

New Mexico Land Grant Council (NMLGC)
November 29, 2022 – 10:00am
In Person and Virtual Meeting (Hybrid)
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106
Zoom ID: 984 4295 8269

**Final Meeting Minutes
Regular Council Meeting**

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:04am MST. Roll call of the Council members: Andrea Padilla, Steve Polaco, and Juan Sanchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Anissa Baca (NMLGC/LGSP); Ricardo Dow y Anaya (NMAG); Leeann Murphy (Carson); Chantal Herrick (Assistant PAO, Santa Fe NF); Jeremy Kruger (USFS R3); Adam Livermore (USFS R3); Tim Hagamann (NM EDD) Lisa Morrison (BLM); Eric Chavez (Office of Senator Ben Ray Luján); A. Montoya; State Representative Miguel P. García

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 Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

4. Approval of Meeting Minutes from October 27, 2022 Council meeting

Councilor Padilla made a motion to approve the meeting minutes of the October 27, 2022 Council meeting; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

5. Discussion and Possible Action on State Land Office Update

Mr. Arturo Archuleta reported that the Villanueva fuelwood project has started and the Bearcat project will start in January.

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

Lisa Morrison (BLM) reported that the Bureau of Land Management has selected a forester for BLM New Mexico. They will announce the new forester once they have completed the hiring

process. The BLM has asked the Council to do a 'Land Grant 101' for BLM leadership from northern New Mexico field offices from the December 13 at 1:00pm. The Rio Puerco RMP is being reviewed by BLM headquarters. The Rio Grande del Norte plan is progressing and the notice of intent to proceed in May 2023. The Farmington RMP is on hold while review of the proposed Chaco land withdrawal (10 miles around Chaco) takes place. Dr. Jacobo Baca (NMLGC/LGSP) announced that the Northern New Mexico RAC will meet virtually on Friday, December 2 (all day).

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

Federal

Mr. Archuleta reported that the Council is working to schedule a quarterly call with the Congressional delegation or a call with Senator Ben R. Luján's and Congresswoman Teresa Leger Fernández's offices regarding the status of the Traditional Use Recognition and Consultation Act. When the bill last passed in the House in 2020, it was passed in December, so there remains a chance of the bill getting moved before end of calendar year and end of this Congress. Mr. Eric Chávez (Office of Senator Ben R. Luján) commented that he has been in touch with the Washington DC office about the bill and reported that Levi Patterson has left Senator Luján's office and taken a position with the Senate Energy and Natural Resources Committee. S. 2708 remains a top priority for the Senator. Mr. Chávez reported that the Continuing Resolution expires on December 16th and negotiations continue, with Congressional Direct Spending in discussion. Senator Ben Ray Luján's will host a webinar on December 7, 11:00am-1:00pm, "Federal Broadband Funding 101: Resources for Local Government."

The Hermits Peak / Calk Canyon Assistance Act provides relief for victims and is being rolled out through FEMA through a case work system. They are holding informational and community listening sessions in San Miguel and Mora Counties. They will be held on December 1 in Mora at Mora High School, December 15 at Memorial Middle School in Las Vegas and January 5, 2023 in Mora at Mora High School. There will be a 2 year application period. Councilor Polaco asked about S. 2980 and stated that many ranchers with permits on the National Forest are concerned. Mr. Chávez answered that he knows little about the bill but will ask Senator Heinrichs office. Mr. Polaco responded that Rio Arriba County Commissioner Moises Morales fears it will take away permits from permittees and that he and ranchers feel threatened. From the text of bill, it appears that permits are voluntary surrendered or donated and people need clarification.

State

Mr. Archuleta reported that the Interim Land Grant Committee has endorsed two bills. The first is the Cristóbal de la Serna Land Grant bill, which will include the grant in general provisions. The bill has some flaws, which were discussed at the November Interim meeting, including that the bill creates the very special legislation that the LCS attorney has argued is disallowed. The second bill is the partition bill, which is unchanged, and adds a "temporary provision" (to p. 5 Section 3) and a savings clause that names rights under the Treaty of Guadalupe Hidalgo. The bill was amended to include Council in a shared role with the NMAG Treaty Division. Also included in the packet is another bill, which was discussed at the interim, which would name all land grants that are operating as political subdivisions directly in statute, which would provide accountability and transparency and ensure that land grants that do reorganize have some sort of affirmative recognition step, especially before receiving a merced assistance fund distribution.

State Representative Miguel García presented, first regarding the partition bill. He provided a background on the bill, its history, its purpose and its opposition. The breakthrough was the Hermits Peak / Calf Canyon Fire, where sub-grants Los Vigiles and Lower Gallinas were effected. The vetoes stopped partitions from being able to access funding to create mitigating programs, including forest restoration, forest thinning and watershed improvement. The partition land grant bill has momentum coming into the session and the Los Vigiles and Arroyo Hondo Arriba Grant presented in Taos at beginning of ILGC session. Rep. García asked the Council to support and to not pursue alternative legislation, even though the bill clarifies land grant status for agencies.

Representative Garcia then discussed pooling junior money appropriations to assist acequias systems damaged in the Hermit's Peak / Calf Canyon Fire. He discussed the needs of these acequias with Paula García, executive director of the New Mexico Acequia Association, who discussed their legislative priorities, including changing the language of the acequia infrastructure fund, new language in the Interstate Stream Commission statute, and a new definition and funding for the Acequia Community Ditch Fund, which deals with adjudications and is administered by the Department of Agriculture. Rep. García's proposal is to do an appropriation for an acequia restoration program using Jr. monies from 10 legislators (\$50k each) to create a \$500,000 fund, which he would like to anchor with the NMLG Council to ensure that the monies materialize in services. He felt that the Council should administer the funding because of its relationship with DFA and advocates in the Local Government Division. He believes it will fall on Mr. Archuleta to administer the funding, with the NMAA consulting and providing field operations and can identify the acequias in most need. Currently there is no centralization of the recovery effort, with FEMA, the NM Department of Transportation, and other state and federal entities. The \$500k is doable and general fund monies that make the funding be available immediately, plus the Council has accountable staff and there is no need for an executive work around.

Council members discussed Rep. García's acequia funding plan and questioned if DFA would be on board with this concept. Would the Council be able to recuperate administrative costs and would monies go to the acequias themselves or to the New Mexico Acequia Association. Chairman Sánchez commented that previously served on the New Mexico Acequia Commission saw that *comisiones* often have a hard time disbursing money; his plan would need to account for this possibility. He also expressed concern about the role of the Acequia Commission and whether this concept should be presented to the Commission. The Administration and DFA might ask about the involvement of the Acequia Commission, especially as DFA provides more services to Acequia Commission than it does to the NM Land Grant Council. Council members asked if the Acequia Commission had been consulted as they do not want the Land Grant Council to be compromised. Rep. García stated that he is willing to sit down with NM Acequia Commission Chair Ralph Vigil but opined that the Commission does not have the abilities that the Council, including a standing staff, and that they lack the relationship that the NM Acequia Association has with acequias.

Rep. García's main idea is to put an actionable proposal forward. Mr. Archuleta discussed the need for continued discussion, including the workload and the roles of the NMAA and NMAC. He suggests the Council have a conversation with DFA, the NMAC, the NMAA to iron out the details. It might be easiest to run monies directly through DFA. Intention is good, but which is the best way to get monies to the communities in need, which way can expedite it. There needs to be a time to discuss, but need to involve all stakeholders.

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

LeeAnn Murphy (Carson NF) reported that Carson National Forest is working to help communities with fuelwood and working to get additional monies to process wood at Rodarte Yard for Santa Bárbara LG and the Trampas LG. The Mora Creative Council is receiving wood from Bear Mountain for Mora area communities. The Carson NF is working with Rowe Mesa, Cristóbal de la Serna LG, Picuris Pueblo and Taos Pueblo. Jack Lewis with the regional office is assisting in coordinating the fuelwood response and the RO may help fund some of these projects. Mr. Archuleta stated that the Council might have monies to help with these fuelwood projects from a special junior appropriation. Councilor Padilla asked where people can get this wood and Ms. Murphy responded that she would work to get specifics as to locations of woodlots, etc. Councilor Polaco inquired about forest mayordomo projects and if any were west of Tres Piedras; Ms. Murphy responded that she will get back to him with more information. In the packet is a letter from Bonifacio Vásquez of the Santa Bárbara LG to Taos County, seeking assistance with wood distribution.

9. Discussion and Possible Action on Natural Resource Issues and Concerns – Local, State and Federal

Mr. Baca commented that the second round of comments for the 30 by 30 initiative was due. The NMLGC's comments pointed out that definitions of "conserved lands" relied on undefined terms, including "*durably protected*"; "*ecosystem services*"; "*climate resiliency*"; even "*natural*"; "*semi-natural*." Comments pointed out that land grant-merced and other traditional communities have been using and conserving land for centuries and a focus on "ecosystem services" and "climate resiliency" will relegate "cultural values" to a tertiary concern when evaluating whether lands meet the definition of "conserved lands." The definition of "climate stabilization area" might offer the flexibility that permanent land designations do not, depending on the definition of "natural" or "semi-natural" state, and stated that holistic range management practices, fuel load reduction and watershed management should be considered. Councilor Padilla commented that the Niagara Bottling Company is asking to triple water its intake. The Town of Tomé Land Grant submitted its concern to the Los Lunas City Council. Mr. Archuleta asked Councilor Polaco if the NRCS clarified the Tierra Amarilla Land Grant's eligibility for NRCS programs, Councilor Polaco stated that they were told they were eligible, but they missed the deadline, which passed in November. Chairman Sánchez asked Kris Graham Chávez when land grants will receive guidelines on how to apply for NRCS programs, especially with the new Farm Bill coming up. Ms. Graham Chávez replied that she would send language from last Farm Bill and the EQIP program manual. Chairman Sánchez stated that the new Farm Bill need to specifically reflect and name land grants and needs to help small and disadvantaged ranchers and farmers. Each NRCS district is different and he hopes that NRCS can work to get a set aside to work with small ranchers and farmers.

10. Discussion and Possible Action on Presentation by Department of Information Technology

None.

11. Discussion and Possible Action on Office of the Attorney General & Treaty Division

Ricardo Dow y Anaya (NMAG's office) reported that Senator Jaramillo and Rep. Garcia visited the gallery and were excited. NMAG staff are working hard on the website, which was shown to Council staff. The NMAG's office would like to present at the December Council meeting. The NMAG's office is transitioning from NMAG Hector Balderas to NMAG-Elect Raul Tórrez, and

legislators are interested in maintaining continuity from AG Balderas to AG Tórrrez, who toured gallery and had positive thoughts.

12. Discussion and Possible Action on FY 2023 Budget

Mr. Archuleta reported that the contract has just been put into the UNM system and won't likely get an index number (and billing won't be generated) until January 2023 meeting. Council travel for the fiscal year is now at \$2,116.06.

13. Discussion and Possible Action on Land Grant-Merced Assistance Fund

The Council's new accountant, Greta Archuleta, will start on December 12th. She is an heir of the Merced del Pueblo Abiquiú. Land grants need to submit their AUP or Tier Certificate by December 15th.

14. Discussion and Possible Action on UNM Intergovernmental Services Agreement

None.

15. Discussion and Possible Action on Legal Services Contract – Update and Requests

New Mexico Legal Aid's contract is in place. Contracts for Joe Lennihan and Holland and Hart are not yet in place. LA contract in place

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

None.

17. Discussion and Possible Action on *United States v. Sandoval*

None.

18. Discussion and Possible Action on Mercedes Unidas Center Update

None.

19. Discussion and Possible Action on Laguna del Campo Update

Councilor Polaco reported that it has been two months since the draft deed was sent to NM Game Commission and the NM Game Commission legal is going to review. Mr. Archuleta added that Commissioner Salazar Henry resigned and Commission does not have quorum and cannot approve any action.

20. Discussion and Possible Action on Land Grant Registry Update

None.

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

Mr. Archuleta discussed youth programming in northern New Mexico, including at Cristóbal de la Serna Land Grant regarding Comanche dancer traditions and work in Tierra Amarilla, where LGSP staff is working with educator Dawn Salazar on a pilot project that will include service learning and campus visits. The LGSP have also been in discussion with the East Rio Arriba SWCD (Marcos Váldez) for a YCC program. Anissa Baca and Jacobo Baca reported that the ALGE 2022 Teachers

Institute Report is early complete. Ms. Baca also shared the latest issue of the *Land Grant Forum* newsletter, which is in the meeting packet.

22. Discussion and Possible Action on Correspondence

The Council received a copy of a letter from the Santa Bárbara Land Grant to the Taos County Commission requesting assistance with fuelwood distribution.

23. Discussion and Possible Action on Staff Assignments

Council staff will work the Town of Tomé Grant to produce a letter to the Village of Los Lunas Council regarding Niagara Bottling Companies request to drastically increase their use of water in Valencia County.

24. Public Comments – Discussion only

Councilor Padilla reported that she is having issues spending the remainder of her capital outlay award (~\$250,00) as DFA continues to reject different requests, from decorative pots to tools for maintenance.

25. Miscellaneous Announcements

The Town of Tomé Land Grant will host a craft fair from 9-3 on December 3rd.

The New Mexico Land Grant-Merced Consejo quarterly meeting postponed as it was in conflict with the New Mexico Acequia Association’s annual Congreso. It has been rescheduled for January 7th, 2023

26. Date and Location for December Council Meeting

The next Council meeting will take place on December 14 at 10:00 am in Albuquerque, location tbd.

27. Adjournment

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

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 1:40 MST.

Approved:

 Chair

 Date