heirs from the Atrisco Grant have also contacted him regarding proceeds from the 2006 sale of Westland to Suncal. Other inquiries were forwarded to land grant boards where appropriate.

## **22. Discussion and Possible Action on Staff Assignments**

Council members asked staff to send LM Garcia y Griego a request for an update on his LGSP funded research. Mr. Archuleta reported on tort liability information and coverages and that the Council sent a letter of administration and information on coverages to land grants. This information outlines that which is covered and what is not under qualified immunity. This fund is not insurance and is limited. If you have property, it is good to have multiple coverages. The payments from the fund are capped. Risk management does cover tort liability and the Council hopes to host a workshop with risk management where land grants can ask if certain land grant activities would be covered. This coverage does not include coverage for common lands. A list of assets and activities was presented, which will be added to and sent to the Risk Management Division by the end of week.

## **23. Public Comments – Discussion only**

None.

**24. Miscellaneous Announcements**

ICIPs are due to DFA on September 4, 2020. Land grants have been contacted regarding the deadline and have been offered assistance from Council staff

**25. Date and Location for September Council Meeting**

The September 2020 Council meeting will take place virtually on September 17, 2020 at 10:00am.

**26. Adjournment**

Councilor Correa-Skartwed made a motion to adjourn; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Correa-Skartwed- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 2:30pm MDT.

**Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

New Mexico Land Grant Council (NMLGC)  
September 17, 2020 – 10:00am  
Virtual Meeting  
Zoom ID: 935 4418 5933

**Minutes – Final**  
**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:11am. Roll call of the Council members: Andrea Padilla, Leonard T. Martínez, Juan Sánchez, Steve Polaco and Rebecca Correa-Skartwed.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Eric Chávez (Office of Congressman Ben Ray Luján); Novela Salazar (Office of the New Mexico Attorney General); LM García y Griego (NMLGC/LGSP); Sofía Sánchez (Office of Congresswoman Deb Haaland); Lisa Morrison (BLM); Patricia Domínguez (Office of Sen. Martin Heinrich); Michele Jácquez-Ortiz (Office of Sen. Tom Udall); Chris Chávez (Territorial Land Surveying); K. Graham Chavez (NRCS); Rita Gutierrez (Town of Tomé heir); Dillon Fisher Ives (Deputy counsel, DFA); Tim Hagaman (Econ. Dev. Dept); David Benavides (NMLA)

**3. Approval of Agenda**

Councilor Steve Polaco made a motion to approve the agenda; Councilor Leonard Martínez seconded the motion.

Roll call vote: Councilor Padilla - aye  
Councilor Martínez- aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from Council Meeting of August 4, 2020**

Councilor Rebecca Correa-Skartwed made a motion to approve the meeting minutes of the August 4, 2020 Council meeting; Councilor Andrea Padilla seconded the motion.

Roll call vote: Councilor Padilla - aye  
Councilor Martínez- aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Martínez asked permission to translate the minutes and distribute to heirs.

## **5. Discussion and Possible Action on BLM Update**

Lisa Morrison (BLM) reported that wood permit sales are picking up. In Farmington permits are available online and in person, in Taos they are available online and people can also call front desk and pick them up and in the Rio Puerco Albuquerque area, they are available online. The comment period for the Farmington Mancos Gallup RMPA ends on September 25<sup>th</sup>, 2020. Councilor Martínez commented that he and Gerald Chacón of the San Joaquín del Río de Chama Land Grant are working on comments with the assistance of Dr. Jacobo Baca of the NMLGC/LGSP. They met on Tuesday September 15 and will meet again. Ms. Morrison asked that when comments were submitted that she be CC'd. Councilor Martínez added that the San Joaquín Grant submitted its comprehensive management plan and asked if it has been incorporated into plan. Ms. Morrison responded that she can do a call with the Farmington office to check. Once the comment period ends, the BLM Farmington office will revise the RMPA and the protest period will begin. Those that have commented will be allowed to file a protest. Dr. Jacobo Baca (NMLGC) asked if the Farmington office director can pick and choose from other alternatives, even though Alt. C is the preferred alternative. Ms. Morrison responded that they can do so, as long as it is an item analyzed in the other alternatives. Councilor Correa-Skartwed asked of progress on the Rio Puerco RMP. Ms. Morrison responded that they have not heard from Washington Office. Mr. Arturo Archuleta added that it would be good for the Council to submit similar comments to those developed by San Joaquín del Río de Chama Land Grant with Dr. Baca by the September 25<sup>th</sup> deadline so that the Council has standing for the protest when the final RMPA is released. Council staff can bring the comments to the Council for formal adoption in the October meeting.

Councilor Martínez made a motion that the NMLGC submit comments on Farmington-Mancos-Gallup RMPA; Councilor Padilla second the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Polaco - aye
- Councilor Correa-Skartwed - aye
- Chairman Sánchez - aye

The motion was passed.

## **6. Discussion and Possible Action on U.S. Forest Service Update – Including Master Stewardship Agreement**

Mr. Archuleta reported that he had a brief conversation with DFA Acting Secretary Debbie Romero, who stated DFA legal reviewed the MSA and passed up to the Secretary. He will follow up with Secretary Romero to answer questions. Dillon Fisher-Ives (DFA Deputy Counsel) commented that the legal department does not have concerns, but acting Secretary Romero does have to review and hopefully get the MSA to the council soon. Mr. Archuleta commented that the Council forwards all updates that we receive to land grants. The Council did receive notice from the Cibola National Forest that the comment period for mountain coaster has begun. Land grants in the area can submit comments and NMLGC can assist in developing comments. Mr. Archuleta and Dr. Baca also participated in a “Convo with Colleague” with the Carson National Forest. The theme of equity and access reflects on systemic racism and equity for communities of color. Archuleta and Baca were first presenters from outside of agency and presented at the request of

CNF Forest Supervisor James Durán. In their presentation, they pointed to inequity and access, and commented that this cannot be discussed only in terms of existing uses of forest but need to consider past uses like natural resources extraction in addition to recreation. Uses that matter to our communities that need to be considered, including meaningful access for not just recreation, but also use. Dr. Baca added that this was a good opportunity to discuss that the ethos of Forest Service and the land ethic of land grant communities are not the same.

Councilor Martínez commented that he briefly spoke to Mr. Archuleta and Eric Chávez of Rep. Ben Ray Luján's office regarding the wood shortage and the MSO injunction. Commercial operators also provide wood to users and without commercial cutters, people are relying on piles from last year. People are poaching from decks on forest lands and the injunction is leading to high price for wood that elderly cannot afford. People want to buy all of our 180 cords that we hauled off of the mountain, including the Torreón Chapter of Navajos. This needs to be resolved or shortage will affect us and get worse. Mr. Archuleta added that discussions between the agency and Wild Earth Guardians seems to be stalled. In the spring, Council staff had a conversation with the three northern forest supervisors (Durán, Melonas and Hattenbach) and one problem was that personal use permits are only for dead and down timber, 300 feet from a USFS road. There is a potential for the USFS to do categorical exclusions if NEPA is done for up to 300 acres. The problem is that this can be considered timber management, which falls under the injunction. Congress can only put so much pressure as it is in courts and the NMLGC can request that the USFS send someone from Region 3 to provide update to next council meeting.

Councilor Polaco commented that if the USFS doesn't want fires, by not allowing people to harvest and thin, we will be facing same scenario as western states with big fires. The MSO injunction is stopping our thinning out of forests to prevent catastrophe, especially in areas that we don't have MSO habitat. Councilor Padilla commented that we might approach the environmental group (Wild Earth Guardians) to donate wood because of the problem and hardship they created. Mr. Archuleta commented that land grant representatives did sit down with Wild Earth Guardians and expressed our concern. This is in part why they negotiated personal use, but blamed the USFS for neglecting to monitor. The injunction remains for 11 million acres when 2 million are critical MSO habitat. The lawsuit holds everyone hostage as the WEG want USFS to monitor outside of USFS lands, including lands in Mexico. The USFS does not have the staff to support this, even though the NM State Land Office and State Forester are willing to help and assist and partner in an "All lands, all hands" approach across jurisdictions.

Eric Chávez of Rep. Ben Ray Luján's office added that he had conversations with USFS and in July had a conversation with the acting R3 Regional forester. He expressed the need for more access for logging and timber contractors. Both parties did try and submit stipulation to modify injunction to increase projects outside of MSO critical habitat and the court is still working on that. Councilor Martínez commented that this is stewardship and restoration, not commercial logging, and Ms. Morrison commented that BLM does have stewardship programs and added that she will work with BLM folks to see if there is more that BLM can do. Chairman Sánchez directed staff to contact the R3 regional office and ask that they attend the next meeting to provide and update.

## **7. Discussion and Possible Action on Federal and State Legislative Updates**

*State*

The next interim meeting is on October 14; Tierra Amarilla LG will discuss traditional uses on state owned lands.

### *Federal*

Mr. Archuleta commented that HR 3682 went through the House Natural Resources Committee. Staff from Senator Tom Udall's office sent word that it will not get introduced on Senate side as the Senate Natural Resources committee has already made its priorities and that gridlock with COVID relief bill imperils legislation. There is a small possibility if there is an omnibus lands bill that it could be included. Mr. David Benavides (NM Legal Aid) asked if the measure passed the full house. Mr. Chávez stated that it passed the committee and Rep. Luján is discussing the legislation with leader Rep. Hoyer to secure floor time for the bill, but that it is difficult in September. Rep. Luján hopes to get floor time at least in November.

Mr. Archuleta reported that Council staff was by ABC News *Nightline*, which are doing a story on land grants. The ABC News crew filmed and interviewed around state a few weeks ago and the Council staff put them in front of as many communities as possible. The piece will 15 minutes and will show in September 2020; we have contact information for them and can use this to highlight them. Sofía Sánchez (Office of Congresswoman Haaland) commented that they were able to interview the Congresswoman in Washington DC. Mr. Archuleta added that the New Mexico Attorney General was interviewed as well. Mr. Eric Chávez added that the crew was looking for an interview with Representative Luján as well. There was also included in the House Appropriations bill language for land grants and acequias, though it will not be implemented until early next year as we are likely to get a continuing resolution to get through end of the year.

### **8. Discussion and Possible Action on Stewardship Agreement with State Land Office**

Mr. Archuleta commented that the State Land Office is very interested in projects close to land grant communities. They want to create an umbrella agreement with NMLGC to serve as a liaison for projects. The NMLGC has been in conversation for lands near Cebolla; which would help the Tierra Amarilla and San Joaquín del Río de Chama Land Grants. J.R. Logan, the WUI coordinator for Taos County, has been helping the Santa Bárbara Land grant get their project off the ground. We hope to have a draft for council to review, but it is not yet ready. The State Land Office wants to meet with the San Joaquín and Tierra Amarilla Land Grants and Gerald Chacón to review site for project. On the ridge, the SLO will work on arch surveys to clear area while community members and youth project work to remove slash. Camila Romero of the SLO stated that there may be YCC or SLO youth funds to help this. On Monday Sept. 21<sup>st</sup> or Thursday Sept. 24<sup>th</sup>, they will have a conference call with the SLO and permittee. Councilor Padilla asked if the State Land Office have influence over the MRGCD, as people burn cottonwood, elm, and salt cedar. Mr. Archuleta responded that they do not have control of any bosque lands, to his knowledge. Councilor Padilla asked that the MRGCD be contacted to see what holdup is. Councilor Polaco asked the Natural Resource Conservation Service if there were areas on private lands. Kristen Graham-Chávez commented that they do have programs to assist private land holders with thinning and that the Farm Service Administration has technical and financial assistance. Area contacts are the Hernández field office (505-753-3508) and Norman Vigil in Canjilón. Mr. Archuleta asked Ms. Graham Chávez if the NRCS has issued guidance on land grant eligibility for programs; she responded that she will send information that can be distributed.



## **9. Discussion and Possible Action on Open Meetings Act Resolution**

In packet is the updated Open Meetings Act Resolution for FY 2021. It is standard, but adjustments for COVID adjustments are on page 1. Other items are standard, outlining meetings types and notice, rules for closed meetings.

Councilor Correa-Skartwed made a motion to adopt the OMA Resolution for FY 2021; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Martínez- aye  
Councilor Correa-Skartwed – aye  
Councilor Polaco - aye  
Chairman Sánchez - aye

The motion was passed.

## **10. Discussion and Possible Action on Land Grant Capital Outlay Update**

All capital outlay projects are on track to be spent. The Tecolote and Cristóbal de la Serna grant agreements are signed and have been submitted. The Serna Grant met to approve purchase of two parcels; they need approval of purchase and sale agreement. This was signed and submitted to DFA on Monday to encumber funds, which was 5% to save awarded monies. Tecolote submitted their notice of obligation and has received a quote from a contractor. This will save monies from this sweep, but all land grants should be cautious and be sure to spend their awarded monies. They should plan to get as much money as possible spent by January 30<sup>th</sup> as economic downturn may cause further clawbacks. If land grants need assistance, contact council staff. Council staff is also working to get grant agreement issued for PLVC (re-authorization) as well as the Punta de Agua re-authorization, for which Manzano LG serves as the fiscal agent. Councilor Padilla asked is land grants needed to spend their 2020 appropriations by January 2021 as well; Mr. Archuleta responded in the negative, but added that the State of New Mexico looks at older appropriations first but can decide to look at all projects if they need. They can look at all projects without encumbrances and we have seen where they will pull back monies that are not encumbered and pull back partial monies that are not on track to be spent. For FY 2020 monies, the more that you can encumber through contract for services, the safer it is, though it is up to the legislature and their discretion.

## **11. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget**

*FY 2021*

DFA rules have changed to allow for Council member per diem for FY 2021 and retro back to July 2020. The Council did a budget adjustment request last month, however, in a conversation with DFA regarding the BAR, sent to DFA. The admin fee is standard across all agencies and they stated that they will use it as they took a 5% cut and did not pass this onto NMLGC. Jeanette Gallegos asked that the NMLGC wait on budget adjustment as contracts will need to be re-issued and NMLA contract has just been approved and also to allow for changes in per diem allowed, and other budget items that may need adjustment. The BAR approved last month may be submitted in January 2021. Then monies can be allocated to contracts like NMLA later through a BAR at that time. Mr. Archuleta provided a budget update, including adjustment because of travel allowances. \$22,976.21 has been expended to date. Adjustments to budget area under UNM contract do not

need to be approved by DFA. The planned 4% raises are not happening. Jacobo Baca's reclass was part of this. The reclass needs written approval of LM Garcia y Griego to submit exception request to provost office. There is no guarantee that it will happen and we can shift the budget when we know more. He was not sure if we need to make a motion to adopt previous budget and forego BAR discussed in August.

Councilor Martínez made a motion that the Council revert to originally adopted budget for FY 2021; Councilor Correa-Skartwed seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez - aye
- Councilor Polaco - aye
- Chairman Sánchez - aye

The motion was passed.

*FY 2022*

None.

## **12. Discussion and Possible Action on Professional Surveyor Services Contract - Updates and Requests**

Surveyor services contractor Chris Chávez did good work in FY 2020 and continued work on projects that were approved. Larger projects, like surveying the Anton Chico Land Grant, might take several contract years. Mr. Chávez and Mr. Archuleta provided an update on status of current projects (see more in packet). The initial survey work at the Town of Tome and San Joaquín is done and only needs recording. The Santa Bárbara Grant needs additional work to survey the road. Mr. Chávez needs to regroup with legal counsel regarding the Juan Bautista Baldes case as a hearing is scheduled for May 2021. Mr. Benavides stated that we expect that this quiet title suit for 112 acres of common lands will be won and that Mr. Chávez will be key in case. He responded that he will do courthouse research, which has gotten better and plat review and report writing, which is good to do in winter. He reported that he needs to regroup with the Tajique Land Grant. There is no work regarding the Cristóbal de la Serna Land Grant, but a surveyor will help in the return of lineas and if the grant is able to collect enough parcels, they might be good to get a survey and identify which lands the grant is in control of and which descriptions are vague. The Serna board will have to evaluate to see if active surveys need to be challenged. Modern surveys that are completed encompass proper acreage but not proper boundaries. The lineas are long narrow strips, but are converted into lots. Some are done through quiet titles suits, so the Grant may need the assistance of the NMLA as well. There is a role for legal advice to challenge these quiet title suits. The community could not access the assessor's office because of COVID. They may need to survey and may also need to engage NM Taxation and Revenue Department and the NM Attorney General's office as assessments are 'special residential,' some assessed at \$176 an acre, others at \$350 an acre. Assessment may stop the Land Grant from paying these taxes and make them lose land and we may engage the Interim as well to discuss special tax assessment for common lands.



The Abiquiú Land grant needs work done as well. The Anton Chico rock pits are quite extensive and will take a lot of work. They may prioritize the wind energy project as they are working with private landowners and BlueEarth to get this moving. The rock pits may not need full surveys and may be more of a mapping exercise. Mr. Chávez commented that he found a person claiming Town of Tomé Land Grant land and that this needs action. Also, the survey of *all* land grants of what lands are remaining is necessary to defend lands against future challenges. Mr. Archuleta commented that the contract is in action and the Council has not yet issued a call for projects for surveyor services. The Council has nonetheless received 3 new requests. The San Joaquín del Río de Chama Land Grant asked that the historic acequias and croplands that are now USFS lands be surveyed. The Town of Tomé Grant has found potential encroachment and wants to pursue parcels in the area that are unidentified tracts that are common lands that Tome may need to make a claim to and to ensure they retain access to Tomé Hill park. Chairman Sánchez advised that the Chililí Land Grant filed a case against Bernalillo County and Tarrant County that all lands listed as *unknown, unassessed, unlocated* are and revert to land grant common land. Mr. Chávez requested a copy of the case, stating that he can do a survey of the property and create a deed that cites this case. Councilor Correa-Skartwed stated that the San Antonio de las Huertas Land Grant did the same and found all of the “unknowns” and worked with mapper for county assessors and they reassessed. It does increase the tax liability. Mr. Chávez cautioned that county mappers and their system does not represent legal mapping. Councilor Correa-Skartwed responded that they are slowly and gradually surveying them to make legal claim. Rita Padilla-Gutierrez (Town of Tomé Land Grant) posited that perhaps because the Tome property is a sacred site it might not be taxable. Councilor Martínez added that this is how the San Joaquín Land Grant acquired property across from their sala and that they plan to go through 470,000+ acres for unclaimed tracts and survey them. The Town of Tecolote Grant is asking for surveying services relating to the Montoya case where they were asked to sign off on a final stipulated order, but there are issues with the descriptions. They wanted to get on the ground to be sure that they are signing off on order and lands properly and Angela Herrera will check with the judge if and when they will allow for them to examine with a surveyor. Chairman Sánchez commented that land grants may consider suing the state for the plain table surveys and resulting land loss. Mr. Archuleta commented that the Council will send out a reminder to land grants regarding surveyor services.

Councilor Correa-Skartwed made a motion approving the survey request of the San Joaquín del Río de Chama Land Grant; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez – abstained, recusing himself
- Councilor Polaco – aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Martínez made a motion approving the survey request of the Town of Tecolote Land Grant; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye

Councilor Martínez – aye  
Councilor Polaco – aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Martínez made a motion approving the survey request of the Town of Tomé Land Grant; Councilor Correa-Skartwed seconded the motion.

Roll call vote:

Councilor Padilla – abstained; recusing herself  
Councilor Correa-Skartwed - aye  
Councilor Martínez - aye  
Councilor Polaco – aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Martínez asked how the projects will be prioritized; Mr. Archuleta responded that he will work with Mr. Chávez and assess the urgency and potential for land loss.

### **13. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division – Updates and Requests**

Novela Salazar (Office of the NMAG, Treaty Division) reported that there is a possible settlement with the Tierra Amarilla Land Grant in the Frente de Lucha case. This needs to be finalized and the NM Attorney General’s office will do a presentation for the Interim Land Grant Committee meeting on October 13<sup>th</sup>. The New Mexico State Auditor is working on the Anton Chico LG. Regarding the Manzano Land Grant, the Grant has had problems getting documents from Mr. Lopez of the Manzano Spring and Ditch and there are questions if the Manzano Spring and Ditch is operating properly and elections are up to date. Ms. Salazar responded to the Grant that they can make an open meetings act complaint to the NMAG’s office, but that it cannot interfere with contractual agreement between two parties (the USFS and Manzano Spring and Ditch). She is trying to get into contact with someone from the Office of the State Engineer to understand water rights. She asked Venessa Chávez (NMLGC/LGSP) for a copy of the FOIA that the Manzano Land Grant sent to the USFS. Councilor Polaco stated that he worked with Brian Gallegos with the OSE and that he might be the person to work with in this case. Mr. Archuleta stated that he believed that these discussions regarding Manzano might be outside of the scope of initial complaint. Though Ms. Salazar stated that there was an open meetings act complaint, the original land grant complaint was about the ethics of the Spring and Ditch Board members and elections are a part of this. He asked if it was her recommendation that the Manzano LG file a separate complaint with the Civil Division. She commented that the initial complaint regarding the spring and ditch asked who owned the waters. Mr. Jason Quintana asked later about elections and where an open meetings complaint would go, which might be a separate action.

### **14. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

David Benavides of NM Legal Aid presented a request of the NMLGC. He asked that the Council approve subcontracting some of the legal services provided by the legal services contract with the Council. These include important cases approved by council and serviced by himself and others (including UNM Law School). The work load for land grant services is too large, considering how

much of the legal services relate to litigation, and cases are moving more slowly because of COVID. In the midst of the overwhelming situation in the last FY (FY 2020), we were able to retain private attorney, Joe Lennihan, an experienced litigator, with other monies from the NM State Legislature. Mr. Lennihan is willing to work for Mr. Benavides rate and he is up to date on the Juan Bautista Baldes case, which will involve settlement negotiations and is the most active case in terms of litigation. Mr. Benavides would like to subcontract ½ of his \$40,000 contract to Mr. Lennihan, who will take the lead. Mr. Benavides will do everything else that Council has directed and take on new work as well, when able, such as discrete projects. Both Mr. Lennihan and New Mexico Legal Aid approve. Mr. Lennihan has also done considerable pro bono work for acequias and the idea is to subcontract for just this year.

Councilor Polaco made a motion to support David Benavides and NM Legal Aid to subcontract for no more than \$20,000 of the \$40,000 of the Council contract with NM Legal Aid. Chairman Sánchez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez- aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

#### **15. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2021**

Pay request #1 was presented, including July and August 2020. This only covers personnel costs and has no other charges. This includes \$17,959.34 in salary plus fringe benefits, \$3,591.87 in F&A for a total of \$21,551.21. Included in packet is narrative associated with PR#1. July and August were very busy as Council staff assisted 16 land grants with their ICIPs.

Councilor Martínez made a motion to approve Pay Request #1 for \$21,551.21; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla – aye
- Councilor Martínez - aye
- Councilor Polaco – aye
- Chairman Sánchez – aye

The motion was passed.

#### **16. Discussion and Possible Action on Creation of Land Grant Institute at UNM**

All five council members are interested in participating in a workshop discussing the creation of a Land Grant Institute at UNM. Former Council members Rita Padilla Gutiérrez and Macario Griego are interested in participating as well. Mr. Archuleta hopes to have the workshop the week of Sept. 28<sup>th</sup>-Oct. 2<sup>nd</sup>. Councilors discussed and Sept 30<sup>th</sup> in the morning worked best, with Oct. 2<sup>nd</sup> as an alternate. Mr. Archuleta and Dr. García y Griego will work on the agenda.

#### **17. Discussion and Possible Action on Land Grant Support Fund**

Mr. Baca reported that they have received an application from the Town of Tomé LG. Notice has been sent to all land grants three or four times. The deadline is Sept. 30<sup>th</sup>.

### **18. Discussion & Action on Piedra Lumbre Visitors Center Update**

The USFS did its final environmental review on September 16 and final cleanup was supposed to be last week, but was delayed because of the weather. DFA has not issued a grant agreement. Mr. Archuleta stated that he has been in contact with Scott Wright of DFA. The San Joaquín del Río de Chama Land Grant will serve as the fiscal agent. There is a 3 month, 90 day timeline from the time that the environmental assessment is issued and is considered good. Land grants will be named in the environmental assessment so that they can seek funds from the environment department for asbestos abatement and other work. Councilor Martínez stated that the land grants needs to sit down and prioritize and wants Mr. Archuleta and Mr. Baca to set up a meeting with UNM business school to look at marketing plan.

### **19. Discussion and Possible Action on Laguna del Campo Update**

The Tierra Amarilla Land Grant, NMLGC, NM Legal Aid, the Department of Game and Fish and the Office of the State Engineer discussed water rights and the Laguna del Campo. Option 1 is as is, where Laguna del Campo is transferred with water rights as is to the TALG and Option 2, which NM Game and Fish is advocating, would transfer storage right to land grant on 99 year lease, but hold onto diversion right to protect downstream users (the La Puente acequia). This is an administrative and bureaucratic solution as rights (diversion and storage) are codependent. A meeting to discuss will be scheduled.

### **20. Discussion and Possible Action on Land Grant Registry Update**

Mr. Baca stated that update requests have been sent out to all land grants operating as political subdivisions of the State of New Mexico. The following has been submitted to the Registry:

- Anton Chico Land Grant - Results of the election of April 1, 2019; membership and organization of board
- Cubero Land Grant - list of board members of the Cubero Land Grant as of August 2020
- Merced de los Pueblos de Tierra Amarilla - Results of the election of November 10, 2019 and membership and organization of the board

### **21. Discussion and Possible Action on Land Grant Studies Program Update**

LM García y Griego discussed a workshop for the proposed Land Grant Institute. With M. Archuleta, he met with the assistant vice president for research and new associate vice president for research to discuss the proposal for an institute. Mr. Archuleta commented that the LGSP partnered with several land grants and Ancestral Lands and submitted an application to outdoor recreation division of the economic development department for \$25,000. The application opportunity only had \$75,000 in total funds. The LGSP applied for a larger multi-grant project and concentrated on projects with existing capital monies. The collaborating grants included Tajique, Manzano, Tome, and Chililí. Tajique will fund an additional week and LGSP plans to pursue more monies to extend the crew. A 50/50 match is required and was made up with in kind contributions from Ancestral Lands, LGSP, and NMLGC. The applying land grants are matching at with \$900 in snacks, supplies and volunteer hours. Dr. Baca reported that the LGSP also supported work of Nightline crew with access to archives for filming. After pressing archives in

Santa Fe and Albuquerque, access was granted for UNM’s Center for Southwest Research, but was denied for the State Archives and Records Center, which holds the original documents submitted by land grants to the Surveyor General. He also reported that the Ben Lujan Leadership Institute at New Mexico Highlands was awarded \$30-40,000 for HM 31, which provided for acequias and land grants to be included in education.

**22. Discussion and Possible Action on Correspondence**

In the packet is a letter from the NMLGC to LM García y Griego asking for updates on his research. Dr. García y Griego asked when was last time that the Council funded his research. Mr. Archuleta responded that in FY 2020, the NMLGC paid \$1,000 (1% effort) as part of the P.I. salary. Research funding is also offset by summer salary, paid sometimes by LGSP, other times by NMLGC. He committed to pull this together for discussion. Dr. García y Griego stated that there no need to sign and send letter and he is happy to provide the research. While councilors may want a regular update, research and writing does not proceed on this schedule. For today, he has prepared inconsistencies in the adjudication process discussed by surveyors general in annual reports.

**23. Discussion and Possible Action on Staff Assignments**

None.

**24. Public Comments – Discussion only**

None.

**25. Miscellaneous Announcements**

CFRP panel was finally seated and is moving forward with applications.

**26. Date and Location for October 2020 Council Meeting**

The October 2020 Council meeting will take place virtually on October 22, 2020 at 10:00am.

**27. Adjournment**

Councilor Martínez made a motion to adjourn; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 2:01pm MDT.

**Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

New Mexico Land Grant Council (NMLGC)  
October 22, 2020 – 10:00am  
Virtual Meeting  
Zoom ID: 973 4121 0080

**Minutes – Final**  
**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:05am. Roll call of the Council members: Andrea Padilla, Leonard T. Martínez, Juan Sánchez, Steve Polaco and Rebecca Correa-Skartwed.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Eric Chávez (Office of Congressman Ben Ray Luján); Novela Salazar (Office of the New Mexico Attorney General); LM García y Griego (NMLGC/LGSP); Sofía Sánchez (Office of Congresswoman Deb Haaland); Lisa Morrison (BLM); Patricia Domínguez (Office of Sen. Martin Heinrich); Kristen Graham Chavez (NRCS); David Benavides (NMLA); Jennifer Wolfe (USFS); Kayla Laywell (Office of Congresswoman Xochitl Torres-Small); Geneveive Romero (Office of Congressman Ben Ray Luján); Stefanie Gallegos (heir, Anton Chico Land Grant); Isis López (Office of Congressman Ben Ray Luján); Tim Hagaman (New Mexico Economic Development Department).

**3. Approval of Agenda**

Councilor Steve Polaco made a motion to approve the agenda; Councilor Rebecca Correa-Skartwed seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Councilor Martínez- aye  
Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from Council Meeting of September 17, 2020**

Councilor Leonard Martínez made a motion to approve the meeting minutes of the September 17, 2020 Council meeting; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Martínez- aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

**5. Discussion and Possible Action on U.S. Forest Service Update**



Jennifer Wolfe, the acting state and local government liaison for USFS Region 3, reported that that USFS is still working on the Mexican Spotted Owl injunction. She clarified that the collection of personal use fuelwood is included with personal use of all forest products, which is exempted under the injunction order. For those unable to get wood themselves, they can get a third party on their permit to get wood, so long as money is not exchanged. Users should be able to contact local ranger district to arrange to drop into the office to get a permit, but need to wear a facemask at USFS offices. Mr. Arturo Archuleta (NMLGC) asked for clarification on personal use, specifically whether it includes green fuelwood, beyond dead and down. Ms. Wolfe responded that green fuelwood is allowed as well. Counselor Martínez added that there is not a lot of dead and down in the forest and asked if on 300 acre categorical exclusions are treatments still allowed. He also asked what the plan was for providing for the rest of the year and the future. Ms. Wolfe stated that there she had no answer regarding specific plans and Counselor Martínez responded that there is a lack of wood and wood prices for fuelwood are really high and the San Joaquín del Río de Chama Grant purchased wood from SFNF and has shared with other local communities and land grants. Mr. Archuleta added that its important for the USFS to consider categorical exclusions for NEPA, as NEPA requirements might fall under restrictions imposed by the injunction. Perhaps the USFS can figure out green fuelwood management sites that are designated areas away from critical habitat for the MSO.

Mr. Archuleta added that the Cibola National Forest is accepting public comments regarding the proposed mountain coaster in the Sandia Ranger District through March 2021. Jacobo Baca (NMLGC) provided an update on the Luna Fire burning near Chacón, New Mexico and added that stage 1 fire restrictions were enacted on the Carson and Santa Fe National Forests and on the Mount Taylor, Magdalena, Mountainair and Sandia Ranger Districts on the Cibola National Forest. Chairman Sánchez asked Ms. Wolfe if the CFRP panel has met to review applications for 2020. Councilor Correa-Skartwed commented that Phillip Clark, who is on the San Antonio de las Huertas Board and sits on the CFRP panel, have been reviewing applications. Chairman Sánchez asked Ms. Wolfe to provide any updates to Council staff. Dr. Baca added that the Santa Fe National Forest will have a cooperating agency meeting on Wednesday October 28<sup>th</sup>, 2020. Mr. Archuleta stated that he has a conversation with Debbie Romero, acting head of DFA, regarding the Master Stewardship Agreement and that Sec. Romero met with Laura McCarthy and the Secretary of the Energy, Minerals and Natural Resources Department. McCarthy discussed what the stewardship agreement would look like, commenting that a \$100,000 project could grow to millions in fund to do projects.

## **6. Discussion and Possible Action on Federal and State Legislative Updates**

### *State*

The Interim Land Grant Committee held its hearing on October 14 and their last meeting will be on November 23, 2020. WE are unsure what the agenda will look like and what legislation that the committee will consider endorsing. This year, the interim session was abbreviated and held only three meetings. On October 14, the Interim heard presentations regarding wildfire and preparedness, including presentations from the Secretary and Deputy Secretary for the Department of Homeland Security. The Department offers CERT (community emergency response trainings) and offered to do some with land grants; Council staff will reach out to discuss and arrange. The NM State Forestry Division presented on firefighting, most of which is done through JPAs with federal agencies and by fire teams around the state. The division also provides trainings, ranging from firewise trainings (protecting homes and structures) and mitigation to

training individuals for direct local response. They also have opportunities for seasonal fire work and get paid by the state to be a wildland fire fighter. Director McCarthy expressed her willingness to set up conversations with land grant communities and to get rid of excess equipment. Getting a full-fledged fire department is a big lift; but they do assist with disposal of equipment that a land grant might be able to procure. Venessa Chavez (Tajique Land Grant, UNM LGSP) presented regarding community response to wildfires.

The Treaty Division gave an update on the settlement of the Tierra o Muerte Case involving the Tierra Amarilla Land Grant and a presentation was given on partition grants by the Los Vigiles and Lower Gallinas Land Grants. Anton Chico attorney Andrea la Cruz Crawford gave a presentation on the Anton Chico Grant and the Tierra Amarilla Land Grant presented regarding the three New Mexico Game Commission managed areas on the Tierra Amarilla Land Grant. Council members discussed potential state legislation, including clean up of portions of 49.1.

Councilor Padilla asked if the Interim wants to focus on water issues for land grants; Mr. Archuleta responded that the Interim discussed water in August through the Manzano Land Grant and San Antonio de las Huertas Grant and hope to continue to address water issues in later interim sessions. Councilor Padilla added that large farmers are getting preference and are allowed by MRGCD to irrigate out of the ditch after the season was over and have been allowed to drill irrigation wells by the Office of the State Engineer. Mr. Archuleta stated that the State has discussed revamping water law, in terms of water and irrigation, well permitting and use, and that this is a large policy issue. Any changes in law, including discussion of land grants rights to common waters, will probably need to go in front of the natural resources and agriculture committees. Councilor Polaco added that water is a big issue, especially with drought and that the Tierra Amarilla Land Grant is at the top of the watershed, where the OSE has imposed its authority despite adjudication not being finalized.

### *Federal*

Eric Chávez (Office of Rep. Ben Ray Luján) commented that Rep. Luján's has been working on resources and disseminating information on the Luna and Medio Fires in northern New Mexico. Isis López (Office of Rep. Ben Ray Luján) added that the House Natural Resources Committee advanced the Traditional Use legislation in July 29<sup>th</sup> and that Rep. Luján is still trying to secure floor time, even into lame duck session. This legislation is one of Rep. Luján's top priorities and he is trying to get further scoring of the bill to ascertain budgetary impacts. Rep. Luján has also forwarded legislation for the designation of the Cerro to la Joya as wilderness. This is in the Taos – Questa area and has received support from Taos Pueblo. Sofia Sánchez or Rep. Deb Haaland's office commented that her office is keeping an eye on USDA crop insurance cuts. Mr. Archuleta stated that he has a virtual meeting with Xochitl Torres-Small's staff, including Kayla Laywell, who is the field representative for Valencia County. Ms. Laywell (Office of Rep. Xochitl Torres-Small) stated that they are keeping an eye on the MSO issue, especially in western forests, along with the issued relating to the MRGCD and farmer concerns. Mr. Archuleta stated that they discussed racial equity framed as equity and access in public lands use. The focus is on recreation is limiting and ignorant of community uses and the relationship with forests and public lands. These uses need to be acknowledged. The question might be how public land managers use these resources to meet the needs of local communities. The idea is do move the conversation on public lands beyond recreation. The NMLGC staff have had this conversation with the USFS, especially with the Carson National Forest. Councilor Martínez discussed other resources on common lands, like oil, gas and



coal, whose sale can provide money for scholarships, and home health care to keep heirs local. Mr. Archuleta added that the Council has proposed the potential to look at oil and gas revenues extracted from land grant communities to create a federal fund to help regain common lands.

### **7. Discussion and Possible Action on BLM Update**

Lisa Morrison (BLM) state that the Northern New Mexico Resource Advisory Council is looking for members. This is for the Taos, Farmington, Albuquerque and Rio Puerco Districts. Nominations are being accepted until Nov. 13, 2020. Councilor Martínez asked if the process for selection will be similar, where applicants fill our and application and receive a nomination from the Congressional delegation and asked if the RAC was larger since it covered so many districts. Ms. Morrison responded that the membership would remain at 12 members and that the open slots are category 3 memberships, including one spot for local officials and one for a federal permittee. Ms. Morrison reported that wood permits are for sale at the Taos, Albuquerque and Farmington offices and can be purchased in person or online. On November 23, the three offices will start selling Christmas tree permits. The BLM is also aware of the lack of fuelwood and has a new acting fuelwood manager. The Rio Puerco RMP is still with headquarters and there is no movement

Councilor Martínez made a motion to approve the NMLGC comments submitted to the BLM regarding the Farmington-Mancos-Gallup RMPA; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed – aye
- Councilor Polaco - aye
- Councilor Martínez– aye
- Chairman Sánchez - aye

The motion was passed.

### **8. Discussion and Possible Action on Stewardship Agreement with State Land Office**

Mr. Archuleta commented that Camila Romero of the State Land Office is interested in pursuing a project for Tierra Amarilla and San Joaquín del Río de Chama Land Grants. They have also identified areas around Chililí and Tijeras and found other state lands for potential projects, including potential projects in the San Miguel del Bado Land Grant. The per cord price of \$15 per cord is in statute and cannot be waived, but the land grants can potentially cords for their community. NMLGC staff will continue discussing projects with Camila Romero to see what can happen in interim before stewardship agreement is put into place.

### **9. Discussion and Possible Action on Cristóbal Nieto Land Grant**

Mr. Archuleta reported that a Jodilynn Trujillo contacted him and expressed her interest in forming the Cristóbal Nieto Land Grant as a community land grant. Dr. Baca researched and pulled together additional sources on the land grant and we found that the grant was never adjudicated. Nieto was a soldier in presidio and was granted a small tract of land near the capitol for his service to the crown. Speculators in the late 19<sup>th</sup> century attempted to enlarge the grant into the El Pino Land Grant. Ms. Trujillo does want to make formal presentation on grant in a future Council meeting and claims to have patents on the claim. Mr. Archuleta commented that this is a policy concern for NMLGC because if it was a private grant, it does not qualify for Council support and brings questions whether the council will support re-establishing the grant as a community land grant. Dr. Baca added that the grant seems to be a private land grant and not a

community grant and that the location of the grant is uncertain both in the literature, because of land speculation and even according to description of Ms. Trujillo.

### **10. Discussion and Possible Action on Council FY 2021 Budget**

Mr. Archuleta presented a budget update and Pay Request #2 (in packet). The only expenditures are staff salary and F&A within UNM contract and per diem by council members (\$1,900 of \$9,000 of the in-state travel budget has been spent). In total, we have spent 11.4% of total budget to date. We will need to do a BAR, which DFA wants in December or January. The Council did get more support fund requests than available in fund (\$20,000) and will be underbudget in certain areas because of COVID. The projections presented are based on what we think actuals will be. The DFA fee will be spent, as will the Support Fund. Legal services will be spent and we can move more monies there and publishing can be shifted. The total Council budget is in two categories; monies under the UNM contract and monies housed by at DFA. It is hard to shift monies between these two areas. Anything under DFA can be more easily moved within DFA and the same with UNM, moving monies within UNM contract, from item to item, is the easiest. In state travel is projected to be \$6,686.24 spent by years end, with \$2313.76 remaining. This is based on four in person meetings and eight virtual. Out of state travel (\$5,000) is unlikely to be spent in FY 2021. The only possible travel would be to Washington DC, when we will have a new Congress. Altogether, \$7,313.76 is projected to be unspent in Council travel and could be moved.

Under the UNM contract, UNM approved the salary increase for Dr. Baca. The projected remaining balance in salary is ~\$4,000 and time allocation could transfer more of our time to NMLGC from LGSP, which would save monies to LGSP that will roll into next year. There is a potential F&A reversion as well, but it goes away if the budget is fully spent. Staff travel may be unspent as well. Altogether, \$14,500 in the UNM budget could remain. These monies could be reallocated to surveying work, increasing that budget from \$28,500 to \$40,000. With the DFA managed portion of budget, can look to adjust the remaining ~\$7,300 from travel and the Council has previously discussed funding Risk Management and could increase the LGSF. Councilor Padilla opined that the extra monies should go to the LGSF and legal services and that surplus UNM funds should go to increase the surveyor contract. Mr. Archuleta stated that the Council just needs to give the legal service and surveyor services contractors sufficient time to spend down their contract increases.

### **11. Discussion and Possible Action on Land Grant Support Fund**

The Land Grant Support Fund applications were presented. Five applications came in before the September 30<sup>th</sup> deadline and two came after. The Santa Bárbara Land Grant application came in slightly after the deadline but they had contacted Mr. Archuleta before with questions on eligibility to use LGSF monies to purchase Risk Management insurance. The Don Fernando de Taos application came in very late (10/21/2020) because they are in process of purchasing a property and need to get insurance. Council staff encouraged them to submit their application to address the nature of their ask. In the guidelines it is stated that land grants cannot ask for more than 20% of total fund (\$4,000).

- The Cubero Land Grant requested funds to purchase office equipment (computer, printer, software) and a fireproof cabinet. They requested \$5,000 and have never received LGSF funding.
- The San Joaquín del Río de Chama Land Grant requested \$3,685 to upgrade the electrical line and meter for the sala and to upgrade metal gate at entrance to land grant

headquarters. Councilor Martínez, president of the San Joaquín del Río de Chama Land Grant, added that the needed upgrades are beyond the capital outlay monies that they received and the Jemez Rural Electrical Coop. needs to complete the upgrade and won't do so until they are paid. The grant still needs \$60,000 to finish their sala.

- The Town of Tomé Land Grant requested \$6,000 to purchase a four wheeler or UTV, or, if one cannot be found at that price, to purchase other items, including a Chromebook laptop, chairs and chair stand for rental hall, to purchase new chairs and ceiling fan, to repair commercial refrigerator, and to recarpet their office. Councilor Padilla, president of the Town of Tomé Grant, asked of the LGSF allowed grantees to purchase used items and offered to drop the request to \$4,000 or \$4,500.
- The Abiquiú Land Grant requested \$5,000 to purchase sign at entrance of Pueblo de Abiquiu to welcome tourists and indicate the protocols of the village. Mr. Archuleta has a subsequent conversation with Veronica Garcia, president of the Grant, and she said that they could purchase and install the signs for \$3,000.
- The San Antonio de las Huertas Land Grant requested \$3,000 to purchase and install a fence and two new gates blocking the irrigation pond from renters of El Campo de Oso. Access to the irrigation pond is a liability issue. Councilor Correa-Skartwed, who is president of the San Antonio de las Huertas Grant, stated that the Grant is concerned that people will visit the recreation area and will try to access the irrigation pond.
- The Santa Bárbara Land Grant requested \$1,000 to purchase liability insurance for their Copper Hill Forest Mayordomo Project with the State Land Office and Taos County. The Grant has received a \$10,000 grant to fund the project from Taos County but does not have the budget to pay the additional cost of liability insurance. Mr. Archuleta stated that the Grant was approved for Risk Management coverage and that he estimated their coverage cost at \$900.00, based on the cost that other land grants purchasing risk management insurance have paid.
- The Don Fernando de Taos Land Grant requested \$5,000 to purchase an insurance policy for fire, theft and general liability for three-year period on a building that they are in the process of purchasing. Mr. Archuleta advised that the Grant is unlikely to find three years of coverage paid in advance. The Council may not want to fund more than 1 year at a time because of this and DFA might reject their request as insurance could be considered an operating expense.

Councilor Martínez commented that the NMLGC previously discussed insurance issues, including risk management and tort liability coverage. He added that the NMLGC might need to create funding aside from support fund, either through legislation or as a separate line item in the budget. Mr. Archuleta added that the requests of Don Fernando de Taos and Santa Bárbara could be opportunity to test waters and use current monies to address this need. Legal services and surveying services grew out of the land grant support fund, so the creation of a separate and dedicated fund or budget item for insurance would be similar and with precedent. How the Council answers this request is the question. Does the Council approve this requests and continue to do so case by case? Do Council monies go to a fund managed by Risk Management with requests for coverage approved by the Council? Does the Council approach insurance funding as a pool? Does the Council implement a fund that reduces cost for all participating land grants? For the Santa Bárbara Land Grant, we may need to cover their premium before figuring this out or developing a policy. Don Fernando de Taos's request is not as urgent as they do not yet own the property they plan to insure. If we commit monies, we could approach the Risk Management

Division to discuss, offer what monies we've budgeted and it will between RMD, DFA and the NMLGC to negotiate a program. Or, we might grant money to land grant directly and they'll work with RMD to purchase, which might be best for the immediate needs of the Santa Bárbara Land Grant. We are not sure how DFA will react. RMD does have more than one insurance pool or fund that they provide coverage from. The tort liability fund is used by state entities so that they are exempt from being sued for certain things (immunity). However, there are certain things (exclusions) that they can be sued for. RMD also has funds for property coverage and small fund for other coverages like fire and theft that are applied at discretion of director. Risk Management insurance should be the first option before land grants try to get covered by private insurers.

Chairman Sánchez presented as suggested that the LGSF remain at \$20,000; Councilors discussed each application. They opted to address the insurance requests through the support fund this year and explore addressing insurance requests separately, outside of the LGSF, later.

Councilor Martínez made a motion approving the LGSF request of the Cubero Land Grant for \$4,000; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Councilor Martínez - aye
- Chairman Sánchez - aye

The motion was passed.

Councilor Correa-Skartwed made a motion approving the LGSF request of the San Joaquín del Río de Chama Land Grant for \$3,685; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez - recused himself
- Councilor Polaco - aye
- Chairman Sánchez - aye

The motion was passed.

Councilor Correa-Skartwed made a motion approving the LGSF request of the Town of Tome Land Grant for \$4,000; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - recused herself
- Councilor Correa-Skartwed - aye
- Councilor Martínez - aye
- Councilor Polaco - aye
- Chairman Sánchez - aye

The motion was passed.

Councilor Padilla made a motion approving the LGSF request of the Abiquiu Land Grant for \$3,000; Councilor Martínez seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Martínez – aye  
Councilor Polaco – aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Polaco made a motion approving the LGSF request of the San Antonio de las Huertas Land Grant for \$3,000; Councilor Martínez seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed –recused herself  
Councilor Martínez – aye  
Councilor Polaco – aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Correa-Skartwed made a motion approving the LGSF request of the Santa Bárbara Land Grant for \$1000; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed – aye  
Councilor Martínez – aye  
Councilor Polaco – aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Padilla made a motion approving the LGSF request of the Don Fernando de Taos Land Grant for \$1315; Councilor Martínez seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed – aye  
Councilor Martínez – aye  
Councilor Polaco – aye  
Chairman Sánchez – aye

The motion was passed.

## **12. Discussion and Possible Action on Creation of Land Grant Institute at UNM**

The Council discussed the creation of a Land Grant Institute at UNM in the October 2020 Council meeting. All five council members and past members Rita Padilla Gutierrez and Macario Griego participated in the workshop. The meeting packet includes a writeup of discussion and the proposal. Dr. LM García y Griego & Mr. Archuleta will work through process with the Office of the Vice President for Research. Dr. García y Griego will serve as the interim director for one year and the advisory committee will provide input and advice and would review the institute and director. Dr. García y Griego (director, LGSP; P.I., NMLGC) added that this would institutionalize the LGSP and NMLGC connection, housing the institute at UNM, making it the permanent home of NMLGC. He stated that it is his intention to step aside as director and P.I. but to continue working in

advisory capacity, etc. The OVPR needs to know that NMLGC supports creation of institute and wants to be in it and the LGSP advisory needs to know that this is the case.

Councilor Martínez made a motion that the New Mexico Land Grant Council supports the creation of a Land Grant Institute at UNM and that the New Mexico Land Grant Council expresses its desire to be a part of the Land Grant Institute. Councilor Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed – aye
- Councilor Martínez – aye
- Councilor Polaco – aye
- Chairman Sánchez – aye

The motion was passed.

### **13. Discussion and Possible Action on Land Grant Capital Outlay Update**

The Cristóbal de la Serna Land Grant and Tecolote Land Grant did expend 5% of their capital outlay monies; the Cañón de Carnué Land Grant were unable to spend and their awarded monies will likely revert. Venessa Chávez stated that the Tecolote Grant is still working with contractor to get work started on the community center roof. The Cristóbal de la Serna Land Grant has identified two parcels and have submitted their W-9 to DFA. The Council is assisting the Grant in putting together quit claim deeds and will ask Chairman Sánchez advice. Two parcels of about 60 acres were purchased well below market value and will become common lands under the name Cristóbal de la Serna Land Grant. All other land grant that have monies are advised to act on spending these monies before the 2021 legislative session. If land grants need any assistance, they should contact the NMLGC. Economic forecasts are better than expected, but there still may be sweeps. Councilor Martínez reported that the San Joaquín del Río de Chama Grant has spent \$90,000 of their CO monies and will have an additional \$30,000 once the bonds are sold. The PLVC grant agreement has been signed and \$600,000 will be encumbered with the purchase. Councilor Padilla reported that the Town of Tomé Land Grant was approved for \$100,000 and got the grant agreement signed and submitted and has submitted a \$35,000 request for repayment and wondered why there was a delay. Chairman Sánchez responded that with DFA staff working from home there are delays. Mr. Archuleta added a 3-4 week usual turn around is now 4-6 week turn around.

### **14. Discussion and Possible Action on Professional Surveyor Services Contract - Updates and Requests – Santo Tomás Apostol del Río de las Trampas Land Grant, San Antonio de las Huertas Land Grant**

The Santo Tomás Apostol del Río de las Trampas Land Grant has a request that does not require survey services immediately. A recent transplant from New York has fenced in a portion of the plaza at Las Trampas and people living around the plaza have encroached. The plaza in front of the church is a common area, not owned or assessed. The Grant needs to approach the Taos County assessor and get tracts including plaza assessed to the land grant. Counselor Padilla commented that she showed the Chililí case to the Valencia County assessor, who claimed that assessing unclaimed tracts to the land grant was out of her hands and had to go to the Taxation and Revenue Department. Mr. Archuleta responded that some could have a narrow interpretation of the case. Because the court signed off on the agreement, some might read that this narrowly to only stand in this case and in only Bernalillo County. Counselor Padilla added that Rita Padilla



Gutierrez discussed this with the assessor, especially regarding the 11-acre area of land around Tomé Hill. Chairman Sánchez stated that the Bernalillo County assessor has recommended that other county assessors follow the agreement and recommended that the Tomé Grant send a formal letter or e-mail to the County and then pursue their cause with the Taxation and Revenue Department. Mr. Archuleta added that we could also get an opinion of the Treaty of Guadalupe Hidalgo Division and bring this up with interim committee.

Counselor Correa-Skartwed reported that a land grant heir filed a lawsuit against mayordomo and business partner for trespass on their property and in his deposition, the surveyor, who has done work for the Grant, was found to have several violations against him. The Grant has grown concerned and feels it needs to reshoot a few areas, one where water leaves the land grant and another where a private land owner claims land grant property as his own. There is also a .75 acre tract that is land locked and that an heir wants to purchase.

Councilor Martínez made a motion approving the survey request of the San Antonio de las Huertas and Santo Tomás Apostol del Río de las Trampas Land Grant; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed – recused herself
- Councilor Polaco – aye
- Councilor Martínez – aye
- Chairman Sánchez – aye

The motion was passed.

#### **15. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update**

Mr. Archuleta commented that he will reach out to Novela Salazar regarding the revision of the Treaty Division’s statute.

#### **16. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

Mr. Archuleta reported that there are no new legal service requests. He updated that Mr. David Benavides is waiting to hear from appeals court regarding the Tajique cell phone tower case. The Tierra Amarilla Land Grant is meeting with the La Puente Ditch regarding the water rights and Laguna del Campo on Friday. The San Antonio de las Huertas Grant claim to a water right will need approval by Office of the State Engineer to move the water right from one parcel to another within grant, which might require approval of acequia. When examining the declaration, Mr. Archuleta found that there were areas listed as owned in common and on these parcels the water right is owned by the land grant outright.

#### **17. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2021**

Pay request #2 was presented, for \$10,328.70 work completed in September 2020. This includes \$8,607.25 in personnel expenses; and \$1,721.45 in the 20% Facility and Administration Fees. Included in packet is narrative associated with PR#2.

Councilor Polaco made a motion to approve Pay Request #2 for \$10,328.70; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco – aye
- Councilor Martínez – aye
- Chairman Sánchez – aye

The motion was passed.

### **18. Discussion & Action on Piedra Lumbre Visitors Center Update**

The Council received notice from USFS that environmental assessment is complete. Once DFA signs off on grant agreement, the Grants can request disbursement for purchase (\$600,000).

### **19. Discussion and Possible Action on Laguna del Campo Update**

The Council has continued to work with the Tierra Amarilla Land Grant. The Grant presented to the NM Game Commission on Friday, October 16 and discussed water rights associated with the Laguna del Campo. The Game Commission can separate storage and diversion rights associated with the lake and give a 99-year lease. The Tierra Amarilla Land Grant would rather both rights be transferred to the grant outright and wants to discuss with the acequia and get their support of the transfer of all rights. Councilor Polaco commented that the director of NM Game and Fish has in the past discussed the Department holding onto these rights an asset that can be sold to

### **20. Discussion and Possible Action on Land Grant Registry Update**

Dr. Baca stated that following has been submitted to the Registry:

- Anton Chico Land Grant - Results of the past elections (2009-2017); Rules and regulations of Anton Chico LG regarding common lands, and subsequent resolutions amending or adding to rules and regulations; Bylaws for the Land Grant Merced de Anton Chico, recorded by the Guadalupe County Clerk, August/September 2017.
- Cubero Land Grant - the draft (unapproved) bylaws for the Cubero Land Grant.
- Merced del Pueblo Abiquiú - results of the July 18, 2020 election (election of Victoria García and reelection of Max Archuleta) to the Board of Trustees for the Merced del Pueblo Abiquiú; organization of the Board of Trustees for the Merced del Pueblo Abiquiú

### **21. Discussion and Possible Action on Land Grant Studies Program Update**

Dr. LM García y Griego submitted an interim report on his research. Mr. Archuleta reported that Councilor Polaco requested for an update on interviews done by the LGSP and youth with elders in Tierra Amarilla. Councilor Polaco added that members of the Tierra Amarilla Land Grant have asked about the interviews, which increased participation in the Grant. He requested copies of the interviews. Mr. Archuleta added that all interviews were submitted to the Northern Rio Grande National Heritage Area, which awarded a small grant for the interviews. The LGSP would like to do more editing, perhaps shorten the interviews, but the grant did not allow for that. Councilor Polaco added that other heirs would also like to be interviewed as well and youth are interested in participating. Dr. Baca added that he and Dr. García y Griego participated in a well-attended virtual panel organized by Dr. Baca for the Western Historical Association annual conference. He also reported that the NMLGC / LGSP received word that they did not receive the Outdoor Recreation Opportunity Grant from the New Mexico Economic Development Department.



**22. Discussion and Possible Action on Correspondence**

The Council received a copy of the Santa Bárbara Land Grant’s protest to the Office of the State Engineer regarding the diversion and impoundment of Río Santa Bárbara water by A. Sanchez, as well as an e-mail from the Santa Bárbara Land Grant to the Risk Management Division requesting coverage.

**23. Discussion and Possible Action on Staff Assignments – Appointment to AG Equity Advisory Council; NM Department of Agriculture Healthy Soils Program Grant Review Committee**

Chairman Sánchez announced that former Council member Rita Padilla-Gutierrez and Council staff member Arturo Archuleta have been appointed to the NM Attorney General’s Equity Advisory Council. Mr. Archuleta was also asked to serve on the NM Department of Agriculture Healthy Soils Grant Review Committee and was assigned 10 grants to review and is in charge of presenting 10 of the 40 applications to the committee.

**24. Public Comments – Discussion only**

Tim Hagaman (NM EDD) encouraged land grants to apply for the outdoor recreation grant again next year. He would be happy to walk through Economic Development Department initiatives and would like to see copy of grant.

**25. Miscellaneous Announcements**

None.

**26. Date and Location for November 2020 Council Meeting**

The November 2020 Council meeting will take place virtually on November 12, 2020 at 10:00am, online via Zoom.

**27. Adjournment**

Councilor Correa Skartwed made a motion to adjourn; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco – aye
- Councilor Martínez – aye
- Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 2:00pm MDT.

**Approved:**

\_\_\_\_\_   
 Chair

\_\_\_\_\_   
 Date

New Mexico Land Grant Council (NMLGC)  
November 12, 2020 – 10:00am  
Virtual Meeting  
Zoom ID: 953 8873 2007

**Minutes – Final**  
**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:05am. Roll call of the Council members: Andrea Padilla, Leonard T. Martínez, Juan Sánchez and Steve Polaco; Rebecca Correa-Skartwed was absent.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Eric Chávez (Office of Congressman Ben Ray Luján); Novela Salazar (Office of the New Mexico Attorney General); LM García y Griego (NMLGC/LGSP); Lisa Morrison (BLM); Patricia Domínguez (Office of Sen. Martin Heinrich); Elaine Kohrman (USFS – Region 3) Jennifer Wolfe (USFS); Tim Hagaman (New Mexico Economic Development Department); Eric Romero (NMHU); Robert Trujillo (USFS); Ian Fox (USFS).

**3. Approval of Agenda**

Councilor Steve Polaco made a motion to approve the agenda; Councilor Leonard Martínez seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Martínez– aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from Council Meeting of October 22, 2020**

Councilor Andrea Padilla made a motion to approve the meeting minutes of the October 22, 2020 Council meeting; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Martínez– aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

**5. Discussion and Possible Action on Federal and State Legislative Updates**

*State*

Mr. Arturo Archuleta stated that the Interim Land Grant Committee will meet on Nov. 20 rather than Nov .23, where they will endorse legislation. The entire 2021 New Mexico legislative session

may be virtual. Capital outlay requests are now submitted fully online and requestors will not need a signature from local legislator; the system will automatically identify your legislator, but you will still need to contact your legislator to get their support. Requests are connected to the ICIP. There are reportedly \$300 million in severance tax bond monies that may be used to address infrastructure. We are unsure whether communities will be able to pursue capital outlay with these monies. In the past, the Interim Land Grant Committee has asked the NMLGC to present land grant capital outlay priorities but the Council has not been asked to do so this year.

### *Federal*

The Congressional Budget Office created a cost estimate for H.R. 3682 (in packet). They determined the legislation has no fiscal impact. We will need new score for a newly introduced bill if it does not go through this congress. Representative Ben Ray Luján is still trying to get floor time for the bill. Eric Chavez stated that the CBO score only impacts discretionary spending and that Congressman Luján is now working with House leadership to get floor time. Without changes, reintroduction of the bill in the next Congress will be quicker. Mr. Chávez and Levi Patterson will be available for updates. Patricia Domínguez commented that the Pecos Watershed Protection bill has been proposed and is related to the Terrero Mine. The bill us a mineral withdrawal bill that seeks to address future proposals.

## **6. Discussion and Possible Action on BLM Updates**

Lisa Morrison (BLM) stated that the BLM is looking for new members for the northern New Mexico and southern New Mexico Resource Advisory Councils and applications due tomorrow, Alison Sandoval, the RAC coordinator, can be contacted for specific questions. The BLM's online wood permit process is ongoing and it hopes to start Christmas tree process soon. Mr. Archuleta added that the meeting packet has a copy of the current membership of Northern New Mexico RAC. The BLM website stated that there are 3 positions open; Ms. Morrison stated that there were 4, one in the category for permittees; two for environmental groups and one for local officials. Mr. Archuleta commented that the current membership does not reflect the wider qualifications or interests in each category and recreation is over-represented. Category 1 and 2 are not diverse; Category 3 is better and the RAC is not ethno-racially diverse nor representative of New Mexico. He asked if there be an attempt to balance this. Councilor Martínez went through a long process for a 3-month appointment. The Council could ask for one of the staff to apply to serve on the RAC, which would fall into Category 3, which calls for state agencies responsible for managing land and water. The NMLGC does not directly manage land and water but advises land grants that do so.

## **7. Discussion and Possible Action on U.S. Forest Service Update – Including Master Stewardship Agreement**

Jennifer Wolfe (USFS) and Elaine Kohrman (USFS) provided an update on the settlement and end of the Mexican Spotted Owl injunction. Ms. Kohrman stated that the agreement has been reached on MSO injunction and that the USFS worked with Wild Earth Guardians to address their concerns. The USFS readdressed the 2012 MSO recovery plan and has done monitoring of MSO population, which was not apparent to WEG. The Conservation for Biological Diversity is involved as well. The 6 items in the agreement are: 1) a 5-year agreement to monitor long term trends (will cost \$1.5 million); 2) on the ground monitoring to detect MSO presence prior to a project; 3) USFS will examine impacts of fire activity, to ascertain effects of mechanical habitat treatments; 4) USFS will track long term trends in pack and recovery habitat and bring in experts in owl habitat; 5) USFS will engage the public in dialogue with foresters, NM Game and Fish directors, Conservation for

Biological Diversity, etc, to hold everyone accountable and avoid future lawsuits; and 6) ecological management work teams are identified and large landscape areas around MSO habitat have been divided by EMU (ecological management units). The USFS is working with U.S. Fish and Wildlife, which is taking the lead on this item. Some aspects of the agreement are coming together by December 2020, including a habitat map. Robert Trujillo (USFS) commented that habitat trend monitoring is important and the USFS has data from 1986-present. This allows the USFS to identify habitat and allows for continued management of the forests.

Mr. Archuleta asked how this might impact community fuelwood projects and what is considered critical MSO habitat. Mr. Trujillo responded that the USFS has already been monitoring and that identifying habitat, even non-critical habitat, does not affect all fuelwood projects, including dead and down. Ms. Kohrman added that the USFS has two years to find the impact of fuelwood on habitat and believes that this won't be an issue as WEG dropped fuelwood from injunction over a year ago. Mr. Archuleta asked if green fuelwood or wood for vigas and latillas will be an issue. Ian Fox (USFS) stated that personal use products that are gathered under a permit are largely dispersed and in designated areas and are unlikely to be an issue. When the USFS identified an area needing restoration, it will use personal use permits to remove excess fuels to meet land management objectives. These areas are identified through NEPA decisions, so NEPA has been accomplished. For other dispersed projects, the USFS can use categorical exclusions and in dispersed areas, which is a small portion of owl habitat, will be mapped by 2022, and areas where the owl can roost will be identified.

Mr. Archuleta commented that the goals for land grants are designated, long term fuelwood areas. 300-acre categorical exclusions have been mentioned as a tool. In Peñasco, the Santa Bárbara and Las Trampas Land Grants have been in conversation for five years and applied for a CFRP. The smaller and localized NEPA then turned into landscape scale NEPA, the proposed project was delayed, and the land grant to the state and the State Land Office stepped up with a project in the area. The fear is that studies will pause opportunities and the Council wants to ensure opportunities remain during these study phases. A 300-acre project can meet communities needs for 2-4 years and has worked well Chililí. Ms. Kohrman mentioned that she will follow up with the Carson and see the status of the NEPA in question. Councilor Martinez commented that the San Joaquín del Río de Chama Land Grant received documents requested through a FOIA regarding the USFS acquisition of the Cañón de Chama and is reviewing the documents as a board. They will have a response within 90 days and will consult with NMLGC staff as well. Ms. Kohrman encouraged him to reach out to Ms. Wolfe with any questions.

Chairman asked how Cal Joyner is doing. Ms. Kohrman responded that he is doing well, recovering from cancer and treatment and is enjoying retirement, golfing and taking care of family. Mr. Archuleta commented that he and Jacobo Baca participated in a Santa Fe National Forest meeting regarding the forest plan, discussing comments and plan changes. James Melonas is leaving his position as head of the Santa Fe National Forest and is returning to North Carolina, where he will be the forest supervisor of North Carolina's national forests. Ms. Wolfe added that she will bring the new Santa Fe National Forest supervisor to a future meeting once the person has been named. She added that the CFRP panel is meeting and reviewing applications. Mr. Archuleta added that he has received word that DFA will approve a Master Stewardship Agreement between the NMLGC and the USFS. DFA met with the Energy, Minerals, and Natural Resources Department and the State Forester (Laura McCarthy), who endorsed the MSA. Acting

DFA Secretary Debbie Romero commented that DFA is still unsure of how much DFA will need to do to execute the MSA. Chairman Sánchez commented that the Council will take official action to sign the document once it has been reviewed by all councilors and discussion of the document has taken place.

#### **8. Discussion and Possible Action on State Land Office fuelwood projects**

Mr. Archuleta reported that there is still no agreement in place with the State Land Office. Such an agreement would be similar to the MSA with the USFS. Land grants and the NMLGC continue to work on projects; San Joaquín del Río de Chama is working on a project near Cebolla and the Santa Bárbara Land Grant is acquiring tort liability insurance so they can resume their Copper Mountain project. The State Land Office requires that land grants have tort liability coverage to enact projects on SLO managed land. There are also potential projects in Chililí and San Miguel del Bado (near Villanueva). The hope is that a state MSA will be a larger agreement that smaller projects can work under.

#### **9. Discussion and Possible Action on Cristóbal Nieto Land Grant**

None.

#### **10. Discussion and Possible Action on Council FY 2021 Budget**

Mr. Archuleta presented a budget update. Expenditures from DFA have been only per diem and UNM contract – \$44,130.48, or 20% spent. At the December meeting, might make some decisions in re BAR, especially in light of travel restrictions.

#### **11. Discussion and Possible Action on Land Grant Support Fund**

Draft grant agreements were prepared by NMLGC staff and have been forwarded to Novela Salazar of Treaty Division for review. Some questions by Ms. Salazar have already been answered by Dr. Baca. As soon as the grant agreements are signed by the Treaty Division, we will get the signatures of land grant representatives and the signature of Chairman Sánchez and submit them to DFA. Ms. Salazar commented that she has reviewed the agreements and they need only review by the open government division director.

#### **12. Discussion and Possible Action on Creation of Land Grant Institute at UNM**

Mr. Archuleta commented that he and Dr. Garcia y Griego have a meeting with the OVPR today (Nov. 11, 2020).

#### **13. Discussion and Possible Action on Land Grant Capital Outlay Update**

Land grants need to spend their capital outlay awards. NMLGC assistance has been provided to the Manzano, Tajique, Cristóbal de la Serna, Torreón, San Joaquín del Río de Chama, Tecolote, Don Fernando de Taos Grants. A small amount of C.O. monies might be available in the 2021 session.

#### **14. Discussion and Possible Action on Professional Surveyor Services Contract - Updates and Requests**

There are potentially two new requests. The Tierra Amarilla, Juan Bautista Baldes and San Joaquín Land Grants need to allow easements for 2 powerlines and phone line at the Piedra Lumbre Visitors Center. They may need survey work to complete these as we are not sure if the land grants need to pay for survey work for easements or if the easements holders will pay. The NMLGC is working with attorneys from Holland and Hart to move forward. Surveyor Chris Chávez

estimated that the cost would be around \$3,500. The goal is to clear up any final snags like easements that might hold up the purchase. The second request is from the Cristóbal de la Serna Land Grant. Deeds are being reviewed by David Benavides of NMLA, but the Grant would like for Mr. Chávez to review the deeds as well. He may also have to do more research as deeds need to conform to what is on file with the county. Chris Chávez is an expert and his assistance would be valuable; he was previously approved to work with the grant.

#### **15. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

New Mexico Legal Aid finally got everything processed through DFA, including their use of a subcontractor. Council staff have discussed the Laguna del Campo and Cristóbal de la Serna deed review with NMLA. There are no new requests.

#### **16. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update**

Novela Salazar (NMAG – Treaty Division) reported that she discussed possible legislation to expand the Treaty Division Statute with Mr. Archuleta. She also put a call into Mark Edwards of the LCS to discuss ridding some repealed language of their statute and expanding other areas. The Division cannot help land grants that are not a political subdivision of the state. They would also prefer that individual land grant requests for support go to the Council first. Mr. Archuleta mentioned that the Treaty Division also plays a role in elections. He added that Mr. Edwards expressed his desire to have the NMAG Treaty Division available at the November 2020 meeting to discuss potential legislation. Ms. Salazar added that she has reviewed the Chililí “unknown owners” decision but needs a formal request if the Council wants an opinion from the attorney general’s office. Mr. Polaco asked if monies were available to purchase the Tierra o Muerte tract as part of the settlement.

#### **17. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2021**

Pay Request #3 was presented, for \$12,250.75. This includes \$10,208.82 in personnel expenses; and \$2,041.75 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #3.

Councilor Padilla made a motion to approve Pay Request #3 for \$12,250.75; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Polaco – aye
- Councilor Martínez – aye
- Chairman Sánchez – aye

The motion was passed.

#### **18. Discussion & Action on Piedra Lumbre Visitors Center Update**

Mr. Archuleta reported that the grants are close to completing the purchase. The USFS has completed the environmental assessment and the grants have 6 months to complete purchase. The San Joaquín del Río de Chama Land Grant has signed the grant agreement and submitted it to DFA. It will submit a notice of obligation and the grants are working on water rights transfer and to clear up easement issue. The USFS is preparing an invoice that will be submitted for a request for disbursement. \$305,000 will be left after purchase. NM State Purchasing has a purchase contract (price agreement) where they are cleared for procurement. Land grants are eligible to



use to obtain services to secure and rehabilitate the property. It is recommended that the grants obtain three quotes. They have discussed the project with a firm that does both design and build, which can save monies as there are not separate design and construction costs. The priority will be to remediate the PLVC property.

### **19. Discussion and Possible Action on Laguna del Campo Update**

Mr. Archuleta reported that he assisted in a meeting with the Tierra Amarilla Land Grant and the La Puente acequia. NMLA is working on a draft agreement to help transfer the water rights with property.

### **20. Discussion and Possible Action on Land Grant Registry Update**

None.

### **21. Discussion and Possible Action on Land Grant Studies Program Update**

LM García y Griego reported that he submitted a return to operations memo to the OVPR, which outlines the manner that staff will return to the office when the COVID numbers allow them to do so. He and Mr. Archuleta will meet with the OVPR later in the afternoon to discuss next steps on the Land Grant Institute. Mr. Archuleta reported that the LGSP is moving forward with oral history projects and will likely partner with MLECT to pursue NRGNHA to do another phase or interviews. The LGSP also plans to do more interviews with land grant leadership. Dr. Baca reported that he and Dr. García y Griego presented on a panel dedicated to land grant history as part of the Western History Association Conference. He also presented to students at Metro State University in Denver, CO. Mr. Archuleta also discussed the purchase of Malcolm Ebright's books at discount, which could be purchased with publishing monies and distributed to land grants. The Council might need to move on this at the next meeting and might split the cost with the LGSP.

### **22. Discussion and Possible Action on Correspondence**

None.

### **23. Discussion and Possible Action on Staff Assignments**

Mr. Archuleta commented that he received a subpoena from the law firm Marrs Griebel relating to the suit against the Taxation and Revenue Department and DFA. The subpoena asks for all files related to Tomé land purchase. Mr. Archuleta also reported that he is reviewing applications for the Healthy Soils Program and sees an opportunity for land grants in the future. \$225,000 in funding was available in this grant cycle and requests range from \$1,500-60,000. The idea is to increase soil health through various means, from cover soils to prevent erosion to the purchase and introduce of species like earthworms. Applicants can even purchase ground cover. SWCDs, land grants and acequias are eligible, but most applications are by individuals that go through their SWCD (this defeats anti-donation concerns). There are also individuals applying through an acequia. Land grant heirs might be able to do the same, but it would be preferable for land grants to submit applications themselves. Some applicants are trying to establish winter forage; others are asking for cover crop to establish gardens; still others want trees to establish a living root. Anton Chico could apply to help grazing; San Joaquín might apply to support a project in the Cañón de Chama and Chililí could potentially reseed burned areas. To participate, land grants need to have a conservation plan and need to have a farm number. Funding for the Healthy Soils Program comes from latest Farm Bill. We hope to have virtual workshop and get land grants to apply in next round. Councilor Padilla asked if there was a minimum land requirement; Mr. Archuleta

responded that it was 1 acre. Applications are also very different and projects vary in their per acre cost. There is a 25% match requirement, which can be in kind. The program requires soil samples and want other testing as well. Applications need to center around soil health. Councilors Martínez and Polaco commented that it is a good program and could be used on land grant properties and to proof up property as agricultural for tax purposes.

Councilor Martínez stated that the San Joaquín Grant needs help changing their tax identification number to one for a unit of government and creating a new account to not comingle funds. We also requested help from Mr. Archuleta and Dr. Baca to review the materials obtained from the USFS via their FOIA request. Councilor Padilla added that the Town of Tomé would like assistance with their tax id number as well.

Councilor Martínez made a motion to allow a NMLGC staff member to apply for membership on the BLM's northern New Mexico Resource Advisory Council; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Polaco – aye  
Councilor Martínez – aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Polaco made a motion directing staff to write a letter to request an NMAG opinion if the Chililí case is applicable to all land grants; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Polaco – aye  
Councilor Martínez – aye  
Chairman Sánchez – aye

The motion was passed.

Chairman Sánchez asked staff to send out notice to land grants that recertification of audits is coming due soon and some grants will need auditors.

#### **24. Public Comments – Discussion only**

None.

#### **25. Miscellaneous Announcements**

Councilor Padilla announced that the New Mexico Land Grant Consejo needs a secretary on their executive board and to contact her if interested.

#### **26. Date and Location for December Council Meeting**

The December 2020 Council meeting will take place virtually on December 17, 2020 at 10:00am, online via Zoom.

A special council meeting will be held on Wednesday, November 18, 2020 at 10:00am.



**27. Adjournment**

Councilor Polaco made a motion to adjourn; Councilor Martínez seconded the motion.  
Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez – aye
- Councilor Polaco – aye
- Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 12:37pm MST.

**Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

New Mexico Land Grant Council (NMLGC)  
November 18, 2020 – 10:00am  
Virtual Meeting  
Zoom ID: 947 9912 7868

**Minutes – Final**  
**Special Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:05am. Roll call of the Council members: Andrea Padilla, Leonard T. Martínez, Juan Sánchez and Rebecca Correa-Skartwed were present. Steve Polaco was absent.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Rebecca Correa-Skartwed (NMLGC); Leonard T. Martinez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP).

**3. Approval of Agenda**

Councilor Rebecca Correa Skartwed made a motion to approve the agenda; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa Skartwed - aye  
Councilor Martínez- aye  
Chairman Sánchez – aye

The motion was passed.

**4. Surveyor update and Approval of Request**

Mr. Archuleta reported that he spoke with a representative from NORA (Northern Rio Arriba Electrical Coop) who disputed the need for easement at the Piedra Lumbre Visitors Center as they already have a large one with the USFS. The NMLGC may need to have Chris Chavez (contracted surveyor) examine and possible reshoot the easements to allow the three land grants to move forward with the purchase. There should be an extant survey on record and Mr. Chavez's work should be easy. When PLVC sale goes through, the three easements need to be recorded with the sale. Currently, the USFS has a special use permit for NORA. Attorney Larry Montano of Holland and Hart felt a survey was needed and contacted a surveyor and Mr. Archuleta spoke with him and expressed his feeling that there might not be a need and that if a survey is needed, perhaps the electrical coop should bear the cost. Mr. Archuleta reported that Mr. Chavez estimated that the survey should cost about \$3,500 if he needs to do a whole survey but would be cheaper if the project requires less work. His former business partner Leslie Byrne did the survey of the PLVC relatively recently when she worked for the USFS. The hope is that a whole survey is not needed but the Council wishes to ensure that this does not hold up the sale, especially as the USFS is ready to issue a bill for the property.

Councilor Correa-Skartwed made a motion to approve survey services related to the Piedra Lumbre Visitors Center, including but not limited to determining easements; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Chairman Sánchez – aye
- Councilor Martínez– recuse

The motion was passed.

### **5. Adjournment**

Councilor Padilla made a motion to adjourn; Councilor Correa-Skartwed seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez – aye
- Councilor Correa Skartwed– aye
- Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 10:13am MST.

### **Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

New Mexico Land Grant Council (NMLGC)  
December 17, 2020 – 10:00am  
Virtual Meeting  
Zoom ID: 917 3172 3312

**Minutes – Final**  
**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:07am. Roll call of the Council members: Andrea Padilla, Leonard T. Martínez, Juan Sánchez, Rebecca Correa-Skartwed and Steve Polaco were present.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Rebecca Correa-Skartwed (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Eric Chávez (Office of Congressman Ben Ray Luján); Novela Salazar (Office of the New Mexico Attorney General); LM García y Griego (NMLGC/LGSP); Lisa Morrison (BLM); Sofia Sanchez (Office of Congresswoman Deb Haaland); Bill Sapp (USFS); Jennifer Wolfe (USFS); Rita Padilla Gutierrez (Town of Tomé LG).

**3. Approval of Agenda**

Councilor Steve Polaco made a motion to approve the agenda; Councilor Rebecca Correa Skartwed seconded the motion.

Roll call vote:

Councilor Martínez– aye  
Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from November 12, 2020 Regular meeting and November 18, 2020 Special meeting**

Councilor Correa Skartwed made a motion to approve the meeting minutes of the November 12, 2020 Council meeting; Councilor Andrea Padilla seconded the motion.

Roll call vote:

Councilor Martínez– aye  
Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Padilla made a motion to approve the meeting minutes of the November 18, 2020 Special Meeting; Councilor Leonard Martínez seconded the motion.

Roll call vote:

Councilor Martínez– aye  
Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

## **5. Discussion and Possible Action on BLM Update**

Lisa Morrison (BLM) sent a brochure about stewardship contracting to NMLGC staff. She will bring an expert to discuss stewardship programs in the spring of 2021. The Resource Advisory Council for Northern New Mexico will not be named as there were not enough applicants to proceed with action. Dr. Jacobo Baca submitted strong application and does not need to reapply. The next meeting of the Northern New Mexico RAC will be on January 19<sup>th</sup>; Mrs. Morrison will share a press release announcing the meeting. The new presidential administration will likely continue with RAC appointments. Councilor Martínez asked about the finalization Farmington-Mancos-Gallup RMPA; Mrs. Morrison responded that the RMPA needs to be officially published to allow for a protest period and needs to get the governor’s consistency review completed. She offered to get a field manager to discuss the plan with Councilor Martínez. Mrs. Morrison reported that there is no movement on the Rio Puerco plan from the current administration. This may change as the draft plan is not final, but there will be more delay with new people and changing national priorities out of Washington.

## **6. Discussion and Possible Action on USFS Update, including Master Stewardship Agreement**

Jennifer Wolfe (USFS) reported that Region 3 is still waiting for the appointment of a permanent regional forester. The Santa Fe National Forest still does not have an acting forester to replace James Melonas. The CFRP is still working through the process. The Master Stewardship Agreement (MSA) is moving forward but she is unsure of where in the process the MSA is right now. Mr. Arturo Archuleta (NMLGC staff) commented that he and Dr. Baca are conducting a thorough review and will discuss suggested changes with Dave Borland and Ian Fox of the USFS. The Council also needs to determine its DUNS number (DFA obtained a number several years ago when they were staffing the Council, but did not share the details with current Council staff); DFA staff are looking into it and Council staff will contact DUNS & Bradstreet for more information. Ms. Wolfe reported that personnel are taking leave after long fire season. Ericka Luna is moving on and has taken a permanent position as the Deputy Forest Supervisor for Apache National Forest. Bill Sapp will be the New Mexico liaison for January through April, after which the position will be staffed with a permanent replacement.

## **7. Discussion and Possible Action on Federal and State Legislative Updates**

### *Federal*

Eric Chavez (Office of Congressman Ben Ray Luján) stated that H.R. 3682 passed on December 3 with bipartisan support and is the first land grant legislation passed by Congress in 20 years. An event celebrating its passage was held last week and an audio recording was shared with Mr. Archuleta. Congressman Luján’s office is working to address the FSA – NAP (Farm Service Agency's (FSA) Noninsured Crop. Disaster Assistance Program (NAP)) decision for repayments to

farmers. On a conference call with USDA next week, Congressman Luján asked that the New Mexico state director rescinds a letter saying New Mexico producers need to pay back monies. He is also seeking to address the NAP decision that excludes acequias as irrigated lands. The Congressman's office is transitioning from a Congressional to Senate office and e-mail will be down by December 31. When new Senate office is established, they will work to ensure new contact info is provided. Sofia Sánchez, on behalf of Congresswoman Deb Haaland, thanked land grants, the Council and Rep. Luján's office for the land grant event. She offered to be a point of contact for other offices, including Teresa Leger Fernandez, during the transition and offered to set up a meeting with incoming staff. Meeting participants discussed the prospects of Congresswoman Haaland being selected as Secretary of the Interior in the Biden Administration and commented that it will be a great loss for land grants and land grants will need someone else to carry traditional use legislation in the House.

### *State*

Mr. Archuleta reported that all land grant related bills are included in the packet. The guaranteed revenue streams bill is being sponsored by Rep. Miguel Garcia and Sen. Liz Stefanics. Other bills include a bill to amend Chapter 49 to clean up the elections statutes and update 49.4, Chililí Land Grant's statute, to mirror 49.1; a bill to fund a surveyor and an attorney for the NMLGC, which may be tough as state agencies are asked to take a 5% cut; the sub-grant/partition bill, and another bill with natural resource protections and statements on common waters, which was not endorsed by committee because of timing. Also in the packet is information on updating the Office of the New Mexico Attorney General Treaty of Guadalupe Hidalgo Division's statute. Council staff have also met with incoming representatives. Through the suggestion of Georgia Roybal, Representative-Elect Roger Montoya (who is replacing Rep. Joseph Sanchez) met virtually with Dr. Jacobo Baca and Mr. Archuleta to get an update in land grants and Venessa Chavez and Mr. Archuleta met virtually with Rep. -Elect Ambrose Castellano (who is replacing Rep. Tomas Salazar).

The session will be hybrid and they may cap the number of bills that each House and Senate member may sponsor, perhaps as low as 5 bills each. Councilor Padilla commented that the Council needs to support the attorney and surveyor bill as many land grants are going to become involved in lawsuits as they reclaim their common lands and they do not have monies to pay for attorneys. At Tomé, 25% of its income goes to insurance. Councilor Martínez asked if the Interim Land Grant Committee asked the NMLGC to prioritize legislation. Mr. Archuleta responded that at the last interim meeting in November and in a meeting with Victor Reyes of Governor Michelle Luján Grisham's office it was stated that guaranteed revenue streams were a priority. The bill was passed by the House in the 2020 legislative session because of public support and a push by friendly legislators. It passed the House Appropriations committee without recommendation and got it passed on the floor of House. With a hybrid session, it will be up to land grants to contact legislators. All capitol outlay is online and the form is connected to the ICIP database. We are not sure how it works with multiple legislative funders as the system automatically identifies the home legislator and it is not clear how other legislators will find these projects. There will be \$300 million in severance tax bonds and we are not sure if individual legislators will divvy it up or if big infrastructure projects, like broadband to rural areas, will take priority. Capital outlay requests are due February 11, 2021. NMLGC staff provided the Interim Land Grant Committee with the top two capital priorities for each land grant from their ICIP for its capital outlay discussion. Councilor Polaco asked about a potential capital outlay request by the Tierra Amarilla Land Grant for monies for the Tierra o Muerte property. Mr. Archuleta responded that the state

has in the past allowed capital outlay to repay a loan, but because the negotiated settlement needs to be completed by July 1, 2021, capital outlay is not an options, as it won't be available until after July 1 and probably not until September. NMLGC staff sent out a reminder to land grants about audit requirements and reminded that CPMS needs to be updated on a monthly basis. It plans to host more trainings, including with the Auditors office and other agencies.

#### **8. Discussion and Possible Action on State Land Office fuelwood projects**

Mr. Archuleta reported that the project is ongoing and that there is nothing in place with the State Land Office like a stewardship agreement currently in place. Councilor Martínez commented that he received an e-mail from Camilla Romero regarding the Cebolla project, which has been delayed with recent snow fall and family issues that have taken the time of the San Joaquin board member and permittee.

#### **9. Discussion and Possible Action on Cristóbal Nieto Land Grant**

None.

#### **10. Discussion and Possible Action on Council FY 2021 Budget**

A budget update was provided in the packet. The Council will need to do a BAR in January. All Land Grant Support Fund agreements have been signed and sent to DFA. The legal services contract pay requests have been submitted. About 30% of travel has been spent and 27% of the UNM contract. No calendar year 2020 travel went over \$1,500, so no memo needs to be submitted to the Governor's office.

#### **11. Discussion and Possible Action on Land Grant Support Fund**

All Land Grant Support Fund agreements have been completed and sent to DFA and are awaiting processing. Scott Wright left DFA as Bureau Chief; Carmen Morin is serving as interim. Donnie Quintana is still out as Local government division director, on loan to the Department of Health. We have not been informed as to what is happening with ongoing capital outlay projects. Typically, LGSF agreements need to be processed for purchase orders to go through and we hope to prioritize Santa Bárbara Land Grant's award to move their project forward.

#### **12. Discussion and Possible Action on Creation of Land Grant Institute at UNM**

The Land Grant Interim Committee of the New Mexico Legislature will send letter to UNM supporting the creation of the Land Grant Institute. Mr. Archuleta and Dr. García y Griego have had monthly meetings with Associate Vice President for Research Steve Graves and the process will take at least a year to move through faculty senate. Dr. García y Griego stated that there is support from the OVPR and acting VPR Mary Jo Daniels will likely be supportive, though COVID is slowing the process.

#### **13. Discussion and Possible Action on Land Grant Capital Outlay Update**

The three land grants look to spend the bulk of their capital outlay request in their purchase of the Piedra Lumbre Visitors Center. Disbursement requests for the Cristóbal de la Serna Grant have been submitted to DFA. Language in the Don Fernando de Taos capital outlay appropriations prevented their purchase of a land grant office; they look to having the language changed through reauthorization. The Tecolote Land Grant is moving forward with their project on the community Center. The Town of Tomé Land Grant is making progress as well. The Manzano Land Grant is working with Punta de Agua on their water association and is look to reauthorize other monies.

Showing activity is good way to retain money as the legislature may go after projects that aren't moving.

**14. Discussion and Possible Action on Professional Surveyor Services Contract - Updates and Requests**

An invoice from surveyor Chris Chavez (Territorial Land Surveying) for \$3,472.93 has been submitted for the following work: compiled deed for Tome Park; prepare deeds and research at the Taos County Courthouse for the Cristobal del la Serna acquisition; conference calls with the Trampas and San Antonio de las Huertas Land Grants; field survey trip to Trampas; trip to San Antonio de las Huertas.

Councilor Polaco made a motion to approve invoice #4 for \$3,472.93; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Martínez asked if Mr. Chavez has provided a prioritized list of projects approved by Council and progress on the list. Mr. Archuleta responded that he is balancing research because of access issues and field trips with COVID restrictions. He is working primarily with land grants that have issues related to retaining common land and will look into San Joaquín del Río de Chama's request soon. Councilor Martínez responded that land grants need an opinion regarding property acquisition under the Chililí decision and stated that the San Joaquín del Río Chama Land Grant needs to have little school property surveyed.

**15. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

Two pay requests have been received from New Mexico Legal Aid. Pay request 1 for September 2020 is for 15.3 hours at a rate of \$125 per hour for a total of \$1,912.50. Pay request 2 for October 2020 is for 5.9 hours at a rate of \$125 per hour for a total of \$737.50.

Councilor Martínez made a motion to approve Pay Request 1 from New Mexico Legal Aid for \$1,912.50; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.



Councilor Martínez made a motion to approve Pay Request 2 from New Mexico Legal Aid for \$737.50; Councilor Correa Skartwed seconded the motion

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Padilla, as president of the Town of Tomé Land Grant, requested legal assistance from the NMLGC, as the Grant may be pulled into the lawsuit that stopped the sale of common lands to the Town of Tomé Land Grant. Council staff will discuss the case with David Benavides of New Mexico Legal Aid and the UNM Law School NREL Clinic.

Councilor Correa Skartwed made a motion to approve the request from the Town of Tomé Land Grant for legal services; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - recuse
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

## **16. Discussion and Possible Action on Treaty Division Update – Including Amendments to Statute**

Novela Salazar (NMAG – Treaty Division) discussed the NMLGC’s request regarding an AG opinion on the Chililí decision regarding assessing unnamed properties in the name of the land grant. The Council needs to submit a formal request, like an official letter, sent to the open government division of the NMAG’s office. Mr. Archuleta reported that the legislation revising the Treaty Division Statute was not ready in time to be endorsed by the committee. The language was sent to Mark Edwards of the Legislative Council Service, which removes reference to 47-1-25 re adverse possession and adds providing legal counsel to the NMLGC. Land grants seeking the assistance of the Treaty Division would come to the NMLGC first and the Treaty Division statute would mention their official role in the review of election contests. The Division would also assist land grants with IPRA requests and include the Division in the process of the transfer of land grant records from outgoing board members to successor. The bill still needs a sponsor. Ms. Salazar commented that, with Mr. Archuleta, she has been participating in the environmental equity committee and that fuelwood remains the biggest issue. She stated that any notes that can be shared are welcomed.

Councilor Polaco made a motion expressing the NMLGC’s support for the legislation revising the Treaty of Guadalupe Hidalgo Division Statute; Councilor Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye

Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

### **17. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2021**

Pay Request #4 was presented, for \$14,158.36. This includes \$11,373.71 in personnel expenses, 424.93 in staff travel; and \$2,359.72 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #4.

Councilor Martínez made a motion to approve Pay Request #4 for \$14,158.36; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Martínez– aye  
Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

### **18. Discussion & Action on Piedra Lumbre Visitors Center Update**

The three land grants are still working toward completing the purchase. They have hit a small snag with phone and power easements on the property. The NORA Coop. currently operates through a forest wide special use permit, which covers more than 30,000 acres. They believe that they are covered by the existing permit and do not want to get a new easement from the land grants. Holland and Hart (pro bono attorney) has contacted Valour, the telecom company, and has received no response. The attorneys felt it was odd that the USFS is requiring that the three land grants get the easement ironed out as the seller typically only needs to give notice of existing easements to the purchaser. There is no fee for the easement and the utility company typically covers the cost of filing easement and any survey work. If NORA does not take it on, the NMLGC approved contract surveyor Chris Chavez may undertake it. There might not be the opportunity to move or adjust and renegotiate the easement. Jennifer Wolfe (USFS) stated that she would follow up with USFS personnel and make sure that they know of the difficulties of the situation.

### **19. Discussion and Possible Action on Laguna del Campo Update**

The Tierra Amarilla Land Grant hopes to go in front of the New Mexico Game Commission to report that they have worked to resolve issues between downstream acequia and the land grant. NMLGC staff facilitated the agreement. Councilor Polaco reported that Commissioner Tircio Lopez stated that Commission is ready to turn property over. The grant prefers that the water right and property are transferred together.

### **20. Discussion and Possible Action on Land Grant Registry Update**

The San Joaquin del Río de Chama Land Grant submitted documents (133 pages) from the US Forest Service, Southwestern Regional Office, they obtained via a FOIA request. Organization and inventory work continues on the Registry.

## **21. Discussion and Possible Action on Land Grant Studies Program Update**

With the MLECT, the LGSP submitted application to Northern Rio Grande Heritage Area for a youth oral history project in Taos County and to edit past videos. There is still an interest in the CLE course on land grants and acequias offered with the UNM Law School, but it has not yet been rescheduled. LGSP continues to conduct research and do youth outreach via the web.

## **22. Discussion and Possible Action on Correspondence – Request for Support Federico Reade**

In the packet is a request from Federico Reade for support from the NMLGC and LGSP for his pursuit of \$100,000 for “staff, a video editor, the transfer of tapes to a digitized format, research, curriculum development, and acquisition of footage from private and public collections” related to the Alianza and activism in the 1970s. This is a large request and Mr. Reade cannot receive monies as an individual and needs a legislative sponsor and recipient of legislative funding. He previously approached the ILGC and LGSP offered to work with him. The LGSP’s previous experience with Mr. Reade was not a positive one. Councilors stated that it needs to be clear that the Council does not support this project as it competes with NMLGC and LGSP for resources. The LGSP focuses on current needs of land grants; this project focuses on Tierra Amarilla courthouse raid and work of Alianza. LGSP and Council staff will encourage Mr. Reade to work to preserve the collection, perhaps by donating the collection. Dr. LM García y Griego commented that neither the NMLGC nor LGSP has the resources to devote to this project and that the LGSP does not support working with Mr. Reade. Councilors discussed other priorities, including \$40,000 needed by the Tierra Amarilla Land Grant to regain land and prioritizing the research of the LGSP that serves a collective purpose rather than one individual’s priorities.

Councilor Polaco made a motion that the NMLGC does not support Federico Reade’s \$100,000 proposal; Councilor Correa-Skartwed seconded the motion.

Roll call vote:

- Councilor Martínez– aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

## **23. Discussion and Possible Action on Staff Assignments**

Council staff submitted the annual report to the Office of the Governor, the Legislative Finance Committee, the Land Grant Interim Committee (and Legislative Council Service) and the Department of Finance and Administration.

## **24. Public Comments – Discussion only**

Councilor Padilla announced that the Consejo held its December meeting and that they will pursue a new initiative to get youth more involved in livestock raising and farming. With the Roundhouse closed, there will be no Treaty of Guadalupe Hidalgo Day celebration at the legislature in 2021.

## **25. Miscellaneous Announcements**

Councilor Polaco announced that the Tierra Amarilla Land Grant is starting a Go Fund Me campaign in 2021 for monies to buy the Tierra o Muerte tract.

**26. Date and Location for January Council Meeting**

The January 2021 Council meeting will take place virtually on January 21, 2021 at 10:00am, online via Zoom.

**27. Adjournment**

Councilor Martínez made a motion to adjourn; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Martínez- aye

Councilor Padilla - aye

Councilor Correa-Skartwed - aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 12:37pm MST.

**Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

New Mexico Land Grant Council (NMLGC)  
January 21, 2021 – 10:00am  
Virtual Meeting  
Zoom ID: 915 4187 3757

**Minutes – Final**

**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:02am. Roll call of the Council members: Leonard T. Martínez, Andrea Padilla, Rebecca Correa-Skartwed, Steve Polaco and Juan Sánchez were present.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Rebecca Correa-Skartwed (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Lisa Morrison (BLM); Jeff Montoya (BLM); Jack River (BLM); Alyssa Duran (BLM); Bill Sapp (USFS); Kris Graham Chavez (NRCS); Xochitl Campos Briggs (Congresswoman Teresa Leger Fernandez); Senaida Anaya (Torreon Land Grant); Eric Chávez (Senator Ben Ray Luján); Sofía Sánchez (Congresswoman Deb Haaland); LM García y Griego (LGSP/NMLGC); Patricia Domínguez (Senator Martin Heinrich); Isis López (Senator Ben Ray Luján); Novela Salazar (NMAG – Treaty of Guadalupe Hidalgo Division).

**3. Approval of Agenda**

Councilor Steve Polaco made a motion to approve the agenda; Councilor Rebecca Correa Skartwed seconded the motion.

Roll call vote:

Councilor Martínez– aye  
Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from December 17, 2020 Council meeting**

Councilor Leonard Martínez made a motion to approve the meeting minutes of the December 17, 2020 Council meeting; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Martínez– aye  
Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

## **5. Discussion and Possible Action on U.S. Forest Service Update**

Mr. Arturo Archuleta reported that he and Dr. Jacobo Baca of the NMLGC have reviewed a draft master stewardship agreement and provided extensive comments to the U.S. Forest Service, which were sent to Ian Fox and Dave Borland of the USFS Region 3 office. NMLGC staff will be meeting with Mr. Fox and Mr. Borland on January 27, 2021 to review and edit the draft MSA and will present this draft to Council in February 2021 Council meeting for approval. The NMLGC does have a DUNS number, which is necessary to finalize this agreement, but we do not know who the contact at DFA is that can change the point of contact for the DUNS number. The Council has not heard anything from the Cibola and Santa Fe National Forests regarding forest plan revision. The Carson National Forest contacted staff with a government working group meeting date in early March. Councilor Martínez asked Bill Sapp (USFS acting liaison) if the Moya Project near Lindrith on the Coyote or Cuba District of the Carson National Forest is selling permits. The project will yield 100-200 cords of piñón - juniper and the land grant and local people are interested in purchasing permits before there is a proscribed burn. He spoke about this issue with Paul Martínez, the project coordinator, who reported that they have been told that permits would not be issued until May 2021. Mr. Bill Sapp (USFS) reported that he has heard nothing about the appointment of a new regional forester, but that recreation has been placed under engineering and the regional office is somewhat in flux. Sandy Watts is still acting regional forester.

## **6. Discussion and Possible Action on Bureau of Land Management Update**

Lisa Morrison (BLM) reported that she previously shared a stewardship brochure with NMLGC and today brought BLM that run stewardship programs to answer any questions. Jack River is a field forester with Rio Puerco field office, Alyssa Duran is a forester with the Taos Field Office, and Jeff Tafoya is a natural resource specialist for the Farmington Field Office. Mr. Rivers stated that there are three types of BLM stewardship programs: 1) a contract paying for forest work, where the value of products is used to offset the cost of the service, included in payment to the contractor; 2) a stewardship agreement; and 3) stewardship forest product sale (often used in a project like fire risk reduction or watershed restoration), where the product value is higher than value of service and contractors pay the difference. The stewardship forest product sales are the easiest to implement, though the field staff is not experienced in implementing all of these projects. He recommended that if an association is interested in this service, primarily for fuelwood, to contact Lisa Morrison, who can contact the field office, who manages these at the local level, and the resource manager will work with state office stewardship representative to administer the program. Mr. Rivers noted that there are not any clearly defined areas available for stewardship.

Councilor Martinez commented that he has worked with Jeff Montoya and has looked into projects in the area. With the USFS's Moya project shut down, people are stealing wood from BLM lands and the community is in need of fuelwood, perhaps from thinning projects. Mr. River responded that thinning projects are usually conducted by staff at field offices, specifically the fire management officer for each district. Todd Richards is the fire management officer for the Rio Puerco District. Councilor Padilla asked if the BLM could notify land grants of projects directly. Ms. Morrison responded that BLM fire management does press releases for a prescribed burn and perhaps could do a thinning project in anticipation of prescribed burn. She will discuss with BLM personnel and report back. Councilor Martinez asked if there is a database where the public can view projects and determine if they fall within a land grant's historic boundaries. If they are, he asked if the BLM could work with land grants first or if projects would go to public bid. Ms.

Morrison responded that she would look into the database and if there are projects, the land grant would go to the field office and discuss a stewardship contract. Councilor Martínez asked if land grants can have first opportunity as a unit of government; Ms. Morrison stated that she would look into it.

Dr. Baca asked if a community can self-identify a project in their area; Mr. River responded that yes, they could, and Ms. Morrison stated that land grants should contact her and that she would put land grants in contact with the appropriate field office. Mr. Archuleta asked for clarification and the differences between the first 2 stewardship programs discussed above. Mr. River responded that contracts are open for bidding and competition whereas an agreement can be 'sole source' and can identify its cooperator. Mr. Archuleta asked if the forestry and fuels management staffs are separate and different. Mr. River responded that forestry staff are led by two foresters; Alyssa Duran in the Taos Field Office and himself (Mr. River) in the Rio Puerco Field office. Forest treatments are done by fire and fuels management staff. Foresters work in planning, identify bounds of project, monitor and the forestry and fuels management staff implement. The forestry staff manages sales and the fires and fuel management staff know what types of projects are being created and where. Ms. Morrison reiterated that land grants should contact her if a land grant sees potential fuel project and she will contact field office and will work with field manager and field office to examine and potentially plan a project. For other projects that are being currently being implemented, she will contact fire folks to see what is available. Ms. Morrison added that NEPA and cultural resource reviews need to happen for projects and can slow projects. Mr. Archuleta asked if the BLM has the option to do categorical exclusion on small projects like the US Forest Service. Mr. River responded that the BLM can do categorical exclusions, but still need to complete archaeological surveys and tribal consultation. He added that contracts and agreements are often contingent on funding and if a land grant makes a recommendation, it still requires internal BLM funding to implement a contract or stewardship agreement. Projects are easier to implement if a payment is made to BLM for the project (i.e. #3 - stewardship forest product sale).

Ms. Morrison provided a general BLM update, commenting that the Biden administration is certain to bring changes. There remains interest in the Farmington and Rio Puerco plans, which are both being reviewed. The acting BLM state director is Steve Wells, who hails from the BLM minerals division in Washington DC. Dr. Baca commented that he watched the BLM Northern New Mexico RAC meeting and noted that RAC was consulted for endorsement of fees for recreation areas for Aldo Leopold and Amole Canyon on the Carson National Forest. Ms. Morrison clarified that all federal recreation fees need to go through some sort of council. Recreation law states that it can be a Forest Service or BLM council and the USFS often uses BLM RAC process because they do not have one of their own. Mr. Archuleta commented that this process, using the RAC for approval, seems to be that they are circumventing a user group as it doesn't include the local perspective. Ms. Morrison stated that a call with Alison Sandoval can provide background and history. Dr. Baca added that a presentation by Rio Puerco Field Office mentioned that, especially in their district, adjacent to largest population center in New Mexico in Albuquerque, interests in recreation for hiking, camping and shooting and special designations for areas for solitude are creating user conflicts with other users, both those pushing for mineral development and rights of way and traditional users, who value the land for grazing and firewood. Councilor Martinez added that in his one day with the Farmington RAC, it was obvious that most RAC members did not know area and represented either recreation or sub terranean resource extraction, but that there was not representation of other users. He suggested that there needs to be better discussion of RACS



and that perhaps Mr. Archuleta or Dr. Baca should present to the RACs to help them better understand land grants. Patricia Domínguez (Office of Senator Martin Heinrich) stated that if the delegation can be of assistance to reach out. Ms. Morrison stated that she would speak to Alison Sandoval about having Council staff present at a future RAC meeting.

## **7. Discussion and Possible Action on Federal and State Legislative Updates**

### *Federal*

Isis López (Office of Senator Ben Ray Luján) reported that Senator Ben Ray Luján has transitioned from the House to the Senate and has brought in some of former Senator Tom Udall and former Representative Xochitl Torres Small's staff. Ms. López added that her portfolio is smaller as she focuses on public lands, traditional uses and agriculture. She will continue to work with Levi Patterson on legislation, but has no current update in the timing for the introduction of traditional use legislation in the Senate and Senator Luján's office does not now of his Senate committee assignments. She added that she looks forward to working with Council, Consejo and acequias on reintroduction of the traditional use bill and is interested in discussing concerns about the RAC and the lack of a forest service advisory council. Eric Chávez (Office of Senator Ben Ray Luján) reported that he will be a state liaison for Senator Luján, covering forestry, BLM, agriculture, and traditional land use and encouraged people to reach out to him with any concerns. Senator Luján's statewide offices are still being set up and Mr. Chavez will share their information with the NMLGC once it is available.

Patricia Domínguez (Office of Senator Martin Heinrich) reported that the Buffalo Tract Bill was reintroduced as is (old version in packet). The bill removes mineral rights in the area and allows BLM to continue disposal process through the federal land management act, though no management plan has been adopted for the Rio Puerco area, which forestalls disposal. Both San Antonio de las Huertas Land Grant and local pueblos have expressed interest. The Pecos Watershed Protection Act, which is responding to minerals interests in the Terrero mine, will also be reintroduced as well as wilderness bills for lands within the Rio Grande de Norte National Monument. Sofía Sánchez (Office of Rep. Deb Haaland) stated that Rep. Deb Haaland's office is in a holding pattern with her impending appointment as Secretary of the Interior and staff are leaving with a skeleton crew remaining. Ms. Sánchez will remain on staff through the transition and remains contact for land grant issues, which she feels are important as a land grant heir. Rep. Haaland is still a Congresswoman and will not give up seat until confirmed to the cabinet. The election held be within 75 days of the vacancy and parties will forward nominees. The staff will continue constituent services and all legislation and policy will be on hold. Xochitl Campos Biggs (Office of Rep. Teresa Leger Fernández) introduced herself and stated that land grants are an important issue to Congresswoman Teresa Leger Fernandez and wants to ensure her teal represents the communities of Congressional District 3. She is honored that land grants are looking to her to champion land grants and traditional use rights.

### *State*

Mr. Archuleta reported that the New Mexico Legislation session will began Tuesday and the entire session will be virtual. There was discussion on potential limits on legislation, five per legislator, though it seems many are introducing more than that. All five land grant related bills endorsed by the Land Grant Interim Committee were introduced. They include:



House Bill 41 – Establishing qualified partitions of land grants-mercedes as autonomous land grants-mercedes, sponsored by Rep. Miguel García. This bill has been introduced several times. The first time it was introduced it passed the Senate and died on the House floor; the second time it passed both houses and was pocket vetoed by Governor Susana Martínez and the third time it passed both houses and was pocket vetoed by Governor Michelle Luján Grisham because an opposing vote by Senator Campos brought concerns by the Governor. The Interim Committee supported and reintroduced the bill and it is assigned to House Local Government, Land Grant and Cultural Affairs Committee, chaired by Rep. Miguel Garcia, and the Judiciary Committee.

Councilor Martínez made a motion that the NMLGC endorse House Bill 41; the motion was seconded by Councilor Correa Skartwed.

Roll call vote:

- Councilor Martínez– aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

House Bill 78, the Tierra Amarilla Traditional Use Lands Management and Transfer Act, which seeks to create access and the eventual transfer of the Sergeant, Humphries and Rio Chama Wildlife Management Area (~44,000 acres). All of these areas were carved from communal lands of the Tierra Amarilla Land Grant, which the U.S. Surveyor General reported to Congress that the community had access to. The Tierra Amarilla Land Grant was a community grant, granted to Manuel Martinez and many others, but was confirmed to his son, Francisco, as a private grant. Francisco Martínez issued deeds to residents, which adverse court rulings deemed null. Land speculator Thomas Catron bought these hijuelas and consolidated interest, which he sold to outsiders. These sales continued from 19<sup>th</sup> to the 20<sup>th</sup> centuries, despite continued communal use until the 1930s, when court cases closed use of commons. The State of New Mexico purchased the reserve lands in the 1960s and the Game and Fish Department has managed them since the 1970s. There are limited number of hunts and the properties are closed off to use of general public and locals. Federal funds may have been used to purchase, which may complicate the goals of the bill. These lands are closed to general public and calls for traditional uses are ignored. In the 1980s, Ganados del Valle used lands to pasture their flocks in an emergency, but were rebuffed and the state did not investigate traditional uses as promised. Both the NMLGC and Interim Committee asked New Mexico Game and Fish to examine the potential for traditional uses on these properties but they did not do so.

The Tierra Amarilla Land Grant wants to continue and expand access by locals and continue access by general public. Some hunting permits will be for locals and land grant members and others for general public. The bill calls for a management plan to be created by NM Game and Fish, the Tierra Amarilla Land Grant, and the New Mexico State Forestry Division. The New Mexico Wildlife Federation came out strong against the bill and sent a condescending letter to Rep. Garcia, though they never reached out to discuss the bill or to see if there is common ground. Their opposition speaks to issues of equity in public lands that ignores traditional uses and prefers elite uses. Ms. Domínguez mentioned the equity initiative in New Mexico Attorney General Hector Balderas’s office; Mr. Archuleta responded that he sits on the equity taskforce. Ms. Domínguez

added that she could reach out to the NM Wildlife Federation and encourage them to discuss issue with other stakeholders. Mr. Archuleta added that though the opposition has cast traditional uses as a zero sum game, land grants recognize compatible uses and land grants had to create this bill to even have discussion because previous outreach was rebuffed. Novela Salazar (Treaty of Guadalupe Hidalgo Division, NMAG) stated that in her reading of the bill there would still be public use but the Merced de los Pueblos de Tierra Amarilla would step into management role of the Department of Game and Fish. Mr. Archuleta clarified that the Grant does not want licensing and Game and Fish will continue licensing hunting and fishing. What changes is permits, which would be controlled by the Tierra Amarilla Grant and hunters would still get hunting license but the Grant would control 30 permits that are in these three properties. Though hunts are supposed to be for local, locals report that out of state hunters typically are the hunters on these properties. Uses and control to the Tierra Amarilla Land Grant will be phased in. Councilors stated that this demonstrates lack of understanding and respect for land grants and the need for education and that opposition does not see the cultural value and local use for hundreds of years. They commented that it also shows that people misconstrue the history of land grants and think of only protest periods and not the longer history. Perhaps land grant should consider a marketing strategy for general public education. HB 78 has been assigned to House Local Government, Land Grants and Cultural Affairs Committee and the Natural Resources Committee.

Councilor Polaco made a motion that the New Mexico Land Grant Council endorse House Bill 78; Councilor Padilla seconded the motion

Roll call vote:

Councilor Martínez- aye  
Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

Senate Bill 68, introduced by Senator Linda Lopez, corrects and updates 49.1 and 49.4 (Chililí Land Grant's statute) to add elections changes, including a canvassing board separate from board and/or candidates. The bill was sent to Senate Conservation and Senate Rules Committee, which Senator Lopez Chairs.

Councilor Correa Skartwed made a motion that the New Mexico Land Grant Council endorse Senate Bill; Councilor Martínez seconded the motion.

Roll call vote:

Councilor Martínez- aye  
Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

Senate Bill 85, sponsored by Senator Liz Stafanics, is the guaranteed revenue stream for land grants bill. It is supported by the Governor's office. Victor Reyes, Governor Michelle Lujan Grisham's legislative policy staffer, who is running for the Democratic Party's nomination for

Congressional District #1, has been particularly supportive of the proposal. The bill has been assigned to the Senate Finance Committee, now chaired by Senator George Munoz. Because of COVID restrictions, land grants cannot testify in force like last year (17 grants attended and testified at the Legislative Finance Committee hearing).

Councilor Padilla made a motion that the New Mexico Land Grant Council endorse Senate Bill 85; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Senator Lopez also introduced Senate Bill 111, which provides an appropriation for five years to the NMLGC to hire a surveyor and attorney. This may be a challenge as the state is in an economic crisis. It has been assigned to the Senate Indian, Rural and Cultural Affairs Committee and Senate Finance Committee.

Councilor Martínez made a motion that the New Mexico Land Grant Council endorse Senate Bill 111, Councilor Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Other legislation has been drafted but not yet introduced and was sponsored by the NMLGC for the creation of a legislative file. One unnumbered and unsponsored piece of legislation calls for protection of common lands and amends 49.1 and 49.4. It provides for a definition for common lands exists and common waters. The "common waters" definition was narrowed by LCS to mean "water resources for which a land grant-merced has valid existing water rights and may include points of diversion or storage located on property outside of the common lands." Land grants are encouraged to file their water rights claimed ahead of and during adjudication. This is complicated with acequias and waters on land grant commons claimed by others and land grants have the best opportunity to retain control of water rights fully on land grant commons that don't leave the grant. The bill may be complicated and may need discussion with state engineer. The bill still does not have sponsor and the "common waters" issue might lead to some push back. It is limited to waters on common lands that land grants currently manage and subject to valid existing rights. This could provide land grants a voice in water management decisions. If the common waters aspect proves too controversial, other aspects of bill other than common waters definition might be ripe to move forward, like natural resource protection measures. The bill includes recommendations from Anton Chico Land Grant attorney Andrea La Cruz Crawford. The NMLGC had previously worked with the UNM Law School Natural Resources and Environmental Law

Clinic on draft legislation that created the natural resource officer position. This current legislation is different and does not create this post. Protections of natural resources includes allowing criminal citations to be issued and violators to be prosecuted in court. Land grants can also represent themselves without an attorney and courts may allow land grants to provide witnesses. Fines are defined and land grants are allowed to pursue violators for actual damages and attorneys fees for pursuing the case can be recouped. Councilors stated that this is a very important bill and land grants need a definition for common waters and influence in water administration. The bill is complex and land grants still need to pursue a legislator to sponsor the legislation; Representative Ambrose Castellano may be approached to sponsor this legislation. If the bill is not proposed in this session, it may have to wait until the future and may need to go through the water and natural resources interim committee.

Councilor Padilla made a motion to endorse the legislation protecting common lands and waters discussed above; the motion was seconded by Councilor Polaco.

Roll call vote:

Councilor Martínez- aye  
Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

Another bill relates to the amendment of the New Mexico Attorney General's Treaty of Guadalupe Hidalgo Division's statute. It removes reference to 47-1-25, which has been repealed, and adds language that they are counsel to the NMLGC and can assist land grants to identify legal assistance, as well as review and respond to contests of election and compliance with IPRA and assist with the transfer of records from outgoing to incoming board members. Representative Roger Montoya may be approached to sponsor this legislation.

Councilor Polaco made a motion to endorse legislation amending and updating the Treaty of Guadalupe Hidalgo Division statute; Councilor Martínez seconded the motion.

Roll call vote:

Councilor Martínez- aye  
Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

Dr. Baca commented that House Bill 95, introduced by Rep. Andrea Romero, would amend New Mexico water law. It removes the necessity that "the objector will be substantially and specifically affected by the granting of the application" for applications for water permits, water transfers, well drillings, and use of waters out of the state. The Council, as a state agency, and land grants, as political subdivisions, would likely pay closer attention to water transfers, well permits, etc., to raise objections. Mr. Archuleta added that he spoke with Donnie Quintana of the Department of Finance and Administration, who was on loan with the Department of Health, assisting with contact tracing. Mr. Quintana stated that while the DFA department budget in the Governor's

proposed budget remains flat, the NMLGC project budget is increased to \$321,000. We are not sure if the legislature will agree to this budget and DFA and the NMLGC may need to be present in front of legislative committees to answer questions.

Councilor Martínez made a motion to allow NMLGC staff to participate in the legislative process for 2021 legislative session; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

### **8. Discussion and Possible Action on 2021 Treaty of Guadalupe Hidalgo Day**

The annual Treaty of Guadalupe Hidalgo Day, co-hosted by the NMLGC, the New Mexico Land Grant-Merced Consejo and the Land Grant Studies Program, has been postponed due to COVID-19 restrictions and the closure of the New Mexico State Capitol to the public.

### **9. Discussion and Possible Action on Council FY 2021 Budget**

A budget update was provided in the packet. The support fund agreements for the San Joaquín del Río de Chama, Tomé and San Antonio de las Huertas Grants are out. Cubero's is nearly complete and we are waiting for a decision from DFA legal as to the Santa Bárbara and Don Fernando de Taos Land Grant if the purchase of tort liability coverage is considered an operating expense. Don Fernando de Taos intends to purchase coverage for a property and Santa Bárbara for a project. DFA stated that the legislative language for the Don Fernando de Taos Grant does not allow for purchase of land and they will need to get reauthorizations of their capitol outlay appropriations, meaning that they will need to amend their use of the LGSF award (\$1,315.00). NMLGC staff will contact the Grant to determine their intent. Legal services and publishing will be spent, and in state travel will have some reversion. With current COVID\_19 restrictions, the \$5,000 in out of state travel is unlikely to be spent. This totals \$7,595 to be moved within DFA managed monies, which can be moved it to legal services as our contractor, New Mexico Legal Aid, is involved in litigation, which is time intensive and costly.

In the UNM managed portion of the budget, staff in state travel will likely remain unspent, likely leaving \$6,075 in this line item. \$3,500 in out of state travel will certainly remain unspent as well. In copier and printer maintenance, very little has been spent because of virtual meetings, likely leaving \$1,600. There remains a need to mailout updated lawbooks, so postage, which is at \$150, should be increased by \$250 to \$400. Because of the unlikelihood of in person meetings, \$1,075 should be moved from meeting expense, reserving \$125 in the event that the NMLGC can host one in person meeting in FY 2021.

Councilor Martínez made a motion approving a BAR, moving \$7,595 to legal services, \$12,000 to the surveyor contract and \$250 to postage; Councilor Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye

Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

The LGSP/NMLGC are also working with author and historian Malcolm Ebright to potentially purchase books at a reduced rate.

#### **10. Discussion and Possible Action on Land Grant Support Fund Update**

The support fund agreements for the San Joaquín de l Río de Chama, Town of Tomé and San Antonio de las Huertas Land Grants are out and ready. Ms. Chávez will help land grants to draw down on their awards. DFA is waiting on a W-9 from the Cubero Land Grant. DFA legal is looking into the Santa Bárbara and Don Fernando de Taos Land Grants' requests to determine if these are operating expenses and prohibited under the LGSF. This issue speaks to the NMLGC looking to support tort liability for land grants (which all land grants are supposed to carry) through a separate fund.

#### **11. Discussion and Possible Action on Creation of Land Grant Institute at UNM Update**

Mr. Archuleta sent information to Mark Edwards of LCS where he can direct the letter from the Land Grant Interim Committee to the Office of the Vice President for Research endorsing the creation of the Land Grant Institute. Dr. Garcia y Griego met with associate VPR Steve Graves. UNM hired Ellen Fisher as its new Vice President for Research. He will send materials to the OVPR to provide an update and state the need for OVPR's support. The provost will give a pro forma review of the proposal before it goes through faculty senate. The current timeline has the proposal going to faculty senate in early fall 2021.

#### **12. Discussion and Possible Action on Land Grant Capital Outlay Update**

The deadline to submit capital outlay is February 11<sup>th</sup>, 2021. The process is different and it is advised that requestors submit their requests by February 1. All requests will be separated by county and lists will be provided to legislators. They can look at list and check off those that they want to support and the amount they will contribute. No longer do requestors need to get a signature, only verbal support. If you want support of legislator from non-local legislator, need to let them know of your request so that they can find it. NMLGC will provide assistance upon request. We have sent a reminder and will send more. Venessa Chávez (NMLGC staff) added that the reauthorization deadline is February 11<sup>th</sup> as well. The San Antonio de las Huertas and Manzano Land Grants have reauthorization requests and the Don Fernando de Taos Grant is seeking reauthorization on three appropriations. She is keeping track of which land grants are submitting capital outlay requests; Chililí, Santa Bárbara and Manzano Land Grants have submitted capital outlay and/or reauthorizations. Mr. Archuleta commented that the Merced de los Pueblos de Tierra Amarilla has a settlement agreement with Al Frente de Lucha needs to be paid by July 1 and the grant cannot use capital outlay for the purchase but the Council is assisting the Grant in exploring if they can use capital outlay to repay a loan. The New Mexico Finance Authority has a program, but the deadline passed and the program is for infrastructure projects.

#### **13. Discussion and Possible Action on Professional Surveyor Services Contract - Updates and Requests**



Surveyor contractor Chris Chávez has been doing research, made difficult with no access to courthouses. He is looking into the Trampas village plaza for the Trampas Land Grant through Taos County records.

#### **14. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

There are two pay requests from New Mexico Legal Aid that need to be approved. Pay request #3 is for November 2020 and is for work with the Cristobal de la Serna Land Grant (reviewing deeds) and Tierra Amarilla Land Grant (work on Laguna del Campo).

Councilor Correa Skartwed made a motion to approve Pay Request 3 from New Mexico Legal Aid for \$537.50; Councilor Martinez seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Pay request #4 is for work completed for the Cristobal de la Serna and Tajique Land Grants in December 2020 and totals \$462.50

Councilor Polaco made a motion to approve Pay Request 4 from New Mexico Legal Aid for \$462.50; Councilor AP seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

#### **15. Discussion and Possible Action on Treaty Division Update – Including Amendments to Statute**

Novela Salazar (NMAG – Treaty Division) reported that she had no updates. Mr. Archuleta asked if the NMAG's office was reviewing legislation and asked her to reach out with any questions if so; Ms. Salazar responded that they were reviewing pre-filed bills. Councilor Polaco asked Ms. Salazar if she had received any information from Tania Maestas or Cholla Khoury about funds to aid the Merced de los Pueblos de Tierra Amarilla purchase the 'Tierra o Muerte' tract; Ms. Salazar responded that she has not received any information from Ms. Maestas or Ms. Khoury. Councilor Padilla asked if the Council ever submitted a formal request to the New Mexico Attorney General for a review of the 1991 court order assigned tracts assessed to "unknown owners" within the exterior boundaries of the Chililí Land Grant to the Chililí Land Grant. Mr. Archuleta responded that the letter has not yet been submitted, that Dr. Baca composed a draft letter that staff needs to review to ensure than scope of question is proper and wants to provide background and evidence of use of the case when posing the question. He and Dr. Baca will work on the letter and share it with the Council at the February 2021 Council meeting.

## **16. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2021**

Pay Request #5 was presented, for \$13,662.01. This includes \$11,385.03 in personnel expenses, and \$2,276.98 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #5.

Councilor Correa Skartwed made a motion to approve Pay Request #5 for \$13,662.01; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Martínez- aye

Councilor Padilla - aye

Councilor Correa-Skartwed - aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

## **17. Discussion & Action on Piedra Lumbre Visitors Center Update**

The transfer is moving forward even though the easement issues stalled the process. Mr. Archuleta discussed the issue with the U.S. Forest Service, which will approach the utility companies. The USFS agreed to take out language that requires the purchasers to change the easement. This amendment to purchase and sale agreement is being worked on by Holland and Hart and they will work to get signatures from the three land grants. The NMLGC received a request for information from Governor's office on progress of PLVC and Abiquiú projects. The Abiquiú Land Grant is working on their projects and got their audits squared away.

## **18. Discussion & Action on State Land Office fuelwood projects**

Projects are still in the works, though there has been a snag for the Santa Bárbara Land Grant, which received a LGSF grant to purchase liability coverage. DFA legal is reviewing if the coverage is a considered an operating expense, which is not allowed through the LGSF. The Cebolla project continued with the San Joaquín del Río de Chama Land Grant taking the lead. Councilor Martínez stated that the Grant signed the contract and that the state has marked trees but snow will slow work. He met with the contractor and wood will be split, 1:1, and the Grants needs to help with cutting of wood, slash, etc. At 2 cords per acre, the contractor sees at least a month of work. All wood needs to be harvested immediately when it is cut. This will start in March/April. The Grant may also need tort liability coverage. The Grant also wants to purchase dump trailer with \$40,000 remaining from another project.

## **19. Discussion and Possible Action on Laguna del Campo Update**

The transfer has been held up by water rights issues. Though the Game Commission wants to transfer the property with all water rights, the Department of Game and Fish wants to retain water rights to protect downstream acequia. The Merced de los Pueblos de Tierra Amarilla and the acequias are still in discussions. Councilor Polaco stated that he has discussed the matter with the La Puente acequia president and that one user did not want the grant to be a parciante on the ditch. The Grant met on Sunday and feels that need to be parciantes if they are responsible for cleaning portions of ditch and spillway.

## **20. Discussion and Possible Action on Land Grant Registry Update**



Dr. Baca reported that the Abiquiú Grant bylaws were requested. No new items were submitted.

### **21. Discussion and Possible Action on Land Grant Studies Program Update**

Venessa Chávez is working on oral history interview with former Councilor and past Town of Tomé Land Grant Rita Padilla Gutierrez and with a historian from Estancia. Dr. Baca reported that he is using Ancestry to recover land grant records and to assist the Anton Chico Grant with their genealogy

### **22. Discussion and Possible Action on Correspondence**

Dr. Baca reported that Rep. Miguel Garcia put him in contact with a Richard Bond who claims interest in the Arroyo de San Lorenzo Land Grant, also known as the Antonio Chavez Land Grant. Mr. Bond claims that he has discussed the grant with a descendant of Antonio Chavez, whose family has maintained an interest in the grant. According to Dr. Baca's research, Bond's ancestor, Hiram Bond, was a land speculator who purchased the grant from García and Luna families that purchased the land grant from the Chavez's. Hiram Bond later sold the grant to Martin Hayes, who attempted to gain confirmation of the Socorro County Land Grant but was denied by the Court of Private Land Claims and the U.S. Supreme Court. Richard Bond's claim was thus, severed, by his ancestor Hiram Bond when Hiram sold the claim to Martin Hayes. Dr. Baca stated that he was preparing a detailed response that will be sent to Mr. Bond.

Councilor Padilla asked that the Council or Studies Program consider doing a training session with land grants regarding registering heirs. The Town of Tomé's acquisition of lands has resulted in an increase in people wanting to join the Grant and wanting access to the land grant lands. She has let a recent party know that he needs to be active member of grant, giving time or financial assistance. Perhaps the Council and Studies Program could offer a workshop of "do's and don't's." Dr. Baca responded that each land grant's genealogy and history is unique and complex, with periods of abandonment and resettlement. Land grants are empowered to decide the definition of a member and can opt to allow registration by a person proving they are a descendant of residents of the grant in a given time period (i.e., appear on the 1920 census) rather than requiring that they are the descendant of an original grantee. Often finding a list of the original grantees proves evasive, as granting documents often name only one grantee and an unnamed enumeration of others. Councilor Correa Skartwed added that opening the membership and revising the bylaws can be a tough process and was so for the San Antonio de las Huertas Land Grant. Dr. García y Griego commented that the LGSP and NMLGC can do a workshop that provides different experiences and perspectives that could generate an increased interest in land grants.

Mr. Archuleta stated that the Council received an inquiry from Lorenzo Flores asking who provides legal counsel for the NMLGC and sent a notice of legal action.

### **23. Discussion and Possible Action on Staff Assignments**

None.

### **24. Public Comments – Discussion only**

Councilor Padilla reported that the Town of Tomé Grant had its 11 acres surveyed and filed a warranty deed filed but will want more help in future. With Ms. Chávez's help, the Torreón Land Grant is reorganizing. Councilor Martínez reported that there is a cemetery in Capulín not owned

by anyone and other cemeteries are filling and running out of room. No one owns original cemetery as well. The San Joaquín del Río de Chama Grant is engaging in an agreement where the Grant and two individuals will co-manage the cemetery. They need to set up bylaws and welcome any samples. Mr. Archuleta suggested copies from the Cañón de Carnué and Chililí Land Grants, both of which manage cemeteries.

**25. Miscellaneous Announcements**

None.

**26. Date and Location for February 2021 Council Meeting**

The February 2021 Council meeting will take place virtually on February 18, 2021 at 10:00am, online via Zoom.

**27. Adjournment**

Councilor Polaco made a motion to adjourn; Councilor Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 2:42pm MST.

**Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

New Mexico Land Grant Council (NMLGC)  
February 18, 2021 – 10:00am  
Virtual Meeting  
Zoom ID: 935 5418 7603

**Minutes – Final**  
**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:04am. Roll call of the Council members: Leonard T. Martínez, Andrea Padilla, Rebecca Correa-Skartwed, Steve Polaco and Juan Sánchez were present.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Rebecca Correa-Skartwed (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Lisa Morrison (BLM); Bill Sapp (Acting Liaison, USFS); Elaine Kohrman (USFS – Region 3); Scott Claggett (USFS – Region 3); Ian Fox (USFS – Region 3); Robert Trujillo (USFS); Amy Leuders (US Fish and Wildlife Service); Kris Graham Chavez (NRCS); Eric Chávez (Office of Senator Ben Ray Luján); Nicolas Estrada (intern, Office of Senator Ben Ray Luján); Maya Piñón (Office of Congresswoman Deb Haaland); LM García y Griego (LGSP/NMLGC); Novela Salazar (NMAG – Treaty of Guadalupe Hidalgo Division); Rita Padilla Gutiérrez (Town of Tomé Land Grant).

**3. Approval of Agenda**

Councilor Rebecca Correa Skartwed made a motion to approve the agenda; Councilor Andrea Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from January 21, 2021 Council meeting**

Councilor Steve Polaco made a motion to approve the meeting minutes of the January 21, 2021 Council meeting; Councilor Leonard Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

## **5. Discussion and Possible Action on Bureau of Land Management Update**

Lisa Morrison (BLM) reported that she met virtually with NMLGC staff Arturo Archuleta and RAC coordinator Alison Sandoval to discuss the northern New Mexico Resource Advisory Coordinator (RAC). The first call for nominations is complete and the BLM is planning a second call as the BLM did not receive any applications for open positions, including one for an elected official. All elected officials, including members of a land grant board of trustees, can apply. Once the notice goes out applicants will have 30 days to submit their application. Ms. Morrison reported that she is working with the BLM fire division to help land grants know where there are areas in need of treatment and that may provide fuelwood opportunities. If there are areas of interest, please let Ms. Morrison know and she will connect requestors to the appropriate field office. Councilor Martínez offered his condolences to the Farmington Field Office, who suffered the loss of Farmington Field Manager Rick Fields, who passed away of cancer. Ms. Morrison thanked Councilor Martínez for his thoughts and prayers and said the loss was hard for the BLM. Councilor Martínez reported that he spoke with Jeff Tafoya of the BLM regarding wood poaching near Lindrith and thanked Ms. Morrison for her contacts and working with fire division.

## **6. Discussion and Possible Action on U.S. Forest Service Update**

Bill Sapp (USFS) reported that Paul Martinez of the Coyote Ranger District contacted Councilor Martínez directly and discussed fuelwood projects on the area. Councilor Martínez responded that they discussed the Moya project near Lindrith, which will open April 15. The USFS will burn slash in the fall. The project is mutually beneficial as communities can use the wood and it helps clean out overgrowth. Mr. Sapp also reported that Ian Fox and others from Region 3 met with Council staff to discuss the Master Stewardship Agreement and will reach out for another reading after reviewing comments. If the MSA is with the Council, the Council will need to be involved and financially liable in all SPA or stand alone agreements. Mr. Arturo Archuleta (NMLGC) added that he and Jacobo Baca (NMLGC) met with David Borland, Ian Fox and Byron Keely of the USFS but further discussions are needed. The MSA might be a boiler plate and other agreements might be individual and not SPAs connected to the NMLGC-USFS MSA. Mr. Archuleta also reported that he spoke with James Duran of the Carson National Forest, who stated that he would like to pursue an MOU. The Council worked on a MOU with Region 3 more than 2 years ago, but it got stuck in Washington DC for review during the Trump administration. Elaine Kohrman (Deputy Regional Forester, USFS Region 3) reported that Michiko Martin has been chosen as the regional forester for Region 3. She starts March 1, 2021 and will have meetings during the transition, including meetings with the NMLGC.

Ms. Kohrman reported that many at the Regional office, including Ian Fox, are working on the Mexican Spotted Owl (MSO) agreement. They are formalizing an MSO leadership group, which was initiated in May 2020. The Wild Earth Guardians, NM State Forestry, NM Game and Fish, the USFS U.S. Fish and Wildlife and the Center for Biological Diversity are part of the group. They will meet on March 3 to present and share the results of an MSO mapping effort and discuss strategy and conflict resolution as a means to avoid lawsuits. Amy Lueders (US Fish and Wildlife) thanked Elaine Kohrman for her leadership and stated that the USFS and US Fish and Wildlife have a great partnership. She added that the MSO leadership group is a good opportunity for the public to participate and build a collaborative path forward. Ian Fox (USFS) thanked the Council for the opportunity to present and Amy Leuders and Elaine Kohrman for their leadership.

Region 3 is working on resumed operations through an all lands matchmaking group which will help identify work opportunities like fuels reduction work and acquiring materials for producers. Their work has been successful and they were able to maintain the majority of forest industry companies, though two companies (Boss and Jensen Bros) closed during the injunction. Because of the injunction, industry groups have learned that they need to work on diversified land bases and landscapes, federally owned, state owned, and private owned. The hope is that through shared stewardship and networking, they can create more opportunities. Personal use areas will reopen after the spring thaw and muddy conditions dry. Mr. Fox invites the participation of land grants and the NMLGC. Region 3 will have a March 3 MSO meeting from 9am to 12pm, facilitated by Rosemary Romero. They will discuss the 6 point strategy that was tied to the 2012 MSO recovery plan, which includes: 1)Owl population trend monitoring; 2)protect and identify MSOs; 3) monitor with treatments; 4) habitat trend monitoring; 5) re-establish MSO ecological management working groups; and 6) maintain a leaders forum.

Robert Trujillo (USFS) stated that map products will reveal habitat. As part of the agreement, the USFS will produce MSO recovery habitat maps that include potential habitat with cover types and will also produce long term trend mapping habitat maps. The mapping data comes from field work and maps will allow us to look at actual habitats and data from 1986-2020 to reveal habitat changes. The plan is to automate the process. Councilor Martinez commented that there needs to be a change of mindset and a publicity campaign to show that people can co-exist with species like the MSO. People are afraid that forest will shut down again. Ms. Kohrman agreed especially as communities face drought. They are looking to an approach that is integrated; considers economics, ecological considerations, etc. The group plans to make field trips and consider livelihood, culture and traditions in their planning. Mr. Trujillo commented that he is from El Rito and anchors back to his traditions, like picking osha, which is more rare than before. He commented that biodiversity is our heritage and social science is important as well as land dependent communities, making conservation education, beyond fishing and ecology, important. Councilor Padilla added that the youth are key and they can participate in monitoring, where they can spot, mark, monitor, and be part of the solution. Venessa Chavez (Tajique Land Grant) asked how a forest trail can be named. She commented that the Kaiser Trail in the Manzano Mountains was used to take communion from mountain communities to Tomé and vice versa, long before it was named the Kaiser Trail. Ms. Kohrman stated that there is a process and that Mr. Sapp will share the information with the Ms. Chavez. Dr. Garcia y Griego asked if the mapping habitat data is available to the LGSP or NMLGC. Mr. Trujillo responded that it will be available after March 3.

## **7. Discussion and Possible Action on Federal and State Legislative Updates**

### *Federal*

Mr. Archuleta reported that he had a meeting with Senator Ben Ray Luján's office, which is working on finalizing a draft for introduction into Senate. Committees that it needs to go through will be identified in this process. They will speak to Congresswoman Teresa Leger Fernandez's staff about the bill. This will be one of Senator Lujan's first bills he introduces. Maya Piñón (Office of Congresswoman Deb Haaland) attended the meeting in behalf of Congresswoman Haaland/Sofia Sánchez and reported that the operations are winding down. Rep. Haaland has confirmations hearings for her nomination as Secretary of the Interior next week. Eric Chavez (Office of Senator Ben Ray Luján) stated that the Luján office is working through the draft of the Senate traditional use rights bill and pondering main committee assignments. Senator Luján will serve on the Senate Committee for Agriculture, Nutrition and Forestry and on subcommittees as

well. The Santa Fe office will be the main office and staff continued to work remotely while other offices are being set up and details shared soon. Senator Luján co-sponsored Emergency Relief for Farmers of Color Act, which provides \$2 billion to pay federal loans to minority farmers.

### *State*

Mr. Archuleta stated that the most recent legislative update is in the meeting packet. SB 68, relating to election changes and updates to Chapters 49.1 and 49.4 (Chililí), is in the Senate Rules Committee awaiting a hearing. The Council may need to contact Chair Senator Daniel Ivey Soto to hear the bill. SB 85, the Land Grant Merced Assistance Act, is in Senate Finance Committee and is delayed because the auditor had clarifications and worked with NMLGC to create an amendment that will fix uncertainties in the bill. It will be a challenge to get the bill heard in Senate Finance. SB 111, an appropriation to the Council to hire an attorney and surveyor is also in the Senate Finance Committee. SB 157 provides funding to develop curricula on land grant and acequias. It relates to a memorial last year and provides funding to NMHU's Ben Luján Leadership Institute and Center for the Education and Study of Diverse Populations. HB 41, recognizing certain sub grants as political subdivisions, will be on the House floor today. HB 78 the Tierra Amarilla traditional use land management bill, faces stiff opposition and may not move. HB 229, regarding natural resource protections, was pulled by its sponsor, Rep. Castellano, citing his need to discuss aspects of the bill further, including his concerns of a common waters definition and concerns by the Office of the State Engineer. HB 4, the NM Civil Rights Act, has passed the House and is not the Senate. There is a concern that it will make small political subdivisions vulnerable to lawsuits and legal expenses. There are protections for community assets in statute, but legal fees could hurt small governments that have small budgets. The hope is that there could be sliding scale in damages awarded and or funding for the community governance attorney program to alleviate the potential harm done to small governments by this bill. HB 189, changes to the Community Governance Attorney Act will be in the House Judiciary. Under this program, law students can get a loan for 3<sup>rd</sup> year of law school if they commit to work with non-profits working with land grant and acequias for 2 years. The fund pays off this loan and pays half of salary of attorneys in the program for the 2 years. It amends language to allow participants to pay their attorneys more than \$50K as the NMLA needs to pay their attorneys more. The oversight council created by the act can adjust rate and cap rather than needing an act of legislature; former NMLGC member Macario Griego is on this oversight council, which has not yet met.

Councilor Martínez made a motion that the New Mexico Land Grant Council support HB 189, changes to the Community Governance Attorney Act; Councilor Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Correa-Skartwed made a motion that the New Mexico Land Grant Council support SB 157, which funds work on land grant and acequia curriculum; Councilor Martínez seconded the motion.



Roll call vote:

Councilor Padilla - aye

Councilor Correa-Skartwed - aye

Councilor Martínez- aye

Councilor Polaco - aye

Chairman Sánchez - aye

The motion was passed.

Council members discussed House Bill 4 and the lack of funding and resources to defend themselves from lawsuits and the need to express opposition unless the bill is amended. The bill removes qualified immunity as a defense against such suits and allows individuals to bring civil rights lawsuits under Section 2 of the Bill of Rights, of the New Mexico State constitution, to any district court in New Mexico. Currently, civil rights lawsuits are allowed in federal court under Section 1983. Suits in federal court are more expensive and courts are less accessible and are not located throughout state. This bill makes it easier to bring civil rights lawsuits. As originally drafted, it would have allowed lawsuits under whole constitution, but was amended to operate under only the bill of rights. The Treaty of Guadalupe Hidalgo is included in the Bill of Rights. The bill also sets statute of limitations to 3 years. Acequias have had been sued for civil rights violations and could not afford their legal defense so they were forced to settle, even though plaintiff has no valid claim to water rights. The committee substitution for HB 4 has a \$2 million cap on damages and does not allow punitive damages, only restitution, but allows for the payment of attorney fees. The intent of the bill is to respond to cases like that of George Floyd and instances of child abuse, where the actions of police and other government workers deprived individuals of their civil rights. The bill exempts the judiciary and legislature from the removal of qualified immunity, If land grants had guaranteed revenue streams, they could purchase tort liability and civil rights liability from the Risk Management Division.

Land grants, acequias, mutual domestics and soil and water conservation districts have expressed their concern. Acequia leaders discussed their concerns with co-sponsor Speaker Brian Egolf, who was not interested in exemptions or caps. The bill has passed the House, meaning any changes will have to happen on Senate side. The intent of bill is good, but land grants and acequias may be harmed as an unintended consequence. Land grants can express their concerns through their senators and representatives. The bill will likely go to Senate Judiciary, which is chaired by one of the bill sponsors, Senator Joseph Cervantes. Councilors stated that they were supportive of a letter from the Council expressing their concerns with the bill. They commented that one civil lawsuit will force us to sell land to cover the \$2 million award, not to mention the costs of even a frivolous lawsuit that the grant would ultimately win. Councilors cautioned that the letter needed to be carefully worded to support the protection of individuals civil rights, but to express that the bill is an overreach and harms land grants, which protect the civil rights of minority people whose rights are historically and currently violated. Even frivolous suits cost too much and attorney's fees aren't possible with \$10,000 annual budget, which points to the need for a guaranteed revenue stream to support land grants. They also stated that land grant and acequias profile has increased with success and makes them potential targets. Councilor Martinez asked Novela Salazar (Office of the NMAG, Treaty Division) if the Attorney General responds when the State of New Mexico is sued for civil rights violations and if the NMAG responds if low income political subdivisions of the State of New Mexico are sued as well. Ms. Salazar (NMAG) responded that the Attorney General does respond to suits against the State of New Mexico but was uncertain if the



NMAG would respond to suits against a political subdivision of the state. She will send question to her superiors in the NM Attorney General's office. Chairman Sánchez remarked that the Council should send a letter to the sponsor that states that we do not oppose the bill but oppose being included in legislation without a mechanism to defend ourselves. The bill is currently in the Senate Health and Public Affairs Committee. Senator Jerry Ortiz y Pino is the chair of the Senate Health and Public Affairs Committee; Senators Antoinette Sedillo Lopez and Senator Liz Stefanics are on committee as well. It is unknown where the Governor stands on the bill. Mr. Archuleta reported that today is the last day to introduce legislation and there is still not a sponsor for the Treaty Division bill, which was not prepared in time to be endorsed by the Interim Land Grant Committee. We did not receive a draft of bill until after the session started and no one was willing to sponsor the bill. The changes are important but will not impede the Division from doing its work if bill does not pass. We will go back to interim for endorsement, though next year we will need message from Governor as there is no appropriation tied to the bill.

### **8. Discussion and Possible Action on Council FY 2021 Budget**

A budget update was provided in the packet. To date \$2,700 remains in in state travel. The UNM contract has spent \$89,766.79; \$125,379.21 is remaining.

### **9. Discussion and Possible Action on Land Grant Support Fund Update**

All purchase orders submitted has been approved. We did get approval for risk management insurance for the Santa Bárbara Land Grant and Don Fernando de Taos withdrew their request to purchase insurance as their needed to reauthorize monies that they planned to use to purchase a building. They are working to get their fund reauthorized to allow for the purchase of a building; it currently only allows for construction. The Don Fernando de Taos Land Grant wants to change their award's scope of work to allow them to purchase office equipment. They were awarded a \$1,315 LGSF award.

Councilor Correa-Skartwed made a motion to allow the Don Fernando de Taos Land Grant to amend the scope of work of their LGSF award to allow them to purchase office supplies and equipment; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez - aye

The motion was passed.

The Town of Tomé Land Grant has also requested that they be allowed to amend the scope of work of their award to allow for the purchase of a wood splitter. Currently, the award allows the purchase of office equipment, repair a commercial refrigerator and other equipment. The Tomé Grant wants to forego some of these supplies (chairs and a stand) to purchase a wood splitter to allow cutting of firewood as they have recently been allowed more access to the bosque.

Councilor Martínez made a motion to allow the Town of Tomé Land Grant to amend the scope of work of their LGSF award to allow for the purchase of a wood splitter; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla - abstain  
Councilor Correa-Skartwed - aye  
Councilor Martínez- aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

#### **10. Discussion and Possible Action on Creation of Land Grant Institute at UNM Update**

Dr. García y Griego stated that there are no developments to report. The new Vice President for Research for UNM will start in March and staff will prepare a briefing for her.

#### **11. Discussion and Possible Action on Land Grant Capital Outlay Update**

Mr. Archuleta reported that the capital outlay process was quite different this year. The due date for requests was moved from February 11 to February 8. NMLGC helped numerous land grants with requests and reauthorizations. Representative Miguel Garcia again asked that the Council play a role in coordinating capital outlay requests from land grants. A list (in the meeting packet) includes several land grant projects; those on a list are potentially funded projects that at least one legislator has expressed interest in funding at least partially. The list will be refined and legislators will fund some projects and others may be cut. If land grants do not appear on the list and want help to find their projects they can contact Council staff. Chililí has requested \$150,000 for a fire station; San Joaquín del Río de Chama requested \$50,000 for their community center; Tierra Amarilla requested \$40,000 for land acquisition; the Don Fernando de Taos Land Grant has requested for \$100,000 for a building; the Santa Bárbara Land Grant has requested \$100,000 for a building; and the Town of Tomé Land Grant has requested \$100,000 for their historic jail site. We do not know how much each legislator ultimately will put toward funding these requests. Rep. McQueen has a bill, carried by former Senator Sander Rue in the past, that made capital outlay funding a public record. It has repeatedly been defeated. There may be House Bill 2 junior monies. DFA presented to the House Appropriations and Finance Committee. The Legislative Finance Council recommended a flat budget for the Council and the Governor recommended a budget increase of \$24,000. Representative Christine Trujillo fought for the increase.

#### **12. Discussion and Possible Action on Professional Surveyor Services Contract - Update and Requests**

Mr. Archuleta commented that Mr. Chris Chávez is working and aware of his contract increase and will devote all of his time to the contract.

#### **13. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

The Council has received no new invoices from New Mexico Legal Aid. David Benavides is continuing to work on litigation and did submit an appeal brief for Tajique case. There are 40 days for the opposing party to respond, after which he will have 28 days to respond to their response. He and contract attorney Joe Lennihan are also continuing work the Juan Bautista Baldes Land Grant case.

#### **14. Discussion and Possible Action on Treaty Division Update**

Novela Salazar (NMAG – Treaty Division) reported that she had no updates.

**15. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2021**

Pay Request #6 was presented, for \$17,815.94. This includes \$11,373.70 in personnel expenses, and \$3,472.93 to surveyor contract, \$2969.31 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #6.

Councilor Correa Skartwed made a motion to approve Pay Request #6 for \$17,815.94; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

**16. Discussion & Action on Piedra Lumbre Visitors Center Update**

Mr. Archuleta reported that he spoke with James Duran of the Carson National Forest, and discussed the purchase. The USFS removed the requirement for easements to be granted to utilities and wireless companies, which was hampering the transfer as the companies were uninterested in seeking a new easement, and the final purchase is getting close. The USFS sent an amended purchase and sale agreement to Holland and Hart Law Firm attorney Larry Montaña. When he gives notice, land grants can sign the agreement and once it is signed by all land grants representatives and is notarized, it will be sent to the USFS, which will process and send an invoice. This will be sent to DFA, which will disburse the monies and the San Joaquin del Rio de Chama Grant will send payment. The environmental assessment expires on March 23, 2021, so the purchase needs to be completed by then. James Durán wants to have a COVID safe celebration in May and wants the San Joaquín, Juan Bautista Baldes, and Tierra Amarilla Land Grants , the Council, the Congressional Delegation and the Governor’s office to participate.

**17. Discussion & Action on State Land Office fuelwood projects**

Council staff met with the New Mexico State Forestry Division and discussed two programs (see packet), the Non Federal Lands (NFL) and Wild Urban Interface (WUI) grant programs, that land grants may be eligible to participate in. Staff have discussed coordinating a workshop with State Forestry and the NRCS to present programs, including the healthy soils initiative, to land grant organizations. The workshop could be held virtually. The WUI program allows private landowners in a program area to apply for a grant program, but needs a fiscal agent and lead applicant. Chairman Sánchez suggested going through your local soil and water conservation district, which has experience managing these programs. Councilor Martínez reported that no action is taking place on the Cebolla project (which includes the San Joaquin and Tierra Amarilla Land Grants) because of the snow. Their liability coverage for the project lasts for a year after issuance.

**18. Discussion and Possible Action on Laguna del Campo Update**

Councilor Polaco and Mr. Archuleta reported that they have yet to hear back from the La Puente Community Ditch Association. The Parkview Ditch Association might attend a future Tierra Amarilla Land Grant meeting to express some concerns.

### **19. Discussion and Possible Action on Land Grant Registry Update**

Mr. Baca reported that the Don Fernando de Taos Land Grant submitted their Special District Financial Quarterly Report for Oct. 1 – Dec. 31, 2020.

### **20. Discussion and Possible Action on Land Grant Studies Program Update**

Mr. Archuleta reported that the LGSP submitted its annual report to OVPR and will share slides with Council members. Ms. Chavez is continuing oral history interviews. The LGSP is waiting to hear about their NRGRHA award application. Mr. Baca reported that LGSP staff presented for the UNM Law School and will be meeting with the Cieneguilla and Jacona Land Grant Association representatives in the next few weeks. Mr. Garcia y Griego commented that the CLE course was cancelled last year and he was considering opinions on how to proceed. Some CLEs are continuing virtually via Zoom, which could be a way to do it rather than in person. Councilors all agreed that in person is preferable, as a fee would still be assessed and there would still be opportunities to network with attorneys. With vaccination proceeding it might be doable in person in the late summer or early fall.

### **21. Discussion and Possible Action on Correspondence**

Mr. Archuleta commented that the Council, though misidentified, has received a notice of tort, along with the New Mexico Attorney General's office and the New Mexico State Auditor. The action alleges that all named entities failed to respond to a request for intervention for heirs of the Anton Chico Land Grant and for damages related to constitutional rights violations. The Council has also been informed that some of same group served the Anton Chico Land Grant with a lawsuit relating to elections. They are asking for an injunction on the Grant, asking that they not hold their election nor work on anything related to the election unless they can verify it will be overseen by the New Mexico Secretary of State or the NMLGC to ensure a fair election. In 2017, Secretary of State Dianna Durán agreed to intervene. After her resignation, the next Secretary of State reneged and the Guadalupe County Clerk assisted on behalf of secretary of state. The lawsuit wants to bring this section of bylaws relating to 2017 suit forward to subsequent elections. If the NMLGC assists, this potentially lawsuit goes away. Dr. Baca reported that he send a response to Richard Bond, who inquired about his rights to the Arroyo de San Lorenzo / Antonio Chaves Land Grant in Socorro County. Bond's ancestor, Hiram Bond, was a land speculator that bought and quickly sold the grant before it was rejected by the Court of Private Land Claims in 1893, a decision that was appealed to and upheld by the U.S. Supreme Court in 1898. Mr. Bond expressed an interest in developing a concession from the BLM on the former land grant lands. Dr. Baca reported to Mr. Bond that he did not believe that Mr. Bond could prove standing in pursuing a claim to the grant since his ancestor sold his interest in the grant before it was petitioned and rejected.

### **23. Discussion and Possible Action on Staff Assignments**

Councilor Padilla made a motion to allow staff to work on House Bill 4, including sending a letter expressing the Council's concern with the legislation to the chair of Senate committees hearing the legislation bill; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye

Chairman Sánchez – aye  
The motion was passed.

Councilor Martínez made a motion to allow staff to work on the Anton Chico Land Grant election; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Martínez– aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Martínez made a motion to allow staff to work with the Torreón Land Grant with its bylaws and compliance with state statute, Chapter 49.1; Councilor Correa-Skartwed seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Martínez– aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

Councilors Padilla and Martínez requested assistance from the NMLGC to update their EIN and NM CRS information and obtain tax free status for purchases.

#### **24. Public Comments – Discussion only**

Councilor Padilla commented that land grants may need to pursue legislation to assist land grants with audits. The price is going up; the Tomé Grant was quoted \$4,100, which seems high for just agreed upon procedures, not a full-blown audit. Councilor Martínez added that even a simple audit is \$800-900, and if land grants get guaranteed revenue streams this will not be an issue. Mr. Archuleta commented that there is a small fund that entities can apply for, but its is underfunded and very few applicants get funded. If land grants get guaranteed revenue streams, the costs may range from \$3,900-8,000. Councilor Martínez commented that the San Joaquín del Río de Chama is nearing the completion of the update to their bylaws and thanked Mr. Archuleta for his assistance.

#### **25. Miscellaneous Announcements**

None.

#### **26. Date and Location for March 2021 Council Meeting**

The March 2021 Council meeting will take place virtually on March 25, 2021 at 10:00am, online via Zoom.

#### **27. Adjournment**

Councilor Martínez made a motion to adjourn; Chairman Sánchez seconded the motion.

Roll call vote:

Councilor Martínez- aye

Councilor Padilla - aye

Councilor Correa-Skartwed - aye

Councilor Polaco - aye

Chairman Sánchez - aye

The motion was passed. The meeting adjourned at 1:03pm MST.

**Approved:**

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Chair

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Date

New Mexico Land Grant Council (NMLGC)  
March 25, 2021 – 10:00am  
Virtual Meeting  
Zoom ID: 923 0038 3536

**Minutes – Final**  
**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:08am. Roll call of the Council members: Leonard T. Martínez, Andrea Padilla, Rebecca Correa-Skartwed, Steve Polaco and Juan Sánchez were present.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Rebecca Correa-Skartwed (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Stephanie García-Richard (New Mexico State Land Commissioner); Camilla Romero (NM State Land Office); Alysha Shaw (NM State Land Office); Angie Poss (NM State Land Office); Sofía Sánchez (New Mexico Congressional District 1); Maya Durham (New Mexico Congressional District 1); Suha Musa (New Mexico Congressional District 1); Matt Miller (Office of Congresswoman Teresa Leger Fernandez); Patricia Domínguez (Office of Sen. Martin Heinrich); Eric Chávez (Office of Sen. Ben Ray Luján); Lisa Morrison (BLM); Bill Sapp (Acting Liaison, USFS); Tim Hagamann (NM Economic Development Department); Joaquin Arguello (Arroyo Hondo Arriba Land Grant); Stoney Jaramillo (Anton Chico Land Grant).

**3. Approval of Agenda**

Councilor Leonard Martínez made a motion to approve the agenda; Councilor Rebecca Correa Skartwed seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Martínez- aye  
Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from February 18, 2021 Council meeting**

Councilor Correa-Skartwed made a motion to approve the meeting minutes of the February 18, 2021 Council meeting; Councilor Andrea Padilla seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Correa-Skartwed - aye  
Councilor Martínez- aye  
Chairman Sánchez – aye

The motion was passed.



## **5. Discussion and Possible Action on Presentation from Land Commissioner Garcia Richard**

New Mexico State Land Commissioner Stephanie García Richard thanked the Council for inviting her to the Council meeting and extended an offer of partnership between the New Mexico State Land Office SLO and the NMLGC. Commissioner García Richard commented that she sees a lot of overlap between land stewardship and land use. As the first woman, first educator and first Latina at the helm of the New Mexico State Land Office, she understands the importance of their responsibility to make money to fund the public schools. From the 13 million acres that they administer, they use this land to draw revenue for public schools, hospitals, and the state's public universities, but want to protect the land as well. The NM SLO wants feedback in the partnership that they are proposing. Commissioner García Richard stated that her family is from La Garita and her husband is from northern New Mexico. With her today is Camilla Romero, a long time staffer with the SLO, who is versed in traditional uses land permits for fuelwood gathering and resource gathering. The goal of the SLO under Commissioner Garcia Richard is to provide access to state land for these uses. Today she hopes to propose an offer to work together to discover what a traditional use permit would look like and to discuss which areas need more access for heirs of land grants. Camilla Romero (NM SLO) commented that she has been working with Councilor Martínez on the project near Cebolla for fuelwood permits. They have a similar project near Villanueva. They hope to offer a traditional use permit for sand, fuelwood, herbs, and other traditional use products. Commissioner García Richard added that the SLO is here to establish a partnership.

Chairman Sánchez thanked Commissioner García Richard for coming to the Council meeting and added that he was unsure whether the SLO and NMLGC would need an MOU or JPA, in case of monetary exchange. One of the first steps is to compare a map of SLO land in New Mexico with land grant maps to determine how close these tracts and their resources are to land grants. Commissioner García Richard stated that she is comfortable with a MOU or JPA and will have Camila Romero join future Council meetings. Councilor Padilla thanked Commissioner García Richard for attending the Council meeting and stated that sometimes we need a Latina to get things moving forward. She asked Commissioner García Richard if a land grant is not close to SLO lands would they be able to access and share resources closer to other communities. Commissioner García Richard responded that they do not intend to limit and that inclusion is their strategy. Councilors Martínez and Polaco stated that with the closing of the PLVC purchase, both grants intend to turn their attention to the Cebolla Project and look forward to working with the SLO. Councilor Correa Skartwed thank Commissioner García Richard for joining the meeting and expressed her excitement at forming an agreement. Jacobo Baca (NMLGC staff) thanked Commissioner García Richard for stepping up for the communities of the Santa Bárbara and Santo Tomás Apóstol del Río de las Trampas Land Grants to provide fuelwood from state lands when the MSO injunction threatened access to firewood for their communities. Commissioner García Richard responded that the SLO can step in to provide these resources, nimbly and quickly.

## **6. Discussion and Possible Action on U.S. Forest Service Update**

Bill Sapp (USFS) stated that Kim Castelnick will be contacting the Council regarding the MSA with Taos. He thanked the NMLGC for letting the USFS discuss their Mexican Spotted Owl work and mentioned that Councilor Martínez stated at the last meeting that the older generation does not understand the issue and that Councilor Correa Skartwed suggested youth could be involved and do some of the MSO work. The USFS is looking into programs that can engage youth, especially in communities facing MSO issues. The Carson National Forest Plan Revision is ongoing and met

with the government working group on March 3; their next meeting is April 28. The Santa Fe National Forest contacted the NMLGC to update regarding their timeline and will complete their response to comments in early April. Both Forests are asking for cooperating agencies to help inform public about the plan. The Council has received the draft MSA from David Borland, but has not yet reviewed his updated draft. Councilor Martinez asked about the rollout for wood permits for dead and down in the Santa Fe National Forest, whether it would be in the middle of April or May 1<sup>st</sup>. Mr. Sapp commented permits will likely be available in early May.

## **7. Discussion and Possible Action on Bureau of Land Management Update**

Lisa Morrison (BLM) reported that Deb Haaland has been confirmed as the Secretary of the interior. Pamela Mathis has been selected as the new manager for the Taos Field Office and the BLM is close to filling the state forester position, which is important for stewardship contracts. Ms. Morrison spoke with BLM fire specialists about the national database, which is very broad and used for planning prescribed burning for grasses and thinning. The deputy suggested land grants work with their local field office. Mr. Archuleta asked for any updates on the Resource Advisory Committee (RAC); Ms. Morrison responded that she has no update, but they are hoping for more movement with Sec. Haaland on board. Mr. Archuleta added that the Cañón de Carnué Land Grant is interested in a small BLM parcel in San Antonio and that he passed on Ms. Morrison's contact information to grant president Moises Gonzales. Councilor Martínez asked if the database was internal or public, how projects are prioritized and when online permits will be available. Ms. Morrison responded that she believed the database is internal only, offered to arrange a call to discuss the prioritization of projects and stated that she will forward the press release regarding online permits when it is available.

## **8. Discussion and Possible Action on Federal and State Legislative Updates**

### *State*

The final 2021 New Mexico Legislative Session Land Grant legislation update is included in the packet. SB 68, which would have updated the elections section of 49.1 and 49.4 (Chililí LG statute) died at the close of the 2021 Legislative Session in the Senate Rules Committee. SB 85 died at the end of the 2021 Legislative Session in the Senate Finance Committee. The Office of the State Auditor reviewed the bill and made it stronger. SB 111 was tabled in the House Appropriations and Finance Committee and died. It had been stripped down by Senate Finance, but would have provided \$100,000 in recurring funding. SB 157, acequias and land grants in public education, died in Senate Finance; the project was funded \$45,000 through a direct appropriation. HB 41 passed and is on the Governor's desk for signature. It would probably be good for the NMLGC to approve letter to encourage the Governor to sign the bill. If signed into law it will become effective June 18, 2021. HB 78, Tierra Amarilla Traditional Use and Land Management, brought opposition, but benefitted from FIR and information from the federal government. The bill died in the House Local Government, Land Grant and Cultural Affairs Committee. HB 189 was passed by the House and Senate and has been sent to the Governor for Signature. If signed into law it will become effective June 18, 2021.

The Community Governance Attorney Fund is funded at \$96,000 per year in recurring funds. HB 229 (Land Grant Natural Nat Resource Protections) was pulled by sponsor, Rep. Ambrose Castellano. It would have provided additional processes for protecting common lands, allowed a definition for common waters (which drew suspicion from the OSE) and would have clarified conflicts with existing laws and misdemeanors. The amendments to the Treaty of Guadalupe

Hidalgo Division statute did not get a sponsor, nor was it endorsed by the ILGC as it wasn't prepared in time for their November 2020 endorsement. HB 4 was passed by both the House of Representatives and the Senate and is headed to the Governor for signature. The final version of the bill includes an exemption for land grants-mercedes, acequias, and mutual domestic water consumers associations and soil and water conservation districts from being sued under the Act. HB 265 would amend the Natural Resource Protections Act, which allows political subdivisions to buy land, and would have expanded the purposes for which land is purchased. Rep. García flagged the legislation and there could be issues if land grant common land is purchased and use is restricted through easements. Floor amendments included representatives from the NMLGC and Acequia Commission, as well as Native American Affairs and ENMRD. The bill died in judiciary and with it an amendment adding traditional uses. A copy of the committee substitute is in the packet.

Councilor Martínez made a motion that the NMLGC send a letter to the Governor encouraging her to sign HB 41 and HB 189; Councilor Polaco seconded the motion.

Roll Call Vote:

Councilor Padilla – aye  
Councilor Polaco - aye  
Councilor Correa-Skartwed - aye  
Councilor Martínez- aye  
Chairman Sánchez – aye

The motion was passed.

HB 12, the Recreational Cannabis Act, brought forth concerns from the acequia community, particularly regarding rural equity and water protection. There is fear that the industry's water consumption will imperil water users, and that corporate control of production will threaten local competitiveness. Colorado has had issues with big cannabis controlling the market. The New Mexico Land Grant Merced Consejo and New Mexico Acequia Association created a letter and suggested language and amendments that were sent to the sponsors (in packet). The recommendations included revenue sharing, where monies from taxing cannabis production would go to the Acequia and Community Ditch Infrastructure Fund to benefit acequias, the Drinking Water State Revolving Loan Fund for mutual domestic water associations and would fund the creation of the Land Grant-Merced Assistance Fund for Land Grants. There are also other proposals for an equity fund and a suggested amendment allowing local control, as is the case with liquor selling establishments. Water protection was amenable to the sponsors. Sen. Linda Lopez offered amendments in Senate Judiciary, which were rejected and were going to be offered on the floor. Both Senator Lopez and Representative Garcia are willing to sponsor the amendment. Letters from the NMAA and Consejo were sent to Governor Luján Grisham, Senator López and Representative García. The Council should weigh in; the New Mexico Acequia Commission will take action tomorrow. Councilor Polaco understood that most cannabis growth is in hoop houses and greenhouses and wondered what its effect on farmers was. Councilor Padilla stated that their area already suffers from people using farm land that does not have water rights. They want to drop wells and want to use to grow cannabis. With 10-20 acres of wells, the water level is dropping and large farmers are running wells 7 days and 7 nights, irrigating with the communities drinking water. Producers are going to want to have large developments. Mr. Archuleta stated that there will be between \$60-200 million in new revenues from cannabis growth. If the Land Grant Merced Assistance Fund is funded through these monies, it is new revenue and won't take

monies from other programs. Councilor Martínez also expressed concerns with water, as water sharing is complicated and cities are winning control of much water.

The NMLGC may want to prioritize legislation creating and funding the Land Grant Merced Assistance Fund in the next session. This would give land grants a financial anchor and will be important as land grants to be able to pay insurance, fees, etc., with these monies. The 2022 Legislative Session will be a 30-day session.

Councilor Martínez made a motion that the Council submit a letter to the Governor and members of the legislature concerning the cannabis legalization bill; Councilor Padilla seconded the motion. Roll Call -

- Councilor Padilla – aye
- Councilor Polaco - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez– aye
- Chairman Sánchez – aye

The motion was passed.

### *Federal*

Eric Chávez (Office of Sen. Ben Ray Luján) reported that Senator Luján’s office has a new agriculture staff advisor, Jerrod Henderson, based out of the Washington DC office. Levi Patterson and Isis López will still work on traditional use issues and land grants, acequias, and traditional uses remain one of the Senators priorities. They have been meeting with Rep. Teresa Leger Fernandez’s office, discussing traditional use and bringing them up to speed on the legislation. They have also met with the Senate Natural Resources committee to discuss the traditional use bill. Patricia Domínguez (Office of Sen. Martin Heinrich) reported that the legislation that funds the Northern Rio Grande National Heritage Area is sunseting this year and Senators are looking to reauthorize for 15 years. The bill will drop next week. The NRGNHA receives a \$1 million annual budget, of which \$400,000 is granted in Taos, Rio Arriba, and Santa Fe Counties. Senator Luján and Rep. Teresa Leger Fernández are assisting as well. Sofía Sánchez reports that with Deb Haaland’s swearing in as Secretary of the Interior, New Mexico Congressional District 1 is now a bi-partisan office. She will remain through the transition. By March 30-April 5, we will know candidates running in the June 5 election. Staff remains until midnight the day before the election. While they cannot push legislation, please do reach out with any questions. Matt Miller (Office of Rep. Teresa Leger Fernández) echoes Mr. Chávez and Ms. Domínguez reports that they are collaborating on legislation. Their office will be staffed soon and will have a staffer assigned to Council. Mr. Archuleta reported that he is scheduled to meet with Xochitl Campos Briggs of her office tomorrow. He added that the Council and UNM LGSP are familiar with the NRGNHA as we have partnered with the LGSP and MLECT two years ago on a grant and are doing a similar project with two Taos County land grants this year. One of the interviewees of the last project, Beatrice Salazar of the San Joaquín del Río de Chama Grant, passed away a few weeks ago at 106 years of age. Mr. Archuleta mentioned to Ms. Domínguez that he recently learned of a public law to return a cemetery to El Rito, which included the disposition of forest land for a fire station in Jemez. As the Council is back to drawing board for legislation on cemetery return, examining this legislation may prove useful. Councilor Martínez commented that he would like to push on cemetery returns. Cemeteries in the Cañon de Chama and in Llaves needs a lot of work and the Grant is in the process of getting a cemetery in Capulín returned as well. Ms. Domínguez stated that with James

Melonas gone, as new person will be at the helm of the Santa Fe NF and we will need to bring the issue up with them. In terms of the NRGHHA, a letter of support from the Council will be welcomed. Once authorized, they can request for an increase in budget.

### **9. Discussion and Possible Action on State Forestry, Healthy Soils and USDA Programs**

The New Mexico Department of Agriculture will host a listening session on Healthy Soils today (March 25) from 3:30-5:00pm. The NMLGC plans to host a workshop on all of natural resource funding available to land grants. Notices regarding the listening session have gone out. Those who have not registered need to do so by 3:29pm today. Today's meeting is to get input as the program does need some work. The act itself discusses eligible entities, who will implement soil health, which includes land grants, acequias, SWCDs, agricultural extension, tribes and pueblos. There are concerns that community projects are not given due consideration as individual projects are ranking higher in the scoring process. The Healthy Soils initiative staff have stated that half of the funding will go to communities and half to ½ to individual's projects. Disadvantaged communities (vets, young farmers) are supposed to be given preference, but we don't see that in fact sheet. Because of anti-donation clause, individuals must run monies through an eligible entity. While SWCDs are accustomed to running these projects, there is a concern that one individual getting benefit is not enough.

### **10. Discussion and Possible Action on Anton Chico Land Grant Election Oversight**

Mr. Archuleta reported that the Anton Chico Land Grant election is scheduled for April 5<sup>th</sup>, 2021. A complaint brought to enjoin Board from holding the election was dismissed as the Anton Chico Land Grant had already reached out to NMLGC to assist in running the election. Anton Chico's attorney, Andrea de la Cruz Crawford, flagged this for the judge and she was satisfied that the NMLGC will oversee the election. Today, the board, with NMLGC staff, will review voter rolls and certify candidates. Arturo Archuleta and Venessa Chavez will serve as election judges, though there may still be a challenge to the outcome of the election. Under the amendment to statute (49.1), those wishing to challenge the results of an election have 30 days to file a challenge with the Treaty of Guadalupe Hidalgo Division of the Office of the New Mexico Attorney General, which will review the process and will determine if election was run properly. Six candidates are running for three positions.

### **11. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget**

A budget update was provided in the packet. In state travel is at \$4,180 (per diem). The UNM contract has spent \$103,435.62; \$111,710.38 is remaining. The Council submitted an internal budget revision, which will increase surveyor contract amount. In HB 2, the Council is slated to get \$296,900, which is a flat budget, while other entities took a hit. Additionally, legislators gave junior monies (one-time monies) to the Council. Senator Linda López appropriated \$50,000 for surveyor and attorney services, Senator Stefanics gave \$50,000 and Representatives Miguel García, Christine Trujillo and Matthew McQueen gave approximately (combined) \$100,000 as well. The Council should consider sending a letter to these supporters, particularly Senators López and Stefanics and Rep. García. If the NMLGC butts these additional appropriations (\$200,000) to good use, it strengthens our argument for a \$500,000 budget. Monies may be used to hire additional contract services and we are hesitant to hire because it is one time money. The deadline is April 6 for Governor Michelle Luján Grisham to sign legislation. We may want to include language about NMLGC budget in a letter to the Governor, regarding HB 41 and 189.



The UNM Land Grant Studies Program budget was cut from \$117,000 to \$113,000. The Acequia Land Grant Education project, housed at New Mexico Highlands University at the CEDSP/Ben Luján Leadership Institute, received \$45,600. The Council will consider a 2022 budget for adoption no later than May 2021, where it will also consider a FY 2023 budget request.

### **12. Discussion and Possible Action on Land Grant Support Fund Update**

An update/status report is in the packet. Venessa Chavez (NMLGC staff) commented that the Town of Tomé Grant is the only grant to submit a payment request. The San Joaquín del Río de Chama Grant is waiting on the Jemez Coop to submit an updated quote. The San Antonio de las Huertas Grant is working as a board to purchase and install the gates and fence for the Oso recreation area. The Santa Bárbara Land Grant needs to submit an updated statement of accounts. The Don Fernando de Taos Land Grant and Cubero Land Grant are getting quotes for their purchases and the Abiquiú Grant is finalizing language and getting quotes. Councilor Padilla thanked Ms. Chávez for her time, effort and patience in helping land grants spend their awards.

### **13. Discussion and Possible Action on Creation of Land Grant Institute at UNM Update**

The LGSP director and staff are working with the Office of the Vice President for Research. Dr. Ellen Fisher started as the VPR in March and the assistant VPR will update her on the Institute plan.

### **14. Discussion and Possible Action on Land Grant Capital Outlay Update**

An update is included in the packet. Chililí, Don Fernando de Taos, Tierra Amarilla and Tomé all received monies. The Santa Bárbara and San Joaquín del Río de Chama grants did not. There were also several reauthorizations. Don Fernando de Taos got three awards reauthorized, changing the language to allow for building and/or land acquisition. The Manzano Grant had \$50,000 reauthorized for land acquisition or building improvements. The funding was originally for a Estancia visitors center. The San Antonio de las Huertas Land Grant had \$120,000 reauthorized from their emergency siren project to a First Choice Community Health Clinic in a refurbished school portable. Ms. Chávez asked how long the Governor has to sign reauthorizations. Mr. Archuleta responded that he believed it is the same deadline (April 9) as for all other funding or legislation. He also remarked that any item can be line item vetoed, which happened last year because of pandemic. The Council can also update the Governor on land grant capital outlay projects in its letter for governor and ask for her support. Those land grants that have received funding should also contact the Governor asking for her support of their awards. The Manzano Grant also received an appropriation to purchase, remodel and upgrade their facility and are looking to work with a contractor that had a state contract to ease the process. They have a meeting with Facility Build, which offers planning and design. The Tajiique Grant still has money for building renovation and money for land acquisition and the Town of Tomé Grant has money for their historic jail site. The San Joaquín del Río de Chama Grant may use remaining monies to purchase a truck. Torreón has a mutual domestic that was recognized as a local public body. The Torreón Grant is reorganizing and both are looking to use a grant to remodel their community center and for a new well. The Punta de Agua mutual domestic association received funding and want heavy equipment and building. The community is within the Manzano Grant and they have asked the Council for assistance.

### **15. Discussion and Possible Action on Professional Surveyor Services Contract - Update and Requests**

Mr. Archuleta commented that Mr. Chris Chávez sent invoice for \$8,042.95, for 76 hours of work on the Juan Bausitta Baldes case, for the Santo Tomás Apóstol del Río de Las Trampas Grant and the San Antonio de las Huertas Grant. Councilor Correa Skartwed commented that she has been working with Mr. Chávez on boundary issues and he has been amazing, tenacious, hard working and a great surveyor.

Councilor Padilla made a motion to approve invoice No. 5, Project 2021\_020, for \$8,042.95; Councilor Polaco seconded the motion.

Roll Call -

Councilor Correa-Skartwed - recuse

Councilor Polaco - aye

Councilor Padilla - aye

Councilor Martínez- aye

Chairman Sánchez - aye

The motion was passed.

### **16. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

The Council has received no new requests. Mr. Benavides has completed his first brief in the Tajique Land Grant’s appeal, continues work on the Laguna del Campo transfer and has been working with contract attorney Joe Lennihan on the Juan Bautista Baldes case. Mr. Benavides will also sharpen land conveyance documents for the guidebook update. Councilor Correa Skartwed stated that she spoke with Mr. Benavides and he will cleanup San Antonio de las Huertas’ legal paperwork as each district has a different filing process. She was unaccustomed to seeing conveyance documents for the judge to sign, but will call to the courts to ensure the process is being followed correctly and will resubmit with Mr. Benavides if necessary, rather than through the Grant or as president, as an attorney can sign on behalf of the Grant.

### **17. Discussion and Possible Action on Treaty Division Update**

None.

### **18. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2021**

Pay Request #7 was presented, for \$13,668.83. This includes \$11,373.71 in personnel expenses, \$16.99 in mailing supplies and \$2,278.13 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #7, as well as the UNM invoice.

Councilor Correa Skartwed made a motion to approve Pay Request #7 for \$13,668.83; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Correa-Skartwed - aye

Councilor Polaco - aye

Councilor Padilla - aye

Councilor Martínez- aye

Chairman Sánchez - aye

The motion was passed.

### **19. Discussion & Action on Piedra Lumbre Visitors Center Update**



The monies have been paid to the USFS and the closing should be complete by tomorrow (March 26). DFA gave the disbursement to the San Joaquín del Río de Chama Grant, who submitted it to the USFS. Debra Solano of the USFS works with Tracy Parker, director of land and minerals for Region 3, and will obtain all USFS signatures and drive the agreement to Holland and Hart, where Larry Montaña will get signatures from representatives of the three land grants and will take the title to a title company in Rio Arriba County for filing. With this effort, the sale will meet the March 28 deadline of the expiring environmental assessment. Councilor Padilla offered her congratulations to the Councilors Polaco and Martínez and the Tierra Amarilla and San Joaquin Grants and offered assistance. Councilor Polaco thanked Mr. Archuleta for all of his hard work and credited his efforts at the purchase being finalized. Mr. Archuleta commented that all NMLGC staff and councilors played a part in getting this accomplished.

#### **20. Discussion and Possible Action on Laguna del Campo Update**

The Laguna del Campo transfer is moving forward. The New Mexico Game Commission will hear the issue on April 2<sup>nd</sup>; David Benavides will attend with members of the Tierra Amarilla Land Grant. The Commission will nudge New Mexico Game and Fish to complete the transfer with water rights rather than leasing them to the Grant. Councilor Polaco stated that Commission Chair Sharon Salazar Hickey was at last board Tierra Amarilla board meeting and committed her support.

#### **21. Discussion and Possible Action on Land Grant Registry Update**

None.

#### **22. Discussion and Possible Action on Land Grant Studies Program Update**

Mr. Archuleta reported that the LGSP will take a budget cut in FY 2022 from \$117,000 to \$113,900. The LGSP will also collaborate with the MLECT to implement their NRGNHA award.

#### **23. Discussion and Possible Action on Correspondence**

Mr. Archuleta reported that he and Dr. Baca received a notice of tort and are not sure what we are supposed to do. Novela Salazar of the Treaty of Guadalupe Hidalgo Division received the same notice. Staff will wait and see if a suit is filed.

#### **24. Discussion and Possible Action on Staff Assignments**

Councilor Polaco made a motion that staff oversee the Anton Chico Land Grant election; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Correa-Skartwed - aye

Councilor Polaco - aye

Councilor Padilla - aye

Councilor Martínez- absent

Chairman Sánchez - aye

The motion was passed.

Councilor Polaco made a motion that the NMLGC send letter of appreciation to legislators that gave appropriations to the NMLGC and letter to the Governor asking that she support these increases; Councilor Correa -Skartwed seconded the motion.

Roll call vote:

Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Councilor Padilla – aye  
Councilor Martínez – absent  
Chairman Sánchez – aye

The motion was passed.

Councilor Padilla suggested that the Council send a letter of congratulations to Secretary of Interior Deb Haaland.

## **25. Public Comments – Discussion only**

Tim Hagaman of the New Mexico Economic Development Department stated that NM EDD continued to work to preserve and grow communities and create wealth. He recently presented a ‘Land Grant 101’ to new employees and will have Mainstreet Frontier project applications available in next week or so, as well as applications for the LEEDs program.

## **26. Miscellaneous Announcements**

Chairman Sanchez reported that he received an email from the Office of the State Auditor that stated that tier certifications are due if land grants need agreed upon procedures. Councilor Martínez reported that they will complete a walk through of the Piedra Lumbre Visitors Center on March 30<sup>th</sup>. Councilor Padilla expressed appreciation to NM State Auditor Brian Colón, who made the process easy for the Town of Tomé, which applied for audit assistance funding offered through his office. Councilor Martínez asked if the State Auditor will help the Tierra Amarilla, San Joaquín del Rio de Chama and Juan Bautista Baldes Land Grants for their Piedra Lumbre purchase. Mr. Archuleta commented that the land grants could apply next year for audits of CY 2021, FY 2021.

## **27. Date and Location for April 2021 Council Meeting**

The April 2021 Council meeting will take place virtually on April 22, 2021 at 10:00am, online via Zoom.

## **28. Adjournment**

Councilor Martínez made a motion to adjourn; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Correa-Skartwed - aye  
Councilor Polaco - aye  
Councilor Padilla - aye  
Councilor Martínez– aye  
Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 12:40pm MST.

**Approved:**

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Chair

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Date

New Mexico Land Grant Council (NMLGC)  
April 22, 2021 – 10:00am  
Virtual Meeting  
Zoom ID: 927 6701 1058

**Minutes - Final**

**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:06am MDT. Roll call of the Council members: Leonard T. Martínez, Andrea Padilla, Rebecca Correa-Skartwed, Steve Polaco and Juan Sánchez were present.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Rebecca Correa-Skartwed (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Camilla Romero (NM State Land Office); Alisha Shaw (NM SLO) Andrea Benites (New Mexico Congressional District 1); AJ Pacheco (Office of Congresswoman Teresa Leger Fernandez); Patricia Domínguez (Office of Sen. Martin Heinrich); Eric Chávez (Office of Sen. Ben Ray Luján); Lisa Morrison (BLM); Bill Sapp (Acting Liaison, USFS); Novela Salazar (NMAG); Ashley Wright (USFS – R3); Tim Hagaman (NM EDD); Rita Padilla Gutierrez (Town of Tomé LG); LM García y Griego (NMLGC/LGSP); Chris Chávez (Territorial Land Surveying); Victor Savedra.

**3. Approval of Agenda**

Councilor Steve Polaco made a motion to approve the agenda; Councilor Rebecca Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from March 25, 2021 Council meeting**

Councilor Correa-Skartwed made a motion to approve the meeting minutes of the March 25, 2021 Council meeting; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

**5. Discussion and Possible Action on U.S. Forest Service Update**

Bill Sapp (USFS) reported that he had no updates other than the Carson National Forest fuelwood permit announcement that was sent to and circulated by the NMLGC earlier in April. He had a request from the Region 3 Regional Office (Ian Fox and Byron Keeley) regarding the potential master stewardship agreement between the NMLGC and USFS R3. Mr. Jacobo Baca commented that they would reach out and set up a followup meeting. Mr. Arturo Archuleta added that Carson National Forest supervisor James Duran wants to enter into another MOU with the NMLGC. The NMLGC worked on a draft with past USFS liaison Ericka Luna, which sent it up the chain for review in 2018, where is stalled after going to Washington DC USFS offices for approval. The MOU between the NMLGC and USFS R3, which was signed in 2011, expired in 2015 or 2016. Mr. Sapp stated that they would look into its status. Councilors Leonard Martínez and Andrea Padilla asked questions regarding projects near Lindrith and Rociada, the latter of which Mr. Sapp does not believe to be a USFS project.

## **6. Discussion and Possible Action on Bureau of Land Management Update**

Lisa Morrison (BLM) reported that she has checked on status of state forester selection, which will be hired as a detail and not, at least initially, as a permanent replacement. This will be announced soon. The Rio Puerco and Farmington plans are at Washington DC BLM office and are being reviewed closely.

## **7. Discussion and Possible Action on Federal and State Legislative Update**

### *State*

In the packet is a copy of the letter sent to Governor Michelle Luján Grisham regarding concerns with recreational cannabis legislation. No earmarks or fiscal amendments were included in the bill that passed the special session of the New Mexico State Legislature, though some concerns regarding water impacts were included in bill. HB 189 was signed by the Governor; it fixes salary caps on community governance attorney program, allowing the commission created by the law to raise the salaries by itself rather than by amending the law. HB 41 was pocket vetoed and the NMLGC is not sure why. Mr. Archuleta had phone conversations with analysts on the Governor's staff and understood that the New Mexico Attorney General's office supported the bill. The bill was discussed with DFA and he understood that they were going to recommend signing the bill.

### *Federal*

The NMLGC has been in correspondence with Congresswoman Teresa Leger Fernandez's staff. A.J. Pacheco is their staff person assigned to NMLGC meetings and is in the meeting today. Mr. Pacheco introduced himself as an heir of the San Joaquin del Nacimiento Grant and Chicano and Chicana Studies minor recently graduated from UNM. They will work to coordinate a meeting that offers a brief introduction of the Council, current legislation and sets up a meeting with land grants in her district. NMLGC staff has heard nothing new from Senator Ben Ray Luján's Washington DC office regarding the traditional use bill, but understands that they are redrafting and exploring boundary language. In the packet is a draft bill regarding place names titled the *Reconciliation in Place Names Act*, which will be reintroduced this Congress. Mr. Archuleta also met with Michael Casaus of the Wilderness Society and discussed the Biden administration's "30 by 30" plan, which seeks to conserve 30 percent of land and ocean to fight climate change by 2030. What the plan entails is not clear, but it does not intend to impose the most stringent protections, like wilderness, on all public land. The federal government also does not need to own all of the land in question. Land grants and tribes can play a role but both communities have the goal of conservation and local use. These communities could push to use funding from offshore drilling to

purchase and conserve lands. A portion of this federal funding goes to the State of New Mexico, which has earmarked it for parks and recreation. The State uses it solely to fund the New Mexico State Parks Division and is not shared with or distribute to political subdivisions. If the federal government wishes to reach the 30 percent by 2030, federal funding for the purchase and management of lands by local governments could help and achieve this goal. Councilor Padilla commented that in Valencia County, people are selling farmland to developers that are building houses. Sellers are approaching the Town of Tomé Land Grant offering to sell 7, 10, 11 acres of farmland. If the Grant had the monies, they could buy the land and allow young farmers to use the land. HB 265 included amendments that would allow entities to use funding to purchase land for uses other than recreation, like traditional use.

### **8. Discussion and Possible Action on State Land Office Projects**

Camila Romero (New Mexico State Land Office) reported that a fuelwood project near Villanueva is in the planning stages. The State Land Office is looking at a similar project in the Chililí area. The SLO fuelwood project near Cebolla found many trees hit with the bark beetle and the SLO is encouraging people to cut those trees as well, even if unmarked. The Cebolla project is currently at 40 acres, with an expansion in the future to an additional 42 acres and is assessed at 2 cords per acre. Councilor Martínez reported that the San Joaquín Land Grant is waiting for its capital outlay monies for trailer and truck and have purchased limited liability tort insurance. The SLO will work with grants to receive payments for cords removed, which will be in late May or early June. The contractor hired by the San Joaquín Land Grant only wants 4 cutters working at a time to reduce liability. They will also stack brush to be ready for a controlled burn in the fall by the SLO. Mr. Archuleta added that he wanted to schedule time to talk in next few weeks to discuss Villanueva and East Mtn projects and to schedule something with San Miguel del Bado and East Mountain Land Grants.

### **9. Discussion and Possible Action on Natural Lands Protection Act Committee Recommendations**

In packet is Natural Land Protection Act, as passed in 1987, which created a fund for natural lands for protection. Lands purchased under this act were to be undeveloped and unimpacted. HB 265 would have paired this fund with another related to conservation easements. The Energy, Minerals and Natural Resources Department backed this bill as it tries to leverage this fund with wildland protection funds as match funds to federal monies used to acquire properties. Rep. Miguel Garcia expressed concerned that former common lands would be purchased and made public lands, threatening future land grant acquisition. He attempted to introduce amendments to allow for traditional uses. The Act creates a natural land protection committee, including the state land commissioner, the director of the New Mexico Department of Game and Fish, three public members, including one representative from ranching and farming interests. The amended bill would have included representatives from the land grant council and acequia commission, and the funding would be amended to allow for the purchase of lands for traditional use purposes. Currently, commission evaluates purchase of lands only for natural resource protection. Any recommendations for individuals from the Council will be forwarded to ENMRD. Someone who represents land grants and farming and ranching could be a good fit, as they already fit statute and will fill at least one current vacancy on the commission.

### **10. Discussion and Possible Action on State Forestry, Heathy Soils and USDA Programs**

Land grants and acequias participated in a Healthy Soils Program listening session on March 25. Grant program evaluators will have a follow up meeting with the NM Department of Agriculture in early May to go over changes in program. The Council hopes to put a workshop or training in late May or early June featuring USDA programs, Healthy Soils programs and State Forestry programs.

### **11. Discussion and Possible Action on Anton Chico Land Grant Election Oversight**

Mr. Archuleta reported that he and Venessa Chávez assisted the Anton Chico Land Grant with their election on April 5 and canvassing on April 9. Certification of canvassing is in the meeting packet, and reflects 429 election day voters, 6 provisional votes for a total of 435 votes. The top three vote getters were Stoney Jaramillo, Danny Montaña, and Max Sisneros; Mr. Jaramillo and Mr. Sisneros already were serving on the board and thus won reelection. The BluEarth energy project was approved 212 in favor, 204 against. There may be a challenge from an individual, Eric Sandoval, who was disqualified from ballot. Complaints have been filed with the New Mexico Attorney General's office and NMLGC staff provided information regarding the Anton Chico Land Grant election to the NMAG's office.

### **12. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget**

Two budget recommendations are in the meeting packet, one with a contract surveyor, one with a staff surveyor. The NMLGC appropriation for FY 2022 is \$296,000; FY 2022 junior monies appropriated to the NMLGC total \$200,000. These funds were the result of legislation for surveyor and attorney for NMLGC that was approved by Senate Finance Committee but was tabled by the House Appropriations and Finance Committee. Senator Linda Lopez and Representative García appropriated monies for surveyors and attorneys. The budget recommendations in the packet provide options for a contract surveyor or a staff surveyor. This was done for the surveyor position rather than the attorney position because hiring a staff attorney rather than a contract attorney is complicated by the nature of legal work extends beyond a fiscal year and a staff position would be funded with soft money. A surveyor, on the other hand, can complete finite projects within a given time frame and work can be assigned that will not bleed into the next fiscal year. The NMLGC budget was created in tandem with the Land Grant Studies Program, which experienced a decrease in funding to from \$117,000 to \$113,600 for FY 2022. Mr. Archuleta will serve as co-PI with Dr. LM Garcia y Griego in FY 2022.

Council members and staff discussed budget recommendations. Regarding the surveyor position, budget option 1 would contract a surveyor for \$63,000 for a total of 333 hours, or 6 hours per week, or a true cost of \$226 per hour. The NMLGC does not pay travel, equipment, surveying supplies, copying fees, to a contractor but does pay F&A. Option 2 is a half time staff surveyor at \$41,600 in salary for 1040 hours, plus additional expenses. The NMLGC will need to rent equipment, pay for software, a computer, surveying supplies, copy and filing fees and associated F&A costs. Graduate fellows would vary under the two budget scenarios as well, with law students fellows dropping from two to one students. Under option 1, salary and fringe will total \$202,735 with a contract surveyor and under option 2, salary and fringe will total \$243,474 with a staff surveyor. YCC projects would also be funded, varying from \$30,000 to 25,000 per week, depending on budget. Estimated total expenses in the UNM Intergovernmental Services Agreement are \$377,612 for option 1 and \$370,847 for option 2. The Land Grant Support Fund is at \$30,000 in both budget scenarios.



There are also state mandated changes in per diem rate, which is no longer \$95 per day. Virtual meetings will now be paid at a \$45 per diem rate regardless of the length of the meeting. In person meetings lasting from 0-4 hours will be at \$45 per diem rate + mileage and in person meetings lasting from 4-8 hours will be at a \$90 per diem rate + mileage. There is no longer a requirement that members travel more than 35 miles to receive mileage reimbursement. Individual land grants can adopt their own policy, as long as it doesn't violate state laws, and can adopt state or federal reimbursement and mileage rates. Most land grant boards receive nothing for their service, though the Anton Chico, Cebolleta and Cañón de Carnué Grants do pay some sort of per diem to their board members for service. Total budget for council member out of state travel is \$5,600. Legal services under option 1 are budgeted at \$63,235 and option 2 at \$70,000.

If the NMLGC can prove productive in work of Council, we can justify a proposed budget increase in the FY 2023 budget request, which is due in August or September. Councilors expressed concern about hiring positions on one time money and deliberated that it may be better to hire a contractor. Only a handful of surveyors are willing and able to take land grant work. On the other hand, hiring a staff surveyor rather than a contract surveyor will result in more hours of work and more surveys completed. If the Council cannot fund a surveyor staff position past FY 2022, it could revert to a contract with a surveyor and reduce hours, but retain surveyor services for land grants. Councilors also stated that they appreciated law students and planning students in budget as they have had positive experiences working with law students in the past.

Councilor Martínez made a motion that the NMLGC adopt staff budget recommendation #2, with a staff surveyor, for Fiscal Year 2022; Councilor Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez - aye
- Councilor Polaco - aye
- Chairman Sánchez - aye

The motion was passed.

Council staff also provided a FY 2021 budget update. With changes in state statute, travel vouchers now need to reflect length of meeting, even in virtual meetings. In the UNM contract, \$118,429.93 has been spent, with \$96,716.07 remaining. The surveyor contract, which does not reflect the last approved billing, has around \$20,000 remaining.

### **13. Discussion and Possible Action on Land Grant Support Fund Update**

Mr. Archuleta reported that Venessa Chávez is working hard to assist grants in spending their LGSF awards. He is working to set up a workshop with DFA on procedures. Carmen Morin is still our contact at DFA but is at the fiscal services bureau serving as an interim in Scott Wright's former position. With new hires at DFA, Ms. Chávez felt a meeting with land grants is necessary. The last day to purchase, technically, is June 30, but the goods need to be delivered and in possession that day and the grants have one week to submit for final payment. It is unadvised to do a payment this late in the event there are any issues or problems, so a target date of all purchases completed by June 15 is recommended to allow time to resolve any issues.



#### **14. Discussion and Possible Action on Land Grant Capital Outlay Update**

Land grants have been assigned one project manager at DFA, Dawn Webster, that will work with them on capital outlay. The bond questionnaires went out and need to be completed in the online CPMS system, with the ICIP entity code. The Town of Tomé, San Antonio de las Huertas, Don Fernando de Taos, Tierra Amarilla and Chililí Land Grants should expect to fill out the bond questionnaires. Councilor Padilla commented that a workshop training that clarifies when to submit the notice of obligation (NOO), when funds will be dispersed, and that would allow land grants to communicate DFA staff and be knowledgeable when dealing with contractors would be beneficial. NMLGC staff can help with bond questionnaires. Councilor Martínez stated that the process is slow and confusing and the criteria for equipment purchased is that it will have a 10-year lifespan. He wants the Council to have a fund for purchases in the name of land grants which will be reimbursed from capital outlay awards by DFA. Chairman Sánchez stated that capital outlay appropriations are now public on the legislature's website.

#### **15. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

The UNM Law School's Natural Resources Environmental Law Clinic has worked assisting the San Antonio de las Huertas Land Grant with acequia and trespass issues and have helped as much as they can. The New Mexico Acequia Association Attorney has suggested mediation between the San Antonio de las Huertas Grant and the acequias without their attorneys present. Council staff and someone from the NMAA staff can serve on mediation team.

Councilor Padilla made a motion to allow NMLGC staff to assist with the San Antonio de las Huertas Land Grant with the mediation; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - abstain
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

The Tecolote Land Grant was a statute specific land grant that that opted to come under the general provisions (49.1). They have never asked for nor received legal or surveyor services and have thus far only received assistance with capital outlay. An individual sold a piece of property based on old Mexican document. The person purchasing property is encroaching and claiming 10 acres of common lands. The grant claims that the patent to Tecolote should extinguish other antagonistic claims. This may be legal question but may need some surveying services as well to understand nature of the issue.

Councilor Martínez made a motion to approve legal services to the Tecolote Land Grant; the motion was seconded by Councilor Padilla.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Billing from New Mexico Legal Aid is included in the packet, with details and hourly billing.

Councilor Padilla made a motion to approve pay request #5 from NMLA for \$3,737.50; Councilor Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Martínez made a motion to approve pay request #6 from NMLA for \$5,225.00; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Polaco made a motion to approve pay request #7 from NMLA for \$950.00; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

## **16. Discussion and Possible Action on Professional Surveyor Services Contract - Update and Requests**

No New requests have been made. Mr. Chris Chávez (Territorial Land Surveying) provided an update. At the Las Trampas Land Grant, there are concerns from individuals regarding the boundary of plaza, one individual threatening legal action and claiming that Mr. Chávez did not have the authority to survey. He will need to be meticulous and will reach out to state board or surveyors for advice and may use boundary agreements notarized on the spot to complete the survey. He has done more fieldwork on the Juan Bautista Baldes LG boundaries. The survey for Tomé is nearly complete, the cañón survey for San Joaquín is complete and the San Antonio de las Huertas survey is 95 percent done. Ongoing work continues for the Juan Bautista Baldes Land Grant, Santa Bárbara Land Grant, Anton Chico Land Grant, Abiquiú Land Grant and Tajique Land Grant. Councilor Martínez commented that he met with Mr. Chávez and asked him to survey the San Joaquín del Río de Chama Land Grant cemeteries. The morada is located adjacent to a church

abandoned in 2010, but owned by the Archdiocese of Santa Fe. The Archdiocese will dispose of properties in an auction soon and he seeks to protect the morada and needs it surveyed. Churches were on land donated by community members and heirs to the Catholic Church. We are not sure how much flexibility the Archdiocese has in its settlement, though the NMLGC could ask all land grants to identify properties. Mr. Chávez stated that Trampas Land Grant president Alex López and his brother Bonifacio Lopez found a deed that gave the church in Las Trampas to the Archdiocese of Santa Fe, but the deed was never recorded with Taos County, begging the question: Is a conveyance valid if deed is unrecorded? He has reached out to David Benavides of NM Legal Aid for his opinion. Councilor Polaco stated a similar issue took place in in Ensenada, where the previous priest condemned the church and no longer offered services. Councilors, staff and attendees discussed the matter. Most, if not all, land grant communities paid for and constructed churches and chapels so the Archdiocese of Santa Fe (or is predecessors) would provide a priest and later deeded it to Archdiocese. Land grants might consider an injunction to prevent the sale of these church properties being that they were donated to the church by the community to provide for religious services, not as a partible asset. They may need to take collective action. The Councils can request from the Archdiocese of Santa Fe information to ascertain if there are any properties that are for auction within land grants. Once we have the information, individual or collective of land grants could take action.

Councilor Polaco made a motion to approve invoice #6 from Territorial Land Surveying LLC for \$6,927.77; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez - aye

The motion was passed.

### **17. Discussion and Possible Action on Treaty Division Update**

Novela Salazar (NMAG – Treaty of Guadalupe Hidalgo Division) stated that the Treaty Division did receive a complaint from Jeffery Tenorio regarding the disqualification of Eric Sandoval from the Anton Chico Land Grant election, which is treated as an action against the decision of board, alleging board misconduct. The NMAG’s office has received both complaints against the Board of Trustees and complaints from heirs against Lorenzo Flores and the Eastern Slope Sangre de Cristo LG Committee. The NMAG’s office will send a letter to a group of complainants regarding complaints and tort action notice, stating that they have investigated complaints in collaboration with the New Mexico State Auditor and thus far have found no evidence supporting the allegations set forth in the complaint. It will likely come down to Anton Chico Land Grant board attorney and the group, should they choose to hire an attorney. Ms. Salazar added that she will continue to request information from all parties.

### **18. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 21 & 22**

Pay Request #8 was presented, for \$14,994.31. This includes \$12,471.75 in personnel expenses. \$23.52 in supplies and \$2,499.04 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #8, as well as the UNM invoice.

Councilor Padilla made a motion to approve Pay Request #8 for \$14,994.31; Councilor Martínez seconded the motion.

Roll call vote:

Councilor Correa-Skartwed - aye

Councilor Polaco - aye

Councilor Padilla – aye

Councilor Martínez– aye

Chairman Sánchez – aye

The motion was passed.

The FY 2022 contract will need to be worked out. In packet is the scope of work from last year (FY 2021). There will be some changes because of budget options as we may need to add something reflective of surveyor work.

Councilor Correa-Skartwed made a motion to approve the scope of work and to make any amendments based on approved budget, as well as authorizing the chairman to sign off on any changes to the scope of work; Councilor Martínez seconded the motion.

Roll call vote:

Councilor Correa-Skartwed - aye

Councilor Polaco - aye

Councilor Padilla – aye

Councilor Martínez– aye

Chairman Sánchez – aye

The motion was passed.

### **19. Discussion & Action on Piedra Lumbre Visitors Center Update**

The Piedra Lumbre Visitors Center was purchased March 26 and the deed was recorded.

Purchasers will walk the boundary tomorrow with Ghost Ranch, the adjoining property owners.

May 15 was the planned date for the celebration, but Carson NF supervisor James Durán asked to delay the celebration until later in May. They will hold a planning meeting on April 30. Rio Arriba County moved from turquoise to yellow and mass gatherings capacities dropped from 150 to 10.

### **20. Discussion and Possible Action on Laguna del Campo Update**

David Benavides of NMLA attended the last New Mexico Game Commission meeting, which went into closed executive session. The Commission appointed two commissioners to work with Tierra Amarilla Land Grant, New Mexico Department of Game and Fish and the NMLGC on the issue regarding water rights to be transferred with property. Councilor Polaco remarked that the Tierra Amarilla Land Grant board was unclear about splitting water rights issue.

### **21. Discussion and Possible Action on Land Grant Registry Update**

None.

### **22. Discussion and Possible Action on Land Grant Institute / Land Grant Studies Program Update**

LM García y Griego stated that the new Vice President for Research Ellen Fisher has started and Assistant VPR Steve Graves will request a 1 hour rather than 30-minute meeting to discuss the need for the proposed Land Grant Institute. He has asked that Mr. Archuleta and Dr. Baca join in

the presentation to new VPR. Mr. Graves is an enthusiastic supporter of the concept. Mr. Archuleta reported that the Land Grant Studies Program took a cut to its budget. The LGSP should still be able to accommodate a student and will be digitizing more records and distributing to land grants. Jacobo Baca reported that the LGSP has been participating in the Acequia and Land Grant Education project, partnering with the New Mexico Acequias Association and New Mexico Highlands University's Center for the Education and Study of Diverse Populations in convening listening sessions with stakeholders to develop acequia and land grant education recommendations to the Public Education Department and Higher Education Department.

### **23. Discussion and Possible Action on Correspondence**

The Council received correspondence from an individual concerning Moises Gonzales of the Cañón de Carnué Land Grant. Quit claims were made from an individual heir to the Grant and were later used by the Grant in a deal with the City of Albuquerque, where the Grant quitted claim on a potential ownership claim as part of quiet title suit on 3 acres in exchange for co-management on a 10-acre site where their historic village is located.

### **24. Discussion and Possible Action on Staff Assignments**

The New Mexico Department of Information Technology (DOIT) is working on broadband expansion and looks to partner with land grants. One option that they proposed is to directly fund land grants to develop infrastructure and/or equipment that they can lend to community members. The land grant could also contract directly with the ISP to host a sub network. DOIT wants to work through the Council to assist with negotiations.

Councilor Martínez made a motion that staff write a letter to the Archdiocese of Santa Fe requesting information regarding church properties that are up for auction and/or that they own on community land grants that are active political subdivisions of New Mexico; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Councilor Padilla – aye
- Councilor Martínez– aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Polaco made a motion that the Council sends a letter to Larry Montaña of Holland and Hart thanking him for his work on the Piedra Lumbre Visitors Center purchase; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Councilor Padilla – aye
- Councilor Martínez– aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Padilla reported that she met with Frank Giron from the Pueblo of Isleta. Both the Town of Tomé Land Grant the Isleta Pueblo got access to the bosque from the Middle Rio Grande Conservancy District to retrieve dead and down wood. The Grant worked on ½ mile of bosque and retrieved a lot of wood and there is a quite a lot of wood near Isleta Pueblo and Bosque Farms. She would like to set up a meeting between the Town of Tomé Grant, Isleta Pueblo, local fire departments and the MRGCD to discuss this as option to get wood, which would improve water access and clean up the bosque of fuels, and requested Council staff assistance to organize such a meeting.

Councilor Martínez made a motion that NMLGC staff assist the Town of Tomé Grant to set up meeting with stakeholders in the area regarding fuelwood in the Rio Grande Bosque; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Correa-Skartwed - aye

Councilor Polaco - aye

Councilor Padilla – abstain

Councilor Martínez- aye

Chairman Sánchez – aye

The motion was passed.

## **25. Public Comments – Discussion only**

None.

## **26. Miscellaneous Announcements**

DFA offers trainings that may prove important to land grants. NMLGC staff will send an announcement with the list trainings offered, which include travel, capital outlay and others. The New Mexico Land Grant-Merced Consejo meeting is scheduled to be held on June 5, but may face issues with the color designation of the county, which will restrict the size of the gathering. The host and site may need to change because of county restrictions. Tim Hagaman of the New Mexico Economic Development Department stated that the Mainstreet Frontier project applications are due June 15, 2021. If there is a project that communities need assistance with, this is a good opportunity for funds for everything from business development, architectural redesign, historical preservation and more, including anything related to creating economic wealth in a community. Councilor Martínez stated that the Piedra Lumbre Visitors Center might be an ideal fit and representatives from the three grants would like to meet to discuss. Vice-Chair Correa-Skartwed stated that the San Antonio de las Huertas Grant is also interested.

Councilor Padilla announced that the Town of Tomé Land Grant is hosting a craft fair, yard sale, and plant sale on May 8 at the Thome Domínguez Center. Mr. Victor Savedra of the community of La Parida in Socorro County stated that he is seeking recognition of La Parida, which he calls a “pueblo encampatada” as a land grant. He stated that the La Parida Pueblo Grant on the camino real and predates the Socorro treaty from 1598. He raises traditional sheep and runs the old community grant of private land bought from his uncle, which includes a pre-platted claim. Mr. Savedra is asking how La Parida can be recognized as a land grant and how he can set up heirship to be a community grant. He claimed that La Parida is separate from the Socorro Land Grant, which he claimed is one square league from center of church and are outside of the Socorro community land grant and become they are their own community land grant. He added that he

has BLM records and GLO records and records older than the state and that they lost the bosquecito side of the pueblo and lost their cemetery when it was sold to private individual who bulldozed half the cemetery and the church. Vice-Chair Correa Skartwed thanked Mr. Savedra for sharing and suggested that he discuss La Parida further with Mr. Archuleta after the meeting.

**27. Date and Location for May 2021 Council Meeting**

The May 2021 Council meeting will take place virtually on May 20, 2021 at 10:00am, online via Zoom.

**28. Adjournment**

Councilor Martínez made a motion to adjourn; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Polaco - aye
- Councilor Padilla - aye
- Councilor Martínez- aye
- Chairman Sánchez – aye
- Councilor Correa-Skartwed - aye

The motion was passed. The meeting adjourned at 2:28pm MDT.

**Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date



New Mexico Land Grant Council (NMLGC)  
May 20, 2021 – 10:00am  
Virtual Meeting  
Zoom ID: 997 9893 3873

**Minutes - Final**

**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:05am MDT. Roll call of the Council members: Leonard T. Martínez, Andrea Padilla, Rebecca Correa-Skartwed, Steve Polaco and Juan Sánchez were present.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martínez (NMLGC); Rebecca Correa-Skartwed (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Camilla Romero (NM State Land Office); A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández); Patricia Domínguez (Office of Sen. Martin Heinrich); Eric Chávez (Office of Sen. Ben Ray Luján); Debbie Cress (USFS – Santa Fe NF Supervisor); Julie Ann Overton (USFS – SFNF Public Affairs); Ivan Knudsen (USFS – Carson NF interim public affairs officer); Angie Krall (USFS – Carson NF); Ruby Niner (independent historian); James Durán (USFS – Carson NF Supervisor); Alicia Shaw – (NM State Land Office); Rita Padilla Gutiérrez (Town of Tomé Land Grant); Angela Herrera (Tecolote Land Grant).

**3. Approval of Agenda**

Councilor Rebecca Correa-Skartwed made a motion to approve the agenda; Councilor Leonard Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez- aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from April 22, 2021 Council meeting**

Councilor Steve Polaco made a motion to approve the meeting minutes of the April 22, 2021 Council meeting; Councilor Andrea Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez- aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

## **5. Discussion and Possible Action on Bureau of Land Management Update**

Mr. Arturo Archuleta (NMLGGC) reported that Lisa Morrison was unable to attend the meeting and sent the following update.

The BLM continues to seek public nominations for four positions on its Northern New Mexico Resource Advisory Council (RAC), which advises the BLM on public land issues within the Farmington District and Rio Puerco Field Office. As advertised in the Federal Register, the BLM will consider nominations until June 1, 2021.

<https://www.blm.gov/press-release/bureau-land-management-seeks-advisory-council-nominations-northern-new-mexico>

The BLM also continues to seek public nominations for five positions on its Southern New Mexico Resource Advisory Council (RAC), which advises the BLM on public land issues within the Las Cruces and Pecos District Offices and Socorro Field Office. As advertised in the Federal Register, the BLM will consider nominations until June 1, 2021.

<https://www.blm.gov/press-release/bureau-land-management-seeks-advisory-council-nominations-southern-new-mexico>

Personal Use Firewood Permits:

Taos, Santa Fe, Rio Puerco, and Farmington offices are still issuing personal use fuelwood permits.

Helpful Fire links:

New Fire Restrictions Website: <https://nmfireinfo.com/fire-restrictions/>

Wildfire Preparedness Website: <https://facnm.org/wildfire-preparedness>

The comment period on the Horsethief Mesa TMP is ongoing: <https://www.blm.gov/press-release/public-invited-comment-route-designations-taos-plateau>

Public comment for Sabinoso donation ends tomorrow: <https://www.blm.gov/press-release/blm-announces-proposed-land-donation-sabinoso-wilderness>

Councilor Martínez asked where the boundary for the northern and southern RACs lays. Mr. Archuleta shared a map on screen and stated that the Anton Chico Land Grant is the only land grant that falls within boundary for the Southern RAC. Councilor Martínez responded that it is important to get a land grant heir on the southern New Mexico RAC.

## **6. Discussion and Possible Action on U.S. Forest Service Update**

James Durán (Carson NF Fores Supervisor) commented that the Carson National Forest was looking forward to the Piedra Lumbre Visitors Center celebration. There has been a lot of turnover in the agency. Region 3 welcomed a new Regional Forester, Michiko Martin, who is transitioning to the southwest from Washington DC. He reported that there are three new district rangers on the Carson National Forest. Jack Lewis has moved from the Questa Ranger District to the Carson Supervisor's office and has been replaced by Adam Lidell. The Camino Real Ranger District named Michael Luján as its district ranger after the departure of Sean Ferrell. The Western Zone welcomes Harry McQuillen and Ivan Knudsen is on loan from the Regional Office as the acting public information officer. The Forest Plan Revision is in its final stages and final steps are tied to working through objections. The release of the final plan and record of decision will be

in early spring 2022. The Carson looks to continue and expand the mayordomo fuelwood program which has been successful in part because of the familiarity with the organizational structure borrowed from acequias. The Carson National Forest is working to remove red tape to expand these programs and signed an agreement with Taos County that allows the county to provide assistance to local governments in considering a forestry council. J.R. Logan of the Cerro Negro Forest Council works for Taos County and works on these and other programs as its WUI coordinator. Mr. Durán also reported that the Carson NF will talk to Rio Arriba County soon do enter in a similar agreement. He added that the PLVC is an incredible accomplishment as federal regulations are tough and he will invite Regional Forester Michiko Martin to the celebratory event.

Debbie Cress introduced herself as the new Forest Supervisor on the Santa Fe National Forest. She reported that the Santa Fe NF is on the same timeline as Carson when it comes to releasing the revised forest plan. The Santa Fe NF will be going into stage 1 fire restrictions but is still selling fuelwood permits. Debra Mollet from the Kaibab National Forest is joining the Santa Fe NF as an acting deputy forest supervisor. District Ranger Jamie Bennett of the Cuba Ranger District has retired and was replaced by Patrick Petracca. Mr. Archuleta reported that he spoke with former Carson NF planner Kevin Naranjo, who works with the USFS in Atlanta and will be relocating to Washington DC soon. He is currently working on the wood innovation program that gives grants for wood innovation projects and has wood energy conversion programs. These include programs aimed at helping community facilities convert to using wood for heating needs. They can provide technical assistance, including feasibility studies, and land grants can access capital outlay to do this. Councilor Martínez commented that this sounds both ecologically and economically sound. Programs are looking at alternative sources of energy and in New Mexico, there is an abundance of low value, small diameter wood. The local firewood demand is high and the industry is strong. The Vallecitos Sustained Yield Unit remains an opportunity for a community program. Patricia Domínguez (Office of Sen. Martin Heinrich) commented that she visited the Northern New Mexico College's El Rito Campus and believes that they can be a good partner with community wood innovations projects. Mr. Durán stated that despite the rain, forest conditions are still very dry and the forest is working with livestock producers to manage grazing resources. The forest predicts challenges and the need for active and adoptive management, from stocking reductions to rotations and timing. Angie Krall added that the Piedra Lumbre Visitors Center celebration will take place on July 10<sup>th</sup> in the morning. The Carson will invite the Santa Fe NF and will discuss with the land grants (Tierra Amarilla, Juan Bautista Baldes, and San Joaquín del Río de Chama) and the Council invitation distribution and stated that she would work with Ivan Knudsen of the Carson NF and Julie Ann Overton on a joint press release with the NMLGC.

## **7. Discussion and Possible Action on Federal and State Legislative Update**

### *Federal*

A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández) stated that Congresswoman Teresa Leger Fernández is examining reintroducing the traditional use bill that was introduced by then congressman and now Senator Ben Ray Luján last Congress, which passed the House. The Congresswoman would like to get feedback about the bill and is looking for areas for improvement and possible amendments, including designating community use and community event areas. Mr. Archuleta commented that the NMLGC worked with Senator Luján on the bill (H.R. 3682) directly for 6-7 years and that he served as an expert witness in testimony on the bill. He had reached out to Xochitl Campos Briggs of Congresswoman Teresa Leger Fernández's office to discuss and would still like to set a date to discuss the bill. The bill went through many iterations and the NMLGC

welcome the opportunity to discuss the bill. Mr. Pacheco asked the NMLGC to reach out and plan a meeting.

Mr. Eric Chávez (Office of Senator Ben Ray Luján) stated that he was happy to hear this as Senator Ben Ray Luján is very interested in introducing this bill and has continued to engage with the Senate Agriculture Committee and Senator Martin Heinrich's office. Senator Luján's office is supportive of wood innovation grants and encourages people to reach out to all of the delegation for letters of support. Mr. Archuleta mentioned that there is a new form of Congressional appropriations called direct spending, which is akin to Congressional earmarks. The spending has to go through a specific agency or for specific projects, such as the Piedra Lumbre Visitors Center. The deadline is May 31<sup>st</sup> and requests are due directly to Senator Luján's office, which will begin the prioritization process in June. Patricia Domínguez commented that she had yet to receive information on the spending but will send their form. They do not yet have a deadline and see this as an opportunity to ask for whatever they want and the office will try and fit it in. The process allows them to add funding through line item and for those requests that are difficult to fit into an existing program, new earmarks will be made. There will be more scrutiny than in the past but they still advise requestors to ask for whatever they want or need.

Mr. Eric Chávez commented that both the Senate and House both doing earmarks. The May 31 deadline will give their office time to review requests. Nine committees under the appropriations committee will look at congressional direct spending. There are two types of congressional direct spending. One for local requests where requestors need to get two community letters of support for something like a Tomé wood project. The other is programmatic requests for national or regional programs. Under this are bill and report requests, asking an agency to carry something out. These do not create new funding but tap into existing funding with language revision. He offered to meet with the NMLGC staff to discuss the form and the process. Mr. Pacheco stated that Congresswoman Leger Fernandez's appropriation process has finished but he will double check with Xochitl Campos Briggs. Mr. Archuleta asked if there is an upper limit or thresholds for programmatic or direct spending. Mr. Chávez stated that there was no guidance given nor guarantee for amounts. Ms. Domínguez added that phasing projects can help and that earmark funding can be clawed back in audits. Mr. Chávez also said it is important to rank requests when making multiple requests and to disclose matching funds and which projects are shovel ready. The funding is only for non-profit or government entities and all requests made will likely be made public. Mr. Archuleta commented that there are always individual land grant projects but also big picture projects like land acquisitions. While there is funding from offshore drilling (Land and Water Conservation Fund), the monies have been used for agencies to own the land, which is not always in land grant interest. He has discussed with Levi Patterson the 30 by 30 (30% of land conserved by 2030) and that there is not really funding for local governments to acquire land for conservation. Perhaps congressional direct spending could fund these projects. Mr. Chávez commented that this could fall into programmatic requests, changing change to allow access to the Land and Water Conservation Fund. Mr. Pacheco stated that Congresswoman Leger Fernández's office received 75 requests and narrowed those to the top 10 and spread these requests as far as possible to maximize impact. Of the requests received, 65-70 were from municipalities and their office wanted to see more from rural communities. Mr. Archuleta asked Mr. Pacheco to add the NMLGC to the Congresswoman's mail list and the NMLGC will help land grants apply for this funding in the future. Councilor Padilla added that she read an article that stated that the farmland that is available is owned by 1% of population. Land acquisition is needed to allow local

farming, which is conservation as farmland is being sold and developed and we are losing land that can be farmed. Mr. Chavez and Ms. Dominguez stated that the involvement of the Council could strengthen request, vet projects and apply for regional project funding.

### *State*

The interim committee session starts in June. The Interim Land Grant Committee will be meeting on June 16<sup>th</sup> in Santa Fe, July 14-15, September 23-24, October 28-29 and November 12 (in Santa Fe). Locations include Tomé, Anton Chico, and in Española at Northern New Mexico College, where the Committee will hear updates from the Bartolome Sánchez Grant, the Jacona Grant, and updates on Tierra Amarilla. The Chair is Rep. Miguel García and Vice Chair is Senator Leo Jaramillo. The NMLGC will collaborate with the LCS to build productive agendas.

### **8. Discussion and Possible Action on State Land Office Projects**

Camila Romero (State Land Office) stated that the State Land Office would have a draft MOU for the Council to comment on by the next Council meeting. There are 2 new projects for fuelwood that the SLO is looking to start in July or August. These are the Bearcat project near Tijeras and another project near Villanueva (maps in meeting packet). The Cebolla Project is ongoing and SLO staff will flag the 2<sup>nd</sup> half of the project on Friday. The SLO is excited to find more fuelwood projects to benefit local communities. Mr. Archuleta commented that the NMLGC will work with the SLO to set up meetings with the San Miguel del Bado Land Grant for the Villanueva project and with East Mountain land grants for the Bearcat Project, which is just north of Chililí.

### **9. Discussion and Possible Action on State Forestry, Heathy Soils and USDA Programs**

The New Mexico Department of Agriculture will host a Healthy Soils Program webinar on May 21, 2021 from 1:30-3:00. Participants need to register to attend and anyone interested in applying to the grant program should plan to attend the webinar. In the past the Healthy Soils Program was geared toward individuals, but land grants and other entities can now apply without needing letters of support since they have jurisdiction over and manage their own lands. They can apply for funding for projects for their own lands or can get a grant to do soils testing or improve soils health for the community at large. Funding is year to year and awardees need to be able to spend awarded monies in the fiscal year that they are granted. The NMLGC will help applicant land grants. NMLGC staff is trying to nail down date to do a grants workshop with presentations from the New Mexico State Forestry Division, the NM Department of Agriculture's Healthy Soils Program and the Natural Resource Conservation Service (NRCS). The Healthy Soils deadline comes first, July 2, 2021 and the State Forestry program deadline comes in January with the NRCS program deadline coming next spring. The Council plans to get a planning student in fall and will work with Emanuel Storey to do cartography work.

### **10. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget**

The May 2021 budget update for period ending April 30<sup>th</sup> was provided. \$8,000.40 has been reimbursed from the Land Grant Support Fund with \$11,999.60 remaining. From the \$296,900.00 budget, \$178,794.98, or 60.2%, has been spent and \$118,105.02 remain.

### **11. Discussion and Possible Action on Land Grant Support Fund Update**

Ms. Venessa Chavez (NMLGC/LGSP) reported that land grants are working hard to spend their monies. Carmen Morín has been promoted to the Capital Outlay Bureau and the new DFA project manager is Daniel Catanach. It generally takes longer to get disbursements out and we have let



DFA know that land grants need monies quickly because of the five-day rule, which now allows purchase made after disbursement. Councilor Padilla stated that the Town of Tomé Grant is working hard to spend their monies and want to purchase a log splitter and Quickbooks for their treasurer to be able to prepare for state audits more easily. Mr. Archuleta stated that the language of LGSF agreement mentions a laptop but does not mention software. The NMLGC would have to amend the grant agreement, but he is concerned that DFA won't amend purchase order in time and the software needs to be in hand by June 30<sup>th</sup>.

Chairman Sánchez made a motion to amend the Land Grant Support Fund agreement for the Town of Tomé Grant to include the purchase of software; Councilor Martínez seconded the motion.

Roll call vote:

Councilor Padilla - abstain

Councilor Martínez- aye

Councilor Polaco - aye

Chairman Sánchez - aye

The motion was passed.

## **12. Discussion and Possible Action on Land Grant Capital Outlay Update**

Ms. Chávez reported that she has worked with the San Joaquín del Río de Chama and the Punta de Agua Mutual Domestic, which is a community associated with the Manzano Land Grant. She has also worked on CPMS updates for all land grants. All land grants with capital outlay monies need to be sure to update their projects progress on the CPMS website. Grants also need to be sure that they completed their bond questionnaires. Councilor Polaco inquired about the process for capital outlay monies that they received. Mr. Archuleta responded that the bond questionnaire was submitted for the Tierra Amarilla Land Grant and that the Board of Finance reported that the bonds won't be sold until June. If the project is included in the bond sale, they will give DFA the green light to make grant agreements in July, August or September. When the grant agreement is in place, grants can submit notice of obligation, or get submittal for reimbursement as the Tierra Amarilla LG has already taken their loan and will use monies to pay it off. This process could be done by September or October.

## **13. Discussion and Possible Action on Legal Services for Land Grants - Update and Requests**

Billing from New Mexico Legal Aid is included in the packet, including pay request #8 for \$4,850.00, with details and hourly billing (38.8 hours).

Councilor Martínez made a motion to approve pay request #8 from NMLA for \$4,850.00; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla - aye

Councilor Martínez- aye

Councilor Polaco - aye

Chairman Sánchez - aye

The motion was passed.

## **14. Discussion and Possible Action on Professional Surveyor Services Contract - Update and Requests**

The NMLGC has received an invoice from Territorial Land Surveying for 118 hours of work for the San Antonio de las Huertas and Juan Bautista Baldes Grants. Surveyor Chris Chávez delivered a survey for San Antonio de las Huertas that the NMLGC will keep in the mapping files case. Councilor Martínez reported that the San Joaquín del Río de Chama Grant paid Chris Chávez directly to complete some survey work, including a sketch map. When the Grant looks at the morada and schoolhouse, a lease to purchase on the cemetery may be granted to the Grant. The land grant is looking into purchasing .5 acre for about \$300 and was unclear if they needed to do a lease to purchase. Mr. Archuleta responded that he was not sure if this was needed for property transfers, but that in conversations with Chris Chávez that stated that when you have a survey you want to record it with the updated deed. We could ask David Benavides or the Natural Resources and Environmental Law Clinic to look into this as well. Chairman Sánchez opined that as long as the legal description of deed matches that of survey, the Grant should be in the clear. Councilor Polaco asked a question on unclaimed properties, as a person working for the Rio Arriba County Assessors office wants the Tierra Amarilla Land Grant to release property through a quitclaim. The property in questions is within a Catron exclusion. Mr. Archuleta stated that this request would need to be approved and would be put on the list for the surveyor. This could be difficult because of way the Tierra Amarilla patent was issued and because the surveyor needs to find adjoining properties to determine the remnant property and to determine if land is unclaimed. Chairman Sánchez commented that there is conflict of interest for the person working for the assessors office to have an interest in the property as he has an inside track on it. Councilor Polaco added that the person tore down the fence and made it look contiguous.

Councilor Polaco made a motion to approve invoice #7 from Territorial Land Surveying for \$13,778.42; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Polaco - aye
- Chairman Sánchez - aye

The motion was passed.

## **15. Discussion and Possible Action on Treaty Division Update**

None.

## **16. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 21 & 22**

Pay Request #9 was presented, for \$34,172.15. This includes \$12,963.55 in personnel expenses, \$142.54 in postage expenses, from lawbook distribution, \$400.00 in law clinic fee waiver, \$14,970.72 in the surveyor contract, approved in previous meetings and \$5,695.34 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #9, as well as the UNM invoice.

Councilor Martínez made a motion to approve Pay Request #9 for \$34,172.15; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Polaco - aye



Chairman Sánchez – aye  
The motion was passed.

### **17. Discussion & Action on Piedra Lumbre Visitors Center Update**

The Tierra Amarilla, San Joaquín and Juan Bautista Baldes Land Grants and the USFS are planning to have a celebratory event on July 10. The USFS would like NMLGC do invitations to congressional and other officials. Councilor Polaco stated that the Grants met and is looking to get portables from a company in Española. Councilor Martínez stated that the USFS wants the NMLGC to do the main press release. James Durán will speak, as will the three land grant presidents. The Governor will also be invited to attend and speak. Michiko Martin, the new southwest regional forester, will attend and Chairman Miguel Garcia and Senator Liz Stefanics will represent the Land Grant Interim Committee and the local senator and representative will be included as well. No food will be provided, just water. The USFS will bring tables and chairs and the microphone. Councilor Martínez commented that former Senators Martínez and Rue were supportive of the project and should be included as well. Ivan Knudsen (USFS – Carson) added that it would be great for the initial release to come from NMLGC and that he can help with release and will provide contact lists. The event is scheduled for 2 hours. On Tuesday, Councilor Martínez met with the locksmith to discuss changing locks and rekeying.

### **18. Discussion and Possible Action on Laguna del Campo Update**

Mr. Archuleta reported that the NMLGC is still assisting the Tierra Amarilla Land Grant with the transfer of the Laguna del Campo. The TALG has met with two game commissioners and the New Mexico Department of Game and Fish on options for moving process forward and are taking a different approach to water diversion issue. The State Game Commission is going to discuss, likely in closed session, and try to find a workable solution to make the transfer complete.

### **19. Discussion and Possible Action on Land Grant Registry Update**

Dr. Baca reported that no new items have been submitted, but he as records custodian has responded to several IPRA requests regarding the Anton Chico and Cañón de Carnué Land Grants.

### **20. Discussion and Possible Action on Land Grant Institute / Land Grant Studies Program Update**

Mr. Archuleta reported that he, Dr. Baca and Dr. LM García y Griego will have a meeting with the new Vice President for Research Ellen Fisher to discuss the proposed Land Grant Institute and will provide an update in the next Council meeting. Dr. Baca reported that the Acequia and Land Grant Education project meetings have continued, with higher ed and youth meetings taking place since the last meeting. He has worked with Dr. Elena Valdez to edit and provide comments on the projects white paper, which will be provided with the recommendations made to PED and HED. The LGSP will again partner with the MLECT on a Northern Río Grande National Heritage Area grant (\$5,000) that will conduct interviews with members of the Cristóbal de la Serna and Arroyo Hondo Arriba Land Grants, as well as edit past interviews.

### **21. Discussion and Possible Action on Correspondence**

The letter that the NMLGC sent to Archdiocese of Santa Fe regarding properties at auction is in the meeting packet. No response has been received. Some land grants have discussed the property sale with their parish priests and learned that each parish needs to provide 65% of their liquid assets to the Archdiocese. We are not sure if this impacts property sale. There seems to be some

discretion at local parish level. The NMLGC did respond to the request from the purported Cañón de Carnué heir, who said that they have forwarded their complaint to NM Attorney General's Office. Cañón de Carnué president Moises Gonzales sent a meeting request to the complainant ("Jose Chaves"), who stated that he had already sent the complaint to the NMAG and the FBI. Mr. Gonzales then sent another message that they have no heir named Jose Chaves and stated that he believed that the complainant was in fact his brother, Rob Gonzales, who has been in litigation with the Grant. Chairman Sánchez cited an article from the *Santa Fe New Mexican* that reported that many properties in Valencia County are from the failed subdivisions. He encouraged land grants to approach Archdiocese and encourage them to give the land back to land grants.

**22. Discussion and Possible Action on Staff Assignments**

None.

**23. Public Comments – Discussion only**

None.

**24. Miscellaneous Announcements**

The New Mexico Land Grant Merced Consejo Annual meeting will take place on June 5, 2021 at 10:00am in Manzano, NM. Councilor Martínez announced that he submitted his letter of resignation to the San Joaquín del Río de Chama Land Grant Board of Trustees, effective August 7, 2021. Chairman Sánchez stated that he was sad to hear this news but understood and offered his support and wished him the best.

**25. Date and Location for June 2021 Council Meeting**

The June 2021 Council meeting will take place on June 17<sup>th</sup>, 2021 at 10:00am via Zoom.

**28. Adjournment**

Councilor Martínez made a motion to adjourn; Chairman Sánchez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 12:50pm MDT.

**Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

New Mexico Land Grant Council (NMLGC)  
June 24, 2021 – 10:00am  
In Person and Virtual Meeting (Hybrid)  
Tomé Domínguez Community Center, Tomé, NM  
Zoom ID: 992 5113 7865

## **Minutes - Final**

### **Regular Council Meeting**

#### **1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:15am MDT. Roll call of the Council members: Leonard T. Martínez, Andrea Padilla, Steve Polaco and Juan Sánchez were present. Councilor Correa-Skartwed was absent.

#### **2. Introduction of Guests**

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martínez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Camilla Romero (NM State Land Office); Lisa Morrison (BLM); Ashley Wright (USFS); A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández); Patricia Domínguez (Office of Sen. Martin Heinrich); Eric Chávez (Office of Sen. Ben Ray Luján); Rita Padilla Gutiérrez (Town of Tomé Land Grant); Rand Tilton (NM Department of Information Technology); Robert Sánchez; Tim Hagaman (NM EDD); LM García y Griego (LGSP); Novela Salazar (NM Attorney General's Office); Kris Graham-Chavez (NRCS); Jane Tabbot Fitzpatrick (intern, Office of Congresswoman Teresa Leger Fernández).

#### **3. Approval of Agenda**

Councilor Steve Polaco made a motion to approve the agenda; Councilor Andrea Padilla seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Martínez- aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

#### **4. Approval of Meeting Minutes from May 20, 2021 Council meeting**

Councilor Polaco made a motion to approve the meeting minutes of the May 20, 2021 Council meeting; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla - aye  
Councilor Martínez- aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

## **5. Discussion and Possible Action on State Land Office Projects**

Camila Romero (NM SLO) stated that she recently did a site visit with Councilor Martínez on the Cebolla Project, which is complete. She plans to do site visits with land grants for projects near Villanueva and Tijeras, likely on July 13. Councilor Martínez added that the project has been very time consuming but yielded 80-100 cords, of which the contractor gets half.

## **6. Discussion and Possible Action on Bureau of Land Management Update**

Lisa Morrison reported that official acting forester is Eric Opp and is available to chat about land grant concerns and issues. Kim Gresset has been named the Rio Puerco District Field Manager. The northern RAC meeting will take place August 18-19, virtually with an in person field trip on Friday. The comment period open for fee discussion for Tent Rocks (Kasha-Katuwe) until July 9<sup>th</sup> and scoping begins for the Sun Villa project.

## **7. Discussion and Possible Action on U.S. Forest Service Update**

Ashley Wright (USFS R3) reported that there are still smoke issues from forest fires. The Carson National Forest is preparing for the Rainbow Gathering from July 1-7 near La Junta Canyon. Councilor Martínez stated that he spoke with Paul Martínez, who manages timber for Region 3, about the Moya Project near Lindrith, which went out as a sole bid; he asked if this was standard and Ms. Wright responded that she would look into it and report back. Councilor Martínez commented that there is no dead and down wood available as dead and down on the ground is already rotten and burning continues on projects that were not NEPA cleared for fuelwood.

## **8. Discussion and Possible Action on Federal and State Legislative Update**

### *Federal*

Mr. Arturo Archuleta (NMLGC-Staff) reported that he submitted Congressional Direct Spending Requests (akin to earmarks of the past) to both Senator Martin Heinrich and Sen. Ben Ray Luján's offices. He requested \$5 million for land acquisition and recovery (narrative of request in packet). Senator Luján's office reached out for more information. The original list was for \$20 million worth of land, but was paired down. The Council will continue to work on traditional use legislation and needs to meet with Senator Heinrich, who sits on key committees, to gain his support and to move legislation forward. Two Councilors from the NMLGC and other land grant representatives will attend the meeting. Patricia Domínguez (Office of Sen. Martin Heinrich) asked the NMLGC to send a draft of the traditional use legislation and stated that management plans that are pending approval will get some traction with this bill. She reported that the Rio Grande del Norte Monument Management Plan is moving forward and grazers are interested and concerned.

Eric Chávez (Office of Sen. Ben Ray Luján) stated that Senator Luján's DC office is working on report language for appropriations for the Congressional Direct Spending and is proposing other language to Department of Interior to recognize land grants and acequias in land use processes, which goes hand in hand with the traditional use bill. His office has also been engaged with the Northern New Mexico Stockmen on elk herds, their impact on grazing and property, forest plan revision, new rules, and impacts on grazing. They have also been engaged on the Rainbow Gathering and want to be updated as they have raised concerns on use of public lands and impacts on resources and forest health. He also reported that former Rep. Xochitl Torres Small has been nominated for a USDA position. Sen. Luján held subcommittee hearing on communications, broadband for rural communities and shared stories of the impact of COVID-19 and also has taken

the lead on the Farmers Debt Relief Program, where a judge has issued a temporary restraining order. USDA encourages applicants to still submit and get paperwork in the queue.

A. J. Pacheco (Office of Rep. Teresa Leger Fernández) reported that Congresswoman Teresa Leger Fernández might attend the PLVC celebration. Mr. Archuleta stated that he met with Rep. Leger Fernández's local and Washington DC staff to update them on land grant issues and the traditional use bill. He added that Sofía Sánchez will stay on with Rep. Melanie Stansbury's office from former Rep. Deb Haaland's office. Mr. Chávez also reminded that those needing rental assistance, utility payments to go to Nmrenthelp.org, which is still accepting applications. New Mexico needs to use money by September or it may revert. Council members discussed federal cemetery legislation. Ms. Domínguez asked if it was an option to include the cemeteries legislation in the traditional use bill. Mr. Archuleta responded that the Council is open to it and had previously considered them separate on the past advice of legislative staff, but could include cemetery legislation as a section in the traditional use bill. All NMLGC federal legislation was once in a comprehensive bill and cemeteries are a traditional use. Both transfer of existing or transfer of land for expansion of existing cemeteries are important. Mr. Chávez commented that Senator Luján knows the need to expand existing cemeteries. Ms. Domínguez said that she will look at her file and will share information on existing cemeteries. Mr. Archuleta also cited a Small Tracts Act as an authority that this section might reference or mirror and stated that he would follow up with Rep. Leger Fernández and Rep. Stansbury's staffs. He also asked if the quarterly Congressional delegation calls, with New Mexico and Washington DC staff, can resume in July. Ms. Domínguez stated that she would prefer to start up again in September, when Rep. Stansbury's office might be organized.

Councilor Martínez asked about the process for green timber and how does it effect timber under the MSO settlement between the USFS and Wild Earth Guardians. Ashley Wright (USFS R3) stated that she would check with Paul Martínez of R3. Councilor Martínez stated that a Mexican Spotted Owl nest was found on the Ojo project, which broke it into three projects and the timber sale delayed until September. Congressional staff stated that they would follow up.

### *State legislation*

The Interim Land Grant Committee met last week; their work plan is in the packet. Meetings are: July 14-15 in Española; September 23-24 in Anton Chico; Oct. 28-29 in Tomé and Nov. 12 in Santa Fe. Councilor Polaco stated that the stream access issue continues. Mr. Archuleta stated that he participated in the NMAG's equity council meeting. The Outdoor Equity Fund was grown from \$75K to more than a million dollars. The Council may work with the Manzano Mountains area grants to resubmit its past application. We lost out last time for the lack of economic development. Chairman Sánchez stated that the Interim will adopt legislation at its November meeting and Councilor Martínez added that the new vice chair is Senator Leo Jaramillo. Councilor members discussed the need to educate new senators and representatives and vet bills and sponsors before pushing bills, as well as the need to prioritize bills and not loose bills in the session. They agreed that guaranteed revenue streams for land grants needs to be a priority, especially as land grants are political subdivisions without direct funding but still have to comply with governance mandates like costly audits. When presentations are being made by land grants at ILGC meetings, land grants need to stress their needs, the costs they incur, their small budgets, plus the services that land grants provide to their communities to reiterate the need for guaranteed revenue streams. The Council also needs to reach out to the Governor's office to

discuss legislative needs. Victor Reyes is no longer there, nor is Dominic Gabelom our most recent contact person. The two most important areas are guaranteed revenue streams and a land recovery fund.

## **9. Discussion and Possible Action on Department of Informational Technology - Broadband Access**

Rand Tilton of the Department of Information Technology (DOIT) presented on broadband expansion opportunities for land grant communities. The New Mexico broadband program has been working for 5-10 years. They have accomplished a lot of planning but do not have the funding to implement the statewide broadband program. Mr. Tilton is the interim director of broadband office. Senate bill 93 established the office of broadband access and expansion and with the pandemic, broadband became a huge point of emphasis. DOIT is working with the Congressional delegation for federal monies to implement the program. HB 10 created the Connect New Mexico Council to develop a plan for digital inclusion, including an equity plan and a non-reverting equity fund. SB 377 funded \$110 million for broadband and the *Yazzie/Martínez* decision has implications for public education and equal access to online education for unserved and underserved populations. DOIT is working with PED on connectivity for all New Mexico students. There are also federal funds in the American Rescue Plan, totaling millions of dollars of funding to counties. The Council might approach counties to see how land grants can help expand broadband access in their areas. You can find the counties that have receive this funding at [www.naco.org](http://www.naco.org) and a list of cities receiving funding at [www.nlc.org](http://www.nlc.org). There is also an EDA Grant – RFI in progress where entities can ask for technical assistance. Three webinars are offered in connection with this, including an overview of federal grants, explanation of RFI technical assistance and a training specific to ISPs. Working with NMLGC, identified land grants that are political subdivisions that are positioned to take advantage of this expansion. For example, Chilili has plateau, an ISP with fiber nearby. Towers, fiber, and satellite offer many ways to reach communities. DOIT has information from ISPs on broadband coverage areas, underserved locations and knows infrastructure, capabilities, local isps, etc. Interested land grants should contact Rand Tilton ([Rand.Tilton@state.nm.us](mailto:Rand.Tilton@state.nm.us)) or Gar Clarke ([george.clarke@state.nm.us](mailto:george.clarke@state.nm.us)).

Mr. Archuleta stated that the Council provided a list of land grants that are political subdivisions of the State of New Mexico with notes on infrastructure. Underreporting of students occurred for students that live at P.O. boxes. We should circle back and revisit data. Many land grants provided internet to their heirs during the pandemic. Perhaps they can provide mobile hotspots, provide community networks. Councilor Martínez commented that servers from Gallina (Coronado High School) were finally extended toward the community to accommodate USFS, but the Juan Bautista Baldes land grant needs access as well. For Windstream it is not profitable to extend their network. Mr. Tilton responded that there are DOT and safety towers that might help with terrain issues and that companies have buried fiber along highways.

## **10. Discussion and Possible Action on Cannabis Presentation by Robert Sanchez**

Robert Sanchez, an heir to the Town of Tomé Land Grant, presented on cannabis. There are 2 parts, the industrial side of cannabis, where he is involved in the processing of non-THC cannabis for industrial applications, and the recreation side of cannabis that was legalized this last legislative session. In the Rio abajo, farmers can grow 5-10 thousand acres of industrial non psychoactive cannabis and his company can assist in plan to deliver the technology to grow and guarantee the sale of the product. With two acres, two thousand plants, the projected revenue is



\$4-6 million. He is looking to land grants to enter into a joint venture where he would advise and provide technology. His company would like to discuss industrial and THC and medical side. While development is hurting maintenance of agriculture in this area, cannabis production keeps agriculture profitable. Councilors asked questions about water consumption, which is a concerns across New Mexico. Mr. Sánchez responded that cannabis consumes less water than alfalfa. The use of technologies like drip irrigation can reduce the use from traditional flood irrigation. Councilors posited that perhaps some land grants might be involved in production and others in sale of cannabis and cannabis products. Mr. Sánchez stated that they might even be a primary wholesaler to dispensaries. Where costs for building a cannabis facility is \$42 sq ft, his company builds hoop houses for less than \$20 per sq. foot. Water consumption is 4 gallons per day as they get bigger and grow grew from July to September. Indoor they use less water because of drip irrigation. His company will also provide seed, help in the transition and use of traditional equipment and methods, and connections to companies that are looking at using hemp for other applications. If land grants get the licenses to grow, they can partner in this new and profitable industry.

### **11. Discussion and Possible Action on Cannabis Regulation Input Letter**

Dr. Baca presented a draft letter supporting comments submitted by the New Mexico Acequia Association to the New Mexico Regulation and Licensing Department, Cannabis Control Division. The letter expresses concern about the socioeconomic and environmental impacts (particularly its impact on water) that the new cannabis industry will have on land grant communities.

Councilor Martínez made a motion to approve the letter supporting the New Mexico Acequia Association's comments to the Cannabis Control Division; Councilor Polaco seconded the motion. Roll call vote:

Councilor Padilla - aye  
Councilor Martínez- aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

### **12. Discussion and Possible Action on State Forestry, Heathy Soils and USDA Programs**

Council staff hosted a webinar on June 9<sup>th</sup>. The presentations were informative, though the webinar was not well attended. The Healthy Soils applications are due soon (July 2). Applicants need to monies to improving the health of the soil and monies granted need to be expended in one year. Applicants can do a planning grant if they are not ready to implement a project and can ask NMDA or USDA to help assess their issue. Can always apply next year once you know what is needed. The program will not pay for a cash crop (i.e. the seeds), but pay for cover crops, soil testing, etc. awardees cannot buy for equipment and projects should be pilot projects, not landscape in scale. Grants can do intensive grazing to improve soils health, maybe rent livestock from heirs to improve soils health. They can also provide a hub for soil tests and provide cover crop, partner with NMDA for technical assist and education. Awardees need to conduct two soil tests, one at the start of the program and one at the end, as well as pictures of the area treated.



### **13. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget FY 2022**

The legal services contract needs to be adjusted as you need to RFP more than a \$60,000 contract. The FY 2022 legal services budget is currently slated at \$70,000. The Council could reduce the contract to \$60,000 and move \$10,000 to another law student fellowship, which would allow the NMLA to vet prospective applicants for the Community Governance Attorney Act. If the \$10,000 is for a student it needs to be in the IGSA with UNM. If it is used for another legal services vendor, it needs to be on the DFA side of budget. ILGC chair Rep. Miguel García has asked for research on the *U.S. v. Sandoval* case. Councilors decided to delay deciding where to put the \$10,000 surplus until the July 2021 meeting.

Councilor Padilla made a motion to reduce the NMLA contract to \$60,000; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez - aye

The motion was passed.

### **14. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 21 & 22**

Pay Request #10 was presented, for \$32,331.35. This includes \$12,466.93 in personnel expenses, \$13,778.42 in the surveyor contract and \$5,388.56 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #10, as well as the UNM invoice.

Councilor Martínez made a motion to approve Pay Request #10 for \$32,331.35; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez - aye

The motion was passed.

### **15. Discussion and Possible Action on Land Grant Support Fund Update**

Ms. Venessa Chavez (NMLGC/LGSP) provided a status report (in packet) and reported that land grants are working to spend their funds. The Cubero Land Grant just received their funds. The Don Fernando de Taos Grant submitted very late and may not receive their funding. We have reached out to the Abiquiú Land Grant repeatedly but have not received anything. There have been many staff changes at DFA, which make the process difficult. Councilor Padilla thanked Council staff for their assistance, especially sorting out the difference between LGSF and capital outlay monies.

### **16. Discussion and Possible Action on Land Grant Capital Outlay Update**

Staff changes at DFA have created some delays and there have been some hiccups in processing pay requests. Carmen Morin replaced Scott Wright; she was replaced by Dawn Webster, who reports to Ms. Morin and Jeanette Gallegos. We have discussed DFA doing a virtual training on

capital outlay and asked that they discuss the processes, including the internal DFA process, to shed light on delays at DFA. There is a delay on NOO disbursements; notices stated that they might be delayed as late as October. It is best to stay outside of the fiscal year boundaries – before June and after July – to avoid delays. Ms. Chávez reported that the Punta de Agua Water Assn., which is associated with the Manzano LG did get their disbursement to purchase building.

### **17. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

There are no new requests and the NMLGC is likely to have a gap in services between active contracts with NMLA. Services for most land grants will continue directly from NMLA outside of the Council contract so long as recipients meets their income requirements. In the packet is billing from New Mexico Legal Aid, including pay request #9 for \$11,337.50, with details and hourly billing (90.70 hours).

Councilor Polaco made a motion to approve pay request #9 from NMLA for \$11.337.50; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez– aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

### **18. Discussion and Possible Action on Professional Surveyor Services Contract - Update and Requests**

In the packet is the invoice from Territorial Land Surveying. There will be a gap in services as Mr. Chris Chávez moves from being a contractor to a UNM employee and the IGSA has to be in place to hire the staff surveyor.

Councilor Padilla made a motion to approve invoice #8 from Territorial Land Surveying for \$8,277.93; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez– aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

### **19. Discussion and Possible Action on Treaty Division Update**

Novela Salazar (NMAG Treaty Division) reported that the Tierra Amarilla Land Grant settlement will be finalized on July 1. Two more complaints and one IPRA complaint have been filed with the NMAG’s office against the Anton Chico Land Grant. Some have been referred to the New Mexico State Police. Their office also received a complaint against Lorenzo Flores and the Eastern Sangre de Cristos Land Grant Committee, but cannot be pursued as they are not a state entity. Other work is being pursued in tandem with NM State Auditor but there is a delay because of the sheer volume of complaints. One complaint blames Anton Chico Land Grant board for the loss of 200,000 in common land, even though the land that the current ACLG bord manages is what the grant has retained for the last 100 years. Land was lost in the adjudication era and the 104,000 acres that

they now manage is the balance remaining. The NMLGC asked the Treaty Division for guidance regarding the request from an individual that the Council delete a record, which is not a NMLGC records but a document that was scanned and copied by the NMLGC. Finally, NMLGC staff asked if there is updated guidance for meetings to comply with the public health order and the Open Meetings Act. Hybrid meetings are difficult as UNM is not yet renting public spaces. If the state opens up, does the Council still need to provide a virtual option and conduct hybrid meetings. They also asked if land grants can hold in person meetings as well.

Ms. Salazar asked for any history and information that the NMLGC has that would help answer the complaint, especially with regard to land loss. Another attorney at the NMAG's office was assigned the question regarding the deletion of the records and she will ask her office is guidance regarding public health order and OMA compliance has been updated. Mr. Archuleta also asked about notice requirements for meetings, where the council as a whole is meeting with a Congressional representative or senator. Is all the Council needs to do is give notice? Does the meeting need to be open to the public? Ms. Salazar said that she would follow up. Councilor Martínez stated that some heirs and board members have asked if they can participate virtually through Zoom. He also asked that if the board can participate virtually, do bylaws need to be revised or just the OMA resolution. Ms. Salazar stated that she would ask and then provide guidelines, but she assumes that since the OMA allows people to participate telephonically, Zoom will be allowed.

#### **20. Discussion & Action on Piedra Lumbre Visitors Center Update**

The Tierra Amarilla, San Joaquín del Río de Chama and Juan Bautista Baldes Land Grants and the USFS are planning to have a celebratory event on July 10, 2021. Ivan Knudsen of the Carson National Forest is coordinating. The Council applied for the NM Economic Development Department's Mainstreet Frontier Communities grant program. The award is no direct monies but expert assistance and technical advice and perhaps some planning monies. We will know in early July if the PLVC is funded. Councilor Martínez stated that the three land grants need to figure out management and get a shared P.O. box. Mr. Archuleta stated that Matt Kim Miller and Larry Montaña of Holland and Hart are working on this ownership structure, pro bono. The steering committee will need to meet more regularly to get project off the ground.

#### **21. Discussion and Possible Action on Laguna del Campo Update**

Councilor Polaco stated that the Tierra Amarilla Land Grant received an offer from NM Game and Fish. Rep. Miguel García gave a presentation at a New Mexico Game Commission meeting where he showed documentation that proved that the appraisal of the property included water rights (10cfs), which NM Game and Fish are allowed transfer to Tierra Amarilla Land Grant. NM Game and Fish want to retain water rights to the fishery and want to give 2 cfs to the land grant, which is sufficient to fill the lake in 24 days. They then want to enter into an agreement to work together to manage remaining 8 cfs that the state retains. The UNM Utton Transboundary Center has a student that might be able to look for funding for the dam engineering issue.

#### **22. Discussion and Possible Action on Land Grant Registry Update**

Dr. Baca reported that no new items have been submitted, but he as records custodian has responded to several IPRA requests from a member of the Anton Chico Land Grant.

#### **23. Discussion and Possible Action on Land Grant Institute / Land Grant Studies Program Update**

Mr. Archuleta reported that he, Dr. Baca and Dr. LM García y Griego met with the new Vice President for Research Ellen Fisher and assistant VPR Mary Jo Daniels to discuss the proposed Land Grant Institute. Meeting was positive, though process may be elongated. Guidance was set up because centers were approved without any clear policy which begged the question, do all requests for Category 3 centers fit guidance or should they be house elsewhere? Dr. Baca reported that the Acequia and Land Grant Education project meetings have finished. A policymakers convening never took place. The report and white paper prepared by NMHU CESDP is nearly complete and will be submitted to PED and HED. The LGSP is working to identify youth from the Cristóbal de la Serna and Arroyo Hondo Arriba Land Grants for the Northern Río Grande National Heritage Area grant (\$5,000) that will conduct interviews with members of the Cristóbal de la Serna and Arroyo Hondo Arriba Land Grants. LGSP staff will have the option to go back in August and will need to figure out shared office space. The CLE on Land Grants and Acequias is being planned again. They plan to meet in July to discuss when in the fall to put it on, either in October or November.

**24. Discussion and Possible Action on Correspondence**

None.

**25. Discussion and Possible Action on Staff Assignments**

None.

**26. Public Comments – Discussion only**

None.

**27. Miscellaneous Announcements**

**28. Date and Location for July 2021 Council Meeting**

The July 2021 Council meeting will take place on July 12th, 2021 at 9:00am via Zoom and at the Cañón de Carnué Land Grant.

**29. Adjournment**

Councilor Polaco made a motion to adjourn; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 2:59pm MDT.

**Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date