

New Mexico Land Grant Council (NMLGC)  
April 12, 2019 – 10:00am  
UNM Continuing Education, South Building, Room 219  
(1634 University Blvd NE  
Albuquerque, NM 87131)

**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: Rita Padilla-Gutiérrez, Juan Sánchez, and Leonard Martínez were present. Macario Griego was absent.

**2. Introduction of Guests**

Juan Sánchez (NMLGC); Leonard Martínez (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (LGSP); Cheyenne Trujillo (NMLGC/LGSP); Ericka Luna (USFS); Lisa Morrison (BLM); Malaquias Rael (NM Attorney General's Office); Novela Salazar (NM Attorney General's Office); Kris Graham Chávez (NRCS); Patricia Domínguez (Office of Sen. Martin Heinrich); Sofia Sánchez (Office of Rep. Deb Haaland).

**3. Approval of Agenda**

Move agenda item 8 after item 13; Councilor Leonard Martínez made a motion to approve the agenda; Councilor Rita Padilla-Gutierrez seconded the motion. The motion was approved unanimously.

**4. Approval of Meeting Minutes from Regular Council Meeting of March 22, 2019**

Councilor Martínez made a motion to approve the meeting minutes of the March 22, 2019 Council meeting; Councilor Padilla-Gutierrez seconded the motion. The motion was approved unanimously.

**5. Discussion and Possible Action on Federal and State Legislative update**

*Federal*

Mr. Arturo Archuleta directed attention to a letter in the packet that discussed consultation bill sponsored by Rep. Ben Ray Luján. Appropriations negotiations effected only the Department of Interior and not the Department of Agriculture. There may be an opportunity to insert traditional use language in the appropriation portion of the bill. Senator Tom Udall has announcing that is not running for re-election in 2020 and Rep. Ben Ray Luján announced that he intends to run for Udall's Senatorial seat. The Council had collaborated with Stephanie Harding of Udall's Washington DC office regarding a land grant-merced trust fund and a Senate version of the Traditional Use Consultation bill, but she left the office last month. We have also been in conversations with Sofia Sanchez of Rep. Deb Haaland's office regarding a tour of land grants in her district in the East

Mountains in late May 2019. Patricia Domínguez (Office of Sen. Martin Heinrich) stated that she would set the day for the next Congressional quarterly conference call and asked the Council staff to provide background information for incoming staffers. Kris Graham-Chávez (NRCS) reported that the Natural Resource Conservation Service is working on created guidance through fact sheets to disseminate information and answer technical question about the 2019 Farm Bill. Mr. Archuleta commented that it remains unclear what exact programs land grants and acequias qualify for beyond the EQIP program, like water conservation programs. Ms. Graham-Chávez responded that land grants and acequias are both eligible for all programs, including conservation easement programs. Mr. Archuleta suggested a workshop to inform land grants about NRCS programs and technical assistance for planning to get land grants on the radar of local NRCS offices. Chairman Juan Sánchez asked if land grants qualify for the RCCP program; Ms. Graham-Chávez responded that they do and Chairman Sánchez replied that it is important for local NRCS officers to know this because they are still unsure. The NMLGC needs to know the programs so we can provide technical assistance. Ms. Domínguez stated that there is cemetery language in the Farm Bill, but it only provides for sales or equal value exchange and no conveyances. Senator Heinrich is still interested in the legislation. Mr. Archuleta asked about the appraisal process for cemetery and if yellowbook appraisals have provisions for cemeteries that state what their “fair market value” is. Ms. Domínguez also reported that Juan Sánchez of Senator Heinrich’s DC office will offer “Federal Grants 101” workshops in June 2019 in Santa Fe, Albuquerque, and southern New Mexico.

#### *State*

A full update is in the packet. SB 244 was on the rocket docket and passed. SB 17, SB44, SB223 and HB 592 were signed by Governor Michelle Luján Grisham. HB 94, regarding partitioned land grants, was not signed and pocket vetoed. The Governor’s office commented that they did not sign because they lacked time for full analysis and because of the concerns of Las Vegas and Mora. Victor Reyes of the Governor’s office might be asked to attend the interim legislative session to become more informed about the issue. The Interim did take in concerns of the opposed land grants before writing this legislation more than two years ago. HB 33 died on floor with 2 bills in front of it. The Council needs to coordinate with the Attorney General’s office to get this bill passed. SJR 2, regarding lineas at Cristobal de la Serna, asked for monies for the Attorney General’s office. HJM 2 from 2018 asked them to study it. Because the legislation deals with money, it is germane to the 2020 session and can be introduced.

All capital outlay projects for land grants were funded, totaling \$2.3 million. HB 2 junior monies were used to fund \$200,000 (recurring) for law school students working with land grants, acequias and colonias (SB 244) and \$50,000 (non-recurring) came from the Higher Education Department. There is a concern that the program is not set up yet and 3<sup>rd</sup> year law students are not yet identified. We are hoping to have a conversation with the bill sponsors to reallocate monies spent and to identify agencies and other eligible entities like New Mexico Legal Aid and the New Mexico Acequia Association where students can partner. The bill language is vague and it was fast tracked and unamended so legislators could not attach monies. It also could have allowed for law students to be placed with the NMLGC and NM Attorney General’s office. Professor Gabe Pacyniak is the UNM Law School

point of contact for the program and will provide recommendations to the HED. In the law, a board is created that will oversee its implementation. Mark Edwards of the Legislative Council Service stated that we might be able to extend timeline to be sure monies are expended. Funding will go through the Local Government Division of the Department of Finance and Administration

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

Lia Morrison (BLM) reported that the public scoping period for Sombrillo Area Travel management plan ends on April 29<sup>th</sup>. This includes the area between Española and Santa Fe to the Santa Fe National Forest. David Bernhardt has been appointed Secretary of the Interior and Tim Spisak is the new BLM State Director for New Mexico. The Farmington RMP is still being worked on. Senators Udall and Heinrich offered an amendment for a 10-mile buffer around Chaco Canyon. The Carlsbad RMP remains a priority because of oil and gas development. The Verde Transmission line project is ongoing and little work is being done on the Rio Grande del Norte plan. Mr. Archuleta commented that he had a conversation with Esther García of the San Antonio del Río Colorado Grant and she understood from a conversation with John Bailey that the Rio Grande del Norte plan will be scrapped, even though much community work went into creating the plan. Ms. Morrison responded that she had not heard that, only that the plan is not a priority, but promised to find out and update the Council. The new wilderness plan included a public lands package that created new wilderness areas, including the Rio San Antonio and Cerro de Yuta. 10 more were created in the Organ Mountains and one near Farmington. Councilor Martínez commented that he forwarded the San Joaquín del Río de Chama Comprehensive Plan to the BLM Farmington and State offices and that he wants it to be taken into account in the Farmington RMP and for projects like clearing piñón-juniper around Gallina.

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

Ericka Luna (USFS) offered her congratulations to land grants on the capital outlay monies and the PLVC funding secured in the legislature. The USFS has discussed the process with DFA and it will take 3-4 months for PLVC monies to be drawn down. Mr. Archuleta commented that the NMLGC will work on this with DFA as well and wants to be involved. Money beyond the purchase price was awarded and the land grants want to use the additional monies to remodel. Councilor Martínez stated that he hoped federal agencies will continue as stakeholders and the site will have a continued relationship and use by the BLM, FS, US Army Corps of Engineers offices. Mr. Archuleta reported that the land grants and the NMLGC are scheduled to meet next Wednesday regarding the PLVC and that the Georgia O’Keeffe Museum and Ghost Ranch are interested in having a continued relationship, but that they need to focus on the purchase first.

Ms. Luna reported that she is organizing a meet and greet with USFS law enforcement and land grants, which will be attended by James Alford and Brian Webb, the heads of USFS law enforcement. It will be held on May 7, 2019 at 5:30 to 7:30, likely in Hernández, NM. The USFS will be happy to host additional meetings in Taos, Las Vegas, the East Mountains or wherever. If there are any grants with specific questions they will have data call and will have some info and will take specific questions back to office. Councilor Martinez commented that he wants to discuss wood collection with Coyote, Cuba and Canjilón

Ranger Districts and the Cañón de Chama irrigation project. The Acequia Association is interested and the NEPA needs to be completed as well and wanted guidance on their application with NRCS. Ms. Luna responded that she would get back to Councilor Martínez. She also stated that the processes were overwhelming and wants the New Mexico Acequia Association to be a convener for projects that involve the NRCS, U.S. Forest Service, and BLM. The NRCS is creating flow chart to clarify the process. We are also working with the Interstate Streams Commission and the Office of the State Engineer so that an applicant is aware of state and federal policies and processes.

Ms. Luna also commented that the Forest Service is working with the New Mexico Acequia Association and the New Mexico Acequia Commission on how the Forest Service will work with acequias on permitting needs. There is much discretion so the USFS is interested in providing clarity and consistency. This is harder with regional policies. But will be documented in forest plans in draft guidance documents to forest service employees that outlines when NEPA are used. The NMAA and NMAC are reviewing these but they are not yet public. The document is not an official policy, which allows flexibility.

Chairman Sánchez stated that Carson National Forest Supervisor James Durán, Santa Fe National Forest Supervisor James Melonas, and Cibola National Forest Supervisor Steven Hattenbach provided updates at the water conference. The plan revision drafts will come out in June 2019 and the forest plans will include a guidance document. The public comment period will begin once the plans are in the federal registry. Chairman Sánchez reported that James Durán stated that the Council needs to get in contact with the Carson to set an agreement to hold more workshops since they are losing person that does these agreements. Mr. Archuleta stated that the agreement was with the Santa Fe National Forest as well and that James Durán wanted all three forests to enter into an agreement with the Council and join the MOU the Council holds with Region 3. Ericka Luna commented that the process for approving this type of agreement is changing and is under review by the Department of Agriculture and that is why there is a push to complete the agreements. Chairman Sánchez also reported that James Durán discussed a project near Canjilón called the MIRA (Mitigation in Rio Arriba) Project that is funded by the USFS, NM State Forestry, and the BLM, with money from the Rio Grande Water Fund.

#### **9. Discussion and Possible Action on UNM Contract FY 2019**

Pay request 8 was presented for \$15,394.54, including \$11,881.84 in personnel that includes ~\$3,000 from the last billing. Travel expenses for the legislation session were \$1,366.48. Councilor Martínez made a motion to approve pay request #8; the motion was seconded by Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

#### **10. Discussion and Possible Legal Services Contract Update and Requests**

Mr. Archuleta reported that work continues and that there are no new requests. The UNM Law School now has a \$50.00 fee for services. The Tierra Amarilla case is going into mediation and the Tajique case is moving forward. There is no new billing from NM Legal Aid but they will probably draw down on the contract completely.

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

Mr. Archuleta spoke with Carmen Morín of DFA and all agreements have been processed but they have not yet received purchase orders. Once they do they will go to grants.

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

none

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

Council staff and members of the Tierra Amarilla, San Joaquín del Río de Chama and Juan Bautista Baldes boards of trustees will meet regarding the Piedra Lumbre Visitors Center on April 16<sup>th</sup> at ghost ranch. The Carson National Forest will hold open houses for their plan on April 17, May 15, and June 12, which is a challenge as all 3 forests will release plans at once. Councilor Martínez commented that a Wild and Scenic River designation for the Chama River in the Cañón.

### **8. Discussion and Possible Action on Council FY 2019 & FY 2020 Budget**

Mr. Archuleta provided a budget update (in packet). \$114,616.54 under UNM contract has been expended up to date, leaving a \$83,827.46 balance on contract. The total budget balance is \$102,680.32; \$119,219.68 has been expended.

Mr. Archuleta provided a budget plan for FY 2020 (in packet). Total budget is \$296,900; legal contract would increase to \$40,000; a surveyor contract for \$26,000; publishing at \$4,000; in state travel for the Council at \$9,500; out of state for Council is \$7,000 UNM contract at \$189,946.

Councilor Martínez made a motion to approve the FY 2020 budget proposal; Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

Mr. Archuleta also reported that DFA has agreed to take on the legal services contract and surveyor contract. He will meet with Local Government Division director Donnie Quintana on April 22<sup>nd</sup> to discuss further.

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

Venessa Chávez (LGSP) reported that she will work with Tajique and Manzano youth tonight in Tajique. She also attended the non-profit legislative debrief for networking and grant opportunities. Cheyenne Trujillo (LGSP/NMLGC) reported that she is working on websites. Jacobo Baca (LGSP/NMLGC) reported that work continued on the Spanish Archives of New Mexico scanning and the San Antonio de Río Colorado Genealogy and Archives. Councilors Martínez and Padilla-Gutiérrez asked about product from the LGSP's director's research.

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

Councilor Martínez requested that the NMAG's Treaty Division be added back to the agenda.

**16. Public Comments – discussion only**

None

**17. Miscellaneous Announcements**

Councilor Padilla-Gutiérrez announced that the Town of Tomé elections will be held on April 28<sup>th</sup>. The Congressional quarterly conference call will take place on May 10, 2019 at 9:00am.

**18. Date and Location for May 2019 Council Meeting**

The next meeting will be held on May 10, 2019 at 10:00am at the UNM Science and Technology Center.

**21. Adjournment**

Councilor Martínez made a motion to adjourn; Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously. The meeting adjourned at 12:30pm.

**Approved:**

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Chair

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Date