

New Mexico Land Grant Council (NMLGC)

July 7, 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); Macario Griego (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Leonard Martínez (NMLGC); Ericka Luna (USFS); James Alford (USFS); Lisa Morrison (BLM); Isaac Romero (Legislative Finance Council) Nicholas Maestas (Office of Rep. Ben Ray Luján); Diego Sánchez (Office of Rep. Ben Ray Luján); 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); LM García y Griego (UNM-LGSP); Antonio Maestas (intern – UNM-LGSP)

3. Approval of Agenda

Councilor Rita Padilla-Gutiérrez made a motion to approve the agenda; Councilor Macario Griego seconded the motion. Motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of June 22nd, 2017

Councilor Leonard Martínez motioned to approve the meeting minutes of the June 22nd, 2017 Council meeting; Councilor Padilla-Gutiérrez seconded the motion. Motion was approved unanimously.

5. Discussion and Possible Action on BLM Update

Lisa Morrison discussed BLM policies for obtaining fuelwood cleared on right of ways on transmission lines. People seeking to clear wood need to obtain permission from the field manager through a free use permit. The Río Grande del Norte is still redrafting alternatives and will not release these until the monument is considered. The report and review regarding the monument will be released soon. BLM representatives recently met with heirs of the Bartolomé Sánchez Land Grant regarding the Verde Transmission Line. While they offer their general support, they are concerned for Hernández Elementary School. The BLM has heard nothing from the Jacona Land Grant regarding the transmission line.

6. Discussion and Possible Action on Forest Service Update

Ericka Luna reported on behalf of the Forest Service. She presented the NMLGC's letter regarding the ticketing of individuals for wood gathering near Tierra Azul to James

Melonas (Santa Fe National Forest Supervisor). Mr. Melonas sees this as more than a law enforcement issue. He is examining how wood collection is handled on all Santa Fe National Forest districts and is working with Sandy Hurlocker of the Española District to discuss special use permits, which may allocate wood for a prescribed time and area. The terms describing what is allowable is being reviewed. Mr. Melonas understands that getting wood to community is generally good. He will attend the August NMLGC meeting and provide written response.

Forest Service law enforcement is administratively apart from Region 3 and reports directly to the Washington DC office. The Forest Service ran reports on the incident and no record of citations or warnings were found in their database. Ms. Luna introduced James Alford, who has returned to Region 3 as a law enforcement officer after time away in Oklahoma, Arkansas and at the training academy, as well as time at the BIA and Department of the Interior. Mr. Alford reported that he looked in the database himself and found nothing related to the allegations. Councilor Martínez asked if citations were written or if they were an oral warning. Mr. Alford responded that a citation notice or warning is written and oral warnings may be found only in the incident report and work log. Councilor Martínez asked for the average fuelwood ticketing in the Carson and Santa Fe National Forests. Mr. Alford did not know the exact number offhand, but promised to get back to Councilor Martínez with the information. Mr. Alford commented that officers have discretion when issuing warnings or written violations. They may gauge public safety concerns, like the vehicle's condition, or the presence of alcohol and firearms.

Mr. Alford reported that there are a total of 45 Forest Service law enforcement officers in Region 3, including 4 officers for the Cibola, Carson and Santa Fe Forests and 3 more in training. Councilor Martínez commented that 80% of people in northern New Mexico use fuelwood and that it is more of a socio-economic issue rather than a law enforcement issue. Mr. Alford responded that law enforcement will support the resource management prerogatives of Region 3 regarding permitting and fuelwood collection. Councilor Martínez asked of the effect of the new administration on FS law enforcement. Mr. Alford responded that in 2011, Region 3 had more than 70 officers and that they are trying to rebuild to that number. Commenting on the ticketing, Councilor Padilla Gutiérrez remarked that the number of reported tickets (11) seemed rather precise to be made up, and asked what the source of this number was and wondered why the tickets could not be found. Mr. Alford stated that searches within the date range on cases reported to the US Magistrate Court and the Central Violation Bureau did not turn up any results. He also inquired into local offices to see if any violations been issued but not reported, but there were none.

Councilor Griego asked about regulations regarding weapons on national forests. Mr. Alford responded that weapons are allowable to the extent that they are not violating state law and that they are not being carried by prohibited persons, including felons and minors. Chairman Sánchez mentioned that questions regarding the jurisdiction of FS law enforcement were raised in Land Grant 101 sessions. Mr. Archuleta added that the NMLGC can provide information about land grants to law enforcement officers that will work in the area and would like information about FS law enforcement for the land grant public. Ms. Morrison commented that the BLM would like to participate as well. Councilor Padilla-

Gutiérrez commented that land grant history is New Mexico history. Ms. Luna stated that the Forest Service acknowledges land grant history and the Forest Service's complicated history with land grants, but that it wants to build positive relationships on top of this history.

Ms. Luna reported that the Forest Service will provide an update on the Carson NF Forest Plan revision process at the Interim Land Grant Committee meeting next week. Positive relationships with the Santa Bárbara and Trampas Land Grants have been built through this process. She also acknowledged work with the Land Grant studies program and Dr. LM García y Griego and will share information on the Jesuscita Sandoval case. Finally, Ms. Luna reported that the North Crest Fire in the Sandia Mountains, $\frac{3}{4}$ miles north of the communications towers, is about 20 acres and the FS is working on full suppression. Back country trails to the site are closed. Ms. Morrison mentioned that the website NMfireinfo.com, run by the Southwest Fire Information Center, is good for fire updates.

7. Discussion and Possible Action regarding Land Grant Interim Committee Request – Game and Fish and Tierra Amarilla L.G.

Mr. Archuleta reported that the Tierra Amarilla Land Grant presented at the last Interim Land Grant Committee meeting regarding the planned closure of the Laguna del Campo (formerly Burns Lake) near the Los Ojos state hatchery. Laguna del Campo is designated for use by persons under 14 and over 70 and provides an important recreation and nutritional asset to the community, as well as economic development for the small business that sell goods to people who travel to the Tierra Amarilla area to fish the lake. The New Mexico Department of Game and Fish has decided to breach the dam. The New Mexico Game had meeting in Clayton where decision was made. It held no public meetings in the community affected by the decision. The entire discussion of the lake and its closure was held in closed executive session, which does not meet the spirit of the statute authorizing closed executive session. The decision to close the dam and transferring the management of its lands to New Mexico State Parks does not merit a private discussion. The NMLGC may consider asking New Mexico Legal Aid (D. Benavides) and the New Mexico Attorney General's office to work with Tierra Amarilla Land Grant to look into this matter. Marlo Aragón of the Attorney General's office suggested that the Tierra Amarilla LG probably needs to file a formal complaint to Open Government division. As reported, it does not seem that the discussion of the closure of the lake merits closed executive session. Chairman Sánchez stated that the NMLGC may offer a letter of support at the August NMLGC meeting.

8. Discussion and Possible Action on FY 2018 Open Meetings Act Resolution

Mr. Archuleta presented a revised draft of an Open Meetings Act Resolution. Councilor Martínez made a motion to approve the Open Meetings Act Resolution for FY 2018. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

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

Marlo Aragón presented an update on the Treaty Division. It will be on hold for FY 2018 and will be unstaffed for lack of funding. Staff will be transferred to Open Government

Division. It can continue limited work with the NMLGC, per Attorney General Hector Balderas. Ms. Aragón reported that she spoke with Florencio Mondragón of Cristobal de la Serna regarding the líneas legislation. She will attend the August 29th meeting of the Interim Land Grant Committee and will report regarding the accomplishments of the Treaty Division and provide an official report. Mr. Archuleta also reports that he received an inquiry about cultural properties in the Socorro area. LGSP mapper Emanuel Storey mapped the area in question and there are no land grants in the area.

10. Discussion and Possible Action on Legal Services Contract Update

Mr. Archuleta reported that the last billing invoice from NM Legal Aid has been received and the close out for the FY 2017 contract is included in the meeting packet. It is a multi-year contract and the NMLGC only needs to inform NM Legal Aid regarding the amount every year.

11. Discussion and Possible Action on Council FY 2017, FY 2018 and FY 2019 Budgets

Budget information is included in the meeting packet. \$1,152.95 of approved Land Grant Support Fund monies was reverted. Some was unspent and some was rejected for reimbursement by DFA. Land grants that receive awards must be sure to purchase only items that were specifically requested and approved. For example, if computers and printers were approved for purchase, land grants cannot purchase software for the computer and paper and ink for the printer. Councilor Martínez asked if UNM could aid land grants in purchasing software under departmental licenses. Dr. García y Griego responded that they probably could not do so.

Mr. Archuleta presented the FY 2019 NMLGC budget request. The budget request (\$365,000) is conservative and mindful of the state's economic situation. For every \$1 change is price per barrel of oil, the state budget fluctuates \$10 million. Budget projections were made based on \$48 per barrel: the price is now at approximately \$44 per barrel. Mr. Archuleta discussed 2019 staff recommendations. Councilor Griego commented that the Cañón de Carnué LG has yet to request funds from the Land Grant Support Fund and that future budget growth should center on the support fund. Councilor Martínez commented that the budget request was too conservative and the NMLGC should see a more substantial request. Mr. Archuleta stated that Councilor Griego need only recuse himself from the vote if the Cañón de Carnué LG were to request funding. Awards are made upon merit and there is a standing rule that no single grant received more than 20% of the fund in their request. The support fund is \$13,000 for FY 2018. Isaac Romero of the Legislative Finance Council (LFC) reported that the financial outlook for the state budget remains uncertain. Mr. Romero stated that the LFC only sees the NMLGC request as a single line item in the larger DFA request. It appreciates knowing these specifics and might ask DFA to submit these to the LFC. Mr. Archuleta responded that the NMLGC budget request is submitted to DFA, the LFC and the LCS staff of the Interim Committee.

Councilor Padilla-Gutiérrez made a motion supporting the FY 2019 budget request; Councilor Griego seconded the motion. Councilors Padilla-Gutiérrez, Griego and Sánchez

voted in support of the motion; Councilor Martínez voted against the motion. The motion was approved.

12. Discussion and Possible Action on UNM Contract for FY 2017 and FY 2018

Councilor Padilla-Gutiérrez made a motion approving pay request 11; Councilor Martínez seconded the motion. The motion was passed unanimously.

Mr. Archuleta presented the FY 2018 UNM contract. Councilor Griego made a motion to approve the FY 2018 UNM Contract; Councilor Martínez seconded the motion. The motion was passed unanimously.

13. Discussion and Possible Action on Land Grant Support Fund

The Land Grant Support Fund will be open to applications in August 2018.

14. Discussion and Possible Action on Federal and State Legislation

Federal Legislation –

Nicholas Maestas (Office of Rep. Ben Ray Luján) introduced Diego Sánchez, who is interning with Congressman Luján's office. Congressman Luján has looked at the latest draft of the Traditional Use Consultation Act. Mr. Maestas is doing additional follow up and will get the draft to stake holders around the August recess. Three legislative staffers are working on the legislation. Councilor Martínez asked of the bill's prospect if the bill is dropped in late August. Mr. Maestas responded that he has discussed this with legislative staff. It is still early in the congressional calendar and, given time, the bill can be heard by committees in this two year cycle. Dr. García y Griego asked if we know what committees it may be assigned to. Mr. Maestas responded that the House Natural Resources Committee and possibly the Foreign Affairs Committee, because of the mention of the Treaty of Guadalupe Hidalgo. Dr. García y Griego asked if there would be a public event or press release upon the dropping of the bill; Mr. Maestas responded that there are plans but no specifics at this time. Mr. Archuleta expressed concern that the bill may be dropped as early as August but stakeholders have yet to see the latest version of the bill. Mr. Maestas assured that the bill will be given to stakeholders for review before it is dropped. Councilor Martínez commented that acequias and land grants should be involved in the release to forestall public denouncement. Mr. Maestas responded that Congressman Luján's office is aware of and gauging local opposition to the bill. Chairman Sánchez stated that the Congressional delegation is planning dates to review the Farm Bill.

State Legislation –

Chairman Sánchez advised that the work plan and meeting schedule of Interim Committee has been set and it is included in the meeting packet. The Interim has many new members this year. Representative Garcia is the chair and Senator Ortiz y Pino no longer on the committee. The first meeting will be hosted by the Arroyo Hondo Land Grant and will be at the Juan Gonzales Agricultural Center in Taos on July 12th and 13th. The NMLGC discussed legislative priorities, including funding for the Treaty Division and NMLGC.

15. Discussion and Possible Action on Land Grant Registry

Chairman Sánchez reported that the Merced de Pueblo de Chililí has elected a new board.

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

None.

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

Dr. Jacobo Baca reported that the Land Grant Studies Program has continued conducting research supporting Abiquiú’s water rights claim. Dr. García y Griego has continued conducting research at the National Archives. The LGSP has continued supporting the research of Antonio Maestas, a McNair Program intern from Earlham University and heir to the Merced de Pueblo de Chililí.

18. Discussion and Possible Action on Staff Assignments

None.

19. Public Comments – discussion only

Councilor Martínez reported that he will donate Abiquiú baptismal records to the Land Grant Studies Program and NMLGC, and will travel to Spain for research in November.

20. Date and Location for next Council Meeting

The Council will next meet on Friday, August 11, 2017 in Albuquerque, NM, at the UNM Science and Technology Park.

The Council also plans to hold the September meeting on September 8th at the UNM Science and Technology Park and the October 13 meeting in Santa Fe at the New Mexico State Records Center and Archives.

21. Adjournment

Councilor Martínez made a motion that the meeting adjourn. Councilor Griego seconded the motion. Motion passed unanimously. The meeting adjourned at 12:43pm.

Approved:

Chair

Date