

New Mexico Land Grant Council (NMLGC)
June 24, 2021 – 10:00am
In Person and Virtual Meeting (Hybrid)
Tomé Domínguez Community Center, Tomé, NM
Zoom ID: 992 5113 7865

Final

Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:15am MDT. Roll call of the Council members: Leonard T. Martínez, Andrea Padilla, Steve Polaco and Juan Sánchez were present. Councilor 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); Venessa Chávez (NMLGC/LGSP); Camilla Romero (NM State Land Office); Lisa Morrison (BLM); Ashley Wright (USFS); A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández); Patricia Domínguez (Office of Sen. Martin Heinrich); Eric Chávez (Office of Sen. Ben Ray Luján); Rita Padilla Gutiérrez (Town of Tomé Land Grant); Rand Tilton (NM Department of Information Technology); Robert Sánchez; Tim Hagaman (NM EDD); LM García y Griego (LGSP); Novela Salazar (NM Attorney General's Office); Kris Graham-Chavez (NRCS); Jane Tabbot Fitzpatrick (intern, Office of Congresswoman Teresa Leger Fernández).

3. Approval of Agenda

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

4. Approval of Meeting Minutes from May 20, 2021 Council meeting

Councilor Polaco made a motion to approve the meeting minutes of the May 20, 2021 Council meeting; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

5. Discussion and Possible Action on State Land Office Projects

Camila Romero (NM SLO) stated that she recently did a site visit with Councilor Martínez on the Cebolla Project, which is complete. She plans to do site visits with land grants for projects near Villanueva and Tijeras, likely on July 13. Councilor Martínez added that the project has been very time consuming but yielded 80-100 cords, of which the contractor gets half.

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

Lisa Morrison reported that official acting forester is Eric Opp and is available to chat about land grant concerns and issues. Kim Gresset has been named the Rio Puerco District Field Manager. The northern RAC meeting will take place August 18-19, virtually with an in person field trip on Friday. The comment period open for fee discussion for Tent Rocks (Kasha-Katuwe) until July 9th and scoping begins for the Sun Villa project.

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

Ashley Wright (USFS R3) reported that there are still smoke issues from forest fires. The Carson National Forest is preparing for the Rainbow Gathering from July 1-7 near La Junta Canyon. Councilor Martínez stated that he spoke with Paul Martínez, who manages timber for Region 3, about the Moya Project near Lindrith, which went out as a sole bid; he asked if this was standard and Ms. Wright responded that she would look into it and report back. Councilor Martínez commented that there is no dead and down wood available as dead and down on the ground is already rotten and burning continues on projects that were not NEPA cleared for fuelwood.

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

Federal

Mr. Arturo Archuleta (NMLGC-Staff) reported that he submitted Congressional Direct Spending Requests (akin to earmarks of the past) to both Senator Martin Heinrich and Sen. Ben Ray Luján's offices. He requested \$5 million for land acquisition and recovery (narrative of request in packet). Senator Luján's office reached out for more information. The original list was for \$20 million worth of land, but was paired down. The Council will continue to work on traditional use legislation and needs to meet with Senator Heinrich, who sits on key committees, to gain his support and to move legislation forward. Two Councilors from the NMLGC and other land grant representatives will attend the meeting. Patricia Domínguez (Office of Sen. Martin Heinrich) asked the NMLGC to send a draft of the traditional use legislation and stated that management plans that are pending approval will get some traction with this bill. She reported that the Rio Grande del Norte Monument Management Plan is moving forward and grazers are interested and concerned.

Eric Chávez (Office of Sen. Ben Ray Luján) stated that Senator Luján's DC office is working on report language for appropriations for the Congressional Direct Spending and is proposing other language to Department of Interior to recognize land grants and acequias in land use processes, which goes hand in hand with the traditional use bill. His office has also been engaged with the Northern New Mexico Stockmen on elk herds, their impact on grazing and property, forest plan revision, new rules, and impacts on grazing. They have also been engaged on the Rainbow Gathering and want to be updated as they have raised concerns on use of public lands and impacts on resources and forest health. He also reported that former Rep. Xochitl Torres Small has been nominated for a USDA position. Sen. Luján held subcommittee hearing on communications, broadband for rural communities and shared stories of the impact of COVID-19 and also has taken

the lead on the Farmers Debt Relief Program, where a judge has issued a temporary restraining order. USDA encourages applicants to still submit and get paperwork in the queue.

A. J. Pacheco (Office of Rep. Teresa Leger Fernández) reported that Congresswoman Teresa Leger Fernández might attend the PLVC celebration. Mr. Archuleta stated that he met with Rep. Leger Fernández's local and Washington DC staff to update them on land grant issues and the traditional use bill. He added that Sofía Sánchez will stay on with Rep. Melanie Stansbury's office from former Rep. Deb Haaland's office. Mr. Chávez also reminded that those needing rental assistance, utility payments to go to Nmrenthelp.org, which is still accepting applications. New Mexico needs to use money by September or it may revert. Council members discussed federal cemetery legislation. Ms. Domínguez asked if it was an option to include the cemeteries legislation in the traditional use bill. Mr. Archuleta responded that the Council is open to it and had previously considered them separate on the past advice of legislative staff, but could include cemetery legislation as a section in the traditional use bill. All NMLGC federal legislation was once in a comprehensive bill and cemeteries are a traditional use. Both transfer of existing or transfer of land for expansion of existing cemeteries are important. Mr. Chávez commented that Senator Luján knows the need to expand existing cemeteries. Ms. Domínguez said that she will look at her file and will share information on existing cemeteries. Mr. Archuleta also cited a Small Tracts Act as an authority that this section might reference or mirror and stated that he would follow up with Rep. Leger Fernández and Rep. Stansbury's staffs. He also asked if the quarterly Congressional delegation calls, with New Mexico and Washington DC staff, can resume in July. Ms. Domínguez stated that she would prefer to start up again in September, when Rep. Stansbury's office might be organized.

Councilor Martínez asked about the process for green timber and how does it effect timber under the MSO settlement between the USFS and Wild Earth Guardians. Ashley Wright (USFS R3) stated that she would check with Paul Martínez of R3. Councilor Martínez stated that a Mexican Spotted Owl nest was found on the Ojo project, which broke it into three projects and the timber sale delayed until September. Congressional staff stated that they would follow up.

State legislation

The Interim Land Grant Committee met last week; their work plan is in the packet. Meetings are: July 14-15 in Española; September 23-24 in Anton Chico; Oct. 28-29 in Tomé and Nov. 12 in Santa Fe. Councilor Polaco stated that the stream access issue continues. Mr. Archuleta stated that he participated in the NMAG's equity council meeting. The Outdoor Equity Fund was grown from \$75K to more than a million dollars. The Council may work with the Manzano Mountains area grants to resubmit its past application. We lost out last time for the lack of economic development. Chairman Sánchez stated that the Interim will adopt legislation at its November meeting and Councilor Martínez added that the new vice chair is Senator Leo Jaramillo. Councilor members discussed the need to educate new senators and representatives and vet bills and sponsors before pushing bills, as well as the need to prioritize bills and not loose bills in the session. They agreed that guaranteed revenue streams for land grants needs to be a priority, especially as land grants are political subdivisions without direct funding but still have to comply with governance mandates like costly audits. When presentations are being made by land grants at ILGC meetings, land grants need to stress their needs, the costs they incur, their small budgets, plus the services that land grants provide to their communities to reiterate the need for guaranteed revenue streams. The Council also needs to reach out to the Governor's office to

discuss legislative needs. Victor Reyes is no longer there, nor is Dominic Gabelom our most recent contact person. The two most important areas are guaranteed revenue streams and a land recovery fund.

9. Discussion and Possible Action on Department of Informational Technology - Broadband Access

Rand Tilton of the Department of Information Technology (DOIT) presented on broadband expansion opportunities for land grant communities. The New Mexico broadband program has been working for 5-10 years. They have accomplished a lot of planning but do not have the funding to implement the statewide broadband program. Mr. Tilton is the interim director of broadband office. Senate bill 93 established the office of broadband access and expansion and with the pandemic, broadband became a huge point of emphasis. DOIT is working with the Congressional delegation for federal monies to implement the program. HB 10 created the Connect New Mexico Council to develop a plan for digital inclusion, including an equity plan and a non-reverting equity fund. SB 377 funded \$110 million for broadband and the *Yazzie/Martínez* decision has implications for public education and equal access to online education for unserved and underserved populations. DOIT is working with PED on connectivity for all New Mexico students. There are also federal funds in the American Rescue Plan, totaling millions of dollars of funding to counties. The Council might approach counties to see how land grants can help expand broadband access in their areas. You can find the counties that have receive this funding at www.naco.org and a list of cities receiving funding at www.nlc.org. There is also an EDA Grant – RFI in progress where entities can ask for technical assistance. Three webinars are offered in connection with this, including an overview of federal grants, explanation of RFI technical assistance and a training specific to ISPs. Working with NMLGC, identified land grants that are political subdivisions that are positioned to take advantage of this expansion. For example, Chilili has plateau, an ISP with fiber nearby. Towers, fiber, and satellite offer many ways to reach communities. DOIT has information from ISPs on broadband coverage areas, underserved locations and knows infrastructure, capabilities, local isps, etc. Interested land grants should contact Rand Tilton (Rand.Tilton@state.nm.us) or Gar Clarke (george.clarke@state.nm.us).

Mr. Archuleta stated that the Council provided a list of land grants that are political subdivisions of the State of New Mexico with notes on infrastructure. Underreporting of students occurred for students that live at P.O. boxes. We should circle back and revisit data. Many land grants provided internet to their heirs during the pandemic. Perhaps they can provide mobile hotspots, provide community networks. Councilor Martínez commented that servers from Gallina (Coronado High School) were finally extended toward the community to accommodate USFS, but the Juan Bautista Baldes land grant needs access as well. For Windstream it is not profitable to extend their network. Mr. Tilton responded that there are DOT and safety towers that might help with terrain issues and that companies have buried fiber along highways.

10. Discussion and Possible Action on Cannabis Presentation by Robert Sanchez

Robert Sanchez, an heir to the Town of Tomé Land Grant, presented on cannabis. There are 2 parts, the industrial side of cannabis, where he is involved in the processing of non-THC cannabis for industrial applications, and the recreation side of cannabis that was legalized this last legislative session. In the Rio abajo, farmers can grow 5-10 thousand acres of industrial non psychoactive cannabis and his company can assist in plan to deliver the technology to grow and guarantee the sale of the product. With two acres, two thousand plants, the projected revenue is

\$4-6 million. He is looking to land grants to enter into a joint venture where he would advise and provide technology. His company would like to discuss industrial and THC and medical side. While development is hurting maintenance of agriculture in this area, cannabis production keeps agriculture profitable. Councilors asked questions about water consumption, which is a concerns across New Mexico. Mr. Sánchez responded that cannabis consumes less water than alfalfa. The use of technologies like drip irrigation can reduce the use from traditional flood irrigation. Councilors posited that perhaps some land grants might be involved in production and others in sale of cannabis and cannabis products. Mr. Sánchez stated that they might even be a primary wholesaler to dispensaries. Where costs for building a cannabis facility is \$42 sq ft, his company builds hoop houses for less than \$20 per sq. foot. Water consumption is 4 gallons per day as they get bigger and grow grew from July to September. Indoor they use less water because of drip irrigation. His company will also provide seed, help in the transition and use of traditional equipment and methods, and connections to companies that are looking at using hemp for other applications. If land grants get the licenses to grow, they can partner in this new and profitable industry.

11. Discussion and Possible Action on Cannabis Regulation Input Letter

Dr. Baca presented a draft letter supporting comments submitted by the New Mexico Acequia Association to the New Mexico Regulation and Licensing Department, Cannabis Control Division. The letter expresses concern about the socioeconomic and environmental impacts (particularly its impact on water) that the new cannabis industry will have on land grant communities.

Councilor Martínez made a motion to approve the letter supporting the New Mexico Acequia Association's comments to the Cannabis Control Division; Councilor Polaco seconded the motion. Roll call vote:

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

The motion was passed.

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

Council staff hosted a webinar on June 9th. The presentations were informative, though the webinar was not well attended. The Healthy Soils applications are due soon (July 2). Applicants need to monies to improving the health of the soil and monies granted need to be expended in one year. Applicants can do a planning grant if they are not ready to implement a project and can ask NMDA or USDA to help assess their issue. Can always apply next year once you know what is needed. The program will not pay for a cash crop (i.e. the seeds), but pay for cover crops, soil testing, etc. awardees cannot buy for equipment and projects should be pilot projects, not landscape in scale. Grants can do intensive grazing to improve soils health, maybe rent livestock from heirs to improve soils health. They can also provide a hub for soil tests and provide cover crop, partner with NMDA for technical assist and education. Awardees need to conduct two soil tests, one at the start of the program and one at the end, as well as pictures of the area treated.

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

The legal services contract needs to be adjusted as you need to RFP more than a \$60,000 contract. The FY 2022 legal services budget is currently slated at \$70,000. The Council could reduce the contract to \$60,000 and move \$10,000 to another law student fellowship, which would allow the NMLA to vet prospective applicants for the Community Governance Attorney Act. If the \$10,000 is for a student it needs to be in the IGSA with UNM. If it is used for another legal services vendor, it needs to be on the DFA side of budget. ILGC chair Rep. Miguel García has asked for research on the *U.S. v. Sandoval* case. Councilors decided to delay deciding where to put the \$10,000 surplus until the July 2021 meeting.

Councilor Padilla made a motion to reduce the NMLA contract to \$60,000; Councilor Martínez 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 UNM Intergovernmental Agreement – FY 21 & 22

Pay Request #10 was presented, for \$32,331.35. This includes \$12,466.93 in personnel expenses, \$13,778.42 in the surveyor contract and \$5,388.56 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #10, as well as the UNM invoice.

Councilor Martínez made a motion to approve Pay Request #10 for \$32,331.35; Councilor Polaco 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 Land Grant Support Fund Update

Ms. Venessa Chavez (NMLGC/LGSP) provided a status report (in packet) and reported that land grants are working to spend their funds. The Cubero Land Grant just received their funds. The Don Fernando de Taos Grant submitted very late and may not receive their funding. We have reached out to the Abiquiú Land Grant repeatedly but have not received anything. There have been many staff changes at DFA, which make the process difficult. Councilor Padilla thanked Council staff for their assistance, especially sorting out the difference between LGSF and capital outlay monies.

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

Staff changes at DFA have created some delays and there have been some hiccups in processing pay requests. Carmen Morin replaced Scott Wright; she was replaced by Dawn Webster, who reports to Ms. Morin and Jeanette Gallegos. We have discussed DFA doing a virtual training on

capital outlay and asked that they discuss the processes, including the internal DFA process, to shed light on delays at DFA. There is a delay on NOO disbursements; notices stated that they might be delayed as late as October. It is best to stay outside of the fiscal year boundaries – before June and after July – to avoid delays. Ms. Chávez reported that the Punta de Agua Water Assn., which is associated with the Manzano LG did get their disbursement to purchase building.

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

There are no new requests and the NMLGC is likely to have a gap in services between active contracts with NMLA. Services for most land grants will continue directly from NMLA outside of the Council contract so long as recipients meets their income requirements. In the packet is billing from New Mexico Legal Aid, including pay request #9 for \$11,337.50, with details and hourly billing (90.70 hours).

Councilor Polaco made a motion to approve pay request #9 from NMLA for \$11.337.50; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

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

In the packet is the invoice from Territorial Land Surveying. There will be a gap in services as Mr. Chris Chávez moves from being a contractor to a UNM employee and the IGSA has to be in place to hire the staff surveyor.

Councilor Padilla made a motion to approve invoice #8 from Territorial Land Surveying for \$8,277.93; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

19. Discussion and Possible Action on Treaty Division Update

Novela Salazar (NMAG Treaty Division) reported that the Tierra Amarilla Land Grant settlement will be finalized on July 1. Two more complaints and one IPRA complaint have been filed with the NMAG’s office against the Anton Chico Land Grant. Some have been referred to the New Mexico State Police. Their office also received a complaint against Lorenzo Flores and the Eastern Sangre de Cristos Land Grant Committee, but cannot be pursued as they are not a state entity. Other work is being pursued in tandem with NM State Auditor but there is a delay because of the sheer volume of complaints. One complaint blames Anton Chico Land Grant board for the loss of 200,000 in common land, even though the land that the current ACLG bord manages is what the grant has retained for the last 100 years. Land was lost in the adjudication era and the 104,000 acres that

they now manage is the balance remaining. The NMLGC asked the Treaty Division for guidance regarding the request from an individual that the Council delete a record, which is not a NMLGC records but a document that was scanned and copied by the NMLGC. Finally, NMLGC staff asked if there is updated guidance for meetings to comply with the public health order and the Open Meetings Act. Hybrid meetings are difficult as UNM is not yet renting public spaces. If the state opens up, does the Council still need to provide a virtual option and conduct hybrid meetings. They also asked if land grants can hold in person meetings as well.

Ms. Salazar asked for any history and information that the NMLGC has that would help answer the complaint, especially with regard to land loss. Another attorney at the NMAG's office was assigned the question regarding the deletion of the records and she will ask her office is guidance regarding public health order and OMA compliance has been updated. Mr. Archuleta also asked about notice requirements for meetings, where the council as a whole is meeting with a Congressional representative or senator. Is all the Council needs to do is give notice? Does the meeting need to be open to the public? Ms. Salazar said that she would follow up. Councilor Martínez stated that some heirs and board members have asked if they can participate virtually through Zoom. He also asked that if the board can participate virtually, do bylaws need to be revised or just the OMA resolution. Ms. Salazar stated that she would ask and then provide guidelines, but she assumes that since the OMA allows people to participate telephonically, Zoom will be allowed.

20. Discussion & Action on Piedra Lumbre Visitors Center Update

The Tierra Amarilla, San Joaquín del Río de Chama and Juan Bautista Baldes Land Grants and the USFS are planning to have a celebratory event on July 10, 2021. Ivan Knudsen of the Carson National Forest is coordinating. The Council applied for the NM Economic Development Department's Mainstreet Frontier Communities grant program. The award is no direct monies but expert assistance and technical advice and perhaps some planning monies. We will know in early July if the PLVC is funded. Councilor Martínez stated that the three land grants need to figure out management and get a shared P.O. box. Mr. Archuleta stated that Matt Kim Miller and Larry Montaña of Holland and Hart are working on this ownership structure, pro bono. The steering committee will need to meet more regularly to get project off the ground.

21. Discussion and Possible Action on Laguna del Campo Update

Councilor Polaco stated that the Tierra Amarilla Land Grant received an offer from NM Game and Fish. Rep. Miguel García gave a presentation at a New Mexico Game Commission meeting where he showed documentation that proved that the appraisal of the property included water rights (10cfs), which NM Game and Fish are allowed transfer to Tierra Amarilla Land Grant. NM Game and Fish want to retain water rights to the fishery and want to give 2 cfs to the land grant, which is sufficient to fill the lake in 24 days. They then want to enter into an agreement to work together to manage remaining 8 cfs that the state retains. The UNM Utton Transboundary Center has a student that might be able to look for funding for the dam engineering issue.

22. 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 from a member of the Anton Chico Land Grant.

23. 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 met with the new Vice President for Research Ellen Fisher and assistant VPR Mary Jo Daniels to discuss the proposed Land Grant Institute. Meeting was positive, though process may be elongated. Guidance was set up because centers were approved without any clear policy which begged the question, do all requests for Category 3 centers fit guidance or should they be house elsewhere? Dr. Baca reported that the Acequia and Land Grant Education project meetings have finished. A policymakers convening never took place. The report and white paper prepared by NMHU CESDP is nearly complete and will be submitted to PED and HED. The LGSP is working to identify youth from the Cristóbal de la Serna and Arroyo Hondo Arriba Land Grants for the 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. LGSP staff will have the option to go back in August and will need to figure out shared office space. The CLE on Land Grants and Acequias is being planned again. They plan to meet in July to discuss when in the fall to put it on, either in October or November.

24. Discussion and Possible Action on Correspondence

None.

25. Discussion and Possible Action on Staff Assignments

None.

26. Public Comments – Discussion only

None.

27. Miscellaneous Announcements

28. Date and Location for July 2021 Council Meeting

The July 2021 Council meeting will take place on July 12th, 2021 at 9:00am via Zoom and at the Cañón de Carnué Land Grant.

29. Adjournment

Councilor Polaco made a motion to adjourn; Councilor Padilla 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 2:59pm MDT.

Approved:

Chair

Date