

New Mexico Land Grant Council (NMLGC)  
April 13, 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 10:13am. Roll call of the Council members: Leonard Martínez, Macario Griego, Rita Padilla-Gutiérrez, and Juan Sánchez were present.

#### **2. Introduction of Guests**

Juan Sánchez (NMLGC); Leonard Martínez (NMLGC); Macario Griego (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Manuel Trujillo (Santa Bárbara LG); 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); Rebecca Correa Skartwed (San Antonio de las Huertas LG); LM García y Griego (UNM-LGSP); Lisa Morrison (BLM); Ericka Luna (USFS); Marie Sebrechts (USFS); Michele Jácquez-Ortiz (Office of Sen. Tom Udall); Poqueen Rivera (Office of Rep. Michelle Luján-Grisham); Eric Castillo (Office of Sen. Martin Heinrich)

#### **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 March 15, 2018**

Councilor Padilla-Gutiérrez motioned to approve the meeting minutes of the March 15, 2018 Council meeting; Councilor Griego seconded the motion. The motion was approved unanimously.

#### **5. Discussion and Possible Action on FS Update, PLVC, Forest Plan, Spanish Speakers Focus Group**

Marie Sebrechts, USFS Region 3 Director for Public and Legislative Affairs, discussed work with community partners and plans to work with Spanish speakers to make USFS communications more culturally relevant. Focus groups of 8-10 people will include both those familiar and unfamiliar with the Forest Service. Mr. Arturo Archuleta (staff – NMLGC) and Chairman Sánchez provided a list of Spanish speakers that would add value to the discussion. Ms. Seibrechts commented that the focus groups will discuss what conservation means to Spanish speakers; Ericka Luna (USFS) added that Region three is responding to community members that opined that the USFS needs to increase levels of support and service to Spanish speakers. Councilor Leonard Martínez commented that

culture and heritage need to be taken into account, especially to avoid scheduling meetings on important days like Ash Wednesday or during the *limpia* (acequia cleaning). Ms. Seibrechts stated that the USFS would like for the group to meet before May 31, 2018; Ms. Luna added that a location has not yet identified, but areas in the Río Arriba have been considered. Councilor Griego asked Ms. Luna about past interest by the Cañón de Carnué LG in acquiring the cement plant within the historic boundaries of Grant; Ms. Luna stated that the Grant can work with the Cibola National Forest and Sandia Ranger District, as well as Team 5. Mr. Archuleta commented that the Council will revisit the list to take the conservation focus further into account. Bonifacio Vásquez (Santa Bárbara LG) discussed Wild and Scenic River designations and the Río Santa Bárbara, stating that the WSR designation and the Carson NF draft plan is beyond the grasp of many locals in the area, especially since the language is very technical and many are not computer literate.

Ms. Luna provided an update regarding the Piedra Lumbre Visitor Center. She stated that a letter was sent by Carson NF Supervisor James Durán and confirmed that the NMLGC did receive the letter. Alicia Gallegos could not attend the NMLGC meeting and asked that any comments be sent to her. The Forest Service will bear the cost of the appraisal of the PLVC. Mr. Archuleta commented that letter was confusing as the NMLGC was identified as the entity that carried the “financial ability and intent to purchase.” The communities involved in the process will ultimately make the final decision whether or not to proceed once the appraisal is received. The NMLGC was discussed as a potential partner at the March 6 meeting in Hernández, but has not discussed being involved. The NMLGC will respond to the Carson NF in a letter. Mr. Archuleta commented that additional materials regarding the PLVC have been received, including land exchange maps that are hard to read. Parcels mentioned in the documents (in the Cañón de Taos, San Joaquín del Rio de Chama, Peñasco and Cañones areas) are hard to identify and there are still questions of whether transfer took place. The NMLGC anticipated receiving not only maps but more information regarding the transfer; Ms. Luna responded that she will check with R3 office for additional mapping and documents.

Councilor Martínez commented that the Council’s role in the PLVC needs to be more clearly defined. Chairman Sánchez responded that the PLVC will be discussed in the May 2018 meeting. Ms. Luna also asked for help meeting with Abiquiú LG; the Española Ranger District had apparently met with the Grant and Mr. Archuleta added that the NMLGC has been working with the Abiquiú LG for more than a year on their road easement issue with the USFS. Ms. Luna commented that 2018 will have a heavy fire season and the USFS has fire preparedness information that it can share with communities; the NMLGC can help distribute this information. Chairman Sánchez/Ms. Luna commented that Elaine Kohrman has left the Cibola National Forest supervisor position to become the deputy Regional Forester for Region 3. No replacement for her former position has been named. Chairman Sánchez added that Walter Dunn is retiring and Ian Fox will be on detail managing the CFRP program; Ms. Luna added that Region 3’s FOIA official has left.

Councilor Martínez discussed firewood permits and the proposed irrigation project in the Cañón de Chama, and Mr. Archuleta offered staff assistance in completing paperwork for a

formal request / special use permit. He responded that he has verbal commitments for assistance from the Santa Fe National Forest and the Soil and Water Conservation District.

Mr. Archuleta discussed the Wild and Scenic River identification / potential designation of the Río Santa Bárbara. Santa Bárbara LG president Bonifacio Vásquez attended the last Council meeting requesting assistance; Mr. Archuleta was preparing to arrange a meeting with Bjorn Fredrickson, who coordinates the program for Region 3, but Kevin Naranjo of the Carson NF stated that the Rio Santa Bárbara was off the list and no longer considered at the March 16 quarterly land grant meeting. Mr. Vásquez stated that he attended the March 21 WSR meeting in Taos that Mr. Naranjo said that he misspoke and that a 1.5 miles stretch of the river above the campground was still under consideration. Mr. Vásquez added his concern that the WSR designation will match the boundaries of Pecos Wilderness, which are unclear. Mr. Archuleta commented that the NMLGC will help set up a meeting with the WSR coordinator and that the Santa Bárbara LG should be allowed more time to produce comments in light of this confusion. Ms. Luna responded that she will clarify the timeline for comments and ensure that the NMLGC and Santa Bárbara LG receive information regarding WSRs; Mr. Vásquez requested that the meeting be held in Peñasco and submitted a letter that was forwarded to the Carson National Forest by the Santa Bárbara LG. The NMLGC will attend a Carson NF government working group meeting on April 18; the Santa Fe NF has public meetings planned for the spring and summer; the Cibola will hold collaborators meeting on May 29<sup>th</sup>. Jacobo Baca (NMLGC) reported the he represented the NMLGC at a recent Region 3 EADM workshop, which was productive but indicative of land grants different relationship to land than typical forest system users.

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

Lisa Morrison (BLM) reported that the state land exchange (BLM and NM State Land Office) has started; David Herrell will send the first few chapters of the agreement; Mr. Archuleta commented that the NMLGC is going through the approval process to be a cooperating agency. Ms. Morrison reported that the Mancos RMP will be available by July 2018 and the RAC meeting will held on June 12<sup>th</sup>. There has also been a BLM land acquisition of 649 acres in the Rio Grande del Norte National Monument, east of Cerro Chillo. Tammy Torres of the Taos Field Office is working on Councilor Martínez request for information on trails near Gallina. Ms. Morrison asked if the NMLGC has any word form the San Miguel del Bado LG regarding cemeteries; Mr. Archuleta responded that the Grant is busy getting a senior meal site returned to their community center.

#### **7. Discussion and Possible Action on Attorney General Requests – Tierra Amarilla, Manzano**

Mr. Archuleta reported that the Tierra Amarilla LG met with the NM Attorney General's office regarding a property dispute at the end of March. The NMAG Treaty Division did not receive funding for FY 2018 but still committed to aid the Grant. Members of the Interim Land Grant Committee have also expressed concern and have requested clarification on the status of the Manzano Land Grant, specifically what their status is as a political subdivision as they are not governed under Statute 49-1. As a state agency, the NMLGC can request opinions from the New Mexico Attorney General to clarify whether they are or are not a

unit of government. Ms. Aragón responded that such a request should be submitted to the Open Government Division of the NMAG's office.

Councilor Martínez made a motion that the Council seeks an opinion from the New Mexico Office of the Attorney General as to whether the Manzano Land Grant is a unit of government and what laws apply to them; Councilor Griego seconded the motion. The motion passed unanimously.

Mr. Archuleta reported that he received a phone call from Victoria of the NM Attorney General's office regarding HJM 1. They are putting together a tax force regarding the tax issues and the *lineas* of Cristóbal de la Serna LG, which includes Taos County, the Taxation and Revenue Department, the NMLGC, the NM Attorney General's office and the Cristóbal de la Serna LG.

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

Mr. Archuleta reported NMLG has submitted invoice (in packet with UNM billing). NMLA attorney David Benavides has contacted Don Fernando de Taos LG president Frank Trujillo regarding their cemetery issue; Mr. Trujillo stated that he will discuss and determine whether they will submit an application for additional monies for the support fund. Mr. Vásquez discussed assistance from NMLA for the Santa Bárbara LGs water declaration.

### **10. Discussion and Possible Action on Council FY 2018 and FY 2019 budgets**

Mr. Archuleta presented the April 2018 budget update (handout). The Council still has not received any support fund reimbursement requests. He does not anticipate issues but will be following up with grants that received support fund. There remains \$1,809.00 in the state travel budget, sufficient funds to travel for the next two meetings. A \$84,601 balance remains in the UNM contract and is on target to be spent. Personnel travel has approximately \$4,300 remaining. The legal service contract will also be spent down. The FY 2019 legislative appropriation is the same; the Land Grant Support Fund budget will remain the same, publishing will be reduced and a UNM mandated 1% raise has been incorporated. Councilor Padilla-Gutiérrez asked if some services could be combined and Councilor Griego asked if the Land Grant Support Fund could be used to purchase Risk Management (RM) insurance and commented that the Council had previously asked the Attorney General's office if funding can be so used. Marlo Aragón (Office of the Attorney General) responded that she did not have an answer but work to provide one; Mr. Archuleta responded that the FY 2020 budget request could include an RM funding pool that grants could apply for, along with an on staff attorney and funding for survey work. The Council may also discuss needs with land grants and plans to discuss future budget priorities with the Interim Land Grant Committee Chair Liz Stefanics and Vice-Chair Miguel García.

Councilor Martínez made a motion to approve FY 2019 budget as recommended; Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

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

Mr. Archuleta presented pay request 8, and including billing from March 2018 for a total of \$24,813,94. Councilor Martínez made a motion to approve pay request 8; Councilor Griego seconded the motion. The motion was approved unanimously.

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

None

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

#### State:

Mr. Archuleta discussed the HB 88 and a March 16 meeting between the Town of Tomé LG and the New Mexico Taxation and Revenue Department (NM TRD). He stated that the NM TRD has demonstrated a will to return land to the Town of Tomé LG. 5,000-6,000 acres are eligible for sale under the provisions of HB 88; NM TRD has prioritized 1,000 lots and local legislators have committed their support. The NM TRD also wants to aid getting other tax delinquent properties and abandoned properties within the historic boundaries of land grants back to land grant boards of trustees. Because properties that have been divorced from tax rolls lower the bond rating for the State and for counties, it is in the NM TRD's interest to get them off tax delinquent rolls even if little income is generated. The actions of NM TRD in Valencia County may impact other land grants' efforts towards land recovery. They are currently working with the Cristobal de la Serna LG on the lines issues and has committed to presenting to the Interim Land Grant Committee to discuss further. Councilor Griego asked if support fund money could be used to purchase the lots in question; Chairman Sánchez and Mr. Archuleta responded that it could be used for such purposes and Councilor Martínez added how a federal/state trust could aid opportunities like these.

#### Federal:

Mr. Eric Castillo (Office of Senator Martin Heinrich) introduced Poqueen Rivera, who replacing Elizabeth Reitzel and is the new point of contact for the NMLGC from Representative Michelle Luján Grisham's office. Ms. Rivera reported that the Farm Bill text has been released; its is a massive bill and the main concern is the reduction of SNAP benefits. Mr. Castillo stated that Patricia Domínguez was unable to attend the meeting and reported no new info regarding cemeteries. Ms. Michelle Jácquez-Ortiz (Office of Senator Tom Udall) commented that the next land grant quarterly meeting with staff of the New Mexico Congressional Delegation will be May 18<sup>th</sup> and that Sen. Udall's office will be coordinating. Mr. Archuleta circulated copies of two congressional bills and comments that the NMLGC drafted to the Councilors, including a land grant commission bill drafted by Representative Steve Pearce and the traditional use bill carried by Representative Ben Ray Luján. Comments are often fixing grammatical errors, others are more substantive to ensure intent of legislation is clear. The Council discussed comments that were submitted on both bills, including the need to ensure access for traditional land grant communities and to ensure the bill applies to other federal agencies, not just BLM and USFS. The sections regarding NEPA reportedly raised flags in current political environment, which is a bigger issue for acequias than for land grants.

Councilor Padilla-Gutiérrez made a motion approving NMLGC comments on the traditional use bill; Councilor Griego seconded the motion. The motion passed unanimously.

Regarding the land grant commission bill, the NMLGC staff met with representatives of the Northern New Mexico Stockman's Association regarding grazing concerns in the draft bill. The comments submitted to Representative Pearce's office include clarifying the body that would bring action (a board rather than an individual heir) and the transfer of federal lands. This bill would give authority to federal agencies to transfer land back to land grants.

Councilor Martínez made a motion approving NMLGC comments on the land grant commission bill; Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

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

Mr. Baca reported that four items have been received by the NMLGC for inclusion in the New Mexico Land Grant Registry, including

- Letter from the Town of Tomé LG regarding the appointment of two members replacing two members that resigned;
- Updated and adopted by-laws from the San Antonio de las Huertas LG;
- Copy of FOIA letter from San Joaquín del Río de Chama LG to Ericka Luna, USFS, requesting a list of all resources permitted by the USFS;
- 2015-2017 Annual Reports from the Don Fernando de Taos LG

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

Letter from Bonifacio Vásquez regarding the Río Santa Bárbara and potential Wild and Scenic River designation.

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

LM García y Griego reported that the Office of the Vice President for Research is conducting a review of the LGSP. The NMLGC has informally served as the advisory committee to the LGSP; the LGSP would like to affirm that the NMLGC will formally serve as the LGSP advisory committee for FY 2018 and 2019.

Councilor Padilla-Gutiérrez made a motion approving that New Mexico Land Grant Council serve as the advisory committee for the Land Grant Studies Program; Councilor Martínez seconded the motion. The motion passed unanimously.

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

None

#### **18. Public Comments – discussion only**

None.

**19. Miscellaneous Announcements**

The New Mexico Land Grant Consejo will hold its annual meeting on June 16<sup>th</sup>, 2018 in Capulín, NM.

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

The next Council meeting will take place on Friday, May 11<sup>th</sup> 2018 (10:00am) and will be held at the NMHU (Las Vegas, NM).

The June meeting will be held on June 22, 2018 in Santa Fe, NM, location tbd.

**21. Adjournment:**

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

**Approved:**

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Chair

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Date