

New Mexico Land Grant Council (NMLGC)  
October 26, 2017 - 10:00 am  
Cañón de Carnué Land Grant Hall  
363 NM Highway 333  
Tijeras, NM 87059

**Minutes – FINAL**

**Regular Council Meeting**

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

Chairman Juan Sánchez called the meeting to order at 10:12am. Roll call of the Council members: Leonard Martínez, Rita Padilla-Gutiérrez, and Juan Sánchez were present. Macario Griego and Lee Maestas were absent.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Leonard Martínez (NMLGC); Lisa Morrison (BLM); Marlo Aragón (Office of the Attorney General); Arturo Archuleta (staff – NMLGC/UNM-LGSP); Cheyenne Trujillo (staff – NMLGC/UNM-LGSP); Jacobo D. Baca (staff – NMLGC/UNM-LGSP); Elizabeth Reitzel (Office of Rep. Michelle Luján-Grisham); Michele Jácquez-Ortiz (Office of Sen. Tom Udall); Moisés Gonzales (Cañón de Carnué LG); Manuel Trujillo (Santa Bárbara LG); Francisco “El Comanche” Gonzales (Cristóbal de la Serna LG); Bernadette Sánchez.

**3. Approval of Agenda**

Chairman Juan Sánchez suggested that the agenda be reordered. Item 6 and 13 will be moved before Item 5. Councilor Leonard Martínez made a motion to approve the agenda as revised; Councilor Rita Padilla-Gutiérrez seconded the motion. The motion was approved unanimously.

**4. Approval of Meeting Minutes from Regular Council Meeting of September 8, 2017**

Councilor Martínez motioned to approve the meeting minutes of the September 8<sup>th</sup>, 2017 Council meeting; Councilor Padilla-Gutiérrez seconded the motion. Motion was approved unanimously.

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

Lisa Morrison (BLM) reported that the next Farmington RAC will be December 5 and 6. (Councilor Martínez is on the Farmington Resource Advisory Council). The Mancos RMP (Resource Management Plan) alternatives are being examined by the BLM’s national office in Washington DC. The BLM will schedule a meeting with cooperators after this review. Councilor Martínez’s FOIA request regarding the sale of oil and mineral leases is being processed. Ms. Morrison also reported that the NMLGC should receive interested party notification regarding a land exchange between the BLM and the State of New Mexico. The State Land Office has offered to exchange lands within the Sabinoso Wilderness area and the Rio Grande del Norte National Monument for lands in Southern New Mexico. Mr. Arturo Archuleta (NMLGC staff) reported that no notice has been received but that users are concerned, including grazing leases from the San Antonio del Río Colorado LG, who are worried about access. Councilor Martínez added that there is a concern over the loss of

properties where improvements have been made and asked that the Consejo be added to the list of interested parties. Ms. Morrison added that under such agreement, grazing fees for BLM lands are less expensive but more restrictive. The BLM will have targeted outreach with permittees. The BLM will also gain subsurface rights. The SLO wants the land exchange to decrease checkerboarding. Elizabeth Reitzel remarked that she received a letter but no map was attached. She recommended that land grants receive a letter a list and maps that show land grants in the area. Ms. Morrison reported that the Rio Grande del Norte Monument management plan is still on hold while the monument is being reviewed by the President and the Secretary of the Interior. The San Miguel del Bado Land Grant is working with Sarah Schlanger in the transfer of cemeteries. Ms. Morrison reported that she will be at the Interim Land Grant Committee meeting on Monday, October 30<sup>th</sup>.

### **13. Discussion and Possible Action on Federal and State Legislation – Approval of letter to Interim Committee**

Elizabeth Reitzel (Office of Rep. Michelle Luján Grisham) reported that she spoke with NMLGC staff (Cheyenne Trujillo, Arturo Archuleta, and Jacobo Baca) regarding the Farm Bill. She recommended that the Council examine and provide recommendations in the forestry and fire management sections. Currently the President must intercede to make FEMA funding available for fighting wildfires; there is a bill in process that adjusts the funding of fighting fires. She also reported that she sent Arturo Archuleta a white paper on the forestry title. Ms. Reitzel also reported that Rep. Luján-Grisham's office took the proposed bill to the agricultural committee staff, which was unhappy with the language and wants the staff to work with the Natural Resources Conservation Service. Ms. Reitzel stated that the bill needs the support of Democrats in the Agriculture Committee. Changes will have to be reviewed quickly to be approved. Mr. inquired as to the objection that agriculture committee staff has with the bill. Ms. Reitzel responded that the committee's concern was that the bill was misplaced in the EQUIP section of the Farm Bill rather than the administrative section. For example, Indian tribal funding is in the administrative title rather than directly in the EQUIP section. This legislation will also make land grants eligible for Conservation Stewardship Program funding, which makes the bill larger and adds the necessity for more research but ensures that land grants are eligible in all sections. Ms. Reitzel extended her gratitude to the Council staff, particularly Cheyenne Trujillo, for their comments on the Farm Bill. Mr. Archuleta mentioned that he discussed the forestry program of the Farm Bill with Ericka Luna, who stated that she would provide a breakdown of the Farm Bill Programs that go through the Forest Service. Michele Jácquez-Ortiz (Office of Sen. Tom Udall) stated that she checked with Stephanie Harding of the Washington DC office, who has been working with the legislative council on the Senate version.

Chairman Sánchez and Mr. Archuleta reported that the Council has heard nothing from Rep. Ben Ray Luján's office regarding the Traditional Use Rights legislation. Last the Council heard from Joseph Casados, the most recent draft was awaiting Rep. Luján's final approval. Mr. Archuleta reported that Rep. Steve Pearce has also expressed recent interest in introducing a bill regarding land grants, and that he has received a call from Patricia Dominguez of Sen. Martin Heinrich's office regarding cemetery legislation. Ms. Jácquez-Ortiz reported that she met with Stephanie Harding of Sen. Udall's Washington DC office and that they are developing draft language for a framework for a trust fund. Mr. Archuleta

reported that the Council is reassessing drafts of previous bills and will share after reevaluating.

Regarding state legislation, Chairman Sánchez stated that the Interim Land Grant Committee is meeting in Tomé on Monday, October 30<sup>th</sup>. The agenda has very little regarding legislation and had presentations by the Town of Tomé and Cañón de Carnué land grants. Representatives from NMSU business development centers will present as well. Mark Edwards was unable to get a representative from the Middle Rio Grande Council of Government to present and may ask Mr. Archuleta to present regarding guaranteed revenue streams for land grants. Councilor Martínez mentioned that he spoke with Mark about the Piedra Lumbre Visitor Center and economic development. Mr. Archuleta reported that Elizabeth Reitzel sent a reminder to the Forest Service regarding the PLVC. Mr. Archuleta spoke with Alicia Gallegos, who stated that the Forest Service is still working to assess the disposal of the PLVC and apologized for delay.

Mr. Archuleta presented a letter to the ILGC from the NMLGC regarding guaranteed revenue streams. The Taxation and Revenue Department did a presentation in August regarding General Fund estimates. The table attached to the letter demonstrates this analysis, but does not show property taxes or governmental gross receipts. The general sales taxes, selective sales, income tax (oil and gas) severance tax, total interest, rents and royalties were evaluated. The columns break down FY 17, 18, 19 into estimates in the millions; the analysis regarding revenues for land grants were made using FY 19, Aug 2017 estimates. The guaranteed revenue per land grant that this analysis would achieve would be \$20,000-30,000 per year, which would keep land grants under the \$50,000 audit cap. Funding 40 plus land grants at \$30,000 each would cost \$1.2 million and would represent .0002% of the state budget. Funding could be taken (\$300,000 each) from Base Gross Receipts Taxes, Gaming Excise Tax, Corporate Income Tax and licensing fees. This would represent .0001%, .005%, .004% and .005% respectively from each of these sources from the projected FY 2019 revenue base. The Council might ask the ILGC and State of New Mexico if there are more appropriate sources of funding. The YCC, for instance, gets \$5 million per year from government gross receipts.

Councilor Martínez made a motion to approve the Council letter regarding guaranteed revenue streams for land grants to the Interim Land Grant Committee. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

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

No representative from the Forest Service attended the meeting. Mr. Archuleta reported that MOU between Region 3 and the Council has been forwarded to the Forest Service legal department and Ericka Luna anticipates that the NMLGC will have a draft for November meeting, if rescheduled. Ms. Luna also asked if a land grant would host a national agroforestry organization during their annual meeting in New Mexico on November 15 for a tour of a land grant and acequia that demonstrates agriculture and the role of the forest. Ms. Luna will also give an update on the acequia situation at San Antonio del las Huertas soon.

The NMLGC staff recently met with planners from the Carson, Santa Fe, and Cibola National Forests regarding recommendations the Council submitted reflective of the Hassell Report and Hurst Policy Memo. USFS staff believed they've incorporated land grant interests sufficiently. There was an interesting discussion regarding plan components. USFS staff believes that *desired conditions* and management approaches are the most important and allow for the most flexibility in implementing the plan. Most people are interested in having their interests represented in *standards* and *guidelines* because they are requirements that offer little or no deviation. The Council also received a letter from Carson supervisor James Duran on behalf of all forests thanking the Council for their comments. The forests are also developing monitoring plans which evaluate success of the plan and its implementation. USFS planners are not trained in planning. The only professional planner participating in the discussions is Mr. Archuleta; everyone else has expertise in other areas. Ms. Jácquez-Ortiz asked if Council staff feel as though our concerns have been heard; Mr. Archuleta responded that staff have consistently met deadlines.

#### **7. Discussion and Possible Action Game and Fish and Tierra Amarilla L.G. – Approval of letter to Department of Game & Fish**

Councilor Martínez motioned to approve a letter to the New Mexico Department of Game and Fish thanking the Commission for its decision to transfer of the Laguna del Campo to the Tierra Amarilla. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

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

Marlo Aragón (Office of the Attorney General) reported that they are working on the 2017 Report, which will be presented to the ILGC at November 20<sup>th</sup> meeting. The Mora Land Grant asked for a meeting with the Attorney General regarding the partition bill. Ms. Aragón asked the Council if they would like to attend the meeting. The AG's office also received questions from DFA regarding support fund usage. Councilor Martínez asked if the Mora Land Grant has submitted reports on elections. They have not. They held their last elections in 2006 and have since appointed people to fill positions and reorganized the board. Chairman Sánchez stated that the AG's office should ask for proof of election. Councilor Martínez also asked if the AG's office will ask for the restoration of Treaty Division funding; Chairman Sánchez stated that the NMLGC should submit a letter to the ILGC regarding the importance of funding the Treaty Division.

#### **9. Discussion and Possible Action on Legal Services Contract Update – Approval of Legal Services Request, Amicus Brief Update**

Mr. David Benavides could not attend the meeting. He has been working with the Abiquiú Land Grant to contest water priority dates for livestock uses offered by the Office of the State Engineer and with the Tierra Amarilla LG regarding the disputed "Tierra O Muerta" tract. He is also working in the amicus brief regarding the Parkview ditch Spanish language dispute. In April 2017, the two parties attempted arbitration and settlement. The lower court found for the Parkview ditch. The plaintiffs (the Peppers) appealed and filed their brief in chief with the District Court. The defendants have until mid-December to file their brief and the amicus brief needs to be filed shortly thereafter. The Peppers argument is that they were not able to participate in the election because it was held in Spanish. In a recent court case with New Mexico League of Women Voters, the New Mexico Supreme

Court held that the provision in the law cited by the Peppers intended to protect Spanish speakers and applies only to discrimination against Spanish speakers. In other words, the Peppers use of this New Mexico Constitutional provision rests on protection of English speakers, which NMSC just held against. Councilor Martínez made a motion reaffirming the New Mexico Land Grant Council's support for the New Mexico Legal Aid's work on this case. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

#### **10. Discussion and Possible Action on Council FY 2018 Budget**

Mr. Archuleta reported on the billing from mid-August totaling \$19,726.60 and updated Council members on their travel.

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

Mr. Archuleta presented payment request #1, with a narrative and UNM billing. This is a challenge to bill for multiple months as the contract requires UNM to bill monthly. UNM does not generate billing until the 6<sup>th</sup> or 7<sup>th</sup> day to allow all billing to hit the books and has a rule that all contracts need to be submitted by 20<sup>th</sup>, which behooves the Council to change the November meeting date from November 3<sup>rd</sup>.

Councilor Padilla-Gutiérrez made a motion to approve the billing in payment request #1; Councilor Martínez seconded the motion. The motion passed unanimously.

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

Two requests are officially in and one is pending. The deadline for submittal is October 31<sup>st</sup>. San Antonio de Las Huertas and the Town of Tomé Grant have submitted applications and there is interest from San Miguel del Bado and Cañón de Carnué. Councilor Martínez asked if the Juan Bautista Baldez grant has submitted an application; Mr. Archuleta responded that they had not.

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

Jacobo Baca (NMLGC) reported that the Don Fernando de Taos Grant has submitted election certificates and updated by-laws.

#### **15. Discussion and Possible Action on Correspondence Received by the Council – Carson NF, Aspen CRM**

Carson NF supervisor James Durán submitted a letter thanking the Council for their comments and participation. Aspen CRM and inquired about land grants in a Santa Fe Fireshed Ethnographic Project.

#### **16. Discussion and Possible Action on Land Grant Studies Program Update - Approval of letter supporting as Master's and Doctoral Degree in Chicano Studies**

The LGSP has continued supporting land grant through archival research and analysis and plans to publish a second working paper on Emmanuel Storey's research regarding mapping land grant boundaries. The Chicana and Chicano Studies Department is working to create a MA/PhD program and is soliciting letters of support from the community. Chairman Sánchez, Cheyenne Trujillo, Arturo Archuleta and Cheyenne Trujillo discussed the potential for the graduate program from the community, student, faculty and staff perspectives. Councilor Padilla-Gutiérrez commented that any program that encourages students to complete their education is good. Councilors Martínez and Padilla-Gutiérrez

and Chairman Sánchez all commented and agreed that the NMLGC wants to see that classes regarding land grants and acequias are taught and this should be expressed to the CCS Department. Mr. Archuleta offered that the Council will submit two letters, the first, offering support for the MA/PhD program and the other stating the importance of classes on land grants and acequias. Land grants and acequias generally would like to see representation from the land grant and acequia community on the advisory committee. Joaquín Arguello (Arroyo Hondo Arriba) might be such a person.

Councilor Padilla-Gutiérrez made a motion approving the letter of support and directing Council staff to draft another letter expressing their request that classes be taught on land grants and acequias and for representation on the CCS advisory committee; Councilor Martínez seconded the motion. The motion passed unanimously.

### **17. Discussion and Possible Action on Staff Assignments – Digitization of SANM microfilm**

Mr. Archuleta reported that administrative costs have allowed the hiring of a student to aid the Council. The student will work under Jacobo Baca’s supervision and will organize archival records and digitize the microfilm copy of the Spanish Archives of New Mexico.

Councilor Padilla-Gutiérrez made a motion to hire student to digitize and organize archival records, including Spanish Archives of New Mexico, for the New Mexico Land Grant Council; Councilor Martínez seconded the motion. The motion passed unanimously.

### **18. Public Comments – discussion only**

Daniel Antonio Herrera reported the results of the Manzano Land Grant election. Francisco “Comanche” Gonzales reported that the Cristobal de la Serna Land Grant board may ask the NMLGC to intercede on its behalf for the memorial introduced by Senator Richard Martínez regarding the 1941 survey of land in Taos County. The Cristobal de la Serna LG has also worked to involve Attorney General Balderas and the grant would also like David Benavides to examine the situation. Chairman asked that the Cristobal de la Serna Land Grant make an official request to the Council for legal services.

### **19. Miscellaneous Announcements**

Mr. Archuleta reported that the State Auditor might change how they do certification in light of the new \$50,000 audit requirement law.

### **20. Date and Location for November and December Council Meetings**

The Council will next meet on Nov. 9 at the UNM Science and Technology Park (Albuquerque, NM) and its December meeting at the Science and Technology Park (Albuquerque, NM) on December 8th, 2017.

### **23. Adjournment**

Councilor Martínez made a motion that the meeting adjourn. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously. The meeting adjourned at 12:30pm.

**Approved:**

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Chair

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Date