

New Mexico Land Grant Council (NMLGC)
July 14, 2023 – 9:00am
UNM Science & Technology Center,
Executive Board Room
851 University Blvd SE
Zoom – Meeting I.D. – 973 8544 3737

**Final Meeting Minutes
Regular Council Meeting**

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 9:10am MDT. Roll call of the Council members: Andrea Padilla, Steve Polaco, and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Greta Archuleta (NMLGC); Jacobo Baca (NMLGC); Ricardo Dow y Anaya (NM Attorney General's Office); Camila Romero (State Land Office); Erick Stemmerman (USFS, R3); A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández); Ashley Beyer (Office of U.S. Senator Martin Heinrich); Aurora Valdez (Office of U.S. Senator Martin Heinrich); Kris Graham Chavez (NRCS); Alanna Purdy Montesinos (Office of Sen. Ben R. Lujan); Xochitl Campos Biggs (Office of Congresswoman Teresa Leger Fernández); Leonard Martinez (San Joaquin del Rio de Chama LG); Melvin Apodaca (TALG); Joe Benito Chavez (San Miguel del Bado heir); Eric Chavez (Office of Sen. Ben R. Lujan).

3. Approval of Agenda

Councilor Polaco made a motion to approve the agenda; Chairman Sánchez 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 June 16, 2023 Regular Council Meeting

Councilor Padilla made a motion to approve the meeting minutes of the June 16, 2023 Council meeting; Councilor Polaco 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 Federal and State Legislative Update

Federal

A.J. Pacheco (Office of Congresswoman Teresa Leger Fernández) reported that Congresswoman Teresa Leger Fernández continues to work on the traditional use bill and has received technical assistance from USFS. She seeks to identify any issues and red lines with the help of the NMLGC

and USFS to discuss and refine the bill. The Congresswoman is also working on the 2023 Farm Bill, working to explicitly include land grants in nine programs, including RCPP, Emergency Conservation, Agricultural Conservation Easement Program. Some of these programs will allow land grants to acquire low interest loans and include NRCS administered programs. She will be hosting outreach days in every county in the district. Aurora Valdez (Office of Sen. Martin Heinrich) reported that the Senator visited local rancher's grazing allotments, where ranchers Erminio Martinez and Andy Martinez are incorporating regenerative grazing practices like constantly moving cattle. He co-sponsored the Agriculture Resilience Act and participated in the White House visit to infrastructure projects. The Appropriations Committee is looking at 18 New Mexico projects totaling \$10 million for FY 2024; Senator Heinrich is chair of Agriculture Appropriations subcommittee. The Senator also introduced the Voluntary Groundwater Conservation Easement Act, which allows for voluntary and paid easements. Ashley Beyer (Office of Sen. Martin Heinrich) added that the State of New Mexico has a program that does not pay people enough to pause their use of their water right and this act adds some funding and makes program stronger. With Senator Ben R. Luján, Sen. Heinrich also introduced an act calling for transparent cattle pricing.

Mr. Archuleta commented that the Council is opposed to the Wildlife-Livestock Conflict Resolution Act, which calls for voluntary retirement of grazing allotments on federal land. The Council supports communal grazing and ownership of allotments by land grants, which would allow flexibility and continued traditional use of former common lands. Ms. Beyer responded that the Senator will no longer introduce the legislation, but that the Senator believes that the current grazing allotment system does not work and his office is looking for alternatives. Mr. Archuleta stated that while in Washington DC, the Council met with the USFS legislative team regarding the traditional use bill. They stated that they would give input from redrafts by Senator Luján's office but would not draft language themselves.

Leonard Martínez (San Joaquín del Río de Chama Land Grant) stated that the San Joaquín del Río de Chama Land Grant is working on getting their cemetery back and asked about the Senator Heinrich's lead on legislation for the return of historic cemeteries on now federally managed land. Mr. Archuleta added that Sen. Heinrich's office was looking into the Small Tracts Act as an authority, examining if it would allow the return of cemeteries. Ms. Beyer responded that she would get back to Mr. Martínez and the Council. Mr. Martínez asked Congresswoman Leger Fernández's staff about her contention that the Treaty of Guadalupe Hidalgo did not convey property rights. While he understands that that might be the case for individuals, he felt that land grant communities' property rights do come from the Treaty. He asked for clarification on her position and her interpretation of the Treaty. Eric Chávez reported that Senator Luján welcomed White House Senior Advisor Mitchell Andrew to New Mexico during a visit to discuss infrastructure funding. Councilor Padilla stated that she hope that land grants could still serve as hubs for their communities to expand broadband in areas without it. Mr. Chávez responded that he will put the Town of Tomé Land Grant and the NMLGC in contact with Kelly Schlegel, of the New Mexico Office of Broadband Expansion. Mr. Archuleta responded that Ms. Schlegel was invited to give a presentation at a Council meeting but never acted on the invitation and the item as removed form the agenda. Mr. Chávez added that he is continuing to work on the EIN issue for the Town of Tomé and San Joaquín del Río de Chama Land Grant. He thanked Councilor Padilla for the kind words to his superiors.

State

The Interim Land Grant Committee met in Las Vegas on July 12-13 and presentations were given by Mr. Archuleta on behalf of the Council, Paula Garcia of the NM Acequia Association and board members of the Los Vigiles and Lower Gallinas Land Grants.

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

None.

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

The Council will participate in the Rio Grande del Norte National monument plan.

8. Discussion and Possible Action State Land Office Update

Camila Romero (SLO) reported that the Villanueva and Bearcat projects went really well and they are waiting for total count of cords coming off of these two projects. The SLO is looking into ways to expand both projects. All of the wood has been hauled off of the Bearcat and is estimated to be 180 cords of wood taken to Chililí. Chairman Sánchez commented that the land grants will meet soon to determine how much each land grant will pay for cords.

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

Mr. Baca reported that he and Anissa Baca reviewed both individual and entity grant applications for the Healthy Soils Program. Applications were reviewed from April through June. The Department of Agriculture made decisions on June, announced in July, and monies are available to spend in August. No land grants applied for funding this year. Entities can apply for up to \$100,000 in funding. At the last Interim Committee hearing, Chairwoman Ortez spoke of Healthy Soils Grants as a funding source for reforestation, but the grant program does not allow grants to be spent on reforestation projects. Perhaps the program can be changed to allow for these. Mr. Martínez commented that there is no fuelwood in the Gallina area and the grant worked too hard on its wood projects. The Board has elected to purchase fuelwood at \$900 per semi load and focus their energies on other projects.

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

Dr. Ricardo Dow y Anaya (NMAG – Treaty Division) reported that on June 30th, Attorney General Raúl Tórrez had a department wide meeting, where he gave a 6-month report and discussed his vision, priorities, etc. He highlighted the Treaty Division, which is under the Civil Affairs Division, in the NMAG's office's organizational structure. Deputy Attorney General Joseph Dworek wants to meet. NMAG Raúl Tórrez wants to beef up Treaty Division and help land grants and acequias. Councilor Polaco and Mr. Martínez asked if AG Tórrez discussed to combat the drug epidemic as theft is on the rise and local sheriffs are unresponsive.

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

Mr. Martínez, president of the San Joaquín del Río de Chama Land Grant, discussed their board's resolution (SjdRC Res. 2023-007) for the return of Cañón de Chama, which is 1,507 acres with a cemetery and was the original and historic settlement on the land grant. He had worked with Norman Vigil (retired) from NRCS on a plan to irrigate a portion of the cañón. Mr. Pacheco of Congresswoman Leger Fernández commented that he would reengage with the grant.

Councilor Padilla made a motion that the New Mexico Land Grant Council support the San Joaquín del Río de Chama Land Grant's resolution 2023-007 for the return of the Cañón de Chama; Councilor Polaco seconded the motion.

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

Mr. Martínez discussed the San Joaquín del Río de Chama Land Grant's resolution (SjdRC resolution 2023-008) for the return of the old Coyote Ranger District from the USFS. In 1999, the property (buildings on 407.03 acres) were transferred from the U.S. Forest Service to Rio Arriba County. Rio Arriba County Commissioner Moises Morales approached the San Joaquín del Río de Chama Land Grant to return it to them. There will be a Rio Arriba County Commission meeting next month where they will discuss the transfer. The Rio Arriba County Commission wanted the San Joaquín del Río de Chama Land Grant to do the survey to ensure that properties are not being infringed on.

Councilor Polaco made a motion that the NMLGC support San Joaquín del Río de Chama Land Grant resolution 2023-008 for the return of the Old Coyote Ranger District from Rio Arriba County to the San Joaquín del Río de Chama Land Grant; Councilor Padilla seconded the motion.

Roll call vote:

Councilor Padilla – aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

Mr. Martinez requested a letter from the Council to Rio Arriba County notifying the County of the Council's support of the San Joaquín del Río de Chama Land Grant. Mr. Archuleta added that the surveyor portion of San Joaquín del Río de Chama Land Grant's request cannot be addressed until IGSA with UNM has been signed and executed.

12. Discussion and Possible Action on Council FY 2024 & FY 2025 Budget

Mr. Archuleta presented the FY 2023 budget (in packet). The Council intended to spend a junior money appropriation for operating fund for land grants on tort coverage, bonds and insurance coverage for land grants. Council staff contacted RMD in June 2022 to get the process started and surveyed grants on their assets from June through August 2022 and delivered this to RMD in August 2022. Despite continued outreach to RMD, no action was taken until December and January, when Council staff reengaged with RMD, who forwarded the LPB (local public bodies) application in February, which was distributed to land grants and remitted to RMD. RMD then opted to not use the applications and farm everything out to Marsh, who would seek bonding and insurance coverage on the public market. \$20,000 was spent to bond 23 individuals that are members of boards of trustees of several land grants. Insurance coverage was quoted very high. Coverage for just the Town of Tomé was quoted at \$20,000 for several properties and buildings on multiple sites and insurers thought the historic jail site was an active and operating jail. The Cristóbal de la Serna Grant was quoted at \$15,000 for very properties and no assets on those

properties, only vacant land. Marsh was going to come back with a general all-in land grant coverage for \$75,000 but never got anything to us by the end of the fiscal year (June 30). We were disappointed that RMD did not at least cover tort liability in house. Between bonding and \$5,000 grants to the Las Trampas, Santa Bárbara and Cristóbal de la Serna Land Grants for their wood projects, \$35,000 was spent, leaving \$45,000 unspent, which will revert to the general fund. Councilor Padilla added that the Town of Tomé Land Grant has purchased their own insurance coverage for \$5,500 per year, nearly a quarter of the \$20,000 quote provided by Marsh. Mr. Archuleta responded that, in retrospect, it would have worked better to grant funds to each land grant individually to purchase insurance and binding on their own.

In legal services, \$6,250 of the NM Legal Aid contract will revert. NMLA was unable to spend after Matt Baca left NMLA for a position at Northern New Mexico College. The Joe Lennihan contract of \$30,000 was turned down and the Holland and Hart contract of \$6,000 was never acted upon either, in part because of staffing shortages and turnover at DFA. Regarding the IGSA, \$614,836.20 of \$627,200 was spent, reverting only \$12,364 (<2%). Most of this reversion was from the F&A deduction in the contract with ERASWCD, where the Council discovered that that UNM only charges F&A on first \$25,000 of subawards. In total, of the \$826,900 budget, \$724,594.72 was spent and \$102,306 was returned.

FY 2024 budget

The approved FY 2024 budget was approved (April 20, 2023) for a total of \$701,900. We may need to adjust this budget to include for Quickbooks trainings for \$13,400, and may also need to adjust budget to allow for office space rental as well. Options at the National Hispanic Cultural Center are ½ price of UNM STP spaces. Council members discussed reconsidering \$66,912.00 for a staff conservationist into the following line items.

- Holland & Hart \$ 6,000.00
- Quickbooks Training & Support \$ 13,400.00
- Community & Economic Development Contract \$ 10,000.00
- Forestry Contract \$ 10,000.00
- Forest project support/YCC \$ 4,012.00
- NRELC \$ 3,500.00
- Office Rental \$ 20,000.00 (*this could be pulled fully or partially from the Councils F&A return from the UNM OVPRs office*)

Councilor Padilla made a motion to approve rework of FY 2024 budget (in packet and above); Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

FY 2025 budget

The budget was approved by DFA and the narrative will be sent shortly.

13. Discussion and Possible Action UNM Intergovernmental Services Agreement

DFA rejected PR #7 because some line items went over. In the meeting packet is the

FY 2023 NMLGC-UNM IGSA Final Budget Adjustment (\$627,200 total budget)

Councilor Polaco made a motion to approve FY 2023 NMLGC-UNM IGSA Final Budget Adjustment; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

Also presented was the UNM internal budget revision (in packet), with total increase/decreases cumulatively \$56,626.50.

Councilor Padilla made a motion to approve UNM internal budget revision for \$56,626.50; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

Also presented was ERASWCD voucher #3 for \$25,968.49 (total contract - \$61,001.10) Councilor Padilla made a motion to approve voucher #3 presented for \$25,968.49; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

Pay request #7 for was presented for \$226,890.49, including \$32,525.76 in project personnel, \$1,951.94 in in state travel, \$4,277.06 in out of state travel, \$ 4,645.05 in computer software, \$34,079.50 in the surveyor contract, \$111,643.59 in youth development and land grant education and \$31,814.90 in F&A.

Councilor Polaco made a motion to approve Pay Request #7 for \$226,890.49; 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

Mr. Archuleta presented invoice 06302023 from Territorial Land surveying for \$9,737.00.

Councilor Polaco made a motion to approve invoice 06302023 from Territorial Land surveying for \$9,737.00; 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

NMLA pay requests were presented.

Councilor Padilla made a motion to approve New Mexico Legal Aid pay request #6 for \$12,862.50; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Padilla made a motion to approve New Mexico Legal Aid pay request #7 for \$5,900.00; Chairman Sanchez seconded the motion.

Roll call vote:

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

The motion was passed.

Councilor Polaco made a motion to approve New Mexico Legal Aid pay request #8 for \$6,087.50; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

16. Discussion and Possible Action on Laguna del Campo Update

Councilor Polaco reported that Tierra Amarilla Land Grant is reviewing the deed and will discuss it on Sunday at TALG meeting. They seek independence in their management of the lake.

17. Discussion and Possible Action on Land Grant Registry Update

Mr. Baca reported that the following has been submitted to the New Mexico Community Land Grant Registry:

- Manzano Land Grant – updated bylaws
- Merded del Pueblo de Chililí - 2023 election results
- Don Fernando de Taos Land Grant - list of bylaw amendments, bylaws, certificate of election for A. Martinez - July 2023
- Arroyo Hondo Arriba Land Grant - by laws and members of board of trustees

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

Mr. Baca reported that he and Anissa Baca hosted a very successful Rio Arriba teacher’s land grant and acequia institute on June 17 in Española at Northern New Mexico College. The next *Grito de las Mercedes* newsletter will go out next week. Mr. Archuleta reported that LM García y Griego attended the Consejo annual meeting in June and presented an analysis of the 1897 *US v. Sandoval* decision.

19. Discussion and Possible Action on Correspondence

The Council received a letter from Priscilla Sillas.

20. Discussion and Possible Action on Staff Assignments

Mr. Baca reminded that ICIPs are due today, July 14, at 5:00pm.

21. Public Comments – discussion only

None.

22. Miscellaneous Announcements

Councilor Padilla commented that she participated in the DOT hardship auction with other land grants. Some of the items were very worn and possible posed a hardship if an entity bought them. She added that the in-person system was not great and the internet system was more equitable as participants could not preview items or prices before the auction, which allowed participants make better decisions Chairman Sánchez added that only 17 entities participated in this most recent auction.

23. Date and Location for August Council Meeting

The August 2023 Regular Council meeting will take place on August 11 at 10:00am in Albuquerque, New Mexico, location tbd.

24. 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 12:21pm MDT.

Approved:

 Chair

 Date