

New Mexico Land Grant Council (NMLGC)  
September 20, 2022 – 10:00am  
In Person and Virtual Meeting (Hybrid)  
UNM Continuing Education  
1634 University Blvd NE  
Albuquerque, NM 87131  
Zoom ID: 950 2984 8998

**Final Meeting Minutes  
Regular Council Meeting**

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

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

**2. Introduction of Guests**

Juan Sánchez (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); Kris Graham Chavez (NRCS); Louis Gallegos (San Miguel del Bado Land Grant); Jeremy Kruger (USFS – Region 3); Adam Livermore, USFS – Region 3); Eric Chávez (Office of Sen. Ben R. Luján); Adam Livermore (USFS); Lisa Morrison (BLM); Camila Romero (NM State Land Office).

**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 August 20, 2022 Council meeting**

Councilor Polaco made a motion to approve the meeting minutes of the August 20, 2022 Council meeting; Councilor Padilla 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 Appointment of Vice Chair**

Chairman Juan Sánchez stated that with the resignation of Rebecca Correa Skartwed, the Council needed a new vice-chair. Councilor Polaco nominated Councilor Andrea Padilla as vice chair of the New Mexico Land Grant Council; Councilor Martínez seconded the motion.

Roll call vote:

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

The motion was passed.

### **6. Discussion and Possible Action on State Land Office Update**

Camila Romero (NM State Land Office) reported that the Villanueva project (benefitting communities on the San Miguel del Bado Land Grant) is still in the works. The SLO is working on getting bids and hopes to start the project in October. The Bearcat Project in the East Mountains will begin in November.

### **7. Discussion and Possible Action on BLM Update**

Lisa Morrison (BLM) reported that the BLM is looking to relocate shooting areas in Santa Fe County and are accepting input through October 24, 2022. They will have public meetings soon and more information is forthcoming. The BLM is also exploring the withdrawal of mineral development near Chaco National Monument. Ms. Morrison also reported that the BLM State Director Melanie Barnes would like to attend the next Council meeting.

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

Mr. Arturo Archuleta (NMLGC/LGSP staff) reported that Councilor Steve Polaco visited the NRCS office Chama to inquire about NRCS programs on behalf of the Tierra Amarilla Land Grant and erroneously were told that land grants were ineligible. Now that land grants get guaranteed revenue streams, more are likely to apply for NRCS programs, which land grants have been eligible for since changes in the 2018 Farm Bill. Kris Graham Chavez (NRCS) commented that for some reason the person at the front desk at the NRCS office did not believe that land grants could apply. She encouraged Councilor Polaco to visit the Farm Service Agency office in Hernandez and get a farm number and tract number. EQIP applications are due November 18<sup>th</sup> and David Griego of the Chama Office reported that six land grants in the area are participating grant programs. Mr. Archuleta commented that the NMLGC is planning a series of trainings and would like to do one on NRCS programs. Ms. Graham Chavez commented that EQIP program is most commonly used and probably most beneficial to land grants. 75% of costs are covered by the EQIP funding and historically underserved communities (including limited resource farmers, tribal and Hispanic farmers) can qualify for 100% cost coverage. County data is used to determine eligibility. The next Farm Bill will be considered in 2023 and the land grant Council will work ensure that provisions benefitting land grants are retained.

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

#### *Federal*

Eric Chávez (Office of Sen. Ben R. Luján) reported that Senator Luján is working on several pieces of legislation, including bills that close the digital divide and the loan forgiveness for young educators. His office remains in discussions with the Energy and Natural Resources Committee on the traditional use legislation (S. 2708). The Senate will likely look at a continuing resolution to keep the federal government funded. Senator Luján is also the sponsor on the Hermits Peak and Calf Canyon Recovery Act, which may be attached to the continuing research or National Defense Reauthorization Act. Mr. Chávez also reported that October 7 is the deadline for signing up for FEMA authorization. During the August work period, Senator Luján travelled throughout New

Mexico and, with New Mexico Secretary of Agriculture Jeff Witte, held meetings with farmers regarding the 2023 Farm Bill. Jarrett Henderson, Senior Agriculture advisor with Senator Ben Ray Luján's office, discuss the Farm Bill and programs under the Farm Bill. The Senator's office can look into titles in Farm Bill to consider for revision and have detailed versions of the 2018 Farm Bill to share. Mr. Archuleta commented that the priority is to ensure that land grants remain eligible for programs and to explore what other areas of the bill land grants and acequias might fit in or programs they qualify for. One adjustment might be a change in the definitions section of the bill, from "land grants" to "land grants-mercedes," which can clarify and differentiate land grants-mercedes from land grant universities. Mr. Archuleta added that the Land Grant Council is interested in starting the quarterly calls with the Congressional Delegation. Councilor Polaco asked if Senator Luján's office has received any requests from Northern New Mexico College for CDS (Congressional Direct Spending) for the solar project in Tierra Amarilla; Mr. Chávez responded that he needs to find out more about the previous application and that the project might need to look at other funding sources.

#### *State*

The next interim Land Grant Committee hearing will be on September 22-23 in Abiquiú; Mr. Archuleta will present an update on the land grant merced assistance fund.

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

Adam Livermore (USFS R3) reported that the Carson and Santa Fe National Forests are working to distribute fuelwood and the New Mexico National Guard has been a great partner in transporting the fuelwood to communities and the Cerro Pelado closure areas are now opened. Jeremy Kruger (USFS R3) discussed post fire action, including work by contractors for completed aerial seeding (9,000 acres) and mulching (12,000 acres) in the Gallinas and Tecolote creek areas. Hazard signs have been installed across the area and road crews are continuing repair work and storm response contractors going. The USFS will join other agencies for an open house on September 15 in Las Vegas. Mr. Archuleta reported that he and Jacobo Baca will participate in the traditional communities and uses panel for the Carson National Forest in Taos on October 6<sup>th</sup> (agenda in packet).

Councilor Martínez commented that he received information from the USFS on integrated resource service project and service based contracts, whose criteria is so narrow that only a few contractors qualify. How does the process go? How will they be assigned? Most local contractors do not have SAMs numbers and do not qualify and cannot complete. Mr. Kruger responded that he might ask that Mark Phillips, the national steward contracting officer, can discuss how these are done in Carson, Santa Fe and Cibola NFs. Councilor Padilla asked if the USFS is resuming controlled burns. Mr. Livermore responded that the USFS Chief Randy Moore lifted the ban, with added requirements, including a seven-step tactical plan. There is no timeline on implementation of prescribed burns in place and we will keep you informed.

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

Ricardo Dow y Anaya (NMAG's office) stated that he would like to interview Council members and will accommodate their availability. James Maddox of the NMAG's office is working to get videos form ILGC meetings and would like to tape the beginning of the Council meeting.

## **12. Discussion and Possible Action on FY 2022, FY 2023 & FY 2024 Budgets**

Mr. Archuleta reported that FY 2022 budget is closed out. One issue is that DFA sent the March 2022 payment to the wrong entity on campus and the physical check was just recently located. The FY 2024 proposed budget was sent and approved. Regarding the FY 2023 budget, the IGSA with UNM is starting late. The hiring of an accountant has been delayed and despite being originally budgeted for 11 months, it will likely be a 7 month contract. Personnel and copier expenses are only expenses thus far and they will be billed back to July 1. By the October meeting the NMLGC should receive the billing from UNM after the IGSA is approved which should reflect the period from July 1<sup>st</sup> through September 30<sup>th</sup>. Once IGSA is approved, the surveyor contract can commence. Regarding legal services, New Mexico Legal Aid, attorney Joe Lennihan and Holland and Hart have all submitted their scope of work.

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

The NMLGC staff has worked with the State Auditor's Office and DFA to compile a list of eligible and compliant land grants (must be compliant with Chapter 49.1 and 49.4, up to date on the registry, elections and by-laws, annual report on file, revenues) to receive their portion of the 2-million dollars that are part of the Assistance Fund. 17 of 18 qualifying land grants will receive 100% distribution from the fund; Abiquiu, will get 75% distribution. A full distribution (100%) will be \$111,111.11; a 75% distribution is \$83,333.33 and land grants will receive these monies by October 31<sup>st</sup>. Land grants will need to budget for an AUP as the distribution will take them into their next tier for reporting. Most land grants have a substitute W-9 on file with DFA. NMLGC staff is working with those that don't to ensure that their monies are deposited in a timely manner. Mr. Archuleta reported that the NMLGC has reached out to Rep. Melanie Stansbury's office for EIN assistance, as several land grants have EINs, some predating their status as political subdivisions of the state. For instance, some EINs were tied to heirs associations. Several land grants have had difficulties getting through the IRS help lines for assistance and many have attempted to fix this for more than 2 years and this has impacted land grants abilities to get their CRS #, which allows them to get goods tax free. Eric Chávez (Senator Luján's office) stated that the Senator's office can assist and may request a letter from each individual land grant with their EIN so that they can take a look into the issue.

Councilor Padilla made a motion to approve the list of land grants qualifying for the land grant-merced assistance fund distributions to DFA; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

## **14. Discussion and Possible Action on UNM Intergovernmental Services Agreement**

In the packet is the IGSA for FY 2023. UNM submitted changes (red lines) to DFA. Councilor Martínez made a motion to approve the FY 2023 IGSA, with UNM's suggested red line changes; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Polaco - aye
- Councilor Padilla - aye

Councilor Polaco - aye  
Chairman Sánchez – aye  
The motion was passed.

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

Mr. Archuleta reported that legal services contracts are in process, including contracts with New Mexico Legal Aid, Joe Lennihan and Holland and Hart. The Council has received no new requests for legal services.

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

Mr. Archuleta reported that once the IGSA is in place, the Council can engage with Chris Chávez of Territorial Surveying for a multiyear contract, which should go quickly. There has been a request from the Las Trampas Land Grant, which has engaged in discussions with the Peñasco Independent School District to acquire the escuela in Trampas. The Trampas Land Grant, the local acequias, and the mutual domestic all use the escuela and the school board will get an appraisal to evaluate and see if they will transfer ownership of the property or sell it. The request might be premature but the grant needs to know if the transfer is contingent on survey and need to know if the land grant or another entity will ultimately be the recipient. Councilor Martínez reported that the San Joaquín Grant is in the process of locating the deed for the morada property and need to look at the Rio Arriba County Clerk’s office.

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

Councilor Martínez commented that Monica Rodríguez of the San Joaquín Grant is working on preparations for a legal brief. The San Joaquín del Río de Chama Grant has set aside monies (\$10,000) and will do some of the work and is looking for an attorney to do some additional work. Anissa Baca (NMLGC/LGSP) commented that the grant will not need three quotes if the contract stays under \$20,000 if the project is finite.

**18. Discussion and Possible Action on Mercedes Unidas Center Update**

Councilor Martínez reported that Rhea Serna and Monica Rodríguez of the San Joaquín del Río de Chama Land Grant are working on the draft of the procurement on electrical engineering work to be completed at the Mercedes Unidas Center. The three land grants will need to agree on dates of bid conference, to provide concurrence on bids, and on dates for bid conference. The electrical engineer that has consulted with you can assist with questions to ask bidders. Holland and Hart will work on the ownership and operating agreements and are working on the well declaration. Councilors Polaco and Martinez provided other updates on the Center, including the removal of cedar and sagebrush, application of herbicide and removal of trees that will be used for fuelwood.

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

Councilor Polaco reported that he is continuing to work with Mr. Archuleta and attorney David Benavides to review and redraft of deed of transfer from NM Game and Fish to the Merced, which was submitted to NMG&F director Michael Sloan.

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

Dr. Baca reported that the following items were submitted to the Land Grant Registry:

- Bylaws for the Santo Domingo de Cundiyo Land Grant

- An election certificate, bylaw amendments and the comprehensive plan for the Don Fernando de Taos Land Grant.
- Results of the September 2022 election for the Cristóbal de la Serna Land Grant, including new boards members names and positions
- Results of the 2019 election, FY 2023 budget, and FY 2023 OMA resolution for the Merced del Pueblo de Chililí

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

Mr. Archuleta reported that Dr. LM García y Griego continues to work with the OVPR on the creation of a Land Grant Institute. He, Dr. García y Griego and Dr. Baca have been working on reports regarding the LGSP due to the OVPR. Dr. Baca reported that the ALGE project is ongoing and he and Anissa Baca have met with NMHU and NM Acequia Association planning for FY 2023. The report on the 2022 ALGE Teacher’s Institute is forthcoming and he will present on the ALGE project to the Interim Land Grant Committee meeting in Chililí in October. Anissa Baca reported that faculty at UNM Taos has contacted her requesting assistance with youth oral history work.

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

None.

**23. Discussion and Possible Action on Staff Assignments**

Mr. Archuleta shared (in packet) the description for the accountant 3 position that the Council is seeking to fill. The Council / LGSP is also looking to hire a student, preferably a graduate student at UNM, to help with education work funded by junior money appropriations.

**24. Public Comments – Discussion only**

None.

**25. Miscellaneous Announcements**

Mr. Baca reported that preparations for the 2023 Treaty of Guadalupe Hidalgo Day commemoration are in process and requests to the legislature have been submitted. Councilor Padilla reported that the jail site opening will be held on October 22<sup>nd</sup> at 10:00am. Chairman Sánchez reminded land grants are certifications are due to the State Auditor on December 15 for FY 2022 and the system opens in October to allow their submission.

**26. Date and Location for October Council Meeting**

The next Council meeting will be held on October 27<sup>th</sup> at 10:00am in Albuquerque, NM, location to be determined.

**27. Adjournment**

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

Roll call vote:

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

The motion was passed.

The motion was passed. The meeting adjourned at 12:01 MDT.

**Approved:**

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Chair

\_\_\_\_\_

Date