

New Mexico Land Grant Council (NMLGC)
July 12, 2021 – 9:00am
In Person and Virtual Meeting (Hybrid)
Cañón de Carnué Land Grant, Carnuel, NM
Zoom ID: 954 3449 6661

Final

Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 9:12 am MDT. Roll call of the Council members: Andrea Padilla, Steve Polaco, Juan Sánchez, Rebecca Correa-Skartwed and Leonard T. Martínez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Rebecca Correa Skartwed (NMLGC); Leonard T. Martínez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chavez (NMLGC/LGSP); Camilla Romero (NM State Land Office); Michiko Martin (USFS – Regional Forester, Region 3); Ashley Wright (USFS); Ian Fox (USFS); LM García y Griego (LGSP); Ricardo Dow y Anaya (NM Attorney General’s Office); Xochitl Campos Biggs (Office of Congresswoman Teresa Leger Fernández); Novela Salazar (NM Attorney General’s Office); Eric Chávez (Office of Sen. Ben Ray Luján); Congresswoman Melanie Stansbury; Sofia Sanchez (Office of Congresswoman Melanie Stansbury); Rita Padilla Gutiérrez (Town of Tomé Land Grant); Moises Gonzales (Cañón de Carnué Land Grant); Cathy Lopez (Cañón de Carnué Land Grant).

3. Approval of Agenda

Councilor Steve Polaco made a motion to approve the agenda; Councilor Rebecca Correa Skartwed seconded the motion.

Roll call vote:

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

The motion was passed.

4. Approval of Meeting Minutes from June 24, 2021 Council meeting

Councilor Correa Skartwed made a motion to approve the meeting minutes of the June 24, 2021 Council meeting; Councilor Andrea Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

6. Discussion and Possible Action on U.S. Forest Service Update – Including Guest Regional Forester Michiko Martin & MSO Update

Michiko Martin introduced herself as the new regional forester for USFS Region 3, which includes New Mexico and Arizona. She commented that the NMLGC had a good relationship with her predecessor Cal Joiner, which she looks forward to continuing. Ian Fox (USFS) provided an update on the USFS actions regarding the Mexican Spotted Owl (MSO) agreement. The MSO leaders forum is a group that was established as an outcome of the MSO injunction. They met on March 3 and moving forward their meetings will be open to public and the NMLGC will be invited. Since March 3, six points and a checklist were created to create consistent compliance for MSO recovery plan. These were rolled out to region and workshops were delivered in the field for areas with MSO habitat. Meetings will continue as needed, especially if members of the leaders forum have issues with ongoing projects or if there are general updates. Once checklist is updated they will host another meeting. There will also be a field trip to MSO habitat. Elaine Kohrman shares her commitment to this effort. Mr. Fox commented that he will transition out of his role with the MSO group but will continue to be associated with it. Mr. Arturo Archuleta (NMLGC staff) stated that Councilor Leonard Martínez was interested in the effects of the MSO measures on fuelwood. Mr. Fox responded that MSO habitat is not found in piñón-juniper, nor in ponderosa pine stands. Mixed conifer is the primary MSO habitat. Each forest will be in contact with locals and contractors to let people know about projects that are effected by MSO habitat, but impact has been minimal thus far.

Councilor Polaco commented that the Tierra Amarilla Land Grant extends into Colorado and asked if Region 3 collaborates with national forests in Colorado and asked for guidance on fuelwood programs. Councilor Martínez asked for information on the Moya Project; Ashely Wright (USFS) responded that the USFS sent an e-mail response and letter on Friday (July 9). The Moya Project was an IDIQ (Indefinite Duration, Indefinite Quantity) project, which is different that a standard solicitation. Applicants need to be registered on SAM.gov and can receive updates on these projects. Councilor Martínez responded that many contractors in the area do not have internet and cannot compete. Where internet is available, it is unaffordable (\$85 per month). Most local contractors do not have a SAMS number. Mr. Fox clarified that IDIQ projects identify a scope of work for 5 year projects and the initial applicant pool gets 5 years of eligibility and receive project specific task orders. The scope of work is made and general locations are identified. The use of these projects is determined by project leads and an IDIQ has 5-6 different scopes of work. They are not used exclusively and forests can use stewardship agreements, master good neighbor agreements, etc. Mr. Archuleta commented that what is most important is that there is room for projects to include local communities to receive wood as supply. Mr. Fox responded that the IDIQ is a service project, not a wood project, so fuelwood is not typically a product taken by the contractor. Regional Forester Martin added that she sees that Councilor Martínez wants better communication and better dialogue. He responded that there is going to be a wood shortage. There is no dead and down available and permits are issued but no resources are in the forest. Councilor Correa Skartwed added that until you live in rural community, you do not understand the importance of wood, as there is no natural gas and propane too expensive. There needs to be a sensitivity to economic conditions. Councilor Padilla added that there is tons of dead and down wood in bosque near Tomé creating fire danger and that managers need to be sure that projects near communities benefit local community and this is where land grants can help. Councilor Martínez stated that there is a cell tower near Capulín on USFS property that needs to be activated as internet is needed to keep families and kids in the community. Mr. Fox and Mr. Archuleta

discussed exploring the Master Stewardship Agreement and how local communities can be included in it. The Council and the USFS Region 3 also need to extend their MOU, which expired in 2016. It previously worked with Ericka Luna on it, but it was forwarded to Washington DC under the last administration, where it died.

5. Discussion and Possible Action on Federal and State Legislative Update - Guest Congresswoman Melanie Stansbury

Federal

Congresswoman Melanie Stansbury introduced herself and thanked the Council for having her. She was elected on June 1 to the seat vacated by Sec. of Interior Deb Haaland. She was sworn in 4 weeks ago and is honored to represent the district. She is here to listen and discuss partnerships and collaborations to help protect traditional ways of life. She was born and raised in New Mexico and her parents are transplants that first lived in Placitas. She worked as a water science educator and obtained her sociology degree, researching water rights in the Pojoaque, Tesuque area. When she was sworn into Congress, she placed her hand on an original copy of the Treaty of Guadalupe Hidalgo, which was provided by the Library of Congress. Congresswoman Stansbury stated that she will support HR 3682, the traditional use and consultation bill. Council members thanked Congresswoman Stansbury for attending the meeting and looked forward to collaboration. The Council provided a packet to Congresswoman Stansbury on recent federal legislation, including a copy of the traditional use bill, which passed the House in 2020. Congresswoman Teresa Leger Fernández has offered to take the lead on the bill and would like to add provisions that allow for more fluid property transfers from government to government. The transfer of historic and active cemeteries from federal control, perhaps using or referencing the Small Tracts Act, might be another addition to the bill. The Council offered to organize and be a liaison on a tour of land grants in Congressional District 1 for Congresswoman Stansbury. The Council will work with the Congressional offices to resume the quarterly conference calls with congressional staff in Washington DC and New Mexico offices in September.

As we deal with climate change and look to conserving land from development through programs like “30 by 30,” members commented that we must see that more public land is not the only answer as local land bases fall under large bureaucracies and national control with a national, not a local, agenda. Land grants need to be part of the conversation in the same way that tribal lands are and lands acquired and traditionally managed will help. Congresswoman Stansbury stated that Sofía Sánchez will be her new district director and that she has a strong commitment to hire New Mexicans. Her office will also have a full time federal grants manager. The Council has also inquired about getting access to Land and Water Conservation Fund, which is funded by monies from offshore drilling. In New Mexico the money is used to fund New Mexico State Parks and the Council would like to explore if there are ways for local communities to use the program to acquire lands for conservation. Councilor Martínez stated that 40 acres of property behind their San Joaquín del Río de Chama Land Grant’s sala were recently listed for sale for \$275,000 and though they would like to have had it to maintain for traditional uses and not develop it, they cannot afford the price. Councilor Polaco agreed that prices have skyrocketed and Councilor Padilla added that the Town of Tomé Land Grant’s goal is to purchase farm land to support young farmers to keep farm land in production and stop land from being developed.

Mr. Archuleta reported that the NMLGC put in Direct Congressional Spending request with Senator Luján’s office for \$5 million for land acquisition. The Council received word that Congressional

Direct Spending Requests need to go to existing programs and are not going to be like earmarks. We have heard nothing from Senator Martin Heinrich regarding our request to his office. Councilor Martínez stated that the San Joaquín Grant is working on the cemetery and wants to be able to do some work on the Cañón de Chama LG property when the traditional use legislation passes. Eric Chávez (Office of Sen. Ben Ray Luján) apologized that he did not attend the PLVC event and stated that he wants to work with the NMLGC on how we can identify Congressional direct spending for next year.

State

The Interim Land Grant Committee meeting will take place on July 14-15, in Espanola at Northern New Mexico College and has a very full agenda.

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

Lisa Morrison was unavailable, but she sent the following update:

Farmington: BLM is working on tribal consultation at this time.

Rio Puerco: BLM is continuing our review of the Final Environmental Impact Statement. .

Rio Grande Del Norte: We continue to work on the Monument Plan and hope to start scoping late this year or early next year.

8. Discussion and Possible Action on State Land Office Projects

Camila Romero (NM SLO) reported that she would join Mr. Archuleta and local land grants on site visits tomorrow, July 13, for possible projects near Chililí and Villanueva. She also reminded that the SLO has a community fuelwood area near Ocaté, New Mexico with ponderosa pine and some wood still available near Nutrias, NM.

9. Discussion and Possible Action on Office of Attorney General Equity Advisory Council – Ricardo Dow y Anaya and Jennie Lusk

Ricardo Dow y Anaya introduced himself as an heir of the Atrisco and Chililí Land Grants. He has worked with New Mexico Attorney General Hector Balderas on the Equity Advisory Council, which aims at addressing systemic racism. Mr. Dow y Anaya stated that he has always been passionate about land grants and, with the Equity Council, spends his time on the road, hearing concerns. In his personal experience in the East Mountains, his family did dry farming and saw farm properties sold away when the rains stopped and crops did not grow. There has been theft and corruption. Water rights are sold out of basins but still used. When the Council met and discussed topics, out of 16 different topics, 11 were related to land and water. The New Mexico Economic Development Department presented to the Equity Council recently as did the natural resources trustees, which stated that they are receiving monies from the mine disaster in Silverton. Councilor Polaco discussed the diversion water rights transfer issues that the grant has been having with the New Mexico Department of Game and Fish and wondered if the NMAG equity council could help. Jennie Lusk could not attend, but is an attorney with the NMAG's office who assists the equity council along with Novela Salazar and Jennifer Saavedra.

10. Discussion and Possible Action on Treaty Division Update

Mr. Archuleta and Ms. Novela Salazar (NMAG – Treaty Division) reported that the order of dismissal for the case against Frente de Lucha was signed on July 6. This was a great case and an opportunity to regain land. Councilor Polaco offered his appreciation and stated that the property has been purchased, the deed recorded and that a celebration is being planned.

11. Discussion and Possible Action on FY 2022 Open Meetings Act Resolution

In packet copy of a proposed FY 2022 Open Meetings Act Resolution for the Council. Added are item 8, which allows Council members to participate via phone or video conference, and item 9, which discusses compliance with public health executive orders and guidance from the New Mexico Attorney General's office.

Councilor Polaco made a motion to approve the FY 2022 Open Meetings Act Resolution (Resolution No. 2022-01); Councilor Correa Skartwed 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.

12. Discussion and Possible Action on Natural Resources Issues & Concerns – Local, State and Federal

Mr. Archuleta reported that a past fuelwood project near Manzano State Park with the local soil and water conservation district required community members to go to Mountainair to get a permit for wood in their backyard. The project continues and while all land grants in East Mountains should be getting wood from this project, the SWCD is not communicating. The Council will follow up with the Energy, Minerals and Natural Resources Department and Mr. Dow y Anaya to discuss and Chairman Sánchez will find out more in a watershed meeting.

Councilor Martínez made a motion for the NMLGC to write a letter to the NM Attorney General's office to inquire with Energy, Minerals and Natural Resources Department about the distribution of wood by these projects; Councilor Polaco 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.

Dr. Baca reported that the NMLGC helped the Town of Tomé submit an application to the Healthy Soils Program for a project on their community center property. The Tierra Amarilla Land Grant may do some groundwork to position them to apply for a grant next year. New Mexico State Forestry grant deadlines come up in January and NRCS grants are due in April. Interested land grants will need a farm number and meet other federal compliance guidelines to apply. NRCS has technical assistance monies that land grants can apply for now that they are eligible. Chairman Sánchez also urged land grants to inquire with their counties on CARES Act and ARP monies for infrastructure. Councilor Martínez commented that there have been 4 earthquakes in the Capulín, Gallina area, including a 4.1 quake this morning and they are probably related to fracking. Land

grant communities get no benefit from the resource extraction, but deal with water pollution and now earthquakes.

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

FY 2021

The final budget update for FY 2021 is in the meeting packet. Under the DFA administrative fee, they will revert \$2,446.19 of \$4,454.00 budgeted. \$3,186.14 will be reverted from the Land Grant Support Fund, mostly from the Abiquiú Land Grant, which failed to spend their grant. \$11,791.17 will be reverted from the legal services contract and \$1,124.89 from in state travel. The UNM contract was drawn down 100% and there will be no reversions. Of the total budget, \$18,548.39 in total will revert and 93.8% will be spent.

FY 2022

In the packet is a worksheet for the FY 2022 budget as adopted with options for a budget adjustment request (BAR) and a division of HB2 and one-time, junior monies. Staff and students salaries total \$182,147 total, including \$111,297 from HB 2 and \$70,850 in junior monies. Fringe benefits total \$60,329, including \$37,473 from HB 2 and \$22,856 from junior monies. Travel totals \$18,500, including \$11,500 from HB 2 and \$7,000 from junior monies. Other expenses total \$47,065, including \$31,104 from HB 2 and \$15,961 from junior monies. Facilities and administrative costs total \$61,808 total, including \$38,474 from HB 2 and \$23,333 from junior monies. The total budget of the IGSA with UNM is \$370,847, including \$230,846 from HB 2 and \$140,000 from junior monies. The budget at DFA is \$126,054 total, with \$66,054 in HB 2 and \$60,000 in junior monies. \$14,154 remains unbudgeted, \$4,154 taken from the DFA admin fee (DFA will not take an admin fee from junior monies) and \$10,000 taken from legal services contract. Options on where to spend this include research on the *US. v. Sandoval* decision. A law student could do research but may lack the knowledge and experience necessary. A contract attorney through a sole source contract managed by DFA is also an option, but no firm or attorney with significant land grant experience or knowledge stands out. We can also hire an additional law student for a fellowship (2 semesters). The total FY 2022 budget us \$496,900, with \$370,846 at UNM, and \$126,054 at DFA. Chairman Sánchez asked Council staff to look into the costs of an attorney and costs of extending the YCC funding for another one or two weeks.

Councilor Correa-Skartwed made a motion to do a BAR to reduce the DFA administrative fee by \$4,154 and reduce the legal services contract by \$10,000 and move the total of \$14,154 to an unbudgeted line item; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Polaco made a motion to adopt proposed NMLGC budget, including the split between the UNM-IGSA and DFA budgets, as presented; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Martínez- aye

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

The motion was passed.

14. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 21 & 22

FY 2021

Pay Request #11 was presented, for \$30,212.57. This includes \$16,007.09 in personnel expenses, \$8,277.93 in the surveyor contract and \$5,035.43 in the 20% Facility and Administration Fees. Included in packet is narrative associated with Pay Request #11, as well as the UNM invoice. Total IGSA contract amount of \$215,146 was spent, 100%.

Councilor Correa Skartwed made a motion to approve Pay Request #11 for \$30,212.57; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

FY 2022

A new scope of work and IGSA were presented (in packet).

Councilor Polaco made a motion to approve the FY 2022 Inter Governmental Services Agreement and Scope of Work as presented; Councilor Correa Skartwed seconded the motion.

Roll call vote:

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

The motion was passed.

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

Councilor Padilla made a motion to approve pay request #10 from New Mexico Legal Aid for \$2,300.00; Councilor Martínez seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Padilla made a motion to approve invoice #1 from Joe Lennihan for \$1,572.23; Councilor Correa-Skartwed seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Correa Skartwed mad a motion to approve invoice #2 from Joe Lennihan for \$2,181.60; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Padilla approved the request from the Manzano Land Grant to investigate a Punta de Agua land encroachment with possible legal and/or surveyor services; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

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

None. Surveyor will be hired as UNM staff under the FY 2022 IGSA.

17. Discussion & Action on Piedra Lumbre Visitors Center Update

The PLVC celebration was well attended (more than 120 attendees). Congresswoman Teresa Leger Fernández spoke, as did USFS R-3 Regional Forester Michiko Martin, Rep. Susan Herrera, Sen. Leo Jaramillo, Rio Arriba County Clerk Moises Morales, and presidents of the three land grants, Higinia Gallegos, Leonard Martínez and Steve Polaco, as well as some of their fellow board members. Other attendees included representatives from various land grants, former Sen. Richard Martínez, former Rep. Debbie Rodella, James Durán of the Carson National Forest, with many of his staff members and many others.

18. Discussion and Possible Action on Laguna del Campo Update

In packet is a letter from the New Mexico Department of Game and Fish (NMG&F) to the Tierra Amarilla Land Grant offering 2 CFS (cubic feet per second) of diversion rights to the Grant. The

Lagna del Campo came with a storage right; at issue is the diversion right, which NMG&F wants to retain. This diversion right was included in the appraisal and the appraisal was used in the legislation, which establishes that it was the intention that the diversion right be transferred with the lake. NMG&F's offer for splitting the diversion right has constantly changed, from 3 CFS, to 1 CFS, now to 2 CFS. Councilor Polaco commented that the Tierra Amarilla LG will accept no less than 5 CFS and stated that the Tierra Amarilla Land Grant will write a letter to the Governor. For NMG&F, their fish hatchery is tied to some springs and they will not have the ability to pull water from ditch if all 10 CFS is transferred to the Tierra Amarilla LG. The Grant recognizes this and therefore proposed that the 10 CFS is split evenly. Councilor Polaco stated that the TALG is trying to get a meeting with the Governor. Mr. Archuleta stated that at one time, the NMG&F was considering water rights as a transferable or sellable right. Representative Miguel García showed that the legislation references appraisal and the appraisal discusses the diversion right. NMG&F has proved willing to work with the community at the Manzano Lake, but has not done the same with the Tierra Amarilla LG.

19. Discussion and Possible Action on Land Grant Registry Update

Dr. Baca reported that the Town of Tomé LG just handed them their FY 2021 annual report this morning; a letter will be drafted and issued to the grant at the August 2021 meeting.

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

Dr. LM Garcia y Griego reported that he and Dr. Baca and Mr. Archuleta met with new VPR Ellen Fisher and Assistant VPR Mary Jo Daniels, who were both impressed by and appreciated the Council's and Studies Program's work. VPR Fisher commented that the work of NMLGC does not fit the traditional Category 3 center definition and that others seeking this status are in the same predicament. There might be a need for a new or different category. The NMLGC should continue to explore options if this does not work out and something similar to IPEAR might be an option with other similar non research, service centered centers on campus. Dr. Baca reported that the ALGE project report has been issued and is included in the packet. The report consists of the white paper and an addendum. The white paper was produced independently of the stakeholder meetings, which the addendum summarizes. A byproduct is both a white paper that does not match its addendum in tone and content and a report that does not fully reflect the collaborative and respectful tone of the meetings. The policymaker stakeholder meeting never took place.

21. Discussion and Possible Action on Correspondence

None.

22. Discussion and Possible Action on Staff Assignments

None.

23. Public Comments – Discussion only

None.

24. Miscellaneous Announcements

None.

25. Date and Location for August 2021 Council Meeting

The August 2021 Council meeting will take place on Wednesday, August 11, 2021 at 10:00am in Albuquerque, site to be determined.

26. Adjournment

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

Roll call vote:

Councilor Martínez- aye

Councilor Polaco - aye

Councilor Padilla - aye

Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 1:48pm MDT.

Approved:

Chair

Date