

New Mexico Land Grant Council (NMLGC)
July 8, 2016 - 10:00 am
Science & Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes

Regular Council Meeting

Call to order and roll call

Council Chair Juan Sánchez called the meeting to order at approximately 10:08am. Roll call of Council members: Leonard Martínez, Macario Griego, Rita Padilla-Gutiérrez, Lee Maestas (absent). Unless otherwise indicated, all motions were approved unanimously.

Approval of agenda

Chairman Sánchez asked for discussion to approve the agenda, he then called for an approval motion made by Council Member Macario Griego, seconded by Council Member Rita Padilla-Gutiérrez, agenda approved.

Approval of meeting minutes from the regular Council meeting of June 10, 2016

Council Member Leonard Martinez moved to approve the minutes of June 10, 2016, seconded by Council Member Rita Padilla-Gutiérrez. The minutes were approved.

Introduction of guests

Attendees: Susan Sullivan (Asst. Attorney General), Lisa Rivera Morrison (BLM), Molly Cobbs (BLM), Arturo Archuleta (staff NMLGC), Joseph J. García (UNMLGSP), Ericka Luna (USFS), Nicholas Maestas (Office of U.S. Congressman Ben R. Luján), Wayne Sandoval (San Antonio d. I. Huertas L.G.), Sylvia Martinez (Office of Senator Tom Udall), Michelle Kavanaugh (Office of Senator Tom Udall), State Rep. Christine Trujillo, Manuel M. Trujillo (Santa Bárbara LG), Bonifacio Vásquez (Santa Bárbara L.G.).

Discussion and Possible Action on Forest Service Update:

Ericka Luna informed the council that the Santa Fe Forest held meeting on geothermal energy project, sharing handouts informing the council that there will be additional meetings. She also informed the council about an online comment section being available. She then provided the agreement between the council and the USFS that has expired, but she plans to work with the Council's staff on developing a new agreement. She explained that there is not strict deadline regarding the updating of the agreement, but would like to have it updated as soon as possible. She then discussed the forest revision process in the Santa Fe Forest as well as the regular agenda items with the status still the same as it has been regarding the plan schedule. Chairman Sánchez then informed the council about a future public meeting to be held regarding

the Cibola Forest Revision this month and in August for the USFS Cibola Landscape team. Bonifacio Vasquez from the Santa Bárbara Land Grant asked if the deadline of 8/15/2016 for submitting comments to the Carson National Forest regarding the Wilderness evaluation phase is the beginning of the next phase of the wilderness plan process? And has the current phase been concluded and when will the next begin? Ericka Luna clarified that there is no wilderness designation at this point in time with regards to all 5 forests. It was stated that there is a July 12th meeting scheduled at the Cebolla Community Center specifically for land grants to provide comments. Chairman Sánchez explained that there are no wilderness recommendations at this time and stressed the importance of land grants participating in the forest plan revision process including providing comments. Nicolas Maestas then described the Cibola Forest plan as more advanced than other forest revision plans stating that the process and how Carson is currently in the comment phase of the plan with the Santa Fe plan behind them.

Bonifacio Vásquez then explained that they are working with the USFS and the Wilderness Alliance and trying to bring both groups together with the LGs in the area. That all groups are looking at the same boundaries and same impacts with competing interests. Rep. Christine Trujillo asked how are the various groups and communities weighed in terms of their input and its use in the Forest Plan? Ericka Lunda responded that that was very good question that there is no weight scale to determine the importance of comments and all are taken, coded, and analyzed for the purpose of bringing a holistic approach to evaluate the comments.

Arturo explained that each forest is autonomous and the three different forest follow different processes for developing their plans and that the Carson and Santa Fe are learning from the Cibola process.

Council member Rita Gutierrez explained that there has got to be a process of people (heirs), they may not be able to articulate the best, their objection to the process, but the communities know why they are there and it means something that they are part of the process. Council Member Leonard Martinez added that the land grant's have a strong tradition of oral history and therefore the USFS needs to accommodate these communities by including verbal comments made at public meetings for the plan revision the same as written comments. He also added that land grant communities have cultures built on having access to the monte and floresta for traditional uses.

Councilor Martinez then expressed concern over the Dog Head Fire and the resulting loss of natural resources on the common lands of the Chililí land grant, He stated he would like to see the USFS address the socio and economic impacts, that will be caused by the fire for many years, on the community of Chililí. He then added that NRCS and EQUIP grants are needed to assist Chilili and that the congressional delegation needs to work on making land grants eligible for those funds.

State Rep. Christine Trujillo then explained that she serves on the New Mexico Land Grant Legislative Interim Committee and has seen first hand how passionate land grant communities are about protecting their access to their common lands. She expressed her support for community land grants accessing former common lands now managed by the United States Forest Service(USFS) and asked that the USFS not dismissive of the concerns of local communities with regard to their dependence on the forest resources.

Bonifacio Vasquez asked the status of greenwood permits for the Peñasco and Trampas area as they were informed that they would be provided but are still not currently accessible and that the 3000 families in the area of his land grant are in dire need for firewood for the communities.

Arturo Archuleta then addressed the concerns mentioned by Councilor Martinez regard the impact on the Dog Head Fire on Chililí. He stated that since at least 60 to 70% of the existing common land of the Chililí Land Grant has been burned by the fire it will severely affect grazing and wood cutting on the common land, both of which are major revenue streams for the land grant. He stated that Chililí is one of the most active land grants when it comes to managing the common lands for forest health and that if they had the resources they would likely have heirs engaged in forest restoration projects consistently. He further stated is the real need is to develop a guaranteed revenue stream for land grants and that the solution most likely needs to be addressed by both the State and Federal level.

Discussion and Possible Action on BLM Update:

Lisa Morrison informed that the BLM works with EQUIP funding and will try to see how that can be used to help Chilili? She then introduced the new BLM Planning Department staff Molly Cobbs. Molly Cobbs described her roll as overseeing and supporting environmental policy planning and will be the point of contact regarding the BLM environmental and policy plans. That she appreciates being at meetings and makes a standing offer to return and present on specific issues and questions identified by the Council and she hopes to be a resource to the NMLGC.

Ms. Morrison then requested a copy of the Land Grant 101 workshop video to use with new BLM employees. She then informed the council on the Rio Grande del Norte monument, the process of providing alternative plans will be released in the near future.

Arturo Archuleta asked what the processes would be for addressing comments submitted by the Council regarding the Rio Grande Del Norte Monument Plan. Lisa explained that BLM State Office is going through all the cooperating agency comments and the current draft of the plan to ensure comments have been addressed. Molly then explained the comment evaluation process and what would be provided to to cooperating agencies as to the recommendations and how the comments were incorporated into the plan.

Ms. Morrison then went over the land grant cemeteries update stating that Debbie Lucero the BLM realty specialist believes the one in the San Miguel del Bado land grant might be an optimal cemetery to try and dispose to the land grant. In order to start the process it would be best to have BLM and the Land Grant visit the location and determine interest and potential next steps. Arturo Archuleta explained that the 4th Judicial District Court has reached a decision on the land grant election case and that a new land grant election is to be held he believes in September. Once a board of trustees is elected the Council can help facilitate a meeting between the new board and BLM.

Arturo Archuleta mentioned that there is a need to evaluate what cemeteries are on what land and what local authority there is in relation to lands that may be under various jurisdictions. Lisa informed that she would check Debbie Lucero's research about the lands and their jurisdictions.

Next Ms. Morrison discussed working with San Joaquin del Rio de Chama Land Grant and the Farmington Field office. That the Farmington BLM revision plan and the Land Grant is interested in having access to wood and that now the San Joaquín del Rio de Chama Land Grant will be a part cooperating agency for the Resource Management Plan being developed for that office. Council Member Leonard Martinez explained that he met with BLM staff Vicky in Farmington and there is a need for access to properties and use by the Land Grant. The Land Grant wants to have access to the lands for hunting, piñon harvesting and expressed concern for how some grazing permittees have locked gated to lands that they have grazing leases for. Councilor Martinez also stated that cemeteries are full in several area communities and unfortunately there are religious differences as to who can be buried at what cemetery. That after the RNP is completed 5 acres can be designated as a non-denominational cemetery for the area. Need for forest thinning on BLM for common LG lands as future projects with the BLM are part of their a five year plan especially in the Gallina area. Lisa Morrison discussed the challenges to field office about evaluating lands for opening them up to do studies for access and that Jeremy Kruger will be going on a 60 day D.C. work detail to help open up more lands. She also informed the Council that BLM is holding off on any action regarding the Cañon de Carnué land grant request until the Rio Puerco plan is complete.

Discussion and Possible Action on UNM Contracts:

Arturo Archuleta explained that the contracts have been signed by everyone at UNM and will be delivered to DFA for their signature. That there are two pay requests, one that was rejected based on crossing calendar years. He indicated that the Council member packets included the new pay requests for expenses incurred in December and for expenses incurred from January through June, along with a narrative detailing the work completed. The pay requests require approval from the council.

Motion was called for by the Chairman to approve the pay the Council's final two pay requests for FY 2016, the motion was made by Councilor Macario Griego it was seconded by Councilor Martinez and passed unanimously.

Susan Sullivan the Assistant Attorney General assigned to the Council then explained that she reviewed the opposition of DFA to the equipment purchase request made by the Council and in her opinion DFA does not have an appreciation for the valuable of work that is being conducted by the Council in support of land grants. Council member Leonard Martinez then explained that the relationship with DFA has been difficult and that it may be time to consider formally moving the Council from DFA to UNM to create a more friendly environment for completing the Council's mission. Council member Leonard Martinez asked if possibly St. Rep. Trujillo can help in getting the NMLGC from under the auspices of DFA and to please relate to the NM St. Leg. the obstacle that DFA presents to the NMLGC with regard to spending all of its FY 2016 legislation appropriation. Susan Sullivan asked would the chairman entertain that Arturo Archuleta explain the issue with DFA regarding the FY 2016 budget to St. Rep. Trujillo. Mr. Archuleta then explained to the council and St. Rep. Trujillo, that an equipment purchase request for the Council, in the amount of \$9,500, was presented to DFA in the beginning of May and that it was not denied until the end of June, which caused the funds to revert. Leonard Martinez then stated that there is a need to fix this problem. State Rep. Trujillo informed that she is available to work with Arturo and the NMLGC to address the DFA issues.

Discussion and Possible Action on Council FY 2016 Budget & FY 2017 Budget:

Arturo Archuleta reviewed the FY 2016 Year-end budget included in the meeting packet, including that the Council will be reverting approximately \$14,000 in unexpended funds. He explained that the majority of the funds reverting are from the \$9,500 equipment purchase request that was rejected by DFA with the difference being made up of unexpended Support Fund money and funds left over in the personnel line item of the UNM contract. The personnel line item came in under budget due to fringe benefit costs for personnel being less that anticipated. Chairman Sánchez informed that the last NMLGC meeting was attended by St. Rep. Sarah Maestes Barnes who was informed that the LFC will see that DFA has rejected a number of the council's requests. St. Rep. Trujillo explained that she understands the situation and will address NMLGC concerns in the future with the legislature as well.

Discussion and Possible Action on Legal Services for Land Grants:

Arturo informed that council that NM Legal Aid had produced three documents on legal issues facing land grants best practices for address them, they included: Adverse Possession and Land Grants; Land Donations to New Mexico Land Grants and Declaration of Water Rights by Community Land Grants. That there is not a current

contract for legal services but once the new UNM contract is in place then UNM can establish a new contract for FY 2017.

Bonifacio Vásquez asked a question regarding how legal service work with the council, that the Santa Bárbara LG has requested that they be a subdivision of the state and needs help at interpreting and analyzing the records in their archives. That he was planning on Mr. Benavides review the documents to understand the maze of legalities and how the LG can approach the NMLGC to get legal support.

Chairman Sánchez explained that once the NMLGC has a new contract for legal services to land grants, then the Santa Bárbara Land Grant can approach the Council to get legal services. He noted that a contract for legal services should be in place within the next two months. State Rep. Trujillo asked if maybe the LG can get support from the center for law and poverty seeing challenges that rural communities face.

Treaty of Guadalupe Hidalgo Division (TOGHD) discussion:

Chairman Sánchez asked if there was any word on hiring of staff for the Treaty Division. Susan Sullivan responded that no work is taking place at this stage is being organized and that once done, the Council will be informed about the setting up of the division. Arturo then provided background for the division and there will be a challenge in hiring staff of the TOGHD Leonard Martinez explained that it was important for the TOGH to get off to a good start and requesting of St. Rep. Trujillo support reoccurring funding for the division. State Rep. Trujillo asked to please send her a reminder to follow up on the division funding support.

Discussion and Possible Action on Land Grant Support Fund:

Chairman Sánchez asked that staff advertise that availability of support fund money to eligible community land grants. Mr. Archuleta explained that the Santa Bárbara LG has provided a formal letter requesting financial support from the Council to purchase office equipment. Chairman Sánchez explained that there is a need for setting a deadline for receiving applications? Leonard Martinez explained that they cannot set date yet since the UNM contract is not yet in place and under the Contract UNM will oversee the Support Fund application process. Staff suggested that perhaps a best consideration deadline be set for September 2016 but allow applications to continue to come in until all funding is expended. Chairman Sánchez explained that there is a need for staff to send out email regarding accepting applications and a reminder after requests are made in the next month.

Discussion and Possible Action on Federal and State Legislation:

Federal items:

Chairman Sánchez asked if Mr. Archuleta if he had heard anything from Sisy Garcia with Congressman Lujan's Office? Mr. Archuleta responded that as of yet he has received not word from her. Nicolas Maestas, with Congressman Lujan's Office thanked

the council for submitting recommendations on the appeals process and they are currently checking with congressional legal services to move forward on the request as well they are waiting for feedback from the Acequia Assn. about the draft bill.

Mr. Archuleta requested that the NM Delegation consider renewing past efforts, where the land grant leadership, New Congressional Delegation New Mexico and D.C. staff meet via conference call on a regular basis, perhaps quarterly. Chairman Sánchez indicated that perhaps staff can draft a formal letter making such a request.

Councilor Leonard Martinez explained that the apart from the Traditional Use Legislation there may be the need for an additional bills to be dropped relating to land grants. This could potentially include something relating to the Piedra Lumbre Visitor's Center.

It was mentioned that the a final draft of the Master Plan report by the Resource Center for Raza Planning out of the UNM School of Architecture and Planning had been completed and distributed at a meeting between the 4 interested land grants and the USFS on June 29. In attendance at the meeting were Alicia Gallegos, Steve Okamoto, and Ray Martinez with the Carson Natl. Forest. At that meeting all the land grants expressed interest to move forward with acquiring the property but need to get a price on the value of the property from the USFS. Councilor Leonard Martinez informed the council that when he met that day with the USFS he had the impression that 40 acres was up for disposal but was later informed it was only 10 acres and made the case for why the 40 acres is more economically viable, that for in order for the site to survive it needs 40 acres. And needs the congressional delegation to know that it is very important to get 40 acres. Mr. Archuleta explained that as he understands it the USFS under current disposal authority can dispose of up to 40 acres on an admin site. Councilor Martinez noted that the NMLGC has expended funding towards the project for the development of the Master Plan and that the land grants involved and the Council has done their due diligence with regard to the project. It was explained that the USFS would like to know who will own the land and how will it be managed. Based on this there will likely be a need to have the legal service contract look at ownership and governance structures that could be established for having the four land grants of Abiquiu, Juan Bautista Baldes, San Joaquín del Rio de Chama and Tierra Amarilla own and operate the property.

State Legislation:

Chairman Sánchez explained that the Land Grant Interim Committee met on July 5th in Peñasco and the next meeting will be August 2nd in Atrisco. He mentioned that at the Peñasco meeting Sen. Linda López requested to have the Cibola USFS be at the Atrisco meeting to present on the Dog Head Fire and the Forest Planning process. State Rep. Trujillo explained that there was a request by State Rep. Debbie Rodella requesting letters from the Interim Committee in objection to the wilderness designation recommendation on former common lands.

Bonifacio informed the council that the July 5th meeting was very successful and also mentioned the passage of two letters from the Interim Committee supporting the objection to recommendations regarding wilderness designation of USFS lands within the Santa Barbara land grant patented boundaries and near the Las Trampas Land grant boundaries.

Council Leonard Martinez explained that there may be Land Grants that support wilderness designation but that the NMLGC is officially against the designation of any new wilderness within or adjacent to community land grants until legislation protecting traditional uses for land grant heirs on federal land is passed. Chairman Sánchez explained that he was able to have conversations with Sen. Udall and the Forest Chief regarding the need to reevaluate the 1964 Wilderness Act to ensure that the Act allows for mechanized forest restoration treatments within Wilderness when needed to improve forest health and reduce risk of catastrophic wildfire. He also stated the importance of treating areas prior to designating them as Wilderness to improve health and reduce fire risk. He also stated that he learned that currently 2/3 of the USFS budget goes to fire suppression rather than to active restoration treatments and management.

Susan Sullivan explained that regarding state legislation, she evaluated the bills regarding the need for subject matter legal expertise and to look at Sen. Ortiz y Pino's bill about the need to build legal capacity as an important bill that could help the NMLGC.

Discussion and Possible Action on Land Grant Registry:

Staff explained that the Council received a packet from the Santa Bárbara Land Grant which included their bylaws and list of elected officials and would like to officially recognize the submittal to the New Mexico Land Grant Registry. Staff will prepare a letter to be sent to the Santa Bárbara Land Grant notifying them of the receipt of the packet. Chairman Sánchez then discussed the importance of the registry as described by St. Rep. Miguel García that the first Interim committee meeting in June with the need to develop a certificate recognizing LG's, explaining the confusion of St. Rep. García's views of the registry needing to give the NMLGC authority to recognize the governance status of land grants. Councilor Leonard Marintez explained that a week ago the San Joaquín del Rio de Chama Secretary of Land and Water testified before the county commission and debated the recognition of LG's and the confusion that exists at the local level in regards to funding by local entities.

Discussion and Possible Action on Staff Assignments:

Staff informed the Council that the final pay requests for the Council will be delivered to DFA this afternoon. It was also mentioned that a job posting that went out yesterday for a Research Scientist that will be funded in part by the Council.

Public Comments – Discussion Only:

Staff presented the draft IPRA notice, asking advise from legal council on price of copies, downloading of public records and the fee for transmission of records. Is there a need for special accounts for funding? Susan Sullivan responded that she will look at all others and will examine actual costs. She recommended looking at the existing UNM IPRA policy and follow their lead.

Chairman Sánchez asked the council to think about where to host future meetings?

Date and location for the next Council Meeting:

The Council will meet next on Friday, August 12th, 2016 at the Executive Board Room of the Park Center, Science and Technology Park at 10:00am.

Adjournment:

The Council meeting was adjourned at 1:10 p.m.

Approved:

Chair

Date