

New Mexico Land Grant Council (NMLGC)
December 8, 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, Macario Griego and Juan Sánchez were present. Lee Maestas was absent.

2. Introduction of Guests

Juan Sánchez (NMLGC); Leonard Martínez (NMLGC); Macario Griego (NMLGC); Lisa Morrison (BLM); Arturo Archuleta (staff – NMLGC/UNM-LGSP); Jacobo D. Baca (staff – NMLGC/UNM-LGSP); Michele Jácquez-Ortiz (Office of Sen. Tom Udall); Patricia Domínguez (Office of Sen. Martin Heinrich); (Office of Sen. Martin Heinrich); Manuel Trujillo (SBLG) .

3. Approval of Agenda

Councilor Leonard Martínez made a motion to approve the agenda; Councilor Macario Griego seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of November 9, 2017

Councilor Martínez motioned to approve the meeting minutes of the November 9th, 2017 Council meeting; Councilor 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 Mark Coca and Debbie Lucero are unable to attend today's meeting. On December 12, she, Mr. Coca, Ms. Lucero and Nate Combs (all BLM) will meet with NMLGC Chair Juan Sánchez and NMLGC staff. Ms. Morrison reported that the Farmington RAC has postponed its meeting to January 30th. The BLM New Mexico office received feedback from the DC office on draft alternatives of Mancos Gallup management plan. The BLM needs to complete items with the BIA and will work with cooperating agents thereafter, hopefully in 3-4 weeks. Councilor Martínez asked if the cooperating agencies will meet before the draft alternatives are made public; Ms. Morrison responded that the RAC will meet. Councilor Martínez asked Chair Sánchez for NMLGC staff assistance

with the San Juan RMP. Ms. Morrison reported that the San Juan RMP is a priority because of energy development in the region. The Rio Puerco plan has been delayed. Councilor Martínez reported that he and NMLGC staff member Arturo Archuleta met with Patrick Padilla of the New Mexico Oil and Gas Association regarding oil and gas production on the historic lands of the San Joaquín del Río de Chama LG. Ms. Morrison commented that she spoke with Mark Coca about a long term plan for fuelwood for the San Joaquín del Río de Chama Land Grant, including fuelwood cleared from utility easements.

Ms. Morrison discussed the Rio Grande del Norte National Monument RMP, which is in holding mode, especially in light of the reductions of the Bears Ears and Escalante Staircase National Monuments. Mr. Archuleta clarified that there was no loss of federal land; Ms. Morrison responded that his statement was correct, that the land remains federal land but the areas removed are no longer part of a national monument. Ms. Morrison also reported that the links to maps regarding the BLM and New Mexico State Land Office land exchange have been sent via e-mail.

7. Discussion and Possible Action on Forest Service Update – Including approval of FOIA letter for PLVC

Mr. Archuleta reported that he met the Alicia Gallegos (Canjilón Ranger) of the Carson National Forest regarding the Piedra Lumbre Visitors Center. Ms. Gallegos stated that they are compiling documents and will provide them as soon as possible. Mr. Archuleta stated that the NMLGC will need to submit a FOIA request for materials relating to the PLVC and presented a draft letter making the request. Councilor Martínez made a motion approving the letter; Councilor Macario Griego seconded the motion. The motion passed unanimously.

Councilor Martínez reported that he received a response from the BLM regarding a FOIA request relating to the San Joaquín del Río de Chama Land Grant. The BLM stated that it will take some time to process the request. Mr. Archuleta reported that he, Jacobo Baca and LM García y Griego gave a presentation on land grant history and their current status to an agroforestry conference meeting in Albuquerque at the request of Ericka Luna. The group met in Tomé and was hosted by Councilor Rita Padilla-Gutiérrez and Andrea Padilla, president of the Town of Tomé Land Grant.

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

Ms. Marlo Aragón apologized for not being at November 20th Interim Land Grant Committee meeting; she was directed to work on litigation. She reported that the Treaty Division remains unfunded and that all questions regarding Treaty Division need to go to Tanya Maestas. Chairman Sánchez asked that Tanya be at the next NMLGC meeting. Mr. Archuleta asked if the FY 2017 report is complete; Ms. Aragón responded that it is in progress and that questions should be directed to Tanya Maestas.

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. Billing was submitted by NM Legal Aid but is not represented in the current report. Mr. Benavides has been working on two cases in particular. The first is a US District Court case regarding a disputed Merced de Pueblo de Abiquiú water right handed down by the Office

of the State Engineer. Mr. Benavides sent a motion to vacate order (a draft was given to board members) based on lack of authority of Abiquiú president David Archuleta to sign without an official board action. The OSE believes that the Abiquiú bylaws allow the President to sign without consulting the board or the membership. Mr. Benavides sent a reply to a response in opposition of his motion to vacate consent orders filed by OSE attorneys where he argued that president still needs board approval.

The second case regards the Parkview Community Ditch Association. 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 (a long draft given to Council members) supporting the Parkview Community Ditch Association's right to conduct their meetings in Spanish. Parkview attorney missed deadline and asked for extension; the abovementioned attorneys need to see David Sanchez's brief before submitting theirs because they briefs cannot be repetitive. They will have seven days from submittal by Mr. Sanchez to submit their amicus brief.

10. Discussion and Possible Action on Council FY 2018 Budget

Mr. Archuleta presented the December 2017 update (handout). Billing to the UNM contract for December 2017 totals \$41,876.82, which includes expenses from the first quarter. 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. The Director of Boards and commissions has changed; it is no longer Trevor Crombie and is now Kyler Nerison.

Mr. Archuleta presented information regarding Department of Finance and Administration fees. The NMLGC reverted \$1,100 because of a change in the administrative fee that DFA charges. In the current budget, there is a \$3,400 item for the DFA fee, which is adjusted for the FY 2017 decrease in budget. DFA spent \$2,300 and Mr. Archuleta asked DFA if the \$2,300 would represent the total amount that would be spent. DFA responded that it would be premature for NMLGC to reallocate the monies until March 2018. The NMLGC statute, however, allows NMLGC to control its funds, meaning that the \$1,100 difference could be reallocated to the land grant support fund by adjusting current requests or allow for another request or could go to publishing and producing an updated guidebook.

Councilor Griego responded that he understood Juan Bautista Baldez LG asked for more than the amount awarded (\$3,600.00). Mr. Archuleta responded that in speaking with Higinia Gallegos (president, Juan Bautista Baldez LG), she commented that their projects include the rehabilitation of a well, which may be costly.

Councilor Martínez motioned to reduce the administrative fee paid to the Department of Finance and Administration by \$1,100.00. Councilor Griego seconded the motion. The motion passed unanimously.

The motion reduced the DFA fee from \$3,400.00 to \$2,300.00 and increased the Land Grant Support Fund from \$13,000.00 to \$14,100.00.

11. Discussion and Possible Action on UNM Contract

Mr. Archuleta presented payment request #3, with a narrative and UNM billing. The request includes \$8,135.20 for personnel costs, as well as \$306.96 in travel, \$1,688.43 in Facilities and Administrative costs for \$10,130.59 in total.

Councilor Martínez made a motion to approve the billing in payment request #3; 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

Mr. Archuleta reviewed the awarded Land Grant Support Fund applications.

- San Antonio de Las Huertas Grant – \$4,500.00 - for improvements to picnic area constructed on grant property. \$2,500.00 to grade and gravel the parking area; \$2,000.00 for a picnic awning.
- Town of Tomé Grant – \$1,400.00 – for office equipment, signage materials, and advertising.
- Juan Bautista Baldez Grant - \$3,600.00 – 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 in need of rehabilitation; and for fencing materials for land grant property.
- San Miguel del Bado Grant - \$3,500.00 - for a commercial range and oven for their senior citizens center in San Miguel.

The total Land Grant Support Fund requests funded for FY 2017 is \$13,000.00.

Councilor Griego asked if the Council would receive more interest in the Land Grant Support Fund if purchased did not need to be paid by the grant and then reimbursed. Mr. Archuleta responded that land grants can be given an advance on an unpaid invoice and those vendors accustomed to working with the state do provide goods or services before payment. Councilor Martínez added that an unpaid invoice requires due diligence on part of land grant to stay on top of vendor.

13. Discussion and Possible Action on Federal and State Legislation

Federal –

Michelle Jácquez-Ortiz (Office of Sen. Tom Udall) reported that there are no developments on EQIP funding amendments. Regarding the trust fund, she understood that the State of New Mexico is interested in proposing a bill and that Senator Udall is awaiting a framework and draft language. Mr. Archuleta responded that state funding would likely be akin to other units of government, with funding deriving from distributions from gross receipts and taxation and not be a trust fund. Land grants would need to budget and report. A federal trust fund could result in distributions to land grants, but land grants might apply to fund or attain a grant for items like land purchases. Ms. Jácquez-Ortiz responded that she was unsure how prescriptive the legislation might be.

Mr. Archuleta reported that the NMLGC hopes to have a review of draft federal legislation completed in next month or so. Ms. Jácquez-Ortiz responded that she will share timeline with Stephanie Harding of Sen. Udall's Washington DC office.

Ms. Patricia Domínguez (Office of Senator Martin Heinrich) stated that the New Mexico Mortgage Finance Authority has federal funding to assist with the weatherization of homes. The funds target elderly and disadvantaged and may be used to fix roofs, weatherize windows, provide new water heater and new furnaces and improve safety and money saving features. She also stated that she plans to meet with Mr. Archuleta regarding cemetery legislation. Mr. Archuleta reported that he spoke with Elizabeth Reitzel of Congresswoman Michelle Luján-Grisham's office regarding EQIP legislation. There were issues with how a land grant was defined and differences in the House and Senate versions of the bill. Councilor Griego reported similar issues take place with insurance companies that have no working definition of what a land grant is and are weary when one is provided. Mr. Archuleta responded that the NM Office of the Superintendent of Insurance could offer some clarification.

Ms. Domínguez introduced Eric Castillo, who joined Sen. Heinrich's staff, who will work out of the Santa Fe office, serving Taos and Colfax counties. Mr. Archuleta reported that he e-mailed Joseph Casados of Rep. Ben Ray Luján's office regarding traditional use legislation but has received no response. He also reported that Congressman Steve Pearce is working on draft legislation regarding the return of federal lands to land grants.

State

Chairman Sánchez commented that the 2018 New Mexico Legislative Session will start January 16, 2018. The only land grant legislation relates to the *lineas* of the Cristobal de la Serna Land Grant.

14. Discussion and Possible Action on Land Grant Registry

None.

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

None.

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

Mr. Archuleta stated that the UNM Land Grant Studies Program is working on youth development, collaborating with the MLECT on a film project and may apply for funding in March 2018. The LGSP also has an application in to the McCune Foundation. The LGSP is also hiring a student. Mr. Jacobo Baca reported that he has discussed title research and archival research with representatives of the Juan José Lobato LG.

17. Discussion and Possible Action on Staff Assignments

None.

18. Public Comments – discussion only

Councilor Martínez stated that the San Joaquín del Río de Chama LG is having its Christmas lunch and meeting in Capulín tomorrow (12/9/2017). The historic pueblo in Cañón de

Chama is threatened by water channeling and erosion. Chairman Sánchez asked if any grant has discussed applying to the Rio Grande Water Fund; Mr. Archuleta replied that the Santa Bárbara LG may apply. Manuel Trujillo (Santa Bárbara LG) responded that they will meet with Sean Ferrell of the USFS Camino Real Ranger District in Peñasco on Thursday, Dec. 14th, regarding cooperating with local land grants and the local population on projects, including Bear Mountain.

19. Miscellaneous Announcements

Chairman Sánchez reported that the CFRP workshop will be held in Santa Fe on January 10 and 11th, 2018.

20. Date and Location for January 2018 Council Meeting

The January NMLGC meeting will be at the Science and Technology Park (Albuquerque, NM) on January 19, 2018, 10am.

21. Adjournment

Councilor Martínez made a motion to adjourn the meeting; Councilor Griego seconded the motion. The meeting adjourned at 11:54am.

Approved:

Chair

Date