

New Mexico Land Grant Council (NMLGC)
December 14, 2022 – 11:30am
In Person and Virtual Meeting (Hybrid)
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106
Zoom ID: 938 2330 1468

**Final Meeting Minutes
Regular Council Meeting**

1. Call to Order - Roll Call

Vice Chair Andrea Padilla called the meeting to order at 11:32am 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); Greta Archuleta (NMLGC); Ricardo Dow y Anaya (NMAG); Leeann Murphy (Carson NF); A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández); Zach Beherins (Carson NF); Joe Benito Chávez (San Miguel del Bado LG); Lisa Morrison (BLM); Eric Chávez (Office of Senator Ben Ray Luján); Aurora Valdez (Office of Sen. Martin Heinrich); Barbara Romero (Office of Congresswoman Yvette Herrell); Christine Bustos (Santa Cruz Land Grant heir); Leonard Martínez (San Joaquín del Río de Chama LG); James Maddox (NMAG).

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

Lisa Morrison (BLM) reported that the 'Land Grant 101' that was to be put on by the Council for the BLM New Mexico State Office was postponed due to inclement weather. The BLN national office has issued a new release regarding a modified oil and gas leasing policy that was part of the Inflation Reduction Act. A briefing will be held on December 16 and participants much register. Dr. Jacobo Baca (NMLGC/LGSP) reported that he participated in the Northern New Mexico Recourse Advisory Council meeting on December 2. He commented that the field office / district managers provided excellent briefings, including a BLM – Ohkay Owingeh Pueblo land exchange that has been in the planning process for 20 years. The parcel of land purchased by the Pueblo is within the boundaries of the San Joaquín del Río de Chama Land Grant and the BLM lands that they propose to exchange the for are within the historical boundaries of the Santa Cruz de la Cañada Land Grant, but neither grant has been formally engaged throughout the process. The OHV (Off Highway Vehicle) community, on the other hand, provided commentary, which resulted in a change in BLM lands offered in the exchange. Mr. Arturo Archuleta (NMLGC/LGSP) commented that now that land grants have guaranteed revenue streams that hopefully they can acquire parcels in a similar manner, either through exchanges or direct purchases. Ms. Morrison added that the NM State Land Office and BLM land exchange now focuses on the Organ Mountains and Desert Peaks Monument area, which was mentioned as part of the recently passed Dingle Act. Because of this, areas in the Rio Grande del Norte that were part of the proposed exchange have been de-prioritized.

6. Discussion and Possible Action on State Land Office Update

Camila Romero (Nm State Land Office) reported that the contractor for the Villanueva project is finishing up another project and will get started at the Gonzales Ranch the week after Christmas. They have completed some staging for the project. Joe Benito Chávez (San Miguel del Bado LG) added that the San Miguel del Bado Grant is still trying to find a contractor that will pull wood from the Gonzales ranch site to the center. The contractor that they have spoken to prefers a payment of 40% of cords delivered to the center rather than cash payment.

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 November 29, 2022 Council meeting

Councilor Polaco made a motion to approve the meeting minutes of the November 29, 2022 Council meeting; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

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

Federal

Aurora Váldez (Office of Sen. Martin Heinrich) reported that Senator Heinrich’s office is working on reaching an agreement on the Omnibus Bill, including reauthorizing the Recreation Enhancement Act and the Recovering America’s Wildlife Act. The Senate is also working to pass the National Defense Reauthorization Act and is involved in discussions about the 2023 Farm Bill. Councilor Polaco asked Ms. Váldez if the Senator’s office had any updates or background regarding S. 2980, (Wildlife-Livestock Conflict Resolution Act). Ms. Váldez responded that Wildlife-Livestock Conflict Resolution Act has not had a lot of movement in the Senate and pointed out that the Act allows for the voluntary retirement of grazing leases, which her office considers an “an offramp for grazing leases” that those wanting to get out of the cattle business can use to get rid of their leases. The Council was concerned that retirement of the leases would be considered permanent and that grazing families might be coerced into selling their permits. Additionally, there is concern that retirement is permanent and that a market will be created where environmental groups will purchase these permits at high dollar for the purpose of retirement.

While the legislation was created to deal with issues out of the Gila Wilderness, this could negatively impact grazing in the future across the state. The Council is hoping to have a Congressional quarterly meeting in January 2023 to discuss the traditional use and consultation bills (S. 2708 and H.R. 5493) and this grazing retirement bill, S. 2980. Barbara Romero (Office of

Rep. Yvette Herrell) reported that her office has heard concerns about the grazing legislation from constituents. She thanked the Council for their work and for her time with Rep. Yvette's office. The Council has discussed the communal grazing concept in the past, where land grants would hold and manage communal permits and the loss of the lease is less likely. Management practices by the U.S. Forest Service, including travel management creating roadless areas and wilderness expansion, have affected the viability as fewer stock raisers have horses and use quadrupeds to access grazing areas and move their herds. Communal grazing, which was historically practiced by our communities and was present on federal lands through the 1940s and 1950s, would allow flexibility and help affordability and assist small head stock grazers.

A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández) reported that hiring fairs related to the Hermit's Peak / Calf Canyon Fire recovery are taking place in Santa Fe today (12/14) and Las Vegas tomorrow (12/15). FEMA is also holding public meetings to collect information and Congresswoman Leger Fernández's office is monitoring the meetings. There will also be a Farm Bill roundtable discussion roundtable at the Santa Fe Farmers Market next week. There is no movement on the Traditional Use Bill in Senate and the Congresswoman's office is hoping to see it move before end of the year. Their office has discussed the possibility of including it in a larger funding bill. Eric Chávez (Office of Senator Ben R. Luján) commented that Senator Ben R. Luján's office is continuing to have discussions about the traditional use bill, including discussions late this week or early next week. Regarding the Farm Bill, the Senator's office hopes to have more thorough discussions with the Council on legislative priorities, including grazing.

Mr. Chávez reported that Senator Luján attended the NMAA's Congreso de las Acequias in Las Vegas in December. Councilor and Vice Chair Padilla attended as well and commented that it was a good event. The NM Congressional delegation is working on more outreach, including a letter to FEMA regarding concerns with rules and regulations. There will be more information sessions, on December 15 in Las Vegas at the Old Memorial Middle School and on January 5th in Mora at Mora High School. Senator Luján also hosted a rural broadband webinar that was attended by several land grant representatives, including Councilors Padilla and Polaco. He was also involved in bi-partisan letters regarding concerns of western farmers and ranchers about drought, public land access, conservation funds, etc. Councilor Padilla encouraged people to visit and see the needs of the Hermit's Peak and Calf Canyon effected communities, which were devastated and in of flood control work. Councilor Polaco asked of there were any updates on Northern New Mexico College's solar array project in the El Vado area near Tierra Amarilla. Mr. Chávez spoke with NNMC interim president Barbara Medina, who did not submit for Congressional Direct Spending for this project and prioritized other, lower cost projects. In the new year, Senator Luján's office will discuss this with new NNMC President Balderas. There could be changes to Congressional Direct Spending. Leonard Martínez (San Joaquín del Río de Chama LG) commented that his grant is still having problems with EIN and CRS numbers and are still requesting help from the Congressional delegation to get the issue fixed. He added that the Farm Bill needs to be updated and the EQIP program tweaked to ensure land grants can effectively used EQIP and other federal programs. Mr. Archuleta added that he has been in contact with the Senator's office regarding S. 2708, the Traditional Use and Consultation Bill, and has provided additional information to the Senator's office, including information regarding tribal consultation and concerns over tribal overlap, which was shared with Council members. Mr. Chávez responded that they will have a call to discuss the bill on Thursday, December 15, at 12:00 noon. Levi Patterson has left Senator Luján's office and Alana Purdy Montesinos has taken over the lead on S. 2708.

State

Mr. Archuleta reported that he participated in a follow up meeting with DFA regarding Rep. Miguel García's proposal to run funding acequias effected by the HP/CC Fire through the Council. At the meeting, DFA Secretary Debbie Romero stated that the Governor's emergency executive order made available monies administered through the Department of Homeland Security. She added that the it would be more appropriate to run the funding through NM Acequia Commission or the Office of the State Engineer / Interstate Stream Commission than running it through the Council, and added that DFA or the agency would need 5% to administer the monies. Rep. Garcia also asked that the concept bill naming all land grants operating as political subdivisions in statute not be moved as he believes it will interfere with the partition and Cristóbal de la Serna bills. Council members discussed the importance of keeping momentum on the partition bill, but reasoned that naming the Cristóbal de la Serna Grant in statute certainly justifies naming other grants as well. They also mentioned that federal, state, county and local agencies and officials and financial institutions are still questioning land grants as political subdivisions. Chairman Sánchez stated that the Bernalillo County attorney raised questions about the Chililí Grant just this morning at a tax hearing. While the concept of naming all land grants in statute has not been in any ILGC agendas, it has been discussed and vetted by land grants themselves for years and the Council cannot think of a land grant that would not want to be listed. Incoming Speaker of the House Rep. Javier Martínez would likely be supportive of this legislation as important policy and it would have to wait until 2025 if it is not proposed in the 2023 session. This would also set the bar for what communities organizing would need to be recognized by the legislature. Partition grants have tried for years and have done their due diligence. Council members approved the concept bill and asked staff to pursue the legislation. Mr. Archuleta reported that incoming House Speaker Martínez wants to visit land grants in the north, likely between Christmas and the New Year. More than likely it will include visits to the Mercedes Unidas Center (the former PLVC), the Tierra Amarilla area, including the PLVC and the Colonia de José María Martínez, and the Laguna del Campo.

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

LeeAnn Murphy of the Carson National Forest reported that fuelwood is being delivered to Luna Community College where it is being distributed to surrounding communities. Jack Lewis will begin his position as a Deputy Forest Supervisor in March. Gabe Romero of the Camino Real Ranger District will be the acting deputy supervisor for the east zone. The Carson National Forest continues to work on the Hermit's Peak and Calf Canyon fire recovery and on the Enchanted Circle Restoration Project. Angie Krall continues as the acting deputy director for the west zone. Angie Krall will put together meetings in January and February to discuss the forest mayordomo and forest mayordomo projects in Rio Arriba County with J.R. Logan.

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

None.

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

Senator Ben R. Luján held a broadband information meeting in December 7. Both Councilor Polaco and Councilor Padilla attended the virtual session and said it is highly informative.

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

Ricardo Dow y Anaya (NMAG) and James Maddox (NMAG) presented the Land Grant and Acequia Digital Repository. Dr. Dow y Anaya commented that Senator Leo Jaramillo and Rep. Miguel García visited the gallery and repository and were impressed. They hope for continuity with new Attorney General Raul Tórrez.

12. Discussion and Possible Action on FY 2023 Budget

It is not likely that we will have items from the UNM IGSA until the February 2023 Council meeting. More than \$100,000 will be charged to the IGSA, which is mostly personnel expenses, once it is completely implemented. \$150,000 in junior money targeted for youth programming is also under the IGSA. The Council has yet to hear anything back from the Risk Management Division, which was preparing questionnaires and/or applications to share with land grants. Tort insurance will be prorated for the remainder of FY 2023 as RMD cannot buy insurance with funding crossing fiscal years. Third party insurers might be able to purchase coverage for extended periods.

Several land grants are involved in wood distribution projects. Both the Santa Bárbara and Trampas Land Grants received \$40,000 in federal monies to hire a contractor to process the wood at a cost of about \$150 per cord. A foundation also donated \$30,000 and loaned an additional \$40,000. Fuelwood distribution will continue between Christmas and New Years. The Council was appropriated \$80,000 in junior monies for operating costs that were to be spent on RMD insurance coverage and bonding, but delays from RMD are going to result in a shorter coverage window and unspent funding. \$10,000 of this funding could be granted to the Santa Bárbara and Las Trampas Land Grants for fuelwood distribution.

Councilor Polaco made a motion to grant a total of \$10,000 to the Santa Bárbara and Las Trampas Land Grants for fuelwood distribution; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

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

Land grants have been working with the DFA Local Government Division Budget and Finance Bureau and are getting their budgets approved. Land grants will need to move money between accounts as all monies from the state will be deposited into one account and land grants must keep LGMAF and capital outlay funding separate. One account will be the land grants general fund and the other should be used exclusively for capital outlay. All land grants will need an AUP to review all transactions. The Council is looking into software options for budget management, including Quickbooks and other alternatives. Councilor Polaco reported the Tierra Amarilla Land Grant hired an accountant and would like to meet with Ms. Greta Archuleta to look over their budget and finances.

14. Discussion and Possible Action on UNM Intergovernmental Services Agreement

The FY 2023 IGSA has just been put into place and an index has been assigned, but no billings will be generated until February 2023.

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

No new requests for legal services have been received. The NMLA contract is in place and NMLA continues to work with the Juan Bautista Baldés Land Grant on the adverse possession claim and the Abiquiú Land Grant on their water adjudication with the OSE. Contracts for Joe Lennihan and Holland and Hart are still under review.

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

Mr. Archuleta reported that he will be meeting with surveyor Chris Chávez to plan work this fiscal year. Mr. Chávez wants to close out the Santa Bárbara Land Grant and Tajiique Land Grant projects and has ideas on how to complete the San Joaquín del Río de Chama LG without the deed. Mr. Martínez responded that he will visit the county clerk to find the deed for the morada property and will scan and send it to the Council and Mr. Chávez.

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

Mr. Archuleta reported that he is planning to conduct research related to the *U.S. v. Sandoval* case as part of an independent study with the law school. Mr. Martínez stated that the San Joaquín del Río de Chama set aside monies for *U.S. v. Sandoval* research and would like to hire law student to do work.

18. Discussion and Possible Action on Mercedes Unidas Center Update

Councilor Polaco reported that they have an RFP in January for electrical work.

19. Discussion and Possible Action on Laguna del Campo Update

None.

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 reported that Council staff are working on youth programming, especially those projects funded by a special junior money appropriation. This includes youth programming related to the Cristóbal de la Serna Land Grant, work with the Tierra Amarilla Land Grant, and a possible partnership with the East Rio Arriba Soil and Water Conservation District. Dr. Baca presented the final ALGE 2022 Teacher’s Institute Report to Council members. 2023 ALGE plans include another workshop in conjunction with the NM Association for Bilingual Education Conference in April 2023.

22. Discussion and Possible Action on Correspondence

The Council received a letter from the Ranchos de Taos Neighborhood Association inquiring of any organizing of the Gijosa Land Grant. The Council also forwarded information regarding a job fair for positions related to Hermit’s Peak and Calf Canyon relief efforts.

23. Discussion and Possible Action on Staff Assignments

None.

24. Public Comments – Discussion only

Mr. Padilla reported that the Consejo executive committee met to discuss 2023 Treaty of Guadalupe Hidalgo Day plans. The commemoration will take place in person on Thursday, February 2, 2023. The Consejo has determined the lifetime achievement award recipients, this year’s pin (Town of Tomé was randomly selected from those land grants that have paid their membership dues) and discussed food and catering options. At a recent Consejo executive committee meeting, Councilor Padilla stated that Monica Rodríguez of the San Joaquín del Río de Chama looked at land grants pulling together to purchase wood processor, which run around \$88,000; Councilor Padilla asked if there would be issues with no ownership. Mr. Archuleta responded that grants would simply need to have an agreement for use and maintenance and should consider proximity for transport and use schedules, and whatever planning would help avoid conflicts.

25. Miscellaneous Announcements

None.

26. Date and Location for January 2023 Council Meeting

The next Council meeting will take place Friday, January 20th on at 10:00 am in Albuquerque, location tbd.

27. Adjournment

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

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 2:06 MST.

Approved:

Chair

Date