

New Mexico Land Grant Council (NMLGC)  
November 4, 2016 - 10:00 am  
UNM Continuing Education  
1634 University Blvd. NE  
Albuquerque, NM 87102

## **Minutes**

### **Regular Council Meeting**

#### **1. Call to Order and Roll Call**

Council Chair Juan Sánchez called the meeting to order at 10:07am. Roll call of the Council members: Leonard Martínez, Macario Griego, Rita Padilla-Gutiérrez, and Juan Sánchez, were present. Lee Maestas was absent.

#### **2. Introduction of Guests**

Juan Sánchez (NMLGC); Macario Griego (NMLGC); Leonard T. Martínez (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Wayne Sandoval (San Antonio de las Huertas LG); Lisa Rivera Morrison (BLM); Kris Graham Chavez (NRCS); William Hocker (Cebolleta LG); Marlo Aragón (Office of the Attorney General); Brittany Martínez (Office of the Attorney General); Michelle Jacquez-Ortiz (Office of U.S. Senator Tom Udall); Patricia Dominguez (Office of U.S. Senator Martin Heinrich); Elizabeth Reitzel (Office of U.S. Rep. Michelle Luján-Grisham); Manuel M. Trujillo (Santa Bárbara LG); Ericka Luna (USFS); Chris Chávez (USFS); LM Garcia y Griego (UNM-LGSP) Arturo Archuleta (staff – NMLGC); Jacobo D. Baca (staff - NMLGC/UNM-LGSP); Cheyenne Trujillo (staff - NMLGC/UNM-LGSP).

#### **3. Approval of Agenda**

Lisa Morrison (BLM) requested that the BLM be moved up in the agenda. Councilor Martínez made a motion to move the BLM from agenda item 6 to agenda item 5. Councilor Padilla-Gutiérrez seconded the motion.

#### **4. Approval of Meeting Minutes from Regular Council Meeting of October 14<sup>th</sup>, 2016**

Lisa Morrison (BLM) requested one amendment to the minutes; she clarified that permits for fuelwood on BLM lands are sold in Taos, not Santa Fe. Councilor Padilla-Gutiérrez motioned to approve the minutes as amended, Councilor Martínez seconded the motion.

#### **5. Discussion and Possible Action on Forest Service Update**

(see below)

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

Lisa Morrison reported on behalf of the BLM, and reiterated that she agrees that selling wood permits only in Taos does not make sense and that she will look into changing the practice in the future. Ms. Morrison reported on a right-of-way application for a 33 mile Verde Transmission Line from Ojo Substation in Rio Arriba County to Norton Substation

in Santa Fe County. BLM is completing an Environmental Impact Statement (EIS) and has held scoping sessions in Santa Fe and Española. There will be an additional meeting in Hernández on November 16, 2016. The line will run mostly through Indian pueblo lands but many residents are raising opposition because of the visual obstruction. A 60 day comment period started on October 6. Ms. Morrison presented maps showing the right-of-way.

Councilor Martínez reported that Max Vigil of the Bartolome Sánchez Land Grant has been provided comments on the transmission line as have representatives of the Jacona Land Grant. The line will be have a 150 foot wide right of way and will be a 345 kilovolt line, increasing the 600 megawatts transfer capacity and improving reliability. It will improve transmission access and increase the PNM's capacity to provide renewable energy for a larger market. BLM proposes that natural and cultural resources may be impacted, including national historic trails, wildlife resources, livestock grazing and recreation areas. Arturo Archuleta (NMLGC) asked if the BLM did the EIS only on BLM portions of the line. Ms. Morrison clarified that BLM does the EIS on the entire transmission line. Michelle Jacquez-Ortiz asked for clarification on which land grants the transmission line cuts through and if these grants were in cooperation with the line. She commented that the Hunt Power, the company behind the Verde Transmission Line, has been in communication with area tribes and other entities for seven years. Ms. Morrison commented that she could not speak for the company.

Ms. Morrison reported on the Mancos Gallup Resource Management Plan. Through their Farmington Office, the BLM will be a joint lead with the Bureau of Indian Affairs. This is because most of the planning area is Indian allotted lands and there are little BLM lands. The BIA and BLM will work together and the BIA will have to use the EIS. Councilor Martínez asked how this will effect communities like Regina, that are adjacent to BLM lands. Ms. Morrison stated that she did not believe it would affect those communities. She also commented that she would work on the NMLGC to be a cooperating agent for the Four Corners RAC.

Ms. Morrison also reported on the Rio Grande del Norte National Monument and that alternatives will be released to cooperating agents very soon. Councilor Martínez asked about the loss of 58 grazing permits on BLM permits near Ojo Caliente and Abiquiú. Ms. Trish Dominguez (Sen. Martin Heinrich's office) asked if this was related to the plan. Ms. Morrison stated that is should not but that she will look into it. Bill Hocker (Cebolleta LG) asked if PNM planned to compensate the Indian Pueblos and land grants for the loss of lands through the right of way. Ms. Jacquez Ortiz (Sen. Tom Udall's office) clarified that Hunt Power, not PNM, would compensate effected communities. Ms. Dominguez clarified that PNM owns the substations and the Verde Project owns the lines. Ms. Jacquez Ortiz added that the Verde Project (Hunt Power) will lease use of line to additional utilities and cooperatives. Councilor Martínez reported to Ms. Morrison that San Joaquín del Río de Chama has finished its 10 cords of wood provided by BLM and is requested 10 more. He also asked if the BLM has a policy for picking piñón. Ms. Morrison clarified that commercial pickers need a permit, but private pickers do not. Mr. Archuleta added that regulations state 25 pounds per picking distinguishes a private from commercial piñón picker.

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

Brittany Martínez introduced Marlo Aragón as the new attorney for the Treaty of Guadalupe Hidalgo Division. Ms. Aragón stated that she was born and raised in Truchas, New Mexico, attended New Mexico Highlands University and the UNM School of Law and has been practicing law for 14 years. Her areas of focus are family law and water law and she has also worked on litigation involving the Chililí Land Grant. She will also represent the New Mexico Acequia Commission and the Boundary Commission.

Ms. Martínez reported that she has spoken with Mark Edwards (Legislative Council Service) who stated that he has two bills under review for the upcoming legislative session and asked if there were any more bills for him to review. She also reported that she and Ms. Aragón will be in providing a open meetings act training for land grants in Cebolleta on Saturday, November 5 and will be in Las Vegas on November 14 and in Española in early December to provide the same training. She asked if there were any other directives from the NMLGC.

Chairman Sánchez referred to a previously letter sent to Tania Maestas that listed items that the NMLGC would like the Treaty Division to work on. He also stated that items that Mark Edwards is currently reviewing are from the previous two years and the Interim Land Grant Committee will be endorsing legislation for the 2017 legislative session at its November 21 meeting in Santa Fe. Councilor Padilla-Gutiérrez asked if any open meetings act trainings will be offered in southern New Mexico; Ms. Martínez responded that more will be offered in the spring of 2017 and that they would reach out to area land grants. Mr. Archuleta offered his congratulations to Ms. Aragón and gave Land Grant Support Fund agreements to Ms. Aragón to review. Chairman Sánchez asked if the Attorney General budgeted the Treaty Division so that it was funded with recurring funds and funding did not have to be requested every time. Mr. Archuleta offered to give a “Land Grants 101” session to Ms. Aragón and the Treaty Division by the NMLGC and the UNM Land Grant Studies Program, and additionally offered to give similar trainings to other state agencies. Ms. Martínez reported that the NM Attorney General’s office is moving to the Hyatt Building in Downtown Albuquerque.

## **8. Discussion and Possible Action on New Mexico Department of Game and Fish & Tierra Amarilla**

Mr. Archuleta presented a draft letter (*handout*) relating to a Río Chama area catch and release area that was established near EL Vado reservoir. This area is within the historic boundaries of the Tierra Amarilla Grant and effects the historic and traditional cultural uses of the Tierra Amarilla and San Joaquín del Río de Chama Land Grants. The NMLGC wants to ensure that the NM Department of Game & Fish does not proceed discussions about opening the area to larger public use without first consulting land grants. He also commented that the proper members of the NM State Legislature are contacted, including Rep. Debbie Rodella and Sen. Richard Martínez, who were both interested in the issue. Mr. Archuleta stated that the NM Department of Game & Fish manages the 8,000 acre Marquez Wildlife Area in the Cebolleta Land Grant, in addition to 3,000 acres of former common lands within the Tierra Amarilla Grant, and that both land grants want traditional use access to these former common lands. The

Interim Land Grant Committee has called representatives of the NM Department of Game & Fish to a panel during their November 21 meeting in Santa Fe. Councilor Padilla-Gutiérrez made a motion to send a letter to the NM Department of Game & Fish regarding traditional use rights on the Cebolleta and Tierra Amarilla Land Grants. Councilor Macario Griego seconded the motion.

### **9. Discussion and Possible Action on Council FY 2017 Budget**

Mr. Archuleta reported that only estimates are provided in the budget (*handout*), as this November NMLGC meeting was too early for UNM to provide complete budget reports. – Nov. 4<sup>th</sup> meeting too early for full meetings. Mr. Archuleta reviewed the budget and discussed meeting locations and the possibility of using UNM IFDM facility, which is free to any UNM organizations. The UNM Science and Technology Park will begin to charge for parking. Mr. Archuleta reported on council member travel. He also reported that without direction from DFA, we might assume that the 5.5% mandatory cut in the budget will be across the board. The contract with UNM is for 6 months and will be renewed for an additional 6 months, from which the 5.5% cut will be drawn. Mr. Archuleta recommends that the planning budget item be cut and the publishing item be reduced. UNM will review the budget, process the request and create purchase order that will be submitted to DFA.

### **10. Discussion and Possible Action on UNM Contract**

Mr. Archuleta reported that the Institute for Policy Evaluation and Analysis Research (IPEAR) is being disbanded and that the NMLGC will need a different administrative home at UNM. The former PI for IPEAR, Carlos Rey Romero, is now at New Mexico Tech, and the 2 remaining co-directors have stepped down. The Office of the Vice President for Research (OVPR) has suggested that the NMLGC move to the Southwest Hispanic Research Institute (SHRI). Another alternative is for the NMLGC to partner with Geospatial and Population Studies (GPS) and another campus entity to share services. Under the current model, 100% of the F&A (“facilities and administrative”) costs went to IPEAR, which provided services for the NMLGC. Under the new model, which will take effect on January 1, 2017, 65% of the F&A will stay with the OVPR and 35% will return to SHRI for the NMLGC. This amounts to approximately \$15,000, which is not enough to hire additional personnel or increase capacity. LM Garcia y Griego (UNM-LGSP) suggested that the NMLGC allow Chairman Juan Sánchez to represent the Council in discussions with UNM. Councilor Padilla Gutiérrez noted that while the Council fits philosophically with SHRI, resources are the priority in whatever decision the Council makes. Mr. Archuleta added that changes in the SHRI director could also have an effect and that he felt that the OVPR is happy with the NMLGC’s work. Dr. Ricardo Maestas, special assistant to the Dr. Gabriel López, Vice President for Research, was invited to today’s meeting but could not attend. Mr. Archuleta reiterated that Chairman Sánchez needs to be authorized to negotiate with UNM.

Councilor Martínez made a motion to authorize Chairman Juan Sánchez to negotiate with UNM on behalf of the NMLGC. Councilor Padilla Gutiérrez seconded the motion.

### **11. Discussion and Possible Action on Legal Services Contract**

A legal services contract has been negotiated with the New Mexico Legal Aid. UNM needs to issue a contract, which will take time. New Mexico Legal Aid will complete work previously outlined by the NMLGC.

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

Mr. Archuleta reported that the Tajique Land Grant requested \$4,000.00 from the Land Grant Support Fund to pay for gravel for their cemetery. Chairman Sánchez asked if this would expend all remaining funds in the support fund; Mr. Archuleta stated that \$591.00 will remain in the fund.

Councilor Griego made a motion to approve request by the Tajique Land Grant for \$4,000.00 for maintenance of their cemetery. Councilor Martínez seconded the motion.

Cheyenne Trujillo (NMLGC staff) asked that past recipients of support fund monies send her images of past projects to include in promotional materials for the Land Grant Support Fund.

### **13. Discussion and Possible Action on Records Retention for Council**

Jacobo Baca (NMLGC staff) reported that he has been developing best practices for records retention for land grants. State records retention policies were updated and condensed in 2015. The NMLGC staff will continue to work to create a retention schedule for the NMLGC as well as create a best practice guide and recommended retention schedules for land grants. Dr. LM García y Griego inquired about digital standards; Dr. Baca commented that native born digital records can be submitted digitally.

### **14. Discussion and Possible Action on Federal and State Legislation**

*Federal Legislation* – A conference call for all New Mexico congressional offices will take place at 11:00am on November 18<sup>th</sup>. Video capabilities will be offered through Senator Tom Udall’s Albuquerque office; all can participate via audio at their convenience. A major topic will be traditional use rights legislation. David Benavides has submitted comments on behalf of the New Mexico Acequia Association. Ms. Jacquez-Ortiz (Sen. Udall’s office) urged that the U.S. Army Corp of Engineers be included in the bills language.

*State Legislation* – The Interim Land Grant Committee of the New Mexico State Legislature will meet on November 21, 2016 at the Capitol in Santa Fe. The Interim will discuss Las Vegas area sub-grants, hardship requirements for surplus machinery from state government agencies, comprehensive plans, the Council’s position at DFA and UNM, and a conversation with Senator Michael Padilla regarding a guaranteed revenue stream for land grants. The Council will also urge support of a joint memorial against the expansion of the Pecos Wilderness.

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

Dr. LM García y Griego submitted a letter reporting the election results of the Cañón de Carnué Land Grant.

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

Mr. Archuleta reported that the Council staff has been quite busy meeting with representatives of the Santa Bárbara Land Grant and the New Mexico Wilderness Alliance, regarding the Pecos Wilderness expansion and a proposed Special Management Area. Both the Land Grant and the Wilderness Alliance agree that they not want mining within the historic boundaries of the grant. They disagree, however, on logging and are still negotiating. The UNM LGSP and the NMLGC have a FOIA request into the USFS regional office.

The NMLGC (Archuleta; Baca; Councilor Martínez) have also participated in the Carson Forest Plan revision as a cooperating agency and reviewed forest plan revision drafts that incorporated the language of the Hassell Report. The NMLGC recommended that they include a section specific to land grants and the NMLGC will provide language for the Carson. Ms. Jacquez-Ortiz also noted that she spoke with the NM Wilderness Alliance and that there was a miscommunication regarding land grants being on board with the expansion. The Wilderness Alliance reported that the Santa Bárbara LG board had initially agreed on special management areas (SMAs). While the wilderness proposal does include moving the boundary of the Pecos Wilderness Expansion so as not to include the historic lands of the Santa Bárbara Grant and includes a special management area, there is no support by the Santa Bárbara Land Grant at this time. Mr. Archuleta also iterated that while the wilderness discussions have only considered the opposition of the Santa Bárbara Land Grant, the Trampas Grant and Truchas (Nuestra Señora del Rosario, San Fernando y Santiago) Grant are effected as well because the proposed wilderness effects the headwaters of both grants. He also clarified that the 1980 expansion of the Pecos Wilderness excluded some areas in the northern portion of the Pecos, which the Wilderness resurrected then adjusted.

## **5. Discussion and Possible Action on Forest Service Update** *(move from above)*

Ericka Luna and Chris Chávez reported on behalf of the US Forest Service. Ms. Luna clarified that the proposed expansion of the Pecos Wilderness by the Wilderness Alliance is happening independently of the USFS Forest Plan Revision process. Regarding mining, Ms. Luna stated that the Forest Service should share mining policies and laws of the wilderness act. She added that SMAs are not part of the Wilderness Act. Mr. Archuleta commented that the NMLGC seeks to ensure that land grants are making informed decisions, including issues regarding roadless inventoried areas as mandated by either Congress or the Forest Service. The Wilderness Alliance has a vested interest in restricting use, where land grants want to manage land for watershed health and traditional use considerations and are obliged to the expertise of the Forest Service for a balanced perspective. Manuel Trujillo (Santa Bárbara LG) thanked Mr. Archuleta and the NMLGC and commented that the Wilderness Alliance undermined friendly negotiations though both sides need to develop a friendly relationship. The Santa Bárbara LG does not the capacity to fight the resources of the Alliance, but this situation offers the opportunity to build relationships with the Forest Service and the Wilderness Alliance.

Ms. Jacquez-Ortiz commented regarding how headwaters might be effected by Wilderness expansion. The US Forest Service commented that regulations prohibit the Forest Service from identifying acequias and cannot ask the New Mexico Acequia Association for information regarding acequias to create carve outs. Ericka Luna commented that the neither the Forest Service nor the New Mexico Acequia Association know where all acequia headwaters are, and that the Forest Service will work to map the acequias. Mr. Archuleta commented that the NMLGC has offered comments on wilderness character areas through the forest plan revision process that it is more than acequias and headgates, but about the overall health of the watershed.

Ms. Luna reported that the FOIA request is being processed and that a letter should be received soon, which will state that they will likely provide the information in batches. Regarding the Hassell Report, Ms. Luna reported that though it is not a policy, there are good recommendations on building collaborative recommendations. Currently there is an opportunity to take elements of the Hassell Report to build a foundation for the Forest Service to continue its work. In the Spring of 2016, the Valuing People and Places initiatives held listening sessions with communities, including land grants, on positive FS attributes to continue good work. The FS is continuing internally in these conversations on how to make this practice of interaction and conversations have gone up to Region III level. Mr. Archuleta commented that translating the Hassell Report and Hurst memo into the language of the forest plan is a time consuming process. Because there is also a disparity on how each forest might integrate the Hassell Report into their forest plan, is there opportunity for something at regional level that can be made into a policy. Ms. Luna commented that a regional supplement can be adopted.

Dr. García y Griego commented that the NMLGC or a few members should meet with Cal Joiner regarding regional policy, so as not lose momentum and to look beyond the forest plan revision. Ms. Luna commented that Mr. Joiner is willing to meet. She also reported that the New Mexico Resource Advisory Committee is meeting on November 17 & 18 at its Santa Fe National Forest Headquarters regarding fund requests under the 2008 Secure Rural Schools and Community Self Determination Act.

Chris Chávez reported regarding the Jesuscita Sandoval case, which is a color of title case involving the BLM. Case research found that legislation created a situation were five cases were guaranteed to fail. The act required the full abstract of title, which is rare in New Mexico. An extensive report was created and submitted to the BLM, which responded. Under the Color of Title Act, the parcel claim needed to be contiguous to a New Mexico Land Grant and is older than the Forest Service, and is advertised in a local paper, a claim can be approved. To issue a patent, a proper survey needed to be made. Mr. Chávez undertook the survey, created proper monuments, produced a survey plat and submitted the report to the BLM. A letter will be sent to the Truchas Land Grant and the survey will go into the Federal Register for 30 days, and, if there is no protest to the survey, a patent will be issued by the end of the year. The claim is small, .09 acres, but the principle of the case is important. Mr. Chávez performed extensive research on the Truchas Land Grant, and commented that he would like to bring Ms. Jesuscita Sandoval to meet the council. Councilor Padilla-Gutiérrez thanked Mr. Chávez on behalf of the Council. Ms. Jacquez-Ortiz also asked that he formally

inform the New Mexico Congressional Delegation. Ericka Luna also reported that the Forest Service now has a community engagement panel for new employees, on which Mr. Archuleta will participate on behalf of the Council.

**17. Public Comments – discussion only**

Wayne Sandoval (San Antonio de las Huertas LG) asked the NMLGC for a letter of support to be sent to Cibola National Forest regarding a blockage effecting San Antonio de las Huertas LG. The illegal blockage by developers and homeowners is affecting historic acequias. Chairman Sánchez commented that it will need to be added to the agenda for the next meeting. Mr. Sandoval stated that the blockage is preventing water from running its natural course and it is affecting wells, which are going dry.

Mr. Archuleta also reminded the Council of the Land Grant / Merced leadership retreat, to take place in Saturday, December 10<sup>th</sup> in Santa Fe. The Consejo and UNM LGSP will both contribute to the costs of the retreat. Bill Hocker of the Cebolleta Land Grant commented regarding the Marquez wildlife area, stating it as proof that American courts cannot deal with common land.

**18. Date and Location for next Council Meeting**

The Council will next meet on Friday, December 16<sup>th</sup>, 2016 in Albuquerque, NM, location to be determined.

**19. Adjournment**

The Council meeting was adjourned at 12:50pm. (Motion to adjourn by Councilor Martínez, seconded by Councilor Padilla-Gutiérrez). Motion passed unanimously.

**Approved:**

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Chair

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Date