

New Mexico Land Grant Council (NMLGC)
December 16, 2016 - 10:00 am
IFDM – Mesa del Sol
5700B University Blvd. SE
Albuquerque, NM 87106

Minutes - FINAL

Regular Council Meeting

1. Call to Order and Roll Call

Council Chair Juan Sánchez called the meeting to order at 10:03am. 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); Lisa Rivera Morrison (BLM); Marlo Aragón (Office of the Attorney General); Brittany Martínez (Office of the Attorney General); Michelle Jacquez-Ortiz (Office of U.S. Senator Tom Udall); Patricia Dominguez (Office of U.S. Senator Martin Heinrich); Bonifacio Vasquez (Santa Bárbara LG); Tim Hagaman (NM Economic Development Department); Eugenie Bostrom (Conservation Legacy); Charles Robles (Southwest Conservation Corps); Elizabeth Reitzel (Office of U.S. Rep. Michelle Luján-Grisham); Ericka Luna (USFS); Bert Lucero (Las Trampas LG); Arturo Archuleta (staff – NMLGC/UNM-LGSP); Jacobo D. Baca (staff - NMLGC/UNM-LGSP); Cheyenne Trujillo (staff - NMLGC/UNM-LGSP).

3. Approval of Agenda

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

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

Councilor Martínez motioned to approve the meeting minutes of the November 4th, 2016 Council meeting; Councilor Macario Griego seconded the motion.

5. Discussion and Possible Action on BLM Update

Lisa Morrison discussed the Rio Grande del Norte plan; the BLM is working to meet with cooperating agencies and present draft plan alternatives. She also clarified that unpermitted piñón harvesting for personal use is limited to twenty-five pounds per household, per year. Commercial piñón harvesting needs to be permitted for resale, regardless of amount. Ms. Morrison also checked on the loss of 58 grazing permits on BLM permits near Ojo Caliente and Abiquiú that Councilor Martínez reported in the November meeting; she reported that these were summer use permits that expire and may be renewed. Councilor Martínez urged better communication with permittees.

Councilor Martínez met with BLM project manager Mark Ames and discussed the San Joaquín del Río de Chama Land Grant serving as a cooperating agent for the BLM resource management plan (RMP) for the region. The BIA will serve as the lead for the RMP because of the checkerboard of trust lands of BIA and BLM lands. The NMLGC will engage the BLM and BIA in conversation regarding traditional use rights, land grant views of federal lands as communal property and sacred and religious sites. Both the BIA and BLM will use the resulting EIS to manage their respective lands. Councilor Martínez made a motion to authorize Arturo Archuleta, Jacobo Baca, and Leonard Martínez to set up discussions with the BIA. Councilor Padilla-Gutiérrez seconded the motion. Ms. Morrison also reported that 10 more cords are available to the San Joaquín del Río de Chama. She also stated that the last scoping meetings for the Verde Transmission Line took place and an EIS will be drafted and released for public comment for a 90 day comment period. Mr. Arturo Archuleta asked about the planned Piñon Pipeline in the Farmington area; Ms. Morrison mentioned that the application was withdrawn, possibly in light of pipeline protests in North Dakota. Councilor Martínez questioned why people living near a gas pipeline on the San Joaquín del Río de Chama grant do not receive services from the line and rely on propane. Ms. Morrison responded that companies decide both where the right of way will be and to whom services will be extended, not the BLM.

6. Discussion and Possible Action on U.S. Forest Service *(see below)*

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

Marlo Aragón (Treaty Division) reported that the Treaty Division has met with the Atrisco Grant and is scheduling meetings with other grants around the state. The Treaty Division is also planning educational outreach to schools in land grant communities and will work with local land grant leaders to aid in presentations. Councilor Griego asked if the Division could assist the Cañón de Carnué Land Grant in current litigation; Ms. Aragón responded that the Treaty Division will look at land grant wide issues and those relating directly to the Treaty, and that other land grant specific questions should go through the NMLGC to NM Legal Aid. Brittany Martínez (Treaty Division) reported that Attorney General Hector Balderas plans on attending the Treaty Day celebration.

8. Discussion and Possible Action on Land Grant Leadership Conference

Mr. Archuleta reported that the Land Grant leadership conference was a success. We are awaiting a report from the facilitator, Meriah Heredia-Griego. Participants discussed what they foresaw as the key issues effecting land grants for the next five years and the roles of various groups, including the NMLGC, the Consejo, the Congressional delegation, and individual land grants, in addressing these issues. Land grants that were unable to send a representative will be sent a worksheet so they can add their perspective to the report.

6. Discussion and Possible Action on Forest Service Update *(moved from above)*

Ericka Luna (USFS) reported that the Santa Fe National Forest is working on their plan revision and will begin community meetings with land grants in January. Mr. Archuleta responded that the NMLGC will work with land grants to attend hearings across the Santa Fe National Forest and will work with one land grant to host a summative meeting

with all land grants at the end of the process to discuss plan components or any other items of interest. Ms. Luna reported that twenty entities are interested in serving as cooperating agencies for the Santa Fe NF plan revision process. She also reported that eighteen projects were approved in north and west New Mexico for watershed and infrastructure improvements under Secure Rural Schools legislation. Ms. Luna also reported that Carson NF supervisor James Durán will co-host a meeting with land grants on January 11th, at 10:00am in Questa, NM. This meeting will be a community conversation with ten land grants with interest in the Carson National Forest.

From March 21st-23rd, the Carson NF will host a workshop on building relationships between the forest service and other government and non-government agencies. A total of 55 partners including government agencies and non-government agencies with shared interest in the Carson NF will participate. The Carson NF will also forward a new draft of their forest plan to the working group next week. The Camino Real District is working with the Santa Bárbara Land Grant on a CFRP project. Chairman Sánchez added that the CFRP conference will be held from January 22-24th.

Bonifacio Vásquez (Santa Bárbara LG) reported that the Santa Bárbara LG has received a letter from Camino Real District Ranger Tammy Malone stating that treating the lands of the Santa Bárbara LG and the CFRP are not on their program of work for 2017. He also reported that John Olivas has presented draft resolutions to the Taos County Commission regarding the expansion of the Pecos Wilderness. Taos County Commissioner Mark Gallegos has expressed his interest in attending the January Carson NF meeting in Questa. Mr. Archuleta responded that the Santa Bárbara LG is taking the proper steps to partner with the Carson in a CFRP, but that the process is lengthy. The agency also does not respond quickly and likely set the plan for 2017 in 2015. Ms. Luna agreed that the forests and districts typically create their plans 2-3 years in advance. Mr. Vásquez mentioned that their CFRP might not be ready until 2019 or 2020; he hoped that they might be able to get work done through a categorical exclusion, especially considering the fire conditions of surrounding forests. Additionally, Mr. Vásquez claimed that while the Pecos Wilderness was not expanded in 1980, the Forest Service undertook roadless surveys as late as 2001. Councilor Martínez reported that the San Joaquín del Río Chama experienced similar issues regarding roads the Forest Service deemed unused. Mr. Archuleta commented that the Treaty of Guadalupe Hidalgo Division might offer clarification on federal statutes regarding management of areas adjacent to the Pecos Wilderness and that the Land Grant Studies Program can offer additional research support.

Ms. Luna introduced Chas Robles, the youth program coordinator with the Southwest Conservation Corps, and reported that the Forest Service has partnered Southwest Conservation Corps under the Ancestral Lands Program. Mr. Robles reported that the goal of the program is to reconnect youth with their ancestral lands. The Corps work on more inclusive recreation programs and has partnered to engage youth in job training related to cultural land bases. Students learn both typical office skills and resource management skills. Crews of five to ten youth participate in forest health initiatives, trail management and work to manage endangered and invasive species. They have

partnered with La Plazita Institute in Albuquerque to manage their youth programs and have offices in Albuquerque, Acoma, Zuni and on the Navajo Nation. Regarding the Pecos wilderness expansion, Michelle Jacquez-Ortiz reported that wilderness advocates are stating that the proposed expansion is only for inaccessible areas. The maps provided by the Carson NF are confusing and the Carson NF will be briefing congressional offices on January 5th. Mr. Vásquez pointed out that even roadless areas effect the watershed health of the community acequias and the land grant interest remains. Mr. Archuleta committed the NMLGC assistance in the conversation.

9. Discussion and Possible Action on Council FY 2017 Budget

Mr. Archuleta provided a handout and discussed the budget. One adjustment to the budget will be in how the University estimates fringe benefits, which are counted at 35% in budget projections, but are actually 22% in real costs. Support fund contracts have been signed. The service contract for legal services with New Mexico Legal Aid is in the contracts office at UNM, which will issue a purchase order. Mr. Archuleta recommends that the planning item be removed from the budget to meet the 5.5% budget decrease. DFA will need to allow a budget adjustment of ~\$14,000, which will require an amendment to the UNM contract. Mr. Archuleta presented a budget adjustment request reflecting this staff recommendation, which includes adjusting the land grant support fund from \$15,000 to \$14,409 and to cut publishing from \$3,000.00 to \$1,560.20.

Councilor Padilla-Gutiérrez made a motion that the DFA fee be adjusted from \$3,550.00 to \$3,400.00. Councilor Macario Griego seconded the motion. The motion passed unanimously.

Councilor Martínez made a motion adjust the Land Grant Support Fund from \$15,000.00 to \$14,409.00. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

Councilor Griego made a motion to adjust the publishing budget from \$3,000.00 to \$1,560.20. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

Councilor Griego made a motion to adjust the planning budget from \$10,000.00 to \$0.00. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

Councilor Griego made a motion to adjust the total contract amount from \$211,931.00 to \$199,930.80. Councilor Martínez seconded the motion. The motion passed unanimously.

10. Discussion and Possible Action on UNM Contract

Mr. Archuleta presented pay request No. 4 for a total of \$8,613.28. Councilor Martínez motioned to approve the billing request for \$8,613.28. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

11. Discussion and Possible Action on Legal Services Contract

Mr. Archuleta reported that he sent a draft for a multi-year contract with NM Legal Aid. Both the State of New Mexico and UNM are reviewing their procurement processes for multi-year contracts. UNM may issue a P.O. for the contract for services with NM Legal Aid. The UNM Law Clinic is identifying work with tribes and land grant communities; NM Legal Aid will offer direction.

12. Discussion and Possible Action on Land Grant Support Fund

Mr. Archuleta reported that land grant support fund agreements are ready to sign. The brochure advertising the support fund is almost complete; the NMLGC needs photos of funded projects to include of the brochure.

13. Discussion and Possible Action on Federal and State Legislation

Federal Legislation – The NMLGC has been in conversation with Sissy García or Rep. Ben Ray Luján’s Washington office regarding traditional use rights legislation. There was concern over the use of the term “facilitate” in the draft language of the legislation. Chairman Sánchez asked that Ms. García share updated drafts with the entire congressional delegation and their staff, as well as with Marlo Aragón of the Treaty Division. He also mentioned he understands that most acequia issues in the bill have been addressed. There is also language in the draft bill regarding wilderness protections, which Ms. Patricia Dominguez (Sen. Martin Heinrich’s office) called a “savings clause,” that may tacked onto most bills. Michelle Jacquez-Ortiz urged the drafters of the bill to include the U.S. Army Corps of Engineers in the bill’s language as well. Mr. Vásquez (Santa Bárbara LG) reported that Michael Casaus of the NM Wilderness Alliance provided examples on legislation for special management areas from Colorado; Mr. Archuleta responded that the NMLGC will respond whether it will serve land grant interests and ask the Treaty Division to look over their response.

Ms. Jacquez Ortiz and Ms. Dominguez reported that their offices have been approached by several land grants on legislative proposals and expressed that they felt it was most appropriate for them to bring these proposals to the NMLGC for discussion. Councilor Padilla-Gutiérrez responded that the NMLGC respects the sovereignty of land grants but recognizes the progress that the NMLGC has aided as well. Councilor Martínez agreed, and responded that any legislation that is so important that it may effect multiple grants should be shared with the NMLGC.

State Legislation – Chairman Sánchez reported that the interim endorsed legislation at their November 21st meeting, including a memorial supporting the Santa Bárbara LG’s opposition to the expansion of the Pecos Wilderness, a bill regarding the Las Vegas sub-land grants, and internships for students at UNM’s law school to work with land grants, acequias, and colonias.

15. Discussion and Possible Action on Land Grant Registry

None

16. Discussion and Possible Action on Staff Assignments – Archival Research

Council members and staff discussed the need for archival research regarding traditional uses and the Forest Service planning process, including federally purchased properties that included land grant common lands. The scope of work needs to include archival research on federal acquisition of former common lands.

Councilor Martínez made motion instructing the NMLGC staff to conduct research relating to traditional uses and the acquisition of land grant lands by the Forest Service and other federal agencies. Councilor Padilla-Gutiérrez seconded the motion. Motion passed unanimously.

17. Public Comments – discussion only

Mr. Vásquez shared a copy of a resolution proposed by John Olicas that was presented to the Taos County Commissioners to sustain the current extent and scope of federal land management in Taos County. Chairman Sánchez stated that all land grants should do a resolution that any common lands that are disposed of by the federal government should go back to the land grants. Mr. Archuleta furthered that both the Interim committee and the NMLGC ensure that land grants are represented on any study committee regarding the return of federal land. It was also reported at the Taos County Commission meeting that NMLGC’s official position was opposing the expansion of all wilderness; Mr. Archuleta and Councilor Martínez clarified that this was the case with former common lands, but not a blanket opposition to all wilderness expansion. Bert Lucero (Las Trampas LG) encouraged the NMLGC to remain focused on the return of common lands.

18. Date and Location for next Council Meeting

The Council will next meet on Friday, January 13, 2017 in Albuquerque, NM, location tbd.

19. Adjournment

Councilor Martínez made a motion that the meeting adjourn. Councilor Padilla-Gutiérrez seconded the motion. Motion passed unanimously. The meeting adjourned at 12:47pm.

Approved:

 Chair

 Date