

New Mexico Land Grant Council (NMLGC)
May 25, 2023 – 10:00am
UNM Continuing Education
South building, Room 106
1634 University Blvd NE
Albuquerque, NM 87131
Zoom – Meeting I.D. – 992 0134 1237

**Final Meeting Minutes
Regular Council Meeting**

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:01am MDT. Roll call of the Council members: Andrea Padilla, Steve Polaco, and Juan Sánchez were present.

2. Introduction of Guests – Welcome from Zach Quintero, Interim Director, NHCC

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Anissa Baca (NMLGC/LGSP); Greta Archuleta (NMLGC); Jacobo Baca (NMLGC) Ricardo Dow y Anaya (NM Attorney General’s Office); Lisa Morrison (BLM); Erick Stemmerman (USFS, R3); A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández); Eric Chávez (Office of Sen. Ben R. Lujan); Camila Romero (State Land Office); Joe Chávez (San Miguel del Bado Land Grant); Samuel López (Las Trampas Land Grant); Bonifacio Vásquez (Santa Bárbara LG); Chris Chávez (Territorial Surveying); Jolene Molina (Cebolleta LG); Marty Molina (Cebolleta); Rita Padilla Gutierrez (Town of Tomé LG); Shaun Sanchez (Santa Fe National Forest); Tim Hagaman (NM EDD); Monica Rodriguez (San Joaquín del Río de Chama LG); Leonard Martínez (San Joaquín del Río de Chama LG); Joseph DeSoto (Cubero LG); Claresse Romero (San Miguel del Bado LG)

3. Approval of Agenda

Councilor Polaco made a motion to approve the agenda, as amended; Councilor 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 April 20, 2023 Regular Meeting

Councilor Polaco made a motion to approve the meeting minutes of the April 20, 2023 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 State Land Office Update

Camila Romero (SLO) reported that Bearcat project has yielded 58 cords of wood. The count for the Villanueva project is coming soon. Both projects are coming along nicely.

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

Erick Stemmerman (USFS Region 3) introduced the new Santa Fe National Forest forest supervisor, Shaun Sánchez. Mr. Sánchez is a native of Buenavista in Mora County and worked for U.S. Fish and Wildlife for 22 years and stated that he looks forward to working with land grants. Bonifacio Vásquez (Santa Bárbara LG) asked Mr. Stemmerman if the USFS ever responded to the August 2022 letter from the Council, inquiring about the Sipapú Ski Area Expansion. He added that he asked Camino Real District Ranger Michael Luján about the letter and if any response was issued and Mr. Luján did not know of any response. Mr. Stemmerman responded that he had not yet seen the letter and asked that it be sent to him. Mr. Vásquez also brought up the decision memo regarding Sipapú that was signed by Carson NF supervisor James Durán in June of 2018; regarding the Sipapu Ski and Summer Resort improvement project. The Santa Bárbara Land Grant has been involved with Sipapú since 2014 but was not asked to participate in public involvement during the expansion discussions. Scoping for the 2012 expansion plan took place and the Grant was not engaged and Mr. Vásquez feels that this is discrimination. Mr. Stemmerman responded that he will work on this issue and that Regional Forester Michiko Martin and Carson NF Supervisor James Durán will likely attend the next Council meeting. Mr. Archuleta reported that Council staff and Chairman Sánchez met with representatives from the USFS Washington DC office and thanked Senator Ben R. Luján's staff and Mr. Stemmerman for setting this up. The Council discussed the reintroduction of the S. 2708, the Traditional Use Recognition and Consultation Act. The USFS Office of the General Council (Ellen Hornstein) had some helpful suggestions, including codifying the MOU in the legislation. The Council will meet with USFS representatives in Washington DC and discuss further. Mr. Stemmerman offered to help schedule the meeting in Washington DC.

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

Lisa Morrison (BLM) reported that the BLM is sending letters to cooperating agencies for the Rio Grande del Norte management plan this week. The BLM will do an EA (environmental assessment) rather than a full on Environmental Impact Study (EIS). The 2012 Taos RMP is working pretty well and rather than starting from scratch, they want to do an EA. The proposed Public Land Rule will allow "conservation leasing" which allows interested parties to restore public lands. The following meeting regarding the plan will take place on May 30 in Albuquerque at the Indian Pueblo Cultural Center from 5:00-7:00pm. A virtual meeting will take place on June 5 and the comment period ends June 20th. Ms. Morrison stated that she sent in the request from Mr. Archuleta for a meeting with Washington DC BLM / Department of Interior staff and will let the Council know what she hears. She also reported that Alyssa Duran has been hired as the BLM state forester and told Councilor Polaco that BLM staff met with Georgia Woodacre. She reported to Mr. Leonard Martínez that she has secured June 14 to meet with BLM staff regarding the Farmington Mancos management plan, but needs a time.

Mr. Archuleta questions why the BLM is not doing a full management plan for the Rio Grande del Norte National Monument and wants to instead amend the management plan for Taos and make it a component of the Taos plan. Ms. Morrison responded that the BLM believes the Taos plan is a good plan and can cover the concerns for the monument. Mr. Archuleta asked of the EIS from the

2012 Taos plan will be tiered and Ms. Morrison responded that Brad Higdon could answer that question with more authority than she. Mr. Archuleta added that the proclamation creating the monument required the creation of a land management plan and asked if putting it under the preexisting Taos plan met that requirement. The Taos plan is considered relatively new, but was signed in 2012, making over a decade old. Ms. Morrison responded that the BLM has held 2 public meeting and virtual meetings on this action, but can also set up a call with Brad Higdon to answer this question.

8. Discussion and Possible Action on Federal and State Legislative Update - Including S. 2908 opposition letter request; D.C. Trip Update; Farm Bill Programs; Land Grant Interim Committee 2023 Session

Federal

Council members discussed the Wildlife-Livestock Conflict Resolution Act (S. 2980), proposed by Senator Martin Heinrich, and an opposition letter led by the Rocky Mountain Farmers Union. Councilor Polaco made a motion that the Council sign on to the letter opposing the Wildlife-Livestock Conflict Resolution Act; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

DFA approved the trip to Washington DC. Council members will be reimbursed for expenses incurred. So far, Council members and staff have meetings on June 7 with Senator Ben R. Luján, Congresswoman Teresa Leger Fernández and Congresswoman Melanie Stansbury. Staff is continuing to reach out to Senator Heinrich and Congressman Gabe Vasquez’s offices to secure a meeting. Staff also sent a request to meet with Sec. Deb. Haaland and might meet with an undersecretary. Meetings with the USFS and BLM are also planned. A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández) thanked the Council for participating in the Farm Bill listening session. The office’s DC team is working on issues raised in meeting. Mr. Pacheco reported that he will be in Washington and will join the meeting in person and offer to assist with meetings with DOI, USFS and BLM and that Rep. Leger Fernández plans to reintroduce the bill this congress, with some amendments. He added that there will be a rural workforce workshop on June 4 at the Luna Community College campus, focusing on recovery from HPCC fire. The idea is to help local people get jobs and contracts in the recovery effort.

Mr. Archuleta added that in the packet was a list of programs in the Farm Bill that land grants would benefit from being eligible for. The language that made land grants eligible for EQIP finding under the 2018 farm bill under the water title and the Council seeks to ensure that land grants are eligible under CRP, CSP, RCPP, Watershed Protection and Flood Protection Program and the Emergency Conservation Program, which is especially important with fires being an increasing issue. The Healthy Forest Reserve Program might be more for agencies, and the Agricultural Conservation Easement program could protect common lands as can Agricultural Land Easements. The Watershed Rehab Program, Title V credit and Farm ownership loans could be beneficial, the latter allowing land grants to access low interest loans to acquire former common lands for agricultural production for use by community and land grant members. The Title VI for rural development includes broadband infrastructure programs and the community facilities and

direct loan and grant programs could be beneficial. The NMLGC suggestions also include a definition for land grants mercedes offered as well.

Chairman Sánchez added that a 5% put aside in programs like EQIP for small ranchers and farmers would be greatly beneficial. The SWCDs in team 5 (Valencia, Torrance, parts of Bernalillo, Guadalupe and San Miguel) want to help, but cannot set aside monies for small ranchers; understand definition looks at farmers and ranchers as 1,000s of acres. Claunch Pinto SWCD is supportive of this and we should receive a copy of a letter from them soon. Eric Chávez (Office of Sen. Ben Ray Luján) provided an update on the San Joaquín del Rio de Chama and Town of Tomé EIN issues. He also reported that Senator Luján attended Rural Broadband Summit with FCC Chair Stark, NTIA administrator Allen Davidson and Xochitl Torres Small, where they discussed bringing broadband to rural communities and permitting and easement issues. The Senator also introduced the Wolf and Livestock Fairness Act, bi-partisan legislation that provides compensation to ranchers who lose livestock to wolves. Mr. Vásquez (Santa Bárbara LG) asked Mr. Chávez for assistance with issues at the Camino Real Ranger District, particularly mitigating wildfire concerns, benefiting watershed and providing firewood. District Ranger Luján has asked for something in writing to get onto the plan.

State

Mr. Archuleta reported that the Interim Land Grant Committee had a planning meeting with new Interim chair Rep. Kristina Ortez, and Vice Chair Sen. Leo Jaramillo. Meeting dates are forthcoming but meeting sites will likely be Carnuel, Las Vegas, and Peñasco. Mark Edwards will reach out to land grants to discuss hosting. Issues that will be discussed in this interim session include including land acquisitions, including creating a fund that offers low interest loans, which can be repaid with guaranteed revenue streams. Council staff and Chairman Sánchez brought up concerns over appraisals versus certified market analysis. Water and acequia issues might be discussed as well. The formal organizational meeting will be held in June in Santa Fe. Mr. Archuleta suggested to Ricardo Dow y Anaya (NMAG – Treaty Division) that NMAG Raul Tórrez may present at an interim Land Grant Committee meeting, perhaps at the same meeting as the Office of the State Engineer, where they can discuss water leasing approvals. Emergency use of water approvals by OSE are being approved without opportunity to protest.

Other issues are tax issues, where property that land grants have the best claim to can be removed from tax sales. Now that land grants that are political subdivisions are listed in statute, perhaps Taxation and Revenue can be required to reach out to land grants when they are holding tax sales. Councilor Padilla added that action needs to be taken regarding appraisals, which are costly and take time to get completed. There needs to be some sort of leeway as outside interests have big money and land grants cannot match if appraisals come in low. Mr. Archuleta has been in conversation with DFA, they seemed to ‘check a box’, but understand that certain properties need to be acquired for a specific purpose and properties are unique and that they do not fall under procurement. Appraisals are 60-90 days out and the state might need statewide price agreements with real estate appraisers to quicken the process.

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

None.

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

Dr. Ricardo Dow y Anaya reported that he met with the chief deputy NMAG. The NMAG’s office is holding a hiring event on May 21- May 27 and will hold interviews May 23 – June 2. The Treaty Division will participate through Dr. Dow y Anaya. They might have multiple attorneys work on Treaty of Guadalupe Hidalgo Division issues. 23 positions will later be hired for special programs.

12. Discussion and Possible Action on Council FY 2023 & FY 2024 Budget

Youth projects have continued though it has been hard to get people through the project. The East Rio Arriba Soil and Water Conservation District has been doing outreach to land grants in Rio Arriba and Taos Counties. Bonifacio Vasquez mentioned that he dropped out of the project and Mr. Archuleta states that the request to GPS the Santa Bárbara Land Grant boundaries was too large of a request because of the size of the grant. They have reached out to the Abiquiu, Tierra Amarilla and San Joaquin del Rio de Chama Land Grants. They might be able to GPS map mojoneras if the land grant knows their location, but this won’t be a survey. Mr. Chavez added that to GPS the mojoneras and locate them they need fieldnotes with rock types to locate them. Nine students from land grant communities are participating in the YCC.

Councilor Padilla made a motion to approve the invoice from ERASWCD, to include any associated indirect costs; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

13. Discussion and Possible Action UNM Intergovernmental Services Agreement

Pay request #5 for was presented for \$41,791.36, including \$26,991.79 in project personnel, 660.24 in travel costs, 7,094.10 in surveyor contract, and \$6,965.23 in F&A.

Councilor Padilla made a motion to approve Pay Request #5 for \$41,791.36; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

An internal budget revision was presented and is in the meeting packet.

Councilor Polaco made a motion to approve an internal budget revision for \$30,200.00 total; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

Mr. Archuleta presented the FY 2024 Scope of Work for the IGSA with UNM. He added “m. support and assistance to SB-192, monies to youth programming, financial and natural resource management support to land grants,” and under, “y. UNM School of Law,” corrected the name of the Natural Resources and Environmental Law clinic and edited ee., and added “other online accounts, including social media.”

Councilor Polaco made a motion to approve SOW for IPRA for FY 2024; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

14. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests

Chris Chávez (Territorial Surveying) gave a presentation regarding surveying, especially Tajique and Las Trampas. Only Manzano, Las Vegas, Tecolote and Truchas are named in Engineering and Surveying Practice Act. Land grants could ask surveyors to give them a courtesy copy or surveys done on the land grant. Mr. Archuleta added that land grants are protected from adverse possession under 49.1. We could revisit the Engineering and Surveying Practice Act and ask them to include all land grants named under 49.1 or ask that they go through the Council to share their work with the appropriate boards. Mr. Chavez and Mr. Archuleta discussed survey issues on land grants, including issues with deeds made by non heirs used for collateral on loans in Manzano. Mr. Chavez stated that good surveys on land grants could help cancel sales. He added that he chooses the appropriate type of surveys on a case by case basis, based on the situation and needs of the land grant. Surveyors often face threats of violence when working on private land, even though they have a right to enter private property to complete their work. He added that one week of work remains at Santa Bárbara.

Pay request #4 for \$14,391.50 from Territorial Land surveying was presented for work on the Tajique and Santa Barbara Land Grants.

Councilor Polaco a motion to approve Pay request #4 for \$14,391.50 from Territorial Land Surveying; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

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

None

16. Discussion and Possible Action on Laguna del Campo Update

Councilor Polaco stated that the Tierra Amarilla Land Grant is negotiating with New Mexico Game and Fish regarding fish and the maintenance for the gate for the La Puente Ditch.

17. Discussion and Possible Action on Land Grant Registry Update

Jacobo Baca (NMLGC/LGSP) stated that the Town of Tomé Land Grants submitted the results of their April 30th, 2023 election and their updated board of trustees and the San Miguel del Bado submitted their election results.

18. Discussion and Possible Action on Land Grant Studies Program Update

Mr. Archuleta reported that the LGSP submitted an expansion request in their RPSP report to support YCC expansion. Mr. Baca reported that the LGSP is collaborating with NMHU and the Peñasco Independent School District on an ALGE Institute on June 10th. Anissa Baca (NMLGC/LGSP) reported that the LGSP and NMLGC will host a teachers land grant and acequia curriculum institute in Española on June 17th. She also completed oral history interviews in Tierra Amarilla youth program and received good feedback. Councilor Polaco received good feedback on program from the community as well.

19. Discussion and Possible Action on Correspondence

None.

20. Discussion and Possible Action on Staff Assignments

None.

11. Discussion and Possible Action on San Joaquín del Río de Chama Land Grant

Leonard Martínez (San Joaquín del Río de Chama Land Grant) presented a resolution that will be passed by the San Joaquín del Río de Chama Land Grant that will petition US Congress to return Cañón de Chama to the San Joaquín del Río de Chama Land Grant. The Grant will also ask ILGC to support and will ask for a memorial at next legislative session. There is camping where the San Joaquín del Río de Chama Land Grant plans an irrigation project. The Grant is asking for the Council to support their resolution. Chairman Sánchez asked Mr. Martínez to bring the request back after passed it has been passed by the San Joaquín del Río de Chama Land Grant board and the Council can endorse it at the next Council meeting.

21. Public Comments – discussion only

Councilor Padilla commented that land grants need training regarding hiring employees and hiring contractors, including the difference, considerations, what a contract should have, etc. Land grants don't want to run into issues regarding payroll taxes and workers compensation. Mr. Archuleta stated that current coverage will cover volunteers and board members and may change. He added that financial training would be beneficial as well, as well as do's and don'ts on expenditures. We'll learn more from AUPs that all land grants will need to complete. Calendar year AUPs are due in May; fiscal year AUPS are due in December.

22. Miscellaneous Announcements

Bonifacio Vásquez (Santa Bárbara LG) thanked the Council for the \$5,000.00 grant for wood distribution. More than 600 loads were delivered and all fuelwood has been removed from county yard. Mr. Baca reported that bond applications are being submitted and processed and executed by Marsh. The Council has also assisted numerous land grants fill and submit their insurance forms, but Monica Poulsen from Marsh has been totally unresponsive. Chairman Sánchez reminded land grants that FY 2025-2029 ICIP's are due July 15, 2023 and it is time to start talking to your boards about priorities. Councilor Padilla stated that the New Mexico Land Grant-Merced

Consejo Annual meeting will take place on June 24th, 2023 at 10:00am in Cañones, hosted by the Merced Comunitaria Juan Bautista Baldés.

23. Date and Location for June Council Meeting

The June 2023 Regular Council meeting will take place on Friday, June 16 in Albuquerque, New Mexico at the UNM Science and Technology Park.

24. 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 1:40pm MDT.

Approved:

Chair

Date