

New Mexico Land Grant Council (NMLGC)  
January 19, 2018 - 10:30 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 10:30am. Roll call of the Council members: Leonard Martínez, Macario Griego, Rita Padilla-Gutiérrez, and Juan Sánchez were present. Lee Maestas was absent.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Leonard Martínez (NMLGC); Macario Griego (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Sarah Schlanger (BLM); Arturo Archuleta (staff – NMLGC/UNM-LGSP); Jacobo D. Baca (staff – NMLGC/UNM-LGSP); Vidal Gonzales (student – NMLGC/UNM-LGSP); Cheyenne Trujillo (staff – NMLGC/UNM-LGSP); Michele Jácquez-Ortiz (Office of Sen. Tom Udall); Patricia Domínguez (Office of Sen. Martin Heinrich); Joe B. Chávez (San Miguel del Bado LG); Ericka Luna (USFS); Elizabeth Reitzel (Office of Rep. Michelle Luján-Grisham); Marlo Aragón (Office of the Attorney General); Garrett Veneklausen (cand. for State Land Commissioner)

**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 December 8, 2017**

Councilor Martínez motioned to approve the corrected meeting minutes of the December 8, 2017 Council meeting; Councilor Macario Griego seconded the motion. The motion was approved unanimously.

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

Ericka Luna (USFS) thanked the Council for its participation and the Town of Tomé Land Grant for hosting the the Society of American Foresters Conference, which focused on agroforestry. The presentation by Council Staff (LM García y Griego, Jacobo Baca, and Arturo Archuleta) drew extreme interest from conference participants and has led the program committee for the 2018 conference (to be held in Oregon) to add a cultural piece to their conference. Ms. Luna asked if the Council was interested in putting together article that explores the information shared in their presentation.

Ms. Luna reported that forest planning is still taking place across the state. The Lincoln and Gila forests are wrapping up. The acequia language is getting reevaluated for consistency and acequia members and activists are helping. Plan components relating to the Cibola, Carson and Santa Fe National Forests are being developed and these components demonstrate an interest in acequia location and mapping. This includes investigating old

acequias in National Forest System lands and working with the State of New Mexico to ensure the acequia list includes those on National Forests System lands so that the Forest Service is not a hinderance to acequia projects. Finally, Ms. Luna reported that the MOU between the NMLGC and Region 3 is in the system and that she will work with Arturo Archuleta to ensure that it is complete and will move forward with signing. Arturo Archuleta (NMLGC staff) reported that the Santa Fe and the Carson National Forests are holding plan revision open houses on January 29<sup>th</sup> and February 14<sup>th</sup> respectively. Cheyenne Trujillo (NMLGC staff) reported that the Cibola collaborative is working comments for the draft EIS, which are due in June, and that she serves as the alternate point of contact for the Sandia Collaborative.

Ms. Luna reported that Deputy Regional Forester Jim Upchurch has retired and that Adam Mendoza is serving as acting deputy regional forester through the ends of April. Councilor Macario Griego (NMLGC) stated that when he was president of the Cañón de Carnué Land Grant he had inquired about the scarring left by the cement plant above the Land Grant. He stated that the lands are adjacent to Cañón de Carnué Land Grant lands but were severely damaged and he believed that trees would not grow. He wondered if the Forest Service would consider selling the land to the land grant. Ms. Luna responded that she would forward his question to Elaine Kohrman and the Sandia district ranger.

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

Sarah Schlanger appeared on behalf of the BLM; Lisa Morrison was unavailable to attend the meeting. Ms. Schlanger reported that she is no longer at the Taos Field office and is now in the Santa Fe office; Ernesto Hurtado is the acting field manager for the Taos office. The land exchange between the BLM and the State Land Office is on track to be finalized by the end of 2018. A full package will go to the Governor for review in July and land grants and the Council can join as cooperating agencies through an MOU. There will be a meeting on February 14<sup>th</sup> regarding the land exchange and contracts for the required environmental analysis are being received and are due by the end of January. The BLM is in the process of developing alternatives with acreage, balancing the valued of acreage in the exchange. It has undertaken targeted outreach with the New Mexico Association of Counties, with Taos County and Santa Fe County, and with the Navajo Nation.

Mr. Archuleta reported that he and Chairman Juan Sánchez, Councilor Leonard Martínez met with the BLM in December. The BLM had not yet determined its cooperating agencies. The public process (NOEP) is different that other public processes and all outreach is done on the front end. The Council submitted comments by the deadline (comments in meeting packet) and assisted the Juan Bautista Baldez land grant in their submission of comments. This grant may be interested in being a cooperating agency. Mr. Archuleta inquired as to the process to become a cooperating agency. Ms. Schlanger responded in the most effective way was to write a letter. Boiler plate MOU's will be adapted to each cooperative agency. Ms. Schlanger commented that the State Land Office is a cooperating agency.

Ms. Schlanger reported that the Río Grande del Norte National Monument is still under review as the Department of Interior wants to change the language of the proclamation. BLM facilities will remain open during the federal government shutdown. Councilor

Martínez commented that the San Joaquín del Río de Chama Grant was part of the MOU for the Farmington RMP but did not have the time to submit comments as they were due over the holidays.

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

Ms. Marlo Aragón reported on behalf of the Attorney General's office; Tanya Maestas was unable to attend as she was at a budget hearing. Mr. Archuleta reported that he met with the Attorney General's office and Attorney General Hector Balderas indicated that though they requested funding for the Treaty Division, neither the governor nor the Legislative Finance Council recommended funding. Funding could be restored through an amendment to the budget.

### **8. Discussion and Possible Action on Legal Services Contract Update – Including Legal Service Requests**

Mr. Archuleta reported that billing from New Mexico Legal Aid has been received. 42.9 hours of work were submitted by David Benavides, the majority of them relating to the Tierra Amarilla/Parkview amicus brief and the Abiquiú water right priority date work. The Parkview amicus brief was submitted in December with New Mexico Legal Aid, the UNM Law Natural Resources Clinic and Larry Montaña as the authors. The Cristóbal de la Serna Land Grant has requested assistance for property issued with lineas. President Beverly Armijo sent Council Chair Juan Sánchez an e-mailed request. Joe B. Chávez of the San Miguel del Bado Land Grant requested the Council's assistance on several issues. The passed San Miguel del Bado Land Grant board issued quit claimed deeds at the request of title companies in San Miguel and Guadalupe Counties. The District Court forces the San Miguel del Bado Land Grant to issue these deeds and it is Mr. Chávez understanding that this is the only area of the state where land grants are required to issue these deeds. The San Miguel del Bado land grant would like to know if it is lawful for the court to require the grant to issue quit claim deeds. Mr. Archuleta asked if they need help with the issuance or if they were questioning the process, or if they are asking if title companies can compel land grants to issue these deeds. Chairman Sánchez asked if there was a court case that required land grants to issue these deeds. The past board probably issued these deeds but the NMLA can clarify if there is a court case requiring land grants to issue these deeds. Mr. Archuleta asked if the San Miguel del Bado land grant issues deeds on former common lands that were adversely possessed. Mr. Chávez responded that the current board has not issued quit claim deeds and a pending sale will test if they are compelled to do so.

Councilor Martínez made a motion to grant San Miguel del Bado's request for legal services; Councilor Rita Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

Chairman Sánchez reported that the Cristóbal de la Serna Grant assistance with the lineas problem and the Judge Caldwell decision the deemed that they were a private and not a community grant. They also want to obtain elk permits but need to prove ownership to obtain these land owner permits and may need legal assistance to obtain these permits.

Councilor Padilla-Gutiérrez made a motion to grant the Cristóbal de la Serna Grant's request for support. Councilor Martínez seconded the motion. The motion passed unanimously.

Councilor Martínez relayed a request from the San Joaquín del Río de Chama Land Grant for assistance from New Mexico Legal Aid in discussions with the New Mexico Oil and Gas Association. The grant requested information from the BLM via a FOIA request in October regarding the oil and gas extracted from the San Joaquín del Río de Chama Land Grant. The grant is also interested in investigating the obligation of the federal government to provide for the care of widows, orphans and the mentally handicapped after the 1897 *US v. Sandoval* decision.

Councilor Griego made a motion to grant the San Joaquín del Río de Chama Land Grant 's request for legal assistance. Councilor Padilla-Gutiérrez seconded the motion. Councilor Martínez abstained from the vote. The motion passed unanimously.

### **9. Discussion and Possible Action on District Court Decision for Cebolleta Land Grant Election Lawsuit**

Mr. Archuleta reported that a decision was reached in the court case regarding the Cebolleta Land Grant election. A lawsuit was filed to challenge the outcome of the election, in which board members Richard Jaramillo and Bill Hocker retained their seats through a game of chance because of a tie and a voting district rule, respectively. According to the Cebolleta by-laws, there are three precincts in the Cebolleta Land Grant: Moquino, Bibo and Seboyeta, with Moquino holding one board position and Bibo and Seboyeta holding two each. This District Court ruling states that land grant bylaws cannot conflict statute with their definition of precincts. This is problematic because the Cebolleta grant relies on Cibola County voter rolls for lists of voters and precincts instead of maintaining their own list. The District Court also ruled that provisional voters that were not registered in Cibola County should not have voted in the election. If the ruling is appealed, it could go up to the New Mexico Supreme Court and could create laws that are harmful for land grants. If appealed, David Benavides could file an amicus brief to preserve the land grant rights in elections, especially regarding provisional voting. This may be an issue that will have to be addressed in legislation. No formal action needs to be taken now, but may need to be taken in the February Council meeting if the case is appealed and it goes to the NM Supreme Court.

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

Mr. Archuleta presented the January 2018 update (handout). There is a total of \$50,842.66 billed, leaving a balance of \$171,058.34. Because it is a new calendar year, board travel totals start again and there will be no need for letters to the Governor's office until next fall.

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

Mr. Archuleta presented payment request #4. An accounting error by UNM caused this request to be incredibly low and it contains no personnel costs for November 2017. All personnel costs were billed to the LGSP. This may be problematic as DFA requires that expenses are separated from January to June and from July to December. Because the billing from UNM will cross calendar years, DFA may push back. The next billing will be large as it will include December 2017 and January 2018.

Councilor Padilla-Gutiérrez made a motion to approve the billing submitted in pay request #3. Councilor Martínez seconded the motion. The motion passed unanimously.

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

Mr. Archuleta reported that there were issues with 2 grant agreements. The San Miguel del Bado Land Grant did not have a W-9 on file with the state and the San Antonio del las Huertas Grant has a different address on file than was presented on the grant agreement. New agreements have been prepared and will be signed and submitted.

### **13. Discussion and Possible Action on Federal and State Legislation**

#### *Federal –*

Chairman Sánchez reported that the Council held its quarterly conference call with congressional staff this morning. Mr. Archuleta added that this is the fourth call; legislation has been introduced, including regarding EQIP legislation that would amend the Farm Bill. The House wants specific language and the Senate vague language. Traditional Use legislation was reviewed by Council staff in December and January and included many changes suggested un a July 2017 meeting with Representative Ben Ray Luján. Representative Pearce has also been working on legislation for a land claims commission. Senator Martin Heinrich is working on a cemetery bill and Senator Tom Udall is working on information regarding a trust fund. Michelle Jácquez-Ortiz commented that Stephanie Harding of Senator Udall’s Washington DC office plans to visit in mid-February and will discuss model legislation regarding a trust fund.

Patricia Domínguez (Office of Sen. Martin Heinrich) asked if any land grants applied for CFRP program grants. The San Antonio de las Huertas Land Grant attended the workshop and the Santa Bárbara Land Grant may apply for an implementation grant. Garrett Veneklausen introduced himself as a candidate running for land commissioner. He presented his platform and a plan to give voice to land grants and acequias as land commissioner.

#### *State*

Mr. Archuleta reported that there are no bills other than the House Joint Memorial regarding Cristóbal de la Serna Land Grant. Mark Edwards of the Interim Land Grant Committee wants to address other land grant issues one step at a time. Legislative Finance Council recommendations for the New Mexico Land Grant Council and Land Grant Studies Program remain flat.

### **14. Discussion and Possible Action on Council Evaluation by Cheyenne Trujillo**

Cheyenne Trujillo presented a draft of her program evaluation of the NMLGC. She commented that she still needs to meet with Councilors Padilla-Gutiérrez and Griego and staff member Jacobo Baca. Ms. Trujillo discussed the draft SWOT analysis and logic model and made 3 recommendations: to hold a retreat to focus on 2018 goals; to increase visibility at the state and national level; and identify and apply for grants for funding. Councilor Padilla-Gutiérrez thanked Ms. Trujillo for her work. Councilor Martínez commented that Council staff are spread too thin and increasing funding should be a priority. Mr. Archuleta added that Mark Edwards (ILGC staffer) was told to draft legislation relating to revenue streams for land grants.

**15. Discussion and Possible Action on Land Grant Registry**

None.

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

Mr. Archuleta reported that the Council received a letter with the completed FOIA request for Piedra Lumbre Visitors Center. There was a delay in processing the request because of staff retirements and the loss in institutional knowledge and it was completed over the Christmas holiday. Copies of some of the documents are provided to NMLGC Councilors at this meeting.

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

Mr. Jacobo Baca reported that he presented a short history of land grants at the Northern New Mexico Stockman’s Association meeting in January 13<sup>th</sup> in Taos, NM.

**18. Discussion and Possible Action on Staff Assignments**

Ms. Cheyenne Trujillo commented that she attended the local government division training regarding use of their online system and that she is working on comments for the Santa Fe National Forest monitoring plan. Council staff will be in contact with Town of Tomé president Andrea Padilla regarding the digitization of Tomé Land Grant records. Mr. Baca introduced Vidal Gonzales as the new student research assistant who will be working on archival projects for the Council and Land Grant Studies Program.

**19. Public Comments – discussion only**

Treaty of Guadalupe Hidalgo Day will take place on Friday, February 2, 2018 at the New Mexico State Capitol.

**20. Miscellaneous Announcements**

none

**21. Date and Location for January 2018 Council Meeting**

The February 9<sup>th</sup> NMLGC meeting will be in Albuquerque on Feb. 9<sup>th</sup>, 2018, 10am.

**22. Adjournment**

Councilor Martínez made a motion to adjourn the meeting; Councilor Padilla-Gutiérrez seconded the motion. The meeting adjourned at 12:41am.

**Approved:**

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Chair

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Date