

New Mexico Land Grant Council (NMLGC)
July 18, 2024 – 10:30am
UNM Continuing Education
South Building – Room 207
1634 University Blvd. NE - Albuquerque
Zoom Meeting I.D. – 954 3355 1064

**Final Meeting Minutes
Regular Council Meeting**

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:30am MDT. Roll call of the Council members: Andrea Padilla, Steve Polaco, Monica Rodriguez and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Monica Rodriguez (NMLGC); Jacobo Baca (NMLGC/LGSP); Greta Archuleta (NMLGC); Enrique Romero (NM DOJ Treaty Division); Belinda Mollard (USFS – Carson NF); Sandra Lopez (USFS – R3); Erick Stemmerman (USFS R3); A.J. Pacheco (Office of Cong. Teresa Leger Fernández); Eric Chavez (Office of Sen. Ben. R. Luján); Rachel Montoya (Office of Cong. Teresa Leger Fernández); John Anthony Gonzales (Ojo de San José LG); Robyn Whitney (USFS R3); Brian Martínez (Santa Cruz de la Cañada LG); Lisa Morrison (BLM); Edward Sena (Las Vegas 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 June 21, 2024 Regular Meeting and July 12, 2024 Special Meeting

Councilor Polaco made a motion to approve the meeting minutes of the June 21, 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 July 12, 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

None.

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

Erick Stemmerman (USFS R3) reported that he is going to Washington DC on detail for 4 months. Robyn Whitney and Sandra López will fill in for Mr. Stemmerman as the Regional Liaison while he is away. Heidi McRoberts is the new Forest Supervisor on the Cíbola NF. Belinda Mollard (USFS – Carson NF Traditional Communities Liaison) reported that the Taos Canyon Project comment period ended and the Carson NF met with the acequia association. The Carson NF would also like to have the Land Grant Council provide a Land Grant 101 for the executive leadership, which the Carson will host a planning session with next week. The Regional Leadership Team will visit in August. The Encino Vista Restoration Project on the Santa Fe National Forest is ongoing and effects the following watersheds: Rio Gallina, Cañones Creek, Polvadera Creek, Chihuahenos Creek, Coyote Creek, Rito Encino, Rio Puerco and Poleo Creek. Jacob Key (jacon.key@usda.gov) is the contact.

Councilor Monica Rodríguez (NMLGC) mentioned that the Santa Fe NF met with the San Joaquín del Río de Chama LG and hopes that Encino Vista Project Engagement is ongoing as the communities need access to forest. Ms. Mollard responded that she will encourage Santa Fe NF to continue contact the effected communities. The Carson sends SOPA (Schedule of Proposed Actions) out and she has asked that the Cibola and Santa Fe NFs do the same.

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

Federal

Eric Chávez (Office of Sen. Ben R. Luján) reported that Senator Luján met with the Secretary of Commerce, Governor Luján Grisham and members of the NM Congressional Delegation to celebrate investment under the Chips and Science Investments Act. He also visited Santa Domingo Pueblo regarding a tribal infrastructure grant and the Senator's office is tracking flooding from fires and disaster areas in Ruidoso, as well as Rio Arriba, San Juan and San Miguel Counties. He reported that the Traditional Use Legislation is not going anywhere and the Senate is recessed. Councilor Polaco inquired about Congressional Directed Spending for the Tierra Amarilla Land Grant for an elevator for their building. A.J. Pacheco (Office of Teresa Leger Fernández) stated that his office is working with BLM and USFS on the valuation of cemeteries. They have not ruled out legislative action and the office is also tracking flooding and burn scars and effects on communities such as Medanales. The Office will conduct mobile office hours in Chama on Friday (July 19). He introduced Rachel Montoya, who is from Taos, and is working in the Washington DC Office, replacing Adeline DeYoung. Councilor Rodríguez stated that the San Joaquín del Río de Chama Land Grant passed a resolution asking for the closure of the Canón de Chama and restrict public access to protect the future of the site.

Councilor Padilla stated that the Consejo received a request that the from the Los Vigiles and Lower Gallinas Land Grants regarding issues they are having with FEMA recognizing their communities ownership of the lands. Edward Sena (Las Vegas Land Grant) stated that the Las Vegas Land Grant will issue a letter to FEMA's attorneys to clarify the status of the Los Vigiles Land

Grant. Jacobo Baca (NMLGC/LGSP) asked if the congressional delegation has any updates on the Farm Bill; they reported that draft text was released but there has been no movement. Enrique Romero (NM DOJ Treaty Division) added that his office was CC'd on an e-mail from the San Joaquín del Río de Chama Land Grant to the Delegation regarding the penalties cattlemen are experiencing for the intrusions of their cattle into the Valles Caldera while the Valles Caldera (NPS) fails maintain their fences. Mr. Sena added that the Las Vegas has a land fill that has seepage issues. The landfill includes medical waste and other toxins and people that live down water are losing animals. He reported that San Miguel County is supportive and the mayor of Las Vegas does not know what to do about the situation and the need to mitigate waste site and monitor the methane and the polluting of the aquifer. Mr. Chávez stated that the New Mexico Environment Department might be the appropriate agency to contact.

State

Mr. Baca reported that in the meeting packet is the agenda for the first meeting of the Interim Land Grant committee, which will take place in Española on July 25-26 at Northern New Mexico College. The agenda includes updates and a presentation from the Santa Cruz de la Cañada Land Grant, which is seeking political subdivision status and will lead tour on 26th. The Council reached out to la Petaca LG (which owns property and is organized) but they don't feel they are ready to seek political subdivision status at this time. Councilor Polaco and Leonard Martinez of the San Joaquín will provide an update of the Mercedes Unidas Center.

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

Lisa Morrison (BLM) reported that the BLM has reviewed comments on the Rio Grande del Norte management plan and the BLM plans to publish final plan for final protest for those that submitted comments will be able to review and protest. The Rio Puerco resource management plan is also coming soon and will be available for review. The BLM (nationally) also has a public lands rule that includes grazing leases and conservation leases. Mr. Romero (Treaty Division) asked about the rule and which land grants were in the effected area. Ms. Morrison stated that the rule is complicated and offered to set people up with BLM resource managers to answer any questions. She will forward information to Council staff. Mr. Baca added that effected land grants include San Antonio del Río Colorado (which is inactive), the Arroyo Hondo Arriba, El Salto Community, which is a grazing association that includes some portions of the Antonio Martínez Grant. Chairman Sánchez added that the Rio Puerco includes the Chililí, Tomé, part of Cebolleta, Manzano, Tajique, Torreón and San Antonio de las Huertas and possible Cubero.

9. Discussion and Possible Action Presentation on presentation of concerns by Ernesto Lujan and José Emilio Aragón.

None.

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

Enrique Romero (NMDOJ Treaty Division) thanked the Council and staff for presentations and the Division is working on the next training in September. The Division also hired another attorney, Lisa Brown. Ricardo Dow y Anaya is retiring at the end of 2024 and will hire his position early to allow for cross training. Mr. Romero added that adding these positions will assist the Division to make good on commitments to the Council to do research, including research on common waters. Robust interest in the positions demonstrates that acequia and land grant matters is important. Chairman Sánchez stated that the training was excellent and it highlighted the need for the Council

to work with agencies as they expand their services to their communities and grow as units of government. Mr. Romero stated that the Council needs to adopt an FY 2025 Open Meetings Act resolution that is shorter. Councilor Polaco commented that the Office of the State Engineer should be at Council meetings. Mr. Romero stated that the OSE does not even send a representative to the Acequia Commission meetings and that the NM DOJ deputizes attorneys that work for the OSE. He stated that the NM DOJ and the Treaty Division wants to impress upon the OSE that land grants and acequias matter. Councilor Rodríguez added that the Acequia Community Ditch Infrastructure Fund is important as it pays for attorneys representing acequias during adjudications. Councilor Polaco added that acequias received \$7 million from the Rio Chama adjudication and acequias in Tierra Amarilla want to know how they can access the funding. Mr. Romero responded that the monies come from the Indian water rights settlements and the state funds other communities effected and monies made available are to offset loss.

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

None.

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

Mr. Baca reported that the Council still does not know how much DFA used of their \$3,300 administrative fee, so whatever that amount ends up being it will be deducted from the total reversion amount. The only other major reversion area was Council Travel but this was due to not having appointments made. The entire IGSA was UNM was expended. After everything the Council expended at least 94% of the budget not including the DFA deduction. Chairman Sánchez added that with exception of the NM Legal Aid contract, only \$8,700 is being reverted and that this should be reflected in the report to the Governor.

FY 2025

None.

FY 2026

The draft budget and FY 2026 request has been submitted to DFA.

13. Discussion and Possible Action UNM Intergovernmental Services Agreement

In the packet is the final FY 2025 IGSA, which has been reviewed by UNM Office of University Counsel and has been submitted to the OVPR to finalize the University's review. The IGSA is nearly the same as the previous (FY 2024) review. Mr. Romero will need to complete a review.

Councilor Polaco made a motion to approve the FY 2025 IGSA, when reviewed and revised, giving Chairman Sánchez authority to sign the IGSA when ready; Councilor Padilla seconded the motion.

Roll call vote:

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

The motion was passed.

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

The new FY 2025 contract has been processed by DFA and the NMLA cannot yet bill toward this contract, but hopefully will be able to shortly.

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

Mr. Baca clarified that the surveyor’s contract is under IGSA, so work cannot commence until the IGSA is finalized. Mr. Sena commented that lack of surveys of the Los Vigiles and Lower Gallinas land grants is holding up the FEMA process.

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

Mr. Baca reported that the LGSP/Council have relocated to the new office.

17. Discussion and Possible Action on Land Grant Registry Update

Mr. Baca reported that the following has been submitted to the Council.

- Santa Cruz de la Cañada LG - bylaws and annual report - July 2024
- Lower Gallinas LG – results of May 2024 election and current board membership - July 2024

18. Discussion and Possible Action on Correspondence

None.

19. Discussion and Possible Action on Staff Assignments

None.

20. Public Comments – discussion only

Chairman Sánchez commented on the appointment letter for Monica Rodríguez to the Council and Council members congratulated Ms. Rodríguez. Mr. Polaco reported that the last electrical panel for the Mercedes Unidas. Ms. Padilla asked that staff send out the FY 2025 LGAMF certifications ASAP. Mr. Sena stated that Ernesto Luján and José Emilio Aragón do not represent the Las Vegas Land Grant as their appointments from the 4th judicial district have expired. They have worked to establish a relationship with the Lower Gallinas and Los Vigiles Land Grant. Chairman Sánchez clarified that the Council understands that they do not represent the Las Vegas Land Grant and the Council allowed their request to address the Council to clarify that the Council cannot assist individuals, but works with land grant boards of trustees to offer a program of support.

21. Miscellaneous Announcements

Greta Archuleta commented that the DFA Budget conference will take place from November 20-22 in Albuquerque. Chairman Sánchez added that GSD sent an e-mail regarding Tort Liability coverage, which is now applied for online. The Consejo has officially changed its name to *El Consejo de las Mercedes*, partially in an effort to clarify the difference between the Council and the Consejo.

22. Date and Location for August Council Meeting

The August 2024 Regular meeting will be held on August 16, 2024, 10:00am in Albuquerque, at UNM Continuing Education.

23. Adjournment

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

Roll call vote:

Councilor Padilla – aye

Councilor Polaco – aye

Councilor Rodríguez - aye

Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 11:56pm MDT.

Approved:

Chair

Date