

New Mexico Land Grant Council (NMLGC)
August 11, 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 10:15am. 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 Luján (USFS); James Melonas (USFS); Elaine Kohrman (USFS); Audrey Kuykendall (USFS); Lisa Morrison (BLM); Joseph Casados (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); Manuel Trujillo (Santa Bárbara LG); Bob Davis (USFS); Tracy Parker (USFS); Geri Escarseda (San Antonio de las Huertas LG); Elizabeth Reitzel (Office of Rep. Michelle Luján Grisham).

3. Approval of Agenda

Councilor Leonard Martínez made a motion to switch items 5 and 6 and approve the agenda; Councilor Macario Griego seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of July 7th, 2017

Councilor Rita Padilla Gutiérrez motioned to approve the meeting minutes of the July 7th, 2017 Council meeting; Councilor Griego seconded the motion. Motion was approved unanimously.

6. Discussion and Possible Action on BLM Update

Lisa Morrison reported on behalf of the BLM. Ms. Morrison stated that Secretary of the Interior Ryan Zinke was in New Mexico on July 28 and 29. He visited the Organ Mountains National Monument and visited the Sabinoso Wilderness with Senators Tom Udall and Martin Heinrich. The New Mexico Wilderness Land Trust is planning to donate land adjacent to the Sabinoso Wilderness to improve access but wants the donated land to also have a wilderness designation. Councilor Martínez stated that the Department should consider Pueblo and Hispano access to the area before making decisions. A report on national monuments will be released soon and will have the Department's decision on the Organ Mountains and the Rio Grande del Norte National Monuments. Arturo Archuleta

(NMLGC) reported that Joe Chávez, president of the San Miguel del Bado Land Grant, will be reaching out soon regarding the historic cemeteries on BLM land.

5. Discussion and Possible Action on Forest Service Update

Ericka Luna (USFS) introduced James Melonas (supervisor – Santa Fe National Forest), James Durán (supervisor – Carson National Forest), Elaine Kohrman (supervisor – Cibola National Forest); Bob Davis and Tracy Parker of the Regional Office and Audrey Kuykendall of the Carson National Forest. Mr. Melonas discussed the ticketing of individuals collecting wood left from utility line clearing near Tierra Azul. He thanked Chairman Juan Sánchez, Councilor Martínez and Mr. Archuleta for their meeting regarding the issue. Mr. Melonas delivered a letter to the Council that contained two principle points. First, the Forest Service plans to work with utility companies that are clearing easements to make materials available to interested community members. Sandy Hurlocker, district ranger on the Española District, has initiated conversations with the Jémez Electrical Cooperative on this point. Second, the three national forests (Cibola, Carson, Santa Fe) need to discuss how they can put plan components in the revised forest plans that deal with fuelwood collections as a part of maintenance projects, with the goal of providing fuelwood in a safe, simple, and sustainable way. Councilor Martínez thanked Mr. Melonas for the letter and remarked that he looked forward to working together on the issue.

Mr. James Durán and Audrey Kuykendall of the Carson NF reported regarding the forest plan revision process. The current process is to update the 1986 Carson NF Resource Management Plan. Certain sections of the plan, including the historic communities and traditional uses section, are being planned at the Region 3 level. Ms. Kuykendall discussed the planning timeline and coordination between Carson, Cibola and Santa Fe National Forests. Up until January 2017, the Carson NF had worked with cooperating agencies (including the NMLGC) independently of the other forests. Before publicizing their draft plan, the Carson, Cibola and Santa Fe National Forests went through the traditional communities and uses, forestry and forest products, and grazing sections, which are now, by and large, verbatim across the three forests. The Carson plan is available online and the comment period ends in September. The Carson will meet with cooperative agencies in the government working group soon to discuss plan alternatives. The Carson NF will also hold place based workshops, led by a professional facilitator, for the Tres Piedras Wilderness (Aug. 16), Canjilón Wilderness (Aug. 17), Pecos Wilderness (Aug. 30), and Red River / Questa area (Aug. 31).

James Melonas (Santa Fe NF) reported that the Santa Fe NF draft plan will come out in early 2018. Between the draft and the final plan, the Santa Fe NF will try to meet needs of broadest group of stakeholders. Elaine Kohrman (Cibola NF) reported that the Cibola NF is collaborating with USAID to work with Indonesia, who is creating forests on three hundred plus timbered areas. Representatives will visit New Mexico in late August / early September and the Cibola hopes to demonstrate a model of collaboration and shared stewardship. Indonesia has a similar history to New Mexico in that it has many communities with pre-forest connections to landscapes. The Indonesian delegation will visit the Chililí LG during their visit, and a team from the Cibola NF will visit Indonesia later in September.

Mr. Archuleta presented the NMLGC's official recommendations regarding incorporating the Hassell Report (1968) and Northern New Mexico Policy (Hurst Memo, 1972) into the forest plan. Elaine Kohrman of the Cibola NF asked the NMLGC to examine these documents and recommend or comment on plan components. Mr. Archuleta commented that this gave the NMLGC the opportunity to create plan components that update the Northern New Mexico policy. Each desired condition ties to the Hassell Report and Hurst Policy Memo and lower plan components tie to higher plan components and the Hassell and Hurst documents. An electronic version, with a matrix, will be e-mailed to the three forest's planning teams as well. The NMLGC also plans to provide a second write up regarding the Hassell Report and Hurst Policy Memo (Northern New Mexico Policy) that are not fit for the plan but that we feel are important regarding forest system management. The NMLGC also invites the Carson, Cibola and Santa Fe to meet and discuss this document further at their convenience.

Mr. Archuleta also reported that the Juan José Lobato Land Grant is reorganizing. In March 2017, the NMLGC provided comments to the Carson NF regarding the federal purchase of the grant by the Farm Security Administration and subsequent transfer to the USFS. The original federal acquisition set out parameters that included use by the people of the area, which including the heirs of the Juan José Lobato LG. Juan José Lobato heirs presented at last Interim Land Grant Committee of the NM State Legislature meeting in Taos on July 12th and the Interim Land Grant Committee Chair Rep. Miguel García asked the Forest Service (Ericka Luna was in attendance at the meeting) about the documents that they presented. Ericka Luna reported that Chair García asked the Forest Service to meet with the Juan José Lobato LG heirs to discuss their requests. Ms. Luna reported that some requests the Forest Service can do and others they cannot. The Regional Office also shared the UNM Land Grant Studies Program's FOIA request with the Interim Land Grant Committee.

Councilor Martínez thanked the NMLGC staff for their work on the comments and commented that there has been progress in the relationship between land grants and the USFS. He hoped that these comments will help implement equitable policies and stated that the San Joaquín del Río de Chama Land Grant will adopt a resolution supporting these comments.

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

Mr. Archuleta reported that the Department of Game and Fish held a meeting on July 12 in Tierra Amarilla to address their planned closing of the Laguna del Campo in Los Ojos, NM. Department staffers presented the Office of the State Engineer's regulations on dam safety and the results of two reports on the Laguna del Campo dam. An engineering report commissioned by the Department concluded that the dam was in danger of rupture in the event of a heavy rain, which would flood the valley below the lake. The Game Commission was presented with three alternatives: 1) rebuild dam at a cost of \$8 million; 2) shrink size of lake at a cost of \$2.7 million; or 3) breach the dam, at a cost of \$1.2 million. They voted to breach the dam during closed executive session at a meeting in Clayton, far removed from the communities directly affected by the dam's closure.

NMLGC staff has reviewed the 2012 report that was completed by an engineering firm from Denver and found problems with their analysis. It seems questionable whether the engineering firm visited the site and that they relied on GIS information for their analysis. The stream flow that they claimed would breach the dam was 23,000-26,000 cfm. For comparison, the Oroville spillway in California that was on the verge of breaching this spring flowed at a maximum of 22,000-24,000 cfm and one can visually see the great difference between the scale of the Oroville Dam and the Laguna del Campo. The firm also misidentified the watershed that feeds the El Puente acequia as the mountains east of Los Ojos. The El Puente acequia that feeds the Laguna del Campo is fed to the north and east, by a diversion of the Rio de los Brazos and the El Puente ditch still holds the water right to the land that the Laguna del Campo occupies.

The discussion of the alternatives that led to the closing of the dam was held in executive session rather than in public session. The meeting minutes also do not name the dam directly and refer to it as the “indiscernible dam.” The packet includes a letter from the Tierra Amarilla Land Grant to the New Mexico Attorney General’s office regarding these issues. The land grant is asking that the Commission hold a meeting to discuss alternatives in Tierra Amarilla to take public comment instead of making the decision before discussing it with the community at large. The Tierra Amarilla Land Grant and the director of the New Mexico of Game and Fish will both be presenting at the August 29th Interim Land Grant Committee meeting in San Miguel del Bado.

The Department of Game and Fish claims that they are beholden to the State Engineer’s rules regarding dam safety. The El Puente ditch association is one of the few local users that supports the destruction of the dam, which will help return water undiminished. While the Department of Game and Fish claim that making good on the El Puente acequia’s water rights is one of the reasons to breach the dam, it is not part of their analysis. Further, the Department of Game and Fish promised to meet with land grants and acequias regarding issues affecting them and the way that they handled the Laguna del Campo situation proves that this is not the case. The Tierra Amarilla Grant will present their case at the next Interim Land Grant Committee meeting. The Department of Game and Fish want letters from the community and the land grant stating their position regarding the closure; they did receive a letter from Río Arriba County opposing the closure. Councilor Martínez made a motion for the NMLGC to submit a letter of support for the Tierra Amarilla Land Grant regarding Laguna del Campo.

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

Marlo Aragón reported that the Attorney General’s office received a complaint from Tierra Amarilla Land Grant, which questioned the Department of Game and Fish’s making the decision in closed executive session. Ms. Aragón reported that it appears that the Department of Game and Fish violated the open meetings act when it made the decision in closed executive session. The Treaty Division may be able to send a letter of support from Treaty Division, pending approval from Tanya Maestas.

9. Discussion and Possible Action on Legal Services Contract Update

Mr. Archuleta reported that the legal services contract is still in place because it is a multi-year contract. David Benavides is working with communities and New Mexico Legal Aid has filed an amicus brief in the Parkview Community Ditch in matter.

10. Discussion and Possible Action on Council FY 2018 and FY 2019 Budgets

Mr. Archuleta presented a FY 2019 budget request and gave FY 2018 Presents update.

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

The UNM Contract is fully executed and we are waiting on purchase order to be able to bill.

12. Discussion and Possible Action on Land Grant Support Fund

Mr. Archuleta reported that in FY 2017, some support fund monies reverted to the general fund. Some land grants have received their awarded monies and others have not. Councilor Martínez reported that the San Joaquín del Río de Chama Grant received their monies. The Land Grant Support Fund will be open to applications in August 2017. Applications and the brochure are available on the Council website. San Miguel del Bado may apply to fix an air conditioning unit at their senior meal site. Councilor Padilla-Gutierrez made a motion to open applications for the land grant support fund from August 11th through October 31st; Councilor Griego seconded the motion.

13. Discussion and Possible Action on Federal and State Legislation

Federal Legislation –

Chairman Sánchez reported that the Council met with Congressman Ben Ray Luján and his staff on July 20th to review the latest draft of the traditional use rights bill. The review brought about concerns as it reads as only a consultation act, which may create no great change in the way federal entities interact with land grant and acequia communities. Joseph Casados reported that he will be adding land grants to his portfolio; he currently manages the Representative Luján's Rio Rancho field office. He added that Congressman Luján still wants to drop the bill in September and wants final comments from the Council by the end of the week. They are still unsure of committee assignments and will ask the house parliamentarian for clarification. It will likely be in the House Natural Resources Committee and Victoria Omes is the Congressman's Washington DC staff member in charge of the traditional use bill.

Councilor Martínez asked what function the bill would serve now if it remains in its current form. Elizabeth Reitzel of Rep. Michelle Luján Grisham's office stated that the bill will not hurt these communities and does amount to congressional recognition of these uses. Michelle Jacquez-Ortiz of Sen. Tom Udall's office encouraged land grant communities to weigh the bill, considering whether it is better to have a strong bill that is unpassable or a less satisfying bill that will pass. She also asked if the use of traditional campgrounds on former common lands is a part of traditional use legislation. Councilor Martínez stated that this was the first time that the land grant reserving the Cañón de Chama campground was an issue and that they used to have an MOU with the district ranger. Mr. Archuleta mentioned that in discussions with Elaine Kohnrman, the Cibola NF does so for trial communities. He suggested that the San Joaquín del Río de Chama Grant should send letter

to forest supervisors James Melonas and James Durán, beyond district rangers and carbon copy the NMLGC and the congressional delegation. Ms. Jácquez-Ortiz offered support from Senator Udall's office and urged Councilor Martínez that legislation has appurtenant language in it.

Chairman Juan Sánchez reported that he received a letter from Rep. Michelle Luján Grisham regarding the Farm Bill. She would like comments from the Council by the end of August. Ms. Reitzel provided a packet on titles and a preview of the 2018 Farm Bill and asked that the Council look at conservation, rural development, and forestry. She also reported that her office is working with House Agricultural Committee staffers on the EQUIP legislation and will get a draft to the Council by next month. Regarding the Piedra Vista visitors center, the Congressional Research Service looked at the citation for the bill and did not find timelines.

Ms. Reitzel also reminded the Council that the Congressional delegation quarterly call will be on Friday, September 15, 2017 at 9:00am, MST. Michele Jácquez-Ortiz stated that Senator Udall can carry the traditional use and EQUIP bills on the Senate side. Chairman Sánchez asked if any work on the trust fund has been accomplished. Ms. Jácquez-Ortiz reported that it was unlikely, due to the August recess. Mr. Archuleta mentioned that the Forest Service has projects for youth and veterans and involved youth from land grants and Native American communities. Ms. Reitzel mentioned that the National Parks Service has a Youth in Conservation program out of the Petroglyph National Monument and suggested that the NMLGC might want to contact the NPS for information about the program.

State Legislation –

The Interim Land Grant Committee will meet in the San Miguel del Bado Land Grant on August 29th. Councilor Martínez state that the Council should pass a resolution in October urging the New Mexico State Legislature to restore funding to the Treaty Division.

14. Discussion and Possible Action on Land Grant Registry

Jacobo Baca (NMLGC staff) reported that the land grant registry has received items from four grants: the Arroyo Hondo Arriba LG submitted a historic document regarding a court case and a recent filing in the Taos County Court; the Tierra Amarilla LG submitted their updated by-laws; the Chililí LG submitted the results of their 2017 election; and the Atrisco LG submitted the results of their 2017 election.

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 reported that RPSR reports were sent by the Land Grant Studies Program to the Higher Education Department. LM García y Griego also plans to do additional research in Washington DC in the coming year.

18. Discussion and Possible Action on Staff Assignments

None.

19. Public Comments – discussion only

Chairman Sánchez asked if the Council had heard anything from the USFS regarding the diversion of water in the Cibola National Forest that was effecting the San Antonio de las Huertas LG. No update has been received to date.

20. Date and Location for next Council Meeting

The Council will next meet on Friday, September 8th, 2017, in Albuquerque, NM, at the UNM Science and Technology Park.

21. Adjournment

Councilor Martínez made a motion that the meeting adjourn. Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously. The meeting adjourned at 12:23pm.

Approved:

Chair

Date