

New Mexico Land Grant Council (NMLGC)
December 17, 2020 – 10:00am
Virtual Meeting
Zoom ID: 917 3172 3312

Minutes – Final
Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:07am. Roll call of the Council members: Andrea Padilla, Leonard T. Martínez, Juan Sánchez, Rebecca Correa-Skartwed and Steve Polaco were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Rebecca Correa-Skartwed (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Eric Chávez (Office of Congressman Ben Ray Luján); Novela Salazar (Office of the New Mexico Attorney General); LM García y Griego (NMLGC/LGSP); Lisa Morrison (BLM); Sofia Sanchez (Office of Congresswoman Deb Haaland); Bill Sapp (USFS); Jennifer Wolfe (USFS); Rita Padilla Gutierrez (Town of Tomé LG).

3. Approval of Agenda

Councilor Steve Polaco made a motion to approve the agenda; Councilor Rebecca Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Martínez– aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

4. Approval of Meeting Minutes from November 12, 2020 Regular meeting and November 18, 2020 Special meeting

Councilor Correa Skartwed made a motion to approve the meeting minutes of the November 12, 2020 Council meeting; Councilor Andrea Padilla seconded the motion.

Roll call vote:

- Councilor Martínez– aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Padilla made a motion to approve the meeting minutes of the November 18, 2020 Special Meeting; Councilor Leonard Martínez seconded the motion.

Roll call vote:

Councilor Martínez– aye
Councilor Padilla - aye
Councilor Correa-Skartwed - aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

5. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) sent a brochure about stewardship contracting to NMLGC staff. She will bring an expert to discuss stewardship programs in the spring of 2021. The Resource Advisory Council for Northern New Mexico will not be named as there were not enough applicants to proceed with action. Dr. Jacobo Baca submitted strong application and does not need to reapply. The next meeting of the Northern New Mexico RAC will be on January 19th; Mrs. Morrison will share a press release announcing the meeting. The new presidential administration will likely continue with RAC appointments. Councilor Martínez asked about the finalization Farmington-Mancos-Gallup RMPA; Mrs. Morrison responded that the RMPA needs to be officially published to allow for a protest period and needs to get the governor’s consistency review completed. She offered to get a field manager to discuss the plan with Councilor Martínez. Mrs. Morrison reported that there is no movement on the Rio Puerco plan from the current administration. This may change as the draft plan is not final, but there will be more delay with new people and changing national priorities out of Washington.

6. Discussion and Possible Action on USFS Update, including Master Stewardship Agreement

Jennifer Wolfe (USFS) reported that Region 3 is still waiting for the appointment of a permanent regional forester. The Santa Fe National Forest still does not have an acting forester to replace James Melonas. The CFRP is still working through the process. The Master Stewardship Agreement (MSA) is moving forward but she is unsure of where in the process the MSA is right now. Mr. Arturo Archuleta (NMLGC staff) commented that he and Dr. Baca are conducting a thorough review and will discuss suggested changes with Dave Borland and Ian Fox of the USFS. The Council also needs to determine its DUNS number (DFA obtained a number several years ago when they were staffing the Council, but did not share the details with current Council staff); DFA staff are looking into it and Council staff will contact DUNS & Bradstreet for more information. Ms. Wolfe reported that personnel are taking leave after long fire season. Ericka Luna is moving on and has taken a permanent position as the Deputy Forest Supervisor for Apache National Forest. Bill Sapp will be the New Mexico liaison for January through April, after which the position will be staffed with a permanent replacement.

7. Discussion and Possible Action on Federal and State Legislative Updates

Federal

Eric Chavez (Office of Congressman Ben Ray Luján) stated that H.R. 3682 passed on December 3 with bipartisan support and is the first land grant legislation passed by Congress in 20 years. An event celebrating its passage was held last week and an audio recording was shared with Mr. Archuleta. Congressman Luján’s office is working to address the FSA – NAP (Farm Service Agency’s (FSA) Noninsured Crop. Disaster Assistance Program (NAP)) decision for repayments to

farmers. On a conference call with USDA next week, Congressman Luján asked that the New Mexico state director rescinds a letter saying New Mexico producers need to pay back monies. He is also seeking to address the NAP decision that excludes acequias as irrigated lands. The Congressman's office is transitioning from a Congressional to Senate office and e-mail will be down by December 31. When new Senate office is established, they will work to ensure new contact info is provided. Sofia Sánchez, on behalf of Congresswoman Deb Haaland, thanked land grants, the Council and Rep. Luján's office for the land grant event. She offered to be a point of contact for other offices, including Teresa Leger Fernandez, during the transition and offered to set up a meeting with incoming staff. Meeting participants discussed the prospects of Congresswoman Haaland being selected as Secretary of the Interior in the Biden Administration and commented that it will be a great loss for land grants and land grants will need someone else to carry traditional use legislation in the House.

State

Mr. Archuleta reported that all land grant related bills are included in the packet. The guaranteed revenue streams bill is being sponsored by Rep. Miguel Garcia and Sen. Liz Stefanics. Other bills include a bill to amend Chapter 49 to clean up the elections statutes and update 49.4, Chililí Land Grant's statute, to mirror 49.1; a bill to fund a surveyor and an attorney for the NMLGC, which may be tough as state agencies are asked to take a 5% cut; the sub-grant/partition bill, and another bill with natural resource protections and statements on common waters, which was not endorsed by committee because of timing. Also in the packet is information on updating the Office of the New Mexico Attorney General Treaty of Guadalupe Hidalgo Division's statute. Council staff have also met with incoming representatives. Through the suggestion of Georgia Roybal, Representative-Elect Roger Montoya (who is replacing Rep. Joseph Sanchez) met virtually with Dr. Jacobo Baca and Mr. Archuleta to get an update in land grants and Venessa Chavez and Mr. Archuleta met virtually with Rep. -Elect Ambrose Castellano (who is replacing Rep. Tomas Salazar).

The session will be hybrid and they may cap the number of bills that each House and Senate member may sponsor, perhaps as low as 5 bills each. Councilor Padilla commented that the Council needs to support the attorney and surveyor bill as many land grants are going to become involved in lawsuits as they reclaim their common lands and they do not have monies to pay for attorneys. At Tomé, 25% of its income goes to insurance. Councilor Martínez asked if the Interim Land Grant Committee asked the NMLGC to prioritize legislation. Mr. Archuleta responded that at the last interim meeting in November and in a meeting with Victor Reyes of Governor Michelle Luján Grisham's office it was stated that guaranteed revenue streams were a priority. The bill was passed by the House in the 2020 legislative session because of public support and a push by friendly legislators. It passed the House Appropriations committee without recommendation and got it passed on the floor of House. With a hybrid session, it will be up to land grants to contact legislators. All capitol outlay is online and the form is connected to the ICIP database. We are not sure how it works with multiple legislative funders as the system automatically identifies the home legislator and it is not clear how other legislators will find these projects. There will be \$300 million in severance tax bonds and we are not sure if individual legislators will divvy it up or if big infrastructure projects, like broadband to rural areas, will take priority. Capital outlay requests are due February 11, 2021. NMLGC staff provided the Interim Land Grant Committee with the top two capital priorities for each land grant from their ICIP for its capital outlay discussion. Councilor Polaco asked about a potential capital outlay request by the Tierra Amarilla Land Grant for monies for the Tierra o Muerte property. Mr. Archuleta responded that the state

has in the past allowed capital outlay to repay a loan, but because the negotiated settlement needs to be completed by July 1, 2021, capital outlay is not an options, as it won't be available until after July 1 and probably not until September. NMLGC staff sent out a reminder to land grants about audit requirements and reminded that CPMS needs to be updated on a monthly basis. It plans to host more trainings, including with the Auditors office and other agencies.

8. Discussion and Possible Action on State Land Office fuelwood projects

Mr. Archuleta reported that the project is ongoing and that there is nothing in place with the State Land Office like a stewardship agreement currently in place. Councilor Martínez commented that he received an e-mail from Camilla Romero regarding the Cebolla project, which has been delayed with recent snow fall and family issues that have taken the time of the San Joaquin board member and permittee.

9. Discussion and Possible Action on Cristóbal Nieto Land Grant

None.

10. Discussion and Possible Action on Council FY 2021 Budget

A budget update was provided in the packet. The Council will need to do a BAR in January. All Land Grant Support Fund agreements have been signed and sent to DFA. The legal services contract pay requests have been submitted. About 30% of travel has been spent and 27% of the UNM contract. No calendar year 2020 travel went over \$1,500, so no memo needs to be submitted to the Governor's office.

11. Discussion and Possible Action on Land Grant Support Fund

All Land Grant Support Fund agreements have been completed and sent to DFA and are awaiting processing. Scott Wright left DFA as Bureau Chief; Carmen Morin is serving as interim. Donnie Quintana is still out as Local government division director, on loan to the Department of Health. We have not been informed as to what is happening with ongoing capital outlay projects. Typically, LGSF agreements need to be processed for purchase orders to go through and we hope to prioritize Santa Bárbara Land Grant's award to move their project forward.

12. Discussion and Possible Action on Creation of Land Grant Institute at UNM

The Land Grant Interim Committee of the New Mexico Legislature will send letter to UNM supporting the creation of the Land Grant Institute. Mr. Archuleta and Dr. García y Griego have had monthly meetings with Associate Vice President for Research Steve Graves and the process will take at least a year to move through faculty senate. Dr. García y Griego stated that there is support from the OVPR and acting VPR Mary Jo Daniels will likely be supportive, though COVID is slowing the process.

13. Discussion and Possible Action on Land Grant Capital Outlay Update

The three land grants look to spend the bulk of their capital outlay request in their purchase of the Piedra Lumbre Visitors Center. Disbursement requests for the Cristóbal de la Serna Grant have been submitted to DFA. Language in the Don Fernando de Taos capital outlay appropriations prevented their purchase of a land grant office; they look to having the language changed through reauthorization. The Tecolote Land Grant is moving forward with their project on the community Center. The Town of Tomé Land Grant is making progress as well. The Manzano Land Grant is working with Punta de Agua on their water association and is look to reauthorize other monies.

Showing activity is good way to retain money as the legislature may go after projects that aren't moving.

14. Discussion and Possible Action on Professional Surveyor Services Contract - Updates and Requests

An invoice from surveyor Chris Chavez (Territorial Land Surveying) for \$3,472.93 has been submitted for the following work: compiled deed for Tome Park; prepare deeds and research at the Taos County Courthouse for the Cristobal del la Serna acquisition; conference calls with the Trampas and San Antonio de las Huertas Land Grants; field survey trip to Trampas; trip to San Antonio de las Huertas.

Councilor Polaco made a motion to approve invoice #4 for \$3,472.93; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Martínez asked if Mr. Chavez has provided a prioritized list of projects approved by Council and progress on the list. Mr. Archuleta responded that he is balancing research because of access issues and field trips with COVID restrictions. He is working primarily with land grants that have issues related to retaining common land and will look into San Joaquín del Río de Chama's request soon. Councilor Martínez responded that land grants need an opinion regarding property acquisition under the Chililí decision and stated that the San Joaquín del Río Chama Land Grant needs to have little school property surveyed.

15. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests

Two pay requests have been received from New Mexico Legal Aid. Pay request 1 for September 2020 is for 15.3 hours at a rate of \$125 per hour for a total of \$1,912.50. Pay request 2 for October 2020 is for 5.9 hours at a rate of \$125 per hour for a total of \$737.50.

Councilor Martínez made a motion to approve Pay Request 1 from New Mexico Legal Aid for \$1,912.50; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Martínez made a motion to approve Pay Request 2 from New Mexico Legal Aid for \$737.50; Councilor Correa Skartwed seconded the motion

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Councilor Padilla, as president of the Town of Tomé Land Grant, requested legal assistance from the NMLGC, as the Grant may be pulled into the lawsuit that stopped the sale of common lands to the Town of Tomé Land Grant. Council staff will discuss the case with David Benavides of New Mexico Legal Aid and the UNM Law School NREL Clinic.

Councilor Correa Skartwed made a motion to approve the request from the Town of Tomé Land Grant for legal services; Councilor Polaco seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - recuse
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

16. Discussion and Possible Action on Treaty Division Update – Including Amendments to Statute

Novela Salazar (NMAG – Treaty Division) discussed the NMLGC’s request regarding an AG opinion on the Chililí decision regarding assessing unnamed properties in the name of the land grant. The Council needs to submit a formal request, like an official letter, sent to the open government division of the NMAG’s office. Mr. Archuleta reported that the legislation revising the Treaty Division Statute was not ready in time to be endorsed by the committee. The language was sent to Mark Edwards of the Legislative Council Service, which removes reference to 47-1-25 re adverse possession and adds providing legal counsel to the NMLGC. Land grants seeking the assistance of the Treaty Division would come to the NMLGC first and the Treaty Division statute would mention their official role in the review of election contests. The Division would also assist land grants with IPRA requests and include the Division in the process of the transfer of land grant records from outgoing board members to successor. The bill still needs a sponsor. Ms. Salazar commented that, with Mr. Archuleta, she has been participating in the environmental equity committee and that fuelwood remains the biggest issue. She stated that any notes that can be shared are welcomed.

Councilor Polaco made a motion expressing the NMLGC’s support for the legislation revising the Treaty of Guadalupe Hidalgo Division Statute; Councilor Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Martínez- aye
- Councilor Padilla - aye

Councilor Correa-Skartwed - aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

17. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2021

Pay Request #4 was presented, for \$14,158.36. This includes \$11,373.71 in personnel expenses, 424.93 in staff travel; and \$2,359.72 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #4.

Councilor Martínez made a motion to approve Pay Request #4 for \$14,158.36; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Martínez– aye
Councilor Padilla - aye
Councilor Correa-Skartwed - aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

18. Discussion & Action on Piedra Lumbre Visitors Center Update

The three land grants are still working toward completing the purchase. They have hit a small snag with phone and power easements on the property. The NORA Coop. currently operates through a forest wide special use permit, which covers more than 30,000 acres. They believe that they are covered by the existing permit and do not want to get a new easement from the land grants. Holland and Hart (pro bono attorney) has contacted Valour, the telecom company, and has received no response. The attorneys felt it was odd that the USFS is requiring that the three land grants get the easement ironed out as the seller typically only needs to give notice of existing easements to the purchaser. There is no fee for the easement and the utility company typically covers the cost of filing easement and any survey work. If NORA does not take it on, the NMLGC approved contract surveyor Chris Chavez may undertake it. There might not be the opportunity to move or adjust and renegotiate the easement. Jennifer Wolfe (USFS) stated that she would follow up with USFS personnel and make sure that they know of the difficulties of the situation.

19. Discussion and Possible Action on Laguna del Campo Update

The Tierra Amarilla Land Grant hopes to go in front of the New Mexico Game Commission to report that they have worked to resolve issues between downstream acequia and the land grant. NMLGC staff facilitated the agreement. Councilor Polaco reported that Commissioner Tircio Lopez stated that Commission is ready to turn property over. The grant prefers that the water right and property are transferred together.

20. Discussion and Possible Action on Land Grant Registry Update

The San Joaquin del Río de Chama Land Grant submitted documents (133 pages) from the US Forest Service, Southwestern Regional Office, they obtained via a FOIA request. Organization and inventory work continues on the Registry.

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

With the MLECT, the LGSP submitted application to Northern Rio Grande Heritage Area for a youth oral history project in Taos County and to edit past videos. There is still an interest in the CLE course on land grants and acequias offered with the UNM Law School, but it has not yet been rescheduled. LGSP continues to conduct research and do youth outreach via the web.

22. Discussion and Possible Action on Correspondence – Request for Support Federico Reade

In the packet is a request from Federico Reade for support from the NMLGC and LGSP for his pursuit of \$100,000 for “staff, a video editor, the transfer of tapes to a digitized format, research, curriculum development, and acquisition of footage from private and public collections” related to the Alianza and activism in the 1970s. This is a large request and Mr. Reade cannot receive monies as an individual and needs a legislative sponsor and recipient of legislative funding. He previously approached the ILGC and LGSP offered to work with him. The LGSP’s previous experience with Mr. Reade was not a positive one. Councilors stated that it needs to be clear that the Council does not support this project as it competes with NMLGC and LGSP for resources. The LGSP focuses on current needs of land grants; this project focuses on Tierra Amarilla courthouse raid and work of Alianza. LGSP and Council staff will encourage Mr. Reade to work to preserve the collection, perhaps by donating the collection. Dr. LM García y Griego commented that neither the NMLGC nor LGSP has the resources to devote to this project and that the LGSP does not support working with Mr. Reade. Councilors discussed other priorities, including \$40,000 needed by the Tierra Amarilla Land Grant to regain land and prioritizing the research of the LGSP that serves a collective purpose rather than one individual’s priorities.

Councilor Polaco made a motion that the NMLGC does not support Federico Reade’s \$100,000 proposal; Councilor Correa-Skartwed seconded the motion.

Roll call vote:

- Councilor Martínez– aye
- Councilor Padilla - aye
- Councilor Correa-Skartwed - aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

23. Discussion and Possible Action on Staff Assignments

Council staff submitted the annual report to the Office of the Governor, the Legislative Finance Committee, the Land Grant Interim Committee (and Legislative Council Service) and the Department of Finance and Administration.

24. Public Comments – Discussion only

Councilor Padilla announced that the Consejo held its December meeting and that they will pursue a new initiative to get youth more involved in livestock raising and farming. With the Roundhouse closed, there will be no Treaty of Guadalupe Hidalgo Day celebration at the legislature in 2021.

25. Miscellaneous Announcements

Councilor Polaco announced that the Tierra Amarilla Land Grant is starting a Go Fund Me campaign in 2021 for monies to buy the Tierra o Muerte tract.

26. Date and Location for January Council Meeting

The January 2021 Council meeting will take place virtually on January 21, 2021 at 10:00am, online via Zoom.

27. Adjournment

Councilor Martínez made a motion to adjourn; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Martínez- aye

Councilor Padilla - aye

Councilor Correa-Skartwed - aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 12:37pm MST.

Approved:

Chair

Date