

New Mexico Land Grant Council (NMLGC)
June 25, 2020 – 10:00am
Virtual Meeting
Zoom ID: 923 2479 4833

Minutes – Final
Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:04 am. Roll call of the Council members: Andrea Padilla, Rebecca Correa Skartwed, Steve Polaco, Juan Sánchez and Leonard Martinez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Congresswoman Deb Haaland; Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Novela Salazar (Office of the New Mexico Attorney General); LM García y Griego (NMLGC/LGSP); Ian Fox (USFS); Ericka Luna (USFS); Laura McCarthy (NM State Forester); Ashley Wright (USFS); Amy Simms (USFS); Kris Graham Chávez (NRCS); Eric Chávez (Office of Congressman Ben Ray Luján); Isis López (Office of Congressman Ben Ray Luján); Sofia Sanchez (Office of Congresswoman Deb Haaland); Sarae Leuckel (USFS); Jack Lewis (USFS); Debbie Cress (USFS); Lisa Morrison (BLM); JR Logan (Cerro Negro Forest Council); Patricia Domínguez (Office of Senator Martin Heinrich); David Benavides (NM Legal Aid); Michelle Kavanaugh (Office of Sen. Tom Udall); Chris Chávez (Territorial Land Surveying); James Durán (USFS – Carson NF)

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

The motion was passed.

4. Approval of Meeting Minutes from Special Council Meeting of June 8, 2020

Councilor Andrea Padilla made a motion to approve the meeting minutes of the June 8, 2020 Special Council meeting; Councilor SP seconded the motion.

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

The motion was passed.

5. Discussion and Possible Action on U.S. Forest Service Update – including Master Stewardship Agreement

Meeting attendees discussed the Master Stewardship Agreement (MSA) between the U.S. Forest Service Region 3 and the NMLGC. Mr. Archuleta commented that the Council tried such an agreement in the past. Since then, community forestry projects like the CFRP funded Cerro Negro Project and the community blocks at Las Trampas have taken place. There is no funding with this type of agreement, but local projects could fall under this agreement. Ian Fox (USFS R-3) added that the Council and the USFS almost completed this agreement in the past. He stated that the master stewardship agreement frames up what SPAs (Supplemental Project Agreements) created for local projects can do. There is a mutual benefit to community for watershed protection and this agreement would allow for community-based forestry projects, employment opportunities and opportunities for product removal. Three sections are very important and will lay out how the MSA will operate for the 10 year life of the agreement: the mutual benefit section; the 'USFS shall' section, which broadly outlines the expectations of the USFS; and the 'NMLGC shall' section, which discusses what the partner does under the MSA. SPAs can be executed under the MSA during the 10-year life of the MSA. Mr. Fox added that the Cibola, Santa Fe and Carson National Forests are excited to do this MSA.

Mr. Archuleta commented that there has been much progress and that Laura McCarthy, the New Mexico State Forester, is a good partner. Last time this was attempted, there was a road block when the exchange of funds came into play as the Department of Finance and Administration felt understaffed to implement the plan. The Council wants to start with small projects that are achievable, so as to not overwhelm the land grants or the Council. Laura McCarthy (NM State Forestry) added that the NM State Forestry Division can help with technical assistance and is willing to help with DFA as well. J.R. Logan (Cerro Negro Project / Taos County WUI Coordinator) added that he felt the MSA presented great possibilities in projects for communities in northern New Mexico. Venessa Chávez (Tajique LG) thanked Mr. Fox, Mr. Logan and Ms. McCarthy for their support and commented that her community of Tajique relies on fuelwood to heat their homes and to make extra money. Coming from a *leñero* family, this is vital and crucial to the community. James Durán (USFS - Carson NF) added that there is a lot of acreage in the Carson NF that needs treatment. The Cerro Negro project has shown the community investment that people have shown and is modeled off of the acequia, where a mayordomo is appointed to oversee community management of the resource. The USFS has had a hard time keeping up with the demand for firewood and the injunction that stopped commercial cutting has hit households as well, especially the elderly that are unable to get firewood themselves and depend on small scale commercial and communal cutters to provide firewood. While fuelwood is considered a low (commercial) value product, it is important to the communities of northern New Mexico, engaged youth in stewardship and traditional ways and the Carson National Forest supports the communal shared stewardship model.

Ericka Luna (USFS) introduced Debbie Cress and Jack Lewis: Ms. Cress will be the acting Forest Supervisor on the Santa Fe NF while James Melonas is at Region 3; Mr. Lewis was the Questa District Ranger and now is the acting Deputy Forest Supervisor for the Santa Fe NF. Ms. Cress stated that she was raised in southern New Mexico, started with the Santa Fe NF in January 2020

and worked in the Tonto National Forest previously. Mr. Lewis stated that he has just joined the Santa Fe NF and added that at the Questa RD, the Cerro Negro Project was able to get firewood to communities, especially in light of the COVID-19 related forest shutdowns. Ms. Luna gave more personnel updates: Cal Joyner is recovering from surgery and will be retiring in August and appreciates the support he has received from the community and his work with land grants and the Council; Elaine Kohrman was acting Regional Forester but will resume as deputy regional forester as Sandy Watts will now be acting Regional Forester. James Melonas will serve as the other acting deputy. Ms. Luna reported that her detail as the chief of staff is over and that she will be the acting ranger on the Wilderness District of the Gila National Forest starting on July 6, 2020, for the period of one year. She will be sure that person taking on her liaison duties is connected to the Council. Ashley Wright, acting legislative affairs and issues manager, is on the call as well.

Mr. Archuleta commented that the Piedra Lumbre Visitors Center purchase is nearly complete. The law firm of Holland and Hart is reviewing ownership and operating agreements. They will wrap up official work on June 30 but will stay on. Sarae Leuckel reported to Mr. Archuleta that the Office of the General Counsel has reviewed the agreements and there is a time crunch to get the documents signed and executed by July 4th, when the appraisal expires. Larry Montaña of Holland and Hart will review and advise land grants in their signing and has a notary on staff to witness land grant presidents signing of the agreements. They were notarized to sign by the purchase proclamations. Sarae Leuckel, the New Mexico Lands Zone Lead, reported that she will receive the documents today (June 25th) and will send them to Larry Montaña of Holland and Hart. Mr. Archuleta will coordinate with the presidents of the San Joaquín del Rio Chama, Tierra Amarilla and Juan Bautista Baldes Land Grants to visit the Holland and Hart offices and sign the agreement.

Chairman Sánchez welcomed Congresswoman Deb Haaland to the meeting. Congresswoman Haaland reported that she is back in Washington DC to vote on important legislation. She thanked Council members for their work for New Mexico's land and people. The nation is undergoing a cultural shift and it seems to be divisive in New Mexico. Congresswoman Haaland added that we need to stick together, that all need education, a clean she environment and that she is here for the Council and land grants and is a phone call away. She values all of the relationships that she has made across not only her district and throughout New Mexico and the time that spent with land grants last summer she holds close to her heart. Congresswoman Haaland will fight for land grants, their love of the land, our culture and stewardship of New Mexico. She offered thanks to Arturo Archuleta and stated that when land grants do well, all of New Mexico will do well. Hopefully that H.R. 3682 will move through the Natural Resources Committee this summer.

Chairman Sánchez thanked Congresswoman Haaland for her remarks and for joining the Council meeting. Mr. Archuleta thanked the Congresswoman for her support of HR 3682 and thanked the Congresswoman for her continued support and kind words at the prayer breakfast and leadership in these divisive times. Councilor Martínez thanked the Congresswoman for her kind words and that it pointed that our communities are interconnected through work, communication and dialogue. The San Joaquín Grant is connected to the Jicarilla Apache communities and recently the Grant was reached out to Navajo representatives that visited are

sharing wood gratis. Councilor Polaco welcomed Congresswoman Haaland and shared that because the Tierra Amarilla Land Grant common land is now privately owned and there is very little public land in New Mexico, access to the 90,000 acres of former common land in Colorado is very important. While he thanks the San Joaquín Grant for sharing firewood, the 100-mile round trip is burdensome and he thanks the Congresswoman for helping all land grants in New Mexico. Councilor Correa-Skartwed thanked Congresswoman Haaland you for her continued support of the Council and land grant communities. Councilor Padilla offered her thanks and stated that Congresswoman Haaland's words touched her, that it was good to see that people see the connection between all of us. Congresswoman Haaland thanked the Council and land grants for taking care of New Mexico's land.

Sarae Leuckel added that remaining items that we need to do to complete disposal includes the signature of docs. They do not need to be signed all on the same day together and land grants can sign closer to their own communities and have the documents compiled later. She needs to receive an electronic copy of the signed document with all signatures by July 4th and the hardcopy of the document can be sent and received after. The site needs an environmental site assessment and she wants to ensure that the land grants are listed as a client so that land grants can pursue opportunities later. Finally, unrecorded easements need to be recorded. Land grants need to reach out to the utility companies that are easement holders and have documents in draft so that they can be recorded with the deed. The USFS is not involved in this process but she will advise Mr. Montaña of Holland and Hart and the transmittal letter will have this easement information and contacts. Mr. Archuleta added that the money for the PLVC was part of reauthorization and a new grant agreement will be executed with the San Joaquín del Río Chama LG as they are fiscal agent. Once grant agreement is in place, we can send documents to obligate funds and they'll be able to do purchase at that point. The three land grants LGs must spend money within 5 days of receiving it. Ms. Leuckel asked how long it will take for this to take place as the ESA work will be done through a contract, not in house. Mr. Archuleta clarified that the reauthorization required a new grant agreement to be issued to clarify use of the funds in excess of the purchase price. The Council can notify DFA that we need the process done quickly to ensure the purchase goes through.

Regarding traditional use legislation, Mr. Archuleta reported that H.R. 3682 gives the USFS the authority to work with land grant communities. Any concerns or questions raised as we move through legislative process would be better addressed now rather than later. Ms. Luna stated that the USFS watched the hearing and the USFS does not take positions on legislation. If there are requests from Congressional offices, the USFS will provide any info requested of the agency. Ashley Wright (USFS- Region 3) reiterated that any technical assistance, from a Congressional member of their staff, can be provided. Mr. Archuleta also offered the assistance of the Council for clarification as to the intent of the legislation. The Department of Interior did raise some questions and submitted questions.

The Manzano Spring and Ditch Association sent a letter to the New Mexico Attorney General's office regarding the Merced de Manzano's desire to be involved in the negotiations relating to the lake. Questions are being raised as to who is party to the management of the lake and the USFS has been involved in past agreements for use of the Lake. The Manzano Lake sits on Merced de Manzano common lands and the Merced acknowledges that they take no issue with water rights

by parciantes of acequia, but they owe a responsibility to the community and that the excess waters of lake belong to the Land Grant-Merced. While the USFS and New Mexico Game & Fish sometimes shy away from conflict like this, the Council hopes that the community does not lose out in this case as the agencies look to carry out the official needs of agencies. Though both agencies have worked with the Spring and Ditch Association, it seems evident that Merced de Manzano and the Spring and Ditch should both be at the table and we look to the New Mexico Attorney General's guidance on the issue. Ms. Luna reported that an alternate source of water for the USFS has been located at the Apple Ranch. The ranger at the Mountainair Ranger District (Ernie Taylor) wants to continue to work with grant and it is important to understand who the proper parties are, which is generally clear on the land grant side, but was confusing in the case of Manzano LG. Mr. Archuleta added that this is confusing as leadership of these local governing bodies is often shared and as communities grow and elected officials change, there is sometimes a departure. The Manzano Land Grant has put in FOIA request regarding payments to the Manzano Spring and Ditch to help understand that if funds are reflected in work that has been done and what is the community benefit. Ms. Luna stated that these records are well beyond the retention schedule (7 years) for fire related work. The Albuquerque Service Center is looking and found some records and is reviewing to see if they are important. Mr. Archuleta stated that the Council remains the authority as to which land grants are in compliance, though the Council's records are not always 100% correct as land grants do not always update the Council when changes happen. In these cases, the NMLGC will help ascertain the correct authorities. As to the acequia side, we are not sure if the New Mexico Acequia Association or the New Mexico Acequia Commission keeps a list. All agencies do need to follow statute. The NMLGC requests that land grants submit updated lists and that they are in compliance on elections, which should be held every 2 years. The NMLGC is a liaison to both land grants and to agencies working with land grants. Ms. Luna commented that this has not been an issue with the Carson and the Sante Fe but this is the second time that the issue has come up in the Cíbola. The USFS is tracking this and the agency will talk to the regional forester to discuss how things can go n=more smoothly. Regarding the FOIA, Mr. Archuleta added that it is difficult as communities do not know agency processes and when they are trying to request info, they do not always know what the request needs to have. The USFS and NMLGC might collaborate on training to ensure a FOIA is written properly to ensure they receive documents that they want. Ms. Luna stated that she will talk to the director of FOIA to see if they can attend council meeting or if there is training they provide. Councilor Martínez commented that he submitted a FOIA request on the acquisition of the Cañón de Chama but has received nothing. Ms. Luna stated that she will look into it and under the impression it was completed. Councilor Martínez added that the forest service needs to clean the waterways above their ojitos on the above Mesa 3 miles above the Cañón de Chama.

6. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) stated that the Farmington RMP comment period extended to September 2020. The Horse Thief Mesa (n. of Arroyo Hondo) scoping report meeting was postponed to July 22. The Rio Puerco District is hoping to release the final EIS on the RMP in July and records of decision in October. She reported that she provided a map of known cemeteries of BLM land to Jacobo Baca, NMLGC staff. Councilor Martínez asked if the map included USFS and BLM cemeteries; Ms. Morrison replied that it only included BLM cemeteries.

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

Mr. Archuleta reported that he delivered testimony on behalf of the Council for a Congressional subcommittee hearing for HR 3682 (“Land Grant and Acequia Traditional Use Recognition and Consultation Act”). Eric Chávez (Office of Congressman Ben Ray Luján) thanked the Council for their work and Mr. Archuleta for testifying. The Congressman’s office was excited and felt the committee hearing was successful. The Committee is having ongoing reviews and is working toward markups and is having conversations with and receiving comments from other agencies. Congressman Luján’s office will be in contact with the Council as the bill moves along. The tentative date to get this through is in July 2020. The Congressman’s office feels that the testimony provided helped clarify Section 10 of the bill. Any additional comments or letters of support need to be received by Isis López, Levi Patterson, or Eric Chávez by the end of next week (June 30). H.R. 3682 moves forward the federal recognition of land grants; with the passage of the 2018 Farm Bill and and HR 2 (the infrastructure bill), recognized land grants will also soon be able to access wildlife mobility permits. Once the Congressman’s office receives comments back from the Committee staff regarding Section 10 of the bill they will share these with the Council. Isis López (Office of Congressman Ben Ray Luján, DC staff) commented that this is one of Congressman Luján’s top priorities and he considers it important to his legacy in the House. His Washington DC office has yet to receive any updates from the Natural Resources Committee and will communicate with the Council regarding a possible markup in July. Responding to an inquiry by Mr. Archuleta, Mr. Chávez commented that Congressman Luján’s office will likely plan a virtual event regarding the bill and will be in contact with details. He also acknowledged the assistance of Congresswoman Deb Haaland and her staff.

Mr. Baca reported that he has shared materials regarding historic cemeteries with the Council members and Ms. Dominguez. This is compilation of information received from the Santa Fe National Forest, the Carson National Forest, the BLM and the Archaeological Resources Management Section of the New Mexico Historic Preservation Office. These sites will be placed on a map for Council members and Ms. Domínguez. Patricia Dominguez added that she will be back in the office August 1 and will finally have access to her files, including those regarding federal cemetery legislation. She hopes to have more information by the August 2020 Council meeting.

8. Discussion and Possible Action on FY 2019 Land Grant Capital Outlay Updates

Mr. Archuleta reported that the special session ended and cuts will impact land grants receiving capital outlay. HB 1, called the “sanding bill,” will shave off funding in new fiscal year. There is no official word from DFA but it looks like the Council will have a 4% cut, ~\$12,000, which aligns with the general cuts to DFA. The Council hoped to have a DFA representative in today’s meeting but they were unavailable. Part of what was included in FY 2021 budget was a 4% increase to staff; this will be rolled back and the increase might be 1-1.5%. This will account for a portion of the cuts. Mr. Archuleta hopes to give recommendations to the Council once it has received a budget from DFA. The Land Grant Studies Program received a cut of \$7,000.

Regarding capital outlay, land grants have a 90-day grace period from when bill is signed into law to be compliant with the State Auditors office and spend 5% of their funds on their projects. The Cañón de Carnué Land Grant is listed and is not compliant with the State Auditors office; they also need to spend 5% of their award. The Tecolote Land Grant has not yet completed their

audit certification; this is simple as they make under \$50,000 and only need to complete a simple audit certification. The Grant has quotes for roof repairs needed to their community center; their encumbrance of funds should be doable. Cristóbal de la Serna LG received funding appropriated to the NMLGC to buy land and they have identified property owners willing to sell. The Council has asked DFA how to proceed as a grant agreement was sent by DFA to the Grant which they did not sign as it was not issued to them. The Council wants to ensure that the funding does not fall between cracks because NMLGC and DFA bureaucratic issues. Mr. Archuleta commented that the Grant needs to comply with Executive Order 1306 and needs to encumber funds (at least 5%) or the purchase will not happen. The Council may ask the assistance of the Treaty Division in getting this accomplished.

Councilor Padilla asked if the Council has received word regarding the bond sale for capital outlay projects as it was supposed to take place on June 20th because of the special session. Mr. Archuleta read an email update from DFA. DFA will likely execute grant agreements and will likely sell bonds soon if they have not yet. There are also deadlines for agencies with end of fiscal year. DFA cannot accept notice of obligations for FY 2020 expenses and will need to wait until July 1. Reimbursement requests need to be in by July 15. Councilor Padilla stated that they wanted to know bond sale happened so that the Grant can encumber the money; Mr. Archuleta advised that the grant cannot do so until the grant agreement is issued, which typically happens after bonds are sold. We still have not heard from the Board of Finance if they will allow reimbursement of past expenses.

9. Discussion and Possible Action on State Forest Action Plan Updates

Official comments for the New Mexico Forest Action Plan were due at the end of May. Comments were created by Council staff (Mr. Baca with input from Mr. Archuleta and LM García y Griego) Overall the plan is good and inclusive of traditional uses for tribal and land grant communities. The plan is divided into topic areas, then strategies and sub-strategies under each area. Chairman Sánchez stated that Councilors will review the comments before adopting in the July meeting.

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

Chris Chavez (Territorial Land Surveying) reported that he completed a survey of the Tomé Park area near Tomé Hill. He shared a boundary survey plat that was completed as a result of the project. For clarity, he did not map the ATV trails and he wants to set the corners, but needs to ensure that the ATVs will not destroy them. With assistance from the Tomé LG, he can install counter sinkers or other boundary identification devices; he will coordinate with the Grant to set the markers. Valencia County does not have information regarding unknown parcels from the western boundary to Entrada Road. A survey filed by "lands claimed by Williams" shows undefined parcels that persons are claiming; these are merely a claim with no reasoning. The completed survey will be the first and work will go on. A 1955 MRGCD survey shows common lands, then considered in private ownership, before the Grant was reorganized as a political subdivision. The parking lot for Tomé Hill is very active. Councilor Padilla stated it was the intention of the Tomé Land Grant to claim unclaimed land for the Tomé Land Grant.

Mr. Chávez added that he planned a site visit to the Juan Bautista Baldes Land Grant with David Benavides and Joe Lennihan of New Mexico Legal Aid to examine the claim. Mr. Benavides stated that Mr. Chávez was key in this case and Mr. Archuleta added that the Council did include surveyor services in the FY 2021 budget. The new contract for Council is still in play and we do not know the official start date of contract, but the surveyor contract is under a professional services contract that, once procured, allow for amendments for 3 years. The Council can amend the contract and does not have to go through procurement, but needs the contract executed by the state and a new index number assigned to execute the FY 2021 contract. With this billing, only remaining a few cents on this contract. Councilor Martínez thanked Mr. Chávez for his work and stated that as next month is the new fiscal year, the San Joaquín del Río Chama Land Grant has a small ask. They would like for the Land Grant Studies Program to help map acequias in the Cañón de Chama. Most of this can be done with a computer and the Office of the State Engineer map only lists the T.D. Burns Acequia, even though there existed in the Cañón an old acequia, dug prior to 1806. This and smaller acequias need to be mapped

Councilor Padilla made a motion to approve invoice 2020-05 for \$8,313.97; Councilor Correa-Skartwed seconded the motion.

Roll call vote:

Councilor Padilla - aye

Councilor Martínez - aye

Councilor Correa-Skartwed - aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

11. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division – Updates and Requests

Novela Salazar (NMAG / Treaty Division) reported that the New Mexico Attorney General's office did receive a complaint regarding the Manzano Land Grant (Merced de Manzano). The NMAG's role is understanding the management of waters. The office has received a response by Merced de Manzano president Jason Quintana, but has not yet received requested information from the complaint. Once the deadline has passed for receipt of the information, the office will review information. The USFS will be involved, as will the NMLGC. The NMAG's office has also received another packet of information regarding the Anton Chico Land Grant. This is not an official complaint and contains significant overlap with a previous complaint. Mr. Archuleta commented that the officials at the USFS intimated that they understood that the NMAG stated that the Manzano Spring and Ditch had the sole authority over the Manzano Lake. Ms. Salazar responded that the NMAG has issued no opinion and has just now started the investigation. Regarding Anton Chico, a similar packet was left at the Land Grant Studies Program office, issued to "Consejos." The Anton Chico Grant has contacted the Council as they are constantly getting attacked and it is getting in the way of their work. People not in the community are getting involved as well, included those opposed to the partition bill.

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

David Benavides (New Mexico Legal Aid) and Mr. Archuleta presented the final invoice from New Mexico Legal Aid (NMLA), which expends the remainder of funds under the contract. Mr. Benavides commented that this fiscal year, NMLA has done more important litigation than ever. Other years, legal services have largely been providing sound advice or publications. Litigation is time consuming and has taken time beyond that of the contract. Litigation involving the Juan Bautista Baldes LG is ongoing, as is the Abiquiú Land Grants water issue. The Tajique LG cell tower issue is at the Court of Appeals. While the Laguna del Campo is not litigation, it has also taken significant time. Mr. Benavides reminded that at the September 2019 Council meeting, he reported to the Council that he was overextended with litigation and while this has slowed down, litigation is still in process. In the Juan Bautista Baldes LG case, for instance, the plaintiffs have changed their theories and court has allowed refileing. Claims of adverse possession are now on top of a quiet title suit. Luckily a tortious interference claim, added when the deal with a New York City couple fell through, was vacated. At Tajique, the Land Grant lost its case in district court, and docking statements have been send to the NM Court of Appeals, which will be reviewed. The Tierra Amarilla LG's case against Al Frente de Lucha continues with attorney Jesús López taking the lead, but Laguna del Campo is in the negotiation phase. The Office of the State Engineer never moved the Abiquiú case forward in the second half of the 2020 fiscal year. Mr. Benavides stated that this was too much work to do considering contractual obligations to the New Mexico Acequia Association and the loss of attorney Enrique Romero. Luckily one time funding from SB 244 brought on assistance from Mara Yarbrough and Joe Lennihan, and Chris Chávez has added important expertise. The invoice presented, for \$1,006.35, represents the remainder of the contract, which was maxed out in the first week of April. Mr. Benavides implored the Council to ensure that FY 2021 was not a repeat of FY 2020, as he was so busy that he was not able to provide advice or brief services to land grants. While the cases might wind down, all are ongoing and we do not know what might happen. Chairman Sánchez thanked Mr. Benavides for his work and Mr. Archuleta for the dedication as legal issues are continuing. Legal services are something that needs to be addressed in the long term, as interns hired by Natural Resources Law Clinic through extra funding are also coming to an end. The Council needs to have an attorney on staff and despite the funding challenge, the case needs to be made to the administration.

The Council passed a motion in the June 2020 special meeting for New Mexico Legal Aid to be the contracted legal services provider and needs an hourly rate reported to DFA to move forward for procurement. Mr. Benavides replied that he figured NMLA needed to discuss with the Council before reporting back to DFA.

Councilor Polaco made a motion to approve pay request #9 for \$1,006.35; Councilor Martínez seconded the motion.

Roll call vote:

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

The motion was passed.

Mr. Benavides proposed an idea to alleviate the logjam of legal work. In FY 2021, he proposed subcontracting part of contract to attorney Joe Lennihan, who is currently working on the Juan Bautista Baldes case. He case is likely a year away from trial and Mr. Benavides would like for Mr. Lennihan to serve as counsel and himself as co-council. The NMLA rate would remain. Chairman Sánchez stated that DFA would need to approve but that this sounds like it could work. Councilor Padilla asked if there was any grant money that could pay for legal issues that the MLECT or the Consejo could apply for. Chairman Sánchez stated that the Council tried to increase legal assistance through the legislature and it will always pursue that type of funding. Mr. Archuleta commented that they did apply for IOLTA (Interest on Lawyer Trust Accounts) funding in the past through the New Mexico Bar Association, which can do grants for legal services. Sarah Maestas Barnes helped with the application, which was submitted through the MLECT (a non-profit) in the early days of the Council; the application was not successful. This has been considered a potential source for the 3rd year law program with the premise that graduating law students could work with NMLA and Mr. Benavides. The bill creating the program passed, but without funding. Now, the NM State Bar might fund opportunities for young lawyers to continue this work. This has been discussed with Gabe Pacyniak of the UNM Natural Resources and Environmental Law Clinic and applications to the Ford Foundation and Kellogg Foundation to fund NMLA to create the land and water legal defense portion of NMLA. The Council might be able to prepare something in partnership with UNM Law School and others. Councilor Padilla asked if the IOLTA Grants were still available. Mr. Archuleta added that last time they applied, they were not properly advised and they needed to have an entity like the Law School involved. This work fits with mission of bar, continuing legal education and helping needful communities.

13. Discussion and Possible Action on Council FY 2020 & FY 2021 Budget

FY 2020

Mr. Archuleta presented an update on the FY 2020 budget (in packet). No word has been received on the DFA administrative fee until it is all said and done. Regarding the Land Grant Support Fund, \$9,180.98 has been submitted and 3 of 5 projects are completed (Manzano, San Antonio de las Huertas and San Miguel del Bado). The Tierra Amarilla project only awaits signatures and all but \$600 awarded dollars will be spent. The Don Fernando de Taos Land Grant's purchase of a microfilm viewer fell through and the Grant is trying to purchase other needed office equipment. Legal services will be expended in full as will publishing. The copier purchase is complete (\$8,427.70) and the new copier will be installed on Monday, June 29. For the UNM contract (Intergovernmental Service Agreement), \$168,722.39 has been spent. This does not include final billing, the summer salary nor \$8,000 for planning services. Moises Gonzales will continue working with the Tajique Land Grant on planning services and will provide baseline GIS data to the Council and will train Council staff to complete in house work. The Council will revert some monies back to the State, which is positive considering the state budget. Councilor Padilla commented that the Town of Tomé Land Grant does have a microfilm viewer that can be given to the Don Fernando de Taos LG.

FY 2021

Mr. Archuleta commented that we can assume the 4% cut will apply. In the July meeting, the Council will likely make an amendment to the approved budget. Councilor Martínez commented that the Council should preserve the legal and surveyor services in the FY 2021 budget and that the travel budget might be adjusted as the Council is unlikely to hold in person meetings anytime soon. Mr. Archuleta commented that the Council hopes to know its FY 2021 budget by the July Council meeting. Part of the gap will be made up through a drop in the 4% pay increase that was planned and mandatory; this dropped to 1.5%. The Council will work to make sure impact is minimal. Councilor Martínez again commented that the Council cannot have a flat budget and mandatory increases. Mr. Archuleta responded that the issue was discussed with the Governor's office at the close of the 2020 Legislative Session. While the Governor recommended an increase, Legislative Finance recommended a flat budget. The COVID-19 pandemic hit and discussions of increases came to a screeching halt.

14. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020 & FY 2021

The contract for the FY 2021 Intergovernmental Agreement was rejected by DFA due to electronic signature but will be re-signed today. The Council will have to amend budget in light of budget cuts coming out of the Special Session. Mr. Archuleta presented pay request #10, which covers May 2020. DFA requires that everything related to the FY 2020 contract is received by July 15. UNM does not close books until July 14 and the final pay request is an estimated invoice. In past, DFA has underpaid or overpaid UNM.

Pay request 10 is actual expenses, including personnel. A glitch in system locked out OVPR staff and J. Alderete made adjustments as Mr. Baca was improperly billed. The surveyor contract invoice presented today will be next month. Pay request 10 is for \$27,620.34, leaving a balance is \$47,223.71 in the UNM Contract.

Councilor Martínez made a motion to approve pay request 10 for \$27,620.34; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

15. Discussion and Possible Action on Land Grant Support Fund

Discussed above. Ms. Chávez (NMLGC) thanked the land grants for their patience commented that the Don Fernando de Taos LG was working to spend as much of their award as possible.

16. Discussion & Action on Piedra Lumbre Visitors Center Update

Discussed above. Councilor Martínez asked if the \$300,000 remaining after \$600,000 purchase of the PLVC will be swept. Mr. Archuleta responded that the State is looking for projects are making progress; 5% is considered enough progress; 2/3 (66%) will be spent and is beyond that

5%. The next part of the PLVC is renovations and the three land grants need to have conversations about the site and will go through a procurement process in working on the PLVC.

17. Discussion and Possible Action on Manzano Lake Issue

Discussed above.

18. Discussion and Possible Action on Laguna del Campo

The Office of the State Engineer has not contacted David Benavides regarding their investigation of water rights for the Laguna. The Council will contact the OSE, NM Dept. of Game and Fish Director Mike Sloan and will work to include Mr. Benavides. Council staff will coordinate with Tierra Amarilla Land Grant President and NMLGC Councilor Steve Polaco. Councilor Polaco commented that he has discussed the issue with NM G&F Commissioner Jeremy Vesbach.

19. Discussion and Possible Action on Land Grant Registry

None.

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

Mr. Archuleta reported that the LGSP staff is not yet on campus and the LGSP offices are not yet open. Mr. Baca added that this is impacting research as archives are closed and equipment is unavailable. The CLE session with the UNM Law School Natural Resources Law Clinic and the Utton Center has yet to be rescheduled and may take place virtually.

21. Discussion and Possible Action on Correspondence

The Council was CC'd on a letter from the Santa Bárbara Land Grant asking Taos County for funding for their work on state trust lands. The Grant is asking for \$10,000 for a project providing fuelwood for the community.

22. Discussion and Possible Action on Staff Assignments

Councilors Martínez and Polaco thanked Venessa Chávez for her assistance on 2019 capital outlay and the Land Grant Support Fund.

23. Public Comments – Discussion only

None.

24. Miscellaneous Announcements

Mr. Archuleta stated that the ICIP for land grants is now due September 15. These are important for capital outlay projects, though there may be no CO funds because of the economic downturn caused by the COVID-19 outbreak. Councilor Padilla commented that the Town of Tomé LG applied for the State Highway Department hardship auction but has yet to hear anything. Chairman Sánchez replied that he has not heard anything either. Mr. Archuleta added that there was a great interest from land grants and that letters went in right before the COVID outbreak. Restrictions might be preventing an in-person auction. Councilor Martínez asked if there is a land grant equipment list that can be shared among land grants. Chairman Sánchez responded that interested grants can work through the Consejo and the Council. Mr. Archuleta added that all land grants that are political subdivisions of the State are eligible to go through state surplus

property and that the Council has provided letters to land grants that have purchased materials from State Surplus Property. The items are not free but greatly reduced.

25. Date and Location for July Council Meeting

The July 2020 Council meeting will take place virtually (online) on Monday, July 13, 2020 at 10:00am.

26. Adjournment

Councilor Correa-Skartwed made a motion to adjourn; Chairman Sánchez seconded the motion. Roll call vote:

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

The motion was passed. The meeting adjourned at 1:58pm MDT.

Approved:

Chair

Date