

New Mexico Land Grant Council (NMLGC)
November 21, 2019 – 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 10:08 am. Roll call of the Council members: Andrea Padilla, Steve Polaco, Leonard Martínez, Rebecca Correa Skartwed and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Leonard T. Martinez (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chavez (NMLGC/LGSP); Vidal Gonzales (NMLGC/LGSP); Antonio Maestas (NMLGC/LGSP); Cheyenne Trujillo (NMLGC/LGSP); LM Garcia y Griego (NMLGC/LGSP); Eric Chávez (Office of Rep. Ben Ray Luján); Lisa Morrison (BLM); Patricia Domínguez (Office of Senator Martin Heinrich); Michelle Kavanaugh (Office of Senator Tom Udall); Novela Salazar (NMAG - Treaty of Guadalupe Hidalgo Division); Jason Quintana (Manzano Land Grant); Rita Padilla Gutiérrez (Town of Tomé Land Grant); Frank Trujillo (Don Fernando de Taos LG); Ida Trujillo (Don Fernando de Taos LG); Moises Gonzales (Cañón de Carnué LG).

3. Approval of Agenda

Councilor Steve Polaco made a motion to approve the agenda; Councilor Andrea Padilla seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of October 15, 2019

Councilor Leonard Martínez made a motion to approve the meeting minutes of the October 15, 2019 Council meeting; Councilor Rebecca Correa-Skartwed seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on Acequia Commission

Chairman Juan Sánchez reported that New Mexico Acequia Commission Chair Ralph Vigil requested to be the New Mexico Acequia Commission be put on today's NMLGC agenda. The NMAC is meeting at the same time as this Council meeting and did not send a representative. The NMAC has asked that the NMLGC send a representative to NMAC meetings. Council members discussed whether councilors attending the NMAC would be reimbursed for travel; staff stated that they would look into whether this was possible or if budget would allow. Councilor Martínez made a motion to table item 5; Councilor Padilla seconded.

6. Discussion and Possible Action on U.S. Forest Service Update

Mr. Arturo Archuleta discussed a letter from James Durán of the Caron National Forest regarding the potential Río Santa Bárbara Wild and Scenic River designation. The letter stated that the section between campground and Jicarita Creek was removed from the potential designation. Council members received copies of the comments submitted to the Carson, Santa Fe, and Cibola National Forests via e-mail for their review. Councilor Padilla stated that she did not receive the comments ahead of the meeting. The Council postponed endorsement until the December 2019 meeting. Mr. Archuleta stated that Council staff created comments reflective of each plan; these comments prioritized ensuring that traditional uses were protected, both in the traditional use section and in other sections as well. These comments included wilderness comments regarding Public Law 96-550, which the Council interprets as a special provision that it is an official provision for New Mexico, changing the ability to create wilderness designations.

7. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) reported that the BLM is continuing its online wood permit pilot project. Councilor Martínez commented that he has yet to be contacted by the Farmington Field office and stated that he requests communal access to piñón trees for Christmas trees. Ms. Morrison stated that the Carlsbad RMP is in its protest period; the Governor of New Mexico will comment on the plan. She added that the BLM records, including some information pertaining to land grants, are available online. Mr. Baca commented that records pertaining to community land grants seem to not be available online. Ms. Morrison reported that target shooting in New Mexico, ostensibly under the recreation and public purposes act, is disturbing homeowners. Jason Quintana (Manzano LG) questioned why power produced in New Mexico is sent elsewhere when New Mexico communities are left with the infrastructure. Ms. Morrison responded that there is little incentive to keep energy in New Mexico. Council members and attendees discussed renewable energy, how locals needs should be considered when hiring in the renewable energy sector, and the role of the federal government in promoting renewable energy and looking out for local interests. The growing hemp industry was also discussed.

Councilor Correa Skartwed asked about the Rio Puerco RMP; Ms. Morrison responded that the BLM hopes for a May 2020 release, but that it might be delayed as the energy development in the Permian Basin (Carlsbad District) is the administrations priority. Patricia Domínguez (Office of Senator Martin Heinrich) commented that the Kit Carson Electrical Cooperative bought themselves out of contract with Tri-State and transitioned to renewable energy. To generate power, it currently uses almost 100% solar during day and natural gas at night. Ms. Domínguez considered Kit Carson an exemplary electrical cooperative and added that Tri-State has capped percentage of renewables and that PNM is slowly moving to a larger renewable portfolio. Mr. Archuleta thanked Ms. Morrison for use of the BLM offices in Santa Fe for the October 10 meeting between land grants and the three northern national forests. Ms. Morrison added that the public comment period for the Borderlands Wind Project is coming up soon.

8. Discussion and Possible Action on Federal and State Legislation Update

Federal

Included in the packet is a letter from Senator Tom Udall to Council Chair Juan Sánchez, thanking the Council for the Farm Bill celebration. Mr. Archuleta presented changes to Section 10 in the traditional use bill, including provisions for a period for land grants to submit proposed

boundaries for traditional use, and an added section 11 regarding the federal land management plans.

Councilor Padilla made a motion to approve the proposed Section 10 language. Councilor Correa Skartwed seconded the motion. The motion passed unanimously.

The approved language will go Representative Ben Ray Lujan's office and Senator Udall's office. Eric Chavez (Office of Rep. Ben Ray Luján) commented that House Natural Resources Committee Chair Raul Grijalva is working with Congressman Lujan's office on language and that they will share information. He added that Congressman Luján's office is working with the New Mexico Acequia Commission as well.

Councilor Martínez asked for an update on the cemetery bill. Mr. Archuleta replied that focus has been on the traditional use bill. Ms. Dominguez commented that the Small Tracts Act does not allow land to be granted and requires that land must be sold and cemeteries in question cannot be a denominational cemetery. Mr. Domínguez responded that she will look into it. She added that the CFRP signed a new charter but new members have not been approved. If they do not seat new members, money will go elsewhere. Some monies have already gone to Arizona and the current administration does not like that the program is New Mexico specific and prefers monies to go to the CFLRP program. Chairman Sánchez reported that the CFRP workshop will take place on December 17 and 18 for funding in January. J.R. Logan, who Ms. Domínguez cited as involved in the San Cristóbal mayordomo project, was at the meeting of the Rio Grande Fund and in a meeting with Cibola Forest Supervisor Steve Hattenbach, who wants a similar program on the Cibola NF. Ms. Domínguez mentioned that the LOR Foundation supported the San Cristóbal Project and that CFRP monies could go to these projects as well or to the Vallecitos Sustained Yield Project.

State.

None.

9. Discussion and Possible Action on Land Grant Support Fund

Venessa Chavez (NMLGC) presented the Land Grant Support Fund requests. Below are the requests and amounts funded:

Don Fernando de Taos: requested - \$5,000.00

Funds requested in order to determine if human remains exist under the parking lot which was a part of the historic cemetery.

Mr. Frank Trujillo, President of the Don Fernando de Taos presented to the Land Grant Council and advised the Council that only one company in New Mexico provides this service and they provided a reduced rate.

Councilwoman Skartwed asked how the cemetery became a cemetery and Mr. Trujillo briefed her on how the property was sold to US Bank and the current lawsuit they are involved in, in order to reclaim the property and possible monetary compensation.

Motion was made by Councilwoman Skartwed to award Don Fernando de Taos \$5,000.00
Councilman Martinez seconded the motion. The motion was approved unanimously.

Manzano Land Grant: Requested - \$4,743.00

Funds requested to furnish and equip the community building and Land Grant office.

Mr. Jason Quintana, President of the Manzano Land Grant presented the request to the Council.

Chairman Sanchez requested clarification from the Attorney General's office if equipment can be purchased for a building that is leased instead of owned. Arturo advised the Council that the Land Grant does own a building and that the equipment could be stored there.

Motion was made by Councilman Martinez to award the Manzano Land Grant \$3,000.00
Councilwoman Padilla seconded the motion. The motion was approved unanimously

Los Pueblos de Tierra Amarilla: Requested - \$11,216.15

Funds requested purchase tools and equipment necessary for upkeep of the newly acquired Laguna Del Campo.

Mr. Steve Polaco, President of Los Pueblos de Tierra Amarilla presented the request to the Council.

Arturo advised the Council that the property has not yet been transferred and if the funds are awarded that the equipment must be stored on property owned by the Land Grant.

Councilman Polaco recused himself and stepped out of the meeting during the vote.

Motion was made by Councilwoman Padilla to award Los Pueblos de Tierra Amarilla \$4,000.00
Councilman Martinez seconded the motion. The motion was approved unanimously.

San Antonio De Las Huertas: Requested - \$7,025.63

Funds requested to continue to improve the Oso Recreation Site

Mrs. Rebecca Skartwed, President from San Antonio de Las Huertas presented the request to the Council.

Councilwoman Rebecca Correa Skartwed recused herself and stepped out of the meeting during the vote.

Motion was made by Councilwoman Padilla to award San Antonio de Las Huertas \$ 2,000.00
Councilman Martinez seconded the motion. The motion was approved unanimously.

San Miguel del Bado: Requested - \$4,000.00

Funds requested to purchase equipment for building and grounds upkeep and repair and website development.

There was not a representative from San Miguel Del Bado Land Grant it was presented by Venessa Chavez.

The Council decided that Cheyenne Trujillo with the Studies Program would provide support for website development.

Motion was made by Councilman Martinez to award San Miguel del Bado \$2,000.00 Councilwoman Padilla seconded the motion. The motion was approved unanimously.

Town of Tomé – Requested - \$1,200.00

Rita Padilla Gutiérrez of the Town of Tomé Land Grant withdrew the application in order to see land grants who have never been funded the opportunity to receive consideration and funding.

Councilwoman Padilla encouraged the Council to fund land Grants that have not been funded before.

Councilman Martinez encouraged the Council to allocate a larger portion of the budget to the Support Fund. He recommended the fund be increased to at least \$60,000.00.

10. Discussion and Possible Action on Town of Tomé LG

Included in the packet is a lawsuit () filed by to prevent the sale. Council members and staff discussed the tax auction process under HB 88, where Negotiated price. In the lawsuit, the Valley Improvement Association and the Cibola Land Corporation are suing the New Mexico Department of Taxation and Revenue (NM TRD), alleging that the sale is a “taking” and that their due process violated. Both entities appear to have paid taxes on tax delinquent properties. The suit may be premature as the sale did not yet take place and the NM TRD will go through with the sale (December 13th (9:00am) at the Valencia County Courthouse). On December 2, TRD and the Town of Tomé Land Grant will meet to discuss dispersal and reimbursement options. Councilor Padilla responded that the Tomé Land Grant would like to reword capitol outlay to include all lands within the boundaries of the Tomé Grant, not only those that are tax delinquent, and added that they are fearful that energy development could negatively impact water resources and the environment. Councilor members and attendees expressed their support for the Tomé Land Grant.

9. Discussion and Possible Action on DFA Meeting for Capital Outlay Update

Mr. Archuleta reported that he has emailed DFA regarding capital outlay. He is waiting for a W-9 substitute from the Manzano Land Grant.

10. Discussion and Possible Action on Laguna del Campo Transfer Update

Mr. Archuleta reported that the transfer is moving forward. Councilor Polaco stated that he contacted Commissioner Jeremy Vesbach but received no response. The Interim Land Grant Committee asked the Tierra Amarilla Grant to get and estimate in a headgate and the Grant is also getting a gravel estimate for the dike between lower and upper bank. During the ILGC tour on November 1, ILGC members and others were told by the acequia that the spillway does not work. Inspection indicates that it appears to work properly. Representative Susan Herrera reportedly offered \$15,000 to the Tierra Amarilla for the Laguna del Campo.

13. Discussion and Possible Action on SB 226

Mr. Archuleta reported that the New Mexico Game Commission is discussing the repeal the Landowner Certification of Non-Navigable Water Adopted Rule 19.31.11 NMAC, which derived from SB 226 (2016). NMLGC staff, with assistance from LGSP staff, drafted a letter (in packet) that requests that the NM Game Commission review the policy. Vidal Gonzales and Antonio Maestas (NMLGC/LGSP) discussed the letter regarding non-navigable waters and how this adopted rule was deemed unconstitutional in *State Game Commission v. Red River Valley Company*, where the court held that the Red River Cattle Corporation could not have sole control, given Sec. 26, Art. 4 of the New Mexico State Constitution. Chairman Sánchez discussed three decisions from Attorneys General Gary King and Hector Balderras and work of attorneys Utton and Kery. Councilor Polaco suggested that the letter be sent to the Governor as well; Council members and staff suggested adding specific language from the Attorneys General opinions and carbon copying Governor Michelle Luján Grisham, Victor Reyes (Legislative Director for the Governor) as well as the Chair and Vice Chair of the Interim Land Grant Committee, as well as Senator Richard Martínez. Councilor Polaco discussed the resent sale of land from Quinlen Ranch to a Mr. Roberts of Santa Fe, who applied to close the public access to these waters. Councilor Polaco expressed his fear that children will not have access to these streams and will not be able to enjoy access to their historic and cultural rights. Mr. Vidal Gonzales suggested exploring Senate Bill 226 and Councilor Martínez suggested discussing the bill with Senator Richard Martínez.

Councilor Steve Polaco made a motion to approve the letter, with the suggested changes; Councilor Correa Skartwed seconded the motion. The motion passed unanimously.

14. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division

Novela Salazar (Treaty Division) stated that there was no update. Mr. Archuleta mentioned that copies of the Treaty Division's report on Santa Cruz de la Cañada (required by HM 38 - 2019) was shared with the Council members and that an article discussing the issue was published in the *Rio Grande Sun* and was included in the packet.

12. Discussion and Possible Action on Legal Services Contract: Updates and Requests

Mr. Archuleta presented the update on legal service contract and requests (In packet). This includes the letter of engagement from UNM Law School Natural Resources and Environmental Law Clinic regarding the Piedra Lumbre Visitors Center, where the NMLGC was as the client to ensure that the Clinic could prepare for the October 31st meeting of the Interim Land Grant Committee and to create a memo regarding the participating land grants. Mr. Archuleta also discussed SB 244 (the development of the Community Attorney Governance program) and the \$250,000 funded by House Bill 2 junior monies from Senator Jerry Ortiz y Pino, Rep. Miguel García, etc.. Because the language was miswritten in the session, the monies cannot be reauthorized for next year. NMLGC, HED, UNM Law School, NM Legal Aid, and Rep. García discussed how the monies appropriated can be spent in FY 2020 following the spirit if the legislation.

Also included in the packet is New Mexico Legal Aid's billing. NMLA is no longer part of the UNM Contract. In the packet are three invoices (pay requests) from NMLA to DFA:

Pay request 1 – \$3,762.50 – (with narrative)

Pay request 2 – \$9,818.75 – (with narrative)
Pay request 3 – \$5,500.00 – (with narrative)

Council members discussed Pay Request 1, 2, and 3 and the narratives.

Councilor Steve Polaco made a motion to approve Pay Request 1, Pay Request 2, and Pay Request 3. Councilor Andrea Padilla seconded the motion. The motion passed unanimously.

Councilor Martínez discussed the *US. v. Sandoval* (1897) case, contracting a private attorney, and the willingness of the New Mexico Attorney General to participate in suit. He reported that all land grants effected by the case are interested in a lawsuit challenging the case, asked for the NMLGC's support and Council members and staff discussed the one-third fee required by a private attorney. Councilor Martínez asked that an item regarding the *US v. Sandoval* case be added to the December 2019 agenda.

13. Discussion and Possible Action Council FY 2020, FY 2021 Budgets

FY 2020

Mr. Archuleta presented an update (in packet) on the FY 2020 budget. The total budget expended to date is \$42,932.83 of the total \$296,900 budget, or approximately 14.1%. Total Council travel for FY 2020 (July-Nov.) is \$2,738.92. He commented that Chairman Sánchez will go over the \$1,500 travel cap and will have to send a memo to the Governor's office stating that this is the case. Councilor Martínez mentioned that he plans to relocate from Rio Rancho to Coyote, NM in the spring; Mr. Archuleta responded that the Council will adjust plans budgets.

14. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020

Mr. Archuleta presented Pay Request #3 was presented for \$10,268.21 for billing period of October 2019. The billing narrative is included in the packet.

Councilor Padilla made a motion to approve Pay Request #3; Councilor Polaco seconded the motion. The motion was passed unanimously.

18. D& A on Future of NMLGC

Mr. Archuleta discussed the potential creation of a Land Grant Institute and the appointment of an advisory committee, consisting of three faculty members from UNM and two members from the NMLGC; the NMLGC can decide which members will be the advisory. LM García y Griego (NMLGC/LGSP) commented that advisory committee will be a joint community and faculty advisory committee to both the NMLGC and the LGSP and will advise the Office of the Vice President for Research, which ensures that entities reporting to the Office are engaged in activities consistent with their mission. He previously asked Chairman Sánchez and Councilor Martínez to serve as the NMLGC representatives to the advisory of the Land Grant Studies Program; Dr. Baca pointed out that this was before the new council members were appointed in August 2019. Faculty representatives that have agreed to serve are Dr. Durwood Ball, Associate Professor of History and editor of the *New Mexico Historical Review*, and Gabe Pacyniak, Assistant Professor of Law who directs the Natural Resources and Environmental Law Clinic. Dr. García y Griego will also ask Cliff Villa of the UNM Law School if he is interested in the third post. The first meeting will be in January 2020. Councilor Polaco stated that he could not serve on the

Committee; Councilor Correa Skartwed expressed her interest in serving on the advisory committee for the LGSP, as did Chairman Sánchez.

19. Discussion and Possible Action on Recognition of Land Grants that are Political Subdivisions

Mr. Archuleta reported that in the packet is a draft letter (for discussion) regarding the recognition of land grants that are political subdivisions of the State of New Mexico. The Land Grant Support Fund requires that land grants are current in their submissions to the land grant registry (updated bylaws and list of current officers) for eligibility. There are less than forty land grants that are active political subdivisions of the State of New Mexico. Councilors do not need to take action on the letter; it merely offers criteria to measure a land grants status as a political subdivision. The Council could add language differentiating between land grants with budgets above or below \$50,000. Before we send a letter, the NMLGC needs to offer a policy on how they will measure. Councilor Polaco stated that there are more parameters to measure a land grants status other than bylaws and updated lists of boards; Mr. Archuleta responded without a policy, the Council cannot ask for more information. Currently, the NMLGC offers land grants the option of sending their annual report to the Council. It could consider asking for a copy of land grant's open meeting act resolution, which needs to be adopted yearly. Councilor Martínez commented that this was a good process and good policy and that the Council was the appropriate authority to recognize the status of land grants.

17. Discussion and Possible Action on Land Grant Registry

Mr. Baca commented that the following documents have been submitted to the New Mexico Land Grant Registry.

- San Antonio del Río Colorado Land Grant submitted the following documents to the New Mexico Land Grant Registry:
 - ___ A digital copy of the San Antonio del Río Colorado Genealogy and Archives with a hard copy inventory of the collection.
- Merced de Los Pueblos de Tierra Amarilla has submitted the following documents to the New Mexico Land Grant Registry:
 - ___ A copy of a facsimile reproduction of the patent of the Tierra Amarilla Land Grant, dated February 21, 1881.
- Town of Tomé Land Grant has submitted the following documents to the New Mexico Land Grant Registry:
 - ___ Adopted by-laws for the Town of Tomé Land Grant
- Santa Cruz de la Cañada Land Grant added the following documents to the New Mexico Land Grant Registry:
 - ___ Materials relating to the 2010 organization of the Santa Cruz de la Cañada Land Grant, including archival documents originating from the Borrego-Ortega Papers
- San Joaquín del Río de Chama Land Grant has submitted the following documents to the New Mexico Land Grant Registry:
 - ___ quadrangle maps related to the San Joaquín del Río de Chama Land Grant
- Santa Barbara Land Grant has submitted the following documents to the New Mexico Land Grant Registry:

- ____ Comments submitted to the Carson National Forest regarding Carson National draft Forest Land Management Plan

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

Mr. Baca reported that gave talk on at the Martinez Hacienda in Taos on October 25, 2019; met with heirs of the Embudo Land Grant to discuss their history and reorganization of the grant on October 26; met with UNM Vice President for Research Gabriel López and CCS Professor Levi Romero regarding the Los Luceros Historic Site (Sebastián Martín Land Grant) regarding interpretation and programming; and with heirs of the Santa Cruz de la Cañada Land Grant regarding history and the organization of the Grant in 2006 on Oct. 27th.

19. Discussion and Possible Action on Correspondence Received by Council

Discussed above.

20. Discussion and Possible Action on Staff Assignments

None.

21. Public Comments – discussion only

The New Mexico Livestock Commission will meet on December 12, 2019 at Sandia Resort and Casino. Rita Padilla-Gutiérrez is on the Commission and has asked the Council to give a presentation.

22. Miscellaneous Announcements

The Scholars for New Mexico Studies and UNM Land Grant Studies Program will host a traditional New Mexico holiday celebration on Friday, November 22, 2019.

23. Date and Location for December 2019 Council Meeting

The next Council meeting will be held on December 19, 2019 at 10:00am in Albuquerque, NM (UNM STC).

24. Adjournment

Councilor SP made a motion to adjourn; Councilor AP seconded the motion. The meeting adjourned at 1:20pm.

Approved:

 Chair

 Date