

New Mexico Land Grant Council (NMLGC)
November 9, 2017 - 10:00 am
Science & Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes – FINAL

Regular Council Meeting

1. Call to Order and Roll Call

Chairman Juan Sánchez called the meeting to order at 10:11am. Roll call of the Council members: Leonard Martínez, Rita Padilla-Gutiérrez, Macario Griego and Juan Sánchez were present. Lee Maestas was absent.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Leonard Martínez (NMLGC); Macario Griego (NMLGC); Lisa Morrison (BLM); Arturo Archuleta (staff – NMLGC/UNM-LGSP); Ericka Luna (USFS); 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); Patricia Domínguez (Office of Sen. Martin Heinrich).

3. Approval of Agenda

Councilor Leonard Martínez made a motion to approve the agenda; Councilor Rita Padilla-Gutiérrez seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of October 26, 2017

Councilor Martínez motioned to approve the meeting minutes of the October 26th, 2017 Council meeting; Councilor Macario Griego seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on Appointment of Chair and Vice-Chair

Councilor Martínez made a motion to appoint Councilor Juan Sánchez as Chair of the New Mexico Land Grant Council; Councilor Padilla-Gutiérrez seconded the motion; the motion was approved unanimously. Councilor Martínez thanked Councilor Griego for his service and expressed his pleasure in seeing him at the days meeting. Councilor Martínez then nominated Councilor Rita Padilla-Gutiérrez as Vice-Chair of the New Mexico Land Grant Council; Councilor Sánchez seconded the motion. The motion was approved unanimously.

6. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) reported that the New Mexico Land Grant Consejo and the San Antonio de Río Colorado Land Grant were added to the state land exchange interested parties list. The New Mexico State Land Office (SLO) will hold meeting regarding the exchange of lands between the BLM and SLO in the Río Grande del Norte National Monument and in southern New Mexico. The SLO will hold meetings regarding the land exchange in Santa Fe on December 5th, Ruidoso on December 7th, and Roswell on December 8th. Mr. Arturo Archuleta (NMLGC) stated that a copy of the letter received from the BLM is

in the packet, but does not include a map, only the township, range and sections, which may be confusing for the public to extrapolate. Ms. Morrison remarked that she shared comments by Mr. Archuleta and Ms. Elizabeth Reitzel of Rep. Michelle Luján-Grisham's office regarding the lack of map in the mailer and was told that this was the typical format for official mailings. Councilor Martínez reported that the San Joaquín del Río de Chama Land Grant will entertain a resolution opposing the transfer at their next meeting. They fear that easements that are not on state lands could be pulled once they are on BLM lands. Ms. Morrison recommended a meeting with the BLM land experts. Mr. Archuleta asked if there was public input in process. Ms. Morrison replied that there were stakeholder meetings, but there was no other publicity or SLO requirement for a public meeting, but there may be a comment period at the ends of the process. Ms. Morrison suggested that Debbie Lucero, the New Mexico BLM state lead for realty, could attend the next Council meeting or could schedule a separate meeting with the Council.

Ms. Morrison reported that Sarah Schlanger of the BLM Taos Field Office reported that they have yet to receive an application from the San Miguel del Bado Land Grant for the return of their cemetery. Schlanger provided information to Michelle Jasckle of the Legislative Council Service for the Interim Land Grant Committee regarding fees and the process, which include a \$100.00 fee and a management plan. The BLM will eventually do a survey, but surveyors are busy working on the BLM-SLO land exchange. Ms. Morrison reported that Victoria Barr is responsible for setting the agenda for the Farmington Resource Advisory Council. Councilor Martínez stated that the wood that the San Joaquín del Río de Chama LG has thus far received is appreciated, but that they are hoping for a long term plan from the BLM to provide for the fuelwood needs of their communities. Ms. Morrison stated that she can invite Mark Coca to the next Council meeting to discuss wood. She also reported that there are no new updates regarding the Sabinoso Wilderness. The donation from the Land Trust was approved and the wilderness could be opened for hunting soon. Ms. Morrison also mentioned that she send an e-mail to Mr. Archuleta requesting any contact info for Ohkay Owingeh Pueblo.

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

Ms. Aragón was unavailable, citing emergency litigation.

9. Discussion and Possible Action on Legal Services Contract Update – Work Update

Mr. David Benavides could not attend the meeting; Mr. Archuleta provided the update. He reported that Mr. Stony Jaramillo, President of the Anton Chico Land Grant, requested assistance in a matter regarding water and the City of Santa Rosa, which was reported to the Interim Land Grant Committee during their meeting in Tomé on October 30th. In the 1930s, the Anton Chico LG gave the City of Santa Rosa a well on grant to provide for drinking water to Santa Rosa and to help alkali levels found in their water. Santa Rosa now sells water and wishes to create another well. Councilor Padilla-Gutiérrez made a motion directing New Mexico Legal Aid to assist the Anton Chico Land Grant regarding water on their grant. Councilor Griego seconded the motion; the motion passed unanimously.

Per David Benavides, the Office of the State Engineer (OSE) has reversed its plan to vacate its priority declaration regarding water rights on the common lands of the Merced de Pueblo de Abiquiú (LG). The Abiquiú Land Grant had been in negotiation with the OSE

without the advice of Mr. Benavides, believing that they were protected from an upstream user through an older priority date. When the OSE offered a priority date in the 1950s, Abiquiú mistakenly agreed; where the upstream user had a priority date in 1700s. Mr. Benavides sent a motion to vacate order based on lack of authority of Merced de Pueblo de Abiquiú president David Archuleta to sign without an official board action. The OSE had agreed to not contest the motion to vacate but reversed this course, believing that the Abiquiú bylaws allow the President to sign without consulting the board or the membership.

Mr. Archuleta reported that New Mexico Legal Aid, the law firm of Holland and Hart and the UNM Law School Natural Resources Law Clinic are working to write and submit the amicus brief supporting the Parkview Community Ditch Association's right to conduct their meetings in Spanish. The brief is due December 7th; the NMLGC will be provided a copy of the brief at the December 8th meeting. New Mexico Legal Aid, to date, has not submitted any billing.

10. Discussion and Possible Action on Council FY 2018 Budget

Mr. Archuleta presented the November 2017 update (handout). Chairman Juan Sánchez and Vice-Chair Rita Padilla-Gutiérrez are both over the threshold for travel reimbursement, meaning they will have to send memos notifying the Governor's office that they are over. Billing to the UNM contract for October 2017 totals \$31,746.23, which includes expenses from the first quarter.

11. Discussion and Possible Action on UNM Contract

Mr. Archuleta presented payment request #2, with a narrative and UNM billing. The request includes \$9,978.28 for personnel costs, as well as \$1,435.18 in travel, \$2,282.69 in Facilities and Administrative costs for \$13,696.10 in total.

Councilor Padilla-Gutiérrez made a motion to approve the billing in payment request #2; Councilor Griego seconded the motion. The motion passed unanimously.

12. Discussion and Possible Action on Land Grant Support Fund – Review and Possible Approval of LGSF Applications

Four (4) applications for Land Grant Support Fund have been submitted. They are (in order that they were received):

- San Antonio de Las Huertas Grant – \$4,500.00 - for improvements to picnic area that UNM Planning School constructed on grant property. The grant hopes to make it a revenue generator as a rental for parties, reunions, etc. \$2,500.00 to grade and gravel the parking area; \$2,000.00 for a picnic awning.
- Town of Tomé Grant – \$4,000.00 – including \$2,600.00 to digitize land grant records on microfilm for accessibility. Mr. Archuleta offered the services of the UNM Land Grant Studies Program, which can digitize the records at no cost. UNM-LGSP will contact Tomé president Andrea Padilla to discuss further. Other costs include \$400.00 for a new printer and \$1,000.00 for signage/advertising and operating expenses. [Councilor Martínez asked if the LGSP / NMLGC can make signs for all land grants or stencils that they can copy. Mr. Archuleta responded that we can do so by request or set aside a specific amount of funding in future budgets to do so, but may be able to

create and share stencils at no cost. The expense lies in the production of the signs. Chairman Sánchez suggested we ask land grants if they are interested in such a service. Mr. Archuleta stated that he would look into it.]

- Juan Bautista Baldez Grant - \$150,000 – to evaluate and possibly purchase a trailer that was built on land grant property that is in foreclosure. The well on the property is collapsing and the water association has not yet been in conversation with the grant. Other projects could include the purchase of fencing materials and signage for the Green Acres property. Mr. Archuleta suggested that the Council give the remaining \$3,600.00 from the other three requests.
- San Miguel del Bado Grant - \$3,500.00, for a commercial range and oven for their senior citizens center in San Miguel.

Councilor Griego made a motion to fund the Land Grant Support Fund requests at the following: the San Antonio de las Huertas Land Grant at \$4,500.00; the Town of Tomé Land Grant at \$1,400.00; the Juan Bautista Baldez Land Grant at \$3,600.00; and the San Miguel del Bado Land Grant at \$3,500.00. The total Land Grant Support Fund requests funded for FY 2017 is \$13,000.00. Councilor Martínez seconded the motion; the motion passed unanimously.

13. Discussion and Possible Action on Federal and State Legislation

Federal – Ms. Patricia Domínguez (office of Sen. Martin Heinrich) reported that the cemetery issue was discussed at the last land grant / forest service quarterly meeting in Española on December 8th. Ms. Morrison (BLM) commented that she would like to see any cemetery information that lands grants submit to gauge how the BLM can help. It was also mentioned during the Interim Land Grant Committee meeting in Tomé and came up at quarterly congressional conference call. Ms. Domínguez stated that she will get with Mr. Archuleta and Maya Hermann of Sen. Heinrich’s Washington DC office to discuss further.

Regarding the Piedra Lumbre Visitor Center, the NMLGC is still waiting any word from the Carson National Forest / USFS on the property. The delay has caused the Abiquiú grant to withdraw interest. Mr. Archuleta stated that he spoke with Canjilón ranger Alicia Gallegos, who said they are short staffed, and offered to copy the property files and distribute on behalf of the NMLGC. Ms. Elizabeth Reitzel of (office of Rep. Michelle Lujan Grisham) remarked that they were supposed to get an update at the end of October and have received nothing. Ms. Domínguez asked if the donor of the property had an heir or is the land was held by a trust, or if there were other entanglements. Ms. Michele Jáquez-Ortiz (office of Sen. Tom Udall) commented that it seems that how the property was placed on the disposal list remained unclear. Mr. Archuleta added that in July 2017, the FS promised trust documents, donation documents, information on the structure on the property, a discussion of the FS-FREA (Facilities Realignment Act), the possible strategy of a transfer to the BLM than the interested land grants, easements, and costs to the buyer for the appraisal / survey. Mr. Jacobo Baca commented that Carson NF supervisor James Durán asked for a commitment on the part of the interested land grants and the NMLGC if the forest service continues to prepare the property for disposal, and that Mr. Baca responded that a blind commitment without an appraisal was unlikely. Councilor Martínez responded that the NMLGC paid \$14,000 for a study and the Interim Land Grant Committee is interested and the State of New Mexico might partner as well. Ms. Domínguez stated that she understands

that all of the FS employees that held the institutional knowledge were involved very late in the process. Mr. Archuleta stated that the FS and NMLGC were supposed to schedule a meeting for the first week of November 2017 after the distribution and review of documents and commented that some items may be in Rio Arriba County offices.

Ms. Reitzel provided an update on Farm Bill legislation. She was asked by Agriculture Committee staffers for more historical background on land grants and acequias and has been busy clarifying this history and answering questions. The mark up of Farm Bill will not happen until January or February 2018. Ms. Reitzel commented that she liked the recommended language provided by the NMLGC in their comments. Ms. Jácquez-Ortiz reported that the precise definition of the amendment that directly referenced land grants and acequias was an issue on the Senate version of the bill. Mr. Archuleta offered that according to Stephanie Harding and Emma Hamilton (DC office of Sen. Tom Udall), the Senate wants less specificity while the House is open to a very specific definition. Ms. Jácquez-Ortiz stated that a conference committee will bring the two versions together, but the final version may need to be more deliberative, more broad and less prescriptive. She offered that perhaps Mr. Archuleta could discuss this further with Ms. Harding and Ms. Hamilton in December. Chairman Sánchez and Mr. Archuleta reported that they have received no word on progress with the traditional use rights bill.

Mr. Archuleta reported that the northern New Mexico stockmen have an interest in reviving the 1998 Bill Redmond / Newt Gingrich land grant commission bill. Congressman Steve Pearce, who is running for NM Governor in 2018, is now interested in this legislation. A comprehensive bill was drawn up in 2009 and offered to the NM Congressional delegation but was considered "too comprehensive." The proposed bill was parceled out into numerous bills that each representative would introduce, with Rep. Ben Ray Luján championing traditional use rights, Sen. Tom Udall focusing on a trust fund, Rep. Michelle Luján Grisham on the EQIP program, etcetera. Rep. Pearce's staff is reviewing a reworked version of the bill and will come back to us. Nothing has been submitted to the Consejo as of yet, and nothing official has been received or sent by the NMLGC.

Chairman Sánchez asked Ms. Jácquez-Ortiz if any word has been received regarding the land grant trust fund. Ms. Jácquez-Ortiz replied that Stephanie Harding will discuss a framework with Mr. Archuleta soon. Ms. Jácquez-Ortiz and Ms. Domínguez reported that the last quarterly meeting with land grants and the Carson NF showed how the relationship between the Camino Real Ranger District and the Trampas and Santa Bárbara Land Grants have improved, especially under the leadership of District Ranger Sean Ferrell. Santa Bárbara LG president Bonifacio Vásquez has offered many compliments, even though the grant has received no feedback on their unsuccessful CFRP application.

State

Chairman Juan Sánchez stated that the final Interim Committee meeting is on November 20th and that the Committee will endorse any legislation at that meeting. Mr. Archuleta reported that Mark Edwards (LCS staff assigned to the ILGC) asked him to present regarding guaranteed revenue streams for land grants at the October 30th ILGC meeting in Tomé. As a result, Rep. Miguel García asked Mr. Edwards to begin drafting a bill regarding

resources. Councilor Martínez thanked Mr. Archuleta and Town of Tomé President Andrea Padilla for their presentations.

7. Discussion and Possible Action on Forest Service Update

Ericka Luna (USFS) reported on behalf of the Forest Service. Ms. Luna stated that the Forest Service does not advocate for legislation, but was curious regarding the congressional delegation or Senator Heinrich's work on cemetery legislation. She offered the assistance of the Forest Service, reminding that the Forest Service cannot dispose of land like BLM. Ms. Domínguez reported that Maya Hermann of Senator Heinrich's DC office reached out to Energy Committee staffers, who said that this was not uncommon for older cemeteries across the west to be on forest system lands. The issue more unique to New Mexico is that the cemeteries are both active and historic. Mr. Archuleta also mentioned landlocked communities surrounded by the Forest Service like Las Trampas, where the Forest Service does not want to be in the business of permitting. Ms. Luna agreed, adding that they are difficult to manage, and will not be cancelled by the Forest Service.

Ms. Luna commented that she took notes regarding the earlier conversation regarding the Piedra Lumbre Visitors Center and will pass the information onto the appropriate parties in the Forest Service. She also said she received a request from Mark Edwards to present at the November 20th ILGC meeting in Santa Fe. She said Region 3 is continuing to work on the MOU with the NMLGC, and added that two other state agencies are doing the same; the process is slow and they hope to sign it in January 2018. The Society of American Foresters is having their annual conference in Albuquerque and is discussing agro-forestry. Twenty-nine participants will discuss agro-forestry through traditional agriculture and forestry practices in the southwest. Participants are excited to learn about traditional uses and communities in the southwest. Councilor Martínez thanked Ms. Luna for her work and reported that the San Joaquín del Río de Chama Grant tabled plans for fencing because there is no NEPA completed. They have shifted their interest and energies to the Piedra Lumbre Visitor's Center.

14. Discussion and Possible Action on Land Grant Registry

None.

15. Discussion and Possible Action on Correspondence Received by the Council

Letters received from the BLM and the Santa Fe National Forest are in the meeting packet, as well as a copy of the cover letter sent to the Chicana and Chicano Studies Department at UNM.

16. Discussion and Possible Action on Land Grant Studies Program Update

The UNM LGSP is continuing its work assisting communities with research and technical assistance.

17. Discussion and Possible Action on Staff Assignments

None

18. Public Comments – discussion only

None.

19. Miscellaneous Announcements

The New Mexico Land Grant Consejo will hold its 2nd Annual Legislative Dinner on November 20th. Cheyenne Trujillo (NMLGC) reported that she is meeting with focus groups regarding her program evaluation.

20. Date and Location for November and December Council Meetings

December meeting at the Science and Technology Park (Albuquerque, NM) on December 8th, 2017.

21. Adjournment

Councilor Padilla-Gutiérrez made a motion to adjourn the meeting; Councilor Macario Griego seconded the motion. The meeting adjourned at 12:36pm.

Approved:

Chair

Date