

New Mexico Land Grant Council (NMLGC)  
November 10, 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: 948 6530 7081

## **Meeting Minutes - Final**

### **Regular Council Meeting**

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

Chairman Juan Sánchez called the meeting to order at 10:06am MST. Roll call of the Council members: Steve Polaco, Juan Sánchez, Andrea Padilla, and Leonard Martínez were present. Rebecca Correa Skartwed was absent.

#### **2. Introduction of Guests**

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martínez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Anissa Baca (LGSP); Vidal Gonzales (NMLGC); Tarin Nix (NM State Land Office); Ashley Wright (USFS); LM García y Griego (LGSP); 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); A.J. Pacheco (Office of Rep. Teresa Leger Fernández); Genaro Falco (Santa Fe NF); Eric Castillo (Office of Sen. Martin Heinrich); Julie Ann Overton (Santa Fe NF).

#### **3. Approval of Agenda**

Chairman Juan Sánchez stated that the New Mexico Attorney General's office requested to present earlier as they have another conflicting meeting; Meeting agenda Item 9 to was moved to 5. Councilor Steve Polaco made a motion to approve the agenda, as amended; Councilor Leonard Martínez seconded the motion.

Roll call vote:

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

The motion was passed.

#### **4. Approval of Meeting Minutes from October 20, 2021 Council meeting**

Councilor Martínez made a motion to approve the meeting minutes of the October 20, 2021 Council meeting; Councilor Andrea Padilla seconded the motion.

Roll call vote:

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**

Ricardo Dow y Anaya (NMAG's office) congratulated the Town of Tomé Grant on meeting with the Middle Rio Grande Conservancy District regarding clearing the bosque and harvesting fuelwood. He reported that he is funded through the NMAG's civil rights division and that he has finished his sixth month with NMAG's office and has three goals for the next quarter. They are: coordinate a land-based conference (which was inspired by the Land Grant and Acequia CLE), which will include judges, district attorneys, etc; explore internship opportunities, including a student ambassador succession program; and expand community based partnerships, partially through the environmental equity council, including partnerships with state agencies, to help understand acequias and land grants. Dr. Dow y Anaya reported that he is meeting with the New Mexico Economic Development Department in Silver City today and has Office of Natural Resource Trustee meetings next week, which will discuss consumer settlement funds and a \$1 million settlement for restoration. The Treaty Division and Equity Council, with Novela Salazar and Jennie Lusk are working on statutes, bills, and funding and the NMAG's office offers letters of support for Council and land grant priorities. The Environmental Equity Council is changing its name to the Natural Resources Equity Council. The New Mexico Wildlife Federation is mounting a campaign against the elk licenses and e-plus program and the NMAG's office has received 700 complaints about the licensing and the program.

Councilor Polaco inquired about complaints about the e-plus program. Dr. Dow y Anaya responded that many have challenged the program, alleging that out of state vendors are getting the licenses. The program is characterized as a cash cow for the recipients of the licenses and the state and the NM Wildlife Federation took it to the legislature. They question whether the current system supports local hunters. Councilor Polaco agreed, stating that some landowners get one cow tag while owners of subdivided lands get multiple. Mr. Arturo Archuleta (NMLGC staff) stated that the e-plus program is a source of revenue for land grant communities. Last legislative session, the NM Wildlife Federation stood up against traditional uses for the Tierra Amarilla Land Grant and wrote a blistering op ed against Rep. Miguel Garcia. This opposition suggests that the Federation is using New Mexican communities as a prop, as they in the past have not displayed similar concerns for their rights. Landowners are currently compensated for depredations caused by wildlife, but the program does not apply across the board equally. Some landowners sell their licenses to out of staters as a revenue source and land grants sell some tags and distribute others to their heirs via a lottery. We need to be sure that rehaul of system doesn't hurt these communities. Councilor Polaco added that the Chama Peak Alliance and Women of the Woods are getting involved in getting wood to our community through Rio Grande National Forest and are getting credit and using us for grant programs.

Mr. Archuelta commented that this is the last legislative session for NMAG Balderas and he needs a message from the Governor on policy legislation. It is important for the Council to convey a message to the NMAG to ask the Governor for a message (*see Item 8 below for motion*). The ILGC is meeting on Friday and has no bills to endorse. Traditional use legislation was proposed in the past and it is important for the NMAG to solidify and empower Treaty Division. Vidal Gonzales (NMLGC staff) asked if there was any update to the public access to waters issue. Dr. Dow y Anaya responded that it is a sensitive issue for land based communities and that New Mexico is in negotiations with Texas and Mexico over Rio Grande waters. Councilor Padilla commented that she read that 60% of the applicants for cannabis producers licenses are white males and that

Native Americans and Hispanos are being left out once again. Equity is not happening. Councilor Martínez stated that an Equity Commission is being named by the U.S. Department of Agriculture. Nominations for the commission were due by October 22.

### **5. Discussion and Possible Action on Bureau of Land Management Update**

Lisa Morrison (BLM) reported that the Taos Field Office is holding public mapping sessions for the Sombrillo travel management plan. They will be November 13 and 20. The area is near Nambe, north to Espanola east of the Santa Fe National Forest and includes plans for bike and hiking trails. The meetings will be held outdoors and participants need to register as attendance is limited. The BLM will hold an additional meeting if all interested parties cannot register. The Socorro Field Office is beginning its implementation of the travel management plan, including the Johnson Hill Special Recreation Management Area, northeast of Socorro. The comment period runs through November 28<sup>th</sup> on an oil lease sale for parcels in Lea County and Chaves County. The Rio Grande del Norte travel management plan is in planning and the BLM hopes to engage cooperating agencies in the new year. The Rio Puerco and Farmington Field Office plans are still being reviewed. The BLM requested guidance to gauge if communities are interested in the BLM selling permits in locations in the northern part of the state. Mr. Archuleta responded that he forwarded the information to Council members, who suggested that they look at areas where these permits were successfully sold last year. Councilor Martínez stated that the BLM sold permits at the Canjilón, Coyote and Cuba Ranger Districts last year. The USFS representative could sell both permits and it was very appreciated by the community. Ms. Morrison responded that she would look into the request and see if it can be done again. Councilor Martínez asked if the RMP webinar was rescheduled; Ms. Morrison stated that she would look into it and respond. Dr. Jacobo Baca (NMLGC staff) asked if there was any movement on the Resource Advisory Councils for northern and southern New Mexico; Ms. Morrison stated that applications are being reviewed by BLM headquarters.

### **6. Discussion and Possible Action on State Land Office Projects**

Tarin Nix (State Land Office) reported that there were no updates since Camila Romero's last update. Mr. Archuleta reported that Ms. Romero will send a draft MOU for SLO and NMLGC collaboration on land grant related projects on State of New Mexico lands.

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

Ashely Wright stated that she spoke with Mr. Archuleta and Dr. Baca to regularly provide a land grant 101 for USFS Region 3 staff. Genaro Falco (Santa Fe National Forest) attended the meeting to respond to questions from Councilor Martínez. Mr. Falco stated that the Santa Fe NF is providing BLM fuelwood permits in the Cuba RD and that he will work with Jack River (Santa Fe NF forester) to extend the process. He was unsure about the Carson NF. The Ojo Timber Sale, within the San Joaquín del Río de Chama Land Grant, are being prepped, trees marked, etc. It is in review for the contract to go out and Mr. Falco stated that he will be sure that Councilor Martínez received it when it goes out this winter. The next sale will be in spring or early summer. Councilor Martínez asked when the contract comes out if only certain contractors are allowed to apply. Mr. Falco responded that bidders only need a tax id number. Councilor Martínez asked what the contract will require and what the price might be. Mr. Falco responded that bidders need to have the technical abilities to perform a logging operation, possessing a skid steer, etc. Councilor Martínez added that if the bids start at \$40,000, it limits the pool for local operators and only bigger operations can handle. Mr. Falco responded that the Santa Fe NF understood this and

with tiered sales, the USFS conducts appraisals and timber products are priced according to the prices of the nearest full service mill, which is in Blanca CO. For fuelwood, the USFS uses Española. What came out are minimums for sawed timber and the same with fuelwood. He does not expect any opening bud to be larger than \$5,000. The NEPA is complete but was held up by the MSO injunction. They split the project into smaller sales in light of this, to be more equitable and are looking at two initial sales and building out. Councilor Martínez expressed his concern that locals will still be squeezed out as the Velasquez and Garcias cannot transport far from the project area. He asked how much fuelwood will be for the local community. Mr. Falco responded that federal policies make all eligible and hope that opportunity remains for local operators that distribute locally. There are more opportunities in Ojo area including Encino east and the extended boundary to Gallina road to serve the San Joaquín del Río de Chama area. Mr. Falco hopes to converse with JR Logan on what they are doing in Carson NF with the mayordomo projects for a model. Councilor Martínez expressed that he wants some wood to remain for the local population and that he has spent months hauling and delivering cords to people who have no other means. Wood prices are high, \$300 for split cord of pine. Councilor Martínez asked to have the Carson National Forest at a future meeting to learn of their plans.

Councilor Polaco stated that the Tierra Amarilla Land Grant has common lands in Colorado and asked the Council to engage with the Rio Grande National Forest to learn their process. He stated that the Council needs to reach out so the Tierra Amarilla Land Grant can be present and inform the Grant. Ms. Wright (USFS) stated that she will reach out to the Carson NF and to get them on the next call and will do so more often. She will also reach out to her Rio Grande National Forest counterpart as well for Tierra Amarilla Land Grant. Mr. Archuleta reported that in the packet are the final objections prepared by NMLGC staff for Carson, Cibola, and Santa Fe National Forest Land and Resource Management Final plans. Most objections relate to the rural historic communities and traditional uses sections, but there are also other concern areas. The Council is doing its due diligence to protect uses of communities. There remains areas of the plan that can be improved and opportunities to engage the USFS. The objections need to be on past comments and this preserved the right for litigation if needed after exhausting administrative steps.

Students Anissa Baca and Vidal Gonzales undertook the initial review and did an excellent job. All three forests had the same 60-day objection period, each with its own documents. The 2019 plan comments were compared with 2021 USFS responses and final plans and EIS. Most forests responded to comments but NMLGC staff had to look at where concerns were addressed elsewhere in plan. The USFS stated that they could not read our format and we are reformatting. The NMLGC has been consistent in the demand that land grants are recognized separately in the traditional use section. All three plans generally lack certain plan components, namely objectives and standards. Only traditional uses were subjected and made subservient to other plan components in other parts of the plan.

Councilor Martínez made a motion to approve NMLGC objections to the Carson, Cibola and Santa Fe National Forests; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

## **8. Discussion and Possible Action on Federal and State Legislative Update**

### *Federal*

The meeting packet includes the text of S. 2708 and H.R. 5493, the traditional use and consultation bills, which is nearly identical. The strategy remains to fast track the bill through the House and simultaneously move it through senate. Mr. Eric Chávez (Office of Senator Ben R. Luján) stated that Senator Ben R. Luján is working to move it through the Senate, where it has been assigned to the Energy and Natural Resources Committee. The bill includes, in Section 2 – def. (5) (B) – a discussion of “adjacent” patented lands, which clarifies how the bill will affect land grants with little or no federal land in their patented area. Councilor Polaco thanked Mr. Chávez for the clarification. Councilor Padilla asked if there are elk in the Tomé area and asked if this could help with licensing. Chairman Sánchez responded that the State of New Mexico manages the game and permits. Councilor Martínez asked why Congresswoman Yvette Herrell not signed on to support the bill, especially as she supported the concept in the past as a member of the state legislature. Mr. Archuleta responded that he was not sure if she had been asked. Chairman Sánchez asked if Congresswoman Teresa Leger Fernández’s office has contacted Congresswoman Yvette Herrell’s office or received any feedback. Mr. A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández) stated that he was not sure if district office has and did not know if the Washington DC has asked either. Councilor Martínez asked that the Council designate who will go to Washington DC for hearings. Mr. Archuleta, Mr. Chávez and Mr. Pacheco responded that they may still be virtual or hybrid. Chairman Sánchez stated that Councilor Polaco not had the opportunity to go and he was unsure if Councilor Rebecca Correa Skartwed has gone either. Councilor Polaco stated he would be honored to go to advocate for the legislation. Councilor Padilla added that two people should attend each meeting, including staffers Arturo Archuleta and Jacobo Baca and a Consejo representative. Mr. Archuleta stated the he had budgeted for two councilors to travel and for shared rooms, which we might not be able to do because of COVID-19. Advocates usually will meet with the New Mexico delegation offices and committee members offices as well. The Council can consider to travel to DC outside of legislation to visit in April or May. Mr. Chávez also highlighted the House passage of infrastructure bill, which the Senate passed in September. Senator Luján’s website has a breakdown of the monies.

### *State*

The Interim Land Grant Committee will hold its final meeting on Friday November 12 (agenda in packet). Individual Land Grants presenting their capital outlay requests will be first on the agenda. Junior monies can no longer be spend for capital projects, only operations. Acequias will also present and the NMLGC will give an update. There is no new legislation in this session, only the land grant assistance fund (guaranteed revenue streams) bill. Chairman Representative Miguel García is concerned that there is not enough political will to pass this legislation and land grants need to determine which legislator will sponsor and push the bill. All land grants need to need to engage legislators and we do not yet know the official endorsements of the legislation. The Council received an e-mail from ILGC staffer Mark Edwards (in packet) that requires all bills from executive branch agencies need to go through the Governor’s office. The Council subsequently received clarification that agencies only need to provide notice, but that LCS can still open a file, prompted by Council.

Councilor Martínez asked if a file be opened jointly by the Council and a legislator and added that the bill needs support from a member of the Legislative Finance Committee. Rep. Joseph Sánchez was vice chair and moved the bill through the committee in 2019. Mr. Archuleta agreed that the right sponsors are important and added that he did not know until recently that the LCS would open a file for an agency. Councilor Padilla added that land grants need to push forward and pursue the revenue bill, knowing that we may not get what we are looking for, but may get something. She asked for clarification on junior monies only being used for operational costs. Mr. Archuleta responded that in the past, this surplus money could go to anything. Now, they have refined the process and junior money could only go to existing programs and possible only to a government entity. Operations is not bricks and mortar, but consumables. Interestingly, DFA in the past pushed back against operational costs in LGSF awards. The Chair might want to make an argument for guaranteed revenue streams through requests for junior monies. Mr. Archuleta advised land grants to make requests for what they need. The Legislature can decide to fund through capital outlay of junior monies, whichever more appropriate. In the past, Rep. García wanted the NMLGC to coordinate capital outlay; now he wants individual land grants to present requests themselves.

Councilor Martínez asked what the timeline was for spending junior monies; Mr. Archuleta responded that typically general fund monies need to be spent between July 1 – June 30. The issue is that monies go through DFA-Local Government Division and they need to figure out grant agreement and contract. In the case of the Council, with 6 years on contract with UNM, it took until October for the agreement to be approved and executed. The Council will not have 12 months to spend it budget and will have to contract positions rather than hire. Councilor Padilla stated that the Town of Tomé grant planned to suggest their requested junior monies go to the Council which will then distribute and assist. Mr. Archuleta responded that there may be challenges if the NMLGC got junior monies as they are also affected by bureaucratic challenges.

Councilor Padilla made a motion to approach New Mexico Attorney General's office to request a message from the Governor Michelle Luján Grisham to introduce legislation to change Treaty Division Statute and to inform the Land Grant Interim Committee that this change is priority legislation; Councilor Martínez seconded the motion

Roll call vote:

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

The motion was passed.

## **10. Discussion and Action on Natural Resources Issues & Concerns – Local, State and Federal**

Dr. Baca reported that the application for the NM EDD Outdoor Recreation Division's Trails + Grant program was fully funded at \$25,000 and was among 25 organizations receiving over \$500,000 in funding, including multiple county and municipal governments. Councilor Padilla thanked staff and for their work on the application and project and on the Healthy Soils Grant that the Town of Tomé Land Grant was awarded.

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

Mr. Archuleta reported that Council staff reached out to land grants that were awarded LGSF awards for clarifications on the scope of their projects. Staff will work on getting grant agreements together for the December Council meeting.

## **12. Discussion and Possible Action in Council FY 2022 Budget**

*FY 2022*

A budget update was included in the meeting packet. \$73,364.65 has been spent, with \$423,535 remaining. Expenditures include \$2,787.50 in legal services and \$2,702.27 in travel. Personnel costs for July through October are \$56,562.39 and facilities and administration (F&A) charges are \$11,312.49. \$14,154 remained unbudgeted. Options previously discussed are a report on US v. Sandoval, perhaps by Malcolm Ebright, in the form of a legal memo, which would be reviewed by a contracted firm, like Holland and Hart. The concept needs further discussion with David Benavides of NMLA to determine framework and legal theories to be pursued. Regarding the surveyor, the intent of the extra funding was for the Council to hire an experienced surveyor but we are afraid that with time lapse will not have enough time to expend monies in a salaried position. Chris Chavez, our past contractor, has had health issues that have incapacitated him and he cannot not now and possibly in the future do this work. \$79,160 need to be spent, including salary, benefits, in state travel, supplies, computer software, usage fees for equipment, recording fees. The Council can look to do a few projects with various contractors, including surveying at Anton Chico Land Grant for NORAD exclusions allowing the Grant to move forward on wind energy project and earn monies. This is 30,000 acres or surveying, but is bounded by ranches that have surveys. There are also smaller survey requests, line Tierra Amarilla's colonia survey. The Council can also purchase some supplies, like computers, speakers, and meeting cameras. The Council will need to do a BAR (budget adjustment resolution). \$56,160 is in personnel and will need to be moved to contracts and need to ensure that we do not go through procurement caps when soliciting bids. Councilors expressed concern that the Council can get contracts and expend monies in time and over the priority of surveying and backlog in surveying work. They suggested multiple jobs and contracts and asked if Chris Chávez has any suggestions. Some opined that the Council should buy equipment and hire a surveyor in the future and others expressed concern that the Anton Chico Land Grant survey is too large a project.

## **13. Discussion and Possible Action on UNM Intergovernmental Service Agreement - FY 22**

The Council has accumulated \$30,000-35,000 in F&A return.

Councilor Padilla made a motion to approve pay request #1 for \$67,874.88, including \$56,562.39 in personnel and \$11,312.49 in F&A; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

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

None.

**15. Discussion and Possible Action on Professional Surveyor Services Contract - Update and Requests – Tierra Amarilla**

Mr. Archuleta presented a request by the Tierra Amarilla Land Grant for a survey of the southern and western boundary of the Colonia de José María Martínez so it can be fenced. Heirs are interested in putting cattle on the property.

Councilor Padilla made a motion to approve the request for survey services from the Tierra Amarilla Land Grant; Councilor Martínez seconded the motion.

Roll call vote:

Councilor Padilla - aye

Councilor Martínez - aye

Councilor Polaco – abstained from the vote

Chairman Sánchez – aye

The motion was passed.

**16. Discussion & Action on Piedra Lumbre Visitors Center Update**

Mr. Archuleta reported that the architect from the New Mexico Mainstreet program is scheduled to meet with the land grants on November 13<sup>th</sup>, but the meeting maybe postponed. The land grants (Tierra Amarilla, San Joaquín del Río de Chama and Juan Bautista Baldés) are working with the Mainstreet staff on a visioning process and attorneys from Holland and Hart will be getting their draft of a ownership and management agreement to the grants soon.

**17. Discussion and Possible Action on Laguna del Campo Update**

None.

**18. Discussion and Possible Action on Land Grant Registry Update**

Dr. Baca reported that the Council received updated bylaws for the San Joaquin del Rio de Chama Land Grant for inclusion in the New Mexico Land Grant Registry. 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**

Dr. Baca reported that the Acequia and Land Grant Education project continues and he was joined by Andrea Padilla and Rita Padilla-Gutiérrez in a virtual forum hosted by New Mexico Highlands University on October 21<sup>st</sup>. The LGSP continued conducting research, including research at the New Mexico State Archives and Records Center. Anissa Baca has been busy assisting Venessa Chávez with interviews for the Northern Rio Grande National Heritage Area Grant and LGSP staff will submit an application for a YCC grant this December.

**20. Discussion and Possible Action on Correspondence**

Dr. Baca reported that the Council received and responded to an inquiry related to the cemetery in Petaca.

**21. Discussion and Possible Action on Staff Assignments**

None.

**22. Public Comments – Discussion only**



Councilor Padilla thanked Congresswoman Melanie Stansbury and her staff for their visit and tour. The Congresswoman visited their museum and saw the Town of Tomé Land Grant's patent. The Grant also met with the MRGCD on December 2 regarding a fuelwood project and MRGCD staff Yasmeen Naimi stated that there may be money from inmate program to help harvest the wood. Mr. Archuleta added that youth might be able to assist with work in Bosque, especially splitting and stacking wood.

**23. Miscellaneous Announcements**

Councilor Padilla stated the Town of Tomé Grant will be hosting a crafts fair and yard sale on Dec. 4<sup>th</sup> from 9:00am-3:00pm, with foodtrucks. Councilor Polaco reported that the celebration for the repatriation of the Colonia de José María Martínez was excellent and attended by 70-75 people, including Representatives Miguel Garcia and Susan Herrera and Senator Leo Jaramillo.

**24. Date and Location for December 2021 Council Meetings**

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

**25. Adjournment**

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

Roll call vote:

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

The motion was passed. The meeting adjourned at 2:06pm MST.

**Approved:**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date