

New Mexico Land Grant Council (NMLGC)
May 17, 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: 941 8256 7965

**Final Meeting Minutes
Regular Council Meeting**

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:06am MDT. Roll call of the Council members: Andrea Padilla, Rebecca Correa Skartwed, Leonard Martínez, Steve Polaco, and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martínez (NMLGC); Rebecca Correa Skartwed (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Anissa Baca (NMLGC/LGSP); Stephanie Garcia-Richard (New Mexico State Land Commissioner); Joey Keefe (NM State Land Office); Ricardo Dow y Anaya (NM Attorney General’s Office); A. J. Pacheco (Office of Congresswoman Teresa Leger Fernández); Eric Chávez (Office of Sen. Ben Ray Luján); Ashley Wright (USFS); Jacob Trujillo (Office of Congresswoman Melanie Stansbury) Phillip Clark (San Antonio de las Huertas LG); Camila Romero (NM State Land Office); Novela Salazar (NM Attorney General’s Office); Lisa Morrison (BLM); Tim Hagaman (NM EDD); Michiko Martin (USFS – Regional Forester); Sherry Schmenke (USFS - Dep. Reg. Forester); Punky Moore (Fire Communication Specialist – USFS - R3); Lia Stefanovich (Rep. Melanie Stansbury); Eric Romero (NMHU); James Durán (Forest Sup. - Carson NF); Michael Lujan (Camino Real RD – Dist. Ranger); Kristen Graham-Chávez (NRCS); Jennifer Ruyle (USFS - Burned Area Coord. Response); Julie Anne Overton (PAO, Santa Fe NF).

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

The motion was passed.

4. Approval of Meeting Minutes from April 20, 2022 Council meeting

Councilor Polaco made a motion to approve the meeting minutes of the April 20, 2022 Council meeting; Councilor Correa Skartwed seconded the motion.

Roll call vote:

- Councilor Padilla – aye

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

The motion was passed.

5. Discussion and Signing of State Land Office MOA – Land Commissioner Garcia Richards

New Mexico State Land Commissioner Stephanie Garcia Richards (NM SLO) the meeting to sign a Memoranda of Agreement between the State Land Office and the NMLGC for fuelwood harvesting projects in collaboration with land grants near and/or on land grant properties. The MOA expires in 2026. Commissioner Garcia Richards and Council members discussed expanding the fuelwood program, especially in light of the fires across the state and the coming need for fuelwood. Council members and staffed thanked Commissioner Garcia Richards and the SLO for stepping up after the MSO injunction and for wood projects with the San Joaquín and Santa Bárbara Land Grants. The SLO reported that the Bearcat Project will be delayed because of the dry weather and high fire danger. Commissioner Garcia Richards added that the state land office is opening leased land to evacuated livestock. Commissioner Garcia Richards and Chairman Juan Sánchez signed the MOA between the NMLGC and the NM SLO.

6. Discussion and Possible Action on U.S. Forest Service – Including Fire Updates

Ashley Wright (USFS) introduced Michiko Martin, Regional Forester, USFS Region 3, who introduced Sherry Schwenke, the Region 3 Depute Regional Forester. Punky Moore (USFS) provided fire update: in New Mexico there are 12 incident mgmt. teams, 48 aircraft, 107 crews, 253 engines and about 4,000 personnel working the fire. The Hermit's Peak / Calf Canyon Fire is at 299,565 acres and many villages around Mora have repopulated. Peñasco was on ready status. The Black Fire, north of Silver City in the Gila and Aldo Leopold Wildernesses, exhibits extreme fire behavior and is at 56,132 acres and is 0% contained. The Cerro Pelado is at 62% containment and the Bear Trap fire on the on Cibola NF outside of Magdalena 15,205 acres and is 28% containment.

James Durán (Carson NF supervisor) reported that the Carson NF was moving from stage 2 to stage 3 fire restrictions, meaning full closure by Thursday (May 19). Closures typically happen in June for 15-30 days but the dry conditions mean that the only relief from the fire will come with monsoon rain. Each forest will go through process to help permit holders and provide exemptions. The Hermit's Peak / Calf Canyon Fire effects many traditional communities and is a unique situation for the incident management teams. The weather is challenging with 25 of 30 days being red flag and periods where the red flag days are extreme, with 48 hours straight of 60mph winds. Mr. Durán stated that the Carson NF is working to protect traditional communities and values at risk, including sacred spaces and acequias. They will work with the Santa Barbara, Trampas, and Mora LGs to see where they can help the USFS to understand values to protect these areas and try to minimally impact these areas. The chief focus is currently on protecting homes and structures in Holman, Guadalupita, Chacón and Angostura. The Camino Real Ranger District will host a meeting in Peñasco on Thursday, May 19: the goal is to give land grants and acequias impacted briefing on incident.

Jennifer Ruyle (USFS) commented that the USFS is dealing with fire right now, then will deal with the post fire season. She co-chairs the Burned Area Coordinated Response team with Colin

Haggerty of NM State Forestry, which meets on Mondays at 1:00pm. Participating agencies share info and look for areas to coordinate, look to get resources on ground. (The NMLGC attends through its staff). Active BARE teams are on all incidences. Identifying the values at risk is important and the team looks forward to coordinating with land grants and acequias. Councilor Padilla commented that this fire has hit her personally and its been hard. Her 72 year old sister lives in Rociada with her 85 year old husband and has spent 20 days away from home. His family is one of the families that has maintained Maestas canyon for hundreds of years. He is devastated. Their mountains have burned and they lost corrals and hundreds of bales of hay. She added that she hopes USFS will listen to communities when to burn and not burn. Traditional communities have hundreds of years of experience and maintained the forests, taking out dead and down trees and grazing animals. DO NOT do a controlled burn in March and April. At Rociada, the cemetery is burned, their canyon is gone. Sometimes people don't realize herederos connection and love of this land and when we rebuild, let's do this right. For those lucky enough not to lose home, where are they getting firewood this year?

Councilor Polaco applauded Councilor Padilla for her comments and added that grazing animals to thin forest should be allowed. Partially burned wood should go to the people, not millionaires and the USFS appears thoughtless when issuing prescribed burns. He added that with Native Americans communities, land grants are stewards. Grazing and wood hauling are important to land grant communities. Councilor Martínez asked that the USFS answer the question about fuelwood. Ms. Martin stated that the USFS hears land grant concerns and values your traditional knowledge and commits to continuing movement in that direction. The USFS seriously considers our best available science in their assessments. The US southwest is the direst its been in 1,000 years is amidst a 22 year drought. Fuel loads are extreme and the moisture content of the forest is extremely low, with the 1,000 hour moisture index between 4-5. As a comparison, kiln dried wood bought from a lumberyard has a moisture index of 10. The winds are extreme and a NOA scientist commented that the conditions were the worst he has seen in 30 years.

Regarding fuelwood, Ms. Martin commented that the USFS is committed to trying to increase delivery of fuelwood to communities. They would like to use the infrastructure bill to get this wood to communities and hope the funding could be used at least for transportation. Councilor Martínez commented that most of these rural homes average between \$17,000 and \$24,000 in income and rely on the mountains for traditional uses. All of this is being threatened. He asked of the southwest regional office has 30, 60 and 90 day plans, who decided to light the fire in March or April? When people come to New Mexico on a USFS detail and leave the state for other opportunities, we stay here with problems. Ms. Martin responded that the USFS is sitting on a firebomb and if the USFS does not take drastic action how to reduce fuel loads, the USFS won't have anything to manage. Criteria, including the "best available science," is used to determine when to burn. Mr. Durán added that the USFS takes land stewardship seriously and prescribed fire is part of that. The USFS has invested a lot in watershed health and restoration work. The agency agrees that "agua es vida" and that catastrophic wildfires effect the watershed and argue that a lot of planning and coordination happened before a prescribed wildfire is started. According to Mr. Durán, the Hermit's Peak is adjacent to communities and the prescribed fire was started to reduce the risk of wildfire. Some fires need wind to complete fire and prescribed fires are not a risk free environment and the USFS works to bring local land owners, permittees, grazers, to look at impacts to allotments, water resources, cultural values, etc.

Councilor Martínez responded that he understands the utility of prescribed burns. Land grant communities do this when they backburn, but do so in the fall, when the moisture content is up, and it is not as windy. He added that the planning and execution are his issues with these incidents. The NMLGC understands the planning and manpower that it takes to execute a prescribed burn, but there needs to be some accountability. Everyone needs to learn from these fires and know how to do this the right way so we don't get this wrong again. Ms. Martin responded that Randy Moore, Chief of USFS, has ordered an independent review of the Las Dispensas prescribed burn that turned into Hermits Peak Fire, which should be completed within 14 days. It was, at one point, 90% contained. Councilors clarified that they are not against controlled burns but are concerned about their timing in the spring when the dryness of wood is so high. Dead and down wood is too dry to allow people to get firewood but not too dry for prescribed burn? Where is the logic? Councilors asked what were the conditions on April 6 and what the changes from April 6 to the present. Was their considerable change? Did numbers change that much in a month that it made sense to start the burn?

Ms. Martin responded that there is a risk tradeoff in the fall, when Region 3 is not allowed to do prescribed burns because the nation as a whole is in preparedness level 5. In the Southwest, monsoons end fire season, whereas in Oregon and Califas, the fall is their fire season, so USFS assets are there, not here. Jacob Nuttall (USFS) added that he could not dive into specifics regarding the moisture content of the forest on April 6 because he does not have the data. Live and dead and down levels are considered. A snowstorm at end of March in Las Dispensas area made favorable fire conditions and it was not as dry as it is now. Mr. Archuleta added that this is a difficult topic and these are unprecedented fire occurrences. He stated that it is unfortunate that we have decisions made at national agency level and this has been a struggle that our communities that have fought for more than a century, especially dealing with national trend and national priorities. In "Land Grant 101" education sessions that the Council provides to the USFS, we talk about the frustrations of local community and the fact that we are not going away. The prioritization of the fire season in the Pacific Northwest is the product of imperialism in west and public lands reality for centuries and sours our view of public lands. Where does best available science meet local knowledge? The fire goes into wilderness and the USFS cannot get in there with mechanized and motorized. Does the Wilderness Act of 1964 reflect the best available science for 2022? The entirety of the national forest system lands in New Mexico were effectively closed and all activity was halted because of the injunction protecting the Mexican Spotted Owl, even though a small percentage of the lands were actually MSO habitat.

The Santa Bárbara Land Grant is frustrated because they have been asking the Camino Real Ranger District for a fuel reduction treatment at Bear Mountain. They even applied for a CFRP but were not awarded because a larger scale NEPA was not completed. Now, fire is dropping onto Bear Mountain, threatening the watershed and communities. Our question to the USFS and policy makers is *when is this going to happen? When will we be included in the management of our forests?* In the forest planning rule in 2010, the USFS stated that the ponderosa pine would be gone by 2030 due to climate change. We are asking for accountability. The 2016 Dog Head Fire is another example of a treatment that reduced fuel load and the Chililí Land Grant lost 10,000 acres of forest and *got nothing* in return, even though the USFS told people that they were going to be made whole. For the subgrants of Lower Gallinas and Los Vigiles, they lost 50-66% of common lands, which were an important part of the Gallinas watershed that feeds the reservoir that provides water to the City of Las Vegas.

Mr. Archuleta asked Carson NF supervisor James Durán about access for the acequias during the forest closures. Additionally, will the USFS work with Trampas to access their cemetery when the forest is closed. Ms. Martin responded that she does recognize conflict regarding how USFS lands came into federal management and that the USFS is committed to stewarding them to the best of our abilities. She accepts criticisms of the USFS and commented that while the infrastructure bill is great, they need six times that amount of money to just take care of highest priority firesheds. Fire suppression funding dwarfs restoration and reduction funding. Mr. Durán added that the Carson NF will work to provide access to land grants through exemptions. We will have conversations on how to mitigate that risk and want the continuation of operations, including an exemption granted to acequia commissions. The exemption and mitigation order is no guarantee but will take an in depth conversation. They will meet with Peñasco area land grants and acequias on Thursday, May 19 to discuss. Councilor Martínez advised that in light of the early fire season, the USFS should start issuing permits on April 1 rather than May 1. Councilor Polaco added that the USFS should allow communities to take the partially burned wood to meet the fuelload reduction and firewood needs. Chairman Sánchez thanked the USFS for their presentation.

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

Lisa Morrison offered her prayers, listened very closely to what was said and the effect communities and will talk to BLM managers about earlier access to the fuelwood. All BLM offices are selling fuelwood permits. The fire restrictions are on their website. Sabrina Flores has been named as the new BLM Albuquerque District Manager. She is from Santa Rosa and is a NMHU graduate. The Farmington Mancos Gallup plans is still working with Navajo and Pueblos to do ethnographic studies related to the plan. The Rio Puerco RMP is in process and the Rio Grande del Norte remains in preplanning. Ms. Morrison closed by announcing that Melanie Barnes has been named the permanent state director for the BLM for New Mexico (and Oklahoma, Texas and Kansas).

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

Federal

AJ Pacheco (Office of Congresswoman Teresa Leger Fernández) stated that there are no updates on the Traditional Use Bill. They are meeting with locals to offer their assistance with the fire damages from the Hermits Peak fore through the Hermits Peak Assistance Act. Congresswoman Leger Fernández plans to meet with the All Pueblo Council of Governors to discuss the Land Grant-Merced Traditional Use Act. Eric Chavez (Office of Senator Ben R. Luján's Office) added that the is looking for funding and resources to fully compensate those who have had their properties destroyed in the fires. Mr. Archuleta asked if there would be an opportunity to change some of the language of the bill.; Mr. Chávez responded that he would look into it. Both Congresswoman Leger Fernández and Senator Luján attended the signing of disaster area designation with President Biden and Vice-President Harris.

State

The Interim Land Grant Committee held its organizing meeting June 13 and created the following schedule. August 18-19 in Taos (hosted by Arroyo Hondo Arriba Land Grant); September 22-23 in Chililí, October 20-21 in Abiquiú and November 22 in Santa Fe. The Council reached out to the Governor's office regarding subgrants and political subdivision status, which would make the

subgrants eligible for much needed restoration funding from the state. Future legislation might mention that the status does not affect or extinguish rights of mother grant.

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

Mr. Archuleta commented that Kris Graham Chávez did send info and guidance on USDA programs.

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

Ricardo presented the most recent developments of the AG’s Treaty Division’s depository and his ideas for the collection.

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

Arturo provided an update and different qualifications for the Land Grant-Merced Assistance Fund. He discussed the possibility of providing funding for land grants’ bonding insurance.

12. Discussion and Possible Action on FY 2022 & FY 2023 Budget

FY 2022 Budget Update: new invoices for Legal Services Contract have come in, \$55,739.26 has been expended to date. In state travel amounts to \$5,783.94, YTD. Out of State Travel has not been spent. The UNM Contract total, YTD, is \$183,809.93, including staff salary and fringe amounting to \$137,128.83 and \$30,650.02 in F&A. Total NMLGC budget expended to date is \$245,333.13.

13. Discussion and Possible Action on Land Grant Support Fund

Anissa Baca (NMLGC/LGSP) gave an update on Land Grant Support Fund recipient’s status.

14. Discussion and Possible Action on UNM Intergovernmental Services Agreement

Pay request number 7 was presented for \$28,050.29 including \$15,801.50 in project personnel, \$5,088.44 in the surveyors contract and \$4,675.05 in F&A charges.

Councilor L. Mtz made a motion to approve pay request number 7 for \$28,050.29; Councilor AP seconded the motion.

Roll call vote:

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

The motion was passed.

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

Invoice number 2 for Chris Chavez’s work on Anton Chico and other land grants. Chris Chavez gave the Council a presentation on his work.

Councilor Martinez made a motion to approve invoice 2 from Territorial Land Surveying for \$12,721.09; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

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

Three pay requests were presented by Mr. Archuleta.

Councilor Padilla made a motion to approve Pay Request number 8 was for \$7,500.00; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Polaco made a motion to approve Pay Request number 9 for \$1,662.50; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Polaco made a motion to approve pay request number 10 for 10,184.92; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

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

Dr. Garcia y Griego was going to give an update, but he was unable to attend.

18. Discussion and Possible Action on Mercedes Unidas Center Update

Councilor Martinez and Councilor Polaco updated the Council on the final report for the Mercedes Unidas Center.

19. Discussion and Possible Action on Laguna del Campo Update

Councilor Polaco gave an update on the Laguna del Campo site.

20. Discussion and Possible Action on Land Grant Registry Update

The following items were sent to the New Mexico Community Land Grant Registry.

- San Antonio de las Huertas - election results of April 4, 2022 election
- Merced de Manzano - results of election of April 18, 2022
- San Joaquin del Rio de Chama Land Grant - agreed upon procedures, year ending June 30, 2021.

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

Anissa Baca reported that the Land Grant Studies Program led the May 7 convening of the 2022 ALGE Teacher’s Institute. The event was very successful and well attended. She reported that Jacobo Baca presented with Councilor Correa-Skartwed at the Placitas Community Library on May 15 and at UNM on April 22 as a part of Earth Day at UNM.

22. Discussion and Possible Action on Correspondence

None.

23. Discussion and Possible Action on Staff Assignments

None.

24. Public Comments – Discussion only

None.

25. Miscellaneous Announcements

None.

26. Date and Location for June Council Meeting

The June 2022 Council meeting will take place on June 15, 2022 time at 10:00am virtually and in person in Albuquerque.

27. Adjournment

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

Roll call vote:

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

The motion was passed. The meeting adjourned at 2:58pm MDT.

Approved:

Chair

Date