

New Mexico Land Grant Council (NMLGC)  
February 9, 2018 - 10:00 am  
Science & 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 10:08am. 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); Joe Rettinger; Lisa Morrison (BLM); Delilah Tenorio (Office of the Attorney General); Arturo Archuleta (staff – NMLGC/UNM-LGSP); Cheyenne Trujillo (staff – NMLGC/UNM-LGSP)

#### **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 January 19, 2018**

Councilor Griego motioned to approve the meeting minutes of the January 19<sup>th</sup> Council meeting; Councilor Padilla Gutiérrez seconded the motion. The motion was approved unanimously.

#### **5. Discussion and Possible Action on BLM Update - Including Cooperating Agency MOU for Land Exchange**

Ms. Lisa Morrison (BLM) asked if the NMLGC had received a letter from the BLM regarding the land exchange between the BLM – New Mexico State Land Office. Mr. Archuleta affirmed that the NMLGC had received the letter, which included a draft MOU between the Department of Interior, BLM, New Mexico State Land Office and the NMLGC, which is named as a cooperative agency. Councilor Martínez commented that he requested an extension on the public comment period on alternatives for the Farmington RAC, but did not hear back from the BLM. He added that the timing of the public comment period was bad because of Christmas break. Ms. Morrison asked if Councilor Martínez had additional comments that he wanted to share with the RAC; Councilor Martínez responded that he did not but that he felt the process was rushed with everything being completed in 1 year, which reflects a lack of concern of the local community. Ms. Morrison responded that Councilor Martínez's RAC team membership has expired but he was nominated again and his membership was pending re-approval.

Ms. Morrison reported that the Taos BLM office is working on the cemetery issue and have yet to hear from Joe B. Chávez of the San Miguel del Bado Grant. Chairman Sánchez responded that the San Miguel del Bado Grant is awaiting response from an inquiry to the Archdiocese of Santa Fe regarding the cemetery. Councilor Martínez asked if there was any information on BLM open houses in March regarding travel management; Ms. Morrison suggested contacting Tami Torres for more information.

Councilor Martínez made a motion that the NMLGC sign an MOU to serve as a cooperative agency in the proposed Rio Grande del Norte/Sabinoso State Land Exchange. The motion was seconded Councilor Griego. The motion passed unanimously.

### **6. Discussion and Possible Action on Forest Service Update**

Mr. Arturo Archuleta (NMLGC) reported that the Cibola NF Draft Environmental Impact Statement will be released in June and that the Santa Fe NF recently held an Open House, which Cheyenne Trujillo attended on behalf of the NMLGC. Mr. Archuleta also mentioned that discussions regarding the Piedra Lumbre Visitors Center have continued. Councilor Martínez reported that he was approached by Georgia O’Keeffe Foundation to partner up on the center but wanted to inform the community first and figure out next steps with the land grants involved. Councilor Padilla Gutiérrez commented that the involvement of multiple parties often leads in a loss for the land grants interested. Mr. Archuleta commented that Ericka Luna of the USFS has not provided any dates for a meeting on the PLVC. The Quarterly meeting of the Carson and Santa Fe National Forests and land grants was scheduled for February 15<sup>th</sup> but has been postponed. James Melonas of the Santa Fe National Forest sent an email and wants to discuss the forest road issue on the Abiquiú Land Grant, which is upset with Forest Service the lack of progress on addressing trespass on to merced lands.

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

Delilah Tenorio (NMAG) had no updates from the Treaty Division (Ms. Tenorio attended the meeting because Marlo Aragón could not attend). Chairman Sánchez stated that the NM House of Representatives allocated \$100,000 for the division in their budget; the NMLGC was still awaiting news from the Senate. He discussed the need to discuss future funding for the Division and the need to meet with AG Hector Balderas regarding the division and staffing. Mr. Archuleta responded that the division statute could be updated to give the Treaty Division more direction and/or authority. Chairman Sánchez commented that the NMLGC is still awaiting the report from FY 2017. Ms. Tenorio replied that Tanya Maestas has the report. Councilor Martínez commented that he understood that the LGSP was supposed to help; Mr. Archuleta responded that he will take the question back to Dr. García y Griego and mentioned that the NMLGC/LGSP have developed a relationship with the UNM Law School Natural Resources Clinic, who could provide assistance.

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

Mr. Archuleta discussed two items in the packet relating to legal assistance. Both are motions filed on behalf of the Abiquiú Land Grant regarding water rights. NM Legal aid has been working on the Office of State Engineer’s refusal to vacate a priority date for waters

on the Abiquiú common land. NM Legal Aid responded to an additional motion by OSE. Mr. Archuleta reported that there were no other legal assistance requests received this month. Councilor Martínez asked if NM Legal Aid had sufficient time to complete this work and if Attorney Ted Trujillo could help. Mr. Archuleta responded that Mr. Trujillo was contracted to help the Abiquiú Land Grant create their by-laws and that he provided an affidavit in the water rights case that explained the intent of the bylaws.

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

Mr. Archuleta reported that the District Court decision in the Cebolleta Land Grant Election case was appealed and that the NMLGC will submit an amicus brief. Because it is an election case, it goes to the New Mexico Supreme Court and if the court does hear the case, it has the potential to become the law regarding land grant elections, which means the case would have a huge impact to all land grants. The work would not happen until early April or late March 2018.

Councilor Padilla Gutiérrez made a motion approving New Mexico Legal Aid to work on the amicus brief regarding the Cebolleta Land Grant election; Councilor Martínez seconded the motion. The motion passed unanimously.

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

Chairman Sánchez had questions about budget and reducing Department of Finance and Administration administrative fees. Mr. Archuleta responded that the Council would need to readjust the budget and move \$1,100 that was removed from the DFA administrative fee and was budgeted to the support fund, but that this return it to the DFA. All grant agreements have been sent to DFA and two land grants received their purchase agreements. Chairman Sánchez asked if there was any funding for printing; Mr. Archuleta responded that a revised guidebook will be printed in FY 2018.

Councilor Martínez motioned that the NMLGC return \$1,100 from the support fund back to the DFA administrative fee; Councilor Griego seconded the motion. The motion passed unanimously.

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

Mr. Archuleta presented pay requests 5 and 5.1, and discussed accounting errors at UNM that resulted in the need for two pay requests.

Councilor Padilla Gutiérrez made a motion approving pay requests 5 and 5.1; Councilor Martínez seconded the motion. The motion passed unanimously.

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

None.

### **13. Discussion and Possible Action on Federal and State Legislation - Including Treaty Day Update**

#### Federal:

Mr. Archuleta reported that the EQIP amendments proposed by Congresswoman Michelle Luján Grisham and Senator Tom Udall are complete but the Farm Bill still needs approval before they are attached to it. Congressman Steve Pearce's office is drafting a land grant commission bill. Regarding the trust fund, the office of Sen. Tom Udall has explored options to fund the trust fund and found that similar programs were funded by earmarks, which were eliminated ran into issue with earmarks, which ended more than a decade ago. A new strategy for funding a trust fund needs to be developed. Mr. Archuleta also reported that the NMLGC has heard nothing from Congressman Ben Ray Luján's office regarding traditional use legislation.

#### State:

Councilor Padilla Gutiérrez discussed the 2017 bill that reduced the annual budget threshold for audit requirements from \$50,000 to \$30,000. Chairman Sánchez stated that it was appealed and appears to be on a freeze under the current administration so it is not law. Mr. Archuleta reported that House Memorial 1 (relating to the AG examining the issue of lineas at Cristóbal de la Serna LG) was in a Senate committee after passing the House. SB 134, sponsored by Sen. Cliff Pirtle, was assigned to 3 committees but has had no further movement. HB 88, a property tax bill, was originally a short bill but has been amended to include land grants and gives them the right to submit a first offer on any delinquent lands that were part of the patent boundary. This bill is in committee right now and David Benavides is watching the bill. It did pass the House and has a companion Senate bill and a memorial. Councilor Martínez commented that if it does not get through this session, an amendment should be added that includes something about the "Sandoval 7" grants. Mr. Archuleta responded that these bills are an important step for the government to gain and offer understanding about how patents effect land grants and land.

Councilor Martínez made a motion allowing NMLGC staff to follow up on all bills in this legislative session; Councilor Griego seconded the motion. The motion passed unanimously.

#### **14. Discussion and Possible Action on Land Grant Registry**

None

#### **15. Discussion and Possible Action on Correspondence Received by Council**

None

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

Mr. Archuleta commented that the LGSP is advertising for a youth coordinator and another position. The LGSP is also waiting to hear from the McCune Foundation regarding their application. Jacobo Baca is planning to meet with the Tomé Land Grant regarding the digitization of their microform records.

#### **17. Discussion and Possible Action on Staff Assignments**

Ms. Cheyenne Trujillo presented the NMLGC brochure. Councilor Padilla Gutiérrez asked that her full name appear.

**18. Public Comments – discussion only**

MG: Can his friend work with Cebolleta if the case is still going on

AA: Yes he can work with them but the revenue they bring in is huge.

**19. Miscellaneous Announcements**

None.

**20. Date and Location for March Council Meeting**

The next Council meeting will take place on Thursday, March 15<sup>th</sup> 2018, location to be determined.

**21. Adjournment:**

The meeting adjourned at 11:55am.

**Approved:**

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Chair

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Date