

New Mexico Land Grant Council (NMLGC)
July 13, 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: 960 8191 0445

**Final Meeting Minutes
Regular Council Meeting**

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:13am 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); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martínez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Anissa Baca (NMLGC/LGSP); Ricardo Dow y Anaya (NM Attorney General's Office); Novela Salazar (NM Attorney General's Office); A. J. Pacheco (Office of Congresswoman Teresa Leger Fernández); Eric Chávez (Office of Sen. Ben R. Luján); Ashley Wright (USFS); Jacob Trujillo (Office of Congresswoman Melanie Stansbury); Camila Romero (NM State Land Office); Lisa Morrison (BLM); Tim Hagaman (NM EDD); Sofia Sanchez (Rep. Melanie Stansbury); Eric Romero (NMHU); James Durán (Forest Sup. - Carson NF); Julie Anne Overton (PAO, Santa Fe NF). Barbara Romero (Office of Representative Yvette Herrell); Jennifer Ruyle (USFS – BAER Team); Alfonso Duran; Melinda Evans (San Antonio de las Huertas Land Grant heir); Anna Jaramillo Scarborough (Regional BAER Coord., USFS); Bonifacio Vásquez (Santa Bárbara Land Grant).

3. Approval of Agenda

Mr. Arturo Archuleta (NMLGC/LGSP staff) stated that item 18 is repeated and can be deleted from the agenda.

Councilor Rebecca Correa-Skartwed made a motion to approve the agenda; Councilor Andrea 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.

4. Approval of Meeting Minutes from June 15, 2022 Council meeting

Councilor Steve Polaco made a motion to approve the meeting minutes of the June 15, 2022 Council meeting; Councilor Leonard Martínez 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 Possible Action on Federal and State Legislative Update

Federal

A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández) reported that Congresswoman Teresa Leger Fernández's office is trying to get a markup from the House Natural Resource Committee on the Land Grant-Merced Traditional Use Bill (H.R. 5493). Congresswoman Leger Fernández is working on fire recovery and is supportive of fuelwood projects by the land grant communities and the Council. She will not make the opening of the NMAG's Gallery and Repository but will send a congratulatory greeting. Eric Chávez (Office of Senator Ben R. Luján) reported that S. 2708 is going to markup, but it has been pushed to end of July from June. Mr. Archuleta reported that he is waiting to hear back from markup

State

The Interim Committee won't meet until their August meeting in Taos hosted by the Arroyo Hondo Arriba Land Grant. Arroyo Hondo Arriba Land Grant president Joaquín Argüello stated that he would like to host the meeting at their campgrounds but will scheduled facilities if it is not possible.

6. Discussion and Possible Action on U.S. Forest Service

Jennifer Ruyle (USFS) reported that the Hermits Peak and Calf Canyon burned area reseeding contract is out for contractor, as is the reseeding contract for the McBride Fire. Road work is starting and storm patrols are at work after the storms. There may be opportunity for road work and fence work for local workers/contractors. She commented that perhaps the NMLGC may help local contractors up and running for hazard tree felling and fence building. The USFS is working on acquisition abilities to get goods and services deployed in timely manner. Jack Lewis (USFS) reported that there are 5,000 cords of fuelwood on the line, 3,000 more cords to come off the line later. Cords of fuelwood have been sent to Picurís Pueblo, the Las Trampas Land Grant and the Santa Bárbara Land Grant. The Truchas Land Grant, Cristóbal de la Serna Land Grant and communities of Mora and Las Vegas have received cords as well. The USFS met with the NM National Guard are excited to assist but need support for loading and offloading and are working with the New Mexico State Forestry Division for assistance. Currently the USFS is focusing on flood control and commercial haulers are operating to move as much as possible. Later smaller local contractors and the public will gain access.

James Duran (Carson NF supervisor - USFS) commented that the plan for recovery continues to be modified for the ever-changing environment. Priority was first to remove hazardous fuels – first was to move hazardous fuels from the contingency sites, finding distribution sites for fuelwood throughout small communities. Goal 1 was to remove fuel from the contingency line and involved looking for landings and yards until distribution site. Goal 2 is the distribution to sites within the community. Fuelwood is important as the forest was closed for considerable time, which added to need. The highest priority is for Mora, San Miguel and Taos counties and those areas most effected. People are asking who sawmills are gaining access first and this is because of logistics

and capacity because of weather. This is phase 1 and will take time. It includes an interest in bringing back local industry and to put people back to work and onto the landscape. Personal firewood forests areas are open now and more area will be opened. Environmental partners asking about roads, when they will be closed. The intent is to remove fuelwood associated with line and to repair to a pre-fire state and close roads. This work will continue across the Santa Fe and Carson National Forest and Mr. Durán will be the supervisor of both the Carson and Santa Fe National Forests for the next 120 days.

Bonifacio Vásquez (president, Santa Bárbara Land Grant) stated that the Camino Real Ranger District is closed, and people are turning to poaching wood. James Durán stated that the entire district is not closed, mostly areas around NM 518 where there might be closed because of flooding a risk that could take lives. Fuelwood permits are now being sold and permits are being sold at all district offices. Mr. Vásquez commented that the Trampas area is now open, and the land grants hope that they continue the fuelwood project in the NEPA cleared area. The Trampas and Santa Bárbara Land Grants were working on a project for stewardship blocks in Ojito area near Chamisal. Taos County approved \$30,000 of funding to assist with the distribution of fuelwood from the Calf Canyon – Hermits Peak Fire three weeks ago, but getting the document signed, to the U.S. Forest Service, and back has been impossible. He commented that he deals with people asking why they cannot get firewood.

Mr. Durán responded that until all fire related operations are done, including work on the contingency lines, areas of the forest service will be closed to the general public. He added that he will look into the delay in processing the government-to-government agreement, which is unfortunately the nature of the bureaucratic process. His focus now is looking forward – more permits, more access, and better coordination. Joaquín Argüello (president, Arroyo Hondo Arriba Land Grant) commented that the Arroyo Hondo Arriba Land Grant is collaborating informally with Taos Ski Valley on thinning project like the Cerro Negro project. He visited with JR Logan and others to Taos Ski Valley. Rather than taking lumber to lumber mill to Colorado mill owned by TSV owner, he suggested drop some wood off for community on the way to their mill. The issue is managing the project. At Cerro Negro, the community has used the mayordomo model and they have asked Taos County to collaborate and provide funding for a mayordomo. Mr. Durán responded that the real challenge for the southwest is transportation.

Councilor Martínez added that the degrading of the logging industry in our communities has made firewood and transporting it an issue. This was an issue before the fire and even more so after the fire. Now we have to rely on the state of New Mexico to transport the fuelwood, because small communities no longer have the capacity for this anymore – there have not been enough contracts. He asked how the National Guard plans to do this transport and doubted their capacity. Mr. Vásquez responded that the National Guard will fulfill their mission, this on being transporting fuelwood. Councilor Padilla added that if land grants are starting to get money from the State they could pool their money into a collective and pay for some of these projects for the greater community benefit. Mr. Archuleta added that \$80,000 is going to be given to the Cristóbal de la Serna Land Grant and perhaps they can use Mr. Vásquez's idea/plan as a model.

Mr. Bonifacio Vásquez presented, stating that the Santa Bárbara Land Grant found out that the State Engineer gave Sipapu permission to use water from Rio Pueblo in excess of their water rights. There have been years of (problems) with fuelwood and our people are suffering, and the

Forest Service owes us answers. The Santa Bárbara Land Grant is working towards processing the wood in the Taos County Rodarte Yard, but there have been so many problems with the processing. The Grant does not have the funding right now to deal with these issues. Mr. Vásquez has been looking for other options and bids to process the 300 cords of wood. Over 400 residents in need of fuelwood and there has been little accountability in getting this fuelwood to residents. Taos County employees helped themselves to cords. He also expressed his frustration that the areas parcientes did not have access to water to prepare for the fire while Sipapu was allowed to use water. Mr. Vásquez recommended that the Land Grant Council write a letter to the State Engineers Office inquiring why they circumvented the laws of New Mexico in allowing Sipapu to use water in excess of their permit. He also asked that the Council send a request to the Carson National Forest to inquire about Sipapu's special use permits. He also requested a letter supporting a Taos County request (written by Taos County WUI coordinator J. R. Logan) requesting additional funding from the federal government for fuelwood.

Mr. Vásquez continued that the USFS has given many excuses for not issuing fuelwood permits in a timely and accessible manner, from the federal budget and government shutdowns in 2019, COVID in 2020-2021, and now the fire in 2022. The USFS needs to acknowledge suffering that communities are undergoing. On June 6, 2022, the Santa Bárbara Land Grant requested \$10,000.00 from Taos County; on June 11, 2022, the Grant requested \$1,500.00 from Land Grant Consejo and on June 29, 2022, the request to Taos County was increased to \$25,258.00 from Taos County and on July 11, 2022, increased to \$37,800.00. The Grant also pursued federal Infrastructure Bill Funding, the Good Neighbor Program and 399 Monies from Taos County. Rocky Mountain Youth Corps was approached and asked for \$53,000 to process, which was too expensive for Taos County. The Santa Bárbara Land Grant and Trampas Land Grant is collaborating on three fuelwood projects, including the Ojito project with funding (\$30,000) from the New Mexico State Forestry Division and continuing the Copper Mountain project from the previous year. Mr. Vásquez requests that the Congressional Delegation hold agencies accountable to serving the communities affected by the fire, which did not happen at Cerro Grande. He asks that they change the agency policy in prescribed burns and focus on harvesting fuelwood. Environmentalists are worried about roads created to fight the fire, wanting them to be closed, but communities need them open to enjoy and clean forest.

Mr. James Durán responded that Region 3 Regional Forester Michiko Martin is committed to the fire recovery effort and that U.S. Forest Service personnel are trying to work with and serve the community. Joaquín Argüello asked Mr. Durán if he would address Mr. Vásquez concerns as director of the both the Santa Fe and Carson National Forest. Mr. Durán responded that he cannot guarantee as there are too many unknowns. There are priority areas, like the Enchanted Circle Project and the Rio Chama CFLRP and community projects like the Cerro Negro function well because they are designed by the community.

Clifford Villa introduced himself and welcomed the Council. He is a law professor at the UNM School of Law and supervisor of the Natural Resources and Environmental Law Program and is working on providing services to victims of New Mexico's wildfires. To that end, the UNM Law School is hosting a clinic to help FEMA applicants at NMHU on Saturday, July 23, 2022 from 10:00am to 2:00pm.

7. Discussion and Possible Action on State Land Office Update

Mr. Archuleta reported that the crew is no longer working as the crew leader quit and remaining crew members elected to not join other crews. We are unsure how this will affect the Bearcat project. He is working to schedule a meeting with Mr. Joe Benito Chávez on the San Miguel del Bado SLO Project.

8. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) reported that the Canjilón BLM fuelwood permit event was not very successful and the USFS suggested a location closer to Tierra Amarilla. She stated that the Northern RAC is attempting to schedule a date for their meeting. Melanie Barnes, the new state director, will attend. Ms. Morrison also suggested doing a call with Alyssa Durán of the BLM and Mr. Bonifacio Vásquez to see how BLM might assist in fuelwood concerns in the Peñasco area.

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

The Town of Tome Land Grant will potentially be affected by a Natural Resources Overlay Zone (NROZ), if passed by Valencia County. The zone is designed to access resources, not protect them, and includes surface and subsurface uses. Proposed action by the Valencia County Commission includes amendments to the NROZ, which trumps all other zoning and uses, including the comprehensive plan. The NROZ would allow reclamation where oil and gas developers can use fracked water and dump it, an act that concerns water users in the County. This is a potential issue since comprehensive plans go through a more thorough public input and planning process. Councilor Padilla stated that the protection of water is a major concern for the Town of Tomé Land Grant. It is disconcerting that, in the middle of drought, when farmers cannot use water (by direction of the MRGCD), oil and natural gas developers would be allowed to use water with decreased regulations. The Grant is also concerned of potential drilling near Tomé Hill and are concerned that the overlay zone does not have a sunset clause. The County could instead invest in the repair of infrastructure, including roads and when the Grant asked for information to protect greenbelt area, they were told that 75% of landowners needed to approve. How would oil and gas development, promoted by the NROZ, effect solar and wind energy, or other important economies like tourism? The Town of Tomé Land Grant has submitted a letter in advance of the hearing July 14, 2022, Valencia County Commission hearing.

Councilor Correa Skartwed made a motion that NMLGC staff write a letter to Valencia County, expressing its concern and in support of the Town of Tomé Land Grant's opposition to the NROZ; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

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

Novela Salazar (NMAG – Treaty Division) stated that the opening of NMAG's Land Grant and Acequia Gallery and Repository would take place on July 15, 2022, from 1-2pm.

11. Discussion and Possible Action on FY 2023 Open Meetings Act Resolution

Mr. Archuleta presented and Council members discussed the FY 2023 Open Meetings Act Resolution. Councilor Martínez made a motion to adopt the FY 2023 Open Meetings Act Resolution, 2023-001; 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.

12. Discussion and Possible Action on Presentation by Santa Bárbara Land Grant

See above, page 3, under *Discussion and Action on U.S. Forest Service Update*

13. Discussion and Possible Action on Professional Surveying Services Contract Update and Requests

Councilor Correa-Skartwed made a motion to approve Territorial Land Surveying Services invoice for \$7,216.43; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

Mr. Vásquez inquired about the survey for the Santa Bárbara Land Grant near their San Acacio Church Property. Mr. Archuleta stated that it is on the list and once the contract for FY 2023 is approved from DFA and is in the UNM IGSA, we should be able to move on the survey and have it completed.

14. Discussion and Possible Action on FY 2022, FY 2023 & FY 2024 Budgets

Mr. Archuleta gave an update on the FY 2022 Budget. Total spent was \$431,965,65, or 87% and total spent of the Land Grant Support Fund (\$31,069.00) was all but was \$563, or 98%.

Mr. Archuleta presented the FY 2023 budget, as revised. Councilor Polaco made a motion to approve the FY 2023 revised budget; 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.

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

The NMLGC is working to get CRS numbers and bank accounts to the State Treasurer’s office. All qualified land grants are up to date and off of or nearly off of the at-risk list. The Council needs to decide what is required of land grants by the Council as part of its role in determining eligibility in the land grant-merced assistance fund. Staff is working through the Risk Management process, surveying land grants to help the Risk Management Department determine assets, liabilities and risk, but likely won’t have it complete and won’t have the ability to purchase bonding for land grant board before the October 1 deadline. Bonding is required for all land grants and covers the treasurer and all others handling money, including cosigners on the land grant bank accounts. Councilors discussed and made recommendations. The Council will require that land grants will have reported their most recent election which includes an up-to-date list of its officers, which is a requirement of the New Mexico Community Land Grant Registry. The Registry also requires that land grants have their bylaws on file. The Council may also ask land grants to certify that they are otherwise in compliance with Chapter 49, including a certification that they have completed an annual report and that they have estimated their Adjusted Annual Revenue.

16 Discussion and Possible Action on Land Grant Support Fund

Arturo Archuleta and Anissa Baca gave an update on the 22 LGSF. There is expected to be about \$563 reverted.

17. Discussion and Possible Action on UNM Intergovernmental Services Agreement

Pay request number 9 was presented for \$95,982.02 including \$21,162.35 in project personnel, \$22,190.47 in the surveyor’s contract and \$15,997.02 in F&A charges.

Councilor Leonard made a motion to approve pay request number 8 for \$41,317.63; 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.

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

Omitted – repeat of No. 13, above.

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

No updates.

20. 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. Councilor Polaco reported that electrical engineer was contacted and shipping containers will be delivered.

21. Discussion and Possible Action on Laguna del Campo Update

No new updates on the Laguna del Campo site.

22. Discussion and Possible Action on Land Grant Registry Update

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

- election and organization of the board of the Merced del Pueblo Abiquiú

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

Mr. Archuleta reported that the LGSP RPSP budget stayed flat. UNM is changing the process and it is now open and all need to apply and submit for an internal review process. The LGSP applied for an RPSP increase for next year was applied for in order to expand youth programs.

24. Discussion and Possible Action on Correspondence

None.

25. Discussion and Possible Action on Staff Assignments

None.

26. Public Comments – Discussion only

None.

27. Miscellaneous Announcements

Friday is the deadline for ICIP.

28. Date and Location for June Council Meeting

The August 2022 Council meeting will take place on August 23, 2022, at 10:00am virtually and in person in Albuquerque.

29. Adjournment

Councilor Correa Skartwed 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 1:49pm MDT.

Approved:

_____ Chair

_____ Date