

New Mexico Land Grant Council (NMLGC)
November 16, 2018 – 10:00am
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes - Final
Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:07am. Roll call of the Council members: Leonard Martínez, Rita Padilla-Gutiérrez, Macario Griego and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Leonard Martínez (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Macario Griego (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Cheyenne Trujillo (NMLGC/LGSP); Francisco “Comanche” Gonzales (Cristobal de la Serna LG); Florencio Mondragón (Cristobal de la Serna LG); Danny Martínez (Cristobal de la Serna LG); Lisa Morrison (BLM); Ericka Luna (USFS); Sarae T. Leuckel (USFS); Geraldine Escarcida (San Antonio de las Huertas LG); Miquela Estrada (San Antonio de las Huertas LG); Layla Archuleta (Office of Senator Martin Heinrich); Michele Jácquez-Ortiz (Office of Senator Tom Udall).

3. Approval of Agenda

Councilor Rita Padilla-Gutiérrez 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 October 19, 2018

Councilor Leonard Martínez made a motion to approve the meeting minutes of the October 19, 2018 Council meeting; Councilor Griego seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on Forest Service Update – including PLVC

Ericka Luna (USFS State Liaison) discussed pursuing funding to develop a “Land Grant 201” course in partnership with the USFS, BLM and NMLGC. Ms. Luna was accompanied by Sarae Leuckel (New Mexico Zome Lands leader, USFS Region 3) to discuss the Piedra Lumbre Visitors Center. A letter (in packet) regarding the appraisal was sent to interested land grants, the Interim Land Grant Committee, the NMLGC and possible the New Mexico Congressional Delegation. Sarae Leuckel stated that the appraisal was completed in July 2018 and that land grants interested in purchasing the Piedra Lumbre Visitor Center have 90 days after receipt of letter to submit a commitment to pursue. The Center was valued at \$600,000.00 based on yellow book appraisal. The property is 39.91 acres (surveys of the property are included in meeting packet). The sale is limited to 40 acres by the authority

allowing the sale and the shape of the property in question was drawn to conform to that rule. The environmental site assessment (which will include NEPA compliance) will be done in next 90 days; the contract is currently out to bid.

Councilor Martínez asked if the infestation and other environmental concerns be taken into a consideration in the assessment and valuation. Ms. Leuckel stated that rodent infestation is not considered an environmental issue and that asbestos and lead paint were taken into consideration in the valuation. Councilor Martínez asked if the NMLGC or grants interested could look at the appraisal. Ms. Leuckel stated that they could not release it and the appraisal cannot be released via request by FOIA until the closing is complete, to which Mr. Archuleta questioned why the potential buyer cannot look at appraisal. Ms. Leuckel responded that the grants can obtain their own third party appraisal but the USFS still cannot negotiate value. Mr. Archuleta commented that the NMLGC and the land grant communities are operating in the dark with no environmental assessment that could result in mitigating factors complete. They have no clue into how the appraisal is done and what factors are considered. Councilor Griego stated that the appraisal seemed too high. Ms. Leuckel added that the price set by the review appraisal must be followed by law and that only Congress can change the process.

Francisco Gonzales asked: why a land grant has to pay for land that has been stolen from them? Is this the process that every land grant must go through when they seek land return from the forest service? Mr. Archuleta responded that the disposal of the Peidra Lumbre visitors center falls under an expiring authority that applies specifically to administrative sites and that other actions would need to be different. Councilor Martínez commented that the San Joaquín del Río de Chama Land Grant will meet tomorrow and thanked the USFS for providing a price. He wondered about comparables in the area and asked what buildings in the area could compare to the PLVC.

Ms. Luna communicated that though land grants have reasons not to trust the USFS, the relationship is getting better. She stated that James Durán is sincere in this process and that he wants land grant communities to have an opportunity. The Region 3 appraisers are fair and James Durán and Cal Joiner have learned their way through the process and thank the NMLGC for their assistance. Councilor Padilla-Gutiérrez asked what the appraisal is not made public; Ms. Leuckel's state that it falls under a FOIA exception because it is part of the determinative process. Mr. Archuleta responded that if the price is locked in and the USFS cannot change price, then there is nothing that is deliberative in the process. He asked if land grants might look at the appraisal documents if they agree to sign a non-disclosure agreement. Councilor Padilla-Gutiérrez asked if congressional staff could look at the documents; Ms. Leuckel stated that they could not. Councilor Griego asked if this complicated matters with pursuing state funding, including capital outlay monies; Mr. Archuleta stated that the State just needs to be convinced.

Mr. Archuleta stated that comments were submitted to the Cibola National Forest on their draft forest plan and draft environmental impact statement. Mr. Baca reported that the Santa Fe National Forest held their technical meeting on November 11th and that he, Cheyenne Trujillo and Councilor Martínez attended. The documents were not shared

freely and people were given limited time to analyze. There seemed to be less recreation than in the Cibola Forest Plan. The release of the Santa Fe National Forest plan has been pushed back until March 2019. The Cibola, Santa Fe and Carson National Forests will be presenting in Washington DC in January 2019.

Mr. Gonzales commented that traditional uses by the community on Miranda Canyon are being ignored. Geraldine Escarcida commented that the forest road in Placitas is in bad condition and the forests are in bad condition, are very dry and a tinderbox. Ms. Luna stated that she will put her in contract with Sandia District Ranger Crystal Powell.

6. Discussion and Possible Action on Federal and State Legislative Update

State

Mr. Archuleta stated the Interim Land Grant Committee will meet on Monday (November 19). The NMLGC was asked to present regarding capital outlay priorities for each land grant. Also in the meeting packet is draft language for the revision of Manzano Land Grant's statute, removing antiquated language and conforming with Chapter 49.1. Manzano does not want to repeal their statute but wants to amend theirs to mirror 49.1. The Legislative Council Service commented that they do not feel that they will have the bill drafted in time but the Council spoke with the Manzano LG president and they agreed with recommended edits in draft language. Mr. Archuleta stated that the Council received the following from land grants regarding capital outlay requests: Abiquiú requests \$100,000 to improve the clinic building; Anton Chico will prioritize community center improvements; Cañón de Carnué will seek to develop an RV park; Chililí seeks monies for heavy equipment; Cristobal de la Serna seeks monies for the acquisition of former common lands; Don Fernando de Taos seeks \$100,000 to acquire land for a community facility; Juan Bautista Baldez prioritizes funding for the PLVC; Manzano wants to purchase a community center; San Antonio de las Huertas requests \$120,000 for a siren alert system; San Antonio del Río Colorado seeks land acquisition as the Chevron Corp is looking to dispose of property not mined; San Joaquín del Río de Chama Land Grant prioritizes funding for the PLVC; Santa Bárbara seeks to acquire buildings and property; Trampas seeks to acquire buildings and property; Tajique plans to seek funding for community center renovations. Tecolote seeks monies to repair land grant; Tierra Amarilla seeks monies to acquire common lands and possibly a facility; and Tomé seeks monies to acquire common lands (HB 88 properties). Total amount requested = \$2.7 million total (including PLVC).

The Consejo is putting on a luncheon for November 19th Interim meeting.

Federal

H.R. 6365 may have many challenges to move forward. As drafted, both the Secretary of Interior and Secretary of Agriculture have to discretion to act on Congressional recommendations and transfer land. Democrat members of the federal lands committee rejected this provision. In conversations with Tracy Parker, he recommended using the Small Tracts Act to move on small pieces of property like cemeteries. Councilor Martínez made a motion for NMLGC staff to work with Congressional staff on H.R. 6365; Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

Mr. Archuleta spoke with Patricia Dominguez of Senator Martin Heinrich's office regarding the Small Tracts Act for cemeteries and exclusion of some extant cemeteries in list provided by the Carson and Santa Fe National Forest.

Senator Tom Udall has committed to introduce the Senate version H.R. 6487. His staff has committed to discuss a federal trust fund for land grants. Michele Jácquez Ortiz (Office of Senator Udall) commented that a conference call with Stephanie Harding will likely be best. Councilor Martínez asked if Senator Heinrich has committed to remaining in the PLVC disposal process; Mr. Archuleta stated he has.

7. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) reported that BLM forester Mark Coca's distribution of permits at the Canjilón Ranger District was very successful and he plans to do it again in July-August 2019. The new acting BLM State Director is Tim Spisak. BLM e sales in New Mexico will take place on December 5-6. The Rio Puerco RMP will be released by mid-January 2019 and the Farmington Mancos in early February 2019. An EIS for a borderlands wind project for Socorro will be completed. The Verde Transmission Line EIS is under review.

8. Discussion and Possible Action on Legal Services Contract & Requests

Mr. Archuleta reported that the Anton Chico Land Grant is working to stop the theft of rock and have hired Rafael Jaramillo as an enforcement and manager. They may work with the UNM Natural Resource Law Clinic to provide language for regulations and for their Santa Rosa water issue. The Don Fernando de Taos grant is still working on their cemetery issue (currently covered by a bank parking lot). The Abiquiú Grant has met with the State Engineer and their attorney does not want to budge in priority dates and wants to assign the age of the structure. The Council and Studies Program provided assistance. The Santa Bárbara Land Grant requested assistance regarding a road in Llano Largo. The Taos County Assessor wants warranty deeds from grantor (Santa Bárbara Land Grant) to grantee (Santa Bárbara Land Grant Board of Trustees). David Benavides can help develop this language.

An individual is attempting to sell the common lands of the Juan Bautista Baldes Land Grant. The Grant pays taxes on 1500 acres of common land and private individuals do so on certain tracts as well. The same property owner in question did an IPRA request regarding the sale of elk tags/permits, wanting to be reimbursed for monies made from the elk tags. Councilor Martínez made a motion approving legal services for the Santa Bárbara Land Grant regarding land parcels in Taos County and the Juan Bautista Baldes Land Grant regarding the property sale and elk permit issue. Councilor Griego seconded the motion. The motion passed unanimously.

Mr. Gonzales commented that residents of the Cristóbal de la Serna Land Grant need to show title to get elk permits where the Weimers used to get them for free. Mr. Archuleta responded that this will probably remain so until the lineas issue is resolved and HJM 1 will help. The grant would need some sort of agreement with all land owners to join in request for tags. The bill for legal services has been submitted, but needs a new purchase order and new index to be completed.

9. Discussion and Possible Action on Council FY 2019, FY 2020 Budgets

With the BAR, the Land Grant Support Fund was raised to \$14,300, publishing was reduced to \$0.00 and in state travel dropped to \$5,756. On the UNM contract, \$41,337.91 was expended to date. The Council may need to revisit the BAR as the new gubernatorial administration can appoint new members which could necessitate an adjustment in the Council members travel budget. The Council can ask the new administration to make appointments starting in July 2019 or may reconsider the BAR.

10. Discussion and Possible Action on UNM Contract FY 2019

Mr. Archuleta discussed UNM pay request 3 for \$10,976.95. Councilor Martínez made a motion to approve Pay Request 3; Councilor Padilla-Gutiérrez. The motion was approved unanimously.

11. Discussion and Possible Action on Land Grant Support Fund

Mr. Archuleta reported that the council will move forward with Land Grant Support Fund agreements soon. Land grants will no longer be required to get pay requests notarized. Vice-chair Padilla-Gutiérrez will need to sign off on the Chililí Land Grant agreement. Stephen Vigil of the Attorney General's office will sign off on the agreements.

12. Discussion and Possible Action on Land Grant Registry

None.

13. Discussion and Possible Action on Correspondence Received by Council

The Council received a letter from Laurence Kriegel of Texas, who claimed ownership of the Republic of Texas, with western boundary as Rio Grande.

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

Mr. Archuleta reported that the new youth program managers will present at the December Council meeting. Dr. Baca presented working papers 003 and 004 (John Mitchell's "New Mexico's De Facto Era (1848-50): How the U.S. Supreme Court Lacked Jurisdiction in U.S. v. Sandoval (1897)" and Antonio L. Maestas' "A Fight for Sovereignty and Identity: La Merced de Pueblo de Chililí").

15. Discussion and Possible Action on Staff Assignments

None.

16. Public Comments – discussion only

Chairman Sánchez stated that letters of intent for Water Trust Board Funding are due.

17. Miscellaneous Announcements

The Congreso de las Acequias is tomorrow, November 17, 2018 in Albuquerque. The New Mexico Land Grant Consejo will meet on December 1, 2018 in Tomé.

18. Date and Location for November Council Meeting

The next meeting will be held on December 14, 2018 at 10:00am at the UNM Science and Technology Center.

19. Adjournment

Councilor Martínez made a motion to adjourn; Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously. The meeting adjourned at 12:27pm.

Approved:

Chair

Date