

New Mexico Land Grant Council (NMLGC)
May 17, 2024 – 10:00am
New Mexico Highlands University
Student Center – Room 321
800 National Avenue
Las Vegas, NM 87701
Zoom – Meeting I.D. –916 5500 6267

**Final Meeting Minutes
Regular Council Meeting**

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:10 am 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); Jacobo Baca (NMLGC/LGSP); Louis Gallegos (San Miguel del Bado LG); Abel Sillas; Ricardo Dow y Anaya (NM DOJ Treaty Division); Eric Chavez (Office of Sen. Ben. R. Lujan); Erick Stemmerman (USFS R3); Jacob Key (Santa Fe National Forest); Belinda Mollard (Carson NF) Miguel Villareal (Arroyo Hondo Arriba Community LG); A.J. Pacheco (Office of Cong. Teresa Leger Fernandez); Aurora Valdez (Office of Sen. Martin Heinrich); Camila Romero (State Land Office); Lisa Morrison (BLM); Kris Graham Chavez (NRCS); Enrique Romero (NMDOJ Treaty Division); Ernesto Lujan; Jose Gonzales; Gomecindo Gonzales; Eddie Quintana (Los Vigiles LG); Emilio Aragon; Priscilla Sillas Rael; Elias Ontiveros; Jefferey Tenorio; Mario Tenorio; Melaquias Castellano; Rita Padilla Gutierrez; Geoffrey Plant; Claresse Romero (San Miguel del Bado LG).

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 April 12, 2024 Regular Meeting and April 19, 2024 Special Meeting

Councilor Polaco made a motion to approve the meeting minutes of the April 12, 2024 Regular Council meeting; Councilor Padilla 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 the meeting minutes of the April 19, 2024 Special 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 State Land Office Update

Camila Romero reported the availability of fuelwood area near Tres Piedras, where piñón-juniper has been cut and permits are available for \$15.00. She also has met with Claunch-Pinto SWCD to plan phase 3 of Bearcat project this fall.

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

Jacob Key (Santa Fe NF) reported that Hermits Peak Calf Canyon fencing contracts and recovery work continues. The Encino Vista landscape restoration project continues. The SFNF is working with the San Joaquin del Rio de Chama to restore the old orchard in the Cañón de Chama. The National Forest Foundation is working in 68 acres on the San Joaquin Grant under their “Wood for Life” program. The SFNF is working with the Carson NF about mayordomo projects and want them on the Santa Fe NF and are coordinating with JR Logan and the National Forest Foundation. Belinda Mollard (Carson NF) reported of road closures because of elk calving, prescribed burns in the Rio Chama CFRP and the Echo Amphitheatre closing for improvements. Erick Stemmerman reported that the Cíbola NF is continuing to work on the north Sandia fuel reductions project. Scoping has been released and public comments period has been extended.

7. Discussion and Possible Action Bureau of Land Management Update

Lisa Morrison reported that the Rio Grande del Norte plan comment period open until May 23rd. The Santa Fe County shooting range project is ongoing and the Governor’s 60 day review period will start in June. Taos field manager Eric Valencia spoke with Councilor Polaco regarding fuelwood on the Okhay Owingeh land exchange. Mr. Archuleta provided a list of certified federal patents for land grants that the Council would like to purchase.

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

Federal

Eric Chavez (Office of Senator Lujan) and A.J. Pacheco (Office of Cong. Teresa Leger Fernandez) reported that Senator Lujan reintroduced traditional use legislation as S. 4271 and HR 8262. The Congressional delegation also had a hearing regarding the Radiation Exposure Compensation Act and plan to extend and expand RECA went through Senate and are pushing Speaker Johnson to hear the bill. Mr. Pacheco reported that Congresswoman Leger Fernandez wants to visit land grant cemeteries and that they are not making progress on finding out more information on cemetery valuations. Mr. Archuleta commented that the traditional use bill will have hearings in both chambers. The bill has been thoroughly vetted and negotiated but the timeline is short in an election bill.

State

The Interim Land Grant Committee (chaired by Sen. Leo Jaramillo) adopted a work plan, which includes the following areas: Water, land, fire prevention and post-fire recovery issues; Land

acquisition and management issues; Governance capacity at land grants-mercedes and acequias; Reports from individual land grants-mercedes and other related entities. Meeting dates and locations are: July 25-26 – Northern New Mexico College, Española; Aug. 19-20 – at New Mexico Highlands University in Las Vegas; Oct. 3-4 – at the San Antonio de las Huertas LG in Placitas; and November 18 in Santa Fe.

9. Discussion and Possible Action on NM Dept. of Justice & Treaty Division Update

Enrique Romero (NMDOJ Treaty Division) reported that the DOJ is interviewing a 1 year intern attorney and 2 applicants for another attorney with Treaty Division. They have developed a process for incoming complaints, intakes, assigning an attorney, etc. They have 25 pending acequia / land grant complaints they are working through and the NMDOJ is reviewing the protections that acequias and land grants have. Planning is ongoing for a land grant and acequia policy conference in Santa Fe. There will also be 2 trainings for land grants and acequias in July and September, which will include presentations on OMA, IPRA, NM State Auditor, elections, bylaws. Ricardo Dow y Anaya reported that he attended the water planning open house (flyer in packet) and encouraged all land grants and acequias to attend these open houses. Priscilla Rael commented regarding her displeasure of the recognition of the Arroyo Hondo Arriba Land Grant and claimed to be a heiress of the federal sovereign grant, the Arroyo Hondo, which Councilor Padilla asked for elaboration.

10. Discussion and Possible Action on Property Tax Exemption for Land Grants

Mr. Archuleta commented that the Council is not sure how many land grants submitted valuation protests. There appears to be some hesitancy on the part of counties, which have cited a Las Vegas Land Grant NM Supreme Court decision (1922) said they should pay taxes. The Council will explore this claim and hopes to meet with the New Mexico Association of County Assessors. This increases the likelihood that tax protests will go to the full NM TRD protest board. Councilor Polaco reported that the Tierra Amarilla LG submitted their protest and the Rio Arriba County assessor granted property tax exemption. Claresse Romero stated that San Miguel del Bado County was very accommodating and want the issue remedied before the tax protest.

11. Discussion and Possible Action on Land Grants establishing Academic Scholarships

The Council discussed the issue of land grants *mercedes* awarding scholarships to heirs/community members and how and if they can do so without violating the ant-donation clause. They asked the NM DOJ Treaty Division to explore the issue. Enrique Romero of the Division stated that the primary issue is anti-donation, but state agencies do give out scholarships. Perhaps a service requirement is part of the scholarship so something is given in return. Councilors asked if it matters where the source of the money is and if they can give out money that comes from donations or other sources without penalty since it does not come from the coffers of the state. They also discussed land grants having two accounts to distinguish those monies derived from different sources. Mr. Romero stated that he needs to do more research, but as soon as monies touch the land grant account, it becomes public monies. Mr. Archuleta stated that he needed to review the process that the New Mexico Lottery undertakes.

12. Discussion and Possible Action on Land Grant Assistance Fund

The Council discussed reviewing the requirements for the land grant merced assistance fund. In past, the NMLGC adopted its requirements in the June or July meeting. The NMLGC role centers around compliance with Chapter 49.

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

None.

14. Discussion and Possible Action on Council FY 2024, FY 2025 & FY 2026 Budget

FY 2024

Mr. Archuleta provided a budget update through April 2024, which includes travel at \$4,532.62, the UNM IGSA at \$360,152.62 for total of \$364,685.24. Chairman Sanchez and Councilor Polaco will need to have travel memos for the remainder of the year.

FY 2025

NM Legal Aid provided a statement regarding their rates. The Council contract with NM Legal Aid will be \$150 per hour for a total not to exceed \$60,000. The Council wants to get the process started to prevent gaps in service as NMLA cannot work on cases where land grants have monies and do not qualify for poverty requirement of federal funding. Councilor Polaco made a motion to approve the NMLA contract for FY 2025; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

FY 2026

Mr. Archuleta presented the staff recommendation for the FY 2026 budget of \$998,701, including \$912,101 under the UNM IGSA and \$600,783.54 in personnel. Councilor Polaco made a motion to approve to approve staff recommendation of FY 2026 budget; 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 UNM Intergovernmental Services Agreement

Mr. Archuleta presented Pay Request #5 for April 2024, including \$25,984.59 in personnel, \$84.42 in staff travel, \$7,069.78 in surveyor services, \$1,565.94 in office space rental and \$6,940.95 in F&A for a total of \$41,645.68.

Councilor Padilla made a motion to approve Pay Request #5 for \$41,645.68; Councilor Polaco 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 CB4U invoice #6185 for \$4,843.13; 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 Professional Surveyor Services Contract Update & Requests

Council member Andrea Padilla made a motion to approve Invoice 5172024 from Territorial Land Surveying for \$13,881.64; Councilor Polaco seconded the motion.

Roll call vote:

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

The motion was passed.

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

None.

18. Discussion and Possible Action on Land Grant Merced Institute Update

The latest issue of the *El Grito* newsletter has been released. The LGSP is digitizing deed books for the Manzano Land Grant and is considering another purchase from the Center for Land Grant Studies / Malcolm Ebright.

19. Discussion and Possible Action on Land Grant Registry Update

The Don Fernando de Taos Land Grant reported the results of their April 2024 election.

20. Discussion and Possible Action on Correspondence

None.

21. Discussion and Possible Action on Staff Assignments

None.

22. Public Comments – discussion only

Jose Gonzales, Claressa Romero and Jose Emilio Aragon offered comment.

23. Miscellaneous Announcements

ICIPs are due June 14, 2024.

24. Date and Location for June Council Meeting

The June meeting of the NMLGC will be on June 21, 2024 in Albuquerque, likely at UNM Continuing Education.

25. 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 12:47pm MDT.

Approved:

Chair

Date