

New Mexico Land Grant Council (NMLGC)  
May 21, 2020 – 10:00am  
Virtual Meeting  
Zoom ID: 933 3877 9521

**Minutes – Final**  
**Regular Council Meeting**

**1. Call to Order - Roll Call**

Chairman Juan Sánchez called the meeting to order at 10:07 am. Roll call of the Council members: Andrea Padilla, Rebecca Correa Skartwed, Steve Polaco, Leonard Martínez, 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 Chávez (NMLGC/LGSP); LM García y Griego (NMLGC/LGSP); Lisa Morrison (BLM); Chris Chávez (Territorial Land Surveying); Sofia Sanchez (Office of Congresswoman Deb Haaland); Michelle Kavanaugh (Office of Senator Tom Udall); Eric Chávez (Office of Congressman Ben Ray Luján); David Argüello (Arroyo Hondo Arriba LG); J.R. Logan (Cerro Negro Forest Council); Yvette Wisenhoff (social work intern); Jason Quintana (Merced de Manzano); Joaquín Argüello (Arroyo Hondo Arriba LG); Carmen Morin (Department of Finance and Administration, Local Government Division); Novela Salazar (Treaty of Guadalupe Hidalgo Division, New Mexico Attorney General’s Office); Jaime Chávez (Atrisco Land Grant).

**3. Approval of Agenda**

Chairman Juan Sánchez asked that the agenda be revised to move Items 10, 13, 14, 15, 16 immediately after Item 7 on the agenda, to ensure full council participation given time constraints.

Councilor Leonard Martínez made a motion to approve the revised agenda; Councilor Rebecca Correa-Skartwed seconded the motion.

Roll call vote: Councilor Padilla - aye  
                  Councilor Correa-Skartwed - aye  
                  Councilor Martínez- aye  
                  Councilor Polaco - aye  
                  Chairman Sánchez – aye

The motion was passed.

**4. Approval of Meeting Minutes from Regular Council Meeting of April 16, 2020**

Councilor Andrea Padilla asked that the minutes of the April 16 meeting be revised; Page 11, under miscellaneous announcements misstates the tests being administered by the USDA at the Town of Tomé Grant. The tests are not for COPD and are for certification for spraying weed and bug killer.

Councilor Steve Polaco made a motion to approve the meeting minutes of the April 16, 2020 Council meeting, as amended; Councilor Martínez seconded the motion.

Roll call vote: Councilor Padilla - aye  
Councilor Correa-Skartwed- aye  
Councilor Martínez - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

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

Lisa Morrison (BLM) reported that the Taos, Farmington and Rio Puerco Districts are selling permits for wood products online (forest.products.blm.gov). There has been a 120-day extension of the comment period for the Farmington RMP. Councilor Martínez requested assistance from Council staff for the San Joaquín del Río de Chama Land Grant to prepare comments for the Farmington RMP. The Rio Puerco RMP EIS will hopefully be published in July and the ROD (Record of Decision) will hopefully be published in October 2020. The Horse Thief Mesa, near Arroyo Hondo, is undergoing a travel management plan and a virtual meeting is planned for June; a press release will confirm if this virtual meeting will be held.

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

Mr. Archuleta reported that fuelwood collection on the Carson and Santa Fe National Forests has been moved from May 1 to June 1. The Council has been in discussions for options for fuelwood in the interim, including the potential use of existing projects and decks that predate the Mexican Spotted Owl injunction, but projects are not very close to the many communities that need fuelwood. The Forest Service is working through the logistics for a pilot project for the Tierra Amarilla, San Joaquín del Río de Chama and Santa Bárbara Land Grants, which is too far to make the project viable for the Santa Bárbara LG and has led to frustration from communities as this is an ongoing request. The Santa Bárbara LG has been in discussion about fuelwood and thinning projects for 3 years and they have faced further delays because of the MSO injunction. BLM and State Trust Lands near Peñasco, north of Dixon, area are being considered as well in an “all hands, all lands” approach. Looking for other longterm projects, like the mayordomo project in the Cerro Negro and on the Las Trampas Grant. J.R. Logan has spearheaded this effort on the Cerro Negro. J.R. Logan (Cerro Negro Forest Council) asked the Council for its support in asking the Forest Service to create a special program and enter into stewardship agreement for acequias and land grants to receive funding to complete work in their watersheds and in their historical traditional use areas. San Cristóbal and Valdez received a grant from the Forest Service in 2018 thin 300 acres above village of Valdez. *Leñeros* receive 1 acre blocks and \$300.00 and their clearing yields 4-5 cords of piñón-juniper, which can be sold or used for personal use. From the onset, the project was not considered a one off and their project is a model, providing fuelwood and income. The Cerro Negro Forest Council believes that this year is good year to approach the Congressional Delegation and Forest Service to establish agreement between land grants and the Forest Service for the cutting of trees and work, but also to improve planning in areas around land grants and acequias to be sure that they are open to fuelwood to communities before crises begin. David Argüello (Arroyo Hondo Arriba LG) commented that 55 leñeros are committed to the Cerro Negro project. 60 acres have been cleared and 80 acres are marked.

95% of participants are parciantes, land grant heirs, and members of the mutual domestic association. People are very appreciative and the San Cristóbal Fore Department distributed wood from the project to viejitos. The project has blossomed into a community event and involves highschool students and students from NMHU. Whole families are working on the project and highschool students are completing analysis and developing sophisticated reports. Mr. Logan added that these students provide monitoring (the project and funding requires monitoring) and has made connections with connections to NMHU and UNM. While the project might not be fit for the entire state.

Mr. Logan stated that a draft letter to the Congressional Delegation was shared and letters will go to New Mexico State Forestry Division and the U.S. Forest Service as well. With a collective ask, we are positioned to successfully get request heard. Mr. Argüello added that members of the Cerro Negro Council and the mayordomo have presented to an international forest group in Washington DC, and that Trampas is trying to do a similar model. Leñeros and local Forest Service employees are working together and meeting, working in acequias together and the animosity between the FS and locals has diminished. Mr. Logan added that the Las Trampas Land Grant and acequias in Trampas and El Valle are participating. Pushing for a dedicated program is important as the CFRP program is burdensome and this program would avoid lots of red tape and streamline the program. Mr. Archuleta added that Ian Fox at Forest Service Regional Office previously discussed a master stewardship agreement with NMLGC, which could be a blanket for land grant communities to participate. There is a draft letter of support in the packet and the state forester can also be CC'd in letter. Councilor Padilla commented that all land grants should send a letter of support; the Council can send the letter out to land grants and ask land grant presidents to send similar letters. Jason Quintana (Merced de Manzano LG) commented that the Merced de Manzano is in support of the program and that is a good opportunity for young adults and adults to get back into the forest.

Councilor Correa-Skartwed made a motion to approve the draft letter to USFS Region 3, supporting the creation of a community-based forestry program. Councilor Padilla seconded the motion.

Roll call vote: Councilor Padilla - aye  
Councilor Correa-Skartwed- aye  
Councilor Martínez - aye  
Councilor Polaco - aye  
Chairman Sánchez – aye

The motion was passed.

Councilor Martínez asked Mr. Archuleta about decks on the former San Joaquín del Río de Chama LG and asked if Senator Heinrich's office would provide resources to move decks from highlands to distribute to heirs. Mr. Archuleta responded that the FS is looking into it, discussed logging trucks. Councilor Martínez wanted monies to go to the Council or the MLECT to fund logging trucks to bring wood to the heirs of the San Joaquín Grant. Mr. Archuleta clarified that the funding came from Senator Heinrich's campaign, not his senatorial funds. He added that with the concept of community forestry, we need to know community needs and the Council will work to create a spreadsheet or database template and share with community to ascertain their needs and nearby areas where they can gather fuelwood.

## **7. Discussion and Possible Action on Request from La Merced de Manzano regarding Status of Lake Ownership**

Jason Quintana (Merced de Manzano president) stated that he has been in negotiations with State Forestry and the New Mexico Game and Fish Department regarding the special use of the Manzano Lake for water for fires and sport fishing. He sent information, including the patent and how property is registered (assessed) with Torrance County to prove that the lake is owned by La Merced de Manzano. Mr. Archuleta shared (via share screen) the patent map, the tax bill showing the property is assessed to the Manzano Land Grant. For years, when the forest gets water for fires or when NM Game and Fish negotiates the stocking of the lake, they negotiated with Manzano Spring and Ditch Association, not the land grant, which is in charge of common waters. The spring and ditch are in charge of irrigation water rights and distributing water to parciantes and the land grant is in charge of the surplus waters and should be involved in negotiation. Mr. Quintana added that the agreement expired in 2008 and that this case sets precedence for all land grants to have a say in what is happening on the common lands. Councilors asked if the State Engineers has opined about the use of water in the lake and if it has been adjudicated. Mr. Quintana responded that the Manzano LG has 3900 acres feet and each parciante is registered with 3.6 acre feet and though not all ditches are in use, the grant are asserting their water rights. Chairman Sánchez added that the area has not yet been adjudicated. Mr. Quintana added the community is trying to get ditches repaired and a section was piped to prevent evaporation and are looking for funding to finish the rest. The Grant being asked to obtain a letter from the Council that states Merced de Manzanos claim to ownership is correct. Mr. Archuleta added that the lake has been used for recreation and that this case points to how we need to reconsider water laws which separated water from land. Mr. Chris Chávez commented that the water rights and ownership of the land under the lake (which is owned by the Merced de Manzano) are two separate issues. For instance, a non-navigable lake or river is not owned by the state. Chairman Sánchez recommended that the Manzano Grant send official letters as a unit of government rather than have conversations with officials that are not documented. Mr. Quintana added that the last election for the spring and ditch association was in 2016 and their bylaws require elections every 2 years, therefore current board members are serving on expired terms. Agencies likely signed the agreements with the spring and ditch association because they were a political subdivision. He also added that he was not sure if the Grant is considered a parciante of the ditch.

Councilor Correa-Skartwed offered that the San Antonio de las Huertas Grant is facing a similar situation with the acequia association in Placitas, which is claiming ownership of the reservoirs. Attorneys state that the land under the lake belongs to the Grant and questions remain as to where the rights of the acequias begin; where the water leaves the lake? Mr. Quintana responded that the spring and ditch started in 1956 and the Grant was granted in 1829, making their claims older. Councilor Correa Skartwed added that while land grants are a pre-1907 water right protected by the Treaty of Guadalupe Hidalgo, they may have been written out of the declaration and the Merced de Manzano need to look into that. Mr. Archuleta that this is an important test of policy as land grants do predate the state and should be part of the conversation on water rights. Water rights should not be lost from outmigration and lack of use. There also seems to be confusion from dual membership of land grants and acequias and who signed agreements and who should sign and in what role. Where it is not problematic for the

Council to offer a letter clarifying the ownership of the lake, water rights to the lake are a different issue. Chairman Sánchez asked that Mr. Quintana provide all agreements and other documentation to the Council before the Council sends a letter as the Council needs to make sure that in letter everything is correct. He recommended that Mr. Quintana send documentation to the staff and the Council can look to issue a letter at its next meeting. LM Garcia y Griego (UNM LGSP) recommended that the letter include a history of events as the issue is complex. And recounting the history is important to show the NMLGC has done due diligence.

#### **10. Discussion and Possible Action on Professional Surveyor Services Contract**

Mr. Archuleta reported that surveyor Chris Chávez has done work on the San Joaquín del Río de Chama and Santa Bárbara Land Grants. Mr. Chavez stated that it has been difficult to get work done as courthouses remained closed due to the pandemic and that the San Joaquín project required no courthouse research and he was able to complete a survey and draft plat. He also did some field work related to road in question on the Santa Bárbara Land Grant and was able to map the road. Surveying the Anton Chico rock pits is a large scale project and he did a test run. Mr. Archuleta shared portions of the San Joaquín Cañón project via share screen and stated that he would share the results with the Councilors as a cloud document as it is too large to email. Mr. Chávez commented that the stone monuments are 119 years old and are from the early days of the General Land Office.

Councilor Polaco made a motion to approve invoice #2 from Territorial Land Surveying, LLC, for project 2020\_05 in the amount of \$9,748.38. Councilor Martínez seconded the motion.

Roll call vote: Councilor Padilla – aye  
Councilor Polaco – aye  
Councilor Martínez – aye  
Councilor Correa-Skartwed – aye  
Chairman Sánchez – aye

The motion passed.

Councilor Martínez stated that recording or filing the survey may create legal ramifications and stated that the Council would need to go into executive session. Mr. Chávez stated that the survey is not yet recorded and someone could challenge the survey and authority of himself. It would be in the public record and he was not sure if there are consequences in recording it. It is not an official government survey and shows the cemetery. Councilor Martínez stated that he did not mind filing it even if there was push back. Mr. Archuleta added that filing with the county clerk makes it a public record. Filing with the county assessor and claiming ownership is another issue. Mr. Chávez added that he titled the survey a historical boundary survey, not land claim, to avoid controversy and that he can reach out to Rio Arriba County to see if the Land Grant will receive a tax bill if they record the survey. Mr. Martínez stated that the grant will take the tax bill and will discuss on their next agenda.

Mr. Archuleta added that the Juan Bautista Baldes LG has a contract attorney working for them and that they will prepare documents for Chris Chávez to review, after which he will visit the grant in June to see what is on the ground. The current balance left in contract is \$8,314.35 and will be drawn down by the end of the fiscal year. Councilor Padilla asked if the Tomé Land Grant will get its survey done; Mr. Archuleta responded that there is a delay as the Valencia County

Courthouse has not yet opened and Mr. Chávez added that the complete survey will cost \$11,300 for some work on the project can be completed. Mr. Archuleta stated that the plan is to have surveying in the next fiscal year and that we'll know about the budget after the special session starting on June 18, 2020. The Council's previously stated priority for surveyor services were those land grants that have the potential to lose land. The Council will need to do another contract process with UNM but may be able to quote rather than a full RFP.

### **13. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests**

Mr. Archuleta reported that there no new billings. The San Antonio de las Huertas Grant does continue to deal with issues surrounding collection ponds that are on common lands and issues relating to the access of these waters, which is leading to trespass on common lands. Someone has created hiking and mountain biking trails. Though legal services through the Council are finished for the fiscal year the Council can put the Grant on list for next year. The UNM Natural Resources Law Clinic does have a short term intern that will work on cease and desist letters for the trespasser and the Council will continue to work on the ongoing water issue. Councilor Correa Skartwed stated that the challenge is that there two entities working together The San Antonio de las Huertas Land Grant has nine springs on the Grant and the acequia association had been given carte blanche in their use and management. The new mayordomo created a road from the backyard to the tank. The land grant has not received requests to build the road. Mountain bikers are riding through land grant property. The grant needs to have fences rebuilt and does not have easements that were supposedly given documented. She requested the support of the Council and legal assistance to put an end to these incursions. Mr. Archuleta reiterated that the Council can put this matter onto the for next year as the contractor has maxed out of hours.

Councilor Polaco made a motion approving legal assistance for the San Antonio de las Huertas Land Grant; Councilor Martínez seconded the motion.

Roll call vote: Councilor Padilla – aye  
Councilor Polaco – aye  
Councilor Martínez – aye  
Chairman Sánchez – aye  
Councilor Correa-Skartwed – abstain

The motion passed.

Councilor Polaco commented that the Tierra Amarilla LG met with the Office of the State Engineer (OSE) and the New Mexico Department of Game and Fish (NMDGF) regarding the Laguna del Campo on February 3<sup>rd</sup>. OSE representative Brian Gallegos was asked to see if the consent order was done correctly and though Mr. Gallegos stated that the review would be quick, the Grant has yet to hear anything from the OSE or (NMDGF). While the Laguna del Campo is usually open by May 1, New Mexico Game and Fish closed it and were kicking people out. The Grant would like NMLA/David Benavides to check into the delay; Mr. Archuleta stated that he would inquire with David Benavides.

### **14. Discussion and Possible Action on Council FY 2020 & FY 2021 Budget – Including possible Budget Adjustment Request**

Mr. Archuleta provided a budget update. The Don Fernando de Taos LG and Merced de Manzano have submitted reimbursement requests in their LGSF awards. Venessa Chávez (NMLGC/LGSP) has been working with the Grants to ensure that Land Grant Support Fund monies are spent and that they have their CRS numbers and that are purchasing items tax free. Mr. Archuleta stated that there remains \$1,886.59 remains in publishing for the print of the updated Land Grant Laws and Statutes, which have remained at the New Mexico State Printing Office and need to be proofed, but proofing was delayed because of the COVID-19 outbreak. He asked that the proofs be mailed to his home address. There remains a balance in this line item of approximately \$2,200. Regarding staff travel, in-state travel still has a balance of \$4,609.46 and out of state travel a balance of \$3,500; both may remain static if travel restrictions remain. For the UNM Contract (intergovernmental agreement), \$187,173.19 of the \$296,900.00 contract has been spent; \$109,726.81 is remaining. Council travel remains static.

### **Budget Adjustment Request**

The Council may revert monies if the budget is not adjusted. \$2,113.41 is left in publishing; \$6,983.89 is left in travel (if the June 2020 meeting is held in Albuquerque); \$7,000 remains in out of state travel for a total of \$16,097.30 in the DFA managed NMLGC budget that could revert. In the UNM contract, there is no clear indication when travel restrictions will be removed. There remains \$2,284.57 in staff in-state travel, \$3,500 in out of state staff travel, \$473.76 in copier maintenance, \$119.86 in postage, and \$587.50 in the meeting expense line item for a total of \$6,965.69 in the UNM contract.

DFA stated that the Council can move monies to other line items in the UNM Contract and might need to get approvals, but that there should not be too many issues as long as we remain in contract. If the Council does not use the full amount, the Council will also lose the 20% F&A if we don't spend \$6965.69. A few options were presented by Mr. Archuleta. Option 1: purchase of copy machine. He current one was purchased by ARRA monies under the Obama administration. It is 10 years old and has made 1 million + copies; there are no new parts and the maintenance company has been cannibalizing parts from old machines. If purchased, we could transfer old copy machine to grants in northern New Mexico, possibly to the Piedra Lumbre Visitors Center. Option 2: the Council could opt to transfer monies into personnel costs. The PI salary is made by the LGSP and NMLGC, which take turns paying the summer salary. These monies would not pay for full month of salary in which the PI could do a research project or a deliverable product from research done. Option 3, the Council could do additional supply purchases, like paper, ink for plotter, and portable media (flash drives). The last printer-copier costed \$10K and preliminary searches seem to range the price from \$5,000 to \$12,000, meaning the Council might need to tap other line items to purchase. Carmen Morin (DFA) discussed this with her supervisors at DFA and stated that as long as the Council does not exceed its budget it should be ok. Mr. Archuleta asked if the copier it is too expensive, can the Council use monies from DFA to supplement monies from UNM contract. Ms. Morin stated that she believed that it would be ok.

Councilor Correa-Skartwed stated that she believed that the copier is a necessity and that we should purchase supplies because of the uncertainty of next year's budget. Councilor Padilla agreed as did the Chairman. LM Garcia y Griego, the Council contract P.I., agreed as well. Councilor Correa-Skartwed made a motion to utilize potential excess funding from the UNM contract (intergovernmental agreement) for the purchase of equipment (a copier) and supplies,

not to exceed the total excess amount nor total of the UNM contract (intergovernmental agreement); Councilor Padilla seconded the motion.

Roll call vote: Councilor Padilla – aye  
Councilor Correa-Skartwed – aye  
Councilor Martínez – aye  
Councilor Polaco – aye  
Chairman Sánchez – aye

The motion passed.

Councilor Correa-Skartwed made a motion to utilize potential excess monies from the Council budget at DFA for the purchase of equipment (copier) and supplies, not to exceed excess amount nor total Council budget; Councilor Polaco seconded the motion.

Roll call vote: Councilor Padilla – aye  
Councilor Correa-Skartwed – aye  
Councilor Martínez – aye  
Councilor Polaco – aye  
Chairman Sánchez – aye

The motion passed.

### **15. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020 & FY 2021**

Mr. Archuleta presented pay request #9 for a total of \$29,479.92, with the budget narrative and UNM billing in the packet.

Councilor Polaco made a motion to approve pay request #9, for \$29,479.92; Councilor Padilla seconded the motion.

Roll call vote: Councilor Padilla – aye  
Councilor Correa-Skartwed – aye  
Councilor Martínez – aye  
Councilor Polaco – aye  
Chairman Sánchez – aye

The motion passed.

The FY 2021 contract was included for approval. Only half of the contract can be drawn down as it is an election year. Ms. Morin commented that the DFA legal department made a change – legal made a change on item 2d., “The Council reserves the right to approve an increase or decrease to the potential compensation amount of this Agreement through written amendment after December 31, 2020, provided that, no later than April 1, 2021, the Council must submit a written request to DFA, for DFA approval, which explains its justification for the amendment.” The contract can be signed digitally (DFA now accepts digital signatures) because of COVID-19, but does not need to be signed via Docusign, so long as the printed name is provided next to the signature.

Councilor Correa-Skartwed made a motion to approve the FY 2021 UNM contract; Councilor Padilla seconded the motion.

Roll call vote: Councilor Padilla – aye



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

The motion passed.

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

The San Antonio de las Huertas is restructuring their project since LGSF awarded monies were planned to be coupled with capital outlay, which was vetoed. They had planned to purchase heavy duty “Civil War tents” to be placed on decking. This change likely fits under current LGSF contract but the Grant would like the NMLGC to approve materials to construct the deck and tent structures. Councilor Correa-Skartwed stated that the Grant does not have volunteers to help because of COVID restrictions and this can be put up for rental quickly to create revenue for the grant.

Councilor Martínez made a motion to approve amending LGSF 2020-04, agreement with San Antonio de Las Huertas Land Grants, to allow the purchase of the tents and decking materials for their project. Councilor Polaco seconded the motion.

Roll call vote: Councilor Padilla – aye  
Councilor Martínez – aye  
Councilor Polaco – aye  
Chairman Sánchez – aye  
Councilor Correa-Skartwed – abstain

The motion passed.

(Chairman Sánchez left the meeting; Councilor Correa-Skartwed (Vice-Chairwoman) assumed chairing the meeting.)

### **8. Discussion and Possible Action on State Forest Action Plan**

Mr. Archuleta commented that the State Forest Action Plan is out and comments are due at the end of May (May 29). The plan does mention land grants in traditional uses. The Council staff will create and submit comments and will share with the Council at the June 2020 meeting.

### **9. Discussion and Possible Action on Federal and State Legislative Updates**

#### *Federal*

Mr. Arturo Archuleta (NMLGC/LGSP staff) reported that letter and testimony / commentary were sent to Congressman Ben Ray Luján’s office to pass onto the House Natural Resources Committee and the federal land subcommittee; comments were sent to Congresswoman Haaland as chair of that subcommittee. Letters supporting the H.R. 3682 were submitted from 18 land grants and by the NMLGC and the Consejo. Mr. Baca reported that Council staff has analyzed the information from the New Mexico Department of Cultural Affairs regarding cemeteries on federal lands; only four sites, including the cemetery in the Cañón de Chama, were potential land grant related sites. Staff will give a more detailed report in the June 2020 meeting.

#### *State*

More information regarding next years (FY 2021) budget will come after the June special session. Capitol outlay projects may not be lost and the State may swap of projects funding from general

fund monies to other funding (severance tax, sponge bonds). The Cristóbal de la Serna Grant monies that were supposed to the Council for the purchase of lands never received a contract before all agreements were frozen; we hope to receive one still. The Town of Tomé, Merced de Manzano and Piedra Lumbre Visitors Center monies were all on the reauth list. Grant agreements might be ready but there is likely to be a short delay. There may be a delay in the PLVC purchase and the USFS will be notified via a tele-conference.

#### **11. Discussion & Action on Piedra Lumbre Visitors Center Update**

Mr. Archuleta stated that the monies from SB 244 (3<sup>rd</sup> year law student) program were reauthorized and the HED put monies into legal contracts for land grants, acequias and colonias. Contracts to New Mexico Legal Aid and the New Mexico Acequia Association were less than \$60,000 each; the UNM Law School received \$70,000 in internships; \$30,000 went to the Holland and Hart law firm which is doing work for the ownership and operating agreements for the Piedra Lumbre Visitors update.

#### **12. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division**

Novela Salazar (Office of the NM Attorney General) stated that the attorney Jeffery Hoss filed a motion to dismiss in the Tierra Amarilla Grant case, which the NMAG's office will oppose. She also reached out to the New Mexico State Records Center and Archives regarding the return of records by the National Archives and Records Administration. The Anton Chico Land Grant is still facing the issue of community members refusing to pay natural resource permits and ignoring land grant regulations. Some are getting restraining orders on LG board members, which are issued because of confusion of their authority. People are contacting the New Mexico Attorney General's and State Auditor's offices alleging malfeasance; the Anton Chico Grant has complied with requests from both offices for information. Reports from the New Mexico Attorney General's office regarding the Anton Chico Grant are not yet complete; the Anton Chico Land Grant Board would like the findings to be complete to allow the community and grant to move forward from these allegations. The Council commented that the larger implications are important as the Attorney General's opinion of may assist land grants enforce the protection of common lands that can be send to courts and judges to enlighten their decisions. There may be necessary legislative fixes that would allow the NMAG's office to engage with land grants on cases that have larger policy and implications.

(Councilor Correa-Skartwed left the meeting and asked Councilor Martínez to chair remainder of meeting)

Ms. Salazar commented that she received letters but not formal complaints and is completing investigation on complaint filed in July and has completed her portion of other reports which need to be reviewed and finalized by the Attorney General and Deputy Attorney General. She has discussed the matter with Anton Chico's attorney, clarifying that the NMAG's office provides guidance to the NMLGC. If the Council requests advisory letter on the statutes and management of common lands, the NMAG's office can issue an opinion. Stoney Jaramillo (Anton Chico LG president) commented that the finalized reports from the NMAG's office could help bring the issue to a close, at least partially, as others are being recruited to the opposing party's cause.

Councilor Polaco made a motion for the Council to write a letter to the New Mexico Attorney General's office asking for an opinion regarding land grant board of trustees powers over the management of common lands; Councilor Padilla seconded the motion.

Roll call vote: Councilor Padilla – aye  
Councilor Martínez – aye  
Councilor Polaco – aye

The motion passed.

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

None.

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

LM García y Griego presented a drafted letter discussing the formalization of a Land Grant Institute at UNM under the Office of the Vice-President for Research office, which would include the Land Grant Studies Program and New Mexico Land Grant Council. That this would incur no additional costs was underscored, showing that the plan is sensitive to budget costs. The advisory committee will have two council members and three faculty members. A meeting will be called by the OVPR's office to discuss further. The Program is also looking to the acquisition of Aspectos Culturales materials.

### **19. Discussion and Possible Action on Correspondence**

The Santa Bárbara LG copied the Council on a FOIA request to the U.S. Forest Service for records regarding the acquisition of the Grant by the U.S. Forest Service. Mr. Baca commented that nothing regarding this acquisition was included in materials received from the USFS in 2017 from 2016 FOIA request.

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

Council staff participated in April 22, 2020 webinar (Farm Bill roll out) by the NRCS regarding EQIP and other USDA program funding and land grant eligibility.

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

Councilor Polaco stated that a person is attempting to claim the cemetery in Los Ojos, NM. He told caretakers that a judge decided in a lawsuit that a right of way in the cemetery is now his property. It seems as though the person is attempting to build a road. The community attempted to discuss with the property management department of the Archdiocese of Santa Fe but received no response. The right of way was used for cattle drives. Councilor Polaco welcomed any advice on how to approach the situation. Mr. Archuleta commented that part of the challenge is ownership and they have to verify if the land is within or outside of the cemetery. Councilor Polaco stated that the community has copies of the surveys that shows ownership by the Archdiocese of Santa Fe but no deeds; what is needed is a full understanding of chain of title.

Councilor Martínez stated that the San Joaquín del Río de Chama Grant has submitted a FOIA request to the USFS for the Skull Ranch property acquisition in 1969, including the warranty deed and case file. LM García y Griego commented that the documents may not yet be at the Regional office and therefore were not yet provided in other requests. Councilor Martínez also

stated that he will request the LGSP to assist in the mapping of historic acequias on the Cañón de Chama.

**22. Miscellaneous Announcements**

None.

**23. Date and Location for June 2020 Council Meeting**

The June 2020 Council meeting will be held on June 25, 2020 in Albuquerque at UNM.

**24. Adjournment**

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

Roll call vote: Councilor Padilla- aye  
                  Councilor Polaco - aye  
                  Councilor Martínez - aye

The meeting adjourned at 2:02pm.

**Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date