

New Mexico Land Grant Council (NMLGC)
January 21, 2021 – 10:00am
Virtual Meeting
Zoom ID: 915 4187 3757

Minutes – Final
Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:02am. Roll call of the Council members: Leonard T. Martínez, Andrea Padilla, Rebecca Correa-Skartwed, Steve Polaco and Juan Sánchez 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); Lisa Morrison (BLM); Jeff Montoya (BLM); Jack River (BLM); Alyssa Duran (BLM); Bill Sapp (USFS); Kris Graham Chavez (NRCS); Xochitl Campos Briggs (Congresswoman Teresa Leger Fernandez); Senaida Anaya (Torreon Land Grant); Eric Chávez (Senator Ben Ray Luján); Sofía Sánchez (Congresswoman Deb Haaland); LM García y Griego (LGSP/NMLGC); Patricia Domínguez (Senator Martin Heinrich); Isis López (Senator Ben Ray Luján); Novela Salazar (NMAG – Treaty of Guadalupe Hidalgo Division).

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 December 17, 2020 Council meeting

Councilor Leonard Martínez made a motion to approve the meeting minutes of the December 17, 2020 Council meeting; 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.

5. Discussion and Possible Action on U.S. Forest Service Update

Mr. Arturo Archuleta reported that he and Dr. Jacobo Baca of the NMLGC have reviewed a draft master stewardship agreement and provided extensive comments to the U.S. Forest Service, which were sent to Ian Fox and Dave Borland of the USFS Region 3 office. NMLGC staff will be meeting with Mr. Fox and Mr. Borland on January 27, 2021 to review and edit the draft MSA and will present this draft to Council in February 2021 Council meeting for approval. The NMLGC does have a DUNS number, which is necessary to finalize this agreement, but we do not know who the contact at DFA is that can change the point of contact for the DUNS number. The Council has not heard anything from the Cibola and Santa Fe National Forests regarding forest plan revision. The Carson National Forest contacted staff with a government working group meeting date in early March. Councilor Martínez asked Bill Sapp (USFS acting liaison) if the Moya Project near Lindrith on the Coyote or Cuba District of the Carson National Forest is selling permits. The project will yield 100-200 cords of piñón - juniper and the land grant and local people are interested in purchasing permits before there is a proscribed burn. He spoke about this issue with Paul Martínez, the project coordinator, who reported that they have been told that permits would not be issued until May 2021. Mr. Bill Sapp (USFS) reported that he has heard nothing about the appointment of a new regional forester, but that recreation has been placed under engineering and the regional office is somewhat in flux. Sandy Watts is still acting regional forester.

6. Discussion and Possible Action on Bureau of Land Management Update

Lisa Morrison (BLM) reported that she previously shared a stewardship brochure with NMLGC and today brought BLM that run stewardship programs to answer any questions. Jack River is a field forester with Rio Puerco field office, Alyssa Duran is a forester with the Taos Field Office, and Jeff Tafoya is a natural resource specialist for the Farmington Field Office. Mr. Rivers stated that there are three types of BLM stewardship programs: 1) a contract paying for forest work, where the value of products is used to offset the cost of the service, included in payment to the contractor; 2) a stewardship agreement; and 3) stewardship forest product sale (often used in a project like fire risk reduction or watershed restoration), where the product value is higher than value of service and contractors pay the difference. The stewardship forest product sales are the easiest to implement, though the field staff is not experienced in implementing all of these projects. He recommended that if an association is interested in this service, primarily for fuelwood, to contact Lisa Morrison, who can contact the field office, who manages these at the local level, and the resource manager will work with state office stewardship representative to administer the program. Mr. Rivers noted that there are not any clearly defined areas available for stewardship.

Councilor Martinez commented that he has worked with Jeff Montoya and has looked into projects in the area. With the USFS's Moya project shut down, people are stealing wood from BLM lands and the community is in need of fuelwood, perhaps from thinning projects. Mr. River responded that thinning projects are usually conducted by staff at field offices, specifically the fire management officer for each district. Todd Richards is the fire management officer for the Rio Puerco District. Councilor Padilla asked if the BLM could notify land grants of projects directly. Ms. Morrison responded that BLM fire management does press releases for a prescribed burn and perhaps could do a thinning project in anticipation of prescribed burn. She will discuss with BLM personnel and report back. Councilor Martinez asked if there is a database where the public can view projects and determine if they fall within a land grant's historic boundaries. If they are, he asked if the BLM could work with land grants first or if projects would go to public bid. Ms.

Morrison responded that she would look into the database and if there are projects, the land grant would go to the field office and discuss a stewardship contract. Councilor Martínez asked if land grants can have first opportunity as a unit of government; Ms. Morrison stated that she would look into it.

Dr. Baca asked if a community can self-identify a project in their area; Mr. River responded that yes, they could, and Ms. Morrison stated that land grants should contact her and that she would put land grants in contact with the appropriate field office. Mr. Archuleta asked for clarification and the differences between the first 2 stewardship programs discussed above. Mr. River responded that contracts are open for bidding and competition whereas an agreement can be 'sole source' and can identify its cooperator. Mr. Archuleta asked if the forestry and fuels management staffs are separate and different. Mr. River responded that forestry staff are led by two foresters; Alyssa Duran in the Taos Field Office and himself (Mr. River) in the Rio Puerco Field office. Forest treatments are done by fire and fuels management staff. Foresters work in planning, identify bounds of project, monitor and the forestry and fuels management staff implement. The forestry staff manages sales and the fires and fuel management staff know what types of projects are being created and where. Ms. Morrison reiterated that land grants should contact her if a land grant sees potential fuel project and she will contact field office and will work with field manager and field office to examine and potentially plan a project. For other projects that are being currently being implemented, she will contact fire folks to see what is available. Ms. Morrison added that NEPA and cultural resource reviews need to happen for projects and can slow projects. Mr. Archuleta asked if the BLM has the option to do categorical exclusion on small projects like the US Forest Service. Mr. River responded that the BLM can do categorical exclusions, but still need to complete archaeological surveys and tribal consultation. He added that contracts and agreements are often contingent on funding and if a land grant makes a recommendation, it still requires internal BLM funding to implement a contract or stewardship agreement. Projects are easier to implement if a payment is made to BLM for the project (i.e. #3 - stewardship forest product sale).

Ms. Morrison provided a general BLM update, commenting that the Biden administration is certain to bring changes. There remains interest in the Farmington and Rio Puerco plans, which are both being reviewed. The acting BLM state director is Steve Wells, who hails from the BLM minerals division in Washington DC. Dr. Baca commented that he watched the BLM Northern New Mexico RAC meeting and noted that RAC was consulted for endorsement of fees for recreation areas for Aldo Leopold and Amole Canyon on the Carson National Forest. Ms. Morrison clarified that all federal recreation fees need to go through some sort of council. Recreation law states that it can be a Forest Service or BLM council and the USFS often uses BLM RAC process because they do not have one of their own. Mr. Archuleta commented that this process, using the RAC for approval, seems to be that they are circumventing a user group as it doesn't include the local perspective. Ms. Morrison stated that a call with Alison Sandoval can provide background and history. Dr. Baca added that a presentation by Rio Puerco Field Office mentioned that, especially in their district, adjacent to largest population center in New Mexico in Albuquerque, interests in recreation for hiking, camping and shooting and special designations for areas for solitude are creating user conflicts with other users, both those pushing for mineral development and rights of way and traditional users, who value the land for grazing and firewood. Councilor Martinez added that in his one day with the Farmington RAC, it was obvious that most RAC members did not know area and represented either recreation or sub terranean resource extraction, but that there was not representation of other users. He suggested that there needs to be better discussion of RACS

and that perhaps Mr. Archuleta or Dr. Baca should present to the RACs to help them better understand land grants. Patricia Domínguez (Office of Senator Martin Heinrich) stated that if the delegation can be of assistance to reach out. Ms. Morrison stated that she would speak to Alison Sandoval about having Council staff present at a future RAC meeting.

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

Federal

Isis López (Office of Senator Ben Ray Luján) reported that Senator Ben Ray Luján has transitioned from the House to the Senate and has brought in some of former Senator Tom Udall and former Representative Xochitl Torres Small's staff. Ms. López added that her portfolio is smaller as she focuses on public lands, traditional uses and agriculture. She will continue to work with Levi Patterson on legislation, but has no current update in the timing for the introduction of traditional use legislation in the Senate and Senator Luján's office does not now of his Senate committee assignments. She added that she looks forward to working with Council, Consejo and acequias on reintroduction of the traditional use bill and is interested in discussing concerns about the RAC and the lack of a forest service advisory council. Eric Chávez (Office of Senator Ben Ray Luján) reported that he will be a state liaison for Senator Luján, covering forestry, BLM, agriculture, and traditional land use and encouraged people to reach out to him with any concerns. Senator Luján's statewide offices are still being set up and Mr. Chavez will share their information with the NMLGC once it is available.

Patricia Domínguez (Office of Senator Martin Heinrich) reported that the Buffalo Tract Bill was reintroduced as is (old version in packet). The bill removes mineral rights in the area and allows BLM to continue disposal process through the federal land management act, though no management plan has been adopted for the Rio Puerco area, which forestalls disposal. Both San Antonio de las Huertas Land Grant and local pueblos have expressed interest. The Pecos Watershed Protection Act, which is responding to minerals interests in the Terrero mine, will also be reintroduced as well as wilderness bills for lands within the Rio Grande de Norte National Monument. Sofía Sánchez (Office of Rep. Deb Haaland) stated that Rep. Deb Haaland's office is in a holding pattern with her impending appointment as Secretary of the Interior and staff are leaving with a skeleton crew remaining. Ms. Sánchez will remain on staff through the transition and remains contact for land grant issues, which she feels are important as a land grant heir. Rep. Haaland is still a Congresswoman and will not give up seat until confirmed to the cabinet. The election held be within 75 days of the vacancy and parties will forward nominees. The staff will continue constituent services and all legislation and policy will be on hold. Xochitl Campos Biggs (Office of Rep. Teresa Leger Fernández) introduced herself and stated that land grants are an important issue to Congresswoman Teresa Leger Fernandez and wants to ensure her teal represents the communities of Congressional District 3. She is honored that land grants are looking to her to champion land grants and traditional use rights.

State

Mr. Archuleta reported that the New Mexico Legislation session will began Tuesday and the entire session will be virtual. There was discussion on potential limits on legislation, five per legislator, though it seems many are introducing more than that. All five land grant related bills endorsed by the Land Grant Interim Committee were introduced. They include:

House Bill 41 – Establishing qualified partitions of land grants-mercedes as autonomous land grants-mercedes, sponsored by Rep. Miguel García. This bill has been introduced several times. The first time it was introduced it passed the Senate and died on the House floor; the second time it passed both houses and was pocket vetoed by Governor Susana Martínez and the third time it passed both houses and was pocket vetoed by Governor Michelle Luján Grisham because an opposing vote by Senator Campos brought concerns by the Governor. The Interim Committee supported and reintroduced the bill and it is assigned to House Local Government, Land Grant and Cultural Affairs Committee, chaired by Rep. Miguel Garcia, and the Judiciary Committee.

Councilor Martínez made a motion that the NMLGC endorse House Bill 41; the motion was seconded by Councilor Correa Skartwed.

Roll call vote:

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

The motion was passed.

House Bill 78, the Tierra Amarilla Traditional Use Lands Management and Transfer Act, which seeks to create access and the eventual transfer of the Sergeant, Humphries and Rio Chama Wildlife Management Area (~44,000 acres). All of these areas were carved from communal lands of the Tierra Amarilla Land Grant, which the U.S. Surveyor General reported to Congress that the community had access to. The Tierra Amarilla Land Grant was a community grant, granted to Manuel Martinez and many others, but was confirmed to his son, Francisco, as a private grant. Francisco Martínez issued deeds to residents, which adverse court rulings deemed null. Land speculator Thomas Catron bought these hijuelas and consolidated interest, which he sold to outsiders. These sales continued from 19th to the 20th centuries, despite continued communal use until the 1930s, when court cases closed use of commons. The State of New Mexico purchased the reserve lands in the 1960s and the Game and Fish Department has managed them since the 1970s. There are limited number of hunts and the properties are closed off to use of general public and locals. Federal funds may have been used to purchase, which may complicate the goals of the bill. These lands are closed to general public and calls for traditional uses are ignored. In the 1980s, Ganados del Valle used lands to pasture their flocks in an emergency, but were rebuffed and the state did not investigate traditional uses as promised. Both the NMLGC and Interim Committee asked New Mexico Game and Fish to examine the potential for traditional uses on these properties but they did not do so.

The Tierra Amarilla Land Grant wants to continue and expand access by locals and continue access by general public. Some hunting permits will be for locals and land grant members and others for general public. The bill calls for a management plan to be created by NM Game and Fish, the Tierra Amarilla Land Grant, and the New Mexico State Forestry Division. The New Mexico Wildlife Federation came out strong against the bill and sent a condescending letter to Rep. Garcia, though they never reached out to discuss the bill or to see if there is common ground. Their opposition speaks to issues of equity in public lands that ignores traditional uses and prefers elite uses. Ms. Domínguez mentioned the equity initiative in New Mexico Attorney General Hector Balderas's office; Mr. Archuleta responded that he sits on the equity taskforce. Ms. Domínguez

added that she could reach out to the NM Wildlife Federation and encourage them to discuss issue with other stakeholders. Mr. Archuleta added that though the opposition has cast traditional uses as a zero sum game, land grants recognize compatible uses and land grants had to create this bill to even have discussion because previous outreach was rebuffed. Novela Salazar (Treaty of Guadalupe Hidalgo Division, NMAG) stated that in her reading of the bill there would still be public use but the Merced de los Pueblos de Tierra Amarilla would step into management role of the Department of Game and Fish. Mr. Archuleta clarified that the Grant does not want licensing and Game and Fish will continue licensing hunting and fishing. What changes is permits, which would be controlled by the Tierra Amarilla Grant and hunters would still get hunting license but the Grant would control 30 permits that are in these three properties. Though hunts are supposed to be for local, locals report that out of state hunters typically are the hunters on these properties. Uses and control to the Tierra Amarilla Land Grant will be phased in. Councilors stated that this demonstrates lack of understanding and respect for land grants and the need for education and that opposition does not see the cultural value and local use for hundreds of years. They commented that it also shows that people misconstrue the history of land grants and think of only protest periods and not the longer history. Perhaps land grant should consider a marketing strategy for general public education. HB 78 has been assigned to House Local Government, Land Grants and Cultural Affairs Committee and the Natural Resources Committee.

Councilor Polaco made a motion that the New Mexico Land Grant Council endorse House Bill 78; 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.

Senate Bill 68, introduced by Senator Linda Lopez, corrects and updates 49.1 and 49.4 (Chililí Land Grant's statute) to add elections changes, including a canvassing board separate from board and/or candidates. The bill was sent to Senate Conservation and Senate Rules Committee, which Senator Lopez Chairs.

Councilor Correa Skartwed made a motion that the New Mexico Land Grant Council endorse Senate Bill; 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.

Senate Bill 85, sponsored by Senator Liz Stafanics, is the guaranteed revenue stream for land grants bill. It is supported by the Governor's office. Victor Reyes, Governor Michelle Lujan Grisham's legislative policy staffer, who is running for the Democratic Party's nomination for

Congressional District #1, has been particularly supportive of the proposal. The bill has been assigned to the Senate Finance Committee, now chaired by Senator George Munoz. Because of COVID restrictions, land grants cannot testify in force like last year (17 grants attended and testified at the Legislative Finance Committee hearing).

Councilor Padilla made a motion that the New Mexico Land Grant Council endorse Senate Bill 85; 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.

Senator Lopez also introduced Senate Bill 111, which provides an appropriation for five years to the NMLGC to hire a surveyor and attorney. This may be a challenge as the state is in an economic crisis. It has been assigned to the Senate Indian, Rural and Cultural Affairs Committee and Senate Finance Committee.

Councilor Martínez made a motion that the New Mexico Land Grant Council endorse Senate Bill 111, 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.

Other legislation has been drafted but not yet introduced and was sponsored by the NMLGC for the creation of a legislative file. One unnumbered and unsponsored piece of legislation calls for protection of common lands and amends 49.1 and 49.4. It provides for a definition for common lands exists and common waters. The "common waters" definition was narrowed by LCS to mean "water resources for which a land grant-merced has valid existing water rights and may include points of diversion or storage located on property outside of the common lands." Land grants are encouraged to file their water rights claimed ahead of and during adjudication. This is complicated with acequias and waters on land grant commons claimed by others and land grants have the best opportunity to retain control of water rights fully on land grant commons that don't leave the grant. The bill may be complicated and may need discussion with state engineer. The bill still does not have sponsor and the "common waters" issue might lead to some push back. It is limited to waters on common lands that land grants currently manage and subject to valid existing rights. This could provide land grants a voice in water management decisions. If the common waters aspect proves too controversial, other aspects of bill other than common waters definition might be ripe to move forward, like natural resource protection measures. The bill includes recommendations from Anton Chico Land Grant attorney Andrea La Cruz Crawford. The NMLGC had previously worked with the UNM Law School Natural Resources and Environmental Law

Clinic on draft legislation that created the natural resource officer position. This current legislation is different and does not create this post. Protections of natural resources includes allowing criminal citations to be issued and violators to be prosecuted in court. Land grants can also represent themselves without an attorney and courts may allow land grants to provide witnesses. Fines are defined and land grants are allowed to pursue violators for actual damages and attorneys fees for pursuing the case can be recouped. Councilors stated that this is a very important bill and land grants need a definition for common waters and influence in water administration. The bill is complex and land grants still need to pursue a legislator to sponsor the legislation; Representative Ambrose Castellano may be approached to sponsor this legislation. If the bill is not proposed in this session, it may have to wait until the future and may need to go through the water and natural resources interim committee.

Councilor Padilla made a motion to endorse the legislation protecting common lands and waters discussed above; the motion was seconded by Councilor Polaco.

Roll call vote:

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

The motion was passed.

Another bill relates to the amendment of the New Mexico Attorney General's Treaty of Guadalupe Hidalgo Division's statute. It removes reference to 47-1-25, which has been repealed, and adds language that they are counsel to the NMLGC and can assist land grants to identify legal assistance, as well as review and respond to contests of election and compliance with IPRA and assist with the transfer of records from outgoing to incoming board members. Representative Roger Montoya may be approached to sponsor this legislation.

Councilor Polaco made a motion to endorse legislation amending and updating the Treaty of Guadalupe Hidalgo Division statute; 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.

Dr. Baca commented that House Bill 95, introduced by Rep. Andrea Romero, would amend New Mexico water law. It removes the necessity that "the objector will be substantially and specifically affected by the granting of the application" for applications for water permits, water transfers, well drillings, and use of waters out of the state. The Council, as a state agency, and land grants, as political subdivisions, would likely pay closer attention to water transfers, well permits, etc., to raise objections. Mr. Archuleta added that he spoke with Donnie Quintana of the Department of Finance and Administration, who was on loan with the Department of Health, assisting with contact tracing. Mr. Quintana stated that while the DFA department budget in the Governor's

proposed budget remains flat, the NMLGC project budget is increased to \$321,000. We are not sure if the legislature will agree to this budget and DFA and the NMLGC may need to be present in front of legislative committees to answer questions.

Councilor Martínez made a motion to allow NMLGC staff to participate in the legislative process for 2021 legislative session; 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.

8. Discussion and Possible Action on 2021 Treaty of Guadalupe Hidalgo Day

The annual Treaty of Guadalupe Hidalgo Day, co-hosted by the NMLGC, the New Mexico Land Grant-Merced Consejo and the Land Grant Studies Program, has been postponed due to COVID-19 restrictions and the closure of the New Mexico State Capitol to the public.

9. Discussion and Possible Action on Council FY 2021 Budget

A budget update was provided in the packet. The support fund agreements for the San Joaquín del Río de Chama, Tomé and San Antonio de las Huertas Grants are out. Cubero's is nearly complete and we are waiting for a decision from DFA legal as to the Santa Bárbara and Don Fernando de Taos Land Grant if the purchase of tort liability coverage is considered an operating expense. Don Fernando de Taos intends to purchase coverage for a property and Santa Bárbara for a project. DFA stated that the legislative language for the Don Fernando de Taos Grant does not allow for purchase of land and they will need to get reauthorizations of their capitol outlay appropriations, meaning that they will need to amend their use of the LGSF award (\$1,315.00). NMLGC staff will contact the Grant to determine their intent. Legal services and publishing will be spent, and in state travel will have some reversion. With current COVID_19 restrictions, the \$5,000 in out of state travel is unlikely to be spent. This totals \$7,595 to be moved within DFA managed monies, which can be moved it to legal services as our contractor, New Mexico Legal Aid, is involved in litigation, which is time intensive and costly.

In the UNM managed portion of the budget, staff in state travel will likely remain unspent, likely leaving \$6,075 in this line item. \$3,500 in out of state travel will certainly remain unspent as well. In copier and printer maintenance, very little has been spent because of virtual meetings, likely leaving \$1,600. There remains a need to mailout updated lawbooks, so postage, which is at \$150, should be increased by \$250 to \$400. Because of the unlikelihood of in person meetings, \$1,075 should be moved from meeting expense, reserving \$125 in the event that the NMLGC can host one in person meeting in FY 2021.

Councilor Martínez made a motion approving a BAR, moving \$7,595 to legal services, \$12,000 to the surveyor contract and \$250 to postage; 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.

The LGSP/NMLGC are also working with author and historian Malcolm Ebright to potentially purchase books at a reduced rate.

10. Discussion and Possible Action on Land Grant Support Fund Update

The support fund agreements for the San Joaquín de l Río de Chama, Town of Tomé and San Antonio de las Huertas Land Grants are out and ready. Ms. Chávez will help land grants to draw down on their awards. DFA is waiting on a W-9 from the Cubero Land Grant. DFA legal is looking into the Santa Bárbara and Don Fernando de Taos Land Grants' requests to determine if these are operating expenses and prohibited under the LGSF. This issue speaks to the NMLGC looking to support tort liability for land grants (which all land grants are supposed to carry) through a separate fund.

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

Mr. Archuleta sent information to Mark Edwards of LCS where he can direct the letter from the Land Grant Interim Committee to the Office of the Vice President for Research endorsing the creation of the Land Grant Institute. Dr. Garcia y Griego met with associate VPR Steve Graves. UNM hired Ellen Fisher as its new Vice President for Research. He will send materials to the OVPR to provide an update and state the need for OVPR's support. The provost will give a pro forma review of the proposal before it goes through faculty senate. The current timeline has the proposal going to faculty senate in early fall 2021.

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

The deadline to submit capital outlay is February 11th, 2021. The process is different and it is advised that requestors submit their requests by February 1. All requests will be separated by county and lists will be provided to legislators. They can look at list and check off those that they want to support and the amount they will contribute. No longer do requestors need to get a signature, only verbal support. If you want support of legislator from non-local legislator, need to let them know of your request so that they can find it. NMLGC will provide assistance upon request. We have sent a reminder and will send more. Venessa Chávez (NMLGC staff) added that the reauthorization deadline is February 11th as well. The San Antonio de las Huertas and Manzano Land Grants have reauthorization requests and the Don Fernando de Taos Grant is seeking reauthorization on three appropriations. She is keeping track of which land grants are submitting capital outlay requests; Chililí, Santa Bárbara and Manzano Land Grants have submitted capital outlay and/or reauthorizations. Mr. Archuleta commented that the Merced de los Pueblos de Tierra Amarilla has a settlement agreement with Al Frente de Lucha needs to be paid by July 1 and the grant cannot use capital outlay for the purchase but the Council is assisting the Grant in exploring if they can use capital outlay to repay a loan. The New Mexico Finance Authority has a program, but the deadline passed and the program is for infrastructure projects.

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

Surveyor contractor Chris Chávez has been doing research, made difficult with no access to courthouses. He is looking into the Trampas village plaza for the Trampas Land Grant through Taos County records.

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

There are two pay requests from New Mexico Legal Aid that need to be approved. Pay request #3 is for November 2020 and is for work with the Cristobal de la Serna Land Grant (reviewing deeds) and Tierra Amarilla Land Grant (work on Laguna del Campo).

Councilor Correa Skartwed made a motion to approve Pay Request 3 from New Mexico Legal Aid for \$537.50; Councilor Martinez 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.

Pay request #4 is for work completed for the Cristobal de la Serna and Tajique Land Grants in December 2020 and totals \$462.50

Councilor Polaco made a motion to approve Pay Request 4 from New Mexico Legal Aid for \$462.50; Councilor AP 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.

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

Novela Salazar (NMAG – Treaty Division) reported that she had no updates. Mr. Archuleta asked if the NMAG’s office was reviewing legislation and asked her to reach out with any questions if so; Ms. Salazar responded that they were reviewing pre-filed bills. Councilor Polaco asked Ms. Salazar if she had received any information from Tania Maestas or Cholla Khoury about funds to aid the Merced de los Pueblos de Tierra Amarilla purchase the ‘Tierra o Muerte’ tract; Ms. Salazar responded that she has not received any information from Ms. Maestas or Ms. Khoury. Councilor Padilla asked if the Council ever submitted a formal request to the New Mexico Attorney General for a review of the 1991 court order assigned tracts assessed to “unknown owners” within the exterior boundaries of the Chililí Land Grant to the Chililí Land Grant. Mr. Archuleta responded that the letter has not yet been submitted, that Dr. Baca composed a draft letter that staff needs to review to ensure than scope of question is proper and wants to provide background and evidence of use of the case when posing the question. He and Dr. Baca will work on the letter and share it with the Council at the February 2021 Council meeting.

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

Pay Request #5 was presented, for \$13,662.01. This includes \$11,385.03 in personnel expenses, and \$2,276.98 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #5.

Councilor Correa Skartwed made a motion to approve Pay Request #5 for \$13,662.01; 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.

17. Discussion & Action on Piedra Lumbre Visitors Center Update

The transfer is moving forward even though the easement issues stalled the process. Mr. Archuleta discussed the issue with the U.S. Forest Service, which will approach the utility companies. The USFS agreed to take out language that requires the purchasers to change the easement. This amendment to purchase and sale agreement is being worked on by Holland and Hart and they will work to get signatures from the three land grants. The NMLGC received a request for information from Governor's office on progress of PLVC and Abiquiú projects. The Abiquiú Land Grant is working on their projects and got their audits squared away.

18. Discussion & Action on State Land Office fuelwood projects

Projects are still in the works, though there has been a snag for the Santa Bárbara Land Grant, which received a LGSF grant to purchase liability coverage. DFA legal is reviewing if the coverage is a considered an operating expense, which is not allowed through the LGSF. The Cebolla project continued with the San Joaquín del Río de Chama Land Grant taking the lead. Councilor Martínez stated that the Grant signed the contract and that the state has marked trees but snow will slow work. He met with the contractor and wood will be split, 1:1, and the Grants needs to help with cutting of wood, slash, etc. At 2 cords per acre, the contractor sees at least a month of work. All wood needs to be harvested immediately when it is cut. This will start in March/April. The Grant may also need tort liability coverage. The Grant also wants to purchase dump trailer with \$40,000 remaining from another project.

19. Discussion and Possible Action on Laguna del Campo Update

The transfer has been held up by water rights issues. Though the Game Commission wants to transfer the property with all water rights, the Department of Game and Fish wants to retain water rights to protect downstream acequia. The Merced de los Pueblos de Tierra Amarilla and the acequias are still in discussions. Councilor Polaco stated that he has discussed the matter with the La Puente acequia president and that one user did not want the grant to be a parciante on the ditch. The Grant met on Sunday and feels that need to be parciantes if they are responsible for cleaning portions of ditch and spillway.

20. Discussion and Possible Action on Land Grant Registry Update

Dr. Baca reported that the Abiquiú Grant bylaws were requested. No new items were submitted.

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

Venessa Chávez is working on oral history interview with former Councilor and past Town of Tomé Land Grant Rita Padilla Gutierrez and with a historian from Estancia. Dr. Baca reported that he is using Ancestry to recover land grant records and to assist the Anton Chico Grant with their genealogy

22. Discussion and Possible Action on Correspondence

Dr. Baca reported that Rep. Miguel Garcia put him in contact with a Richard Bond who claims interest in the Arroyo de San Lorenzo Land Grant, also known as the Antonio Chavez Land Grant. Mr. Bond claims that he has discussed the grant with a descendant of Antonio Chavez, whose family has maintained an interest in the grant. According to Dr. Baca's research, Bond's ancestor, Hiram Bond, was a land speculator who purchased the grant from García and Luna families that purchased the land grant from the Chavez's. Hiram Bond later sold the grant to Martin Hayes, who attempted to gain confirmation of the Socorro County Land Grant but was denied by the Court of Private Land Claims and the U.S. Supreme Court. Richard Bond's claim was thus, severed, by his ancestor Hiram Bond when Hiram sold the claim to Martin Hayes. Dr. Baca stated that he was preparing a detailed response that will be sent to Mr. Bond.

Councilor Padilla asked that the Council or Studies Program consider doing a training session with land grants regarding registering heirs. The Town of Tomé's acquisition of lands has resulted in an increase in people wanting to join the Grant and wanting access to the land grant lands. She has let a recent party know that he needs to be active member of grant, giving time or financial assistance. Perhaps the Council and Studies Program could offer a workshop of "do's and don't's." Dr. Baca responded that each land grant's genealogy and history is unique and complex, with periods of abandonment and resettlement. Land grants are empowered to decide the definition of a member and can opt to allow registration by a person proving they are a descendant of residents of the grant in a given time period (i.e., appear on the 1920 census) rather than requiring that they are the descendant of an original grantee. Often finding a list of the original grantees proves evasive, as granting documents often name only one grantee and an unnamed enumeration of others. Councilor Correa Skartwed added that opening the membership and revising the bylaws can be a tough process and was so for the San Antonio de las Huertas Land Grant. Dr. García y Griego commented that the LGSP and NMLGC can do a workshop that provides different experiences and perspectives that could generate an increased interest in land grants.

Mr. Archuleta stated that the Council received an inquiry from Lorenzo Flores asking who provides legal counsel for the NMLGC and sent a notice of legal action.

23. Discussion and Possible Action on Staff Assignments

None.

24. Public Comments – Discussion only

Councilor Padilla reported that the Town of Tomé Grant had its 11 acres surveyed and filed a warranty deed filed but will want more help in future. With Ms. Chávez's help, the Torreón Land Grant is reorganizing. Councilor Martínez reported that there is a cemetery in Capulín not owned

by anyone and other cemeteries are filling and running out of room. No one owns original cemetery as well. The San Joaquín del Río de Chama Grant is engaging in an agreement where the Grant and two individuals will co-manage the cemetery. They need to set up bylaws and welcome any samples. Mr. Archuleta suggested copies from the Cañón de Carnué and Chililí Land Grants, both of which manage cemeteries.

25. Miscellaneous Announcements

None.

26. Date and Location for February 2021 Council Meeting

The February 2021 Council meeting will take place virtually on February 18, 2021 at 10:00am, online via Zoom.

27. Adjournment

Councilor Polaco made a motion to adjourn; 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. The meeting adjourned at 2:42pm MST.

Approved:

Chair

Date