

New Mexico Land Grant Council (NMLGC)
October 20, 2021 – 10:00am
In Person and Virtual Meeting (Hybrid)
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106
Zoom ID: 938 6565 7642

Final Meeting Minutes

Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:01am MDT. Roll call of the Council members: Steve Polaco, Juan Sánchez, Andrea Padilla, and Leonard Martínez were present. Rebecca Correa Skartwed joined virtually via Zoom.

2. Introduction of Guests

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Rebecca Correa Skartwed (NMLGC); Leonard T. Martínez (NMLGC); Congresswoman Teresa Leger Fernández; Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chavez (NMLGC/LGSP); Anissa Baca (LGSP); Vidal Gonzales (NMLGC); Camilla Romero (NM State Land Office); Ashley Wright (USFS); LM García y Griego (LGSP); Sofía Sánchez (Office of Rep. Melanie Stansbury); Novela Salazar (Treaty Division - NM Attorney General's Office); Ricardo Dow y Anaya (NM Attorney General's Office); Eric Chávez (Office of Sen. Ben Ray Luján); Lisa Morrison (BLM); Jennifer Sánchez (Office of Rep. Teresa Leger Fernández); Adeline DeYoung (Office of Rep. Teresa Leger Fernández); Eric Castillo (Office of Sen. Martin Heinrich), Abel Sillas (Arroyo Hondo Arriba Land Grant heir).

3. Approval of Agenda

Councilor Steve Polaco made a motion to approve the agenda; Councilor Leonard Martínez seconded the motion.

Roll call vote:

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

The motion was passed.

4. Approval of Meeting Minutes from September 15, 2021 Council meeting

Councilor Polaco made a motion to approve the meeting minutes of the September 15, 2021 Council meeting; Councilor Andrea Padilla seconded the motion.

Roll call vote:

Councilor Correa Skartwed - aye
Councilor Padilla - aye
Councilor Martínez - aye

Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

5. Discussion and Possible Action on Federal and State Legislative Update – Guest Congresswoman Leger Fernández

Federal

Congresswoman Teresa Leger Fernández reported that land grant traditional use rights and consultation bills have been introduced in both the U.S. House of Representatives and the U.S. Senate. She is the lead sponsor on H.R. 5493 and Senator Ben R. Luján is the sponsor on S. 2708. Councilor Padilla asked if the legislation will effect lands managed by the Middle Rio Grande Conservancy District; Congresswoman Leger Fernández responded that it did not, but could serve as a framework for future traditional use and consultation. Councilor Polaco asked how the legislation would effect land grants that had patents that recognized their property but subsequently lost their lands to private individuals and the land largely remains in private hands. Congresswoman Leger Fernández responded that the bill mandates that federal agencies consult on land that is under federal control and managed by federal agencies, but that Congress cannot mandate that private land owners participate. She asked if there was something similar in state statute. Mr. Arturo Archuleta (NMLGC/LGSP) responded that there is not, though the interim Legislative Land Grant Committee has proposed legislation that would give access to land grants on state owned land, using the federal bills as a model. Congresswoman Leger Fernández responded that whichever bill is passed first can serve as the model and that at the state level land grants might achieve at aspirational levels because they are closer to the ground. She offered her assistance to discuss this with state legislators.

Councilor Martínez asked if there will be time to reconcile the two bills in this Congress; Congresswoman Leger Fernández responded that the goal is to do so by December 2022, when this Congress ends. Mr. Archuleta thanked Congresswoman Leger Fernández for introducing and sponsoring the legislation and stated that land grants were concerned with the loss of Rep. Deb Haaland to the Department of Interior as she proved to be a land grant champion. Congresswoman Melanie Stansbury is co-sponsoring H.R. 5493 and Senator Martin Heinrich is co-sponsoring S. 2708 with Senator Luján. Sponsors are trying to move the bill through committees in the House. Mr. Archuleta stated the Council is available to offer expert witness testimony in both the House and Senate. The strategy as the Council understands it is to push the bill through the House as is and introduce and changes (i.e. process for determining boundaries) on the Senate version of legislation, whereafter changes would be discussed in conference committee. Congresswoman Leger Fernández stated that House Natural Resources Committee Chair Raúl Grijalva is also a co-sponsor, as is Rep. Barbara Lee, who represents the Oakland, CA area but was born and raised in El Paso. She also expressed a desire to include provisions for the land purchases, which may go into the Senate version of the legislation.

Chairman Sánchez added that any assistance that is needed from the Council can be requested directly from staff and thanked Congresswoman Leger Fernández for joining the meeting. Congresswoman Leger Fernández responded saying that “Any time you go anywhere in New Mexico, you are on land grant land.” Sofia Sánchez (Office of Congresswoman Melanie Stansbury) stated that Congresswoman Melanie Stansbury had a great time on her tour of Manzano Mountain land grant communities (Tajique, Torreón, Manzano and Tomé) and thanked the Council and the

communities for their time. Her office has a lot of follow up to do with land grants and added that the Town of Tomé Land Grant should be hearing from the MRGCD regarding the bosque shortly. Ms. Sánchez added that she will follow up soon about grant opportunities, especially regarding youth and preservation. Eric Chávez (Office of Senator Ben R. Luján) stated that Senator Luján will work to move S. 2708 through the 116th Congress, but that he had no updates regarding hearings at this time. The two bills are very similar, and nearly identical in some sections. He thanked Chairman Sánchez, Andrea Padilla of the New Mexico Land Grant-Merced Consejo, and Leonard Martínez of the San Joaquín del Río de Chama Land Grant for quotes that they provided for the press release that went out last week. He added that S.2708 does mention patented exterior boundaries near federally managed lands and suggested that the Council look closely at that language.

State

The Land Grant Interim Committee will meet in Tome on October 28th and 29th. Redistricting of state senate, state house, congressional and other districts based on the 2020 census has continued, with the New Mexico Citizens Redistricting Committee holding in person and virtual meetings throughout the state. See <https://www.nmredistricting.org/>.

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

Lisa Morrison reported that the B:M is working on the Rio Grande del Norte management plan. The Taos Field Office is also working on the Sombrillo travel management plan including plans in trails in the Nambe badlands. The BLM is also looking at locations of need to sell wood permits.

7. Discussion and Possible Action on State Land Office Projects

Camila Romero reported that the State Land Office is working on Copper Hill wood project with the Santa Bárbara Land Grant. They are working to replace stolen signs near the Cebolla Project. The SLO is in the planning stages of Bear Cat Project in the east mountains. They have created a draft MOU with the Council and submitted it to Mr. Archuleta for review. The SLO will meet present at the interim Land Grant meeting in Tomé next week. Councilor Martínez reported that he escorted heirs to gather wood at the Cebolla Project and signs were stolen and there was an attempt to shoot the locks off of the gate; the locks had to be otherwise removed. He asked if there is another access point that we can use to get into the land and expressed his continued concern that people are stealing wood; Ms. Romero stated that she will work with local and agency law enforcement and see what the SLO can do and was not sure if there is another access point. Councilor Martínez mentioned that BLM law enforcement is in the area. Councilor Polaco reiterated that the Tierra Amarilla Land Grant has examined the proposed fuelwood area near Tierra Amarilla, but heirs felt that the road was too dangerous for a scant amount of wood. Ms. Romero responded that the SLO will continue to look at areas that are easier to access. Ms. Morrison (BLM) stated that she will call her law enforcement to see how they can help out; Ms. Romero expressed her gratitude. Councilor Martínez added that the San Joaquín del Río de Chama Grant want youth (possible YCC) to work on the site and stack load the wood and stretch out the supply until next year.

8. Discussion and Possible Action on U.S. Forest Service

Ashley Wright (USFS) reported that the objection period for the three northern forest plans (Carson, Cibola and Santa Fe) wraps up on November 2, 2021. She also reported that she is now the permanent New Mexico State Liaison for Region 3 and will presenting at the Interim Land

Grant Committee next week in Tomé. Councilor Martínez welcomed Ms. Wright and asked what the status of the timber sales in the Gallina area. Ms. Wright responded that she will check with the Santa Fe National Forest timber folks and report back. Councilor Polaco stated that he has yet to hear from the Carson and Rio Grande National Forests regarding collaboration to aid wood dependent communities in the Tierra Amarilla area. Mr. Archuleta stated that Council staff and graduate interns are reviewing the Carson, Cíbola and Santa Fe National Forests final land management plans and considering where the Council might submit an objection. Vidal Gonzales (NMLGC graduate intern) discussed his review of the Santa Fe and Cíbola National Forest plans and areas where the Council might submit an objection. Anissa Baca (LGSP graduate intern) discussed the Carson National Forest plan and areas where the Council might object. Mr. Archuleta added that forest plan revision is a long and time-consuming process. Councilor Martínez asked what happens after an objection is filed. Mr. Archuleta responded that he believes a meeting is called by the reviewing officer (Michiko Martin, Regional Forester) with the objector and the responsible official (Debbie Cress for the Santa Fe NF; James Durán for the Carson NF; Steve Hattenbach for the Cíbola NF) to discuss potential resolutions.

Councilor Martínez asked how to move forward to get our objections added into the plan; Mr. Archuleta reiterated that objectors must follow the steps outlined by the USFS and have a review conference and that there may be a process for a protest or filing down the road. The Council is now identifying the parts in the plan that were not met and that will help land grants get the things they want into the plan. Councilor Martínez added that this process is so long and that is why we have people fall out and it's all about who falls out at the end and those who have a staff and the resources, that ultimately it is not fair to communities, who are busy getting wood or rounding up cattle. Dr. Jacobo Baca added that there are mutual interest communities, like the acequias, with which the Council and land grants have collaborated with in the past with some success. For instance, land grants and acequias in the Trampas area fought the WSR designation of the Río Trampas and defeated the possible designation. The Santa Bárbara Land Grant is fighting the WSR designation of the Río Santa Bárbara and is joined with other Peñasco area communities against the threefold expansion of the Sipapu Ski Resort. He added that changes in the planning teams for all three northern forests have made the process difficult.

Councilor Padilla asked who makes the final decision on the plan; Mr. Archuleta responded that the respective forest supervisor for each forest. Councilor Padilla stated that it appears that the supervisor is not listening to our communities. We are being given a little bit here and there and it is frustrating and we are working hard but not getting any respect. Land grant communities are important and New Mexico is very different than the rest of the country. The fact is that we can't access these lands to get basic necessities and the forest service is not respecting our rights and volunteers boards are working with Council staff to protect these rights. We want to help our communities, both pueblos and land grants, who are being treated as second class citizens, and pueblos have been here way longer than land grants. Mr. Archuleta added that the plan has been a long and hard process and that it takes 10-15 years to complete this process. The USFS is designed to have people moving in and out, which makes people not understanding our needs common. We will continue to complete our part and need approval to submit objections on behalf of the Council.

Councilor Padilla made a motion to allow staff to submit objections to the USFS on behalf of the Council; Councilor Correa Skartwed seconded the motion.

Roll call vote:

Councilor Correa Skartwed - aye

Councilor Padilla - aye

Councilor Martínez - aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

9. Discussion and Possible Action on Office of the Attorney General & Treaty Division

Dr. Ricardo Dow y Anaya commented that the presentations at the Land Grants and Acequias CLE were fantastic. The NMAG's office is trying to help land grants and acequia associations, drafting letters to present to the NMAG leadership for approval and submission. The key areas are public safety, addiction, acequias and land grants. He added that you are feeling the tensions of cannabis and water as the industry grows. He applauded the work of the interns and supports more internship opportunities.

10. Discussion and Action on Natural Resources Issues & Concerns – Local, State and Federal – 30 x 30 Campaign

Mr. Archuleta discussed the 30 by 30 campaign and the recent executive order by Governor Michelle Luján Grisham to have cabinet look at the plan and how to achieve it. A commission has been named and will meet quarterly. The Council has been approached to present and discuss land grants and Mr. Archuleta reported that he has had good conversations with people staffing the commission about how land grant lands can help achieve this goal of 30% of lands in conservation if we include traditional use concepts and undeveloped land grant lands. He asked if land grants can get land back to our land grants with the money generated by the 30 by 30 campaign. Land grants will work with acequias to push for funding and other things that the committee can see. There are two extremes of conservation, one that advocates for blanket wilderness designations and another that pushes for everything to be in agricultural production. This will affect state lands and land grants need to figure out how we can navigate this plan and acquire these lands back to land grants. Not all land grant lands are in federal hands and we should allow LGs to regain those common lands to conserve them. Dr. Baca added that he heard that the Outdoor Recreation Division application that was submitted was accepted, but a press release has yet to go out.

11. Discussion and Possible Action on Land Grant Support Fund

The Council discussed FY 2022 Land Grant Support Fund applications. The Merced de Manzano, San Miguel del Bado, Tajiue, San Antonio de las Huertas, Torreón and Tomé Land Grants submitted applications totaling \$33,000. The total FY 2022 LGSF budget is \$30,000. The Council chose to reduce the Town of Tomé Land Grant from the requested \$12,000 to \$9,000. The approvals for each award are as follows.

Councilor Padilla made a motion to approve the Merced de Manzano Land Grant's request for \$2,000.00 for the purchase of office furnishings, including tables and chairs; Councilor Correa Skartwed seconded the motion.

Roll call vote:

Councilor Correa Skartwed - aye

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

The motion was passed.

Councilor Correa Skartwed made a motion to approve the San Miguel del Bado Land Grant's request for \$3,500.00 for upgrades and maintenance to their senior citizens center; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Martínez made a motion to approve the Town of Taji que Land Grant's request for \$6,000.00 for a storage shed and riding lawn mower; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Martínez made a motion to approve the San Antonio de las Huertas Land Grant's request for \$3,500.00 for the purchase of a propane tank and the expansion and improvement of their parking lot at their land grant office; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Correa Skartwed – *abstained from the vote*
Councilor Padilla - aye
Councilor Martínez - aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

Councilor Padilla made a motion to approve the Town of Torreón Land Grant's request for \$6,000.00 for the purchase of playground mulch for their community playground; Councilor Correa Skartwed seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Martínez made a motion to approve the Town of Tomé Land Grant's request for \$9,000.00 for the purchase of an ATV/UTV, storage shed, and/or desktop or laptop computer and necessary accessories; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Correa Skartwed - aye
Councilor Padilla – *abstained from the vote*
Councilor Martínez - aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

12. Discussion and Possible Action in Council FY 2022 Budget

FY 2022

Mr. Archuleta reported that the contract with UNM is just in place and the Council just received an index that they can charge to. We learned that in FY 2023, we can set up a temporary index that can be charged to and UNM can “float” charges until the contract has been approved and is in place. About \$45,000 in personnel charges of the \$243,474 has been spent; there is a delay in hiring the surveyor until November or December because of the delayed contract. On the DFA managed side, travel up to the September meeting is \$2,056.01 expended with ~ \$6,944 remaining.

13. Discussion and Possible Action on UNM Intergovernmental Service Agreement – FY 22

None.

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

NM Legal Aid submitted their first billing, payment request #1 for \$2,787.50 for 22.3 hours of work with the Abiquiú, Juan Bautista Baldés, and Tierra Amarilla Land Grants.

Councilor Polaco made a motion to approve Pay Request #1 from New Mexico Legal Aid for \$2,787.50; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

The Santa Bárbara Land Grant has made a request to the Council for legal assistance with property acquisition and water issues. Councilor Padilla made a motion to approve the Santa Bárbara Land Grant's request for legal assistance; Councilor Correa Skartwed seconded the motion.

Roll call vote:

Councilor Correa Skartwed - aye
Councilor Padilla - aye

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

The motion was passed.

15. Discussion and Possible Action on Professional Surveyor Services Contract - Update and Requests

No surveyor has been hired as the UNM Intergovernmental Services agreement is not yet in place.

16. Discussion & Action on Piedra Lumbre Visitors Center Update

The land grant representatives did a walk through with the frontier community initiative from the NM Mainstreet Program. The architect visited on September 23rd to evaluate the site and recommended preserving buildings rather than demolishing them.

17. Discussion and Possible Action on Laguna del Campo Update

Councilor Polaco reported that the New Mexico Game Commission approved the transfer of the property and water storage rights and negotiations on the water diversion rights continue. The Tierra Amarilla Land Grant met with the Governor's office to discuss and the New Mexico Game and Fish Department continues to offer 2 cfs diversion right. The Grant wants 5 cfs.

18. Discussion and Possible Action on Land Grant Registry Update

Dr. Baca reported that following has been received by the Council for inclusion in the New Mexico Land Grant Registry.

- Bylaws for the Merced de Manzano
- Bylaws for the Town of Tajique Land Grant
- The rules and regulations (bylaws) and results of most recent election and organization of board for the Town of Torreón Land Grant

Registry letters were provided to Chairman Sánchez to sign and will be sent to the above named land grants, recognizing the submission of these documents to the Land Grant Registry.

19. Discussion and Possible Action on Land Grant Institute / Land Grant Studies Program Update

Venessa Chávez (NMLGC/LGSP) reported that she and Anissa Baca (LGSP graduate intern) continue to work on the NRGNHA grant and work with youth to interview elders. Both worked to produce interviews to share with the office of Congresswoman Melanie Stansbury, where youth discussed the importance of access to the forest and traditional uses. Dr. LM García y Griego reported that the Land Grant Acequia CLE was excellent, in no small part due to the work of Utton Transboundary Resource Center staffer Lauren Rust, who coordinated the event and is an heir to the Embudo Land Grant. Land grants and young attorneys and law students were among the attendees.

20. Discussion and Possible Action on Correspondence

Mr. Archuleta reported that the packet includes a notice of requests for proposals from the Department of Information Technology, which will be sent out to land grants via e-mail. Land grants might work with DoIT, which undercounted students in rural area when assessing needs because they did not count households with P.O. boxes, which are common in rural areas.

21. Discussion and Possible Action on Staff Assignments

Mr. Gonzales reported that he has worked with MRGCD to set up a meeting regarding the bosque but had difficulty confirming attendance from Isleta Pueblo. Work will continue to set this meeting up with Town of Tomé Land grant and adjacent communities of interest to gain access and thin and clear the bosque in the area.

22. Public Comments – Discussion only

Councilor Padilla suggested that USFS plan objections be sent to the Congressional delegation. Councilor Polaco reported that the Tierra Amarilla Land Grant met with Northern New Mexico College President Richard Bailey regarding an abandoned airstrip in Tierra Amarilla. Chairman Sánchez asked if the NM DOT hardship auction has taken place; Mr. Archuleta responded that he understands that it will take place in November 2021. Chairman Sánchez stated that some redistricting plans look to do away with NM House District 40, held by Rep. Roger Montoya. He added that he put in a request to meet with the Governor regarding a Council update and legislative priorities for the 2022 legislative session.

23. Miscellaneous Announcements

None.

24. Date and Location for November & December 2021 Council Meetings

The November 2021 Council meeting will take place on Wednesday, November 10, 2021 at 10:00am in Albuquerque, at UNM STC.

The December 2021 Council meeting will take place on Wednesday, December 8th, 2021 at 10:00am in Albuquerque, at UNM STC.

24. Adjournment

Councilor Polaco made a motion to adjourn; 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. The meeting adjourned at 2:02 pm MDT.

Approved:

Chair

Date