

New Mexico Land Grant Council (NMLGC)
August 19th, 2016 - 10:00 am
Science & Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes

Regular Council Meeting

1. Call to Order and Roll Call

Council Chair Juan Sánchez called the meeting to order at approximately 10:21 am. Roll of the Council members: Rita Padilla-Gutiérrez, Leonard Martínez, and Juan Sánchez, were present. Lee Maestas and Macario Griego were absent.

2. Introduction of Guests

Bonifacio Vásquez (Santa Bárbara L.G.); Lisa Morrison (BLM); Brittany Martínez (Office of the Attorney General); Tania Maestas (Office of the Attorney General); Anna Jaramillo-Scarborough (USFS); Ericka Luna (USFS); Wayne Sandoval (San Antonio de Las Huertas L. G.); Jacobo Baca (independent scholar); Ted J. Trujillo (Truchas Land Grant); Rita Padilla-Gutiérrez (NMLGC); Juan Sánchez (NMLGC); Leonard Martínez (NMLGC); Bill Hocker (Cebolleta L.G.); Leane Padilla-Hocker (Cebolleta L.G.); Michelle Jacquez-Ortiz (Office of Senator Tom Udall); Elaine Kohrman (Cibola NF); Patricia Domínguez (Office of Senator Martin Heinrich); Nicholas Maestas (Office of Congressman Ben Ray Luján); Elizabeth Reitzel (Office of Congresswoman Michelle Luján-Grisham); Arturo Archuleta (staff – NMLGC)

3. Approval of Agenda

Councilor Rita Padilla-Gutierrez moved to approve the meeting agenda. Councilor Leonard Martínez seconded the motion. Motion passed unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of July 8th, 2016

Councilor Leonard Martínez moved to approve the July 8th, 2016 minutes (*handout*). Councilor Rita Padilla-Gutiérrez seconded the motion. Motion passed unanimously.

5. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) reported that the Taos office will be developing a matrix organizing the public comments received on the Rio Grande Del Norte National Monument Management Plan. Per Morrison, the BLM still plans for the San Joaquin del Rio de Chama L.G. to be a cooperating agency for the Farmington RMP (Resource Management Plan). Morrison was unsure if the Gallina Cemetery site is up for disposal and that the BLM will have to determine location based on what is up for disposal in Gallina. Councilor Martínez stated that he believed there is opportunity with the RMP to identify land for a cemetery in Gallina. Morrison responded that the BLM was working on a map to determine who is managing land in the area. Councilor Martínez mentioned that he was seeking the local authority for cemeteries within land grants that is in charge doing research. He also requested an additional 10 cords be marked in the

area for clearing. Morrison responded that the BLM was processing a stewardship agreement and fuelwood area.

6. Discussion and Possible Action on Forest Service Update

Ericka Luna (USFS) introduced Anna Jaramillo Scarborough (USFS watershed management) and Elaine Kohrman (Forest Supervisor, Cibola NF). Kohrman thanked the Council for participating in the Forest Plan Revision. August 31st, 2016 is the deadline to give public comments (*handout – Coding for Public Comments*). Kohrman asked the NMLGC to take the lead on incorporation portions of the Hassell Report into the new Forest Plan and offered the assistance of her staff to help go through Hassell Report. She passed out a handout on how the coding of comments is being conducted for the Cibola. Arturo Archuleta mentioned that land grants would be meeting to discuss comments to plan.

Bonifacio Vásquez (Santa Bárbara L.G.) asked about being a cooperating governing entity; Ericka Luna outlined government working group process and suggested that Vásquez talk directly to Carson Forest Supervisor James Durán; Mr. Vásquez expressed concern for not having adequate access and specifically mentioned his desire to get a map of the wilderness expansion in the 1980's. Michelle Jacquez-Ortiz (Sen. Udall's office) mentioned meeting with the Carson NF and discussed concerns from community members. Elaine offered to pursue a discussion with Mr. Durán about the concerns. Mr. Archuleta gave an update of the Council's participation as a cooperating agency and encouraged the Carson to allow land grants to serve as cooperating agencies. Mr. Vásquez questioned why the Carson is not following the same procedures as the Cibola and the Santa Fe National Forest. Ms. Jacquez-Ortiz mentioned that they suggested that the Carson follow the USFS "Valuing People and Places" field ranger program. Ms. Luna mentioned that each forest is at different stages in the planning process. Mr. Nicholas Maestas (Congressmen Lujan's office) mentioned that he was also at the meeting with Carson where they did mention including Land Grants as units of government as cooperating government agencies and suggested that Santa Barbara continue to push the Carson for inclusion in the forest plan process. Patricia Domínguez (Senate Heinrich's office) mentioned there are 3 major issues creating the perfect storm for the Santa Bárbara and Trampas communities; 1 – the forest plan revision; 2 – the expansion of the Pecos Wilderness; and 3 - general underlying issues with accessing fuelwood. She asked what the Forest Service can do to work better with the community address all of these is issues. Ms. Jacquez-Ortiz commented that though she appreciated the comments from the other staffers, she still had concerns that the process for the Carson NF needs to improve for the local traditional communities. Mr. Archuleta reiterated the importance of including the land grants, particularly the 10 (approx.) land grants with historic use of the Carson NF in the process. Councilor Padilla-Gutiérrez commented on the importance of communities to have the opportunity to provide a check on the government process. Ms. Kohrman committed to doing her part to help find a solution to the issues raised. Ms. Domínguez commented that there is a confusion of the function of the forest plan and unrelated issues like green fuelwood are being confused with forest planning, or are being neglected in favor of the forest plan. She also asked how the Forest Service can be

more proactive to address some of these concerns that are too specific to be addressed in the forest plan.

Elaine Kohrman (Cibola NF) discussed the rehabilitation of the Dog Head Fire. Rehabilitation is near completion; FS is fixing roads and cleaning culverts and determining which areas will need to be closed for public safety and that the Cibola NF needs to do an invasive weeds survey. Kohrman commented that they received the investigative report regarding the Dog Head Fire and are working with attorneys on how to address questions and concerns raised and plan for a press conference and public responses. Councilor Martínez raised concerns on how the Forest Service will work with the Chililí Land Grant to address the impact of the Doghead Fire on the Chililí Land Grant. Kohrman stated that in short term can offer fuel wood from existing projects and are looking to identify other areas for fuel wood cutting in the future. There is also a claims process that is being put in place for individuals to make a loss claim. Councilor Martínez asked if the Chililí Land Grant can make a claim. Ms. Kohrman did not know and suggested that the land grant file a claim with the claims office. Ms. Kohrman commented that the Cibola NF can work on the firewood needs but that interested parties should contact the NRCS regarding grazing. Mr. Archuleta asked if the rehabilitation mentioned was only on Forest Service lands and, if so, what agencies are assisting the Forest Service. He also asked for the total acreage burned and what portion was Forest Service managed land. Kohrman responded that agencies that are assisting private entities are NRCS, FSA, local soil and water conservation districts, the Department of Homeland Security and Army Core of Engineers. She stated that total acreage burned was approximately 12,000 total acres, 6,000 of which are managed by the USFS; she will provide a complete briefing as a future meeting. Chairman Sánchez mentioned that although they currently receiving support from NRCS through emergency funds this made them ineligible for NRCS long-term restoration monies. Councilor Martínez commented about the importance of land grants sitting at the table as a part of the Forest Plan process since they have local knowledge about how their communities survive.

Ericka Luna shared information about boundary and survey work relating to boundaries destroyed by the fire. A total of \$100,000 will be spent for boundary surveying and fencing. The Forest Service will be contracting with BLM to complete this work. Mr. Archuleta gave a brief statement about land grant becoming units of government (in 2004) partly to be able to have better opportunities for engaging federal agencies in issues like boundary management. Councilor Martínez expressed concerns with roads in the Cañón de Chama due to serve weather and asked for information from the U.S. Forest Service. Councilor Martínez raised the concern about the President designate monuments before he leaves office as a legacy. He asked the Council to draft a letter to the President asking to not designate any monuments or wilderness that includes former land grant common land in New Mexico. Ms. Luna updated the Jesusita López case it is coming to a close and the transfer will take place very soon. Councilor Martínez asked about a similar case with Rose Maestas in Capulín. Wayne Sandoval (San Antonio de Las Huertas L.G.) asked about the Abruzzo request to install a roller

coaster at the Ski Resort within the Sandias. Ms. Kohrman stated that nothing has been submitted to their office at this time.

Mr. Archuleta gave an update that he is setting up a meeting with the Abiquiú Land Grant and the Española Ranger District regarding the Abiquiú easement. It should take place in September. Mr. Archuleta mentioned the work on the Piedra Lumbre Visitor's Center. He reported that the land grants had met with Carson Forest Supervisor James Duran and Canjilón District Ranger Alicia Gallegos. The meeting was positive and it is time to have a meeting with the Congressional Delegation to see if they can assist with the disposal of the property. The Congressional Delegation staffers present expressed an interest in setting up a meeting to discuss the property.

Official Comments on Carson National Forest wilderness process – Mr. Archuleta presented the comments (*handouts*) developed for approval by the Council regarding the areas identified as having “Wilderness Character.” Councilor Martínez motioned to approve the comments; Councilor Padilla-Gutiérrez seconded the motion. Motion passed unanimously.

7. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division of NM Attorney General's Office

Tania Maestas with the Attorney General's office introduced herself and the Treaty Division. She also introduced Brittney Martínez as the first staffer for the Division. Ms. Maestas reported that five (5) attorneys have submitted applications to serve as the Treaty Division Attorney, and that the AG's office will be conducting interviews next week and hopes to have an attorney hired by September. The Treaty Division will spend its first year evaluating the fiduciary duty of State Government towards land grants. The Division will also work one on one with all land grants to provide training and legal assistance (to the extent possible). Ms. Maestas commented that if the Division is fully funded, it will assess the *U.S. vs Sandoval* (1897) case and evaluate legal options. Mr. Archuleta offered to provide a list of land grants to the AG's office and expressed his wish to meet and discuss land grants one by one. Ms. Brittney Martínez also stated they are interested in getting training on the history of land grants. Councilor Padilla-Gutiérrez expressed her excitement of the creation of the division and looks forward to having the Attorney General visit with each land grant. Councilor Martínez thanked the AG's office for working on this and welcomed her to the AG's Office and asked that we pass on the Bowden papers.

Nicholas Maestas (Congressman Luján's office) asked for clarification of the division of duties of the Treaty of Guadalupe Hidalgo Division and services provided by New Mexico Legal Aid (contract with NMLGC). Ms. Maestas responded that the Treaty Division will work with the NMLGC, acequias and the boundary commission. Mr. Archuleta commented that the contract with NM Legal Aid would be retained to ensure land grants have legal assistance that the AG's office cannot provide.

8. Discussion and Possible Action on UNM Contract including FY 2017 Budget

Mr. Archuleta reported that UNM submitted the final contract in July and it was received in August. DFA will allow July and August billing. Jacobo Baca, Ph.D. has been hired as a Research Scientist II, (with both NMLGC and UNM Land Grant Studies Program).

9. Discussion and Possible Action on Council FY 2017 & FY 2018 Budget

Mr. Archuleta provided a budget update (*handouts*). Councilor Padilla-Gutiérrez made a motion to approve FY 2017 budget amendment request (BAR); Councilor Martínez seconded the motion. Mr. Archuleta then presented a FY 2018 Budget Request (*handout*). Councilor Martínez motioned to approve FY 2018 Budget Request; Councilor Padilla-Gutiérrez seconded the motion. Motion passed unanimously.

10. Discussion and Possible Action on Legal Services for Land Grants

Mr. Archuleta clarified UNM policies that the council must use to retain legal services and reported that the NMLGC will have a discussion with New Mexico Legal Aid regarding said services.

11. Discussion and Possible Action on Land Grant Support Fund

Mr. Archuleta discussed the Land Grant Support Fund guidelines and application (*handout*). Changes were discussed. Motion was made by Councilor Padilla-Gutiérrez to approve FY 2017 Land Grant Support Fund Application and Guidelines with recommended changes; motion seconded by Councilor Martínez. Motion passed unanimously.

12. Discussion and Possible Action on Federal and State Legislation

Federal - Discussion was held on the movement with Traditional Use Rights Bill. The NM Acequia Association and Sissy García (Office of Congressman Ben Ray Luján) met to discuss the bill. Discussion was also held on EQUIP making land grants eligible. This has raised some concerns from livestock and ranch interest groups. Patricia Domínguez will take the lead on discussing these concerns in the quarterly meeting of congressional staffs (New Mexico and DC offices).

State – Chairman Sánchez mentioned that the Interim Land Grant Committee will hold its next meeting in Anton Chico on October 10, 2016 (a joint meeting with the Economic and Rural Development Committee). The Committee will endorse legislation at the November 21-22, 2016 meeting in Santa Fe.

13. Discussion and Possible Action on Land Grant Registry

Mr. Archuleta discussed changes to documents (letters and receipts) for the New Mexico Land Grant registry (*handouts*). Councilor Padilla-Gutiérrez made a motion to approve letters for the New Mexico Land Grant Registry. Motion was seconded by Councilor Martínez; Motion passed unanimously.

14. Discussion and Possible Action on Staff Assignments

- none -

15. Public Comments – discussion only

Bill Hocker reported that the Cebolleta Land Grant is looking to hire a manager and requested support for putting together an RFP.

16. Date and Location for next Council Meeting

The Council will meet next on Friday, September 16, 2016 in the Executive Board Room of the Park Center, Science and Technology Park on the University of New Mexico's South Campus at 10:00am. The October meeting will be held on October 14th in Taos (location to be determined).

17. Adjournment

The Council meeting was adjourned at 1:43pm. (Motion by Councilor Martínez; seconded by Councilor Padilla-Gutiérrez). Motion passed unanimously.

Approved:

Chair

Date