

New Mexico Land Grant Council (NMLGC)  
September 15, 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: 993 8763 0116

## **Final**

### **Regular Council Meeting**

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

Chairman Juan Sánchez called the meeting to order at 10:00am MDT. Roll call of the Council members: Steve Polaco, Juan Sánchez, and Andrea Padilla were physically present. Rebecca Correa Skartwed and Leonard Martínez joined via Zoom.

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

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Rebecca Correa Skartwed (NMLGC); Leonard T. Martínez (NMLGC); New Mexico Attorney General Hector Balderas; Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chavez (NMLGC/LGSP); Anissa Baca (LGSP); Vidal Gonzales (NMLGC); Camilla Romero (NM State Land Office); Shaya Martin (USFS); Peter Rich (Carson National Forest); LM García y Griego (LGSP); Sofía Sánchez (Office of Rep. Melanie Stansbury); Novela Salazar (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); Kris Graham Chávez (NRCS).

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

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

Roll call vote:

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

The motion was passed.

#### **4. Approval of Meeting Minutes from August 11 Regular & August 23 Special Council meeting**

Ricardo Dow y Anaya (NM Attorney General's Office) offered a correction on item 11 on page 5; the amounts received from the Gold King Mine spill are as follows: Office of the Natural Resources Trustee - \$1 million; Environment Department - \$5 million; New Mexico Attorney General's Office - \$5 million.

Councilor Andrea Padilla made a motion to approve the meeting minutes of the August 11, 2021 Council meeting, as amended; Councilor Rebecca Correa Skartwed seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Martínez made a motion to approve the meeting minutes of the August 23, 2021 Special Council meeting; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

## **5. Discussion and Possible Action on Office of the Attorney General & Treaty Division – AG Balderas**

New Mexico Attorney General Hector Balderas reported that the New Mexico Attorney General's office was busy during the 2021 interim legislative session. The NMAG's office has been supportive of the NMLGC's and land grant legislative and fiscal requests. AG Balderas stated that land grants should be at the forefront of the new monies, along with public safety and the need for more infrastructure funding. He expressed his willingness to write letters of support and work with law makers to pass legislation. He commented that Mr. Ricardo Dow y Anaya and Ms. Novela Salazar of his office are a strong team and do a great job keeping him informed of important issues, from capacity building in cannabis industry to concerns over water. AG Balderas added that he considered it a privilege to serve for 17 years as a legislator, state auditor and attorney general and feels lucky to have championed rural perspectives in his career, which came from being the first attorney out of Wagon Mound.

Land grant are central in his push for environmental equity and understand the effects of implicit bias. Arturo Archuleta serves on the Natural Resources Equity panel and in the next year, with guidance from the panel, his office will take stronger positions with communities not enjoying equity. Mr. Arturo Archuleta (NMLGC staff) mentioned that with new state revenues, land grants are interested in a fund to acquire historic lands. Rep. Kristina Ortez sponsored a bill for recreation and Rep. Miguel García worked to add the perspective of land grants, tribes and acequias and their traditional uses in natural resources management and traditional uses as a way to protect natural resources. AG Balderas commented that land grants managing land was good public policy. His focus in the end of his term will be on public safety, economics and community health. Land grant communities have unfortunately had their share of loss of their population to addiction and land grants are an important voice in treating this population. Mr. Archuleta thanked Attorney General Balderas for his support of guaranteed revenue streams for land grants. The bill most recently proposed would set aside a small fraction of gross receipts tax revenues to create an approximately \$1.5 million fund that will provide about \$40,000 to qualified land grants. The Land Grant Council also seeks to increase its budget to expand services to land grants,

including to natural resource management, youth programming, legal services and surveyor services.

On October 15, the Land Grant and Acequia CLE will feature a keynote presentation by AG Balderas. Attorney General Balderas also reported that his office created an exhibit on former attorneys general and plans to dedicate a wing of the historical legal library to a collection and exhibit on land grant history and the Treaty of Guadalupe Hidalgo. He will work with the land grant Council to obtain content to display at the NMAG's office. Chairman Sánchez thanked AG Balderas and the Office of the New Mexico Attorney General for their work for and assistance to land grants. Councilor Polaco thanked AG Balderas on behalf of the Merced de los Pueblos de Tierra Amarilla. AG Balderas thanked the community of Tierra Amarilla for allowing his office to litigate this case on their behalf. Councilor Padilla thanked the Attorney General for championing land grants. She added that some are afraid of land grants acquiring land and that they need to understand that land grants are buying back what was stolen from them. Land grants are seeking to obtain agricultural land and provide opportunities to youth who want to farm.

Novela Salazar (NMAG Treaty Division) stated that the planned exhibit and collection will be based on items that she and the office have accumulated and assembled at their legal library. Ricardo Dow y Anaya (NMAG's office) added that he is ready to help and is currently working with the La Mesilla Irrigation Council, who is fighting an individual that cut a riser for an irrigation valve, capped it and poured cement. There have been threats by this individual toward the Irrigation Council, but the New Mexico State Police wrote it up as a civil, not a criminal offense. The local district attorney reviewed the case and commented that it should have been considered a criminal offense, but the new district attorney decided not to pursue the case. This is proof that the State Police, the Sheriff's office, and the district attorney does not understand water law. Paula García and Enrique Romero of the New Mexico Acequia Association became involved, as did state Senator Leo Jaramillo. AG Balderas sent information to the district attorney, which offered to settle out of court. They now hope that the individual signs an affidavit that he will not harass or intimidate the areas farmers.

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

Lisa Morrison reported that the Rio Puerco district is working on their resource management plan. The Farmington RMP is undergoing Section 106 consultations, which includes an ethnographic study of Chaco Canyon. The Taos Field Office expects to issue the EIS on the Rio Grande del Norte in January 2022, but the Biden administration is redoing the work done under the Trump administration. The plan for Horse Thief Mesa near Arroyo Hondo is nearly complete. The BLM is generally looking on how to better engage the community and field offices are looking into how they can communicate better and work with land grants. Jacobo Baca (NMLGC/LGSP) asked about progress with the Southern and Northern New Mexico RACs. Ms. Morrison responded that his application has been received but no decisions have yet been made.

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

Camila Romero reported that a good amount of wood came out of the Cebolla Project. Councilor Martínez commented that the San Joaquín del Río de Chama Grant will allow heirs to gather felled wood in October now that the contractor portion of the project is complete. Forty cords of wood are on the ground and will also be shared with the Tierra Amarilla Land Grant. Work will continue to complete the project in the Spring of 2022. Chairman Sánchez added that he was on a call with

Land Commissioner Stephanie García Richard who is supportive of land grants and of the east mountain project.

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

### *Federal*

Eric Chávez (Office of Senator Ben Ray Luján) reported that Congress is busy working on infrastructure and budget reconciliation which will bring federal funds and assistance to communities. Senator Luján travelled to communities in northern New Mexico and discussed wells, water, and wastewater infrastructure and broadband. The infrastructure bill also includes charging stations for electric vehicles. The Senator met with acequia leader (and past Santa Cruz de la Cañada Land Grant board member) Don Bustos, who discussed agricultural needs and programs in the upcoming Farm Bill. Budget Reconciliation will also dominate the work of Congress in the next few weeks. The Senator will move forward with the traditional use bill and is looking for improvements. Sofía Sánchez (Office of Rep. Melanie Stansbury) reported that Rep. Melanie Stansbury is fully staffed in both her New Mexico and Washington D. C. offices. Rep. Stansbury will sign on to co-sponsor the Traditional Use Bill. On October 18<sup>th</sup>, Rep. Stansbury will tour East Mountain land grant communities, who have many needs, including broadband.

Councilor Correa Skartwed asked if infrastructure funding would run through the counties or if land grants, as political subdivisions, could be directly funded. Mr. Chávez responded that it depended on the funding and that they can discuss further. He added that the American Rescue Plan has helped communities bounce back from COVID 19. The Congressional delegation will also help communities find other grants, look for types of projects for communities/non-profits and look for funding. Congressional Direct Spending Requests for shovel ready projects were offered and land grants can apply next year. Ms. Sánchez commented that the House had a congressional grants coordinator and that the New Mexico delegation coordinates for letters of support. Councilor Martínez asked about service for the cell tower near Gallina. Mr. Chávez responded that they are working with Rio Arriba county to see about where a cell tower can be placed. Councilor Martínez asked if land grants and heirs are the ones who need to get someone to move on this; Mr. Chávez responded that this is an option, but that they are working with county and USFS to see what provider can make a tower.

Mr. Archuleta stated that the office of Congresswoman Teresa Leger Fernández was in communication with the New Mexico Land Grant Council as there is a push to buy land to connect the Continental Divide Trail through privately owned land. Council staff looked at the route of the trail and determined that the trail does not go through the land of organized community land grants. If the route is adjusted and does go through common land than the traditional land use rights will be protected. The Trail meanders near the Piedra Lumbre Visitors Center and perhaps a spur could take hikers closer to the site. The trail does go down to the Echo Amphitheatre area and communities want to protect a sacred site in this area. Rep. Leger Fernández wants to do a walk through. Most of the land that they want to purchase is private land in southern New Mexico. Rep. Leger Fernández will carry the Traditional Use Bill in the House. Her office is in consultation with Senator Luján's office and she wants to improve land transfers from the federal government to land grants. She may offer the bill, as is, in the House and make changes on the Senate side under Senator Luján's bill.

### *State*

The Land Grant Interim Committee will meet in Anton Chico on September 23<sup>rd</sup> and 24<sup>th</sup>. Youth education is one of the focuses and Jacobo Baca of the UNM LGSP will join Paula Garcia of the NM Acequia Association and Adrian Sandoval of the Center for the Education and Study of Diverse Populations at NMHU on a panel discussing the ALGE Project. Arturo Archuleta and Venessa Chávez will discuss the UNM LGSP youth development projects.

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

Shayne Martin (USFS R3) reported that the USFS Region 3 is starting riparian area thinning projects that seek to restore riparian areas to their natural state. Bosque riparian areas typically go through tribal, private and municipal lands and communities could probably work with the SLO on projects to access resources in the bosque. At the Ojo Project on the Carson National Forest in the Tierra Amarilla area, people are concerned about others damaging forest and leaving trash behind and have requested additional patrols in the area. Ricardo Dow y Anaya (NMAG) asked the USFS if they are working with land grants and acequias to help thin riparian areas; the Mr. Martin replied in the affirmative, adding that in most o projects such as those in the Cibola they have collaborating groups they work with through the whole process. Councilor Polaco added that he has spoken with Andrea Jones of the Rio Grande National Forest, who spoke with Jack Lewis of the Carson National Forest, and that they would give a presentation about how USFS has been working to make a presentation about getting wood and find out how communities can get wood from the Rio Grande National Forest. Peter Rich (USFS – Carson National Forest) stated that he will follow up with Jack Lewis on this and added that the Carson, Santa Fe and Rio Grande National Forests are collaborating on watershed restoration projects that will result in firewood. Mr. Archuleta added that in the packet is a letter from James Durán of the Carson NF, stating that the final draft of the plan has been released and includes a guide on how to make an objection. Individuals and organizations have standing to object through comments that were made in past drafts. The Council will do our due diligence to make an objection.

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

Mr. Archuleta introduced Vidal Gonzales, who is a CRP graduate student and will work on natural resource issues, including helping land grants obtain farm numbers, which they need to receive NCRS monies. The Council will also look into YCC projects and has coordinated with the Tomé Land Grant on their Healthy Soils Grant Program award. Mr. Archuleta introduced Anissa Baca, who is working with Venessa on youth projects at the LGSP. He reported that the NMLGC and LGSP collaborated with the Tajique, Chililí, Cañón de Carnué, Torreón, San Antonio de las Huertas, Town of Tomé and Manzano Land Grants to apply for a New Mexico Outdoor Recreation Trails + Grant through the Outdoor Recreation Division of the Economic Development Department (in packet). We applied last year and did not receive funding. The goal is to increase outdoor recreation activities and the Council and participating grants seek to leverage \$25,000 in Council funding for 4 additional weeks of work for a total of 10 weeks of work. The NMAG's Equity Council helped when NM Outdoor Recreation presented at their meeting. Dr. Baca, Mr. Archuleta and Ms. Chávez collaborated with Chas Robles of Ancestral Lands Conservation Corps and co-created the narrative, budget, obtained letters of support and put together an outstanding application. Councilor Padilla commented that it is a fantastic application and commended the staff on a great job. The grant will provide for economic development at restaurants near Cerro Tomé. Mr. Archuleta commented that it is a great model to go to interim committee and go after other money to get our kids cross pollinating across individual land grant communities.

## **11. Discussion and Possible Action in Council FY 2021, FY 2022 & FY 2023 Budgets**

*FY 2021*

None.

*FY 2022*

The UNM comptroller finalized its approval 2 weeks ago but DFA has heard nothing. The Council can still back bill to July 1<sup>st</sup>, 2021. 32,000 has been expended on personnel and copier costs. The budget update in the packet only has travel for this meeting as well as the virtual meeting per diem. Those charges are included and total \$1,628.06, excluding today's travels. When we created a budget we allotted funds for law school interns to aid with our project, but we have to pay for health care. If offered as externships, monies paid are a stipend and we don't need to provide health care. Rather than 2 interns, we can get 6 externships (3 a semester) which will give David Benavides necessary assistance. The cost will be 124 hours of \$20 an hour = \$2,480 for each individual and \$14,882 total. Assistantships will therefore change from \$20,250 to \$9,000 and fringe benefits change from \$60,210 to \$56,579.

Councilor Martínez made a motion to approve the change in assistantships from \$20,250 to \$9,000 and fringe benefits from \$60,210 to \$56,579. Councilor Correa Skartwed seconded the motion.

Roll call vote:

Councilor Correa Skartwed - aye

Councilor Martínez - aye

Councilor Padilla - aye

Councilor Polaco - aye

Chairman Sánchez - aye

The motion was passed.

*FY 2023*

The NMLGC did submit a FY 2023 proposed budget to DFA.

## **12. Discussion and Possible Action on UNM Intergovernmental Service Agreement - FY 21 & 22**

*FY 2021*

None.

*FY 2022*

None. Not yet in place.

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

NM Legal Aids contract was just approved. David Benavides continued to provide work even though he didn't need to and externs will assist him, as will the UNM Law School Natural Resources and Environmental Law Clinic. They will look into three encroachment cases at Tomé, Cañón de Carnué and Manzano.

## **14. Discussion and Possible Action on Professional Surveyor Services Contract - Update and Requests**

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

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

The land grant representatives did a walk through with the frontier community initiative from the NM Mainstreet Program. Their assistance will help further develop a master plan into an efficient economic development program. Their architect will visit on September 23<sup>rd</sup> to evaluate the site. Unfortunately, as a frontier community project, it is not eligible for infrastructure funding.

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

The Game commission met a month ago to transfer of the Laguna del Campo property. Councilor Polaco commented that the Tierra Amarilla Land Grant has not yet heard back of the Governor’s office in their request to meet. The water rights were the main discussion.

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

Dr. Baca reported that the Chililí Land Grant submitted the results of their June 27 election. The Santo Domingo de Cundiyo Grant reported that they postponed their election due to COVID and sent in old their bylaws and list of board members. The Cebolleta Land Grant send in their bylaws and board membership and organization.

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

Nothing has progressed in the discussion of the Land Grant Institute. Dr. Baca will present on the ALGE program with collaborators at the Interim Committee. Venessa Chávez (NMLGC/LGSP) is working on the Northern Rio Grande National Heritage Area grant, conducting land grant elder interviews with youth and Lisa Martínez of Tierra Amarilla is doing video editing. The Land Grants and Acequias CLE will be on October 15 and 16 at Cañón de Carnué.

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

The Council was contacted by Bonifacio Vásquez of the Santa Bárbara Land Grant, which has approached the Peñasco Independent School District school Board to ask for a vacant building that they wish to use as Land Grant offices. The District also owns the historic school in Las Trampas. They are hopeful that the school board will transfer the property to the Grant and have asked for a letter of support addressed to the Board. The draft letter is in the packet.

Councilor Polaco made a motion to approve the letter to the Peñasco Independent School Board meeting supporting the Santa Bárbara’s request for the vacant building; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

The Council received an additional letter form a concerned heir regarding the distribution of wood permits on the Chililí Land Grant. A letter explaining the results of the Council’s inquiry into the matter is in the packet.

Councilor Padilla made a motion to approve the letter regarding the distribution of wood permits by the Chililí Land Grant; Councilor Correa Skartwed seconded the motion.

Roll call vote:

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

The motion was passed.

## **20. Discussion and Possible Action on Staff Assignments**

ICIPs have been submitted but many lack ICIP resolutions. ICIPs are important for land grants seeking capital outlay. The Council will now work with the State Auditor to land grants off of the at risk list. There will also be a training with DFA regarding capital outlay on Wednesday September 22, 2021.

## **21. Public Comments – Discussion only**

None.

## **22. Miscellaneous Announcements**

None.

## **23. Date and Location for October, November & December 2021 Council Meetings**

The October 2021 Council meeting will take place on Wednesday, October 20, 2021 at 10:00am in Albuquerque, at UNM STC.

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

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

## **24. Adjournment**

Chairman Sánchez made a motion to adjourn; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed. The meeting adjourned at 1:21 pm MDT.

**Approved:**

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Chair

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Date