

New Mexico Land Grant Council (NMLGC)
August 16, 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 10:05 am. Roll call of the Council members: Rita Padilla-Gutiérrez, Macario Griego, Leonard Martínez and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Macario Griego (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Leonard T. Martinez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Andrea Padilla (Town of Tomé LG); Venessa Chávez (LGSP); Jacobo Baca (NMLGC/LGSP); Alison Nichols (LFC); Joseph Moody (La Majada LG); Patricia Montoya (La Majada LG); Novela Salazar (NMAG - Treaty of Guadalupe Hidalgo Division); Malaquias Rael (NMAG - Treaty of Guadalupe Hidalgo Division); Manuel Trujillo (Santa Barbara LG); Eric Chávez (Office of Congressman Ben Ray Luján); Sarah Schlanger (BLM); Michele Jácquez-Ortiz (Office of Sen. Tom Udall); Michele Kavanaugh (Office of Sen. Tom Udall); Antonio Maestas (NMLGC/LGSP); Kris Graham Chavez (NRCS)

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 July 8, 2019

Councilor Griego made a motion to approve the meeting minutes of the July 8, 2019 Council meeting; Councilor Padilla-Gutiérrez seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on Appointment of Chair and Vice-Chair

Tabled.

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

Federal

Mr. Arturo Archuleta reported that he has not had any additional conversations with Congressman Ben Ray Luján's office since he introduced the Land Grant and Acequia Traditional Use Recognition and Consultation Act (H.R. 3682) in July.

The NMLGC has organized a visit by Congresswoman Deb Haaland to East Mountain land grant communities, including Manzano, Tajiique, and Chililí on August 28th. On September 3, the New

Mexico Land Grant Council, New Mexico Land Grant Consejo, New Mexico Acequia Association and New Mexico Acequia Commission will host a celebration for the inclusion of land grants and acequias in the 2018 Farm Bill and the signing of the USFS Region 3 acequia guidance document. The celebration will take place from 2:00-4:00pm and will be attended by Senator Tom Udall and Congressman Ben Ray Luján and their staffs. Arturo Archuleta will co-MC with Paula Garcia from the NMAA and Andrea Padilla will deliver remarks on behalf of land grants as president of the Consejo. Michelle Jácquez-Ortiz (Office of Sen. Tom Udall) announced that staff changes have forced staff to take on new roles, meaning that Michelle Kavanaugh will now be the acequia and land grant rep and will attend future NMLGC meetings.

State

The Interim Land Grant Committee will meet on September 16 & 17 at the Cristobal de la Serna LG (Talpa, NM) and will focus on Taos are land grant issues, including lineas, the Santa Bárbara LG and will tour the Sierra of the Sangre de Cristo Grant.

7. Discussion and Possible Action on US Forest Service Update

Forest plans have been released for all three northern forests (Cíbola, Santa Fe, Carson) and the public comment period ends November 7. The public meeting schedules for the three forests are included in the packet. Jacobo Baca (NMLGC) commented that though past comments submitted by the NMLGC seem to have been ignored, the Carson's government working group process was the most inclusive of collaborative agency suggestions. Mr. Archuleta commented that the Santa Bárbara LG asked for a letter to the Interim Land Grant Committee regarding the proposed WSR designation of the Rio Santa Bárbara; a draft of this letter is in the packet. Councilor Leonard Martínez made a motion approving the letter to Interim Land Grant Committee supporting the Santa Bárbara LG; Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

8. Discussion and Possible Action on BLM Update

Sarah Schlanger (BLM) reposted that the proposal for the Verde Transmission Line has been withdrawn by Hunt Power. They have a new application that will replace the existing line and is smaller and will take a different route with less incursion on the Pojoaque, Santa Clara, San Ildefonso Pueblos from Buckman to Chilí. Adrian García is the BLM project manager for the application. The Taos BLM office is offering Christmas tree and fuelwood permits online as part of a pilot group. People can still buy permits in person at the office but can contact the Taos Field Office if they have problems or it is not working well at 575-758-8851. The Rio Grande del Norte Resource Management Plan is still on hold. There exists a draft science plan for the RGDN. The Farmington Field Office will create a draft addressing increased fossil fuel operations in area and the buffer around Chaco Canyon and will be ready by early 2020.

The Rio Puerco is revising its EIS and RMP, updating outdated analysis; its final EIS will be ready in 2020. If the NMLGC is cooperating agency, it will have a role. The Carlsbad EIS and RMP have been worked on for 10 years and hopefully will be approved soon. The Farmington Office has held one meeting on their RMP and has another scheduled for fall as they are amidst revising their draft and analyzing buffer for Chaco Canyon. Councilor Martínez stated that the San Joaquín Grant will submit comments and asked the NMLGC to assist with comments. Ms. Had Congressional delegation proposed a bill to create 10 mile buffer around Chaco Canyon.

Councilor Martínez stated that the San Joaquín Grant supported protecting Chaco Canyon and are interested in thinning overgrown BLM lands of piñón-juniper that have not been thinned in over 60 years. Mr. Archuleta thanked the BLM for their online permitting process.

9. Discussion and Possible Action on Town of Tomé LG

Andrea Padilla (President, Town of Tomé LG) updated in the progress of the implementation of HB 88 and the return of Tomé's common lands. During the implementation process with the New Mexico Taxation and Revenue Department, the Town of Tomé Land Grant was approached by Valley Improvement Association CEO Paul Baca, who wanted to donate 12,000 acres to Tomé on condition that Tomé assist the VIA in getting the taxes, penalties and fees taken away. Taxation and Revenue stated that they would look into it, but Paul Baca reneged, claiming that HB 88 and the offer to donate lands helped his organization and VIA members paid their taxes and regained their land. He stated that if anyone offers money for VIA properties, even for those near the Cerro de Tomé, he would sell it. Much of the land is range land and is not good for building. Ms. Padilla stated that she hoped to get assistance from both the NMLGC and the New Mexico Land Grant-Merced Consejo through a letter of support, especially for the protection of the Cerro de Tomé (Tomé Hill). She partially credited the extended TRD process with losing out on the opportunity to obtain VIA lands.

Councilor Padilla-Gutiérrez added that she thought that it was ironic that the VIA is benefitting from HB 88, which VIA CEO Paul Baca characterized it as illegal. Baca is now running for the Senate seat held by Senator Greg Baca and Ms. Padilla fears that HB 88 might be threatened. Councilor Padilla-Gutiérrez expressed frustration in attempting to work with VIA CEO Baca, despite being transparent with him, even discussing their work with UNM's Law School Clinic. Mr. Archuleta offered that changes in gubernatorial administration slowed the process and stated that the property tax division is an enterprise agency, meaning that they get no appropriation from the state and must pay for their operations by assessing taxes, fees and penalties. The NMLGC joined the Town of Tomé LG in meetings and expressed their desire and the intention of HB 88 to remove these encumbrances and a representative from Governor Michelle Luján Grisham expressed the Governor's desire that as much land is returned as possible. The Council will set up a meeting with NM Tax and Revenue and DFA regarding monies that Tomé received during the 2019 NM Legislative session. Councilor Martínez commented that a letter from the Council supporting the Town of Tomé Grant is a good idea. Ms. Padilla also requested a letter from the NMLGC to the VIA and Paul Baca and Councilor Padilla-Gutiérrez asked about the feasibility of getting the Interim Land Grant Committee to discuss the VIA situation. Chairman Sánchez stated that we will ask ILGC Chair Rep. Miguel García at the next Interim meeting.

10. Discussion and Possible Action on Cristobal de la Serna Land Grant Issues

Mr. Archuleta reported that the Council met with the Cristóbal de la Serna LG and DFA to express their concern that the grant agreement was issued to the NMLGC and not the Grant. DFA stated that they can only issue agreements to entities as stated in the law that appropriated the monies. The Legislative Council Service seems to have changed the language because of Mark Edwards questions regarding the status of the Cristóbal de la Serna Grant as a political subdivision and DFA awarded the monies to Council rather than to the Cristóbal de la Serna Grant. We may need to consider a bill for the Cristóbal de la Serna Grant to clarify that they a land grant and political

subdivision of the State under 49.1.1. Councilor Martínez commented that it seems that Legislative Council burdens land grants with odd interpretations that one person comes up, particularly a single person questioning Cristóbal de la Serna's status as a grant and their ability to purchase land with state monies because of a bad district court decision that only stood because the grant didn't have the money to appeal. Mr. Archuleta requested direction from the Council on what to do. We have always heard from DFA they must abide by legislative language. The Council would like a representative from Attorney General's office to be involved in the process. Because the NMLGC is administratively attached to DFA there is the opportunity for confusion that should be avoided. Perhaps the Council can meet with Local Government Division Director (Donnie Quintana) regarding the appropriation and NMLGC staff, the new Council members, and the NM Attorneys General's office can iron out this confusion and the fiscal agent status of the Council on future appropriations.

Councilor Martínez made a motion directing NMLGC staff to set up a meeting with DFA; Councilor Griego seconded the motion. The motion passed unanimously.

Mr. Archuleta reported that the Cristóbal de la Serna Grant on this issue and on their ICIP. Some board members are willing to donate *lineas* to the grant but in order to do so, they may need legal assistance to complete this as a legal transfer to a recognized political subdivision of the state. The descriptions and locations are unclear as lands are apportioned in paperwork. Developers have taken advantage of this confusion and lands like Miranda Canyon was lost like this, namely contiguous tract on the best waters without clear descriptions. Novela Salazar (NMAG - Treaty of Guadalupe Hidalgo Division) commented that the grant was involved in 11 cases from 1980s-2000s when it was last ruled private grant. The NMAG's office will present on the Cristóbal de la Serna Grant issue to the Interim Land Grant Committee in Taos on September 26. There is no documentation from Taxation and Revenue Department and nothing was found at the New Mexico State Records Center and Archives and the deed book from Taos County for the time period and lands in question is missing. Councilor Griego asked if the grant needs a survey. Mr. Archuleta responded that if the NMLGC gets surveyor services, this may be a case that they work on. The Grant's primary goal is keeping the mountain undeveloped. Ms. Salazar added that the NMAG's office has done research, worked with Taos County, their GIS Coordinator and discussed the process with the surveyor that did previous surveys on the Cristóbal de la Serna Grant.

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

The New Mexico Department of Game and Fish is set to transfer the 40 acre parcel and Laguna del Campo to the Tierra Amarilla Grant, which understood that it came with storage water right, not an irrigation right. One downstream acequia parciante has raised objections and all parties agree that it is between user whose family donated the land and Game and Fish. NM Dept. of Game and Fish Director Michael Sloan wants to withhold the water rights as economic asset to sell in the future so the Tierra Amarilla Grant would receive the land but no water to fill the lake. New Mexico Game and Fish claims that the water right goes with hatchery and not the dam. David Benavides is working on the matter and attended the last meeting. He has received copies of permits issued in 1930s and is exploring steps.

12. Discussion and Possible Action on Piedra Lumbre Visitors Center

NMLGC staff attended a meeting between the USFS, the Tierra Amarilla, Juan Bautista Baldes, and San Joaquín del Río Chama Land Grants, Ghost Ranch and the Georgia O’Keeffe Museum at Ghost Ranch in April 2019. It was treated as a mediation and Eduardo Medina, the facilitator, drew up an agreement that he asked all participants to sign. Though it was presented as a commitment to continue discussion, the agreement (in packet) cites mediation statutes and is legally binding, which is the wrong instrument to memorialize a discussion. Mr. Archuleta reported that he discussed the document with James Durán (Carson NF supervisor) about the agreement and that the Council and participating land grants were unlikely to sign the agreement as written. The Council can rework a draft Statement of Intent to Cooperate (in packet) and have Novela Salazar and the NMAG’s office review and rework if need be. Councilor Macario Griego made a motion to ask the NMAG’s office and New Mexico Legal Aid review the draft Intent to Cooperate; the motion was seconded by Councilor Paduilla-Gutiérrez. The motion passed unanimously. Councilor Martínez reported that he got permission from the Carson National Forest to visit the property during the San Joaquín LG meeting and told the Canjilón Ranger District about the vandalism that is taking place and told them that they need to secure that facility properly. Mr. Archuleta responded that he would reach out to James Durán and let him know that Councilor Partínez contact the Canjilón Ranger District about the vandalism.

13. Discussion and Possible Action on New Mexico Forest Action Plan

Mr. Archuleta announced that he attended a Forest Action Plan meeting and that they decided to break the plan up into different sections. New Mexico State Forester Laura McCarthy plans to add a traditional community use section but wants to consult the Council and land grant communities. Both Pueblos and land grants have affirmed their support of the section. Ms. McCarthy is interested in the geospatial analysis in their plan and will work with LGSP/NMLGC mapper E. Storey to establish traditional boundaries mapping project to provide shape files. She also wants NMLGC staff to attend future NMFAP meetings. Councilor Martínez made a motion to allow NMLGC staff to continue work with the NM Forest Action Plan; Councilor Griego seconded the motion. The motion passed unanimously.

14. Discussion and Possible Action on Farm Bill Celebration

See above – fed update

15. Discussion and Possible Action on Open Meeting Act Resolution

Councilor Padilla-Gutiérrez mad a motion that the Council approve the Open Meetings Act Resolution as presented (in packet). Councilor Griego seconded the motion. The motion passed unanimously.

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

Ms. Novela Salazar states that the scope of work as defined by the Statutes prohibits the Treaty of Guadalupe Hidalgo Division from working directly with land grants on most cases. Her office has been approached by land grant seeking assistance directly. Their office can provide legal guidance to the NMLGC. Mr. Baca (NMLGC) inquired about the Santa Cruz issue; Ms. Salazar thanked Mr. Baca for his work and stated that the report will be ready and presented to the ILGC in October or November and that they will ask Mr. Baca to take a look at it. Mr. JR Rael (NMAG) stated that Cheyenne Trujillo will intern with the NMAG this semester.

17. Discussion and Possible Legal Services Contract - Update and New Requests

Mr. Archuleta reported that DFA has issued a contract and it is enacted. David Benavides has had family illness but did submit response to Torrance County in re: the Tajique cell tower. The UNM Law Clinic sent a response as well but we have yet to see it. Councilor Martínez remarked that the FOIA request regarding natural resource extraction to the USFS is a 1 year old and asked if legal action was needed. Chairman Sánchez suggested that they exhaust all other options before seeking counsel.

18. Discussion and Possible Action on Council FY 2019, FY 2020 and FY 2021 Budgets

FY 2019

Is closed and the only outstanding item is LGSF projects being paid out.

FY 2020

Mr. Archuleta presented an FY 2020 budget update (in packet). No July billing was prepared in time for the meeting. The contract with UNM will be billed from July 12. No billing of narrative has been created and the NMLGC / UNM will bill DFA for the period of July 12-Aug 31st.

FY 2021

Discussion will wait for the pending appointment of new council members.

19. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2019 & FY 2020

None

20. Discussion and Possible Action on Land Grant Support Fund

The New NMLGC will set the deadline. Mr. Archuleta reported that land grants and the NMLGC were frustrated with the level of documentation DFA demanded. Councilor Martínez stated that the San Joaquín del Rio Chama Grant intends to apply with the Tierra Amarilla and Juan Bautista Baldes Grants to clean and secure the PLVC.

21. Discussion and Possible Action on Land Grant Registry

Mr. Baca reported that the San Joaquín del Rio Chama Grant submitted the results of their August 2019 election.

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

Venessa Chavez (LGSP) reported that land grant youth had a great experience at the San Antonio de Las Huertas Grant making salve and cheese and learning about acequias and water conservation. Rebecca Correa Skartwed was an awesome host. Youth also participated in a demonstration by the Matachine Danzante group from Cañón de Carnué. The LGSP intends to submit for a LANL Foundation Grant for \$5,000 to hold a land grant youth summit in Tajique. She has discussed this with Michele Jácquez Ortiz of Senator Udall's office. They may also do a cleanup and service learning day in Tomé where the program can earn \$400.00 from Valencia County. Mr. Archuleta reported that he and Ms. Chávez met with Chas Robles of Ancestral Lands and discussed a land grant conservation corps, prioritizing shovel ready vs planned projects. Ancestral Lands worked in Cañón de Carnué this summer. Ms. Chávez stated that youth will

help make luminarias (farolitos) at the December 2019 Consejo meeting in Tomé. LGSP staff will meet with Georgia Roybal to discuss curriculum from Aspectos Culturales and Semos Unlimited and will work restore online access to their works. Councilor Martínez commented that he has downloaded documents he located at Simancas in Spain and is working with Dr. Baca about research in the Archive General de las Indias and Archico General de la Nación collections at UNM.

23. Discussion and Possible Action on Correspondence Received by Council

None.

24. Discussion and Possible Action on Staff Assignments

Mr. Archuleta reported that NMLGC staff have helped 16 land grants with ICIPs. Arroyo Hondo Arriba has requested a training to help them run their new board in accordance with statutes in anticipation of change. Councilor asked if Gerald Chacón requested the re-survey of the Cañón de Chama; Mr. Archuleta responded that we might ask the USFS to complete it. Chairman Sánchez suggested sending a letter to Santa Fe NF supervisor James Melonas.

25. Public Comments – discussion only

Joseph Moody and Patricia Montoya of the La Majada Land Grant discussed issues facing the remnant village population which irrigates 73 acres (1/3 of the farm land of the grant) from the Santa Fe River. They are interested in pursuing official recognition and want to participate in Council and advice. Their community has lost access to their agricultural and drinking water to Cochiti Pueblo via a 1984 transfer of land by the federal government to Cochiti. Dr. Baca committed to providing any Registry and other documents that the LGSP and NMLGC possess.

26. Miscellaneous Announcements

The Clinica del Pueblo in Tierra Amarilla will host a 50th Anniversary Celebration on August 24th.

The Land Rights Council will host a celebration of the end of the *Lobato v. Taylor* case on August 30th and 31st in San Luis.

27. Date and Location for September 2019 Council Meeting

The next Council meeting will be held on September, 13, 2019 at 10:00am in Albuquerque, NM (UNM STC).

20. Adjournment

Councilor Rita Padilla-Gutiérrez made a motion to adjourn; Councilor Macario Griego seconded the motion. The motion passed unanimously. The meeting adjourned at 12:39am.

Approved:

Chair

Date