

New Mexico Land Grant Council (NMLGC)
May 20, 2021 – 10:00am
Virtual Meeting
Zoom ID: 997 9893 3873

Final

Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:05am MDT. 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. Martínez (NMLGC); Rebecca Correa-Skartwed (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Camilla Romero (NM State Land Office); A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández); Patricia Domínguez (Office of Sen. Martin Heinrich); Eric Chávez (Office of Sen. Ben Ray Luján); Debbie Cress (USFS – Santa Fe NF Supervisor); Julie Ann Overton (USFS – SFNF Public Affairs); Ivan Knudsen (USFS – Carson NF interim public affairs officer); Angie Krall (USFS – Carson NF); Ruby Niner (independent historian); James Durán (USFS – Carson NF Supervisor); Alicia Shaw – (NM State Land Office); Rita Padilla Gutiérrez (Town of Tomé Land Grant); Angela Herrera (Tecolote Land Grant).

3. Approval of Agenda

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

Roll call vote:

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

The motion was passed.

4. Approval of Meeting Minutes from April 22, 2021 Council meeting

Councilor Steve Polaco made a motion to approve the meeting minutes of the April 22, 2021 Council meeting; Councilor Andrea Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

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

Mr. Arturo Archuleta (NMLGGC) reported that Lisa Morrison was unable to attend the meeting and sent the following update.

The BLM continues to seek public nominations for four positions on its Northern New Mexico Resource Advisory Council (RAC), which advises the BLM on public land issues within the Farmington District and Rio Puerco Field Office. As advertised in the Federal Register, the BLM will consider nominations until June 1, 2021.

<https://www.blm.gov/press-release/bureau-land-management-seeks-advisory-council-nominations-northern-new-mexico>

The BLM also continues to seek public nominations for five positions on its Southern New Mexico Resource Advisory Council (RAC), which advises the BLM on public land issues within the Las Cruces and Pecos District Offices and Socorro Field Office. As advertised in the Federal Register, the BLM will consider nominations until June 1, 2021.

<https://www.blm.gov/press-release/bureau-land-management-seeks-advisory-council-nominations-southern-new-mexico>

Personal Use Firewood Permits:

Taos, Santa Fe, Rio Puerco, and Farmington offices are still issuing personal use fuelwood permits.

Helpful Fire links:

New Fire Restrictions Website: <https://nmfireinfo.com/fire-restrictions/>

Wildfire Preparedness Website: <https://facnm.org/wildfire-preparedness>

The comment period on the Horsethief Mesa TMP is ongoing: <https://www.blm.gov/press-release/public-invited-comment-route-designations-taos-plateau>

Public comment for Sabinoso donation ends tomorrow: <https://www.blm.gov/press-release/blm-announces-proposed-land-donation-sabinoso-wilderness>

Councilor Martínez asked where the boundary for the northern and southern RACs lays. Mr. Archuleta shared a map on screen and stated that the Anton Chico Land Grant is the only land grant that falls within boundary for the Southern RAC. Councilor Martínez responded that it is important to get a land grant heir on the southern New Mexico RAC.

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

James Durán (Carson NF Fores Supervisor) commented that the Carson National Forest was looking forward to the Piedra Lumbre Visitors Center celebration. There has been a lot of turnover in the agency. Region 3 welcomed a new Regional Forester, Michiko Martin, who is transitioning to the southwest from Washington DC. He reported that there are three new district rangers on the Carson National Forest. Jack Lewis has moved from the Questa Ranger District to the Carson Supervisor's office and has been replaced by Adam Lidell. The Camino Real Ranger District named Michael Luján as its district ranger after the departure of Sean Ferrell. The Western Zone welcomes Harry McQuillen and Ivan Knudsen is on loan from the Regional Office as the acting public information officer. The Forest Plan Revision is in its final stages and final steps are tied to working through objections. The release of the final plan and record of decision will be

in early spring 2022. The Carson looks to continue and expand the mayordomo fuelwood program which has been successful in part because of the familiarity with the organizational structure borrowed from acequias. The Carson National Forest is working to remove red tape to expand these programs and signed an agreement with Taos County that allows the county to provide assistance to local governments in considering a forestry council. J.R. Logan of the Cerro Negro Forest Council works for Taos County and works on these and other programs as its WUI coordinator. Mr. Durán also reported that the Carson NF will talk to Rio Arriba County soon do enter in a similar agreement. He added that the PLVC is an incredible accomplishment as federal regulations are tough and he will invite Regional Forester Michiko Martin to the celebratory event.

Debbie Cress introduced herself as the new Forest Supervisor on the Santa Fe National Forest. She reported that the Santa Fe NF is on the same timeline as Carson when it comes to releasing the revised forest plan. The Santa Fe NF will be going into stage 1 fire restrictions but is still selling fuelwood permits. Debra Mollet from the Kaibab National Forest is joining the Santa Fe NF as an acting deputy forest supervisor. District Ranger Jamie Bennett of the Cuba Ranger District has retired and was replaced by Patrick Petracca. Mr. Archuleta reported that he spoke with former Carson NF planner Kevin Naranjo, who works with the USFS in Atlanta and will be relocating to Washington DC soon. He is currently working on the wood innovation program that gives grants for wood innovation projects and has wood energy conversion programs. These include programs aimed at helping community facilities convert to using wood for heating needs. They can provide technical assistance, including feasibility studies, and land grants can access capital outlay to do this. Councilor Martínez commented that this sounds both ecologically and economically sound. Programs are looking at alternative sources of energy and in New Mexico, there is an abundance of low value, small diameter wood. The local firewood demand is high and the industry is strong. The Vallecitos Sustained Yield Unit remains an opportunity for a community program. Patricia Domínguez (Office of Sen. Martin Heinrich) commented that she visited the Northern New Mexico College's El Rito Campus and believes that they can be a good partner with community wood innovations projects. Mr. Durán stated that despite the rain, forest conditions are still very dry and the forest is working with livestock producers to manage grazing resources. The forest predicts challenges and the need for active and adoptive management, from stocking reductions to rotations and timing. Angie Krall added that the Piedra Lumbre Visitors Center celebration will take place on July 10th in the morning. The Carson will invite the Santa Fe NF and will discuss with the land grants (Tierra Amarilla, Juan Bautista Baldes, and San Joaquín del Río de Chama) and the Council invitation distribution and stated that she would work with Ivan Knudsen of the Carson NF and Julie Ann Overton on a joint press release with the NMLGC.

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

Federal

A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández) stated that Congresswoman Teresa Leger Fernández is examining reintroducing the traditional use bill that was introduced by then congressman and now Senator Ben Ray Luján last Congress, which passed the House. The Congresswoman would like to get feedback about the bill and is looking for areas for improvement and possible amendments, including designating community use and community event areas. Mr. Archuleta commented that the NMLGC worked with Senator Luján on the bill (H.R. 3682) directly for 6-7 years and that he served as an expert witness in testimony on the bill. He had reached out to Xochitl Campos Briggs of Congresswoman Teresa Leger Fernández's office to discuss and would still like to set a date to discuss the bill. The bill went through many iterations and the NMLGC

welcome the opportunity to discuss the bill. Mr. Pacheco asked the NMLGC to reach out and plan a meeting.

Mr. Eric Chávez (Office of Senator Ben Ray Luján) stated that he was happy to hear this as Senator Ben Ray Luján is very interested in introducing this bill and has continued to engage with the Senate Agriculture Committee and Senator Martin Heinrich's office. Senator Luján's office is supportive of wood innovation grants and encourages people to reach out to all of the delegation for letters of support. Mr. Archuleta mentioned that there is a new form of Congressional appropriations called direct spending, which is akin to Congressional earmarks. The spending has to go through a specific agency or for specific projects, such as the Piedra Lumbre Visitors Center. The deadline is May 31st and requests are due directly to Senator Luján's office, which will begin the prioritization process in June. Patricia Domínguez commented that she had yet to receive information on the spending but will send their form. They do not yet have a deadline and see this as an opportunity to ask for whatever they want and the office will try and fit it in. The process allows them to add funding through line item and for those requests that are difficult to fit into an existing program, new earmarks will be made. There will be more scrutiny than in the past but they still advise requestors to ask for whatever they want or need.

Mr. Eric Chávez commented that both the Senate and House both doing earmarks. The May 31 deadline will give their office time to review requests. Nine committees under the appropriations committee will look at congressional direct spending. There are two types of congressional direct spending. One for local requests where requestors need to get two community letters of support for something like a Tomé wood project. The other is programmatic requests for national or regional programs. Under this are bill and report requests, asking an agency to carry something out. These do not create new funding but tap into existing funding with language revision. He offered to meet with the NMLGC staff to discuss the form and the process. Mr. Pacheco stated that Congresswoman Leger Fernandez's appropriation process has finished but he will double check with Xochitl Campos Briggs. Mr. Archuleta asked if there is an upper limit or thresholds for programmatic or direct spending. Mr. Chávez stated that there was no guidance given nor guarantee for amounts. Ms. Domínguez added that phasing projects can help and that earmark funding can be clawed back in audits. Mr. Chávez also said it is important to rank requests when making multiple requests and to disclose matching funds and which projects are shovel ready. The funding is only for non-profit or government entities and all requests made will likely be made public. Mr. Archuleta commented that there are always individual land grant projects but also big picture projects like land acquisitions. While there is funding from offshore drilling (Land and Water Conservation Fund), the monies have been used for agencies to own the land, which is not always in land grant interest. He has discussed with Levi Patterson the 30 by 30 (30% of land conserved by 2030) and that there is not really funding for local governments to acquire land for conservation. Perhaps congressional direct spending could fund these projects. Mr. Chávez commented that this could fall into programmatic requests, changing change to allow access to the Land and Water Conservation Fund. Mr. Pacheco stated that Congresswoman Leger Fernández's office received 75 requests and narrowed those to the top 10 and spread these requests as far as possible to maximize impact. Of the requests received, 65-70 were from municipalities and their office wanted to see more from rural communities. Mr. Archuleta asked Mr. Pacheco to add the NMLGC to the Congresswoman's mail list and the NMLGC will help land grants apply for this funding in the future. Councilor Padilla added that she read an article that stated that the farmland that is available is owned by 1% of population. Land acquisition is needed to allow local

farming, which is conservation as farmland is being sold and developed and we are losing land that can be farmed. Mr. Chavez and Ms. Dominguez stated that the involvement of the Council could strengthen request, vet projects and apply for regional project funding.

State

The interim committee session starts in June. The Interim Land Grant Committee will be meeting on June 16th in Santa Fe, July 14-15, September 23-24, October 28-29 and November 12 (in Santa Fe). Locations include Tomé, Anton Chico, and in Española at Northern New Mexico College, where the Committee will hear updates from the Bartolome Sánchez Grant, the Jacona Grant, and updates on Tierra Amarilla. The Chair is Rep. Miguel García and Vice Chair is Senator Leo Jaramillo. The NMLGC will collaborate with the LCS to build productive agendas.

8. Discussion and Possible Action on State Land Office Projects

Camila Romero (State Land Office) stated that the State Land Office would have a draft MOU for the Council to comment on by the next Council meeting. There are 2 new projects for fuelwood that the SLO is looking to start in July or August. These are the Bearcat project near Tijeras and another project near Villanueva (maps in meeting packet). The Cebolla Project is ongoing and SLO staff will flag the 2nd half of the project on Friday. The SLO is excited to find more fuelwood projects to benefit local communities. Mr. Archuleta commented that the NMLGC will work with the SLO to set up meetings with the San Miguel del Bado Land Grant for the Villanueva project and with East Mountain land grants for the Bearcat Project, which is just north of Chililí.

9. Discussion and Possible Action on State Forestry, Heathy Soils and USDA Programs

The New Mexico Department of Agriculture will host a Healthy Soils Program webinar on May 21, 2021 from 1:30-3:00. Participants need to register to attend and anyone interested in applying to the grant program should plan to attend the webinar. In the past the Healthy Soils Program was geared toward individuals, but land grants and other entities can now apply without needing letters of support since they have jurisdiction over and manage their own lands. They can apply for funding for projects for their own lands or can get a grant to do soils testing or improve soils health for the community at large. Funding is year to year and awardees need to be able to spend awarded monies in the fiscal year that they are granted. The NMLGC will help applicant land grants. NMLGC staff is trying to nail down date to do a grants workshop with presentations from the New Mexico State Forestry Division, the NM Department of Agriculture's Healthy Soils Program and the Natural Resource Conservation Service (NRCS). The Healthy Soils deadline comes first, July 2, 2021 and the State Forestry program deadline comes in January with the NRCS program deadline coming next spring. The Council plans to get a planning student in fall and will work with Emanuel Storey to do cartography work.

10. Discussion and Possible Action on Council FY 2021 & FY 2022 Budget

The May 2021 budget update for period ending April 30th was provided. \$8,000.40 has been reimbursed from the Land Grant Support Fund with \$11,999.60 remaining. From the \$296,900.00 budget, \$178,794.98, or 60.2%, has been spent and \$118,105.02 remain.

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

Ms. Venessa Chavez (NMLGC/LGSP) reported that land grants are working hard to spend their monies. Carmen Morín has been promoted to the Capital Outlay Bureau and the new DFA project manager is Daniel Catanach. It generally takes longer to get disbursements out and we have let

DFA know that land grants need monies quickly because of the five-day rule, which now allows purchase made after disbursement. Councilor Padilla stated that the Tonw of Tomé Grant is working hard to spend their monies and want to purchase a log splitter and Quickbooks for their treasurer to be able to prepare for state audits more easily. Mr. Archuleta stated that the language of LGSF agreement mentions a laptop but does not mention software. The NMLGC would have to amend the grant agreement, but he is concerned that DFA won't amend purchase order in time and the software needs to be in hand by June 30th.

Chairman Sánchez made a motion to amend the Land Grant Support Fund agreement for the Town of Tomé Grant to include the purchase of software; Councilor Martínez seconded the motion.

Roll call vote:

Councilor Padilla - abstain

Councilor Martínez- aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

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

Ms. Chávez reported that she has worked with the San Joaquín del Río de Chama and the Punta de Agua Mutual Domestic, which is a community associated with the Manzano Land Grant. She has also worked on CPMS updates for all land grants. All land grants with capital outlay monies need to be sure to update their projects progress on the CPMS website. Grants also need to be sure that they completed their bond questionnaires. Councilor Polaco inquired about the process for capital outlay monies that they received. Mr. Archuleta responded that the bond questionnaire was submitted for the Tierra Amarilla Land Grant and that the Board of Finance reported that the bonds won't be sold until June. If the project is included in the bond sale, they will give DFA the green light to make grant agreements in July, August or September. When the grant agreement is in place, grants can submit notice of obligation, or get submittal for reimbursement as the Tierra Amarilla LG has already taken their loan and will use monies to pay it off. This process could be done by September or October.

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

Billing from New Mexico Legal Aid is included in the packet, including pay request #8 for \$4,850.00, with details and hourly billing (38.8 hours).

Councilor Martínez made a motion to approve pay request #8 from NMLA for \$4,850.00; 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 Professional Surveyor Services Contract - Update and Requests

The NMLGC has received an invoice from Territorial Land Surveying for 118 hours of work for the San Antonio de las Huertas and Juan Bautista Baldes Grants. Surveyor Chris Chávez delivered a survey for San Antonio de las Huertas that the NMLGC will keep in the mapping files case. Councilor Martínez reported that the San Joaquín del Río de Chama Grant paid Chris Chávez directly to complete some survey work, including a sketch map. When the Grant looks at the morada and schoolhouse, a lease to purchase on the cemetery may be granted to the Grant. The land grant is looking into purchasing .5 acre for about \$300 and was unclear if they needed to do a lease to purchase. Mr. Archuleta responded that he was not sure if this was needed for property transfers, but that in conversations with Chris Chávez that stated that when you have a survey you want to record it with the updated deed. We could ask David Benavides or the Natural Resources and Environmental Law Clinic to look into this as well. Chairman Sánchez opined that as long as the legal description of deed matches that of survey, the Grant should be in the clear. Councilor Polaco asked a question on unclaimed properties, as a person working for the Rio Arriba County Assessors office wants the Tierra Amarilla Land Grant to release property through a quitclaim. The property in questions is within a Catron exclusion. Mr. Archuleta stated that this request would need to be approved and would be put on the list for the surveyor. This could be difficult because of way the Tierra Amarilla patent was issued and because the surveyor needs to find adjoining properties to determine the remnant property and to determine if land is unclaimed. Chairman Sánchez commented that there is conflict of interest for the person working for the assessors office to have an interest in the property as he has an inside track on it. Councilor Polaco added that the person tore down the fence and made it look contiguous.

Councilor Polaco made a motion to approve invoice #7 from Territorial Land Surveying for \$13,778.42; Councilor Martínez seconded the motion.

Roll call vote:

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

The motion was passed.

15. Discussion and Possible Action on Treaty Division Update

None.

16. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 21 & 22

Pay Request #9 was presented, for \$34,172.15. This includes \$12,963.55 in personnel expenses, \$142.54 in postage expenses, from lawbook distribution, \$400.00 in law clinic fee waiver, \$14,970.72 in the surveyor contract, approved in previous meetings and \$5,695.34 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #9, as well as the UNM invoice.

Councilor Martínez made a motion to approve Pay Request #9 for \$34,172.15; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Polaco - aye

Chairman Sánchez – aye
The motion was passed.

17. Discussion & Action on Piedra Lumbre Visitors Center Update

The Tierra Amarilla, San Joaquín and Juan Bautista Baldes Land Grants and the USFS are planning to have a celebratory event on July 10. The USFS would like NMLGC do invitations to congressional and other officials. Councilor Polaco stated that the Grants met and is looking to get portables from a company in Española. Councilor Martínez stated that the USFS wants the NMLGC to do the main press release. James Durán will speak, as will the three land grant presidents. The Governor will also be invited to attend and speak. Michiko Martin, the new southwest regional forester, will attend and Chairman Miguel Garcia and Senator Liz Stefanics will represent the Land Grant Interim Committee and the local senator and representative will be included as well. No food will be provided, just water. The USFS will bring tables and chairs and the microphone. Councilor Martínez commented that former Senators Martínez and Rue were supportive of the project and should be included as well. Ivan Knudsen (USFS – Carson) added that it would be great for the initial release to come from NMLGC and that he can help with release and will provide contact lists. The event is scheduled for 2 hours. On Tuesday, Councilor Martínez met with the locksmith to discuss changing locks and rekeying.

18. Discussion and Possible Action on Laguna del Campo Update

Mr. Archuleta reported that the NMLGC is still assisting the Tierra Amarilla Land Grant with the transfer of the Laguna del Campo. The TALG has met with two game commissioners and the New Mexico Department of Game and Fish on options for moving process forward and are taking a different approach to water diversion issue. The State Game Commission is going to discuss, likely in closed session, and try to find a workable solution to make the transfer complete.

19. Discussion and Possible Action on Land Grant Registry Update

Dr. Baca reported that no new items have been submitted, but he as records custodian has responded to several IPRA requests regarding the Anton Chico and Cañón de Carnué Land Grants.

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

Mr. Archuleta reported that he, Dr. Baca and Dr. LM García y Griego will have a meeting with the new Vice President for Research Ellen Fisher to discuss the proposed Land Grant Institute and will provide an update in the next Council meeting. Dr. Baca reported that the Acequia and Land Grant Education project meetings have continued, with higher ed and youth meetings taking place since the last meeting. He has worked with Dr. Elena Valdez to edit and provide comments on the projects white paper, which will be provided with the recommendations made to PED and HED. The LGSP will again partner with the MLECT on a Northern Río Grande National Heritage Area grant (\$5,000) that will conduct interviews with members of the Cristóbal de la Serna and Arroyo Hondo Arriba Land Grants, as well as edit past interviews.

21. Discussion and Possible Action on Correspondence

The letter that the NMLGC sent to Archdiocese of Santa Fe regarding properties at auction is in the meeting packet. No response has been received. Some land grants have discussed the property sale with their parish priests and learned that each parish needs to provide 65% of their liquid assets to the Archdiocese. We are not sure if this impacts property sale. There seems to be some

discretion at local parish level. The NMLGC did respond to the request from the purported Cañón de Carnué heir, who said that they have forwarded their complaint to NM Attorney General's Office. Cañón de Carnué president Moises Gonzales sent a meeting request to the complainant ("Jose Chaves"), who stated that he had already sent the complaint to the NMAG and the FBI. Mr. Gonzales then sent another message that they have no heir named Jose Chaves and stated that he believed that the complainant was in fact his brother, Rob Gonzales, who has been in litigation with the Grant. Chairman Sánchez cited an article from the *Santa Fe New Mexican* that reported that many properties in Valencia County are from the failed subdivisions. He encouraged land grants to approach Archdiocese and encourage them to give the land back to land grants.

22. Discussion and Possible Action on Staff Assignments

None.

23. Public Comments – Discussion only

None.

24. Miscellaneous Announcements

The New Mexico Land Grant Merced Consejo Annual meeting will take place on June 5, 2021 at 10:00am in Manzano, NM. Councilor Martínez announced that he submitted his letter of resignation to the San Joaquín del Río de Chama Land Grant Board of Trustees, effective August 7, 2021. Chairman Sánchez stated that he was sad to hear this news but understood and offered his support and wished him the best.

25. Date and Location for June 2021 Council Meeting

The June 2021 Council meeting will take place on June 17th, 2021 at 10:00am via Zoom.

28. Adjournment

Councilor Martínez made a motion to adjourn; Chairman Sánchez 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 12:50pm MDT.

Approved:

Chair

Date