

New Mexico Land Grant Council (NMLGC)
March 15, 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 10:02am. 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); Bonifacio Vásquez (Santa Bárbara LG); Marlo Aragón (Office of the Attorney General); Arturo Archuleta (staff – NMLGC/UNM-LGSP); Cheyenne Trujillo (staff – NMLGC/UNM-LGSP); Jacobo Baca (staff – NMLGC/UNM-LGSP); Michele Jáquez-Ortiz (Office of Sen. Tom Udall); Patricia Domínguez (Office of Sen. Martin Heinrich); Elizabeth Reitzel (Office of Rep. Michelle Luján-Grisham); Eric Castillo (Office of Sen. Martin Heinrich); Michelle Barlow (Rio Puerco Rangeland Trust).

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 February 9, 2018

Councilor Padilla Gutiérrez motioned to approve the meeting minutes of the February 9, 2018 Council meeting; Councilor Griego seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on BLM Update

Mr. Arturo Archuleta (staff – NMLGC) reported that Lisa Morrison was unable to attend the meeting. He reported that he spoke with David Herrell of the BLM regarding the MOU that the NMLGC will sign, making the Council a cooperating agency with the BLM and New Mexico State Land Office regarding the land exchange. Chairman Juan Sánchez reported that the Council needs to discuss the cemetery on BLM managed land with Mr. Joe B. Chávez, president of the San Miguel del Bado Land Grant to determine how the grant wants to act on its management.

6. Discussion and Possible Action on Forest Service Update

Ericka Luna was not able to attend the Council meeting; Mr. Archuleta provided the Forest Service update. Mr. Archuleta noted that there were two letters in the meeting packet. The first invites the NMLGC to participate in a roundtable on Wednesday, March 21st 2018 regarding Environmental Analysis and Decision Making (EADM); NMLGC staff will attend the meeting. The second relates to the completed FOIA request regarding the Piedra Lumbre Visitors Center, supplementing information received from Region 3 in January 2018. The latest group of documents included information regarding the acquisition of the Center, a history of the acquisition by Region 3 Forester William D. Hurst, and information regarding the transfer of parcels of land across the Carson National Forest, including parcels in the Peñasco, Coyote and Juan Bautista Valdez areas. Mr. Archuleta reported that NMLGC staff met with representatives of the Carson National Forest (James Durán; Alicia Gallegos, Denise Otaviano), New Mexico State FS Liaison Ericka Luna, and specialists from the USFS Region 3 office, along with representatives of the Congressional offices and representatives from the Tierra Amarilla, Juan Bautista Baldez and San Joaquín del Río de Chama Land Grants on March 6 in Hernández. The meeting revealed that appraisal of the PLVC property would be completed by USFS appraisers, who would begin the appraisal in March 2018 and will be done with the appraisal by May 2018. When the appraisal is complete, purchasers have 90-days to give a commitment to the USFS that they will purchase the property. Mr. Archuleta reported that Carson supervisor James Durán agreed to change the timetable and benchmarks to allow land grants time to approach their representatives and the Interim Land Grant Committee for funding. The USFS wants a commitment from the New Mexico State Legislature and wants to get rid of the property in two years.

Mr. Archuleta reported that the NMLGC will host the quarterly meeting between the Carson and Santa Fe National Forests in Española on Friday, March 16th. Cheyenne Trujillo (NMLGC staff) reported that the Sandia Collaborative is working with Sandia Ranger District and that the quarterly Cibola forestwide collaboration will be on March 28. Mr. Archuleta commented that the Cibola National Forest is reconsidering doing a FOCA committee, which allows for more community input.

7. Discussion and Possible Action on Santa Bárbara LG regarding Wild and Scenic River Evaluation and Boundaries of the Pecos Wilderness

Bonifacio Vásquez, President of the Board of Trustees of the Santa Bárbara Land Grant, presented on behalf of the Santa Bárbara Land Grant. Mr. Vásquez stated that the Grant is concerned with the expansion of Sipapu Ski Area. He reported that the Camino Real Ranger District of the Carson National Forest has agreed to do the environmental analysis on Bear Mountain, where the grant is collaborating with the Camino Real District on a thinning project. The Santa Bárbara Grant wants to ensure that public concerns are taken into account in the fast-tracked EIS. Mr. Vásquez reported that the Santa Bárbara River, Trampas River, and Río Pueblo are being evaluated in the Wild and Scenic River Evaluation (where they are considered for a Wild and Scenic River designation). Meetings with the Forest Service revealed that the Trampas River was dropped from consideration and the Río Pueblo was removed because of acequias and the use of water by Sipapu Ski Area. Mr. Vásquez stated that the Santa Bárbara River remains eligible for such designation and

asked for the NMLGC to support the Santa Bárbara LG to stop the Carson National Forest from designating the Río Santa Bárbara as a Wild and Scenic River (WSR). The Carson National Forest seems to want to designate the stretch of river above the Santa Bárbara campground for its scenic value.

Mr. Vásquez added that seventeen (17) acequias get their water from the Río Santa Bárbara which, he believes, makes it ineligible since the rivers must be “free-flowing” to be designated as WSRs. He fears that this designation will impair the acequias downriver. Mr. Vásquez stated that the Carson National Forest claims that the aforementioned stretch of the Río Santa Bárbara lies within the Pecos Wilderness, which he holds as false, citing the lack of maps of the Pecos Wilderness. He further stated that there exists a false narrative that the Pecos Wilderness was expanded in 1980, which, he reports, is represented in Christmas tree permit maps and through the placement of misleading signs. Mr. Vásquez stated that he has not yet seen a map of the Pecos Wilderness from the era that it was established (1964-1970) and that the oldest map he can find is 2009 or 2012. He also takes issue with the designation of roadless areas, despite Public Law 96-550, which calls for no more roadless reviews in New Mexico.

Mr. Vásquez aims to convince Carson NF supervisor James Durán to remove the Río Santa Bárbara from eligibility because of the unknown impact on acequias and water rights. Councilor Leonard Martínez offered that the San Joaquín del Río de Chama dealt with similar issues regarding the placement of signs that shaped public perception of wilderness boundaries. Mr. Archuleta commented that the Wild and Scenic River designation does not restrict access and is determined by “free flow.” If it were made a WSR, the Río Santa Bárbara would need to be managed for “recreational” as it is identified in the designation, which could stop the addition of acequia infrastructure.

Mr. Archuleta remarked that Bjorn Fredrickson is the manager of the Wild and Scenic River program at the U.S. Forest Service Region 3 office. The NMLGC can arrange a meeting with him to continue the conversation if the Santa Bárbara LG is interested or the Grant can ask Ericka Luna for a similar meeting. Mr. Vásquez commented that his chief concern is the priority rights of the 17 acequias that take water from the Río Santa Bárbara. Chairman Sánchez committed to bringing the question to the New Mexico Acequia Commission and stated that the New Mexico Acequia Association may also be a resource. Patricia Domínguez (Office of Senator Martin Heinrich) commented that environmentalists maybe concerned about potential downgraded flow of the river. Michelle Jácquez-Ortiz (Office of Senator Ton Udall) stated that she attended a February 14th meeting in Taos at the Carson NF offices regarding Wild and Scenic Rivers and that there was little acequia or land grant representation at the meeting, but rather a large group of participants with largely environmental concerns regarding the Carson’s work with land grant acequia communities. Councilor Martínez commented that holding meetings on Ash Wednesday will reduce community participation from traditional communities. Ms. Jácquez Ortiz added that another WSR meeting will take place on March 21st in Taos at the Carson Supervisor’s Office.

Mr. Archuleta commented that WSRs are designated administratively, not Congressionally and that rivers designated 20-30 years ago were not eligible by WSR criteria and should not have been designated. Mr. Vásquez commented that he has conducted research attempting to learn how rivers were designated and found that “outstanding remarkable values” does not include acequias. He additionally fears that even without designation that the Forest Service will manage the rivers for the features that are necessary for designation. Chairman Sánchez stated that the Council will direct staff to set up a meeting with USFS Region 3 regarding WSR designations. Mr. Archuleta added that the existence of acequias on a river make it ineligible for the WSR designation because their headgates restrict free flow. Whether WSR designations ultimately help or hinder acequias is unknown and the land grants and acequias need to know how these classifications work. The Santa Bárbara LG may also seek assistance from the New Mexico Acequia Association, the New Mexico Acequia Commission, the NMLGC and the New Mexico Land Grant Consejo.

Mr. Archuleta reported that the Santa Bárbara LG submitted a request for funding from the Land Grant Support Fund. Chairman Sánchez commented that the Land Grant Studies Program can assist the Grant with some items in the request. Mr. Vásquez commented that discussions with the Taos County Assessor’s office revealed the opportunities for the Santa Bárbara LG to recover lands. Mr. Archuleta suggested that the Santa Bárbara LG might revise its inquiry letter and change it into a support fund application.

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

Marlo Aragón (Office of the NM Attorney General) reported that funding for the Treaty Division was vetoed. Attorney General Hector Balderas has committed to work on lineas issue for the Cristobal de la Serna and the Tierra Amarilla LG issue.

9. Discussion and Possible Action on Legal Services Contract – Including Legal Assistance Requests

Mr. Archuleta reported that the NMLGC received no billing from New Mexico Legal Aid and has received no information regarding Abiquiú and its water rights dispute. The Tierra Amarilla Grant continues to work with NMLA and the UNM Natural Resources Law Clinic. NMLA / D. Benavides will need to get involved in the case regarding the disputed Cebolleta LG election case, which has been appealed after a district court decision, and NMLA may be asked to assist with the Santa Bárbara LG’s water rights declaration. Councilor Padilla-Gutiérrez added that the Town of Tomé LG may also request NMLA assistance. Councilor Martínez commented that there is a need to increase funding for legal assistance for land grants; Mr. Archuleta responded that the Council could consider hiring an on-staff attorney in the next budget *and* keep David Benavides via the NMLA contract.

Mr. Archuleta reported that the Don Fernando de Taos LG requested monetary support to hire a lawyer to work on the return of a historic cemetery near Taos Plaza (information in packet). The cemetery was sold after the original Our Lady of Guadalupe burned and was rebuilt in the 1970s and was later paved and sold to a bank, where it is now used as a parking lot. The NMLGC might consider directing David Benavides to work with the Don Fernando de Taos Grant to help them in this matter.

Councilor Griego made a motion to approve legal services for the Don Fernando de Taos LG. Councilor Padilla-Gutiérrez seconded the motion. The motion was approved unanimously.

The NMLGC will advise the Don Fernando de Taos LG to submit their request to the NMLGC during the Land Grant Support Fund funding cycle if they want to pursue hiring their own attorney.

10. Discussion and Possible Action on Council FY 2018 budget

Mr. Archuleta presented the March 2018 budget update (handout).

11. Discussion and Possible Action on UNM Contract

Mr. Archuleta presented pay requests 7, and discussed accounting errors at UNM regarding pay requests. The remaining balance for the contract is \$109,416.66; pay request 7 is for \$6,238.24. Mr. Archuleta reported that Carmen Morin has replaced Cristina Martínez as the contact for the NMLGC at DFA.

Councilor Griego made a motion to approve pay request 7; Councilor Padilla-Gutiérrez seconded the motion. The motion was approved unanimously.

12. Discussion and Possible Action on Land Grant Support Fund

Mr. Archuleta reported that the San Antonio de las Huertas and San Miguel del Bado Land Grants have received their last purchase orders.

13. Discussion and Possible Action on Federal and State Legislation

Federal:

Elizabeth Reitzel (Office of Congresswoman Michelle Luján Grisham) reported that the markup of the Farm Bill will not begin until after Easter (April 1st). Hopefully Congresswoman Luján Grisham's proposed changes to EQIP funding will get into the underlying bill. If not they will be added through an amendment. Ms. Reitzel added that Congressman Ben Ray Luján's EQIP bill add aids acequias and Congresswoman Luján Grisham's EQIP bill aid land grants and minority ranchers. The markup of the bill may take place in a matter of 1-2 days. Mariana Padilla of Congresswoman Luján Grisham's needs a point of contact to during the markup that is available in the afternoons and evenings. Ms. Reitzel announced that she is leaving Congresswoman Luján Grisham's office at the ends of March to join a local law firm.

Mr. Archuleta reported that he has not heard anything regarding the Traditional Use Bill sponsored by Congressman Ben Ray Luján. He added that he has received Representative Steve Pearce's bill and that the NMLGC has submitted comments on the draft bill. The Northern New Mexico Stockman's Association have also provided comments that the Council has not yet seen. Mr. Archuleta commented that we are unsure of the timetable for the bill and that the New Mexico Land Grant Consejo will be discussing the bill at the March 17th meeting, where he will present on the concept of a bill creating a land grant trust fund as well. concerning cemeteries, the NMLGC have received very little information from land grants regarding historic cemeteries on federal lands. Agencies (state and federal) likely

have the best information, including archaeological surveys. The Council or Land Grant Studies Program may consider submitting FOIA and/or IPRA request for this information. Ms. Domínguez committed to submitting a request to the BLM and USFS on behalf of the Office of Senator Martin Heinrich. Councilor Martínez commented that people for the location of these cemeteries because of the loss of land generations ago.

State:

Mr. Archuleta reported that the Town of Tomé Land Grant has a meeting with the Taxation and Revenue Department March 16 regarding tax delinquent lands within the patented boundary of the Town of Tomé Land Grant. Because the language of HB 88 does not specify which land grants are effected by the bill it may be necessary to explore historic grants in Valencia County to be certain whether the provisions of the bill apply to grants other than Tomé. Councilor Martínez commented that the Interim Land Grant Committee wants land grants to submit capital outlay requests differently and would like for the NMLGC to gather information from land grants to present and prioritize with the Interim Land Grant Committee. He continued that capital outlay is dependent on oil and gas revenues and that land grants have the prerogative to discuss their requests with their legislators. Chairman Sánchez commented the NMLGC should prioritize work and meet with ILGC chairs Senator Liz Stefanics and Representative Miguel García. Mr. Archuleta reported that he received an inquiry from Santo Tomás Apóstol del Río de las Trampas Land Grant president Alex López regarding elections. Mr. López asked if elections needed to be held if no new candidates were running and if time and expense can be spared and board members can be retained through acclamation. Current statute requires elections to be held regardless of the number of candidates, while soil and water conservation districts (by comparison) routinely cancel elections.

14. Discussion and Possible Action on Land Grant Registry

None

15. Discussion and Possible Action on Correspondence Received by Council

Councilor Martínez requested that a letter submitted to the NMLGC (in packet) be included in the registry. Mr. Archuleta shared a letter the NMLGC submitted to the Construction Industries Division supporting the Cañón de Carnué LG.

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

Jacobo Baca (NMLGC) discussed a digitization project with the Town of Tomé LG, wherein microfilmed baptismal and marriage records are being digitized by the LGSP for the Town of Tomé.

17. Discussion and Possible Action on Staff Assignments

none

18. Public Comments – discussion only

Michelle Barlow of the Rio Puerco Rangeland Trust discussed the restoration of the former San Clemente, Belén, Nicholas Durán land grants and her interest in HB 88.

19. Miscellaneous Announcements

The New Mexico Land Grant Consejo will hold its quarterly meeting on March 17, 2018 in Tajique, NM.

20. Date and Location for April Council Meeting

The next Council meeting will take place on Friday, April 13th 2018 (10:00am) and will be held at the Science and Technology Park (Albuquerque, NM).

21. Adjournment:

Councilor Martínez made a motion to adjourn the meeting; Councilor Padilla-Gutiérrez seconded the motion. The meeting adjourned at 12:20am.

Approved:

Chair

Date