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# NEW MEXICO LAND GRANT COUNCIL

## Annual Report





# **New Mexico Land Grant Council Annual Report FY 2019**



## **Council Members:**

**Juan Sánchez, Chair**  
**Rebecca Correa-Skartwed, Vice-Chair**  
**Leonard T. Martínez, Member**  
**Andrea C. Padilla, Member**  
**Steve J. Polaco, Member**

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## EXECUTIVE SUMMARY

Land Grants-Mercedes continue to be actively focused on preserving their history, cultural and traditions and improving their communities through socioeconomic development opportunities and stewardship of their surrounding natural environment. This includes: establishing relationships with federal and state agencies; engaging in the federal and state legislative process; actively managing their natural resources and protecting their common lands; maintaining their community facilities; preservation of historic documents; researching and sharing historical and genealogical research; complying with requirements as local units of government. Land grants-mercedes continue to actively engage in policy advocacy at the federal, state and local levels including involvement in federal planning processes affecting their former common lands now managed by the U.S. Forest Service and the Bureau of Land Management. This holds true at the State level as well. Their top priorities include protecting their access to traditional uses on former common lands, being good stewards of the lands they still own, increasing their governance and fiscal capacity and creating socio-economic opportunities for their communities.

In this last fiscal year, the New Mexico Land Grant Council has continued to hold to its mission which include establishing a land grant support program to provide advice and assistance to land grants and to serve as a liaison between land grants and other federal, state and local governments (49-11-3 (A), NMSA 1978). In fiscal year 2019 the New Mexico Land Grant Council received a \$221,900.00 General Fund appropriation from the New Mexico Legislature. Information about the Council's FY 2019 budget expenditures can be found in the Council's Activities and Expenditures Section starting on page 9. The Council's FY 2020 approved budget can be found on page and the Council's FY 2021 budget request and narrative can be found starting on page 30.

The Land Grant Council provided direct services and support to community land grants-mercedes throughout New Mexico in the following areas (detailed descriptions of each can be found starting on the pages noted in parentheses): Technical Assistance to Land Grants (pg 10); Liaison Work (pg 13); Policy Work (pg 17); Legal Services for Land Grants (pg 23); Historical Research (pg 26); Dissemination of Information to Land Grants (pg 27); Direct Financial Support (Land Grant Support Fund - pg 28); Management of Land Grant Registry (pg 29). Land grants-mercedes that received services or support from the Council in FY 2019 included: Town of Tomé Land Grant; Merced de Los Pueblos de Tierra Amarilla; Santa Bárbara Land Grant; Juan Bautista Baldés Land Grant; Don Fernando de Taos Land Grant; Merced del Pueblo de Tajique; Merced del Manzano; Chililí Land Grant; Cañón de Carnué Land Grant; Abiquiú Land Grant; Anton Chico Land Grant; San Antonio de Las Huertas Land Grant; San Joaquín del Río de Chama Land Grant; Tecolote Land Grant; Cristobal de la Serna Land Grant; San Miguel del Bado Land Grant and San Antonio del Río Colorado

## **STATE OF LAND GRANTS-MERCEDES**

Land Grants-Mercedes throughout the New Mexico continue to engage in federal and state policy matters affecting their communities. This includes continuing to engage in the ongoing Forest Plan Revision process being undertaken by the Carson, Cibola and Santa Fe National Forests. In addition, land grants continue to work with other state and federal agencies that are currently managing their former common lands. This includes the Bureau of Land Management; New Mexico Game Commission and Department of Game and Fish and the New Mexico State Land Office. They have looked to partner when possible with other government agencies like the New Mexico Attorney General's Office and the Department of Taxation and Revenue.

One of the biggest issues still facing land grants-mercedes is the protection of their common lands. Illegal encroachments and quiet title suits remain a major threat to preserving the common lands. As well, taxation of the common lands also continues to be an issue with the common lands often being assessed to multiple parties other than just the land grant-merced. There needs to be a better process for County Assessor's working with land grants-mercedes that are local government entities to properly identify and assess lands within the exterior boundaries of those active land grants. As well, land grant-mercedes still have the obligation to pay property taxes on the common land. One challenge they face is the differing assessment values for vacant lands that are essentially the same in terms of their use. Many land grants-mercedes have successfully applied for agricultural exemptions on the common lands but as counties become stricter about what lands are eligible for agricultural exempt status some are at risk of losing this cost saving opportunity. Land grants-mercedes that have smaller parcels of land may not qualify for the agricultural exemption due to counties having minimum parcel size requirements. In addition, land grant-merced parcels that contain buildings like community centers can be assessed at a commercial rate even though the activities associated with that parcel are community services and not businesses. A solution to this problem is to develop a standardized taxation rate/exemption specific for land grant-merced common lands. The rate would be similar to the agricultural exemption qualification for the rate would not require continual proof of eligible agriculture uses but rather simply that the land is owned and managed by the land grant-merced. The taxation rate could include categories of land use that would allow for rate differences among different parcels depending on their use. For example, all vacant lands used in common would be taxed at the lowest rate. In addition, land grant owned parcels with buildings/structures aimed at community services like community centers, parks, community water system etc., could be also be taxed at the lowest rate or exempted from property taxes altogether since they provide a community service function exactly the same as similar properties owned by county or municipalities. Land grant-merced parcels that are part of the common lands but are leased for affordable housing could be taxed at a land grant-merced residential rate which could be set lower than standard residential rates since the purpose is to provide affordable housing opportunities for community members to remain in their communities. Lastly, parcels used for commercial type ventures can be taxed at the highest rate for a land grant-merced but lower than typical commercial properties since any revenues generated from such commercial ventures provides funding for reinvestment into community services. The overall fiscal impact to the State for creating a new tax rate for land grant common lands would be minimal considering the fact that currently all active land grants-mercedes combined pay less than \$50,000 per year on approximately 200,000 of common land. In addition, a new tax rate/exemption for land grants would help ensure that any former common lands reacquired by a land grant-merced, particularly those that had been tax delinquent, will not become alienated from the tax roles in the future.



Land grants-mercedes still have a great need for legal services. Although the New Mexico Land Grant Council, University of New Mexico Law School Natural Resources and Environmental Law Clinic and the Treaty of Guadalupe Hidalgo Division of the Attorney General's Office are all providing legal services support to the land grants-mercedes there is still a gap in meeting the total need. This is due largely because of a lack of resources. Currently all three entities are at maximum capacity for being able to provide services and there are still legal issues facing land grants-mercedes that have yet to be addressed. The passage of the Community Governance Attorney Act in 2018 will provide an additional resource to address the issue however the implementation of that program is still 1 to 2 year out. Additional services needed to help protect the common lands of land grants-mercedes is surveying services. This is the need to have professional surveys of the existing common lands as well as the ability to have a professional surveyor review survey conducted on lands adjacent to land grants-mercedes to ensure accuracy. Apart from the protection of the existing common lands land grants-mercedes need to continue to reacquire former common lands lost through adjudication, delinquent tax forfeiture and privatization by third party interests. The need for requiring common lands is necessary to protect the surrounding natural environment of these centuries old land-based communities this includes the watersheds and natural resources found on those lands. These mountain communities need healthy watersheds that are resilient to naturally occurring fires and changes in climate. As local government entities land grants-mercedes have more tools to plan for and implement restoration project to enhance and protect the common lands. Just like Tribal communities, land grant-merced communities have a vested interest in the protection of their common lands for not only environmental conservation but also for the preservation of their cultural heritage. The more common lands managed and controlled by the land grants-mercedes the better for the overall health of regional watershed and wildlife habitat.

The need for a guaranteed revenue stream for this local government entities is still a top priority for land grants. Most land grant-merced boards of trustees serve as volunteer elected officials whose duties included not only the management of common lands but also providing communities services and complying with reporting requirements mandated by state statute. Most land grants-mercedes are tier 1 entities meaning their annual budgets are below \$10,000 with a few land grants categorized as tier 2 entities with budgets between \$10,000 to \$50,000. With these limited resources land grant boards of trustees often find it difficult to properly protect and manage the common lands, provide additional community services and comply with all necessary laws and regulations. A guaranteed revenue stream for land grants would afford them the opportunity to obtain professional service contracts, hire staff, maintain and improve existing facilities and reacquire former common lands up for sale on the open market or at tax auction.

Another common priority area for land grants-mercedes is youth development. Land grant communities throughout the state have recognized the strain that the substance abuse epidemic has had on their communities. To combat this problem, they have recognized the need for more local youth development programs. Both the New Mexico Land Grant Council and the UNM Land Grant Studies Program have identified this as a priority work area as well. In order to address the growing concern, the Land Grant Studies Program has prioritized establishing a land grant youth development program that will provide culturally relevant leadership development opportunities. Early youth development programming has included quarterly youth leadership engagements held in conjunction with meetings with the New Mexico Land Grant Consejo. This has expanded into individual land grant youth workshops hosted by various land grants. These workshops have included the history of Matachine dancing and the formation

of an East Mountain Youth Matachine Group. A Cultural Heritage Day in San Antonio De Las Huertas where youth spent the day learning about acequias, tree sap harvesting, and traditional cheese making. The youth also participated in service-learning projects where they helped the Town of Tome with picking up trash along their main highway in order to beautify their community. Projects in Northern New Mexico included an intergenerational oral history interviews where youth from Escalante High School interviewed 5 elders from Tierra Amarilla and Gallina land grants. The Land Grant Studies Program is also developing culturally relevant curriculum and materials to continue to provide workshops and classes in Northern and Central New Mexico Land Grant communities. Future plans include partnering with Ancestral Lands Program in order to develop a land grant-merced youth conservation program aimed at hiring land grant youth to engage in traditional land conservation management projects.

In addition, to the about mentioned overarching issues facing all land grants-mercedes each individual land grant-merced has unique challenges as well as individual project initiatives. Below is breakdown of some of the challenges faced and initiatives being undertaken in the past year by individual land grants-mercedes around the State. While the information below does not cover every single active land grant in the State of New Mexico it is a good sampling of the types of issues faced and initiatives being pursued by land grants-mercedes.

The Town of Tomé Land Grant continues to serve as a central hub for community activities for Tomé and the surrounding communities. Their community center still serves as a community gathering space and hosts a variety of activities throughout the year including farmers markets, youth activities, an annual balloon glow. They continue to maintain a museum of the history of the land grant and community. In addition, they also maintain and protect the Tomé Hill an annual pilgrimage site during holy week. Their major project initiative in recent years has been the reacquisition of their former common lands lost through an illegal land sale in the 1970's. Most of these former common lands were subdivided in quarter acre lots and many of those lots are now considered abandoned properties. That is, they are properties that have been on the tax delinquency roles for over 10 years. Two years-ago a state law was passed that allows for a new method of sale by the State of these tax abandoned properties (§7-38-67.1, NMSA 1978). Included in this statute is a provision that allows a land grant-merced the right of first offer on certain tax abandon properties if they are within the historical boundaries of the land grant-merced. The Town of Tomé Land Grant received a \$250,000 capital outlay appropriation in the 2019 legislative session for the purpose of purchasing such tax abandoned properties up for disposal by the New Mexico Taxation and Revenue Department (TRD). The Land Grant-Merced has been in talks with TRD and TRD has planned its first phase of property sales under the new law in December of 2019.

The Merced de Los Pueblos de Tierra Amarilla has been involved in litigation concerning an ownership dispute over a 215-acre parcel of the common lands. The case is being litigated by a team of attorneys from the Office of the Attorney General and New Mexico Legal Aid (under a contract with the New Mexico Land Grant Council). The litigation is set to go to trial in the Spring of 2020. As well, the Land Merced has been working with the New Mexico Game Commission on the transfer of the Laguna del Campo, a fish lake in Los Ojos, from the Commission to the Merced. This land transfer was approved by the Legislature in the 2019 session and has been partially delayed due to issues concerning the water rights associated with the Lake. In addition, to this project the Merced is also partnering with the San Joaquín del Río De Chama and Juan Buatista Baldés Land Grants to purchase the Piedra Lumbre Visitor's Center from the U.S. Forest Service. The purchase is being funded by at 2019 Legislative

Capital Outlay appropriation and the facility will serve as a community and economic develop engine for the region.

The Santa Bárbara Land Grant has been actively engaged in identifying former common lands that are not currently assessed on the Taos County Tax roles in order to place those properties in the name of the land grant-merced. The land grant-merced is the original owners of the lands as evidenced by the U.S. Patent issued to the land grant. These unassigned properties consist mainly of historic roads and easements. As well, the Land Grant continues to engage the Carson National Forest on a number priority issues for their community. Namely they are the desire to engage in Forest restoration project work aimed at protecting the watershed and reducing the risk of catastrophic wildfire. As well, they have been actively engaged in the Forest Plan Revision process and a main focus of concern has been the identification of the Río Santa Bárbara as a eligible Wild and Scenic River. There main concern is that identify the river as such will limit the ability to manage the lands with a quarter mile of either side of the river.

The Juan Bautista Baldés Land Grant has been busy defending their common lands from encroachment and theft by individual landowners in the community. This has included a negotiated settlement with a bank on a fore closed mobile home that was illegally placed on the common lands of the Land Grant. More recently they have been engaged in a quiet title suit initiated by an individual seeking to sell off 150 of the common lands to a third party from outside of the community. The New Mexico Land Grant Council has been providing the land grant with assistance on addressing this matter. The Land Grant is also a partner on the Piedra Lumbre Visitors Center purchase.

The San Joaquín del Rio de Chama Land Grant has been actively partnering local timber harvesters on the Collaborative Forest Restoration Projects that allows them to receive free fuel wood for distribution to the local community. As well, the Land Grant has been working on the renovation of their community facilities. This includes renovations to their Land Grant Hall which has entailed roof repairs, window replacement, rotted floorboard replacement and bathroom upgrades. The Land Grant has also been actively involved in the Forest Plan Revision Process for the Carson and Santa Fe National Forests as well as the Resource Management Plan for the BLM Farmington Field Office Plan. The Land Grant continues to work on the development of a community farming project propose for submittal to the Santa Fe National Forest for an area of their former common lands now managed by the U.S. Forest Service. As well, the Land Grant is interested in pursuing ownership or easement rights to a historic cemetery in the community of Las Laves. The Land Grant is also a partner on the Piedra Lumbre Visitors Center Purchase.

The Don Fernando de Taos Land Grant has been in a dispute with a local bank over a historic cemetery. The cemetery dates back to the establishment of the land grant community in the 1700's. The property on which the cemetery sits was adjacent to the original church, however, when the original church burned in the 1800's a new church was built in a different location. The old cemetery property belonged to the Archdiocese of Santa Fe and they recently sold the property, unbeknownst to the community, to the bank. The bank unaware of the cemetery built a parking lot on top of the property. The Land Grant has been trying to have the property returned to its original state in order to honor their ancestors buried under the parking lot. The Land Grant has been working with the UNM School of Law Natural Resources and Environmental Law Clinic on the matter.

The Merced del Manzano was properly recognized as a political subdivision of the State in the 2019 Legislative Session. This recognition has provided them the opportunity to also receive a capital outlay appropriation of \$300,000 for the purchase and renovation of a historic community center building in the middle of the community. The new center will serve as the land grant administrative office and multipurpose center for use by the community. In addition the land grant along with all the other East Mountain Land Grants (Mazano, Torreón, Tajique and Chililí) has been actively concerned about a plan put forth by the Estancia, Moriarty, Willard, Torrance County Water Utility Authority (EMWT) The EMWT plan includes the placement of water infrastructure lines and wells in each of the land grant communities. The Land Grant communities were never consulted, and their main concern is the effect such a system would have on their water supplies. The land grant communities are the oldest communities in Torrance County with thereby having the oldest priority dates to water. Each community already has its own community water systems and therefore are not in need of water service from EMWT. The Land Grants will be working jointly to address their concerns in FY 2020.

The Merced del Pueblo de Tajique has continued to provide services to the local and surrounding communities out of their community center. The Community Center serves as a focal point for community events and activities including: serving as a summer meal site for local youth and for youth art programs; serving as a community rental facility for weddings, graduations, showers and funeral receptions; playground and basketball court. The Land Grant received a 2018 capital outlay appropriation to renovate and improve the community center. The Land Grant has also been involved in a zoning dispute with Torrance County over the placement of a cellular tower in the middle of the community. The Land Grant is also concerned with the regional water system plan being proposed by EMWT.

The Chililí Land Grant has been continuing to recover from the effects of the 2016 Dog Head Fire. At least 30% of the Land Grant's common lands were burned in the fire. Recovery has included the need to constantly maintain the roads and replace culverts due to damage from flooding after rainfalls. This led to the land grant prioritizing the purchase of a bulldozer for their 2019 capital outlay request, which they were successful in receiving. In addition, the land grant has continued its work on the construction of a firestation facility as an addition to their existing multipurpose center. The facility will allow for the housing of a fire truck as well as shower bays for hosting wildlands firefighting crews in the event of any future wildfires. The Chililí Land Grant is also concerned with the regional water plan proposed by EMWT.

The Cañón de Carnué Land Grant for the past several years has been actively pursuing economic development initiatives through use of their common lands and facilities. This has included the lease of common lands for placement of a landscaping business and the lease of a portion of their land grant hall for a craft brewery tap room. The Land Grant has also been working on the remediation of an old gravel pit operation including rehabbing a section for placement of an RV Park. The Land Grant has also been actively engaged in several watershed restoration projects to remove invasive plant species from around several riparian areas. The land grant has also completed the renovation of their land grant hall in order to make it more appealing as a rental space for community functions as receptions and dances.

The Merced del Pueblo Abiquiú has been working on developing more community and economic development opportunities. This includes successfully obtaining a \$170,000 capital outlay appropriation in 2018 for the renovation of a community facility located right off of the highway. The main challenge

to initiating the renovation has been their inability to complete an Agreed Upon Procedures engagement as required by the State Audit Act. The main cause has been difficulty in getting the old treasurer to return all of the financial records kept by that individual. The Land Grant has made both the Auditor's Office and the Attorney General's Office aware of the issue. Apart from this the Land Grant has also continued to negotiate with the Office of the State Engineer concerning the adjudication of the water right owned by the land grant. The New Mexico Land Grant Council through its contract with New Mexico Legal Aid has been providing the land grant support on this matter.

The Anton Chico Land Grant has been struggling with the protection of the natural resources found on the land grant. Particularly they have been having a hard time controlling the illegal quarrying of rocks from the common lands. These quarries are damaging the common lands and are not being remediated by the individuals removing the rock. The Land Grant has tried to initiate a rock removal permitting process but has had limited success. To address the issue, they have asked the Land Grant Interim Committee to develop legislation that will provide them with the authority to designate a natural resources officer who will have the power to enforce the regulations of the land grant. This would include the ability to prosecute individuals violating their regulations. It is estimated that hundreds of thousands of dollars in rock has been removed from the land grant common land in the past ten years without any compensation to the land grant. The land grant has been working with the UNM School of Law Natural Resources and Environmental Law Clinic on the matter. Also, the Land Grant has been in conversation with several companies on the potential development of renewable energy projects on the common lands of the land grant.

The San Antonio de Las Huertas Land Grant has been working on the development of an outdoor recreational space. The area will serve as a rental space for community functions. Also, the land grant has been in discussions with the local mutual domestic drinking water system and acequia regarding the possible consolidation of the systems under the land grant. The Land Grant Community continues to face concerns with overgrowth of the Sandia Wilderness which is immediately adjacent to their common lands and the community of Placitas. The main concerns are the threat of catastrophic wildfire and the depletion of their natural springs all due to overgrowth of the forest.

The Tecolote Land Grant has been addressing infrastructure and maintenance issues facing their community. This includes needing to repair and renovate their community center and replacement of dam that was washed out. The community center repairs are needed to fix a leaking roof and repair damage caused by the leak. They received a \$50,000 capital outlay appropriation in the 2018 session to go towards those repairs. The Land Grant will require additional funding in order to complete the other needed renovation including upgrading their septic system. The dam issue is affecting their acequia system as without the dam they are unable to divert waters for irrigation. The community has been working with FEMA and the New Mexico Acequia Association to try and address the issue.

The Cristobal de la Serna Land Grant is still trying to protect what is left of the common lands. This includes approximately 5,000 acres of lands that were mapped in tax assessment purposes into long narrow strips of land stretching from the valley floor to Picuris Peak. These properties known as líneas have been the cause of controversy for the community for several generations. Senate Joint Memorial 1 from the 2018 session requested that the Treaty Division of the Attorney General's Office study the matter and report back to the legislature as to their findings. The goal is to return the lands in questions to the status of common lands of the land grant.



The San Miguel del Bado Land Grant has been working on renovations and upgrades to their community center building in San Miguel. The Center serves as a senior meal site for Senior Citizens in the Valley. The needed improvements include security upgrades, parking lot improvements and needed kitchen equipment. The Land Grant received an \$18,000 capital outlay appropriation in 2018 and will likely need additional funds in the future.

The San Antonio del Rio Colorado Land Grant has recently been approached by the Chevron Mining Corporation regarding the possible sale of some of the lands owned by Chevron. Chevron is interested in selling some of its real estate to the land grant. They are currently in negotiations with regarding the amount of acreage and price. The Land Grant will likely need a capital outlay appropriation to support their acquisition of the property. As well, the New Mexico Land Grant Council in conjunction with the UNM Land Grant Studies Program provided assistance to the land grant with the archiving of several boxes of historic documentation. In addition, they received assistance with a genealogy projects that will help them identify future members of the land grant.

Lastly, there are several land grants-mercedes with active boards of trustees that are not recognized as political subdivisions of the State. This is since the origin of these land grants does not begin with Spain or Mexico but rather is the result of a partition of the common lands of a larger land grant for communal management by a local community. While their origins begin in the American Period these partition land grants function in the exact same manner as other active land grants. That is to say they have an elected board of trustees that manages the common lands for the benefit of their local communities. Several examples of such land grants exist. They are the Arroyo Hondo Arriba Land Grant, The El Carmel Land Grant, the Low Gallinas Land Grant, the Los Vigiles Land Grant, the San Augustín Land Grant and the San Geronimo Land Grant. Many of these land grants have continued to exist and actively manage common lands even after their mother land grants have ceased to function. These land grants have governing boards elected separately from their mother land grants and they all own the property they manage fee simple apart from the mother land grant. Recognition of these land grants will not have any adverse impacts on the mother land grants as they would be taking nothing away any land, control or authority from the mother grants as they already own, manage and control their properties apart from the mother land grant. Furthermore, the fee simple land ownership by the partition land grants have all be recognized by courts of competent jurisdiction.

## NEW MEXICO LAND GRANT COUNCIL ACTIVITIES AND EXPENDITURES OVERVIEW

### FY 2019 APPROVED BUDGET AND ACTUAL EXPENDITURES

In fiscal year 2019 the New Mexico Land Grant Council received a \$221,900.00 General Fund appropriation from the New Mexico Legislature. Expenditures for FY 2019 totaled \$221,368.20. This included; \$198,444.00 in an intergovernmental services agreement with the University of New Mexico to provide program support and staff to the Council; \$30,000.00 in contract with New Mexico Legal Aid for legal services for land grants-mercedes; \$14,187.17 in direct financial support to land grants-mercedes for small capital and administrative expenses through the Land Grant Support Fund; \$5,654.43 in in-state travel expenses for the Council members to attend monthly meetings; and \$3,082.60 in administrative fees to the Department of Finance and Administration.

Table 1 – FY 2019 Budget vs. Actual Expenditures

<b>FY 2019 Approved Budget Line Item</b>	<b>FY 2019 Budgeted Expenditures</b>	<b>FY 2019 Actual Expenditures</b>	<b>Unexpended Balance</b>
DFA Admin Fee	\$3,400.00	\$3,082.60	\$317.40
Support Fund	\$14,300.00	\$14,187.17	\$112.83
Publishing	\$0.00		\$0.00
In State Travel	\$5,756.00	\$5,654.43	\$101.57
UNM Contract	\$198,444.00	\$198,444.00	\$0.00
F&A	\$33,073.97	\$33,073.97	\$0.00
Staff Salary & Fringe	\$125,893.67	\$125,893.67	\$0.00
Personnel Travel	\$7,477.36	\$7,477.36	\$0.00
Legal Service Contract	\$30,000.00	\$30,000.00	\$0.00
Supplies	\$600.00	\$600.00	\$0.00
Postage	\$100.00	\$100.00	\$0.00
Meeting Expense	\$1,299.00	\$1,299.00	\$0.00
<b>Totals</b>	<b>\$221,900.00</b>	<b>\$221,368.20</b>	<b>\$531.80</b>

## COUNCIL ACCOMPLISHMENTS IN FY 2019

In fiscal year 2019, the New Mexico Land Grant Council was comprised of 4 members. They included: Juan Sánchez who served as Chair; Rita Padilla-Gutierrez, who served as Vice-Chair; Leonard Martinez and Macario Griego. Staff support for the Council was provided through an intergovernmental services agreement with the University of New Mexico. Throughout the fiscal year the New Mexico Land Grant Council focused its work in a variety of areas. These areas included: direct technical assistance to land grants-mercedes; serving as a liaison for land grants-mercedes with other government entities; policy review and development at both the state and federal level; legal services to land grants; direct financial support; dissemination of information; maintenance of New Mexico Land Grant Registry; and historical research. Additional information about work completed within each category can be found below.

### TECHNICAL ASSISTANCE TO LAND GRANTS

In FY 2019, the Council provided direct technical assistance to sixteen different land grants-mercedes throughout the year. Land grants receiving assistance included: Town of Tomé Land Grant; Merced de Los Pueblos de Tierra Amarilla; Santa Bárbara Land Grant; Juan Bautista Baldés Land Grant; Don Fernando de Taos Land Grant; Merced del Pueblo de Tajique; Merced del Manzano; Chililí Land Grant; Cañón de Carnué Land Grant; Abiquiú Land Grant; Anton Chico Land Grant; San Antonio de Las Huertas Land Grant; San Joaquín del Río de Chama Land Grant; Tecolote Land Grant; Cristobal de la Serna Land Grant; San Miguel del Bado Land Grant and San Antonio del Río Colorado. Specific details about direct technical assistance to land grant can be found below.

The Council provided assistance to nine land grants with the completion of their 2020 Infrastructure Capital Improvement Plans (ICIP). This included providing assistance with: updating existing projects and inserting new projects into the online database, completing all necessary forms for submittal of the ICIP; and submitting the necessary forms to DFA on their behalf. Land Grants that received assistance on their ICIP in FY 2019 included: Santa Barbara, Juan Bautista Baldes, Don Fernando de Taos, Merced del Pueblo de Tajique, Town of Tomé, Tierra Amarilla; Manzano; Chililí and Cañón de Carnué. As a follow up to the ICIP process the Council at the request of the Legislative Land Grant Interim Committee contacted all active land grants that are political subdivisions of the state to determine their number one capital outlay priority for the 2019 legislative session. This work included sending out email requests and follow up phone calls as well as compiling a list of priority projects and presenting the list to the Land Grant Interim Committee in their November 2018 hearing in Santa Fe. As a direct result of this work, the Council then provided assistance to 14 land grants with the submittal of capital outlay requests. These include: San Joaquin del Río de Chama Land Grant, Juan Bautista Baldes Land Grant, Merced de Los Pueblos de Tierra Amarilla, Merced del Pueblo de Tajique, Chilili Land Grant, Canon de Carnué Land Grant, San Antonio de Las Huertas Land Grant, Tecolote Land Grant, Merced del Manzano, Cristobal de la Serna Land Grant, San Miguel del Bado Land Grant, Merced del Pueblo Abiquiu, Town of Tomé Land Grant, and Don Fernando de Taos. Assistance included helping land grants fill out capital outlay request forms, obtaining signatures on the forms from legislators, and submitting the forms to the Legislative Council Service during the 2019 Legislative Session. The Council also helped coordinate the capital outlay request process by identifying legislators that could fund land grant capital projects and providing them with a breakdown of how much each would have to appropriate in order to fully fund each project. Council staff also worked with the Governor's Office to identify projects to be funded as part of the Governor's capital initiatives. Major projects receiving



capital outlay appropriations included two economic development projects. The first for the purchase of the Piedra Lumbre Visitor's Center (PLVC) from the U.S. Forest Service by a collective of land grants in Northern Rio Arriba County. They are the San Joaquín del Río de Chama, Juan Bautista Baldés and Tierra Amarilla. The PLVC will be used to develop economic opportunities on the site that can serve as a funding stream for the participating land grants. The Cañón de Carnué Land Grant also received funding for the development of an RV Park for revenue generation. As well, several land grants received funding for improvements to their community center buildings. These included Abiquiú, San Miguel del Bado, Tecolote, and Tajique. Two land grants received funding for the purchase of community center buildings, they were Manzano and Don Fernando de Taos. The Town of Tomé and Cristobal de La Serna Land Grant received funding for the re-acquisition of their former common lands. Both communities face issues relating to delinquent property tax sales affecting their former common lands and each hope to utilize their capital outlay appropriations to begin to reacquire these former common lands. Two land grants received funding for the purchase of equipment. This included the Chililí Land Grant, which received funds to purchase a bulldozer to be utilized in the maintenance of the land grant's road, and the San Antonio de La Huertas Land Grant for the purchase of emergency alert sirens to be placed in the community. At the close of the legislative session, the Council also contacted DFA to discuss the capital outlay projects, which received funding in order for the Department to have an understanding of what each of the projects entailed and who the project proponents were that should receive grant agreements. In addition, the Council developed a briefing for DFA on the project history and intent as well as obtained status updates on Audit Act compliance for each land grant. The Council also worked with DFA to coordinate the completion of capital outlay questionnaires for the land grants of Cañon de Carnué, La Merced del Manzano, Merced del Pueblo Abiquiú, Don Fernando de Taos, San Antonio de Las Huertas, San Joaquín de Río de Chama, Juan Bautista Baldés, Tierra Amarilla, San Miguel del Bado, Tajique, Town of Tomé, Tecolote and Cristóbal de la Serna. Council staff also contacted the Department of Transportation on behalf of the Chililí Land Grant concerning their capital outlay appropriation for the purchase of a bulldozer. In addition, to work on the 2019 legislative capital outlay appropriations the Council assisted the San Joaquín del Río de Chama Land Grant with filling out the necessary pay request forms to drawdown on a portion of their 2018 capital outlay monies for renovation work to their community building. In total, land grants-mercedes received approximately \$2.38 million in capital outlay appropriations in the 2018 Legislative Session. Below is a breakdown of all the capital outlay appropriation received by each land grant-merced.

- \$170,000.00 to the Abiquiu Land Grant for the renovation of community facility.
- \$68,000.00 to the Cañón de Carnué Land Grant for the construction of an RV Park.
- \$50,000.00 to the Cristóbal de la Serna Land Grant for the acquisition of land.
- \$50,000.00 to the Don Fernando de Taos Land Grant for the construction of a land grant administrative facility.
- \$300,000.00 to the Merced del Manzano for purchase and renovation of historic community center building.
- \$120,000.00 to the San Antonio de Las Huertas Land Grant for the purchase of community emergency sirens.

- \$905,000.00 to the San Joaquín del Río de Chama, Juan Bautista Baldés and Tierra Amarilla Land Grants for the purchase of the Piedra Lumbre Visitor's Center.
- \$250,000.00 to the Tajiique Land Grant for the renovation of the community center building and property.
- \$250,000.00 to the Town of Tomé Land Grant for the acquisition of tax abandoned property.
- \$150,000.00 to the Merced del Pueblo de Chililí for the purchase of a bulldozer.
- \$18,000.00 to the San Miguel del Bado Land Grant for renovations to their Community Center.
- \$50,000.00 to the Tecolote Land Grant for Community Center Renovations and Repairs.

In FY 2019, the Council also provided assistance to three land grants-mercedes with conducting their board of trustees' elections. Land grants receiving assistance with their elections were Merced del Pueblo Abiquiú, Merced de Los Pueblos de Tierra Amarilla and Town of Tomé. Work in this area included providing advice on the steps for running an election and assistance with the development of election materials, such as, the election proclamations, declarations of candidacy, ballots and certificates of election for winning candidates. Council staff also served as judges for Tierra Amarilla and Town of Tomé elections, which required that they conduct the election, count, and canvass the votes at the close of the polls. Council staff also assisted Abiquiú with the canvassing of the ballots cast on election day.

During fiscal year 2019, the Council provided assistance to several land grants with compliance with the Open Meetings Act and the Inspection of Public Records Act. This work included assisting the Merced del Los Pueblos de Tierra Amarilla, Anton Chico Land Grant and the Juan Bautista Baldés Land Grant with developing proper public notice for advertising closed executive session meetings. The Council also provided the Merced de Los Pueblos de Tierra Amarilla with assistance in drafting their FY 2019 Open Meeting Act resolution. The Council also provided technical assistance support to the Juan Bautista Baldés Land Grant concerning an Inspection of Public Records Act (IPRA) request. Staff reviewed the request and held several conference calls with the Land Grant and the Council's contracted legal services, provided by New Mexico Legal Aid, to advise the Land Grant on how to address the request.

The Council also provided assistance to the Anton Chico and Abiquiú Land Grants with making them eligible to purchase excess state and federal property from the State Surplus Property Division of the General Services Department. This work included: meeting with the Division to determine eligibility requirements; providing the Division with letters for each land grant indicating their government status; and assisting with the completion of eligibility application.

In fiscal year 2019, the Council also provided technical assistance to the Merced de Los Pueblos de Tierra Amarilla regarding the review and analysis of a request from the Office of the State Engineer concerning water rights protected by the Treaty of Guadalupe-Hidalgo. In addition, staff compiled and sent electronic copies of materials relating to the Land Grant's 2015 election materials to the Land

Grant, including fillable pdf versions of their membership applications and a list of qualified voting members for that election.

The Council provided technical assistance and support to the Merced del Pueblo Abiquiu in FY 2019, as well. This work included providing the Abiquiu Land Grant with information relating to relevant statutes for investment and deposit requirements for revenues received, as well as, information about the types of taxes land grants that are units of government are required to pay. The Council also provided assistance with questions raised by the Land Grant about board member qualifications. The Council reviewed the information provided, researched and analyzed the relevant statutes, and provided the Abiquiu Land Grant with a recommendations report on its findings.

During FY 2019, the Council provided technical assistance support to the Santa Bárbara Land Grant in their efforts to have unidentified owner parcels within the exterior boundaries of the land grant placed in Land Grant's name by the Taos County Assessor's Office. This work included providing the land grant copies of a New Mexico District Court case relating to the assessment of unidentified parcels within the exterior boundaries of a land grant-merced, as well as, participation in a phone conference call with the Taos County Assessor's Office and the Santa Bárbara Land Grant.

The Council also provided support to the Chililí Land Grant concerning questions about the procurement process related to a local construction project. This included researching and providing them advice on the sealed bid process for construction. In addition, the Council also assisted the Chililí Land Grant with analyzing parcel data to develop a map for use in a property dispute negotiation. The Council also assisted the Chililí Land Grant with parcel data and fulfilled a mapping request.

Lastly, the Council provided technical assistance to the Cañón de Carnué Land Grant with the completion of escrow paperwork concerning a real estate purchase. It also researched and provided copies of Senate Bill 222 from the 2017 Legislative Session to the Anton Chico Land Grant concerning revenue thresholds related to budget reporting requirements for local entities.

## LIAISON WORK

In fiscal year 2019, the New Mexico Land Grant Council, in accordance with one of its statutory missions, conducted liaison work on behalf of community land grants throughout the State. This included work on a variety of different issues with various agencies and land grants-mercedes. Below are details about liaison services provided by the Council during FY 2019.

A significant portion of the Council's liaison work in FY 2019 was related to Council's role as a cooperating agency with the Cibola, Santa Fe and Carson National Forests for the revision of their respective forest management plans. Directly related to this the Council participated in quarterly meetings of the Cibola National Forest Collaborative, a consortium of cooperating agencies and special interest user groups providing input to the Cibola National Forest with regard to the Cibola National Forest Management Plan revision. At one of these quarterly meetings the Council had the opportunity to present on the history and modern role of Spanish and Mexican Community Land Grants. During the fiscal year the Council also reviewed the Cibola National Forest Draft Plan and Draft Environmental Impact Statement. After reviewing both documents the Council developed and submitted comments relating to each document to the Cibola National Forest. The Council also attended technical panel for

drafting of the plan held by both the Santa Fe and Carson National Forests. Meeting discussions included the review of the draft forest plans, the draft environmental impact statements, plan alternatives, proposed wilderness designations and expansions, and wild and scenic river designations. In addition to direct participation with each National Forest on the plan revisions, the Council also assisted individual land grants with developing and submitting their comments to the agency. This included assisting the Santa Bárbara Land Grant with the development of comments regarding the Wild and Scenic Rivers eligibility evaluation for submission to the Carson National Forest as well as providing information to the San Antonio de Las Huertas Land Grant concerning the Cibola National Forest Plan revision comments submitted by the Council. Council staff also researched and provided maps to the Town of Tomé Land Grant concerning potential wilderness designations being considered on lands adjacent to their exterior patented boundaries.

In addition to work specific to the Forest Management Plan Revision process the Council also provided liaison support on a variety of other projects. This included serving as the main point of contact between the Carson National Forest and the San Joaquín del Río de Chama, Juan Bautista Baldés and Tierra Amarilla Land Grants concerning the negotiated acquisition of the Piedra Lumbre Visitor's Center (PLVC) near Ghost Ranch. To that end the Council assisted all three land grants with drafting and submitting a written letter to the Carson National Forest outlining their commitment to pursue funding for the purchase of the Piedra Lumbre Visitor's Center. The Council also helped coordinate and participated in a meeting hosted by the Carson National Forest at the Ghost Ranch Conference Center in April of 2019, which included all of the land grants, the Ghost Ranch and Georgia O'Keefe Foundation. The purpose of the meeting was to discuss the acquisition of the property by the land grants given the fact that they were successfully able to receive \$905,000 in legislative appropriations for the acquisition. It was also an opportunity for the land grants to interact with the adjacent property owners and begin discussions about future cooperation. Lastly the Council also provided electronic copies of the Piedra Lumbre Visitor Center Master Plan, developed with support from the Council, to Senator Martin Heinrich's new economic development director for his review.

Finally, with regard to liaison work with the Forest Service, the Council also assisted in setting up a meeting between land grants and their Law Enforcement Division of the USFS in Los Luceros on May 7th. The purpose of the meeting was to give land grants-mercedes an opportunity to meet with law enforcement staff and discuss areas of concern. Council staff attended the meeting and help facilitate discussions. In addition, the Council participated in a meeting held by the US Forest Service Concerning the Cerro Negro Collaborative Forest Restoration Program project which includes the Arroyo Hondo Arriba Land Grant. This project is based on steward by local communities and serves as a model for forest restoration work National Forest Lands adjacent to land grant-merced communities. The project provides the opportunity for local community members to harvest the wood for personal use while at the same time accomplishing forest restoration management objectives.

In addition to work specific to the U.S. Forest Service the Council as engaged other federal entities in FY 2019 as well. This included the Bureau of Land Management (BLM) and the Natural Resources Conservation Service (NRCS) as well as the New Mexico Congressional Delegation offices. The primary way in which the Councils engages these entities is through its monthly meetings. The Council has standing agenda items relating to the BLM, the USFS and federal legislative updates. Representatives from the BLM, USFS and the congressional delegation offices are always in attendance at the Council meetings. This provides an opportunity for the Council to interact with the agencies and

delegation staff in order to provide concerns, share information and learn about current or past activities. Having these agencies present at the meeting provides an opportunity for land grants in attendance to interact with them as well.

The Council continued to interface with BLM in FY 2019 concerning the status of several BLM Land Management Plans being developed including the Rio Puerco, Farmington, and Rio Grande Del Norte National Monument. In addition, the Council also requested that the BLM find a way to make the permitting process for fuel wood more accessible for rural communities. Under the rules for permit distribution individuals had to travel to the Field Offices located in Albuquerque (Rio Puerco District), Taos or Farmington to get a fuel permit even though the BLM property may be quite distant from the Field Office in another county within the district. For example, someone seeking a BLM fuelwood permit in Ribera or San Miguel would have to travel to Taos to obtain the permit. Taking this into consideration BLM started a pilot project for online fuelwood permits for the 2019 fuelwood season in both the Taos and Rio Puerco Districts.

The Council has also been interacting with the Natural Resources Conservation Service and is very interested in the development of guidance for the implementation of the 2018 Farm Bill which included provisions for the making land grants-mercedes eligible for certain conservation funding programs. The Council requested that NRCS develop the guidance so that it may provide assistance land grants seeking to apply for such funds. The Council will continue to track this issue in FY 2020.

In addition to liaison work at the federal level the Council also serves the same role with state agencies as well and local government entities as well. In fiscal year 2019 a major area of work related to the implementation of provisions found in §7-38-67.1, NMSA 1978 relating to the sale of abandoned real property by the New Mexico Taxation and Revenue Department (TRD). There are provisions in that section of the law that allow for a land grant to have the right of first offer on any abandoned properties identified to be sold for tax delinquency by TRD. During the 2019 legislative session the Town of Tomé land grant received a capital outlay appropriation of \$250,000 for the purchase of abandoned properties. Shortly after the session the Council reached out to the Office of the Governor and TRD in order to coordinate a meeting with the Town of Tomé Land Grant regarding coordination on an abandoned properties sale by the Department. The Council was able to successfully set up a meeting with Secretary of TRD and the Director of the Property Tax Division in order to discuss the steps necessary leading up to a sale in December of 2019. The Council continues to work on this in fiscal year 2020.

Additional work at the state level included the Council's involvement with the Merced de Los Pueblos de Tierra Amarilla and the New Mexico State Game Commission via the Department of Game and Fish concerning the transfer of the Laguna del Campo fishing lake from the Commission to the Land Grant-Merced. The transfer was approved by the State Legislature in the 2019 session and the Council has been providing support to the Land Grant-Merced throughout the process. In FY 2019 this included participation by the Council in a conference call with the New Mexico Game and Fish Department, the Vice Chair of the Land Grant Interim Committee and Tierra Amarilla Land Grant. The subject of the call was mainly concerning the transfer of Laguna del Campo to the Land Grant but also included limited discussions about traditional use access by the heirs of the Land Grant-Merced to the three wildlife refuges managed by Game and Fish within the Land Grant Boundaries.



With regards to liaison work at the local government level the Council provided information to the Torrance County Commission on behalf of the Merced del Manzano with regard to their governance status. Since the New Mexico territorial period the Merced del Manzano has had its own statute recognizing the land grant as a body corporate and politic. The County Commission had questions about how this relates to the status as a local government entity. Since there was confusion about the archaic language in Manzano's Statute the Council requested an Attorney General's Opinion on the matter. The Council informed the County Commission about its opinion request for clarity as well as its understanding of what the statutory language meant.

An additional issue worked on by the Council in Torrance County involved the Tajique Land Grant regarding their concerns relating to the placement of a cell tower in the center of town adjacent to several residences. The Council reached out to the proponent of the tower in order to gather information about the proposal and begin negotiations over the potential of moving the proposed tower site to a new location on the common lands of the land grant. Council staff attended the Torrance County Planning Commission hearing on behalf of the Tajique Land Grant to relay the concerns the land grant community had with the placement of the current site. Staff also set up and attended a community meeting between the project developer and the land grant. During the meeting the Council provided support to the land grant with discussion about the proposed tower and the potential for moving the tower through a lease agreement for a portion of the land grant common lands. Work to that end by the Council included researching applicable statutes relating to long term leases for political subdivisions; research on fair market value for cell tower leases; meeting with the board of trustees to review findings and develop lease proposal; and serving as a liaison between the land grant and the cell tower proponent. Unfortunately the Land Grant and the project proponent could not come to an agreement and the Land Grant ultimately had to oppose the tower before the planning and zoning commission. This resulted in a denial of the permit, which was appealed to the County Commission. The County Commission overturned the denial and the Land Grant opted to appeal the Commission's decision to District Court. The Council continued to provide assistance with the litigation which will be covered under the Legal Services section.

Lastly, the Council also fulfilled its liaison mission by staying connected to the needs and wants of individual land grants. The main way in which the Council accomplished this apart from conversations with individual land grants is to attend the quarterly meetings of the New Mexico Land Grant-Merced Consejo. This is a grassroots entity whose membership is comprised of representatives of the boards of trustees from participating land grants-mercedes. The Consejo has 4 meetings throughout the year in March, June, September and December. Council staff attends all of the quarterly meetings to provide updates on Council activities, receive feedback on policy initiatives and get input on the needs and concerns of land grants-mercedes from around the state. In addition, the Council partners with the Consejo and the University of New Mexico Land Grant Studies Program to cosponsor the annual Treaty of Guadalupe Hidalgo Commemoration held at the State Capitol every February 2nd. The Council provides logistical support with developing the program, organizing the event and preparing and send out invitations, event set up, breakdown, and distribution event materials.

## POLICY WORK

In Fiscal Year 2019 the New Mexico Land Grant Council engaged in policy work at both the federal and state level. This work included working with the New Mexico Congressional Delegation on the introduction of three federal bills affecting land grants-mercedes in the 115th Congress and working with the Land Grant Interim Committee on the introduction of ten bills, one joint memorial and one joint resolution during the 2019 New Mexico Legislative Session. In addition, there were eleven land grants-mercedes that received capital outlay appropriations during the 2019 Legislative Session. Below are details relating to the federal and state measures as well as the capital outlay for land grants-mercedes in FY 2019.

### Federal Level Policy Work

In FY 2019 the Council worked closely with members of the New Mexico Congressional Delegation to develop three pieces of legislation affecting land grants. First, Congresswoman Luján Grishman and Senator Udall both introduced amendments to the Farm Bill that would make land grants-mercedes eligible to receive conservation program monies from the USDA Natural Resources Conservation Service. The Council reviewed and provided input on the language of each amendment, including helping both congressional offices develop a federal definition for land grant-merced. Additional efforts included developing language on behalf of the Council for use in press releases related to the dropping of the legislation. It also included providing a briefing paper on community land grants to Congresswoman Luján-Grisham's New Mexico and Washington D.C. offices. The purpose of the briefing paper was to provide a background on land grants for staff and committees. All members of the New Mexico Congressional Delegation supported of these efforts and the Senate amendment was passed as part of the 2018 Farm Bill.

The second piece of federal legislation worked on by the Council was H.R. 6365, the Treaty of Guadalupe Hidalgo Land Claims Act, which was introduced by Congressman Pearce in July of 2018. The intent of the legislation was to create a federal commission that can evaluate unresolved property claims by community land grants-mercedes stemming from the unjust and incomplete application of the property rights protection provisions of the Treaty of Guadalupe Hidalgo. The legislation aimed to provide for not only the evaluation of claims by the commission but also for the recommendation of restitution options, including land returns and traditional use access. In fiscal year 2018 the Council worked with Congressman Pearce's staff to develop draft language for the bill which was then introduced at the beginning of the fiscal year 2019. In September Council staff travelled to Washington D.C. to testify before the United States House of Representatives Sub-Committee on Federal Lands for the bill. Preparation for the hearing included developing written comments that were submitted 3 days in advance of the hearing. Subsequent to the hearing Council staff also had to develop responses to additional questions submitted to the Council by the Sub-committee. The bill made it passed the sub-committee and as well as the House Committee on Natural Resources. Unfortunately, it did not make it out of the U.S. House of Representatives prior to the end of the 115th Congress.

Another piece of federal legislation worked on during FY 2019 was H.R. 6487, the Land Grant and Acequia Traditional Use Recognition and Consultation Act, which was introduced by Congressman Ben Ray Luján in July of 2018. This bill will provide for the recognition of and access for traditional uses by land grant and acequia communities on former land grant-merced common land now managed by the

federal government. It will also require that federal land management agencies consult with land grant-mercedes regarding the protection of traditional uses and their related natural resources during land management plan revisions and whenever a proposed action requires NEPA analysis. The Council has worked with Congressman Luján on the development of this bill for over 5 years. Although a majority of the development, review and analysis of the bill took place prior to fiscal year 2018, the bill was introduced into the 115th Congress at the start of fiscal year 2019. Although the bill did not make it through the U.S. States House of Representatives in the 115th Congress the bill was mentioned in the hearing for H.R. 6365 before the House Natural Resources Committee as a good companion bill. Council continued to work with Congressman Luján in the Spring and Summer of 2019 to tweak the bill for reintroduction in the 116th Congress likely in FY 2020. To prepare for the reintroduction the Council worked with legislative staff from Senator Tom Udall's Office on the review and development of a Senate version of the bill as well as had a conference call with Congressman Lujan's staff regarding the reintroduction of the House version.

In order to garner support for both pieces of legislation the Council worked with multiple community land grants, including Tajique, Santa Barbara, Santo Tomás Apóstol del Rio de Las Trampas, Tierra Amarilla, Anton Chico, Abiquiu, Arroyo Hondo Arriba, Cañon de Carnué, San Antonio del Rio Colorado, San Joaquín del Rio de Chama, San Miguel del Bado, Town of Tome, Chililí to facilitate the development letters of support for H.R. 6365 and H.R. 6487. Council staff collected the letters and forwarded them to the New Mexico Congressional Delegation and members of the House Natural Resources Committee. The Council also distributed copies of the Council's written testimony and also sent out a video link for land grants to view the oral testimony on H.R. 6365 before the House Subcommittee on Federal Lands. The Council also worked with Congressman Luján Office and the Santa Barbara and Trampas Land Grants to organize an event with land grant and acequia leaders from throughout the state to discuss the H.R. 6487 The Land Grant and Acequia Traditional Use Recognition and Consultation Act. The event was held in Trampas and Peñasco.

In the Spring o 2019 the Council began discussion with Congresswoman Deb Haaland's Office in order to brief the office on the Council's federal policy work with the New Mexico Congressional Delegation and to begin planning tours of land grants-mercedes in Congressional District 1 for the Congresswoman. The first land grant tour meeting was held on May 31st in Carnué. The Council coordinated the meeting as well provided materials to the Congresswoman and her staff concerning the history of land grants and recent federal activities.

The Council also reviewed and provided feedback to Congressman Luján's office on proposed language concerning traditional uses in the Department of Interior's Appropriations bill. As well, the Council worked with Senator Udall's staff to develop language for questions concerning traditional use access on US Forest Service Lands that the Senator could ask of the Secretary of USDA during a scheduled committee hearing with the Secretary.

During the fiscal year the Council also participated in quarterly conference calls with the New Mexico Congressional Delegation NM and DC staff. The conference calls provide an opportunity to discuss the status of land grant-merced policy initiatives with congressional staff.



## State Level Policy Work

During fiscal year 2019 the New Mexico Land Grant Council worked on a variety of state level policies relating to land grants-mercedes. A major part of this work relates to the Councils interaction with the New Mexico Legislative Land Grant Interim Committee. The Council works very closely with the Interim Committee and the Legislative Council Service (LCS) staff assigned to the Committee. On an annual basis this work commences prior to the startup of the interim session. The Council provides input to the incoming chair, vice-chair and LCS attorney staffing the committee about potential topics for discussion during the interim session. The Council also provides assistance in securing meeting locations in various land grants-mercedes around the state. Council representatives and staff attend all Interim Committee hearings and often provide formal presentations or provide support and assistance to land grants-mercedes making presentations. This can include assisting them with the development of their presentation and providing them with support during their presentation before the Committee. In addition, the Council reviews and provides input on draft legislation being considered for endorsement by the Interim Committee. The Council will also draft proposed legislation for consideration by the Committee. In fiscal year 2019 the Council attended Interim Committee hearings for the 2018 Interim Session in: Abiquiu in July of 2018; Tecolote in August 2018; Chililí in October 2018; and in November in Santa Fe. Specific work by the Council during the 2018 Interim Session included the development of draft legislation relating to the revision of the election provisions found in the Land Grant General Provision (§49-1-1 et seq, NMSA 1978). As well, the Council helped to coordinate a panel presentation, at the October meeting, on legal issues facing land grants. The panel was composed of representatives from the Attorney General's Office, the UNM Natural Resources Law Clinic and New Mexico Legal Aid. The Council also drafted proposed legislation to clearly recognize the Manzano Land Grant as a political subdivision of the State. As a direct result of the Interim Committee's work there were a total of twelve pieces of legislation relating to land grants introduced in the 2019 Legislative Session. In the Spring of 2019, the Council also worked with LCS staff to finalize meeting locations for the FY 2019 Land Grant Interim Committee session. This included contacting the Anton Chico and Cristobal de La Serna Land Grants as well as the Sangre de Cristo Land Rights Council to confirm their abilities to host meetings and tours in July and September. Staff also attended the June organizing meeting of the 2019 Land Grant Interim in Santa Fe.

During the 2019 Legislative Session the Council actively tracked all relevant legislation, attended all Standing Committee hearings and updated land grants-mercedes about the status of legislation. In addition, the Council members or its staff served as expert witnesses for many of the land grant related bills when requested by the bills' legislative sponsors. Below is detailed information about each piece of legislation including the purpose and outcome from the 2019 Legislative session.

- **House Bill 33 (HB33)** – Expand Authority of Guadalupe-Hidalgo Treaty Division – HB33 was endorsed by the Land Grant Interim Committee and is being sponsored by Rep. Miguel Garcia. The purpose of this bill is to amend §8-5-18, NMSA 1978 to increase the authority that the Treaty of Guadalupe Hidalgo Division of the Attorney General's Office has to provide services to land grants-mercedes. The language of the current statute is very limiting, and amendments proposed in this bill would provide more flexibility for the Attorney General's Office to assist land grants-mercedes. HB33 has been assigned to the House Local Government, Land Grant and Cultural Affairs Committee (HLLC) and the House Judiciary Committee (HJC). HB 33 passed

by the House of Representative by a vote of 60 – 0 on 2/5/19 and it died on the Senate floor without being heard at end of the 2019 legislative session.

- **House Bill 36 (HB36)** – Land Grant-Merced Assistance Fund – HB36 was endorsed by the Land Grant Interim Committee and is being sponsored by Rep. Miguel Garcia, Rep. Tomás Salazar and Senator Liz Stefanics. The purpose of the bill is to create a guarantee revenue stream for lands-mercedes that are political sub-divisions of the State. It would accomplish this by establishing a fund from which annual distributions would be given to eligible land grants-mercedes. HB36 has been assigned to the House Local Government, Land Grant and Cultural Affairs Committee (HLLC) and the House Appropriations and Finance Committee (HAFC). HB 36 was amended in HLLC to include new material that will expand what land grants-mercedes can use funds distributed to them for. The amendment will also allow the money to be used as matching funds for federal and private grants. HB36 was passed by the committee as amended on Tuesday (1/22/19) and is headed to HAFC. HB 36 died in House Appropriations and Finance Committee when the 2019 Legislative Session came to an end.
- **House Bill 94 (HB94)** – Land Grant-Mercedes Partitions – HB94 was endorsed by the Land Grant Interim Committee and is being sponsored by Rep. Tomás Salazar. The purpose of the bill is to recognize certain existing sub-grants as political subdivision of the state. The bill would allow for six specific sub-land grant entities that have existed with governing boards of trustees apart from their mother grant for over 60 years to be recognized as local government entities. This bill will only affect those sub-land grants and does not create the opportunity for the further partition of any existing land grant. HB94 has been assigned to the House Local Government, Land Grant and Cultural Affairs Committee (HLLC) and the House Judiciary Committee (HJC). HB94 was passed the House of Representatives on 2/12/19 by a vote of 61-0. It passed the Senate on 3/16/19 by a vote of 38-1. HB94 was not signed prior to the April 5<sup>th</sup> deadline and was therefore pocket vetoed.
- **House Bill 351 (HB351)** - introduced by Representative Miguel Garcia will amend the Guadalupe Hidalgo Treaty Day Holiday statute, found in §12-5-10 NMSA 1978, so that whenever February 2<sup>nd</sup> falls on a Saturday or Sunday it will be observed at the legislature on the following Monday. This bill has been assigned to the House Local Government, Land Grant, and Cultural Affairs (HLLC) and the House State Government, Elections and Indian Affairs (HSEIC). HB351 passed the House of Representatives on 2/28/19 by a vote of 62-1. It died in the Senate Finance Committee at the end of the legislative session.
- **House Bill 592 (HB592)** - was introduced by Rep. Matthew McQueen. The purpose of the bill is to recognize the Merced del Manzano as a Political Subdivision of the State. The bill was assigned to the House Local Government, Land Grants, and Cultural Affairs Committee (HLLC). HB592 passed the House of Representatives on 3/10/19 by a vote of 58-0. HB592 passed Senate Floor on 3/15/19 by a vote of 34-0. HB592 was signed into law by the Governor on 4/4/19.
- **Senate Bill 13 (SB13)** – Líneas Issues at Taos-Area Land Grant – SB13 was endorsed by the Land Grant Interim Committee and is being sponsored by Senator Carlos Cisneros. The purpose of the bill is to provide a \$50,000.00 appropriation to the Attorney General’s Office for the

purpose of further studying the problems created by the taxation of the Cristobal de La Serna Land Grant through use of líneas. SB13 has been assigned to the Senator Conservation Committee (SCONC) and Senate Finance Committee (SFC). SB13 died in the Senate Finance Committee without being heard at the end of the 2019 Legislative Session.

- **Senate Bill 17 (SB17)** – Land Grant Board Comprehensive Plans – SB17 was endorsed by the Land Grant Interim Committee and is being sponsored by Senator Jacob Candelaria. The purpose of the bill is to remove the requirement for land grant board of trustees to have to get their comprehensive management plans approved by the Department of Finance and Administration. It would provide boards of trustees with sole authority to approve their own comprehensive plans. SB17 has been assigned to the Senate Conservation Committee (SCONC) and the Senate Judiciary Committee (SJC). SB17 passed the Senate on 2/5/19 by a vote of 33 – 0. It passed the House Floor on 3/15/19 by a vote of 63-0. It was signed into law by the governor on 4/3/19.
- **Senate Bill 44 (SB44)** – Equipment Purchases for Land Grants – SB44 was endorsed by the Land Grant Interim Committee and is being sponsored by Sen. Richard Martinez and Rep. Tomás Salazar. The purpose of the bill is to make land grants-mercedes eligible for participation in the Department of Transportation’s annual Hardship Equipment Auction. SB44 has been assigned to the Senate Corporations and Transportation Committee (SCORC) and Senate Finance Committee (SFC). SB44 passed the Senate on 2/21/19 by a vote of 31-0. SB44 passed the House of Representatives on 3/12/19 by a vote of 58-5. SB44 was signed into law by the Governor on 4/2/19.
- **Senate Bill 223 (SB223)** – Land Grant Elections and Definitions – SB223 was endorsed by the Land Grant Interim Committee and is being sponsored by Senator Linda Lopez. The purpose of the bill is to amend the Land Grant General Provisions found in §49 NMSA 1978 to provide clearer direction for the conduct of land grant elections. Proposed changes include: new definitions for child, parent and sibling as they are used for determining eligibility for appointment of service as an election judge or clerk and a new definition of “precinct” as it is used to establish geographic boundaries for voting; setting the requirement for the board of trustees to finalize the registration books for an election by resolution at least 5 days prior to election day; the authority to use provisional ballots; provides guidance for resolving an election that results in a tie between candidates; provides guidance for contesting an election and provides a role for the Treaty of Guadalupe Hidalgo Division in reviewing contested elections; amends the language relating to appointment of vacancies so that appointees serve the remainder of the unexpired term of the trustee being replaced. SB223 has been assigned to the Senate Rules Committee (SRC) and the Senate Judiciary Committee (SJC). SB223 passed the Senate by a vote of 41-0 on 3/8/19. SB223 passed the House of Representatives by a vote of 60-0 on 3/13/19. SB223 was signed into law by the Governor on 4/4/19.
- **Senate Bill 244 (SB244)** – Legal Services for Land Grants/Community Governance Attorney Act – sponsored by Senator Ortiz y Pino. The purpose of the bill is to increase the amount of free and/or low-cost legal services for land grants, acequias and colonias. The bill will create an opportunity for recent law school graduates to have their 3<sup>rd</sup> year of law school paid for by the state provided that upon graduation they work for at least 2 years with a non-profit that provides free or reduced cost legal services to land grants, acequias, and colonias. This will increase the

number of attorneys available to provide assistance land grant communities throughout the state. SB244 made it passed the Senate by a vote of 39-0 on 1/24/19. SB244 passed the House of Representatives by a vote of 66-1 on 1/31/19. It was signed into law by the Governor on 2/4/19.

- **Senate Joint Resolution 2 (SJR2)** – Rio Arriba Laguna Del Campo Land Transfer – Sponsored by Sen. Richard Martinez and Rep. Miguel Garcia. The purpose of this resolution is to allow for the transfer of the Laguna del Campo property, in Los Ojos, from the Department of Game and Fish to the Merced de Los Pueblos de Tierra Amarilla. SJR2 has been assigned to the Senate Rule Committee (SRC) and the Senate Conservation Committee (SCONC). SJR2 passed the Senate on 2/13/19 by a vote of 42 – 0. SJR2 passed the House of Representatives by a vote of 54 to 0 on 3/10/19. The Senate Joint Memorial is now considered passed and made it successfully through the 2019 New Mexico Legislative Session.
- **Senate Joint Memorial 17 (SM17)** - Senator Linda Lopez introduced Senate Memorial 17 (SM17) which recognized Treaty of Guadalupe Hidalgo Day in the Senate on February 1<sup>st</sup>, 2019. It was adopted by the Senate on 2/1/19. Copies of the memorial were distributed to land grants by the Land Grant Council.
- **Senate Joint Memorial 20 (SJM20)** - was introduced by Senator Carlos Cisneros. The purpose of the Joint Memorial is to request that the Carson National Forest not include the Rio Santa Barbara as eligible for a Wild and Scenic Rivers Designation in the Forest Plan. This joint memorial was endorsed by the Land Grant Interim Committee and comes at the request of the Santa Barbara Land Grant. SJM 20 died on the Senate Floor without being heard at the end of 2019 Legislative Session.

In addition, to work on specific bills, and as mentioned above in the technical assistance section, the Council also provided support to land grants-mercedes during the 2018 Legislative Session with the submittal and tracking of their capital outlay requests. Also, during the Session, the Council provided information to Legislative Council Service concerning their recognition of the Cristobal de La Serna Land Grant as a community land grant that operates as a political subdivision of the State. As well as working with the Legislature the Council also met with the Governor's staff to provide them with a briefing on all of the land grant related legislation introduced in the 2019 legislative session as well as provide the Governor's office information about the capital outlay project requests submitted by land grants.

Apart from legislative work the Council also worked on the reconstruction of patented boundaries based on the original survey documents of active community land grants for use in revising a statewide map of active community land grants. This map and its associated shape files will be shared with state and federal agencies as needed. The Council also worked on several other policy matters with individual land grants-mercedes that required legal consultation these matters are covered under the Legal Services Section of this report.

## LEGAL SERVICES

In Fiscal Year 2019 the Council engaged in a variety of activities related to legal services for land grants-mercedes. This included providing direct legal services through a contract with New Mexico Legal Aid, working closely with the Office of the New Mexico Attorney General and the University of New Mexico Natural Resources Law Clinic to provide legal services support for land grants-mercedes, and working with the University of New Mexico, Higher Education Department and legislative sponsor on the implementation of the Community Governance Attorney Act passed in the 2018 Legislative Session. Below are additional details about work in all of these areas.

### **Direct Legal Services through New Mexico Legal Aid Contract**

During fiscal year 2019 the Council provided direct legal services to eligible land grants-mercedes through a contract with New Mexico Legal Aid (NMLA). The total amount expended on legal services by the Council in FY 2019 was \$30,000.00. The Legal Services contractor worked on a variety of issues including litigation on behalf of land grants. The Council provided support to NMLA and the respective land grants as needed. A major portion of direct legal service work was spent on litigating issues pertinent to land grants-mercedes.

The first major piece of litigation that NMLA worked on relates to the Merced del Pueblo Abiquiú and their ongoing water rights adjudication. The Council is supporting the land grant-merced in its water rights claim particularly as it relates to the water quantity and priority date. This work included filing in District Court to set aside a prior consent agreement between the State Engineer and an officer of the Land Grant acting outside of their authority. It also included negotiated discussions about language on quantity and priority dates for a new consent agreement. Council staff has been working on the development of a historical water use report for the Abiquiu Land Grant, which has required extensive research.

NMLA also provided assistance to the Tajique Land Grant concerning an administrative appeal of a Torrance County Commission decision approving the placement of a cellular tower in the middle of their community. NMLA worked closely with the UNM Natural Resources Law Clinic, Council staff and the Land Grant on this issue. This work included filing the appeal complaint in District Court, researching the Torrance County Comprehensive Plan and Zoning Ordinance and drafting the reply to Torrance County's response.

NMLA and the Council also began providing legal support the Juan Bautista Baldés Land Grant concerning a quiet title suit filed against a portion of the common lands. This work included reviewing relevant materials, meeting with the land grant board of trustees developing a response to the quiet title suit complaint.

NMLA also continued to provide support to the Merced de Los Pueblos de Tierra Amarilla concerning an ongoing probate case relating to assets of the land grant that were embezzled by a form member of the board of trustees. NMLA was able to negotiate the return of the remaining assets stemming from the embezzlement that were a part of the estate being probated.

The final piece of litigation worked on by NMLA with support from the Council relates to the Merced del Los Pueblos de Tierra Amarilla concerning the defense of the common lands of the land grant. The



legal services contract attorney is a part of the legal team litigating this case along with the Office of the New Mexico Attorney General. More information about this work related to this litigation will be covered in the Attorney General Treaty Division Section below.

In addition to litigation work NMLA also assisted several land grants with other legal services. These included providing support to the Tajique Land Grant with negotiations with Torrance County concerning a solid waste transfer station lease and assistance to the Juan Bautista Baldés Land Grant concerning Inspection of Public Records Act requests.

### **Work with the Office of the New Attorney General Treaty of Guadalupe Hidalgo Division**

Throughout FY 2019 the Council continued to work with the Treaty of Guadalupe Hidalgo Division on server issues relating to land grants-mercedes. This work included supporting litigation brought forth by the AG's Office and support with other legal matters that impact local community land grants and general land grant-merced related policy.

The first matter relating to the Council's work with the Treaty Division in FY 2019 was the continued support and assistance concerning the property dispute lawsuit brought by the AG's Office on behalf of the Merced de Los Pueblos de Tierra Amarilla. This work included: serving as a point of contact between the legal team and the Land Grant-Merced; reviewing the draft compliant and responses to motions developed by the legal team; research of historical documentation relating to the case; and assisting with coordination of meetings with the Board of Trustees.

In addition, the Council worked with the Treaty Division concerning taxation and property issues relating to the Cristóbal de La Serna Land Grant. The issue is related to the problems created when Taos County utilized a plain table survey method to assess taxes on the common lands of the Land Grant. The assess tool used attempted to assign the tax burden for all of the common lands to individual families. An unintended consequence of this action resulted in the privatization of the common lands through tax delinquent deeds. Work on this issue with by the Council with the Treaty Division included attending an initial meeting with the AG's office and the Cristóbal de La Serna Land Grant relating to House Joint Memorial 1 passed in the 2018 Legislative Session. The purpose of the memorial was to have the AG's office investigate issues relating to the taxation of the common lands of the La Serna Land Grant. Staff provided input to the AG's office about the concerns and desires of the land grant. The Council also participated in meetings between the Land Grant, the AG's Office, New Mexico Taxation and Revenue Property Tax Division and Taos County Assessor's Office, held in Taos, to try and get an understanding of the underlying issues and possible solutions. . During the report period staff also conducted research on court case files relating to the Cristóbal de La Serna Land Grant and forwarded them to the Treaty Division.

Other work with the Treaty Division included the Council coordinating and attending a meeting between the AG's office and the Anton Chico Land Grant concerning the theft and removal of natural resources from the common lands of the land grant. The purpose of the meeting was to explore options for enforcement authority for the land grant-merced with regard to trespass and illegal removal of materials. Subsequent to the meeting the Council engaged the UNM School of Law Natural Resources and Environmental Law Clinic to assist with the matter. Additional information about that work can be found below in the section discussing the UNM Law Clinic work.

During the fiscal year the Council also provided information requested by the New Mexico Attorney General's Office concerning sample land grant by-laws, up-to-date contact information for land grants, and information concerning election dates. The Council also met with the new attorney and policy analyst for the Treaty of Guadalupe Hidalgo Division to provide background information on land grants and discuss land grant related legislation passed during the 2019 session. The Council also provided materials to the Treaty of Guadalupe Hidalgo Division of the Attorney General's Office concerning past work history and request between the Division and the Council. Council also provided the Attorney General's Office a copy of the letter that was sent to the New Mexico Construction Industry Division (CID) by the Council on behalf of the Cañon de Carnué Land Grant concerning the governance status of the land grant. This was done in order to help the AG's Office develop a similar letter to be sent to CID.

### **Work with the UNM Law School Natural Resources and Environmental Law Clinic**

In fiscal year 2019 the Council also engaged the University of New Mexico Law School Natural Resources and Environmental Law Clinic (NRECL) to provide legal assistance to land grants-mercedes in order to help meet the demand for legal services not capable of being met by New Mexico Legal Aid or the Attorney General's Office. This work consisted of meeting with the NRECL supervising attorney to review potential land grant related projects; obtaining intake forms for selected cases; briefing clinic attorneys assigned to cases and setting up meetings with land grant clients and the clinic. Land Grant's seeking assistance from the clinic receiving assistance from the Council include: San Antonio de Las Huertas, Don Fernando de Taos, Anton Chico, Tajique, Town of Tomé. San Antonio de Las Huertas is receiving assistance to evaluate the potential consolidation of the local domestic drinking water association and acequia under the land grant. Don Fernando de Taos is receiving assistance with a dispute over a historic cemetery that has been turned into a bank parking lot. Anton Chico is receiving assistance with revising their natural resources regulations and with the development of draft legislation relating to empowering land grants-mercedes with natural resources officer enforcement authority. The NRELC provided support to New Mexico Legal Aid in the Tajique Land Grant zoning dispute with Torrance County. Lastly the NRELC is also providing assistance to the Town of Tomé Land Grant with the evaluation legal issues related to their purchase of tax abandoned properties in Valencia County. At the end of FY 2018 the Council also met with the Cañon de Carnue Land Grant to discuss legal concerns relating to an adjacent property owner illegally dumping fill dirt in a riparian portion of their common lands. The Council took this issue to the NRELC and who agreed to take the issue up in FY 2020.

In addition to legal services work directly with individual land grants-merced, the Council also conducted a presentation on land grants to the UNM Environmental and Natural Resources Law Clinic summer semester as well as met with law students assigned to land grant cases in order to brief them on case status. The Council also worked with the Utton Transboundary Law Center to identify a presenter for the annual Water Judges Seminar to present on the topic of water rights for acequias and land grants. Community Governance Attorney Act

During fiscal year 2019 the Council provided liaison support concerning the implementation of Senate Bill 244 which establishes a mechanism for Legal Services for Land Grants, Acequias and Colonias through the creation of a loan forgiveness program for 3rd year law students that graduate and work for an organization that provides legal services to land grants, acequias and colonias. Work consisted of conversations with the UNM School of Law and the facilitation of phone conferences between the Law School and existing legal service providers. Staff also reached out to Legislative Council and the

legislators that providing funding for the implementation of the bill to provide information to the Law School about the funding amounts, sources and location of funds. Work on this issue will continue into FY 2020.

## HISTORICAL RESEARCH

During Fiscal Year 2019 historical research included archival research to collect patent and survey information on newly active community land grants.

During the report period the Council received a request from the Cultural Affairs Department relating to the status of land grants located near or around the historic community of Los Luceros, present day Alcalde, New Mexico. The Council researched the history of the area and provided the Department with feedback about historical land grants in the area (Sebastián Martín LG) are within the region and their current governance status.

The Council also conducted research on the Las Vegas Land Grant at the request of the Legislative Council Service and provided its findings to the requestor.

The Council also conducted on and provided research, including historical research and mapping information, to the Santo Tomás Apóstol del Río de las Trampas Land Grant at the request of the Board of Trustees of the Trampas Land Grant.

The Council also conducted research on the Santa Cruz de La Cañada Land Grant at the request of the Treaty of Guadalupe Hidalgo Division of the New Mexico Attorney General's Office and provided findings to the requestor.

The Council continued to provide technical assistance support to the Merced del Pueblo Abiquiú (Abiquiú Land Grant) on the land grant's water rights relating to the adjudication on the Río Chama, Río Vallecitos and Río del Oso. The Council assisted with research and analysis on historical water uses within the Land Grant. This work included: interpreting historical accounts for a priority date reflective of uses of water on the Abiquiú ejido; examining alternative sources for colonial era information regarding the historic use of water on the grant.

The Council, in collaboration with the UNM Land Grant Studies Program, continued to provide technical assistance to the San Antonio del Río Colorado Land Grant through genealogical research and the organization and digitization of the San Antonio del Río Colorado Land Grant archives. Genealogical research included inputting hardcopy and handwritten genealogical family trees into Ancestry.com, analyzing and ascertaining veracity of "matches," accepting matches that appear to be correct and updating and expanding the genealogy. The Council has also been providing the land grant assistance with the organization and digitization of their historical records. This includes organizing and preserving copies of original land grant documents for San Antonio del Río Colorado LG and associated grants (Cañón del Río Colorado & Cebolla) and trained student research assistants on the preservation and digitization of records Both the genealogical research and the organization and digitation of their records is an ongoing project that will continue into FY 2020.



The Council organized over 130 Surveyor General annual reports and formal submissions to the General Land Office making recommendations for the approval or rejection of New Mexico's land grant petitions and surveys between 1854 and 1891 that he identified and downloaded during his previous visits to the Library of Congress in Washington D.C. Organizing this digitized material was followed by preparing a bibliography of these items and a preliminary analysis of that material. This work was important to finish this summer in order to set the stage for follow up work by students to separate out distinct reports and materials organized by specific community land grants, and to lay the foundation for a working paper to be prepared in 2019-2020.

In collaboration with the University of New Mexico's Land Grant Studies Program, the Council distributed digital copies of the Spanish Archives of New Mexico I (which is comprised of the records of the Office of the U.S. Surveyor General and the Court of Private Land Claims) to the following land grants: San Antonio del Río Colorado, Cebolleta, Anton Chico, Tecolote, and Cubero. (see also, dissemination of information).

## DISSEMINATION OF INFORMATION

Throughout FY 2019 the Council disseminated information received from other government agencies and/or relevant private sector groups to the appropriate land grants-mercedes. This information is distributed via email and through the Council's website.

In FY 2019, the Council disseminated the following information to land grants-mercedes concerning wood permits available from the Bureau of Land Management in the Northern Rio Arriba County; information about planned and prescribed burns in the Carson National Forest; press release information from the New Mexico Congressional Delegation concerning the Delegation's push for the inclusion of land grants in the Farm Bill; the Council disseminated information about changes in the Camino Real Ranger District's change in operating hours to the affected land grants within Taos County; information about the U.S. Forest Service Collaborative Forest Restoration Program annual workshop; information from the Carson National Forest concerning a proposal to construct a via ferratas (protected climbing route) at the Taos Ski Valley; updates concerning federal grant opportunities and legislative updates; concerning rural library funding grants sent by the New Mexico Congressional Delegation; Forest Service project updates; information on wood permits on the Carson National Forest; USDA requests for proposals for RCPP-CSP programs; USDA request for proposal for wetland's restoration; and information regarding HEMP workshops; ICIP workshops land grants on the Council's email list serve; and correspondence to land grants concerning financial assistance from the State Auditor's Office for completion of financial reporting requirements. Additionally, the Land Grant Council staff in coordination with the UNM Land Grant Studies Program developed a quarterly newsletter (titled: *The New Mexico Land Grant Forum*) about land grants for public distribution.

The Council also provided: contact information for the Anton Chico Land Grant to the Territorial Title in response to an email inquiry; contact information for several land grant boards of trustees to the Vice Chairman of the NM Legislative Land Grant Interim Committee; an updated list of land grant Contacts to Congressman Lujan and Pearce's offices at their request; and a list of Taos area land grants at the request of a representative of the Western Landowners Alliance.

During the report period Council staff developed and disseminated a final legislative update for land grants to provide updates on actions taken by the Governor on all land grant related legislation that made it to her desk. This information was posted on the Council website and emailed out to land grants.

During the period staff also updated the land grant-merced contact list and sent it to the Department of Finance and Administration's Local Government Division.

In addition, staff responded to an IPRA request for documents from the Land Grant Registry relating to the Anton Chico Land Grant.

During the period staff provided an updated contact list for land grants to the Board of Finance.

The Council (Councilor Leonard T. Martinez and staff member Dr. Jacobo D. Baca) appeared as a guests on the KUNM 89.9 Radio program *Espejos de Aztlán* to discuss land grant issues and recently introduced federal legislation.

In collaboration with the University of New Mexico's Land Grant Studies Program, the Council distributed digital copies of the Spanish Archives of New Mexico I (which is comprised of the records of the Office of the U.S. Surveyor General and the Court of Private Land Claims) to the following land grants: San Antonio del Río Colorado, Cebolleta, Anton Chico, Tecolote, and Cubero. (see also, Historical Research).

## **DIRECT FINANCIAL SUPPORT TO LAND GRANTS-MERCEDES**

The Land Grant Support Fund was created by the Council in 2010 to provide direct financial support to land grants for small capital purchases and/or services. Since its inception the Land Grant Support Fund has awarded over \$148,600.00 in direct financial support to eligible land grants-mercedes. In Fiscal Year 2019, the Council awarded \$14,300.00 in direct financial support to four land grants-mercedes for various community projects and administrative needs through the Land Grant Support Fund. The San Antonio de Las Huertas Land Grant received an award of \$2,800.00 from the Council for the payment of the planning, design, construction, renovation and equip improvements for their Oso Recreational Area. This included the purchase of the necessary materials, services, buildings, equipment, furniture, fixtures, fencing, signage, plumbing and septic to improve the Oso Recreational Area. The Town of Tomé Land Grant received an award of \$1,850.00 from the Council for the purchase of security equipment, which included cameras and motion detectors and for the purchase of power tools, which included trimmers, rotor-tiller, portable impact wrench and sockets. The Chilili Land Grant received an award of \$4,000.00 from the Council to plan, design, construct and purchase entrance gates and archways for the Chilili Land Grant community cemetery. This included the purchase of materials, supplies, and services necessary for the construction and placement of the entry gates and archways. The Anton Chico Land Grant received an award of \$5,650.00 from the Council to purchase the equipment and furnishings needed to set up a land grant administrative office and for the purchase of a vehicle for use by the land grant natural resources enforcement officer.

## LAND GRANT REGISTRY

The Registry was created in 2005 under the Secretary of State and transferred to the New Mexico Land Grant Council in 2013. The submittal of certain documents to the New Mexico Land Grant Registry fulfills the requirements found in the Land Grant General Provisions §49-1-23 NMSA 1978, which requires that community land grants organized and governed as political subdivisions of the State of New Mexico submit to the Registry a copy of their bylaws and list of current officers. Fulfillment of this requirement is an important component for a community land grant to demonstrate that they are a unit of government. In Fiscal Year 2019, the Council received the following documents that were deposited into the New Mexico Community Land Grant Registry:

July 2018

- The Juan José Lobato Land Grant provided a copy of the Juan José Lobato LG abstract.

August 2018

- The Town of Tomé Land Grant submitted their updated bylaws.
- The Arroyo Hondo Arriba Land Grant submitted their bylaws and list of officers.

September 2018

- The San Miguel del Bado Land Grant submitted its by-laws and the up-to-date membership of the board of trustees.

January 2019

- The Chililí Land Grant submitted a Copy of Declaration of the rights of the Merced de Pueblo de Chililí under the Treaty of Guadalupe Hidalgo

February 2019

- Fourth Judicial District court submitted copies of the Las Vegas Land Grant by-laws and miscellaneous correspondence relating to the Las Vegas Grant.

May 2019

- The Abiquiú regarding their recent election and updating their bylaws;
- The Town of Tomé Land Grant submitted a letter regarding their recent election and the organization of the Town of Tomé Land Grant Board of Trustees;
- The Cristobal de la Serna Land Grant sent information regarding its recent election and current board members
- The Tecolote Land Grant sent a letter regarding its recent election and board members; and sent a letter regarding its election, organization of its board of trustees, and its revised and updated bylaws.

June 2019

- San Joaquín del Río de Chama Land Grant submitted the Agreed Upon Procedures (AUP) for their audit.

## FY 2021 BUDGET REQUEST

In FY 2020 the Council received a \$296,900 legislative general fund appropriation (See Table 2). The Council is requesting a budget increase in fiscal year 2021 to \$775,000.00. The purpose of the increase is to provide adequate resources to hire staff and to provide direct legal services and financial resources to community land grants in New Mexico as a means of fulfilling the statutory mission of the Council.

Table 2 – FY 2020 Approved Budget

Budget Line Item	Budget
DFA Admin Fee	\$4,454.00
Support Fund	\$16,000.00
Legal Service Contract	\$40,000.00
Publishing	\$4,000.00
In State Travel	\$9,500.00
Out of State Travel	\$7,000.00
UNM Contract	\$215,946.00
F&A	\$35,991.00
Staff Salary & Fringe	\$142,367.00
Personnel In-State Travel	\$8,000.00
Personnel Out-of- State Travel	\$3,500.00
Surveyor Contract	\$21,600.00
Law Clinic Fee Waiver LG	\$400.00
Copies, Printer Maintenance	\$1,900.00
Supplies	\$838.00
Postage	\$150.00
Meeting Expense	\$1,200.00
Totals	\$296,900.00

The Council is tasked with providing land grants-mercedes with support and assistance. Community land grant-merced boards of trustees are responsible for managing land grant common lands for the benefit of their heirs as well as for looking out for the health, safety and general welfare of their communities. In addition to this boards of trustees are responsible for meeting all statutory requirements delegated to units of government in New Mexico. Unlike most units of government in this state, land grants-mercedes have no guaranteed revenue stream and they pay property taxes on their common lands. The members of the boards of trustees are elected officials that essentially serve on a volunteer basis. Over 85% of all community land grants have annual operating budgets of less than \$10,000. In total, community land grant boards of trustees manage more that 200,000 acres of common land across the state. The boards of trustees must also protect the interests of the heirs on millions of additional acres of former common lands now considered public land managed by various federal and state agencies. Protecting those interests includes ensuring that heirs continue to have access to those public lands for traditional uses such as, timber harvesting, herb gathering, grazing and religious and cultural purposes.

Increasing the Council's budget will provide the necessary staffing to better assist community land grants-mercedes across the state with management of their common lands, community and economic development, expenditure of capital outlay dollars and compliance with laws and regulations pertaining to units of local government.

### FY 2021 BUDGET REQUEST OVERVIEW

Administration & Operations	\$169,893.00 (22% of total budget)
Personnel	477,207.00 (62% of total budget)
Direct Support to Land Grants-Mercedes	<u>127,900.00 (17% of total budget)</u>
Total Budget Request	\$775,000.00

Table 3. Detailed FY 2021 Budget Breakdown

Budget Line Item	Breakdown	Total
<b>Administration &amp; Operations</b>		\$ 169,893
Meeting Expense	\$ 1,500	
In-State Travel Mileage & Per Diem Council	\$ 10,000	
Out-of-State Travel & Per Diem Council	\$ 7,000	
In-State Travel Personnel	\$ 18,000	
Out-of-State Travel Personnel	\$ 4,000	
Rent & Utilities	\$ 44,500	
Furniture & Equipment (including office and Survey equipment)	\$ 25,500	
Computer software and supplies, and Printer Maintenance	\$ 6,100	
Supplies & Postage	\$ 2,592	
Administration Fees 7%	\$ 50,701	
<b>Personnel</b>		\$ 477,207
Program Manager	\$ 53,850	
Research Historian	\$ 33,333	
Financial Analyst	\$ 50,000	
Attorney	\$ 55,000	
Surveyor	\$ 50,000	
Conservationist	\$ 39,000	
Regional Planner	\$ 36,000	
Cartographer	\$ 9,360	
Youth Program & Land Grant Support Coordinator	\$ 36,000	
Admin Support	\$ 10,525	
Graduate & Undergraduate Students	\$ 13,540	
Fringe Benefits	\$ 119,745	
<b>Direct Support to Land Grants</b>		\$ 127,900
Land Grant Support Fund	\$ 30,000	
Land Grant Insurance Fund	\$ 20,000	
Conservation Projects Youth	\$ 20,000	
Publishing	\$ 7,500	
Legal Services Contract	\$ 50,000	
Natural Resources and Environmental Law Clinic Fee	\$ 400	
<b>Total</b>		\$ 775,000

## BUDGET JUSTIFICATION NARATIVE

### Administration & Operations -\$169,893.00

This would cover general administrative and operating costs associated with fulfilling the Council's statutory mission, including: Administrative fees, equipment and supply purchases, rent, meeting expenses, in and out of state travel for the Council members and personnel.

#### A. Meeting Expense - \$1,500.00

**Purpose:** Allows the Council to pay for rental space to host monthly Council meeting.

**Benefit:** Provides adequate meeting space for council meetings.

**Deliverable:** The Council will hold 12 regular monthly meetings throughout FY 2021.

#### B. In-State Travel Mileage & Per Diem for Council - \$10,000.00

**Purpose:** Provides funding for the Land Grant Council members to receive mileage and per diem for meetings.

**Benefit:** Funding will allow the Council to meet at least monthly in order set policy and provide direction to Council staff in the fulfillment of the Council's statutory requirements under 49-11-1 through 49-11-5, NMSA 1978. This includes:

- (1) facilitate the exchange of experience and advice among land grants;
- (2) serve as a liaison between land grants and federal, state and local agencies;
- (3) promote cooperation between land grants and, by consultation and advice, assist in the coordination of land grant programs;
- (4) provide board development opportunities and technical assistance to the governing boards of land grants;
- (5) provide short- and long-range planning assistance to land grants;
- (6) conduct training sessions for land grants on topics of interest, such as: (a) local, state and national zoning trends and concerns and other land - use issues; (b) state requirements for political subdivisions on such topics as open meetings, public records, procurement, risk management, tort claims and financial account ability; and conservation; (c) techniques of historical research; (d) grant writing; (e) economic development strategies; (f) rangeland management and water;
- (7) disseminate information to relevant federal, state and local agencies on land grant issues and activities and, when requested, on the status of individual land grants;



- (8) review state and federal policies, plans and legislation affecting land grants in New Mexico;

**Deliverable:** 12 regular meetings and any necessary special meetings of the New Mexico Land Grant Council.

C. Out-of-State Travel & Per Diem for the Council - \$7,000.00

**Purpose:** Provides funding for the Land Grant Council members to travel to Washington D.C. to meet with congressional offices, federal executive branch agencies and to provide testimony before congressional committees on issues and legislation pertaining to land grants-mercedes.

**Benefit:** Funding will allow the Council to meet its statutory mission, as found in §49-11-4-C-8, which is to develop and promote federal legislation for an appropriate congressional response to longstanding community land grant claims in New Mexico.

**Deliverable:** 2 trips to Washington D.C. during the fiscal year.

D. In-State Travel - Personnel- \$18,000.00

**Purpose:** Travel throughout New Mexico to provide direct technical assistance to eligible community land grants and to attend meetings with state and federal agencies, legislative hearings and other land grant council related business.

**Benefit:** Provides ability for Council staff to provide direct assistance to land grants in their communities. Also provides Council staff the ability to attend land grant related meetings around the state.

**Deliverables:** Attend Forest Plan Revision meetings for Carson, Santa Fe and Cibola National Forests, attend Rio Grande del Norte National Monument Plan meetings; attend meetings of the Legislative Land Grant Interim Committee and other legislative hearings; provide in the field direct assistance to at least 8 eligible community land grants; attend NM Land Grant Council meetings located outside of Albuquerque; travel to Santa Fe for delivery of Council related materials to the Department of Finance and Administration as needed.

E. Out-of-State Travel – Personnel - \$3,500.00

**Purpose:** Provides funding for the Land Grant Council staff to travel to Washington D.C. to meet with congressional offices, federal executive branch agencies and to provide testimony before congressional committees on issues and legislation pertaining to land grants-mercedes.

**Benefit:** Funding will allow the Council to meet its statutory mission, as found in §49-11-4-C-8, which is to develop and promote federal legislation for an appropriate congressional response to longstanding community land grant claims in New Mexico.

**Deliverable:** 2 trips to Washington D.C. during the fiscal year.

F. Administrative Fees - \$50,701.00

**Purpose:** To allow the Council to for administrative fees related to fulfilling the Council's mission. The fee is a calculated at 7%.

**Benefit:** Administrative fees provides the Council with administrative support to handle indirect administrative overhead costs such as process financial expenditures.

**Deliverable:** Indirect administrative support to the Council, including hosting of Council website; processing of payroll and Council approved contracts; e-mail and internet access for Council and staff; processing of travel and other reimbursements.

G. Supplies and Postage - \$6,192.00

**Purpose:** To purchase necessary office supplies, computer supplies and software and postage relating to the conduct of Council business.

**Benefit:** Provide materials necessary such as copy paper, staples, paper clips, postage, computer software and computer related supplies etc. related to supporting the Council and land grants-mercedes throughout New Mexico.

**Deliverables:** Ability to produce and disseminate information to community land grants, federal and state agencies and the general public; work products produced by the Council.

H. Rent & Utilities - \$44,500.00

**Purpose:** To rent office space for the Council.

**Benefit:** Provide office space for Council Staff to provide for day to day operations of the Council.

**Deliverables:** Provide adequate workspace for employees of the Council engaged in daily work to meet goals and objectives set by the Council for fulfillment of Council's Statutory Mission.

I. Printing and Copy Maintenance - \$2,500.00

**Purpose:** To maintain copy machine through a maintenance service contract.

**Benefit:** Allow for coping of materials related to conducting business of the Council and for providing land grants with copies of materials as requested.

**Deliverables:** In house production of small-scale materials produced by the Council for use in daily operations and distribution to land grants and general public. Provide copying services to at least 4 land grants-mercedes throughout the fiscal year.

J. Office Furniture, Equipment and Maintenance - \$15,500.00

**Purpose:** To purchase necessary computers and office furniture for new personnel positions of Attorney, Surveyor, Financial Analyst, Conservationist, and Planner.

**Benefit:** Provide necessary tools for successfully assisting land grants-mercedes.

**Deliverables:** Adequate working conditions and necessary equipment for completing of duties related to fulfillment of Council's statutory mission.

#### K. Surveying Equipment - \$10,000.00

**Purpose:** To purchase necessary equipment to meet equipment needs of the Council's land surveyor.

**Benefit:** Provide equipment needed to conduct land surveys for eligible land grants-mercedes.

**Deliverables:** Provide surveying services to at least 5 land grants throughout the fiscal year.

#### Personnel - \$477,207.00

To provide staff positions to support the Council in fulfillment of its mission to provide a program of support to land grants-mercedes. The positions would consist of: program manager, research historian/archivist; attorney; surveyor; conservationist; regional planner; administrative assistance; youth and land grant support coordinator; graduate and undergraduate student interns. Several positions (program manager, research historian/archivist, youth and land grant support coordinator, administrative assistant and students) will be shared positions with the University of New Mexico Land Grant Studies Program. Therefore, only a portion of the salary for these positions will be covered by the Council. Below are additional details about the positions, including amount needed for each position, purpose, benefit and deliverable for each. All staff will also provide general administrative support to the Land Grant Council as needed in the areas of drafting agendas, securing meeting locations, posting meetings notices, development of meeting minutes, coordinating activities with the Department of Finance and Administration (DFA), programmatic administration of Land Grant Support Fund and Land Grant Insurance Fund, oversee and administer contracts awarded by the Council, develop correspondence on behalf of the Council and disseminate information to land grants and to other entities as requested.

#### A. Program Manager (.75 FTE)- \$53,850.00

**Purpose:** The program manager will supervise all Council employees, work on policy analysis and development of federal and state policies relating to land grants and will represent the Council in meetings with state and federal agencies. The program manager will also ensure that Council resources are fully utilized, and that the Council's mission is fulfilled.

**Benefit:** Provide oversight of day to day operations of the Council to ensure accomplishment of statutory mission; provide policy analysis, development and recommendations that will have positive impacts on land grants-mercedes; serve as main point of contact for Council with state and federal agencies.

**Deliverables:** Ensure completion of annual report to Governor and Legislature; ensure the proper expenditure of New Mexico Land Grant Council annual budget; ensure needed services are being

provided land grants-mercedes statewide; Ensure that state and federal policies affecting land grants are reviewed and that the Council provides official responses; Ensure that the Council and land grants-mercedes are represented at relevant meetings and during official government required processes.

B. Financial Analyst (1.0 FTE) - \$50,000.00

**Purpose:** The Financial Analyst assist with the management of the Council's Annual Budget, including oversight of expenditures and any financial reporting requirements. In addition, the Financial Analyst will provide assistance to eligible land grants-mercedes with establishing sound financial management and reporting practices. Financial Analyst will also oversee the Land Grant Support Fund.

**Benefit:** Ensure that the Council and land grants-mercedes are in compliance with accepted financial management practices. Provide assistance to land grants receiving capital outlay or other funding from the state to ensure they properly expend and report on funds received.

**Deliverable:** Meet any financial reporting requirements for the Council, provide at least 2 workshop trainings for land grants on financial management best practices and provide direct technical assistance to at least 8 land grants-mercedes during the fiscal year.

C. Research Historian/Archivist (.67 FTE) - \$33,333.00

**Purpose:** The research historian/archivist will oversee the New Mexico Land Grant Registry, conduct historical research on land grants as it pertains to policy analysis or legal services as well as provide direct support to land grants-mercedes with archiving their grant documentation. The research historian/archivist will serve as the custodian of records for the Council and will be in charge of keeping minutes of the Council meetings.

**Benefit:** Provide accurate record keeping for the New Mexico Land Grant Registry and New Mexico Land Grant Council. Provide historical research to support policy initiatives of the Council. Provide support to land grants-mercedes with historical research and archiving their records.

**Deliverables:** Maintain and update the New Mexico Land Grant Registry records and issue letters of receipt to land grants-mercedes for documents received by the registry; completion of monthly New Mexico Land Grant Council meeting minutes in timely manner; Ensure compliance with the Inspection of Public Records Act; assist at least 2 land grants-mercedes with historical research or archiving services.

D. Attorney (1.0 FTE) - \$55,000.00

**Purpose:** To provide legal services and assistance to land grants-mercedes.

**Benefit:** Most land grants-mercedes lack the budgetary capacity to obtain the legal services necessary to properly utilize and protect the common lands of the land grant. This includes issues relating to real property disputes, water rights, contracts and negotiations, legal research and advice, compliance with federal and state law, and policy formulation and bylaw development and amendment. In addition to legal issues at the individual land grant level, there are

also higher-level issues that have the potential to affect numerous land grants. For example, issues relating to land grant elections at the state level and unresolved legal claims at the federal level such as the *United States v. Sandoval* decision.

**Deliverables:** Provide legal services to at least 5 land grants-mercedes, as directed by the Council, during the fiscal year.

E. Surveyor (1.0 FTE)- \$50,000.00

**Purpose:** To provide professional surveying services to land grants-mercedes to properly locate boundaries of existing common lands in order to decrease illegal encroachments and to review surveys conducted by private parties within or adjacent to exterior boundaries of land grants-mercedes.

**Benefit:** Since the original patent boundary surveys were completed of the exterior boundaries of land grants in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, few land grants have had the means to conduct boundary surveys for lands within the exterior boundaries. As a result, most surveys within the exterior boundaries have been conducted by private individuals, often times to the detriment of the common lands. The cost of land surveys is still a factor prohibiting most land grants from being able to conduct surveys on the common lands they still possess. Having a surveyor on staff would not only allow land grants to have their lands surveyed but would also provide them with the technical expertise to review and, if needed, challenge any surveys being conducted by private parties adjacent to their existing common land.

**Deliverables:** Provide professional surveyor services to at least 5 land grants-mercedes, as directed by the Council, during the fiscal year.

F. Conservationist (1.0 FTE) - \$39,000.00

**Purpose:** The conservationist position would provide land grants-mercedes with assistance applying best management practices in the management of their common lands.

**Benefit:** Land grants-mercedes throughout New Mexico collectively manage approximately 200,000 acres of common land. While the amount of common lands managed by individual land grants ranges from several acres to over 100,000 acres all share the common need for more expertise in the area of natural resources management. A natural resource conservationist position would allow the Council to help land grants to better manage and protect their natural resources. In addition, it would provide them with support for developing and implementing natural resource restoration projects on not only the common lands but also potentially on adjacent public lands. Conservation of natural resources would have positive impacts to the watershed health and reducing the risk of catastrophic wildfires thus benefiting the regions surrounds a land grant-merced.

**Deliverables:** Provide land grants-mercedes with advice and assistance to better management and utilize common lands for benefit of community. This would include advice and assistance in range and forest management; assistance with applying for and managing grant funding for conservation/restoration projects; training and capacity building in the areas of land management practices and ecological monitoring. Provide direct technical assistance to at least 5 land grants-mercedes during the fiscal year.

G. Regional Planner (1.0 FTE) - \$36,000.00

**Purpose:** The regional planner would provide direct technical assistance to land grants-mercedes in the areas of community and economic develop.

**Benefit:** Assist land grants-mercedes with increasing governance capacity and in the development of community and economic development projects. Community and economic development projects can provide much needed community services and economic growth for the region surrounding a land grant-merced.

**Deliverable:** Technical assistance to land grants-mercedes in the areas of governance capacity building, i.e. holding training and individual assistance land grants-mercedes with completing all statutory requirements as local units of government, budgets preparation, development of Infrastructure Capital Improvement Plans, development of comprehensive plans and zoning ordinances; assistance with grant writing and administration; and applying for and expenditure of legislative capital outlay appropriations. Provide direct technical assistance to at least 10 land grants during the fiscal year.

H. Youth and Land Grant Support Coordinator (.33 FTE) - \$12,000.00

**Purpose:** To oversee, in conjunction with the UNM Land Grant Studies Program, a land grant youth development leadership program that targets land grant youth from throughout the State as well as provide assistance with set up of workshops and trainings for land grants-mercedes and provide other assistance to land grants as assigned.

**Benefit:** Provide service-learning opportunities for land grant-merced youth to develop leadership skills, self-esteem, and stronger connections to their communities in order to combat the drug and alcohol epidemic facing rural communities in Central and Northern New Mexico. Long-term benefits include the preservation of the socio-economic and cultural integrity of land grant-merced communities which are an integral part of New Mexico's unique and rich history and culture. As well assistance with set up of workshops and trainings will ensure governance capacity building for land grants-mercedes in critical areas such as budget and financial reporting, elections and Open Meetings Act and Inspection of Public Records Act.

**Deliverables:** Development of land grant-merced youth targeted programming in Northern and Central New Mexico; setup of at least 5 workshop trainings during fiscal; assistance with submittal of Capital Outlay requests for at least 5 land grants-mercedes.

I. Administrative Assistant (.25 FTE)- \$10,525.00

**Purpose:** The Administrative assist will provide administrative support to the Council and staff throughout the fiscal year.

**Benefit:** To assist with the processing of council related expenditures including payroll and equipment and supply purchases, etc.

**Deliverable:** Administrative support during the fiscal year.

J. Graduate and Undergraduate Students - \$20,661.00

**Purpose:** To provide additional staff support to the Land Grant Council and its mission.

**Benefit:** Provide University of New Mexico students an opportunity to work on land grant-merced issues and provide low cost additional staff support to the Land Grant Council.

**Deliverable:** Provide student employment opportunities for at least 1 graduate student and 1 undergraduate student.

K. Fringe Benefits - \$116,838.00

**Purpose:** To cover employer portion of federal and state payroll salary deductions, employee health insurance and other employee benefits.

**Benefit:** Provide employee benefits as required by law.

**Deliverables:** Ensure compliance with federal and state deduction requirements.

**Direct Support to Land Grants-Mercedes -\$127,900.00.**

A. Land Grant Support Fund - \$30,000.00

**Purpose:** To provide direct financial support to community land grants that are organized as political subdivisions of the State.

**Benefit:** provide resources to community land grants for a variety of projects, including: community and economic development projects addressing land, water, wastewater and housing issues; land-use planning & zoning projects, including development and/or updates comprehensive plans, master plans and zoning ordinances; common land management services related to forest and watershed health, agricultural development, conservation, ecological monitoring, range management and environmental reviews, assessments and clearance for NEPA compliance; historic and cultural preservation work such as archeological and cultural reviews, assessments, testing, excavation, and clearances as required by state or federal law; land acquisition and related services including but not limited to professional fees for appraisals, title closings, title insurance; may include land purchases; outreach & community education; small infrastructure capital purchase including building materials, equipment and supplies.

**Deliverables:** Provide financial support to at least 5 community land grants-mercedes per fiscal year.

B. Land Grant Insurance Assistance Fund - \$20,000.00

**Purpose:** To provide financial assistance to land grants with covering the costs of property, general liability and tort liability insurance coverage.



**Benefit:** All land grants with property and limited budgets have trouble paying for liability coverage on the assets they own. If able to afford any insurance coverage land grants often have to choose between property coverage on the private market or tort claims liability coverage offered by the State's Risk Management Division. Ensuring proper insurance coverage would protect land grant-merced assets from loss due to property damage or from a civil suit.

**Deliverables:** Provide at least 10 land grants-mercedes with financial assistance to cover insurance premium costs.

C. Legal Services Contract - \$50,000.00

**Purpose:** Provide support to the Land Grant Council attorney and legal services to support land grants-mercedes.

**Benefit:** Most community land grants lack the budgetary capacity to obtain the legal services necessary to properly utilize and protect the common lands of the land grant-merced. This includes issues relating to real property disputes, contracts and negotiations, legal research and advice, compliance with federal and state law, and policy formulation. Few attorney's in the state are versed in laws pertaining to land grants-mercedes. The Council's request for an attorney under the personnel section is for an entry level salary position. Therefore, any new attorney to the field will likely need some guidance and assistance with addressing land grant issues in the first few years. A legal services contract will allow the Council to contract with seasoned attorney to serve as a mentor for an entry level attorney. This will ensure quality legal services for land grants-mercedes.

**Deliverable:** On-call legal services contract for support to the Council and land grants-mercedes as designated by the Council.

D. Publishing - \$7,500.00

**Purpose:** To publish materials for distribution to land grants-mercedes, elected officials, federal and state agencies and to the general public.

**Benefit:** Publication of materials that increase capacity of land grants-mercedes and provide information about land grants-mercedes to other relevant entities.

**Deliverables:** Publication of materials relating to land grants-mercedes during the fiscal year.

E. Conservation Funds for Youth Projects - \$20,000.00

**Purpose:** To provide funding to sponsor youth conservation projects within land grant-merced communities. Projects would be done in conjunction with the UNM Land Grant Studies Program

Youth Leadership Development Program in partnership with the Southwest Conservation Corps Ancestral Lands Program. Ancestral Lands Program is an AmeriCorps program that provides participants scholarships upon completion of service hours. Cost of work crew comprised of five youth and one crew leader is approximately \$5,000 per week.

**Benefit:** To provide summer youth employment opportunities to land grant youth while also completing needed community conservation projects.

**Deliverables:** 4 weeks of conservation work on within land grants.

F. UNM Natural Resources and Environmental Law Clinic Fees - \$400.00

**Purpose:** To cover the new client fees for land grants-mercedes receiving assistance from UNM Natural Resources and Environmental Law Clinic.

**Benefit:** Give land grants-mercedes access to free legal services from UNM Law School students while providing law students an opportunity to practice law and learn about land grants-mercedes.

**Deliverables:** Cover the \$50 new client fee for at least 8 land grants-mercedes.